



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL MEETING**

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

CM409



Latrobe Community **Vision**

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

Council **Mission**

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

Council **Values**

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

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

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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**

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 20 May 2013 be confirmed.

6. PUBLIC QUESTION TIME

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7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

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

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

**ORDINARY COUNCIL MEETING AGENDA
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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> 1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency. 2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency. 3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred. 4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality. 	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe. 2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe. 	General Manager Recreation, Culture & Community Infrastructure
18/03/13	Proposed Sale of Land – Franklin Street, Traralgon	That Council defer considering this matter to the first meeting in September 2013.	General Manager Governance

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Council Meeting Date	Item	Status	Responsible Officer
22/04/13	Latrobe Regional Motorsports Complex	<ol style="list-style-type: none"> 1. That Council reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the Motor Sport Complex and to identify the facilities desired by interested parties. 2. That prior to November 2013, a report is provided to Council detailing the outcomes from the meetings and a recommendation for the future of the project. 3. That Council seek further advice from Energy Australia in relation to the availability of land for the development of a motorsports complex. 	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Motion Re: Monash University	That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Motion Re: Australian Garden Opening	That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Proposed Sister Cities Visit - 2013/2014 Music Exchange Program	That the item be deferred to budget discussions and included therein.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Draft Road Management Plan 2013-2017	<ol style="list-style-type: none"> 1. That Council invites public submissions in relation to the Draft Road Management Plan 2013 - 2017; and 2. That Council considers the Draft Road Management Plan 2013 - 2017 and all submissions received at the Ordinary Council Meeting to be held on 24th June 2013. 	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
6/05/13	Former Moe Early Learning Centre	<ol style="list-style-type: none"> 1. That a community engagement process be undertaken to inform a potential Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria. 2. That, subject to the community engagement process identifying a community need meeting the funding criteria, that an Expression of Interest for funding from the State Governments Putting Locals First Program be prepared and submitted. 3. That a further report be presented to Council for consideration outlining the draft design of the former Moe Early Learning Centre based on feedback received during the community engagement process. 	General Manager Community Liveability
6/05/13	Proposed Road Discontinuance - Unnamed Government Road off George Street, Moe.	<p>That Council:</p> <ol style="list-style-type: none"> 1. Gives public notice of its intention to consider the proposed discontinuance of the unnamed Government road off George Street, Moe, identified as Crown Allotment 23Q in the Parish of Moe, pursuant to Section 206 and Schedule 10 Clause 3 of the <i>Local Government Act 1989</i>. 2. Consider any submissions received in relation to the proposed discontinuance of the unnamed Government road off George Street, Moe, identified as Crown Allotment 23Q in the Parish of Moe, at the Ordinary Council Meeting to be held on Monday 24 June 2013. 	General Manager Governance

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Council Meeting Date	Item	Status	Responsible Officer
6/05/13	Fees And Charges 2013/2014	That: <ol style="list-style-type: none"> 1. Council gives public notice of its intention to consider the draft Fees and Charges 2013/2014 and invites submissions in accordance with Council's Community Engagement Policy and Strategy; and 2. Council considers submissions in relation to Council's draft Fees and Charges 2013/2014 at a Special Council Meeting to be held on 11 June 2013; and 3. Council consider final adoption of the Fees and Charges 2013/2014 at the Ordinary Council Meeting in June. 	General Manager Governance
20/05/13	Traffic Investigation at Finlayson Crescent, Traralgon	<ol style="list-style-type: none"> 1. That this item be deferred until the first meeting in July 2013 to enable Councillors to have further discussions with the residents involved. 	General Manager Recreation, Culture & Community Infrastructure
20/05/13	Proposed Removal of Eucalyptus Saligna, Sydney Blue Gum from Agnes Brereton Park Traralgon	<ol style="list-style-type: none"> 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. 	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
20/05/13	Draft Domestic Animal Management Plan 2013-17	<ol style="list-style-type: none"> 1. That Council releases the draft Domestic Animal Management Plan 2013-17 for public comment. 2. That a copy of the draft Domestic Animal Management Plan 2013-17 be forwarded to all relevant stakeholders; be made available for viewing at Council Service Centres and Libraries and on Council's website; and public notices placed in the Council Noticeboard inviting community comment. 3. That written submissions in relation to the draft Domestic Animal Management Plan 2013-17 be received until 5 pm on Monday, 17 June 2013. 4. That following the community consultation process a further report is presented to Council detailing all submissions received and presenting a Domestic Animal Management Plan 2013-17 for consideration. 	General Manager Community Liveability
20/05/13	Review of Citizens Complaints Resolution Policy	<ol style="list-style-type: none"> 1. That Council adopts the Citizen Complaints Resolution Policy [13 POL-6] with the following amendment: <ul style="list-style-type: none"> • Remove on page 2 the word (insert) under a "complaint is deemed" section. 2. That the Citizen Complaints Resolution Procedure 13PRO-1 be amended to reflect the intent of this policy and for the amended procedure to be brought to Council at the next Council meeting for endorsement. 3. That the revised 2013-2016 Council Policy Manual – [13 POL-2] be produced and made available to the public. 	General Manager Governance

NOTICES OF MOTION

8. NOTICES OF MOTION

Nil reports

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

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

**9.1 PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER -
DEAKIN LANE, TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to further consider the proposed placement of permanent barriers over Deakin Lane, Traralgon.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community

Supporting all

Strategic Direction – Governance

- *Support effective community engagement to increase community participation in Council decision making.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Council's activities.*

Legislation

Local Government Act 1989

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

- (1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

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

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

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

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

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

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

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

Road Management Act 2004

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

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

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

BACKGROUND

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

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

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

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

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

In examining this request, it has been found that Deakin Lane provides access to off-street parking at the rear of the office complex at 3 Church Street. This off-street car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on the 7 September 1993 and an amended plan that was endorsed on the 10 May 1994.

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

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

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

That Council defer this item for one month.

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

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

At the Ordinary Council Meeting held on Monday 22 April 2013 Council resolved the following:

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

ISSUES

The initial expression of interest from the applicants requested that Council discontinue and transfer ownership of the land back to the applicant (attachment 2). As there are multiple properties that have carriageway and use rights over this lane, officers determined that it would not be feasible to formally discontinue the road. Officers therefore proposed to the applicants and obtained their support to recommend to Council that it considers undertaking the statutory process to allow the installation of lockable gates on the road reservation.

These permanent barriers would allow all adjoining property owners' access to Deakin Lane during normal business hours whilst still providing the security that the applicant is seeking outside of business hours. The use of locked gates proved very effective to resolve a similar problem at Tarwin Lane between 14 and 16 Tarwin Street Morwell.

Since receiving the initial application and the revised proposal to obtain consent to erect lockable gates, officers have had numerous discussions with the applicant's representative and Council has also received additional correspondence:

- Letter dated 14 December 2012 concerning the proposed development at 5-7 Church Street and how it effects the immediate area, in particular the reduction in size to the loading zone in Deakin Street.

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- Email dated 20 December 2012 advising of an intention to erect a boundary fence at the rear of the 2 Deakin Street (applicants' property) and 3 Church street.
- Letter dated 18 January 2013 inviting Council to a meeting to discuss the applicant's position in regard to the Deakin Lane.
- Email dated 18 March 2013 which summarised legal advice obtained by the applicant supporting their claim to the laneway.
- Copy of supplementary legal opinion from the applicants' legal representative expanding on previous advice that was summarised in the email dated 18 March 2013.

A meeting was also conducted on 29 April 2013 between the Chief Executive Officer and representatives of the Tripodi family to discuss the respective positions of each party pending legal advice being obtained by Council.

Current status of the laneway:

As stated above, Deakin Lane was created as an easement of way to service four lots that were created on Plan of Subdivision LP 41285. Three of these lots face Deakin Street (the applicants' property) with the fourth lot fronting Princes Street, being part of the decommissioned Caltex Petrol Station at 1 Church Street, and all have rights to use the easement of way for access.

Deakin Lane also provides access to the off street car park at the rear of 3 Church Street and a large door at the rear of 72 Princes Street. In acknowledging that Deakin Lane is being used to access adjoining properties, officers have formed the opinion that Deakin Lane has acquired the status of a public highway at common law.

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

Supporting Legal Advice:

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

Right of Access

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

A Public Highway is vested in Council

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

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

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

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

Council has responsibility for use and control over Road

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

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

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

Deakin Lane & Off Street Parking at 3 Church Street:

The former City of Traralgon issued Planning Permit 93/745 on the 8 September 1993 and later amended it on the 10 May 1994 for an office complex at 3 Church Street. This permit contained two conditions that relate specifically to Deakin Lane:

Condition 2 “the owner prior to the commencement of the use hereby permitted shall transfer to council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 for the purpose of providing public vehicular access to the rear of the site.”

Officer comment: This strip of land abuts the existing lane and was required to increase the width of the lane to approximately six metres at the rear of both 2 Deakin Street and 3 Church Street.

This road widening was to provide improved access to a proposed mid block off street car park that was identified to be constructed at the rear of

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premises fronting Church Street from Deakin Lane north through to Hotham Street. The assembly of land for the proposed mid block off street car has not progressed.

The transfer of the strip of land at the rear of 3 Church Street did not occur as required and officers have recently obtained a commitment from the current owner to arrange for the transfer of this piece of land.

Condition 3 “a plan detailing the construction and drainage of the parking area and driveway shall be submitted to the satisfaction of the responsible authority prior to the construction of the car parking area, and prior to occupancy of the premises.

Such driveway and car parking area shall be constructed with bituminous surface or reinforced concrete or block work to the satisfaction of the responsible authority.

Minimum depth of pavement materials to be 150mm depth, and bituminous surface to be 30mm depth.”

Officer Comment: The section of land between the rear of 3 Church Street and 2 Deakin Street including the section of laneway and part of 2 Deakin Street was completely constructed with a concrete surface and line marked for car parking. It is assumed that this construction occurred as part of the office complex at full cost to the developer.

Previously Unconstructed Section of Laneway

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

The Deakin Street road file details that two meetings were held concerning the state of the lane in October 1999 and another in November 2000. The later meeting was between Council and representatives from Tripodi Fruit Supply and the Latrobe Regional Development Group. This meeting discussed the possibility of fully constructing the entire east/west area with reinforced concrete from building line to building line. Each party was requested to consider contributing \$6,000 towards the cost of this project.

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

Current Position:

At the Ordinary Council Meeting held on Monday 18 February 2013 when Council considered an objection on behalf of two adjoining property owners, the applicant requested that consideration of this matter be deferred for another month to allow time to obtain additional information.

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This matter was further deferred by Council at the Ordinary Council Meeting held on Monday 18 March 2013 when it resolved that it *“defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, to the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant.”*

The legal advice obtained by the applicant is summarised as follows:

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

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

Additional Professional Advice:

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

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

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

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

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

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

Additional Legal Advice:

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

The advice that has been received is summarised as follows:

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

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

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.

In the event Council was to complete the statutory process and consent to the applicants request to erect gates there is the risk that this decision would not be supported by the adjoining property owners of 1 and 3 Church Street. These property owners have previously lodged an objection concerning the proposed placement of permanent barriers over Deakin Lane.

Should Council not agree to the applicant requests and Deakin Lane remains an open public highway, there is the potential risk that the applicant may decide to place a barrier and/or a fence that blocks public use of the laneway or access to the off street car park at the rear of 3 Church Street. If this was to occur Council may need to take enforcement action to remove the gate/s and or dividing fence.

With respect to financial implications, if Council resolves to restrict access by allowing the placement of gates across Deakin Lane all costs associated with the construction of the gates and preparation of a formal agreement to cover installation, maintenance and third party rights to keys/access to the gates would be borne by the applicants.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

- Public notices placed in the Latrobe Valley Express on Thursday 20 December 2012 together with Monday 7 and Thursday 10 January 2013.
- Letters sent to all adjoining property owners and occupiers together with VicRoads and Gippsland Water
- Notice displayed at the Traralgon Service Centre.
- Details placed on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

In response to the public notices and correspondence one submission (attachment 6) was received from Beveridge Williams & Co Pty Ltd on behalf of Petroleum Property Holdings Pty Ltd Traralgon, owner of 1 Church Street and Parody Glade Pty Ltd owner of 3 Church Street Traralgon.

This submission “strongly objects” to the proposal to place gates across Deakin Lane for the following reasons:

- Petroleum Property Holdings Pty Ltd (1 Church Street) has existing rights over the lane.
- Petroleum Property Holdings Pty Ltd require permanent unimpeded access along Deakin Lane as it has plans for future redevelopment on the site.
- Parody Glade Pty Ltd (3 Church Street) requires continued access to the off-street car park at the rear of its office development. The provision of off-street car parking was a requirement of the planning permit issued for the office development constructed in 1994.

In addition to raising the above points in support of this objection, Beveridge Williams & Co have stated that the owners of Lots 1, 2 & 3 Deakin Street have indicated that “they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.”

Beveridge Williams also state that “both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.”

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

OPTIONS

Council may now:

1. Resolve to allow permanent barriers (lockable gates) to be erected over Deakin Lane, Traralgon subject to the applicant paying all costs associated with the construction and installation of Council approved gates, preparation of a formal agreement to define maintenance responsibilities and ensure third party rights to keys/access to the gates, or
2. Resolve to keep Deakin Lane open to public traffic, and
3. Resolve to undertake the statutory process to declare Deakin Lane, Traralgon, a *public highway* under section 204(1) of the *Local Government Act 1989* which formally vests the land in Council once the statutory process is finalised.

CONCLUSION

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

Taking into consideration the objection on behalf of two adjoining property owners it is considered inappropriate for Council to allow a permanent barrier (lockable gates) over Deakin Lane. Furthermore, it is also considered appropriate that Council commences the statutory process to formally declare Deakin Lane a public highway to remove any future confusion.

Attachments

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

RECOMMENDATION

1. That Council determine that Deakin Lane created on LP41285 is reasonably required as a road for public use and resolves not to allow permanent barriers to be erected over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.
2. That Council give public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.
3. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 5 August 2013.
4. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.
5. That the Applicant and Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd be advised accordingly.
6. That the Council require the owner of 3 Church Street, Traralgon transfer the strip of land in accordance with the city of Traralgon planning permit 93/745 dated on the 8th of September 1993 and later amended on the 10th of May 1994 for an office complex at 3 Church Street Traralgon i.e. *“Condition 2 that the owner prior to the commencement of the use hereby permitted shall transfer to Council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 metres for the purpose of providing public vehicular access to the rear of the site.”*

9.1

PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER - DEAKIN LANE, TRARALGON

1	Locality Plan, aerial image and photos of Deakin Lane, Traralgon	31
2	Application Letter & Legal Advice obtained by the Applicant.	35
3	Plan of Subdivision LP 041285	39
4	Deakin Lane Certificate of Title Volume 10246 Folio 309	41
5	Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.....	43
6	Submission	45
7	Professional Advice from the Public Land Consultancy.	51
8	Legal advice provided by the Applicant - Page 1.....	53
9	Legal advice provided by the Applicant - Page 2.....	55

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

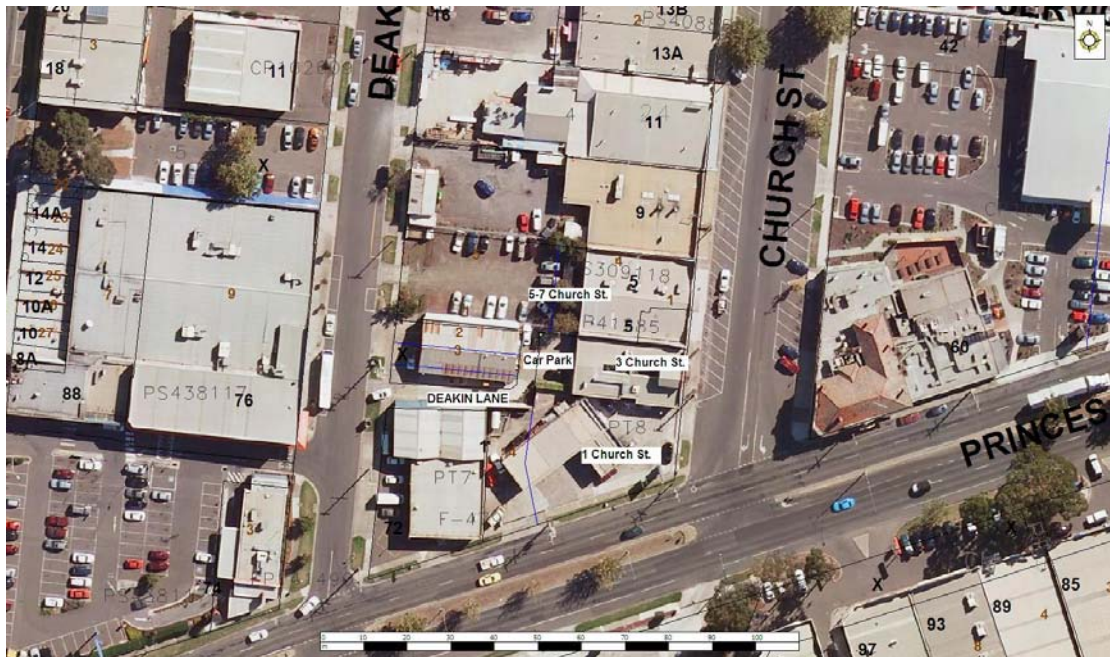
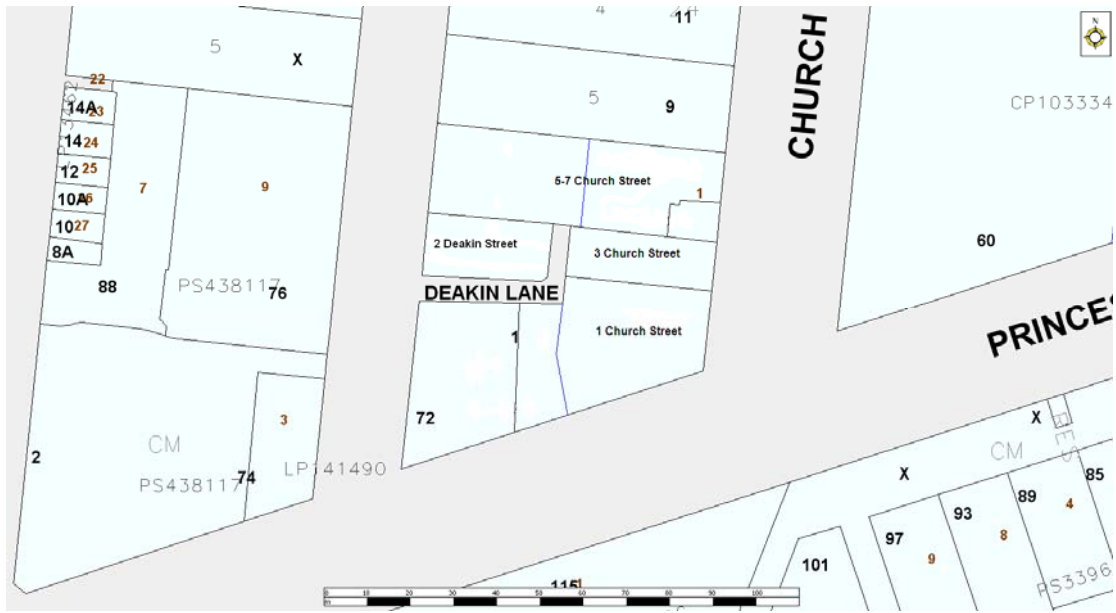


Photo taken from Deakin Street opposite Lane Entrance.



Close up of Lane Entrance



Off Street Car Park, rear 3 Church Street.





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ABN 96 701 373 920

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<input type="checkbox"/> Copy registered in DataLinks	<input type="checkbox"/> Invoice forwarded to accounts

18th January '13

To Whom It May Concern,

Re. Road R1 on plan of Subdivision 041285

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

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

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

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

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

Thank you

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

(ph 0418 598 525)

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Document 895418

JOHN MORROW LL.B.
COMMERCIAL CONSULTANT
BARRISTER & SOLICITOR

PHONE OFFICE: (03) 9482 9429
MOBILE: (0418) 362 744
AFTER HOURS: (03) 9482 2316
FAX: (03) 9482 1032
Email: jmorrow@tripodi.com
ADDRESS: 173 QUEENS PARADE,
CLIFTON HILL 3068 AUSTRALIA

17 January 2013

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

Dear Gino

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

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

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

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

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

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

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

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

Yours faithfully



J.R. Morrow
Solicitor

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

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LP 41285

EDITION 1
PLAN MAY BE LODGED 5/9/57

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

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

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

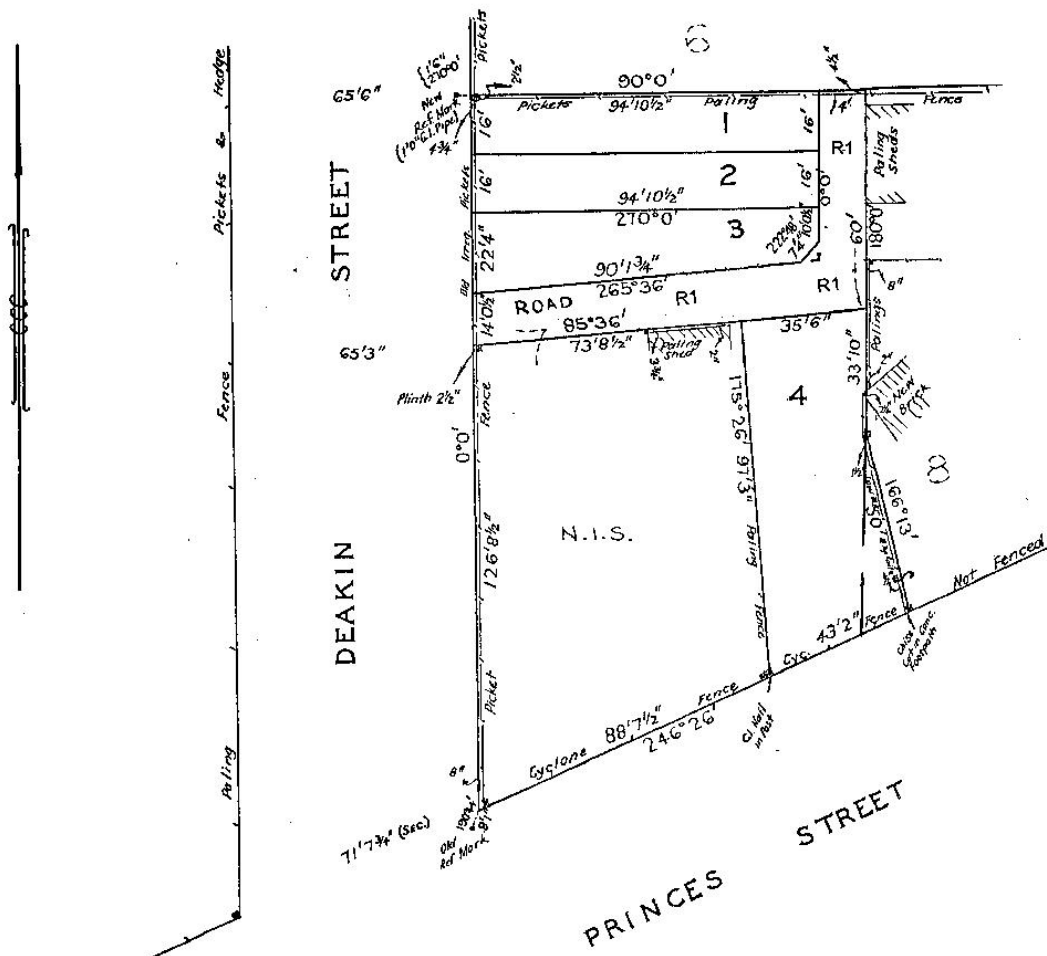
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

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

~~PARISH TOWNSHIP~~



WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

Register Search Statement - Volume 10243 Folio 238

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

VOLUME 10243 FOLIO 238

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

LAND DESCRIPTION

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

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON

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

STEFANO TRIPODI of 10 MOORE ST. TRARALGON 3844

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

CONCETTA TRIPODI of 10 MOORE ST. TRARALGON 3844

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

DAMIANO TRIPODI of 10 MOORE ST. TRARALGON 3844

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

GINO TRIPODI of 10 MOORE ST. TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: DEAKIN STREET TRARALGON VIC 3844

DOCUMENT END

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

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



Beveridge Williams

Reference: 1200716
Office: Traralgon

16 January 2013

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

Dear Peter,

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

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

We act for the following registered proprietors in this matter:

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

Copies of these titles are enclosed for your information.

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

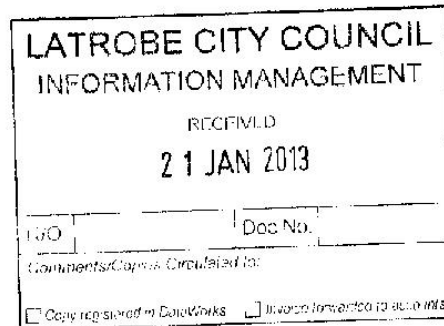
The land comprising Deakin Lane is described in certificate of title volume 10246 folio 309 being road R1 on plan of subdivision LP 41285.

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

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

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

www.beveridgewilliams.com.au



**Beveridge Williams
& Co Pty Ltd**

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Caulfield Junction Vic 3161
ph: 03 9528 4444

Bairnsdale

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

Ballarat

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

Geelong

52 Brougham St
Geelong Vic 3220
ph: 03 5222 6563

Leongatha

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

Sale

45 Macallister St
Sale Vic 3850
ph: 03 5144 3877

Traralgon

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

Wonthaggi

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



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

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

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

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

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

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

Yours faithfully

BEVERIDGE WILLIAMS & CO



PETER G DELL
DEVELOPMENT MANAGER – GIPPSLAND

Vic Property

Page 1 of 3

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

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

VOLUME 08156 FOLIO 270

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

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 041285.

PARENT TITLES :

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

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

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

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE V361060E 08/04/1998

NATIONAL AUSTRALIA BANK LTD

LEASE C554022 01/08/1966

Expiry Date 29/03/1973

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE E915459 25/07/1973

Expiry Date 29/03/1978

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE H292020 02/11/1978

Expiry Date 29/03/1983

CALTEX OIL (AUSTRALIA) PTY LTD

CAVEAT AG109227R 29/09/2008

Caveator

PETER JOHN MINSTER

Capacity PURCHASER/FEE SIMPLE

Lodged by

MCDONOUGH & CO

Notices to

MCDONOUGH & CO of 68 SEYMOUR STREET TRARALGON VIC 3844

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

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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

4/07/2012

Vic Property

Page 1 of 2

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

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

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

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

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

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

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S934247K 14/02/1994
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NIL

DOCUMENT END

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

Vic Property

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

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

VOLUME 10246 FOLIO 309

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

LAND DESCRIPTION

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

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

CONCETTA TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

GINO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

DAMIANO TRIPODI of 10 MOORE STREET TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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

DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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

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

22 March 2013

Dear Peter

Deakin Lane, Traralgon

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

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

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

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

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

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

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

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



David Gabriel-Jones
Principal

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Advice relating to Deakin Lane, Traralgon

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

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

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

203. Public highways to vest in Councils

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

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

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

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

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

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

* * * * *

IN THE MATTER OF DEAKIN LANE, TRARALGON**SUPPLEMENTARY OPINION**

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

7. In the case of Deakin Lane, neither at common law nor under statute is there evidence that the lane has become a public highway.
8. In particular, for the common law test, there is no evidence of dedication of the land by the owner. Contrary to the PLC advice, the 1957 plan of subdivision is not a dedication. Section 17(3) of the *Road Management Act 2004* (Vic)(RMA) states:
- “A road set aside as a road in a plan of subdivision registered under the *Subdivision Act 1988* is not a public road for the purposes of this Act unless and until a decision is made”
- by a relevant co-ordinating road authority under subsection 17(3) of the RMA. No co-ordinating road authority has made such a decision in this case. Sec 17(3) of the RMA is declaratory of the common law in Victoria: since *Fleming v City of Oakleigh* [1934] VLR 263, the description of land on a plan of subdivision as a “road” is not of itself indicative of an intention to dedicate a road to the public.
9. As to roads that are public roads by statute, section 19(1) of the RMA states:
- “Section 17 [of the RMA] establishes which roads are public roads.” None of the processes set out in s 17(1) or 17(3) of the RMA have been applied.

Conclusion

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



PETER G. WILLIS

Joan Rosanove Chambers
Melbourne

22 April 2013

9.2 GIPPSLAND LOGISTICS PRECINCT

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to update Council on the progress of the Request for Proposal process for the development of the Gippsland Logistics Precinct and to seek endorsement of a revised *Project Implementation Plan*.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Economy

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Positioned for a Low Carbon Future

Advancing industry and innovation

Strategic Direction – Economy

Facilitate the attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Develop and implement economic development actions to encourage business retention and growth.

Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and community agencies.

Service Provision –

In conjunction with the Victorian and Federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Major Initiatives

Support the extension of the “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, the construction of the West link as an alternative to the Monash Freeway and enhance connectivity of Gippsland industries and bulk exports to Melbourne and other regions (Supporting the Gippsland Regional Plan).

Strategy/Plans – Gippsland Logistics Precinct Project Implementation Plan (2012).

This report is consistent with the Gippsland Logistics Project Implementation Plan 2012, which outlines the governance principles of the project, and maps each stage necessary for project completion.

Positioning Latrobe City for a Low Carbon Emissions Future (2010)

This report is consistent with Council’s adopted Positioning Latrobe City for a Low Carbon Emissions Future (2010) Policy which provides Council with an overarching framework by which to systematically overcome the challenges and maximise the opportunities that are presented by a carbon constrained economy.

Economic Sustainability Strategy 2011-2015

This report is consistent with Council’s adopted Economic Sustainability Strategy 2011-2015. The strategy identifies actions to consolidate Latrobe City’s position as a major Victorian Regional City and aims to drive economic growth, facilitate sustainable economic development, diversify the economic base, capture opportunities arising from a low carbon economy and deliver growth in employment opportunities for the Latrobe City community.

Gippsland Regional Plan

This report is consistent with the Gippsland Regional Plan (2010) which recognises the importance of planning for a changing environment to ensure we can improve the quality of life, sustainability and productivity of our region. The plan provides a strategic framework for the justification of funding for regional priorities

BACKGROUND

Council has had a long term interest and involvement in facilitating an “open access” intermodal freight terminal to meet the logistic needs of the Gippsland Region.

The Gippsland Logistics Precinct (GLP) is comprised of two components:

- A 7.6 hectare site immediately adjacent to the main Gippsland Rail Line between the Princes Freeway and Tramway Road, Morwell known as the Gippsland Intermodal Freight Terminal (GIFT); and
- A 64 hectare parcel of land immediately adjacent to the GIFT. This site also abuts the Princes Freeway and Tramway Road.

Latrobe City Council purchased the GLP land in 2002 for \$400,000. Significant effort has been invested in ensuring its’ vision for the GLP is preserved as a rail freight hub and protected from alternate development.

The GLP is strategically supported within the Latrobe City Council Municipal Strategic Statement, Gippsland Regional Plan, Latrobe Valley Industry and Employment Roadmap, the draft Gippsland Integrated Land Use Plan and the Latrobe City Council Economic Sustainability Strategy.

The GLP is identified in the Economic Sustainability Strategy as of one of three key Employment Zones within Latrobe City.

Planning controls for the GLP are as follows.

GIFT Component of the Precinct

- Zoned PUZ4 (Public Use Zone 4), which primarily aims at public transport use including train stations, bus depots and infrastructure associated with public transport but can include any transport activity.

Remainder of the Precinct

- Zoned IN1Z (Industrial 1 Zone), which encourages manufacturing industry, storage and distribution of goods and associated uses and generally any industrial use that does not impact heavily on surrounding uses.

In recent years, the project has made significant progress:

- A project plan and governance model for the operation of the precinct was adopted by Council in April 2009;
- A business case, finalised in 2009 indicated sufficient demand for the activation of the site;
- A revised Project Implementation Plan for the Gippsland Logistics Precinct was completed in December 2010;
- A 45 year lease between VicTrack and Latrobe City Council for the GIFT site was signed in May 2011;
- An Expression of Interest (EOI) process for the development and operation of the site was held from May to July 2011;

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Five firms expressed an interest participating in the EOI for the GLP. Of these, only one business, QUBE Logistics (QUBE) submitted a formal proposal.

At its Ordinary Meeting of 3 September 2012, Council resolved the following:

1. *That Council adopts the amended Gippsland Logistics Precinct Project Implementation Plan September 2012, including the new project objectives.*
2. *That Council agree to proceed with the Request for Proposal (RFP) process to secure and operator/developer for the Gippsland Logistics Precinct.*
3. *That a further report be presented to Council providing the outcomes of the negotiations with the submitter for the operation / development of the Gippsland Logistics Precinct, and seek Council endorsement of the submitter's proposal.*
4. *That a media release be issued in relation to the progress of the Gippsland Logistics Precinct Project Implementation Plan.*

ISSUES***Request for Proposal (RFP) Process***

Further to the 3 September 2012 Council resolution the RFP was issued to QUBE on 13 December 2012. This is provided as attachment one.

Throughout the duration of the RFP period, officers liaised with representatives from QUBE regarding interest in the site. Following the closure of the RFP on 4 February 2013, QUBE advised officers they did not wish to submit a proposal to Latrobe City Council at this stage. Representatives of QUBE advised officers that whilst they believed the GLP was viable in the long term, current freight demand is not at a level at which the site is viable as a stand-alone operation.

Running concurrently to the RFP process, Australian Paper recently awarded their National Freight Contract to QUBE. Australian Paper currently runs six trains per week from Maryvale to the Port of Melbourne. Preliminary advice from Australian Paper indicates this is likely to increase.

Advice has been received that as part of this process Australian Paper is intending to allow QUBE to move third-party freight from their Maryvale siding. Officers are working with QUBE to ensure local businesses are aware of this opportunity.

QUBE has advised officers they see the use of the Australian Paper siding as a potential "stepping stone" toward development of the GLP and should demand increase, indicate they intend to approach Council with a proposal for the site. It is recognised that the GLP project has encouraged the establishment of this "open access" intermodal freight terminal in Latrobe City at the Australian Paper Maryvale Siding.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

The RFP remains current and provides clear advice to businesses interested in the GLP regarding Council's vision as a key intermodal freight terminal to meet the logistic needs of the Gippsland Region.

Extension of RFP Process

Extending the RFP process would provide sufficient time to better determine whether current freight demand has increased to the point where the private sector recognises that the GLP could successfully operate as a stand-alone site.

It is therefore proposed that the RFP remain open until December 2014 and any proposal received during this period, which meet the requirements of the RFP would be reported to Council for consideration. At the conclusion of the process in December 2014 a report would be presented to Council detailing outcomes of the extended RFP process.

The amended Project Plan is provided as attachment two.

Lobbying and Advocacy

Over the last 18 months, officers have held discussions with Victorian and Australian Government officers regarding seeking funding for infrastructure on the GLP. These discussions have been focussed on working with the appointed developer/operator for the site to determine the infrastructure required and then jointly approaching government.

In addition to infrastructure for the GLP site, a range of network improvements, incentives for business and rail infrastructure would be of significant value to bolster the efficiency of the rail network and take up of rail as a freight option. Officers continue to work with industry groups such as the Alliance of Councils for Rail Freight Development, South East Australian Transport Strategy Group (SEATS) and key contacts within the Victorian Government to ensure that rail is a competitive freight option for firms.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial implications arising from this report.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

In preparing this report officers have consulted with Council's Rail Freight Working Group, a range of industry stakeholders and key contacts within the Victorian and Australian Government

OPTIONS

Council has the following options:

1. Endorse the revised Project Plan, note the outcomes of the RFP process and bring the RFP process to a conclusion.
2. Endorse the revised Project Plan, note the outcomes of the RFP process and leave the RFP open until December 2014.

CONCLUSION

Council has long recognised the importance of the development of the GLP as a centre for the efficient and cost effective movement of freight to and from the Gippsland Region. While the RFP process has not secured appropriate private sector interest to date, the project has encouraged the establishment of an “open access” intermodal freight terminal within Latrobe City based at Australian Paper Maryvale siding. Extending the RFP process provides additional time to secure a private sector developer/operator for the Gippsland Logistics Precinct

Attachments

1. Project Plan
2. Request for Proposal

RECOMMENDATION

That Council:

1. **Note the outcomes of the Request for Proposal (RFP) process and leave the RFP open until December 2014.**
2. **Endorse the Gippsland Logistics Precinct Project Plan – June 2013.**
3. **Request that any proposals received during this period which meet the requirements of the RFP be reported to Council and at the conclusion of the RFP in December 2014, a further report be presented to Council detailing outcomes of the RFP process.**
4. **Continue to lobby government for infrastructure support for the Gippsland Logistics Precinct and improvements to the efficiency of the rail freight network.**

9.2

Gippsland Logistics Precinct

1	Project Plan	65
2	Request for Proposal	89



Connect.Invest.Create.

GIPPSLAND

LOGISTICS PRECINCT



Project Plan

June 2013



LatrobeCity
a new energy

Gippsland Logistics Precinct Project Context

Latrobe City Council has had a long term interest and involvement in facilitating an “open access” intermodal freight terminal to meet the logistic needs of the Gippsland Region.

The Gippsland Logistics Precinct (GLP) is comprised of two components:

- A 7.6 hectare site immediately adjacent to the main Gippsland Rail Line between the Princes Freeway and Tramway Road, Morwell known as the Gippsland Intermodal Freight Terminal (GIFT); and
- A 64 hectare parcel of land immediately adjacent to the GIFT. This site also abuts the Princes Freeway and Tramway Road.

In recent years, the project has made significant progress:

- A project plan and governance model for the operation of the precinct was adopted by Council in April 2009;
- A business case, finalised in 2009 indicated sufficient demand for the activation of the site;
- A revised Project Implementation Plan for the Gippsland Logistics Precinct was completed in December 2010;
- A 45 year lease between VicTrack and Latrobe City Council for the GIFT site was signed in May 2011;
- An Expression of Interest (EOI) process for the development and operation of the site was held from May to July 2011;
- A Request for Proposal (RFP) Process was conducted from December 2012 to February 2013.

Whilst the RFP process did not result in the appointment of an operator for the GLP, Council remains committed to developing the site as a rail-focussed hub and key employment zone for Latrobe City Council. Council will continue to work with potential developers and operators to re-activate the site.

This Project Plan details the significant project achievements to date and next steps for the GLP.

Project Objectives

The primary objective of the project is to develop the Gippsland Logistics Precinct as a centre for the efficient and cost effective movement of freight to and from the Gippsland region. The following objectives also reflect the vision for the project:

1. Long term infrastructure development

Develop superior transport infrastructure in the form of a substantial up-front investment in facilities that allow the operations of the Gippsland Logistics Precinct.

2. Employment

Facilitate economic and community development in the region by creating direct job opportunities on the Gippsland Logistics Precinct site.

3. Industry attraction

Create a new centre for freight which will act as a catalyst for the attraction of new industries to the region.

4. Efficiency

Develop facilities that maximise efficiency and help to reduce freight and transport costs.

5. Safe and sustainable

Create a precinct that provides a safe environment for business to occur, whilst also encouraging environmentally and economically sustainable practices.

6. Leading design

Create superior urban design that reflects a state-of-the-art intermodal hub.

7. Financial return

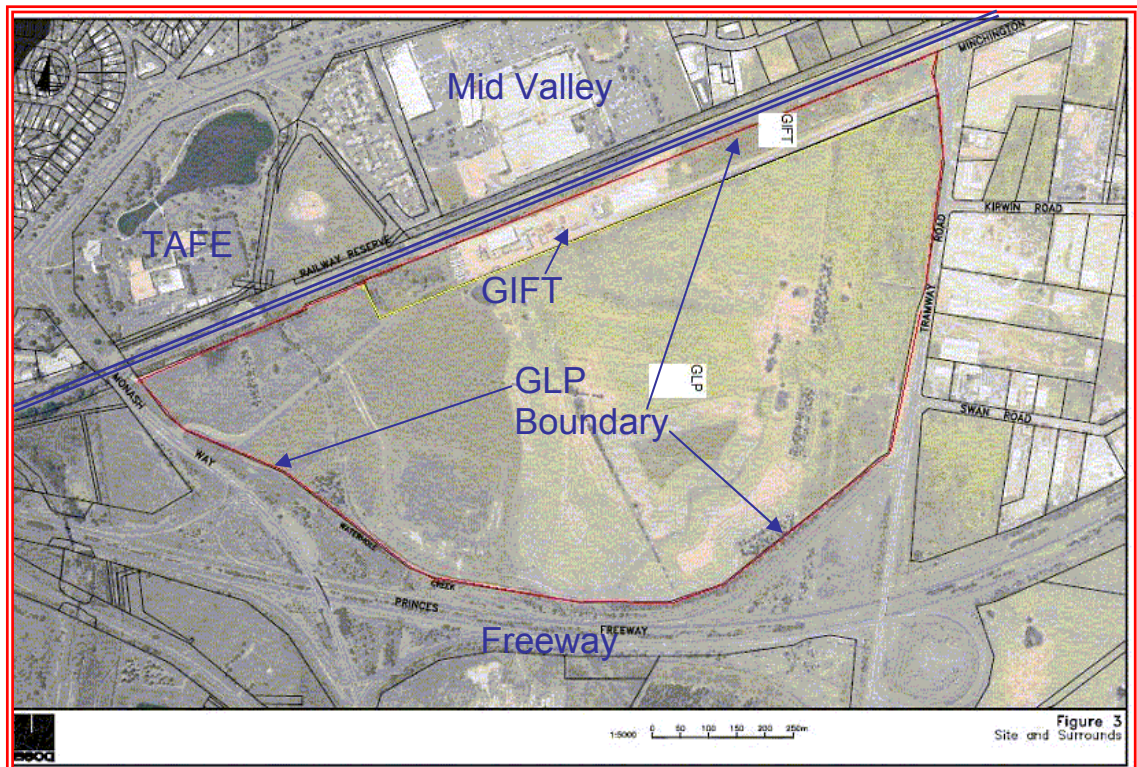
Deliver financial returns to Latrobe City at or above established benchmarks.

The following document outlines the Latrobe City project plan to meet the objectives outlined above.

The Site

The GLP is made up of two distinct but integrated components:

- A site immediately adjacent to the main Gippsland Line between Princes Freeway and Tramway Road, Morwell known as the Gippsland Intermodal Freight Terminal (GIFT)
- A 64 hectare area of land immediately adjacent to the GIFT and also located between the Princes Freeway and Tramway Road behind the Mid Valley commercial centre



Council Involvement & Decision Making

Central to the delivery of this project has been Council's consideration and endorsement of key project steps. Appendix One provides an overview of Council's decision making since 2001 in relation to the Gippsland Logistics Precinct. Appendix Two provides an overview of the range of submissions that Council has made to lobby the Victorian Government to adjust its policy setting to facilitate open access for rail freight.

Project Governance Principles

The following governance principles guide the development of the Gippsland Logistics Precinct.

The Gippsland Logistics Precinct shall:

1. offer fair and equitable access to the terminal for all enterprises regardless of commercial arrangement;
2. provide open access between the GIFT and the adjacent 64 Ha site including preserving the potential for construction of rail spurs into the GLP;
3. be fundamentally a rail focused terminal with other modes, being road and potentially air, providing a supplementary but subordinate role, and,
4. be controlled via a long term lease held by Latrobe City Council.

Project Methodology and Delivery Structure

The project is being undertaken in three sequential stages.

1. Situation Analysis

The situation analysis provides a clear and current statement of the projected freight task, the infrastructure needs and expectations of the freight handling industry and the government policy context in which any developments will occur.

2. Project Scope and Objectives

The objective of this stage of the project was to clarify and document Council's objectives for and requirements of the GLP, with the key issue being the resolution of a preferred governance model.

3. Implementation strategy and process

The objective of stage three is to facilitate the development of the GLP in a manner consistent with Council's objectives as confirmed in stage two. The key activities will be:

- Promotion of the commercial opportunity
- An expression of interest process
- A proposal evaluation and proponent selection process
- A contract resolution process

The project has now entered stage three, with the expression of interest process now complete. It is important to maintain flexibility to vary the plan as the project progresses, while retaining the strategic intent of the process.

The objective of the project methodology is to ensure that any development of the GLP will reflect the process outcomes and the commercial reality of the freight industry.

Consequently the Expression of Interest process in stage three was developed to present the opportunity, outline the project governance principles and seek responses from the private sector, without seeking to impose predetermined and potentially non-viable solutions on proponents.

Stages one and two have been completed but are outlined in this document to allow interested parties to understand the process undertaken to date.

A number of distinct tasks have been delivered and others have been identified in order successfully deliver the project. These are outlined below.

Schedule – needs a new name.

A	Train Paths / Port Access	Complete
B	Morwell Shire Siding Status	Not complete
C	Review Situation Analysis	Complete
Stage 2.	Project Scope and Objectives	
D	Development of an Indicative Business Case	Complete
E	Determine Lease and Governance Arrangements	Complete
F	Latrobe City Council consideration of a Governance Model (if no model adopted then plan is terminated at this point), the finalised lease and interim arrangements should a firm need immediate access.	Complete
G	Finalise GIFT Lease with V/Line	Complete
H	Review Scope and Objectives	Complete
Stage 3	Implementation Strategy and Processes	
I	Identify and progress funding sources to support the development of the Precinct	Complete
J	Establishment of Steering Committee to oversee Expression of Interest process	Complete
K	Preparation of Marketing Prospectus and Information Document and report to Council	Complete
L	Preparation of Expression of Interest Documentation and report to Council	Complete
M	Undertake Expression of Interest Process and Evaluate Responses (if no interest is identified at this point then the project plan is terminated)	Complete
N	Commence work to secure a funding commitment for site infrastructure works	Commenced November 2011 - ongoing
O	Conduct workshops with potential clients of the GLP to identify opportunities and barriers	Complete
P	Proceed with the Request for Proposals (RFP) process	Commenced December 2012 - ongoing
Q	Contract Negotiation (if negotiations are unable to be resolved the project plan is terminated at this point)	Yet to commence
R	Contract Resolution	Yet to commence

Stage One - Situation Analysis

A. Determination of Train Paths and Access to Port Facilities

This stage consisted of the analysis of opportunities for consistent train paths on a daily basis and adequate access to dock facilities. This information has been provided by V/Line and indicates that there are sufficient train paths to commence operations and meet the existing needs of local firms seeking to utilise rail.

Responsibility	V/Line
Status	Complete

B. Determination of the viability of including operation of the Morwell Shire Siding as part of the overall Gippsland Logistics Precinct operations

The option of including the former Morwell Shire Siding as a part of the operations of the Gippsland Logistics Precinct is unresolved. It is proposed that this option be more fully explored once a terminal operator has been appointed. The operation of the Gippsland Logistics Precinct has been identified as viable without the inclusion of the Morwell Shire Siding. Efforts have been made to determine the outcome of this step, and continues to be an objective of Council.

Responsibility	Latrobe City Council
Status	Not complete

C. Review Situation Analysis

Review the preceding tasks and confirm or revise the content of stage two, the scope and objectives of the project.

Responsibility	Latrobe City Council
Status	Complete

Stage Two - Project Scope and Objectives

D. Development of an Indicative Business Case

A business case prepared by Sinclair Knight Mertz in March 2009 indicated that there was a level of demand for a competitively priced terminal service for a range of local firms.

In preparation for the Request for Proposal process, the freight task was again surveyed in 2012. Results from the Gippsland Freight Task (2012) also show that an intermodal freight hub could accommodate a growing demand for outbound and inbound freight:

Indicative Demand for Rail (2012)

Opportunities	Estimated Volumes	
Outwards Freight		
Bulk Products	Initial Tonnes	Full Production Tonnes
Company A	Product A 5,000 Product B 30,000	Product A 40,000 Product B 240,000
Company B	150,000	2.0 million
Company B	600,000	1.2 million
Company C	60,000	60,000
Company D	50,000	200,000
Company E	Not specified	Not specified
Total Indicated	895,000	3,740,000
Other <Via Rail>		
Company F	<225,000>	<225,000>
Inwards Freight		
Products – Mainly Raw Materials		
Company G	5,000	5,000
Company G	1,000	1,000
Company A	15,500	124,000
Company H	155,000	155,000
Company I	81,000	81,000
Total Indicated	257,500	466,000
Others <Via Rail>		
Company F	<19,000 >	<19,000>

Source: Gippsland Freight Task Summary Report (2012)

Responsibility	Latrobe City Council
Status	Complete

E. Determine Lease and Governance Arrangements

Negotiations with both V/line and VicTrack regarding the lease for the Gippsland Intermodal Freight Terminal were held throughout 2010 and early 2011. A 45 year lease between VicTrack and Latrobe City Council was signed in May 2011.

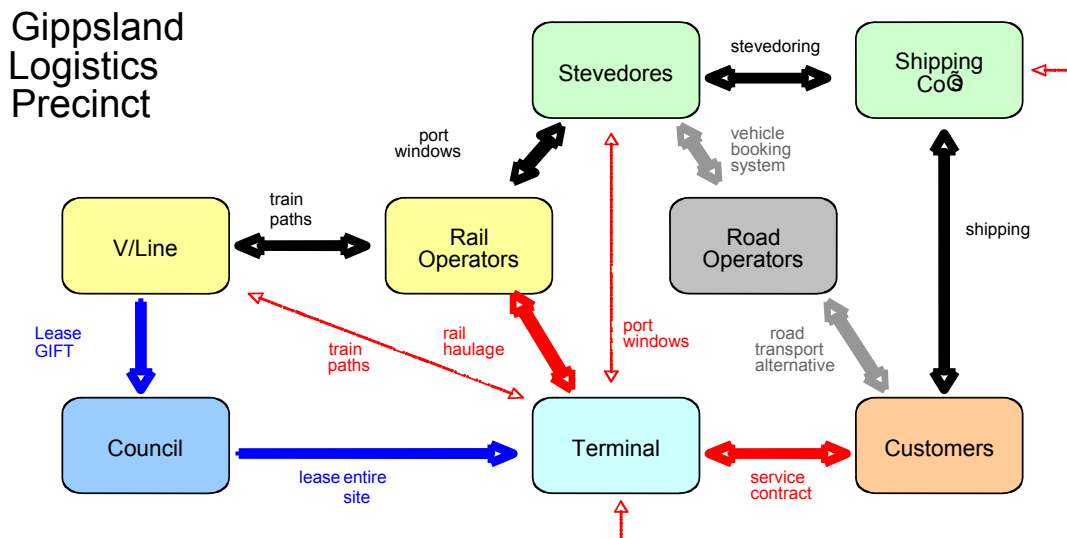
Commercial specialists were utilised to assist officers in providing advice to Council on appropriate governance arrangements and preparation for the business case for the EOI.

Responsibility	Latrobe City Council
Status	Complete

F. Latrobe City Council adoption of a Governance Model

In conjunction with appointed consultants, the Governance model, depicted below was endorsed by Council.

This model is predicated on a long term lease to a terminal operator of the Council-owned 64 hectare site, combined with a sub lease of the GIFT. A comprehensive overview of the Governance model is available on request.



The model outlined above depicts Council's relationship via site lease with the terminal via a thick line (indicating that the relationship is a primary one). The dotted lines in the diagram depict secondary relationships.

Responsibility	Latrobe City Council
Status	Complete

G. Finalise GIFT Lease Arrangements with VicTrack

A 45 year lease arrangement between VicTrack and Latrobe City Council was signed on 13 May 2011.

Responsibility	Latrobe City Council
Status	Complete

H. Review Scope and Objectives

Review the preceding tasks and confirm or revise the content of stage three, the project's implementation strategy and processes.

Responsibility	Latrobe City Council
Status	Complete

Stage Three - Implementation Strategy and Process

I. Identify and progress funding sources to support the development of the Precinct

- Prepare a submission to Regional Development Victoria for funding for the pre-development of the site.
- Reinstate pre-existing state government commitment to fund siding extension work.

Responsibility	Latrobe City Council
Status	Complete

J. Establishment of Steering Committee to oversee Expression of Interest process

A Steering Committee was established to develop, oversee and evaluate the Expressions of Interest Process. Participation was invited from:

- V/Line;
- Department of Infrastructure;
- Regional Development Victoria;
- VicTrack;
- Latrobe City Council (Rail Freight Working Group); and
- Council's rail specialist consultants.

The Steering Committee would determine EOI deadlines, documentation requirements and evaluation and notification processes.

Responsibility	Latrobe City Council
Status	Complete

K. Preparation of Marketing Prospectus and Information Document

Develop an information document and complementary audio visual presentation to be taken to the market addressing:

- The background of the project including the current and projected freight task and the precinct master plan;
- The policies and support programs from the State and Commonwealth Government;
- Council's vision and objectives for the GLP;
- The opportunity and proposed development process; and
- The expression of interest submission and evaluation process.

Identify the target market for the promotional program, incorporating a "road show" of presentations, including:

- Potential terminal operators;
- Potential site developers;
- Potential precinct tenants;
- Potential precinct service users;
- Regional development organisations; and
- Community representatives.

The expression of interest documentation and proposed marketing prospectus was provided to Council for endorsement prior to progressing to the next step in the project.

Deliver the promotion program to the target market.

Responsibility	Steering Committee
Status	Complete

L. Preparation of Expression of Interest Documentation

Expressions of Interest (EOI) documentation was prepared for the development of GLP including:

1. Rail freight terminal operation and/or
2. GLP site development including:
 - a. Site lease;
 - b. Any elements of a staged development.
3. Any combination of both of the above.

The criteria for evaluating EOI's included:

- Achievement of agreed Project Governance Principles. That is the GLP shall:
 - offer fair and equitable access to the terminal for all enterprise regardless of commercial arrangement;
 - provide open access between the GIFT and the adjacent 64 hectare site including preserving the potential for construction of rail spurs into the GLP;
 - be fundamentally a rail focused terminal with other modes, being road and potentially air, providing a supplementary but subordinate role; and
 - be controlled via a long term lease held by Latrobe City Council.
- Proponent's capability and credibility;
- Site development standards etc;
- Capability to deliver all safety and operational accreditation requirements; and
- Any other best practice requirements identified in stages 1 & 2.

Responsibility	Latrobe City Council
Status	Complete

M. Undertake Expression of Interest Process and Evaluate Responses

1. An Expression of Interest (EOI) was offered to the private sector for the development of the GLP in accordance with the requirements expressed in the EOI documentation.

2. Assessment of responses was assessed against published criteria and in accordance with published processes, and evaluated whether there was a sustainable commercial basis for progressing the project.
3. Short-listed proponents were invited to present their proposals to the project steering committee.
4. Submit the recommended project proposal/s and participant/s to a closed meeting of Council and seek approval to commence an open tender process.

Responsibility	Steering Committee
Status	Complete

N. Commence work to secure a funding commitment for site infrastructure works

Discussions will be held with the relevant State government departments to secure a funding commitment for infrastructure works at the GLP. This will provide prospective operators / developers of the site with more certainty in terms of start up costs, and give a snapshot of the site's current status as a viable intermodal hub.

Responsibility	Latrobe City Council
Status	Commenced November 2011 - ongoing

O. Conduct workshops with potential clients of the GLP to identify opportunities and barriers

Workshops will be held with potential clients of the GLP to ascertain perceptions of moving freight on rail. These workshops will identify any opportunities and barriers associated with the project and give greater insight to Council regarding the key elements of the RFP process.

Responsibility	Latrobe City Council
Status	Complete

P. Proceed with the Request for Proposals (RFP) process

Subject to Council approval, a Request for Proposals (RFP) process will be conducted to provide potential operator / developers an opportunity to submit a detailed proposal. Parties that submitted during the EOI stage of the project will be invited to submit proposals.

Responsibility	Latrobe City Council
Status	Commence October 2012

Q. Contract Negotiation

Subject to receipt of a suitable detailed proposal and the approval of Council, a negotiation process will commence with the preferred proponent regarding the lease arrangements of the site and a due diligence process will be undertaken.

Responsibility	Latrobe City Council
Status	Yet to commence

R. Contract Resolution

Finalisation of contract and finalisation of the GLP Project Implementation Plan.

Responsibility	Latrobe City Council
Status	Yet to commence

Appendix One – Council Resolutions regarding the Gippsland Logistics Precinct

Year	Resolution
2001	<p>At its 2 April 2001 ordinary meeting Latrobe City Council resolved that:</p> <p><i>Council advise the State Government that, to facilitate economic development of the region, Council is prepared to enter into negotiations to lease the Maryvale/Mid Valley Rail Freight Centre and to purchased, for a nominal amount, the decontaminated former “Gas and Fuel” Lurgi Plant site at Morwell.</i></p>
2002	<p>At its 6 May 2002 ordinary meeting Latrobe City Council resolved:</p> <p><i>That Council allocate the sum of \$400,000 from the Economic Development fund in the 2002/03 financial year to purchase Allotment 8E, Parish of Maryvale.</i></p> <p>At its 1 July 2002 ordinary meeting Latrobe City Council resolved that:</p> <p><i>The Chief Executive Officer be authorized to further investigate an alternative operators; or</i></p> <ol style="list-style-type: none"> <li data-bbox="456 1218 1388 1480">1. <i>The purchase of leasehold improvements owned or controlled by National Logistics Coordinators on (Part)CA 8E, Parish of Maryvale subject to budget contribution on condition that NLC agree to the transfer to Council or termination of the site lease with Freight Australia, devote the proceeds of sale of improvements to retiring all debts and liabilities and transfer or release to Council the name “Gippsland Intermodal Freight Terminal”</i> <li data-bbox="456 1489 1358 1547">2. <i>A long term site lease direct with Freight Australia for the GIFT site</i> <li data-bbox="456 1556 1310 1615">3. <i>A management arrangement for the GIFT involving Freight Australia as a key stakeholder.</i> <p>At its 15 July 2002 ordinary meeting Latrobe City Council resolved:</p> <p><i>That Council continue with its attempts to secure a long-term lease for the site.</i></p>

2003	<p>At its 1 December 2003 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none">1. <i>That in accordance with Section 189 and 190 of the Local Government Act 1989, Council give notice of its intention to consider the potential sale of all or part of all and/or the lease of all or part of the following Council owned property:</i><ul style="list-style-type: none">• <i>Crown Allotment 8E, Parish of Maryvale, Tramway Road Morwell</i>2. <i>That any submissions received in relation to the potential sale or lease of land be considered by Council in accordance with Section 223 of the Act at the Ordinary Council Meeting scheduled for 2 February 2004 to be held at Moe Town Hall commencing at 7pm.</i>
2004	<p>At its 2 February 2004 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none">1. <i>That having given notice in accordance with Section 189 and 190 of the Local Government Act 1989, Council resolve to sell or lease by private treaty all or part of the following Council owned property:</i><ul style="list-style-type: none">• <i>Crown Allotment 8E, Parish of Maryvale, Tramway Road Morwell</i>2. <i>That Council authorise the Chief Executive to enter into contracts for the sale/lease of the subject land if the price is not less than 90% of a sworn valuation obtained in accordance with the Local Government Act 1989.</i>3. <i>That a further report be presented to Council on the progress of potential development on this site.</i>
2005	<p>At its 2 May 2005 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none">1. <i>That Council adopt the recommendations of the draft Master Plan report.</i>2. <i>That Council prepare a Planning Scheme amendment to reflect recommendations of the Master Plan.</i>3. <i>That the Chief Executive Officer investigate and report back to Council on governance options.</i>

<p>2007</p>	<p>At its 2 July 2007 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> 1. <i>That the Mayor write to the Premier and the Minister for Public Transport seeking first option on the long term lease on the Gippsland Intermodal Freight Terminal.</i> 2. <i>That the Mayor and Councillors Middlemiss and Lougheed lead a delegation to meet with the Minister for Public Transport to discuss Council's vision for the Gippsland Logistics Precinct.</i> 3. <i>That officers write to the Department of Infrastructure, V/Line and VicTrack offering to provide briefings on the Logistic Precinct's project and local industry interest in rail.</i> 4. <i>That a further report be presented to Council outlining the results from:</i> <ol style="list-style-type: none"> a) <i>writing to the Premier & Minister seeking first option on the long term lease of the Gippsland Intermodal Freight Terminal,</i> b) <i>the delegation to the Minister discussing Council's vision for the Gippsland Logistics Precinct,</i> c) <i>the letter to various government departments and authorities regarding the Logistics Precinct project, and advising of the next steps in delivering the Logistics Precinct project.</i>
<p>2008</p>	<p>At its 6 October 2008 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> 1. <i>That Council authorises the Chief Executive Officer to commence negotiations on the agreement for lease of the Gippsland Intermodal Freight Terminal.</i> 2. <i>That the Chief Executive Officer report to Council on the conclusion of the negotiations on the agreement for lease of the Gippsland Intermodal Freight Terminal and seek approval to authorise the lease.</i> 3. <i>That a further report be presented to Council on or before Monday 6 April 2009, outlining a proposed governance model, the business case analysis and a full project plan for the development of the Gippsland Logistics Precinct.</i> 4. <i>That the Mayor writes to the Minister for Public Transport to thank her for the offer of lease and recommend that, given the importance of the Gippsland Intermodal Freight Terminal to the local economy, a progress report is provided to the local community via a press release.</i>
<p>2009</p>	<p>At its 7 September 2009 ordinary meeting Council resolved:</p> <ol style="list-style-type: none"> 1. <i>That Council approves the following proposed lease conditions for the Gippsland Intermodal Freight Terminal:</i>

	<p>a. <i>A lease term of 45 years;</i></p> <p>b. <i>For the first five years of operation, the site will be rent free, on the basis that rental received by Council for the GIFT site be directed towards the promotion of freight moving via rail from the GIFT;</i></p> <p>c. <i>A minimum freight volume from the site no less than 8,000 TEU (twenty foot equivalent containers) by 30 September 2012;</i></p> <p>d. <i>The principles of open access to be incorporated into the lease; and</i></p> <p>e. <i>The lease between VLine and Council to commence no later than 30 September 2009.</i></p> <p>2. <i>That Council authorises the Chief Executive Officer to sign and seal the lease for the Gippsland Intermodal Freight Terminal and to execute all necessary documents to effect the lease.</i></p> <p>3. <i>That if there is any further variation to the key proposed lease conditions, a further report be provided to Council seeking approval of the variation.</i></p> <p>At the Ordinary Meeting on 16 November 2009, Council resolved the following in relation to the Project Plan for the Gippsland Logistics Precinct:</p> <p>1. <i>That Council notes the progress of the Gippsland Logistics Precinct Project Plan.</i></p> <p>2. <i>That Council endorses for release the proposed expression of interest selection criteria:</i></p> <p>a. <i>Proponent's proposal as to how to address the objectives and considerations identified, including the proposed revenue model;</i></p> <p>b. <i>Proponent's capability and credibility as demonstrated by past history of providing such a service or developments;</i></p> <p>c. <i>Capacity to attract/move 8,000 Twenty Foot Equivalent Unit's (TEU's) per annum. Understanding of what the barriers are and how to overcome these identified barriers;</i></p> <p>d. <i>The demonstration and adherence to open access principles;</i></p> <p>e. <i>Capability to deliver all safety and operational accreditation requirements, in particular having regard to the Legislative requirements of Public Transport Safety Victoria;</i></p> <p>f. <i>Possession of, or an ability to obtain appropriate accreditation;</i></p> <p>g. <i>Capacity to work within the prescribed governance model;</i></p> <p>h. <i>Proposed corporate structure for the Gippsland Logistics Precinct;</i></p> <p>i. <i>Evidence of proponent's financial position as at 30 December 2009, and relevant insurance coverage.</i></p> <p>j. <i>Site development standards as demonstrated by the</i></p>
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	<p><i>proposed strategy for the development of the site.</i></p> <p><i>k. Capability to market the site and the use of rail to the following audiences:</i></p> <p><i>i) Potential rail users.</i></p> <p><i>ii) Potential site tenants.</i></p> <p><i>3. That a further report be presented to Council on or before 5 April 2010 providing an overview of shortlisted firms and seeking approval to progress to tender for the development and operation of the Gippsland Logistics Precinct.</i></p>
2010	<p>At the 8 February 2010 Ordinary Meeting, Council resolved the following:</p> <p><i>1. That Council delay the commencement of the Expression of Interest process for the Gippsland Logistics Precinct until after the lease for the Gippsland Intermodal Freight Terminal is finalised and executed by all parties.</i></p> <p><i>2. That following the execution of the lease for the Gippsland Intermodal Freight Terminal, an amended Project Plan be presented to Council for consideration.</i></p>
2011	<p>As a result of Council's ordinary meeting held on 21 November 2011, a media release was issued on 5 December 2011 stating that:</p> <ul style="list-style-type: none"> • the Expression of Interest process had recently been finalised. • officers were continuing to work with a number of businesses who had expressed interest and provided input regarding opportunities and possible infrastructure requirements for the site. • the project plan had been updated. • discussions were underway with the State Government to develop an understanding of potential funding to meet infrastructure needs.
2012	<p>At its ordinary meeting of 3 September 2012, Council resolved the following:</p> <p><i>1. That Council adopts the amended Gippsland Logistics Precinct Project Implementation Plan September 2012, including the new project objectives.</i></p> <p><i>2. That Council agree to proceed with the RFP process to secure and operator/developer for the Gippsland Logistics Precinct.</i></p> <p><i>3. That a further report be presented to Council providing the outcomes of the negotiations with the submitter for the operation / development of the Gippsland Logistics Precinct, and seek Council endorsement of the submitter's proposal.</i></p> <p><i>4. That a media release be issued in relation to the progress of the Gippsland Logistics Precinct Project Implementation Plan.</i></p>

Appendix Two – Rail Freight Submissions

Year	Submission/Consultation/Action
2004	Australian Competition and Consumer Commission <i>“Freight Australia Ltd - Proposed Purchase by Pacific National”</i> .
2005	Standing Committee on Transport and Regional Services - <i>“Inquiry into the Integration of Regional Rail and Road Freight Transport and their Interface with Ports”</i> .
2006	<p>The Gippsland Local Government Network completed the <i>Gippsland Regional Development Strategy</i> in September 2006. A key objective of this strategy was the delivery of key transport infrastructure improvements including intermodal freight facilities at Morwell and Bairnsdale.</p> <p>Essential Services Commission - <i>“Proposed Access Arrangements”</i>.</p> <p>Productivity Commission - <i>“Road and Rail Infrastructure Inquiry.”</i> The submission to the Productivity Commissions Inquiry noted the difficulties experienced by Council in developing the GIFT/GLP precinct caused by the then current Victorian rail access regime.</p> <p>MAV - <i>Alliance of Councils for Rail Freight Mayoral Summit</i></p> <p>MAV - <i>The Future of Rail Freight in Victoria Summit.</i></p>
2007	<p>Submission to the <i>Victorian Rail Freight Network Review</i> identifying the following as its key issues.</p> <ul style="list-style-type: none"> • <i>GIFT Reinstatement</i> - including construction of the GIFT siding extension (funded by the Department of Infrastructure), site restoration and installation of the high speed turn out from the main line to the GLP/ GIFT. • <i>Gift Lease</i> - Council proposed the appointment of an industry based management committee charged with the operation of the GIFT delivering an open access terminal to the GLP. • <i>Gippsland Logistics Precinct Development</i> - facilitated by Victorian Government provision of train path access and relevant infrastructure services to the site.

	<p>In a supplementary submission to the Council highlighted the following issues raised by local industry during and following the visit of the Review’s Committee to Latrobe City.</p> <ul style="list-style-type: none"> • Freight Demand for Rail: “Local Firms have a desire to utilise rail to export firm orders yet they are unable to access rail for freight”. • Improved Access to Wharves - including direct broad gauge access to facilitate cost efficient exports. • Identification and protection of a rail reservation for a Gippsland corridor to access the Port of Hastings.
<p>2008</p>	<p>Rail Freight 2008 Summit “<i>Shaping Victoria’s Freight in Future</i>”</p> <p>“<i>Gippsland Transport Forum</i>” Victorian Government Regional Consultation for the <i>Victorian “Transport Strategy”</i></p> <p>Targeted consultation by the Victorian Government on “<i>Freight Futures</i>”</p> <p>Submission to the Minister for Roads and Ports on the development of the “<i>Victorian Transport Strategy</i>” and “<i>Freight Futures</i>”.</p>

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Gippsland Logistics Precinct

Request for Proposal

Important Notice

The provision, receipt and use of this RFP is subject to the terms set out in the Confidentiality and Process Deed. Only persons who have been selected to prepare a Proposal may receive, possess or use this RFP.

Terms used in this RFP are defined in Section 10 (Glossary).

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1. Introduction

1.1 RFP Overview Document

Council is seeking requests for proposals from Shortlisted Respondents to lease the Land from Council, construct the Project and operate and maintain the Gippsland Logistics Precinct (**GLP**).

This Request for Proposals:

- 1.1.1 specifies the requirements for the preparation of Proposals; and
- 1.1.2 communicates the issues of greatest importance to Council in the delivery of the Project.

1.2 Request for Proposals Documentation

The Request for Proposals Documentation comprises:

- 1.2.1 this Request for Proposals including the attached schedules;
- 1.2.2 the Confidentiality and Process Deed;
- 1.2.3 the Legal and Commercial Terms Sheet
- 1.2.4 the Lease Agreement; and
- 1.2.5 the Project Information.

1.3 Local Government Act

Entry into the Lease Agreements by Council is subject to and conditional on Council giving public notice of its intention to sell the Land under section 190 of the Local Government Act, considering any submissions under section 223 of the Local Government Act and then resolving whether or not to grant a lease the Land.

Depending on the nature of the Proposal accepted by Council, section 193 of the Local Government Act may also apply.

1.4 Overview of RFP Process

Council intends to facilitate the development of a regional intermodal logistics and distribution hub on the Land, with the development to be known as the Gippsland Logistics Precinct (GLP).

Having conducted an Expressions of Interest (**EOI**) process in 2011, Shortlisted Candidates have now been invited to participate in the Request for Proposals (**RFP**) phase of the process to engage the private sector to be the developer of the GLP project and operator of the GLP business. The RFP process will be carried out in accordance with the RFP Documentation including the following key elements;

- 1.4.1 Shortlisted Respondents are required to submit one or more Proposals.
- 1.4.2 Shortlisted Respondents must include a Masterplan Concept Design and Specification in their Proposal/s.

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- 1.4.3 Shortlisted Respondents are expected to complete and return each of the returnable schedules in Appendix B.
- 1.4.4 Once a Project Sponsor has been selected and the Contract Document (and other necessary Project documentation) has been executed and has become unconditional, construction of the Project may commence.

2. RFP process

2.1 Confidentiality and Process Deed

This RFP is to be read in conjunction with the Confidentiality and Process Deed signed by the Shortlisted Respondent.

The terms and conditions of the Confidentiality and Process Deed will prevail over this RFP to the extent of any discrepancy or ambiguity between the two documents.

2.2 Timetable

The indicative Project timetable is as follows:

Event	Date / Period
Release of RFP	13 th December 2012
Guidance discussion (if requested)	Late January 2013
Final date for questions	4th of February 2013
Closing date for responses to RFP	7 th March 2013
Evaluation of proposals by Latrobe and refinement of offer with Shortlisted Respondent	March - May 2013
Execution of Contract Documents	June 2013

2.3 Proposal requirements

Shortlisted Respondents are required to submit a Proposal, which may either be a Conforming Proposal (see Section 2.4) or a Non-Conforming Proposal.

Council may, but is not obliged to consider Non-Conforming Proposals.

Shortlisted Respondents may submit more than one Proposal.

2.4 Conforming Proposals

In order for a Proposal to be a Conforming Proposal, it must:

- 2.4.1 contain a completed set of Proposal Schedules (see Appendix B), which comply with the requirements of the RFP documentation;
- 2.4.2 contain any other information or documentation required by the RFP Documentation;
- 2.4.3 contain any other information which Council notifies Shortlisted Respondents that it may require;
- 2.4.4 be unconditional; and

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2.4.5 comply with any requirements outlined in the RFP Documentation.

The Shortlisted Respondent must ensure that any Conforming Proposal lodged by it is in the form of, and agrees that the Proposal will constitute, a valid offer, capable of acceptance by Council within at least 120 days after the Closing Time and Date.

Subject to clause 2.5, Council agrees to evaluate all Conforming Proposals.

2.5 Discretion of Council

2.5.1 The Shortlisted Respondent acknowledges and agrees that Council may:

- (a) reject or refuse to evaluate any Non-Conforming Proposal (regardless of whether or not the Shortlisted Respondent has also lodged a Conforming Proposal);
- (b) accept any Proposal (whether a Conforming Proposal or a Non-Conforming Proposal, and in the case of a Non-Conforming Proposal, regardless of whether or not a Conforming Proposal was also lodged by that Shortlisted Respondent) or amendment or addition to any Proposal;
- (c) re-advertise for new Proposals;
- (d) at any time before or after the Closing Time and Date, suspend or terminate the Tender Process or participation in the Tender Process by the Shortlisted Respondent or cease to consider any Proposal including where the Shortlisted Respondent or any of its Associates fails in whole or in part to comply with any requirement of this deed or the RFP, in which case, the Shortlisted Respondent shall not have any Claim for Loss or Liability against Council or any of its Associates;
- (e) adopt different procedures for and methods of evaluation, negotiation, discussion or engagement for the Shortlisted Respondent, as opposed to any competing Shortlisted Respondent and may alter these procedures and methods at any time;
- (f) require additional information from a Shortlisted Respondent at any time;
- (g) consider and accept a Proposal even where the Shortlisted Respondent or an Associate of the Shortlisted Respondent has failed to comply with the terms of this deed or the RFP;
- (h) vary or supplement any of the RFP terms, conditions and requirements including any evaluation criteria;
- (i) change the timing, order or application of any phase or process in the Tender Process or supplement, remove, add to or vary any part of the Tender Process, including as a consequence of changes in financial markets;
- (j) in evaluating any Proposal, have regard to:
 - (i) Council and its Associates' knowledge and previous experience and dealings with the Shortlisted Respondent or any of the Shortlisted Respondent's Associates; and
 - (ii) information concerning a Shortlisted Respondent or any of the Shortlisted Respondent's Associates which is in the public domain or

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which is obtained by Council or its Associates through its or their own investigations;

- (k) negotiate with one or more of the Shortlisted Respondents and enter into the Contract Documents with any competing Shortlisted Respondent without prior notice to the Shortlisted Respondent;
- (l) allow a Shortlisted Respondent to clarify its Proposal after the Closing Time and Date without offering the same opportunity to others;
- (m) withdraw, cancel or modify (substantially or otherwise) the Project;
- (n) not attribute any reasons for any actions or decisions taken including in respect of the exercise of any or all of the rights in this clause 2.5.1;
- (o) appoint one or more Preferred Shortlisted Respondents or change a Preferred Shortlisted Respondent at any time;
- (p) require one or more of the Shortlisted Respondents to make a best and final offer;
- (q) finalise for execution the Contract Documents with a Shortlisted Respondent; and
- (r) take such other action as it considers appropriate in relation to the Tender Process.

2.5.2 The Shortlisted Respondent and its Associates:

- (a) are not entitled to enquire into the basis of Council's decisions under clause 2.5.1; and
- (b) will have no Claim against Council or any Associates of Council arising from or in connection with the exercise or the failure to exercise the rights of Council under clause 2.5.1 or otherwise in connection with the Tender Process.

3. The Gippsland Logistics Precinct Project

3.1 Gippsland Logistics Precinct Project Context

Council has had a significant long term interest and involvement in facilitating an open access intermodal freight terminal to meet the needs of the Gippsland region. The development of the GLP will establish a centre for the efficient and cost effective movement of freight to and from the Gippsland region.

