



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL**

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

CM425



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/Kūrnai Clan and pay our respect to their past and present elders

3. APOLOGIES AND LEAVE OF ABSENCE**4. DECLARATION OF CONFLICT 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 int

5. ADOPTION OF MINUTES**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting meeting held on 6 November 2013 and Special Council Meeting meeting held on 11 November 2013 be confirmed.

6. PUBLIC QUESTION TIME

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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
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

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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
01/07/13	Traffic Investigation At Finlayson Crescent Traralgon	<ol style="list-style-type: none"> 1. That Council install temporary traffic calming devices in Finlayson Crescent, Traralgon for a period of six months. 2. 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. 3. That a final determination be made by Council on review of these figures. 4. 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	Churchill East West Link Draft Master Plan: Exhibition of Report	That the outcomes of the exhibition be considered for incorporation in the final Churchill East West Link Draft Master Plan and Urban Design Framework, to be considered by Latrobe City Council at a meeting later in 2013.	General Manager Recreation, Culture & Community Infrastructure
05/08/13	Traralgon to Morwell Shared Pathway Feasibility Study-Issues and Opportunities Report	That a further report be presented to Council following the completion of the consultation period.	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
16/09/13	2013/20 - Notice Of Motion - Adam View Court, Tanjil South	That a report be provided to Council on options available for the mitigation of flooding at 25 Adam View Court, Tanjil South.	General Manager Recreation, Culture & Community Infrastructure
16/09/13	14.2 Proposed Removal Of Pedestrian Shelters Located At The Entrance To Hammersmith Circuit Traralgon	1. That Council undertake consultation with all Strand Estate Residents seeking their opinion on the proposed removal of the shelters. 2. That a further report be presented to Council detailing the findings of the consultation with estate residents.	General Manager Recreation, Culture & Community Infrastructure
16/09/13	14.3 Hazelwood Pondage Waterway And Caravan Park Lease	1. That Council authorise the Chief Executive Officer to commence negotiations with IPH GDF Suez for the lease of the caravan park, southern boat ramp and surrounds, northern boat ramp and surrounds and management of the waterway for recreational purposes, ensuring the following principals are addressed: •GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing; •GDF SUEZ to remain fully accountable for the pondage integrity; •Fair and equitable termination clauses should the power station close earlier than 2025; •Clarify risk, release and indemnity conditions; •Liquidated damages; •Clarify the end of lease conditions; •Clarify the early termination conditions 2. That a further report be presented to Council following negotiations with IPH GDF SUEZ seeking Council approval of the new lease arrangements at Hazelwood Pondage. 3. That Council write to the Minister for Regional & Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ .	General Manager Recreation, Culture & Community Infrastructure
07/10/13	Request for Speed Humps in Alexander Avenue, Moe	1. That Council agrees to lay the petition lodging a complaint about speeding vehicles in Alexander Avenue Moe, on the table until the Ordinary Council Meeting to be held on 2 December 2013. 2. That the head petitioner be advised of Council's decision in relation to the petition lodging a complaint about speeding vehicles in Alexander Avenue Moe.	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
07/10/13	Draft Latrobe City Municipal Public Health and Wellbeing Plan 2013-2017	<p>1. That Council releases the draft Municipal Public Health and Wellbeing Plan 2013-2017 for public comment.</p> <p>2. That a copy of the draft Municipal Public Health and Wellbeing Plan 2013-2017 be forwarded to all relevant stakeholders; be made available for viewing at Council Service Centres, Libraries and on Council's website; and public notices placed in the Council Noticeboard inviting community comment.</p> <p>3. That written submissions in relation to the draft Municipal Public Health and Wellbeing Plan 2013-2017 be received until 5 PM on Tuesday, 5 November 2013.</p> <p>4. That following the community consultation process a further report is presented to Council detailing all submissions received and presenting a Municipal Public Health and Wellbeing Plan 2013-2017 for consideration.</p>	General Manager Community Liveability
21/10/13	Review of Asset Management Policy and Asset Management Strategy	<p>1. That Council adopts the revised Asset Management Policy 13 POL-4; and</p> <p>2. That Council approves the release of the draft Asset Management Strategy 2014-2018 for community consultation for a period of five (5) weeks from Tuesday, 22 October 2013 – Friday 29 November 2013; and</p> <p>3. That a further report be presented to Council at the first Ordinary Meeting in 2014 on the Asset Management Strategy to consider all submissions received.</p>	General Manager Recreation, Culture & Community Infrastructure
21/10/13	Proposed Road Discontinuance – Liddiard Road, Traralgon	<p>1. That Council gives public notice of its intention to consider the proposed discontinuance of part of Liddiard Road, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.</p> <p>2. That Council considers any submissions received in relation to the proposed discontinuance of part of Liddiard Road, Traralgon, at the Ordinary Council Meeting to be held on Monday 2 December 2013.</p>	General Manager Governance

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Council Meeting Date	Item	Status	Responsible Officer
6/11/13	Latrobe Regional Motorsport Complex	<p>1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers.</p> <p>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</p> <p>3. That a further report be presented to Council at such time that site options have been investigated.</p>	General Manager Recreation, Culture & Community Infrastructure
6/11/13	Consideration of Adoption of the Traralgon Growth Areas Review (TGAR) and Planning Scheme Amendments Authorisation Request	That consideration of the Traralgon Growth Area Review be deferred pending appropriate community consultation.	General Manager Governance
6/11/13	Victoria Police Band	1. That Council write to the Chief Commissioner of the Victorian Police and request he provides a detailed explanation for the decision to disband the Victoria police band, Victoria police code one band and the Victoria police show band.	Chief Executive Officer

NOTICES OF MOTION

8. NOTICES OF MOTION**8.1 2013/26 – NOTICE OF MOTION COMMUNITY PROJECTS TO BE EXEMPT FROM PROCUREMENT POLICY****CR WHITE****MOTION**

- 1. That Latrobe City Council, to ensure the timely delivery of key community projects, exempts the following projects from the provisions of Latrobe City Procurement Policy 13-POL-6:
 - a) Gaskin Park, Churchill (Project N0622) – main oval lighting upgrade**
 - b) Churchill Town Centre Plan (Part of Project C0382) – procurement of tree pits only****
- 2. That the two above-mentioned projects be exempted from the requirement to Tender.**
- 3. That a minimum of three written quotes be obtained for each of the above-mentioned projects.**
- 4. That the Chief Executive Officer be authorised to enter the contracts of the above-mentioned projects on behalf of Latrobe City Council.**
- 5. That the Chief Executive Officer be authorised to sign off on appropriate variations for both of the above-mentioned projects**

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

9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION

9.1 TRARALGON TO MORWELL SHARED PATHWAY FEASIBILITY STUDY

General Manager

Recreation, Culture & Community
Infrastructure

For Decision

PURPOSE

The purpose of this report is to provide information to Council on the status of the Traralgon to Morwell Shared Pathways Feasibility Study and to propose an extension in respect to the report to be provided to Council outlining the results of the community engagement activities.

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

Theme and Objectives

Theme 2: Appropriate, Affordable & Sustainable Facilities, Services and Recreation

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

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

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

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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.

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

BACKGROUND

At the Ordinary Council meeting held on 5 August 2013 Council resolved the following:

- 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.*

A petition was received on 12 September 2013 containing 30 signatures to lodge an objection to the proposed route for the Traralgon to Morwell shared pathway.

The petition was tabled at the 7 October 2013 Council Meeting. At this meeting Council resolved:

- 1. That Council agrees to lay the petition objecting to the proposed route for the Traralgon to Morwell Shared Pathway on the table until the Ordinary Council Meeting to be held on 18 November 2013.*
- 2. That the head petitioner be advised of Council's decision in relation to the petition objecting to the proposed route for the Traralgon to Morwell Shared Pathway.*

ISSUES

The Traralgon to Morwell Shared Pathway Feasibility Study was released for community consultation on 5 August 2013 until 21 September 2013.

Submissions, surveys and feedback about the proposed shared pathway were received until 21 September 2013.

A total of 18 submissions and a petition have been received from the community about the shared pathway. Officers are currently analysing the results and further investigating a number of issues raised by the community. In order to present a considered response to each submission, an extension of time is required.

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 immediate financial implications arising from the report not being presented to Council as originally planned.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Community engagement activities to collect information and opinions about the Traralgon to Morwell Shared Pathway commenced on 7 August 2013 and finished on 21 September 2013. These activities included:

Survey

A Survey was available to complete online at Latrobe City Council's website at [http://www.latrobe.vic.gov.au/GetInvolve/Have Your Say/Traralgon to Morwell Shared Pathway](http://www.latrobe.vic.gov.au/GetInvolve/HaveYourSay/Traralgon%20to%20Morwell%20Shared%20Pathway) or a copy could be obtained at Latrobe City Council service centres.

Public Submission

Written submissions providing feedback about the shared pathway.

Community Listening Posts

Community Listening Posts were carried out to gather information from the general public about the shared pathway. These occurred on Saturday 7 September 2013 at the Traralgon Stockland Plaza and Mid Valley Shopping Centre in Morwell.

One on One Meetings

Interested individuals or groups could arrange to meet with the project manager to discuss the shared pathway.

Details of Community Consultation / Results of Engagement:

The results of community consultation, including submissions are currently being reviewed and collated and will be presented in a further report to Council.

OPTIONS

1. Grant an extension of time for officers to assess submissions and to prepare a report to Council.
2. Not grant an extension of time for officer to assess submissions and to prepare a report to Council.

**ORDINARY COUNCIL MEETING AGENDA
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The consultation period for the Traralgon to Morwell Shared Pathway finished on 21 September 2013. A petition and 18 submissions are currently being reviewed and collated.

A number of issues raised through the submissions are being investigated further. Due to the complexity of the issues raised, an extension of time is required to ensure that a thorough report to presented to Council for consideration.

Attachments
Nil

RECOMMENDATION

- 1. That the report detailing the results from the community consultation for the Traralgon to Morwell Shared Pathway Feasibility Study be presented to Council for consideration at the Ordinary Council Meeting held in December 2013.**
- 2. That the petition received and laid on the table until the 18 November 2013, objecting to the proposed route for the Traralgon to Morwell Share Pathway be addressed within the report detailing the results from the community consultation.**
- 3. That the head petitioner be advised in writing that the petition will be addressed within the report detailing the results from the community consultation in December 2013.**

9.2 CHILDREN'S SERVICES PLAN 2013 - 2017

General Manager

Community Liveability

For Decision

PURPOSE

The purpose of this report is to present the Children's Services Plan 2013-2017 for Council consideration, along with the results of the community consultation in relation to the draft plan.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

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

Latrobe City Council Plan 2012 - 2016

Theme and Objectives

Theme 2: affordable and sustainable facilities, services and recreation

- To promote and support a healthy, active and connected community.
- To provide facilities and services that are accessible and meet the needs of our diverse community.

Theme 4: Advocacy for and consultation with our community

- To ensure effective two-way communication and consultation processes with the community in all that we do.

Theme 5: Planning for the future

- To provide a well planned, connected and liveable community.

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Strategic Direction – Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.
Shaping Our Future
Strengthening our profile

Strategy & Plans – Latrobe City Childcare Strategy 2006 – 2011

Legislation – Education and Care Services National Law Act 2010

Policy – Childcare Centre Policy 11 POL-5

Refer to council policy Manual F:\General\2009-2012 Policy Manual\Childcare Centre Policy 11 POL-5

- *Family Day Care Policy 11 POL-5*

Refer to council policy Manual F:\General\2009-2012 Policy Manual\Family Day Care Policy 11 POL-5

- *Preschool Policy 11 POL-5*

Refer to council policy Manual F:\General\2009-2012 Policy Manual\Preschool Policy 11 POL-5

- *Maternal and Child Health Policy 11 POL-5*

Refer to council policy Manual F:\General\2009-2012 Policy Manual\Childcare Centre Policy 11 POL-5

BACKGROUND

The Latrobe City Childcare Strategy 2006 – 2011 is a strategy that established Council's leadership role in families living in Latrobe City having access to high quality childcare services. At the time of its preparation and release, it cemented Latrobe City Council's commitment to the provision of high quality childcare services to its community.

The strategy aimed to improve the wellbeing of families living in Latrobe City by supporting parents and creating an environment that enabled children the opportunity to grow and develop to their full potential.

The childcare strategy identified three key areas of focus for an effective and relevant childcare system within the municipality. These areas are:

- Strategic Planning
- Community Capacity Building
- Service Delivery

Adopted by Council in February 2006, the childcare strategy was due for review in 2011.

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It was identified in the early stages of the review that the strategy needed to be expanded to incorporate the strategic direction and provision of early years services provided by Latrobe City. The result has been the development of a more holistic Children's Services Plan.

The draft Children's Services Plan 2013-17 was prepared in consultation with key stakeholders and will guide early years services delivered by Latrobe City for the 2013-2017 period.

The draft plan was presented to Council at the Ordinary Council Meeting held Monday, 02 September 2013 and Council resolved the following:

1. *That Council releases the draft Children's Services Plan 2013-17 for public comment for a period of 6 weeks.*
2. *That a copy of the draft Children's Services Plan 2013-17 be forwarded to all relevant stakeholders; be made available for viewing at Council Service Centres, Libraries, Children's Services facilities 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 Children's Services Plan 2013-17 be received until 5 pm on Monday, 14 October 2013.*
4. *That following the community consultation process a further report is presented to Council detailing all submissions received and presenting a Children's Services Plan 2013-17 for consideration*

ISSUES

The Children's Services Plan 2013-2017 is a key strategic document that will guide the role of Latrobe City early years services.

The Plan has a focus on:

1. The services that Latrobe City Council delivers directly to children and their families.
2. What these services look like now.
3. What they will look like over the coming four years.
4. Latrobe City Council's role as a municipal planner and advocate for children and their families.

The consultation process and development of the plan has included:

- A review of the profile of Latrobe City and its population.
- A comprehensive infrastructure audit of children's services facilities.
- Extensive community and stakeholder consultation.
- An analysis of financial data.

The Latrobe City Early Years Reference Committee has acted as the Project Reference Group in relation to the development of the plan and has provided input on a regular basis throughout its development. The committee is pleased with the level of consultation and believes that the plan, in its current form, outlines a clear and achievable direction for early year's services.

At the close of the community engagement period no submissions were received.

Feedback was encouraged directly from internal staff and feedback was provided by some staff members within the Child and Family Services team. The feedback was related to the operations of the early years services and will be pursued as part of the ongoing internal consultation and planning that is undertaken on a regular basis within the Child and Family Services Department.

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.

Financial matters that may arise as a result of this Plan will be considered as part of the annual budget process. There will be no impact on the 2013/14 budget as a result of this plan.

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 12 identified key stakeholders, (previously identified as part of the draft plans development); hard copies were made available at Council Service Centres and Libraries; Early Learning and Care Centres; Maternal and Child Health Centres; 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 the 12 identified key stakeholders who were sent copies of the draft Plan.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)***Details of Community Consultation / Results of Engagement:*

No submissions were received from the community on the draft plan. It should be noted however, that in the stakeholder engagement process for the development of the draft plan there was engagement with:

- Approximately 1500 children aged between 3 and 8.
- Approximately 1000 families who utilise Latrobe City early years services.
- Approximately 300 community members via a survey.
- 30 community members and early years professionals at a facilitated workshop.

OPTIONS

Council has the following options available:

1. Adopt the Children's Services Plan 2013-2017
2. Amend and adopt the Children's Services plan 2013 - 2017
3. Not adopt the Children's Services Plan 2013 – 2017

CONCLUSION

The Children's Services Plan 2013-17 has been prepared following a high level of stakeholder engagement and has been led by Latrobe City Council's Early Years Reference Group, which acted as the Project Reference Group throughout the plan's development.

The Plan outlines the key strategic directions that will guide the provision of early years services provided by Latrobe City.

Attachments

1. Children's Services Plan 2013 - 2017

RECOMMENDATION

1. **That Council adopts the Children's Services Plan 2013-2017.**
2. **That the Children's Services Plan 2013-2017 be placed on Latrobe City web page and distributed through the early years networks.**

9.2

Children's Services Plan 2013 - 2017

1	Children's Services Plan 2013 - 2017	25
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Children's Services Plan 2013-2017 DRAFT DOCUMENT



This document is a strategic document that will guide the direction of Latrobe City Council Children's Services for the coming four years.





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Message from the Mayor

I am pleased to introduce the Children's Services Plan, the first strategic plan prepared by Latrobe City Council with a specific focus on children's services provided to our community.

Latrobe City Council is one of the largest single providers of early year's services in the Gippsland region and the largest manager of preschool services within its own municipality. We have a history of working in partnership with our community to achieve the best possible outcomes.

Latrobe City Council has a key role in service provision to children and their families through direct service delivery, planning for improved access and facilities and advocacy for the needs of our community. This plan focuses further on these areas to explore what the delivery of child and family services will look like over the coming four years; and what role Latrobe City Council will play as a municipal planner and an advocate for children and their families as we assist children to be the best that they can be.

Latrobe City Council has consulted with service users, community members and other important stakeholders in the development of this plan to ensure we understand community needs and priorities. Research into state and federal government direction, and projected population growth has been undertaken to inform the most effective ways of service delivery. Delivery of this plan will continue to strengthen our position and achievement of positive outcomes as a result of this valuable work into the future.

Cr Sandy Kam



Background

Latrobe City Council has a strong history of delivering high quality children's services and working with the community to advocate for improved outcomes for children and their families.

From its inception Latrobe City has been committed to the provision of Preschool services. Following the state governments introduction of the cluster management model, Latrobe City became one of the largest single cluster managers and the only Local Government Authority in the Gippsland region to take on this responsibility.

Latrobe City Council has always provided Maternal and Child Health Services and has continued to deliver the Enhanced Maternal and Child Health Service across the municipality.

Child care services have been developed in response to growing community need. Family Day Care and Long Day Care programs have become an essential part of the Latrobe City landscape and continue to be effectively managed by Latrobe City Council.

Latrobe City's role as municipal planner and strong advocate for children has been prevalent over the years, with a clear commitment being given to this when the organisation elected to be the lead agency in the role out of the Victorian Governments Best Start Program across the municipality. This program, in its design, strengthens the ability of service providers to work collaboratively for improved outcomes for families and children.

Latrobe City Council has enhanced its commitment to the provision of quality, integrated children's services over the last five years with the development of children's hubs and a service model restructure starting at a leadership level to support the implementation and the ongoing integration of children's services across the municipality.



Current Service Levels

Latrobe City Council currently plays a dual role within the municipality in relation to the provision of children's services, being:

- Direct service provider
- Municipal planner and advocate

Latrobe City Council currently delivers the following services:

Maternal and Child Health Service

Service summary: The Maternal and Child Health Service provides support to families with children up to school age. Information and advice is available in child health and development, child behaviour, maternal health and wellbeing, child safety, immunisation, breast feeding, nutrition, parenting and family planning.

Other municipal providers:

- Nil

Key achievements:

- Averages a 98% participation rate for newborn children
- Maintains above state average for key ages and stages visits
- High quality results in all accreditations

Utilisation history (by birth notice):

2010/11	2011/12	2012/13
1035	948	970



Traralgon Maternal Health Centre



Enhanced Maternal and Child Health Service

Service summary: The Enhanced Maternal and Child Health Service is an outreach service that provides an additional level of support to vulnerable families who are referred by early years health professionals. The aim of the program is to build families capacity to care for their children and prevent further crisis intervention.

Other municipal providers:

- Nil

Key achievements:

- 100% of referred clients engaged in the program
- Developed and implemented a revised model of service delivery resulting in greater access for community members

Utilisation history (by % referral conversion):

2010/11	2011/12	2012/13
100%	100%	100%

Prekinder program

Service summary: The Prekinder program provides an educational experience for children from 3 years of age in the year prior to attending the Preschool program. The program operates for 2 hours per week throughout school terms and offers children with a variety of activities to extend their development and prepare them for the Preschool year.

Other municipal providers:

- St Pauls Anglican Grammar School – Traralgon Campus
- Uniting Care Gippsland
 - Woolum Bellum - Morwell
 - St Lukes - Moe

Key achievements:

- Integration with 4 year old program
- Delivery of Service within 7 localities across the Municipality

Enrolment history:

2010	2011	2012	2013
203	213	153	122



Glendonald Road Preschool

Preschool Program:

Service summary: The Preschool program offers a play-based educational program for children in the year prior to them starting School. Children are required to have turned four years of age prior to 30 April in the year they attend. The program operates for 15 hours per week and provides children with the opportunity to participate in a structured educational program to enhance all areas of their development and prepare them for Primary School.

Other municipal providers:

- St Pauls Anglican Grammar School – Traralgon Campus
- Uniting Care Gippsland
 - Woolum Bellum - Morwell
 - St Lukes - Moe

Key achievements:

- Average preschool participation rate of 95%, amongst the highest in the State
- The first preschool cluster manager in Victoria to transition all preschool services from 10 hrs to a 15 hour per week model
- Achieved high quality results in all relevant accreditations
- Achieved sun smart accreditation in all services
- Successfully implemented 'team teaching model'



Enrolment history:

2010	2011	2012	2013
836	868	949	882

Kinder Inclusion Support program

Service summary: The Kindergarten Inclusion Support (KIS) service offers supplementary funding to support the access and participation of children with disabilities and ongoing high-support needs and/or complex medical needs into a funded preschool program. The KIS packages may provide staffing support by contributing to the cost of an Additional Assistant who works as a member of the team delivering the program that is developed by an Early Education teacher and is inclusive of all children in the group.

Other municipal providers:

- Nil

Key achievements:

- Provision of staff to 25 – 30 preschool students per year to assist with integration support needs
- Ongoing 85% plus satisfaction rate from families accessing the service

Utilisation history (by funded child):

2010/11	2011/12	2012/13
26	29	23

Preschool Field Officer (PSFO) program

Service summary: The PSFO program provides support to preschool service providers to support the access and meaningful participation of children with additional needs in inclusive preschool programs through the provision of consultative support, resourcing and advice to early education teachers.

Other municipal providers:

- Nil

Key achievements:

- Worked directly with an average of 500 families per year who require additional support to access preschool services
- Consistently exceed targets set by the Victorian Government in relation to child assistance levels



Utilisation history (by assisted child):

2010/11	2011/12	2012/13
85	140	85 to date

Long Day Care/Occasional Care

Service summary: Traralgon, Moe and Carinya Early Learning Centres are integrated centres providing high quality care and education for children aged from 6 weeks to 6 years of age. Traralgon and Moe Early Learning Centres offer families a Long Day Care, Occasional Care and Preschool program. Carinya Early Learning Centre provides Long Day Care and Preschool. Bookings can be made for full day or half day sessions or occasional care with a minimum booking time of 1 hour.

Other municipal providers:

- Goodstart Early Learning Centres
 - Traralgon
 - Traralgon North
 - Traralgon East
 - Morwell
- Midvalley Kinder and Childcare – Morwell
- Kylie Early Learning Centre - Morwell
- Albert Street Early Learning Centre - Moe
- Moe Central Childcare and Kindergarten Centre - Moe
- Little Saints Early Learning Centre - Newborough
- Li'l Bearz Early Learning Centre - Traralgon

Utilisation history (Traralgon, Moe and Carinya Early learning Centre):

2010/11	2011/12	2012/13
74%	70%	72%

Family Day Care

Service summary: The Family Day Care program offers high quality home-based care and education for children aged between 6 weeks and 13 years of age. Coordinated by Latrobe City the scheme licenses over 30 home based educators throughout the municipality. Family Day Care is flexible child care with some educators offering care 24 hours a day, 7 days a week. This service also provides before and after school care.

Other municipal providers:

- Nil

Key achievements:

- Managed the delivery of FDC to over 2000 children over the last five years



Utilisation history:

2010/11	2011/12	2012/13
231,000 hours	223,000 hours	211,000 hours

Vacation Care

Service summary: The Vacation Care program operates at Moe PLACE during school holidays. The program provides care and fun activities for Primary School children. The children are provided with quality programming ensuring connections with the community are made through incursions and excursions.

Other municipal providers:

- OSHCARE 4 kids

Utilisation history:

2010	2011	2012	2013
60%	70%	75%	75%

Best Start Program

Service summary: Best Start is a Victorian government early years initiative. Latrobe City Council leads a partnership of municipal Early Years' service providers to support families, caregivers and communities to provide the best possible environment, experiences and care for young children. Through a partnership with other early years service providers, the initiative aims to improve the health, development, learning and wellbeing of all Victorian children aged birth to eight years. It has a strong emphasis on prevention and early intervention.

Other municipal Partners:

- Berry Street
 - Latrobe Community Health Service
- Good Beginnings Australia
 - Noah's Ark Inc
- Ramahyuck District Aboriginal Corporation
 - Queen Elizabeth Centre
- Catholic Education Office
 - Latrobe Regional Hospital
- Department of Human Services
 - Uniting Care Gippsland
- Quantum Support Services
 - Anglicare



Key achievements:

- Early literacy promotion through the implementation of the 'books in boxes' and 'books on buses' programs
- Implementation of the 'Children's Expo' over the past three years, providing a fun and free environment for parents and children to explore services and learning opportunities
- Implementation of Region wide cross cultural awareness training



Traralgon Early Learning Centre



Latrobe City as municipal planner and advocate:

Regional planning

Local Government has an important role to play in the planning for Children's services across the relevant Regional area, regardless of the role it has to play in the direct provision of services. Latrobe City Council works closely with all Children's services providers across the Gippsland Region in an attempt to achieve consistent and outcomes focused planning and service delivery. Latrobe City is a major contributor to the Gippsland Early Years Workforce Development Plan and plays an important role on the Gippsland Kindergarten Cluster Management network .

Municipal planning

Latrobe City Council has a strong focus on care for growing families, and recognises the value of integrated local planning for children aged 0-8 years and their families.

The development of the Municipal Early Years Plan (MEYP) 2011-2015 is part of the Council's commitment to plan in partnership with the community, other levels of Government and service providers for the future investment in early years services across Latrobe City. This municipal-wide plan is designed to provide strategic direction for the development, coordination and delivery of early childhood education, care and health programs. The actions in the plan will strengthen further the existing suite of early years programs and services with a strong focus on integration and collaboration. There is also an emphasis on promoting urban environments that are child friendly.

The vision for the Latrobe City MEYP 2011-2015 is that: *All children aged 0-8 years and their families, living in Latrobe City are part of a safe and inclusive child friendly community. Children have an equal opportunity to participate in accessible, high quality family friendly services that support their health and development.*

An Early Years Reference Committee made up of Community members, Early Years professionals and Council representatives has been formed to provide advice to Council on current plans and the development of future plans to reflect the needs of the community. The main objectives of the Committee are to:

- Assist in the promotion of the Latrobe City Municipal Early Years Plan 2011-2015 to the community.
- Monitor the progress of the Latrobe City Municipal Early Years Plan 2011-2015.
- Through the chair, to inform Councillors of matters related to the needs of children and their families that may affect their participation in community life or their development into the future.
- Advocate in relation to areas of identified need on behalf of children and their families.



- Provide input into the development of future Latrobe City Council plans and strategies that have a focus on the early years.

Organisational (management and) planning

Latrobe City's Child & Family Services Leadership team are committed to ensuring quality outcomes for all children and families within the Community. The team is structured to support a high level of integration between services resulting in a smoother Service System and high quality outcomes for children and their families.

The Child & Family Services team liaises with other Departments of Latrobe City to ensure the needs of children and families are being considered in the development and review of Strategies and plans across the Municipality.

Advocacy

Latrobe City's role as an advocate for children and families extends across the State. As a Leader in the Early Years Sector, Latrobe City's key advocacy role is to ensure services are adequately funded to be able to deliver high quality services that meet and support the needs of the families within the community. Represented on a variety of State wide reference groups and invited to participate in program and policy reviews, Latrobe City utilises these platforms to influence other levels of Government on the needs of the Sector and our local Community.

Partnerships

Working in partnership with community, other professionals and service users is integral to the manner in which Latrobe City delivers its suite of Children's Services and approaches its role as a leader within the Gippsland Region. The establishment of successful professional partnerships across the State has been essential in Latrobe City's ability to act as a leader within the Early Years sector. Key partnerships include DEECD, Municipal Association of Victoria, GippsTAFE and Children's Services providers across the Gippsland Region as well as other LGA's.

Infrastructure

Infrastructure within Latrobe City's Early Years Services has been at the forefront of Service planning. The move from individual Neighbourhood Centres for Maternal and Child Health to Centralised Services in each of the main towns has seen the Services become more flexible, meeting the needs of the changing community. The development of two large community hubs in Churchill and Moe has allowed the Child and Family Services team to facilitate integrated practise across the Service sector and provided the families with a "one stop" location for all of their Early Years needs. The relocation of Traralgon Early Learning Centre has allowed for the continued growth in the town and provide families with the option of Long Day Care, Occasional Care and Preschool from the one location. The development of the infrastructure plan in 2011 has provided a clear direction of future needs in relation to Infrastructure at Latrobe.



Moe Place

Children's Services Plan 2013 – 2017

The preparation of this plan has considered a number of background and supporting documents including the Legislative context, a high level of Community consultation, financial consideration and infrastructure planning. A summary of these documents are provided below.

Legislative context

Commonwealth and State legislative frameworks along with Latrobe City Council strategic directions and community consultation have provided a reference point and guide in relation to the development of the Children's Services Plan.

Commonwealth legislation

Australia is a signatory to the United Nations Convention on the Rights of the Child. For policy makers and service providers alike, one of the most important and challenging aspects of this agreement is that every child should be heard on issues affecting them, that every child should have the ability to influence their learning environment and have input into their own education.

With these challenges in mind, the Commonwealth and State Governments signed the Council of Australian Governments (CoAG) National Partnership agreement on Early Childhood Education in 2008. This agreement is currently being implemented across Victoria through a partnership between Local and State Governments. The agreement has introduced Universal Access programs that increase access to quality preschool for children in the year before they start school, requiring the expansion of preschool programs and the workforce involved in early education and care.



State legislation

The State Government has also introduced a new National Quality Framework for Early Education and Care, applying to all services that are accessed by children aged 0 – 8. The framework aims to raise the quality of early education and care services and drive continuous improvement and consistency through in the implementation of a national assessment scheme, transparent rating systems, an increase in staff to child ratios and an increased requirement for staff qualifications.

All children's services are now required to be able to provide evidence that their programs are delivered in line with a set of predetermined standards. Every children's service will now be assessed against these standards with all results being available to all members of the community:

- Educational program and practice
 - Children's health and safety
- Physical environment
 - Staffing arrangements
- Relationships with children
 - Collaborative partnerships with families and communities
- Leadership and service management

One of the greatest challenges facing local authorities is to integrate child orientated programming and policy making into structures and service delivery that meet the direction set by Commonwealth and State Government, as well as the directions set by their own communities within a budget that places minimal burden on rate payers.

Council planning context:

Latrobe 2026: The Community Vision for the Latrobe Valley outlines the vision for our whole community. The development of this vision was facilitated by Latrobe City Council in consultation with many agencies, organisations, groups and individuals.

Community consultation

During the two year period that has included the development of this strategic plan a high level of consultation has occurred with the community that has used a variety of engagement methods in order to gain a greater understanding of the desires of children and the expectation of families and community in relation to Latrobe City Council role in the provision of Children's Services.

What did the children say?

An interactive consultation was undertaken with over 1500 children to understand what was important to them. It was recognised that this consultation would not necessarily inform service development from a strategic point of view, however it was established that having an understanding of what is truly important to the children of Latrobe City was

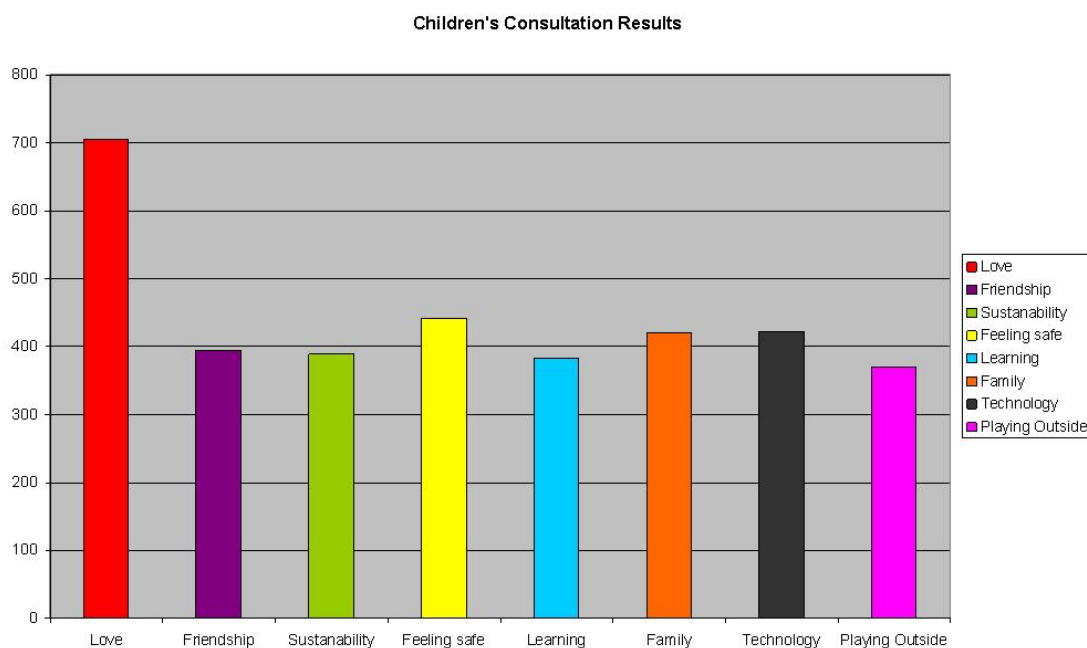


essential to inform the basis of the Children's Services Plan and the foundations for service delivery and planning into the future.

Children participated in an activity where eight pictures were displayed, the theme highlighted by each picture was discussed with the children in small groups and then each child was asked to distribute five pieces of Lego according to the theme that was most important to them.

This consultation was carried out at each Latrobe City Council managed preschool, Latrobe City Council managed early learning centre (with 3 – 5 year old children) and at the 2012 Children's Expo (with visiting school children and children aged 3 – 8 who attended with their families).

The results of this consultation are summarised in the table below:



What did families and community say?

Approximately 1200 community members (including existing Latrobe City Council service users and randomly selected community members) participated in consultation carried out in a variety of forms, as identified as part of the Children's Services Plan *community engagement plan*. Consultation methods included surveys (completed either via survey



monkey or through a face to face interview), random phone consultation, shopping centre consultation and open house workshops.

Community members were eager to participate in the process and often expressed a high level of gratitude for the opportunity to be involved and have input onto the future of Children's Services within Latrobe City.

A summary of the consultation results identified the following:

- The majority of respondents believe that Latrobe City Council should continue to be in the business of delivering Children's Services;
- The majority of respondents indicate that Latrobe City Council should increase the suite of Children's Services they provide;
- Almost 100% of respondents believe that the most important skill children can take away from their early education experience is the development of social skills
- More than 70% of respondents believe that Children's Services should be co-located (either with other early years services or community based services)
- Over 80% of respondents believe that service location is the most influencing factor when selecting Children's Services

A more detailed overview of these results is captured in the Children's Services Plan – community engagement results, presented as a background document to this Plan.



Churchill Hub



What did the professionals say?

Over 200 professionals, including Latrobe City Council staff and Early Years professionals from across the municipality were engaged during the consultation period. Facilitated workshop style consultations were held that required attendees to respond to specific questions in relation to the Children's Services currently provided by Latrobe City Council now and into the future. Attendees were also asked to suggest what Children's Services might look like in the future, from an infrastructure and educational point of view.

A summary of the consultation results indicate the following:

- Latrobe City Council's Child and Family Services professional are accessible and focused on improving outcomes for children and their families
- Co-located services and/or hubs with a combination of services should be considered when developing infrastructure into the future
- Future services should include careful consideration of health needs and health promotion
- Latrobe City Council should continue to consider Children's Services as part of its core business
- A higher level of investment should be considered in relation to staff training and development
- The Child and Family Services department should continue to focus on building strong links with other areas of Council to improve outcomes for children and their families.

A more detailed overview of these results is captured in the Children's Services Plan – community engagement results, presented as a background document to this Plan.

Infrastructure report

Latrobe City Council received funding from the Department of Education and Early Childhood Development to develop an infrastructure plan for children's services within the City. This is an important plan that will ensure a strategic approach to identifying the need for new infrastructure and the maintenance, renewal and replacement of existing buildings.

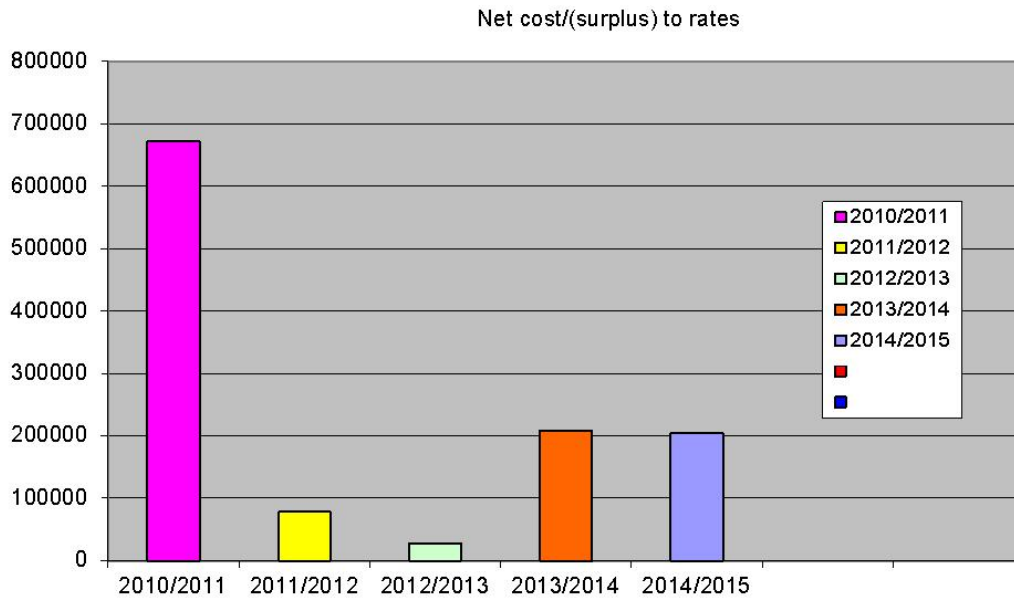
A technical assessment of the condition of all existing Children's Services buildings, demographic data, assessment of the current capacity and population predictions have been undertaken and will form the basis of a comprehensive plan for Children's Services infrastructure into the future.

Financial consideration

Whilst the programs that the Child and Family Services team deliver are largely funded by a mix of State and Commonwealth funding, Latrobe City Council contribute financially to the running of the Department.



The table below identifies the net cost to Council for the 2010/11, 2011/12 and 2012/13 and the predicted costs for the 2013/14 year.



At this point in time we are unable to predict the costs for the 2015/16 and 2016/17 financial years. This period will see a significant increase in EFT's due to the implementation of a change in legislated staff to child ratios. Whilst the expenditure can be predicted, the funding for this period and beyond has not yet been announced. We will continue to advocate to the State and Commonwealth Governments for appropriate levels of funding to support the implementation of this change.



Commitments, Actions and Success factors

The results of the community consultation, data analysis and financial impact analysis have all been considered closely in relation to the recommended actions that will form the basis for all work that the Child and Family Service team carry out over the coming four years.

The community consultation that has been carried out clearly indicates that at this point in time the community of Latrobe City have an expectation that services will be delivered by Council, and that they believe that this should be the case into the future.

Financial impact assessment indicates that service expansion and improvement has been able to be carried out and implemented over the past years without significant increases in costs to Council (rate payers). Financial analysis of future budgets (as estimates) would indicate that if Latrobe City Council is able to continue to work with partner agencies to access appropriate funding levels then there should be limited or no increase in the financial burden placed on Council to provide Children's Services.

More detailed works will need to be carried out in some areas of service provision and infrastructure to ensure that Council continues to meet it's commitment to all rate payers and service users, these specific areas have been highlighted through actions in the plan that follows.

Maternal and Child Health Service

Commitment:

- Continue to deliver the Maternal and Child Health program in accordance with DEECD guidelines.
- Continue to advocate to maintain a 50% funding commitment from the State Government to the Maternal and Child Health program.
- Develop and maintain an appropriately trained and qualified workforce.

Actions:

- Review the Maternal and Child Health scholarship program – **year 1**
- Lever off State Government Key Ages and Stages advertising program and tailor to municipal needs in order to increase Key Ages and Stages checks across the municipality – **year 2**

What success looks like:

- Achieve a minimum 95% participation rate annually.



Enhanced Maternal and Child Health Service

Commitment:

- Continue to deliver a high quality Enhanced Maternal and Child Health Service in a flexible manner.

Actions:

- Review the Enhanced Maternal and Child Health model of service delivery on an annual basis – **year 1 to year 4**

What success looks like:

- 100% of clients accessing the Enhanced Maternal and Child Health Service are transitioned into the Universal Maternal and Child Health Service prior to the receipt of 15 hours of intense support.



Traralgon Maternal Health Centre

3 year old preschool program

Commitment:

- Continue to manage the delivery of high quality 3 year old preschool programs across the municipality at full cost to the participating families, in accordance with DEECD and ACECQA guidelines.



Actions:

- Manage the availability of the 3 year old preschool program to all applicants on an annual basis – year 1 – year 4

What success looks like:

- The 3 year old preschool program is offered in various locations across the municipality.
- The 3 year old preschool program is integrated with the 4 year old program where possible.
- The 3 year old preschool program continues to operate at no direct cost to Council.

4 year old preschool program

Commitment:

- Continue to manage the delivery of 15 hours per week of high quality 4 year old preschool programs across the municipality in accordance with DEECD and ACECQA guidelines.

Actions:

- Define the relationship between preschool committees and Council through the development of a robust Governance framework that clearly identifies roles, responsibilities and relationships– year 1
- Develop a preferred model of operation to take into consideration the Child:staff ratio changes in 2016 – year 1
- Undertake a review of teaching models – year 2

What success looks like:

- A clear and agreed Governance framework for preschool committees is implemented.
- Committees and Council have successful and strong partnerships.
- Teaching models are meeting the requirements of the delivery of high quality Preschool services.

Kinder Inclusion Support program

Commitment:

- Provide inclusive programs for all 3 and 4 year old Latrobe City Council managed preschool participants.
- Advocate for inclusive practice across the municipality.



Actions:

- Work with DEECD to negotiate appropriate funding levels to support inclusive practice – year 2
- Work with Regional and State partners to review current practice and advocate for the most appropriate organisation to manage kinder inclusion support funding within Latrobe City – year 3

What success looks like:

- Latrobe City Council managed services are provided with the appropriate support to maintain and further develop inclusive practice.

Preschool Field Officer program

Commitment:

- Continue to be the auspice agency for the Latrobe City Preschool Field Officer program.

Actions:

- Support will be provided to service providers across the municipality to assist in the provision of inclusive programming – year 1 to year 4

What success looks like:

- Inclusive service provision is accessible to all members of the community.

Long Day Care

Commitment:

- Provide accessible flexible care options for families.

Actions:

- Review the current service model of Long Day Care and present a report to executive team with recommendations – year 2

What success looks like:

- Service utilisation is maximised at each Latrobe City Council managed service with an aim to increase by 2% annually.



Churchill Hub

Occasional Care

Commitment:

- Provide accessible flexible care options for families in accordance with DEECD and ACECQA guidelines.

Actions:

- Review occasional care utilisation and compare to the needs identified in the preschool and long day care service areas – **year 1**
- Present a report to Executive Team with recommendations – **year 2**

What success looks like:

- Occasional Care assessment is complete with recommendations endorsed and action plan developed for implementation.
- Community needs are balanced with operational efficiencies and services are delivered accordingly.

Family Day Care

Commitment:

- Provide accessible flexible care options for families in accordance with DEECD and ACECQA guidelines.

Actions:

- Complete a feasibility study into the long term viability of Family Day Care – **year 2**
- Present a report to Council with recommendations regarding the long term future of



the Family Day Care program within the existing suite of Children's Service Programs managed by Latrobe City Council – **year 2 to year 3**

What success looks like:

- Family Day Care assessment is complete with recommendations endorsed and action plan developed for implementation.

Vacation Care

Commitment:

- Provide accessible flexible care options for families in accordance with DEECD and ACECQA guidelines.

Actions:

- Investigate the need for vacation care across the municipality – **year 1**.
- Present a report to Executive Team regarding the long term future of the program within the existing suite of Children's service programs managed by Latrobe City Council – **year 1 to year 2**

What success looks like:

- Vacation Care assessment is complete with recommendations endorsed and action plan developed for implementation.

Best Start Program

Commitment:

- Continue to be the lead agency for the Latrobe City Best Start program.

Actions:

- Work in partnership with all Children's Service providers within Latrobe City to improve the social, educational and well being outcomes for children – **year 1 to year 4**
- Build strong and successful early years leaders through the partnership – **year 1 to year 4**.

What success looks like:

- A strong Best Start partnership that achieves all objectives set out in its action plan.

Regional Planning



Commitment:

- Maintain a presence at State and Regional forums to advocate on behalf of the Gippsland community.

Actions:

- Seek membership and opportunities to participate at a State level on Children's Services networks and planning groups that allow service development within the Gippsland Region – year 1 to year 4

What success looks like:

- Latrobe City Council has a high level of influence over sectorial decision makers.

Municipal planning

Commitment:

- Provide information to the community regarding the direction of Government for Children's Services and the role of Latrobe City.

Actions:

- Develop and implement a community education awareness strategy through cross sector networks covering the key messages for effective early childhood education – year 3
- Provide information to the community regarding Children's Services in various and accessible formats – year 3 to year 4

What success looks like:

- Community members display a clear understanding of the direction of Children's Services through customer satisfaction surveys.

Advocate and lead

Commitment:

- Advocate for appropriate funding and support from State and Commonwealth Governments.

Actions:

- Establish and maintain a strong presence at State and Regional networks – year 1 to year 4
- Costs of service delivery to Council are assessed and reviewed on an annual basis to inform future planning and funding options – year 1 to year 4



What success looks like:

- Services are appropriately funded.

Organisational (management and) planning

Commitment:

- Become an employer of choice in the early childhood sector.
- All Latrobe City Council managed services will provide high quality and consistent experience for community members.

Actions:

- Develop and implement a comprehensive workforce development plan that considers appropriate workforce profiling, development and staff retention – **year 2**
- Conduct an annual review of the workforce development plan – **year 3 to year 4**
- Develop and implement a department specific training calendar that meets the needs of Children's services staff as agreed in performance plans - **year 1**
- All training will be planned and implemented within agreed budgets **year 1 to year 4**
- Develop a suite of best practice documents that support the delivery of high quality and consistent experiences for all service users – **year 3**.

What success looks like:

- Retention of a high quality and stable workforce.
- A Child and Family Services staff training calendar is completed and reviewed annually.
- Training budget will be delivered with no less than a 3% variance.
- Customer satisfaction survey results indicate a satisfaction rating of more than 85% across all Latrobe City Council managed Children's Services.

Partner

Commitment:

- Partner with tertiary institutions to develop appropriate professional partnerships.

Actions:

- Establish a presence on tertiary education planning networks - **year 2**

What success looks like:

- An appropriate suite of Children's Service educational opportunities exist for Latrobe City Council staff within the Gippsland Region.



Infrastructure

Commitment:

- Ensure that there is adequate infrastructure to meet current and future service delivery needs.
- Advocate for the ongoing development of infrastructure that supports the delivery of integrated services across the municipality.

Actions:

- The results of the infrastructure audit (completed 2010) and associated report will be used as the foundation for the formation of a Children's Services Infrastructure development plan- **year 1**
- Maintain appropriate professional relationships with relevant internal departments to ensure the needs of children and their families are considered in all levels of municipal planning – **year 1 to year 4**
- Advocate for and work with relevant stakeholders for the establishment of an integrated children's service in the Morwell area- **year 4**

What success looks like:

- Appropriate infrastructure is available for the delivery of Children's Services across the municipality.
- Children's Services infrastructure development is endorsed and actioned.
- A strong partnership exists with internal departments to ensure appropriate cyclic maintenance occurs on all Children's Services infrastructure.
- A united working group, with a mix of professionals for local and state Government is formed and working in close partnership to advocate for the establishment of a integrated Children's setting in Morwell.

9.3 PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to further consider the status of Deakin Lane, Traralgon, and seek Council approval to commence the statutory process to declare it a public highway.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Themes and Objectives

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

Strategic Direction

Ensure Latrobe City Council's infrastructure and assets are maintained and managed sustainably.

Legislation

Local Government Act 1989

Section 204 of the *Local Government Act 1989* gives Council the power to declare a road to be a public highway or to be open to the public:

- (1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

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

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

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

Section 207 and Schedule 11 Clause 9 of the *Local Government Act 1989* gives Council the power to place obstructions or barriers on a road permanently:

- (1) A Council may block or restrict the passage or access of vehicles on a road by placing and maintaining any permanent barrier or other obstruction on the road.
- (2) A Council must not exercise this power unless it has considered a report from the Roads Corporation concerning the exercise of this power.
- (3) The exercise of this power is subject to any direction of the Minister.
- (4) This clause does not apply to a freeway or arterial road within the meaning of the *Road Management Act 2004*, unless the Council has the consent of the Roads Corporation.

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

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

Road Management Act 2004

The *Road Management Act 2004* defines a public highway as “any area of land that is a highway for the purposes of the common law”.

Schedule 4 Clause 1(5) states that a “public highway vests in the municipal council free of all mortgages, charges, leases and sub-leases.

Policy – Council does not have an adopted policy relating to the discontinuance of roads or public highway declarations.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****BACKGROUND**

Council initially received a request from the owners of 2 Deakin Street, Traralgon, for the discontinuance of Deakin Lane as shown on the attached plan and photographs, attachment 1.

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. This lane is now described on Certificate of Title Volume 10246 Folio 309 as "*Road R1 on Plan of Subdivision 041285*". The registered owners of the Road are also the owners of 2 Deakin Street, Traralgon (the applicant). A copy of the Application Letter, Plan of Subdivision and Certificate of Title are attached (refer Attachments 2, 3 & 4).

Deakin Lane is fully constructed being four metres wide on the east/west alignment with a total length of 48 metres terminating at the southern boundary of 5-7 Church Street.

The laneway is listed on the Register of Public Roads in *Appendix 4 – Roads Not Maintained by Latrobe City Council* and there are Council drainage assets contained within the road reserve.

As the applicants are the registered proprietors of the road reserve, they were of the opinion that Council should discontinue the road and for the land to be transferred back to them for a nominal consideration where it would be retained as a private access laneway.

In examining this request, it was found that there is an entitlement for each of the four lots created on LP 41285 to use Deakin Lane. Three of these lots comprise the property owned by the applicant (2 Deakin Street) with the fourth lot owned by Petroleum Property Holding Pty Ltd (1 Church Street).

It was also noted that the laneway provides access to off-street parking at the rear of the office complex at 3 Church Street. This off-street car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on the 7 September 1993 and an amended plan that was endorsed on the 10 May 1994.

Council initially considered the request to discontinue the laneway at the Ordinary Council Meeting held on Monday 17 December 2012 and resolved the following:

1. *That Council gives public notice of its intention to consider the placement of permanent barriers over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.*
2. *That Council considers any submissions received in relation to the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council Meeting to be held on Monday 18 February 2013.*

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

At the Ordinary Council Meeting held on Monday 18 February 2013 Council considered an objection on behalf of two adjoining property owners to this proposal and a request from the applicant that Council defer consideration of this matter for another month pending the provision of additional information. To allow time to obtain additional information Council subsequently resolved:

That Council defer this item for one month.

Council again considered the matter at the Ordinary Council Meeting held on Monday 18 March 2013 and resolved:

1. *That Council defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, to the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant.*
2. *That Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, and the applicant be advised accordingly.*

At the Ordinary Council Meeting held 22 April 2013, Council considered legal advice provided by Mr Tripodi in support of his application. The legal advice obtained by the applicant is summarised as follows:

- Deakin Lane is not a public road as it was privately created and no Council funds have been spent on the laneway.
- Deakin Lane was created as an “easement of way” and was only intended to benefit specified parties being the owners of the titles that abut the easement and have rights to use it.
- Deakin Lane is a “private road” defined in the Local Government Act 1958 as “a carriage-way accessible to the public from a public street or forming common access to lands and premises separately occupied, but not being a public highway”.
- No declaration of Deakin Lane as a public highway has been made.

Based upon these points, the applicant has concluded that Deakin Lane is not a public road and is therefore justified in restricting access and placing a fence across the boundary with 3 Church Street.

Receiving this advice Council at the Ordinary Council Meeting held on Monday 22 April 2013 resolved the following:

That this matter be deferred to allow for consideration to be given to information tabled by Mr Tripodi at this Council meeting.

On 31 May 2013 the applicants’ solicitor, John Morrow, wrote to both the Victorian Ombudsman and the Minister for Local Government, a copy of which was provided to Council, seeking their intervention in this matter.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

On 2 June 2013 the applicant erected a temporary fence on the boundary of Deakin Lane and 3 Church Street, Traralgon, thereby removing any access to the rear of this property via the laneway. This temporary fence was then replaced in July 2013 with a substantial steel and colour bond fence.

At the Ordinary Council Meeting held on Monday 3 June 2013 Council considered a report recommending, in part, that it commence the statutory process to declare Deakin Lane a public highway and resolved the following:

That the matter be deferred pending the outcome of the Ombudsman's investigation of this matter.

Council further considered this matter at the Ordinary Council Meeting held on Monday 6 November 2013 and resolved the following:

That Council defer consideration of this matter until the next ordinary Council meeting.

ISSUES

As a follow up to above Council resolution, Council officers contacted the Office of the Victorian Ombudsman in June and were informed that, as Council was not the complainant, they could neither confirm nor deny that any complaint had been received and advised that it would be necessary to contact the complainant for any updates.

On Councils behalf, Maddocks Lawyers wrote to the applicants' solicitor, John Morrow, seeking an update on the status of the complaint. The return advice is that the Ombudsman's Office had stated there is no role for the ombudsman in this matter.

As the applicants' solicitor had also written to the Minister for Local Government, Council was contacted by the Office of Local Government in September and requested to provide background information relating to this matter. Council officers complied with this request and have subsequently received verbal advice from the Office of Local Government that it is at Councils discretion to declare a public highway and it will not be intervening in what it considers to be a Council decision.

In light of the above advice, Council is requested to give consideration to undertaking the statutory process to declare Deakin Lane a public highway pursuant to the provisions of the *Local Government Act 1989*. This request is based on the following advice:

Officers have previously advised Council that Deakin Lane is considered to be a public highway as it satisfies the common law doctrine of *Dedication and Acceptance*. The land has been set aside as an easement of way (Dedication) on the 1957 plan of subdivision LP 41285, is shown as Road R1 on Certificate of Title Volume 10246 Folio 309, and the laneway has been used by the public, adjoining property owners and occupiers for a substantial period of time (Acceptance).

The assessment that Deakin Lane is a public highway is supported by legal advice previously obtained from Council's solicitors in relation to two similar matters. Relevant sections of this advice are summarised below:

Right of Access

At common law, an owner or occupier of land adjoining a public highway (road) has a right to access the road from their land.

A Public Highway is vested in Council

A road is a public highway at common law because there has been:

- *Dedication of the Road to the public when it was constructed; and*
- *Subsequent acceptance of the Road, by the public, through public use of the Road.*

As Deakin Lane is marked as a "road" on title, this is a clear indication that the road is a public highway at common law. In addition, Clause 1 of Schedule 5 in the Road Management Act 2004 (RMA) also has the effect of vesting in Council particular roads (including Deakin Lane).

The effect of this public highway classification is that the road remains open for the public to use, regardless of who owns the land underneath and the road is vested in Council.

Council has responsibility for use and control over a Road

The general public's right to use a road (including a public highway) is confirmed by section 8 of the RMA. The RMA also places Council in control of roads because:

- *by operation of section 37 of the RMA and division 2 of Part 9 of the Local Government Act 1989 (LGA) as well as Schedules 10 and 11 of the LGA; and*
- *The Road is on Council's register of public roads.*

In light of the above, only Council is entitled to control access to a road by virtue of the powers conferred in both the RMA and LGA. Therefore, despite holding title to the land over which a road is constructed, the registered owner/s does not enjoy exclusive possession with respect to the road (as opposed to an ordinary parcel of land). It follows that Council maintains control and responsibility for a road, regardless of whether Council or another party holds title to the land over which the road is located.

It is noted that the former City of Traralgon issued a Planning Permit 93/745 on the 8 September 1993, later amended on the 10 May 1994, for an office complex at 3 Church Street. This permit recognised that the off street car park would be at the rear of the property and would be accessed via Deakin Lane.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

In September 1999, the owner of 3 Church Street wrote to Council concerning the unmade east/west section of Deakin Lane from Deakin Street through to the section of constructed laneway and car park at the rear of 3 Church Street and 2 Deakin Street, refer attachment 5 – photo of laneway. The photo was taken on 24 July 1999 and shows that the east/west section of the laneway was unconstructed and the surface was rough with a number of large potholes containing water.

The Latrobe Regional Development Group have stated that they fully funded the construction cost. It is unknown whether Council or any other party contributed towards the cost of this construction.

Additional Professional Advice:

Officers obtained further professional advice from The Public Land Consultancy, a firm specialising in matters relating to public land including roads. This advice (Attachment 7) confirmed the current position that Deakin Lane is a public highway.

Whilst Deakin Lane was initially created as an easement of way and drainage, over time it has become a public highway through dedication and acceptance and, as such, vests in Council. This does not require a formal declaration however Council can undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Section 204(1) of the *Local Government Act 1989* states the following:

“A Council may, by notice published in the Victoria Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.”

The statutory process can be undertaken when Council is not the registered owner of land (as in this instance) and involves Council giving public notice of the proposal, considering any submissions received and, once determined, placing a notice in the Victoria Government Gazette formally declaring Deakin Lane a public highway.

Once Deakin Lane has been declared a public highway the land vests in Council and Section 205 of the *Local Government Act 1989* states that *“Council has the care and management of all public highways vested in the Council”*.

Additional Legal Advice:

Following Council’s decision at the Ordinary Council Meeting held on Monday 22 April 2013 officers sought legal advice from Maddocks Lawyers on the status of Deakin Lane and in particular the information provided by the applicant.

Maddocks advice is summarised as follows:

- Deakin Lane is a public highway at common law and also, therefore, a public highway for the purposes of the *Road Management Act 2004*;

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

- Ownership of Deakin Lane is likely to have vested in Council, by virtue of the *Road Management Act 2004*, even though it is located on privately owned land;
- If Council wishes, it can declare Deakin Lane to be a 'public highway' under the *Local Government Act 1989*;
- Rights of access to Deakin Lane are secured for the owners of the properties adjoining Deakin Lane, namely 1-3 Church Street, Traralgon and Lot 4 on LP 41285, which fronts Princes Street under common law and the *Road Management Act 2004*; and
- Council is under no obligation to pay compensation to the registered proprietors who own the land traversed by Deakin Lane.

A copy of this confidential legal advice has previously been provided to all Councillors.

In June 2013, whilst Council was obtaining further advice, the applicant erected temporary fencing which was then replaced with a substantial steel and colour bond fence in July 2013. The erection of a fence along the boundary of Deakin Lane contrasts with the advice obtained by Council officers and has resulted in the owners of 3 Church Street having to obtain rear access over a neighbouring property or parking in Church Street as a temporary solution to this problem.

In light of the advice from the Victoria Ombudsman and Local Government Victoria that they do not intend to take any action regarding this matter it would now be appropriate for Council to undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989*.

It has consistently been argued that Deakin Lane satisfies the criteria of a public highway, a position supported by professional and legal advice that has been obtained, and undertaking the statutory process and formally declaring its status will remove any doubt or confusion in the future.

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 costs of undertaking the statutory process to declare Deakin Lane a public highway are minimal being the cost of public notices in the Latrobe Valley Express and a notice in the Victoria Government Gazette.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Proposed:

- Public notices placed in the Latrobe Valley Express.
- Letters sent to all adjoining property owners.
- Notice displayed at the Traralgon Service Centre.
- Details placed on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

Should Council resolve to undertake the statutory process to declare Deakin Lane a public highway it will be necessary to give public notice of the proposal and consider submissions in accordance with Section 223 of the *Local Government Act 1989*.

It is proposed that any submissions that are received regarding the proposed public highway declaration would be considered at the ordinary Council meeting to be held on Monday, 16 December 2013.

Council has previously given public notice of the proposal to erect permanent barriers across Deakin Lane and one submission was received from Beveridge Williams & Co Pty Ltd on behalf of Petroleum Property Holdings Pty Ltd Traralgon, owner of 1 Church Street, and Parody Glade Pty Ltd, owner of 3 Church Street, objecting to the proposal.

OPTIONS

Council may now:

1. Resolve to commence the statutory process to declare Deakin Lane, Traralgon, a public highway under section 204(1) of the Local Government Act 1989 which formally vests the land in Council once the statutory process is finalised.
2. Resolve not to undertake the statutory process to declare Deakin Lane, Traralgon, a public highway and take no further action regarding the fence that has been erected between the road reserve and the rear of 3 Church Street, Traralgon. This would permanently remove any access to the parking at the rear of this property provided for in the planning permit issued by the former City of Traralgon.

CONCLUSION

The legal advice that has been obtained has reaffirmed the position that Deakin Lane is a public highway at common law and for the purposes of the *Road Management Act 2004* and, as such, the land vests in Council.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

As both the Victorian Ombudsman and Local Government Victoria have indicated that they do not intend to take any further action regarding this matter it would be appropriate for Council to commence the statutory process to formally declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Attachments

1. Locality Plan, aerial image and photos of Deakin Lane, Traralgon
2. Application Letter & Legal Advice obtained by the Applicant.
3. Plan of Subdivision LP 041285
4. Deakin Lane Certificate of Title Volume 10246 Folio 309
5. Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.
6. Submission
7. Professional Advice from the Public Land Consultancy.
8. Legal advice provided by the Applicant - Page 1
9. Legal advice provided by the Applicant - Page 2

RECOMMENDATION

1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989*.
2. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 16 December 2013.
3. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989* and invited to make a submission.
4. That the Applicant and Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, be advised accordingly.

9.3

PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE, TRARALGON

1	Locality Plan, aerial image and photos of Deakin Lane, Traralgon	65
2	Application Letter & Legal Advice obtained by the Applicant.	69
3	Plan of Subdivision LP 041285	73
4	Deakin Lane Certificate of Title Volume 10246 Folio 309	75
5	Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.....	77
6	Submission	79
7	Professional Advice from the Public Land Consultancy.	85
8	Legal advice provided by the Applicant - Page 1.....	87
9	Legal advice provided by the Applicant - Page 2.....	89

Locality Plan, Aerial Image & Photos of Deakin Lane, Traralgon.

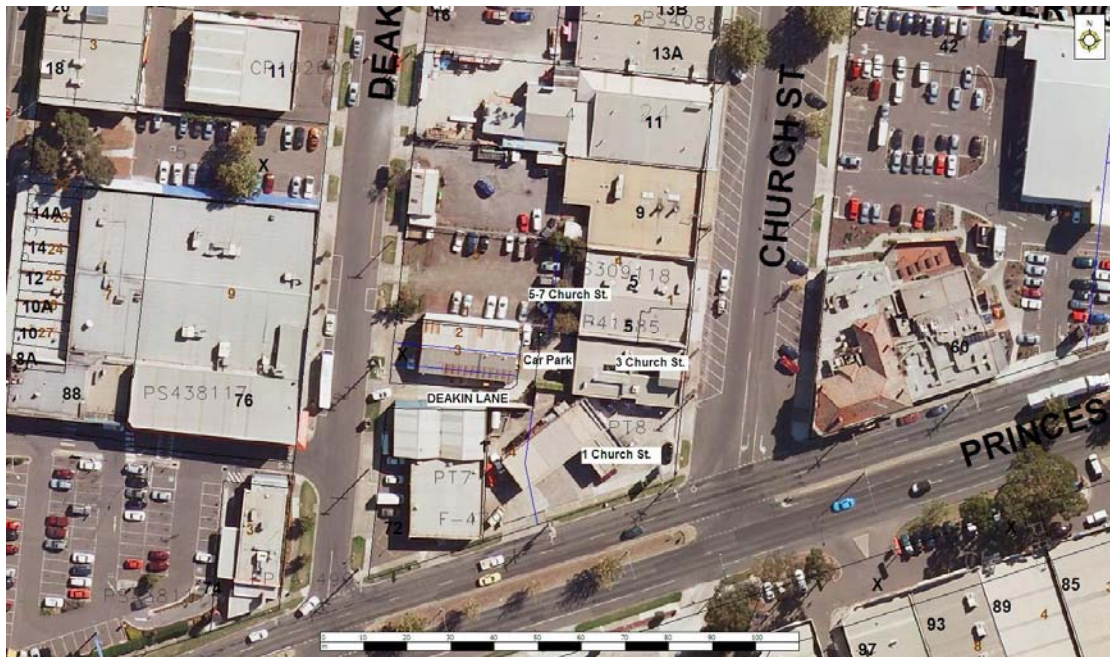
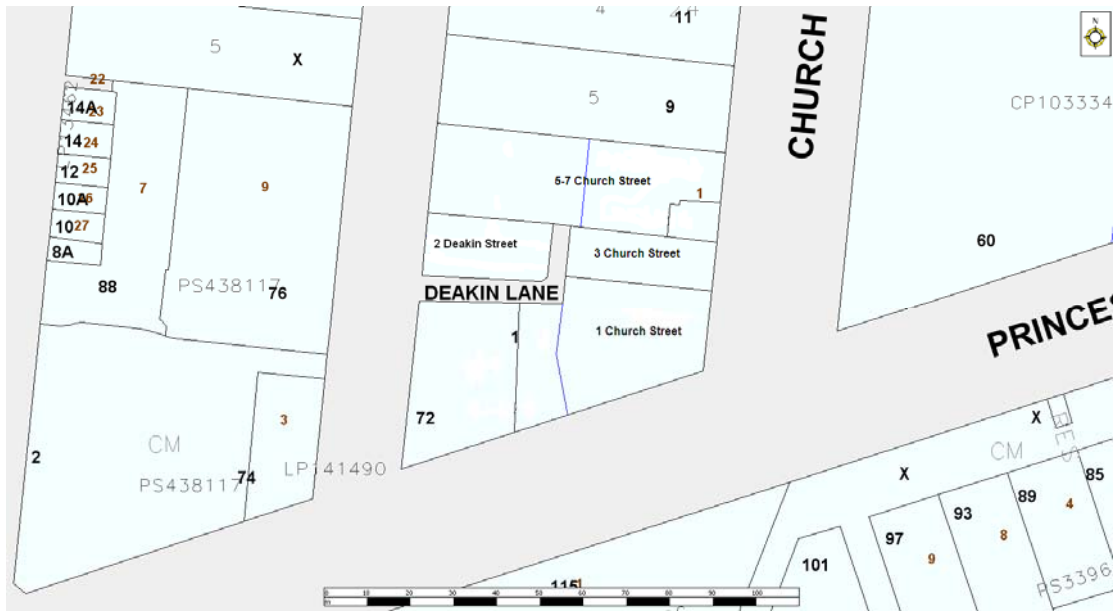


Photo taken from Deakin Street opposite Lane Entrance.



Close up of Lane Entrance



Off Street Car Park, rear 3 Church Street.





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

18th January '13

To Whom It May Concern,

Re. Road R1 on plan of Subdivision 041285

With all our findings in regard to Road R1, we the Tripodi Family would like to meet with you, on site, that being the rear of 2 Deakin Street Traralgon.

The invitation is to all Councillors that wish to attend, the purpose of this meeting is to explain and demonstrate our findings from the research that we have undertaken in trying to resolve the issue of ownership of Road R1 on plan of Subdivision 041285.

Our results from our research you will find are correct and conclusive. We feel that it would be best if this matter was discussed in a private manner and not at a public Council meeting, as our findings may cause the public to arise to a wrong conclusion.

We would like to meet before the Council meeting in February 2013, we do stress, and however it would be in the Councils best interest to meet with us.

Please feel free to contact me at any time to discuss this matter and to organise an appropriate time to meet.

Thank you

Gino Tripodi
On behalf of
S&C Tripodi & Sons.

(ph 0418 598 525)

"As fresh as today, just as crisp as tomorrow"

Document 895418

JOHN MORROW LL.B.
COMMERCIAL CONSULTANT
BARRISTER & SOLICITOR

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ADDRESS: 173 QUEENS PARADE,
CLIFTON HILL 3068 AUSTRALIA

17 January 2013

Mr Gino Tripodi
S & C Tripodi & Sons
PO Box 971
Traralgon VIC 3844

Dear Gino

**Re: Title Volume 10246 Folio 309 (Road R1 on Plan of Subdivision 041285)
(Herein referred to as Title R1)**

I refer to your instructions to investigate the easement of way relating to the above title.

The easement of way is created by and endorsed on the Plan of Subdivision, being Plan Number LP41285.

I confirm that I have searched Title R1 and the other titles registered in the Tripodi family names', being Lots 1, 2 and 3 on LP41285 together with the neighbouring title of 1-3 Church Street, Traralgon, being Lot 1 on Title Plan Number 532747M, being Title Volume 7263 Folio 425 registered in the name of Parody Glade Pty Ltd of 10 Grey Street, Traralgon (herein called Parody Glade).

I confirm that the result of these searches is as follows:-

1. Plan of Subdivision LP41285 identifies the land in Title R1 as being "appropriated or set apart for easements of way and drainage" for the benefit of all titles on the subdivision.
2. All of your titles to Lots 1, 2 and 3 are within the subdivision and are therefore entitled to the benefit of the easements of way and drainage.
3. The Parody Glade title is not part of subdivision LP41285 and therefore is not entitled to the benefit of the easements of way and drainage provided in LP41285 or to any other rights whatsoever over the land in Title R1.

Accordingly, it is within your legal rights to erect a fence on the boundary of Title R1 where it is contiguous to the Parody Glade title. It is further within your rights to erect a gate at the entrance to R1 on Deakin Street, on the basis that Parody Glade has no right of access to that road.

Please let me know if I can be of any further assistance to you in relation to this matter.

Yours faithfully



J.R. Morrow
Solicitor

Delivered by LANDATA® Land Victoria timestamp 22/01/2013 15:46 Page 1 of 1

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LP 41285

EDITION 1
PLAN MAY BE LODGED 5/9/57

PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENTS 7 & 8, SECTION 24
TOWNSHIP OF TRARALGON
PARISH OF TRARALGON
COUNTY OF BULN BULN

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

- ✓ 4583 F 536
- ✓ 6343 F 795
- ✓ 7551 F 028

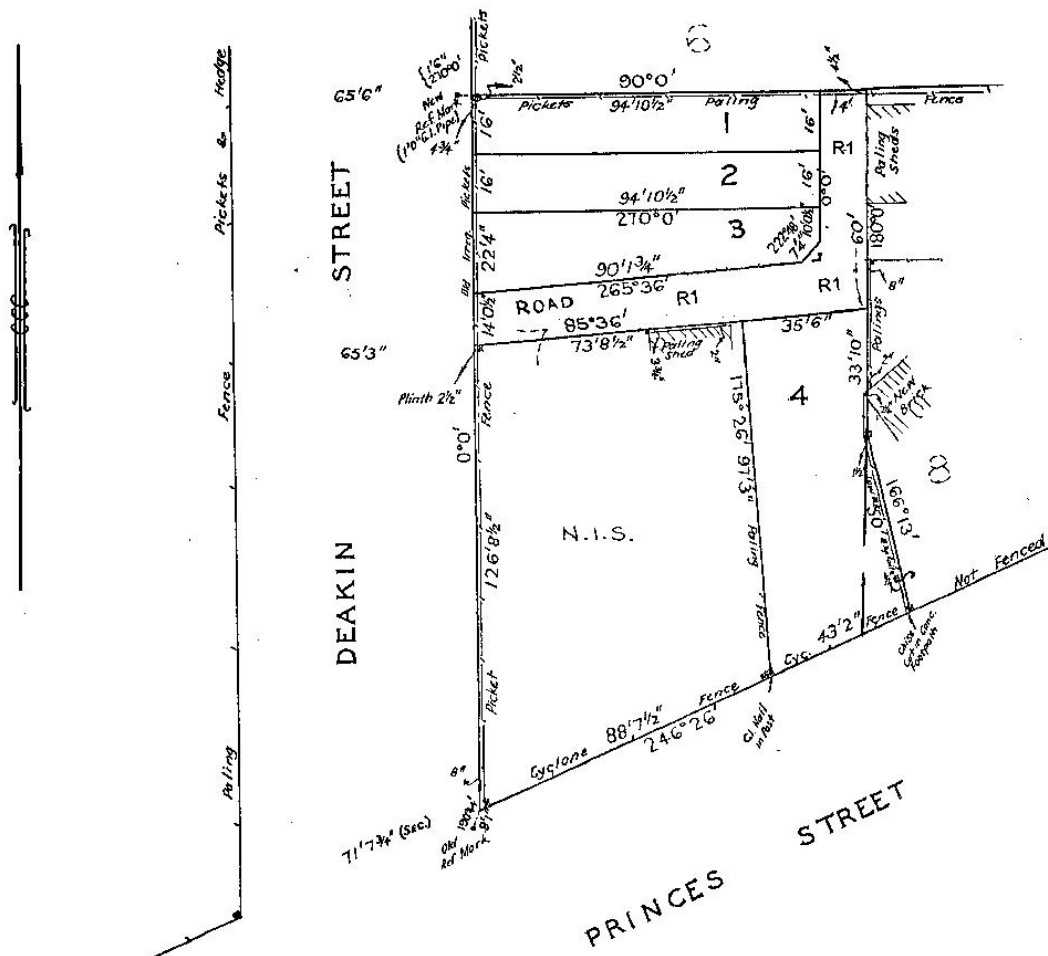
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE.

~~PARISH TOWNSHIP~~



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Register Search Statement - Volume 10243 Folio 238

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10243 FOLIO 238

Security no : 124044527951G
Produced 22/01/2013 04:02 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741805V 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

STEFANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

CONCETTA TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

DAMIANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

GINO TRIPODI of 10 MOORE ST. TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: DEAKIN STREET TRARALGON VIC 3844

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd
Delivered at 22/01/2013, for Order Number 11244891. Your reference: Deakin Lane.**

**PHOTO AT THE ENTRANCE OF THE UNCONSTRUCTED EAST/WEST SECTION OF DEAKIN LANE.
PHOTO DATED 24 JULY 1999.**



Beveridge Williams

Reference: 1200716
Office: Traralgon

16 January 2013

Mr Peter Schulz
Property and Statute Officer
City of Latrobe
PO Box 264
MORWELL VIC 3840

Dear Peter,

**RE: YOUR REFERENCE: R511973/00
PROPOSED PLACEMENT OF PERMANENT BARRIERS
DEAKIN LANE, TRARALGON**

We refer to your letter dated the 18th of December 2012 to Mr Leo DiFabrizio of the Latrobe Regional Development Group and advise as follows.

We act for the following registered proprietors in this matter:

- Parody Glade Pty Ltd who are the registered proprietors of the land described in certificate of title volume 7263 folio 425 being lot 1 on TP 532747M being located at 1-3 Church Street, Traralgon.
- Petroleum Property Holdings Pty Ltd who are the registered proprietors of the land described in certificate of title volume 8156 folio 270 being lot 4 on plan of subdivision LP 41285.

Copies of these titles are enclosed for your information.

As you are aware Deakin Lane was created in LP 41285 with lots 1, 2, 3 and 4 of that subdivision having way and drainage rights over the lane.

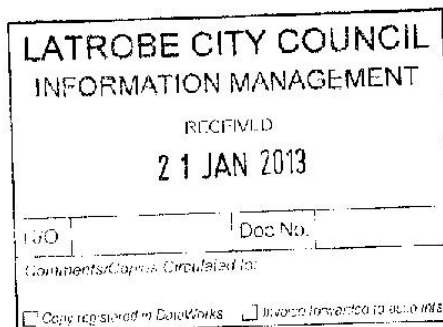
The land comprising Deakin Lane is described in certificate of title volume 10246 folio 309 being road R1 on plan of subdivision LP 41285.

We understand the proposal as stated in your letter dated the 18th December 2012 is for council to consider the place of permanent barriers across Deakin Lane.

We wish to advise that both our clients **strongly object** to this proposal.

