



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 5.30PM ON
05 AUGUST 2013**

CM416



Latrobe Community **Vision**

"In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership."

Council **Mission**

Latrobe City continues to implement the values, corporate directions and partnerships necessary to bring reality to the Latrobe's 2026 community vision for a liveable and sustainable region with collaborative and inclusive community leadership.

Council **Values**

Latrobe City Council's values describe how it is committed to achieving the Latrobe 2026 community vision through:

- Providing responsive, sustainable and community focused services;
- Planning strategically and acting responsibly;
- Accountability, transparency and honesty;
- Listening to and working with the community; and
- Respect, fairness and equity.

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**ORDINARY COUNCIL MEETING AGENDA
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Our Father in Heaven, hallowed be your Name, your kingdom come, your will be done on earth as in Heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Save us from the time of trial and deliver us from evil. For the kingdom, the power, and the glory are yours now and forever.

AMEN

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

We respectfully acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunnai/Kurnai Clan and pay our respect to their past and present elders.

3. APOLOGIES AND LEAVE OF ABSENCE**4. DECLARATION OF CONFLICT OF INTEREST****4.1 DECLARATION OF INTEREST**

Direct and indirect interests - Section 77a(1) local government act 1989

A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.

5. ADOPTION OF MINUTES**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting meeting held on 15 July 2013 and Special Council Meeting meeting held on 29 July 2013 be confirmed.

6. PUBLIC QUESTION TIME

Suspension of Standing Orders for Members of the Public to Address Council.

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7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

Council Meeting Date	Item	Status	Responsible Officer
19/09/11	Traralgon Activity Centre Plan Key Directions Report	That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following: 1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until: (a) Council has been presented with the Traralgon Growth Area Review (b) Council has received information on the results of the Latrobe Valley Bus Review 2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting. 3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions. 4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval. 5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3).	General Manager Governance
5/12/11	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.	General Manager Governance
19/12/11	Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease	That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.	General Manager Recreational, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Public Highway Declaration – Verey Lane, Morwell	<ol style="list-style-type: none"> 1. That Council write to Jammatt Pty Ltd and Nestlan Pty Ltd requesting that they remove all obstructions from the road reserve contained in Certificate of Title Volume 9732 Folio 422, being part of Verey Lane, Morwell, pursuant to Schedule 11, Clause 5 of the <i>Local Government Act</i> 1989. 2. That Council approach Jammatt Pty Ltd and Nestlan Pty Ltd regarding the possible transfer of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, being part of Verey Lane, Morwell. 3. That Council obtain an independent valuation of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, owned by Jammatt Pty Ltd and Nestlan Pty Ltd as a basis for negotiations. 4. That Council seek agreement from the owners of the properties at 24-28 Buckley Street, Morwell, to contribute towards the costs of acquiring the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, from Jammatt Pty Ltd and Nestlan Pty Ltd. 5. That Council write to Simon Parsons & Co. requesting that the temporary access to 24-28 Buckley Street, Morwell, be extended past 31 December 2012. 6. That a further report be presented to Council detailing the outcomes of discussions with Jammatt Pty Ltd and Nestlan Pty Ltd and the owners of the properties at 24-28 Buckley Street, Morwell. 	General Manager Governance

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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> 1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency. 2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency. 3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred. 4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality. 	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe. 2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe. 	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
22/04/13	Latrobe Regional Motorsports Complex	<ol style="list-style-type: none"> 1. That Council reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the Motor Sport Complex and to identify the facilities desired by interested parties. 2. That prior to November 2013, a report is provided to Council detailing the outcomes from the meetings and a recommendation for the future of the project. 3. That Council seek further advice from Energy Australia in relation to the availability of land for the development of a motorsports complex. 	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Motion Re: Monash University	That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Motion Re: Australian Garden Opening	That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Proposed Sister Cities Visit - 2013/2014 Music Exchange Program	That the item be deferred to budget discussions and included therein.	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
6/05/13	Former Moe Early Learning Centre	<ol style="list-style-type: none"> 1. That a community engagement process be undertaken to inform a potential Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria. 2. That subject to the community engagement process identifying a community need meeting the funding criteria, that an Expression of Interest for funding from the State Governments Putting Locals First Program be prepared and submitted. 3. That a further report be presented to Council for consideration outlining the draft design of the former Moe Early Learning Centre based on feedback received during the community engagement process. 	General Manager Community Liveability
20/05/13	Draft Domestic Animal Management Plan 2013-17	<ol style="list-style-type: none"> 1. That Council releases the draft Domestic Animal Management Plan 2013-17 for public comment. 2. That a copy of the draft Domestic Animal Management Plan 2013-17 be forwarded to all relevant stakeholders; be made available for viewing at Council Service Centres and Libraries and on Council's website; and public notices placed in the Council Noticeboard inviting community comment. 3. That written submissions in relation to the draft Domestic Animal Management Plan 2013-17 be received until 5 pm on Monday, 17 June 2013. 4. That following the community consultation process a further report is presented to Council detailing all submissions received and presenting a Domestic Animal Management Plan 2013-17 for consideration. 	General Manager Community Liveability

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Council Meeting Date	Item	Status	Responsible Officer
03/06/13	Request To Improve Visibility Of Signage At McDonalds Restaurant Moe	<ol style="list-style-type: none"> That Council resolve to allow the removal of trees impacting visibility of the McDonalds Moe sign, with the following conditions: <ul style="list-style-type: none"> No works/removal of trees are undertaken until such time that a detailed landscaping plan is provided to and approved by Council; No works/removal of trees are undertaken until such time that a detailed landscaping plan is provided to and approved by the land owner, Vic Roads. Upon approval of a landscaping plan, all works are undertaken by a suitably qualified arborist and landscape gardener. That all costs associated in relation to above are borne by the franchisee of McDonalds Moe. 	General Manager Recreation, Culture & Community Infrastructure
01/07/13	Traffic Investigation At Finlayson Crescent Traralgon	<ol style="list-style-type: none"> That Council install temporary traffic calming devices in Finlayson Crescent, Traralgon for a period of six months. That a review of traffic flow during this six month period in Finlayson Crescent and adjoining cross streets be undertaken and reported back to Council. That a final determination be made by Council on review of these figures. That Council write to the head petitioner and all other residents who were invited to express their views informing them of Council's decision. 	General Manager Recreation, Culture & Community Infrastructure
15/07/13	Potential Road Discontinuance And Sale Of Land - Part Catterick Lane, Traralgon	<ol style="list-style-type: none"> That officers investigate alternatives to full closure and sale of Catterick Lane, Traralgon and report back to Council by the first Council meeting in September 2013. That Council officers have discussions with the Victoria Police about abatement procedures for the vicinity of Catterick Lane, Traralgon to stem the antisocial behaviour in that area. 	General Manager Governance
15/07/13	Proposed Sale Of Land - Franklin Street, Traralgon	<ol style="list-style-type: none"> That Council defer consideration of this matter until the first meeting in September 2013. 	General Manager Governance
15/07/13	Sponsorship Application	<ol style="list-style-type: none"> That Council not provide sponsorship at this time and take the opportunity to seek further information. 	General Manager Governance

NOTICES OF MOTION

8. NOTICES OF MOTION

8.1 2013/12 – NOTICE OF MOTION – MEETING BETWEEN LATROBE CITY COUNCIL & CHANCELLOR OF MONASH UNIVERSITY

Cr Christine Sindt

That a meeting be sought between Latrobe City Council and the Chancellor of Monash University, Alan Finkel, AM with regard to the following:

- 1. The announcement on 2 July 2013 that Monash University Vice Chancellor Professor Ed Byrne will leave Australia to accept appointment as Principal and President of King's College, London**
- 2. The receipt of documentation on 28 June 2013 from the Vice Chancellor of the University of Ballarat that "The new University, headquartered in Ballarat, would receive all assets associated with the Monash Gippsland campus"**
- 3. The "Economic Impact Assessment: Monash University Gippsland Campus" Project undertaken by REMPLAN for Latrobe City Council, September 2012, indicates that the total value of Monash University Gippsland to Latrobe City is \$106 million, equating to 910 jobs with a further \$50 million in wages and salaries, and a value-added effect of \$68 million.**
- 4. The reasons given for this takeover by the Vice Chancellor of Ballarat were threefold (greater access, expanded profile and greater community engagement) yet following discussions between the Vice Chancellor of University of Ballarat with Latrobe City Councillors on 28 June 2013, there appears to be no advantage to the Gippsland community, only to the University of Ballarat.**
- 5. There are concerns about due diligence, since Latrobe City Council have not yet received Minutes of Monash University Gippsland Advisory Council Meetings which were requested in a letter dated 20 March 2013 (our ref 836042) from Latrobe City Mayor, Cr Sandy Kam, to the Vice Chancellor, Professor Ed Byrne following a Council Resolution of 18 March 2013: "That Latrobe City Council write to the Vice Chancellor and President of Monash University, Professor Ed Byrne, requesting Minutes of all Monash University Gippsland Advisory Council Meetings, from the time of its inception, for the purpose of providing context to Latrobe City Council, prior to Council's forthcoming meeting with Professor Byrne"**

**8.2 2013/14 – NOTICE OF MOTION – TORRES STRAIT ISLANDER
FLAG**

Cr Kellie O'Callaghan

**“That Council demonstrates its commitment to the Aboriginal
Community of Latrobe City by permanently flying the Torres
Strait Islander Flag at the Corporate Headquarters”**

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

9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION**9.1 DOMESTIC ANIMAL MANAGEMENT PLAN 2013-17****General Manager****Community Liveability****For Decision****PURPOSE**

The purpose of this report is to present the results of the community engagement process in response to the draft Domestic Animal Management Plan 2013-17 and to present to Council the final Plan for consideration.

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 2013 - 2017.

Latrobe 2026: The Community Vision for Latrobe Valley***Strategic Objectives – Our Community***

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Strategic Objectives – Regulation and Accountability

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Latrobe City Council Plan 2013 – 2017***Appropriate, Affordable & Sustainable Facilities, Services & Recreation******Strategic Objectives***

To promote and support a healthy, active and connected community.

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To provide facilities and services that are accessible and meet the needs of our diverse community.

Strategic Directions

Promote and support opportunities for people to enhance their health and wellbeing.

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

Continue to maintain and improve access to Latrobe City's parks, reserves and open spaces.

Service Provision – Local Laws

Deliver customer focussed Local Law services across the municipality in accordance with Local Law No. 2 and other relevant legislation.

Major Initiatives – Local Laws

Finalise the review of the Domestic Animal Management Plan and present a draft Plan to Council for consideration.

Legislation – Domestic Animals Act 1994

- *Section 68A Councils to prepare domestic animal management plans Part (1) every Council must, in consultation with the Secretary, prepare at 4 year intervals a domestic animal management plan.*

BACKGROUND

Under the provision of Section 68A of the *Domestic Animals Act 1994 (the Act)*, all Victorian Councils are required to prepare a Domestic Animal Management Plan, which is to be reviewed every four years.

Domestic Animal Management Plans aim to outline the services, programs and strategies Council's have established to address the administration of the Act, and the management of dogs and cats within their community.

Copies of Plans and any subsequent amendments are to be submitted to the Secretary of the Department of Primary Industries once adopted by Councils.

The initial Latrobe City Council Domestic Animal Management Plan 2008 was adopted by Council at its Ordinary Council Meeting on 20 October 2008 as per the Act, and is now due for review.

ISSUES

As contained in *Section 68A (2) of the Act*, a Domestic Animal Management Plan prepared by Council must:

- (a) *set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and*
- (b) *outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and*
- (c) *outline programs, services and strategies which the Council intends to pursue in its municipal district:*
 - (i) *to promote and encourage the responsible ownership of dogs and cats; and*
 - (ii) *to ensure that people comply with this Act, the regulations and any related legislation; and*
 - (iii) *to minimise the risk of attacks by dogs on people and animals; and*
 - (iv) *to address any over-population and high euthanasia rates for dogs and cats; and*
 - (v) *to encourage the registration and identification of dogs and cats; and*
 - (vi) *to minimise the potential for dogs and cats to create a nuisance; and*
 - (vii) *to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and*
- (d) *provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and*
- (e) *provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and*
- (f) *provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.*

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The Latrobe City Council Domestic Animal Management Plan 2008 contained the following six key focus areas:

- Staff Training and Development
- Community Education and Promotion of responsible pet ownership
- Identification and Registration
- Compliance and Enforcement
- Domestic Animal Businesses
- Declared Dogs

Key actions delivered from the current Plan include:

Training and Development

- Five Local Laws Officers completed Certificate 4 in Animal Control.
- One Local Laws Officer has received individual recognition as:
 - Australian Institute of Animal Management, Animal Management Officer of the Year 2009
 - NAIDOC Achievement Award 2011.

Community Education

- Thirteen radio spots regarding responsible pet ownership microchipping, desexing and registration requirements were conducted on local radio.
- Information caravan visits were provided in the townships of Yinnar and Boolarra.
- Successful implementation of the Council resolution for the desexing of all dogs and cats registered for the first time.
- 100% success rate in re-housing 'Pet of the Week' animals.

Identification and Registration

- Conducted annual discount microchipping weeks prior to the animal registration due date of 10 April.
- Successfully implemented Council resolution in relation to compulsory microchipping and desexing.

Compliance and Enforcement

- Annual review of procedure relating to animal management matters, including the development of a new procedure in relation to barking dogs in 2009.

Domestic Animal Business

- A successful Domestic Animal Business workshop for current and prospective proprietors was hosted by Local Laws staff at Latrobe City Corporate Headquarters in April 2010 which attracted 37 attendees.

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Dangerous, Menacing and Restricted Breed Dogs

- Patrols conducted within Commercial/Industrial areas to identify guard dogs on premises.
- Ensured that all Declared Dangerous, Menacing or Restricted Breed Dogs were recorded on the Victorian Declared Dog Registry.
- Property inspections were conducted to ensure compliance with the Act on all registered declared dogs.

The review of the Domestic Animal Management Plan has spanned two financial years, with the finalisation of the review identified as a major initiative in the Council Plan 2012-16.

Stakeholder consultation was undertaken in the form of a survey between November 2011 and January 2012. Street surveys were conducted by independent contractors; copies were distributed by mail to 500 randomly selected residents and identified key stakeholders including animal clubs, animal welfare groups and local veterinarians. They were made available in our service centres & libraries and advertised on Council's Noticeboard and online.

A total of 354 surveys were returned. Responses have been collated and are presented as Attachment One. The responses indicate:

- 75% of surveyed cat owners had registered their cats.
- 87.5% of surveyed cat owners had desexed their cats.
- 63.8% of surveyed respondents are aware of our 9pm-6am cat curfew.
- 86.4% of surveyed respondents agree with the cat curfew.
- 42.6% of surveyed respondents believe there is a problem with stray cats in their area.
- 70% of surveyed respondents agree with compulsory desexing of cats.
- 51.9% of surveyed respondents are aware we have cat cages for hire.
- 52.2% of surveyed dog owners have taken their dogs to obedience training.
- 87.4% of surveyed dog owners had registered their dogs.
- 66.8% of surveyed dog owners had desexed their dogs.
- 21.7% of surveyed respondents believe there is a problem with stray dogs in their area.

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- 45.4% of surveyed respondents agree with compulsory desexing of dogs.
- 90.1% of surveyed respondents are aware of the Local Law to pick up dog droppings.
- 23.7% of surveyed respondents believe there is a problem with dog droppings in their area.
- 42% of surveyed respondents are aware we offer a discounted microchipping week.
- 80% of respondents who have visited our pound rate the assistance of staff good to excellent.
- 62.1% of surveyed respondents support the current pound operating times.

Survey responses indicate a need to promote the services offered by Council, to increase community awareness.

The draft Domestic Animal Management Plan 2013-17 has been developed in accordance with the Act and contains the following eight key focus areas:

- Training of Authorised Officers
- Registration and Identification
- Animal Nuisance Complaints
- Dog Attacks
- Dangerous Menacing and Restricted Breed Dogs
- Over-Population and High Euthanasia
- Domestic Animal Businesses
- Municipal Pound

Actions proposed in the draft Domestic Animal Management Plan 2013-17 include:

Training of Authorised Officers

- Identify minimum training for officers.
- Develop and maintain a training register.
- Ensure all Local Laws Officers have commenced or are scheduled to commence relevant training programs within 24 months of appointment.

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- Improve the accuracy of Council registration database by annually cross referencing microchip registry data.
- Partner with local pet shops, domestic animal businesses and veterinarians to distribute animal registration information with each pet sale.
- Facilitate discount microchipping sessions prior to April each year.

Animal Nuisance Complaints

- Maintain accurate and relevant information on Council's website.
- Develop a user friendly complaint lodgement, investigation and response process to facilitate timely resolutions.
- Maintain an appropriate supply of cat cages for hire.

Dog Attacks

- Develop a Memorandum of Understanding (MOU) with Australia Post to report all dog attacks, rushes and wandering animals.
- Increase public understanding and awareness of what a dog attack is and how to report attacks.
- Promote a greater awareness of the consequence for owners of dogs who attack.

Dangerous Menacing and Restricted Breed Dogs

- Ensure all declared menacing, dangerous and Restricted Breed dogs are entered into the Victorian Declared Dog Registry.
- Increase public understanding and awareness of dangerous, menacing and Restricted Breed dogs.
- Inspect industrial properties throughout the municipality for dogs housed or kept for guarding purposes.

Over-Population and High Euthanasia

- Promote the Bureau of Animal Welfare's Responsible Pet Ownership programs.
- Develop a procedure for assessing the suitability of dogs and cats for re-housing.
- Use social media to promote animals available for adoption.

Domestic Animal Businesses

- Audit all Domestic Animal Businesses annually.
- Regularly cross check advertised dogs and cats for sale in local print media and on known social media sites to determine if the seller is a registered Domestic Animal Business.

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At the Ordinary Council Meeting held Monday, 20 May 2013 Council resolved the following:

1. *That Council releases the draft Domestic Animal Management Plan 2013-17 for public comment.*
2. *That a copy of the draft Domestic Animal Management Plan 2013-17 be forwarded to all relevant stakeholders; be made available for viewing at Council Service Centres and Libraries and on Council's website; and public notices placed in the Council Noticeboard inviting community comment.*
3. *That written submissions in relation to the draft Domestic Animal Management Plan 2013-17 be received until 5 pm on Monday, 17 June 2013.*
4. *That following the community consultation process a further report is presented to Council detailing all submissions received and presenting a Domestic Animal Management Plan 2013-17 for consideration.*

Following this resolution by Council copies of the draft Plan were distributed to 35 identified key stakeholders; hard copies were made available at Council Service Centres and Libraries; copies were made available on Council's website and distributed via social media channels and submissions were invited through the Council Noticeboard.

At the close of the community engagement period a total of 11 formal submissions were received.

Submissions were generally in support of the draft Plan and suggestions made can be accommodated during the delivery of actions contained in the draft Plan.

Two submissions received suggested lowering the fine for animals impounded for the first time. Infringement penalties are set under Section 146 and 147 of the Domestic Animals Regulations 2005 and are outside the control of Local Government. However, Latrobe City Council's pound release fee is lower for animals impounded for the first time and higher for subsequent impounding. This current practise would seem to support the intent of the suggestions received on this matter.

Two submissions received suggested a subsidised fee for desexing animals. Further work would need to be undertaken to assess the viability and financial impact to Council regarding a subsidised fee. In the interim, Officers will explore interest amongst local Veterinarians to offer a discounted de-sexing week similar to the discount microchipping week.

Submissions suggesting the promotion of local events and puppy schools; benefits of dog obedience training and fencing and signage at off-leash areas can all be accommodated within existing actions.

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Submissions have been summarised in the following table with full copies presented as Attachment Three.

Submitter	Submission Summary	Officer Comments
Save-A-Dog Scheme	Supportive of the draft Plan.	Support noted, no changes to Plan required.
Latrobe Vet Group	Supportive of the draft Plan.	Support noted, no changes to Plan required.
Jan Bartlett	Advising of current strategies available to assist pounds to increase re-homing rates and an accreditation system being released in September to assist pounds in identifying reputable rescue groups.	Officers will review these strategies and the accreditation system once launched. No changes to Plan required.
Kyla Downe	Supportive of the draft Plan. Suggest greater enforcement of dogs walking off leash and cats out during curfew.	Support noted, no changes to Plan required. Officers currently enforce these matters.
Forever Friends Animal Rescue Latrobe	Suggest the following: <ol style="list-style-type: none"> 1. A reduced fine for first offences. 2. Develop a subsidised low-cost desexing program held once per year. 3. Support exploring additional 84Y agreements. 	<ol style="list-style-type: none"> 1. Latrobe City Council's pound release fee is lower for animals impounded for the first time and higher for subsequent impounding's. Infringement penalties are set under Section 146 and 147 of the Domestic Animals Regulations 2005 and are outside the control of Local Government. 2. Officers will explore interest amongst local Veterinarians to offer a discounted de-sexing week similar to the discount microchipping week. 3. Support noted, no changes to Plan required.
Greencross Vets	Supportive of draft Plan and suggest the following: <ol style="list-style-type: none"> 1. Increased staff training on appropriate handling of animals safely. 2. Investigate a better system for hiring of cat cages. 3. Take dog attacks on other dogs seriously. 	Support noted, no changes to Plan required. <ol style="list-style-type: none"> 1. Suggestion can be incorporated when delivering action 1: <i>Review and finalise, in consultation with relevant staff, training required for all Authorised Officers undertaking animal management duties</i> and 2: <i>Ensure all Local Laws Officers have commenced or are scheduled to commence relevant training</i>

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

		<p><i>programs within 24 months of appointment.</i></p> <p>2. A new process for cat cages has recently been introduced.</p> <p>3. Officers investigate and action all reports of dog attack; taking appropriate action when evidence of an attack is proven.</p>
Victorian Whippet Association Rescue	Supportive of draft Plan. Suggest fine for impounded dogs be low for first time offenders and higher for second and subsequent offenders.	Support noted, no changes to Plan required. Latrobe City Council's pound release fee is lower for animals impounded for the first time and higher for subsequent impounding. Infringement penalties are set under Section 146 and 147 of the Domestic Animals Regulations 2005 and are outside the control of Local Government.
Tony Casaburi	Supportive of the draft Plan.	Support noted, no changes to Plan required.
Moe Veterinary Clinic	Supportive of the draft Plan. Additional comments: <ol style="list-style-type: none"> 1. Suggest the promotion of local events and puppy schools. 2. Prefers desexing animals between 3-5 months. 	Support noted. <ol style="list-style-type: none"> 1. Suggestion can be incorporated when delivering action 23: <i>Partner with animal groups to provide opportunities for owners to participate in dog training through 'Neighbourhood Pet Parties' with guest speakers and 29: Promote the benefits of puppy school and dog obedience training through media articles and brochures.</i> 2. This is in-line with our requirement that all animals over three months of age must be desexed and registered.
Lindy Gumpold	Suggest consideration of fencing for existing off-leash exercise areas, adequate signage and dog waste bins.	This will be considered when delivering actions 21: <i>Develop guidelines for off-leash exercise areas which promote dog training and socialisation</i> and 22: <i>Audit existing off-leash exercise areas against the developed guidelines.</i>
Pound Reform Alliance Australia	Commends actions listed in draft Plan and suggest the following for consideration:	Support noted, no changes to Plan required. <ol style="list-style-type: none"> 1. Officers will explore interest

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

	<ol style="list-style-type: none"> 1. Incorporating subsidised low-cost desexing. 2. Council investigate more humane ways of managing unwanted cats rather than 'trap-and-kill'. 3. Establish a community reference group on domestic animal matters. 	<p>amongst local Veterinarians in offering a discounted desexing week similar to the discount microchipping week.</p> <ol style="list-style-type: none"> 2. Latrobe City Council does not manage unwanted cats in a 'trap-and-kill' manner. Cat cages are provided to ensure animals are safely and securely contain when found to be trespassing on private property and are released to owners or rehoused as a preference. 3. Officers will investigate the potential benefits of establishing a community reference group.
--	--	--

In addition to the 11 formal submissions received, feedback from Councillors in relation to Section 5.6 Animal Nuisance Complaints has resulted in the rewording of this section.

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 2011-14.

There are not considered to be any risks associated with this report.

Financial implications in the delivery of actions proposed in this Plan have been considered and can be incorporated within the annual recurrent budget process.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The consultation undertaken was consistent with Latrobe City Council's Community Engagement Plan 2010-2014.

Copies of the draft Plan were sent directly to 35 identified key stakeholders; hard copies were made available at Council Service Centres and Libraries; copies were made available on Council's website and distributed via social media channels and submissions were invited through the Council Noticeboard. Follow-up telephone calls were made to all 35 identified key stakeholders who were sent copies of the draft Plan.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

Details of Community Consultation / Results of Engagement:

Eleven written submissions were received and are attached for reference. A summary of submissions is included in the Issues section of this report.

OPTIONS

Council has the following options available:

1. Adopt the Domestic Animal Management Plan 2013-17.
2. Amend and adopt the Domestic Animal Management Plan 2013-17.
3. Not adopt the Domestic Animal Management Plan 2013-17.

CONCLUSION

The draft Domestic Animal Management Plan 2013-17 has been prepared to meet Council's obligations under the Act. It uses a mix of educational and regulatory approaches to facilitate responsible pet ownership and includes a four year action plan.

It contains the follow eight key focus areas:

- Training of Authorised Officers
- Registration and Identification
- Animal Nuisance Complaints
- Dog Attacks
- Dangerous Menacing and Restricted Breed Dogs
- Over-Population and High Euthanasia
- Domestic Animal Businesses
- Municipal Pound

The Domestic Animal Management Plan 2013-17 includes a four year action plan with a range of initiatives designed to build on the success of the previous Plan.

Attachments

1. Customer Survey Summary
2. Domestic Animal Management Plan 2013-17
3. Formal Submissions

RECOMMENDATION

- 1. That Council adopts the Domestic Animal Management Plan 2013-17.**
- 2. That a copy of the adopted Domestic Animal Management Plan 2013-17 be forwarded to the Secretary of the Department of Primary Industries.**
- 3. That letters be sent to those who made a submission to the draft Domestic Animal Management Plan 2013-17 to thank them for their submission and to advise of Council's decision in this matter.**

9.1

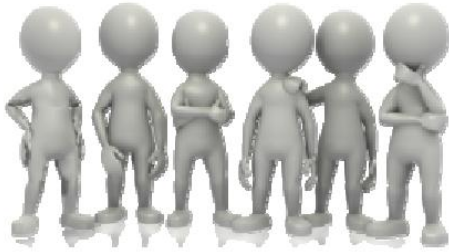
Domestic Animal Management Plan 2013-17

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Domestic Animal Management Plan Customer Satisfaction Survey Results



DEMOGRAPHICS



354 Surveys completed

154 (43.5%) by mail

64 (18%) in street

136 (38.5%) online

178 (50.7%) Male
173 (49.3%) Female



27 (7.5%) aged 16-24

192 (54.5%) aged 25-50

69 (19.5%) aged 50-60

65 (18.5%) aged 60+

33 (9.5%) from Moe/Newborough
34 (10%) from Morwell
62 (17.5%) from Traralgon
14 (4%) from Churchill
51 (14%) from smaller towns
29 (8%) from outside Latrobe
131 (37%) did not indicate location



CATS



104 (29.7%) of survey respondents owned cats

60 had 1 cat
36 had 2 cats
2 had 3 cats
2 had 4 cats

78 (75%) of surveyed cat owners had registered their cats

26 (25%) of surveyed cat owners had not register their cats



91 (87.5%) of surveyed cat owners had desexed their cats

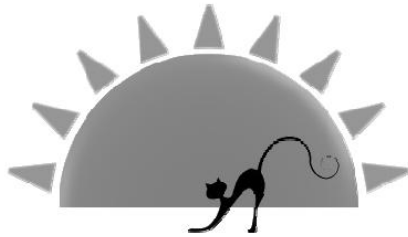
6 (5.7%) of surveyed cat owners had not desexed their cats

82 (78.8%) of surveyed cat owners had microchipped their cats

15 (14.4%) of surveyed cat owners had not microchipped their cats



CAT CURFEW



226 (63.8%) of survey respondents were aware of our 9pm-6am cat curfew

112 (31.6%) of survey respondents were unaware of our 9pm-6am cat curfew

306 (86.4%) of survey respondents agreed with the cat curfew

31 (8.8%) of survey respondents disagreed with the cat curfew



151 (42.6%) of survey respondents believed there is a problem with stray cats in their area

191 (54%) of survey respondents believed there is no problem with stray cats in their area

248 (70%) of survey respondents agreed with compulsory desexing of cats

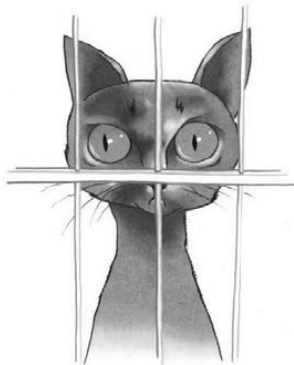
88 (24.8%) of survey respondents disagreed with compulsory desexing of cats



CAT CAGES

184 (51.9%) of survey respondents are aware we have cat cages for hire

157 (44.3%) of survey respondents are unaware we have cat cages for hire



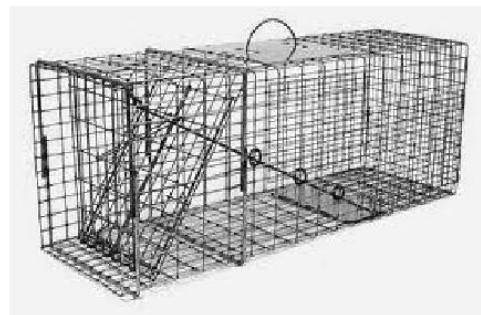
35 (9.8%) of survey respondents have used this service

306 (86.4%) of survey respondents have not used this service

22 (62.8%) of survey respondents who used this service rated it good to excellent

7 (2%) of survey respondents who used this service rated it fair

2 (5.7%) of survey respondents who used this service rated it poor



DOGS

247 (72.4%) of survey respondents owned dogs

126 had 1 dog
65 had 2 dogs
11 had 3 dogs
18 had 4+ dogs



129 (52.2%) of surveyed dog owners have taken their dogs to obedience training

116 (46.9%) of surveyed dog owners have not taken their dogs to obedience training

216 (87.4%) of surveyed dog owners had registered their dogs

32 (12.9%) of surveyed dog owners had not registered their dogs



165 (66.8%) of surveyed dog owners had desexed their dogs

88 (35.6%) of surveyed dog owners had not desexed their dogs

231 (93.5%) of surveyed dog owners had microchipped their dogs

14 (5.7%) of surveyed dog owners had not microchipped their dogs



DOGS

77 (21.7%) of survey respondents believe there is a problem with stray dogs in their area

264 (74.5%) of survey respondents believe there is no problem with stray dogs in their area



26 (33.7%) of survey respondents who believe there is a problem with stray dogs in their area; also believed it has increased in the past 12 months

11 (14.3%) of survey respondents who believe there is a problem with stray dogs in their area; also believed it has not increased in the past 12 months

40 (52%) of survey respondents who believe there is a problem with stray dogs in their area; are unsure if it has increased in the past 12 months

161 (45.4%) of survey respondents agreed with compulsory desexing of dogs

174 (49.1%) of survey respondents disagreed with compulsory desexing of dogs



DOG DROPPINGS



319 (90.1%) of survey respondents were aware of the Local Law to pick up dog droppings

19 (5.3%) of survey respondents were unaware of the Local Law to pick up dog droppings



84 (23.7%) of survey respondents believed there is a problem with dog droppings in their area

254 (71.7%) of survey respondents believed there is no problem with dog droppings in their area

DISCOUNTED MICROCHIPPING WEEK



149 (42%) of survey respondents were aware we offered a discounted microchipping week

188 (53.1%) of survey respondents were unaware we offered a discounted microchipping week



43 (12.1%) of survey respondents have used this program

296 (83.6%) of survey respondents have not used this program

307 (86.7%) of survey respondents fully or somewhat support this program

31 (8.7%) of survey respondents are unsure if they support this program



LATROBE CITY POUND

104 (29.3%) of survey respondents have visited our pound in the past

235 (66.3%) of survey respondents have not visited our pound in the past



83 (80%) of survey respondents who have visited our pound rate the assistance of staff good to excellent

12 (11.5%) of survey respondents who have visited our pound rate the assistance of staff fair

8 (7.7%) of survey respondents who have visited our pound rate the assistance of staff poor



42 (40.3%) of survey respondents who have visited our pound were looking for a lost pet

35 (33.6%) of survey respondents who have visited our pound were looking to purchase a new pet

20 (19.2%) of survey respondents who have visited our pound were releasing their own pet

18 (17.3%) of survey respondents who have visited our pound purchased a new pet



220 (62.1%) of survey respondents support the current pound operating times

113 (31.9%) of survey respondents do not support the current pound operating times

ONLINE POUND REGISTER



127 (35.8%) of survey respondents have visited our online pound register

211 (59.6%) of survey respondents have not visited our online pound register



57 (44.8%) of survey respondents who had visited our online pound register were looking for a lost pet

74 (58.2%) of survey respondents who had visited our online pound register were looking to find a new pet

16 (12.5%) of survey respondents who had visited our online pound register purchased a new pet



Latrobe City Council Domestic Animal Management Plan 2013-2017





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1. INTRODUCTION

The primary focus of this Plan is the management of companion animals, namely dogs and cats. Latrobe City Council acknowledges the role it plays in promoting responsible pet ownership and enforcing legislation. We are committed to balancing the needs of pet owners with those in our community who do not own pets. Consideration has been given to both parties in the development of our Domestic Animal Management Plan 2013-2017.

This Plan has been developed in accordance with Section 68A of the *Domestic Animals Act 1994* and sets out a formalised approach to increase the awareness of domestic animal management practices within Latrobe City.

Latrobe City Council recognises the value domestic pets contribute in making Latrobe City a vibrant and liveable City. Domestic pets are not only considered part of a family, but are an integral part of a wider community. Research demonstrates that pets contribute to building a strong sense of community and developing active social capital; vital to any vibrant, healthy community.

Pet ownership is positively associated with social interactions, community involvement and increased feelings of neighbourhood friendliness and sense of community.

With about 63 percent of Australians owning a dog or cat, these benefits, when aggregated across the whole community, are of significant interest to Council and others concerned with building healthier, happier neighbourhoods.

In addition, these benefits create a ripple effect that extends beyond pet owners into the broader community, with pets helping to smooth the way for social interaction and general 'out and about-ness'.

Both anecdote and research suggests that pets are well recognised ice-breakers. Dogs, for example, can stimulate conversation and contact between strangers and trigger positive social interaction.

Studies undertaken by the School of Population Health at the University of Western Australia showed that half of all dog owners surveyed indicated that they had come to know locals in their suburb as a result of their dog.

Residents' chatting to each other as a result of a pet is not just a social nicety. Such community-based interactions between people have the very real potential to break down the barriers and stereotypes that separate us from 'others' while playing an important role in building trust and a deep sense of community at the neighbourhood level.

Pets provide increased opportunities for families to be more active; companionship to those who may be feeling isolated or lonely and assist people with a disability or illness to maintain independence and participate more fully in community life.





2. BACKGROUND

Local Government has long been the level of government primarily responsible for domestic animal management.

Section 68A of the *Domestic Animal Act 1994* (the Act) requires all Victorian councils to prepare a Domestic Animal Management Plan (the Plan) at four yearly intervals. A copy of the plan and any subsequent amendments must be provided to the Secretary of the Department of Primary Industries. Council is required to then report on the plans implementation in its annual report.

2.1 Primary objective

The primary objective of the Plan is to provide a strategic map to support the community towards the goal of responsible pet ownership and to assist Council in achieving a professional, consistent and proactive approach to domestic animal management practices.

The Plan identifies current activities and future actions to address the following areas, as required by Section 68A of the Act:-

- ≠ Identify methods for evaluating animal control services;
- ≠ Promote responsible pet ownership;
- ≠ Ensure compliance with the Domestic Animals Act 1994 and Regulations;
- ≠ Minimise the risk of dog attacks;
- ≠ Address over population and high euthanasia rates for dogs and cats;
- ≠ Encourage registration and identification of dogs and cats;
- ≠ Minimise the potential for nuisance;
- ≠ Identify dangerous, menacing and restricted breed dogs;
- ≠ Review all existing Council orders and local laws that relate to dogs and cats;
- ≠ Identify programs for training of authorised animal management officers;
- ≠ Provide for the periodic evaluation of programs and service strategies.





3. STRATEGIC DIRECTION

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Strategic Objectives – Recreation

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.

Strategic Objectives – Regulation and Accountability

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Latrobe City Council Plan 2012 – 2016

Strategic Direction – Our Community

- ≠ Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.
- ≠ Facilitate and support initiatives that strengthen the capacity of the community.
- ≠ Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.
- ≠ Promote community participation and volunteerism to support improved health and wellbeing through all stages of life.

Strategic Direction – Regulation and Accountability

- ≠ Ensure that Latrobe City Council meets all relevant legislative obligations and is positioned to respond to legislative change in a manner which inspires community confidence.
- ≠ Monitor, review and enforce local laws and animal management practices that reflect community conditions and aspirations and support community cohesion.

Service Provision – Local Laws

- ≠ Deliver customer focussed Local Law services across the municipality in accordance with Local Law No. 2 and other relevant legislation.

Shaping Our Future

An active connected and caring community supporting all.





3.1 Guiding Principles

The following principles underpin the actions of this Plan with regard to domestic animals:

- ≠ The belief that pets contribute to quality of life.
- ≠ A requirement to balance the needs of those who own pets and those who do not.
- ≠ Valuing responsible pet ownership.
- ≠ Proactive animal management and education within the community.
- ≠ Protection of the environment from any negative impacts of dogs and cats.
- ≠ Working in partnership with others to achieve positive outcomes for the community.
- ≠ Local Government plays a leadership role in animal management.

4. LATROBE CITY SNAPSHOT

Latrobe City, Victoria's only regional city situated in the eastern part of the state, encompasses an area of 1,422 square kilometres with a population of approximately 75,000.

Situated approximately 150kms east of Melbourne, in the centre of Gippsland and the Latrobe Valley, Latrobe City is one of four Victorian regional cities.

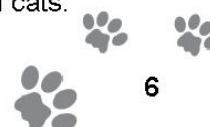
Latrobe City includes the four major towns of Churchill, Moe/Newborough, Morwell and Traralgon as well as the seven outer lying townships of Boolarra, Glengarry, Toongabbie, Traralgon South, Tyers, Yallourn North and Yinnar.

During the 2011/12 registration period there were 11,667 dogs and 3,518 cats registered within the municipality. There are 12 registered domestic animal businesses, including two pet shops, four boarding establishments and six breeding and rearing establishments.

5. CURRENT PROGRAMS AND SERVICE LEVELS

Latrobe City's Local Laws Team administers and provides a broad range of services to ensure that Council meets its legislative responsibilities relating to the management of domestic animals. They include but are not limited to:

- ≠ Educating residents and promoting responsible pet ownership.
- ≠ Management of Council's domestic animal pound facility.
- ≠ Maintaining a domestic animal register.
- ≠ Providing advice on domestic animal matters.
- ≠ Dealing with and investigating animal complaints for the community.
- ≠ Impounding of wandering, unwanted/surrendered and/or feral dogs and cats.

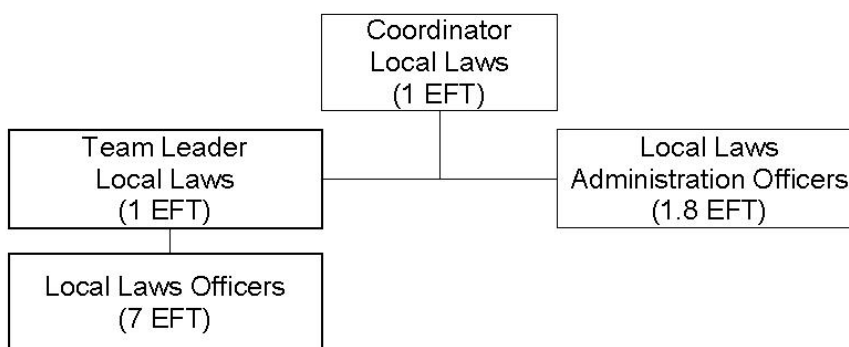




- ≠ Undertaking registration door knocks.
- ≠ Administration and control of Dangerous and Restricted Breed dogs for compliance with legislation.
- ≠ Investigating dog attacks.
- ≠ Providing a 24 hour 7 day a week emergency service.
- ≠ Inspection and registration of domestic animal businesses.
- ≠ Developing and maintaining partnerships with organisations such as Save-a-dog scheme (SADS), Forever Friends Animal Rescue (FFAR) and veterinarians.

5.1 Resourcing

The Local Laws team consists of five full-time and four part-time Local Laws Officers delivering general local laws, animal and parking management services.



5.2 2011/2012 Statistical Data

- ≠ 11,667 dogs and 3,518 cats registered.
- ≠ 5 Declared Dangerous Dogs registered.
- ≠ 12 Declared Menacing Dogs registered.
- ≠ 5,282 animal Pathway requests received.
- ≠ 13 dog attacks reported.
- ≠ 1,172 dogs impounded.
 - ~ 636 dogs returned to owner and 307 dogs re-housed.
- ≠ 859 cats impounded.
 - ~ 38 cats returned to owner and 68 cats re-housed.
- ≠ 1,191 animal infringements issued.





5.3 Council Requirements

Latrobe City Council has the following Orders, Local Laws and Procedures currently in place to assist in the effective management of dogs and cats. Council's Local Laws No. 2 is currently under review and may result in changes to the following.

Council Orders

- ≠ Compulsory desexing of all dogs and cats registered for the first time (unless member of applicable organisation or registered as Domestic Animal Business or upon veterinary advice) effective from 10 April 2008.
- ≠ Compulsory microchipping of all dogs and cats registered effective from 10 April 2009.
- ≠ Cat curfew 9 pm to 6 am, seven days a week.

Local Law No. 2 - Part 11 Keeping of Animals

147. Dogs (Including Unleashed Dogs)

- 147.1 In regards to property within the Municipal District and zoned Residential, an owner or occupier of that property must not keep or allow to be kept more than two adult dogs (save and except for additional dogs allowed pursuant to a valid planning permit) on any one property without a written permit from the Council under this Part.
- 147.2 In regards to property within the Municipal District and zoned Rural an owner or occupier of property must not keep or allow to be kept more than three adult dogs (save and except for additional dogs allowed pursuant to a valid planning permit) on any one property without a written permit from the Council under this Part.
- 147.3 For the purpose of this part, Rural means any land zoned Rural Land in the Planning Scheme which is not within 50 metres of another zone.
- 147.4 The Council may from time to time designate areas on which dogs may be unleashed provided they remain under the effective control of the owner or person in charge of the dog.
- 147.5 Any person may make a submission under Section 223 of the Act in respect of any action of the Council under sub-clause (4).
- 147.6 A person who unleashes a dog in a designated area must keep the dog under effective control.
- 147.7 A person who unleashes a dog in a designated area bears responsibility for any action of that dog.
- 147.8 The Council must cause areas designated under sub-clause (4) to be signposted for the purpose.
- 147.9 The signposting may include the words "Dog Area - unleashing permitted – owner liability applies" or words to similar effect.
- 147.10 A person must not have a dog unleashed in any built-up area in the Municipal district unless it is in an area designated for that purpose.





- 147.11 Restricted breed, declared and menacing dogs must not be unleashed and must remain under the effective control of the owner or person in charge of the dog.
- 148. Permit Application**
Any person wishing to keep more than the prescribed number or type of animals on any premises must make application, in writing, to the Council, supplying details of the land involved, the number and type of animals and the care and housing arrangement proposed.
- 149. Granting of a Permit**
In determining whether to grant a Permit, the Council must have regard to any standards of this Local Law and any guidelines determined by Council from time to time.
- 155. Keeping of Animals**
An owner or occupier of property requires a permit to keep or allow to be kept more than 4 different types of animals on any one property at any time and must not keep, without a permit or allow to be kept any more in number for each type of animal than as set out in the table reproduced on page 38 of this document.
- 156. Litters of Animals**
For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after their birth.
- 157. Animal Litter/Dog Excrement**
A person in charge of an animal must not allow any part of the animal's excrement to remain on any road, nature strip, reserve or public or Council land. A person in charge of a dog on a road or in a municipal place must:
(a) not permit the excrement of the dog to remain on that road or in that municipal place;
(b) carry a device suitable for the removal of any excrement that may be deposited by the dog; and
(c) produce the device on demand by an authorised officer.
- 158. Maximum Number of Dogs and Cats**
Except as provided in Clause 155, no other property may keep more than five dogs and three cats without a permit.





Council Procedures

- ≠ Animal Registration Renewal forms are reviewed annually and amended as required.
- ≠ Animal Registration Fees are considered and determined by Council during the annual budget process.
- ≠ Animal Deterrent Spray Procedure 2011
- ≠ Barking Dog Procedures 2011
- ≠ Cat Trap Loan Procedure 2010
- ≠ Dealing with Sick or Injured Animals procedure 2011
- ≠ Dealing with Sick or Injured Animals Procedure 2011
- ≠ Desexing of Dogs and Cats released from the Pound procedure 2011
- ≠ Dog and Cat Impounding Procedure 2012
- ≠ Dog and Cat Pound Release Procedure 2011
- ≠ Infringement Collection Procedure 2010
- ≠ Infringement Notice Internal Review Procedure 2010
- ≠ Infringement Notice Payment Plan Procedure 2010
- ≠ Issuing of identification tags with registration renewal notices.
- ≠ Keeping of Animals Permit Approvals Procedure 2011
- ≠ Notice of Seizure (Dogs and Cats) Procedure 2011
- ≠ Notice to Comply Procedure 2011
- ≠ Scanning of Impounded Dogs and Cats procedure 2011
- ≠ Removal and Identification of Dead Dogs and Cats Procedure 2010
- ≠ Voluntary Surrender of Unwanted Dogs and Cats Procedure 2011





5.4 Training of Authorised Officers

Latrobe City Council is committed to the training of our Local Laws Officers. An annual training program is developed for each officer to ensure they receive appropriate training. The objective of any training and development is to support all Local Laws staff in having the knowledge and skills necessary to carry out their work.

A training register detailing all qualifications and training courses completed by each Local Laws Officer is maintained and updated annually to reflect any training undertaken or required.

In addition to specialised training, all staff have access to a suite of personal and professional training opportunities delivered through Council's Learning and Development programs.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ Five Local Laws Officers completed Certificate IV Animal Control.
- ≠ Five Local Laws Officers attended regional training seminars sponsored by Bureau of Animal Welfare. Seminars included Identification of Dangerous Dogs, Legislation changes and general updates.
- ≠ In-house workshops conducted six monthly to update staff on legislation changes and other matters relevant to the team.
- ≠ Fortnightly team meetings held.
- ≠ Individual Local Laws Staff recognised as:
 - ~ AIAM Animal Management Officer of the Year 2009
 - ~ NAIDOC Achievement Award 2011





5.5 Registration and Identification

Latrobe City Council mails out registration renewal notices prior to 10 April each year.

Any renewal payments not received by the due date of 10 April are followed up with a reminder notice advising of penalties for failing to register a dog or cat.

Registration renewal forms are also used as an opportunity to advertise legislative changes i.e. requirement to register dog/cat by age three months and compulsory microchipping and desexing of all new dogs and cats being registered.

When mailing these notices we often include inserts such as “Doggy Doo” and “Unleashed Areas” pamphlets to further inform and educate our community on domestic animal matters.

New registration applications are available at all Council service centres and libraries in Churchill, Moe, Morwell and Traralgon; via Council’s website; through Veterinary Clinics and at Council’s pound facility.

Latrobe City currently partners with local contracted veterinarians to run a microchipping week in March where microchipping is offered at the discounted rate.

2007 – 2012 Animal Registration Comparisons:

	11/12	10/11	09/10	08/09	07/08
Dogs	11,667	9,757	9,770*	13,039	11,098
Cats	3,518	3,102	3,160*	4,248	3,671

* indicates when compulsory desexing was introduced.

Educational and/or Promotional Activities

- ≠ Animal Registration forms available at Council service centres and libraries; on Council’s website and can be requested by telephoning Council.
- ≠ Advertising and administration of the discount microchipping week held in conjunction with Council’s contracted veterinarians.
- ≠ Doorknock “hot spot” areas or areas where complaints have been received in relation to registration requirements.
- ≠ Maintenance of computerised registration database.
- ≠ Advertisements in local newspapers and guest spot on local radio.





Compliance Activities

- ≠ Issuing annual animal registration renewal notices, including animal tags.
- ≠ Follow up unpaid renewal notices with reminder notices.
- ≠ Issuing of infringement notices for failing to register where appropriate.
- ≠ Impounding of wandering dogs and cats.
- ≠ Ensure that all seized or impounded animals are registered prior to release to their owner.
- ≠ Review animal registration fees annually during the budget process.
- ≠ Serving of Notices to Comply for minor breaches of the law.
- ≠ Investigate all reports of unregistered animals in a timely manner.
- ≠ Attending properties unannounced to conduct on the spot inspections where there have been ongoing or serious complaints against a property or person.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ Over ten radio spots regarding responsible pet ownership, microchipping, desexing and registration requirements were conducted on local radio Gippsland FM 104.7.
- ≠ Information caravan visit to Yinnar and Boolarra in March 2010.
- ≠ Compulsory desexing introduced.
- ≠ Conducted a discounted microchipping week prior to the registration due date of 10 April each year.
- ≠ Implemented Council resolution in relation to compulsory microchipping from April 2009.





5.6 Animal Nuisance Complaints

All animal complaints received are investigated in a timely manner to minimise the potential for complaints escalating. Officers make every effort to resolve complaints to the satisfaction of both parties.

For the most part, nuisance complaints received by Latrobe City Council relate to either barking dogs or stray cats. It is recognised that barking dog complaints can at times cause great frustration for both parties. Local Laws Officers work hard to balance the interests and rights of both the dog owner and the complainant.

Dog owners can become desensitised to the sound of their own dog barking and may be unaware it is a nuisance to neighbours. A quick resolution is often achieved by simply alerting the dog owner to the fact their dog's barking is becoming a nuisance. Neighbours who are unable, or find it difficult, to speak to their neighbours regarding this matter should make contact with Latrobe City Council for assistance.

Council Officers will first work with the dog owner to support them in identifying the cause of the barking and discuss possible solutions. The majority of cases involve dogs that are bored or responding to visual stimulation. Both causes are often easily resolved with training, toys, blocking a view or exercising the dog more frequently.

Complainants may be asked to keep noise logs (records of dates, times and duration of barking) should the matter continue and further intervention be required. Noise log templates are available from the Latrobe City web page or from Service Centres and Libraries, and Local Laws Officers can assist with explaining how these are to be filled out.

In response to nuisance complaints received on stray cats Latrobe City offers residents' cat cages to assist in safely containing offending animals trespassing on their property or wandering during the curfew period. Local Laws Officers will then attend during normal business hours and impound any contained cats. These cages are available on payment of a fully refundable deposit.

Educational and/or Promotional Activities

- ≠ Make information available at Council service centres and libraries and on Council's website.
- ≠ Promote the various resources available to encourage the correct selection of a new pet such as 'Select a Pet' website.
- ≠ Provide a wide range of pamphlets.
- ≠ Distribute brochures to residents when requested and when investigating complaints.
- ≠ Signage to identify the areas designated for exercising dogs off lead.
- ≠ Advertisements in local newspapers and guest spot on local radio.





Compliance Activities

- ≠ Investigate all complaints received.
- ≠ Encourage complainants to speak directly to dog owners to alert them to their dog barking.
- ≠ Record all nuisance complaints in Council's record management systems.
- ≠ Provide cat cages to residents for containing trespassing cats as requested.
- ≠ Impound all unregistered dogs found at large.
- ≠ Issue infringements for dogs found at large.
- ≠ Impound or return wandering registered pets to owners.
- ≠ Attending properties unannounced to conduct on the spot inspections where there have been ongoing or serious complaints against a property or person.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ A procedure was developed in relation to barking dogs and implemented in 2009.
- ≠ The planned review of dogs and cat provisions in Council's Local Law No. 2 was postponed and will form part of the Local Law No. 2 review to be conducted 2012/2013.





5.7 Dog Attacks

Latrobe City Council considers any reported dog attacks as the highest priority and dispatches a Local Laws Officer immediately to investigate and action as appropriate.

Educational and/or Promotional Activities

- ≠ Promote responsible pet ownership to new and existing dog owners.
- ≠ Promote the benefits of dog training, socialisation and frequent exercise.
- ≠ Promote the various resources available to encourage the correct selection of a new pet such as 'Select a Pet' website.
- ≠ Provide a range of pamphlets that raise awareness of the risk of dog attacks in the home, on the street and in parks which include information on how to reduce risks.
- ≠ Distribute brochures to residents when requested and when investigating complaints.
- ≠ Promotion of the need for dogs to be under effective control, at all times, including the need to ensure dogs can be effectively contained and/or fenced on their own property to ensure they cannot escape.
- ≠ Promote desexing of dogs to reduce aggressive tendencies and wandering at large.
- ≠ Promote the need for supervision of children when dogs are present.
- ≠ Promote Council's emergency 24 hour 7 day a week service for reporting a dog attack.

Compliance Activities

- ≠ Declaring of all identified dangerous/menacing dogs inline with the *Domestic Animals Act 1994*.
- ≠ Respond to all reported dog attacks immediately as the top priority for Local Laws Officers.
- ≠ Record all reported dog attacks in Council's record management systems.
- ≠ Ensure all reported dog attacks are thoroughly investigated with findings and evidence accurately recorded and maintained.
- ≠ Ensure owners of declared dogs are fully informed of their requirements under the Act.
- ≠ Be proactive in declaring dogs dangerous or menacing.
- ≠ Ensure unclaimed dogs at the pound are temperament tested to determine whether they are suitable for re-housing.
- ≠ Seize dogs involved in serious attacks.
- ≠ Providing an emergency 24 hour 7 day a week service to report a dog attack.





- ≠ Conduct regular patrols at locations where there is a high incidence of wandering dogs.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ All investigations of dog attacks finalised.
- ≠ Increased community awareness as a result of the death of a child in Melbourne attacked by a dog and the ensuing media resulted in an increased public awareness of dog risks.





5.8 Dangerous, Menacing and Restricted Breed Dogs

Latrobe City Council Local Laws Officers investigate all reports or complaints regarding dangerous, menacing or restricted breed dogs, immediately.

Local Laws Officers currently use the Department of Primary Industry 'Standard for Restricted Breed Dogs in Victoria' to identify restricted breeds.

Council Orders

Latrobe City Council currently utilises the *Domestic Animals Act 1994* in relation to dangerous, menacing and restricted breed dogs.

Reports of suspected undeclared restricted breed dogs are rare in Latrobe City. Officers believe there is a high level of compliance regarding the ownership and management of declared dogs within the municipality.

Educational and/or Promotional Activities

- ≠ Media releases in local papers from Council and the Bureau of Animal Welfare.
- ≠ Radio spots on local radio.
- ≠ Information pamphlets at all Council service centres and libraries.
- ≠ Information available on council's website.
- ≠ Ensuring all owners of declared dogs are aware of their obligations under the Act regarding identification and the keeping of these dogs.
- ≠ Promotion of new regulations for restricted breed dogs.
- ≠ Promote the 'Dangerous Dogs Hotline' 1300 101 080 on Council's website.

Compliance Activities

- ≠ Ensure that all Declared Dangerous, Menacing and Restricted Breed dogs are registered accurately with the Victorian Declared Dog Registry.
- ≠ Inspect commercial and industrial areas to identify guard dogs guarding non-residential properties.
- ≠ Attending properties unannounced to conduct on the spot inspections and annual audits where there are registered declared dogs.
- ≠ Follow-up non-compliance issues found during inspections and audits.
- ≠ Review all dog attack cases to determine if it is appropriate to declare the dog dangerous or menacing.
- ≠ Maintain a register of all declared dogs registered and housed in Latrobe City Council.
- ≠ Seize unregistered, suspected Restricted Breed dogs.





- ≠ Complete investigations of complaints of these types of dog breed.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ Audited properties where there are registered declared dogs.
- ≠ Declared Dangerous, Menacing and Restricted Breed dogs registered accurately with the Victorian Declared Dog Registry.





5.9 Over-Population and High Euthanasia

Latrobe City Council is aware of the high euthanasia rates for dogs and in particular cats and continues to promote the benefits of desexing. The introduction of compulsory desexing for all dogs and cats registered for the first time or released from the pound facility was implemented in 2008. Council continues to facilitate a discounted microchipping week prior to the registration date of 10 April each year.

Council has in place two Section 84Y Domestic Animal Act agreements to re-house dogs and cats that have ended up in the pound, and is currently negotiating with several other local organisations.

Educational and/or Promotional Activities

- ≠ Promote responsible pet ownership to new and existing dog owners.
- ≠ Promote the benefits of dog training, socialisation and frequent exercise.
- ≠ Promote the various resources available to encourage the correct selection of a new pet such as 'Select a Pet' website.
- ≠ Promote Council's cat curfew.
- ≠ Promote the benefits of desexing; such as no surprise litters, fewer unwanted animals in the community, fewer animals euthanised, reduced aggression and reduced wandering, via local radio spots, local newspaper articles and on Council's website.
- ≠ Select a "Pet of the week" and advertise in local newspaper, on Council's website and via social media.
- ≠ Offer dogs and cats for sale from the pound at an affordable price which includes desexing and microchipping costs.

Compliance Activities

- ≠ Investigating complaints and reports of numbers of dogs/cats on residential properties.
- ≠ Provide cat cages to residents for containing trespassing cats as requested.
- ≠ Investigate reports of animal hoarding and work with owners to reduce these to permitted numbers.
- ≠ Enter into Section 84Y Domestic Animal Act agreements with local organisations to re-house dogs and cats that have ended up in the pound.
- ≠ Investigate reports of unauthorised 'backyard breeders' to ascertain whether they should be registered as a domestic animal business.
- ≠ Where identified facilitate cat trapping programs of industry/commercial businesses.





- ≠ Implementation of Council resolution for the desexing of all dogs and cats being registered for the first time from April 2008.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ Enter into two Section 84Y Domestic Animal Act agreements with local organisations to re-house dogs and cats that have ended up in the pound.
- ≠ Re-housed 100% of 'Pet of the week' animals.





5.10 Domestic Animal Businesses

Latrobe City Council currently has 12 registered Domestic Animal Businesses. These businesses are issued with registration renewal notices each year and Council conducts annual inspections in relation to their compliance with relevant codes of practices.

Council provides all registered Domestic Animal Businesses with any changes to the legislation or Code of Practice information relevant to the business and encourage business owners to be involved in any review of the mandatory Code of Practice.

Latrobe City Council sponsored a seminar for all registered Domestic Animal Businesses to network and remain relevant in relation to changes in legislation. In addition this seminar provided a forum for discussion and information sharing.

Any new registration applications are received and processed inline with the Code of Practice.

Educational and/or Promotional Activities

- ≠ Provide relevant mandatory Code of Practice to proprietors of existing and proposed domestic animal businesses.
- ≠ Ensure all relevant Domestic Animal Businesses are advised and involved in any review of the mandatory Code of Practice for their type of business.
- ≠ Sponsors an annual seminar for all registered Animal Businesses to network and remain relevant in relation to changes in legislation.
- ≠ Invite Domestic Animal Businesses to be involved in Council's animal related community events.

Compliance Activities

- ≠ Conduct web, 'Yellow Pages', newspaper, Dogzonline.com.au, etc, searches to ascertain whether there are unregistered Domestic Animal Businesses within the municipality.
- ≠ Conduct annual (or more frequent) 'unscheduled' inspections/audits of each Domestic Animal Business premises to determine compliance with the Act, relevant mandatory Code of Practice, and any terms, conditions, limitations or restrictions on that registration.
- ≠ Use audit documents on Bureau of Animal Welfare's Animal Management website.
- ≠ Follow-up Domestic Animal Business non-compliance issues with information on required actions and timeframe for resolution, further inspections, and prosecutions where necessary.
- ≠ In the case of serious non-compliance issues, suspend or cancel registration.





- ≠ Check local newspapers to ensure Domestic Animal Business registration numbers and name of Council that issued that number are included in cat and dog 'for sale' advertisements.
- ≠ Liaise with other units within Council to provide advice when planning applications for Domestic Animal Businesses are received, to ensure appropriate conditions are placed on construction, operation, etc.
- ≠ Offer a Domestic Animal Business kit to send to people making queries about setting up a Domestic Animal Business, to let them know of all the requirements involved, before they start making too many plans.

2008-2012 Domestic Animal Management Plan Highlights:

- ≠ A successful Domestic Animal Business workshop for current and prospective proprietors was hosted by Local Laws staff at Latrobe City Corporate Headquarters in April 2010 which was attended by 37 people.





6. 2011-2012 CUSTOMER SATISFACTION SURVEY RESULTS

Stakeholder consultation was undertaken in the form of a survey, which was distributed by mail, available from Council service centres and libraries; online through Council's website and by external agents walking Churchill, Moe, Morwell and Traralgon central business districts between 23 November 2011 and 31 January 2012.

A total of 354 completed surveys were received. Responses from this survey have been collated and samples of those responses are presented as follows:

- ≠ 75% of cat owners surveyed had registered their cats.
- ≠ 87.5% of cat owners surveyed had desexed their cats.
- ≠ 63.8% of surveyed respondents were aware of our 9 pm-6 am cat curfew.
- ≠ 86.4% of surveyed respondents agreed with the cat curfew.
- ≠ 54% of surveyed respondents believed there is no problem with stray cats in their area.
- ≠ 70% of surveyed respondents agreed with compulsory desexing of cats.
- ≠ 51.9% of surveyed respondents are aware we have cat cages for hire.
- ≠ 87.4% of dog owners surveyed had registered their dogs.
- ≠ 66.8 of dog owners surveyed had desexed their dogs.
- ≠ 52.2% of dog owners surveyed have taken their dogs to obedience training.
- ≠ 74.5% of surveyed respondents believe there is no problem with stray dogs in their area.
- ≠ 45.4% of surveyed respondents agreed with compulsory desexing of dogs.
- ≠ 90.1% of surveyed respondents were aware of the Local Law requiring owners to pick up dog droppings.
- ≠ 71.7% of surveyed respondents believed there is no problem with dog droppings in their area.
- ≠ 42% of surveyed respondents were aware we offered a discounted microchipping week.
- ≠ 80% of respondents who have visited our pound rate the assistance of staff good to excellent.
- ≠ 62.1% of surveyed respondents support the current pound operating times.





Latrobe City Council Domestic Animal Management Plan 2013-2017

7. FOUR YEAR ACTION PLAN

The following pages outline Latrobe City Council's four year action plan which has been designed to build on the successes of the previous Domestic Animal Management Plan.

Actions have been developed with a focus on staff training; community awareness; the provision of accessible, relevant and timely information and a simplified process for the reporting of issues.

Feedback received during Council's Customer Satisfaction Survey has also been considered in the development of actions.





7.1 Training of Authorised Officers

To ensure all staff involved in animal management have the knowledge and skills necessary to carry out their work safely and effectively.

ACTION	MEASURE	OUTCOME	WHEN
1 Review and finalise, in consultation with relevant staff, training required for all Authorised Officers undertaking animal management duties.	Consultation with relevant staff occurred; agreed list of skills required to undertake animal management duties developed.	Confident, skilled and knowledgeable staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Annually
2 Ensure all Local Laws Officers have commenced or are scheduled to commence relevant training programs within 24 months of appointment.	Number of newly appointed Officers who are undertaking or have completed training in required skills.	Confident, skilled and knowledgeable staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Ongoing
3 Identify training providers, both internal and external.	Training providers identified and engaged for all required skills.	Confident, skilled and knowledgeable staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Annually
4 Ensure individual staff training plans are developed and recorded in Council's annual appraisal process.	Individual training plans established and agreed to.	Confident, skilled and knowledgeable staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Annually
5 Maintain a central training register which includes individual Local Laws Officers current level of training and agreed future training requirements.	Central training register developed and maintained.	Confident, skilled and knowledgeable staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Ongoing





ACTION	MEASURE	OUTCOME	WHEN
6 Ensure staff are kept informed of and trained in changes to relevant legislation, policies, processes and procedures in a timely manner.	Changes to legislation, policies, processes and procedures to be highlighted on the Local Laws Intranet; Agenda item during regular team meetings; distribution of a Quarterly staff bulletin and training.	Confident and informed staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Ongoing
7 Regularly assess Officers skills, compliance and knowledge of policies, processes and procedures.	Six monthly skills and knowledge assessments undertaken for each Officer.	Confident and informed staff responding to customers; increased customer confidence that enquiry will be successfully dealt with.	Biannually





7.2 Registration and Identification

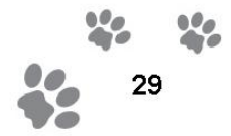
Maximise the number of registered and identifiable domestic animals residing within Latrobe City to aid compliance and facilitate reuniting lost pets with their owners in a timely manner.

ACTION	MEASURE	OUTCOME	WHEN	
8	Annually cross check microchip registries to identify microchipped animals within Latrobe City that are not registered.	Cross check undertaken and contact made with owners when irregularities are found.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually
9	Cross check all notifications of dogs and cats sold at pet shops or through animal welfare organisations and follow up those that are not registered.	Cross check undertaken and contact made with owners when irregularities are found.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Ongoing
10	Send out registration reminder notices to those pet owners who have failed to re-register their pets by 10 April each year.	Reminder notices sent for previously registered animals that have not been renewed.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	By 31 May each year.
11	Partner with local pet shops, Domestic Animal Business's and veterinarians to distribute animal registration information with each pet sale.	Number of pet shops, Domestic Animal Business's and veterinarians distributing information with pet sales.	Increased access to Council services and an enhanced level of customer service.	Ongoing
12	Facilitate discount microchipping sessions prior to April each year.	Annual discount microchipping sessions held.	Increased access to Council services and an enhanced level of customer service.	Annually
13	Ensure all seized and impounded animals are registered prior to release to their owner.	Cross check pound release forms with pet registration database.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Ongoing





ACTION	MEASURE	OUTCOME	WHEN	
14	Undertake annual random neighbourhood door knocks to check for unregistered dogs and cats.	Number of random neighbourhood door knocks undertaken across the municipality.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually





7.3 Animal Nuisance Complaints

Minimise the number of complaints received by Council while increasing community satisfaction with Council's response to investigating complaints.

ACTION	MEASURE	OUTCOME	WHEN	
15	Provide educational material to pet owners.	Preparation and distribution of educational material.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
16	Adhere to Council's standards in the Customer Service Plan 2012-2016 when processing complaints.	Audit response times against agreed standards in the Customer Service Plan 2012-2016.	Increased customer satisfaction and confidence in Council.	Ongoing
17	Maintain an appropriate supply of cat cages for hire to meet community demand.	Maintain a waiting period of no longer than a seven working days.	Reduction in feral cat population and complaints.	Ongoing
18	Maintain accurate and relevant information on Council's website about how to make a complaint.	Dedicated page on animal complaints to be developed and regularly checked for accuracy.	Greater community awareness of responsible pet ownership; a reduction in complaints; increased access to Council services; an enhanced level of customer service and greater adherence to legislation.	Monthly
19	Develop a user friendly complaint lodgement, investigation and response process to facilitate timely resolutions.	Process developed and implemented.	Increased access to Council services and an enhanced level of customer service.	2013/2014





ACTION	MEASURE	OUTCOME	WHEN
20 Develop barking dog information packs to provide to complainants and owners of alleged barking dogs to assist in the timely resolution of complaints.	Information packs developed and distributed.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	2013/2014
21 Develop guidelines for off-leash exercise areas which promote dog training and socialisation.	Guidelines developed	Established guidelines for the future planning of off-leash exercise areas.	2013/2014
22 Audit existing off-leash exercise areas against the developed guidelines.	Audit undertaken and report on findings presented to Manager Community Information Services.	Identified gaps between existing off-leash areas and established guidelines in which to plan future works.	2013/2014
23 Partner with animal groups to provide opportunities for owners to participate in dog training through 'Neighbourhood Pet Parties' with guest speakers.	Minimum of one event held biennially.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	2013/2014 2015/2016





7.4 Dog Attacks

Minimise the risk to the community of dog attacks while increasing community understanding of potential aggressive animal behaviour and the benefits of dog socialisation and obedience training.

ACTION	MEASURE	OUTCOME	WHEN	
24	Develop a Memorandum of Understanding (MOU) with Aust Post to report all dog attacks, rushes, wandering animals etc within one working day of observation.	MOU developed and signed by both parties.	Earlier detection of problem areas and increased community confidence.	2013/2014
25	Develop dog attack investigation and enforcement procedure.	Procedure developed and implemented.	Confident, skilled and knowledgeable staff responding to customers; consistency in response provided; increased customer confidence and enhanced level of customer service.	2013/2014
26	Conduct an education campaign for farmers regarding their responsibilities when owning working dogs.	Biennial education program developed and delivered.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	2014/2015 2016/2017
27	Maintain accurate and relevant information on Council's website about how to report a dog attack.	Dedicated page on dog attacks to be developed and regularly checked for accuracy.	Greater community awareness of responsible pet ownership; a reduction in complaints; increased access to Council services; an enhanced level of customer service and greater adherence to legislation.	Monthly





ACTION	MEASURE	OUTCOME	WHEN	
28	Increase public understanding and awareness of what a dog attack is and how to report through media articles and brochures.	Number of media articles sent to local media; brochure developed and number of brochures distributed.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
29	Promote the benefits of puppy school and dog obedience training through media articles and brochures.	Number of media articles sent to local media; brochure developed and number of brochures distributed.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
30	Promote a greater awareness of the consequences for owners and their dogs should their dog rush at or attack a person or animal.	Number of media articles sent to local media; brochure developed and number of brochures distributed.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
31	Investigate and implement a method of recording details of any animal reported, or found, to have attacked people, pets, wildlife and livestock.	Accurate and current details recorded.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	2014/2015





7.5 Dangerous, Menacing and Restricted Breed Dogs

Meeting legislative requirements relating to dangerous, menacing and Restricted Breed dogs while educating the community about such breeds.

ACTION	MEASURE	OUTCOME	WHEN	
32	Develop a user friendly complaint lodgement, investigation, declaration and response process to facilitate timely resolutions.	Process developed and implemented.	Increased access to Council services and an enhanced level of customer service.	2013/2014
33	Annually inspect industrial areas within the municipality for dogs housed or kept for guarding purposes.	Number of inspections conducted.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually
34	Increase public understanding and awareness of dangerous, menacing and Restricted Breed dogs through media articles and brochures.	Number of media articles sent to local media; brochure developed and number of brochures distributed.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
35	Annually cross check microchip registries to identify Restricted Breed dogs within Latrobe City that are not registered.	Cross check undertaken and contact made with owners when irregularities are found.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually
36	Ensure all declared menacing, dangerous and Restricted Breed dogs are entered into the Victorian Declared Dog Registry within seven days of declaration.	Number of declared menacing, dangerous and Restricted Breed dogs entered into the Victorian Declared Dog Registry within seven days of declaration.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Ongoing





7.6 Over-Population and High Euthanasia

Encourage responsible pet ownership by promoting desexing and confinement of dogs and cats to reduce the incidence of unwanted pet litters and feral domestic animals; while increasing the number of animals successfully re-housed.

ACTION	MEASURE	OUTCOME	WHEN	
37	Promote the Bureau of Animal Welfare's Responsible Pet Ownership programs.	Number of media articles or events.	Greater community awareness of responsible pet ownership; a reduction in complaints and greater adherence to legislation.	Ongoing
38	Record details of cats impounded to monitor for potential problem areas.	Spreadsheet developed, maintained and analysed.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Ongoing
39	Develop a procedure for assessing the suitability of dogs or cats for re-housing.	Procedure developed and implemented.	Confident, skilled and knowledgeable staff responding to customers; consistency in response provided; increased customer confidence and enhanced level of customer service.	2013/2014
40	Review existing and explore additional 84Y Agreements with shelters and animal welfare organisations to re-house unclaimed dogs and cats.	At least 85% of impounded animals returned to owner, sold or re-housed.	Reduction in number of animals euthanized.	Ongoing
41	Use social media to promote animals available for adoption.	Number of social media posts.	Increased access to Council services and an enhanced level of customer service.	Ongoing



7.7 Domestic Animal Businesses

To support and regulate domestic animal businesses established within the municipality.

ACTION	MEASURE	OUTCOME	WHEN	
42	Develop a user friendly complaint lodgement, investigation and response process to facilitate timely resolutions.	Process developed and implemented.	Increased access to Council services and an enhanced level of customer service.	2013/2014
43	Audit all Domestic Animal Businesses annually to ensure compliance.	Number of audits undertaken.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually
44	Maintain accurate and relevant information on Council's website about how to register a Domestic Animal Business.	Dedicated page on Domestic Animal Businesses to be developed and regularly checked for accuracy.	Greater community awareness of responsible pet ownership; a reduction in complaints; increased access to Council services; an enhanced level of customer service and greater adherence to legislation.	Monthly
45	Regularly cross check advertised dogs and cats for sale in local print media and on known social media sites to determine if the seller is a registered Domestic Animal Business.	Cross check undertaken and contact made when irregularities are found.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Ongoing
46	Ensure details of all registered Domestic Animal Businesses are reported annually to the Bureau of Animal Welfare.	Number of registered Domestic Animal Businesses reported annually to the Bureau of Animal Welfare.	Improved accuracy of Council's pet registration database and greater adherence to legislation.	Annually





7.8 Municipal Pound

To operate a Municipal Pound in accordance with the Domestic Animal Act 1994.

ACTION	MEASURE	OUTCOME	WHEN	
47	Implement receipting facilities at Council's Municipal Pound to allow greater flexibility to animal owners.	Successful implementation of receipting functions at Council's Domestic Animal Pound	Increased access to Council services and an enhanced level of customer service.	2013/2014
48	Investigate operational models for Council's Municipal Pound and provide a report to Management outlining options.	Investigation undertaken and report provided.	Best value for service provided.	2014/2015

8. ANNUAL REVIEW AND ANNUAL REPORTING

Actions identified in this Domestic Animal Management Plan 2013-2017 will commence in the 2013/2014 financial year and conclude at the end of the 2016/2017 financial year.

Latrobe City Council will review the Domestic Animal Management Plan 2013-2017 annually and, if appropriate, amend. Any amendment of the Plan will be provided to the Department of Primary Industries' Secretary. An evaluation of our implementation of the Plan will be published in Latrobe City Council's Annual Report.

A full review of this Plan will be undertaken during the 2016/2017 financial year and will inform the development of any future Domestic Animal Management Plan.

Any questions relating to this Plan should be directed to the Coordinator Local Laws on 1300 367 700; or via email at latrobe@latrobe.vic.gov.au; or via post to Latrobe City Council, PO Box 264, Morwell Victoria 3840.

To obtain this information in languages other than English, or in other formats including audio, electronic, Braille or large print, please contact Latrobe City Council on 1300 367 700.



Latrobe City Council
141 Commercial Road
Morwell Victoria 3840

1300 367 700
latrobe@latrobe.vic.gov.au
www.latrobe.vic.gov.au



Save A dog scheme



Domestic Animal Management Plan – Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

YES

Handwritten lines for response

The Plan includes a list of actions and due dates which Council will commit to. Have we priorities these appropriately?

YES

Handwritten lines for response

Have we missed anything which should be considered as part of the Plan?

NOT THAT I CAN SEE.

Handwritten lines for response

General comments

I THINK THIS IS A GOOD PLAN.

Ramble Weave

Save-A-Dog Scheme.

Handwritten lines for signature and comments



Domestic Animal Management Plan – Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

Yes & Yes.

The Plan includes a list of actions and due dates which Council will commit to. Have we prioritised these appropriately?

Difficult for me to know as I am not dealing with all those issues from Council's perspective. It looks good.

Have we missed anything which should be considered as part of the Plan?

Nothing leaps at me.

General comments

Looks very comprehensive.

Kate HAINES
LATROBE VET GROUP

From: cms@seamlesscms.com
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Date: 17/06/2013 11:20:22 AM
Subject: ***Spam*** Draft Domestic Animal Management Plan Submitted

Draft Domestic Animal Management Plan Feedback
Steve Wright, Coordinator Local Laws
Mon, 17 Jun 2013 11:20:18 GMT
Form Response ID#: 492

Feedback

National Animal Rescue Groups of Australia (NARGA) Inc has a set of strategies available for pounds that helps increase the rehoming rate. An accreditation system will be released in September to assist pounds and shelters release animals only to reputable and ethical rescue groups. We are also available to assist in any negotiations with local rescue groups if required. For reference our website is www.narga.org.au

Name: Jan Bartlett

Email: janmoran@bigpond.com

off work

Kyla Downre - NO HADREN

Domestic Animal Management Plan - Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

Yes we are 110% supportive of these approaches.

The Plan includes a list of actions and due dates which Council will commit to. Have we prioritised these appropriately?

Yes appropriate priorities

Have we missed anything which should be considered as part of the Plan?


No, I cannot see or think of any other parts of the plans

General comments

We record that there should be a more forced rule for owners of dogs to have on leads at all times when walking;- prevents :- attacks on other dogs/owners, stops dog dropping being left behind, prevents dogs crossing roads freely (accidents). - CATS :- we are hearing of cats (feral) harassing bird life and ~~bird~~ owners that have birds in aviaries being attacked on by cats, The curfew of cats have to be locked up by 6:00 pm should be enforced higher safety of people that have value^{expensive} birds in their aviaries.

Cassandra Lowe

From: Forever Friends Animal Rescue Latrobe <foreverfriends.latrobe@gmail.com>
Sent: Saturday, 15 June 2013 8:55 AM
To: Cassandra Lowe
Subject: Re: Draft Domestic Animal Management Plan
Attachments: Animalmanagement plan.pdf



Dear Cassandra and Steve,

Please find attached our suggestions for the Domestic Animal Management Plan 2013 – 2017.

Cassandra would you mind forwarding this email onto Steve for me as well, as I don't appear to have his email address. Thank you :-)

I would like to say that we are very much looking forward to working with you and your team further to promote responsible pet ownership within our community. I also would like you to know that we are committed to working with the Latrobe Shire in achieving your goal of 85% of impounded animals returned to owner or rescued. We feel working together this is very much an achievable goal and well on our way to a No Kill pound facility.

Latrobe Pound is leaps and bounds ahead of other rural and metro pounds in the way you and your staff openly work with rescues to achieve the best outcome for homeless and unwanted animals. I have been to numerous seminars in Victoria and now Interstate and you should be aware that Latrobe Shire is becoming well known for your positive collaboration with rescue groups. I have spoken at length with other pounds and rescue groups as to their connections with each other and how they operate and have developed some wonderful ideas I feel Forever Friends can implement within our community.

I would very much like to organise a time to come and meet with you to discuss a few things I would be keen to get your opinion on.

- Latrobe Pet Expo (hosted by Forever Friends Animal Rescue Latrobe and Latrobe Shire)
- Volunteering within the Pound (providing additional support to Pound Staff free of charge to be monitored and supported by FFARL Management)
- Discuss Wyong Shire Council model (pros/cons)
- Responsible Pet Ownership Programs.

Again, it has been a pleasure working with your team and if there is anything we can assist with further please don't hesitate to contact me.

Yours Sincerely,
Mel Palmer
President
Forever Friends Animal Rescue Latrobe
0402 909 041
foreverfriends.latrobe@gmail.com

On Fri, May 24, 2013 at 4:47 PM, Cassandra Lowe <Cassandra.Lowe@latrobe.vic.gov.au> wrote:

Good Afternoon,



Cassandra and Steve,

Please find our comments in relation to the Draft Animal Management Plan 2013/2017 below:

5.9 Over-Population and High Euthanasia

In relation to over population it has been brought to our attention on numerous occasions the high cost associated with people retrieving their pets from the pound. It would be good to see a reduction in the "fine" for first offences, which would allow the family to focus on providing the requested funds to cover desexing, chipping and registration. Lowering or even eliminating the fine for first time offences would reduce the number of animals held within the Latrobe Pound, reunite the animal with its owner (upon desexing/chipping/registration) and free up further resources for rescues and pound to concentrate on the homeless and abandoned animals.

