



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

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

**CM418**



## *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.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

**TABLE OF CONTENTS**

<b>1. OPENING PRAYER.....</b>	<b>3</b>
<b>2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND .....</b>	<b>3</b>
<b>3. APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>4. DECLARATION OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5. ADOPTION OF MINUTES .....</b>	<b>3</b>
<b>6. PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION.....</b>	<b>4</b>
<b>8. NOTICES OF MOTION .....</b>	<b>11</b>
8.1 2013/16 - Notice Of Motion- Bulky Goods Strategy .....	11
8.2 2013/17 - Notice Of Motion – Meeting With Vic Roads.....	12
<b>9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION .....</b>	<b>15</b>
9.1 Potential Road Discontinuance And Sale Of Land - Part Catterick Lane, Traralgon .....	15
9.2 Sale Of Latrobe City Council Native Vegetation Offsets To External Permit Applicant, Maryvale Private Hospital, September 2013.....	37
9.3 Proposed Sale Of Land - Franklin Street, Traralgon.....	68
14.4 Proposed removal of Eucalyptus Saligna, Sydney Blue Gum from Agnes Brereton Park, Traralgon .....	78
<b>10. CORRESPONDENCE .....</b>	<b>105</b>
10.1 Defined Benefits Superannuation .....	105
10.2 City of Yarra Request for Council Support for Trains not Toll Roads.....	113
<b>11. PRESENTATION OF PETITIONS .....</b>	<b>123</b>
<b>12. CHIEF EXECUTIVE OFFICER .....</b>	<b>127</b>
<b>13. ECONOMIC SUSTAINABILITY.....</b>	<b>131</b>
<b>14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE.....</b>	<b>135</b>
<b>15. COMMUNITY LIVEABILITY .....</b>	<b>139</b>
15.1 Draft Children's Services Plan 2013-2017 .....	139
<b>16. GOVERNANCE .....</b>	<b>179</b>

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

16.1	Planning Permit Application 2013/89 Use Of The Land For Transfer Station And Ancillary Works, 32a Swan Road, Morwell.....	179
16.2	Planning Permit Application 2013/68, Development Of Six Double Storey Dwellings On A Lot; Re-Subdivision Of Land From 3 To 2 Lots; Alterations Of Access To A Road In A Road Zone Category 1, At 2 Tennyson Street And 72 - 74 Shakespeare Street, Traralgon.....	281
16.3	Assembly of Councillors .....	327
16.4	Documents for Signing and Sealing.....	359
16.5	Planning Application No. 2013/9 Variation Of Restrictive Covenant, Development Of Two Dwellings And Two Lot Subdivision At 15 Bowral Way, Traralgon .....	360
<b>17.</b>	<b>ORGANISATIONAL EXCELLENCE .....</b>	<b>407</b>
<b>18.</b>	<b>MEETING CLOSED TO THE PUBLIC .....</b>	<b>411</b>
18.1	Adoption of Minutes .....	413
18.2	Confidential Items .....	414
18.3	Assembly of Councillors .....	415
18.4	Application for financial assistance under Council's Economic Development Assistance Policy.....	425
18.5	LCC-105 Reconstruction Of Jill Street, Morwell.....	467
18.6	LCC-108 Reconstruction Of Kelly Street, Morwell .....	476
18.7	Review of Governance Processes Associated with the Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project .....	486
18.8	LCC-109 Reconstruction Of Doherty Avenue, Morwell.....	518
18.9	LCC-111 – Footpath Rehabilitation Program 2013/14 .....	529
18.10	Bad Debts Report - April 2013 .....	538
18.11	Declaration of Conflict of Interest at Assembly of Councillors on 31 January 2011 .....	548
18.12	Citizen complaint against the Chief Executive Officer, General Manager Recreation, Culture and Community Infrastructure and Latrobe City Officers .....	553

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)****1. OPENING PRAYER**

*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 interest in the matter.*

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

**That the minutes of the Ordinary Council Meeting meeting held on 19 August 2013 be confirmed.**

**6. PUBLIC QUESTION TIME**

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

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

**7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Status</b>	<b>Responsible Officer</b>
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

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Public Highway Declaration – Verey Lane, Morwell	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. That Council write to Simon Parsons &amp; Co. requesting that the temporary access to 24-28 Buckley Street, Morwell, be extended past 31 December 2012.</li> <li>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.</li> </ol>	General Manager Governance

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	General Manager Recreation, Culture & Community Infrastructure



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

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

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

Council Meeting Date	Item	Status	Responsible Officer
03/06/13	Request To Improve Visibility Of Signage At McDonalds Restaurant Moe	<ol style="list-style-type: none"> <li>1. That Council resolve to allow the removal of trees impacting visibility of the McDonalds Moe sign, with the following conditions: <ul style="list-style-type: none"> <li>• No works/removal of trees are undertaken until such time that a detailed landscaping plan is provided to and approved by Council;</li> <li>• No works/removal of trees are undertaken until such time that a detailed landscaping plan is provided to and approved by the land owner, Vic Roads.</li> <li>• Upon approval of a landscaping plan, all works are undertaken by a suitably qualified arborist and landscape gardener.</li> <li>• That all costs associated in relation to above are borne by the franchisee of McDonalds Moe.</li> </ul> </li> </ol>	General Manager Recreation, Culture & Community Infrastructure
01/07/13	Traffic Investigation At Finlayson Crescent Traralgon	<ol style="list-style-type: none"> <li>1. That Council install temporary traffic calming devices in Finlayson Crescent, Traralgon for a period of six months.</li> <li>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.</li> <li>3. That a final determination be made by Council on review of these figures.</li> <li>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.</li> </ol>	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

# NOTICES OF MOTION

**8. NOTICES OF MOTION**

**8.1 2013/16 - NOTICE OF MOTION- BULKY GOODS STRATEGY**

**Cr Sharon Gibson**

**That Council align it's Bulky Goods Strategy to align with the current State Governments strategy allocate Bulky Goods Land for the next 20 to 25 years immediately.**

**8.2 2013/17 - NOTICE OF MOTION – MEETING WITH VIC ROADS**

**Cr Sharon Gibson**

**That council contact Vic Roads to set up a meeting with Council and Vic Roads to investigate solutions to traffic management problems at the Railway Crossing at the intersection of the Lloyd St and George St / Waterloo Rd in Moe, as soon as possible.**

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

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

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

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to present further information to Council regarding alternatives to full closure and sale of Catterick Lane, Traralgon.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 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*

*Advocacy for and consultation with our community*

*Strategic Direction –*

*Work with the community and other key stakeholders to improve community safety & harmony*

*Legislation – Local Government Act 1989*

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

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

(i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

(ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

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

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

### *Policy*

Council has not adopted a policy relating to the discontinuance of roads. Council has previously discontinued roads and laneways and sold the land to adjoining property owners in accordance with the Sale of Council Property Policy and the Local Government Best Practise Guideline for the Sale, Exchange & Transfer of Land is applicable

The most recent examples of the discontinuance and sale of a laneway is Blundell Lane Traralgon in March 2012. It is noted that in 2003 Council discontinued and sold another laneway to the owners of 14 Webb Street and 59 Washington Street. This lane was approximate 200 metres north of Catterick Lane.

### **BACKGROUND**

Council received a joint application (refer attachment 1) from the owners of 38 Washington Street, and 13 Bernard Avenue, Traralgon requesting Council discontinue and sell to them part of Catterick Lane, Traralgon. This section of laneway runs between Washington Street and Bernard Avenue, Traralgon as shown on attachment 2. Refer attachment 3 for a photo of the section of Catterick laneway.

This joint application letter states that the request for the closure of the laneway was the result of the following:

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

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

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



## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

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

*“That Council:*

- 1. Gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of part of Catterick Lane, Traralgon pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*
- 2. Consider any submissions received in relation to the proposed discontinuance of part of Catterick Lane, Traralgon at the Ordinary Council Meeting to be held Monday 4 February 2013.”*

In response to the initial community consultation (i.e. public notices, letters to 109 nearby residential properties), Council received three submissions objecting to the proposal from residents in Bernard Avenue.

The three submissions received (refer attachments 4) are summarised as follows:

- Children regularly use the lane to go to and from school, the Catterick Crescent sporting oval and the Traralgon Sports Stadium.
- Two residents regularly use the lane which provides a safe crossing location in Washington Street.

These submissions were considered at the 4 February 2013 Ordinary Council Meeting and Council resolved:

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

Following the second round of community consultation (letters to 109 nearby residential properties), a further two submissions were received. One submission supported the proposal whilst the second objected to the proposal.

The two submissions received (refer attachments 4) are summarised as follows:

Support for the proposal-

- Minimal use of the laneway;
- Alternate access routes nearby;
- Minimal impact to the community; and
- Stop vandalism and unsociable behaviour.

Objection to the proposal-

- Regularly use laneways when out walking;
- Concerned that a precedent is established to sell off other laneways; and

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

- Of the opinion that the state of many laneways is due to the lack of maintenance by both residents and Council.

These two additional submissions were considered at the 15 July 2013 Ordinary Council Meeting and Council subsequently resolved:

*“1. That officers investigate alternatives to full closure and sale of Catterick Lane, Traralgon and report back to Council by the first Council meeting in September 2013.*

*2. That Council officers have discussions with the Victoria Police about abatement procedures for the vicinity of Catterick Lane, Traralgon to stem the antisocial behaviour in that area.”*

### **ISSUES**

In accordance with 15 July 2013 Council resolution, the following is provided for Council consideration:

#### **Alternatives to full closure and sale**

The table below presents a number of alternatives to full closure and sale of Catterick Laneway.

#### **Option 1 - Increase the height of existing fences.**

##### *Benefits –*

- Increased privacy.
- Increased difficulty to scale fence to gain unauthorised entry into adjoining property.

##### *Disadvantages -*

- Increase replacement and maintenance fencing costs for respective owners.
- Will not prevent objects being thrown over the fence.
- Increased fence height beyond existing 1.83 m may require strengthening existing fence structure, etc.

##### *Current Status / Comment*

- All adjoining boundary fences are 1.83 m high timber paling fences.
- Owner of 38 Washington (an applicant) has very recently replaced an old 1.5 m fence with a new 1.83 m timber paling fence.
- Fence heights above 2.0 m would require a building permit.
- Who will pay for the extension?
- Option has limited benefit in preventing existing problems.

#### **Option 2 - Improve laneway lighting.**

##### *Benefits –*

- Improved illumination increases visibility at night and may deter persons loitering etc, when dark.

*Disadvantages -*

- Logistics of installing a street light in a narrow lane and connecting the light to the distribution network.
- Will have no effect in deterring persons loitering etc, during the day light hours.
- Potential light pollution issue affecting neighbouring property.
- Ongoing energy and maintenance costs.
- Could create an expectation that Council will implement the same measures in other laneways.
- Increase replacement and maintenance fencing costs for respective owners.
- Will not prevent objects being thrown over the fence.
- Increased fence height beyond existing 1.83 m may require strengthening existing fence structure, etc.

*Current Status / Comment*

- One Street light at the Bernard Avenue end of lane, illuminates street, limited impact on the lane.
- The option of installing a street light with underground connection is estimated to be \$10,000.
- This option is considered cost prohibitive.

**Option 3 - Increase Council day labour inspections and litter collection.**

*Benefits –*

- Increase Council day labour inspections and litter collection.

*Disadvantages -*

- Action would have minimal affect in preventing incidents of anti-social behaviour etc.

*Current Status / Comment*

- Presently laneways are inspected on average once a month.
- Option unlikely to abate current problems.

**Option 4 - Install lockable gates at both entrances to the lane**

*Benefits –*

- Gates increase difficulty of unauthorised access when closed.

*Disadvantages -*

- Gates will not prevent determined unauthorised access when closed.
- Could create an expectation that Council will implement the same measures in other laneways.
- Ongoing responsibility and cost of daily opening and closing of gates.

*Current Status / Comment*

- Presently there are pedestrian maze / barriers installed at each end of lane.
- The estimated cost to manufacture and install two gates would \$5,000.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

- There is also the ongoing cost of cost for the daily opening/closing of the gates.

### **Option 5- Install CCTV Security Camera/s.**

#### *Benefits –*

- Increased privacy.
- Increased difficulty to scale fence to gain unauthorised entry into adjoining property.

#### *Disadvantages -*

- Limited benefit likely to be achieved.
- Property owners could install their own CCTV within their property.

#### *Current Status / Comment*

- Remote CCTV requires the transmission of images back to base and continual monitoring.
- The cost associated with this option has not been determined.
- Considered to have limited benefit in deterring offenders.

### **Option 6 - Cut back over hanging vegetation encroaching into lane (Refer attachment 3).**

#### *Benefits –*

- Improves line of sight.

#### *Disadvantages -*

- Affects the structure / appearance of the vegetation.

#### *Current Status / Comment*

- Presently there is vegetation overhanging into the lane, potential to slight impact on line of sight.
- Option supported.
- Works could be undertaken as part of programmed works.

### **Option 7 - Encourage the local Neighbourhood Watch group to undertake passive surveillance of the lane.**

#### *Benefits –*

- Increased level of passive surveillance may result in an increase in the number of incidents reported to Police and possible apprehension of offenders.

#### *Disadvantages -*

- No disadvantage identified.

#### *Current Status / Comment*

- Limited effectiveness.

### **Option 8 - Encourage residents to report any incidents of anti-social behaviour, property damage / vandalism etc, to Police.**

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### *Benefits –*

- Local Police become aware of Policing issues.
- Intelligence Unit compiles incident statistics.

### *Disadvantages -*

- No disadvantage identified.

### *Current Status / Comment*

- Limited effectiveness.
- Police are usually notified post the incident.

### *Advice from the Victoria Police concerning abatement procedures to stem the anti-social behaviour in vicinity of Catterick Lane, Traralgon.*

Officer's received advice from the Senior Sergeant based at the Traralgon Police Station that the Police Intelligence Unit has no record of any extraordinary anti-social issues in the area. Police rely upon the public notifying them of issues surrounding anti-social behaviour, etc and urge the general public to report such; otherwise Police are not aware of any issues.

The Senior Sergeant also advised that it was their role to deal with policing matters and that they do not have a position as to whether the lane should be sold, nor do they want to get involved in any potential dispute over land use.

It is stated in the Application Letter *"Over the past two years there has been several incidents involving the laneway next to my property on which two occasions the police were called out."*

### *General comment*

In all previous laneway closure requests, the common theme has been that laneways create a place for anti-social behaviour, present opportunities for undetected property damage/vandalism, theft, and/or unauthorised entry into adjoining properties. These claims are again made by the proponents for the closure of the laneway. Council received specific details from one of the applicants who spoke in support of the Catterick Lane closure at earlier Council meetings.

Council has discontinued a number of laneways in the past. The most recent being in April 2012 when the Blundell Court / Grey Street laneway in Traralgon was discontinued. Officers are not aware of any complaints following the closure of the Blundell Laneway and the feedback from the adjoining property owners has been positive.

It also is noted that in 2003 Council discontinued and sold a section of another laneway connecting Webb and Washington Streets, approximate 200 metres north of Catterick Lane, refer attachment 2. The extension of the Webb and Washington Street laneway that links Washington Street and Bernard Avenue remains open to pedestrians.

It is calculated that using Garibaldi Street instead of Catterick Lane would add an additional 170 metres to a pedestrian journey. This is an additional

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

distance of 85 metres from Garibaldi Street to both laneway entrances on Bernard Avenue and Washington Street.

Contemporary planning conventions, supported by the Local Planning Policies and the Municipal Strategic Statement would not support narrow pedestrian laneways being incorporated into a new residential subdivision. Pedestrian paths provided in new subdivisions are designed and constructed as part of a wider public open space area as there is greater visibility to improve public safety.

Pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act* 1989, Council is empowered to discontinue a road reserve or part thereof and if it desires sell the land whether or not it is the registered owner.

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

**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 financial implications associated with a number of the alternatives to closing the laneway as detailed above. These range from the very expensive such as installation of street light, gates and CCTV through to the less expensive option of cutting back of overhanging vegetation or the no cost options of Neighbourhood Watch passive surveillance and/or reporting incidents to the Police.

The option of discontinuing and selling part of Catterick Lane would result in small saving to Council by reduced ongoing inspections and maintenance costs. This action would also remove the potential for any public liability claim resulting from injury to persons or damage to property.

Costs associated with the statutory process to discontinue the laneway is minimal, being the cost of an order published in the Victorian Government Gazette.

All other reasonable costs associated with the sale of the discontinue laneway such as survey and legal costs associated with the transfer of the land would be borne by the applicants.

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

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### INTERNAL/EXTERNAL CONSULTATION

#### *Engagement Method Used:*

Council has undertaken the following community consultation:

- Application referred within Council Administration, no objection to the proposed discontinuance and sale of land.
- Public Notices were published in the Latrobe Valley Express Thursday 6 December 2012, Monday 10 December 2012 and Monday 7 January 2013,
- A letter inviting comment from Kosciuszko Primary School was mailed on the 12 December, 2012,
- On the 11 December, 2012 letters were mailed to property owners within a target area east of the Traralgon Sports Stadium and Kosciuszko Primary School, south of Garibaldi Street and west of Ambrose Avenue. In total, 109 letters were sent to residential properties as the occupants were potential users of the laneway as it offers a direct line access to both the Traralgon Sports Stadium and the Kosciuszko Primary School,
- Three laminated public notices were attached to fences in Catterick Lane,
- Contact made with a Senior Sergeant at the Traralgon Police Station relating to the abatement procedure for the vicinity of Catterick Lane, Traralgon to stem the anti social behaviour in the area.

#### *Details of Community Consultation / Results of Engagement:*

Council undertook community consultation following the Ordinary Council Meeting held the 3 December 2012, and the Ordinary Council Meeting held the 4 February 2013. In response to this process Council received a total of five submissions, commentary is provided in the Background section of this report. Community support for and against the closure of the laneway is detailed below:

<b>Community Support -</b>	<b>Against Closure</b>	<b>For Closure</b>
Applicants	-	2
Submission received following 3 December 2012 Council Meeting.	3	-
Submission received following 4 February 2013 Council Meeting.	1	1
<b>Totals</b>	<b>4</b>	<b>3</b>

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### Advice from Victoria Police concerning abatement procedures to stem anti-social behaviour in the vicinity of the Catterick Lane.

As detailed in the Issues section above, a Senior Sergeant based at the Traralgon Police Station advised that the Police Intelligence Unit has no record of any extraordinary anti-social issues in the area. Police rely upon the public notifying them of issues surrounding anti-social behaviour, etc and urge the general public to report such; otherwise Police are not aware of any issues.

The Senior Sergeant also advised that it was their role to deal with policing matters and that they do not have a position as to whether the lane should be sold, nor do they want to get involved in any potential dispute over land use.

### **OPTIONS**

Council may resolve to either:

1. Resolve not to discontinue Catterick Lane and implement one or more of the measures identified in the table above, eg:
  - Cut back over hanging vegetation encroaching into lane,
  - Encourage the local Neighbourhood Watch group to undertake passively surveillance of the lane, and/or
  - Encourage residents to report any incidents of anti-social behaviour, property damage / vandalism etc, to Police.
2. Discontinue the section of Catterick Lane and sell the land to the adjoining property owners,

The effectiveness of Option 1 in resolving the issues associated with Catterick Lane will only be minimal and not likely to prevent the ongoing problems detailed by the applicants.

### **CONCLUSION**

There are inherent and ongoing problems associated with narrow pedestrian laneways in residential areas. The purported problems associated with the Catterick Lane are not supported by details held by the Police Intelligence Unit, they are however consistent with claims made when previous requests for laneway closures have been received.

Narrow laneways are no longer provided in new residential subdivisions as current planning conventions and regulations do not support such narrow passages between walls, hedges or fences. Pedestrian links in new subdivisions form part of the wider public open space areas.

As stated in the Options section above, the measures identified are not deemed as sufficient to abate the ongoing problems associated with this section of Catterick Lane.



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Whereas the provision of lockable gates, improved lighting and/or installation of CCTV are not supported for reasons of limited effectiveness and the associated manufacturing, installation and operational costs including opening/closing of gates, monitoring of CCTV, etc. Such action could also create a precedence and an expectation in the community that Council would implement similar measures in other laneways where residents experience anti-social behaviour, property damage/vandalism, theft and unauthorised entry.

Council has completed the statutory requirements that allow the possible discontinue and sale of part of Catterick Lane, Traralgon.

It is considered that, on balance that having given public notice and considered submissions received, it is appropriate for Council to resolve that this section of Catterick Lane is no longer required for public traffic and discontinue the road.

**Attachments**

1. Application Letter
2. Locality Plan
3. Photo of Catterick Lane - Washington St through to Bernard Ave
4. Submission received following 3 December 2012 Council Meeting
5. Submission received following 4 February 2013 Council Meeting.

**RECOMMENDATION**

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

## 9.1

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

1	Application Letter .....	27
2	Locality Plan.....	29
3	Photo of Catterick Lane - Washington St through to Bernard Ave .....	31
4	Submission received following 3 December 2012 Council Meeting .....	33
5	Submission received following 4 February 2013 Council Meeting. ....	35

13/06/12

To Whom It May Concern

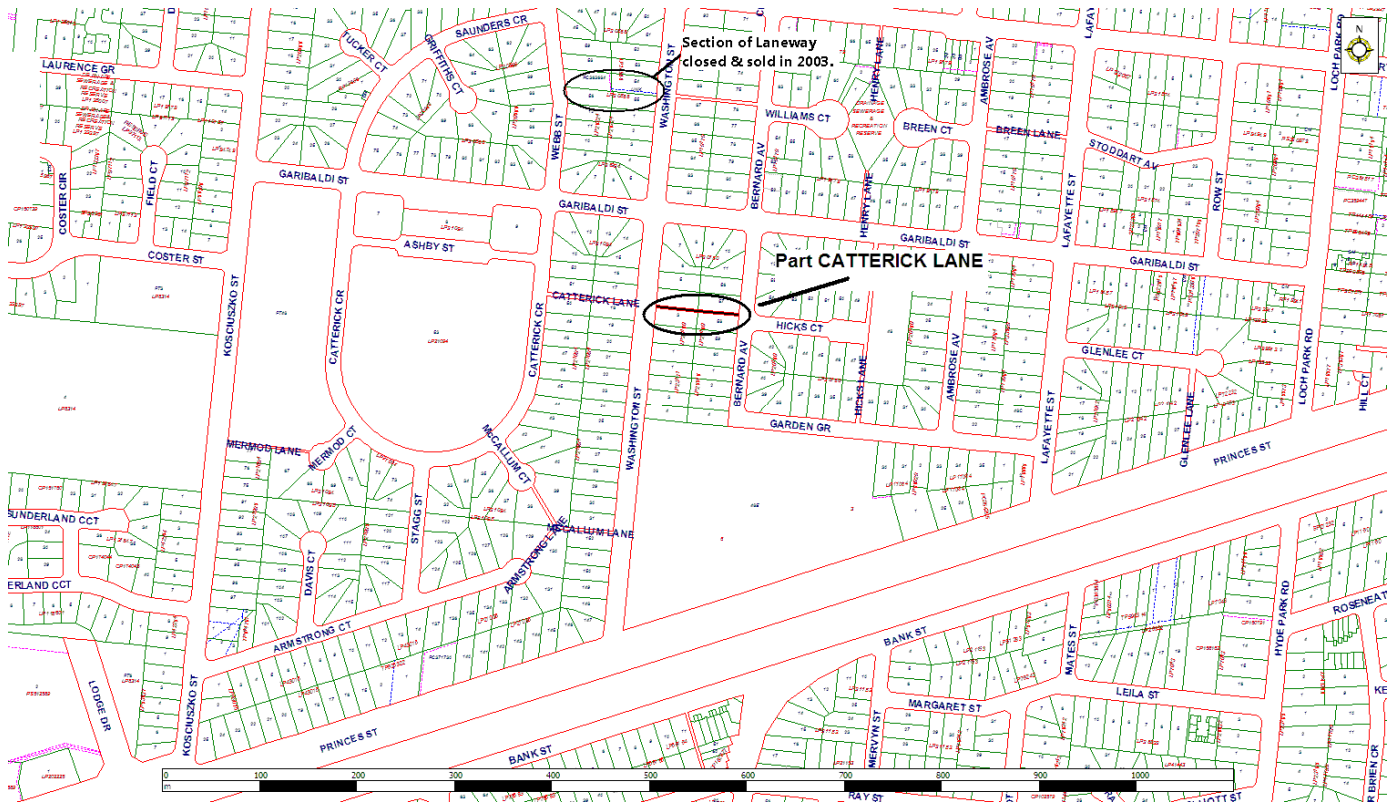
Over the past two years there has been several incidents involving the laneway next to my property on which two occasions the police were called out.

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

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

I have spoken to all neighbours concerned about this matter and the owners of 38 Washington st and 13 Bernard av are happy to share the cost to purchase the land from the council if possible to see the laneway closed.

If there is any questions about this matter you would like to speak to me about please feel free to call me on [redacted] I thank you for your time and look forward to your response.





**Henry Morrison**

---

**From:** Bruce M <bruce1\_80@yahoo.com>  
**Sent:** Monday, 1 April 2013 9:37 PM  
**To:** Henry Morrison  
**Subject:** Closure part Catterick Lane Traralgon

Your Ref: HJM:CA

Dear Henry,

I write in response to your letter dated 6 March 2013.

Firstly I would like to thank Council for the opportunity to comment on the proposed closure of the laneway between Bernard Avenue and Washington Street.

I would however certainly question the section of the report presented to Council on 4th February 2013, where it advised that this lane is "not reasonably required for pedestrian access".

Since moving to Traralgon, I have found these laneways to be a great feature and regularly use them when out walking.

I would be very concerned about the precedent this would set if this laneway was to be sold by Council. Would it then set the fate of all the other similar laneways in Traralgon?

I can understand Councils interest in selling off these laneways. It would of course provide income to Council and additionally it would negate any need for Council to maintain the laneways. I believe the main concern with the state of many of the laneways is in fact, the lack of maintenance.

I believe here has been a lack of maintenance by residents and Council to maintain the condition of the fencing bordering the laneways. In addition to overhanging and overgrown vegetation and rubbish that is often left on the ground of the laneways. (Although, Ive found this to be definitely one of the better maintained laneways).

So it would be nice if Council was prepared to demonstrate a greater commitment to maintain the laneways and the unique benefits and feature they provide to Traralgon.

Regards  
Bruce Mapperson  
29 Washington Street  
Traralgon  
Vic 3844

TRARALGON VIC 3844

23 March 2013

Mr Henry Morrison  
Latrobe City Council  
P O Box 264  
MORWELL VIC 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
3 APR 2013	
R/O: H Morrison	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in Data/Works	<input type="checkbox"/> Invoice forwarded to accounts

Dear Mr Morrison

**CLOSURE OF PART CATTERICK LANE, TRARALGON**

I refer to your letter dated 6 March 2013 advising of proposed closure for the above lane way and seeking community consultation.

I would like to advise that we fully support the proposal to this lane as we believe there is very minimal use of this laneway and therefore minimal impact to the community. There is also alternate access to surrounding routes and the close of this lane would stop vandalism and unsociable behaviour.

We do not wish to address Council and speak in support of our submission.

Yours sincerely

**Henry Morrison**

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**Sent:** Monday, 1 April 2013 9:37 PM  
**To:** Henry Morrison  
**Subject:** Closure part Catterick Lane Traralgon

Your Ref: HJM:CA

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I can understand Council's interest in selling off these laneways. It would of course provide income to Council and additionally it would negate any need for Council to maintain the laneways.

I believe the main concern with the state of many of the laneways is in fact, the lack of maintenance.

I believe there has been a lack of maintenance by residents and Council to maintain the condition of the fencing bordering the laneways. In addition to overhanging and overgrown vegetation and rubbish that is often left on the ground of the laneways. (Although, I've found this to be definitely one of the better maintained laneways).

So it would be nice if Council was prepared to demonstrate a greater commitment to maintain the laneways and the unique benefits and feature they provide to Traralgon.

Regards



**9.2 SALE OF LATROBE CITY COUNCIL NATIVE VEGETATION  
OFFSETS TO EXTERNAL PERMIT APPLICANT, MARYVALE  
PRIVATE HOSPITAL, SEPTEMBER 2013**

**General Manager**

**Economic Sustainability**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council the results from the community consultation for the sale of Latrobe City Council native vegetation offsets in Crinigan Bushland Reserve to an external permit applicant, Maryvale Private Hospital, and seek approval to proceed with the sale.

**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 - Natural Environment*

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

*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 2: Affordable and sustainable facilities, services and recreation*

*Theme 3: Efficient, effective and accountable governance*

*Theme 4: Advocacy for and consultation with our community*

*Strategic Direction – Natural Environment*

Work with stakeholders to maintain and enhance the natural environment and biodiversity of Latrobe City and the region.

*Strategy – Natural Environment*

Natural Environment Sustainability Strategy 2008-2013.

Key Strategic Actions

Implement actions from the Natural Environment Sustainability Strategy 2008-2013 to achieve identified biodiversity and sustainability outcomes.

**BACKGROUND**

Council has been approached, as the land owner of Crinigan Bushland Reserve, to consider a proposal to use the Reserve as a native vegetation offset option. This involves the sale of native vegetation offsets to an external permit applicant, Maryvale Private Hospital. There is a good nexus for Maryvale Private Hospital using the Crinigan Bushland Reserve for its native vegetation offsets.

The environmental outcomes of the sale of Latrobe City Council native vegetation offsets to external permit applicants are most likely to be positive, with the offset being managed appropriately and areas of Council bushland protected in perpetuity and managed to a higher environmental standard.

The Crinigan Bushland Reserve has a whole of reserve management plan (Practical Ecology P/L), which is reviewed every 5 years. A 10 year offset management plan must be developed as a requirement of DEPI if the offset agreement proceeds. Both plans will have a common objective of biodiversity conservation, and annual works programs.

Latrobe City Council has not undertaken the sale of native vegetation offsets to an external permit applicant before and does not have an adopted position, policy or procedure in place to govern the process or arrangements, as the land owner.

However, the proposal for the sale of a Latrobe City Council native vegetation offset in Crinigan Bushland Reserve to Maryvale Private Hospital could proceed after consideration of community comments, as a one-off case study to inform and assist in shaping a future Council policy or position.

At its Ordinary Meeting on 15 July 2013 Council resolved:

1. *That Council seek community comment on the sale of Latrobe City Council native vegetation offsets in Crinigan Bushland Reserve to Maryvale Private Hospital, for a period of 4 weeks.*
2. *That a report be presented to Council for consideration following the community consultation period, including submissions for consideration*
3. *That Council officers commence the investigation and development of a Council policy or position on the sale of native vegetation offsets to external permit applicants.*

*Preliminary Consultation*

Initial discussions commenced in February 2013 regarding native vegetation offsets in Crinigan Bushland Reserve and have been held with the Department of Environment and Primary Industries (DEPI), Maryvale Private Hospital consultant project manager, planning consultant, environmental consultant and council officers concerning the feasibility of the concept and proposal. This has included site meetings.

DEPI agree that there is a good nexus to use the Crinigan Bushland Reserve for the required offsets and the high value vegetation should be retained within the municipality.

A 10 year offset management plan is required if the proposal goes ahead. This plan must be endorsed by DEPI. The plan will be developed by a consultant on behalf of Council, paid for by the developer, in consultation with the Committee of Management and Friends Group. This plan must meet minimum criteria determined by DEPI under the *Planning and Environment Act 1987*.

Preliminary discussions were held with the Crinigan Bushland Reserve Committee of Management on 4 July 2013 to advise them of the proposal, provide information regarding the community consultation opportunities and process being undertaken by Council.

Questions and discussions from the Crinigan Bushland Reserve Committee primarily focussed on:

- The financial benefit to the Reserve and use of the additional funds. These funds must be used to maintain and enhance the designated offset area of the Reserve.
- Public access and use of the Reserve does not change if it is to be used as native vegetation offset.
- The native vegetation that Maryvale Private Hospital want to remove is the same class and of similar ecological value as that in the Crinigan Bushland Reserve. Using the Reserve meets the requirements of DEPI and makes sure the local environment and community receive a benefit.
- Council officers give in-principle support for the proposal as there is a good nexus between the Hospital and the Reserve, and the environmental outcomes for the Reserve would be positive.
- If Council decides to proceed then legal agreements will be drawn up between Latrobe City Council and Maryvale Private Hospital (the developer), and Latrobe City and DEPI (the regulator) to honour the requirements under this arrangement, including payment, a caveat being placed on the Reserve title showing the area of the offset and the development of a 10 year offset management plan. The offset area cannot be used twice.
- The key implications of using the Reserve to offset native vegetation removal include the requirement for a 10 year offset management plan to be developed and actively implemented to the satisfaction of

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

DEPI and a permanent change in status of the offset land; the costs associated with these actions would be paid for by the developer.

- The developer has a number of different options for offsetting native vegetation removal. Using Crinigan Bushland Reserve is currently their preferred option, but they are also investigating other options.
- As Council has not entered into an offsetting arrangement with a developer before, the decision on whether or not to do so must be a formal decision of Council.
- A report detailing the proposal and explaining a native vegetation offset was prepared by Council officers and presented to the 15 July 2013 Council meeting. A copy of the report is available on the Latrobe City website.
- A further report must be presented to Council for consideration following the community consultation period, including submissions for consideration.

This report provides the results of the four week community consultation period.

### **ISSUES**

#### *Community Consultation Process*

Following the Council resolution on 15 July 2013, a community consultation period commenced (22 July - 19 August 2013).

Advertisements were placed in The Latrobe Valley Express council notice board once a week, for a four week period informing the community of the proposal, where to obtain further information, a contact name and number to discuss the proposal, and inviting them to make a submission.

Information was posted on the Latrobe City Council website 'Have your say' tab including a 'Frequently Asked Questions' information sheet (attachment 1) and the 15 July 2013 Council report.

A posting was made by Latrobe City officers on the Friends of Crinigan Bushland Reserve and Edward Hunter Friends Group Facebook sites informing the Groups of the community consultation period, how to access information and make a submission.

Flyers were placed on the notice boards at the Crinigan Bushland Reserve and the proposal was included as an agenda item at the Committee of Management meeting.

Five submissions have been received. All have elements in support for the proposal (attachment 2).

Questions received within the submissions are tabulated below with a corresponding officer response/comment.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

<b>Question from Friends Group within their submission.</b>	<b>Officer Response/Comment</b>
<i>Will there be another layer of bureaucracy that will have to deal with in order to get things done?</i>	Work undertaken by the Friends Group would be required to go through the same process as currently; the Committee of Management and Latrobe City Council.
<i>Will the management requirements of the offset be different to the remaining areas of the reserve and where and how will the area be defined?</i>	The physical area will be determined by, and indicated within, the 10 year offset management plan. Works in the area of the offset will be funded by, and audited against the 10 year offset management plan. The management objectives of the entire reserve will remain the same.
<i>Will the Friends be consulted by the so called experts about the management changes? Basically, will the friends taken seriously and be treated as partners in this arrangement or be ignored?</i>	Latrobe City Council welcomes the input from the Friends Group and will consult with both the Committee of Management and Friends Group during the development of the 10 year offset management plan. Final decision remains that of council, regulated by DEPI.
<i>What about the area that is actually going to be changed by the building site (and the fire protection zone), around the hospital. Who and how will this area be managed and defined? (Will there be a fence?) What part will be friends play in this process?</i>	This is the responsibility of Maryvale Private Hospital. These matters can be discussed with Maryvale Private Hospital. Maryvale Private Hospital has a representative on the Committee of Management.
<i>Will the public be excluded (friends included) from this area? What benefits will the patients and staff at Maryvale Hospital attain from the additions? Could a special wheel chair friendly track be incorporated into the fire protection area?</i>	This is the responsibility of Maryvale Private Hospital.
<i>It seems the reserve is being encroached upon from all side; this just looks like another example of the loss of native vegetation not a gain. Will the reserve be used for another offsets in the future?</i>	The same native vegetation offset area can only be used for this purpose once. Council is developing a policy regarding the use of Council land for native vegetation offsets. The native vegetation within the offset area is protected and managed at a higher level within the reserve, via additional funds and auditing.
<i>There is an urgent need to improve security of the whole reserve not just the offset. Motorbikes, 4WDs, unsupervised feral animals and children, rubbish dumping, firewood pilfering, vandalism and damage to fences and gates are a constant issue. The only way to protect the offset is to improve the security of the whole reserve.</i>	This comment will be considered in the development of the 10 year offset management plan and the whole of reserve management plan, which is reviewed every 5 years.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

<b>Question from the Committee of Management within their submission</b>	<b>Officer Response</b>
<i>Who will be responsible for the management of the offset site?</i>	Ultimately, as the land owner, Council enters into the offset agreement and is responsible for the management of the offset site and sees that the offset area is management in accordance with the 10 year offset management plan. Council will continue to manage the reserve together with the Committee of Management and the Friends Group.
<i>To what extent will the DEPI be involved in the management of the offset and will that involvement have any implications on how the site is currently managed?</i>	DEPI as the responsible authority will have to endorse the 10 year offset management plan, and will undertake audits to see that the actions in the plan are being carried out.
<i>The acting consultants for the development at the hospital make reference to the Practical Ecology Management Review for the reserve; in this they outline an action plan for the management of the reserve. Will this still be valid?</i>	The management objectives across the entire reserve remain the same. The whole of reserve management plan will remain valid throughout the offset area, however the 10 year offset management plan will take precedence where the two are in conflict. The whole of reserve management plan is due for review in 2016.
<i>Who will fund the development of the new 10 year management plan for the offset site? And what happens after the 10 years?</i>	The developer will incur all costs for the development of the 10 year offset management plan. After the 10 years the additional offset funds will be exhausted and the entire reserve will be managed under the whole of reserve management plan, respecting the offset area.
<i>Will any of the proposed additional funding for the offset site compromise the current level of funding received from the Latrobe City for the management of the reserve?</i>	No, the funding for the offset management will be additional to the current Latrobe City Council funding. The Committee of Management will be required to undertake the same application process for Council funding as they do currently.
<i>With the CBR committee of management have an input into the management of the hospital fire protection zones?</i>	This is the responsibility of Maryvale Private Hospital. These matters can be discussed with Maryvale Private Hospital. Maryvale Private Hospital has a representative on the Committee of Management.
<i>Where exactly will the offset boundaries be? Will the committee have any say in where the boundary will be? Wouldn't it be wise to include the high value species of significance within the offset area?</i>	The exact offset boundaries will be determined via the development of the 10 year offset management plan. Council welcomes the input from the Committee of Management and will consult with both the Committee of Management and Friends Group during the development of the 10 year offset management plan. Final decision remains that of council, regulated by DEPI.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

<b>Question from the Committee of Management within their submission</b>	<b>Officer Response</b>
<i>Will there be explanatory information provided to inform the public of the altered status of the offset section of the reserve and what will be permitted within that site, i.e. new or additional signage.</i>	This will be considered in the development of the 10 year offset management plan.
<i>Will there be an opportunity to transplant any native plants of worth from within the proposed fire protection area prior to the clearing/slashing, etc.</i>	This can be discussed with Maryvale Private Hospital.
<i>Will there be further opportunity to raise these (further questions) as the process proceeds?</i>	Council welcomes the input from the Committee of Management and will consult with both the Committee of Management and Friends Group during the development of the 10 year offset management plan. Final decision remains that of council, regulated by DEPI.

**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.

Should Council choose to proceed with the proposal, a legal agreement will be entered into with Maryvale Private Hospital to meet the requirements of the native vegetation offset and level of protection, including a 10 year offset management plan. All reasonable costs involved with this proposal would be borne by the applicant.

Council has obtained an independent assessment review of the methodology (attachment 3) used to calculate the financial costs of managing the offset. The review highlights areas requiring transparency in the calculation, some of which will be determined with the development of the 10 year offset management plan.

Currently the estimated cost provided by the consultant is \$49,176.87 for the management plan implementation component of the offset. However further work is required by the applicant and council to agree on the calculation method and exact costs as highlighted in the independent assessment report.

The financial contributions that must be made by the applicant to enhance and maintain the offset will be further established once the 10 year management plan has been written and accepted by DEPI.

These funds are allocated for the maintenance and management of the offset for a 10 year period.

The management of the native vegetation offsets would be governed by a legal framework overseen by DEPI. Planning permit conditions will also govern the requirement for an offset management plan.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)****INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

- Public notices placed in the Latrobe Valley Express on Monday 22 July, Monday 29 July, Monday 5 August and Monday 12 August 2013.
- Public notice and information placed on council's website.
- Public notice placed in the Crinigan Bushland Reserve notice boards
- Posting on Friends of Crinigan Bushland Reserve Facebook site
- Agenda item and discussion at Council's Crinigan Bushland Reserve Committee of Management meeting.

*Details of Community Consultation / Results of Engagement:*

Five submissions were received during the consultation period (attachment 2).

One phone inquiry was received asking if there would be any change to the ability for the public to access the Reserve as a result of the proposal. The caller was informed that the Reserve access will not change.

**OPTIONS**

The following options are available to Council:

1. Enter into a formal agreement for Maryvale Private Hospital to use Crinigan Bushland Reserve meet the requirements of the native vegetation offset. This includes applying the appropriate level of protection under the DEPI guidelines, agreeing on costs calculation, a 10 year management plan and payment of funds. All costs involved with this proposal would be borne by the applicant, or
2. Not enter into a formal agreement for Maryvale Private Hospital to use Crinigan Bushland Reserve to meet the requirements of the native vegetation offset.

**CONCLUSION**

Council has been approached, as the land owner of Crinigan Bushland Reserve, to consider a proposal to use the Reserve as a native vegetation offset option. This involves the sale of native vegetation offsets to an external permit applicant, Maryvale Private Hospital. There is a good nexus for Maryvale Private Hospital using the Crinigan Bushland Reserve for its native vegetation offsets.

The environmental outcomes of the sale of Latrobe City Council native vegetation offsets to external permit applicants are positive, with the area of Council bushland protected in perpetuity and managed to a higher environmental standard.

The Crinigan Bushland Reserve has a whole of reserve management plan (Practical Ecology P/L), which is reviewed every 5 years. A 10 year offset



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

management plan must be developed as a requirement of DEPI if the offset agreement proceeds. Both plans will have a common objective of biodiversity conservation, and annual works programs.

This 10 year offset management plan must be endorsed by DEPI. The plan will be developed by a consultant on behalf of Council, paid for by the developer, in consultation with the Committee of Management and Friends Group. This plan must meet minimum criteria determined by DEPI under the *Planning and Environment Act 1987*.

Public access to the Reserve will remain and, if Council proceed with the proposal, additional funds will be available to enhance and maintain the reserve, managed through the Committee of Management in accordance with the 10 year offset management plan.

Five submissions were received during the four week community consultation period with some questions and concern but considered to be in support of the proposal to use the Reserve for a native vegetation offset.

**Attachments**

1. FAQ's Native Vegetation Offsets in Crinigan Bushland Reserve
2. Submissions
3. Independent desktop review of methodology to calculate costs for native vegetation offsets

**RECOMMENDATION**

1. That Council resolve to enter into an agreement with Maryvale Private Hospital to use the Crinigan Bushland Reserve for their native vegetation offset.
2. That the Chief Executive Officer is authorised to enter into Contract of Sale and sign and seal for agreement of native vegetation offsets at Crinigan Bushland Reserve to Maryvale Private Hospital.
3. That Council advise those persons who provided written submission of Council's decision in this matter.

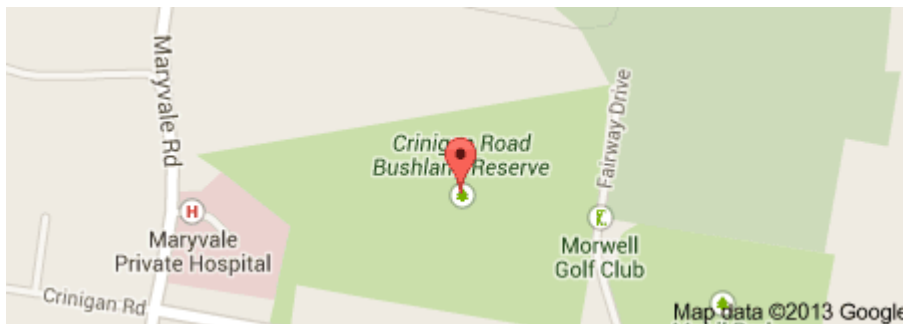
## **9.2**

### **SALE OF LATROBE CITY COUNCIL NATIVE VEGETATION OFFSETS TO EXTERNAL PERMIT APPLICANT, MARYVALE PRIVATE HOSPITAL, SEPTEMBER 2013**

- 1    FAQ's Native Vegetateion Offsets in Crinigan Bushland Reserve..... 49**
- 2    Submissions ..... 53**
- 3    Independent desktop review of methodology to caluculate costs for native vegetation offsets ..... 61**

### **Where is Crinigan Bushland Reserve?**

The Crinigan Bushland Reserve is located between Maryvale Road and Fairway Drive, Morwell. The Reserve includes 39 ha of natural bushland with a number of walking tracks, dams, picnic areas, barbeques, shelters and notice boards.



### **What is a native vegetation offset?**

A native vegetation offset is works or other actions to compensate for the loss of native vegetation arising from the removal of native vegetation allowed as part of a planning permit.

An offset needs to achieve a gain in the quality and quantity of native vegetation commensurate with the native vegetation lost, and be secure and ongoing.

An offset may be an area of existing remnant vegetation that is protected and managed; an area that is revegetated and protected; an area that is set aside for regeneration or restoration, or any combination of the above.

### **Why does Maryvale Private Hospital want to do this?**

Under the State government Planning and Environment Act (1987) and Victoria's Native Vegetation Management: A Framework for Action (2002) if native vegetation is to be removed for development or construction, the permit applicant must demonstrate efforts to avoid, minimise and offset such removal.

Where the avoid and minimise option have been exhausted, offset options must be achieved.

There are legal frameworks that allow developers/permit applicants to sign over their offset requirements to a third party land owner for an agreed amount of money. This arrangement reduces the developers/permit applicants risk and streamlines the process, and the landowner takes over the ongoing legal responsibility for ensuring the effective management of the offset.

### **Why use the Crinigan Bushland Reserve?**

The native vegetation that Maryvale Private Hospital want to remove is the same class and of similar ecological value as that in the Crinigan Bushland Reserve. Using the Reserve meets the

requirements of the Department of Environment and Primary Industries (DEPI) and makes sure the local environment and community receive a benefit.

**Does Maryvale Private Hospital have to use Crinigan Bushland Reserve?**

No, Maryvale Private Hospital can find a native vegetation offset in any location that meets the requirements of the Department of Environment and Primary Industries (DEPI).

**What has to happen to have the native vegetation offset in the Reserve?**

Council will have to make a decision if they want to go ahead with the proposal to use the Reserve for a native vegetation offset. They will do this at a Council Meeting after considering all the information and the community comment made through submissions.