Lot 4 on LP 41285, owned by Petroleum Property Holdings Pty Ltd has existing way and drainage rights over Deakin Lane because it is part of the original subdivision, LP 41285.

www.beveridgewilliams.com.au



**Beveridge Williams
& Co Pty Ltd**

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ABN 38 006 197 235

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town planning
water resources
civil engineering
project management
landscape architecture
contamination assessment

Melbourne

Suite 6/115 Hawthorn Rd
Caulfield North Vic 3161
PO Box 2205
Caulfield Junction Vic 3161
ph: 03 9528 4444

Bairnsdale

Shop 7 Riviera Plaza
80-88 Main St
Bairnsdale Vic 3875
Po Box 1799
Bairnsdale Vic 3875
ph: 03 5152 4708

Ballarat

96 Main Road
Ballarat Vic 3350
PO Box 1465
Bakery Hill Vic 3354
ph: 03 5327 2000

Geelong

52 Brougham St
Geelong Vic 3220
ph: 03 5222 6563

Leongatha

52A Bair St
PO Box 161
Leongatha Vic 3953
ph: 03 5662 2630

Sale

45 Macallister St
Sale Vic 3850
ph: 03 5144 3877

Traralgon

18 Hotham St
PO Box 684
Traralgon Vic 3844
ph: 03 5176 0374

Wonthaggi

134 Graham St
PO Box 129
Wonthaggi Vic 3995
ph: 03 5672 1505



Quality
ISO 9001
SA GLOBAL
Melbourne

Petroleum Property Holdings Pty Ltd require permanent unimpeded access to continue to be provided along Deakin Lane because they have plans to develop their property (lot 4) in the future and will require the rear access that Deakin Lane provides.

The building at 1-3 Church Street Traralgon was constructed in 1994. The City of Traralgon required car parking for this facility to be provided at the rear of the building. The only access to this car parking area is via Deakin Lane, which council must have deemed to be a public highway, otherwise they would not have been in a position to require the car parking to be at the rear of the building.

We understand the registered proprietors of lots 1, 2 and 3 on LP 42185 have indicated that they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.

Both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.

If possible we would like an opportunity to address council regarding this matter at the council meeting to be held on Monday 18th of February 2013.

If you have any queries please do not hesitate to contact us.

Yours faithfully

BEVERIDGE WILLIAMS & CO



PETER G DELL
DEVELOPMENT MANAGER – GIPPSLAND

Vic Property

Page 1 of 3

Doc id: 8156/270 Matter: 2223PGD Search generated on 04/07/2012 at 09:37

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08156 FOLIO 270

Security no : 124042363569V
Produced 04/07/2012 09:38 am

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 041285.

PARENT TITLES :

Volume 04583 Folio 536 Volume 06349 Folio 795 Volume 07551 Folio 028
Created by instrument A318161 10/04/1957

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PETROLEUM PROPERTY HOLDINGS PTY LTD of 388 RAYMOND ST SALE 3850
V361058H 08/04/1998

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE V361060E 08/04/1998

NATIONAL AUSTRALIA BANK LTD

LEASE C554022 01/08/1966

Expiry Date 29/03/1973

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE E915459 25/07/1973

Expiry Date 29/03/1978

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE H292020 02/11/1978

Expiry Date 29/03/1983

CALTEX OIL (AUSTRALIA) PTY LTD

CAVEAT AG109227R 29/09/2008

Caveator

PETER JOHN MINSTER

Capacity PURCHASER/FEE SIMPLE

Lodged by

MCDONOUGH & CO

Notices to

MCDONOUGH & CO of 68 SEYMOUR STREET TRARALGON VIC 3844

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

<https://secure-acs.urbispro.com.au/cgi-bin/landata/docimage?dtype=title&>

4/07/2012

Vic Property

Page 1 of 2

Doc id: 7263425 Mailer: 2222PGD Search generated on 04/07/2012 at 09:39

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07263 FOLIO 425Security no : 124042363599N
Produced 04/07/2012 09:40 amLAND DESCRIPTION

Lot 1 on Title Plan 532747M (formerly known as part of Crown Allotment 8
Section 24 Township of Traralgon Parish of Traralgon).
PARENT TITLE Volume 07263 Folio 424
Created by instrument 2203845 24/03/1949

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PARODY GLADE PTY LTD of 10 GREY ST TRARALGON 3844
S934246N 14/02/1994

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S934247K 14/02/1994
NATIONAL AUSTRALIA BANK LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the
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DIAGRAM LOCATION

SEE TP532747M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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TITLE PLAN	EDITION 1	TP 532747M						
<p>Location of Land</p> <p>Parish: TRARALGON Township: TRARALGON Section: 24 Crown Allotment: 8(PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 7263 FOL 425 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p style="text-align: center;">ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>							
<p style="text-align: center;">Description of Land / Easement Information</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 29/05/2000 VERIFIED: SOC</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 8 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 8 (PT)	
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WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 8 (PT)								
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

Vic Property

Doc id: 10246/309 Matter: 1200716 Search generated on 16/01/2013 at 15:21

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 309

Security no : 124044466544D
Produced 16/01/2013 03:22 pm

LAND DESCRIPTION

Road R1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741807P 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares
Sole Proprietor

CONCETTA TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares
Sole Proprietor

GINO TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares
Sole Proprietor

DAMIANO TRIPODI of 10 MOORE STREET TRARALGON 3844
U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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THE PUBLIC LAND CONSULTANCY
Independent professional advice and support for managers and users of public land

Peter Schulz
Property & Statute Officer
Latrobe City Council
141 Commercial Rd,
Morwell 3840

22 March 2013

Dear Peter

Deakin Lane, Traralgon

I write in response to your emailed request of 18 March concerning the proposed discontinuation of Deakin Lane, Traralgon. Your request goes to the essence of the matter:-

In brief, Deakin Lane is a road reserve that remains in private ownership and the registered proprietor now wishes to place gates over it to restrict access however it is required for access to an adjoining property. The registered proprietor has obtained legal advice that it is not a public highway and he is therefore able to remove access and any attempts by Council to remove obstructions would be trespassing.

Our advice (attached below) is based on background materials you have supplied to us. Those materials include extracts from what you describe as 'legal advice received by the applicant' and from which you provide a summary of 'key points.'

We emphasise that we have not viewed a complete version of this legal advice – but it appears to make some fundamental (and somewhat surprising) errors in relation to the law governing roads in Victoria. We could elaborate on this observation if provided with the full advice.

It appears from this partial legal advice that the proponents of the discontinuation are contemplating the construction of a fence or fences across the lane, restricting access to other abutting properties.

Any suggestion that such a fence may be constructed prior to the decision of council should be viewed as provocative, and any attempt to actually construct such a fence should be treated as warranting council and/or Police intervention.

If there is any fear that events might proceed in such a direction, you should seek further legal advice, which we would be happy to facilitate. In such circumstances we would provide details of precedents for councils and/or the Police taking direct action to remove unauthorised obstructions.

If we can be of further assistance, please contact me.



David Gabriel-Jones
Principal

The Public Land Consultancy
ABN 69 067 045 520
Principal: David Gabriel-Jones
Email: dgj@publicland.com.au

57/151 Fitzroy Street
St Kilda, VIC 3182
phone: (03) 9534 5128

postal: PO Box 2251
St Kilda West, VIC 3182
fax: (03) 9593 9085
www.publicland.com.au

Advice relating to Deakin Lane, Traralgon

The documents you have provided show Deakin Lane to be a road, created by subdivision in 1957. The plan showing this subdivision is LP 41285, on which Deakin Lane is marked 'ROAD R1.' The corresponding title is Volume 10246 Folio 271, which also describes the land as 'Road R1' and lists four members of the Tripodi family as its registered proprietors.

It is an unfortunate feature of the law relating to roads in Victoria that title documents cannot be relied upon. This fact is well documented in the judgment in *Calabro v City of Bayside*, Victorian Supreme Court, 1999, where Justice Balmford commented "I do not wish to suggest that this is a satisfactory situation."

The essence of the problem is this: if a road becomes a 'public highway' then it vests in fee simple in the relevant council, without that fact being recorded on title. This is the consequence of section 203 of the Local Government Act 1989, which between 1993 and 2004 read as follows:-

203. Public highways to vest in Councils

(1) A public highway vests in fee simple in the Council of the municipal district in which it is located on the date section 22 of the Local Government (Miscellaneous Amendments) Act 1993 comes into operation (if it is not already vested in the Council), or on it subsequently becoming a public highway.

Although this provision has been in place since 1993 (having been transferred from the Local Government Act 1989 to the Road Management Act 2004) affected titles remain uncorrected. Land Registry has no effective way of knowing whether a road has become a public highway, and therefore no basis on which to update the title.

A road can become a public highway by various means, of which the common law doctrine of dedication and acceptance is relevant here. The doctrine holds that if a competent landowner manifests an intention to dedicate land as a public road, and there is an acceptance by the public of the proffered dedication, then the land becomes a 'highway' – more usually described as a 'public highway.'

The annotation 'road' on the Plan of Subdivision can be taken as clear evidence of dedication. The fact that the original owner and successors in title have, over a period of half a century, acquiesced in allowing public access to the road can be taken as confirming an intention to dedicate. From what we understand, usage of the road has been by 'the public' – including persons accessing several properties fronting Deakin Street, Church Street and Princes Street. The consequence of this fact is that the road no longer vests in its registered proprietors, but in Council.

If doubts persist, and Council perceives a need to put the matter beyond question, the road may be declared to be a public highway under section 204(1) of the Local Government Act 1989.

As a public highway Deakin Lane is a municipal road within the meaning of the Road Management Act 2004, and Council is empowered to deal with it accordingly.

* * * * *

IN THE MATTER OF DEAKIN LANE, TRARALGON

SUPPLEMENTARY OPINION

1. My instructing solicitor acts for the registered proprietors of land at 2 Deakin Street, Traralgon. This memorandum is further to my opinion of 15 March 2013.
2. Latrobe City Council has deferred a decision arising from the client's request for Council's agreement to close the lane. The question which has arisen is whether the lane is a "public road", over which the Latrobe City Council has jurisdiction under the *Local Government Act*.
3. The officers' report for the Council meeting on 22 April 2013 in large part repeats previous material, including an extract from previous legal advice obtained on a 'similar issue' elsewhere.
4. *Comment:* the previous legal advice can only set out general principles and is not an accurate or sufficient foundation for a decision in the present case. This is because it is not the general principles which are in dispute, but the application of those principles to particular facts, which differ between cases.
5. Similarly, Council has obtained advice on the lane from advisers, The Public Land Consultancy. The author of that advice is a civil engineer and previous public servant, no doubt experienced in his field but I am not aware of his being legally qualified.
6. There is no dispute as to the prerequisites for how land becomes a public road (or public highway, the terms may be regarded for present purposes as interchangeable). There are two means:
 - a. at **common law**, by a two-stage process: first, *dedication* of the land by the land-owner; and *secondly*, acceptance by the public by use.
 - b. by **statute**, under the *Local Government Act* or *Road Management Act*, *Crown Lands Act* or other statute.

7. In the case of Deakin Lane, neither at common law nor under statute is there evidence that the lane has become a public highway.

8. In particular, for the common law test, there is no evidence of dedication of the land by the owner. Contrary to the PLC advice, the 1957 plan of subdivision is not a dedication. Section 17(3) of the *Road Management Act 2004* (Vic)(RMA) states:

“A road set aside as a road in a plan of subdivision registered under the *Subdivision Act 1988* is not a public road for the purposes of this Act unless and until a decision is made”

by a relevant co-ordinating road authority under subsection 17(3) of the RMA. No co-ordinating road authority has made such a decision in this case. Sec 17(3) of the RMA is declaratory of the common law in Victoria: since *Fleming v City of Oakleigh* [1934] VLR 263, the description of land on a plan of subdivision as a “road” is not of itself indicative of an intention to dedicate a road to the public.

9. As to roads that are public roads by statute, section 19(1) of the RMA states: “*Section 17 [of the RMA] establishes which roads are public roads.*” None of the processes set out in s 17(1) or 17(3) of the RMA have been applied.

Conclusion

10. On the basis of the above, Deakin Lane, Traralgon, is not a public road. All adjoining land owners have alternative, adequate and convenient access to their land from public roads or have private rights as holders of an easement. There is no reasonable requirement for general public use of the lane.



PETER G. WILLIS

Joan Rosanove Chambers
Melbourne

22 April 2013

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

13.1 ANNUAL REVIEW OF THE OUTCOMES OF THE ECONOMIC SUSTAINABILITY STRATEGY 2011-2014 FOR THE PERIOD 1 JULY 2012 TO 30 JUNE 2013.

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to present outcomes of the second annual review of the Latrobe City Council Economic Sustainability Strategy 2011-2015 for the period 1 July 2012 – 30 June 2013.

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 – Economy

In 2026, Latrobe Valley has a strong and diverse economy built on innovation and sustainable enterprise. The vibrant business centre of Gippsland contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.

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

Theme 1: Job Creation and Economic Sustainability

Objectives:

- *Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major cities.*
- *Actively pursue further diversification of business and industry in the municipality.*
- *Actively pursue and support long term job security and the creation of new employment opportunities in Latrobe City.*

Strategic Direction - Job Creation and Economic Sustainability

Provide incentives and work proactively to attract new businesses and industry to locate in Latrobe City.

Assist existing small and medium enterprises to expand and sustain employment opportunities.

Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.

Promote and support the development and economic return of the tourism and events sector.

Enhance community and business confidence in the future of the local economy.

Promote research and development for new products and processes to exploit the significant coal resource of the Latrobe Valley .

Strategies:

Strategy 1 – Economic Sustainability Strategy

Strategy 2 – Latrobe Regional Airport Master Plan

Strategy 3 – Gippsland Logistics Precinct Project Plan

Strategy 4 – Former Lurgi Site Master Plan

Strategy 5 – Positioning Latrobe City for a Low Carbon Emission Future

Strategy 6 – Latrobe City Council Low Carbon Transitional Immediate Opportunities

Policy:

Policy - Economic Development Assistance Policy 11 POL-6

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Economy

In 2026, Latrobe Valley has a strong and diverse economy built on innovation and sustainable enterprise. The vibrant business centre of Gippsland contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.

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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

Theme 1: Job Creation and Economic Sustainability

Objectives:

- *Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major cities.*
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Strategic Direction - Job Creation and Economic Sustainability

Provide incentives and work proactively to attract new businesses and industry to locate in Latrobe City.

Assist existing small and medium enterprises to expand and sustain employment opportunities.

Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

Promote and support the development and economic return of the tourism and events sector.

Enhance community and business confidence in the future of the local economy.

Promote research and development for new products and processes to exploit the significant coal resource of the Latrobe Valley .

Strategies:

Strategy 1 – Economic Sustainability Strategy

Strategy 2 – Latrobe Regional Airport Master Plan

Strategy 3 – Gippsland Logistics Precinct Project Plan

Strategy 4 – Former Lurgi Site Master Plan

Strategy 5 – Positioning Latrobe City for a Low Carbon Emission Future

Strategy 6 – Latrobe City Council Low Carbon Transitional Immediate Opportunities

Policy:

Policy - Economic Development Assistance Policy 11 POL-6

BACKGROUND

The *Latrobe City Council Economic Sustainability Strategy 2011-2015* (the Strategy) was adopted by Latrobe City Council on 28 June 2011.

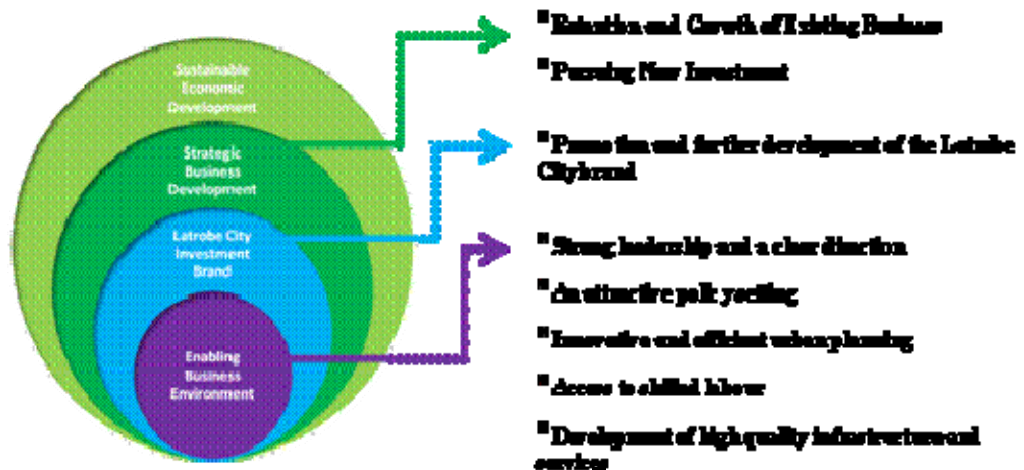
The Strategy:

- Provides a framework to direct Latrobe City Council economic development activities;
- Guides the work of Council so that work can be prioritised to focus on those activities that best position Latrobe City to prosper in a changing economic environment; and
- Identifies emerging challenges and opportunities and corresponding actions to assist business to grow and invest.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

To achieve sustainable economic development the Strategy identifies three equally important and inter-dependent groups of activities being:

- Providing strategic business development services for new and existing businesses;
- Building the Latrobe City investment brand; and
- Creating an enabling business environment that fosters business activity and supports further investment.



The Strategy identifies actions which are aimed to consolidate Latrobe City's position as a major regional city and service centre for the Gippsland region and drive economic growth at a pace exceeding that of other regional centres as measured by:

- Job creation;
- Growth in gross regional product; and
- Reduction in unemployment rates.

The Strategy requires progress on its implementation to be monitored and reported to Council on an annual basis and published on the Latrobe City website.

The first review was presented to Council at its 3 December 2012 Ordinary Meeting with the following resolution being recorded.

That Council notes the Economic Sustainability 2011-2015 Annual Review Report.

ISSUES

At the completion of the 2012-2013 year, a review of the Strategy was completed and a report of key statistics and activities undertaken was prepared. (This is included as Attachment 1).

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

Key strategy achievements include:

- A 43% increase in business development enquiries. These are generally assisting new business or helping existing firms with internal Council issues, referrals to other agencies and funding applications.
- A 29% increase in hits to the Latrobe City Tourism website.
- The delivery of 11 training, information and networking sessions for local businesses.
- Four editions of Business Connect newsletter distributed to 3,900 businesses and stakeholders.
- Dissemination of 4,500 "Securing our Future" documents.
- Finalisation of the 2013 Employment and Industry Survey which highlighted over \$41 million in planned and proposed investment within Latrobe City.

This report details the progress made in relation to each of the 63 Economic Sustainability Strategy actions.

A full review of the strategy is scheduled to be undertaken in 2014 for the consideration of Council in early 2015 so as to provide strategic direction for the next four year planning period.

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 implications as a result of considering this report. Implementation of the Strategy is accommodated within the Economic Sustainability divisional budget.

INTERNAL/EXTERNAL CONSULTATION

No consultation has been required to be undertaken in the preparation of this report.

OPTIONS

Council has the following options:

1. Accept the *Economic Sustainability Strategy 2011-2015 Annual Review Report*;
2. Not accept the *Economic Sustainability Strategy 2011-2015 Annual Review Report*; or
3. Request further information relating to the *Economic Sustainability Strategy 2011-2015 Annual Review Report*.

CONCLUSION

The Economic Sustainability Strategy 2011-2015 Annual Review provides an update on the progress of the Latrobe City Council Economic Sustainability Strategy 2011-2015. The review demonstrates the significant progress that has been made in delivering the Strategy.

Attachments

1. Economic Sustainability Strategy 2011-2014 Final

RECOMMENDATION

That Council notes the Economic Sustainability 2011-2015 Annual Review Report.

13.1

Annual Review of the Outcomes of the Economic Sustainability Strategy 2011-2014 for the period 1 July 2012 to 30 June 2013.

- 1 Economic Sustainability Strategy 2011-2014 Final 105**

Economic Sustainability Strategy 2011 – 2015



Annual Review of Actions and Report Card on Progress

October 2013





1. Summary

The Latrobe City Council Economic Sustainability Strategy provides a framework for the delivery of economic development activities for Latrobe City Council.

This report provides an overview of the work done in relation to the Strategy for the 2012/2013 year.

Key strategy achievements include:

- A **43% increase** in business development enquiries. These are generally assisting new business or helping existing firms with internal Council issues, referrals to other agencies and funding applications.
- A **31% increase** in hits to the Latrobe City Tourism website.
- The delivery of **11 training, information and networking sessions** for local businesses.
- Four editions of **Business Connect newsletter that are distributed to 3,900 businesses and stakeholders.**
- Dissemination of **4,500 "Securing our future"** documents.
- Finalisation of the 2013 Employment and Industry Survey which highlighted over **\$41 million** in planned and proposed investment within Latrobe City.

This report details the progress made in relation to each of the 63 Strategy actions.





2. About the Strategy

The Economic Sustainability Strategy (ESS) was adopted by Latrobe City Council on 28 June 2011.

The Strategy:

- Provides a framework to direct Latrobe City Council economic development activities;
- Guides the work of Council so that work can be prioritised to focus on those activities that best position Latrobe City to prosper in a changing economic environment; and
- Identifies emerging challenges and opportunities and corresponding actions to assist business to grow and invest.

To achieve sustainable economic development the Strategy identifies three equally important and inter-dependent groups of activities being:

- Providing strategic business development services for new and existing businesses;
- Building the Latrobe City investment brand; and
- Creating an enabling business environment that fosters business activity and supports further investment.



The Strategy identifies three employment zones of significant interest in terms of the future prosperity and growth for the municipality. The employment zones place an emphasis on job creation, industry diversification and the ability to offer opportunities to prospective investors:



- Former Morwell Gasworks/Lurgi site
- Gippsland Logistics Precinct
- Latrobe Regional Airport

The Strategy identifies actions which are aimed to consolidate Latrobe City's position as a major regional city and service centre for the Gippsland region and drive economic growth at a pace exceeding that of other regional centres as measured by:

- Job creation;
- Growth in gross regional product; and
- Reduction in unemployment rates.

A requirement of the Strategy is that a review will be undertaken annually and the list of strategy actions be revised and supplemented accordingly.

It is planned that a full review of the strategy will be undertaken in 2014 in preparation for the next four year planning period.

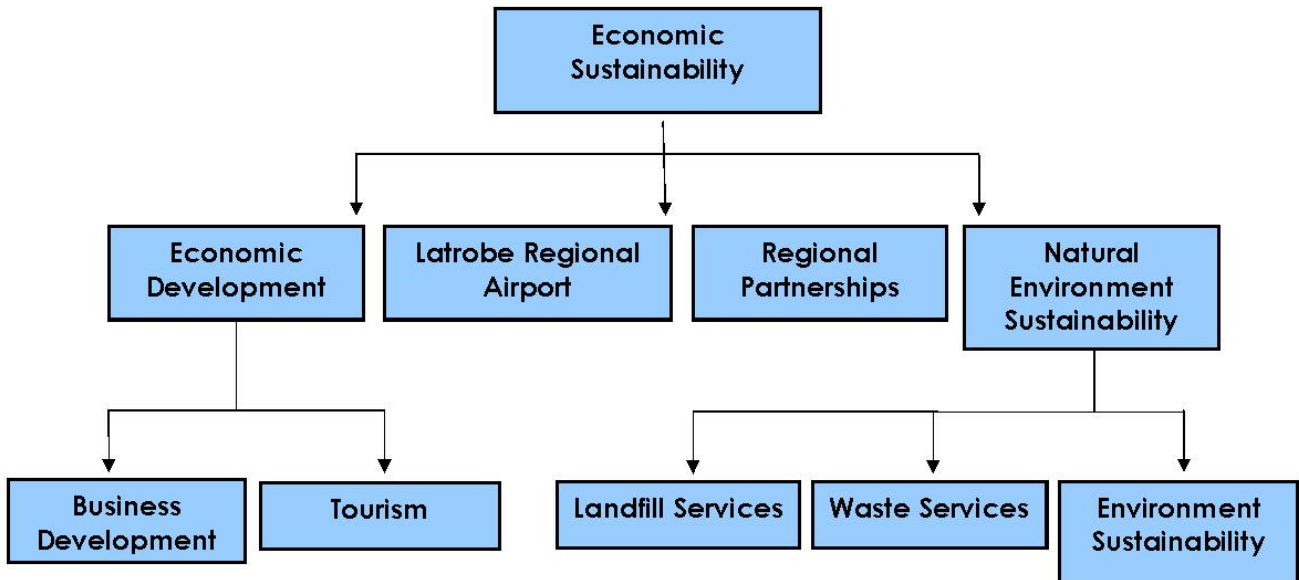




3. Responsibility for Implementation

The Economic Sustainability Strategy is an adopted strategy of Latrobe City Council and is an organisation wide responsibility. The Economic Sustainability Division is the primary resource allocated to the Strategy’s implementation and is charged with progressing the majority of its Actions.

The structure of the Economic Sustainability Division during 2012/2013 was as follows:



Other key Divisions involved in progressing the Economic Sustainability Strategy include Recreation, Culture and Community Infrastructure and Governance.





4. Measuring Progress

The Strategy requires progress on its implementation to be monitored and reported to Council on an annual basis and published on the Latrobe City website. The implementation report is to include data on the number of:

- Responses to business enquiries;
- Media releases produced;
- Contacts developed; and
- Delegations organised.

Furthermore it requires Latrobe City Council to develop, collate and publish economic development indicators, measuring Latrobe City's economic progress for the 2011-15 period.

These indicators cannot be used directly to assess the success of implementation of this Strategy, as there are many factors outside the control of Latrobe City Council that impact on economic development. However, the data will enable Latrobe City Council to identify opportunities and issues and to adapt the Strategy accordingly.

The Strategy requires that an annual assessment of economic development performance in Latrobe City relative to the other major regional centres will be undertaken, focused on:

- Gross Regional Product;
- Employment rates/job growth;
- Unemployment rates;
- Mean taxable income; and
- Population growth.

In addition, performance against the following indicators is to be monitored:

- Visitation statistics;
- Business confidence;
- Planned investment;
- New business registrations by sector;
- Value of planning approvals (commercial, industrial and residential);
- Value of building construction;
- Value of property sales and median prices; and
- Population forecasts.

Please note that details of all external sources of statistical information are referenced in the document. Where no source is identified, the statistic has been derived internally.

The remainder of this document will provide a snapshot of progress over the second year of the four year Strategy and recommendations for some revision of actions.



5. Performance Against Activity Indicators

5.1 Responses to Business Enquiries

The type of Business enquiries received vary greatly but are typically the provision of assistance when starting a new business, assistance with site selection or referrals to other agencies. In the 2012/2013 financial year, 414 business enquiries were responded to by the Business Development Unit compared to 279 business enquiries responded to in the 2011/2012 financial year. Details of activity are as follows (it should be noted that some requests cover many of the categories outlined below):

- Assisted 78 new businesses to establish in Latrobe City;
- Provision of advice to over 39 businesses on government assistance programs and funds;
- Assisted over 49 identify suitable sites and work through the regulatory permits and approval process;
- Provision of general information to 204 requests; and
- Provision of statistics and information about Latrobe City to 61 requests.

New business contacts made through business enquiries are also added to the business database and supplied with information, newsletters and updates as outlined in section 5.3.

5.2 Media Releases Distributed

In the 2012/2013 financial year, 21 media releases were prepared by the Economic Development Unit and distributed by the Economic Sustainability Division compared to 20 media released in the 2011/2012 financial year.

5.3 Number of New Business Contacts

In the 2012/2013 financial year, 259 new business contacts were made by the Economic Sustainability Division compared to 225 new business contacts in the 2011/2012 financial year. These contacts are then periodically supplied with information and updates from the Division including the Business Connect newsletter, Business Development E-newsletter, information on grants and assistance and training and networking opportunities as available.

5.4 Tourism Statistics

The Latrobe City Visitor Information website hits increased with 75,110 hits for 2012/2013 compared to 51,665 hits in the 2011/2012 financial year.



5.5 Business Confidence Indicators

The 2013 Employment and Industry Survey indicates:

- 44% of businesses anticipated business turnover to grow in the next year; and
- 20% of businesses expect employee numbers to increase over the next three years.

5.6 Level of Planned Investment

The 2013 Employment and Industry Survey indicates that:

- \$41 million in proposed capital investment is proposed across 52 businesses;
- The average planned investment was between \$100k and \$400k – consistent with the 2012 Industry Survey;
- Of the 52 businesses with capital investment intentions, 13 were in the Retail sector; and
- Significant capital investments over \$2 million are planned for the Manufacturing, Healthcare, Agriculture, Retail and Construction industries.

5.7 New Business Registrations by Sector

In the 2012/2013 financial year, the following new business registrations were recorded in Latrobe City in the following sectors:

Sector	Registrations 2012/13
Professional, Scientific & Technical Services	45
Public Administration & Safety	32
Administrative & Support Services	27
Retail Trade	25
Electricity, Gas, Water & Waste Services	24
Manufacturing	18
Education and Training	14
Information Media & Telecommunications	13
Construction	11
Accommodation & Food Services	11
Other	11
Transport, Postal & Warehousing	6
Rental, Hiring & Real Estate Services	5
Financial & Insurance Services	5
Mining	3
Health Care & Social Assistance	3
Wholesale Trade	3
Arts & Recreation Services	3
Agriculture, Forestry & Fishing	2
Total	259



5.8 Value of Planning Approvals

\$162.7 million in the 2012/2013 financial year compared to \$150.8 million in 2011/2012.

5.9 Value of Building Construction

\$140.6 million in the 2012/2013 financial year compared to \$112.5 million in 2011/2012.

5.10 Value of Property Sales

Latrobe City median property price and sales activity for 2011 and 2012 are as follows.

	2011	2012
Median house price (\$)	209,000	208,000
Mean house price (\$)	229,465	224,850
Number of house sales	1,131	1,123
Median flat or unit price (\$)	165,000	170,000
Mean flat or unit price (\$)	186,308	188,690
Number of flat or unit sales	195	149
Median vacant block price (\$)	127,000	135,000
Mean vacant block price (\$)	128,713	136,022
Number of vacant block sales	245	186

Source: A Guide to Property Values 2012, LANDATA®, Department of Sustainability and Environment

5.11 Population Forecasts

Latrobe City population forecasts are as follows.

2011	2016	2021	2026	2031
76,640	79,891	83,531	87,145	90,741

Source: Victoria in Future 2012 - Population and Household Projections 2011-2031 for Victoria and its Regions, Department of Planning and Community Development, April 2012.





6. Comparative Economic Indicators against other Regional Centres

6.1 Gross Regional Product (GRP)

GRP for Latrobe is estimated at \$4,070.376 million. A comparison against Victoria's other key regional centres is provided below.

Expenditure Method	Latrobe (C)	Greater Bendigo (C)	Greater Geelong (C)	Ballarat (C)
Gross Regional Expenses	\$4,885.558 M	\$6,836.844 M	\$14,302.052 M	\$6,456.037 M
Net exports	-\$868,603 M	\$1,033.211 M	-\$3,875.836 M	-\$1,110.344 M
Gross Regional Product	\$4,070.376 M	\$5,083.205 M	\$10,111.989 M	\$4,767.125 M
Per Capita GRP	\$56,225	\$50,520	\$47,953	\$50,985
Per Worker GRP	\$158,875	\$134,980	\$128,697	\$122,950

Source: REMPLAN October 2013

6.2 Employment Growth / Jobs Rates

Between 2002 and 2012, Latrobe City experienced the highest total growth (an increase of 36.54%) in the number of jobs over the ten year period, from 28,275 jobs in 2002 to 38,607 jobs in 2012. In comparison, over the same period, the number of jobs in Greater Bendigo increased by 28.12%, Greater Geelong increased by 24.19% and Ballarat increased by 30.73%.

The following table shows the number of jobs and job growth rate from 2002 to 2012 for the four regions.

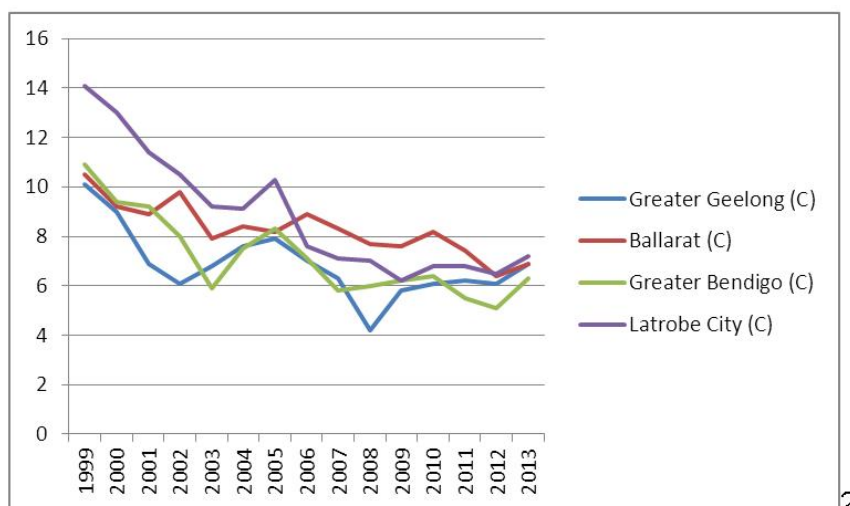
	Latrobe (C)		Greater Bendigo (C)		Greater Geelong (C)		Ballarat (C)	
	Jobs	Growth rate	Jobs	Growth rate	Jobs	Growth rate	Jobs	Growth rate
2002	28,275	7.16%	41,042	10.67%	88,010	-0.03%	35,276	-10.80%
2003	30,220	6.88%	43,353	5.63%	88,958	1.08%	37,303	5.75%
2004	32,386	7.17%	41,291	-4.76%	85,266	-4.15%	37,668	0.98%
2005	32,457	0.22%	40,995	-0.72%	89,382	4.83%	39,572	5.06%
2006	32,391	-0.20%	43,757	6.74%	94,202	5.39%	40,365	2.00%
2007	33,329	2.90%	47,700	9.01%	99,292	5.40%	41,130	1.90%
2008	34,035	2.12%	46,949	-1.57%	103,114	3.85%	42,733	3.90%
2009	34,901	2.54%	47,967	2.17%	104,862	1.70%	44,712	4.63%
2010	37,152	6.45%	48,439	0.99%	105,452	0.56%	45,545	1.86%
2011	40,354	8.62%	51,561	6.44%	105,681	0.22%	46,487	2.07%
2012	38,607	-4.33%	52,582	1.98%	109,299	3.42%	46,117	-0.80%
Total Change in Jobs								
02-07	5,054	17.88%	6,658	16.22%	11,283	12.82%	5,855	16.60%
07-12	5,278	15.84%	4,883	10.24%	10,007	10.08%	4,987	12.12%
02-12	10,332	36.54%	11,540	28.12%	21,290	24.19%	10,841	30.73%

Source: Department of Education, Employment & Workplace Relations Small Area Labour Market
Note: Average annual number of persons employed in the 12 months to December.



6.3 Unemployment Rates

Unemployment has trended down across all regions, with Latrobe decreasing from a comparably high level of unemployment of 14.1% in 1999 to 7.2% in 2013.



6.4 Mean Taxable Income

When comparing the four regions, Latrobe has consistently had the highest average taxable income over the four year period, with the average taxable income being \$42,722 at June 2010.

6.5 Population Growth

Latrobe has been experiencing moderate population growth, particularly over the last four years.

	2009	2010	2011	2012	Change 2009-2012	Growth rate (%) 2009-2012
Latrobe City	72,988	73,291	73,564	73,672	684	0.92
Gippsland	254,351	257,056	259,384	261,456	7,105	2.79
Regional Victoria	1,353,266	1,213,205	1,365,423	1,439,517	13,532	6.37



7. Review of Actions

To progress the objectives of the Economic Sustainability Strategy 2011 – 2015 the following actions have been undertaken. They are collated under the Strategy action areas and, where necessary, are applied to more than one area.

Actions for Retention and Growth of Existing Businesses

1. Connect with the business community and maintain relationships to keep abreast of business needs and gaps in provision of service.

Indications of Activity:

- The 2013 Employment & Industry Survey was undertaken and the Survey Report finalised and distributed;
- Prepared and disseminated the 'Securing Our Future' advocacy document;
- Relationships created and reinforced with business representatives through eleven business development workshops, two developers forums, four industry sector forums and tailored one-on-one business assistance;
- Completed 509 business visits where opportunities to assist individual firms were identified and followed up;
- Participated in industry related conferences including:
 - Brown Coal Innovation Australia Coal Developments Forum;
 - Brown Coal Innovation Australia Coal Drying and Developments Forum;
 - Victorian Infrastructure Summit;
 - All Energy Australia Conference;
 - Committee for Economic Development of Australia State of the Nation Conference;
 - Agribusiness Gippsland ABARES Conference;
 - Timber Towns Annual Conference;
 - Committee for Economic Development of Australia future of Agribusiness in Australia Session;
 - CEDA Reinventing the Regions;
 - CEDA Agribusiness Forum;
 - Energy State of the Nation;
 - Aviation/Aerospace Manufacturing Productivity Network;
 - CEDA - The Business of Tourism Forum;
 - 2013 Avalon Airshow; and
 - 2013 Regional Living Expo



- Supported the Latrobe City Business Tourism Association (LCBTA) through attendance at 11 meetings and the provision of business development assistance;
- Conducted eight meetings with the Industrial Capability Network (ICN) to exchange business related intelligence;
- Regularly distributed information to local business associations;
- Delivered two major project updates to Latrobe City Real Estate Agents;
- Conducted eight meetings with Latrobe Regional Airport Community Committee and tenants; and
- Conducted nine Latrobe Regional Airport board meetings.

2. *Keep the business community apprised of emerging developments in the business operating environment so that they can effectively prepare and adapt for change.*

Indications of Activity:

- Published and distributed four editions of the Business Connect newsletter which were sent to 3,900 businesses and stakeholders;
- Prepared and distributed the Business Development E-newsletter on a monthly basis;
- Developed and distributed the Small to Medium Enterprise Toolkit;
- Engaged with 25 local businesses in delivering the Accelerated Business Support Program;
- Responded to 414 business enquiries;
- Undertook a review of the 'Support for Business' section of the Latrobe City Council website; and
- Established regular monthly meetings with local business groups and trader organisations.

3. *Facilitate regional industry networking, partnerships and knowledge sharing events to build business capacity and connectedness.*

Indications of Activity:

- Facilitated nine networking and information sharing activities including:
 - Two development sector breakfast forums;
 - Four Digital Engagement Workshops;
 - Two call centre sector forums; and
 - A Resources Sector Briefing in partnership with the Industry Capability Network.



4. Support skills development in local industry.

Indications of Activity:

- Facilitated two *Grow Your Business* Programs for Small to Medium Enterprises;
- Promoted and facilitated the Small Business Mentoring Service;
- Promoted and facilitated four business training courses run through the Latrobe City Business Tourism Association (LCBTA);
- Participated in a Victorian Government led Apprenticeship Working Group to encourage increased take up of apprentices;
- Provided sponsorship and promoted the LCBTA People's Choice Awards; and
- Provided sponsorship and promoted the annual Gippsland Business Awards.

5. Promote and advocate for local industry in the broader community.

Indications of Activity:

- Prepared and disseminated over 4,500 '*Securing Our Future*' advocacy documents;
- Prepared and submitted responses to proposed government policy including government White Papers;
- Provided a financial contribution to the operational budget and officer attendance at monthly Powerworks Board meetings in an observer status until 31 December 2012;
- Financial contribution, input into policy and Councillor representation on the National Timber Council Taskforce and Timber Towns Victoria;
- Input into policy and Councillor and officer representation on the Alliance of Councils for Rail Freight Development;
- Membership and participation in the VECCI Regional Council;
- Participation in the VECCI Regional Business Forum;
- Participation in the Senior Offices Group;
- Participation in the Latrobe Valley Transition Committee;
- Membership and participation in the Australian Broadband Alliance;
- Participated in the development of the Gippsland Freight Plan 2013;
- Financial contribution and support to Agribusiness Gippsland;
- Hosted a public hearing of the Parliamentary inquiry into Local Economic Development Initiatives in Victoria;
- Provided a financial contribution and support to the LCBTA; and
- Provided a financial contribution, input into policy and Councillor and officer representation on the South East Australian Transport Strategy forum (SEATS).



6. Provide assistance to businesses to grow and expand.

Indications of Activity:

- Referred 39 businesses to the Victorian Government regarding funding opportunities;
- Assistance through the provision of 19 letters of support for business requests for funding;
- Provision of statistical data in response to 61 enquiries and collation of results of the Employment & Industry Survey;
- Identification and provision of information regarding 49 potential sites for existing/inbound investment;
- Provided assistance to over 414 requests from businesses including:
 - Assisted 49 proponents to identify suitable sites;
 - Provision of advice to over 39 businesses on government assistance programs and funds;
 - Assisted over 40 businesses in working through the regulatory permits and approval process;
 - Provision of general information to 204 requests;
 - Engaged with 25 business in delivering the Accelerated Business Support Program;
 - Provision of additional information to business associations from 13 referrals; and
 - Provided information and referrals to other agencies for over 30 requests.
- Continued progress on the Gippsland Logistics Precinct through attraction of private sector interest including:
 - Management of the Request for Proposals process; and
 - Delivery of the Latrobe Valley and East Gippsland Freight Task Assessment.
- Continued lobbying to the Victorian Government to facilitate the development of the former Lurgi site into a heavy industry park.





7. Intensify efforts to expand domestic and international markets for local goods and services.

Indications of Activity:

- Provision of information and facilitation of meetings for international delegations and visitors including;
 - Shanghai Electric Power Company;
 - Newtech Developments and Zhejiang Shipping Company;
 - Latrobe Resources; and
 - OCI Company Ltd.
- Distribution of information to local businesses regarding the Victorian Government Super Trade Mission to India;
- Liaison and provision of information with key State Government international officers representing:
 - Japan;
 - China; and
 - India.
- Participation in the Victorian Government Super Trade Missions to China and India;
- Provision of information and facilitation of meetings for international businesses located in Latrobe City;
 - Nippon Paper;
 - Mahindra; and
 - Newtech.





8. Position Latrobe City as the location of choice for international students.

Indications of Activity:

- Provision of information with key State Government international officers representing:
 - China; and
 - India.
- Distributed the Latrobe City International Education brochure.

9. Play a substantive role in promoting and supporting the development of the tourism and events sector in Latrobe City.

Indications of Activity:

- Supported of the Latrobe City Business Tourism Association (LCBTA) by representation on the Executive Committee, a financial contribution to group activities, participation at meetings and promotion of the group to local businesses;
- Updated the image and video library for promotional activities;
- Produced a new Latrobe City promotional DVD and Latrobe Regional Airport DVD;
- Supported the LCBTA to host the fourth annual People's Choice Awards including sponsoring an award;
- Featured the LCBTA in each edition of Business Connect to drive membership and promotion;
- Provided business development opportunities through business seminars and events in partnership with the LCBTA;
- Provided visitor services through the visitor information centre, Latrobe City tourism website, and support to volunteers at event;
- Delivered familiarisation tours within Latrobe City and the wider Gippsland region for visitor services staff and volunteers;
- Produced and distributed the official visitor guide state wide; and
- Editorial and promotion in appropriate publications and websites.





10. Promote opportunities for local procurement by the Latrobe City Council and in the wider business community.

Indications of Activity:

- Provided a procurement briefing to local contractors regarding opportunities for involvement the resources sector;
- Conducted regular meetings with the Industry Capability Network (ICN) and participation in the review of Council's procedures to support local procurement; and
- Provided assistance to ICN for securing funding for production of the publication 'Showcasing Latrobe City's Resource Sector Capabilities'.

Actions for Pursuing New Investment

11. Promote Latrobe City to domestic and international investors to increase international investment.

Indications of Activity:

- Participated in the Victorian Government Super Trade Missions from to India and China;
- Provided support, referrals and the provision of site information for the proponents of proposed major projects;
- Provided support, referrals and facilitated meetings for local employers looking to further invest including the Australian Paper De-Inking Project, GippsAero, Safetech, Fishers Group, Sage Technology, Steeline and Stirloch;
- Prepared and distributed the Securing our Future advocacy document; and
- Continued assistance to Victorian and Federal Government for department meetings, organising briefings, providing venues and gathering information.

12. Actively pursue targeted investment opportunities.

Indications of Activity:

- Supported Australian Paper's significant expansion into recycled paper production;
- Supported Safetech to secure the headquarters of its merged company at Moe;
- Secured \$5.27 million of Victorian and Australian government funding to secure the expansion of GippsAero at Latrobe Regional Airport;
- Development and distribution of the *Securing Our Future* advocacy document outlining key projects for transitioning the economy;



- Hosted international investment delegations including;
 - Shanghai Power, China;
 - Newtech Developments; and
 - Zhejiang Shipping Company;
- Promoted Latrobe City's significant competitive strengths shared service facilities to the industries peak body and key operators through a series of meetings and presentations;
- Participated in and supported key industry forums including the:
 - VECCI Regional Business Forum;
 - Brown Coal Innovation Australia Coal Developments Forum;
 - All Energy Conference;
 - Avalon Airshow;
 - ICN Networking event;
 - ABARES Conference;
 - VECCI Regional Convention;
 - Powerworks Future Directions Forum; and
 - Victorian Freight and Logistics Plan Forum.

13. Position Latrobe City as a centre of knowledge and research in emerging technologies.

Indications of Activity:

- Supported the proposal for establishment of the Centre for Sustainable Industries within Latrobe City;
- Participated in a range of forums including:
 - Clean Coal Victoria Information session;
 - Sustainability Victoria business forum;
 - Rail Fright Alliance;
 - Agribusiness Gippsland Forum;
 - GEST Community Stakeholder Forum;
 - Rail Freight Alliance;
 - Latrobe Business Leaders Summit;
 - Gippsland Regional Plan Forum;
 - Regional Business Leaders Forum;
 - GTEC Industry Forum;
 - South East Australian Transport Strategy Inc;
 - Tourism Road Map Forum;
 - Destination Gippsland Industry Development Forum;
 - Gippsland Accessible Tourism Forum; and
 - The Future use of Gippsland Energy Resources Forum.



Actions for Building the Latrobe City Investment Brand

14. *Actively promote Latrobe City to potential visitors, investors and other stakeholders to improve their understanding and familiarity with Latrobe City.*

Indications of Activity:

- Produced a new Latrobe City promotional DVD and Latrobe Regional Airport promotional DVD;
- Update the Latrobe City pocket guide;
- Led the coordination of the Latrobe City Council presence at the Regional Living Expo and Open Day;
- Led the coordination of the Latrobe City Council presence at the 2013 Avalon Airshow;
- Produced four editions of the Business Connect newsletter featuring profiles of local businesses;
- Produced a new E-Newsletter distributed to the Latrobe City business community;
- Produced a series of 12 Fact sheets distributed within and outside the Latrobe City business community;
- Produced and distributed over 30 copies of the Small Business Toolkit; and
- Distributed 15 media releases showcasing a range of programs, services and initiatives being undertaken by the division.





15. Work in partnership with the business community to understand if and how the perception of our region affects residential attraction, visitation and investment decisions and develop targeted programs to enhance the profile of Latrobe City in the broader community.

Indications of Activity:

- Coordinated the Latrobe City stand at the Regional Living Expo and Regional Open Day;
- Distributed the Latrobe City International Education Brochure; and
- Participated in studies related to the City Image Strategy.

Actions for Providing Strong Leadership and a Clear Direction

Indications of Activity:

- The 2012/2013 Division Business Plan consisted of 64 specific actions with progress reported on a monthly basis;
- Facilitated two GLGN Economic Development Managers Forums to help facilitate regional cooperation; and
- Participated in the Senior Officers Group in support of the Latrobe Valley Transition Council.

16. Work in partnership with the GLGN and with sector specific regional associations to develop and implement regional plans.

Indications of Activity:

- Supported the development of the Gippsland Broadband Engagement Plan;
- Participated in the development of the Gippsland Food Plan; and
- Contributed to the development of the Gippsland Integrated Land Use Plan.
- Contributed to the development of the Gippsland Freight Plan.





17. Foster the development of new community leaders and entrepreneurs

Indications of Activity:

- Provided sponsorship for the LCBTA People's Choice Awards; and
- Supported the Gippsland Business Awards through sponsorship of the "New Business" category and through promotion via Business Connect and the Latrobe City website.



18. Prepare Latrobe City for future carbon emissions regulation by implementing Latrobe City's Low Carbon Emissions Future policy initiatives.

Indications of Activity:

- Engaged with the community through a range of initiatives including update of Securing Our Future; and
- Active role in implementing a range of actions in the policy, with particular focus on lobbying and advocacy at a state and federal government level.

The majority of actions within the Policy have been commenced or completed.

19. Support the development of the Gippsland Low Carbon Economy Transition Plan and lead the formation of the Gippsland Regional Plan Low Carbon Transition Committee to develop and implement regional planning activities.

Indications of Activity:

- Led the development of the Gippsland Low Carbon Transition Plan.



Actions for Advocating for an Attractive Policy Setting

20. Seek to influence government policy at an early stage.

Indications of Activity:

- Proactive approach to strengthening of relationship with government decision makers through hosting of officer delegations from Melbourne and Canberra;
- Prepared and distributed the 'Securing Our Future' advocacy document;
- Ministerial visits to present the case for Australian Government support. Ministers included:
 - The Minister for Resources and Energy and Tourism;
 - The Minister for Climate Change and Energy Efficiency, Minister for Industry and Innovation;
 - The Minister for Regional Australia, Regional Development and Local Government, and Minister for the Arts;
 - Shadow Minister for Climate Action, Environment and Heritage; and
 - Opposition Leader.
- Hosted Ministerial visits to present the case for Australian Government support. Ministers included:
 - The Minister for Resources and Energy and Tourism; and
 - The Minister for Regional Australia, Regional Development and Local Government, and Minister for the Arts.
- Hosted Ministerial visits to present the case for Victorian Government support. Ministers included:
 - Minister for Innovation, Services and Small Business; and
 - Deputy Premier, Minister for Regional and Rural Development, and Minister for State Development.
- Supported and participated in key forums focussed on influencing policy including the:
 - Small Business Ministerial Council;
 - Multicultural Business Ministerial Council;
 - Victorian Parliamentary Committee for Economic Development and Infrastructure;
 - Global Carbon Capture and Storage Institute;
 - Brown Coal Innovation Australia;
 - Latrobe Valley Transition Committee;
 - South East Australian Transport Strategy Inc;
 - National and Victorian Timber Towns Council; and
 - Foundation member of the Gippsland Local Government Network.
- Participated in the Senior Officers Group in support of the Latrobe Valley Transition Committee; and



- Prepared submissions to the Victorian & Australian Governments White Papers including:
 - Victorian Parliamentary Committee for Economic Development and Infrastructure Inquiry into regional economic development; and
 - Victorian Parliamentary Committee for Economic Development and Infrastructure Inquiry into the Opportunities for People to Use Telecommuting and e-Business to Work Remotely in Rural and Regional Victoria

21. Ensure local representation on stakeholder committees to ensure Latrobe City needs are recognised and considered.

Indications of Activity:

- Representation on the VECCI Regional Council board;
- Representation, with observer rights on the Powerworks Board;
- Representation on the Senior Officers Group in support of the Latrobe Valley Transition Committee;
- Gippsland Broadband Engagement Group;
- Gippsland Regional Plan Leadership Group;
- Senior Leaders Group;
- Broadband Today Alliance;
- South East Australian Transport Strategy Group Inc; and
- Alliance of Councils for Rail Freight.

22. Lobby for increased expansion of Victorian and Australian Government offices in Latrobe City and opportunities for local businesses to tender for provision of goods and services.

Indications of Activity:

- Development and dissemination of 'Securing Our Future' advocacy document;
- Participated in the development of the Latrobe City Buy Local Campaign;
- Provided a procurement briefing to local contractors regarding opportunities for involvement the resources sector; and
- Provided assistance to ICN for securing funding for production of the publication "Showcasing Latrobe City's Resource Sector Capabilities".





Actions for Conducting Innovative and Efficient Urban Planning

23. Conduct innovative and efficient urban planning.

Indications of Activity:

- Participation in the Municipal Association of Victoria (MAV) STEP audit process for planning assessments; and
- Provided increased information on the planning process via the Latrobe City webpage.

24. Develop robust strategic plans to resolve land availability constraints and balance the needs of industrial, residential, environmental and recreational land users.

Indications of Activity:

- Achieved rezoning of 108 hectares of land for residential use;
- Ongoing preparation of key strategic land use planning projects including:
 - Traralgon Growth Area Review;
 - Traralgon Activity Centre Plan Car Parking Strategy;
 - Victorian Government Gippsland Integrated Land Use Plan;
 - Public Open Space Strategy;
 - Morwell to Traralgon Shared Path Study;
 - Traralgon South Recreation Plan;
 - Traralgon North Development/Contribution Plan; and
 - Lake Narracan Framework Plan; and
- Assessed Planning Scheme amendment requests as required.





Actions for Increasing Access to Skilled Labour

25. Support and provide input into the Skilling the Valley initiative.

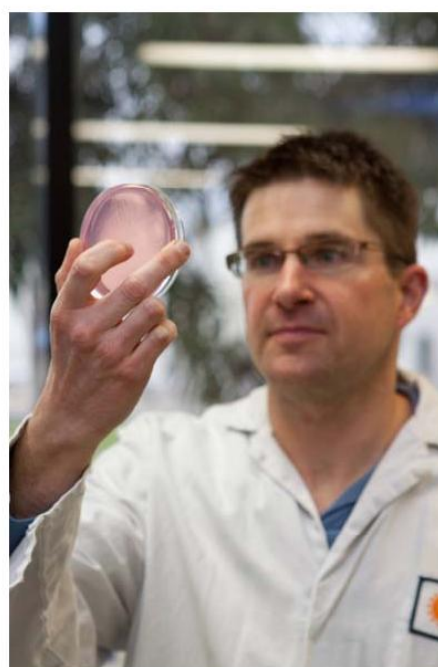
Indications of Activity:

- Actively participated in meetings, building relationships with other Industry Link Officers, and providing regular reports to the Victorian Government; and

26. Conduct the biennial Industry and Investment Survey to identify business skills and requirement and tailor training and capacity building programs to address these needs.

Indications of Activity:

- Identification of over \$41 million in proposed capital investment across 52 firms;
- 44% of businesses anticipated business turnover to grow in the next year;
- 20% of businesses expect employee numbers to increase over the next three years; and
- Energy pricing, petrol prices and the importance of governments sourcing goods and services locally were also identified as key concerns for business.





Actions for Developing High Quality Infrastructure and Services

27. Progress strategic infrastructure development programs currently underway.

Indications of Activity:

- Participated in the Gippsland Broadband Connectivity Strategy Group;
- Advocated to the Port of Hastings Authority regarding the need for an effective transport link between the Port and Gippsland;
- Continued to implement a \$6.24 million project to improve infrastructure capability at Latrobe Regional Airport;
- Continued to encourage full utilisation of shared service (call centre) infrastructure at Moe; and
- Continued to work with the private sector to encourage the development of the Gippsland Logistics Precinct.

28. Lobby for improved community transport links to increase opportunities for students and workers to travel into and around Latrobe City on a daily basis.

Indications of Activity:

- Advocated to Monash University regarding the need for improved and additional transport links.

29. Work with the GLGN to progress the Gippsland Gateways initiative and to improve freight links into Gippsland.

Indications of Activity:

- Continued progress on the Gippsland Logistics Precinct through attraction of private sector interest including:
 - Delivery of the Request for Proposal Process; and
 - Completion of the Latrobe Valley and East Gippsland Freight Task Assessment.
- Financial contribution, input into policy and Councillor representation on the South East Australian Transport Strategy forum (SEATS); and
- Financial contribution, input into policy and Councillor representation on Alliance of Council's for Rail Freight Development.



Actions for Facilitating Sustainable Use of Natural Resources

30. Support implementation of the Gippsland Sustainable Water Strategy to ensure the allocation of water supplies balances the needs of both local and broader Victorian communities.

Indications of Activity:

- Supported the implementation of the Gippsland Sustainable Water Strategy to ensure the allocation of water supplies balances the needs of both local and broader Victorian communities including:
 - Membership of the Gippsland Water Strategy Group;
 - Participated in workshops for the review of the West Gippsland Regional Catchment Strategy;
 - Representation on the West Gippsland Catchment Management Authority Community Ecosystem Advisory Committee; and
 - Developed planning controls to support Water Sensitive Urban Design.

31. Promote Gippsland as the food bowl of Victoria to support initiatives to attract food processing industries and increase markets for Gippsland produce.

Indications of Activity:

- Financial contribution and in-kind support for the Gippsland Climate Change Impacts and Adaption Project to increase the body of knowledge about likely impacts and best use of Gippsland's agricultural land into the future;
- Financial and in-kind support for Agribusiness Gippsland;
- Participation in the Agribusiness Gippsland Export forum; and
- Participation in the Agribusiness Gippsland Development forum.



32. Advance the research agenda in environmental and natural resource management.

Indications of Activity:

- Advanced the research agenda in environmental and natural resource management through:
 - Financial contribution and in-kind support for the Gippsland Climate Change Network to further research on environmental and natural resource management;
 - Financial contribution and in-kind support for the Gippsland Climate Change Impacts and Adaption Project to increase the body of knowledge;
 - Participation in the Regional Centre of Expertise in Education and Sustainable Development; and
 - Participating as a member of the Centre for Sustainable Industries Strategy Group.

33. Progress regional tourism initiatives with Destination Gippsland and Tourism Victoria to provide opportunities for Latrobe City businesses.

Indications of Activity:

- Promoted Latrobe City at the Meeting Mart Trade Show;
- Promoted Latrobe City for conferences at the Meeting Mart Trade Show;
- Participated in the Gippsland Business Events Website and Guide;
- Participated in the Gippsland stand at the Victorian Caravan & Camping Super Show, National 4x4 Show and Australian Incentives and Meetings Expo;
- Participated in the Gippsland Fishing brochure;
- Participated in the Gippsland Accessible Tourism Plan and brochure;
- Contributed to the draft Gippsland Masterplan and Latrobe Valley Roadmap Plan;
- Strengthened relationship with Destination Gippsland Ltd Board;
- Updated the Latrobe City Tourism DVD;
- Advertised Latrobe City's conference facilities in the Business Events Victoria Planners Guide;
- Updated the Tourism website and coordinated the Latrobe City Events & Tourism Facebook page;
- Provided support to the Latrobe City Business and Tourism Association and Tourism Advisory Board;
- Partnered with the Department of Transport for the Wayfinding Signs Project;
 - Supported the Events Unit with bookings, information, and presence at major events; and
 - Conducted familiarisations for staff and volunteers, and escorted local tours



- Participation in Gippsland tourism networks such as:
 - Gippsland Accessible Tourism;
 - Gippsland Visitor Information Centre Network;
 - Gippsland Tourism Regional Network; and
 - Gippsland Tourism Managers Network.



Actions for Contributing to a Liveable and Vibrant Community

34. Facilitate partnerships with the arts community, health sector and recreational clubs to identify, evaluate and progress events that contribute to a liveable and vibrant community.

Indications of Activity:

- Hosted nine international events, 11 national events, 17 state events, 25 significant community and cultural events and in total supported over 62 events;
- Facilitated 145 hires of the Performing Arts Centre, Kernot Hall and Moe Town Hall with a total of 99,611 attendances and 197 hires of minor venues with attendances of 25,014;
- Continued implementation of the Latrobe City International Relations Plan 2011-2014. The Plan identified 41 actions for completion during the year;
- Presented 36 diverse exhibitions including eight major touring exhibitions, including two where Latrobe Regional Gallery was the only Victorian venue; 12 community access gallery exhibitions; five children's exhibitions and ten exhibitions curated by gallery staff. Total attendances were 18,190; and
- Delivered the annual performing arts program including dramatic and musical performances, comedy and film screenings with attendances of 15,163; and

35. Conduct innovative urban planning with foresight to differentiate the region from outer suburban areas of Melbourne, ensuring this aspect is considered in the development of the Gippsland Integrated Land Use Plan.

Indications of Activity:

- Submissions prepared and submitted to various Ministerial Advisory Committees seeking recognition within the Planning Scheme of Latrobe City as a major regional centre;
- Active participation in the Gippsland Integrated Land Use Plan (GILUP); and
- Preparation of Development Plans for major residential precincts and / or assessment, including consideration of development density, to ensure local circumstances are recognised and reflected.



8. Conclusion

The Latrobe City Council Economic Sustainability Strategy provides a framework for the achievement of continued economic development within Latrobe City.

The Annual Review of Actions and Report Card provides an update on the progress of the 2011-2015 Economic Sustainability Strategy.

Key achievements for 2012/2013 include the delivery of the 2012 Regional Living Expo, participation in the Avalon Airshow, delivery of the 2013 Employment and Industry Survey, participation in the Super Trade Mission to key Latrobe City markets, redevelopment of the *Securing Our Future* document and a 43% increase in the number of business development enquiries received and responded to.

This report highlights the range of activities and achievements of a range of departments within Latrobe City Council in response to the thirty six strategy actions.





9. Glossary

Alliance of Councils for Rail Freight Development

The Alliance of Councils for Rail Freight Development is made up of 24 rural and regional Local Government Councils from Central and Western Victoria and Southern NSW to improve the condition of the rail network and ensure a functional rail freight service is provided to regional Victoria.

Gippsland Broadband Activity Strategy Group

The Gippsland Broadband Activity Strategy Group is made up of members from the six Local Government Councils from Gippsland with a key purpose of making aware the benefits of digital economy for business and community and the future installation of high speed broadband / NBN.

Gippsland Integrated Land Use Plan

The Gippsland Integrated Land Use Plan (GILUP) represents Gippsland's growth planning and identifies opportunities for encouraging and accommodating future growth and managing the change that will occur over the next 30 years.

Gippsland Local Government Network

Alliance of six Gippsland Councils who represent the collective interests of Gippsland and work cooperatively on issues and projects of mutual interest.

Gippsland Low Carbon Transition Plan

Provides clarity with respect to the policies and priorities required to harness the benefits and address the issues associated with such a significant change in political and economic conditions, related to the transition to a low carbon economy.

Gippsland Major Projects and Opportunities Summit

The Gippsland Major Projects and Opportunities Summit is a biennial event held in Gippsland which showcases key projects in the Gippsland region and is an important networking event linking key stakeholders such as suppliers, sub-contractors and government agencies with project managers.

Industry Capability Network

Industry Capability Network (ICN) is a business network that introduces Australian and New Zealand companies to projects large and small and offers a new business source for suppliers and a sophisticated search service for project managers.

Latrobe Valley Transition Committee

The Latrobe Valley Transition Committee was established in May 2011 to report to a Joint Ministerial Forum by mid 2012 on challenges facing the Latrobe Valley's economy and labour market, opportunities for investment in industry and employment growth, priority actions to support industry growth and processes to support coordinated regional planning.

National Employment Incentive Scheme

New Enterprise Incentive Scheme is a program which encourages eligible job seekers who are interested in starting and running a small business with assistance in terms of accredited small business training, business advice and mentoring as well as ongoing income support.

Small Business Mentoring Service

The Small Business Mentoring Service is an incorporated not-for-profit association which provides business assistance to help and grow small businesses.



South Eastern Australian Transport Strategy

The Strategy is a comprehensive review of the measures necessary to improve transport and access to Gippsland, Western Port, Snowy Mountains, the Illawarra Region, the South coast of NSW and the Australian Capital Territory Region.

Victorian Employers Chamber of Commerce and Industry

The Victorian Employers' Chamber of Commerce and Industry is the peak body for employers in Victoria, informing and servicing more than 15,000 members, customers and clients around the State with a commitment to being the voice for business, representing members in the difficult regulatory environment.

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14.1 GIPPSLAND PLAINS RAIL TRAIL - REQUEST FOR FUNDING

General Manager

Recreation, Culture & Community
Infrastructure

For Decision

PURPOSE

The purpose of this report is to present to Council a request from the Gippsland Plains Rail Trail Committee for a funding contribution for the Traralgon to Glengarry section of the trail.

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 – 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 1: Job creation and economic sustainability

Strategic Direction – Promote and support the development and economic return of the tourism and events sector.

Theme 2: affordable and sustainable facilities, services and recreation

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

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

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

BACKGROUND

The Gippsland Plains Rail Trail (GPRT) extends 67 kilometres from Traralgon to Stratford. Much of the trail within Wellington Shire is now complete.

In 2012, State Government funding of \$800,000 was allocated for the completion of the trail between Cowwarr and Traralgon. Since this time, the following has been undertaken;

- The Committee of Management for the GPRT has accessed \$200,000 (from the \$800,000 State Government funding) to deliver the Glengarry to Cowwarr section of the trail. This was completed in early 2013.
- In May 2013, the State Government announced further funding to upgrade an 11 kilometre section of the Gippsland Plains Rail Trail, creating a shared-use pathway for walkers and cyclists between the communities of Tinamba, Heyfield and Cowwarr: upgrading the trail from Dawson Flora Reserve at Cowwarr through to McKinnons Road at Tinamba.

There is \$600,000 funding remaining to complete the 11 kilometres between Glengarry and Traralgon. This will complete the entire 67 kilometres of the Gippsland Plains Rail Trail.

The GPRT is a significant piece of tourism infrastructure, which upon completion has the potential to attract visitors to the region.

In recent years, Destination Gippsland has delivered a wide variety of tourism marketing campaigns across the region. In most instances, Latrobe City's participation has been somewhat limited by the lack of nature based tourism product in comparison to others parts of Gippsland.

Destination Gippsland has a focus on promoting rail trails, cycling and villages. The completion of this section of the GPRT provides an opportunity for Latrobe City to be more prominent in future whole of region tourism marketing campaigns.

In addition to the tourism components, the completed GPRT will also provide improved recreation and connection opportunities for our local community.

ISSUES

The Gippsland Plains Rail Trail committee are in receipt of a grant of \$800,000 for the completion of the Rail Trail Traralgon to Cowwarr. Recently the Glengarry to Cowwarr section was completed at a cost of \$200,000. Tenders were called for the Traralgon to Glengarry section of the trail and as outlined in the attached report the cost to complete this section is \$683,514.

An application to the Federal Government under the Regional Development Australia Fund (RDAF Round 5) was submitted by Latrobe City Council for \$83,514. Under RDAF 5, Latrobe City Council was to be allocated an amount of \$860,000 to undertake projects which met the criteria outlined by the Federal Government. The application for GPRT funding was accepted by the administrators of the Fund and every indication was made that this funding would be forthcoming.

Prior to the confirmation of funding of all RDAF 5 projects across the country, a federal election was called and the government entered caretaker mode, thus rendering it unable to formalise these funding arrangements. The project therefore had a shortfall of \$83,514.

Through the Latrobe Valley Roadmap and in conjunction with Destination Gippsland, funds have been allocated to support specific Latrobe Valley tourism projects. A sub committee was formed to allocate this funding and they have agreed to allocate \$25,000 to the GPRT. Completing the Rail Trail was identified as the priority tourism infrastructure project as it will trigger other investment and allow a full marketing program to be developed including the other rail trails of Gippsland.

An additional \$15,000 of in kind support has been allocated towards marketing and promotion of the project by Destination Gippsland. The project budget indicated a budget of \$6,200 for marketing collateral so this has been able to be deducted from the project budget due to this funding being provided.

Despite this funding being secured, the GPRT Committee have indicated that there remains a budget shortfall of \$52,314. It should be noted that the project has an allocation of \$60,000 as a project contingency. Council officers have reviewed the tender documentation and based on the extent of the project and nature of the works, this contingency is considered to be a reasonable amount and is likely to be called upon.

In the event that the contingency is less than anticipated, any funds allocated will not be called upon by the GPRT Committee.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Council has been requested to make a contribution of up to \$52,314 for the completion of the Gippsland Plains Rail Trail. There is no allocation for this funding in the 2013/14 Council capital works budget as it was thought at the time that funding would be obtained from RDAF Round 5.

The next opportunity to provide funding of this nature will be the 2014/15 Capital Works budget. The Committee of the GPRT have indicated that if funds were allocated in 2014/15, they could amend their project planning to call on these funds if required.

At the time of compiling the 2014/15 budget, Council will be aware of the shortfall in the project and there is some possibility that the amount required will be less than \$52,314.

There are no further resource implications for Council in respect to the project as it is being delivered by the GPRT Committee.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The following engagement activities have been undertaken:

- Liaison with members of the Gippsland Plains Rail Trail Committee and their project coordinator, Alan Lewis.
- Liaison with Darren Chester, federal Member for Gippsland, to ascertain the status of RDAF Round 5 funding.
- Liaison with Destination Gippsland in respect to acquiring funding for the project.

OPTIONS

1. Council commit to providing funding of up to \$52,314 in its 2014/15 Capital Works budget.
2. Council not commit to providing funding of up to \$52,314 in its 2014/15 Capital Works budget.

CONCLUSION

The Gippsland Plains Rail Trail is nearing completion. For a number of years, the committee of GPRT has been actively pursuing funding for the completion of the trail.

There is an 11 kilometre section between Glengarry and Traralgon which is not adequately constructed. The project is close to completion and funding support from Latrobe City Council will allow for this completion.

From a tourism and liveability point of view, the completion of this section will promote greater access by visitors and locals alike and be a valuable asset for Latrobe City and wider Gippsland.

Attachments

1. Request for funding - GPRT

RECOMMENDATION

That Council commit to providing funding of up to \$52,314 in its 2014/15 Capital Works budget for the completion of the Gippsland Plains Rail Trail – Glengarry to Traralgon section.

14.1

GIPPSLAND PLAINS RAIL TRAIL - REQUEST FOR FUNDING

- 1 Request for funding - GPRT..... 147**

17 October 2013

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council

Dear Paul

RE Gippsland Plains Rail Trail (GPRT) – Traralgon to Glengarry

As you are aware the GPRT has received a grant of \$600,000 towards completing the Traralgon to Glengarry section of the trail.

REVIEW TOTAL PROJECT COST	
Schedule 1 Wellington Earthworks	\$ 74,765
Schedule 2 Hedley Range Services	\$ 370,549
Seating, Interpretive Signs & Collateral	\$ 6,200
Preliminaries, Planning, Project Management , Superintendence	\$ 125,000
Engineering review & certification	\$ 40,000
Additional Items	\$ 7,000
Contingency	\$ 60,000
TOTAL PROJECT COST EX GST	\$ 683,514

We have now been advised by the council that the application for further funding of \$83,514 will not proceed. Following discussions with Grantley Switzer he has indicated there is available an amount of \$25,000 that has been allocated from the Latrobe Valley Industry and Infrastructure Fund and the transfer of \$6,200 from Latrobe Valley Road Map Funding.

Leaving a \$52,314 shortfall, the committee requests that the Council provide for these funds in 2014-15 budget as the contingency of \$60,000 may be required due to the complexity of the project.

Yours Faithfully



Helen Hoppner

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

**15.1 TRARALGON EAST COMMUNITY CENTRE ADVISORY
COMMITTEE TERMS OF REFERENCE**

General Manager

Community Liveability

For Decision

PURPOSE

The purpose of this report is to present to Council for consideration an amended Terms of Reference for the Traralgon East Community Centre Advisory Committee.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 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: Appropriate, affordable and sustainable facilities, services & recreation

To promote and support a healthy, active and connected community

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

Strategic Direction

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

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

BACKGROUND

The Neighbourhood Renewal Program was a state-wide initiative of the Victorian Government that aimed to address inequity in Victoria's most disadvantaged communities. Latrobe City's eight year program, which commenced in 2002, was delivered in four neighbourhoods in the Latrobe Valley, including Traralgon East.

The provision of new or upgraded community centres in Neighbourhood Renewal areas was a key strategy that has been used to support the transition from disadvantaged to strong, resilient and sustainable communities. The Traralgon East Community Centre Redevelopment Project was the last of the four facility upgrades to be completed under the Neighbourhood Renewal Program.

The redevelopment of the Traralgon East Community Centre builds the capacity of the community to manage and effectively operate the centre, providing a wider variety of activities and services accessible to the local neighbourhood.

To ensure effective guidance, governance and operation of the centre to meet community aspirations and needs, the Traralgon East Community Centre Advisory Committee was officially established on 4 February, 2013 following Council adoption of its Terms of Reference on 3 September, 2012.

The Terms of Reference covers objectives of the Traralgon East Community Centre Advisory Committee; roles and responsibilities of the Council and the advisory committee; membership of the advisory committee; provisions relating to the conduct of meetings; and reporting requirements.

The Traralgon East Community Centre Advisory Committee Terms of Reference states that the Terms of Reference are open to review at least every three years and that the appointment of Committee members is for a period of three years.

The Traralgon East Community Centre Advisory Committee, at its meeting on 17 May, 2013 identified an issue with the ability to achieve a quorum under the current terms of reference.

ISSUES

Under the current Terms of Reference the Advisory Committee includes nine members comprising:

- One Latrobe City Councillor (ward councillor)
- One Latrobe City Council Child & Family Services Department representative.
- One Latrobe City Council Community Development Department representative.
- Up to five Traralgon East community representatives.
- One Traralgon Neighbourhood House representative.
- One Victoria Police representative.

Clause 6.2 Quorum of the Terms of Reference states:

A Quorum for the meeting will comprise seven members (half plus one) of the appointed members eligible to attend (not including co-opted members).

The number of current members is eight, which includes two co-opted members:

- One Latrobe City Councillor (ward councillor)
- One Latrobe City Council Child & Family Services Department representative.
- One Latrobe City Council Community Development Department representative.
- Three Traralgon East community representatives.
- One Traralgon Neighbourhood House representative.
- Two Co-opted members.

The Advisory Committee is currently unable to achieve a quorum under Clause 6.2 of the Terms of Reference as only three Traralgon East community representatives nominated for positions and Victoria Police were unable to provide a representative. Victoria Police have indicated that they are willing to attend the meetings as guests to address any specific concerns the group may have. An amendment to enable a quorum was discussed by the Advisory Committee at its meeting on 17 May, 2013.

The Terms of Reference was reviewed and it is proposed that it be amended to enable a quorum to be achieved.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

It is suggested that Clause 6.2 of the Terms of Reference be changed to read:

A Quorum for the meeting will comprise of half of the appointed members plus one, not including co-opted members.

The Committee can co-opt members to join the group. Co-opted members can come from a variety of groups and would typically be representatives of community organisations or services, such as from the health or education sector or a special interest group. The Committee currently has two co-opted members from Latrobe Community Health Service - Healthy Together Latrobe team.

It is suggested that the Committee comprises the following membership:

- One Latrobe City Councillor (ward councillor)
- One Latrobe City Council Child & Family Services Department representative.
- One Latrobe City Council Community Development Department representative.
- Up to five Traralgon East community representatives.
- One Traralgon Neighbourhood House representative.
- Two Co-opted members.

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 not considered to be any risks associated with this report.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

A discussion was held with the Traralgon East Community Centre Advisory Committee at its meeting on 17 May, 2013.

All members of the Committee present were supportive of the proposed changes of the Terms of Reference.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****OPTIONS**

The options available to Council include:

1. Endorse the amendment to Clause 6.2 and the membership of the Traralgon East Community Centre Advisory Committee Terms of Reference.
2. Request further information regarding the Traralgon East Community Centre Advisory Committee Terms of Reference.

CONCLUSION

An amended Terms of Reference for the Traralgon East Community Centre Advisory Committee has been prepared for Council consideration. The Terms of Reference incorporates objectives of the advisory committee; roles and responsibilities of Council and the advisory committee; membership of the advisory committee; provision relating to the conduct of meetings; and reporting requirements.

The suggested amendment to Clause 6.2 and membership of the Terms of Reference would ensure the seamless transition to quorum requirements and facilitate the continued operation of the Committee.

Attachments

1. Revised Terms of reference TECCAC

RECOMMENDATION

1. That Council adopts the amended Traralgon East Community Centre Advisory Committee Terms of Reference.
2. That the Traralgon East Community Centre Advisory Committee continues to seek further community members from the Traralgon East community.

15.1

Traralgon East Community Centre Advisory Committee Terms of Reference

- 1 Revised Terms of reference TECCAC..... 155**

Traralgon East Community Centre Advisory Committee

Terms of Reference



Latrobe City Council
TERMS OF REFERENCE

**Traralgon East Community Centre
Advisory Committee**

1. VISION STATEMENT

Traralgon East Community Centre is an inviting and sustainable centre which brings the community together to learn from each other and create a sense of belonging; where skills and knowledge are shared and fellowship is respected. This will be a place the local community can take pride in developing and have a strong sense of ownership.

2. PREAMBLE

The Traralgon East Community Centre is a community facility, owned and managed by the Latrobe City Council. In managing this community facility Latrobe City Council relies on the input, advice and feedback provided by the Traralgon East Community Centre Advisory Committee, who represent the regular users of this facility.

The lead agency is Latrobe City Council, which operates under the Local Government Act. The roles outlined in this Terms of Reference are consistent with the Act.