Promoting the benefits of desexing: This is a very crucial aspect of responsible pet ownership and we would love to see more education within our community identifying the importance. It would be great to work with Latrobe Shire and local vet clinics to develop a responsible pet ownership program in Kindergartens and primary schools. I would like to see if there is the potential for developing a discounted subsidised desexing program implemented for one week during each year. This will reflect your goal of promoting responsible pet ownership within our community whilst also reducing unwanted litters and numbers of animals entering the pound facility.

In terms of pound facilities it would be great to include health and hygiene, what measures are/will be taken place to reduce disease and illness to animals entering the pound system.

Exploring additional 84y agreements: There are many rescues groups who are keen to work with Latrobe Pound, I would be happy to provide my assistance in a consultancy capacity to provide information on the groups who will work in a professional capacity and who uphold similar standards in terms of responsible pet ownership and working collaboratively. We have many connections with other rescue groups, so through networking we can establish a higher rescue rate and in term reducing the euthanasia rate and working towards a save rate of 85% in the Latrobe Pound Facility.

~~mae vet~~
gruncross?

Firencross Vets.

Domestic Animal Management Plan – Questions for consideration



The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

Yes, it looks great on paper. I hope the small percentage of your staff can step up and provide the 'customer service' aspect required. Karin + Damon are WONDERFUL!!! ;)

The Plan includes a list of actions and due dates which Council will commit to. Have we priorities these appropriately?

Yes. Looks great ;)

Have we missed anything which should be considered as part of the Plan?

Staff training should ensure officers can appropriately handle animals safely whilst also ensuring the animal feels safe and not stressed.

General comments

It states veterinary clinics have new rego applications - we have never had them.

The plan states cat cages are available, but our clinic regularly has people call to get a cage (trap) from us as there is a waiting list for council cages. They are often banked up at our clinic awaiting collection - perhaps look at a better system to supply these cages?

Dog attacks of other dogs is not taken seriously, a patient of our clinic was attacked twice in its own backyard by the neighbours dogs and the client advised us that council "did nothing" and "the neighbours dont care" - these dogs were not declared dangerous nor where the owners held accountable.

email

Domestic Animal Management Plan – Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

Well written

The Plan includes a list of actions and due dates which Council will commit to. Have we priorities these appropriately?

Yes

Have we missed anything which should be considered as part of the Plan?

No

General comments

Commend the council on your low euthanase figures.

*Unable to see councils
fines for impounded dogs
I am finding people are
unable to afford heavy fines
so don't collect their dogs.
Feel first fine should be low
and impoundment huge fine.*

*Jennifer Gough
Victorian Whippet Assoc.
Rescue.*

An Tony Casaburi - Tanjil Sathy

Domestic Animal Management Plan – Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach?

YES

The Plan includes a list of actions and due dates which Council will commit to. Have we prioritised these appropriately?

YES

Have we missed anything which should be considered as part of the Plan?

NO

General comments

Council LAWS in DOMESTIC ANIMAL MANAGEMENT ARE FAIR.

YOU GUYS ARE DOING A GREAT JOB THESE LAWS ARE ALWAYS OF BEST INTERESTS TO ANY DOG OR CAT.

AND ITS GOOD TO SEE MANY BREEDERS FOLLOWING THROUGH ON WHAT IS EXPECTED REWARDS TONY CASABURI

MOE VETERINARY CENTRE .

Domestic Animal Management Plan – Questions for consideration

The Plan has been developed with a strong focus on increasing community awareness of domestic animal matters and both streamlining and simplifying the process for customers when interacting with Council. Is this evident in the Plan and are you supportive of this approach? ✓

YES.

The Plan includes a list of actions and due dates which Council will commit to. Have we priorities these appropriately?

YES

Have we missed anything which should be considered as part of the Plan?

- ① Perhaps public promotion of quality puppy preschool sessions - as run by people with qualifications in Animal Behaviour.
- ② Perhaps public promotion of the DogWalk which occurs at the Moe Rail trail every 3rd Sunday of the Month. *General comments by the Ted Basarke Maresy Foundation and the Moe Rail Trail Committee.*

As a group of veterinarians we prefer desexing between the ages of 12 weeks and 20 weeks. There is a reduced risk of anaesthetic problems in animals of this age (compared with animals less than 12 weeks.) Also; the ages of 8 - 12 weeks are important learning weeks for young animals - so reducing negative experiences during this period has long term benefits.

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
18 JUN 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	

Copy registered in DataWorks Invoice forwarded in accounts

From: cms@seamlesscms.com
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Date: 17/06/2013 3:07:44 PM
Subject: ***Spam*** Draft Domestic Animal Management Plan Submitted

Draft Domestic Animal Management Plan Feedback
Steve Wright, Coordinator Local Laws
Mon, 17 Jun 2013 15:07:41 GMT
Form Response ID#: 493 <\br>

Feedback <\br>

In relation to 7.3 Animal Nuisance Complaints reference is made to 'Developing guidelines for off-leash exercise areas' and 'Auditing existing off leash exercise areas'. Is any provision being made to address the lack of fences in the off-leash areas, particular in the Traralgon (Hickcox Street and Dunbar Road) due to the heavy volume of traffic in this region and the proximity to the Special Developmental School? Also are adequate signs to be placed in these off-leash areas as they are frequently used by recreational users who do not believe that these areas are off-leash. Will appropriate bins be provided for dog waste?<\br>

Name: Lindy Gumpold<\br>
Email: gumpold.galinde.g@edumail.vic.gov.au

POUND REFORM ALLIANCE

AUSTRALIA INC.

Stephen Wright
Coordinator Local Laws
Latrobe City Council

By email: latrobe @latrobe.vic.gov.au

17 June 2013

Dear Mr Wright

City of Latrobe Domestic Animal Management Plan 2013-17

Thank you for the opportunity to submit for your consideration some recommendations specifically regarding s68A(2)(c)(iv) of the Domestic Animals Act 1994 which requires Council to address any over-population and high euthanasia rates for dogs and cats.

Pound Reform Alliance Australia Inc. believes that high euthanasia rates in many pounds constitutes nothing more than convenience killing of healthy and behaviourally sound pets. We deem this unacceptable given there is now ample evidence that alternative approaches focusing on saving as many animals' lives as possible can also deliver value to communities in terms of the provision of animal management services. We refer you to the following:

- City of Stirling (WA) Animal Care Facility¹
- Wyong Shire Council (NSW) Animal Care Facility²
- City of Stonnington Animal Pound & City of Boroondara Council Pound (operated by Save-a-Dog Scheme Inc.)
- City of Greater Geelong Pound (operated by Geelong Animal Welfare Society).

These councils have managed to reduce the killing of their community's healthy and treatable dogs to an absolute minimum and to make significant progress in reducing the killing of healthy and treatable cats. It is generally accepted that around 90% of impounded

¹ "Is this Australia's best local council pound?" 12 April 2013

<http://www.savingpets.com.au/2013/04/is-this-australias-best-local-council-pound/>

² "The Council that wants to save every animal". 6 June 2010

<http://www.smh.com.au/environment/animals/the-council-that-wants-to-save-every-animal-20100605-xlr5.html>

PO Box 21164 • Little Lonsdale Street • Melbourne VIC 8011

E: poundreformaustralia@gmail.com

POUND REFORM ALLIANCE

AUSTRALIA INC.

animals can be saved³ with the implementation of strategies that focus on increasing reunions between owners and their (wanted) animals, and increasing the rehoming of (unwanted) homeless animals.

We congratulate you on your 84Y agreements with Save-a-Dog Scheme and Forever Friends Animal Rescue, and note you plan to establish additional agreements with animal welfare groups. We also are very pleased to see in your action plan a target of a live release rate of 85% for all impounded animals.

We also commend your current and planned activities to ensure owners are reunited with lost pets and to prevent animals from entering the pound system, namely:

- promoting benefits of desexing
- promoting benefits of puppy school and obedience training
- maintaining an impounded pet register on the Council website
- offering a discounted microchipping program
- providing education on correct pet selection
- use of social media to promote animals for adoption.

however we believe there is scope for further efforts in this area.

Latrobe euthanasia figures

We have examined the euthanasia figures for Latrobe's unclaimed pets. In order to obtain a more accurate reflection of the effort a pound has made to rehome animals, we calculate the euthanasia figures as a percentage of unclaimed animals (as opposed to a percentage of impounds).

Table 1: Percentage of Latrobe's unclaimed dogs and cats euthanased 2011-12

YEAR	% DOGS	% CATS
2011-12	42.7%	87.6%

We regard these figures as unacceptable, however we note that you have acknowledged that these figures are too high (p 20).

³ Approximately 10% of impounded animals may be unsuitable for rehoming due to untreatable behavioural or health problems.

POUND REFORM ALLIANCE

AUSTRALIA INC.

Desexing

We note that pets must be desexed in order to be registered in Latrobe for the first time and that both cat and dog registrations in Latrobe declined significantly when the mandatory desexing was introduced in 2008. There is no credible evidence to our knowledge that demonstrates a statistically significant reduction in impoundments or euthanasia rates as a result of the implementation of mandatory desexing.⁴ In addition it has no impact on semi-owned, stray and feral animals.⁵ The only method that has demonstrated long-term efficacy is the voluntary desexing of owned pets.⁶ Perhaps Council might consider incorporating subsidised low-cost desexing into its program of activities to complement the work it does promoting the benefits of desexing.

Free-roaming and feral cats

We believe there is an incompatibility between providing cages to residents for trapping cats,⁷ under section 7.3 'Animal Nuisance Complaints' and the requirement under DDA s68(A)(2)(c)(iv) to address high euthanasia rates. Cat trapping activities contribute substantially to the numbers of cats entering the pound and consequently high cat euthanasia rates. Also many of these cats are likely to be people's pets.

The trap-and-kill approach to managing feral and free-roaming cats is ineffective in the long-term and we recommend that Council investigate more humane ways of managing unwanted cats.

Community reference group

The issue of homeless animals is a community problem and we believe, ultimately, the solution must be a community one. We recommend that Latrobe establish a community reference group on domestic animal matters. This will ensure ongoing community consultation and representation in Council's decision-making processes in this area in keeping with the Local Government (Best Value Principles) Act 1999 s208B(d) "A Council must develop a program of regular consultation with its community in relation to the services it provides".

Further, we believe that Council should acknowledge in its DAMP that it has a duty of care to domestic animals in the Latrobe community, and that in undertaking its statutory obligations will ensure that no healthy animal is needlessly killed and wherever possible all unwanted animals are rehomed.

⁴ American Society for Prevention of Cruelty to Animals. *Position Statement on Mandatory Spay/Neuter Laws* <http://www.aspc.org/About-Us/policy-positions/mandatory-spay-neuter-laws>

⁵ Australian Veterinary Association. *Policy 6.8 Desexing companion animals.*

<http://www.ava.com.au/policy/68-desexing-surgical-sterilisation-companion-animals>

⁶ American Society for Prevention of Cruelty to Animals. *Position Statement on Mandatory*

Spay/Neuter Laws <http://www.aspc.org/About-Us/policy-positions/mandatory-spay-neuter-laws>

⁷ City of Latrobe. *Draft Domestic Animal Management Plan 2013-17*, p.14 and p30

PO Box 21164 • Little Lonsdale Street • Melbourne VIC 8011

E: poundreformaustralia@gmail.com

POUND REFORM ALLIANCE
AUSTRALIA INC.

If you require further information about any of these recommendations, please do not hesitate to contact us at poundreformaustralia@gmail.com.

Yours sincerely

Tarsha Andrews
President
Pound Reform Alliance Australia Inc.

PO Box 21164 • Little Lonsdale Street • Melbourne VIC 8011

E: poundreformaustralia@gmail.com

9.2 O'HARAS ROAD, HAZELWOOD PROPOSED SPECIAL CHARGE SCHEME

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to seek Councils approval to declare a Special Charge Scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood.

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 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 – 2017

Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.

Support and advocate for integrated transport solutions that improve accessibility to and within Latrobe City.

Promote and support private and public sector investment in the development of key infrastructure within the municipality.

Ensure public infrastructure is maintained in accordance with community aspirations.

Shaping Our Future

An active connected and caring community
supporting all.

Legislation

Local Government Act 1989
Provides Council with powers to implement a Special Charge Scheme.

Contributory Scheme Policy 11 POL-3
Sealing of Rural Unsealed Roads Policy 11 POL-4

BACKGROUND

O'Haras Road, Hazelwood is an unsealed rural local road servicing rural living properties and used by milk trucks, cattle trucks, semi's, grain trucks and metal trucks. This road is currently maintained by Council in accordance with the Road Management Plan, and is detailed in attachment 1.

Appendix A of the Sealing of Rural Unsealed Roads Policy (attachment 2) outlines a clear process as to how to progress a request to seal a rural unsealed road.

The section of road proposed to be sealed will run the length of O'Haras Road, starting from Yinnar Road (refer attachment 1).

In February 2012, an enquiry was received from a property owner in relation to having O'Haras Road sealed.

On 23 April 2012 letters and feedback forms were sent to 4 property owners in O'Haras Road who would derive benefit from the road being sealed, and would be required to make a contribution to the works.

The responses to the feedback forms were as follows:

Responses		
For	Against	No Reply
3	1	N/A

Responses attached (attachment 3).

As the majority of property owners indicated support to contribute to a Special Charge Scheme to seal O'Haras Road, Hazelwood, a meeting of property owners was held on 12 December 2012 to progress this matter.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

At its ordinary meeting held on 22 April 2013 Council resolved

1. *That in accordance with section 163 of the Local Government Act 1989:*
 - a. *Council declares its intentions to levy a Special Charge Scheme at the Ordinary Council Meeting on 22 April 2013 for funding expenses for the construction of a sealed roadway in O'Haras Road, Hazelwood; and*
 - b. *Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and*
 - c. *Council notifies persons liable to pay the \$5000 special charge by sending a notice.*
2. *That Council, in accordance with section 223 of the Local Government Act 1989 consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal O'Haras Road, Hazelwood at the Ordinary Council Meeting on 3 June 2013*

At its 3 June 2013 Ordinary Meeting, Council resolved the following:

1. *That Council, in accordance with section 223 of the Local Government Act 1989 consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal O'Haras Road, Hazelwood at the Ordinary Council Meeting on 5 August 2013.*

Council has complied with Section 163(1A) of the *Local Government Act 1989*, by giving Notice of Intention to declare a Special Charge Scheme and publishing a public notice in the Latrobe Valley Express.

The owners who will be liable to contribute to the Scheme were notified in writing and invited to make submissions in accordance with the provisions of Section 163A of the Act.

ISSUES

Two Council policies are applicable to this matter. These policies are Sealing of Rural Unsealed Roads Policy and the Contributory Scheme Policy.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

The Contributory Scheme Policy requires that prior to the implementation of a Special Charge Scheme under Section 163 of the *Local Government Act 1989*; Council staff initiates Stage 1 of the public consultation process in accordance with Appendix 1 – Initial Consultative Process of the Contributory Scheme Policy.

The Sealing of Rural Unsealed Roads policy outlines a maximum contribution of \$5,000 per rateable property (subject to CPI annually).

The Stage 1 public consultation process commenced on 12 December 2012 with a meeting of property owners chaired by the South Ward Councillor, Cr Darrell White.

This meeting of property owners was attended by 6 people representing 4 property owners.

Property owners of A21 (Mr & Mrs Bryan) queried why they would be required to contribute, as their property access is from Yinnar road, and the property is unable to be subdivided. On further investigation with the Planning Division, it was determined that the property cannot be subdivided, and the property owners will gain no benefit at all from O'Haras Road being sealed. The property owners have been advised that they will be excluded from any future consultation.

There is now a total of 3 rateable properties that are eligible to be included in this Special Charge Scheme, pending Council approval.

The meeting discussed a number of issues including the process to prepare a Special Charge Scheme, the design concept plan/design standards, timelines and the next steps in the process. A copy of the meeting notes is included as attachment 4 to this report.

The concept design presented at the meeting provided for a 5.5 metre wide seal on a 6.5 metre wide pavement with curve widening as appropriate. A copy of the plan is included in attachment 1.

If Council agrees to commence Stage 2 of the consultative process there will be an opportunity for property owners who wish to object to the proposed Special Charge Scheme to make a submission to Council for consideration.

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 detailed design and cost estimate to seal O'Haras Road, Hazelwood is approximately \$165,000.

The total maximum contribution from the property owners would be \$15,000, with Council's contribution \$150,000.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

Council has established a reserve to assist in the funding of sealing of rural unsealed roads. There is \$1.27M in this reserve which is available for Council to allocate funds to this and future projects.

The Sealing of Rural Unsealed Roads policy includes evaluation criteria to assist in the prioritisation of approved Special Charge Scheme projects. There are several evaluation criteria which determine project priority, including:

- Traffic volumes
- Safety considerations
- Owner contribution
- Number of properties to benefit

This would be implemented if further roads are approved resulting in Councils contribution exceeding the available budget.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

There has been a range of community consultation activities completed in preparation for this report, including letters, feedback forms and a community meeting.

A notice of intention to declare a Special Charge Scheme was advertised in the Latrobe Valley Express on 20 May 2013 and asked for submissions on the proposed scheme to be submitted by 20 June 2013.

The owners who will be liable to contribute to the Scheme were notified in writing on 14 May 2013 and invited to make submissions in accordance with the provisions of Section 163A of the Act.

Details of Community Consultation / Results of Engagement:

No submissions were received during the advertised period.

OPTIONS

The following options are available to Council:

1. Declare a Special Charge Scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood.
2. Not declare a Special Charge Scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

3. Seek additional information relating to the Special Charge Scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood.

CONCLUSION

Council has complied with the statutory requirements of the Local Government Act 1989 for the preparation of the proposed Special Charge Scheme for the construction of O'Haras Road, Hazelwood.

There have been a range of engagement activities throughout the preparation of this Special Charge Scheme and the funds collected from the Scheme would be used to defray the costs associated with the sealing of O'Haras Road, Hazelwood.

Attachments

1. Attachment 1 - Plan of O'Haras Road
2. Attachment 2 - Appendix A
3. Attachment 3 - Property Owner Responses March 2010
4. Attachment 4 - Property Owner Meeting Notes - 12 December 2012
5. Attachment 5 - Summary of comments on feedback forms following comm mtg

RECOMMENDATION

1. That Council declares a Special Charge Scheme under S163 of the Local Government Act 1989 for the following properties within the area of land in O'Haras Road, Hazelwood.

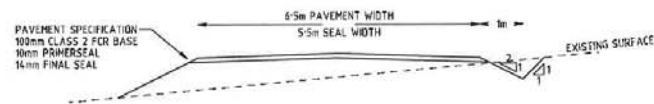
45 O'Haras Road	L 4 LP 75622
53 O'Haras Road	L 5 LP 75622
80 O'Haras Road	CA A2, CA A3A, CA B1, CA Pt A3, CA A11 TP 350983, L 1 TP 389670, L 2 TP 389670, L 3 TP 389670, L 1 TP 670902

2. That each allotment be liable for one apportionment unit valued at \$5,000 and the total amount to be recovered from the Special Charge Scheme is \$15,000.
3. That the funds received from the Special Charge Scheme be used to defray the cost associated with the construction of O'Haras Road, Hazelwood.
4. That payment be requested following completion of the sealing works in O'Haras Road, Hazelwood and the scheme remain in force until all costs of the scheme be received.
5. That all property owners in O'Haras Road, Hazelwood be notified in writing of Council's decision to declare a Special Charge Scheme for the sealing of O'Hara's Road, Hazelwood.

9.2


O'Haras Road, Hazelwood proposed Special Charge Scheme

1	Attachment 1 - Plan of O'Haras Road	107
2	Attachment 2 - Appendix A	109
3	Attachment 3 - Property Owner Responses March 2010	111
4	Attachment 4 - Property Owner Meeting Notes - 12 December 2012	117
5	Attachment 5 - Summary of comments on feedback forms following comm mtg.....	121



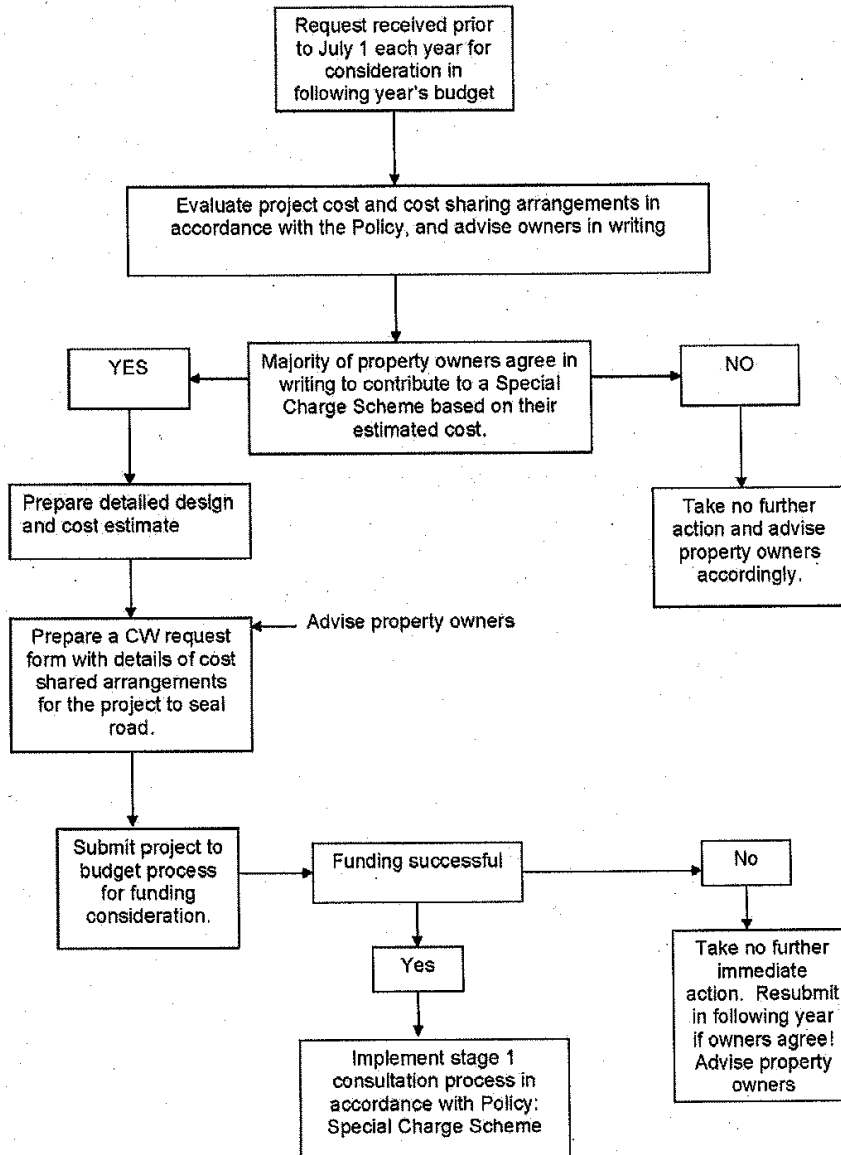
TYPICAL SECTION
 RURAL ACCESS ROAD

CONCEPT

	REFERENCES Survey No. 10762 Land Use Plan No.	CONSULTANTS CERTIFICATION DATE CITY AUTHORIZATION DATE	Latrobe City O'HARAS ROAD, HAZELWOOD OFF YINNAR ROAD SEALING OF GRAVEL ROAD	DRAWING No. RS10370/01
	DRAWN: LJ NELSON CHECKED:	ISSUE NO. 11/12/2012	SHEET A OF	

Appendix A

**COUNCIL POLICY SEALING OF UNSEALED RURAL ROADS
PROCESS CHART/PROCEDURE**



789154

Feedback Form

Our Ref: SCS 2012/2

Mr G E O'Hara

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
08 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accor.



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

PRESENTLY :- WINTER - WET & SLIPPERY
:- SUMMER - CORRUGATION
& DUST.

(Use other side if insufficient space)

Property Address: 80 OHARAS ROAD

Signed: *[Signature]* Date: 6-5-12

Name (please print): GRAEME OHARA

Please return your completed form to Latrobe City Council by 21 May 2012.

785097

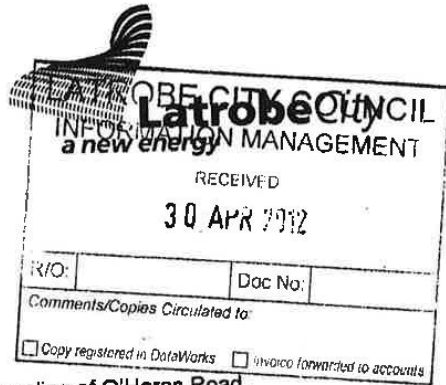
Feedback Form

Our Ref: SCS 2012/2

Mr P T Rennie & Mrs S N Rennie

Returning Officer: Sarah Duncan

Dear Resident/Owner



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

- 1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

VERY HAPPY TO PROCEED

(Use other side if insufficient space)

Property Address: 53 O'HARAS ROAD YINNAM

Signed: Date: 27/4/2012

Name (please print): PETER THOMAS RENNIE

Please return your completed form to Latrobe City Council by 21 May 2012.

793576

Feedback Form

Our Ref: SCS 2012/2

Mr D A Forys & Mrs L K Forys

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
17 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accounts



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

- 1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

Option 2 payments (ie installments)

(Use other side if insufficient space)

Property Address: 45 O'HARAS ROAD, HAZELWOOD

Signed: [Signature] Date: 10/5/12

Name (please print): DAVID A. FORYS

Please return your completed form to Latrobe City Council by 21 May 2012.

791162

Feedback Form

Our Ref: SCS 2012/2

Ms F D Bryan

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
14 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accounts



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

1. I ~~agree~~/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

Sealing of O'Haras Road is of no benefit whatsoever to us at 533 Yinnar Road. There is no access at all to our property from O'Haras Road - i.e. no gates or driveways. We are not affected by noise or dust. Entry to our property is off Yinnar Rd, via an

(Use other side if insufficient space)

Property Address: 533 Yinnar Road

Signed: F Bryan Date: 12/5/12

Name (please print): FAYE BRYAN

Please return your completed form to Latrobe City Council by 21 May 2012.

791162

unmade service track at the extreme northern end of the property and has been for over 100 years.

Sealing of the road seems to be an overkill as the road services only 3 properties, not 4 as per your proposal.

Sealing of the road would mainly benefit the dairy farm which has instigated this proposal.

This is an adequate road for normal traffic - i.e. passenger vehicles. The only damage that would be caused is from milk tankers and grain trucks which service only the dairy farm.

Proposed Sealing of O'Haras Road, Hazelwood

Wednesday, 12 December 2012
7.00pm
Latrobe City Council Headquarters, Morwell

Meeting Notes

Attendees: Cr Darrell White (Chair), Damian Blackford, Neil Churton, Carol Stokes (Latrobe City Council), Arthur Bryan, Faye Bryan, David Forsy, Laberta Forsy, Peter Rennie, Graeme O'Hara

Apologies: NIL

1. Welcome and introduction

Welcome comments and introductions were made by Cr Darrell White.

2. Sealing of Unsealed Rural Roads and Contributory Scheme Policies

The policy documents were discussed including:

- Stages of the Special Charge Scheme;
- Evaluation criteria;
- Council process, and
- Time lines

The results of the initial Feedback Form were as follows:

Number of properties affected	Responses		
	For	Against	No reply
4	3	1	N/A

As majority agreed to participate we have moved to this meeting which is Stage 1 – Initial Consultative Process.

3. Contributions

Concept : Attached is an aerial photo showing the extent of the road to be considered under this scheme.

Cost estimate: Details of the estimated cost to seal O'Haras Road were presented as follows:

\$165,000 estimated cost to seal O'Haras Road
\$ 20,000 owner's contribution (4 rateable properties x \$5,000 each)
\$145,000 Latrobe City Council contribution

These estimates include widening where required, building the road base and sealing. The owner's contribution is \$5,000 (which is subject to CPI) and will not increase, regardless of what the confirmed actual costs are.

4. Next Steps

1. Property Owners will receive another Feedback Form to formally indicate their support for a Special Charge Scheme, after receiving and reviewing the proposal.
2. If a clear majority are still willing to contribute to a Special Charge Scheme, concept plans will be displayed at Council offices for a period of 2 weeks.
(If there is no longer a clear majority in support of a Special Charge Scheme, the Scheme will not proceed, and property owners will be advised accordingly.)
3. If supported, the scheme is then referred to Council for consideration and referral to the Capital Works Program.

5. General discussion/questions

The following comments were expressed by the residents at this meeting:

- Residents in attendance indicated a strong need for the road to be sealed due to dust and safety issues.
- Dust on pastures is causing damage.
- The road is used daily by milk trucks, cattle trucks, semi's, grain trucks & metal trucks
- Q. Is the road proposed to be constructed suitable to carry the abovementioned trucks?
A. The road will be constructed to cater to the existing traffic requirements, and will be maintained by Council as is the current practice.
- Q. Will the seal extend into the driveways of properties?
A. No. Rural roads are not sealed into property driveways.
- Q. Property owners of A21 (Mr & Mrs O'Bryan) queried why they would be required to contribute - their property access is from Yinnar Road, and the property is unable to be subdivided.
A. On further investigation with the Planning Division, it was determined that the property cannot be subdivided, and the property owners will gain no benefit at all from O'Haras Road being sealed. A letter will be sent to the property owners confirming that they will be excluded from any future consultation, and as a result there will now be 3 properties to be included in the proposed special charge scheme:

\$165,000 estimated cost to seal O'Haras Road
\$ 15,000 owner's contribution (3 rateable properties x \$5,000 each)
\$150,000 Latrobe City Council contribution

The meeting was closed by Cr Darrell White at 7.25pm

Frequently Asked Questions

Who will maintain the road once it is sealed?

All roads sealed under the Special Charge Scheme will be maintained by Latrobe City Council.

Are there payment options?

Yes, two options:

Option 1 - Lump Sum; one off payment

Option 2 - 20 equal quarterly instalments over a 5 yr period
(Current interest rate will apply)

What impact will the sealed road have on my rates?

The impact on rates is an estimated \$4.30 per \$1,000 that the sealed road increases the property price by.

Example: the sealing of the unsealed road increased the property value by \$5,000; this would mean that the rate increase would be around \$21.50.

To what standard will the road be sealed?

The road standard depends on the current zoning of the property and the description of the road under the road hierarchy.

Rural Zone - Local Road—Typically 5.5m seal on a 6.5m wide pavement, earth formed drainage.

Rural Zone - Collector Road – Typically 7m seal on a 8m wide pavement earth formed drainage.

LDR Zone - Local Road—Typically 5.5m seal on a 6.5m wide pavement with piped and earth formed drainage.

LDR Zone - Collector Road – Typically 7m seal on a 8m wide pavement with piped and earth formed drainage.

Residential – Minor –5m pavement between kerb & channel on both sides

Residential – Major –7m pavement between kerb & channel on both sides

****NOTE: These are typical descriptions only; each road, during the detailed design, is reviewed and local issues are taken into account.**

How are the projects evaluated and considered for funding

Projects that have 60% or greater support will be given priority; when there is more than 1 project with this priority the assessment table in the Sealing of Rural Unsealed roads Policy will be used. Criteria that is considered when evaluating each project is:

- Traffic Volumes
- Strategic significance
- Maintenance Considerations
- Safety considerations
- Resident contributions
- Number of houses
- Distance of houses to road
- Domestic water supply
- Owner/occupier concerns

Proposed Special Charge Scheme to seal O'Haras Road, Hazelwood***Summary of comments on Feedback Forms – Letters sent 19/12/12****Responses collated 23/01/13*

Number of properties affected	Responses		
	For	Against	No reply
3	3		N/A

For

Property	Name & Address	Comments
45 O'Haras	David Forys	We have an extensive vegetable garden, berry patch and orchard. The dust negatively impacts quality and food hygiene of the produce.
53 O'Haras	Peter Rennie	Happy to proceed
80 O'Haras	Graeme O'Hara	Food producing access farm road. High dust component in dry conditions settling on pastures. Corrugated and slippery during wet conditions.

Against

Property	Name & Address	Comments

CORRESPONDENCE

10. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

Nil reports

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14.1 TRARALGON TO MORWELL SHARED PATHWAY FEASIBILITY STUDY - ISSUES AND OPPORTUNITIES REPORT

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to present to Council the Issues and Opportunities report for the Traralgon to Morwell Shared Pathway Feasibility Study and seek its release for community consultation.

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 2013 - 2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Recreation

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.

Strategic Objectives – Built Natural Environment

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Affordable and sustainable facilities, services and recreation

Strategic Directions:

Promote and support more involvement of children in active recreation and sport.

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Develop and maintain community infrastructure that meets the needs of our community.

Promote and support opportunities for people to enhance their health and wellbeing.

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

Improve and link bicycle paths, footpaths and rail trail networks to encourage physical activity and promote liveability.

Enhance and develop the physical amenity and visual appearance of Latrobe City.

Continue to maintain and improve access to Latrobe City's parks , reserves and open spaces.

Strategy & Plans – Recreation

Recreation and Leisure Strategy

Bicycle Plan

Public Open Space Strategy

BACKGROUND

The Traralgon to Morwell Shared Pathways feasibility study commenced in October 2011.

In January 2012, initial community engagement commenced with key government and external stakeholders including:

- Traralgon and Morwell Peddlers (TRAMPS)
- Department of Sustainability and Environment (DSE)
- VicRoads
- VicTrack
- Australian Paper
- Hancocks Plantations Victoria

Following the initial consultation in January 2012, the Traralgon to Morwell Shared Pathway Feasibility Study draft Issues and Opportunities Paper was developed and highlighted:

- Project aim;
- Project objectives
- Traralgon/Morwell community profile;
- Benefits of shared pathways and Council's role;

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- A strategic review of previous strategic projects;
- Proposed route issues & opportunities;
- The likely or proposed route.

The draft Issues and Opportunities paper identified a number of possible routes for the shared pathway. These were:

- Old Melbourne Road alignment
- Princes Freeway alignment
- Coopers Road alignment

The preferred or likely route was identified as the Old Melbourne Road alignment.

On 9 February 2012, Council officers and the project consultant met with the Department of Environment and Primary Industry (formerly DSE) to discuss the preferred route option (Old Melbourne Road) for the Traralgon to Morwell Shared Pathway Feasibility Study.

DSE staff provided detailed information about the status of biodiversity on the preferred route and a number of other options for the shared pathway, including the Princes Freeway alignment. DEPI highlighted the bioregion status of biodiversity (including native vegetation) within the study area (Attachment 1). The map highlights the biodiversity on both the Old Melbourne Road alignment and the Princes Freeway alignment as endangered. DSE advised that Council would be required to undertake a preliminary biodiversity assessment of the Old Melbourne Road alignment.

Advice received from the DEPI is that approval for a shared pathway that incorporates a route along Old Melbourne Road, between Regan's Road and Airfield Road may not be supported and if supported would incur large offset costs for the removal or impact to high value native vegetation.

Native vegetation means plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses as defined in Clause 72 of planning schemes. The Native Vegetation Management: a Framework for action (the framework) was released in 2002. It was developed to implement the objectives of Victoria's Biodiversity Strategy and Australia's Biodiversity Conservation Strategy 2010 – 2030.

The "framework" is the State Government's strategy to protect, enhance and revegetate Victoria's native vegetation. The Framework's main goal is to achieve a reversal, across the entire landscape of the long term decline in the extent and quality of native vegetation, leading to a net gain. Net gain is where overall gains in native vegetation are greater than overall losses and where individual losses are avoided where possible.

The Native Vegetation framework sets out a three step approach. The three steps are:

1. **Avoid** adverse impact, particularly through native vegetation removal. If impacts cannot be avoided,
2. **Minimise** through appropriate planning and design.

3. Identify appropriate **offset options.**

Planning and responsible authorities (Latrobe City Council) must have regard to the Framework when considering proposals involving native vegetation, including deciding offsets.

Native vegetation offsets for the Old Melbourne Road route which included the Airfield Road to Regan Road area would require significant financial investment if native vegetation was removed or impacted in the construction of a shared pathway with the associated infrastructure such as bridges, culverts and boardwalks. Depending on what sort of vegetation is removed and how much would inform what costs Council would incur, but it could be realistically be in the hundreds of thousands of dollars on top of the construction costs.

In March 2012, Council engaged an ecological consultant to undertake the preliminary biodiversity assessment of the study area. The preliminary report indicated "Current 'likely route' (Old Melbourne Road, between Airfield Rd and Regan Rd) will impact on significant amounts of native vegetation and potential threatened flora and fauna habitat in this section."

The preliminary report recommended that a deviation to the proposed alignment should be explored and then assessed. This deviation included:

- Realignment of the shared pathway inside the Latrobe Regional Airport
- Realigning the shared pathway from between Airfield Road and Regan Road to an alignment through Easterly Drive and Beau Vista Drive.

In May 2012, Council engaged an ecological consultant to undertake a detailed ecological assessment for the route proposed in the preliminary biodiversity report which included the entire 8 kilometres between Alexanders Road Morwell to Kay Street Traralgon, including Easterly Drive, Beau Vista Drive and Regan Road alignments.

In the conclusion and recommendations from this ecological assessment, the consultant has indicated that:

The route of the shared path was designed based on the recommendations made in the preliminary biodiversity survey (Dwyer, 2012). This process resulted in the 2.78 kilometres of Plains Grassy Woodland along Old Melbourne Road of very high conservation significance and several patches of Swamp Scrub of high conservation significance being avoided.

After this process, three small patches of Plains Grassy Woodland and one habitat zone of Swamp Scrub remained to be impacted upon. Further on site consultation determined that two of these habitat zones could be avoided by using an existing power line easement, and one could be minimised leaving only 880 m² of vegetation in two habitat zones remaining to be impacted upon. This also removed any impacts on threatened fauna (Eastern Dwarf Galaxia and Growling Grass Frog)

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provided sufficient construction controls are implemented to avoid impacts on Boyd's Creek and other dams and streams adjacent to the path (see Appendix 5).

It was determined that the native vegetation losses for the shared path would be 0.03 Hha of EVC 55: Plains Grassy Woodland and are of high conservation significance. The required offsets would need to be of high conservation significance and represent the remaining 50% of habitat for the Matted Flax-lily. A maximum of 25% of the offset target is able to be achieved through revegetation.

Due to the high conservation significance of vegetation proposed to be removed, an Offset Management Plan must be approved and implemented within one year of removal of native vegetation under this proposal.

ISSUES

Following the finalisation of the biodiversity and ecological assessment (Attachment 1) in December 2012, Council officers presented the preferred or likely route of the shared pathway to a Councillor workshop in February 2013.

An agreed outcome of this workshop was that officers engage and consult with the key stakeholders identified for the project and all affected landowners on the proposed route. The intent was to consult with the key agency and landowner stakeholders before releasing the Issues and Opportunities paper (Attachment 2) for wider community consultation.

To this end, officers have now finalised their consultation with the following key agency and larger landowner stakeholders:

- VicRoads
- Department of Environment and Primary Industry (formerly DSE)
- Australian Paper
- Latrobe Regional Airport Board
- Bicycle Victoria
- Hancocks Victoria Plantations

The feedback received from these key stakeholders in relation to the proposed pathway route has been extremely positive, and there have been no barriers identified that would prevent design of the pathway proceeding.

Latrobe City Council has engaged with Australian Paper, specifically about access across their private spur line (train line) along Alexanders Road in Morwell. Australian Paper advice has been that they have no objection to the shared pathway crossing across the spur line at the road reserve opposite Crinigan Road in Morwell.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

Council officers have sent letters to the affected landowners on the proposed shared pathway route. All landowners were encouraged to contact Council officers to talk about the project. Letters have been sent to 29 landowners explaining the background to the project, providing some information about the investigation into the proposed route and the proposed impact that the shared pathway route would have on their particular property.

Twenty eight of the landowners contacted will have a driveway cross-over, which will not have any direct impact on their property as works would be undertaken in the road reserve.

Council as the land manager has the authority to construct infrastructure in Council owned/managed road reserves and no consent from adjoining land owners is required.

Council officers have received feedback from two of these landowners to the effect that they are opposed to the construction of a shared pathway outside their properties. Both landowners have been encouraged to provide their feedback in writing and one has since done this.

Two letters have been sent to landowners, whose land Council requires access (via acquisition) to link the Easterly Drive and Beau Vista alignment. Attachment 2 shows both affected properties. One landowner has contacted and provided advice via telephone that he objects to the construction of a pathway through his property on the basis that it adversely affects his privacy. The other key land owner has been unable to be contacted in relation to this matter however officers are actively pursuing further discussions.

Section 187 of the *Local Government Act 1989* provides Council with the power to purchase or compulsorily acquire land which may be required for a public purpose subject to the provisions of the *Land Acquisition and Compensation Act 1986*. These provisions provide a number of preliminary steps to be complied with prior to an acquisition of land taking place.

This can be accomplished either by agreement between both parties or via the compulsory acquisition process whereby Council would need to undertake a specific consultation process with only affected land owner/s and it would also be necessary for fair and reasonable compensation to be paid for the land in accordance with the legislation. At this stage we have not undertaken a detailed analysis of any costs that would be incurred or what compensation may be payable.

Council officers will continue to liaise and negotiate with key landowners; however it is necessary to acquire a portion of land, approximately 20 metres x 6 metres to provide access for the shared pathway if the current proposed route is pursued.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

The proposed route (Attachment 3) for the Traralgon to Morwell Shared Pathway has been selected as the most viable and cost effective option for a pathway between Traralgon and Morwell.

The proposed pathway route is consistent with the draft Traralgon West Structure Plan (2012) developed as part of the Traralgon Growth Areas Review. The draft Traralgon West Structure Plan highlights opportunities for cycle and pedestrian linkages with the precinct.

A thorough biodiversity and ecological investigation has been undertaken to assess the biodiversity on the proposed route (Attachment 3) which has concluded that there would be very minimal (\$5,000) native vegetation offsets, which could be included as part of a weed management plan for the proposed pathway.

In June 2013, Council officers met with the Department of Environment & Primary Industry to provide an update on the status of the feasibility study.

The original route options along the entire extent of Old Melbourne Road for the shared pathway were discussed and the original alignment including the Airfield Road to Regan Road area was raised. The Department of Environment and Primary Industry (DEPI) advised that the area has been identified as having very high and high value native vegetation. DEPI advised that the Native Vegetation Framework provided advice to first avoid, then minimise and then offset if native vegetation was to be removed or impacted.

It was DEPI's advice that although the Airfield Road to Regan Road alignment had very high native vegetation, a shared pathway could still be constructed in the road reserve. However a biodiversity assessment would have to be undertaken, similar to that already done for the proposed alignment through Easterly Drive/Beau Vista Rd to determine the least impact on native vegetation and determine values of affected native vegetation to determine the appropriate offsets. This would still be a very costly measure, far more than the proposed offset for Easterly Drive/Beau Vista Road.

If offsets were to be required for the Airfield Road to Regan Road alignment, it may be possible to have those offsets in Council owned reserves such as Crinigan Road Bushland Reserve, however the biodiversity assessment would need to be completed, prior to a decision being made about the feasibility of this option.

A detailed biodiversity assessment of the Old Melbourne Road alignment that includes the Airfield Road to Regan Road area has not been undertaken. A quote for this additional work indicates that the cost would be further \$14,000 for the consultant to undertake a preliminary design for a shared pathway, determining the best route options for the avoidance of High or Very High value flora. Further investigation would be required to determine the cost of impacts or removal of very high and high native vegetation and if required, the cost of bridges, culverts and board works. A biodiversity assessment needs to be undertaken during Spring (September) and usually takes approximately 4 – 5 months.

Several options for a shared pathway route between Traralgon and Morwell have been analysed in detail in the Issues and Opportunities paper to ascertain a 'feasible route' to move forward with into a more detailed design and cost estimation phase.

The key criteria assessment work undertaken to date has informed the project to the extent that a number of pathway options have been ruled out. The ecological assessment that has been completed has provided a clear option for a future pathway.

It is clear that a safe, off road link can be achieved that connects into the existing walking and cycling networks of Traralgon and Morwell and will achieve significant benefits for each community.

The proposed alignment of the Traralgon to Morwell Shared Pathway, through Easterly Drive and Beau Vista Road provides for a safe, accessible and achievable shared pathway for the Latrobe City and has been identified as the most feasible route in the Issues and Opportunities Paper.

The Issues and Opportunities Paper and the proposed alignment for the shared pathway now needs to be tested with the broader communities of Traralgon and Morwell, to see how people will use the pathway.

In the event that the proposed route for the shared pathway is not adopted by Council, further investigation into the feasibility of the Airfield Road to Regan Road alignment can be undertaken as previously indicated in this report.

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.

This project is addressing the risk to local cyclists and runners. Identifying a dedicated off-road shared pathway will provide a safe transport and recreation infrastructure for these users.

If further investigation is required into the biodiversity along Airfield Road and Regan Road, then an additional \$14,000 will be required to the project budget for a detailed biodiversity assessment.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Key stakeholders and large landowners have been consulted about the Traralgon to Morwell Shared Pathway Feasibility study. Council officers have met or telephoned the larger landowners, including VicRoads, Department of Environment and Primary Industry, Hancocks Victoria Plantations, Australian Paper and the Latrobe Regional Airport Board.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

Letters have been sent to all landowners in Easterly Drive, Beau Vista Road, Regan Road and Old Melbourne Road that may be affected by the proposed shared pathway.

Details of Community Consultation / Results of Engagement:

Council officers have consulted and engaged with key employment and large landowners on the proposed route for the shared pathway. These included:

- VicRoads
- Department of Sustainability & Environment
- Australian Paper
- Latrobe Regional Airport Board
- Bicycle Victoria
- Hancocks Victoria Plantations

Letters to 29 key stakeholders, containing information about the proposed alignment through Beau Vista Rd and Easterly Drive have been sent to residents who may be affected by a driveway crossover.

Letters have been sent to impacted properties, whose portion of land may be required to allow the shared pathway to continue from Easterly Drive through to Beau Vista Drive in Traralgon.

The following community engagement activities have been scheduled to commence when the Issues and Opportunities report is released for community consultation:

Date	Activity	Where
7 Aug 2013 – 21 Sep 2013	Online Community Survey	www.latrobe.vic.gov.au
7 Aug 2013 – 21 Sep 2013	One on One meetings with any interested community members or stakeholders	Latrobe City Council Service Centres
7 Aug 2013 – 21 Sep 2013	Submissions – Interested community members may provide a written submission by mail or email.	Posted or emailed to Latrobe City Council
7 August 2013	Letters to be sent to all previously identified stakeholders and persons of interest.	Personal letters
8 Aug 2013 – 21 Sep 2013	Advertise community survey and listening posts in Latrobe Valley Express Council Notice Board every Monday and Thursday for a period of 6 weeks	Latrobe Valley Express
Week Beginning 2	Listening Post & display	Traralgon – Stockland Plaza

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

September 2013		
Week beginning 2 September 2013	Listening Post & display	Morwell – Mid Valley Shopping Centre

OPTIONS

Council has the following options in respect to this proposal:

1. Release the Issues and Opportunities paper for community consultation.
2. Not release the Issues and Opportunities paper for community consultation until such time as the investigation into the Airfield Road and Regan Road alignment is assessed.
3. Abort the project and not pursue the Traralgon to Morwell Shared Pathway.

CONCLUSION

The Traralgon to Morwell Shared Pathway Feasibility study has identified a feasible, accessible and cost effective shared pathway alignment from Morwell to Traralgon.

Key stakeholders along the proposed alignment have been consulted. The proposal needs to be tested with the broader Latrobe City community to understand who will use it, how they will use it and when they will use it.

Attachments

1. Attachment - Issues & Opportunities report
2. Attachment - Biodiversity report
3. Attachment - Proposed route

RECOMMENDATION

- 1. That Council releases the Traralgon to Morwell Shared Pathway Issues and Opportunities Paper for community consultation for a period of 6 weeks, from Wednesday 7 August 2013 to Friday 21 September 2013.**
- 2. That a further report be presented to Council following the completion of the consultation period.**

14.1

Traralgon to Morwell Shared Pathway Feasibility Study - Issues and Opportunities report

- 1 Attachment Issues & Opportunities report..... 153
- 2 Attachment Biodiversity report 163
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Morwell to Traralgon Shared Pathway Feasibility Study Latrobe City
Issues and Opportunities Report



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1. Introduction

The concept of developing a shared pathway between two of the major townships in the Latrobe City municipality has been significantly supported and driven by community interest and enthusiasm in both Traralgon and Morwell.

Traralgon and Morwell are two of the major townships in the Latrobe City municipality and combined with Churchill and Moe, make up one of the key regional centres in Victoria. The two towns account for around fifty percent of the entire population of the City of Latrobe (around 36,000).

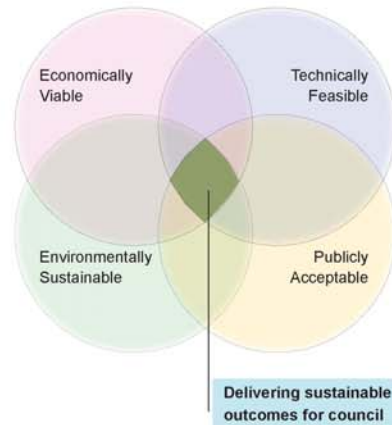
The two townships are approximately fourteen kilometres apart and provide a shared network of facilities and services that relies on strong inter-town connections.

The development of a shared pathway for walking and cycling is an important addition to community infrastructure aimed at linking residents with facilities, services and other key destinations in both towns and is also seen as a starting point in developing a strong inter-town shared pathway network between the communities that make up this key region noted as "the 'capital' of Gippsland".

This study is designed to assess the feasibility of developing a sustainable shared pathway between Morwell and Traralgon, providing specific detail on the community benefits of any proposed development, route options, detailed design, and implementation plan.

1.1 Project Aim

The aim of the study is to present a design option for a shared pathway between Traralgon and Morwell that accommodates technical, economic and environmental requirements whilst presenting an outcome that is acceptable and provides maximum benefit for the local community. In this sense, the aim is to develop a sustainable design option for the proposed shared pathway.



1.2 Project Objectives

Based on the project aim, the following key principles have been developed;

Principle 1: The shared pathway should be accessible for as many users as possible.

Principle 2: The shared pathway should be achievable for any level of walker or cyclist, gradients should be minimal and the trail surface should be of high quality.

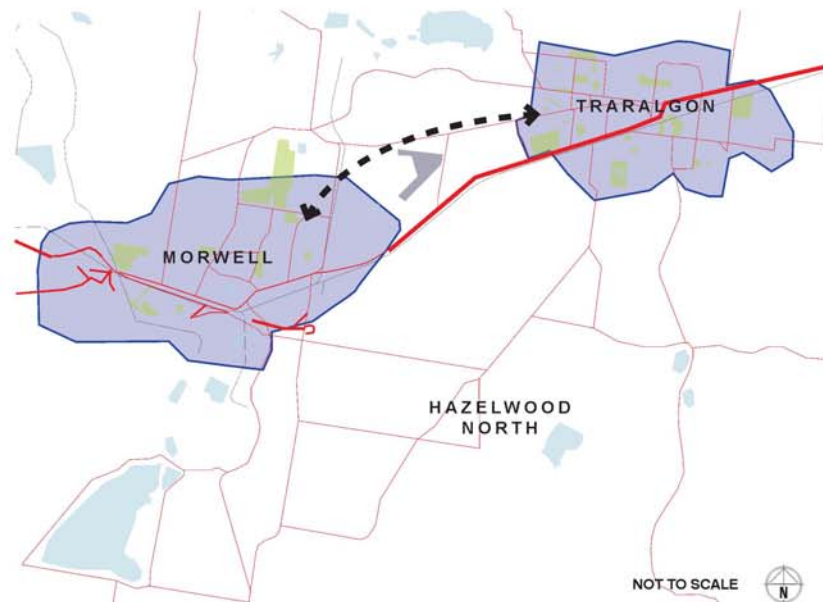
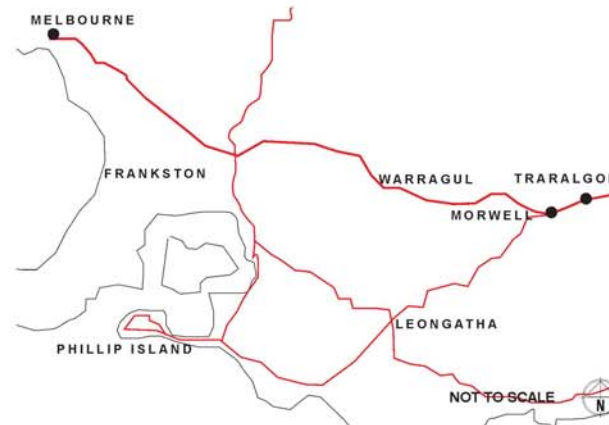
Principle 3: Road crossings or use of road sides should be kept to a minimum, with the shared pathway being ostensibly off road in nature.

Principle 4: The environment through which the shared pathway passes should create a pleasant and safe experience in itself.

Principle 5: The shared pathway should capitalise on opportunities to connect residents to key activity centres of community, shopping, employment, education and recreation.

Principle 6: The shared pathway should encourage family activity and be safe for children to navigate.

Location Plans



2. Traralgon/Morwell Community Profile

Overview

Latrobe City is a major regional centre for Gippsland, located around 100 kilometres east of Melbourne. It consists of four major towns, a number of smaller settlements and a rural hinterland. The Latrobe Planning Scheme identifies the four major towns as being part of a 'networked city' with each town performing a different role/function in the City – Moe as a service centre; Morwell as a centre for government offices and industry; Traralgon as a commercial centre; and Churchill as a university town. (MSS, Clause 21.04-2). Traralgon is the largest of the network of cities across Latrobe, followed by Moe-Newborough and Morwell.

Current Population and forecast population growth

In 2006 Latrobe had a population of 72,000, 75% of which lived in the City's four major townships; 5% whom lived in smaller townships and the remaining 20% living in rural areas.
Traralgon's population was 24,140 in 2006 and it is expected to experience the most amount of growth of all the towns/settlements in Latrobe into the future with an increase of 11,280 residents by 2031, as outlined in Table 1.
Morwell's population was 14,100 in 2006 and is expected to increase by 1,900 people by 2031.

Table 1 > Projected Population Forecasts for Morwell and Traralgon

	2006	2021	2031
Morwell	14,144	15,386	16,047
Traralgon-Traralgon East	24,143	31,246	35,425
Latrobe City	72,004	82,976	90,710

	Change 2006-2031	Avg. Annual % change
Morwell	1,903	0.5
Traralgon-Traralgon East	1,282	1.5
Latrobe City	8,706	0.9

Shared Pathway Study Implications

With the majority of population growth in Latrobe City to be concentrated in Traralgon and Morwell, there will be an increased catchment of potential users of the shared trail between the two towns. This is a compelling argument for the choice of a share path connection between Traralgon and Morwell as two key population centres within an achievable distance of one another. It should be noted that this shared pathway would effectively be viewed as the beginning of a network, to be extended as feasibility and resourcing allows. Continuation and expansion of a shared path, inter-town network would be predicated upon the success and usage of this first example and the use of two geographically adjacent, highly populated centres is the logical choice.

Age Profile

Latrobe City has a relatively young age profile with 35% of the population under 24 years and only 14% of the population over 65 years. Morwell has a slightly older demographic with a higher proportion of residents over 65 years, accounting for 17% of the population. In comparison, Traralgon has a higher proportion of younger residents, particularly those in the age bracket 0-14 years (22%) and 25-44 years (30%).

Shared Pathway Study Implications

Accessibility will be a key issue for Council and ensuring that the shared trail is planned for all ages including children, elderly, people with prams, etc is crucial. Ramps instead of steps and avoiding steep terrain will be key design considerations. There is a significant working age population in both Morwell and Traralgon which means a good pool of potential commuters.



1. Forecast I.d.
2. Percentage share from Latrobe Planning Scheme MSS 21.01
3. Latrobe City Council Residential and Rural Residential Land Assessment

Employment

Latrobe's labour force is comprised mainly of 'blue collar' workers with 62.9% of employed residents working as technicians/tradespersons, machinery operators/drivers and labourers. Morwell has a slightly higher proportion of 'blue collar' workers (65.4%) than Traralgon (62.4%). Traralgon has a higher proportion of managers and professionals than Morwell. According to the study 'Walking and Cycling: Census Analysis, 2008', there were far fewer blue collar workers in regional Victoria who walked to work in comparison to white collar workers (29% vs 71%). However for those who cycled to work, there was a close split between blue collar (51%) and white collar (49%) professionals.

Shared Pathway Study Implications

The delivery of a shared pathway should aim to provide opportunities for local residents in both Morwell and Traralgon to connect to local workplaces. Given the potential financial benefits of being able to walk or ride to work, coupled with the health benefits of regular physical activity, the shared pathway should be planned to connect with major employers in the area, if possible. Importantly, blue collar workers who generally have lower incomes and poorer health outcomes are more likely to ride to work than walk, thus the development of a shared pathway is crucial in providing infrastructure that addresses this trend and potentially delivers financial savings and health benefits to a more broadly vulnerable cohort.

2. Traralgon/Morwell Community Profile

Income and Housing Costs

Median individual and household incomes in Latrobe in 2006 were \$19,607 and \$40,602 respectively. Traralgon's median incomes are above the average for Latrobe whereas Morwell has a lower socio-economic profile of residents with median incomes below the median for the municipality. This correlates with higher median house price, loan repayment and weekly rental payment in Traralgon in comparison to the more affordable Morwell.

Areas of disadvantage

According to the SEIFA Index of Disadvantage, Latrobe City ranks 16th out of 79 LGAs in Victoria in terms of most disadvantaged. This indicates a relative disadvantage broadly across the municipality with a more specific, lower status evident in Morwell compared to Traralgon. Levels of disadvantage are linked to lower levels of education, income and health outcomes.

Shared Pathway Study Implications

Morwell provides a more affordable living alternative to Traralgon for people in Latrobe. The proximity of the two towns and the concept of a 'networked city' is advantageous in providing variation in housing markets and access to employment opportunities. The possibility of living in one town and commuting to another for work or access to services means that the importance of transport links between towns in Latrobe is heightened, particularly between Morwell and Traralgon.

The municipal level of relative disadvantage indicates that access to a network of high quality assets that encourage physical activity will be an important factor in increasing health and wellbeing outcomes. Walking and cycling are two of the most common physical activities undertaken within any age bracket and they are also relatively low cost activities. It is a logical outcome that walking and cycling assets represent an accessible opportunity for physical activity that most people can use. Importantly, the proposed shared trail will link to local community activity nodes such as retail, education and recreation venues.

Method of Travel to work

Traralgon and Morwell are both major employment destinations in Latrobe and collectively making up 65% of all jobs in Latrobe (38% and 27% respectively). This equates to approximately 10,500 jobs in Traralgon and 7,400 jobs in Morwell. Traralgon serves a mix of retail, business and civil functions and Morwell provides a mix of retail and business services.

In 2006 the most popular method of travel to work for the working population of Latrobe was car driver (68.4%) followed by car passenger (6.2%). Walking (2.8%) and cycling (0.6%) accounted for a relatively small proportion of travel to work. Traralgon and Morwell had similar levels of car usage to Latrobe, however Traralgon had a slightly higher proportion of walking (3.1%) and cycling (0.8%), as did Morwell (3.5% walking and 0.9% cycling).

Shared Pathway Study Implications

This data shows a heavy reliance on the motor car for commuters to access their workplace. Given current trends regarding peak oil, environmental concerns, a focus on health and wellbeing outcomes and a lack of confidence in the global economy, the need to reduce use of motor cars and increase physically active modes of transport has never been more apparent.

The introduction of a shared pathway which effectively links two towns for use by recreational and commuting users alike is a key factor in beginning to reduce the reliance on motor cars as the preferred form of transport. It will be important that the shared pathway does not just connect two towns but that it also connects to key community destinations and links to other feeder paths.



3. The Benefits of Shared Pathways and Council's Role

Cycling, walking, jogging or skating are all common activities undertaken by a broad cross section of our community. These activities deliver a variety of benefits to individuals and communities and given their low impact, low level of mastery and low cost, they tend to transcend social status, providing equitable access to independent mobility and healthy, active choices. In order to get more people walking and cycling more often, Council plays an important and proactive role in delivering assets, programs and services to support these activities.

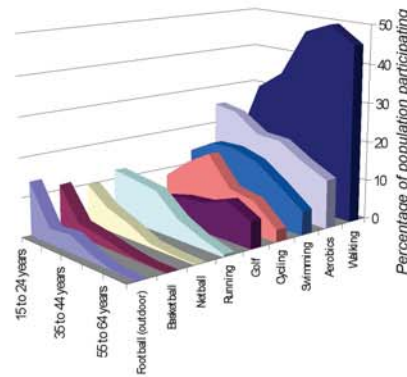
A shared pathway is a significant asset and an investment in this type of infrastructure that connects two towns and a multitude of other destinations, represents a fundamental commitment to improving community health and wellbeing, realising environmental benefits and generating positive economic outcomes.

A number of studies provide evidence supporting the development of assets aimed at increasing the fundamental levels of physical activity within communities.

Walking and Cycling for Recreation

Graph 1 provides a comparison of participation levels in various recreation based activities, throughout life. As noted, participation in walking is high throughout life however the interesting point is that the prevalence of walking as a recreational activity increases with age.

An aging population means that accessible facilities providing for walkers are increasingly important given the results in the graph below. Also of note is the popularity of cycling which again remains consistently high throughout life. Comparatively, the participation levels in popular organised sport drop rapidly and trend lower as individual priorities shift and physical capacity reduces.



Graph 1: Participation rates in major sports compared to walking, running and cycling (over 15 years of age)

4. Data graphed from the National Exercise, Recreation and Sport Survey, 2010, Australian Sports Commission.
 5. <http://www.abs.gov.au/ausstats/abs@.nsl/Product/7A436C8D9E618940CA2577C3000F25EA?opendocument> Accessed 13-12-2010

Considering a participation base for Morwell and Traralgon

National or State participation data can be broadly used to calculate a real number of local residents participating by extrapolating percentages of population for Morwell and Traralgon.

The National Exercise, Recreation and Sport Survey (ERASS) provides data on participation in a range of recreational activities for individuals aged 15 years and over whilst ABS and Census data has been utilised to provide similar data for children aged under 15 years

In 2009 the Survey of Children's Participation in Culture and Leisure Activities (CPCLA)⁵, recorded participation in bike riding and skateboarding, rollerblading or riding a scooter for children aged 5-14 years of age.

A higher percentage of boys participated in these activities (66% in bike riding and 56% in skateboarding, rollerblading or riding a scooter) than girls (54% and 42% respectively). Both boys and girls experienced a decline in cycling whilst experiencing a significant growth in the use of scooters, skateboards and rollerblades

ERASS data provides participation rates for individuals over the age of 15 and indicates that walking, cycling and running are all within the top five activities by participation rate. (see Table 2)

This data can be used to calculate the levels of expected participation in Morwell and Traralgon for these activities directly related to use of a shared pathway.

The results (see Table 3) indicate that there are more than 25,000 participants in walking or cycling within Morwell and Traralgon.

It should also be noted that 8,230 of those are under the age of 15, indicating a need to ensure high levels of safety for any proposed shared pathway.

This information indicates a significant and diverse community cohort that are utilising facilities such as a shared pathway, on a regular basis for recreational activity.

ACTIVITY	PARTICIPATION RATE
WALKING	35.9 %
AEROBICS FITNESS CLASSES	23.5 %
SWIMMING	13.9 %
CYCLING	12.8 %
RUNNING	11.7 %
TENNIS	6.9 %
FOOTBALL (AFL)	5.1 %
CRICKET	4.2 %
SOCCER	3.0 %

Table 2: Top ten activities by participation rate for population aged 15 years and over (ERASS data, 2010)



3. The Benefits of Shared Pathways and Council's Role

Activity	Participation rate	Traralgon population	Traralgon participation	Morwell population	Morwell participation	Combined participation
Walking	35.9 %	17,881	6,419	10,751	3,860	10,279
Cycling	12.8%	17,881	2,289	10,751	1,376	3,665
Running	11.7%	17,881	2,092	10,751	1,258	3,350
Cycling (U15)	60.0%	5,007	3,004	2,618	1,571	4,575
Skateboarding, rollerblading, scooter (U15)	49.0%	5,007	2,453	2,618	1,202	3,655
TOTAL			16,257		9,267	25,524

Table 3: Calculation of total participation in walking and cycling activity for Traralgon and Morwell based on national participation rates.

Environmental Benefits

Reducing Greenhouse Gas Emissions

Australia produces almost 46 million tonnes of greenhouse gas emissions per year. The average family's transport is estimated to generate about six tonnes of greenhouse gas each year mostly due to car usage.⁶ Walking and cycling represent sustainable alternatives to the combustion engine driven vehicle, particularly for short trips.

Cycling 10km each way to work saves 1.3 tonnes of greenhouse gas emissions per year.

Walking and cycling are highly efficient in use of urban space and energy, rarely cause injury and give streets vitality and personal security. Many car trips are quite short, less than 20 km, indicating that walking or cycling are a feasible alternative and contribute to reducing the pollution from a cold-start vehicle travelling only a short distance.⁷

Cleaner Air and Cleaner Lungs

The broad environmental benefits of increased opportunity for cycling and walking also bring added health benefits that come, for example, from cleaner air, less traffic noise and fewer road accidents.

Passenger cars are the biggest producers of carbon monoxide, sulphur oxides, ozone-forming

substances, hydrocarbons and fine particulates in Australian cities. The interiors of new cars give off formaldehyde and other contaminants⁸ linked to cancer, birth defects, brain and nerve damage, and long term injury to the lungs and breathing passages.⁹

A 1993 study in NSW identified that 73% of individuals exposed to environmental noise were affected by road noise alone.¹⁰ Bicycles produce little, if any noise, improving environmental amenity. The provision of pathways within an urban environment is also an opportunity to provide welcoming streetscapes with shaded and landscaped surrounds.

"In Australia it is estimated that in

a single year, air pollution from

motor vehicles causes between

900 and 2,000 early deaths and

between 900 and 4,500 cases of

bronchitis, cardiovascular and

respiratory disease, costing

between \$1.5 and \$3.8 billion."

Bureau of Transport and Regional Economics, Health impacts of transport emissions in Australia: economic costs, 2005, Department of Transport and Regional Services, Canberra, p. 147,

"The fuel used by cars and their related emissions increased by 25% between 1990 and 2003.

There are compelling reasons why Australia, in meeting our greenhouse targets, should manage our overwhelming reliance on cars for personal transport."

<http://www.travelsmart.gov.au/about.html>

6. <http://www.greenhouse.gov.au/gvca/transport.html> Accessed January 17, 2011

7. <http://www.environmentaltrust.org.au/content/environmental-benefits-bike-riding> Accessed January 17, 2011

8. Air Quality Sciences, 2006, *Indoor Air Quality Hazards of New Cars*, Air Quality Sciences Inc., United States, <http://www.aerias.org/uploads/indoor%20Air%20Quality%20Hazards%20of%20New%20Cars.pdf> accessed 14/01/12

9. Department of Environment and Water Resources, Australian Greenhouse Office, About TravelSmart web page, <http://www.travelsmart.gov.au/about.html>, accessed 11/03/07

10. NSW Environmental Protection Authority, 1993, *NSW State of the Environment- Noise Report*, Sydney,

Reduction in Embodied Energy

Reduction in embodied energy used in the construction of large vehicles and roads is also an important consideration.

'Embodied energy' includes energy for mining, refining and transport of materials and manufacture of any specific product. At each stage the energy used produces greenhouse gases and other pollution.

A typical \$30,000 car embodies 475 gigajoules of energy, or 41 tonnes of CO₂ equivalents and over one million litres of water. In contrast, a typical \$500 bike would embody just 8.8 gigajoules of energy, 0.75 tonnes of CO₂ equivalents and 19,000 litres of water.¹¹

Another factor in embodied energy includes resources required for the infrastructure and services associated with car and bicycle use such as the energy used to build roads, paths, car parks etc. It also includes a share of the materials and energy used for repairs, maintenance, spray painting, and providing new car parts. German research shows that each car manufactured produces 26.5 tonnes of rubbish.¹²

The bicycle is much smaller, and has lower maintenance and infrastructure needs than the car. A shift to more bicycle-centred urban design can make great savings in transport systems. For example, up to 10 bikes can fit into one car parking space.¹³

Council is also aiming to reach a carbon neutral level by 2025 and this is reflected in the Council Plan.

Community Health and Safety Benefits- Cycling and Walking

The provision of publicly accessible infrastructure for cycling and walking provides a range of social, physical and emotional benefits for individuals and community.

The broad health benefits of access to public open space for recreation and physical activity are numerous and research provides much evidence to support this. Specific benefits are articulated in the figure at left.

Keeping children healthy and safe

Children now tend to be transported to and from many places and activities by car. One third of children in Melbourne spend less than five minutes walking per day. Children who are inactive are more likely to be overweight with the proportion of Australian children who are overweight now reaching 25%.¹⁴

Apart from the negative health aspect from physical inactivity, observations overseas indicate that children who are accustomed to being driven to school are missing out on important life skills - they may be less motivated to get out and find their own way around, they can be unaccustomed to navigating and being comfortable in public places, they may be less street-wise and, having less experience in personal road safety, at risk of more severe accidents.¹⁵

Safety is a key issue related to walking and cycling and risk, relative to car travel is generally higher. In the current traffic environments of the United States and New Zealand, one fatality occurs for every 10 million kilometres travelled compared with some European countries with high levels of off road pathways, where the figure decreases to one fatality per 100 million kilometres travelled.¹⁶

Physical health benefits of cycling and walking include:

- Reduction in risk of heart disease by as much as half;
- Reduced risk of having high blood pressure and high cholesterol;
- Prevention of obesity and weight management;
- Increased lean muscle, muscle strength and bone density;
- Improved fitness and stamina;
- Stronger immune system;

Mental health benefits of cycling and walking include:

- Reduction in stress, anxiety and depression;
- Improved mood and sense of wellbeing;
- Improved concentration, enhanced memory and learning;
- Reduced feelings of fatigue and depression; and
- Improved psychological wellbeing and mental awareness.

Social benefits of cycling and walking include:

- Increased community cohesion;
- Improved social/community networks and social capital;
- Improved family and community connectedness;
- Safer communities; and
- Reduction in sense of isolation and loneliness.

11. *Analysing the life-cycle energy of an Australian residential building and its householders*, Building Research & Information, Vol 28(3), pp.184–195.

12. http://www.ecologica.co.uk/Dirtfrom_CradletoGrave.pdf

13. *Bicycle Victoria, The Bicycle Parking Handbook*, www.bv.com.au/files/The%20bicycle%20parking%20handbook.pdf, accessed 10/01/08

14. <http://www.travelsmart.gov.au/about.html> Accessed 12/01/11

15. (VicHealth, 2002. *Education, Local Government and Health. The Walking School Bus Program Funding Guidelines.*)

16. http://www.sensibeltransport.org.au/sites/sensibeltransport.org.au/files/5/E%20Executive%20Summary_June%201.pdf Accessed 17-1-2012

3. The Benefits of Shared Pathways and Council's Role

The Economic Benefits of Walking and Cycling Pathways

The economic benefits of providing pathways that encourage walking and cycling have a multitude of direct and indirect economic benefits. They present opportunities to prevent expenditure in areas such as chronic illness, fuel and environmental improvement, whilst also providing opportunity to generate income through cycling tourism and events.

Reducing the cost of physical inactivity

Physical inactivity is one of the major causes of ill health in Australia. In fact, around half the Australian adult population are insufficiently active to protect against sedentary lifestyle disease, such as diabetes (Australian Institute of Health and Welfare, 2006).

The direct gross cost of physical inactivity to the Australian health budget in 2006/07 was \$1.49 billion. This translates to \$198.57 per adult, per year.¹⁷

Cycling and walking provide the most practical, sustainable opportunity to help get more Australians active and drive down the cost of physical inactivity.

Current cycling participation (for recreation and commuting) cuts sedentary lifestyle disease costs by approximately \$154 million.¹⁸

Reducing the cost of oil, pollution and road trauma

Motor vehicles are a major source of air and noise pollution in Australian cities.¹⁹ Up to 4,500 cases of cardio-vascular and respiratory disease occurred due to motor vehicle related

air pollution in 2000, costing between \$0.4 billion to \$1.2 billion. In addition, air pollution caused by motor vehicles accounted for up to 2000 premature deaths, with an estimated cost of approximately \$2.6 billion.²⁰

In Australia, cycling to work in 2006 accounted for 189,392,000 km travelled in Australian

capital cities, which amounted to a greenhouse gas saving of 45,000 tonnes per year.²¹

At \$40/tonne, this equates to a \$1.8 million saving per year.

Petroleum imports have jumped 209.8% between 2000/01 to 2005/06. Over the same period, domestic crude oil production dropped by 37.2%

Research using 2006 Census figures showed that commuter cyclists alone in Australian capital cities saved approx. \$35 million on fuel (calculated at 2008 prices).²²

It is increasingly clear that excessive car use is having negative economic repercussions. The rising cost of oil, spiralling rates of obesity and congestion as well as mounting concern over climate change reinforces the urgent need to assess our current transport behaviour and seek practical, sustainable alternatives.

Strategies that provide non-motorised transport options are also increasingly recognised as an effective road safety strategy.²³ Policies aimed at reducing car use have been shown to typically result in around a 10% reduction in vehicle kilometres travelled and this could cut road trauma costs in Australia by up to \$1.7 billion per year.²⁴

In 2007, the number of cyclists in London had increased 83% since 2000 and yet the number of serious crashes involving cyclists has fallen proportionally by 28% over the same time period.²⁵

This finding is consistent with domestic and international data demonstrating that as cycling rates double, the risk per kilometre falls by around 34%. This represents a significant opportunity to save significant road trauma funds based on investment in safe, off road walking and cycling infrastructure.²⁶

"With only about a decade of known oil resources remaining at today's production rates, Australia is looking down the barrel of a \$25 billion trade deficit in petroleum products by 2015"

The Hon Martin Ferguson AM MP, APPEA Conference, 7th April, 2008.

17. Econtech, 2007 Economic modelling of the net costs associated with non-participation in sport and physical activity. Prepared by Econtech Pty. Ltd. for Medibank Private.

18. *Ibid*

19. Bureau of Transport and Regional Economics, 2005 Health impacts of transport emissions in Australia: Economic costs, Working paper 63. Department of Transport and Regional Services, Australian Government, Canberra.

20. *Ibid*

21. Bauman A., Rissel C., Garrard J., Ker I., Speikell R., Fishman E., 2008 Cycling: Getting Australia Moving: Barriers, facilitators and interventions to get more Australians physically active through cycling. Cycling Promotion Fund, Melbourne.

22. Australian Bureau of Statistics, 2008 Year Book Australia 2008, Commonwealth of Australia, Canberra. [http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproduct/\\$2/C85CF256D79E06FCA2573D20010CFE9?opendocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproduct/$2/C85CF256D79E06FCA2573D20010CFE9?opendocument)

23. Litman T, Fitzroy S., 2005 Safe Travels: Evaluating Mobility Management Traffic Safety Impacts, Victoria Transport Policy Institute, Victoria, Canada.

24. Economic Benefits of Cycling for Australia, Cycling Promotion Fund, June 2008

25. Greater London Authority, 2007 The Mayor announces huge rise in cycling in London, Media Release, 1st May. http://www.london.gov.uk/view_press_release.jsp?releaseid=11791

26. Robinson D.L., 2005 Safety in numbers in Australia: more walkers and bicyclists, safer walking and bicycling, Health Promotion Journal of Australia, Vol. 16, Issue 1, pp. 47-51.

Increasing income through walking and cycling

Victoria's *Cycle Tourism Action Plan 2011-2015* was released in July 2011 by Tourism Victoria in recognition of the growing market opportunities in this sector and to position Victoria as the leading state for cycle tourism.

Tourists are increasingly seeking to improve their health and wellbeing and to undertake environmentally sustainable tourism experiences and modes of transport.

Cycle Tourism is a growing market with considerable opportunities for regional economies. It has a number of key segments:

- **Cycling Holidays:** touring cycling is the main purpose of the holiday
- **Holiday Cycling:** recreational cycling is undertaken as an activity while on holiday
- **Cycling Day Visits:** trips from home to places outside a person's usual place of residence
- **Cycling Events:** this may involve: direct participation, mass participation, or spectator participation events²⁷

Cycle tourism has multiple benefits including:

- boosting domestic and inbound tourism
- providing ecological sustainable tourism
- encouraging the economic revitalisation of regional Australia
- enhancing the infrastructure of local communities and its potential to encourage healthy activities.²⁸

Cycle tourism is a niche market with considerable potential growth. The total estimated expenditure for the year ending December 2010 by domestic overnight, daytrip and international overnight visitors that participated in cycling in Victoria is \$362 million.

27. Victoria's *Cycle Tourism Action Plan 2011-2015*

28. *Ibid*

29. *Brand Health Survey 2010, Roy Morgan Research*

The estimated total expenditure of cycle tourists in Australia is approximately \$2.4 billion (including domestic overnight, daytrip and international overnight visitors that participated in cycling as an activity). The Tourism Victoria vision for Melbourne and Victoria is to be the premier cycling destination in Australia. The key principles applied to achieve this vision include:

- Attracting major cycling events to Melbourne and regional Victoria.**
- Capitalising on our existing strengths of diverse experiences, captivating and unique natural landscapes, creative villages within close proximity to each other,** access to numerous trails and a climate and terrain that is conducive to a variety of cycling activities
- Positioning Melbourne as the cycling capital of Australia and the gateway to regional Victoria's cycling experiences**
- Positioning regional Victoria as the premier destination for cycling trails and road cycling**

The Brand Health Survey 2010 conducted by Roy Morgan Research found that Victoria was identified by 22 per cent of respondents as an ideal place for cycling and mountain biking. Victoria placed as the most preferred state, four points ahead of New South Wales (at 18 per cent) and 10 points ahead of Queensland (at 12 per cent)²⁹ reinforcing the strength of opportunity in the cycle tourism marketplace.

As noted in Table 4, Gippsland has been identified as an area with a primary strength in the cycle market sector of trails and the shared pathway concept enhances this market position.

"One of the challenges facing Victoria's cycle tourism sector is the lack of economic analysis and research. However, available research demonstrates that cycle tourism has the potential to deliver tourism growth for regional Victoria and to stimulate regional and rural economies, particularly as cycle tourists stay longer and do more when travelling."

Victoria's *Cycle Tourism Action Plan 2011-2015*



Research demonstrates that cycle tourism has the potential to make an active contribution towards the economic revitalisation of regional Australia as well as improve quality of life for its residents.³¹ Cycling tourism is an ecologically sustainable product, which is expected to continue to grow in popularity.

Bicycle sales can be seen as a reflection of Australians interest in cycling. Annual bikes sales in Australia have increased from \$131 million in 2002-2003 to \$240 million in 2008-09, outselling motor vehicles for the ninth consecutive year in numbers.³²

General cycling was rated as the fourth most popular activity in Australia in 2010, with an estimated 2.1 million participants, an increase of 45 per cent over the period 2001-2010.³³

In 2010, 280,000 domestic overnight visitors participated in cycling in Victoria. These visitors spent approximately 1.5 million nights in the state. Victoria received an estimated 27 per cent share of domestic overnight cycle visitors in Australia behind New South Wales (35 per cent) and followed by Queensland (17 per cent).

Approximately 141,000 daytrips were undertaken by domestic visitors participating in cycling in Victoria during the year ending December 2010.³⁴

30.

31. Victoria's *Cycle Tourism Plan 2011-2015*, p. 6

32. Australian Bureau of Statistics, *Sports and Physical Recreation: A Statistical Overview, Australia, October 2010*

33. *Standing committee on Recreation and Sport (2010). Exercise, Recreation and Sport Survey 2010 Annual Report.*

34. *National Visitor Survey, Tourism Research Australia, Canberra (2010)*

3. The Benefits of Shared Pathways and Council's Role



Report for CPG

Ecological Assessment with
Net Gain for a proposed shared path
between Morwell and Traralgon.