If Council decide to proceed then a legal agreement must be drawn up between Latrobe City Council and Maryvale Private Hospital (the developer) with all the conditions included. Conditions will include a caveat being placed on the Reserve title showing the area of the offset and detailing that it will be managed for conservation purposes and protected for at least another 100 years. The offset area cannot be used twice.

**How much will this cost Council?**

Placing a native vegetation offset in the Reserve should have no financial cost to Council. All the costs for the setup of the offset (preparation of a 10 year management plan, legal costs, etc.) and 10 years of maintenance are paid for by Maryvale Private Hospital. There is a formula used to calculate the cost to maintain and improve the native vegetation for 10 years as required by the management plan.

**What happens with the money that Council gets?**

The money paid to Council from Maryvale Private Hospital for the offset and its maintenance must be spent on the Reserve to maintain and improve the native vegetation. It cannot be used for other Council activities.

**Can I still use the Crinigan Bushland Reserve if there is a native vegetation offset in the Reserve?**

Yes. Use and access to the Reserve does not change because there is a native vegetation offset within it. You will still be able to enjoy the Reserve as you do now.

**Does the land still belong to Council?**

Yes. The ownership of the land does not change. The Reserve is still owned by Council.

**Will the Reserve look different?**

No, but the Reserve should look better over time as there is more money available to spend on improvements to native vegetation such as weed and pest animal control, protection, etc.

**How big is the native vegetation offset area in the Reserve?**

The area of the native vegetation offset required to be managed is approximately 19 hectares, which is about half the Reserve.

### **How will this affect me?**

There will be no direct effect on you as a user of the Reserve or a nearby resident. The 19 hectares of native vegetation within Crinigan Bushland Reserve will be given added protection and improvement for you to enjoy into the future.

### **What are the benefits of doing this?**

The environmental outcomes of the sale of Latrobe City Council native vegetation offsets to external permit applicants are most likely to be positive, with the offset being managed appropriately and areas of Council bushland protected in perpetuity and managed to a higher environmental standard.

### **Why is Council asking for feedback?**

Council has been approached, as the land owner of Crinigan Bushland Reserve, to consider a proposal to use the Reserve as a native vegetation offset.

Council has not entered into an arrangement of this type previously and does not have an adopted position, policy or procedure to govern the process or arrangements. Council want to know what the community thinks about using Crinigan Bushland Reserve for a native vegetation offset.

### **What if Council decides not to go ahead with this proposal?**

If, after receiving community feedback, Council decides not to go ahead with this proposal, Maryvale Private Hospital will seek a native vegetation offset in a different location. Crinigan Bushland Reserve will continue to be managed by Council in line with its current management plan; to conserve and enhance existing biodiversity assets, and provide quality passive recreation opportunities for local residents and the local community.

### **What happens next?**

Submissions are open for 4 weeks, closing Monday 19 August 2013 at 5.00 pm

### **How do I make a submission?**

Written submissions on the proposal can be provided to Deirdre Griepsma, Manager Natural Environment Sustainability, via email [deirdre.griepsma@latrobe.vic.gov.au](mailto:deirdre.griepsma@latrobe.vic.gov.au) or post PO Box 264, Morwell VIC 3840.

All submissions will be considered public unless stated otherwise.

### **What if I have more questions?**

To read the report that was presented to Council on 15 July 2013 about this go to [www.latrobe.vic.gov.au/criniganbushland](http://www.latrobe.vic.gov.au/criniganbushland) or contact Jane LLoyd, Coordinator Environment Sustainability on (03) 5128 6100 or via email [jane.lloyd@latrobe.vic.gov.au](mailto:jane.lloyd@latrobe.vic.gov.au).

**What can I do if I want to be more involved with the Reserve?**

You can contact the Crinigan Bushland Reserve Committee of Management or find out more about how to become involved with looking after the Reserve at [www.latrobe.vic.gov.au/Our Services/Our Facilities and Centres/Our Facilities/Crinigan Bushland Reserve](http://www.latrobe.vic.gov.au/Our_Services/Our_Facilities_and_Centres/Our_Facilities/Crinigan_Bushland_Reserve)

Crinigan Bushland Reserve has an active Friends Group and a Facebook page.

**Deirdre Griepsma**

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**From:** Anne Roberts <anne@melindaroberts.com.au>  
**Sent:** Monday, 5 August 2013 3:53 PM  
**To:** Deirdre Griepsma  
**Subject:** Re. Offset to Crinigan Bushland Reserve

Dear Deidre,

The proposal by Maryvale Hospital to provide funds to council as an offset for the improvement of vegetation in Crinigan Reserve is a wonderful opportunity for the friends of the reserve to get stuck in and do good.

I was originally concerned with the wording 'added protection', it brought thoughts of fenced off areas to mind which would not be accessible to the public but Jane Lloyd has put my mind at ease on that matter.

Currently the 'friends group' is doing a great job in there both with the infrastructure and weed control and we hope that they will not be interfered with and no toes trodden on. Wondering who will be overseeing the 'offset' when it is decided upon.

Yours, Anne Roberts (member of the friends group and former committee member)

### **Submission Crinigan Bushland Reserve Maryvale Hospital Offset Proposal**

My wife and I live at 9 Crinigan Road Morwell, which is immediately adjacent to the Maryvale Hospital and near the Bushland Reserve. We use and support both the Hospital and the Reserve.

We are aware that an Offset Proposal of this nature is new territory for Council and appreciate the opportunity to comment.

We are members of the Friends of Crinigan Bush Reserve and I am a member of the Crinigan Bushland Reserve Committee of Management.

We welcome the proposed building extensions at the Hospital as they will enhance the ability of the Maryvale Private Hospital to provide a first class medical facility for Latrobe and Gippsland.

We support the proposal for the Maryvale Private Hospital to provide funds to Latrobe City Council to protect and improve native vegetation in Crinigan Bushland Reserve to offset native vegetation loss on the hospital site.

We understand that no vegetation will be removed in the Crinigan Bushland Reserve area and that vegetation will only be removed on Maryvale Private Hospital land.

We further understand that the removal of native vegetation from the Hospital site will be for fire protection purposes. As close neighbors we welcome this as anything that protects the Hospital from wildfire will also protect the Crinigan road houses that back on to Hospital sight.

We are advised that the public access to the Hospital owned areas of Reserve, will not change.

We are mindful of the finite financial resources available to manage the Reserve and consider that this proposal will provide appropriate additional funding to assist in maintaining and improving the quality of native vegetation in this valuable public area.

John and Leonie Willis  
9 Crinigan Road  
MORWELL 3840



**From:** Dianne  
**To:** Jane Lloyd <Jane.Lloyd@latrobe.vic.gov.au>  
**Date:** 25/07/2013 11:13:45 AM  
**Subject:** Crinigan road reserve

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Hi Jane,

Proposal seems ok providing total reserve stays open for public access. It would be good if some funds could be provided to improve fencing around reserve to restrict motorbike access,

Les Watson.  
Friend of reserve member

**Submission to Latrobe City Council  
RE: Sale of Native Vegetation Offset  
From Crinigan Bushland Reserve Committee of Management**

For the past 14 years a committee of management has worked to preserve the Crinigan Bushland Reserve (C.B.R) for public use and provide protection for its flora and fauna.

The proposal for 19 hectares of this public land to be offered as an offset for future development of an addition to the Maryvale Private Hospital has raised a number of questions and concerns amongst members of the current committee of management and how this will impact on future management of the reserve. A summary of questions are listed below:

**Management Questions**

- Who will be responsible for the management of the offset site?
- To what extent will the Dept of Environment and Primary Industries (D E P I) be involved in the management of the offset site and will that involvement have any implications on how the site is currently managed.
- The acting consultants for the development at the hospital make reference to the Practical Ecology Management Review for the reserve; in this they outline an action plan for the management of the reserve. Will this still be valid?
- Who will fund the development of the new 10 year management plan for the offset site? And what happens after the 10 years?
- Will any of the proposed additional funding for the offset site compromise the current level of funding received from the Latrobe City for the management of the reserve?
- Will the C.B.R. committee of management have an input into the management of the hospital fire protection zones?

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- Where exactly will the offset boundaries be? Will the committee have any say in where the boundary will be? Wouldn't it be wise to include the high value species of significance within the offset area?
- Will there be explanatory information provided to inform the public of the altered status of the offset section of the reserve and what will be permitted within that site, i.e. new or additional signage.
- Will there be an opportunity to transplant any native plants of worth from within the proposed fire protection area prior to the clearing/slashing, etc

There seems to be many aspects of the offset proposal process that are not at this stage known and there are not doubt questions that we have not thought to raise and other questions may become apparent later. Will there be further opportunity to raise these as the process proceeds?

The Crinigan Bushland Reserve Committee of management appreciates this opportunity to present this submission and in order to report back to its members would like to present a written response of our concerns at a future general meeting.

Note ; most members of the committee were approached to contribute to this submission either in writing or verbally, few took the opportunity to do so, choosing to accept whatever comments from those that that did.

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**Submission RE: Establishment of a  
Native Vegetation Offset site  
within the Crinigan Bushland Reserve.**

**From the Friends of the Crinigan Bushland Reserve**

The Friends of Crinigan Bushland Reserve are a small but enthusiastic group of volunteers that have committed thousands of man hours over the past few years to help preserve the values of the reserve. Whether it is for their joy of doing something for the community, the environment or for the social interaction, the Friends play a very valuable role in maintaining, monitoring and improving the facilities, habitat and quality of a rare and threatened asset to Morwell and the Latrobe Valley.

They hope the planned offset will be a benefit and welcomed addition to, and complement their efforts and not be a hindrance. Their concerns mostly centre on any regulations, restrictions or extra requirements that may inhibit their plans and efforts to undertake their work.

Specifically, questions and concerns such as:

- Will there be another layer of bureaucracy that will have to be dealt with in order to get things done?
- Will the management requirements of the offset be different to the remaining areas of the reserve and where and how will the area be defined.
- Will the friends be consulted by the so called experts about the management changes? Basically, will the friends taken seriously and be treated as partners in this arrangement or be ignored?
- What about the area that is actually going to be changed by the building site (and the fire protection zone), around the hospital. Who and how will this area be managed, maintained and defined? (Will there be a fence?) What part will the friends play in this process?

- Will the public be excluded (friends included) from this area? What benefits will the patients and staff at Maryvale Hospital attain from the additions? Could a special wheel chair friendly track be incorporated into the fire protection area?
- It seems the reserve is being encroached upon from all side; this just looks like another example of the loss of native vegetation not a gain. Will the reserve be used for other offsets in the future?
- There is an urgent need to improve security of the whole reserve not just the offset. Motorbikes, 4WDs, unsupervised feral animals and children, rubbish duping, firewood pilfering, vandalism and damage to fences and gates are a constant issue. The only way to protect the offset is to improve the security of the whole reserve.

The friends appreciate the opportunity to respond to the planned offset and look forward to receiving a written response to their submission. They hope to be kept up to date and informed directly via a council representative.

*Note; All members were approached to submit their thoughts or concerns about the offset proposal in writing but few took up the opportunity to do so, rather opting to accept whatever was proposed by those that did.*

*The comments above are based on those that we gleaned from discussion at the passed working bees and telephone or face to face conversations, they are therefore generic in nature and not word for word statements, so no quotation marks were used. An element of artistic license has been applied by the author and also an amount of tongue in cheek.*

Thanking you on behalf of the Friends of Crinigan Bushland Reserve

Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

**Jane Lloyd**  
**Coordinator Environment Sustainability**  
**Latrobe City Council**  
**114 Commercial Road**  
**Morwell, VIC, 3840**

**Jane Currie**  
**BeaconEcological**  
**3 Menczer Lane**  
**Jan Juc, VIC, 3228**

16 August 2013

Dear Jane,

**Desktop review of "Assessment of Costs to Implement Ten Year Offset Management Plan within Crinigan Bushland Reserve, Morwell"**

Beacon Ecological was engaged by the Latrobe City Council to undertake a review of "Assessment of Costs to Implement Ten Year Offset Management Plan within Crinigan Bushland Reserve, Morwell" by Indigenous Design Land Management.

The review will form part of a report to Council following a request for a peer-review to assess:

- The extent to which the method used to assess costs in the document is a sound method.
- The extent of any gaps in the costing estimate or management actions proposed in the document e.g. any significant categories of management that have not been included.

**METHODOLOGY**

In order to undertake a detailed review, two additional relevant background documents were also investigated:

Practical Ecology 2011. *Crinigan Bushland Reserve, Morwell. Management Plan Review*. Unpublished report by Practical Ecology for Latrobe City Council

IDLM 2013a. *Net Gain Assessment in relation to vegetation management within defendable space zones at Maryvale Private Hospital*. Unpublished report by Indigenous Design Land Management for Latrobe Regional Development Group Pty. Ltd.

IDLM 2013b. *Assessment of Costs to Implement Ten Year Offset Management Plan within Crinigan Bushland Reserve, Morwell*. Unpublished report by Indigenous Design Land Management for Latrobe City Council.

Several databases maintained by the Department of Environment and Primary Industries (DEPI) were also reviewed including the Biodiversity Interactive Map Version 3.1 (DEPI 2013) and Planning Schemes Online (DPCD 2013).

Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

#### **SYNOPSIS OF MANAGEMENT PLAN (PRACTICAL ECOLOGY 2011)**

The Practical Ecology (2011) management plan documents ecological values and assets within the Crinigan Bushland Reserve and provides a five-year works program that sets out timeframes, prioritised management actions and activities and a cost estimation.

The management plan describes 20 different 'vegetation condition zones' of varying quality, Ecological Vegetation Class, management regimes/issues and land use history. These 'vegetation condition zones' are later transformed into 'management zones' to determine where proposed management activities are to take place in order to implement the five-year works program (Schedule of Works).

#### **SYNOPSIS OF NET GAIN ASSESSMENT (IDL M 2013A)**

The IDLM (2013a) report details the results of a Vegetation Quality Assessment (habitat hectare and scattered tree assessment) undertaken to address the removal of native vegetation within the inner and outer fuel management zones (as per requirements of a Bushfire Management Overlay) around the proposed extension of the Maryvale Hospital. The Net Gain assessment details:

- 2.7 hectares of very high – high conservation significance Lowland Forest from the Gippsland Plain bioregion is present within both management zones.
- 0.45 habitat hectares of very high – high conservation significance Lowland Forest from the Gippsland Plains bioregion are proposed for removal.
- 0.76 habitat hectares (comprising 0.34 very high and 0.42 high conservation significance) are required to offset the removal of Lowland Forest during the extension.

#### **SYNOPSIS OF ASSESSMENT OF COSTS (IDL M 2013B)**

The IDLM (2013b) report uses gain targets calculated in the Net Gain Assessment and estimated costs from the Schedule of Works (Practical Ecology 2011) to develop an overall cost estimate if Crinigan Reserve was to be managed under a ten-year offset management scenario. The Assessment of Costs details:

- 0.76 habitat hectares (comprising 0.34 Very High plus 0.42 High) are required to achieve a net gain.
- 19 hectares of Crinigan Reserve are required for management (using a default score of 60 out of 100 to calculate gains and the size of the offset).
- A list of management commitments considered necessary to achieve gain targets: exclude all stock and ensure weed cover does not increase beyond current levels; retain all standing trees (dead or alive); retain all fallen timber/branches/leaf litter; and eliminate high threat woody weeds and control pest animals.

## Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

- A list of management actions from the Schedule of Works (Practical Ecology 2011) included in the cost estimate which were considered necessary to meet the management commitments detailed above: Fencing and boundary management; weed management; pest animal management; burgran management; fauna habitat management; and monitoring and reporting.
- Cost estimates to manage the entirety of Crinigan Reserve (42.84 hectares) and to manage the minimum required area to achieve net gain (19 hectares) for the ten-year management period. Costs for the 19 hectare offset were calculated by multiplying Crinigan Reserve costs by 0.4435 (19 hectares / 42.84 hectares = 0.4435).

**ISSUES AND CONSTRAINTS – NET GAIN ASSESSMENT (IDL M 2013A)**

1. Native vegetation loss within fuel management zones was calculated using a prescribed method advised by Debbie Shaw from the Department of Sustainability and Environment (IDL M 2013a). The prescribed method multiplies the total area of native vegetation within both fuel management zones by 0.35. This result is multiplied by the habitat score of vegetation to provide a loss in habitat hectares. For example 0.8325 hectares of Lowland Forest vegetation with a habitat score of 0.57 (57/100) is present within both fuel management zones ( $0.8325 \times 0.35 = 0.29$ ), equating to a loss of 0.17 habitat hectares of Lowland Forest ( $0.29 \times 0.57 = 0.17$ ). See Section 5.5.5.1 and Table 5.6 for further information (IDL M 2013a).

Although use of the above method is prescribed by DSE, the report does not include information on the justification or the origin of the 0.35 multiplier. Further discussion with DSE and/or local council may assist in the justification and future use of this methodology to calculate loss from within fuel management zones. Lack of transparency in the use of this multiplier poses repercussions for the calculations of loss and as such the gain targets (i.e. the size of Crinigan Bushland Reserve required for protection and management).

2. The report states a conservation significance of 'very high' was applied to all habitat zones as vegetation is located within a Biosite of State significance (Biosite# 1826: Crinigan Road Reserve) (Section 7 Conclusion and Recommendations). However, only one habitat zone was allocated an overall conservation significance rating of 'very high'. The remaining two habitat zones are allocated 'high' conservation significance ratings.

Native vegetation can be applied a conservation significance rating of 'very high' if the site is listed as a Biosite in the relevant Bioregional Plan (WGCMA 2008). Crinigan Road Reserve is listed as a Biosite of State conservation significance in the *Strategic Overview for the Gippsland Plain Bioregion* (DSE 2003). As such, all three habitat zones may be considered of 'very high' conservation significance. This classification change poses repercussions for the calculation of gain targets (i.e. all habitat hectare losses should be multiplied by 2 to calculate gain targets – not 1.5 as per IDL M 2013a).



Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

#### ISSUES AND CONSTRAINTS – ASSESSMENT OF COSTS (IDLM 2013B)

1. The report assumes that vegetation within Crinigan Bushland Reserve meets all like-for-like criteria for the removal of very high conservation significance vegetation:
  - The same vegetation/habitat type
  - Similar or more effective ecological function and land protection function as impacted by the loss
  - The existing vegetation proposed as the basis of an offset must be at least 90% of the quality being lost (i.e. vegetation within Crinigan Reserve must have a habitat score of at least 51.3 or 90% of 57).
  - The proportion of revegetation limited to the offset is 10%.

While the IDLM (2013b) report acknowledges this assumption, referring to the results of the Practical Ecology (2011) report (... vegetation within Crinigan Reserve is predominantly assigned as EVC 16: Lowland Forest and is assumed to be of moderate to high quality...). It is considered prudent to undertake a Vegetation Quality Assessment within Crinigan Bushland Reserve to assess the condition and quality of vegetation present and obtain known habitat scores, therefore accurately assessing the suitability of the proposed offset site.

2. The DSE online gain calculator and a default habitat score for Lowland Forest (60 out of 100) was used to calculate potential gains per hectare within the reserve and therefore the proposed offset size of 19 hectares. Using habitat scores obtained during a Vegetation Quality Assessment (i.e. not default scores) allows the accurate calculation of gains per hectare and therefore the area of existing vegetation (size) required to achieve gain targets. The difference in offset size when using default scores compared to field habitat scores may alter estimated management costs, particularly boundary and fencing costs.
3. Crinigan Reserve is zoned PCRZ (Public conservation and Resource Zone) and is covered by an Environmental Significance Overlay (ESO 1- Urban Buffer) under the Latrobe City Council Planning Scheme. Therefore several management commitments and gains may be unavailable within the reserve (e.g. retaining trees does not score gain on public land). The activity of introducing fallen timber/branches/leaf litter is not required to achieve gain, however the introduction of logs can provide extra gain if desired (DSE .2006). Due to a lack of transparency in the report, the introduction of logs in gain calculation is unknown. The IDLM (2013b) report is unclear and does not provide a copy of the online calculator output detailing how potential gains were calculated, in particular why different management commitments were selected/not selected.
4. The Costing Estimate and Summary of Costs were developed using information from the Schedule of Works (Practical Ecology 2011). The following management actions were considered necessary to meet gain commitments and were included in the cost estimate: Fencing and boundary management; Weed management; Pest animal management; Burgan management; Fauna habitat management; and Monitoring and Reporting.

## Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

However, the report fails to identify which activities contribute to the estimate or how they contribute. For example the 'fencing and boundary management' action is included, but the activities included/excluded are unclear (i.e. purchase of padlocks, installation of post and wire fencing or capped star picket fencing). Pest animal management is also included in the IDLM (2013b) cost estimate, however the Practical Ecology (2011) Schedule of Works does not include a cost estimate for pest animal management as prices are dependent on the conditions present at the time they are to be implemented.

1. Costing estimates for years 6-10 used averages or followed the relative increase/decrease pattern identified within Practical Ecology's five year cost estimate and CPI increases across the ten year offset management period have been incorporated. As the Practical Ecology (2011) Schedule of Works does not provide management actions or activities for years 6-10, and the IDLM report does not clearly list actions/activities against years and estimated costs, the information required to understand how these costs were developed is absent.
2. Identifying missing management actions in the estimate (e.g. any significant categories of management that have not been included) is difficult, as the estimate does not list which activities from the Schedule of Works that are included or excluded. Although identifying management gaps may prove difficult, there may be potential for several Borgan Management activities and Weed Management activities to overlap and therefore reduce costs. Furthermore, Fauna Habitat Management actions considered necessary by IDLM (2013b) might increase estimated costs without providing any required gain.

**SUMMARY OF FINDINGS**

Net Gain Assessment (IDLM 2013a) - Several discrepancies are apparent in the methodology used to calculate native vegetation losses and gain targets. Although one of these methodologies is advised by DSE (Debbie Shaw, DSE, *pers. comm.*) further investigation is recommended in order to calculate the exact area required for management and protection. These discrepancies may change the required gain target (i.e. size of Crinigan Reserve required to be managed) and therefore any cost estimate associated with managing this area.

Assessment of Costs (IDLM 2013b) – The cost estimate fails to clearly identify which management actions, activities and costs from the Practical Ecology (2011) Schedule of Works are included. This lack of transparency may lead to the inappropriate calculation of costs and budgets, allocation of resources and the failure to achieve gain targets.

Beacon Ecological considers the information detailed within the Net Gain Assessment (IDLM 2013a) and the Assessment of Costs (IDLM 2013b) as inadequate to provide a transparent estimate of costs required for the implementation of an Offset Management Plan within Crinigan Bushland Reserve. Recommendations for the adequate estimation of costs are detailed below.

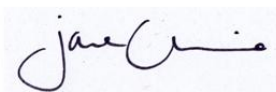
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## RECOMMENDATIONS

1. Justify methodologies used to calculate partial loss from fuel management zones with local council and DSE. A change in methodology may result in adjusted losses and gain targets, a change in the size of Crinigan Bushland Reserve required for management and therefore the associated costs of managing this area.
2. Clarify the conservation significance of the three Lowland Forest habitat zones within the fuel management zones around Maryvale Hospital as either very high or high. Recalculate gain targets by a multiplier of 2 if required. A change in required gain targets may result in a change in the size of Crinigan Bushland Reserve required for management and therefore the associated costs of managing this area.
3. Undertake a Vegetation Quality Assessment (habitat hectare and scattered tree assessment) within Crinigan Bushland Reserve to determine if vegetation meets all required like-for-like criteria. If like-for-like criteria cannot be met within the Crinigan Bushland Reserve an alternative offset site may need to be sourced.
4. Prepare an Offset Management Plan (OMP) that designates a specific area of Crinigan Bushland Reserve to achieve gain targets. Exact gains available within this specific area can be calculated using a habitat score (obtained during the Vegetation Quality Assessment) rather than using default scores. The OMP must clearly detail gains available within the designated offset area and management commitment/actions required to achieve these gains. This information will determine the offset size (in hectares) and management actions for implementation, allowing the accurate calculation of costs. To increase transparency during gain calculation, a copy of the DSE online calculator outputs should be included in the OMP.
5. The OMP should include an easy-to-follow table (i.e. Schedule of Works) detailing only management actions required to achieve gain targets. This table can then be used to calculate estimated costs in a simple and transparent manner (i.e. given to land management contractors for quotation). Actions and activities to enhance values, not considered necessary to achieve gains, can be included in a separate table or section of the OMP.

I hope the information detailed above is of assistance. Please do not hesitate to contact me if you have any questions or require further information.

Kind regards,



**Jane Currie – Consultant Ecologist**  
**BeaconEcological**

Review – Assessment of Costs, Crinigan Bushland Reserve, Latrobe City Council

## REFERENCES

- DSE 2003. *Strategic Overview for the Gippsland Plain Bioregion*. Victorian Government, Department of Environment and Sustainability.
- DSE 2006. *Vegetation Gain Approach – Technical basis for calculating gains through improved native vegetation management and revegetation*. Victorian Government, Department of Environment and Sustainability.
- DEPI 2013. Biodiversity Interactive Map Version 3. 2. <http://mapshare2.dse.vic.gov.au> (accessed August 2013). Victorian Government, Department of Environment and Primary Industries.
- DPCD 2013. Planning Schemes Online. <http://planningschemes.dpcd.vic.gov.au> (accessed August 2013). Victorian Government, Department of Planning and community Development.
- IDLM 2013a. *Net Gain Assessment in relation to vegetation management within defensible space zones at Maryvale Private Hospital*. Unpublished report by Indigenous Design Land Management for Latrobe Regional Development Group Pty. Ltd.
- IDLM 2013b. *Assessment of Costs to Implement Ten Year Offset Management Plan within Crinigan Bushland Reserve, Morwell*. Unpublished report by Indigenous Design Land Management for Latrobe City Council.
- Practical Ecology 2011. *Crinigan Bushland Reserve, Morwell. Management Plan Review*. Unpublished report by Practical Ecology for Latrobe City Council.
- WGCMA 2008. *West Gippsland Native Vegetation Plan 2003*. West Gippsland Catchment Management Authority, Traralgon, Victoria.

**9.3 PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is for Council to further consider the future of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 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***

*Appropriate, affordable and sustainable facilities, services and recreation*  
*Strategic Direction*

Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.

*Efficient, effective and accountable governance*

Strategic Direction

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

*Planning for the future*

*Strategic Direction*

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

*Legislation*

Local Government Act 1989

Section 189 of the *Local Government Act 1989* gives Council the power to sell land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

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

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

*Policy – Sale of Council Owned Property Policy 11 POL-4*

The principal aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property. The purpose of this policy is to serve as an accountability mechanism to the community.

It is Council's position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale.

All sales of Council owned property shall be consistent with the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development.

**BACKGROUND**

The future of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon, has been the subject of a number of reports to Council as shown in the attached chronology (Attachment One).

As a result of the Latrobe City Childcare Strategy 2006-2011, it was determined that the former TELC site in Franklin Street was no longer suitable for the provision of childcare services and it would therefore be necessary for the service to be relocated to an alternate site.

To facilitate this relocation an allocation of \$1.2 million for a new TELC was made in Councils 2007/2008 capital budget which was to be funded from the sale of the existing site.

Following consideration of a number of alternate sites for the new TELC, Council resolved at its meeting held on 6 October 2009 that the preferred site was in Mapleson Drive, Traralgon.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Council, at its ordinary meeting held on 5 March 2012, resolved to sell the former TELC by public auction.

Expressions of interest were sought from real estate agents in Traralgon to act on behalf of Council in the sale of the former TELC site with a public auction conducted on 27 July 2012. As no bids were received, resulting in the property being passed in, it was removed from the market pending a further report to Council.

Council further considered this matter at the ordinary meeting held on 20 August 2012 and resolved the following:

- 1. That the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, be placed on the market for sale with a further report to be presented to Council should an offer to purchase the property be received.*
- 2. That a further report be presented to Council by 31 March 2013 if no offers to purchase the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, are received.*

In accordance with the second resolution, as no offers were received, a further report was considered by Council at the ordinary meeting held on 18 March 2013 and Council resolved the following:

*That Council defer considering this matter to the first meeting in September 2013.*

Whilst Council had resolved to defer consideration of this matter until the first meeting in September 2013 an offer to purchase the property was received on 26 March 2013.

Having considered the offer that was received at the ordinary meeting held on 22 April 2013 Council resolved the following:

- 1. That Council note the resolution of 18 March 2013 to defer consideration of the proposed sale of the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, to the first meeting in September 2013.*
- 2. That Council resolves to reject the offer of \$925,000.00 plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, and that the prospective purchaser, via Councils appointed estate agent, be advised accordingly.*

A revised offer to purchase the former TELC was received, via Councils appointed estate agent, on 11 June 2013.

This offer, from LRDG Project Management Pty Ltd, was for \$1.1 million plus GST subject to the following conditions:

- A planning permit being issued for the development of offices on the property within 120 days;
- Agreements being entered into for the leasing of at least 50% of the proposed development within 120 days;
- Finance approval being received within 120 days.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

A condition of the sale was also to be that access to the proposed development would be made available from the road to the north of the property that provides access to the ASIC car park rather than from Franklin Street.

Council considered this offer at the ordinary meeting held on 15 July 2013 and resolved:

*That Council defer consideration of this matter until the first meeting in September 2013.*

**ISSUES**

As stated in previous reports the sale of the former TELC and part of the adjoining reserve were identified in the 2009/2010 budgetary process to partially finance the purchase of the new centre in Mapleson Drive. The purchase of the new centre was completed in early 2010 resulting in a deficit of \$1.2 million against unexpected funds carried forward for works to be completed in 2010/2011.

Council will be required to carry this \$1.2 million deficit until the sale of the former TELC is finalised.

The offer that was received in June 2013 would have addressed most of this deficit and it was also consistent with the most recent valuation obtained in April 2012 that valued the property at \$1.1 million.

LRDG Project Management Pty Ltd may still be interested in acquiring the property if Council determines that the former TELC site remains surplus to Council and community requirements.

Alternatively, should Council resolve to retain the former TELC for use by the community it will require refurbishment to ensure its suitability for this purpose and the identification of alternate funding for the current \$1.2 million deficit.

If the former TELC is retained and an alternate use for the building is not found it may be necessary to "board up" the property to prevent vandalism and unauthorised access.

The most recent incident of vandalism took place on 10 August 2013 and involved breaking the glass from the rear door to gain entry and holes made in the internal walls of the building.

**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.

As stated above, one of the key considerations in relation to the sale of the former TELC is the budget shortfall that exists should the sale of the property not be realised.

Council has previously resolved that the net proceeds from the sale of the former TELC are to be allocated towards the cost of purchasing and developing the new child care centre in Mapleson Drive.



## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

If Council was to resolve to sell the property an updated valuation would need to be obtained to ensure Council complies with Section 189 of the *Local Government Act 1989*.

Should Council wish to use the building for an alternative purpose it will require substantial refurbishment to make it suitable given the age of the building and the design for use as an early learning centre.

Whilst no formal costings have been obtained in relation to the refurbishment of the building it is likely that they would be similar to those for the former Moe Early Learning Centre (approximately \$150,000.00).

There is no allocation for maintenance of the building with the only works that are undertaken being of a reactive nature, such as repairs to broken glass or vandalism, and grounds maintenance as required.

If the former TELC is to be retained then it would be prudent for the building to be secured to prevent such incidents of unauthorised access and associated vandalism which represent an ongoing cost in the future.

### **INTERNAL/EXTERNAL CONSULTATION**

Leading up to the auction conducted in July 2012 the former Traralgon Early Learning Centre was subject to an extensive marketing campaign by Council's appointed estate agent, including advertisements in the Latrobe Valley Express, Gippsland Times, Warragul Gazette and Pakenham Gazette together with various real estate websites.

The last community consultation regarding the proposed sale of the former Traralgon Early Learning Centre was undertaken in January 2012.

### **OPTIONS**

The following options are available to Council:

1. Resolve to sell the former TELC building either by public auction or private treaty.
2. Resolve to retain the former TELC building.

### **CONCLUSION**

The former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, is no longer required for the provision of child care services and Council has previously determined that the property is surplus to both Council and community requirements.

Previous offers to purchase the property, including an offer that met the established asking price, have not been accepted resulting in the budget shortfall of \$1.2 million relating to the purchase of the new centre in Mapleson Drive remaining unresolved.

Until such time as the property is sold or an alternative use is identified it would be prudent for measures to be undertaken to secure the building against unauthorised access or vandalism.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Having deferred previous reports on this matter for consideration at this meeting, Council may now make a decision as to the whether it wishes to sell or retain the former Traralgon Early Learning Centre.

**Attachments**

1. Attachment One: Traralgon Early Learning Centre Chronology

**RECOMMENDATION**

1. That Council resolves to sell the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon.

## **9.3**

### **PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON**

- 1 Attachment One: Traralgon Early Learning Centre  
Chronology ..... 77**

**TRARALGON EARLY LEARNING CENTRE CHRONOLOGY**

7 <sup>th</sup> August 2006	Council resolves to give public notice of its intention to consider the possible sale of the former Traralgon Early Learning Centre.
4 <sup>th</sup> September 2006	Council considers submissions received and resolves to sell by private treaty the former Traralgon Early Learning Centre.
4 <sup>th</sup> June 2007	Council resolves to give public notice of its intention to consider the possible sale of part of the Franklin Street Reserve, adjoining the former Traralgon Early Learning Centre.
16 <sup>th</sup> July 2007	Council considers submissions received and resolves to sell part of the Franklin Street Reserve, adjoining the former Traralgon Early Learning Centre, by private treaty.
8 <sup>th</sup> February 2010	Council resolves to continue with the sale of the former Traralgon Early Learning Centre and part of the Franklin Street Reserve, Traralgon, to the owner of 24-28 Grey Street by private treaty.
22 <sup>nd</sup> February 2010	Council considers a Notice of Rescission for the resolution of 8 <sup>th</sup> February 2010 and defers consideration until "no earlier than 30 <sup>th</sup> April 2010".
20 <sup>th</sup> September 2010	Council considers the Notice of Rescission from 22 <sup>nd</sup> February 2010 and resolves not to adopt the notice.
27 <sup>th</sup> June 2011	Council resolves to provide the owner of 24-28 Grey Street with an extension of time to enable them to attract tenants and finance for the proposed development of the site.
5 <sup>th</sup> December 2011	Council resolves to provide the owner of 24-28 Grey Street with an extension of time to return signed contracts and deposit for purchase of the former Traralgon Early Learning Centre.
5 <sup>th</sup> March 2012	Council resolves not to proceed with the sale of the former Traralgon Early Learning Centre and part of the Franklin Street Reserve.
2 <sup>nd</sup> April 2012	Council resolves to rescind the resolution of 5 <sup>th</sup> March 2012 and proceed with sale of the former Traralgon Early Learning Centre by public auction.
10 <sup>th</sup> April 2012	Council considers a Notice of Rescission for the resolution of 2 <sup>nd</sup> April 2012 and resolves to proceed with the sale of the former Traralgon Early Learning Centre by public auction.
20 <sup>th</sup> August 2012	Council resolves to place the former Traralgon Early Learning Centre on the market.
18 <sup>th</sup> March 2013	Council resolves to defer consideration of the sale of the former Traralgon Early Learning Centre to the first meeting in September 2013.
22 <sup>nd</sup> April 2013	Council considers an offer for the former Traralgon Early Learning Centre and resolves to reject the offer.
15 <sup>th</sup> July 2013	Council considers a revised offer for the former Traralgon Early Learning Centre and resolves to defer consideration until the first meeting in September 2013.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)****14.4 PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEY  
BLUE GUM FROM AGNES BRERETON PARK, TRARALGON****General Manager****Recreation, Culture &  
Community Infrastructure****For Decision****PURPOSE**

The purpose of this report is to provide Council with the results of the community consultation for the proposed removal of one Sydney Blue Gum tree in Agnes Brereton Park Traralgon. The report also recommends the removal of 12 Chinese Elm Trees to allow for the redevelopment and upgrade of the courts.

**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*

*Latrobe City Council Plan 2013 – 2017*

- *Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of the trees that are appropriate to their surroundings.*
- *Ensure public infrastructure is maintained in accordance with community aspirations.*

*Latrobe City Council Plan 2013 - 2017*

*Policy - Tree Work Notification Policy 11 POL-4*

The purpose of this policy is to detail processes for the notification of significant tree works prior to the works being undertaken.

**BACKGROUND**

In mid-2012 Council received a letter from a resident in Anderson Street Traralgon requesting that the Sydney Blue Gum to the rear of their property have some pruning works carried out. The resident was concerned with the continual amount of tree litter that fell onto the netball court also to the rear of their property (see attachment 1 for map of the area). At this time Council pruned back the eastern tree canopy to reduce the amount of tree litter that fell onto the court and the private property.

In November 2012 Council undertook further pruning works to this gum tree. Netball players and supporters were concerned about the amount of tree litter falling onto the court and that this could cause injury to persons playing netball. In February 2013 Council carried out further pruning works to the gum tree. This included crown thinning and dead wooding to reduce the amount of tree litter that fell onto the court.

In April 2013 a representative of Traralgon Netball Club contacted Council requesting an onsite meeting to discuss the removal of the gum tree. They were concerned that persons watching netball could be injured from falling branches and persons playing netball could be injured by slipping/tripping on fallen tree litter. Council officers including arborists met with representatives from the Traralgon Netball Club to discuss all their issues and concerns for the players and spectators in mid April 2013. Following this meeting further pruning works to the gum tree were arranged and carried out. The works included further crown thinning and dead wooding.

At this onsite meeting the netball club still believed the gum tree to be a danger to players and spectators and have asked Council to consider removing the gum tree.

As per Councils Tree Work Notification Policy 11 POL - 4 a Council resolution is required prior to the removal of trees, unless they are dead, dying or dangerous in which case immediate removal is permitted.

A report was tabled at the Ordinary Council meeting on 20 May 2013 regarding the proposed tree removal. At this meeting Council resolved;

1. That Council defers any decision on the removal of the Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions from the community on the proposed tree removal.
2. That a further report be presented to Council following the public consultation process to provide details of community opinion on the proposed tree removal
3. That Council informs all affected parties of its decision.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

A further report was tabled at the Ordinary Council meeting on 5 August 2013 including the results of the community consultation process in relation to the proposed tree removal. At this meeting Council resolved;

1. That Council defer a decision regarding the retention of the Sydney Blue Gum tree at Agnes Brereton Reserve, Traralgon until the first meeting in September.
2. That all those who made a submission be informed of Council's decision.

### **ISSUES**

#### **Sydney Blue Gum Tree**

In line with the Tree Work Notification Policy, Council's arborists have inspected the gum tree and surrounding areas (see attachment 1). The gum tree is in good health and has a sound structure. All pruning works to the gum tree have been carried out to the best and latest practices in arboriculture.

The gum tree doesn't fall under Council's Tree Policy of Dead/Dying/Dangerous where a Council officer is delegated to remove this tree without a Council resolution.

The tree pruning works over the last six months have helped to reduce the amount of tree litter that falls onto the netball court. These works have also reduced the risk of summer/sudden limb drop syndrome. Council cannot give any guarantee that any gum tree in any of its public spaces will not drop branches. This tree could still drop/shed a branch without any warning as they are prone to do so. The cost of moving a living tree of this size could take in the region of two years to complete and would cost upwards of \$200,000.

The Traralgon Netball Association would like Council to consider the removal of this gum tree. They want the possible danger to spectators and risk of injuries to players removed from around and on the netball court eliminated completely. The club also believe that the trees root system is damaging the courts playing surface. An inspection of the court by officers has determined that this damage is not evident.

Sydney Blue Gums are not native to Victoria, they are native to coastal New South Wales and there are a number of these trees across parklands in the municipality. The tree at Agnes Brereton Reserve is estimated to be approximately 70 years of age.

If the tree was to remain and a new court constructed at Agnes Brereton Reserve it is estimated that these works would cost over \$150,000.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

There are budgeted plans to resurface the netball courts adjacent to the tree which is proposed for replacement with Plexipave during 2013/14. The new Plexipave is slightly more prone to slipping than asphalt and the surface is therefore minimally more likely to be affected by any leaf, fruit litter or shade from the tree. Continued care would need to be taken the users of the courts to ensure they were free from debris and safe for training and competition. Subsequently a Plexipave surface requires a more thorough cleaning and sweeping regime than asphalt, with a minimum of one weekly sweep of the surface and an annual pressure wash.

Other members of the community have voiced their opinion about the possible removal of this gum tree. Some members of the community would like the gum tree to remain, with Council and the netball association to continue with the current level of maintenance to the tree and the netball court.

**Chinese Elm Trees**

Since Council was first provided with information in respect to the proposed removal of the Sydney Blue Gum, detailed designs have been completed for the redevelopment and re-surfacing of all of the netball courts at Agnes Brereton Reserve.

As a result, the re-surfacing of the front 4 courts will require 12 low value trees to the east of these courts to be removed for the following reason;

- The current court layout do not meet the Victoria netball court specification measurements, therefore each court needs to be widened approximately 5.5 metres to meet these standards

Therefore, to allow for the courts to be compliant, 12 Chinese Elm trees will need to be removed (see attachment 3). These trees are not native, are of low value and are plentiful throughout Latrobe City. It is proposed that upon completion of the re-surfacing project, appropriate native trees will be re-planted in the area to the east of the courts.

**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 Sydney Blue Gum tree currently presents a minor slip/trip hazard for netball court users if the court is not swept of fallen litter before the court is used. Should the tree be retained in its current position officers would meet with the users of the court to discuss the best cleaning and sweeping methods for the court. Should specialist machinery be required to sweep the court officers could discuss the funding of this via a Community Grants application.



## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

Any future work to this gum tree, whether full removal or ongoing pruning, is manageable within the recurrent tree budget allocation. If the tree remains officers from Council's Tree Maintenance Team would increase its current monitoring system for this particular tree to ensure its ongoing good health and minimise the frequency and level of leaf and litter drop.

The cost to fully remove the tree and tree stump would be approximately \$2,600 and can be funded from Council's recurrent tree maintenance budget.

In respect to the Chinese Elm trees, the cost to fully remove the trees and tree stumps will be accommodated through the overall re-surfacing project which has an allocation of \$300,000 in the Council 2013/14 Capital Works Budget.

### **INTERNAL/EXTERNAL CONSULTATION**

Council has engaged in public consultation and called for public submission from the residents of nearby streets and other user groups of Agnes Brereton Park Traralgon.

Submissions were called for via advertisements in the Latrobe Valley Express and Traralgon Journal, a mail out of 14 letters to the two streets adjacent to the tree in the reserve and a posting on Council's Facebook page.

Council received a total of 12 submissions from local residents and user groups of the reserve (See attachment 2).

<b>IN FAVOUR OF TREE REMOVAL</b>	<b>NOT IN FAVOUR OF TREE REMOVAL</b>
<b>NINE</b>	<b>THREE</b>

In respect to the 12 Chinese Elm trees, consultation in respect to their removal has not been undertaken as the design of the courts has indicated that there is no option for Council but to remove these trees if the re-surfacing project is to proceed.

### **OPTIONS**

Council has the following options in respect to the proposed removal of the Sydney Blue Gum;

1. Not remove the Sydney Blue Gum tree in Agnes Brereton Reserve Traralgon beside the netball courts and increase its maintenance regime in respect to the tree.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

2. Remove the Sydney Blue Gum tree in Agnes Brereton Reserve Traralgon beside the netball courts.
3. Retain the tree and decommission the court in close proximity to the tree and build a replacement court. The replacement court would cost Council approximately \$150,000. This amount is not included in any current or future budget.

Council has the following options in respect to the proposed removal of the 12 Chinese Elm Trees;

1. Remove the 12 Chinese Elm trees in Agnes Brereton Reserve Traralgon to allow for the re-surfacing project to proceed.
2. Not Remove the 12 Chinese Elm trees in Agnes Brereton Reserve Traralgon. This would result in the re-surfacing project not being able to proceed as designed to meet Netball Victoria compliance standards.

**CONCLUSION**

Council's qualified arborists have completed a number of inspections on the Sydney Blue Gum tree and tree pruning works have been undertaken to make this gum tree as safe as possible. The tree has also been assessed by Council's arborist to be in good health.

Council cannot, however, give any guarantee that the gum tree will not drop branches. This tree could still drop/shed a branch without any warning (Summer /Sudden Limb Drop Syndrome) as could a number of tree species across the municipality.

Council has engaged in a consultation process with local residents, all user groups of the park and with the broader local community. The results concluded that the majority of respondents are in favour of the tree removal.

Plans are in place to resurface the affected court in the 2013/14 financial year with Plexipave and this would be slightly more affected by any leaf, fruit litter and shading from the tree than the current surface of the netball court.

In respect to the 12 Chinese Elm trees, there is no option for Council but to remove these trees if the re-surfacing project is to proceed as designed to meet Netball Victoria compliance standards.

**Attachments**

1. Attachment - Agnes Brereton Sydney Blue Gum Tree Removal Images
2. Attachment - Agnes Brereton Tree Removal For and Against Letters

**RECOMMENDATION**

- 1 That Council retain the Sydney Blue Gum tree at Agnes Brereton Reserve, Traralgon.**
- 2 That officers meet with users of the Traralgon Netball Association to discuss best practice methods to ensure the court remains safe for users and spectators.**
- 3 That a quarterly monitoring and pruning program for the Sydney Blue Gum tree is put in place by Council arborists to ensure the ongoing health of the tree and minimise branch, leaf and litter drop on the courts.**
- 4 That all those who made a submission be informed of Council's decision.**
- 5 That Council remove the 12 Chinese Elm trees from the eastern boundary of the existing courts to allow the resurfacing project to proceed.**
- 6 That Council replant appropriate replacement trees within the Agnes Brereton Reserve, Traralgon.**

## 14.4

### Proposed removal of Eucalyptus Saligna, Sydney Blue Gum from Agnes Brereton Park, Traralgon

- 1 Attachment 1 - Agnes Brereton Sydney Blue Gum Tree Removal Images ..... 87
- 2 Attachment 2 - Agnes Brereton Tree Removal For and Against Letters..... 89





**Date:** 23 April 2013 11:58:26 AM AEST  
**To:** Kellie O'Callaghan <[Kellie.O'Callaghan@latrobe.vic.gov.au](mailto:Kellie.O'Callaghan@latrobe.vic.gov.au)>  
**Subject:** tree at netball courts

Hi Kellie,

My name is Kristin Passalaqua and I am emailing you about an issue that has come to my attention in your ward.

I noticed one day last week that the council tree loppers were at the netball courts and were about to start work on a large gum tree at the rear of the carpark. I spoke to the arborist Ben Black about their intentions and he advised me that they were only taking out dead branches at this stage, although there were other concerns about the tree.

Ben advised me that the Traralgon Netball Association want the tree removed as they perceive it to be a danger.