A key strategic action of Council is to “promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality”. The development of the GLP is a key priority under this action.

Council is the owner of the Council Land, which is located three kilometres east of the Morwell CBD, adjacent to the existing, underutilised, Gippsland Intermodal Freight Terminal (**GIFT**). The Council Land was purchased in 2004 for the strategic purpose of developing a logistics precinct to service the Latrobe Valley and the Gippsland regions.



In November 2006, the Victorian Government announced a \$133.8 million buy back from the private sector of the regional rail network lease to facilitate maintenance on regional lines and to progress major rail projects.

The GIFT Land is owned by Victorian Rail Track (**VicTrack**). VicTrack has granted Council a 45 year lease of the GIFT Land pursuant to a lease dated 13 May 2011 (as varied by agreement between the parties from time to time).

In April 2008, Council received correspondence from the Minister for Public Transport, indicating in-principle support for Council to lead an Expression of Interest process for the reactivation of the GIFT.

The process to develop the GLP on the Council Land and the GIFT Land formally began in 2011 with the release by Council of an Invitation for Expressions of Interest.

3.2 General

The Project Sponsor will be responsible for the design, development, financing, construction, operation and maintenance of the GLP for the Project Term.

This section sets out the broad requirements for the GLP and is intended to convey the minimum requirements to enable Shortlisted Respondents to develop the commercial and other aspects of their Proposals.

Shortlisted Respondents are invited, and encouraged, to suggest and include in their Proposal any additional facilities or services that they consider would contribute to or enhance Council's stated objectives as set out in clause 3.3 of this RFP.

Council requires the Project Sponsor to design, develop, operate and maintain the GLP in accordance with a set of defined standards, which will be set out in the Development Agreement.

Shortlisted Respondents will be provided with vacant possession of the Site on an "as is where is" basis.

Shortlisted Respondents will be responsible for all costs associated with the design and construction of the GLP. Shortlisted Respondents should therefore make all necessary enquiries during the course of preparing their Proposals to fully assess the nature, extent and quantum of those costs.

Subject to the standard of responses received to this RFP, the development of the GLP may be capable of attracting funding support from the federal and or state governments. Council is prepared to work actively with the Project Sponsor to obtain access to government funding to support the development of the GLP however Council makes no representation or guarantee as to whether or not such funding will be secured.

3.3 Project objectives

The primary objective of the Project is to develop the GLP as a centre for the efficient and cost effective movement of freight to and from the Gippsland region. The following objectives also reflect Council's vision for the Project:

(a) **Long term infrastructure development**

To develop superior transport infrastructure in the in the Gippsland region, in the form of a substantial up-front investment in facilities that allow the operations of the GLP.

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(b) **Employment**

To facilitate economic and community development in the Gippsland region by creating direct job opportunities at the GLP.

(c) **Industry attraction**

To create a new centre for freight which will act as a catalyst for the attraction of new industries to the Gippsland region.

(d) **Efficiency**

To develop facilities that maximise efficiency and help to reduce freight and transport costs.

(e) **Safe and sustainable**

To create a precinct that provides a safe environment for business to occur, whilst also encouraging environmentally and economically sustainable practices.

(f) **Leading design**

To create superior urban design that reflects a state-of-the-art intermodal hub.

(g) **Financial return**

To deliver financial returns to Council at or above established benchmarks.

The Project objectives must be shared by the Project Sponsor and be maintained throughout the Project Term.

3.4 Specified Requirements of the GLP

Set out below are a series of requirements that are to be addressed by the Project Sponsor. These relate to both the specific physical features and attributes of the development of the GLP and also to the business, employment and economic development potential that can be unlocked and delivered by the Project Sponsor's management of the business at the GLP.

3.4.1 Physical Components of the GLP

(a) **Expected Facilities and Service on Site**

The GLP is expected to provide some or all of the following:

- (i) an anchor business that ideally has ongoing sustainable volumes of rail freight;
- (ii) a cluster of businesses that want to use rail freight for their operations;
- (iii) container freight handling facilities;
- (iv) bulk freight handling facilities;
- (v) a regional distribution centre, with warehousing facilities;
- (vi) a major road freight operator; and



- (vii) user facilities and services such as food and refreshment facilities (no alcohol), convenience retail, toilet and other conveniences for users of the GLP.

Shortlisted Respondents will be invited, and encouraged, to suggest and include in their Proposals any additional facilities or services that they consider will contribute to Council's stated objectives.

Shortlisted Respondents should note that unless otherwise agreed, the following facilities will not be acceptable:

- (viii) gaming machines;
- (ix) entertainment facilities that include live shows, pinball machines and/or amusement parlours;
- (x) sale, distribution and consumption of alcohol;
- (xi) outdoor advertising; and
- (xii) residential (including hotel) or commercial office developments.

Shortlisted Respondents should provide full details of the facilities and services to be provided.

(b) Service Levels

The GLP and all facilities within the GLP must have sufficient capacity to meet expected demand for the facilities. For further background information on anticipated demand please refer to the Information Documents (see clause 6). The design of the GLP should ensure that facilities may be used with:

- (i) no queuing of traffic on adjoining main carriageways as a result of vehicles attempting to enter the GLP;
- (ii) no queuing of traffic to enter or exit the GLP facilities; and
- (iii) generally no vehicle queuing to utilise any ancillary facilities or services provided at the GLP.

Proposals should provide predicted volumes of vehicle movements that the GLP facilities and services will be designed to cater for and demonstrate that the services and facilities to be provided will meet demand.

Shortlisted Respondents are required to identify the service standards to which they propose to operate and maintain the GLP on completion of the development.

(c) Design

The Design Guidelines for the Project are contained in the Information Documents referred to in clause 6.

Proposals should provide for the design and delivery of a high quality, innovative and sustainable facility that is responsive to the urban design themes of the surrounding area and complies with the Design Guidelines.

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In this regard Council is seeking from Shortlisted Respondents:

- (i) a facility of high quality (with appropriate regard to external form, expression and detail, and finish);
- (ii) a high quality urban and landscape design outcome;
- (iii) a design that is responsive to the specific site context, and that is highly respectful of the surrounding environment and community;
- (iv) a design which incorporates a high level of environmentally sustainable design measures; and
- (v) a facility that is safe, convenient, useful and efficient.

The arrangement and location of key elements including access roads, perimeter treatments, gates and access points, signage and parking / standing areas are to be properly considered and refined to ensure efficiency, practicality, smooth operations and integration both within and outside the site boundary.

The design and siting of businesses and facilities should be fully integrated with the urban design of the GLP to ensure that the facilities optimise the safety, convenience and amenity of the GLP to all users.

(d) Signage

Signage for the GLP should be identified in a signage plan. All signage must be in accordance with Council standards (to be determined by comparable projects).

Installation, maintenance and repair of all signage will be at the Project Sponsor's cost.

(e) Maintenance and Repair

The Project Sponsor will be responsible for the maintenance and repair of all aspects of the GLP.

Detailed operation and maintenance performance requirements and standards will be set out in the Contract Documents.

3.4.2 Non Physical Components of the GLP

(a) Employment

The development of the Project and the operation of the GLP should be a catalyst for employment growth in the region. It is expected that the Project Sponsor will (either directly or through sub-contractors) make a substantial contribution to the creation of new jobs as a result of implementing the Project.

Three main areas of employment generation have been identified, as follows;

- (i) Direct employment on the GLP site – new, permanent on-going positions. These jobs must be new jobs to the region and not relocated jobs from other parts of the region.

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- (ii) Indirect employment as a result of the operation of the GLP and the benefits that flow from improved and more efficient freight and distribution channels. Again these are expected to be new, rather than relocated, full time ongoing jobs.
- (iii) Construction related employment – temporary employment in the construction and building material supply industry over the period of the construction of the Project.

Council's objective is to maximise the number of new employment opportunities and this is a critical factor in the evaluation of proposals. Council recognises that employment and jobs growth will occur over time so consideration will be given to numbers of jobs as well as the period over which employment outcomes occur.

(b) Industry Development and Attraction

The development of the GLP facilities should attract new businesses and industry to the region. A key element of the Project Sponsor's contribution to the GLP will be the Business Development planning and level of resource commitment to the attraction of new industry and throughput to the GLP and the Council region.

There is a clear alignment of interests between the Project Sponsor and Council in this regard since the attraction of new industries and users of the GLP has a direct positive bearing on the profitability of the GLP and the GIFT.

Council understands that industry attraction is not a precise science and that this work takes place in a competitive environment. For this reason Council envisages the work that will be done to attract new industries and new businesses to the region will be a partnership between the Project Sponsor and Council.

However, Council considers that as the operator of the GLP, the Project Sponsor has the lead role in industry attraction and development. Council will provide a supporting role in this regard.

The Proposal should provide sufficient information regarding:

- (i) the Respondent's plan for industry and business attraction;
- (ii) commitment of resources (both financial commitments and business development staff);
- (iii) a list of industry and customer targets (to be kept strictly confidential); and
- (iv) an outline of the expected role of Council in this area.

3.5 Financial Return

Council expects a reasonable financial return for making the Land available and for facilitating the Project. However, it is also recognised that Council's objectives are far broader than financial outcomes.

With this principle in mind Council encourages Shortlisted Respondents to be innovative in crafting their financial response to this RFP. Financial offers that balance employment and industry attraction outcomes against financial returns are welcome.

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Offers that address the potential for variable outcomes for the parties to the lease based on business performance, such as turnover rent for example

Rent structures that incorporate incentives for the lessee/operator to outperform established benchmarks (i.e. job and industry attraction targets) are encouraged.

Council is conscious of the need to avoid unnecessary complexity in structuring the financial and commercial arrangement and Shortlisted Respondents are not required to propose a complex or administratively cumbersome arrangement.

3.6 Guarantees

Council is seeking Proposals that have a substantial commitment to the delivery of Council's objectives.

The Project Sponsor is expected to provide:

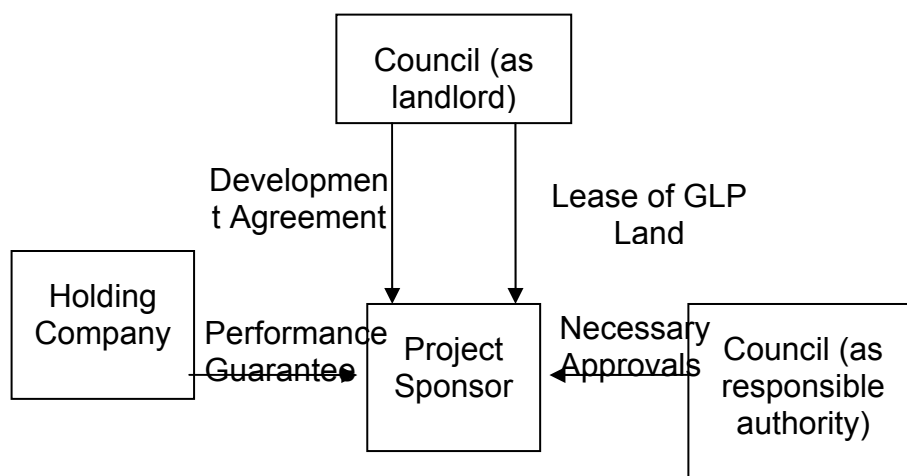
- 3.6.1 a guarantee in the form of a bank guarantee or security deposit to be held by Council to secure the performance by the Project Sponsor of its obligations in respect of the delivery of the Project and the continued operation of the GLP; and
- 3.6.2 the parent company or companies of the Project Sponsor will provide a guarantee and indemnity in favour of the Council for the performance of the Project Sponsor's obligations in respect of the delivery of the Project.

The above security may be called upon by the Council if the Project Sponsor is in default under the Contract Documents, and notice has been served on the Project Sponsor to rectify that default and the default has not been rectified within the required timeframe.

4. Project parties and roles

4.1 Commercial structure

The proposed commercial structure for the Project is outlined diagrammatically below:



4.2 Role of Council

Council will provide a facilitation role in the Project, as set out in the Development Agreement, with tasks including:

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- 4.2.1 provision of the Land for the GLP;
- 4.2.2 undertaking survey and other investigations of the Land;
- 4.2.3 active support of applications for grant funding from state and / or federal government;
- 4.2.4 attendance at meetings; and
- 4.2.5 provision of information, documents and particulars relating to the Project and other additional information.

5. Planning and building approval

The Council Land is zoned Industrial 1 Zone (IN1Z). The GIFT Land is zoned Public Use Zone 4 (Transport).

A Planning Permit may be required under the Latrobe Planning Scheme for the development of the Project and the use of the Land for the GLP depending upon the components of the Shortlisted Respondent's Proposal.

The Project Sponsor will be required under the Contract Document to meet certain minimum design and construction requirements and to obtain all necessary planning approvals for the GLP from Council acting as Responsible Authority under the Planning and Environment Act.

Relevant planning information is contained in the Information Documents referred to in clause 6.

6. Information documents

The Information Documents will be provided to Shortlisted Respondents within 5 Business Days of receipt by Council of the Confidentiality and Process Deed, signed by the Shortlisted Respondent. Use of the information documents is governed by the Confidentiality and Process Deed.

6.1 Current Use

The Council Land is currently occupied by a local farmer for grazing purposes pursuant to a short-term lease. The GIFT Land is currently vacant. Council is able to provide Shortlisted Respondents reasonable access to the Land for the purposes of inspection, upon request.

6.2 Site Conditions

Council intends to carry out, as far as is practicable, ground and contamination surveys, the results of which will be made available to Shortlisted Respondents prior to the Closing Time.

In this regard, Shortlisted Respondents are invited to advise Council of any specific information they require or any specific issues they may seek to be investigated and Council will, to the extent it is reasonable (including as to cost) and is able to do so, address those specific issues in its surveys.

Additionally Council will attempt to facilitate inspections by representatives or consultants of any Shortlisted Respondent who wishes to carry out its own ground condition and/or contamination surveys.

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6.3 Freight Demand Information

Council has recently completed an extensive investigation of current freight demand conditions. The Latrobe Valley and East Gippsland Railfreight and Supply Chain Task Assessment was undertaken by MCA and Maakan as consultants to Council. This Report provides a detailed assessment of the regional freight task, assesses current freight arrangements by sector and identifies future potential for the use of rail (via the GLP and the GIFT).

Some of the content of the report is confidential to the businesses that participated in the study and contributed commercial and market sensitive information. However, the substance of the report's findings are included in the Information Documents to assist Shortlisted Respondents to refine their proposals.

6.4 Use of Information Documents

All the Information Documents provided by Council to Shortlisted Respondents constitute Disclosed Information as that term is defined in the Confidentiality and Process Deed.

7. RFP requirements and evaluation criteria

The following section outlines the requirements and evaluation criteria to be applied to all Proposals received and evaluated by Council in accordance with the Confidentiality and Process Deed and Shortlisted Respondents should specifically respond to these matters in their Proposals.

7.1 Summary of Evaluation Criteria

The primary objective of the Project is to develop the GLP as a centre for the efficient and cost effective movement of freight to and from the Gippsland region.

In assessing each Proposal, Council will use the following evaluation criteria (dealt with in more detail in clause 7.2 below):

- 7.1.1 the manner and extent to which a Proposal deals with Council safety and sustainability objectives.
- 7.1.2 the suitability of the Concept Design and Specification contained in the Proposal, and the manner in which that Concept Design and Specification responds to the Project objectives of a leading design and the development of long term infrastructure.
- 7.1.3 the extent to which a Proposal realistically identifies industry attraction and development initiatives for the Land.
- 7.1.4 the extent of new jobs and employment which will be delivered to the GLP, or in related industries, as a result of the GLP.
- 7.1.5 the extent to which Shortlisted Respondents are able to program the development works to ensure a substantial up-front commitment to the development of facilities and the timely completion of the development.
- 7.1.6 the suitability and effectiveness of identified service levels and the associated efficiency of those services.
- 7.1.7 the Quantum of financial contributions to be provided by the Shortlisted Respondent.

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- 7.1.8 the terms on which Shortlisted Respondents are prepared to execute the Contract Documents.
- 7.1.9 previous experience and track record in dealings with Council and other government agencies.
- 7.1.10 other criteria and considerations identified by Council during the course of the evaluation process.

The order of the criteria identified above should not be taken to indicate the precedence and weighting of any of these criteria. These are matters for Council to determine in its absolute discretion and details will not be released to Shortlisted Respondents either during or after the conclusion of the RFP process.

7.2 Detailed Evaluation Criteria

7.2.1 Fulfilment of Council' Safety and operational objectives

Council requires the Project to provide safe, convenient and valued facilities and services to users of the GLP. Council also requires environmentally sustainable business practices in all aspects of the operations of the GLP.

The manner and extent to which a Shortlisted Respondent demonstrates that their Proposal deals with these objectives will be evaluated in the selection of the Project Sponsor.

7.2.2 Suitability and quality of Concept Design and Specification

As part of their Proposal, Shortlisted Respondents must prepare and submit a Concept Design and Specification for the Project.

A Shortlisted Respondent who submits a Concept Design and Specification inconsistent with, or inferior to, Council's requirements as set out in the RFP Documentation is unlikely to be considered for selection as the Project Sponsor.

Without limitation the Concept and Design Specification should include the following:

- (a) the provision of facilities which provide high standards in terms of design, construction, operational suitability and longevity;
- (b) the provision of facilities which make a positive contribution to surrounding land uses and environment and which take account of the uses surrounding the Land; and
- (c) the provision of facilities which, to the greatest extent possible, make a positive contribution to the surrounding community.

The Concept Design and Specification prepared by the Shortlisted Respondent, and the manner in which that Concept Design and Specification responds to the matters specified above, will be evaluated by Council in its selection of the Project Sponsor.

7.2.3 Employment Creation

Council expects the GLP to facilitate economic and community development in the region by creating job opportunities both directly in the GLP and in related industries and businesses. This objective is to be measured in terms of new jobs

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(not relocated jobs) in the freight transport industry as a direct result of the GLP and new jobs (not relocated jobs) in related industries that are demonstrably a result of the operation of the GLP.

The Shortlisted Respondent's commitment to deliver full time permanent jobs (that is, non-construction employment) and the presentation of a well-considered employment creation plan will be evaluated by Council.

7.2.4 Industry Attraction

The GLP will create a new centre for freight which will act as a catalyst for the attraction of new industries to the region. Equally, without the attraction and retention of throughput and customers the GLP business will not be sustainable.

Council and the Project Sponsor have a shared interest in maximising the number of new businesses that enter the region and use the GLP facilities.

Council will assess a Shortlisted Respondent's commitment to a funded industry attraction strategy co-ordinated with other industry development plans, with clear targets in terms of industries to be attracted and businesses to be located on the Land.

7.2.5 Timeliness

Council is interested in ensuring that the GLP facilities are delivered in a timely manner and maximise (as far as possible) up-front development.

The Shortlisted Respondent should include in any Proposal full details on the programming, timetable and sequencing of all necessary works so as to ensure timely delivery and maximum early delivery of facilities.

The extent to which Shortlisted Respondents are able to demonstrate timely delivery and completion will be evaluated by Council in its selection of the Project Sponsor.

7.2.6 Service Levels

Council wishes to ensure that the operating GLP maintains a high level of service to customers and ensure facilities are well presented and maintained throughout the Project Term.

Shortlisted Respondents should include in their Proposals confirmation that a suitable set of operational performance commitments will be made and adhered to. Proposals should outline the proposed performance management regime and provide Council with the assurance that the required service levels will be maintained throughout the Project Term.

7.2.7 Quantum of financial contributions to Council

A Shortlisted Respondent must nominate the amounts that they would be prepared to pay Council as Consideration for Council's provision of the Land and its facilitation of the Project.

In determining the consideration payable, Shortlisted Respondents should also specify their proposed Project Term.

Council's preference is for the Project Term not to exceed 40 years (including the construction period). However, Council is prepared to consider a range of Project

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Terms up to a maximum of 50 years and a corresponding range of Consideration payable in respect of each nominated Project Term.

In all cases, the Project Term should commence on the date on which possession of the Land is provided to the Project Sponsor and Shortlisted Respondents should accommodate their proposed construction period within the Project Term.

Council would prefer that the Consideration include up-front payments.

The first up-front payment (defined in the Terms Sheet as the "Initial Facilitation Payment") should be a non-refundable payment made by the Project Sponsor on the execution of the Development Agreement. This amount would be utilised by Council to meet its costs in facilitating the Project, including in the preparation and execution of all the Project Documentation.

The second up-front payment (defined in the Terms Sheet as the "Subsequent Facilitation Payment") should be a non-refundable payment made by the Project Sponsor on the satisfaction of the condition(s) precedent in the Development Agreement. This payment would be made by the Project Sponsor at the time the Project becomes unconditional and the parties are certain that the Project is proceeding.

Council anticipates that the balance of the Consideration would be payable annually- preferably by quarterly instalments (defined in the Terms Sheet as the "Annual Payment"). Shortlisted Respondents should feel free to nominate alternative or additional payment arrangements (including revenue sharing arrangements) which they consider provides the maximum value to Council.

Council expects that any annual payments would be increased annually by CPI (or such other index nominated by the Project Sponsor and agreed to by Council).

The evaluation of any Proposal will involve assessing the extent to which the Consideration is sufficient to cover Council's costs of facilitating the Project as well as providing an acceptable return to Council over the life of the Project.

Proposals must specify the Shortlisted Respondent's expected funding requirements for undertaking the Project and how that funding will be obtained.

7.2.8 Terms on which Shortlisted Respondents are prepared to execute Contract Documents

The Terms Sheet outlines Council's preferred commercial and legal terms for the Project.

The Shortlisted Respondent may submit a Proposal which contains alternative terms to those set out in the Terms Sheet, however, any variation or alternative proposal shall be evaluated against Council's preferred position as outlined in the Terms Sheet.

7.2.9 Previous experience and track record in dealings with Council and other local or state government agencies

Council will consider the quality of relationships and levels of facilitation, co-operation and participation Shortlisted Respondents have displayed in previous dealings (if any) with Council, other local governments, the State and/or State government agencies or the federal government.

Shortlisted Respondents should provide details of previous material contractual relationships with Council and other governments or government agencies. Where

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possible, Shortlisted Respondents should provide information which demonstrates the requisite of levels of facilitation, co-operation and participation by the Shortlisted Respondent in those relationships.

The Project Sponsor will be entering into a long term ongoing relationship with Council. The ability of the relationship to maintain a facilitative, co-operative and non-confrontational relationship will be evaluated by Council in this RFP.

7.2.10 Other criteria and considerations

In addition to the criteria listed above and to the specified matters which Council will consider in relation to those criteria, Council may apply such other criteria, and may consider such other matters in relation to the criteria listed above and any such other criteria, as, in Council's absolute discretion, it considers relevant to the evaluation of each element of the Proposals. Without limitation, this may include Council's independent research and evaluation of each Proposal and the information contained in each Proposal.

On completion of assessment of Proposals, a report will be submitted to Council, whereupon Council may decide to:

- (a) appoint a Shortlisted Respondent as the Project Sponsor;
- (b) negotiate with any or several of the Shortlisted Respondents; or
- (c) terminate this Request for Proposals.

7.3 Acceptance or rejection of Proposals

7.3.1 Council may accept or reject any Proposal submitted after the Closing Time and Date.

7.3.2 Council is not bound to accept:

- (a) the highest valued Proposal submitted by the Shortlisted Respondent or a competing Shortlisted Respondent;
- (b) the best Proposal; or
- (c) any Proposal.

7.3.3 Council may reject the whole or part of any Proposal and, to the extent that it is capable of acceptance or part acceptance, accept or partially accept any Proposal (whether it is an option included in the Proposal or otherwise).

8. General terms and conditions of RFP

8.1 Lodgement details

Each Shortlisted Respondent must forward three bound presentation copies, one unbound copy and one electronic copy (on a CD Rom) of its Proposal in one or more sealed envelopes or packages marked "Strictly Private and Confidential – Gippsland Logistics Precinct Project – Proposal for the role of Project Sponsor" to:

Mr John Bettson
Business Development Officer
Latrobe City Council

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141 Commercial Road (PO Box 264)
MORWELL VIC 3840

The Closing Time for submission of Proposals is 2.00 pm (Australian Eastern Standard Time) on 7th of March 2013. Council reserves its right to reject any Proposal lodged after this time.

8.2 Enquiries

All communication relating to this RFP must be directed to Council's Representative as follows:

Mr John Bettson

E-mail: busdev@latrobe.vic.gov.au

8.3 Meetings

Council will arrange for, and participate in, meetings on the basis described in the Confidentiality and Process Deed.

During the RFP period, each Shortlisted Respondent will have the opportunity to meet with Council representatives for a proposal development guidance session. The session is an opportunity for the Shortlisted Respondent to seek feedback from Council regarding the progress and overall direction of the proposal. The session is not compulsory.

8.4 Clarifications

Clarification questions from Shortlisted Respondents may also be made in writing (including via email) to Council's Representative.

Council reserves the right to circulate all clarifications questions, and Council's responses to those questions, to all Shortlisted Respondents, but will not disclose the source of the clarification question, or reveal confidential information or the substance of a Proposal.

Council cannot guarantee that any clarifications sought by Shortlisted Respondents received less than two weeks prior to the Closing Time will be responded to before the Closing Time.

These matters are dealt with in full detail in the Confidentiality and Process Deed.

8.5 Variations

Council is under no obligation to provide a Shortlisted Respondent with a further opportunity to respond to this RFP or allow a Shortlisted Respondent to vary its proposal, once that proposal has been lodged.

A Shortlisted Respondent will only possess the right to lodge a variation to its proposal, or lodge a supplementary proposal, where it has sought the approval of the Council in writing to do so and the Council has granted its consent in writing to such a request.

8.6 Costs to be borne by Shortlisted Respondents

Council or any authorities or agencies, or their respective officers, employees, agents or advisers will not be responsible for any costs or expenses incurred by any Shortlisted Respondent in preparing or lodging a Proposal or in complying with the RFP process.

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8.7 Confidentiality and proprietary information

Subject to the terms of the RFP Documentation, Council will hold all Proposals in confidence in so far as the law permits. Each Proposal will become Council's property. Without limitation, each Shortlisted Respondent authorises Council to use and reproduce the whole or any portion of the Shortlisted Respondent's Proposal for the purposes of evaluation and for other activities in the lead up to and in connection with the establishment of the Project.

Any personal information collected as part of the RFP process will be handled in accordance with the *Information Privacy Act 2000* (Vic).

8.8 Collusive Tendering

Shortlisted Respondents, their Related Parties and their respective officers, employees, agents and advisers must not engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any other Shortlisted Respondent or any other person in relation to the preparation or lodgement of a Proposal. Evidence of such conduct may lead to the rejection of a Proposal and of all Shortlisted Respondents involved.

8.9 Evaluation process

Council is not required, and does not intend, to release any details regarding the evaluation process other than as set out in section 6 of this RFP.

8.10 Change in circumstance

Each Shortlisted Respondent must inform Council promptly in writing of any material change to any of the information contained in its Proposal, and of any material change in circumstance which may affect the truth, completeness or accuracy of any information provided in, or in connection with, the RFP.

Council may also require Shortlisted Respondents to confirm in writing that no such material change has occurred. Once Council has selected the Project Sponsor, any change to any aspect of the basis on which a Shortlisted Respondent submitted its Proposal (including any change to the composition of its team (including by way of adding or omitting any adviser or consultant)) will require Council's approval.

8.11 Period of validity

All Proposals must remain valid for acceptance for a minimum of 120 days from the Closing Time. This period may be extended by mutual agreement between Council and the Shortlisted Respondent.

8.12 Changes post submission of RFP

In relation to any Non-Conforming Proposals submitted, Shortlisted Respondents must immediately notify Council of any changes to those Proposals, including without limitation any changes to or in ownership structure, partners, consortium members or identified tenants or franchisees.

8.13 No contract

The submission of a Proposal does not give rise to any contract governing, or in any way concerning, the RFP process, or any aspect of the Request for Proposals process. Council expressly disclaims any intention to enter into such a contract.

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8.14 No Fettering

The Shortlisted Respondent acknowledges that nothing in this Request for Proposals in any way limits, fetters or restricts the power or discretion of Council in the exercise of its statutory rights, duties or powers under the Planning and Environment Act, the Local Government Act, the *Subdivisions Act 1988* or the exercise of any other statutory right, power or duty that Council may lawfully exercise in respect of the Land or the Development.

8.15 Agency

If a Shortlisted Respondent responds to this RFP through agents, then they must:

8.15.1 note that the agent is acting for it and will be remunerated by the Shortlisted Respondent; and

8.15.2 provide formal written confirmation of authority from the Shortlisted Respondent with their response.

Neither Council nor any of its consultants will deal with or recognise any party other than those who have submitted the requested formal authority.

8.16 No warranty as to feasibility

Council's acceptance of a Proposal does not mean that Council in any way warrants or makes any representations as to the feasibility, or assumes responsibility for, or has any obligations in relation to the implementation of the Project, other than the obligations contained in the Contract Documents to which Council is a party (when executed by all parties).

8.17 Contract Documents

If the Shortlisted Respondent is selected by Council as the Project Sponsor, then the Shortlisted Respondent must use all reasonable endeavours to finalise the Contract Documents with Council as soon as practicable and in any event, within the time specified by Council at the time of selection of the Shortlisted Respondent as the Project Sponsor.

This RFP will not form part of the Contract Documents, except to the extent expressly incorporated into the Contract Documents (when executed by all parties).

8.18 Council's other rights

Without limitation, Council reserves the right, in its absolute discretion at any stage of the RFP process, to:

8.18.1 require additional information from a Shortlisted Respondent;

8.18.2 change the structure or timing of the RFP process and the basis on which Proposals are required or accepted;

8.18.3 reject any or all Proposals at any time for any reason, including the Proposal with the highest price;

8.18.4 reject or accept, in its absolute discretion, late Proposals;

8.18.5 terminate further participation in the RFP process by a Shortlisted Respondent;

8.18.6 amend, cancel or suspend the RFP process;

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- 8.18.7 change the basis on which Shortlisted Respondents may, or are required to, participate in the RFP process;
- 8.18.8 rely on publicly available information relating to any Shortlisted Respondent as part of the RFP process;
- 8.18.9 accept Non-Conforming Proposals;
- 8.18.10 reject or refuse to consider any Non-Conforming Proposal;
- 8.18.11 publish the names of Shortlisted Respondents;
- 8.18.12 change the scope of the Project;
- 8.18.13 not proceed with the Project; and
- 8.18.14 enter into negotiations with one or more Shortlisted Respondents.

9. Definitions

In this document:

Business Day means Monday to Friday excluding public holidays in Victoria.

Closing Time means 2:00 pm on 7th March 2013.

Consideration means the consideration payable by the Project Sponsor under the Contract Documents.

Conforming Proposal means has the same meaning as set out in the Confidentiality and Process Deed.

Contract Documents means any document entered into between Council and the Project Sponsor to facilitate the delivery of the Project, including the Sub-Lease, any lease or contract in respect of the Council Land, any development agreement, any section 173 agreement or any other document required by Council.

Council means Latrobe City Council.

Council Land means a parcel of land in excess of 64 hectares contained in certificate of title volume 10347 folio 912 (being Crown Allotment 8E Parish of Maryville) and known as Tramway Road, Morwell 3840.

GIFT Land means the land contained in certificate of title volume 9101 folio 679 (being lot 1 on title plan TP172333V) and known as Enterprise Drive, Morwell 3840.

Information Documents means the documents listed in Appendix D to be provided to the Shortlisted Respondent in accordance with clause 6.

Land means the GIFT Land and the Council Land as shown on the Site Plan.

Local Government Act means the *Local Government Act* 1989 as amended from time to time.

Non-Conforming Proposal means any Proposal that is not a Conforming Proposal.

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Planning and Environment Act means the *Planning and Environment Act 1987* as amended from time to time.

Planning Permit means any planning permit required for the Development.

Project means the development, operation and maintenance of the Gippsland Logistic Precinct.

Project Sponsor means the Shortlisted Respondent selected by Council following the evaluation of all Proposals as a preferred respondent.

Project Term means the term of the Project Sponsor's occupation of the Land pursuant to the Lease Agreements.

Proposal means the Shortlisted Respondent's response to this Request for Proposals.

Request for Proposals means this request for proposals.

RFP Documentation means the documents referred to in clause 1.2.

Shortlisted Respondent means a person or corporate body who lodges a Proposal in accordance with this Request for Proposals.

Site Plan means the plan attached in Appendix A.

Sub-Lease means the sub-lease of the GIFT Land in the form approved by Council. A draft copy of the sub-lease is attached as Appendix C to this RFP.

Terms Sheet means the terms sheet setting out the Council's preferred legal and commercial terms for the Contract Documents, a copy of which is included in the Information Documents.

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Appendix A Site Plan

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Appendix B Returnable Schedules

The Shortlisted Respondent is required to, as a minimum present its proposal using the returnable schedules included below. Responses should be concise and succinct and where possible be limited to the Schedule form. Where appropriate or necessary, additional more detailed information or evidence that supports the Shortlisted Respondent's Proposal should be included.

•

Schedule 1 – Shortlisted Respondent Details

Shortlisted Respondent should submit this completed Schedule 1 with their Tenders.

Full legal name (Shortlisted Respondent should provide its full name, i.e. the legal entity which would enter into any agreements with Council).	
Description of legal entity (Please include legislation under which the entity is incorporated, where applicable. If trustee, please include the, a description of the trustee, trust type and trust details including name and ABN.	
Trading name	
Australia Business Number	
Australian Company Number / Australian Registered Body Number	
Principal business address (physical and postal)	
Shortlisted Respondent's Responsible Officer (the officer that will be authorised to execute documents capable of binding the entity)	Name Address Phone Email Facsimile
Shortlisted Respondent's Contact for the purposes of matters in relation to the Shortlisted Respondent's offer	Name Phone Mobile Email

•

Schedule 2 – Design

The Shortlisted Respondent is required to outline its design proposal for the GLP site. As a minimum it should present its proposal by including a concept layout of the proposed development of the site showing;

- Access roads including paths of travel for vehicles and goods
- Proposed locations of buildings and key uses of buildings or areas of the site
- Locations of boundaries and points of entry and exit

In addition the Shortlisted Respondent is encouraged to provide a concise description of the design intent and philosophy which addresses the following matters:

- Outline the infrastructure development vision including the extent and amount of development of infrastructure to be developed on the site (include any substantial redevelopment of existing facilities) and the expected extent of development in the first year.
- Urban design approach including integration with surrounding area and sensitivity to other nearby uses
- Treatment of the boundary of the site including presentation of entries and exits, signage and landscaping
- Features and attributes of the proposed design that contribute to the creation of a state-of-the-art intermodal hub

The Concept Design Response should be limited to 6 A3 sheets of drawings (or equivalent) and 6 A4 pages of notes or descriptions of the proposal.

•

Schedule 3 – Safety and Sustainability

The Shortlisted Respondent is required to outline its approach to safety and sustainability for the development and operations of the GLP site.

As a minimum it should highlight features and attributes of the proposed development which provide a positive contribution to safety and sustainability. Standard form company safety and environmental management policies and plans are not required at this stage.

The Shortlisted Respondent is to provide a GLP specific response including the following:

- Workplace Health and Safety (WHS) – outline the organisation’s approach to WHS, with specific application to the GLP site including
 - organisational culture,
 - WHS policy,
 - minimum WHS standards and practices
 - monitoring and corrective action
 - WHS management obligations on users of the GLP facilities, subcontractors and suppliers

The WHS response is to be no more than 6 A4 pages

- Environmental and Sustainable Development (ESD) - outline the organisation’s approach to ESD, with specific application to the GLP site including
 - organisational culture,
 - ESD policy,
 - minimum ESD standards and practices
 - monitoring and corrective action
 - ESD management obligations on users of the GLP facilities, subcontractors and suppliers

The ESD response is to be no more than 4 A4 pages

•

Schedule 4 – Employment

Council is critically interested in the GLP becoming a catalyst for employment generation. Shortlisted Respondents are required to prepare and outline, draft Employment Creation Plan (ECP)

The outline draft ECP should include the following:

- Identify employment creation strategies and activity
- Nominate target new, full time, on site job numbers in year 1, year 2 and year 5.
- Nominate expected construction job numbers
- Identify any employment programmes or partnerships (including programmes or partnerships that include government organisations) that Shortlisted Respondent would target to support employment generation activity.

The draft ECP response is to be no more than 4 A4 pages

-

Schedule 5 – Industry Attraction

Council see the GLP as a catalyst for the attraction of new or expanded businesses in the region. Shortlisted Respondents are required to provide a draft Industry and Customer Attraction Plan

- The draft ICAP should include the following:
 - outline the organisation's strategy to build the business at the GLP and attract new business to the region
 - describe any partnership or collaborative initiative that the Shortlisted Respondent proposes to work on with Council or any other government agency to further industry and business attraction opportunities.
 - specify the commitment of business and industry attraction resources that the Shortlisted Respondent will apply in each of the first 5 years of the operations of the GLP

The draft ICAP response is to be no more than 6 A4 pages

•

Schedule 6 – Programme

The Shortlisted Respondent is to include in its offer a milestone development programme identifying:

- Design and approval activities
- Procurement activities
- Construction activities
- Operational commencement

The milestone programme need not be detailed (ideally between 15 and 25 mostly critical path activities) but should clearly specify activity or timelines involving Council.

The programme should be in the form of a table of dates, activity descriptions, durations and critical successor and predecessor activities, or a Gant chart setting out this information.

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Schedule 7 – Operations

To respond to this schedule the Shortlisted Respondent is to provide a draft table of content for a Maintenance and Operational Plan for the GLP.

•

Schedule 8 – Financial

The Shortlisted Respondent is to present its financial offer in the tables below.

Table 1, Base Financial Offer must be completed by the Shortlisted Respondent.

Alternative, complimentary offers, which are capable of supporting the delivery of Council's wider project objectives are encouraged. These proposals may be integrated with the Base Financial Offer or be separate. Alternative Offers are to be described in Table 2.

Shortlisted Respondents are to note that the legal and commercial basis of the offer set out in this Schedule 8 is the Terms Sheet unless and only to the extent that the Shortlisted Respondent has requested changes to these conditions in Schedule 9 below.

Table 1 - Base Financial Offer

Item	Offer	Comments or Conditions
Initial Facilitation Payment	\$	<when paid?>
Subsequent Facilitation Payment	\$	<when paid?, any conditions?>
Annual Rent	\$	<propose indexation and review structure>
Lease Term		<to be no more than 40 years including construction?>

Table 2 - Alternative Financial Offer

Describe the Alternative Financial Offer
Explain the benefits of the Alternative Offer for Council
Give some examples of possible outcomes that could result in certain conditions or situations to illustrate how the Alternative Financial Offer could operate

-
-

Schedule 10 – Other Matters

Shortlisted Respondent is to address any other matter relevant to Council Objectives or the Evaluation Criteria that it believes should be taken into account in the evaluation of its proposal.

Other Matters, if any to be considered in evaluation. (limit 1000 words)

•

Schedule 11 – Corporate Capacity

The Shortlisted Respondent is also requested to agree that it will provide the following corporate and financial capability information to allow Council to complete its assessment of the Shortlisted Respondents capacity to meet the obligations of the Lease and Development Agreement.

Matter	Information Required	Agree to provide if requested (indicate YES or NO)
Corporate structure	Details of corporate and ownership structure, including identification of any parent entities. If the Respondent is a subsidiary, provide full details of the legal and financial relationship between the Respondent and its parent entities	
Business information	Details of the business profiles and corporate objectives and priorities of the Respondent and any parent entity	
Financial reports / statements	Copies of the financial reports/statements for the last two (2) years or other relevant financial details to enable the Council to assess the Respondent's financial viability	
Officers	The names of all directors and officers of the Respondent's company and of any parent entity	
Operations	A full description of the Respondent's current operations	
Incorporation	A copy of the Respondent's certificate of incorporation	
Disputes or legal action	Details of any litigation, arbitration, mediation, conciliation or proceedings whatsoever including any investigations that are taking place, pending or threatened against the Respondent	
Annual report	The most recent Annual Report for the organisation.	

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Appendix C Sub-Lease

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Appendix D Information Documents

- Terms Sheet
- Risk Matrix
- Planning
- Design Guidelines
- Site conditions
- Freight Demand

9.3 COMPLAINTS RESOLUTION PROCEDURE**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to provide further advice to Councillors regarding the review of the Complaints Resolution Procedure following the adoption of the Complaints Resolution Policy 13POL-6 at the Ordinary Council Meeting on Monday, 20 May 2013.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley***Strategic Objectives - Governance***

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

Latrobe City Council Plan 2012 - 2016***Strategic Direction - Governance***

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.

Service Provision – Risk and Compliance***Policy - Council Policy Development Policy 13 POL-6***

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficiency of the process and the overall policy framework.

BACKGROUND

At the ordinary Council Meeting on Monday, 20 May 2013, the review of the Citizen Complaints Policy was considered by Council. Council subsequently resolved:

1. *That Council adopts the Citizen Complaints Resolution Policy [13 POL-6] with the following amendment:*
 - *Remove on page 2 the word (insert) under a “complaint is deemed” section.*
2. *That the Citizen Complaints Resolution Procedure 13PRO-1 be amended to reflect the intent of this policy and for the amended procedure to be brought to Council at the next Council meeting for endorsement.*
3. *That the revised 2013-2016 Council Policy Manual – [13 POL-2] be produced and made available to the public.*

In accordance with the Council Policy Development Policy 13 POL-6, Council adopts all policies that guide Latrobe City Council. Operational Frameworks and procedures provide more detailed direction to staff and as such are approved by the CEO or general managers.

ISSUES

Following the adoption of Citizen Complaints Resolution Policy 13POL-6, officers have commenced the review of the related procedure, Citizen Complaints Resolution Procedure 13PRO-1, to ensure that it appropriately reflects the direction of Council and provides guidance to staff on how the policy is to be implemented.

In order to implement the policy in a timely manner, staff have been advised of the change to the policy relating to the acceptance of formal complaints in writing only. The change to the policy relating to the reporting of complaints has a more significant impact on the current procedure and will require more time to investigate and potentially implement some system changes or software purchases.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Due to the tight deadline for reports to be included in the Council Agenda for the 3 June 2013, it has not been possible for all revisions to be made to the procedure and a report to be presented to Council.

It is therefore advised, that officers require further time to ensure that the review of the procedure is accurately undertaken and it is proposed that the procedure be presented to Council at the first Ordinary Council Meeting in July.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial implications as a result of this report; however the implementation of the new policy may result in some additional costs relating to system and software changes and will result in increased staff time.

INTERNAL/EXTERNAL CONSULTATION

No consultation was undertaken for the preparation of this report.

OPTIONS

1. Note that the amended Citizen Complaints Resolution Procedure will be presented to Council for its endorsement at the first Ordinary Council Meeting in July.
2. Propose an alternative Council Meeting date for the revised Citizen Complaints Resolution Procedure to be presented to Council for its endorsement.

CONCLUSION

At the Ordinary Council Meeting on Monday, 20 May 2013 Council adopted a revised Citizen Complaints Resolution Policy and requested that a review be undertaken on the Citizen Complaints Resolution Procedure and that it be presented to Council at the next Ordinary Council Meeting.

Officers are currently reviewing the procedure but advise that it has not been possible to meet the required deadlines for a report to be included in the Council Agenda for the 3 June 2013.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Officers recommend that a thorough review of the procedure is undertaken to ensure that it accurately reflects the direction of Council and that staff have clear guidance on how the Policy is to be implemented. The revised procedure is therefore proposed to be presented to Council at the first Ordinary Council Meeting in July 2013.

Attachments
Nil

RECOMMENDATION

- 1. That Council note that officers are currently undertaking a thorough review of the Citizen Complaints Resolution Procedure to ensure that it accurately reflects the direction of Council as outlined in the adopted Citizen Complaints Resolution Policy 13POL-6.**
- 2. That the reviewed Citizen Complaints Resolution Procedure be presented to Council for its endorsement at the first Ordinary Council Meeting in July 2013.**

9.4 O'HARAS ROAD SPECIAL CHARGE SCHEME**General Manager****Recreation, Culture &
Community Infrastructure****For Decision****PURPOSE**

The purpose of this report is to seek an extension of the original timeframe proposed for the consideration of whether or not to implement a special charge scheme for O'Hara's Road, Hazelwood.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

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

Latrobe City Council Plan 2012 – 2016

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

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

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

Ensure public infrastructure is maintained in accordance with community aspirations.

Shaping Our Future

An active connected and caring community
supporting all.

Legislation

Local Government Act 1989

Provides Council with powers to implement a Special Charge Scheme.

Contributory Scheme Policy 11 POL-3

Sealing of Rural Unsealed Roads Policy 11 POL-4

BACKGROUND

At its ordinary meeting held on 22 April 2013 Council resolved

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

ISSUES

Due to a delay in commencement of the advertising process, it is proposed to extend the period for public submissions to close on 1 July 2013. This will ensure that all members of the community have an opportunity to make a public submission should they deem it appropriate.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial implications to be considered in relation to this report.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The notice to declare the intention to levy a special charge scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood was publicly advertised during May 2013. Letters have also been sent to all residents liable to pay the special charge in April 2013 and May 2013.

Details of Community Consultation / Results of Engagement:

Any submissions made relating to the construction of sealed roadway in O'Haras Road, Hazelwood will be considered at the ordinary Council meeting held on 5 August 2013.

OPTIONS

The following options are available to Council:

1. Alter the Council meeting nominated to present any public submissions relating to the proposed special charge scheme relating to the sealing of O'Haras Road, Hazelwood to 5 August 2013
2. Propose an alternate Council meeting to present any public submissions relating to the proposed special charge scheme relating to the sealing of O'Haras Road, Hazelwood.

CONCLUSION

To ensure that all members of the community have had an opportunity to make a public submission relating to the proposed special charge scheme for the sealing of O'Haras Road, Hazelwood, it is considered appropriate to extend the closing date for public submissions to 1 July 2013, and present any submissions received to the 5 August 2013 Ordinary Council Meeting.

Attachments
Nil

RECOMMENDATION

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

9.5 TRARALGON COURT HOUSE - FUTURE USE

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to seek an extension of the original timeframe proposed for the consideration of Expressions of Interest for the future use of the Traralgon Court House.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Culture

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City

Strengthening our profile

Positioned for a Low Carbon Future

Advancing industry and innovation

An active connected and caring community

Supporting all

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Culture

Plan, facilitate, develop and maintain public infrastructure and assets that strengthens the cultural vitality of the municipality. Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Increase the accessibility of Latrobe City Council's cultural facilities, programs and events.

Strengthen community pride and wellbeing through the provision of high quality and well-presented programs, events and facilities.

Service Provision – Hall and Venue Management

Manage and maintain public halls and venues across Latrobe City.

Legislation – Latrobe City Planning Scheme

The Traralgon Court House (and Post Office) are included within the schedule to the heritage overlay which provides statutory protection to the use or development of the buildings.

Policy - Asset Management Policy 12 POL-3

To preserve and manage Council and community assets to ensure optimum utilisation while minimising the whole-of- life cost to the community.

BACKGROUND

At the Ordinary Council Meeting held 17 December 2012, Council resolved the following;

1. *That Council conducts an Expression of Interest process for not for profit groups to identify and determine prospective future uses of the Traralgon Court House that comply with the requirements of the Conservation Management Plan and clearly articulate the business model that will be implemented.*
2. *That the Expression of Interest process takes place from 07 January 2013 to 28 March 2013.*
3. *That a report on the proposed project governance model be developed and presented to Council in February 2013.*
4. *That Council are provided with a report on the Expression of Interest process and any resultant recommendation on or prior to the Ordinary Council Meeting to be held on 17 June 2013.*

ISSUES

At the close of the Expression of Interest (EOI) process on 28 March 2013, 4 formal EOI's were received and a number of informal submissions and supporting letters were also received. A review of these submissions has been undertaken by Heritage Consultant, Ivar Nelson and a briefing was planned with Councillors for 13 May 2013. However, due to conflicting priorities this meeting has been rescheduled to 23 May 2013 in an effort to ensure all interested Councillors can attend.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Due to the delay in the Councillor briefing session and to allow more time for review and discussion of submissions with Councillors, officers request that a report on the Expression of Interest process now be provided on or before 15 July 2013.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial implications to be considered in relation to this report.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The EOI process was directly promoted to those individuals and groups who had already expressed an interest in utilising the Court House.

The EOI process was also advertised through Council's Noticeboard, in the Latrobe Valley Express, through a media release and on Council's website. A sign was placed at the front of the Court House notifying the public of the EOI throughout the process.

Four formal submissions, plus a number of informal submissions and letters of support were received at the close of the EOI process on 28 March 2013.

OPTIONS

1. Approve the return date of 15 July 2013 for the report on the submissions received for the Traralgon Court House Future.
2. Propose an alternate Council meeting for the report on the submissions received for the Traralgon Court House Future Use.

CONCLUSION

The Expression of Interest process for the Traralgon Court House Future Use has now closed. In order for a comprehensive review of submissions received and to ensure Councillor involvement, officers now request that a report be submitted on or before 15 July 2013.

Attachments
Nil

RECOMMENDATION

That Council are provided with a report on the Expression of Interest process and any resultant recommendation on or prior to the Ordinary Council Meeting to be held on 15 July 2013.

CORRESPONDENCE

10. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

11.1 PETITION FOR PERMANENT BIN INFRASTRUCTURE IN MOE (ALBERT STREET) PRIMARY SCHOOL

For Decision

PURPOSE

The purpose of this report is to present Council with a petition received asking Latrobe City Council fund and install permanent infrastructure for bins in the grounds of the Moe (Albert Street) Primary School.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - 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.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Strategic Direction – Natural Environment

Collaborate with stakeholders to progress environmental sustainability initiatives aimed at reducing environmental impacts.

Provide and promote environmentally sustainable waste management practises to attain best practise 'final storage quality'.

Promote and implement waste management practises which deliver economic development to Latrobe City.

Service Provision – Waste Services

Deliver and manage contracts for waste services across the municipality, including kerbside collection, transfer stations, organic resource processing, hard waste services and co-mingled recycling processing in accordance with contract requirements, standards and best value principles.

Major Initiatives - Natural Environment

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

Strategy – Natural Environment

Natural Environment Sustainability Strategy 2008-2013

Waste Management Strategy 2010-2017

Key Strategic Actions

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

Policy – Waste Services Kerbside Collection Exemptions and Additions Policy, 18 June 2012, 12 POL-5

Latrobe City Local Law No. 1, 15 June 2009, 09 LLW-03

BACKGROUND

The petition attached (Attachment 1) was received on Monday, 6 May 2013 and contains 205 names. 177 of these names include a signature and a form of address.

The petition states:

‘At Albert Street P.S. we have a serious litter problem. On a daily basis we find litter that has been brought into our school from outside. This litter at times poses a hazard to the students and staff at our school including glass, alcohol cans and medication packets. While we are attempting to get adequate fencing, we believe having permanent bins that can be left outside will greatly improve our litter problem.’

ISSUES

The request within the petition received by Council was unclear. Council officers contacted the Head Petitioner (school principal) to clarify the request in the petition.

Moe (Albert Street) Primary School have confirmed via email that they are asking Latrobe City Council to fund and install infrastructure used for Latrobe City's public litter bins in the town CBD areas, or secure posts that wheelie bins can be fixed to as used in Latrobe City's parks and gardens. This is a request for two wheelie bins.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial or resource implication arising from this report at this point in time.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The Head Petitioner has been informed, via email and telephone on 14 May 2013, of the receipt of the petition by Council and that a report is being prepared for Council's consideration. A request was made for the Head Petitioner to contact Council to clarify the request within the petition.

Council officers spoke with the Head Petitioner, the Principal of the Moe (Albert Street) Primary School, via telephone on 15 May 2013, to clarify the request in the petition. This discussion was then followed up with email correspondence, 16 May 2013, confirming the petition request.

The Head Petitioner responded via email on 17 May 2013.

OPTIONS

Council has the following options in relation to the petition

1. Lay the petition on the table until a further Council meeting; or
2. Deal with the petition at this Ordinary Council Meeting.

CONCLUSION

It is usual practice for petitions to lay on the table as per Clause 63 of Council's Local Law No.1.

It is recommended that the petition be lay on the table until the 1 July 2013 Ordinary Council Meeting to allow Council officers to investigate the petition request further.

Attachments

1. Petition For Permanent Bin Infrastructure

RECOMMENDATION

- 1 That Council lay the petition seeking that permanent infrastructure for bins to be installed in the grounds of the Moe (Albert Street) Primary School, on the table until the Ordinary Council Meeting to be held on the 1 July 2013.
- 2 That the Head Petitioner be advised of Council's decision in relation to the petition seeking Council to fund and install permanent infrastructure for bins in the grounds of the Moe (Albert Street) Primary School.
- 3 Council continue to liaise with the Moe (Albert Street) Primary School to discuss solutions to their waste problem.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**



"Achieving Together"

MOE (ALBERT STREET) PRIMARY SCHOOL

ABN 27 601 381 930 • PS 2142 • PO Box 274, MOE 3825
Telephone: (03) 5127 1966 • Fax: (03) 5126 1407
Email: moe.ps.albert@edumail.vic.gov.au

PRINCIPAL: Dr. Monique Osborn

Dear Latrobe City Council,

We are writing because we have a serious litter problem in our school and we need your help. We are in desperate need of permanent bins. There are a number of reasons why we need permanent bins.

Firstly, we have wheelie bins at our school however if we leave them out after school hours they might get broken.

Secondly, we have found extremely dangerous rubbish in our school grounds. For example, a knife, needles, cigarette packets, cordial bottles made for taking drugs and broken alcohol bottles. It makes us feel disgusted because we have to pick up other people's rubbish. We are disappointed because people are too lazy to take their rubbish with them and we feel embarrassed because when visitors come to our school they might think it is our mess.

There are a number of reasons we have so many people entering our school in the evenings and on weekends; we have beautiful grounds that include gardens, basketball courts, grassy areas and excellent play equipment. Unfortunately despite many discussions with the Education Department, we have not been provided with the funding to have adequate fencing around the school, making our grounds very accessible after hours.

We have done some research on the placement and costing of permanent bins and we have decided that we would need two Wheelie Bin Surrounds situated in two different spots in the front of the school. These surrounds have been costed at \$1265 each including GST.

In conclusion we urgently need permanent bins in our grounds to ensure the safety and cleanliness of our school. We have a beautiful school and we would like to keep it that way for ourselves and for all the future students who may come here.

Accompanying this letter is a petition signed by many members of the community as well as pictures showing some of the mess.

Sincerely,

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

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Petition to Latrobe City Council for permanent bins in Albert Street P.S.

At Albert Street P.S. we have a serious litter problem. On a daily basis we find litter that has been brought into our school from outside. This litter at times poses a hazard to the students and staff at our school including glass, alcohol cans and medication packets. While we are attempting to get adequate fencing, we believe having permanent bins that can be left outside will greatly improve our litter problem.

Name	Address	Signature
Breake Brennan	5 Moore St MOE	
Diane Ausky	2 Moore St Mae	
Michele Potts	5 Cobb Cr. Newborough	
Fanelore Kutjew	27 Dunbar Cr. Churchill	
JARRAD KEDDIE	19 McCarthy Churchill	
ANNAMCKENZIE	27 ANZAC ST MOE	
Leonie Kozell	29 Burton Woodcut <small>Neen South</small>	
JACK MILLAR	1 HIPWEL ST NTH <small>MIRBOO</small>	
Sarah Haysom	5 BOON CRT MOE	
Anne Curran	1 Ross Ave. moe	
COPY	MOE	
Liam Atkinson	LITT	
Lillian		
Steve. P		
Abby. Peatey		
Chris Thomas	Albert St. P.S.	
Joshua Ashworth	Lake View MOE	

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

**Petition to Latrobe City Council for permanent
bins in Albert Street P.S.**

At Albert Street P.S. we have a serious litter problem. On a daily basis we find litter that has been brought into our school from outside. This litter at times poses a hazard to the students and staff at our school including glass, alcohol cans and medication packets. While we are attempting to get adequate fencing, we believe having permanent bins that can be left outside will greatly improve our litter problem.

Name	Address	Signature
Chantelle	13 Vascoe ct moe	
Paige	312 O'Neilley ct moe	PS
Brody	old sale road 10	
Janssen	amor court	J.C
Connor	Connor.L.Hart@gmail.com	CH
BLAKE G.		
Kane W	26 Brook street	K.W
Macy	4 Kooranallast	Macy
LOGGSONS	moe	
ROLLS	moe	
Boyd	moe	
LACKSON	moe	
CONNOR	moe	
KAITIYH	moe	
WILL	TANTIL south	WILL
BLAKE	Moe	BLAKE
ALAN NH	Moe	ALAN NH

Petition to Latrobe City Council for permanent bins in Albert Street P.S.

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Name	Address	Signature
EBONY	MOE	EBONY
JACK	MOE	JACK
KAYLA	TRAFALGAR	KM
seth	MOE	SB
Amy	MOE SP	a.R
RILEY messup	MOE PS	RJ
Kaelee	MOE HS	Kaelee
McKINLEY	MOE PS	MP
JJ	MOE P.S.	ME
Wardle	MOE	me
Charlotte	MOE	MP
Kyarra	MOE	ME
Cruz	MOE	CB
Reilly	MOE	R.W
Cole	MOE	CA
Trent	MOE	T.Z
Alicia	MOE	A.N

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Petition to Latrobe City Council for permanent bins in Albert Street P.S.

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Name	Address	Signature
Christine Aisbett	161 Haight St Moe	C Aisbett
Joyce Pearce	62 Sewie Moe	J. Pearce
Jodie Johnson	31 Kelso Rd Y.N.	J. J.
MERRIN JACKSON	FRY'S TRACK, NEWSB.	M. Jackson
Harmonie Tyburski	62 Riverlea Blvd, Tigon	H. Tyburski
SHERRIDAN MATTHEWS	10 King St MOE	S. Matthews
M. Warragul	Warragul.	M. Warragul
A. DAVIES	11 Stamford's News	A. Davies
M. NISSON	Rafter Cr., MOE	M. Nisson
Heather Acteman	12 Bell St Moe.	Heather Acteman
LISA FERGUSON	3/12 Gladstone street moe	L. Ferguson
D. MITSIOS	37 MOORE ST MOE	D. Mitsios
S. TAYLOR	4 View St moe	S. Taylor
S. BLADE	54 HIGH ST MOE	S. Blade
J. MITCHELL	305 Mountain Glen Drive Traf east	J. Mitchell
J. Day	Rose	J. Day
J. Brosnan	JORDON	J. Brosnan

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

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Name	Address	Signature
Chloe		
Kyle		
Brayden		
Cameron		
Kade	12 Oshott	AD
William	73 Staff St Moe	W.P
Maddison	2 Kingford St Moe	M. Bank.
Kasey	30 Simon ^{cr} Moe South	Kfitz
Reece	12 Parpr Ave ^{Moe}	
David	179 Orton's rd	Daron
Bella	Moe	B. Stansbury
Ashley	Moe	
Blake	Moe	AJ Stan
Zoe	Moe	Peris
John.A	Moe	John
Ashlee.G	Moe	A. Griffiths
Jacob	Moe	

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

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Name	Address	Signature
BRAYDAN DAVIS	Moe	BRAYDAN
Samantha McGowan	1165 Whitelaws Trk Budgerera	S. McGowan
Ella Brosnan	23 Trent St Newb	(B)
Jemma Douglas	193 Twin Rangers Drive	JD
Michaela Sullivan	8 Jubble St moe	M. Sullivan
Maddison	2 Kingford St moe	M. Sullivan
Chantelle	13 Vascoe Ct moe	CS
Jesse	13 Dore W St	
Katalyn Robinson	12 Griffin St moe	
Ashlyn	Narracan	Ashlyn
Caitlin	moe	CP
Jazmin	moe	JP
Jake	moe	JD
James	moe	James
Nic	Newbrough/churchill	N.M
Ryan E	moe	R.E
Casey	moe	Cavalley

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

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Name	Address	Signature
John Frasca	54 Seaward moe	J. Frasca
Helen Moe	Newborough	[Signature]
Melissa Hansen	Newborough	[Signature]
Jackie Neale	Trotalop ^{v. clay cut}	[Signature]
Vicky Gannan	23 Seaward moe	[Signature]
THERESA DAVIS	1A BROWETT ST. moe	[Signature]
DORREN BILLINGTON	NEWBOROUGH	[Signature]
BERYL BRIEN	MOE	[Signature]
Lyndia Ravello	Newborough	[Signature]
ASPA PAMPOUKIDIS	MOE	A. PAMPOUKIDIS
MELAINIE MILLER	TANJIL STN	[Signature]
Vanessa Lamont	58 High st moe	[Signature]
Kathleen Hestr	Truxott rd moe	[Signature]
DMITSIOS	37 MADRE ST MOE	[Signature]
Isabelle	MOE	[Signature]
Shae	33 Park Sidemoe S	[Signature]
Jamie	moe	[Signature]

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**



Prep 1 hall

GH H

Mills
5/6 L
3/4 T
3/4 G

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Name	Address	Signature
Steven Dockley	3 Barton Place, Traralgon	
Ebony Tanti	25 high street, moe	
Chloe Duff	5 boom crt	C. Duff
Sophie	MOE	Sophie
CAMERON	MOE	CAMERON
Bethanite	MOE	Bethanite
Ella	MOE	Ella
CHARLOTTE	MOE	CH
Grace/	YALLOUPIN NORTH	Grace
Melkayla	MOE	OM
TARSHA	MOE	TG
Haylee	MOE	HMP
LILLY	MOE	LBT
Haydn	MOE	HE
Steenahree	MOE	S.h
KARLIN	MOE	KARLIN
Sara.	MOE	S.C

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

H T

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Name	Address	Signature
LET ¹⁰¹	Moe	
MURISSO	Moe	
Annie	Moe	
REDC	Moe	
Brown don	Moe	
Michelle Ashworth	(Tonill South) 4/52 Lakeview Place	Mono
Cathy Curwood	(Churchill) 5 Mathison Ct.	C. Curwood
Paula Veenman	Bliss St Moe	
Doug Day	21 Lisle St Moe	
Sharon Waterhouse	Traf Sharalah Way Ecist	
LINOSAY KING	32 JOYCE COURT WESTBURY	Lindsay King.
Monique Coburn	40 Pleasant Dr Heamsdale	M. O. C.
Amanda Marry	13 Prince Hwy Traralgon	A. Marry
Jo Walker	23 Hawke St Moe	J. Walker
ERIC MELLEMAN	16 CHARLES MOE	E. Mellem
Rebecca Bazzinotti	15 Scorpio Ave	Rebecca Bazzinotti
Harry Bazzinotti	SAME	Harry Bazzinotti

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

2/2 bodle

1/2
Rossie

Petition to Latrobe City Council for permanent bins in Albert Street P.S.

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Name	Address	Signature
Malakdi	moe.P.S	M-Ross
Ebony	Moe.P.S	E-Perkins
Phoebe	moe PS	P-Friend
Mahida	moe P.S	me
Terrielle	moe P.S	T-Grima
Kulmerly	moe PS	K-Kung
Tara	moe-PS	T-ROBINSON
Katrina	Moe-PS	K-Slocombe
Izzy	Moe-PS	I-Eaton
Seth	Moe-PS	S-James.
Jackson	Moe PS	J-Dark.
Talia	MoePS	T-C
Bjorn	Moe-PS	B-G
Alicia	Moe PS	A-P
Hayley	Moe P.S	HB
Molly	Moe P.S	Molly
Kloe	ASPS	KB

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

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Name	Address	Signature
Jocelyn Yeatman	15 STAMFORD ST. MOE	Yeatman
Joyce Holman	10 Scorpio Ave	J Holman
MRS NORMA WELLS	31 BETFORD ST NEWB	Mrs Norma Wells
Wendy Stapsma	Varcoe crt Newb	Wendy Stapsma
Susan Heybel	Yallourn North	S Heybel
Janet Harrington	HEYFIELD	Harrington
L. SKINN.	NEWBOROUGH	L Skinn
E WILLIAMS	MOE SOUTH	E Williams
B. Nielsen	303 School Rd. Trafalgar	B. Nielsen
K. Sharma	Morwell	K Sharma
T. REED	BOOLARRA Av	T Reed
K. ZIMORA	Newborough	K Zimora
H. Wheeler	Newborough	H Wheeler
Wicki Gaud	DARNUM	W Gaud
Ab Reed	Newborough	Ab Reed
T. Robinson	12 Queen moe	T Robinson
H. DICKSON	7 TOWELL ST, NEW	H Dickson

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICE

**12.1 UPDATE ON THE PROPOSAL TO CREATE AN EXPANDED,
REGIONALLY-FOCUSED UNIVERSITY AT THE MONASH
UNIVERSITY CAMPUS AT CHURCHILL.**

Chief Executive Officer

For Decision

PURPOSE

The purpose of this report is to provide Council with an overview of the activities undertaken to date on the Monash and University of Ballarat proposal to create an expanded, regionally-focused university.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Community

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

Strategic Objectives - Economy

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

Strategic Objectives – Advocacy

In 2026, Latrobe Valley is supported by diversity of government, agency, industry and community leaders, committed to working together to advocate for and deliver sustainable local outcomes.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Directions –

- Support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.
- Actively build partnerships with other municipalities, government, industry and community agencies to deliver important services and projects, and ensure strong outcomes for our community.
- Build a strong image for Latrobe City which emphasises prosperity, liveability and a sense of self confidence and resilience within the community.
- Support the skill development requirements of local industry.
- Develop and foster relationships with service providers to enhance the learning and employment outcomes of the community.
- Work collaboratively with all relevant stakeholders in the provision and support of quality education and care.

Major Initiatives –

- Advocate with State and Federal Governments for research and development of innovative uses of brown coal resources to be located in Latrobe City.
- Support implementation of the Gippsland Tertiary Education Plan for Gippsland to enhance access, participation and attainment of tertiary education.
- Support implementation of the Gippsland Skills Action Plan and the Gippsland Skills and Industry Alliance to improve alignment of educational services and the needs of our workforce, business and industry (Supporting the Gippsland Regional Plan).
- Support the expansion of courses, student services and accommodation at Monash University Gippsland campus, Churchill (Supporting the Gippsland Regional Plan).
- Advocate for the development of the Centre for Sustainable Technologies at Monash University Gippsland Campus Churchill, to undertake research and development in new technologies that support sustainable resource use and strengthen the resilience and diversity of the regional economy (Supporting the Gippsland Regional Plan).

BACKGROUND

On 22 February 2013, Monash University and the University of Ballarat announced a proposition to create an expanded, regionally-focused university. Under the arrangement, Monash University's Gippsland campus would, with minor exclusions, join with the University of Ballarat from 1 January 2014. Apart from medicine, Monash courses would be phased out in favour of awards offered by the new university. Monash would continue to stand behind research at the campus. The university would have a new name and would target regional needs in teaching and research.

Both universities committed to a period of public consultation on the proposal, with an intention that the two university councils each decide in early May 2013 whether to proceed with the proposed changes. As part of the public consultation process, the universities requested that written submissions be made by 17 April 2013.

At its ordinary meeting on 4 March 2013, Council resolved as follows:

- 1. That this Council, condemns the decision taken by Monash University, based on their announcement on Friday 22 February 2013, to cease their commitment on their Churchill Campus, and diminished commitment to tertiary education in Gippsland.*
- 2. That the Mayor writes to the Federal Minister for Tertiary Education, the Hon Chris Bowen, expressing Council's strong concern for higher education in Gippsland and request that the Minister intervene to ensure that the planned/proposed new model for tertiary education in Gippsland involving the University of Ballarat is urgently reviewed.*
- 3. That the Mayor writes to the Federal Member for Gippsland, Darren Chester, the Federal Member for McMillan, Russell Broadbent, Victoria's Deputy Premier and Minister for Regional Development, Peter Ryan, Member for Morwell, Russell Northe and the Minister for Higher Education and Skills, Peter Hall expressing this Council's concern and disappointment regarding Monash University's plans to withdraw significantly from the Gippsland region, both in terms of the detrimental educational impact including distance education/international students participation and economic/jobs impact and seeks their support and urgent response for Monash University's on-going presence and long term re-commitment to Gippsland.*
- 4. That the Mayor writes to Mr Ed Byrne, Vice Chancellor, and Monash University requesting an urgent meeting/briefing with Councillors regarding their plan/proposal as announced on Friday 22nd February 2013.*

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

5. *That this Council obtain legal advice regarding the requirement under the Monash University Act (2009) Part 2, Section 5 (g) for the University " to provide programs and services in a way that reflects principles of equity and social justice" in relation to the Monash University decision to cease their commitment to their Churchill campus and diminished commitment to tertiary education in Gippsland.*

In accordance with this resolution, correspondence was sent and responses were received from the Federal Member for Gippsland and Victorian Deputy Premier. (Attachment A)

On 18 March 2013, Council resolved:

That Latrobe City Council write to the Vice-Chancellor and President of Monash University, Professor Ed Byrne, requesting Minutes of all Monash University Gippsland Advisory Council Meetings, from the time of its inception, for the purpose of providing context to Latrobe City Council, prior to Council's forthcoming meeting with Professor Byrne.

In accordance with this resolution, correspondence was sent. (Attachment B)

On 8 April 2013, Council resolved:

1. *That Council request the Monash and Ballarat University Councils defer any decision in relation to the proposition to create a regionally-focused university at the Monash Gippsland Campus until such time as Council and the community have had an opportunity to:*
2. *Fully consider the proposition*
3. *Fully consider other potential options and models of tertiary education provision at the Gippsland campus (including Monash retaining the campus)*
4. *Engage with the Vice-Chancellors of Monash, Ballarat and other universities to understand the implications of the proposed and other models; and*
5. *Engage with relevant Members of Parliament to discuss the implications of the proposition.*

In accordance with this resolution, correspondence was sent and responses were received from the Victorian Deputy Premier, the Vice Chancellor of Monash University, and the Vice Chancellor and Pro Vice Chancellor of the University of Ballarat. (Attachment C)

On 8 April 2013, Council further resolved:

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

In accordance with this resolution, correspondence was sent. (Attachment D)

This report provides an overview of Council's activities that have been undertaken in relation to this issue as well as an update on the progress of the Monash University and University of Ballarat proposal.

ISSUES

Council's activities in response to the proposal

On 22 February 2013, Monash University and the University of Ballarat publicly announced a proposition to create an expanded, regionally-focused university that would mean significant changes to the Churchill Campus, including changes to focus and courses. There was no forewarning to key stakeholders, including staff and students, and few details were provided at the time.

Council has expressed a range of concerns, including:

- the way in which the proposal was put to the community, as well as with the proposal itself;
- whether Monash University will 'strip' the campus of valuable assets, including staff and the medical school;
- Monash University has had a presence at the Churchill Campus since 1990, and has provided the only university campus in Gippsland, including a medical school and research facilities. Monash University is part of the Group of Eight (Go8) research universities network, comprising the Vice- Chancellors and Presidents of Australia's leading research universities. The Go8 purpose includes informing, influencing and advising on Australia's university education policy agenda. The University of Ballarat is not a Go8 member and has existed since 1994;
- whether the campus will continue to be attractive to students, particularly international students, if the proposal were to go ahead;
- the lack of detail in many areas of the proposal, including about how research will be supported by Monash, and how the reputation of the campus can be re-built, locally and internationally, if Monash leaves;
- that this major proposal, which has significant implications for the community, was made without notice to or consultation with the Churchill campus' staff, students, local stakeholders or the community;

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

- that not all affected stakeholders have been appropriately considered and adequately accommodated (e.g. local year 12 students); and
- that the period for public consultation and submissions was short.

As part of the public consultation process, Council's submitted a Position Paper via the Monash University website, outlining its concerns, on 17 April 2013. (Attachment E)

Despite council's concerns, the two universities have pressed ahead with plans for Monash to hand over the Churchill Campus to the University of Ballarat, making an announcement on 10 May 2013 to this effect. The universities have indicated that they anticipate changes to be in place for university commencement in early 2014. For this to happen, the universities will need to seek a change in the relevant legislation in coming months.

Since the announcement of 10 May 2013, Councillors have met with Pro Vice Chancellors (PVCs) of both universities. Given the decision to move forward with the proposal, Council's concerns now centre on ensuring that any future entity at the Churchill campus accurately reflects the education needs and aspirations of this community, including via the provision of courses relevant to Gippsland, as well as by providing world class research facilities and an attractive option for international and domestic students.

Council has welcomed discussion with both universities and will continue to engage with the PVCs and other relevant stakeholders on this issue throughout the process to ensure that the community is adequately represented.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Council has undertaken a comprehensive range of meetings, outlined in the table below.

Date (2013)	Activity	Attachment
4 March	Mayor and CEO met with Robin Pollard, Pro Vice Chancellor (PVC) of Monash University's Churchill Campus.	No
12-15 March	Council wrote to key stakeholders identified in resolution of 4 March	A
14 March	Mayor and CEO met with University of Ballarat PVC, Prof David Battersby	No
22 March	Public forum held in Traralgon by Monash and University of Ballarat. Councillors, CEO and staff in attendance.	F
4 April	Councillors and the CEO met Monash Vice Chancellor, Professor Ed Byrne	G
10 April	Monash advertisement in Gippsland regional papers, identifying a range of considerations that have been raised in feedback to date	H
17 April	Latrobe City Council submission regarding the proposal	E
30 April	Mayor met with Peter Hall, Victorian Minister for Higher Education and Skills	No
1 May	Councillors and CEO met with Peter Hall, Victorian Minister for Higher Education and Skills	No
6 May	Councillors and CEO met with Darren Chester, Federal Member for Gippsland	No
7 May	Councillors and officer met with Russell Broadbent, Federal Member for McMillan	No
10 May	Announcement that proposal would proceed	I
10 May	Consultation paper about new name for University of Ballarat: "The Next Step"	J
13 May	Councillors and CEO met with PVCs Robin Pollard and Professor David Battersby.	K
21 May	Meeting with Victorian Premier, Denis Naphine	No

Formal representations from other stakeholders

A number of regional stakeholders have made submissions in relation to the proposed merger between Ballarat University and Monash University's Gippsland campus. Substantial Submissions to Monash University can be found on Monash's website.

In addition to the above Council has received a letter from Wellington Shire Council, indicating support for the proposal from the following stakeholders. (Attachment L) Council has also received a copy of a letter from the Department of Education and Early Childhood Development in response to correspondence from the Gippsland Local Government Network. (Attachment M)

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)***Activities undertaken by both universities*

Monash University and the University of Ballarat have jointly undertaken a number of activities designed to connect with local stakeholders.

A series of public forums was held across Gippsland at which the PVCs of each university provided information and responded to audience questions:

21 March – Leongatha

22 March – Traralgon

25 March – Warragul

25 March – Bairnsdale

27 March – Churchill

Both universities have issued a number of media releases since the announcement in February. These can be located on the websites of each university. In addition, both university websites contain other information about the proposal, including FAQs and project updates.

The universities announced on 10 May 2013 that the proposal had been accepted by their councils, and that they would now be pursuing the relevant legislative changes. (Attachment I)

A consultation paper titled "*The Next Step*" has been released and explores what the new name might be for the new university. (Attachment J) Comments about this paper are invited until 3 June 2013. Council has not adopted a formal position on the name of the new entity.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial implications arising from this report.

INTERNAL/EXTERNAL CONSULTATION

No consultation has been undertaken in the preparation of this report as it pertains to activities undertaken by Council.