February 2013
Harley Schinagl & William Doherty



Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

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Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

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Glossary

Bioregion	Biogeographic areas that capture the patterns of ecological characteristics in the landscape or seascape, providing a natural framework for recognising and responding to biodiversity values.
Bioregional Conservation Status (BCS of an EVC)	A state-wide classification of the degree of depletion in the extent and/or quality of an Ecological Conservation Class (EVC) within a bioregion in comparison to the State's estimation of its pre-1750 extent and condition.
Diameter at Breast Height (DBH)	The diameter of the trunk of a tree measured over bark at 1.3m above ground level.
Ecological Vegetation Class (EVC)	A type of native vegetation classification that is described through a combination of its floristic, life form and ecological characteristics, and through an inferred fidelity to particular environmental attributes. Each EVC includes a collection of floristic communities (i.e. lower level in the classification that is based solely on groups of the same species) that occur across a biogeographic range, and although differing in species, have similar habitat and ecological processes operating.
EVC Benchmark	A standard vegetation-quality reference point relevant to the vegetation type that is applied in habitat hectare assessments. Represents the average characteristics of a mature and apparently long-undisturbed state of the same vegetation type.
Gain Target	The amount of gain that needs to be achieved to offset a loss measured in habitat hectares.
Habitat Hectare	A site based measure of quality and quantity of native vegetation that is assessed in the context of the relevant native vegetation type.

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Habitat Score	The score assigned to a habitat zone that indicates the quality of the vegetation relative to the Ecological Vegetation Class (EVC) benchmark – sum of the site condition score and landscape context score usually expressed as a percentage or on a scale of zero to 1.
Habitat Zone	A discrete area of native vegetation consisting of a single vegetation type (EVC) with an assumed similar quality. This is the base spatial unit for conducting a habitat hectare assessment.
High Threat Weed	Introduced plant species (including non-indigenous ‘natives’) with the ability to out-compete and substantially reduce one or more indigenous life forms in the longer term, assuming on-going current site characteristics and disturbance regime.
Improvement Gain	This is gain resulting from management commitments beyond existing obligations under legislation to improve the current vegetation quality. Achieving improvement gain is predicated on maintenance commitments being already in place. For example, control of any threats such as grazing that could otherwise damage the native vegetation must already be agreed.
Large Old Tree (LOT)	A tree with a Diameter at Breast Height equal to or greater than the large tree diameter as specified in the relevant EVC benchmark.
Like-for-Like	These are part of the criteria for the determination of an offset and provide a direct link between the loss and the offset gain, in terms of vegetation type or landscape function. There are more specific requirements for higher conservation significance vegetation and more flexible requirements for lower significance.
Maintenance Gain	This is gain from commitments that contribute to the maintenance of the current vegetation quality over time (i.e. avoiding any decline). It includes foregoing certain entitled activities that could otherwise damage or remove native vegetation, such as grazing or firewood collection.
Medium Old Tree (MOT)	A tree with a Diameter at Breast Height (DBH) equal to or greater than 0.75 of the large tree diameter in the relevant EVC benchmark but less than the DBH for a large old tree.

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Net Outcome	The result of applying conservation significance criteria to protection, investment and offset decisions. This results in a range of outcomes from short term losses for Low conservation significance to substantial net gain for Very High conservation significance. For offsets, the Framework (Table 6) specifies a multiplier on the calculated loss (in habitat hectares) to achieve the net outcome, graded according to conservation significance. Refer to Table 6 (pp. 54-55) of the <i>Framework</i> .
Offset Zone	An offset area of native vegetation consisting of a single vegetation type (EVC) with similar quality under the same proposed management regime.
Prior Management Gain	This gain acknowledges actions to manage vegetation since State-wide planning permit controls for native vegetation removal were introduced in 1989.
Protection (of a tree)	An area with twice the canopy diameter of the tree(s) fenced and protected from adverse impacts: grazing, burning and soil disturbance not permitted, fallen timber retained, weeds controlled, and other intervention and/or management if necessary to ensure adequate natural regeneration or planting can occur.
Recruitment	The production of new generations of plants, either by allowing natural ecological processes to occur (regeneration etc), by facilitating such processes such as regeneration to occur, or by actively revegetation (replanting, reseeded). See revegetation.
Remnant patch	An area of vegetation, with or without trees, where less than 75% of the total understorey plant cover is weeds or non-native plants (bare ground is not included). That is at least 25% of the understorey cover is native; or a group (i.e. three or more) of trees where the tree canopy cover is at least 20%.
Revegetation	Establishment of native vegetation to a minimum standard in formerly cleared areas, outside of a remnant patch.
Scattered Trees	Canopy trees within an area where at least 75% of the total understorey plant cover is weeds or non-native plants and the overall canopy cover for a group (ie. Three or more) of trees is less than 20%.

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Security Gain	This is gain from actions to enhance security of the on-going management and protection of native vegetation at the offset site, either by entering into an on-title agreement (for example under Section 173 of the <i>Planning and Environment Act 1987</i>), or by locating the offset on land that has greater security than the clearing site, or by transferring private land to a secure public conservation reserve.
Small Tree (ST)	A tree with a Diameter at Breast Height (DBH) equal to or greater than 0.25 of the large tree diameter in the relevant EVC benchmark but less than the DBH for a medium old tree.
Supplementary Planting	Establishment of overstorey and/or understorey plants within a remnant patch. Typically includes the planting or direct-seeding of understorey life forms.
Very Large Old Trees (VLOT)	A tree with a Diameter at Breast Height (DBH) of at least 1.5 times that of the large tree DBH as specified in the relevant EVC benchmark.

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Executive Summary

Indigenous Design Land Management (IDLm) was engaged by CPG to undertake an ecological assessment of a proposed shared path between the cities of Morwell and Traralgon in Victoria's Latrobe Valley.

The proposed shared path begins on Morwell's eastern urban fringe traversing farmland, plantation and roadsides for a length of approximately eight kilometres until it reaches Traralgon's western urban edge. The proposed shared path is situated in the *Gippsland Plains* Bioregion and is subject to a host of planning zones and overlays.

Preliminary biodiversity surveys resulted in the path being altered to avoid significant quantities of vegetation with very high conservation significance along Old Melbourne Road. This resulted in four patches to be effected under the proposal that now takes a much different path than that originally proposed. These patches contain habitat of value to threatened fauna (*Galaxiella pusilla* [Eastern Dwarf Galaxia] and *Litoria raniformis* [Growling Grass Frog]) so further efforts to minimise impacts were undertaken. These efforts to minimise impacts now avoid all habitat important to threatened fauna and have reduced the impacts to two small habitat zones of 93 m² and 787 m².

The two patches proposed to be removed total 0.03 Hha, are of EVC 55: *Plains Grassy Woodland* and are considered of high conservation significance. These habitat zones are considered to represent the remaining 50% of habitat for the nationally threatened *Dianella amoena* (Matted Flax-lily) though it wasn't discovered onsite.

Prior to amendments being made to the path, a targeted Frog Survey (*Appendix 8.5*) was performed to establish the potential presence of the nationally threatened *Litoria raniformis* (Growling Grass Frog) within suitable habitat. The presence of the Growling Grass Frog was not detected and it can be considered unlikely to use the site now or in the future. Construction controls are to be implemented minimising impacts to Boyd's Creek and the Eastern Dwarf Galaxia.

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Required offsets need to be of high conservation significance and represent the remaining 50% of habitat for the Matted Flax-lily. A maximum of 25% of the offset target is able to be achieved through revegetation. Due to the high conservation significance of vegetation proposed to be removed, an Offset Management Plan must be approved and implemented within one year of removal of native vegetation under this proposal.

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1 Introduction

1.1 Project Background

Indigenous Design Land Management (IDL M) was engaged by CPG to undertake an ecological assessment for a proposed shared path between Morwell and Traralgon in Victoria's Latrobe Valley.

The proposed path stretches approximately eight kilometres between Morwell's north-eastern residential outskirts and Traralgon's western-boundary. The proposal would see Traralgon and Morwell linked by a path suitable for walking and cycling, traversing farmland, roadside and residential areas between the two towns.

A preliminary assessment identifying ecological values within the proposed route was undertaken in April, 2012 (Dwyer, 2012). This assessment found parts of the proposed alignment to contain large amounts of native vegetation considered to be of high and very high conservation significance. The assessment also identified potential habitat and recent nearby records for rare and threatened flora and fauna. The initial assessment made the following recommendations:

1. The proposed route of the path be changed to avoid large amounts of significant vegetation;
2. An ecological assessment with net gain to be undertaken on all unavoidable native vegetation in line with Victoria's Native Vegetation Management – a framework for action (DNRE, 2002);
3. Targeted surveys be conducted for *Litoria raniformis* (Growling Grass Frog) which is listed as nationally 'vulnerable' under the *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999* and threatened under Victoria's *Flora and Fauna Guarantee (FFG) Act 1988*; and
4. A Significant Impact Assessment under the Commonwealth EPBC Act to be undertaken for *Galaxiella pusilla* (Dwarf Gallaxias) which is also listed as nationally 'vulnerable' and threatened in Victoria.

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It is also a goal of this plan to detail additional processes undertaken in order to avoid and minimise the clearing of native vegetation including:

- Additional field inspections with surveyors to make small scale alterations to the path to avoid ecological values; and
- Final on site consultation with the client to discuss any final planning measures that can be made to avoid and minimise proposed losses to native vegetation.

The aim of this ecological assessment is to address the recommendations made within the preliminary assessment in order to satisfy all planning and environment requirements of the proposal.

All assessments have been undertaken in accordance with Victoria's Native Vegetation Management - a framework for action (DNRE 2002) and Commonwealth guidelines under the EPBC Act. This report was developed consistent with the Department of Sustainability and Environment's (DSE) Ecological Assessment with Net Gain template.

1.2 Objectives

The objectives of this assessment are:

- Describe the flora, fauna and habitat values;
- Map the extent, type and condition of the native vegetation;
- Assess the Conservation Significance of the native vegetation;
- Identify the presence or absence of threatened species (including targeted surveys for the Growling Grass Frog);
- Assess potential impacts of the proposal on threatened species;
- Assess potential impacts of the proposal on broader ecological values;
- Consider measures that could avoid or minimise any proposed impacts;
- Assess and quantify unavoidable impacts on native vegetation; and
- Detail offset requirements to achieve a Net Gain.

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1.3 Study Area

The study site is a linear corridor measuring approximately eight kilometres between the towns of Morwell and Traralgon. Traralgon is approximately 140 km from Melbourne's CBD; is within the Latrobe City Council, the *Gippsland Plain* Bioregion and West Gippsland Catchment.

Much of the land proposed to be affected is flat with some minor troughs in the west of the site associated with small creeks and drainage lines leading to the Latrobe River. The vast majority of the land traversed by the proposed path is agricultural grazing land with a small proportion (approximately 1 km) of the alignment located amongst remnant, roadside vegetation.

Listed in the order that they first occur from west to east, the proposed path is subject to the following planning restrictions:

Planning Zones

- *Residential 1 Zone (R1Z)*
- *Industrial 1 Zone (IN3Z)*
- *Road Zone 1 (RDZ1)*
- *Public Use Zone 4 (PUZ4)*
- *Industrial 1 Zone (IN1Z)*
- *Farming Zone (FZ)*
- *Special Use Zone 5 (SUZ5)*
- *Special Use Zone 7 (SUZ7)*
- *Rural Living Zone 3 (RLZ3)*
- *Low Density Residential Zone (LDRZ)*

Planning Overlays

- *Design and Development Overlay – Schedule 4 (DDO4)*
- *Development Plan Overlay – Schedule 3 (DPO3)*
- *Land Subject to Inundation Overlay (LSIO)*

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- *Design and Development Overlay – Schedule 8 (DDO8)*
- *Design and Development Overlay – Schedule 7 (DDO7)*
- *Airport Environs Overlay (AEO2)*
- *Bushfire Management Overlay (BMO)*
- *Design and Development Overlay – Schedule 1 (DDO1)*
- *Area of Aboriginal Cultural Heritage Sensitivity*

(DPCD, 2012)

1.4 BioSites

“A BioSite is a physical area of land or water containing biological assets with particular attributes such as the presence of rare or threatened flora, fauna or habitat required for their survival and/or rare or threatened vegetation communities” (DSE, 2005).

There are six BioSites within five kilometers of the study site; three of national significance, two of state significance and one of regional significance. The proposed path has no impact within the borders of any of the BioSites. The details are displayed in *Table 1*.

Table 1: *List of BioSites within 5 km of the Study Site*

Site ID	Site Name	Significance Level
1825	Wades Creek	National
1826	Crinigan Road Reserve	State
6645	Traralgon Rail Reservoir Conservation Reserve	National
6508	Traralgon West Rail Reserve	National
8455	Wades Creek Swamp, Traralgon West	Regional
8798	Waterhole Creek Swamp	State

Figure 1 displays the proposed alignment of the shared path.

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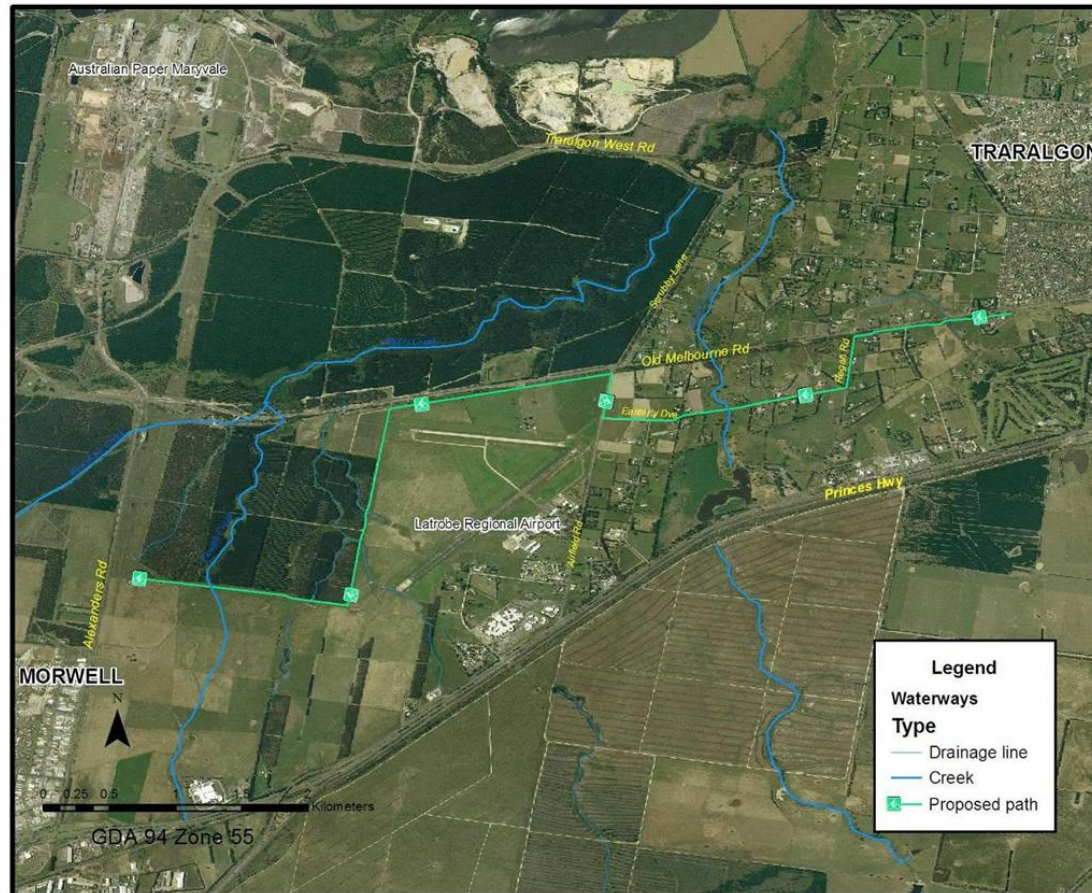


Figure 1 Proposed site of Morwell to Traralgon Shared Path).

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2 Descriptions of Methods

2.1 Data and Literature Review

Prior to field assessments the following resources were used to determine if any rare or threatened species have been, or potentially could be, located at or within 5 km of the study site:

- DSE's Victorian Biodiversity Atlas (DSE, 2010a);
- Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, Protected Matters on-line search tool (DSEWPC, 2012); and
- Relevant local flora and fauna studies, namely McGuckin (2011)

Additionally, the DSE's Biodiversity Interactive Map (DSE, 2010b) was used to gain the following information:

- An insight into the overall distribution of native vegetation on the site and the Ecological Vegetation Class (EVC) to which any remnant vegetation may belong; and
- Biosites within a 5 km radius of the site.

2.2 Field Survey

A field survey of the site was undertaken on the 8th of November 2012. During this survey, all flora and fauna present on the site was recorded.

2.2.1 Vegetation

Using the following definitions all native vegetation on site was categorised as being native patch, degraded treeless vegetation scattered trees:

A 'patch of native vegetation' is defined by the DSE (2007) as;

- An area of vegetation, with or without trees, where less than 75% of the total understorey plant cover is weeds or non-native plants.
- A group (three or more) of trees where the tree canopy cover is at least 20%.

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'Scattered Trees' are defined by DSE (2007) as:

- Trees which occur under the benchmark densities; or
- Areas where total understorey plant cover comprises at least 75% of weeds and non-native plants.

'Degraded Treeless Vegetation' is all other vegetation that does not meet the thresholds for a remnant patch or scattered trees (DSE 2007).

DSE (2010) has further defined degraded treeless vegetation into two categories:

- Minor Treeless Vegetation – Vegetation comprising less than 25% native understorey cover. No offset or habitat hectare assessment is required.
- Modified Treeless Vegetation – Vegetation comprising greater than 25% native understorey cover, it does not support habitat for rare or threatened species, and the native species present are unlikely to have originally dominated the site. No offset or habitat hectare assessment is required.

The decision as to whether vegetation qualifies as Modified Treeless Vegetation is determined by DSE. If DSE consider that the vegetation is not Modified Treeless Vegetation or it is Modified Treeless Vegetation that provides habitat for rare or threatened species, then assessments and offsets are required. No formal offsets are required or can be gained for the proposed removal or protection of Minor Treeless Vegetation or Modified Treeless Vegetation.

Native patches were categorised into EVCs and furthermore into habitat zones. These areas were GPS mapped and assessed using the habitat hectare method described by DSE (2004) in the *Vegetation Quality Assessment Manual – Guidelines for applying the habitat hectares scoring method - Version 1.3*.

Scattered trees on site were identified, GPS mapped and had their Diameter at Breast Height (DBH) recorded to determine the location and significance of native trees in relation to the planned shared path.

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2.2.2 Fauna

Habitat features including vegetation type and structure, the presence of hollow bearing trees and stags, logs and other ground debris were noted. The surrounding landscape was also noted with reference to its habitat provision, intactness of native vegetation and connectivity with the study site.

Fauna assessments included the opportunistic observation of scats, footprints, diggings, burrows, tracks, incidental bird and other fauna observations and listening for frog and bird calls.

2.2.3 Consultation

After field survey of vegetation, two further field meetings were held to work through options of further avoiding and minimising impacts on native vegetation:

- Practical avoidance was undertaken with surveyors in an effort to determine if certain ecological values such as trees and clumps of understorey could be avoided by relocation of the path; and
- Planning controls were considered with the client in a second meeting. This attempted to relocate the path into different land zones to avoid ecological values.

2.3 **Best or Remaining 50% of Habitat for Threatened Species**

In order to determine the best or remaining 50% of habitat for rare and threatened flora and fauna, species that are considered likely to be present within each EVC/ habitat zone were assessed according to the steps outlined in Table 2 in the *Guide for Assessment of Referred Planning Permit Applications* (DSE 2007a).

Threatened flora species identified through database searches within a 5km radius were assessed against the habitat provided within each EVC/ habitat zone. This assessment was based on previous recordings and the suitability of the habitat provided within the particular habitat zone.

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If a particular species was not considered to be 'resident' or to 'make significant use' of the particular EVC/ habitat zone 'no further consideration' is given in regards to determining the best or remaining 50% of habitat for that particular species.

2.4 Limitations

The assessment of flora on site was undertaken in November 2012. It is therefore likely that some annual, deciduous or dormant taxa may not have been visible during assessments. Additionally, some taxa have not been identified to species or sub-species level due to the absence of flowering, or other material typically used for identification. This may have a bearing on the overall significance of the record.

The assessment of fauna presence did not involve a targeted fauna survey. Consequently, further species are likely to be recorded given further time and or the undertaking of a detailed survey including trapping and monitoring.

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3 Ecological Values

3.1 Vegetation Condition

The study area between Traralgon and Morwell is flat and open with very little noticeable remnant vegetation except along the Old Melbourne Road corridor. The sites vegetation has been predominately cleared for farming and forestry on Morwell's eastern boundary and for low density rural housing and farming on Traralgon's western boundary. Therefore the area contains mostly exotic pasture grasses though isolated pockets of native vegetation remain. The area contains no large rivers but does include small swampy creeks and drains of low capacity that are composed mostly of a mix of indigenous and exotic understorey vegetation.

The area is managed by several stakeholders with differing management objectives. Local farmers utilise the open paddocks for grazing, HVP manage the plantations for paper production, local home owners maintain their roadside reserves for aesthetic purposes and LCC manage roadsides for safety and practicality as well as conservation.

The roadside reserves are comprised of clumps of *Eucalyptus* spp. (Eucalypts) that do not form a dense canopy. The middle-storey is mostly open and composed of a scattered mixture of small trees and medium-sized shrubs like *Acacia* spp. (Wattles) and *Kunzea ericoides* (Burgan) interspersed with occasional exotics including *Crataegus monogyna* (Hawthorn) and *Pinus radiata* (Pine). The ground-storey provides the greatest coverage and is highly modified with a large and diverse mix of native and exotic grasses and herbs. Common species include *Anthoxum odoratum* (Sweet Vernal Grass), *Briza maxima* (Large Quaking Grass) and *Themeda triandra* (Kangaroo Grass).

3.2 Ecological Vegetation Classes

Ecological Vegetation Classes (EVCs) are a type of vegetation classification which aims to group plant communities according to common flora species, vegetation structure and common environmental factors such as elevation, soils and average rainfall.

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The DSE’s Biodiversity Interactive Map (DSE 2012a) displays the study area as comprising three pre 1750’s EVCs, EVC 53: *Swamp Scrub*, EVC 55: *Plains Grassy Woodland* and EVC 151: *Plains Grassy Forest*. Extant mapping of native vegetation on site suggests that these EVCs still exist on site in a somewhat more fragmented assemblage.

Following field assessments, it was determined that two EVC’s are present on site. Analysis of fragments of native vegetation on-site, adjacent roadsides’ vegetation, soil, topography and other site features determined that the site hosts EVC 53: *Swamp Scrub* and EVC 55: *Plains Grassy Woodland*. Map 1 displays the area currently occupied by these EVCs and *Table 2* details the Bioregional Conservation Significance of identified EVCs (DSE 2011a).

Table 2 *Bioregional Conservation Significance of EVCs identified along proposed shared path between Morwell and Traralgon*

Ecological Vegetation Classes	Bioregional Conservation Significance
<i>Plains Grassy Woodland</i>	Endangered
<i>Swamp Scrub</i>	Endangered

(DSE 2011a).

The DSE Benchmark for *Plains Grassy Woodland* describes the EVC as:

‘An open, eucalypt woodland to 15 m tall occurring on a number of geologies and soil types. Occupies poorly drained, fertile soils on flat or gently undulating plains at low elevations. The understorey consists of a few sparse shrubs over a species-rich grassy and herbaceous ground layer.’ (DSE, 2011a)

The DSE Benchmark for *Swamp Scrub* describes the EVC as:

*‘Closed scrub to 8 m tall at low elevations on alluvial deposits along streams or on poorly drained sites with higher nutrient availability. The EVC is dominated by Swamp Paperbark *Melaleuca ericifolia* (or sometimes Woolly Tea-tree *Leptospermum lanigerum*) which often forms a dense thicket, out-competing other species. Occasional emergent eucalypts may be present. Where light penetrates to ground level, a moss/lichen/liverwort or herbaceous ground cover is often present. Dry variants have a grassy/herbaceous ground layer.’* (DSE, 2011a)

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3.3 Flora Species

3.3.1 Flora Species Recorded

A total of 48 vascular plants were found to occur on site during site assessments. Of this 48, 27 are considered to be species native to Victoria, though one, *Pittosporum undulatum* (Sweet Pittosporum) is not endemic to the area. Sweet Pittosporum is a canopy tree in both the Strzelecki Ranges Bioregion EVC 32: *Warm Temperate Rainforest* (DSE 2013a) and the East Gippsland Bioregion EVC 34: *Dry Rainforest* (DSE 2013b). Sweet Pittosporum would not normally occupy either the Gippsland Plain Bioregion or the *Plains Grassy Woodland* EVC. *Appendix 1* displays the results of the flora survey.

3.4 Significant Flora Species and Communities

3.4.1 National

No nationally significant flora species were recorded within the study area during the site assessment. Searches of the Victorian Biodiversity Atlas (VBA) (DSE 2010a) and the Commonwealth matters protected under the EPBC Act 1999 contains records of seven nationally listed flora species that have been recorded or have the potential to occur within a five kilometre radius of the study site (*Appendix 2*). An assessment of the likelihood of occurrence within the study area is outlined in *Appendix 2*.

3.4.2 State

No state significant flora species were recorded within the study area during the assessment. Searches of the VBA (DSE 2010a) records contain an additional eight state listed species within the local area (*Appendix 2*). The likelihood of occurrence of state listed threatened species within the study area is outlined in *Appendix 2*.

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3.4.3 Significant Communities

There is a nationally listed ecological community, Gippsland Red-gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland, listed as critically endangered under the EPBC Act. This ecological community is also listed as Forest Red-gum Grassy Woodland Community and/or Central Gippsland Plains Grassland under the *Flora and Fauna Guarantee Act 1988* (FFG Act), and has been mapped as potentially occurring within the study area.

Although similar, the *Plains Grassy Woodland* EVC identified on site does not contain Gippsland Red Gums which are a vital component of the listed community.

3.5 Fauna

3.5.1 Fauna Species Recorded

A total of 10 species of fauna were located on site during assessments and the records consisted of birds, mammals and frogs (*Appendix 3*). Of the 10 fauna species observed, nine were native species and one was exotic. One Egret was observed but unable to be identified to species level.

3.6 Fauna Habitats

The study area supports 4 broad habitat types:

- Remnant patches of woodland;
- Remnant patches of grassland;
- Creeks and drains; and
- Swamp scrub and farm dams.

Remnant (but modified) patches of woodland

Description

These areas correspond with EVC 55: *Plains Grassy Woodland* as described in Section 3.2. The eucalypts are predominately immature barely reaching benchmark canopy height. The

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middle-storey tree cover is moderate to high for the vegetation type. The grassy under-storey contained a low number of small sized logs with a good cover of leaf litter.

Fauna

The majority of the upper-storey comprises sparsely populated immature eucalypts. This vegetation is unlikely to provide appropriate hollows for arboreal mammals like possums and bats to reside. It can provide use for perching and foraging for these mammals and medium to long range birds. The middle-storey is conducive for a range of small to medium range birds for perching and foraging but due to the isolated nature of the patch it is unlikely to support nationally listed species like the *Anthochaera phrygia* (Regent Honeyeater) and *Lathamus discolor* (Swift Parrot). There are no historical records of these species recorded within five kilometres of the site. The ground cover is conducive for small reptiles like skinks however a distinct lack of large, fallen timber from larger canopy trees minimises the potential for larger reptiles, and ground dwelling mammals.

Remnant (but heavily modified) patches of grassland

Description

There were areas of *Plains Grassy Woodland* devoid of most middle- and upper-storey and consisted almost entirely of grassland. These grasslands are composed of mostly exotic species that are maintained and contain no logs and a low coverage of leaf litter.

Fauna

These areas have little potential to support fauna because of the lack of cover from potential predators but can still provide good habitat for foraging for a variety of small birds. These grasslands also have the potential to provide good habitat for foraging and shelter for small reptiles.

Creeks and drains

Description

The creeks and drains contained no native vegetation however occurred in an area consistent with EVC 53: *Swamp Scrub* due to the low lying, swampy nature of the land form and

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position in the landscape. The creeks and drains contain slow-moving water containing a small number of scattered *Salix* spp. (Willows) with a dense coverage of *Typha* sp. (Bullrush) spreading from the banks. Although exotic, this vegetation does provide useful habitat for fish, amphibians and a feeding ground for birds.

Fauna

Litoria raniformis (Growling Grass Frog) and *Galaxiella pusilla* (Eastern Dwarf Galaxias) are two native species that would utilise the habitat listed above.

Swampy pools and farm dams

Description

The swampy pools and farm dams in the study area are similar to the creeks and drains detailed above. They contain slow moving, to still water that is lacking in any elevated vegetation. These areas are also depauperate in middle-storey but provide excellent cover of a mix of native and exotic under-storey.

Fauna

This habitat meets the requirements for frogs, in particular, the Growling Grass Frog. Migratory birds may also utilise this habitat temporarily or for roosting in the scrubby dam edge vegetation consisting of herbs and sedges. Larger dams may also provide a fishing ground and shallow water may be of use for wading birds.

Threatened species of significance area dealt with below.

3.7 Significant Fauna

3.7.1 National

Three nationally listed species have previously been recorded within five kilometres of the study site (DSE 2010a). Additionally, 15 species have habitat that either occurs or the species is predicted to occur in the local area (DSEWPC 2012). An assessment of the likelihood of occurrence of nationally listed fauna species within the study area is outlined in *Appendix 4*.

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3.7.2 State

Twenty-six State listed species have previously been recorded within five kilometres of the study site (DSE 2011c) including the Eastern Dwarf Galaxia and the Growling Grass Frog. The *Ardea modesta* (Eastern Great Egret) is another state listed species of significance that was recorded in the initial preliminary assessment (Dwyer, 2012) and an unconfirmed sighting in this assessment utilising the farm dams and the southern end of the study site.

An assessment of the likelihood of occurrence of state listed fauna species within the study area is outlined in *Appendix 4*.

3.8 Assessment of Best or Remaining 50% Habitat for Rare and Threatened Species

Several significant flora and fauna species have been either recorded within the study site or surrounds through desktop searches or current field assessments. Habitat zones have the potential to provide habitat for some threatened flora and fauna within the study site. The habitat assessment is undertaken in accordance with the Native Vegetation Guide for assessment of referred planning permit applications (DSE 2007) with the pathways summarised in *Table 3*.

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Table 3 *Habitat assessment for threatened species*

Step	Description	Outcome
A	Is the species, or has the species been recorded as resident on site> OR if the species is not 'resident' has it been recorded regularly (e.g. annually) on-site?	Yes – go to B No – go to D
B	Is it possible to discriminate between the importance of different populations of the species? For example, can numbers be reasonably estimated and is there available knowledge on what are typical population sizes?	Yes – go to C No – go to E
C	Does the site contain a population that is above average size or importance for the bioregion?	Yes – Best 50% of habitat No – remaining 50% of habitat
D	Does the habitat on site clearly meet one or more of the habitat requirements of the species? Is it reasonable to expect that the species is present or would make significant use of the site in the medium term (i.e. within the next 10 years)?	Yes to both – go to F No to either – no further consideration required for that species
E	Has some form of habitat modelling been undertaken for the species in the bioregion?	Yes – use this information to determine Best 50% of habitat or Remaining 50% of habitat No – go to F
F	Does the site represent above-average condition and landscape context for the relevant EVC or habitat type in the bioregion?	Yes – best 50% of habitat No – Remaining 50% of habitat

3.8.1 Threatened Flora Species

Table 4 details the determination of habitat within the study site for rare and threatened species. Only those flora species which were positively identified during site assessments or which received a rating of 1 or 2 in the 'assessed likely occurrence within study site' in *Appendix 2* were used in this determination.

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Table 4 *Determination of Best/Remaining Habitat for Rare or Threatened Flora Species*

Habitat Zones	Species	Conservation status	Steps [1]	Determination of Best 50% / Remaining 50% [2]	Conservation significance [3]
PGW1&2	<i>Dianella amoena</i>	Endangered	A no; D yes; F no	Remaining	High
[1] From Table 2 in the Guide for Assessment of Referred Planning Permit Applications (DSE 2007) specify steps taken in habitat assessment to determine best 50% or remaining 50% of habitat.					
[2] Specify 'best' or 'remaining'.					
[3] Conservation significance of the habitat zone based on consideration of threatened species.					

3.8.2 Threatened Fauna Species

No threatened fauna species received a rating of 1-3 in the “assessed likely usage of study site” in *Appendix 4*. Therefore, no fauna species were determined to be the Best or Remaining 50% of habitat in the habitat zones assessed.

3.8.3 Summary of Threatened Species Assessment

Although a number of threatened flora and fauna species were identified from desktop analysis (*Appendices 2 and 4*) only one flora species warranted further consideration. It was determined that the *Plains Grassy Woodland* habitat zones represented the “Remaining 50%” of habitat for Matted Flax-lily.

Although habitat suitable for Eastern Dwarf Galaxia and Growling Grass Frog was found within the study area, these habitats were avoided and will not be affected by this proposal.

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4 Policy and Legislative Implications

4.1 Commonwealth- Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act establishes a Commonwealth process for assessment of proposed actions that are likely to have a significant impact on matters of National Environmental Significance (NES), or on Commonwealth land. An action (i.e. project, development, undertaking, activity, or series of activities), unless otherwise exempt, requires approval from the Commonwealth Environment Minister if they are considered likely to have an impact on any matters of NES. A referral under the EPBC Act is required if a proposed action is likely to have a ‘significant impact’ on any of the following matters of NES:

- World Heritage properties;
- National heritage places;
- Ramsar wetlands of international significance;
- Threatened species and ecological communities;
- Migratory and marine species;
- Commonwealth marine area;
- Nuclear actions (including uranium mining); and
- Great Barrier Reef Marine Park.

The proposed shared path had the potential to impact habitat that supports the Eastern Dwarf Galaxias that is listed as “Vulnerable” under the EPBC act. However construction controls will be implemented to avoid impacting the habitat.

4.1.1 Implications

It is not considered necessary to refer this proposal to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) for assessment as this action is not likely to have any impact on the Growling Grass Frog or Eastern Dwarf Galaxia.

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4.2 State - Flora and Fauna Guarantee Act 1988

The Flora and Fauna Guarantee Act 1988 is the primary State legislation for the protection of native plants, native animals and ecological communities on public land and waters in Victoria. Species and ecological communities can be listed as threatened under the Act based on assessments by an independent Scientific Advisory Committee. Threatening processes may also be listed.

4.2.1 Implications

Growling Grass Frog and Eastern Dwarf Galaxias are listed under the FFG Act as a threatened species. As avoidance measures during construction will be undertaken there will be no impacts on Eastern Dwarf Galaxias habitat.

4.3 Catchment and Land Protection Act 1994

Four ‘Declared Noxious Weed’ were identified on site (*Table 5*) and under the *Catchment and Land Protection (CaLP) Act 1994* all of these weed species are categorised as ‘Regionally Controlled’. This listing is provided by the Department of Primary Industries and produced in conjunction with the West Gippsland Catchment Management Authority (DPI 2012).

Table 5 *Declared Noxious Weeds Identified On Within Study Site*

Botanical Name	Common Name	Classification
<i>Crataegus monogyna</i>	Hawthorn	Regionally Controlled
<i>Rosa rubiginosa</i>	Sweet Briar	Regionally Controlled
<i>Rubus fruticosus</i> spp. agg.	Blackberry	Regionally Controlled
<i>Watsonia meriana</i> var. <i>bulbillifera</i>	Watsonia	Regionally Controlled

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In accordance with this act, land holders have a responsibility to take all reasonable steps to control and prevent the spread of these weeds on their land (DPI 2012). Vehicle and soil hygiene recommendations must be followed to ensure Declared Noxious Weeds are not introduced to or removed from site. Ongoing maintenance of landscaped and retained vegetation areas must be monitored to ensure any existing or newly emergent Declared Noxious Weed species are recorded and promptly controlled.

Exposure and disturbance of soil during and after construction has the potential to cause contamination of water bodies through run-off of silt from the road. *Section 5* details measures to minimise impacts during and after construction.

4.4 Victoria's Native Vegetation Management Framework

Consideration and application of the three-step approach to native vegetation management under Victoria's Native Vegetation Management- A Framework for Action is detailed in *Section 5*.

4.5 Planning and Environment Act 1987

The shared path occurs within several Design and Development Overlays, Wildfire Management Overlays, Land Subject to Inundation Overlays, Airport Environs Overlays and Area of Aboriginal Cultural Heritage Sensitivity Overlays. There are no environmental issues applicable to these overlays and any other potential issues relating to these overlays need to be addressed in seeking approval for the proposed development.

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5 Victoria's Native Vegetation Management – A Framework for Action

5.1 Three-step Approach

The Framework (DNRE 2002) outlines the three step approach to native vegetation management in Victoria. This approach is:

1. Avoid
2. Minimise
3. Offset

The following subsections outline how this process has been applied to this project.

5.2 Avoiding Impacts on Native Vegetation

Initial options for the path included a variety of alignments along various roads between Morwell and Traralgon. A preliminary field assessment was undertaken (Dwyer, 2012) to identify what ecological values the alternative routes would encounter. From the preliminary field assessment, a route was identified that avoided 2.78 kilometres of endangered *Plains Grassy Woodland* EVC of very high significance along Old Melbourne Road between the forestry plantation and Regan Road. This was achieved by placing part of the path within the already cleared boundary of Latrobe Regional Airport, and using an alternative route (using Easterly and Beau Vista Drives). Refer to the Preliminary Biodiversity Assessment (Dwyer, 2012) for more information on the initial options considered. *Map 2* summarises these avoidance measures.

The path that impacted on native vegetation the least was chosen and assessed as part of this report. After assessment of four habitat zones it was concluded that further impacts on native vegetation and rare and threatened species could be made by making small deviations in the exact line in which the path would be constructed. This avoidance resulted in:

- The removal of two habitat zones – one of *Plains Grassy Woodland* and one of *Swamp Scrub* EVCs;
- The reduction in size of one habitat zone; and

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- Avoiding all potential impacts on the Eastern Dwarf Galaxia's and Growling Grass Frogs (subject to construction control measures).

5.3 Minimising Impacts on Native Vegetation

The final path avoided all impacts on native vegetation except for three small habitat zones occurring in an 850 metre section of *Plains Grassy Woodland* between Regan Road and Traralgon. Further on site consultation identified an existing powerline easement that could be used for the path that would minimize the impacts on all *Plains Grassy Woodland* habitat zones:

- The first habitat zone (no longer detailed in this report) was completely avoided saving 0.02 Hha of a high conservation significance EVC;
- The second habitat zone (now regarded as PGW1) no longer impacts on trees in the core of the zone and was reclassified to only assess understorey;
- The final habitat zone (now regarded as PGW2) had a specific path selected that appears to be an old management track that has reestablished with Burgan regrowth. This avoided the adjacent area that was of a higher quality.

Map 2 summarises these minimise measures.

5.4 Other Actions to minimise impacts on Wildlife (consistent with Clause 15.09)

Potential impacts on the Eastern Dwarf Galaxia have been avoided by plans to create boardwalks over Boyd's Creek. Any impacts on the creek will have to consider the Eastern Dwarf Galaxia.

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5.5 Assessing Loss of Native Vegetation

5.5.1 Patches of Native Vegetation

Patches of native vegetation were located on site that was able to be assessed under Victoria's Native Vegetation Management Framework.

5.5.2 Habitat Zones

Native patches identified on site were divided into habitat zones based on similarities in vegetation structure, composition, quality and other habitat components such as logs and litter cover. Each habitat zone received a habitat hectare assessment against the appropriate EVC classification in order to assign a quality score. *Map 1* displays the location of these habitat zones and descriptions of each habitat zone are provided below. *Table 6* displays the results of the assessments in each habitat zone.

Habitat Zone 1 - PGW1

This habitat zone measures 93 m² (0.0093 ha) and consists of native grassy understorey. It is characterised by an absent canopy and middle-storey, with a scarce occurrence of very small woody shrubs like Burgan and *Dillwynia cinerascens* (Grey Parrot-pea). The understorey has been slashed to less than 150 mm tall amongst an otherwise dense grassland.

The zone is composed almost entirely of a grassy under-storey containing three native grass species including Kangaroo Grass, *Eragrostis* sp. (Love Grass) and a variety of six native forbs and graminoids including *Microtis* sp. (Onion Orchids) and *Wurmbea dioica* (Common Early Nancy). The grassy understorey encompasses roughly a 50-50 ratio of native and weedy grasses with three exotic grass species: *Paspalum dilatatum* (Paspalum), Sweet Vernal Grass and Large Quaking Grass.

Habitat Zone 2 – PGW2

This habitat zone measures 787 m² (0.0787 ha) and is part of a patch running alongside Old Melbourne Road stretching from Boyd's Creek and up into Traralgon's urban outskirts.

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The upper-storey of PGW2 is composed of scattered immature eucalypts of *Eucalyptus angophoroides* (Apple-topped Box) and *Eucalyptus ovata* (Swamp Gum) that have not yet reached benchmark canopy height.

The middle storey is dominated by dense, scrubby Burgan with occasional *Acacia melanoxylon* (Blackwood) and *Leptospermum continentale* (Prickly Tea-tree). The middle-storey contains a small presence of exotic trees like Pine, *Prunus* spp. (Fruit Trees) and Sweet Pittosporum. Small clusters of Hawthorn are also present.

The grassy under-storey contains a diverse number of native species with seven grass and seven forb/graminoid species recorded. These include Love Grass, Kangaroo Grass and *Gahnia radula* (Thatch Saw-sedge). The understorey though is infested with exotic weeds especially on the upper portion of the hill and contains nine weedy grasses, six weedy forbs/graminoids and two noxious woody weed species in *Rubus fruticosus* spp. agg. (Blackberry) and *Rosa rubiginosa* (Sweet Briar).

A dirt track winds its way through the habitat zone between the scrubby Burgan and private property fence-lines but no overt signs of maintenance were observed.

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Table 6 *Quantification and Significance of Losses in Patches of Native Vegetation*

Habitat Zone			HZ1	HZ2
Bioregion			Gippsland Plains	Gippsland Plains
EVC #: Name			55: Plains Grassy Woodland	55: Plains Grassy Woodland
EVC Bioregional Conservation Status			Endangered	Endangered
		Max Score	Score	Score
Site Condition	Large Old Trees	10	0	0
	Canopy Cover	5	0	0
	Understorey	25	5	15
	Lack of Weeds	15	4	0
	Recruitment	10	0	10
	Organic Matter	5	0	3
	Logs	5	0	0
	Total Site Score	75	9	28
	EVC standardiser (e.g. 75/55) [1]		-	-
	Adjusted Site Score		29	28
Landscape value	Patch Size	10		
	Neighbourhood	10	2	4
	Distance to Core	5		
Habitat Score		100	11	32
Habitat points = #/100		1	0.11	0.32
Habitat Zone area (ha)		(#,#)	0.0093	0.0787
Habitat Hectares		(#,#)	0.0010 *	0.0252 **
Conservation Significance	Conservation status x Habitat Score		High	High
	Threatened Species Rating		High	High
	Other Site Attribute Rating		-	-
	Overall Conservation Significance (highest rating)		High	High
Net Outcome			1.5	1.5
Gain Target (Hha)			0.0015	0.0378
No. of Large Old Trees to be removed in each Habitat Zone			0	0
Tree protection multiplier			-	-
Large Old Trees to be protected			-	-

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[1] For non-forest or woodland vegetation or other vegetation types

where some elements of the score are not relevant

* Rounded to four decimal places from 0.001023 to 0.0010

** Rounded to four decimal places from 0.025184 to 0.0252

5.6 Scattered Trees

There are no scattered native trees to be removed under this proposal.

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5.7 Net Gain Targets

5.7.1 Native Patch Losses

Table 7 provides the detail of all native patch losses according to the relevant habitat zone and the subsequent offset requirements.

Table 7 Gain Targets for Clearing Patches of Native Vegetation

Target # [1]	Habitat Zones [2]	Bioregion	EVC #: Name	Conservation significance	Min. habitat score for target [3]	Other Like-for-Like reqts [4]	Habitat Hectares Target			Large Tree Protection Target [5]		
							Total Losses (Hha)	Net Outcome	Gain Target (Hha)	Total LOTs Lost	Protection Multiplier	LOTs to be protected
H1	PGW1	Gippsland Plains	55: Plains Grassy Woodland	High	8	Remaining habitat for Matted Flax-lily	0.0010	1.5	0.0015	0	-	-
H2	PGW2	Gippsland Plains	55: Plains Grassy Woodland	High	24	Remaining habitat for Matted Flax-lily	0.0252	1.5	0.0378	0	-	-

[1] For losses of very high or high conservation significance vegetation, the losses in different habitat zones can be added together into one Offset Target provided that they meet the same Like-for-Like criteria, e.g. losses are in the same EVC/habitat type etc. For losses of medium or low conservation significance vegetation, losses from different habitat zones can be added together into one Offset Target provided that the losses are in the same bioregion.

[2] Please specify the habitat zones that contribute to the target.

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[3] Based on the quality objectives for the offset specified in Table 6 of *Victoria's Native Vegetation Management - A Framework for Action* (DNRE 2002).

[4] Please specify any other Like-for-Like requirements. These may include best/remaining habitat for threatened species, ecological function etc.

[5] Please note that by protecting a medium or large tree, either scattered or within a patch it is assumed five recruits will be generated. To be considered protected twice the canopy diameter of a tree must be fenced and protected from adverse impacts (see definition in *Guide for Assessment of Referred Planning Permit Applications* DSE 2007 for more information). It has therefore been assumed that protection of a tree will generate five recruits and no separate recruitment targets have been calculated.

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6 Conclusion and Recommendations

The route of the shared path was designed based on the recommendations made in the preliminary biodiversity survey (Dwyer, 2012). This process resulted in the 2.78 kilometres of *Plains Grassy Woodland* along Old Melbourne Road of very high conservation significance and several patches of *Swamp Scrub* of high conservation significance being avoided.

After this process, three small patches of *Plains Grassy Woodland* and one habitat zone of *Swamp Scrub* remained to be impacted upon. Further on site consultation determined that two of these habitat zones could be avoided by using an existing powerline easement, and one could be minimised leaving only 880 m² of vegetation in two habitat zones remaining to be impacted upon. This also removed any impacts on threatened fauna (Eastern Dwarf Galaxia and Growling Grass Frog) provided sufficient construction controls are implemented to avoid impacts on Boyd's Creek and other dams and streams adjacent to the path (see *Appendix 5*).

It was determined that the native vegetation losses for the shared path would be 0.03 Hha of EVC 55: *Plains Grassy Woodland* and are of high conservation significance. The required offsets would need to be of high conservation significance and represent the remaining 50% of habitat for the Matted Flax-lily. A maximum of 25% of the offset target is able to be achieved through revegetation.

Due to the high conservation significance of vegetation proposed to be removed, an Offset Management Plan must be approved and implemented within one year of removal of native vegetation under this proposal.

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Appendices

Appendix 1 – Flora Survey Results

ORIGIN	Botanical Name	Common Name	Conservation Status				
			FFG	EPBC	VROTS	PGW1	PGW2
	<i>Acacia melanoxylon</i>	Blackwood					+
	<i>Acaena ovina</i>	Australian Sheep's Burr					+
*	<i>Agrostis capillaris</i>	Brown-top Bent					+
*	<i>Aira</i> spp.	Hair Grass					+
*	<i>Anthoxanthum odoratum</i>	Sweet Vernal-grass				+	+
*	<i>Aster subulatus</i>	Aster-weed					+
	<i>Austrodanthonia geniculata</i>	Kneed Wallaby-grass				+	+
	<i>Austrostipa rudis</i>	Veined Spear-grass					+
*	<i>Briza maxima</i>	Large Quaking-grass				+	+
*	<i>Briza minor</i>	Lesser Quaking-grass					+
*	<i>Crataegus monogyna</i>	Hawthorn					+
*	<i>Cyperus eragrostis</i>	Drain Flat-sedge					+
*	<i>Dactylis glomerata</i>	Cocksfoot					+
	<i>Dillwynia cinerascens s.l.</i>	Grey Parrot-pea				+	
	<i>Elymus scaber</i> var. <i>scaber</i>	Common Wheat-grass					+
	<i>Eragrostis</i> sp.	Love Grass				+	+
	<i>Eucalyptus angophoroides</i>	Apple-topped Box					+

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ORIGIN	Botanical Name	Common Name	Conservation Status				
			FFG	EPBC	VROTS	PGW1	PGW2
	<i>Eucalyptus ovata</i>	Swamp Gum					+
	<i>Gahnia radula</i>	Thatch Saw-sedge					+
*	<i>Holcus lanatus</i>	Yorkshire Fog					+
	<i>Hypericum</i> sp.	St John's Wort					+
	<i>Isolepis inundata</i>	Swamp Club-sedge					+
	<i>Juncus bufonius</i>	Toad Rush				+	+
	<i>Juncus</i> sp.	Rush					+
	<i>Kunzea ericoides</i> spp. agg.	Burgan				+	+
	<i>Leptospermum continentale</i>	Prickly Tea-tree					+
	<i>Lomandra filiformis</i>	Wattle Mat-rush				+	
	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass					+
	<i>Microtis</i> sp.	Onion Orchid				+	
*	<i>Paspalum dilatatum</i>	Paspalum				+	+
*	<i>Pinus radiata</i>	Radiata Pine					+
#	<i>Pittosporum undulatum</i>	Sweet Pittosporum					+
*	<i>Plantago lanceolata</i>	Ribwort				+	+
	<i>Plantago</i> sp.	Plantain				+	+
	<i>Poa</i> sp.	Tussock Grass					+
*	<i>Prunella vulgaris</i>	Self-heal					+
*	<i>Prunus</i> sp.	Prunus					+
	<i>Pseudognaphalium luteoalbum</i>	Jersey Cudweed				+	+
*	<i>Rosa rubiginosa</i>	Sweet Briar					+

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ORIGIN	Botanical Name	Common Name	Conservation Status				PGW1	PGW2
			FFG	EPBC	VROTS			
*	<i>Rubus fruticosus</i> spp. agg.	Blackberry					+	
	<i>Thelymitra</i> sp.	Sun Orchid				+		
	<i>Themeda triandra</i>	Kangaroo Grass				+	+	
*	<i>Vicia</i> sp.	Vetch					+	
*	<i>Vulpia</i> sp.	Fescue					+	
*	<i>Watsonia meriana</i> var. <i>bulbillifera</i>	Bulbil Watsonia				+		
	<i>Wurmbea dioica</i>	Common Early Nancy				+		
						17	41	

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Appendix 2 – Results of Rare and Threatened Flora Species Desktop Search (5km radius)

Botanical Name	Common Name	Last Documented Record	Total # of Documented Records	Conservation Status			Source	Likely Usage of Study Site
				FFG	VROTS	EPBC		PGW
<i>Craspedia canens</i>	Grey Billy-buttons	2004	1	L	e		DSE 2005	3
<i>Dianella amoena</i>	Matted Flax-lily	2004	1	L	e	E	DSE 2005	2
<i>Eucalyptus strzeleckii</i>	Strzelecki Gum			L	v	V	DSE 2011, DSEWPC 2012	3
<i>Eucalyptus yarraensis</i>	Yarra Gum	1770	1		r		DSE 2005	3
<i>Hypsela tridens</i>	Hypsela	2003	1		k		DSE 2005	3
<i>Lachnagrostis punicea</i> subsp. <i>punicea</i>	Purple Blown-grass	2000	1		r		DSE 2005	3
<i>Marsilea mutica</i>	Smooth Nardoo	1983	1		k		DSE 2005	3
<i>Platysace ericoides</i>	Heath Platysace	2003	1		r		DSE 2005	3
<i>Prasophyllum correctum</i>	Gaping Leek-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Prasophyllum frenchii</i>	Maroon Leek-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Ranunculus papulentus</i>	Large River Buttercup	1981	1		k		DSE 2005	3
<i>Thelymitra epipactoides</i>	Metallic Sun-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Thelymitra matthewsii</i>	Spiral Sun-orchid			L	v	V	DSE 2011, DSEWPC 2012	4
<i>Xerochrysum palustre</i>	Swamp Everlasting			L	v	V	DSE 2011, DSEWPC 2012	5

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Key to Conservation Status & Origin

Origin	
#	Native species that may be considered alien in some circumstances
*	Exotic species

Flora and Fauna Guarantee Act 1988	
L	Listed as a Threatened in Victoria
P	Listed as a Protected in Victoria
N	Nominated for listing as Threatened in Victoria
D	Delisted as Threatened in Victoria

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999	
V	Listed as Nationally Vulnerable
E	Listed as Nationally Endangered
X	Listed as Nationally Extinct
C	Listed as Nationally Critically Endangered

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Advisory List of Rare or Threatened Plants in Victoria (VROTS) (DSE 2005)	
v	Listed as Vulnerable in Victoria
x	Listed as Presumed Extinct in Victoria
e	Listed as Endangered in Victoria
r	Listed as Rare in Victoria
k	Listed as Poorly Known in Victoria

Key to Likely Occurrence within Study Site

1	Known occurrence.
2	Habitat present- considered reasonable likelihood
3	Habitat present- considered low likelihood
4	Considered unlikely to be present
5	No suitable habitat present

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Appendix 3 – Fauna survey results

Origin	Common Name	Zoological Name	VROTS	FFG	EPBC	Record Type
	Australian Magpie	<i>Gymnorhina tibicen</i>				S
	Australian White Ibis	<i>Threskiornia molucca</i>				S
	Common Froglet	<i>Crinia signifera</i>				H
*	European Hare	<i>Lepus europeus</i>				S
	Magpie-lark	<i>Grallina cyanoleuca</i>				S
	Peron's Tree Frog	<i>Litoria peronii</i>				H
	Striped Marsh Frog	<i>Limnodynastes peronii</i>				H
	Unidentified Egret	<i>Egretta / Ardea sp.</i>				S
	White-faced Heron	<i>Egretta novae-hollandiae</i>				S
	Yellow-tailed Black Cockatoo	<i>Calyptorhynchus funereus</i>				S

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Appendix 4 – Results of Rare and Threatened Fauna Desktop Search (5km radius)

Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
Australasian Bittern	<i>Botaurus poiciloptilus</i>			L	EN	EN			5
Australasian Shoveler	<i>Anas rhynchos</i>	1991	4		VU				5
Australian Grayling	<i>Prototroctes maraena</i>	1979	1	L	VU	VU		Marine	5
Australian Painted Snipe	<i>Rostratula australis</i>			L	VU	VU		Migratory	5
Azure Kingfisher	<i>Alcedo azurea</i>	1979	1		NT				4
Black Falcon	<i>Falco subniger</i>	1999	1		VU		Dependent		4
Blue-billed Duck	<i>Oxyura australis</i>	1995	4	L	EN				5
Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>			L	VU	VU			5
Dendy's Toadlet	<i>Pseudophryne dendyi</i>	1973	1		DD				5
Eastern Dwarf Galaxias	<i>Galaxiella pusilla</i>			L	VU	VU		Marine	5
Eastern Great Egret	<i>Ardea modesta</i>	2001	4	L	VU				5
Fairy Tern (Australian)	<i>Sterna nereis nereis</i>			L	EN	VU			5
Giant Burrowing Frog	<i>Heleioporus australiacus</i>			L	VU	VU			5
Golden Sun Moth	<i>Synemon plana</i>			L	CE	CR			5
Grey Goshawk	<i>Accipiter novaehollandiae novaehollandiae</i>	2004	1	L	VU				4

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Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>			L	VU	VU		Migratory	5
Growling Grass Frog	<i>Litoria raniformis</i>	1982	1	L	EN	VU			4
Hardhead	<i>Aythya australis</i>	2000	9		VU				5
Hooded Robin	<i>Melanodryas cucullata cucullata</i>	1973	1	L	NT				4
Intermediate Egret	<i>Ardea intermedia</i>	1978	1	L	CE				5
Latham's Snipe	<i>Gallinago hardwickii</i>	2000	1		NT			Migratory	5
Little Egret	<i>Egretta garzetta nigripes</i>	1978	1	L	EN			Migratory	5
Long-nosed Potoroo (SE mainland)	<i>Potorous tridactylus tridactylus</i>			L	VU	VU			5
Malleefowl	<i>Leipoa ocellata</i>			L	VU	VU			5
Musk Duck	<i>Biziura lobata</i>	1995	6		VU				5
Nankeen Night Heron	<i>Nycticorax caledonicus hillii</i>	1945	1		NT				5
New Holland Mouse	<i>Pseudomys novaehollandiae</i>			L	VU	VU			5
Pied Cormorant	<i>Phalacrocorax varius</i>	1977	1		NT				5
Powerful Owl	<i>Ninox strenua</i>	1981	1	L	VU		Dependent		5
Regent Honeyeater	<i>Anthochaera phrygia</i>			L	CE	EN		Migratory	4
River Blackfish	<i>Gadopsis marmoratus</i>	1990	1		DD			Marine	5
Royal Spoonbill	<i>Platalea regia</i>	1988	1		VU				5
Smoky Mouse	<i>Pseudomys fumeus</i>			L	EN	EN			5
Southern Brown Bandicoot	<i>Isodon obesulus obesulus</i>			L	NT	EN			5
Southern Toadlet	<i>Pseudophryne</i>	1962	1		VU				5

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Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
	<i>semimarmorata</i>								
Spot-tailed Quoll	<i>Dasyurus maculatus maculatus</i>	1966	1	L	EN	EN			5
Spotted Quail-thrush	<i>Cinclosoma punctatum</i>	1975	1		NT				5
Swift Parrot	<i>Lathamus discolor</i>			L	EN	EN	Dependent	Migratory	4
White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>	2001	4	L	VU				5

Key to Conservation Status & Origin

Origin	
*	Exotic species
Flora and Fauna Guarantee Act 1988	
L	Listed as a Threatened in Victoria
P	Listed as a Protected in Victoria
N	Nominated for listing as Threatened in Victoria
I	Invalid or Ineligible for listing.
D	Delisted as Threatened in Victoria

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Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999	
VU	Listed as Nationally Vulnerable
EN	Listed as Nationally Endangered
EX	Listed as Nationally Extinct
CR	Listed as Nationally Critically Endangered

Advisory List of Threatened Vertebrate Fauna in Victoria (DSE2007), Advisory List of Threatened Invertebrate Fauna in Victoria (DSE 2009).	
EX	Listed as Extinct in Victoria
RX	Listed as Regionally Extinct in Victoria
WX	Listed as Extinct in the Wild
CE	Listed as Critically Endangered
EN	Listed as Endangered
VU	Listed as Vulnerable
NT	Listed as Threatened
DD	Listed as Data Deficient

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Likely Usage of Study Site

1	Known/ recorded as 'resident'
2	Possible 'resident'
3	Frequent visitor
4	Occasional/ Rare Visitor
5	Unlikely/ No Suitable Habitat

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Appendix 5 - Management of Construction Zone

Minimising Impact

The proposed development would not require the removal of any indigenous trees. The following measures should be followed to ensure native vegetation surrounding the development footprint is protected.

- No vegetation, apart from that shown on the endorsed plan as vegetation to be removed may be felled, destroyed or lopped without written consent;
- No existing canopy trees are located within the construction zone
- Trees within the vicinity of the construction area and proposed shared path which are marked on the plan to be retained must have tree protection zones defined on site. Each tree protection zone must extend to at least around the periphery of the foliage canopy to include the drip line. No excavation, trenching or soil removal may be carried within these protection zones;
- Goods or materials should not be stored or vehicles parked within the drip line of any tree;
- All exposed roots must be cut by or under the supervision of an Arborist or suitably qualified person, using a handsaw and or secateurs;
- Vehicle access ways should be gravel topped where appropriate to reduce the spread of sediment;
- Soil should not be deposited at the base of and on areas surrounding trees;
- Patches of indigenous vegetation in close proximity to the construction zone should be fenced off prior to and also during the construction works to provide for their protection;
- Machinery should be cleaned prior to entering the site and again before leaving site;
- During earthworks a qualified arborist is to be on site advising plant operators on the appropriate methods within the root zones of any indigenous species;
- Trees not proposed for removal should be monitored at regular intervals for any signs of deterioration in overall health. The timing and length of monitoring is to be determined by a qualified arborist;

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- If any further indigenous trees or vegetation is lost due to construction works associated with the development then appropriate measures should be undertaken to apply Net Gain Guidelines and calculate appropriate offsets;
- Proposed trimming of indigenous trees only be undertaken to specified clearance limits and no excessive trimming/ pruning is to be undertaken.
- The use and installation of pre-constructed boardwalks for waterway crossings are necessary to ensure Boyd's Creek is not disturbed.

Erosion and Sediment Management

To ensure that silt doesn't enter waterways, construction of a silt control barrier like a 'Filter Fence' should be considered. Such a fence should be erected on the downward slope of any stockpiles of soil and the downward slope of the construction site to mitigate any sediment movement, especially into the waterways.

All works are to be confined to the building and effluent envelope and measures must be taken, during the transfer of soil, to ensure it is not deposited in areas outside of the construction zone.

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Appendix 6 – Habitat assessment and survey for the Growling Grass-frog

Introduction

Preliminary surveys indicated that it may be necessary to undertake targeted survey for the presence of the Growling Grass-frog. The presence of habitat and historical records for the species in the area meant that the presence of the species at the site could not be ruled out and should therefore be established.

The following subsections detail the results of habitat and call-playback surveys for the Growling Grass-frog in several habitat niches crossed by the proposal.

Additional Note: The surveys were timed so that they occurred at the correct time of year. After the surveys were conducted, alterations to the design have been made which remove any locations where Growling Grass Frog habitat is affected from the proposal.

Species information

Growling Grass-frog (*Litoria raniformis*)

‘The Growling Grass-frog is one of the largest frog species in Australia. It reaches up to 104 mm in length, with females usually larger (60-104 mm) than males (55-65mm). Growling Grass-frogs vary in colour and pattern but in general are olive to bright emerald green, with irregular gold, brown, black or bronze spotting. Their backs are warty and usually have a pale green mid-dorsal stripe. The eardrum is pronounced. A cream or yellow stripe underlined by a dark brown stripe runs from the nostril, through the eye, above the inner ear and down the sides of the body to the groin as a dorso-lateral fold. On their bellies, Growling Grass-frogs are white and coarsely granular. During the breeding season males may become yellow or dark grey/black under the throat. The groin and posterior of the thighs are turquoise blue’ (Barker and Grigg 1977; Robinson 1993; Barker et al. 1995; Tyler 1978; Tyler and Barrie 1996; DEC NSW 2005; cited in (DSEWPC, 2010)).

The Growling Grass-frog is considered to have a natural range encompassing south-eastern mainland Australia and most of Tasmania. The species typically occupies slow moving or

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still waters of creeks, dams or lagoons and is often found amongst emergent vegetation of species such as *Phragmites australis* (Common Reed), *Typha* spp. (Bull-rushes) and *Eleocharis* spp. (Spike-rushes) within and surrounding the water (DEC, 2005).

Two historical records for the Growling Grass-frog are found within 5 km of the proposed path (DSE, 2010a). The closer of these two records is from 1982 with the location described as the ‘Latrobe Valley Aerodrome’, which this current proposal skirts the western and northern boundaries of. Although the precise point for the record sits outside the current Latrobe Valley Airport, it is reasonable to assume that it is related to one of the minor drainage lines that exit the airport on its western and northern boundaries, all of which support potential Growling Grass-frog habitat. *Map 3* displays the all records of the species in Victoria from DSE’s VBA (DSE, 2010).

Habitat Description

Potential habitat for the Growling Grass-frog is found in a number of small creeks and drainage lines that cross the proposed shared path. *Map 4* displays these locations numbered from 1 to 6.

All habitat niches found across the site have common properties such as the following:

- Amongst or directly adjacent to agricultural grazing land.
- Moderate to high cover of environmental weeds.
- Host emergent aquatic and semi-aquatic vegetation.
- Slow moving or still water bodies which may temporarily dry up during summer.

The following subsections describe each of the six areas identified along the length of the proposed shared path as providing potential habitat to the Growling Grass-frog.

Frog Habitat 1 – South-east edge of the plantation

This habitat is a swampy marsh at the toe of a farm dam that continues as a low velocity, swampy creek. Vegetation is a composite of low grazed grasses and sedges.

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Frog Habitat 2 – Western boundary of Latrobe Regional Airport 1

Habitat 2 is a swampy marsh with a range of native grasses and sedges. Small pools formed from the backup of water at the culvert are found however, the stream is typically low velocity only flowing during rain events.

Frog Habitat 3 – Within plantation

This habitat is a broad marsh formed from the flow of water from the creeks that make up Habitats 1 and 2. Although native vegetation is present, it is not very diverse and exotic grasses are common.

Frog Habitat 4 – Western boundary of Latrobe Regional Airport 2

This habitat is very similar in structure and vegetation to Habitat 2.

Frog Habitat 5 – Between the cul-de-sacs of Easterly Drive and Beau Vista Drive

Habitat 5 occurs in a thin strip of farm land between two roads. Although mostly dominated by exotic grasses that are variably grazed, native rushes are scattered. Both upstream and downstream are wooded clumps of paperbarks.

Frog Habitat 6 – Boyd's Creek alongside Old Melbourne Road between Coonoc Road and Coopers Road

A small pool exists near the fence line where the creek builds up behind a culvert. This pool is surrounded by little other than *Typha* sp. (Bulrush) and exotic pasture.

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Results

Habitat Assessment

Table 8 details the outcome of habitat assessments in line with guidelines for the assessment of habitat for the *Litoria raniformis* (Growling Grass-frog) (DEWHA, 2009 & 2010)

Table 8 - Results of habitat assessment

Assessment Question	<i>L. raniformis</i>
Is the site within the expected range of the species?	Yes
Are there records of the species within the local area/catchment?	Yes
Does the site support potentially suitable habitat for the species?	Yes – Small areas of water’s edge and emergent vegetation, still water
Are there other frog species on site? If so, what species?	Yes – Common Froglet and Peron’s Tree Frog
What vegetation occurs on and around the site?	Good cover of semi-aquatic and aquatic vegetation within ponds. Little remnant terrestrial vegetation
How close is the nearest water body?	Adjacent (<5 metres)
How many water bodies occur within 10 km?	20+
Is there habitat connectivity (terrestrial or aquatic) between water bodies on site, and between on-site water bodies and those on neighbouring sites?	No – Agricultural grazing land exists between the bodies of water
Is there any evidence of disturbance on site?	Yes – grazing of pond banks and surrounding areas. Habitat 5 is highly disturbed.
Has this habitat been modified as a result of previous development actions?	Yes – ponds are natural though cattle graze in the area. Little native vegetation on the site.
Are water bodies infested with Mosquito Fish or other predatory species that prey on the Growling Grass-frog?	No mosquito fish were found by the study by

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Assessment Question	<i>L. raniformis</i>
	Mcguckin (2011). However, omnivorous waterbirds are present within the area, some of which may prey on tadpoles or small frogs.
Are there other threats to the species occurring on site?	No – the main threats are from predatory waterbirds.
	7/12

The assessment of the habitats' suitability to the Growling Grass-frog detailed in *Table 8* demonstrates that the habitat found along the proposed shared path is only marginally suitable for the Growling Grass-frog. 7 out of 12 questions received a positive or suitable answer consistent with the habitat requirements of the species. This result should be viewed as an indication that the study site, in its current state, provides less than ideal habitat for the species.

Nocturnal Surveys

Following initial habitat assessments, two nocturnal call play-back and spotlighting surveys were undertaken.

Survey 1

The first survey was undertaken on the 28th of November, 2012. The survey began at approximately 8:15 pm at habitat 1 and progressed sequentially to end at habitat 6 after approximately 1 hour, playing the 6 minutes of Growling Grass-frog calls at each of the 6 habitat sites.

Conditions for the survey were favourable with mild temperature of between 23.9 and 16.0 degrees Celsius for the night of the survey. *Table 9* details the weather conditions of the dates adjoining the night of the survey recorded at the Latrobe Valley Airport weather station approximately 3 km west of the study site.

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No occurrences of Growling Grass-frogs were recorded during the survey. However, the presence of small numbers of three other frog species; *Crinia signifera* (Common Froglet), *Limnodynastes tasmaniensis* (Spotted Marsh Frog, southern call race) and *Litoria peroni* (Peron’s Tree Frog) indicate that conditions were generally suitable for frog calling to occur.

Table 9 – Latrobe Valley Airport, Traralgon 27th-29th November, 2012 (BoM, 2012)

Date	Min. Temp (°C)	Max. Temp. (°C)	Temp. @ 9am/3pm (°C)	Rainfall (mm)
27/11/2012	15.1	20.8	- / 19.9	3.0
28/11/2012	15.0	24.9	16.9 / 23.9	8.6
29/11/2012	16.0	33.0	20.5 / -	0.0

Survey 2

The second survey was undertaken on the 11th of December, 2012. The survey began at approximately 8:50pm. This time the survey began in habitat 6 and progressed sequentially to end at habitat 1 taking approximately 1 hour, stopping at each habitat area to play 6 minutes of the Growling Grass-frog calls. This survey began slightly later than survey 1 due to the later sunset and the area was traversed in the opposite direction to survey 1 to ensure each habitat area received Growling Grass-frog calls at both dusk and full-night.

Conditions for this survey were similar to the November survey with mild temperature of between 22.3 and 12.5 degrees Celsius for the night of the survey. *Table 10* details the weather conditions of the dates adjoining the night of the survey recorded at the Latrobe Valley Airport weather station approximately 3 km west of the study site (BoM, 2012).

Table 10 – Weather records from Latrobe Valley Airport, Traralgon 10th to 12th December 2012 (BOM, 2012)

Date	Min. Temp (°C)	Max. Temp. (°C)	Temp. @ 9am/3pm (°C)	Rainfall (mm)
10/12/2012	4.3	23.3	- / 22.8	0
11/12/2012	8.3	23.0	16.7 / 22.3	0
12/12/2012	12.5		18.8 / -	0

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No Growling Grass-frogs were detected by this survey. However, as in November, a small number of the same frog species, the Common Froglet was heard in 2 habitat areas once again indicating that conditions were generally suitable for frogs to be calling.

Summary of conclusions

Habitat assessments detailed in *Table 8* concluded that habitat along Old Melbourne and adjacent to the Latrobe Valley Airfield is suitable – although less than ideal - for the Growling Grass-frog based on habitat guidelines described by DEC (2005) and DEWHA (2009 & 2010)

Two separate call play-back surveys for the Growling Grass-frog failed to detect the species along the proposed shared path route and *Table 11* summarises the outcomes of habitat assessments and surveys for the Growling Grass-frog.

Table 11 - Summary of assessment and survey outcomes

<i>Litoria raniformis</i> (Growling Grass-frog)	
Suitable Habitat	Species Presence
YES	NO

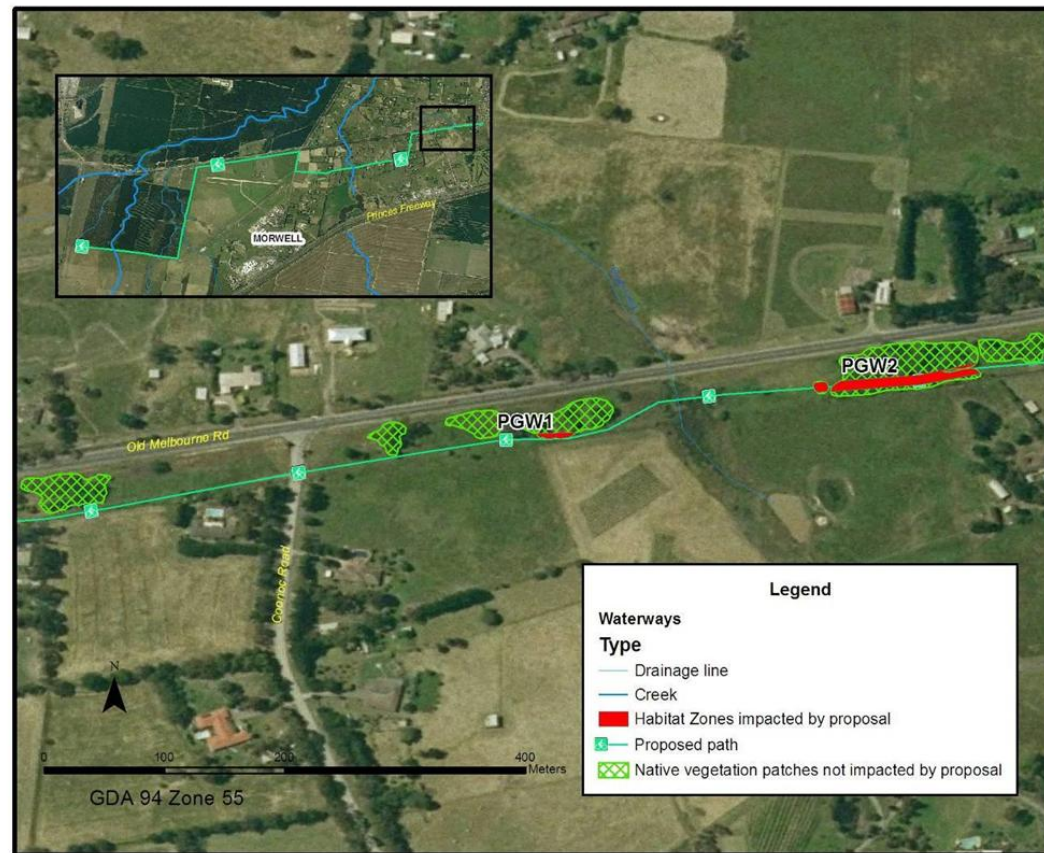
While surveys failed to detect the Growling Grass-frog the results of this study should be used with caution and not interpreted as a definitive conclusion that the species could not make some use of or occupy the site in future. However, in the absence of any recent nearby records of the species or active management intervention to establish and maintain a more suitable habitat, the species is unlikely to colonise or make significant use of the site.

Additionally, as discussed earlier, direct impacts on favourable habitat for the species caused by grazing and other disturbances are significant.

It can be considered unlikely that the development of the proposed shared path route will have any medium or long term impacts upon potential habitat or important populations of Growling Grass-frogs. As the wetland is proposed to be retained, the removal of grazing and re-establishment of native vegetation within and surrounding the wetland is likely to improve the habitat potential for the site.