I have very strong objections to this request. The tree is approximately 80 years of age and is a part of Traralgon's history. Ben advises me that the tree appears to be very healthy, although this would need to be confirmed with further tests. The tree is located at the rear of the carpark and slightly overhangs one court. This is a low use area, approximately 4-8 hours a week. It is a low traffic area, both pedestrian and vehicle, and in my opinion does not warrant being removed.

Surely people are able to use their own common sense, for once taking responsibility for their own actions, and not stand directly under the tree during high winds. We have become such a litigious society that it is starting to outweigh common sense.

I have kept silent about the multitude of trees being cut down around Traralgon by the Latrobe City Council, but I feel that I need to speak up about this issue.

I hope you are able to assist in this matter and urge the council to find a more suitable solution than the removal of a beautiful Australian native tree.

Sincerely,

Kristin Passalaqua

From: Grantley Switzer  
 Sent: Sunday, 2 June 2013 5:32 PM  
 To: Damien Blackford  
 Cc: Jody O'Hare  
 Subject: Re: Safety issues at Agnes Brereton Netball Facility

From: Carolyn Brown  
 Date: 2 June 2013 3:53:59 PM AEST

Hi Team,

Recently I attended the annual netball association's meeting on behalf of team five.

During the meeting, it was brought to light that the very large gum tree that overhangs court 8 at Agnes Brereton has become a safety issue for players, coaches, umpires and spectators.

I have forwarded you the email I received from the TNA requesting that we send our concerns in a letter or email to the council asap, in the next week, so that something can be done.

Please read the letter, and the email thread below, and you can make your own minds up about whether you'd like to express your concerns to the council.

Thanks,  
 x Caz

From: [REDACTED]  
 To: [REDACTED]  
 Subject: Safety issues at Agnes Brereton Netball Facility  
 Date: Fri, 31 May 2013 12:02:46 +1030

Dear TNA Members

There is a little confusion regarding the email sent earlier in the week which is attached below.

As discussed at the TNA General Meeting on Monday night, the General Committee voted unanimously to support the removal of the Sydney Blue Gum tree overhanging court 8. This tree creates a significant safety hazard for our players at the facility in the form of debris - leaf matter, gum nuts and flowers making the surface slippery and like running on marbles. The root system is also causing damage to court surfaces as it continues to grow. Small branches continue to drop and we have had a number of people hit by the falling branches. The consultation period for the potential removal of this tree is underway.

If you support the removal of the tree you must let the council know now. We strongly urge you to email a letter to Council in the next 2 weeks or it will not happen.

Attached is the letter Jenni Robde our Publicity Officer/Squad Coordinator in case you need a guide on what is required to write. Please either send a letter by traditional mail or simply email all Councillors of Latrobe City. The tree and its hazards will not be removed without your support. Their emails are:

- [Kellie.C'Callaghan@latrobe.vic.gov.au](mailto:Kellie.C'Callaghan@latrobe.vic.gov.au)
- [Sandy.Kam@latrobe.vic.gov.au](mailto:Sandy.Kam@latrobe.vic.gov.au)
- [Darrell.White@latrobe.vic.gov.au](mailto:Darrell.White@latrobe.vic.gov.au)
- [Sharon.Gibson@latrobe.vic.gov.au](mailto:Sharon.Gibson@latrobe.vic.gov.au)
- [Peter.G'Robson@latrobe.vic.gov.au](mailto:Peter.G'Robson@latrobe.vic.gov.au)
- [Christine.Standy@latrobe.vic.gov.au](mailto:Christine.Standy@latrobe.vic.gov.au)
- [Deke.Hirman@latrobe.vic.gov.au](mailto:Deke.Hirman@latrobe.vic.gov.au)
- [Michael.Roscher@latrobe.vic.gov.au](mailto:Michael.Roscher@latrobe.vic.gov.au)
- [Graeme.Mildred@latrobe.vic.gov.au](mailto:Graeme.Mildred@latrobe.vic.gov.au)



**Jody O'Kane**

**From:** Sandy Kam  
**Sent:** Tuesday, 11 June 2013 10:01 PM  
**To:** Granley Switzer  
**Subject:** Fwd: Netball court facilities and dangerous leaf fall.

Good evening Granley

Another email to add to the submissions.

Regards  
 Sandy Kam

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 4 June 2013 2:38:59 PM GMT+03:00  
**To:** Sandy Kam <Sandy.Kam@let.vic.gov.au>  
**Subject:** Fw: Netball court facilities and dangerous leaf fall.

----- Original Message -----  
**From:** [REDACTED]  
**To:** Sharon.Gibson@let.vic.gov.au  
**Sent:** Tuesday, June 04, 2013 2:53 PM  
**Subject:** Netball court facilities and dangerous leaf fall.

Hi Councillor Kam, My name is Michelle Brand and I am writing on behalf of my 11 year old daughter who plays netball, Saturday mornings and Squad, at Agnes Brereton Reserve. Each year I become concerned that the sport my daughter loves with a passion is being compromised by inadequate facilities and dangerous leaf fall from an inappropriately placed tree. First the facilities we have in Traralgon are lacking in all areas, old and an ineffective amount of toilets, small club rooms for team meetings etc and outdated netball courts. We have been to several Squad tournaments this year (for our first year) and compared to those beautiful, functional clubs we are sorely lacking. We want to be able to bring other towns and cities to our club and be proud that we offer a wonderful experience that make them want to keep coming back.

This is a problem with the tree that overhangs court 6, I coach my daughters team and EVERY TIME I have had to sweep that court when the girls play on it. The leaf and seed litter is disgusting, the surface is extremely slippery and on even slightly windy days you need to resweep the courts in between quarters. I have never written an email to a councillor before but this is something I feel passionately about, please help our club to make it an even better experience for our girls and boys. They are worth it, and Netball is worth it. Thankyou for your time in reading this. From Michelle and Sophie Brand.

---

Jody O'Kane

---

**From:** Sandy Kam  
**Sent:** Tuesday, 11 June 2013 9:55 PM  
**To:** Grantley Switzer  
**Subject:** Fwd: TNA

Good evening Grantley

Please include this email in the submissions for the tree removal at Agnes Brereton

Regards  
Sandy Kam

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 4 June 2013 2:41:29 PM GMT+03:00  
**To:** Kellie O'Callaghan <[Kellie.O'Callaghan@latrobe.vic.gov.au](mailto:Kellie.O'Callaghan@latrobe.vic.gov.au)>, Sandy Kam  
<[Sandy.Kam@latrobe.vic.gov.au](mailto:Sandy.Kam@latrobe.vic.gov.au)>  
**Subject:** TNA

Hi Kellie & Sandy,

We hope that you could forward this email and any others you may receive directly onto the other Councillors that would take part in voting on the important issues for the Traralgon Netball Assoc.

We would like to see Latrobe City support the TNA not only with the resurfacing of the courts, which has been an ongoing issue which seems yet to be resolved but seems to be putting young children in the community at risk.

Another major concern we have as parents of three daughters that play with the association, is the large trees overhanging one of the back courts, this is great concern for not only players & officials but also the spectators & other children in this area. If this tree is not removed or cut right down we feel it is a accident waiting to happen.

We urge you to help support them with any upgrades, maintenance and better facilities for our junior athletes to allow them to play in a safer environment.

Thanks  
Simon & Lauren Blair  
[REDACTED]

**From:** Kellie O'Callaghan  
**Sent:** Tuesday, 4 June 2013 10:49 PM  
**To:** Grantley Switzer  
**Subject:** Fwd: Removal of tree at Agnes Brereton Reserve

Private & Confidential

Begin forwarded message:

From: Patricia Russell [REDACTED]  
Date: 3 June 2013 9:40:56 AM AEST  
To: Kellie O'Callaghan <Kellie.O'Callaghan@latrobe.vic.gov.au>, Sandy Kam <Sandy.Kam@latrobe.vic.gov.au>, Darrell White <Darrell.White@latrobe.vic.gov.au>, Sharon Gibson <Sharon.Gibson@latrobe.vic.gov.au>, Christine Sindt <Christine.Sindt@latrobe.vic.gov.au>, Dale Harriman <Dale.Harriman@latrobe.vic.gov.au>, Michael Rossiter <Michael.Rossiter@latrobe.vic.gov.au>, Graeme Middlemiss <Graeme.Middlemiss@latrobe.vic.gov.au>  
Subject: Removal of tree at Agnes Brereton Reserve

Dear Councillors

My name is Trish Russell and I am an umpire at the Traralgon Netball on Saturday's. I support the letter written by the TNA committee to remove the tree in question.

I umpired on the court in question last Saturday 1<sup>st</sup> June. It was the first wet day we have had this season, this combined with the debris mentioned in the committee letter made conditions very difficult for players and umpires. The players did call they could just to stay on their feet in some areas, two players during the match, I kid you not skidded more than 10cm when they landed from a run and jump motion.

This is an extremely beautiful tree and I am a nature lover, however this tree was not planted in the right spot, and as stated in the committee letter we would be more than happy to plant several more appropriate trees in its place.

Kind regards  
Trish Russell

Jody O'Kane

From: [REDACTED]  
Sent: Monday, 27 May 2013 8:09 PM  
To: Latrobe Central Email  
Subject: Traralgon netball courts

Good evening

This afternoon I attended a meeting with the traralgon netball club. I am disgusted and appalled that council are refusing to remove a dangerous tree that poses a risk to my children's safety. The tree at question is horrible and it's debris has caused numerous injuries this year including rolled ankles and elips.

I'm also angry that council has refused to assist in the development of the courts, choosing instead to fund hockey!

Why won't council fund girls sports? There are 570 plus girls who play at this club and only 2 toilets in the club rooms. The other facilities are in a carpark, up a hill and a disgrace.

Can you please advise when this will be fixed and when netball will be funded at a similar rate to boys sports in the valley.

Kind regards

Hayley Casagrande  
[REDACTED]

Jody O'Kane

---

From: [REDACTED]  
Sent: Thursday, 13 June 2013 12:37 PM  
To: Latrobe Central Email  
Subject: Traralgon Netball Courts - Agnes Brereton Reserve

To whom it may concern

We are writing to Latrobe City Council in regards to the Traralgon Netball Courts at Agnes Brereton Reserve following two articles that appeared in the Traralgon Journal. As a member of our local community I fully support an upgrade of this facility. As parents of children who played on this facility many years ago and a grandparent of children who currently play on this facility I would like to see Latrobe City Council upgrade the standard of the courts. Recently I was at the facility watching Netball Victoria's Association Championships and was saddened to see young children experiencing serious injuries from an old and unsafe playing surface. We witnessed a young girl break her leg on the front courts from a slip and heard of two other serious injuries that occurred on that day involving a head injury for which an ambulance had to be called and a broken collarbone. Such injuries from an aging court surface/facility are unacceptable and it appears little or no maintenance has occurred in this facility in over 25 years. There are large cracks appearing in the playing surface and mould/lichen visual on the top. There is very little room for the children outside the actual playing area of the court if they are chasing a ball in a game.

I also actively support the removal of the Sydney Blue Gum tree at the facility. Agnes Brereton Reserve was donated to community for sport for young girls/women not primarily as an open parkland so the tree is not a priority for the facility. It is a heavily used facility and as a resident that lives nearby we are well aware of the number of people using this facility everyday of the week, it is an active sporting hub for young girls and women in Traralgon and districts. Player and official safety must be the Council's first priority. However if the Council are considering upgrading the facility perhaps the tree could stay only if Council came up with a new design that would guarantee the tree and its debris would not impact on the playing surface or hinder player and official safety.

Should you wish to discuss my views any further please contact me on [REDACTED]

Fay and Robert Marsh  
[REDACTED]

29 May 2013

Dear Councillor O'Callaghan, Councillor Kam, Councillor Rossiter, Councillor White,  
Councillor Sindt, Councillor Middlemiss, Councillor Gibbons, Councillor Gibson

**PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEYBLUE GUM, FROM AGNES  
BRERETON PARK, TRARALGON**

Following Latrobe City Council's decision to defer any decision on the removal of the Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions from the community on the proposed tree removal I wish to submit my views to Council over this tree.

As a regular user of the Agnes Brereton Reserve Netball courts, a Committee member of the TNA and a parent of a child who utilises this facility I wish to provide my strong support for the removal of this tree.

Agnes Brereton Reserve is a dedicated netball facility for junior athletes. We support approximately 500 players and 70 net set go participants weekly. The tree in question provides a number of safety hazards to players, officials, umpires and spectators and sits directly next to one of our back courts and drops an enormous amount of debris on the playing surface. The debris dropped ranges from branches (large through to small), leaf matter, gum nuts and flowers. Our greatest concern is the safety of our players, officials, umpires and spectators, and let's not forget the players are children, is their safety worth the risk?

As a Committee member of the Traralgon Netball Association I am well aware of occasions where small branches have fallen and hit people in the head (who are not standing below the tree), this has happened to one of our elderly Committee members who was cleaning the court surface at the time. The debris on the court surface must be cleaned down before each game and sometimes during each game depending on the strength of the wind on any given day. Playing netball on the ageing asphalt surface presents enough serious hazards without the added potential danger of slipping on tree debris or being hit in the head/face by a branch. Council Arborists themselves state they cannot guarantee a branch will not fall, even though the deadwood has been removed.

The leaves and flowers that rain down on the court make the surface greasy, while the gum nuts roll beneath your feet, making it like running on marbles. The safety of players and umpires must be put first over the beauty of an inappropriately planted tree, common sense must prevail. It is a beautiful tree, but unfortunately it has been planted in the wrong position and allowed to get too big and causes serious safety hazards to our players, spectators and officials. The safety of the public using the facility must come first. The court it directly affects is not in a low use area, it is in fact utilised exactly the same amount as all other courts, we do not have one spare court during our competitions. The TNA require all 10 courts to run to support the competition, not playing on the court is not an option. While the debris falls mostly on one court, it does spread to the surrounding courts affecting their surfaces as well just to a lesser extent. All courts are used equally. In addition the damage the root system of the tree is making to the court surface is now visible. The shelter shed between the court and the tree has become raised in the middle as a root passes directly underneath it. The run off area of this court on the tree side has started to crack, which is of great concern and creates even more player safety issues.

Agnes Brereton Reserve is a highly utilised netball junior facility. It supports a full winter netball competition for players aged 5 years with Net Set Go through right through to an Under 17 competition. It also supports a twilight/summer competition that attracts players from all over Latrobe Valley. The facility is heavily used throughout the week for training of many TNA domestic teams, football league teams, special development training and the TNA make it available for special competition days such as Schools Sports Victoria Winter Round Robin and Squad netball tournaments. It is home to Traralgon's six netball squad teams that represent Latrobe City all over Victoria in netball. I strongly believe that regardless whether the player is aged 5 starting out or representing their town/region at squad level, one thing remains the same – they all deserve to be playing netball on a facility that is both safe and up to standard.

The tree in question is a EUCALYPTUS SALIGNA, SYDNEY BLUE GUM, it is not indigenous to the Gippsland region. It is commonly found along the New South Wales seaboard and into Queensland. I am fully supportive of planting native trees in the reserve that are indigenous to our local area, but well away from the playing surfaces so they cannot create a hazard. There are plenty of open spaces where this can happen well away from the courts and as an association the TNA would be more than happy to participate in the tree planting activities if asked.

Should you wish to discuss my views or the tree any further, please feel free to contact me on mobile [REDACTED] or email [REDACTED]

Yours faithfully

Jenni Rohde  
SQUAD COORDINATOR  
TNA COMMITTEE REPRESENTATIVE

— Original Message —

From: RACHAEL GRIEVE [REDACTED]  
Sent: Tuesday, 4 June 2013 17:18  
To: Sandy Kam  
Subject: Tree Removal Breed Street Netball Courts

Please find attached a letter regarding the removal of a tree at Breed Street Netball Courts.

Regards  
Rachael Grieve

29 May 2013

Dear Councillor O'Callaghan, Councillor Kam, Councillor Rossiter, Councillor White,  
Councillor Sindt, Councillor Middlemiss, Councillor Gibbons, Councillor Gibson  
**PROPOSED REMOVAL OF EUCALYPTUS SALIGNA, SYDNEYBLUE GUM, FROM AGNES  
BRERETON PARK, TRARALGON**

Following Latrobe City Council's decision to defer any decision on the removal of the  
Sydney Blue Gum discussed in Agnes Brereton Park, Traralgon and seeks submissions  
from the community on the proposed tree removal I wish to submit my views to  
Council over this tree.

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the court surface at the time. The debris on the court surface must be cleaned down before  
each game and sometimes during each game depending on the strength of the wind on any  
given day. Playing netball on the ageing asphalt surface presents enough serious hazards  
without the added potential danger of slipping on tree debris or being hit in the head/face  
by a branch. Council Arborists themselves state they cannot guarantee a branch will not fall,  
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netball tournaments. It is home to Traralgon's six netball squad teams that represent Latrobe City all over Victoria in netball. I strongly believe that regardless whether the player is aged 5 starting out or representing their town/region at squad level, one thing remains the same – they all deserve to be playing netball on a facility that is both safe and up to standard.


The tree in question is a EUCALYPTUS SALIGNA, SYDNEY BLUE GUM, it is not indigenous to the Gippsland region. It is commonly found along the New South Wales seaboard and into Queensland. I am fully supportive of planting native trees in the reserve that are indigenous to our local area, but well away from the playing surfaces so they cannot create a hazard. There are plenty of open spaces where this can happen well away from the courts and as an association the TNA would be more than happy to participate in the tree planting activities if asked.

Should you wish to discuss my views on the tree any further, please feel free to contact me on mobile [REDACTED] or email [REDACTED]

Yours faithfully

Rachael Grieve

**SQUAD COORDINATOR TNA COMMITTEE REPRESENTATIVE**

  
13 June 2013

Mr Paul Buckley  
Chief Executive Officer  
Laroko City

Dear Sir

**Objection to the Proposed Removal of the Sydney Blue Gum at Agnes Brereton Park**

We live near Agnes Brereton Park. On most days we greatly enjoy walking around the park. Sometimes we walk around the park on our own and on other occasions we walk there with friends. A number of years ago, our twin daughters played netball on the courts in the park and our eldest daughter used to play hockey on the oval.

Agnes Brereton Park is a very attractive, much appreciated and well used public park in Traralgon. The park is used for a variety of formal and informal recreation purposes. It also has value as an attractive visual feature for people who travel past but do not actually enter the park. Informal walking and cycling around the park and formal netball activities are probably the major uses of the Agnes Brereton Park. It is highly desirable to maintain the value of the park for these purposes.

Several hundred people would walk or cycle around the park each week. The existence of some beautiful, large mature trees within the park makes a huge contribution to the attractiveness of the park as a location for walking and cycling. Unfortunately, the number of mature trees in the park has been reduced in recent years due to the removal of several large elm trees and a large eucalypt tree. The removal of these trees has increased the relative importance and value of the limited number of remaining large mature trees, of which the Sydney Blue Gum is probably the tallest.

We are not sure that the existence of the Sydney Blue Gum is a major impediment to the use of one of the netball courts. Certainly, the Sydney Blue Gum and netball activities seem to have co-existed in Agnes Brereton Park for many years. However, if it is deemed that the existence of the Sydney Blue Gum is incompatible with some netball activities, then we would strongly request that the tree not be removed and that plans be made to establish additional netball court/s to the east of the existing courts. If this were to be done, it could have the added benefit of providing some much needed additional car parking space near the netball courts.

It is hoped that you will give sympathetic consideration to our objection. If appropriate, we would be pleased to speak to Council, or Council officers.

Yours sincerely

David and Rosemary Langmore

**From:** Kristie West  
**Sent:** Friday, 5 July 2013 8:33 AM  
**To:** Jody O'Kane  
**Cc:** Emma Lewis  
**Subject:** Have your say: Sydney Blue Gum at Agnes Brereton

Hi Jody,

Just letting you know there was only 1 submission for **Have your say: Sydney Blue Gum at Agnes Brereton**

Please withhold  
my name from  
public  
documents such  
as Council  
reports

In  
objection

Keep the tree. Turn the offered  
netball courts into car parking  
(because more off street  
parking is desperately needed-  
just visit the area when netball  
competition is on). Build better  
netball courts in a more  
suitable location.

Please let me know if I can assist you further.

Thanks,

**Kristie West**

Marketing and Communications Officer  
Lalorbe City Council

mailto: [Kristie.West@lalorbe.vic.gov.au](mailto:Kristie.West@lalorbe.vic.gov.au)  
Direct: 03 5128 6492  
Fax: (03) 5128 5672

# CORRESPONDENCE

**10. CORRESPONDENCE****10.1 DEFINED BENEFITS SUPERANNUATION****General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to provide Council with correspondence received from City of Greater Bendigo advocating change to the current Defined Benefits Superannuation legislation.

**DECLARATION OF INTEREST**

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

**OFFICER COMMENTS**

Council has received correspondence from the Mayor of the City of Greater Bendigo on the 26 July 2013 seeking support in advocating to politicians for changes to the current Defined Benefits Superannuation legislation in order to minimise potential future impacts.

A copy of that correspondence is provided at Attachment 1.

In 2012 the MAV established a Taskforce to advocate changes to the Defined Benefits Superannuation scheme on a sector wide basis. Latrobe City Council currently supports the MAV advocacy which encompasses the position of the City of Greater Bendigo.

**Attachments**

1. City of Greater Bendigo - Correspondance

**RECOMMENDATION****That**

1. Council note the correspondence received from City of Greater Bendigo
2. Council write to the Mayor of the City of Greater Bendigo advising that Latrobe City Council will continue to support the advocacy of changes to the Local Authorities Superannuation Fund through the MAV Taskforce.

# **10.1**

## **DEFINED BENEFITS SUPERANNUATION**

- 1 City of Greater Bendigo - Correspondance..... 109**



25 July 2013

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
26 JUL 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Dear Mayor and Councillors

**Re: Defined Benefits Superannuation Forum**

The matter of the future impact of shortfalls in the Defined Benefit Superannuation Fund is of great concern to the City of Greater Bendigo and other local authorities. To discuss this matter, you were invited to a Forum on July 30, 2013, however as the guest speaker is no longer available, we are not able to hold the Forum at this time. I apologise for any inconvenience caused.

However, my Council will continue to work hard to advocate for change to the Defined Benefits Superannuation legislation so the potential future impact is minimised.

Given the great interest in this matter, I am keen to share with you my Council's position which is to advocate for the following changes:

1. The Local Authorities Superannuation Fund revert to a state-managed scheme to put it on an equal footing with other exempt public sector schemes.
2. That the 15% Contributions Tax associated with the scheme's future shortfalls be abolished.
3. That the WorkCover liabilities associated with Defined Benefits shortfalls be abolished.

We seek your support in advocating to politicians for these changes to the scheme.

To enable our community to better understand this issue, the City of Greater Bendigo has prepared an information leaflet which appears on Council's website [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au) along with other information as part of our advocacy campaign.

I have enclosed a copy of the leaflet for your information.

Yours sincerely

**Cr Lisa Ruffell**  
Mayor

Greater Bendigo City Council  
**Address:** 195-229 Lyttleton Terrace, Bendigo  
**Postal Address:** PO Box 733, Bendigo Vic 3552  
 T: (03) 5434 6000  
 F: (03) 5434 6200  
 E: [requests@bendigo.vic.gov.au](mailto:requests@bendigo.vic.gov.au)  
 W: [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)  
 A.B.N. 74 149 638 164

If you are deaf, hearing or speech impaired,  
 please call us via the National Relay Service on 133 677  
 or [www.relayservice.com.au](http://www.relayservice.com.au)

**INFORMATION SHEET**

**YOUR QUESTIONS ANSWERED ABOUT LASF  
DEFINED BENEFIT PLAN**

- Q. What is the LASF Defined Benefit Plan?**
- A.** The Local Authorities Superannuation Fund (LASF) was established by an Act of Parliament in 1947 to provide superannuation to Victorian local government and the water industry. The LASF Defined Benefit Plan was set up by the Victorian Government in 1982 and was compulsory for all councils until it was closed to new members in 1993.
- Q. What is the difference between the Defined Benefit Plan and the City of Greater Bendigo's (CoGB) normal fortnightly staff accumulation superannuation payments?**
- A.** Defined benefit plans provide a prescribed benefit based on how long an employee has been a scheme member and their salary at retirement. Employers, rather than employees, must shoulder investment risks. Accumulation schemes, which are the norm today, reverse this model and when investment market returns are down, the total accumulated super funds in an employee's account will also decline. Since January 1, 1994 new local government employees have only been able to join a standard accumulation plan. The CoGB budgets for and pays this normal fortnightly employer superannuation contribution for staff.
- Q. Why do all Victorian Councils still have to contribute to the Defined Benefit Plan?**
- A.** Although the plan was closed in 1993, Victorian Councils including CoGB are obligated to continue to make payments in respect to staff who were members of the plan at the time of closing. The Defined Benefit Plan became a 'regulated fund' under Commonwealth legislation on July 1 1998, which required it to be fully funded. Prior to this date it was exempt from being fully funded. Other public sector (State and Federal Government) defined benefit super schemes continue to be exempt to this day.
- Q. What does 'fully-funded' mean?**
- A.** In accordance with Commonwealth regulations, Vision Super must complete an actuarial review at least every three years to ensure that assets are adequate to meet the benefits previously promised to members now and into the future. If a shortfall arises that cannot be addressed through an investment plan, then employers may be required to make top-up contributions. Unlike other exempt public sector schemes, it must be fully funded which would enable all payments to be made if all members withdraw their funds on the one day. Unfunded superannuation liabilities for the Victorian Government currently exceed \$28.7B, while estimates of the unfunded Commonwealth defined benefits liability (excluding the Future Fund) are around \$69B.



- Q. Why doesn't the COGB Council know what it has to pay and how much to budget for the Defined Benefits Plan?**
- A.** In June 2012, the Actuary, who is required to assess whether the fund can meet its liabilities, advised of a \$453M shortfall as at 31 December 2011, with Victorian councils sharing \$396.9M plus \$9.4M for regional library corporations. The Actuary advised that most of the shortfall occurred during the final six months of 2011 due to market volatility, and that this outcome could not have been foreseen. The Actuary has attributed the shortfall to:
- Lower than expected market investment returns (responsible for just over 50% of the shortfall)
  - Reduction in expected future earning rates from 8.5% pa to 7.5% pa (around 25% of the shortfall)
  - Salaries rising in excess of actuarial assumptions (around 8% of the shortfall)
  - Increased longevity of pensioners.
- Q. How much has the Defined Benefit Plan cost the COGB Council since the fund closed in 1993?**
- A.** \$21M in cash and a further \$2M in interest repayments for loan borrowings to pay for superannuation.
- Q. How much longer will the Defined Benefit Plan be a burden to the CoGB and other Victorian Councils?**
- A.** The Defined Benefit Plan is in run-off as members retire. When the plan closed in 1993 it had almost 38,000 defined benefit members and 7,500 lifetime pensioners. This has since reduced to 4,949 defined benefit members still working for authorities (with an average age of 54 years) and 5,132 lifetime pensioners (with an average age of 79 years). Liabilities of the scheme will continue until the last member or their spouse pass away.
- Q. Why can't the government simply close or make changes to the Defined Benefit Plan?**
- A.** Legislation does not permit this to occur. In addition, the trustees of the plan are required to make decisions which are in the best interest of the beneficiaries. Close of the fund is unlikely to be in the best interest of the beneficiaries.
- Q. What is being done to reduce the burden of the Defined Benefit Plan on the community for the future?**
- A.** A Taskforce of councillors and council officers was established in 2012 by the Municipal Association of Victoria (MAV) which represents the interests of all Victorian Councils to see what could be done to help Council's address this issue. Recommendations released in December 2012 include access to cheaper borrowing rates, reviewing the methodology and budget allocations for shortfalls, waiving ancillary government costs on shortfall payments, regulatory reforms, and greater awareness of wages and investment returns

that can influence the liability. The MAV are seeking a transition back to a state-managed scheme, which would remove the requirement to ensure full funding and would return the Defined Benefit Plan to an equal footing with other exempt public sector schemes. This outcome requires support from both the Victorian and Australian Government's to repeal the Federal legislation and introduce State legislation to give effect to this change. Other actions being pursued by the MAV include discussions with the Australian and Victorian governments to remove the 15 per cent Contribution Tax and WorkCover liabilities associated with defined benefits call-ins. Unless the legislation is changed, CoGB can expect to continue topping up the scheme for the next 30-plus years.

**Q. What is the CoGB Council doing?**

**A.** The CoGB Council is actively lobbying State and Federal politicians for a change in legislation. The Mayor has written to the Prime Minister and Premier, plus others from all sides of politics. The Mayor has also spoken to other regional Councils who are also supporting the call for legislative change.

**Q. Why is the CoGB Council lobbying for change?**

**A.** The City of Greater Bendigo believes that regularly topping up the scheme places an unfair burden on ratepayers and significantly reduces Council's capacity to deliver services and capital works projects to the community. Other levels of government are not required to fully fund their superannuation schemes and Council believes the same rules should apply to all. The CoGB Council is also lobbying governments to remove the Contributions Tax and the impact it has on WorkCover premiums.

**Q. How can I find out more about this issue?**

**A.** There is more information available on the City of Greater Bendigo website [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

**10.2 CITY OF YARRA REQUEST FOR COUNCIL SUPPORT FOR  
TRAINS NOT TOLL ROADS****General Manager****Economic Sustainability****For Decision****PURPOSE**

The purpose of this report is to seek Council consideration of a City of Yarra request for Latrobe City Council support for the Trains Not Toll Roads campaign.

**DECLARATION OF INTEREST**

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

**OFFICER COMMENTS***Yarra Council Letter*

The Mayor of the City of Yarra has written to Latrobe City Council (refer Attachment 1) in relation to the Victorian Government's decision to proceed with stage one of the East West Link.

The letter advises that Yarra Council is deeply concerned about the impact of the proposal and is advocating against the East West link through a Trains Not Toll Roads campaign.

The letter requests:

- Consideration of the above matters (contained in the letter);
- Identification of Council's transport priorities that need to be addressed and what would not be funded in the eastern section of the East West Link proceeded; and
- Council to move a motion to support the Trains not Toll Roads campaign and write to the Premier and Minister for Roads and Public Transport seeking that funding be given to vital public transport.

*Latrobe City Council Policy Context & Position*

Latrobe City Council supports the East West Link and has demonstrated this support through the adoption of the Gippsland Regional Plan (2010) and the Gippsland Freight Strategy (2013).

The Latrobe City Council Plan 2013-2017 includes an annual action to Support the extension of 'Gippsland Gateways' project through improvements to rail, road and ports, in particular proposed rail access to the Port of Hastings, the establishment of the North East freeway link and construction of West Link as an alternative".

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

The rationale for this support is outlined in the Gippsland Regional Plan (the Plan) strategic priority- Gippsland Gateways. This priority centres on the need to extend Gippsland's gateways to market through improvements to rail, roads and ports. The Plan outlines these improvements as the:

- establishment of the North East Link direct link between the Eastlink and Hume corridors.
- construction of East West Link as a priority to create an alternative to the Monash-West Gate Freeway and enhance connectivity for Gippsland's industries to Melbourne and other regions.
- capability for Gippsland's bulk exports enhancements to local ports including Lakes Entrance.
- improvements to the regional community's access to regional services, education and training, employment opportunities and recreational activities.

The Gippsland Freight Strategy (2013) specifically states that the growing population of Melbourne's south eastern suburbs will stretch the capacity of the existing road and rail network, and increase travel time for freight movements originating from Gippsland. Continuing to develop connection options, such as the East West and North East Links will be essential if the Gippsland corridor is to form an integral part of a national transport network.

The support of Council and the Gippsland Region for the East West Link has contributed to the Victorian Government's commitment to the Link as outlined in the policy document, Victoria – The Freight State.

**Attachments**

1. Trains Not Tolls Request for Support

**RECOMMENDATION**

1. **That the Mayor write to the City of Yarra and advise that Latrobe City Council supports the construction of an East West Link in order to enhance connectivity for Gippsland to Melbourne and other regions.**
2. **That a copy of the City of Yarra letter be forwarded to member Councils of the Gippsland Local Government Network.**

## **10.2**

### **City of Yarra Request for Council Support for Trains not Toll Roads**

- 1 Trains Not Tolls Request for Support..... 117**



In reply please quote: D13/76246  
Contact: Cr Fristacky 9205 5055

**Yarra City Council**  
PO Box 168  
Richmond VIC 3121  
**DX** 30205  
**T** (03) 9205 5555  
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**W** [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)  
**Interpreter Services** (03) 9208 1940  
**TTY** 133 677 then (03) 9205 5555  
**ABN** 98 394 086 520

9 August 2013

Mr Paul Buckley  
CEO  
Latrobe Council  
[paul.buckley@latrobe.vic.gov.au](mailto:paul.buckley@latrobe.vic.gov.au)

Dear Mr Buckley

### Request for your Council's support for Trains Not Toll Roads

The State Government's decision to proceed with stage one of the proposed East West Link (EWL) without an open and transparent business case or traffic analysis is cause for major concern for our communities.

There is little justification for spending \$8 billion (plus) of community funds on a project that benefits, at best, only 20% of Melbourne commuters and, at worst, will significantly increase traffic congestion, air and noise pollution, cause community dislocation, loss of precious parkland and environmental damage and destruction of Melbourne's heritage.

Significantly, the multimillion price tag of the EWL would crowd out funding capacity for the many essential public transport projects needed across Victoria – for example Metro Rail, Doncaster Rail, Rowville Rail, Airport Rail, Mernda Rail extension, Dandenong rail upgrade, signalling upgrades and even purchasing new trains.

Yarra Council is deeply concerned about the impact of the EWL and is strongly advocating *against* the proposal through our Trains Not Toll Roads campaign for which you can find more information at [www.trainsnottollroads.com.au](http://www.trainsnottollroads.com.au)

We have written to the Premier and Minister for Roads and Public Transport challenging the Government's proposal. Copies of the letter to the Premier is attached.

Supporters of the Trains Not Toll Roads campaign include Darebin and Moonee Valley Councils, the Public Transport Users Association, dozens of community organisations and resident groups, transport experts, academics, health consultants and thousands of people from across Victoria.

There are many reasons why Yarra Council does not support the proposed East West Road Link. In summary, these reasons are:

**Business case lacking**

- Victorians are yet to see a comprehensive business case for the EWL.
- The State has provided a business case to Infrastructure Australia (IA) on 30 June 2013, but IA has identified this business case as deficient.
- Despite this, the project has been given priority in advance of integrated planning and priority setting in the context of the Metropolitan Strategy for Melbourne and development of a Victorian Transport Plan as required under the State's Transport Integration Act.
- The project is not properly costed and assessed as part of proper integrated transport planning as also required under the Transport Integration Act, and National Transport Commission guidelines.

**Traffic gridlock**

- The 2008 Eddington Study and subsequent traffic analysis shows that no more than 20% of vehicles on the eastern freeway travel from east to west.
- At least 80% of vehicles on the Eastern Freeway travel to access inner Melbourne for jobs, services and other activities.
- There is no evidence to show this proposal will alleviate congestion at Hoddle Street, Chandler Highway and Alexandra Parade which are the main hotspots for traffic gridlock for the majority of people using the eastern freeway.
- It is considered that the EWL will actually make congestion worse through induced traffic and increased freight use on these roads.

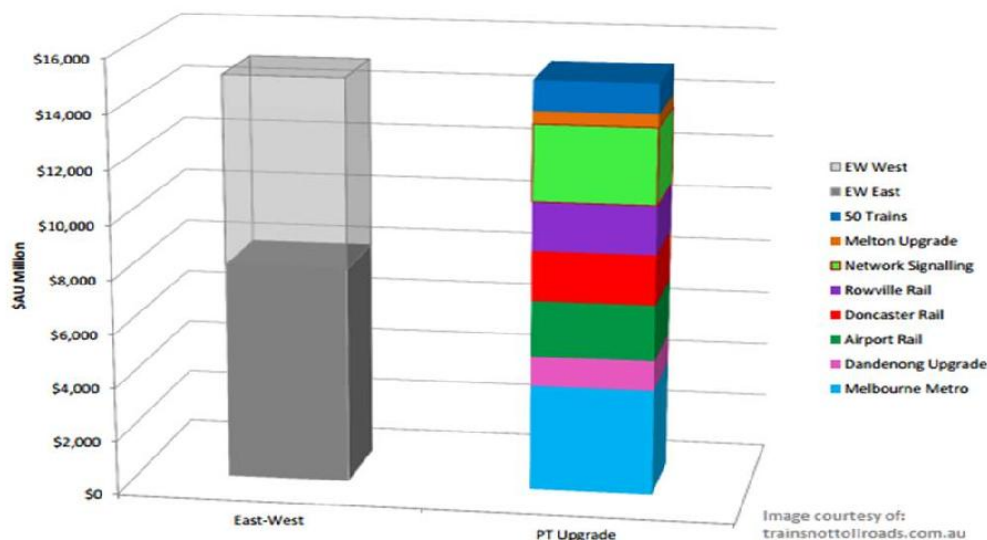
An excellent article questioning the traffic analysis appeared in the media on the weekend titled: "[Do Traffic Counts Support Melbourne's East West Link?](#)" by Alan Davies.

**Cost of EWL is prohibitive**

- As mentioned above, the price tag for the EWL would crowd out funding capacity for worthwhile public transport infrastructure projects able to meet Melbourne's transport needs for the 21<sup>st</sup> century.
- The State has costed the EWL at \$6 – 8 Billion. However, given design details on the Linking Melbourne Authority website, and as major projects tend to increase significantly beyond their estimation, this cost is anticipated to be significantly higher. Further, the State has, as part of the EWL project, proposed a second stage of works to link the EWL to the Port of Melbourne. Also mooted is widening of the Eastern Freeway from Hoddle Street to Tram Road in Doncaster (with possible tolls), and widening of the Tullamarine Freeway. The total cost of all these works would be substantial.

The bar chart below illustrates one of the key messages of Council and collaborative groups on this campaign. That is, the cost of the tunnel is so overwhelming that it would not enable other more deserving public transport improvements to the metropolitan system and other very deserving infrastructure projects in Victoria.

Technical advisers in the Yarra community analysed what outstanding major transport projects could be achieved in lieu of the EWL and have set these out as follows.



Source: Gerard Drew [Beyond Zero Emissions](#)

The Government's argument that not proceeding would threaten 3,200 jobs, is a weak argument as each of the public transport projects listed above would create major employment opportunities right across Victoria. For example, a Doncaster Rail project, which would cost significantly less than the EWL, would generate 2,000+ jobs in construction in addition to ongoing employment opportunities directly associated with the rail service plus new jobs created in local activity centres that coincided with any new transport routes/links.

#### Social, environmental and heritage damage

- The EWL will adversely impact the social fabric of inner Melbourne local neighbourhoods and destroy precious parkland, open space and heritage.
- There will be a significant increase in freight movement (b-doubles, and b-triples) travelling on the eastern freeway and through the heart of inner Melbourne. These would generate air and noise pollution in inner Melbourne as well as for residents along the Eastern Freeway and Eastlink.

I am writing to request:

- your consideration of the above matters;
- identification of your own Council's wider transport priorities that need to be addressed and what would not be funded if the eastern section of the EW Link proceeded; and



- that your council move a motion to support the Trains not Toll Roads campaign and write to the Premier and Minister for Roads and PublicTransport seeking that funding priority be given to vital public transport projects that would move our State's transport system into the 21<sup>st</sup> century.

Should you seek additional information or clarification on this matter, I encourage you to visit [www.trainsnottollroads.com.au](http://www.trainsnottollroads.com.au) or our [Trains Not Toll Roads Facebook](#) page which has attracted more than 5,600 followers in two months.

Alternatively please do not hesitate to contact me personally on [Jackie.fristacky@yarracity.vic.gov.au](mailto:Jackie.fristacky@yarracity.vic.gov.au) or phone 0412597 794. I would be very happy to come to your Council and speak to you about this important matter.

Yours sincerely



Cr Jackie Fristacky  
Mayor, City of Yarra



East West Link  
request for an urgent

# PRESENTATION OF PETITIONS

**11. PRESENTATION OF PETITIONS**

Nil reports

# CHIEF EXECUTIVE OFFICER

**12. CHIEF EXECUTIVE OFFICER**

Nil reports

# ECONOMIC SUSTAINABILITY

**13. ECONOMIC SUSTAINABILITY**

Nil reports

# RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE



**14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE**

Nil reports

# COMMUNITY LIVEABILITY

**15. COMMUNITY LIVEABILITY****15.1 DRAFT CHILDREN'S SERVICES PLAN 2013-2017****General Manager****Community Liveability****For Decision****PURPOSE**

The purpose of this report is to present to Council the draft Children's Services Plan 2013-17 and to seek approval to release the draft Plan for community comment.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

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

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

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 2: affordable and sustainable facilities, services and recreation*

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

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### *Theme 5: Planning for the future*

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

*Strategic Direction* – Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.

*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 ensuring families living in Latrobe City have access to high quality childcare services. At the time of its preparation and release it cemented Latrobe City Councils 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 by creating an environment that enabled children opportunities to grow and develop to their full potential.

The childcare strategy identified three key areas for the organisation to be involved to ensure an effective and relevant childcare system was operating within the municipality. These areas are;

- Strategic Planning
- Community Capacity Building
- Service Delivery

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

It was identified in the early stages of the review that whilst the Child and Family Services department had a Childcare 'strategy' endorsed by Council, an 'endorsed plan' for the business of the Department had not been developed. A decision was made to review the current Childcare strategy and develop a Children's Services Plan 2013-2017. The Children's Services Plan was to be written in close consultation with key stakeholders and would form the basis for service provision by the Child and Family Services department for the coming four years.

### **ISSUES**

The Children's Services Plan 2013-2017 is a key strategic document that will guide the directions of the Child and Family Services Department for the next four years.

This 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 Councils role as a municipal planner and advocate for children and their families.

The development of the plan has taken place over the previous two years and has included:

- A review of the profile of Latrobe City and its population.
- A comprehensive infrastructure audit (of children's services infrastructure needs currently and into the future).
- An extensive community and stakeholder consultation.
- An analysis of financial data.

The Latrobe City Early Years Reference Committee as acted as the Project Assurance Group in relation to the development of the Plan and has provided input on a regular basis throughout its development, at meetings and through electronic means. 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 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.

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

There are no financial implications in releasing the draft Children's Services Plan 2013-17 for community engagement.

**INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

The preparation of the Draft Children's Services Plan 2013-2017 followed a process of targeted engagement with children and families currently accessing Latrobe City's Child and Family Services, other Early Years professionals within the Latrobe City and specific Councillor workshops. Other methods of engagement included random surveying of community members at shopping centres, a community consultation session and a staff consultation session.

*Details of Community Consultation / Results of Engagement:**Children's Consultation:*

Approximately 1500 Children aged between 3 and 8 years were consulted throughout the development of the plan.

Over 1300 3 to 5 year old children who currently access Latrobe City Council managed Preschools and Early Learning Centres participated in an activity that involved the display of eight pictures, the meaning of each picture was discussed in small groups, and then each child was given five pieces of Lego to place in the boxes with the picture that was most important to them.

The eight pictures that were included in this activity identified the following:

- love,
- family,
- feeling safe,
- playing outside,
- technology,
- sustainability,
- friendship and
- learning.

The same activity was offered to children attending the Latrobe City Children's Expo in 2013. Over 200 children aged between 3 and 8 participated on this day.

*Community Consultation:*

Approximately 1000 families who currently have children accessing a Latrobe City Preschool or Early Learning Centre were surveyed as a part of the consultation. The same survey was distributed to community members at local shopping centres in Morwell, Moe and Traralgon and random phone surveys were conducted during a six week period, capturing input and feedback from more than 300 other community members.

A community consultation session was offered to the general public and promoted to Early Years professionals through already established networks. The flexible session was open from 3:30pm – 8pm and provided an opportunity for all members of the community to have their say on the Children's Services currently delivered by Latrobe City and what should be delivered into the future. The session allowed participants to view the results already gathered during other parts of the consultation and provide their input as an additional layer to this information. This session captured feedback from an additional 30 community members and early years professionals.

*Other Professionals*

Opportunities for 'other' professionals to feed into the Children's Services plan were also available during the consultation period. This level of consultation aimed to gather an understanding of the perception of children's services by other professionals and some information on the understanding of professionals, such as town planners and health promotion officers on the role they might play in the ongoing provision of children's services by Latrobe City Council.

Two specific facilitated sessions were held asking the attendees to answer questions about Children's Services currently managed by Latrobe City and their understanding of the future direction for the Department of Education. Participants were asked to input freely through conversations and suggestions about what children's service might look like into the future as well as what should be kept or stopped during as part of Latrobe City's current suite of children's services. Feedback was also sought through regular network meetings.

*Councillors*

Three Councillor workshops have been offered during the development of the Plan.

The first Councillor workshop was held in December 2012. The workshop provided the opportunity for members of the Child and Family Services team to provide Councillors with information regarding the processes already in place for the development of the Plan and to gather input from Councillors regarding information they would like to see as a part of the plan.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

The second workshop was held in February 2013. This workshop was provided in a flexible manner that encouraged the viewing of results and information gathered as part of the community consultation process and allowed additional input and questions in relation to the information presented.

The third workshop was held on 29 July 2013. This workshop provided an opportunity to step through the draft document and for further Councillor input into the draft document.

**OPTIONS**

Council has the following options available:

1. Release the draft Children's Services Plan 2013-17 for public consultation in accordance with Council's Community Engagement Plan 2010-14.
2. Amend and release the draft Children's Services Plan 2013-17 for public consultation in accordance with Council's Community Engagement Plan 2010-14.
3. Not release the draft Children's Services Plan 2013-17 and seek further information.

**CONCLUSION**

The development of Latrobe City's Children's Services Plan 2013-17 considered a comprehensive Community consultation process, an analysis of demographic, financial and legislative data and a detailed audit of the current Children's Services Infrastructure. Together this information has been analysed and has been used as the basis to form the strategic document.

The Children's Services Plan 2013-17 is an opportunity to further enhance our position to provide high quality services that meet both the expectations and needs of the community and key stakeholders based on clear strategic direction.