OPTIONS

1. That Council notes this report and accepts that the proposal has been supported by both Monash University and University of Ballarat and is likely to proceed; or
2. That Council note this report and not accept that the proposal is likely to proceed; or
3. That Council does not note this report and seeks further information.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

CONCLUSION

The proposal for the University of Ballarat to create an expanded, regionally-focused university at the Monash University Churchill campus came as a surprise to the local community, including Council. Council's view is that key stakeholders, including local staff and students, should have been engaged prior to the announcement.

Since that time, Council has engaged with both universities to discuss a range of concerns and to represent the needs of the local community. Council has welcomed efforts made by the universities to engage with the community, including through public forums and a request for written submissions.

The councils of both universities have accepted the proposal and will pursue a change in legislation in coming months in order to allow changes to be in place by January 2014. In light of this decision, Council will pursue opportunities to engage regularly with the universities and other stakeholders to ensure that a future university at Churchill properly caters for the needs of local, domestic and international students.

Attachments

1. Attachment A - Correspondence
2. Attachment B - Correspondence
3. Attachment C - Correspondence
4. Attachment D - Correspondence
5. Attachment E - Position Paper
6. Attachment F - Information Brochure
7. Attachment G - VC Meeting Agenda
8. Attachment H - Advertisement
9. Attachment I - 10 May Announcement
10. Attachment J - Consultation Paper
11. Attachment K - Meeting Handout
12. Attachment L - Correspondence and Notice of Motion
13. Attachment M - Correspondence

RECOMMENDATION

That:

- 1. Council notes the activities undertaken on the proposal since the 22 February 2013 announcement.**
- 2. Council accepts that the proposal has been supported by both Monash University and University of Ballarat and is likely to proceed.**
- 3. The Mayor write to Monash University and to the University of Ballarat to seek an opportunity to be engaged in the implementation of the proposal.**

12.1

Update on the proposal to create an expanded, regionally-focused university at the Monash University campus at Churchill.

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**Latrobe City**

a new energy

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AUSDOC DX217733 Morwell

Our Ref: 832190
SK:WB

12 March 2013

The Hon Chris Bowen MP
Minister for Tertiary Education, Skills, Science and Research
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are particularly disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat without consultation or consideration of local impacts. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

At its Ordinary Meeting on 4 March 2013, Latrobe City Councillors resolved the following:

1. *That this Council, condemns the decision taken by Monash University, based on their announcement on Friday 22nd February 2013, to cease their commitment on their Churchill Campus, and diminished commitment to tertiary education in Gippsland.*
2. *That the Mayor writes to the Federal Minister for Tertiary Education, the Hon Chris Bowen, expressing Council's strong concern for higher education in Gippsland and request that the Minister intervene to ensure that the planned/proposed new model for tertiary education in Gippsland involving the University of Ballarat is urgently reviewed.*

I request that you urgently review the proposal by Monash University and the University of Ballarat to ensure that students and residents of Gippsland are not disadvantaged by this proposal.

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 832180
SK:WB

15 March 2013

Mr Darren Chester MP
Member for Gippsland
PO Box 486
SALE VIC 3850

Dear Mr Chester *Darren*

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are very disappointed that Monash University has chosen to withdraw significantly from the Gippsland region. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

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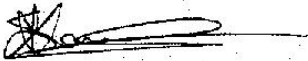
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Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Council believe that Monash University's decision will have a significant detrimental impact on students, including distance education and international students, and request your support to maintain a presence by Monash University in Gippsland and a long-term re-commitment to the region.

Yours sincerely



CR SANDY KAM
Mayor

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AUSDOC DX217733 Morwell

Our Ref: 832192
SK:WB

15 March 2013

Mr Russell Broadbent MP
Member for McMillan
46C Albert St
WARRAGUL VIC 3820

Dear Mr Broadbent

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are very disappointed that Monash University has chosen to withdraw significantly from the Gippsland region. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

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Council believe that Monash University's decision will have a significant detrimental impact on students, including distance education and international students, and request your support to maintain a presence by Monash University in Gippsland and a long-term re-commitment to the region.

Yours sincerely



CR SANDY KAM
Mayor



Our Ref: 832189
SK:WB

15 March 2013

The Hon Peter Ryan MP
Deputy Premier
Minister for Regional and Rural Development
Level 3, 1 Treasury Place
MELBOURNE VIC 3000

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AUSDOC DX217733 Morwell

Dear Deputy Premier

MONASH UNIVERSITY CHURCHILL CAMPUS

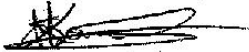
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Yours sincerely



CR SANDY KAM
Mayor


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AUSDOC DX217733 Morwell

Our Ref: 832186
SK:WB

15 March 2013

Mr Russell Northe MP
Member for Morwell
PO Box 214
MORWELL VIC 3840

Dear ~~Mr Northe~~ Russell

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are very disappointed that Monash University has chosen to withdraw significantly from the Gippsland region. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

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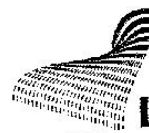
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Yours sincerely



CR SANDY KAM
Mayor

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AUSDOC DX217733 Morwell

Our Ref: 832189
SK:WB

15 March 2013

The Hon Peter Hall MLC
Minister for Higher Education and Skills
GPO Box 4367
MELBOURNE VIC 3001

Dear Minister

MONASH UNIVERSITY CHURCHILL CAMPUS


Latrobe City Council and the community are very disappointed that Monash University has chosen to withdraw significantly from the Gippsland region. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

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AUSDOC DX217733 Morwell

Our Ref: 832188
SK:WB

13 March 2013

Professor Ed Byrne AO
Vice-Chancellor
Monash University

Dear Pr Byrne

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are very disappointed that Monash University has chosen to withdraw significantly from the Gippsland region. We fear for the future of many of the courses that Monash has previously offered in Gippsland, along with the capacity to undertake research relevant to regional Victoria and low carbon technologies.

At its Ordinary Meeting on 4 March 2013, Latrobe City Councillors resolved the following:

That the Mayor writes to the Monash University Vice-Chancellor requesting an urgent meeting/briefing with Councillors regarding their plan/proposal as announced on Friday 22nd February 2013

Accordingly, I request that you meet with Councillors at your earliest opportunity to brief us more fully on your plan, and discuss the impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

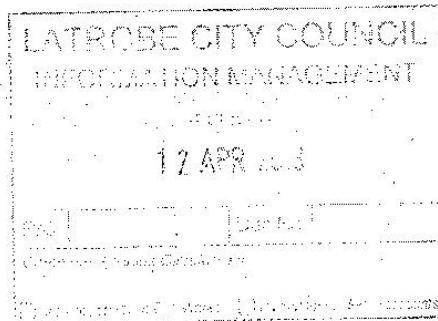
CR SANDY KAM
Mayor

Darren Chester

Political Member - Gippsland

April 3, 2013

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



Dear Cr Kam

Thank you for your letter dated March 15, 2014 regarding council's concerns with Monash University's decision to withdraw considerably from the Gippsland region.

I appreciated the opportunity to meet with Councillors last week and to respond directly.

As Council knows, the plan is for Monash University to give University of Ballarat the Churchill campus whilst retaining representation in the region through its rural health school and medical research.

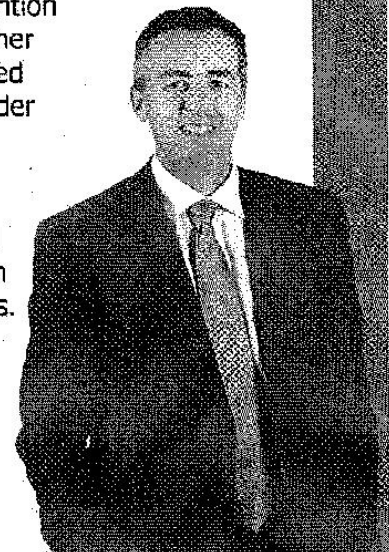
When I met with University of Ballarat Vice Chancellor, Professor David Battersby, in Canberra recently, I sought assurances that Gippsland students would not be disadvantaged by the change in tertiary provider and an expanded number of degree options would be offered by the new provider.

As mentioned during our meeting, I don't believe it would be beneficial to compel Monash Gippsland to remain in Gippsland when there is a regional based university willing to offer courses tailored to the needs of regional students and this region.

With this in mind, I believe there is a great deal of merit in this concept as long as it provides additional courses and more realistic opportunity for students to obtain a tertiary education.

As it stands today, Gippsland has one of the worst year 12 retention rates and university participation levels are lower than every other region in Victoria. The current model at Churchill has not worked and I am optimistic that the future is brighter for our region under a new regional university.

This proposal still requires formal approval from the Victorian Government and the Australian Government. This approval will not be sought until after formal consultation work is undertaken within the community, with key stakeholders, staff and students.



www.darrenchester.com darren.chester.mpp@aph.gov.au
PO Box 486 Sale Vic 3853
ph 1300 131 785 fax 03 5144 3945

Again, thank you for taking the time to brief me as to Council's concerns with this proposal. Please be assured that I intend to work with the State and Commonwealth Governments and the two universities to achieve an outcome that is in the best interest of our region.

Kind regards



DARREN CHESTER
The Nationals



Minister for Regional and Rural Development

Ref CMIN046476

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

LATROBE CITY COUNCIL	
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Melbourne
Victoria 3002
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Melbourne Victoria 3000
Telephone: (03) 9651 1222
Facsimile: (03) 9651 1188
DX210753

17 APR 2013

Dear Cr Kam,

MONASH UNIVERSITY CHURCHILL CAMPUS

Thank you for your letter dated 15 March 2013 regarding Latrobe City Council's concern about the proposed new model of tertiary education provision in Gippsland.

Monash University has been exploring ways to deliver greater autonomy and flexibility to the Gippsland Churchill campus to ensure it remains a relevant and attractive option to students in the region, interstate and abroad. The Victorian Government has encouraged moves in this direction in view of the need for Monash Gippsland to cater to a broader section of the Gippsland community to increase participation and attainment of higher education and better meet the needs of industry.

The Victorian Government is providing in-principle support for the proposal, which as it is currently stated, will provide an expanded, regionally-focused university which will give regional students access to a wider range of courses and support services that are more tailored to their needs.

Both Monash University and Ballarat University need to complete their own due diligence processes, including undertaking consultations with staff, students and stakeholders. Formal approvals from the State and Federal Governments will also be required. As an important stakeholder, I encourage Latrobe City Council to continue to quantify the value of having a university in the region, the level of student participation and level of service that is sought and to engage in the above process to ensure optimum outcomes are achieved for all.

Yours sincerely

PETER RYAN MLA
Deputy Premier
Minister for Regional and Rural Development



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AUSDOC DX217733 Morwell

Our Ref: 836042
SK:JA

20 March 2013

Professor Ed Byrne
Vice Chancellor
Office of the Vice Chancellor
MONASH UNIVERSITY VIC 3800

Dear Professor Byrne

**REQUEST FOR MINUTES OF MONASH UNIVERSITY GIPPSLAND
ADVISORY COUNCIL MEETINGS**

On 18 March 2013, at its Ordinary Council meeting, Latrobe City Council adopted the following motion:

"That Latrobe City Council write to the Vice-Chancellor and President of Monash University, Professor Ed Byrne, requesting Minutes of all Monash University Gippsland Advisory Council Meetings, from the time of its inception, for the purpose of providing context to Latrobe City Council, prior to Council's forthcoming meeting with Professor Byrne"

I therefore request that you arrange for copies of these Minutes to be provided to Latrobe City Council at the earliest possible opportunity.

If you require further information please contact Gracie Smith, Coordinator Mayoral and Councillor Support on (03) 5128 5580 or via email Gracie.Smith@latrobe.vic.gov.au.

Yours sincerely

CR SANDY KAM
MAYOR



Our Ref: 846082
SK: JA

16 April 2013

Professor Ed Byrne AO
Vice-Chancellor
Monash University
VICTORIA 3800

Latrobe City ABN 92 472 314 133
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AUSDOC DX217733 Morwell

Dear Prof Byrne

MONASH UNIVERSITY CHURCHILL CAMPUS

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

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

Accordingly, I request that Monash defers any decision in relation to the proposition to create a regionally-focussed university at the Monash Gippsland Campus. I also request again, that you meet with Councillors at your earliest opportunity to brief us more fully on your plan, and discuss the impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 846038
SK:JA

16 April 2013

Professor David Battersby
Vice-Chancellor
University of Ballarat
PO Box 663
BALLARAT VIC 3353



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AUSDOC DX217733 Morwell

Dear Professor Battersby

MONASH UNIVERSITY CHURCHILL CAMPUS

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 846126
SK: JA

16 April 2013

Dr Paul JH Hemming
Chancellor
University of Ballarat
PO Box 663
BALLARAT VIC 3353

Dear Dr Hemming

MONASH UNIVERSITY CHURCHILL CAMPUS

I am writing to you as Chair of the University of Ballarat Council about the recent joint proposal by Monash and the University of Ballarat in relation to the Monash Gippsland Campus.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

1. *Fully consider the proposition;*
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3. *Engage with the Vice-Chancellors of Monash, Ballarat and other universities to understand the implications of the proposed and other models; and*
4. *Engage with relevant Members of Parliament to discuss the implications of the proposition.*

Accordingly, I request that the University of Ballarat Council defers any decision in relation to the proposition to create a regionally-focussed university at the Monash Gippsland Campus.

I also request that you meet with Latrobe City Councillors at your earliest opportunity to brief us more fully on your plan, and discuss the impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely



CR SANDY KAM
Mayor



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Our Ref: 846111
SK:JA

16 April 2013

Mr Russell Northe MP
Member for Morwell
PO Box 214
MORWELL VIC 3840



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AUSDOC DX217733 Morwell

Dear Mr Northe

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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- 4. Engage with relevant Members of Parliament to discuss the implications of the proposition.*

Accordingly, I request an opportunity for Councillors to meet with you at your earliest convenience to discuss the implications of the proposition and impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 846063
SK:JA

16 April 2013

Mr Darren Chester MP
Member for Gippsland
PO Box 486
SALE VIC 3850

Dear Mr Chester

MONASH UNIVERSITY CHURCHILL CAMPUS

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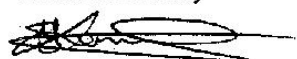
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Yours sincerely



CR SANDY KAM
Mayor



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Our Ref: 846097
SK:JA

16 April 2013

The Hon Peter Hall MLC
Minister for Higher Education and Skills
GPO Box 4367
MELBOURNE VIC 3001



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Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Dear Minister

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

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

Accordingly, I request an opportunity for Councillors to meet with you at your earliest convenience to discuss the implications of the proposition and impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 846112
SK:JA

16 April 2013

The Hon Peter Ryan MP
Deputy Premier
Minister for Regional and Rural Development
Level 3, 1 Treasury Place
MELBOURNE VIC 3000

Dear Deputy Premier Ryan

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

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

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To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely



CR SANDY KAM
Mayor



Latrobe City ABN 92 472 314 133
Telephone 1300 367 700
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Post to PO Box 264 Morwell 3840
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Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Our Ref: 846060
SK:JA

16 April 2013

Mr Russell Broadbent MP
Member for McMillan
46C Albert St
WARRAGUL VIC 3820



Latrobe City ABN 92 472 314 133
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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 Mr Broadbent

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

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

Accordingly, I request an opportunity for Councillors to meet with you at your earliest convenience to discuss the implications of the proposition and impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor

Our Ref: 846058
SK:JA

16 April 2013

Mr Gary Blackwood MP
State Member for Narracan
3/24 Mason Street
WARRAGUL VIC 3820

Dear Mr Blackwood

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

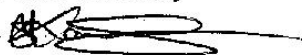
That Council request the Monash and Ballarat University Councils defer any decision in relation to the proposition to create a regionally-focused university at the Monash Gippsland Campus until such time as Council and the community have had an opportunity to:

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

Accordingly, I request an opportunity for Councillors to meet with you at your earliest convenience to discuss the implications of the proposition and impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely



CR SANDY KAM
Mayor



Latrobe City ABN 92 472 314 133
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Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Our Ref: 846103
SK:JA

16 April 2013

The Hon Craig Emerson MP
Minister for Tertiary Education, Skills, Science and Research
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister

MONASH UNIVERSITY CHURCHILL CAMPUS

Latrobe City Council and the community are disappointed at the manner in which Monash University announced its recent decision to sell its Churchill campus to the University of Ballarat. Council is particularly concerned about the lack of consultation beforehand or consideration of local impacts and is now seeking to engage with all relevant stakeholders before a final decision about this proposal is made.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

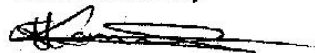
That Council request the Monash and Ballarat University Councils defer any decision in relation to the proposition to create a regionally-focused university at the Monash Gippsland Campus until such time as Council and the community have had an opportunity to:

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

Accordingly, I request an opportunity for Councillors to meet with you at your earliest convenience to discuss the implications of the proposition and impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely



CR SANDY KAM
Mayor



Latrobe City ABN 92 472 314 133
Telephone 1300 367 700
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Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Our Ref: 846110
SK: JA

16 April 2013

Dr Alan Simon Finkel AM
Chancellor
Monash University
VICTORIA 3800

Dear Dr Finkel



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

MONASH UNIVERSITY CHURCHILL CAMPUS

I am writing to you as Chair of the Monash University Council about the recent joint proposal by Monash and the University of Ballarat in relation to the Monash Gippsland Campus.

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

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

Accordingly, I request that the Monash University Council defers any decision in relation to the proposition to create a regionally-focussed university at the Monash Gippsland Campus.

I also request that you meet with Latrobe City Councillors at your earliest opportunity to brief us more fully on your plan, and discuss the impacts that this will have on the Gippsland region.

To coordinate a suitable meeting time, your office may contact Gracie Smith Coordinator Mayoral & Councillor Support on 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

CR SANDY KAM
Mayor



Minister for Regional and Rural Development

1 Treasury Place
Melbourne
Victoria 3002
GPO Box 4912VV
Melbourne Victoria 3000
Telephone: (03) 9651 1222
Facsimile: (03) 9651 1188
DX210753

Our ref: DP11977LS

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

06 MAY 2013

Dear Cr Kam

MONASH UNIVERSITY CHURCHILL CAMPUS

Thank you for your letter dated 16 April regarding Latrobe City Council's concerns about the proposed new model of tertiary education in the Gippsland region and your request to meet with me.


As noted in my letter to you on 17 April 2013, the Victorian Government is providing in-principle support for the proposal, which in its current form, will create a regionally-focused university and will provide regional students with access to a wider range of courses and better cater to their specific needs.

I understand that Latrobe City Council will soon be meeting with the Minister for Higher Education and Skills the Hon Peter Hall. As the responsible Minister it is appropriate for you to meet with him in the first instance.

I will continue to keep informed about this matter, both in my capacity as Minister for Regional and Rural Development, and also as the Member for Gippsland South.

Thank you for taking the time to write to me.

Kind regards


PETER RYAN MLA
Deputy Premier of Victoria
Minister for State Development
Minister for Regional and Rural Development

cc: The Hon Peter Hall MLC
Minister for Higher Education and Skills



Office of the Chancellor
Dr Paul J H Hemming

University of Ballarat
Learn to succeed



24 April 2013

Councillor Sandy Kam
Mayor
Latrobe City
Post Office Box 264
Morwell 3840

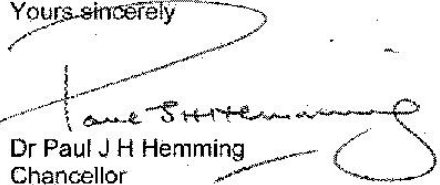
Dear Councillor Kam

Thank you for your letter of 16 April on behalf of Latrobe City regarding the Monash Gippsland Campus.

I understand that the Vice-Chancellor Professor David Battersby, has responded on behalf of the University of Ballarat regarding the possibilities for the future of the campus and suggested a further meeting with the City following the review of the proposal by the Council of the University.

Thank you once again for your obvious interest in the provision of higher education within the regional communities of Gippsland.

Yours sincerely


Dr Paul J H Hemming
Chancellor

LATROBE CITY COUNCIL	
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University of Ballarat
Learn to succeed



Office of the Vice-Chancellor and President

19 April 2013

Cr Sandy Kam
Mayor
Lafrobe City
P.O. Box 264
Morwell 3840

Dear Councillor Kam,

Thank you for your letter of 16 April in which you convey the resolutions of the Council's meeting of 8 April. I note the request to meet with your fellow Councillors at the earliest opportunity to provide a briefing on the proposal that the Monash University Gippsland campus join with the University of Ballarat.

As you know, I wrote to you on 3 March requesting an opportunity to meet with you and the Council to provide a full briefing about this matter. I am appreciative that you and the Chief Executive were able to see me on 14 March. I subsequently wrote to the Chief Executive on 15 March reiterating my willingness to meet with Councillors and I wrote again to him on 17 March making myself available to meet with Councillors during the following week when I was in Gippsland. I noted that some Councillors did attend the community consultation sessions in which I was involved and I was grateful for their attendance and participation.

I realise that you and the Council have been liaising with Monash University but I have also endeavoured to make myself available to meet with the Council. Indeed, on economic development matters, you kindly met with the Director of the University of Ballarat Technology Park.

Over the coming couple of weeks, the governing Councils of the two universities will separately review progress on the proposal for the Gippsland campus to join with the University of Ballarat. If the decision is to proceed with the proposal and to undertake further planning, it would be opportune to meet with you and the Council to provide a briefing on the plan and to discuss the positive impacts that this will have on the Gippsland region.

Should the deliberations of the two University Councils result in the proposal being progressed, then I will be in contact to arrange a meeting to discuss the matters referred to in your correspondence.

With kind regards,

Yours sincerely,

A handwritten signature in cursive script that reads 'David Battersby'.

Professor David Battersby
Vice-Chancellor and President

SMB Campus Lydiard Street South, Ballarat Mail PO Box 668, Ballarat, Victoria, 3353 Australia
Telephone +61 3 5327 8500 Facsimile +61 3 5327 8502 Web www.ballarat.edu.au

CRICOS Provider Number 00103D

A/C



Professor Ed Byrne AO
University President

19th April, 2013

Cr Sandy Kam
Mayor
PO Box 264
MORWELL 3840

Dear Mayor,

I am responding to your letters to me and the Chancellor of Monash University, dated 16 April.

Consultation on the proposition commenced on 22 February. In recognition of the importance of the community as key stakeholders of the campus, that process involved consultation with regional groups including the La Trobe City Council and other regional councils. A deadline of 17 April was set for submissions, in order to provide sufficient time for both consultation and planning. The key objective here is to ensure that, should the proposition proceed, students can commence studies in February 2014 with confidence. This is why it is essential that the two university councils review progress and consider next steps in early May 2013.

I would like to make it perfectly clear that the reason for setting our consultation period at eight weeks was because in our considered view a period of protracted uncertainty would destabilise the staff and students already on campus, future student demand and ultimately, therefore, campus viability.

During the eight-week consultation period, a number of community 'town-hall' meetings were held. Nearly 200 written submissions were received, including some 40 substantial submissions, as set out at monash.edu/gippsland-future. Organisations of importance to Gippsland have supported the proposition after careful analysis and reflection. In addition you and your council colleagues met with me, Professor Battersby, and other senior university staff.

The specific views of the Latrobe City Council have been considered and were, for example, reflected upon in the contribution by the Gippsland Advisory Committee. Feedback from their consideration has been copied to you and is also published at the aforementioned web site. Such discussions will inform the two university councils in the coming weeks.

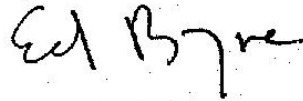
I am disappointed that your council, unlike other public bodies in the Gippsland region that the campus serves, does not appreciate the potential of what is being proposed nor the significant risks to the region of delaying a final decision.

Postal - Monash University, Clayton, VIC 3800, Australia
Building 3A, Clayton campus, Wellington Road, Clayton
Telephone +61 3 8902 9651
Email ed.byrne@monash.edu
www.monash.edu
CRICOS Provider No. 00008C ABN 12 377 614 012

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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This is the most exciting proposal to come forward for tertiary education in Gippsland in a generation. It would be great if you could reconsider your position and add your support to the proposition.

Yours sincerely



Professor Ed Byrne, AO
President and Vice-Chancellor

Cc: Dr Alan Finkel, Chancellor, Monash University
Professor David Battersby, Vice-Chancellor, University of Ballarat

**The Hon. Peter Hall, MLC**

Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 3300
Facsimile: +61 3 9637 2800

GPO Box 4367
Melbourne, Victoria 3001

HEP 962

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

Dear Mayor

Thank you for your letter regarding Monash University's presence in the Gippsland region.

I understand a meeting has been arranged between council and myself for the purpose of discussing council's concerns.

I look forward to that meeting.

Yours sincerely

The Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

29/4/2013



This original has been printed in black and white on recycled paper to reduce cost and environmental impact.



Our Ref: 846129
SK: JA

14 April 2013

Dr Peter Frost
Acting Auditor-General and Chief Operating Officer
Victorian Auditor-General's Office
Level 24, 35 Collins Street
MELBOURNE VIC 3000

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 Dr Frost:

MONASH UNIVERSITY CHURCHILL CAMPUS

At its Ordinary Meeting on 8 April 2013, Latrobe City Councillors resolved the following:

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

Accordingly, I request that you provide Latrobe City Council with this information as soon as possible.

If you would like any further information about this request, please contact Gracie Smith Coordinator Mayoral & Councillor Support on 03 5128 5580 or via email to gracie.smith@latrobe.vic.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "CR Sandy Kam", written over a horizontal line.

CR SANDY KAM
Mayor



Position Paper on Monash & University of Ballarat Proposal

Purpose

This Position Paper outlines Latrobe City Council's views on the recent announcement by Monash University and the University of Ballarat about a proposed change of management of Monash's Churchill campus. It also re-affirms Council's strong support for a vibrant tertiary education sector in the municipality, and calls on relevant stakeholders to proactively seek information, engage with both universities during the consultation process and beyond, and to strongly advocate for the best possible outcome for Latrobe City's community.

Latrobe City Council's position

On Monday 8 April at its Ordinary Council meeting, Council resolved the following:

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


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

Background

On 22 February 2013, Monash University and the University of Ballarat announced a proposition to create "an expanded, regionally-focused university". Under the arrangement, Monash University's Gippsland campus would, with minor exclusions, join with the University of Ballarat from 1 January 2014. Apart from medicine, Monash courses would be phased out in favour of awards offered by the new university. Monash would continue to stand behind research at the campus. The university would have a new identity and would target regional needs in teaching and research.

Both universities are currently undertaking public consultation on the proposal, with an intention that the two university councils each decide in early May whether to proceed with the proposed changes. If both universities do decide to proceed, they will then jointly seek State and Commonwealth Government support (including necessary legislative changes) in 2013, to begin operation in 2014.

As part of the public consultation process, the universities have requested that all submissions are made by 17 April 2013. On 10 April 2013, an advertisement was placed in



Gippsland regional papers, identifying a range of considerations that have been raised in feedback to date, including noting the importance of ongoing, open and honest dialogue with stakeholders.

While the two universities have committed to heavily promoting the proposition in March and April 2013, Council believes that this decision requires careful consideration and should not be rushed. The community's views must be fully known and understood by the universities. At this stage, many details about the proposal have not been provided.

Council's concerns

Council has concerns about how the proposal has been put to the community, as well as with the proposal itself. While Council has met with Pro-Vice Chancellors of both Monash Gippsland and Ballarat, as well as Monash Vice-Chancellor Ed Byrne, it does not believe that all affected stakeholders have been appropriately considered and adequately accommodated (e.g. local year 12 students), particularly for such a major change. The proposal also lacks sufficient detail in many areas, including about how research will be supported by Monash, and how the reputation of the campus can be re-built, locally and internationally, if Monash leaves.

Council also remains concerned that this major proposal, which has significant implications for the community, was made without notice to or consultation with the Churchill campus' staff, students, local stakeholders or the community. The community needs to believe that the universities are genuinely committed to considering stakeholder feedback in any final decision, and that the major decisions have not already been made.

The community requires time to digest the information provided, to consider any options and alternatives, to ask further questions of the proponents, and to receive adequate responses to those questions. This time has not been provided. Accordingly, Council calls upon the universities to defer a decision until comprehensive consultation can occur, with full details provided.



MONASH University

University of Ballarat
Learn to succeed



A new future for tertiary education in Gippsland.

Improving Gippsland's access to higher education.

In late February, Monash University and the University of Ballarat announced a proposition to create an expanded, regionally-focused university. Under the arrangement, Monash University's Gippsland campus would join the University of Ballarat. The expanded university, with a new name, would be better able to serve Gippsland's higher education needs. This is your chance to help shape the future of tertiary education in Gippsland.

Improving Gippsland's access to higher education.

Why we need to do this.

The higher education needs of the Gippsland community are not being met as well as they could be. Enrolments at Monash University's Churchill campus are low, as is participation in higher education among people in our region. In 2012, just 35 per cent of people who completed Year 12 (or equivalent) in Gippsland were studying at university, compared to 57 per cent in Melbourne.*

There is little sign of growth under the current model. Residents are not getting the education they need to fulfil their potential; local businesses are unable to recruit the workers they need to grow.

Something new and different needs to be done. The Gippsland region needs a university that:

- is highly skilled in developing courses targeted to local and regional employment and industry needs;
- provides delivery methods appropriate to regional conditions;
- can respond rapidly to emerging needs for courses; and
- can offer more flexibility in entry requirements.

Process.

It is important to provide certainty for staff, students and the local community as quickly as possible. Under the proposition, the changes would take effect from 1 January 2014. To meet that deadline, the two university councils will decide in late April and early May whether to proceed with the proposition.

Staff, students and the local community are very important in this process. Their views are being sought, and will help shape the university.

Once these processes have been completed – and if the universities decide to proceed – it will be necessary to seek approvals and actions from governments at state and federal level. This will include amendments to the University of Ballarat Act by the Victorian Government, meeting any requirements set by the Tertiary Education Quality Standards Agency (TEQSA) and obtaining approval from the Australian Government, especially in relation to access to Commonwealth Supported Places.

Impact on current students.

All students admitted to Monash University courses and programs at the Gippsland campus will remain Monash students until they have completed the academic course of study they enrolled in. Monash would ensure an orderly withdrawal of its courses without disadvantaging normal course progressions.

Once a transfer has taken place, incoming students would be admitted to the courses of the new university, which would build upon the academic offerings already available.

“By being part of a regionally-focused university, the campus would be able to be more attuned and responsive to the needs of the Gippsland community”

* Source: *The On Track Survey 2012: The Destinations of School Leavers in Victoria*, Department of Education and Early Childhood Development, Victorian Government, 2012

Benefits of the new university.

The University of Ballarat and Monash University's Gippsland campus both exist to increase the opportunities for people in their respective regions, making Ballarat a more natural partner for Gippsland than a metropolitan-based Group of Eight university like Monash.

By being part of a regionally-focused university, the campus would be able to be more attuned and responsive to the needs of the Gippsland community. It would:

- offer increased flexibility in entry requirements, giving more students the opportunity to study locally;
- develop ways of delivering courses that work better for Gippsland: more online programs, greater integration of online and on-campus learning, and better connections with other regional education providers such as GippsTAFE and Advance TAFE;
- focus more closely on the needs of local employers, students and communities; and
- expand the range and scope of relevant courses and research to meet local demand. Over time, new courses for Gippsland could include engineering, graphic design and, multimedia, human movement and sports science, early childhood, metallurgy and health science.

University of Ballarat.

The University of Ballarat excels at catering for the higher education needs of regional communities. It is the only university in Victoria to have been awarded five stars for teaching quality by the Good Universities Guide for the last four years in a row.

The employability rate of Ballarat's graduates is the highest in Victoria, and over 72 per cent of graduates go on to find employment in regional areas. Gippsland has much in common with the regions where Ballarat has its existing campuses. For example:

- 75 per cent of the University of Ballarat's students come from regional communities, with many having experienced first-hand the type of adversity common in regional Australia;
- 80 per cent of students at the University of Ballarat are the first in their family to attend university; and
- the University of Ballarat attracts students from a wide variety of backgrounds. Around half come through TAFE or tertiary diplomas, with the other half coming directly from secondary school.



MONASH University

University of Ballarat
Learn to succeed**Have your say.**

The chance for a community and a region to be involved in the development of a new university is rare indeed. This is your opportunity to make your voice heard and help ensure that Gippsland has the university it needs to help it grow into the future.

Email us.

Email us at gippslandfuture@monash.edu

Attend one of our Community Forums being held across Gippsland:**Leongatha:**

6.30pm - 8pm,
Thursday 21 March
at Leongatha TAFE

Warragul:

12pm - 2pm,
Monday 25 March
at GippsTAFE

Traralgon:

12pm - 2pm,
Friday 22 March
at GippsTAFE Academy

Bairnsdale:

6.30pm - 8pm,
Monday 25 March
at Advance TAFE

In order to meet key dates, and have your contribution considered by the councils of Monash University and the University of Ballarat, you'll need to provide feedback by Wednesday 17 April 2013.

Contributions received after this date are also welcome and will be taken into account if the proposition is to proceed.

For more information, visit
monash.edu/gippslandfuture

Agenda

Thursday, 4 April 2013 – 11.30 am – 1.30 pm

Chair: Cr Sandy Kam

- | | |
|---------------------|---|
| 11.30 am – 11.45 am | Introductions |
| | Professor Byrne response to following questions |
| | <ul style="list-style-type: none">• Why has Monash made a decision to withdraw from the Gippsland Campus?• How can Council and/or the community change or at least defer this decision?<ul style="list-style-type: none">○ To explore opportunities to address current challenges○ To enable the Council/community to consider other options• Why have you chosen the Ballarat option? |
| 11.45 am – 12.30 pm | |
| 12.30 pm – 12.45 pm | Lunch |
| 12.45 pm – 1.30 pm | General discussion and questions |

Potential Questions

1. Why has Monash not been able to respond to regional needs for research, regional development and workforce planning?
2. Why has Monash allowed the campus to decline in terms of course offering, research capacity and student numbers?
3. Why does Monash not offer flexibility in entry requirements to enable a greater percentage of Gippsland students the opportunity for university education?



University of Ballarat
Learn to succeed



Thank you, Gippsland.

Over the past month, we've asked for your ideas and input about our proposition for what an expanded, regionally-focused university in Gippsland might look like.

Under the proposition, the campus at Churchill would join with the University of Ballarat to form a regionally-focused university. Apart from Medicine, Monash award courses would gradually be phased out in favour of awards offered by the new university. Monash would continue to stand behind research at the campus. The university would have a new name and target regional needs in teaching and research.

Through our recent community consultation process, you've identified a range of considerations, including:

- the importance of involving the local community, industries, employers and students themselves when developing, introducing or changing courses;
- the need to continue working in partnership with secondary schools and TAFE to improve and increase pathways to university for students in Gippsland;
- the changing profile of university students in regional areas, and the opportunity for more flexible and tailored approaches in meeting their specific learning needs;
- a recognition of the challenges and opportunities faced by regional communities, particularly in the context of a low-carbon future;
- the role the Gippsland campus plays in providing skilled graduates that understand the needs of employers and communities in our region;
- consideration of transport and access to the Churchill campus, particularly for students living outside the Latrobe Valley;
- the contribution made by the campus to supporting and celebrating local history; and
- the importance of ongoing, open and honest dialogue with our community stakeholders.

To have your contribution help inform the decision being made by the councils of Monash University and the University of Ballarat, please provide your feedback by Wednesday 17 April 2013.

Contributions received after this date are also welcome and will be taken into account if the proposition is to proceed.

To provide your contribution on the proposal for an expanded, regionally-focused university, visit monash.edu/gippslandfuture

University of Ballarat
Learn to succeed



Media Release

10 May 2013

A new future for regional university education

The governing Councils of the University of Ballarat and Monash University have decided to proceed with the proposal for the Monash Gippsland campus to join forces with the University of Ballarat to form an expanded, regionally focused university from 1 January 2014.

"In February, the two universities announced that they would undertake extensive consultation and due diligence process to determine the viability of this proposal," Dr Paul Hemming, Chancellor of the University of Ballarat, said.

"It was well known that Monash University had been looking at ways to enable the Gippsland campus to better meet the needs of its communities, including improving university participation rates regionally.

"Towards the end of 2012 the suggestion emerged to join the Gippsland campus with the University of Ballarat to form an expanded regional university. This flowed from the shared desire of the two universities to improve the delivery of regional higher education."

The Victorian Minister for Higher Education and Skills, The Hon. Peter Hall, MLC, has offered his in-principle support for the proposition, which he said would benefit students across the state, giving them access to a wider range of courses and to support services that are tailored to the needs of regional students.

"Importantly, this initiative would bring together the skills and expertise developed in Gippsland, Ballarat and the Western regions of Victoria to further benefit these and other regional communities," Professor David Battersby, Vice-Chancellor of the University of Ballarat, said.

It would support the economic development of regional Victoria in the years ahead by ensuring there is a thriving, broad-based, regional university that facilitates learning through education and research, and which provides the foundation for regional growth and competitiveness.

"Now that the governing Councils of both universities have taken the decision to proceed, our efforts will move to seeking the necessary formal approvals from the Victorian and Commonwealth Governments and to detailed implementation planning and activity," Dr Hemming said.

State Government approval will be sought for changes to the University of Ballarat Act to reflect the enlarged scope of the university, including a new name for the university.

"Consent will also be required from the Federal Government and from the Tertiary Education Quality Standards Agency (TEQSA). While these approvals are being obtained, implementation planning will now get underway.

"This new arrangement, once approved, will offer more students the opportunity to undertake their studies locally," Professor Battersby said.

"It holds great potential to develop new ways of delivering courses that better suit regional communities including better and closer connections with other regional education providers especially TAFE Institutes."

Media enquiries: Matthew Freeman 03 5327 9510, 0408 519 674



10 May 2013

Councillor Sandy Kam
Mayor
Latrobe City Council
PO Box 264
Morwell VIC 3840

LATROBE CITY COUNCIL	
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Dear Mayor,

I am very pleased to be able to advise you that this week the Councils of both Monash University and the University of Ballarat have decided to proceed with the proposition to join the Monash Gippsland campus with the University of Ballarat from 1 January 2014 to form a new regionally focused university. The next step is to formally seek Federal and State Government approvals for the proposition. The Universities have reached agreement on how the transition would be implemented if approved by Government although some details remain to be worked through. An outline of the agreement will be available on the Gippsland future website on Monday.

The government approvals required include seeking changes to the University of Ballarat Act to reflect the enlarged scope of the new university, including a new name for the university, and securing access to Commonwealth Supported Places. Until these are received the proposition cannot be implemented, however implementation planning and preparation can be undertaken while these approvals are being sought and the next seven and half months are going to very busy for everyone involved.

I would like to take this opportunity to thank everyone, across the campus and the Gippsland region, who has engaged with the proposition since it was announced in February. The many thoughtful and useful contributions have helped us to develop the proposition substantially.

Signalling his personal commitment, the Vice-Chancellor of the University of Ballarat, Professor Battersby will be at the campus on Monday 13 May 2013 as he continues to meet with staff, students and key stakeholders. He and I have been delighted with the way in which staff from both universities have engaged with the process to date and worked so well together. It augurs very well for the future.

This is an important development for the Gippsland campus, the Gippsland community and the University of Ballarat and I am confident that it will deliver long term benefits for everyone. I look forward to your continued active engagement.

Yours Sincerely,

Professor Ed Byrne AO
Vice-Chancellor and President

Postal - Monash University, VIC 3800, Australia
Clayton Campus, Wellington Road, Clayton
www.monash.edu
ABN 12 377 614 012 CRICOS Provider No. 00008C

“It is great to become
a university.

To become a great
university will be a
slow and arduous
step.”

Professor Geoffrey Blainey

Foundation Chancellor,
University of Ballarat
29 April 1994.

CONSULTATION PAPER

The Next Step

A new name

The University of Ballarat became a reality on 1 January 1994.

Almost 20 years later, with the prospect of joining forces with Monash University's Gippsland campus, the University Council has indicated that the title 'University of Ballarat' is increasingly becoming less effective in conveying the nature, goals, scale and span of the University.

A new name — *the next step* — is now required for the University of Ballarat.

Why change?

When first opened in 1994, the University was a single-sector Higher Education provider located at Mt Helen in Ballarat. Its initial enrolment was less than 2,000 students. The University now teaches 23,000 students and this number will exceed 26,000 with the proposal to merge with the Monash University Gippsland campus.

The University now manages six major campuses in central and western Victoria and it is a multi-sector tertiary education provider, teaching post-secondary transitional, Vocational Education and Training, and Higher Education programs. A quarter of its enrolments are international students. Almost three-quarters of its domestic students come from regional backgrounds and return to regional locations for employment.

The University is a foundation member of the national Regional Universities Network. It is the lead institution in a major Collaborative Research Network program which is driving regional rejuvenation and examining ways of strengthening regional well-being, health and social connectedness.

The University of Ballarat is the only university in Victoria awarded 5 stars for teaching quality for four consecutive years and is designated as one of the 10 foremost universities in Australia for teaching excellence. The University's Technology Park at Mt Helen is considered Australia's leading regional ICT hub.

In sum, the University of Ballarat has evolved significantly since 1994 and will continue to do so given the opportunity of joining with Monash University's Gippsland campus.

Some examples considered

Barton University
Howard Florey University
Chifley University
Albert Coates University
Bella Guerin University
Geraldine Briggs University
Nessie Skuta University
Nellie Melba University
Doug Nicholls University
Robert Menzies University
Vida Goldstein University
John Flynn University
Thomas Mitchell University
Redmond Barry University
Mary Gilmore University
William Stawell University
Henry Lawson University
Eureka University
University of Regional Victoria
Endeavour University
University of Southeast Australia

Value proposition

The University of Ballarat is committed to providing access to tertiary education by cultivating knowledge, skills and insights leading to choice, employment and a better quality of life.

The University Council believes that a new name is essential to this endeavour. A new name will better convey the intent, scale, agility, reach, poise and ability of the University to deliver these outcomes for the students and communities it serves.

A new name will unify the University's regional, national and international educational endeavours in a way that the current name will struggle to do.

A new name has the potential to attract more students; to add cachet to current and future students studying at the University and at the Monash University Gippsland campus; to facilitate commercial interests; and to better represent the potential of the University's community, business and industry engagement.

A new name is the next step to the University's future.

Choices?

The University Council has considered more than 30 different names, places and signifiers with a number of these names contributed by Gippsland campus staff, students and community. The Council judged that any new name for the University, if it is to encompass Monash University's Gippsland campus:

- must be capable of becoming known and recognised quickly and widely within Victoria and Australia;
- must have international appeal;
- must suggest strength, stability, confidence, professionalism, initiative and integrity;
- must be able to be used readily for marketing and branding;
- must be 'crisp' and be amenable to contemporary design and presentation outcomes;
- must not be too geographically or locationally specific;
- must be capable of being legally registered;
- must be acceptable to the Australian and Victorian governments; and
- must be sufficiently appealing — educationally; regionally; socially; emotionally — to win support from a broad range of constituents including prospective students.

“A change of name does not imply any change to the education, commercial or community activities and associations that have made the University of Ballarat successful.”

Dr Paul Hemming

Chancellor,
University of Ballarat

What is being proposed?

The University Council is currently considering two possibilities. These are **'Federation University'** possibly abbreviated to **Federation** or **FedUni**; and, **'State University'** which could be shortened to be **VicState** or **StateUni**.

While 'State University' is commonly used in the United States, it is not used in Australia although the word 'State' carries with it government associations such as state school or state library. The title implies wider coverage than Ballarat, or central or western Victoria or Gippsland. It conveys something of the scale, scope and heft of the modern University. It sounds strong, confident and reassuring.

The name 'Federation University' is likely to be more recognisably Australian. The name suggests national endeavour, collaboration and singularity of purpose and values that sit well as a university name. It also implies educational aspirations that transcend state, territory or regional boundaries. The term and concept of 'federation' are well known internationally and immediately draw associations with notions of grouping, unification and of coming together with a common purpose. 'Federation University' also conveys a sense of weight, solidity, even gravitas and tradition. 'Federation University' has not been used, even overseas, as a university name and therefore carries with it uniqueness and significant branding and marketing possibilities.

Both names have ready recall, are easily abbreviated and remembered, can be presented in a variety of typeface sizes and scales, and lend themselves to reproduction.

The current University of Ballarat brand promise of 'Learn to succeed' likewise sits comfortably with both names.

Early and notional designs



Line of succession

1870	School of Mines Ballarat founded
1887	School of Mines, Industries and Science
1894	School of Mines
1908	School of Mines and Industries
1967	Ballarat Institute of Advanced Education
1976	Ballarat College of Advanced Education
1990	Ballarat University College
1994	University of Ballarat
2014	State University or Federation University

A shared commitment

The University of Ballarat is one of 39 Australian universities committed to providing post-secondary educational opportunities to local and international students. As such it shares a contested landscape buffeted by structural change, demand-driven funding and mission-based compacts.

In these circumstances, the University endeavours to ensure always that teaching, learning, research, commercial and engagement outcomes meet the needs of the students, staff, communities, businesses and governments it serves. A change of name necessarily repositions the University in the market place. The University Council considers that a name change to 'Federation University' or 'State University' provides visibility and primacy not often realised in its current name. This is seen as essential for the University to prosper in the demand-driven environment and in regional communities where growing Higher Education participation rates is an imperative. To strive for less in such circumstances would not meet the expectations of our communities, students or staff.

Honouring our origins

The origins of the University of Ballarat can be traced to the opening of the School of Mines Ballarat (SMB) in 1870. A similar line of succession can be drawn for the Monash University Gippsland campus reaching back to the 1928 foundation of Yallourn Technical School.

The University of Ballarat is proud of its 143 year history. It is honoured to be the advocate of Vocational Education and Training and Higher Education in regional Victoria. It is eager to reach out and shake the hands of friends and colleagues in Gippsland, elsewhere in regional Victoria, interstate and overseas. It is ready to recognise and honour the support it has received over many years from the people of Ballarat, Central Highlands, and western Victoria. A change of name for the University represents further recognition of the evolving nature of tertiary education generally, and education provision in regional Victoria in particular.

Just as the University of Ballarat was able to absorb SMB, honour its history, and celebrate its achievements, then so will the renamed university recognise its considerable debt to the people and predecessor institutions, including those in Gippsland, which contribute to its development and success.

The culture and character of the University will always reflect its origins. But the time has come, especially with the possibility of the University of Ballarat joining with Monash University's Gippsland campus, to acknowledge formally what in reality is now practice: the footprint of the University extends beyond Ballarat.

“This regionally focused university will allow more students the option to study locally and will utilise the expertise and experience of the University of Ballarat in tertiary education delivery in regional areas.”

The Hon Peter Hall MLC

Minister for Higher Education and Skills, Victoria

17 April 2013

What next?

In the case of students, and academic and professional staff at Monash University's Gippsland campus, a change of name will encourage greater inclusiveness particularly if it is with a newly-named university that is not linked directly with a particular Victorian town, region or person.

A change of name therefore encourages a sense of belonging and incorporation and gives voice to local pride in local institutions.

Importantly, a change of name, should it be approved by the University of Ballarat Council, does not imply any change to the educational, commercial and community activities and associations that have made the University successful. Rather, a change of name represents further recognition of the evolving nature of tertiary education generally, and education provision in regional Victoria in particular.

The University of Ballarat welcomes comment and suggestions about being renamed as Federation University or State University. It wishes to accommodate the diversity of views and opinions to the best of its ability. It recommends a change of name — a next step — as the means by which we can all come together to ensure that our students and our communities continue to prosper and develop.

What are your views and suggestions on these matters?

Please send comments to yourview@ballarat.edu.au or fax to 03 5327 8001 by Monday 3 June 2013.

Meeting with Latrobe City

13 May 2013

1. Key decisions by the two University Councils:

Approval for the establishment of a regional university in Victoria, from 1 January 2014, based on the University of Ballarat and incorporating the Monash University Gippsland Campus contingent upon confirmation of:

- (a) The name for the regional university in Victoria based on the University of Ballarat and incorporating the Monash University Gippsland Campus;
 - (b) Agreement from the Victorian Government and Victorian Parliament to amend the University of Ballarat Act 2010 to allow for the renaming of the University and incorporating Monash University's Gippsland Campus;
 - (c) Agreement from the Commonwealth Government to the transfer from 1 January 2014 of student load and associated funding, related to allocated Monash University Gippsland Campus Commonwealth Supported Places and the University of Ballarat Commonwealth Supported Places, to the newly named university; and,
 - (d) A satisfactory notification process to TEQSA.
2. Mandated that: "All current Monash students at the Gippsland campus will be able to complete their courses at the campus and will be eligible for Monash awards. All new students at the Gippsland campus from 2014 will be enrolled as students of the new university."
 3. The new University will receive all assets associated with operating (a) the Gippsland campus and (b) all campuses of the University of Ballarat.
 4. The new University will be a \$320m business, with 25,000 students, 1800 total staff and total assets of \$700m.
 5. From 1 July – 31 December 2013, the University of Ballarat Council will have a Gippsland "representative" attend all meetings of the University of Ballarat Council. Following establishment of the proposed regional University in Victoria, the Council of the new University will include appropriate membership from the Gippsland region of Victoria.
 6. 270 day transition plan from 1 July 2013 to 31 March 2014.
 7. Implementation planning now commencing.
 8. Suggested names of the new University have included: Barton University; Howard Florey University; Chifley University; Geraldine Briggs University; Nessie Skuta University; Nellie Melba University; Robert Menzies University; Vida Goldstein University; John Flynn University; Thomas Mitchell University; Redmond Barry University; Eureka University; University of Regional Victoria; Endeavour University; University of Southeast Australia, etc.

Two options: (a) "State University" - StateUni, VicState: Narrative - scale, scope, confident, stability; (b) "Federation University" - Federation, FedUni; Narrative – coming together, collaboration and partnership.

David Battersby, University of Ballarat
Robin Pollard, Monash University

Project update

10 May 2013

Outline of the Agreement between Monash University and the University of Ballarat concerning the future of the Gippsland campus at Churchill.

Subject to necessary Government approvals, the Monash University Gippsland campus at Churchill will join with the University of Ballarat to form a newly named regionally focussed university with effect from January 2014.

Students currently enrolled with Monash University will continue to be students of Monash University. They will be able to complete their current courses at the Gippsland campus and will be eligible for a Monash award.

Discussions are continuing with the NTEU and staff regarding the detail behind the proposed staffing arrangements. However Gippsland staff can be assured that all eligible staff will be offered employment by the new university on terms and conditions no less favourable than they currently enjoy. Preference will be given to current sessional staff by the new university when seeking to employ sessional staff. All appropriate staff entitlements will be transferred fully funded to the new university.

The medical course will continue to be offered by Monash University through the Gippsland campus with the space made available under a leaseback agreement. The Gippsland Field Station of the Monash Animal Research Platform will continue to be operated by Monash University under a leaseback arrangement with the new university.

All land associated with the Gippsland campus will be transferred by Monash University to the new university at no cost. All buildings and equipment will also be transferred except for a small number of buildings and some specialised equipment necessary for continuing Monash university operations at the campus.

Monash University will provide financial support for the operation of the new university in a number of ways for the first three years, in addition to ensuring appropriate support to enable Monash students continuing at the campus to complete their award courses.

There will be on-going research collaboration in areas of mutual interest. Where appropriate, adjunct and joint appointments will be considered.

The University of Ballarat will adopt a new name that reflects the broader scope of the expanded university.

Gippsland will be recognised in the structure and operation of the new university, including in membership of the University Council.



23 April 2013

The Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Dear ^{Paul} Mr Buckley

MONASH UNIVERSITY'S NEW ARRANGEMENTS AT GIPPSLAND CAMPUS

At Wellington Shire Council's Ordinary Meeting of 16 April 2013, Mr Ed Burn, Vice Chancellor, Monash University spoke in support of the proposed merger of Monash Gippsland University campus and Ballarat University. Professor Robin Pollard, Head of Gippsland Campus also spoke to Council on the merger.

Following this presentation, the attached Notice of Motion was supported. As the proposed merger is an issue that impacts on all Gippsland Councils, it was considered appropriate to provide you with an update on Wellington Shire Council's formal position.

Should you have any further queries regarding this matter, would you please contact the undersigned on 5142 3491.

Yours sincerely

JOHN WEBSDALE
General Manager Development

Encl: A6 Acceptance of Late Items

Our Ref: JW:pld
ECM: 1780424

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156 Grant Street, Yarram Victoria 3971
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NATIONAL
AWARDS
FOR LOCAL GOVERNMENT





A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS

Item 1

COUNCILLOR McCUBBIN/COUNCILLOR McIVOR

That Council accept a late item of business in relation to the proposition to create an expanded, regionally focused University with Monash University's Gippsland Campus joining the University of Ballarat.

CARRIED

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

1. Mr Ed Burn, Vic Chancellor, Monash University Melbourne
Spoke in support of the proposed motion submitted by Councillor McCubbin and is in support of the proposed Monash Gippsland University campus and Ballarat University entity.
2. Professor Robin Pollard, Head of Gippsland Campus of Monash University
Professor Pollard also spoke regarding the proposed merger of Monash University Gippsland and Ballarat University.
3. Mr Eric Thorne, Sale Resident
Spoke in favour of the proposal and summarised tertiary opportunities.

COUNILLOR McCUBBIN/COUNCILLOR McIVOR

That the Wellington Shire Council supports in principle the proposition to create an expanded, regionally focused University with Monash University's Gippsland Campus joining the University of Ballarat. This arrangement should:

1. *Offer increased flexibility in entry requirements giving more students the opportunity to study locally; and*
2. *Develop ways of delivering courses that work better for Gippsland including more online courses, greater integration of online and on-campus learning, outreach delivery within the Wellington Shire and better connectivity with regional education providers such as Advance TAFE and GippsTAFE; and*
3. *Focus more closely on the needs of local employers, students and communities; and*
4. *Expand the range and scope of relevant courses and research to meet local demand.*

CARRIED

Councillor McCubbin called for a division

For: Councillors Duncan, McIvor, Wenger, Cleary, Rossetti, McCubbin, Davine, Crossley and Hole

Item 2

COUNCILLOR McCUBBIN/COUNCILLOR HOLE

That Item C1.3 Motion for MAV State Council Annual Meeting 2013 be accepted as a late item.

CARRIED



Department of Education and Early Childhood Development

Higher Education and Skills Group

Cr Richard Ellis
Chair, Gippsland Local Government Network
c/- SOCOM
Suite 403/140 Bourke Street
Melbourne VIC 3000

2 Treasury Place
East Melbourne, VIC 3002
GPO Box 266
Melbourne, VIC 3001
Telephone: (03) 9651 9999
Facsimile: (03) 9637 2470
www.skills.vic.gov.au

Dear Cr Ellis

Thank you for your correspondence of 17 April 2013 to the Minister for Higher Education and Skills, Peter Hall, MLC regarding his attendance at the Gippsland Local Government Network All Councillor (GLGN) Forum on 15 March in Morwell. I note that you also express concerns on behalf of the GLGN Councillors about the withdrawal of Monash University in the Gippsland region.

As you are aware, Monash University and the University of Ballarat proposed joining forces to create an expanded, regionally-focused university in Gippsland, from 1 January 2014. The Minister has given this proposal his in principle support, as it is consistent with the Government's commitment to supporting the tertiary educational needs of the Gippsland region. The proposal was underpinned by a consultation process, which concluded on 17 April 2013, and on a due diligence by both universities. I hope you were able to provide a submission to this process on behalf of the GLGN.

On Friday 10 May, the governing Councils of Monash University and the University of Ballarat decided to proceed with the proposal for the Monash Gippsland campus to join forces with the University of Ballarat to form an expanded, regionally focused university from 1 January 2014. The proposal will bring together the skills and expertise developed in Gippsland, Ballarat and the western regions of Victoria to give students access to a wider range of courses and to better support students, business, industry and community. Moreover, it will help secure the future of the Churchill campus and maintaining Monash University's presence in Gippsland, as it will retain both its research presence and its Gippsland Medical School.

By offering a wider range of courses in Gippsland, the proposal provides a model to improve tertiary education provision in the region and address problems such as higher deferral rates and lower participation rates in regional Victoria more broadly. It is understood that an expanded university would improve pathways by strengthening partnerships with local TAFEs. The proposal has significant potential to assist in raising participation in higher education for regional students and from initial reports, has the broad support of the region's business community.

As the respective Universities' Councils support the proposition, the proposition will now require approvals from both the Victorian and Commonwealth Governments.

Yours sincerely

Wendy Timms
Executive Director

16/5/2013



This original has been printed in black and white on recycled paper to reduce cost and environmental impact

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

13.1 SECURING OUR FUTURE 2013

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to seek Council's endorsement of a new publication, *Securing Our Future 2013*, which is intended to assist Council's lobbying and advocacy activities with the Victorian and Australian governments.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe City Council Plan 2012-16

Shaping Our Future

Gippsland's Regional City - Strengthening our profile

Council is continuing to work hard to make investment and living in Latrobe City easy. We continue to play a lead role in delivering priority projects for the Gippsland Region and strengthening Latrobe City's profile.

Positioned for a Low Carbon Future - Advancing industry and innovation

Council continues to lead our community's transition to a low carbon future to ensure that innovation is supported within industry; that our economy is diversified; employment and jobs growth remains strong and that Latrobe City responds to and is prepared for the challenges and opportunities ahead.

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

Council continues to deliver initiatives that improve our recreation, retail, entertainment and transport facilities and infrastructure which positively impact the liveability of our region and the experience of our youth.

Our Response to Latrobe 2026: Strategic Objectives - Economy

Strategic Direction 1- Investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Strategic Direction 2 - Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Strategic Direction 3 - Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Strategic Direction 7 - Develop and implement economic development actions to encourage business retention and growth.

Strategic Direction 8 - Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and with community agencies.

Strategic Direction 9 - Promote and support the development of the tourism and events sector.

Service Provision

Economic Development

- In conjunction with the Victorian and Federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Tourism Development

- Implement recommendations from the Tourism Product Audit and Visitor Information Centre Review.

Regional Partnerships

- Provide regional leadership and facilitate a successful transition for Latrobe City to a low carbon future.

Major Initiatives

- Major Initiative 1: Deliver '*Positioning Latrobe City for a Low Carbon Emission Future*' to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.
- Major Initiative 2: Support the implementation of the Latrobe Valley Advantage Fund and its three themes of Skilling the Valley, Attracting New Industries and Jobs and Sustainable Energy Research and Development.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

- Major Initiative 3: Support the extension of 'Gippsland's 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, construction of West link as an alternative to the Monash Freeway and enhance connectivity of Gippsland industries and bulk exports to Melbourne and other regions (*Supporting the Gippsland Regional Plan*).
- Major Initiative 4: Advocate for the development of the Centre for Sustainable Technologies at Monash University Gippsland Campus Churchill, to undertake research and development in new technologies that support sustainable resource use and strengthen the resilience and diversity of the regional economy (*Supporting the Gippsland Regional Plan*).

Our Response to Latrobe 2026: Strategic Objectives – Advocacy and Partnerships

- Strategic Direction 1 – Provide regional leadership and strengthen partnerships on issues of importance to our community
- Strategic Direction 2 – Advocate on behalf of our community and its vision for a secure and sustainable future.
- Strategic Direction 3 – Actively build partnerships with other municipalities, government, industry and community agencies to deliver important services and projects, and ensure strong outcomes for our community.
- Strategic Direction 5 - Strengthen relationships with the Victorian and Australian Governments, to ensure that Latrobe City Council is positioned to take advantage of strategic initiatives and funding opportunities.

Major Initiatives

- Major Initiative 2 – Advocate with State and Federal Governments for research and development of innovative uses of brown coal resources to be located in Latrobe City.
- Major Initiative 9 – Support the expansion of Latrobe Regional Hospital to fulfil its role as Gippsland's regional specialist health service.

Strategy 1 - Economic Sustainability Strategy (June 2011)

- The Economic Sustainability Strategy is a blueprint for how Council will work with our community, industry, small business and government partners to drive economic growth and achieve outcomes including:

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

- Consolidating and expanding our position as a major regional city within Victoria and the centre point of Gippsland's economy
- Continued job creation and reduced unemployment rate
- Growth in gross regional product
- Smooth transition to a low carbon economy

Strategy 2 - Latrobe City Council Low Carbon Transitional Immediate Opportunities (2011)

This document presents Latrobe City Council's immediate asks of Commonwealth and State governments so as to create real and sustainable jobs now, today. The jobs will stem from local projects, opportunities and initiatives that if met will help ensure that our economy is most able to proactively transition to a low carbon future.

Policy 1 - Positioning Latrobe City for a Low Carbon Emission Future (6 April 2010)

Latrobe City Council's policy framework has been developed to enable Latrobe City to capitalise on its strengths, while capturing opportunities that arise from Australian Government Policy, address weaknesses and proactively manage threats. The framework describes measures that will allow Latrobe City Council to anticipate and plan responses to structural adjustment impacts and make the most of the new market opportunities that will arise in a carbon constrained economy.

Three themes underpin this planned policy approach:

1. Pursuing and realising opportunities;
2. Contingency planning; and
3. Working together.

BACKGROUND

Securing Our Future 2013 – Government Investment Opportunities in Latrobe City (SOF13) is a comprehensive revision of the Council document, *Securing Our Future – Latrobe City Council Low Carbon Transitional and Immediate Opportunities*, which was endorsed by Council in November 2011.

The revised document will be used as a key lobbying tool to assist Council in highlighting opportunities for investment and jobs creation in Latrobe City. It catalogues a range of proposals at varying stages of readiness across the municipality, and calls for funding and other support from the Victorian and Australian Governments.

Councillors have previously reviewed the revised list of projects to be included in the document. Feedback received following that meeting has been incorporated into the new document. In particular, projects related to brown coal, industry and economic development have been placed prominently towards the front of the document, with liveability type projects following. The emphasis on job creation remains.

ISSUES

SOF13 will serve as a key lobbying document in Council's engagement with the Victorian and Australian governments, particularly in the lead-up to the federal election in September 2013. Council's advocacy message has been retained to highlight the proactive leadership role Latrobe City Council continues to play in advocating for the community and job creation.

SOF13 has been streamlined to give it a modern and professional look and feel. The text is concise and reflects Council's strongly held views about jobs creation while fresh design and new photographs showcase the important projects and strengthen Council's message. This new design will help cement *SOF13* as a readily identifiable statement that is instantly connected with Latrobe City Council's considerable efforts to advocate for the community.

Projects included in *SOF13* focus on the three areas of coal utilisation, economic development and liveability, with a range of projects in each area and a clear 'ask' from either level of government.

All quotes used in the document have been sourced from media releases, and an acknowledgement has been included to thank everyone who contributed to the document, including by providing information about projects, and allowing access to premises for photographs.

Minor design decisions, proofreading and image correction may need to occur after Council consideration of this Report. No changes of meaning will occur.

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.

INTERNAL/EXTERNAL CONSULTATION

External proponents of projects included in *Securing Our Future 2013* were contacted for approval and to ensure that information is correct.

All identifiable persons in the images used for the publication have provided Latrobe City Council with their permission.

OPTIONS

Council may wish to:

1. Adopt *Securing Our Future 2013 – Government Investment Opportunities in Latrobe City* (subject to minor design changes)
2. Not adopt *Securing Our Future 2013 – Government Investment Opportunities in Latrobe City*
3. Seek further information about *Securing Our Future 2013 – Government Investment Opportunities in Latrobe City*.

CONCLUSION

Securing Our Future 2013 represents a major revision of the previous document, with fresh text, updated projects and a modern and professional design. It will serve as a key lobbying document in Council's engagement with the Victorian and Australian governments, particularly in the lead-up to the federal election in September 2013.

Attachments

1. *Securing Our Future 2013*

RECOMMENDATION

That Council adopt *Securing Our Future 2013 – Government Investment Opportunities in Latrobe City*.

13.1

Securing Our Future 2013

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This is a publication of Latrobe City Council. Information within this document was correct at the time of print and is subject to change without prior notice. For an accessible version of this document please contact Latrobe City Council.



Securing Our Future

2013 | Government Investment Opportunities in Latrobe City



“ In 2011, Council clearly articulated its priorities through ‘*Securing Our Future*’, a companion document to the policy that set out a range of low carbon transitional immediate opportunities. The mantra was ‘jobs, jobs, jobs’ and that hasn’t changed. ”

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5 | *Advocacy*

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11 | *Our projects*

14 | *A new resource*

17 | *Economic development*

22 | *Liveability*

2013

Tatrobe City Council would like to thank all those who contributed information for this document, and all those who gave up their valuable time to participate in photographs.

Mayor and Councillor messages

“ Our goal is to ensure that our community is strongly positioned to take advantage of structural adjustment funding opportunities and other initiatives ”

Securing Our Future 2013 outlines Latrobe City Council's key priorities for local projects that can create real and sustainable jobs and growth within our municipality.

This document builds on the successes of *Securing Our Future 2011* and our advocacy to date, and sends a clear message of our strong commitment to negotiating the best possible outcomes for our community.

Latrobe City Council is proactively seeking support from all levels of government, for projects that will benefit our community long into the future.

We appreciate the efforts made to date by both Victorian and Australian governments to engage with us, and we will continue to work to strengthen those relationships and develop partnerships.

Latrobe City Council is pleased that our municipality has attracted significant funding and initiatives to date, but we know that there is more work to be done to ensure a prosperous and stable economic future for our community.

Latrobe City is open for business, and we take this opportunity to invite all potential investors and government representatives to speak with us to discuss any of the projects contained in this document.

Context

Latrobe City is one Victoria's four major Regional Cities, less than two hours drive from Melbourne and known for excellence in education, training, health care and as a cultural and commercial centre for Gippsland. It also produces most of Victoria's electricity from its extensive brown coal resources, and is home to a highly skilled workforce.

In 2010, Latrobe City Council saw the need to develop a strategy to deal with structural adjustment pressures that were likely to result from the introduction of a price on carbon and a changing Australian economy.

Council's ground-breaking policy '*Positioning Latrobe City for a Low Carbon Emission Future*' was the first of its kind in Australia. Focussing on core themes of *Pursuing and Realising Opportunities, Contingency Planning and Working Together*, this important policy set the scene for Council's proactive approach to creating economic growth and transitioning to a low carbon economy.

Securing Our Future 2013 complements our transition policy, and represents Latrobe City Council's immediate asks from the Victorian and Australian Governments, to assist the region create real and sustainable jobs, now. The jobs will stem from local projects, opportunities and initiatives that, if met, will help to ensure that our economy is able to proactively transform to a low carbon future.

This document is also a report card to our community, providing a way for Council and our community to celebrate local successes, and for other levels of government to demonstrate practical support for sustainable jobs creation.

Council knows that we can continue to successfully transform our economy, building on our strengths and extensive natural assets, but this will only happen with the ongoing support and assistance of the other tiers of government, working in partnership with local government and the business community.

“ Latrobe City Council saw the need to develop a strategy to deal with structural adjustment pressures that were likely to result from the introduction of a price on carbon and a changing Australian economy ”

Advocacy:

Government to government & support for our community.

“ Our hope is that through this type of open and genuine discussion these departments and ministers will gain a better understanding of the needs of our community, the people, the industry and commerce and the aspirations. And the ultimate hope is to translate discussion into funding and other structural adjustment assistance ”

The Opportunity

Latrobe City Council recognises that the scope of the task to transition to a low carbon emissions future is beyond the capacity of Council acting alone.

Latrobe City Council continues to cultivate strong relationships with the Victorian and Australian Governments so that collectively, the three levels of government can contribute to a smooth and successful transition to a low carbon economy in Latrobe City and the Gippsland region.

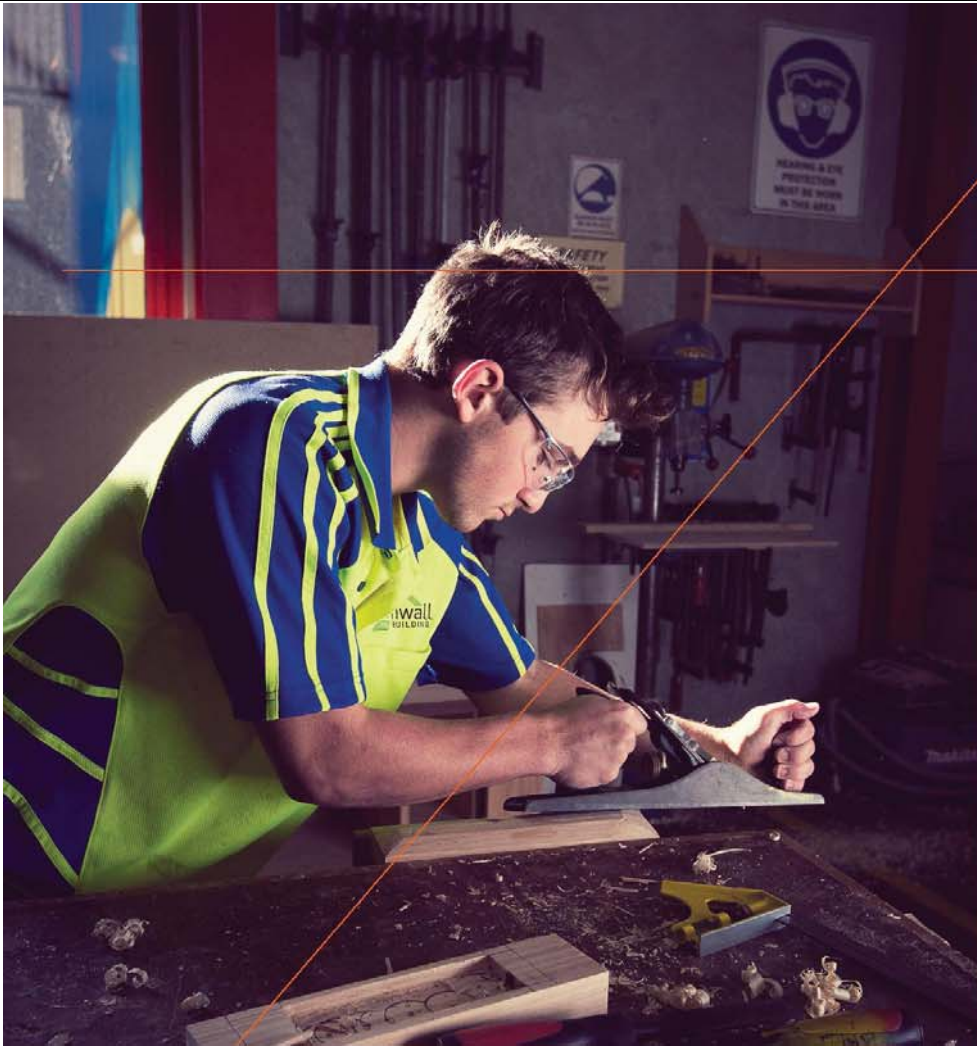
“ Council looks forward to continuing its own proactive approach, and to working closely with both Victorian and Australian governments to successfully transform our community to a low carbon economy ”

The Challenge

The challenge centres on the development of authentic partnerships between the three levels of government, and a commitment to work together to find solutions and ensure a secure and prosperous future for our community.

Latrobe City Council encourages the ongoing constructive dialogue between each level of government to continue. We are committed to assisting both the Victorian and Australian Governments better understand our community and its needs and aspirations, to ensure relevant and sustainable outcomes for the future.





Employment Generation:

Diversifying the economy – jobs, jobs, jobs.

“ A strong economy needs stable employment. Young people are the lifeblood of our region and ensuring apprenticeships and other schemes are well supported is a must ”

The Opportunity

Latrobe City is Gippsland's regional city and a centrally located, accessible commercial hub. It offers new investors a skilled labour force, excellent road and rail transport links, access to abundant natural resources, established electricity transmission and generation infrastructure, locally based educational institutions and affordable land.

Latrobe City Council is uncompromising in our pursuit of iconic projects that will create substantial and long-term employment opportunities for Latrobe City and the surrounding region.

The Challenge

As well as addressing changes in our local industry that affect traditional jobs choices, creating new jobs through diversifying the economy and lifting educational attainment are challenges for Latrobe City and surrounding regions.

The time for alternative employment initiatives is now, but these must be designed in consultation with our industry, community and other key stakeholders to ensure that they meet our local needs.

Celebrating Our Successes

“ This is a great example of what can be achieved by both the Australian and Victorian Governments cooperating to enable job creation opportunities to evolve in industries outside of those traditionally associated with the Latrobe Valley. This funding is vital for us to not only transition but transform our economy ”

Latrobe City Council continues to work tirelessly to champion projects that will boost our local economy and create sustainable jobs.

Both the Victorian and Australian Governments have demonstrated an appreciation of the Latrobe Valley's uncertain economic future, and have supported important projects in the region.

Latrobe City Council takes this opportunity to thank both governments for their support, and particularly for funding that has allowed a number of important local projects to progress.

The following projects have received funding that has allowed businesses to grow, to employ additional skilled staff, and to demonstrate the capacity and potential of Latrobe City.

Council will continue to work with the Victorian and Australian Governments to secure the ongoing support for innovative projects that have the real potential to create jobs for local people, while achieving our goal of transitioning to a low carbon economy.

*RDAF = Regional Development Australia Fund (Australian Government)
LVVIF = Latrobe Valley Industry and Infrastructure Fund (Victorian Government)*



Success	Benefits	Source & Amount
Australian Paper de-inking plant	246 new regional jobs plus	RDAF \$9.5M
Fisher's Pallets	960 construction jobs	Victorian Regional Growth Fund \$250 000
Hydro Australia	18 new regional jobs plus	LVVIF \$326 500
Latrobe Regional Airport	6 construction jobs	LVVIF \$280 000
	29 new regional jobs	RDAF \$3M LVVIF \$1.5M Victorian Government Regional Aviation Fund \$1.24M

Projects



1.



A New Resource:

Leveraging innovation and jobs from the brown coal asset.

“ Council supports the sustainable use of brown coal and recognises that it is valuable for many uses, not just power generation. We are seeking Government support for research and development into sustainable uses of brown coal and we believe that this research needs to be undertaken here in Latrobe City ”

The Opportunity

The Latrobe Valley has one of the world's largest deposits of brown coal. Latrobe City Council supports the balanced use of brown coal as an energy source and will work with researchers and government agencies to support future low emissions research.

We encourage the Victorian and Australian Governments to support the establishment of research facilities in the Latrobe Valley, to enable development of innovative technology, as well as growing local capacity and jobs creation. The \$90 million Advanced Lignite Demonstration Project, supported by both the State and Federal Governments, is a welcome investment in the Latrobe Valley's future.

Whilst Latrobe City Council does not have a formal position on these projects, we actively support proposals that offer an economically sustainable, low carbon future for the Latrobe Valley.

The Challenge

The Latrobe Valley's brown coal resource is world class, readily accessible and of interest to investors from around the globe.

However, the moisture content and reactivity of brown coal makes it unsuitable for bulk export without treatment, resulting in high greenhouse gas emissions.

The introduction of federal policies to reduce carbon emissions is putting strong pressure on electricity generators to cost-effectively cut emissions. At the same time, this presents major opportunities for innovative research and development, including alternative uses of the resource.

A New Resource

Exergen

exergen.com.au

A \$2 billion project to utilise continuous hydrothermal dewatering processes to reduce power plant emissions by up to 40%.

Proposal is for a 12 million tonne p.a. export focussed commercial coal-processing plant, infrastructure and mine.

1,300 *Estimated construction jobs (at peak)*

490 *Permanent positions*

PROJECT COST AND ASSISTANCE REQUIRED:
Exergen is seeking facilitation and approvals support from the Victorian and Australian governments.