The Committee will advise Latrobe City Council on all aspects of the Traralgon East Community Centre and comply with all requirements of the Local Government Act to ensure the vision for the Traralgon East Community Centre is achieved and that members are protected.

Latrobe City Council is accountable for compliance with all relevant standards and legislation and for any specific conditions attached to government grants that are received.

Latrobe City Council and the Advisory Committee are accountable to the community for the operation of the community centre.

The Advisory Committee will be accountable for compliance with all relevant standards and legislation and for responding to the needs of the users and service providers of the facility.

3. PURPOSE OF THE FACILITY

- **A Community Meeting Place:** A vibrant community meeting place for the whole community.
- **Education and Learning:** Opportunities for access to activities such as: Koori homework classes, after school reading classes, library for English as a Second Language students, University of the 3rd Age, computer classes, information sessions regarding women's health, parenting classes, art classes and practical life skills development courses. Opportunities for students and apprentices to work on maintenance of the building.
- **Services:** Supporting programs for marginalised youth, family support, preschool services and the like.
- **Activities:** Activities for young people out of school hours, playgroups, community art, cultural programs and community events.

4. OBJECTIVES OF THE ADVISORY COMMITTEE

The Traralgon East Community Centre Advisory Committee is an advisory committee to Council. The purpose of the Traralgon East Community Centre Advisory Committee shall be to provide advice to Council, in relation to:

- Development and implementation of long term strategies in relation to the Centre;
- Promotion of the Centre in the Traralgon East community, throughout Traralgon and Latrobe City;
- Management and operational issues in relation to the Centre;
- Any other matters referred by Council.

4.1 Principles

All members of the Advisory Committee for the Traralgon East Community Centre will be guided in their work by the following principles:

- a) An approach that develops the capacity of the community to provide good governance and to learn new skills.
- b) A structure that is accessible and consultative, and provides challenges and fulfilment.
- c) Leadership that is committed to the facility and its users, and to other members of the Advisory Committee.
- d) A partnership approach based on collaboration.

- e) A culture that is respectful and inclusive; focussed beyond individuals that promotes a sense of a diverse community – community based and community owned.

4.2 Roles and Responsibilities - Council

Latrobe City Council will:

- a) Maintain ownership and responsibility for the Traralgon East Community Centre maintenance requirements.
- b) Monitor compliance with all occupational safety requirements and other standards that may apply to the centre.
- c) Support the Traralgon East Community to engage the community and encourage community participation in the centre and proposed activities. Latrobe City will take responsibility in managing the funds on behalf of the Advisory Committee and will report regularly to the group relating to any funds withheld.
- d) Assist the Advisory Committee to promote the centre and activities in the Centre.
- e) Support the Advisory Committee to develop any operational procedures that may be required to assist in the effective operation of the centre.

4.3 Roles, Responsibilities and Duties – Advisory Committee

The Advisory Committee shall deal with matters associated with the use of the Traralgon East Community Centre, and will have a key role in ensuring the activities and operation are appropriate to community needs. It will:

- a) Check that user groups keep the Community Centre and surrounding grounds in a neat and tidy manner.
- b) Promote the centre and actively engage and empower the community to participate in activities, and the operation of the centre.
- c) Encourage community participation by recognising the diversity of the Traralgon East community.
- d) Liaise with interested groups, agencies and parties who may be interested in using the facility.
- e) Provide community feedback related to aspirations, expectations and issues that may affect the success of the operation of the Centre.
- f) Address any safety issues and advise Latrobe City if they are beyond the capacity of the committee.
- g) Develop any operating procedures that may be required to assist in the effective operation of the Centre.

- h) Provide the minutes of each committee meeting to Latrobe City.
- i) Advise Latrobe City of any partnership agreements with service providers and community groups.
- j) Monitor and evaluate the use of the facility and the achievements of the communities' goals.
- k) Advise Latrobe City of any identified maintenance requirements.

5. MEMBERSHIP

The Advisory Committee may consist of a maximum of 11 ordinary members appointed by the Council. Advisory Committee membership will be invited as follows:

- 1 Latrobe City Councillor (Ward Councillor)
- 1 Latrobe City Council Child & Family Services Dept representative
- 1 Latrobe City Council Community Development Dept representative
- Up to five Traralgon East community representatives
- 1 Traralgon Neighbourhood House representative
- Up to two co-opted members

5.1 Appointments

The appointment of members of the Traralgon East Community Centre Committee is for a period of three years, unless otherwise determined by Council.

Expressions of Interest for the Traralgon East community representative positions will be advertised by Latrobe City Council for a period of at least two weeks in the local newspaper and via the Latrobe City Council website. Community representatives shall be appointed by the Council.

In the event of a vacancy, the vacating Member of the Committee shall be replaced by a person drawn from the same membership category as the vacating member.

Upon a member of the Advisory Committee resigning, the group or organisation which that member was representing shall provide the Advisory Committee with the name of the person filling such a vacancy. The Committee is authorised to fill a vacancy caused by the resignation of a community representative.

If a member of the Advisory Committee does not attend three consecutive meetings without leave of absence or an apology then that member may be removed by the Advisory Committee.

5.2 Delegation and Responsibilities

Members should take appropriate actions to ensure they represent the views of the agencies, organisations and communities that they represent.

Matters arising that require action prior to the next scheduled meeting of the Traralgon East Community Centre Advisory Committee will be the responsibility of the person as identified in the minutes.

6 PROCEEDINGS

6.1 Chairperson/Secretary

- a) The Latrobe City Councillor will be the Chairperson. If the Chair is unavailable he/she shall delegate the role of the Chair to another committee member.
- b) The Committee will appoint a minute and agenda secretary.
- c) The minute secretary shall arrange minutes of each meeting of the Advisory Committee to be kept and a copy forwarded to Latrobe City.
- d) The secretary must submit the minutes of a committee meeting to the next meeting of the Advisory Committee for confirmation.
- e) If the minutes are confirmed by the Chair at the meeting they must sign the minutes and certify that they have been confirmed.

6.2 Quorum

A Quorum for the meeting will comprise of half of the appointed members plus one, which does not include any co-opted members.

6.3 Meeting schedule

Meetings of the Committee will be held regularly with **at least three meetings per year**. A meeting of regular facility users will be held at least once a year and will feed into the Advisory Committee.

The Advisory Committee is authorized to establish subcommittees or working groups as required, encouraging participation from community members. Subcommittees or working groups may co-opt additional members with particular skills or interests to be involved in planning and managing aspects of the facility.

A convener will be appointed for each subcommittee or working group and that person will be responsible for chairing and convening meetings, for sharing knowledge and experiences with residents who may need to be supported to participate and providing feedback to the Advisory Committee.

6.4 Conduct of Advisory Committee Meetings

The Advisory Committee shall hold and conduct meetings in accordance with the following provisions:

- a) The Advisory Committee shall meet at least three times a year.
- b) Meetings will be open to the public, subject to provision of seven days notice in writing to the Secretary. The right to speak will be at the discretion of the chair and there will be no right to vote.
- c) In consultation with Latrobe City and with its consent, the Advisory Committee shall have the right to seek suitable grants, sponsorships and/or donations to assist the Advisory Committee in its activities and the operation of the Centre. Although Council shall not unreasonably withhold such consent it is understood that Council is the final arbiter.

7. AUTHORITY AND REPORTING

The Advisory Committee is not by virtue of this Terms of Reference constituted an agent of the Council, nor does it have the power or authority to enter into any contractual arrangements on behalf of itself or Council.

To further its purpose, the Advisory Committee has authority to do the following:-

- a) To do such lawful acts, deeds and things as are incidental or conducive to the fulfilment of the Advisory Committee's function as expressed in this document.
- b) To develop procedures and rules for use of the Traralgon East Community Centre by members of the public and user groups and to assist Council in ensuring any such procedures and rules are adhered to.
- c) To enter into an agreement with Council in respect of goods and services to be provided or undertaken by Council.
- d) To raise funds by lawful means and make any rules for the conduct of its business, so long as none shall be in opposition to the then existing policy or practice of the Council.
- e) To affiliate with other bodies subject to Council approval.
- f) To advise and recommend to Council strategic goals and objectives in respect to marketing and promotion to facilitate the use and general enhancement of the facility.
- g) To advise and recommend to Council on the terms and conditions of licences and leases to be issued to users of the facility for shared and

specific use areas including the need to ensure availability for general use at appropriate times.

- h) To advise and recommend to Council on fees, usage, operation, maintenance (including standards) and development of the facility including the use of funds generated and assistance with voluntary labour input as agreed.
- i) To respond to matters referred to it by Council.
- k) The Committee shall be responsible to make and maintain proper minutes of all meetings and discussions, copies of which shall be provided to Council.

8. REVIEW/DISSOLUTION

The Terms of Reference of the Advisory Committee will be reviewed at least every three years by Council in conjunction with the Advisory Committee.

9. CONFIDENTIALITY

Members of the Committee shall be bound by the provisions of Section 77 of the Local Government Act 1989, in relation to confidentiality. In this regard, members are expected to maintain confidentiality of information in relation to confidential matters that may be under consideration from time to time, particularly those matters of a "Commercial-in-Confidence" nature.

10. INDEMNITY BY THE COUNCIL

The Council indemnifies members of the Committee against any action, liability, claim or demand (whether arising during or after the term of office of the member), in respect of any act or thing done or omitted to be done in good faith, in the exercise or purported exercise of any function or power conferred on the Committee or member of the Committee, in accordance with this Terms of Reference.

11. DISPUTES

In the event of any dispute or difference arising as to the interpretation of these terms, or of any matter or thing contained in this document, a panel, comprising a Councillor, Council Officer/Manager, and an independent mediator shall be convened to arbitrate on the dispute. The decision of the panel shall be final and conclusive. The panel will be chaired by a Councillor.

APPENDICES:

1. INSURANCE

The building will be covered by Latrobe City Council's insurance policy. The policy will also cover uninsured hirers of the hall under the Community Liability Pack Policy. To be included on the insurance policy each person to hiring the facility must complete a Hire Agreement form for Latrobe City Council.

Matters of insurance will be dealt with in accordance with the following provision:

- a) The Advisory Committee shall provide a schedule of volunteers to Council to be updated whenever a change of personnel has occurred.
- b) The Council shall insure all members of the Advisory Committee and volunteers while acting in their capacity as defined within this document and on behalf of Council, up to the age of 90 years, against injury and/or illness directly arising from the work carried out by Latrobe City Council and the Traralgon East Community Group and other key stakeholders.
- c) Furthermore, the Council shall insure all volunteers and members of the Advisory Committee, up to the age of 90 years, against public liability claims while acting in their capacity of volunteers as defined within this document and on behalf of Council while undertaking official activities in relation to the facility or directly in connection with the provisions of this document.
- d) The Advisory Committee shall keep accurate records/log books of persons working at the facility and shall provide such information as required by Council to ensure that any authorised persons working at the facility or undertaking official activities in relation to the facility is insured as above.
- e) Any accident, injury or incident in general which occurs at the Traralgon East Community Centre while Advisory Committee members and volunteers are carrying out their duties in their capacity of volunteers as listed in this document and the Memorandum of Understanding between the Latrobe City Council and the Traralgon East Advisory Group, must be notified to Council within the next working day.

2. MAINTENANCE & OPERATIONAL ISSUES

- a) The Advisory Committee shall permit the Council and its Officers, servants and agents at all reasonable times during the continuance of this agreement, to enter the facility and examine the condition thereof. The Council shall upon the discovery of any want/s of reparation caused by misuse or negligence by any person whomsoever, cause a notice to be issued to the Advisory Committee, to well and sufficiently repair and make good within one calendar month after notice, such want/s of reparation as described in the notice, where the carrying out of

such works would fall within the normal responsibility of the Advisory Committee. Council shall notify the Advisory Committee when access is required by Council or external instrumentalities.

- b) Not without the prior consent of the Council or its delegated officer shall the Advisory Committee display or permit to be displayed any advertisement notice, placard bill or hoarding of any description whatsoever.
- c) The Latrobe Performing Arts & Venues Team at Latrobe City will be in charge of taking any hire bookings of the Traralgon East Community Centre. The Traralgon East Community Group will have preference on a month by month basis of times and dates for booking the Centre. All other commercial and non commercial users need to contact the Latrobe Performing Arts & Venues Team at Latrobe City to make bookings on days that the Traralgon East Community Group has not elected to use the Centre. Preference will be given to organisations and activities that are consistent with the aims and purpose of the Centre.

GOVERNANCE

16. GOVERNANCE**16.1 AMENDMENT C82 - TYERS REZONING**

GENERAL MANAGER

Governance**For Decision****PURPOSE**

The purpose of this report is for Council to consider all written submissions received in response to proposed Amendment C82 - Tyers Rezoning to the Latrobe Planning Scheme and to seek Council approval to progress the Amendment C82 to the next stage.

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 (City Planning)***

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

Strategic Objective – 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***Themes and Objectives***

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Theme 5: Planning for the future

To provide a well planned, connected and liveable community.

To provide clear and concise policies and directions in all aspects of planning.

Strategic Direction – Planning for the future

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

Legislation

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

- *Local Government Act 1989*
- *Planning and Environment Act 1987 (the act)*
- *Transport Integration Act 2010*

BACKGROUND

Amendment C82 proposes to rezone approximately 66 hectares of land at Lot 1 PS 449977 and Lot 1 PS 424861 Tyers-Walhalla Road, Tyers generally bounded by Tyers-Walhalla Road to the north and west and Moe-Glengarry Road to the south.

Amendment C82 proposes to:

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

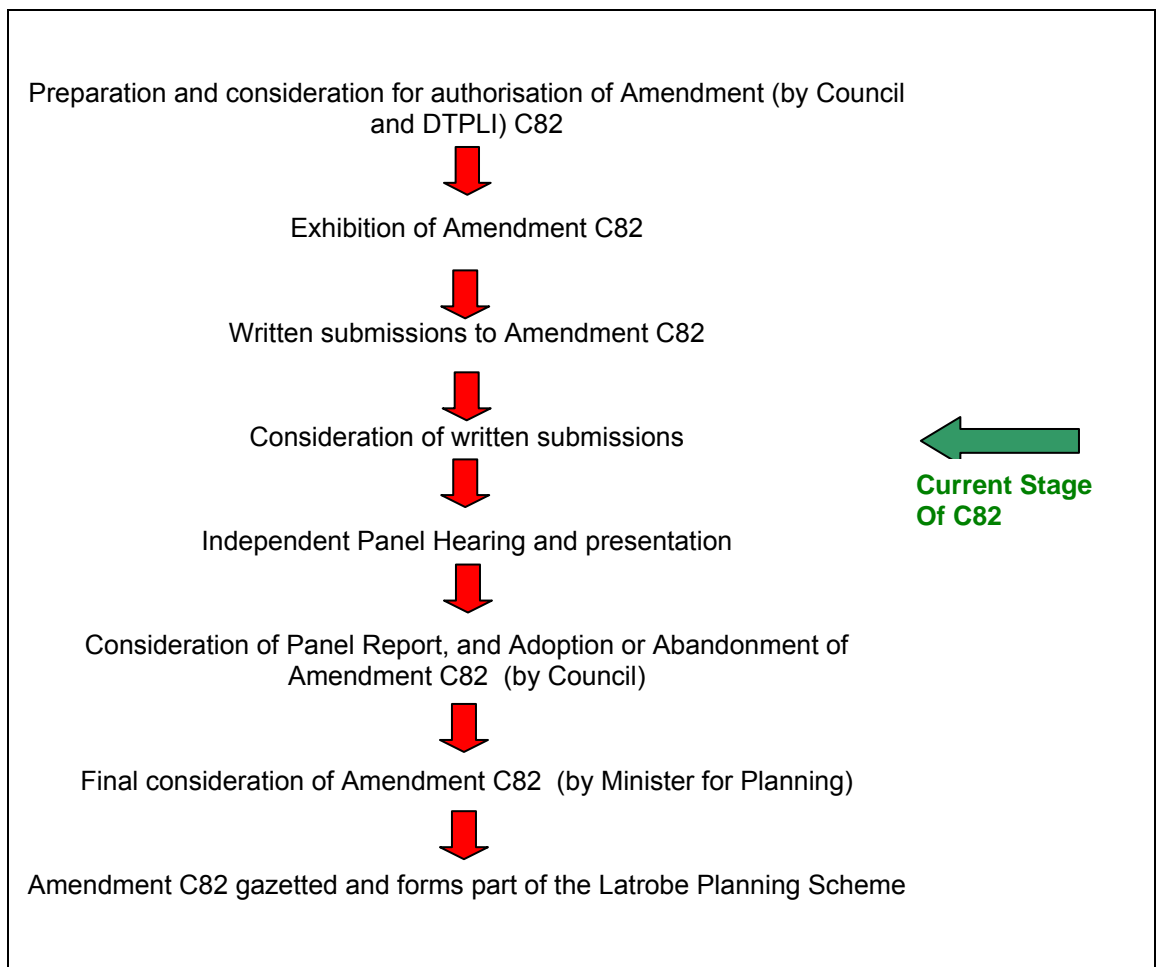
See Attachment 1 – Subject Land and Proposed Zone and Overlays Maps and Proposed Tyers Structure Plan.

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Latrobe City Council received the application to amend the Latrobe Planning Scheme on 19 December 2011. An initial review of the documents submitted with the application identified the need for further information and alterations to the proposal. Subsequently, Latrobe City Council received a revised application on 2 October 2012.

Statutory Requirements

The C82 Planning Scheme Amendment process is shown in the figure below and provides an indication of the current stage of Amendment C82.



In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;

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- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C82 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Planning and Community Development (DTPLI) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (see Attachment 2).

The proposal is consistent with the State Planning Policy Framework, at Clauses 11 – Settlement, Clause 15 – Built Environment and Heritage and Clause 16 – Housing. The proposal is also consistent with the current Municipal Strategic Statement (MSS), at Clause 21.03 – Natural Environment Sustainability, Clause 21.04 - Built Environment Sustainability and Clause 21.08 – Liveability. The proposal provides opportunities for new residential development, provides important diversity of housing and lifestyle to reinforce the role of smaller settlements as rural service centres and avoids development in areas with high biodiversity values. This is further explained in the attached explanatory report (see Attachment 2).

Planning Scheme Amendments

At the Ordinary Council meeting on 8 April 2013 Council resolved the following:

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

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

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- *Update the schedule to Clause 61.03 to insert new maps to the Latrobe Planning Scheme.*

The Minister for Planning in accordance with Sections 8A(3) of the *Planning and Environment Act 1987* subsequently authorised Council to prepare the proposed Amendment C82 on 4 June 2013.

Amendment C82 was placed on public exhibition during the period 25 July to 30 August 2013.

Sections 22 and 23 of the Act require that Council must consider all submissions received to C82 and where a submission requests a change that can't be satisfied, request the Minister for Planning to establish a planning panel to consider submissions.

The recommendations of this Council Report are in accordance with Sections 22 and 23 of the Act.

ISSUES

A total of 13 written submissions were received by Latrobe City Council to Amendment C82. Of the 13 submissions received, six raised no objections, four were in support and three were generally supportive but raised some concerns. A copy of all submissions can be found at Attachment 3 and are summarised in Table 1 of this Council Report.

TABLE 1 – Summary of submissions to Amendment C82

Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	No Objection – Provided that either: a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.	At this stage the developer intends for the easement to remain in its existing location. A future development plan will consider this issue further.	No
2	West Gippsland Catchment	No Objection	Comments of no objection noted	No

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Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	No Objection – Provided that either: a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.	At this stage the developer intends for the easement to remain in its existing location. A future development plan will consider this issue further.	No
	Management Authority			
3	Country Fire Authority	No Objection but requested the addition of: <ul style="list-style-type: none"> • The prioritisation and consideration of bushfire risk in the design of any Development Plan being incorporated into the requirements for a development plan in Development Plan Overlay Schedule 8 (DPO8) Low Density and Rural Living Growth Areas. • Inclusion of an assessment of bushfire risk in the Decision Guidelines, potentially reference to Planning for Bushfire Victoria or guidance material provided by the Department of Transport, Planning and Local Infrastructure. 	There is no proposed change to the Bushfire Management Overlay (BMO) affecting the site as part of the PSA proposal. As such, any Development Plan will need to have regard to the requirements of the BMO that already addresses CFA's requirements. However, the DPO8 has been amended to include additional wording in accordance with CFA's request.	Yes The DPO8 has been amended to include additional wording in accordance with CFA's request.
4	Department of Environment and Primary Industries	No Objection – in addition provided confirmation that there is no longer an intention to extract material from Work Authority 69 at Tyers.	Comments of no objection noted	No
5	Gippsland Water	No Objection	Comments of no objection noted	No
6	VicRoads	No Objection	Comments of no	No

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Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	No Objection – Provided that either: a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.	At this stage the developer intends for the easement to remain in its existing location. A future development plan will consider this issue further.	No
			objection noted	
7	Ms Alexandra Sasse	The submitter has raised concerns regarding: <ul style="list-style-type: none"> • The justification surrounding the housing demand for the Tyers Township • The proposed Low Density Residential Zone lots above the 110m contour. • Storm Water Management • The need for revegetation. • Wastewater, soil suitability and effluent disposal field areas within the LDRZ on 0.4ha allotments. • Retention of the Bushfire Management Overlay. 	<p>Housing Demand The justification for releasing new land for development in Tyers is discussed within the Tyers Supply And Demand Assessment Report, provided with the rezoning documents.</p> <p>There are a number of constraints within the Tyers Township which limit future infill development and therefore restrict supply. Additionally there is limited supply of Low Density Residential Zoned land available within Latrobe City.</p> <p>The supply of additional land will assist in housing affordability and ensuring that there are a range of options for people wishing to purchase (LDRZ) and Rural Living Zone (RLZ) lots within the municipality.</p> <p><i>The Essential</i></p>	Yes The proposed zone map has been amended to ensure that the proposed LDRZ lots will be below the 110m contour.

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Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	<p>No Objection – Provided that either:</p> <p>a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or</p> <p>b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.</p>	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
			<p><i>Economics Residential and Rural Residential Land Assessment, 2009</i> stated that:</p> <p>Tyers: <i>“Under the high growth scenario, forecasts show a requirement for approximately an additional 9 ha of LDRZ by 2023 and an estimated 0.5 ha of TZ land (assuming a density of 8 lots per hectare can be achieved).”</i></p> <p>The assumption of 8 lots per hectare is not going to be achieved in Tyers due to wastewater requirements. To achieve the 8 lots per hectare each lot would need to average 1249m². This is well below the min 4000m² required to facilitate a septic tank system.</p> <p>In regards to the RLZ land, the land assessment indicated that there is an adequate supply of</p>	

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1	SP Ausnet	<p>No Objection – Provided that either:</p> <p>a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or</p> <p>b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.</p>	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
			<p>RLZ land in Tyers to meet forecast requirements over the next 15 years. However the development and/or re-subdivision of existing lots may not actually be achievable due to constraints such as wastewater, Bushfire Management Overlay and native vegetation.</p> <p>A more conservative lot density will be implemented to that nominated within the <i>Essential Economics Residential and Rural Residential Land Assessment, 2009</i>.</p> <p>All recent rezoning/subdivision within Latrobe City has occurred within the Residential 1 Zone (averaging 11 lots per ha). Currently no other development proposal incorporates either the LDRZ or the RLZ. Tyers has the opportunity to offer greater diversity of housing choice in</p>	

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			<p>Latrobe City.</p> <p>Development of the subject site is likely to be undertaken in stages, and as such, will not result in flooding the market with LDRZ or RLZ land.</p> <p>Low Density Residential Zone (LDRZ) lots above the 110m contour.</p> <p>The proposed zone map has been amended to ensure that the proposed LDRZ lots will be below the 110m contour.</p> <p>The 110m contour was used to guide the logical boundary between the proposed LDRZ and RLZ as it is the nominal height at which reticulated water can be supplied to new allotments. As the contour is not a straight line there were some small sections of the proposed LDRZ which were above the 110m contour but the majority of lots in the LDRZ</p>	

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Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	<p>No Objection – Provided that either:</p> <ul style="list-style-type: none"> a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements. 	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
			<p>would have been below the 110m contour. Conversely there were some sections of the future RLZ land which would have been below the 110m contour.</p> <p>Storm Water Management Matters such as stormwater will be considered in detail as part of the development plan and subdivision processes following the rezoning. Additionally the proposed Development Plan Overlay specifically requires the development of an integrated stormwater management plan which incorporates water sensitive urban design techniques. The management plan must provide for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including</p>	

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1	SP Ausnet	<p>No Objection – Provided that either:</p> <p>a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or</p> <p>b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.</p>	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
			<p>consideration of downstream impacts.</p> <p>Revegetation The vegetation on site that has been removed in recent years was planted and as such is not classified as native vegetation; the removal of this vegetation is exempt from a planning permit requirement or any offset requirements under the provisions of Clause 52.17-6 of the Latrobe Planning Scheme.</p> <p>Wastewater, soil suitability and effluent disposal field areas within the LDRZ on 0.4ha allotments. As noted within the documentation, the plans prepared to inform the Land Capability Assessment were conceptual layouts to provide an estimate of the maximum yield possible. This was required in order to properly plan for future development. It should</p>	

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1	SP Ausnet	<p>No Objection – Provided that either:</p> <p>a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or</p> <p>b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.</p>	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
			<p>be noted that 0.4 ha is the minimum lot size within the LDRZ. It is acknowledged that larger lot sizes may be required to suitably dispose of effluent within property boundaries. Issues such as lot size, lot density and lot configuration will be determined as part of later stages of the Development Plan process.</p> <p>Additionally the proposed Development Plan Overlay specifically requires the development of a Wastewater Management Plan that identifies the preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.</p> <p>Bushfire Management Overlay retention. There is no proposed change to the Bushfire Management Overlay</p>	

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1	SP Ausnet	No Objection – Provided that either: a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.	At this stage the developer intends for the easement to remain in its existing location. A future development plan will consider this issue further.	No
			(BMO) affecting the subject site as part of this PSA proposal.	
8	Ian & Michelle Ketchion	Supports the residential growth of Tyers. The larger blocks and its close proximity to Traralgon make it a great place to raise a family. Tyers has the potential to become a 'thriving' gateway to the snowfields and high country.	Submission of support noted	No
9	Ms Bobbie Symons	Supports the residential and economic growth of Tyers. Facilitate more enrolments at the local kindergarten and primary school. The larger blocks and its close proximity to Traralgon make it a great place to raise a family.	Submission of support noted	No
10	Ms Jennifer Godfrey	Supports the proposal as it will facilitate more enrolments at the local primary school and sports clubs. The rural lifestyle allotments are much sought after. Support the residential and economic growth of Tyers.	Submission of support noted	No
11	Mr John Henry	Further development of Tyers facilitates a stronger case for Gippsland Water to provide sewerage to the township. Facilitate more	Gippsland Water has advised that they have no plans to provide reticulated sewerage to the township of Tyers.	No

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Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	<p>No Objection – Provided that either:</p> <p>a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or</p> <p>b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.</p>	<p>At this stage the developer intends for the easement to remain in its existing location.</p> <p>A future development plan will consider this issue further.</p>	No
		<p>enrolments at the local primary school and sports clubs.</p>	<p>Gippsland Water have advised that they are not prepared in looking at any sewerage options for the proposed development site in isolation from consideration of wastewater collection, treatment and reuse/disposal issues for the whole of Tyers township.</p> <p>The proposed Development Plan Overlay specifically requires the development of a Wastewater Management Plan that identifies the preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.</p>	
12	Mr Neil Jones	<p>Submission generally supportive however raises two concerns:</p> <ul style="list-style-type: none"> • Safety of vehicular access to Tyers-Walhalla Road. • Wastewater – future 	<p>Safety of vehicular access to Tyers-Walhalla Road.</p> <p>The applicant has had numerous discussions with Vic Roads to confirm that the indicative locations for roads are generally in</p>	No

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C82 Yes/No
1	SP Ausnet	No Objection – Provided that either: a) The easement remains for the existing overhead powerlines that cross the south east corner of the property, or b) The developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.	At this stage the developer intends for the easement to remain in its existing location. A future development plan will consider this issue further.	No
		development of the site may need to wait until sewerage is available. If the land is to be developed prior to sewerage, it should be developed to allow further subdivision down the track.	accordance with their requirements. Access points to the arterial network will be limited to reduce conflicts and the location and types will be considered on the basis of further development. Further consultation will take place with VicRoads at the Development Planning stage. Wastewater See Submission 11.	
13	Mr Peter Hodgson	Supports the proposal as it will facilitate more enrolments at the local primary school and sports clubs. The rural lifestyle allotments are much sought after. Support the residential and economic growth of Tyers.	Submission of support noted	No

Four key themes were identified in the submissions as a result of the formal exhibition period. These relate to:

1. Support for the residential and economic growth of Tyers
2. General development issues (traffic, land supply and demand, bushfire and vegetation)
3. Stormwater Management
4. Wastewater Management

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**Theme 1 - Support for the residential and economic growth of Tyers

Several submissions were received in support of proposed Amendment C82. The opening up of this land for development was seen by several submitters as well overdue. The proposal has the potential to provide a diversity of residential housing types and allotment sizes that respond to community needs. In addition it will provide stimulus to the local Tyers economy and the services offered within the township, including the Primary School, Kindergarten and Sporting Clubs.

Theme 2 - General development issues (traffic, land supply and demand, bushfire and vegetation)

Subject to the rezoning of the subject land, a Development Plan and subdivision layout will be required to be prepared by the proponent/landowner in consultation with Council, local servicing authorities and the local community. The Development Plan process will look at the above issues in more detail, however preliminary consultation has been undertaken with Vic Roads and the CFA who have confirmed that they support the proposed rezoning. In regards to land supply, the development of the subject land is likely to be undertaken in stages, and as such, will not result in flooding the market with LDRZ or RLZ land.

The vegetation on site which has been removed in recent years was planted and as such is not classified as native vegetation.

Theme 3 and 4 – Stormwater and Wastewater Management

The subject land is partially serviced with reticulated water but no reticulated sewerage system exists within the township.

Latrobe City Council has been liaising with Gippsland Water for some years in regards to wastewater management within the Tyers Township. Gippsland Water has advised Latrobe City Council that they do not have any plans to provide reticulated sewerage to the township of Tyers in the near future, but are prepared to continue to work with Council to explore potential options to fund the provisions of sewerage services for the Tyers Township.

The proposed Development Plan Overlay specifically requires the development of an integrated stormwater management plan and wastewater management plan.

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

The wastewater management plan will identify the preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

Council officers are confident that the development plan, when lodged, will ensure that the wastewater and stormwater constraints of the site are properly managed. All new lots will need to be able to safely manage, treat and retain wastewater on site. In addition the design and construction of any effluent dispersion and reuse on the subject land will be subject to the approval of Council's Health Services Team.

Development Plans

It should be noted that some of the general development issues raised by submitters are issues to be fully considered at the subsequent Development Plan stage. The Development Plan does not form part of the current Planning Scheme Amendment proposal which is to rezone land and introduce a Development Plan Overlay (DPO). Therefore, a Development Plan will need to address the relevant detailed issues raised in the submissions to C82. The proposed DPO provisions also require a proponent to ensure these matters are considered when they lodge a Development Plan for Latrobe City Councils development plan assessment.

Tyers Structure Plan Township Boundary

A large portion of the subject land proposed to be rezoned via Amendment C82 is located immediately outside of the Tyers Structure Plan township boundary (Area 10). This land has been identified for future long-term low density residential expansion. In this instance the planning scheme amendment seeks to bring forward the release of land in Area 10 acknowledging that the blue gum plantation has now been removed from the subject site. The proposal is consistent with the objectives of Clause 21.06 Small Towns, in promoting and supporting the infrastructure and development of small town communities within the municipality.

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

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

Extractive Industry

In addition the relevant direction relating to this proposal under Clause 21.06-5 Specific Small Town Strategies – Tyers is to:

- *Investigate and resolve the development potential of land identified within the Extractive Industry Interest Area to the north of the town.*

Through consultation with the Department of Environment and Primary Industries (DEPI) before and during exhibition of Amendment C82 it was established that there was no longer an intention to extract material from Work Authority 69 at Tyers. The northern portion of the subject land is therefore suitable for development.

Draft Traralgon Growth Areas Review Project (TGAR)

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

Several directions in relation to residential land are recommended for Tyers including:

- *Support ongoing growth and development of Tyers as a lower density / rural lifestyle village which provides lower density lifestyle opportunities to those available within Traralgon and Glengarry. Support expansion of the township as identified in the relevant Tyers Structure Plan subject to appropriate consideration of bushfire risk.*
- *When appropriate demand for larger lot housing exists, support expansion of rural living opportunities to the east (Area 23) to support the continued development of Tyers.*
- *Discourage expansion of the Tyers township area (area 22) to the south. This expansion was outlined in the Structure Plan, however in light of the buffers now known to be associated with the Australian Paper Mill, rezoning to Township Zone to allow expansion to the south of the existing township needs to be reconsidered.*

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

- *Consider the development of additional areas of Rural Living opportunities to the south of Tyers (area 20) where 'long term urban' expansion is proposed in the Small Town Structure Plans. The suitability of this type of development will be subject to additional consultation with the paper mill and the EPA and subject to further modelling given the development would occur within the identified urban amenity buffer area. An agreed area has been identified as a 'future investigation area for rural living' in which additional testing should be undertaken and is shown on relevant plans. However, consideration may be given to expanding this investigation area to the extent of the existing pockets of Rural Living Zone land slightly further to the south and south-east.*

Rezoning of land to the south of the existing township for urban expansion (Area 9 of the Tyers Small Town Structure Plan) may be restricted. If Area 9 is deemed unsuitable for urban expansion in the future, the rezoning proposed by this application may present an appropriate alternate opportunity to provide for low density and rural residential living opportunities within the Tyers Township.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*.

Statutory fees associated with this proposed amendment will be met by the proponent.

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

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

INTERNAL/EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

Amendment C82 was placed on public exhibition during the period 25 July to 30 August 2013.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

This included advertising in the Government Gazette on 25 July 2013 and local newspapers on 29 July and 15 August 2013 as well as written notification to landowners and occupiers that may be materially affected by the amendment on 22 July 2013.

All statutory and servicing authorities likely to be materially affected have also been notified of the proposed amendment on 22 July 2013.

Public Submissions

Following public exhibition 13 written submissions were received by Latrobe City Council in response to Amendment C82. Section 22 of the Act requires that a planning authority consider all submissions to an amendment. The table below provides a breakdown of submissions received:

AMENDMENT C82 SUBMISSIONS	
SUPPORT	10
OBJECTION	3
TOTAL	13

A summary of key issues and comments raised by all submissions in response to Amendment C82 have been provided in the Issues section of this Council Report (see Table 1). A fully copy of all submissions received to Amendment C82 is provided at Attachment 3.

OPTIONS

The options available to Council are as follows:

- 1 That Council, after considering all written submissions received to Amendment C82, resolves to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report.
- 2 That Council, after considering all written submissions received to Amendment C82 resolves to abandon the exhibited Planning Scheme Amendment C82 and inform the Minister for Planning.
- 3 That Council after considering all submission received to Amendment C82 seek further information in relation to Amendment C82 and formally make a request to the Department of Transport Planning and Local Infrastructure (DTPLI) for an additional exemption from the need to comply with Ministerial Direction 15 (Directions- section 4 subsection 3).

Note: It should be noted that Ministerial Direction 15 (Directions- section 4 subsection 3) requires Council to request a Panel under Part 8 of the *Planning and Environment Act 1987* within 40 business days of the closing date for submissions unless a Panel is not required. An exemption from the need to comply with this direction was requested on the 1 August 2013 and granted by DTPLI on the 6 August 2013 to allow extra time to consider submissions. If Council selects Option 3 above an additional request will need to be made to DTPLI requesting an exemption from the need to comply with this direction.

CONCLUSION

Amendment C82 proposes to:

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

The application for rezoning presents an opportunity to open up land for residential development which provides for a diversity of housing types and allotment sizes that respond to community needs. In addition it will provide stimulus to the local Tyers economy and the services offered within the township, including the Primary School, Kindergarten and Sporting Clubs. The utilisation of the site (a former blue gum plantation) has the potential to provide an appropriate use of land and will result in logical in-fill between the township area and the established rural living development to the north east of the town.

Several submissions of support were received during the exhibition process, highlighting the need to encourage the residential and economic growth of Tyers to facilitate more enrolments at the local primary school and sports clubs. These submissions also indicated that the proposed low density/rural living lifestyle allotments are much sought after by the community.

**ORDINARY COUNCIL MEETING AGENDA
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Several of the issues raised by submitters are detailed issues to be considered at the Development Plan stage. The Development Plan does not form part of the current planning scheme amendment proposal which is to rezone land and introduce a Development Plan Overlay. The need for a subsequent Development Plan process requires the proponent to further consider relevant matters in more detail that will further address the submitters concerns.

A Stormwater and Wastewater Management Plan will be prepared as part of the Development Plan process. The Stormwater Management Plan will incorporate water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.

The Wastewater Management Plan will identify the preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

In addition, the development potential of land identified within the Extractive Industry Interest Area to the north of the town has been resolved through consultation with the Department of Environment and Primary Industries.

Given that submissions still stand that request a change to Amendment C82 that cannot be satisfied, Council must request the Minister for Planning establish a planning panel to progress the amendment to the next stage.

Attachments

1. Attachment - Site Plan, Zone and Overlay Maps and Structure Plan
2. Attachment - Explanatory Report
3. Attachment - Submissions

RECOMMENDATION

- 1 That Council having considered all written submissions received to Amendment C82 requests the Minister for Planning establish a planning panel to consider submissions for Amendment C82 and prepare a report.**
- 2 That Council advises those persons who made written submissions to Amendment C82 of Council's decision.**

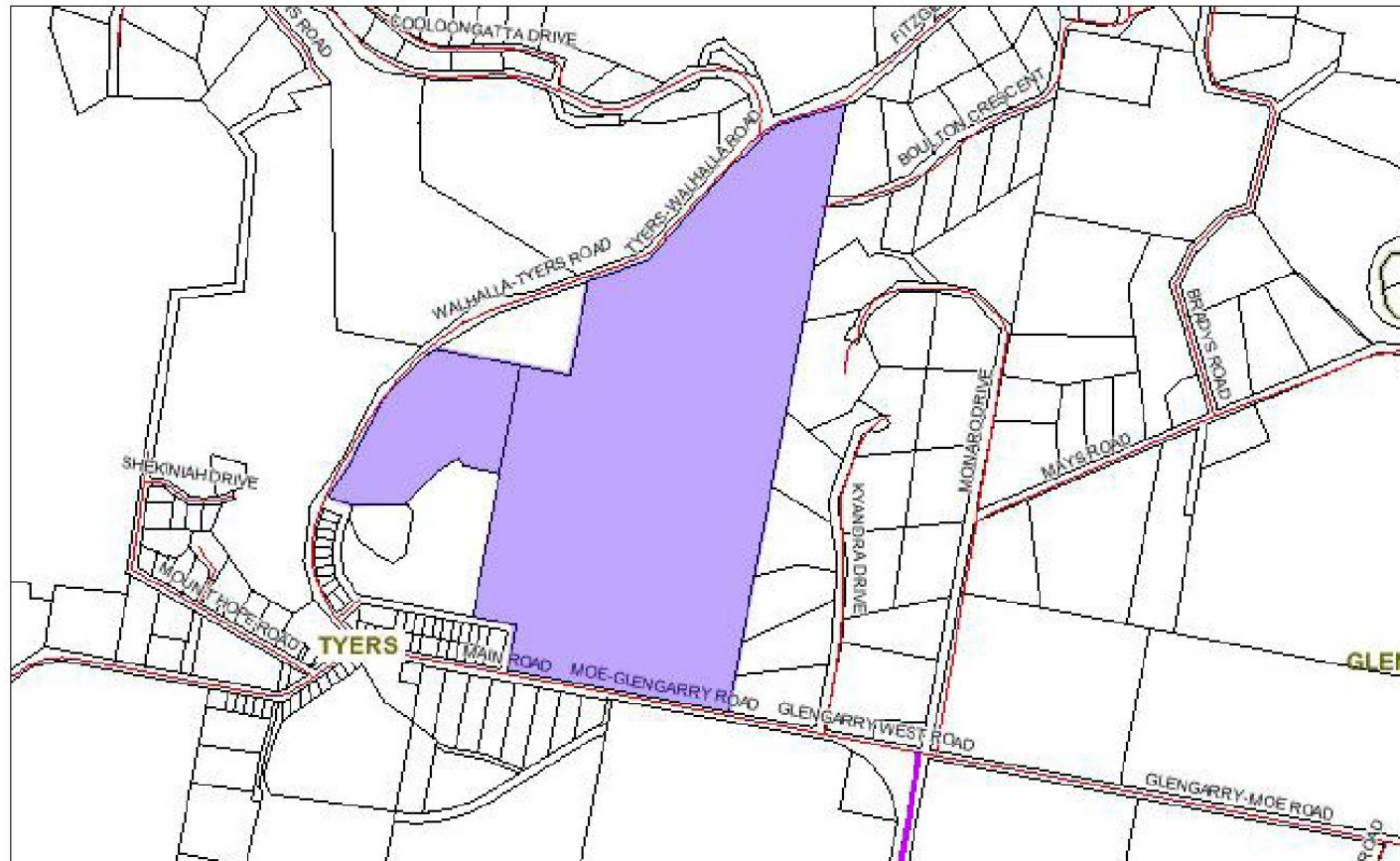
16.1

Amendment C82 - Tyers Rezoning

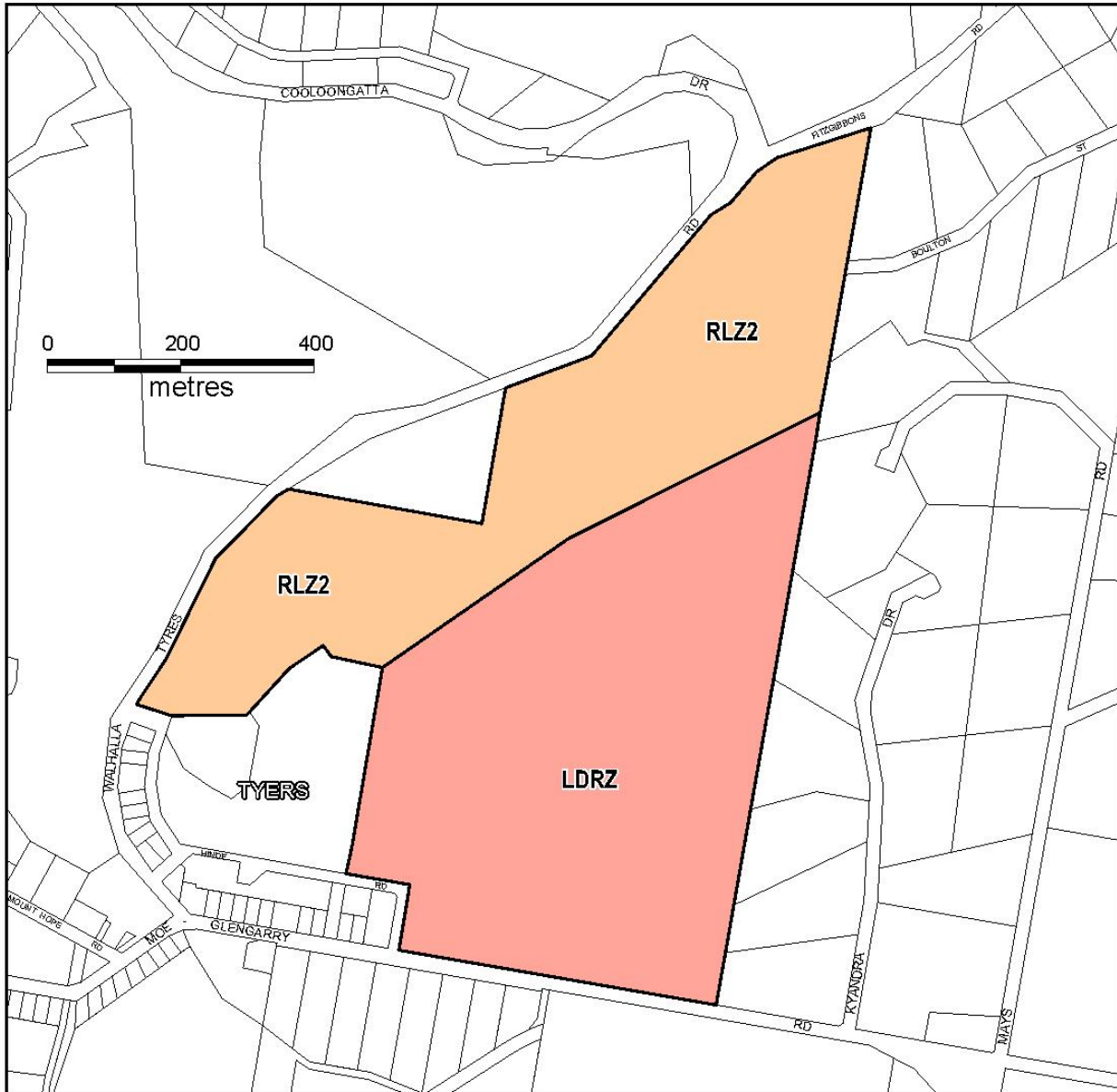
1	Attachment 1 - Site Plan, Zone and Overlay Maps and Structure Plan	191
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3	Attachment 3 - Submissions.....	203

Attachment 1

Tyers Rezoning Proposal – Site Plan



LATROBE PLANNING SCHEME LOCAL PROVISION



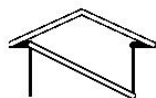
Part of Planning Scheme Map 14, 44, 45, 46

LEGEND

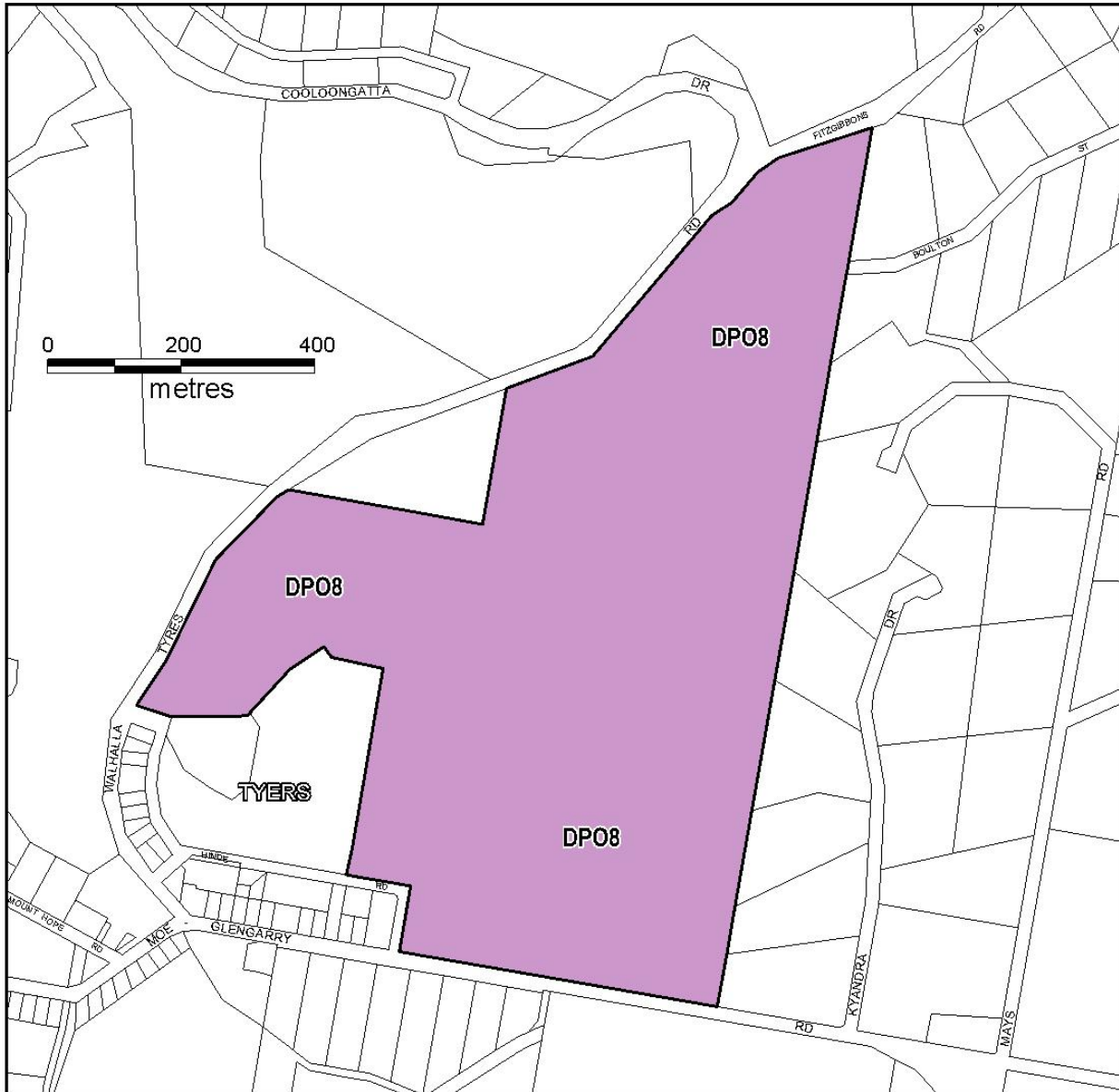
- RLZ2** RURAL LIVING ZONE SCHEDULE 2
- LDRZ** LOW DENSITY RESIDENTIAL ZONE

AMENDMENT C82

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



LATROBE PLANNING SCHEME LOCAL PROVISION



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

LEGEND

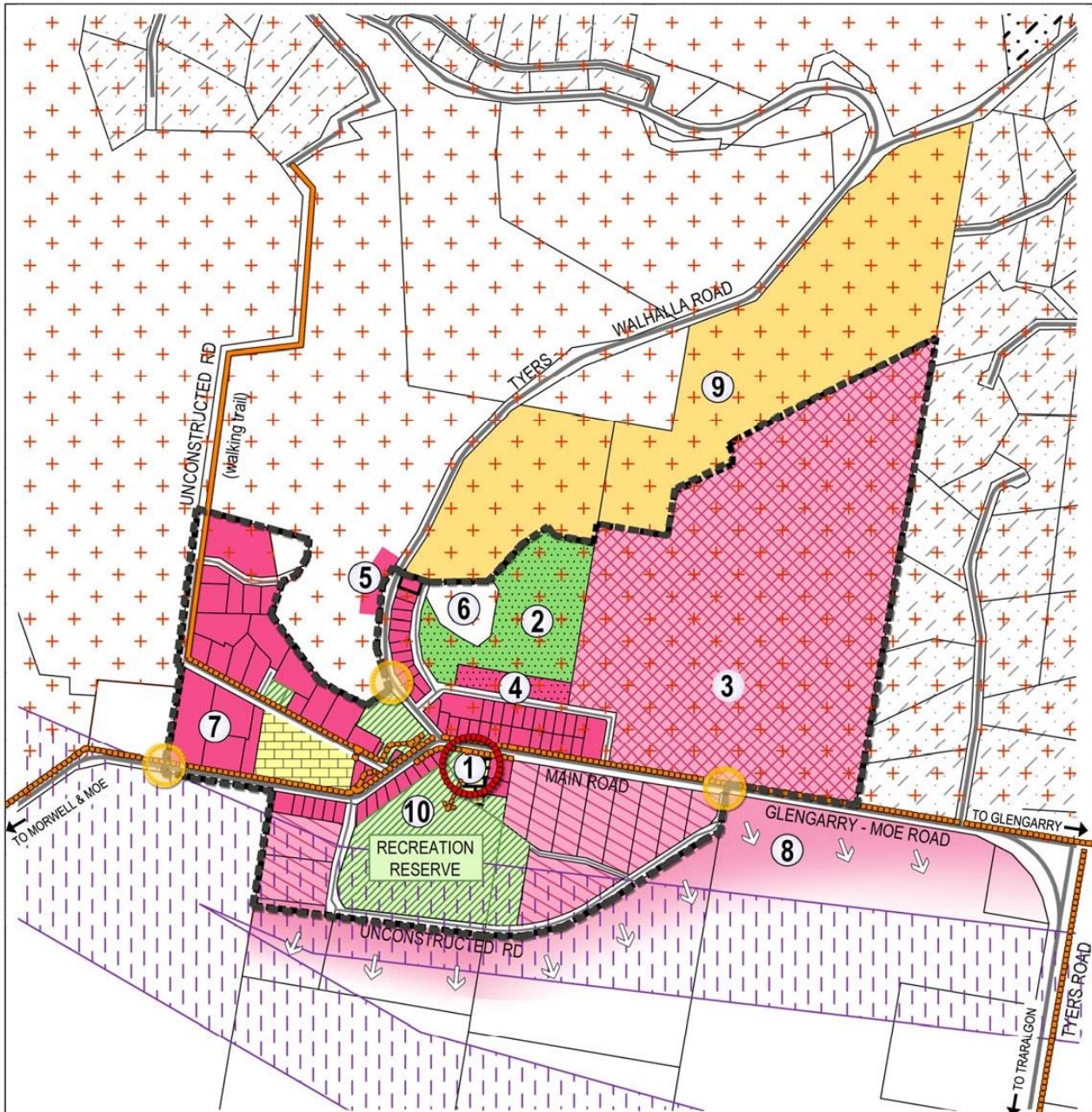
- DPO8** DEVELOPMENT PLAN OVERLAY - SCHEDULE 8

AMENDMENT C82

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



Proposed Tyers Structure Plan



LEGEND

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

NOTE - Definition of terms:

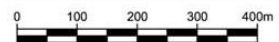
'Existing' - land available for development in accordance with current zoning (available now)

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

LATROBE PLANNING SCHEME - LOCAL PROVISION



TYERS STRUCTURE PLAN



POLICY

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C82

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment.

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

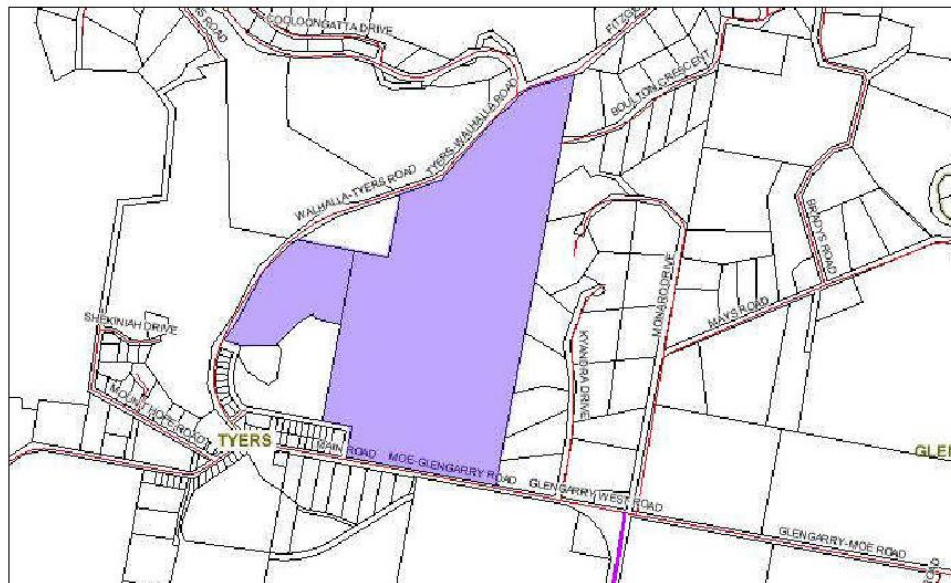


Figure 1 – Subject Land
Not to scale

What the amendment does.

The amendment seeks to:

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

See attached Proposed Zone and Overlays Maps and Proposed Tyers Structure Plan.

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

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

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

The objectives of planning in Victoria are:

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

The amendment will provide for the fair, orderly, economic and sustainable use of land which has limited agricultural potential.

The amendment allows for the protection and maintenance of the natural environment and the provision for quality low density residential and rural living housing development to be controlled by the Development Plan Overlay.

Clauses 14.03, 21.06-5 and 21.07 of the Latrobe Planning Scheme specify that potential developments need to have regard to stone resources and extractive industries. A large portion of the subject land has been identified as being within the *Latrobe Supply Area – Extractive Industry*

Interest Area 1999 (which forms part of the Latrobe Planning Scheme). The purpose of these Interest Areas is to provide a basis for the long-term protection of stone resources, assist councils in long term strategic planning and to create awareness that extractive industry is a possible land use in these areas. An 'Extractive Industry Interest Area' does not imply that future extractive industry operations will be confined to these areas, or that they will be automatically approved. Nor does it imply that other uses will be precluded from these areas. In this particular case the Department of Primary Industries has been consulted throughout both the preparation of the Tyers Structure Plan and the proposed rezoning and have confirmed that there is no longer an intention to extract materials from the Tyers Interest Area now or into the future.

The amendment presents an appropriate balance between the present and future interests of the community by providing a clear planning framework for the future urban growth of the area that will cater to Latrobe City Council's increasing population.

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

The utilisation of the subject land (a former blue gum plantation) has the potential to provide an appropriate use of land for housing and will result in logical in-fill between the township area and the established rural living development to the north-east of the town.

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

The amendment will have a positive social effect by providing more low density residential and rural living housing opportunities within the municipality. Tyers is serviced by existing social infrastructure including schools and sporting clubs which will benefit with further population. The amendment also has the potential to provide a positive economic effect through employment opportunities during the construction period and longer term economic benefits through additional population to the Tyers Township.

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

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

It should be noted that the indicative lot configuration plan which informs the LCA (and several other appendices within the background report) is based on a maximum density under the proposed zoning

and ensures Council and referral agencies are able to consider the full implications of rezoning the subject land. It is not intended that the indicative layout will be the eventual subdivision format. This amendment relates only to the rezoning of the land and does not propose a lot layout. A final lot layout will be developed as part of the Development Planning stage which will be undertaken post rezoning of the land.

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

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

Does the amendment address relevant bushfire risk?

The land affected by the amendment is subject to the Bushfire Management Overlay (BMO). Whilst the blue gum plantation has been removed from the subject land, advice from the Country Fire Authority (CFA) is that the BMO will remain in place due to wider bushfire risk presented to the Tyers area. In addition, CFA is satisfied that the detail required by the Bushfire Management Overlay for each proposed lot will be dealt with post rezoning, during the development of future applications for subdivision and appropriately referred to the CFA for consideration.

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

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

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

The amendment is affected by Ministerial Direction 15 *The Planning Scheme Amendment Process*, by achieving the set time frames for completing steps in the planning scheme amendment process. This direction applies to the Minister for Planning, the Secretary to the Department, Panels appointed under Part 8 of the *Planning and Environment Act 1987* (Act), and all planning authorities in Victoria.

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

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

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

In particular the amendment is:

- Consistent with Clause 11 – Settlement by providing land for settlement in an area that is provided with utility, urban and social services. The Tyers Structure Plan has designated the subject land as being suitable for future low density residential. The utilisation of the subject land (a former blue gum plantation) has the potential to provide a higher order use of land for housing and will result in logical in-fill between the township area and the established rural living development to the north-east of the town.

It is acknowledged that Tyers does not currently have access to reticulated sewerage and as such the future development of the subject land will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site.

- Consistent with Clause 11.05-4 Regional planning strategies and principles by facilitating the development of diverse dwelling types and providing greater housing choice and affordability. This is particularly important for Tyers as it has the potential to provide a unique lifestyle that cannot be replicated or offered by a larger urban centre such as Traralgon. Tyers also has the potential to meet some of the spill-over demand for residential land coming from the Traralgon housing market.
- Consistent with Clause 15.01-3 Neighbourhood and subdivision design as the sites are well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated Tyers community.
- Consistent with Clause 16.02-1 Rural Residential Development as the rezoning will consolidate the existing rural residential areas within the Tyers Township and is in accordance with strategies which recognise both existing housing supply need in an appropriate location. Future subdivision can occur with a variety of lot sizes and shapes each provided with sufficient area to satisfy the domestic waste water requirements as specified in the LCA.

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

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

Clause 21.04 – Objective 2 (Rural Living) seeks to minimise conflict between agricultural activities and rural lifestyle. This amendment will achieve this objective by rezoning the land into Low Density Residential Zone and Rural Living Zone that will provide an appropriate interface between farming zone land and new housing.

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

Clause 21.07-10 – Objective 1 - Stone Resources seeks to protect significant resources to ensure an adequate supply of stone in future years. The Department of Primary Industries has been consulted throughout both the preparation of the Tyers Structure Plan and the proposed rezoning and have confirmed that there is no longer an intention to extract materials from the Tyers Interest Area now or into the future.

Clause 21.08 – Objective 1 (Liveability) seeks to enhance the quality of residents' lives by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility and sense of place by first rezoning land for low density and rural living within close proximity to the Tyers Township. The subsequent preparation of a future development plan will expand on these themes further when an urban design response is being prepared.

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

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

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

The amendment will be referred to all relevant agencies as part of the exhibition process and any comments will be included as necessary. Preliminary feedback has been sought from key agencies such as the: West Gippsland Catchment Management Authority; Gippsland Water; APA Group; SPAusnet; Country Fire Authority; Department of Primary Industries; Australian Paper and the Environment Protection Authority which has informed the application of proposed zones and overlay provisions.

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

A Transport and Traffic Assessment Report has been undertaken to inform the proposed rezoning application. The findings of the report are that the rezoning of the subject land is not likely to have a significant impact upon the existing road networks or transport system. The existing road system is deemed capable of carrying any future traffic generated by residential development of the subject land. The planning scheme provides adequate guidance and power to ensure that subdivision design includes integrated and sustainable transport planning that contributes to an inclusive, prosperous and environmentally responsible State.

The public notification requirements of the *Planning and Environment Act 1987* ensure any subdivision process will be carried out in a fair and transparent manner with adequate opportunity for public engagement.

Resource and administrative costs

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

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

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning 4 November 2013
- panel hearing: Week beginning 2 December 2013

Where you may inspect this Amendment

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

Latrobe City Council
Corporate Headquarters
141 Commercial Road
Morwell VIC 3840

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

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

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

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



SP AusNet
A member of Singapore Power Group

Our Reference: 74109688
Your Reference: Amendment C82 LH

Date: 5 August 2013

LEAH POLLARD
LATROBE CITY COUNCIL
P.O. BOX 264
MORWELL VIC 3840

Dear Leah,

Thank you for your letter dated 22 July 2013 requesting SP Ausnet's comments in regards to the Notice of Preparation of Amendment for Lot 1 on PS449977U and Lot 1 on PS424861F, Walhalla - Tyers Rd, Tyers.

SP Ausnet has no objections to the rezoning of the affected land, provided that either:

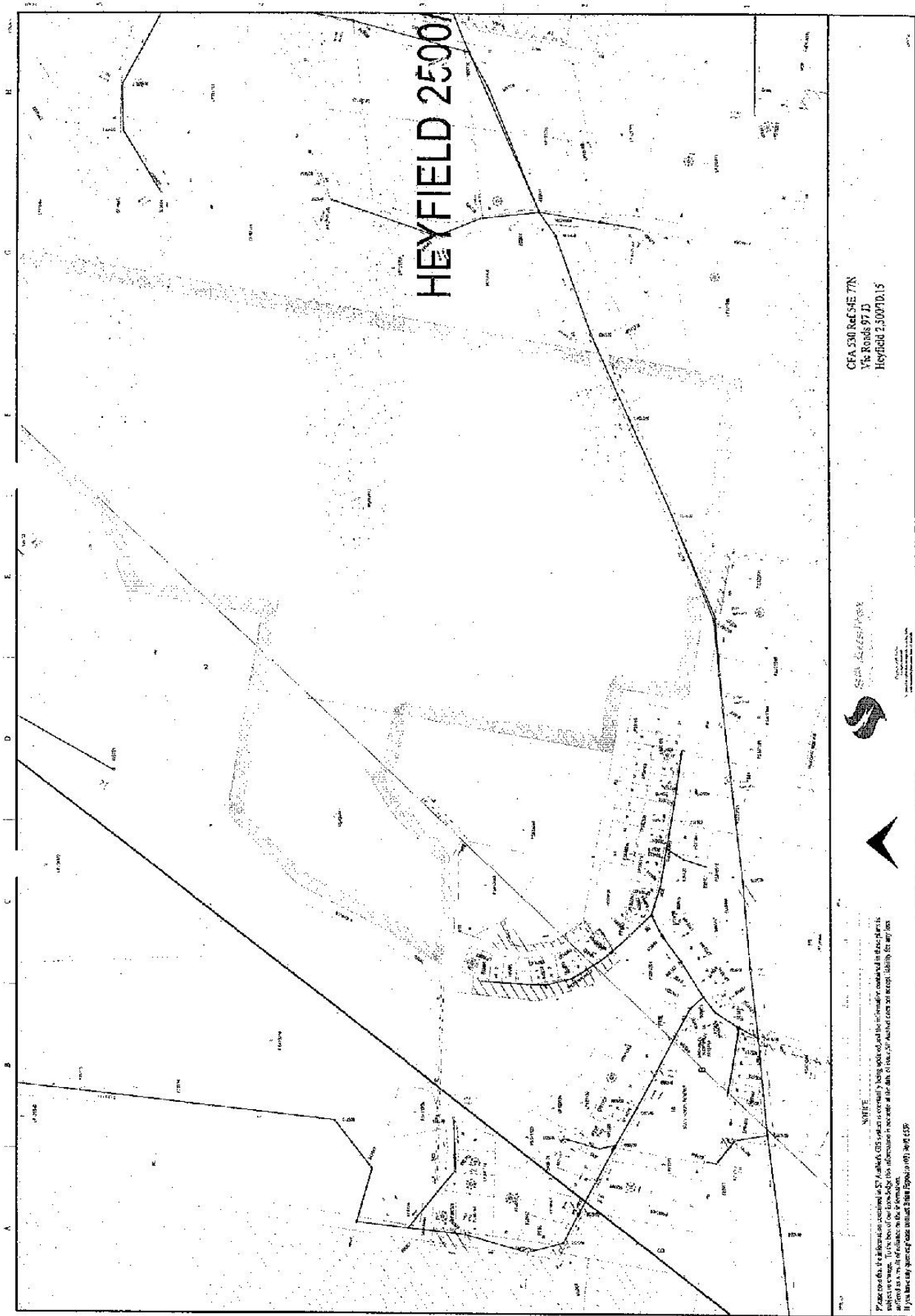
- a) the easement remains for the existing overhead powerlines that cross the south east corner of the property (see attached AMFM Plot), or
- b) the developer enters into an agreement with SP Ausnet to relocate or underground the lines and provide the relevant easements.

If you require any further information in relation to the above, please do not hesitate to contact Emma Bostedt on 5173 9016 at the Traralgon office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rob Monk'.

Rob Monk
Trainee Design Officer
SP AusNet - Traralgon



CFA 530 Ref 54E 77N
Y/S Roads 97 JJ
Heyfield 2,500 7D.15



NOTE
Please note that all information contained in this map is derived from the information contained in the plans and is subject to change. To the best of our knowledge this information is accurate at the date of issue, but we accept no liability for any errors or omissions. If you have any queries please contact the Planning Department on (03) 3462 5339.



CMA Application No: WG-F-2013-0380
 Document No: 1
 Council No: Amendment C82
 Date: 08 August 2013

Leah Pollard
 Strategic Planner
 Latrobe City Council
 Po Box 264
 Morwell Vic 3840

Dear Leah,

Application Number (CMA Ref): WG-F-2013-0380
Section: 19
Location Street: Tyers Walhalla Road, Tyers, Victoria 3844
Cadastral: Lot 1, PS449977, Parish of BOOLA BOOLA

I refer to your correspondence dated 22 July 2013, received at the West Gippsland Catchment Management Authority on 23 July 2013 in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*.

Below is the Authority's understanding of the application:

The applicant(s), Leah Pollard, Latrobe City

Propose the following:

Proposed Development Type: Overlay and Zoning Amendment
Proposed Development Description: Rezone land from farming zone and township zone to Low density Residential Zone

on the abovementioned proposed development location.

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme;

Zone(s): Farming Zone (FZ) and Township Zone (TZ)
Overlay(s): Wildfire Management Overlay (WMO)

The Authority was contacted by Millar Merrigan regarding the proposed rezoning of this land in 2011. During the course of assessing the proposal, the Authority determined that, of the designated waterways indicated on the property, one can be considered a mapping anomaly and the other is of low ecological and hydrological value.

ABN 86 062 914 381

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 • Facsimile (03) 6175 7899 • Email wesgippy@wgoma.vic.gov.au • Website www.wgoma.vic.gov.au
 Traralgon Office 15 Hornam Street, Traralgon VIC 3844 • Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3955

In light of this, the Authority does not have any requirements or wish to place any conditions on the land currently mapped as designated waterways on the subject land.

Please provide a copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2013-0380** in your correspondence with us.

Yours sincerely,



Adam Dunn
Statutory Planning Manager

The information contained in this correspondence is subject to the disclaimers and definitions below.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.

2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.

3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.

5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.

6. **Nominal Flood Protection Level** – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.

7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.

8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.

9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

Patron: The Honourable Alex Chernov AC QC, Governor of Victoria



Our Reference: 10000-486266-493764
 TRIM Reference: (D13/34877)
 Your Reference: C82

19 August 2013

Leah Pollard
 Latrobe City Council
 PO Box 264
MORWELL VIC 3840

Email: leah.pollard@latrobe.vic.gov.au

Dear Leah

SUBMISSION TO PLANNING SCHEME AMENDMENT

Proposal: Amendment C82 to the Latrobe Planning Scheme
Council: Latrobe City
Location: The amendment affects land generally contained within Areas 3 and 10 of the Tyers Structure Plan and is known as 1 on PS 449977U, Tyers-Walhalla Road, Tyers (Certificate of Title Volume 10722 Folio 660) and Lot 1 on PS 424861F, Tyers-Walhalla Road, Tyers (Certificate of Title Volume 10555 Folio 127).

Gippsland Region

Sale
Headquarters
 66 Foster Street
 PO Box 1212
 Sale Vic 3850
 T: 03 5149 1000
 F: 03 5149 1082

Bairnsdale
 130 Macleod Street
 Bairnsdale Vic 3875
 T: 03 5152 3048
 F: 03 5152 5007

Warragul
 24 Normanby Street
 PO Box 419
 Warragul Vic 3820
 T: 03 5623 1180
 F: 03 5623 6061

Thank you for providing CFA notice of C82 in accordance with Section 19(1)(c) of the Planning and Environment Act 1987.

CFA has assessed the proposed planning scheme amendment and would like to make the following comments:

- CFA agrees that the rezoning and development of this land in a logical manner to infill between the township of Tyers and the rural living located north of the township, increasing the bushfire safety for the existing settlement. This is supported by the removal of the eucalypt plantation, which has posed a bushfire hazard to the existing community.
- CFA provided a letter dated 24/08/2012 (ref: 10000-486266-442057) indicating support of the Development Plan based on the plan titled 'Proposed Rezoning Wildfire Considerations, Ref: 15533 W1 Version 1 (prepared by Millar Merrigan 07/08/2012). This support indicated the capacity of the land to deal with bushfire risk.



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

However, as the Development Plan that has been supported is not incorporated with Amendment C82, it is recommended that the Development Plan Overlay Schedule 8 (DPO8) Low Density and Rural Living Growth Areas be modified to include the prioritization of bushfire risk as a consideration, and requiring any future Development Plan design to be prepared in a manner that mitigates bushfire risk to at least the level achieved by Clause 44.06.

In conclusion CFA supports the amendment with the addition of:

- The prioritisation of bushfire risk and the consideration of bushfire risk in the design of any development plan being incorporated in to the requirements for a development plan in Development Plan Overlay Schedule 8 (DPO8) Low Density and Rural Living Growth Areas.
- Inclusion of an assessment of bushfire risk in the Decision Guidelines, potentially reference to Planning for Bushfire Victoria or guidance material provided by the Department of Transport, Planning and Local Infrastructure.

In the instance of a panel hearing be held, CFA reserves the right to be heard and asks to be notified should this need arise.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Potter'.

Mark Potter
Regional Director
Gippsland Region



Department of Environment and Primary Industries

Our ref: SP447505
Your ref: C82

23 August 2013

Leah Pollard
Strategic Planner
Latrobe City Council
PO Box 264
MORWELL VIC 3840

71 Hotham Street
Traralgon Victoria 3844
Telephone: (03) 5172 2111
Facsimile: (03) 5172 2100
ABN 90 719 052 204
DX 219284

Dear Leah

AMENDMENT C82 TO LATROBE PLANNING SCHEME

Thank you for your correspondence dated 22 July 2013 in respect of Planning Scheme Amendment C82 (the Amendment), which was referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 24 July 2013.

The land affected by the Amendment is land included in the Farming Zone (FZ) and Township Zone (TZ) and affected by the Wildfire Management Overlay (WMO) in the Latrobe Planning Scheme.

The Amendment proposes to:

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

The proposed Amendment has been considered by the Department of Environment and Primary Industries (DEPI) on behalf of the Minister for Environment and Climate Change, and supports the Amendment.

These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under Section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to Gippsland.Planning@dse.vic.gov.au or mailed to:

Program Manager, Regional Planning
Department of Environment and Primary Industries
71 Hotham Street
TRARALGON VIC 3844

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Information Privacy Act 2000*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Environment and Primary Industries, PO Box 500, East Melbourne, 3002.



If you have any queries regarding this matter, please contact Regional Planning - Gippsland at the Traralgon DEPI office on (03) 5172 2111.

Yours sincerely



John Brennan
Program Manager, Regional Planning



29 August 2013

Our reference: COR/13/50882
Your reference:



Leah Pollard
Strategic Planner
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

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

Dear Leah,

RE: Amendment C82

Gippsland Water has reviewed the proposal and does not object to the Planning Amendment C82, as it is in line with the Tyers Structure Plan.

If there are any matters about this response that you would like to discuss, please contact myself via either email paul.young@gippswater.com.au or phone 51 774 728.

Yours sincerely

Paul Young
Senior Planning Engineer

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

From: Stuart.Fenech@roads.vic.gov.au
To: Leah Pollard <Leah.Pollard@latrobe.vic.gov.au>
CC: Chris Padovan@roads.vic.gov.au <Chris.Padovan@roads.vic.gov.au>
Pas.Monacella@roads.vic.gov.au <Pas.Monacella@roads.vic.gov.au>
Date: 9/05/2013 3:26:04 PM
Subject: RE: FW: Tyers Rezoning Proposal

Good afternoon Leah,

After looking at the plan VicRoads has no objection to the rezoning of the land. Access points to the arterial network will be limited to reduce conflicts. The location and types will be considered on the basis of further development. It is suggested that a Development plan for the total area be developed in due course in consultation with VicRoads to determine access points. It is usual for VicRoads to limit subdivision access to a single point access. This could include service roads to allow houses front the road particularly on the Moe -Glengarry Road. On the Waihalla-Tyers road access should be limited/controlled with no individual access to allotments as the road alignment both vertically and horizontally would not create a safe arrangement. If at all possible access should be from existing roads and include upgrades as required.

Stuart Fenech
Statutory Planning Officer
VicRoads Eastern Region

21/8/13

Dear Sir/Madam,

This is a submission in regard to Amendment C82 to the Latrobe Planning Scheme. As a landowner at 65 Kyandra Dve Tyers, I oppose the amendment on the following grounds:

1. The Amendment states that it is required in response to a recognised need for housing within the Tyers Township. No evidence is supplied to support this 'recognised need'. In order for the Amendment to be required, such a need must be substantiated. Contrary to such a need, two properties in Kyandra Dve have been on the market for several months and remain unsold, indicating that there is no need for additional housing either in or adjacent to the Tyers township.
2. The Background report states *it is anticipated that lots to the south of the ridgeline and below the 110m contour will be generally 4000sqm with large lots no less than 1ha provided above the 110m contour and to the north of the ridgeline* 6.1 p43 Background Report. However, contrary to this assertion, the subdivision plan shows 4000sqm lots on the **entire** south face of the slope rising to the ridgeline. (See Land Compatibility Assesment Fig 1. P6). Many of these are above the 110m contour. The inclusion of areas about the 110m contour line within the LDRZ should be changed to reallocate all areas above 110m to RLZ2, ensuring a larger lot size appropriate to the steep incline, see Fig 7 p 18 (Note the entire report does not include a contour map, however the ridge line is indicated in Fig 3 p 8 of the Background report, and it can be seen that the LDRZ in the current proposal runs to the top of the ridge.)
3. Stormwater: The area encompasses a flat area towards the Main Rd, Tyers, and an extremely steep incline up to the ridge of the hill to the north. My property is adjacent to this area and shares part of the incline of the hill leading down to include approximately a third of my property as a flat area at the base of the hill. I have owned the property for 20 years and have seen both Pine and Eucalypt forests harvested in that time during which I have experienced great variation in the microclimate and particularly the drainage on my property. Recent clearing of the land marked '3' has removed virtually all vegetation, and crucially has also cleared the top area of the ridge which previously had always been left bushland. This has affected my property dramatically. The lower part of my property is now essentially a bog, with a constant drainage of water from west to east through the lowest part (the middle of my bottom paddock). Water birds are moving in, in significant numbers. I attach photographs comparing my lower paddock 20 years ago and this year. This is unsurprising as the Land Capability Assesment undertaken for the site states *...Given the slope and shape of the landscape there is potential for significant stormwater flows to be generated from the*

upslope areas, which have the potential to negatively impact upon the allotments on the lower areas. The Land Capability Assessment (Appendix 4) Section 8. The Amendment makes no remedy for current stormwater problems, caused by clear felling the entire area and defers future remedies. It is envisaged that comprehensive site survey and a stormwater strategy will be required at the detailed development phase to cater for stormwater run-off from road reserves and off site. (6.3.4 Background Report)

In addition to my objection to the current Amendment C82, I request the planning authority to consider mandating immediate restoration of some areas of vegetation to ameliorate the extreme runoff my property is experiencing. Not even the floods of 1995, during which time a Pine forest occupied the area under comment, had such an effect on my land.