**Attachments**

1. Children's Services Plan - final draft



**RECOMMENDATION**

- 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.**

# **15.1**

## **Draft Children's Services Plan 2013-2017**

- 1 Children's Services Plan - final draft..... 149**

# 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.





## Contents

1. MESSAGE FROM MAYOR .....	3
2. BACKGROUND .....	4
3. CURRENT SERVICE LEVELS.....	5
4. CHILDREN'S SERVICES PLAN 2013 - 2017 .....	13
4.1 Legislative Context .....	13
4.2 Community Consultation.....	14
4.3 Infrastructure Report.....	16
4.4 Financial consideration .....	17
5. COMMITMENTS, ACTIONS AND SUCCESS FACTORS .....	18



## 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

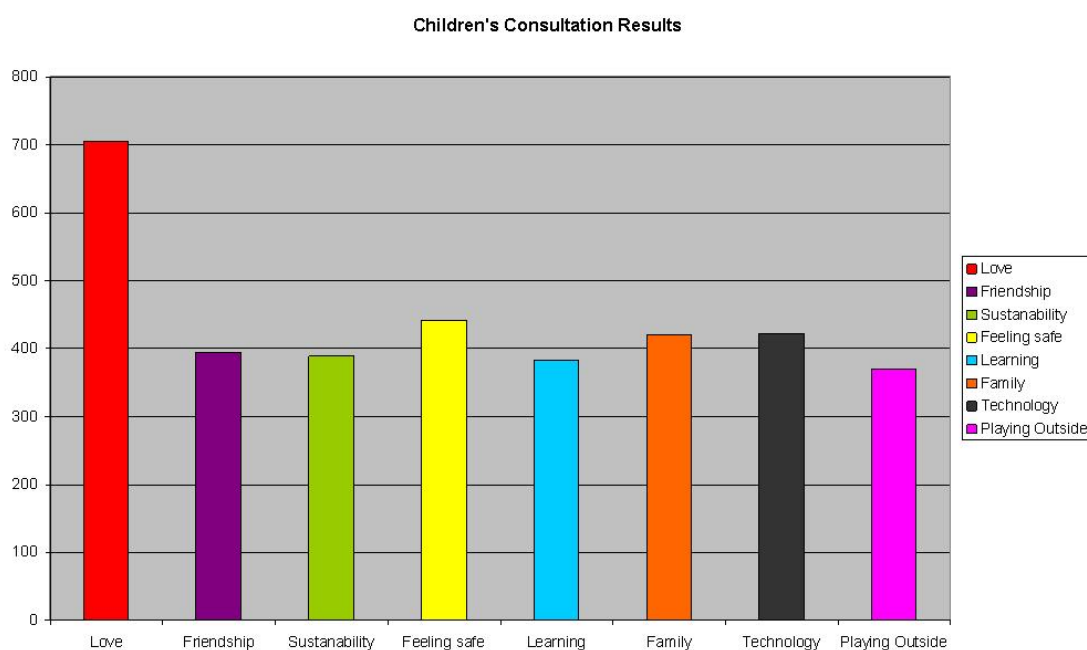


essential to inform the basis of the Children's Services Plan and the foundations for service delivery and planning into the future.

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 Councils 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 it's 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.

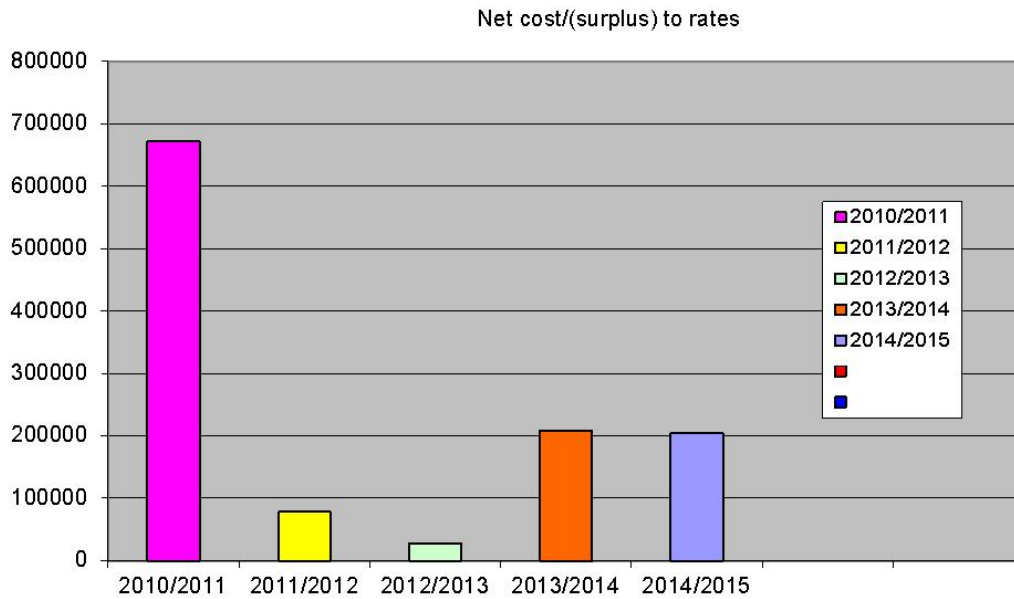
A technical assessment of the condition of all existing Children's Services buildings, demographic data, assessment of the current capacity and population predictions have been undertaken and will form the basis of a comprehensive plan for Children's Services infrastructure into the future.

### 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.

# GOVERNANCE

16. GOVERNANCE

**16.1 PLANNING PERMIT APPLICATION 2013/89 USE OF THE LAND  
FOR TRANSFER STATION AND ANCILLARY WORKS, 32A  
SWAN ROAD, MORWELL**

General Manager

Governance

For Decision

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/89 for the use of the land for a transfer station at 32A Swan Road being Lot 3 on PS 137451.

**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**

During November 2012 Council was made aware of a materials recycling facility operating at the subject site. Following investigation an enforcement notice was served on 20 November 2012 which directed to the operator of 'materials recycling facility' at 32A Swan Road to cease operation. The activity occurring onsite was illegal pursuant to Section 126 of the Planning and Environment Act 1987 (the Act) as no permit had been granted for the use of the land occurring onsite.

Subsequent to this letter being sent, planning permit application 2012/303 for the 'Use of the land for a Materials Recycling Facility' was applied for on the subject property on the 22 November 2012.

At the Ordinary Council Meeting of 3 December 2012, the following urgent business item was adopted by Council:

'That Council investigate options available to Hughe's Plant to continue operating their industrial reclamation business in Swan Road, Morwell until such time as their permit is decided.'

Planning Permit 2012/303 lapsed on 24 January 2013, as further information had not been provided within the requested timeframe. The operation, as far as Council is aware has not operated since that date.

See attachment 1 for photos of the previous use of the site.

It is noted that the current planning application for consideration relates to a transfer station which is different from the previous use.

**SUMMARY**

Land:	32A Swan Road, Morwell known as Lot 3 on PS 137451
Proponent:	L V Recovery and Recycling and Recycling
Zoning:	Industrial 1 Zone
Overlay	None

A Planning Permit is required for the use of the land for a transfer station in accordance with Clause 33.01-1.

It is considered that any works required as part of this proposal are ancillary to the use and does not require a planning permit.

**PROPOSAL**

The application proposed is to use the existing shed at the rear of the land as a transfer station. This process involves the collection and sorting of waste material from various local sites in the region. The material

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

proposed to be collected is general waste collected from industrial premises, power stations, buildings sites and demolition sites.

Typical materials that cannot be deposited onsite include (but are not limited to) asbestos, tyres, gas bottles, paint, liquid wastes, animal carcasses, chemicals and putrescibles waste.

Skip bin hire companies that will transfer material onsite will have a "standard" agreement which details the type of material that will be accepted. The proposed material to be sorted onsite is largely inert, dry material.

The applicant has indicated that whilst onsite management mechanisms and the aforementioned skip agreements will be applied to ensure that non approved products are not deposited in the bins and take onsite, intermittently offensive material may be taken to the site.

The contents of the skips are inspected by staff, emptied onto the floor of the shed and subsequently spread out to facilitate the sorting of material. If necessary the material is further spread out by an excavator which is the only machine operating on the site full time. The applicant has detailed material is generally tipped out slowly and staff from LV Resource and Recovery observe the material as it is tipped primarily to identify potential offensive material.

Recyclable material is then systematically placed in the excavator bucket which is then simply emptied into appropriate material recycling hoppers stored outside. The recycling hoppers are then removed when full and replaced with empty ones. Waste that cannot be recycled is then collected by the excavator and placed in a moving floor trailer which is then disposed of to landfill.

It is estimated that between 600 and 1000 tonnes of material would be delivered and sorted onsite in a month generating 26 truck vehicle trips a day to and from the site.

The proposed onsite management of the operation is discussed in greater detail in the issues section of the report.

#### Subject Land:

The subject land is located to the east of Swan Road and is located 80 metres south of junction of Jones Road and Swan Road and located 130 metres north of the junction of Kirwin Road and Swan Road.

The subject land has an area of 6040 square metres and is regular in shape and is flat. The land contains two industrial buildings and a brick office building.

The first industrial building onsite is 810 square metres in area and is situated towards the front of the land. Closer to the frontage of Swan Road is a brick office building with an area of 120 square metres.

This shed and office are presently occupied by a freight courier company.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

The second building (to be used in association with the proposed use of the land) has an area of 1100 square metres and is situated at the rear of the lot.

There is a large "common area" along the northern side of the property and between the two sheds. This area has a gravel surface and is used informally as a parking and turnaround area currently for the courier business trucks. The site has two existing access points to Swan Road. Landscaping is best described as minimal and comprises a few mature trees at the Swan Road Frontage.

Surrounding Land Use:

- North: There are a number of industrial uses including Graysons Australia (food ingredients) and ANC Forestry (forestry). There is also a logistics company and Veolia Environmental Services centre north of Jones Road.
- South: To the south business include Austimber (harvesting and haulage), Fishers (timber treatment and products) and Valley Windows
- East: Directly to the east HMA Diamond Power and businesses further to east include industrial steel manufacturing
- West: Directly to the west is Dyers Refrigerated Logistics. Further to the west includes a number of industrial manufacturing businesses.

### **HISTORY OF APPLICATION**

A history of assessment of this application is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 4.

### **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*'.

Clause 13.04-2 *Air quality* has an outlined objective '*To assist the protection and improvement of air quality*'.

Clause 17.02-1 *Industrial land development* has a stated objective '*To ensure availability of land for industry*'.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

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'.

Clause 19.03-5 *Waste and resource recovery* has the stated objective 'To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.'

Overall it is noted that the SPPF has strong support for establishment of new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource recovery provided a number of issues are addressed. Air quality in particular is a relevant consideration in this case. The subject site is located in an industrial zone and the nearest 'sensitive' receptors which are isolated located in the Farming Zone to the southeast at a distance of about 600m away from the subject site. The applicant has detailed that the majority of the material brought onsite will be dry, inert material. There is likely be a percentage of materials that will be inadvertently accepted onsite and that could possibly cause air quality and amenity issues but also possess harmful airborne emissions. If these concerns are not managed appropriately then there is possibility of inter industry conflict because as there is non-complementary industries in close proximity to the subject site.

Council be satisfied that suitable conditions could be attached to any permit issued.

The following sections of Local Planning Policy Framework are considered to be relevant to the proposal.

Clause 21.03-2 *Environmental Sustainability Overview* outlines 'Latrobe Valley will therefore strive to increase and maintain natural vegetation, improve air and water quality, reduce and reuse waste'

Clause 21.03-6 *Waste Management Overview* is of relevance to the assessment of this application. It has a number of stated objectives and strategies including advocating for waste avoidance or minimisation to ensure that waste management enhances the desirability for economic development within Latrobe City and increasing capacity to reuse and recycle waste.

Clause 21.07-7 *Industry Overview* that new industry that is managed effectively should be encouraged provided it is designed to minimise any potential detriment or loss of amenity to sensitive or non-complementary uses.

Similar to SPPF of the Latrobe Planning Scheme, the LPPF advocates generally in support of facilities that overall reduces the level of waste being deposited to Landfill that are managed to best practice standards.

**Industrial 1 Zone**

The site is located in the Industrial 1 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 transfer station.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

*The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

It is considered that sensitive uses such as residential areas will not be impacted by the proposal given the separation distances involved as previously discussed. It is considered that even with best practice management procedures in place, material may be accepted onsite that may increase offensive odour especially if putrescible waste is received onsite. Similarly materials such as asbestos, airborne bacteria, leachate etc if not managed to best practice standards could have off site impacts especially to the properties and personnel along Jones Road, given that the dominant wind pattern in this geographical location is from the south west. Comments have also been received from the relevant referral authorities including the EPA and Gippsland Water.

*The effect that nearby industries may have on the proposed use*

The surrounding area contains industrial buildings and a mix of activities including timber yards, logistics firms, manufacturing and a food facility. These facilities are unlikely to impact the proposed use; however the proposed use could have a negative impact on the existing uses if not managed correctly.

*The drainage of the land.*

The Engineering department have stated that all run-off collected from the receipt, storage, unloading and processing areas be treated as leachate to the satisfaction of the Responsible Authority. Inclusion of standard drainage conditions in relation to any increase in sealed area will be applied.

*The availability of and connection to services*

The site is surrounded by the major road network and it is considered that any increase in traffic can be absorbed by the road network. The application will be requested to connect to the reticulated as any contaminated water, however small the volume, will not be allowed to be discharged into stormwater drainage system.

**Particular Provisions****Clause 52.06 Car Parking**

The applicant has detailed that there is no planning permit trigger for car parking, as the nature of the use as defined under Clause 52.06 has not changed. Having regard to the previous use of the land for Industry (building workshop) and the fact that a Transfer Station is contained within the definition of Industry and is not specifically listed in the Table 1 of Clause 56.06-5 means that for the purpose of car park and access there is no change of use to warrant variation of existing car parking provisions.

It is considered as a result there is no planning permit requirement to design and construct car parking as per the requirements of Clause 52.06.

### **Clause 52.45 Resource Recovery**

The purpose of the clause is *'To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area'*

The most relevant publications referred to in this clause is the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009) (the guide), which states *'The role of resource recovery centres is to receive used resources from a number of suppliers and separate it into constituent materials for recovery; any residual waste which is not recoverable is aggregated for appropriate disposal. The recovered materials may be processed on-site or transported to an alternative facility for further processing'*. It should be noted that this document is a guide but importantly it reflects a best practice approach.

Effectively, resource recovery is a wide ranging term that can capture a number of industrial type activities and uses.

A number of sections of this document have been included as part of the assessment:

#### Planning and siting

The applicant has provided justification for the proposed application based primarily on the Planning Scheme. No information has been provided that it has been made in consultation with the relevant waste management group. Similarly no detail has been provided about existing or planned facilities or broad economic impacts. Given the proposed facility will not be open to the public, this service level expectation has not been considered in this assessment.

The applicant has detailed how the majority of 'accepted' material is to be managed but only details that a moving floor trailer will be the mechanism to manage putrescible waste if received. Very limited detail is provided in terms of onsite safety mechanisms. Section 2.4 of the guide, *Site suitability*, details *'Potentially suitable sites should be identified taking into*

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

*account the issues below. Some criteria may be weighted as more important than others; final site selection should be done in consultation with the local community and planning consent authority'.*

The issues that are to be considered in the planning and siting of proposals such as this include:

- *planning requirements;*
- *area required;*
- *buffer distances;*
- *site history;*
- *transport distances;*
- *natural conditions; and*
- *supporting infrastructure*

In this case consultation with the local community or appropriate authority did not take place prior to taking up a lease on the subject site. It also should be noted Section 2.5 of the guide states that '*The community should be involved as early as possible in the development process so that expectations and concerns can be identified and addressed*'. With exception of notification process requested by Council as part of the application assessment process, no other formal consultation took place.

As detailed previously there is support for this type of proposal in the SPPF and LPPF, although nothing specifically is detailed in the planning scheme outlining suitable precincts for such a proposal. It is noticed that the subject site could not be described as heavy industrial type precinct due to the mix and type of uses in the area. In this context it could be argued that there could be more suitable location for such a proposal. It is noted however that under the Industrial 1 Zone, the use of a transfer station is a section 2 discretionary use and buffer distances to sensitive type uses are appropriate.

The applicant has detailed that the site is suitable and has the necessary area to manage the proposed use. The material that will be accepted on site will be derived from local skip bin hirers who will service demolition sites, local factories and household clean ups. Given the location of the site and proximity to the Princes Highway, it is considered that the supporting road infrastructure is suitable to meet the needs of the proposal.

### Design and construction

The building to be used for the proposed use is already constructed and ancillary works required in association with the use of the proposed transfer station technically do not have a planning permit trigger. It is considered that there are certain areas of the guide under this section that still need to be addressed in greater detail including:

- Section 3.5 *Design for environment protection;*

- Section 3.6 *Infrastructure and equipment*

Odour will be an issue if putrescible waste is brought onsite inadvertently or if contaminated water is not addressed appropriately. The applicant has detailed that by removing putrescible waste offsite within 24 hours and that by not accepting liquid waste that these issues can be addressed satisfactorily. The detection of an odour does not necessarily constitute 'offensive odour'. The location where the odour is detected should also be considered, as an industrial area should not expect the same amenity as a residential area. Having stated this, the area in question around Swan Road, Kirwin Road and Jones Road does not have any facility currently that could be considered a source of offensive odour. Suitable conditions will be attached to any of permit to ensure that if liquid waste or putrescible waste in particular is brought that it is managed as effectively as possible.

Contaminated stormwater, liquid trade waste and leachate are other concerns that have not been addressed effectively. The existing building is not connected to sewer but is connected to stormwater. The applicant believes that there is no requirement to connect to the sewerage system as the material proposed is largely dry inert material. While this may be the case, fail safe measures must be put in place to ensure that contaminated liquid substances are suitably managed in an appropriate manner and not be discharged to the drainage system. As a result a condition will be put in place to ensure that contaminated stormwater must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement. It is considered as a result that the applicant must connect to sewer to comply with any planning permit issued.

It is detailed in the guide '*Design of the facility should include the following to minimise dust:*

- > *paving of all operating, storage, unloading and loading areas*
- > *sealing of roads if dust is considered likely to be an issue*'.

In terms of the potential impact of the activities proposed on the amenity of the surrounding area, there is a concern that dust emissions from the site could potentially cause a problem. As a result it is considered that sealing a suitable access lane entering and exiting, the loading bay area in front of the shed and the storage areas should be all weather sealed. It should be noted that the applicant has requested that Council include a condition reasonably restricting the emission of dust but without detailing a particular method.

In terms of Section 3.6 of the guide the applicant has provided limited detail in terms of the infrastructure and equipment required onsite other than that an excavator and moving floor trailer will be the main equipment used onsite. The applicant has detailed whilst not permitted, non-approved materials are placed in the skips from time to time and deposited at the site. This traditionally involves household waste but can also include hazardous material such as asbestos. The Occupational Health and



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Safety Regulations 2007 cover the specific removal requirements (including licensing) relating to the removal of asbestos that is fixed or installed in a building, structure, ship or plant.

In addition to this, a Dangerous Goods Order was issued on 28 June 2007 prohibiting the removal of asbestos that is not fixed to or installed in a building, structure, ship or plant at any workplace, except under certain circumstances (this includes asbestos-contaminated dust). The applicant has stated the following '*Hazardous materials are immediately reported to the skip bin operator who is required to take the material away and dispose of it properly*'. This is not considered an appropriate response and will have to be addressed prior to commencement of the use if a permit is issued.

Section 4 of the guide *Operation and management* is mainly in regards to onsite management and identifying risk control process that should be established that encompasses risks to health and safety. There is no detail of OH & S requirements or fire fighting equipment. However this is managed through separate legislation and is not required to be assessed as part of a planning permit application under the Act.

**SUBMISSIONS**

The application received 3 submissions in the form of objections. The issues raised were:

- 1 Concerned about the risk of losing our HACCP accreditation and Food Safety Registration due to excessive pungent odour and an increase in pests influencing our facility.

**Officer comment**

HACCP, or the Hazard Analysis Critical Control Point system, is a process control system that identifies where food safety hazards may occur in a food production process and puts into place controls to prevent the hazards from occurring. This accreditation programme is not assessed under the requirements of the Act. It should be noted that the Health Services Team has also identified concerns regarding air borne particles and odour from the applicants proposed premises.

The applicant has detailed that putrescible waste will be removed onsite within 24hrs and an industrial deodoriser will also be used. The term "Offensive" will be subjective and takes into consideration the strength of the odour, the duration the odour is present and the nature of the odour. As result given that there is no scientific modelling available, enforcing a standard amenity condition in relation to offensive odour going beyond site boundaries will be difficult to enforce appropriately. Suitable management conditions of the proposal should reduce any offensive odour issues. These conditions will form part of an improved overall environmental management plan for the proposed use. Please see condition 2 of the permit.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

2. Pungent odour from the facility would not impress customers of our company or independent auditors visiting the site to conduct food safety audits.

Officer comment

As detailed previously suitable conditions will be put on any issue of a permit to ensure that offensive odour is managed onsite to the best possible degree. Given the nature of the proposal and lack of scientific modelling of the proposal, enforcing conditions based on a subjective sense would be difficult to enforce.

3. It is difficult to explain how a land transfer station can be located on the adjoining site to a food manufacturing plant that has been at 12 Jones Road

Officer comment

As detailed previously the use of land for a transfer station is discretionary use in an Industrial 1 Zone. While it noted that the guide details siting facilities within complementary precincts should be considered, in this case there is no identification of such a precinct with the Latrobe Planning Scheme and as a result the proposal has been assessed on its merits.

4. Skip bin agreements appear to be ineffective to preventing dumping of hazardous materials. There is also no detail of the volume of hazardous materials expected onsite and no detail on how hazardous or unwanted material will not be brought onsite

Officer Comment:

The applicant has detailed the material brought onsite will be largely dry, inert material. The applicant has detailed loads will be checked by staff as it is unloaded slowly. This is not considered appropriate as the guide details that Category 2 facilities should have a 'gatehouse' to allow for inspection of incoming waste and recording of waste types and quantities. Gatehouses should have facilities for viewing the waste load on incoming vehicles, such as an elevated mirror or platform, and appropriate control and supervision features. It is considered that a suitable condition regarding monitoring of incoming material will reduce concerns of the type of materials unloaded onsite but will not remove occasions where inappropriate or non-approved material is brought onsite.

5. Whether a full work cover audit has been conducted on this proposed site, taking into consideration all the known facts regarding dangerous and hazardous materials and EPA been approached regarding the successful control of unwanted odours.

Officer Comment:

The issue of managing hazardous substances onsite has been detailed previously in the 'design and siting' section of this report. The application was referred to the EPA who have addressed a specific request from Council Officers regarding the management of odour onsite. Please see

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

attachment 5 for the initial response from the EPA to the application, council's subsequent request for further clarification on a number of conditions and subsequent response from the EPA to this request.

As detailed previously OH & S regulations are considered under separate legislation and these concerns are not addressed under the remit of the assessment of an application under the Act. Worksafe were notified of the applicant but did place any conditions or notes on any issue of a permit.

6. Rubbish from the previous operation onsite was landing on our yard.

All applications have to be assessed on its merits and the previous operation of the site cannot be considered in the assessment of this proposal. It is considered that a suitable condition can be put in place ensuring that rubbish is maintained within the boundaries of the subject site

6. Council's Health Department had no input considering the close proximity of a waste transfer station to a registered food facility.

Officer Comment:

Comments were sought from Council's Health Services team in relation to the proposal. They identified concerns but had no objection to the proposal subject to suitable conditions being placed on any issue of a permit. This included a specific condition related to the control of vermin and that a provision of a management plan for the control of odours is submitted for approval.

7. That Latrobe City Council conduct via the Health Department a complete audit on the suitability of this proposed transfer station given the risks it poses in terms of airborne bacteria such as listeria and contamination that could introduce deadly bacteria strains such as E. coli, Salmonella and Campylobacter, all present on putrescible waste, food and animal carcasses.

Officer Comment:

A request for an audit has been put to the Health Services team. They have assessed the application and provided suggested conditions to be placed on any issue of a permit. The objector has been informed of this and is satisfied that due diligence has taken place.

### **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).

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

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

**INTERNAL / EXTERNAL CONSULTATION***Engagement Method Used:*Notification:

The application was advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers; displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days.

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.

Notification of the application was sent to the following agencies under Section 52(1)(d) of the Act to the following agencies :

- EPA;
- Gippsland Water;
- Worksafe; and
- CFA;

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.

*Details of Community Consultation following Notification:*

Following the referral and advertising of the application, 6 submissions in the form of objections were received.

A mediation meeting was held on 18 June 2013 which was attended by the applicant and his representatives, one of the objectors, the Ward Councillor and a council officer. The grounds of objection were discussed.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Subsequent correspondence was received from an objector which has not been addressed by the applicant.

Consensus was not reached between the parties.

It should be noted that 5 subsequent objections have been received. A copy of the outstanding submissions can be found at Attachment 6.

**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**

It should be acknowledged that council has to consider whether the proposal is complementary with surrounding industrial uses, albeit uses that are classified as not being sensitive in nature under the Latrobe Planning Scheme.

Overall the proposal is generally considered to comply with the State and Local Policy Planning Provisions for industrial areas. The inclusion of increased monitoring of loads prior to unloading of skips onsite, sealing of access lanes and loading area, compliance with EPA conditions and ensuring that the facility is managed to best practice standards should ensure that facility will result in an orderly planning outcome.

**Attachments**

1. Photos of previous operation at 32A Swan Road, Morwell
2. Plans
3. History of the application
4. Latrobe Planning Scheme
5. EPA Correspondence
6. Outstanding submissions
7. 32a Swan Road, use of land for a Transfer Station

**RECOMMENDATION**

**That Council issues a Notice of Decision to Grant a Planning Permit for the use of the land for a transfer station and ancillary works at 32A Swan Road, Morwell known as Lot 3 on LP137541 with the following conditions:**

**Amended Plans**

- 1. Before the use and ancillary development starts, 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 with the application (received by Council on 10 May 2013) but modified to show:**
  - a) The site plan must nominate the largest vehicles likely to access the site and include vehicle swept path diagrams demonstrating how such vehicles will access the site and how these vehicles will safely exit the site. Loading, storage areas and access lanes must be finished with an all-weather sealed surface; drained; and clearly marked to show loading areas and the direction of traffic along access lanes and roadways.**
  - b) An Environmental Management Plan in accordance with Condition 2**

**Standard Conditions**

- 2. Prior to the commencement of the use hereby permitted, an amended Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Environmental Management Plan version 2 prepared by LV Resource and Recovery P/L but amended to address the following having due regard to Sustainability Victoria's "Guide to best practice at resource recovery centres":**
  - a) Maximum duration that recyclables will remain on site;**
  - b) That non-recyclable material will be removed off site daily;**
  - c) How hazardous wastes i.e. Asbestos, is dealt with through operational procedures;**

- d) **Monitoring systems of all incoming materials. The location of the monitoring system must be detailed on the amended site plan;**
- e) **Identification of possible risks or operational failure and response; measures to be implemented, emergency response and fire control measures and how the proposal is consistent with OH & S requirements;**
- f) **Methods to ensure that the facility will be totally vermin proof, including the engagement of the services of a pest control company to monitor vermin harbourage;**
- g) **Exact details of how offensive odours will be managed to be kept within the confines of the subject site boundaries;**
- h) **The provision of waste water traps in the floor of the building to sewer for cleaning and wash out areas;**
- i) **The following planning and siting assessment checklist items from Appendix A of Sustainability Victoria's "Guide to best practice at resource recovery centres":**
  - (i) **Ref 2.3. What other type of residual waste infrastructure is to be used.**
  - (ii) **Ref 2.5. Why no community consultation plan has been developed.**

**When approved, the plan will be endorsed and will then form part of the permit. The environmental management plan must be reviewed and submitted to the Responsible Authority annually. The use must at all times be conducted in accordance with the endorsed plan.**

3. **The use and ancillary works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
4. **Control measures in accordance with the approved Environmental Management Plan shall be employed throughout the permitted use of the land to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Environmental Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.**

- 5. The use of the site must not commence until the required works are completed and required plans are approved to the satisfaction of the Responsible Authority.**
- 6. The external appearance of the site must at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.**
- 7. No materials may be stored within the site that exceeds the height of the perimeter fence of the property, to the satisfaction of the Responsible Authority.**
- 8. All vehicles removing materials to and from 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.**
- 9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.**
- 11. Upon completion of the required works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
- 12. Wastes may be received, separated, crushed, baled and dispatched. Wastes must not be reprocessed without the specific written approval of the Responsible Authority.**
- 13. Not more than 15,000 tonnes of waste per annum is to be brought onsite except with the written consent of the Responsible Authority. The volume of material delivered to the site is required to be recorded by the owner/operator.**
- 14. The site is to be supervised at all times when open to the satisfaction of the Responsible Authority.**
- 15. The existing building proposed to be used in association with use of the land for a transfer station must be connected to the sewerage systems to the satisfaction of the Responsible Authority.**
- 16. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize 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**

17. Before the use and ancillary works commence on site 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) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
  - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge by the existing underground drainage system within the property. No new connection to Latrobe City Council's stormwater drainage system or kerb and channel is permitted.
18. No solid putrescibles wastes must be received or processed on the land.
19. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a) Transport of materials, goods or commodities to or from the land,
  - b) The 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, windblown rubbish, grit or oil,
  - d) Presence of vermin.
20. No loose material of any description must be stored outside the building other than in bins or hoppers or other enclosures to the satisfaction of the Responsible Authority.
21. A concrete paved area must be used for the washing of vehicles such that all water shall be drained to an outlet point in the concrete area at which an oil and silt interceptor trap shall be installed to receive all drainage from the paved area to the satisfaction of the Responsible Authority. All waste water from the oil and silt interceptor

trap must be discharged to an approved sewer or other approved outlet.

#### **EPA Condition**

22. The use of the land must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) **Offensive odours must not be discharged beyond the boundaries of the premises.**
  - b) **Nuisance dust must not be discharged beyond the boundaries of the premises.**
  - c) **Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement.**
  - d) **The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.**
  - e) **Material processing of waste materials must not occur at the premises.**
  - f) **All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled.**
23. The operator of this permit must comply with the following requirements from the Gippsland Water:
- a) **Any discharge of Trade Waste from the plant will require a Trade Waste Agreement with Gippsland Water. Gippsland Water will consider an application for Trade Waste discharge upon the submission of a Trade Waste application providing discharge details. One condition of any Trade Waste Agreement is that the discharge must meet Gippsland Waters Trade Waste quality limits. An application has been sent to the owner/developer with a copy of this response to Council.**

#### **Expiry Condition**

24. This permit will expire if the use is not started within two years of the date of this permit, or if the use ceases for a period of two years or greater.

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.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

- Note 1.** This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval
- Note 2.** Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

## 16.1

### PLANNING PERMIT APPLICATION 2013/89 USE OF THE LAND FOR TRANSFER STATION AND ANCILLARY WORKS, 32A SWAN ROAD, MORWELL

1	Photos of previous operation at 32A Swan Road, Morwell.....	201
2	Plans .....	253
3	History of the application .....	255
4	Latrobe Planning Scheme.....	257
5	EPA Correspondence .....	259
6	Outstanding submissions.....	267
7	32a Swan Road, use of land for a Transfer Station .....	279

















































































































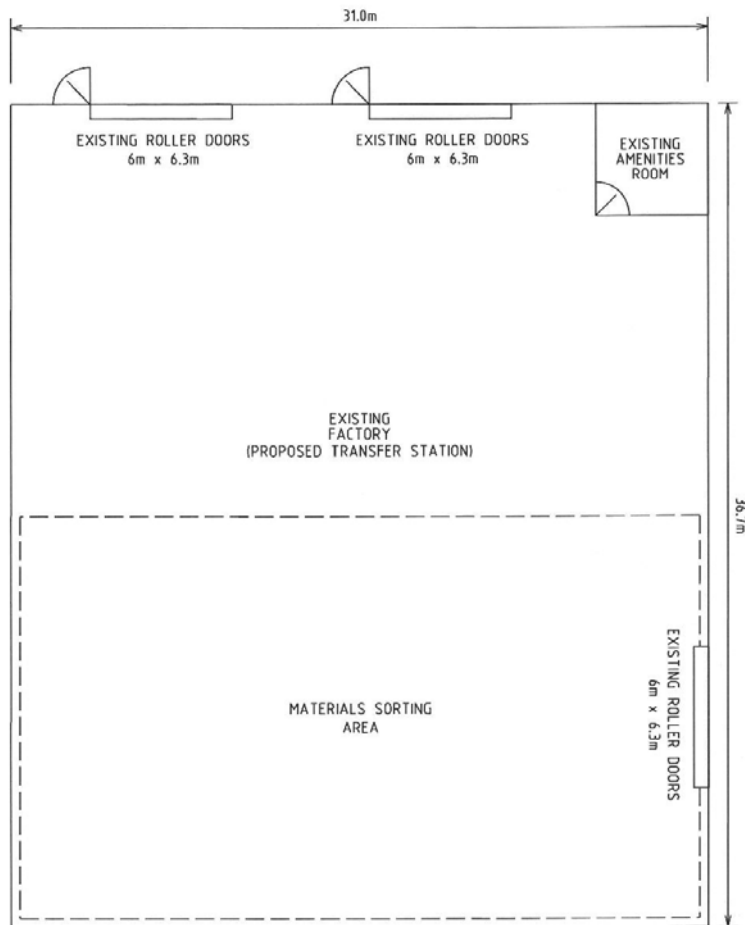








**Notes**  
*Tile boundaries are indicative only and subject to verification by survey*  
*Open space and drainage locations are indicative only and subject to Council approval*



20/03/2012

**Floor Plan - Existing Shed**  
32A Swan Road, Morwell  
Latrobe Resource Recovery Pty Ltd

**REF: 1300277**



**Beveridge Williams**  
development & environment consultants

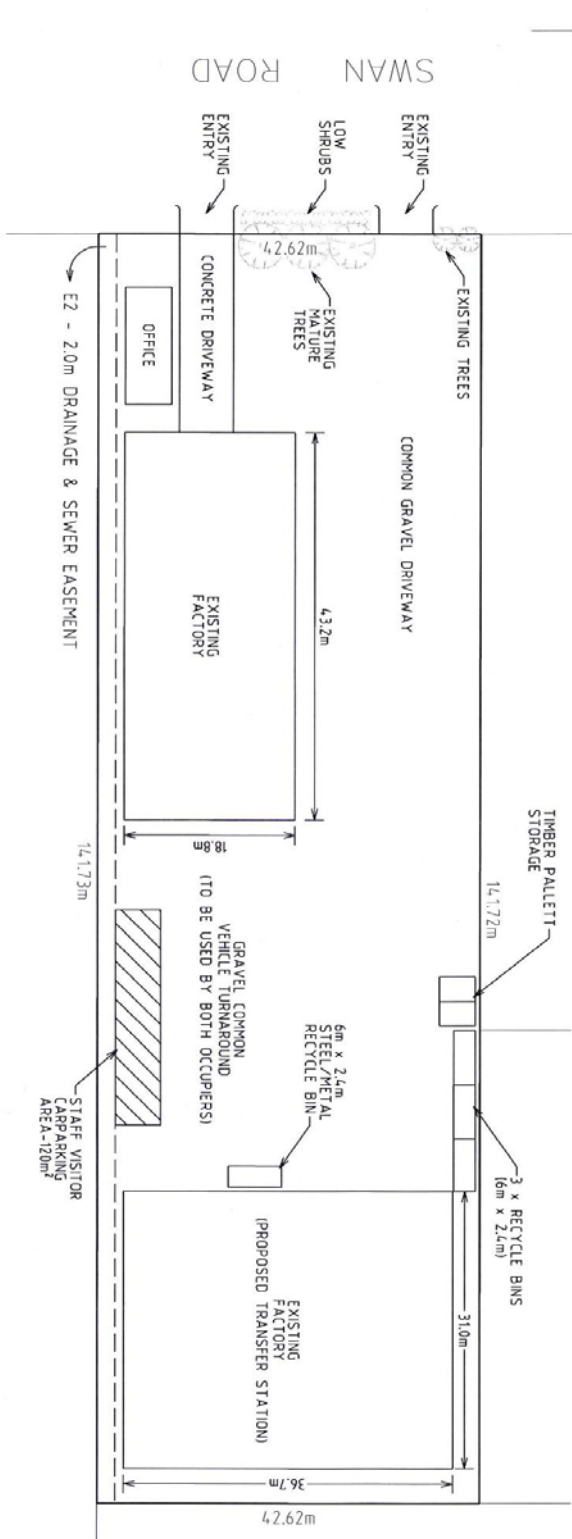
Leongatha ph: 03 5562 2630  
www.beveridgewilliams.com.au

**Proposed Waste Transfer Station**  
32A Swan Road, Morwell  
Latrobe Resource Recovery Pty Ltd

REF: 1300277

**BW** Beveridge Williams  
development & environment consultants  
Loooptia Pty. (03) 5682 2650  
www.beveridgewilliams.com.au

20/03/2012



**Notes**  
The boundaries are indicative only and subject to verification by survey.  
Open space and drainage locations are indicative only and subject to Council approval.

## **History of Application**

2 April 2013	Planning Permit application received by Council.
21 April 2013	Further information requested from applicant. The purpose of this request was to obtain an assessment against the <i>Guide to Best Practice at Resource Recovery Centres</i> (2009), an amended EMP to be provided to detail the type and waste that will be accepted onsite, stormwater management measures and detailing that access lanes and car parking area should be all weather sealed due to dust concerns.
22 August 2013	Meeting with the applicant and his representatives to discuss the further information request.
10 & 17 May 2013	Further information received
17 May 2013	File note detailing that information provided does not satisfactorily address all requirements under the further information request. Conditional approval could be issued to address these concerns and could be enforced regularly if required.
22 May 2013	Application requested to be advertised pursuant to the requirements of Section 52 of the Act and referred under Section 55 of the Act as required.
18 June 2013	Mediation meeting held with no resolution to the issues achieved.
22 May 2013 – 24 July 2013	During this period a large level of electronic correspondence was sent from Council Officer and referral authorities, especially the EPA as their response was over a month late. Regular updates were provided to the applicant, staff members of the Department of State Development, Business & Innovation and other interest parties during this period.
9 August 2013	Met with EPA Team Leader to discuss their response in greater detail and a letter was also sent to the EPA requesting greater clarification in their conditions given the nature of the proposal is for a transfer station not a materials recycling facility.

## **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  
Clause 19.03-5 Waste and resource recovery

### **Local Planning Policy Framework**

Clause 21.03-2 Environmental Sustainability Overview  
Clause 21.03-6 Waste Management Overview  
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 52.45 Resource Recovery

### **General Provisions**

Clause 65 'Decision Guidelines'

### **Incorporated Documents**

There are no relevant Incorporated Documents



Mr. Jody Riordan  
Planning Officer  
LATROBE CITY COUNCIL  
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24/07/2013

Reference: 5003647

Dear Mr. Riordan

**RE: PLANNING PERMIT APPLICATION: 2013/89**  
**PROPOSAL: Use of land for a Transfer Station**  
**PREMISES ADDRESS: 32A SWAN RD, MORWELL VIC 3840**

Thank you for your correspondence in relation to the above planning scheme amendment, referred to EPA on 22/05/2013.

In January this year an EPA Officer inspected the premises and the observations included: "The pile contained a huge assortment of waste, however seemed to be primarily building waste. There was also kids toys, household garbage bags, plasterboard, metal, conduit, pallet's, a lot of wood which was not getting separated and a lot of cardboard, also not being separated." The description was very much commercial and industrial waste and construction waste being accepted and material recovered and recycling.

Section 52.10 of the planning scheme in the "Recycling and Resource Recovery" section has a "Note 1" for facilities that are Commercial and Industrial Materials Recycling and for Construction and Demolition Material Recycling. The nearest sensitive uses appear to be the Residential 1 Zone to the northwest at a distance of over 1.0 KM and isolated residences in the Farm Zone to the southeast at a distance of about 0.6 KM. These distances are considered adequate as it is unlikely there would be an adverse amenity impact from the proposed facility to a sensitive use in a residential area.

EPA is a statutory referral authority under Section 55 of the *Planning and Environment Act 1987*.

EPA has no objections to Council issuing a planning permit for the above application, subject to the following conditions being included:

- Offensive odours must not be discharged beyond the boundaries of the premises.
- Nuisance dust must not be discharged beyond the boundaries of the premises.



- Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor.
- The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.
- Material processing of waste materials must not occur at the premises.
- All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled.

Whilst EPA considers any adverse amenity impact to the nearest residentially zone land is unlikely, Council must satisfy itself that the activity will not adversely impact on any adjacent Industrial and Commercial uses.

If you need additional information or assistance, please contact our Team Leader, Garry Kay on 1300 EPA VIC (1300 372 842).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dieter Melzer', is written over a light blue horizontal line.

Dieter Melzer  
Unit Manager  
EPA Gippsland  
EPA Victoria



Ref: 2013/89

9 August 2013

Garry Kay  
EPA Gippsland  
7 Church Street  
Traralgon  
Victoria 3844

**Latrobe City** ABN 92 472 314 133  
**Telephone** 1300 367 700  
**Facsimile** (03) 5128 5672  
**TTY (NRS)** 133 677  
**Post to** PO Box 264 Morwell 3840  
**Email Address** latrobe@latrobe.vic.gov.au  
**Internet** www.latrobe.vic.gov.au  
**AUSDOC** DX217733 Morwell

Dear Garry

**APPLICATION NO:** 2013/89  
**PROPOSAL:** USE OF THE LAND FOR A TRANSFER STATION  
**PROPERTY:** 32A SWAN ROAD, MORWELL  
**DESCRIPTION:** L 3 LP 137541

Thank you for your correspondence on 24 July 2013 and meeting with Council Officers on 9 August 2013.

As detailed in our meeting, Council would like the EPA to revisit their suggested conditions on this application given that the proposal is for a Waste Transfer Station as opposed to a Materials Recycling Facility as defined by Clause 74 of the Latrobe Planning Scheme.

Council requests the following conditions to be reconsidered and/or clarified and a response based upon our conversations:

*'Offensive odours must not be discharged beyond the boundaries of the premises.'*

Council requests clarification from the EPA regarding what is termed 'offensive', how such a term can be measured (scientifically if possible) and subsequently enforced if required.

*'The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.'*

Council requests this condition to be reconsidered. The applicant has detailed in their draft Environmental Management Plan that the material collected 'is general waste collected from industrial premises, power stations, building site and demolition sites', that a skip bin hire agreement will be in place and that material accepted will be 'largely inert, dry material'.

They also detail however that 'Whilst all care is taken to ensure that non approved products are not deposited in the bins from time to time offensive material is taken to the site'

As a result Council considers that given the proposal is for a 'Transfer Station' not a 'Materials Recycling' facility, that placing such a condition is not appropriate and changes the nature of the use being applied for from a Transfer Station to a Materials Recycling Facility. As a result Council requests that the EPA revisit their response in relation to this condition.

*'Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor.'*

I have attached correspondence from Gippsland Water and their requested condition in relation to this proposal. They have requested the applicant to enter into a Trade Waste Agreement with Gippsland Water. The Gippsland Water condition and the EPA condition are in contradiction to each other. It is considered that Council does not have the necessary resources or expertise to enforce the current wording of this condition requested by the EPA. Council requests the EPA to consider whether this condition can be altered to reflect the requirements of Gippsland Water.

If the EPA are not willing to reconsider this condition and in the event that a planning permit is issued, as the EPA are a Section 55 Referral Authority in the assessment of this proposal, the Gippsland Water condition will have to be amended to remove this contradiction.

In summary Council are appreciative of your assistance and expertise in this matter. Given the level of interest in this application a prompt response to this letter would be appreciated.

If you require any further information in relation to this matter, please call Jody Riordan on 03 5128 5556 or Jodie Pitkin Acting Manager Statutory Planning 5128 5497.

Yours faithfully



JODY RIORDAN  
**Senior Statutory Planner**



Our reference: 24078  
Your reference:

14 June 2013

ATT: JODY RIORDAN  
LATROBE CITY COUNCIL  
PO BOX 264  
MORWELL VIC 3840

Dear Jody

**PLANNING PERMIT REFERRAL**

YOUR REFERENCE : 2013/89  
APPLICANT : Latrobe Resource Recovery Pty Ltd  
LOCATION : 32A SWAN RD MORWELL

We refer to your letter dated 1 May 2013 made pursuant to Clause 52(1) (d) of the Planning and Environment Act and advise that Gippsland Water consents to the granting of the above planning permit subject to the following condition being noted on the issued planning permit:

- Any discharge of Trade Waste from the plant will require a Trade Waste Agreement with Gippsland Water. Gippsland Water will consider an application for Trade Waste discharge upon the submission of a Trade Waste application providing discharge details. One condition of any Trade Waste Agreement is that the discharge must meet Gippsland Water's Trade Waste quality limits. An application has been sent to the owner/developer with a copy of this response to Council.

If you have any queries in the matter please contact one of the Statutory Planning team on (03) 5175 7488.

Yours sincerely



Geoff Harris  
PROPERTY SERVICES MANAGER

cc: Latrobe Resource Recovery P/L  
c/- Beveridge Williams  
PO BOX 161  
LEONGATHA



Blazeview Road  
PO Box 318  
Stratford, Victoria 3644  
Telephone: (03) 5177 4600  
Facsimile: (03) 5174 6105  
contact@ Gippslandwater.com.au  
www.gippslandwater.com.au



15 August 2013

Your Ref:2013/89

Mr Jody Riordan  
Senior Statutory Planner  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

7 Church Street  
Traralgon  
Victoria 3844  
PO Box 1337  
Traralgon Victoria 3842  
T: 1300 EPA VIC  
F: 03 5174 2851  
DX 299292  
www.epa.vic.gov.au

Dear Jody

Application No. 2013/89  
Proposal Use of land for a transfer station 23A Swan Road  
Morwell

Thank you for your letter of 9 August 2013 following our meeting earlier on Friday, requesting that EPA reconsider some of the issues in our letter of 24 July 2013.

I offer the following comments on both the nature of our response and some of the specific requirements of recommendation in that letter.

EPA considered the facility was to be operated and a material recovery and recycling business, but Council continues to believe it will only be a transfer station. Provided that any wastes and other materials delivered are only sorted prior to removal from the site to another facility for reprocessing reuses, EPA will accept that site as a transfer station. The application indicates the facility intends to only accept solid inert waste type material and therefore may not fall into the Planning Scheme classification with a "note 1" in section 52.10 of the PS.

During our meeting the issue of odour assessment was discussed and I again advise that odour is generally an individual objective assessment. The term "Offensive" will be subjective and take into consideration the strength of the odour, the duration the odour is present and the nature of the odour. The detection of an odour does not necessarily constitute 'offensive odour'. The location where the odour is detected should also be considered, as an industrial area should not expect the same amenity as a residential area. I believe it is necessary that an amenity condition remain and would be happy to review an alternative condition proposed by Council.

With regard to the acceptance of waste, I suggest an additional condition could be included that specifically addresses the prompt removal of any putrescible waste that may inadvertently be placed in any bins or skips delivered to the site. I recall discussion at our meeting of a possible condition that any non recyclable material delivered to the site would be removed within 24 hours.

.../2.



2

The concern over conflict between the EPA stormwater discharge and the Gippsland Water trade waste agreement for discharge to sewer could be addressed through the inclusion or deletion of certain words.

The purpose of the condition is to ensure that stormwater contaminated by waste is not discharged from the premises. By adding the additional words the conflict should be overcome.

"Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement."

The same result may also be achieved by shortening the condition to: Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.

I expect that Gippsland Water, through a trade waste agreement, will not accept oil, grease, chemicals, leachate or sediments into the sewer system, therefore any waste trapped in a sewer pre-treatment system will require off-site disposal at a facility able to accept the waste.