Newtech Energy

newtechenergy.com.au

Located adjacent to the Energy Australia Yallourn coal mine, the facility would upgrade coal, processing 1 million tonnes a year into briquettes and powder for export to China. The project cost is \$115M.

130 *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
Newtech Energy strongly support rail freight upgrades to provide a link to the Port of Hastings, and improved port facilities.

Latrobe Magnesium

latrobemagnesium.com

This project involves treating fly ash residues from power generation to produce up to 40 000 tonnes Mg per annum and 300 000 tonnes of cementitious material. The project will offer a number of environmental benefits in particular the processing of large quantities of long term stored fly ash.

125 *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
LMG is seeking State and Federal Government funding for 50% of the initial 5000 tonne plant.

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Environmental Clean Technologies (ECT)

ectltd.com.au

ECT will establish an export focused coal drying facility, to be located adjacent to Loy Yang power station, using proprietary coal drying technology, drastically cutting emissions from power generation. \$70M pre-commercial plant cost of project, aiming to begin construction in 2014.

50 *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
ECT is shortlisted for consideration under the Advanced Lignite Demonstration Program. Australian and Victorian Government support requested, to work closely with the project proponent to manage red tape. Facilitation of transport infrastructure (rail and port) development to support exports required.

MBD Energy

mbdenergy.com

\$100M project to build a commercial bioremediation plant that will sequester carbon dioxide and create biodiesel, livestock feed and other products.

50 *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
Australian and Victorian Government support to work closely with the project proponent to manage red tape.

Ignite Energy Resources

igniteer.com

With this \$15M project, IER is proposing to develop a pre-commercial lignite upgrading plant capable of transforming 125 000 tonnes per annum of lignite into 27 000 tonnes of high energy micronised coal and 60 – 70 000 barrels of synthetic oil.

10 *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
IER seek Australian and Victorian Government support to work closely with the project proponent to manage red tape.

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Economic Development: Infrastructure enabling jobs creation.

“ The Economic Sustainability Strategy is a blueprint for how Council will work with our community, small business and government partners to drive economic growth. A vital element of the strategy is the annual reporting of progress to our community ”

The Opportunity

Latrobe City is uniquely placed for commercial and industrial development that can support jobs creation and industry diversification, and is attractive to prospective investors.

Latrobe City Council's *Economic Development Strategy (2011)* provides a framework for our economic development activities, to guide prioritisation of our work and ensure a focus on activities that best position Latrobe City to prosper in a changing economic environment. The Strategy identifies emerging challenges, opportunities and corresponding actions to assist businesses to grow and invest.

The opportunity exists for Latrobe City to further diversify its economy by attracting new industries as well as capitalising and expanding on existing businesses, services and skills in the region.

Council welcomes the opportunity for large-scale infrastructure projects that

will result in immediate jobs creation and encourage further investment.

The Challenge

Latrobe City Council plays a key role in creating and facilitating a business environment that is attractive to both existing and new investors. Council is committed to working with industry stakeholders to identify and address issues in the business and investment environment.

By enabling access to important commercial areas and making business easier for investors, Latrobe City can retain and grow existing businesses, and attract new investment that will benefit our local community, as well as the surrounding region.

“ Latrobe City Council is committed to supporting local businesses making investment decisions ”



Economic Development

Gippsland Logistics Precinct (GLP)

The GLP will be the centre for efficient and cost effective movement of freight to and from Gippsland. The transfer of shipping containers and bulk freight from road to rail would contribute significantly to lowering carbon emissions while relieving road congestion in Melbourne. \$20M total cost of project.

150+ *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
\$10M funding assistance required.

Former Lurgi site redevelopment

This 26 ha former heavy industry site is owned by the Victorian Government and has significant potential for investment attraction. Progression of the project by the Victorian Government would provide infrastructure to the remainder of the site, and enable marketing of serviced sites which would attract jobs to the Latrobe Valley.

100+ *Estimated jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
\$5M from Victorian government, and expediting land release.

Port of Hastings rail link

The development of the Port of Hastings is of vital importance to the entire Gippsland region, as expressed in many strategic documents. Rail connectivity to Gippsland from the Port of Hastings would allow the cost-effective export of brown coal products and derivatives as well as other bulk and containerised products. A number of international investors have indicated that connectivity to the Port of Hastings is a key infrastructure gap that is negatively impacting on long term investment decisions in Gippsland.

Unlocks hundreds of jobs in other projects.

PROJECT COST AND ASSISTANCE REQUIRED:
Planning and land reservation by Victorian Government.

Improvements to the Dandenong rail corridor

Congestion in the Dandenong rail corridor restricts passenger and rail freight access to Melbourne, making the Latrobe Valley a less attractive place to visit and invest. A number of improvements could be made, from grade separation, signalling improvements to line triplication, to relieve this bottle-neck and allow for future growth.

Enhanced rail freight and passenger transport links will unlock growth throughout Gippsland.

PROJECT COST AND ASSISTANCE REQUIRED:
\$850M + Victorian Government commitment to upgrades as part of transport planning.

New jet airport for South-East Melbourne

A new airport serving Gippsland and South-East Melbourne (as foreshadowed in Melbourne Metro Strategy discussion paper) would decrease congestion through Melbourne and allow for fast processing of high value agricultural exports.

A jobs multiplier

PROJECT COST AND ASSISTANCE REQUIRED:
A commitment to planning and land reservation by Victorian Government, and the support of Australian Government.

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Stage 2A – Redevelopment of the Latrobe Regional Hospital (LRH)

LRH is the primary regional health provider. The hospital has operated under constraints that have limited the full development of regional services at the hospital. Constraints include the physical capacity of the facility and difficulties in recruiting and retaining senior medical and professional staff. The \$65M redevelopment will double the hospital's size, providing significantly more beds and better access and services for patients from across Gippsland.

150 *Estimated jobs created in construction*

60-70 *Skilled healthcare ongoing jobs*

PROJECT COST AND ASSISTANCE REQUIRED:
Currently seeking Australian government funding.

Latrobe Valley University Training Clinic

Latrobe Community Health Services aims to establish a world class, purpose built, primary health-care and health workforce tertiary training centre. The centre would allow training to respond to changing community needs, and would deliver an additional \$3.2M economic output annually.

80 *Estimated jobs created in construction*

20 *Prostheticians, as well as teaching staff*

PROJECT COST AND ASSISTANCE REQUIRED:
\$5M sought. Fully designed and partially funded.

Establishment of the Centre for Sustainable Industries

This facility would be located at Churchill Tertiary Education Campus. It would ensure that the Latrobe Valley is a hub for low emissions technology research and development by encouraging investment in renewable energy, clean coal technology and the provision of related infrastructure to deliver innovations such as carbon capture and storage.

13 *Researchers*

PROJECT COST AND ASSISTANCE REQUIRED:
\$21M total cost of project. \$8M over 5 years requested from Australian Government. Shovel ready in 2014.

Decentralisation of Vic and Aus Gov jobs

Expansions of Victorian and Australian government offices through decentralisation into Latrobe City (Moe, elsewhere). Latrobe City has quality office space available readily to expand the presence of state and commonwealth government offices. The NBN will be connected to Traralgon in 2014-15.

250+ *Potential jobs created*

PROJECT COST AND ASSISTANCE REQUIRED:
Savings to government due to reduced office overheads. Policy commitment to decentralise.

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3.

Liveability: Gippsland's regional city.

“ We are excited to have an opportunity to promote our regional lifestyle, our unique city and our business and tourism potential to the rest of Australia and beyond ...

We need to see a holistic approach to development with opportunities to use the natural features of the land, to link pathways and community infrastructure, to ensure a connectedness both within the development itself and to the wider community ”

The Opportunity

Latrobe City is one of Victoria's four major regional centres, and the hub for commercial, education and health services in Gippsland.

Latrobe City offers many unique benefits for those who live here, including a distinct natural environment, a relaxed lifestyle, extensive retail and hospitality options, sporting and recreational facilities, and top-notch health and education facilities. All of these attractions are less than two hours from Melbourne, and are well connected by road and rail.

Melbourne's population will grow significantly over the next 20 years, and this presents a corresponding opportunity for Latrobe City to enlarge its population, diversify its economic base, and improve its facilities for its current community, and for those set to join us.

The Challenge

Following the privatisation of the electricity sector in the 1990s, local government spending and planning programs were wound back. Council has an ambitious program of planned upgrades of recreational and community facilities and will continue to work to implement these.

In enhancing liveability, Council will continue to plan strategically and implement strategies and planning policies that support development while maintaining a unique regional lifestyle.

Liveability

Moe Rail Precinct Revitalisation Project – Moe Activity Centre Plan

The revitalisation of the Moe rail precinct will attract new life and jobs to central Moe with additional services and opportunities for this community. A new civic centre will greatly enhance the town's liveability and encourage investment in Moe.

47 Construction jobs created

135 Jobs created by revitalisation

PROJECT COST AND ASSISTANCE REQUIRED:
\$15.8M required from Victorian and Australian governments.

Gippsland Regional Aquatic Centre

The project includes the redevelopment of the existing Traralgon outdoor swimming pool into a new indoor/outdoor aquatic facility with geothermal heating and cooling, disability access and children's facilities. The centre would be the only competition 50 metre indoor facility between eastern Melbourne to the New South Wales border and will be the centre of swimming in the Gippsland region.

64 Estimated jobs created in construction

35 Ongoing jobs

PROJECT COST AND ASSISTANCE REQUIRED:
\$36M cost of project, with \$15M from Australian government, \$9M from Victorian Government.

Latrobe Performing Arts & Convention Centre (LPACC)

A new complex will meet expectations and the demand for performing arts and convention activities. It will attract inbound performances and events which will deliver enhanced liveability outcomes for the region. The attraction of conventions and large scale functions will contribute significantly to the tourism and hospitality industry.

22 Estimated jobs created in construction

16 Ongoing jobs

PROJECT COST AND ASSISTANCE REQUIRED:
\$11M required from Victorian or Australian Government. Centre is designed with a full business case completed.

Realignment of Traralgon bypass

Morwell and Traralgon would be permanently severed by the currently proposed freeway route, in order to maintain access to a coal field that is unlikely to be developed. A more southerly route will allow better planning for growth and urban consolidation, strengthening the state identity of Latrobe as Gippsland's city.

Construction industry jobs
(more residential building opportunities)

PROJECT COST AND ASSISTANCE REQUIRED:
Decision required from Victorian Minister for Roads.

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Unlocking Traralgon Courthouse redevelopment

The historic Traralgon Courthouse is an iconic building managed by Latrobe City Council. Future use is yet to be determined and the building will require significant internal works and modifications in order to accommodate the public.

Future employment

PROJECT COST AND ASSISTANCE REQUIRED:
\$200 000 requested from Victorian Government.

Gippsland Plains Rail Trail final link

Completion of the section of the rail trail from Traralgon to Toongabbie requires major works including the construction of two bridges, signage, trail construction and amenities. Completion of the trail presents valuable opportunities for small businesses in small towns along the trail.

Construction plus jobs retention in the tourism and hospitality sectors.

PROJECT COST AND ASSISTANCE REQUIRED:
\$600 000 required from the Victorian Government on a 1:1 basis

Morwell Family and Children's Hub / Early Learning Centre

The hub will include childcare services, preschool services, maternal and child health services, a community centre and access to allied health services. A key goal of the project is to ensure that the Morwell community has access to high quality children's services and educational programs. The project would be part of a larger project involving the regeneration and integration of three of Morwell's primary schools (a partnership between DEECD, local government and community).

25 Estimated jobs created in construction

3 Initial FTE additional early childhood specialists

PROJECT COST AND ASSISTANCE REQUIRED:
\$5M required from Victorian Government.

Tyers Waste Water Management

Tyers township has potentially significant public health risks and environmental pollution issues, caused by a lack of adequate waste water management infrastructure. The project will deliver the community's preferred solution to waste water management issues within the Tyers Township, this being the planning, detailed design and installation of a reticulated waste water system.

Construction jobs created

PROJECT COST AND ASSISTANCE REQUIRED:
\$5.5M required from Victorian Government.

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13.2 LATROBE REGIONAL AIRPORT MARCH QUARTERLY REPORT**General Manager****Economic Sustainability****For Decision****PURPOSE**

The purpose of this report is to provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 31 March 2013.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016, in that it provides information on the activities of the Latrobe Regional Airport which achieve the following objectives..

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.

Latrobe City Council Plan 2012 - 2016***Shaping Our Future***

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Strategic Direction 1– Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Strategic Direction 2 – Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Strategic Direction 3 – Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Service Provision – Maintain, develop and operate Latrobe Regional Airport in accordance with Civil Aviation Safety Authority regulations and the Latrobe Regional Airport Masterplan.

Major Initiatives - Implement the Latrobe Regional Airport Master Plan to effectively develop the airport and to facilitate investment and jobs growth.

Strategy – Latrobe Regional Airport Master Plan

Policy - Deed of Delegation

The Latrobe Regional Airport is wholly owned by the Latrobe City Council and operates under the management of the Latrobe Regional Airport Board. Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

BACKGROUND

The report provides information in relation to the performance of the Latrobe Regional Airport against plans and targets identified in the budget, the business plan and the Latrobe Regional Airport Master Plan 2009.

Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

ISSUES

The significant activities undertaken during the quarter are outlined below.

Bureau Of Meteorology

The Bureau of Meteorology has indicated that the Terminal Area Forecast (TAF) service was to be discontinued for Latrobe Regional Airport. An objection was lodged with the Bureau stating the Boards' case for retaining this service at no cost.

A letter has been received from the Bureau stating in part that..... *“the revised figures you’ve provided exceed the minimum movement number threshold so it’s likely you will retain the TAF service, however the Review Panel will review all information prior to any final decision.”*

It is important that this service be maintained at Latrobe Regional Airport as it is used by the emergency service providers who recognise that the Latrobe Valley has a micro climate which can differ substantially from the climate in Melbourne or even East Sale Airport where the nearest TAF’s are located.

Construction Works Update

Works are continuing on the \$2 million segment of the Latrobe Regional Airport upgrade project. To date the following works have been undertaken:

- The 50 place car park at GippsAero has been prepared and is ready for sealing and line marking for completion.
- The GA18 rapid prototyping facility has now been occupied by GippsAero.
- The multipurpose helipad is now completed.
- The reconstruction of the 09/27 gravel runway has been completed.
- Design for the upgrade to Code B of the Helimed taxiway has been completed. This is the last component of the \$2 million segment of the Airport upgrade.

Works on second stage of the airport infrastructure upgrade (\$4.24 million) have commenced with the following items completed or under way.

- 75,000 litre water tanks are on site
- Construction of the centre section of the main apron completed
- Sealing of wind direction indicator and signal areas completed
- Removal of pine trees in public area has been completed
- Public viewing area roadway upgrade has been completed
- Gravel road way at the rear of the private hangar area has commenced
- Construction of road and car park adjacent to the aero club hangars has commenced

Objection to NBN tower at Maryvale

A planning permit has been lodged with Latrobe City Council for an NBN tower to be built at the corner of Maryvale Road and Derhams Lane (Powters Hill). This tower is proposed to be 53 metres high and will intrude into the airport Obstacle Limitation Surfaces (OLS) by almost its full height. It is directly in line with the approach to runway 09 approximately 4 kilometres from the runway threshold.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

The Latrobe Regional Airport Board has lodged an objection to the granting of this planning permit.

Australian International Airshow participation

The Australian International Airshow at Avalon was held from 26 February to 3 March 2013. Latrobe City Council/Latrobe Regional Airport took the opportunity to join with Mahindra Aerospace/GippsAero to promote Latrobe City and Latrobe Regional Airport during the trade days of this event.



Latrobe Regional Airport also occupied a display “pod” within the Victorian Government stand.



A great deal of activity was generated in and around the Victorian Government area and many useful contacts have been made as a result. These contacts are continuing to be followed up.

This exercise proved to be a very worthwhile one for Latrobe City and Latrobe Regional Airport and our presence at the airshow was a demonstration of our commitment to MahindraAerospace GippsAero, the Victorian Government and the aviation industry in general.

The support of the Latrobe City Councillors and the Latrobe Regional Airport Board members who attended the airshow has been recognised by many industry leaders.

Aviation/Aerospace Australia

Aviation/Aerospace Australia is a national, independent not-for-profit organisation whose primary goal is the long term health of Australia's aviation and aerospace industries, including manufacturing, airlines, airports, maintenance repair overhaul, research, training and education organisations.

Latrobe City and Latrobe Regional Airport sponsored an afternoon event during the Avalon Airshow for delegates to the Aviation/Aerospace Australia Asia Pacific Leaders Summit. This was a very successful event and allowed our representatives to engage with industry leaders from the Asia Pacific area.

Non Directional Beacon (NDB) Relocation

The Non Directional radio Beacon(NDB) towers are now in place and Airservices Australia have completed initial testing. Final light testing will be carried out in May 2013.

The road access is completed and the power has been connected. It is anticipated that the new NDB will enter service on 14 November 2013 following the scheduled update of the pilots En Route Supplement Australia (ERSA).

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

The Airport was operated in line with the 2012/13 budget allocation as detailed in the finance report attached.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

There is no consultation required as this is a quarterly report on activities, as required by the Latrobe Regional Airport Deed of Delegation from Council.

OPTIONS

Council has the following options:

1. Note the Latrobe Regional Airport Board March quarterly report; or
2. Seek further clarification in respect to the Latrobe Regional Airport Board March quarterly report.

CONCLUSION

The 2012/2013 financial year is progressing on track and within budget. The Airport continues to be operated in a secure and safe manner, in accordance with Civil Aviation Safety Authority guidelines and regulations.

Attachments

1. Latrobe Regional Airport March Quarterly Finance Report

RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 31 March 2013.

13.2

Latrobe Regional Airport March Quarterly Report

1	Latrobe Regional Airport March Quarterly Finance Report.....	277
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Monthly Operating Report

LATROBE REGIONAL AIRPORT Division

Month: March 2013

Comment on Year to Date Result	
Favourable variance due to timing of invoices.	
Comment of Full Year Forecast	
At this stage there is no anticipated variance to the mid year budget.	

	Year to Date			Full Year Forecast		
	Actual	Mid Year Budget	Variance (Fav)/Unfav	Forecast	Mid Year Budget	Variance (Fav)/Unfav
Net Results by Cost Centre						
Latrobe Regional Airport Management	125,663	147,770	(22,107)	141,045	142,594	(1,549)
Latrobe Regional Airport - LANDSIDE	(227,395)	(226,011)	(1,384)	(240,505)	(246,716)	6,211
Latrobe Regional Airport - AIRSIDE	(5,524)	7,981	(13,505)	1,395	4,981	(3,586)
Latrobe Regional Airport - General Mainte	67,213	79,130	(11,918)	98,065	99,141	(1,076)
Net Result	(40,043)	8,870	(48,914)	0	0	0
Net Results by Account Group						
Income:						
Other	(23,033)	(16,385)	(6,648)	(74,158)	(73,010)	(1,148)
Residence	(10,000)	(10,915)	915	(13,000)	(13,085)	85
Terminal Building	(914)	(914)	0	(914)	(914)	0
Commercial	(270,884)	(270,779)	(105)	(324,843)	(324,759)	(84)
Trading / Light Commercial	(30,550)	(30,548)	(2)	(30,548)	(30,548)	0
Recreational / Non-Trading	(45,996)	(46,867)	871	(45,996)	(46,867)	871
Community Group/Service	(150)	(150)	0	(150)	(150)	0
Farm / Agistment	(5,973)	(15,724)	9,751	(21,024)	(21,024)	0
Total Income	(387,500)	(392,282)	4,782	(510,633)	(510,357)	(276)
Expenditure:						
Salaries Wages & Oncosts	132,186	147,320	(15,134)	182,015	182,672	(657)
Other Employee Costs	11,146	10,738	408	14,874	13,834	1,040
Materials & Contracts	66,703	90,844	(24,141)	130,647	131,151	(504)
Internal Charge Costs	137,422	152,250	(14,828)	183,097	182,700	397
Total Expenditure	347,457	401,152	(53,695)	510,633	510,357	276
Net Result - Recurrent	(40,043)	8,870	(48,914)	0	0	0

	Year to Date			Full Year Forecast		
	Actual	Mid Year Budget	Variance (Fav)/Unfav	Forecast	Mid Year Budget	Variance (Fav)/Unfav
Capital Works Program						
Latrobe Regional Airport Facilities Expansion C0534/C0573	1,626,546	1,777,837	(151,291)	1,802,286	1,802,286	0
Total Capital Expenditure	1,626,546	1,777,837	(151,291)	1,802,286	1,802,286	0

**13.3 NATURAL ENVIRONMENT SUSTAINABILITY SNAPSHOT
REPORT 2013**

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to provide Council with a snapshot of activities and progress undertaken within the *Natural Environment Sustainability Strategy (2008-2013)* and to provide information to the community via the *Natural Environment Sustainability Strategy Snapshot Report, May 2013*.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*Gippsland's Regional City
Strengthening our profile*

*Positioned for a Low Carbon Future
Advancing industry and innovation*

*An active connected and caring community
Supporting all*

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

Strategic Direction – Natural Environment

Collaborate with stakeholders to progress environmental sustainability initiatives aimed at reducing environmental impacts.

Ensure environmental sustainability principles are integrated with the Local Planning Policy Framework.

Work with key stakeholders to improve the water quality and health of rivers, streams and waterways across Latrobe City.

Facilitate and support local community sustainability initiatives.

Encourage industry sustainability through practises that maintain natural environmental assets across the municipality.

Enhance biodiversity conservation through protection and management of remnant native vegetation and revegetation.

Protect and enhance bushland reserves for the benefit of native flora and fauna.

Encourage and maintain good air quality in the region and inform our community.

Promote awareness of best practise land management principles to improve soil conservation.

Encourage responsible water use throughout Latrobe City.

Promote sustainable timber production and responsible management of timber assets.

Encourage the reduction of greenhouse gas emissions generated in Latrobe City, by supporting energy saving initiatives and energy efficient developments in the community.

Promote greater awareness of climate change to support the adaptability of the community to the impacts arising from climate change.

Promote the collaborative approach to the management of weed infestation on private and public land, including weed control initiatives.

Provide and promote environmentally sustainable waste management practises to attain best practise 'final storage quality'.

Promote and implement waste management practises which deliver economic development to Latrobe City.

Service Provision – Environmental Sustainability

Provide Environmental planning, advice and services to internal and external stakeholders.

Major Initiatives – Natural Environment

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

Strategy – Natural Environment

Natural Environment Sustainability Strategy 2008-2013.
Latrobe City Council Waste Management Strategy 2010-2017.

Key Strategic Actions

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

BACKGROUND

Natural environment sustainability, along with economic sustainability and sustainability of the built environment are key strategic objectives for Latrobe City Council and the Latrobe Community.

The *Natural Environment Sustainability Strategy (2008-2013)* (NESS) was adopted at Council's 2 June 2008 Ordinary Meeting and outlines Latrobe City Council's position on the natural environment. The NESS identifies 16 action areas with associated objectives to achieve the sustainability of the natural environment.

It provides a clear vision of this component of sustainability, and provides an integrated framework for corporate strategic planning.

The NESS has continued to guide Latrobe City's approach to natural environment sustainability over the five year period 2008 - 2013.

In June 2010 a NESS snapshot report was presented to Council for consideration. At its 21 June 2010 Ordinary Meeting, Council resolved:

1. *That Council notes the Natural Environment Sustainability Snapshot Report, May 2010, and*
2. *That Council make the Natural Environment Sustainability Snapshot Report, May 2010 available to the community.*

In May 2011 a formal mid strategy review was undertaken to provide Council with a review of the progress of the Natural Environment Sustainability Strategy (2008-2013). At its 23 May 2011 Ordinary Meeting, Council resolved:

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

That Council notes the report detailing a review of the progress of the Natural Environment Sustainability Strategy (2008-2013).

In June 2012 a NESS snapshot report was presented to Council for consideration. At its 4 June 2012 Ordinary Meeting, Council resolved:

- 1. That Council notes the Natural Environment Sustainability Snapshot Report, May 2012.*
- 2. That Council make the Natural Environment Sustainability Snapshot Report, May 2012 available to the community via the Latrobe City website.*

All of these reports have been made available to the community by placing them on the Latrobe City Council website, and presentations and conversations at network forums where the opportunity presented.

In accordance with the performance measure for Council's Natural Environment Key Strategy Action the time measure states:

'The Ordinary Council Meeting, at which a progress report on the delivery of actions identified by the Natural Environment Sustainability Strategy is presented to Council for consideration, will be no later than 30 June 2013.'

Activity under the current NESS is continuing and objectives being delivered. A new Natural Environment Sustainability Strategy will be presented to Council for consideration in the 2013/14 financial year.

ISSUES

Achieving the NESS objectives requires resources, action and the development of successful partnerships.

Attached (attachment 1) is a snapshot report detailing the work achieved to date to progress targeted actions areas in the NESS and to meet its stated objectives:

1. Actions to enable and build capacity for sustainability
2. Actions to conserve our natural assets
3. Actions for wise use of our natural resources
4. Actions to reduce incidental environmental damage
5. Actions to adapt to climate change

This report presents an opportunity for Council to inform the community and interest groups regarding environmental sustainability activities and achievements since the adoption of the NESS in 2008.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial or resource implications arising from this report.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

There has not been a specific community engagement activity undertaken in preparation of this report.

Details of Community Consultation / Results of Engagement:

During the initial Natural Environment Sustainability Strategy (2008-2013) development and Council adoption process the draft document was released for community consultation for a four week period, from the 17 March 2008 in accordance with Council's Community Engagement Policy.

The responses comprised over 200 specific comments. The vast majority were supportive of the structure and intent of the NESS.

The current progress and activity responds to the NESS objectives and addresses the feedback from the community consultation and engagement initiatives.

OPTIONS

Options available to Council include:

1. Note the *Natural Environment Sustainability Strategy Snapshot Report, May 2013* and provide information to the community via the Latrobe City website;
2. Request further information on the *Natural Environment Sustainability Strategy Snapshot Report, May 2013*; or

CONCLUSION

The attached report represents a snapshot detailing the progress made to date against the NESS action areas. This is the final snapshot report under the current strategy document.

Activity under the current NESS is continuing and objectives are being delivered. A new *Natural Environment Sustainability Strategy* will be presented to Council for consideration in the 2013/14 financial year.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

This report presents an opportunity for Council to inform the community and interest groups regarding environmental sustainability activities and achievements since the adoption of the NESS.

Attachments

1. Natural Environment Sustainability Strategy Snapshot Report May 2013

RECOMMENDATION

1. That Council notes the *Natural Environment Sustainability Snapshot Report, May 2013*.
2. That Council provide information to the community via the *Natural Environment Sustainability Snapshot Report, May 2013*.

13.3

Natural Environment Sustainability Snapshot Report 2013

- 1 Natural Environment Sustainability Strategy Snapshot
Report May 2013 287**

Natural Environment Sustainability Strategy Snapshot Report 2013





Introduction

This is a snapshot of the work performed under the *Natural Environment Sustainability Strategy (2008-2013)* (NESS) since its adoption by Latrobe City Council in June 2008.

The strategy has guided Latrobe City's approach to natural environment sustainability over the five years (2008-2013) and identified 16 action areas, under five main themes. Some areas have been actioned with defined outcomes and deliverables achieved, and others have been well progressed with ongoing commitments and activities continuing into the future.

This snapshot report is to highlight the major achievements and activities against the objectives of each action area. There are many ongoing routine activities undertaken by the Natural Environment Sustainability team, the organisation more broadly and Latrobe City Councillors on a daily basis, to meet the NESS objectives not captured within this snapshot report.

This is the final annual snapshot report under the current NESS resulting in a summary report for the five years of work to meet the NESS objectives. This report builds on previous annual snapshot reports and now provides a good overview of how the objectives of the NESS 2008-13 have been met.

Although this report predominantly focuses on the past 12 months of work, information has been included from previous years where an objective has been met or for comparison purposes.

Progress against the sixteen NESS action areas

Priority action areas are grouped under five main themes:

1. Actions to enable and build capacity for sustainability
2. Actions to conserve our natural assets
3. Actions for wise use of our natural resources
4. Actions to reduce incidental environmental damage
5. Actions to adapt to climate change

For each of the sixteen action areas there are several objectives. This snapshot report examines the progress made to meet these objectives. A significant number of the reported actions and ongoing activities overlap to simultaneously meet multiple objectives. This demonstrates the integrated nature of the Strategy and tasks undertaken by the Latrobe City Council.



Action to Enable and Build Capacity for Sustainability

Action Area 1 – Build Latrobe City’s capacity and capability

Implement, Review and Improve.

The Natural Environment Sustainability Department has been guided by the Natural Environment Sustainability Strategy (2008-2013) to deliver against its objectives. The team has continued to align its priorities and resources with the strategy, its legislative and statutory responsibilities, community aspirations and the Council Plan.

Latrobe 2021: The Vision for the Latrobe Valley and *Latrobe 2026: The Community Vision for Latrobe Valley* have each had a Strategic Objective for the Natural Environment; and the Latrobe City Council Plan each year has a Strategic Direction, Service Provisions, Major Initiatives and a Key Strategy Action which directly respond to the vision.

Council has an overarching Ecologically Sustainable Development Policy (11 POL-4) which underwent an internal review in 2011. The review found that *the current Latrobe City Ecologically Sustainable Development Policy keeps Latrobe City Council directly in line with the Australian National Strategy on Ecologically Sustainable Development. It encapsulates in one document the key tenets of sustainability rather than having them scattered over a range of other council documents.*

Councils Weeds Policy (11 POL-4) also underwent an internally reviewed in 2011; amendments were made to shift the focus from one of *control, reduction and elimination of weeds to prevention, eradication, containment and protection of assets.* A Roadside Weeds Plan has been developed for internal use to assist Council staff to manage weed control on roadsides in Latrobe City.





Encouraging Co-operation

The principles and objectives within the strategy are implemented by other departments of Latrobe City with a shared responsibility to align activity to strategy where feasible. This extends from new infrastructure projects to internal processes and systems with building designs, energy ratings, water use, waste management practices, community education and information, paper use, and staff behaviour.

In 2011 Council joined Eco-Buy looking at opportunities to increase the proportion of sustainable products purchased by Council. This is a particular focus for the IT, major projects and procurement teams to ensure economic, environmental and socially responsible decisions are made with respect to purchasing.

The Latrobe City Staff Code of Conduct now also specifically mentions aligning behaviours with Council's Ecologically Sustainable Development Policy.

Participation and Strategic Alignment

Latrobe City Councillors and Council officers from the Natural Environment Sustainability team represent Latrobe City Council at agency, partner and stakeholder forums such as the West Gippsland Catchment Management Authority Central Catchment Ecosystem Advisory Group, Gippsland Integrated Natural Resources Forum, Gippsland Climate Change Network, Australian Paper Community Consultative Committee, Power Industry Environmental Review Committee's and the Gippsland Regional Waste Management Group. Participation involves strategy and policy development, exchange of ideas and continuous improvement discussion regarding environmentally sustainable practices.

Latrobe City is a recognised stakeholder within Victoria and the Gippsland Region. Council officers from the Natural Environment Sustainability team participate in workshops and sit on steering groups for other organisations for specific projects. These include Environment Victoria "Sustainable Living" program, Regional Centre of Expertise on Education for Sustainable Development, E-waste recycling project, Kitchen to Compost Organics project, Regional Biodiversity Forums, Regional Catchment Strategy Review, State Government Environmental Effects Statement Submissions, Victorian Bioenergy Network, Office of Living Victoria Integrated Water Management Cycle Taskforce, Victorian Farmers Federation Gippsland Working Group and Sustainability Victoria Integrated Waste Management Forums.

New and ongoing relationships continue to be developed via informal discussions and engagement with other agencies and organisations. An example of this includes the implementation of regular meetings with the Department of Environment and Primary



Industries (DEPI) and the Country Fire Authority (CFA) to improve internal strategic and statutory planning processes.

Measuring and Reporting

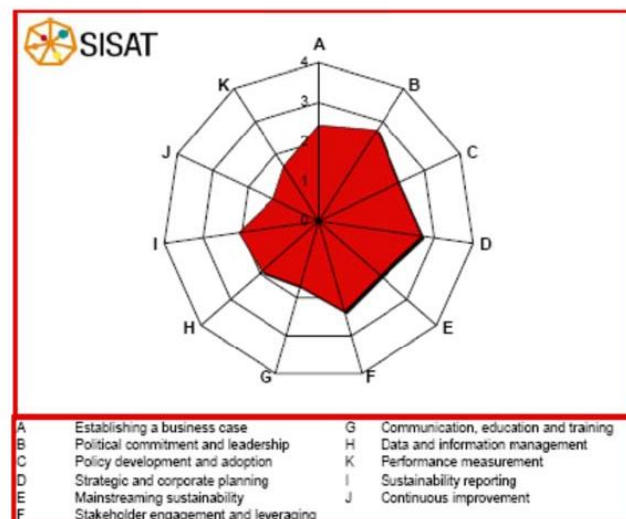
Latrobe City Council participated in the Sustainability Pathways Project for Victorian Local Governments run by the International Council for Local Environmental Initiatives (ICLEI).

An element of this program was a Sustainability Integration Self Assessment Tool (SISAT) to assess Latrobe City Council's progression towards sustainability and assesses progress on developing the business case, political commitment, policy development, strategic planning, mainstreaming sustainability, stakeholder engagement, communication and training, data management, performance measurement, sustainability reporting and continuous improvement.

In 2010 results indicated that Latrobe City Council had made significant progress towards sustainability but still had a way to go, scoring 2.7 out of 4 on the SISAT scale.



The kite diagram represented Latrobe City Council sustainability progress. Areas for greatest improvement have a lower score.





Development of the SoE report involved benchmarking against other councils, discussions with regional stakeholder agencies, particularly the West Gippsland Catchment Management Authority, Environment Protection Authority and Department of Sustainability and Environment; and extensive liaison with the Victorian Commissioner for Environmental Sustainability.

In 2013 the State of Environment Report 2010 data was updated. This showed that indicators of increasing capacity for sustainability are generally improving; indicators of the sustainability of natural resource management are generally stable, however the indicators of natural environmental condition are still declining overall. Some new SoE indicators have been added, including a suite for primary industry, to provide a more comprehensive assessment.

Data is updated electronically as available, with the next full report card release due in 2015.

Strategy Review

In 2011 the Latrobe City Council Natural Environment Sustainability Strategy 2008-2013 was reviewed to determine its progress and relevance in context of the changing Federal and State political environment and the Community's Vision for the Latrobe Valley.

The review concluded that the NESS remained an active document, continuing to provide a clear vision and direction for natural environment sustainability, and provided an integrated framework for corporate strategic planning.

The use of one strategy document (i.e. the NESS) continued to provide clear direction for Council and officers to remain focussed on the priority objectives. Relevant reference documents continued to be used to inform the implementation of actions (e.g. Morwell River Neighbourhood Environmental Improvement Plan, Victoria's Native Vegetation Management – A Framework for Action 2002, Planning and Environment Act 1987, Local Government Act 1989).

Stakeholders and inputs to the NESS had not changed. Council remained a member of the Victorian Local Sustainability Accord and the NESS was directly aligned to the Local Environmental Sustainability Priority Statement. As a working document the Strategy continued to provide a position statement that informed Council and took into account Council resolutions, policies and plans, regional strategies and plans, and the State and Federal Government positions.

It is timely that the next NESS is being developed in 2013/14 as the Victorian State Government in the last 6 months has released the new documents *Sustainability Victoria Strategic Plan 2012-15*, *Getting Full Value: the Victorian Waste and Resource Recovery Policy* and *Environmental Partnerships* outlining the priorities for Victoria's environment.



Latrobe City has also entered into a new Council term (2012-16) bringing a review and refocus of priorities and the development of a new 4 year Council Plan.

Action Area 2 - Enhancing local regulatory framework

Environmental Planning Regulatory Function

Latrobe City Environmental Planning officers provide advice and recommendations regarding environmentally sustainable land use and strategic development for the protection and retention of native vegetation within the context of the *Planning and Environment Act 1989* and the Latrobe Planning Scheme. Environmental Planning officers review planning applications and provide ongoing project advice, including site visits and discussions with stakeholders.

Ongoing advice has continued to be provided to residents and community members regarding interpretation of environmental legislation, removal of native vegetation and enhancement of the environment through water conservation, sustainable land use and sustainable living practises.



Latrobe City was significantly impacted by the February 2009 bushfires. This event required council officers in the Natural Environment Sustainability team to redirect activities to assist the community both in the immediate recovery period and after.

One area of particular focus was to provide assistance to the community to correctly understand and apply the State Government interim legislation for the clearing of native vegetation and subsequent permanent change. The Bushfire Management Overlay (BMO) resulted from the 2009 Victorian Bushfires Royal Commission (VBRC) and has required officers to implement changes to the way environmental planning is administered.



Planning for Bushfire Victoria was produced by CFA in November 2012 to explain the bushfire planning provisions and how to deal with them. The new provisions have meant conflict with native vegetation protection and hence, officers have had to work closely with both CFA and DEPI in order to implement these changes.

Illegal clearance of native vegetation by residents remains an ongoing challenge for Council officers; working together with Council's planning enforcement officer and Local Laws team. Education and enforcement capacity has expanded with a dedicated Planning Enforcement Officer position in late 2010.

Environment Sustainability officers participated in the Senate Environment and Communications Legislation Committee inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*, providing first-hand information, knowledge and examples regarding the administration of State and Federal Government legislation and implications of changes to governance arrangements if the bill was passed.

A review of Victoria's native vegetation permitted clearing regulations by DEPI is currently underway. Latrobe City officers submitted a response to the proposal in late 2012.

Environmental Planning officers have joined the recently formed LGPro Biodiversity Planning Network to keep informed of common planning issues regarding biodiversity.

Gippsland Integrated Land Use Plan (GILUP)

Latrobe City Council officers, led by the Governance Division, have been working with state government agencies and other Gippsland Councils to develop the Gippsland Integrated Land Use Plan (GILUP). A workshop in August 2012 was based around three main economic themes that have significant spatial and land use implications in Gippsland - agriculture and forestry, tourism, and earth resources. These themes were then overlaid with environmental values and natural hazards. Comments and maps developed by the workshop stakeholders will help inform the draft Gippsland Regional Growth Plan.





A series of background reports on agriculture, tourism, commercial centres, infrastructure, and natural assets will soon be completed by Department of Planning and Community Development, and will provide a comprehensive base of information to inform preparation of the draft Gippsland Regional Growth Plan.

Land-use development and water conservation

In 2013 Latrobe City was invited to participate in the Office of Living Victoria's Victorian Taskforce of Integrated Water Cycle Management (IWCM). The taskforce is involved in drive reform by coordinating urban and water planning.

IWCM as the standard approach to planning and delivering water cycle services to communities across Victoria to Integrated water cycle management (IWCM) is a multi-disciplinary and multi-objective approach, used to promote the sustainable use of all available water resources in ways that best deliver multiple community objectives.

Action Area 3 - Triple bottom line assessments

Policies and Procedures

Council is undergoing a review of its project management method and associated software tools, moving toward an integrated project management system. An additional software module is being built into the method to ensure the triple bottom line of environmental, economic and social values are considered and balanced.

Incorporated in to Councils major project design and delivery process is ongoing and stepwise consultation with the community. This will help Council to understand environmental, economic and social values and impacts when making decisions. Major infrastructure projects that have, and continue to, benefit from a triple bottom line approach include Hyland Highway Landfill, Churchill Hub, Callignee Community Hall, Moe Rail Revitalisation Project, Morwell Skate Park Design, Boolarra Multipurpose Building Redevelopment, Tyers Soccer facilities and Moe Olympic Soccer facilities.

As mentioned earlier Latrobe City Council joined the Eco-Buy Program 2011, an initiative led by the environment sustainability and procurement teams. Training and education of Council officers has been completed to further encourage the purchasing of environmentally preferable products and services. Latrobe City hosted the launch of the Eco Buy Program in the Gippsland area showcasing environmentally sustainable products and providing an insight into how to reduce environmental impact through purchasing decisions.



Governance and Decision Making

Significant work has been undertaken led by the Economic Sustainability Division to assist the Latrobe City community in preparing to transition through an uncertain time, to a low carbon economy. Latrobe City Council has recognised that international and Australian policies are being developed to reduce greenhouse gas emissions in response to growing concern about climate change.

Latrobe City Council developed Positioning Latrobe City for a Low Carbon Emissions Future to provide Council with an overarching framework to overcome challenges and maximise opportunities that may be presented by a carbon constrained economy. Latrobe City Council's policy was the first of its kind to be developed by a Council in Australia and will ensure that Latrobe City Council and the Gippsland region is in a position to lead the transformation at both a local community and regional level.

Latrobe City Council supports international and Australian efforts to address climate change and seeks to ensure that its economy and community continue to prosper. With the appropriate transition mechanisms in place, it believes that both climate change mitigation and economic growth can be achieved.

Action Area 4 - Encourage industry sustainability

Engaging with Major Industry and Agencies, Encourage and Facilitate

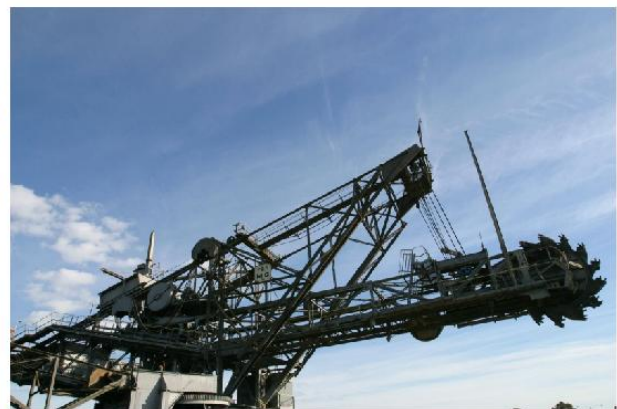
Latrobe City Council is represented on the Environmental Review Committee of EnergyAustralia Yallourn, GDF SUEZ Australian Energy Power Hazelwood, AGL Loy Yang and Australian Paper (Maryvale) Community Environmental Consultative Committee by a Councillor and council officer from the Natural Environment Sustainability team, advocating for the community. The role of the committees is to ensure compliance with the EPA licence agreements and Environmental Management Plans. They offer broad participation in the management of the environment which relates to industry, provide an opportunity for feedback and an open communication channel. Each of the committees meets quarterly.



Council officers meet with other government agencies to build and maintain working relationships, and collaborate on projects where required. Regular meetings are held with VicRoads, Department of Planning and Community Development, Department of Primary Industries, Department of Sustainability and Environment, Parks Victoria, Gippsland Water, Victorian Farmers Federation, Environment Protection Authority and other local and regional Councils.

Achieving the vision of Council's Positioning Latrobe City for a Low Carbon Emissions Future Policy required partnerships between community, industry and government, across all parts of Gippsland and regional Victoria. Strong regional leadership was essential for future success in attracting government funding and private sector investment. Several meetings have been conducted with state and federal politicians, and their advisors, to present Council views and community concerns.

Officers have reviewed, evaluated and made submissions to Planning Panels Victoria commenting on Environment Effects Statements for government and private sector projects such as the Yallourn Combined Cycle Gas Plant and VicRoads Highway Duplication Traralgon – Kilmany.



Small Business and Industry Participation

Council officers attended seminars, conferences and workshops to keep up to date and assist small business and industry. Examples within the past 12 months include:

- *Residues to Revenues 2013* in Melbourne. This annual event is run by the Forest Industry Engineering Association and focuses on existing and potential 'clean technology' industries and processes which are of great relevance to Latrobe City's transition to a low carbon economy.



- *Turning Resource Efficiency into Business Profitability* seminar run by VECCI targeting small business.
- *Sustainability Seminar Series* run by Aquatics and Recreation Victoria targeting leisure centres to find energy and water improvements and efficiencies.
- *All Energy Australia* in Melbourne. This annual event is a business-to-business conference and networking forum showcasing renewable energy, clean energy, sustainable transport and energy efficiency.
- Sustainability Victoria Organics Recovery Workshop designed to discuss opportunities with Local government and the private sector for organics processing technologies and infrastructure in Victoria.
- Managing Volunteers & Grants course through The Public Land Consultancy to help officers which provide strong support to council Committees of Management.

Latrobe City's Waste Management Strategy incorporates a Waste Education Plan to work with the community. Councils Sustainability Education Officer assists small local businesses and not for profit organisation to develop plans to improve recycling outcomes and divert organic waste from landfill, including Gippsland Heritage Park, Lifeline Gippsland, Dalkeith Hostel, Dalkeith heights Village, Latrobe Community Mental Health Service, Moe Traders Association, Morwell Football & Netball Club, Club Astoria, Traralgon Table Tennis Association and Moe Gardens Caravan Park.

Schools include Flinders Christian College Traralgon, South Street Primary Moe, Crinigan Road Primary Morwell, Lumen Christi Catholic Primary Churchill, and Hazelwood North Primary.

In 2012/13 this work has expanded to link the schools and small businesses. Officers are currently working with the Star Hotel Café in Traralgon regarding diversion of their organic waste from landfill in partnership with the nearby Grey St Primary School who have 3 large worm farms established under Latrobe City Council Community Vermicomposting Program and the capacity to accept the Café organic waste. It is hoped that this model could also work in other locations where shops/restaurants are located close to a school and small food business.





Increasing waste diversion from landfill has been achieved through selective acceptance of recoverable materials from commercial waste operators to the Hyland Highway landfill. In 2010, large quantities of materials that had an identifiable and affordable resource recovery option (market) were no longer accepted for disposal at the Hyland Highway landfill. This action encouraged source separation or pre-sorting to be undertaken by commercial operators and their customers. In 2013, this practice continues and each year approximately 32,000 tonnes of household recyclable waste product is diverted from landfill.

Action Area 5 - Encourage community action

Monitor and Report on Community Views, Activity and Progress

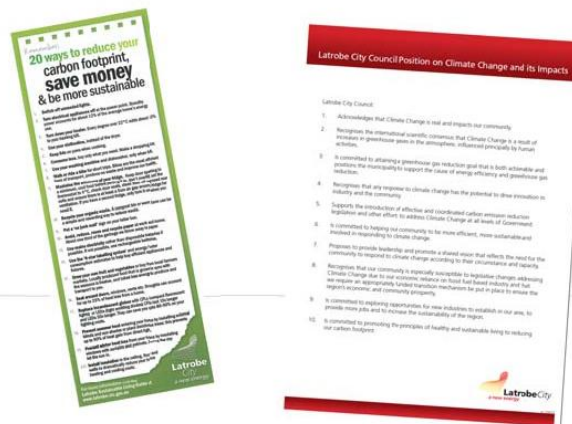
Council officers provide technical knowledge, assistance and advice to community groups, specifically regarding native vegetation and weed management, including Landcare Networks, Woody Weeds Action Group, Bushland Reserves Committees of Management, and Friends Groups.

Members of the Latrobe City community participate in the annual Local Government Community Satisfaction Survey that then provides feedback to Council officers as to concerns and attitudes in answer to specific questions. The data reflects that community attitudes and trends have remained stable. Participation in Sustainability Victoria's Green Light Project for monitoring trends, sustainability attitudes, behaviours and household characteristics within Latrobe City also provided useful information.

Some interesting information specific to Latrobe City was determined, such as residents surveyed within the Latrobe LGA's show a higher incidence of being willing to install rainwater tanks (24% versus 14% of regional Victorian households) and only heating rooms that are in use (7% versus 3%).

Support and Promote Sustainable Actions and Achievements

In 2010 Council distributed to each business and household within Latrobe City a fridge magnet to promote more sustainable behaviours. Council also adopted the *Latrobe City Council Position on Climate Change and its Impacts* and placed this on its website, in the public domain.





For 2011/12 and 2012/13 each week within the Latrobe Valley Express, on Council's noticeboard information is provided to educate and promote sustainable practises. This is referred to as the 'Green Spot' and provided facts and figures regarding energy saving, sustainable living, tips to reduce your carbon footprints, waste reduction etc.

Articles reporting on activity such as 'Weedbuster Days' in Councils Bushland Reserves and activities of the Committees of Management have been published in LINK, Latrobe City Council's community newsletter published three times a year.

Council officers provide brochures and information for the community (Indigenous Plants of Latrobe City, Grow Me Instead and Common Weeds of Gippsland).

Developed in conjunction with the Natural Strategies Group, the *Sustainable Living Guide* is available on the Latrobe City website and is designed to help Latrobe City residents take action to live more sustainably at home and in the community. The Guide is packed with ideas, tips and inspiration about how small, easy changes can have positive impacts on the environment and the health and wellbeing of residents.

Latrobe City has assisted the community to become involved with projects to protect and enhance the environment. These include informing local schools of Junior Landcare grant availability and assistance with applications, assisting and advising private landowners with revegetation projects, National Tree Day activities, Native Vegetation Incentive Scheme and Trust for Nature rebates.

An alliance with Landcare has been formed for revegetation efforts which will encourage community involvement in the future.

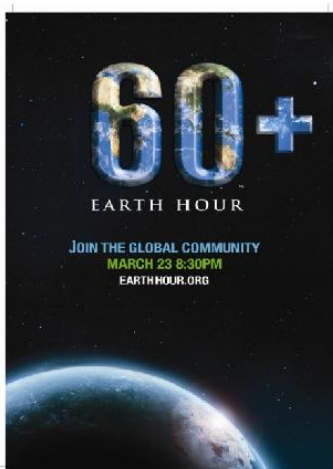
The Latrobe City Climate Change Consultative Committee (2009 - 2013) and the Latrobe City Hyland Highway Landfill Municipal Consultative Committee (established 2008) provided the opportunity for community members and industry representatives to discuss environmental sustainability, climate change and waste management issues of concern. The committee's have adopted Terms of Reference providing opportunity for other community members to sit in and observe the committee operations. Council officers provide administrative and technical support to the committee's and the operations of the committee's are reported to Council annually. Minutes of meeting are placed on Council's website.

Committee's of Management for the Crinigan Bushland Reserve, Ollerton Avenue Bushland Reserve and Edward Hunter Heritage Bush Reserve are also administered by officers from the Environment Sustainability team. Social media pages are operational for the Edward Hunter Heritage Bush Reserve and Crinigan Bushland Reserve that have developed associated friends groups promoting activity and involvement by community members without having to be directly on the Committee of Management.



Other community activities encouraging community action included the Bug Blitz Program at Eel Hole Creek Churchill; Earth

Hour by switching off lighting at locations in Morwell, Churchill and Moe; National Tree Day at Traralgon Creek, Traralgon; Clean Up Australia Day at Waterhole Creek, Morwell; Bushcare's Major Day Out at Crinigan Bushland Reserve, Morwell; Children's Expo stormwater pollution games at Kernot Hall, Morwell; and the e-Communities project with Sustainability Gippsland.



Neighbourhood Environment Improvement Plans

Latrobe City Council supports two Neighbourhood Environment Improvement Plans (NEIP) established under the *Environment Protection Act*; Traralgon Creek catchment and Morwell River catchment.

Council provides administrative assistance and specialist advice to the NEIP groups. Councillors are represented on the NEIP implementation committees, which include members of the local community, local landholders and industry and agency representatives. The NEIP groups provide a forum in which active environment groups can work together constructively for the environmental improvement of the catchment.

Latrobe City's facilitation of the two NEIPs has been more successful than similar projects elsewhere in the state. The bringing together of stakeholders from industry, agency and community in the catchments has had many positive outcomes including enhanced cooperation and mutual understanding.



Projects undertaken under the auspices of the NEIP groups include clearance of willows, revegetation, fencing of riparian zones, weed control, biodiversity monitoring including a platypus project, bushfire regeneration monitoring, and lobbying for action where activities are causing unacceptable environmental impacts.

The Traralgon Creek NEIP has successfully completed its original Plan, including publishing a report card 2012. The Committee recognises the value of continuing its coordination and overview role of the catchment and has developed a new outline plan and statement of purpose for the future.

The Morwell River NEIP has had its first major successes in implementing its Plan with the establishment of the Friends of the Upper Morwell River Inc. and the renovation and reopening of a key community and tourist site, the Morwell River Falls Reserve. The reopening by the Mayor and local Members of Parliament was well attended and the event received significant newspaper and television coverage. The development of a report card for the Morwell River catchment is progressing.





Action to conserve our natural assets

Action Area 6 - Improve water quality in rivers & streams

Litter pollution traps have been installed in urban areas of Morwell, Moe and Traralgon. School group 'follow your waste' sustainability education tours have visited these traps to understand the litter and pollution that enters our waterways.

Ongoing support is provided to West Gippsland Catchment Management Authority (WGCMA) activities with sponsorship, participation and technical advice for Waterwatch, and Catchment Ecosystem Advisory Group.



Latrobe City officers are working together with West Gippsland Catchment Management Authority officers and local community members to develop the Waterhole Creek Waterway Management Plan. This is a strategic project considering the entire Waterhole Creek Catchment (which extends from near Jeeralang North through Morwell to Old Melbourne Road, where it meets Wades Creek) with the main focus being upon the section which flows through Morwell. The Waterhole Creek Waterway Management Plan will provide a vision for the entire Waterway, and specific management actions aimed at protecting and improving the health and amenity of this Waterway.

Another project underway with the WGCMA is developing a Memorandum of Understanding (MoU) for the Traralgon Creek Urban Waterway. The objective is to clarify, document and agree with responsible agencies and authorities on the specific roles and responsibilities for the management of the Traralgon Creek Urban Waterway. This document is a pilot project that will provide a generic template document that can then be applied to other waterways.

The Traralgon Creek catchment and Morwell River catchment have both benefited from the works conducted under the auspice of the NEIP's as discussed above.



Council officers continue to provide advice to the Friends of the Traralgon Railway Reservoir Conservation Reserve (29.5 ha), which contains a 1.7 ha lake, to improve vegetation, water health and passive recreational enjoyment.

Water sensitive urban design elements are part of the planning for future developments within Latrobe City. Advice has been provided in the development plan stages for proposed subdivisions around Lake Narracan, Yallourn Heights (Monash Views) and Edward Hunter Heritage Bush Reserve.

Action Area 7 – Biodiversity conservation

Victoria's Native Vegetation Management – A Framework for Action

Victoria's Native Vegetation Management – A Framework for Action requires that if native vegetation removal cannot be avoided or minimised, clearance of native vegetation under permit must be offset by protecting a specified area of native vegetation and revegetation. Environmental Planners provide advice to statutory planning on whether a planning permit is required under the Framework and what the offsets should be. This is a statutory requirement under the *Planning and Environment Act 1997* and the Latrobe Planning Scheme.

This activity occurs on an ongoing basis through the assessment of planning permit applications and involvement at the Development Plan stage of a range of subdivisions across the municipality.

Protection and Management of Native Vegetation

Council's Native Vegetation and Biodiversity Protection Incentive Scheme assists private landholders in the municipality to undertake native vegetation protection works. This scheme has been running for 14 years. Payments of up to \$500 per property are available for projects. The range of projects undertaken include fencing off remnant vegetation from stock grazing, weed control, extension of remnants by revegetation, and nest-box installation, particularly to replace natural tree hollows lost in the Black Saturday bushfires.

A total of 21 landholders received funding to assist with projects. Latrobe City also provide a rate rebate to assist private landholders who place Trust for Nature Covenants on their properties.

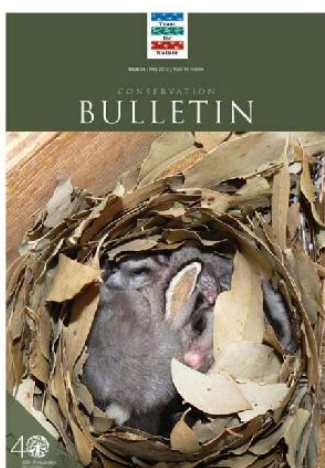
Latrobe City Council currently has 12 properties that are protected under Trust for Nature Covenants (total of 340 hectares). This rate rebate provides a small incentive to support landholders who set aside their land for the public good, which benefits the entire community.



Several years ago council officers organised for seed collection from red gums and redbox within the Ellavale Estate area of Traralgon. These seeds were propagated in Council's nursery and in 2012 provided to the Latrobe Urban Landcare Group for planting. The group has conducted three planting days beginning with 20 sapling redgums and redbox trees.

Council's community Tree Planting trailer remains in operation and is used by the community to assist with tree planting activities. The trailer has been used to assist with tree planting activities at schools, on fire affected properties, Landcare days, community planting activities, by Friends Groups and at National Tree Day events.

Officers supported and promoted a planting event held by St Pauls Anglican Grammar School, Traralgon campus. This involved the supply of 200 plants for revegetation around wetlands on their property along with advice and the use of council's tree planting trailer. Other planting events were organised for Baringa School students in Edward Hunter Heritage Bush Reserve.



Biolinks Development

A Biolinks database is continuing to be built and maintained to map connectivity across the municipality. This has involved GIS mapping layers that identify key environmental corridors and links within the municipality, and encourage and support the development of wildlife corridors and links across the municipality. Several layers for native vegetation have already been established, reviewed and updated. The location of native vegetation offsets that have been undertaken as a requirement of the Latrobe Planning Scheme and Native Vegetation Framework, Council revegetation projects, Trust for Nature Covenants, Landcare Projects and other native vegetation works within Latrobe City will be included within this map. Latrobe City has entered into a Data Share Agreement with DSE to



exchange information for the biolinks mapping and increase awareness and capacity for monitoring native flora and fauna.

The Biolinks tool allows future revegetation and remnant native vegetation projects to have a strategic approach and direction by identifying where the greatest environmental return for investment exists.



Council is also supporting the development of a Biolinks Regional Plan currently being developed by the WGCMA and Latrobe Catchment Landcare Network. This plan will act as an umbrella for activity by assisting with attracting government funding and guide strategic activities and outcomes. This plan will complement Councils Biolinks approach to encourage and support the development of wildlife corridors and links across the municipality.

Action Area 8 – Bushland parks and reserves

In August 2011 Council officers in the Environment Sustainability team took over responsibility for facilitating volunteer Committees of Management in their delivery of the Environmental Management Plans for four of Council's more significant bushland reserves; Erik Lubcke Yarra Gum Conservation Reserve (no CoM), Edward Hunter Heritage Bush Reserve, Crinigan Bushland Reserve and Ollerton Avenue Bushland Reserve.

Council adopted revised Terms of Reference (ToR) documents in 2012 for the three bushland reserve Committees of Management. These ToR documents address the governance changes that occurred when the committee's status changed from being delegated committee's under Section 86 Instrument of Delegation and Schedule of the Local Government Act 1989, to funded advisory committee's, clarifying the committee's role, composition, function and objectives resulting in a reinvigorated interest in membership.



Where community members have not taken up administrative roles on the advisory Committees, council officers have stepped in and taken up these roles until the Committees have grown to be self-supporting.



An advertising and recruitment campaign for the Committees were conducted prior to the Annual General Meetings held in November 2012. New members have joined some of the committees and associated Friends Groups. The Committees of Management for Crinigan Bushland Reserve and Edward Hunter Heritage Bush Reserve were added to the 'Do Something Near You' website. Officers also assist in administering the Facebook pages of some of these reserves.

Council officers assisted with preparation and lodging of grant applications for external for funding additional to that provided by Council. The Edward Hunter Heritage Bush Reserve Committee of Management was successful in their *Communities for Nature* grant application.

Council officers provide assistance, support and advice to the works of Crinigan Bushland Reserve, Edward Hunter Heritage Bush Reserve and Ollerton Avenue Bushland Reserve Committees of Management and Friends Groups, and direct management for Erik Lubcke Yarra Gum Conservation Reserve. Administration of the 10 year management plan based on the reserve EMP's has been compiled to focus resources on actions identified as priorities.

The management of Burgan has been a focus for the Ollerton Avenue and Crinigan Reserves. This has required review and preparation of planning permits and considerable liaison with DEPI.

Each of the bushland reserves management plans have been progressed. The 10 year management plan for the bushland reserves allows Council officer's to strategically allocate resources outside of the works undertaken by the Committee's against natural resource management priorities.



An example of this priority work is within the Erik Lubcke Yarra Gum Conservation Reserve which contains the Nationally Endangered species *Diannela amoena* (matted flax-lily) and the rare *Eucalyptus yarraensis* (yarra gum). Additional understory plants were required to assist in preservation of these species.



Offset banking and tracking

In 2009, work was undertaken to investigate suitable potential areas within Latrobe City suitable for native vegetation removal offsets. The investigation was primarily a desktop survey with very cursory field checks, which focused on Council owned and managed sites. A total of 11 sites were assessed for their flora values including confirmation of EVC, the presence of vegetation definable as a patch, the presence of large old trees and scattered trees and the potential for a site to accommodate revegetation works.

In 2012/13 DEPI and Council officers have been meeting to discuss the further development of a Council native vegetation offset bank. As a result of these discussions on-ground Vegetation Quality Assessments on selected Council owned properties have been conducted to verify their potential value as offset sites.

Council officers have been discussing how the Native Vegetation Tracking System (NVT), an internet based information system for recording the removal, retention and offsetting of native vegetation in Victoria can be used by Council.

The NVT was developed to record clearing and offset data relating to planning approvals where DEPI is a referral authority, allowing them to monitor clearing trends and the implementation of the Victoria's Native Vegetation Management: A Framework for Action.



Traralgon South Flora and Fauna Reserve

In early 2009 Council made a request to the State Government to complete the formalities for the establishment of the Traralgon South Flora and Fauna Reserve, and to reserve the remaining State forest in Latrobe City.

The Victorian Minister for Environment and Climate Change responded that '*a significant number of priority Land Conservation Council and Victorian Environmental Assessment Council recommendations have been implemented and that reservation of this site will occur as departmental priorities allow.*'



Strzelecki Koala

Council officers assisted in the development of the South Gippsland Koala Working Group with HVP Plantations Pty Ltd. The group is made of Gippsland stakeholders to concentrate efforts to protect the Strzelecki Koala, with common agreed objectives. Officers are supporting current projects and activities to protect the Strzelecki Koala.

The first meeting of the Working Group was held in August 2012.

The Strzelecki Koala is genetically unique and thought to be the only remaining indigenous population in Victoria. Koalas in the Strzeleckis are widespread throughout the forested areas and occupy many different forest Ecological Vegetation Classes. The most effective conservation measures for koalas are likely to be habitat protection, including both habitat blocks and linking corridors. This is an example of where Council's Biolinks mapping can have beneficial outcome for both flora and fauna.



Cores and Links

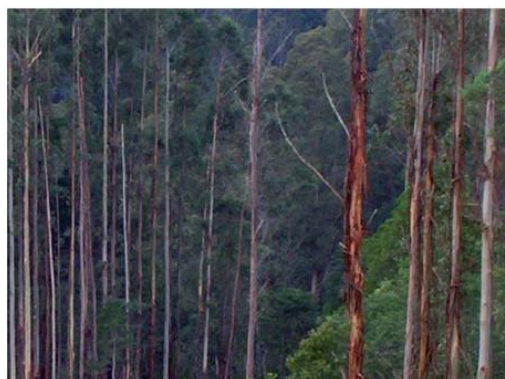
The 'Cores and Links' comprises five core areas with two habitat links connecting them in the Strzelecki Ranges. These extend from Gunyah Junction in the West to Tarra-Bulga in the East, containing both *Eucalyptus Regnans* plantation and native vegetation.

An agreement was signed in October 2006 between the Victorian Government and HVP Plantations Pty Ltd for the permanent protection of 8,000 hectares in the 'Cores and Links' and permanent protection of an additional 15,000 hectares of native vegetation in the Strzelecki Ranges. As part of the agreement, HVP Plantations Pty Ltd retains the right to a once only harvest of 1,500 ha of plantations within the 'Core and Links'. After this harvest the area will be returned to native forest under strict guidelines set and supervised by DEPI. The College Creek core area falls within the Latrobe City municipality.

HVP Plantations consult with council officer's pre and post harvest activity and third party audits organised by council officers are conducted of these activities against the Forestry Code. The total area of the College Creek catchment is 742 hectares. This is comprised of 327 hectares of plantation and 415 hectares of native vegetation. The plantation species is *Eucalyptus Regnans*, planted between 1971 and 1977.

The College Creek core area has been divided into ten timber harvesting coupes. At this stage harvesting of nine of these coupes has been completed, totalling 326 net harvest hectares. A harvest plan for the tenth coupe has not been received by Council.

Latrobe City has facilitated auditing of the one off harvesting of the Strzelecki 'Cores and Links' areas within the municipality. One off harvesting of 'Core and Link' areas within Latrobe is approximately 90 % complete with harvested areas progressively regenerating to natural bush.





Action Area 9 - Air quality

Council officers attend meetings of the Latrobe Valley Air monitoring Network and promote and distribute information to the local community and stakeholders via the State of the Environment Report.

The local laws team continue to work together with EPA Victoria, using their authority under the Pollution Abatement laws to assist with local air quality issues.

Planning permit conditions are used to reduce dust, fumes and odour from affecting ambient air quality, where possible, resulting from earthworks, factory emissions and business activities.

Ongoing advice is provided to the community on EPA Victoria's role in air quality and encouraging reporting to EPA Victoria on dust, fumes and odour complaints. Latrobe City has placed an odour reporting form on its website for community members to report noticeable odour from its Hyland Highway landfill.

In early 2013 discussions commenced between EPA Victoria and Councillors to better understand air quality monitoring, and recognise Latrobe City as a region with a unique industry profile requiring higher levels of monitoring and community engagement. A commitment has been made by both parties to continue engaging directly on a broad range of topics, including air quality monitoring in the Latrobe Valley.





Action Area 10 - Soil conservation

Logging and vegetation removal activities may significantly contribute to soil erosion and loss of soil stability. Audits of private and commercial logging activities are conducted against the Code of Practice for Timber Production.

In March 2011 after heavy rainfall events a number of landslips occurred which affected road infrastructure in the Strzelecki Ranges and other hilly areas. Council has mapped and recorded these landslips and associated erosion and is assessing road drainage systems and maintenance regimes.

Work has been progressed on all designs for the restorations of each landslip affected road from the March 2011 floods, and 6 of the 12 serious landslip effected roads have had restoration works completed. It is planned to complete the remaining works by the end of 2013.



Council officers continue to work with the West Gippsland Catchment Management Authority to implement best practise preventing waterway bank erosion and restoration. The Waterhole Creek Management Plan works mentioned earlier in the document is an example of this co-operation.



Action for wise use of our natural resources

Action Area 11 – Protect our water supply

Corporate water consumption

In comparison to the 2005/06 base year by the end of 2008/09 Latrobe City's corporate water consumption had achieved a 36% reduction, and by 2010/11 this was 54%. In 2011/12 this has reached 37%.

The largest corporate use of water is council's sporting grounds due to the associated field irrigation. About two thirds of total corporate water is consumed by sports fields. Water Management Action Plans (Water MAP) have been produced for 3 high use council sites (sporting fields) and council leisure facilities, to meet the statutory requirements and identify areas of water savings and better water management. Latrobe City has now taken over full control of sports field watering to enable increased responsible water use and reduction.

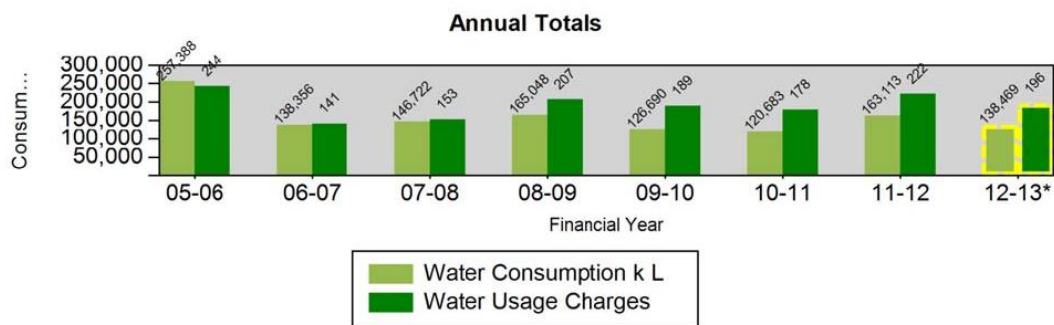


Over the 5 years actions taken to reduce water use in Council facilities includes replacement of sprinkler heads in parks and garden beds; flow control valves have been installed in almost all council owned taps (1566 valves); flow rates have been reduced in all sinks, basins and showers; public toilet blocks are being progressively rebuilt incorporating water saving devices; repair of leaks in swimming pools; recycling of pool backwash water; vehicle washing using high pressure wash units; installation of water tanks at preschool/early learning centres, the Churchill HUB and a number of sports fields,



water audits of high consumption facilities and a trial of near waterless urinals at three sites.

Significant work has been completed to identify leaks, trends in use to recognise excessive use, and reuse and recycling of water. Latrobe City corporate water consumption is monitored and is reported on a quarterly basis. In 2011/12 Corporate water consumption was 163,113 kl.

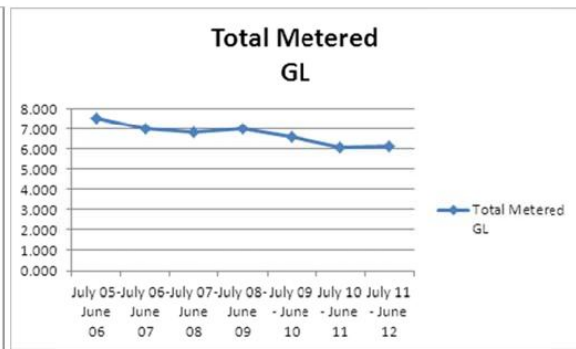
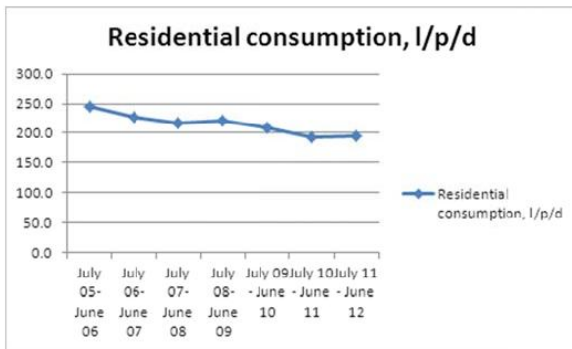
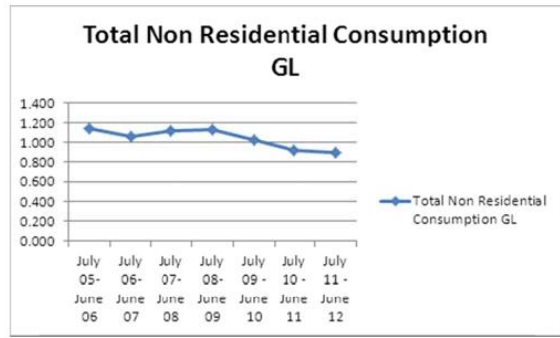
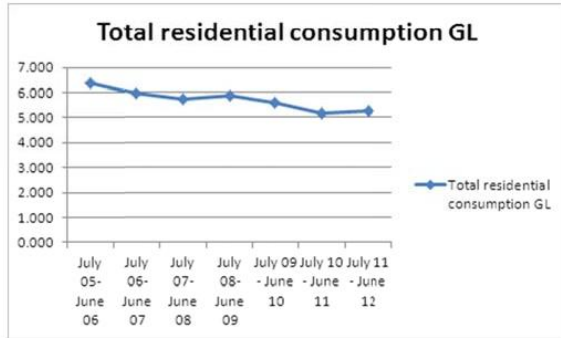


*Year to date

New council projects, and within new council buildings, environmentally sustainable principles are considered. The new hanger being constructed at the Latrobe Regional Airport has 80,000 Litre rain water tanks included to provide CFA trucks with an alternative cost effective water supply to mains water. This initiative has benefit to both council and the community.

Community and Residential water consumption

This consumption was for metered residential, farm, commercial, industrial, health and government sectors. It does not include the power or paper manufacturing industries. In 2009/10, residential-only water consumption declined by 12% in comparison to the 2005/06 base year and by 2010/11 this was 19%. This figure has remained steady in 2011/12. Taking population growth into consideration, the residential consumption had declined by 15.5% from 242.1 l/person/day in 2005/06 to 204.7 l/person/day in 2009/10; in 2010/11 186.7 l/person/day (22.9%). In 2011/12 this figure remains unchanged.



In 2011/12, Latrobe City Council made submissions to the Gippsland Region Sustainable Water Strategy, and Council officers have participated in workshops and working groups for the development of the options for the unallocated water in Blue Rock Dam. Latrobe City participates in the Gippsland Regional Plan Gippsland's Water strategy group.

In late 2012, the Essential Services Commission released its Summary of Regional Businesses Water Plans Water Price Review 2013-18, November detailing major water industry initiatives in the next 5 years by the Regional Water Authorities in Victoria. Council made a submission requesting consideration of a Tyers Township Sewerage Scheme.





Action Area 12 - Timber production

Code of Practice for Timber Production

Local government is responsible for ensuring compliance with the Code of Practice for Timber Production on private land.

In 2009/10, nine independent audits for Code compliance were completed. A mixture of harvesting and site preparation coupes was audited. Over the past five years there has been an improvement in harvesting and site preparation practices. The average Code compliance levels for 2008/09 and 2009/10 have been 96.4%. This level of compliance is very high considering the often steep terrain of the Strzelecki Ranges. The main issues arising relate to in-coupe roading, particularly drainage.

Extensive liaison with industry has minimised potential problems. Co-operative and proactive working arrangements between Council and industry have led to very satisfactory solutions.

In 2011/12, 1 audit of site preparation activities and 7 audits of harvesting operations were undertaken, 8 site inspections were conducted and 22 timber harvest plans were submitted to Council, covering 1190 hectares, with overall compliance with the Code of Practice for Timber Production at 94%.

In 2012/13, to date 2 audit of site preparation activities and 2 audits of harvesting operations were undertaken, 3 site inspections were conducted and 25 timber harvest plans were submitted to Council, covering 805 hectares, with further audits about to commence.

Together with the timber industry, a local interpretation of the Code of Forest Practices document was completed to address local conditions, including the Strzelecki Ranges.





Action to reduce incidental environmental damage

Action Area 13 – Reducing greenhouse gas emissions

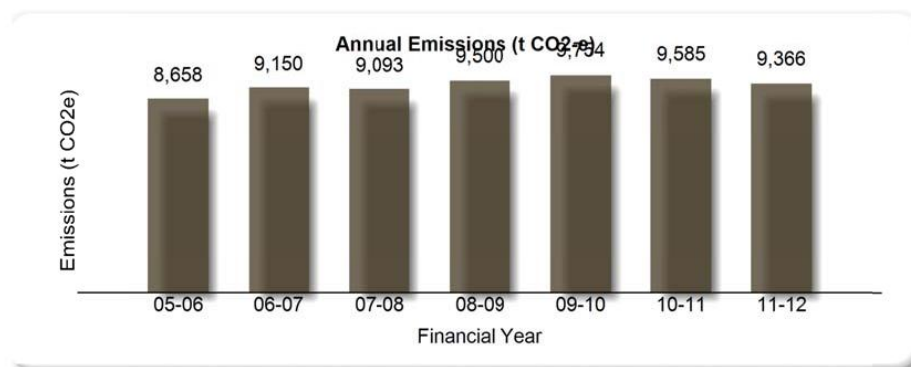
Monitor and review corporate energy consumption

Verification of data from the 1998 inventory method put Council greenhouse gas emissions, through its own activities, at approximately 14,500 tonnes CO₂ eq in 1998. In 2005/06 Council greenhouse gas emissions were 14,665 tonnes CO₂ eq. and in 2009/10 17,422 tonnes CO₂ eq. representing a 20% increase in greenhouse gas emissions since 1998. Greenhouse gas emissions had continued to grow since the base year primarily due to an increase in infrastructure and assets (streetlights, buildings, vehicles).