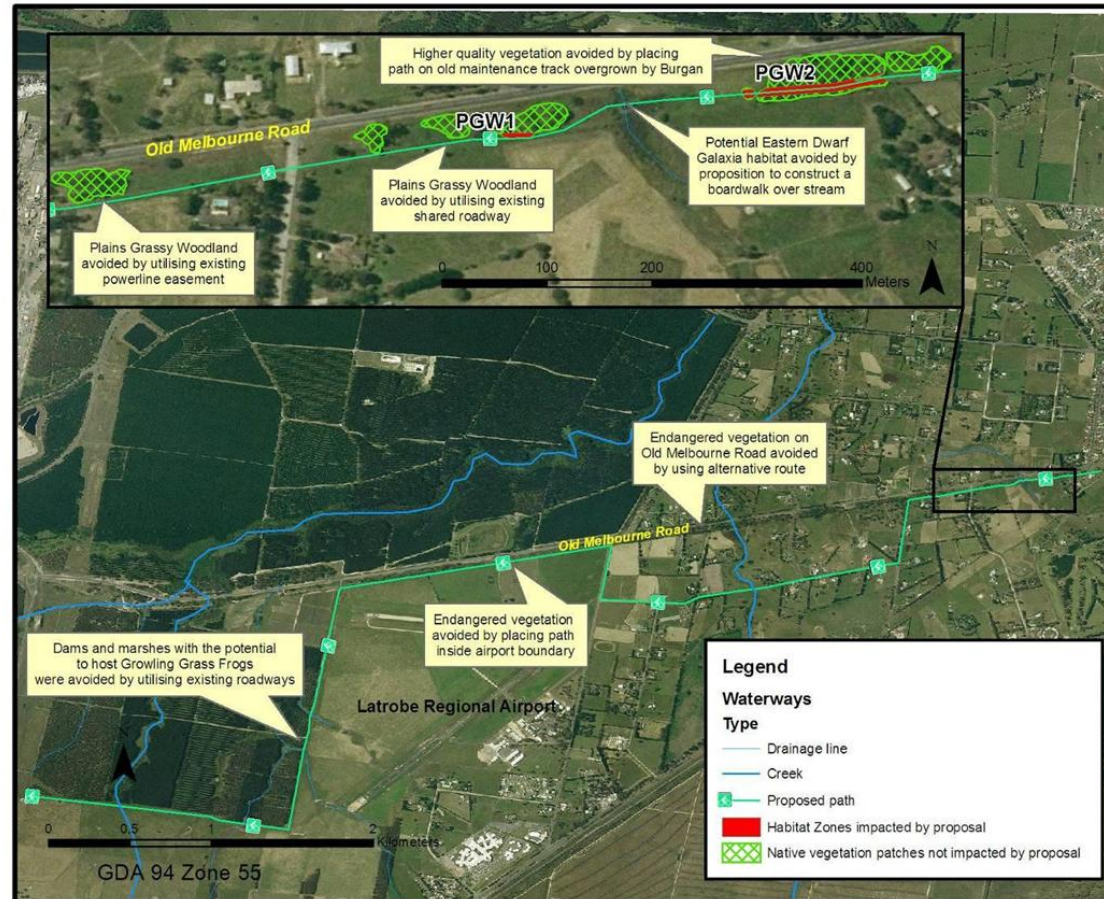
Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

Map 1 – Habitat Zones identified within the proposed impact zone



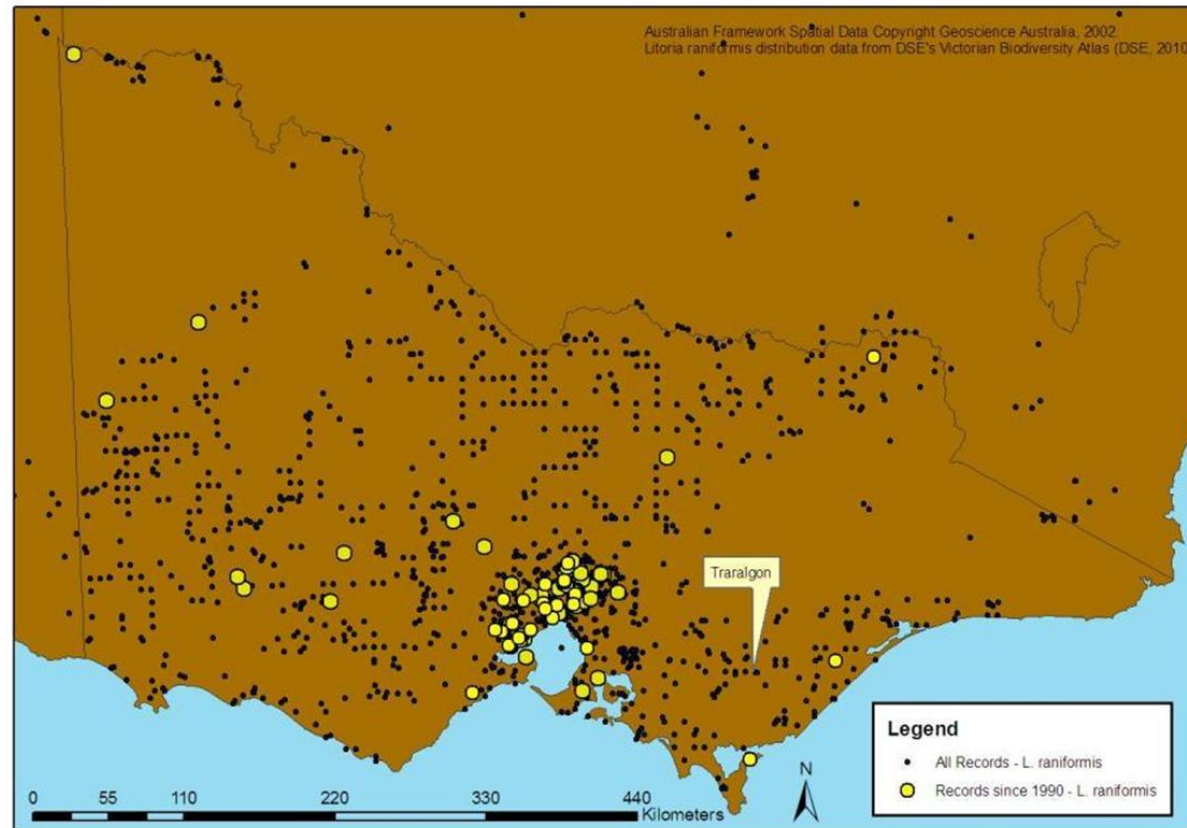
Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

Map 2 – Summary of Avoid and Minimise measures



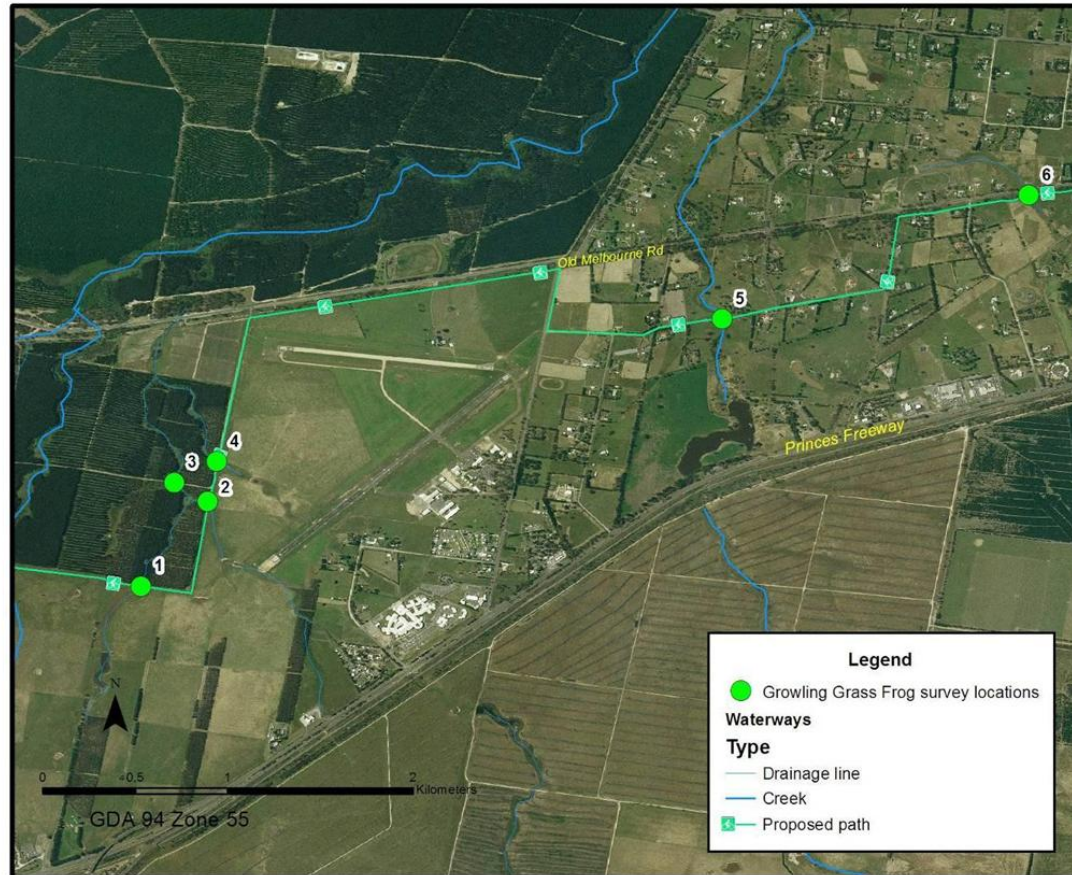
Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

Map 3 – Victorian records of *Litoria raniformis* (DSE, 2010a)



Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

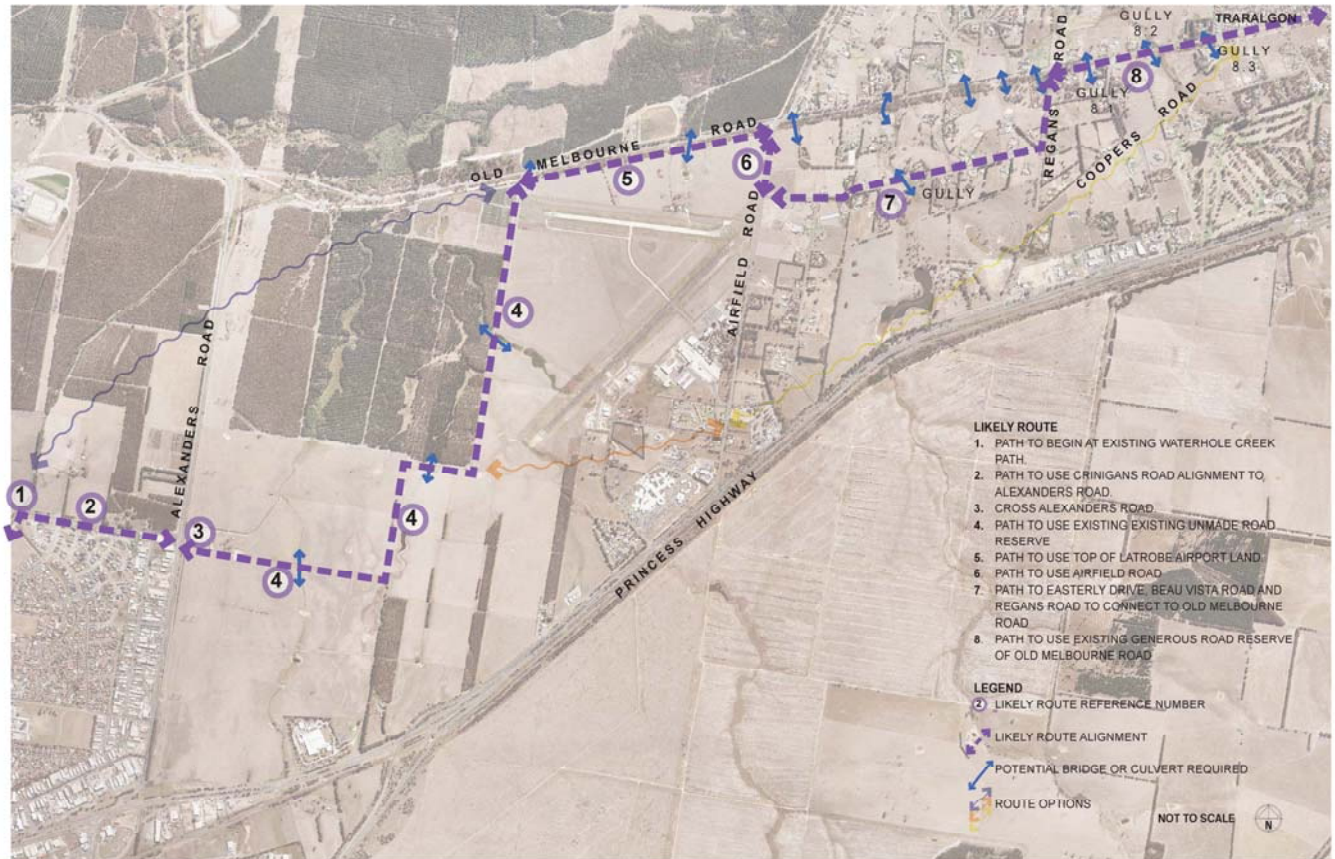
Map 4 – Locations of the sites for the targeted frog survey





INDIGENOUS DESIGN P (03) 9437 0555
5 Candlebark Ct, Research, VIC, 3095 F (03) 9437 0555
Melbourne | Morwell | Leongatha E nadia@iddesign.com.au

ABN: 8310 4215 947 www.iddesign.com.au



Likely Route Plan



**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)****14.2 PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEY
BLUE GUM FROM AGNES BRERETON PARK, TRARALGON****General Manager****Recreation, Culture &
Community Infrastructure****For Decision****PURPOSE**

The purpose of this report is to provide Council with the results of the community consultation for the proposed removal of one Sydney Blue Gum tree in Agnes Brereton Park Traralgon.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley
Strategic Objectives - Built Environment

Latrobe City Council Plan 2013 – 2017

- *Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of the trees that are appropriate to their surroundings.*
- *Ensure public infrastructure is maintained in accordance with community aspirations.*

Latrobe City Council Plan 2013 - 2017

Policy - Tree Work Notification Policy 11 POL-4

The purpose of this policy is to detail processes for the notification of significant tree works prior to the works being undertaken.

BACKGROUND

In mid-2012 Council received a letter from a resident in Anderson Street Traralgon requesting that the Sydney Blue Gum to the rear of their property have some pruning works carried out. The resident was concerned with the continual amount of tree litter that fell onto the netball court also to the rear of their property (see attachment for map of the area). At this time Council pruned back the eastern tree canopy to reduce the amount of tree litter that fell onto the court and the private property.

In November 2012 Council undertook further pruning works to this gum tree. Netball players and supporters were concerned about the amount of tree litter falling onto the court and that this could cause injury to persons playing netball. In February 2013 Council carried out further pruning works to the gum tree. This included crown thinning and dead wooding to reduce the amount of tree litter that fell onto the court.

In April 2013 a representative of Traralgon Netball Club contacted Council requesting an onsite meeting to discuss the removal of the gum tree. They were concerned that persons watching netball could be injured from falling branches and persons playing netball could be injured by slipping/tripping on fallen tree litter. Council officers including arborists met with representatives from the Traralgon Netball Club to discuss all their issues and concerns for the players and spectators in mid April 2013. Following this meeting further pruning works to the gum tree were arranged and carried out. The works included further crown thinning and dead wooding.

At this onsite meeting the netball club still believed the gum tree to be a danger to players and spectators and have asked Council to consider removing the gum tree.

As per Councils Tree Work Notification Policy 11 POL - 4 a Council resolution is required prior to the removal of trees, unless they are dead, dying or dangerous in which case immediate removal is permitted.

A report was tabled at the Ordinary Council meeting on 20 May 2013 regarding the proposed tree removal. At this meeting Council resolved;

1. That Council defers any decision on the removal of the Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions from the community on the proposed tree removal.
2. That a further report be presented to Council following the public consultation process to provide details of community opinion on the proposed tree removal.
3. That Council informs all affected parties of its decision.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)****ISSUES**

In line with the Tree Work Notification Policy, Council's arborists have inspected the gum tree and surrounding areas (see attached photo). The gum tree is in good health and has a sound structure. All pruning works to the gum tree have been carried out to the best and latest practices in arboriculture.

The gum tree doesn't fall under Council's Tree Policy of Dead/Dying/Dangerous where a Council officer is delegated to remove this tree without a Council resolution.

The tree pruning works over the last six months have helped to reduce the amount of tree litter that falls onto the netball court. These works have also reduced the risk of summer/sudden limb drop syndrome. Council cannot give any guarantee that any gum tree in any of its public spaces will not drop branches. This tree could still drop/shed a branch without any warning as they are prone to do so. The cost of moving a living tree of this size could take in the region of two years to complete and would cost upwards of \$200,000.

The Traralgon Netball Association would like Council to consider the removal of this gum tree. They want the possible danger to spectators and risk of injuries to players removed from around and on the netball court eliminated completely. The club also believe that the trees root system is damaging the courts playing surface. An inspection of the court by officers has determined that this damage is not evident.

Sydney Blue Gums are not native to Victoria, they are native to coastal New South Wales and there are a number of these trees across parklands in the municipality. The tree at Agnes Brereton Reserve is estimated to be approximately 70 years of age.

If the tree was to remain and a new court constructed at Agnes Brereton Reserve it is estimated that these works would cost over \$150,000. There are budgeted plans to resurface the netball court adjacent to the tree which is proposed for replacement with Plexipave during 2013/14. The new Plexipave is slightly more prone to slipping than asphalt and the surface is therefore minimally more likely to be affected by any leaf, fruit litter or shade from the tree. Continued care would need to be taken the users of the courts to ensure they were free from debris and safe for training and competition.

Other members of the community have voiced their opinion about the possible removal of this gum tree. Some members of the community would like the gum tree to remain, with Council and the netball association to continue with the current level of maintenance to the tree and the netball court.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

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 tree currently presents a minor slip/trip hazard for netball court users if the court is not swept of fallen litter before the court is used. Should the tree be retained in its current position officers would meet with the users of the court to discuss the best cleaning and sweeping methods for the court. Should specialist machinery be required to sweep the court officers could discuss the funding of this via a Community Grants application.

Any future work to this gum tree, whether full removal or ongoing pruning, is manageable within the recurrent tree budget allocation. If the tree remains officers from Council's Tree Maintenance Team would increase its current monitoring system for this particular tree to ensure its ongoing good health and minimise the frequency and level of leaf and litter drop.

The cost to fully remove the tree and tree stump would be approximately \$2,600 and can be funded from Council's recurrent tree maintenance budget.

INTERNAL/EXTERNAL CONSULTATION

Council has engaged in public consultation and called for public submission from the residents of nearby streets and other user groups of Agnes Brereton Park Traralgon.

Submissions were called for via advertisements in the Latrobe Valley Express and Traralgon Journal, a mail out of 14 letters to the two streets adjacent to the tree in the reserve and a posting on Council's Facebook page.

Council received a total of 12 submissions from local residents and user groups of the reserve (Attached).

IN FAVOUR OF TREE REMOVAL	NOT IN FAVOUR OF TREE REMOVAL
NINE	THREE

OPTIONS

Council has the following options in respect to this matter;

1. Not remove the Sydney Blue Gum tree in Agnes Brereton Park Traralgon beside the netball courts and increase its maintenance regime in respect to the tree.
2. Remove the Sydney Blue Gum tree in Agnes Brereton Park Traralgon beside the netball courts.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

3. Retain the tree and decommission the court in close proximity to the tree and build a replacement court. The replacement court would cost Council approximately \$150,000. This amount is not included in any current or future budget.

CONCLUSION

Council's qualified arborists have completed a number of inspections on this tree and tree pruning works have been undertaken to make this gum tree as safe as possible. The tree has also been assessed by Council's arborist to be in good health.

Council cannot, however, give any guarantee that the gum tree will not drop branches. This tree could still drop/shed a branch without any warning (Summer /Sudden Limb Drop Syndrome) as could a number of tree species across the municipality.

Council has engaged in a consultation process with local residents, all user groups of the park and with the broader local community. The results concluded that the majority of respondents are in favour of the tree removal.

Plans are in place to resurface the affected court in the 2013/14 financial year with Plexipave and this would be slightly more affected by any leaf, fruit litter and shading from the tree than the current surface of the netball court.

Attachments

1. Agnes Brereton Gum tree removal report - Attachment 1
2. Agnes Brereton Gum tree removal report - Attachment 2
3. Agnes Brereton gum tree removal - Attachment 3
4. Traralgon Netball Association For - Attachment 4
5. Sophie Brand For - Attachment 5
6. Simon and Lauren Blair For - Attachment 6
7. Trish Russell For - Attachment 7
8. Hayley Casagrande For - Attachment 8
9. Fay and Robert Marsh For - Attachment 9
10. Jenni Rohde For - Attachment 10
11. Rachael Grieve For - Attachment 11
12. David and Rosemary Langmore Against - Attachment 12
13. Trevor Graham Against - Attachment 13

RECOMMENDATION

- 1 That Council retain the Sydney Blue Gum tree at Agnes Brereton Reserve, Traralgon.**
- 2 That officers meet with users of the Traralgon Netball Association to discuss best practice methods to ensure the court remains safe for users and spectators.**
- 3 That a regular monitoring program for the tree is put in place by Council arborists to ensure the ongoing health of the tree and minimise leaf and litter drop on the courts.**
- 4 That all those who made a submission be informed of Council's decision.**

14.2

Proposed removal of Eucalyptus Saligna, Sydney Blue Gum from Agnes Brereton Park, Traralgon

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4	Traralgon Netball Association For - Attachment 4	251
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Date: 23 April 2013 11:58:26 AM AEST
To: Kellie O'Callaghan <Kellie.O'Callaghan@latrobe.vic.gov.au>
Subject: tree at netball courts

Hi Kellie,

My name is Kristin Passalacqua and I am emailing you about an issue that has come to my attention in your ward.

I noticed one day last week that the council tree loppers were at the netball courts and were about to start work on a large gum tree at the rear of the carpark. I spoke to the arborist Ben Black about their intentions and he advised me that they were only taking out dead branches at this stage, although there were other concerns about the tree.

Ben advised me that the Traralgon Netball Association want the tree removed as they perceive it to be a danger.

I have very strong objections to this request. The tree is approximately 80 years of age and is a part of Traralgon's history. Ben advises me that the tree appears to be very healthy, although this would need to be confirmed with further tests. The tree is located at the rear of the carpark and slightly overhangs one court. This is a low use area, approximately 4-8 hours a week. It is a low traffic area, both pedestrian and vehicle, and in my opinion does not warrant being removed.

Surely people are able to use their own common sense, for once taking responsibility for their own actions, and not stand directly under the tree during high winds. We have become such a litigious society that it is starting to outweigh common sense.

I have kept silent about the multitude of trees being cut down around Traralgon by the Latrobe City Council, but I feel that I need to speak up about this issue.

I hope you are able to assist in this matter and urge the council to find a more suitable solution than the removal of a beautiful Australian native tree.

Sincerely,

Kristin Passalacqua

From: Grantley Switzer
Sent: Sunday, 2 June 2013 5:32 PM
To: Damian Blackford
Cc: Jody O'Kane
Subject: Re: Safety issues at Agnes Brereton Netball Facility

From: Carolyn Brent [REDACTED]
Date: 2 June 2013 3:53:59 PM AEST

Hi Team,

Recently I attended the annual netball association's meeting on behalf of team Fire.

During the meeting, it was brought to light that the very large gum tree that over hangs court 8 at agnes brereton has become a safety issue for players, coaches, umpires and spectators.

I have forwarded you the email I received from the TNA requesting that we send our concerns in a letter or email to the council asap, in the next week, so that something can be done.

Please read the letter, and the email thread below, and you can make your own minds up about whether you'd like to express your concerns to the council.

Thanks,
x Caz

From: [REDACTED]
To: [REDACTED]
Subject: Safety issues at Agnes Breerton Netball Facility
Date: Fri, 31 May 2013 12:02:46 +1030

Dear TNA Members

There is a little confusion regarding the email sent earlier in the week which is attached below.

As discussed at the TNA General Meeting on Monday night, the General Committee voted unanimously to support the removal of the Sydney Blue Gum tree overhanging court 8. This tree creates a significant safety hazard for our players at the facility in the form of debris - leaf matter, gum nuts and flowers making the surface slippery and like running on marbles. The root system is also causing damage to court surface as it continues to grow. Small branches continue to drop and we have had a number of people hit by the falling branches. The consultation period for the potential removal of this tree is underway.

If you support the removal of the tree you must let the council know now. We strongly urge you to email a letter to Council in the next 2 weeks or it will not happen.

Attached is the letter Jenni Rohde our Publicity Officer/Squad Coordinator in case you need a guide on what is required to write. Please either send a letter by traditional mail or simply email all Councillors of Latrobe City. The tree and its hazards will not be removed without your support. Their emails are:

- Kellie.O'Callaghan@latrobe.vic.gov.au
- Sandy.Karn@latrobe.vic.gov.au
- Darrell.White@latrobe.vic.gov.au
- Sharon.Gibson@latrobe.vic.gov.au
- Peter.Gibbons@latrobe.vic.gov.au
- Christine.Sindu@latrobe.vic.gov.au
- Dale.Harriman@latrobe.vic.gov.au
- Michael.Rossiter@latrobe.vic.gov.au
- Graeme.Middlemiss@latrobe.vic.gov.au

Jody O'Kane

From: Sandy Kam
Sent: Tuesday, 11 June 2013 10:01 PM
To: Grantley Switzer
Subject: Fwd: Netball court facilities and dangerous leaf fall.

Good evening Grantley

Another email to add to the submissions.

Regards
Sandy Kam

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 4 June 2013 2:38:59 PM GMT+03:00
To: Sandy Kam <Sandy.Kam@latrobe.vic.gov.au>
Subject: Fw: Netball court facilities and dangerous leaf fall.

----- Original Message -----

From: Michael Brand
To: Sharon Gibson@latrobe.vic.gov.au
Sent: Tuesday, June 04, 2013 8:58 PM
Subject: Netball court facilities and dangerous leaf fall.

Hello Councillor Kam, My name is Michelle Brand and I am writing on behalf of my 11 year old daughter who plays netball, Saturday mornings and Squad, at Angus Brereton Reserve. Each year I become concerned that the sport my daughter loves with a passion is being compromised by inadequate facilities and dangerous leaf fall from an inappropriately placed tree. First the facilities we have in Traralgon are lacking in all areas, old and an ineffective amount of toilets, small club rooms for team meetings etc and outdated netball courts. We have been to several Squad tournaments this year (for our first year) and compared to those beautiful, functional clubs we are sorely lacking. We want to be able to bring other towns and cities to our club and be proud that we offer a wonderful experience that make them want to keep coming back.

Then the problem with the tree that overhangs court 8. I coach my daughters team and EVERY TIME I have had to sweep that court when the girls play on it. The leaf and seed litter is disgusting, the surface is extremely slippery and on even slightly windy days you need to resweep the courts inbetween quarters. I have never written an email to a councillor before but this is something I feel passionately about, please help our club to make it an even better experience for our girls and boys. They are worth it, and Netball is worth it. Thankyou for your time in reading this. From Michelle and Sophie Brand.

Jody O'Kane

From: Sandy Kam
Sent: Tuesday, 11 June 2013 9:55 PM
To: Grantley Switzer
Subject: Fwd: TNA

Good evening Grantley

Please include this email in the submissions for the tree removal at Agnes Brereton

Regards
Sandy Kam

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 4 June 2013 2:41:29 PM GMT+03:00
To: Kellie O'Callaghan <Kellie.O'Callaghan@latrobe.vic.gov.au>, Sandy Kam
<Sandy.Kam@latrobe.vic.gov.au>
Subject: TNA

Hi Kellie & Sandy,

We hope that you could forward this email and any others you may receive directly onto the other Councillors that would take part in voting on the important issues for the Traralgon Netball Assoc.

We would like to see Latrobe City support the TNA not only with the resurfacing of the courts, which has been an ongoing issue which seems yet to be resolved but seems to be putting young children in the community at risk.

Another major concern we have as parents of three daughters that play with the association, is the large trees overhanging one of the back courts, this is great concern for not only players & officials but also the spectators & other children in this area. If this tree is not removed or cut right down we feel it is a accident waiting to happen.

We urge you to help support them with any upgrades, maintenance and better facilities for our junior athletes to allow them to play in a safer environment.

Thanks
Simon & Lauren Blair
[REDACTED]

From: Kellie O'Callaghan
Sent: Tuesday, 4 June 2013 10:49 PM
To: Grantley Switzer
Subject: Fwd: Removal of tree at Agnes Brereton Reserve

Private & Confidential

Begin forwarded message:

From: Patricia Russell [REDACTED]
Date: 3 June 2013 9:40:56 AM AEST
To: Kellie O'Callaghan <Kellie.O'Callaghan@latrobe.vic.gov.au>, Sandy Kam <Sandy.Kam@latrobe.vic.gov.au>, Darrell White <Darrell.White@latrobe.vic.gov.au>, Sharon Gibson <Sharon.Gibson@latrobe.vic.gov.au>, Christine Sindt <Christine.Sindt@latrobe.vic.gov.au>, Dale Harriman <Dale.Harriman@latrobe.vic.gov.au>, Michael Rossiter <Michael.Rossiter@latrobe.vic.gov.au>, Graeme Middlemiss <Graeme.Middlemiss@latrobe.vic.gov.au>
Subject: Removal of tree at Agnes Brereton Reserve

Dear Councillors

My name is Trish Russell and I am an umpire at the Traralgon Netball on Saturday's. I support the letter written by the TNA committee to remove the tree in question.

I umpired on the court in question last Saturday 1st June. It was the first wet day we have had this season, this combined with the debris mentioned in the committee letter made conditions very difficult for players and umpires. The players did call they could just to stay on their feet in some areas, two players during the match, I kid you not, skidded more than 10cm when they landed from a run and jump motion.

This is an extremely beautiful tree and I am a nature lover, however this tree was not planted in the right spot, and as stated in the committee letter we would be more than happy to plant several more appropriate trees in its place.

Kind regards
Trish Russell

Jody O'Kane

From: [REDACTED]
Sent: Monday, 27 May 2013 8:09 PM
To: Latrobe Central Email
Subject: Traralgon netball courts

Good evening

This afternoon I attended a meeting with the traralgon netball club. I am disgusted and appalled that council are refusing to remove a dangerous tree that poses a risk to my children's safety. The tree at question is horrible and it's debris has caused numerous injuries this year including rolled ankles and slips.

I'm also angry that council has refused to assist in the development of the courts, choosing instead to fund hockey!

Why won't council fund girls sports? There are 570 plus girls who play at this club and only 2 toilets in the club rooms. The other facilities are in a carpark, up a hill and a disgrace.

Can you please advise when this will be fixed and when netball will be funded at a similar rate to boys sports in the valley.

Kind regards

Hayley Casagrande
[REDACTED]

Jody O'Kane

From: [REDACTED]
Sent: Thursday, 13 June 2013 12:37 PM
To: Latrobe Central Email
Subject: Traralgon Netball Courts - Agnes Brereton Reserve

To whom it may concern

We are writing to Latrobe City Council in regards to the Traralgon Netball Courts at Agnes Brereton Reserve following two articles that appeared in the Traralgon Journal. As a member of our local community I fully support an upgrade of this facility. As parents of children who played on this facility many years ago and a grandparent of children who currently play on this facility I would like to see Latrobe City Council upgrade the standard of the courts. Recently I was at the facility watching Netball Victoria's Association Championships and was saddened to see young children experiencing serious injuries from an old and unsafe playing surface. We witnessed a young girl break her leg on the front courts from a slip and heard of two other serious injuries that occurred on that day involving a head injury for which an ambulance had to be called and a broken collarbone. Such injuries from an aging court surface/facility are unacceptable and it appears little or no maintenance has occurred in this facility in over 25 years. There are large cracks appearing in the playing surface and mould/lichen visual on the top. There is very little room for the children outside the actual playing area of the court if they are chasing a ball in a game.

I also actively support the removal of the Sydney Blue Gum tree at the facility. Agnes Brereton Reserve was donated to community for sport for young girls/women not primarily as an open parkland so the tree is not a priority for the facility. It is a heavily used facility and as a resident that lives nearby we are well aware of the number of people using this facility everyday of the week, it is an active sporting hub for young girls and women in Traralgon and districts. Player and official safety must be the Council's first priority. However if the Council are considering upgrading the facility perhaps the tree could stay only if Council came up with a new design that would guarantee the tree and its debris would not impact on the playing surface or hinder player and official safety.

Should you wish to discuss my views any further please contact me on [REDACTED]

Fay and Robert Marsh
[REDACTED]

29 May 2013

Dear Councillor O'Callaghan, Councillor Kam, Councillor Rossiter, Councillor White,
Councillor Sindt, Councillor Middlemiss, Councillor Gibbons, Councillor Gibson

**PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEYBLUE GUM, FROM AGNES
BRERETON PARK, TRARALGON**

Following Latrobe City Council's decision to defer any decision on the removal of the Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions from the community on the proposed tree removal I wish to submit my views to Council over this tree.

As a regular user of the Agnes Brereton Reserve Netball courts, a Committee member of the TNA and a parent of a child who utilises this facility I wish to provide my strong support for the removal of this tree.

Agnes Brereton Reserve is a dedicated netball facility for junior athletes. We support approximately 500 players and 70 net set go participants weekly. The tree in question provides a number of safety hazards to players, officials, umpires and spectators and sits directly next to one of our back courts and drops an enormous amount of debris on the playing surface. The debris dropped ranges from branches (large through to small), leaf matter, gum nuts and flowers. Our greatest concern is the safety of our players, officials, umpires and spectators, and let's not forget the players are children, is their safety worth the risk?

As a Committee member of the Traralgon Netball Association I am well aware of occasions where small branches have fallen and hit people in the head (who are not standing below the tree), this has happened to one of our elderly Committee members who was cleaning the court surface at the time. The debris on the court surface must be cleaned down before each game and sometimes during each game depending on the strength of the wind on any given day. Playing netball on the ageing asphalt surface presents enough serious hazards without the added potential danger of slipping on tree debris or being hit in the head/face by a branch. Council Arborists themselves state they cannot guarantee a branch will not fall, even though the deadwood has been removed.

The leaves and flowers that rain down on the court make the surface greasy, while the gumnuts roll beneath your feet, making it like running on marbles. The safety of players and umpires must be put first over the beauty of an inappropriately planted tree, common sense must prevail. It is a beautiful tree, but unfortunately it has been planted in the wrong position and allowed to get too big and causes serious safety hazards to our players, spectators and officials. The safety of the public using the facility must come first. The court it directly affects is not in a low use area, it is in fact utilised exactly the same amount as all other courts, we do not have one spare court during our competitions. The TNA require all 10 courts to run to support the competition, not playing on the court is not an option. While the debris falls mostly on one court, it does spread to the surrounding courts affecting their surfaces as well just to a lesser extent. All courts are used equally. In addition the damage the root system of the tree is making to the court surface is now visible. The shelter shed between the court and the tree has become raised in the middle as a root passes directly underneath it. The run off area of this court on the tree side has started to crack, which is of great concern and creates even more player safety issues.

Agnes Brereton Reserve is a highly utilised netball junior facility. It supports a full winter netball competition for players aged 5 years with Net Set Go through right through to an Under 17 competition. It is also supports a twilight/summer competition that attracts players from all over Latrobe Valley. The facility is heavily used throughout the week for training of many TNA domestic teams, football league teams, special development training and the TNA make it available for special competition days such as Schools Sports Victoria Winter Round Robin and Squad netball tournaments. It is home to Traralgon's six netball squad teams that represent Latrobe City all over Victoria in netball. I strongly believe that regardless whether the player is aged 5 starting out or representing their town/region at squad level, one thing remains the same - they all deserve to be playing netball on a facility that is both safe and up to standard.

The tree in question is a EUCALYPTUS SALIGNA, SYDNEY BLUE GUM, it is not indigenous to the Gippsland region. It is commonly found along the New South Wales seaboard and into Queensland. I am fully supportive of planting native trees in the reserve that are indigenous to our local area, but well away from the playing surfaces so they cannot create a hazard. There are plenty of open spaces where this can happen well away from the courts and as an association the TNA would be more than happy to participate in the tree planting activities if asked.

Should you wish to discuss my views or the tree any further, please feel free to contact me on mobile [REDACTED] or email [REDACTED]

Yours faithfully

Jenni Rohde
SQUAD COORDINATOR
TNA COMMITTEE REPRESENTATIVE

-----Original Message-----

From: RACHAEL GRIEVE [REDACTED]
Sent: Tuesday, 4 June 2013 17:18
To: Sandy Kam
Subject: Tree Removal Breed Street Netball Courts

Please find attached a letter regarding the removal of a tree at Breed Street Netball Courts.

Regards
Rachael Grieve

29 May 2013

Dear Councillor O'Callaghan, Councillor Kam, Councillor Rossiter, Councillor White,
Councillor Sindt, Councillor Middlemiss, Councillor Gibbons, Councillor Gibson
**PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEYBLUE GUM, FROM AGNES
BRERETON PARK, TRARALGON**

Following Latrobe City Council's decision to defer any decision on the removal of the
Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions
from the community on the proposed tree removal I wish to submit my views to
Council over this tree.

As a regular user of the Agnes Brereton Reserve Netball courts, a Committee
member of the TNA and a parent of a child who utilises this facility I wish to provide
my strong support for the removal of this tree.

Agnes Brereton Reserve is a dedicated netball facility for junior athletes. We support
approximately 500 players and 70 net set go participants weekly. The tree in question
provides a number of safety hazards to players, officials, umpires and spectators and
sits directly next to one of our back courts and drops an enormous amount of debris on the
playing surface. The debris dropped ranges from branches (large through to small), leaf
matter, gum nuts and flowers. Our greatest concern is the safety of our players, officials,
umpires and spectators, and let's not forget the players are children, is their safety worth
the risk?

As a Committee member of the Traralgon Netball Association I am well aware of occasions
where small branches have fallen and hit people in the head (who are not standing below
the tree), this has happened to one of our elderly Committee members who was cleaning
the court surface at the time. The debris on the court surface must be cleaned down before
each game and sometimes during each game depending on the strength of the wind on any
given day. Playing netball on the ageing asphalt surface presents enough serious hazards
without the added potential danger of slipping on tree debris or being hit in the head/face
by a branch. Council Arborists themselves state they cannot guarantee a branch will not fall,
even though the deadwood has been removed.

The leaves and flowers that rain down on the court make the surface greasy, while the
gumnuts roll beneath your feet, making it like running on marbles. The safety of players and
umpires must be put first over the beauty of an inappropriately planted tree, common sense
must prevail. It is a beautiful tree, but unfortunately it has been planted in the wrong
position and allowed to get too big and causes serious safety hazards to our players,
spectators and officials. The safety of the public using the facility must come first. The court
it directly affects is not in a low use area, it is in fact utilised exactly the same amount as all
other courts, we do not have one spare court during our competitions. The TNA require all
10 courts to run to support the competition, not playing on the court is not an option. While
the debris falls mostly on one court, it does spread to the surrounding courts affecting their
surfaces as well just to a lesser extent. All courts are used equally. In addition the damage
the root system of the tree is making to the court surface is now visible. The shelter shed
between the court and the tree has become raised in the middle as a root passes directly
underneath it. The run off area of this court on the tree side has started to crack, which
is of great concern and creates even more player safety issues. Agnes Brereton Reserve is a
highly utilised netball junior facility. It supports a full winter netball competition for players
aged 5 years with Net Set Go through right through to an Under 17 competition. It is also
supports a twilight/summer competition that attracts players from all over Latrobe Valley.
The facility is heavily used throughout the week for training of many TNA domestic teams,
football league teams, special development training and the TNA make it available for
special competition days such as Schools Sports Victoria Winter Round Robin and Squad


netball tournaments. It is home to Traralgon's six netball squad teams that represent Latrobe City all over Victoria in netball. I strongly believe that regardless whether the player is aged 5 starting out or representing their town/region at squad level, one thing remains the same – they all deserve to be playing netball on a facility that is both safe and up to standard.

The tree in question is a EUCALYPTUS SALIGNA, SYDNEY BLUE GUM, it is not indigenous to the Gippsland region. It is commonly found along the New South Wales seaboard and into Queensland. I am fully supportive of planting native trees in the reserve that are indigenous to our local area, but well away from the playing surfaces so they cannot create a hazard. There are plenty of open spaces where this can happen well away from the courts and as an association the TNA would be more than happy to participate in the tree planting activities if asked.

Should you wish to discuss my views or the tree any further, please feel free to contact me on mobile [REDACTED] or email [REDACTED]

Yours faithfully
Rachael Grieve

SQUAD COORDINATOR TNA COMMITTEE REPRESENTATIVE


13 June 2013

Mr Paul Buckley
Chief Executive Officer
Latrobe City

Dear Sir

Objection to the Proposed Removal of the Sydney Blue Gum at Agnes Brereton Park

We live near Agnes Brereton Park. On most days we greatly enjoy walking around the park. Sometimes we walk around the park on our own and on other occasions we walk there with friends. A number of years ago, our twin daughters played netball on the courts in the park and our eldest daughter used to play hockey on the oval.

Agnes Brereton Park is a very attractive, much appreciated and well used public park in Traralgon. The park is used for a variety of formal and informal recreation purposes. It also has value as an attractive visual feature for people who travel past but do not actually enter the park. Informal walking and cycling around the park and formal netball activities are probably the major uses of the Agnes Brereton Park. It is highly desirable to maintain the value of the park for these purposes.

Several hundred people would walk or cycle around the park each week. The existence of some beautiful, large mature trees within the park makes a huge contribution to the attractiveness of the park as a location for walking and cycling. Unfortunately, the number of mature trees in the park has been reduced in recent years due to the removal of several large elm trees and a large eucalypt tree. The removal of these trees has increased the relative importance and value of the limited number of remaining large mature trees, of which the Sydney Blue Gum is probably the tallest.

We are not sure that the existence of the Sydney Blue Gum is a major impediment to the use of one of the netball courts. Certainly, the Sydney Blue Gum and netball activities seem to have co-existed in Agnes Brereton Park for many years. However, if it is deemed that the existence of the Sydney Blue Gum is incompatible with some netball activities, then we would strongly request that the tree not be removed and that plans be made to establish additional netball court/s to the east of the existing courts. If this were to be done, it could have the added benefit of providing some much needed additional car parking space near the netball courts.

It is hoped that you will give sympathetic consideration to our objection. If appropriate, we would be pleased to speak to Council, or Council officers.

Yours sincerely

David and Rosemary Langmore

From: Kristie West
Sent: Friday, 5 July 2013 8:33 AM
To: Jody O'Kane
Cc: Emma Lewis
Subject: Have your say: Sydney Blue Gum at Agnes Brereton

Hi Jody,

Just letting you know there was only 1 submission for **Have your say: Sydney Blue Gum at Agnes Brereton**

Trevor Graham
Please withhold my name from public documents such as Council reports

In objection

Keep the tree. Turn the effaced netball courts into car parking (because more off street parking is desperately needed - just visit the area when netball competition is on). Build better netball courts in a more suitable location.

Please let me know if I can assist you further.

Thanks,

Kristie West

**Marketing and Communications Officer
Latrobe City Council**

[mailto: Kristie.West@latrobe.vic.gov.au](mailto:Kristie.West@latrobe.vic.gov.au)
Direct: 03 5128 5492
Fax: (03) 5128 5672

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

**15.1 APPLICATION TO REGISTER A COMMUNITY GEOGRAPHIC
DOMAIN NAME - YALLOURN NORTH**

General Manager

Community Liveability

For Decision

PURPOSE

The purpose of this report is to seek endorsement from Council for the Yallourn North Action Group to proceed with the process of establishing a Community Geographic Domain Name for Yallourn North.

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 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 2: Affordable and sustainable facilities, services and recreation

- *To promote and support a healthy, active and connected community.*

Theme 4: Advocacy for and consultation with our community

- *To advocate for and support cooperative relationships between business, industry and the community.*
- *To ensure effective two-way communication and consultation processes with the community in all that we do.*

Strategic Direction –

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

Work collaboratively with our partners to engage and support volunteers in providing services to the community.

Establish opportunities for volunteers to assist in raising the profile of Latrobe City.

Actively encourage and support initiatives that promote social inclusion and diversity within our community.

BACKGROUND

A Community Geographic Domain Name (CGDN) is an easy to remember, locality based website address which combines the specified town/suburb name with the relevant state or territory. For example, a CGDN for Koonwarra, Victoria would be www.koonwarra.vic.au. A CGDN community website is one that represents the community and can serve as a communication tool to help foster and develop communities by promoting local economic activity and participation in social, cultural, learning and civic activities. The website may include information such as:

- Community events;
- Local business directory;
- Local news;
- Interests within the community

.au Community Domain (auCD) is the manager and licensing organisation of the .au domain, which is the country code top level domain for Australia. It is a requirement that all applications have support from their local Council for a CGDN.

A Community Geographic Domain Name Endorsement Procedure (PRO11) was developed in April 2011 to address requests from community groups seeking endorsement for a Community Geographic Domain Name (CGDN). It is a requirement of the procedure that Council Officers:

- Provide assistance to the applicant if requested.
- Assess the proposed application against the CGDN eligibility criteria.
- Prepare a Council report.
- Advise the applicant.

This request complies with the Community Geographic Domain Name Endorsement Procedure (PRO11). The Procedure and Operational Framework is attached for your reference.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

Following a resolution passed at a meeting on Tuesday 11 June 2013, the Yallourn North Action Group is seeking endorsement to apply for a CGDN. This would allow them to establish a website with the aim of increasing communication, promoting events and attractions leading to an increase in tourism opportunities for the township.

The Yallourn North Action Group is a representative group within the township of Yallourn North and is comprised of representatives from the majority of committees and groups that operate within the community.

ISSUES

To be eligible and successful in its application for a CGDN the Yallourn North Action Group must demonstrate to auCD that they are:

- a legally registered, non for profit entity and
- representative of the local community for the purpose of holding the domain licence name

The Yallourn North Action Group has prepared the following information to submit with their application to auCD:

- Evidence of being an Incorporated Association (INC-A0039492K)
- Details of membership to confirm that the group is representative of the community members across a wide range of groups including: Monash Hall Committee; Coal Mine Museum; Yallourn North Country Fire Authority, Bowling Club; School and Town Newsletter.
- A copy of the Group's constitution

It is a requirement of .au Domain Administration, the licensing organisation, for an applicant to have support from the local council in order to establish a CGDN.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)****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 are no financial risks associated with Council endorsing the Yallourn North Action Group's application to obtain a Community Geographic Domain Name. Once established, the website will be managed and maintained by members of the community and will not require the assistance of Council resources or officers.

INTERNAL/EXTERNAL CONSULTATION

This report has been prepared following direct engagement and discussions with members of the Yallourn North Action Group. Advice and assistance will be provided to the Yallourn North Action Group to further process their application.

There has been no further consultation with any other potential stakeholders as the Yallourn North Action Group is recognised as the designated representative group for the township of Yallourn North. This is evident through the group's ongoing involvement and participation as one of the recognised seven small towns.

OPTIONS

Council has the following options:

1. To endorse the Yallourn North Action Group's application to licence a Community Geographic Domain Name.
2. To not endorse the Yallourn North Action Group's application to licence a Community Geographic Domain Name.

CONCLUSION

Having reviewed the application against the eligibility criteria it has been determined that the Yallourn North Action Group meets the licencing and procedural requirements for a Community Geographic Domain Name. It is therefore appropriate that Council supports Yallourn North Action Groups' application.

Attachments

1. Yallourn North Action Group Statement of Purpose
2. Yallourn North Action Group Certificate of Incorporation
3. YNAG June meeting minutes
4. LCC Community Domain Names Endorsement Operational Framework

5. LCC Community Domain Names Endorsement Procedure 2011 PRO1

RECOMMENDATION

- 1. That Council endorses the Yallourn North Action Group's application to license a Community Geographic Domain Name.**
- 2. That the Chief Executive Officer provides the Yallourn North Action Group with a letter addressed to auCD confirming its support of the Group's application to license a Community Geographic Domain Name.**

15.1

Application to register a Community Geographic Domain Name - Yallourn North

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***Yallourn North Action Group
Inc- A0039492K***

YNAG

The Yallourn North Action Group (YNAG) is an incorporated group and is structured in line with the Model Rules. A Committee of Management is structured with a President, Vice President, Secretary and Treasurer. Three committee members fill the positions of Public Officer, Newsletter Editor and Australia Day Representative.

YNAG conduct monthly meetings at the Uniting Church Hall Reserve Street Yallourn North. The meetings are held on the second Tuesday of the month starting at 7.00pm.

Meetings are supported with representatives from Latrobe City Council and from time to time our local Member of Parliament.

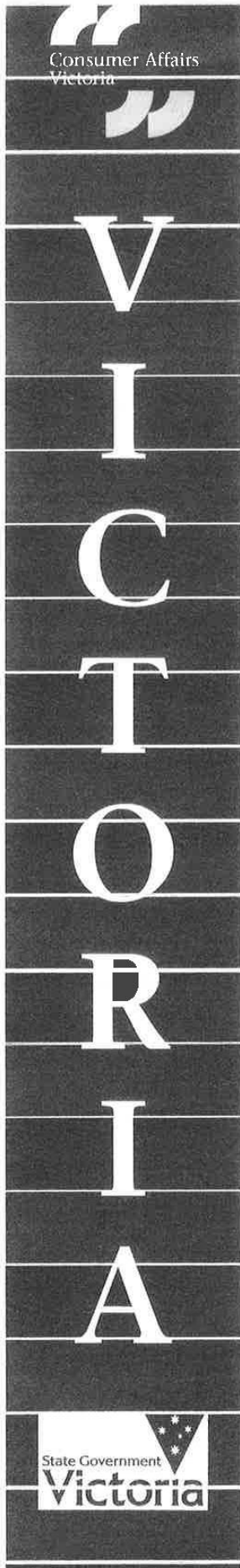
STATEMENT OF PURPOSE

- * To consult with members of the Yallourn North community and impartially represent their views to all levels of government.
- * To improve the safety, well-being and quality of life of residents of Yallourn North.
- * To encourage and support young people to be proud their community and become involved in community activities.
- * To respect the views of older members of the Yallourn North community and value their input and experience.
- * To protect the natural environment for future generations.

History

The community of Yallourn North has been well represented over the years. Associations or groups were formed to provide an active pathway to councils, government or other authorities.

Yallourn North Improvement Association was the first group on record, then followed by the Local Neighborhood Advisory Group (LNAG) and at present Yallourn North Action Group (YNAG)



ASSOCIATIONS INCORPORATION REFORM ACT 2012
Section 8

No. A0039492K

**CERTIFICATE
OF INCORPORATION**

This is to certify that

YALLOURN NORTH ACTION GROUP INC.

is on and from the 04 April 2000

incorporated under the Associations Incorporation Reform Act 2012

Given under my hand at MELBOURNE, this 21st day of June 2013

A handwritten signature in cursive script that reads 'Cláire Nooney'.

Registrar of Incorporated Associations

Meeting of Yallourn North Action Group, June 11th 2013

Present: Judy Lipman, Heather Farley, Jeff Clarke, Libby Mitchell, David Hood, Warren Xerri, David Roberts, Delvene Ruiter, Margaret Gaulton.

Apologies:

Russell Northe, Graeme Middlemiss, Bruce Locheed, Anthony Wasiukiewicz, Bill O'Donnell.

Minutes of the Previous Meeting:

Margaret moved the minutes be accepted. 2nd Judy.

Correspondence :

Tabled - (as listed) Margaret moved that the correspondence be received. 2nd David Roberts.

Reports

Treasurer's Report:

A written report was circulated and noted.

David Roberts moved that the financial report be accepted 2nd Delvene

Council Liaison Report:

Intersection - Gerard understands that the Rossmore/North intersection is likely to be under consideration for inclusion in the budget. If this longstanding request is included in the draft budget and is approved in the final document , he will meet with YNAG for further discussions. After being presented to the municipality, the budget will be passed in July/August.

Heather commented on her concern regarding issues arising from the quest to remove blackberries in the block bounded by Baillie and Kelso Roads.

She advised YNAG of a plan that will be forwarded shortly.

General Business.

Street Planting

Jeff Clarke was attending a YNAG meeting for the first time and was welcomed. He explained that he has horticultural qualifications and has been involved in teaching at post secondary levels. He spoke of his concerns at the planting of *tristanopsis laurina* in Kelso Road. He spoke of the dangers of the variety in regard to invasion of water pipes, inflammability, its propensity to grow beyond suggested growth limits when planted in optimal soils and weather conditions such as those endemic to Yallourn North, and of the hazardous nature of its seed pods, especially when falling on steep footpaths as found in Kelso Road. Jeff cited a fall experienced in Kelso Road by a resident whose feet rolled on the seed pods. He also forecast that trimming the trees would be an annual expense, something council was seeking to minimise.

Talking of the street planting program, Jeff said that he had felt that he had not been consulted or given a choice in regard to the Kelso Road trees, although he had received an advisory letter explaining the tree removal and replacement process. Heather will follow up with the relevant people within the council and report back.

Jeff went on to express a wish to see community horticultural programs in the town. He named a garden club, potting shed, food trail as constituents and suggested the school and bowling club as possible venues. Margaret offered to introduce him to Kieran at the school in order to discuss possibilities.

Incorporation Matters

David Roberts recommends accepting the model rules as they are and sending advice to Consumer Affairs of this intention. All in attendance expressed agreement to this approach. All agreed that insurance options (similar to professional liability) should be investigated. David R undertook to do this.

During the discussion around this matter, David had explained that, on examining details of the terms of

incorporation, he had become concerned about the ways in which indemnity could impact on individuals in an organisation such as YNAG. Assistance with information regarding this had been sought from Russell Northe who had arranged for an email response. This was used as a reference during the discussion. Whilst it is stated in the Act that an incorporated body is not required to take out insurance, it seems that members of an entity such as YNAG would be better protected against litigation if insurance was taken out. Heather observed that these concerns and others relating to insurance cover for community events are an ongoing concern for organisations similar to YNAG. She suggested that we talk with Graeme in an effort to take a fresh look at these matters and to find solutions. It was also suggested that Russell Northe should also be approached as these are state-wide problems. Heather will look into arranging a mini workshop around insurance to present information and encourage the exchange of ideas.

Small Towns Grant

David read out the list of projects for which costings are proceeding at present:

Town entry signs (2 quotes for supply of materials and labour),.

Materials for replacement of sculpture poles

Replacement of steelwork for school entry sign (dockets to be obtained to enable reimbursement)

Lions Park paths and seat raising (one quote has been received)

Tennis court refurbishment.

There was discussion regarding this last project. Since there has been a recent increase in the use of the upper two tennis courts that are adjacent to the hall, their refurbishment is highly desirable. The proposal is to use some grant money and augment it with some YNAG funding. It is seen as preferable that both courts are refurbished at the same time in the interests of achieving economies. Heather will approach the relevant Council personnel to discuss the feasibility of this proposal.

Interactive website

The website and community geographic domain name were discussed. The website cannot go live until the domain name has been approved. This process has never been the subject of a resolution. David Roberts moved that YNAG resolve to achieve the live website by acquiring the domain name of Yallourn North. 2nd July

Further steps needed in relation to this process:

We need to secure evidence of incorporated status

We have a statement of purpose in our constitution - submit this as required by council

David R will follow up the incorporation documentation.

Vandalism:

There has been a spate of vandalism. Besides vandalism at the school and the sculpture poles being severely damaged, the hairdresser's car windows have been broken and the Vinnies bins have been set on fire. Warren commented that kids could be heard from Third Street. Yallourn North residents should contact the police immediately on hearing or seeing such activity so that action can be taken and so that patterns of behaviour can be noted.

The Latrobe Valley Express has requested information about the damaged poles from Warren.

Newsletter

Warren outlined difficulties with advertisers' payments. He has established three addresses for the delivery of payment. In future, ads not pre-paid won't be printed.

Coalies Week.

The historical Society is interested in new things being conducted. As yet minimal progress has been made regarding contacting organisations.

Coal plant Meeting

David attended and reported on proposed operations and process. He has mentioned YNAG's interest and ability to publicise locally.

Records Storage

There was discussion about difficulties associated with the lack of a centralised, accessible storage area. When things are stored privately, it is very easy for documents and vital records to be lost - they certainly can't be easily accessed, except by the person storing them.

Heather will inquire whether or not space can be secured within the new hall structure.

LEAP - Deb Brown new contact. We will determine possible dates next meeting. Warren will include this plan in the next newsletter.

Road visibility problems

David Hood asked whether or not a particular shrub at the Murray/North Road intersections could be trimmed. At present it constitutes a westerly blocking of North Road traffic for motorists travelling out of Murray Road. David is of the opinion that recent work on the garden beds at this intersection has removed dead growth but has neither improved the safety issue nor the appearance of the area.

Charity Bins.

In the light of the recent fire, Libby spoke of the danger of the bins sited against the commercial building in Reserve Street. Real concerns are that a family resides within the building and that power connections are above the bins. Libby has approached Vinnies who has agreed to move the bins. A new site needs to be found. The present site encourages dangerous parking practices. Excessive dumping has also been rife. Delvene wondered if people were aware that Vinnies will come to collect saleable large items. She will write a relevant article for the next newsletter. Libby was encouraged to contact Vinnies HQ and inquire about bin siting parameters.

Public Transport

Bus patronage improving. David outlined some observations of his own and those of bus drivers.

The meeting concluded at approximately 9.15pm.

Document Name: Community Geographic Domain
Names Endorsement

Version No: 1

Approved by: Chief Executive Officer

Approval Date: 6 April 2011

Date of last review: N/A

Operational Framework Goals

The purpose of this operation framework is to outline Latrobe City Council's requirements when considering requests for support and endorsement of a Community Group's application to register a Community Geographic Domain Name (CGDN).

Scope

This Operational Framework shall apply to all staff when assessing an application for Latrobe City Council support and endorsement of an application to register a CGDN.

Relationship to Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective: Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Relationship to Latrobe City Council Plan 2010 – 2014

Strategic Direction:

Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.

Escalation

Please refer all questions to the General Manager Community Liveability.

Operational Framework Implementation

- A Community Geographic Domain Name (CGDN) is a locality based website address which combines the specified town/suburb name with the relevant state or territory.

A CGDN community website is one that truly represents the community and can provide a communication tool to help foster and develop stronger communities by promoting local economic activity and participation in social, cultural, learning and civic activities.

The website can be used to include:

- interests within the local community
- community events
- local business directory
- community directory
- general information about the community
- local news
- community feedback options

It is a requirement of .au Domain Administration, the licensing organisation, for an applicant to have support from the local council in order to establish a CGDN.

All requests for Latrobe City Council support for a Community Geographic Domain Name (CGDN) must be in line with the 'Community Domain Names Endorsement Procedure 2011 PRO1'

Relevant background information must be considered regarding processes and steps involved when applicants apply for a CGDN. It is essential that applicants are given a firm understanding of the process to be undertaken prior to Council assessment and/or endorsement and be advised if there are any amendments to the established process.

All applications for Latrobe City Council support for a CGDN must be assessed against the criteria.

If it is determined that the application has fully addressed the eligibility criteria, a report will be prepared for Council consideration.

The Applicant must be advised of Council's decision within three working days.

This operational framework will be reviewed annually by Manager Community Development or when any changes to the operational framework occur. Any changes will be recorded as a new version and Chief Executive Officer approval will be required.

Signed : _____

Chief Executive Officer

Date :

Document Name	Community Geographic Domain Names Endorsement Procedure
Version Number	Version 1
Approved by	General Manager Community Liveability
Effective Date	6 April 2011
Date of Last Review	N/A
Superseded Documents	N/A
Document Number	Community Geographic Domain Names Endorsement Procedure 2011 PRO1
Responsible Area	Community Strengthening, Community Development
Associated Documents	Community Geographic Domain Name Licence conditions

1. Purpose & Scope

The purpose of this procedure is to outline the key responsibilities of Council officers when considering requests for Council support and endorsement of a Community Group's application to register a Community Geographic Domain Name (CGDN).

This procedure applies to Council staff following an approach by a community group seeking council support and endorsement of an application to register a CGDN.

It is a requirement of .au Domain Administration, the licensing organisation, for an applicant to have support from Council in order to establish a CGDN.

2. Definitions

Community Group: A community group is a group representative of a not-for-profit legal entity and is established and exists solely for community development, empowerment and benefit. Community groups can vary and may include groups such as township associations, historical societies and sporting clubs.

Domain space: A domain name uniquely identifies an Internet Protocol (IP) resource such as a web site on the internet. Domains are based on the Domain Name System.

Community Geographic Domain Name (CGDN): A Community Geographic Domain Name (CGDN) is an easy to remember, locality based website address which combines the specified town/suburb name with the relevant state or territory. For example, a CGDN for the town Koonwarra, Victoria would be www.koonwarra.vic.au. A CGDN community website is one that truly represents the community and can provide a communication tool to help foster and develop stronger communities by promoting local economic activity and participation in social, cultural, learning and civic activities.

The website can be used to include:

- interests within the local community
- community events
- local business directory

- community directory
- general information about the community
- local news
- community feedback options

Further information can be found at www.gdna.org.au

auDa: .au Domain Administration (auDA) is the manager of the .au domain, which is the country code top level domain for Australia. It is a not-for-profit organisation, whose membership is open to organisations, or individuals with an interest in domain name matters.

Registrant: The entity making application to licence a CGDN.

Representative: Representative is defined as a membership base which includes a reasonable cross-sample of the local residing population reflecting the variety of interests of those residing in the local area.

3. Application process required by auDA

Relevant background information must be considered regarding processes and steps involved when applicants apply for a CGDN. It is essential that applicants are given a firm understanding of the process to be undertaken prior to Council assessment and/or endorsement and be advised if there are any amendments to the established process.

Applications for CGDN's are on-line via the CGDN website <http://www.cgdn.org.au>.

The process for applicant groups is divided into three relevant sections which are listed below.

- **Section one:** encompasses organisational details which requires information regarding name and type of organisation/special council committee including;
 - reasons why this organisation is representative of the particular community,
 - the organisation's mission and aims to be achieved from the community website, and
 - the contact details for two members.
- **Section two:** requires applicant to provide contact details of at least eight members and the particular interest group they represent (arts, culture, education, sport etc.)
- **Section three:** involves uploading supporting documents to the application, such as a copy of the organisations certificate of registration. Additionally, a copy of constitution and statement of purpose, a website plan and evidence of community support such as a letter from council supporting the organisation.

CGDN Policy

There are three policies relating to Community Group Domain Names.

Policy 1 – CGDNs available for registration.

Registrants may only licence a domain name that is an addressable locality within an Australian state or territory, as defined by the Committee for Geographical Names in Australasia (CGNA).

Policy 2 – Eligibility criteria for CGDNs.

Policy 2 (a):

To be eligible to licence and CGDN, the registrant must be:

- a legally registered, not-for-profit entity; and
- representative of the local community for the purpose of holding the domain name licence.

Policy 2 (b):

There is no restriction on the number of domain names that may be licensed by a single registrant, provided that it meets the eligibility criteria for each domain name.

Policy 3 – CGDN license conditions.

Policy 3 (a):

The domain name licence period is fixed for 2 years.

Policy 3 (b):

The registrant must use the domain name solely for the purpose of operating a community website.

Policy 3 (c):

The registrant may only transfer their domain name licence to another entity if that other entity is eligible to hold the domain name under the policy rules.

Policy 3 (d):

The registrant must not create sub-domains within the CGDN for the purpose of issuing them to third parties.

Policy 3 (e):

To renew a CGDN licence at the end of the 2 year period, the registrant must demonstrate:

- that it still meets the eligibility criteria; and
- it is using the domain name to operate a community website.

There are guidelines relating to each of the CGDN policies on their website at www.cgdn.org.au/policy .

4. Procedure for Council Officer Assessment

When approached by a community group requesting Council support and endorsement of an application to register a CGDN, the following assessment and approval process will be undertaken.

The process includes the following steps:

- Provide advice in preparing the application if requested.
- Assess the proposed application against the CGDN eligibility criteria.
- Prepare a Council report.
- Advise the applicant.

The eligibility criteria to be assessed is detailed in guidelines relating to Policy 2 – eligibility criteria for CGDNs at www.cgdn.org.au/policy/policy2 and is summarised below:

Evidence of legal registration and not-for-profit status

To be eligible to license a community geographic domain name, the registrant must be:

- a legally registered, not-for-profit entity, and
- representative of the local community for the purpose of holding the domain name licence.

Entities that are eligible to license a CGDN are:

- a company limited by guarantee;
- an incorporated association;
- a registered cooperative; and
- a special committee of local council.

Applicants must provide valid registration details for the not-for-profit entity such as company name and Australian Company Number (ACN) accompanied by a copy of its constitution and current membership, including the names of members and the community/interest group/s they represent.

Evidence of local community representation

Applicants must demonstrate their representation of the local community through membership. This can be done in the following ways:

- The applicant is recommended, in most cases, to have a minimum of 8 members.
- Members must represent a broad range of community interests and groups. Groups may include, but are not limited to: special community sector interest groups, sporting clubs and groups, hobby groups and clubs, tourism, business, historical clubs/societies, education, charities, not-for-profits, media, arts, culture, entertainment, spirituality/religious, aboriginal, multicultural, women, men, seniors, youth, parents, etc.

- The applicant is recommended, in most cases, to provide that members should be the elected or most appropriate representatives of their particular community of interest group.
- Members can be drawn from adjoining address locality communities if the applicant declares such membership creates a true representation of the local area. Membership from such a local area can only be from adjoining address localities and these must be included in the organisation's relevant rules, policies or constitution in relation to membership. Such an inclusion of membership does not give the organisation automatic or exclusive rights to all adjoining address locality domain names.
- In the case of a special committee of local council, the committee must include members who are not local councillors or council employees.

When considering the suitability of the group to possess the domain name further information and supporting documentation may be required from other groups and/or individuals within the locality in support of the application and such information is to be included in the Council report.

Following the assessment of the application against the criteria, if it is determined that the application has fully addressed the eligibility criteria, a report will be prepared for Council consideration.

The Applicant must be advised in writing of Council's decision within three working days.

5. Review

This procedure will be reviewed annually by the Community Development team, or when any changes to the procedure occur. Any changes will be recorded as a new version and approval will be required by the General Manager Community Liveability.

Signed: _____
General Manager Community Liveability

Date: _____

GOVERNANCE

16. GOVERNANCE

**16.1 PLANNING PERMIT APPLICATION 2012/071 - MULTI LOT
RESIDENTIAL SUBDIVISION IN STAGES, SILCOCKS ROAD
CHURCHILL**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/71 for multi-lot subdivision in stages and removal of native vegetation at Lot F on Plan of Subdivision 215154P, Silcocks Road in Churchill.

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 2013-2017.

Latrobe City Council Plan 2013 - 2017

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Planning for the future

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Protect and celebrate the cultural heritage and historical character of Latrobe City.

Legal

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

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

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

BACKGROUND

SUMMARY

Land:	Silcocks Road Churchill, known as Lot F on Plan of Subdivision 215154P
Proponent:	David & Merrilyn Walker c/- Crowther & Sadler Pty Ltd
Zoning:	Residential 1 Zone
Overlay	None

A Planning Permit is required to subdivide land in accordance with Clause 32.01-3 of the Scheme.

A Planning Permit is also required to remove, destroy or lop native vegetation, including dead native vegetation, in accordance with Clause 52.17-2 of the Scheme.

Refer to Attachment 1 for a site context plan.

PROPOSAL

The proposal seeks to subdivide the subject land into 76 residential lots in stages. The proposed lots range in size between 453 and 867 square metres with the majority of the lots between 600 and 800 square metres. The average residential density of the proposed subdivision is 10.24 lots per hectare.

A plan of the proposed subdivision is located at Attachment 3.

As submitted by the applicant, the layout of the subdivision has been designed to largely respond to physical features and constraints of the site.

In particular, as part of the hydrological investigations undertaken by Water Technology Consultants (Attachment 8), it has been determined that a substantial portion of the site is not suitable for development due to the susceptibility of inundation during severe storm events. Although the land is not identified by zones or overlays as being impacted by flooding, the results of the hydrological investigations have found that the southern and south-western portion of the site would be significantly inundated during a 1 in 100 flood event (refer to figure 6 of Attachment 8).

Consequently, no residential lots are proposed within the southern and south-western portion of the land, but this portion of the land with up to 3.4 hectares in total area is to be set aside as a reserve for primarily drainage purposes.

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Primary access to the subdivision is proposed to be via Acacia Way. As submitted by the applicant, Acacia Way has been selected as the primary location for access as it is fully constructed and generally recognized as a 'collector road' with capacity to accept the additional traffic volumes expected to be generated by the subdivision. Secondary access points are also proposed in Silcocks Road North and Silcock Road West.

As submitted by the applicant, the proposed access across the floodplain (or the southern portion of the land) would be constructed at a level whereby access to and from Acacia Way would not be obstructed in a 1 in 100 flood event. The overall road network has been designed in order to avoid reliance on Birch Drive / Silcock Road West which is impacted by flooding and to ensure that all lots would be accessible during a 1 in 100 flood event.

In addition, it is noted that the proposed road layout allows for future connection to the adjoining lot at 70 Silcocks Road (or to the lot northwest of the subject land) and three internal streets ending with court bowls are proposed.

Removal of native vegetation is also sought as part of this application. Specifically, the application seeks to remove 4 scattered large old trees (all Spotted Gums) within Plains Grassy Forest (EVC 151) which are classified as vulnerable within the Gippsland Plain bioregion. A native vegetation quality assessment (Attachment 7) has been prepared and submitted with the application, however the assessment does not include any offset details.

In relation to public open space provision, it is submitted by the applicant that while the southern reserves within the subdivision have a primary function for drainage, they also provide a contribution to passive recreation as pedestrian and cycling paths would be provided within the reserves. This application seeks to solely rely on the provision of these encumbered reserves as a contribution to public open space.

The subdivision is to be progressed in four stages. A staging plan is included in Attachment 4.

SUBJECT LAND:

The subject land is situated on the southwest corner of Silcocks Road and Monash Way, at the northern limit of the Churchill township.

The land is irregular in shape and has an area of 10.96 hectares. It has frontages to Acacia Way at the southern boundary, Birch Drive at the western boundary, Silcocks Road at the northern boundary and Monash Way on the eastern boundary.

The land is currently undeveloped and does not contain any buildings.

The land is undulating with Acacia Way and Silcocks Road both elevated above the site. The land slopes from these two roads forming a low lying but relatively wide valley (or natural drainage line).

The land is generally covered in exotic pasture grass, with a number of exotic and native trees scattered around. Swamp scrub is found in the low lying area, comprising mostly of exotic plant species.

A drainage channel has been previously cut through the land resulting in runoff being diverted from its natural course. This has impacted on the original natural watercourse with a significant amount of water now passing through the man-made channel.

A dam is located near the north-east corner of the land. It appears that the dam has not been properly maintained for some time and contains a significant amount of silt.

Vehicular access to the land is presently provided from Acacia Way and Silcocks Road West.

Two easements are located on the west side of the land, with Easement E1 being of a width of approximately 20 metres and containing the Churchill outfall sewer. Adjacent to the easement is a separate parcel of land (i.e. not part of the subject land) containing a sediment removal facility which is a substantial piece of Gippsland Water Infrastructure.

SURROUNDING LAND USE AND DEVELOPMENT:

Existing land use surrounding the site includes Farming Zone to the north and west, and Residential 1 Zone to the south and east. A vacant petrol station is located at the northwest corner of the intersection of Monash Way and Acacia Way. More specifically:

North: Three allotments abut the northern boundaries of the subject land, including No. 70, 74 Silcocks Road and 730 Monash Way. These allotments are zoned Residential 1, and are all relatively large in size at 2.2 hectares, 1.4 hectares and 0.6 hectares respectively. Each of the lots contains a single dwelling. Further to the north of the subject site, on the opposite side of Silcocks Road, is a large Farming zoned allotment.

South: A number of allotments abut the southern boundaries of the subject site. These allotments are all zoned Residential 1 zone, and are approximately 4000 square metres in size each. The vacant petrol station site to the south-east of the subject site is zoned Mixed Use. Further to the south, on the opposite side of Acacia Way, are smaller residential allotments ranging between 500 and 600 square metres in size.

East: To the east of the subject land, on the opposite side of Monash Way, is a large allotment which was recently rezoned from Rural Living Zone to Residential 1 Zone, as part of the recent Ministerial amendment to the Scheme (Amendment C58).

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West: To the west of the subject land, on the opposite side of Silcocks Road West/ Birch Drive, are large farming zoned allotments. These allotments are located outside of the Churchill township boundary.

Refer to Attachment 1 for a site context plan, and Attachment 2 for a zoning map.

In terms of existing road infrastructure in the area, Monash Way is a Vicroads declared Main Road which extends in a north-south direction. Within the vicinity of the subject site, Monash Way has a single lane of through traffic and a sealed shoulder in each direction of travel. Left and right turn lanes are provided in Monash Way at the Acacia Way intersection.

Acacia Way is a two-way road which extends between Monash Way in the east and Birch Drive/Silcocks Road in the west. Acacia Way is a fully constructed road with kerb and channel. It has a 10.7m wide carriageway which provides a single lane of through traffic in each direction of travel and unrestricted kerbside parallel parking on both sides.

Silcocks Road is an "L-shaped" road that extends from Acacia Way in the south, north to Nadenbousch Lane and east to Monash Way. Silcocks Road is constructed as a gravel pavement 5.9m between Acacia Way and Nadenbousch Lane (the 'north-south' leg) and as a gravel pavement 5.1m wide between Nadenbousch Lane and a point approximately 180m east of Monash Way (the 'east-west' leg). It is unconstructed from the end of the gravel pavement to Monash Way. Silcocks currently serves as access to three dwellings including the subject land at 70 Silcocks Road. Direct access to Monash Way from Silcocks Road is currently restricted.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 10.

The provisions of the scheme that are relevant to the subject application have been included in Attachment 11.

ASSESSMENT

Strategic Consideration for Subdivision of the Land

The State and Local Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of this application, and it is found that the provisions of the Scheme generally provide a strategic basis to support residential subdivision of the subject site.

The SPPF encourages new urban residential areas to be developed in a sustainable manner with regard to the protection of agricultural land and water catchments. Subdivisions should achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

The Latrobe City Strategic Land Use Framework Plan found at Clause 21.02 identifies Churchill as one of the main towns, whereby housing diversity and lifestyle choice should be promoted. Clause 21.04-2 Settlement Overview states that development within and around existing towns should be consolidated and unnecessary urban and rural expansion should be avoided. The priorities in all main urban settlements are on realising opportunities for infill development, diversity of housing types, improving residential amenity, while maximising existing infrastructure and community facilities. Clause 21.04-2 of the Scheme further states that given the land use constraints around the major towns, there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate.

A structure plan for Churchill has been prepared and is located at Clause 21.05 of the Scheme. Specifically, it identifies the subject land as being located within an 'existing residential opportunity' area where residential development is encouraged.

The proposal seeks to subdivide land located in a Residential 1 Zone for residential purposes, thereby assisting in the consolidation of urban settlement within urban zoned boundaries. The proposal would not encroach onto any of the farming zoned land but is to be contained within the established Churchill township boundary in accordance with the Churchill structure plan. The proposed lot sizes, ranging from 453 to 867 square metres, would increase diversity in residential allotment sizes within main towns, whilst having regard to the physical and environmental constraints of the land.

The purpose of the Residential 1 Zone, amongst other things, is '*to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households*'. The zoning of the site provides further strategic basis to support residential subdivision of the land.

Lot Yield and Density

Based on a net developable area of 7.416 hectares (i.e. land available for development and includes lots, local streets and connector streets) and a yield of 76 residential lots, the average residential density of the proposed subdivision is 10.24 lots per hectare.

Whilst the residential density of the proposal is lower than the preferred density of 15 lots of per hectare in residential growth areas as specified under Clause 11.02-2 of the Scheme, it should be acknowledged that a balance must be struck between increasing residential density in

residential areas and the protection of residential amenity and neighbourhood character. The Scheme generally envisages change in subdivision patterns within existing residential area in order to achieve urban consolidation objectives, but it also seeks to manage the change so that neighbourhood features which are valued by residents are retained. In this case, the subject land is located at a sensitive location, with an interface with farming activities to the north and west of the subject land. Although the subject land is zoned Residential 1, the area is characterised by a mix of relatively large farming and residential lots. The farming lots in the area are generally in excess of 1 hectare and the residential lots range from 600 square metres to 4000 square metres. The character of the area and the context of the site are therefore quite different from that of a typical urban growth area in Metropolitan Melbourne.

In addition, it should be highlighted that at the recent Ordinary Meeting of Council of 19 November 2012, Council adopted a preferred lot density of 11 lots per hectare on unencumbered land and this foreshadows Council's intention with regard to the upcoming Latrobe Planning Scheme review.

On this basis, it is considered that the average density of 10.24 lots per hectare for the proposed subdivision is reasonable. Given the interface location of the subject land, the proposed lot sizes would provide an appropriate transition to the farming zone land on the opposite side of Silcocks Road North and West.

Subdivision layout & Compliance with Clause 56

Clause 32.01-2 in the Residential 1 Zone requires that a subdivision must meet the objectives of Clause 56 Residential Subdivision. The objectives and standards of Clause 56 relate to community, movement network, pedestrians and cyclists, lot size and orientation, street design, street construction, drainage systems and utilities provision.

The proposal has been assessed against the relevant provisions of the Scheme and whilst the proposal meets the standards and purposes of Clause 56, it is considered that further adjustments are required to the road layout. This is because the road pattern consists of two cul-de-sacs at the eastern end of the site and is contrary to the aims of achieving appropriate access for residents, as well as pedestrian and cycle links within the development, and to adjoining roads. More specifically:

- The layout fails to contribute to connection with adjoining land, contrary to the provision of Clause 56 of the Scheme which seeks to incorporate such connections to provide easy movement within neighbourhoods.
- The provision of two cul-de-sacs at the eastern end of the site is contrary to the standard of neighbourhood street networks to minimise the provision of cul-de sacs.
- There are no physical constraints as to why the two cul-de sacs at the eastern end of the site should not be adequately linked.

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- It is reasonable to consider that the site is located at a gateway to Churchill. The connection of the two cul-de sacs would provide opportunities for lots to face onto Monash Way, and to provide an attractive and active interface with Monash Way. It would avoid fencing abutting onto road reserves, but visually enhance this gateway location to Churchill.
- The reliance on cul-de-sacs would not sufficiently provide appropriate links to the remainder of the subdivision and is at odds with the grid pattern seen in the wider Churchill area.

On the above basis, a condition will be included on any approvals for the subdivision to require the connection of the two cul-de sacs at the eastern end of the site.

Drainage & stormwater

It should be noted that no stormwater management strategy was submitted with the application. There is a designated waterway running through the proposed development and the plans do show the provision of a series of wetland ponds along the waterway. No computations have been provided to indicate the extent of flooding along the waterway or to advise if the proposed treatments are correctly sized or can effectively treat the stormwater from the development. Council's engineers have reviewed the application and are satisfied that the relevant information can be provided by way of permit conditions to address stormwater management onsite.

Road Upgrades

As submitted by the applicant in the original application and subsequently via a letter to Council on 4 March 2013, improvements to the existing street network are proposed as follows:

- **Acacia Way** – No upgrade is proposed as it is a fully constructed road
- **Silcocks Road West (formerly Birch Drive)** – It is proposed that a gravel resheet between the intersection of Acacia Way and the northern boundary of the subject land adjacent to Silcocks Road (being a distance of approximately 340 metres) be provided at the developer's cost. A concrete kerb and footpath on the east side of Silcocks Road adjacent to Lots 1 and 2 are to be constructed.
- **Silcocks Road North** – It is proposed that Silcocks Road adjacent to the northern boundary of the subject site for a length of 94 metres be constructed at the developer's cost. Construction of this section of Silcocks Road would include a concrete kerb and footpath on the south side of the pavement, a gravel shoulder on the north side and the road pavement sealed to a width of 5.2 metres.

It is submitted by the applicant that limited improvements are required, on the basis that the majority of the traffic volume would be along Acacia Way.

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However, it should be noted that in context of the scale of change proposed as part of this subdivision, and to address some of the concerns raised by the objectors in their submission, it is considered that Silcock Road West, from the north side of Lot 1 to Acacia Way, should also be upgraded at the developer's costs for the following reasons:

- The Traffic report submitted with the application advises that the proposed development will generate traffic volumes of up to 820 vehicles per day, with 100% of traffic generated to / from the east (towards Monash way). This appears to be an unreasonable assumption, as there would be traffic generated to /from the south (towards Birch Drive), as a number of public open spaces are located in that direction. In other words, whilst the majority of traffic volumes are expected along the new north-south entry road off Acacia, there would be some traffic along Birch Drive, via Silcocks Road West.
- Currently, given the rural nature of the area, traffic volume along the relevant section of Silcocks Road West is relatively low. It is reasonable to consider that in the future, Silcocks Road West would be used mainly by residents from the subdivision.
- The full sealing of Silcocks Road West is appropriate as the subdivision would materially alter the immediate area to be more reflective to an urban residential area, hence this would not only increase traffic movements along Silcocks West but would increase Council's future maintenance costs associated with Silcocks Road West.
- There is a clear link between the requirement to upgrade Silcocks Road West and the proposed subdivision, in that the proposal would create more lots and dwellings and more traffic on Silcocks Road West for which sealing is deemed necessary.
- Based on the latest plan of subdivision submitted with the application, lots 1 – 7 are highly likely to rely on access through Silcocks Road West, increasing traffic by around 70 additional movements per day (based on movements numbers in urban setting), i.e. at least double the current traffic volume along Silcocks Road West

On the above basis, it is reasonable to impose a condition requiring full upgrade of Silcocks Road West at the developer's cost, should a planning permit be granted for the proposed subdivision.

In addition, to ensure no detriment to traffic safety along Acacia Way and vehicle speeding issues along Acacia Way, Council's traffic engineers recommended that a roundabout should be constructed at the cross-road intersection of Acacia Way, Banksia Crescent and near the proposed primary access to the subdivision. This will be addressed by way of conditions.

As confirmed by Council's traffic engineers, the extent of upgrade for Silcocks Road North as proposed by the applicant is satisfactory. In terms of hierarchy of the internal roads, the new north-south road providing

access to Acacia Way and the proposed road adjacent to lots 12 to 22 and lots 36 – 37 shall be designed and constructed as Major Access Streets with a road reserve width of 18m, in accordance with Council's Design Guideline requirements. All other streets shall be designed and constructed as Minor Access Streets with a road reserve width of 16m. These minor changes to the road hierarchy can be addressed by way of recommended conditions.

Provision of Public Open Space

Clause 52.01 of the Scheme specifies that a contribution to Council for public open space must be paid in accordance with the Schedule to the Clause. If no amount is specified, a cash and/or land contribution of up to 5% of the site value may still be required under Section 18 of the Subdivision Act 1988, provided that there will be need for more open space as a result of the proposed subdivision.

At the time of writing, no amount is specified in the Schedule to Clause 52.01 of the Latrobe Planning Scheme. However, it should be noted that Council has recently adopted an Open Space Strategy (prepared by Insight Leisure Planning on behalf of Latrobe City Council, dated August 2012), which amongst other things, seeks to introduce a 10% contribution (either land and/or cash) in the Schedule for all residential subdivisions in the municipality, of which a minimum of 5% must be unencumbered.

Council is therefore required to consider the merits of the 5% pursuant to Section 18 of the Subdivision Act 1988, acknowledging the recent adoption of the Open Space Strategy.

In this case, the proposal seeks to rely on the southern reserves within the subdivision as the 5% contribution to public open space. The total area of the reserves is 3.544 ha (32% of the overall site) and as discussed earlier in this report, these reserves have a primary function for drainage and are considered as encumbered.

Encumbered land is defined in the Growth Area Authority Guidelines as:

*Land that is constrained for development purposes. Includes easements for power/ transmission lines, sewers, gas, waterways/drainage; retarding basins/wetlands; landfill; conservation and heritage areas. This land may be used for a range of activities (e.g. walking trails, sports fields). **This is not provided as credit against public open space requirements.** However, regard is taken to the availability of encumbered land where determining the open space requirement.*

On the above basis, as the southern reserves within the proposed subdivision are heavily encumbered, they are not considered useable open space for the purposes of public open space contributions under the Subdivision Act 1988.

The application was referred to Council's Senior Open Space and Recreation Planner for comment and it was also recommended that a 5% monetary contribution be requested from the applicant given the reserves are heavily encumbered, and that the reliance on these heavily encumbered reserves as open space contribution is inconsistent with the recommendations contained in Council's adopted Open Space Strategy.

A condition will be included on any approval issued for the proposal to require a 5% public open space contribution in cash. This contribution will allow Council to allocate funds to provide and/or upgrade active open space areas in accordance with Council's adopted Open Space Strategy.

Removal of Native Vegetation

The proposal seeks to remove 4 scattered large old trees (all Spotted Gums) within Plains Grassy Forest (EVC 151) which is classified as Vulnerable within the Gippsland Plain bioregion. A native vegetation quality assessment report has been prepared and submitted with the application (Attachment 7). The report provides an assessment of the distribution and quality of native vegetation on the land, details the potential ecological impacts resulting from the proposed subdivision and outlines the Net Gain implications associated with the proposed removal of native vegetation.

Both the Department of Sustainability and Environment (as a non-statutory Section 52 referral authority) and Council's Environmental Planning Department have reviewed the native vegetation quality assessment report submitted with the application, and do not object to the proposed removal of native vegetation. It is considered that the proposal generally satisfies the three step (avoid, minimise and offset) approach as outlined in Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002). Specifically, the proposal delivers on the notion of avoidance of native vegetation removal, by limiting the development of residential lots to the northern portions of the land, thus avoiding direct impacts on many of the remnant over storey species on the land, and the drainage line areas through the southern portion of the land. The native vegetation quality assessment report recommends that appropriate offsets can reasonably be provided and managed by way of permit conditions.