If you require further information and advice please call me on 1300 EPA VIC (1300 372 842).

Yours sincerely



Garry Kay  
Gippsland Region

28<sup>th</sup> May 2013

Latrobe City Council  
PO Box 264  
Morwell VIC 3840

**Re: Objection to Planning Permit 2013/89 LV Recovery and Recycling**

Tecnica Pty Ltd trading as Grayson Australia would like to object the above mentioned application on the following grounds;

- Pungent odour which was present when the operation was running previously.
- Increase in rodents and other pests due to food scraps that have previously come in with building material scrap.

Reasons for objections are as follows;

- Tecnica Pty Ltd trading as Grayson Australia is a food manufacturing premise. We are concerned about the risk of losing our HACCP accreditation and Food Safety Registration due to excessive pungent odour and an increase in pests influencing our facility. We currently have a pest control program in place, however, a transfer station would increase the pressure on our current program. Pungent odour from the facility would not impress customer of our company or independent auditors visiting the site to conduct food safety audits.
- It is difficult to explain how a land transfer station can be located next to a food manufacturing plant. Tecnica Pty Ltd trading as Grayson Australia food manufacturing facility is located at 12 Jones Rd Morwell sharing a fence line with the proposed land transfer station. Grayson Australia is registered with the council as a food premise and has been manufacturing food products for a number of years at this address.

We hope for a speedy resolution to the matter.

Regards

Narelle Brown  
General Manager  
Grayson Australia

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**GRAYSON AUSTRALIA**

Tecnica Pty Ltd ABN 72 006 828 879  
Postal Address: PO Box 134, Bayswater Vic 3153 Australia  
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia  
Tel: 03 8727 6900 Fax: 03 8727 6999  
Email: [info@graysonaustralia.com](mailto:info@graysonaustralia.com)

June 24, 2013

Mr Jodi Riordan  
Senior Statutory Planner  
Latrobe City  
PO Box 264  
MORWELL VIC 3840

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Dear Jodi,

**Re: Application No: 2013/89**  
**Proposal: Use of the Land for a Transfer Station**  
**Property: 32A Swan Road, Morwell**  
**Description: L 3 LP 137541**

As suggested, I have taken the opportunity to read and review the Environmental Management Plan lodged by LV Resource and Recovery P/L's consultant during the mediation meeting on June 18<sup>th</sup>, 2013.

Keeping in mind the issue regarding the placement of a waste transfer station adjoining a registered food facility, Grayson Australia has some serious concerns regarding certain aspects of the Environmental Management Plan, and the overall ability of the facility to meet best practice to ensure all safety levels and concerns are met.

Grayson Australia would like to highlight some of the issues it views as possible areas of safety and risk to public and workplace health. We urge Council to review these items and request a written response from LV Resource and Recovery P/L on the action they would take to address our concerns.

In this day and age, the high cost of disposing of dangerous and hazardous materials has increased the level of unauthorized dumping of these items, with perpetrators seeking unsecured disposal bins as a means of disposing of this type of material. With an undisclosed number of bins and skips located at various sites (building, demolition, factories, power stations and households), what controls are in place to ensure this practice is curtailed. We appreciate that paper "standard agreements" and the cursory check by the contractor are in place; however, these measures would appear to be ineffective.

As mentioned on page 3, this problem already exists with no acceptable solution in place and does not define the volume and type of hazardous materials. Likewise, what is the definition or frequency of "time to time" and "occasional". With no control on what is placed in the bin or skip, does the proposed site start handling concentrated levels of hazardous and dangerous materials inadvertently or illegally dumped? Under the heading "Key Actions" it is stated "Every effort is made to ensure that inappropriate or non-approved material is not brought onto site". What are these efforts and controls?

## GRAYSON AUSTRALIA

Tecnica Pty Ltd ABN 72 006 828 879  
Postal Address: PO Box 134, Bayswater Vic 3153 Australia  
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia  
Tel: 03 8727 6900 Fax: 03 8727 6999  
Email: [info@graysonaustralia.com](mailto:info@graysonaustralia.com)

The table clarifying the type of materials to be collected and activities on the site does not clearly state which materials it would handle, rather outlines what it will not be handling, even though the report indicates many of the excluded items will be present.

The safety and health of our staff is our concern and we would question the proposed methods of unloading and sorting bins and skips containing unconfirmed materials, some of which may be hazardous, e.g. asbestos. With no posted safety procedures or measures in place to ensure workplace safety, containment and accredited removal, we seek assurance of a safe environment for all concerned parties in the area.

We would raise the question of workplace safety compliance and would ask whether a full Work cover audit has been conducted on this proposed site, taking into consideration all the known facts regarding dangerous and hazardous materials. Likewise, has the EPA been approached regarding the successful control of unwanted odours?

During our meeting, I was surprised the Council's Health Department had no input considering the close proximity of a waste transfer station to a registered food facility.

The information submitted by Council at the Planning Mediation meeting as an overview of the proposal makes no reference to health and safety issues. Under the statutory requirements everything from car parking to resource recovery was covered, however, no requirements about possible bacterial contamination was made.

The policies that are viewed as relevant provisions of the Latrobe Planning Scheme are listed on the information which was handed out, and once again no mention of this proposed site meeting required health standards which would ensure no potential contamination of the food facility.

When you take into consideration the fact that over 5.4 million people suffer from food poisoning in Australia every year, maybe we need to be more vigilant in this area.

Under the Planning and Siting Assessment checklist submitted to Council by L V Resource and Recovery P/L, Ref 2.4 "Have local climatic conditions been considered ( e.g. wind direction and strength ) ", this has been marked "not applicable". As *Listeria* is an airborne bacteria which would be present on the type of waste proposed to be processed, this would constitute a serious health risk to our food facility. We would request an understanding as to how the applicant proposes to monitor and manage this situation and believe the "not applicable" statement as unacceptable.

Contamination via vermin must also be given due consideration, as this would introduce deadly bacteria strains such as E.coli, Salmonella and Campylobacter, all present on putrescible waste, food and animal carcasses. What course of action would Council implement to ensure that the applicant maintains a level of control that does not allow the introduction of this type of bacterial infestation?

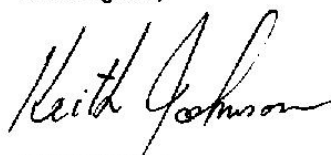
## **GRAYSON AUSTRALIA**

Tecnica Pty Ltd ABN 72 006 828 879  
Postal Address: PO Box 134, Bayswater Vic 3153 Australia  
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia  
Tel: 03 8727 6900 Fax: 03 8727 6999  
Email: [info@graysonaustralia.com](mailto:info@graysonaustralia.com)

Grayson Australia would request the Latrobe City Council conduct via the Health Department a complete audit on the suitability of this proposed transfer station, considering the close proximity to an existing food facility and the impact it may have on our business. We would request a written report addressing our concerns as well as Council's recommendation and appraisal of the risk factor to the health of the general public and maintaining acceptable food safety levels, to be forwarded to our company office at the address shown on this correspondence.

We look forward to hearing from you in the near future and receiving the requested information.

Kind Regards,



Keith Johnson

Managing Director

**GRAYSON AUSTRALIA**

Tecnica Pty Ltd ABN 72 006 828 879

Postal Address: PO Box 134, Bayswater Vic 3153 Australia

Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia

Tel: 03 8727 6900 Fax: 03 8727 6999

Email: [info@graysonaustralia.com](mailto:info@graysonaustralia.com)

# ANC Forestry Group Pty Ltd

10 Jones Road  
MOWELL VIC 3840  
PO BOX 3404 GMC VIC 3841  
Phone: 03 5134 4537 Fax: 03 5133 0647  
Email: [admin@ancforestry.com.au](mailto:admin@ancforestry.com.au)

ABN: 39 122 692 255

24 June, 2013

Jody Riordan  
Senior Statutory Planner  
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

Application Number: 2013/89  
Proposal: Transfer Station at 32 Swan Road, Morwell  
Description: L 3 LP 137541

Dear Jody

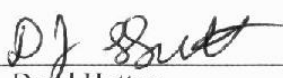
I was pleased to receive and examine your proposal of: A Transfer Station at 32 Swan Road, Morwell.

As the managing director of ANC Forestry Group, we have serious concerns regarding certain aspects of the Environmental Management plan and regret that we are unable to accept your proposal of the land transfer station plan going ahead in Swan Road Morwell.

I have had numerous meetings with my employees in the work shop and office. My main issues are this property backs on to us. I have concerns regarding the Health and Safety of my employees.

- During strong winds that the valley is very prone to, the smell that was blowing our way from 32A Swan road previously when the transfer station was working was disgusting. We have concerns regarding the odour that the transfer station is going to produce even with the Industrial deodorising system in place.
- The rubbish that is not being contained in 32A Swan road was landing in our yard. As we have welders on site this could potentially be a disaster.
- We are cautious about Vermin and take precautions to prevent further infestations. Any rubbish brought onsite has the potential to bring more in with it plus the amount it will just naturally attract.
- We employ 50 people and at any time 10 of them can be working in our workshop and offices.

Signed:

  
Daryl Hutton  
Managing Director

Date: 24-06-13



**Jody Riordan**

---

**From:** Marchesani, Nick <Nick.Marchesani@bluescopesteel.com>  
**Sent:** Wednesday, 21 August 2013 2:17 PM  
**To:** Jody Riordan  
**Cc:** Jodie Pitkin  
**Subject:** 32A Swan Road, MORWELL

Application # 2013/89

To whom it may Concern.

On behalf of BlueScope Distribution (Lot 4 Jones Road, Morwell) we are totally against the relocation of a waste transfer station to be located at:  
32A Swan Road, Morwell

As we are in the steel distribution industry and have large sheds with easy access for rodents and insects to enter. This issue would definitely increase if the permit to move the "tip" was accepted because of the close proximity to our yard.

Please take this email as an official complaint to the proposed move.

Thanks

Nick

**Nick Marchesani | Branch Manager**

**BlueScope Distribution Pty Ltd**

**Lot 4 Jones Road, Morwell. Vic 3840**

**Phone +61 3 5134 6266 | Fax +61 3 5133 7253 | 0408 105 828**

**E-mail: [Nick.Marchesani@bluescopesteel.com](mailto:Nick.Marchesani@bluescopesteel.com)**

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From: [Bill Coulthard](#)  
To: [Jody Riordan](#)  
Subject: RE: 32a Swan Road, use of the land for a transfer station.  
Date: Wednesday, 21 August 2013 4:53:18 PM

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Jordy

I wish to object to the proposed Transfer station due to the nature of the surrounding business and the problem with vermin and loose waste being blown around due to the strong prevailing winds in the Swan /Jones rd areas most of the year I believe such a business should be carried out in a low density semi rural area such as the transfer station at Loy Yang .

Regards.

---

**From:** Jody Riordan [mailto:[Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)]  
**Sent:** Wednesday, 21 August 2013 2:59 PM  
**To:** Bill Coulthard  
**Subject:** 32a Swan Road, use of the land for a transfer station.

Hi Bill

Please see my contact details below. If you wish to lodge a submission you can do so via email.

Thanks

**Jody Riordan**

Senior Statutory Planner  
Latrobe City Council

---

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

Direct: 03 5128 5556

Fax: (03) 5128 5672

Phone: 1300 367 700

PO Box 264, Morwell 3840

141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>



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**From:** [Gary Garth](mailto:Gary.Garth@valleywindows.com.au)  
**To:** [Jody Riordan](mailto:Jody.Riordan@latrobe.vic.gov.au)  
**Subject:** RE: Planning permit app. no. (2013/89), Use of the land for a Transfer Station 32a Swan Road, Morwell  
**Date:** Monday, 26 August 2013 3:46:23 PM

---

Hi Jody,

I would be pleased if you would pass on our concerns to the proposed new transfer station being located at 32 A Swan Road Morwell.

Valley Windows has been located at 26 swan road Morwell for the past 13 years.

We are particularly concerned with the potential odours / smell and dust that may be discharged in to our working environment.

We currently employ approximately 25 staff at 26 Swan Road and are very concerned that if the planning permit is approved, the transfer station may create unwanted health and safety issues for the management and staff of Valley windows.

This may also have the potential to impact negatively on our ability to retain and attract the quality of staff that is crucial to our company's viability.

Should the planning project be approved we believe it is imperative that the site is managed strictly in accordance with all regulations and is not detrimental in any way to Valley Windows.

Gary Garth and Peter Garth  
Valley Windows

---

**From:** Jody Riordan [<mailto:Jody.Riordan@latrobe.vic.gov.au>]  
**Sent:** Monday, 19 August 2013 10:00 AM  
**To:** Gary Garth  
**Subject:** Planning permit app. no. (2013/89), Use of the land for a Transfer Station 32a Swan Road, Morwell

Hi Gary

As a decision has not been made on this planning permit yet, if you want to put your concerns in writing you are more than entitled to do so.

Thanks

**Jody Riordan**  
**Senior Statutory Planner**  
**Latrobe City Council**

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[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)  
Direct: 03 5128 5556  
Fax: (03) 5128 5672  
Phone: 1300 367 700  
PO Box 264, Morwell 3840  
141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

---

**From:** Joanne Glendenning  
**Sent:** Monday, 19 August 2013 9:45 AM  
**To:** Jody Riordan  
**Subject:** Re: Phone call from Mr Gary Garth who is the Managing Director of Valley Windows who operate from 26 Swan Rd, Morwell. Please ring him back on 5128 5872. He's wishing to object to planning permit app. no. (2013/89).

Hi Jody,

This man said that Valley Windows employ's around 30 people and he believes that this planning permit application will adversely affect his business. I urged him to put his concerns in in writing but he asked me if I would make his feelings known to yourself and Paul Buckley our CEO by way of cc ing PB in on an email.

Please ring him back when you have a chance. I haven't passed anything on to PB at this stage.

Thanks Jo.

**Joanne Glendenning**  
**Planning Officer Customer Service**  
**Latrobe City Council**

---

[mailto: Joanne.Glendenning@latrobe.vic.gov.au](mailto:Joanne.Glendenning@latrobe.vic.gov.au)  
Direct: 03 5128 5476  
Fax: (03) 5128 5672  
Phone: 1300 367 700  
PO Box 264, Morwell 3840  
141 Commercial Rd, Morwell 3840



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\*\*\*\*\*



---

**From:** [Bill Coulthard](#)  
**To:** [Jody Riordan](#)  
**Subject:** RE: 32a Swan Road, use of the land for a transfer station.  
**Date:** Wednesday, 21 August 2013 4:53:18 PM

---

Jordy

I wish to object to the proposed Transfer station due to the nature of the surrounding business and the problem with vermin and loose waste being blown around due to the strong prevailing winds in the Swan /Jones rd areas most of the year I believe such a business should be carried out in a low density semi rural area such as the transfer station at Loy Yang .

Regards.

---

**From:** Jody Riordan [mailto:[Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)]  
**Sent:** Wednesday, 21 August 2013 2:59 PM  
**To:** Bill Coulthard  
**Subject:** 32a Swan Road, use of the land for a transfer station.

Hi Bill

Please see my contact details below. If you wish to lodge a submission you can do so via email.

Thanks

### **Jody Riordan**

**Senior Statutory Planner**  
**Latrobe City Council**

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From: [Bill Coulthard](#)  
To: [Jody Riordan](#)  
Subject: RE: 32a Swan Road, use of the land for a transfer station.  
Date: Wednesday, 21 August 2013 4:53:18 PM

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Jordy

I wish to object to the proposed Transfer station due to the nature of the surrounding business and the problem with vermin and loose waste being blown around due to the strong prevailing winds in the Swan /Jones rd areas most of the year I believe such a business should be carried out in a low density semi rural area such as the transfer station at Loy Yang .

Regards.

---

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**16.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, AT 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/68 for the development of six attached double storey dwellings, re-subdivision of land from 3 to 2 lots and alterations of access to a road in a road zone category 1, at 2 Tennyson Street and 72 – 74 Shakespeare Street in 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 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*

*Planning for the future*

- To provide a well-planned, connected and liveable community.
- To reduce the time taken to process land use and development planning applications.

*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.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)****SUMMARY**

Land: 2 Tennyson Street (Lots 1 and 2 on Title Plan 439298K), 72 Shakespeare Street (Lot 1 on Title Plan 807355A) and 74 Shakespeare Street (Lots 1 and 2 on Title Plan 579768P), all in Traralgon

Proponent: Andrew Lane c/- Beveridge Williams & Co P/L

Zoning: Residential 1 Zone

Overlay Land Subject to Inundation Overlay

A Planning Permit is required to subdivide land in accordance with Clause 32.01-2 Residential 1 Zone.

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

**PROPOSAL**

The proposal seeks to construct six attached double storey dwellings in the western half of the site. The existing dwellings and associated works at 72 Shakespeare Street and 2 Tennyson Street would be removed to facilitate the proposed development. There would be no alteration to the dwelling at 74 Shakespeare Street.

The six double storey dwellings are to be constructed side-by-side, each sharing a common wall with one or more dwelling. A recessed entry is proposed for each dwelling and all dwellings are to be orientated towards Tennyson Street.

Dwelling Nos. 1 and 6 would have the same internal layout, mirror imaged at opposite ends of the development. Each of dwelling nos. 1 and 5 would have an open-plan kitchen / living / dining area on ground floor, and three bedrooms on first floor.

Dwellings Nos. 2, 3, 4, 5 would have the same internal layout, with two mirror-imaged. The ground floor of each of these dwellings would have one bedroom and a study area, whereas the first floor would have an open-plan kitchen / living / dining area and a master bedroom.

The proposal is generally of a contemporary architectural style. The buildings materials consist of a mixture of facebrick and rendered brick in subtle tones on the ground level, horizontal 'Scyon Stria' cladding (made of lightweight cement composite) on the upper level and Colourbond skillion roof. Timber support posts and low glazed balustrades are proposed for the first floor balconies.

The overall building would have a minimum front setback of 4.9 metres from Tennyson Street, a minimum side setback of 3.1 metres from Shakespeare Street, and a maximum building height of 8 metres,

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

A secluded private open area in excess of 25 square metres is proposed on the east side of each dwelling. Each dwelling would also be provided with a first floor balcony, overlooking a recreation reserve to the west of the site on the opposite side of Tennyson Street.

Each dwelling would be provided with a single undercover car parking space in a lock-up garage and a tandem car space located within the frontage of the site.

All six dwellings would be accessed from Tennyson Street via new crossovers.

No fencing is proposed along the front boundary of the site.

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

The proposal also seeks to re-subdivide the subject land from 3 to 2 lots as follows:

- Proposed Lot 1 would comprise the western portion of the land and have an area of approximately 1,178 square metres. This lot is to contain the proposed six-dwelling development.
- Proposed Lot 2 would comprise the eastern portion of the land and have an area of approximately 1,195 square metres. This lot is to contain the existing dwelling and associated works at 74 Shakespeare Street. Access to this lot would be from Shakespeare Street via the existing driveway arrangement.

The existing sewerage easement is to remain unaltered.

A copy of the subdivision plans can be found at Attachment 2.

Subject Land:

The subject land is located on the northeast corner of Tennyson and Shakespeare Street in Traralgon. It is irregular in shape, with an overall frontage of approximately 50 metres to Shakespeare Street and an overall frontage of approximately 45 metres to Tennyson Street. The overall area is approximately 2370 square metres. The land comprises three residential properties situated across three existing lots, as follows:

- 2 Tennyson Street – the overall area of the lot is approximately 767 square metres, with a frontage to Tennyson Street measuring 15.24 metres. This lot is developed with a small fibro dwelling with a pitched steel roof and two galvanised iron shed. Access to this lot is obtained from Tennyson Street via a double concrete crossover shared with 72 Shakespeare Street. There is an existing 1.83 metre wide sewerage easement that extends along the eastern half of its southern boundary.

- 72 Shakespeare Street – the overall area of the lot is approximately 786 square metres, with a frontage to Shakespeare Street measuring 25.18 metres and a side abuttal to Tennyson Street measuring 30.63 metres. This lot is developed with a weatherboard dwelling with a hipped tiled roof and gabled end, and an ancillary shed. The dwelling is orientated to face and gain access from Shakespeare Street. Vehicular access is currently provided from Shakespeare Street via a double concrete crossover that services 74 Shakespeare Street. The driveway crossover shared with 2 Tennyson Street is not currently used to provide access to this lot.
- 74 Shakespeare Street – the overall area of the lot is approximately 819 square metres, with a frontage to Shakespeare Street measuring 25.18 metres. This lot is developed with a weatherboard dwelling with a hipped tiled roof and ancillary outbuildings. Access to this lot is obtained from Shakespeare Street via the double concrete crossover that is shared with 72 Shakespeare Street.

The topography of the overall subject land is relatively flat, with a fall of approximately 0.7 metre between the south-west and north-east corners.

The overall subject land is generally void of any mature trees or significant vegetation.

As confirmed by the West Gippsland Catchment Management Authority (WGCMA), in the event of a 1% AEP flood, it is likely that the majority of the land would be subject to inundation from Traralgon Creek. Flood depth over the subject land is likely to reach 0.5 metres in the north east corner of the land, namely 74 Shakespeare Street.

#### Surrounding Land Use:

The subject land is located in an older, established residential precinct that is approximately 600 metres south-east of the southern edge of Traralgon's central activity district.

Land to the north, east and north-west of the subject land is used and developed for residential purposes. Land to the west, on the opposite side of Tennyson Street, is part of the Traralgon Creek public reserve that extends to the north. A shared concrete pedestrian / bicycle path commences directly opposite the subject land and meanders through this reserve along the eastern side of the creek, providing a direct link to the central activity district. Land to the south, on the opposite side of Shakespeare Street, forms part of the Traralgon Creek floodplain and comprises cleared pasture used for grazing purposes.

Residential properties in the area comprise predominately modest single storey weatherboard, fibro-cement or brick dwellings from the post war era and occasional brick infill dwelling dating from 1960s – 80s period.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

In particular, abutting the northern boundary of the land at 4 Tennyson Street is a single storey late Victorian era weatherboard dwelling with a skillion steel roof and bullnose verandah that wraps around its west and south sides. This property is extensively landscaped with mature feature trees and shrubs.

Abutting the eastern boundary of the site at 76 Shakespeare Street is a set of four attached single storey brick units with open-sided carports located within the front setback.

An aerial photo of the site and surrounds can be found at Attachment 3.

**HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2013/068 can be found in Attachment 4.

The provisions of the Scheme relevant to this application are in Attachment 5.

**DISCUSSION****ASSESSMENT AGAINST THE RELEVANT STATE AND LOCAL PLANNING POLICIES**

The State Planning Policy Framework (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 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. The Structure Plan for Traralgon identifies the subject site as an 'existing urban area'.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

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 issue associated with the proposal relates to its detailed design, in that it is considered to provide an unacceptable response to the site context (refer to discussion below). The design deficiencies are considered 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.

**NON COMPLIANCE WITH RESCODE**

A complete assessment of the proposal against Rescode was undertaken. The proposal does not meet the following standards of Rescode: neighbourhood character (Clause 55.02-1), integration with the street (Clause 55.02-5), energy efficiency (Clause 55.03-5), open space (clause 55.03-6), landscaping (Clause 55.03-8), access (Clause 55.03-9), dwelling entry (Clause 55.05-2), solar access to open space and design detail (Clause 55.05.06-1). These matters are further discussed below.

*Neighbourhood Character*

Further to an inspection of the subject land by Council Officers, the following characteristics of the neighbourhood are noted:

- Residential properties in the area comprise predominately modest single storey weatherboard, fibro-cement or brick dwellings from the post war era and occasional brick infill dwelling dating from 1960s – 80s period.
- There is a mix of roof forms in the area, including skillion, gabled and hipped.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

- Dwellings are mostly in detached built form.
- Spaciousness of the area is generally retained through the relatively consistent front building setbacks, rear setbacks and side setbacks from at least one side boundary.
- Dwellings have attached open-sided carports or garages / sheds mostly positioned towards the rear of the site
- Front boundary fencing is varied, some frontages are unfenced or informally delineated by vegetation, whilst others have timber picket or brick fences of various heights
- Front gardens generally comprise lawn cover, small shrubs and feature trees. Opportunities for landscaping within front setback are evident.
- There are examples of multi-dwelling development in the area. In particular, at 78 Shakespeare Street is a set of four attached single storey brick units with open sided carports located within the front setback. The development appears to date from the 1960s - 70s.. The multi-dwelling development at 6 Tennyson Street comprise an original inter-war weatherboard cottage with a skillion steel roof at the front of the site, and two more recently constructed weatherboard dwellings at the rear (one of which is double storey). The development is accessed from Tennyson Street via two separate crossovers.

The proposed design does not appear to respect the character of the neighbourhood as follows:

- The attached (or side-by-side) built form is contrary to other dwellings in the locality, and generally is not consistent with the 'spacious' feel of the area. Although there are examples of attached built form in the area, they are of single storey nature and they do not present a dominating built form to streetscapes. The proposed built form is one of continuous building with a height of 8 metres and it would have a dominating visual effect on the existing streetscapes.
- The proposed side-by-side development would present with prominent massing to the street and adjoining park.
- The proposed mirror-image arrangement, with its narrow dwelling format, is a substantial difference compared with the layout and style of dwellings in the street. It would introduce a new typology and building proportions akin to terrace or row housing in a manner that would not achieve a comfortable fit or respond to the existing character, where neighbouring dwellings generally have generous setbacks and are varied in architectural style, building materials and colours schemes.
- The dominance of garages is not a common feature in the area. Although the carports of the adjoining property at 78 Shakespeare Street are located within the front setback, unlike the proposal, they are not an overwhelming and dominant feature of the street. Most of the garages in the area are well setback from the street.



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

- Front gardens are evident in the area and there is generally spacing around dwellings. However, the proposal fails to provide separation between buildings, fails to maintain the open landscape front yard. Due to the extent and location of the proposed vehicle crossings, there would be limited opportunities for landscaping.
- The provision of multiple vehicle crossings on a lot is not common in the area. The proposal however seeks to provide two double and two single crossovers on Tennyson Street.

It should be noted that the key theme in the Scheme in relation to neighbourhood character is that new residential development should respect the existing neighbourhood character or contribute to a preferred neighbourhood character. This does not imply that change is not acceptable but rather that development should be responsive to its context. It is generally considered that the proposal has failed to respond appropriately to the opportunities and constraints of the site, and generally does not respect the character of the neighbourhood.

*Integration with the Public Realm*

The subject site is situated on a corner location, with a large public open space located directly opposite the site, on the other side of Tennyson Street. The site offers ample opportunities for an appropriately designed medium density development to integrate with the adjoining streets and complement the adjoining public open spaces.

However, in proposing six double storey attached dwellings over a frontage of only 44 metres, each with a single protruding garage measuring 4.16 metres and a recessed entry, the proposal fails to realise the opportunities offered by the site, and fails to make a positive contribution to the existing streetscape or provide a visual connection with the adjoining public open spaces.

Given the context of the site, it is reasonable to consider that an articulated, interesting and active design response should be provided, particularly at ground level where interaction and surveillance of pedestrians is most paramount. However, the ground floor presentation of the proposal to Tennyson Street and to the adjoining public open space, as currently submitted, is dominated by garage doors and represents a lack of visual activity and lack of space for landscaping. The ground floor presentation of the proposal to Shakespeare Street, similarly, is not an attractive one, as almost half of this frontage would be fenced off with a 1.8m high paling fence.

It should also be noted that the built form of the development, being one of large unbroken building mass with an overall height of up to 8m, would further present an incongruous element within the neighbourhood and would be highly visible when viewed from surrounding properties and streets. The proposal would result in an unacceptable visual bulk to the

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

public realm and is not considered to be complementary to the adjoining public open space.

Whilst it is acknowledged that first floor balconies facing west are proposed to provide passive surveillance of the adjoining public open space, it is considered that, given the residential context of the site, the design response should be one that maintains a human scale to the public realm and a direct interface with the adjoining public open space at ground level should be provided. This view is generally supported by Council's Healthy Urban Design Good Practice Guidelines, the guidelines state that articulation of building facades and street integration should be encouraged to provide for safe and active neighbourhoods, and one of the strategies to achieve this is to ensure that users of a path or park are being able to see and be seen in their surroundings at all times.

On the above basis, it is considered that the proposal fails to meet the standard and objective of Clauses 55.02-3 (Integration with the Street) and 55.03-6 (Open Space) and 21.08-3 (Healthy Urban Design) of the Scheme.

#### *Energy Efficiency & Solar Access*

The objective of Clause 55.03-5 (Energy Efficiency) of the Scheme provides the objectives to ensure buildings are energy efficient and that building design takes advantage of daylight and solar energy. Clause 55.05-5 (Solar Access to Open Space) of the Scheme further seeks to allow solar access into the secluded private open space of new dwellings.

Standard B10 of Clause 55.03-5 states that, amongst other things, buildings should be orientated 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, and developments should be designed so that solar access to north-facing windows is maximised.

Whilst it is acknowledged it would be impractical for all the proposed living areas to have a northern orientation, it should be noted that with the exception of dwelling 1, there appears to be no attempt to achieve at least some degree of northern orientation for the balance of the dwellings in this proposal. The living areas of dwellings 2 to 5 are proposed to be located on the west side of the development, whereas the living area of dwelling 6 is proposed to be south-facing. None of dwellings 2 to 5 would be provided with north facing windows.

Similarly, all the private open space would be located on the east or west side of the development, with the exception of dwelling 1.

An acceptable design response should take into account the constraints associated with the north-south orientation of the subject site. However, the proposal is considered to be a poor design response, as it appears that design is solely based on repetitive / mirror layout, rather than seeking

to incorporate individual designs which adopt some energy efficiency principles and address the physical constraints of the site.

Based on the reasons outlined above, it is considered that the proposal fails to adequately respond to the objectives and design requirements of Clauses 55.03-5 (Energy Efficiency) and 55.05-5 (Solar Access to Open Space) of the Scheme.

#### *Dwelling Entry*

At Clause 55.05-2 of the Scheme, the dwelling entry objective is "to provide each dwelling or residential building with its own sense of identity". The standards that should be met are for entries to dwellings to be visible and easily identifiable from streets and other public areas, and to provide shelter, a sense of personal address and a transitional space around the entry'. It is considered that all the proposed front entries, being recessed significantly behind the garages, are contrary to these objectives and standards.

#### *Multiple Crossovers*

Clause 55.03-9 (Access) of the Scheme provides the objective to ensure the number and design of vehicle crossovers respect the neighbourhood character. It is considered that the proposed driveway and crossing layout is unacceptable and fails to meet Clause 55.03-9 of the Scheme for the following reasons:

- The proposal seeks to construct two double vehicle crossovers and two single crossovers along Tennyson Street. As confirmed by Council's engineer, the widths of the vehicle crossovers as submitted in the application are unacceptable. The widths of the vehicle crossovers must be increased to comply with Council's minimum requirement. It should be noted that the minimum width of a double crossover is 7 metres and the minimum width of a single crossover is 5 metres, both inclusive of splay width.
- Standard B14 of Clause 55.03-9 of the Scheme specifies that the width of accessways should not exceed 33 per cent of the street frontage. Based on a site frontage of 44 metres, the total width of the accessways should not exceed 14 metres. The proposal fails to meet this standard.
- The number of vehicle crossovers on a lot (i.e. 2 double crossovers and 2 single crossovers over a site frontage of 44 metres) is uncharacteristic of the area;
- The number of vehicle crossovers would reduce the number of on street parking spaces in front of the subject site.
- There are two existing electrical poles located in Tennyson Street adjacent to development. The plans submitted with the application show that vehicle crossover to access dwelling 5 would be located less than one metre from these poles. Council's vehicle crossing policy requires that there be a minimum of one metre clearance

between electrical poles and vehicle crossings. It is also noted that one of the electrical poles is located right in the middle of the two crossovers to access dwellings 1 and 2. The practicality of this crossing arrangement is questionable. It is likely that either the electrical poles would need to be relocated (subject to consent from the relevant utility authority) or the design of the proposal would need to be significantly changed.

- The proposal fails to adequately respect the landscape character of the streetscape and wider neighbourhood by increasing hard paving in the front setback, in turn restricting future landscaping opportunities within the front setback.

#### *Design Detail*

At Clause 55.06-1 (Design detail) of the Scheme, the objective is "to encourage design detail that respects the existing or preferred neighbourhood character". One of the standards to achieve this objective is that garages should be visually compatible with the development and the existing neighbourhood character. As already discussed above, one of the major design deficiencies of the proposal is the dominance of garages. The multiple forward protruding garages are considered to be an overwhelming and dominant feature of the proposed development, and would not be visually compatible with the existing neighbourhood character of the area.

In addition, there would be unreasonable visual bulk caused to adjoining properties and public open space areas due to the side-by-side built form, with no separations between dwellings. This visual bulk would be accentuated by limited setbacks, and repetitive design with little visual interest.

It is considered that the multiple protruding garages and continuous built form are contrary to the design detail objectives and standards of the Scheme.

#### *Poor Design Response*

In accordance with Clause 55.01-2 of the Scheme, an application must be accompanied with a design response which explains how the proposed design derives from and responds to the neighbourhood and site description. As submitted by the applicant, the end design of the proposal is based on findings of an investigation of the local real estate market, feedback from local builders and the objective to create an economically viable product. It appears that the design response of the proposal has been the result of economic reasons, but it fails to account for the constraints arising from the size of the site and its neighbourhood context.

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

Given the degree of non-compliance with ResCode as discussed above, it is evident that the proposal is a poor design and has not been carefully considered to take into account the opportunities and constraints of the site as required by the provisions of the Scheme.

The subject site is a corner block of reasonable size, in close proximity to a range of facilities and infrastructure and is capable of accommodating some form of infill development. However, the significant design deficiencies of the proposal lead to poor internal amenity, poor overall design and lack of solar access as discussed above.

It should be noted that the applicant was given a number of opportunities to address the issues identified above. However, the amended plans submitted by the applicant offer little design improvements to the proposal, such as adding a gabled porch in front of each entrance and marginally reducing the size of each garage by approximately 0.5m. To allow for more spacing between buildings and to reduce the number of garages facing Tennyson Street, Council Officers are of the view that a revised option with fewer dwellings for the land should be considered. However, the applicant has declined to explore this option.

#### *Subdivision*

In terms of subdivision, the proposal seeks to subdivide the land from 3 to 2 lots, with the common boundary of proposed Lots 1 and 2 running through the existing shed at 2 Tennyson Street. The subdivision is to allow the proposed unit development to be contained wholly within a single lot. As proposed unit development is of a poor design (for reasons outlined above) and the proposed subdivision layout is directly linked to the unit development, it is recommended that the subdivision should also not be supported.

#### *Land Subject to Inundation Overlay*

The application was referred to the West Gippsland Catchment Management Authority (WGCMA) for consideration. The WGCMA advises that in the event of a 1% Annual Exceedance Probability (AEP) flood, it is likely that the majority of the land would be subject to inundation from Traralgon Creek. Flood depth over the property is likely to reach 0.5 metres in the north east corner of the land, namely 74 Shakespeare Street.

It should be noted that where flood depth over a property is likely to exceed 0.5 metres during a 1% AEP flood event, a proposal that seeks to intensify development through the creation of additional dwellings at a property cannot be supported, as this will increase the amount of people and property exposed to the flood hazard.

However, in consideration the proposal does not seek to alter the existing dwelling at 74 Shakespeare Street but only seeks to develop six double

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

dwelling on the eastern portion of the subject land (i.e. 2 Tennyson Street and 72 Shakespeare Street), the WGCMA does not object to the granting of a permit for the proposal, subject to the following conditions:

- No new lots are to be created that are wholly flooded by depths in excess 0.5 metres.
- The finished floor level of the dwellings must be a minimum of 0.3m AHD above the applicable 1% AEP flood level (i.e. 40.1m AHD in the northern portion of the property and 40.4m AHD in the southern portion of the property'.

The plans submitted with the application show that the required AHD can generally be achieved by the proposal.

**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.

No objection was received.

External:

The application was referred to SP AusNet, Gippsland Water, APA Group and the West Gippsland Catchment Management Authority in accordance with Section 55 of the Act.

None of the authorities objected to the application.

Internal:

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

**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 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. Development Plans
2. Proposed Plan of Subdivision
3. Aerial Photo
4. History of Application
5. Relevant Ordinance

**RECOMMENDATION**

**That Council issue a Notice of Refusal to Grant a Planning Permit for the development of six attached double storey dwellings, re-subdivision of land from 3 to 2 lots and alterations of access to a road in a road zone category 1, at 2 Tennyson Street and 72 – 74 Shakespeare Street in Traralgon, with the following conditions:**

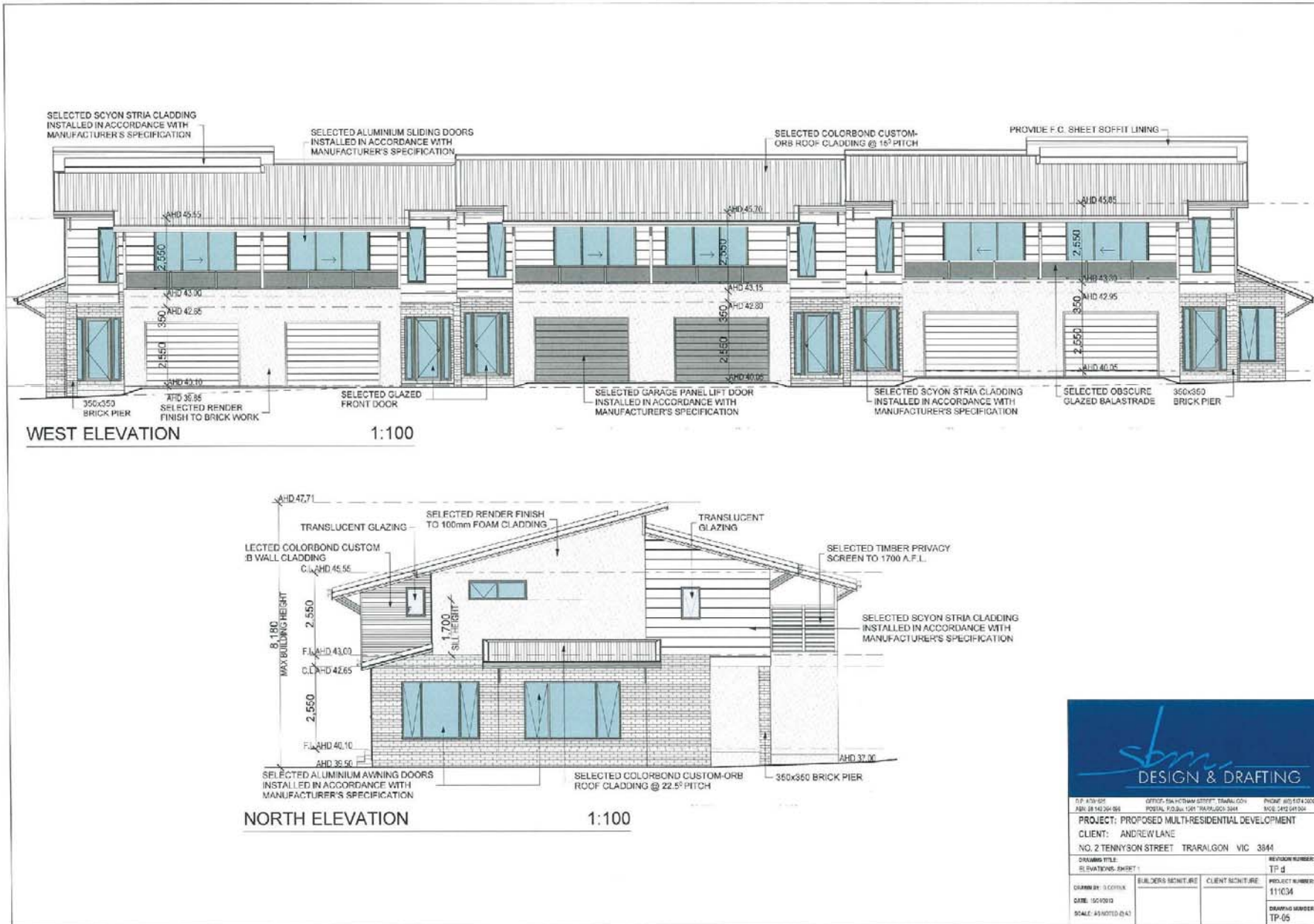
- 1 The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that respects the existing neighbourhood character of the area.**
- 2 The proposal would cause an unreasonable level of visual bulk to the street, adjoining properties and public open space.**
- 3 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 55.03-8 Landscaping**
  - Clause 55.03-9 Access**
  - Clause 55.05-2 Dwelling Entry**
  - Clause 55.05-5 Solar access to open space**
  - Clause 55.06-1 Design detail**



## 16.2

**PLANNING PERMIT APPLICATION 2013/68,  
DEVELOPMENT OF SIX DOUBLE STOREY  
DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND  
FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO  
A ROAD IN A ROAD ZONE CATEGORY 1, at 2  
TENNYSON STREET AND 72 - 74 SHAKESPEARE  
STREET, TRARALGON**

1	Development Plans .....	299
2	Proposed Plan of Subdivision .....	319
3	Aerial Photo .....	321
4	History of Application .....	323
5	Relevant Ordinance .....	325



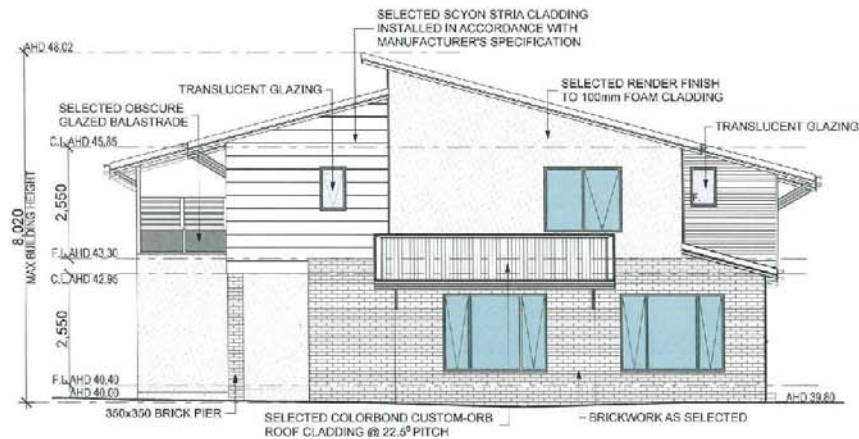
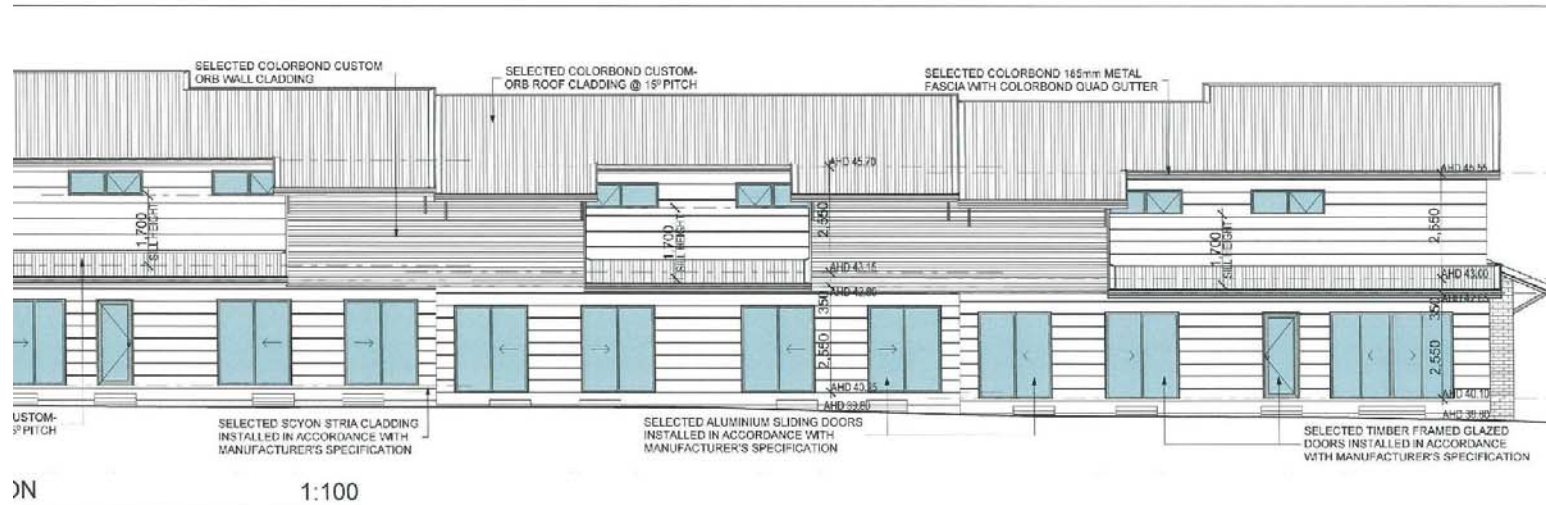
**sdm DESIGN & DRAFTING**