4. *Wastewater: Low Density Residential Zone provides low-density residential development on lots which can treat and retain wastewater (The Department of Planning and Community Development website)*
 - *Contrary to the Land Capability Assessment's conclusions, I submit it is not possible for .4 hectare residential sites to achieve this given the soil type and topography for the area designated for LDRZ. My property shares the same soil type and topography, and earlier this year I applied to council for a plumbing permit to repair septic tank lines. The permit required 150m of drainage pipes (plumbing plan attached showing five lines of 30m). This would be difficult to accommodate on a .4 ha site with a 5 bedroom home, within the proposed effluent field area of 1280m². (LCA 6.3.1.1) Steeper sites than mine would need an even greater length of lines. An effluent field of this size is over a quarter of the allotment, and would need to avoid driveways, setbacks, and stormwater drainage. Failure of such effluent systems would have a great impact on surrounding sites.*
 - *The Subdivision Plan should be altered to take into account both the position of natural gullies and drainage, as well as denoting the required LAA for wastewater for each allotment as suggested by the LCA. Given the constraints to wastewater application to land on this property such as low subsoil permeability and elevated soil sodicity it is recommended that an allowance for a reserve wastewater LAA be included in the subdivision plan...(6.3.1 LCA)...Also, we believe that the Lot layout should pay more attention to the position and nature of drainage gullies on the land, so that wastewater LAAs can be kept at the required setbacks from these features. (6.3.2 Land Capability Assessment)*
 - *Should the area in question be rezoned to LDRZ not only would my property be inundated by natural run off from a denuded land area but would be severely affected by effluent from the development. I submit it is evidentially not possible for .4 hectare residential developments on this site to treat and retain their own wastewater, and therefore the site is unsuitable to such development. Nor is it adequate to rely on householder behaviour to ameliorate the problem (AmendmentC82 p3)) 'Effluent outputs from future*

dwellings should be minimised by homeowners *employing water saving fixtures and devices*'. This is water management by wishful thinking, as the Council has not indicated any compliance legislation or evaluation mechanism that would be mandated with the Subdivision.

5.

- The existing Bushfire overlay should be retained due to the threat to the Tyers township from wildfires, particularly from the north.

Due to the above concerns, the Amendment C82 should be rejected and rewritten to include the entire area in RLZ2, with suitable amendments to prevent stormwater and wastewater problems.

Yours sincerely

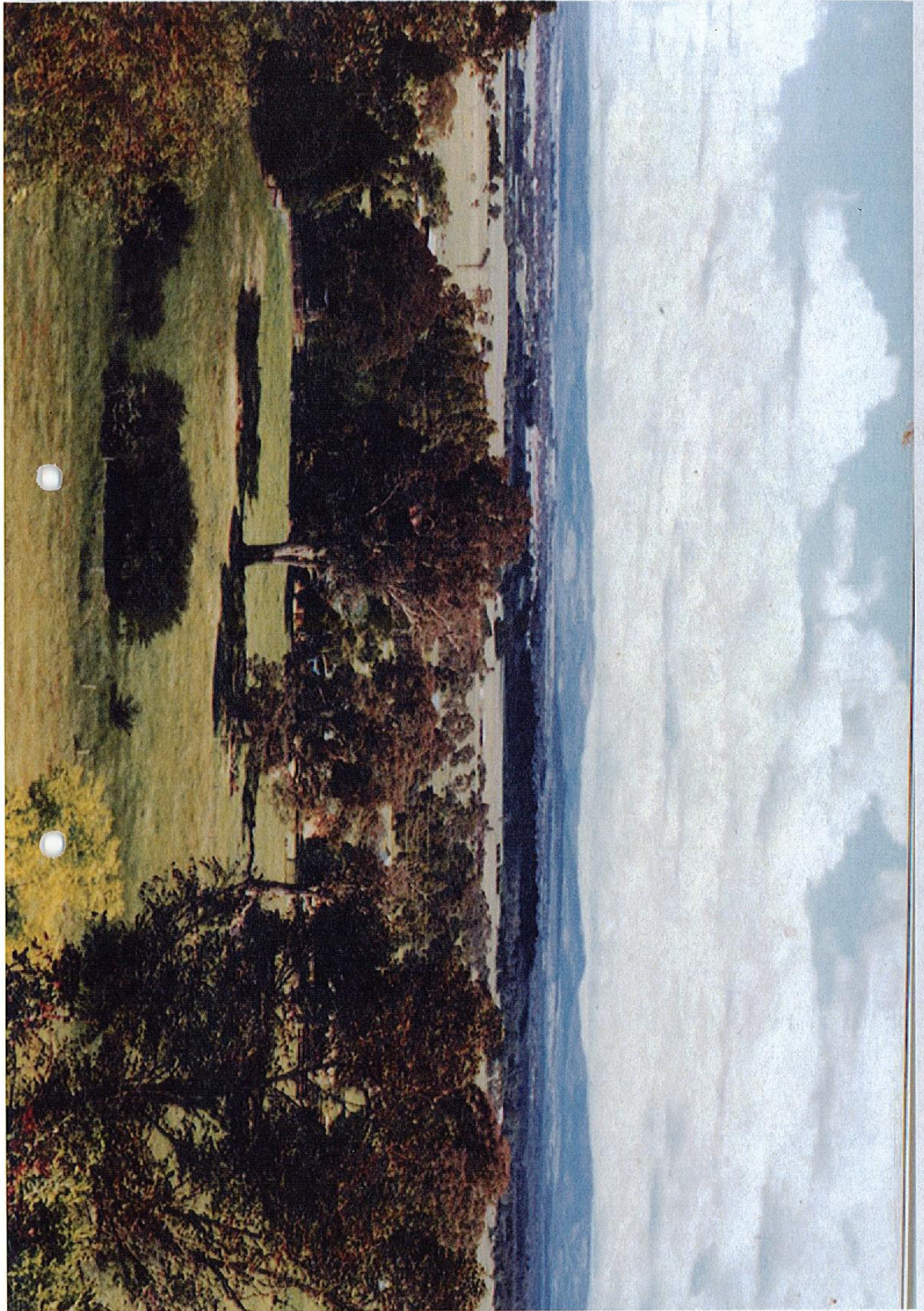
Alexandra Sasse

65 Kyandra Dve Tyers

Correspondence to: PO BOX 1776 Traralgon 3844

Attachments:

- 4 Photos of property – before and after clear felling of Amendment area showing inundation and drainage problems of the land
- Septic tank plans issued this year for 65 Kyandra Dve









Permit to Alter a Septic Tank System

ENVIRONMENT PROTECTION ACT 1970

PERMIT NO 13-07/34220

This permit is granted under part 1XB of the Environment Protection Act 1970 by a person authorised under the Act by the Latrobe City Council.

Owner: Ms A M Sasse

To be installed at: Lot 8 LP 121768

Known as: 65 Kyandra Drive Tyers

This installation shall be installed in strict accordance with the Certificate of Approval No CA 1.2/03 issued by the Environment Protection Authority

SPECIFICATIONS FOR INSTALLATION

Tank Size	-	Existing
Trench Length	-	Min. 100 Metres (level on contour)
Trench Width	-	700 mm
Trench Type	-	standard 90 mm slotted type
Trench Backfill	-	Topsail from trench - not heavy clay

SPECIFIC CONDITIONS-

Note conditions on approved plan

1. The residential building to which this permit refers must not be increased in size without written approval from Latrobe City Council.
2. No provision has been included in the above for a **Food Waste Disposal Unit** or a **Bath / Spa Bath** (capacity greater than 200 litres), to be included in the system.
3. No person shall use the system granted by this permit unless a 'Permit to Use' the system has been issued by an Authorised Officer of Latrobe City Council
4. This permit expires after two (2) years from the date hereof.

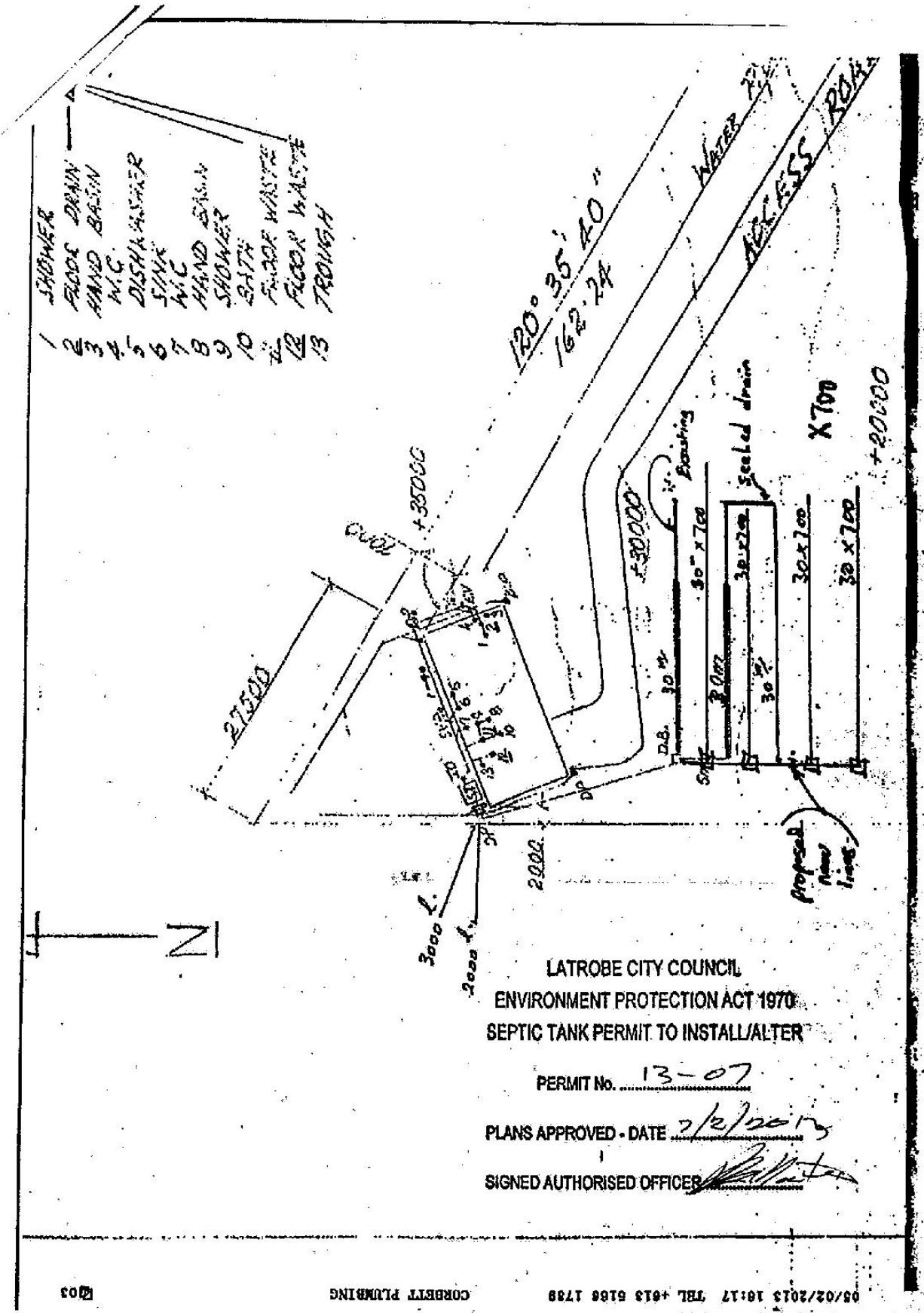
Date: 7 February 2013

By Authority of the Latrobe City Council



BRUCE MCMASTER
Authorised Officer

Encl Permit to alter Septic Tank System, approved plan and copy of Certificate of Approval No CA 1.2/03 issued by the Environment Protection Authority.



LATROBE CITY COUNCIL
 ENVIRONMENT PROTECTION ACT 1970
 SEPTIC TANK PERMIT TO INSTALL/ALTER

PERMIT No. 13-07

PLANS APPROVED - DATE 2/2/2013

SIGNED AUTHORISED OFFICER *[Signature]*

203

CORBETT PLUMBING

05/02/2013 10:17 TEL +613 5186 1788

Leah Pollard

From: Ketchion, Michelle
Sent: Wednesday, 28 August 2013 8:25 AM
To: Leah Pollard
Subject: Amendment C82 - Latrobe Planning Scheme

Hi Leah,

I write regarding your recent notice in preparation of an amendment dated 22 July 2013.

My husband and I live next door to the land that is proposed to be rezoned in Tyers on the Main Road (Moe-Glengarry Road).

We think that it will be a great thing for Tyers to have more young people build houses and become part of our community. We have many friends who have expressed an interest in buying a block if the rezoning and subsequent subdivision is allowed. I think the thing that attracts them to Tyers the most is that the blocks will be larger than what is available in townships nearby, and it will be a great space to raise young families in a rural setting with the convenience of being close to towns also.

We believe that this subdivision will benefit the local community greatly and help to further grow what is already a great township and what could become a thriving 'gateway' to the snowfields and high county.

We can be contacted on the numbers provided below should you wish to discuss this further with either of us.

Michelle Ketchion;

Ian Ketchion;

Many thanks – Michelle & Ian Ketchion

--

Important Notice: This email message and any attachments contain information that is confidential and may be legally privileged or protected by copyright. If you are not the intended recipient any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this message in error please notify us immediately by return email or by calling +61 3 9617 8400 and erase all copies of the message and attachments.

--

Ms Leah Pollard
Strategic Planner
Latrobe City Council
Morwell Victoria

30th August 2013

SUBMISSION TYERS REZONING

Dear Leah,

I wish to make it known to you that I support the rezoning of the Tyers Area.

My reasons being are that I have been a resident of Tyers since moving out of Traralgon in the September of 1985 and I can only see this as a very positive move in the right direction of economic growth and stability for this lovely country area.

It will create much needed jobs in this downward spiral of economic growth in the area. Additional land being opened for development is long overdue. I can remember as far back as the 1970's that Tyers was being cited as the next "Toorak" of the Valley.

Land development in Tyers would facilitate more enrolments in the local Primary School and the Kindergarten which could only be a good thing for this low residential tiny community.

There are currently limited opportunities for small acreages within the Latrobe area and any new developments in smaller land size would enhance and provide opportunities for families wishing to move from the tighter block sizes available in the larger towns. There is a greater need for families to give their children play space in a healthy country environment. My grandchildren thrived academically in the Primary School in Tyers it gave them a more stable and platform of growth and learning.

Opening land in Tyers for development is a winner on all fronts.

Yours most sincerely,

Ms Bobbie Symons

Bradys Road

Tyers Victoria

Jennifer Godfrey
19 Woodlands Drive
Tyers Vic 3844

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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28 August 2013

LEAH POLLARD
STRATEGIC PLANNER

I am a long term resident of Tyers and am writing to Council to support the rezoning of land along the Main Road and Walhalla Road in Tyers.

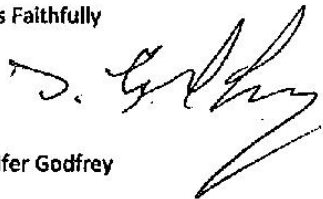
When my own children went to the Primary School in Tyers there were about 130 children at the school. My grandson Ethan who now lives with me, goes to the school but there are barely 50 children enrolled, and each year the numbers are dropping.

The local clubs are also finding it harder to field teams as there are less and less young people to support them. Ethan is playing with the Tyers soccer club learning and interacting with local children but how long will this be able to continue without more local input.

I have many friends who have repeatedly expressed their wish to live in a rural environment such as Tyers with its proximity to Traralgon but there is no vacant land. Without some development the town will slowly continue to go backwards.

A new development will do wonders for Tyers and I fully support it.

Yours Faithfully



Jennifer Godfrey

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<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Include forwarded to accounts

Mr John Henry
18 Mount Hope Road
Tyers Vic 3844

29 August 2013

LEAH POLLARD
STRATEGIC PLANNER

I have lived in Tyers for 62 years and feel qualified to comment on the proposed re-zoning of land in Tyers. I have been involved in several community organisations such as President of Tyers School committee - 25 years as an active member of the Tyers Fire Brigade – 11 years as Commissioner of the Local Water Board 1973 - 85 – Chairman of public meeting to form Tyers and District Community Association (TDCA) – becoming first president and active member ever since a total of thirteen years.

On my recommendation, through TDCA, I named the small park in central Tyers the Bert Christensen Reserve and am currently in the process of naming Short Street leading into sports ground.

Years ago I spoke to Peter McGauran MP regarding a grant to erect a permanent war memorial for Tyers; which the city eventually took up and organised.

I am close to eighty eight years old now, but still very active around Tyers. I keep the public notice board up to date with events of interest around Tyers.

Tyers Structure Plan -- now there is a subject that really irritates me. I attended the public meeting a couple of years ago to discuss this subject in the Tyers hall. The meeting was sabotaged by four people squabbling and arguing all the time between themselves. On reflection I was not impressed the way the meeting was conducted, leaving little time for local residents to discuss their points of view. So we finished up with a structure plan that was basically designed and organised by people that I believe were not residents of Tyers -- which leaves a lot to be desired and in my opinion is very WRONG.

For thirty or more years Tyers has been trying to get sewerage system only to be told it is uneconomical because of the small number of houses that can be serviced. We need development in Tyers and I strongly support the rezoning of land so that development can occur.

Twenty five -- thirty years ago, Glengarry was about the same size as Tyers, subdivisions were granted for the area south of Cairnbrook Road opposite the sports ground, over the years this area has developed into a large closely settled residential area, and I read in papers that Glengarry has only recently been connected to the sewerage system. Why is it that Glengarry can have a large residential subdivision without sewerage for years, and Tyers can't?

Part of the area of rezoning, recently harvested for timber is a gently sloping area down to the Tyers-Glengarry Road, not mentioned in the paperwork I received, I suggest is an ideal area for close settlement and close to the centre of Tyers but with only one house per acre, I am told, the growth of Tyers will be stifled and we will never get sewerage.

I believe one of the main disadvantages with Tyers is the distribution of subdivisions for housing developments. To the north where most people decided to build, are as far as seven kilometres from a central point in Tyers being our General Store, and some closer, but most of the population of Tyers is between two and seven kilometres by road.

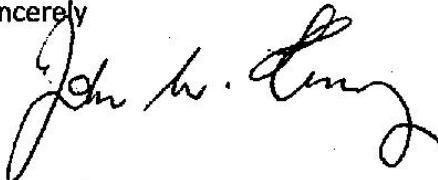
. There are approximately sixty houses within a one kilometre distance by road, from the Post Office and I estimate there are in excess of two hundred houses in outlying areas, who would say they live in Tyers. It is very difficult to get people who live in outlying areas to become involved in community groups and activities – hence the need for housing on the area marked LDRZ most of which would fall within one kilometre of General Store.

The Tyers Primary School, which had an enormous amount of money spent on it a year or so ago, finds their numbers dwindling and are now down to fifty one students – needs a boost to be able to utilize the new buildings to their full capacity, which is another reason for the zoning and future development of the area.

We have in Tyers a sporting facility of which a village the size of Tyers is very proud, the main sports catered for are football, cricket, soccer and tennis. Several teams in each sport are fielded every week, all year round – with excellent buildings and services. Increased population will be very well catered for.

I apologise for the long commentary – to make a feasible and understandable argument some background is needed, and I have endeavoured to provide that. I hope you will give this submission your fullest consideration.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'John W. Henry', written in a cursive style.

Mr. John Woodrow Henry

Neil Jones
16 Chester Close
Traralgon, 3844

30 August 2013

Leah Pollard
Strategic Planner Latrobe City Council
PO Box 264
Morwell 3840

Dear Ms Pollard,

Re: Amendment C82 to the Latrobe Planning Scheme

Thank you for your letter dated 22 July 2013, providing formal notice of the proposed amendment and inviting comment.

I am generally supportive of the proposed planning scheme amendment.

There are, however, two issues I wish to raise for consideration/resolution prior to Council receiving any plan(s) for subdivision of any part of the subject area.

Safety of Access to Tyers Walhalla Road (Tyers Thomson Valley Road MR) –

The SMEC Urban report recommended that no access be provided along the southern 1 km of the Walhalla Road frontage. The NBA plan shows an access for 10x1Ha lots along this frontage. The estimated 85th percentile speed of south bound traffic approaching the proposed new access is at or just above the current 80 km/h speed limit. Design of any intersection at this location should be based on this speed value. Providing adequate sight distance for entering traffic will require the removal of a large number of roadside trees and for the roadside cutting to be set back or laid back. It would be inappropriate to consider requesting a speed zone reduction to reduce the design criteria because the area will retain its rural appearance and many drivers would continue to travel at or about 80 km/h. My point is that extensive works will be necessary to provide adequate sight distance. A cheaper job based on a falsely lowered speed limit is likely to be regretted.

Waste Water –

Council correspondence in 1974 and at regular intervals since has reiterated the need to rectify the problem of odour, Ecoli and other undesirable consequences which result from untreated sullage and partly treated septic waste flowing through drains, along watercourses or just sitting around in muddy puddles in the central area of Tyers. Many meetings, reviews and consultations have agreed that something urgently needs to be done.

It is my view that the southern flatter part of the proposed LDRZ rezoning would be suitable for smaller lot sizes when sewerage is available.

If it is necessary to consider a plan of subdivision prior to any agreement to sewer Tyers my recommendation is that Council require the developer to prepare a plan based on lot sizes from about 1400 to about 2000 sq.m, then create LDRZ lots of min. area 0.4Ha by joining several adjoining lots. This may lead to a slightly lower yield of larger lots but would readily facilitate future subdivision when sewerage becomes available. To make this work purchasers would have building envelopes requiring building to be within any of the constituent smaller blocks.

The ultimate 1400 to 2000 sq.m. lots are an attractive size for many people compared to the 600 to 800 sq.m. most commonly available in Traralgon and the prospect of future subdivision potential would suit some buyers.

Conversion of 30 to 40 lots of 0.4Ha into the smaller lots I have recommended could yield 70 to 100 smaller lots. This would more than double the number of lots to be seweraged in Tyers and be close to the critical number for a sewerage scheme to proceed. In the longer future further township lots could then be added to the system.

Thank you for the opportunity to provide comment. I will be happy to answer any queries or provide extra details regarding my recommendations.

Yours sincerely,

Neil Jones MIEAust. CPEng.

Traffic Engineer


Tyers land owner

PETER HODGSON
 LOT 10 WOODLAND DRIVE
 TYERS VIC 3844

I AM WRITING IN SUPPORT OF THE NEW REZONING AND
 SUBDIVISION PROPOSED FOR TYERS.

AS A LONG TIME RESIDENT OF TYERS (26 YEARS)
 I FEEL THAT OUR TOWN NEED MORE PEOPLE
 IN THE AREA AS THIS WOULD BENEFIT THE
 WHOLE COMMUNITY WITH MORE SCHOOL AND
 PRE SCHOOL STUDENTS AS BOTH THESE HAVE BEEN
 STRUGGLING FOR ENROLMENTS OVER THE PAST
 FEW YEARS, I AM ALSO INVOLVED IN
 THE LOCAL NET BALL / FOOTBALL CLUB AND
 FEEL THAT THE EXTRA PEOPLE THE LAND
 SUBDIVISION WOULD BRING WOULD MAKE
 THIS A REAL COMMUNITY HUB.

LIKE ME I THINK THERE IS A REAL
 SHORTAGE OF BIGGER BLOCKS IN OUR AREA
 FOR PEOPLE THAT WANT SOMETHING MORE
 THAN 600 → 700 M² SIZE BLOCKS FOR THEIR
 KIDS TO GROW UP ON.

PETER HODGSON


LATROBE CITY COUNCIL	
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16.2 REVIEW OF LOCAL LAW NO.1

General Manager

Governance

For Decision**PURPOSE**

The purpose of this report is to seek Council's approval to commence the statutory process required to amend Council's Local Law No.1 – Meeting Procedure Local Law.

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**

Theme 3: Efficient, effective and accountable governance

Strategic Direction – To provide open, transparent and accountable governance.

Legislation

Local Government Act 1989

BACKGROUND

Pursuant to section 91 of the *Local Government Act 1989*, Council must make a local law governing the conduct of Council Meetings. Except as provided for in the Act and in any local law, the conduct of meetings of a Council is at the Council's discretion.

When making or amending a local law, Council must comply with the following provisions of the Act:

s119. Procedure for making a local law

- (1) Before a Council makes a local law it must comply with the following procedure.
 - (2) The Council must give a notice in the Government Gazette and a public notice stating—
 - (a) the purpose and general purport of the proposed local law; and
 - (b) that a copy of the proposed local law can be obtained from the Council office; and
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
 - (3) After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying—
 - (a) the title of the local law; and
 - (b) the purpose and general purport of the local law; and
 - (c) that a copy of the local law may be inspected at the Council office.
 - (4) After a local law has been made the Council must send a copy to the Minister.

Furthermore, Schedule 8 of the Act provides:

PROVISIONS WITH RESPECT TO LOCAL LAWS

Without derogating from any other principles the following apply to local laws:

- 1 A local law must—
 - (a) accord with the letter and intent of the enabling Act;
 - (b) in the case of a principal local law, clearly set out as part of its text—
 - (i) the objectives of the local law; and

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

- (ii) the precise provision authorising the local law;
- (c) be directed towards those objectives and not go beyond them;
- (d) adopt the means of achieving those objectives which appear likely to involve the least burden or the greatest advantage on the community;
- (e) wherever appropriate, set performance standards rather than prescribe detailed requirements as to the manner in which those standards shall be achieved;
- (f) be expressed plainly and unambiguously, consistently with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria.

2A local law must not—

- (a) exceed the powers conferred by the Act under which the local law purports to be made;
- (b) without clear and express authority in the enabling Act—
 - (i) have any retrospective effect;
 - (ii) impose any tax or fee, or any fine, imprisonment or other penalty;
 - (iii) purport to shift the onus of proof to a person accused of an offence;
 - (iv) provide for any further delegation of powers delegated by the Act;
- (c) be inconsistent with the principles, objectives or intent of the enabling Act;
- (d) make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act;
- (e) embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation;
- (f) unduly trespass on rights and liberties of the person previously established by law;
- (g) unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;

- (h) be inconsistent with principles of justice and fairness;
- (i) duplicate, overlap or conflict with other statutory rules or legislation;
- (j) restrict competition unless it can be demonstrated that—
 - (i) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (ii) the objectives of the local law can only be achieved by restricting competition.

Council adopted its current Local Law No.1 on 6 December 2004. A review of the Local Law commenced in 2007 as a result of perceived ambiguities within the current law. The Local Law No.1 explicitly provides for how Council will conduct its decision making power. Given that a new Council was being elected in 2008, it was appropriate for this review to be finalised following election of the new Councillors. The revised Local Law No. 1 [09 LLW-3] was adopted on 15 June 2009.

The current review has now been undertaken in accordance with the 2012-16 Council Plan action: Review of Local Law No.1 and is now presented for Council's consideration.

ISSUES

Part 5 of the *Local Government Act 1989* provides Councils with the authority to make local laws. It allows Councils to make local laws which incorporate any other codes, documents, standards, rules and specifications. It also allows/restricts a local law to impose a penalty or fee in certain circumstances.

Any reference to a code or standard is taken to be a reference to the code or standard applicable at the time the local law was made; a further resolution of Council is required if the referenced code or standard is amended and is to be applicable within Council's local law.

The Act also provides that Council's local law may delegate the power to a Council officer to sign, seal, issue, revoke or cancel a licence, and sign any document on behalf of the Council.

At all times, a local law of Council is subordinate to the laws of the State.

Council must ensure that all local laws are printed and available to the public.

**ORDINARY COUNCIL MEETING AGENDA
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Unless revoked sooner, a local law applies to the municipality for a period of 10 years at which time the sunset provisions within the Act declare that it will no longer be valid. Unless revoked, any amendments to a local law does not activate the 10 year time period; therefore revocation of a current local law is required for the full 10 year sunset period to take effect.

Upon review of the current Local Law No.1, it is proposed that the format of a newly adopted law would be altered to allow for greater flow to the content of the document.

In regards to the content, it is proposed that the new Local Law No.1 makes the following changes:

Local Law No1 is not due to sunset until 2019, subject to section 122 of the Act. However the 2012-2016 Council Plan identified the review of Local Law No1 as a major initiative following the general election. As a result of this Councillors have engaged in a process of reviewing this Local Law at the same time that the Councillor Code of Conduct has been under review.

To assist in the facilitation of this review Councillors have engaged with Local Government Law specialist, Terry Bramham of Macquarie Lawyers. Mr Bramham conducted two workshops as part of this review on 31 May and 21 June 2013 and subsequently made contact with Councillors who were not available on those dates to discuss the proposed changes and ensure that each Councillor was afforded an opportunity to participate in this review.

Below is a list of items that Councillors have identified for amendment in the Local Law:

1. Expand clause 9 (Election of the Mayor) by inserting a subclause to the effect that immediately following the election, the Mayor is to take the chair.
2. Delete clause 9.3 (Candidates addressing the Council on their suitability for the office of Mayor, Deputy Mayor or Chair).
3. Expand clause 63 (Petitions) to require each page of a petition to contain the entire wording of the petition.
4. Amend clauses 28.1 and 28.3 (Notice of motion) by allowing for lodgement by 10.00am on the Friday before the next Council meeting and deleting the wording "to allow sufficient time for him or her to give each Councillor at least 96 hours' notice of such notice of motion." (Note that clause 28.1 currently allows for lodgement by email).
5. Amend clause 49 (Addressing the meeting) to provide for Councillors to remain seated when addressing the meeting. (Note that currently, any person addressing the Chair must stand if the Chair so determines). (Also note that clause 45.2 infers that Councillors will stand given the reference to "...the Chair may direct the speaker to be seated.")

**ORDINARY COUNCIL MEETING AGENDA
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6. Expand Division 13 (Behaviour) to allow the Chair to adjourn the meeting if it is disrupted by the public, after having warned the meeting of the Chair's intention to do so if further disruption occurs.
7. Amend clause 62 (Question time) to require receipt of questions by 12 noon on the day of the meeting.
8. Amend clause 91 (Criticism of members of Council staff) to prohibit criticism of members of Council staff and despite the prohibition, allow the CEO to respond to any such criticism.
9. Distinct from Question Time, insert a provision to formalise the current practice of allowing the public to address a meeting, including –
 - a. a requirement that persons requesting to speak notify Council in writing by 12 noon on the day of the meeting; and
 - b. provision for the Mayor to exercise discretion on who may speak, the maximum number of speakers, and time limits.
10. Insert a clause that allows for a protocol to be incorporated by reference into the local law. The protocol could deal with matters outside the meeting such as –
 - a. Consultation with the Mayor by the CEO about the content of a proposed agenda;
 - b. Electronic confirmation to be sent to Councillors acknowledging receipt of emailed notices of motion;
 - c. The introduction of the term “preliminary agenda” to replace the currently issued agenda and the further term “final agenda” to expand on the contents of the preliminary agenda by including notices of motion;
 - d. Foreshadowing proposed notices of motion at an assembly of Councillors (“I & D” meeting).

Items one to nine above have been noted and provision made within Local Law No1 to include these changes. It should however be noted that with particular regard to item four, allowing the lodgement of a Notice of Motion by 10.00am on the Friday before the next Council meeting would result in the Notice of Motion being received after the agenda has been compiled and made available to the public. It is therefore suggested that any amendment to lodging Notices of Motion be consistent with production of the agenda.

In addition to the proposed changes identified above, Councillors have also expressed some interest in the development of a document known as a 'protocol' to work in conjunction with Local Law No1. This is identified as item 10 above, and such a document would be incorporated into the Local Law by reference but would not be subject to the same review process as a Local Law. It would cover more operational matters outside of the meeting procedures and would serve to provide improved administration of Council meetings. This document should be developed following the adoption of the proposed amendment to Local Law No1.

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 minimal financial implications in the review of Local Law No.1. Costs of approximately \$400 will be incurred for the placing of a notice in the Government Gazette Notice and public notices in the Latrobe Valley Express. Minor consultancy fees were incurred for the review of Local Law No. 1 and the Councillor Code of Conduct

These have been budgeted for in the 2013-2014 budget.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

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

Details of Community Consultation / Results of Engagement:

If approved for community release, a notice informing the community of the availability of the draft document will be placed in the Government Gazette and a public notice will be placed in the Latrobe Valley Express. It will also be placed on the Latrobe City Council website for the submission period.

Community members will have 28 days after the date on which the public notice is published to provide submissions to Council. Submissions will be treated in accordance with section 223 of the *Local Government Act 1989*.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****OPTIONS**

There are three options available to Council:

1. Release the draft Local Law No.1 for public comment in accordance with sections 119 and sections 223 of the *Local Government Act 1989*.
2. Make further amendments to Local Law No.1 before releasing for public comment. This is not a preferred option as it would compromise the ability to meet Council Plan timelines.
3. Not proceed with the review of Local Law No.1. This is not a preferred option as a Council Plan action would not be fulfilled and the enhancements proposed in the draft Local Law No.1 would be delayed until another future review.

CONCLUSION

The proposed Local Law No. 1 has been compiled in accordance with the statutory requirements of the *Local Government Act 1989*.

As part of this process a draft document containing amendments to this law has been provided to Council for review. It is now timely and appropriate to release the draft document for public comment in accordance with sections 119 and 223 of the *Local Government Act 1989*.

Through the review process some ambiguities and uncertainties within the current Local Law No.1 have been identified. The purpose of the review and proposed new Local Law No.1 is to provide Councillors and the community with a clearer document, describing the way in which Council will administer its decision making powers.

The proposed document makes a number of suggested changes including a change to the overall format of the document. By providing clearer direction on the conduct of Council meetings, it is anticipated that both Councillors and the community will have a greater awareness and understanding of how Council's decision making powers are to be administered

Attachments

1. Local Law No 1 with Proposed Changes

RECOMMENDATION

- 1. That Council, pursuant to sections 119 and 223 of the Local Government Act 1989, gives notice in the Government Gazette and a public notice placed in the Latrobe Valley Express of its intention to consider amending Local Law No.1 (09 LLW-3) and invites written submissions in regards to the draft Local Law No.1 [13 LLW-1];**
- 2. That Council, in accordance with section 223 of the Local Government Act 1989, considers any submissions received in relation to the draft Local Law No.1 at Ordinary Council Meeting to be held on 3 February 2014.**
- 3. That Council considers adoption of the draft Local Law No.1 at the Ordinary Council Meeting to be held on 17 February 2014.**

16.2

Review of Local Law No.1

- 1 Local Law No 1 with Proposed Changes 241**

LATROBE CITY COUNCIL

LOCAL LAW NO.1

[09 LLW-3]

Adopted 15 June 2009

MEETING PROCEDURE LOCAL LAW

Consideration of all rights contained within the *Charter of Human Rights and Responsibilities Act 2006* took place in the preparation of this Local Law; and any reasonable limitation to human rights can be demonstrably justified.

For enquiries please contact
Tom McQualter
Manager Council Operations & Legal Services
Ph. 1300 367 700



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PART A
INTRODUCTION

1. Title

This Local Law will be known as the "Meeting Procedure Local Law".

2. Purpose and objective of this Local Law

The purpose and objective of this Local Law is to:

- 2.1 Provide for the election of the Mayor;
- 2.2 Regulate the use of the common seal;
- 2.3 Prohibit unauthorised use of the common seal or any device resembling the common seal;
- 2.4 Provide for the procedures governing the conduct of Council meetings and Special Committee Meetings;
- 2.5 To promote and encourage community participation in the system of local government by providing a mechanism for Council to ascertain the community's views and expectations; and
- 2.6 To revoke Council's Process of Municipal Government (Meetings and Common Seal) Local Law No. 1 – 2004.

3. Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4. Operation and Commencement and End Dates

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the municipal district; and
- 4.2 ends on the 10th anniversary of the day on which it commenced operation.

5. Revocation of Local Law No. 1 - 2004

On the commencement of this Local Law, Council's Process of Municipal Government (Meetings and Common Seal) Local Law No. 1 - 2004 is revoked.

6. Definitions and Notes

6.1 In this Local Law:

"Act" means the *Local Government Act 1989* (Vic);

"agenda" means the notice of a meeting setting out the business to be transacted at the meeting;

"Authorised Officer" means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under this Local Law;

"Chair" the position of responsibility for conducting the meeting; the Chair usually takes their physical place at the head of the meeting table and includes an acting, a temporary and a substitute Chair;

"Chief Executive Officer" means the Chief Executive Officer of Council;

"common seal" means the common seal of Council;

"Council" means Latrobe City Council;

"Councillor" has the same meaning as the *Local Government Act* 1989.

"Council meeting" means an Ordinary Meeting or a Special Meeting;

"Deputy Mayor" means the Deputy Mayor of Council;

"division" means a formal count and recording in the minute book, of those Councillors for and against a motion;

"Executive Team" means the team or group of senior officers designated as such in Council's organisational chart or, if no such designation exists, which meets regularly to superintend Council's administration;

"Mayor" means the Mayor of Council;

"Minister" means the Minister responsible for administering the *Local Government Act* 1989;

"minute book" means the collective record of proceedings of Council;

"municipal district" means the municipal district of Council;

"notice of motion" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"notice of rescission" means a notice of motion to rescind a resolution made by Council;

"offence" means an act or default contrary to this Local Law;

"Ordinary Meeting" means any meeting of Council which is not a Special meeting;

"Penalty units" mean penalty units as prescribed in the *Sentencing Act* 1992;

"senior officer" has the same meaning as in the *Local Government Act* 1989;

"Special Committee" means a special committee established by Council under section 86 of the Act;

"Special Meeting" means a Special Meeting of Council convened and held in accordance with section 84 or 84A of the Act;

"Resolution" means a formal expression of opinion or intention made by Council.

"visitor" means any person (other than a Councillor, member of a Special Committee or member of Council staff) who is in attendance at a Council meeting or a Special Committee meeting; and

"written" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- 6.2 Introductions to Parts, headings and notes are explanatory and do not form part of this Local Law. They are provided to assist understanding.

PART B

ELECTION OF MAYOR

Introduction: This Part is concerned with the election of the Mayor and any Deputy Mayor. It describes how the Mayor and Deputy Mayor are to be elected.

7. Election of Mayor

The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

8. Method of Voting

The election of the Mayor or temporary Chair must be carried out by a show of hands.

9. Determining the Election of the Mayor

- 9.1 The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected, and call for nominations for the election of a Councillor as a temporary Chair.
- 9.2 Upon the meeting electing a temporary Chair:
- 9.2.1 The temporary Chair takes the Chair;
- 9.2.2 The temporary Chair must invite nominations for the office of Mayor; Councillors may nominate themselves but each nomination must be seconded. If there is only one nomination, the candidate nominated is deemed to be elected; and in the event that a Councillor nominates themselves and they are the only Councillor who is nominated, then that Councillor is elected even if the nomination is not seconded;
- 9.2.3 If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

- 9.2.4 In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- 9.2.5 In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
- 9.2.6 If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- 9.2.7 In the event of two or more candidates having an equality of votes and one of them having to be declared:
- 9.2.7.1 a defeated candidate; or
- 9.2.7.2 a candidate or candidates being declared a defeated candidate and the other duly elected,
- the declaration will be determined by lot.
- 9.2.8 If a lot is conducted, the Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- 9.2.8.1 each candidate will draw one lot;
- 9.2.8.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 9.2.8.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- 9.2.9 The procedure provided for in this clause 9.2 also applies to the election of a temporary Chair and Chair of a Special Committee.

Explanatory Note

As an example, if 4 candidates are nominated and candidate A receives 3 votes and candidates B, C and D each receive 2 votes, a lot must be used to determine which of candidates B, C or D is considered defeated. This is because candidate A did not receive an absolute majority of the votes (having received only 3 of a possible 9 votes).

In this instance, a lot is used to determine which of the 3 candidates is defeated and then the vote is re-taken for all candidates to determine if a candidate receives an absolute majority.

If the vote is taken and 2 candidates each receive equal votes, a lot is used to determine which candidate is elected. In this instance, the word "Elected" is written on the paper and the person who draws that piece of paper is elected.

9.3 ~~Immediately following the election, the Mayor is to take the chair~~

9.39.4 ~~Prior to the taking of the vote, any person nominated to the position of Chair, Mayor or Deputy Mayor must be given a reasonable opportunity to address Council as to their suitability for the office for which they have been nominated.~~

10. Determining the Election of any Deputy Mayor

If Council resolves that there be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in clause 9.2 except that any reference in that sub-clause to:

- 10.1 a temporary Chair is to be taken as a reference to the Mayor; and
- 10.2 the Mayor is to be taken as a reference to the Deputy Mayor.

PART C**COUNCIL'S COMMON SEAL**

Introduction: The common seal is a device which formally and solemnly records the collective will of Council. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document.

11. Council's Common Seal

- 11.1 The Chief Executive Officer must ensure the security of Council's common seal at all times.
- 11.2 The Council's common seal must only be used on the authority of the Council given either generally or specifically to a matter that is being or has been presented to Council;
- 11.3 The affixing of Council's common seal to any document must be attested to by the signature of the:

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11.3.1 Mayor; or

11.3.2 the Chief Executive Officer, or any other member of Council staff authorised by Council.

11.4 A person must not use the common seal or any device resembling the common seal without the authority of Council.

Penalty: 10 penalty units

Explanatory Note

Council may resolve to authorise the seal to be affixed to a specific document, or may authorise that the seal be affixed to a particular type or class of documents which may or may not be in existence at the time of the Council resolution.

PART D

MEETINGS PROCEDURE

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of Special Committee meetings.

DIVISION 1 - NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

12. Dates and Times of Meetings

Council must from time to time fix the date, time and place of all Ordinary meetings.

13. Council may alter Ordinary and Special Meeting dates

Council may change the date, time and place of any Ordinary or Special Meeting which has been fixed and must provide reasonable notice of the change to the public.

14. Special Meetings

14.1 Council may by resolution call a Special Meeting.

14.2 The Mayor or at least 3 Councillors may by a written notice call a Special Meeting.

14.3 The written notice described in clause 14.2 must specify the date and time of the Special Meeting and the business to be transacted.

14.4 The Chief Executive Officer must convene the Special Meeting as specified in the notice.

14.5 The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to

enable reasonable notice of the Special Meeting to be given to the Councillors.

- 14.6 In giving such a notice to the Chief Executive Officer under this clause 14, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken at the Special Meeting.
- 14.7 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice or resolution is to be transacted at the Special Meeting.
- 14.8 Subject to any resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

15. Emergencies

- 15.1 In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer appointed as a member of Council's Executive Team may postpone a Council meeting provided reasonable attempts are made to notify every Councillor.
- 15.2 The Chief Executive Officer must submit a full report of the circumstances which required action under clause 15.1 at the next Ordinary Meeting.

16. Notice of Meeting

- 16.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered to every Councillor for all Ordinary Meetings at least 48 hours before the meeting.
- 16.2 The notice of meeting must state the date, time and place of the meeting and the business to be dealt with and can be sent by post, facsimile, electronic mail, personally delivered or otherwise as specified by the Councillors or Chief Executive Officer from time to time.
- 16.3 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered to every Councillor for any Special Meeting within a reasonable time of the Special Meeting being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 24 hours before the Special Meeting. A period less than 24 hours may, however, be justified if exceptional circumstances exist.
- 16.4 Reasonable notice of each Ordinary and Special Meeting must be provided to the public. Council may do this for Ordinary Meetings by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating within the municipal district and/or on Council's internet website either at various times throughout the year, or just prior to each Ordinary Meeting.
- 16.5 It will not be necessary for a notice of meeting under clause 16 to be served on any Councillor who has been granted a leave of absence, unless the Councillor has requested in writing to the Chief Executive Officer to continue to be given notice of any meeting to be held during the period of his or her absence and must provide details to the Chief Executive Officer how this notice is to be reasonably delivered.

DIVISION 2 – QUORUMS**17. Ordinary Meetings**

The quorum for Ordinary Meetings is the presence of a majority of the Councillors.

18. Special Meetings

The quorum for Special Meetings is the presence of a majority of the Councillors.

19. Inability to gain a Quorum

If, after 30 minutes from the scheduled starting time of any Ordinary or Special Meeting, a quorum cannot be obtained:

19.1 those Councillors present; or

19.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

20. Inability to maintain a Quorum

If, during any Ordinary or Special Meeting or any adjournment of the meeting, a quorum cannot be maintained:

20.1 those Councillors present; or

20.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

21. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or, in his or her absence, a senior officer appointed as a member of Council's Executive Team, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister.

22. Adjourned Meetings

22.1 Council may adjourn any meeting.

22.2 The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

- 22.3 The Chief Executive Officer must provide written notice of a meeting adjourned under clause 17, 18, 19, 20 or 21 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

DIVISION 3 – BUSINESS OF MEETINGS

23. The Order of Business

The order of business for any Ordinary Meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. Without detracting from this:

- 23.1 although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time; and
- 23.2 the Chief Executive Officer may include any matter in an agenda which he or she thinks should be considered by that meeting.

24. Change to Order of Business

Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of the Mayor.

25. Conflicts of Interest

- 25.1 A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the agenda.
- 25.2 Nothing in clause 25.1 detracts from a Councillor's duty under the Act to disclose the existence, type and, if necessary, nature, of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

Explanatory Note

Section 77A of the Act defines when a Councillor will have a direct and indirect interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.

Among these requirements is the requirement to disclose the existence and type of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.

So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and type (and, if necessary, nature) of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

26. Urgent Business

Business cannot be admitted as urgent business other than by resolution of Council and only then if it:

- 26.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 26.2 cannot safely or conveniently be deferred until the next Ordinary Meeting or involves a matter of urgent community concern.

DIVISION 4 – MOTIONS AND DEBATE**27. Councillors may propose Notices of Motion**

- 27.1 Councillors may ensure that an issue is listed on an agenda by completing a Councillor's Notice of Motion form.
- 27.2 A notice of motion cannot be accepted by the Chair, unless it has been listed on the agenda for the meeting at which it was proposed to be moved or unless it is accepted by Council as urgent business.

28. Notice of Motion

- 28.1 A notice of motion must be in writing. The Councillor must lodge with or email to the Chief Executive Officer a signed notice of motion no later than 10.00am on the Friday before the next meeting of Council, to allow sufficient time for him or her to give each Councillor ~~at least 96 hours~~ notice of such notice of motion.
- 28.2 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- 28.3 If the notice of motion is not sufficiently clear or is not received prior to 10.00am on the Friday before the next meeting of Council, in time to allow the Chief Executive Officer to distribute the notice to each Councillor ~~at least 96 hours~~ before the next Ordinary Meeting, the notice of motion can only be accepted as urgent business by resolution of Council under clause 26 of this Local law.
- 28.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.
- 28.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- 28.6 If a Councillor who has given a notice of motion is absent from the meeting, any other Councillor may move the motion.
- 28.7 If a notice of motion is not moved at the meeting at which it is listed, it lapses.

29. Rejection of a Notice of Motion

The Chief Executive Officer may reject any proposed notice of motion that in his or her opinion is too vague. In that event, the Chief Executive Officer must:

- 29.1 give the Councillor delivering the rejected notice of motion an opportunity to amend the proposed notice of motion; and
- 29.2 provide the Councillor with reasons for rejecting their notice of motion.

30. Chair's Duty

Any motion or amendment which is determined by the Chair to be:

- 30.1 defamatory;
- 30.2 objectionable in language or nature;
- 30.3 vague or unclear in intention;
- 30.4 outside the powers of Council; or
- 30.5 irrelevant to the item of business on the agenda and has not been admitted as urgent or general business, or purports to be an amendment but is not,

must not be accepted by the Chair.

31. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

- 31.1 the mover must state the motion without speaking to it;
- 31.2 the motion must be seconded and the seconder must be a Councillor other than the mover; if a motion is not seconded, the motion lapses for want of a seconder;
- 31.3 if a motion or an amendment is moved and seconded the Chair must ask:
"Is the motion or amendment opposed?"
- 31.4 if no Councillor indicates opposition, the Chair must ask:
"Does any Councillor wish to speak in favour of the motion?"
- 31.5 if no Councillor indicates that they oppose the motion and if no Councillor wishes to speak in favour of the motion, the Chair must declare the motion or amendment carried without discussion;
- 31.6 if a Councillor indicates opposition under clause 31.3 contained herein, then the Chair must call on the mover to address the meeting; and
- 31.7 after the mover has addressed the meeting, the seconder may address the meeting or reserve their right to address the meeting at a later point in the debate; and

- 31.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting or reserves their right,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 31.9 if, after the mover and seconder have addressed the meeting, or after the mover or seconder has declined to address the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 31.10 if a Councillor wishes to speak in favour of the motion following a call from the Chair under clause 31.4, then the Chair must call on the mover to address the meeting; and
- 31.11 after the mover has addressed the meeting, the seconder may address the meeting or reserve their right to address the meeting; and
- 31.12 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite and provide an opportunity for any Councillor to speak in favour of the motion; and
- 31.13 if, the Chair has invited any Councillor to speak in favour of the motion and no further Councillors wish to speak in favour of the motion, then the Chair must put the motion to the vote.

32. Right of Reply

- 32.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 32.2 After the right of reply has been exercised but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

33. Moving an Amendment

- 33.1 Subject to clause 33.2, a motion which has been moved and seconded but not put to the vote may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion. The added words or deletion must not be contradictory to the form or substance of the motion.
- 33.2 A motion to confirm a previous resolution of Council cannot be amended.

34. Who may propose an Amendment

An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

35. Who may debate an Amendment

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.

36. How many Amendments may be Proposed

36.1 Any number of amendments may be proposed to a motion but only 1 amendment may be accepted by the Chair at any one time.

36.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

37. An Amendment Once Carried

37.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting and is declared carried and no further vote is taken on the original motion.

37.2 If the amendment is not carried, the amended motion is declared lost.

37.3 If there are no further proposed amendments to the original motion, the original motion is then put to the vote.

38. Withdrawal of Motions and Amendments

38.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

38.2 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

39. Separation of Motions and Amendments

Where a motion or amendment contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

40. Chair may Separate or Aggregate Motions and Amendments

The Chair may decide to put any motion to the vote in:

40.1 several parts; or

40.2 its aggregate form.

41. Foreshadowing Motions

41.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

- 41.2 A foreshadowed motion must substantially relate to an item already listed on the agenda of the Ordinary Meeting, otherwise it can only be accepted by Council as urgent business.
- 41.3 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 41.4 Upon a motion being foreshadowed, the Chair may request the Councillor who foreshadowed it to move that motion immediately or after the business currently before the meeting is disposed of.
- 41.5 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

42. Motions and Amendments in Writing

- 42.1 The Chair must require that a complex or detailed motion or amendment be in writing.
- 42.2 Council may adjourn the meeting while a motion or amendment is being written.
- 42.3 Council may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

43. Repeating Motion and/or Amendment

The Chair may request the Chief Executive Officer or the person taking the minutes to read the motion or amendment to the meeting before the vote is taken.

44. Notice of Motion that is Lost

Unless the Council resolves to re-list the notice of motion at a future meeting of Council, a notice of motion which has been lost must not be put before Council in its substantive or amended form for at least three months from the date it was lost.

45. Debate must be relevant to the Motion

- 45.1 Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- 45.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to ~~be seated and~~ not speak further in respect of the motion then before the Chair.
- 45.3 A speaker to whom a direction has been given under clause 45.2 contained must comply with that direction. Should the speaker fail to adhere to the direction, the Chair may require the speaker to leave the chamber until the motion has been put to the vote. The speaker must comply with any such requirement.

46. Priority of address

In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

47. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

47.1 the mover of a motion or an amendment which has been opposed or where a Councillor has asked to speak in favour of the motion under clause 31: 3 minutes;

47.2 any other Councillor: 3 minutes; and

47.3 the mover of a motion exercising a right of reply: 3 minutes.

48. Extension of Speaking Times

48.1 An extension of speaking time may be granted by resolution of Council at any time before, during or immediately after debate, but only one extension is permitted for each speaker on any question and the extension cannot be granted for longer than 3 minutes.

48.2 A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced participation in the debate.

49. Addressing the Meeting

If the Chair so determines:

49.1 any person addressing the Chair must stand and refer to the Chair as:

49.1.1 Madam Mayor; or

49.1.2 Mr Mayor; or

49.1.3 Madam Chair; or

49.1.4 Mr Chair

as the case may be;

49.2 all Councillors, other than the Mayor, must be addressed as

Cr _____(name).

49.3 all members of Council staff, must be addressed as Mr or Ms

_____ (name) as appropriate or by their official title.

50. Right to Ask Questions

50.1 A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

- 50.2 The Chair has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.

DIVISION 5 – PROCEDURAL MOTIONS

51. Procedural Motions

- 51.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 51.2 Procedural motions require a seconder.
- 51.3 Procedural motions do not need to be recorded in the minutes of the meeting, unless requested by the Chair.
- 51.4 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
4. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and amendment is not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting; or (b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table	Debate continues unaffected	No

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>(a) During the election of a Chair;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act;</p> <p>(d) When an amendment is before Council; or</p> <p>(e) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>(a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting; and</p> <p>(b) Proceed to next business</p>	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This motion: (a) may not be amended; (b) may not be debated; and (c) must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made in accordance with section 88 of the Act; or (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement	If carried in respect of: (a) An amendment, Council considers the motion without reference to the amendment: (b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected	No

DIVISION 6 – RESCISSION MOTIONS**52. Notice of Rescission**

52.1 A Councillor may propose a notice of rescission provided:

52.1.1 the resolution proposed to be rescinded has not been acted on; and

52.1.2 the notice of rescission is lodged with or emailed to the Chief Executive Officer setting out;

52.1.2.1 the resolution to be rescinded; and

52.1.2.2 the meeting and date when the resolution was made.

Explanatory Note

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.

When the notice of rescission is before the meeting, it is like any other form of motion. It is referred to as a "rescission motion".

52.2 A resolution will be deemed to have been acted on if:

52.2.1 its contents or substance has been formally communicated to a person whose interests are materially affected by it; or

52.2.2 a statutory process has been commenced,

so as to vest enforceable rights in or obligations on Council or any other person.

52.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

52.3.1 has not been acted on; and

52.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with clause 52.1.2,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Explanatory Note

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Thursday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being after the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Clause 52.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

53. If Lost

- 53.1 If a rescission motion is lost, a similar motion may not be put before Council for at least 3 months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 53.2 If a rescission motion is lost, the Chief Executive Officer or an appropriate member of Council staff is not prevented from acting upon the original resolution even if a subsequent notice of rescission has been listed for a Council meeting at least 3 months subsequent to when the motion for rescission was lost.

Explanatory Note

By way of example, assume that Council resolves to write a letter to a Minister relating to a planning matter. Immediately after the resolution is made, a Councillor lodges a notice of motion to rescind that resolution at the next Council meeting. The notice of rescission is subsequently lost. Assume that the Councillor seeks to lodge a further notice of rescission to be heard in not less than 3 months time.

Clause 53.2 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the original resolution rather than deferring implementation of it until after the further notice of rescission.

54. If Not Moved

If a rescission motion is not moved at the meeting at which it is listed, it lapses and can not be put before Council for at least 3 months from the date it lapsed.

55. May be Moved by any Councillor

A rescission motion listed on an agenda may be moved by any Councillor present but may not be amended.

56. When Not Required – Changes to Council Policy

- 56.1 A rescission motion is not required where Council wishes to change policy.
- 56.2 The following provisions apply if Council wishes to change policy:

- 56.2.1 if the policy has been in force in its original or amended form for less than 12 months, a motion revoking the policy must first be passed; and
- 56.2.2 any intention to change a Council policy which may result in a significant impact on any person should be communicated to those affected. This may entail publication and consultation, either formally or informally.

DIVISION 7 – POINTS OF ORDER

57. Chair to Decide

The Chair must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

58. Chair may Adjourn to Consider

- 58.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 58.2 All other questions and matters before Council are suspended until the point of order is decided.

59. Dissent from Chair's Ruling

- 59.1 A Councillor may move that the Council disagree with the Chair's ruling on a point of order, by moving:
 - "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".
- 59.2 When a motion in accordance with this clause is moved and seconded, the Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.
- 59.3 The Chair must put the motion in the following form:
 - "That the Chair's ruling be dissented from."
- 59.4 The Chair must remain in the Chair during the motion of dissent and he or she maintains their right to a second vote.
- 59.5 If the vote is in the negative, the meeting proceeds.
- 59.6 If the vote is in the affirmative, the Chair must reverse or vary (as the case may be) his or her previous ruling and proceed.
- 59.7 The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

60. Procedure for Point of Order

60.1 A Councillor raising a point of order must:

60.1.1 state the point of order; and

60.1.2 state any section, clause, paragraph or provision relevant to the point of order;

before resuming his or her seat.

60.2 Any Councillor interrupted by another Councillor calling for a point of order must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the Chair.

61. Valid Points of Order

A point of order may be raised in relation to:

61.1 a motion, which, under clause 31, or a question which, under clause 62.5, should not be accepted by the Chair;

61.2 a question of procedure; or

61.3 any act of disorder.

Explanatory Note

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Raising issues irrelevant to the motion before the meeting can be considered a basis of a valid point of order.

Making defamatory remarks or verbally personally attacking another Councillor would be considered a basis for a valid point of order.

DIVISION 8 – PUBLIC QUESTION TIME**62. Question Time**

62.1 There will be a public question time at every Ordinary Meeting to enable members of the public to submit questions to Council.

62.2 Public Question Time will have a duration determined by the Chair from time to time.

62.3 Questions submitted to Council **no later than 12 noon on the day of the meeting and** must be prefaced by the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

62.4 If a person has submitted 2 or more questions to a meeting, the second question and beyond:

- 62.4.1 may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their first question asked and answered; or
- 62.4.2 may not be asked if the time allotted for public question time has expired.
- 62.5 A question may be disallowed by the Chair if the Chair determines that it:
 - 62.5.1 relates to a matter outside the duties, functions and powers of Council;
 - 62.5.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 62.5.3 deals with a subject matter already answered;
 - 62.5.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 62.5.5 relates to personnel matters;
 - 62.5.6 relates to the personal hardship of any resident or ratepayer;
 - 62.5.7 relates to industrial matters;
 - 62.5.8 relates to contractual matters;
 - 62.5.9 relates to proposed developments;
 - 62.5.10 relates to legal advice;
 - 62.5.11 relates to matters affecting the security of Council property; or
 - 62.5.12 relates to any other matter which Council considers would prejudice Council or any person.
- 62.6 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 62.7 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- 62.8 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, the answer to it must be incorporated in the minutes of the meeting at which it was asked and a written copy of the answer sent to the person who asked the question.
- 62.9 A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

DIVISION 9 – PETITIONS AND JOINT LETTERS**63. *Petitions and Joint Letters***

63.1 A petition shall be defined as a formal written complaint or request, typed or printed without erasure, requesting Council to take action, from ten or more persons and is signed by all persons whose name and physical address appears on a page of the petition bearing the wording of the whole petition.

63.2 A petition must be addressed to the Council, Mayor, Councillor or a Council Officer.

63.3 A petition must not be defamatory, indecent, abusive or offensive in language or content.

63.4 A petition must not relate to matters beyond the powers of Council or be related to a statutory planning application.

~~63.1~~63.5 Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council's decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented.

~~63.2~~63.6 It is incumbent on every Councillor presenting a petition or joint letter to acquaint him or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council and that the contents do not violate any Local Law.

~~63.3~~63.7 Every Councillor presenting a petition or joint letter to Council must write his or her name at the beginning of the petition or joint letter.

63.8 Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 10 people.

~~63.4~~ Each page of a Petition shall bear the whole of the wording of the Petition as well as the name of head petitioner.

~~63.5~~63.9 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

DIVISION 10 – MEMBERS OF PUBLIC SPEAKING BEFORE COUNCIL**64. Request to speak before Council to be referred to Mayor**

64.1 At every Ordinary Meeting, time may be allocated to enable any member of the public who has made a request under clause 64.2 to address Council and answer questions put to them.

64.2 A member of the public wishing to be heard by Council at a meeting is required to may-make a written request no later than 12 noon on the day of the meeting to the Chief Executive Officer who must refer the request to the Mayor.

64.3 ~~Approval Any request~~ to address Council at an Ordinary Meeting will be at the discretion of the Mayor and shall have considered having regard to:

64.3.1 the nature of the matter to be discussed;

64.3.2 the number of speakers;

~~64.3.1~~ 64.3.3 time limits that may be imposed upon; speakers

~~64.3.2~~ 64.3.4 _____ priorities in relation to other Council business;

~~64.3.3~~ 64.3.5 _____ other members of the community present who also wish to address the Council; and

~~64.3.4~~ 64.3.6 _____ whether such an opportunity has already been provided to the person at this meeting or another meeting.

65. Consideration of Request

If the Mayor permits a member of the public to be heard he or she may direct the Chief Executive Officer as to the meeting at which the member of the public will be heard. Alternatively, the Mayor can ask the Chief Executive Officer to refer the request to Council.

66. Notification of Hearing

If the Mayor permits a member of the public to be heard, the Chief Executive Officer must notify all Councillors of that permission, and also notify the member of the public of the date, time, and place at which they will be heard.

67. Summary of Submissions

67.1 A member of the public may lodge with the Chief Executive Officer a written submission detailing the subject matter of their address prior to the member of the public addressing Council. The submission must be provided to the Chief Executive Officer at least 30 minutes prior to the commencement of the Council Meeting to enable the submission to be distributed to Councillors. A failure to adhere to this requirement may result in the submission not being distributed to Councillors and is at the discretion of the Mayor.

67.2 All material distributed to the Councillors by the member of the public is at the discretion of the Chair, to allow for the orderly conduct of the meeting.

68. Limitations upon Speakers

The Mayor may set time limits on the length and address of each speaker and if appropriate may request the member of public to shorten, summarise or finalise their address to Council or their answers to questions posed by Councillors to allow ordinary business to continue.

69. Questions but no discussion permitted

Councillors and the Chief Executive Officer may question the member of the public on matters raised by it for purposes of clarification but no discussion will be allowed.

70. Matter to be Determined at a subsequent meeting

No motion must be allowed on any address made to Council until the next Ordinary Meeting after the address has been heard, unless Council, by resolution, decides otherwise.

71. When public participation inappropriate

A request to address a meeting of Council may be rejected if Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.

DIVISION 11 – VOTING**72. How Motion Determined**

Subject to clause 31, to determine a motion before a meeting the Chair must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

73. Casting Vote

In the event of a tied vote, the Chair must exercise the casting vote in accordance with the Act.

74. By Show of Hands

A vote will be taken by a show of hands and recorded in the minutes of the meeting.

75. Procedure for a Division

75.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

75.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment, and therefore no Councillor is prevented from changing his or her original vote at the voting on the division and the voting on the division will determine the Council's resolution on the issue.

75.3 When a division is called for, the Chair must:

75.3.1 first ask each Councillor wishing to vote in the affirmative to raise their hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise their hand. The Chair must then state, and the Chief Executive Officer or any member of Council staff taking the minutes must record in the minutes, the names of those Councillors voting in the affirmative; and

75.3.2 then ask each Councillor wishing to vote in the negative to raise their hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hand. The Chair must then state, and the Chief Executive Officer or any member of Council staff taking the minutes must record in the minutes, the names of those Councillors voting in the negative; and

75.3.3 the Chair must declare the result to the meeting.

76. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 76.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 76.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Explanatory Note

For example, clause 76.2 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, clause 76.2 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo; hence the reference in clause 76.2 to discussion about a positive motion where a resolution has just been rescinded.

DIVISION 12 – MINUTES

77. Confirmation of Minutes

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as follows:

- 77.1 A copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting;
- 77.2 If no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 77.3 If a Councillor indicates opposition to the minutes:
 - 77.3.1 He or she must specify the item(s) to which he or she objects;
 - 77.3.2 The objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - 77.3.3 The Councillor objecting must move accordingly without speaking to the motion;
 - 77.3.4 The motion must be seconded;

77.3.5 The Chair must ask;

“Is the motion opposed?”

If no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in clause 77.3.9;

If a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;

77.3.6 After the mover has addressed the meeting, the seconder may address the meeting;

77.3.7 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

77.3.8 If, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and

77.3.9 The Chair must, after all objections have been dealt with, ultimately ask:

“The question is that the minutes be confirmed” or

“The question is that the minutes, as amended, be confirmed”,

and he or she must put the question to the vote accordingly;

77.4 A resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed as soon as practicable after the minutes have been confirmed;

77.5 The minutes must be entered in the minute book and each item in the minute book must be entered consecutively;

77.6 Unless otherwise resolved or required by law, minutes of a Special Committee requiring confirmation by Council must not be available to the public until confirmed by Council; and

77.7 The Chief Executive Officer (or other member of Council staff taking the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

77.7.1 The date, place, time and nature of the meeting;

77.7.2 The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

77.7.3 The names of the members of Council staff present;

- 77.7.4 Any disclosure of the existence and type (and, where appropriate, nature) of a conflict of interest made by a Councillor, and when such disclosure occurred;
- 77.7.5 Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 77.7.6 Each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 77.7.7 The vote cast by each Councillor in accordance as described in clause 74;
- 77.7.8 The vote cast by each Councillor upon a division;
- 77.7.9 The vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 77.7.10 Questions upon notice;
- 77.7.11 The failure of a quorum;
- 77.7.12 The date and time the meeting was commenced, adjourned, resumed and concluded;
- 77.7.13 Any adjournment of the meeting and the reasons for that adjournment; and
- 77.7.14 The time at which standing orders were suspended and resumed; and
- 77.7.15 Any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

78. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

79. Deferral of Confirmation of Minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

80. Recording of Meetings

A person must not operate audiotape or other recording equipment at any Council meeting without first obtaining the consent of Council or the Chair (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chair (as the case may be).

Penalty: 5 penalty units.

DIVISION 13 – BEHAVIOUR**81. Public Addressing the Meeting**

Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

82. Chair May Remove

The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

83. Suspensions

Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor whose actions have disrupted the business of Council at that meeting, and have impeded its orderly conduct.

84. Offences

It is an offence for:

- 84.1 a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so;

Penalty: 2 penalty units

- 84.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so;

Penalty: 5 penalty units

- 84.3 any person to fail to comply with a lawful direction of the Chair in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

- 84.4 a Councillor to not leave the Chamber on suspension;

Penalty: 5 penalty units

- 84.5 any person to fraudulently sign a petition or joint letter which is presented to Council or has the intention of being presented to Council.

Penalty: 10 penalty units

Explanatory Note

Some (but not all) breaches of this Local Law result in an offence being committed. Those breaches which result in an offence being committed are to be found in clause [848484](#) and those clauses where a penalty and 'penalty units' appear below the text.

The penalty units shown are the maximum penalty units which a Court can impose. It is always open to a Court to impose no penalty unit or a lesser number of penalty units than are shown.

If an offence has been committed, the person who committed the offence can be prosecuted in a Court.

85. Chair may adjourn disorderly meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of clause 22.2 and 22.3 apply.

86. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chair has ordered to be removed from the gallery under clause 83 of this Local Law or whom Council has suspended under clause 83.

87. Infringement Notices

- 87.1 An authorised officer may issue an infringement notice in the form of the notice in Schedule 1 of this Local law.
- 87.2 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Latrobe City Council, PO Box 264, Morwell 3840.
- 87.3 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 87.4 A person issued with an infringement notice is entitled to defend the prosecution in Court.

DIVISION 14 – MISCELLANEOUS

88. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, the Chair must:

- 88.1 not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 88.2 call to order any person who is disruptive or unruly during any meeting.

89. Acting Chair

If the Mayor is unable to attend a Council meeting for any reason;

- 89.1 the Deputy Mayor will be Acting Chair; and
- 89.2 if a Deputy Mayor has not been elected, the Acting Chair is to be elected at the commencement of the meeting in accordance with clause 9.

90. Matters Not Provided For

Where a situation has not been provided for under this Local Law, the Council may determine the matter by resolution.

91. Criticism of members of Council staff

- 91.1 ~~*Notwithstanding that Council meetings shall not be used as a forum for the criticism of any member of Council staff, the Mayor must allow the Chief Executive Officer to make a brief statement at a Council meeting in respect to any statement or questions posed by a Councillor or member of the public, which may be deemed as unfair or unreasonable criticism of a member of Council staff. The Mayor must allow the Chief Executive Officer to make a brief statement at a Council meeting in respect of any statement or question posed by a Councillor or member of the public made at the Council meeting criticising him or her or any member of Council staff.*~~
- 91.2 ~~*A statement under clause [91.191.191.1](#) must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor or member of the public who made the statement or posed the question *has resumed his or her seat.**~~

DIVISION 15 – SUSPENSION OF STANDING ORDERS

92. Suspension of Standing Orders

- 92.1 To expedite the business of a meeting, Council may suspend standing orders.

Explanatory Note

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.

- 92.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be:
- "That standing orders be suspended to enable discussion on....."
- 92.3 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

DIVISION 16 – SPECIAL COMMITTEES

93. Application Generally

93.1 If Council establishes a Special Committee, all of the provisions of Divisions 1-15 of this Local Law apply to the conduct of the Special Committee.

93.2 For the purposes of clause ~~93.193.193.1~~, a reference in Division 1-15 of this Local Law to:

93.2.1 A Council meeting is to be read as a reference to a meeting of the Special Committee;

93.2.2 A Councillor is to be read as a reference to a member of the Special Committee; and

93.2.3 The Mayor is to be read as a reference to the Chair of the Special Committee.

94. Application Specifically

Notwithstanding clause 93, if Council establishes a Special Committee:

94.1 Council may; or

94.2 the Special Committee may, with the approval of Council,

resolve that any provision(s) of Divisions 1-15 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

95. Meeting Procedures Protocol

The following document is incorporated by reference into this Local Law –

a) Latrobe City Council Meetings Procedure Protocol;

SCHEDULE 1 – INFRINGEMENT NOTICE

**LATROBE CITY COUNCIL
INFRINGEMENT NOTICE**

Date of Notice: _____ No. of Notice: _____

To: Surname of: _____ Reg. No. of any vehicle: _____

Organisation Name: _____ State: _____

Other Names: _____ Type: _____

Address: _____ Postcode: _____

I, _____ (full name of authorised officer) being a duly authorised officer of the above Council have reason to believe that you have committed an offence against the Local Laws of Council. The nature of the alleged offence and the amount of penalty is indicated by the ticked box below:

Your offence:

Local Law Number	<input type="checkbox"/>	Clause Number	<input type="checkbox"/>
Nature of Infringement	<input type="checkbox"/>	Applicable Penalty Units	<input type="checkbox"/>
Code	<input type="checkbox"/>		

Other _____ offences:

Other particulars of alleged offence: _____

How to pay:

If you pay the penalty indicated within 28 days from the date of this notice to the Latrobe City Council, by CHEQUE or MONEY ORDER for the FULL AMOUNT POSTED to PO Box 264 Morwell, 3840, Victoria, by CHEQUE or MONEY ORDER or CASH to Municipal Offices at _____, Victoria _____ (CHEQUES SHOULD BE CROSSED "NOT NEGOTIABLE" AND MADE OUT TO THE LATROBE CITY COUNCIL), this matter will not be brought to Court and no conviction will be recorded.

IF YOU DON'T PAY WITHIN 28 DAYS, COSTS WILL BE ADDED AND THE MATTER WILL BE TAKEN TO COURT.

You are entitled to disregard this infringement notice and defend the prosecution for the offence in Court. Should you wish to make any submission concerning this infringement notice, contact should be made with the Chief Executive Officer.

(Signed by authorised officer)

CERTIFICATION OF LOCAL LAW NO. 1

This is to certify that the writing above contained on 36 pages of paper is a true copy of the Local Law of the Latrobe City Council and that I have informed Council of the legislative requirements necessary to giving validity to such Local Law and as to Council's observance and belief that such requirements have been fulfilled. And I further certify that such Local Law came into force on 26 June 2009.

The Common Seal of the **Latrobe City Council**)
was hereunto affixed this 29th day of June 2009)
in the presence of:)

PAUL BUCKLEY

Chief Executive Officer

**16.3 PLANNING PERMIT APPLICATION FOR THE CONSTRUCTION
OF EIGHTEEN DWELLINGS ON A LOT AT PRINCES DRIVE
TRARALGON**

General Manager

Governance

For Decision**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/247 for the Construction of eighteen dwellings on a lot at Princes Street, Traralgon (corner of Lodge Drive).

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 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 – Built Environment***

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

Legislation –

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

BACKGROUND

Previous applications

There have been two previous planning permit applications on the subject site (excluding the part road reserve which this application now relies on).

The first was application 2007/215 which was for the use and development of 29 serviced apartments and a twenty nine lot subdivision. This application went to VCAT and was refused. See VCAT decision at Attachment 1.

The second was application 2009/19 which was for the construction of 19 dwellings. This application was withdrawn by the applicant.

It should be noted that prior to the withdrawal of the application, officers wrote to the applicant advising that the reliance on part of the road reserve under that application was inappropriate, as the applicant had not yet secured that land. Whilst the tenure of land is not normally something officers would become concerned with, this case was considered to be different as the land relied upon was Council owned land and was subject to a separate process in order for it to be secured. This raised the element of uncertainty which the planning permit process should not be subject to.

As the application was withdrawn, a full assessment of the application was not undertaken.

As part of the current application, the applicant has raised issues with the fact that officers are likely to recommend refusal based on an application that is largely similar to that which was withdrawn and to which no concerns were raised. Whilst no concerns were raised with that application, this does not imply that officers were favourable to the application. Officers identified issues with the current application as soon as was possible in this current application process which is considered to be best practice. The applicant chose not to make alterations to satisfy those concerns and requested that officers proceed with the remainder of the application process.

SUMMARY

Land:	Princes Highway, Traralgon (corner of Lodge Drive), known as Lot 2 TP 832749K and part road reserve Crown Allotment 48, Parish of Traralgon
Proponent:	Lodge Developments Pty Ltd
Zoning:	Residential 1
Overlay	None

A Planning Permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.01-3.

PROPOSAL

The application is for the construction of eighteen dwellings on a lot.

This includes 14 three-bedroom dwellings and four two-bedroom dwellings. Each two-bedroom dwelling provides a single car garage whilst each three-bedroom dwelling provides a double garage.

Each dwelling proposes an area of private open space either to the east or north of respective dwellings.

All dwellings are to be double storey in scale with garages at ground floor level.

A central accessway is proposed which loops around the site. Two access points are proposed along Lodge Drive.

A variety of materials are to be used in the construction of the dwellings including brickwork and render to external walls and colorbond roofing.

Subject Land:

The subject site is comprised of two separate parcels of land.

One is generally triangular in shape and totals an area of 3215 square metres.

The other is generally rectangular in shape and totals an area of 1800 square metres. This parcel previously formed part of the Lodge Drive road reserve and at a Council Meeting of 20 February 2013, Council resolved to dispose of part of the road reserve and entered into a contract of sale with the applicant.

Surrounding Land Use:

North: Land immediately to the north of the site comprises residential development. The Latrobe Valley Masonic Centre is also situated to the north west of the subject site along Lodge Drive.

South: Land to the south on the opposite side of Princes Highway comprises recent residential development.

East: Land to the east of the site also comprises residential development, generally detached single dwellings on a lot. The Traralgon Sports Stadium is also situated to the north east of the site.

West: Motel Traralgon is situated the west of the site on the opposite side of Lodge Drive. A BP Service Station also adjoins the motel site with frontage to Princes Highway. Further to the west is the Traralgon Golf Club.

HISTORY OF APPLICATION

The history of the assessment of planning permit application is set out in Attachment 2.

LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

Clause 16 'Housing' has a purpose that includes the following "*new housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space*".