It is noted in the native vegetation quality assessment report (page 24 of Attachment 7) that subject to further investigation and realignment of the proposed footpath, there may be an opportunity to minimize the removal of native vegetation and to retain one of the scattered large old trees (tree #14). However, as confirmed by Council's environmental planner, this option does not seem to be viable, as the footpath construction is likely to affect the root system of any trees, and in this instance, tree #14 should be considered as a loss for the purpose determining offset requirement.

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In accordance with Victoria's Native Vegetation Management – a Framework for Action (DNRE, 2002) and the West Gippsland Native Vegetation Plan (WGCMA, 2003), for each large old tree removed as part of permitted clearing within an area of High conservation significance, 2 other large old trees are to be protected and 10 are to be recruited or 100 plants are to be recruited. On a case-by-case basis at the discretion of the Responsible Authority, this requirement to recruit new trees may be either through plantings to a prescribed standard according to Revegetation planning standards – Guidelines for establishing native vegetation for net gain accounting (Department of Sustainability and Environment, 2006) and/or through regeneration associated with protection of other old trees. As determined by Council's Environmental Planning Department, the preference for achieving offsets in this case is for the tree protection option. In particular, there are at least 3 large old trees to be retained on the site according to the report submitted with the application and incorporating these in the offset would be preferable to the recruitment only option. It is considered that these offset requirements can be satisfactorily addressed by way of permit conditions, through the preparation and implementation of an Offset Management Plan to the satisfaction of the Responsible Authority.

On the above basis, it is considered that the extent of native vegetation to be removed as part of this application is acceptable, and that the proposal is generally consistent with the native vegetation objective of Clause 52.17 of the Latrobe Planning Scheme.

SUBMISSIONS

The application received six submissions in the form of objections. The issues raised were:

- 1 Dramatic increase in traffic and associated noise, dust and artificial light

Officer comment

Subject to minor road upgrade as detailed earlier in this report, it is considered that the current and proposed road network would adequately cater for the expected increase in traffic as a result of the subdivision.

It is considered that the proposed increase in traffic would take place over time as the subdivision developed and the noise or air pollution of vehicles would be similar to that of any established residential area.

- 2 Concerns about the capability of Silcocks Road to accommodate the extra traffic loads, as the road is currently unsealed. Upgrade of Silcocks Road is considered necessary.

Officer comment

As discussed above, a condition of any approval issued for the proposal will require Silcocks Road West to be constructed and upgraded, from the north side of Lot 1 to Acacia Way, in accordance with Council's Design Guidelines. In terms of Silcocks Road North, Council's engineers have determined that full upgrade is not deemed necessary, given the anticipated traffic volume as a result of the subdivision.

- 3 An upgrade to the Birch Drive / Acacia Way intersection, including the installation of a street light and/or stop sign, is considered necessary for traffic safety purposes.

Officer comment

Council's engineers have assessed the proposed subdivision and have concluded that to ensure no detriment to traffic safety along Acacia Way and vehicle speeding issues along Acacia Way, a condition of any approval issued for the proposal will require a roundabout to be constructed at the cross-road intersection of Acacia Way, Banksia Street and the new primacy access road into the subdivision. This intersection is considered to be more appropriate for an upgrade, rather than the Birch Drive and Acacia Way intersection.

- 4 Concerns about cars potentially turning right into Silcocks Road and then proceeding to Monash Way.

Officer comment

Direct access to Monash Way from Silcocks Road is currently restricted. The proposal does not seek to 're-open' this access. As discussed above, primary access to and from the subdivision is proposed to be via Acacia Way, then to Monash Way.

- 5 Concerns about the maximum speed of the newly constructed roads

Officer comment

Council's engineers have confirmed that all the new internal streets are best classified as major or minor access streets under Council's Design Guidelines, with a maximum speed of no greater than 50km/hour. This is considered to be appropriate for a residential area.

- 6 Loss of privacy due to potential development of double storey dwellings with windows overlooking into the existing family homes in the area

Officer comment

The majority of the lots range between 600 and 800 square metres in area. It is reasonable to consider that the lots are generally quite large in an urban context, and will provide enough scope for houses and outdoor areas to be designed to limit unreasonable impacts on nearby properties. In addition, it should be noted that matters such as overlooking, overshadowing and daylight to habitable windows can be addressed under the Building Regulations in the building permit stage.

- 7 The ecological surveys submitted with application did not take into consideration of seasonal changes to flora and fauna of the area. Potential loss of wildlife is of a significant concern.

Officer comment

Whilst changes are proposed for the existing waterway, it is expected that the planting of native or indigenous vegetation should provide for improved habitat values in comparison to the existing conditions. A condition of any approval issued for the proposal will require the provision of a landscape plan clearly showing the revegetation of the riparian zone including a species list and proposed density of the plantings. The plantings should be representative of the Ecological Vegetation Class for the site.

- 8 The Hydrological Investigation Report submitted with the application appears to be flawed, as its assumptions and calculations are based on water leaving the site via two 1400mm culverts under Silcocks Road when in fact there are three pipes taking water under the road.

Officer comment

In terms of stormwater drainage design, it should be noted that Council's Infrastructure Planning Department is generally satisfied that stormwater can be satisfactorily managed on site, and stormwater drainage design details will need to be provided to the satisfaction of Council's engineers by way of permit conditions.

- 9 Sequence of the subdivision is unclear. There are concerns about reliance on Silcock Road West as the primary access route (instead of Acacia Way) for Stage 1 of the subdivision, whilst the later stages of the subdivision are being developed.

Officer comment

A staging plan has been submitted with the application and is included as Attachment 4 of this submission. It will be a condition of any approval issued for the proposal to ensure that the proposed Acacia Way access arrangement must be constructed in accordance with Council's Design Guidelines prior to the statement of compliance being issued for Stage 1 of the subdivision.

- 10 Decrease in property values

Officer comment

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

- 11 Quality of the future housing standard is of a concern

Officer comment

Given the subject application relates to subdivision, Council officers acknowledge that there would be no planning permit requirements for future housing. It should be noted that this application is only for subdivision and it is expected that the future housing standard will generally be governed by Building Regulations.

- 12 Potential adverse amenity impact as a result of the subdivision, in terms of the loss of rural views and interfering with the enjoyment of peace and tranquility from neighbourhood properties.

Officer comment

As discussed, the subject site is zoned Residential 1 and as such, there is a reasonable expectation that it would be subdivided and developed with dwellings in the future.

With regard to loss of views, The Victorian and Civil Administrative Tribunal (VCAT) found in the decision *Lardner & Ors v Mornington Peninsula SC [2003] VCAT 238 (26 February 2003)* that *'the Tribunal has consistently held that no legal right to a view exists, and has supported proposals involving the loss of a view where these views were available across vacant blocks'*.

- 13 The land is not suitable for subdivision, and the proposal does not fit with the neighbourhood character of farms, farmlets and rural residential large lots.

Officer comment

Although the site is generally used for grazing purposes at present, it is zoned Residential 1 Zone. The main purpose of the Residential 1 Zone is:

'To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character'.

The proposal to subdivide the land into residential lots is therefore in accordance with the purpose of the Residential 1 Zone.

- 14 There are already other areas suitable for subdivision in Churchill. Further subdivision of the subject land is not warranted.

Officer comment

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The subject site is zoned Residential 1 and as such, there is a reasonable expectation that it would be subdivided and developed with dwellings in the future.

- 15 Existing residents should not be required to contribute to any facilities such as drainage and sewers or abutting fences.

Officer comment

A condition of any approval issued for the proposal will require all the infrastructure works associated with the subdivision, including but not limited to drainage and sewers, be constructed and completed by the developer at their cost.

In relation to boundary fences, it should be noted regulations concerning the cost sharing of boundary fences is a civil matter controlled by the Fences Act 1968 and is outside Council's jurisdiction.

- 16 Potential of exacerbating the existing flooding problem in the area

Officer comment

Council's Infrastructure Planning Department has assessed the application and no significant issues were raised in relation to stormwater management. Council's engineers are satisfied that detailed design of the stormwater design can be provided subject to permit conditions. Specifically, should a planning permit be issued, the developer will be required to design and construct (i) underground stormwater drainage systems to cater for 1 in 5 year storm events, (ii) overland surcharge routes within road or drainage reserves to cater for 1 in 100 year storm events, (iii) detention of stormwater discharges to ensure no increase in pre-development flows and water quality improvements to stormwater discharges, all in accordance with the requirements of the Scheme.

(also check page 10 of hydrology study)

- 17 The proposed reserve is likely to be wet and unuseable for most of the year

Officer comment

It is proposed to utilize the remodelled drainage reserves within the southern portion of the site, as discussed above, to provide passive open space for the subdivision. A total of 3.544 ha (32% of the overall site) of encumbered passive open space is proposed in this location.

As submitted by the applicant, the passive open space would be planted with indigenous trees, shrubs and grasses, with the intent to improve the landscape and habitat values of the area, as well as to provide a low maintenance landscape environment.

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Given the primary drainage function of the reserves, the reserves are not intended to be useable all year round but are to meet the passive recreational needs of future residents only.

As the public open space proposed for the subdivision would be passive in nature, a condition will be included on any approval issued for the proposal to require a 5% public open space contribution in cash. This contribution will allow Council to allocate funds to provide and/or upgrade active open space areas in accordance with Council's adopted Public Open Space Strategy.

- 18 Concerns about the potential removal of trees immediately to the north and west of the property 14 Acacia Way, as these trees are required for screening purposes

Officer comment

As illustrated in the Plan of Vegetation Removal located at Attachment 7 of this report, the proposal does not seek to remove any of the existing trees to the north or west of the property at 14 Acacia Way.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers; displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days; and by publishing two notices in the Latrobe Valley Express.

External:

The application was referred under Section 55 of the Act to the following authorities:

- Gippsland Water;
- Telstra;
- SP AusNet;
- APA Group
- West Gippsland Catchment Management Authority (WGCMA)

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- CFA
- DPI
- Public Transport Victoria

All the above authorities gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions and notes (where applicable).

The application was referred under Section 52 of the Act to West Gippsland Catchment Management Authority and VicRoads.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to drainage and traffic.

The application was forwarded to Council's Environmental team in relation to native vegetation issues.

All the relevant Council's internal departments gave consent to the granting of a planning permit in relation to their area of expertise.

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

Details of Community Consultation following Notification:

Following the referral and advertising of the application, six submissions in the form of objections were received.

A mediation meeting was held on 11 December 2012 which was attended by the applicant and his representatives, the objectors, the Ward Councillor and Council officers. The grounds of objection were discussed and amended plans were submitted by the applicant in response to the issues raised.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

OPTIONS

Council has the following options in regard to this application:

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

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

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CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application generally meets the requirements of the Scheme, subject to appropriate planning permit conditions.

Attachments

1. Site Context Plan
2. Zoning Map
3. Proposed Subdivision Plan
4. Staging Plan
5. Landscape Plans
6. Plan of Vegetation Removal
7. Native Vegetation Quality Assessment
8. Hydrological investigation report
9. Traffic Report
10. History of Assessment
11. Relevant Planning Provisions
12. Objections

RECOMMENDATION

That Council issues a Notice of Decision to grant a planning permit, for subdivision of land in stages and removal of native vegetation at Lot F on Plan of Subdivision 215154P Silcocks Road in Churchill, with the following conditions:

Amended Plans

1. **Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show, to the satisfaction of the Responsible Authority:**
 - a) **A 20 metre diameter turn-around (to the face of kerb) at the dead end street adjacent to the proposed lots 7 and 8. This shall be provided within the land the subject of this permit or may be on adjacent land with that owner's agreement. If created on an adjacent land on a separate title an appropriate 30 metre by 30 metre carriageway easement must be created on the adjacent land protecting Latrobe City Council's and the public's future rights to the use of the land.**
 - b) **Alteration of the end of proposed culs-de-sac to provide a 20 metre diameter turn-around (to the face of kerb).**
 - c) **The provision of a roundabout at the intersection of**

Acacia Way and the new access road into the development.

- d) That the two cul-de-sacs at the eastern end of the site be connected with a road.
- e) That lots 57-76 be re-configured, so that the road as required in Condition 1d above be accommodated and that an attractive and active interface be provided with Monash Way.
- f) The Landscape Concept plan must be amended to indicate that proposed shared paths will have a width of 2.5 metres and the shared path surfacing will be either concrete or hot-mixed bituminous concrete.

Endorsed Plans

- 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

Staging

- 3. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage if deemed necessary by the Responsible Authority.

Landscape Master Plan

- 4. Before the commencement of works, a landscape master plan for the entire estate must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the landscape plan submitted with the application (drawing numbers 1659/003-A , dated 9 July 2012), and include:
 - a. The landscaping theme and graphical concepts to be developed for the subdivision.
 - b. The type of species to be used for street tree planting in various stages of the subdivision.
 - c. The areas which will be available for landscaping.
 - d. Entrance treatments. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserve unless with the written agreement of the Responsible Authority.
 - e. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.
 - f. Identification of trees to be removed or protected as offsets

Detailed Landscape Plans

- 5. Prior to the commencement of any works associated with each stage of the subdivision, a detailed landscape plan for all

public open space areas including streets, parklands, entry features, drainage reserves, and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must be consistent with any landscape master plan already endorsed in respect of the land and must show;

- a) New plantings including their layout to be provided in any road reserves and municipal reserves.
- b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- c) The supply and spread of sufficient topsoil and subsoil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within drainage reserves).
- d) All proposed open space streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.
- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- f) Additional supporting information, such as certified structural designs or building forms.
- g) Vehicle access points for maintenance purposes.
- h) Mechanisms/structures for the exclusion of vehicles from landscaped areas.
- i) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- j) Design and construction layouts for equipment in playground areas.
- k) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- l) Location of public lighting.
- m) Details of all boundary fencing along Council reserve boundaries, which provide for timber paling fences no higher than 1.2 metres or approved 75% permeable fencing.
- n) Identification of vegetation to be removed.
- o) Provision of offsets generally in accordance with the

offset plan endorsed under condition 8 of this permit. All species selected must be generally consistent with the Ecological Vegetation Classes known as Herb-rich Foothill Forest (EVC 23) and Swampy Riparian Woodland (EVC 83), and to the satisfaction of the responsible authority. The detailed landscape plan must be consistent with Water Management Plan as required under Condition 38 of this permit.

Landscape Works to be Completed

6. Prior to the issue of Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. All areas to be landscaped, including open space, must:
 - a) Have bulk earthworks completed (where required) to ensure reserves are fit for intended purpose;
 - b) Be cleared of all rubbish and environmental weeds, top soiled and grassed;
 - c) All landscape planting works completed including drought resistant trees and other planting;
 - d) Have shared paths and footpaths as shown on endorsed plans;
 - e) Public lighting provided along paths, signage, fencing and street furniture installed;
 - f) Maintenance vehicle access points provided.
7. The operator of this permit must maintain to the satisfaction of the responsible authority for a period of two (2) years, all landscaping constructed under this permit, except for grass areas along street nature strips. The maintenance period shall commence on the date the landscaping is certified by the Responsible Authority as practically complete. Any defects occurring during the maintenance period shall be repaired by the operator of this permit to the satisfaction of the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

Offset provision for removal of native vegetation

8. Before the vegetation removal starts, an offset plan showing appropriate offsets to compensate for the removal of four (4) large old trees must be submitted to and approved by the responsible authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit. The offset plan must be implemented within 12 months of the native vegetation removal approved under this permit unless specified otherwise.

Maps or plans forming part of the offset plan must be drawn to scale with dimensions (where appropriate) and include details

of the:

- a) **vegetation to be removed, including details of:**
 - i) **the location of the vegetation including details of the Bioregion**
 - ii) **the Ecological Vegetation Class (EVC) of the vegetation**
 - iii) **the Bioregional Conservation Status of the EVC**
 - iv) **the area to be removed (in hectares)**
 - v) **the habitat hectare score (out of 1) of the vegetation**
 - vi) **the number of large and medium old trees to be removed (where applicable)**
 - vii) **the presence of any rare or threatened species**
 - viii) **whether the site is potential habitat for any rare or threatened species**
 - ix) **conservation significance**
 - x) **total vegetation loss calculated in habitat hectares.**
- b) **gain targets**
- c) **offset(s) to compensate for the vegetation removal, including details of:**
 - xi) **type of offset(s) to be provided in each location**
 - xii) **location of the offset(s) including details of the Bioregion**
 - xiii) **Ecological Vegetation Class of the offset vegetation**
 - xiv) **habitat hectare score (out of 1) of the offset**
 - xv) **number of large and medium old trees to be protected (where applicable)**
 - xvi) **rare or threatened species habitat to be protected (if applicable)**
 - xvii) **conservation significance of the offset**
 - xviii) **gains in vegetation and habitat quality to be achieved by the offset(s)**
- d) **details of any revegetation including number of trees, shrubs and other plants, species mix, and density**
- e) **methods of managing and restoring the existing vegetation to be retained**
- f) **methods of interim protection for newly established vegetation**
- g) **methods of permanent protection for established offsets**
- h) **persons responsible for implementing and monitoring the offset plan**
- i) **time frame for implementing the offset plan.**

Vegetation removal and the provision of offsets must accord with the endorsed plan;

and/or

If appropriate offsets are identified via the BushBroker program administered by the Department of Sustainability and Environment (DSE), the following is required to be provided before the commencement of any works:

- j) **A signed and dated copy of the 'Native Vegetation Credit Register - Notification of Allocation of Credits'. This is to**

advise that the allocation of native vegetation credits has been registered on DSE's Native Vegetation Credit Register for offsetting purposes.

k) An offset plan approved by BushBroker.

Ongoing management and protection of offset

9. The offset area(s) must be permanently protected by fencing, excluding stock and public and maintained to the satisfaction of the responsible authority.
10. Vermin and pests must be controlled in the offset area to the satisfaction of the responsible authority and upon the advice of the Department of Environment and Primary Industries (DEPI) if applicable.
11. The offset area must be managed so as to ensure that declared noxious weeds and other high threat environmental weeds are controlled to the satisfaction of the responsible authority and upon the advice of the DEPI if applicable.
12. No firewood, dead vegetation, fallen branches or organic leaf matter may be removed from the offset area identified in the endorsed plan.

Maintaining Tree Protection Zones during construction

13. Before the development starts, a tree protection fence must be erected around remnant trees (Swamp Gum) numbered 9, 10, 11, 12 and 13 in the Net Gain Vegetation Assessment report submitted with the application at a radius of 15 metres from the base of the trunk(s) to define a 'Tree Protection Zone' (TRZ). The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.

Regulation of activities in Tree Protection Zone (TRZ)

14. Except with the written consent of the responsible authority, the following activities must be excluded from the TRZ:
 - a) machine excavation including trenching
 - b) directional drilling that is less than 600 mm deep
 - c) excavation for silt fencing
 - d) storage
 - e) preparation of chemicals, including preparation of cement products
 - f) parking of vehicles and plant
 - g) refuelling
 - h) dumping of waste
 - i) placement of fill
 - j) temporary or permanent installation of utilities and signs
 - k) physical damage to the tree.

By default, a tree will be considered lost and require an offset if one of the above activities occurs over more than 10% of the total area of the TRZ. However, if a qualified arborist confirms that the specific works will not significantly damage the trees, they will be considered retained and no offset will be required.

Pruning of trees to be retained

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Weed control

16. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.

Engineering – Stormwater Management Strategy

17. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Stormwater Management Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the strategy will then form part of the permit. Issues the strategy must address include:

- a) How stormwater is to be conveyed to the legal point of discharge for all storm events up to and including the 1 in 100 year ARI storm event including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from areas upstream of the subject land;
- b) How stormwater is to be conveyed from the legal point of discharge into a receiving designated waterway;
- c) Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes or concentrated stormwater discharges;
- d) Details (including on-site detention) to ensure all stormwater discharge from each of the lots on the land is limited to pre-development flows for all storm events up to and including the 1 in 100 year ARI storm event and to ensure there are no adverse affects on flooding either upstream or downstream of any development on the land;
- e) Details regarding treatment of stormwater discharge from the development to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999 and designed in accordance with:
 - i) 80% retention of the typical annual load of suspended solids;
 - ii) 45% retention of the typical annual load of total phosphorous;
 - iii) 45% retention of the typical annual load of nitrogen; and
 - iv) 70% retention of the typical annual load of gross pollutants.

Engineering – Road Names

18. Prior to certification of the plan of subdivision under the

Subdivision Act 1988 for each stage of the development, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. All proposed new road names must comply with the naming principles described in the Department of Sustainability and Environment's "Guidelines for Geographic Names 2010".

Engineering – Plans Submitted for Certification

19. Plans submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
- a) Easements for drainage purposes,
 - b) Any land subject to inundation,
 - c) Reserves created for the purposes of stormwater management, vested in the Responsible Authority,
 - d) Road reserve widths complying with Latrobe City Council's Design Guidelines,
 - e) Splays at cross-road intersections appropriate to allow for the construction of a roundabout at such intersections,
 - f) Splays, a minimum of 3 metres by 3 metres unless required otherwise, at all intersections of the local road network, and
 - g) Street names complying with the requirements of the Department of Sustainability and Environment's "Guidelines for Geographic Names 2010".

Engineering – Functional Layout Plan

20. Prior to the lodgement of engineering construction plans and specifications, a functional layout plan for the subdivision or the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions and one copy and an electronic copy (PDF) provided. The functional layout plan must incorporate the following:
- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
 - b) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - c) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
 - d) Details of tree protection zones (TPZs), for all trees to be retained on site (if any).
 - e) Any trees proposed for removal from the site clearly designated.
 - f) Typical cross-sections for each street type, dimensioning individual elements and services offsets.
 - g) Details of intersection treatments and traffic calming

measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.

- h) The provision of roundabouts at all cross-road intersections.
- i) A table of offsets for all utility services (including fibre optic conduit) and street trees.
- j) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- k) The proposed minor drainage network and any land required for maintenance access.
- l) The major drainage system, including any watercourse, wetland, silt pond, and/or piped elements showing preliminary sizing.
- m) Overland stormwater flow paths (100 year ARI) to indicate how excess runoff will be safely conveyed to its destination including from adjacent upstream areas not previously developed.
- n) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
- o) Preliminary location of reserves for electrical kiosks;
- p) Works external to the subdivision, including both interim and ultimate access requirements.
- q) Intersections with roads external to the subdivision.

Engineering – Site Management Plan

21. Prior to the commencement of any works associated with each stage of the subdivision (including but not limited to road, drainage or landscaping works) , a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) An environmental management plan for the works detailing techniques for erosion prevention, temporary

drainage and sediment control measures during the construction of the works and post construction.

Reference should be made to the Environment Protection Authority's publication 960 'Doing it right on subdivisions'.

22. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
23. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

Engineering – Maintenance Plan & Period

24. Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of the works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.
25. Prior to commencing any works associated with this subdivision, a maintenance plan with typical costs is to be submitted to the satisfaction of and approved by the responsible authority for all proposed wetland areas.

Engineering – Detailed Plans and Specifications

26. Prior to the commencement of any road and/or drainage works, and for each subsequent stage, detailed engineering plans and specifications must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the approved Functional Layout Plans. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy and an electronic copy (PDF) must be provided. The plans must include:
 - a) Design and construction of all new roads in accordance with Latrobe City Council's Design Guidelines including connections to existing roads. The new north-south road

- providing access to Acacia Way and the proposed road adjacent to lots 10 to 19 and lots 32 to 34 shall be designed and constructed as Major Access Streets. All other streets shall be designed and constructed as Minor Access Streets.
- b) Design and construction of the east-west section of Silcocks Road for the full length of the abuttal to the development in accordance with Latrobe City Council's Design Guidelines. This section of road shall be constructed with a sealed road pavement 5.2 metres wide with a 0.5 metre wide shoulder along one side and with concrete kerb and channel, nature strip, street trees and footpaths along the development side.
 - c) Design and construction of the north-south section of Silcocks Road from the north side of Lot 1 to Acacia Way in accordance with Latrobe City Council's Design Guidelines. This section of road shall be constructed with a sealed road pavement of 7 metres wide, kerb and channel along both sides and with nature strip, street trees and footpaths along the development side.
 - d) Design and construction of a roundabout at the intersection of Acacia Way and the new access road into the development.
 - e) A vehicle turn-around area (court bowl) at the end of the street adjacent to lots 7 and 8 including a hot-mixed bituminous surface and kerb and channel. Turning area must be a minimum of 20 metres in diameter. If provided on adjacent land on a separate title, appropriate fencing of an area 30 metres by 30 metres shall be provided around the turn-around area.
 - f) Temporary vehicle turnarounds at the ends of streets to be continued in future stages, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
 - g) Concrete footpaths along both sides of all proposed streets, unless otherwise required and 2.5 metre wide concrete shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
 - h) A new vehicle crossing must be constructed to provide access to the proposed lots 17 and 18, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - i) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. The stormwater drainage system must be designed to take the 1 in 5 year ARI storm event, to meet the current best practice performance objectives for stormwater quality as contained in the "Urban Stormwater Best Practice

Environmental Management Guidelines, CSIRO 1999” as amended and to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater drainage system may include water sensitive urban design features. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Drainage plans must include hydraulic computations for all new drainage works.

- j) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
- i) Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - ii) All new and existing lots should be free from inundation.
 - iii) All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_a v_a < 0.35$ m²/s (where d_a = average depth in metres and v_a = average velocity in metres per second).
- k) Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed. These works shall be provided within the land the subject of this permit or may be on adjacent land with that owner’s agreement. If provided on adjacent land on a separate title, prior to the issue of a Statement of Compliance for the relevant stage of the development, an appropriate drainage easement must be created on the adjacent land protecting Latrobe City Council’s future rights to the use of the land.
- l) Construction of wetland/stormwater detention areas generally as proposed in the approved stormwater management plan. The wetlands shall be designed to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999:
- 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorus;
 - 45% retention of the typical annual load of total nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.
- The proposed wetlands/stormwater detention area must

be constructed to ensure that the bed of the internal edges of any water body are graded to achieve a maximum water depth of 0.2m for a minimum distance of 3 metres in from the water's normal edge before becoming steeper or achieve the alternatives specified in "WSUD Engineering Procedures: Stormwater (Melbourne Water 2005), Clause 10.3.2.3 Cross sections" or equivalent standards applicable at the time to the satisfaction of the Responsible Authority.

Proposed wetlands/stormwater detention areas, reserves and surrounds shall be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with approved turf mixture of perennial rye and bents at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.

- m) Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
- n) Street lighting along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development, in accordance with Australian Standard AS1158.
- o) All traffic signage, street name signage and road pavement line marking.
- p) Provision of timber paling fences no higher than 1.2 metres or approved 75 percent permeable fencing along all allotment boundaries abutting reserves.
- q) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
- r) All land to be filled and to be used for a dwelling be filled in accordance with Australian Standard AS3798.

Works / Requirements - Prior to State of Compliance

27. Before a Statement of Compliance is issued for each relevant stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority and must include:

- a) All proposed new roads in accordance with Latrobe City Council's Design Guidelines.
- b) The construction of the east-west section of Silcocks Road adjacent to the development and the north-south

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

- section of Silcocks Road from the north side of Lot 1 to Acacia Way.
- c) Construction of a roundabout at the intersection of Acacia Way and the new access road into the development.
 - d) A vehicle crossing must be constructed to provide access to the proposed lot 20.
 - e) Concrete footpaths along both sides of all proposed streets and shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
 - f) Intersection treatments and traffic calming measures.
 - g) The provision of roundabouts at all cross-road intersections.
 - h) Underground piped drainage to convey stormwater from each lot to the legal point of discharge for the 1 in 5 year ARI storm event.
 - i) Works to ensure that flows downstream of the subdivision site are restricted to pre-development levels.
 - j) Works to ensure the stormwater management system meets current best practice performance objectives for stormwater quality.
 - k) Provisions for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - xix) Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows.
 - xx) Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed.
 - xxi) All new and existing lots should be free from inundation.
 - xxii) All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $v_{ave} < 0.35 \frac{m^2}{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).
 - l) Earthworks within the development to ensure that vehicle access can be obtained to each proposed allotment.
 - m) Street lighting along all new roads and upgraded street lighting at the locations of proposed intersection works.
 - n) All traffic signage, street name signage and road pavement line marking.
 - o) The installation and registration of high stability permanent survey marks.
 - p) Provision of all temporary vehicle turnarounds with a low maintenance sealed surface at the end of all streets proposed to be continued in a later stage of the development.
 - q) All land to be filled and to be used for a dwelling be filled

and compacted in accordance with Australian Standard AS3798.

28. Before a Statement of Compliance is issued for each relevant stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct timber paling fences no higher than 1.2 metres or approved 75 percent permeable fencing, along all allotment boundaries abutting reserves.
29. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
 - a) or all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - b) or all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - c) The sum of \$175 per 20 metres of street length or per lot frontage (whichever provides for the greater number of street trees), for the provision of street trees along all streets where trees are not planted by the operator of this permit.
30. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
 - a) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
 - b) Certification by a licensed surveyor of the registration of all constructed Permanent Survey Marks.
 - c) Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council's Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.
31. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the following easements must be created in favour of Latrobe City Council to the satisfaction of the Responsible Authority:
 - a) An easement for drainage purposes along any drain on adjacent lands on separate titles constructed as part of this development for the capture of overland stormwater flows from adjacent upstream areas not previously

developed.

- b) A carriageway easement measuring 30 metres by 30 metres over any vehicle turn-around area constructed as part of this development on land on a separate title adjacent to the development.

32. The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within three (3) calendar months of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority. – check with Ray

33. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.

Hydrogeological Assessment

34. The subdivision works must be carried out in a manner which is consistent with the recommendations set out in the Hydrological Study (dated 6 May 2011, prepared by Water Technology) submitted with the application, to the satisfaction of the Responsible Authority.

Filling of the Land – Residential Lots (check with Ray)

35. The land must be filled in a manner that does not:

- Cause a nuisance on nearby land through the emission of dust; or
- Adversely affect the drainage of adjacent land through sediment and the like; or
- Affect overland flow paths;

and to the satisfaction of the Responsible Authority.

WGCMA Conditions

36. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA)

in that:

- a) Prior to the issue of a Statement of Compliance for Stage 1 of the Subdivision or at a later date as agreed by WGCMA in writing, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway, and must include a landscape plan for revegetation of the reserve (in accordance with the appropriate Ecological Vegetation Class/es) and a maintenance plan detailing the short, medium and long term actions and agencies/developers responsible for each stage.
- b) Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, or at a later date as agreed by WGCMA in writing, a Stormwater Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharge from the subdivision will meet the 'Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999'.

Gippsland Water Conditions

37. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:

- a) Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.
- b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement. - Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
- c) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.
- d) Install separate water services and sewage disposal connections for Stages 1-4 (inclusive) to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be

- submitted to Gippsland Water.
- e) The existing meter 02W410860 must be capped and returned to Gippsland Water for a final read.
 - f) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.
 - g) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
 - h) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

Design and Construction Works

The operator of the permit must:

- i) Ensure Gippsland Water's assets are protected, especially where subdivisional development requires construction (such as a road) over or near an existing Gippsland Water asset. In particular, works over or adjacent to the new Gippsland Water Reserve that encompass the 685mm RC Churchill Outfall Sewer Main & Gippsland Water's Grit Chamber, must meet Gippsland Water's design requirements for such works. Design drawings and calculations must demonstrate that road crossings will protect the integrity of the 685mm RC Churchill Outfall Sewer Main & the Gippsland Water Grit Chamber and will cause no adverse impact to these assets.
- j) Supply a detailed management plan for the protection of Gippsland Water's assets within the new Gippsland Water Reserve. This plan must address risks to all Gippsland Water assets within the new Gippsland Water Reserve, particularly the 685mm RC Churchill Outfall Sewer Main & the Gippsland Water Grit Chamber, brought about by movement of plant or construction machinery and/or works within the development site. This management plan must be approved by Gippsland Water prior to any works commencing. (A temporary fence may also be required and will be outlined in the Developer Works Agreement).

Telecommunications Conditions

38. The owner of the land must enter into an agreement with:
- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area

where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public Open Space Contributions

39. Prior to the issue of Statement of Compliance of Stage 1 of the Subdivision under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority:

- a) a sum equivalent to five per cent of the site value of all the land in the subdivision; and
- b) any costs associated with valuation of the land including valuers fees.

Permit Expiry

40. This permit will expire if:

- a) the plan of subdivision for the first stage is not certified within two years of the date of this permit; or
- b) the plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit; or
- c) the registration of the last stage of the subdivision is not completed within five years of the certification of the plan of subdivision.

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

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

Notes

1. Prior to the commencement of any works within 30 metres of a designated waterway, a Works on Waterways licence must be obtained from the West Gippsland Catchment Management Authority, issued under the Water Act 1989. Works includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and any proposed discharge of stormwater to a constructed

treatment wetland, or requiring a direct connection to the designated waterway. A Works on Waterways licence application must include both a Stormwater Management Plan demonstrating that the designed stormwater treatment will meet best practice guidelines, and a Waterway Management Plan and landscaping plan describing the on-going maintenance requirements of the reserve.

2. In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.
3. As suggested by DSE in their response dated 9 October 2012, scattered trees proposed for removal according to Net Gain Vegetation Assessment Monash Way, Churchill (Water Technology, May 2011) have been assigned a conservation significance rating of Medium, however the method used was incorrect. The Department of Sustainability and Environment's Biodiversity Interactive Map (BIM) indicates that the default conservation significance of scattered trees in this area is High. For the purpose of determining the offset requirement to achieve net gain, this High conservation significance rating has been used instead of Medium as per the report.
4. The scattered trees proposed for removal occur within Plains Grassy Forest (EVC 151) which is classified as Vulnerable within the Gippsland Plain bioregion. In order to determine the offset requirement, the EVC benchmark for Plains Grassy Forest has been used along with the default conservation significance of High as explained above.
5. The 4 trees proposed for removal are those numbered 14, 15, 16 and 17 in the report and have a diameter at breast height (DBH) of 86 cm, 75.5 cm, 85.5 cm and 104 cm respectively. The benchmark DBH for Plains Grassy Forest is 70 cm and therefore all trees can be classified as large old trees i.e. DBH is greater than that specified in the benchmark and less than 1.5 times the benchmark.
6. In accordance with Victoria's Native Vegetation Management – A Framework for Action (DNRE, 2002) and the West Gippsland Native Vegetation Plan (WGCM, 2003), for each large old tree removed as part of permitted clearing within an area of High conservation significance, 2 other large old trees are to be protected and 10 are to be recruited or 100 plants are to be recruited. On a case-by-case basis at the discretion of the planning authority, this requirement to recruit new trees may be either through plantings to a prescribed standard according to Revegetation planting standards – Guidelines for establishing native vegetation for net gain accounting (Department of Sustainability and

Environment, 2006) and/or through regeneration associated with protection of other old trees. It should be noted that the preference for achieving offsets is for the tree protection option and this needs to be considered in the Offset Management Plan. There are at least 3 large old trees to be retained on the site according to the report and incorporating these in the offset would be preferable to the recruitment only option. For a tree to be considered protected for conservation and eligible as an offset, an area twice the canopy must be applied, with this area managed and protected in accordance with DEPI guidelines (DSE, 2007).

7. **Eucalyptus strzeleckii** should be included in the Reserve areas as they are indigenous to this area and currently present on nearby properties. Seed collected by Council from a remnant *E. strzeleckii* where Eel Hole Creek runs under Tramway Road could be used to produce tubestock for this purpose .
8. **WGCMA** - In particular the Authority notes that a considerably large area of the reserve has been highlighted as grassed areas. The Authority does not support large areas of non-native lawn areas in reserves due to the ongoing maintenance requirements for the long term agency (e.g. shire), however the Authority does support limited grassed areas (up to 10% of the total reserve area) for active recreation and playgrounds etc. Latrobe City Council's Environmental Planner is supportive of this and encourages the establishment of revegetated areas as far as practical.
9. Any revegetation along Eel Hole Creek would support previous efforts along Eel Hole Creek Reserve (east of Tramway Road) with a long term plan to create connectivity between patches of native vegetation and a wildlife corridor in a semi-urban area.

Gippsland Water Notes

10. **Gippsland Water** personnel are able to issue an Immediate Stop Works notice in relation to any works within the new Gippsland Water Reserve should they have concerns regarding possible damage to Gippsland Water assets within the Reserve.
11. **Sewer**
Main extensions throughout the subdivision to each allotment with the discharge upstream of the existing wastewater grit chamber, which is located on the south west extent of the development. - Due to the shallow depth of the existing branch sewer upstream of the grit chamber and the level of the flood plain a sewer pump station and rising main may be required to service the development dependent on cover levels through the flood plain.
12. **Water**
Main extensions throughout the subdivision to each allotment with interconnections to existing water mains.

13. Asset protection / odour buffer

Gippsland Water has reviewed the subdivision and has no issues with the location of the allotments in relation to Gippsland Water's Wastewater Grit Chamber.

14. Any manholes or structures installed within the flood prone area will need to be above the natural surface level to minimise ground water infiltration inline with Water Service Association of Australia code requirements.**15. Reserves vested in Gippsland Water**

Gippsland Water requires that the easement covering the existing Wastewater Grit Chamber, the large sewer main and land to the west to Birch Drive to be vested as a reserve in favour of Gippsland Water. (The existing E-1 & E-2 Sewerage Easement that encompasses the 685mm RC Churchill Outfall Sewer Main and the land in Lot 1 on TP388312 that contains the Wastewater Grit Chamber must be replaced with a Gippsland Water Reserve).

16. Gippsland Water requires the creation of a 15 metre x 15 metre reserve in favour of Gippsland Water to encompass the existing Wastewater Pump Station located off Acacia Way. The access to this reserve should be via the proposed road off Acacia Way. A Carriage Way easement may also be required.

16.1

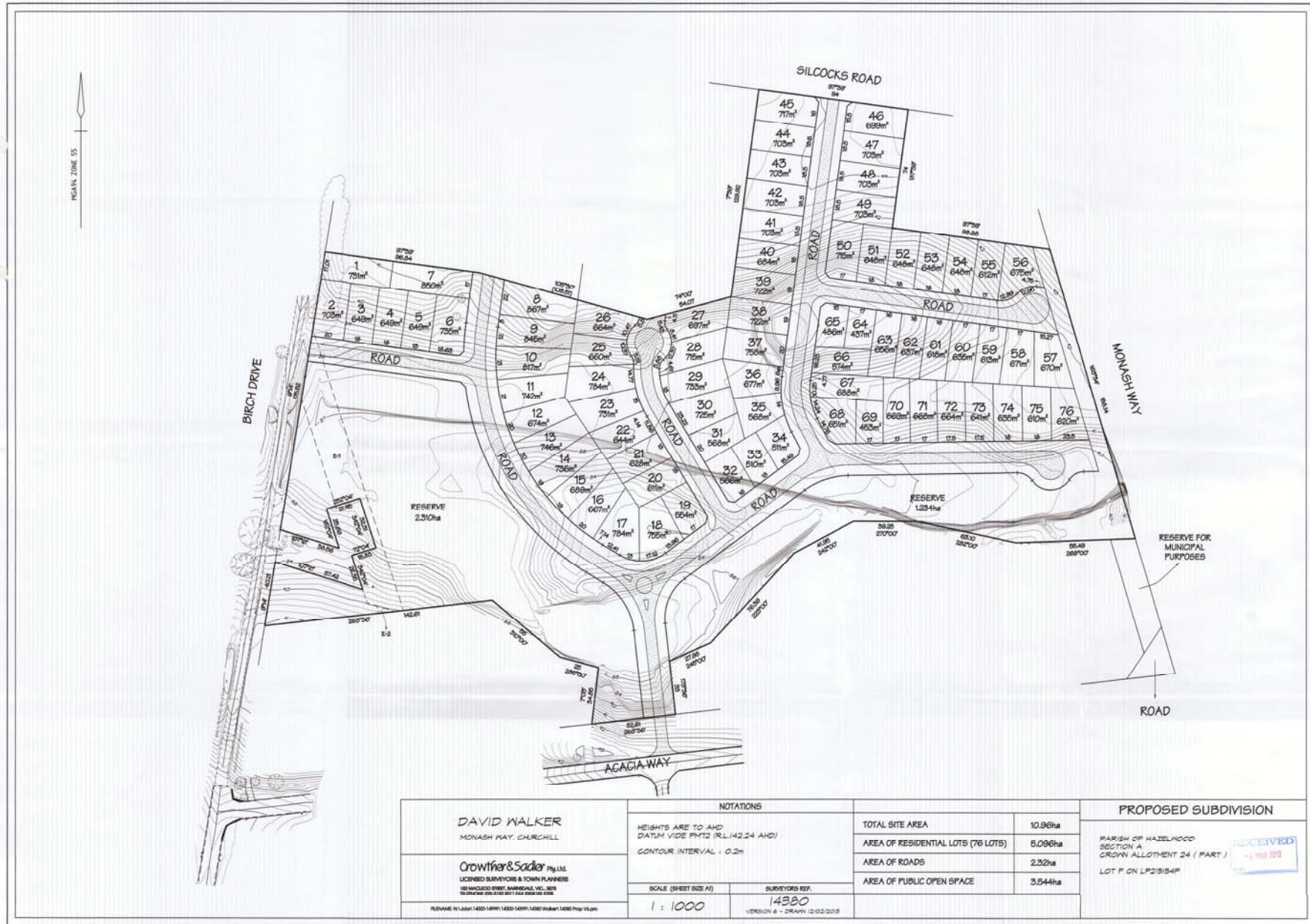
PLANNING PERMIT APPLICATION 2012/071 - MULTI LOT RESIDENTIAL SUBDIVISION IN STAGES, SILCOCKS ROAD CHURCHILL

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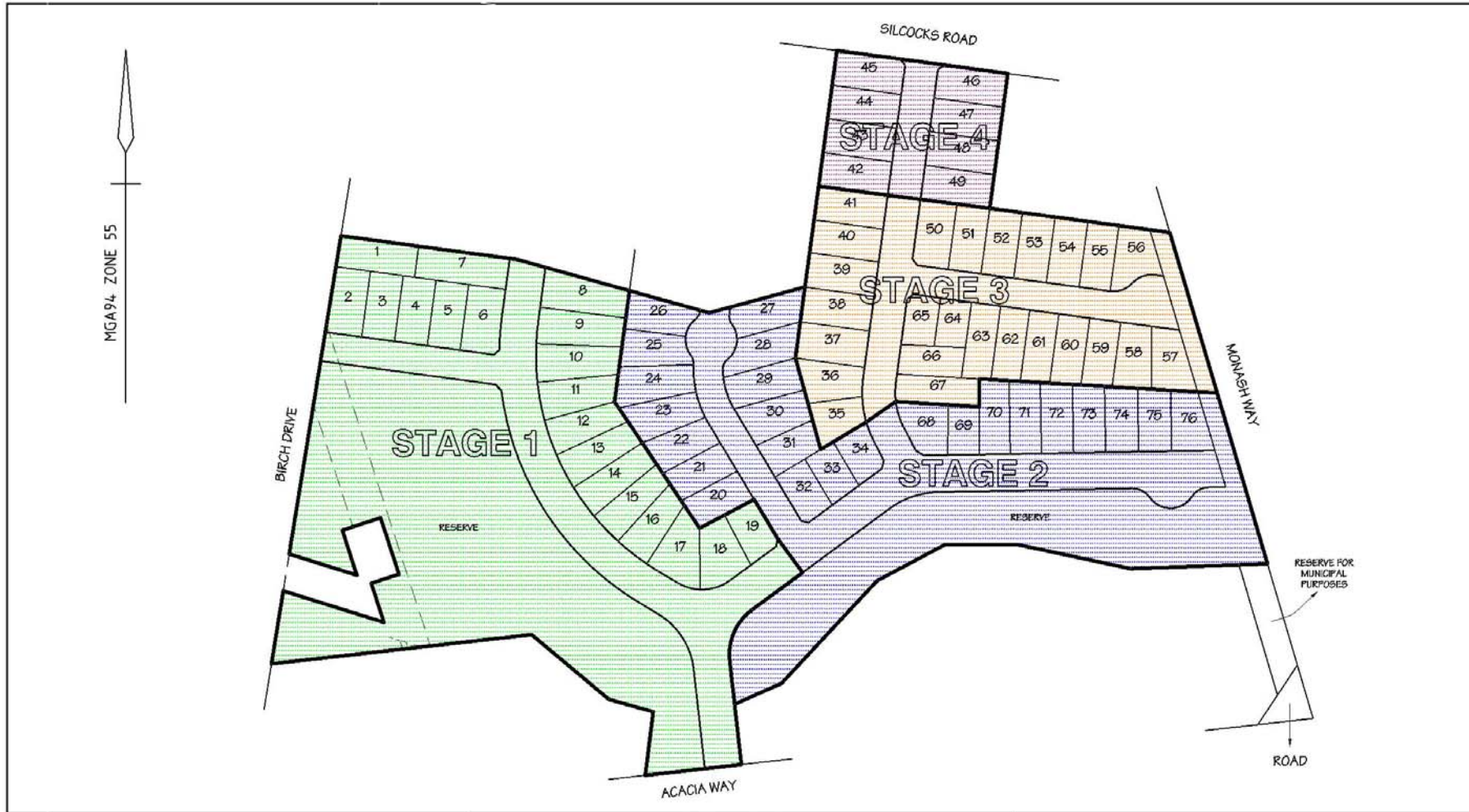
Site Context Plan - Silcocks Road Churchill [Scale 1:4000]



1:4000

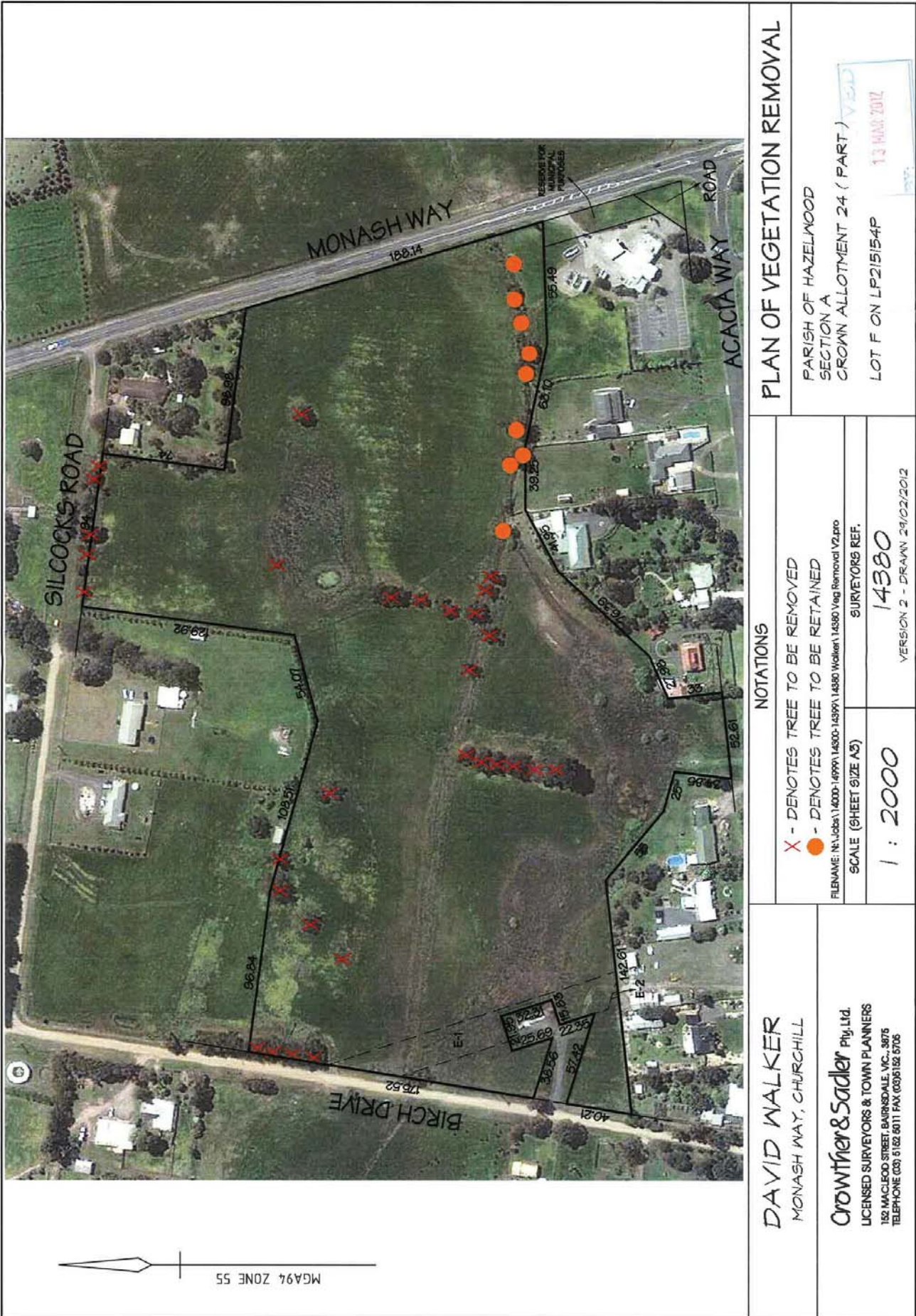


<p>DAVID WALKER MONASH WAY, CHURCHILL</p> <p>Crowther & Sadler Pty Ltd LICENSED SURVEYORS & TOWN PLANNERS 180 NAWOOD STREET, BARRHOVE, VIC, 3693 TEL: 03 5220 1100 FAX: 03 5220 1100 FURNISH: N 14381 14382 14391 14392 14393 14394 14395 14396 14397 14398 14399 14400 Prop V1.00</p>	<p>NOTATIONS</p> <p>HEIGHTS ARE TO AHD DATUM VIDE PHT2 (RL) 42.24 AHD) CONTOUR INTERVAL: 0.2m</p>		<p>PROPOSED SUBDIVISION</p> <p>FARISH OF HAZELWOOD SECTION A CROWN ALLOTMENT 24 (PART) LOT F ON LP215154P</p>	
	<p>SCALE (SHEET SIZE A)</p> <p>1 : 1000</p>	<p>SURVEYED REF.</p> <p>14380</p> <p>VERSION 6 - DRAWN 12/02/2018</p>	<p>TOTAL SITE AREA</p> <p>10.96ha</p>	<p>AREA OF RESIDENTIAL LOTS (76 LOTS)</p> <p>5.096ha</p>
		<p>AREA OF PUBLIC OPEN SPACE</p> <p>3.544ha</p>		



<p>DAVID WALKER MONASH WAY, CHURCHILL</p>	<p>NOTATIONS</p>		<p>STAGING PLAN</p>
<p>Crowthen & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5152 5011 FAX (03) 5152 5705</p>	<p>STAGE 1 = 19 LOTS STAGE 2 = 24 LOTS STAGE 3 = 25 LOTS STAGE 4 = 8 LOTS</p>		
<p>FILENAME: N:\Jobs\14000-14999\14300-14399\14380 Walker\14380 Staging Plan V3.pro</p>	<p>SCALE (SHEET SIZE A3)</p>	<p>SURVEYORS REF.</p>	<p>FARISH OF HAZELWOOD SECTION A CROWN ALLOTMENT 24 (PART) LOT F ON LP215154P</p>
<p>1 : 2000</p>	<p>14380 VERSION 3 - DRAWN 21/05/2013</p>		





PLAN OF VEGETATION REMOVAL

PARISH OF HAZELWOOD
SECTION A
CROWN ALLOTMENT 24 (PART)
LOT F ON LP215154P



NOTATIONS

- X - DENOTES TREE TO BE REMOVED
- - DENOTES TREE TO BE RETAINED

FILENAME: N:\Jobs\14000-14999\14300-14399\14380 Walker\14380 Veg Removal V2.dwg
SCALE (SHEET SIZE A3) SURVEYORS REF.

14380
1 : 2000

VERSION 2 - DRAWN 29/02/2012

DAVID WALKER
MONASH WAY, CHURCHILL

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c/o Crowther and Sadler Pty Ltd

Net Gain Vegetation Assessment Monash Way, Churchill



May 2011



Mr David Walker c/o Crowther and Sadler Pty Ltd

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Client Project Manager	Mr. David Walker
Water Technology Project Manager	Simon Lee
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Mr David Walker c/o Crowther and Sadler Pty Ltd



1. INTRODUCTION

In January 2011, licensed Surveyors and Town Planners 'Crowther and Sadler' approached Water Technology to undertake a vegetation assessment for a proposed 106 lot subdivision on land owned by Mr. David Walker, located on Monash Way, Churchill.

This report details both the desktop and field assessment of the area proposed for vegetation removal, and on this basis, provides recommendations and implications of these findings for any proposed development, and has been prepared in accordance with Victoria's *Native Vegetation Management – A Framework for Action* (NVF), (DNRE 2002).

1.1 Victoria's Native Vegetation Framework Explained

All proposed developments and works in Victoria, whether undertaken by private citizens or the private or public corporate sector, are subject to the provisions and requirements of the NVF.

The framework sets out the requirements and procedures that need to be undertaken to;

- Calculate the habitat value of native vegetation in the development area,
- Calculate the value of the habitat lost from proposed vegetation removal, and
- Determine the actual area required to be protected to 'offset' against the habitat lost from the proposed vegetation removal.

The Framework provides the methodology for the above quantification to ensure a consistent approach by assessors for assessment of an area, and relies less on the specific flora species present than on the overall landscape context, health and quality of the assessment area.

The assessments are based on a comparison to a 'benchmark' that has been set for different Ecological Vegetation Classes (EVC's) (EVC's could be simply described as an area of vegetation that is reasonably consistent in species distribution and quality. Where vegetation differs between locations, or changes from one type to another, a different EVC would be recorded), across different Bioregions throughout the State of Victoria. These benchmarks detail the type of species expected to be present, the size of these species, the distribution of lifeforms (trees, shrubs, grasses etc), degree of weediness, number of logs and leaf litter expected to be found and so on. These benchmarks form the basis for quantification of habitat quality of an area, and ultimately the level of impact that will result from the proposed vegetation removal.

Following this assessment of habitat quality, a 'Habitat Hectare Score' is given to the area assessed. A process of marrying this Habitat Hectare Score with the actual area of vegetation impact is undertaken to arrive at a quantification of total impact.

This impact is then required to be 'offset' by an area of vegetation of a similar type and quality (generally of the same EVC), that is protected by some form of legally binding agreement or caveat, so that the end result is a 'net gain' in habitat retained and protected.

Offsets are identified by utilising the same system for determining a Habitat Hectare Score for the vegetation removed, and working out 'how much of the offset area needs to be protected to ensure it is equal to or greater than the value of the area of vegetation being removed'?

The offset is then managed proactively for a period of 10 years to ensure quality is maintained, and protected in perpetuity by way of legal agreement or caveat.

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2. BACKGROUND

2.1 Site Location and Description

The Study Area is identified as located between Monash Way to the east, Silcocks Road to the north and west, and Acacia Way to the south, immediately north of the township of Churchill, and is located wholly within the Latrobe Shire (VicRoads 702 C2 and CFA Map 8512 F6).

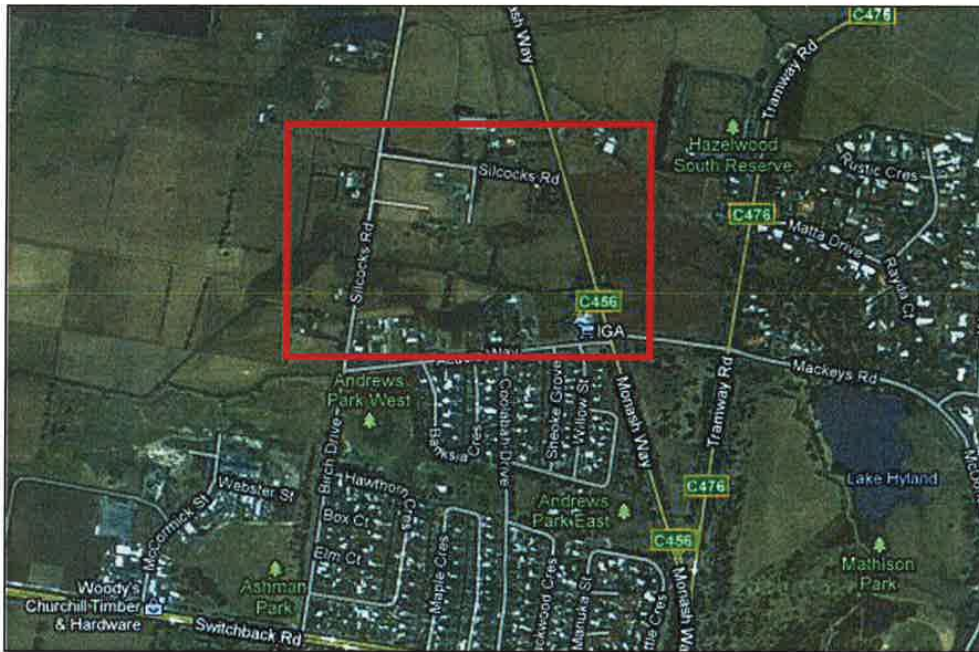


Figure 2-1: Location of Survey Area (Highlighted by the Red square area)

2.1.1 Ecological Vegetation Class

The property is located within the Gippsland Plain Bioregion. The Gippsland Plain bioregion is flat low lying coastal and alluvial plains with a gently undulating terrain dominated by barrier dunes and floodplains and swampy flats. The soils associated with the upper terrain are texture contrast soils (Dermosols and Chromosols), supports Lowland Forest ecosystems. The dunes are predominantly sandy soils (Podosols and Tenosols) supports Heathy Woodland and Damp Sands Herb-rich Woodland ecosystems. The fertile floodplains and swamps are earths and pale yellow and grey texture contrast soils (Hydrosols) supports Swamp Scrub, Plains Grassy Woodland, Plains Grassy Forest, Plains Grassland and Gippsland Plains Grassy Woodland/Gilgai Wetland Mosaic ecosystems (Department of Sustainability and Environment [DSE] 2011a).

Both 1750 and 2005 EVC mapping indicate the same EVC's present, however the distribution of the EVC's is dramatically reduced for the 2005 mapping. The site has been predominately cleared for agricultural utilisation, and is now surrounded by a growing area of rural residential development. Both map sets as per the DSE Interactive online Mapping tools indicate the presence of two (2) EVC's, namely Swamp Scrub (SS - EVC #53) and Plains Grassy Forest (PGF - EVC #151). Benchmark descriptions of these EVC's are provided in Appendix A. The Bioregional Conservation Status for these EVC's are Vulnerable for PGF and Endangered for SS within the Gippsland Plain Bioregion (DSE 2011a).

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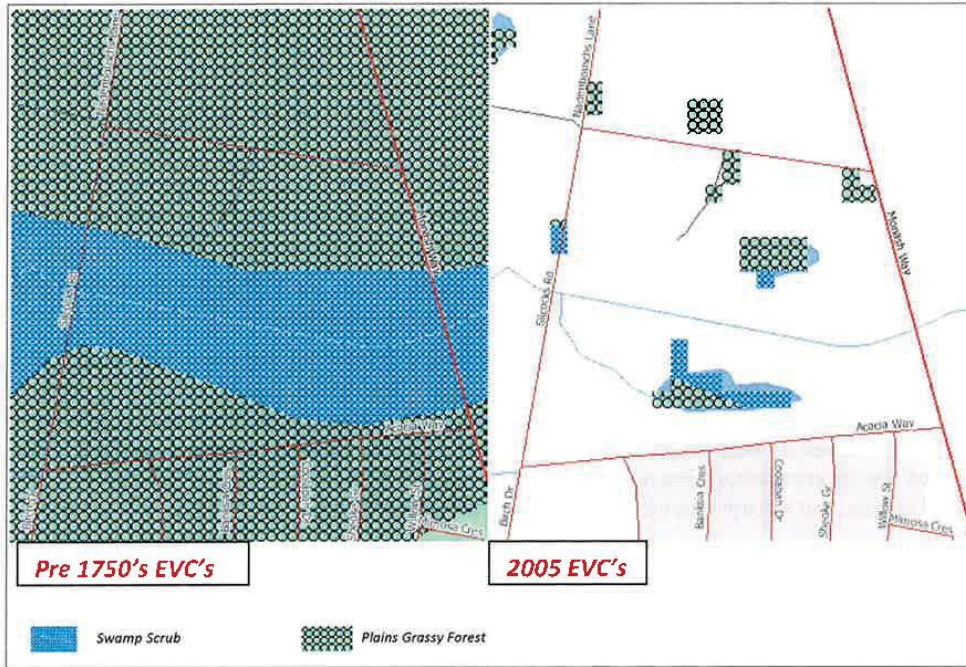


Figure 2-2: Ecological Vegetation Class Distributions for both 1750 and 2005 (DSE 2011b)

2.1.2 Land Tenure and Planning Scheme

Areas proposed for vegetation removal lie wholly within the Residential Zone (R1Z), and no overlays affect the property as displayed in Figure 2.3.



Figure 2-3: Planning Zones and Overlays affecting the Survey Area (DSE 2011b)

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2.2 Site History

Little is known about the history of the site. At present, the site is used for low intensity agricultural production. Hay production and grazing are the current utilisations, and this is evidenced in images contained within Appendix B.

What is evident, however, from the condition of the site, is that there is a long-term history of improved pasture management and grazing, which has resulted in the almost complete loss of all indigenous woody and herbaceous vegetation, including the bulk of indigenous tree cover.

Residential development along Acacia Way abuts the southern boundary of the property, and low density residential sites also neighbour the northern areas of the property.

There are two drainage lines within the property boundary both in an east-west alignment. The southernmost of these drainage lines is a natural drainage watercourse, though the more northerly of the drainage lines is an artificially constructed area. The northernmost of these drainage lines also appears to feed a constructed dam that presents onsite as an area of natural wetland. This dam, even though containing some native vegetation representative of the Swamp Scrub EVC, is not a natural system, and will not require habitat hectare assessments as per the NVF.

2.3 Relevant Legislation specific to Issues of Flora and Fauna

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC)

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides for Commonwealth involvement in development assessment and approval in circumstances where Commonwealth land, Commonwealth Government actions or decisions, or identified 'Matters of National Environmental Significance' (such as nationally listed threatened species and ecological communities, migratory species and World Heritage properties) are involved. A person must not take an action that has, will have, or is likely to have, a significant impact on a matter of National Environmental Significance (NES), without approval from the Minister.

Flora and Fauna Guarantee Act 1988 (FFG)

Key legislation in Victoria for the conservation of threatened species and communities and for managing potentially threatening processes. Management plans (action statements) have been developed to guide research and management of listed species and communities and require permits for some development works. This relates to crown land which is occupied under a lease, licence or other right.

Planning and Environment Act 1987

A framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. Restriction may apply to developments (construction, alteration or demolition of a building or works and the subdivision or consolidation of land), earthworks and the removal of vegetation.

Victoria's Native Vegetation Management: A Framework for Action

Designed to achieve a reversal across Victoria of the long-term decline in the extent and quality of native vegetation, leading to a 'net gain' in vegetation protected. This Framework is not only important for the reversal of vegetation loss across the State, but is also important for native faunal conservation, as the loss of native vegetation (particularly high quality vegetation) directly impacts on fauna populations that rely on the habitat provided. Habitat considerations that relate to faunal use include presence of large old trees, leaf litter and logs, understorey cover and diversity, regeneration and weeds.

A planning permit is required to remove native vegetation and the three-step approach of *Avoid*, *Minimise* and *Offset* is an integral part of the decision making process relating to such permits.

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3. METHOD

3.1 Desktop Review

Prior to site assessment, the following desktop information was gathered:

- Aerial imagery;
- Planning information;
- Both pre-1750 and current EVC mapping;
- Relevant EVC benchmark documents.

Following assessments, derived flora and fauna lists were checked against reference lists of rare and threatened species in Victoria (DSE 2003 and 2005).

3.2 Site Assessment

On Thursday 3rd March 2011, Water Technology Senior Ecologist Simon Lee visited the site to undertake a full flora assessment to enable preparation of a Habitat Hectare Assessment and Net Gain Calculation as per 'Victoria's Native Vegetation Management – A Framework for Action' (DNRE 2002). The entire site was traversed, with continuous active searching for flora and fauna conducted over a period of 5 hours (11.30 am until 4.30 pm), with the following assessments undertaken:

- Casual sightings of fauna noted;
- Plant species identified, noted and relative abundance attributed;
- Significant large trees identified, geo-located, photographed and characteristics evaluated;
- Habitat considerations noted;
- Digital images across the survey area taken from geo-located points.

Thirty Seven (37) images were taken during the assessment, and a description of the content of these images can be found in Appendix B, and the images found on a CD inserted inside the rear cover of this report.

At the time of observation, air temperatures were between 10.8 and 17.6°C, there was slight rain, though too low to record, and there was blustery, cold wind (Bureau of Meteorology 2011).

Table 3-1: Climatic Data for Survey Area on the 3rd March 2011

Date	Day	Temps		Rain	Evap	Sun	Max Wind Gust		
		Min	Max				Dir	Spd	Time
		°C	°C				mm	mm	Hours
03/03/11	Thurs	10.8	17.6	0	4.1	6.4	W	57	09.28

3.3 Vegetation Zones

Observation of the site on arrival and during the survey dictated that vegetation habitat zones were delineated to more comprehensively detail the flora, fauna and significant trees within the survey area. These zones are shown in Figures 3-1 and 3-2, and can be identified as follows:

- Habitat Zone 1 – Paddock Area
- Habitat Zone 2 – Dam
- Habitat Zone 3 – Drainage Line A
- Habitat Zone 4 – Drainage Line B

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Figure 3-1: Map 1 - Designated Habitat Zones over Aerial Image

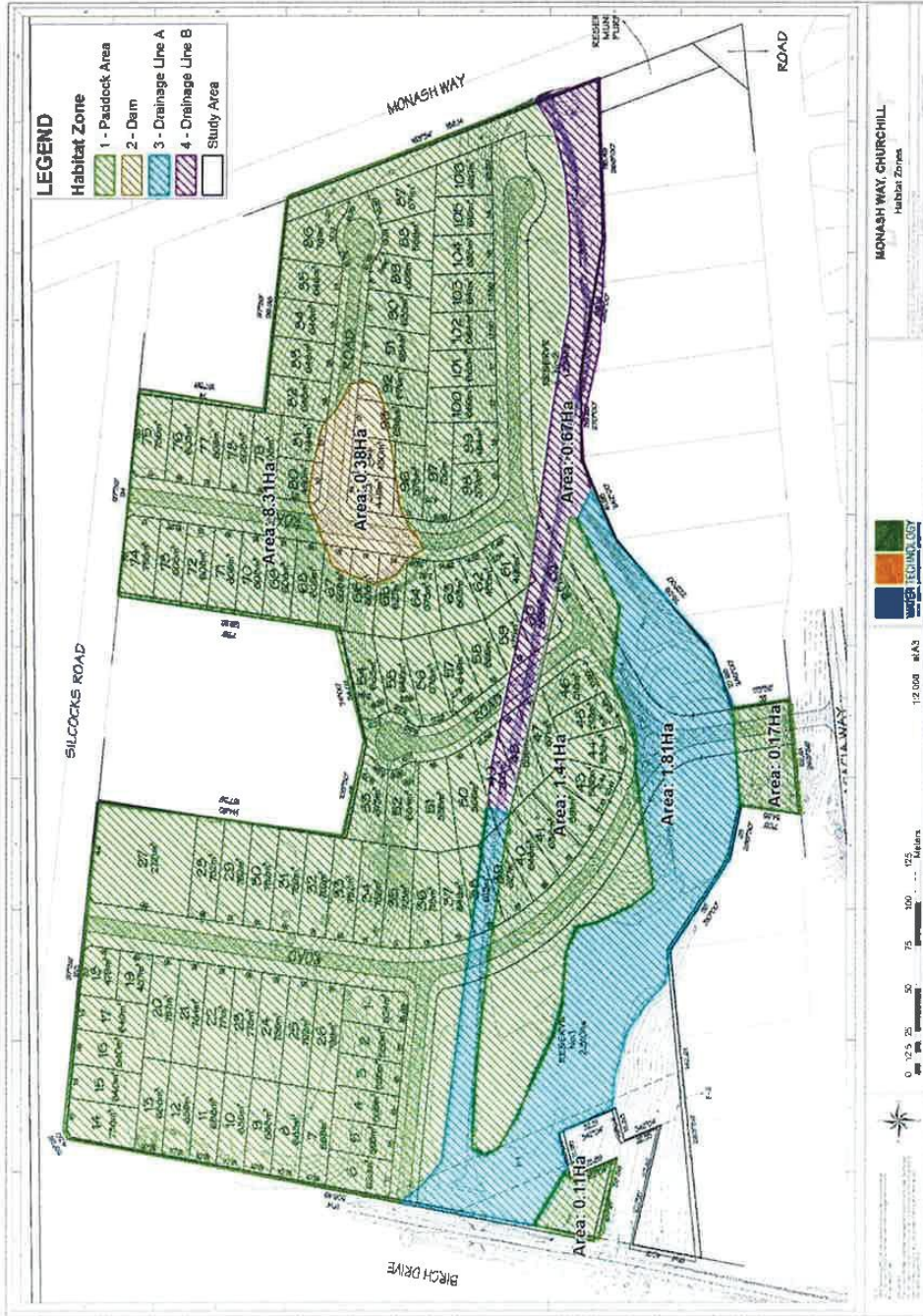


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Figure 3-2: Map 1 - Designated Habitat Zones Over Proposed Subdivision



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3.3.1 Swamp Scrub (EVC# 53, BCS = E)

This EVC generally presents as a closed scrub to 8 m tall at low elevations on alluvial deposits along streams or on poorly drained sites with higher nutrient availability. The EVC is dominated by Swamp Paperbark (*Melaleuca ericifolia*) (or sometimes Woolly Tea-tree [*Leptospermum lanigerum*]) which often forms a dense thicket, out-competing other species. Occasional emergent eucalypts may be present. Where light penetrates to ground level, a moss/lichen/liverwort or herbaceous ground cover is often present. Dry variants have a grassy/herbaceous ground layer (DSE 2011c).

3.3.2 Plains Grassy Forest (EVC# 151, BCS = V)

This EVC is described as an open forest to 20 m tall often above a heathy shrub layer and a diverse grassy, sedgy and herbaceous ground layer. It occurs on lowland plains and old river terraces made up of gravelly sandy clays (DSE 2011c).

3.4 Taxonomy

3.4.1 Flora

For plants that could not be identified in the field, specimens and images were collected for identification using the *Flora of Victoria* (Walsh and Entwisle 1994, 1996 and 1999), and PlantNet Flora On-line (Royal Botanic Gardens Sydney 2009).

3.4.2 Fauna

Lists of fauna present across the Survey Area were compiled, with the nomenclature based variously on the compilations of Hero *et al.* (1991), Menkhorst (1995), Cogger (1996) and Simpson and Day (1998), and utilising Triggs (1996) for identification using indirect methods, such as the presence of scats or tracks.

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4. RESULTS AND DISCUSSION

4.1 Flora

The inventory of species noted across the survey area, by Habitat Zone, is recorded in Appendix C. In total, Fifty (50) species were identified within the survey site, with no species identified having a *Conservation Status in Victoria*.

4.1.1 Habitat Zone 1

The Paddock zone was composed common exotic pasture grass species, and the typical opportunistic exotic flora typical of paddocks, such as Perennial Ryegrass (*Lolium perenne*), Wild Oat (*Avena fatua*), Barley Grass (*Hordeum leporinum*), Red Brome (*Bromus rubens*), White and Strawberry Clover (*Trifolium repens*, *T. fragiferum*), Oxalis (*Oxalis latifolia*), Ribwort (*Plantago lanceolata*) and Paspalum (*Paspalum dilatatum*).

Interspersed through this zone were a limited diversity of woody species, including Apple Trees (*Malus domestica*), Monterey Cypress (*Cupressus macrocarpa*), Radiata Pine (*Pinus radiata*), Silky Oak (*Grevillea robusta*), Spotted Gum (*Eucalyptus maculata*) and Swamp Gum (*E. ovata*). The only native species that remains onsite in a natural distribution however is the Swamp Gum. All other native woody species have been planted onsite.

4.1.2 Habitat Zone 2

Habitat Zone 2 is an artificially constructed dam that presents as an area of wetland onsite, and contains some components of what could be considered the Swamp Scrub EVC. That said, the zone does not contain any of the woody overstorey (*Melaleuca spp.*) that typically define this EVC type. It is more appropriate to refer to this zone as an area of Plains Sedge Wetland EVC. Wetland EVC's are not assessable under the NVF. Species located within this zone, including within the area of inundation itself, were Common Tussock-grass (*Poa labillardierei*), Spiny Rush (*Juncus acutus*), Soft Twig-rush (*Baumea rubiginosa*), Common Spike-sedge (*Eleocharis acuta*), Slender Knotweed (*Persecaria decipiens*), Robust Willow-herb (*Epilobium billardierianum*), Water Fern (*Azolla filiculoides*) and Duckweed (*Lemna minor*).

This zone is deceptive in regards its status as an area of native vegetation, and it is the considered opinion of Water Technology that this zone, being principally representative of a wetland EVC, **does not** meet the definition of native vegetation as defined within the NVF. The site is an artificially embayed water body, permanently inundated in part, and contains a number of species likely to have been translocated to the site by way of seed distribution during periodic overland flood events from areas of remnant native vegetation upstream of the property. Without the artificial embayment of water at this site, these species would not occupy this zone, and historic reference indicates that prior to the dam construction, the area of Habitat Zone 2 was identical to the surrounding land referred to as Habitat Zone 1 (Walker, Pers Comm 2011).

4.1.3 Habitat Zone 3

This area is mapped for the 1750's EVC mapping as an area of Swamp Scrub, but again, as for Habitat Zone 2, the *Melaleuca* overstorey is completely removed. This zone is dominated almost solely by Cumbungi (*Typha domingensis*) and Common Reed (*Phragmites australis*). Within this zone was also limited distribution of Thatch Saw-sedge (*Gahnia radula*). Other than these three species, the only other

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vegetation was exotic species, including Umbrella Sedge (*Cyperus eragrostis*), Nut Grass (*C. rotundus*) and a suite of other exotic wet area pasture species and weeds.

4.1.4 Habitat Zone 4

Located as the eastern end of the southernmost drainage line, this area, also identified as Swamp Scrub in the 1750's EVC mapping, is more accurately described as Plains Grassy Forest. Overstorey species comprised almost exclusively of Swamp Gum, and mid storey vegetation comprising various planted species, including Silver Wattle (*Acacia dealbata*) and Blackwood (*A. melanoxylon*). Herb layer and groundcover was dominated by exotic weeds and garden escapes from neighbouring residential areas, including Blackberry species (*Rubus fruticosus* agg.), Sweet Briar (*Rosa rubiginosa*) and Cordyline (*Cordyline australis*).

4.2 Fauna

There were very few fauna species observed during the assessment period. Details of those species noted or inferred are detailed in Table 1. Those that did occur are typically those observed in paddock and semi-rural house environments, including several that are widely distributed introduced species, such as the Common Blackbird, Common Starling and House Sparrow.

There were no rare or threatened species observed on or near the Property.

The lack of species diversity at the property is not surprising, given that:

- the majority of the property has been heavily grazed and/or cropped for a considerable period, and hence, vegetation structure is highly simplified, and there has been no vegetation recruitment;
- there were only limited numbers of indigenous trees remaining on the property;
- there was no fallen wood left on ground across the property;
- the majority of planted individuals are not noted nectar or fleshy fruit producers;
- the area is in very close proximity to developed urban areas, and hence predator individuals, i.e. roaming domestic cats and dogs, would be present on the property.

On this basis, there was highly limited habitat opportunity for fauna in terms of residence (e.g. lack of hollows, fallen timber, etc.), a highly simplified vegetation structure (i.e. fewer opportunities for food collection and shelter/protection), and a lack of food sources (e.g. lack of nectar and fleshy fruits).

Table 4-1: Observed or Inferred Fauna at Monash Way, Churchill on the 3/3/2011 between 11.30am and 4.30pm. An asterisk indicates an Introduced Species

Common name	Scientific name	Method of observation*
<i>Birds</i>		
Australian Magpie	<i>Gymnorhina tibicen</i>	V,C
Australian Raven	<i>Corvus coronoides</i>	V,C
Common Blackbird*	<i>Turdus merula*</i>	V,C
Common Starling*	<i>Sturnus vulgaris*</i>	V,C
Crimson Rosella	<i>Platycercus elegans</i>	V,C
House Sparrow*	<i>Passer domesticus*</i>	V,C
Jacky Winter	<i>Microeca fascinans</i>	V,C
Red Wattlebird	<i>Anthochaera carunculata</i>	V,C
Willie Wagtail	<i>Rhipidura leucophrys</i>	V,C

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Common name	Scientific name	Method of observation*
<i>Mammals</i>		
European Rabbit*	<i>Oryctolagus cuniculus*</i>	Sc
Red Fox*	<i>Vulpes vulpes*</i>	Sc

* denotes an introduced species; Method observed: V is visual observation; C is call heard; Sc is scat found.

4.3 Threatened species searches

4.3.1 Flora Information System (FIS)

Only three (3) significant species of flora were found within a 5 km radius of the property, and are noted, along with their threat status and likelihood of occurrence, in Table 4-2.

Prior to field surveys, these species were considered to have the potential to be present onsite; however none of the species were located within the survey area. The location of these species as outlined in the FIS records are identified in Figure 4-1.

Table 4-2: List of Threatened Flora Species recorded by the FIS In a 5km radius around the Survey Site.

Conservation Status			Scientific Name	Common Name	Likelihood of Occurrence ⁴
EPBC ¹	DSE ²	FFG ³			
	v		<i>Cardamine paucijuga</i> s.s.	Annual Bitter-cress	Annual herb to 40cm high, slender and usually erect, tap-rooted, sometimes hairy. Widespread in moist sites on rich soils, and a range of habitats Likelihood: Potential to be present
EN	e	L	<i>Dianella amoena</i>	Matted Flax-lily	Tufted, matt forming perennial lily. Matts can be up to 5m wide. Distinct red colour at the leaf base. Occurs in lowland grasslands, grassy woodlands and grassy wetlands, on well drained to seasonally wet soils. Likelihood: Potential to be present
VU	v	L	<i>Eucalyptus strzeleckii</i>	Strzelecki Gum	A medium to tall forest tree growing to approximately 30 m high, identifiable from the glaucous new growth evident at the outside of crown that gives a blue-grey colouring to the crown. Favours a range of sites including ridges, slopes and along the banks of streams, on grey, deep, fertile loams which are seasonally waterlogged. Closely related to <i>E. ovata</i> . Likelihood: Potential to be present

- Under the EPBC Act 1999, EN = Endangered, VU = Vulnerable
- Under the Victorian Advisory Lists, e = endangered in Victoria; v = vulnerable in Victoria (from DSE 2005).
- Under the Flora and Fauna Guarantee Act 1988, L = listed as threatened.
- Habitat descriptions for species obtained from the *Flora of Victoria* (Walsh and Entwisle 1994, 1996 and 1999) and PlantNet Flora On-line (Royal Botanic Gardens Sydney 2009).

4.3.2 Atlas of Victorian Wildlife (AVW)

The twelve (12) threatened species of fauna found within a 5 km radius of the property are noted, along with their threat status and likelihood of occurrence, in Table 4-3.

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Of the twelve species, only two (2) are considered to have potential to be present onsite, and of these two, neither were actually noted as occurring onsite. The other species have been discounted on the basis of habitat suitability, known distributions, inappropriate timing of the survey based on migratory occupancy periods, or are only known from isolated populations, geographically well removed from the survey area (see Figure 4-2).