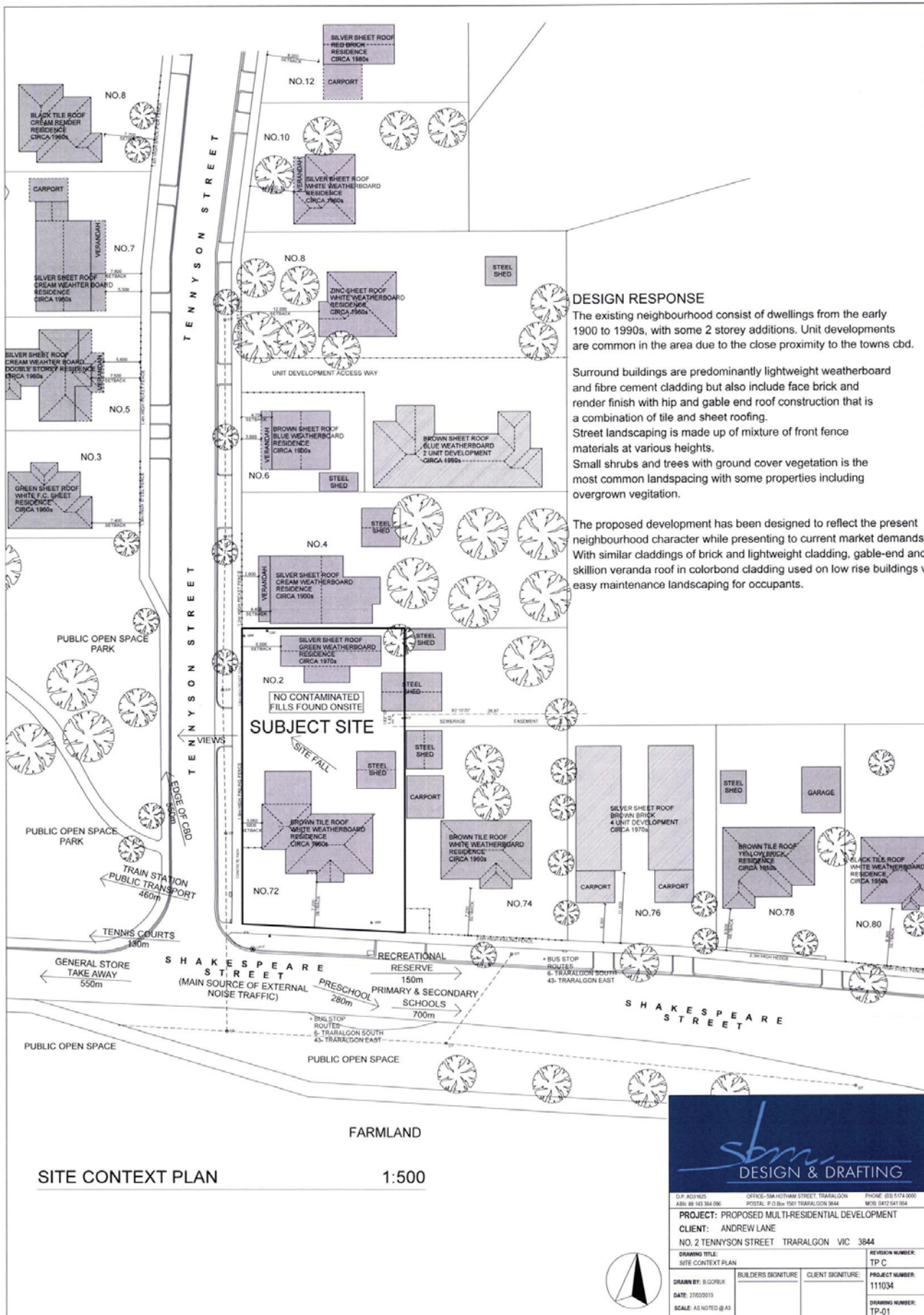
5/7-8/79 ST. OFFICE: 5th FLOOR 67/67 ST. TRARALGON VIC 3444 PHONE: 03 5174 2000  
 ABL 18 142/24 ST. POSTAL: P.O. BOX 1281 TRARALGON 3441 FAX: 03 5174 2044

**PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT**  
**CLIENT: ANDREW LANE**  
 NO. 2 TENNYSON STREET TRARALGON VIC 3444

DRAWING TITLE: ELEVATIONS - SHEET 1		REVISION NUMBER: TP 0
DRAWN BY: S. COOK	BUILDER'S SIGNATURE:	CLIENT SIGNATURE:
DATE: 16/03/13		PROJECT NUMBER: 11-034
SCALE: AS NOTED (E4)		DRAWING NUMBER: TP-05







SITE CONTEXT PLAN

1:500

**sbm DESIGN & DRAFTING**

D.P. 401102 OFFICE: 58A HOTHAM STREET, TRARALGON PHONE: 012 5174 000  
 A.B.N. 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3644 MOB: 0412 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT  
 CLIENT: ANDREW LANE  
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWN BY: B. GORUK	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	REVISION NUMBER: TP.C
DATE: 27/02/2013			PROJECT NUMBER: 111034
SCALE: AS NOTED @ A3			DRAWING NUMBER: TP-01



16.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans

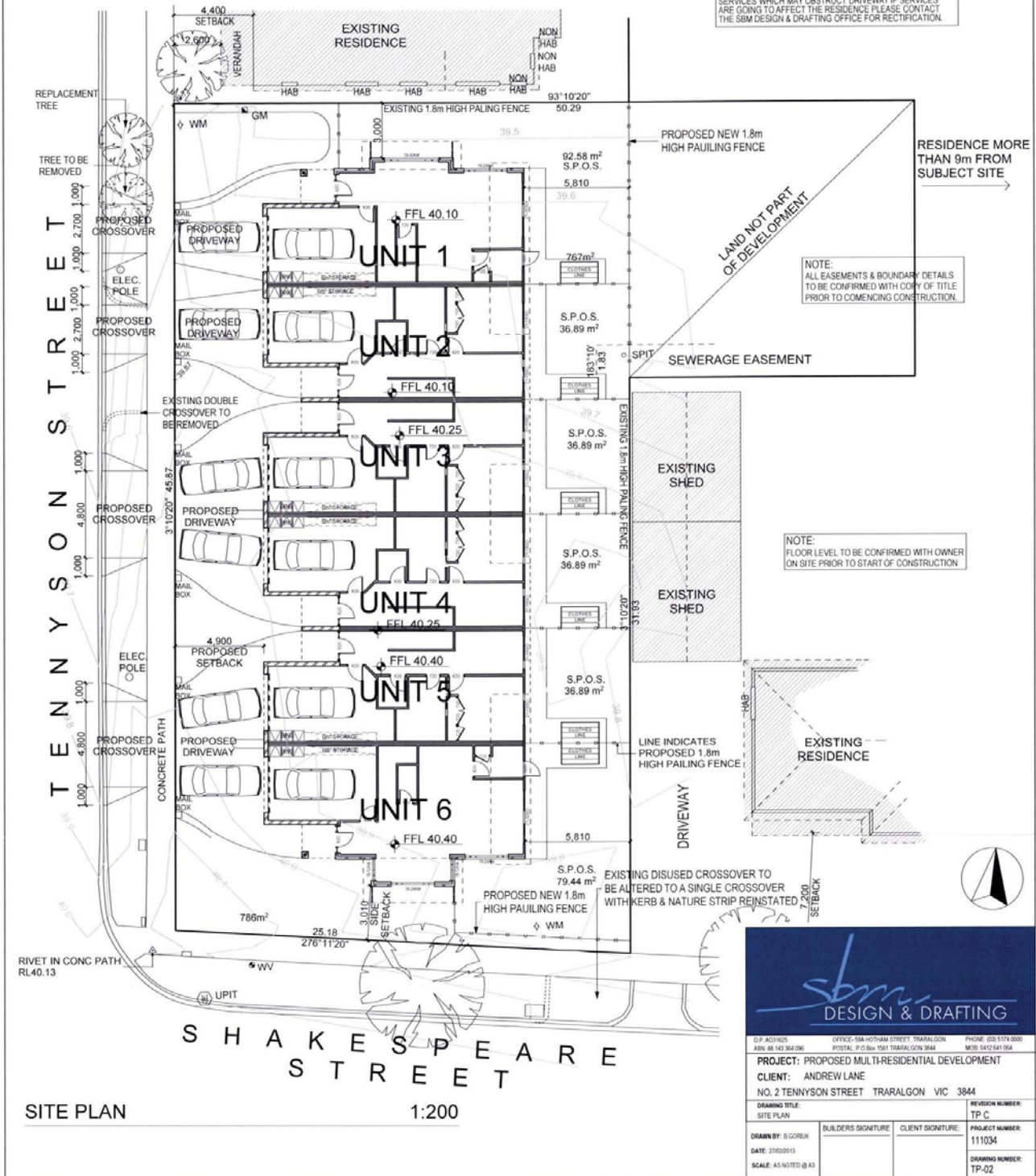
BUILDING REGULATION PART 4- REFER TO SITE PLAN FOR DETAILS			
408/9	STREET SETBACK	COMPLIES	FRONT 4.9m (4.0m MIN)
410	BUILDING HEIGHT	COMPLIES	8.02m (9.0m MAX)
411	SITE COVERAGE	COMPLIES	LOT SIZE 1178m <sup>2</sup> 45.80%
412	PERMEABLE AREA	COMPLIES	429.28m <sup>2</sup> OR 36.44%
413	CARPARKING	COMPLIES	6 GARAGE & 6 ONSITE VISITOR
414	SIDE & REAR SETBACKS	COMPLIES	UNAFFECTED (1.0m MIN)
415	WALLS ALONG BOUNDARIES	COMPLIES	UNAFFECTED
416	DAYLIGHT TO EXIST HAB. WINDOWS	COMPLIES	UNAFFECTED
417	EXISTING NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
418	OVERSHADOWING	COMPLIES	UNAFFECTED
419	OVERLOOKING	COMPLIES	UNAFFECTED
420	NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
421	PRIVATE OPEN SPACE	COMPLIES	(GREATER THAN 40 m <sup>2</sup> MIN)

DESIGNATED BUSHFIRE PRONE AREA 12.5  
 CONSTRUCTION REQUIREMENTS TO A MIN BAL 12.5 UNDER AS3959 2009 VIC  
 CONSTRUCTION IN ACCORDANCE WITH SECTION 3 AND 5 OF AS3959-2009 VIC- DESIGN & CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS

NOTE:  
 PRIOR TO STARTING SETOUT FOR CONSTRUCTION CHECK FOR SERVICES WHICH MAY OBSTRUCT DRIVEWAY IF SERVICES ARE GOING TO AFFECT THE RESIDENCE PLEASE CONTACT THE SBM DESIGN & DRAFTING OFFICE FOR RECTIFICATION.

NOTE:  
 ALL EASEMENTS & BOUNDARY DETAILS TO BE CONFIRMED WITH COPY OF TITLE PRIOR TO COMMENCING CONSTRUCTION.

NOTE:  
 FLOOR LEVEL TO BE CONFIRMED WITH OWNER ON SITE PRIOR TO START OF CONSTRUCTION



SITE PLAN

1:200

**sbm DESIGN & DRAFTING**

D.P. AC2010 OFFICE: 58A NORTHAM STREET, TRARALGON PHONE: 033 514 3000  
 ABN: 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3844 MOB: 042 641 064

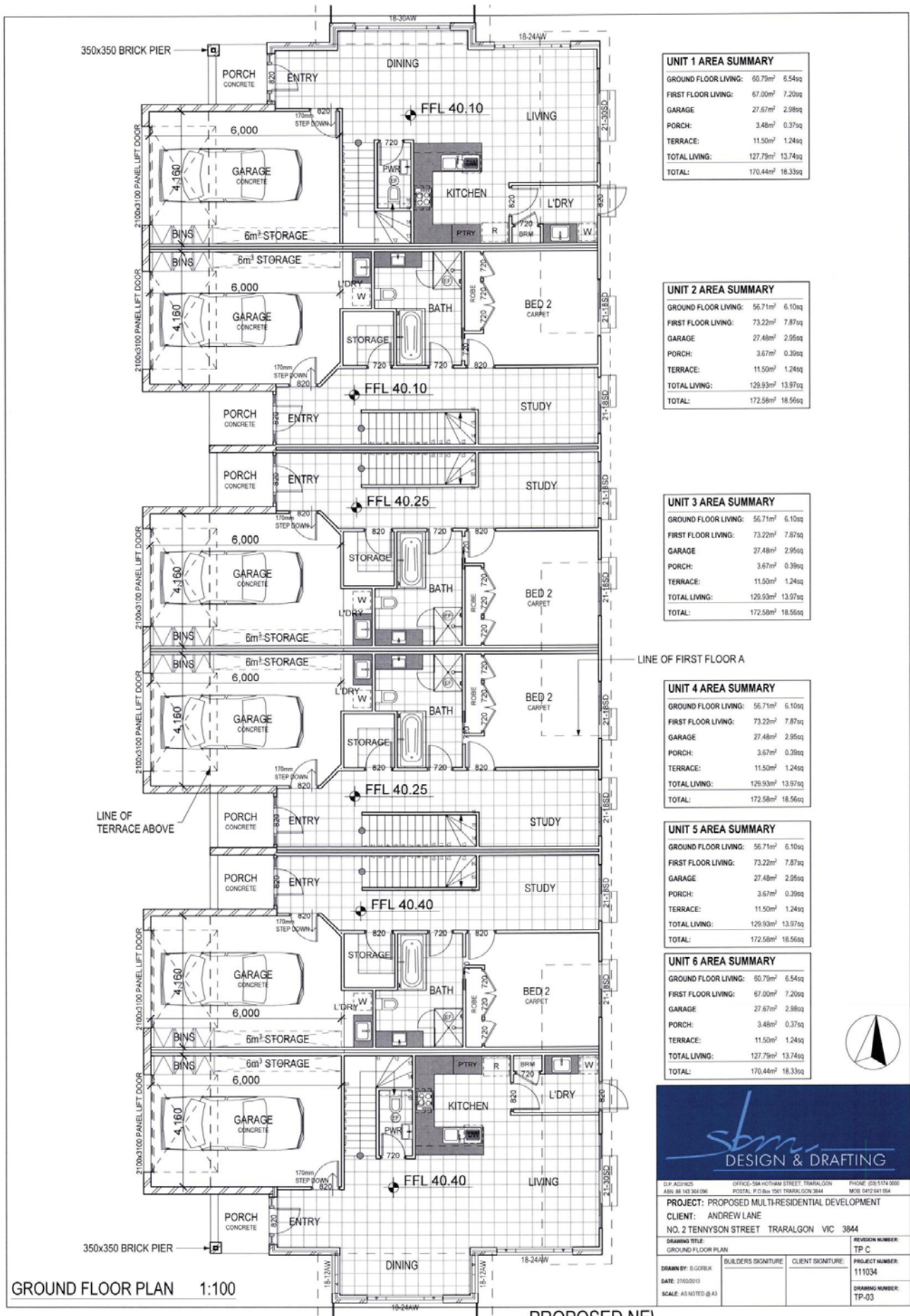
PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT  
 CLIENT: ANDREW LANE  
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: SITE PLAN	REVISION NUMBER: TP C
DRAWN BY: B. GORJIK	PROJECT NUMBER: 111034
DATE: 20090913	DRAWING NUMBER: TP-02
SCALE: AS NOTED @ A3	BUILDERS SIGNATURE
	CLIENT SIGNATURE





16.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans



**sdm DESIGN & DRAFTING**

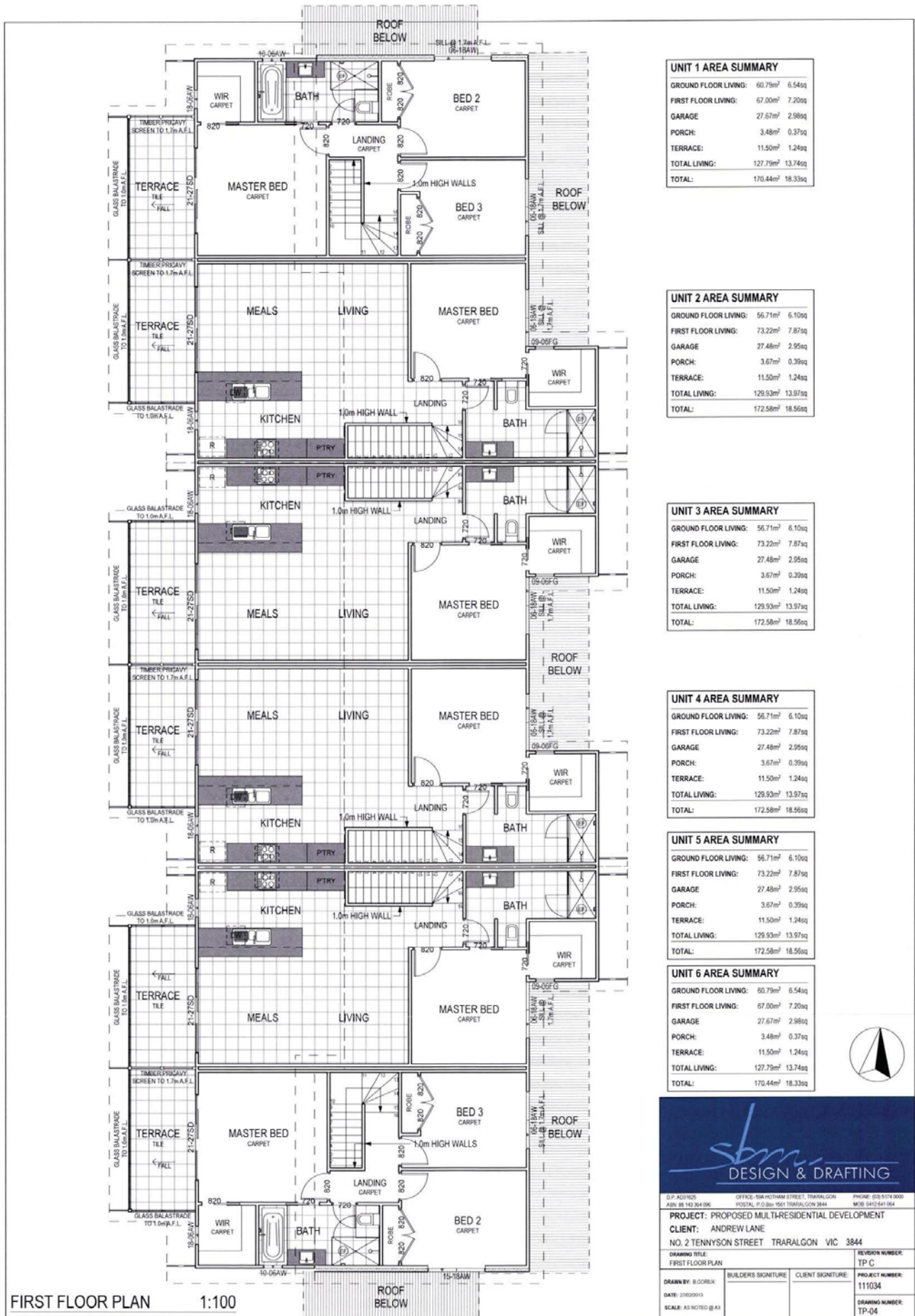
D.P. ACTING OFFICE: 58A NORTHAM STREET, TRARALGON PHONE: 03 5174 000  
 ABN: 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3844 MOB: 0412 641 054

**PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT**  
 CLIENT: ANDREW LANE  
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: GROUND FLOOR PLAN	REVISION NUMBER: TP C
DRAWN BY: B. GORRIE	PROJECT NUMBER: 111034
DATE: 20/05/2013	DRAWING NUMBER: TP-03
SCALE: AS NOTED @ A3	



16.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans



**UNIT 1 AREA SUMMARY**

GROUND FLOOR LIVING:	60.79m <sup>2</sup>	6.54sq
FIRST FLOOR LIVING:	67.00m <sup>2</sup>	7.20sq
GARAGE:	27.67m <sup>2</sup>	2.98sq
PORCH:	3.48m <sup>2</sup>	0.37sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	127.79m <sup>2</sup>	13.74sq
TOTAL:	170.44m <sup>2</sup>	18.33sq

**UNIT 2 AREA SUMMARY**

GROUND FLOOR LIVING:	56.71m <sup>2</sup>	6.10sq
FIRST FLOOR LIVING:	73.22m <sup>2</sup>	7.87sq
GARAGE:	27.48m <sup>2</sup>	2.95sq
PORCH:	3.67m <sup>2</sup>	0.39sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	129.93m <sup>2</sup>	13.97sq
TOTAL:	172.58m <sup>2</sup>	18.56sq

**UNIT 3 AREA SUMMARY**

GROUND FLOOR LIVING:	56.71m <sup>2</sup>	6.10sq
FIRST FLOOR LIVING:	73.22m <sup>2</sup>	7.87sq
GARAGE:	27.48m <sup>2</sup>	2.95sq
PORCH:	3.67m <sup>2</sup>	0.39sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	129.93m <sup>2</sup>	13.97sq
TOTAL:	172.58m <sup>2</sup>	18.56sq

**UNIT 4 AREA SUMMARY**

GROUND FLOOR LIVING:	56.71m <sup>2</sup>	6.10sq
FIRST FLOOR LIVING:	73.22m <sup>2</sup>	7.87sq
GARAGE:	27.48m <sup>2</sup>	2.95sq
PORCH:	3.67m <sup>2</sup>	0.39sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	129.93m <sup>2</sup>	13.97sq
TOTAL:	172.58m <sup>2</sup>	18.56sq

**UNIT 5 AREA SUMMARY**

GROUND FLOOR LIVING:	56.71m <sup>2</sup>	6.10sq
FIRST FLOOR LIVING:	73.22m <sup>2</sup>	7.87sq
GARAGE:	27.48m <sup>2</sup>	2.95sq
PORCH:	3.67m <sup>2</sup>	0.39sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	129.93m <sup>2</sup>	13.97sq
TOTAL:	172.58m <sup>2</sup>	18.56sq

**UNIT 6 AREA SUMMARY**

GROUND FLOOR LIVING:	60.79m <sup>2</sup>	6.54sq
FIRST FLOOR LIVING:	67.00m <sup>2</sup>	7.20sq
GARAGE:	27.67m <sup>2</sup>	2.98sq
PORCH:	3.48m <sup>2</sup>	0.37sq
TERRACE:	11.50m <sup>2</sup>	1.24sq
TOTAL LIVING:	127.79m <sup>2</sup>	13.74sq
TOTAL:	170.44m <sup>2</sup>	18.33sq



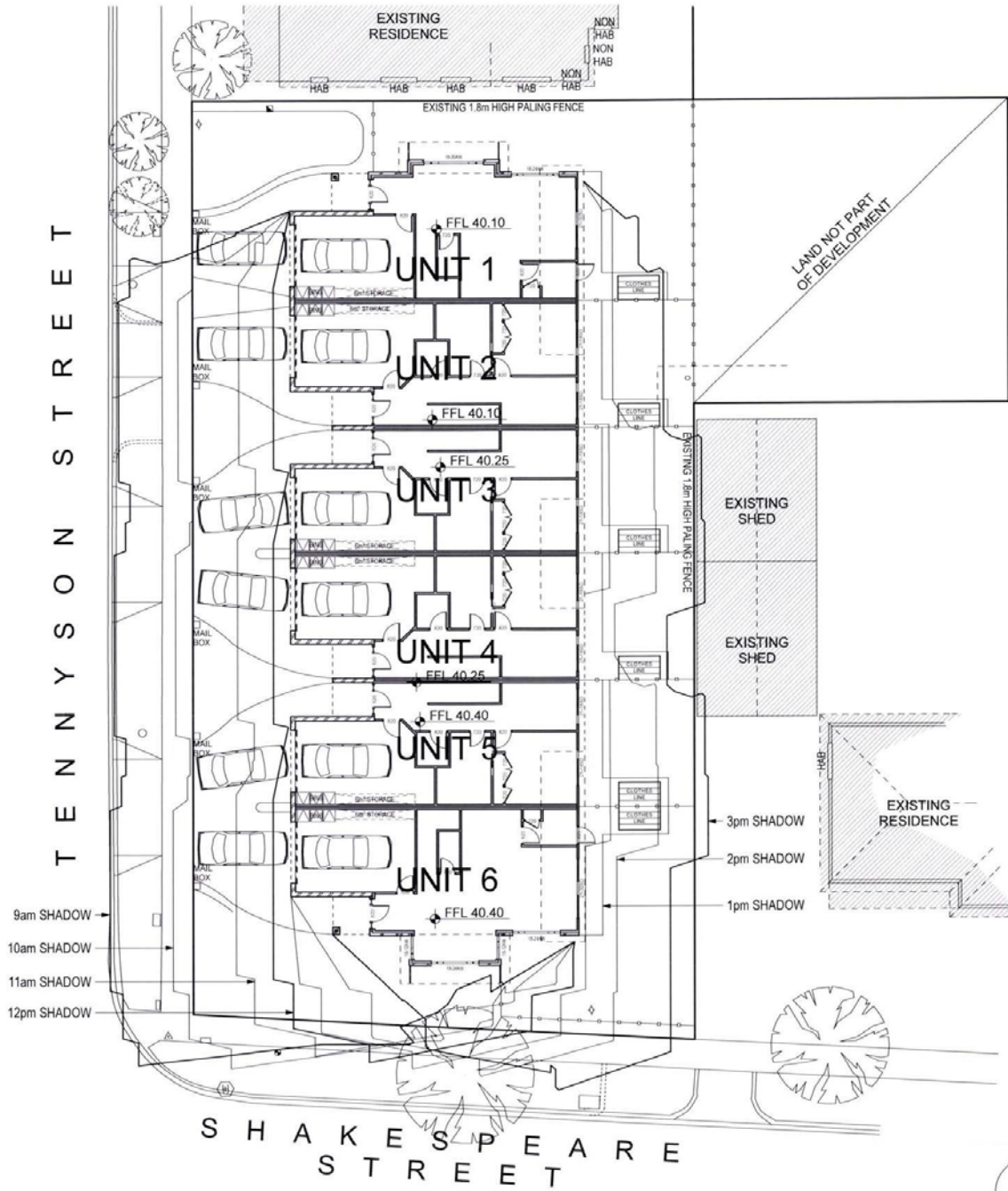
**sdm DESIGN & DRAFTING**

D.P. ADDRESS: OFFICE: 504 WILKINSON STREET, TRARALGON PHONE: (03) 8114 8800  
 A.M. 161 264 006 POSTAL: P.O. Box 1551 TRARALGON 3844 MOB: 042 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		CLIENT: ANDREW LANE	
NO. 2 TENNYSON STREET TRARALGON VIC 3844		DRAWING NUMBER: TPC	
DRAWING TITLE: FIRST FLOOR PLAN		PROJECT NUMBER: 111034	
DRAWN BY: B. COOPER	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	DRAWING NUMBER: TP-04
DATE: 21/05/2013			
SCALE: AS NOTED @ A3			

FIRST FLOOR PLAN 1:100





SHADOW DIAGRAM

1:200

**sdm**  
DESIGN & DRAFTING

G.P. ALLING  
ABN 88 143 364 096

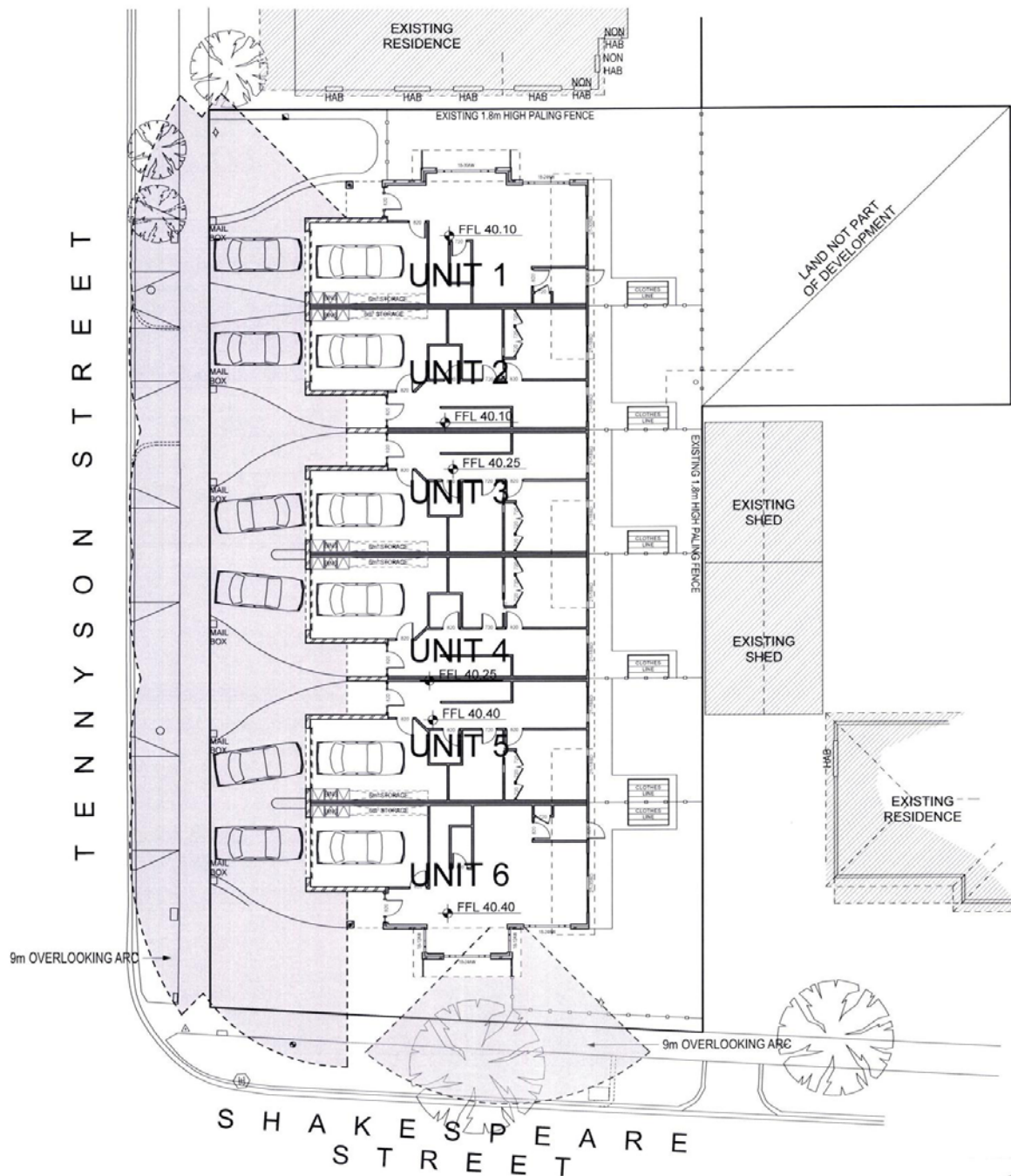
OFFICE: 58A NOTHAM STREET, TRARALGON  
POSTAL: P.O. Box 1581 TRARALGON 3844

PHONE: 033 5174 3000  
MOB: 0427 641 054

PROJECT: PROPOSED MULTIRESIDENTIAL DEVELOPMENT  
CLIENT: ANDREW LANE  
NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: SHADOW DIAGRAM	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	REVISION NUMBER: TP-C
DRAWN BY: B GORLIK			PROJECT NUMBER: 111034
DATE: 21/02/2013			DRAWING NUMBER: TP-07
SCALE: AS NOTED @ A3			





OVERLOOKING DIAGRAM

1:200



**sdm**  
DESIGN & DRAFTING

G.P. ACCOING      OFFICE: 59A NOTHAM STREET, TRARALGON      PHONE: 03 5174 5000  
 ABN 48 143 364 096      POSTAL: P.O. Box 1581 TRARALGON 3844      MOB 0422 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT  
 CLIENT: ANDREW LANE  
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: OVERLOOKING DIAGRAM	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	REVISION NUMBER: TP-C
DRAWN BY: B. COORUK	DATE: 21/02/2013	SCALE: AS NOTED @ A3	PROJECT NUMBER: 111034
			DRAWING NUMBER: TP-08





**LANDSCAPING NOTES:**

1. Plants are to be placed in the centre of the holes.
  2. Plants must be set at a level such that the crown of the plants establish a normal and natural relationship with surrounding levels.
  3. Plants to be removed from containers by tipping container upside down and letting plant fall into hand.
  4. After removing from container, the handling of the root system must be done with a minimum of root disturbance particularly Australian native species.
  5. Plants must be healthy and plant root systems must be moist at the time of planting. Plants must be watered in, with approximately 10 litres of water at time of planting.
  7. All Plants exceeding 200mm pot size, shall be staked against prevailing winds. Ties shall be of a flexible nature to allow sufficient movement to encourage root formation.
  8. All plants shall receive a slow release fertilizer at a quantity relative to the pot size.
  9. All garden beds shall be covered with 1/2" Pine Bark at a depth of 75mm.
  10. Soil level on garden bed side of restraining edge shall be graded 50mm below top of edge to allow for garden mulch placement. Soil levels on lawn side to be least 20mm below restraining edge to allow for correct turf sod placement. Prior to laying of turf, all areas are to be raked by hand, and then tilled to provide a perfect flat bed, free of any depressions or high points.
  11. All lawn areas shall be Instant Turf, washed free Turf to be Festuca Australasica, and shall be laid in stretcher bond pattern, and dressed with a fertilizer application of Pivot 900, at 40 grams per square metre.
- Maintenance:**  
At the completion of the Landscape Development. The landscape consultant shall provide a full and comprehensive Maintenance Program for a 13 week period. It shall be the contractors responsibility to ensure that plants and turf are established during this period. Replacement of substandard Landscape, Structural or Horticultural, will be the Contractors responsibility.
12. All landscape areas are to receive a 100mm fill of screened and p.h. tested topsoil sourced from a local supply. This soil must be free of any organic debris. Topsoil will be compatible with soils of the area.



MATERIAL SCHEDULE		
MULCHED GARDEN BED	81.30m <sup>2</sup>	
CONCRETE	229.31m <sup>2</sup>	
GRASS AREA	317.28m <sup>2</sup>	
PROPOSED 1.8m HIGH PALING FENCE	60.08Lm	

PLANT SCHEDULE						
Key	BOTANICAL NAME	COMMON NAME	SIZE H x W (m)	POT SIZE	INSTALL HEIGHT	QTY.
P	POA LABILLARDIERI	COMMON TUSSOCK GRASS	1.5 x 1.0	300mm	300mm	26
PE	PENNISSETUM SETACEUM 'RUBRUM'	RED FOUNTAIN GRASS	1.5 x 1.3	300mm	450mm	25
D	DIETES GRANDIFLOA	LARGE WILD IRIS FAIRY IRIS	1.0 x 1.0	200mm	300mm	37
DI	DIANELLA	LITTLE REV	1.0 x 0.5	150mm	300mm	12
T	PYRUS USSURIENSIS	MANCHURIAN PEAR	2.0 x 2.5	200mm	300mm	4

**sdm**  
DESIGN & DRAFTING

G.P. 407202    OFFICE: 584 NORTHAM STREET, TRARALGON    PHONE: 033 5174 000  
 A.B.N. 88 143 354 006    POSTAL P.O. BOX 1061 TRARALGON 3844    MOB: 0412 641 064

**PROJECT:** PROPOSED MULTI-RESIDENTIAL DEVELOPMENT  
**CLIENT:** ANDREW LANE  
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

<b>DRAWN BY:</b> B.GORUK	<b>BUILDERS SIGNATURE:</b>	<b>CLIENT SIGNATURE:</b>	<b>REVISION NUMBER:</b> TP C
<b>DATE:</b> 21/02/2013			<b>PROJECT NUMBER:</b> 111034
<b>SCALE:</b> AS NOTED @ A3			<b>DRAWING NUMBER:</b> TP-09

LANDSCAPING PLAN 1:200





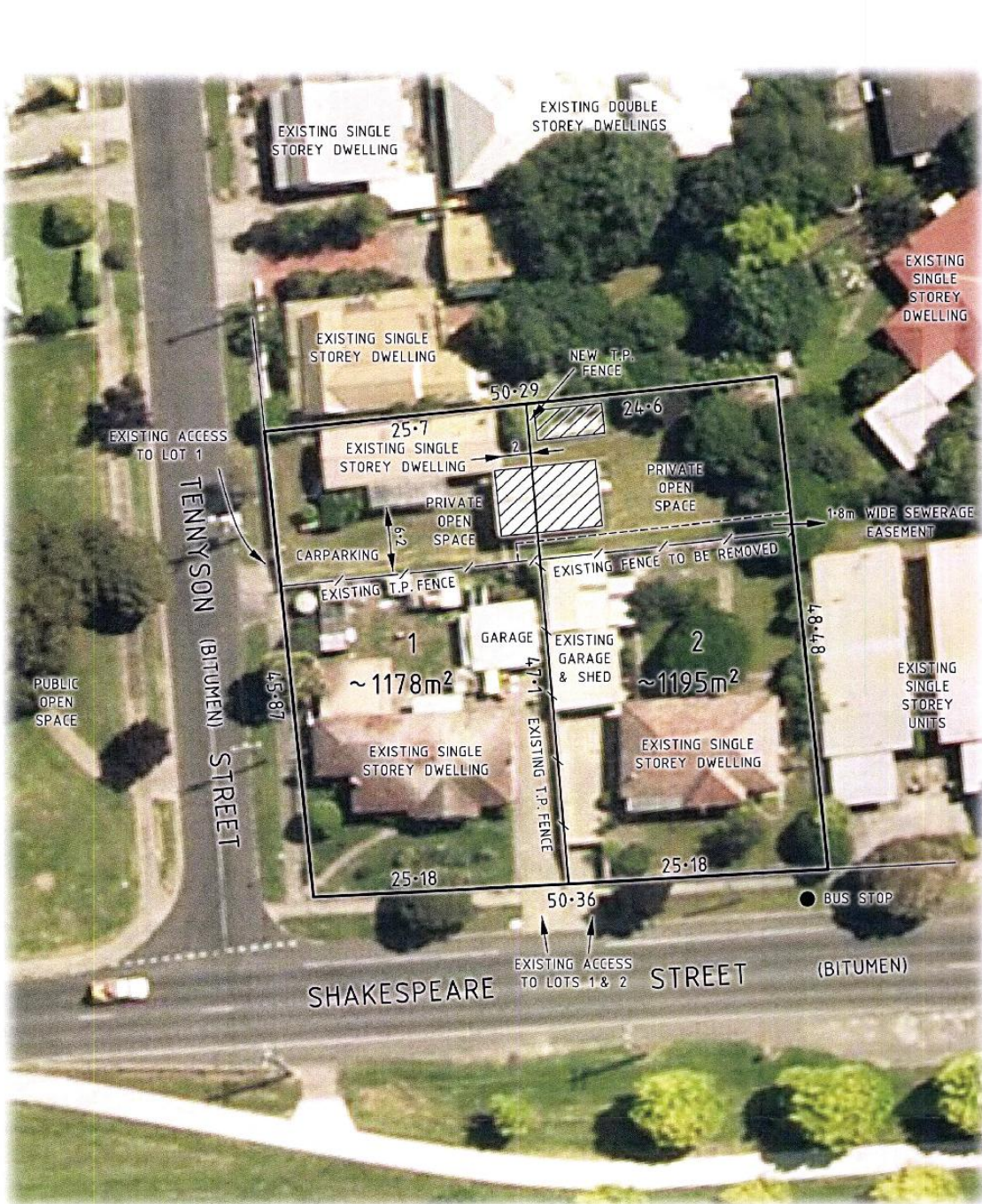
 <p>OFFICE: 504 MONMOUTH STREET, TRARALGON                  PHONE: 03 5114 0000                  MOBILE: 0412 541 961</p>		<p><b>PROJECT:</b> PROPOSED MULTIRESIDENTIAL DEVELOPMENT  <b>CLIENT:</b> ANDREW LAINE                  NO. 2 TENNYSON STREET TRARALGON VIC 3844</p>	
<p>DATE: 27/02/2013                  SCALE: AS SHOWN @ A4</p>	<p>DRAWN BY: BOGDANK                  3D PERSPECTIVES SHEET 1</p>	<p>BUILDER'S SIGNATURE   CLIENT SIGNATURE</p>	<p>REVISION NUMBER                  TP C                  PROJECT NUMBER                  111024                  DRAWING NUMBER                  17-10</p>





		PROJECT: PROPOSED MULTIRESIDENTIAL DEVELOPMENT CLIENT: ANDREW LAINE NO. 2 TENNYSON STREET TRARALGON VIC 3844	
DESIGN & DRAFTING OFFICE: 50 WASHINGTON STREET TRARALGON VIC 3844 PHONE: 03 5111 1000 FAX: 03 5111 0666		DRAWING TITLE: 3D PERSPECTIVES SHEET 2 DRAWN BY: B. COOK DATE: 27/05/13 SCALE: AS SHOWN @ A1	
BUILDING SIGNATURE: [Signature] PROJECT NUMBER: 11104 DRAWING NUMBER: TP-11		CLIENT SIGNATURE: [Signature] PROJECT NUMBER: 11104 DRAWING NUMBER: TP-11	

16.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Proposed Plan of Subdivision

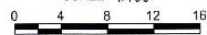


A. LANE  
 2 TENNYSON STREET &  
 72-74 SHAKESPEARE STREET  
 TP807355A LOT 1, TP579768P LOTS 1 & 2 &  
 TP439298K LOTS 1 & 2  
 C/T VOL 6406 FOL 010 & VOL 6406 FOL 011 &  
 VOL 6490 FOL 977

NOTE: ALL DIMENSIONS ARE SUBJECT TO SURVEY & FINAL COMPUTATIONS  
 PHOTO SOURCE: AREOMETREX

 EXISTING SHEDS TO BE REMOVED

**BW** Beveridge Williams  
 development & environment consultants  
 Traralgon ph : 03 5176 0374  
 www.beveridgewilliams.com.au

SURVEYORS REF. ORIGINAL SHEET SIZE  
**1200038** A3  
 VERSION A  
 DRAWN: AS CHECKED: NS  
 SHEET 1 OF 1  
 SCALE 1:400  
  
 LENGTHS ARE IN METRES

PROPOSED PLAN OF SUBDIVISION  
 PARISH OF TRARALGON  
 TOWNSHIP OF TRARALGON

CAD REFERENCE: S:\JOBS DATA\PLANNING\MICROSTATION\1200038-PPS.dgn

1:2000



31/7/2013

**History of Application**

4 March 2013	Planning Permit application received by Council.
28 March 2013	Further information requested from the applicant.
16 April 2013	Further information received from the applicant.
23 April 2013	A meeting was held to discuss some of Council Officers' concerns in relation to the proposal. Attendees included Council Officers, the applicant, architect and land owner.
8 May 2013	Applicant submitted amended plans to Council, with an attempt to address Council Officers' concerns
14 May 2013	Council Officers advised via email that the amended plans fail to address concerns raised by Officers at meeting dated 23 April 2013
16 May 2013	Applicant advised that no further changes to the proposal will be considered by the land owner, and requested via email that the application be notified and referred.
27 May 2013	Application was notified to all adjoining occupiers and owners. Application was referred to all the relevant authorities in accordance with Section 55 of the Act.
17 June 2013	Statutory declaration form received from applicant, confirming completion of the notification process
18 June 2013	Referral response received from VicRoads. No objection.
20 June 2013	Referral response received from Gippsland Water. No objection
25 June 2013	Referral response received from West Gippsland Catchment Management Authority. No objection.
5 August 2013	Referral response received from SP AusNet. No objection.



●  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.02 Urban Growth  
Clause 11.05 Regional Development  
Clause 13.02 Floodplains  
Clause 15.01 Urban Environment  
Clause 16.01 Residential Development  
Clause 18.02 Movement Networks  
Clause 19.03 Development Infrastructure

**Local Planning Policy Framework**

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

**Zoning – Residential 1 Zone**

The subject land is located within a Residential 1 Zone.

**Overlay**

The subject land is affected by Land Subject to Inundation Overlay.

The subject land is located within an area of Aboriginal Cultural Heritage Sensitivity.

**Particular Provisions**

Clause 52.06 Car Parking  
Clause 55 Two or More Dwellings on a Lot

**General Provisions**

Clause 65 Decision Guidelines

**Incorporated Documents**

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

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### 16.3 ASSEMBLY OF COUNCILLORS

**General Manager**

**Governance**

**For Decision**

#### PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 5 August 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 10 April 2013 and the 12 August 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
10 April 2013	Morwell Town Common Development Plan Project Control Group  Refer to attachment.	Cr Sindt Simon Clark	NIL
17 April 2013	Victory Park Precinct Advisory Committee  Refer to attachment.	Cr Kam & Cr Harriman Simon Clark	NIL
12 June 2013	Morwell Town Common Development Plan Project Control Group  Refer to attachment.	Cr Middlemiss Simon Clark	NIL
8 July 2013	Issues and Discussions Session 4.3 Future Presentations 4.4 Future Presentations – Outside Issues & Discussion Sessions 7.1 Outstanding Issues 7.2 New Issues 11.1 Traralgon Tennis Club Debt and Future Support 13.1 Procurement Policy Review 13.2 City Image Strategy Project 13.3 Operation of Latrobe City Council Committees Paper 14.1 Latrobe City Council Local Government Community Satisfaction Survey 2013 Results	Cr Gibbons, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White Carol Jeffs, Michael Edgar, Jacinta Saxton, Geoff Hill, Zemeel Saba, Grantley Switzer, Tom McQualter	NIL

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
16 July 2013	Disability Reference Committee Terms of Reference  Feedback regarding appropriate or inappropriate accessible parking bays. Powerful Parents Self Advocacy Group flyer Disability Action Plan 2014-15 Community Consultation Disability Service Officer report Moe Outdoor Pool design Around the table catch up Victorian Taxi Directorate – Educational DVD Events – guidelines ReCharge Scheme	Cr O'Callaghan Deb Brown, Karleen Plunkett, Mary Sharrock Luke McGarth	NIL
17 July 2013	Cultural Diversity Advisory Committee - Action Plan Sub committee  Development of the 2013-2017 Cultural and Linguistic Diversity Plan. Areas of discussion included: <ul style="list-style-type: none"> <li>• A review of the key objectives and priority areas and identifying key actions</li> <li>• The need for external consultation and engagement with the community</li> <li>• Methods of engagement</li> <li>• Timeline for completing the 2013-17 Cultural and Linguistic Diversity Plan</li> </ul>	Cr Gibbons and Cr Kam  Heather Farley, Tara Donegan and Jie Liu	NIL
18 July 2013	Traralgon CBD Safety Committee Meeting  Taxi Rank, CCTV cameras, 2013 - 2014 Committee Action Plan, Issues with young people hanging around McDonalds and Stockland Plaza	Cr Kam and Cr Rossiter  David Lane, Andrew Legge, Graeme Brien	NIL
18 July 2013	Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP) Project Reference Group  Latrobe City MPHWP – Overview and Update MPHWP Strategic Directions Future Work to Progress the Draft MPHWP	Cr Kam  Regina Kalb David Lane and Debbie Mitchell	NIL

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
29 July 2013	<p>Issues and Discussions Session</p> <p>4.1 Tonight's Presentation: Planning Update</p> <p>4.3 Future Presentations</p> <p>4.4 Future Presentations – Outside Issues &amp; Discussions Sessions</p> <p>7.1 New Issues</p> <p>7.2 Outstanding Issues</p> <p>9.1 Discussion: Key Messages from Latrobe City Council for the Federal Government Election and Discussion on Actioning Council Resolutions regarding Independent Audit</p> <p>9.2 Local Members of Parliament Briefing Agenda</p> <p>10.1 Update on Proposed Changes to the Carbon Tax by the Australian Government</p> <p>11.1 Agreement to Remove Pedestrian Shelters located at the Entrance of Hammersmith Circuit Traralgon</p> <p>14.1 Recording of Council and Committee Meeting Minutes</p>	<p>Cr Gibbons, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt,</p> <p>Paul Buckley, David Elder, Carol Jeffs, Allison Jones, Grantley Switzer, Tom McQualter</p>	<p>Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in Item 4.1 Tonight's Presentation Planning Update TGAR discussion.</p> <p>Cr Middlemiss declared an indirect interest under Section 78 &amp; 78B of the Local Government Act 1989 in Item 4.3 Future Presentations AGL Loy Yang Discussion raised by Cr Sindt.</p>
7 August 2013	<p>Latrobe Tourism Advisory Board</p> <p>QR subcommittee report, TAB Objectives</p>	<p>Cr White, Cr Sindt</p> <p>Linda Brock, Rachel Callus, Geoff Hill, Bill Macpherson</p>	NIL
12 August 2013	<p>Issues and Discussions Session</p> <p>4.1 Tonight's Presentations: Community Engagement Plan Review Project &amp; Performance Reporting 2012/13 (Part A&amp;B)</p> <p>4.2 Previous Presentations</p> <p>4.3 Future Presentations</p> <p>4.4 Future Presentations – Outside Issues &amp; Discussion Sessions</p> <p>7.1 New Issues</p> <p>7.2 Outstanding Issues</p>	<p>Cr Gibbons, Cr Gibson, Cr Harriman, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White</p> <p>Paul Buckley, David Elder, Allison Jones, Tom McQualter</p>	NIL

### Attachments

1. Assembly of Councillors Attachment - Not Confidential - 2 September 2013

### RECOMMENDATION

**That Council note this report.**

## **16.3**

### **Assembly of Councillors**

- 1 Assembly of Councillors Attachment - Not Confidential -  
2 September 2013 ..... 331**



## Assembly of Councillors Record

**Assembly details:** Morwell Town Common Development Plan Project Control Group

**Date:** 10 April 2013

**Time:** 5:06pm

**Assembly Location:** Latrobe City Council Headquarters

**In Attendance:**

**Councillors:** Cr Christine Sindt

**Officer/s:** Simon Clark

**Matter/s Discussed:** Business Arising From Previous Minutes

1. David informed the meeting that the extension of the timber fence on White Street had been completed for a total project cost of \$4,500. Simon to write to the Morwell Rotary Club expressing the Project Control Group and Council's appreciation for the club's ongoing development of the Common. Action – Simon Clark

2. Max requested that Simon further investigate the fat and grease that is leaking out from the door of the barbeque unit. Action – Simon Clark

3. Simon informed the meeting that the autumn plantings would commence as soon as regular rainfall arrived. Plants that have been ordered by Council's Parks and Gardens Team will arrive in May while other plants are coming from the Council's nursery. Action – Simon Clark

4. Simon informed the meeting that Council was lodging a Project Proposal Application as part of Regional Development Victoria's, "Putting Locals First" funding program. Funds totalling \$375,000 are being sought for the Chapel Street carpark and Access for All Abilities playground projects. Simon will inform the group of the outcome of that application as information comes through. It should be noted that the carpark and AAA Playground projects are currently included in Council's 2013/2014 Draft Capital Works Program. Action – Simon Clark

5. David has made the Finial for the picnic shelter roof. The installation of the Finial and the down pipes are to be completed. Ongoing Action – David McInnes



6. Simon reported that the Playground Team will undertake an investigation into any drainage issues at the playground during the 2013 winter and conduct any required remedial works in the spring and summer. Action – Simon Clark

7. Both Max and Simon have contacted the City of Ballarat regarding their replacement of a timber playground being the same design as the Common playground but have not heard back from them as yet.