Over the past few years actions undertaken by Council to reduce emissions have been measured. 2010/11 has seen the first corporate reduction in greenhouse emissions since measurement started in 2005/06 with the emissions reduced to 16,402 tonnes CO₂ eq. This represents an increase of 13% since 1998, however a 6% decrease from the 2009/10 levels.

Emissions for 2011/12 were slightly higher than the previous year, 16,517 tonnes CO₂ eq being a 12% increase from 2005/06 levels; however were 1% lower than emissions for 2009/10. Emissions from electricity use in council buildings have been reduced, however emissions from council street lighting have increased leading to an overall increase on 2010/11 levels.

Latrobe City corporate greenhouse emissions are monitored and reviewed on a quarterly basis.





Council actions such as technology upgrades, reduced paper use and recycling, energy savings, solar and heat pump hot water systems, low flow shower heads and flow control valves on hot water taps, bio-fuel in footpath sweeper, sun lizards at three venues, replacement of some 6 cylinder vehicles with LPG or 4 cylinder vehicles, and efficient lighting projects have all contributed to reducing corporate greenhouse emissions.



In 2011/12 and 2012/13 works have primarily been focused on actions to replace corporate lighting with more efficient lighting, and therefore reduce emissions further. Details of these actions within corporate buildings in 2011/12 and 2012/13 are tabulated below.

2011/12 action to reduce corporate greenhouse gas emissions:

Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
50 x 50W halogen downlights replaced with 50 9W LED downlights at Moe Town Hall.	Moe Town Hall, Albert St Moe	2.80	\$495.00
11 x 50W halogen downlights replaced with 50 9W LED downlights at Moe Town Hall.	Moe Town Hall, Albert St Moe	0.62	\$108.90
1 x 400W HPS security light replaced with 1 x 150W LED light at entrance to HQ, Morwell.	Headquarters, Morwell	1.50	\$552.00
Replacement of 13 250W Mercury vapour lights in HQ corridor with 40W LED floodlights.	Headquarters, Morwell	34.23	\$6,981.00



Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
Timer on pool circulating pumps at Yallourn Nth pool to reduce circulation over closed period.	Yallourn North outdoor pool	47.47	\$7,969.00
Timer on pool circulating pumps at Traralgon pool to reduce circulation over closed period.	Traralgon outdoor pool	68	\$11,400.00
Timer on pool circulating pumps at Moe pool to reduce circulation over closed period.	Moe outdoor pool	86	\$14,530
Replacement of 10 400W Mercury vapour lights in Moe/Newborough Sports Centre pool hall with 8 x 150W LED floodlights.	Moe/Newborough Sports Centre	19.15	\$1,944.00
Replacement of 10 400W Mercury vapour lights in Churchill Leisure Centre pool hall with 8 x 150W LED floodlights.	Churchill Leisure Centre	17.75	\$2,216.00
Between ceiling and roof material 7 insulating layers plus a 10 cm air gap have been installed. Layers include plastic sheeting, 2x acrylic batts, white safety mesh, thick sealed membrane (Trafab), polystyrene 2.5 cm thick). Replaced very thin batts & plastic.	Moe/Newborough Sports Centre	NA	NA
Between ceiling and roof material 7 insulating layers plus a 10 cm air gap have been installed. Layers include plastic sheeting, 2x acrylic batts, white safety mesh, thick sealed membrane (Trafab), polystyrene 2.5 cm thick). Replaced very thin batts & plastic.	Churchill Leisure Centre	NA	NA



Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
Replacement of 3 x 250 W metal halide lights with 4 x 42 W compact fluorescents.	Star Hotel, Traralgon	3.5	\$668.65
Installation of photovoltaic cells on new Churchill HUB building.	Churchill Community HUB	11.5	\$1885.00
Total		301.02	\$48,675.31

NA = not available. These saving are unable to be determined in isolation.
TBD = to be determined as data is gathered

2012/13 action to reduce corporate greenhouse gas emissions:

Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
Lighting upgrade from T8 fluorescents to T5 fluorescents.	Traralgon East Community Centre	0.8	\$109.00
Hot water circulation pumps (2) in HQ had timers installed to reduce running time from 24 hours/day 365 days/year to 11.5 hours/day, 365 days/year.	Headquarters Building, Morwell	0.9	\$85.00
Lights in male & female change rooms changed from 42 W butterfly lights to 11 W compact fluoro lights	Morwell Leisure Centre	18.5	\$1875.00



Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
Outside entrance lights changed from 8* 70 W to 3* 25 W LED. Total wattage before =560 W, after=75 W	Moe/Newborough Sports Centre	3.3	\$410.00
Emergency exit lights changed from 10 W globes to 4 W cold cathode globes. New lights should last 50000 hours. Ongoing action.	All Council properties	8.6	\$1,261.00
2 x 20 kW saunas replaced with 1 x 12 kW sauna. Improved insulation & thermostat control. Double glazing replaced single glazing. Timer set on 1 hour run time. Thermostat cuts heater off when temp reached (approx. 97 °C)	Moe/Newborough Sports Centre	TBD	TDB
1 x 20 kW sauna heater replaced by 1 x 12 kW heater. Improved insulation & thermostat control. Double glazing replaced single glazing. Thermostat cuts heater off when temp reached (approx. 97 °C)	Morwell Leisure Centre	TBD	TBD
Replacement of 2 400 W Mercury vapour lights in Churchill Leisure Centre pool hall with 2 x 18 W LED tubes.	Moe/Newborough Sports Centre	4.8	\$605.00
Personnel largely removed from the Nissan Hut office to main depot office so lights, heating and cooling significantly reduced. Sign on door to turn off heat/air-conditioner. Split system air-conditioner unit.	Morwell Depot	TBD	TBD



Work Description	Location	Greenhouse emissions savings/year Tonnes CO2	\$ saving/year
8 x 50 W halogen downlights replaced with 8 x 10 W LED down lights in stairwell of HQ. Lights on average 12 hours/day, 51 weeks/year, 60 x 51=3060 hours/year.	Headquarters Building, Morwell	1.3	\$224.00
Total		33.6	\$4057.00

TBD = To be determined as data is gathered.

Greenhouse gas emissions at a corporate level have been reported in the State of the Environment Report, 2010.

Street lighting makes up 37% of Latrobe City Council's total greenhouse gas emissions. In 2011/12 Council officers commissioned a study for a Street Light Bulk Replacement Business Case. In total, Latrobe City Council has five thousand eight hundred and forty seven 80 Watt mercury vapour (MV) lamps in Category P (residential) streets. These lamps are mainly owned and operated by local distribution business SP Ausnet, as well as forty 50W MV lights which can be replaced in the same project.

Most of these lamps (if on standard poles) can be replaced by either 25W LED lamps, which reduce energy usage by 70% compared to the existing 80-Watt mercury vapour lamps. In addition to offering lower costs, energy consumption and greenhouse emissions, the new lights provide better lighting outcomes for the community, including:

- greater uniformity of light across and along the street,
- better colour rendering and visibility,
- less depreciation of the light output over time, and lower glare.

In 2012/13 officers have submitted a grant application to the Federal Government funded Community Energy Efficiency Program to undertake an energy efficiency upgrade of Latrobe City's 80 Watt mercury vapour residential street lights and lights in five of our largest community buildings to LED technology. The total project cost is \$2.8 million before potential subsidies. The grant application asks for \$1.8 million. Net cost savings to 2031 (after project costs) are projected to be between \$4.9 million and \$7.9 million. Greenhouse gas emissions savings are projected to be 2464 tonne CO₂ eq per year, or a 15% reduction on 2011/12 total emissions.



Council has been successful in a grant application to the Federal Government funded Local Government Energy Efficiency Program to install solar hot water systems at Moe/Newborough Leisure Centre, Hazelwood and Lake Narracan Caravan Parks and Morwell Library. The total project cost is estimated at \$89,365.00 and the grant funding sought is \$71,492.00. Greenhouse gas emissions savings are projected to be 209 tonne CO₂ eq per year, approximately \$20,000/year.

Council fleet vehicles

Council continues to implement an annual revegetation program to offset its fleet vehicle emissions.

A successful National Tree Day event was held in Agnes Brereton Reserve, Traralgon along Traralgon Creek in July 2012. Approximately 80 Latrobe City staff members had an early morning and gave 2 hours of their time on the day, together with contractors to plant around 2000 trees, shrubs and grasses along the creek bank and collect rubbish. A total of 8200 plants were planted across six sites, including Traralgon Creek site to offset emissions from Council's fleet in 2011/12.

Over the past 4 years, through a number of very successful planting days involving council staff and community members, over 25,700 plants have been planted across Latrobe City. These sites have included Thoms Bridge, Yallourn North; Eel Hole Creek Reserve, Churchill; Shingle Creek, Traralgon South; and Erik Lubcke Yarra Gum Conservation Reserve, Morwell.

Planning of up to four revegetation projects is also underway with assistance from Landcare Groups. The alliance with Landcare has been a significant development as it will facilitate a coordinated and targeted approach to revegetation in the future.





Council officers are currently reviewing the criteria for purchasing motor vehicle with a view to reducing fuel use and emissions. This includes consideration of vehicles purchased for specific functions and tasks (i.e. utility, off-road, towing etc) to maintain 'fit of purpose' requirements. Preference is for environmentally responsible, low fuel consumption and emission vehicles.



Action Area 14 – Weeds

Roadside weed grants and weed monitoring

A new State government grants system for rural roadside weed control introduced in 2012-13 replaced the competitive process with a financial allocation based on the size of the road network in the municipality.

Independent roadside weed monitoring has continued to assess the efficacy of the current roadside weed control program. The monitoring has been valuable in demonstrating clear progress in reducing blackberry and broom infestations on roadsides.

In 2012/13, 792 km of Latrobe City's rural roadsides have been treated for blackberry, gorse and broom, including 516 km of high priority, 258 km medium priority and 18 km low priority roadsides. Further to this, 1942 km of Latrobe City's rural roadsides have been monitored for blackberry, gorse and broom. Treatment of isolated occurrences of African lovegrass around Morwell and bridal creeper at Toongabbie, and potential incursions of African feather grass at Moe South has also been completed.

Maintain and enhance agency co-operation

Latrobe City officers have continued to actively participate in State and regional initiatives to address pest plant issues, including participation in the development of the State and the West Gippsland Invasive Plants and Animals Strategy.



Assistance continues to be provided to the Blackberry Task Force, the Latrobe Landcare Network, VicRoads, the West Gippsland Catchment Management Authority, Department of Environment and Primary Industries (DEPI), Baw Baw Shire and contractors to progress weeds issues and explore opportunities for cooperation.

Latrobe City officers encourage land owners to treat and manage weeds on private property via notification of their responsibilities under the *Catchment and Land Protection Act 1994*. Blackberries on highly visible properties in township corridors, adjacent to treated roadsides, have been given particular attention where landowners have been consistently negligent. Where Council efforts have been unsuccessful in engaging with landowners officers have notified DEPI to enable legislation to be applied.

The unresolved responsibility for the management of roadside pest plants (i.e. weeds) between Department of Primary Industries and the Municipal Association of Victoria means that by default the adjacent land owner remains responsible for managing roadside weeds, with the State government funding local government to also manage roadside weeds of strategic importance to the State and region.

Council officers have responded to increased demand and community expectation for weed management, where capacity and resources have allowed.

Council officers have participated in WGCMA Weed Forums and a submission to the review of invasive species management under the *Catchment and Land Protection Act 1994*, and the proposed Victorian Invasive Species Management Bill was made.



Control and reduce weeds

From 2008-09 Latrobe City was successful in attraction funding from the DPI 'Building the Capacity of Local Governments' to respond to pests' program and made good progress with targeted roadside weed treatment with particular focus for treatment of pest plants on those roadsides affected by the 2009 bushfires.

A strategic approach has been taken to control and reduction of weeds. The Latrobe City Roadside Weed Management Plan is a strategic plan for pest plant control and to treat



roadside weeds which has being developed targeting thistle, blackberry, broom and ragwort infestations.

A database has been created providing information on weed infestations on Council-managed roadsides throughout the municipality. The data captured includes over 2000 km of roadsides surveyed, species treated and monitoring post treatment. Weed species and their frequency have been recorded, along with details of year, surveyor, type of treatment, herbicide used and contractor information. This data allow officers to understand the scale of the pest plant problem in Latrobe City.

Action Area 15 – Waste Management

Waste Management Strategy

In late 2010 a review was undertaken of Latrobe City Councils Waste Management Strategy (WMS) resulting in the adoption of a new Strategy focusing on actions for the next seven years, *Waste Management Strategy 2010-2017*.

The review involved analysis of the current waste management system, examining the waste contracts, costs and tonnages arising from each area across the Latrobe City waste collection and disposal systems, and community consultation.

The information was used to provide a range of predictions for both cost and tonnage of waste and recyclables across Latrobe City until 2020. Based upon the review of the current system and the implications of the future predictions key issues were identified for Latrobe City Council to focus upon.

The future directions of waste management within the municipality need to be consistent and work towards those of the Gippsland region and Victoria as a whole. As such, the key drivers for the strategy are:

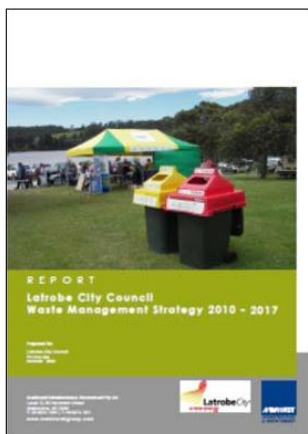
- Government policies and commitments relating to the targets set down in the Towards Zero Waste Strategy;
- The need to deal with the projected population increases and economic growth of Latrobe City, the Gippsland region and Victoria in terms of sustainable outcomes for waste and materials recovery; and
- Government policies seeking to increase energy generation from renewable sources.

The WMS seeks to provide sustainable solutions to the collection, disposal and resource recovery of waste. The strategy provides direction and actions to be undertaken by Council over the next seven years (2010 – 2017).



In April 2013 the State government released 'Getting Full Value, The Victorian Waste and Resource Recovery Policy'. A goal in the policy is to 'reform and strengthen the way institutions work and are governed to effectively implement waste policy'. To do this an independent and expert Waste and Resource Recovery Ministerial Advisory Committee (MAC) to advise the Minister of Environment and Climate Change on the optimal institutional and governance arrangements needed to implement Getting full value, by end of May 2013 was appointed.

Officers and Councillors attended the MAC contributing to the discussion and lending their experience working within the waste sector to the MAC.



Waste Services Provision

Council introduced the kerbside three bin service collection system in 2004 to encourage residents to separate waste for recycling, recovery and reuse at a household level. Council continues to provide 96% of households a kerbside collection service.

Latrobe City resident's kerbside recycling rates are at 54%; the average household though using their green bin and recycle bin, recycles 54% of the waste they produce. This places Latrobe City in the top 15 Victorian Council's for recycling waste.

Initiatives to divert waste from landfill require innovation and technology such as the implementation of conveyor and compactor systems at Council's three major transfer stations, timber recycling/processing to woodchips for reuse, recycling goods shop, permanent detox your home drop-off facility and sustained recycling of e-waste, oil containers/oil, household goods, sorting of non-ferrous and ferrous metals and mattresses.

Council officers have been in discussion with Sustainability Victoria to increase the capacity and improve the *Detox Your Home* facility that is located at the Morwell transfer station. The *Detox Your Home* collection centre is for residents to responsibly dispose of



domestic quantities of paint, fluorescent tubes, propane BBQ gas cylinders and household batteries at no cost.

In April 2013 Latrobe City Council officers concluded negotiations and signed a site licencing agreement with a contractor allowing residents to dispose of their e-waste at no cost under the Federal Government E-Waste National Stewardship scheme at all transfer stations. There is no additional cost to Council under this agreement and the service will be integrated into the current operational management of the transfer stations. Included within the Scheme are computers, TV's, printers and associated computer hardware. DVD's, video recorders, playstations etc. The arrangement is ongoing under the Federal Government Scheme.



Council has considered its 'no charge waste' service and continues to provide 'no-charge' self haul weekends for hard waste and green waste (2 each per annum) and two booked kerbside pick-up hard waste collections per annum for residents to responsibly dispose of waste.

Illegally dumped rubbish and public litter remains problematic, however the waste services team working together with Council's Local Laws team and the EPA has achieved promising results regarding community compliance and education on this issue. Council officers are exploring how a greater level of public awareness of the cost of this issue and prevention measures can be implemented with private and not-for-profit organisations that are affected by illegal dumping.

Council officers investigate and manage resident's concerns, complaints and problems with waste collection services, and provide advice to residents and businesses on best practice in waste management and sustainability.



Significant work has been undertaken by Council officers to calculate, verify and validate the cost of constructing, operating and rehabilitating landfills. Three separate pieces of work have been completed; internally with an independent consultant, collectively with GRWMG, and State wide by EPA Victoria.

Upgrade of transfer stations

In 2010/11 a four year capital works Transfer Station Upgrades Project are being undertaken across Council's four transfer stations; Moe, Morwell, Traralgon and Yinnar. The project program has been budgeted across a four year period within Council's capital works plan, allowing for specific expenditure each year and a staged approach to the upgrades to be completed in the forecast program. The program concludes 30 June 2014. All transfer stations now have Eftpos facilities and electronic data capture.

Care has been taken during the upgrade project program to undertake the works in a manner that has allowed the transfer stations to remain open under normal operating hours, and for conditions to be maintained, minimising the impact to the community. Major works commenced at the Traralgon Transfer Station in July 2011 and are due to be completed by end of June 2013. Some minor works (beautification, signage and security lighting) will still be undertaken after 30 June.



Works completed to date at the Traralgon Transfer Station include installation of conveyor/compactor system, roof over conveyor system incorporating water storage tanks for fire fighting requirements, power connected to the site, major stormwater works, site office/storage facility incorporating biocycle waste water recycling system and concrete kerb and channel. Works to be completed by 30 June 2013 include asphalt surfacing, garden beds and tree planting and road marking to improve traffic flow and traffic safety.

The Morwell transfer station works commenced December 2012. Works have been completed and include installation of conveyor/compactor system, site office/storage



facility, garden beds and tree planting and road marking to improve traffic flow and traffic safety. Cardboard and paper compactor will be installed in 2013/14 and some hard surface stand areas.

Major works have recently commenced at the Moe transfer station. Power has been connected to the site and currently the conveyor/compactor system is being installed with a roof over the conveyor system incorporating water storage tanks for fire fighting requirements. Further works include major stormwater improvements, asphaltting, improved site office/storage facility and concrete kerb and channel.



Minor works will get underway at the Yinnar transfer station in 2013/14. These works will include asphaltting and office/amenities facilities, site beautification, lighting and security.

Maintain and enhance community engagement and education

Council's adoption of the new *Latrobe City Council Waste Management Strategy 2010-2017* included a revised and updated Waste Education Plan 2010-2015.

A combined area *Recycling and Greenwaste Collection Calendar 2013 – 2014* was distributed to all Latrobe City residents that receive Council's kerbside collection. The calendar was redesigned to be more user friendly consisting one double sided page containing information of collection days, acceptable items and who to contact if you have a problem or question.

Flyers and stickers were produced and distributed to residents living in court bowls where issues of access for collection vehicles were being experienced due to parked cars. Improving communication to residents resulting in a better service for residents and the collection contractor as all bins presented could be accessed and collected.



Council officers have continued the implementation of the Waste Education Plan 2010-2015 and promote and educate local schools and community groups using the Follow Your Waste Tours and stewardship programs for composting and worm farming.

Council Officers visit households with on ongoing kerbside bin contamination issues, assists households that have special medical disposal requirements and work with businesses to increase sustainable workplace waste recycling practices and litter prevention.

The Latrobe City's Sustainability Education Officer works with twenty five local pre schools, primary and secondary schools to encourage and promote good waste management practice, including *Follow Your Waste* tours, composting, worm farms, for waste minimisation/reduction and waste recycling. Organics recycling through composting and worm farms has been established at 18 pre and primary schools under the Latrobe City Council Community Vermicomposting Program.



Tours and presentations have also been provided to community groups on waste recycling and sustainability, during Elderly Citizens Week 2012.

Latrobe City Council officially became a *ResourceSmart AuSSI Vic* program consortium partner in 2012. This program is run by Sustainability Victoria and facilitated by the Gippsland Regional Waste Management Group. *ResourceSmart AuSSI Vic* aims to provide practical support to schools and their communities to learn to live and work more sustainably.

Removal of food from household garbage waste has been a focus for Council officers. In Latrobe City, green waste has been diverted from landfill since 2004, when the three bin system was introduced. In 2011 Churchill residents participated in a *Kitchen to Compost Trial* lead by the GRWVG. Discussions have commenced with Sustainability Victoria regarding the findings of this trial and the possibility of extending it to all residents who receive Council's kerbside collection service.



Diversion of green waste and organic recyclables from landfill reduce the greenhouse gas emissions from the landfill and any future carbon tax liability of Council.

Council officers have been discussing litter issues with a well known fast food restaurant regarding the volume of litter within the vicinity of their premises and working together to educate their customers to dispose of their wrapping correctly. The need for additional litter bins, supplied by the restaurant, and a customer target waste management plan is being developed.

Many organisations and sporting groups have taken advantage of Council's WasteSmart Events program which provides special bins and caps for local events. 90% of events now have recycling in place.

The Hyland Highway Landfill Education Centre provides an interactive venue for the community to view and understand waste management practices. This venue has become a major learning tool as part of the waste sustainability tours.



Council officers provide 'Asbestos in the Home Removal Kit's' and information to the community regarding the safe removal and disposal of domestic quantities of asbestos. The majority of this material is from home handyman renovations. A 30 minute information session is provided to residents and the cost for materials and disposal to the landfill is heavily subsidised by Council. Latrobe City is one of only three Councils in Victoria providing this service for residents. The service significantly reduces the risk of asbestos exposure to residents, council workers and contractors.

Over the past two years Council officers have lent their experience to assist discussions between MAV, GRWMG, GARD's, EPA Victoria and WorkSafe to investigate how the State Government can become involved and take on the responsibility to provide the information and kits to all Victorian residents, via their local councils. This matter is still progressing.



Reports are provided to Council bi-annually on the operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee in accordance with the objectives contained within the Committee's Terms of Reference.

Council officers actively participate in the Gippsland Regional Waste Management Group Board meeting, Industry Advisory Committee, Technical Advisory Committee, Education Steering Committee and the Litter Prevention Task force. These forums provide a vehicle for co-operative projects and ideas within Gippsland local councils.

Latrobe City Hyland Highway Municipal Landfill Consultative Committee

Council established the Latrobe City Hyland Highway Municipal Landfill Consultative Committee in 2008. The Committee provides Council with:

- a sounding board and advocate for the community and other stakeholders over any issues of concern;
- a channel of communication between the community, stakeholders and Latrobe City Council; and
- advise on the re-vegetation plan for the balance of the land; and to advise on the rehabilitation and after use of the landfill itself.
-

The Committee is in its third term.

Landfill construction, operation and rehabilitation

The Hyland Highway Landfill was open in May 2009 and receives waste from the Latrobe City municipality and surrounding Gippsland businesses. Landfill cells 1 and 2 are full, cell 3 has been constructed including a new leachate pond, and cell 4 is being designed. The EPA works approval provides for 10 cells to be built with airspace of at least 945,000 cubic metres.

Cell 3 was divided into two sub cells during the construction phase to ensure availability of airspace for ongoing operation. Cell 3A was the first landfill cell built under the revised EPA Best Practice Environmental Management (BPEM) and took approximately 2 years to complete from design to licencing. Landfill cells undergo a high degree of scrutiny during construction to ensure they are built to the EPA approved design to protect the environment. An EPA Victoria Appointed Independent Auditor must be engaged to verify construction and make recommendation to EPA regarding licencing.

Officers attended a two day workshop to understand and discuss the difficulties being encountered by councils constructing new landfill cells under the revised EPA BPEM and fielded questions as part of an expert panel.

Late 2012 the Latrobe City landfill was audited by EPA Victoria for licence compliance. A 'Notice to Produce' was sent to Council two days prior to the audit. The audit outcome was positive with no corrective action required. In April 2013 a further 'Notice to Produce' was



sent to Council to audit Councils process and records regarding the EPA Victoria Landfill levy, two days prior to the audit. Both audit outcomes were positive with no corrective action required.

Latrobe City Council is responsible for the environmental rehabilitation and aftercare of its closed landfills under the Environment Pollution Act 1970, (publication 1490). Rehabilitation of the closed Latrobe City Council Morwell and Moe landfills is progressing through ongoing discussion with the EPA regarding increasingly stringent best practice guidelines under EPA Victoria BPEM.

EPA Victoria have recently undertaken a licence reform program, including making changes to the process regarding the environmental management of closed landfills. These changes require landfill operators to better identify and manage the impacts in the environment for their landfills. To enable this EPA Victoria has introduced a new regulatory tool; Post Closure Pollution Abatement Notice (PC PAN's).

EPA Victoria has recently issued Latrobe City Council with supporting PAN's for the closed Morwell and Moe landfills. These supporting PAN's are the precursor to PC PAN's and place increased requirements upon Council to manage and monitor these closed landfill sites, including increased auditor verification requirements, production of hydrogeological assessments, rehabilitation plans, aftercare management plans and environmental monitoring programs under increased engineering standards.

Council officers are working with EPA Victoria officers to meet the requirements of the supporting PAN's, moving toward PC PAN's. Site visits were conducted by EPA Victoria prior to issuing of the supporting PAN's.

The Yallourn landfill is in the final stages of rehabilitation with revegetation and weed management works almost complete.





Action to adapt to Climate Change

Action Area 16 – Adapting to climate change

Climate Change Committee

From August 2009 to April 2013, the Latrobe City Climate Change Consultative Committee convened to discuss the effect of climate change at a local and global level, including participating in Latrobe City Council's consultation on the *Positioning Latrobe City for a Low Carbon Emission Future (2010)* policy and development of the *Latrobe City Council Position on Climate Change and its Impacts (2010)*.

In April 2013 Council resolved to discontinue the Climate Change Consultative Committee in recognition of the need to view the effects and politics of climate change with a more integrated approach; consulting, discussing and considering the environment, economic and social factors simultaneously. Council has formed a working group to determine the mechanism to fulfil this function.

Victorian Local Sustainability Accord

The Victorian Local Sustainability Accord is a partnership approach between Municipal Association of Victoria, Victorian Local Governance Association and Local Government Professionals. The Accord addresses environmental sustainability issues facing local governments in Victoria.

In 2012, the Victorian Local Sustainability Advisory Committee (VLSAC), which reports to the Minister for Environment and Climate Change on local sustainability matters and provides high level oversight of the Victorian Local Sustainability Accord, undertook a review of its function and progress. Council officers contributed to a round table discussion on the value and role of the Accord within the Gippsland region.

The VLSAC recommends that a new Victorian Local Sustainability Advisory Committee should be established and its roles and functions reviewed to ensure greater clarity and effectiveness. The three priority issues continue to be waste management, land use planning and climate change adaptation. Supporting and developing sustainable local economies is also emerging as a priority issue.



Participate in regional greenhouse forums and networks & adapt to climate change

Council officers participate in the Gippsland Climate Change Network and have attended a number of relevant conferences to share and gather information on both mitigation and adaptation as it relates to Council infrastructure and the community.

Through the Gippsland Climate Change Network and the Gippsland Local Government Network, Council has sponsored several projects; the Victorian Centre for Climate Change Adaptation Research think tank entitled 'Towards a Gippsland Climate Change Adaptation Study'; ClimateWorks Australia's Low Carbon Growth Plan for Gippsland; and the University of Melbourne's ongoing Gippsland Climate Change Project.

Gippsland Councils are working together through the Gippsland Regional Plan to consider the impacts on the region of climate change and a low carbon transition at a political, social, environmental and financial level.

In 2010 Council worked collaboratively with the community and a range of experts to prepare Positioning Latrobe City for a Low Carbon Emission Future. Councillors and Council officers have continued together toward achieving the objective outlined within the policy. During 2012, Council had a number of conversations with senior government ministers about locating projects in Latrobe City.

In late 2011, Council published *Securing Our Future* which includes a range of coal-related projects and potential opportunities for research and development in Latrobe City.



Municipal Management Plan Review

To ensure the Latrobe City community will have appropriate management strategies in all emergencies, including natural disasters, in late 2011 Latrobe City undertook a significant review of the Municipal Emergency Management Plan. During the preparation of the Plan, a risk analysis was carried out to identify potential natural and manmade hazards within



the municipality. The risk analysis included the history of event occurrence and the nature of each hazard, community vulnerability. Due to ongoing changes of seasonal conditions, community development and public attitudes, the rating of the identified threats may vary over a period of time. The Municipal Emergency Management Planning Committee has tasked the Risk Review Subcommittee with the periodic review of threats to the community from time to time.

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

**14.1 REQUEST TO IMPROVE VISIBILITY OF SIGNAGE AT
MCDONALDS RESTAURANT MOE**

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to provide information to Council for consideration a request by the operators of the McDonalds Restaurant, Moe and Old Gippsdown Heritage Park to improve the visibility of signage for the Moe restaurant from the Princes Freeway.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

Latrobe City Council Plan 2012 – 2016

- *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.*

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. In the event that a tree is not dead, dying or dangerous, a decision on its removal must be deferred to Council.

BACKGROUND

The McDonalds Restaurant is located at 213 Lloyd Street Moe. The subject land is located within a road reserve under the ownership of Vic Roads. The site forms part of the western gateway to the municipality, visible by those travelling on the Princes Freeway from Melbourne.

The Western Gateway project was initiated via the Latrobe Valley Ministerial Taskforce and was co-funded by the Victorian Government and Latrobe City Council (\$100,000 each). This project was a city entry beautification project, with the rationale for the project being to ensure that the western entry into Latrobe City was significantly enhanced.

The landscaping treatment at this site welcomes the community to Latrobe City and Moe, and complements the iconic Latrobe City signage that has also been installed for this purpose.

Latrobe City Council has a service agreement with VicRoads that sets out the demarcation and service responsibilities in this area. The trees in this area are not specifically mentioned in the agreement, but Latrobe City Council has been maintaining the trees and grass on the site for some time due to its prominence. The signage has been obscured over time, as the trees have matured and branches restrict the visibility of the McDonalds sign.

In February 2007 McDonalds Australia Ltd lodged a planning permit application to alter the signage displayed at the Moe McDonalds restaurant.

The application proposed an increase to the overall height of the sign from 14 metres to 20 metres, and to alter the content displayed within the sign abutting the Princes Freeway interchange.

The planning permit application acknowledged the significance of this location as the entry to Latrobe City and the township of Moe. There were issues raised regarding the safety of road users within the application and also the vegetation around the site. As part of the planning application process, officers raised concerns in relation to the proposed alteration to signage, in particular the height and illumination of the signage. Illuminated signage is not encouraged as a feature of the city entry and raising the height of the sign would only provide a temporary solution until such time as the trees grew further.

In September 2007, landscaping plans were submitted to Council relating to the management of the vegetation on the site. McDonalds Australia Ltd proposed alternative landscaping treatment, to provide better visibility to

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

the existing sign and a less restrictive view for merging traffic. This included removal of some poplar trees planted as gateway treatment to Latrobe City, and pruning of eucalypt trees in the middle of the reserve. McDonalds advised that they were willing to undertake the works on behalf of Council.

Following extensive consideration of the plans and consultation with Councillors, Vic Roads and McDonalds, a response to the proposal was provided to McDonalds Australia Ltd in a letter dated 7 March 2008 to permit:

1. Careful pruning (under pruning and canopy thinning) of the eucalypt trees in the middle of the reserve. The Eucalypt trees have been inspected by a Latrobe City Council arborist and an environmental planner and are not remnant or indigenous to the local area (*Eucalyptus Mannifera* -Brittle Gum). No planning permit would be required, but permission to do works would need to be sought from Vic Roads. Pruning would need to occur under the supervision of a Latrobe City Council arborist to ensure that it complies with Australian Standard AS4373-2007.
2. The relocation of the 13 young oak trees on the southern side of the road reserve to a suitable location at McDonalds cost. The new location would be determined through consultation with Latrobe City Council's landscape team.

It was demonstrated that Vic Roads were supportive of the works to the road reserve, with the following requirements:

1. An application made to undertake works on the Road Reserve.
2. A Memorandum of Consent submitted with Traffic Management Plan.
3. A Risk Assessment.

In subsequent letters dated 20 March 2008 and 9 May 2008, McDonalds advised that the conditions provided by Council were not complimentary to the long term operations of the restaurant and merely provided a short term solution. McDonalds Australia Ltd requested the opportunity to present their proposal to Councillors, which occurred at an Issues and Discussions Session on 29 September 2008.

Following this presentation McDonalds were advised the following:

1. Activities are limited to careful pruning of the eucalypt trees in the middle of the reserve and transplanting of 13 young oak trees to another location. Latrobe City Council does not support the removal of the avenue of poplar trees.
2. Latrobe City Council requests that any works undertaken be completed by Council at the cost of McDonalds rather than under the supervision of a Council arborist.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

At this time, McDonald's chose not to proceed with any works on the subject site.

On 22 February 2013 Council received correspondence from the operators of the McDonalds Restaurant Moe and Old Gippsdown Heritage Park (attachment 1) requesting that Council consider a number of issues in relation to the visibility and signage of the restaurant and provided information regarding a recent meeting they had at the site with Councillors and the Asset Manager for McDonalds (Victoria, Tasmania and South Australia).

The current operators of the restaurant stated that they are currently renegotiating their lease for the site (for a period of 20 years) and after discussions are of the opinion that the vegetation growing on the road reserve adversely affects the visibility of the restaurant and its signage and therefore its overall business level. The current operators also raised concerns in relation to safety of freeway users and their customers at the site, discussing examples where patrons who wish to stop at the restaurant miss the entrance and either reverse on the freeway or simply park on the freeway's hard shoulder and walk back to the site.

The correspondence from Old Gippsdown concurred with the issues raised by the franchisee. They advised that McDonalds Australia are the leasee of the site on the Old Gippsdown reserve, and are their biggest source of income which would be adversely affected should this lease be discontinued.

After the correspondence was received on 22 February 2013 in relation to this issue, a meeting was arranged by Fiona Xereub, (Chairperson of Old Gippsdown) and representatives of Vic Roads, Department of Sustainability and Environment (DES), the Member for Narracan (Gary Blackwood), the former Manager of Old Gippsdown and Council's Manager Infrastructure Operations. The notes of this meeting are attached (attachment 2).

As a result of the meeting held on 14 March 2013, Old Gippsdown commissioned an independent consultants report in relation to the trees on the reserve adjacent to the freeway off ramp (attachment 3). The report does not provide sufficient consideration to the presentation of the City entrance and looks purely at significant vegetation removal to provide improved visibility to the McDonald's sign.

A further meeting with the relevant stakeholders was held on 1 May 2013 at Old Gippsdown, Moe (notes of this meeting, taken by the Chairperson of Old Gippsdown have not yet been received). Discussions were held at this meeting with VicRoads around possible signage on the Freeway as a solution to the visibility issues of the site. VicRoads presented some examples of potential draft signage at the meeting (attachment 4).

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

It was agreed at this meeting that a report would be presented to Council on this subject and the latest request for tree removal at the Moe town entrance reserve. Should the Council decide that the trees should remain as they are then the possibility of the draft signage could again be raised with McDonalds Australia and the current franchisee as an alternative solution to the concerns with visibility.

The idea of the VicRoads proposed signage being used as an alternative to tree removal at the reserve was also discussed at the Latrobe City and VicRoads Senior Management meeting held on Thursday, 2 May 2013. It was agreed at this meeting that an officer from Council would meet with the current operators of the restaurant to propose the draft freeway signage as an alternative to any tree or vegetation removals.

Council's Manager Infrastructure Operations met with the current operators of the restaurant on 10 May 2013 to discuss the draft freeway signage proposal from VicRoads. While the restaurant operators agreed that the proposed signage would improve promotion of the restaurant they still felt that the trees at the reserve adjacent to the freeway off ramp are still the major inhibitor of visibility to the McDonald's site in Moe and wish to have the matter of the trees removal brought before Council.

ISSUES

McDonalds Australia Ltd has formally requested that Council review the position with regard to landscaping treatment to improve sign visibility. Although the requirements by McDonalds for a visible sign are understandable from a commercial perspective, there are several other matters for Council to consider given Council's role in protecting social and environmental values of the broader community.

It has taken some years for the trees to grow to this advanced stage, particularly the avenue of poplar trees along the edge of the freeway. It is considered that removing the poplar trees would substantially change the City entry and that any replacement would take some time to establish.

The Municipal Strategic Statement (MSS) and structure plans aim to improve the appearance along major transport routes and to maintain and enhance the gateway entrance to the west of Moe. Giving priority to a commercial illuminated sign over established landscape trees is not consistent with the intent of Council's adopted policy in the MSS and structure plans.

A Council arborist has assessed the site and found that the Poplar trees at the site are in good health. There are some more recently planted oak trees that are not required for long term landscaping effect and could be transplanted to a different location. The letter written to McDonalds by Latrobe City on 7 March 2008 included an offer to transplant these trees at

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

their cost, thereby offering a long term solution both to the current over planting and improve the long term visibility of the sign.

State Planning Policy relating to placement of roadside signage does not support the removal of vegetation to provide greater visibility to commercial signage.

Council has recently released its draft Council Plan 2013-17. A key action within the plan is to improve the presentation of the city with a focus on town entrances. Removal of the trees would not be complimentary to this aspiration.

As the land is not owned by Council, there are some restrictions as to how Council can make decisions regarding the management of the site; however VicRoads have indicated a willingness to work with Council to achieve appropriate landscape outcomes.

In the previous planning application, McDonalds Australia cited traffic management and the safety of freeway travellers as a main contributing factor to them requesting increased height on the sign. It has been their observation that some east bound freeway travellers only see the McDonalds restaurant after they have passed the Moe off ramp and then stop on the side of the freeway to access the store. The next freeway exit is at the Gunn's Gully interchange at the eastern end of Moe.

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While this problem is acknowledged, it is the opinion of Council officer's that an appropriate solution is to provide travellers with information and signage further west along the freeway, rather than increasing visibility of the sign from further back. Improved signage is the domain of VicRoads and through the consultation process the Gippsland office has agreed to provide improved highway signage.

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.

Costs for any signage upgrades or any tree removal works would be at the cost of McDonalds.

INTERNAL/EXTERNAL CONSULTATION

Discussions have been held with representatives of VicRoads, the Department of Sustainability and Environment, the Member for Narracan, Old Gipps town and the current franchisee of the Moe McDonalds restaurant.

Details of Community Consultation / Results of Engagement:

Council has not engaged in consultation with the wider community in relation to this issue.

OPTIONS

1. Not authorise the removal of the trees in the triangular shaped median strip between the Princes Freeway and the Moe off ramp.
2. Authorise the removal of the trees in the in the triangular shaped median strip between the Princes Freeway and the Moe off ramp.
3. If Council wish to further consider the proposed tree removals in the in the triangular shaped median strip between the Princes Freeway and the Moe off ramp, a public consultation process will have to be entered into as per Council's Tree Work Notification Policy 11 POL-4.

CONCLUSION

McDonalds Australia Ltd, Old Gipps town and the current franchisee of the McDonalds restaurant in Moe are concerned, for a variety of reasons, about the lack of visibility of their illuminated sign following the growth of trees in the triangular shaped median strip between the Princes Freeway and the Moe off ramp. This land is owned by VicRoads but is maintained by Council.

**ORDINARY COUNCIL MEETING AGENDA
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McDonalds withdrew a planning application to raise the height of the sign to 20 metres in the past. Since that time, a landscaping proposal put to Council by McDonalds has been considered and responded to, providing some options that would improve visibility and in their view, not detract from the city entry landscaping. It is considered that the arrangement suggested to McDonalds was a reasonable course of action. There have been no further suggestions made by McDonalds as to how to address this particular issue other than remove the trees in question.

The trees were planted as part of the Western Gateway project, a city entry beautification project, and after inspection by a Council arborist the trees have been found to be in good health.

In consultation with VicRoads, improved signage west of the McDonalds site in Moe has been offered. It is the view of officers that this will improve awareness of the upcoming McDonalds site and the removal of the trees is unnecessary and would be detrimental to the presentation of the western entrance of Latrobe City.

Attachments

1. Moe McDonalds signage letter
2. Moe McDonalds signage
3. Moe McDonalds signage
4. Moe McDonalds signage

RECOMMENDATION

1. **That Council not authorise the removal of the trees in the triangular shaped median strip between the Princes Freeway and the Moe off ramp.**
2. **That Council informs all affected parties of its decision.**

14.1

Request to improve visibility of signage at McDonalds restaurant Moe

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McDonalds Moe
McDonalds Morwell
McDonalds Warragul

Phil and Gael Wilson

Phone: 03 51 261 274
Phone: 03 51 346 555
Phone: 03 56 222 922

Fax: 03 51 261 288
Fax: 03 51 339 761
Fax: 03 56 222 920

Cr Sandy Kam, (Mayor)
Cc: Councillors, C.E.O
Latrobe City Council
PO Box 264
Morwell Vic 3840

19/02/13

Dear Cr Kam,

As per our recent conversation I am writing to you and other members of Council to raise a number of issues that have been an ongoing problem for my McDonalds Moe restaurant for many years. McDonalds is considering its options given the issues with visibility etc. This may result in the relocation of that restaurant from Moe to another location and the subsequent loss of work for my staff.
(We employ 112 staff of which 90% are Moe residents)

It would normally be our intent to re-negotiate a further lease of 20 years on this site so that we would continue business operations. However concerns with poor visibility of this restaurant and the lack of suitable directional signage have been an ongoing and increasing problem. As the situation now stands I question the suitability of this location for another 20 years of business.

James Thompson (McDonalds Asset Manager Vic/Tas/SA) along with my wife Gael and myself met with Cr Gibbons, Cr Gibson and yourself recently at which time Mr Thompson stated that McDonalds has genuine concerns with visibility and signage issues for this restaurant and that the end of the current lease is in March 2014. He went on to say that we currently lease this site from the Gippsland Reserve Committee of Management and that the money that we pay for that lease is paid to the Gippsland Heritage Park.

The land that McDonalds Moe sits on was originally part of the "Old Gippsland" Heritage Park. In the early ninety's this land was split off and offered to McDonalds as a way of securing an income stream for the Heritage Park (as part of that negotiation a new entry building for Old Gippsland was also built at McDonalds expense)

Two of the key aspects that convinced McDonalds to take on this site for development were having easy access from the Highway and excellent visibility from the western approach. These factors are considered critical when developing restaurants that are aimed at accessing highway traffic and are located other than in the middle of a town. They were pivotal in McDonald's decision to locate a restaurant at this site.

When McDonalds was first established at the corner of the Princes Fwy and Lloyd St Moe, the approved signage was visible from several kilometres by approaching traffic. This gave traffic plenty of time to manoeuvre to the left hand lane and exit at the Moe exit.

As a result of trees shrubs etc. that have been planted in front of and on the traffic islands to the west of McDonalds Moe, the visibility of that signage for eastbound traffic has been significantly reduced since that time. The funding that resulted from McDonalds Leasing this site partially solved what was a funding "black hole" for Council at that time. In effect a benefit has been derived and the value offered has been withdrawn.

Vic Roads has previously informed me that the land involved is part of the highway reserve and is theirs; however responsibility for the design / planting configuration and management of the vegetation etc. that has given rise to the visibility issues is with the Latrobe City.

The issues of reduced visibility have had a significant negative effect on this restaurant for many years. Reduced visibility has eroded the sales performance that this site should have enjoyed over that period. We know from our experience with other McDonalds restaurants that stores located in similar situations with comparable passing trade and nearby populations on average take 35 to 40 % more revenue than this restaurant.

As competitors have opened on the highway we have experienced long term and compounding impact to our sales. I recognise that we operate in a free market where competition from other business is the "norm".

I seek nothing beyond the ability to compete on an equal basis with my competitors.

The opening of service centres at Longwarry and on the Pakenham by-pass originally impacted this business by 15 % on both occasions. Our ability to compete on an equal basis and grow our business back is severely curtailed when those outlets enjoy not only great visibility but also outstanding directional signage. Our sales have in recent times been further eroded by the establishment of Hungry Jacks in Moe. With little or no visibility, increased competition on the highway and in town and given that the greater portion of our sales are derived from passing trade, our ability to compete and grow back our business is severely impaired.

In seeking to rectify our visibility issues we are not asking for any "favours" but simply the reinstatement of what we originally leased at this location, enabling excellent visibility, which was the major reason McDonalds was located at this site. It seems to me that the consultants involved in the design & choice of vegetation that has been planted as part of this Latrobe City "Gateway Precinct" have achieved a screening effect as one would if landscaping your own back yard.

Arguably Councils would be reasonably expected to foster local business growth as the benefits of a strong and healthy business sector to the local community are many. It is only fair and reasonable that subsequent Councils should not undermine or through their actions materially change the key benefits of a business arrangement made by previous Council's, whether unintentionally or otherwise. Councils should consider the impact of their actions and be willing to address and rectify problems caused by their actions should unintended consequences occur.

My previous contacts with the Latrobe City have not yielded any practical solution to my problems. The responses that we received did not materially address our problems.

In September 2007 we attended a working and issues meeting. At which we presented to Council a solution / design that had been put together by our landscape consultant. That consultant report presented our suggested solutions to the visibility issues. I presented my case and answered questions that arose at that time.

To remove any impediment to action, I acknowledged that there may be some difficulty in the nature of what I was asking. That there may be some question as to why Council should they be spending ratepayer's money in an effect to fix problems that had arisen from earlier expenditure, as it may be seen as a waste of money.

At this meeting I offered to fund those works at my own expense.

(Despite my belief that it should be rectified at the Councils expense.)

It was stated that I would pay for the works as per our presentation. I went on to say that should our design not be acceptable I would pay for a design acceptable to Council.

Provided it was within our budget and that design restored visibility as it was previously.

After eventually receiving a response from Council, in which our problem was not materially addressed. (Your letter dated 7th March 2008: ref 246232 PQ:CJ)

We again contacted the Council, (Our letter dated 20/03/2008 author Jane Pendlbury-Assett Manager McDonalds) informing Council that what was offered did not materially make any difference to our visibility issue and that we wished to discuss the matter further.

We made further contact by telephone (Jane Pendlbury to Carol Jeffs) as a follow up to our letter dated 20/03/2008. This did not yield any further discussion or change in offer as we were told that this is all that the Council was prepared to offer.

We finally received written confirmation on 16th June 2009 in which it was confirmed that our proposal was not acceptable and that the offer made by the previous Council was all that the new Council was prepared to offer. (Your letter dated 16th June 2009 your ref DW:415629).

In 2010, after becoming aware of the issues that McDonalds Moe faced in terms of visibility and signage, Mr Michael Fozard, in his capacity Manager of Old Gipps town and on behalf of the Board of Management wrote to Council in an effort to obtain a resolution to our problems. After some discussion he received written confirmation that all that was on offer was as previously outlined. (Letter dated 30th November 2011 ref: 501702 PB:JOK)

It is not our preferred option to relocate this restaurant, if we can achieve a suitable outcome then we will regain the confidence to be able to undertake a new 20 year lease (subject to agreeing to suitable terms between the parties) The reinvestment that would be due for a restaurant of Moe's age to bring it up to current McDonald's facility expectation would be undertaken. However should our concerns not be rectified and given that we typically take a "20 year view" of our business, the decision to renegotiate our lease or relocate would be primarily based on the costs v's benefits of moving this restaurant.

If we move, the current workforce may not be able to work at the new location (there is a low probability that we would relocate into Moe CBD, a highway location closer to Melbourne is more likely as in the past we have derived almost 75% of our business from the Highway) This would result in a loss of 100 jobs available to residents of Moe and our current payroll (\$1 million+) that those employees currently spend in Moe.

Other concerns centre not just on the fact that the interests of my business have been negatively affected by the planting etc that has occurred since the store was established, but also as a long-time supporter of road safety initiatives that unsafe traffic conditions have been created. Visibility and effective signage is of great benefit and interest to travellers but also is an important safety measure as it gives a reason to stop and rest. Travellers / Tourists need to be given warning of an exit that they may choose to break their journey.

On many occasions I have noticed that vehicles slow as they notice McDonalds, Too late to safely manoeuvre to the exit. They look for a direct entry into McDonalds, sometimes parking on the side of the road and walking around the fence or trying to reverse back to the Moe exit in an attempt to reach McDonalds. Possibly even of greater concern drivers then may decide to "push on" and try and get a bit further down the road without taking a break.

I believe that a major reason for this, in addition to the lack of visibility of our signage is that travellers mistakenly believe that they can gain direct access to McDonalds. As McDonalds Moe is located at the start of a freeway it is the last opportunity to stop for at least 25 minutes. McDonalds restrooms provides well lit and secure environment 24 hours a day of which travellers may choose to take advantage.

The placement of some appropriate signage informing travellers wishing to go to McDonalds to take the Moe exit would fix this problem.

If there is to be a solution the issues we have raised the minimum that would satisfy our concerns would involve the removal, re-configuration of the elements with in that area that cause problems with our visibility.

I would also like the help of Council to gain approval for suitable directional signage from VIC Roads as this will help future proof visibility issues, help traffic flow and the safety concerns that I have. To rectify the concerns I have, I believe that both the visibility and signage issues need to be addressed. I do not see that signage alone could be a fix for the issues identified.

As things stand at the moment we will be moving forward on our investigation for alternate restaurant sites and the cost / benefits that would involve. As you may appreciate business needs certainty for forward planning and confidence in making timely decisions. I request that this matter be dealt with as quickly as possible, should Council decide that they are unable to meet my need for visibility etc. then that will enable us to make alternate plans with some certainty in time for the lease expiry.

The final points that I would like to make is that I reside in the Latrobe Valley with my family. We have been supporters of many charities and events around the Latrobe Valley for many years, both through our business and personally. Some notable examples: Fundraising efforts for Local Disasters, We were involved in the establishment of Rotary Centenary House at the Latrobe Regional Hospital, My wife Gael serves on the board of Barrier Breakers (Mental Health Advocacy) and I serve on the Board of Management for Ronald McDonald House Monash, just to mention a few.

I operate this business as my own. That is to say it is a franchise and I pay a fee to McDonalds as such. However the profit or loss that this store generates and the cost involved with reinvestment or improvements is mine. So when I talk about any offer to pay for remedial works or the costs or long term damage taken by this business. I need to make it clear that those monies come out of my pocket, not some "large multinational with deep pockets" So I do not make offers lightly, and would hope that it be seen as a measure of my desire as resident to operate my business successfully and provide opportunity to not just my family but the community in general.

It is my hope that a common sense outcome can be achieved in this matter. It is not our preferred option to relocate this restaurant, however if we cannot resolve these issues satisfactorily then it seems we will be left with little choice.

I thank you for your time in considering my concerns.

Yours truly,

Phil Wilson
Licensee
Mob: 0417 533 771



20th February 2012

Latrobe City Council
Mayor – Sandy Cam

Dear Sandy,

SUBJECT – McDonald's Moe

I am writing as a follow up to a recent meeting that took place between Phil and Gael Wilson (franchisees of McDonald's Restaurant Moe) and Latrobe City councillors.

The issue of visibility on the east bound approach to McDonald's Restaurant Moe is now urgent. The franchisees have indicated to us, that if a suitable solution is not agreed to, McDonald's will look at alternative locations for the future operation of the McDonald's Restaurant. If this relocation were to occur, this would have a dire impact on Old Gippstown as we rely on the annual lease revenue to support the Park (see background information below). The franchisees have stated that they are willing to spend money on improving the entry into Moe (Latrobe City's gateway) if an arrangement can be reached on visibility.

It may be appropriate to give you some background on the operation from Old Gippstown's point of view.

1. There is a lease arrangement between Gippstown Reserve Board of Management and McDonald's head office in Sydney and is the lease is due for renewal in March 2014. The lease amount is paid directly to Old Gippstown and has over the years been a significant revenue generator. If Old Gippstown were to lose the revenue generated by the McDonald's lease, the consequences would negatively impact the future financial viability of the Park.

Lloyd Street, Moe, Victoria, 3825 (PO Box 337, Moe, 3825) Ph: (03) 5127 3082 Fax: (03) 5127 8709
ABN No. 99 724 971 481 Email: enquiries@gippslandheritagepark.com.au

2. As you may be aware we are the only heritage park in the State of Victoria that does not receive any significant or recurrent financial support. We are also the only Park that has direct responsibility to the State Government; all other Parks are under the umbrella of their local councils. Revenue generation for Old Gipps town is always an issue.
3. Signage / Visibility - Back in March 2010 we sent a letter to council, (refer attachment 1) seeking discussions on the issue of highway traffic being able to see the McDonald's Restaurant and Old Gipps town facilities. A meeting took place with Geoff Hill and the council arborist. At the conclusion of this meeting it was indicated that no trees could be removed and only some trimming of trees would be permitted. This was unsatisfactory as it did not resolve the issue of visibility to the travelling public. VicRoads are not receptive to the installation of further highway signage (west of the facilities) indicating that McDonald's or Old Gipps town are coming up.
4. An alternative signage / visibility solution was also looked at. This required the raising of the existing McDonald's (golden arches) sign to a higher level to improve visibility. The alternative solution was not the most practical but again it was rejected by council. The difficulty that we now have to confront is the continuance of the McDonald's operation after March 2014.

We can understand the problem that McDonald's have and believe the issue can be easily resolved if some flexibility is given to the elimination of a number of trees in the reserve. In 2010, it was established in discussions that the reserve is the responsibility of council and not VicRoads.

Our concerns have not changed since our last letter (2010) to council (please see attached).

- a. Revenue - McDonald's are a vital part of our revenue and this should increase in the future.
- b. Employment - McDonald's employ over 100 locals in the operation. It is critical that we do not lose a further employer in this region. Old Gipps town runs two 'Work for the Dole' programs and are fully aware of the lack of employment in the region.

- c. Safety – It has been observed on numerous occasions cars travelling east bound on the Princes Highway (at 110kph), suddenly braking as they realise they have passed the McDonald’s outlet. On some occasions, cars then reverse back to the Princes Highway ‘on ramp’. The reversing manoeuvre can be extremely dangerous to any motorists using the on ramp.
- d. Landmark – The McDonald’s sign is also used as a landmark to get into Moe or to access the Old Gippsdown facility. People look out for the McDonald’s sign.

It is therefore critical that this situation be rectified to ensure McDonald’s continue to operate from its current location. This matter needs to be dealt with as a matter of urgency; therefore I request a further meeting with all parties present.

If you require any further detail on this matter, please contact me at Old Gippsdown.

Kind Regards,



Michael Fozard
Manager

OLD GIPPSTOWN

Highway Signage & Tree Removal

Meeting Notes

Date 14 March 2013

Time 13.00 to 14.00

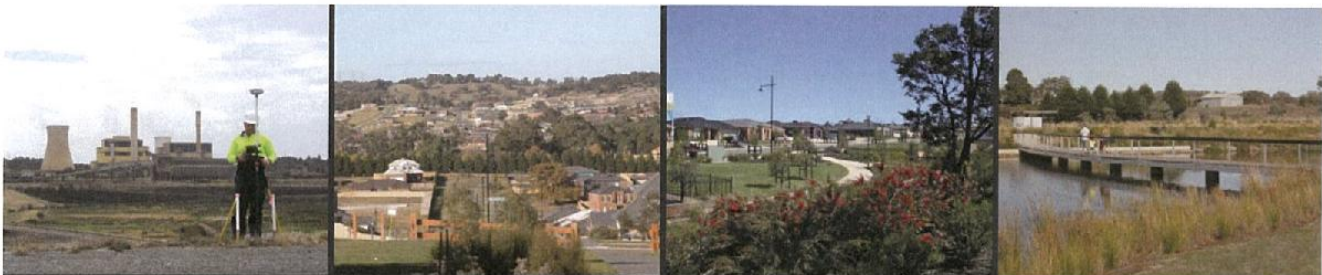
Attendees:

Gary Blackwood – Member for Narracan (Chair), Sebastian Motta – VicRoads, Jody O’Kane – Latrobe City, Rob Stewart – Department of Sustainability & Environment (DSE), Michael Fozzard – Manager Old Gippsdown, Fiona Xuereb – Chairperson Gippsdown Reserve Committee of Management

- Gary welcomed the group with a brief introduction as to the purpose of the meeting including:
 - Removal of trees on VicRoads reserve to enable east bound traffic to have unobscured view of McDonald’s/Old Gippsdown signage
 - Reinstate Old Gippsdown signage on Princes Highway (east and west bound)
 - Renegotiating lease and securing current tenant - McDonald’s
- Latrobe City and VicRoads outlined the ownership/responsibility of the reserve. VicRoads own the reserve, where Latrobe City are responsible for the maintenance
- Michael spoke about the history of the lease arrangement between Old Gippsdown and McDonald’s including:
 - a. Early 1990s – McDonald’s applied for planning permit with the relevant local government authority to establish a McDonald’s Restaurant at the entrance to Moe. This application was subsequently approved
 - b. McDonald’s review of the proposed site initially ranked as a ‘Class A’ for visibility
 - c. McDonald’s entered into a lease arrangement with the Gippsdown Reserve Committee of Management in approximately 1992. A 21 year lease was entered into (subject to CPI increases only). Current lease revenue approximately \$39,000 pa.
 - d. Lease is due for renewal in March 2014.
 - e. Plans to renegotiate terms of lease are imminent
 - f. Latest McDonald’s review of current site has been downgraded to ‘Class C’
- Fiona added that Old Gippsdown is the only heritage park in the state of Victoria that does not receive any recurrent funding. The McDonald’s lease is the only regular revenue Old Gippsdown receives.
- Michael spoke further about past negotiations held between Latrobe City and VicRoads in relation to removal of trees and the reinstallation of highway signage. Both rounds of negotiations previously rejected.

- McDonald's have indicated to Old Gipps town that if the issue of visibility is not settled, they are forced to look at options which include relocation further west
- Relocation of the McDonald's franchise would be disastrous for a number of reasons including:
 - a. Loss of more than 100 local jobs – McDonald's employees
 - b. Loss of only regular revenue source for Old Gipps town
 - c. Old Gipps town's future at risk
 - d. Loss of more than 10 Old Gipps town jobs
 - e. Loss of more than 60 volunteers – including work for the dole, corrections and general volunteers. Social impact also needs to be considered
- Safety is a major concern. Vehicles travelling in an easterly direction are not aware of the McDonald's restaurant location and subsequently drive past the outlet. Once people drive past, they either stop their vehicle on the side of the highway and walk back to the restaurant or alternatively, and significantly more dangerous, drivers will reverse their vehicles onto the on-ramp (opposite direction to oncoming traffic) to get to McDonald's
- Sebastian will investigate highway signage options with VicRoads staff (including combined signage for Old Gipps town-McDonald's). **Action: Sebastian to work directly with Fiona**
- Jody stated that copies of the arbourist report are available. A small number of trees may be removed but this may still not give the desired outcome
- Latrobe City are keen to retain the current amenity
- Fiona suggested an alternative to tree removal, to possibly relocated the McDonald's sign into the reserve. McDonald's could bear the cost of the relocation. As VicRoads own the reserve, Sebastian would need to investigate this option as a possibility. **Action: Sebastian to investigate and work with Fiona**
- Gary suggested that alternative options for vegetation be investigated and identify trees for removal
- It was suggested to independently review the reserve. The review will focus on two aspects including:
 - a. best aspect (line of sight) for the removal of trees
 - b. safety concerns
- Old Gipps town to arrange independent review and forward review findings to Latrobe City. **Action: Michael Fozzard to source funding and initiate the review immediately. Once review complete, Michael to forward review findings to Jody, Gary, Sebastian, Fiona and Rob.**
- Fiona alerted the group as to the critical nature and securing a quick decision, as there is little time left to negotiate with McDonalds.
- Jody will present report (including Old Gipps town's independent review) to Council. As it may take time to collate the information necessary to present to Council, a timeframe of six weeks was agreed by the group.

Next meeting Thursday 25 April 2013 at 13.00 – Old Gipps town Administration Building



SMEC Urban Ref: 30041408E.00

**Princes Hwy (East Bound) Off Ramp and On Ramp at Moe
Prepared for Gippsland Heritage Park**


Report date: 11 April 2013



urban design | planning | engineering | surveying | landscape architecture | project management

Project Name:	Report for Princes Hwy (East Bound) Off Ramp at Moe
Project Number:	30041408E.00
Report for:	Gippsland Heritage Park

PREPARATION, REVIEW AND AUTHORISATION

Revision #	Date	Prepared by	Reviewed by	Approved for Issue by
0	11/4/2013	Luke Bryant	Stephen Howe	

ISSUE REGISTER

Distribution List	Date Issued	Number of Copies
Jodie Rainbow – Gippsland Heritage Park	11/4/2013	(electronic)

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Commercial in Confidence

1 INTRODUCTION

This Report details which trees are required to be removed so that the McDonalds Restaurant advertising sign located adjacent to the Princes Highway Moe exit off ramp can be clearly seen by motorists on the highway approaching from the west and also makes comments in regards to improved road safety for the off ramp and on ramp.

This report is intended to be used as an independent opinion in regards to removing vegetation and road safety at the site. The report has been compiled from a site inspection and personal knowledge of the site by staff that use this off ramp regularly.

2 BACKGROUND

There are two businesses located just after the Princes Highway east bound off ramp to Moe on the Moe-Glengarry Road. One business is McDonalds Restaurant and the other is Gippsland Heritage Park.

At present, there are a number of trees that block the sight of the McDonalds Restaurant advertising sign from motorists approaching the off ramp from the west. The McDonalds Restaurant sign is not visible to motorists until they have passed the off ramp. This results in motorists passing the off ramp and continuing along the Princes Highway.

The trees also block the early sighting of entering vehicles for motorists which are already on the Princes Highway.

3 ROAD SAFETY COMMENTS

In terms of road safety, there is a risk that motorists wishing to take a break may continue to the next available option. The next conveniently available option (without turning around) clearly visible from the Princes Highway would be Traralgon, which is approximately 32km away. This may put more pressure on a tired driver to drive further or become frustrated because they have missed the turn off.

Although a motorist will be aware of a rest area (see Figure 1) ahead, a motorist may still not decide whether to make the exit from Princes Highway until they visually see the specific commercial business advertising. If the advertisement from the business is not viewed or viewed late, a motorist may make a rash driving decision (late lane change) if they are not sure if they should take the exit.

Figure 1: Rest area advertising signs west of the Princes Highway Moe Exit



In terms of the other nearby on ramp, the trees also block the early sighting of entering vehicles for motorists which are already on the Princes Highway (see Figure 2). This is not seen as a high risk item as there is a generous on ramp / merge length. However, the early recognition of entering vehicles would improve safety by allowing motorists already on the Princes Highway to change lanes earlier and let in entering traffic safely.

Figure 2: Trees blocking early sight lines of entering vehicles to the Princes Highway



4 TREE REMOVAL / SIGHT LINE IMPROVEMENTS

The triangular area between the Princes Highway off ramp, Princes Highway on ramp and the Princes Highway itself contains many trees. There appears to be three particular species of trees, Pin Oaks, Poplars and Gums (native).

Several of these trees block the sight line of motorists to the McDonalds Restaurant advertising sign approaching the off ramp. These trees have been shown in the map in Appendix A.

Although some trees are small in size now, it is considered appropriate to assess the trees in terms of their height and diameter when fully grown and analyse their potential to further impact on sight lines in the future.

The sight line distance used for assessment is from 0m to 300m west of the off ramp exit for vehicles in the left lane. 300m distance relates to approximately 10 seconds travel time at 110km/h (speed limit), which is considered appropriate to make a timely decision to take the exit.

A total of 42 trees (2 large Gums, 2 medium Gums, 19 medium to large Poplars and 19 small Pin Oaks) would be required to be removed to improve the sight line to the McDonalds sign for motorists on the Princes Highway east bound approaching the off ramp to Moe.

An additional 7 trees (5 medium to large Poplars and 2 small Pin Oaks) could be removed to improve sight lines and allow early recognition of entering vehicles to the Princes Highway for motorists already on the Princes Highway.

An alternative option to removing trees is to relocate the existing McDonald's sign. There does not appear to be a suitable location to relocate the sign.

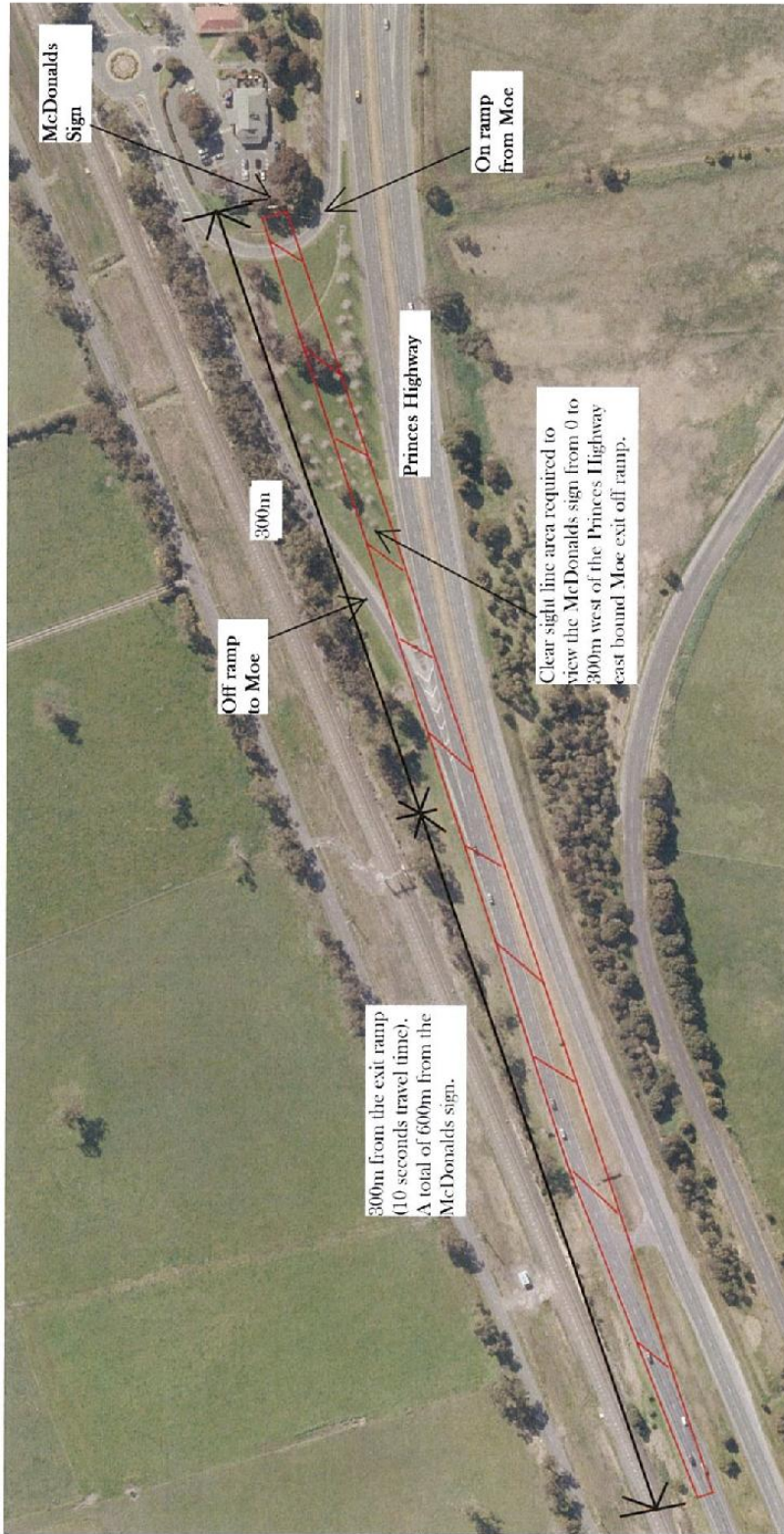
Note that native vegetation removal would likely require a permit or offsets. This requires further assessment by others.

Photos of the site have been attached in Appendix B.

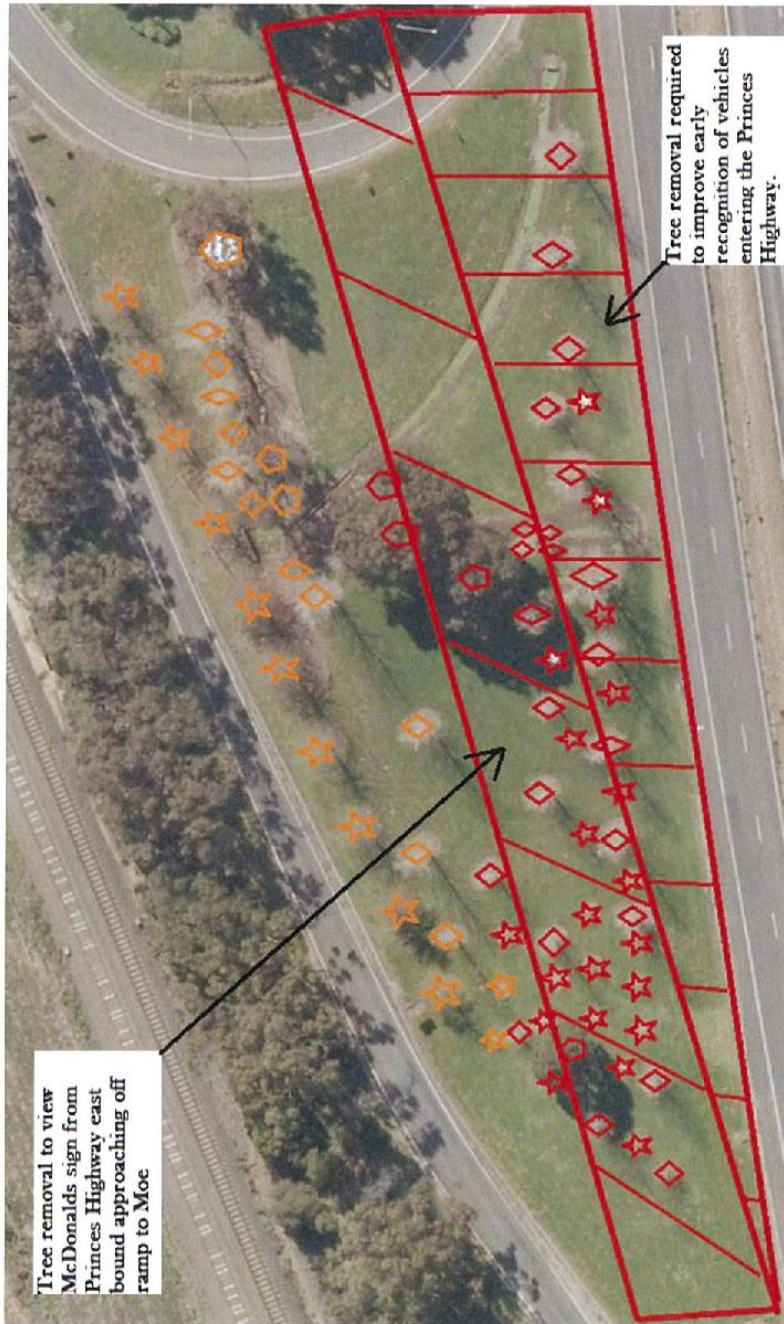
5 APPENDICES

5.1 Appendix A – Maps indicating tree removals required

Map A1 – General location



Map A2 – Specific trees required for removal



5.2 Appendix B - Photos

Photo B1: Looking east from area of trees towards McDonald's sign.



Photo B2: Looking east from exit ramp towards the McDonald's sign.



Clipsland Heritage Park – Princes Highway east bound Moe off ramp and on ramp

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Photo B3: Looking east at the McDonald's sign



Photo B4: Looking south east from the area of trees towards the on ramp.





COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

16. GOVERNANCE

**16.1 PLANNING PERMIT APPLICATION NO. 2012/173 USE AND
DEVELOPMENT OF THE LAND FOR AGRICULTURE AT LOT 2
TUMNEY ROAD, HAZELWOOD SOUTH**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/173 for the use and development of land for agriculture at Lot 2 Tumney Road, Hazelwood South.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment

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

Shaping Our Future

An active connected and caring community

Latrobe City is a vibrant, multicultural and diverse community. Council continues to respond to the changing needs and aspirations of our diverse community by providing facilities, services and opportunities that promote an inclusive and connected community.

Legislation –

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

SUMMARY

Land:	Lot 2 on Plan of Subdivision 126511, Tumney Road, Hazelwood South
Proponent:	Susan Hillier
Zoning:	Rural Living Zone-Schedule 3
Overlay	None

A Planning Permit is required for use of the land for agriculture and associated development in accordance with Clause 35.03-1.

A Planning Permit is also required for buildings and works associated with a use in Section 2 pursuant to Clause 35.03-4 of the Rural Living Zone.

RELEVANT BACKGROUND INFORMATION

This planning permit application is the result of enforcement proceedings taken against the property owner and subsequent VCAT Enforcement Order P590/2012 issued 25 May 2012 (see attachment 1).

Enforcement measures were undertaken as the land was illegally used and developed in the following ways:

Intensive Animal Husbandry: The subject site was used to keep pigs. The main food source for the pigs was imported to the site. As a result the use of the land was defined as being associated with Intensive Animal Husbandry which is a prohibited use within the Rural Living Zone (Clause 35.03-1).

Industry: Materials and structures were located on the site that were associated with the manufacture of concrete retaining walls. This is characterised as an 'Industry' land use which is a prohibited land use within the Rural Living Zone (Clause 35.03-1).

Motor Racing Track: A motor bike racing track was constructed on the site. As there is no dwelling on site, the use of the track is not ancillary to a dwelling use that is permitted on the land.

As such use of the land as a 'Motor Racing Track' is prohibited within Rural Living Zone (Clause 35.03-1).

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Truck Storage: Three trucks, two excavators, one bobcat, four trailers and a caravan were located on the site. The use of the site as a 'Store' is prohibited within the Rural Living Zone unless the following condition on which a permit could be granted is met;

"Must be in a building not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with a occupation of a resident of a dwelling on the lot".

As the land is vacant with no dwelling or resultant occupation on the subject site the use of a 'Store' is prohibited.

Appropriate Approvals for Existing Structures: It was detailed in the enforcements proceeding taken initially against the proponent, that there were a number of structures on site that had neither building nor planning approval. As detailed in the VCAT Enforcement Order however, *'the old caravan, old stable and 'old shed' can remain on the land'*. This decision was made based upon the length of time these structures have been on site and that Council could not confirm whether appropriate approvals had been obtained for these structures.

It was further outlined in the VCAT Enforcement Order *'The only other issue (in relation to appropriate approvals) is the lawfulness of the existing shed formerly used to house hunting dogs, which was on the land before they purchased it from their father-in-law. It appears that this structure did not have Permission and may require it if it is to be used in connection with any use that requires a planning permit under the zone provisions, such as agriculture.'*

As a result it was detailed as part of that Enforcement Order that *'By 25 November 2012, Susan Leanne Hillier & Bruce Hillier must demolish the existing shed on the subject land identified as the former 'dog shed' on Attachment 4 to the application for enforcement order UNLESS a planning permit is obtained for these buildings and works by that date'*.