Table 4-3: List of Threatened Terrestrial Fauna species recorded by the AVW in a 5 km radius around the Survey Site (DSE 2011d)

Conservation Status			Scientific Name	Common Name	Likelihood of Occurrence ⁴
EPBC ¹	DSE ²	FFG ³			
	VU	L	<i>Accipiter novaehollandiae novaehollandiae</i>	Grey Goshawk	Found in most forest types, especially tall closed forests, including rainforests, however preferred habitats are tall forests, tall woodlands, and timbered watercourses. Likelihood: Unlikely to be present onsite, due to lack of suitable foraging and nesting habitat.
	NT		<i>Alcedo azurea</i>	Azure Kingfisher	Prefers freshwater rivers and creeks as well as billabongs, lakes, swamps and dams, usually in shady overhanging vegetation. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	VU		<i>Anas rhynchotis</i>	Australasian Shoveler	The Australasian Shoveler is found in all kinds of wetlands, preferring large undisturbed heavily vegetated freshwater swamps. It is also found on open waters and occasionally along the coast Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	VU	L	<i>Ardea modesta</i>	Eastern Great Egret	The species usually frequents shallow waters. The Great Eastern Egret may retreat to permanent wetlands or coastal areas when other wetlands are dry. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	VU		<i>Biziura lobata</i>	Musk Duck	Musk Ducks tend to be found in deep freshwater lagoons, with dense reed beds. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	EN	L	<i>Egretta garzetta nigripes</i>	Little Egret	Found on shallows of wetlands, flooded pasture and agricultural land and intertidal mudflats. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	NT		<i>Falco subniger</i>	Black Falcon	Found along tree-lined watercourses and in isolated woodlands, mainly in arid and semi-arid areas. It roosts in trees at night and often on power poles by day. Often mistaken for the more commonly distributed Brown Falcon (<i>F. berigora</i>) Likelihood: Potential to be present onsite, but only as a transient occupier.

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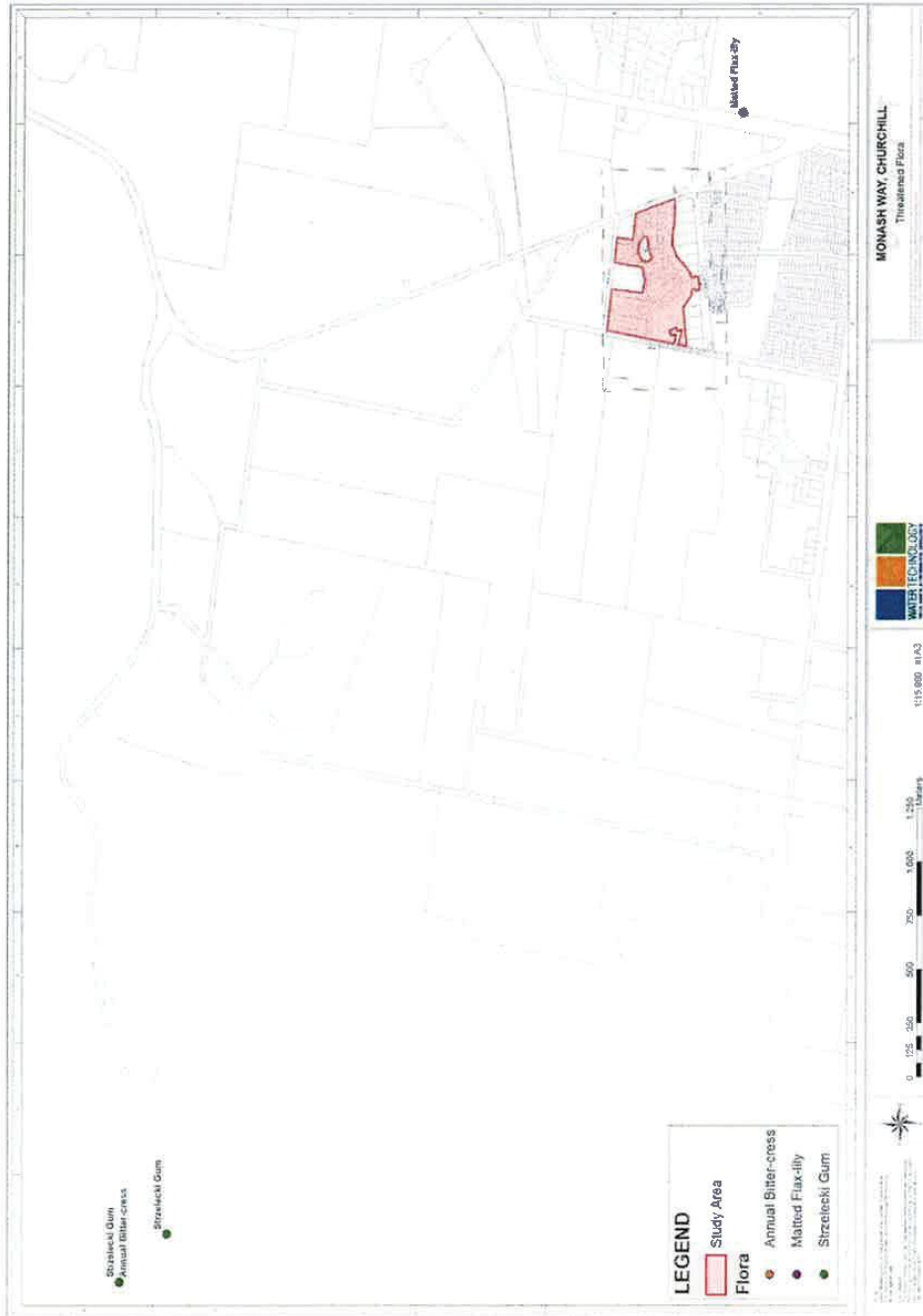
Conservation Status			Scientific Name	Common Name	Likelihood of Occurrence ⁴
EPBC ¹	DSE ²	FFG ³			
	DD		<i>Gadopsis marmoratus</i>	River Blackfish	Lives in clear, flowing streams with abundant cover. Prefers streams with gravel bottoms and abundant snags. Also occurs in lakes and reservoirs. It has a reduced distribution because of habitat degradation but is common in some areas. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	EN	L	<i>Ninox connivens connivens</i>	Barking Owl	Usually found in habitats that are dominated by eucalyptus species, particularly red gum. They prefer woodlands and forests with a high density of large trees and particularly sites with hollows that are used by the owls as well as their prey. Roost sites are often located near waterways or wetlands. Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	VU		<i>Platalea regia</i>	Royal Spoonbill	Found in shallow freshwater and saltwater wetlands, intertidal mud flats and wet grasslands. Both permanent and temporary inland waters are used when available in the arid zone. Will also use artificial wetlands such as sewage lagoons, saltfields, dams and reservoirs Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	NT		<i>Plegadis falcinellus</i>	Glossy Ibis	The species feeds in very shallow water and nests in freshwater or brackish wetlands with tall dense stands of emergent vegetation (e.g. reeds or rushes) and low trees or bushes. It shows a preference for marshes at the edges of lakes and rivers, as well as lagoons, flood-plains, wet meadows, swamps, reservoirs, sewage ponds, rice-fields and irrigated cultivation Likelihood: Highly unlikely to be present due to lack of suitable habitat.
	NT	L	<i>Pseudemola rawlinsoni</i>	Glossy Grass Skink	Rawlinson's Skink is distributed widely over coastal areas, together with areas to the north east of Melbourne including the high plains. It appears to be restricted to swampy areas including brackish marshes. Likelihood: Potential to be present onsite.

- Under the EPBC Act 1999, VU = Vulnerable
- Under the Victorian Advisory Lists, EN = endangered in Victoria; VU = vulnerable in Victoria; NT = near threatened in Victoria; (DSE 2005).
- Under the Flora and Fauna Guarantee Act 1988, L = listed as threatened.
- Habitat descriptions for species obtained from Hero *et al.* (1991), Menkhorst (1995), Cogger (1996) and Simpson and Day (1998).

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Figure 4-1: Listed Locations for Threatened Flora within 5km of the Assessment Site (DSE 2011d).



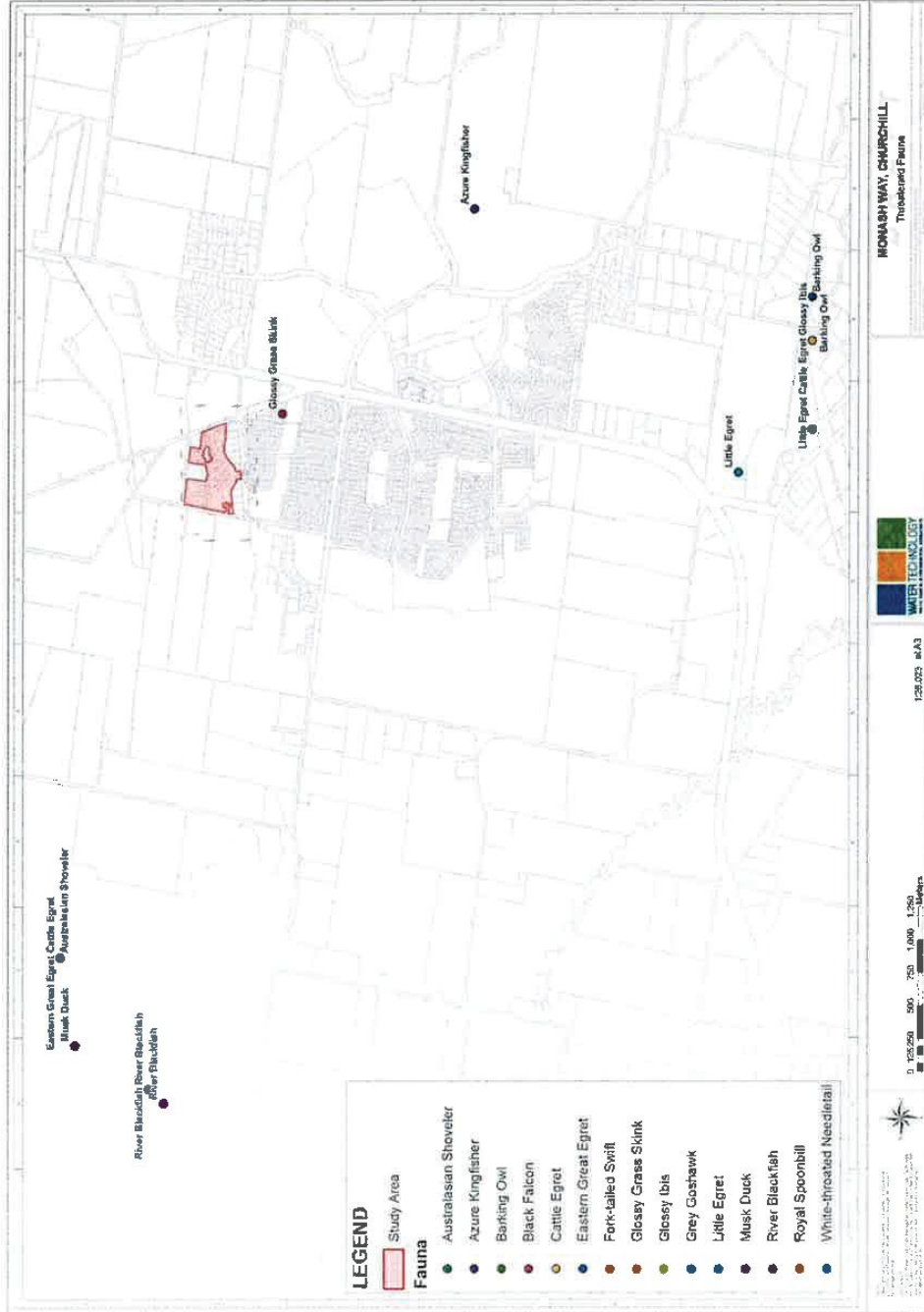
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Figure 4-2: Listed Locations for Threatened Fauna within a 5km radius of the Assessment Site.



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4.4 Significant Trees

Throughout the survey site, eighteen (18) indigenous trees, comprising seven (7) separate species were observed as likely requiring removal. *Diameter at breast height* (dbh [being a measure of the diameter of a tree at 1.3m above ground level]) measurements have been taken for all 19 trees. The list of trees identified onsite, and specific details for each individual tree are noted in Table 4-4, and their location plotted in Figure 4-3.

Table 4-4: Details of all Significant Trees, Both Exotic and Native Identified Onsite

Tree #	Zone	Scientific Name	Common Name	dbh ^a	Health ^b	Notes ^c	Location ^d	
				cm	%		Easting	Northing
1	1	<i>Eucalyptus ovata</i>	Swamp Gum	78	3	P	448716	5760856
2	1	<i>Eucalyptus ovata</i>	Swamp Gum	84.5	3	P	448756	5760876
3	1	<i>Grevillea robusta</i>	Silky Oak	29	4	P	448916	5760995
4	1	<i>Acacia dealbata</i>	Silver Wattle	61	0	P	448942	5760992
5	1	<i>Eucalyptus maculata</i>	Spotted Gum	52	5	P	448956	5760991
6	1	<i>Eucalyptus obliqua</i>	Messmate	26	4	P	448982	5760988
7	1	<i>Melaleuca ericifolia</i>	Swamp Paperbark	25.5	5	P	448992	5760986
8	1	<i>Eucalyptus maculata</i>	Spotted Gum	52	5	P	449023	5760867
9	4	<i>Eucalyptus ovata</i>	Swamp Gum	146	5	N	449068	5760734
10	4	<i>Eucalyptus ovata</i>	Swamp Gum	170.5	5	N	449019	5760730
11	4	<i>Eucalyptus ovata</i>	Swamp Gum	71	5	N	449003	5760730
12	4	<i>Eucalyptus ovata</i>	Swamp Gum	76	5	N	448999	5760735
13	4	<i>Eucalyptus ovata</i>	Swamp Gum	79	5	N	448957	5760742
14	4	<i>Eucalyptus ovata</i>	Swamp Gum	86	5	N	448931	5760748
15	4	<i>Eucalyptus ovata</i>	Swamp Gum	75.5	4	N	448923	5760752
16	4	<i>Eucalyptus ovata</i>	Swamp Gum	85.5	4	N	448895	5760750
17	4	<i>Eucalyptus ovata</i>	Swamp Gum	104	5	N	448874	5760763
18	2	<i>Grevillea sp.</i>	Grevillea cultivar	n/a	5	P	448931	5760880

a - is diameter of trees at breast height (1.3 m above ground level)

b - is the percentage of the tree canopy/crown retaining foliage

• 0 = Dead, 1 = 1-20 projected foliage cover (pfc), 2 = 21-40 pfc, 3 = 41-60 pfc, 4 = 61-80 pfc, 5 = 81-100 pfc

c - is either: P, planted; N, natural.

d - Location data are GDA94 MGA Zone 55

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4.4.1 Planted and Exotic Vegetation

Of the 7 species noted, all with the exception of Swamp Gum (*Eucalyptus ovata*), are planted vegetation, and thus are exempt from the requirements of the NVF. The NVF has been designed to protect "native vegetation" (i.e. indigenous or local vegetation that is naturally occurring). This implies that in the majority of situations, planted indigenous or non-indigenous species may be cleared without a permit (Clause 52.17 of the Planning Scheme) or offsets under the NVF. The possible exceptions to this are if the vegetation was planted for conservation purposes with public funding, or unless there are Local Government regulations pertaining to Street Tree or Amenity planting protection. If non-indigenous trees are being utilised by threatened native fauna, then a case of retention of the vegetation could be made (Hamilton, pers. comm. 2011).

In this instance, public funding has not been utilised for the planting of vegetation, there are no Shire zoning or Overlay issues requiring permits be sought for vegetation removal within the site, and no threatened species were observed to be utilising the trees. Consequently, the NVF, and the requirements within the NVF for provision of offset is not required for this vegetation.

4.4.2 Naturally Occurring Native Vegetation

According to the benchmark for the Plains Grassy Forest EVC (Appendix A), the critical diameter for a Large Old Tree is 70cm for a Eucalypt species, (diameter at breast height [dbh], DSE 2011c).

Therefore, for the naturally occurring Eucalypts;

- A Small Tree is anything less than the calculated value of a Medium Old Tree;
- A Medium Old Tree is defined as 75% of benchmark (or 52.5cm dbh);
- A large old tree is defined as 70cm dbh, as per the benchmark, and;
- A Very Large Old Tree is defined as 125% of benchmark (or 93.75cm dbh).

The only trees requiring removal as per the current proposed subdivision plan, and requiring approval as per the NVF, are Tree numbers 14, 15, 16 and 17.

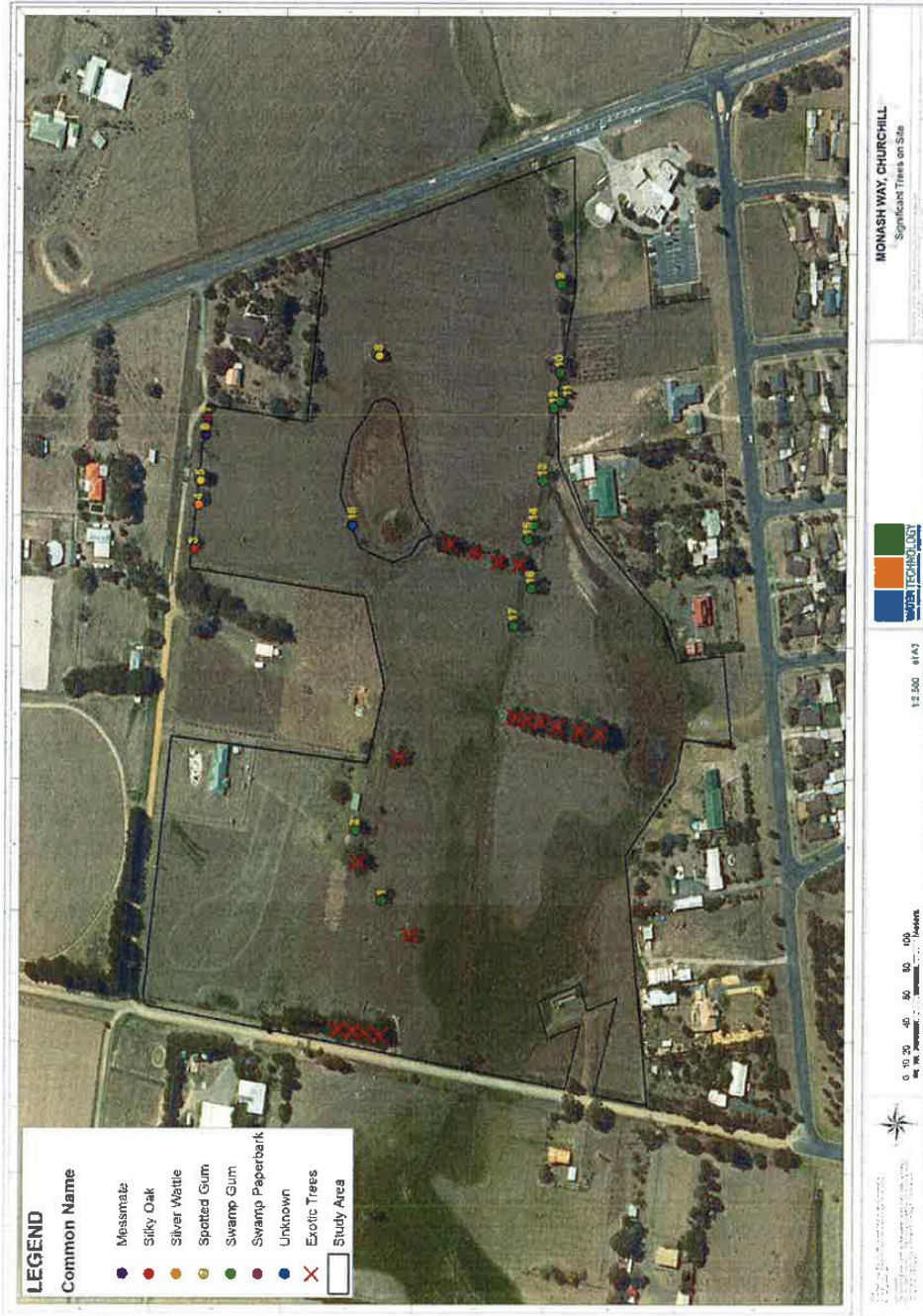
These four (4) trees, all Swamp Gums, represent 3 Large Old Trees and one (1) Very Large Old Tree (see dbh column in Table 4-4).

The NVF requires that for each Large or Very Large Old Tree removed, there is an offset requirement. Section 4.5 details the methodology for calculating offsets for these four trees.

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Figure 4-3: Significant Trees Identified during the Vegetation Assessment Overlaid on Aerial Image



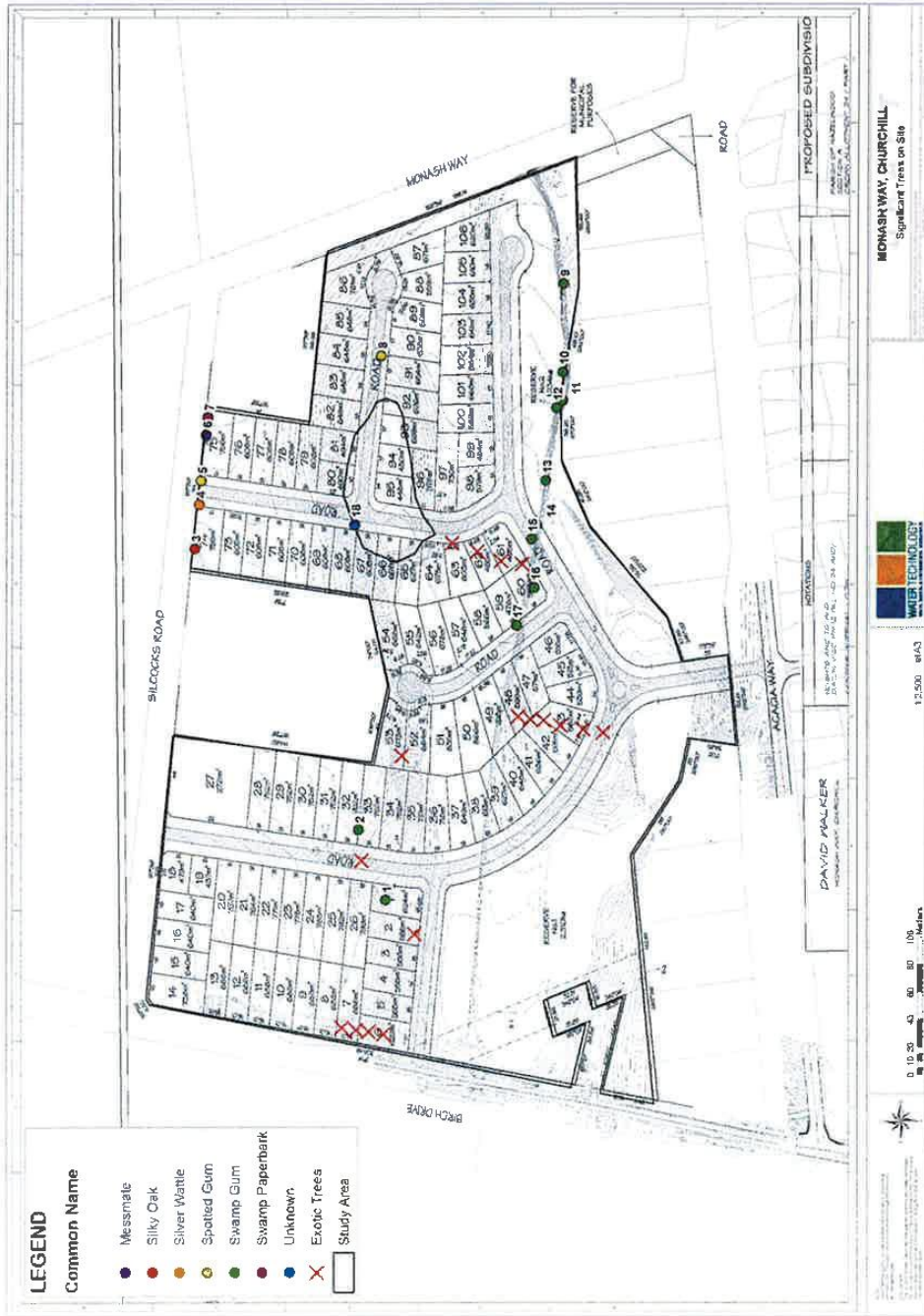
1828-02 / R01v02

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Figure 4-4: Significant Trees Identified during the Vegetation Assessment Overlaid on Proposed Subdivision



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4.5 Habitat Hectares Assessment

The NVF (DNRE 2002) utilises Habitat Scores and Habitat Hectares assessments as a basis for calculating net loss and net gain in many circumstances where the loss includes vegetation modification or clearance. Habitat Scores and Habitat Hectares assessments have not been calculated for the designated Habitat Zones for the following reasons.

- Habitat Zone 1 contains no native vegetation that meets the definition of either a 'patch' or 'scattered vegetation' as per the NVF, and thus does not require a Habitat Hectare Assessment
- Habitat Zone 2 is an artificial structure, that at best, could be a very poor representation of Plains Sedge Wetland. Wetland EVC's are not addressed within the NVF, and thus does not require a Habitat Hectare Assessment.
- Habitat Zones 3 and 4 are areas of wetland type vegetation, so again, are not dealt with under the NVF.

That being said though, the overstorey species within Habitat Zone 4, can be assessed as scattered trees under the NVF. Consequently, those trees that may be lost as part of the proposed development have been assessed for offset requirements (see Appendix D).

4.5.1 Net Gain Assessment

It is beyond the scope of this report to calculate a full Net Gain report and Offset Management Plan; however, certain broad conclusions can be made with regards likely offset requirements should approval for the removal of the 4 trees identified be granted.

Within Appendix 4, Table 6 of the NVF, there is a clear deferral to the regional Native Vegetation Plan for any removal of trees from a location greater than 4ha in size, with less than 8 scattered old trees/ha. The proposed development site assessed within this report meets this description, as the property is approximately 11.5ha in size, with only 9 scattered trees within the property boundary. This is a tree density of 0.78 trees/ha.

4.5.2 Conservation Significance

Table 5 of the NVF specifies that the Conservation Significance of an area is determined according to the relationship between the Conservation Status of the vegetation present and the quality of the vegetation as determined by the Habitat Score. The Conservation Significance of an area can only be ascribed following preparation of a Habitat Hectare calculation. As the vegetation identified within this report does not meet the classification of native vegetation as per the NVF, the conservation significance of the vegetation zones cannot be appropriately determined.

To address this issue in relation to the vegetation assessed within this report, a Habitat Hectare assessment has been undertaken for the trees likely to be removed as part of the proposed development.

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4.5.3 Scattered Tree Habitat Hectare Assessment

A Habitat Hectare Assessment has been undertaken for the area where the four trees that are likely to be removed are located; however as is evident in Table 4-5, the Habitat Hectare Score is extremely low. For the purposes of this assessment, the Habitat Hectare Score serves only to determine conservation significance for the trees, so appropriate offsets can be calculated.

Table 4-5: Habitat Hectare Assessment for Habitat Zone 3

	Habitat Zone 1
Bioregion	Gippsland Plain
EVC ¹	PGF
Bioregional Conservation Status (DSE 2011c)	Vulnerable
Bioregional Conservation Significance (DNRE 2002)	Medium
Area (ha) ²	n/a
Large trees	3
Tree canopy cover	0
Understorey	0
Lack of weeds	0
Recruitment	0
Organic litter	0
Logs	0
Patch size	1
Neighbourhood NV100m	0%
Neighbourhood NV1km	0%
Neighbourhood NV5km	0%
Neighbourhood sub-total	0
Neighbourhood disturbance	0
Neighbourhood value	0
Distance to core	0
Habitat Score	4
Habitat Hectares ³	n/a

EVC¹: PGF = Plains Grassy Forest

Area (ha)²: Scattered Trees, thus there is no capacity to calculate an area statement.

Habitat Hectares³: See notes for Area (ha)².

Table 5 of the NVF determines that a Vulnerable EVC, with a score of 0.04, is given a conservation significance of *Medium*. On that basis, a Medium Conservation Significance score has been applied to the four trees for removal to determine likely offset requirements.

As stated in Section 4.5.6, at this point in the assessment, based on tree densities per hectare, deferral to the West Gippsland Native Vegetation Plan ([WGNVP] WGCMA 2003) is now required to further determine offset requirements for removal of Tree #'s 14, 15, 16 and 17.

Table 6.1 of the WGNVP defines Large Old Trees as 1 times the Large Tree Benchmark (LTB) figure of 70dbh. It further quantified a Very Large Old Tree as 1.5 times the LTB. Consequently, all 4 trees are considered Large Old Trees as per the WGNVP.

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Under the appropriate determinations within Table 6.1 of the WGNVP, there are 2 options for offset provision for removal of Large Old Trees of Medium conservation significance. A proponent can either;

- a) Offset each tree removed by protection of 2 other Large Old Trees, and 10 trees to be recruited, or
- b) Recruit 100 trees.

Thus, the removal of 4 Large Old Trees will require the offset provision of either

- a) 8 other Large Old Trees to be protected and 40 trees to be recruited, or
- b) Recruit 400 new trees.

Given the proposed retention onsite of 5 Large Old Trees, it would be likely that further offset provision could be provided by way of restoration of the current area defined within this report as Habitat Zone 3, with a mixture of grass, sedge and rush species, complimented with the recruitment of trees to form the balance of offset requirements (anticipate 200 trees).

4.6 Relevant Legislation and Policies

Both Commonwealth and State legislation and policies have been reviewed for their application to the proposed vegetation removal.

4.6.1 Commonwealth

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that any action that has or is likely to have a significant impact on a matter of National Environmental Significance (NES) requires Commonwealth approval. Matters of national significance in the Churchill region include nationally threatened species and listed migratory species.

No nationally threatened flora are likely to occur within the area proposed for development, though one Nationally Vulnerable and one Nationally Endangered flora species has the potential to be present within the area. No Nationally Threatened fauna species, are likely to occur in the area (See Sec. 4.3).

- One Nationally Vulnerable flora species, the Strezlecki Gum (*Eucalyptus strezleckii*) has the potential to be present onsite, though was not located during the vegetation assessment, thus a significant impact would not occur, and the provisions of the EPBC Act would not apply.
- One Nationally Endangered flora species, the Matted Flax-lily (*Cardamine paucijuga s.s.*), has the potential to be present onsite, though was not located during the vegetation assessment, thus a significant impact would not occur, and the provisions of the EPBC Act would not apply.
- The occasional migratory species, may pass over the site, however, the proposed vegetation removal will not prevent this from continuing at its current level. A significant impact would therefore not occur, and the provisions of the EPBC Act would not apply.

4.6.2 State

The State legislation and provisions listed in Table 4-6 require flora and fauna impacts and conservation to be considered in planning decisions made by the responsible authorities. Table 4-6 also provides comment on the application of these statutes and provisions to the property.

Table 4-6 State statutes and provisions that need to be considered in regards to the area at Monash Way, Churchill.

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Statute/Provision	Purpose	Application to the Airport Lane property
<i>Flora and Fauna Guarantee Act 1988</i>	Protection of State threatened species	No State threatened species were able to be found within the survey area (See Sec. 4.3), so this Act does not apply.
<i>Planning and Environment Act 1987</i>	Victorian Planning Particular and General Provisions provide a decision-making framework for land use and development	These will apply, as trees defined as per the NVF as 'Large Old Trees' are likely to be removed, destroyed or lopped.
<i>Planning and Environment Act 1987</i>	Native Vegetation Retention Provision of the State Planning Policy Framework, including the <i>Native Vegetation Management Framework</i> , gazetted on the 24 th July 2003.	Requires avoidance, minimisation and offset for likely losses of vegetation. Offset will be required should vegetation removal proceed.

Offset will be required under the provisions of the NVF (DNRE 2002) should any vegetation be removed or disturbed.

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5. RECOMMENDATIONS AND IMPLICATIONS FOR DEVELOPMENT

As discussed in Section 1.1 of this report, 'Victoria's Native Vegetation Management – A Framework for Action' (the NVF) requires that the three step approach be applied to all proposed developments that may involve removal of native vegetation. Thus, a proponent must:

- Firstly **avoid** adverse impacts, particularly through vegetation clearance;
- If avoidance is not possible, a proponent must secondly **minimise** impacts through appropriate consideration in planning processes and expert input to project design or management, and
- If minimisation was the only alternative, then the proponent must identify appropriate **offset** options.

The Three Step Approach as per the NVF

Principle 1 – Avoid

The proposal as submitted by David Walker, and prepared by Crowther and Sadler delivers on the notion of avoidance of native vegetation, by limiting urban development to the northern portions of the subject land, thus avoiding direct impacts on many of the remnant overstorey species onsite, and the drainage line areas through the southern portion of the property.

Water Technology estimate that should the proposal proceed as outlined in plans prepared by Crowther and Sadler, vegetation removal could consist of:

- Up to 4 indigenous trees, being 3 'Large Old Trees' and 1 'Very Large Old Tree'.

Principle 2 – Minimise

There is the potential, with slight modification to road verge treatment along the south-eastern roadway, that Tree # 14 (DBH 86) may be able to be retained. This may be possible with slight southerly deviation of the proposed footpath, so as to retain this tree as an aesthetic specimen between the roadway and footpath itself. Success of this possible retention will be subject to detailed measurement of the proximity of the tree to the roadway, and whether spacing of the tree to the roadway will still meet any safety requirements for unobstructed use of the roadway.

Principle 3 – Offset

Should vegetation removal permits be granted for the proposed development, then a full Net Gain calculation would need to be prepared, and appropriate offset sites assessed and quantified.

It is beyond the scope of this report to formally quantify offset requirements and provide evidence in the form of a Net Gain report and Vegetation Offset Management Plan, other than the indicative calculation provided in Section 4.5.2. Such assessments and calculations would be undertaken should permit be granted for vegetation removal based on the proposal as outlined in this report, or any modification thereof. That said, potential offset requirements once calculated are likely to be fully met by implementation of the possible proposed restoration of Habitat Zone 3, as described in Section 4.5.3 of this report.

Other Matters of Significance

It is the considered opinion of Water Technology that there are no other 'Matters of Significance' in regards to ecological concerns arising from the proposed development.

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6.1 Personal Communications

Dr Steve Hamilton (2011) Senior Ecologist, Water Technology.

Mr David Walker (2011) Proponent, Monash Way Churchill Subdivision.

Mr David Walker c/o Crowther and Sadler Pty Ltd



APPENDIX A DSE EVC BENCHMARK DESCRIPTIONS


 Department of
Sustainability and
Environment

EVC/Bioregion Benchmark for Vegetation Quality Assessment

Gippsland Plain bioregion

EVC 53: Swamp Scrub

Description:

Closed scrub to 8 m tall at low elevations on alluvial deposits along streams or on poorly drained sites with higher nutrient availability. The EVC is dominated by Swamp Paperbark *Melaleuca ericifolia* (or sometimes Woolly Tea-tree *Leptospermum lanigerum*) which often forms a dense thicket, out-competing other species. Occasional emergent eucalypts may be present. Where light penetrates to ground level, a moss/lichen/liverwort or herbaceous ground cover is often present. Dry variants have a grassy/herbaceous ground layer.

Canopy Cover:

%cover	Character Species	Common Name
50%	<i>Leptospermum lanigerum</i>	Woolly Tea-tree
	<i>Melaleuca ericifolia</i>	Swamp Paperbark

Understorey:

Life form	#Spp	%Cover	LF code
Medium Shrub	2	10%	MS
Small Shrub	2	1%	SS
Large Herb	2	5%	LH
Medium Herb	3	15%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	2	10%	LTG
Large Non-tufted Graminoid	3	10%	LNG
Medium to Small Tufted Graminoid	2	5%	MTG
Medium to Tiny Non-tufted Graminoid	2	15%	MNG
Ground Fern	1	5%	GF
Scrambler or Climber	1	1%	SC
Bryophytes/Lichens	na	20%	BL

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Coprosma quadrifida</i>	Prickly Currant-bush
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
LH	<i>Lycopus australis</i>	Australian Gipsywort
LH	<i>Lythrum salicaria</i>	Purple Loosestrife
LH	<i>Persicaria praetermissa</i>	Spotted Knotweed
MH	<i>Hydrocotyle pterocarpa</i>	Wing Pennywort
MH	<i>Stellaria angustifolia</i>	Swamp Starwort
MH	<i>Lobelia anceps</i>	Angled Lobelia
SH	<i>Crassula helmsii</i>	Swamp Crassula
LTG	<i>Juncus procerus</i>	Tall Rush
LTG	<i>Poa labillardierei</i>	Common Tussock-grass
LNG	<i>Gahnia radula</i>	Thatch Saw-sedge
LNG	<i>Phragmites australis</i>	Common Reed
LNG	<i>Baumea rubiginosa</i> s.l.	Soft Twig-rush
MTG	<i>Triglochin procerum</i> s.l.	Water Ribbons
MTG	<i>Juncus gregiflorus</i>	Green Rush
MNG	<i>Eleocharis acuta</i>	Common Spike-sedge
GF	<i>Blechnum cartilagineum</i>	Gristle Fern
SC	<i>Calystegia sepium</i>	Large Bindweed

EVC 53: Swamp Scrub - Gippsland Plain bioregion

Recruitment:

Continuous

Organic Litter:

40 % cover

Weediness:

LF Code	Typical Weed Species	Common Name	Invasive	Impact
MH	<i>Hypochoeris radicata</i>	Cat's Ear	high	low
LNG	<i>Holcus lanatus</i>	Yorkshire Fog	high	high

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EVC/Bioregion Benchmark for Vegetation Quality Assessment

Gippsland Plain bioregion

EVC 151: Plains Grassy Forest

Description:

Open forest to 20 m tall often above a heathy shrub layer and a diverse grassy, sedgy and herbaceous ground layer. Occurs on lowland plains and old river terraces made up of gravelly sandy clays.

Large trees:

Species	DBH(cm)	#/ha
Eucalyptus spp.	70 cm	20 / ha

Tree Canopy Cover:

%cover	Character Species	Common Name
30%	Eucalyptus muelleriana	Yellow Stringybark
	Eucalyptus bridgesiana s.l.	But But
	Eucalyptus polyanthemus	Red Box
	Eucalyptus macrohyncha	Red Stringybark

Understorey:

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Understorey Tree or Large Shrub	3	15%	T
Medium Shrub	6	20%	MS
Small Shrub	3	5%	SS
Prostrate Shrub	2	5%	PS
Large Herb	3	5%	LH
Medium Herb	6	10%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	2	10%	LTG
Large Non-tufted Graminoid	1	5%	LNG
Medium to Small Tufted Graminoid	4	15%	MTG
Medium to Tiny Non-tufted Graminoid	2	1%	MNG
Ground Fern	2	10%	GF
Bryophytes/Lichens	na	10%	BL

Ecological Vegetation Class bioregion benchmark



EVC 151: Plains Grassy Forest - Gippsland Plain bioregion

LF Code	Species typical of at least part of EVC range	Common Name
T	<i>Allocastrum littoralis</i>	Black Sheoak
T	<i>Acacia mearnsii</i>	Black Wattle
T	<i>Acacia implexa</i>	Lightwood
T	<i>Exocarpos cupressiformis</i>	Cherry Ballart
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Banksia marginata</i>	Silver Banksia
MS	<i>Kunzea ericoides</i>	Burgan
MS	<i>Melaleuca parvistaminea</i>	Rough-barked Honey-myrtle
SS	<i>Pimelea humilis</i>	Common Rice-flower
SS	<i>Hibbertia riparia</i>	Erect Guinea-flower
SS	<i>Platylobium obtusangulum</i>	Common Flat-pea
SS	<i>Phyllanthus hirtellus</i>	Thyme Spurge
PS	<i>Acrotriche serrulata</i>	Honey-pots
PS	<i>Bossiaea prostrata</i>	Creeping Bossiaea
PS	<i>Astroloma humifusum</i>	Cranberry Heath
LH	<i>Tricoryne elatior</i>	Yellow Rush-lily
LH	<i>Wahlenbergia gracilis</i> s.l.	Sprawling Bluebell
MH	<i>Poranthera microphylla</i>	Small Poranthera
MH	<i>Hypericum gramineum</i>	Small St John's Wort
MH	<i>Hydrocotyle hirta</i>	Hairy Pennywort
MH	<i>Gonocarpus tetragynus</i>	Common Raspwort
SH	<i>Dichondra repens</i>	Kidney-weed
SH	<i>Oxalis corniculata</i> s.l.	Yellow Wood-sorrel
SH	<i>Opecularia varia</i>	Variable Stinkweed
LTG	<i>Xanthorrhoea minor</i> ssp. <i>lutea</i>	Small Grass-tree
LTG	<i>Lomandra longifolia</i>	Spiny-headed Mat-rush
LNG	<i>Gahnia radula</i>	Thatch Saw-sedge
MTG	<i>Themeda triandra</i>	Kangaroo Grass
MTG	<i>Poa australis</i> spp. <i>agg.</i>	Tussock Grass
MTG	<i>Lomandra filiformis</i>	Wattle Mat-rush
MTG	<i>Lepidosperma laterale</i>	Variable Sword-sedge
MNG	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass
MNG	<i>Entolasia marginata</i>	Bordered Panic
GF	<i>Pteridium esculentum</i>	Austral Bracken

Recruitment:
Continuous

Organic Litter:
20 % cover

Logs:
20 m/0.1 ha.

Weediness:

LF Code	Typical Weed Species	Common Name	Invasive	Impact
LH	<i>Centaureum tenuiflorum</i>	Slender Centaury	high	low
MH	<i>Hypochoeris radicata</i>	Cat's Ear	high	low
MH	<i>Centaureum erythraea</i>	Common Centaury	high	low

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APPENDIX B PHOTO RECORD AND INDEX

1828-02 / R01v02

Image number	Notes	Location taken from		
		<i>Easting</i>	<i>Northing</i>	<i>Bearing</i>
J1828-02(1)	Western Access/Egress	448621	5760844	110
J1828-02(2)	Tree #1	448716	5760856	65
J1828-02(3)	Landscape	448767	5760848	210
J1828-02(4)	Landscape	448767	5760848	120
J1828-02(5)	Tree #3	448916	5760995	290
J1828-02(6)	Tree #4	448942	5760992	80
J1828-02(7)	Tree #5	448956	5760991	80
J1828-02(8)	Tree #7	448992	5760986	80
J1828-02(9)	Habitat Zone 1	448982	5760955	000
J1828-02(10)	Tree #8	449023	5760867	120
J1828-02(11)	Habitat Zone 1	449029	5760832	280
J1828-02(12)	Habitat Zone 4	449089	5760738	155
J1828-02(13)	Tree #9	449068	5760734	225
J1828-02(14)	Tree #10	449019	5760730	225
J1828-02(15)	Tree #11	449003	5760730	190
J1828-02(16)	Tree #12	448999	5760735	190
J1828-02(17)	Tree #13	448957	5760742	180
J1828-02(18)	Tree #14	448931	5760748	210
J1828-02(19)	Tree #15	448923	5760752	210
J1828-02(20)	Tree #16	448895	5760750	020
J1828-02(21)	Tree #17	448874	5760763	260
J1828-02(22)	Dam Image	-	-	-
J1828-02(23)	Dam Vegetation	-	-	-
J1828-02(24)	Dam Vegetation	-	-	-
J1828-02(25)	Dam Vegetation	-	-	-
J1828-02(26)	Dam Vegetation	-	-	-
J1828-02(27)	Tree #18	448931	5760880	75
J1828-02(28)	Tree #18	448931	5760880	75
J1828-02(29)	Habitat Zone 3	448814	5760768	290
J1828-02(30)	Habitat Zone 3	448941	5760735	250
J1828-02(31)	Western roadside	448621	5760844	375
J1828-02(32)	Tree #2	448756	5760876	60
J1828-02(33)	Tree #6	448982	5760988	80
J1828-02(34)	Northern Boundary Vegetation	448939	5761005	100
J1828-02(35)	Southern Access/Egress	448821	5760596	000
J1828-02(36)	Eastern Boundary	449114	5760824	170
J1828-02(37)	Eastern Boundary	449114	5760824	350



J1828-02(1)



J1828-02(2)



J1828-02(3)



J1828-02(4)



J1828-02(5)



J1828-02(6)



J1828-02(7)



J1828-02(8)



J1828-02(9)



J1828-02(10)



J1828-02(11)



J1828-02(12)



J1828-02(13)



J1828-02(14)



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J1828-02(34)



J1828-02(35)



J1828-02(36)



J1828-02(37)

Mr David Walker c/o Crowther and Sadler Pty Ltd



APPENDIX C FLORA SPECIES INVENTORY

Scientific Name	Common Name	Planted	Habitat Zone 1	Habitat Zone 2	Habitat Zone 3	Habitat Zone 4
<i>Acacia dealbata</i>	Silver Wattle	✓	✓			
<i>Acacia melanoxylon</i>	Blackwood	✓				✓
<i>Avena fatua</i> *	Wild Oats		✓		✓	
<i>Azolla filiculoides</i>	Water Fern			✓		
<i>Bambusa spp.*</i>	Bamboo					✓
<i>Baumea rubiginosa</i>	Soft Twig-rush			✓		
<i>Briza maxima</i> *	Quaking Grass		✓			
<i>Bromus rubens</i> *	Red Brome		✓			
<i>Conyza bonariensis</i> *	Flax-leaf Fleabane		✓	✓		
<i>Cordyline australis</i>	Cordyline					✓
<i>Cupressus macrocarpa</i> *	Monterey Cypress			✓		
<i>Cynodon dactylon</i> *	Couch		✓	✓		
<i>Cyperus eragrostis</i> *	Umbrella Sedge			✓	✓	✓
<i>Cyperus rotundus</i> *	Nut Grass		✓	✓	✓	
<i>Dactylois glomerata</i> *	Cocksfoot		✓			
<i>Eleocharis acuta</i>	Common Spike-sedge			✓		
<i>Epilobium billardierianum</i>	Robust Willow-herb			✓		
<i>Erodium cicutarium</i> *	Common Storksbill		✓			✓
<i>Eucalyptus maculata</i>	Spotted Gum	✓	✓			
<i>Eucalyptus obliqua</i>	Messmate	✓	✓			
<i>Eucalyptus ovata</i>	Swamp Gum		✓			✓
<i>Gahnia radula</i>	Thatch Saw-sedge				✓	✓
<i>Grevillea robusta</i>	Silky Oak	✓	✓			
<i>Grevillea ssp.</i>	Grevillea cultivar	✓	✓			
<i>Halcus lanatus</i> *	Yorkshire Fog		✓	✓		✓
<i>Hordeum leporinum</i> *	Barley Grass		✓			
<i>Hypochaeris radicata</i> *	Cat's Ear		✓			✓
<i>Juncus acutus</i>	Spiny Rush			✓	✓	
<i>Lemna minor</i> *	Duckweed			✓		
<i>Lolium perenne</i> *	Perennial Rye-grass		✓	✓		✓
<i>Malus domestica</i> *	Apple Tree	✓	✓			
<i>Marrubium vulgare</i> *	Horehound		✓			
<i>Melaleuca ericifolia</i>	Swamp Paperbark	✓	✓			
<i>Oxalis latifolia</i> *	Oxalis		✓			
<i>Oxalis pes-caprae</i> *	Soursob		✓			✓
<i>Paspalum dilatatum</i> *	Paspalum		✓			✓
<i>Persicaria decipiens</i>	Slender Knotweed			✓		
<i>Phragmites australis</i>	Common Reed		✓		✓	✓
<i>Pinus radiata</i> *	Pine Tree	✓	✓			
<i>Plantago lanceolata</i> *	Ribwort		✓			
<i>Poa labillardierei</i>	Common Tussock-grass			✓		
<i>Rosa rubiginosa</i> *	Sweet Briar					✓
<i>Rubus fruticosus</i> *	Blackberry					✓
<i>Rumex brownii</i>	Swamp Dock			✓		
<i>Solanum nigrum</i> *	Black-berry Nightshade		✓	✓		✓
<i>Sonchus oleraceus</i> *	Common Sow-thistle		✓			
<i>Stellaria angustifolia</i>	Swamp Starwort			✓		
<i>Trifolium fragiferum</i> *	Strawberry Clover		✓			
<i>Trifolium repens</i> *	White Clover		✓			
<i>Nypha dominicensis</i>	Cumbungi				✓	

Note : Species are noted with presence/absence only.
No Cover/Abundance values have been assigned.
Where tree species have been planted, this has been noted.

Mr David Walker c/o Crowther and Sadler Pty Ltd



APPENDIX D HABITAT HECTARE CALCULATIONS

Vegetation Quality Field Assessment Sheet
Version 1.3 - October 2004

Department of Sustainability and Environment

Site Name/No. **Habitat Zone 4**

Location **Monash Way Churchill**

Date **03/03/2011**

Assessor(s) **Simon Lee**

Map Name/No.

AMG / MGA

Tenure **Freehold**

EVC **Plains Grassy Forest**

Bioregion **Gippsland Plain**

'Site Condition Score'

3

Large Trees Category & Description	Score		
	% Canopy Health*		
	> 70%	30-70%	< 30%
None present	0	0	0
> 0 to 20% of the benchmark number of large trees/ha	3	2	1
> 20% to 40% of the benchmark number of large trees/ha	4	3	2
> 40% to 70% of the benchmark number of large trees/ha	6	5	4
> 70% to 100% of the benchmark number of large trees/ha	8	7	6
≥ the benchmark number of large trees/ha	10	9	8

Large trees are defined by diameter at breast height (dbh) - see EVC benchmark.

* Estimate proportion of an expected healthy canopy cover that is present (i.e. not missing due to tree death or decline, or mistletoe infestation).

Tree Canopy Cover Category & Description	Score		
	% Canopy Health *		
	> 70%	30-70%	< 30%
< 10% of benchmark cover	0	0	0
< 50% or > 150% of benchmark cover	3	2	1
≥ 50% or ≤ 150% of benchmark cover	5	4	3

Tree canopy is defined as those canopy tree species reaching ≥ 80% of mature height - see EVC benchmark description.

* Estimate proportion of an expected healthy canopy cover that is present (i.e. not missing due to tree death or decline, or mistletoe infestation).

Lack of Weeds Category & Description	Score		
	'high threat' weeds*		
	None	≤ 50%	> 50%
> 50% cover of weeds	4	2	0
25 - 50% cover of weeds	7	6	4
5 - 25% cover of weeds	11	9	7
< 5% cover of weeds**	15	13	11

* proportion of weed cover due to 'high threat' weeds - see EVC benchmark for guide.

'High threat' weed species are defined as those introduced species (including non-indigenous 'natives') with the ability to out-compete and substantially reduce one or more indigenous life forms in the longer term assuming on-going current site characteristics and disturbance regime.

The EVC benchmark lists typical weed species for the EVC in the bioregion and provides an estimate of their 'invasiveness' and 'impact'. In general, those weed species considered to have a high impact are considered high threat regardless of their invasiveness.

** if total weed cover is negligible (<1%) and high threat weed species are present then score '13'.

Understorey Life forms

LF Code from EVC benchmark	# spp observed / Benchmark spp.	% cover observed / Benchmark % cover	Present (✓)	Modified (✓)
IT	- / NA	- / 5		
T	- / 3	- / 15		
MS	- / 6	- / 20		
SS	- / 3	- / 5		
PS	- / 2	- / 5		
LH	- / 3	- / 5		
MH	- / 6	- / 10		
SH	- / 2	- / 5		
LTG	- / 2	- / 10		
LNG	- / 1	- / 5		
MTG	- / 4	- / 15		
MNG	- / 2	- / 1		
GF	- / 2	- / 10		
BL	- / n/a	- / 10		

For life forms with benchmark cover of < 10%, considered 'present' if

- any specimens are observed.

For life forms with benchmark cover of ≥ 10%, considered 'present' if

- the life form occupies at least 10% of benchmark cover.

For life forms with benchmark cover of <10%, then considered substantially 'modified' if the life form has either:

- < 50% of the benchmark species diversity; or
- no reproductively-mature specimens are observed.

Modified
(apply only where life form is 'present')

For life forms with benchmark cover of ≥ 10%, then considered substantially 'modified' if the life form has either:

- < 50% of benchmark cover; or
- < 50% of benchmark species diversity; or
- ≥ 50% of benchmark cover due largely to immature canopy specimens but the cover of reproductively-mature specimens is < 10% of the benchmark cover.

Understorey

Category & Description	Score
All strata and Life forms effectively absent	0
Up to 50% of life forms present	5
≥ 50% to 90% of Life forms present	<ul style="list-style-type: none"> • of those present, ≥ 50% substantially modified: 10 • of those present, < 50% substantially modified: 15
≥ 90% of Life forms present	<ul style="list-style-type: none"> • of those present, ≥ 50% substantially modified: 15 • of those present, < 50% substantially modified: 20 • of those present, none substantially modified: 25



Vegetation Quality Field Assessment Sheet

Version 1.3 October 2004

Recruitment			Score		0
Category & Description			High diversity* ^o	Low diversity* ^o	
	within EVC not driven by episodic events		0	0	
No evidence of a recruitment 'cohort' ⁺	within EVC driven by episodic events [^]	clear evidence of appropriate episodic event	0	0	
		no clear evidence of appropriate episodic event	5	5	
Evidence of at least one recruitment 'cohort' in at least one life-form	proportion of native woody species present that have adequate recruitment ^o	< 30%	3	1	
		30 - 70%	6	3	
		≥ 70%	10	5	

+ 'cohort' refers to a group of woody plants established in a single episode (can include suppressed canopy species individuals).
[^] refer to EVC benchmark for clarification.
^o treat multiple eucalypt canopy species as one species.
 * high diversity defined as ≥ 50% of benchmark woody species diversity.

Organic Litter			Score		0
Category & Description			Dominated by native organic litter	Dominated by non-native organic litter	
< 10% of benchmark cover			0	0	
< 50% or > 150% of benchmark cover			3	2	
≥ 50% or ≤ 150% of benchmark cover			5	4	

Species Recruitment		Adequate Recruitment
Woody species recorded in habitat zone		(✓)
Eucalypt canopy (combined species)		
number of woody spp. in EVC benchmark (SS and taller)		12

Logs			Score		0
Category & Description			Large logs present*	Large logs absent*	
< 10% of benchmark length			0	0	
< 50% of benchmark length			3	2	
≥ 50% of benchmark length			5	4	

Large logs defined as those with diameter ≥ 0.5 of benchmark large tree dbh.
 * present if large log length is ≥ 25% of EVC benchmark log length.
 # absent if large log length is < 25% of EVC benchmark log length.

'Landscape Context Score'

Patch Size		Score		1
Category & Description				
< 2 ha		1		
Between 2 and 5 ha		2		
Between 5 and 10 ha		4		
Between 10 and 20 ha		6		
≥ 20 ha, but 'significantly disturbed' [*]		8		
≥ 20 ha, but not 'significantly disturbed' [*]		10		

* 'significantly disturbed' defined as per RFA 'Old Growth' analyses eg. roading, coupes, grazing etc. - effectively most patches within fragmented landscapes.

Distance to Core Area			Score		0
Distance	Core Area not significantly disturbed*	Core Area significantly disturbed*			
> 5 km	0	0			
1 to 5 km	2	1			
< 1 km	4	3			
contiguous	5	4			

* defined as per RFA 'Old Growth' analyses.

Neighbourhood			Score		0
Radius from site	% Native vegetation [*]	Weighting			
100 m	0	0.03	0		
1 km	0	0.04	0		
5 km	0	0.03	0		
subtract 2 if the neighbourhood is 'significantly disturbed'					
Add Values and 'round-off'			0		

* to nearest 20%.
 Multiply % native vegetation x Weighting for each radius from the zone (eg. 40% x 0.03 = 1.2); then add values to obtain final Neighbourhood Value.

Final Habitat Score											
Component	'Site Condition Score'							'Landscape Context Score'		Total	
	Large Trees	Tree Canopy Cover	Lack of Weeds	Understorey	Recruitment	Organic Litter	Logs	Patch Size	Neighbourhood		Distance to Core Area
Score	3	0	0	0	0	0	0	1	0	0	4



WATER, COASTAL & ENVIRONMENTAL CONSULTANTS

ABN: 60 033 377 293
ACN: 093 377 293

6 May 2011

David Walker
C/o Crowther & Sadler Pty Ltd
152 Macleod Street
Bairnsdale VIC 3875

Our Ref: 1828_L01v01_Hydrology_Study.docx

Dear David,

Monash Way, Churchill – Scoping Study

This letter outlines the results of our preliminary hydrological investigations for the proposed residential development in Monash Way, Churchill. In accordance with the written Water Technology brief, our investigations covered:

- Assessment of pre development flood levels and extents;
- Review of Lake Hyland's impact on flows entering the site;
- Sizing of required flood storage and determination of required water quality works; and
- Proposed location(s) of flood storage and water quality works.

This scoping study is based on the following:

- Site inspection conducted by Stephen Reynolds on the 15th March 2011
- Discussion with West Gippsland CMA regarding the impacts / constraints of Lake Hyland;
- Review of Crowther & Sadler proposed development plans; and
- Review of site survey plans and available Light Detection and Ranging (LIDAR) data.

Development Site

The subject site (refer Figure 1) is located in north Churchill, just downstream of Lake Hyland. Flood extents have not been prepared for this area. The subject site covers approximately 19.6 Ha (including the existing houses on site), of which approximately 9.6 Ha is proposed for development. The site is bounded by Monash Way to the east and Silcocks Road to the west. An un-named creek flows from east to west through the development site. Flows entering the site are governed by twin 2000mm culverts under Monash Way while flows leaving the site flow through twin 1400mm culverts under Silcocks Road. Downstream of the subject site, the un-named creek continues to flow west for approximately two kilometres before entering the Hazelwood Power Station Cooling Pond.



Figure 1 Location of development site



Figure 2 Contributing Waterways



The topography of the existing site is shown in Figure 3 below.

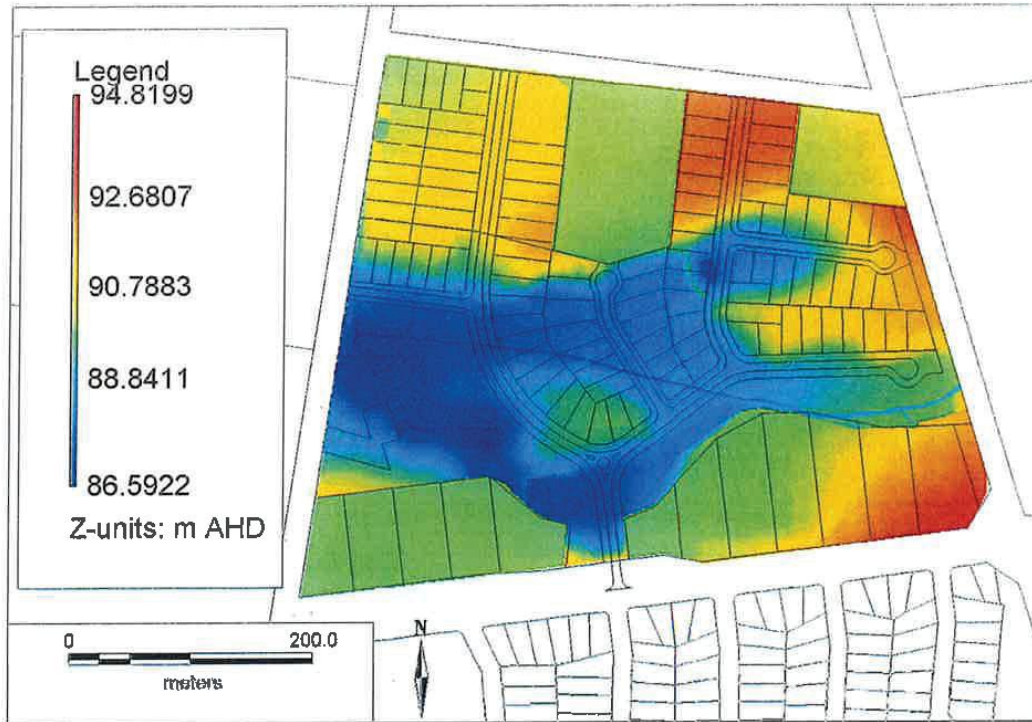


Figure 3 Existing topography on site

Upstream Catchment

An upstream catchment area of approximately 853 Ha contributes to flows entering the site (refer Figure 4). This catchment is estimated to have a 2 hour response time. A regional method flow estimate for Victoria in this catchment gives a predicted 100 year flow rate of 24m³/s (AR&R, 1987). The twin 2000mm culverts at the upstream boundary of the subject site have a nominal capacity of 20.5m³/s, indicating that some overtopping of the Monash Way road surface is likely to occur during a 100 year ARI event. Preliminary modelling indicates that the additional 3.5 m³/s will flow over Monash Way to a depth of approximately 160mm (refer Table 1).

Table 1 Monash Way road crossing – predicted 100 yr ARI flood levels

Existing road crest level (m AHD)	100 yr design flood levels (m AHD)
91.16	91.32

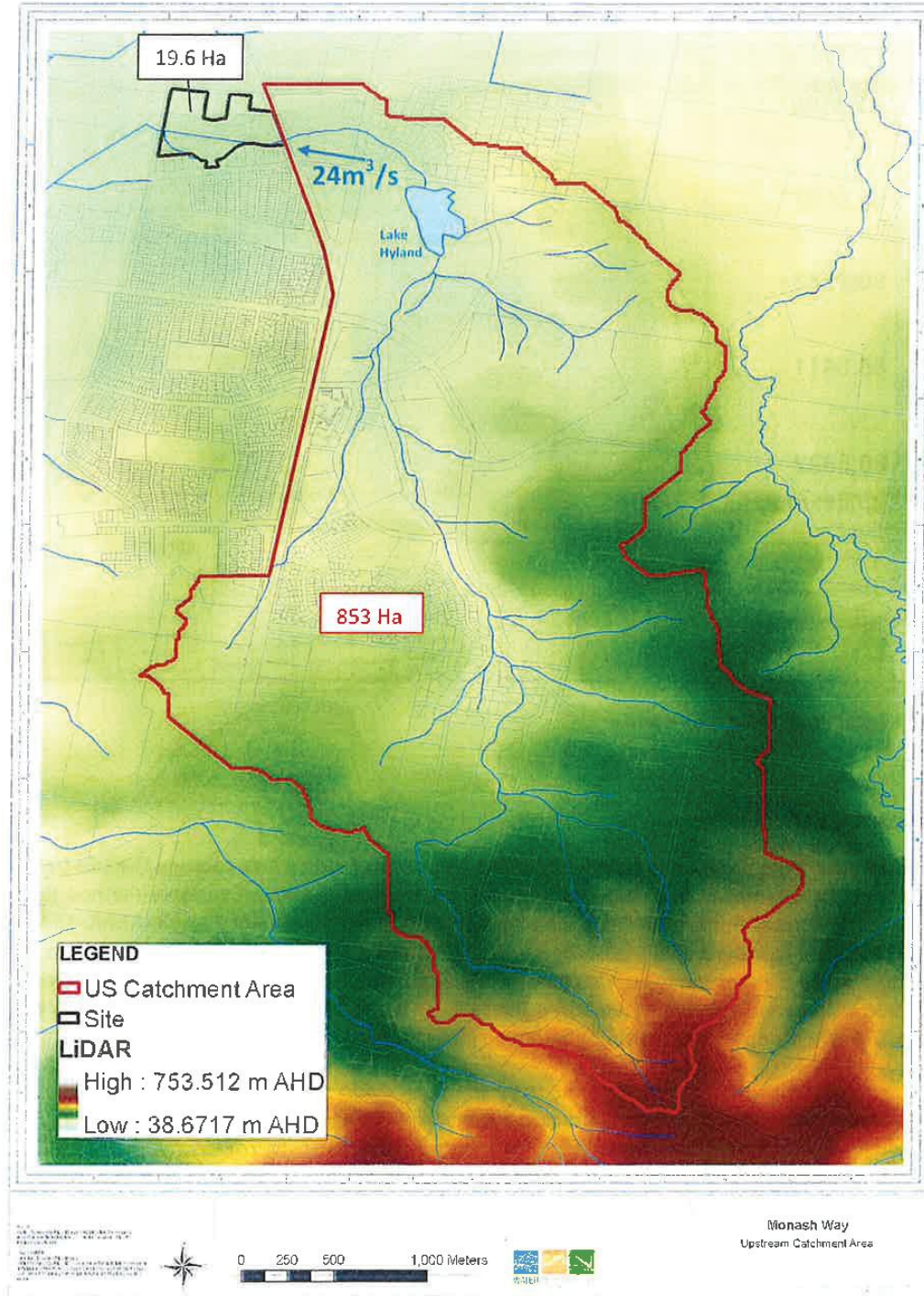


Figure 4 Contributing catchment area



Existing condition flood extents

A localised two-dimensional (2D) hydraulic model of the site was constructed to obtain the pre development flood extents. The model was constructed using a 1m grid size (refer Figure 5) and run using a steady state flow of 24m³/s into the site. Figure 6 shows the hydraulic model results; 100 year ARI flood depths and extents across the site. As expected the results show that the greatest depths outside the creek are experienced at the low lying south west corner. The results also show that the existing conditions floodplain extends out approximately 50m to the north of the un-named creek, encroaching on several proposed properties. At the time of preparation of this report, the proposed finished development levels / layouts have not been finalised and as such no post development 2D hydraulic modelling has been undertaken at this stage.

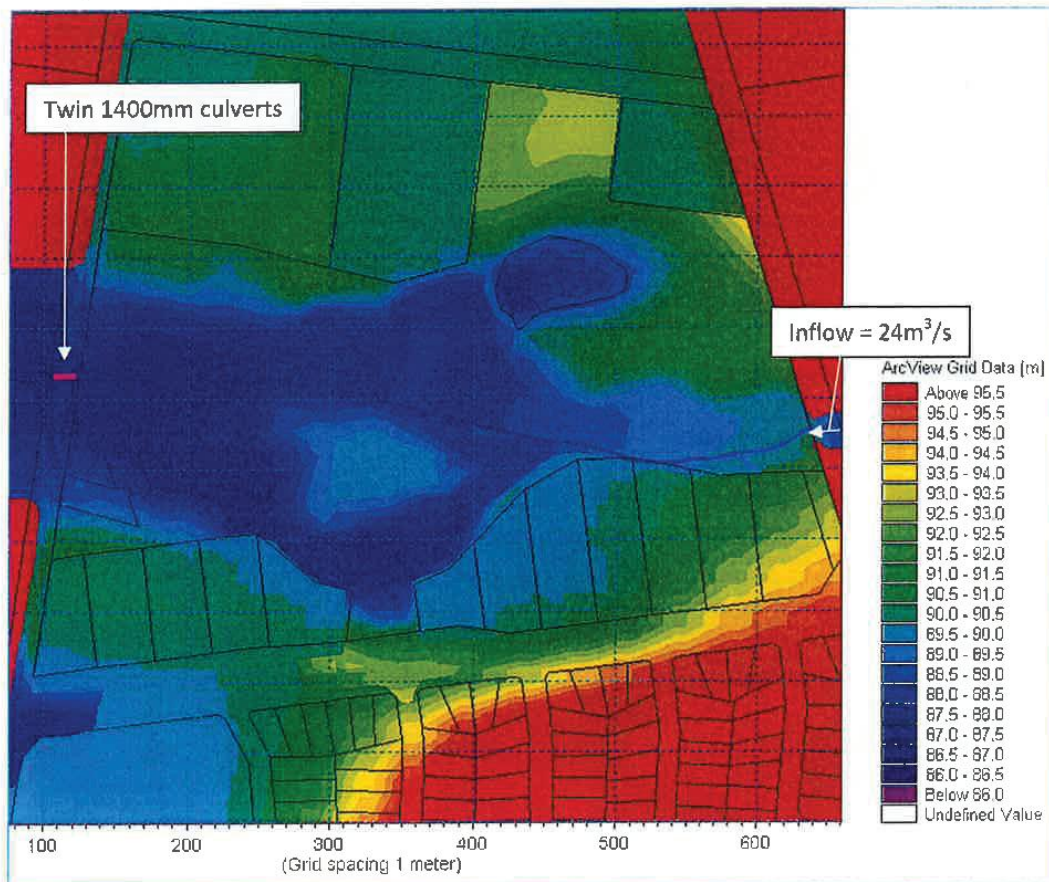


Figure 5 Pre-development hydraulic model grid construction

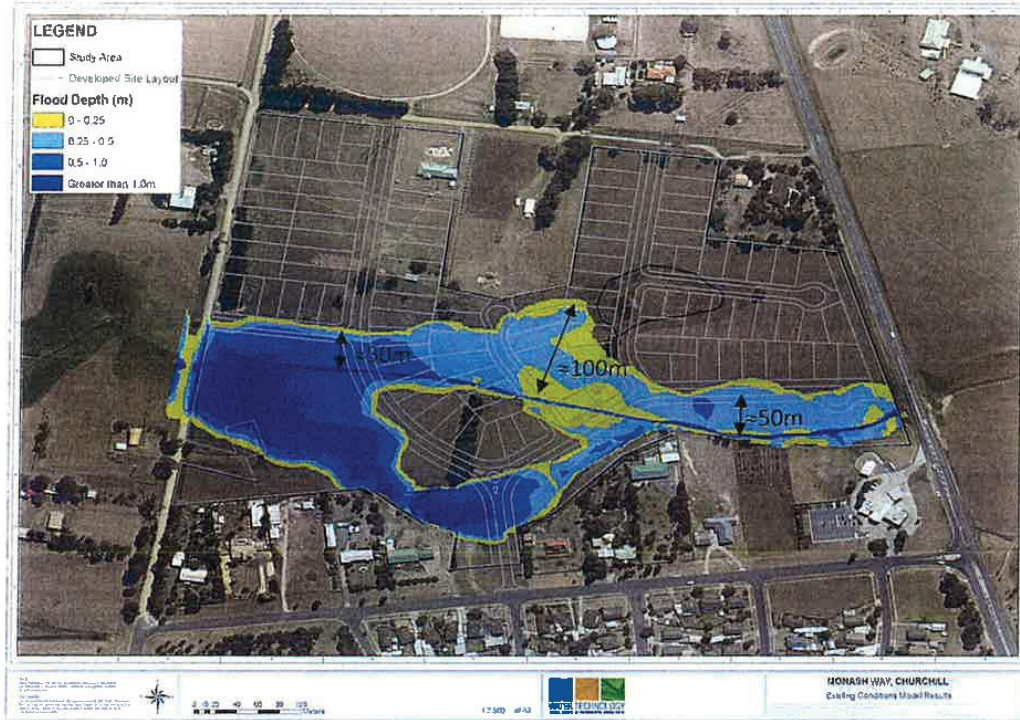


Figure 6 Existing 100 year flood depths

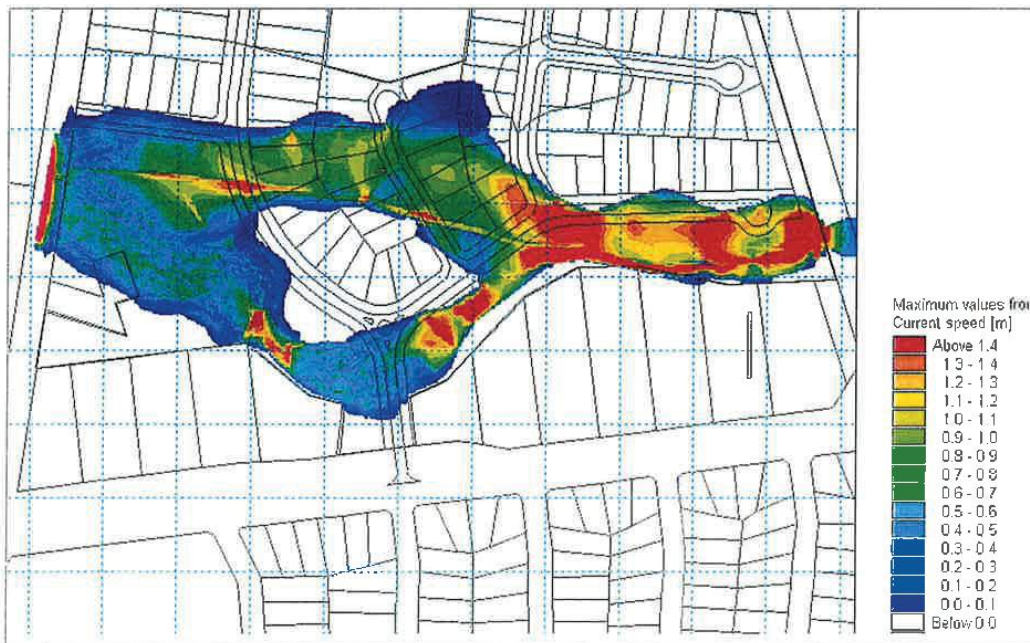


Figure 7 Existing 100 year velocities



Lake Hyland

The downstream boundary of Lake Hyland is located approximately 650m upstream of the culvert crossing under Monash Way. The Lake area is managed by the Latrobe City Council and functions as a popular public reserve area for fishing and outdoor recreation pursuits. Lake Hyland is regularly stocked with rainbow trout, and the eastern side of the lake in particular serves as an important habitat for birds. When at full capacity, Lake Hyland covers an area of some 2 hectares. As the Lake is located upstream of the subject site, the proposed development will have no impact on water quality within the lake.

From a hydrologic / hydraulic modelling perspective while the lake will potentially function as a flood detention area for the upstream catchment area of the un-named creek (refer Figure 4), this study has not included any detention within the Lake Hyland area. The above approach therefore assumes that during a 100 year ARI event, the lake will be full and no attenuation of the flood wave will take place, providing an appropriately conservative estimate of the 100 year ARI event at the subject site.

Water Technology has discussed the relevance of Lake Hyland with the WGCMA in a phone conversation with Mr Adam Dunn (2nd May, 2011), where it was agreed in principle that not including the detention function of Lake Hyland in the hydrologic / hydraulic modelling for the site would provide an appropriately conservative modelling approach. The WGCMA also saw no potential constraints that would be imposed on the subject site by the presence of Lake Hyland upstream of the site.



Increase in post development flows

The proposed development will increase peak flows on site as a result of increases in the impervious area. The increase in paved surface (impervious) areas was estimated using the proposed average residential block sizes and layouts. Pre and post development flows were calculated using the Rational Method (refer **Table 2**) in accordance with recommended procedures outlined in Australian Rainfall & Runoff (AR&R, 1987).

Based on the Rational Method assessment, the fully developed (un-mitigated) scenario for the subject site will result in an 86% increase in off site flows. A retarding basin is therefore proposed to reduce peak 100 year flows on site. The retarding basin was approximately sized for this hydrology scoping study using Boyd's (1980) storage formula and the results compared against industry 'rule of thumb' estimates.

Table 2 Pre and post development flow comparison (Rational Method Estimates)

100 yr ARI Storm Event	
Pre development flows	1.5 m ³ /s
Post development (un-mitigated) flows	2.8 m ³ /s

Table 3 Preliminary sizing of retarding basin

Boyd's formula (1980)	2500m ³
Rule of thumb (500m ³ /ha of additional paved surface)	9.6Ha at 0.45 Fraction Impervious = 4.32Ha paved surface 4.32Ha x 500 = 2,160m ³

Loss in floodplain Storage

In addition to increased paved surface areas, sections of the proposed development encroach over the existing flood storage areas of the un-named creek floodplain. Fill areas over the existing floodplain are shown in Figure 8. The filling of land for development will result in approximately 8,000 m³ loss in floodplain storage. Whilst this is a considerable loss, the throttling of flows through the twin 1400 culverts exiting the site effectively means that for large flows no loss of floodplain storage is possible. In effect the hydrograph volume difference between the twin inlet 2000mm pipes and outlet 1400mm pipes will always be maintained.

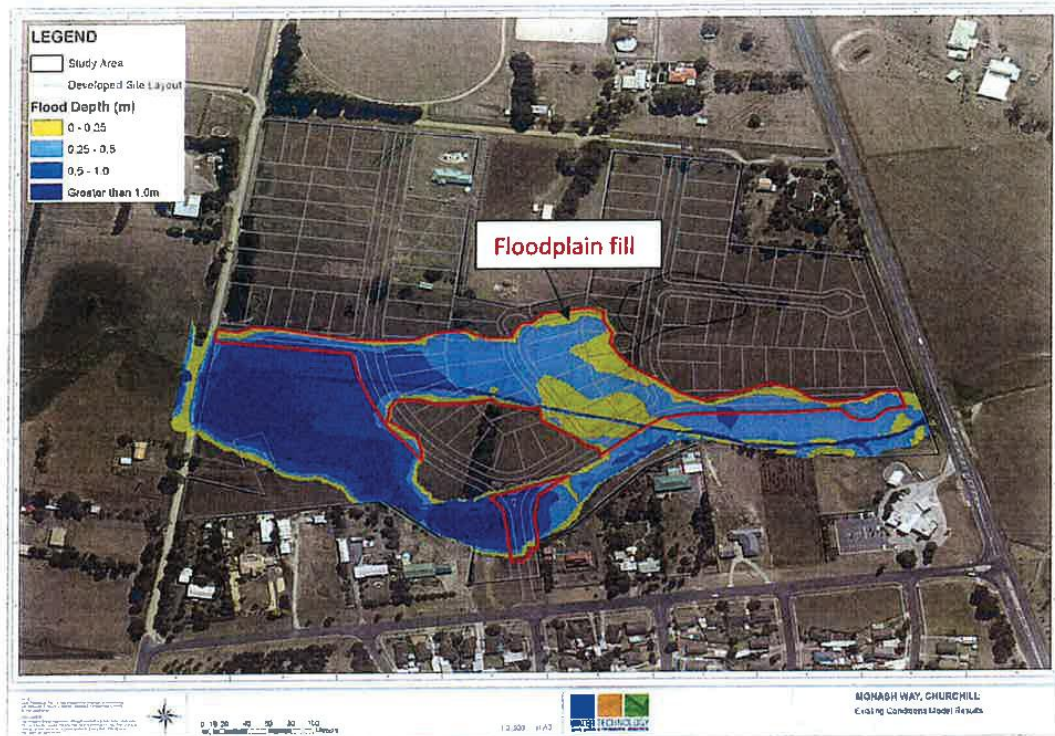


Figure 8 Proposed fill over existing floodplain

Water Quality Works

A MUSIC model was assembled to model the post development water quality at the subject site. Various options were considered for the site, including bio-retention areas, swales and wetlands. Given the context and proposed layout of the site, it was determined that a wetland based system would offer the most practical and aesthetic option for the development. Based on the post development site plan, the required wetland area was conservatively sized at 4,800m² using the water quality program MUSIC and results compared against rule of thumb estimates.

Table 4 Preliminary sizing of retarding / treatment wetlands

MUSIC program	4,800m ²
Rule of thumb (3% of total catchment area)	3% of 19.6Ha = 5,900m ²

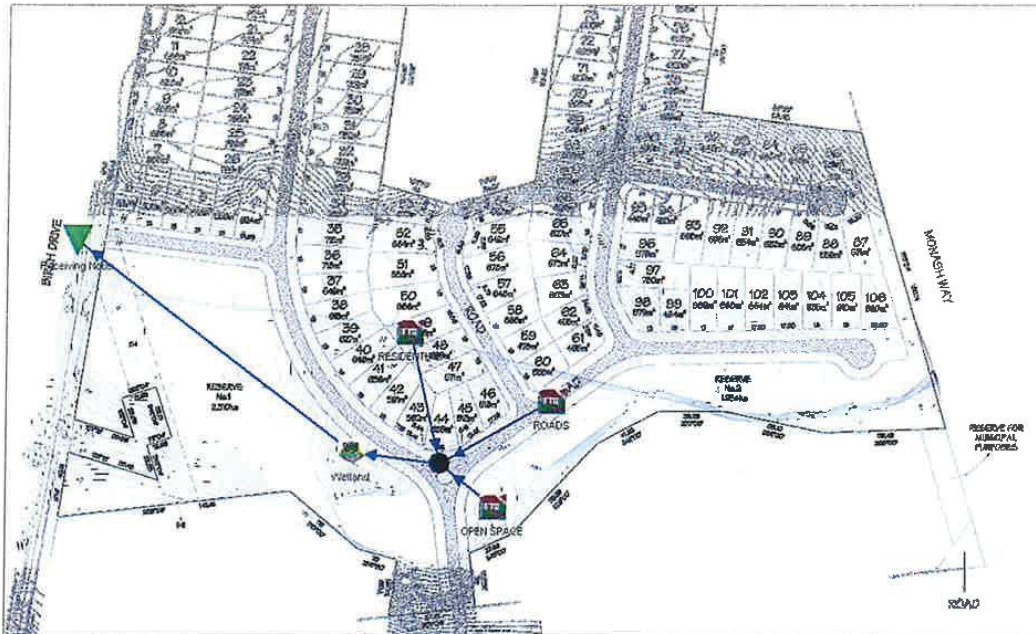


Figure 9 MUSIC model conceptual layout

Conclusions on flood related development aspects

Using the hydraulic model results and conceptual estimation formulas, we offer the following preliminary comments:

- Construct a 2,500m³ retarding basin in the south west corner of the site to mitigate post-development flows back to existing (pre-development) conditions;
- Meet water quality requirements through the construction of a series of distributed wetlands (totalling 4,800m²) along the original designated waterway that forms the un-named creek (refer Figure 10). Velocities through the wetland should be limited to 1 m/s. The wetlands may need to be located offline, depending on the velocities through the original section of un-named creek; and
- Provision of additional flood storage (offsetting the 8,000m³ floodplain storage lost – refer Figure 8) through widening of the original designated waterway that forms the un-named creek.