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

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

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

The proposal is considered to be inconsistent with the policy outlined above. Although the application proposes medium density development in an area zoned suitable for residential development, it is considered that the proposal is an inappropriate response to the subject site and that the design of the dwellings is not reflective of the neighbourhood character of the area. Furthermore, the subject site is considered to be of strategic importance given it is the first residentially zoned land on the western approach to Traralgon.

Local Planning Policy Framework

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

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

Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Traralgon should also be encouraged.

Furthermore, Clause 21.04-5 'Urban Design Overview' has the objective which seeks to *'provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image'*. In order to satisfy this objective, development should *'promote and support high quality urban design within the built environment'* and *'continue to improve the urban design elements of urban areas throughout the municipality and to upgrade degraded areas'*.

It is considered that the proposal does not satisfy the above policy directions; the intensity of the proposed development is unsuitable for the subject site and the nature of the development is not considered to satisfy the community's intentions for the area. This will be discussed further in the 'Issues' section of this report.

Zoning

The land is zoned Residential 1.

Overlay

No overlays apply to the site.

Particular Provisions

Clause 52.06 Car Parking:

This clause is not a planning permit trigger but is reference in Clause 55 that dwellings must provide a certain number of car parking spaces, depending on the number of dwellings proposed.

For one and two bedroom dwellings, one car parking space must be provided. For dwellings with three or more bedrooms, two car parking spaces must be provided.

Clause 55 Two or More Dwellings on a Lot:

The application has been assessed against Clause 55 and it is considered there are a number of areas where the application is not fully compliant with the applicable objectives and standards. These elements will be discussed in the issues section of this report.

Decision Guidelines (Clause 65):

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

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The SPPF and the Local Planning Policy Framework LPPF, including the Municipal Strategic Statement MSS have been considered as part of the assessment of this application, and it is found that the provisions of the Scheme provide a strategic basis to support the development of multi-unit development on the subject site.

The proposal is considered to be at odds with some relevant parts of the SPPF. Clause 15.01-1 'Urban Design' seeks quality urban design outcomes for development and to ensure that existing neighbourhood character is respected. This does not necessarily mean replication and that there can be no innovation or evolution in terms of built form.

The SPPF generally encourages (amongst other matters) consolidation within urban areas, increase in housing diversity and affordability in appropriate locations with access to existing services and infrastructure. The SPPF at Clause 11.05 of the Scheme further encourages urban growth in the major regional cities of Moe, Morwell and Traralgon cluster.

Similar objectives are re-emphasised and elaborated under the LPPF of the Scheme. Clause 21.04 of the Scheme acknowledges that the priorities in all the main urban settlements (including Traralgon) are on realising opportunities for infill development, diversity of housing types, improving residential amenity, while maximising existing infrastructure and community facilities. The location of medium density housing close to activity centres in the main towns (including Traralgon) should assist in strengthening and reinforcing these main towns. The MSS at Clause 21.05-6 further identifies Traralgon as one of the main towns within the municipality, where residential growth will continue and is encouraged.

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The Structure Plan for Traralgon identifies the subject site as an 'existing urban area'.

Accordingly, it is reasonable to consider that the proposal generally complies with both the SPPF and LPPF of the scheme, in terms of facilitating a compact residential development in an infill location to meet the housing needs of the community, and encouraging urban growth into the existing urban area of Traralgon.

In addition, the subject site is zoned Residential 1 under the Scheme with no overlays, and the purpose of a 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 subject site is considered to be suitably zoned for residential re-development.

Other than the matters discussed above, it should however be noted that, Clause 21.04-5 of the Scheme identifies that the community is increasingly demanding high quality architectural and urban design outcomes for built form and open spaces. The State and Local Planning Policy Frameworks also emphasise that development must be respectful of neighbourhood character and be responsive to its site context. This is further reinforced under Residential 1 Zone provisions and Clause 55 (ResCode) of the Scheme.

The key issues associated with the proposal relate to its responsiveness to the existing neighbourhood character and the site context. In addition, the level of amenity afforded to the proposed dwellings is considered to be low as the majority of dwellings will have no north facing windows to maximise solar access and energy efficiency. The design response deficiencies are considered so significant and that they outweigh any compliance of the proposal with the general planning policies for urban consolidation and diversity at State or Local level.

Clause 55

Neighbourhood Character

The surrounding residential area displays a consistent character of detached single dwellings on average sized blocks. There are some outbuildings present to the rear of existing dwellings. However, there is a distinct character of dwellings set towards the front of lots and open space with some outbuildings to the rear. The built form character of the area is largely single storey and fully detached from both boundaries. There are few examples where dwellings are constructed along one boundary and none within the vicinity of the site that are constructed boundary-to-boundary.

Where double storey development does exist, this is displayed as part of the main dwelling on the lot and is consequently set towards the front of the site.

The two key concerns with respect to the built form relate to the appearance of the proposal from the Princes Drive/Lodge Drive streetscape and also the presentation of the rear of the proposal to the properties to the east and north.

Whilst the proposal has achieved some separation of built form in parts of the site, it is considered to be minimal and therefore results in excessive bulk being presented to adjoining properties and the public realm.

Design Response to the Public Realm

As the site slopes downwards towards Princes Drive, this obviously result in greater visibility of the site from the public realm than if it were flat or sloped downwards to the north. However, this is not a reason to ignore the public realm and the proposals appearance, rather, it is a reason that it should be treated more sensitively.

As will be discussed below, the site is considered to be a 'gateway' site as it is the first Residential 1 Zoned property on the western approach to Traralgon.

Whilst some separation of buildings has been achieved, that which is proposed is considered to be minimal and results in a level of built form bulk that is not seen elsewhere in this area. Due to the minimal separation, which is generally along side boundaries, and the orientation of that separation (generally running east-west, the proposal appears to be fully attached when viewed from the Princes/Lodge Drive aspect. This is contrasted by surrounding development which is generously separated from adjoining sites. The commercial development immediately to the west is modest in scale, set well back from property frontages and is characterised by extensive open space and landscaping.

It must be acknowledged that the level of design detail displayed in the proposal is considered to be of a high standard, with a variety of materials and finishes proposed. However, this does not compensate for the level of bulk seen as viewed from Princes Drive and Lodge Drive.

The combination of double storey scale, lack of building separation and landscaping opportunities as well as the number of dwellings proposed, have resulted in a level of scale and bulk that is disproportionate to that found elsewhere in the surrounding area.

Design Response to Adjoining Properties

Some of the issues discussed above translate to impacts to adjoining properties that are considered unreasonable.

The rear setback of the ground floor of the proposed dwellings is consistently 3.5 metres along the eastern boundary and 3.12 metres along the northern boundary. The upper floors are setback an additional metre respectively. These setbacks meet the minimum standards of ResCode. However, whilst they meet the minimum standards for specific setbacks, they are not considered to be responsive to the surrounding area and adjoining properties.

The proposed eight dwellings along the eastern boundary are largely attached in nature with three points of separation along this extent of development. Each of the three points of separation are 2.0 metres in width.

This separation is considered to be minimal and tokenistic and will achieve little visual separation of the buildings as they are viewed from the backyards of adjoining properties. The result of this will be approximately 100 metres of built form along the eastern edge of the site, with total separation between buildings equalling six metres. This is a built form outcome that will be completely foreign in the surrounding area and not an outcome which is considered to be acceptable in terms of its presentation to adjoining properties.

This is not dissimilar to the proposal that went to VCAT in 2008 under the first planning permit (referred to above). It must be acknowledged that the current proposal is considered to be a better built form outcome than the previous application that was refused by VCAT, albeit it marginally. The characteristics displayed by that proposal have been largely repeated in this application, albeit with a slightly better use of building articulation and materials. However, it is not considered to be an outcome that warrants approval, despite the fact that it is considered a better outcome. VCAT was particularly critical of the attached built form presentation to the adjoining properties to the east and north. A criticism that is considered has not been adequately addressed as part of this application.

Similarly, along the northern boundary of the site, a similar outcome occurs. Upper floors will be setback from the ground floors, however, there is no separation along this part of the proposal. There will be almost 50 metres of attached, double storey built form. This will be visible from adjoining properties to the north, all of which have open space areas that directly abut this part of the subject site. Again, this is a foreign built form outcome that is not noted anywhere in the immediate vicinity of the site and is not considered acceptable.

Energy Efficiency

Clause 55.03-5 'Energy efficiency objectives' aim to ensure that new development is sited to make use of solar energy.

This clause has requirements including”

Buildings should be:

- *Oriented to make appropriate use of solar energy;*
- *Living areas and private open space should be located on the north side of the development, if practicable;*
- *Developments should be designed so that solar access to north-facing windows is maximised.*

The dwellings along the northern part of the site (dwellings 9-12) all achieve the desired energy efficiency outcomes. The discussion below refers to all other proposed dwellings.

In relation to these requirements, only one of the desired outcomes is achieved and even that is considered to be marginal – whilst the private open space of most dwellings has some northern orientation, the majority of proposed dwellings will be in shade for most of the afternoon.

Furthermore, whilst some of the dwellings have living areas on the northern side, (dwellings 1-8) the level of glazing in these dwellings is minimal and has been applied to dining areas only. It is considered that if greater separation was achieved between these dwellings, better use of northern orientation could be made to achieve compliance with this requirement.

Dwellings 13-18 have no north facing windows to any living areas within each dwelling. This is as a result of the attached nature of these dwellings. Dwelling 13 has the ability to achieve some north facing windows, however, the garage and laundry have been located along the northern side of this dwelling.

The result of the layout of the proposal is such that north facing windows and living areas has been difficult to achieve. However, if greater separation between the dwellings was achieved (and therefore perhaps a lower yield), this issue could be addressed.

Strategic, gateway location, not in Transit City Precinct:

In clauses 21.05-2 Main Towns Overview and 21.05-6 Main Towns Traralgon, the following statement is included:

“Maintain and enhance the town and gateway entrances”

The subject site is considered to be a entrance point to the more urbanised area of Traralgon. Whilst not a City gateway (such as those on the western side of Moe or the eastern side of Traralgon), the subject site is the first residential property as you approach Traralgon from the west. This attribute was also noted in the VCAT decision referred to above and a consideration for how a proposal should respond to this feature.

As discussed above, the proposal is considered to be a development which does not complement the surrounding development and is out of context with existing development.

It is therefore considered to be an inappropriate response to its strategic location and a greater urban design outcome is necessary.

SUBMISSIONS

Following public notification of the application, two objections were received to the application. The issues raised were:

1. Proposal Is inconsistent with existing Neighbourhood Character

Officer Comment

As per discussion above, officers agree with this comment.

2. The proposed buildings will impact upon privacy of adjoining dwellings.

Officer Comment

The east and north elevations of proposed dwellings that have windows facing onto adjoining properties could be adequately screened via conditions if a permit were to be issued.

3. The proposal will overshadow adjoining properties.

Officer Comment

The proposal will not overshadow adjoining properties any more than existing fencing currently does. the proposal meets the requirements of clause 55 in terms of overshadowing.

4. Increase in traffic on surrounding streets

Officer Comment

Council's Infrastructure Planning team raised no concerns with respect to increased traffic as a result of this proposal. It is considered that the surrounding street network is able to accommodate the additional traffic movements expected by such an application.

5. Inability for the existing sewerage system to cope with additional load.

Officer Comment

There are no known issues in this area with respect to this point. Gippsland Water have not objected to this application.

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).

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

Two objections were received to the application.

External:

Gippsland Water were notified of the application pursuant to section 52 of the Act, however, they did not respond in a reasonable time frame (and have not yet to date). The purpose of referring to them was more of a courtesy rather than a requirement, as the application proposes to build over a Gippsland Water easement. Planning permission is not required in order to construct over an easement, this is a separate and subsequent matter to be dealt with after a permit is issued (if at all).

Internal:

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

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Refusal to Grant a Planning Permit.
- 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

The combination of issues identified with this application has resulted in the below recommendation. Officers identified to the applicant what could achieve a more acceptable outcome however, the applicant has chosen to pursue the proposal in its current form.

If a lower dwelling yield was achieved, and/or greater separation between dwellings, most of the issues identified could have been addressed.

However, the proposal is considered to be:

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

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application does not meet the relevant requirements of the Scheme. It is therefore recommended that Council issue a Refusal to Grant a Permit for the proposal, for the reasons set out in this report.

Attachments

1. VCAT Decision
2. History of the Application
3. Plans
4. Aerial Photo
5. Copy of Objections

RECOMMENDATION

That Council decides to issue a Refusal to Grant a Planning Permit, for the construction eighteen dwellings on a lot at Princes Drive, Traralgon, on/with the following conditions/grounds:

- 1 The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that respects the existing neighbourhood character of the area.**
- 2 The proposal would cause an unreasonable level of visual bulk to the public realm and adjoining properties;**
- 3 The proposal does not respond to its context in terms of surrounding development and the strategic location of the site;**
- 4 The proposal does not satisfactorily address the purpose and intent and objectives of Clause 55 of the Latrobe Planning Scheme, and particularly is inconsistent with:**
 - Clause 55.02-1 Neighbourhood Character**
 - Clause 55.02-5 Integration with the street**
 - Clause 55.03-5 Energy efficiency**
 - Clause 55.05-5 Solar access to open space**

16.3

PLANNING PERMIT APPLICATION FOR THE CONSTRUCTION OF EIGHTEEN DWELLINGS ON A LOT AT PRINCES DRIVE TRARALGON

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VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

1. VCAT REFERENCE NO. P3031/2007
2.

CATCHWORDS

Section 77 Planning and Environment Act 1987 – Residential 1 zone – serviced apartment – neighbourhood character – visual bulk

APPLICANT	Minster Constructions Pty Ltd
RESPONSIBLE AUTHORITY	Latrobe City Council
RESPONDENTS	Michelle masters, Glen L Campbell, Jean & George March, George & Michelle Munro
SUBJECT LAND	Lodge Drive, Traralgon
WHERE HELD	Traralgon
BEFORE	Jeanette G Rickards, Member
HEARING TYPE	Hearing
DATE OF HEARING	28 March 2008
DATE OF ORDER	12 June 2008
CITATION	Minster Constructions Pty Ltd v LaTrobe CC [2008] VCAT 1112

ORDER

- 1 In permit application No. 2007/215, the Responsible Authority's decision to refuse the grant of a permit is affirmed.
- 2 No permit is granted.

Jeanette G Rickards
Member

APPEARANCES:

For Applicant	Mr A McDonald, Town Planner, NBA Group
For Responsible Authority	Mr A Eden, Town Planner
For Respondents	Mr G Campbell, Mr & Mrs Munro in person

REASONS

- 1 This is a review of the Latrobe City Council's decision to refuse to permit Minster Constructions Pty Ltd to develop and use land at Lodge Drive, Traralgon for 28 serviced apartments and to subdivide the land into 29 lots. It was the Responsible Authority's view the proposal is inconsistent with the neighbourhood character and represents an overdevelopment of the site.
- 2 Having inspected the subject site and surrounding area I consider the proposal is inappropriate for this site and results in an unreasonable impact in terms of visual bulk to the abutting residential dwellings, is not consistent with the neighbourhood character and results in an overdevelopment of the site.
- 3 The subject land of 0.3ha is triangular in shape and located on the corner of Princess Street (Princess Highway) and Lodge Drive. The land is vacant and has never been developed. The land abuts residential development on its northern (3 dwellings) and eastern (7 dwellings) boundaries. Lodge Drive, a gravelled road with a 30m reserve width, abuts the western boundary. Lodge Drive provides access to the Traralgon Motel and Masonic Lodge. There is a 1 in 15 rise northwards across the site which results in a rise of 7.5m from the south.
- 4 It is proposed to develop the land with 28 serviced apartments, in an 'L' shaped building, 14 at ground level and 14 at first floor level. Each apartment is to be self contained with a separate terrace or balcony orientated towards the south and west with views towards the Strezlecki Ranges. A single storey reception building is to be located on the Lodge Drive frontage and is to contain an office, small conference room, gym, kitchenette and storage area. To the south of this building is an enclosed in-ground solar heated swimming pool.
- 5 Vehicle access is to be via Lodge Drive approximately 25m north of its junction with Princess Street. 3 car spaces are to be provided at grade with 30 car spaces within a basement car park. The applicant has indicated it will also provide 30 car spaces in the road reserve along the Lodge Drive frontage.
- 6 The land is to be subdivided into 29 lots aligning with the apartments and underground car park. The landscaped areas, swimming pool and gymnasium are to form part of the common property.
- 7 The land is located within the Residential 1 zone, as are the adjoining dwellings. The Responsible Authority submitted the proposal has ignored these abutting residential dwellings by turning its back on them and treating the land more as having a commercial character trying to take advantage of its narrow frontage and aspect to Princess Street.

- 8 As one travels in an easterly direction along Princess Street (Princess Highway) towards the centre of Traralgon one passes the golf course, funeral parlour and a service station. Both the funeral parlour and service station are low level buildings set well back from Princess Street. There is an entry to the Traralgon Motel, which sits behind the service station, from Princess Street approximately 50m before Lodge Drive with an open area of land between the entry and Lodge Drive resulting in at least half of the subject site being visible for a distance. Further to the east residential dwellings abut Princess Street.
- 9 The Responsible Authority's expectation for the site was that any development would have produced a graduation in built form from the low form commercial developments to the west, to the residential dwellings to the east which can be seen rising up the slope of the land. It is the rear of the dwellings to the east with frontages to Kosciusko Street and to the north with frontages to Sunderland Circuit that can currently be seen.
- 10 To fit the proposed development on the triangular shaped land the built form is located along the eastern and northern boundaries resulting in the built form being setback only 2.4m from these boundaries.
- 11 There is no break in the built form along these two boundaries so the proposal when viewed from the abutting rear gardens of the residential dwellings will present as a two storey wall of built form with little articulation. Although in amended plans the walls have been reduced from 5m to 4.3m it is considered that this does not address the overall impact the built form will have from the residential properties.
- 12 The abutting residential properties vary from single to double storey. There is however separation between the built forms and the buildings generally sit back from the rear boundary fence allowing for a sense of space and separation within the neighbourhood.
- 13 The development being located close to the northern and eastern boundaries does not provide any separation from the built form and will be visually dominant when standing in the rear gardens of the dwellings. This is emphasised by the lack of articulation and separation of the built form.
- 14 Whilst some form of planting could occur in the minimal 2.4m setback along the northern and eastern boundaries this does not provide sufficient setbacks to reduce the visual domination of the buildings.

- 15 The applicant submitted the development has been designed to respect the slope of the site by stepping the apartment building to reduce the maximum building height and the appearance of building bulk. I do not consider that this has been done effectively. There is no separation of the built form which extends for a length of approximately 39m of the 56m along the eastern boundary and for a length of approximately 21m of the 26m along the northern boundary. The stepping is minimal and almost imperceptible. A more significant stepping of the built form as well as a separation of the built form as it steps down the slope could reduce the overall perception of visual dominance from the abutting residential properties but this has not occurred.
- 16 The outlook from the proposed apartments is also going to be compromised with windows facing north and east to be fitted with obscure glass and fixed to prevent overlooking to the rear of the abutting dwellings.
- 17 33 car spaces are proposed on site. The applicant submitted this equates to one car space for each of the 28 apartments equating to the required number of car spaces for a Motel. Two additional car spaces per 100m² of area not available to guests is also provided.
- 18 The Responsible Authority was of the view that the proposal could be categorized as a 'residential building' and as such it is appropriate to consider that one car space should be provided for each lodging room that is 59 car spaces. Hence it submitted there was a need for the 30 on street car spaces. I note that the requirements of Clause 52.06 do not apply to an application to construct a residential building if the land is in the Residential 1 Zone, as is this land.
- 19 The proposal also contemplates 30 car spaces to be provided in the road reserve along Lodge Drive. Whilst it was the Responsible Authority's view that this indicated an overdevelopment of the site it was not clear whether the Responsible Authority objected or not to the location of car spaces in this area. Certainly these car spaces are not located on the subject land and in my view cannot be considered as part of the proposal. For me to consider these spaces the support of the Responsible Authority would be necessary.
- 20 If subdivision is to be considered then I consider the proposal should equate more to apartments resulting in car parking to be provided in terms of the number of bedrooms. If this is so then the 33 car spaces provided on site would be sufficient for the apartments proposed that is 25 two bedroom apartments and three three bedroom apartments, but does not appear to take into account the small conference room.

- 21 It is presumed that the car spaces provided in Lodge Drive are to accommodate the use of the conference room but as stated previously these spaces cannot be considered unless there was clear support from the Responsible Authority. Nor was there any suggestion that there be some agreement attached to the land that if the land was to be operated as serviced apartments in conjunction with the operation of the conference room that on site car spaces could be used.
- 22 It may be that the site can be perceived as a buffer between the commercial development on Princess Street to the west and the residential dwellings to the east. However as the land is located within the Residential 1 zone it is not an unreasonable expectation from the abutting residential properties that they will not be unreasonably impacted by what is a commercial development. Although the Responsible Authority considered there should be a graduation from the commercial development to the west it is my view that the built form should be far more sensitive to the abutting residential dwellings and could because of the commercial nature of the adjoining land be bolder towards Lodge Drive and Princess Street rather than being pushed back into the north east corner at the highest point of the land.
- 23 The site is highly visible when entering Traralgon therefore any development on this site could take advantage of the visibility and the commercial developments to the west rather than imposing unreasonably on the dwellings to the east and north. Although the zoning of the land is a determinative factor.
- 24 The type of use of the land may not be inappropriate but in relation to this proposal with a site coverage of 54% it is considered that there has been an attempt to provide too much on a site and given the triangular shape and slope of the land and the abutting 10 residential dwellings any proposal requires a far more sensitive design response.

Jeanette G Rickards
Member

History of Application

24 September 2012	Planning Permit application received by Council.
23 October 2012	Further information requested from the applicant.
19 December 2012	Extension of time sought and granted for providing further information.
31 January 2013	A further extension of time to provide further information was sought and granted.
19 April 2013	Further Information received.
23 April 2013	Officers advised the applicant that the application was still considered to be an inappropriate development and in order to gain officer support, the issues set out in the 23 October 2012 further information letter need to be addressed..
24 April 2013	Applicant advised that they believed the application was appropriate and wish to proceed to notice.
2 May 2013	Notice requirements sent to applicant and application referred.
31 May 2013	Statutory Declaration received declaring notice had been carried out.
24 July 2013	Referral response from Council's Infrastructure Planning team.
3 September 2013	Officers contacted Gippsland Water to obtain a referral response and were advised that one would be forthcoming shortly, after the applicant had responded to a number of issues set out by Gippsland Water. No response has been received to date (this is not critical in order to determine the application, however).



sbm DESIGN & DRAFTING

PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: LODGE DEVELOPMENT
 AT LOT 9 TP 82274K LODGE DRIVE, TRARALGON

Drawn by: [Name]
 Check: [Name]
 Date: [Date]

FLOOR PLAN - TOWNHOUSES 1 TO 7

Scale: 1:100

Sheet No: 10 754
 of 10





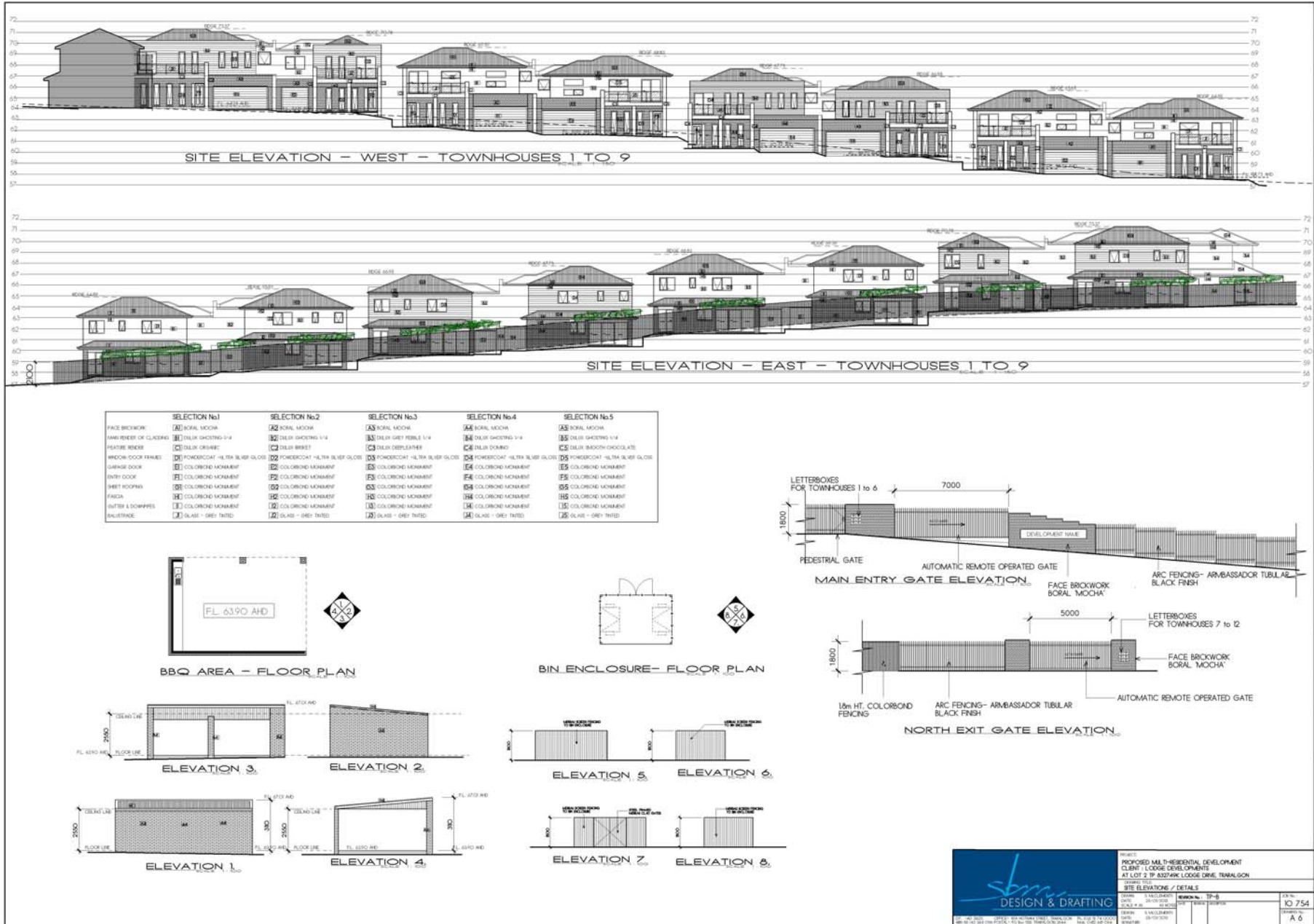
PROPOSED MULTIRESIDENTIAL DEVELOPMENT
CLIENT LODGE DEVELOPMENTS
AT LOT 2 IP 632 PARK LODGE ONE TRARALGON

ELEVATIONS - TOWNHOUSES 9 TO 18

DATE: 28/03/2024
 SCALE: 1:100
 DRAWN BY: S.M. CUMMINGS
 CHECKED BY: S.M. CUMMINGS

DESIGN & DRAFTING

10 754
 A 5

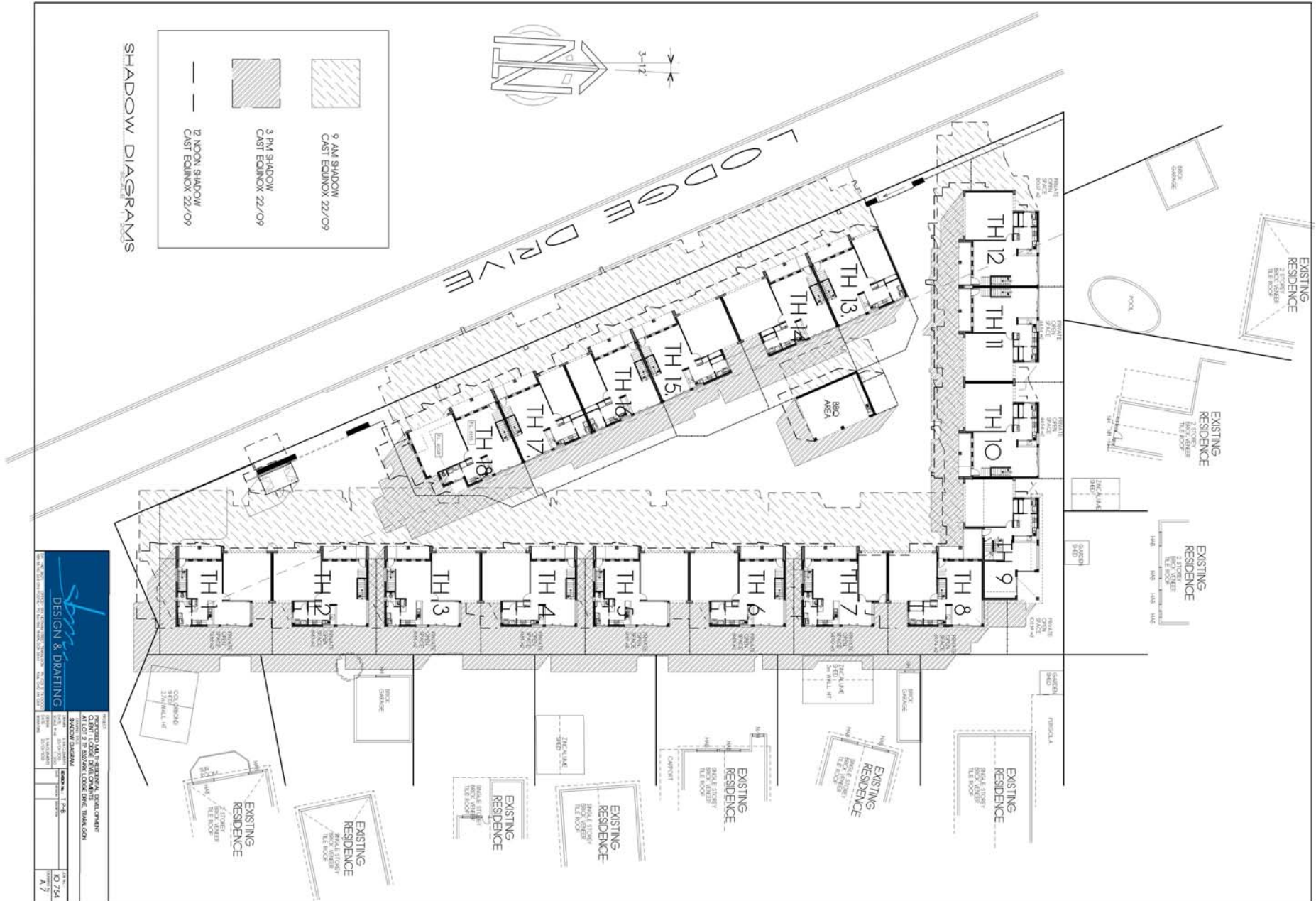


sbm DESIGN & DRAFTING

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: LODGE DEVELOPMENTS
 AT LOT 2 PRINCES DRIVE TRARALGON

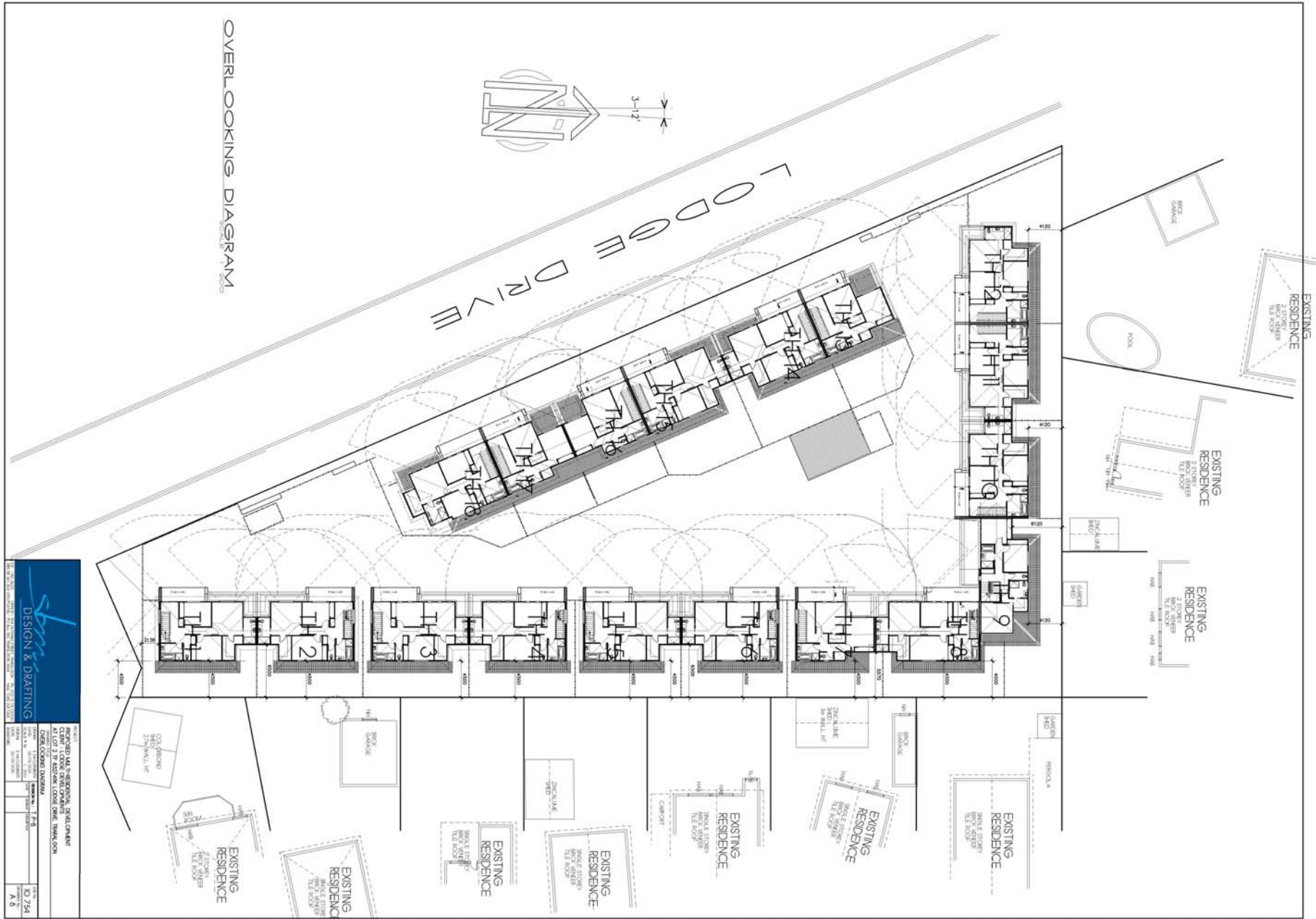
DATE: 15/05/2024
 DRAWN: S. WALLINGTON
 CHECKED: S. WALLINGTON

SCALE: 1:100
 SHEET: 19-B
 SHEET TOTAL: 10/754
 DRAWING TITLE: SITE ELEVATIONS / DETAILS



DESIGN & DRAFTING

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT, 18 DWELLINGS ON A LOT AT PRINCES DRIVE, TRARALGON
 CLIENT: J. SPENCER, 18 PRINCES DRIVE, TRARALGON
 DATE: 10/24
 SCALE: 1:7.5
 SHEET: A.7



DESIGN & DRAFTING

REGISTERED ARCHITECT, DESIGNER, DEVELOPER
 CLIENT: LORRAINE DEERLING, 200 PRINCES DRIVE, TRARALGON, VIC 3840
 OVERLOOKING DIAGRAM
 DATE: 10/24
 SCALE: 1:100
 SHEET: A/B

1:1153.131



28/10/2013

PW 2115
Carol

Responsible Authority
Latrobe City Council
P.O.Box 264
Morwell 3840

17 May 2013

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 21 MAY 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Objection Re:

Application for Planning Permit
Princes Str, Traralgon.
Lodge Developments Pty Ltd
Ref: 2012/247

I wish to submit my objection to current application for proposed development due to following concerns.

1. Visual Bulk and Mass
2. Overload capacity of current sewerage system
3. Overlooking
4. Conclusion request

1. Design is not in keeping with existing surrounding neighborhood character. All adjoining and surrounding area must be considered fully and referred to in respect of this planning application.
2. I question whether the current sewerage system has the capacity for this development as there have been past problems due to blockages, etc. I have concerns also for what interruptions to services during proposed development would be.
3. Upper level north facing windows on Northern Boundary would impact on my private open space and amenities. Obscure Awnings non existent when open.
4. In the, conclusion, of the request for Planning Application, pg 44, (viewed and copy from Council Service Centre Traralgon). The developer requests proposal to construct 19 dwellings on the land.???

Regards,



Michele Munro
1 Sunderland Circuit
Traralgon, 3844

RECEIVED
29 MAY 2013

RECEIVED
29 MAY 2013

BY:
pathways
498193.

BY: HQ SM

Latrobe City Council
Planning Section
PO Box 264
Morwell, Vic . 3840

May 28, 2013

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
29 MAY 2013	
R/O:	Doc No:
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Dear Sir / Madam ,

Re : Application reference number 2012/247

Construction of Eighteen (18) Dwellings , Princes Street , Traralgon .

Our names are Alan and Carmel Hinds and we have been living at 7 Kosciuszko Street , Traralgon since August 1991 with our three children .

We wish to object to the above planning permit as we feel this project represents an overdevelopment of the subject site and is not consistent with the neighbourhood surroundings .

We feel this high density housing, consisting of (2) two storey construction, will impede on our privacy and quality of life , cause us to lose a great deal of afternoon sunlight, and any outlook from our backyard as no matter which way we look, we will have an up to (9) meter wall of constructed dwelling close to our back fence, overshadowing us.

The prisoners of Fullham Correctional centre would have a far better outlook from their yard than we would if this project was to go ahead .

We have great concerns regarding the extra traffic that this project will have onto the highway and at the Kosciuszko Street intersection.

Living so close to this intersection we see first hand the near misses every week and we feel it will only be a matter of time before a serious accident occurs by cars doing U turns at both the Kosciuszko Street and the Golf club intersections .

Petition,
Against the proposed High Density Housing development
on Princes Street Traralgon .

We the residents, neighbours and property owners that will be affected by the granting of this planning permit 2012/247 OBJECT to this development on the grounds that this project represents an overdevelopment

Print Name	Signature	Address
ALAN HINDS	<i>[Signature]</i>	7 KOSCIUSZKO ST.
CARMEL HINDS	<i>[Signature]</i>	7 KOSCIUSZKO STREET
HARMANA WOOLCOCK	<i>[Signature]</i>	3 KOSCIUSZKO STREET
John Woolcock	<i>[Signature]</i>	3 KOSCIUSZKO STREET
Kylie Gote	<i>[Signature]</i>	11 KOSCIUSZKO STREET
Samantha Stuckey	<i>[Signature]</i>	13 KOSCIUSZKO STREET
GREG STEWART	<i>[Signature]</i>	15 KOSCIUSZKO ST
BRAO STEWART	<i>[Signature]</i>	17 KOSCIUSZKO STREET.
RAY CUTLER	<i>[Signature]</i>	3 SUNDERLAND COT 3844
Chris Glaubitz.	<i>[Signature]</i>	5 Sunderland Cct. 3844
Peter Glaubitz	<i>[Signature]</i>	5 Sunderland Cct.
Brandon Smiles	<i>[Signature]</i>	P.O. Box 9210 Traralgon C-8P.
Nichele Munro	<i>[Signature]</i>	1 Sunderland Circuit Traralgon.
G Anapliosis	<i>[Signature]</i>	5 KOSCIUSZKO ST
LISA Anapliosis	<i>[Signature]</i>	5 KOSCIUSZKO ST.
Katerina Anapliosis	<i>[Signature]</i>	5 KOSCIUSZKO ST.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****16.4 PLANNING PERMIT APPLICATION 2013/165, USE AND DEVELOPMENT OF THE LAND FOR A CONCRETE BATCHING PLANT, 30-32 EASTERN ROAD, TRARALGON**

General Manager

Governance

For Decision**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/165 for the use and development of the land for a concrete batching plant at 30-32 Eastern Road being Lot 11 on LP 125702.

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 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.

Legislation

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

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

BACKGROUND

It is noted that there has been a previous approval on the land for the use and development of a concrete batching plant. However the use is no longer existing and associated plant has been decommissioned.

Planning permit 99394 is included in attachment 1.

SUMMARY

Land:	30-32 Eastern Road, Traralgon known as Lot 11 on LP 125702
Proponent:	Traralgon Mixed Concrete
Zoning:	Industrial 1 Zone
Overlay	None

Pursuant to Clause 33.01-1 of an Industrial 1 Zone a permit is required for use of 'Industry' if the buffer zones specified in Clause 52.10 are not met (threshold distance of 300 metres for a concrete batching plant).

Pursuant to Clause 33.01-4 of the Industrial 1 Zone a permit is required for buildings and works.

PROPOSAL

The proposal is for the use and development associated with a Concrete Batching Plant. The infrastructure involved will include a Twin leg Aggregate Hopper with 2 Cement Silo's, capable of loading 8 cubic meters (m³) trucks. The plant will produce on average 1500m³ per month or 375 to 450 m³ per week

The conveyors will feed aggregate to the load point, which will be a fully enclosed to ensure there will be no airborne dust. The transfer conveyor will also be fully enclosed. The plant will include a dust extraction unit to ensure any airborne dust is caught and contained at the batch point.

The current washout and water facility will remain as is, however it will be upgraded with the installation of an additional 2 water tanks. Aggregate storage bins will be installed and an automated water spray system will be utilized to ensure all raw materials are moist to alleviate any dust issuing from the area.

Office, toilets and associated amenities will be all housed within 1 building and at the South West corner of the site. This will also become the site evacuation point as this is the area with the least traffic movement.

Landscaping is proposed to be provided along the north, east and for a distance of 25 metres along the southern boundary.

Site & Plant Configurations

The following is an overview of the site and plant configurations.

- Twin Silos- Silo Number 1 will have an 80 tonnes capacity to house Portland GP Cement. Silo Number 2 will have a 50 tonnes capacity to store alternative cements, such as Flash, Slag or Silca. Both silos will have a dust collection unit attached and have a maintenance schedule to service every 3 months. The silos will have a maximum height of 20.6 metres
- Twin Aggregate weigh up hoppers with a 28.67 metres transfer conveyer to transfer materials to the load point.
- An enclosed load bay, which encloses the truck when loading to restrict airborne material leaving load area and also minimising any noise pollution.
- Weigh up water system to ensure accuracy and speed of batching
- 11 ground storage bins will be provided and a front end loader will be used to feed the batch plant.
- Two access points from Eastern Rd and 1 exit point onto Southern Road. These crossovers already exist. Gate 1 has been identified entry for public traffic only. Gate 2 has been as the identified entry point for all heavy transport entering the site. Gate 3 will be the exit for all traffic.
- Office, toilets and amenities will be all housed within 1 building and at the South West corner of the site.
- Washout pits and water storage remains as is from previous owner, but 2 new tanks will be installed to ensure greater runoff water capacity.

Please see attachment 2 for a copy of the proposed plans

Subject Land and surrounds:

The subject land is located on the east side of Eastern Road, north of Southern Road and is approximately 550 metres north of Princes Highway in Traralgon.

The site is generally rectangular in shape with a frontage of approximately 100 metres and depth of 61 metres with an overall area of approximately 6220 square metres. The site has three existing crossovers, two onto Eastern Road and one onto Southern Road.

The site is currently vacant although there is still a wash down area for trucks as a result of the previous use of the site which was also associated with a concrete batching plant. The area has limited vegetation with the exception of a grassed area around the perimeter of the site. There are a number of concrete pads on site.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

There is a wide range of uses in the area including materials recycling, scaffolding, concrete batching, industrial manufacturing and a mix of businesses workshops and showrooms at 29 Eastern Road, Traralgon. It should be noted that there are two large vacant sites to the east site at 33 and 37 Eastern Road.

The subject site south west boundary of the site is 180 metres away from the residential zone while the actual plant of the batching facility is 240 metres away from the nearest sensitive use which is a dwelling at Forest Hill Close which is separated from the proposed use by Eastern Road and other large Industrial properties and the Traralgon Maffra Road.

Surrounding Land Use:

- North: 38-52 Eastern Road- This site is for the treatment and processing of timber products. Part of the site is also used as depot for scaffolding services.
- South: 2-4 Southern Road- These sites are used for mechanical and electrical motor related services and vehicle hire respectfully (cars, limousines, buses).
- East: 1 Southern Road- CGE hire use as a depot for their equipment and services
- West: 37 Eastern Road- This site is currently vacant and available for lease. The site had a permit issued for use of the land for the processing and storage of kerbside waste for recycling. The building is three storeys in height and has a number of established native trees along its western boundary.

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 4.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 5.

ASSESSMENT

State and Local Planning Policy Framework

The State and Local Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

The following are the relevant clauses of the SPPF have been considered in the assessment of this proposal.

Clause 13.04-1 *Noise abatement* has an objective to 'To assist the control of noise effects on sensitive land uses' while Clause 13.04-2 *Air quality* has an outlined objective 'To assist the protection and improvement of air quality'.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

Clause 17.02-1 addresses Industrial Land Development, with its objective being *'To ensure availability of land for industry'*. The strategies for achieving this objective and that are appropriate to this application include:

- Identify land for industrial development;
- Good access for employees, freight and road transport is available;
- Ensuring appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses;
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability; and
- Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.

Clause 17.02-2 *Design of industrial development* has a number of stated strategies to *'Minimise inter-industry conflict and encourage like industries to locate within the same area'*.

The following sections of Local Planning Policy Framework are considered to be relevant to the proposal.

Clause 21.01 recognises that Latrobe City is one of Victoria's strongest regional economies. It also identifies that there are a number of long standing industrial sectors in the area, such as electricity generation, pulp and paper, forestry, engineering, agriculture and tertiary education. Several of these long standing industrial sectors require high quality lime products in their processes. Council's policies for its main towns are presented at Clause 21.05. Clause 21.05-6 provides the structure plan for Traralgon. The subject site is identified as an *'existing industrial area'*.

Under Clause 21.07 Economic Sustainability, it is stated that Council will consider planning applications and make decisions *'To facilitate a vibrant and dynamic economic environment'*. The strategy to achieve this is to provide a balanced approach to economic development taking into account economic, social and environmental values.

Under Clause 21.07-7 Industry Overview it is an outlined strategy to *'Promote and support the development of existing and new industry, and infrastructure to enhance the social and economic wellbeing of the Latrobe City'*. It is also a stated objective *'To ensure that industry is compatible with and does not cause detriment or loss of amenity to adjoining land.'*

The strategic directions set out in the State and Local Planning Policy Framework generally supports industrial use and development in appropriate locations, where suitable transportation infrastructure is in place. It also outlines that industry must be compatible and not negatively impact on amenity on adjoining land uses.

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In this case although the indicated buffer distances are not met but it is generally considered the proposal is consistent with the State and Local Planning Policy Framework. This will be discussed in greater detail in the issues section of the report.

The subject site is located an industrial zone and the nearest 'sensitive' receptors are located 240 metres away to the west of the subject site in an established residential area. The applicant has detailed a number of methods to reduce nuisance dust emission beyond the boundaries of the site including a fully enclosed load out facility that will entrap any airborne emissions and aggregates within the ground storage will be treated with water sprays to suppress dust.

This will be discussed in greater detail in the issues section of this report.

Industrial 1 Zone

The objectives of the Industrial 1 Zone are to implement the State and Local Planning Policy Frameworks and provide for industrial uses which do not impact the amenity and safety of local communities.

The site is located in the Industrial1 Zone (IN1Z). Pursuant to Clause 33.01-1 of the Latrobe Planning Scheme, a planning permit is required to use the land for the purpose of a Concrete Batching Plant as the subject site does not meet threshold distance of 300 metres as identified in Clause 52.10 of the Latrobe Planning Scheme. Pursuant to Clause 33.01-4 *Buildings and works* a planning permit is required for buildings and works.

The application requirements under Clause 33.01-4 Buildings and works, relate primarily to the provision of accurate plans for the proposed development area and appropriate landscaping to be put in place.

It is generally considered that the submitted application has addressed all the application requirements under Clause 33.01-4.

Particular Provisions

Clause 52.06 Car Parking

Clause 52.06 Car parking deals with the car parking requirements for land uses/developments. A main purpose of the provision is to ensure that safe, efficient, adequate car parking is provided. This clause requires 2.9 spaces per 100 square metres of floor-area for industry related use. The applicant has detailed 9 spaces will be provided on site. As a result it is considered that car parking has been provided onsite to satisfactorily address the requirements under this clause and as such there is no permit trigger.

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.07 Loading and Unloading seeks to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. The applicant has provided sufficient loading/unloading bay area to address the particular requirements of the proposed use.

Clause 52.10 Uses with Adverse Amenity Potential

Clause 52.10 identifies uses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. A concrete batching plant has a threshold distance of 300 metres under these provisions. The subject site does not achieve this threshold distance as such a permit is required under the zoning provisions and pursuant to Clause 66.02-8 the Environment Protection Authority (EPA) is a statutory referral authority. The application has been referred to the EPA who have no objection subject to appropriate conditions.

It should be noted that the EPA Victoria approved document "*Recommended Separation Distances for Industrial Residual Air Emissions*" (March 2013) has a recommended separation distance of 100 metres for applications of this nature. It should also be noted that if this was the case the application would be exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision Guidelines (Clause 65)

The relevant decision guidelines have been considered as part of the assessment of this application.

Incorporated Documents (Clause 81)

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

ISSUES

The proposed site is located in an Industrial 1 Zone. The industrial precinct is buffered from the Residential 1 Zone to the west, via a 23 metre wide strip zoned Public Park and Recreation Zone which has a number of established native trees which act as a natural landscaping screen to this particular area of the precinct and the Traralgon Maffra Road which is a Road Zone Category 1.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

As detailed previously the subject site is 180 metres away from the residential area from the south west boundary of the subject site. It is noted though that the batching facility is 240 metres away from the nearest dwelling.

The recommended buffer distance for this type of use and residential land is 300 metres under the Latrobe Planning Scheme although a reduced buffer of 100 metres as identified by the EPA subject to appropriate management of the use.

It is also noted that the EPA did not object to the proposal, subject to conditions being attached to any issue of a permit including that any noise emitted from the premises must not exceed the recommended levels as set out in *Noise from Industry in Regional Victoria* (2011 or as amended) and that nuisance dust must not be discharged beyond the boundaries of the site.

The following provides an assessment of the proposal against potential issues and details how they can be managed appropriately to best practice standards. It also details the economic input of the development and proposed employment rates of the site, if approved:

Water quality: This section seeks to ensure that contaminated wastewater is not discharged from the concrete batching plant to surface waters, ground water or land. The applicant has noted a number of measures to achieve this objective with no objections from Councils internal departments. Conditions will be put in place to ensure that sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes to the stormwater system and contaminated with waste, chemicals or sediments must not be discharged beyond the boundary of the premises.

Air quality: The applicant has outlined a number of methods which seek to avoid or substantially reduce dust emissions so there is no loss of amenity for sensitive uses in the surrounding area. It is noted that the applicant has provided a number of measures to minimise the impact including, installing dust collection / extraction systems, enclosure of external conveyors and material transfer points and the dampening of aggregate storage points.

It is noted compliance with the design criteria will ensure that the batching plant will meet the design requirements of the SEPP AQM (State Environment Protection Policy Air Quality Management). Suitable conditions will be placed on any planning permit issued to ensure that the use of the site will be managed and operated to Councils satisfaction and the EPA.

Noise emission: The applicant has provided an estimation of noise sources as a result of the proposal based other similar type facilities. Noise sources onsite will be mitigated by elements such as a fully enclosed load out facility and distance to the nearest sensitive use. The objective is to ensure that nuisance noise emissions are managed appropriately from the operation of the facility.

It should be noted that the noise emissions from other sites in the industrial zone or noise related to traffic movement along Traralgon-Maffra Road should not be taken into consideration in the assessment of this proposal in terms of noise emissions.

It is recommended that an acoustic report be provided and reviewed in three months from the commencement of operations to ensure that the plant is operating to best practice standards for noise reductions to ensure the operation of the site is consistent with EPA guidelines. This will be placed as a condition of any permit issued.

Environmental and waste management: This objective seeks to achieve a consistently high level of environmental performance by best practice management of the operation. The applicant has provided some detail with further controls to be placed on the permit to ensure high standards can be achieved.

Economic impact: The construction of the facility is valued at \$1 million dollars and would provide employment for 5 employees. It should be noted that some of these employees will be relocated from the existing facility on Liddiard Road.

SUBMISSIONS

As a result of the notification process, the application received three objections. A petition was also received from one of the objectors with a number of signatures (107). It should be noted that many of the signatories are not living within 300 metres of the subject site. The issues raised in the objection were as follows:

- 1 Concerns regarding noise levels of existing industries

Officer comment

As detailed in the mediation meeting held on 5 October 2013, if residents have ongoing concerns regarding existing industries and excessive noise emissions, these concerns can be placed in writing, Council and the EPA will investigate all matters. Council has received no complaints in writing on any existing industries (other than previously identified in the original submissions). This issue will be passed to Planning Enforcement Officer for further investigation.

Excessive noise coming from existing industries is not a relevant consideration for an assessment of this application as the use is not currently in operation.

- 2 Dust and concrete dust in particular can be severe with particular wind directions

Officer comment

The applicant has detailed a number of methods and techniques to manage dust including, installing dust collection systems, enclosure of external conveyors and material transfer points, water to be used to suppress dust at aggregate storage points and all access lanes and car spaces will be treated with all-weather sealed surface.

Suitable conditions will be placed on issue of a permit to ensure nuisance dust is managed to the satisfaction of the Responsible Authority

- 3 Odour and noise emitted from the treated pine plant is already an Issue

Officer comment:

This concern has been passed onto Council Planning Enforcement Officer for investigation to ensure that the site is complaint with any permits or requirements under the Planning and Environment Act 1987.

This issue is not considered relevant in the assessment of this proposal.

4. Constant noise emitted from the recycling plant in Eastern Road.

Officer Comment:

It is a reasonable expectation that there will be a certain level of noise emissions from an existing industrial operation. It should be noted that the recycling plant at 37 Eastern Road is currently not in operation and the site is up for lease.

This issue is not considered relevant in the assessment of this proposal.

5. Noise from truck movements during the day is already an issue

Officer Comment:

The subject site is part of an industrial precinct and as a result there is a reasonable expectation that both industrial and private transport will make use of the existing road infrastructure. The subject site has direct access from Eastern Road onto the Princes Highway. It further should be noted that Traralgon – Maffra Road, which is a Category 1 Road Zone bisects the subject industrial area and the residential area to the west in a north-south direction. Council has no control over truck movements on these roads and any noise related issues from vehicle movements.

6. Dust from the proposed site could heighten already existing health issues

Officer Comment:

Control measures of nuisance dust emissions have been previously addressed in this report. Suitable conditions will be attached that can be actively enforced by Council if the operator of the permit does not manage the proposal to be best practice standards.

7. Operating hours outside of normal working hours

Officer Comment:

The applicant has detailed that operating hours will be between 7am and 4pm Monday to Friday and 7 am to noon on Saturdays. These operating hours are considered typical of standard operating hours in an industrial area.

8. Fallout zone of dust causing extra cleaning of roofs, pathways, yards, washing on clothes line, cars etc

Officer Comment:

Measures to be implemented to control nuisance dust emissions have been previously addressed in this report.

9. Timeframe of proposed dust suppression monitoring and equipment on site

Officer Comment:

Given that this permit is for use and development, the control of nuisance dust will be ongoing and the methods identified for suppression of dust onsite will continue as long as the use is in operation as will all applicable permit conditions.

10. Relocation costs and stress related issues due to change of current environment conditions

Officer comment:

Relocation costs are not a relevant consideration in the assessment of the proposal. It is considered that environmental conditions including noise impacts, air quality and water management can be suitably addressed via conditions of any permit issued.

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, sending notices to all properties with 300 metres of the subject site and displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, 3 submissions and one petition (received from one of the objectors) in the form of objections was received.

A mediation meeting was held on 3 October 2013 which was attended by the applicant, two of the objectors and a Ward Councillor and a council officer. The grounds of objection were discussed.

Consensus was not reached between the parties.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

A copy of the outstanding submissions, including the petition can be found at Attachment 6.

External:

The application was referred under Section 55 of the Act to the following authority:

- EPA

They gave consent to the granting of a planning permit for the proposal, subject to the inclusion of appropriate conditions.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team, Building Team and Health Team.

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.

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.

CONCLUSION

Overall the proposal is generally considered to comply with the State and Local Policy Planning Provisions for industrial areas. The inclusion of ongoing management conditions to control dust, noise and stormwater, sealing of access lanes and car parking area, compliance with EPA conditions and ensuring that the facility is managed to best practice standards should ensure that the facility will result in an orderly planning outcome.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****Attachments**

1. Previous permit for the site
2. Plans
3. Subject site
4. History of the application
5. Latrobe Planning Scheme
6. Submissions

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for the use and development of the land for a concrete batching plant and ancillary works at 30- 32 Eastern Road, Traralgon known as Lot 11 on LP125702 with the following conditions:

1. Amended Plans Condition

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 car parking plan must include finished surface material details including finished surface levels and contours. Parking and loading areas and access lanes must be finished with an all-weather sealed surface; drained; line marked to indicate each car space and all access lanes.**

Endorsed Plans Condition

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

Hours of Operation Condition

3. **The use may operate only between the hours of 7 am to 4 pm on weekdays and 7 am to 12 pm on Saturday, unless with the written consent of the Responsible Authority.**

Acoustic Report Condition

4. Prior to the commencement of any buildings and works, a report from a professionally qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must predict noise impacts and propose emission controls, to demonstrate that the premises will not exceed the noise objectives as set out in the EPA Publication N3/89, Interim Guidelines for Control of Noise in Country Victoria. The recommendations contained in the report must be implemented to the satisfaction of the Responsible Authority.

A second report from a professionally qualified acoustic consultant is required from three months of commencement of the use to demonstrate the noise levels are of an acceptable standard.

Amenity Conditions

5. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;or otherwise, to the satisfaction of the Responsible Authority.
7. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
8. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Engineering Conditions

9. Before works commence on the development hereby permitted, a site drainage plan including levels or contours of the land and all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and 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) A drainage system providing for all stormwater discharging from the site, including from all buildings, car parks and vehicle access areas, to be conveyed to the legal point of discharge. The drainage system must be designed to take the 1 in 10 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater from the legal point of discharge to Latrobe City Council's stormwater drainage system.
 - c) No polluted water shall be permitted to be discharged into Latrobe City Council's drainage system. All waste water from the oil and silt interceptor trap must be discharged to an approved sewer or other approved outlet.
10. Before the use commences of the development 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 areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.

12. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.
13. Vehicles shall not be washed anywhere on the land other than in the vehicle washing bay designated on the endorsed plans.
14. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

EPA Conditions

15. The operator of this permit must comply with the following requirements from the EPA Victoria:
 - a) Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
 - b) Noise attenuation measures must be installed to ensure that sensitive receptors are not negatively impacted.
 - c) Nuisance dust must not be discharged beyond the boundaries of the premises.
 - d) Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes to the stormwater system.
 - e) Stormwater contaminated with waste, chemicals or sediments must not be discharged beyond the boundary of the premises.
 - f) Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.

Landscaping Conditions

16. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Standard Conditions

- 18. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
- 19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 20. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers, to the satisfaction of the Responsible Authority.**
- 21. All waste water for the development must be discharged into the reticulated sewerage system to the satisfaction of Gippsland Water.**

Expiry of Permit

- 22. 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 and the use has not commenced within four years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

16.4

PLANNING PERMIT APPLICATION 2013/165, USE AND DEVELOPMENT OF THE LAND FOR A CONCRETE BATCHING PLANT, 30-32 EASTERN ROAD, TRARALGON

1	Previous permit for the site	341
2	Plans	343
3	Subject site	357
4	History of the application	359
5	Latrobe Planning Scheme.....	361
6	Submissions	363

Ref: 99394

10 December 1999

Kennedy Haulage
Liddiard Road
TRARALGON 3844



Dear Sir/Madam

**APPLICATION FOR PLANNING PERMIT NO. 99394
CONCRETE BATCHING PLANT
LAND AT 30-32 EASTERN ROAD, TRARALGON**

I am pleased to advise you that Council has issued a Planning Permit for the above proposal.

A copy of the planning permit and endorsed plans are enclosed.

Your attention is drawn to the conditions of this planning permit.

If you require any further information in relation to this matter, please call Michael Juttner, Urban & Regional Planner at the Traralgon office.

Yours sincerely

Elaine Wood

Elaine Wood
Planning Leader

Enc

La Trobe Shire

Civic Centre
Kay Street
Traralgon 3844

Telephone
(03) 5173 1400
Facsimile
(03) 5174 5332

PO Box 345
Traralgon 3844

Email Address: [latrobe@latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

Internet:
<http://www.vicnet.net.au/~latrobe>

AUSDOC DX84413
Traralgon

RECEIVED
- 8 JUL 1999
BY:

Planning Permit

Application No: 99394

Traralgon (City) Planning Scheme

Responsible Authority: La Trobe Shire Council

Address of the Land

Land Address: 30-32 EASTERN ROAD

TRARALGON

Description: LOT 11 LP 125702

The Permit Allows

in accordance with the endorsed plan(s).

CONSTRUCTION AND USE OF CONCRETE BATCHING PLANT

The Following Conditions Apply to this Permit

- 1 The development and use as shown on the endorsed plans must not be altered without consent of the responsible authority.
- 2 All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains all to the satisfaction of the responsible authority. No effluent or polluted water of any type must be allowed to enter the Council's stormwater drainage system.
- 3 Prior to the start of the use, concrete crossing(s) must be constructed from properly boundary to kerb to the satisfaction of the responsible authority.
- 4 All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the responsible authority.
- 5 There will be no removal of any street trees.

Note 1: All buildings erected on this site must comply with the requirements of the Building Regulations 1994, the Building Code of Australia and the Building Act 1993 and relevant municipal local laws.

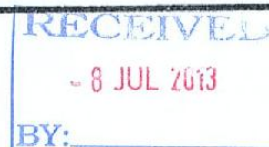
Date Issued: 10 December 1999

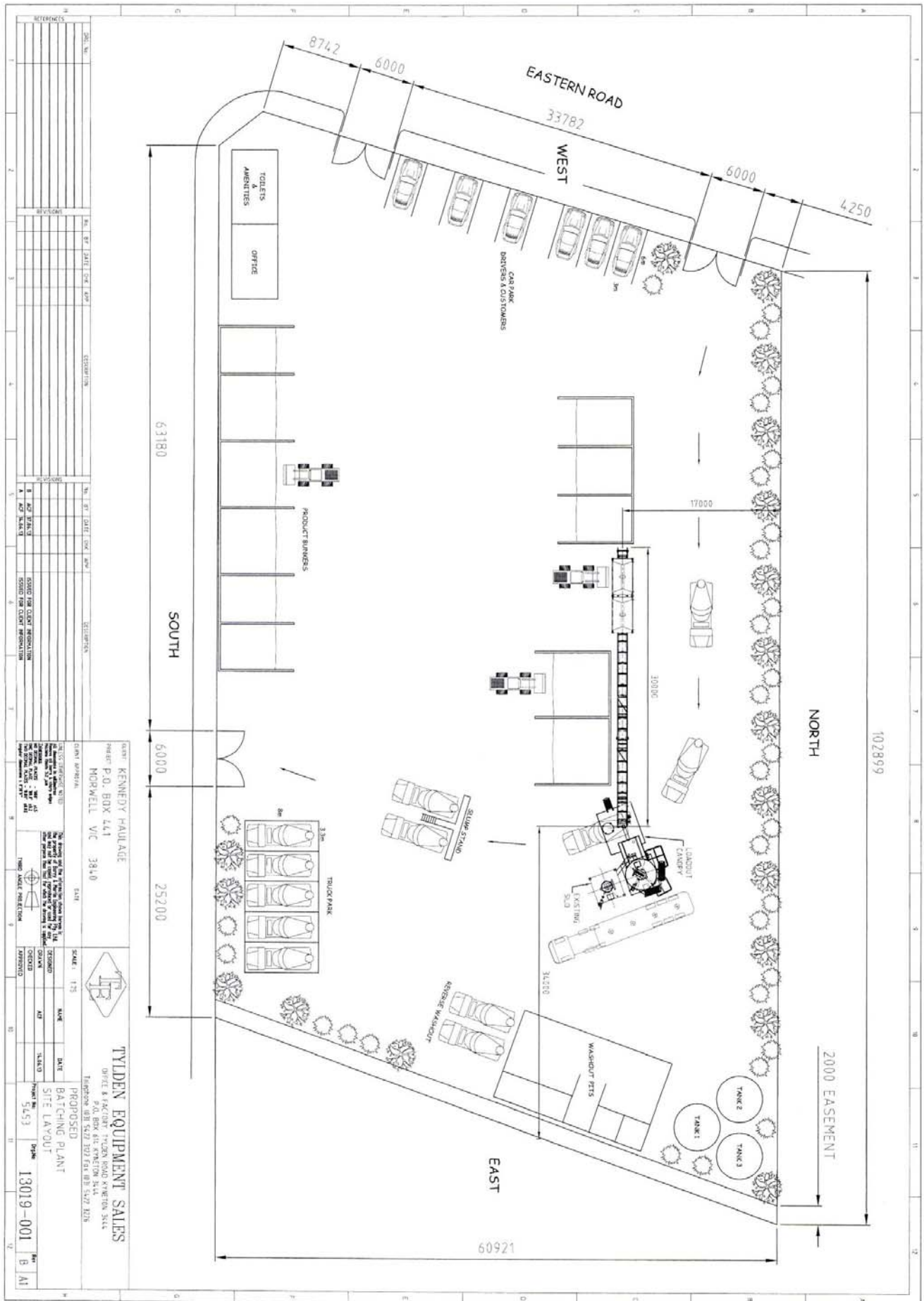
Signature for the Responsible Authority

Elaine Wood

ELAINE WOOD

Planning Leader





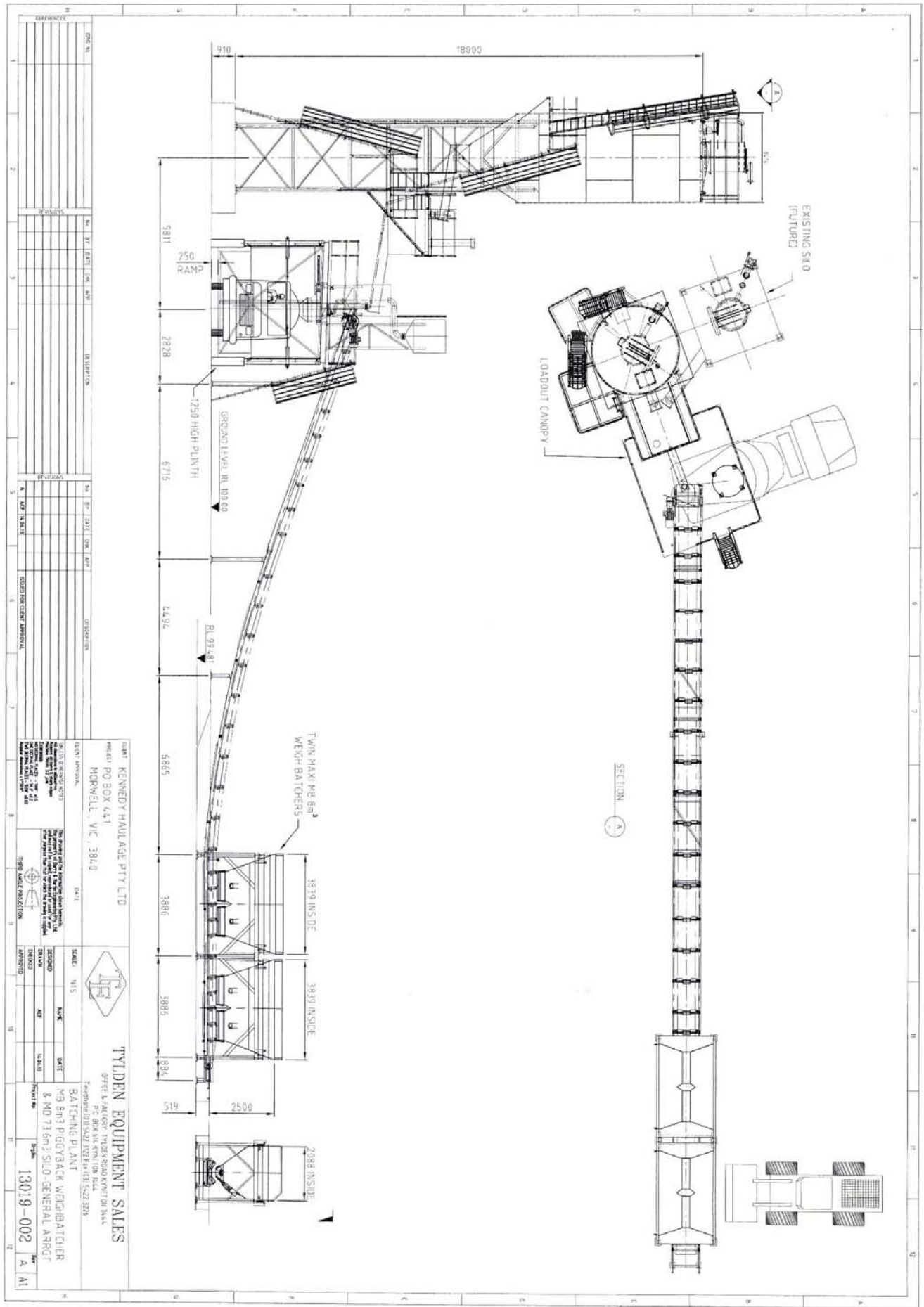
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CLIENT: KENNEDY HAULAGE
PROJECT: P.O. BOX 441
 MORWELL VIC 3840

SCALE: 1:75
DATE: 13/01/2013
PROJECT: PROPOSED BATCHING PLANT SITE LAYOUT

TYLDEN EQUIPMENT SALES
 OFFICE & FACTORY: TYLDEN ROAD, TRARALGON, VIC 3440
 P.O. BOX 416, TRARALGON, VIC 3440
 TELEPHONE: 037 5427 1017 FAX: 037 5427 1018

DATE: 13/01/2013
PROJECT: PROPOSED BATCHING PLANT SITE LAYOUT
SCALE: 1:75
DATE: 13/01/2013
PROJECT: PROPOSED BATCHING PLANT SITE LAYOUT



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12					

CLIENT: KENNEDY HAULAGE PTY LTD
 PROJECT: PO BOX 441
 MORWELL, VIC, 3840

SCALE: NTS

DATE: 13/01/13

DESIGNED BY: [Signature]

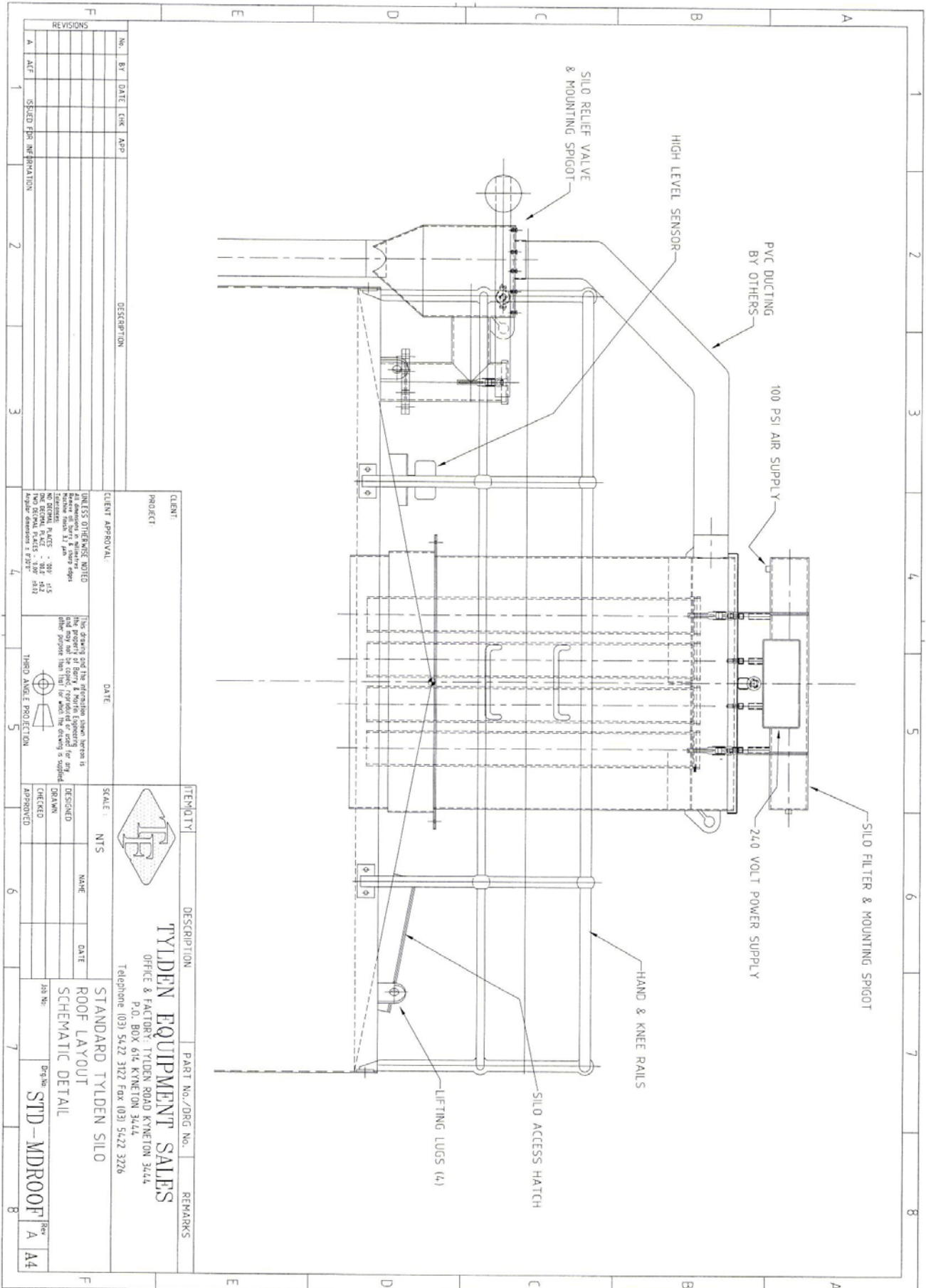
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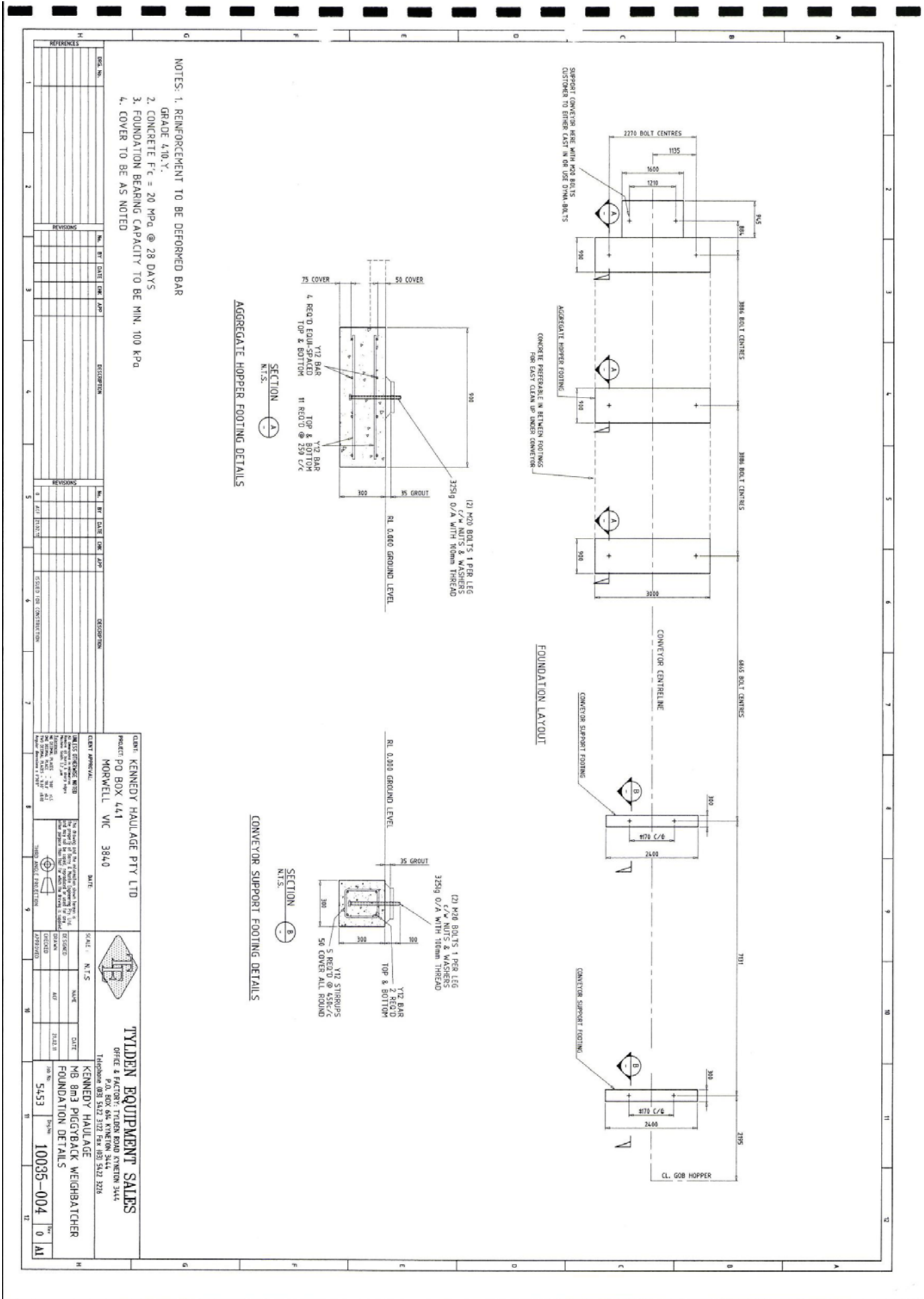
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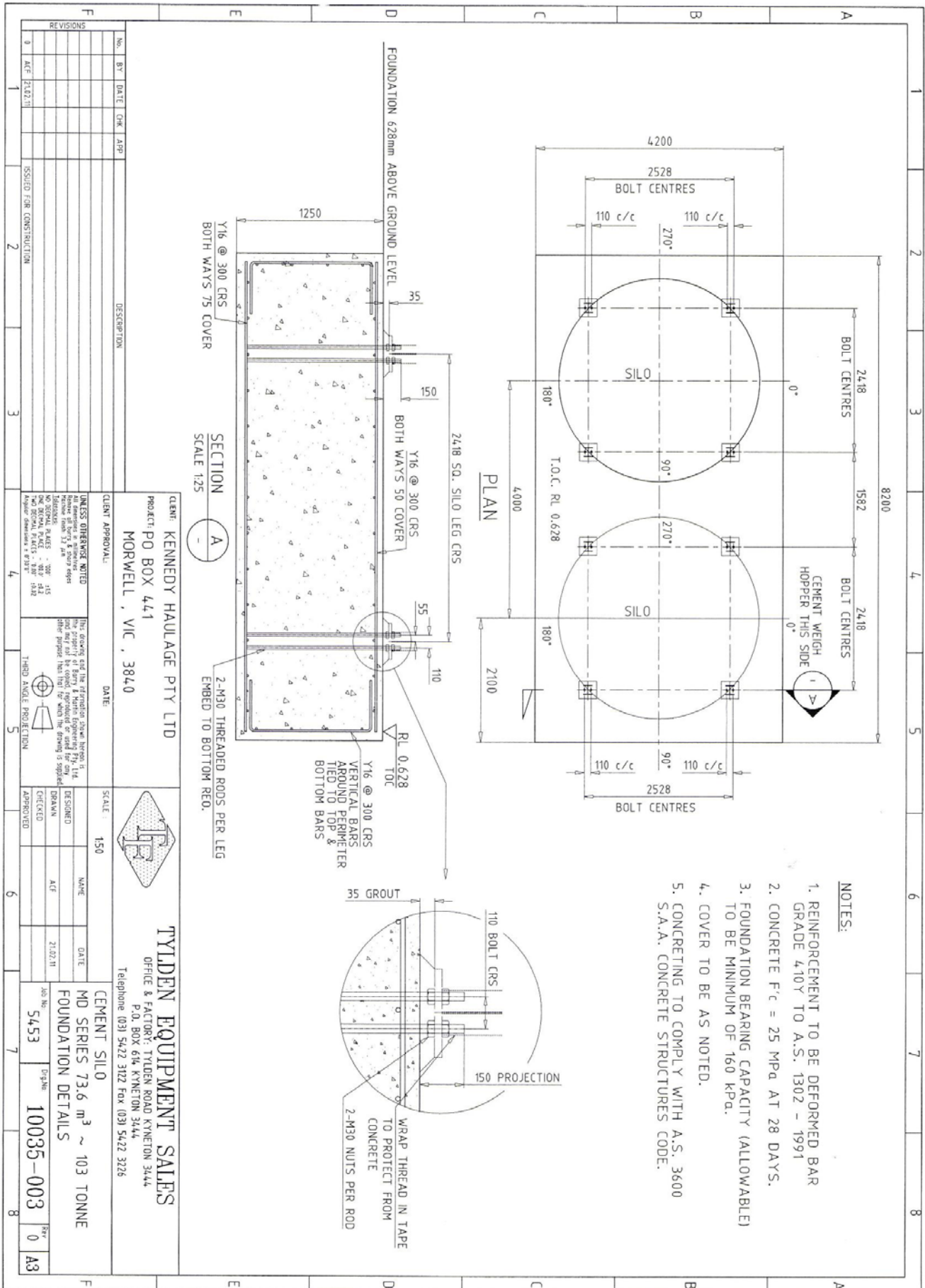
TYLDEN EQUIPMENT SALES
 OFFICE: LAFORS, TRARALGON, VIC, 3840
 PHONE: 03 522 2222
 FAX: 03 522 2223