A planning permit has not been obtained by the date set out in the Order but an application to amend the VCAT Order to allow an extension of time in which to obtain a planning permit has been granted. This was outlined in VCAT Order P209/2013 issued on 17 April 2013.

It was also detailed in the 'remarks' section of the VCAT Order P590/2012 that the shed may have to be associated with a use requiring a planning permit in the zone, such as agriculture.

See attachment 1 for VCAT Enforcement Orders P590/2012 and P209/2013.

PROPOSAL

The application is for the use and development of the land for agriculture. In this case the development element of the planning permit application is retrospective as it is the result of VCAT Enforcement Order P590/2012 and as amended through VCAT Enforcement Order P209/2013 as outlined in the previous section.

The applicant has detailed the land will be used for grazing purposes for a maximum of ten sheep and two horses. The old 'dog shed' will be used for storing of hay, horse feed and general gardening tools. The applicant has also detailed that they are hoping to grow vegetables and plant fruit trees on the property as well.

The shed (already existing) that a planning permit is being applied for to legalise its existence on the subject land is 12m by 6m with a roof height pitch of 3.1m. It has a total area of 72m². It is constructed of zincalume external cladding and will have one personal access door on the gable sides of the shed. The shed and the other structures onsite will be accessed via an existing 3m wide gravel access way.

For further details, please refer to the proposed plans at Attachments 2.

Subject Land:

The subject site is an irregular shape and has frontage onto Tumney Road to the east and Holts Road to the north east. Access to the site is provided via Tumney Road which is a standard sealed rural access road with open swale drainage on either side.

The subject lot has an area of 2.88ha. There are a number of structures on site as detailed previously, including two sheds, an old caravan and an old stable. There is an existing dam on the subject site to the east of the shedding area and there are pockets of native remnant vegetation on site that will not be impacted as part of this proposal. There are two electricity easements running generally in a north-south direction. Both easements run adjacent to each other and the assets associated with these easements are in the form of overhead powerlines. The site is gently undulating. There is a drop in slope of 30m from east to west over a distance of 350m. The subject site is fenced along all boundaries.

The site is located approximately 3.5 kilometres road distance from the Churchill Primary Activity Centre.

Surrounding Land Uses:

North:

- 70 Holts Road

The land area to the north, including 70 Holts Road, is zoned Rural Living Zone-Schedule 3. The wider area is used generally for rural living and hobby farm purposes. All lots have an existing dwelling and varying levels of associated shedding. There are also pockets of remnant vegetation with an EVC status of vulnerable.

South:

- 20 Tumney Road

The land area to the south, including 20 Tumney Road, is zoned Rural Living Zone-Schedule 3. The wider area is used generally for rural living and hobby farm purposes. The land area is however far more heavily vegetated than the land to the north.

East:

- 15 Tumney Road

The land area to the east, including 15 Tumney Road is zoned Rural Living Zone-Schedule 3. The wider area is used generally for rural living and hobby farm purposes. All lots have an existing dwelling and varying levels of associated shedding. This area also has large pockets of remnant native vegetation.

West:

- 95 Holts Road

The land area to the west, 95 Holts Road is zoned Rural Living Zone-Schedule 3. The land area beyond the creek line is generally clear of vegetation and is zoned Farming Zone. The land to the south east is currently a timber plantation.

Refer to Attachment 3 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 4.

The provisions of the scheme that are relevant to the subject application have been included in Attachment 5.

LATROBE PLANNING SCHEME

State Planning Policy Framework (SPPF)

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

Clause 11.05-3 'Rural Productivity' has an objective *'to manage land use change and development in rural areas to promote agriculture and rural production'*.

Clause 14.01-2 'Sustainable agricultural land use' has an objective to encourage agricultural land use that is managed in a sustainable manner.

Strategies within this clause that are relevant to this proposal include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*

Clause 16.02-1 'Rural Residential Development' has the following objective to identify land suitable for rural living and rural residential development.

The proposal is considered to be consistent with the policy outlined above. The proposal will allow the subject site to be used for agricultural purposes, the scale of which can be controlled by condition on any permit issued. The development element of this proposal will provide retrospective approval to an existing building that can be used in association with the agricultural use of the land.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (Clause 21)

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

Clause 21.04-3: 'Rural Living Overview' acknowledges that rural residential living has been a popular and attractive lifestyle choice in Latrobe City and continues to attract residents. The second objective under this clause is *'To minimise conflict between agricultural activities and rural lifestyle'*.

Clause 21.07-5 'Agricultural Overview' outlines *that Agriculture, 'in rural areas, is important to the economic, social and physical development of the municipality'*. It is also outlined under this clause that *'Pressure for rural residential development is acknowledged as a legitimate land use however high value rural land and natural resources need to be protected'*.

The proposal relates to the use of the land for agriculture and associated retrospective development. The proposed use in terms of the maximum number of animals onsite at any one time is modest in scale and will be characteristic of the use of the wider vicinity as a 'hobby farm' area. It is considered that the use can be controlled with suitable conditions, to ensure that there will be no future conflict or reduction in amenity levels to neighbouring land owners.

RURAL LIVING ZONE (SCHEDULE 3) - CLAUSE 35.03

The subject site is located within the Rural Living Zone (Schedule 3). The 'Purpose' and 'Decision Guidelines' of the zone have been taken into account as part of the assessment of this application, which is considered to be consistent with the provisions of the Planning Scheme on the basis that the proposal would:

- allow an agricultural land use which would not adversely affect the amenity of surrounding land uses (subject to appropriate conditions placed on any permit issued);
- provides for a retrospective approval for an existing building;
- not compromise any natural resources, biodiversity or landscape and heritage values of the area.

It is generally considered given the character of the area is 'hobby farming' in nature and that the proposal as outlined above is consistent with the purpose and decision guidelines of the zone based on the proposed scale of the agricultural use.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the proposed use of the land for agriculture and retrospective planning permit for the building and works associated with the existing shed satisfies both the State and Local Planning Policy Frameworks in that the site is an appropriate location for the proposed agriculture use, which is very minor in terms of projected intensity. It is considered that the proposal is an appropriate and legitimate use within the context of the provisions of the Rural Living Zone.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**'Purpose' and 'Decision Guidelines' of the Rural Living Zone:

The subject land is currently within the Rural Living Zone (Schedule 3).
The existing shed on site does not have the appropriate permits.

The applicant has detailed as a result of a further information request that the site will be used for agriculture and has detailed that there will only be '6-10 sheep and 1-2 horses' on the property at any one time. It was also detailed as part of the original information submitted with the application that the applicant will also plant vegetables and fruit trees on the site in the future.

The submission of this planning permit application affords an opportunity for the applicant to regularise the previous development in the event that a planning permit is issued. This is considered to be consistent with the purpose and decision guidelines of the Rural Living Zone and VCAT Enforcement Orders P590/2012 and P209/2013.

OBJECTORS' CONCERNS

Following advertising, the application received 1 submission in the form of objection (it is noted that the submission has been lodged in two parts).
The following issues raised in the objection can be summarised as follows:

- 1 The shed which the applicant is now requesting approval for was previously used for housing excessive number of dogs (30+)

Officer Comment:

As a result of enforcement proceedings there are no longer any dogs onsite. It should be noted that it was detailed in the VCAT Enforcement Order P590/2012 that a suitable condition to increase the chances of success of this application would be by potentially agreeing to a condition that the shed would not be used for animal keeping. The applicant has detailed that they are willing to enter into an agreement or happy to have a condition on any permit to this effect.

- 2 There are already sheds on the property that could be used as a stable.

Officer Comment:

The applicant has now clarified that the shed will be used for the storing of feed, tools and equipment required to operate the proposed agricultural use of the land.

- 3 If the shed is to remain on the property there are no particular reasons to believe that the applicant will not in the future house large numbers of dogs once again

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**Officer Comment:

As detailed previously, the applicant has indicated that they are willing to enter into agreement and/or happy to have a condition on any permit issued controlling the number of animals and not to use the land for housing of dogs onsite.

- 4 The applicant was taken to VCAT for the previous misuse of the site which included the operation of a commercial business and the keeping and breeding of pigs on the property;

Officer Comment:

As detailed in the VCAT Enforcement Order P209/2013, the Member commented '*it appears that there has been substantial compliance with the requirements of the enforcement order to remove goods, equipment and machinery from the land which were associated with the concrete works on the site*'. Based on two site inspections conducted by Council Officers on 11 January 2013 and 14 March 2013 respectively, it is considered that substantial compliance with the VCAT Order has occurred. It was further detailed in the VCAT Enforcement Order P209/2013 '*Some remaining goods (on site) were identified by the council as of concern. I suggest that the future of these be the subject of reasonable negotiation.*'

It is considered as a result that the applicant has addressed the majority of elements identified by Council and these elements have been removed off site. The only remaining items include a small amount off iron sheet roofing, a number of sheets of reinforcing steel and an old trailer. As detailed by the VCAT Member, these issues are currently being addressed by Council and the applicant through reasonable negotiation.

- 5 Past history demonstrates that the applicant is unable or unwilling to abide by directions/regulations relating to the property.

Officer Comment:

The concerns of the objector are recognised, but they relate to previous illegal use of the land. These uses have ceased as a result of enforcement action taken by Council and there has been substantial compliance related to VCAT Enforcement Order P590/2012.

The assessment of this planning permit application can only be related to the proposed use of the land for agriculture and associated buildings and works application to regularise the existing shed on the property.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Additional resources will also be required if a planning permit is not issued for the proposal as enforcement proceedings will have to take place to ensure that the existing shed is demolished as per the requirements of VCAT Enforcement Order P590/2012 and as amended through VCAT Enforcement Order P209/2013.

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:

In accordance with the notice requirements of Section 52(1) of the Act, notice was provided to adjoining property owners and occupiers of the proposal and a sign was displayed on the site for 14 days.

External:

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

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.

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

Details of Community Consultation following Notification:

Following the advertising and referral of the application, one objection was received. A copy of the objection can be found at Attachment 6. A further submission has been received by the objector subsequent to the VCAT Hearing P209/2013. This is included in attachment 7.

At the request of the applicant, a mediation meeting was held. No resolution was found.

OPTIONS

Council has the following options in regard to this application:

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

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

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Rural Living Zone.
- Consistent with Clause 65 (Decision Guidelines).

The objection received has been considered against the provisions of the Latrobe Planning Scheme. The relevant planning concerns have been assessed and the objection is not considered to form sufficient planning grounds upon which the application should be refused. Suitable conditions can be attached to any issue of a permit to ensure the amenity of the area is protected satisfactorily.

Attachments

1. VCAT Enforcement Orders
2. Site and shed plans
3. Subject land
4. History of application
5. Latrobe Planning Scheme
6. Objection
7. Objector submission to Councillors

RECOMMENDATION

- A That Council issues a Notice of Decision to Grant a Planning Permit for the use and development of the land in association with agriculture at Lot 2 on Plan of Subdivision 126511, Tumney Road, Hazelwood South with the following conditions**
- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 2. Within 60 days of the date of this permit, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority as per the requirements outlined VCAT Enforcement Order P590/2012 and as amended through VCAT Enforcement Order P209/2013.**
 - 4. The outbuilding must not be used for human habitation at any time.**
 - 5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
 - 6. No animal keeping is permitted on the land with the exception that is as of right under the zone.**
 - 7. The maximum number of agricultural animals allowed on site and any one time is 15.**
 - 8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any building, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) presence of vermin;****or otherwise, to the satisfaction of the Responsible Authority.**
 - 9. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:**

- a) The existing vehicle crossing providing access to the property must be reconstructed to comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212 in that a drainage culvert must be constructed across the vehicle crossing.
- b) All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority.
- c) The areas shown within the property, for vehicle access to the permitted dwelling and associated buildings and works, must be constructed and surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud, etc from being tracked onto the road.

10. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

11. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed and the use has not commenced within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

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: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of any works that include the construction, installation, alteration or removal of a vehicle crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.

Note 3: The definition of 'Agriculture' and 'Animal Keeping' is as per Clause 74 of the Latrobe Planning Scheme which is as follows.

Agriculture 'Land used to:

- a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;**
- b) keep, breed, board, or train animals, including livestock, and birds; or**
- c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.'**

Animal keeping 'Land used to:

- a) breed or board domestic pets; or**
- b) keep, breed, or board racing dogs.'**

16.1

PLANNING PERMIT APPLICATION No. 2012/173 USE AND DEVELOPMENT OF THE LAND FOR AGRICULTURE AT LOT 2 TUMNEY ROAD, HAZELWOOD SOUTH

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VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P209/2013

APPLICANT	Sue Hillier
RESPONSIBLE AUTHORITY	LaTrobe City Council
INTERESTED PEOPLE	Mr & Mrs K Steel
SUBJECT LAND	Lot 2, Tumney Road HAZELWOOD SOUTH VIC 3840
WHERE HELD	55 King Street, Melbourne
BEFORE	Dalia Cook, Member
HEARING TYPE	Hearing
DATE OF HEARING	17 April 2013
DATE OF ORDER	17 April 2013

ORDER

- 1 Pursuant to section 121 of the *Planning and Environment Act 1987*, the enforcement order issued by the Tribunal is amended.
- 2 The amended enforcement order is in the form attached to this order.

Dalia Cook
Member

APPEARANCES:

For Sue Hillier	Ms Sue Hillier in person
For LaTrobe City Council	Mr Mark King, enforcement officer and Mr Jody Riordan, planning officer
For Mr & Mrs K Steel	Mr Ken and Mrs Kay Steel in person

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P590/2012 &
P209/2013

APPLICANT / RESPONSIBLE AUTHORITY	Latrobe City Council
OWNER	Susan Leanne Hillier
OCCUPIERS	Susan Leanne Hillier & Bruce Hillier
SUBJECT LAND	Tumney Road HAZELWOOD SOUTH VIC 3840
WHERE HELD	Melbourne
BEFORE	Dalia Cook, Member
DATE OF ORDER	25 May 2012
DATE OF AMENDED ORDER	17 April 2013

ENFORCEMENT ORDER

NATURE OF CONTRAVENTION	Use of land for Industry and/or Store contrary to clause 35.03-1 and unauthorised buildings and works for a Store contrary to clause 35.03-4 of the Latrobe Planning Scheme
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- 1 From the date of this Order, Susan Leanne Hillier & Bruce Hillier or any subsequent owner of the land must ensure that no commercial use is undertaken on the subject land unless a planning permit is obtained or the activity is as-of-right under the zone controls.
- 2 By **25 September 2012**, Susan Leanne Hillier & Bruce Hillier must ensure that all goods, equipment and/or vehicles associated with any concrete production is removed from the land to the satisfaction of the responsible authority, including the mould, concrete walls, spraying units and form pans.
- 3 By **17 October 2013**, the respondents must demolish the existing shed on the subject land identified as the former 'dog shed' on Attachment 4 to the application for enforcement order and remove its components UNLESS a planning permit is obtained for these buildings and works.

- 4 Alternatively, if a planning permit is obtained for the existing shed, the respondents or any subsequent owner/s must comply with any conditions relating to additional buildings and works (if any) within **two months** of the date of the issue of the permit.
- 5 The applicant must serve a copy of this amended order on the owner and occupiers of the land pursuant to section 140 of the *Victorian Civil and Administrative Tribunal Act 1998*.

Dalia Cook
Member

REMARKS

- 1 As I mentioned at this hearing, it appears that there has been substantial compliance with the requirements of the enforcement order to remove goods, equipment and machinery from the land which were associated with the concrete works on the site. Some remaining goods were identified by the council as of concern. I suggest that the future of these be the subject of reasonable negotiation.
- 2 The key issue before me is whether the order should be amended to allow additional time for Ms Hillier to obtain a planning permit for the existing shed, if such a permit is to be granted.
- 3 As I explained, I consider that the planning process should be followed through to completion in a timely way, notwithstanding delays to date.
- 4 If, at the end of the process, a permit approves the buildings and works for the construction of the shed, it can remain and order 3 will not have any ongoing effect. The use of the shed will be subject to any requirements imposed by permit condition, in addition to order 4 which requires any additional buildings and works required by the permit to be carried out within two months of its grant.
- 5 However, if no permit is granted (by the council and/or the Tribunal on review), the structure and associated components will need to be removed by 17 October 2013. It is likely that a decision will be made by the council and any review rights taken up before that time. Only if an application for review is lodged with the Tribunal but not determined by that date, a short additional extension would be granted to enable the process to be completed.

Dalia Cook
Member

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P590/2012

APPLICANT / RESPONSIBLE AUTHORITY Latrobe City Council

RESPONDENTS Susan Leanne Hillier & Bruce Hillier

INTERESTED PERSON Ken Steer

SUBJECT LAND Tumney Road
HAZELWOOD SOUTH VIC 3840

WHERE HELD 55 King Street, Melbourne

BEFORE Dalia Cook, Member

HEARING TYPE Practice Day Hearing

DATE OF HEARING 25 May 2012

DATE OF ORDER 25 May 2012

ORDER BY CONSENT

- 1 The application for an enforcement order pursuant to section 114 of the *Planning and Environment Act 1987* is allowed.
- 2 The enforcement order is in the form attached to this order.
- 3 By **25 June 2012** Susan Leanne Hillier & Bruce Hillier must apply to the responsible authority for a planning permit for buildings and works associated with the existing shed on the subject land identified as the former 'dog shed' on Attachment 4 to the application for enforcement order.
- 4 No order as to costs.

Dalia Cook
Member

APPEARANCES:

For the Applicant / Responsible Authority Mr Mark King, Council Officer

For the Respondents Ms Susan Leanne Hillier in person and on behalf of Mr Bruce Hillier

For the Interested Person No appearance

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P590/2012

APPLICANT / RESPONSIBLE AUTHORITY	Latrobe City Council
OWNER	Susan Leanne Hillier
OCCUPIERS	Susan Leanne Hillier & Bruce Hillier
SUBJECT LAND	Tumney Road HAZELWOOD SOUTH VIC 3840
WHERE HELD	Melbourne
BEFORE	Dalia Cook, Member
DATE OF ORDER	25 May 2012

ENFORCEMENT ORDER

NATURE OF CONTRAVENTION	Use of land for Industry and/or Store contrary to clause 35.03-1 and unauthorised buildings and works for a Store contrary to clause 35.03-4 of the Latrobe Planning Scheme
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- 1 From the date of this Order, Susan Leanne Hillier & Bruce Hillier or any subsequent owner of the land must ensure that no commercial use is undertaken on the subject land unless a planning permit is obtained or the activity is as-of-right under the zone controls.
- 2 By **25 September 2012**, Susan Leanne Hillier & Bruce Hillier must ensure that all goods, equipment and/or vehicles associated with any concrete production is removed from the land to the satisfaction of the responsible authority, including the mould, concrete walls, spraying units and form pans.
- 3 By **25 November 2012**, Susan Leanne Hillier & Bruce Hillier must demolish the existing shed on the subject land identified as the former 'dog shed' on Attachment 4 to the application for enforcement order UNLESS a planning permit is obtained for these buildings and works by that date.

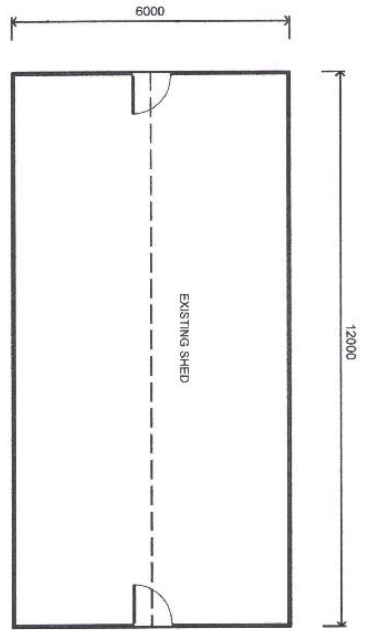
- 4 Alternatively, if a planning permit is obtained for the existing shed, Susan Leanne Hillier & Bruce Hillier must comply with any conditions relating to additional buildings and works (if any) within **two months** of the date of the issue of the permit.
- 5 The applicant must serve a copy of this order on the owner and occupiers of the land pursuant to section 140 of the *Victorian Civil and Administrative Tribunal Act 1998*.

Dalia Cook
Member

REMARKS

- 1 There have been many uses made of the subject land that the council has regarded as unlawful. In recent months, the owners have worked to ensure that the land is brought into a condition that generally complies with the planning scheme.
- 2 The respondents now agree to complete the process of removing materials etc associated with their concreting business (now concluded) from the land within four months, noting that they are currently advertised for sale.
- 3 The responsible authority is generally satisfied that all other matters raised by its application for enforcement order have now been resolved. It also confirmed that the old caravan, old stable and 'old shed' can remain on the land.
- 4 The only other issue is the lawfulness of the existing shed formerly used to house hunting dogs, which was on the land before they purchased it from their father-in-law. It appears that this structure did not have permission and may require it if it is to be used in connection with any use that requires a planning permit under the zone provisions, such as agriculture.
- 5 The respondents agreed to seek a permit for these buildings and works within a month and to comply with the requirements of any permit that may issue. Alternatively, if no permit issues within 6 months, they will be required to remove the structure.
- 6 I would encourage them to meet with planning officers of the council to give this application the best chance of success, potentially by agreeing to a condition that the structure will not be used for animal keeping unless the consent of the responsible authority is obtained (as was volunteered at the hearing).

Dalia Cook
Member



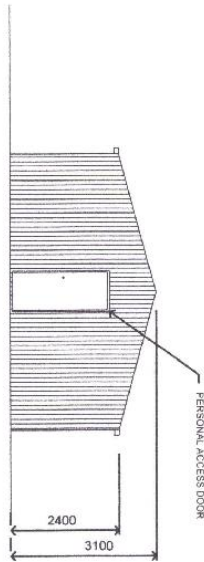
SHED FLOOR PLAN

SCALE 1:100



SOUTH ELEVATION

SCALE 1:100



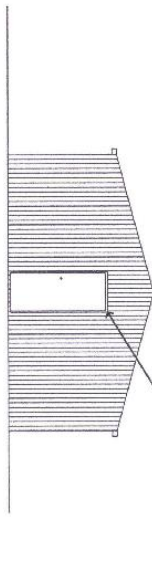
WEST ELEVATION

SCALE 1:100



NORTH ELEVATION

SCALE 1:100



EAST ELEVATION

SCALE 1:100

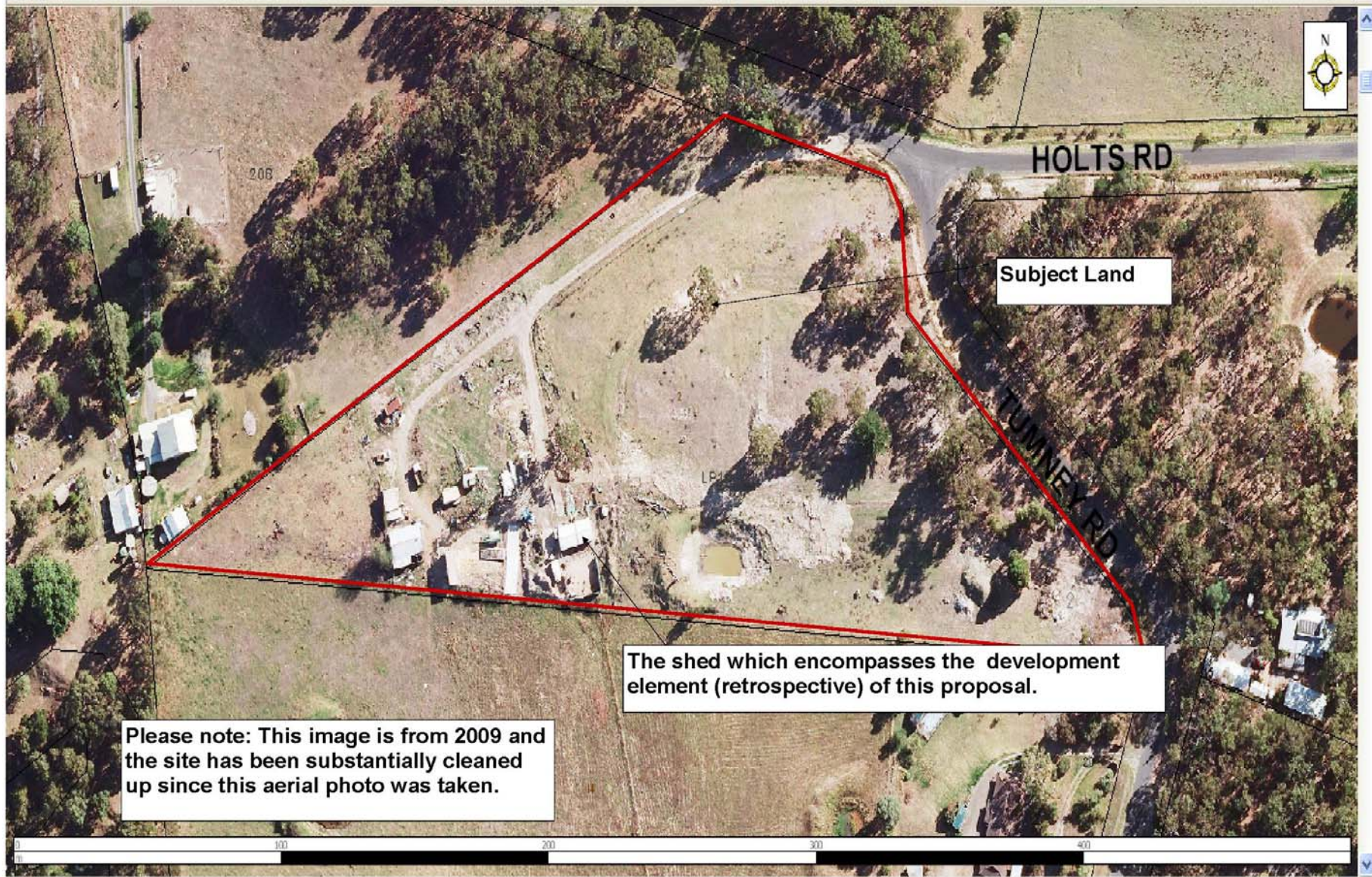
NOTES
 SHED ON CONCRETE SLAB
 STEEL FRAME CONSTRUCTION

bill ypelan
 residential & engineering drafting
 20 WATTA DRIVE CHURCHILL 3842
 PH. 5122 2899 MOBILE 0412 438010

REV/NO	DESCRIPTION	DATE
0	PLANNING PERMIT DRAWING	17/10/12

EXISTING STEEL CLAD STORAGE SHED
 BRUCE & SUE HILLIER
 LOT 2 TUMNEY ROAD
 HAZELWOOD NORTH

DRG. No.	R-1209-A002	REV. No.	0	A3
DRAWN	W. Ypelan	ABN	12 226 568 424	
DATE	17-10-2012	REG. No.	DP-AD2529	



History of Application

2 July 2012	Planning Permit application received by Council.
27 July 2012	Further information requested from applicant. The purpose of this request was to obtain an accurate site plan of existing conditions and more detailed information from the applicant to outline how the land and the shed will be used.
24 August 2012	Further information received.
5 September 2012	Correspondence with the applicant detailing that the information provided on 24 August only addressed part of the further information requested.
8 October 2012	Letter of correspondence from the Responsible Authority detailing that the further information had still not been provided and the application would lapse on 15 October if the information is not provided.
11 October 2012	Email correspondence from the applicant requesting an extension of time to provide the further information.
11 October 2012	Extension of time granted until 20 October 2012.
22 October 2012	Plans and information received regarding the proposed use and development of the land
2 November 2012	Application requested to be advertised pursuant to the requirements of Section 52 of the Act
30 November 2012	Objection received in regards to the application.
12 December 2012	Mediation meeting setup for 20 December 2012
19 December 2012	Correspondence to the applicant detailing that they must apply to VCAT to amend VCAT Order P590/2012, to allow an extension of time in which to obtain a planning permit
20 December 2012	Mediation meeting held and no resolution was found to the issues involved.
30 January 2013	Correspondence from VCAT, that an application to amend VCAT Order P590/2012 had been received in order to extend the time available in which to obtain a planning permit.
17 April 2013	VCAT hearing to hear the application to amend VCAT Order P590/2012 order to extend the time available in which to obtain a planning permit.
22 April 2013	VCAT Order P209/2013 received. Granted an extension of time until 17 October 2013 in order for the applicant to obtain a planning permit for the shed.

	This also allows time for an application for review from either the applicant or objector, depending on the determination of Council on this application.
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LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.05-4: Regional planning strategies and principles
Clause 14.01-2 Sustainable agricultural land use
Clause 15: Built environment and heritage
Clause 16.02-1: Rural residential development

Local Planning Policy Framework

Clause 21.04-2: Settlement Overview
Clause 21.04-3: Rural Living Overview
Clause 21.07-5: Agriculture Overview

Zoning – Residential 1 Zone

The subject land is located within the Rural Living Zone (Schedule 3) at
Clause 35.03.

Overlay

None

Particular Provisions

None

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no relevant Incorporated Documents

Objection to granting of permit for Stable for horse use**Reasons for objection:**

1. The shed which the applicant is now requesting approval to use was erected, without a permit, for the purpose of housing excessive numbers (30+) of dogs. This has occurred on a number of occasions and over several extended periods of time. After years of complaints to Council, the dogs would be removed. However, this situation would not last, with dogs always returning in excessive numbers. The applicant does not live on the property, so the continual noise from these dogs (often all night) was of no concern to her. When we rang to ask that the dogs be silenced, there was rarely any pick up of the telephone.
2. There have previously been horses kept on the property. They were presumably housed in the other stables/sheds already on the property, which could continue to be used for this purpose.
3. The shed in question is manifestly too large for the stated purpose of stabling one horse, especially in light of 2. above.
4. If the shed is allowed to remain on the property, there is no reason to believe that the applicant would not in the future house large numbers of dogs on the property, despite any undertakings which may have been given.


Past history demonstrates that the applicant is unable or unwilling to abide by directions/regulations relating to the property:

5. After a long running dispute with Council over running a business from the property, which eventually went to VCAT, the applicant was directed to clean up the block. However, the appearance of the property indicates that rubbish has merely been redistributed.
6. The applicant has also been told we understand to remove trucks and machinery related to the business formerly conducted on the site. Some was removed briefly, but several months ago was returned to the property where it still remains.
7. The applicant's lack of concern for neighbouring properties has also been demonstrated by the keeping and breeding of pigs on the property, with the resultant issues of disgusting odour, noise and waste. This matter was eventually taken up by the EPA.
8. The applicant was required to display a copy of the Application notice for the permit on an appropriate signboard on the boundary and maintain it in good condition for a minimum period of 14 days. Copies of the notice were sticky taped (not on a board) to two gates on the boundary of the property in question around 6.00 pm Friday 16 November. One notice was no longer on the gate by Friday afternoon, 23 November; the other one was gone by the afternoon of Tuesday 26 November. This further supports our contention that the applicant is unable or unwilling to follow directions regarding the property received from Council.

Effect of approval:

As noted above, in the past the applicant has given no reason for us to expect adherence to any conditions applied to usage of the property. Given this, if the shed is allowed to remain, it is not unreasonable to anticipate that excessive numbers of dogs will again be housed on the property. In addition, the rubbish around the property in question is unsightly and machinery is still being stored on the site.

Thus for reasons of amenity, outlook and probable reduction of resale value of our property, we oppose the Application.



Ken & Kay Steel
20 Tumney Rd
Hazelwood South
(PO Box 83, Churchill 3842)
28 November 2012

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

Jody Riordan

From: Kay Steel <kay.steel@monash.edu>
Sent: Thursday, 16 May 2013 11:20 AM
To: Jody Riordan
Subject: Document supporting objection to granting retrospective planning permit- for Council meeting 3 June 2013
Attachments: Objection to granting of retrospective planning permit 2013.docx

Hello Jody,

As per our discussion last month, I have attached a document for distribution to Councillors concerning the agenda item for Council meeting 3 June.

If you have any concerns about the content, I would be pleased to hear from you. My phone number is 5122 6536.

regards, Kay

Objection to granting of retrospective planning permit for use and development of a shed and the use of the land for agriculture

Reasons for objection to:

A. The approval of a retrospective planning permit to use the land for agriculture

1. The land in question is one block of 2.9 hectares within a larger subdivision of 20 blocks. All the blocks are zoned Rural Living, and vary in size from ca. 2 – ca. 5 hectares. The size of the blocks would not seem sufficient for them to be deemed capable of ‘agricultural purposes’. In addition, it is inappropriate to permit one lot within the subdivision to be re-zoned to allow for a different usage than that originally approved by Council when the subdivision was created.
2. The shed which is presently on the block also requires a retrospective permit to erect. It was originally erected, without a permit, for the purpose of housing excessive numbers (30+) of dogs. The latter has occurred on a number of occasions and over several extended periods of time. After many complaints to Council, and the intervention of Council officers, the dogs would be removed. However, this situation would not last, with dogs returning in excessive numbers. The applicant does not live on the property, so the continual noise from these dogs (often all night) was not of concern to her.
3. If the shed is allowed to remain, it is not unreasonable to anticipate that the applicant will again house excessive numbers of dogs on the property, despite any undertakings which may be given.

B. Conditions that will be applied by Council to the granting of any retrospective permit, in order to control the future permitted uses of the land

As her neighbours, we are concerned that the recent usage of the property demonstrates that the applicant is unable or unwilling to abide by directions/regulations relating to the property:

4. After a long running dispute with Council over storing material on the property which related to running a business, and which eventually went to VCAT, the applicant was directed to clean up the property. Council officers are yet to be satisfied with the appearance of the site, despite this order being made on 25 May 2012.
5. Large volumes of concrete and other trade waste from the business were dumped on the property. The material which could be burnt was separated, and despite statements by the EPA that nothing was to be burnt, this occurred.
6. The applicant has also kept and bred pigs on the property, with the resultant issues of disgusting odour, noise and waste. This matter was eventually taken up and resolved by the EPA. A large silo for pig food was erected (without a permit) which the applicant was also directed to remove.
7. A large part of the property was bulldozed into a Moto-X track, (without Council approval), and again, the applicant was directed to return the site to its previous contours.
8. In addition, there have been ongoing issues with dogs (with no Council permits) and associated noise, as noted in (3) above.
9. Rubbish from the above listed activities still remains on the property and is unsightly, and only intermittent efforts to remedy the situation appear to have been made.

Effect of approval:

As noted above, the activities which the applicant has carried out on the property give us no confidence that she will adhere to any conditions which Council may apply to usage of the property should a retrospective permit be granted.

Thus for reasons of amenity, outlook and probable reduction of resale value of our property, we oppose the Application for a retrospective planning permit.

Ken & Kay Steel
20 Tumney Rd
Hazelwood South
15 May 2013

16.2 PLANNING PERMIT APPLICATION 2013/19 - USE AND DEVELOPMENT OF A FOUR STOREY RETAIL AND OFFICE BUILDING, CAR PARKING REDUCTION AND LOADING BAY WAIVER AT 8-12 SEYMOUR STREET, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/19 for the use and development of a four storey retail and office building, car parking reduction and loading bay waiver at 8-12 Seymour Street, 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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment

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

Shaping Our Future

An active connected and caring community

Latrobe City is a vibrant, multicultural and diverse community. Council continues to respond to the changing needs and aspirations of our diverse community by providing facilities, services and opportunities that promote an inclusive and connected community.

Legislation –

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

SUMMARY

Land:	8-12 Seymour Street, Traralgon known as Lot 1 on Title Plan 113757W and Lot 1 on Title Plan 122876M
Proponent:	Harway Management C/- Beveridge Williams & Co Pty Ltd
Zoning:	Business 1 Zone
Overlay	Nil

A Planning Permit is required in accordance with the following clauses of the Latrobe Planning Scheme (the Scheme):

- for the use of the site as an office pursuant to Clause 34.01-1 Business 1 Zone as the frontage at ground level exceeds two metres;
- for buildings and works pursuant to Clause 34.01-4 Business 1 Zone;
- for a reduction in car parking requirements pursuant to Clause 52.06-3 Car Parking; and
- to waive the requirements for a loading bay pursuant to Clause 52.07 Loading and Unloading of Vehicles.

PROPOSAL

The application is for the use and development of a four storey retail and office building, car parking reduction and loading bay waiver.

The building would have retail floor space and car parking on the ground floor, car parking on the first floor, and office space on the second and third floors.

The footprint of the building would cover the majority of the site. The ground floor would comprise 100 square metres of retail floor area at the site frontage with access and car parking taking up the remainder of the floor. Thirty-one car parking spaces and 21 bicycle spaces would be provided on this level. A separate pedestrian entrance with lobby, lift and stairwell would be located in the south-west corner of the site and would provide access to the upper floors from Seymour Street.

Vehicle access to the site would be via a 6.83 metre wide crossover located at the eastern end of the site frontage.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

The first floor would comprise a level of car parking and would provide 40 spaces. A vehicle ramp from the ground floor would provide access to this level.

The second and third floors would be used for offices and would each comprise 1,400 square metres, giving a total of 2,800 square metres of office floor area. Each level would have a lift, toilets, showers, changing rooms and a kitchenette located in the middle of the floor space. Stairs and a lift would also be located in the south-west corner of each floor. Fire escape stairs would be located in the north-east corner.

A total of 71 car parking spaces would be provided across ground and first floor level. Twenty-one bicycle spaces would be provided at ground floor level, with 17 provided in the car parking area and four at the site frontage for visitors to the site.

The building would have a varied front setback ranging from zero to 3.95 metres on the ground floor, and zero to 0.4 metres on the remaining floors. The building would be constructed to the north, east and west boundaries.

The building is of a modern commercial design with materials to be used on the frontage to include clear glazing to the retail frontage and stone cladding to the car park entrance. A metal grille automatic security door would be set back approximately 4 metres from the site frontage to provide security to the car parking area. The front façade on the first floor would be finished with galvanised metal louvres. The front façade of the upper floors would be finished with metal panels in silver/charcoal, white and silver/grey with glazing to be tinted blue on the second floor and tinted grey on the third floor. A 2.5 metre wide metal awning would protrude from the front façade of the building and would be 3.24 metres above ground level (footpath).

The eastern and northern elevations, which would be visible from Methodist Lane, would be constructed from concrete panels with a natural finish. The ground and first floor would be finished in black louvered metal which would provide ventilation to the car park, and the second and third floors would be finished with silver/charcoal metal cladding with clear glazing to the windows. The windows on the northern elevation would be inset into the wall and provided with green metal canopies for solar control.

The western elevation would be constructed from concrete panels with silver/charcoal metal cladding located towards the frontage of the site. No windows would be provided on this elevation.

The building would be 31.64 metres wide by 46.65 metres long and would have an overall height of 16.26 metres. Plant equipment would be located in the middle of the roof and would be screened from view by a parapet wall approx. 1.0 metre high.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

The applicant has advised that the owner of the site has an agreement with the State Government to lease the proposed offices to the local branches of the Department of Human Services (DHS) and Environment Protection Authority (EPA). The leasing arrangement has a ten year term with options for renewal at the end of this period. The existing DHS and EPA offices are located on the western edge of the Traralgon activity centre. It is intended that all staff from both existing premises will relocate to the proposed new offices.

Refer to Attachment 1 for a copy of the plans of proposed development.

Subject Land:

The subject site is located on the northern side of Seymour Street in Traralgon and has a frontage of 32.54 metres, a depth of 46.65 metres and an overall area of 1,524 square metres. Methodist Lane runs along the eastern and northern boundaries of the site and provides vehicle access to the rear of properties to the north, east and west of the site. Methodist Lane is one way onto Seymour Street along the site's eastern boundary. There are no easements encumbering the site.

The site is currently occupied by the former Beaurepaires workshop and showroom which is a single storey flat roofed building that is set back approx. 15 metres from the site frontage. A large area of hard paving is located at the front of the site which accommodated car parking and displayed goods. Two double crossovers provide access to the site from Seymour Street. A pedestrian access door and roller door also provide access to the existing building on the northern elevation from Methodist Lane.

A grassed area is located between the western boundary of the site and the eastern wall of the existing building and was previously used for storage. Former Beaurepaires signage structures are also on site including a pole sign and panel sign. These signs and the building have all been painted white.

Surrounding Land Use:

Land on Seymour Street to the east, west and south comprises single and two storey retail and office buildings. Land to the north contains Manny's Market and Aldi supermarket and an associated car parking area. Vehicles from this car park are able to utilise Methodist Lane to exit onto Seymour Street next to the subject site.

Refer to Attachment 2 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

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

LATROBE PLANNING SCHEME**State Planning Policy Framework**

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

Clause 11.01-2 Activity Centre Planning encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments in activity centres to provide a variety of land uses which are highly accessible to the community.

Strategies to achieve this include:

- *Provide a focus for business, shopping, working, leisure and community facilities.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of the centre.*

Clause 11.05-1 Regional settlement networks aims to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan. The Moe, Morwell and Traralgon cluster is identified as a major regional city where urban growth should be directed.

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.

The objective of Clause 17.01-1 Business is "*to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*". One strategy listed to achieve this is to "*locate commercial facilities in existing or planned activity centres*".

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

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

Clause 21.04 Built Environment Sustainability recognises the towns of Moe, Morwell, Traralgon and Churchill as having their own unique characteristics which contribute to their local sense of place and provide diversity. Each town has developed its own role and function with Traralgon identified as being the commercial centre of Latrobe City.

Clause 21.04-5 Urban Design Overview has the objective “to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image”.

Strategies to achieve this include:

- *Promote and support high quality urban design within the built environment.*
- *Continue to improve the urban design elements of urban areas throughout the municipality and to upgrade degraded areas.*

Clause 21.05-6 Specific main town strategies – Traralgon shows the site located in the Traralgon Primary Activity Centre on the Traralgon Structure Plan. The clause lists the following relevant strategies for commercial development:

- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters.*
- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Discourage significant new retail and office development outside of areas Area 4, Argyle Street and Princes Highway and Stammers Road (Area 14).*
- *Encourage increased densities and vertical growth of Traralgon’s town centre to support the growth of the office sector.*
- *Discourage dispersion of the office sector.*

The Draft Traralgon Activity Centre Plan (TACP) aims to plan for the future growth of the Traralgon town centre over the next 20 years. A draft Key Directions Report has been developed containing 18 key directions.

Zoning

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

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

Particular Provisions

Clause 52.06 Car Parking:

The proposal would create 2,800 square metres of office floor area and 100 square metres of retail floor area. The table at Clause 52.06-5 provides car parking ratios for office and shop as follows:

- Office use requires 3.5 car parking spaces to each 100 square metres of net floor area. Therefore 98 spaces are required for the proposed office space.
- Shop use requires 4 car parking spaces to each 100 square metres of leasable floor area. Therefore 4 spaces are required for the proposed retail space.

In accordance with these ratios, a total of 102 car parking spaces are required to be provided for the use. Seventy-one car parking spaces are proposed to be provided, resulting in a shortfall of 31 spaces.

The applicant has provided a Traffic Impact Assessment by Traffix Group dated May 2013. The assessment detailed existing parking conditions (on and off street car parking) and the availability of public transport to the site.

See Attachments 5, 6 and 7 for a copy of the Traffic Assessment by Traffix Group.

Clause 52.07 Loading and Unloading of Vehicles

A loading bay is required for the retail component of the proposal pursuant to Clause 52.07 however it is proposed to waive this requirement for the proposed development.

Clause 52.34 Bicycle Facilities

A total of 18 bicycle spaces to be used by employees and visitors are required to be provided for the development pursuant to Clause 52.34. Twenty-one spaces are proposed to be provided. Four would be provided at the front for visitors and two racks totalling 17 spaces would be provided in the ground floor car parking area of the building.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Two showers and two change rooms are also required to be provided in accordance with the clause. A total of seven showers and seven change rooms would be provided for employees, with one shower and change room located on the ground floor which would be associated with the retail tenancy, and three showers and change rooms provided on each of the levels of office space.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004
- Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993
- The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

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

The proposal is considered to be consistent with the strategic direction of the State and Local Planning Policy Frameworks. The proposed commercial building would be suitably located as the Traralgon Primary Activity Centre is a focus for business, shopping, working, leisure and community facilities. The proposal would provide both retail and office floor space.

The retail component would provide an active frontage to Seymour Street, ensuring it would blend in with other retail uses in the street. An integrated car parking solution is proposed with two levels of car parking within the proposed building. This would provide a 'skin' of active uses on the ground floor facing Seymour Street with car parking provided within the body of the building.

The proposal would make use of the entire site by building to all site boundaries, and car parking would be provided on two levels within the building. The proposal would make the site more consistent with the remainder of the streetscape by constructing to or near the front property boundary in comparison with the existing building on the site.

The proposal is for a four storey building on a site which is capable of accommodating a building of this height. The building has been designed taking into account environmentally sustainable design principles which incorporate both passive and active design features. These include use of specific types of glazing, high levels of insulation and solar shading to north facing windows. This has translated to a modern built form that would make a positive contribution to the Seymour Street streetscape and would provide a building which would promote Traralgon's role as the commercial centre of Latrobe City.

The proposed development is also considered to be consistent with the draft strategic direction for the Traralgon activity centre as outlined in TACP which aims to protect and promote the role of Traralgon activity centre as the pre-eminent commercial centre for the region. The proposal supports the consolidation of the town centre through the redevelopment of a major site with a four storey building with integrated car parking; and the building design is considered to be one which appropriately and adequately responds to the public realm and regional character of Traralgon.

It is noted that whilst the TACP project is in draft form and not adopted by Council, it has been the subject of extensive community consultation and the contents of the Key Directions report are considered to be of relevance in the assessment of this planning application.

'Purpose' and 'Decision Guidelines' of the Business 1 Zone:

The proposal satisfies the purpose of the Business 1 Zone as it would provide 2,800 square metres of office space and 100 square metres of retail space in the Traralgon Primary Activity Centre in a four storey building in a zone where the intensive development of business centres is encouraged.

The proposal also satisfied the decision guidelines of the zone as follows:

- The existing uses surrounding the site comprise retail and office premises. As such the proposed use of the site for retail and offices would be compatible with the surrounding land uses in this part of the Traralgon Activity Centre.
- There is adequate provision for the movement of pedestrians and vehicles to and from the site with both pedestrian and vehicle access provided from the Seymour Street frontage.
- Two designated waste bin storage areas would be provided on the ground floor of the building within the car parking area. Waste removal is proposed to occur on Seymour Street in line with current practices of other commercial premises in the vicinity of the site.
- Seventy-one car parking spaces and 21 bicycle spaces are proposed to be located within the site and an additional 3 on street car parking spaces would be provided at the front of the site. An assessment of the provision of car parking is provided later in this report.

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

- The proposal would provide an active street frontage with a retail facility facing Seymour Street. The entry to the car parking area would also front Seymour Street with the security entrance set back from the frontage to ensure vehicles do not obstruct pedestrian flows along the footpath while waiting for the door to open.
- The overall design of the proposal including materials and finishes is considered to be an architectural response of merit which encompasses environmentally sustainable design principles and contemporary architectural design which would add vibrancy to the streetscape. The building design achieves best practice environmental standards being 5 star 'Green Star' and a 4.5 star 'Nabers Energy Rating'.
- The building has been designed with regard to solar access with extensive glazing provided on the south, east and north elevations, solar shading to north facing windows, no windows on the western elevation, and the provision of high performance glazing to reduce heat transference across windows.
- The overall height of the building should not impact on the amenity of adjoining properties which comprise commercial premises.
- The site is connected to all required services.

The proposal is therefore considered to be appropriate for the site and satisfies the requirements of the Business 1 Zone.

Car Parking

The applicant has provided a car parking study to justify the shortfall of 31 parking spaces for the proposal. The study provided the following information:

Car Parking Demand - Retail

The proposed retail tenancy would generate a car parking rate of four spaces. Staff parking demand for a tenancy is typically 30% of the total demand for a retail use therefore 1 long-term car parking space would be required for staff and 3 short-term spaces for customers. The applicant has advised that no provision has been made on site for use by staff or customers of the tenancy. Therefore a dispensation of four spaces is required for this part of the proposal.

Car Parking Demand - Office

The proposed office floor area would create a demand for 98 car parking spaces. The development would provide a total of 71 car parking spaces, leaving a shortfall of 27 spaces.

On street car parking

A survey was undertaken on Thursday 29 November 2012 in streets surrounding the subject site to establish a parking profile for the area. The survey was undertaken at hourly intervals between 8 am and 6 pm and was generally of car parking spaces with a two hour limit.

The results of the survey indicated that there is moderate to high level of demand for short term car parking within the vicinity of the site across the survey period. The minimum number of vacant spaces available was 28 at 10 am when there were 361 cars parked giving an occupancy rate of 93%.

Seymour Street Off-Street Carpark

A publicly accessible off-street car park is located at 19-23 Seymour Street, approximately 50 metres to the west of the subject site. The car park has two hour parking, all day car parking and permit parking over three levels.

The survey found that the all day car parking area is in high demand between 9 am and 3 pm with all spaces filled at 11 am. During business hours the Permit Zone spaces are in low demand with a maximum level of parking of 35% with 48 vacant spaces at peak times.

(It is noted that the majority of the 74 Permit Zone car parking spaces are currently leased by various private businesses through Council. Council's Property Services team has advised that at present there are seven car parking spaces available for lease in this part of the car park.)

Public Transport

The site is approximately 400 metres from the Traralgon Railway Station and a total of 10 bus services operate within close proximity of the site including three services that operate along the site's frontage.

Conclusion:

Given the above, the applicant has justified the shortfall of 31 spaces for the development as follows:

- The location of the subject site within the Traralgon Activity Centre;
- The location of the site with respect to efficient public transport;
- The availability of on-street parking within close proximity of the subject site;
- The addition of three on-street parking spaces along the site's frontage to Seymour Street;
- The provision of bicycle spaces; and
- The availability of off-street permit parking which can be leased.

Officer comment

The application has been assessed against the Traralgon Activity Centre Plan Background Reports - Parking Assessment. Surveys undertaken for the strategy identified the area in the vicinity of the site as a “stressed” parking area. However it is considered that the provision of two levels of car parking totalling 71 spaces and 21 bicycle spaces is a reasonable outcome for the site. The Traralgon Primary Activity Centre is well serviced by public transport with the site having ready access to the Traralgon Railway Station and various bus routes. Employees would also be able to cycle or walk to work with showers and change rooms proposed to be provided on each level of the building.

It is noted that the Victorian Civil and Administrative Tribunal (VCAT) takes a ‘centre based’ approach to the provision of car parking in activity centres. This is summarised in *Dixon v Bass Coast Shire Council* [2006] VCAT 2396 as follows:

“From around the early 1990’s the tribunal and its predecessors have grappled with the issue of how to facilitate the introduction of new and appropriate uses into retail centres that experience parking difficulties due to saturated parking conditions. In general terms, the conclusion that has been reached is that in centres that are problematic, like Cowes is at peak times, a “centre based” approach toward the provision of parking should be adopted by the council. It was an approach that was ultimately tested before His Honour Mandie J in Sansmark Pty Ltd and Ors v Boroondara CC. In his decision, His Honour cited the description of the “centre based” approach as set out by the tribunal as follows:

The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre should arise from a combination of strategic planning and economic forces at work in the centre, car parking issues have a part to play in this but should not dominate. At the level of the individual site where there is a change of use or an extension to an existing building in most circumstances car parking shortfalls should be waived if it is consistent with the strategic plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply.”

In the application that is the subject of this report, the proposal is for use and development that is of strategic and economic importance to the Traralgon Activity Centre. As such the centre based approach to car parking should apply. The shortfall of 31 spaces on the site will be balanced out over time between the availability of car parking in the vicinity of the site and alternative transport methods available to office employees. Employees who are not able to park on site would be able to park in the Seymour Street car park (either in all day parking or leased spaces), park in all day car parking spaces a distance from the site, catch the train or bus, or walk or cycle to work.

Given the above, it is considered that the proposed development satisfies the purpose and decision guidelines of Clause 52.06 Car Parking as the proposed provision of car parking would be appropriate for the use and development of the site using a 'centre based' approach given the strategic and economic benefits of the proposal.

Loading Bay Waiver

Clause 52.07 requires that where there is to be the sale of goods or materials there should be adequate provision for the loading and unloading of vehicles. Therefore a loading bay is required for the retail tenancy of the proposal unless Council is satisfied that this can occur effectively off site.

The applicant has submitted that a waiver of this requirement is appropriate given the level of short term on-street car parking available in the nearby area including along the site's frontage. This is considered to be acceptable particularly as an existing loading bay is located on Seymour Street between Franklin Street and Methodist Lane and the retail tenancy is a relatively small component of the proposal.

Bicycle Parking

Clause 52.34 requires a total of 18 bicycle spaces to be provided on site with 9 required for employees and 9 for visitors. The proposal would provide 21 bicycle spaces, four of which would be located at the front of the site for visitors, and 17 within the secure car parking area for employees and visitors. Seven change rooms with showers would also be provided which is 5 in excess of the Scheme requirements. The proposal is therefore considered to satisfy this clause.

Consolidation of Lots

A condition will be required to be placed on any approval issued that the two lots that constitute the subject site be consolidated into one title. This will ensure that development would be located on one lot.

Cultural Heritage

The south-east corner of the site is within an area of cultural heritage significance as described in the Aboriginal Heritage Regulations 2007. It was determined that a Cultural Heritage Management Plan (CHMP) was not required for this part of the site as the applicant provided evidence that the site has been subject to significant ground disturbance in the past. The evidence provided accorded with the Aboriginal Heritage Act 2009 Practice Note: Significant Ground Disturbance.

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. Two objections to the application were received which were subsequently withdrawn.

It is noted that the letters dated 10 and 17 May 2013 object to the use of car parking spaces in front of shops in Seymour Street by tradesmen. Council officers discussed this issue with the objector and advised it was a Local Laws matter. The objector made clear that she has withdrawn her objection to the proposal itself, however the issue of the parking of tradesmen in front of shops was still a concern. It was agreed that Council officers would investigate the matter further with Local Laws.

The applicant has also offered to have tradesmen associated with the construction of the proposal park at his office in Head Street and transported to the building site each day until the ground floor of the proposal has been completed. Workers will be able to park on site once this phase of construction is completed thereby taking tradesmen's vehicles off the street.

Refer to Attachment 8 for a copy of the objection and withdrawal letters.

External:

There were no external referrals.

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 Planning Permit.
- 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

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Business 1 Zone; and
- Consistent with relevant Particular Provisions and Clause 65 (Decision Guidelines).

The proposal is considered to be a suitably located, high quality architectural design that would provide retail and office space in the Traralgon Activity Centre. The proposal is of strategic and economic importance to Traralgon and would enhance Traralgon's position as the leading commercial centre in Latrobe City.

Attachments

1. Plans of proposed development
2. Locality plan
3. History of the assessment of the application
4. Latrobe Planning Scheme provisions
5. Traffic Assessment by Traffix Group
6. Traffic Assessment by Traffix Group
7. Traffic Assessment by Traffix Group
8. Copies of objection and withdrawal letters

RECOMMENDATION

- A. That Council issues a planning permit for the use and development of a four storey retail and office building, car parking reduction and loading bay waiver at 8-12 Seymour Street, Traralgon known as Lot 1 on Title Plan 113757W and Lot 1 on Title Plan 122876M with the following conditions:**
- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any building, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) presence of vermin;**or otherwise, to the satisfaction of the Responsible Authority.**
 - 3. Unless with the written consent of the Responsible Authority, prior to the commencement of the use hereby permitted, the titles to the land to which this permit applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways allowed by this permit are contained within a single title.**
 - 4. Before the commencement of any works hereby permitted, the following plans 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.
 - a) A site drainage plan including hydraulic computations for all new drainage works. The plan must show a drainage system providing for all stormwater discharging from the site, including from all buildings, car parks and vehicle access areas, to be conveyed to the legal point of discharge by the existing underground drainage system within the property. The drainage system must be designed to take the 1 in 20 year ARI storm event.****
 - 5. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must**

be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:

- a) All drainage works must be constructed in accordance with the approved site drainage plan.
 - b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.
 - c) All proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - d) All redundant vehicle crossings must be removed and kerb and channel and footpath reinstated.
 - e) The operator of this permit shall arrange at their cost for the installation of three (3) on-street parking bays along the north side of Seymour Street following the removal of the redundant vehicle crossing, including all signage and road pavement line marking, to the satisfaction of the Responsible Authority.
6. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
 7. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
 8. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
 9. Car spaces and vehicle access ways must be kept available for these purposes at all times.
 10. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
 11. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.

12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers, to the satisfaction of the Responsible Authority.
14. The permit will expire if one of the following circumstances applies:
 - a) The development has not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit; or
 - c) The use has not commenced within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES

- 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.
- 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 Local Law No. 3 requires an owner, builder or appointed agent to notify the Asset Protection Officer in writing at least 7 days prior to any building works commencing or materials/ equipment are delivered to the site.
- 3) A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.
- 4) Vehicle crossings must be provided with minimum

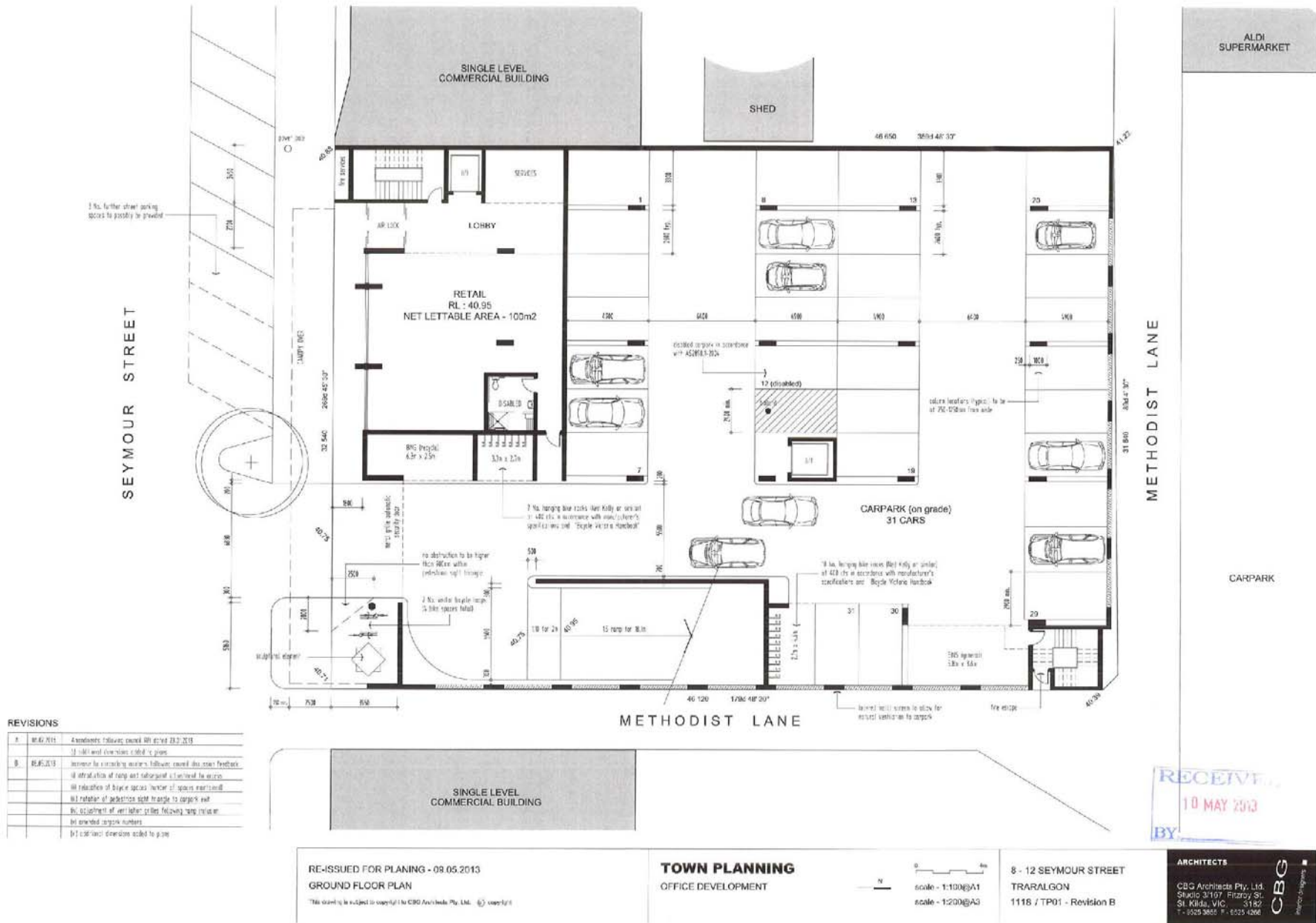
clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

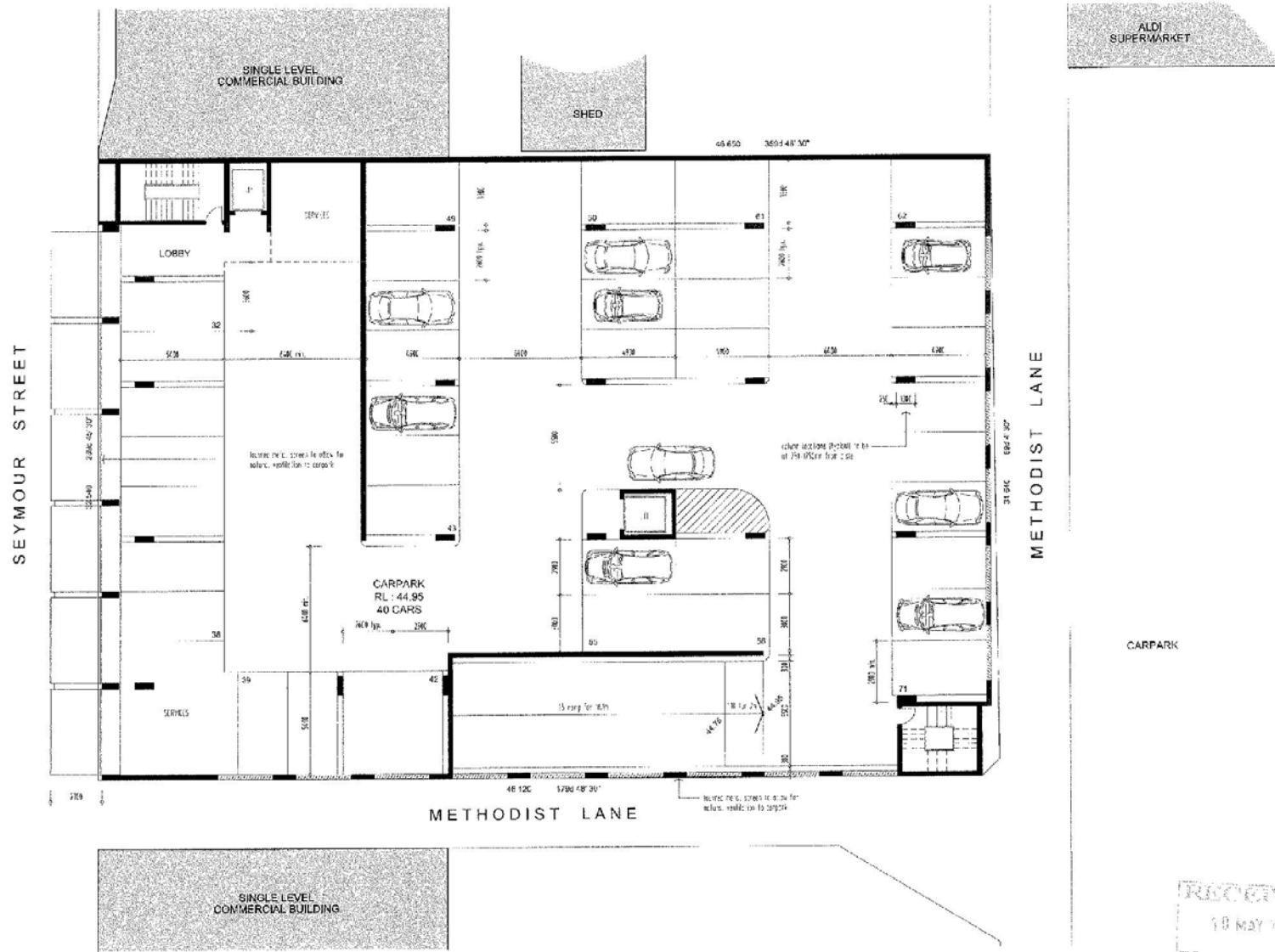
- 5) The operator of this permit must ensure that all relevant permits have been obtained prior to the commencement of the use.

16.2

PLANNING PERMIT APPLICATION 2013/19 - USE AND DEVELOPMENT OF A FOUR STOREY RETAIL AND OFFICE BUILDING, CAR PARKING REDUCTION AND LOADING BAY WAIVER AT 8-12 SEYMOUR STREET, TRARALGON

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REVISIONS

A	20.05.2013	1/2	
B	09.05.2013		revised to incorporate council feedback
			2 additional sites for first floor display area

RE-ISSUED FOR PLANNING - 09.05.2013
 FIRST FLOOR PLAN
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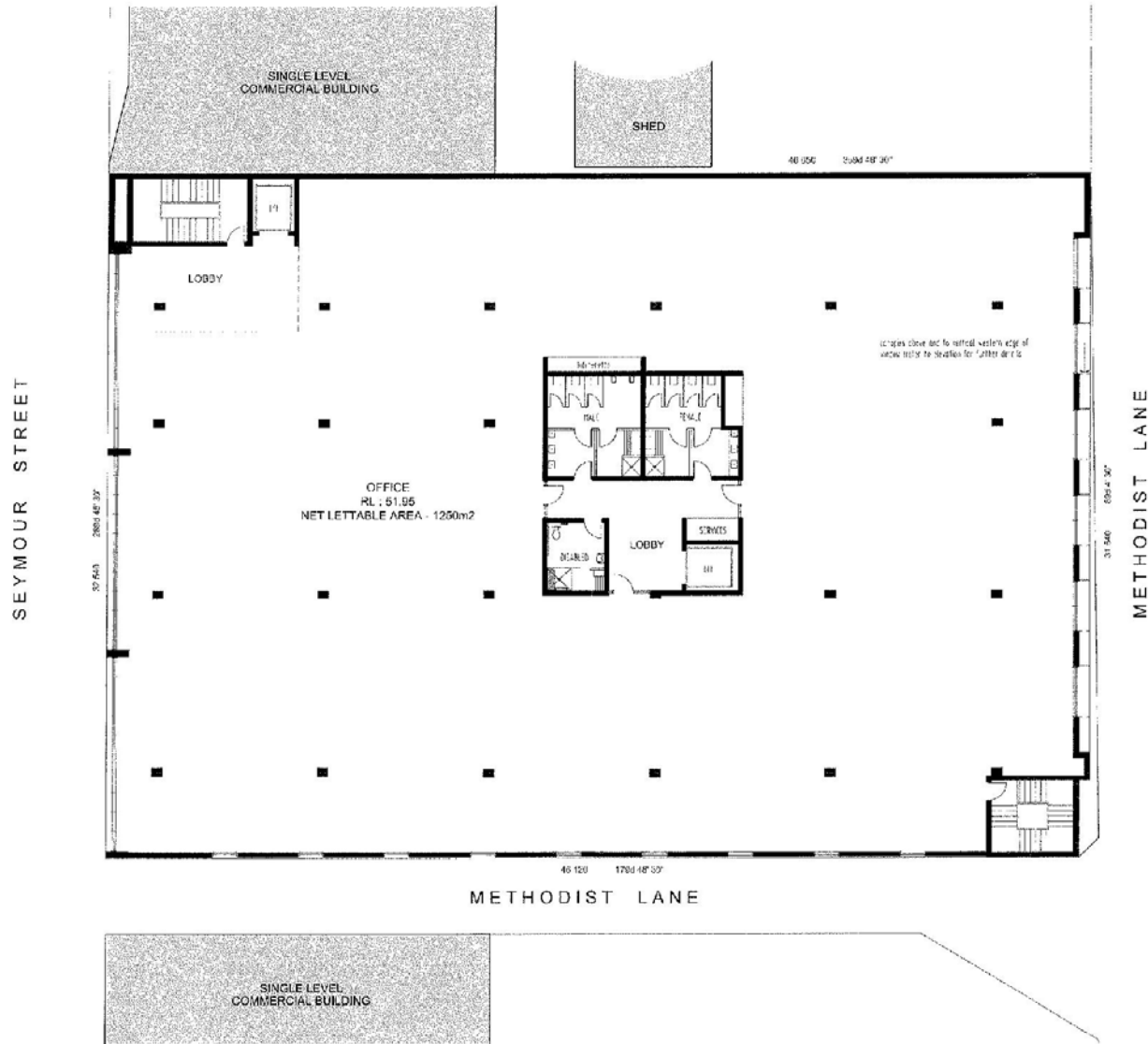
TOWN PLANNING
 OFFICE DEVELOPMENT

Scale 1:100 @ A1
 Scale 1:200 @ A3

8 - 12 SEYMOUR STREET
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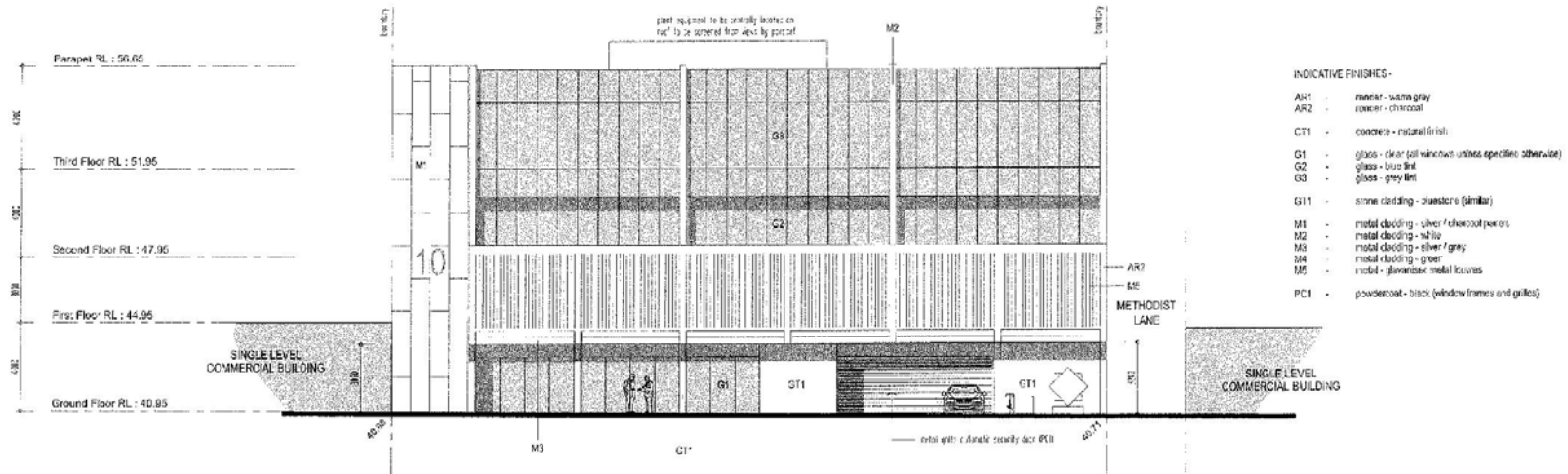
REVISIONS		
1	20/05/2013	2/A
2	20/05/2013	Increase in rooming numbers following council discussion regarding 11/12 Seymour Street. Refer to council meeting minutes at 10/05/2013. In 11/12 floor 11/12 conversion to four levels from a conversion with structural

RE-ISSUED FOR PLANING - 09.05.2013
THIRD FLOOR PLAN
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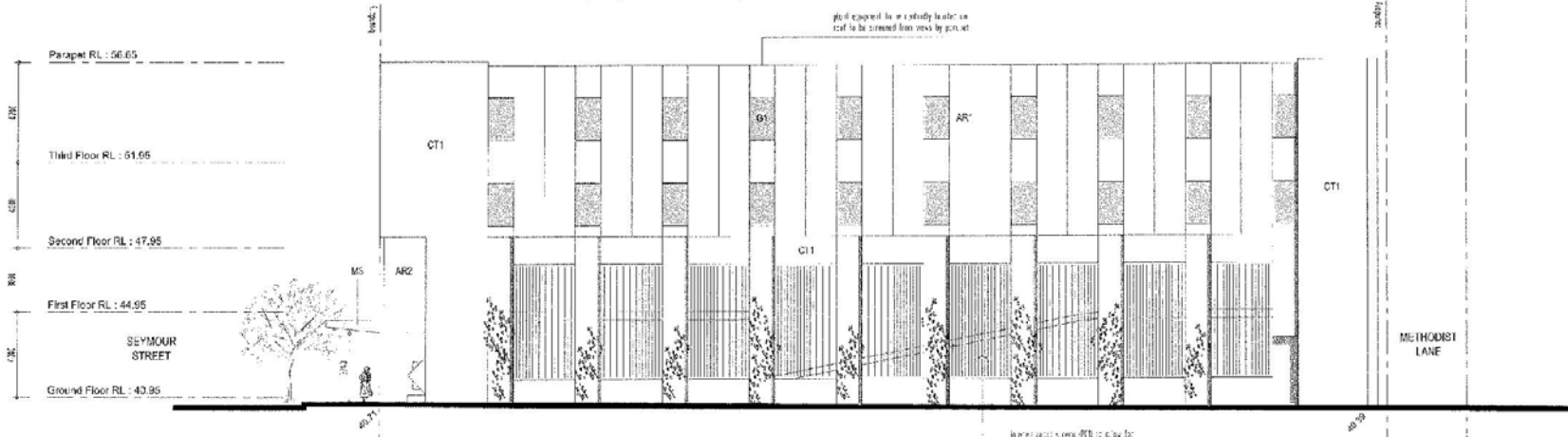
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SOUTH ELEVATION (Seymour Street)



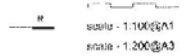
EAST ELEVATION (Methodist Lane)

REVISIONS

A	01.01.2010	Amendments for zoning change (R111 to R112)
B	01.01.2010	Revised drawings to include changes
C	01.01.2010	Amendments to drawings to include changes
D	01.01.2010	Amendments to drawings to include changes
E	01.01.2010	Amendments to drawings to include changes
F	01.01.2010	Amendments to drawings to include changes
G	01.01.2010	Amendments to drawings to include changes
H	01.01.2010	Amendments to drawings to include changes
I	01.01.2010	Amendments to drawings to include changes
J	01.01.2010	Amendments to drawings to include changes

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 ELEVATIONS
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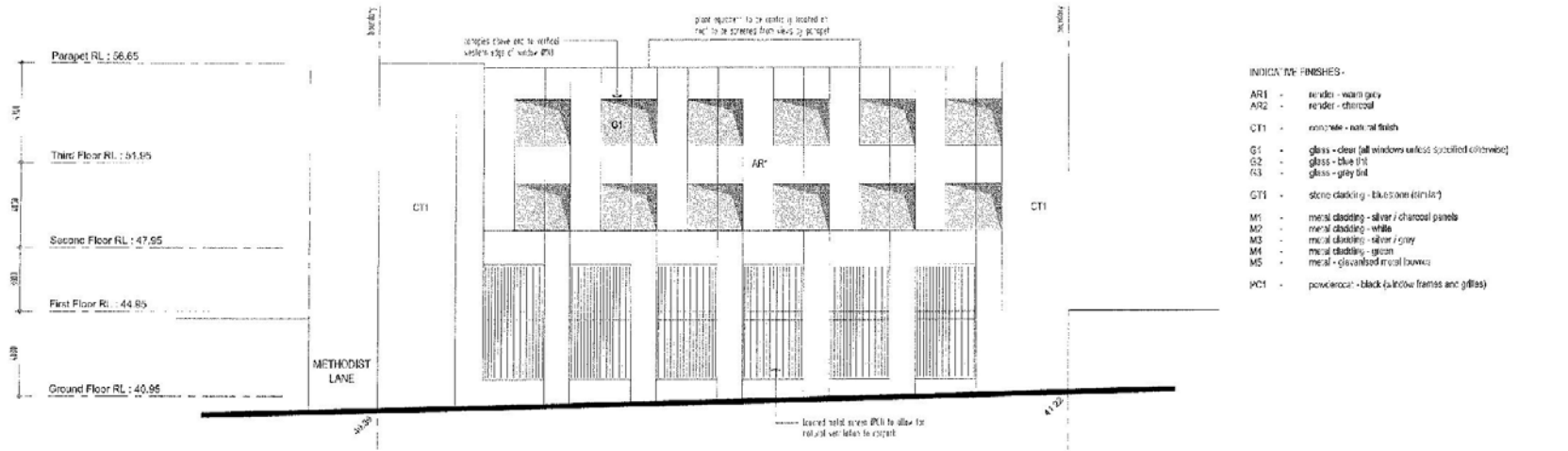
TOWN PLANNING
 OFFICE DEVELOPMENT



8 - 12 SEYMOUR STREET
 TRARALGON
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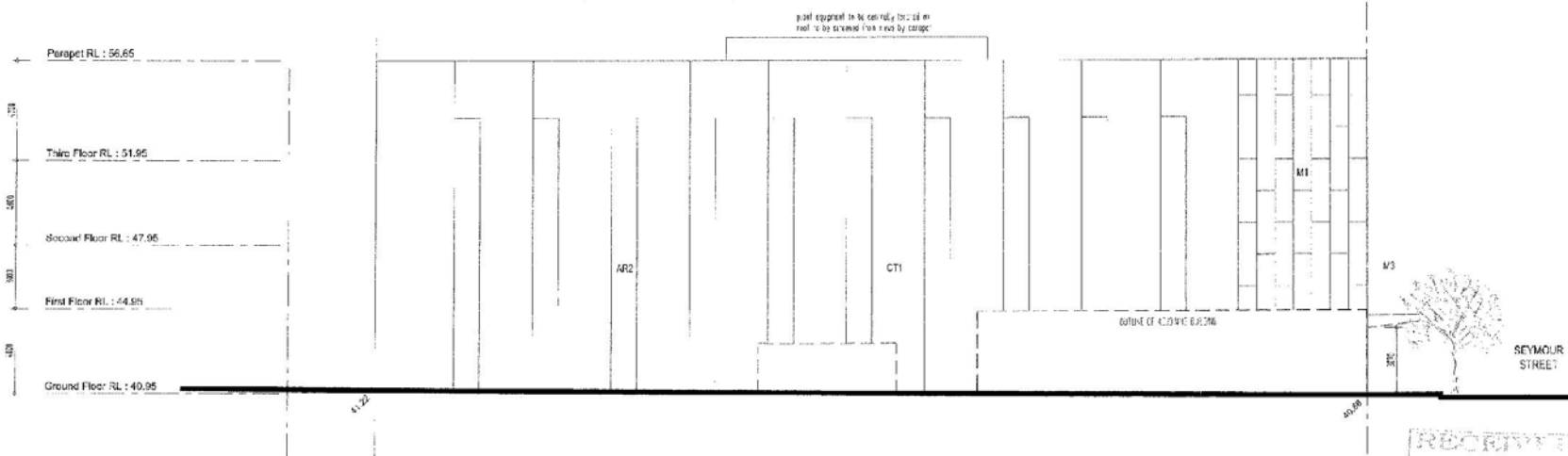
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 interior design



- INDICATE FINISHES -
- AR1 - render - warm grey
 - AR2 - render - charcoal
 - CT1 - concrete - natural finish
 - G1 - glass - clear (all windows unless specified otherwise)
 - G2 - glass - blue tint
 - G3 - glass - grey tint
 - GT1 - stone cladding - bluesone (similar)
 - M1 - metal cladding - silver / charcoal panels
 - M2 - metal cladding - white
 - M3 - metal cladding - silver / grey
 - M4 - metal cladding - green
 - M5 - metal - galvanneal metal louvers
 - WC1 - polycarbonate - black (aluminium frames and gills)

NORTH ELEVATION (Methodist Lane)



WEST ELEVATION

REVISIONS

No.	Date	Description
1	16.02.2013	Approved following council 4/16/13 and 21/3/13
2	16.05.2013	Clarify materials to be used
3	16.05.2013	Clarify the proposed building following council 4/16/13 and 21/3/13
4	16.05.2013	Additional level to accommodate level of parapet
5	16.05.2013	Additional level to accommodate level of parapet
6	16.05.2013	Additional level to accommodate level of parapet
7	16.05.2013	Additional level to accommodate level of parapet
8	16.05.2013	Additional level to accommodate level of parapet
9	16.05.2013	Additional level to accommodate level of parapet
10	16.05.2013	Additional level to accommodate level of parapet

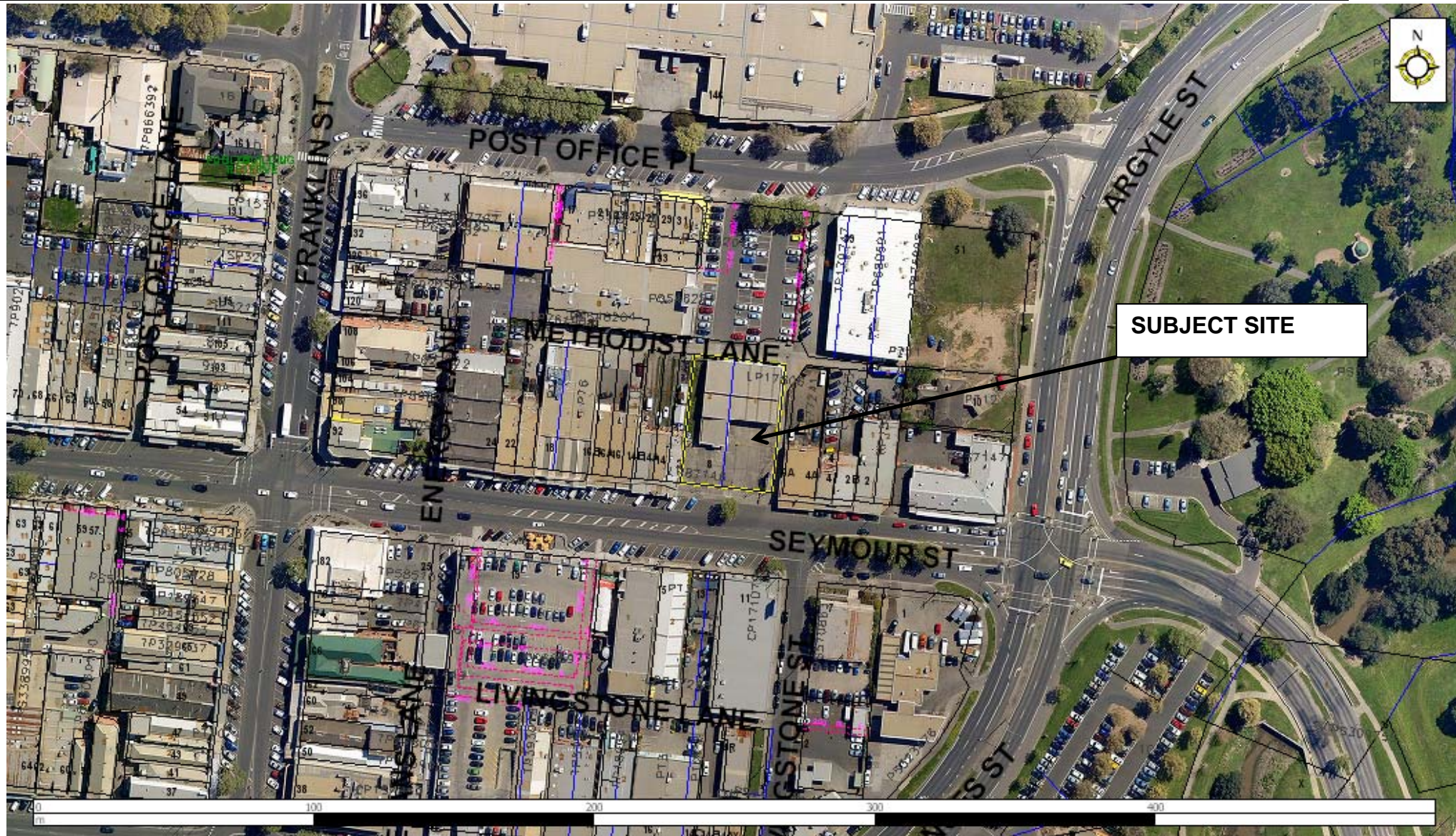
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 ELEVATIONS
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TOWN PLANNING
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History of Application

2 January 2013	Planning Permit application received by Council
5 February 2013	Further information requested from applicant
8 February 2013	Further information received from applicant
12 February 2013	Applicant advised to give notification of the application. Application referred internally to Infrastructure Planning and Strategic Planning.
4 March 2013	Referral response received from Council's Strategic Planning team.
13 March 2013	Statutory declaration returned by applicant advising notification complete
25 March 2013	Referral response received from Council's Infrastructure Planning team.
17 April 2013	Meeting with applicant and owners of site to discuss car parking issues
30 April 2013	Objection received from business owner on Seymour Street regarding lack of car parking for the proposal
10 May 2013	Amended plans received from the applicant showing the provision of an extra level of car parking for the development. Amended Traffix report also submitted.
15 May 2013	Objection from business owner withdrawn
15 May 2013	New objection from the same business owner received based on the parking of vehicles during the construction of the proposal.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02-1 Activity Centre Planning
Clause 11.05-1 Regional Settlement Networks
Clause 15.01-1 Urban Design
Clause 17.01-1 Business

Local Planning Policy Framework

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

Zoning – Business 1 Zone

The subject land is located within a Business 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.06 Car Parking
Clause 52.07 Loading and Unloading of Vehicles
Clause 52.34 Bicycle Facilities

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004

Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993

The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004



Traffic Engineers and Transport Planners

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8-12 SEYMOUR STREET, TRARALGON

PROPOSED RETAIL AND OFFICE DEVELOPMENT

TRAFFIC ENGINEERING ASSESSMENT

PREPARED FOR

HARWAY MANAGEMENT PTY LTD

MAY, 2013

14965R#2



Traffic Impact Assessment
8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



TRAFFIC ENGINEERING ASSESSMENT

PROPOSED RETAIL AND OFFICE DEVELOPMENT

At

8-12 SEYMOUR STREET, TRARALGON

Study Team

- Charmaine Dunstan
B.E. (Civil) hon., Masters of Traffic, M.I.E.Aust., M.V.P.E.L.A.
- Leigh Furness
B.Sc./B.E. (Civil) hon., Masters of Traffic, M.V.P.E.L.A.
- Matthew Woollard
B.E. (Civil) hon.