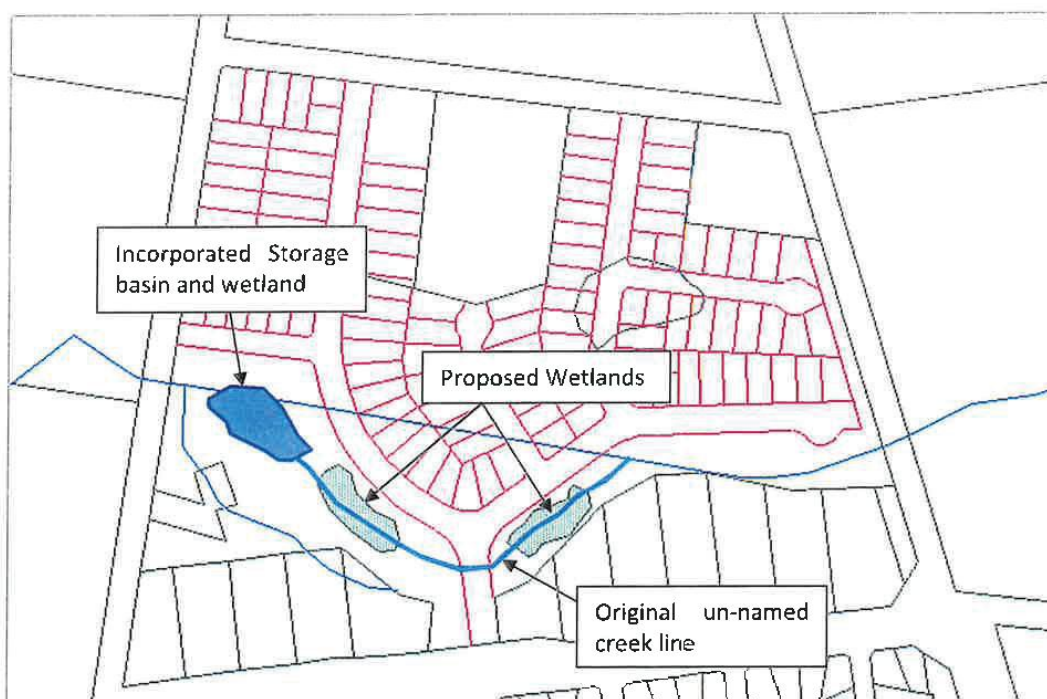


Figure 10 Proposed works locations

Scope of future detailed assessment

Additional detailed modelling will be required to assess the flood impacts of the development and size the mitigation works following finalisation of the site filling strategy. This work will include:

- **Drainage Scheme & Stormwater Management Assessment** – A more detailed assessment of surface water flows over the site and the likely impact on flooding and drainage in the general area. As a designated waterway is located on the site, it is anticipated that a Stormwater Management Plan (SMP) will be required by the WGCMA that will include:
 - *Refine conceptual design of stormwater drainage scheme system (detailed civil design to be done by others);*
 - *Refine conceptual design of surface water retardation storage(s) to provide detailed design guidance to civil designers; and*
 - *Conceptual and detailed design of the proposed wetlands water quality treatment areas, including final MUSIC model runs to confirm that the proposed system will meet regulatory requirements.*

Estimated costs for the SMP range between \$11-14k depending on final WGCMA / Council requirements; and



- **Waterway Management** – As designated waterways are located on the site, it is anticipated that a Waterway Management Plan (WMP) will be required by the WGCMA. The WMP will be required to support the future application for a waterway works permit for the proposed engineering works on the un-named creek drainage line. The WMP will include:
 - *Design of best practice waterway management options and maintenance requirements to ensure the short and long term health and function of the designated waterways*

Estimated cost for a WMP is **\$4-5k** depending on WGCMA requirements.

It is proposed that separate detailed lump sum scopes be prepared by Water Technology to prepare the SMP and WMP following completion of the engineering fill plan and confirmation of final lot layouts and sizes that may result from the recommendations of this scoping study.

Yours sincerely

Water Technology Pty Ltd

A handwritten signature in black ink, appearing to read "Stephen Reynolds".

Stephen Reynolds

Senior Environmental Engineer

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ACACIA WAY, CHURCHILL

PROPOSED RESIDENTIAL SUBDIVISION

TRAFFIC REPORT

PREPARED FOR

DH & MD WALKER

24 OCTOBER, 2011

TraffixGroup
13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



TRAFFIC ENGINEERING ASSESSMENT

PROPOSED RESIDENTIAL SUBDIVISION

AT

ACACIA WAY, CHURCHILL

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Our Reference: 13179R7711A

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1. INTRODUCTION

Traffix Group has been engaged by DH & MD Walker to undertake a traffic engineering assessment and to prepare a report for a proposed residential subdivision located at Acacia Way in Churchill.

This report provides a detailed traffic engineering assessment of the access arrangements and the likely impacts on the surrounding road network of the proposed development.

2. EXISTING CONDITIONS

2.1. THE SITE

The development site is bounded by Acacia Way, Monash Way and Silcocks Road in Churchill as presented in Figure 1.

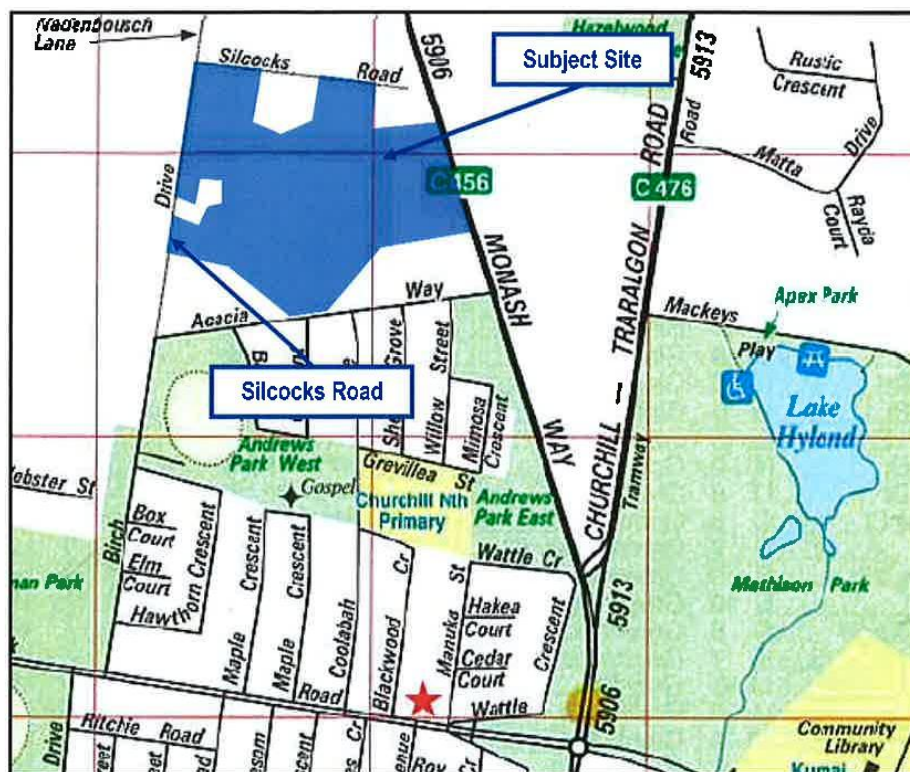


Figure 1: Site Locality Plan

The subject site is irregular in shape. It is located within a Residential 1 Zone (R1Z) under the Latrobe Planning Scheme as shown in Figure 2.

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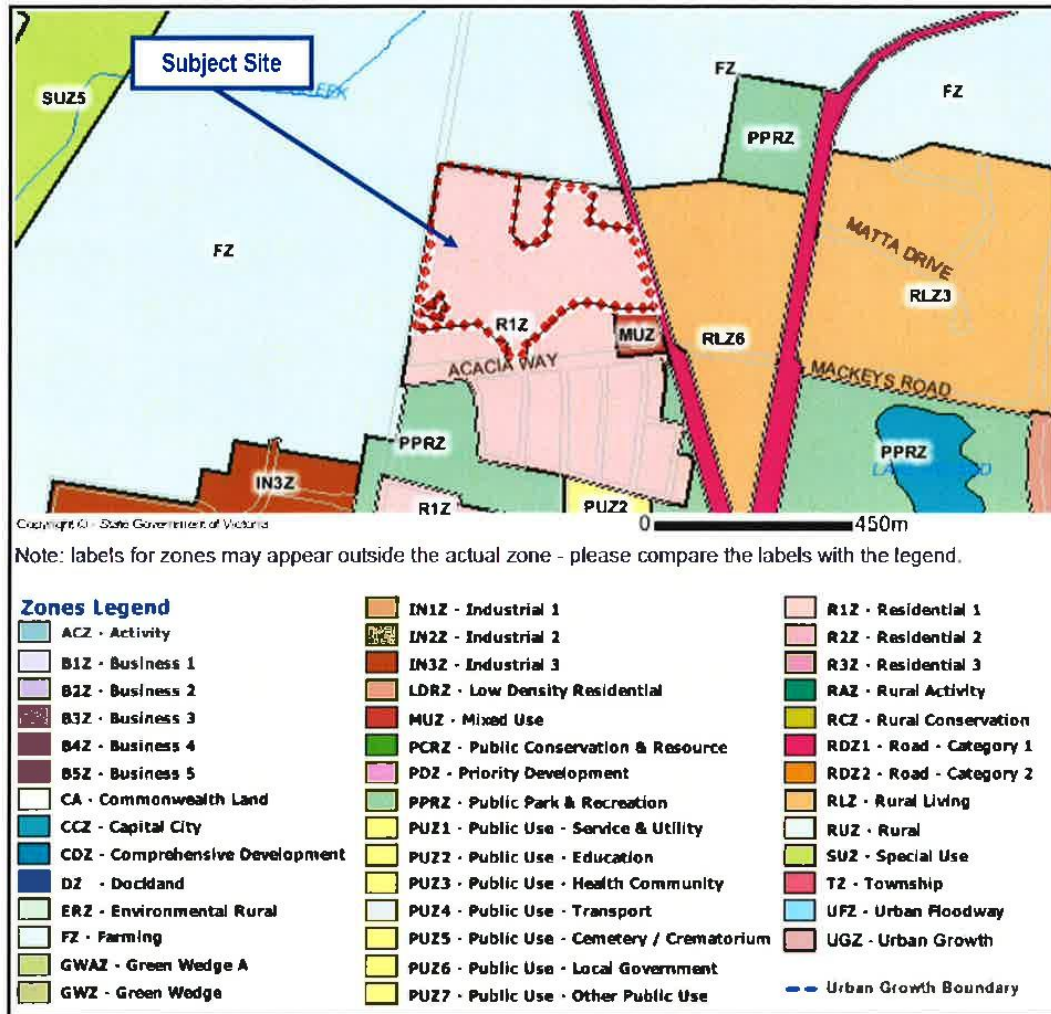


Figure 2: Land Use Zoning Map

Existing land use surrounding the subject site includes Farming Zone (FZ) to the north and west, Residential 1 Zone (R1Z) to the south and Rural Living Zone (RLZ6) to the east. A vacant petrol station is located at northwest corner of the intersection of Monash Way and Acacia Way.

2.2. ROAD NETWORK

Acacia Way is a two-way road which extends between Monash Way in the east and Birch Drive/Silcocks Road in the west. Within the vicinity of the subject site, Acacia Way has a 10.7m wide carriageway which provides a single lane of through traffic in each direction of travel and unrestricted kerbside parallel parking on both sides.

Acacia Way forms the minor leg of the priority controlled T-intersections at its junctions with Monash Way and Birch Drive/Silcocks Road. A splitter island is located in Acacia Way at Monash Way.

A speed limit of 60 km/h applies to Acacia Way.

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Acacia Way is shown in Photographs 1 and 2.



**Photograph 1: Acacia Way -
View East**



**Photograph 2: Acacia Way -
View West**

Monash Way is a VicRoads declared Main Road which extends in a north-south direction. Within the vicinity of the subject site, Monash Way has a single lane of through traffic and a sealed shoulder in each direction of travel. Left and right turn lanes are provided in Monash Way at the Acacia Way intersection.

North of approximately midway along the site's boundary, the speed limit on Monash Way is 100km/h. South of this point, the speed limit is 80 km/h.

Monash Way is shown in Photographs 3 and 4.



**Photograph 3: Monash Way -
View North**



**Photograph 4: Monash Way -
View South**

Silcocks Road is an "L-shaped" road that extends from Acacia Way in the south, north to Nadenbousch Lane and east to Monash Way. Silcocks Road is constructed as a gravel pavement 5.9m wide between Acacia Way and Nadenbousch Lane (the 'north-south' leg) and as a gravel pavement 5.1m wide between Nadenbousch Lane and a point approximately 180m east of Monash Way (the 'east-west' leg). It is unconstructed from the end of the gravel pavement to Monash Way.

Silcocks Road is shown in Photographs 5 to 8.

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**Photograph 5: Silcocks Road
(North-South Leg) - View North**



**Photograph 6: Silcocks Road
(North-South Leg) - View South**



**Photograph 7: Silcocks Road
(East-West Leg) - View East**



**Photograph 8: Silcocks Road
(East-West Leg) - View West**

2.3. TRAFFIC VOLUMES

Traffix Group undertook turning movement counts from 5:00pm to 6:00pm on Thursday 28 July, 2011 and from 8:00am to 9:00am on Friday 29 July, 2011 at the intersection of Monash Way and Acacia Way. A summary of the peak hour movements are shown in Figure 3.

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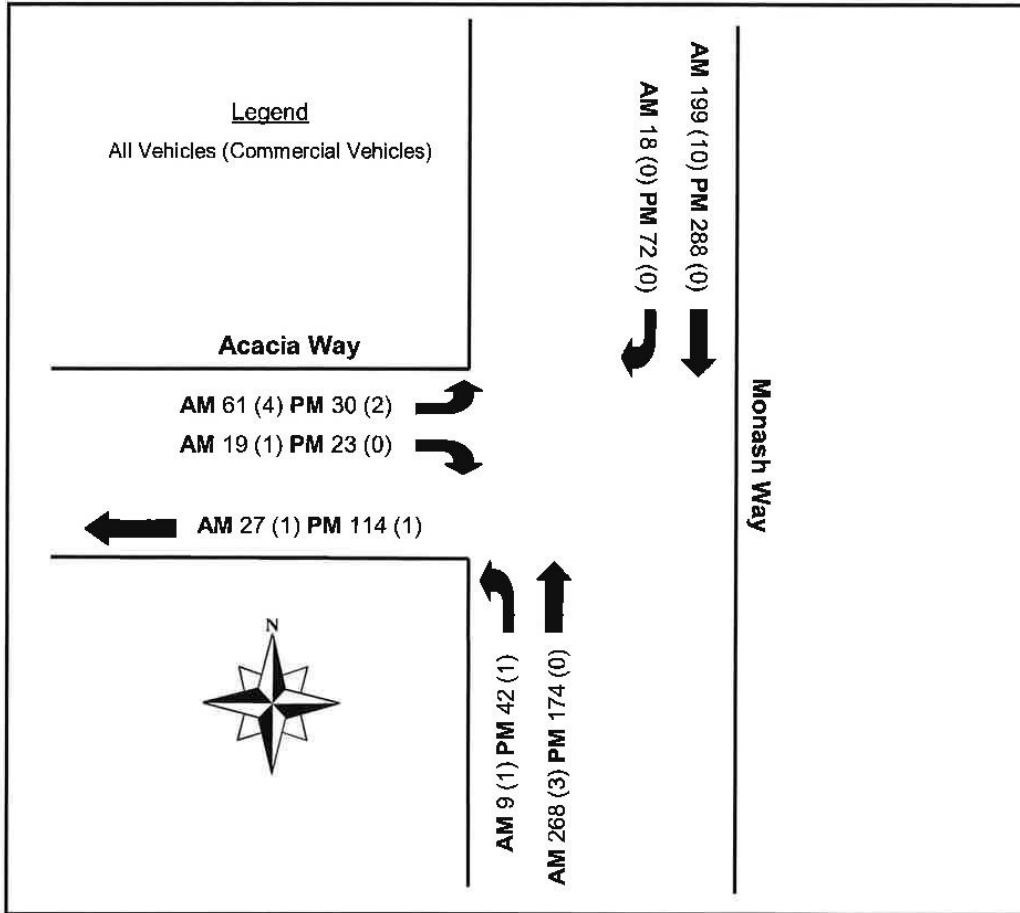


Figure 3: AM Peak Hour (8:00am - 9:00am) and PM Peak Hour (5:00pm - 6:00pm) Turning Movement Count Summary

3. THE PROPOSAL

It is proposed to subdivide the subject land into 106 residential lots. Access to the subdivision will be via a new access point to Acacia Way, with additional connections provided at three separate access points to Silcocks Road (two on the 'east-west' leg and one on the 'north-south' leg).

A plan of the proposed subdivision is attached at Appendix A.

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4. TRAFFIC CONSIDERATIONS

4.1. TRAFFIC GENERATION

The Victorian Code for Residential Development, April 1992, suggests in Table E9.1 that for:

“single dwelling lots, apply traffic generation rates of 10 vehicles per day per lot, equivalent to approximately 1 vehicle per hour in the peak hour, unless a lower rate can be demonstrated. Lower rates can be applied to multiunit dwellings based on locally derived rates.”

VicCode 2, the predecessor of The Good Design Guide for Medium Density Housing, suggests that, as a guide, traffic generation rates for townhouses and apartments in the range of 6-7 vehicle trips per day can be applied.

A design traffic generation rate of 10 vehicles per day (vpd) per lot is appropriate in this instance. Peak hour traffic generation will be in the order of 10% of the daily traffic generation, i.e. 1 vehicle per hour (vph) per lot.

Accordingly, the proposed subdivision is expected to generate in the order of 1,060 vte/day, with 106 vte/hr occurring in each of the commuter peak hours.

4.2. TRAFFIC DISTRIBUTION

The following traffic distribution assumptions have been adopted based on the locality of the site, the layout of the surrounding road network and our experience:

- During the AM peak hour, 80% of traffic will exit the site and 20% will enter;
- During the PM peak hour, 40% of traffic will exit the site and 60% will enter;
- 100% of traffic generated by the site will be generated to/from the east (towards Monash Way); and
- All traffic at Monash Way will be distributed in accordance with the existing (surveyed) distribution.

Based on these assumptions, Figure 4 sets out the anticipated AM and PM peak hour turning movements generated by the proposed development at the Monash Way/Acacia Way intersection. Figure 5 shows the total anticipated post-development turning movements.

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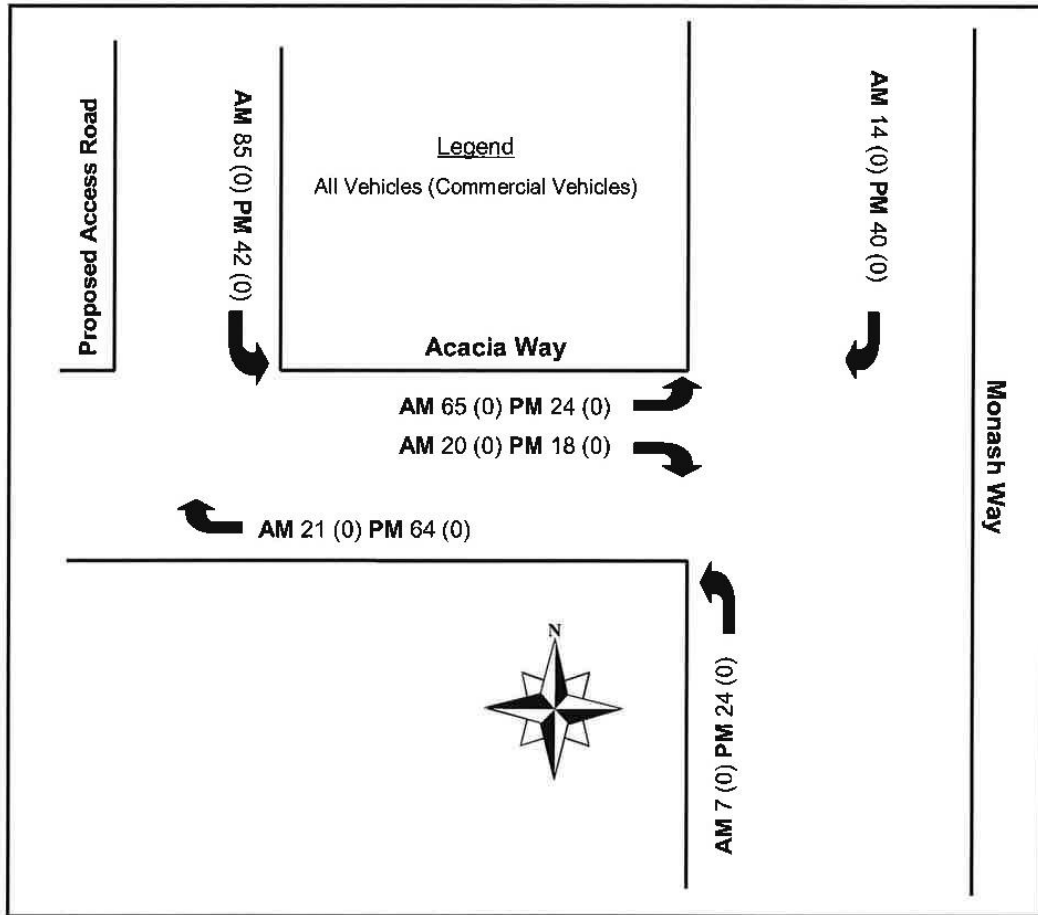


Figure 4: Anticipated Development AM and PM Peak Hour Turning Movements

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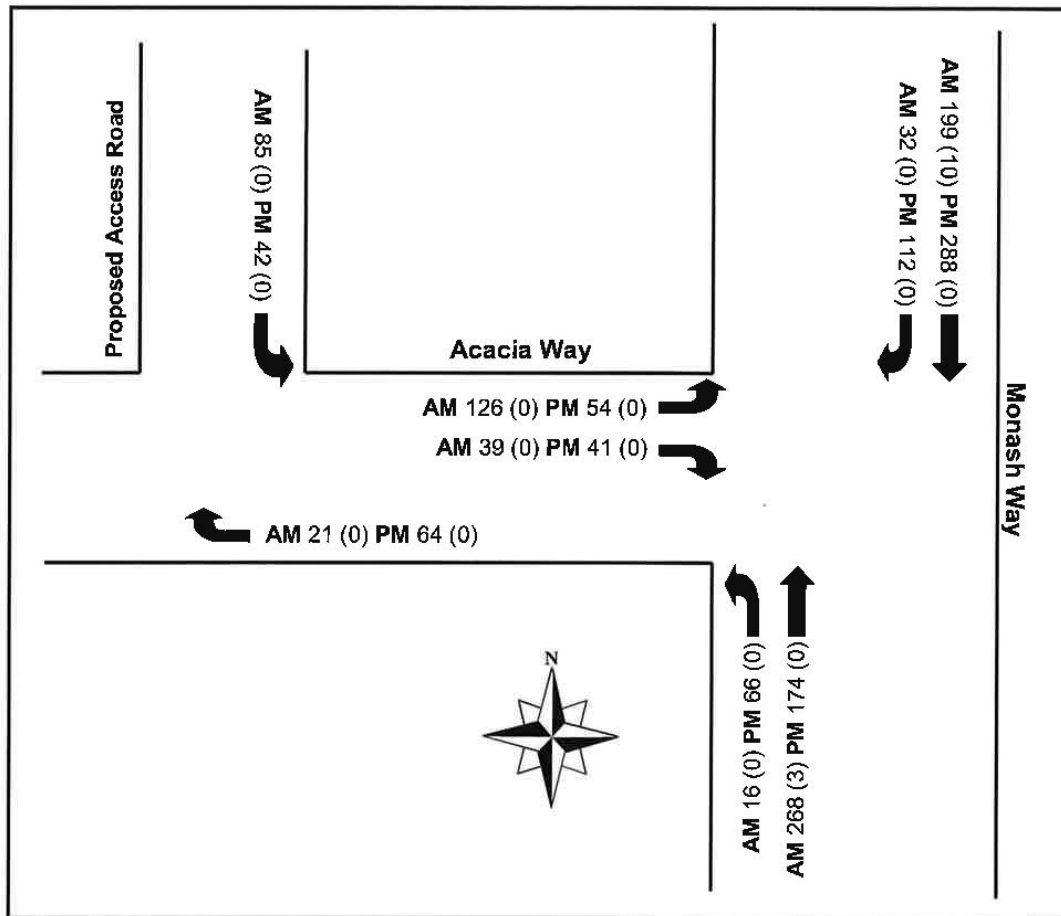


Figure 5: Total Anticipated Post-Development AM and PM Peak Hour Turning Movements

4.3. TRAFFIC IMPACT

4.3.1. Monash Way/Acacia Way

The capacity of the Monash Way/Acacia Way intersection has been assessed using gap acceptance theory for existing and post-development traffic volumes. The following values were adopted from Table 3.4 in *Austrroads Guide to Road Design Part 4A : Unsignalised and Signalised Intersections*:

	t_a	t_r
Right turn out:	5	3
Right turn in:	4	2
Left turn out:	5	3

The analysis is attached at Appendix B with the results summarised in Tables 1 and 2.

The analysis assumed that all traffic exiting Acacia Way did so via separate right and left turning lanes. In practice, Acacia Way at Monash Way allows one left turning car and one right turning car to queue in separate lanes at the give way line, with a single lane of traffic behind. Tables 1 and 2 therefore slightly understate the traffic impact. Given that the 95th

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percentile queue remains at one for both the left and right turn movements, this is considered to be acceptable.

Table 1: Summary of Intersection Capacity - Monash Way/Acacia Way (AM Peak)

Traffic Movement	Existing			Post Development		
	Degree of Saturation	Ave Delay	95%ile Queue	Degree of Saturation	Ave Delay	95%ile Queue
Acacia Way - Right Turn Out	0.03	2.13 sec	1 space	0.05	2.22 sec	1 space
Acacia Way - Left Turn Out	0.07	1.23 sec	1 space	0.14	1.45 sec	1 space
Monash Way - Right Turn In	0.01	0.68 sec	1 space	0.02	0.70 sec	1 space

Table 2: Summary of Intersection Capacity - Monash Way/Acacia Way (PM Peak)

Traffic Movement	Existing			Post Development		
	Degree of Saturation	Ave Delay	95%ile Queue	Degree of Saturation	Ave Delay	95%ile Queue
Acacia Way - Right Turn Out	0.03	2.12 sec	1 space	0.05	2.20 sec	1 space
Acacia Way - Left Turn Out	0.03	0.72 sec	1 space	0.05	0.78 sec	1 space
Monash Way - Right Turn In	0.05	0.48 sec	1 space	0.07	0.52 sec	1 space

The analysis shows that the additional volume of traffic generated by the proposed residential subdivision will not have adverse impacts on the capacity and operation of the Monash Way/Acacia Way intersection. The intersection will continue to operate with minimal delays to all traffic.

The analysis also shows that there is no increase in any queues. The existing intersection configuration is therefore appropriate for the post-development traffic volumes. No ameliorative works are required at the Monash Way/Acacia Way intersection.

4.3.2. Acacia Way/New Access

The capacity of the Acacia Way/new access intersection has been assessed using gap acceptance theory for existing and post-development traffic volumes. The following values were adopted from Table 3.4 in Austroads *Guide to Road Design Part 4A : Unsignalised and Signalised Intersections*:

	t_a	t_r
Right turn out:	5	3
Right turn in:	4	2
Left turn out:	5	3

The analysis is attached at Appendix C with the results summarised in Table 3.

The analysis assumed that all traffic entering and leaving Acacia Way at Monash Way travelled past the new access intersection. This is conservative, as a proportion of the traffic entering and leaving Acacia Way at Monash Way will enter/leave Acacia Way at intersections between the new access and Monash Way (ie Willow Street, Sheoke Grove, and Coolabah Drive). Table 3 therefore overstates the likely traffic impact.

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Table 3: Summary of Intersection Capacity - Acacia Way/New Access

Traffic Movement	AM Peak			PM Peak		
	Degree of Saturation	Ave Delay	95%ile Queue	Degree of Saturation	Ave Delay	95%ile Queue
New Access - Left Turn Out	0.08	0.44 sec	1 space	0.04	0.25 sec	1 space
New Access - Right Turn In	0.01	0.20 sec	1 space	0.04	0.16 sec	1 space

The analysis shows that the additional volume of traffic generated by the proposed residential subdivision will not have adverse impacts on the capacity and operation of the new Acacia Way/new access intersection. The intersection will operate with minimal delays to all traffic. No ameliorative works are warranted on a capacity basis.

The carriageway of Acacia Way is 10.7m wide. This is sufficient for a car to prop and wait to turn right into the new access whilst allowing a through car to pass on the left side. The new access is located opposite Banksia Crescent, a local street that is "U-shaped" and connects to Acacia Way in two locations. There will be a very low propensity for traffic movements across Acacia Way. There is therefore no requirement for a roundabout at this new intersection.

4.4. ROAD CROSS-SECTIONS

All road reserves are 20m wide, except the following:

- East-west road adjacent to Lots 1 to 6: 16m
- North-south road adjacent to Lots 46 to 60: 16m
- North-south road adjacent to Lots 61-80: 18m
- East-west road adjacent to Lots 80-95 (courtbowl): 16m

The proposed carriageway width is 7.3m for all roads.

All roads within the proposed subdivision will operate as Access Places or Access Streets - Level 1, as defined in Clause 56.06-8 of the Planning Scheme. The proposed carriageway widths, road reserve widths and resultant verge widths satisfy the requirements of the Planning Scheme, as detailed in Table 4.

Table 4: Clause 56 - Road Design Requirements

Design Requirement	Access Place	Access Street Level 1
Traffic Volume	300-1,000 vpd	1,000-2,000 vpd
Carriageway Width & Parking Provision within Street Reservation	5.5m with 1 hard standing verge parking space per 2 lots, or 5.5m with parking on carriageway (one side, appropriately signed)	5.5m with 1 hard standing verge parking space per 2 lots
Verge Width	7.5m minimum total width (for services, min. 3.5m one side, min. 2.5m other side)	4m minimum each side
Road Reservation	minimum 13m	minimum 13.5m
Footpath Provision	Not required for 5 dwellings or less, otherwise 1.5m (on one side only), offset minimum 1m from kerb	1.5m both sides, offset minimum 1m from kerb

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4.5. PARKING PROVISION

Each residential dwelling will provide off-street parking to accommodate residents.

Visitor parking can be provided on street within the carriageway of each of the roads proposed within the site. The 7.3m wide carriageways proposed will be sufficient for parking to readily occur on both sides of the road whilst maintaining a through lane for traffic. Alternatively, simultaneous two-way traffic would be possible if parking occurred on only one side of these roads.

The proposed provision of on-street parking is consistent with the Planning Scheme and current practice.

It is recommended that double crossovers be provided to adjoining lots wherever possible in order to maximise the provision of on-street parking spaces and also maximise manoeuvring areas into and out of the proposed lots.

4.6. ACCESS FOR SERVICE AND EMERGENCY VEHICLES

The 7.3m wide carriageways suggested at Section 4.4 of this report will adequately facilitate relevant service and emergency vehicles and are consistent with CFA requirements.

The three dead end streets proposed as part of the subdivision will need to have appropriate courtbowl dimensions in order to ensure that service and emergency vehicles can turn around in accordance with Council's requirements. This issue can be appropriately addressed at the detailed design stage of the subdivision.

4.7. PEDESTRIAN ACCESS

Clause 56.06-5 of the Latrobe Planning Scheme specifies the following detailed walking and cycling network objectives:

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- *Be part of a comprehensive design of the road or street reservation.*
- *Be continuous and connect.*
- *Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.*
- *Accommodate projected user volumes and mix.*
- *Meet the requirements of (Table C1).*
- *Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.*
- *Provide appropriate signage.*
- *Be constructed to allow access to lots without damage to the footpath or shared path surfaces.*
- *Be constructed with a durable, non-skid surface.*
- *Be of a quality and durability to ensure:*
 - *safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles,*
 - *discharge of urban run-off,*
 - *preservation of all-weather access,*

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- maintenance of a reasonable, comfortable riding quality, and
- a minimum 20 year life span.
- Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

Existing local access streets nearby to the site are all provided with a footpath on both sides of the road, except for Banksia Crescent where a footpath is not provided on the west side (adjacent to Andrews Park). Acacia Way only provides a footpath on the south side of the road between Monash Way and Banksia Crescent.

The proposed subdivision plan does not show any footpaths. It is recommended that, as a minimum, footpaths be provided as shown in Figure 6.

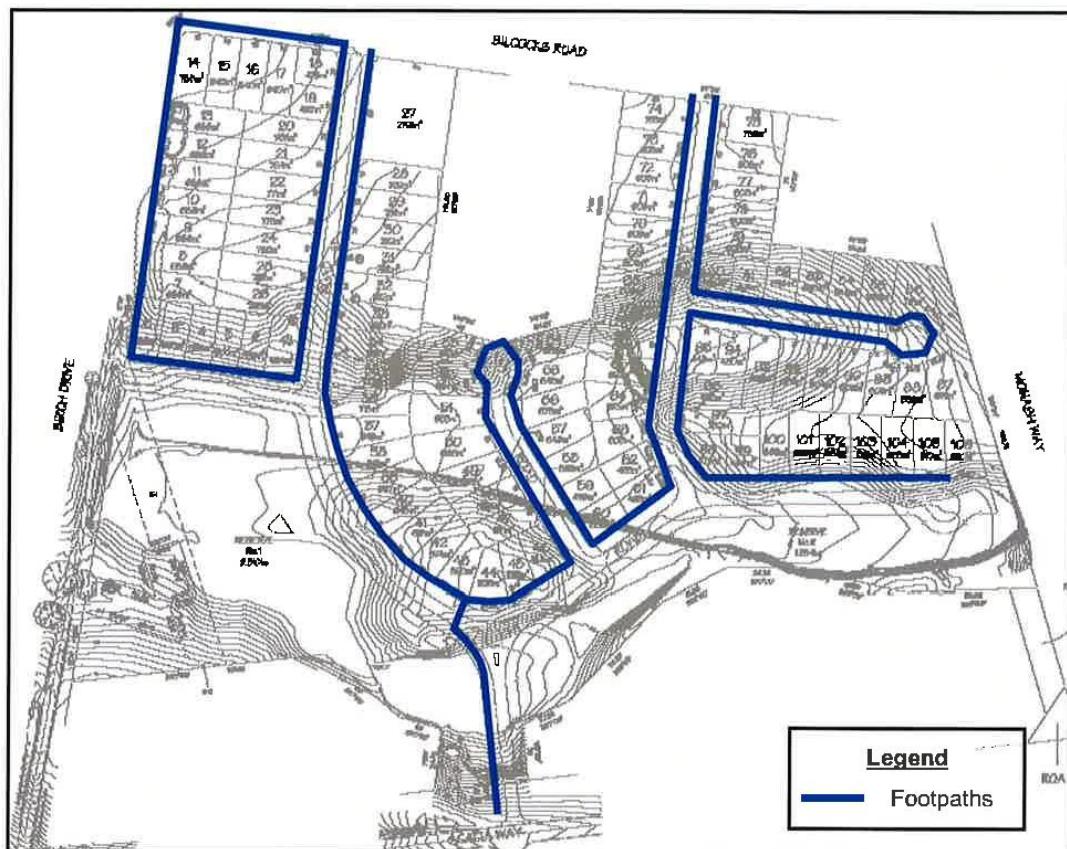


Figure 6: Recommended Footpaths

4.8. TRAFFIC CONTROL

Clause 56.06-7 of the Planning Scheme suggests that it is desirable for street blocks to be no more than approximately 240m long in order "to facilitate pedestrian movement and control traffic speed".

A roundabout is proposed at the internal T-intersection that is identified within the land. This type of treatment is considered to be appropriate for such an intersection. The detailed design of this roundabout can be addressed at the detailed design stage of the subdivision.

Additional traffic management devices are not considered necessary.

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4.9. PUBLIC TRANSPORT

Clause 56.06-3 considers the provision of public transport in new subdivisions, and applies to the proposed subdivision as it comprises 60 or more lots. The objectives of Clause 56.06-3 are as follows:

- To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system; and
- To encourage maximum use of public transport.

The Department of Transport's *Public Transport Guidelines for Land Use and Development* specify the following for undivided connector roads to be used by buses:

Separate Bicycle Lane

- Indented parking lane: 2.3m
 - Bicycle lane: 1.7m
 - Traffic Lane: 3.5m
- Total carriageway width: 15.0m

Shared Bicycle Lane

- Indented parking lane: 2.3m
 - Shared traffic and bicycle lane: 4.2m
- Total carriageway width: 13.0m

The volumes of traffic anticipated to be generated by the proposed development do not warrant the provision of separate bicycle lanes. A carriageway width of 8.4m plus 2.3m for any on-street parking will therefore satisfy the Department of Transport's requirements should a bus route be provided through the subdivision. The proposed carriageway width of 7.3m does not satisfy this requirement.

The proposed subdivision will be referred to the Director of Public Transport as specified in Clause 52.36-1, as it comprises a residential development with 60 or more lots. The Director of Public Transport will indicate whether or not provision needs to be made for a bus route through the subdivision.

5. CONCLUSIONS

Having visited the site, perused relevant documents and plans and undertaken a traffic engineering assessment of the proposed residential subdivision at Acacia Way, Churchill, we are of the opinion that:

1. The additional volume of traffic generated by the proposed residential subdivision will not have adverse impacts on the capacity and operation of the Monash Way/Acacia Way intersection. No ameliorative works are required at the Monash Way/Acacia Way intersection.
2. The volume of traffic generated by the proposed residential subdivision will not have adverse impacts on the capacity and operation of the new Acacia Way/new access intersection. The intersection will operate with minimal delays to all traffic. No ameliorative works are warranted on a capacity basis.
3. The carriageway of Acacia Way is sufficient for a car to prop and wait to turn right into the new access whilst allowing a through car to pass on the left side. The new access is

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located opposite Banksia Crescent, a local street that is "U-shaped" and connects to Acacia Way in two locations. There will be a very low propensity for traffic movements across Acacia Way. There is no requirement for a roundabout at this new intersection.

4. All roads within the proposed subdivision will operate as Access Places or Access Streets - Level 1, as defined in Clause 56.06-8 of the Planning Scheme. The proposed carriageway widths, road reserve widths and resultant verge widths satisfy the requirements of the Planning Scheme.
5. The proposed subdivision will be referred to the Director of Public Transport as specified in Clause 52.36-1, as it comprises a residential development with 60 or more lots. The Director of Public Transport will indicate whether or not provision needs to be made for a bus route through the subdivision. If such provision is required, a carriageway width of 8.4m plus 2.3m for any on-street parking will satisfy the Department of Transport's requirements.
6. The proposed provision of on-street parking is consistent with the Planning Scheme and current practice.
7. Double crossovers should be provided to adjoining lots wherever possible in order to maximise the provision of on-street parking spaces and also maximise manoeuvring areas into and out of the proposed lots.
8. The three dead end streets proposed as part of the subdivision will need to have appropriate courtbowl dimensions in order to ensure that service and emergency vehicles can turn around in accordance with Council's requirements. This issue can be appropriately addressed at the detailed design stage of the subdivision.
9. As a minimum, footpaths should be provided as shown in Figure 6 of this report.
10. A roundabout is proposed at the internal T-intersection that is identified within the land. This type of treatment is appropriate for such an intersection. The detailed design of this roundabout can be addressed at the detailed design stage of the subdivision.
11. Additional traffic management devices are not considered necessary.
12. There are no traffic engineering reasons why a permit should not be granted for the proposed residential subdivision at Acacia Way in Churchill.

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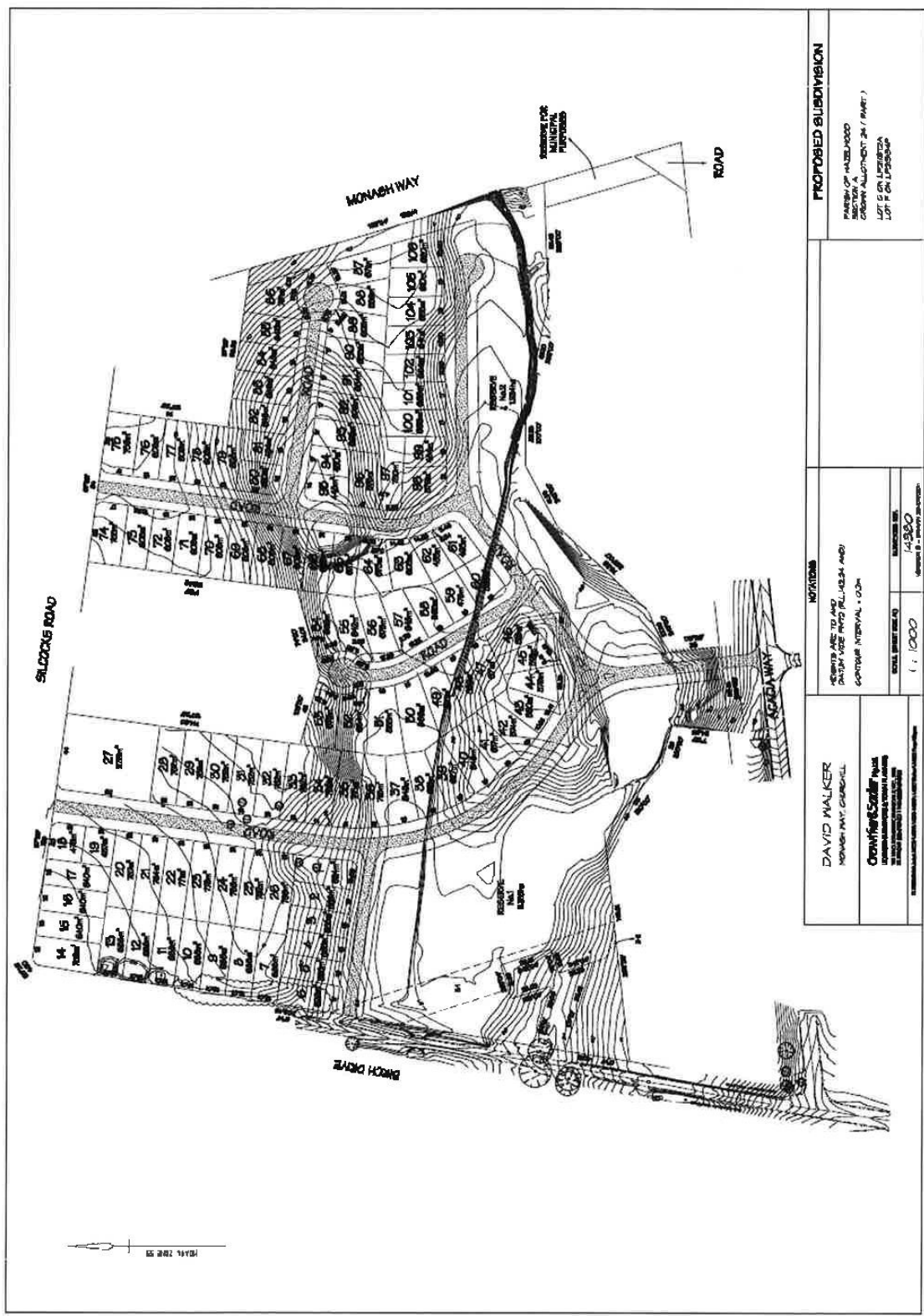
APPENDIX A

PROPOSED DEVELOPMENT PLAN

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DAVID WALKER MONASH HWY. CHURCHILL Crownfish & Suter CIVIL ENGINEERS & SURVEYORS 100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000	NOTATIONS HEIGHTS ARE TO AND DATUM USED INTO (MILLIMETERS AND) SPACING INTERVAL = 0.2M	PROPOSED subdivision PARISH OF HALBROOD SECTION A COUNTY AUTHORITY 26 (PART) LOT 15 ON L25820A LOT 16 ON L25820A
	TOTAL SHEET SIZE (A3) 1:1000 DATE: 14/05/12 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1:1000 DATE: 14/05/12 DRAWN BY: [Name] CHECKED BY: [Name]

13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



APPENDIX B

CAPACITY ANALYSIS - MONASH WAY/ACACIA WAY

13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection

Existing Left Turn Out

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	268	veh/hr
	qp =	0.07	veh/sec
Minor Stream Flow	Qm =	61	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	923	veh/hr
Practical Absorption Capacity	Cp =	738	veh/hr
Degree of Saturation	X =	0.07	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	61	veh/hr/lane
	qm =	0.02	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	1.23	sec
Minor Stream Service Rate	Qs =	922.83	veh/hr
Utilisation Ratio	r =	0.07	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Left Turn Out

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	268	veh/hr
	qp =	0.07	veh/sec
Minor Stream Flow	Qm =	126	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	923	veh/hr
Practical Absorption Capacity	Cp =	738	veh/hr
Degree of Saturation	X =	0.14	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	126	veh/hr/lane
	qm =	0.04	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	1.45	sec
Minor Stream Service Rate	Qs =	922.83	veh/hr
Utilisation Ratio	r =	0.14	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection

Existing Left Turn Out

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	174	veh/hr
	qp =	0.05	veh/sec
Minor Stream Flow	Qm =	30	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	1012	veh/hr
Practical Absorption Capacity	Cp =	810	veh/hr
Degree of Saturation	X =	0.03	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	30	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.72	sec
Minor Stream Service Rate	Qs =	1012.35	veh/hr
Utilisation Ratio	r =	0.03	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Left Turn Out

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	174	veh/hr
	qp =	0.05	veh/sec
Minor Stream Flow	Qm =	54	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	1012	veh/hr
Practical Absorption Capacity	Cp =	810	veh/hr
Degree of Saturation	X =	0.05	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	54	veh/hr/lane
	qm =	0.02	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.78	sec
Minor Stream Service Rate	Qs =	1012.35	veh/hr
Utilisation Ratio	r =	0.05	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection

Existing Right Turn

Out

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	467	veh/hr
	qp =	0.13	veh/sec
Minor Stream Flow	Qm =	19	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	757	veh/hr
Practical Absorption Capacity	Cp =	606	veh/hr
Degree of Saturation	X =	0.03	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	19	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	2.13	sec
Minor Stream Service Rate	Qs =	757.29	veh/hr
Utilisation Ratio	r =	0.03	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Right Turn out

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	467	veh/hr
	qp =	0.13	veh/sec
Minor Stream Flow	Qm =	39	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	757	veh/hr
Practical Absorption Capacity	Cp =	606	veh/hr
Degree of Saturation	X =	0.05	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	39	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	2.22	sec
Minor Stream Service Rate	Qs =	757.29	veh/hr
Utilisation Ratio	r =	0.05	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Existing Right Turn Out

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	462	veh/hr
	qp =	0.13	veh/sec
Minor Stream Flow	Qm =	23	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	761	veh/hr
Practical Absorption Capacity	Cp =	609	veh/hr
Degree of Saturation	X =	0.03	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	23	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	2.12	sec
Minor Stream Service Rate	Qs =	761.08	veh/hr
Utilisation Ratio	r =	0.03	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Right Turn out

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	462	veh/hr
	qp =	0.13	veh/sec
Minor Stream Flow	Qm =	41	veh/hr
Critical Acceptance Gap	ta =	5	sec
Follow-up Headway	tf =	3	sec
Absorption Capacity	C =	761	veh/hr
Practical Absorption Capacity	Cp =	609	veh/hr
Degree of Saturation	X =	0.05	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	41	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	2.20	sec
Minor Stream Service Rate	Qs =	761.08	veh/hr
Utilisation Ratio	r =	0.05	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection

Existing Right Turn In

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	268	veh/hr
	qp =	0.07	veh/sec
Minor Stream Flow	Qm =	18	veh/hr
Critical Acceptance Gap	ta =	4	sec
Follow-up Headway	tf =	2	sec
Absorption Capacity	C =	1438	veh/hr
Practical Absorption Capacity	Cp =	1151	veh/hr
Degree of Saturation	X =	0.01	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	18	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.68	sec
Minor Stream Service Rate	Qs =	1438.40	veh/hr
Utilisation Ratio	r =	0.01	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Right Turn

In

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	268	veh/hr
	qp =	0.07	veh/sec
Minor Stream Flow	Qm =	32	veh/hr
Critical Acceptance Gap	ta =	4	sec
Follow-up Headway	tf =	2	sec
Absorption Capacity	C =	1438	veh/hr
Practical Absorption Capacity	Cp =	1151	veh/hr
Degree of Saturation	X =	0.02	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	32	veh/hr/lane
	qm =	0.01	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.70	sec
Minor Stream Service Rate	Qs =	1438.40	veh/hr
Utilisation Ratio	r =	0.02	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection

Existing Right Turn In

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	174	veh/hr
	qp =	0.05	veh/sec
Minor Stream Flow	Qm =	72	veh/hr
Critical Acceptance Gap	ta =	4	sec
Follow-up Headway	tf =	2	sec
Absorption Capacity	C =	1556	veh/hr
Practical Absorption Capacity	Cp =	1245	veh/hr
Degree of Saturation	X =	0.05	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	72	veh/hr/lane
	qm =	0.02	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.48	sec
Minor Stream Service Rate	Qs =	1556.43	veh/hr
Utilisation Ratio	r =	0.05	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/Monash Way Intersection Post-Development Right Turn In

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	174	veh/hr
	qp =	0.05	veh/sec
Minor Stream Flow	Qm =	112	veh/hr
Critical Acceptance Gap	ta =	4	sec
Follow-up Headway	tf =	2	sec
Absorption Capacity	C =	1556	veh/hr
Practical Absorption Capacity	Cp =	1245	veh/hr
Degree of Saturation	X =	0.07	
Minor Stream Approach Lanes	n =	1	lanes
Minor Stream Flow / Lane	Qm' =	112	veh/hr/lane
	qm =	0.03	veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.52	sec
Minor Stream Service Rate	Qs =	1556.43	veh/hr
Utilisation Ratio	r =	0.07	
Design Probability		95%	
Storage Spaces Required		1	spaces
Storage Length Required		8	m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



APPENDIX C

CAPACITY ANALYSIS - ACACIA WAY/NEW ACCESS

13179R7711A

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/New Access Intersection

Right Turn In
Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	80 veh/hr
	qp =	0.02 veh/sec
Minor Stream Flow	Qm =	21 veh/hr
Critical Acceptance Gap	ta =	4 sec
Follow-up Headway	tf =	2 sec
Absorption Capacity	C =	1684 veh/hr
Practical Absorption Capacity	Cp =	1347 veh/hr
Degree of Saturation	X =	0.01
Minor Stream Approach Lanes	n =	1 lanes
Minor Stream Flow / Lane	Qm' =	21 veh/hr/lane
	qm =	0.01 veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.20 sec
Minor Stream Service Rate	Qs =	1683.77 veh/hr
Utilisation Ratio	p =	0.01
Design Probability		95%
Storage Spaces Required		1 spaces
Storage Length Required		8 m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/New Access Intersection

Right Turn In

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	53 veh/hr
	qp =	0.01 veh/sec
Minor Stream Flow	Qm =	64 veh/hr
Critical Acceptance Gap	ta =	4 sec
Follow-up Headway	tf =	2 sec
Absorption Capacity	C =	1722 veh/hr
Practical Absorption Capacity	Cp =	1378 veh/hr
Degree of Saturation	X =	0.04
Minor Stream Approach Lanes	n =	1 lanes
Minor Stream Flow / Lane	Qm' =	64 veh/hr/lane
	qm =	0.02 veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.16 sec
Minor Stream Service Rate	Qs =	1722.17 veh/hr
Utilisation Ratio	ρ =	0.04
Design Probability		95%
Storage Spaces Required		1 spaces
Storage Length Required		8 m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/New Access Intersection

Left Turn out

Period: AM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	80 veh/hr
	qp =	0.02 veh/sec
Minor Stream Flow	Qm =	85 veh/hr
Critical Acceptance Gap	ta =	5 sec
Follow-up Headway	tf =	3 sec
Absorption Capacity	C =	1110 veh/hr
Practical Absorption Capacity	Cp =	888 veh/hr
Degree of Saturation	X =	0.08
Minor Stream Approach Lanes	n =	1 lanes
Minor Stream Flow / Lane	Qm' =	85 veh/hr/lane
	qm =	0.02 veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.44 sec
Minor Stream Service Rate	Qs =	1110.00 veh/hr
Utilisation Ratio	p =	0.08
Design Probability		95%
Storage Spaces Required		1 spaces
Storage Length Required		8 m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

Proposed Residential Subdivision
Acacia Way, Churchill



Acacia Way/New Access Intersection

Left Turn out

Period: PM Peak

BASIC PARAMETERS

Major Stream Flow	Q =	53 veh/hr
	qp =	0.01 veh/sec
Minor Stream Flow	Qm =	42 veh/hr
Critical Acceptance Gap	ta =	5 sec
Follow-up Headway	tf =	3 sec
Absorption Capacity	C =	1140 veh/hr
Practical Absorption Capacity	Cp =	912 veh/hr
Degree of Saturation	X =	0.04
Minor Stream Approach Lanes	n =	1 lanes
Minor Stream Flow / Lane	Qm' =	42 veh/hr/lane
	qm =	0.01 veh/sec/lane
Average Delay to Minor Stream Vehicles	Wm =	0.25 sec
Minor Stream Service Rate	Qs =	1139.64 veh/hr
Utilisation Ratio	p =	0.04
Design Probability		95%
Storage Spaces Required		1 spaces
Storage Length Required		8 m

SOURCE: Austroads, Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, 1988, Ch. 4.

History of Application

19 March 2012	Planning Permit application received by Council.
5 April 2012	Request for further information pursuant to 54(1) of the <i>Planning and Environment Act 1987</i> was sent to the applicant.
25 May 2012	Request for time extension by the applicant to provide additional information
21 June 2012	Further request for time extension by the applicant to provide additional information
13 July 2012	Information submitted by the applicant to respond to Council's further information request.
July to September 2012	Ongoing discussions between Council's Officers and the applicant regarding various aspects of the proposed subdivision
18 September 2012	Letter was sent to the applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers, placing a sign on site for 14 days and advertising in the Latrobe Valley Express, under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
18 September 2012	Application was referred to authorities internally and externally in accordance with Sections 52 and 55 of the <i>Planning and Environment Act 1987</i>
19 October 2012	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
September to November 2012	Six objections received
September 2012 to January 2013	Referral responses received from various authorities
11 December 2012	Mediation meeting held
30 January 2013	Meeting held between Council's Officers and the applicant to discuss issues raised at the mediation meeting
5 March 2013	Amended plans received from the applicant to address issues raised at the mediation meeting

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.02-1 Supply of Urban Land
- Clause 11.05-4 Regional Planning Strategies and Principles
- Clause 15.01-1 Urban Design
- Clause 15.01-4 Design for Safety
- Clause 15.01-5 Cultural Identity and Neighbourhood Character
- Clause 15.02-1 Energy and Resource Efficiency
- Clause 16 Housing

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.4 – Built Environment Sustainability
- Clause 21.05 – Main Towns
- Clause 21.08 - Liveability

Zoning:

The subject site is zoned part Residential 1.

Overlays:

The subject site is not affected by any overlays.

Particular Provisions:

- Clause 56

General Provisions:

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.

This document has been copied and made available for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose.

M. & F. Kent

730 Monash Way, Churchill.

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17 October, 2012

Latrobe City Council
PO Box 264
Morwell, 3840

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
26 OCT 2012	
R/O:	Doc No:
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Dear Sir,

Planning Application 2012/71

Staged Multi-Lot Subdivision & Removal of Native Vegetation

Silcocks Road, Churchill.

We wish to make a submission regarding the above proposal. We live at the property on the corner of Monash Way and Silcocks Rd, situated at the north east corner of the proposal. We object to the proposed subdivision on the following grounds:

Amenity—the proposal will affect our enjoyment of the views, the peace and tranquillity, the lack of noise from neighbours as the proposal would see 10 properties abutting our boundaries. We purchased this property approximately 3 years ago because of its setting and lack of immediate neighbours. The proposal would see us with dense urbanisation abutting us, something we could have had by choice if we'd wanted to live in town. The proposal would see us fenced in, a horrible thought. We would lose the ability to enjoy our property as it is currently.

Resale – any prospective purchaser of our property would be reluctant to purchase a rural block that enjoys its current location knowing that such a proposal is imminent. This proposal has already and immediately impacted on our plans to sell, making it more difficult.

Planning – Some years ago we were advised that this land was not suitable for subdivision. When we purchased our current property we believed this still to be the case, not able to be subdivided as densely as is currently proposed. The proposal does not fit with the neighbourhood character of farms, farmlets and rural residential large lots. We wish to be advised as to when this was rezoned.

There is already a lot of other land suitable for development in far better locations in Churchill, such as near Lawless Rd and Monash University. How does Council justify the need for these additional lots?

Traffic – the proposal does not indicate that Silcocks Rd is closed and that traffic must not turn right into Silcocks Rd and then proceed to Monash Way. Please ensure this issue is addressed by VicRoads as the referral authority. We do not want additional traffic travelling along our Silcocks Rd frontage. We also believe the proposal will generate a lot of traffic, up to 820 additional vehicle

movements per day, as there is little scope for convenient pedestrian access to facilities, ie too far to walk so most will travel by car, especially in winter. We request to be mailed a copy of the traffic plan.

Infrastructure – There is no reticulated sewerage at present as the lots are too small for septic tanks. Our stormwater runoff and septic tank lines fall towards the subject land. Please ensure these are catered for as we will not pay towards any facilities such as drainage and sewers, nor will we pay towards any abutting fences. We request further information regarding these issues.

Environment – a natural wetland has developed on the subject land, enhancing the natural environment for abundant birdlife and visually pleasing to us. The proposal would see the loss of this as it is proposed to be filled in.

Land subject to inundation – A named creek currently runs through the land. Filling and rerouting it will cause harm to properties upstream having more potential to flood because of potential backing up of the flows. It is already a wet region at times with nearby roads and properties being flooded several times over the last couple of years. The land proposed to be a reserve will likely be wet and unusable for most of the year.

Please advise of our rights to further submissions and appeal.

We request you consider our submission and reject the proposed subdivision.

Yours Faithfully,

Murray and Faye Kent



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Jeff Carstein
P.O. Box 38
Churchill, VIC
3842

Latrobe City Council
P.O. Box 264
Morwell VIC 3840

Dear Sir/Madam,

Re: Planning Application 2012/71
Silcocks Rd, Churchill

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I am the owner of 45 & 55 Silcocks Rd, Churchill. The value of these properties is largely linked to the quality of the area in which they are held.

Whilst in principle I do not object to the abovementioned subdivision being undertaken, I do wish to make note of the following inadequacies in the proposal;

1. **Housing Standards.** There is currently no restrictions on the quality or time frame of the construction of dwellings. Anything less than above well constructed brick homes will detract for the ambience and value of existing area.
2. **Roads to be constructed.**
 - a) Time frame.
 - b) Surface [REDACTED]
 - c) Allocated maximum speed of the newly constructed roads.
3. **Time frame for construction.** Principally we are concerned that if the proposed connection to Acacia Way is completed last then we will have a obtrusive increase of traffic along the current roads.

As noted above these roads are of poor quality. Furthermore large amounts of traffic will also detract from the quality of living for us/ value of the properties.

Should you require any clarification, please do not hesitate to contact me.
Yours faithfully, Jeff Carstein



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17-10-12

ATT: CAROL HAY

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Re: TOWN PLANNING No 2012/71

Our Address is 14 REACIA WAY CHURCHILL WHICH IS THE LOWEST DEVELOPED BLOCK ON THE EDGE OF THE NEW SUBDIVISION, DURING HEAVY RAINS OUR BLOCK FREQUENTLY DRAIN DUE TO BLOCK WATER FROM A MASON STORM WATER OUTLET AND ALSO THE REEL HOLE CREEK. I HAVE APPROACHED HISTORIC WATER COUNCIL THE PAST THREE YEARS WITH NO RESPONSE. SO I HAVE MAJOR ISSUES.

ISSUE (1) IS THE REEL HOLE CREEK BRING WATER IN IF SO WILL IT RUN AT A RATE TO AVOID BACKWASH AND FLOODING.

(2) WITH THE MAIN STORM WATER DRAIN RR EXTENDED TO THE DAM AREA.

(3) TALKING TO MR WALKER IN PREVIOUS TIMES HE STATED THAT HE WOULD NOT BE REMOVING THE TWISTED WILLOW TREES BEHIND OUR PROPERTY THESE ARE BEAUTIFUL TREES AND WILL BE THE ONLY BLOCK OUT FROM THE SUBDIVISION.

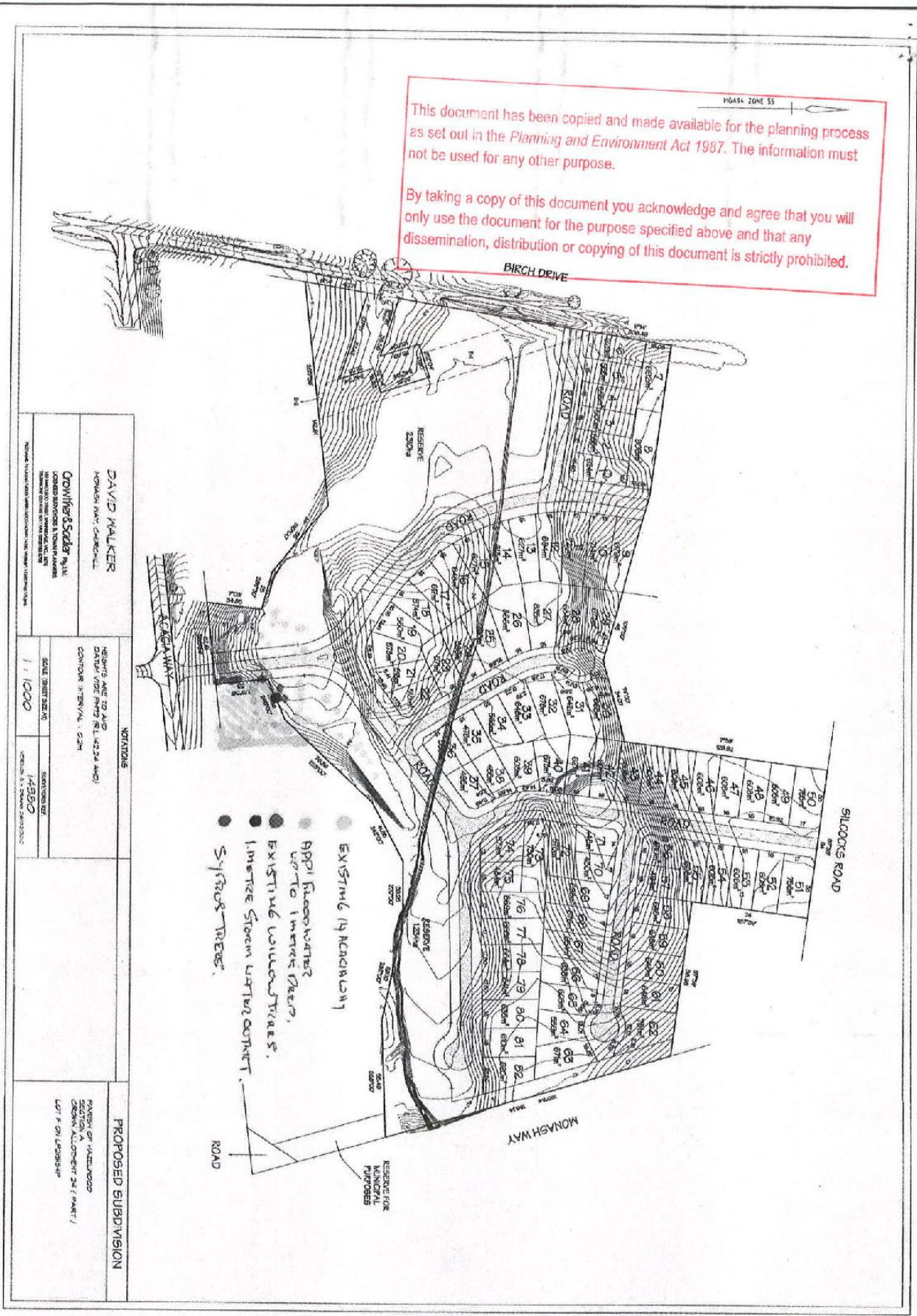
(4) THE SYRUS TREES LINING THE WEST SIDE OF OUR PROPERTY (BEING OUR WIND BREAK) WILL THEY BE TRIMMED, CUT OR DAMAGED IN ANY WAY.

THESE ARE MAJOR CONCERNS WHICH I HAVE SPoken TO DAVID WALKER ABOUT AND HE SEEMED TO BE A VERY UNDERSTANDING DEVELOPER.

CAROL I WOULD APPRECIATE A SITE MEETING IN THE NEAR FUTURE.

Yours
THE CONCERNED
L. P. MCKENZIE

MOB: ~~0411/85805~~



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15th October 2012

To Whom It May Concern,

As the residents of 74 Silcocks Rd Churchill we are writing to express our concern with the proposed development application reference 2012/71

We have resided in our family home for 7 years and have enjoyed the thought of a peaceful rural property

We understand the proposed development will significantly increase the number of residential property's surrounding us. We anticipate a dramatic increase in the traffic, noise and artificial light in the area after the development, which will no doubt decrease in what we found, was our initial attraction to this area.

Our primary concerns relate to the imposition on our family's privacy, particularly if the new residents opt for double story homes due to the small allotments or a home which has windows overlooking our family's home.

When we purchased our land 11 years ago we were aware of the future plans to sub divide the land surrounding us into three properties but was surprised of the proposal of 82 small parcels of land this will increase the amount of traffic on Silcocks road which is currently a dirt road and constantly needs grading and stabilising due to the amount of traffic and constant flooding of the road in the last 12 months it has flooded and cut the access to 7 residents properties 6 times.

Reference to Page 10

We also know that 70 Silcocks Rd is owned by the same Walker family and feel that the proposed sub division of that property would be reinstated if this approval went through boxing us in from all sides.

It mentions the upgrade to Birch drive is not necessary as 70 Silcocks Rd is not part of the proposal in fact the road in question is Silcocks Rd as Birch Drive ends at Acacia Way and we believe it would have to be asphalted to sustain the extra traffic loads.

If the proposal was to go ahead this would be the most opportunistic time to seal Silcocks road with asphalt to get the most revenue from landowners.

It also mentions 4 stages but doesn't mention which areas will be developed first as I believe that to have the main entrance off Acacia Way to access the sub division would require the most amount of capital and development to get across the swamp land and creek therefore the developers would opt to develop the lots 1-8 and 40-70 making all access via Silcocks Rd until further development is done.

We hope you consider our concerns when deciding the future sub division proposal.

Thankyou Mark & Kylie Medew

74 Silcocks Rd Churchill ~~5173 173~~

Mark Medew Kylie Medew

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Mario Bahagiar
21 Nadenbouschs Ln.
Churchill 3842
P.O. Box 90
Churchill 3842
16.10.12

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ATT: Carol Lok
Statutory Planning Team
Latrobe City Council

Dear Carol,

I am writing to object to planning permit application no. 2012/71 located on Silcocks Rd. in Churchill.

My first concern with this development plan are the access points from Birch Drive and Silcocks Rd and the major impact this will have on the road with increased traffic. The road is currently an un-sealed gravel road and if this planning permit were to be approved then Birch drive would need to be upgraded to a bitumen sealed road, and access from Silcocks Rd into this development should be withheld until the remainder of Birch Drive and all of Silcocks Rd were bitumen sealed. Birch Drive (gravel section only) is currently bordered by

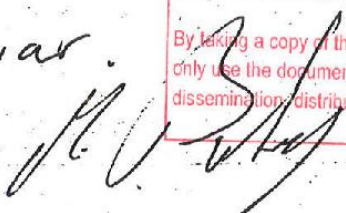
6 residents (including 2 on Nadenbouschs Lane) and a following 4 residents on Silcocks Rd and the gravel road can barely substantiate this small amount of traffic without having to be graded on a regular basis for potholes, ridges and overall poor surface.

My second concern is drainage to the west of Birch Drive and its constant flooding over the road in winter, and its inability to drain away quickly. I note that the application concept plan shows diverting the flow of water through the subdivision to the south but my concerns are that adequate thought and planning have not been put into ensuring pipes to the west of Birch Drive are sufficient to quickly and adequately carry away water.

Please feel free to call me on ~~0402083897~~, or my daughter Lana on ~~0401376252~~ with regards to this objection.

Yours Faithfully,

Mario Bhagiar.



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**16.2 PLANNING PERMIT APPLICATION 2013/110 - DEVELOPMENT
ASSOCIATED WITH A DWELLING EXTENSION AT 23 QUEENS
PARADE, TRARALGON****General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/110 for development associated with a dwelling extension at 23 Queens Parade, Traralgon being Lots 1 and 2 on TP 558478.

DECLARATION OF INTEREST

The Chief Executive Officer Paul Buckley declared an indirect interest under Section 78 of 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 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley***Strategic Objectives – Built Environment***

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

Latrobe City Council Plan 2013 - 2017***Strategic Direction – Planning for the future***

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Legal

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

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

BACKGROUND

Planning Permit Application 2012/33 for the '*Change of use from a dwelling to a shop (hairdresser), associated business identification signage and reduction of the car parking requirement*' was applied for on the subject property on the 16 January 2012.

The application proceeded to the notification stage of the planning permit process when it was recognised that the proposed use was prohibited in a Residential 1 Zone. The application was formally withdrawn on 9 October 2012 and a full refund of the application fee was dispensed to the applicant.

SUMMARY

Land: 23 Queens Parade, Traralgon known as Lots 1 and 2 on TP 558478.

Proponent: Ashlee Burns

Zoning: Residential 1 Zone

Overlay: Heritage Overlay

A Planning Permit is required to construct an extension to an existing dwelling in accordance with Clause 43.01-1 of the Heritage Overlay.

PROPOSAL

The application is for the extension of a heritage listed dwelling. The proposal incorporates a two storey extension setback from the original dwelling structure and roof line that is orientated towards Queens Parade. The extension will be setback approximately 8 metres from the façade of the existing dwelling. Approximately 50 square metres of a non-original addition to the existing dwelling is proposed to be removed as part of the proposal. The total area as a result of the extension will be 216 square metres.

The proposed extension area includes a lounge/dining area, double garage, laundry, toilet, study, bathroom and three bedrooms one of which will have an ensuite. Two of the bedrooms and the bathroom will be located at first floor level.

The ridge height of the extension area will have a maximum height of 7.25 metres. A minimum setback of at least 1 metre is maintained on all boundaries and the two storey extension area is setback 3.5 metres from the southern boundary. Vehicular access will still be obtained from Curran Street which provides vehicular access to 21 and 23 Queens Parade and is no longer used a public vehicle thoroughfare between Meredith Street and Queens Parade.

The materials proposed to be used include the replacement of the non-original weatherboard of the existing dwelling with original profile hardy plank boards, the second storey of the extension area will also be constructed of this material. The external walls are to be painted with the same colour used on the existing dwelling. Colorbond cladding will be used for the roofing material of the extension area to match the existing roofing materials. The ground floor area of the extension will be constructed of recycled red brick.

Subject Land:

The subject site is situated on the south side of Queens Parade. The site is irregular in shape, with a frontage of 17.7 metres to Queens Parade and a side frontage to Curran Street of 31.44 metres. Curran Street is no longer used as a vehicle thoroughfare between Meredith Street and Queens Parade and has been used predominantly as a pedestrian walkway since the early 1980s but it does provide vehicular access for both 21 and 23 Queens Parade onto Meredith Street. Vehicular access to and from Curran Street from Queens Parade has been removed. The total area of the site is 502 square metres. The site is relatively flat with no noticeable changes of slope on the property.

The subject site is part of *The Traralgon Railway Residential precinct* which is covered by Heritage Citation HO 85. The Traralgon Railway Residential precinct is of historic significance as an area that is associated with an important phase of development of Traralgon in the early to mid-twentieth century that began with the transfer of the railway depot to Traralgon in 1903. This led to increased demand for accommodation for railway workers in proximity to the station and stimulated the development of Traralgon as a regional centre.

It has architectural significance as a representative example of a twentieth century residential precinct that provides evidence of the evolution and development of domestic architecture in Traralgon.

The houses within the precinct predominantly comprise late Edwardian and Inter-War weatherboard cottages and bungalows with some late Victorian houses scattered throughout. The majority of the houses have similar siting (detached, setback) and scale (single storey). Roof forms are a mixture of hip and gable, usually corrugated iron. There are relatively intact groups of houses on the east side of Coates Street, on both sides of Shakespeare Street between Collins and Morrison Streets, and on the south side of Queens Parade.

The buildings south of Queens Parade from 3 Queens Parade to 37 Queens Parade are used for residential purposes. Land to the north of Queens Parade is used for a mix of uses including the VRI Public Hall, disused tennis courts, train station car park and the Army Drill Hall.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

The subject site less than 100 metres south of the Melbourne-Gippsland Railway Line.

Queens Parade has a road reserve of 19 metres which includes concrete pathways on either side. There is no formal car parking provided on Queens Parade. Neighbouring properties are late nineteenth/early twentieth century gable roofed cottages sited on narrow, long allotments with large gardens running through to Meredith Street at the rear. They are predominantly single storey in nature. Many of the neighbouring properties have non original additions that are generally skillion in architectural form. Due to the relatively narrow frontage of the lots to the south of Queens Parade, the dwelling frontages cover a large area of the width of the individual lots.

New developments in the area have tended to place larger buildings on existing sites, and the scale of new development has tended to be much larger. 17 Queens Parade and 1 Coates Street are examples of this development in the area.

Surrounding Land Use:

North: VRI Public Hall, Car Park and disused tennis courts.

South: Residential properties with street frontage onto Meredith Street.

East: Residential dwellings with street frontage onto Queens Parade and Coates Street.

West: Residential dwellings with street frontage onto Queens Parade.

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 4.

ISSUES**STATE PLANNING POLICY FRAMEWORK**

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

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05 AUGUST 2013 (CM416)**

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

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

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

The two storey extension is largely consistent with the precinct guidelines of minimising the impact on the precinct and primary streetscape. Dimensioned plans submitted with the application show that the height of the proposal and the level of which it is setback from the ridge line of the existing dwelling means that it will not be visible from the southern footpath of Queens Parade. In this regard it is considered that the upper floor extension meets the guideline of a contextual approach that is clearly contemporary in design.

It is considered that the design has been executed with some care as to the scale and massing of the extension. By providing a minimum of 1 metre setback from all site boundaries and recessed nature of the first floor element further reduces the massing of the extension. The dwelling footprint as a result of this proposal is bigger than surrounding dwellings; however this will not be overly apparent from Queens Parade which is primary frontage.

As a result the application is considered to be consistent with relevant State Planning Policy.

LOCAL PLANNING POLICY FRAMEWORK

Clause 21.04-4 *Heritage Overview* details that Latrobe City has a diverse heritage. There are a number of stated strategies and objectives under this clause which in general outline the importance of conserving and giving adequate statutory protection to sites of heritage significance. The strategies and objectives of Objective 2 under Clause 21.04-4 of relevance to the assessment of this application:

Objective 2 – Heritage

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

The statement of significance as per HO 85 details the following:

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'The original form and detailing and the consistency of scale and siting of houses contributes to the significance of the precinct. The predominantly low height of front fences is also contributory as it allows the appreciation of the historic character of the houses within the precinct.'

It is considered that the proposal is consistent with this objective and strategies related to heritage protection in the Local Planning Policy Framework and the incorporated document of the Latrobe Planning Scheme, *Latrobe City Heritage Study* (2010) for the following reasons:

- The proposed addition does not change the principle facade or principle visible roof form of the heritage place;
- There is a discernible difference between the extension area and the original structure;
- The ground level addition is located to the rear of the building and will read as a secondary element to the heritage place;
- Minimum side setbacks are maintained as is consistent with the wider precinct area; and
- The upper level addition is sited and massed behind the principal facade and principal visible roof form so as not to be visible from Queens Parade.

It should also be noted that the applicant has taken into consideration pre planning advice received from both the Statutory Planning Team and the Independent Heritage Advisor which is available to Council as part of a Heritage Victoria grant funded scheme. It is considered that the proposal is consistent with the Local Planning Policy Framework.

CLAUSE 32.01 RESIDENTIAL 1 ZONE

The subject site is located in a Residential 1 Zone however the permit trigger related to this application is related to Clause 43.01 *Heritage Overlay*.

The application is not required to be assessed under the purpose and decision guidelines of the Residential 1 Zone but will be assessed under the purpose and decision guidelines of Clause 43.01 *Heritage Overlay*.

CLAUSE 43.01 HERITAGE OVERLAY

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

The proposal will provide for an extension to a heritage listed dwelling listed as having local historic and architectural significance to Latrobe City and Traralgon in particular.

Heritage Importance of the Site:

As has been previously identified within this report, the subject site has been recently assessed as part of the *Latrobe City Heritage Study (2010)* and given a Heritage Overlay on the basis of it meeting the criteria for local significance. It should be acknowledged that within the precinct citation, HO 85, the precinct condition has been described as 'good' with the major threat to the significance of the site being the threat of 'redevelopment'. It is considered that the proposal allows an extension to a dwelling that is detailed as being 'contributory' to the precinct while taking into consideration elements of the structure that contributes to its heritage significance of the precinct. It also ensures that the original structure is maintained, conserved and extended in a fashion that ensures that it will be retained within the precinct while being made more suitable for a contemporary residential use.

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

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

As discussed previously in this report the proposal is considered to be consistent with both the State and Local Planning Policy Framework.

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

It is outlined in the statement of significance of the subject site in the *Latrobe City Heritage Study (2010)* 'The original form and detailing and the consistency of scale and siting of houses contributes to the significance of the precinct. The predominantly low height of front fences is also contributory as it allows the appreciation of the historic character of the houses within the precinct'. The design of the proposal is consistent with this statement by protecting the original structure and roof line, maintaining the existing front fence and ensuring a minimum setback of 1 metre from all boundaries. The upper level is designed and sited so as not to be visible from the principle front façade. As a result the proposal is considered to be consistent with the statement of significance.

Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

Although there is no proposed new building (with the exception being the 6 square metre garden shed which does not require a planning permit), it is considered that the application should be considered against this decision

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

guideline as it relates to design elements that were considered in the assessment of the extension of the dwelling. It is considered that the proposal is consistent with these design components for the following reasons:

- The extension area is located to the rear of the existing dwelling;
- The visual bulk of the extension is masked by the recessed nature of the proposal which is setback of 8.5 metres from the principal frontage of the dwelling from Queens Parade; and
- There will no changes to the front façade or fence line with the exception of replacing the non-original weatherboards with original profile hardy plank boards

As a result it is considered that the proposal has taken into consideration all the required design considerations, as appropriate, for an application in the heritage overlay.

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

As outlined previously in the report, it is considered that the applicant has considered the statement of significance in the design response. The proposal has been put forward as a method of making the existing dwelling more suitable for a modern family. As detailed previously the biggest threat in *The Traralgon Railway Residential Precinct* has been identified as being redevelopment, including demolition. This proposal provides for an extended area for residential use while protecting the main components of the dwelling that contribute to the significance of the precinct. As outlined in the conservation management guidelines in Heritage Citation HO 85, it is an objective to '*Encourage a contextual approach to new development that is complementary in form, scale detailing and materials to the Significant or Contributory building/s or other features, but is clearly contemporary in design.*'

The proposal is considered generally to be consistent with this conservation management guideline.