8. Simon has not been able to find the Council report that adopted the position of constructing an AAA playground in Traralgon, Morwell, Churchill and Moe as requested by Cr Middlemiss however he had discovered some information on the matter. Simon will continue to look for the original report. Ongoing Action – Simon Clark

9. Judy requested Simon to have the Building Maintenance Team contact her to discuss the alteration of a Disabled Toilet door at the common as it is not wheelchair accessible. Ongoing Action – Simon Clark

10. The meeting discussed a way forward for the formation of a historical sign for the common. The group discussed the make up of the sign however further discussion will be conducted at the June meeting. Simon will apply for a 2013/2014 Community Grant from Latrobe City in July seeking to raise the funds required to design and produce the sign. Simon will also investigate if the sign can be designed by Council staff. The group are requested to commence to gather whatever information they can regarding the Common. Action – Project Control Group.

11. Simon produced a map showing the contours of the Common which showed that there was not a water way through it however there is one travelling south to north along White Street. Simon has been informed that the common does not have any easements on it.

#### General Business

1. Keith informed the meeting that he had discussed the Black She Oaks with members of the now defunct refugee group (John Lawson etc). The refugee group expressed a wish to discuss the matter at our next meeting although they did not have a particular opinion on the matter either way. Simon to organise an onsite meeting of the Project Control Group to investigate the issue. Action – Simon Clark

2. Max informed the meeting that he believes that the construction of a AAA playground in the future would need to incorporate the existing playground so they act as one rather than having a stand alone AAA playground. Max expressed that he wishes to receive a response from Council management not only on the planning for the replacement of the timber playground but for the completion of the Development Plan as well. Action – Simon Clark



**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:** Simon Clark





### 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);

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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.



## Assembly of Councillors Record

**Assembly details:** Victory Park Precinct Advisory Committee

**Date:** 17 April 2013

**Time:** 5:22pm

**Assembly Location:** Latrobe City Council - Traralgon Service Centre

**In Attendance:**

**Councillors:** Cr Sandy Kam and Cr Dale Harriman

**Officer/s:** Simon Clark

**Matter/s Discussed:**

1. Simon informed the meeting that management at the McDonalds Restaurant had told him that they did not have any grants programs for community groups. They did invite the Committee to write to the Manager requesting assistance.
2. Simon to check if the bin stand on the north side slope of the Scout Hall has had a bin replaced there. Action – Simon
3. Simon has been told by Woolworths that they would not be installing a shopping trolley security system.
4. Simon told the meeting that David Elder was unable to attend our meetings as he already had a regular meeting at that time. David did offer to send another officer. Simon will also invite the Traralgon City Band to the June meeting to discuss options. Action – Simon
5. Simon to ask Cr Kam to provide an update on the progress of the Monomeith Senior Citizens Centre carpark designated disabled parking zone issue. Ongoing Action – Simon
6. Linda informed the Committee that the Gippsland Model Engineering Society (GMES) had removed the large yellow beam from beside Whitakers Road and that they were investigating the installation of the foot bridge in the centre grass area of their facility so to be used as a reversing loop for the train network. Simon and the WGCMA have both inspected the area and have no objections to the proposal. Linda is investigating if a Planning Permit is required. Ongoing Action – Linda



7. Simon reported that an inspection of the Newman Park playground had been completed and several repairs had been carried out.

General Business

1. Simon informed the Committee that temporary CCTV cameras will be installed at the Sound Shell due to the recent vandalism.

2. The meeting requested that Simon investigate and if appropriate lodge a Community Safety Fund application for permanent CCTV cameras for the Sound Shell. Action – Simon

3. Lorrel reported that three trees and stumps had been attended to.

**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:** Simon Clark



### 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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#### 2. Section 76AA definition:

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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **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:** Morwell Town Common Development Plan Project Control Group

**Date:** 12 June 2013

**Time:** 5:05pm

**Assembly Location:** Latrobe City Council Headquarters

**In Attendance:**

**Councillors:** Cr Graeme Middlemiss

**Officer/s:** Simon Clark

**Matter/s Discussed:** Business Arising From Previous Minutes

1. David informed the meeting that the extension of the timber fence on White Street had been completed for a total project cost of \$4,500. Simon to write to the Morwell Rotary Club expressing the Project Control Group and Council's appreciation for the clubs ongoing development of the Common. Ongoing Action – Simon Clark

2. Simon has inspected the barbeque and believes that the fat and grease issue has been rectified however he will keep an eye on it. Action – Simon Clark

3. Simon said that he was meeting a landscaper the next day to finalise the autumn plantings. Some plants have been ordered by Council's Parks and Gardens Team while other plants are coming from the Council's nursery. Further landscape works will be carried out in spring. Action – Simon Clark

4. Simon informed the meeting that Council had progressed to Stage Two of Regional Development Victoria's, "Putting Locals First" funding program for the Chapel Street carpark and Access for All Abilities playground projects. Simon will inform the group of the outcome of that application as further information comes through. Action – Simon Clark

5. David has fitted the Finial onto the picnic shelter roof. The down pipes are yet to be completed. Ongoing Action – David McInnes



6. Simon reported that the Playground Team will undertake an investigation into any drainage issues at the playground during the 2013 winter and conduct any required remedial works in the spring and summer. Ongoing Action – Simon Clark

7. Judy requested Simon to have the Building Maintenance Team contact her to discuss the alteration of a Disabled Toilet door at the common as it is not wheelchair accessible. Ongoing Action – Simon Clark

8. The meeting discussed the way forward for the formation of a historical sign for the common. Simon will apply for a 2013/2014 Community Grant from Latrobe City in July seeking to raise the funds required to design and produce the sign. Simon will also investigate if the sign can be designed by Council staff. Max volunteered to present a draft design/information for the sign at the August meeting. Simon will speak to Council's Media Team about placing an article in the varying media and social media outlets calling for historical information and /or photographs of the Common. Action – Max Williamson & Simon Clark

9. Keith informed the meeting that he had discussed the Black She Oaks with members of the now defunct refugee group (John Lawson etc). The refugee group expressed a wish to discuss the matter at our next meeting although they did not have a particular opinion on the matter either way. Simon to organise an onsite meeting of the Project Control Group to investigate the issue. Ongoing Action – Simon Clark

10. Simon informed the meeting that he had consulted senior management regarding any strategic planning for the replacement of the timber playground. Management are of the view that when the playground is nearing the end of its life that a Capital Works Program budget proposal will be presented to Council for consideration. Cr Middlemiss recommended that any budget proposal to replace the playground should be presented to Council at least two years prior to when the funding would actually be required. Management believe that the Development Plan is progressing well with the assistance of the Project Control Group (PCG) and the Rotary club. The plan will advance even further if the AAA playground and Chapel Street carpark projects receive funding so that they can be completed in the 2013/14 Council year. Action – Simon Clark

#### General Business

1. The PCG has requested that Simon invite Council's Senior Recreation and Open Space Planner to a meeting if the project funding is successful. The meeting also agreed that the design of the AAA playground would need to incorporate the existing playground in its design. Action – Simon Clark

**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:** Simon Clark



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Monday, 8 July 2013

**Time:** 6:00 PM

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

**In Attendance:**

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

**Officer/s:** Carol Jeffs, Michael Edgar, Jacinta Saxton, Geoff Hill, Zemeel Saba, Grantley  
Switzer, Tom McQualter

**Matter/s Discussed:**

4.3 Future Presentations  
4.4 Future Presentations – Outside Issues & Discussion Sessions  
7.1 Outstanding Issues  
7.2 New Issues  
11.1 Traralgon Tennis Club Debt and Future Support  
13.1 Procurement Policy Review  
13.2 City Image Strategy Project  
13.3 Operation of Latrobe City Council Committees Paper  
14.1 Latrobe City Council Local Government Community Satisfaction Survey 2013  
Results

**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

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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (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:** Disability Reference Committee

**Date:** 16 July 2013

**Time:** 1.00 pm to 3.00 pm

**Assembly Location:** Macfarlane Burnet Room, Latrobe City Service Centre, Kay Street Traralgon

**In Attendance:**

**Councillors:** Cr Kellie O'Callaghan

**Officer/s:** Deb Brown, Karleen Plunkett, Mary Sharrock (minute taker), Luke McGarth (guest).

**Matter/s Discussed:**

Terms of Reference

Feedback regarding appropriate or inappropriate accessible parking bays.

Powerful Parents Self Advocacy Group flyer

Disability Action Plan 2014-15 Community Consultation

Disability Service Officer report

Moe Outdoor Pool design

Around the table catch up

Victorian Taxi Directorate – Educational DVD

Events – guidelines

ReCharge Scheme

**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:** Karleen Plunkett, Disability Service Officer – 23 July 2013



### 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
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#### **Brief Explanation:**

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

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
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**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
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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **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:** Cultural Diversity Advisory Committee - Action Plan Sub committee

**Date:** 17 July 2013

**Time:** 5.00 pm - 7.00pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Corporate Headquarters, 141 Commercial Road Morwell, Morwell

**In Attendance:**

**Councillors:** Cr Peter Gibbons and Cr Sandy Kam

**Officer/s:** Heather Farley, Tara Donegan and Jie Liu

**Matter/s Discussed:** Development of the 2013-2017 Cultural and Linguistic Diversity Plan. Areas of discussion included:

- A review of the key objectives and priority areas and identifying key actions
- The need for external consultation and engagement with the community
- Methods of engagement
- Timeline for completing the 2013-17 Cultural and Linguistic Diversity Plan

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

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

**Councillors:** NIL

**Officer/s:** NIL

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

**Completed by:** Jie Liu



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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##### **Section 80A(3)**

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## Assembly of Councillors Record

**Assembly details:** Traralgon CBD Safety Committee Meeting

**Date:** Thursday, 18 July 2013

**Time:** 9.00 am - 10.07 am

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

**In Attendance:**

**Councillors:** Cr Sandy Kam, Cr Michael Rossiter

**Officer/s:** David Lane, Andrew Legge, Graeme Brien

**Matter/s Discussed:** Taxi Rank, CCTV cameras, 2013 - 2014 Committee Action Plan, Issues with young people hanging around McDonalds and Stockland Plaza

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

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

**Councillors:** NIL

**Officer/s:** NIL

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

**Completed by:** David Lane



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

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##### **Section 80A(3)**

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## Assembly of Councillors Record

**Assembly details:** Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP)  
Project Reference Group

**Date:** 18 July 2013

**Time:** 12.00 pm – 2.00 pm

**Assembly Location:** McFarlane Burnett Room, Traralgon Service Centre

**In Attendance:**

**Councillors:** Cr Sandy Kam

**Officer/s:** Regina Kalb (Manager Healthy Communities), David Lane (Coordinator Healthy Communities) and Debbie Mitchell (Be ACTIVE Coordinator)

**Matter/s Discussed:**

Latrobe City MPHWP – Overview and Update  
MPHWP Strategic Directions  
Future Work to Progress the Draft MPHWP

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

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

**Councillors:** N/A

**Officer/s:** N/A

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

**Completed by:** David Lane (Coordinator Healthy Communities)



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Monday, 29 July 2013

**Time:** 6:00 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,

**Officer/s:** Paul Buckley, David Elder, Carol Jeffs, Allison Jones, Grantley Switzer,  
Tom McQualter

**Matter/s Discussed:**

- 4.1 Tonight's Presentation: Planning Update
- 4.3 Future Presentations
- 4.4 Future Presentations – Outside Issues & Discussions Sessions
- 7.1 New Issues
- 7.2 Outstanding Issues
- 9.1 Discussion: Key Messages from Latrobe City Council for the Federal Government  
Election and Discussion on Actioning Council Resolutions regarding Independent Audit
- 9.2 Local Members of Parliament Briefing Agenda
- 10.1 Update on Proposed Changes to the Carbon Tax by the Australian Government
- 11.1 Agreement to Remove Pedestrian Shelters located at the Entrance of Hammersmith  
Circuit Traralgon
- 14.1 Recording of Council and Committee Meeting Minutes

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

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

**Councillors:**

Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in Item 4.1 Tonight's Presentation Planning Update TGAR discussion.

Cr Middlemiss declared an indirect interest under Section 78 & 78B of the Local Government Act 1989 in Item 4.3 Future Presentations AGL Loy Yang Discussion raised by Cr Sindt.



**Officer/s:** NIL

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

Cr Harriman left the Meeting at 7.01pm and returned at 7.04pm

Cr Middlemiss left the Meeting at 7.43pm and returned at 7.45pm

**Completed by:** Meagan Bennetts



**Assembly of Councillors Record Explanation / Guide Notes**  
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**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

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## Assembly of Councillors Record

**Assembly details:** Latrobe Tourism Advisory Board

**Date:** 7 August 2013

**Time:** 5.35pm

**Assembly Location:** Nambur Wariga meeting room, Latrobe City Council  
Head Quarters, Morwell

**In Attendance:**

**Councillors:** Cr Darrell White, Cr Christine Sindt

**Officer/s:** Linda Brock, Rachel Callus, Geoff Hill, Bill Macpherson (Acting Manager  
Cultural Liveability)

**Matter/s Discussed:** QR subcommittee report, TAB Objectives

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

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

**Councillors:** NIL

**Officer/s:** NIL

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

**Completed by:** Linda Brock



### Assembly of Councillors Record Explanation / Guide Notes

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Monday 12 August 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 Middlemiss,  
Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

**Officer/s:** Paul Buckley, David Elder, Allison Jones, Tom McQualter

**Matter/s Discussed:**

- 4.1 Tonight's Presentations: Community Engagement Plan Review Project & Performance Reporting 2012/13 (Part A&B)
- 4.2 Previous Presentations
- 4.3 Future Presentations
- 4.4 Future Presentations – Outside Issues & Discussion Sessions
- 7.1 New Issues
- 7.2 Outstanding Issues

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

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

**Councillors:** NIL

**Officer/s:** NIL

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

- 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.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

### 16.4 DOCUMENTS 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 2010/354	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Waterloo Grazing Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 11238 Folio 392 being Lot 2 on PS 640808D situated at 110-120 Waterloo Road, Moe) pursuant to the Condition 22 on PP 2010/354/B issued on 9 November 2011 providing that the owner shall revegetate the land identified as offset site 1 in Appendix 2 to the Management Plan in accordance with the requirements set out in the Management Plan and continue to manage offset site 1 until 2022 in accordance with the requirements of the Management Plan.

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 Waterloo Grazing Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 11238 Folio 392 being Lot 2 on PS 640808D situated at 110-120 Waterloo Road, Moe) pursuant to the Condition 22 on PP 2010/354/B issued on 9 November 2011.**

**16.5 PLANNING APPLICATION NO. 2013/9 VARIATION OF  
RESTRICTIVE COVENANT, DEVELOPMENT OF TWO  
DWELLINGS AND TWO LOT SUBDIVISION AT 15 BOWRAL  
WAY, TRARALGON**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/9 for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, 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 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***

***Theme and Objectives***

***Theme 5: Planning for the future***

- *To provide a well planned, connected and liveable community.*
- *To reduce the time taken to process land use and development planning applications.*

***Strategic Direction***

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

***Legislation –***

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

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 are relevant to this application.

### **SUMMARY**

Land:	15 Bowral Way, Traralgon, known as Lot 13 on Plan of Subdivision 635554N
Proponent:	Michael Nicola
Zoning:	Residential 1
Overlay	Nil

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

A planning permit is required to subdivide land pursuant to Clause 32.01-2 Residential 1 Zone.

A planning permit is required to vary a restriction in accordance with Clause 52.02 Easements, Restrictions and Reserves.

This application was previously considered at the Ordinary Council Meeting held on 19 August 2013 and Council resolved:

1. *That Council defer the item until the next ordinary Council meeting and ask officers to prepare draft conditions that might apply should a planning permit be issued.*

The requested changes have now been made to the report.

### **PROPOSAL**

It is proposed to construct two dwellings and undertake a two lot subdivision on the site. The dwellings would be two storey, would be attached, and have frontage to Bowral Way.

Each dwelling would comprise living areas on the ground floor, and three bedrooms and two bathrooms on the first floor. Both dwellings would be provided with single car garages which would be attached to the southern side of each dwelling with vehicle access to the site provided by two single crossovers from Bowral Way. Private open space would be located at the rear of each dwelling with access from the family room.

The dwellings would be contemporary in design with varied setbacks on both floors, a mix of materials and finishes, and use of parapets and pitched roofs. The dwellings would be constructed and finished with face brickwork, horizontal cement composite cladding, render and stacked stone.

It is proposed to subdivide the site into two lots. Lot 1 would be 244.67 square metres and would contain Dwelling 15A on the southern side of the site, and Lot 2 would be 257.04 square metres and would contain Dwelling 15B on the northern side of the site.

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

It is also proposed to vary the restrictive covenant AK033782W which is registered on the title for the site. The covenant currently allows the development of a single detached dwelling on each lot, the intent of the covenant is to assist in the establishment and maintenance of the neighbourhood character. The applicant proposes to vary the restriction by removing the word 'detached'. This would allow the proposed dwellings to be constructed on the site as they are proposed to be attached.

A copy of the plans and covenant AK033782W can be found at Attachment 1.

### Subject Land:

The subject site is regular in shape and is located on the western corner of Bowral Way and Kenilworth Drive in Traralgon. It forms part of the Sherwood Park Estate. It has a frontage to Bowral Way of 19.25 metres, a depth of 22.75 metres and an overall area of 502 square metres. There are no easements encumbering the site. The site is vacant and is relatively flat.

Land within the immediate vicinity of the site comprises largely vacant residential allotments with some lots being developed with detached single and two storey dwellings.

### Surrounding Land Use:

North-east:	37 Kenilworth Drive – residential lot being developed with a two storey dwelling. Lot approximately 790 square metres.
North-west:	40 Kenilworth Drive – vacant residential land of approximately 500 square metres.
South-east:	26-46 Bradman Boulevard – Council reserve
South-west:	13 Bowral Way – residential lot developed with a single storey dwelling. Lot approximately 800 square metres.

A locality plan can be found at Attachment 2.

### **HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2013/9 can be found in Attachment 3.

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

This matter was considered by Council at the Ordinary council Meeting held on 19 August 2013 where Council resolved:

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

*1. That Council defer the item until the next ordinary Council meeting and ask officers to prepare draft conditions that might apply should a planning permit be issued.*

In accordance with the resolution of Council a set of draft conditions that may apply should a planning permit be issued have been prepared by Council officers.

**LATROBE PLANNING SCHEME****State Planning Policy Framework (SPPF)**

The proposal has been considered against the relevant clauses under the SPPF.

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

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

Clause 16.01-2 Location of Residential Development states that new housing should be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

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 consistent in part with the policy outlined above. The application proposes medium density development in an area suitable for residential development, and the proposal is considered to be an appropriate response to the subject site and the emerging character of the area. However the proposed variation of the covenant may impact on the character of the neighbourhood in the future. As such the variation cannot be approved by Council in accordance with Clause 60(2) of the Act. This matter will be discussed further in the 'Issues' section of this report.

**Local Planning Policy Framework (LPPF)**

The proposal has been considered against the relevant clauses under the LPPF.

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

The site is identified in an "existing residential opportunity" area (Area 12) on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns encourages the consolidation of urban settlements within urban zoned boundaries in accordance with the adopted structure plan. Specific Main Town Strategies – Traralgon states that residential development in Area 12 is encouraged.

It is considered that the proposal satisfies this policy direction as the proposal is for residential development within an existing residential opportunity area.

**Zoning – Residential 1**

The site is located within a Residential 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Residential 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application complies in part with the zoning provisions but does not respect the emerging neighbourhood character of the area.

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

**Particular Provisions**

Clause 52.02 Easements, Restrictions and Reserves:

The proposal has been assessed against the decision guidelines of Clause 52.02. It is considered that the variation of the restrictive covenant has the potential to detrimentally impact on neighbourhood character and is not appropriate in this instance. This will be discussed further in the 'Issues' section of this report.

Clause 52.06 Car Parking:

The proposal has been assessed against Clause 52.06. Two car parking spaces are required to be provided for a dwelling comprising three or more bedrooms. One garaged space and one tandem space would be provided for each dwelling in accordance with this clause. However the width of the garages does not satisfy this clause and a condition of any approval issued will require the garages to have a minimum width of 3.5 metres.

Clause 55 Two or More Dwellings on a Lot:

The application has been assessed against Clause 55 and is considered to be generally compliant with the applicable standards with some design modifications required. This will be discussed later in this report.

Clause 56 Residential Subdivision:

The application has been assessed against Clause 56 and found to comply with the applicable standards.

**Decision Guidelines** (Clause 65):

The application has been assessed against the relevant decision guidelines of Clause 65.

**Incorporated Documents** (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004

## **ISSUES**

### Neighbourhood Character

There are two parts to the proposal before Council.

The first relates to the proposed two dwellings and whether they are appropriate having regard to the relevant clauses of the planning scheme (e.g. neighbourhood character, on and off site amenity).

The second relates to the proposed variation of the covenant and whether it meets certain 'tests' or criteria under the Planning and Environment Act. The covenant restricts certain types of development, including the one under this proposal. Therefore, if the covenant variation is unable to be justified, the multi dwelling development proposed as part of this application also fails.

Neighbourhood character is a consideration under both aspects, however, there are different criteria that must be considered and met for each part of the proposal.

The criteria set out for the assessment of the covenant variation in relation to neighbourhood character are much more stringent than those for the multi dwelling development.

Because the proposed multi unit development hinges on the covenant variation and because it is considered that the covenant variation is



**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

inappropriate, it is on this basis that officers are of the opinion that the application fails in totality.

Variation of Covenant

Restrictive covenant AK033782W on the title to the subject site states that the proprietor of the lot "...shall not at any time:

(b) allow or cause to be constructed on the Land:

(i) more than a single **detached** dwelling but, if the lot is subdivided into two allotments, more than a single **detached** dwelling on each allotment then created..."

The restriction was placed on all 38 lots on Plan of Subdivision 635554N by the original subdivider/developer.

See Attachment 5 for a copy of Plan of Subdivision 635554N.

In order for the proposed development of two attached dwellings to be approved, a planning permit to vary this restriction must be obtained. The applicant is seeking to have the word "detached" deleted from the covenant.

Council must consider Clause 52.02 Easements Restrictions and Reserves of the Planning Scheme and Clause 60(2) of the Planning and Environment Act 1987 in its assessment of the application.

Clause 52.02

Clause 52.02 requires a planning permit to be obtained for the variation of a restriction. The decision guidelines for this clause state that before deciding on an application, Council must consider the interests of affected people.

All beneficiaries of the covenant and adjoining owners and occupiers have been notified of the application as per the requirements of section 52(1)(c) of the Act and no objections have been received. It is noted that the beneficiaries of the covenant are the 37 other lots which are contained in Plan of Subdivision 635554N.

Clause 60(2)

Clause 60(2) of the Act states:

*"The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer-*

- (a) *financial loss; or*
- (b) *loss of amenity; or*
- (c) *loss arising from change to the character of the neighbourhood; or*
- (d) *any other material detriment-*

*as a consequence of the removal or variation of the restriction.”*

The proposed covenant variation would allow the proposed attached dwellings to be constructed on the site as well as any other potential form of attached dwelling that may be proposed for the site in the future.

Legal advice received by Council advised as follows:

*“1. The key matters that Council must be satisfied of before it can grant a planning permit to vary the Restrictive Covenant registered on the title of the Land are:*

- the matters set out in clause 52.02 of the Latrobe Planning Scheme, including the interests of affected persons; and*
- the matters listed in section 60(2) of the Planning and Environment Act 1987 (the Act).*

*2. In addition to the above, Council should only consider granting a planning permit allowing the variation of the Restrictive Covenant if notice of the permit application has been given in accordance with the requirements of section 52 of the Act (i.e. to all beneficiaries of the Restrictive Covenant and any other persons whose interests may be affected by the grant of the permit, with both direct notice and public notice being required).*

*3. In this instance, there have been no objections to the grant of a planning permit, including from beneficiaries. Beneficiaries to the Restrictive Covenant appear to be all the owners of other lots within PS63554N (i.e. lots 1-12 and 14-38).*

*4. Whilst the lack of objection is relevant to Council’s assessment of the impact of the variation on persons whose interests may be affected by the grant of the permit, Council must still itself be satisfied that beneficiaries of the Restrictive Covenant are unlikely to suffer any of the detriments listed in section 60(2), namely:*

- (a) financial loss; or*
- (b) loss of amenity; or*
- (c) loss arising from change to the character of the neighbourhood; or*
- (d) any other material detriment.*

**ORDINARY COUNCIL MEETING AGENDA  
02 SEPTEMBER 2013 (CM400)**

5. *Whilst the test set out in section 60(2) of the P& E Act is less onerous than the test for older covenants set out section 60(5) (which extends to perceived detriment) the “bar” remains high and it is not the usual planning tests of “unreasonable amenity impacts” which is relevant. Rather, a higher test of whether the relevant detriments are “unlikely” to be suffered to any degree must be applied.*

6. *The proposed variation of the Restrictive Covenant is unusual, as it does not seek to alter the two lot subdivision or single dwelling restrictions within the Restrictive Covenant. Rather, the proposed variation only seeks to remove the requirement that the single dwellings constructed on a 2 lot subdivision of the Land be “detached”.*

7. *As I understand it, the practical effect of this variation would be that the two dwellings allowed by the Restrictive Covenant would be attached and present as a single built form, rather than two separate built forms. As the variation simply proposes the removal of the word “attached” from the Restrictive Covenant, Council must consider all potential forms of attached dwellings, not just the dwellings proposed by the applicant.*

8. *There may be the potential for attached rather than detached dwellings to give rise to detriment to the beneficiaries of the Restrictive Covenant.*

9. *However, the test in section 60(2) is not whether the variation of the Restrictive Covenant “may” cause detriment, but whether such detriment would be “unlikely”. Therefore, Council needs to consider whether the possible detriments are “unlikely” to be suffered by beneficiaries to any degree (but not extending to perceived detriment).*

10. *Given that all potential forms of attached dwellings must be considered, it may be that some form of attached dwellings would give rise to the relevant detriments and as such it may be that Council is unable to conclude that detriment of the kind referred to in section 60(2) of the P&E Act is “unlikely” to occur in this instance.*

From the above advice, Council cannot unequivocally conclude that detriment as listed in section 60(2) of the Act is unlikely to occur as Council does not know if other forms of attached housing that may be built on the site in the future may cause detriment. As such, the application to vary the covenant must be refused as it fails the tests of section 60(2) of the Act.

### Multi Dwelling Development and Subdivision

Clause 55 and 56 assessments of the application have been undertaken and the proposal has been found to generally comply with the requirements of ResCode. The design of the dwellings is contemporary in nature and utilises varying roof pitches, external finishes comprising a combination of materials, balconies overlooking public open space across Bowral Way, and generous internal amenities. Private open space would be provided in accordance with the relevant clause. In order for the application to fully comply with the Scheme requirements, Dwelling 15B would be required to be set back a minimum of 2 metres from the Kenilworth Drive boundary of the site in accordance with Clause 55.03-1.

Whilst the development satisfies ResCode, it cannot be approved as the proposed dwellings would be attached. This is contrary to the restriction on the covenant on title which Council cannot vary as discussed. The application must therefore be refused.

### **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 Sections 52(1)(a), 1(cb) and (1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and to the owners and occupiers of land benefitted by the registered restrictive covenant. An A3 notice was displayed on the site frontage for 14 days. No objections to the application were received.

#### External:

There were no external referrals.

#### Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent (to the extent of their areas of

## ORDINARY COUNCIL MEETING AGENDA 02 SEPTEMBER 2013 (CM400)

expertise) 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 Planning Permit.
- 2 Issue a Notice of Refusal to Grant the variation to the restrictive covenant and Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme and the *Planning and Environment Act 1987*.

### **CONCLUSION**

The proposed dwellings are considered to be consistent with the strategic direction of the State and Local Planning Policy Frameworks, and comply with the Residential 1 Zone purpose and decision guidelines, and Clauses 55 and 56. However as the proposal to vary the covenant to allow attached dwellings on the site does not satisfy the tests of section 60(2) of the Planning and Environment Act 1987, the application must be refused.

#### **Attachments**

1. ATTACHMENT - DEVELOPMENT PLANS AND RESTRICTION
2. ATTACHMENT - LOCALITY PLAN
3. ATTACHMENT - HISTORY OF THE APPLICATION
4. ATTACHMENT - LATROBE PLANNING SCHEME PROVISIONS
5. ATTACHMENT - PLAN OF SUBDIVISION

### **RECOMMENDATION**

**A. That Council decides to issue a Notice of Refusal to Grant a Planning Permit for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, Traralgon known as Lot 13 on Plan of Subdivision 635554N, on the following grounds:**

- a) **Council is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment as a consequence of the variation of the restriction.**

## 16.5

### PLANNING APPLICATION NO. 2013/9 VARIATION OF RESTRICTIVE COVENANT, DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION AT 15 BOWRAL WAY, TRARALGON

- 1 ATTACHMENT 1 - DEVELOPMENT PLANS AND  
RESTRICTION ..... 373
- 2 ATTACHMENT 2 - LOCALITY PLAN ..... 393
- 3 ATTACHMENT 3 - HISTORY OF THE APPLICATION ..... 395
- 4 ATTACHMENT 4 - LATROBE PLANNING SCHEME  
PROVISIONS ..... 397
- 5 ATTACHMENT 5 - PLAN OF SUBDIVISION..... 399



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PROPOSED UNIT DEVELOPMENT FOR  
MR MICHAEL NICOLA  
15A & 15B BOWRAL WAY  
TRARALGON

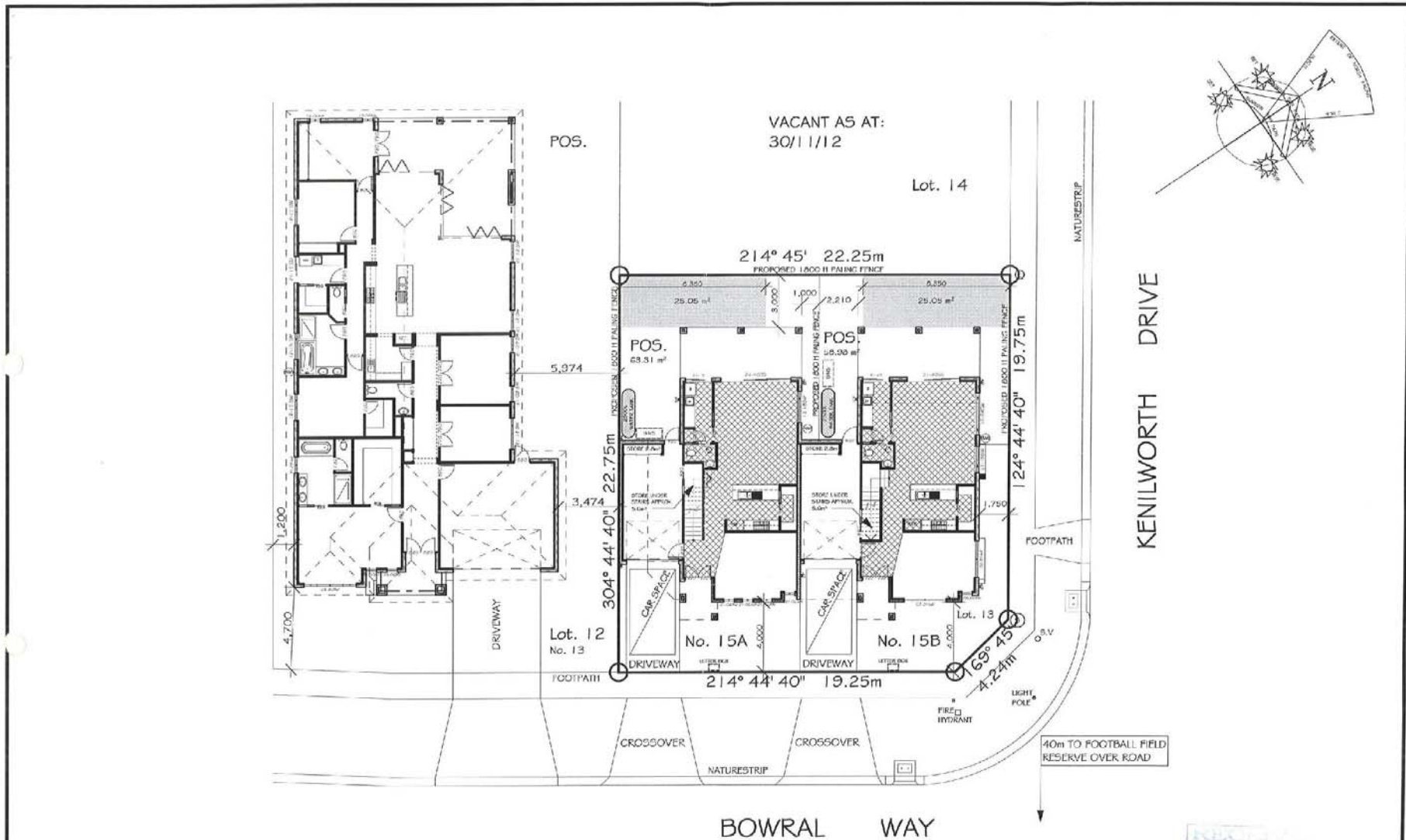
RECEIVED  
27 FEB 2013  
BY:

DATE: 06/04/12  
JOB No: 12-0015  
SHEET No: 1 OF 14  
LOT: 13 PS635554N  
B.A.L. : 'LOW'

REVISED SIDE SETBACK: 20/02/13







**SITE PLAN**

SCALE : 1 : 200 AT A3

PROJECT:  
 PROPOSED UNIT DEVELOPMENT FOR  
 MR MICHAEL NICOLA  
 15A & 15B BOWRAL WAY TRARALGON

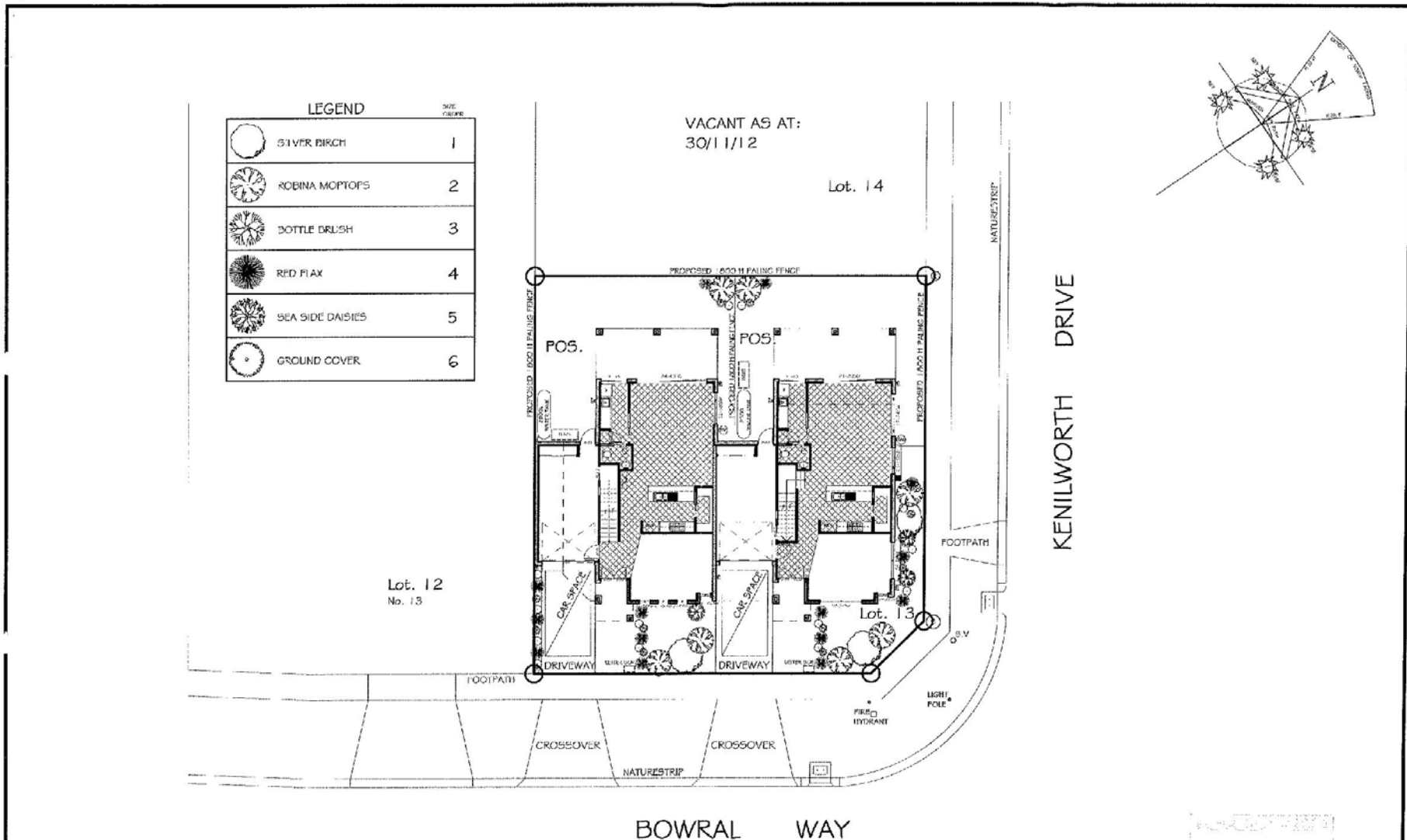
REVISED:  
 SIDE SETBACK: 20/02/13  
 DATE ISSUED: 06/04/12

PAGE CONTENTS:  
 SITE PLAN

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 Master Builders Association No: 88875  
 ABN: 78 187 165 588  
 Virtue Homes Pty. Ltd.  
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 Web: www.virtuehomes.com.au

RECEIVED  
 27 FEB 2013  
 BY: [Signature]  
 SCALE : 1 : 200 AT A3  
 DESIGN : M.N.  
 DRAWN : M.C.  
 CHECKED : M.N.  
 JOB No.: 12-0015  
 SHEET No.: 4 OF 14



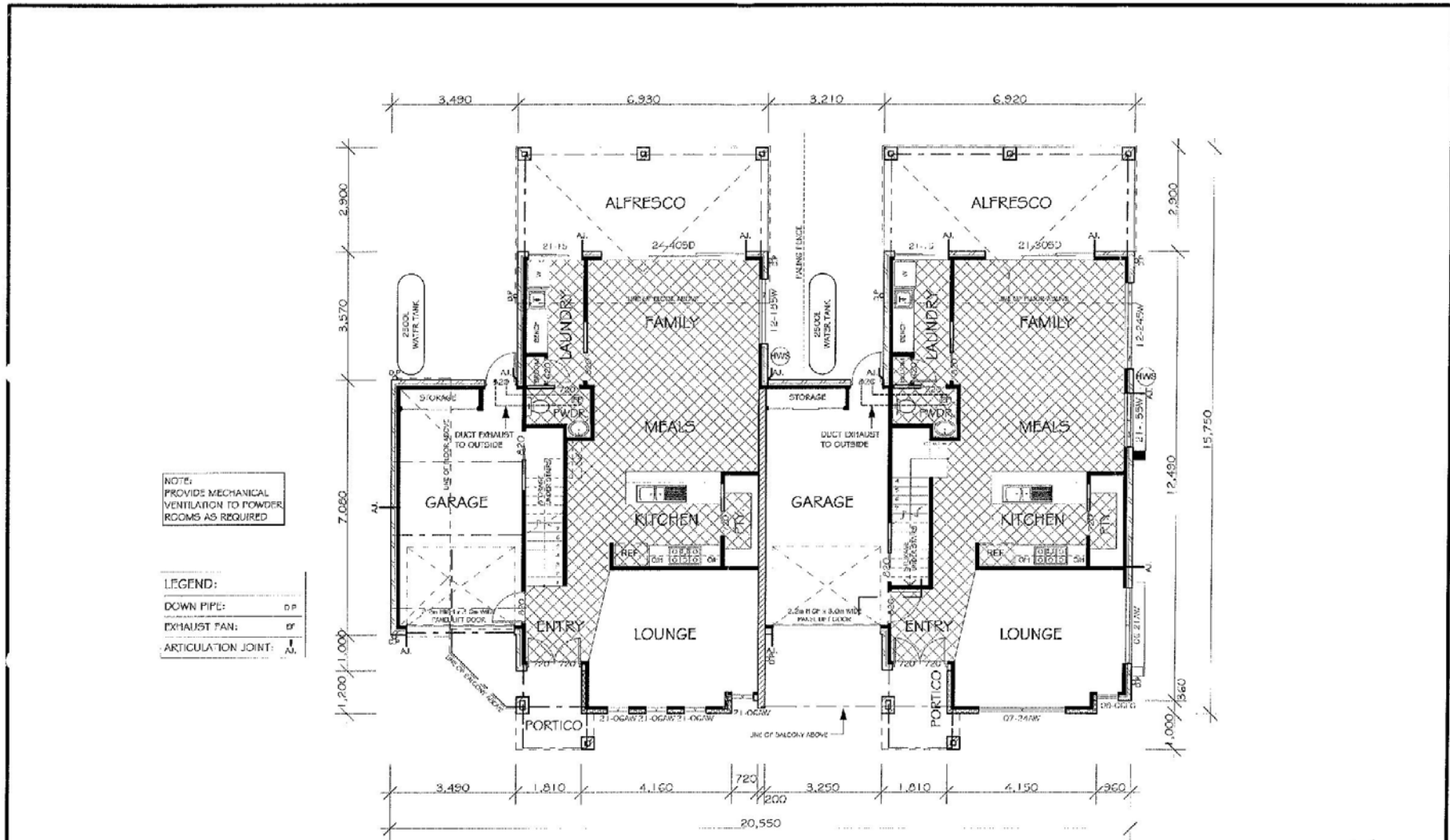


**LANDSCAPING PLAN**

SCALE : 1 : 200 AT A3

PROJECT: PROPOSED UNIT DEVELOPMENT FOR MR MICHAEL NICOLA 15A & 15B BOWRAL WAY TRARALGON	REVISED: SIDE SETBACK: 20/02/13	PAGE CONTENTS: LANDSCAPING PLAN	ALL RIGHTS RESERVED - THIS PLAN IS THE PROPERTY OF VIRTUE HOMES PTY. LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND NO OTHER PURPOSES. ANY REPRODUCTION OR DISTRIBUTION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF VIRTUE HOMES PTY. LTD. IS STRICTLY PROHIBITED. © 2013 VIRTUE HOMES PTY. LTD. ALL RIGHTS RESERVED.	Virtue Homes Pty. Ltd. P.O. BOX 1589 Traralgon VIC 3844 Mobile: 0422 315 383 Phone: (03) 5176 5231 Email: mick@virtuehomes.com.au Web: www.virtuehomes.com.au	SCALE : 1 : 200 AT A3 DESIGN : M.N. DRAWN : M.C. CHECKED : M.N. JOB No.: 12-0015 SHEET No.: 7 OF 14
	DATE ISSUED: 06/04/12	Domestic Builder - Unlimited No. 23132 Master Builders Association No. 88875 ABN: 78 107 165 888			





NOTE:  
PROVIDE MECHANICAL VENTILATION TO POWDER ROOMS AS REQUIRED

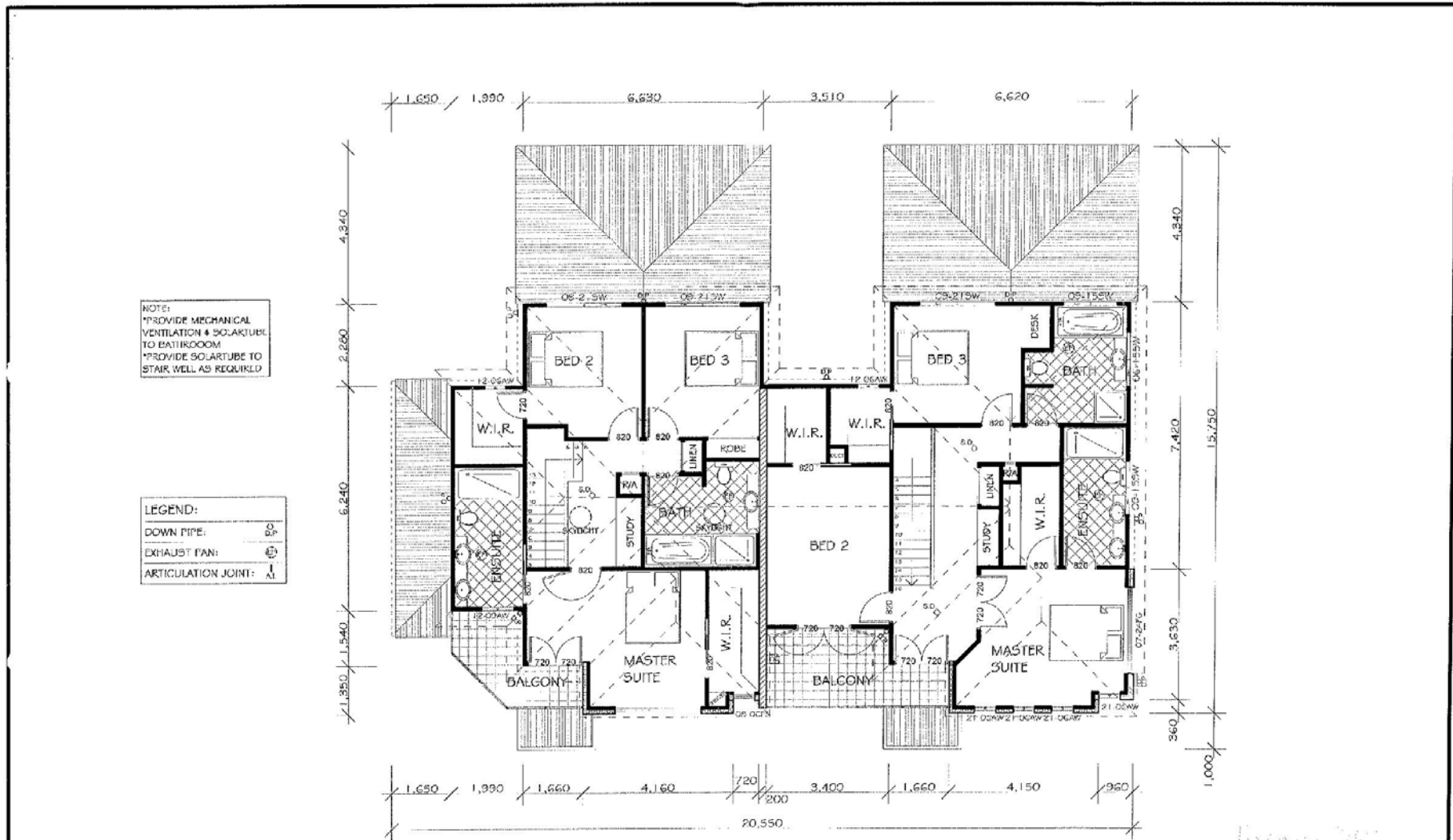
LEGEND:  
DOWN PIPE: D.P.  
EXHAUST FAN: EF  
ARTICULATION JOINT: A.J.