Our Reference: 14965R#2

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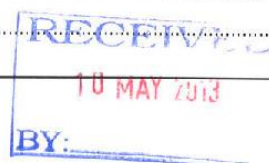


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1. INTRODUCTION

Traffix Group has been engaged by Harway Management Pty Ltd to prepare a traffic engineering report for a proposed office development at 8-12 Seymour Street, Traralgon.

This report provides a detailed traffic engineering assessment of the parking and traffic issues associated with the proposed development.

2. THE PROPOSAL

The proposal is for the construction of a four storey office and retail development. The development comprises of a 100m² NLA retail tenancy on the ground floor and two levels of office floor area on the second and third floors. A total floor area of 2,800m² NFA is split equally over the second and third floors.

A total of 71 parking spaces are proposed on site within a two level (ground floor and first floor) carpark, accessed via Seymour Street.

The tenants which will be accommodated within the two office floors are two government organisations, the Environmental Protection Agency (EPA) and the Department of Human Services (DHS). Both of these offices are currently located within the Traralgon City Centre.

The EPA office is currently located at 5 Church Street, Traralgon, approximately 650m south-west of the development site. The EPA office has an approximate floor area of 390m² and has a private parking area at the rear of the site which accommodates approximately 12 parking spaces.

The DHS office is currently located at 43 Grey Street, Traralgon, approximately 650m north-west of the development site. The DHS office has an approximate floor area of 745m² and has access to a shared parking area for a number of other commercial uses which front Grey Street and Kay Street.

A total of 17 bicycle parking spaces for employees are provided within the ground level carpark, within two separate storage areas. A further 2 bicycle rails (accommodating 4 bicycles) are provided adjacent to the vehicle accessway to Seymour Street for visitors. The proposal also includes a shower/change room facility for use by cyclists for males and females on each office floor.

Post-development a further three 60° angled parking spaces will be available along the subject site's frontage to Seymour Street, following the removal of the redundant crossovers associated with the previous use on the site.

A copy of the development plans prepared by CBG Architects detailing the parking layout and access arrangements for the site are attached at Appendix A.

3. EXISTING CONDITIONS

3.1. Development Site

The subject site is located on the north-west corner of the intersection between Seymour Street and Methodist Lane, approximately 90m west of Princes Highway. A locality plan and photograph of the site's frontage to Seymour Street are presented at Figure 1 and Figure 2, respectively.

The site is rectangular in shape and has a total area of 1,524m². The site has frontages to Seymour Street of 32.5m, Methodist Lane at the site's eastern boundary of 46.1m and Methodist Lane at the site's northern boundary of 32.5m.

The subject site is currently vacant. However, we believe that the site has historically been occupied by a Beaurepaires workshop, with 12 on-site carparking spaces.

Vehicle access is provided via two 8.6m wide crossovers to Seymour Street.



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Two '2P 9am-5:30pm Mon-Fri, 9am-12noon Sat' parking spaces are available along the site's frontage to Seymour Street. No parking is available along the remainder of the site's frontage due to the location of the crossovers.

The site is located within a Business 1 Zone under the Planning Scheme as presented at Figure 3. Land use within the immediate vicinity of the subject site is commercial.

The site is located within the Traralgon Activity Centre. This Activity Centre provides for a variety of everyday services, retail services, public transport links and places of employment.

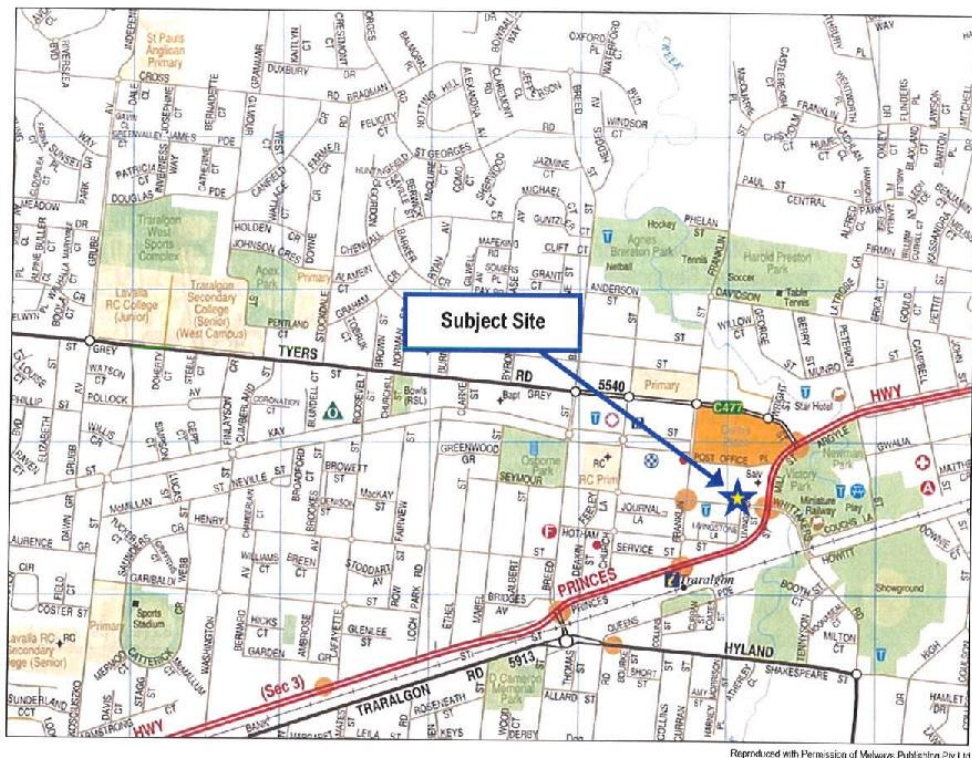


Figure 1: Locality Plan



Figure 2: Subject Site Frontage – Seymour Street

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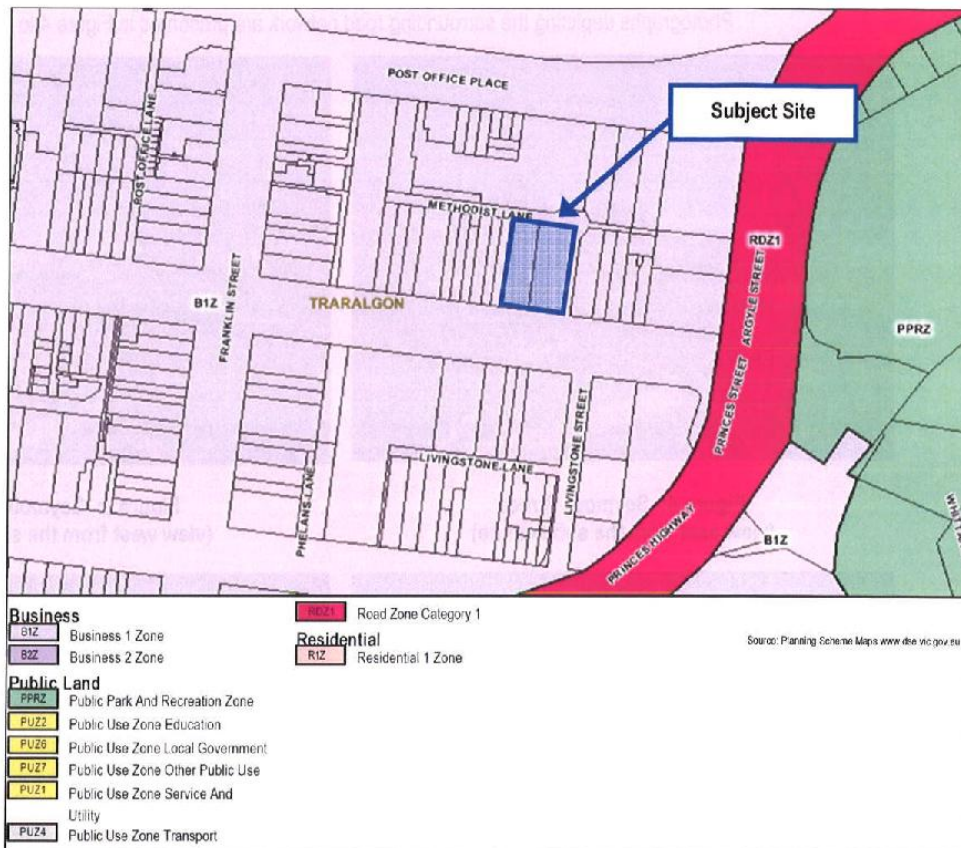


Figure 3: Planning Scheme Zoning Map

3.2. Road Network

Seymour Street is a local road aligned in an east-west direction between Ethel Street in the west and Princes Highway in the east (where it continues as Whittakers Road).

In the vicinity of the site, Seymour Street provides for a lane for through traffic and 60° angled parking on both sides, separated by a central median.

Parking on Seymour Street is short-term with '2P 9am-5:30pm Mon-Fri, 9am-12noon Sat' restrictions generally applying in the vicinity of the site.

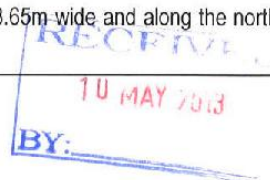
The default urban speed limit of 50km/h applies to Seymour Street.

The intersection between Seymour Street and Princes Highway is signalised and allows for all movements.

Methodist Lane is a constructed ROW which extends in an L-shape between Seymour Street in the east and a dead end in the west. Methodist Lane extends in a north-south direction along the eastern boundary of the subject site and then in an east-west direction along the northern boundary of the site, ending at the rear of No. 22B Seymour Street.

Methodist Lane operates in a one-way southbound arrangement between the site's northern boundary and Seymour Street. It operates in a two-way arrangement between the rear of the site and the end of the laneway.

Methodist Lane, along the eastern boundary of the site is 3.65m wide, and along the northern boundary is 4.3m.



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Photographs depicting the surrounding road network are presented in Figure 4 to Figure 9.



Figure 4: Seymour Street (view east from the subject site)



Figure 5: Seymour Street (view west from the subject site)



Figure 6: Methodist Lane (view north, from Seymour Street)



Figure 7: Methodist Lane (view south, from northern boundary of subject site)



Figure 8: Methodist Lane (view east)



Figure 9: Methodist Lane (view west site)

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3.3. Existing Parking Conditions

Parking occupancy surveys have been conducted by Traffix Group. These surveys were undertaken to establish a parking profile for the area surrounding the site. The surveys were conducted between 8am-6pm at hourly intervals on Thursday 29th November, 2012.

The survey times include the expected peak times for office staff and for commercial uses surrounding the site. The area surveyed is shown in Figure 10 and the detailed results of the surveys are provided at Appendix B.

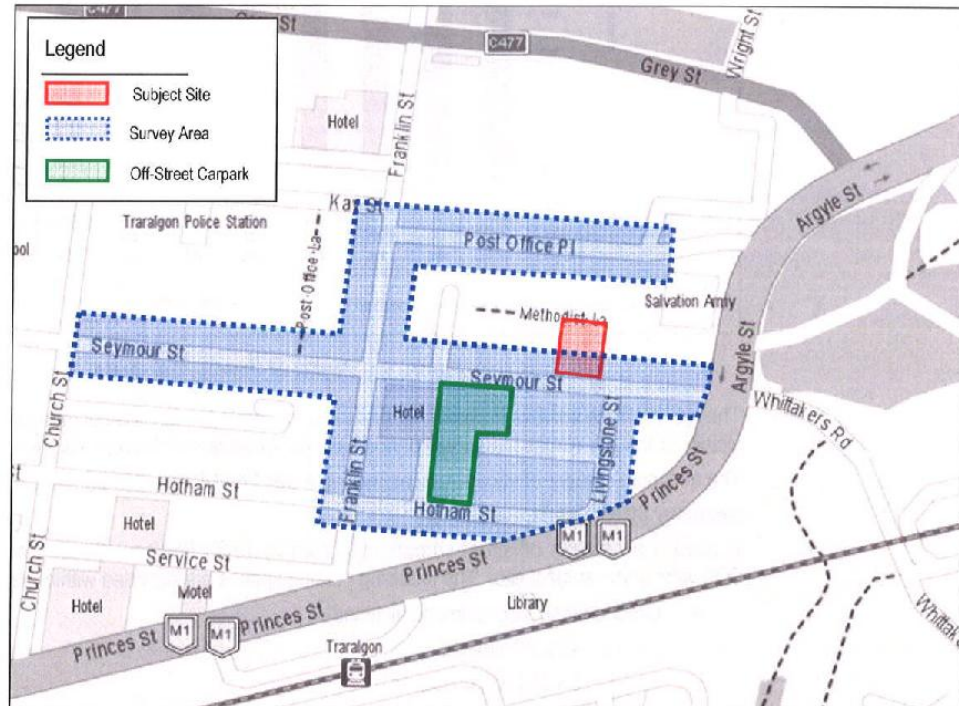


Figure 10: Parking Survey Area

On-Street Parking

A total of 386-389 publicly accessible¹ on-street parking spaces are located within the survey area. On-street parking in the vicinity of the subject site is generally '2P 9am-5:30pm Mon-Fri, 9am-12noon Sat'. The number of parking spaces available within the area is reduced during times when Taxi Zones, Loading Zones and No Stopping restrictions apply.

Two '2P 9am-5:30pm Mon-Fri, 9am-12noon Sat' parking spaces are available along the subject site's frontage to Seymour Street.

The profile of parking demands is provided at Figure 11.

¹ Publicly Accessible parking spaces are defined as spaces that would be usable by the general public and excludes 'Taxi Zones', 'Loading Zones', 'No Stopping' Zones etc, during the relevant enforcement periods.



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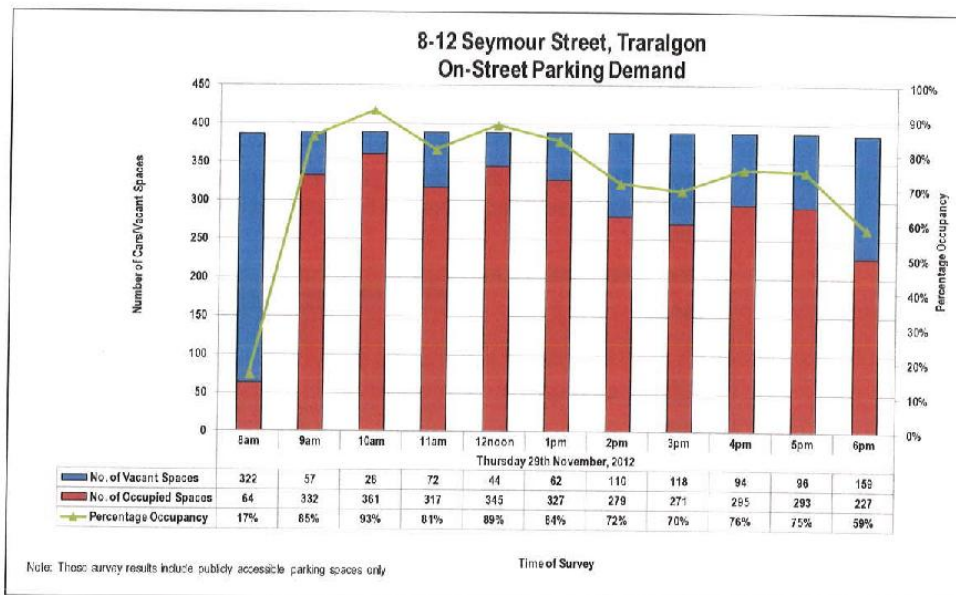


Figure 11: Profile of Parking Demands

The results of the surveys indicate that there is a moderate to high level of demand for parking within the vicinity of the site across the survey period (with the exception of the 8am survey time).

The minimum number of vacant spaces available was 28 at 10am (361 parked cars, 93% occupancy).

Seymour Street Off-Street Carpark

A publicly accessible off-street carpark is located at 19-23 Seymour Street, Traralgon, approximately 50m west of the subject site. The following parking spaces are provided within the carpark:

- Ground Floor (Accessible at all times):
 - 46 x 2P Spaces
 - 5 x Reserved Spaces
 - 6 x Disabled Spaces
 - 2 x Parents With Prams Spaces
 - 1 x Loading Zone Space
- 1st Floor (Accessible 6am-8pm Mon-Thurs, 6am-9:30pm Fri, 6am-6pm Sat, Closed on Sunday):
 - 35 x 3P Spaces
 - **74 x Permit Zone Spaces (Includes spaces leased as 'Blood Donor' parking)**
- 2nd Floor Accessible 6am-8pm Mon-Thurs, 6am-9:30pm Fri, 6am-6pm Sat, Closed on Sunday):
 - **116 x All day Parking Spaces**

The parking spaces listed above in bold are those which are appropriate for long-term office parking demands. We understand that the Permit Zone Spaces are available to rent on an annual basis.

Figure 12 provides a profile of vacant spaces available throughout the survey period. The spaces included within Figure 12 include 2P spaces, Disabled Spaces, 3P spaces, Permit Zone Spaces and All Day Parking Spaces.

Parking within the All Day parking area is in high demand between 9am-3pm, with a maximum parking demand within this area of 116 parked cars (representing 100% occupancy, 0 vacant spaces).

During business hours parking demands within the Permit Zone spaces is in low demand with a maximum parking demand of 26 spaces recorded at 1pm and 3pm (representing 35% occupancy, 48 vacant spaces).

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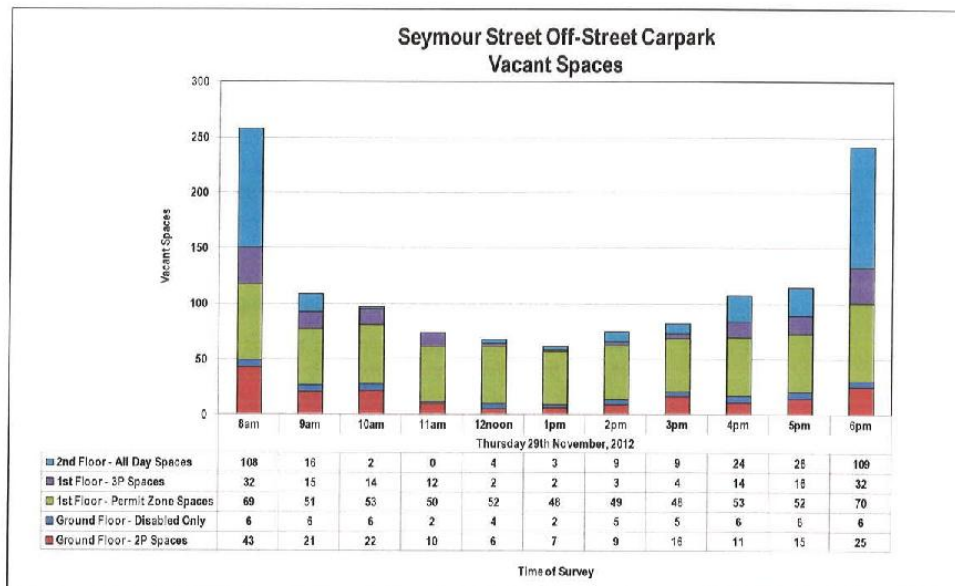


Figure 12: Vacant Spaces in Seymour Street Carpark

3.4. Current Studies

We understand that Hansen Partnership Pty Ltd have been engaged by Latrobe City Council in order to develop the Traralgon Activity Centre Plan (TAC) which will consist of a Structure Plan, Urban Design Framework and Implementation Plan. The TAC Plan will guide projected population growth and associated service demand in Traralgon for the next 20 years.

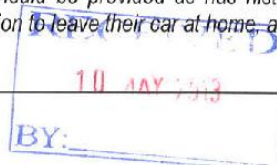
A series of background reports have been prepared in order to comprehensively inform the TAC Plan. The background reports that relate to traffic and parking issues include the 'Car Parking Assessment' and the 'Traffic Impacts and Public Transport Assessment', both undertaken by Cardno Grogan Richards.

Car Parking Assessment – Cardno Grogan Richards July, 2010

The preparation of this report included site inspections to Traralgon Activity Centre, public consultation to determine community issues and concerns relating to carparking, parking occupancy and duration of stay surveys for a typical Friday and Saturday and analysis of survey results to make recommendations.

The main findings of this report indicate the following:

- High levels of occupancy (>85%) were recorded across the weekday and weekend surveys in some onstreet sections within the heart of the CBD with convenient access to shop frontages and cafés.
- Although off-street parking occupancy rates were relatively low across the survey periods, high levels of occupancy (>85%) were recorded on Friday in both of the two public off-street long term car parks provided within the CBD, being the multi-level Seymour Street Car Park and the Church Street car park.
- From responses received during the consultation process and the results of the surveys it appears there is a shortage of longer term parking available for the centre that is free-of-charge. However, spare long term parking capacity exists in permit only spaces. Council needs to decide whether it is appropriate for employees to pay for permit spaces to park all day within the CBD or whether free-of-charge spaces should be provided as has historically been the case. Employees currently do not have the option to leave their car at home, as public transport facilities are limited.



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- Options which could be considered as part of Stage 2 of the project, to rectify the shortage of free-of charge all day parking, include the following:
 - Converting the mid level of the multi-deck Seymour Street Car Park to all day parking (currently a mix of permit parking and 3 hour parking).
 - Construct an additional level above the existing top level of the multi-deck car park. This would provide approximately 100 additional spaces. The structure has also been designed to cater for this additional level.

Traffic Impacts and Public Transport Assessment – Cardno Grogan Richards July, 2010

The main findings of this report include the following suggested options for consideration:

- Further investigations are required to assess improvements that can be made to pedestrian safety in the study area particularly at existing roundabout locations. The possibility of introducing formalised pedestrian crossings at the roundabouts being one of the options to be considered;
- Improve bicycle facilities within the activity centre as discussed in the Latrobe City Bicycle Plan 2001-2010 and undertake further investigations as to the suitability of bicycle routes within the activity centre;
- The public transport assessment identified that the following issues affect Traralgon:
 - First train into Traralgon does not arrive until 9.00am which does not suit most office workers and students;
 - Latrobe Valley Buslines in discussions with the Department of Transport have requested an upgraded bus terminal on the north side of Post Office Place east of Franklin Street (on the south side of Stocklands);
 - Bus services are generally inadequate both in terms of span and frequency of services;
 - Load limit on Franklin Street crossing of Traralgon Creek is 8 tonnes which limits bus services operating in this area;
 - Latrobe Valley Buslines have requested provision of right turn arrow at Franklin Street/Seymour Street signalled intersection;
 - Provision of a late night bus service; 'nightrider'. It is understood that this was successfully trialled sometime ago but ceased as funds were not available to continue its operation.
 - A recent review of bus operations in the Latrobe Valley has been undertaken by the Department of Transport. This review is central to informing the TACP regarding public transport operations in Traralgon. However, at this stage the recommendations of this study have not been released.

We understand that that stage two of the TAC Plan is currently being prepared with the development of a parking precinct plan considered a high priority. Initiatives expected to be included within the parking precinct plan include:

- Establish a Parking Strategy on the basis of the parking assessment carried out as part of the background stage of this project and the overall aims and directions of the Traralgon Activity Centre Plan.
- Prepare a Parking Precinct Plan on the basis of that strategy to allow incorporation into the Latrobe Planning Scheme.
- Identify sites within the town for long bay car parking.

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3.5. Public Transport

Despite the site's location within a regional centre, the site has good access to convenient public transport services. Traralgon Railway Station is located approximately 400m south-west of the site and a total of 10 bus services operate within close proximity to the site, including three services which operate along the site's frontage to Seymour Street. A summary of available public transport services is provided in Table 1. The available public transport routes are detailed in Figure 13.

Table 1: Public Transport Services in the Vicinity of the Subject Site

Service	Between	Via	Operating Times & Frequency		
			Monday-Friday	Saturday	Sunday
<i>Railway Station – 400m south-west of the site</i>					
Traralgon Railway Station	Traralgon & Melbourne CBD	Warragul & Dandenong	4:30am-12midnight 30-60 minutes ⁽¹⁾	6am-1:40am 45-90 minutes	6am-11:40pm 45-90 minutes
<i>Bus Services – Seymour Street – along subject site's frontage</i>					
Route 1	Traralgon Plaza & Moe	Morwell & Newborough	6am-8pm 30 minutes	7am-7pm 30 minutes	8am-7pm 30 minutes
Route 6	Traralgon Plaza & Traralgon South	Traralgon Railway Station	8:05am-4:40pm 120 minutes	Does Not Operate	Does Not Operate
Route 7	Traralgon & Churchill	Monash University Gippsland Campus	7:55am and 3:25 2 services per day	Does Not Operate	Does Not Operate
<i>Bus Services – Post Office Place – 60m north of the site</i>					
Route 44	Traralgon Plaza & Ellavale	Liddard Road	8am-6:30pm 60 minutes	7am-5:30pm 60 minutes	8am-4:30pm 60 minutes
Route 45	Traralgon Plaza & Traralgon North	Park Lane	8am-6:20pm 60 minutes	7am-5:20pm 60 minutes	8am-4:20pm 60 minutes
<i>Bus Services – Franklin Street – 150m west of the site</i>					
Route 5	Traralgon Plaza & Moe	Yallourn North & Newborough	8am-4pm 120 minutes	9:45am-5:45pm 120 minutes	9:45am-5:45pm 120 minutes
Route 40	Traralgon Plaza & Cross Road	Stockdale Road	8am-6:30pm 60 minutes	7am-5:30pm 60 minutes	8am-4:30pm 60 minutes
Route 41	Traralgon Plaza & Traralgon West	Kimberly Drive	7:30am-7pm 60 minutes	7:30am-6pm 60 minutes	8:30am-5pm 60 minutes
Route 42	Traralgon Plaza & Southside	Church Street	7:30am-6:50pm 60 minutes	7:30am-5:50pm 60 minutes	8:30am-4:50pm 60 minutes
Route 43	Traralgon Plaza & Traralgon West	Stuart Street	7:30am-7pm 60 minutes	7:30am-6pm 60 minutes	8:30am-5pm 60 minutes

Note 1: We note that the earliest train service which arrives at Traralgon Railway Station from Melbourne arrives at 8:50am

These services connect the subject site to residential areas surrounding the Traralgon Activity Centre and the Melbourne CBD.

The site's proximity to public transport services, which link the site to surrounding residential areas reduces the site's dependence on private cars as a mode of transport when compared to similar developments in outer areas.



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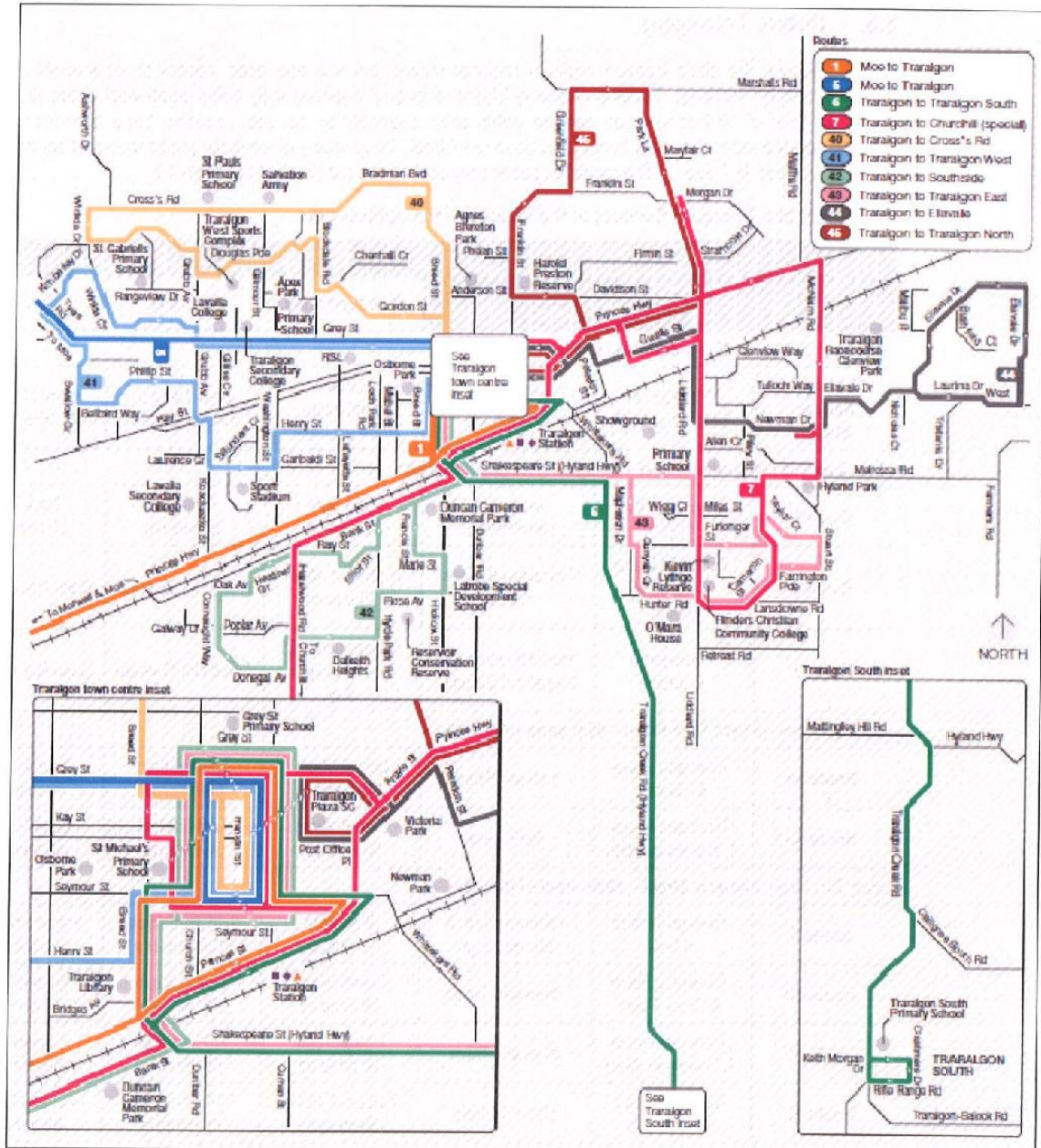


Figure 13: Public Transport Map

Source: Public Transport Victoria: www.ptv.com.au

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4. TRAFFIC ENGINEERING ASSESSMENT

4.1. Statutory Car Parking Requirements

The proposed development falls under the land-use categories of 'retail' and 'office' under the Planning Scheme:

The Planning Scheme sets out the parking requirements for new developments under Clause 52.06.

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The carparking requirements for the proposed uses are set out under Clause 52.06 and the carparking table at Clause 52.06-5 of the Planning Scheme. The assessment is set out in Table 2.

Table 2: Statutory Carparking Requirement

Use	Size/Number	Statutory Park Rate (Column A)	Parking Requirement
Office	2,800m ²	3.5 spaces to each 100m ² of net floor area	98
Retail (Assessed as Shop)	100m ²	4.0 spaces to each 100m ² of leasable floor area	4
Total Parking Required			102 car spaces
Parking Spaces Provided			71 car spaces
Shortfall/Surplus			Shortfall of 31 spaces
Note:	Clause 52.06-5 specifies that where a car parking calculation results in a requirement that is not a whole number, the number of spaces should be rounded down to the nearest whole number.		

Based on the above, the parking requirement for the office and retail development under Clause 52.06 of the Planning Scheme is 102 parking spaces.

As 71 parking spaces are provided on the site, the development generates a shortfall of 31 parking spaces under this clause.



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4.2. Reducing the Requirement for Car Parking

Clause 52.06-6 allows for the statutory car parking requirement to be reduced (including to zero). An application to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

Clause 52.06-6 sets out that a Car Parking Demand Assessment must have regard to the following key factors:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or proposed occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

4.2.1. The Car Parking Demand likely to be Generated by the Use

The following Car Parking Demand Assessment for this development has had regard to the above factors as appropriate.

Office Parking Demand

The proposed office floor area will generate a demand for carparking at a rate consistent with the statutory requirement of 3.5 car spaces per 100m² of net floor area. A total demand for 98 parking spaces will be generated by the proposed office floor area.

The development provides a total of 71 staff car spaces for the proposed office floor area (2,800m²) at a rate of 2.54 parking spaces per 100m², generating a shortfall for 31 parking spaces. Whilst this provision is below the statutory requirements as set out under Clause 52.06 of the Planning Scheme, we consider this to be acceptable given the site's location within the Traralgon Activity Centre, the site's location with respect to public transport services and the constrained parking situation in the nearby area.

Retail Parking Demand

The proposed ground floor retail tenancy generates a demand for carparking at a rate consistent with the statutory requirement of 4.0 car spaces per 100m² of leasable floor area. A total demand for 4 parking spaces will be generated by the proposed retail tenancy.

Staff parking demands associated with a retail tenancy is typically 30% of the total demand for a retail use. The staff demand for the proposed retail tenancy is expected to be in the order of 1 parking space, with the remaining 3 parking spaces relating to short-term demands associated with customers of the retail tenancy.

As there are no parking spaces available on the site for use by staff or customers of the development a dispensation for 4 parking spaces is required.

Decision Factors

Clause 52.06-6 sets out that an assessment of the car parking demand likely to be generated by the use must have regard to the following key factors, as reviewed in Table 3.

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Table 3: Assessment of Likely Parking Demands

Carparking Demand Factor	Assessment
<i>The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.</i>	This factor is not relevant for staff of the office and retail tenancy. However, given the size of the proposed retail tenancy, we do not expect the use to be a 'self attractor' of additional customer parking demands. Rather, this use is expected to serve existing customers within the Activity Centre, who will not tend to generate additional parking demands.
<i>The variation of car parking demand likely to be generated by the proposed use over time.</i>	Parking demands for the office and staff of the retail tenancy will peak during business hours (9am-5pm on weekdays). Parking demands associated with customers of the retail tenancy are expected to peak during the lunch time period.
<i>The short-stay and long-stay car parking demand likely to be generated by the proposed use.</i>	Parking demands for the office will primarily relate to long-term staff parking demands, with a small level of short-term parking associated with visitors. Parking demands associated with the retail tenancy will relate to one long-term parking space for staff and a maximum of three parking spaces for customers.
<i>The availability of public transport in the locality of the land.</i>	The subject site is located within the Traralgon Activity Centre and as such has good access to efficient public transport services, for its regional location. The public transport services available to the subject site are detailed in Section 3.4 and include Traralgon Railway Station and a total of 10 bus services which operate within 150m of the site. These services connect the site with the residential areas surrounding the Traralgon Activity Centre. The proximity of the site to convenient public transport services, which link the site to nearby residential areas as described above, reduces the site's dependence on motor vehicles as a mode of transport when compared to a similar development in an outer area.
<i>The convenience of pedestrian and cyclist access to the land.</i>	Footpaths are provided on both sides of all streets within close proximity to the site and the total road pavement widths are wide enough to comfortably accommodate cars and bicycles.
<i>The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.</i>	The development generates a statutory parking requirement for 12 parking spaces under Clause 52.34 of the Planning Scheme including 9 spaces for employees and 3 spaces for visitors, as discussed in Section 4.3. A total of 21 bicycle spaces are provided within the development, including 17 spaces for employees and 4 spaces for visitors, in excess of the statutory requirement. The employee spaces are provided via the use of 'Ned Kelly' Style Bicycle Hangers within the ground level carpark and visitor bicycle spaces are provided via two bicycle rails (accommodating 4 bicycles) located adjacent to the vehicle access to the development. A shower and change room is also required under Clause 52.34 of the Planning Scheme. A total of 4 shower/change room areas have been provided in excess of the Planning Scheme requirement.
<i>The anticipated car ownership rates of likely or proposed visitors to or proposed occupants (residents or employees) of the land.</i>	As set out above, the development is expected to generate parking at a rate consistent with that required by Clause 52.06 of the Planning Scheme. A total demand for 102 parking spaces is expected to be generated by the development at a rate of 3.5 spaces per 100m ² for the office use and 4.0 spaces per 100m ² for the retail use.



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4.2.2. Appropriateness of Providing Fewer Spaces than the Number Likely to be Generated

The second step is to consider whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site.

Based on the assessment above and the carparking demand factors considered in Section 4.2.1, the provision of parking on the site will generate a maximum overflow parking demand of 28 long-term parking spaces and 3 short-term customer spaces associated with the retail tenancy.

Decision Factors

Clause 52.06-6 sets out a series of factors that should be considered when assessing the appropriateness of providing fewer car spaces on the site than are likely to be generated by the use. Table 4 considers the appropriate factors.

Table 4: Assessment of Appropriateness of Providing Fewer Spaces than Expected Demand

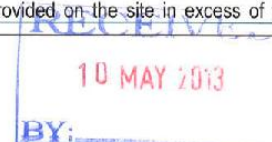
Decision Factors	Assessment
<ul style="list-style-type: none"> Any relevant local planning policy or incorporated plan 	<p>We understand that recently, Latrobe City Council has removed all of their local policies from Clause 22 of the Planning Scheme.</p> <p>Under Clause 22.03 Car Parking Policy, objectives and parking rates were set out. The parking rates for an office and for a shop under this clause were 2.0 parking spaces per 100m² of leasable floor area for both uses.</p> <p>Whilst this policy is no longer relevant, a statutory parking demand of 56 spaces would have applied to this proposal in the past. This statutory parking demand would have resulted in a surplus of 15 parking spaces.</p>
<ul style="list-style-type: none"> The availability of alternative car parking in the locality of the land, including: <ul style="list-style-type: none"> Efficiencies gained from the consolidation of shared car parking spaces. Public car parks intended to serve the land. On street parking in non-residential zones. Streets in residential zones specifically managed for non-residential parking. On street parking in residential zones in the locality of the land that is intended to be for residential use. 	<p>Overflow parking demands are expected to relate to 28 long-term parking spaces for staff of the office and retail tenancy and 3 short-term parking spaces associated with visitors.</p> <p>As set out in Section 3.3, long-term parking is in high demand during business hours (9am-5pm). A maximum parking demand of 116 parking spaces was recorded for the long-term parking within the area (0 vacant spaces and 100% occupancy).</p> <p>Reserved parking spaces are available on the first floor of the Seymour Street off-street carpark for lease to the general public and businesses. A total of 74 parking spaces are provided in this area. During the parking surveys a minimum of 48 vacant car spaces were recorded (26 parked cars, 35% occupancy). Accordingly, staff without a designated on-site car space could lease a parking space in this Permit Zone area.</p> <p>Following the removal of redundant crossovers, an additional 3 angled parking spaces can be accommodated along the site's frontage to Seymour Street.</p> <p>As outlined within the 'Car Parking Assessment' report prepared by Cardno Grogan Richards, discussed within Section 3.4, the lack of long-term parking within the Traralgon Activity centre was identified as an issue. Possible solutions, which we understand will be explored within Stage 2 of the TAC Plan include the conversion of existing parking spaces on the 2nd floor of the Seymour Street carpark to all day parking and the addition of a 3rd floor to this carpark to accommodate additional all day parking.</p> <p>We are satisfied that providing a reduced level of parking for the office will have a negligible impact on the availability of parking surrounding the site, as there is limited opportunities for long-term parking available within close proximity to the subject site.</p>

Traffic Impact Assessment

8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



Decision Factors	Assessment
<ul style="list-style-type: none"> Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre. 	The reduced provision of parking for this development is unlikely to significantly affect existing uses in the area.
<ul style="list-style-type: none"> The future growth and development of any nearby activity centre. 	The level of overflow employee and customer parking generated by this development will not adversely impact on the availability of public parking in the area (due to the unavailability of free unrestricted parking in the area, as described above).
<ul style="list-style-type: none"> Any car parking deficiency associated with the existing use of the land. 	<p>We understand that the previous use on the subject site was a 583m² Beaurepaires Motor Repaires. Whilst the Beaurepaires was not operating during the parking surveys and site inspection, some consideration must be given to the fact the site has historically operated as a Motor Repaires.</p> <p>The statutory parking rate which applies to the historical use of the site as a Motor Repaires is:</p> <p><i>3 spaces per 100m² of net floor area plus one space for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners.</i></p> <p>Applying the above statutory rate to the 583m² motor mechanic with 4 service bays results in a requirement for 25 parking spaces. As a total of 20 parking spaces are provided on the site (including 4 spaces within car hoists and 4 waiting bays) a parking shortfall of 5 spaces exists for the existing use on the site. This is similar to the shortfall of visitor parking associated with retail customer parking.</p>
<ul style="list-style-type: none"> Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment. 	We understand that the current EPA and DHS offices are located within the Traralgon Activity Centre and will be moving to the development site. Accordingly, it is likely that some level of overflow parking associated with staff of the existing offices is already present within the Traralgon Activity Centre.
<ul style="list-style-type: none"> Local traffic management in the locality of the land 	The lower level of staff parking provided by the development will have a negligible impact on local traffic levels in the area.
<ul style="list-style-type: none"> The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas. 	<p>In our view, providing fewer car spaces on the site will increase local and residential amenity through reduced traffic volumes on the local road network.</p> <p>There are limited opportunities for staff to park off-site and accordingly the potential for overflow parking to impact on nearby amenity is negligible.</p>
<ul style="list-style-type: none"> The need to create safe, functional and attractive parking areas. 	Not applicable to this application.
<ul style="list-style-type: none"> Access to or provision of alternative transport modes to and from the land. 	<p>As discussed within Section 3.4 the development has access to a number of efficient public transport routes, for its regional location. Services include Traralgon Railway Station and a total of 10 bus routes which operate within close proximity to the subject site and connect the site with residential areas surrounding the Traralgon Activity Centre. In this context a lower provision of parking is acceptable as it encourages public transport usage.</p> <p>As outlined within the 'Traffic Impact and Public Transport Assessment' report prepared by Cardno Grogan Richards, discussed within Section 3.4, a number of deficiencies exist within the existing Traralgon public transport network. We understand that it is the intention of Council to address these issues and improve public transport within Stage 2 of the TAC Plan.</p> <p>Bicycle parking is also provided on the site in excess of the statutory</p>



Traffic Impact Assessment

8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



Decision Factors	Assessment
	<p>requirements. A total of 21 bicycle parking spaces with associated shower/change room facilities are provided by the development.</p> <p>Accordingly, we are satisfied that staff without access to on-site parking have viable alternative transport options in order to travel to work.</p>

Based on the decision factors of Clause 52.06-6, we are satisfied that the level of carparking provision for this development is acceptable and that it is acceptable to provide fewer car spaces on the site than required under Clause 52-06-5.

4.3. Bicycle Parking

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for new developments and changes in use. Table 5 outlines the relevant statutory bicycle parking rates and requirement for the proposed use.

Table 5: Statutory Bicycle Parking Requirement

Component	Floor Area	Statutory Bicycle Parking Rate	Parking Requirement
Office Use			
Staff	2,800m ²	1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m	9 spaces
Visitors		1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m	3 spaces
Retail Use			
Staff	100m ²	1 space to each 300m ² of leasable floor area	0 spaces
Customer		1 space to each 500m ² of leasable floor area	0 spaces
Total			12 spaces

Accordingly, there is a requirement under Clause 52.34 of the Planning Scheme to provide 12 bicycle parking spaces, including 9 spaces for staff and 3 spaces for visitors.

Clause 52.34 of the Planning Scheme also states the following in relation to providing amenities such as shower and change room facilities:

If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.

And

1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.

As 9 parking bicycle parking spaces are required by the Planning Scheme, the development has a requirement under Clause 52.34 to provide a shower and a change room.

The development provides a total of 21 bicycle parking spaces, including 17 spaces for employees provided within the ground level parking area and 2 bicycle rails (accommodating 4 bicycles) located adjacent to the site's accessway to Seymour Street. A shower/change room is also provided on each office floor level for males and females (four shower/change rooms in total).

The development therefore provides bicycle parking and amenities in accordance with the Planning Scheme requirements.

Traffic Impact Assessment

8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



4.4. Parking Layout and Access Arrangements

A total of 71 parking spaces are provided within a two level carpark (ground level and first floor level), accessed via Seymour Street.

Traffix Group has provided design advice to the project architect to achieve a satisfactory carpark layout. The proposed parking layout has been assessed under the following guidelines:

- Clause 52.06-8 of the Planning Scheme (Design standards for carparking), and
- AS2890.1-2004 – Part 1: Off-Street carparking where relevant.

Key elements of the design include:

- Parking spaces are typically provided at 2.6m wide, by 4.9m long with a minimum access aisle of 6.4m, in accordance with Clause 52.06-8 (Design Standard 2).
- Spaces located adjacent to walls are provided with an additional 300mm (minimum) in accordance with the requirements of Diagram 1 of Clause 52.06-8.
- The disabled parking space is provided at 2.6m wide, 4.9m long, with an adjacent shared area 2.4m wide (minimum) and includes a bollard. This space is in accordance with AS2890.6-2009.
- Columns within the carpark are located in accordance with Diagram 1 of Clause 52.06-8. Columns are located 250-1,250mm from the open end of car spaces.
- A headroom clearance of in excess of 2.2m is available within the carparking area, in accordance with Design Standard 1 of Clause 52.06-8 and AS2890.1-2004 and a headroom clearance of at least 2.5m is provided above the disabled parking space in accordance with AS2890.6-2009.

Access Arrangements

- The proposed access to Seymour Street is provided at 6.8m wide, plus 200-300mm kerbs on each side of the accessway. This width provides for two-lane, two-way access in accordance with Design Standard 1 of Clause 52.06-8.
- Vehicles can enter and exit the site in a forwards direction in accordance with Clause 52.06-8 (Design Standard 1).
- Ramp grades within the ground floor access to the development are minor and are fully in accordance with Design Standard 3 of Clause 52.06-8.
- A pedestrian sight triangle is provided on the east side of the accessway in accordance with Clause 52.06-8 (Design Standard 1). This sight triangle is provided at 2.5m deep and 2.0m wide. A sight triangle is not required on the west side of the accessway due to the width of the driveway.
- A sight triangle 2.2m deep will be maintained on the west side of Methodist Lane, in accordance with the objectives of Clause 52.06-8 (Design Standard 1). We are satisfied that the safety and operation of Methodist Lane will not be compromised as a result of the development.

Access to First Level Carpark

- The proposed ramp between the ground floor carpark and the first floor carpark is provided at 6.1m wide, including 300mm kerbs on both sides. This width provides for two-lane, two-way access in accordance with Design Standard 1 of Clause 52.06-8.
- Ramp grades are provided as follows (beginning at the ground floor level):
 - 2m @ 1 in 10 (10%),
 - 18.1m @ 1 in 5 (20%), and
 - 2m @ 1 in 10 (10%).
- The ramp grades do not exceed a grade change of 12.5% for summit grade changes or 15% for sag grade changes in accordance with Clause 52.06-8 (Design Standard 3).

Traffic Impact Assessment

8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



- A minimum headroom clearance of 2.2m is achieved along the ramp and within the first level carpark, as required under Clause 52.06-8 (Design Standard 1).

Bicycle Parking

- Bicycle parking for staff will be provided via 17 'Ned Kelly' style bicycle racks. These have been provided at 400mm spacing and are in accordance with the specifications of the Bicycle Victoria Bicycle Parking Handbook and are satisfactory.
- Two bicycle rails are provided adjacent to the vehicle accessway to Seymour Street. These rails are provided in accordance with the specifications of the Bicycle Victoria Bicycle Parking Handbook and are satisfactory.

4.5. Traffic Impacts

4.5.1. Traffic Generation

Surveys undertaken by Trafix Group of a large office carpark in Johnston Street, Abbotsford² found that 50% of traffic arriving and departing over a 3 hour period occurred in the traditional commuter peak hour.

Based on the above, we are satisfied that the traffic generation for the proposed office use will generate traffic during each commuter peak hour in the order of 0.5 vehicle trip ends (vte) per parking space per peak hour. Applying the above rate to the 71 parking spaces on the site results in a traffic generation of 36 vte in each peak hour.

The daily traffic generation for the site is expected to be in the order of 2.4 vte per parking space per day. This is based on the following assumptions:

- Each parking space is occupied during the day (i.e. an entry and exit trip), and
- 20% of the parking spaces within the carpark will generate an additional two traffic movements during the day.

Based on the above assumptions, a total of 171 vte will be generated by the development per day, including 36 vte during each commuter peak hour.

We are satisfied that the traffic generated by the proposal can be accommodated by Seymour Street and the surrounding local road network.

4.6. Loading and Waste Collection

Based on the requirements under Clause 52.07 of the Planning Scheme, a loading bay satisfying the minimum requirements is required for the proposed retail tenancy. We are satisfied that a waiver of the loading requirements for this use is appropriate given the level of short-term on-street parking which is available along the nearby area, including along the site's frontage to Seymour Street where 5 parking spaces will be available post-development.

There is no requirement under Clause 52.07 of the Planning Scheme for loading provisions for the proposed office development.

Waste will be stored within two waste storage areas within the ground level carpark with all waste collection expected to occur on-street via Council's existing waste collection service.

² The Computershare office carpark on Johnston Street, Abbotsford undertaken between 7:15am-10:15am and 3pm-7pm on Thursday 15th February, 2007.

Traffic Impact Assessment

8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



5. CONCLUSIONS

Having undertaken a detailed traffic engineering assessment of the proposed office and retail development at 8-12 Seymour Street, Traralgon, we are of the opinion that:

- a) the development has a statutory carparking requirement of 102 car spaces under Clause 52.06 of the Planning Scheme and as 71 parking spaces are provided on the site, the development requires a dispensation of 31 spaces,
- b) the dispensation of parking is considered acceptable for the following reasons:
 - the location of the development site within the Traralgon Activity Centre,
 - the location of the development site with respect to efficient public transport,
 - the availability of on-street parking within close proximity to the subject site
 - the addition of three on-street parking spaces along the site's frontage to Seymour Street, and
 - the availability of off-street parking and permit parking which can be leased.
- c) the proposed parking layout and access arrangements accord with the relevant standards of the Planning Scheme, AS2890.1-2004 (where relevant) and current practice,
- d) the proposed access to Seymour Street will provide safe and convenient access to the site,
- e) the level of additional traffic generated as a result of this proposal will not have a detrimental impact on Seymour Street or the surrounding road network, and
- f) there are no traffic engineering reasons why a planning permit for the proposed office and retail development at 8-12 Seymour Street, Traralgon should be refused, subject to appropriate conditions.



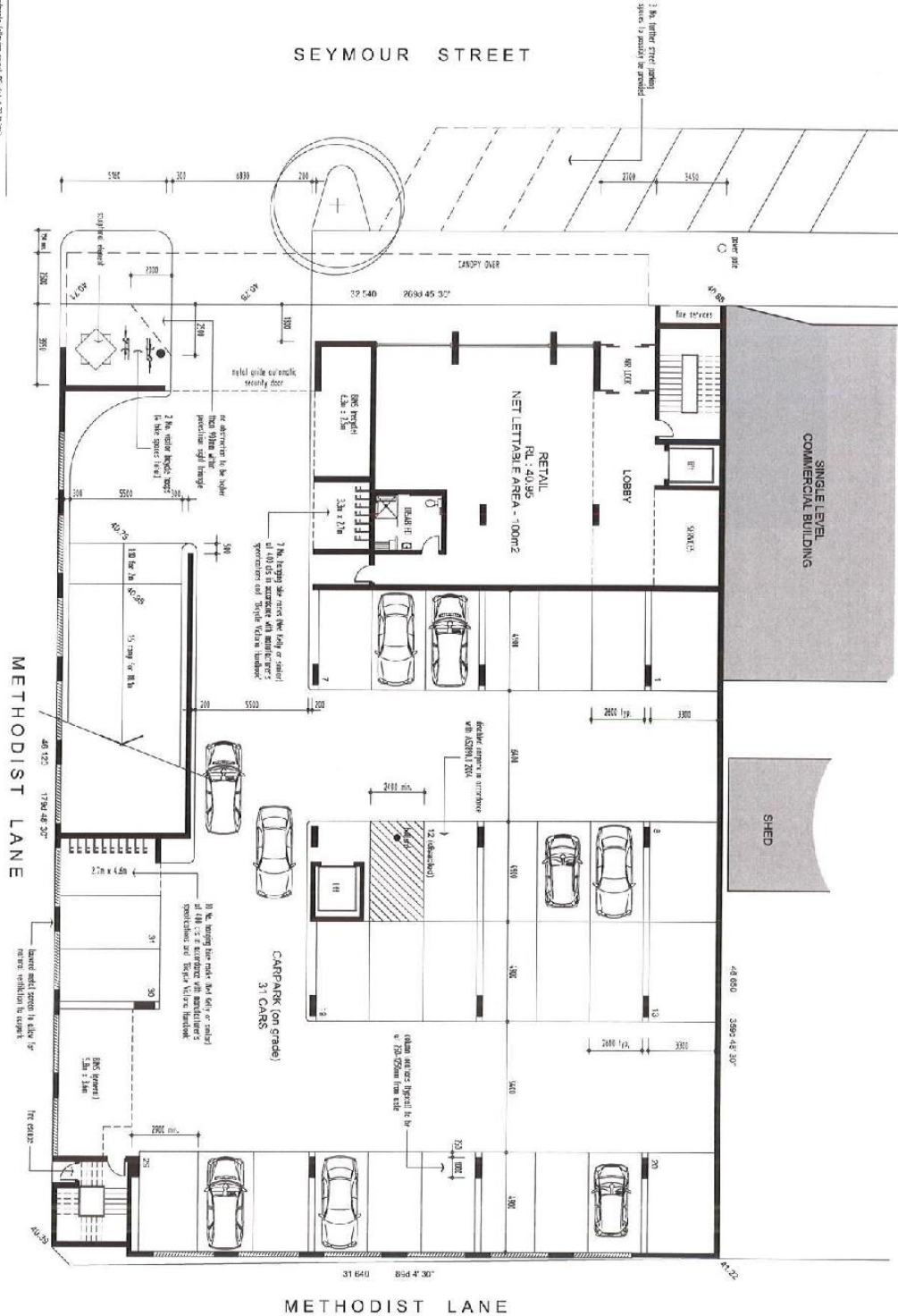
Traffic Impact Assessment
8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



APPENDIX A

Development Plans

REVISIONS	
4	As per 2/2/13 amendments following council review of 2/2/13/13
3	As per 1/2/13 amendments following council review of 1/2/13/13
2	As per 1/2/13 amendments following council review of 1/2/13/13
1	As per 1/2/13 amendments following council review of 1/2/13/13



SINGLE LEVEL COMMERCIAL BUILDING

SINGLE LEVEL COMMERCIAL BUILDING

SHED

CARPARK (on grade)
31 CARS

CARPARK

ALDI SUPERMARKET

RECEIVED
10 MAY 2013
BY:

REISSUED FOR PLANNING - 09/05/2013

GROUND FLOOR PLAN

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TOWN PLANNING
OFFICE DEVELOPMENT

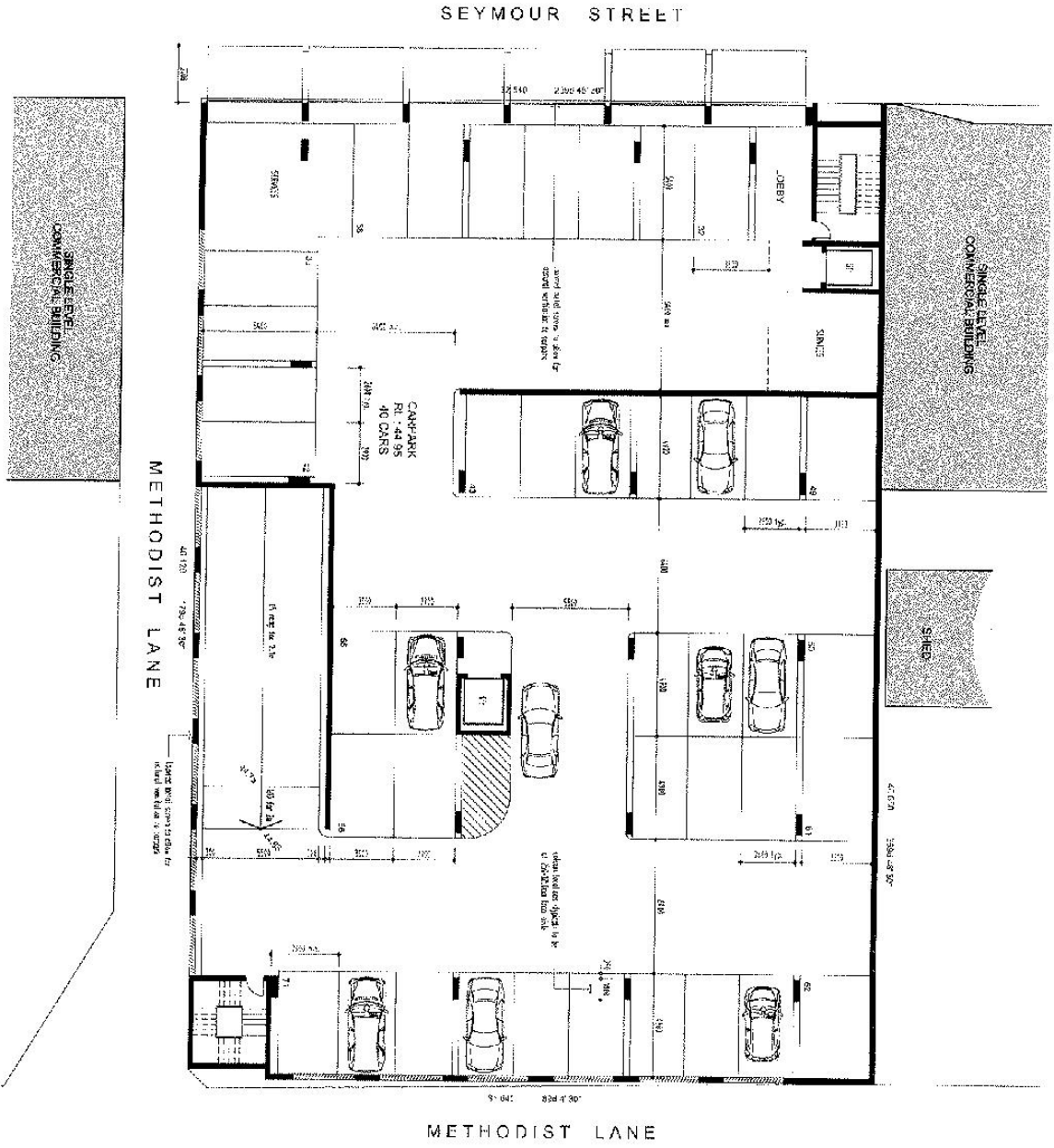
Scale - 1:1000 @ A1
Scale - 1:200 @ A3

3 - 12 SEYMOUR STREET
TRARALGON
1118 / TP01 - Revision B

ARCHITECTS
CBG Architects Pty Ltd
Suite 3/17 Fitzroy St
Traralgon, VIC 3840
Tel: 03 5091 1118
Fax: 03 5091 1119
CBG
Make us proud

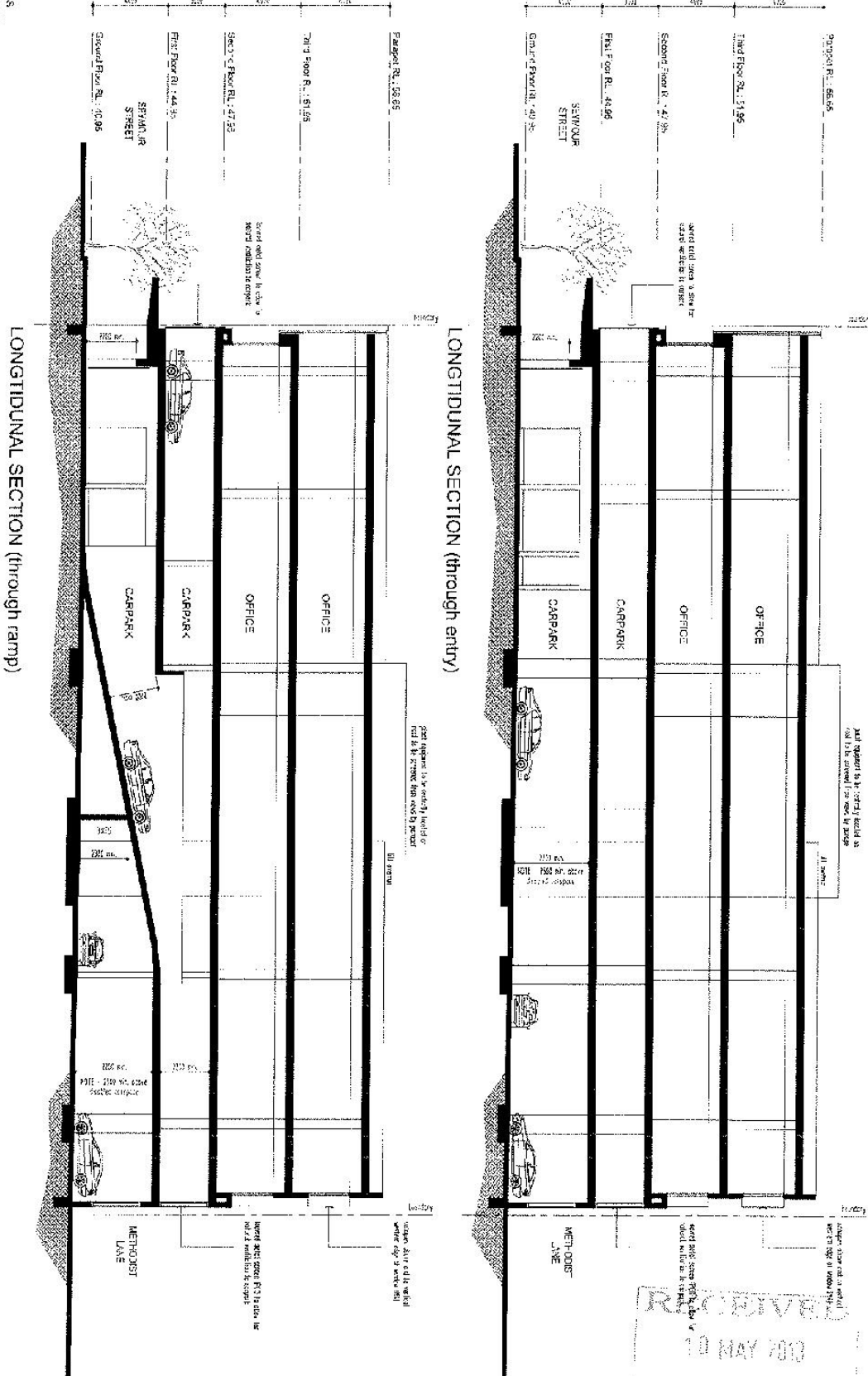
REVISIONS

No.	Date	Description
1	10/03/13	Initial layout and site plan
2	10/03/13	Revised layout for 100% parking



REVISIONS

1.	13/05/13	Approved for entry to the RMA and RMA 2013
2.	13/05/13	Approved for entry to the RMA and RMA 2013
3.	13/05/13	Approved for entry to the RMA and RMA 2013
4.	13/05/13	Approved for entry to the RMA and RMA 2013



REVISIONS FOR PLANNING - 09.06.2013

For approval of the application to the RMA, the applicant must submit a copy of the following documents:

TOWN PLANNING

OFFICE DEVELOPMENT

Scale - 1:1000 G&M
Scale - 1:2000 G&M

8 - 12 SEYMOUR STREET
TRARALGON
1118 / T106 - Revision 6

ARCHITECTS

CBC Architects Pty Ltd
1118 / T106 - Revision 6
1118 / T106 - Revision 6

CBC

RECEIVED
10 MAY 2013

Traffic Impact Assessment
8-12 Seymour Street, Traralgon: Proposed Office and Retail Development



APPENDIX B

Parking Survey Results



8-12 Seymour Street, Traralgon
Parking Surveys

Supervised By: Matthew Woodard
Surveyed By: Matthew Woodard
Survey Date & Time: 26/11/2012

Location	Restriction	Capacity Min - Max	Thursday, 26th November, 2012											
			8am	9am	10am	11am	12noon	1pm	2pm	3pm	4pm	5pm	6pm	
OFF-STREET CARPARKING														
SEYMOUR STREET MULTILEVEL OFF-STREET CARPARK														
2/F		48	3	25	24	36	40	39	37	30	35	31	21	
Reserved Parking		5	2	4	4	4	4	4	4	3	4	4	1	
Disabled Bays		5	0	0	0	2	4	1	1	1	0	0	0	
Parents With Children		2	0	0	1	2	0	1	2	1	0	0	0	
Loading Space		1	0	0	0	0	0	0	0	0	0	0	0	
3/F		56	3	20	21	23	33	33	32	31	21	19	3	
Paint Zones		74	5	23	21	24	22	25	25	26	21	22	4	
All Day Parking		116	8	100	114	116	112	113	107	107	92	90	7	
Capacity		203 - 203	203	203	203	203	203	203	203	203	203	203	203	
Total Number of Cars Parked		14	145	159	178	187	189	189	177	189	148	140	31	
Total Number of Vacant Spaces		189	58	44	24	16	14	28	34	55	63	172		
Percentage Occupancy		7%	71%	78%	88%	92%	93%	87%	83%	73%	69%	15%		
SUMMARY -> OFF-STREET CARPARKING														
Spaces Available		203	203	203	203	203	203	203	203	203	203	203	203	
Total Number of Cars Parked		14	145	159	178	187	189	189	177	189	148	140	31	
Total Number of Vacant Spaces		189	58	44	24	16	14	28	34	55	63	172		
Percentage Occupancy		7%	71%	78%	88%	92%	93%	87%	83%	73%	69%	15%		

Note: Survey parking spaces are shown in double line only as a warning to drivers. Loading Zones and Not Parking areas are shown in green on the ground plan.