BATCHING PLANT
 PO BOX 100
 8 MD 73 6mJ SILO GENERAL ARRANG

13019-002







No.	BY	DATE	CHK	APP	DESCRIPTION
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No.	BY	DATE	CHK	APP	DESCRIPTION
1	ACF	21.02.11			ISSUED FOR CONSTRUCTION

DESIGNED	DRAWN	CHECKED	APPROVED
ACF	ACF	ACF	ACF

DATE	SCALE	NAME	DATE
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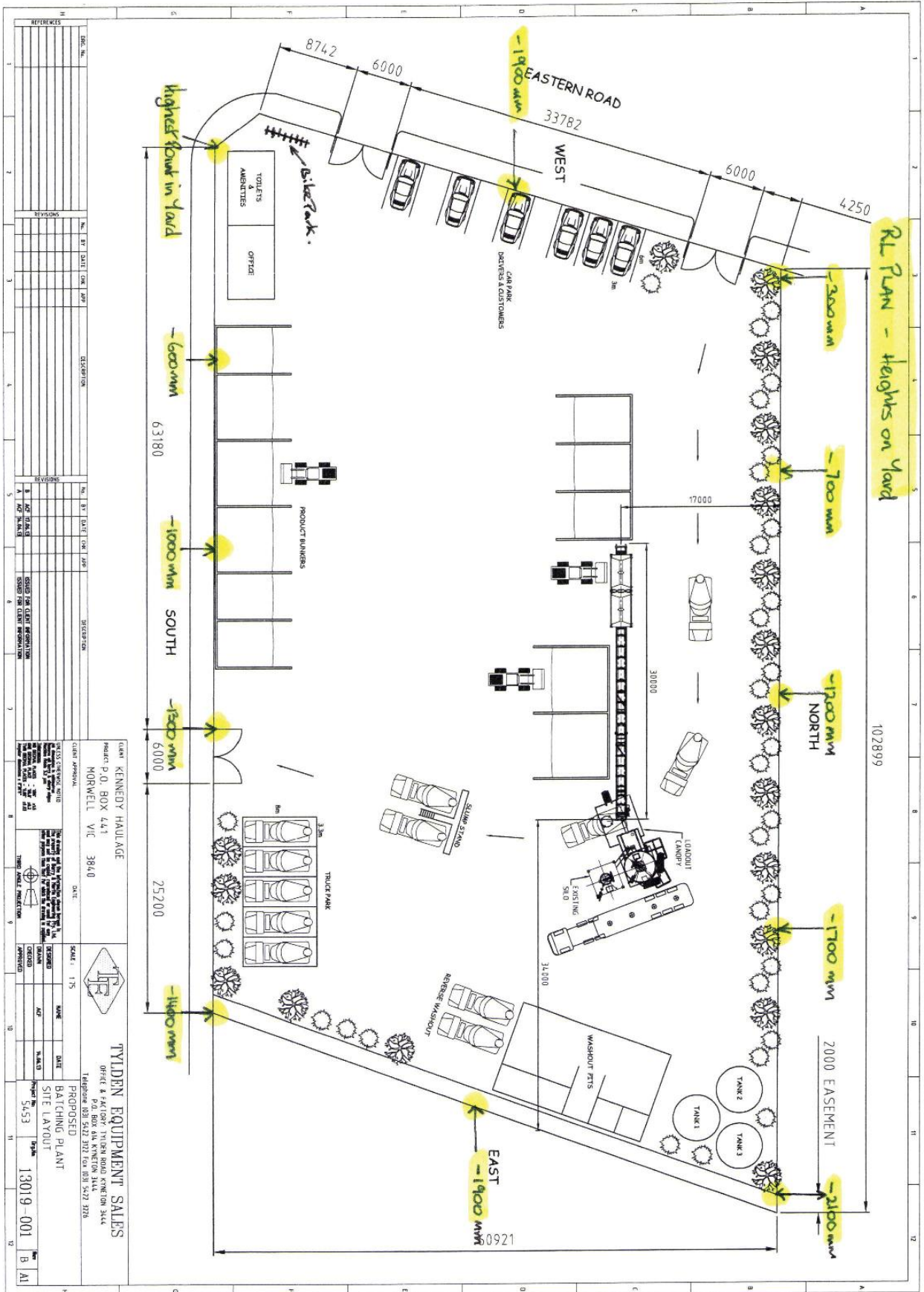
CLIENT: KENNEDY HAULAGE PTY LTD
 PROJECT: PO BOX 441 MORWELL, VIC, 3840
 TYLDEN EQUIPMENT SALES
 OFFICE & FACTORY: TYLDEN ROAD KYNEDON 3444
 P.O. BOX 614, KYNEDON 3444
 Telephone (03) 5422 3122 Fax (03) 5422 3226

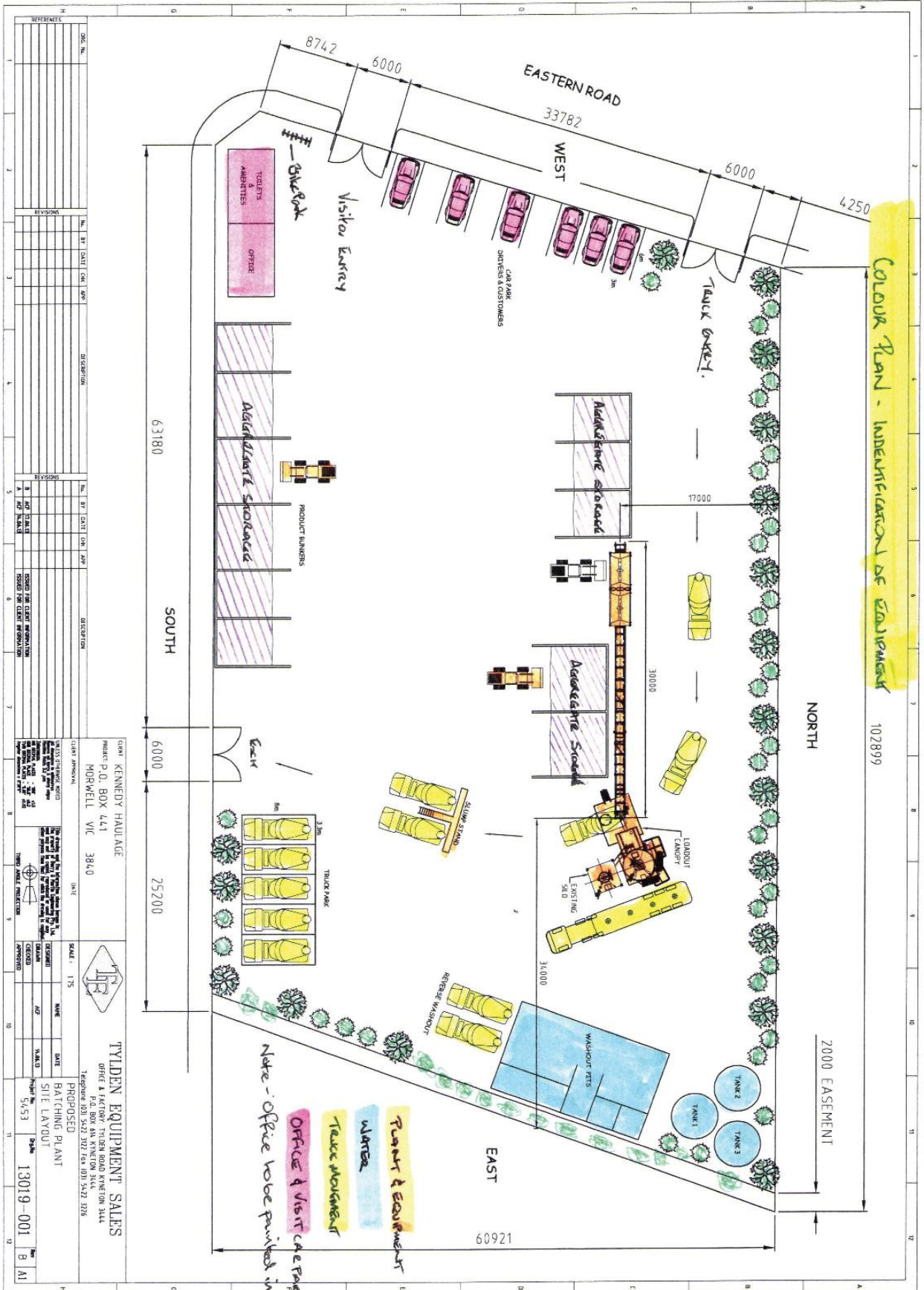


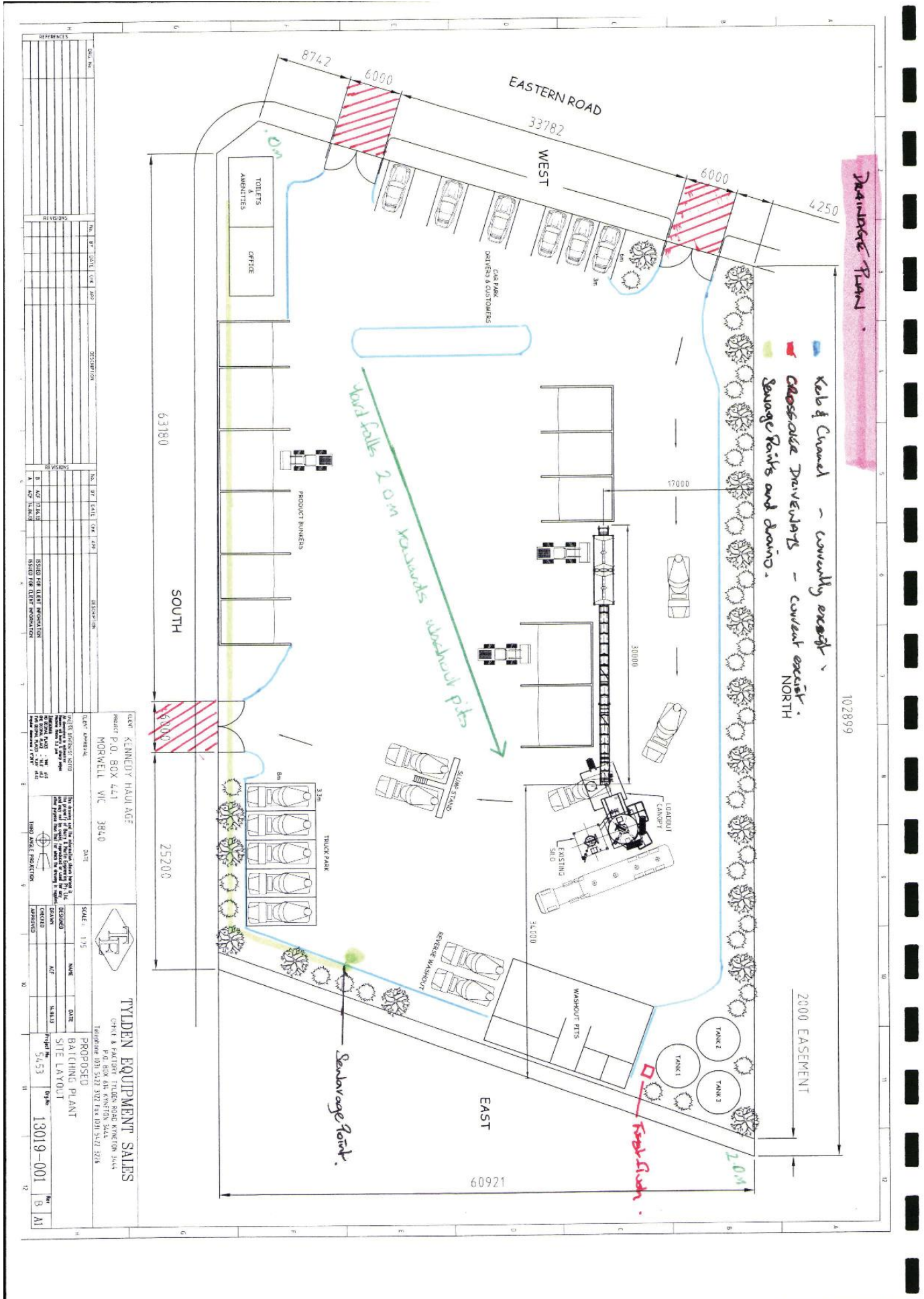
CEMENT SILO
 MD SERIES 73.6 m³ ~ 103 TONNE
 FOUNDATION DETAILS

REV	DATE	BY	CHK
0		ACF	ACF









Drainage Plan

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CLIENT: KENNEDY HAULAGE
PROJECT: P.O. BOX 471
ADDRESS: MORWELL VIC 3840

DATE: 13/01/13

SCALE: 1:75

TYLDEN EQUIPMENT SALES
 CHEF & FACTORY TYLDEN ROAD KENNEDY SAH
 P.O. BOX 64 KENNEDY SAH
 Telephone 0801 542 502 Fax 081 542 508

PROPOSED BATCHING PLANT SITE LAYOUT

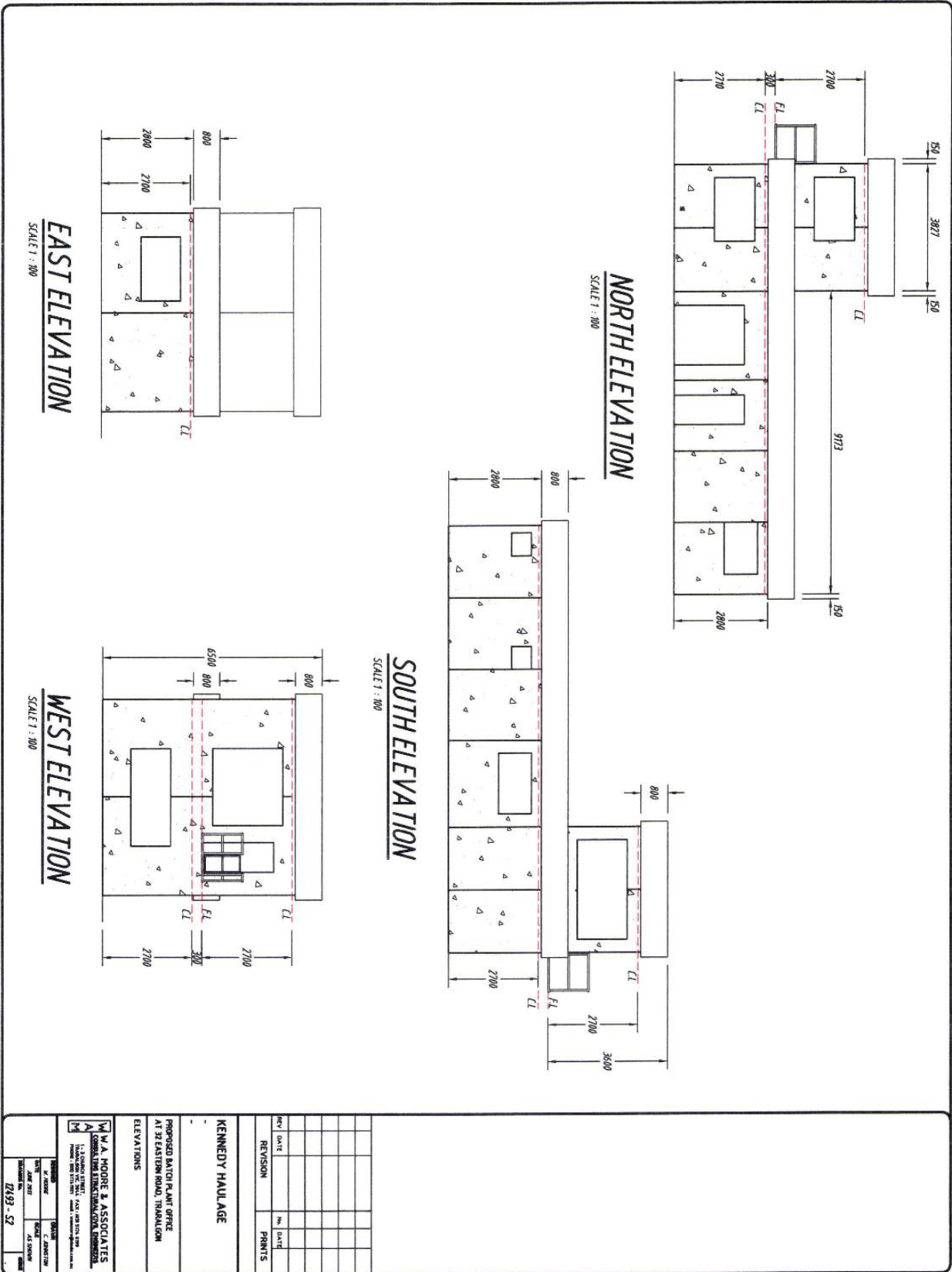
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PROPOSED BATCH PLANT OFFICE FOR
KENNEDY HAULAGE

No.32 (LOT 11) EASTERN ROAD - TRARALGON

DATE: 26/06/13



NO.	DATE	BY	CHKD.	REVISION	PRINTS

KENNEDY HAULAGE

PROPOSED BATCH PLANT OFFICE
AT 32 EASTERN ROAD, TRARALGON
ELEVATIONS

M.A. MOORE & ASSOCIATES
CONSULTING ENGINEERS/ARCHITECTS/PLANNERS
15 LAKESHORE DRIVE, TRARALGON, VIC 3448
TEL: 03 5132 2222 FAX: 03 5132 2222
WWW.MAMOORES.COM.AU

DATE	SCALE	BY	CHKD.
JAN 2013	AS SHOWN		
PROJECT NO.			
2293 - S2			

NOTES:

GENERAL

These drawings shall be read in conjunction with all relevant Architectural and other consultants drawings and with any other written instructions issued during the course of the contract.

Engineering drawings shall not be scaled.

Materials and workmanship shall be in accordance with the Building Code of Australia and relevant S.A.A codes and documents listed in Part 14 of the B.C.A.

Substitutions shall not be permitted without the approval of the Engineer.

The Builder is to ensure that during construction the structure shall be maintained in a stable condition and that no part shall be overstressed.

FOOTINGS

All workmanship shall be in accordance with AS2970.

All footings shall be based on solid ground, with a safe bearing capacity as noted below. The final level and verification of bearing pressure shall be determined by the Engineer on site during excavations.

All foundations must be inspected and approved by the relevant Building Inspector before concrete is poured.

CONCRETE

All workmanship and materials shall be in accordance with AS 3600. Concrete compression strength at 28 days to be as noted on drawings. Testing as defined for project control. Max slump 100mm. Nominal aggregate size 20mm.

Clear concrete cover to reinforcement unless otherwise noted to be-

	Cast Against Form work & Exposed to ground or water	Cast Against Form work & Sheltered location	Cast Against Ground
Pad Footings	65	-	75
Strip Footings	50	-	65
Beams	40	25	65
Slabs	40	20	65
Columns & Walls	50	40	75

Form work must comply with AS1558. Conduits, pipes, etc. are not to be placed in concrete cover.

Reinforcement must be securely fixed in position to prevent displacement and supported on bar chairs spaced at 1 metre centres.

On no account shall masonry be built on concrete slabs or beams until form work and props have been removed.

Concrete sizes shown do not allow for finishes and must not be reduced or holed without the Engineer's approval. Slabs and beams are to be poured together.

Concrete must be kept free of supporting brickwork by 2 layers of a suitable membrane (linthoid etc.). Vertical faces of concrete must be kept free by a 12mm thickness of aluminium impregnated cavity of similar.

Construction joints where not shown will be located to the approval of the Engineer.

All concrete slabs to be moist cured for a minimum of 7 days after the concrete is poured.

Reinforcement notations:-

R denotes structural grade plain round bars to AS 1302

S denotes structural grade deformed bars to AS 1302.

Y denotes Tempored bar to AS 1302 (L/D) grade.

M denotes Tempored bar to AS 1302 (S/OM) grade.

F denotes hand drawn wire reinforcing fabric to AS 1304 (L/S) grade.

ST denotes hand drawn wire reinforcing fabric to AS 1304 (S/D) grade.

The number following the bar grade symbol represents the nominal bar diameter in mm or the fabric reference number.

3 No. 12 x 500mm long bars shall be placed diagonally across each corner of any wall or slab openings.

Form work shall be left in place unless otherwise noted for the following times:-

- 1) Beam sides, vertical wall and columns 4 days
- 2) Slabs up to 4.5m span (form removed and slab reproped) 10 days
- 3) Removal of props under slabs 21 days
- 4) Beam soffits up to 15m span (props left under) 14 days
- 5) Removal of props to beams 28 days

Canber to suspended slabs and beams to be 5mm for every 250mm of span (L/A).

Water stops to be provided in all construction joints of walls and slabs exposed to weather or water.

Reinforcement is represented diagrammatically and not necessarily in true proportion.

Splices in reinforcement shall be made only in positions shown. Welding of reinforcement will not be permitted unless shown on the structural drawings.

BRICKWORK AND BLOCKWORK

All workmanship and materials shall be in accordance with AS 3700.

Unless detailed otherwise on Architectural or Engineering drawings, provide control joints in brick and block walls at 6.0m centres.

STEEL WORK

Welds unless otherwise noted to be 6.5mm continuous fillet laid down with approved covered electrodes. Built welds must develop the full tensile strength of the member.

Bolts unless otherwise noted to be 20mm diameter black bolts in 15mm clearance holes.

Gusset plates unless otherwise noted to be 10mm thick.

The fabricator must provide all clear holes etc. for fixing of timber members, as required by Architectural drawings and specifications.

All steelwork shop drawings must be approved by this office before fabrication is commenced.

Approval does not cover checking dimensions or layout, or provide the fabricator with the responsibility for the correctness of the work.

All steelwork other than that encased by concrete and railing surfaces of friction Grip Bolt Connections shall be given one coat of approved steel priming paint.

Canber to structural steel roof beams, trusses, purlins, etc. to be 3mm for every metre span unless otherwise noted.

Concrete encased structural steelwork shall be enclosed with ASF S2 mesh, placed 25mm clear of steel member. Encasing to provide 25mm minimum cover (50mm where exposed to earth).

Where connections are not shown provide 10mm mild steel cleats and 2 No. M20 bolts.

All external steelwork to be hot dipped galvanized to AS 650 unless otherwise noted.

All structural steelwork below ground to be encased by concrete 75mm min. all round.

TIMBER

All workmanship and materials shall be in accordance with AS 1684 & AS1720.

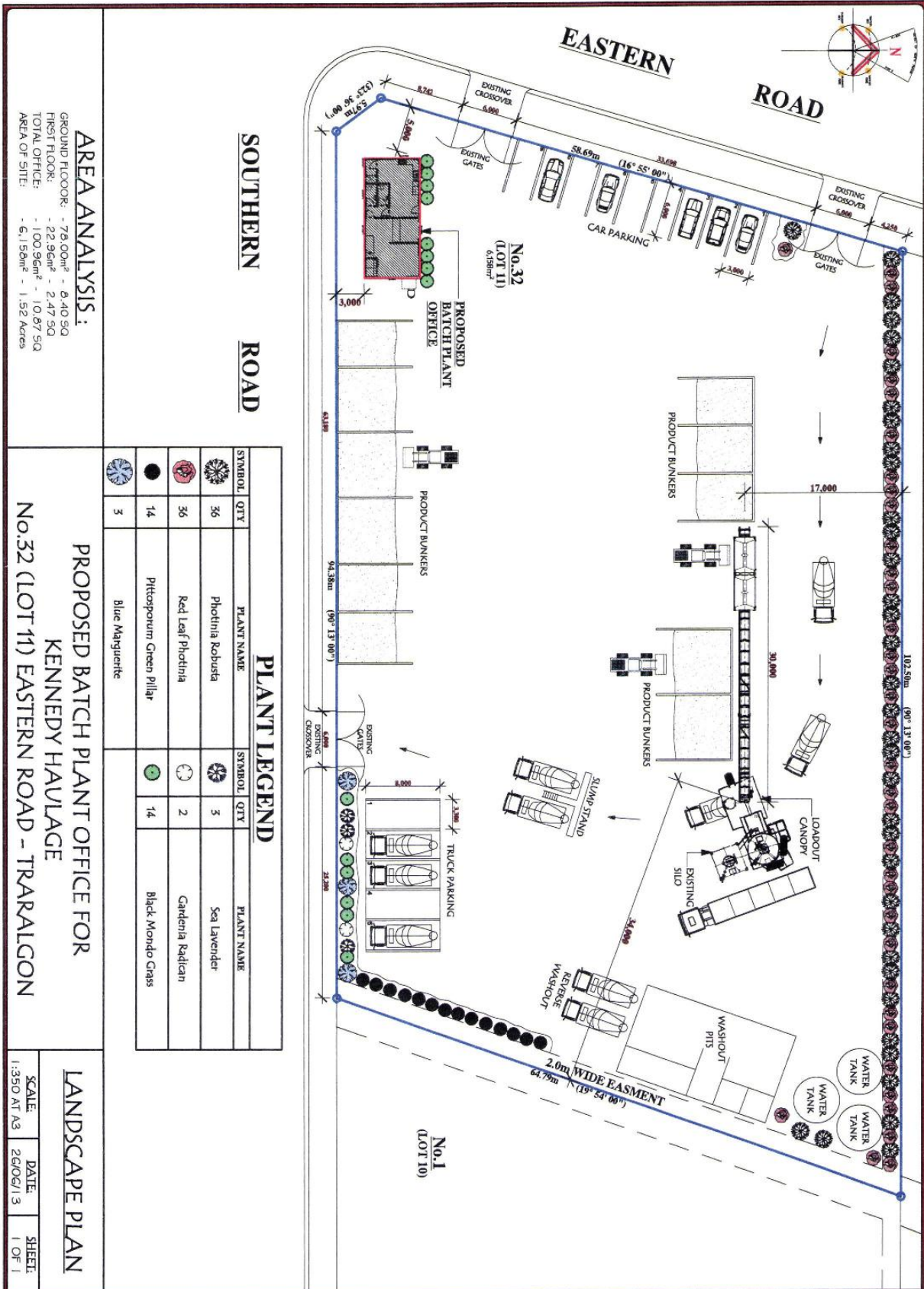
Timber shall be protected from termite infestation in accordance with AS3564.

All timber in contact with ground or not protected from weather exposure and associated moisture ingress shall be of durability class 1 or 2 in accordance with AS1720.1 & AS1720.2 or preservative treated in accordance with AS1684.

Where required all timber shall be preservative treated for the appropriate hazard level in accordance with AS1684.

- The specified hazard levels are as follows:
- Interior, above ground H2
- Interior, above ground H3
- Exterior, above ground H4 & H5
- Exterior in ground contact H4 & H5

<p>PROPOSED BATCH PLANT OFFICE 30-32 EASTERN ROAD, TRARALGON</p>	
<p>KENNEDY HAULAGE</p>	
<p>REV. DATE</p>	<p>NO. DATE</p>
<p>REVISION</p>	
<p>PRINTS</p>	
<p>NOTES</p>	
<p>M. A. MOORE & ASSOCIATES CONSULTING STRUCTURAL/CIVIL ENGINEERS 1-7 TORONTO STREET, PO BOX 1011 TRARALGON PH: 03 7131 1111 FAX: 03 7131 1111</p>	
<p>DESIGNED BY M. MOORE</p>	<p>CHECKED BY T. KYLE</p>
<p>DATE 22/04/2013</p>	<p>AS SHOWN</p>
<p>72493 - NOTES</p>	



AREA ANALYSIS:
 GROUND FLOOR: - 76.00m² - 0.40 SQ
 FIRST FLOOR: - 22.96m² - 2.47 SQ
 TOTAL OFFICE: - 100.96m² - 10.87 SQ
 AREA OF SITE: - 6.150m² - 1.52 Acres

SOUTHERN ROAD

PLANT LEGEND

SYMBOL	QTY	PLANT NAME	SYMBOL	QTY	PLANT NAME
	36	Phloxina Robusta		3	Sea Lavender
	36	Red Leaf Phloxina		2	Gardenia Radican
	14	Pittosporum Green Pillar		14	Black Mondo Grass
	3	Blue Marguerite			

PROPOSED BATCH PLANT OFFICE FOR KENNEDY HAULAGE

No.32 (LOT 11) EASTERN ROAD - TRARALGON

LANDSCAPE PLAN

SCALE: 1:350 AT A3
 DATE: 26/06/13
 SHEET: 1 OF 1



History of Application

29 May 2013 & 20 June 2013	Pre application meetings held with the applicant
8 July 2013	Application received
17 July 2013	Application referred to the EPA and internally to Health and Infrastructure Planning Teams
13 August 2013	All internal responses received and response received from the EPA.
10 Septembers 2013	Notification sent to all residential properties within 300 metres of the subject site
27 September 2013	Two objections received
3 October 2013	Mediation meeting held. No consensus among the parties found.
7 October 2013	Third objection received from a party that attended the mediation meeting.
22 October 2013	Petition received from one of the objectors.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 13.04-1 Noise abatement
Clause 13.04-2 Air quality
Clause 17.02 Industry
Clause 17.02-1 Industrial land development
Clause 17.02-2 Design of industrial development

Local Planning Policy Framework

Clause 21.03-2 Environmental Sustainability Overview
Clause 21.05-6 Specific Main Town Strategies - Traralgon
Clause 21.07 Economic Sustainability
Clause 21.07-7 Industry Overview

Zoning – Industrial 1 Zone

The subject land is located within the Industrial 1 Zone at Clause 33.01.

Overlay

None

Particular Provisions

Clause 52.06 Car Parking
Clause 52.07 Loading and Unloading of Vehicles
Clause 52.10 Uses with adverse amenity potential

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no relevant Incorporated Documents

4-10-13

Dear Mr Riordan

As requested at last night's mediation meeting here is my
 Objections in writing as promised. (Concrete Plant, 2013/165)

4.1 Objections

The objections can be summarised as follows:

Peter Lloyd 14 Forest Hill
 Peter Lloyd close
 above 85 dB/8hr

- Concerns regarding noise levels of existing industries;
- Dust and concrete dust in particular can be severe with particular wind directions;
- Odour and noise emitted from the treated pine plant is already an issue;
- Constant noise emitted from the recycling plant in Eastern Road;
- Noise from truck movements during the day is already an issue;
- Dust from the proposed site could heighten already existing health issues
- Operating hours outside of normal working hours M-F
- Fall out zone of dust causing extat. cleaning of roofs, paths, yards etc, washing on clothes lines, cars
- Time frame of proposed dust suppression monitoring and equipment at site
- Relocation costs and stress related issues due to change of current environmental conditions
- Asthma - respiratory problems
- Evaporative coolers + water pollution

LATROBE CITY COUNCIL	
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Latrobe City Council
PO Box 264
Morwell Vic 3840

23 September 2013

Re: Planning permit reference no. 2013/165; 30-32 Eastern Road Traralgon

We object to the above planning permit. Current experience already provides examples of how the above could affect us.

The odour and noise emitted from the treated pine plant, situated in Eastern Road, is already bad enough. The odour and noise is not dependent on wind carrying it either; even on a calm, clear day we still experience it.

There is also the constant noise emitted from the recycling plant in Eastern Road.

There is also the noise of trucks under braking creating a lot of noise, at different times of the day.

As a concrete plant involves a mixing process as well as the movement of trucks, we feel that the noise would be too much, given the experience of the other activities mentioned. There is also the potential for residual dust from the mixing process to carry through the air.

We both suffer respiratory and allergic conditions. Any residual dust that could be blown from this type of proposed activity could adversely affect our health. We have both been advised that we must live very sanitised lives, otherwise there is every possibility our respective conditions could worsen.
Any further increase in noise would only worsen the liveability of the area.

Gus Agostino.....*G. Agostino*.....
18 Forest Hill Close, Traralgon

Maria Agostino.....*M. Agostino*.....
18 Forest Hill Close, Traralgon

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Re Planning Permit 30-32 Eastern Rd Traralgon
L11LP125702

I would like to place an objection for proposed concrete plant at above address
We live directly behind the property and already suffer from noisy businesses in that area

Our objections are

Noise Level

Concrete dust expected to be severe in particular wind directions

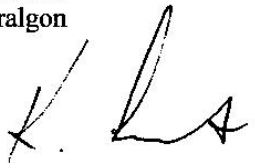
Have first hand experience with concrete dust and its consequences

Regards

Ken Rust

17 Forest Hill Close

Traralgon



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16 October 2013

Mr J Riordan
Senior Statutory Planner
Latrobe City

Dear Mr Riordan

I am attaching a current petition(not final) in regards to our earlier objections to Application
Proposal 2013/165 USE AND DEVELOPMENT ASSOCIATED WITH A CONCRETE PLANT-30-32 EASTERN
ROAD, TRARALGON EAST for consideration.

Yours Truly

Peter D Lloyd



14 Forest Hill Close Traralgon

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Petition to Stop the Construction of a New Concrete Plant At 30-32 Eastern Road Traralgon

City Council

Petition Summary: A planning permit application (2013/165) proposal has been submitted by Traralgon Concrete Pty Ltd to the Latrobe Shire for the use and development associated with the construction of a new concrete plant at 30-32 Eastern Road Traralgon


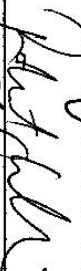





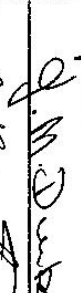
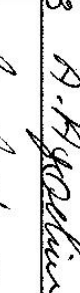
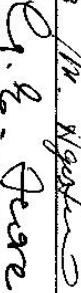

Action Petitioned For: We the undersigned are concerned citizens who urge the Latrobe Shire Council to act now to stop the above from happening

Objections being: Major noise levels to nearby residents, major dust level fallout to nearby private properties due to strong prevailing winds, excessive pollution to properties and surrounding roads, extra cleaning of roof tops, windows, pathways Contamination of clothes washing lines. Foreign bodies to eyes, health issues including triggering asthma and respiratory problems. Large concrete trucks(5c3) creating noise and dust spills in the immediate vicinity of residential properties

Date	Signature	Printed Name	Address
7/10/13	Peter Lloyd	Peter Lloyd	14 Forest Hill Close Traralgon
11/10/13	Andrew + Tara Wilson	Andrew Wilson	11 Forest Hill Close T'gon.
11-10-13	Katie Paret	Katie Paret	16 Forest Hill Close T'gon.
11-10-13	Marr Paret	Marr Paret	16 Forest Hill Close Traralgon
11-10-13	Debbie WGBR	Debbie WGBR	10 EDWARD PLACE TRARALGON.
11-10-13	Melba Price	MELBA PRICE	1 Mountbatten Crl T'gon.
11/10/13	Donna Vesbury	Donna Vesbury	13 Mount Batten Crl Traralgon
11/10/13	Dawn Venoms	Dawn Venoms	6 EDWARD PLACE TRARALGON.
11/10/13	LISA VEROMS	LISA VEROMS	6 EDWARD PLACE
11/10/13	Lynette Lloyd	Lynette Lloyd	14 Forest Hill Close, Traralgon

Date	Signature	Printed Name	Address
12/10		BARBARA H. COOPER	2 Mountbatten Cr Traralgon
12/10		Douglas Anderson	11 Mountbatten Cr Traralgon.
12/10		Jo Winding	6 Mountbatten Cr Traralgon.
12/10		Janet Winding	6 Mountbatten Cr Traralgon
12/10		Nicola Smith	2 Edward Pl. Traralgon
12/10		NAOMI SPECK	18 Forest Hill Close Traralgon
12/10		NAOMI SPECK	45 TRARALGON-MAFFRA RD TRARALGON.
12/10		Jessica Stoneman	45 TRARALGON-MAFFRA RD TRARALGON
12/10		MARGARET MATTHEWS	19 FOREST HILL CR. TRARALGON
12/10		ANDREW PANATHOROU	21 FOREST HILL CR TRARALGON
12/10		Stew Panayiotou	21 Forest Hill Close Traralgon
12/10		ULF SLAVIK	1 HAMBLETWOOD RISE TRARALGON
12/10		Rosemary Slauke	1 Hambledon Rise Traralgon

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
12/10/13		Nicole Collins	6 Hambledon Rise Traralgon
12/10/13		Robert Collins	6 Hambledon Rise Traralgon
12/12/13		ERIC SANSON	7 HAMBLEDON RISE, TRARALGON
12/10/13		Tim Connolly	Forest Hill Close
12/10/13		Shawn Connolly	7 Forest Hill Close Traralgon
12/10/13		Ian Dunbar	7 Forest Hill Cl Traralgon
12/10/13		A. Agostino	8 Forest Hill Cl. Traralgon
12/10/13		MARY AGOSTINO	18 FORESTHILL CR. TRARALGON
12/10/13		Gael Fadore	9 Forest Hill Close, Traralgon
12/10/13		DON. FADORE	9 FOREST HILL CR. TRARALGON
12/10/13		JESSICA LLOYD	14 Forest Hill Close, Traralgon


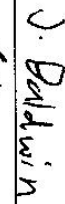




Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
12/01/13		LEN HANEY	15 FORESTHILL COURT TRARALGON
14/01/13		Geoff Davidson	137 Gordon St Traralgon
14/1/10		Kevin Simons	6 BARRS GATE TRARALGON
14/10		Don Myllice	100 SERRANT LANE TRARALGON
14/0		Frank Pasovari	3/1 BARBOUR CT TRARALGON
14/10		RONALD BISHOP	2/39 SOUTH ST MOE
14/10		ELIZABETH OLANISS	3767 Manser Rd Mungahwood South
14/10		ROGER THORN	3 CHISHOLM CRT TRARALGON
14/10		Peter Frans	25 LINDGARDNE TIGAR
14/10		GRAEME BEASLEY	1470 Tsoni Cr Koobera/14
14/10		John Fuller-Davison	11 Concession ST Traralgon
14/10		PATRICIA RANKIN	9 Conday CRT TRARALGON.
14/10		Patrick Martin	9 Conway Crt Traralgon

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
14/10	<i>Ray Jones</i>	RAY JONES	57 HUNTED HILLS Rd Neerabong
14/10	<i>Raymond</i>	Rayner HARDING	63 Park Lane, T'gon
14/10	<i>Susy Harding</i>	SUSY HARDING	65 Park Lane Traralgon
14/10	<i>Sheila Whithend</i>	SHEILA WHITHEND	68 WILKINSON CRES, T'gon
14/10	<i>Irene Pappas</i>	IRENE PAPPAS	Po box 1474 T'gon
14/10	<i>Irene Pappas</i>	IRENE PAPPAS	Po Box 1474 T'gon
14/10	<i>David North</i>	DAVID NORTH	6 Firmin St T'gon
14/10	<i>Trevor Ladds</i>	TREVOR LADDS	PO Box 574 T'gon 3844
15/10	<i>Robert Finnerly</i>	ROBERT FINNERLY	3 TILLYARD - T'gon 3844
15/10	<i>Darlene Easter</i>	Darlene Easter	1 Ellgownie Pl Traralgon 3844
15/10	<i>Glenn Easter</i>	Glenn Easter	1 Ellgownie Pl Traralgon 3844
15/10	<i>Paul D'Alto</i>	Paul D'Alto	5 ELLGORNIE PL T'gon 3844

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
15/10		Annette Hecker	6 Illiyarie Place Traralgon
15/10		John Baldwin	6 Illiyarie Place traralgon
15/10		Tracey Barnes	49 Strathkyle Dr. T'gon
15/10		Gus EATON	53 MORGAN DR TRAR.
15/10		MEGAN GRANT	13 Forest Hill J. Traralgon
15/10		Kevin Gray	13 Forest Hill Close Traralgon,

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
15/10		Annette Hecker	6 Lilygarrie Place Traralgon
15/10		John Baldwin	61 Lilygarrie Place Traralgon
15/10		Tracey Barnes	49 Shathkade Dr. T'gon
15/10		Gus Eaton	53 MORRAN DR TRAN.
15/10		MEGAN GRAY	13 Forest Hill J. Traralgon
15/10		Kevin Gray	13 FOREST HILL CLOSE TRARALGON
17/10		Ray Campbell	425/40 PARK LANE TRARALGON
17/10		JUSTIN LIRMAN	15 Burnet Place Traralgon
17/10		MARGARET JOHNSON	19 BURNETT TR TRARALGON
18/10		Gwendon Humphrey	23 Burnet Pl Traralgon
18/10		Diane Horsford	25 Burnet Pl Traralgon
18/10		ARTHUR POTTER	29 BURNETT PL. TRARALGON
18/10		WILLIAM POTTER	29 BURNETT PL TRARALGON *

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
19/10	<i>D. Goodall</i>	DARREN GOODALL	1 SUNHILL RISE TRARALGON
19/10	<i>M. Ratzman</i>	MARIELE RATZMAN	1 SUNHILL RISE TRARALGON
19/10	<i>E. Whitby</i>	EDWARD WHITBY	3 SUNHILL RISE TRARALGON
19/10	<i>A.D. Charlley</i>	A.D. CHARLLEY	4 SUNHILL RISE TRARALGON
19/10	<i>P. Neave</i>	P. NEAVE	6 Sunhill Rise Traralgon.
19/10	<i>L. Oitrost</i>	L. OITROST	8 Sunhill Rise Traralgon
19/10	<i>H. H. Hieghman</i>	H. H. HIEGHMAN	85 Hill Rise Traralgon
19/10	<i>A. Evans</i>	ANNE EVANS	10 SUNHILL RISE, TRARALGON
19/10	<i>R. Walker</i>	ROBY WALKER	11 SUNHILL RISE, TRARALGON
19/10	<i>A. Neave</i>	ANNABEL NEAVE	40 THE AVENUE TRARALGON.
19/10	<i>Brett Sandby</i>	BRETT SANDBY	2 FOREST HILL CLOSE T'GON.
19/10	<i>JOSH SANDY</i>	JOSH SANDY	2 FOREST HILL CLOSE T'GON

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

Date	Signature	Printed Name	Address
19/10/13	R Perry	ROBERT PERRY	45 THE AVENUE T. GON
19-10	[Signature]	Tom Perry	45 The Avenue, T. Gon
20.10.13	[Signature]	Kaetra Mae Neill	84 THE AVENUE TRARALGON
20.10.13	K. MacNeill	KYLIE MACNEILL	13/14 Gilmour St Traralgon
20.11.13	[Signature]	NORMAN WARREN	80 THE AVENUE TRARALGON
20.11.13	[Signature]	Rachaela Warren	80 The Avenue Traralgon.
20.11.13	[Signature]	Dona Scott di Perta	48 The Avenue Traralgon
20.11.13	[Signature]	Antonio Soldati Perta	48 The Avenue Traralgon.
20-11-13	[Signature]	Joseph. Nikolaitis	2 WATTEBIN Close Traralgon
20/11/13	[Signature]	Kerry Anderson	3 Water Run Cl Traralgon
20/11/13	[Signature]	Robina May	5 WATER RUN C/S. TRARALGON.
20/11/13	[Signature]	BETTY McIVOR	4 WATER RUN C/S TRARALGON.
20/10/13	[Signature]	LENDY JEFFERIES	46 THE AVENUE TRARALGON.

Petition to Stop the Construction of a New Concrete Plant at 30-32 Eastern Road Traralgon

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****16.5 SEPTEMBER 2013 QUARTERLY FINANCIAL AND
PERFORMANCE REPORT**

General Manager

Governance

For Information**PURPOSE**

The purpose of this report is to present the September 2013 quarterly Financial and Performance Report to Council.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

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

Latrobe City Council Plan 2013 - 2017***Theme and Objectives***

Theme 3: Efficient, effective and accountable governance

Strategic Direction – Regularly report Council decisions and performance to the community

Legislation –

Local Government Act 1989

BACKGROUND

Under the provisions of the *Local Government Act 1989 Section 138 (1)*, at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure to date is presented to Council. This report ensures compliance with this legislative requirement.

The attached report as at 30 September 2013 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first three months of the financial year. A status report on the Key Strategic Activities, adopted in the 2013/2014 budget is also attached.

ISSUES

The attached report, "Income Statement", shows the actual result for the three months ended 30 September 2013 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to the budgeted full year financial result.

Overall the report is showing an unfavourable year to date variance of \$0.528M. This is a result of an unfavourable variance of \$1.363M in income mainly due to the following factors;

- Operating grants and contributions (\$1.173M unfavourable) due to Victoria Grants Commission allocations for 2013/2014 being advanced to Council in June 2013 and therefore recognised in the 2012/2013 carry forward surplus.
- Capital grants and contributions (\$0.992M unfavourable) mainly as a result of later timing of project grants than anticipated in the budget.

These unfavourable income variances have been partially offset by favourable variances in the other income categories as detailed in the report.

The unfavourable income variance is partially offset by a favourable year to date expenditure variance of \$0.835M resulting from the following factors;

- Materials and Services (\$0.384M) principally relating to project and program expenditure that will be incurred later than anticipated in the budget.
- Employee costs (\$0.195M) principally relating to a number of unfilled vacant staffing positions in the first three months of the financial year.
- Other expenditure (\$0.192M) principally relating to a number of minor variances in the timing of grants, advertising and promotion.

The "Income Statement" report forecasts a surplus result for the full financial year of \$3.652M which is an unfavourable variance of \$7.858M to the original budget. The main contributing factors are reduced grant revenue and additional recurrent program expenditure relating to surplus funds generated in previous years. The 2012/2013 financial year surplus was \$6.741M greater than the Adopted Budget mainly due to a combination of government grants received in advance and other unspent project and program funding required to be carried forward for completion in 2013/2014. There is expected to be no significant variance in the 2013/2014 cash flow statement. More detailed explanations of all variances are included in the attached report.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****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 report assists in ensuring legislative requirements are met.

The attached report provides details of budget variances for the three months to 30 September 2013 and the forecasted full financial year.

INTERNAL/EXTERNAL CONSULTATION

No consultation was required in the preparation of this report.

OPTIONS

The requirement to report on financial and key strategic actions quarterly is a statutory requirement, therefore the options that exist are:

1. Council receives and notes the financial and performance report for the quarter ending 30 September 2013, in accordance with the *Local Government Act 1989*; or
2. Council does not accept the report; or
3. Council seeks additional information.

CONCLUSION

The attached report provides financial details, as required by the *Local Government Act 1989*. The report indicates that Council is operating within the parameters of its 2013/2014 adopted budget. Variances arising from the timing of the receipt of grant revenues and the carry over of incomplete 2012/2013 recurrent and capital works programs to be completed in 2013/2014 have resulted in a forecasted reduced operating surplus for the full financial year. This reduction is fully offset and largely a result of the additional surplus achieved in the 2012/2013 financial year.

Attachments

1. September 2013 Quarterly Finance Report
2. September KSA Report

RECOMMENDATION

That Council receives and notes the financial and performance reports for the three months ended 30 September 2013, in accordance with the *Local Government Act 1989*.

16.5

SEPTEMBER 2013 QUARTERLY FINANCIAL AND PERFORMANCE REPORT

- 1 September 2013 Quarterly Finance Report 381**
- 2 September KSA Report 395**

STANDARD INCOME STATEMENT
For The Quarter Ended 30 September 2013

	NOTE	YTD Actual \$'000	YTD Budget \$'000	Variance YTD Act/Bud \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
INCOME							
Rates	1	66,183	66,359	(175)	66,530	66,530	0
Operating Grants and Contributions	2	5,523	6,695	(1,173)	18,865	23,504	(4,639)
Capital Grants and Contributions	3	1,266	2,259	(992)	13,156	11,777	1,379
Interest	4	392	264	128	1,223	1,223	0
User fees and charges	5	3,639	3,160	480	14,545	14,060	485
Other Income	6	915	539	376	2,322	1,869	453
Developer Contributions (Cash)	7	10	18	(8)	64	72	(8)
Developer Contributed assets	8	0	0	0	2,000	2,000	0
Net gain (loss) on disposal of property, infrastructure and equipment	9	2	0	2	0	0	0
TOTAL INCOME		77,930	79,293	(1,363)	118,705	121,035	(2,329)
EXPENSES							
Employee costs	10	11,162	11,358	195	50,060	49,696	(364)
Materials and services	11	6,555	6,938	384	35,953	31,995	(3,958)
Bad and Doubtful Debts	12	4	5	1	17	18	1
Finance costs	13	255	358	103	1,122	1,337	215
Other Expenditure	14	1,409	1,601	192	5,101	4,378	(722)
Depreciation and amortisation	15	5,543	5,503	(40)	22,800	22,100	(700)
TOTAL EXPENSES		24,928	25,763	835	115,053	109,524	(5,529)
SURPLUS (DEFICIT) FOR THE YEAR		53,002	53,530	(528)	3,652	11,510	(7,858)

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances

\$'000

1. Rates**Year to Date - (\$0.175M) Unfavourable**

The unfavourable variance is primarily a result of lower than anticipated supplementary rates growth processed prior to the annual rates generation.

Full Year - \$0.000M Nil Variance

No variance is forecast at this stage, further review will be undertaken as we received supplementary valuations from Council's contract valuer.

2. Operating grants and contributions**Year to Date - (\$1.173M) Unfavourable**

The unfavourable variance is mainly due to the Grants Commission first instalment being received in the 2012/2013 financial year and included in last financial year's surplus together with other variances in the timing of receipt of grants.

Full Year - (\$4.639M) Unfavourable

The unfavourable variance is due to the first instalment (\$5,684K) for 2013/2014 Grants Commission allocations being received in the 2012/2013 financial year. This has been partially offset by additional funding for Vicroads Blackspot projects (\$396K), Child and Family Services programs (\$218K), Community/Employment Development (\$123K), Fire Services Levy Implementation (\$106K) and Economic Development (\$85K) together with a number of other minor variances.

3. Capital Grants and Contributions**Year to Date - (\$0.992M) Unfavourable**

The unfavourable variance is mainly due to later than anticipated receipt of funding for the Moe Rail Precinct Revitalisation and Wright Street Footbridge projects.

Full Year - \$1.379M Favourable

The favourable variance is mainly due to Flood Recovery works in relation to the June 2012 flood event together with the later than expected timing of funding instalments for the Latrobe Regional Airport expansion which was originally budgeted in the 2012/2013 financial year.

4. Interest**Year to Date - \$0.128M Favourable**

The favourable variance is a result of greater than expected funds available for investing.

Full Year - \$0.000M Favourable

No variance is forecast at this stage.

5. User fees and charges**Year to Date - \$0.480M Favourable**

The variance is mainly a result of favourable year to date results in Landfill gate fees (\$288K), Subdivision supervision fees (\$98K) and failure to vote fines (\$38K).

Full Year - \$0.485M Favourable

The forecasted variance is mainly a result of favourable year to date results in Landfill gate fees (\$417K) and Subdivision supervision fees (\$84K).

6. Other Income**Year to Date - \$0.376M Favourable**

The favourable variance is mainly due to an insurance claim for earthquake damage at the Moe Tennis Complex (\$205K), minor land sales (\$95K) and earlier than anticipated raising of caravan park rental income (\$57K).

Full Year - \$0.453M Favourable

The favourable variance is mainly due to an insurance claim for earthquake damage at the Moe Tennis Complex (\$205K), minor land sales (\$95K) and a refund from SP Ausnet for the Moe Underground power lines project (\$78K).

7. Developer Contributions**Year to Date - (\$0.008M) Unfavourable**

Minor variance.

Full Year - (\$0.008M) Unfavourable

Minor variance.

8. Developer Contributed assets**Year to Date - \$0.000M Nil Variance**

No variance to date.

Full Year - \$0.000M Nil Variance

No variance is forecasted at this stage.

9. Net gain (loss) on disposal of property, infrastructure and equipment**Year to Date - \$0.002M Favourable**

Minor variance.

Full Year - \$0.000M Nil Variance

No variance is forecasted at this stage.

10. Employee costs**Year to Date - \$0.195M Favourable**

The favourable variance is largely due to a number of vacant staffing positions during the first three months of the financial year.

Full Year - (\$0.364M) Unfavourable

The unfavourable variance is mainly due to an increase in Council's workcover levy together with additional positions in Procurement as a result of the increased tendering requirements in the new Procurement Policy.

11. Materials and services**Year to Date - \$0.384M Favourable**

The favourable year to date result is mainly due to various minor variances in the timing of works and supplier payments.

Full Year - (\$3.958M) Unfavourable

The unfavourable full year variance reflects expenditure on a number of projects/programs that were funded from the 2012/2013 accumulated surplus due to them not being fully completed in the last financial year. Other contributing factors are expenditure on new externally funded programs and additional expenditure required to implement Council's new procurement policy.

12. Bad and Doubtful Debts**Year to Date - \$0.001M Favourable**

Minor variance.

Full Year - \$0.001M Favourable

Minor variance.

13. Finance costs

Year to Date - \$0.103M Favourable

The favourable variance is a result of Council receiving a lower interest rate than budgeted for its 2013/2014 borrowings.

Full Year - \$0.215M Favourable

The favourable variance forecasted is a result of Council receiving a lower interest rate than budgeted for its 2013/2014 borrowings, it is proposed to apply these savings to increase loan principal repayments.

14. Other Expenditure

Year to Date - \$0.192M Favourable

The favourable result to date is mainly due to various minor variances in the timing of grants, advertising and promotion.

Full Year - (\$0.722M) Unfavourable

The forecasted unfavourable variance is mainly due to the Community Minor Capital Grants Program being incorrectly classified as Materials and Services in the adopted budget, the forecast has been amended to correctly classify them as Other Expenditure.

15. Depreciation

Year to Date - (\$0.040M) Unfavourable

The unfavourable result to date is mainly due to larger than anticipated increases in infrastructure valuations in the the 2012/2013 financial year, that were identified after the budget was prepared.

Full Year - (\$0.700M) Unfavourable

The unfavourable result forecasted is mainly due to larger than anticipated increases in infrastructure valuations in the the 2012/2013 financial year, that were identified after the budget was prepared.

RECONCILIATION OF STANDARD INCOME STATEMENT TO CASH BUDGET

For The Quarter Ended 30 September 2013

	NOTE	YTD Actual \$'000	YTD Budget \$'000	Variance YTD Act/Bud \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Operating Surplus (Deficit)		53,002	53,530	(528)	3,652	11,510	(7,858)
Reconciliation to Cash Budget							
Plus Depreciation		5,543	5,503	40	22,800	22,100	700
Plus Written Down Value of Assets Disposed		32	66	(33)	621	621	0
Less Developer Contributed assets		0	0	0	(2,000)	(2,000)	0
Less Capital Expenditure		(3,934)	(5,960)	2,026	(45,587)	(41,216)	(4,372)
Less Loan Principal Repayments		(772)	(900)	128	(3,698)	(3,483)	(215)
Less Landfill Rehabilitation Expenditure		(72)	0	(72)	(3,334)	(2,850)	(484)
Plus Internal Transfers		17,676	6,675	11,001	17,921	6,347	11,574
Plus Loan Proceeds		8,970	8,970	0	8,970	8,970	0
Net Other Non-Operating Items		2	(0)	2	0	0	(0)
Net Total Non-Operating items		(27,445)	(14,353)	(13,091)	4,307	11,510	(7,203)
Cash Budget Surplus (Deficit)		80,447	67,883	12,563	(655)	(0)	(655)

STANDARD INCOME STATEMENT
For The Quarter Ended 30 September 2013 Compared To Previous Financial Year

	2013/14			2012/13		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	YTD Actuals	YTD Budgets	Variance YTD Act/Bud
INCOME						
Rates	66,183	66,359	(175)	62,506	62,438	68
Operating Grants and Contributions	5,523	6,695	(1,173)	4,948	9,902	(4,954)
Capital Grants and Contributions	1,266	2,259	(992)	1,014	0	1,014
Interest	392	264	128	384	217	167
User fees and charges	3,639	3,160	480	2,900	3,232	(332)
Other Income	915	539	376	548	475	73
Developer Contributions (Cash)	10	18	(8)	122	17	105
Developer Contributed assets	0	0	0	0	0	0
Net gain (loss) on disposal of property, infrastructure and equipment	2	0	2	(10)	0	(10)
TOTAL INCOME	77,930	79,293	(1,363)	72,412	76,282	(3,870)
EXPENSES						
Employee costs	11,162	11,358	195	10,292	10,358	66
Materials and services	6,555	6,938	384	6,691	6,434	(257)
Bad and Doubtful Debts	4	5	1	5	6	1
Finance costs	255	358	103	291	299	7
Other Expenditure	1,409	1,601	192	1,274	1,472	198
Depreciation and amortisation	5,543	5,503	(40)	4,681	5,350	669
TOTAL EXPENSES	24,928	25,763	835	23,234	23,918	684
SURPLUS (DEFICIT) FOR THE YEAR	53,002	53,530	(528)	49,178	52,363	(3,186)

STANDARD CASH FLOW STATEMENT

For the Quarter ended 30 September 2013

	NOTE	YTD Cash Flow	Adopted Budget Annual Cashflow	Cash Flow 2012/13
		\$'000s	\$'000s	\$'000s
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts				
Rates and charges		5,578	65,534	62,471
User fees and fines		3,712	14,060	15,496
Grants		5,904	35,209	30,458
Interest Received		487	1,223	1,773
Developer Contributions		10	72	665
Other Receipts		2,644	1,941	4,095
		18,335	118,039	114,957
Payments				
Employee Costs		(13,123)	(49,112)	(46,008)
Other Payments		(21,812)	(46,467)	(37,125)
		(34,934)	(95,579)	(83,133)
Net cash from operating activities		(16,600)	22,460	31,824
CASH FLOWS FROM INVESTING ACTIVITIES				
Net movement in financial assets (investments)		6,000	0	(5,190)
Proceeds from Property, Plant & Equipment		34	621	828
Payments for Property, Plant & Equip		(3,934)	(41,216)	(24,286)
Net Cash Flows used in investing activities		2,100	(40,595)	(28,648)
CASH FLOWS FROM FINANCING ACTIVITIES				
Finance costs		(255)	(1,337)	(1,086)
Proceeds from borrowings		8,970	8,970	1,000
Repayment of borrowings		(772)	(3,483)	(3,150)
Other Interest Bearing Liabilities		0	0	0
Net Cash Flows from Financing Activities		7,943	4,150	(3,237)
Net Increase/(Decrease) in cash held		(6,557)	(13,985)	(60)
Cash & cash equivalents at beginning of year	1	27,663	31,011	27,723
Cash & cash equivalents at end of period		21,105	17,026	27,663

NOTES

1. The budgeted cash at the beginning of the year was based on \$10.714M of the 2012/2013 capital works program being incomplete June 2013. The actual amount of incomplete capital works and capital grants received in advance was \$13.354M. This additional together with additional advance funding and incomplete operational projects from 2012/2013 are the principal factors contributing to the variance in the opening cash balance.

STANDARD BALANCE SHEET
As at 30 September 2013

	Current Balance \$'000s	Balance as at 30/06/2013 \$'000s	Movement for Year to Date \$'000s	Balance as at 30/09/2012 \$'000s
CURRENT ASSETS				
Cash and Cash Equivalents	21,105	27,663	(6,557)	29,043
Financial Assets	13,500	19,500	(6,000)	3,000
Prepayments	0	207	(207)	7
Trade and Other Receivables	83,975	6,293	77,682	60,347
Non-Current Assets Held for Sale	0	0	0	743
Total Current Assets	118,580	53,662	64,918	93,140
NON CURRENT ASSETS				
Property, Plant and Equipment	1,028,309	1,029,950	(1,641)	930,330
Trade and Other Receivables	26	26	0	46
Financial Assets	2	2	0	2
Total Non-Current Assets	1,028,338	1,029,979	(1,641)	930,379
TOTAL ASSETS	1,146,918	1,083,641	63,277	1,023,519
CURRENT LIABILITIES				
Payables	18,821	16,695	2,126	797
Interest-bearing Liabilities	11,156	2,959	8,198	2,385
Provisions - Employee Benefits	10,259	10,465	(206)	9,896
Provisions - Landfill	1,955	2,027	(72)	2,003
Trust Funds and Deposits	2,272	2,043	229	1,722
Total Current Liabilities	44,463	34,188	10,275	16,803
NON CURRENT LIABILITIES				
Payables	0	0	0	6,975
Interest-bearing Liabilities	11,427	11,427	0	13,386
Provisions - Employee Benefits	1,406	1,406	0	1,409
Provisions - Landfill	14,387	14,387	0	14,581
Total Non-Current Liabilities	27,221	27,221	0	36,350
TOTAL LIABILITIES	71,684	61,409	10,275	53,153
NET ASSETS	1,075,234	1,022,232	53,002	970,366
EQUITY				
Current Year Surplus/(Deficit)	53,002	9,523	43,479	49,178
Accumulated Surplus	620,516	611,003	9,513	611,436
Reserves	401,716	401,706	10	309,752
TOTAL EQUITY	1,075,234	1,022,232	53,002	970,366

FINANCIAL RATIOS
As at 30 September 2013

	Year to Date Ratios			Forecast at 30/06/14	Budget at 30/06/14	Prudential Guidelines
	\$'000s	Ratio at 30/09/13	Ratio at 30/09/12			
<p>Debt Servicing Ratio (to identify the capacity of Latrobe City Council to service its outstanding debt)</p> <p style="text-align: center;"><u>Debt Servicing Costs</u> Total Revenue</p> <p style="text-align: center;">255 77,930</p> <p>0.33% 0.40%</p> <p>0.95% 1.10%</p> <p>Less than 5%</p> <p>Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.</p> <p>The ratio expresses the amount of interest paid as a percentage of Latrobe City Council's total revenue.</p>						
<p>Debt Commitment Ratio (to identify Latrobe City Council's debt redemption strategy)</p> <p style="text-align: center;"><u>Debt Servicing & Redemption Costs</u> Rate Revenue</p> <p style="text-align: center;">1,027 66,183</p> <p>1.55% 1.69%</p> <p>7.24% 7.24%</p> <p>No guidelines for this ratio</p> <p>The strategy involves the payment of loan principal and interest, finance lease principal and interest.</p> <p>The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.</p>						
<p>Indebtedness Ratio (to ensure Council has the ability to pay its long term debts & provisions)</p> <p style="text-align: center;"><u>Non Current Liabilities</u> Own Source Revenue</p> <p style="text-align: center;">27,221 71,131</p> <p>38.27% 55.11%</p> <p>35.25% 35.65%</p> <p>No guidelines for this ratio</p> <p>Compares Council's long term debt (loans & other non-current liabilities) to its own source revenue (ie. Rates, user charges, other income) which is used to gain a general idea as to Council's ability to meet its debts.</p> <p>The ratio expresses the percentage of own source revenue required to meet long term debts.</p>						

	Year to Date Ratios				Prudential Guidelines
	\$'000s	Ratio at 30/09/13	Ratio at 30/09/12	Forecast at 30/06/14	
<p>Debt Exposure Ratio (to identify Latrobe City Council's exposure to debt)</p> <p style="text-align: center;"><u>Total Indebtedness</u> Total Realisable Assets</p> <p>71,684 438,449</p> <p>16.35% 11.90%</p> <p>14.27% 13.50%</p> <p>Less than 150%</p> <p>For the purpose of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use. Any liability represented by a restricted asset is excluded from total indebtedness. The following assets are excluded from total assets when calculating Council's realisable assets: Land under roads, Intangible assets and total infrastructure assets. The ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage to total liabilities for each dollar of realisable assets.</p>					
<p>Operating Revenue Ratio (to identify Latrobe City Council's dependence on non-rate income)</p> <p style="text-align: center;"><u>Rate Revenue</u> Total Revenue</p> <p>66,183 77,930</p> <p>84.93% 83.31%</p> <p>56.05% 54.97%</p> <p>No guidelines for this ratio</p> <p>The level of Latrobe City Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue.</p>					
<p>Liquidity Ratio (Working Capital) (to assess Latrobe City Council's ability to meet current commitments)</p> <p style="text-align: center;"><u>Current Assets</u> Current Liabilities</p> <p>118,580 44,463</p> <p>267% 554%</p> <p>107% 107%</p> <p>Greater than 100%</p> <p>The ratio expresses the level of current assets the Council has available to meet its current liabilities.</p>					
<p>Adjusted Liquidity Ratio (to assess Latrobe City Council's ability to meet current commitments)</p> <p style="text-align: center;"><u>Current Assets</u> Current Liabilities</p> <p>118,580 38,305</p> <p>310% 842%</p> <p>145% 146%</p> <p>No guidelines for this ratio</p> <p>The ratio expresses the level of current assets the Council has available to meet its adjusted current liabilities.</p> <p>Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period.</p>					

	Year to Date Ratios				Prudential Guidelines
	\$'000s	Ratio at 30/09/13	Ratio at 30/09/12	Forecast at 30/06/14	
<p>Infrastructure Renewal Gap Ratio (to ensure the community's infrastructure assets don't become run down)</p> <p style="text-align: center;"><u>Infrastructure Renewal Expenditure</u> Infrastructure Depreciation</p> <p>2,673 3,986</p> <p>67.05% 30.36%</p> <p>120.56% 103.98%</p> <p>Greater than 100%</p> <p>Compares the renewal expenditure on existing infrastructure assets (e.g. roads, drains, footpaths, buildings, etc.) to the dollar value of the asset that has been used up in that year (depreciation).</p> <p>Target of 100% indicates that spending on existing assets is equal to their consumption.</p>					
<p>Underlying Result Ratio (To ensure enough revenue is raised to maintain the existing assets base and fund recurrent services. We don't rely on capital grants to run the basic business of Council.)</p> <p style="text-align: center;"><u>Adjusted net Surplus/(Deficit)</u> Adjusted underlying revenue</p> <p>51,726 76,654</p> <p>67.48% 66.86%</p> <p>(11.18%) (2.18%)</p> <p>Greater than 0%</p> <p>Determines if each year Council is raising enough revenue to cover operating costs & asset renewal costs of the existing asset base.</p> <p>The ratio takes out the effect of once off capital grants & developer contributions.</p> <p>Note: The forecasted negative ratio of 11.18% reflects the reduced operating surplus that is now projected in the 'Standard Income Statement' and is mainly a result of the early receipt of 2013/2014 grant revenue and unspent 2012/2013 recurrent project and program expenditure which led to a greater than expected surplus result in the 2012/2013 financial year.</p>					

STANDARD CAPITAL WORKS STATEMENT
For The Quarter Ended 30 September 2013

		<i>YTD Actuals</i>	<i>Full Year Forecast</i>	<i>Annual Budget</i>	<i>Variance Annual Budget /Forecast</i>
	<i>NOTE</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>
CAPITAL WORKS AREAS					
Roads / Paths/ Bridges & Carparks	1	2,161	22,130	19,283	(2,847)
Drainage	2	134	1,356	1,361	5
Land, Buildings & Improvements	3	879	14,040	13,205	(835)
Plant & Equipment	4	130	2,439	2,291	(148)
Furniture & Equipment	5	222	1,076	800	(276)
Playgrounds	6	388	878	761	(117)
Artworks	7	4	15	15	0
Landfill	8	16	3,654	3,500	(154)
Total Capital Works		3,934	45,587	41,216	(4,372)
REPRESENTED BY:					
Renewal	9	2,912	21,989	18,802	(3,187)
New Assets	10	827	18,127	18,055	(73)
Asset Expansion/Upgrade	11	195	5,471	4,359	(1,112)
Total Capital Works		3,934	45,587	41,216	(4,372)

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances
000's

- Roads / Paths / Bridges and Carparks (\$2.847M) Unfavourable**
The forecast additional expenditure relates mainly to flood recovery works (\$2.157M), together with road projects that have been carried over from the previous year for completion in the 2013/2014 financial year. Council has also received funding approval traffic safety improvement projects under the Vic Roads Blackspot safety program.
- Drainage \$0.005M Favourable**
Minor variance.
- Land, Buildings and Improvements (\$0.835M) Unfavourable**
The forecasted additional expenditure relates mainly to projects that have been carried over from the previous year for completion in the 2013/2014 financial year the largest example being the Moe Outdoor Pool Upgrade (\$580K).
- Plant and Equipment (\$0.148M) Unfavourable**
The forecasted additional expenditure relates mainly to funds carried forward from 2012/2013 for plant and vehicle purchases that were ordered in the previous year but delivery did not occur until the 2013/2014 financial year together with depot workshop equipment funded from the Building Maintenance program.
- Furniture and Equipment (\$0.276M) Unfavourable**
The forecasted additional expenditure relates mainly to funds carried forward from 2012/2013 for the telephone system upgrade and the Traralgon Entertainment Precinct CCTV.
- Playgrounds, Skate Parks & BMX Tracks (\$0.117M) Unfavourable**
The forecasted additional expenditure relates mainly to funds carried forward from 2012/2013 for the Morwell and Yinnar Skate and BMX park projects.
- Artworks \$0.000M Nil Variance**
Nil Variance.
- Landfill Cell Construction (\$0.154M) Unfavourable**
The forecasted additional expenditure relates to funds carried forward from 2012/2013 for the completion of landfill cell 3B.
- Renewal (\$3.187M) Unfavourable**
The forecast additional renewal expenditure relates mainly to flood recovery works (\$2.157M), together with other projects that have been carried over from the previous year for completion in the 2013/2014 financial year.
- New Assets (\$0.073M) Unfavourable**
The forecast additional expenditure on new assets relates mainly to projects that have been carried over from the previous year for completion in the 2013/2014 financial year such as the completion of landfill cell 3B and the Morwell and Yinnar skate and BMX parks.
- Asset expansion/upgrade (\$1.112M) Unfavourable**
The forecast additional expenditure on new assets relates mainly to projects that have been carried over from the previous year for completion in the 2013/2014 financial year such as the Latrobe Regional Airport expansion and Telephone System upgrade together with new government funding approval for traffic safety improvement projects under the Vic Roads Blackspot safety program.