Submissions

1 submission in the form of an objection was received to the application. Three issues were identified in the submitted objection, two of which were formally withdrawn in writing as a result of discussions during a mediation meeting. The original objection and subsequent withdrawal of two points of the objection is included in attachment 5. The only outstanding component of the objection is as follows:

1. Concerns that the two storey extension will cast a shadow over the private open space area of the property at 3 Curran Street.

Officer Comment

It is noted that overshadowing is not a decision guideline in the heritage overlay and is not required to be submitted with an application of this nature. The design and siting of the proposed extension has been considered against the requirements of State and Local Planning Policy Framework, the purpose and decision guidelines of the Heritage Overlay and Heritage Citation HO 85. Overshadowing will be considered during the building permit process, as an assessment under *Part 4 of the Building Regulations 2006* will have to be conducted. It should also be noted that the application was referred to the Building Services during the assessment of this application with no objection.

The proposed extension area on the subject site will be setback 20 metres from the existing dwelling at 3 Curran Street and it is not considered that overshadowing will be a major issue on the property and more importantly it is not considered a valid consideration in the assessment of a planning permit application where the only planning permit trigger is the heritage overlay.

It should be noted that the applicant has responded to the objection and also submitted a more detailed shadow diagram of the proposed extension as a result of discussions at the mediation meeting. This included in attachment 6.

Clause 65 - Decision Guidelines

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

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

Clause 81 Incorporated Documents

There is one relevant incorporated document which is *Latrobe City Heritage Study Volume 3: Heritage place & precinct Citations July 2010*, which the subject site is identified as of the precinct citation number HO 85.

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

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

INTERNAL/EXTERNAL CONSULTATION**Notification:**

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

External:

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

Internal:

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

The Infrastructure Planning Team did not object to the granting of a Planning Permit in relation to their area of expertise, with suitable conditions to any issue of a permit. Comments from the Building Team were received and they did not object to the granting of a Planning Permit in relation to their area of expertise, with no conditions.

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

The Heritage Advisor provided preliminary advice on the proposal to the applicant. This advice was taken on board by the applicant and the design proposal was amended accordingly. This included ensuring the height of the proposal was not visually intrusive from the Queens Parade frontage and boundary setbacks were maintained, which is a dominant feature in the precinct.

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

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

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

Details of Community Consultation following Notification:

Following referral and notification of the application 1 submission in the form of an objection was received. A mediation meeting took place on 13 June 2013. As a result of the mediation meeting two points of the objection submission were formally withdrawn. The applicant provided the objector with more detailed shadow diagrams to try and address the outlined concern over overshadowing of the private open space of his property. Despite the provision of this information, this point of the objection is still outstanding.

OPTIONS

Council has the following options in regard to this application:

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

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

CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme including the State and Local Planning Provisions, the purpose and decision guidelines of the Heritage Overlay and the incorporated document of the Latrobe City Planning Scheme *Latrobe City Heritage Study Volume 3: Heritage place & precinct Citations July 2010* it is considered that the application is generally consistent with the requirements of the Scheme.

Attachments

1. Development Plans
2. Subject Site
3. History of the application
4. Relevant planning policy
5. Objection & Amendment to objection to relate only to overshadowing
6. Applicants response to objection
7. Heritage Advisor-preliminary advice report

RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit for the development associated with a dwelling extension at 23 Queens Parade, Traralgon known as Lots 1 and 2 on TP 558478 with the following conditions:**
- 1. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) The layout of the proposed vehicle crossing shown on the site plan will need to be amended to widen the vehicle crossing at the access road to include the first two metres of the adjacent footpath.****
 - 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 3. Prior to the commencement of the works permitted by this permit, including any demolition works, a fully detailed 'demolition method statement' prepared by a qualified structural engineer must be submitted to and approved by the responsible authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the existing dwelling required to be retained on the endorsed plans approved under Condition 1 of the permit will be safeguarded during and after the demolition process has occurred. The statement must detail any necessary protection works required to retain individual flooring, roofing, fencing and other heritage features of significance during demolition.**
 - 4. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
 - 5. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
 - 6. The exterior colour and cladding of the buildings must be of a non-reflective nature to the satisfaction of the Responsible Authority.**

- 7. Before works commence on the development hereby permitted, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one copy and an electronic copy (PDF) must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:**

 - a) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 5 year ARI storm event.**
 - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge by the existing underground drainage system within the property. No new connection to Latrobe City Council's stormwater drainage system or kerb and channel is permitted.**
 - c) The provision of storm water detention within the site and prior to the point of discharge into the Latrobe City Council drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a co-efficient of run-off of 0.4 was applied to the whole of the property area.**

- 8. Before an Occupancy Permit is issued for the dwelling extension hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:**

 - a) All drainage works must be constructed in accordance with the approved site drainage plan.**
 - b) The construction of all on-site stormwater detention works in accordance with the approved site drainage plan.**
 - c) Vehicle crossings must be constructed in accordance with the endorsed plans, to provide access to the land, at right angles to the road and must comply with Latrobe City Council's Standards, including all necessary permits being obtained and inspections undertaken.**
 - d) The areas provided within the property for vehicle access to the permitted dwelling and associated buildings and works, must be constructed and surfaced with concrete, reinforced concrete, brick paving, or hot mix asphalt and drained in accordance with the approved site drainage plan.**

- 9. This permit will expire if one of the following circumstances**

applies:

- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed within four years of the date of this permit.

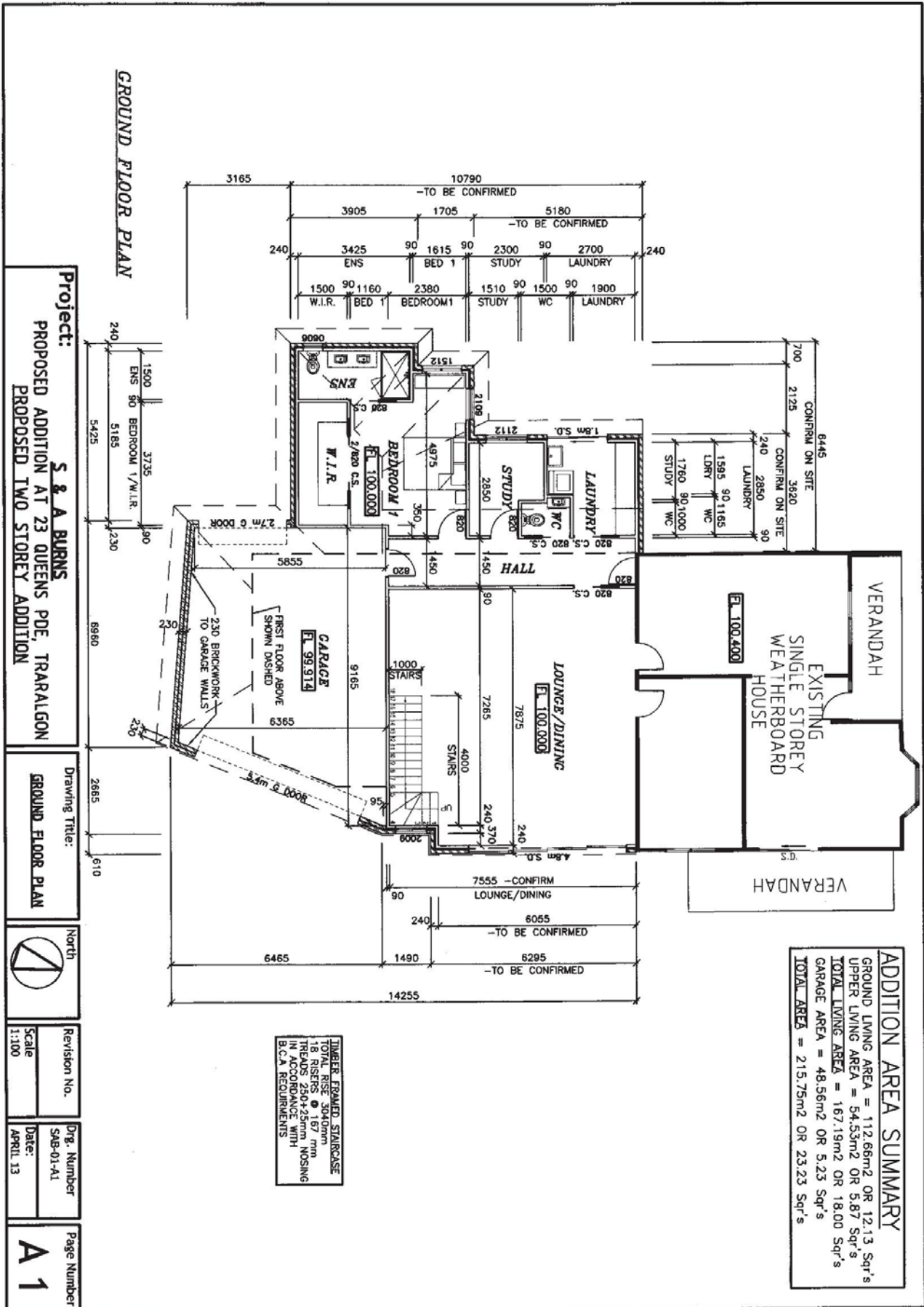
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

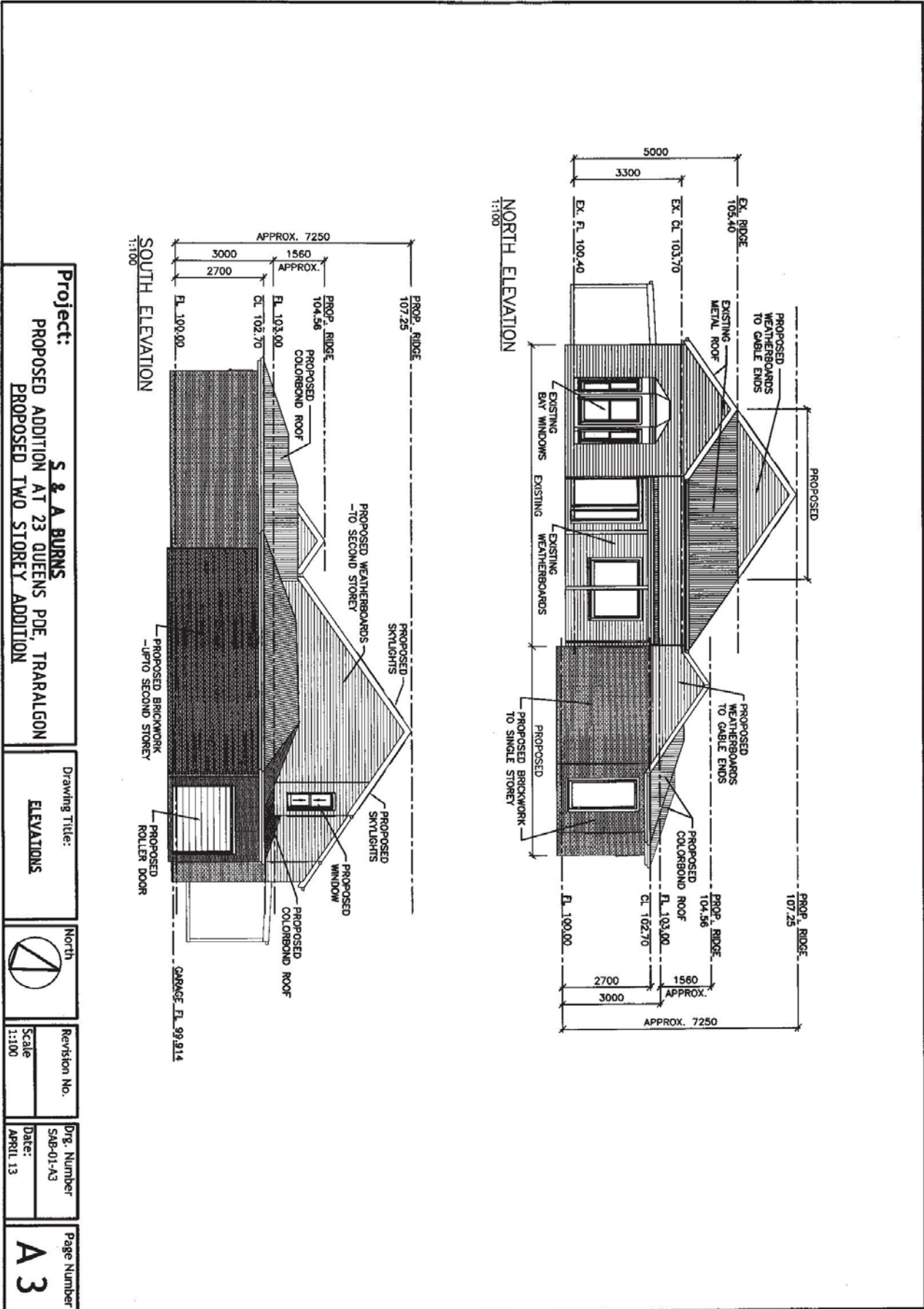
- Note 1:** This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- Note 2:** An assessment under Part 4 of the Building Regulations 2006 must be conducted.
- Note 3:** Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 4:** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

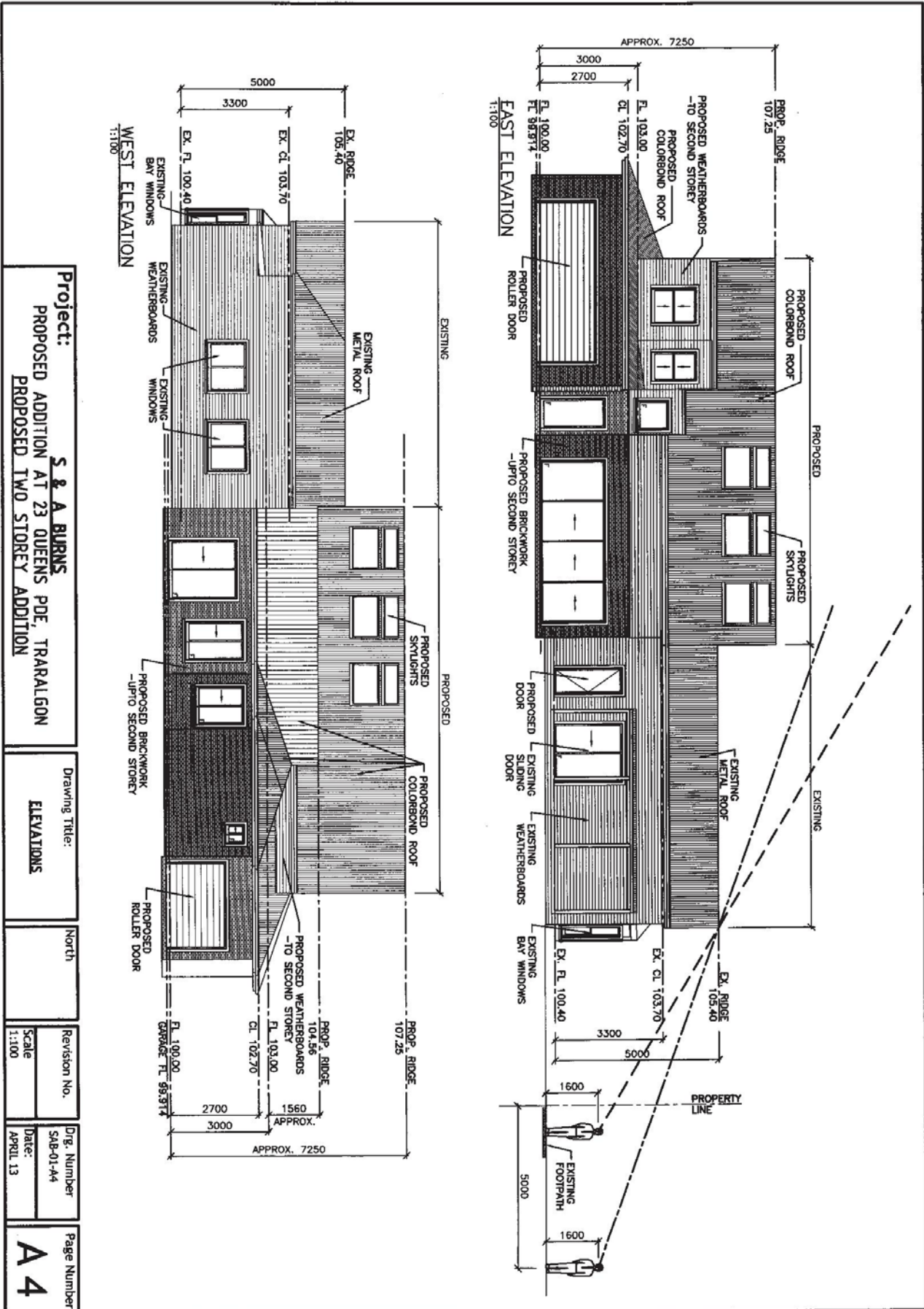
16.2

PLANNING PERMIT APPLICATION 2013/110 - DEVELOPMENT ASSOCIATED WITH A DWELLING EXTENSION AT 23 QUEENS PARADE, TRARALGON

1	Development Plans.....	495
2	Subject Site	501
3	History of the application.....	503
4	Relevant planning policy	505
5	Objection & Amendment to objection to relate only to overshadowing	507
6	Applicants response to objection	515
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Project:
S & A BURNS
 PROPOSED ADDITION AT 23 QUEENS PDE, TRARALGON
 PROPOSED TWO STOREY ADDITION

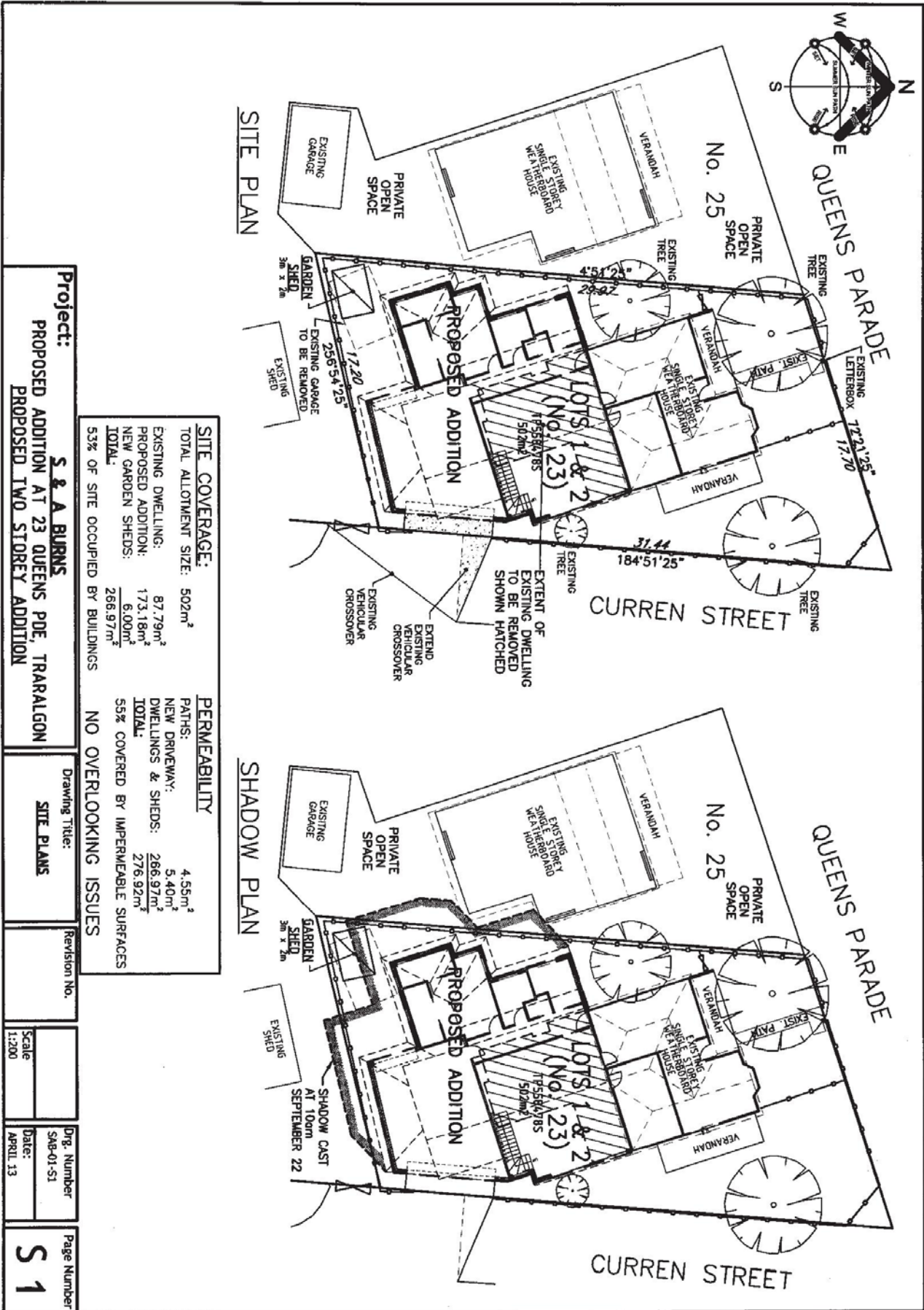
Drawing Title:
ELEVATIONS

North

Revision No.
 Scale
 1:100

Dwg. Number
 SAB-01-44
 Date:
 APRIL 13

Page Number
A 4



SITE COVERAGE:		PERMEABILITY	
TOTAL ALLOTMENT SIZE:	502m ²	PATHS:	4.55m ²
EXISTING DWELLING:	87.79m ²	NEW DRIVEWAY:	5.40m ²
PROPOSED ADDITION:	173.18m ²	DWELLINGS & SHEDS:	266.97m ²
NEW GARDEN SHEDS:	6.00m ²	TOTAL:	276.92m ²
TOTAL:	266.97m ²	55% COVERED BY IMPERMEABLE SURFACES	

53% OF SITE OCCUPIED BY BUILDINGS NO OVERLOOKING ISSUES

Project: **S & A BURNS**
PROPOSED ADDITION AT 23 QUEENS PDE, TRARALGON
PROPOSED TWO STOREY ADDITION

Drawing Title: **SITE PLANS**

Revision No.:

Scale: 1:200

Dwg. Number: S&A-01-51

Date: APRIL 13

Page Number: **S 1**



History of Application

19 February 2013	Pre-planning advice sent by Statutory Planning to the applicant
29 April 2013	Application received
13 May 2013	Further information requested from applicant. It was requested that more information be provided on the submitted elevations to detail the materials proposed to be used in the extension and materials that would be maintained.
14 May 2013	Further information received
16 May 2013	Application advertised to adjoining land owners and sign on site. Application referred internally to Building and Infrastructure Planning.
27 May 2013	Objection received.
2 June 2013	Response to objection received from the applicant
13 June 2013	Mediation meeting held
17 June 2013	More detailed shadow plans submitted by the applicant and sent to the objector.
25 June 2013	Objection amended by the objector to be related to one outstanding issue which is related to the concern that there will be overshadowing of the objectors property. It should be noted that it was detailed that overshadowing would be assessed as part of the Building Permit process.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There is a Heritage Overlay affected the site.

Particular Provisions

None

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

Date: 22/5/2013

To: Latrobe City Council

PO Box 264
MORWELL
~~Traralgon~~

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

27 MAY 2013

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OBJECTION TO PLANNING PERMIT 2013/110 AT 23 QUEENS PARADE TRARALGON. DEVELOPMENT ASSOCIATED WITH A DWELLING EXTENSION.

Our objection relates to the shadow cast of a two storey extension at 23 Queens Parade Traralgon. The proposed extension would be approximately 7.25m high as stated. I have concerns that the estimated shadow cast outlined in the permit is conservative given the proposed second story height of 7.25m. I do not want any shadow cast on my property -- 3 Curran St Traralgon. The northern area of my property will be adversely affected by the shadow cast by a 7.25m extension.

I am concerned that the northern area of my property will have diminished sunlight, will be damp and wet and unable to grow vegetation. This will have a negative impact on the future use of the land affected by the "shadow cast".

I understand the proposed extension does not impede on the boundary line. I would like confirmation that there will be no buildings built on the boundary line. No alterations to the current plan.

A Burns currently operates a hairdressing business out of 23 Queens Parade called Studio Shar. There was a previous permit application 2012/33 that wanted to change the use of the land from a dwelling to a shop. I understand that this application was withdrawn due to objections lodged by neighbours in the area after mediation broke down. I.e: NO retail premises in a residential zoned area with a heritage overlay. With the new application to extend the current dwelling I would like confirmation that the property and use still complies with local laws. That the applicant would adhere to council regulation in regards to Home Occupation (clause 52.11). In particular

- That no more than 1/3 of the building floor space to be used as a business
- And that there would be a maximum of two persons working in the hairdressing business including the applicant.
- And that this must be principle residence of applicant.

Signed *J.R. Grimes.*

J. M. Grimes.
Property owner of 3 Curran St Traralgon

Date: 24/6/2013
To: Statutory Planning Team
Latrobe City Council
PO Box 264
Morwell. Vic 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 25 JUN 2013	
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AMMENDMENT TO THE ORIGINAL OBJECTION TO THE PLANNING PERMIT 2013/110 AT 23 QUEENS PARADE TRARALGON. DEVELOPMENT ASSOCIATED WITH A DWELLING EXTENSION.

There were three main items identified in the original objection. One item related to not building on the boundary line and another related to the home business currently being undertaken at the said address. At mediation assurances were given that there would be no building on the boundary line and that the home business complies with the relevant council regulations. I agree to remove these two items from the original objection.

However the main objection to the two storey development on the premises that relates to the shadow cast still stands. The proposed dwelling will be approximately three times the size of the original dwelling. I would like the matter to go before council for an independent judgement that considers all parties involved.

I am concerned with how the proposed building will cast shadows over our private open space and the negative impact on my lifestyle and any future development of 3 Curran St.

As the Queens Parade property is on the northern boundary to my property, I believe the 7.25m extension will have a greater impact on my property. The extension is approximately 3m from the boundary. I have conducted my own rudimentary shadow tests at various times of the day and have found that a two storey extension would cast a considerable shadow that would impact on my private open space. I currently have NO overshadowing from my neighbour and this extension will impact on my property. There would be reduced light during key hours of the day. There will be an associated dampness and darkness.

This space is currently used for cultivating a veggie garden, a flower garden, fruit trees, an entertaining area and a recreation area for grandchildren and pets. We place great value on our private open space which happens to border 23 Queens Parade.

I have investigated shadow casts on the internet and have discovered it is a very complicated area of expertise. It relates to the sun cast. This changes throughout the day and throughout the seasons of the year. I have attached some documents to illustrate my point and to highlight the potential for a large shadow cast. I believe the shadow casts supplied by the permit holders are misleading and do not give a true and accurate impact of the shadow cast. It is for one day out of the year. Other days of the year would be different. Other times of the year would be different. Some councils use Sept 22 or June 21. I would appreciate it if council sought independent advice on shadow casts.

Even if shadow casts are not a requirement of the current residential code, which I think it most certainly should be, I implore council to consider the negative impact on lifestyle and land values. After all this is a heritage precinct.

I have lived in this area for over 30 years. I bought a property in this particular area because it was a quiet, old style area very close to the CBD. It was a heritage precinct and had many quaint older style homes that made the area more appealing. There were no 2 storey buildings in the area.

Signed *JR Grimes*

J. M. Grimes

J R & J M Grimes

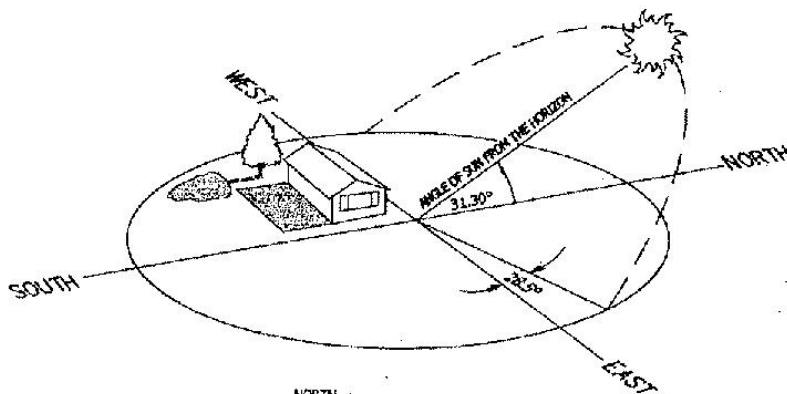
Property owner of 3 Curran St Traralgon.

PREPARING A SHADOW DIAGRAM

- CALCULATIONS DERIVED FROM NATIONAL DEPARTMENT OF GEOSCIENCES -

IT IS APPROPRIATE THAT A SHADOW DIAGRAM BE PREPARED WHEREVER DEVELOPMENT POTENTIALLY IMPINGES UPON THE AVAILABILITY OF SUNLIGHT TO EXISTING DEVELOPMENT OR WHERE A DEVELOPMENT IS LIKELY TO BE AFFECTED BY THE SHADOWS CAST BY ADJACENT DEVELOPMENT.

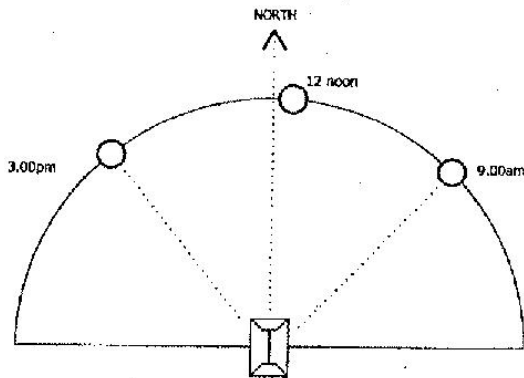
THE FOLLOWING DIAGRAMS AND CHARTS ARE PROVIDED TO ASSIST IN THE PREPARATION OF ANY REQUIRED SHADOW DIAGRAM.



Altitude and Azimuth of the sun in mid-winter - 21st June
 Latitude: 34° 35' (South)
 Longitude: 138° 35' (East)

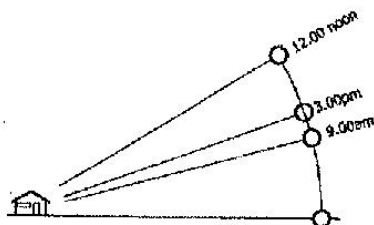
Sunrise: 7.23 am
 Sunset: 5.12 pm

The sun is shown in it's noon position.



TIME	ANGLE (AZIMUTH)
9.00 am	46° 05' 22"
12.00 am	4° 32' 54"
3.00 pm	320° 21' 43"

ANGLE OF THE SUN FROM TRUE NORTH ON 21st JUNE (AZIMUTH)



TIME	ANGLE (ALTITUDE)	LENGTH OF SHADOW CAST BY A 1m POLE ON FLAT LAND
9.00 am	15° 21' 09"	3.64m
12.00 noon	31° 30' 37"	1.63m
3.00 pm	20° 07' 18"	2.73m

ANGLE OF THE SUN FROM THE HORIZON ON 21st JUNE (ALTITUDE)

STEPS IN PREPARING A SHADOW DIAGRAM

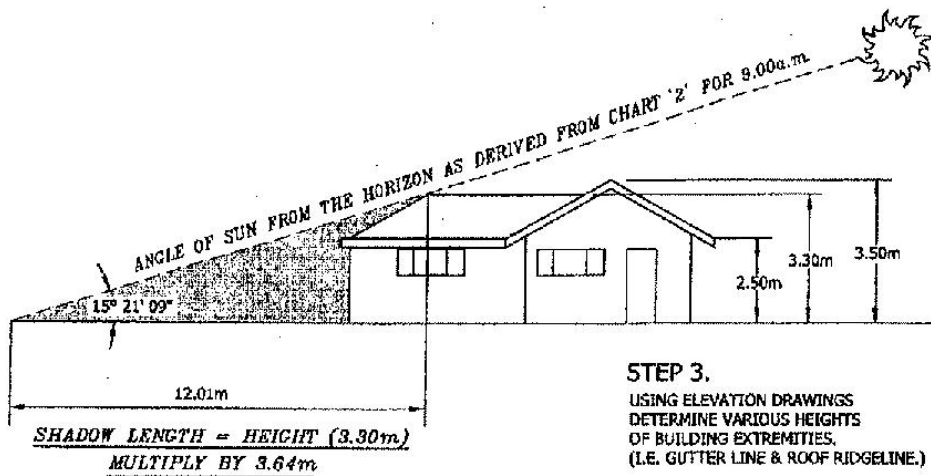
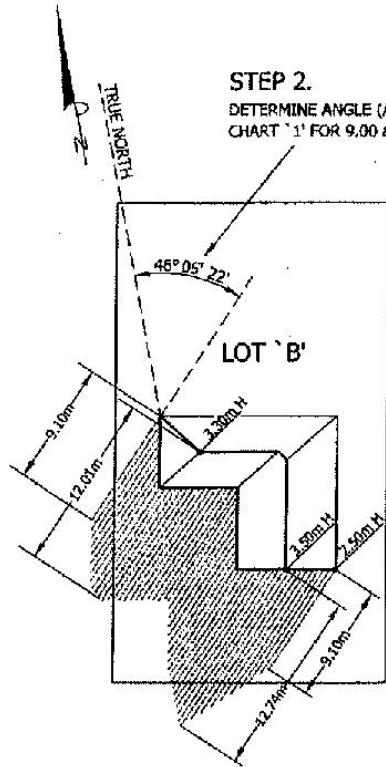
STEP 1.
SHOW NORTH POINT ON SITE PLAN.

STEP 2.
DETERMINE ANGLE (AZIMUTH) OF SUN FROM CHART '1' FOR 9.00 a.m.

STEP 4.
DETERMINE SHADOW LENGTHS FROM CHART '2'.

STEP 5.
PROJECT SHADOW LENGTHS ON SITE PLAN AT THE ANGLE DERIVED FROM CHART '1' (AS DETERMINED IN STEP 2.)

STEP 6.
SHADE SHADOW AREAS.

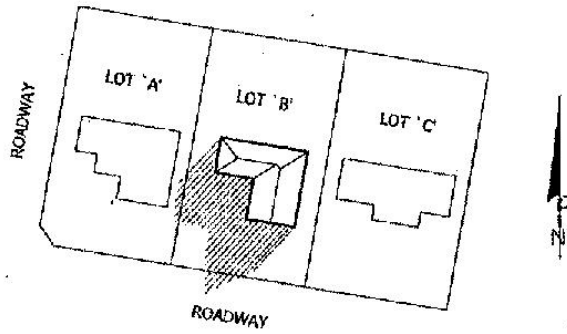


STEP 3.
USING ELEVATION DRAWINGS DETERMINE VARIOUS HEIGHTS OF BUILDING EXTREMITIES. (I.E. GUTTER LINE & ROOF RIDGELINE.)

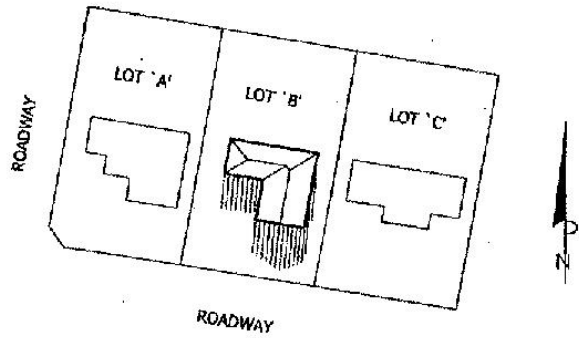
STEP 7.
NOW DO THE SAME FOR 12 NOON AND 3.00 p.m. SO AS TO PRODUCE THREE SHADOW DIAGRAMS TO SCALE AS SHOWN IN THE EXAMPLE ON NEXT PAGE.

EXAMPLE OF SHADOW DIAGRAMS
REQUIRED FOR A DEVELOPMENT APPLICATION
FOR LATITUDE 34° 49' 00" (S) - LONGITUDE 138° 43' 00" (E)
(CITY OF TEA TREE GULLY)
ON 21st. JUNE (WINTER SOLSTICE)

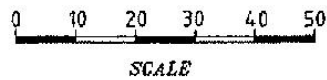
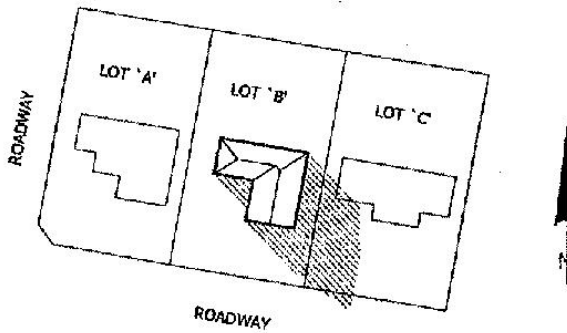
TIME : 9.00a.m.
ANGLE OF SUN FROM TRUE NORTH : 46° 05' 22"
ANGLE OF SUN FROM THE HORIZON : 15° 25' 09"

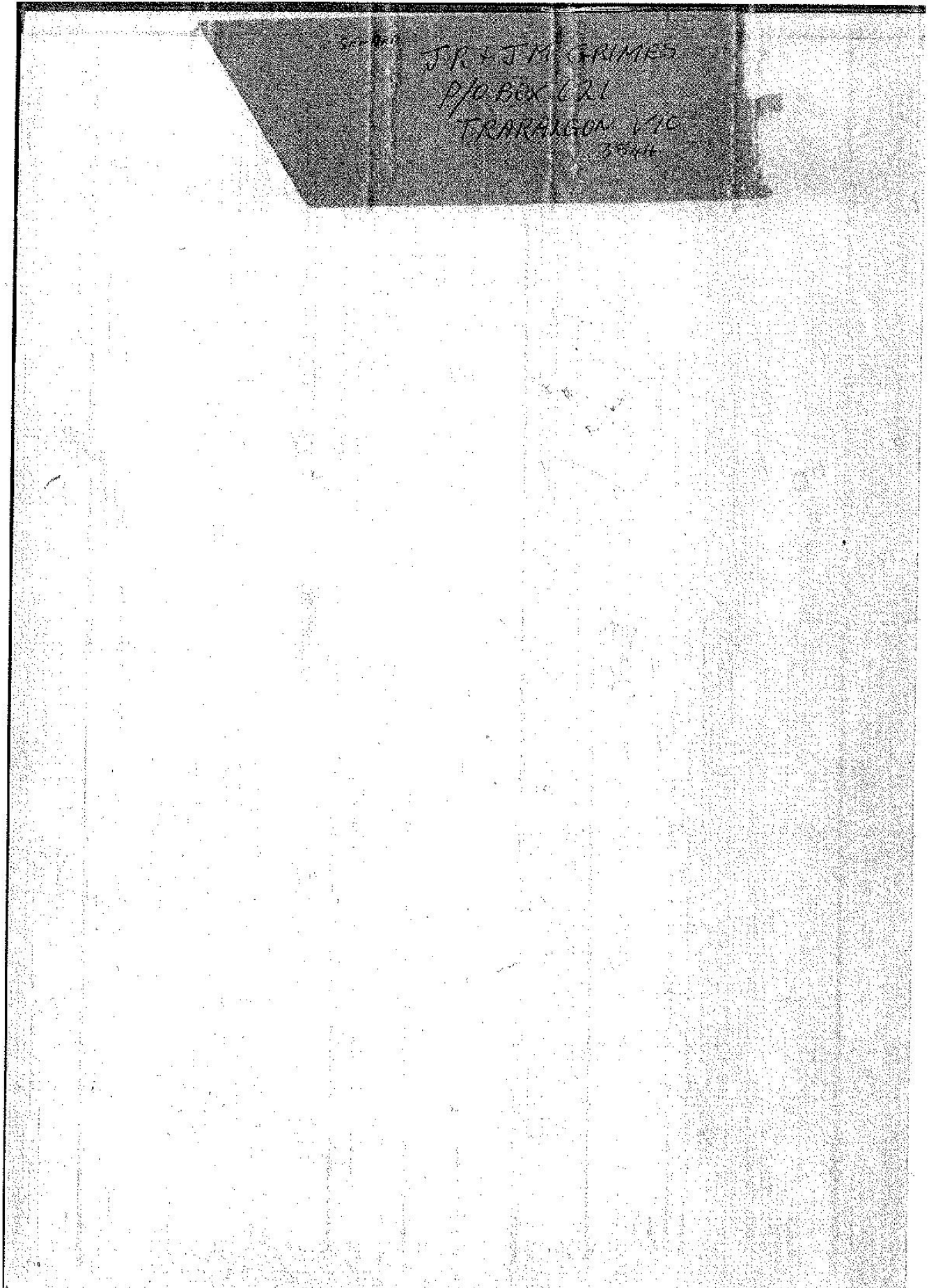


TIME : 12.00 NOON
ANGLE OF SUN FROM TRUE NORTH : 4° 32' 54"
ANGLE OF SUN FROM THE HORIZON : 31° 37' 51"



TIME : 3.00p.m.
ANGLE OF SUN FROM TRUE NORTH : 320° 21' 43"
ANGLE OF SUN FROM THE HORIZON : 20° 07' 18"





Jody Riordan

From: Ash Hemming <ash-hem@hotmail.com>
Sent: Sunday, 2 June 2013 1:28 PM
To: Jody Riordan
Subject: Response letter
Attachments: SKMBT_C28013060213150.pdf; ATT00001.htm

Hi Jody,

Please find attached our letter of response to the objection. We have posted the original copy in the mail along with the statutory declaration which I will also forward to you now. Please let us know if there's anything else we need to do!

Cheers
Ash Burns

Sent from my iPhone

Begin forwarded message:

From: Simon Burns <Simon@fnlatrobe.com.au>
Date: 2 June 2013 1:23:11 PM AEST
To: Ash Hemming <ash-hem@hotmail.com>
Subject: Fwd: Message from KMBT_C280

Sent from my iPhone

Begin forwarded message:

From: <Scans@fnlatrobe.com.au>
Date: 2 June 2013 1:15:45 PM AEST
To: <simon@fnlatrobe.com.au>
Subject: Message from KMBT_C280
Reply-To: <Scans@fnlatrobe.com.au>

02/06/2013

Latrobe City Council
Planning department
PO BOX 264
MORWELL 3840
VIC

RE: RESPONSE TO OBJECTION TO PLANNING PERMIT 2013/110 AT 23 QUEENS PARADE TRARALGON. DEVELOPMENT ASSOCIATED WITH A DWELLING EXTENSION.

We write in response to the objection lodged on 22/05/2013 by the property owners of 3 Curran Street, Traralgon J R & J M Grimes.

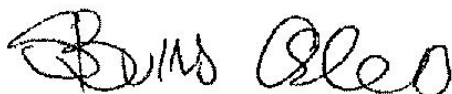
The proposed shadow plan has been performed by a qualified draftsman and has been accurately represented and is consistent with building regulations. In addition the shadow cast by the extension is not part of the decision criteria for the planning permit applied for. Therefore, it is not of relevance to the planning permit. The area of the property at 3 Curran Street that will be affected is described as a shared carriage way for the use of 3 Curran Street & 25 Queens Parade. This carriage way provides access to the rearyard of 25 Queens Parade and access must be provided to the owner at all times.

As shown on the plans submitted all external walls of the dwelling will be a minimum setback of 1 metre from all boundaries and will not impede the boundary at the rear or sides of the property. Once the planning application has been approved there will be no amendments made to the current boundary setbacks submitted.

A home occupation is currently registered with the Latrobe City Council and operates as 'Heirloom Salon' from 23 Queens Parade, Traralgon. The premises currently meets all guidelines for a home occupation and has been assessed and approved by the responsible authority. On completion of the proposed extension to the dwelling these requirements will continue be adhered to, and we would welcome Latrobe City Council to inspect the premises at any time in addition to the regular routine inspections.

We hope that the information provided accurately gives the confirmation requested by the concerned parties & that this will assist us in moving forward to an outcome which all parties involved are at ease with.

Regards,



Simon & Ashlee Burns.

From: Simon Burns
To: Jody Riordan <Jody.Riordan@latrobe.vic.gov.au>
Dale Harriman <Dale.Harriman@latrobe.vic.gov.au>
CC: ash-hem@hotmail.com <ash-hem@hotmail.com>
Date: 17/06/2013 10:07:49 AM
Subject: 23 Queens Parade, Traralgon (Shadow Plan)

Hi Jody,

Please find attached a thorough Shadow Plan for the proposed extension to 23 Queens Parade, Traralgon.

On this diagram it is clearly visible that the proposed extension does not exceed the carriage way

to the South of our property which is utilised by both 3 Curran Street and 25 Queens Parade,

Traralgon.

There is no vegetation in the laneway, other than common weeds.

I have asked Counsellor Harriman to speak with the objector once you have provide him a copy

of the shadow plan. As this may assist in the objector in understanding the shadowing plan and

the minimal impact it will have on neighbouring properties. It could also save the time for all parties

involved.

If you would like any further information, please do not hesitate to call.

Regards,

Simon Burns

0184 888 1111

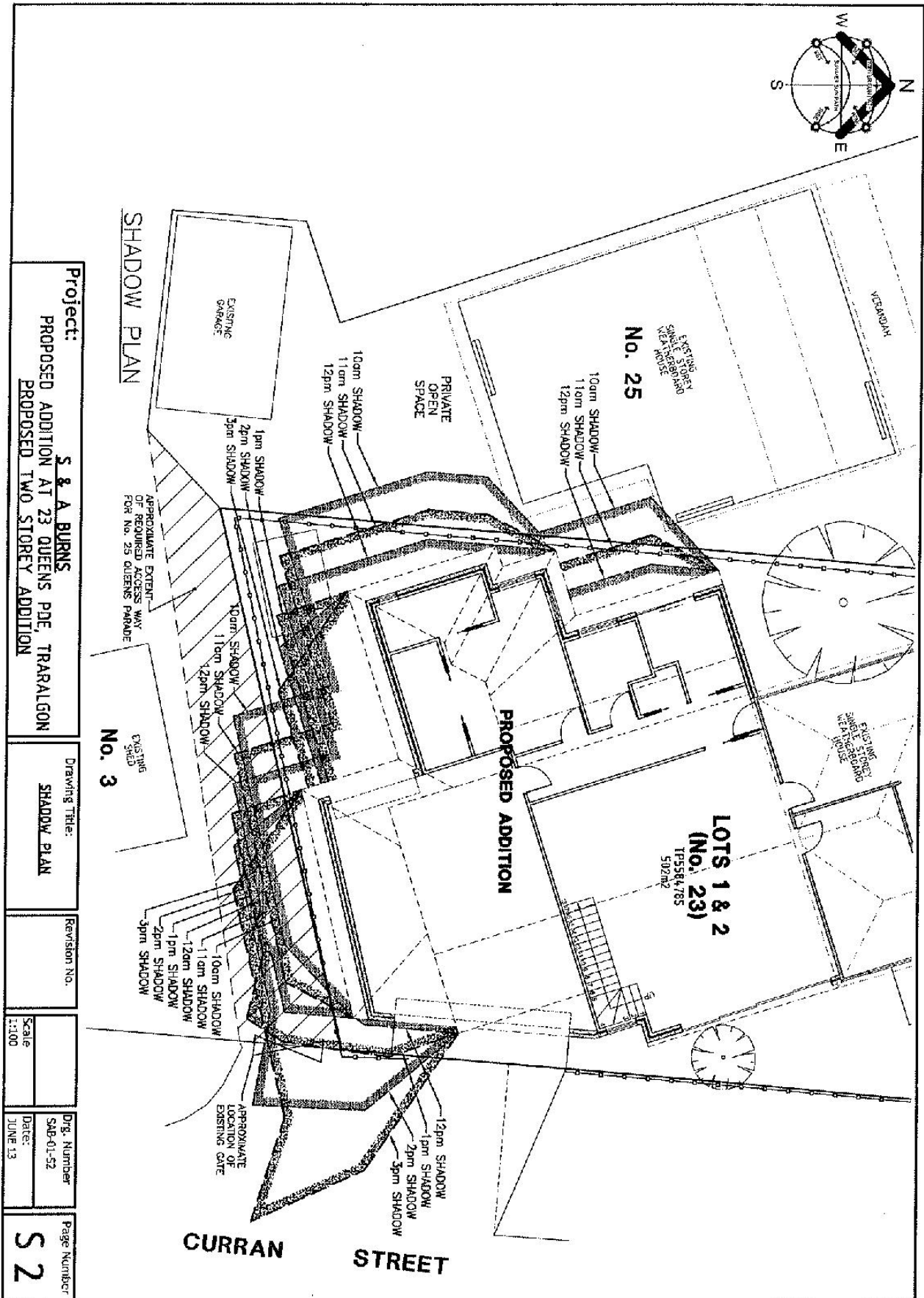
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P Be Green - Read on the Screen! Please consider the environment before printing this e-mail





HERITAGE ADVISOR'S REPORT/MEMO

Pre application advice :

Address	23 Queens Parade
Date:	29 February 2013
Heritage Overlay No.:	HO85 Railway Residential Precinct (23 Queens Pde is a contributory place within the precinct)

BACKGROUND:

A pre application meeting was held on site on 11 July 2012 with Ashlee Hemming and Simon Burns, and Jody Riordan from Latrobe City. Further advice has now been sought on preliminary plans.

The Statement of Significance for the Railway Residential precinct is:

The Traralgon Railway Residential precinct is of historic significance as an area that is associated with an important phase of development of Traralgon in the early to mid twentieth century that began the transfer of the railway depot to Traralgon in 1903, which led to increased demand for accommodation for railway workers in proximity to the station and stimulated the development of Traralgon as a regional centre. The precinct provides tangible evidence of the consequent expansion of the town beyond its originally surveyed boundaries to the south of the railway. (RNE criteria A.4 and D.2)

It has architectural significance as a representative example of a twentieth century residential precinct that provides evidence of the evolution and development of domestic architecture in Traralgon (RNE criterion D.2).

Relevant guidelines for the precinct include:

- Encourage a contextual approach to new development that is complementary in form, scale detailing and materials to the Significant or Contributory building/s or other features, but is clearly contemporary in design.
- Ensure that new development does not become a visually dominant element in the precinct as a result of its scale, form or siting; i.e. it should appear as a secondary element when compared to the Significant or Contributory building/s.

COMMENTS:

The existing house is an example of a representative late Edwardian style, and has had some alterations with windows and weatherboards replaced.

The discussion on site included the owners' requirements for a two storey extension to house, together with a garage and extension to the rear boundary. Advice was given by the Heritage Advisor that the site could accommodate a garage and small extension.

Three dimensional modelling has been provided to assess the potential for this project at the pre-application stage. The extension comprises a two storey attic style roof form set back from the frontage of the house by approximately the depth of one room. This extends almost to the rear boundary and incorporates at ground level, a double garage to Curran Street and a multi-hipped roof extension to the west side.

The proposed extension is large, effectively doubling the size of the existing house. Neighbouring properties are small late nineteenth century gable roofed cottages sited on narrow, long allotments with large gardens running through

23 QUEENS PARADE TRARALGON

to Meredith Street at the rear.

New developments in the area have tended to place larger buildings on existing sites, and the scale of new development has tended to be much larger. 17 Queens Parade and 1 Coates Street are examples of this development in the area, however these should not be taken as models for the future as they contrast strongly in scale and design from their surroundings.

CONCLUSION:

The two storey extension is largely consistent with the precinct guidelines of minimize the impact on the precinct and streetscape. Dimensioned plans should be able to indicate whether this is the case, or whether a small reduction in height and setback are needed to achieve this. It would appear possible to make this element comply with the guidelines.

In this regard it is considered that the upper floor extension meets the guideline of a contextual approach that is clearly contemporary in design.

It is considered that the design has been executed with some care as the to the scale and massing of the extension, however its very large size creates a building footprint that is very much bigger than surrounding buildings.

The garage and large extension to the west, much of which is to the boundary, is quite different traditional significant and contributory dwellings in the precinct.

In this regard it is considered that the proposed large boundary to boundary ground floor extensions will be visually dominant in the precinct.

RECOMMENDATIONS:

The two storey extension needs to be checked for the extent of visibility from the street, and lowered/modified if required.

A reduction in scale of the building extension at ground level so that boundary setbacks can be achieved is recommended.



Heritage Adviser
Context Pty Ltd

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

16.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

Governance

For Decision

DECLARATION OF INTEREST

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

DOCUMENTS

PP 2012/100	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Alexander Wilson and Victoria Wilson as the Owners of the Land more particularly described in Certificate of Title Volume 08625 and Folio 619 being Lot 13 on PS 714299N situated at 71 Kosciuszko Street, Traralgon pursuant to Condition 16 on PP 2012/100 issued 21 August 2012 providing that prior to the commencement of the subdivision, the owners must enter into a Section 173 agreement and comply with all matters set out in Condition 16 to the satisfaction of the Responsible Authority.
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Attachments
Nil

RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Alexander Wilson and Victoria Wilson as the Owners of the Land more particularly described in Certificate of Title Volume 08625 and Folio 619 being Lot 13 on PS 714299N situated at 71 Kosciuszko Street, Traralgon pursuant to Condition 16 on PP 2012/100 issued 21 August 2012.**

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

16.4 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 15 July 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 the 18 March 2013 and the 16 July 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
18 Mar 2013	Social Planning for Wellbeing Committee (SPWC) Welcome and Apologies Municipal Public Health and Wellbeing Plan (MPHWP) Latrobe City MPHWP Project Reference Group	Cr Sandy Kam Regina Kalb Amelie Ivkovic Debbie Mitchell Helen Taylor and Carole Ayres	NIL
13 June 2013	Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP) Project Reference Group Latrobe City MPHWP – Revised Key Actions Timeline and Progress Update MPHWP Community Consultations Draft MPHWP Strategic Consultations Future Work to Progress the Draft MPHWP	Cr Sharon Gibson Regina Kalb (Manager Healthy Communities) and Amélie Ivkovic (Coordinator Healthy Communities)	NIL
2 July 2013	Latrobe City Hyland Highway Municipal Landfill Consultative Committee Welcome, Minutes of the previous meeting, Environmental Protection Authority Report, OH&S at landfill Communication – Website and News Letter, Construction of Cell 3 – update, Other Items: Cell activities, Regional Landfill, New Business	Cr Dale Harriman Deirdre Griepsma, Chandana Vidanaarachchi	NIL

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
3 July 2013	<p>Latrobe Tourism Advisory Board</p> <p>Review of communication protocols to Council, TAB Objectives and promotional activities.</p>	<p>Cr Darrell White, Cr Christine Sindt Linda Brock, Rachel Callus</p>	NIL
4 July 2013	<p>Australia Day Advisory Committee Meeting</p> <p>Acceptance of the 2014 Australia Day Awards Conditions and nomination forms Accessibility at Civic Function – approval of assessable stage Cost of Auslan Interpreters Proposed 2014 Australia Day Budget Promotion of Australia Day Awards Program Victorian Australia Day Council Regional Meeting 21 August 2013 2014 Civic Function Entertainment Distribution of Australia Day Awards</p>	<p>Cr Darrell White Cr Christine Sindt Jason Membrey Wendy Hrynyszyn</p>	NIL
10 July 2013	<p>Latrobe Motorsport Complex Advisory Committee</p> <p>Development of Latrobe Motorsport Complex</p>	<p>Cr Graeme Middlemiss Jamey Mullen, Karen Tsebelis</p>	NIL
10 July 2013	<p>Latrobe Regional Gallery Advisory Committee meeting</p> <p>Latrobe Regional Gallery Advisory Committee Draft Terms of Reference and current council review of advisory committees; Draft Objectives for proposed Arts Strategy project brief including relationship of the arts to tourism, technology and education; the winding up of an independent Latrobe Regional Gallery business transaction bank account (signatories: Jan Tulloch, Ann Dyer & Gary Dunbier) and the donation of these funds toward conservation of works on paper in LRG collection. The arts director will provide an acquittal report to the Advisory Committee; the proposal an acceptance of an acquisition into the LRG collection</p>	<p>Cr Darrell White, Cr Peter Gibbons Julie Adams</p>	NIL

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)**

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
	- Michael Gallop 'Nostalgia'; a report from the Director regarding exhibitions, public programs and recent media coverage in the Age newspaper and Gallery Guide.		
16 July 2013	Warren Terrace Reserve Advisory Committee Master plan for Warren Terrace	Cr Sandy Kam Karen Tsebelis	NIL

Attachments

1. Assembly of Councillors - Not Confidential - 5 August 2013

RECOMMENDATION

That Council note this report.

16.4

Assembly of Councillors

1	Assembly of Councillors - Not Confidential - 5 August 2013.....	529
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Assembly of Councillors Record

Assembly details: Social Planning for Wellbeing Committee (SPWC)

Date: Monday 18 March 2013

Time: 2.00 pm – 3.30 pm

Assembly Location: Meeting Room 6, Latrobe City Council Offices, Morwell

In Attendance:

Councillors: Cr Sandy Kam

Officer/s: Regina Kalb (Manager Healthy Communities), Amelie Ivkovic (Coordinator Healthy Communities), Debbie Mitchell (BE ACTIVE Program Coordinator), Helen Taylor (Manager Community Health and Wellbeing) and Carole Ayres (Executive Assistant Community Liveability).

Matter/s Discussed:

Welcome and Apologies
Municipal Public Health and Wellbeing Plan (MPHWP)
Latrobe City MPHWP Project Reference Group

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

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

Councillors: N/A

Officer/s: N/A

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Christine Body (Administration Officer Healthy Communities)



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: Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP)
Project Reference Group

Date: 13 June 2013

Time: 1.00 pm – 3.00 pm

Assembly Location: Meeting Room, Moe P.L.A.C.E., 14-41 Vale Street, Moe

In Attendance:

Councillors: Cr Sharon Gibson

Officer/s: Regina Kalb (Manager Healthy Communities) and Amélie Ivkovic (Coordinator Healthy Communities)

Matter/s Discussed:

Latrobe City MPHWP – Revised Key Actions Timeline and Progress Update
MPHWP Community Consultations
Draft MPHWP Strategic Consultations
Future Work to Progress the Draft MPHWP

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: Christine Body (Administration Officer Healthy Communities)



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

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- the matters considered;
- 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;

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Brief Explanation:

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- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

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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.

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- the Council; or
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- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Latrobe City Hyland Highway Municipal Landfill Consultative Committee

Date: 2 July 2013

Time: 5.00 PM

Assembly Location: MacFarlane Burnet Room, Traralgon Service Centre

In Attendance:

Councillors: Cr Dale Harriman

Officer/s: Deirdre Griepsma, Chandana Vidanaarachchi.

Matter/s Discussed:

Welcome

Minutes of the previous meeting

Environmental Protection Authority Report

OH&S at landfill

Communication – Website and News Letter

Construction of Cell 3 – update

Other Items - Cell activities

- Regional landfill

- New business

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: Deirdre Griepsma



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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Brief Explanation:

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

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- the Council; or
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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)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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Assembly of Councillors Record

Assembly details: Latrobe Tourism Advisory Board

Date: 3 July 2013

Time: 5.35pm

Assembly Location: Nambur Wariga meeting room, Latrobe City Council Head Quarters, Morwell

In Attendance:

Councillors: Cr Darrell White, Cr Christine Sindt

Officer/s: Linda Brock, Rachel Callus

Matter/s Discussed: Review of communication protocols to Council, TAB Objectives and promotional activities.

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: Linda Brock



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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2. Section 76AA definition:

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- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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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: Australia Day Advisory Committee Meeting

Date: 4 July 2013

Time: 5:00 pm – 6.15 pm

Assembly Location: Nambur Wariga, Council Headquarters, Morwell
(e.g: Town Hall, TOWN, No. xx ADDRESS, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Darrell White & Cr Christine Sindt

Officer/s: Jason Membrey & Wendy Hrynyszyn

Matter/s Discussed:

Acceptance of the 2014 Australia Day Awards Conditions and nomination forms
Accessibility at Civic Function – approval of assessable stage
Cost of Auslan Interpreters
Proposed 2014 Australia Day Budget
Promotion of Australia Day Awards Program
Victorian Australia Day Council Regional Meeting 21 August 2013
2014 Civic Function Entertainment
Distribution of Australia Day Awards

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: Wendy Hrynyszyn



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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- the Council; or
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- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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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: Latrobe Motorsport Complex Advisory Committee

Date: 10 July 2013

Time: 5.00 pm

Assembly Location: Latrobe City Council Offices

In Attendance:

Councillors: Cr. Graeme Middlemiss

Officer/s: Jamey Mullen, Karen Tsebelis

Matter/s Discussed: Development of Latrobe Motorsport Complex

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: Karen Tsebelis



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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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: Latrobe Regional Gallery Advisory Committee meeting

Date: 10 July 2013

Time: 5.30pm - 6.35pm

Assembly Location: Latrobe Regional Gallery, 138 Commercial Rd Morwell

In Attendance:

Councillors: Cr Darrell White, Cr Peter Gibbons

Officer/s: Julie Adams

Matter/s Discussed: Latrobe Regional Gallery Advisory Committee Draft Terms of Reference and current council review of advisory committees; Draft Objectives for proposed Arts Strategy project brief including relationship of the arts to tourism, technology and education; the winding up of an independent Latrobe Regional Gallery business transaction bank account (signatories: Jan Tulloch, Ann Dyer & Gary Dunbier) and the donation of these funds toward conservation of works on paper in LRG collection. The arts director will provide an acquittal report to the Advisory Committee; the proposal an acceptance of an acquisition into the LRG collection - Michael Gallop 'Nostalgia'; a report from the Director regarding exhibitions, public programs and recent media coverage in the Age newspaper and Gallery Guide.

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: Julie Adams



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;
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- 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.

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- the Council; or
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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.

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"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: Warren Terrace Reserve Advisory Committee

Date: 16 July 2013

Time: 5 pm - 6 pm

Assembly Location: Latrobe City Corporate Headquarters

In Attendance:

Councillors: Cr. Sandy Kam

Officer/s: Karen Tsebelis

Matter/s Discussed: Master plan for Warren Terrace

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: Karen Tsebelis



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:

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Brief Explanation:

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- the Council; or
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"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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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:

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16.5 PROCUREMENT POLICY REVIEW**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to provide the Procurement Policy 13 POL-5 for Council consideration.

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 2013-2017.

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 2013 - 2017***Theme and Objectives***

Efficient, effective and accountable governance.

To achieve the highest standards of financial probity and meet all statutory obligations.

To provide open, transparent and accountable governance.

Strategic Directions

Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.

Increase local procurement of goods and services received by Council where feasible.

Establish and maintain rigorous Council policies that comply with legislation and respond to community expectation.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

*Continuously improve financial management and reporting.
Continuously improve decision-making structures and processes.*

Legislation – Local Government Act 1989

Sections 186A Procurement Policy of the Local Government Act 1989

1. A Council must prepare and approve a procurement policy.
2. A Council must within 12 months after the commencement of section 67 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 prepare and approve a procurement policy.
3. A procurement policy must include any matters, practices or procedures which are prescribed for the purposes of this section.
4. A Council must have regard to guidelines made under subsection (5) in preparing a procurement policy.
5. The Minister may make guidelines with respect to the form or content of a procurement policy.
6. Guidelines made under subsection (5) must be published in the Government Gazette.
7. At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.
8. A copy of the current procurement policy must be available for inspection by the public—
 - (a) at the Council office; and
 - (b) on the Council's Internet website.
9. A Council must comply with its procurement policy.
10. In this section procurement policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

Policy - Council Policy Development Policy 13 POL-6

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficacy of the process and the overall policy framework.

ORDINARY COUNCIL MEETING AGENDA 05 AUGUST 2013 (CM416)

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

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

BACKGROUND

The Procurement Policy has been developed in accordance with Section 186A of the *Local Government Act 1989*, using a preferred template by Local Government Victoria Procurement division and taking into consideration the Victorian Local Government Best Practice Procurement Guidelines 2013.

Section 186A requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants while engaged by Council.

In accordance with the *Local Government Act 1989*, Councils are required to review and update their Procurement Policy every 12 months. The revised Procurement Policy 13 POL-5 was presented to Councillors at the ordinary council meeting on 29 April 2013, with the intention to be adopted on or before 17 June 2013. Council decided to delay the adoption of the Procurement Policy to enable further Councillor discussion.

Additional information was provided to Councillors at Confidential Issues and Discussions sessions held on the 13 & 27 of May and the 8 of July 2013.

The revised Procurement Policy 13 POL-5 was presented as an agenda item for discussion at the Audit Committee meeting on 6 June 2013 and it was noted that council was still to undertake further amendment to the policy.

ISSUES

Changes made to Procurement Policy 13 POL-5 are as follows:

- All variations must be approved prior to the commencement of works in accordance with the delegation register – S8 Staff Delegation Guidelines, unless defined by the divisional General Manager as emergency or unavoidable works.
- Standard weightings have been set for tender evaluation criteria with deviations to the standard weightings only being allowed at the discretion of the Chief Executive Officer.
- Additional information on Latrobe City Councils commitment to social procurement, detailing where practicable the purchasing of goods, services and works from local suppliers and contractors.
- Minor grammatical changes.

Currently Latrobe City Council must work under the previous Procurement Policy (Procurement Policy 12 POL-4) until such time as the new policy is adopted by Council.

Council has not met statutory requirements and completed their review within the 2012/13 financial year; accordingly Procurement Policy 13 POL-5 is presented for consideration.

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.

Latrobe City council is currently in breach of the *Local Government Act 1989* Section 186A in that the procurement policy has not been reviewed and updated within the required 12 month period. There is no statutory penalty associated with this breach.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The policy has been the subject of comprehensive internal consultation throughout the review process, with officers and Councillors.

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)****OPTIONS**

The following options are available to Council:

1. Adopt the revised policy document as presented.
2. Amend and adopt the policy.
3. Not adopt the policy and advise the Minister; however it is noted that this option will result in Latrobe City Council remaining in breach of Section 186A of the *Local Government Act 1989*.

CONCLUSION

It is recommended that Council adopts the reviewed Procurement Policy 13 POL-5 as presented.

Should further discussion and action on changes to the policy be required this process be carried out in the 2013/2014 financial year review process.

Attachments

1. Procurement Policy 13 POL-5

RECOMMENDATION

1. That Council adopts the Procurement Policy [13 POL-5].
2. That the 2013-2016 Council Policy Manual be updated with the revised Procurement Policy [13 POL-5].
3. That the Chief Executive Officer write to the Minister for Local Government advising of the breach to Section 186A of the *Local Government Act 1989*

16.5

Procurement Policy Review

1	Procurement Policy 13 POL-5.....	553
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Document Name: **Procurement Policy**

13 POL-5

Adopted by Council:

Policy Goals

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

- The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process);
 - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement; and
 - a professional approach.

Relationship to Latrobe 2026 and Council Plan

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

Governance

Latrobe 2026:

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.

Council Plan:

- Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.
- Increase local procurement of goods and services received by Council where feasible.
- Establish and maintain rigorous Council policies that comply with legislation and respond to community expectation.
- Continuously improve financial management and reporting.
- Continuously improve decision-making structures and processes.

Regulation and Accountability

Latrobe 2026:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Council Plan:

- To achieve the highest standards of financial probity and meet all statutory obligations.
- To provide open, transparent and accountable governance.

Scope

This Procurement Policy is made in accordance with Section 186A of the *Local Government Act 1989* (the Act).

Section 186A of the Act requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants while engaged by Latrobe City Council.

Policy Implementation

1. Ethics and Probity

1.1 Requirement

The Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

1.2 Conduct of Councillors and Council Staff

1.2.1 General

Councillors and Council staff shall at all time conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;

- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

Council staff who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

1.2.2 Members of Professional Bodies

Councillors and Council staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

1.2.3 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff shall not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to the Council.

1.2.4 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related, relevant Council policies and procedures.

Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

2. Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated policies, procedures, relevant legislation, relevant Australian Standards and the Act.

2.1 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.2 Gifts and Hospitality

In accordance with Council's current Gifts and Hospitality Policy, Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

2.3 Disclosure of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in-confidence information; and
- pre-contract information including but not limited to information provided in quotations and tenders, or subsequently provided in pre-contract negotiations.

Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

2.4 Advertising of Tenders

For tenders of goods and services with a value of less than \$150,000 including GST and construction works with a value of less than \$200,000 including GST, in accordance with section 186 of the Local Government Act 1989, a public invitation via local newspapers is required.

For tenders of goods and services with a value of equal to or in excess of \$150,000 including GST, and construction works with a value of equal to or in excess of \$200,000 including GST, in accordance with Section 186 of the Local Government Act 1989, a public invitation via a daily newspaper that has national syndication is required.

2.5 Receipt of Tenders

Tenders may be lodged in the Tender Box at the Latrobe City Council's Corporate Headquarters in Morwell, either personally or by mail, or via Council's e-tendering portal. It will be at the discretion of the Procurement team and Contract Supervisor to decide how tenders are to be lodged.

All tenders must be lodged as specified in the terms and conditions of the tender document.

2.6 Opening of Tenders

A list of tenders and their closing date will be published to Councillors, who may be present at the opening of tender submissions. The opening of tender submissions will take place in the presence of:

- At least two members, including at least one from the Procurement Team, who have not made a declaration of interest in relation to the tender being opened.

2.7 Acceptance of Tenders

Latrobe City Council will not be bound to accept the lowest or any tender. Tenders received after the time and date specified or submitted by facsimile or email will not be accepted.

2.8 Reporting of Tenders

To ensure transparency and that Council reports to its community openly and honestly, all tenders accepted by the Chief Executive Officer or the Council shall be reported to the next available Ordinary Council Meeting. This will include the name of the contractor, the description of the works and, where applicable, the total potential contract value.

2.9 Evaluations

The evaluation panel must consist of a minimum of three members, with at least one member being independent of the business unit responsible for the goods, services or works being tendered. All members of the evaluation panel must declare any conflicts of interest prior to the commencement of the evaluation process.

Tenders will be evaluated against established criteria and standard weightings will apply, with any deviation from this to be approved by the Chief Executive Officer and reported to Council in the tender report. The following criteria and weightings are mandatory and will be stated in respective tender documents;

Criteria	Weightings
Price	30%
Capacity	13%
Track Record	13%
Time Performance	13%
Occupational Health and Safety	13%
Benefit to the Regional Economy	13%
Employment of Trainees/Apprentices	5%

At the completion of the evaluation process all members of the evaluation panel must sign the evaluation memo.

In order to address issues of contract administration efficiency and commercial confidentiality in the process of inviting and considering tenders, the following principles will apply:

- Tenders for formal contracts will be considered and decided by Council in a meeting closed to the public or, where a tender for consideration is below the prescribed amount for goods and services with a value of less than \$150,000 including GST and construction works with a value of less than \$200,000 including GST, considered by the Chief Executive Officer under delegation;
- Quotations to be considered and decided by authorised staff complying with established procedures;
- Unsuccessful tenderers to be provided only with the name and contract sum (where it is a lump sum) of the successful tenderer and the reasons for the award of the contract;
- All information relating to tenders and quotations, other than that made available to unsuccessful tenderers and respondents, is to remain confidential.

2.10 Acceptance of Tenders

Approval of tenders shall be based on two levels:

- Where tenders for goods and services have a value equal to or in excess of \$150,000 including GST or for construction works a value equal to or in excess of \$200,000 including GST, the tender must be submitted to a Council Meeting for approval by Council.
- Where tenders for goods and services with a value of less than \$150,000 including GST or for construction works with a value of less than \$200,000 including GST, the Chief Executive Officer has authority under delegation to approve.

2.11 Post Tender Negotiations

Where appropriate, Council will continue to utilise post tender negotiations, which may include negotiations to adjust errors in tender bids, to achieve suitable and sustainable tendering outcomes.

3. Commencement of Contract

An awarded Contract will not commence until all contractual documentation has been signed and sealed, and all relevant documentation and securities has been received, including Bank Guarantees, Insurances, and relevant Occupational Health and Safety information.

4. Extensions and Variations to Contracts

4.1 Extensions under clause of Contract

Where an extension to a Contract is covered by a clause and duly offered to the Contractor, it shall be deemed to have approval based on the initial acceptance of the contract process. A letter confirming the extension will be forwarded to the Contractor.

4.2 Extension where no clause of Contract exists

Where an extension to a Contract is required to be offered but no clause in the Contract exists, it is required that the extension can only be for a 'short' period, limited to a maximum of four months. Approval of the extension must be in accordance with the authorised delegations, and have regard to the following requirements:

- The extension must not alter the intent of the Contract;
- The extension must not create a significant change to the Contract, be it financial or delivery, and
- Must fall within the scope and capabilities of the Contractor.

4.3 Variations

During a Contract Term, where it is necessary to introduce a variation(s), the following is to apply:

- The variation must not alter the intent of the Contract;
- The variation must not create a significant change to the Contract, be it financial or delivery;
- Must fall within the scope and capabilities of the Contractor;
- Approval must be determined by the delegations governing variations.

Where a variation is deemed to be outside of the parameters stated, then the variation or the project in total, whichever the most appropriate, shall be retendered.

All variations must be approved prior to the commencement of works in accordance with the delegation register – S8 Staff Delegation Guidelines, unless defined by the divisional General Manager as emergency or unavoidable works.

5. Governance

5.1 Structure

The Council shall:

- ensure that the Councils' procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
 - encourages competition; and
 - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

5.2 Methods

The Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- petty cash;
- purchasing card, including corporate card;
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
- under contract following a tender process; or
- using aggregated purchasing arrangements with other councils;

or other arrangements in accordance with Section 186 of the Act.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with an expression of interest stage, followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the Council wishes to consider ahead of the formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;

- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

5.3 Procurement Thresholds and Competition

5.3.1 Minimum Spend Competition Thresholds

5.3.1.1 Tenders

Purchase of all goods and services for which the estimated expenditure equals or exceeds \$150,000 including GST, and construction works for which the estimated expenditure equals or exceeds \$200,000 including GST, must be undertaken by public tender as per the thresholds contained in the Act.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds.

5.3.1.2 Quotations

Purchase of goods and services having a total value of less than \$150,000 including GST and construction works having a total value of less than \$200,000 including GST, may be undertaken using the procurement by quotation method as described below:

- Items with a value of less than \$5,000 including GST – Request for Quotation:
 - A minimum of one verbal quotation must be obtained and the details recorded before placing an order.
- Items with a value \$5,000 to less than \$25,000 including GST – Request for Quotation:
 - A minimum of two written quotations must be obtained.
 - The quotation offering the best value for money must be confirmed in writing by the supplier and both quotations received, are to be attached to the purchase order placed with that firm.
- Items with a value \$25,000 to less than \$150,000 including GST for goods and services and \$25,000 to less than \$200,000 including GST for construction works – Request for Quotation:
 - A minimum of three written quotations must be obtained by issuing a written Request for Quotation. Public advertising is not required. The quotation offering the best value for money must be confirmed in writing by the supplier and all quotations received, are to be attached to the purchase order placed with that firm.
- Public Advertising:

- Quotations may be advertised at the Council staff member's discretion in addition to the methods above. This may occur when a field of potential suppliers has not been established, or an innovative approach is required, or the project has broad appeal that may attract competitive pricing.
- Insufficient quotations:
 - The situation may arise where insufficient quotations are received to satisfy the above requirements.
 - This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, an appropriate comment, including details of the circumstance, will be required as an attachment to the purchase order.

6. Delegation of Authority

6.1 Requirement

Delegations define the authority that Council staff must work within, to make decisions on behalf of Council. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

6.2 Council Staff

The Council shall maintain a documented record of authorised procurement delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of the Council.

6.3 Internal Controls

The Council will implement and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities; and
- delegated authority is adhered to for requesting and approval of all goods and services procured.

6.4 Commercial Information

Procurement activities will be carried out in a manner that supports Council staff in meeting their obligations to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with relevant Council guidelines.

6.5 Risk Management

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

7. Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts where appropriate;
- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and performance management.

7.1 Contract Terms

All contractual relationships must be documented in writing in accordance with established standard terms and conditions.

Where this is not possible, appropriate authorisation must be obtained. Any such authorisation should be supported with procurement and legal advice as relevant. To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier.

8. Endorsement

Council staff must not endorse any products or services.

9. Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions.

10. Contract Management

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works.

11. Occupation Health and Safety (OH&S)

All procurement must take into consideration Council's current OH&S policy, and current OH&S Contractor Management procedure requirements in order to comply with relevant OH&S legislation.

12. Achieving Value for Money

12.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining value for money.

12.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

12.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's value for money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;

- eliminates unnecessarily stringent requirements.

Specifications should consider all areas of risk, including financial, occupational health and safety, community and environmental impact.

12.4 Diversity

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

13. Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

13.1 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council;
- Criticality of goods or services, to the delivery of the Council's services;
- Availability of substitutes;
- Market share and strategic share of suppliers.

13.2 Social Procurement

Latrobe City Council is committed to buying from local businesses where such purchases may be justified on Best Value for Money grounds.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within Latrobe City. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Latrobe City region.

14. Training

All staff will be made aware of the requirements of Council's procurement policy and processes through the provision of documentation and training programs.

15. Sustainable Procurement

15.1 General

Latrobe City Council is committed to reducing its environmental impacts and operating in a sustainable manner. To work towards this, Council will monitor and report on Council activities and programs that have an impact on the environment or reduce environmental harm. This includes, but is not limited to:

- Waste management;
- Recycling;
- Energy management;
- Emissions management;
- Water conservation;
- Green building design; and
- Environmental preferable procurement.

15.2. Environmentally Sustainable Procurement

Latrobe City Council is committed to adopting a Green Procurement approach by supporting the principles of sustainable procurement, within the context of purchasing on a value for money basis.

Value for money purchasing decisions made by Council will be based on the whole-of-life cost and non-price factors including contributing to the Council's sustainability objectives, the cost of consumables, operation, maintenance and sustainable end-of-life disposal.

Latrobe City Council prefers to purchase environmentally preferred products whenever they achieve the same function and value for money outcomes. Therefore Council will consider the following environmentally sustainable criteria:

- Reduce, Reuse and Recycle

Council is committed to reduce resources, consumption and minimise waste during the procurement life including:

- Selecting products that reduce the amount of materials required such as packaging and consumables;
- Seek to reuse items where possible and extend the useful life of products and equipment through maintenance and repair or reallocation;
- Commit to buying recycled/part recycled products that optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards a zero discharge to landfill;
- Avoid the unnecessary purchase of goods and services through identifying ways to carry out a function or task without using materials that generate waste (e.g. sending information via email instead of paper) and checking stores and other departments for excess goods.

- Minimise Greenhouse Gas Emissions
 - Latrobe City Council would prefer and encourage the use of electronic products that are more energy efficient;
 - Select energy and fuel efficient products;
 - In addition to the operation of energy performance, consider the energy and water requirements of the product during its production, transportation and eventual disposal.
- Minimise Habitat Destruction
 - Purchase paper and wood products obtained from recycled, plantation, salvaged or renewable sources;
 - Purchase products that reduce or eliminate the use of toxic chemicals.
- Minimise Toxicity
 - Purchase materials and products that reduce or eliminate toxic or polluting materials;
 - Purchase products and materials that minimise or eliminate the release of toxic substances that can affect human health and pollute water, land or air at any stage of their life cycle.
- Maximise Water Efficiency
 - Purchase products that have the best water rating for the price and conserve water or use water in an efficient way.
- Minimise Soil Degradation
 - Purchase products materials and services that will not degrade or pollute the soil or result in erosion through their use.
- Green the Supply Chain
 - Latrobe City Council will encourage suppliers to adopt good environmental and management practices that also respect the rights of all employees and the local community;
 - Latrobe City Council will seek to engage suppliers proactively to assist them to meet sustainability objectives;
 - Latrobe City Council will actively promote green procurement throughout its supply chain and ensure our selection has minimum environmental impact.

16. Continual Improvement

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

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

Signed :

Chief Executive Officer

Date :

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

Nil reports

MEETING CLOSED TO THE PUBLIC

**ORDINARY COUNCIL MEETING AGENDA
05 AUGUST 2013 (CM416)****18. MEETING CLOSED TO THE PUBLIC**

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

RECOMMENDATION

That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

18.1 LCC-65 RECONSTRUCTION OF VINDIN AVENUE AT MORWELL

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

18.2 LCC -103 KERB AND CHANNEL REPLACEMENT PROGRAM

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

18.3 SPORTING SPONSORSHIP APPLICATION

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

18.5 MAYORAL SPONSORSHIP COMMITTEE – HALF YEARLY REPORT

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

18.6 COUNCILLOR INFORMATION REQUEST

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

**18.7 COMMUNITY GRANTS REQUEST FOR CHANGE TO
PROJECT 1757**

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.