**GROUND FLOOR PLAN**

SCALE : 1 : 100 AT A3

PROJECT: PROPOSED UNIT DEVELOPMENT FOR MR MICHAEL NICOLA 15A & 15B BOWRAL WAY TRARALGON	REVISED: SIDE SETBACK: 20/02/13	PAGE CONTENTS: GROUND FLOOR PLAN	ALL RIGHTS RESERVED - THIS PLAN IS THE PROPERTY OF VIRTUE HOMES PTY. LTD. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT & ANY UNAUTHORIZED COPYING OR REPRODUCTION, WITH OR WITHOUT MATERIAL CHANGE, IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAW. Domestic Builder - Unlimited No: 23132 Master Builders Association No: 88975 ABN: 78 167 165 588	Virtue Homes Pty. Ltd. P.O. BOX 1589 Traralgon VIC 3844 Mobile: 0422 315 383 Phone: (03) 5176 5231 Email: mick@virtuehomes.com.au Web: www.virtuehomes.com.au	SCALE : 1 : 100 AT A3
	DATE ISSUED: 06/04/12				DESIGN : M.N. DRAWN : M.C. CHECKED : M.N. JOB No. : 12-0015 SHEET No. : 8 OF 14





**FIRST FLOOR PLAN**

SCALE : 1 : 100 AT A3

PROJECT:  
 PROPOSED UNIT DEVELOPMENT FOR  
 MR MICHAEL NICOLA  
 15A & 15B BOWRAL WAY TRARALGON

REVISED:  
 SIDE SETBACK: 20/02/13  
 DATE ISSUED: 06/04/12

PAGE CONTENTS:  
 FIRST FLOOR  
 PLAN

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 Domestic Builder - Unlimited No: 23132  
 Master Builders Association No: 88875  
 ARN: 78 187 165 588

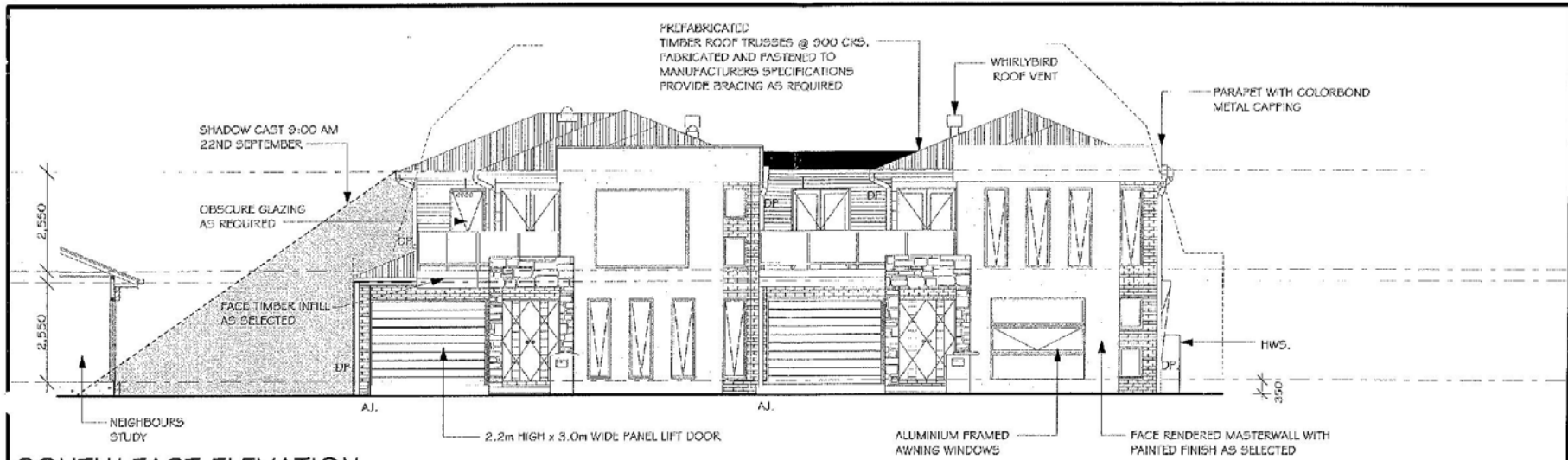
Virtue Homes Pty. Ltd.  
 P.O. BOX 1589  
 Traralgon VIC 3844  
 Mobile: 0422 315 383  
 Phone: (03) 5176 5231  
 Email: mick@virtuehomes.com.au  
 Web: www.virtuehomes.com.au



SCALE : 1 : 100 AT A3  
 DESIGN : M.N.  
 DRAWN : M.C.  
 CHECKED : M.N.  
 JOB No.: 12-0015  
 SHEET No.: 9 OF 14

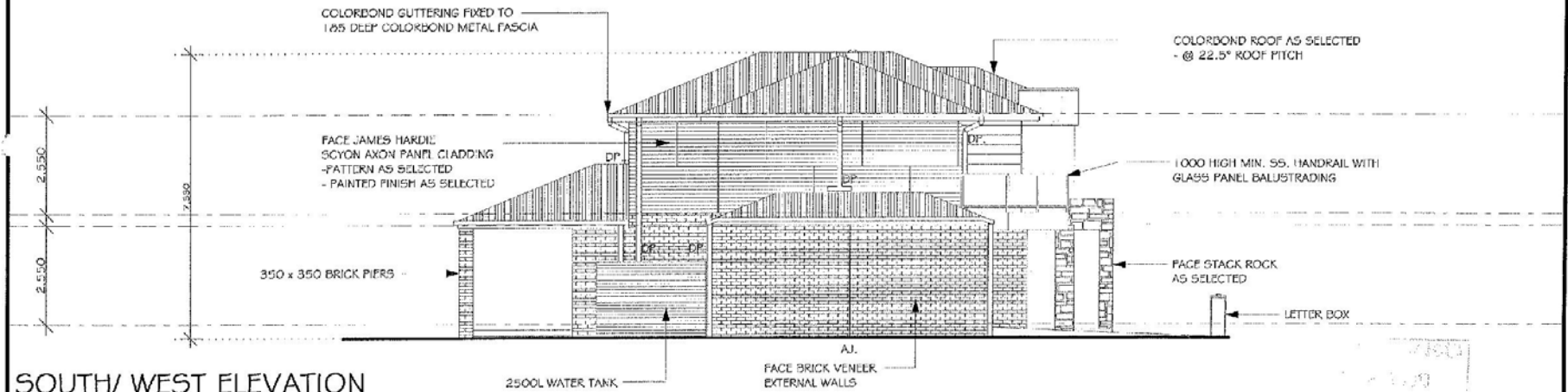






**SOUTH/ EAST ELEVATION**

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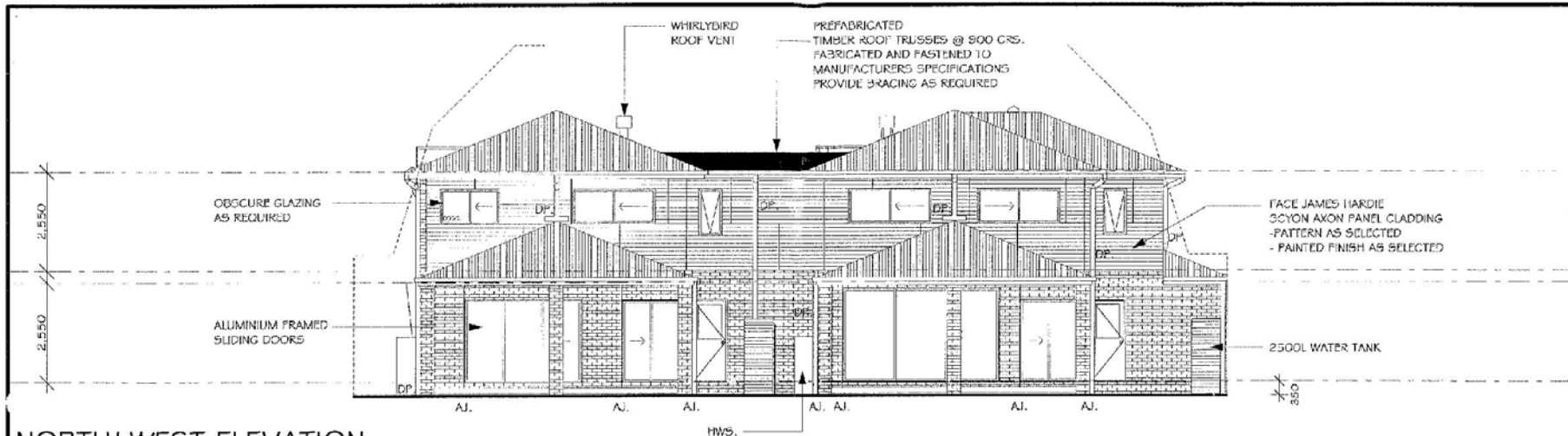


**SOUTH/ WEST ELEVATION**

SCALE : 1 : 100 AT A3

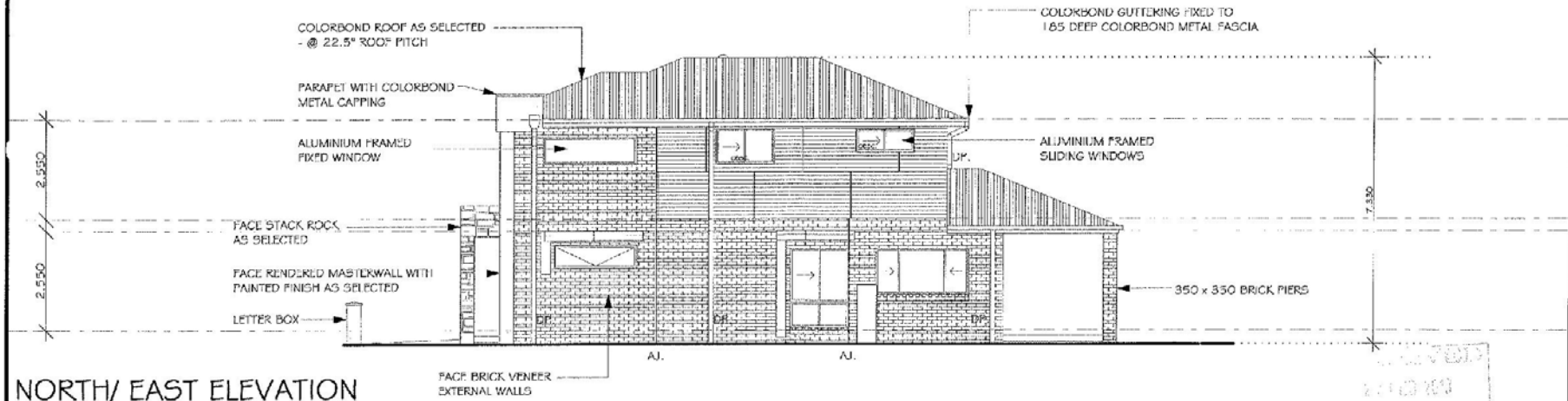
<p><b>PROJECT:</b>                  PROPOSED UNIT DEVELOPMENT FOR                  MR MICHAEL NICOLA                  15A &amp; 15B BOWRAL WAY TRARALGON</p>	<p><b>REVISED:</b>                  SIDE SETBACK: 20/02/13</p> <p>DATE ISSUED: 06/04/12</p>	<p><b>PAGE CONTENTS:</b>                  ELEVATIONS</p>	<p><small>ALL RIGHTS RESERVED - THIS PLAN IS THE PROPERTY OF VIRTUE HOMES PTY. LTD. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT &amp; ANY UNAUTHORIZED COPYING OR REPRODUCTION WITHOUT THE WRITTEN PERMISSION IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAWS.</small></p> <p><b>Domestic Builder - Unlimited No: 23133</b>                  Master Builders Association No: 88975                  ABRN: 78 107 165 588</p>	<p><b>Virtue Homes Pty. Ltd.</b>                  P.O. BOX 1589                  Traralgon VIC 3944                  Mobile: 0422 315 383                  Phone: (03) 5176 5231                  Email: mick@virtuehomes.com.au                  Web: www.virtuehomes.com.au</p>		<p>SCALE : 1 : 100 AT A3                  DESIGN : M.N.                  DRAWN : M.C.                  CHECKED : M.N.                  JOB No. : 12-0015                  SHEET No. : 11 OF 14</p>
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**NORTH/ WEST ELEVATION**

SCALE : 1 : 100 AT A3

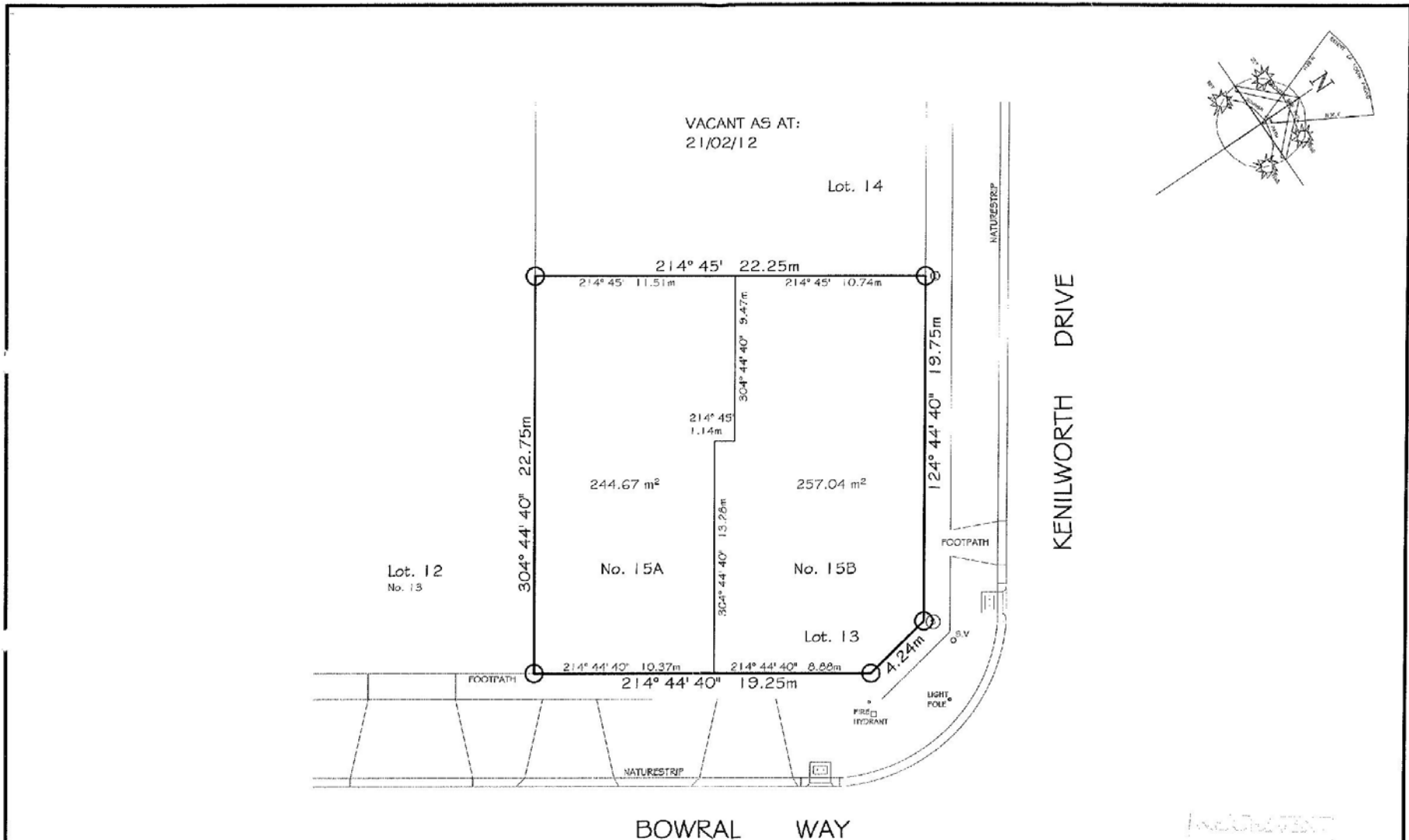


**NORTH/ EAST ELEVATION**

SCALE : 1 : 100 AT A3

<b>PROJECT:</b> PROPOSED UNIT DEVELOPMENT FOR MR MICHAEL NICOLA 15A & 15B BOWRAL WAY TRARALGON	<b>REVISED:</b> SIDE SETBACK: 20/02/13	<b>PAGE CONTENTS:</b> ELEVATIONS	ALL RIGHTS RESERVED - THIS PLAN IS THE PROPERTY OF VIRTUE HOMES Pty. Ltd. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT & ANY UNAUTHORIZED COPYING OR REPRODUCTION WITH OR WITHOUT MODIFICATION IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAW.  Domestic Builder - Unlimited No: 23132 Master Builders Association No: 88875 ABN: 78 167 165 588	Virtue Homes Pty. Ltd. P.O. BOX 1589 Traralgon VIC 3844 Mobile: 0422 315 383 Phone: (03) 5176 5231 Email: mick@virtuehomes.com.au Web: www.virtuehomes.com.au		SCALE : 1 : 100 AT A3
	DATE ISSUED: 06/04/12					DESIGN : M.N. DRAWN : M.C. CHECKED : M.N. JOB No.: 12-0015 SHEET No.: 10 OF 14





**SUBDIVISION PLAN**  
SCALE : 1 : 200 AT A3

PROJECT:  
PROPOSED UNIT DEVELOPMENT FOR  
MR MICHAEL NICOLA  
15A & 15B BOWRAL WAY TRARALGON

REVISED:  
SIDE SETBACK: 20/02/13  
  
DATE ISSUED: 06/04/12

PAGE CONTENTS:  
SUBDIVISION  
PLAN

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Virtue Homes Pty. Ltd.  
P.O. BOX 1589  
Traralgon VIC 3844  
Mobile: 0422 315 383  
Phone: (03) 5176 5231  
Email: mick@virtuehomes.com.au  
Web: www.virtuehomes.com.au



SCALE : 1 : 200 AT A3  
DESIGN : M.N.  
DRAWN : M.C.  
CHECKED : M.N.  
JOB No.: 12-0015  
SHEET No.: 14 OF 14

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27 FEB 2012



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Document Assembled	<b>07/12/2012 15:02</b>

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**TRANSFER OF LAND**

Section 45 Transfer of Land Act 1958

Lodged by:

Name:

Phone:

Address:

Ref:

Customer Code:

G M Conveyancing

3800K

Privacy Collec

The information  
Registrar of Title  
for the purpose of  
registers and indLot 13  
**AK033782W**

20/11/2012

\$492

45



MADE AVAILABLE/CHANGE CONTROL

Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 11383 Folio 290'

Estate and Interest: (e.g. "all my estate in fee simple")

All Its Estate In Fee Simple

Consideration:

\$148,000.00

Transferor: (full name)

HOBSONS RUN PTY LTD ACN 099 849 224

Transferee: (full name and address including postcode)

VIRTUE HOMES PTY LTD ACN 107 165 588  
of 14 Stratton Drive TRARALGON 3844

Directing Party: (full name)

NIL

Creation and/or Reservation and/or Covenant

The Transferee(s) with the intent that the benefit of this covenant shall be attached to and run at law and in equity with all Lots on Plan of Subdivision No. 635554N (except the Lot hereby transferred) and that the burden of this Covenant shall be annexed to and run at law and in equity with the Land hereby transferred DO HEREBY for themselves their transferees, executors, administrators and assigns and as a separate covenant COVENANTS with the Transferor and its transferees, successors and assigns and other registered proprietor or proprietors for the time being of each Lot on the said Plan of Subdivision (except the Lot hereby transferred) that they shall not at any time:-

(a)subdivide the Land into more than two allotments; and

Approval No. 1241115A

**T2**

Page 1 of 2

ORDER TO REGISTER

Please register and issue title to

Signed

Cust. Code:

STAMP DUTY USE ONLY

Original Land Transfer

Stamped with \$3,950.00

Doc ID 2940866, 20 Nov 2012

SRD Victoria Duty, JXM7

THE BACK OF THIS FORM MUST NOT BE USED

Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

SAI Global Property Division Pty Ltd

(b) allow or cause to be constructed on the Land:-

(i) more than a single detached dwelling but, if the lot is subdivided into two allotments, more than a single detached dwelling on each allotment then created; and

(ii) any dwelling or other improvements using second hand materials.

AND IT IS HEREBY AGREED that the benefit of the foregoing covenants shall be attached to and run at law and in equity with the land comprised in Plan of Subdivision No. PS635554N so that the burden thereof shall be annexed to and run at law and in equity with the said Land hereby transferred and that the same shall be noted and appear on every future Certificate of Title for the said Land as an encumbrance affecting the same and every part thereof."

Dated: *20/11/2012 date*  
Execution and attestation

Executed by Hobsons Run Pty Ltd (ACN 099 849 224) in accordance with Section 127 of the Corporations Act 2001 by being signed by those persons who are authorised to sign for the company

Sole Director.....  
Full Name: ~~Keith McClure Williams~~ *Grant Ernest Williams* *see over*  
Usual address: ~~18 Chester Close~~ *45 Tullock Way*  
Traralgon Vic 3844

Executed by Virtue Homes Pty Ltd (ACN 107 165 588) in accordance with Section 127 of the Corporations Act 2001 by being signed by those persons who are authorised to sign for the company

Sole Director/Sole Secretary.....  
Full Name: Michael Leigh Nicola  
Usual address: 72 St Georges Road  
Traralgon Vic 3844

AK033782W

20/11/2012 \$492 45



Approval No. 1241115A

T2

Page 2 of 2

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Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

SAI Global Property Division Pty Ltd



# Annexure Page

## Transfer of Land Act 1958



This is page 3 of Approved Form T1 dated 12/11/12  
between Hobsons Run Pty Ltd ACN 099 849 224 and Virtue Homes Pty Ltd ACN107165588

Panel Heading

Executed by **HOBSONS RUN PTY LTD ACN 099 849 224** )  
in accordance with Section 127 of the Corporations )  
Act 2001 by being signed by the person who is authorised )  
to sign for the company: )

**KEITH MCCLURE WILLIAMS**

Director

18 Chester Close Traralgon 3844

**GRANT ERNEST WILLIAMS**

Director

45 Tulloch Way Traralgon 3844



15581209A

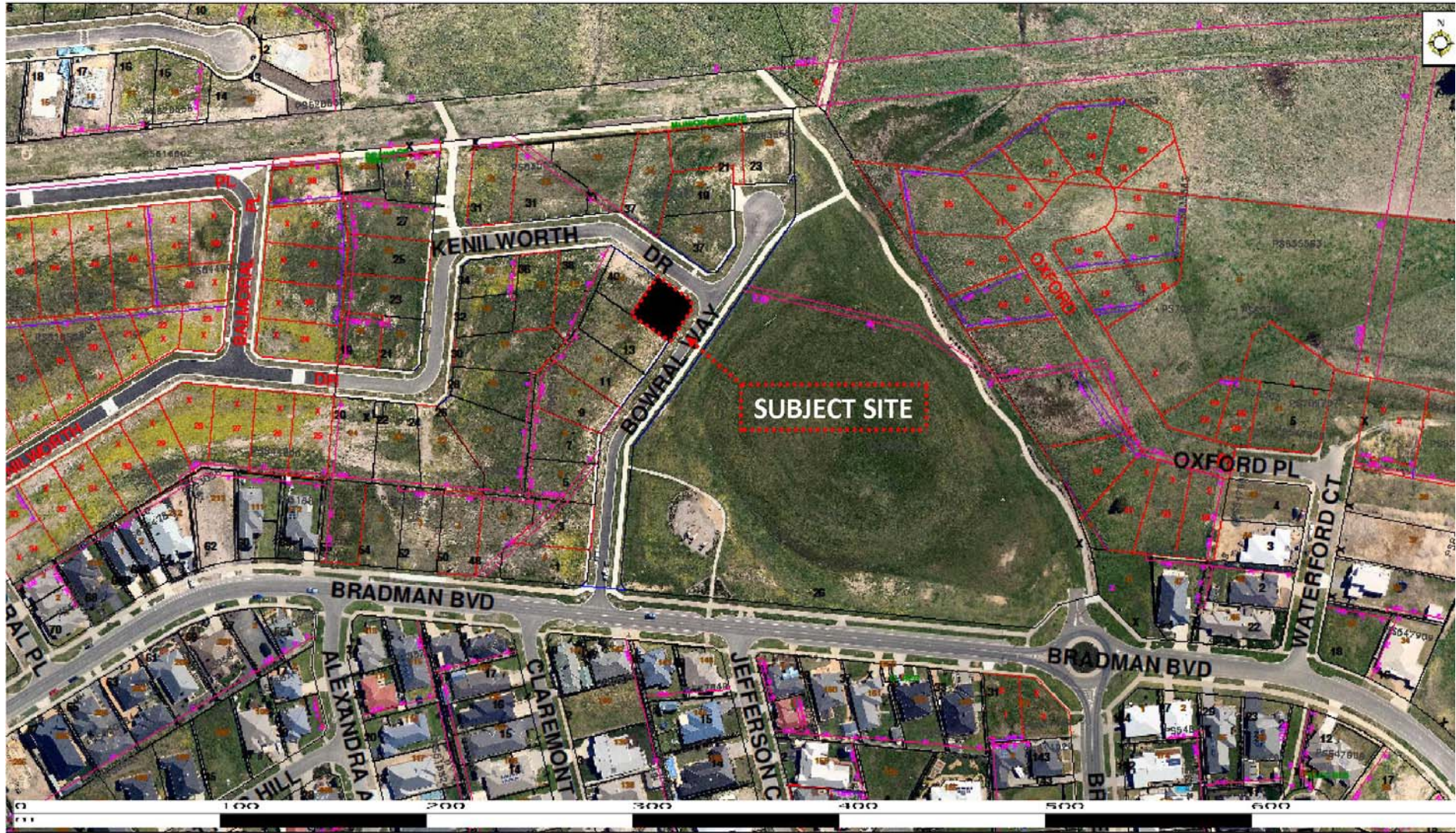
# A1

Page 2 of 2

1. If there is insufficient space to accommodate the required information in a panel of the attached Form insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading.
2. The approved Annexure Pages must be properly identified and signed by the parties to the attached Form to which it is annexed.
3. All pages must be attached together by being stapled in the top left corner.

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010



15 BOWRAL WAY, TRARALGON

- Proposed Property
- Property Boundary - Clear
- Parcel Boundary - Clear

Disclaimer: The compilation of this map is subject to Copyright laws & regulations. Latrobe City Council does not guarantee the accuracy of the information shown. Latrobe City Council will not be liable for any loss or damage caused as a result of using this data.

### History of the Application

10 December 2012	Application received by Council.
31 January 2013	Further information letter sent to applicant
27 February 2013	Amended plans received by Council from the applicant in response to the further information letter
14 March 2013	Application referred internally to Council's Infrastructure Planning team Applicant sent instructions for notification of the application.
4 April 2013	Response received from Council's Infrastructure Planning team Statutory Declaration received
5 April 2013	Clause 55 Acceptance letter sent
16 April 2013	Request for Amendment to an Application for a Planning Permit Received
24 April 2013	Legal Advice received from Applicant
29 April 2013	Applicant sent instructions for notification of the application.
22 May 2013	Statutory Declaration received
27 June 2013	External legal advice received

●  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

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

**Local Planning Policy Framework**

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

**Zoning – Residential 1 Zone**

The subject land is located within a Residential 1 Zone.

**Overlay**

There are no overlays that affect this property.

**Particular Provisions**

Clause 52.02 Easements, Restrictions and Reserves  
Clause 52.06 Car Parking  
Clause 55 Two or More Dwellings on a Lot  
Clause 56 Residential Subdivision

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents**

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



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Document Identification	<b>PS635554N</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>03/12/2012 11:57</b>

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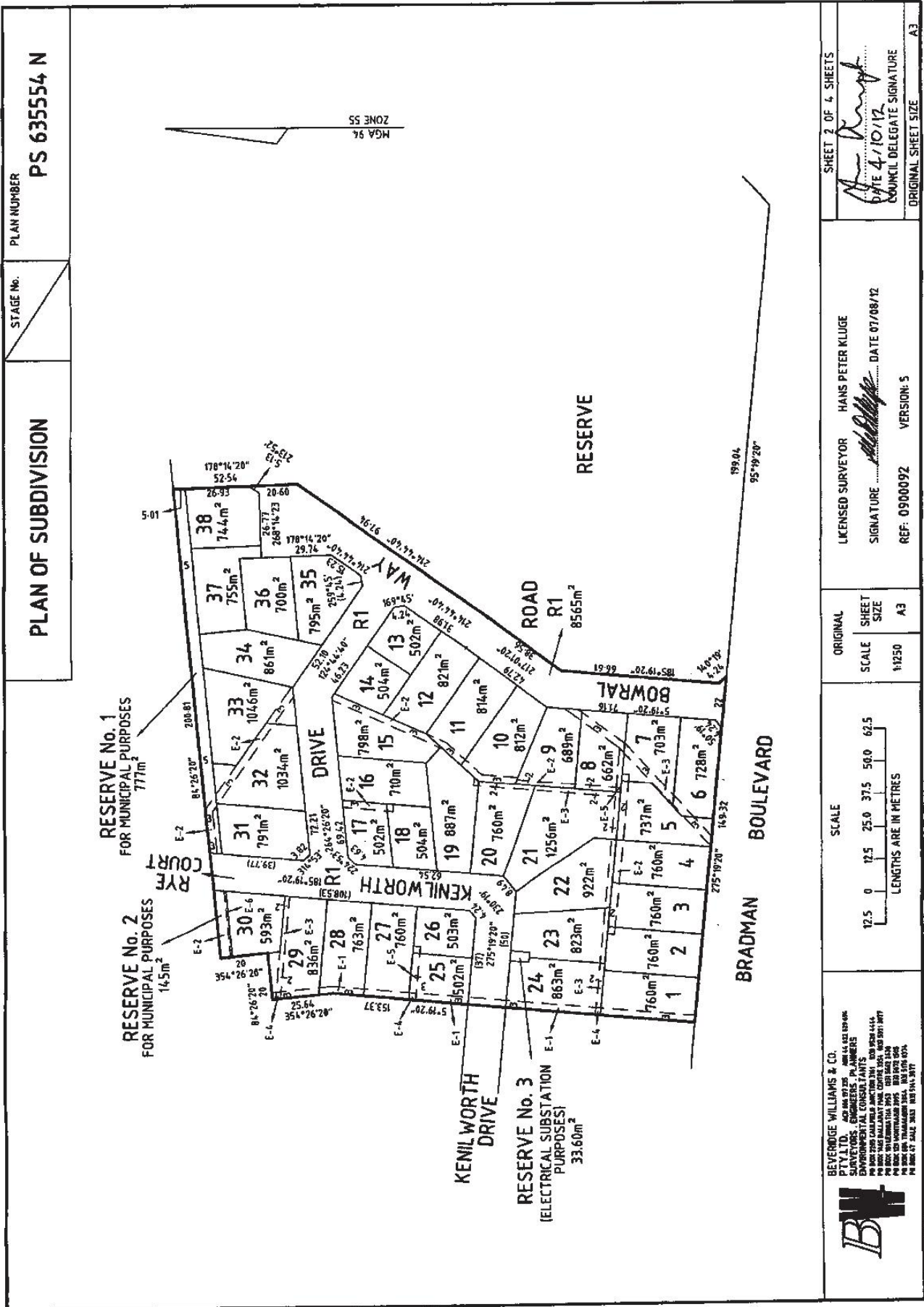
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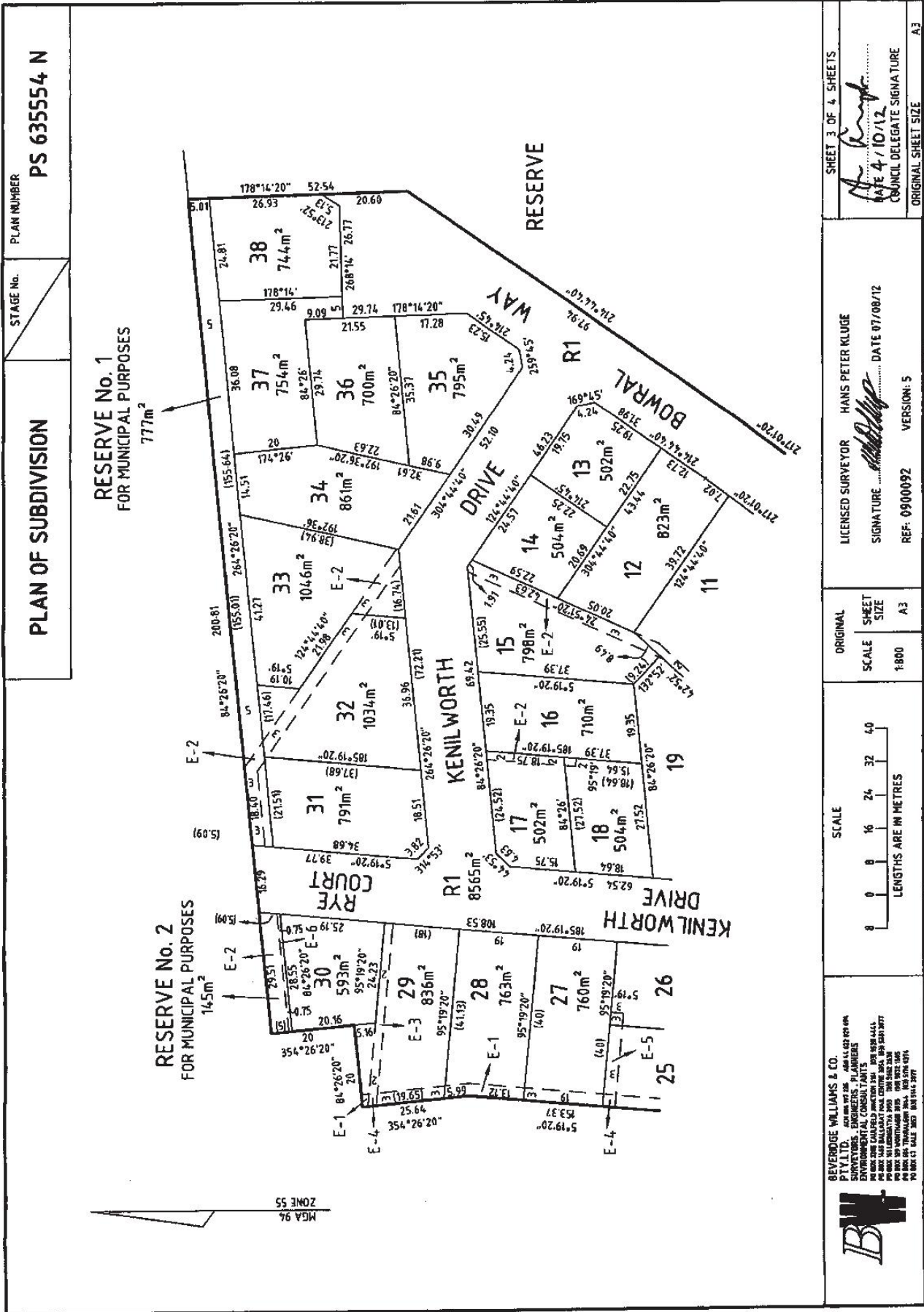
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PS635554N



<b>PLAN OF SUBDIVISION</b>		STAGE No.	<b>EDITION 1</b>	PLAN A																									
<p><b>LOCATION OF LAND</b></p> <p>PARISH: TRARALGON</p> <p>TOWNSHIP: -</p> <p>SECTION: -</p> <p>CROWN ALLOTMENT: 23 (PART) &amp; 24 (PART)</p> <p>CROWN PORTION: -</p> <p>TITLE REFERENCE: VOL.11348 FOL.094</p> <p>LAST PLAN REFERENCE/S: PS 607809P (LOT C)</p> <p>POSTAL ADDRESS: BRADMAN BOULEVARD TRARALGON VIC. 3844</p> <p>MGA Co-ordinates E: 458 875 GDA 94 of approx. centre of N: 5 773 910 ZONE: 55 land in plan).</p>		<p><b>COUNCIL CERTIFICATION AND ENDORSEMENT</b></p> <p>COUNCIL NAME: LATROBE CITY COUNCIL REF:</p> <p>1: This plan is certified under Section 6 of the Subdivision Act 1988.                  2: <del>This plan is certified under Section 11(7) of the Subdivision Act 1988.</del>                  Date of original certification under Section 6 / /                  3: This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</p> <p><b>OPEN SPACE:</b></p> <p>(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has / has not been made.                  (ii) <del>The requirement has been satisfied.</del>                  (iii) <del>The requirement is to be satisfied in stage</del></p> <p>Council Delegate <i>[Signature]</i>                  Council Seal                  Date 4/10/12</p> <p><u>Re-certification under Section 11(7) of the Subdivision Act 1988.</u></p> <p>Council Delegate                  Council Seal                  Date / /</p>																											
<b>VESTING OF ROAD AND / OR RESERVE</b>		<b>NOTATIONS</b>																											
IDENTIFIER	COUNCIL / BODY / PERSON	<p><b>STAGING</b> This is not a staged subdivision. Planning permit No. 2009/161</p> <p><b>DEPTH LIMITATION:</b> DOES NOT APPLY</p> <p><b>REMOVAL OF EASEMENT:</b> THE WHOLE OF THE EASEMENT MARKED E-3 ON PS 616502R CREATED BY PS 530584N IN FAVOUR OF CENTRAL GIPPSLAND REGION WATER CORPORATION FOR PIPELINE OR ANCILLARY PURPOSES IS TO BE REMOVED UPON REGISTRATION OF THIS PLAN.</p> <p><b>GROUND FOR REMOVAL:</b> CONSENT OF CENTRAL GIPPSLAND REGION WATER CORPORATION.</p> <p><b>SURVEY</b> THIS PLAN IS BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK No.- IN PROCLAIMED SURVEY AREA No.-</p>																											
<p>ROAD R1 RESERVE No. 1</p> <p>RESERVE No. 2</p> <p>RESERVE No. 3</p>	<p>LATROBE CITY COUNCIL</p> <p>LATROBE CITY COUNCIL</p> <p>LATROBE CITY COUNCIL</p> <p>SPI ELECTRICITY PTY. LTD.</p>	<p><b>EASEMENT INFORMATION</b></p> <p>LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Easement Reference</th> <th>Purpose</th> <th>Width (Metres)</th> <th>Origin</th> <th>Land Benefited / In favour Of</th> </tr> </thead> <tbody> <tr> <td>E-1 &amp; E-4</td> <td>PIPELINE OR ANCILLARY PURPOSES</td> <td>3</td> <td>PS 518824P - Sec. 136 of the WATER ACT 1989</td> <td>CENTRAL GIPPSLAND REGION WATER AUTHORITY</td> </tr> <tr> <td>E-2, E-4 &amp; E-5</td> <td>PIPELINE OR ANCILLARY PURPOSES</td> <td>SEE DIAG.</td> <td>THIS PLAN - Sec. 136 of the WATER ACT 1989</td> <td>CENTRAL GIPPSLAND REGION WATER CORPORATION</td> </tr> <tr> <td>E-3, E-4 &amp; E-5</td> <td>DRAINAGE</td> <td>SEE DIAG.</td> <td>THIS PLAN</td> <td>LOTS ON THIS PLAN &amp; LATROBE CITY COUNCIL</td> </tr> <tr> <td>E-6</td> <td>POWERLINE</td> <td>0.75</td> <td>THIS PLAN - SEC.88 of the ELECTRICITY INDUSTRY ACT 2000</td> <td>SPI ELECTRICITY PTY LTD</td> </tr> </tbody> </table>			Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In favour Of	E-1 & E-4	PIPELINE OR ANCILLARY PURPOSES	3	PS 518824P - Sec. 136 of the WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	E-2, E-4 & E-5	PIPELINE OR ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - Sec. 136 of the WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER CORPORATION	E-3, E-4 & E-5	DRAINAGE	SEE DIAG.	THIS PLAN	LOTS ON THIS PLAN & LATROBE CITY COUNCIL	E-6	POWERLINE	0.75	THIS PLAN - SEC.88 of the ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
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				<p>LRS USE ONLY</p> <p>STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT</p> <p>RECEIVED <input checked="" type="checkbox"/></p> <p>DATE 15 / 10 / 2012</p> <p>LRS USE ONLY</p> <p>PLAN REGISTERED</p> <p>TIME 12:07pm</p> <p>DATE 18 / 10 / 2012</p> <p><b>B Puntlarangan</b> Assistant Registrar of Titles</p> <p>SHEET 1 OF 4 SHEETS</p> <p><i>[Signature]</i> DATE 4/10/12 COUNCIL DELEGATE SIGNATURE</p> <p>ORIGINAL SHEET SIZE A3</p>																									
<p><b>BEVERIDGE WILLIAMS &amp; CO.</b> PTY. LTD. 2100 606 171 236 ABN 61 522 679 606 SURVEYORS, ENGINEERS, PLANNERS ENVIRONMENTAL CONSULTANTS PO BOX 2265 CAMFIELD BUNTRUM VIC 3201 9529 4464 PO BOX 1485 BALLARAT HALL CENTRE 3254 1810 1331 3877 PO BOX 181 LEMNONGATHA 3152 031 5662 2630 PO BOX 129 MONTFLEETON 3916 1811 5476 1295 PO BOX 684 TRARALGON 3844 182 5776 6374 PO BOX 47 SALE 3853 182 5544 3877</p>		<p>LICENSED SURVEYOR HANS PETER KLUGE</p> <p>SIGNATURE <i>[Signature]</i> DATE 07/08/12</p> <p>REF: 0900092 VERSION: 5</p>																											





SHEET 3 OF 4 SHEETS  
 DATE 4 / 10 / 12  
 COUNCIL DELEGATE SIGNATURE  
 ORIGINAL SHEET SIZE A3

LICENSED SURVEYOR HANS PETER KLUGE  
 SIGNATURE  
 REF: 0900092 VERSION: 5

ORIGINAL SHEET SIZE A3  
 SCALE 1:800

**BEVERIDGE WALLIAMS & CO.**  
 PTY. LTD.  
 SURVEYORS, ENGINEERS, PLANNERS  
 ENVIRONMENTAL CONSULTANTS  
 15 BOWRAL WAY, TRARALGON, VIC 3440  
 PHONE: (03) 5462 2000  
 FAX: (03) 5462 2001  
 WWW.BWALLIAMS.COM.AU





# 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

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

#### 18.2 CONFIDENTIAL ITEMS

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

#### 18.3 ASSEMBLY OF COUNCILLORS

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

#### 18.4 APPLICATION FOR FINANCIAL ASSISTANCE UNDER COUNCIL'S ECONOMIC DEVELOPMENT ASSISTANCE POLICY

This matter is considered to be confidential under Section 89(2) (e) of the Local Government Act 1989, as it deals with proposed developments.

#### 18.5 LCC-105 RECONSTRUCTION OF JILL STREET, MORWELL

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

**18.6 LCC -108 RECONSTRUCTION OF KELLY STREET, MORWELL**

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

**18.7 REVIEW OF GOVERNANCE PROCESSES ASSOCIATED WITH THE MOE ACTIVITY CENTRE PLAN/ MOE RAIL PRECINCT REVITALISATION PROJECT**

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

**18.8 LCC-109 RECONSTRUCTION OF DOHERTY AVENUE, MORWELL**

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

**18.9 LC-111 – FOOTPATH REHABILITATION PROGRAM 2013/14**

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act 1989, as it deals with contractual matters.

**18.10 BAD DEBTS REPORT – APRIL 2013**

This matter is considered to be confidential under Section 89(2) (b) of the Local Government Act 1989, as it deals with personal hardship of any resident or ratepayer.

**18.11 DECLARATION OF CONFLICT OF INTEREST AT ASSEMBLY OF COUNCILLORS 31 JANUARY 2011**

This matter is considered to be confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.

**18.12 CITIZEN COMPLAINT AGAINST THE CHIEF EXECUTIVE OFFICER , GENERAL MANAGER RECREATION, CULTURE AND COMMUNITY INFRASTRUCTURE AND LATROBE CITY OFFICERS**

This matter is considered to be confidential under Section 89(2) (a) of the Local Government Act 1989, as it deals with personnel matters.