Latrobe City Council

Key Strategic Actions Report

Period: 13/14



Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic Document: 1 Council Plan

Council Plan Theme: 1.1 JOB CREATION & ECONOMIC SUSTAINABILITY

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.1.7 Enhance community and business confidence in the future of the local economy.					
1.1.7.10 In accordance with the Economic Sustainability Strategy, present the outcomes of 2014 Gippsland Major Projects and Opportunities Summit to Council.	In Progress	30%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/2014 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Commitments to financially support the event have been obtained from all local governments in Gippsland and applications have been submitted to the Victorian and Australian governments for funding support.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which a report detailing the outcomes of the Summit will be presented to Council for consideration, will be no later than 30 April 2014.</p> <p>TIME PROGRESS: Project progressing as forecast.</p> <p>QUANTITY MEASURE: At least 80 representatives of business and government will attend the 2014 Gippsland Major Projects and Opportunities Summit.</p> <p>QUANTITY PROGRESS: The invitation list is currently being updated.</p> <p>QUALITY MEASURE: The 2014 Gippsland Major Projects and Opportunities Summit will present details of five or more identified major investment opportunities within Gippsland.</p> <p>QUALITY PROGRESS: A Gippsland wide Steering Committee has been established to oversee the project. Three speakers have been confirmed.</p>	Economic Sustainability	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic Document: 1 Council Plan

Council Plan Theme: 1.1 JOB CREATION & ECONOMIC SUSTAINABILITY

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.1.8 Facilitate the creation of an Industrial Park and an Intermodal Freight Terminal in the municipality.					
1.1.8.1 In accordance with the Economic Sustainability Strategy, advocate for the creation of an industrial park and the Gippsland Logistics Precinct.	In Progress	25%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/2014 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: No expenditure specifically for these projects has been incurred this year to date.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which a report detailing progress and activities during 2013/14 financial year will be presented to Council for consideration no later than 30 June 2014.</p> <p>TIME PROGRESS: Project progressing as forecast.</p> <p>QUANTITY MEASURE: A report on the progress support of the creation of an industrial park and the Gippsland Logistics Precinct will be presented to Council for consideration.</p> <p>QUANTITY PROGRESS: Preparation of a report to Council will be undertaken in the first half of 2014 unless significant progress is made in the mean time.</p> <p>QUALITY MEASURE: The creation of an industrial park and Gippsland Logistics Precinct are prioritised within the Economic Sustainability Strategy 2011 as key Latrobe City Employment Zones.</p> <p>QUALITY PROGRESS: Officers are in regular contact with the new operators of the Australian Paper intermodal terminal to encourage rail focussed logistics activity to and from the City.</p>	Economic Sustainability	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic 1 Council Plan

Document:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction:					
1.2.4 Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.					
1.2.4.8 Develop a Latrobe City Council 2013-2017 Arts Strategy and Action Plan for Council endorsement.	In Progress	25%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/2014 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Application for additional funding submitted (\$30K). If successful the budget for the proposal will be \$60K.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which the 2013-2017 Arts Strategy and supporting action plan is presented to Council for consideration, will be no later than 30 June 2014.</p> <p>TIME PROGRESS: A project brief has been prepared.</p> <p>QUANTITY MEASURE: An Arts Strategy which is adopted by Council.</p> <p>QUANTITY PROGRESS: Funding has been sought in order to progress this project.</p> <p>QUALITY MEASURE: The creation of an Arts Strategy will guide Council in the future in respect to its provision of Arts based facilities and programs, with a view of increasing participation in the Arts.</p> <p>QUALITY PROGRESS: A project brief has been prepared.</p>	Recreation, Culture and Community Infrastructure	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic Document: 1 Council Plan

Council Plan Theme: 1.2 APPROPRIATE, AFFORDABLE & SUSTAINABLE FACILITIES, SERVICES & RECREATION

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.2.9 Continue to maintain and improve access to Latrobe City's parks, reserves and open spaces.					
1.2.9.1 Complete the development of master plans for Morwell and Traralgon Recreation Reserves.	Planning / Design / Approval	25%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/2014 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Budget progressing as forecast.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which the master plans for Morwell and Traralgon Recreation Reserves is presented to Council for consideration, will be no later than 30 June 2014.</p> <p>TIME PROGRESS: Project is progressing as forecast.</p> <p>QUANTITY MEASURE: The two master plans will be presented to Council following extensive engagement with the key users and stakeholders of the two reserves, as well as the wider community.</p> <p>QUANTITY PROGRESS: Project is progressing as forecast. Community consultation for the master plans will commence on 23 October 2014 until 1 November 2013.</p> <p>QUALITY MEASURE: Both of the master plans when completed will provide clear direction for the future development of the precincts and be supporting documents for the future pursuit of external funding.</p> <p>QUALITY PROGRESS: Project is progressing as forecast.</p>	Recreation, Culture and Community Infrastructure	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic Document: 1 Council Plan

Council Plan Theme: 1.3 EFFICIENT, EFFECTIVE & ACCOUNTABLE GOVERNANCE

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.3.1 Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.					
1.3.1.6 Review Latrobe City Council's Procurement Policy to maximise the proportion of local goods and services purchased.	Planning / Design / Approval	70%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/14 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Progressing in-line with budget.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which a revised procurement policy is presented to Council for consideration, will be no later than 30 June 2014.</p> <p>TIME PROGRESS: The current Policy review is as a result of the 2012/13 statutory process. A further review will need to be completed by June 2014 in order to meet statutory requirement.</p> <p>QUANTITY MEASURE: A procurement policy which is adopted by Council.</p> <p>QUANTITY PROGRESS: A Procurement Policy is under preparation for Council consideration. A further review will need to be completed by June 2014 in order to meet statutory requirements.</p> <p>QUALITY MEASURE: The adopted procurement policy will be compliant with the Local Government Act 1989 and consistent with the Victorian Local Government Procurement Best Practice Guidelines 2013.</p> <p>QUALITY PROGRESS: Draft policies are compliant with Local Government Act and best Practice Guidelines.</p>	Governance	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic 1 Council Plan

Document:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.4.14 Strengthen our region by actively leading and encouraging partnerships with other local governments, industry and community agencies.					
1.4.14.1 Develop and conduct a program of Councillor meetings with peak industry and community bodies.	In Progress	25%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/14 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: No expenditures to date. Budget target on track.</p> <p>TIME MEASURE: The Ordinary Council Meeting at which a report outlining progress on the program of meetings will be presented to Council for consideration no later than 30 June 2014.</p> <p>TIME PROGRESS: Time target on track. A Council Report is currently being prepared.</p> <p>QUANTITY MEASURE: A minimum of three meetings will be scheduled.</p> <p>QUANTITY PROGRESS: Quantity target on track. Meetings will be scheduled after advisory committee is established.</p> <p>QUALITY MEASURE: Meetings will be consistent with Council's innovative and holistic approach to job creation and the transformation of Latrobe City.</p> <p>QUALITY PROGRESS: Quality target on track. Draft Council Report undergoing quality review.</p>	Economic Sustainability	30/06/2014

October 25, 2013



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Latrobe City Council

KEY STRATEGIC ACTIONS REPORT (13/14)

Key Strategic Actions Report

Strategic Document: 1 Council Plan

Council Plan Theme: 1.5 PLANNING FOR THE FUTURE

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction: 1.5.2 Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.					
1.5.2.1 Undertake improvements to Council's statutory planning procedures and delegations to improve timely processing of planning applications.	In Progress	10%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2013/14 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Progressing in accordance with adopted budget.</p> <p>TIME MEASURE: A service improvement plan will be developed and presented to Councillors and implementation commenced by 30 June 2014.</p> <p>TIME PROGRESS: Progressing in accordance with time frames. Drafting of a service improvement plan has commenced.</p> <p>QUANTITY MEASURE: A service improvement plan will be developed and presented to Councillors and implementation commenced.</p> <p>QUANTITY PROGRESS: Progressing in accordance with project plan. Consultation and drafting of plan have commenced.</p> <p>QUALITY MEASURE: A service improvement plan will be developed and presented to Councillors and implementation commenced.</p> <p>QUALITY PROGRESS: Progressing in accordance with project plan.</p>	Governance	30/06/2014

October 25, 2013



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**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

16.6 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

Governance

For Decision

DECLARATION OF INTEREST

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

DOCUMENTS

PP 2012/218	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Julie Ann Porter as the owner of the land more particularly described in Certificate of Title Volume 9153 Folio 007 and Volume 9089 Folio 945 on TP 161705 situated at 45 Boldings Road, Hazelwood North pursuant to Condition 2 on PP 2012/218 issued 20 February 2013 providing that before a Statement of Compliance is issued, the owner must enter into an agreement with the Responsible Authority which provides that:</p> <ul style="list-style-type: none"> (a) The owner of the land and successors in title acknowledge that the land to which this permit applies is identified in the Latrobe Planning Scheme as containing a coal resource of State significant (Schedule 1 - State Resource Overlay). The <i>Mineral Resources (Sustainable Development) Act 1990</i> allows the Minister administering the Act to grant a mining licence over the coal resource which, subject to obtaining all relevant consents, may result in mining. (b) The land will not be further subdivided so as to increase the number of lots.
PP 2013/176	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Wilkan Equities Pty Ltd as Owner of the land more particularly described in Certificate of Title Volume 11433 Folio 177 being Lot 12 on PS 644800 situated at 18 Balmoral Place, Traralgon pursuant to Condition 7 on PP 2013/176 issued 12 September 2013 providing that prior to the issue of Statement of Compliance, the owner must:</p> <ul style="list-style-type: none"> (a) Enter into an agreement with Responsible Authority that requires any future development of the land be in accordance with the plans endorsed as part of PP 2013/176; and (b) Make an application to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

	<p>(c) Pay the reasonable costs of the preparation, review and execution and registration of the Section 173 agreement; and</p> <p>(d) Provide Council with a copy of the Certificate of Title with the Agreement registered.</p>
PP 2013/177	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Wilkan Equities Pty Ltd as Owner of the land more particularly described in Certificate of Title Volume 11433 Folio 150 being Lot 39 on PS 644800 situated at 34 Balmoral Place, Traralgon pursuant to Condition 7 on PP 2013/177 issued 10 September 2013 providing that prior to the issue of Statement of Compliance, the owner must:</p> <p>(a) Enter into an agreement with Responsible Authority that requires any future development of the land be in accordance with the plans endorsed as part of PP 2013/177; and</p> <p>(b) Make an application to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and</p> <p>(c) Pay the reasonable costs of the preparation, review and execution and registration of the Section 173 agreement; and</p> <p>(d) Provide Council with a copy of the Certificate of Title with the Agreement registered.</p>

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 Julie Ann Porter as the owner of the land more particularly described in Certificate of Title Volume 9153 Folio 007 and Volume 9089 Folio 945 on TP 161705 situated at 45 Boldings Road, Hazelwood North pursuant to Condition 2 on PP 2012/218 issued 20 February 2013.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Wilkan Equities Pty Ltd as Owner of the land more particularly described in Certificate of Title Volume 11433 Folio 177 being Lot 12 on PS 644800 situated at 18 Balmoral Place, Traralgon pursuant to Condition 7 on PP 2013/176 issued 12 September 2013.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

- 3. 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 Wilkan Equities Pty Ltd as Owner of the land more particularly described in Certificate of Title Volume 11433 Folio 150 being Lot 39 on PS 644800 situated at 34 Balmoral Place, Traralgon pursuant to Condition 7 on PP 2013/177 issued 10 September 2013.**

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

16.7 ASSEMBLY OF COUNCILLORS

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 6 November 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 9 October 2013 and the 28 October 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
9 October 2013	<p>Positive Ageing Reference Committee</p> <p>Finalised Questions for Positive Ageing Plan Review Discussed COTA consultation in Churchill David Lane discussed the Municipal Public Health Plan and asked for PARC feedback History Pin - Monash Uni are looking to link in the History Pin site to their archive site Designated Parking (drop off/pick up) outside Doctors surgeries</p>	<p>Cr Sandy Kam Cr Kellie O'Callaghan</p> <p>Helen Taylor David Lane Fiona Peaty</p>	NIL
14 October 2013	<p>Issues & Discussion Session</p> <p>4.1 Tonight's Presentations 4.2 Previous Presentations 7.1 New Issues 7.2 Outstanding Issues 13.1 Traralgon and Morwell Activity Centre Car Parking Strategies 13.2 City Image Strategy Project 13.3 10 Year Financial Plan Review 13.4 Discussion on Procurement Policy Implementation</p>	<p>Cr Gibbons, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White</p> <p>Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jacinta Saxton, Grantley Switzer</p>	NIL

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
17 October 2013	Traralgon CBD Safety Committee Meeting Newsletter Update, CCTV update, Action Plan Update, Latrobe City Local Laws update, Victoria Police Update, LV Bus Lines Report, Victoria Police Report, Latrobe City Update	Michael Rossiter, Sandy Kam Steve Tong, Heather Farley, Andrew Legge	NIL
28 October 2013	Issues and Discussions Session 4.2 Previous Presentations 6.1 Forward Planner 7.1 New Issues 7.2 Outstanding Issues 8.1 Band Together in Support of Victoria Police Bands 10.1 Site Visit to Loy Yang and Presentation by AGL – Reschedule 13.1 Draft Credit Card Policy 13.2 Discussion on Monthly Complaints Report 13.3 2014 Meeting Schedule 13.4 Procurement Policy Amendment 13.5 Review of Local Law No1 Meeting Procedures 14.1 Christmas Operating Arrangements 2013/2014	Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr O’Callaghan, Cr Rossiter, Cr Sindt, Cr White Paul Buckley, Allison Jones, Grantley Switzer	NIL

Attachments

1. Assembly of Councillors - Not Confidential

RECOMMENDATION

That Council note this report.

16.7

Assembly of Councillors

- 1 Assembly of Councillors - Not Confidential..... 409**



Assembly of Councillors Record

Assembly details: Positive Ageing Reference Committee

Date: 9 October 2013

Time: 1 pm to 3 pm

Assembly Location: Rose Garden Meeting Room - Morwell

In Attendance:

Councillors: Cr Sandy Kam arrived 1.20 pm
Cr Kellie O'Callaghan

Officer/s: Helen Taylor
David Lane
Fiona Peaty (minute taker)

Matter/s Discussed:

Finalised Questions for Positive Ageing Plan Review
Discussed COTA consultation in Churchill
David Lane discussed the Municipal Public Health Plan and asked for PARC feedback
History Pin - Monash Uni are looking to link in the History Pin site to their archive site
Designated Parking (drop off/pick up) outside Doctors surgeries

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: Helen Taylor



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"*Assembly of Councillors* (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

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

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing at least 5 Councillors and 1 Council staff member are present and the matter/s considered are intended or likely to be subject of a future decision by the Council OR an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Issues and Discussions Session

Date: Monday, 14 October 2013

Time: 5:30 PM

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

In Attendance:

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

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jacinta Saxton, Grantley Switzer

Matter/s Discussed:

- 4.1 Tonight's Presentations
- 4.2 Previous Presentations
- 7.1 New Issues
- 7.2 Outstanding Issues
- 13.1 Traralgon and Morwell Activity Centre Car Parking Strategies
- 13.2 City Image Strategy Project
- 13.3 10 Year Financial Plan Review
- 13.4 Discussion on Procurement Policy Implementation

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: Meagan Bennetts



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:

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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:

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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.

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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:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Committee Meeting

Date: Thursday, 17 October 2013

Time: 9.08 am - 10.00 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Michael Rossiter, Sandy Kam

Officer/s: Steve Tong, Heather Farley, Andrew Legge

Matter/s Discussed: Newsletter Update, CCTV update, Action Plan Update, Latrobe City Local Laws update, Victoria Police Update, LV Bus Lines Report, Victoria Police Report, Latrobe City Update.

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: Andrew Legge



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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- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

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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.

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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:

- (a) immediately before the matter in relation to the conflict is considered; or
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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: Issues and Discussions Session

Date: Monday, 28 October 2013

Time: 6:00 PM

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

In Attendance:

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

Officer/s: Paul Buckley, Allison Jones, Grantley Switzer

Matter/s Discussed:

- 4.2 Previous Presentations
- 6.1 Forward Planner
- 7.1 New Issues
- 7.2 Outstanding Issues
- 8.1 Band Together in Support of Victoria Police Bands
- 10.1 Site Visit to Loy Yang and Presentation by AGL – Reschedule
- 13.1 Draft Credit Card Policy
- 13.2 Discussion on Monthly Complaints Report
- 13.3 2014 Meeting Schedule
- 13.4 Procurement Policy Amendment
- 13.5 Review of Local Law No1 Meeting Procedures
- 14.1 Christmas Operating Arrangements 2013/2014

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: Meagan Bennetts



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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- 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 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.

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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.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

16.8 PLANNING PERMIT APPLICATION 2013/190 - THREE LOT SUBDIVISION AT 45 ALAMERE DRIVE TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/190 for a three lot subdivision at 45 Alamere Drive, Traralgon.

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 2026: The Community Vision for Latrobe Valley

Strategic Objective – 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

Planning for the future

Strategic Direction

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Legislation

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

BACKGROUND

SUMMARY

Land: 45 Alamere Drive, Traralgon, known as Lot 7 on Plan of Subdivision 110075.

Proponent: Andrew McDonald
C/- NBA Group Pty Ltd

Zoning: Low Density Residential Zone (LDRZ)

Overlay: N/A

A Planning Permit is required for subdivision of land in a Low Density Residential Zone in accordance with Clause 32.03-3 of the Scheme. Each lot must be at least 0.4 hectares (4,000 square metres).

A site context plan is included as Attachment 1 of this report.

PROPOSAL

It is proposed to subdivide the land into three lots. A copy of the proposed plan of subdivision is included as Attachment 2 of this report.

Proposed Lots 1, 2 and 3 would range in area between approximately 4800 square metres and 8100 square metres. The lots can be described as the following:

- Lot 1 would be generally rectangular in shape and would have a frontage of approximately 33 metres to Alamere Drive, a depth of 133 metres and a total area of 4823 square metres. Access would be provided from Alamere Drive via new bitumen sealed driveway crossover. The lot would contain a building envelope with an area of 400 square metres. The building envelope would be set back 28 metres from the site frontage, 6 metres from the east boundary, 10 metres from the west boundary and 70 metres from the south boundary. It is noted that one dwelling would be permitted to be constructed on the lot under the current zoning of the land without further planning approval.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

- Lot 2 would also be generally rectangular in shape and would have a frontage of approximately 70 metres to Alamere Drive, a depth of 133 metres and a total area of 8169 square metres. Access to the existing dwelling is provided via a bitumen crossover. The dwelling is set back approximately 60 metres from the frontage, 14 metres from the eastern property boundary, 11 metres from the western property boundary, and 36 metres from the southern property boundary. The dwelling is single storey and constructed out of rendered brick. There is also an ancillary garage and carport on site.
- Lot 3 would be generally rectangular in shape and would have a frontage of 51 metres to Alamere Drive, a depth of 133 metres, and a total area of 7379 square metres. Access would be provided from Alamere Drive via new bitumen sealed driveway crossover. A single tree is proposed to be removed from the site to provide for access to proposed lot. The lot would contain a building envelope which would be set back 35 metres from the site frontage, 11 metres from the east boundary, 10 metres from the west boundary, and 60 metres from the south boundary. It would have an area of 800 square metres. It is noted that one dwelling would be permitted to be constructed on the lot under the current zoning of the land without further planning approval.

The proposed internal boundaries have been informed by the location of existing fence lines and each allotment.

The provisions of the Low Density Residential Zone details that in the absence of reticulated sewerage an application must be accompanied by a land capability assessment which demonstrates that each lot is capable of treating and retaining wastewater. A Land Capability Assessment (prepared by Simon Anderson Consults Structural, Civil and Project Engineers, dated 12 June 2013) has been submitted with the amended application and is included in Attachment 3 of this report.

A Stormwater Management Plan has also been submitted with the application (refer to Attachment 4). The plan proposes that Lot 1 and 3 include installing on site water tanks that would be connected to a stormwater property connection to an underground piped drainage system. Lot two will continue to discharge at its current rate.

Subject Land:

The subject site is located at 45 Alamere Drive, Traralgon, or more particularly described as Lot 7 on Plan of Subdivision 110075.

The site is rectangular in shape, with an area of 2.037 hectares and an abuttal to Alamere Drive along the full length of its northern boundary. The dimensions of the site are as follows:

- A frontage (northern boundary) measuring 154.90 metres;
- A rear (southern boundary) measuring 154.90 metres;
- A eastern side boundary measuring 133.70 metres; and
- A western side boundary measuring 133.70 metres.

The land is currently used for low density residential purposes and is developed with a large single storey brick dwelling, with attached carport and garage, in-ground pool, out-door tennis court and colour bond storage shed. The existing buildings are grouped together centrally in the lot, within 60 metres of the front boundary. The topography of the land is generally flat.

There are scattered landscaped gardens surrounding the dwelling comprising a combination of trees, shrubs and lawn cover. The remainder of the site comprises of cleared grass land with a number of canopy trees. The site is surrounded by post and wire fencing, with a brick pillar fence along a portion of the property frontage. Internal horizontal board fencing separates the site into three parts.

Primary access to the site is currently obtained from Alamere Drive via a sealed crossover and driveway. Informal access is available to both the east and western portions via gateways and gravel crossings.

Surrounding Land Use:

The site is located within an established low density residential precinct on the western periphery of Traralgon's urban area, approximately 2 kilometres west of the central activity district.

Surrounding the site to the north, east and west are low density residential allotments generally ranging between approximately 0.4 hectare and 3 hectares in area.

The land to the south of the subject site is within the Rural Living Zone – Schedule 3 and comprises of the Traralgon Golf course.

It is noted that the subject site is located within the Draft Traralgon West Structure Plan study area (part of the Traralgon Growth Areas Review project).

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 6.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 7.

LATROBE PLANNING SCHEME**State Planning Policy Framework**

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

The objective of Clause 11.02-1 is to ensure a sufficient supply of land is available for, among other things, residential uses.

Strategies to achieve this include

- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.*
- *Restrict low-density rural residential development that would compromise future development at higher densities.*

The objective of Clause 11.05-1 Regional settlement networks is “to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan”.

The Moe, Morwell and Traralgon cluster has been identified in the Regional Victoria Settlement Framework plan as one of the regional areas where urban growth should be directed.

Networks of high-quality settlements should be delivered by:

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
- *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.*

Clause 11.05-4 Regional planning strategies and principles states that Victoria's regional areas should be developed with a strong identity, be prosperous and environmentally sustainable. The growth and development of distinctive and diverse regional settlements should be encouraged. This can be achieved by, among other things, ensuring that the potential of land that may be required for future urban expansion is not compromised.

Clause 19.03-2 refers to the provision of water supply, sewerage and drainage. The objective of this clause is *"to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment"*.

Clause 19.03-3 Stormwater aims to reduce the impact of stormwater on bays and catchments.

To achieve this, water-sensitive urban design techniques should be incorporated into developments to:

- *Protect and enhance natural water systems.*
- *Integrate stormwater treatment into the landscape.*
- *Protect quality of water.*
- *Reduce run-off and peak flows.*
- *Minimise drainage and infrastructure costs.*

Local Planning Policy Framework

The subject site is in a Low Density Residential Zone located to the west of the main urban area of Traralgon. The objective of Clause 21.04 Rural Living is to identify appropriate locations for rural residential living. A strategy associated with this objective is to *"discourage further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor"*.

Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2

Pursuant to Section 60(1A)(g) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

In this case, the Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2 is applicable.

The TW Interim Policy applies to approximately 180 hectares of Low Density Residential zoned land to the west of Traralgon (or known as Traralgon West Low Density Residential Precinct). The subject site falls within this precinct.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

This policy, adopted by Council on 7 February 2011, outlines the process by which Latrobe City Council will consider further subdivision of land within the Traralgon Low Density Residential Precinct, pending:

- Resolution and construction of agreed road and stormwater infrastructure services to be provided for the precinct;
- Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes;
- Establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services;
- Resolution of opportunities for the immediate and long term provision of medium density residential development within the LDRZ precinct.

Before deciding on an application to subdivide land, the responsible authority must also consider:

- *The directions of this policy [TW Interim Policy];*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65;*
- *The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct;*
- *Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property’;*
- *Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority;*
- *Whether each proposed lot has a legal point of vehicle access via a government road;*
- *Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct; and*
- *The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure:*
 - (a) *present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct; and*
 - (b) *Financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct.*

Traralgon Growth Area Review (TGAR) and Draft Traralgon West Structure Plan

TGAR is intended to provide a growth strategy that identifies areas for future urban development around Traralgon, Traralgon-Morwell Corridor, Glengarry and Tyers up to the year 2051. The subject site is within the study area of TGAR.

The Traralgon Framework Plan and the Traralgon West Structure Plan form part of the draft TGAR documents.

Draft Traralgon Framework Plan

The Draft Traralgon Framework Plan places the subject land in Area 15 where land is identified as suitable for being progressively rezoned and redeveloped in the future to provide further conventional residential land for Traralgon. The Framework Plan states that, as a priority, increased residential densities should be sought for the land in Area 15.

Draft Traralgon West Structure Plan

The draft Traralgon West Structure Plan shows the site within Area 5. Information regarding Area 5 in the Plan is as follows:

“Existing Low Density Residential and Rural Living zoned land in the south of the precinct...should intensify through development at conventional residential densities. A Development Plan should be prepared for the identified areas in collaboration with the existing landowners to ensure that appropriate connections and infrastructure is established as densities increases.”

Zoning

The subject site is located within the Low Density Residential Zone. The primary purpose of the zone is *‘to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater’*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least 0.4 hectare. The proposed subdivision satisfies this requirement with all lots proposed to be 0.4 hectares or greater in size.

In accordance with Clause 32.03-3 of the Scheme, Council must consider the relevant decision guidelines of the LDRZ. A discussion of the decision guidelines is in the Issues section of this report.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision:

Council’s Public Open Space Strategy requires a contribution from the developer of 10% of the value of the net developable area of the land to be provided in either cash or land or a combination of both for public open space. This strategy has been adopted by Council but is not incorporated into the Latrobe Planning Scheme.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

Therefore, in this instance, a cash contribution of 5% would be required in accordance with the Section 18 of the *Subdivision Act* 1988.

Decision Guidelines (Clause 65):

Clause 65.02 provides decision guidelines to consider when assessing applications to subdivide land. These guidelines are discussed in the Issues section of this report.

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Planning Policy Frameworks acknowledge the need to protect land on the outskirts of established urban areas in the event that it may be required for future growth of a town. In particular, Clause 11.02-1 of the Scheme aims to restrict low density rural residential development that would compromise future development at higher densities. Clause 21.04-3 of the Scheme generally discourages further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor.

In addition, Council's draft Traralgon Growth Area Review report and draft Traralgon West Structure Plan have identified that there are some significant constraints associated with future residential development of Traralgon. In particular, the floodplain associated with Latrobe River located to the north of the town, and the proposed Traralgon bypass to the south of the town restricts the ability for growth in these directions. Areas to the east and directly to the west of Traralgon (including the subject land) therefore represent opportunities for future growth for the town, and ad-hoc subdivisions should be avoided to provide maximum opportunity for future residential development.

The subject land has been identified as being located within a 'proposed conventional residential' area, in accordance with Council's draft Traralgon West Structure Plan. The 'Proposed Zoning' plan shows the land as 'proposed Residential 1 Zone'.

Whilst the proposed three lot subdivision may assist with the short term provision of low density residential lots, it affects the future ability of the land to be further subdivided and restricts the potential for a higher density lot yield in the future. It does so at a general level, because, as is recognized in the strategic planning documents for Traralgon, the more fragmented land is, and the more land owners that are involved, the more difficult it is to achieve the coordinated redevelopment of an area to a higher residential density. The further fragmentation of the site will also set a precedent which may influence other similar applications currently before Council, potentially also leading to those other sites being fragmented.

TW Interim Policy

The proposal has been assessed against the TW Interim Policy and found to not comply on the following grounds:

- The proposal would result in the subdivision of land which would compromise future opportunities for residential development within the precinct.

On the above basis, it is considered that the proposal to create two additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal would restrict the orderly planning of Traralgon and hinder the potential for well planned, sustainable growth of the town.

'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone:

The subject land is contained within the Low Density Residential Zone of the Scheme. The primary purpose of the zone is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least 0.4 hectare. Given the site comprises 2.037 hectares in overall area, this allows Council to consider the subject application to subdivide the site into 3 lots.

However, it should be noted that Clause 65 of the Scheme states that because a planning permit can be granted does not imply that a permit should or will be granted. Council must decide whether the proposal will produce acceptable outcomes in terms of the relevant provisions of the Scheme.

Clause 65 (Decision Guidelines):

Before deciding on an application to subdivide land, the responsible authority must also consider the decision guidelines of Clause 65. In response to the guidelines, the following comments are made:

- The land is located in a designated long-term urban growth corridor for Traralgon. Subdivision of the lots into further low density residential lots would restrict the potential for a higher density lot yield from this site in the future.

It should be noted that in *Cuddy v Latrobe* [2011] VCAT 1169, the Tribunal in considering the application for a 5 lot subdivision at 55 Regan Road in Traralgon, and the general issue of the future residential development of this area, concluded that there was no longer a shortage of land supply. However, since that decision, a significant amount of further strategic work has been undertaken by Council and it has become evident from the relevant strategic work, such as Council's Traralgon Growth Area Review Project, that there is still a strong need for the area containing the subject land to be available for higher density residential development in the future.

In a more recent case, *Vogt v Latrobe* [2012] VCAT 3197, the Tribunal in considering the application for a 4 lot subdivision at Lot 3 Bradford Drive Traralgon, accepted that '*there is strong policy support against the proposal [low density subdivision] in the Planning Scheme and the associated strategic work of the Latrobe City Council for the expansion of Traralgon*', and directed to refuse the 4 lot subdivision proposal in Traralgon West area based on grounds of compromising potential for increased urban densities.

On the above basis, it is reasonable to consider that the subject proposal to create two additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal will restrict the orderly planning of future growth for the town and may hinder the capabilities for well planned, sustainable growth of the town. The proposal is considered to be contrary to Council's strategic direction for the area.

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).

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

In accordance with the notice requirements of Section 52(1) of the Act, notice was provided to adjoining property owners and occupiers of the proposal and a sign was displayed on the site for 14 days. As a result of the notification process, the application received no submissions.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**External:

In accordance with the referral requirements of Section 55 of the Act, the application was referred to SP AusNet Pty Ltd, Gippsland Water and GasNet for consideration.

There was no objection to the granting of a permit subject to a range of conditions from Gippsland Water and SP AusNet Pty Ltd.

Internal:

The application was referred internally to Council's Infrastructure Planning, Strategic Planning and Health Services teams for consideration. Council's internal teams had no objection to the granting of a permit subject to the inclusion of conditions.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit: or
- 2 Refuse 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, it is considered that the application is inconsistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a refusal to grant a Planning Permit be issued for the reasons set out in this report.

Attachments

1. Site context plan
2. Plan of subdivision
3. Land Capability Assessment
4. Stormwater detention design for Lot 1
5. Stormwater detention design for Lot 3
6. History of application
7. Relevant Planning Scheme Ordinance

RECOMMENDATION

That Council issues a Notice of Refusal to grant a planning permit, for the three lot subdivision at 45 Alamere Drive, Traralgon (or more particularly described as Lot 7 on Plan of Subdivision 110075), on the following grounds:

- 1. The proposal is inconsistent with Clause 11.02-1 (Supply of Urban Land) and Clause 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.**
- 2. The proposal is considered to be inconsistent with Clause 65.02 (Decision Guidelines).**
- 3. The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.**

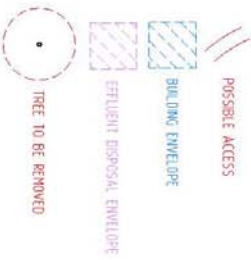
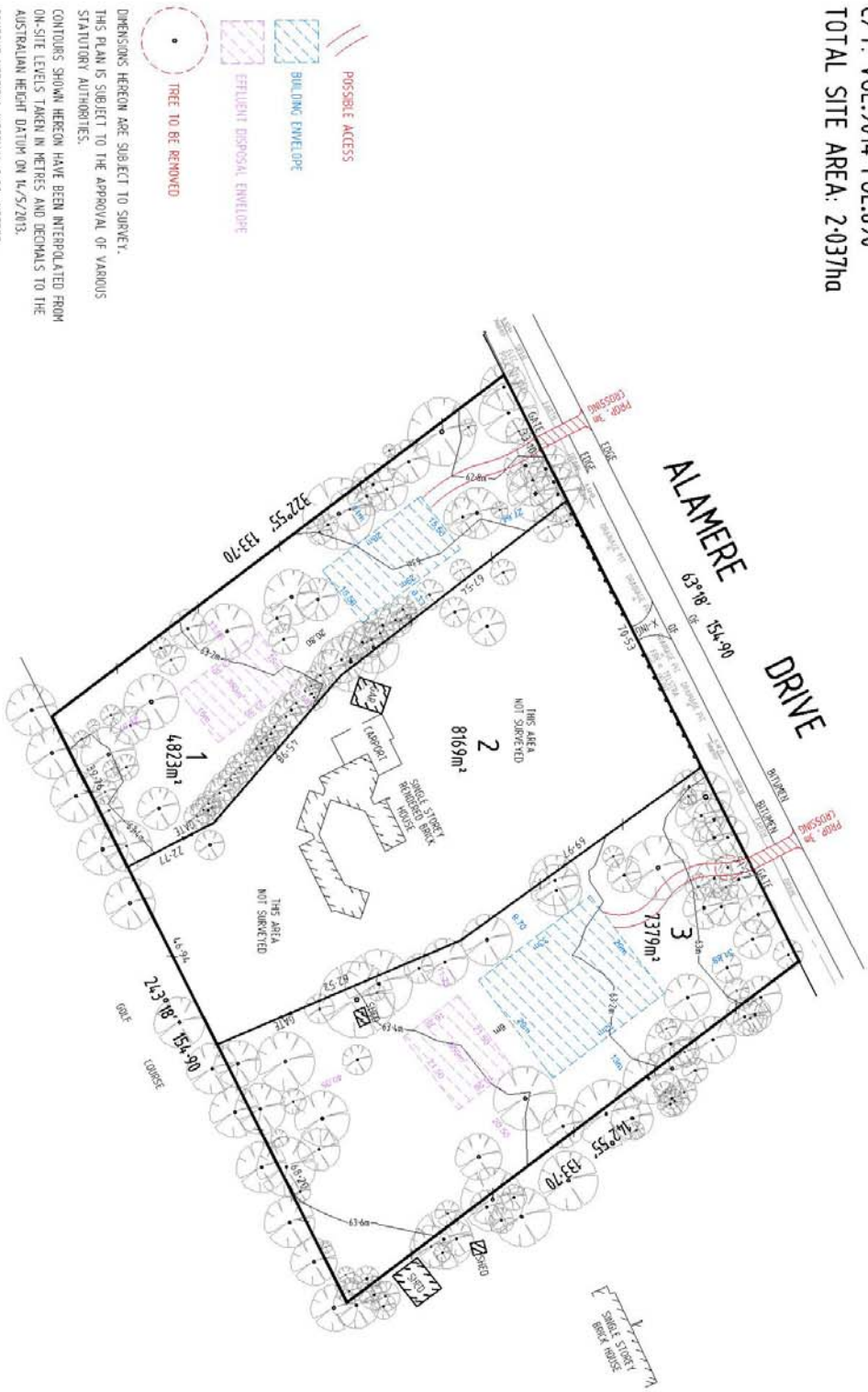
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PLANNING PERMIT APPLICATION 2013/190 - THREE LOT SUBDIVISION AT 45 ALAMERE DRIVE TRARALGON

1	Site context plan	431
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3	Land Capability Assessment	435
4	Stormwater detention design for Lot 1	449
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LOT 7 ON LP110075
 C/T: VOL.9014, FOL.690
 TOTAL SITE AREA: 2.037ha



DIMENSIONS HEREON ARE SUBJECT TO SURVEY.
 THIS PLAN IS SUBJECT TO THE APPROVAL OF VARIOUS STATUTORY AUTHORITIES.
 CONTOURS SHOWN HEREON HAVE BEEN INTERPOLATED FROM ON-SITE LEVELS TAKEN IN METRES AND DECIMALS TO THE AUSTRALIAN HEIGHT DATUM ON 14/5/2013.
 CONTOUR VERTICAL INTERVAL: 0.20 METRES.
 IMPLIED EASEMENTS UNDER SECTION 12(2) OF THE SUBDIVISION ACT 1988 TO APPLY TO ALL OF THE LAND IN THE PLAN.

DRAFT

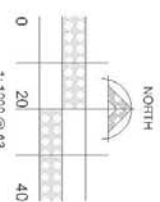
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 Town Planning
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PROPOSED SUBDIVISION
 45 Alame Drive, Traralgon
 Latrobe City Council
 23/5/2013
 16790P2_V1

SIMON ANDERSON CONSULTANTS Structural, Civil & Project Engineers P.O. Box 1700 P.O. Box 566 111 Main St 191-193 Raymond St Bairnsdale, Vic, 3875 Sale, Vic, 3850 ACN 073 392 286 ACN 145 437 065	Job: Proposed Subdivision 45 Alamere Drive Traralgon	Date: 12 June 2013
	Client: NBA Group	Designed: SJA
	Checked:	Job No.: 334960
		Page No.: 1 of 12

LAND CAPABILITY ASSESSMENT ON-SITE DOMESTIC WASTEWATER



Proposed Lot 1 (No.45) Alamere Drive, Traralgon



Proposed Lot 3 (No.45) Alamere Drive, Traralgon

Subject Land	45 Alamere Drive, Traralgon VIC 3844
Client	NBA Group
Postal Address	93 Macalister St, Sale VIC 3850
Contact	Nick Anderson (Mob) 0418 402 240, (Ph) 5143 0340, (Email) nick@nbagroup.com.au
Map Reference	Vicroads 696 C7
Municipality	Latrobe Shire Council
Proposed Development	Assume a 4 Bedroom Residence (Potential Occupancy = No. of Bedrooms + 1) ¹
Design Flow	150 L/person/day ² (for reticulated water supply and household water reduction fixtures)
Anticipated Wastewater Load	750 L/day
Treatment System Required	Secondary treated effluent to minimum 20/30 standard (ie. AWTS³ or sand filter)
Disposal System Required	Sub-surface irrigation – Area of 250m²

¹ As identified in Victorian EPA Draft Code of Practice – Onsite Wastewater Management (publication 891.3, Feb 2013) Section 4.3.1

² As identified in AS/NZS 1547:2012 – Onsite Domestic Wastewater Management (Appendix H, Table H1)

³ AWTS – Aerated Wastewater Treatment System (EPA approved)

334960 LCA

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1.0 INTRODUCTION

Simon Anderson Consultants were engaged to undertake a land capability assessment for the purpose of on-site domestic wastewater management of the Proposed Subdivision at 45 Alamere Drive, Traralgon. The field investigation and report have been undertaken by suitable experienced staff.

The assessment was completed in accordance with the Environment Protection Authority’s *Code of Practice – Onsite Wastewater Management* (EPA Publication No. 891.3, Feb 2013), guidelines for *Land Capability Assessment For On-Site Wastewater Management* (EPA Publication No. 746.1, March 2003), *On-Site Domestic Wastewater Management* (AS/NZS 1547:2012) and Latrobe City’s *Municipal Domestic Wastewater Management Plan*.

Information and results are presented in table form for clear data presentation and ease of identification of key points. **Detailed recommendations presented on page 8 of the report. LCA is to be read in conjunction with Site Features Plan 334960-LC1.**

2.0 PURPOSE/SCOPE OF ASSESSMENT

Purpose and Scope of Assessment	Broad-scale assessment for subdivisional purposes (often requires further lot-specific assessment at later date)	<input type="checkbox"/>
	Detailed investigation for lot-specific management requirements	<input checked="" type="checkbox"/>

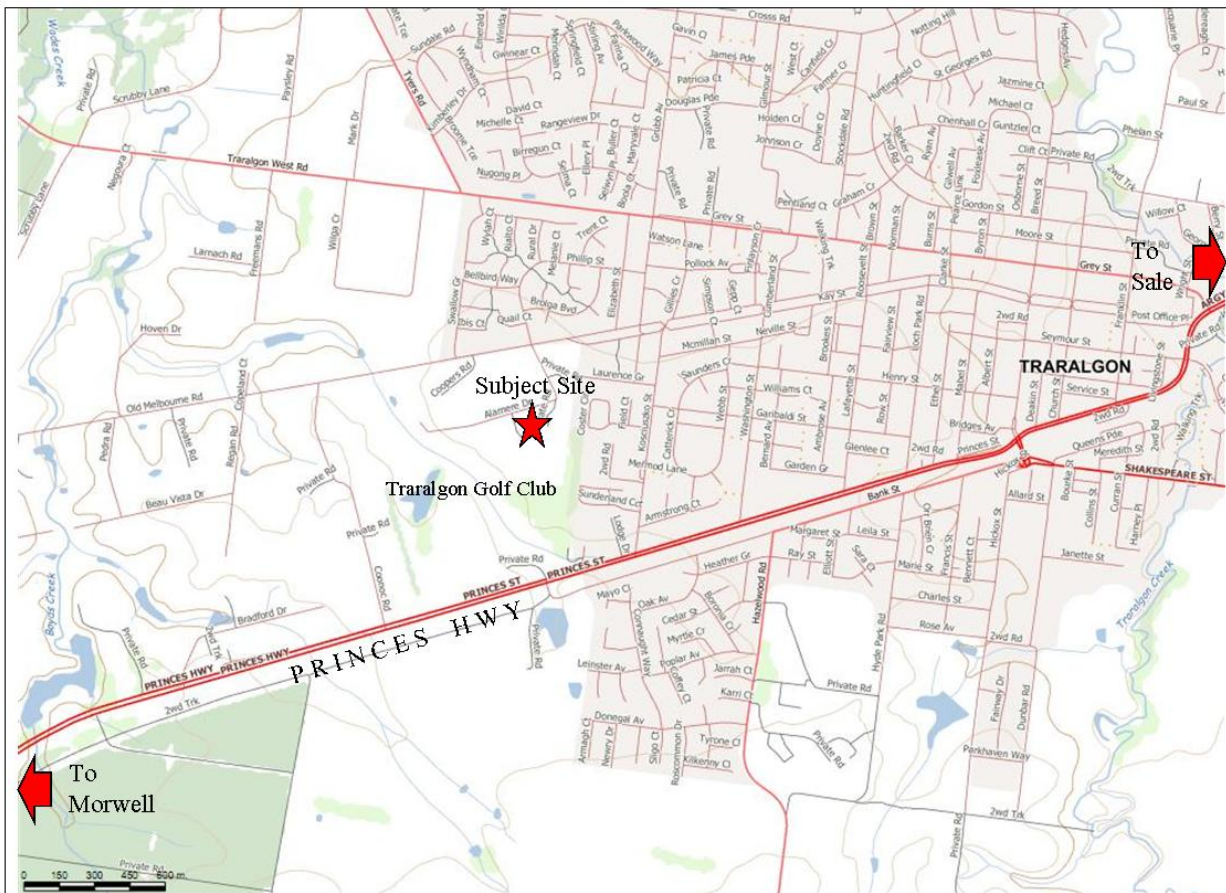


Figure 1: Locality Plan

334960 LCA

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3.0 SITE KEY FEATURES

Criteria / Feature	Description	Implications for Wastewater Management
Allotment/s		
Title details	Lot 7, LP 110075, Council Property No: 33972	
No. of Lots Proposed	3	
Lot size (EPA recommended minimum lot size = 1.0 ha)	Lot 1 – 4,823 m ² (Vacant) Lot 2 – 8,169 m ² (Existing Dwelling) Lot 3 – 7,379 m ² (Vacant)	Relatively small allotments, all less than the EPA recommended 1.0 ha. Will require well managed and designed disposal systems (refer to criteria outlined in Recommendations)
Dwelling Usage	Likely to be permanent	
Adjoining Lot sizes	0.4 ha – 2.0 ha in size. Along south side of Alamere Drive.	Overall volume of wastewater being disposed to land in the local district is moderate.
Current Land Use	Existing Residence will be situated on Lot 2 (0.82ha)	The existing dwellings wastewater management is to comply with the relevant codes and standards.
Infrastructure		
Zoning & Overlays	Low Density Residential Zone (LDRZ)	
Nearest Reticulated Sewer	Township of Traralgon	The area is unlikely to be sewered in the short term future.
Reticulated Water	Available on existing allotment	Increases the risk of excessive water usage by future dwellings.
Power	Available on existing allotment	Allows ready use of wastewater treatment plant
Land Features		
Geology	Nxh (Tph) – Tertiary Non-marine (Alluvial) Deposits consisting of Fluvial: sand, silt, gravel, Ferruginous sand (from 1:250,000 Geological Map Series WARRAGUL)	Observed Soils dominated by sandy loams and silt, overlying silty clays.
Elevation	Approx 63m AHD	
Landscape Elements	The site is located on a low relief plains system, with a yellow duplex sedimentary landscape.	Run-off upslope negligible
Fill	Natural soil profiles were observed throughout the site. No fill was observed.	No filling is proposed in the effluent management area.
Aspect	Area of investigation is relatively flat.	Increases sun exposure for improved efficiency of effluent disposal fields
River/Stream Catchment	No creeks or waterways in allotments.	Risk is reduced
Dams/Surface Water	None	Risk is reduced
Rock Outcrop	None	Reduces limitations and maximises efficiency of effluent disposal fields
Erosion	No evidence of sheet or rill erosion.	The erosion hazard is low.
Vegetation	Predominantly grass with some vegetated areas of EVC 55: Plains Grassy Woodland	Some vegetation clearing may be required for establishment of effluent disposal field or dwelling development
Climate	Temperate	Reduces variation in efficiency of effluent field
Solar Exposure	Low. Extensive shading from existing vegetation occurs on both vacant allotments.	Reduces efficiency of effluent disposal fields
Recommended Buffer Distances	All buffer distances recommended in Table 5 of EPA Publication 891.3, (Feb 2013) are achievable and do not significantly limit siting of the LAA in this case	
Available Land Application Area (LAA)	Considering all site constraints and the buffers mentioned above, the site has adequate land that is suitable and available for land application of treated effluent. The preferred area is nominated on the site features plan.	By using a system that provides secondary treatment and pressurized sub-surface irrigation, there will be ample protection for surface and groundwater

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4.0 SOIL ASSESSMENT & CONSTRAINTS

The sites soils have been assessed for their suitability for onsite wastewater management by a combination of soil survey and desktop review of published soil survey information as outlined below.

4.1 Published Soils Information

Soils of the site have been mapped and described in Department of Environment and Primary Industries "*Soils and Landforms of West Gippsland – Traralgon: 100 000 map sheet*" and are described as belonging to the Loy Yang (Ly) map unit. This unit occurs on weakly dissected undulating plains and is comprised of Alluvial sediments deposited in the late Pliocene to Early Pleistocene period.

The surface soils are generally greyish brown hard-setting sandy loams to sandy clay loams. The sub-surface is always conspicuously bleached (typically pale brown to pale greyish brown) and often contain iron nodules. Brown or yellowish brown mottled medium to heavy clays occur abruptly at 30cm to 45cm. These soils are generally classified as Brown or Yellow Sodosols.

4.2 Soil Survey and Analysis

A Soil survey was carried out at the site to determine suitability for application of treated effluent. Subsoil investigations were conducted at both vacant lots, within the vicinity of the proposed building envelopes, as shown on the Site Features Plan, using a hand auger (B1-2). This was sufficient to adequately characterise the soils, as only minor variation would be expected throughout the area of interest.

Samples of all discrete soil layers for test bores 1 & 2 were collected for subsequent laboratory analysis of pH⁴, electrical conductivity⁵ and Emerson Aggregate Class⁶.

⁴ The pH of 1:5 soil/water suspensions was measured using a Merck pH strip

⁵ EC (dS m⁻¹) was calculated by measuring the electrical conductivity of 1:5 soil water suspension.


⁶ Appendix C shows photographic results of Emerson Aggregate Test (Slaking/Dispersion)
334960 LCA

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Soil Features: TEST BORE 1			
Soil Horizon	A1	A2	B1
Depth (mm)	0 - 100	100 - 400	400 +
Field Texture Grade ⁷	L	CL	LMC
Structure	Moderate	Weak	Massive
pH	6.0	6.0	5.5
EC (dS m ⁻¹)	0.00	0.00	0.01
Salinity Hazard	Non Saline	Non Saline	Non Saline
Dominant Colour	Greyish Brown	Pale Brown	Yellowish Brown
Mottles	-	-	-
Dispersion	8	2	1
Coarse Fragments (% Volume)	-	-	-
Soil Category (AS/NZ1547:2012)	3	4	5
Design Irrigation Rate ⁸ (DIR mm/day)	4	3.5	3
Design Loading Rate ⁹ (DLR mm/day)	15	6	NR

NA: Not Applicable

NR: Not Recommended

Depth (m)	Description	Horizon	
0.1	TOPSOIL: Dry, Sandy Loam	A1	
0.2	SILT: Dry, Very Dense	A2	
0.3	paler with depth		
0.4	becoming clayey		
0.5	CLAY: Dry, Very Stiff, Silty	B1	
0.6			
0.7			
0.8			
0.9			
1.0			
1.1			
1.2			
1.5+			

Soil Bore Log Profile

⁷ Refer Appendix D for description details (all soil samples were sieved to minus 2mm and air-dried before being analyzed)

⁸ For drip irrigation (Refer Table M1 of AS/NZS 1547:2012)


⁹ For trenches and beds

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Soil Features: TEST BORE 2			
Soil Horizon	A1	A2	B1
Depth (mm)	0 - 100	100 - 400	400 +
Field Texture Grade ¹⁰	L	CL	LMC
Structure	Moderate	Weak	Massive
pH	6.5	6.5	6.5
EC (dS m ⁻¹)	0.01	0.00	0.01
Salinity Hazard	Non Saline	Non Saline	Non Saline
Dominant Colour	Greyish Brown	Pale Brown	Pale Brown
Mottles	-	-	-
Dispersion	8	2	1
Coarse Fragments (% Volume)	-	-	-
Soil Category (AS/NZ1547:2012)	2	4	5
Design Irrigation Rate ¹¹ (DIR mm/day)	4	3.5	3
Design Loading Rate ¹² (DLR mm/day)	15	6	NR

NA: Not Applicable

NR: Not Recommended

Depth (m)	Description	Horizon	
0.1	TOPSOIL: Dry, Sandy Loam	A1	
0.2	SILT: Dry, Very Dense	A2	
0.3	paler with depth		
0.4	becoming clayey		
0.5	CLAY: Dry, Very Stiff, Silty	B1	
0.6			
0.7			
0.8			
0.9			
1.0			
1.1			
1.2			
1.5+			

Soil Bore Log Profile

¹⁰ Refer Appendix D for description details (all soil samples were sieved to minus 2mm and air-dried before being analyzed)

¹¹ For drip irrigation (Refer Table M1 of AS/NZS 1547:2012)

¹² For trenches and beds

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5.0 LAND CAPABILITY ASSESSMENT MATRIX

Land features	Land capability class rating					
	Very good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)	
General characteristics						
Site drainage	No visible signs of dampness	Moist soil, but no water in pit		Visible signs of dampness	Water ponding on surface	
Runoff	None	Low	Moderate	High - diversionary structures req'd	Very High - diversion not practical	
Flood/inundation potential (yearly return exceedence)	Never		< 1 in 100	< 1 in 30	> 1 in 20	
Proximity to watercourses	> 60m				< 60m	
Slope (%)	0 - 2	2 - 8	8 - 12	12 - 20	> 20	
Landslip	None Evident		Low potential for failure	High potential for failure	Present or past failure	
Seasonal water table depth (m) (incl. perched water tables)	>5	5 - 2.5	2.5 - 2.0	2.0 - 1.5	< 1.5	
Rock Outcrop (% of land surface containing rocks > 200mm)	0	< 10%	10-20%	20-50%	>50%	
Vegetation Type	Turf or pasture				Dense forest with little understorey	
Average Rainfall (mm/yr)	< 450	450 - 650	650 - 750	750 - 1000	> 1000	
Pan Evaporation (mm/yr)	> 1500	1250 - 1500	1000 - 1250	-	< 1000	
Fill	No Fill		Fill present			
Soil profile characteristics*						
Structure	High	Moderate	Weak	Massive	Single Grained	
Profile depth (of limiting Horizon B1)	> 2.0m	1.5m - 2.0m	1.5m - 1.0m	1.0m - 0.5m	< 0.5m	
Soil permeability category ¹³	2 and 3	4		5	1 and 6	
Presence of mottling	None				Extensive	
Coarse Fragments (% volume)	<10	10-20	20-40		>40	
pH	6 - 8		4.5 - 6		<4.5, >8	
Emerson Aggregate Test (dispersion/slaking)	4, 6, 8		5	7	2, 3	1
Salinity (dS/m) (Electrical Conductivity)	<0.3	0.3 - 0.8	0.8 - 2	2 - 4	>4	
Overall Site Rating¹⁴			Fair		3	

*relevant to the sites most restrictive soil layer(s)

¹³ Refer Table 5.1 (Determination of Soil Category) of AS/NZS 1547:2012

¹⁴ A description of each Land Capability Class Rating is provided in Appendix A. 334960 LCA

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6.0 CONCLUSION

This LCA has been prepared to accompany a development application to Latrobe City Council for a Proposed Subdivision and associated necessary wastewater management system. As such, this report provides recommendations for treatment and land application systems that are appropriate to the land capability.

The site has a number of limitations that result in the development being unsuitable for traditional septic tank and subsoil absorption trenches:

- Limiting Horizon B1 (Light to Medium Clays) not suitable for trenches,
- Shallow depth of limiting soil horizon (400mm max)
- Effluent at risk of transmission to adjoining properties and Public Golf Course.

The following section provides an overview of a suitable system, with sizing and design considerations. Detailed design for the system is beyond the scope of this study, but should be undertaken at the time of building application and submitted to Council.

7.0 RECOMMENDATIONS

It is recommended based on this LCA, that the development of a Proposed 3 Lot Subdivision at 45 Alamere Drive, as indicated on the Site Features Plan 334960 - LC1, shall comply with the following:

- Install a system that provides secondary treatment with disinfection to meet EPA requirements for irrigation. Indicative target effluent quality is a minimum EPA standard 20mg/L BOD and 30mg/L SS. Several suitable options are available, including aerated wastewater treatment systems (AWTS) and single pass sand filters. Either of these options is capable of achieving the desired level of performance and final selection is the responsibility of the property owner, who will forward details to Council for approval.
- On-site disposal of domestic wastewater should occur within the proposed Land Application Areas (refer Site Features Plan 334960 - LC1). The client is allowed flexibility in selecting the final location and configuration of the irrigation systems, provided they remain within these envelopes and in accordance with the relevant codes/standards.
- Calculation of Irrigation Area based on AS/NZ 1547 equation $A=Q/DIR$

	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms
Q (L/day)	450	600	750	900
DIR (mm/day)	3	3	3	3
Irrigation Area (m²)	150	200	250	300
Max ww storage depth	33mm	33mm	33mm	33mm

Note: Maximum wet weather storage depth of less than 100mm required (refer Appendix B for full details)

- To determine if the irrigation areas recommended above are adequate, a water balance¹⁵ modelling has been undertaken to achieve a maximum wet weather storage depth of less than 100mm. Refer Appendix B for full details and calculations.
- Alternative effluent disposal systems, such as trenches and/or above ground irrigation, are not to be utilised without prior consultation and approval from Simon Anderson Consultants.
- Minimum setbacks and buffer distances must be obtained when establishing effluent disposal envelopes, as per *EPA Code of Practice – Onsite Wastewater Management, publication 891.3, (Feb 2013)*.
- The owner shall consult an irrigation expert familiar with wastewater irrigation equipment, to help design and install the irrigation system. The irrigation plan must ensure good, even application of effluent.

¹⁵ Water Balance undertaken in accordance with EPA Publication 168 (1991), Guidelines for Wastewater Irrigation. 334960 LCA

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8.0 MANAGEMENT PROGRAM

8.1 Installation Issues

To ensure the satisfactory installation and operation of the AWTS and sub-surface irrigation, the following measures are to be implemented:

- Stormwater flows from the roof must be discharged at a point well clear of the effluent disposal field and runoff from paved surfaces and driveways must be directed away from the disposal site.
- Installation of the sub-surface irrigation system to be undertaken when the soils are dry or moist, not when the ground is saturated;
- Sub-surface irrigation system to be designed to minimise root intrusion from trees;
- Sub-surface irrigation system to utilise pressure dosing to ensure effluent is applied uniformly throughout the effluent disposal area.

8.2 Ongoing Management & Maintenance Issues

To ensure the satisfactory ongoing performance of the proposed AWTS and sub-surface irrigation, the owners/occupiers will need to ensure that:

- No buildings or impermeable surfaces are constructed on or over the effluent disposal areas;
- Heavy equipment is kept away from effluent disposal areas whilst the soil is saturated;
- The primary effluent disposal field is maintained as a grassed area, or planted out with shrubs that tolerate wet conditions, have high evapo-transpiration capacity and can tolerate phosphorus levels typically found in treated effluent;
- Trees and/or thick shrubs **are not** to be planted out along the northern or western edges of the effluent disposal areas to prevent exposure to both wind and sun.

The installer of the AWTS and sub-surface irrigation is to ensure that the owners/occupants are aware of and fully understand their responsibilities in relation to operating the treatment system, maintenance requirements and what should be done in the event of any problems. The satisfactory ongoing performance and longevity of the AWTS and sub-surface irrigation can be enhanced by:

- Ensuring that maintenance requirements are undertaken regularly in accordance with the systems' requirements and that both they and future owners/occupiers are aware of the systems capabilities, limitations and ongoing requirements;
- Using biodegradable soaps, low phosphorous detergents and detergents that have low salt, sodium and chlorine levels;
- Limiting the use of germicides (such as strong detergents, disinfectants, toilet cleaners, whiteners and bleaches);
- Not flushing disposable nappies, sanitary napkins or other hygiene products into the systems;
- Not flushing chemicals, paint or similar substances into the systems.

NOTE: This report and associated plan(s) does not constitute a Septic Tank Permit. Such a permit should be obtained separately from the Environmental Health Department of Latrobe City Council after development approval is obtained and prior to plumbing works commencing.

APPENDIX A

Capability Class	Degree of Limitation	General Description
Rating 1	None to Very Slight	The proposed subdivision is suitable for on-site disposal of septic tank discharge. The limitations or environmental hazard from long-term use are considered very slight. Standard performance measures for design, installation and management should prove satisfactory.
Rating 2	Slight	The site has been identified as generally suitable for on-site effluent disposal but there is a slight associated environmental hazard expected. One or more land limitations are present, which may not be compatible with 'straight forward' conventional on-site disposal. The wastewater management program will require careful planning, adherence to specifications and adequate supervision.
Rating 3	Moderate	The site has only a fair capability for on-site effluent disposal with a moderate associated environmental risk always present. Very careful site selection, preparation and specialized design will be required to address the identified land constraints. A management program should be delivered to the responsible authority with the development application and prior to earthworks commencing. It is recommended that, in order to achieve BPEM, wastewater-processing systems which can attain a higher level of treatment with basic monitoring should be considered as an alternative to standard conventional trench disposal.
Rating 4	High	Areas have a poor capability rating with a high associated environmental risk. Considerable difficulties are expected during siting and installation of the wastewater treatment system and during routine operation. A very high Engineering input and close supervision would be needed to minimize the environmental impact. Alternative wastewater processing systems capable of consistently producing a high quality secondary effluent (such as aerated wastewater treatment plants) together with a close monitoring program should be seriously investigated and adopted.
Rating 5	Severe	Areas have a very poor capability and there is severe associated environmental risk. The areas are not generally considered suitable for disposal of septic tank effluent by trench systems. The high levels of Engineering input and management needed at all stages are unlikely to adequately address the identified land constraints and achieve a sustainable outcome. Reticulated sewerage is usually the only acceptable option.

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APPENDIX B

Traralgon EPA 085009 Evap.data **East Sale 085072**
Mean average Pan evaporation
 Source: AS1547-1994 - Table G1 (Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2008)

1	2	3	4	5	6	7	8	9		
Month	Days per month	daily pan (B Met)	Pan Eo	Et +CF Eo	Rainfall P	Retained Rainfall Re=(1-r)P	LTAR*N	Disposal rate/month (Et-Re)+ LTAR*N	Effluent applied per month	Size of area (By(7))
		mm	mm	mm	mm	mm	mm	mm	L	m2
Jan	31	6.5	201.5	171	37.5	26.3	93	238.0	23250	98
Feb	28	5.8	162.4	138	51	35.7	84	186.3	21000	113
Mar	31	4.4	136.4	118	44.8	31.4	93	177.6	23250	131
Apr	30	2.8	84.0	55	52.6	36.8	90	107.8	22500	209
May	31	1.7	52.7	34	40.8	28.4	93	98.9	23250	235
Jun	30	1.4	42.0	27	45.3	31.7	90	85.6	22500	263
Jul	31	1.5	46.5	30	51.2	36.8	93	87.4	23250	266
Aug	31	2.1	65.1	42	60.2	42.1	93	93.2	23250	250
Sep	30	3.1	93.0	60	56.5	39.5	90	110.9	22500	203
Oct	31	4.0	124.0	105	56.7	39.7	93	158.7	23250	146
Nov	30	5.1	153.0	130	63.5	44.5	90	175.6	22500	128
Dec	31	6.0	186.0	158	54.8	38.4	93	212.7	23250	109
Totals			1346.6	1068	614.6	430.2				

TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above

1	2	3	4	5	6	7	8	9	10	11
month	first trial area (m2)	application rate (B)*(2) (mm)	Disposal rate (above) (mm)	(3)-(4) (mm)	Increase depth of stored effluent (5)/(porosity) (mm)	Starting depth of effluent for month	increase depth of effluent	computed depth of effluent (X) (mm)	reset if Et deficit <0 (mm)	equivalent storage 10 x area (L)
Dec								0.0	0	0
Jan	250	93	238	-145	-483	0	-483	-483	0	0
Feb		84	186	-102	-341	0	-341	-341	0	0
Mar		93	178	-85	-282	0	-282	-282	0	0
Apr		90	108	-18	-59	0	-59	-59	0	0
May		93	99	-6	-20	0	-20	-20	0	0
Jun		90	86	4	15	0	15	15	15	1103
Jul		93	87	6	19	15	19	33	33	2506
Aug		93	93	0	-1	33	-1	33	33	2463
Sep		90	111	-21	-70	33	-70	-37	0	0
Oct		93	159	-66	-219	0	-219	-219	0	0
Nov		90	176	-86	-285	0	-285	-285	0	0
Dec		93	213	-120	-399	0	-399	-399	0	0
Jan		93	238	-145	-483	0	-483	-483	0	0
Feb		84	186	-102	-341	0	-341	-341	0	0
Mar		93	178	-85	-282	0	-282	-282	0	0
Apr		90	108	-18	-59	0	-59	-59	0	0
May		93	99	-6	-20	0	-20	-20	0	0

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

Porosity in disposal area	30%
Variables Table	Runoff Coeff = 0.3 percentage runoff
	Summer Crop Factor = 0.85 crop transpiration rate Oct-Mar
	Winter Crop Factor = 0.65 crop transpiration rate -Apr-Sep
Change as required	LTAR = 3 L/m2/day
	FLOW= 750 L/day
Estimated area of effluent drainfield =	250 square metres
Maximum depth of stored effluent =	33 mm depth

Water Balance Model for a 4 bedroom dwelling
 (prepared by R.A. Patterson, Lanfax Labs. Armidale April 2007)

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APPENDIX C

RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B1
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	None	Slight	Slight	Moderate	25	L	
A2	None	Slight	Moderate	Moderate	40	CL	
B1	None	Extremely	Very	Extremely	75	LMC	

Emerson's Aggregate Testing & Ph Testing

RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B2
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	None	Slight	Slight	Moderate	25	L	
A2	None	Moderate	Moderate	Moderate	45	CL	
B1	None	Extremely	Very	Extremely	75	LMC	

Emerson's Aggregate Testing & Ph Testing

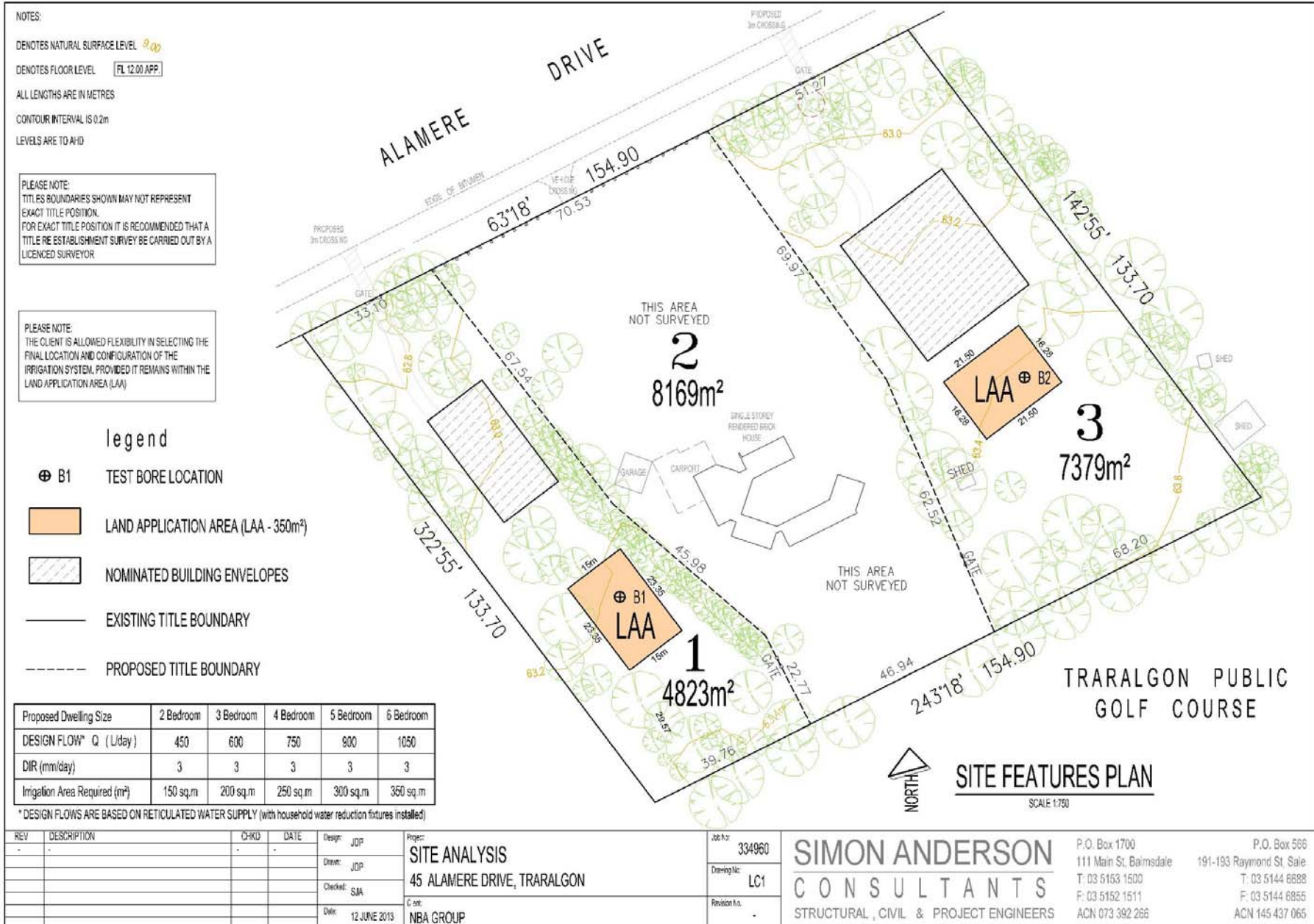
NONE SLIGHT MODERATE VERY EXTREMELY

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APPENDIX D

Soil Category	Field Texture Grade	Behaviour of moist blobs	Ribbon length (mm)	Approx clay content %
1	S Sand	coherence nil to very slight, cannot be moulded; sand grains of medium size; single sand grains stick to fingers	nil	< 5%
2	LS Loamy sand	slight coherence; sand grains of medium size; can be sheared between thumb and forefinger to give minimal ribbon of about 5mm	about 5	about 5%
	CS Clayey sand	slight coherence; sand grains of medium size; sticky when wet; many sand grains stick to fingers; discolours fingers with clay stain	5 - 15	5% to 10%
	SL Sandy loam	bolus coherent but very sandy to touch; will form ribbon; dominant sand grains of medium size and readily visible	15 - 25	10% to 20%
3	L Loam	bolus coherent and rather spongy; smooth feel when manipulated but with no obvious sandiness or "silkeness"; may be somewhat greasy to touch if much organic material present	25	about 25%
4	SCL Sandy clay loam	strongly coherent bolus, sandy to touch; medium size sand grains visible in finer matrix	25 - 40	20% to 30%
	CL Clay loam	coherent plastic bolus, smooth to manipulate	40 - 50	30% to 35%
	CLS Clay loam, sandy	coherent plastic bolus, medium sand grains visible in finer matrix	40 - 50	30% to 35%
5	LC Light clay	plastic bolus; smooth to touch; slight resistance to shearing between thumb and forefinger	50 - 75	35% to 40%
	LMC Light medium clay	plastic bolus; handles like plasticine and can be moulded into rods without fracture; has moderate resistance to ribboning shear	75	40% to 45%
6	MC Medium clay	smooth plastic bolus; handles like plasticine and can be moulded into rods without fracture; has moderate resistance to ribboning shear	> 75	45% to 55%
	HC Heavy clay	smooth plastic bolus; handles like stiff plasticine; can be moulded into rods without fracture; has firm resistance to ribboning shear	> 75	50% +

Table E1 (Assessment of Soil Textures) pg 106 of AS/NZS 1547:2012



**Proposed Lot 1 - 45 Alamere St, Traralgon
STORMWATER DETENTION DESIGN**

Stormwater Detention Design: ,
Ref: 2013_044

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1. AIM:

To demonstrate on-site detention system for the proposed development that will ensure that post development flows do not exceed predevelopment flows.

2. OBJECTIVE:

To model the nominated storm event using the Latrobe City Council requirements and nominate the size of the on site detention system required.

3. REFERENCES:

- Latrobe City Design Guidelines - Version 3.22 Aug 2012
- Australian Rainfall & Runoff Volume 2, Institute of Engineers, Australia.
- Feature survey of the existing site conditions undertaken by Millar Merrigan

4. DESIGN METHODOLOGY

- (a) To calculate the existing stormwater discharge (Q_{psd}) from the site for a 1 in 5 year storm for a Time of Concentration (T_c) of 6 minutes.
- (b) Store the difference between the existing stormwater discharge (Q_{psd}) rate and the discharge from the developed site in a 1 in 5 year storm event.

5. PRE DEVELOPED DESIGN FLOW (Q_{psd})

$$Q_{psd} = \frac{CAI}{3600} \quad \text{where:} \quad \begin{array}{l} C = \text{Undeveloped coefficient of runoff} \\ A = \text{Site Area (m}^2\text{)} \\ I = \text{Rainfall Intensity for 1 in 5 year storm (mm/hr)} \end{array}$$

Rainfall Intensity, $I = 81.4$ mm/hr based on $T_c = 6$ mins and AR&R parameters for Traralgon (refer attached documentation)

PREDEVELOPED SITE CONDITIONS

Consideration	Area (A, m ²)	Coefficient (C)	CA
Garden / Grass	4823	0.25	1205.8
ΣA	4823	ΣCA	1205.8

$$Q_{psd} = \frac{CAI}{3600} = \frac{1205.75 \times 81.4}{3600} = 27.26 \text{ l/s}$$

6. DEVELOPED SITE CONDITIONS

Consideration	Area (A, m ²)	Coefficient (C)	CA
Residential Development Area	500	0.90	450.0
Grass/Garden	4323	0.25	1080.8
ΣA	4823	ΣCA	1530.8

Stormwater Detention Design: ,
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7. DETENTION SYSTEM CAPACITY

Permissible Site Discharge (Q_{psd}) l/s	27.26
Effective Area (ΣCA)	1530.8
Time of Concentration	6 mins
Average Recurrence Interval (ARI)	5 Year
Maximum Storage Capacity Required (m^3)	0.627

It is Proposed that a minimum on-site storage of 650 litres be provided via an on-site storm water tank as per attached plan.

9. ATTACHMENTS

- Typical Engineering Detention Plan prepared by Simon Anderson Consultants P/L
- Spreadsheet model of detention capacity requirement

10. GENERAL ADVICE

Simon Anderson Consultants has undertaken the design of the stormwater detention system to demonstrate the onsite detention required. It has been determined that a restriction of the stormwater flows for this Lot is required in this instance as per Item 7 details. The provision of the calculated detention volume via on-site stormwater tank system will ensure that the post development discharge will not exceed the predevelopment discharge. The existing adjacent Lot No. 2 will continue to discharge stormwater at its current rate and is not deemed to increase the post development flows.

SACS

25th June 2013

Stormwater Detention Design: ,
 Ref: 2013_044

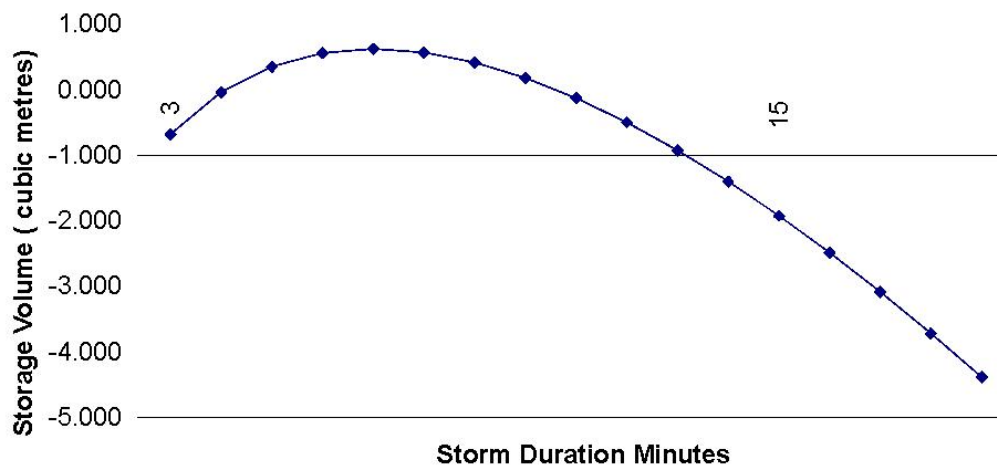
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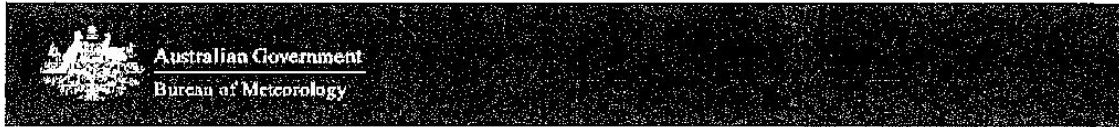
Effective Area 0.15 Ha 1530.8 sq m
 Time of Conc. 6 min
 Outflow (Full no head) 0.027263347 cu.m/s 27.26 l/s
 Outflow (Full with head) 0.027263347 cu.m/s
 Return Period 5

TRARALGON

a 3.221113 b -6.39E-01 c -4.72E-02 d 8.51E-03 e 1.70E-03 f -2.93E-04 g -3.92E-05

Time	I	Q	a	b	c	Storage
Min	mm/hr	cu.m/s	min	min	min	cu.m
3.00	105.95	0.05	3.63	2.37	-3	-0.673
4.00	95.17	0.04	4.04	1.96	-2	-0.033
5.00	87.43	0.04	4.40	1.60	-1	0.357
6.00	81.43	0.03	4.72	1.28	0	0.564
7.00	76.56	0.03	5.03	0.97	1	0.627
8.00	72.46	0.03	5.31	0.69	2	0.573
9.00	68.94	0.03	5.58	0.42	3	0.421
10.00	65.87	0.03	5.84	0.16	4	0.186
11.00	63.15	0.03	6.09	-0.09	5	-0.122
12.00	60.71	0.03	6.34	-0.34	6	-0.492
13.00	58.51	0.02	6.58	-0.58	7	-0.919
14.00	56.51	0.02	6.81	-0.81	8	-1.396
15.00	54.68	0.02	7.04	-1.04	9	-1.918
16.00	52.99	0.02	7.26	-1.26	10	-2.481
17.00	51.43	0.02	7.48	-1.48	11	-3.081
18.00	49.98	0.02	7.70	-1.70	12	-3.716
19.00	48.63	0.02	7.91	-1.91	13	-4.381
20.00	47.37	0.02	8.12	-2.12	14	-5.075
21.00	46.19	0.02	8.33	-2.33	15	-5.796
22.00	45.08	0.02	8.53	-2.53	16	-6.542
					Max	0.627





LOCATION 38.200 S 146.525 E * NEAR.. Traralgon

LIST OF COEFFICIENTS TO EQUATIONS OF THE FORM

$$ln(I) = A + B \times (ln(T)) + C \times (ln(T))^2 + D \times (ln(T))^3 + E \times (ln(T))^4 + F \times (ln(T))^5 + G \times (ln(T))^6$$

T = TIME IN HOURS AND I = INTENSITY IN MILLIMETRES PER HOUR

RETURN PERIOD	A	B	C	D	E	F	G
1	2.562512	-0.60915E+0	-0.32622E-1	0.10116E-1	-0.26699E-3	-0.56667E-3	0.61761E-4
2	2.864386	-0.61891E+0	-0.36443E-1	0.10527E-1	0.16196E-3	-0.58752E-3	0.51887E-4
5	3.221113	-0.63922E+0	-0.47172E-1	0.85116E-2	0.16968E-2	-0.29319E-3	-0.39170E-4
10	3.414601	-0.65199E+0	-0.53345E-1	0.84891E-2	0.24234E-2	-0.27531E-3	-0.61310E-4
20	3.623494	-0.66288E+0	-0.58322E-1	0.82280E-2	0.30472E-2	-0.21554E-3	-0.88480E-4
50	3.868766	-0.67562E+0	-0.64135E-1	0.76810E-2	0.37947E-2	-0.11489E-3	-0.12536E-3
100	4.038224	-0.68446E+0	-0.68234E-1	0.75543E-2	0.42793E-2	-0.83430E-4	-0.14310E-3

RAINFALL INTENSITY IN mm/h FOR VARIOUS DURATIONS AND RETURN PERIODS

RETURN PERIOD (YEARS)

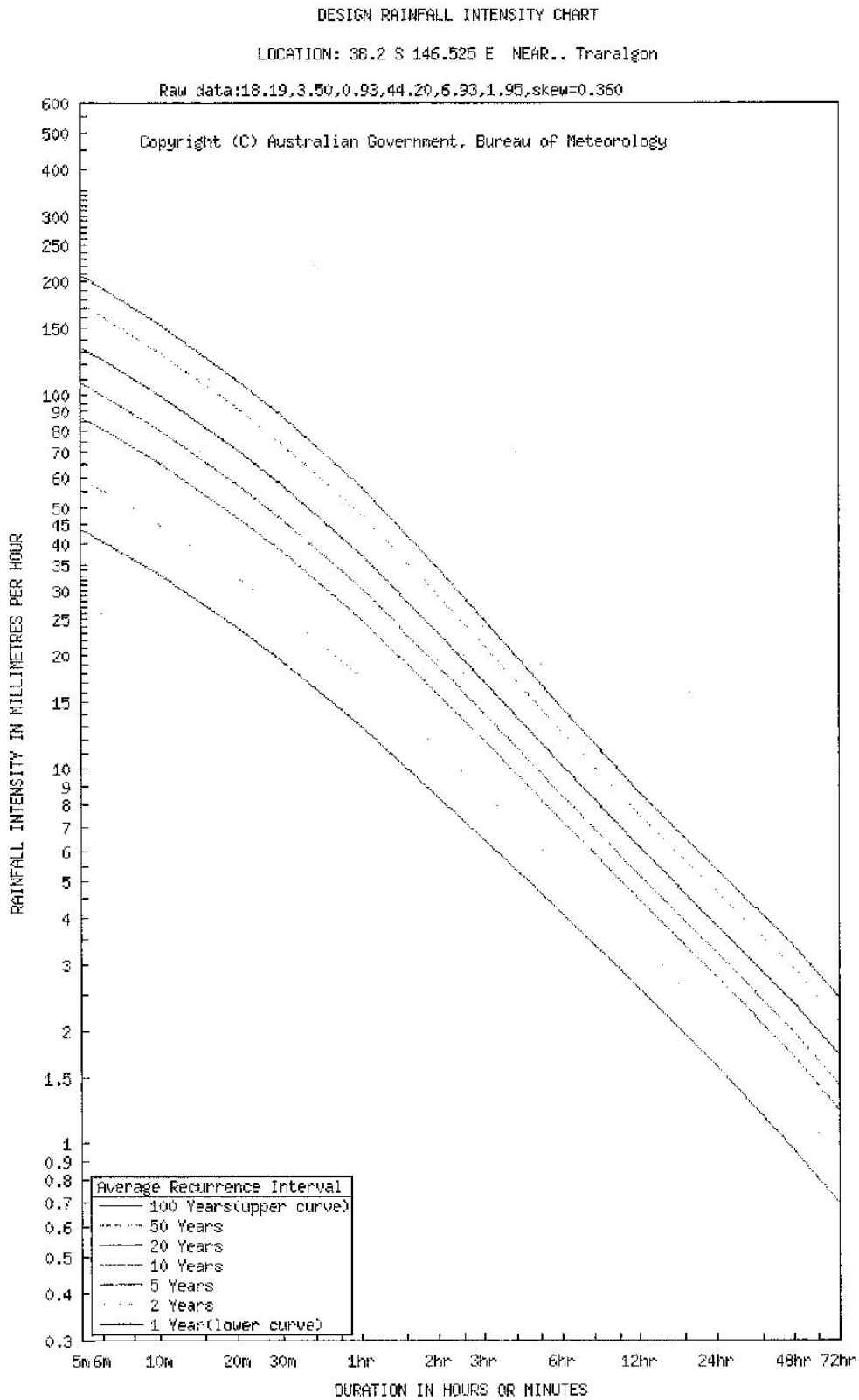
DURATION	1	2	5	10	20	50	100
5 mins	43.7	59.7	87.4	108.	134.	174.	208.
6 mins	40.7	55.6	81.4	100.	125.	162.	193.
10 mins	33.1	45.2	65.9	80.7	100.	130.	155.
20 mins	24.0	32.7	47.4	57.9	71.9	92.7	110.
30 mins	19.4	26.4	38.1	46.5	57.6	74.0	88.1
1 hour	13.0	17.5	25.1	30.4	37.5	47.9	56.7
2 hours	8.40	11.3	15.8	18.9	23.1	29.2	34.3
3 hours	6.46	8.62	11.9	14.1	17.1	21.4	25.0
6 hours	4.11	5.43	7.27	8.51	10.2	12.5	14.5
12 hours	2.59	3.41	4.48	5.19	6.16	7.51	8.62
24 hours	1.61	2.11	2.78	3.23	3.83	4.67	5.36
48 hours	.958	1.26	1.70	1.98	2.36	2.91	3.36
72 hours	.691	.910	1.22	1.43	1.71	2.11	2.44

(Raw data: 18.19, 3.50, 0.93, 44.20, 6.93, 1.95, skew= 0.360)

HYDROMETEOROLOGICAL ADVISORY SERVICE

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**Proposed Lot 3 - 45 Alamere St, Traralgon
STORMWATER DETENTION DESIGN**

Stormwater Detention Design: ,
Ref: 2013_044

Page: 2 of 4

1. AIM:

To demonstrate on-site detention system for the proposed development that will ensure that post development flows do not exceed predevelopment flows.

2. OBJECTIVE:

To model the nominated storm event using the Latrobe City Council requirements and nominate the size of the on site detention system required.

3. REFERENCES:

- Latrobe City Design Guidelines - Version 3.22 Aug 2012
- Australian Rainfall & Runoff Volume 2, Institute of Engineers, Australia.
- Feature survey of the existing site conditions undertaken by Millar Merrigan

4. DESIGN METHODOLOGY

- (a) To calculate the existing stormwater discharge (Q_{psd}) from the site for a 1 in 5 year storm for a Time of Concentration (T_c) of 6 minutes.
- (b) Store the difference between the existing stormwater discharge (Q_{psd}) rate and the discharge from the developed site in a 1 in 5 year storm event.

5. PRE DEVELOPED DESIGN FLOW (Q_{psd})

$$Q_{psd} = \frac{CAI}{3600} \quad \text{where:} \quad \begin{array}{l} C = \text{Undeveloped coefficient of runoff} \\ A = \text{Site Area (m}^2\text{)} \\ I = \text{Rainfall Intensity for 1 in 5 year storm (mm/hr)} \end{array}$$

Rainfall Intensity, $I = 81.4$ mm/hr based on $T_c = 6$ mins and AR&R parameters for Traralgon (refer attached documentation)

PREDEVELOPED SITE CONDITIONS

Consideration	Area (A, m ²)	Coefficient (C)	CA
Garden / Grass	7379	0.25	1844.8
ΣA	7379	ΣCA	1844.8

$$Q_{psd} = \frac{CAI}{3600} = \frac{1844.75 \times 81.4}{3600} = 41.71 \text{ l/s}$$

6. DEVELOPED SITE CONDITIONS

Consideration	Area (A, m ²)	Coefficient (C)	CA
Residential Development Area	500	0.90	450.0
Grass/Garden	6879	0.25	1719.8
ΣA	7379	ΣCA	2169.8

Stormwater Detention Design: ,
Ref: 2013_044

Page: 3 of 4

7. DETENTION SYSTEM CAPACITY

Permissible Site Discharge (Q_{psd}) l/s	41.71
Effective Area (ΣCA)	2169.8
Time of Concentration	6 mins
Average Recurrence Interval (ARI)	5 Year
Maximum Storage Capacity Required (m^3)	0.419

It is Proposed that a minimum on-site storage of 500 litres be provided via an on-site storm water tank as per attached plan.

9. ATTACHMENTS

- Typical Engineering Detention Plan prepared by Simon Anderson Consultants P/L
- Spreadsheet model of detention capacity requirement

10. GENERAL ADVICE

Simon Anderson Consultants has undertaken the design of the stormwater detention system to demonstrate the onsite detention required. It has been determined that a restriction of the stormwater flows for this Lot is required in this instance as per Item 7 details. The provision of the calculated detention volume via the on-site stormwater tank system will ensure that the post development discharge will not exceed the predevelopment discharge for the Lot.

SACS

25th June 2013

Stormwater Detention Design: ,
 Ref: 2013_044

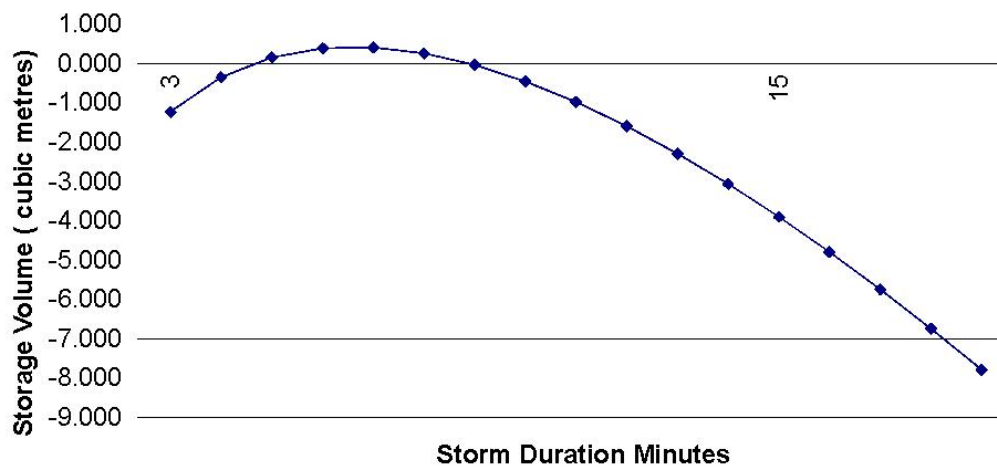
Page: 4 of 4

Effective Area 0.22 Ha 2169.8 sq m
 Time of Conc. 6 min
 Outflow (Full no head) 0.041711847 cu.m/s 41.71 l/s
 Outflow (Full with head) 0.041711847 cu.m/s
 Return Period 5

TRARALGON

a 3.221113 b -6.39E-01 c -4.72E-02 d 8.51E-03 e 1.70E-03 f -2.93E-04 g -3.92E-05

Time	I	Q	a	b	c	Storage
Min	mm/hr	dev cu.m/s	min	min	min	cu.m
3.00	105.95	0.06	3.92	2.08	-3	-1.221
4.00	95.17	0.06	4.36	1.64	-2	-0.341
5.00	87.43	0.05	4.75	1.25	-1	0.165
6.00	81.43	0.05	5.10	0.90	0	0.398
7.00	76.56	0.05	5.42	0.58	1	0.419
8.00	72.46	0.04	5.73	0.27	2	0.267
9.00	68.94	0.04	6.02	-0.02	3	-0.029
10.00	65.87	0.04	6.30	-0.30	4	-0.446
11.00	63.15	0.04	6.58	-0.58	5	-0.970
12.00	60.71	0.04	6.84	-0.84	6	-1.586
13.00	58.51	0.04	7.10	-1.10	7	-2.284
14.00	56.51	0.03	7.35	-1.35	8	-3.055
15.00	54.68	0.03	7.59	-1.59	9	-3.892
16.00	52.99	0.03	7.84	-1.84	10	-4.788
17.00	51.43	0.03	8.07	-2.07	11	-5.738
18.00	49.98	0.03	8.31	-2.31	12	-6.738
19.00	48.63	0.03	8.54	-2.54	13	-7.784
20.00	47.37	0.03	8.77	-2.77	14	-8.871
21.00	46.19	0.03	8.99	-2.99	15	-9.997
22.00	45.08	0.03	9.21	-3.21	16	-11.159
					Max	0.419





LOCATION 38.200 S 146.525 E * NEAR.. Traralgon

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50	3.868766	-0.67562E+0	-0.64135E-1	0.76810E-2	0.37947E-2	-0.11489E-3	-0.12536E-3
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RETURN PERIOD (YEARS)

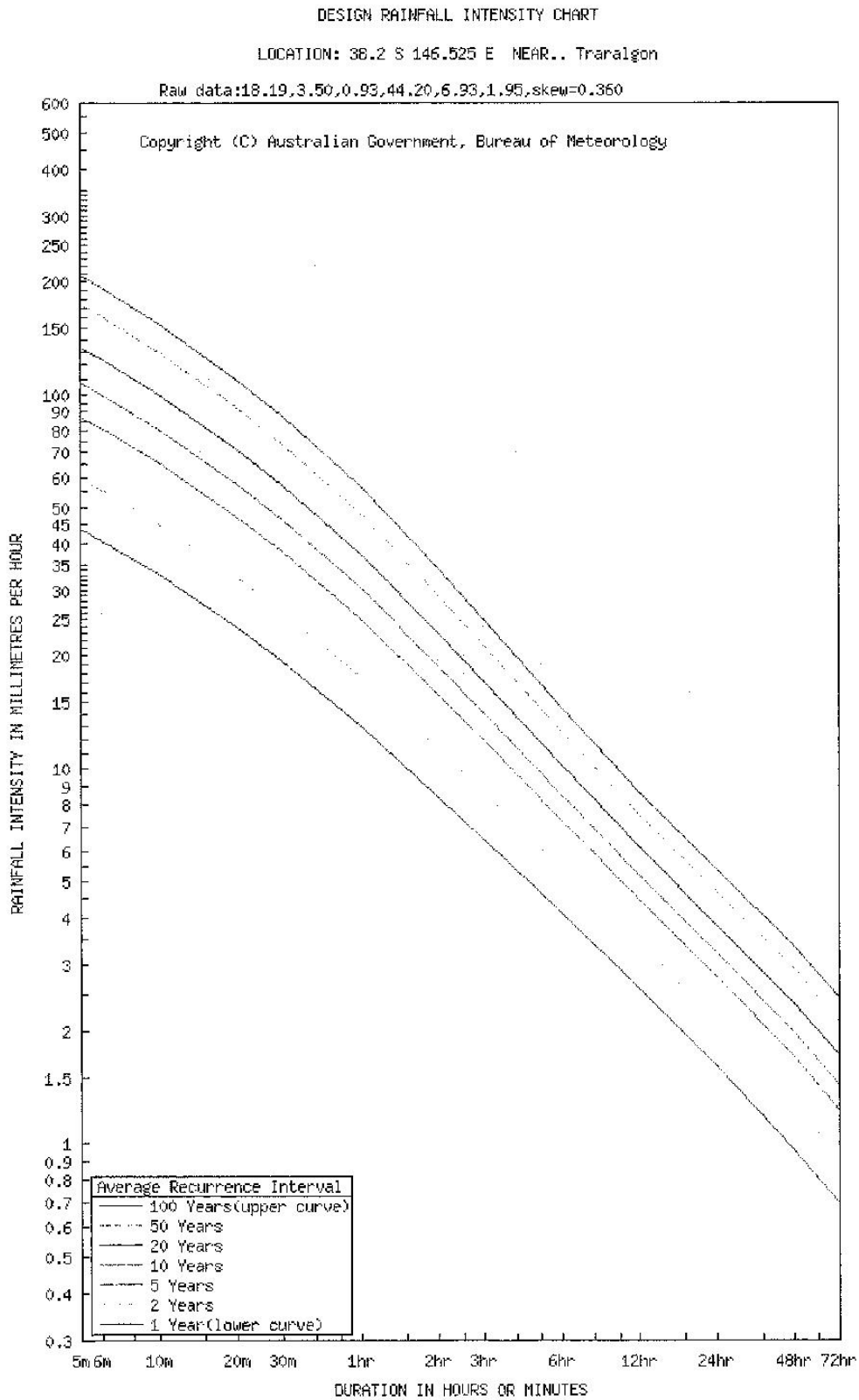
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20 mins	24.0	32.7	47.4	57.9	71.9	92.7	110.
30 mins	19.4	26.4	38.1	46.5	57.6	74.0	88.1
1 hour	13.0	17.5	25.1	30.4	37.5	47.9	56.7
2 hours	8.40	11.3	15.8	18.9	23.1	29.2	34.3
3 hours	6.46	8.62	11.9	14.1	17.1	21.4	25.0
6 hours	4.11	5.43	7.27	8.51	10.2	12.5	14.5
12 hours	2.59	3.41	4.48	5.19	6.16	7.51	8.62
24 hours	1.61	2.11	2.78	3.23	3.83	4.67	5.36
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72 hours	.691	.910	1.22	1.43	1.71	2.11	2.44

(Raw data: 18.19, 3.50, 0.93, 44.20, 6.93, 1.95, skew= 0.360)

HYDROMETEOROLOGICAL ADVISORY SERVICE

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History of Application

7 August 2013	Planning Permit application received by Council.
3 September 2013	Letter was sent to the applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers, as well as placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the Act.
4 October 2013	Application was referred to authorities internally and externally in accordance with Sections 52 and 55 of the Act.
25 September 2013	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
September to October 2013	Referral responses received from APA Group, Gippsland Water, SP-AusNet Electricity, as well as Council's Health, Infrastructure Planning Departments. No objection from any of the authorities.

Latrobe Planning Scheme

State Planning Policy Framework:

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

Municipal Strategic Statement:

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

Zoning:

The subject site is zoned Low Density Residential Zone

Overlays:

The subject site is not affected by any overlays.

Particular Provisions:

Clause 52.01 'Public Open Space Contribution and Subdivision'
Clause 52.03 'Specific Sites and Exclusions'

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.

Relevant Strategic Planning Policies / Plans:

It should be noted that the subject site is affected by the draft Traralgon West Structure Plan

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

16.9 PLANNING PERMIT APPLICATION 2013/91 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING, HAZELWOOD ESTATE ROAD, HAZELWOOD

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/91 for the use and development of the land for a dwelling and ancillary outbuilding, at Hazelwood Estate Road, Hazelwood being Lot 1 on LP 123383.

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 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 – Built Environment

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

Legislation –

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

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)****SUMMARY**

Land: Hazelwood Estate Road, Hazelwood being Lot 1 on LP 123383

Proponent: Kellie Bremner

Zoning: Farming Zone

Overlay: State Resources Overlay-Schedule 1

A Planning Permit is required for the use of the land for a dwelling (as a Section 2 use) pursuant to Clause 35.07-1 of the Farming Zone.

A Planning Permit is also required for buildings and works associated with a use in Section 2 pursuant to Clause 35.07-4 of the Farming Zone.

PROPOSAL

The application is for the use and development of a dwelling and associated outbuilding on the subject land. The proposed single storey dwelling will be located in the north eastern corner of the site, set back 20 metres from the Hazelwood Estate Road site boundary, 18 metres from the eastern site boundary and 135 metres from the western boundary. The dwelling comprises a total of four bedrooms, two bathrooms, a study, cinema room, rumpus room and alfresco area. The dwelling will be constructed of selected weatherboard panelling with colorbond cladding as the roofing material. The outbuilding proposed will be located 10 metres west of the dwelling and 20 metres from the northern site boundary. This building is noted as being provided to support the proposed alpaca agricultural use on site.

The applicants submission states that a dwelling is required to support an extensive animal husbandry activity (alpaca farming) at the site. A whole farm plan has been provided with the application detailing that the site will be used to support ten female alpacas for breeding purposes and with additional income being sourced from the sales of the fleece from the alpacas. The whole farm plan details that there will be a labour requirement of 0.25 full time equivalent contributed by the permit operator or 10 hours per week to manage the agricultural use appropriately. The whole farm plan and development plans are included in attachment 1.

Subject Land:

The subject land is rectangular in shape, comprises an overall site area of 2 hectares and adjoins Hazelwood Estate Road along the northern site boundary. The subject land is part of a larger holding of 30 hectares over two titles which includes an existing dwelling and outbuildings. Both titles of the property are in the same family ownership.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

The subject land is vacant, flat and contains no significant native vegetation. There are a line of trees planted along the western boundary of the site. Electricity connection is available at the boundary of the site and reticulated water supply is provided along Hazelwood Estate Road. The title for the subject site was created in 1977

Surrounding Land Use:

- North: 225 Hazelwood Estate Road, Hazelwood
The property directly to the north comprises 40 hectares over a number of parcels. This site contains a single dwelling and numerous outbuildings. This site adjoins Hazelwood Estate Road along its southern boundary.
- East: 35 Walsh's Road, Hazelwood
This parcel of land comprises over 27.2 hectares and has an existing dwelling and outbuildings. The site is used for grazing purposes.
- South: 120 Walshs Road, Yinnar
The site is used for mixed farming type purposes and has an existing dwelling and associated shedding and has an area of 43.61 hectares.
- West: 170 Hazelwood Estate Road, Hazelwood
The site is used for mixed farming type purposes and has an existing dwelling, associated shedding and has an area of 25.61 hectares

HISTORY OF APPLICATION

An application was made with Council for the use and development of a dwelling and associated outbuilding on two previous occasions. These applications are discussed further in the issues section of this report

The history of the assessment of planning permit application 2013/91 is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 4.

This matter was considered at the Ordinary Council Meeting held on the 6 November 2013 and was deferred to the following meeting.

LATROBE PLANNING SCHEME

State Planning Policy Framework

There are a number of state and local planning policies that apply to the consideration of this application. In particular, State Planning Policy relates to the protection of the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

Clause 11.02-1 seeks to ensure that in planning for urban growth, opportunities for urban consolidation and infill development within existing urban areas is to be achieved.

The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework are as follows:

- *'Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones*
 - *Restructure old and inappropriate subdivisions.'*

Clause 14.01-1 '*Protection of Agricultural Land*' acknowledges a strategy to '*take into consideration regional, state and local issues and characteristics in the assessment of agricultural quality and productivity.*'

It also details that '*Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity;*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability'.*

Clause 14.03 'Resource Exploration and Extraction' provides the strategies to (inter alia):

- *'Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.*
- *Provide for the long term protection of natural resources in Victoria.*
- *Protect the brown coal resource in Central Gippsland by ensuring that:*
 - *Changes in use and development of land overlying coal resources, as generally defined in Framework of the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Minister for Planning and Environment, 1988), do not compromise the winning or processing of coal.*
 - *Ensure coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence, and visual intrusion.*
 - *Ensure uses and development within the buffer areas are compatible with uses and development adjacent to these areas.'*

These policies are designed to direct residential growth into designated rural living areas and existing townships and not fragment productive farmland or obstruct coal resource areas by encouraging inappropriately sited development.

Local Planning Policy Framework (LPPF)

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

Clause 21.07-3 of the Scheme acknowledges that in coal resource areas, the extraction and use of coal is the primary consideration. It is considered that the construction of a dwelling on the subject land will detract from the long term opportunity to utilise the site.

There are two strategies of particular relevance to the assessment of this application (inter alia);

- *'Encourage extensive animal husbandry and other rural land uses in areas of potential coal production.*
- *Discourage 'incompatible uses' such as residential, rural living, commercial or non coal related industrial land use and development in areas of potential coal production.'*

The Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.07-5 (Agriculture Overview), further states that *'there remains a need to improve dairy industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries.'*

Zoning

Farming Zone – Clause 35.07

The subject site is located within the Farming Zone.

The 'Purpose' and 'Decision Guidelines' of the zone have been taken into account as part of the assessment of this application. The recent changes to the Farming Zone 'Purpose' and 'Decision Guidelines' as a result of Planning Scheme Amendment VC 103 have also been taken into account. The proposal has been assessed as being inconsistent with the provisions of the Planning Scheme on the basis that the proposal would:

- provide for the use of land for dwelling in an area identified as having very good dairying and grazing land;
- reduces the opportunity for the expansion of adjoining and nearby agricultural uses;
- results in the loss of productive agricultural land;
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture; and
- provide for a sensitive residential use in a rural environment;

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

Overlay

State Resources Overlay (Schedule 1) – Clause 44.07

The purpose of the State Resources Overlay is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas of mineral, stone and other resources, which have been identified as being of State significance, from development that would prejudice the current or future productive use of the resource.'*

The proposed development is considered to be inconsistent with the State Resources Overlay. This will be discussed in greater detail in the Issues section report.

Decision Guidelines (Clause 65):

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

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The proposed use and development of a dwelling is inconsistent with the State and Local Planning Policy Frameworks. Due to the size of the site, the land is recognised as being of limited agricultural value as a separate parcel. However, the use and development of a dwelling is inconsistent with the purpose of the Farming Zone and State Resource Overlay Schedule 1.

State Planning Policy relates to the protection of the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

Clause 11.02-1 seeks to ensure that in planning for urban growth, opportunities for urban consolidation and infill development within existing urban areas is to be achieved.

The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework.

One of the strategies under Clause 21.07-5 of the Municipal Strategic Statement is to '*limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use*'. The Local Planning Policy Framework provides general directions regarding agriculture and farming activities. The framework acknowledges there is a pressure for rural living development but it states that high value rural land and natural resources need to be protected from the encroachment of rural residential development.

The proposed use and development of a dwelling on the site does not meet the objectives and/or strategies of the above State and Local Planning Policy Frameworks. The use and development of a dwelling may compromise the viability of the genuine agricultural pursuits in the area and restrict the possible future expansion of these operations.

The proposed farm operation is of a small scale and appears to be an ancillary component to the use of the land for a dwelling, rather than the dwelling being required to support this use.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

This consideration is further enhanced given that in the submitted farm management plan, which was provided to support the application, it is identified that the estimated labour hours required to manage the proposed agricultural operation amounts to 0.25 EFT.

It is further noted that the subject site is part of a larger holding that already has an existing dwelling, therefore supporting this proposal would allow a further proliferation of dwellings in the Farming Zone.

'Purpose' and 'Decision Guidelines' of the 'Farming Zone':

One of the purposes of the Farming Zone is to ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture. The zone does not encourage dwellings not required for agricultural uses, hence the need to obtain a permit for a dwelling on a lot less than 40 hectares. An application must respond to the decision guidelines for dwellings in within the Farming Zone.

The construction of a dwelling is not an acceptable outcome when the various clear directions in the Latrobe Planning Scheme direct such activities to land that is zoned for low density residential or rural living. The activities proposed on the land are considered to be more typical of a hobby farm, the type of land use encouraged by the Rural Living Zone or similar and discouraged in locations where large scale farming operations are prevalent.

The permit applicant has indicated that the dwelling will be required to support an agricultural use on the land, being extensive animal husbandry (Alpacas). Within the Farming Zone, extensive animal husbandry is a Section 1 Use (permit not required), and as such, no planning permission is required for this use, only for the dwelling proposed to be associated with this use.

It is acknowledged that the proposed residential use does not exclude the possibility of some agricultural activity and the applicant has provided a detailed farm management plan. It is also noted that there are 6 similar sized lots (between 2-4 hectares) within 1000 metres of the site that have an existing dwelling onsite. However, the extent of alpaca grazing proposed is considered a secondary activity to the dwelling and the character of the wider area is considered broad acre farm land with isolated dwellings that are generally used in association with an existing agricultural enterprises.

The supporting documentation with the application details that *'the owners require that a dwelling be present to improve the safety and welfare of the breeder animals as well as to ensure successful results with the breeding program, particularly during cycling, joining and then subsequently birthing. They will only purchase this property and establish this business if a planning permit is granted'*.

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

This is not considered sufficient justification for the use and development of the dwelling onsite given the proposed use of Alpaca farming does not require a planning permit and the land is currently used for the same use, 'extensive animal husbandry' (grazing).

Decision guidelines for applications of this type in the Farming Zone include consideration of:

- *How the use and development relates to sustainable land management;*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses*
- *Whether the use or development would support and enhance agricultural production;*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production;*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses;*
- *The capacity of the site to sustain the agricultural use; and*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

It is acknowledged that conversion of agricultural land to a residential use is not necessarily an inappropriate outcome. However, it is considered that the construction of a dwelling on the site is considered to diminish rather than enhance the agricultural potential of the overall subject site. This area is not zoned for rural living and is not identified as suitable for this purpose in any Council adopted policy or strategy.

As a result of the surrounding land use characteristics of the subject land, it is considered that the proposal cannot satisfy the relevant Farming Zone decision guidelines as follows:

- There is inadequate justification that the dwelling is required to support and enhance the proposed alpaca operation on the land.
- The development of the dwelling will result in a residential use rather than an agricultural use.
- The subdivision pattern of the area is not a highly fragmented area, and is typically larger scale grazing operations. The subject land is amongst an area where rural living encroachment is limited and not the primary land use pattern and dwellings are not a predominant feature of the area.
- The proposal has not demonstrated that there will be no adverse effect on nearby agricultural activities, rather that the development of a dwelling will enhance the utilisation of the site for a residential hobby farm.
- The subject site may adversely impact the near agricultural activities and restrict the possible further expansion of adjoining agricultural uses.

ORDINARY COUNCIL MEETING AGENDA 18 NOVEMBER 2013 (CM425)

- The subject land offers limited opportunity for extensive agricultural activity due to the size of the site. Despite this, there is still opportunity for a genuine agricultural pursuit to operate on the site in some capacity and that the operation proposed does not reasonably require a dwelling to facilitate this operation. It is also noted that the subject site is part of a larger land holding.

'Purpose' and 'Decision Guidelines' of the 'State Resources Overlay-Schedule 1':

The overlay schedule clearly sets out a decision guideline for considering an application within the overlay as *'the need to exclude urban development, including low density residential development, and rural living development, from this overlay area.'* It is considered that the construction of a dwelling on the subject land is inconsistent with the general strategy to ensure land use does not inhibit the eventual development of coal resources. Development of land within coal resource areas should ensure that the resource is protected for future generations and reducing land use conflicts will play a key role in economic growth for the region.

Council provided notice of the application to the Department of State Development, Business and Innovation (DSBI). DSBI did not object to the granting of a planning permit.

In summary the proposed development is not considered to address the requirements of the State Resources Overlay-Schedule 1 based on the following factors:

- The development of a dwelling on this site will hinder the eventual extraction of coal from the area
- The development of the dwelling is contrary to the land management objectives for land within the State Resources Overlay-Schedule 1.

Previous Planning Permit Applications:

Following the introduction of the Latrobe Planning Scheme, there have been two previous planning permit applications for a dwelling on this property. The ownership of the land has not changed since that time.

Planning Permit application 2009/290 sought permission to use and develop a dwelling and associated outbuilding on the site. The applicant also proposed to use the site for horse and calf rearing purposes. As a result of notification an objection was received from the Department of Primary Industries. The application was formally withdrawn by the applicant on 23 October 2009.

A second application for the use and development of a dwelling was submitted to Council on 10 May 2011. The proposed dwelling was to be established to support the agricultural use of the land for raising miniature horses. The owner of the land applied for the permit for a prospective purchaser of the property.

The applicant withdrew the application prior to any referral or notification process 'due to personal reasons'.

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 pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

Details of Community Consultation following Notification:

Following the advertising and referral of the application, no submissions were received.

External:

Pursuant to Section 52(1)(d) the DSBI were also notified of the application. They also had no objection to the application.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who had no objection to the granting of a planning permit subject to appropriate conditions and notes.

Comments were also sought from Council's Environmental Health Team who raised no objections to the grant of a planning permit subject to appropriate conditions.

OPTIONS

Council has the following options in regard to this application:

1. Refuse to Grant a Permit; or
2. Grant a Planning Permit.

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

CONCLUSION

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone;
- Inconsistent with the strategic direction of the State Resource Overlay Schedule 1; and
- Inconsistent with the Clause 65 'Decision Guidelines'.

Attachments

1. Development plans and whole farm plan
2. Subject site
3. History of application
4. Latrobe Planning Scheme

RECOMMENDATION

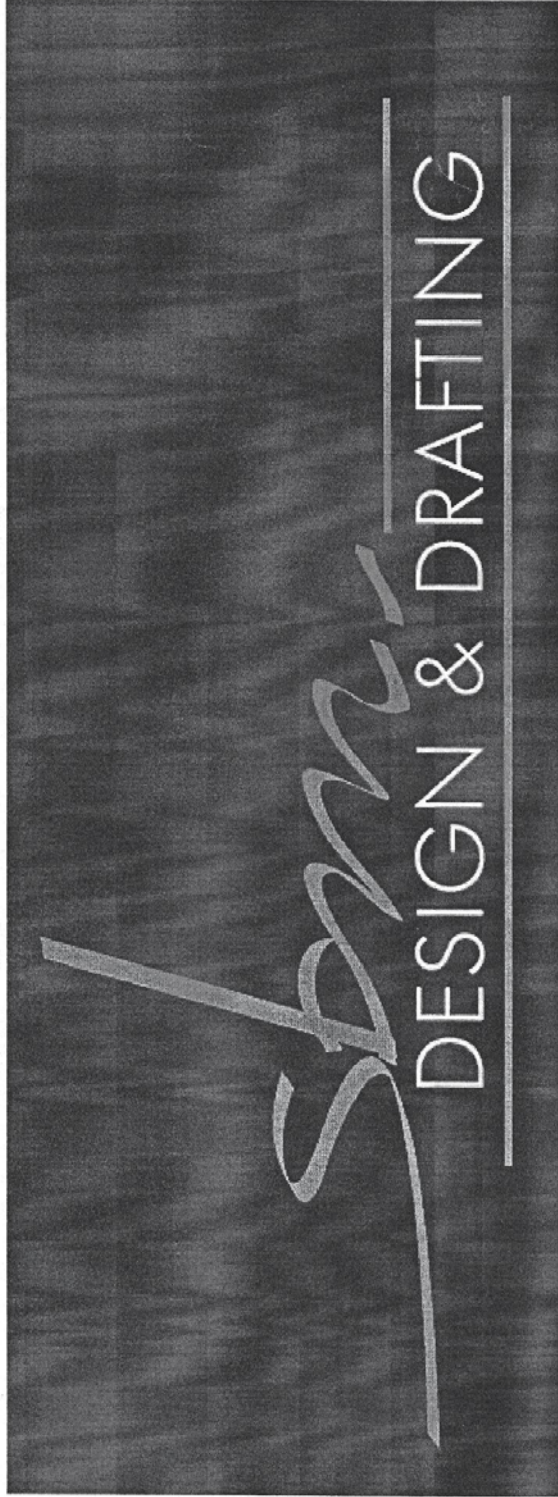
That Council issues a notice of refusal to grant a planning permit for the use and development of a dwelling and ancillary outbuilding on Lot 1 123383 more commonly known as Hazelwood Estate Road, Hazelwood, on the following grounds:

- 1. The proposal is inconsistent with Clause 35.07 of the Latrobe Planning Scheme, more particularly the purpose of the Farming Zone.**
- 2. The proposal is inconsistent with Clause 35.07-6 of the Latrobe Planning Scheme, more particularly the decision guidelines of the Farming Zone.**
- 3. The proposal is inconsistent with the purpose and decision guidelines of Clause 44.07 (State Resource Overlay).**
- 4. The proposal is inconsistent with the strategic direction of the State Planning Policy Framework, at Clause 11.05-3 (Rural Productivity), Clause 14.01 (Agriculture), Clause 14.03 (Resource Exploration and Extraction) and Clause 16.02 (Housing Form).**
- 5. The proposal is inconsistent with the strategic direction of the Local Planning Policy Framework, at Clause 21.04-3 (Rural Living Overview), Clause 21.07- 3 (Coal Resources Overview), Clause 21.07-4 (Coal Buffers Overview) and Clause 21.07-5 (Agriculture Overview).**
- 6. The proposal is inconsistent with the decision guidelines of Clause 65 of the Latrobe Planning Scheme.**

16.9

PLANNING PERMIT APPLICATION 2013/91 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING, HAZELWOOD ESTATE ROAD, HAZELWOOD

1	Development plans and whole farm plan	483
2	Subject site	499
3	History of application	501
4	Latrobe Planning Scheme.....	503



P- (03) 5174 0000 E- shaun@sbmdesign.com.au DP-AD 31 625 59A HOTHAM STREET TRARALGON

PROPOSED RESIDENCE

For

Client : LUKE & KELLIE BREMNER

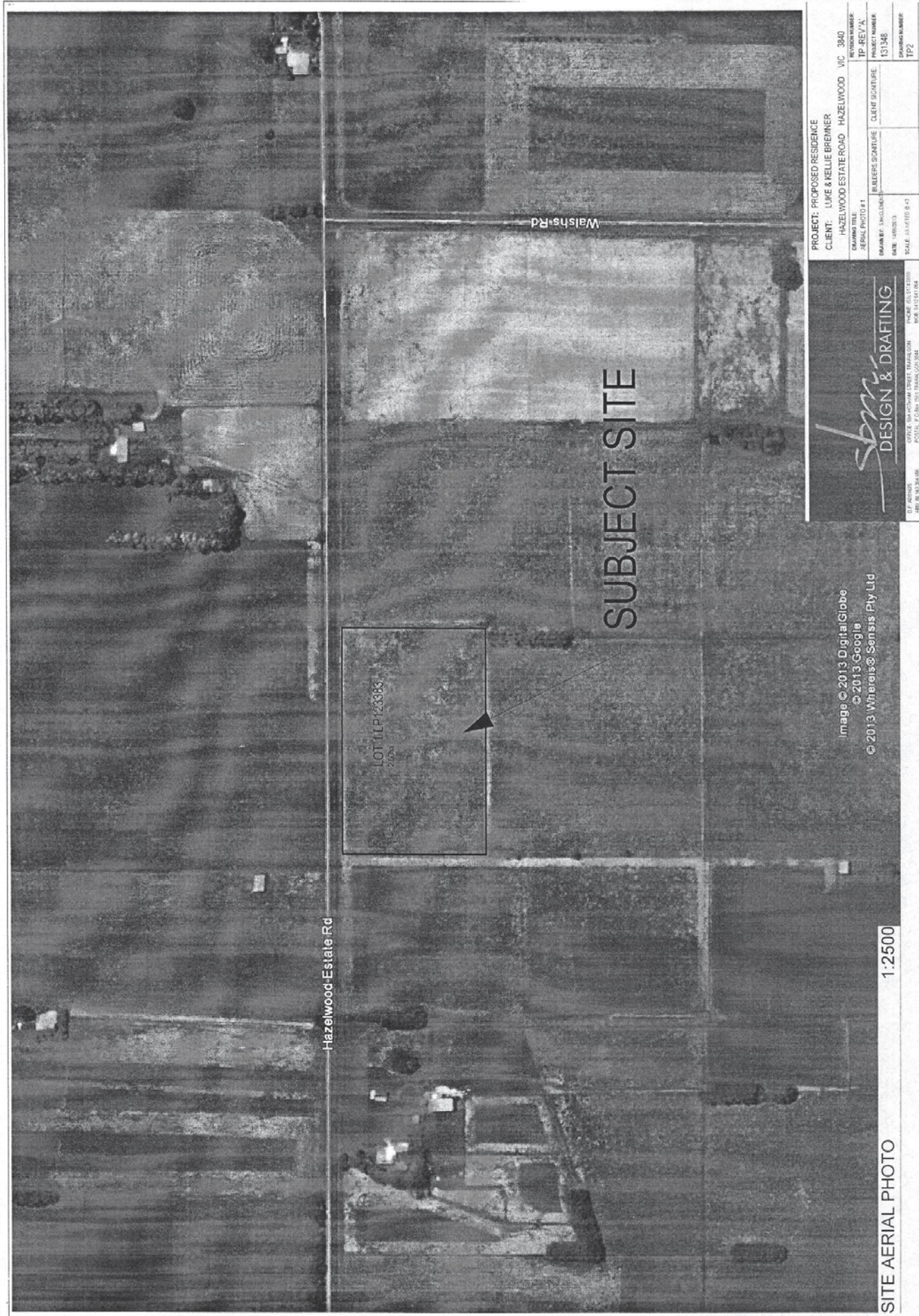
At

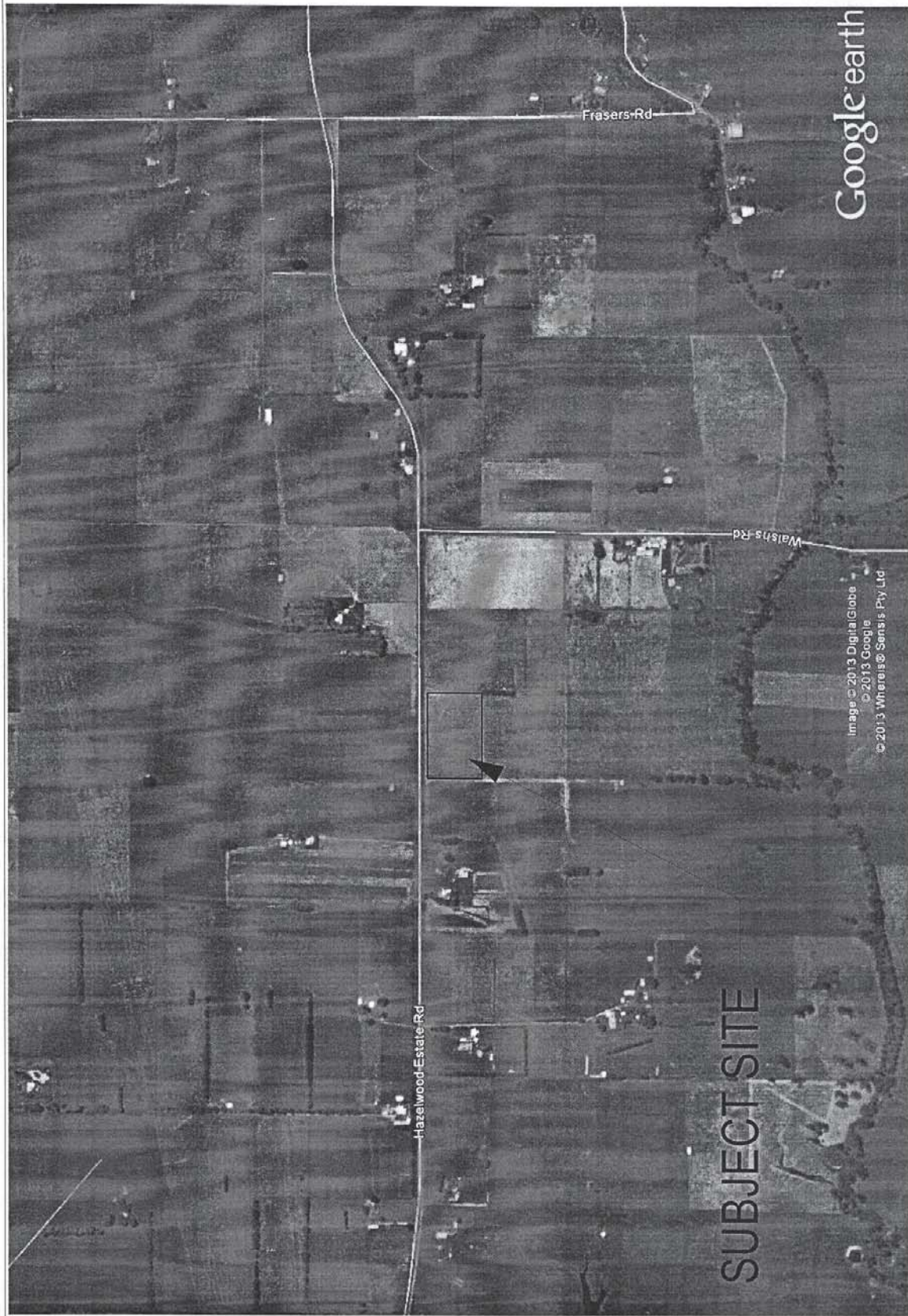
HAZELWOOD ESTATE ROAD,
HAZELWOOD 3840.

TOWN PLANNING

TP -REV 'A'

Job # 131348





Google earth

Image © 2013 Digital Globe
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SUBJECT SITE

1:7500.00

SITE AERIAL PHOTO

		PROJECT: PROPOSED RESIDENCE CLIENT: LIME & KELLIE BRENNER ADDRESS: HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840 DRAWING TITLE: HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840 AERIAL PHOTO #2 DRAWING NUMBER: 131348 DATE: 14/05/2013 SCALE: AS SHOWN DRAWING NUMBER: 131348 PROJECT NUMBER: 131348 DRAWING NUMBER: 131348
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BUILDING AREA SUMMARY	
LIVING:	255.6m ² 27.96sq
GARAGE:	44.02m ² 4.73sq
FRONT VERANDAH:	28.17m ² 3.03sq
BACK VERANDAH & ALFRESCO:	40.36m ² 4.34sq
TOTAL:	372.04m ² 40.05sq



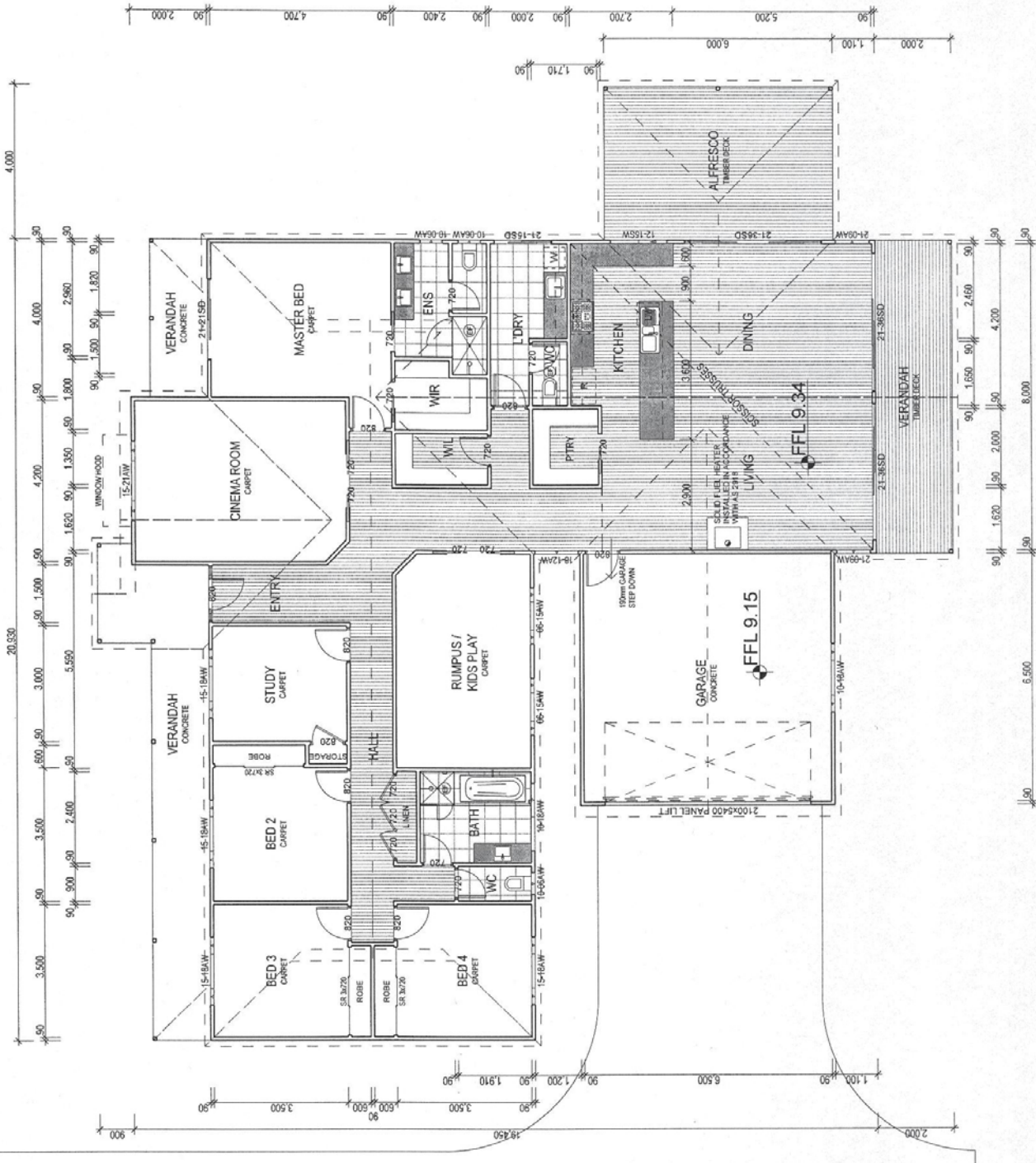
SPRUE DESIGN & DRAFTING

9/11 ACADIES
OFFICE: 5/140 CHAMBER STREET, TORONTO, ONT. M5H 1A5
PHONE: (416) 514-0000
FAX: (416) 514-0005
MOB: (416) 461-544

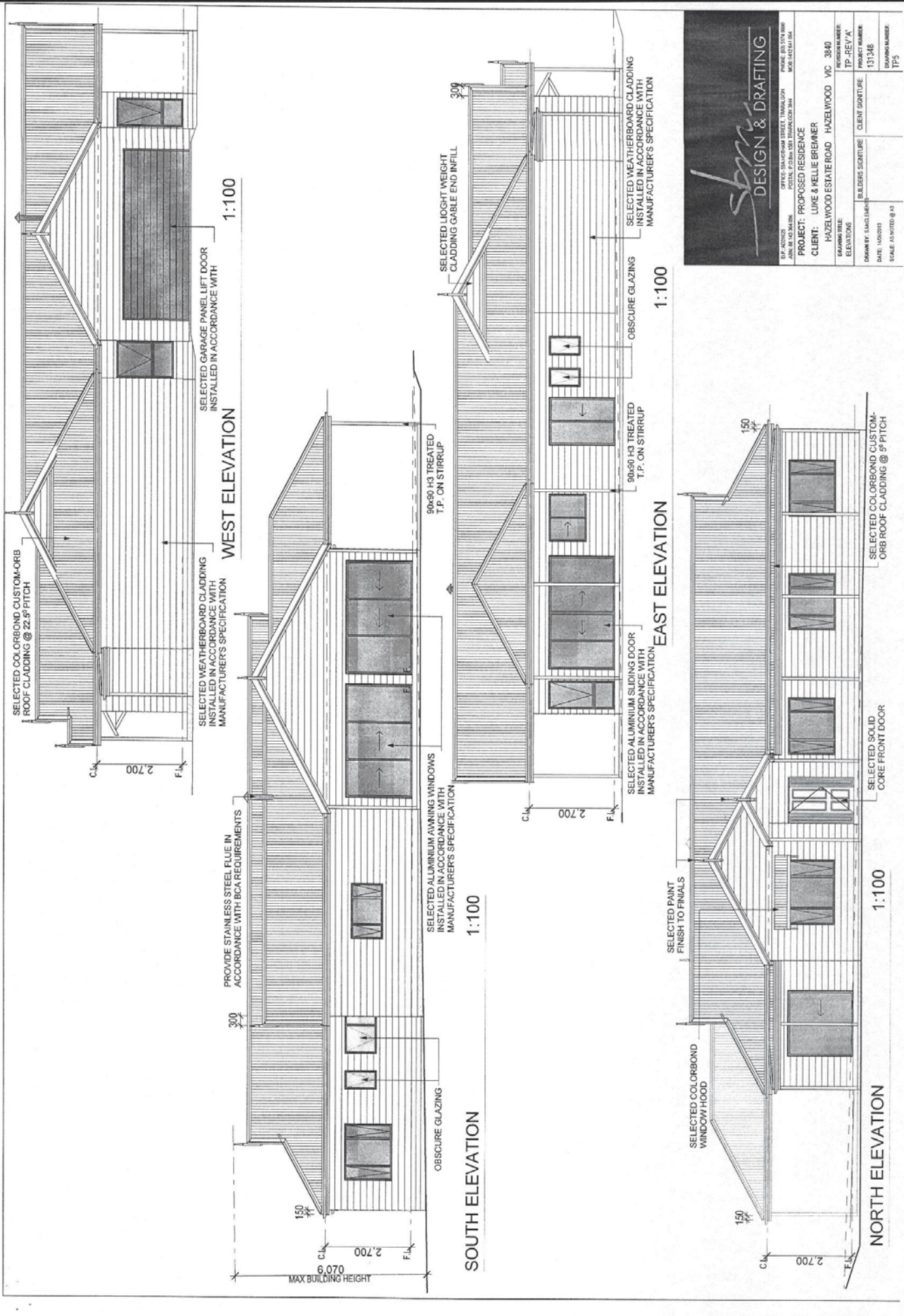
PROJECT: PROPOSED RESIDENCE
CLIENT: LUKE & KELLY BREMMER
HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840

DRAWING TITLE: FLOOR PLAN
DRAWN BY: SMC/EMR
DATE: 16/02/13
SCALE: AS NOTED (B/A)

PROFESSION NUMBER: 3840
TP-REV/A
PROJECT NUMBER: 131348
CLIENT SIGNATURE: [Signature]
BUILDERS SIGNATURE: [Signature]
DRAWING NUMBER: 1/174



FLOOR PLAN
1:100



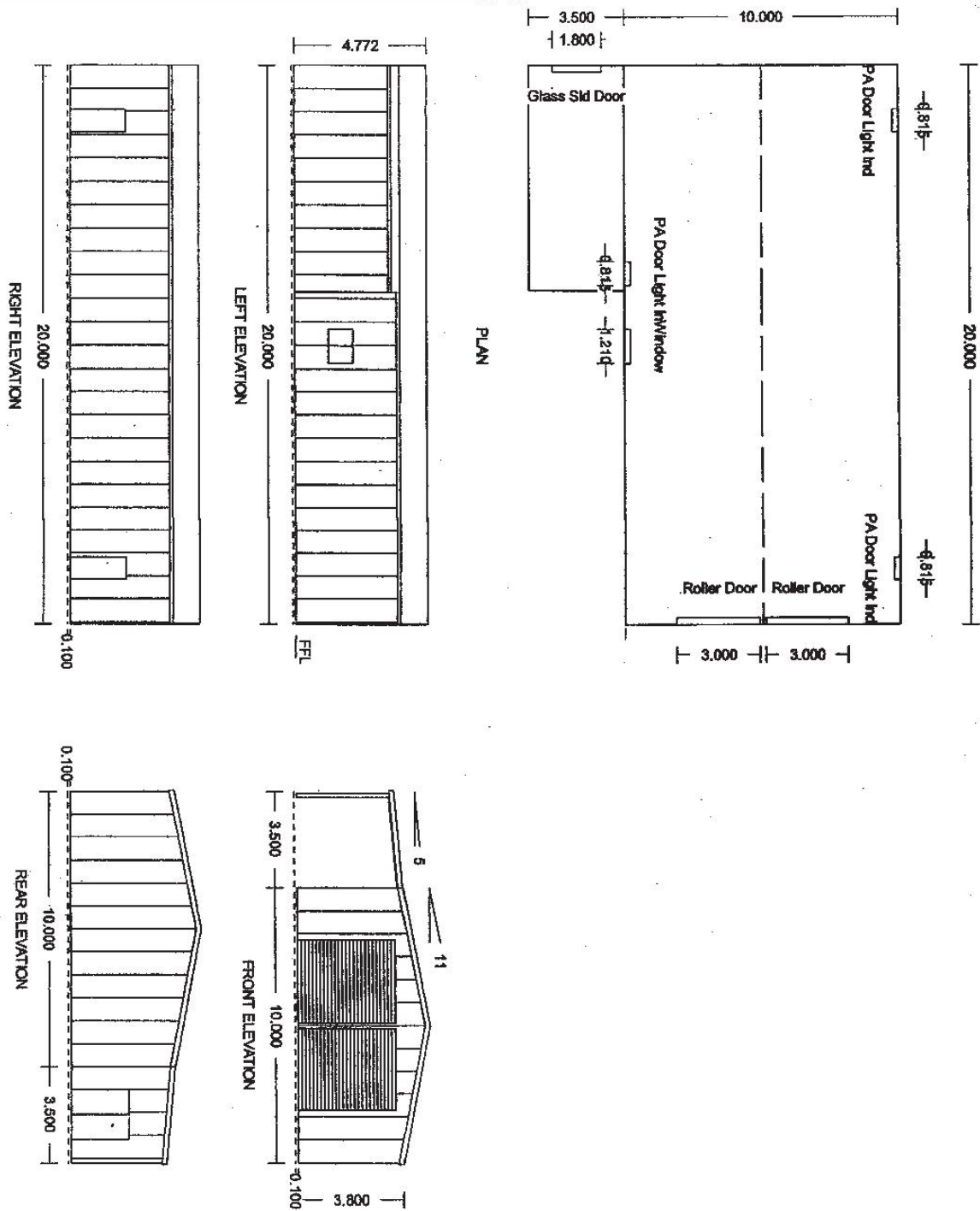
DESIGN & DRAFTING

10/10 AVONDALE
 10/10 AVONDALE
 OFFICE: 54/54/54 STREET, TRARLGOON
 PHONE: 081 551 0000
 MOBILE: 0427 51 344

PROJECT: PROPOSED RESIDENCE
 CLIENT: LUKE & KELLIE BREWSTER
 HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840

DRAWN BY: SAKS/LEWIS
 DATE: 14/02/2013
 SCALE: AS NOTED @ A3

BL BUILDERS SIGNATURE: _____ CLIENT SIGNATURE: _____
 PROJECT NUMBER: 131346
 DRAWING NUMBER: TP-REV A
 DRAWING NUMBER: TP5



PROPOSED Shed 13.500x20.000x3.494-3.800		
At		
For		
Wall Colour - Monolith	Roof colour - Zinc	
Barge Colour - Jasmin Brown	Roller Door Colour - Jasmin Brown	
Job No	Quote No	Scale 1:200

Eureka Garages & Sheds
 188 Argyle Street Traralgon Vic 3844

NOT FOR CONSTRUCTION

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AGRICULTURAL CONSULTANTS

"People, Pastures And Profit"

Land Usage Issue

Overview:

Purchasor: Luke and Kellie Bremner, 1 Townsend St. Churchill Vic 3842

Property Location: Hazelwood Estate Rd Hazelwood.

Lot 1 on LP 122383,
Application number 2013/91

The property is 2 hectares (5 acres) in size.

The property has been purchased by Luke and Kellie Bremner, subject to the granting of a planning permit for the provision of a dwelling.

This property in isolation is not large enough to be a viable agricultural enterprise with conventional agricultural pursuits. However it is a suitable property for the proposed enterprise- the breeding and commercial sales of Alpacas.

I visited the property on 29th May 2013, and inspected the farm to investigate the proposed land use option.

Property Description:

The land is flat, and is currently "bare". There is no power connected to the property; however power is located at the boundary, with a transformer and 'pit' located close to the property.

There is no vegetation on the property, but there are scattered native remnant indigenous trees close by. The entire land area can be regarded as "tractable". It is planned that should there be granting of a planning permit for a dwelling and should the property be purchased, indigenous vegetation will be planted using stock proof electric fencing, leading to considerable environmental benefits and enhancement of biodiversity.

The topography is flat, with no specific aspect. This increases the ability to grow pasture on a year round basis, although growth will slow due to insufficient soil moisture in January-April in most years.



Soils are loosely known as clay loam soils, but correctly known as Grey Gradational soils and Hydrosols. They have developed on old alluvial outwash from the hills and mountains and tend to be of high fertility and of high agricultural value, particularly for pasture production. They tend to be dark-grey clay loams at the surface, gradually merging to mottled grey and yellowish-brown heavy clays at approximately 300 mm depth. They have high-water-holding capacities and so 'hang on' into the summer.

They generally tend to be moderate to high in fertility, but can be low in phosphorus and potassium in some areas. Soil pH (water) usually ranges from 5.1 to 5.5. Phosphorus, potassium and molybdenum may be deficient, depending on past management. Visually it appears that the block is of moderate to high base fertility, making it suitable for a pasture growing and grazing enterprise, although no soil test data was available to make a definite determination.

The property is ideally suited to the grazing of livestock. There is minimal risk of erosion, landslips, flooding or damage to the environment.

Rainfall in the district is in the 800 mm range (with the long term average for Morwell being 753mm), making it a strong pasture growing district. Effective rainfall and pasture growing months are April-January.

Pasture species noted were predominantly perennial Ryegrass and White Clover, both highly productive pasture species. There is a very small infestation of the low productive value species Bent grass, winter grass and Yorkshire fog grass. Pasture weeds are very limited, and there was no infestation of any noxious weeds.



Boundary fencing is permanent and in very good condition. There are no internal fences, with the property subdivided into only one paddock. In order to enhance pasture production and for efficient and effective stock management, more internal fences and small holding paddocks will need to be constructed. This is included in the Bremner's farm plan.



There are no yards for stock handling and the loading and unloading of stock. These are proposed in the Bremner's farm plan.

There is no existing infrastructure on the property.

There is town water located at the property boundary and no water infrastructure is located on the property. There would need to be stock water drinking troughs installed on the property.



There is no shedding on the property. A utility shed will need to be built to store machinery and for the housing of requisites for the proposed enterprise, as well as pens for the housing of the animals during the birthing process. This would be located in the vicinity of the proposed dwelling, close to power and for the safety and welfare of the animals.

There was no livestock grazing the property when it was inspected but the property appears to support the grazing of beef cattle.

Alpaca breeding business:

The Bremners have plans to establish an Alpaca breeding business. They have existing farming experience, with Luke and Kellie having a background in horses.

The business proposal centres on the breeding of alpacas, where-by high value animals are bred for on-selling and the fleece is sold for commercial purposes. The offspring will be of improved genetic merit, and become breeding stock for other enterprises.

The proposed facilities for such a program include three separate paddocks, one being a maternity paddock for the birthing process, a laneway for the efficient movement of stock, a run area and a proposed shed as per the planning permit proposed by the Bremners. There will be shelters for the animals to aid in the rearing of young stock, and for additional animal welfare. Inadequate handling facilities can result in additional stress to the animals. Reduced stress on the animal results in better breeding and turnoff results.

Agricultural significance of this business:

The feed requirements of an alpaca enterprise are such that 10 breeding units can be grazed comfortably, assuming 8t DM/ha pasture is being consumed under an improved pasture regime. The margin analysis for such an enterprise is provided below.

Assumptions:

Farm area 2ha.
Loss of effective area for yards, fences and dwelling: 0.5ha
Total effective area= 1.5ha
Estimated current pasture growth 6t DM/ha = 9t DM total.
Estimated improved pasture growth and consumption 8t/ha = 12t DM total.
DSE rating of Alpaca = 3 per unit (adult and young)
Total DSE available on 1.5ha = 47 (further improved pasture) or 37 (current state)

Income	Cow/calf enterprise	Prime lambs	Beef fattening#	Alpacas Self replacing* initial stages
Sale of vealers/lambs	\$1400	\$1,800		
Sale of cull cows or ewes(1 per 5 years or 1/5)	\$120	\$160		
Sale of cull bulls	NIL			
Sale of steers			\$2,400	
Sale of alpacas (5 male and 3 females)				\$11,250
Sale of fleeces (3kg/animal)				\$1,350
Fodder income				
Total income	\$1400	\$1,960	\$2,400	\$12,600
Expenditure				
Vet/drenching/vaccines	\$300	\$400	\$300	\$400
Breeding costs				\$500
Fertiliser	\$750	\$750	\$750	\$750
Commission/freight	\$140	\$196	\$240	\$1150
Stock purchases (1/5)	\$200	\$400	\$1,500	NIL
Fuel	\$100	\$100	\$100	\$100
Labour/drafting	\$250	\$500	\$250	\$500
Fodder	\$500	\$500		\$500
Total expenditure	\$2240	\$2846	\$3140	\$3,900
Gross Margin total	-\$720	-\$886	-\$740	\$8,700
Gross Margin per ha	-\$480	-\$591	-\$493	\$5,800

#Assumes steers purchased for \$500/head and sold for \$800/head 12 months later

*assumes two replacement females are retained for breeding purposes per year, therefore a one in five year replacement rate

This analysis shows that the alternative (traditional agricultural) enterprises available for the property return a negative gross margin and a figure well below a rental figure of 5% of asset value (\$2,500), assuming the asset is valued at \$50,000 as an agricultural property, or \$10,000/acre. This assumes that the fixed costs of any alternative business are borne by the existing business-that is, this property represents marginal income to an existing business. The imposition of fixed costs of a stand-alone traditional agricultural enterprise will result in a totally unviable agricultural business.

The outcome of this program is that with the initial purchase of around 10 breeding animals, the breeding program will yield on average five females and five males per year. The males sell for around \$500 each and the females around \$3000 each. On average two females will be retained per annum for replacement purposes and the remaining young sold at weaning age.

There will be the additional income from the sale of the fleece, with the average fleece selling for a net \$45/kg and a typical animal yielding on average 3kg fleece per annum.

The proposed income and expenditure of this business, albeit conservative in early stages, produces a positive return and well above that of traditional agricultural pursuits. The predicted return exceeds a 5% return on agricultural value, something that traditional enterprises cannot do on this property due to lack of scale. The business proposal allows for the ongoing development of this business to further increase the sales of genetically elite animals and breeding stock, and increases the profitability of a small rural holding. The pasture production of this property could increase to 8t DM/ha or a total of 12t DM, therefore allowing for the grazing of additional numbers, or around 16 units (adult and young), further increasing profitability.

Proposal:

I believe that this property with the proposed farm layout and associated infrastructure is ideally suited as an alpaca breeding block and a property on which to manage the proposed breeding enterprise. A dwelling needs to be present for the Bremners to be able to provide adequate husbandry and meet the welfare requirements of the animals. The location of the dwelling, the yards and fact that all the farm area can be viewed from the proposed dwelling site make it a suitable location for the proposed enterprise, thereby lifting the likely success rate of the breeding program and the subsequent profitability of the enterprise.

This alpaca breeding business will become an additional local business and contribute considerably to the local economy, returning an annual gross income of \$12,600 in its early stages, with an estimated \$3,900 being spent on direct production costs, input costs and services at local businesses.

This business would only be established on the Hazelwood Estate Rd property should there be a dwelling and associated infrastructure on the property.

The proposed business would involve animals in the order of \$3,000 per head, and therefore security and welfare of the animals is paramount. Assistance during birthing may be required. Whilst the surrounding area is lightly populated, the security, safety and animal welfare could be jeopardised without the owners being located on the premises. The property is close to the bitumen through road and this increases the risk to the animals' welfare and breeding prospects should a dwelling not be present.

The Bremners will provide the labour for the business, and will contribute 0.25 Full Time Equivalent (FTE) labour units to the enterprise, or 10 hours per week.

The machinery and mechanical inputs will be a small low horsepower tractor or similar machinery to allow for effective pasture management.

There will be three separate paddocks established with stock proof fencing, one being a general use paddock, one a breeding/joining paddock and one a maternity paddock. There will be a laneway for the movement of stock, as well as shelters for the animals and a shed for the handling of the stock, the livestock maintenance and for the storage of farm requisites.

Water will be provided via a reticulated water system and stock troughs. These need to be installed.

Biodiversity will be enhanced through the planting of indigenous vegetation for shade and shelter and property enhancement.

Pasture improvement will take place and considerable money is allocated to increase soil fertility to enhance pasture production.

The owners of the business will reside on the property and therefore contribute socially and economically to the Latrobe City Council. They have no intention of reselling the property in the foreseeable future.

The Bremners have experience in the equine industry and they wish to develop their skills further in the breeding and genetics side of the alpaca industry.

Environmental planting and enhancement:

This district is prone to cold, wet and windy conditions. Daytime winter temperatures are often below 10°C in winter.

There is currently no native vegetation on the property, with some isolated remnant vegetation on the neighbouring properties. There will be planting and establishment of native vegetation wind breaks and shelter belts on the property to enable the stock to receive shade and shelter. This will enhance the growth and health of the animals, improve the success of the breeding program and improve the environmental value of the property. The result will be an enhancement of the environment and protection of neighbouring waterways, having a downstream impact ultimately on the Latrobe River and Gippsland Lakes catchment.

Summary:

This property currently only appears to support the grazing of some beef cattle.

The traditional agricultural enterprises for this property include low intensity beef cattle, sheep grazing, fodder production or a combination of these. These enterprises are not viable in their own right or as a complement to an existing agricultural enterprise when a 5% asset rental value is assigned to the value of the property.

An alpaca breeding and selling enterprise is viable, is a suitable land use on this property and represents a means of returning income from a property which is unviable to farm with traditional agricultural pursuits. It is possible with the purchase of 10 female animals of strong genetic merit and of breeding age and the commencement of the breeding program, that the enterprise in its early stages will return a gross margin of \$8,700 or \$5,800/effective ha, considerably higher than its current agricultural potential and higher than the return available from other agricultural pursuits. An estimated \$3900 annually will be spent on products and services within the shire from the needs of this business, adding to the shire economy. There is a potential upside in production and income from a pasture improvement program, allowing for additional breeding units to be grazed.

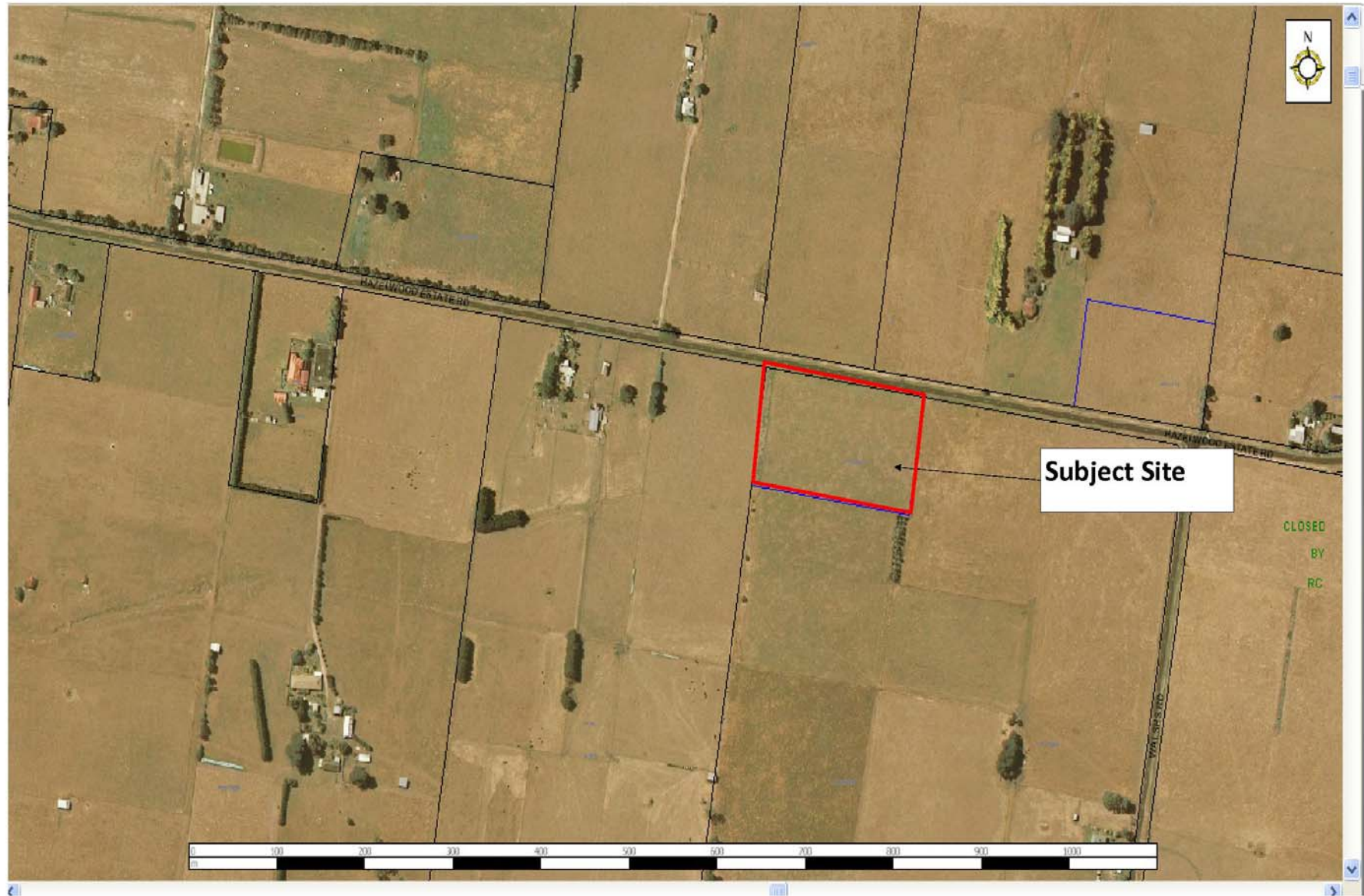
The owners require that a dwelling be present to improve the safety and welfare of the breeder animals as well as to ensure successful results with the breeding program, particularly during cycling, joining and then subsequently birthing. They will only purchase this property and establish this business if a planning permit is granted.

There will be environmental enhancement of the property with indigenous vegetation planting, particularly for shade and shelter planting for the protection of the animals.

The dwelling, associated infrastructure development and establishment of the alpaca breeding business will enhance the value of the property and lead to an increase in agricultural value of the property compared to traditional agricultural pursuits.



Matt Harms B Ag. Sc. (Honours)
Agricultural Consultant
ONFARM Consulting P/L
May 2013



History of Application

2 April 2013	Planning Permit application received by Council
23 April 2013	Further information requested from applicant
3 June 2013	Extension of time granted in which to provide the further information.
8 July 2013	Further information received.
16 July 2013	Applicant advised to give notification of the application. Application referred internally to Infrastructure Planning and Health. Application referred under Section 52 to DSBI.
9 August 2013	All external and internal referral responses were received.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 14.01 'Agriculture'
Clause 14.03 'Resource Exploration and Extraction'
Clause 16.02 'Housing Form'

Local Planning Policy Framework

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

Zoning – Farming Zone

The subject land is located within a Farming Zone.

Overlay – State Resource Overlay Schedule 1

The subject land is located within a State Resource Overlay Schedule 1.

Particular Provisions

There are no particular provisions relevant to the consideration of this application.

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

Nil reports

MEETING CLOSED TO THE PUBLIC

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 ADOPTION OF MINUTES

Agenda item InsertHeaderPage *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.2 CONFIDENTIAL ITEMS

Agenda item InsertHeaderPage *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.3 ASSEMBLY OF COUNCILLORS

Agenda item InsertHeaderPage *Assembly of Councillors* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.4 LCC-23 MOE RAIL PRECINCT REVITALISATION PROJECT EXPRESSION OF INTEREST FOR CONSTRUCTION OF STAGE 1

Agenda item InsertHeaderPage *LCC-23 MOE RAIL PRECINCT REVITALISATION PROJECT EXPRESSION OF INTEREST FOR CONSTRUCTION OF STAGE 1* is designated as confidential as it relates to proposed developments (s89 2e)

**ORDINARY COUNCIL MEETING AGENDA
18 NOVEMBER 2013 (CM425)**

- 18.5 LCC-29 PROVISION OF PROFESSIONAL SERVICES TO DESIGN, DELIVER AND/OR FACILITATE ORGANISATIONAL DEVELOPMENT PROGRAMS OR INITIATIVES**
Agenda item InsertHeaderPage *LCC-29 Provision of Professional Services to Design, Deliver and/or Facilitate Organisational Development Programs or Initiatives* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.6 LCC-61 PROVISION OF INTERNAL AUDIT SERVICES**
Agenda item InsertHeaderPage *LCC-61 PROVISION OF INTERNAL AUDIT SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.7 LCC-86 HYLAND HIGHWAY LANDFILL - PLANT HIRE**
Agenda item InsertHeaderPage *LCC-86 HYLAND HIGHWAY LANDFILL - PLANT HIRE* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.8 LCC-107 MAINTENANCE OF TRUCKS AND TRACTORS**
Agenda item InsertHeaderPage *LCC-107 MAINTENANCE OF TRUCKS AND TRACTORS* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.9 LCC-124 LANDSLIP REMEDIATION WORKS AT JUMBUK ROAD, JEERALANG JUNCTION**
Agenda item InsertHeaderPage *LCC-124 LANDSLIP REMEDIATION WORKS AT JUMBUK ROAD, JEERALANG JUNCTION* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.10 LCC-125 LANDSLIP REMEDIATION WORKS AT UPPER MIDDLE CREEK ROAD, YINNAR SOUTH**
Agenda item InsertHeaderPage *LCC-125 LANDSLIP REMEDIATION WORKS AT UPPER MIDDLE CREEK ROAD, YINNAR SOUTH* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.11 LCC-127 LANDSLIP REMEDIATION WORKS AT TRARALGON CREEK ROAD**
Agenda item InsertHeaderPage *LCC-127 LANDSLIP REMEDIATION WORKS AT TRARALGON CREEK ROAD* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.12 REQUEST FOR PROCUREMENT EXEMPTION FOR THE PAYMENT OF THE WRITTEN DOWN VALUE FOR THE REPLACEMENT OF 5677 MERCURY VAPOUR STREET LIGHTS**
Agenda item InsertHeaderPage *REQUEST FOR PROCUREMENT EXEMPTION FOR THE PAYMENT OF THE WRITTEN DOWN VALUE FOR THE REPLACEMENT OF 5677 MERCURY VAPOUR STREET LIGHTS* is designated as confidential as it relates to contractual matters (s89 2d)