LEGEND:

Subtotal

Unavailable

No Stopping
Other No Parking

8-12 Seymour Street, Traralgon
Parking Surveys
Surveyed By: Matthew Woodard
Survey Date & Time: 26/11/2012



A1 VACUUMS TRARALGON.
A & A De Bono Pty. Ltd.
Shop 1. 24 Seymour Street.
Traralgon. Victoria. 3844.

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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24/04/13.
Janet Power.
Planner.
Latrobe City Council.

Regarding: "Use of land for an office construction of a three storey building and associated works reduction in car parking and waiver of loading bay requirements." 8—10 Seymour Street. Traralgon Vic. 3844

We wish to object to the proposed development, based on safety and car parking issues.

Cars exiting Methodist Lane, (the laneway through from ALDI's car park to Seymour Street Traralgon,) have difficulty viewing traffic to the right especially if cars, four wheel drives, delivery vans are angled parked in front of 8—10 Seymour Street. Exiting the laneway can be difficult and dangerous. Currently there are no designated parking bays available at the site. However people still park there illegally, as car parking is so difficult in the street.

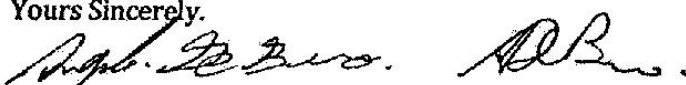
Car parking in Seymour Street Traralgon is already a problem. Please see enclosed emails sent to council since 06/08/2012.

If the proposed development goes ahead, the understanding is that car parking will be available on site. Will these be enough? Our understanding is that there are to be office spaces, retail and residents on site. These places will all no doubt have visitors, customers and clients. Where will they all park?

Seymour Street traffic is continuous. Cars constantly swerve to the other side of the street to grab car parks. Pedestrians constantly dodge and evade the traffic at all points along the road as they negotiate crossing the street, causing more congestion, especially if they dart over the street, then walk behind a car that is backing out of a car park. Cars often also double park. Customers constantly complain of car parking difficulties. They comment on difficulty of parking, driving around the block two or three times, sometimes over a period of two or three days trying to get a reasonably placed car park. Elderly, infirm, people with children have extra difficulties.

Please consider these concerns carefully along with any other issues.

Yours Sincerely,



Angelo De Bono. & Anne De Bono. A1 Vacuums Traralgon.

A1 VACUUMS TRARALGON.

A & A De Bono Pty. Ltd.
Shop 1. 24 Seymour Street.
Traralgon. Victoria. 3844.

10th May 2013.
Janet Power.
Consultant Planner.
Latrobe City,

Dear Ms Power

Regarding

Application No : 2013/19

Proposal : Use and development of a three storey office building,
carparking reduction and loading bay waiver.

Property : 8-12 Seymour Street. Traralgon.

Description : L 1 TP 12876, L 1 TP 113757.

We wish to withdraw our objection to the proposed development.

Our initial objection was due to sheer frustration with the current car parking situation that is occurring in Seymour Street. Traralgon.
(Please refer to copies of emails sent to you with our objections.)

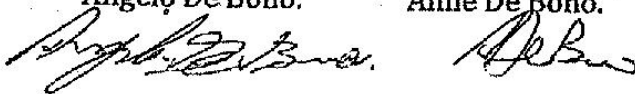
On a more comprehensive review of the planned development at the above property, we have realized that car parking has been provided on the site for workers and for customers to the site.

We therefore cannot object to the development on the issue of carparking on site.

Yours Sincerely,

Angelo De Bono.

Anne De Bono.



LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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15 MAY 2013	
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**A1 VACUUMS TRARALGON,
A & A De Bono Pty. Ltd.
Shop 1. 24 Seymour Street
Traralgon. Victoria. 3844.**

10th May 2013.
Janet Power.
Consultant Planner.
Latrobe City.

Dear Ms Power.
Regarding application No : 2013/19
Proposal : use and development of a three storey office building,
carparking reduction and loading bay waiver.
Property : 8-12 Seymour Street. Traralgon.
Description : L 1 TP 122876, L 1 TP 113757.

Dear Ms Power.
Regarding the above proposal, we wish to object.

We wish to bring to your attention the difficulties our business met, at the time, the Red Cross Blood Service site was being outfitted and built at 20 Seymour Street. Traralgon.
For eight to nine weeks, (during August, September and October,) tradespeople took up eight to 12 carparks in Seymour Street Traralgon, between Methodist Lane and Franklin Street. The car parks were occupied for the full day, Monday to Friday.

Our trade suffered.
For the period 01/08/2012—31/10/2012, our figures were down 10% for the same time in the previous year.

Our understanding is that this building could take 10 months to construct. We are a family business. We employ staff and support the community.


Re application No: 2013/19

Page 2 of 2.

We have concerns for the viability of our business, if carparking is compromised in this way again.

We therefore have, to object to the proposal.

Yours Sincerely,



Angelo De Bono.



Anne De Bono.

20/05/2013 12:50

0351740999

GODFREYS

PAGE 02/03

A1 VACUUMS TRARALGON.
A & A De Bono Pty. Ltd.
Shop 1. 24 Seymour Street.
Traralgon. Victoria. 3844.

17th May 2013.
Janet Power.
Consultant Planner.
Latrobe City.

Dear Ms Power.
Regarding application No: 2013/19
Proposal: use and development of a three storey office building,
carparking reduction and loading bay waiver.
Property: 8-12 Seymour Street. Traralgon.
Description: L 1 TP 122876, L 1 TP 113757.

Dear Ms Power.
Regarding the above proposal, we do not object to the proposed
building.
However, we do object and raise concerns regarding current car park
spaces in Seymour Street Traralgon, being used by the construction,
tradespeople etc, working on the above site.

Following information supplied by Mr Wayne Loechel, (Stirloch
Constructions,) construction on the above site will take at least 10
months.

We believe local shops and businesses will be adversely affected, if
current car park spaces are occupied by construction site workers.

We can comment on this, based on very recent experience.

During the period, when the "Red Cross Blood Service" site was being
outfitted and built at 20 Seymour Street. Traralgon, (between August,
September and October 2012.) Tradespeople, construction workers,
etc, continuously occupied, for full days, Monday to Friday, eight to

20/05/2013 12:50

0351740999

GODFREYS

PAGE 03/03

A1 Vacuums Traralgon. Re Application : 2013/19 Page 2.

12 car park spaces in Seymour Street Traralgon, between Methodist Lane and Franklin Street.

Our trade suffered.

For the period 01/08/2012—31/10/2012, our figures were down 10% for the same time as in, the previous year.

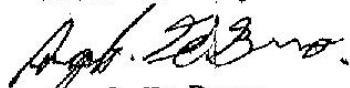
The proposed development is also between Methodist Lane and Franklin Street Traralgon and as stated, this building will take at least 10 months to construct.

We are a family business. We employ staff and support the community.

We have serious concerns for the viability of our business (and other businesses,) if car park spaces are occupied in this way again.

We therefore object to site workers, occupying current car park spaces in Seymour Street Traralgon, during the construction at, 8-12 Seymour Street Traralgon.

Yours Sincerely,


Angelo De Bono.


Anne De Bono.

A1 Vacuums Traralgon.

**16.3 PLANNING PERMIT APPLICATION 2012/312 - DEVELOPMENT
OF A TELECOMMUNICATIONS FACILITY AT 54 MAIN ROAD,
TYERS**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/312 for the Development of a Telecommunications Facility at 54 Main Road, Tyers, known as Lot 4 on Plan of Subdivision 424860H.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Built Environment

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

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 are relevant to this application.

BACKGROUND

SUMMARY

Land:	54 Main Road, Tyers, known as Lot 4 on Plan of Subdivision 424860H.
Proponent:	Ericsson Australia Pty Ltd C/O- Visionstream Locked Bag 3 BENTLEIGH EAST VIC 3165
Zoning:	Farming Zone
Overlay	Design and Development Overlay Schedule - 1

A planning permit is required pursuant to Clause 43.03-2 of the Scheme for buildings and works within the Design and Development Overlay – Schedule 1.

A planning permit is required pursuant to Clause 52.19 of the Scheme for the buildings and works associated with the construction of a telecommunications facility, if it does not meet the requirements set out in the Code of Practice for Telecommunications Facilities in Victoria (July 2004).

PROPOSAL

The application proposes to develop a 35 metre tall monopole telecommunications tower and two (2) outdoor cabinets at ground level at the subject site. The total area covered by the proposal will be 60 m² enclosed by a 2.4m security fence. The antennas to be affixed to the monopole are as follows:

- Three panel antennas mounted on the circular headframe at a height of 35 metres with dimensions of 1180mm x 300mm x 115mm; and
- One parabolic dish installed at a height of 32 metres with a 600mm diameter.

The panel antennas are to be coloured light grey.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Ancillary equipment will be installed within the outdoor units proposed at the base of the monopole; it is noted that the report submitted by the applicant states that one (1) outdoor unit will be installed; however the design provides for an allowance for an additional outdoor unit.

The development is to be located toward the centre of the lot, set back 16 metres east from the existing fence running north-west, approximately 110 metres south of the Tyers Recreation Reserve property boundary. Access is to be obtained via the existing cross over on the Main Road frontage, however additional works will be required on the land in order to establish an access track directly to the proposed development area.

See *Attachment 1* for further details of the proposal.

Subject Land:

The subject land is located to the south of the Tyers Recreation Reserve, covering an overall area of 5.17 hectares, with a 10 metre frontage to Main Road. The lot is of an irregular shape, with a northern boundary of 273 metres, western boundary of 162 metres and eastern boundary of 176 metres. The site currently has a dwelling and ancillary outbuildings, is generally flat and predominantly covered in grass. Some large vegetation is located in close proximity to the development area.

The site is affected by two Section 173 Agreements which prohibit any further subdivision of the land and stipulate the positioning of any subsequent residential development on the lot. The proposal will not breach the restrictions set out in these instruments. The site is split zoned, with the access track located to the very north, establishing access to Main Road being located partly in a Township Zone and partly in a Low Density Residential Zone. The remainder of the property, as well as the proposed development site are located within the Farming Zone.

Surrounding Land Use:

North:	Tyers Recreation Reserve, Tyers. Sports and recreation related facilities in the Township Zone
South:	25 Cedar Court, Tyers Single dwelling and ancillary outbuilding in the Farming Zone. The dwelling is approximately 220 metres away from the proposed development
East:	98 Main Road, Tyers Single dwelling and ancillary outbuilding in the Farming Zone.

The dwelling is approximately 430 metres away from the proposed development

West:

190 Archbolds Lane, Tyers
Single dwelling and ancillary outbuildings in the Farming Zone. The dwelling is approximately 730 metres away from the proposed development

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2012/312 is identified within *Attachment 2*.

The relevant provisions of the Scheme relevant to this application are identified within *Attachment 3*.

ISSUES

ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The State Planning Policy Framework (SPPF) and Local Planning Policy framework (LPPF) provide a number of relevant policy directions with regard to this proposal, including:

➤ **Clause 19.03-4 Telecommunications**

The objective of this clause is “*to facilitate the orderly development, extension and maintenance of telecommunication infrastructure*”. Council must facilitate the upgrading and maintenance of telecommunications facilities, and must consider as relevant *A Code of Practice for Telecommunications Facilities in Victoria* (Department of Sustainability and Environment, 2004).

The proposal is for the construction of a telecommunications facility to facilitate the fixed wireless component of the National Broadband Network for the surrounding area. The proposal meets the relevant principles outlined in the Code of Practice, as will be discussed further in the following sections of this report.

➤ Clause 21.02 – Municipal Vision:

The objective of the clause is to *'promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality'*. The proposal is considered to be consistent with this objective as the improvement of telecommunications in the municipality will assist in providing an essential and innovative service to the community, and complement the Federal Governments initiative to establish a high speed broadband network across Australia.

➤ Clause 21.04-6 – Built Environment Sustainability – Infrastructure Overview

Objective 1 – Infrastructure is *"to maximise the use of existing infrastructure"*. Strategies to achieve this include:

- *Develop flexibility in facilities to cater for changing demands of the community.*
- *Promote and support the infrastructure and development of small town communities.*
- *Ensure all proposed developments enhance the liveability and sustainability of the community.*

The proposal is considered to be consistent with these strategies as the infrastructure will serve to establish a high speed broadband network within the Tyers area, significantly improving the internet services currently being provided within Latrobe City and as a result, enhance the liveability of the community.

➤ Clause 21.06-5 – Small Towns – Tyers

The objective of the clause is to *'to facilitate development in accordance with the specific town Structure Plan attached to this clause'* and *'to promote and support the infrastructure and development of small town communities within the municipality'*.

The subject site is identified as being located in an area which proposes *'Future Long-Term Urban Expansion'* in this area. *'Future long-term'* is defined as land that will become utilised in a 15+ year timeframe. Within the structure plan, Clause 21.06-5 refers specifically to Areas 9 and 10, with the objective that Council should *'protect (the) development potential of agricultural land to the south and north of the township for future urban expansion (Areas 9 & 10)'*. Areas 9 and 10 are located to the north and east of the proposed development.

It must be noted that no staging plan has been set in place within the structure plan, which would determine if Area 9 or Area 10 should be developed first, and that the implementation of these strategic directions will be based on demand for housing within the Tyers Township which may fluctuate with time. The Background Report completed for the Small Town Structure Plans in August 2010 explicates that if a high growth scenario prevails, a forecast annual residential demand will be 3.3 dwellings per annum – amounting to a total demand of 50 dwellings by 2023. The report also identifies two key areas located to the east and north-east of the township, which provide ample opportunities to satisfy this demand. Currently Council is entertaining a re-zoning application for the land located to the north-east of the township; this land covers an area of approximately 66 hectares which may be re-zoned to a combination of Low Density Residential (LDRZ) and Rural Living (RLZ). It is recognised that constraints in relation to the topography and sewerage capabilities of the land will affect any subsequent development. However, by utilising best case scenario forecasts in relation to land supply, this area can address Tyers' housing demand in excess of 15+ years if approved.

The proposed development area, as illustrated in Attachment 6 of this report, illustrates the development being located along the southern edge of the proposed expansion area, abutting the Farming Zone areas, and in close proximity to the major gas pipeline assets contained within the Design and Development Overlay – Schedule 1. Any subsequent residential development located to the north of the site, within the 100 metre in length area between the tower and recreation reserve, will be impacted by the proposal as it will effect on the views from the dwellings towards the south. However, this is based on the assumption that a rezoning for the site occurs, the land is subsequently developed in the 15+ year period and there is sufficient demand for the land to become available for residential development. If the abovementioned re-zoning occurs, it is envisaged that this demand will not eventuate for some time.

In the event the area abutting the proposed development is rezoned, the proposal will not necessarily prohibit development in the area, rather it will require any subsequent plans to take into consideration that structure presents to any adjoining residential uses. Residential development can occur in close proximity to telecommunications towers, as health standards relating radio frequency exposure can be met, as detailed in Section 5.2 of this report. In an attempt to address the potential visual impact the tower may present in the 15+ year period, landscaping conditions could be added to any subsequent permit, requiring the applicant to establish vegetation along the northern and eastern boundaries of the proposal to shield the infrastructure and minimise the visual impact it will present.

Having regard to the above mentioned issues, it is considered that the proposed development is appropriate for the site.

CLAUSE 52.19 - TELECOMMUNICATIONS FACILITY

As part of the planning permit application, detailed site analysis plans and a written response have been submitted by the applicant to explain how the proposal addressed the four principles that are set out in Section 4 of the *Code of Practice for Telecommunications Facilities in Victoria* (Department of Sustainability and Environment, 2004) where a planning permit is required for a telecommunications facility. It is concluded that the proposal is appropriate for the site, and that the proposal generally satisfies the Principles as follows:

Principle 1

A Telecommunications facility should be sited to minimise visual impact.

The development area is located in a Farming Zone and currently encompasses a dwelling and ancillary outbuildings. Given the zoning of the land, it would be reasonable to consider that significant residential development and other sensitive uses would generally not be located within close proximity to these areas as the general purpose of the zone is to provide for rural residential and agricultural activities.

The topography of the surrounding area is undulating, with the proposed development area located in a generally flat portion of the site. At a distance of 280 metres from the development area, the topography of the land undulates by approximately 10 metres in height. Significant amounts of vegetation are located along the boundaries of the subject site and in close proximity to the development area; namely large trees in excess of 10 metres in height directly to the west of the proposal. The vegetation will aid in partially screening the facility from the north and west.

Given the nature of the proposal, towers are necessarily visible as they need to be tall enough to serve their purpose of providing coverage into the local area. The vegetation located around the development area, will aid in partially screening the facility from the north, west and east. Conditions will be placed on any subsequent permit should it be granted requiring additional vegetation to be planted around the proposed development area.

As a result, it is considered that there will be minimal impact to any views of adjoining property owners given the topography of the land, surrounding vegetation and proposed location of the structure.

Principle 2

Telecommunications facilities should be co-located wherever practical.

The report provided by the applicant indicates that there are no existing towers within the search area that could be used for co-location. It was therefore deemed inappropriate and not possible to co-locate in this instance.

The application explored three (3) possible sites. One option was excluded given its proximity to a school, whilst the second option was excluded given its proximity to dwellings and potential impact the proposal could have on the Tyers structure plan directions. As a result, the current location of the proposed development is considered to be appropriate, based on the discussion included in Section 5.1 of this report.

Principle 3

Health standards for exposure to radio emissions will be met.

The applicant has advised that the facility has been designed and will be installed to satisfy the requirements contained with Radiation Protection Standard — Maximum Exposure Levels to Radiofrequency Fields — 3kHz to 300 GHz, Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), May 2002. For a typical 40 m high NBN base station, the highest exposure levels at ground level in the surrounding area are approximately 0.0004 watt/m² (0.04µW/cm²) or less than 1/25,000 of the ARPANSA public exposure limit.

This means that the highest exposure levels at ground level in the surrounding area are well below the known safe exposure limits of the ARPANSA RF Standard. The applicant has stated that there are no established health effects from these very low levels of Radiofrequency Electromagnetic Energy (RF EME).

Principle 4

Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.

The facilities construction will be undertaken with minimal disturbance and risk, and in compliance with the appropriate State Environment Protection Policies and best practice environmental management guidelines. The report provided by the applicant provides that the construction area, given the overall compound area of the facility, will have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time without affecting the use of the site or the surrounding area due to the accessibility of the site. Appropriate conditions will be placed on the permit to ensure that the amenity of the surrounding area or the subject site is not detrimentally affected as a result of the proposed works.

OBJECTIONS

The application received one (1) submission in the form of an objection. A copy of the objection can be viewed at *Attachment 4* of this report. The issues raised were:

- 1 Decrease in property values and impact on potential sale/rent of property

Officer Comment:

Impacts on property values are not considered a valid ground for objection. A decrease in property value is typically not a ground for refusal when considered at VCAT hearings. The property values component of any objection is outside the realms of matters to be considered in this application.

- 2 Impact on views towards the valley

Officer Comment:

Given the nature of the proposal, towers are necessarily visible as they need to be tall enough (and consequently visible) to serve their purpose of providing coverage into the local area. The proposal is located approximately 500 metres south of the Tyers Township, in an area which is currently used primarily for agricultural purposes. The objectors property is located approximately 280 metres from the proposed development area, and recommended conditions will require further landscape screening of the proposed development; which will partially assist in reducing the visual impact of the proposed development from the objector's property. Further discussion in relation to visual impact is contained in Section 5.2 of this report.

- 3 Potential health risks

Officer Comment:

The applicant has advised that the facility has been designed and will be installed to satisfy the requirements contained with Radiation Protection Standard — Maximum Exposure Levels to Radiofrequency Fields — 3kHz to 300 GHz, (ARPANSA), May 2002. For a typical 40 m high NBN base station, the highest exposure levels at ground level in the surrounding area are approximately 0.0004 watt/m² (0.04µW/cm²) or less than 1/25,000 of the ARPANSA public exposure limit.

This means that the highest exposure levels at ground level in the surrounding area are well below the known safe exposure limits of the ARPANSA RF Standard. The applicant has stated that there are no established health effects from these very low levels of RF EME.

This information can be viewed in *Attachment 5* of this report.

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, an A3 notice was displayed on site for 14 days and was advertised by publishing two (2) notices in the Latrobe Valley Express.

One (1) submission in the form of a written objection was received for the application. The issues raised in the objections are discussed in section 5.4 of this report.

External:

The application was referred under Section 52(1)(d) of the Act to the following authorities given the proximity of Gas Pipeline assets to the development:

- APA Group
- APA Gasnet Operations

The above authorities gave unconditional consent to the granting of a Planning Permit for the proposal.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to access and drainage. The Infrastructure Planning team did not object to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions if approved.

It is noted that these comments only relate to part of the assessment process and should be considered in conjunction with the assessment details provided elsewhere in this report.

Details of Community Consultation following Notification:

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

Following the referral and advertising of the application, one submission in the form of an objection was received.

A mediation meeting was not held, given that the objector stated they are based in Melbourne and they would not attend the scheduled meeting. As a result, the matter could not be determined by officer delegation, therefore requiring a decision by Council.

OPTIONS

Council has the following options in regard to this application:

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

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Design and Development Overlay – Schedule 1;
- Consistent with the provisions of Clause 52.19 Telecommunications Facilities; and
- Consistent with Clause 65 (Decision Guidelines).

The objections received have been considered against the provisions of the Latrobe Planning Scheme. Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to the inclusion of appropriate Planning Permit conditions and notes.

Attachments

1. ATTACHMENT 1 - Development Plans
2. ATTACHMENT 2 - History of the Application
3. ATTACHMENT 3 - Provisions of the Scheme
4. ATTACHMENT 4 - Copy of Objection
5. ATTACHMENT 5 - ARPANSA Fact Sheet
6. ATTACHMENT 6 - Structure Plan Context

RECOMMENDATION

That Council Issue a Notice of Decision to Grant a Planning Permit, for the Development of a Telecommunications Facility at 54 Main Road, Tyers, known as Lot 4 on Plan of Subdivision 424860H with the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

Landscaping Conditions:

- 2. Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. The plan must show:**
 - a) a row of trees along the eastern and northern perimeter of the compound consisting of a minimum of 5 trees (in total) with a minimum height at maturity of 12m; and**
 - b) the establishment of a row of semi-mature large shrubs around the perimeter of the compound to partially screen the development.**

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

- 3. Prior to the facility becoming operational or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

General Conditions:

- 5. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.**
- 6. Downpipe water from any building must be suitably directed into water tank, soakwell, or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority.**
- 7. Once building works have commenced they must be**

completed to the satisfaction of the Responsible Authority.

8. The site must be reinstated to its pre-development condition or to the satisfaction of the Responsible Authority if the facility becomes redundant or disused within 6 months of the cessation of use.
9. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

Expiry of Permit:

10. This permit will expire if one of the following circumstances applies:

- a. The development is not started within two years of the date of this permit; or
 - b. The development is not completed within four years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Note 1: Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

Note 2: 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.

16.3

PLANNING PERMIT APPLICATION 2012/312 - Development of a Telecommunications Facility at 54 Main Road, Tyers

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NBN ANTENNA TABLE																
SECTOR	SYMBOL	ANTENNA DETAIL							MAIN FEEDER DETAIL			RRU DETAIL		RF TAIL		
		TYPE	DIMENSION (HxWxD)	C HEIGHT	AZIMUTH	MECH TILT	DESTINATION	QUANTITY RAU	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	TYPE	LOCATION	TYPE	LENGTH
1		ARGUS LLPX411F-2-V1	1180x300x115	35.0m	30°	1°		H&S HYBRID ø19mm	50.0m	33.0m	4.0m	RRUS61	BELOW ANTENNA	1/2" SCF12-50J	15m	
2		ARGUS LLPX411F-2-V1	1180x300x115	35.0m	120°	1°					4.0m	RRUS61	BELOW ANTENNA	1/2" SCF12-50J	15m	
3		ARGUS LLPX411F-2-V1	1180x300x115	35.0m	225°	1°					4.0m	RRUS61	BELOW ANTENNA	1/2" SCF12-50J	15m	
A		PARABOLIC	ø500	32.0m	118°		TRARALGON EAST	1	7.6mm ERICSSON	42.0m						
GPS		KRE 1012082/1	ø69x96	2.5m					7.6mm ERICSSON	5.0m						

SITE INFORMATION:

- SITE ADDRESS**
54 MAIN RD, TYERS, VIC 3844.
- GENERAL**
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, AUSTRALIAN STANDARDS AND SPECIFICATIONS.
- SITE ACCESS**
ENTER VIA DRIVEWAY TO 54 MAIN RD, TYERS (SOUTH SIDE OF MAIN RD). PROPOSED SITE IS TO THE EAST OF THE DRIVEWAY THROUGH PADDOCKS. CONSTRUCTION ADVISABLE DURING SUMMER AS WATER RUNOFF FROM RECREATION RESERVE FLOWS ON TO PROPERTY. NBN LOCK TO BE INSTALLED INLINE WITH ANY EXISTING OR NEW ACCESS GATE LOCKING SYSTEM.
- EQUIPMENT**
NBN OUTDOOR CABINET TO BE INSTALLED WITHIN NBN COMPOUND.
- STRUCTURE**
NBN 35m MONOPOLE WITH CIRCULAR HEADFRAME.
- ANTENNA ACCESS**
ANTENNA ACCESS VIA MONOPOLE MOUNTED ACCESS LADDER WITH FALL ARREST OR EWP (BY QUALIFIED PERSONNEL ONLY).
- EXISTING SERVICES**
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.
- EXISTING SITE HAZARDS**
THE FOLLOWING HAZARDS ARE PRESENT ON SITE:
 - ELECTRICAL CABLING AND/OR TRIP HAZARDS
 - MANUAL HANDLING
 - WORKING AT HEIGHT
- ELECTRICAL SUPPLY**
THE NEW POWER SUPPLY SHALL BE UPGRADED TO SUIT NBN LOAD AND IN LIAISON WITH THE POWER SUPPLY AUTHORITY (SP AUSNET).
- TRANSMISSION LINK**
REFER TO ANTENNA TABLE FOR DETAILS.
- WIND PARAMETERS**

SITE TOPOGRAPHICAL DATA		
REGION	TERRAIN CATEGORY	TOPOGRAPHIC MULTIPLIER
A1	2.0	1.07
- SITE SIGNAGE**
THE FOLLOWING SITE SIGNAGE SHOULD BE PRESENT ON SITE:
 - MERCS-1, 1500mm AGL, REFER TO NBN-STD-0025.
 - MERCS-2, AFFIX TO SITE ACCESS GATE, REFER TO NBN-STD-0025.
 - HAZARDOUS VOLTAGE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION.
 - CLIMBING FALL ARREST DEVICE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION.
- RANSA SITE NUMBER**
RANSA NUMBER - TBA

ANTENNA PLAN
SCALE 1:50

Client:

Client:

Client:

Project:
NATIONAL BROADBAND NETWORK
SITE No: 3TAG-51-07-TYE
TYERS
54 MAIN RD
TYERS
VIC 3844

PRELIMINARY

03	16/12/12	PANEL ANTENNA AZIMUTH & MTC	TA
02	12/12/12	SITE MOVE	GA
01	24/12/12	PRELIMINARY	GAC
Rev	Date	Revision Details	CAD

VISIONSTREAM PTY LTD
2 North Drive Virginia Park Eastleigh East VIC 3165
Tel: (03) 5253 5700 Fax: (03) 9543 7431
www.visionstream.com.au

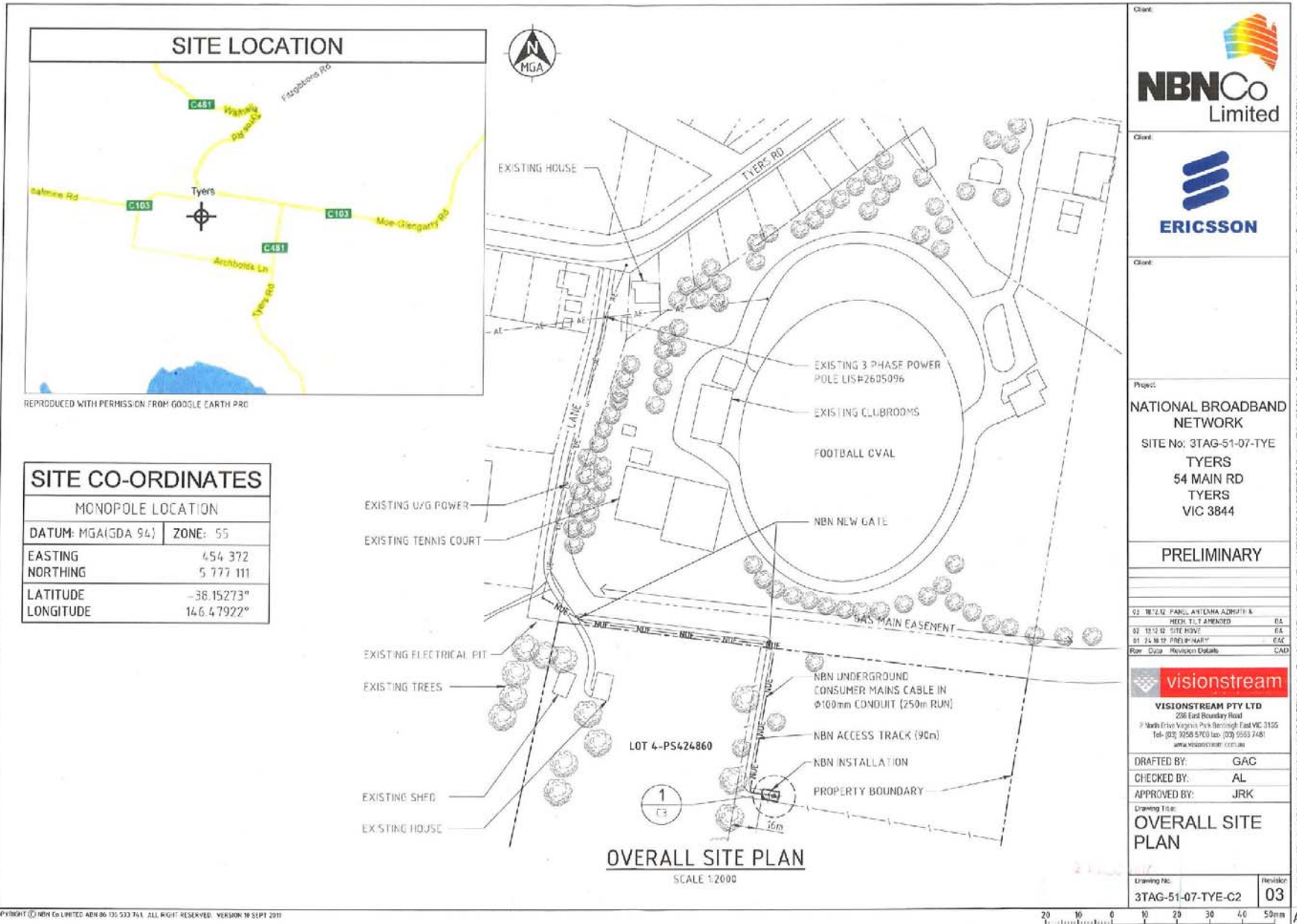
DRAFTED BY: GAC
CHECKED BY: AL
APPROVED BY: JRK

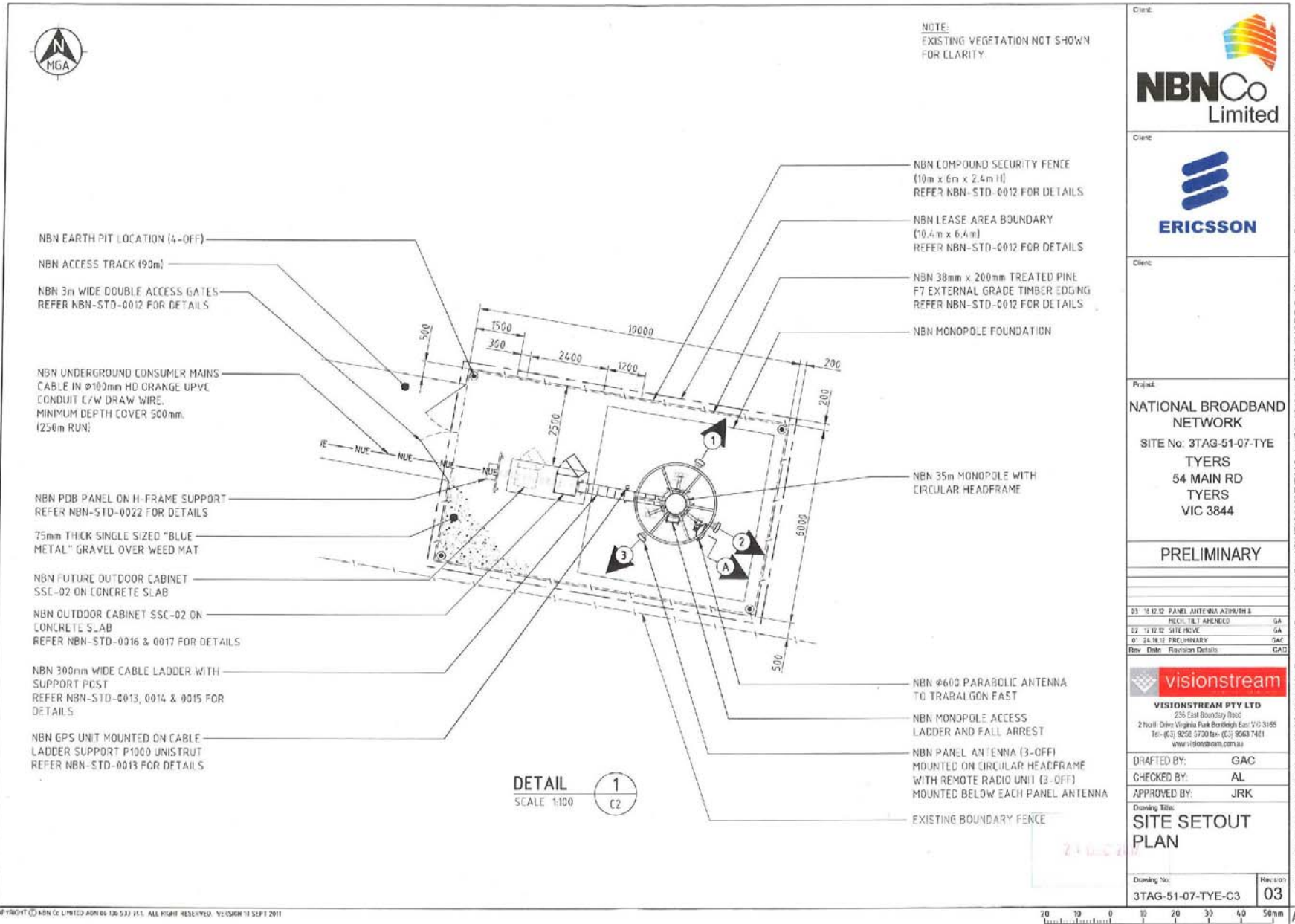
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Drawing No: 3TAG-51-07-TYE-C1
Revision: 03

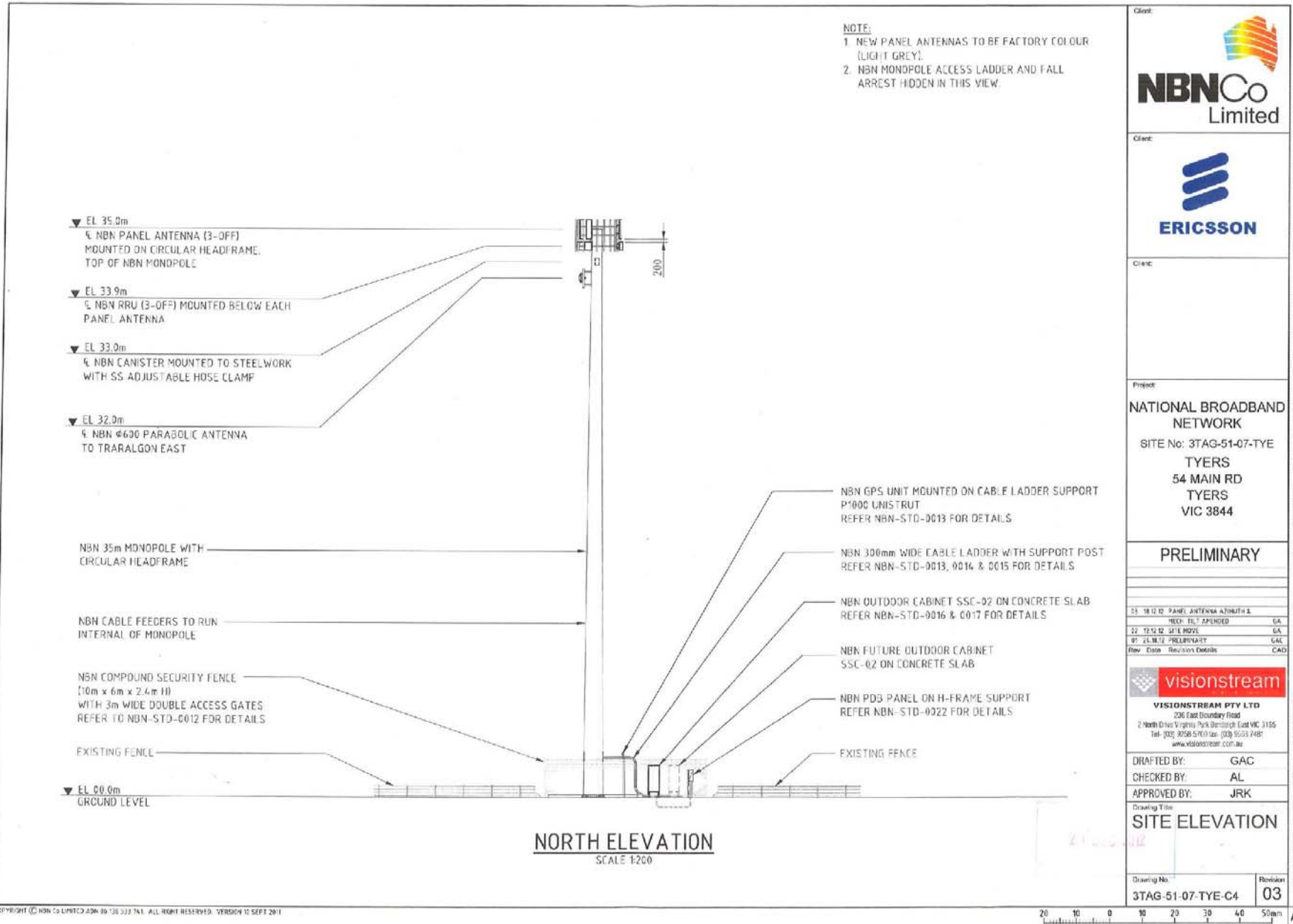
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CAD File: N:\Network\Ericsson\NBN_Wireless\51-07-TYE\312-Design_P\img\6.15_Antenna3TAG-51-07-TYE_Rev03.dwg Date: Tuesday, 18 December 2012 3:51:28 PM Login: andrewg





Client: Tuesday, 18 December 2012 3:13:33 PM | Login: mcdoug
Project: jvan NBN\3TAG-51-07-TYE\0 Design (P)me\615 A\615\3TAG-51-07-TYE_Rev03.dwg
Rev Date Revision Details
03 15 12 12 PANEL ANTENNA AZIMUTH &
PRECISE TILT ADJUSTED GA
02 17 12 12 SITE REVIEW GA
01 24 10 12 PRELIMINARY GAC
Rev Date Revision Details CAD



History of the Application

20 November 2012	Application received by Council.
6 December 2012	Further Information Request Sent
21 December 2012	Further Information Response Received
29 January 2013	Notification package sent to applicant Section 52(1)(d) notice sent to APA Group.
4 February 2013	Section 52(1)(d) notice sent to APA Gasnet Operations
11 February 2013	Response received from APA Group and APA Gasnet Operations
25 February 2013	Objection received from Anthony Buchalka and Sharda Mudaliar
4 March 2013	Statutory declaration received
20 March 2013	Invitation to Mediation meeting sent out
2 April 2013	Objectors confirm they will not attend

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
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 21.06 'Small Towns'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Residential 1 Zone

The subject land is located within partially within the Township Zone, Low Density Residential Zone and Farming Zone.

Overlay

The subject land is located within a Design and Development Overlay – Schedule 1

Particular Provisions

Clause 52.19 'Telecommunication Facility'

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

pw 27/2
Adnan

Anthony Buchalka
Sharda Mudaliar
Truly Yours Homes Pty Ltd
Owners of:
56 Main Road.
Tyers.Vic.
3844

Our current home address:
423 Dandelion Drive
Rowville.
Vic. 3178
Phone: 9764 5557
mobile: 0421 544 623

Latrobe City Council
PO Box 264
Morwell. Vic
3840

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
25 FEB 2013	
R/O:	Doc No:
Comments/Other Comments to:	
<input type="checkbox"/> Copy required in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Re: Planning Permit Objection - Reference no: 2012/312 Ericsson Australia Pty Ltd

Dear Sir, Madam,

We are writing to formally object to the above permit application at 54 Main Rd Tyers.

We are the current owners of the property at 56 Main Rd for the past 6 years or so.

The reasons for our objection are as follows.

The proposed Telecommunications tower will interfere with the valley views from both verandahs of our property.

The tower will be in clear sight from the rear and both sides of our property and will spoil the valley views.

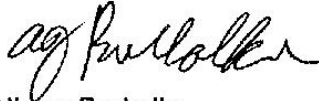
How Will We Be Affected?

As the owners of the property at 56 Main Rd, Tyers, the value our property will be greatly decreased to the unsightly telecommunications tower. Many people also view these types of telecommunications towers as posing potential health risks.


The presence of the tower will also make it much more difficult to rent or sell the property in the future due to both the negative visual aspects of the tower and the concern of others of the potential health risks living near such a tower.

We therefore wish to strongly object to the building of the telecommunications tower.

Sincerely,



Anthony Buchalka



Sharda Mudaliar



Australian Government
Australian Radiation Protection
and Nuclear Safety Agency

Fact Sheet 10

National Broadband Network Fixed Wireless Base Stations and Health

National Broadband Network (NBN) base stations use electromagnetic radiation to provide high speed broadband services to the community. The highest values of the radiofrequency electromagnetic energy (RF EME) that the public would be exposed to from the NBN base stations that are currently planned are less than 1/100 of the Australian public exposure limit. This means that the highest exposures are well below the levels at which any harmful effects are known to occur.

The NBN makes use of *fixed wireless* communications links to provide high-speed broadband in areas beyond the reach of the fibre network. Typically, this is where residential blocks are large and widely spaced.

The fixed wireless links use RF electromagnetic radiation (EMR), also called electromagnetic energy (EME), in the 2.3 GHz band to communicate between *NBN base stations* and small rooftop installations on residences and business premises.

Wireless devices and base stations used for communications purposes, such as the NBN fixed wireless systems, are regulated by the Australian Communications and Media Authority (ACMA). The exposures to members of the public must comply with the ACMA Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003. This ACMA standard makes mandatory the limits in the ARPANSA RF Standard for human exposure to RF fields from all sources, including mobile phone and NBN base stations.

The ARPANSA RF Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels. It is the assessment of ARPANSA and other national and international health authorities, including the World Health Organization (WHO), that there are no

established adverse health effects below current exposure limits. The standard is intended to protect people of all ages and health status.

The maximum levels of exposure of RF EME from the NBN base stations may be calculated from details of the equipment installed. These calculations are made available in the ARPANSA EME reports provided by the telecommunications companies on the Radio Frequency National Site Archive (RFNSA) website, www.rfnsa.com.au. The NBN sites may be located by searching by postcode or town.

For a typical 40 m high NBN base station, the highest exposure levels at ground level in the surrounding area are approximately 0.0004 watt/m² (0.04 μW/cm²) or less than 1/25,000 of the ARPANSA public exposure limit. This means that the highest exposure levels at ground level in the surrounding area are well below the known safe exposure limits of the ARPANSA RF Standard. There are no established health effects from these very low levels of RF EMR.

Where NBN base station antennas are mounted on the same structure as mobile phone base station antennas, the ARPANSA EME reports provide the overall exposures from the different technologies combined. For more information on mobile phone base station antennas please see our *Useful Links* at the end of this fact sheet.

2 - NOV 2012

Summary

NBN base stations use electromagnetic radiation to provide high speed broadband services to the community. The base stations use similar technology to 4G mobile phones and produce very low exposures to EMR (or EME) in the surrounding area, even very close to the installation. There are no established health effects from these very low levels of RF EMR.

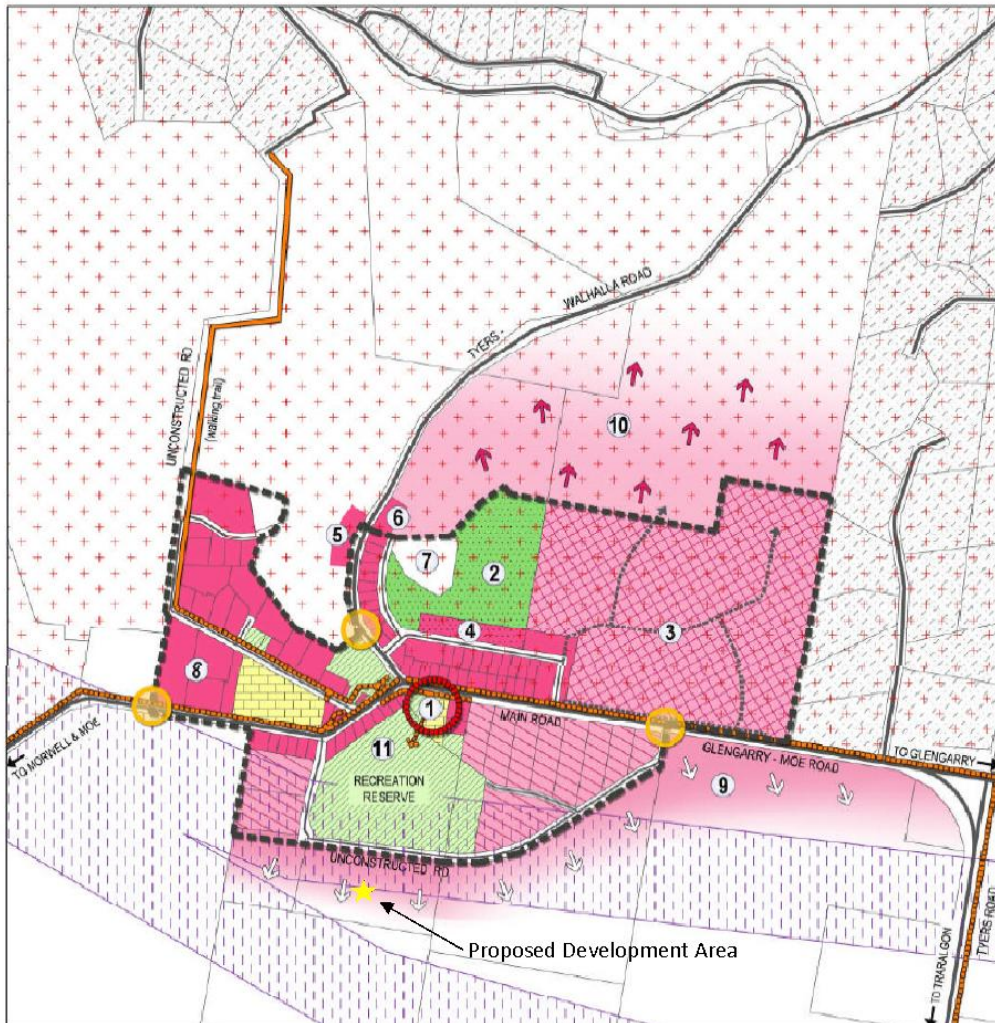
Useful Links

- ARPANSA Factsheets on RF EMR and EME
www.arpansa.gov.au/radiationprotection/FactSheets/is_antenna.cfm
- ARPANSA EME Reports
www.arpansa.gov.au/emereports/index.cfm
- ARPANSA RF Exposure Standard
www.arpansa.gov.au/publications/Codes/rps3.cfm
- NBN Co Limited
www.nbnco.com.au
- Frequency National Site Archive
www.rfnsa.com.au
- World Health Organization Factsheet on Wireless Technologies
www.who.int/mediacentre/factsheets/fs304/en/index.html

More information is available from the ARPANSA website
www.arpansa.gov.au.

LATROBE PLANNING SCHEME

Tyers Structure Plan



LEGEND

- | | | |
|--|---------------------------------|---------------------------------|
| | Farming | Main Road |
| | School | Local Road |
| | Public Open Space | Possible Future Road Connection |
| | Conservation Investigation Area | Existing Bicycle/Shared Path |
| | Major Waterway | Proposed Bicycle/Shared Path |
| | Major Gas Pipeline | |
| | Wildfire Risk | |
| | | |
| | | |

NOTE - Definition of terms:

'Existing' - land available for development in accordance with current zoning (available now)
 'Future' - land identified for short to medium-term development, subject to rezoning (3-15 year timeframe)
 'Future Long-term' - land identified for long-term development, subject to rezoning (1-15 year timeframe)
 Staging and release of land in accordance with the Structure Plans may be brought forward where there is demonstrated housing demand.

LATROBE PLANNING SCHEME - LOCAL PROVISION

	<p>TYERS STRUCTURE PLAN</p>	
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16.4 CITY IMAGE STRATEGY**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to present the draft City Image Strategy to Council and to seek approval to release the draft Strategy for community consultation.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

*Latrobe 2026: The Community Vision for Latrobe Valley
Strategic Objectives - Advocacy & Partnerships*

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

Strategic Objectives – Economy

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

Strategic Objectives – Our Community

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Advocacy & Partnerships

Advocate on behalf of our community and its vision for a secure and sustainable future.

Build a strong image for Latrobe City which emphasises prosperity, liveability and a sense of self confidence and resilience within the community.

Strategic Direction – Economy

Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

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

Major Initiatives - Advocacy & Partnerships

Develop a marketing and communications plan to strengthen Latrobe City's profile as the Regional City of choice and promote Council's regional and community leadership role.

Strategy – Economic Sustainability Strategy - 2011

Latrobe City Council will build a strong, progressive and recognised Latrobe City investment brand that emphasises the liveability of the City. Our investment brand will provide a foundation upon which Latrobe City Council and the business community can promote Latrobe City to investors and effectively engage with private and public sector decision makers to achieve long term economic development outcomes.

BACKGROUND

A key strategic action in the Council Plan 2012-2016 is to “Develop a City Image Strategy to strengthen Latrobe City’s profile as Gippsland’s Regional City”

The purpose of the City Image Strategy project is to develop a strategy to market and promote Latrobe City as a substantial regional city of Victoria and a region of choice to invest, work, live and play.

At the Ordinary Council Meeting on Monday, 23 April 2012 Council resolved:

- (1) That Council approves the City Image Strategy Consultants Brief and project governance arrangements.*
- (2) That an Expression of Interest process be commenced for the City Image Strategy Project Reference Group.*
- (3) That a report be presented to Council following the completion of the Expression of Interest process for endorsement of the Project Reference Group membership.*
- (4) That the City Image Strategy Consultants Brief be released for expression of interest and quote and as per delegations the Chief Executive Officers be authorised to award the contract to the chosen consultant.*

ISSUES

A specialist consultancy firm was engaged to undertake the Research and Engagement phase for the City Image Strategy Project between July – September 2012. This phase of the project involved the following activities:

- City benchmarking
- External survey of Victorian residents
- Internal survey of Latrobe City residents
- Online engagement through the Latrobe Story website
- Facebook quiz
- Internal and External Stakeholder interviews

**ORDINARY COUNCIL MEETING AGENDA
03 JUNE 2013 (CM409)**

The final Recommendations and Findings Report detailed the approach undertaken for each activity and the results of the research conducted. In addition to this, the consultant also proposed a range of recommendations for consideration moving forward. These Reports provided a strong basis on which Latrobe City Council could develop a City Image Strategy for the municipality.

To help guide the development of the Strategy, a Project Reference Group was also established in September 2012. At the Ordinary Council Meeting on Monday, 3 September 2012 Council resolved:

1. *That Council appoint the following community representatives and council officers to the City Image Strategy Project Reference Group:*
 - *Jane Oakley*
 - *Tim Grainger*
 - *David Wakefield*
 - *Marcus Fraser*
 - *Matt Addison*
 - *Roger Chao*
 - *John Calabro*
 - *Jacinta Kennedy, Manager Community Relations*
 - *Carol Jeffs, General Manager Governance*
2. *That all Councillors be invited to attend Project Reference Group meetings until the Council committee delegates process is undertaken by the new Council.*
3. *That the City Image Strategy Project Reference Group Terms of Reference be amended to reflect the change to the group structure.*
4. *That all community representatives be advised in writing of their appointment.*

The role of the Project Reference Group was:

- To provide input into the development of the City Image Strategy.
- To support the promotion of the City Image Strategy to the community.
- To assist in the review and inclusion of community consultation feedback and suggestions.
- To be a key reviewer during the development of the City Image Strategy.

ORDINARY COUNCIL MEETING AGENDA 03 JUNE 2013 (CM409)

Since December 2012, The Project Reference Group has worked with the Latrobe City Council Project Manager to develop the strategy.

The draft Strategy is based on the findings from the research and engagement phase and is focused on six (6) key objectives:

1. Establishment of the Latrobe brand identity to be promoted over the long term, including the development of a branding guide to effectively communicate the brand.
2. Development of an integrated marketing strategy, including the identification of audiences and the market segments to be targeted.
3. Council commitment to the ongoing, long term development and promotion of a positive image for Latrobe.
4. Community engagement with, support for, and participation in promoting the image of Latrobe.
5. A strategy that, in its execution, stands out from the rest and is effective and efficient.
6. A strategy that evolves over time in response to a changing environment while retaining its core values and essential integrity.

The draft Strategy is focused specifically on the brand of the municipality, not the brand of the organisation, and on building a marketable identity which not only promotes civic pride locally but creates wider interest in the region.

The clear direction and commitments outlined in the draft Strategy recognise that the management of the perceptions of the region is a long term and ongoing process that can be expected to take 10 to 20 years to achieve a substantive change. The adoption of a clear strategy will help the municipality move forward to promote the real image of Latrobe and raise the profile of the municipality as a significant Regional City of Victoria.

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 financial implications of this report are minimal, being advertising costs for releasing the draft Strategy for community consultation.

INTERNAL/EXTERNAL CONSULTATION**Consultation Undertaken**

The Research and Engagement phase of the City Image Strategy project was conducted in July-August 2012 and included a range of activities which captured responses from a wide variety of local residents, the Victorian community and other key stakeholders.

This included:

1. Phone Survey of 300 Victorian Residents
2. 8 External Stakeholder Focus Interviews
3. Phone Survey of 306 Local Residents
4. 12 Local Stakeholder Focus Interviews
5. Facebook quiz (Valley IQ Test)
6. Latrobe Story Website – 86 Community Stories posted

The outcomes of the Research and Engagement Phase are captured in Appendix 1 of the draft City Image Strategy.

Proposed Consultation to be undertaken

It is proposed that the draft City Image Strategy be distributed for public comment for a period of 4 weeks from Wednesday, 5 June 2013 – Friday 5 July 2013. This is consistent with Latrobe City Council's Community Engagement Plan 2010-2014.

It is also proposed that the consultation process be promoted via the following channels:

- Advertising in Council's Noticeboard in the Latrobe Valley Express
- Placement on the Community Engagement Hub on the Latrobe City Council website
- Promotion through the Community Sounding Board
- Promotion through Social Media
- Targeted communication to key Latrobe City Council committees, e.g. Tourism Advisory Board, and representatives from key stakeholder organisations.

OPTIONS

Council has the following options available:

1. Release the draft City Image Strategy for public consultation
2. Amend and release the draft City Image Strategy for public consultation
3. Not release the draft City Image Strategy for public consultation

CONCLUSION

The Research and Engagement phase for the City Image Strategy concluded in September 2012 and provided substantial information and data to support a strategy which focuses on improving the perceptions of Latrobe City and raising our profile as a key Regional City of Victoria.

The Project Reference Group has supported the Latrobe City Council Project Manager to review the research and develop a draft City Image Strategy. The draft City Image Strategy clearly articulates Council's commitments to pursuing actions to build on our municipality's profile and will be an important Strategy to further garner State and Federal government support in this endeavour.

The draft City Image Strategy is now presented to Council for its consideration and to seek approval to release for further community consultation.

Attachments

1. draft Latrobe City Image Strategy
2. Appendix City Image Strategy_Findings and recommendations report Oct 2012

RECOMMENDATION

- 1. That Council approves the release of the draft City Image Strategy for community consultation for a period of 4 weeks from Wednesday, 5 June 2013 – Friday 5 July 2013.**
- 2. That a further report on the draft City Image Strategy and the outcomes of the community consultation process be presented to Council at the Ordinary Council Meeting on Monday, 5 August 2013.**

16.4

City Image Strategy

- 1 Draft Latrobe City Image Strategy..... 529**
- 2 Appendix City Image Strategy_Findings and
recommendations report Oct 2012..... 549**



Latrobe City

IMAGE STRATEGY



Authorised and published by Latrobe City Council.

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BACKGROUND

Positioned in the heart of Gippsland, in eastern Victoria, the Regional City of Latrobe is less than two hours drive east of Melbourne and offers excellent rural and urban living enhanced by a diversity of lifestyle choices.

With the pristine beaches of the Gippsland coastline, Mount Baw Baw snowfields, Grand Strzelecki rainforest and the famous Gippsland Lakes all within easy reach, its ideal location is one of the city's greatest attributes.

Latrobe is one of Victoria's four regional centres with a residential population of almost 74,000 people. The population is youthful with 35% of residents in the 0-24 age group and only 12% over 65 years. It is a vibrant city shaped by diverse heritages and cultures.

As Victoria's "power house", Latrobe is the centre for the state's electricity industry derived from one of the largest brown coal reserves in the world. It is also the centre of many other industries including forestry which services Australian Paper's pulp and paper mill (the largest in Australia) and other sawmills, food processing (Lion - Morwell) engineering, post secondary education and the service sector. Being the largest population centre in the Gippsland region, Latrobe acts as the central hub for government agencies and private operators, including banks and insurance companies.





THE OPPORTUNITY

Research commissioned by Latrobe City Council in 2012 confirmed the mismatch between the external image of Latrobe, one dominated by images of mines and power stations, and the diverse realities experienced and valued by its residents. Key challenges facing Latrobe include the poor knowledge of the area outside Gippsland and an ambivalence to the appeal of Latrobe as a place to visit, live, invest and work. Research conducted in 2004 had also highlighted these similar issues of negative external perceptions around power generation, unemployment and social problems. What is evident, is that over the last decade, there has been little shift in the external views of the municipality.

In contrast to the external perceptions, the research highlighted that local people feel positive about the future of Latrobe; espouse the strength of community spirit; and are very appreciative of their proximity to surrounding towns, natural beauty and associated activities.

Behind the images of energy and coal, locals have strong associations with country lifestyle and tourism. An awareness of the intent of state and federal governments to invest in the transition of Latrobe to a low carbon economy has also fostered an underlying local confidence in the potential for economic growth and assistance.

The lack of factual knowledge of Latrobe from people outside of Gippsland presents an opportunity that can be addressed by a communication and marketing strategy to correct and enhance the image of Latrobe. This lack of knowledge is a blank canvas onto which the “real” image of Latrobe can be painted. Latrobe City Council has developed this strategy to focus specifically on the brand of the municipality, not the brand of the organisation, and to build a marketable identity which not only promotes civic pride locally but creates wider interest in the region as an attractive place to call home, to work, to visit and to invest.





THE "REAL" IMAGE OF LATROBE

The research highlighted Latrobe as being the hub of opportunities for recreation, families, industry and education. It is also a geographic hub, within easy reach to many locations due to its ideal position on the eastern side of Victoria. The following brand story has been shaped from the research findings to emphasize Latrobe as a place with great depth and of multiple contrasts that builds further on its strength as the hub of Gippsland:

- CONNECTED
- VIBRANT
- SURPRISING

Latrobe is **energetic** yet we know when to *relax*.

Latrobe is *active* yet we know how to enjoy a **leisurely**

pace. Latrobe is **cosmopolitan** yet we respect our

heritage. Latrobe has a *rich history* yet we embrace

the future. Latrobe is **connected** yet we enjoy our own

space. Latrobe is *skilled* yet we know we will continue

to learn. Latrobe has a *buzz* yet we can still hear the birds.

Latrobe is **prosperous** yet we still have a **heart**.

Latrobe is *close* yet far enough away. Latrobe is down to

earth and **full of surprises**.



REALISING THE OPPORTUNITY

The City Image Strategy objectives act on the findings from the research and define the key elements and actions to promote the “real” image of Latrobe and raise the profile of the municipality as a significant Regional City of Victoria.

1 Establishment of the Latrobe brand identity to be promoted over the long term, including the development of a branding guide to effectively communicate the brand.

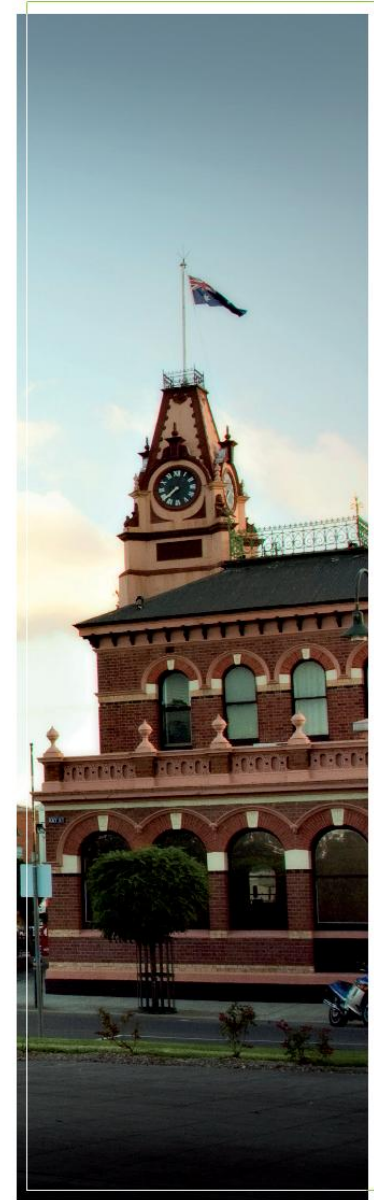
2 Development of an integrated marketing strategy, including the identification of audiences and the market segments to be targeted.

3 Council commitment to the ongoing, long term development and promotion of a positive image for Latrobe.

4 Community engagement with, support for, and participation in promoting the image of Latrobe

5 A strategy that, in its execution, stands out from the rest and is effective and efficient.

6 A strategy that evolves over time in response to a changing environment while retaining its core values and essential integrity.



1 BRAND IDENTITY

The process of branding can be defined as placing something indelibly in the memory. These definitions address the processes of establishing, and then communicating a brand identity for Latrobe, the principle objective of this strategy.

For an image or brand to be sustainable it must have integrity. Development of the Latrobe brand will require open, imaginative and effective collaboration with business, community and governments to secure agreement on a coordinated strategy and narrative – the ‘story’ of who and what the city is, where it is going and how it is going to get there – which honestly reflects the skills, the genius and the will of the people. Engagement with the community is essential to engender a sense of ownership of, and responsibility for, the brand and its communication.

Brand perception research commissioned by Council addresses brand development and these insights will be used to inform the brand development process for Latrobe. This research noted that the overall branding of a place needs to distil the identity elements that are shared by most community members, potentially also creating ‘brand stretch’ toward new areas of activity the Council is pursuing. It identified the following six main factors by which people measure a city brand (consciously and subconsciously).

- **Presence** – brand awareness.
- **People** – how the people who inhabit the city are perceived; the quality of local leadership.
- **Potential** – the perceived future potential of a city.
- **Prerequisites** – the basic expectations (education, services, accommodation etc.).
- **Pulse** – the energy (defined by cultural vibrancy, activities etc.).
- **Place** – the physical, manmade and natural assets.



The brand, having wider application for the region, will be very separate and distinct from the corporate representation and brand of Council. The brand needs to be useful and relevant to the community and businesses in the city and be seen as “their” brand to be used in appropriate situations.

Elements of the brand will include but not be limited to the following values and attributes of Latrobe.

- Variety in lifestyle and housing options
- Opportunities in a growing and diversifying economy
- High quality education institutions including a regional university
- A high quality natural environment
- A culturally diverse and skilled community
- Strong community spirit and social cohesion
- A connectedness within and beyond Latrobe

Latrobe City Council will:

- Engage a cutting-edge, forward thinking development consultancy to create a standalone Latrobe brand and supporting marketing campaign with a strong visual identity including logo, imagery and graphic treatments.
- Develop a comprehensive “branding guide”, including promotional materials and protocols, to direct the effective and consistent use of the brand by Council and Latrobe businesses and community organisations.
- Oversee the effective and consistent application of the Branding Guide.



2

T A R G E T M A R K E T S

For a communication strategy to be effective, the various audiences for the message need to be identified so that the most successful and efficient means (or combination of means) of reaching them can be determined. The objective is to get the best return on the investment in the channel used.

This requires segmenting the market and matching the elements of the message relevant to those market segments. While the messages will be variations on the common theme, the message to an international investor will have a different emphasis from that to a family resettling from Melbourne.

There is an opportunity for further segmentation of these broad market categories and to fine tune the channels to those markets including electronic and social media to meet the needs of specific campaigns.

The audiences to be targeted include:

- People living and working in Latrobe.
- People who have a cultural, social or economic interest in Latrobe's economic health, including the extended family of people living in Latrobe and business owners.
- Political and government stakeholders with an interest in how Latrobe City Council respond to policy and programs aimed at the 'transition to a clean energy future'.
- The broader community of Victoria.
- Existing and prospective international investors and trading partners.



Latrobe City Council will:

- Develop an integrated marketing strategy, including the identification of audiences and the market segments to be targeted, which clearly articulates how the marketing campaign will be implemented.



3

COUNCIL COMMITMENT

It takes time, persistence and resources to change people's perceptions. Council recognises that the management of the perceptions of the region is a long term and ongoing process that can be expected to take 10 to 20 years to achieve a substantive change. Council is the organisation best placed to provide the continuity of stewardship and leadership required.

Reputation or "brand equity" is a valuable asset that needs to be managed, measured, protected, leveraged and nurtured over the long term. Council's commitment to the Latrobe brand will be overseen by an internal Brand Promotion Group comprised of general managers from relevant business units and officers in the relevant disciplines of economic development, city planning, arts, tourism, community development and community relations.

The Brand Promotion Group will have a quality assurance role in the use of the Latrobe brand and will oversee its internal use in areas including:

- Investment attraction promotions;
- Resettlement programs;
- Tourism and Events promotions; and
- Application of the Latrobe brand to urban architecture and "place making" activities.

The Brand Promotion Group will also liaise with the proposed external Latrobe Image Network.



Latrobe City Council will:

- Establish an internal Latrobe Brand Promotion Group and align the focus of internal resources within Council.
- Ensure that the Council Plan and Annual Action Plan recognise the role of the Brand Promotion Group and the need for the City Image Strategy implementation to be ongoing.
- Ensure that the Annual Action Plan identifies the activities to be undertaken for the delivery of the City Image Strategy and that sufficient resources have been allocated.
- Undertake a major review of the effectiveness of the strategy 5 years after its adoption. While a complete transformation of the perceptions of Latrobe is unlikely in this timeframe there should be sufficient progress to justify the continuation of the program.



4

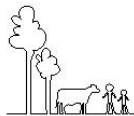
COMMUNITY PARTICIPATION

Council's brand perception study identified a keen interest from key external stakeholders in contributing their expertise to the Latrobe perception challenge.

Based on this interest the study recommended the establishment of a place branding and marketing champion group comprised of:

- leading members of the project reference group;
- business sector ambassadors; and
- talented, experienced, high profile people.

Membership of the group would be unpaid. Members would leverage their own networks and provide expert advice. Meetings of the group would, when required, be facilitated by an experienced facilitator with branding expertise and local knowledge.



Latrobe City Council will:

- Establish a Latrobe Image Network that will be both a formal group bringing expertise and providing a connection to the wider community and an informal network to be utilised by council as required.
- Undertake an expression of interest process to identify potential members of the Latrobe Image Network. The configuration of the group will be determined by the profile of skills identified through the expression of interest process.



5

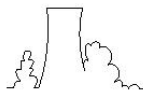
BEST PRACTICE AND PERFORMANCE MEASUREMENT

The national and international regional branding programs identified in the council commissioned research as best practice will serve as benchmarks for Latrobe. While much can be learnt from these experiences, the simple replication of these programs is at best a catch up or “me too” strategy. The City Image Strategy will aim to, through its formulation and execution, establish a new and higher benchmark for regional promotions.

The name of the campaign, promotional materials and any supporting website need to be:

- **distinct** - many branding exercises have been undertaken by other cities, regions and nations and, as our aim is to set new global benchmarks in city brand engagement, be outstanding and compelling;
- **intriguing** and logical to an external audience (from outside the region), stimulating interest in the Latrobe story and recognition of the need place the impact of changes to the coal/energy industries in context and to.
- **resonant** with a diverse internal Latrobe audience (from across the municipality, acknowledging that many people associate themselves with a town not ‘city’ or the region) and encourage them to look a little deeper into the campaign.

The test of whether the Latrobe Image Strategy has established a new benchmark for regional promotions will be its effectiveness as revealed by a performance measurement regime.



Latrobe City Council will:

- Develop a suite of performance measures to facilitate the benchmarking of the strategy and its related activities against best practice in other national and international jurisdictions.
- Investigate opportunities to partner with researchers/ universities to enable an independent evaluation of the strategy's effectiveness.
- Monitor and report the performance of the program annually. The reporting regime will include:
 - Quarterly newsletter and media release to stakeholders.
 - Annual report and briefing to Council.



6 INNOVATION

As emphasised elsewhere, strategic image redirection requires a consistent message and visual presentation delivered over 10 to 20 years. However, as the market place evolves there will be opportunities to respond to these changes by fine tuning the delivery of a promotional program. For example, new channels to market can be expected to develop in the rapidly changing electronic media environment.

The focus of innovation will be weighted towards the program's processes rather than the core product or message. Attention to innovation will ensure that the program stays at the leading edge of best practice in regional promotions.



Latrobe City Council will:

- Encourage internal and external stakeholders to identify opportunities to improve the performance of the program.
- Evaluate and implement innovations aimed at achieving:
 - Cost efficient program delivery; and
 - Effective program outcomes.



APPENDIX



CITY OF LATROBE

Overall project findings and recommendations

Prepared for: **Jacinta Kennedy**
Manager Community Relations
Latrobe City Council

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Date: Tuesday, 30 October 2012



1 EXECUTIVE SUMMARY

Ellis Jones was commissioned to undertake a brand perception study and community engagement campaign, the insights from which will inform the development of a City Image Strategy.

The most significant outcomes of the project and resulting recommendations are detailed in this document. Detailed findings of each project component can be viewed in respective adjoining documentation.

1.1 The challenge

The challenges facing Latrobe are:

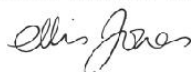
- Poor knowledge of the region outside of Gippsland.
- Perceptions are strongly linked (and limited) to coal mining and power generation.
- Dominant personification of 'working class' and 'hard working' are a positive but limiting when attracting professionals. That said, Latrobe should continue to be a manufacturing and processing hub with a demand for skilled labour.
- Responses to questions regarding the appeal of Latrobe as a place to visit, live, invest and work all revealed ambivalence.
- Media coverage and government communication is focused on closure of power stations and an end to high emitting brown coal based energy production.
- Broadly, Australian communities hold negative associations with brown coal among, particularly the people of education and influence.
- Lack of identifiable landmarks both natural and man made, other than the smoke stacks of Hazelwood and cooling towers of Yallourn.
- Lack of identifiable local business leaders whose profile extends beyond Gippsland and into corporate Australia (or internationally).
- Local people (77 per cent) view employment opportunity as poor to average despite the Valley having a reasonable unemployment rate not far off the state average. When asked what concerned them most, respondents were clear: jobs, transition and the impact of the carbon price.
- Internal surveying and the Facebook quiz indicate that, overwhelmingly, people in the valley believe power generation is the top industry.

Place identity is not manufactured; it arises from matching a distillation of what makes a place different with measured ambition of what it might become. Latrobe has an abundance of substance with which to establish its economic and lifestyle credentials.

1.2 The opportunities

The opportunities before Latrobe are:

- Behind coal and energy, there are strong associations of country lifestyle and tourism.
- An empty vessel can be filled. The lack of actual knowledge of Latrobe (that not garnered second-hand by the media) means communication can balance energy and coal associations with other aspects of the region.



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- The City of Latrobe is known to be one of Victoria's four main regional centres, an important asset when negotiating the investment of government and business.
- 55 per cent of local people surveyed feel positive or fairly positive about the future of the Latrobe Valley.
- Aware of the intent of state and federal governments to invest in the transition of the region, there is an underlying confidence in the potential for economic growth and assistance.
- People within the valley are highly appreciative of their proximity to surrounding towns, natural beauty and activities. It is the dominant association.
- Local people espouse the strength of community spirit.
- There is a wealth of evidence of the region's economic and lifestyle offer, some of which has been captured visually via the Latrobe Story website.
- There is significant interest from within and without the valley in supporting activities to conceptualise and communicate a revised brand identity for Latrobe.
- Education is critical to cultural and economic activity and Latrobe has a strong mix of education, even if there are challenges to the sector immediately ahead.

1.3 What is Brand Latrobe?

Place identity is not manufactured; it arises from matching a distillation of what makes a place different with measured ambition of what it might become. Latrobe has an abundance of substance with which to establish its economic and lifestyle credentials.

We recommend that a well articulated brand identity be developed as part of the City Image Strategy, and offer the following early positive associations within a branding framework. These need to be properly analysed and workshopped but the research provides sound direction.

- Essence – a place where things get done, a place evolving positively
- Associations – (economic) potential, lifestyle, community spirit, adventure, innovation, affordability
- Personification – resilient, hardworking, friendly, honest
- Symbols – green fields and mountains, smiling honest faces, manufacturing, physical activity

1.4 Recommendations

We outline recommendations in detail within. In summary:

- Articulate the brand via a compelling narrative.
- Develop an integrated marketing strategy that applies brand identity to all communication and links to economic development activity. Use easily accessible, web-based communication channels.
- Establish a brand stewardship group which features leaders within council.
- Establish a champion group which assembles local leaders and external experts.
- Make the Latrobe City Image Strategy an exemplar for regions in transition in order to raise awareness of the region and attract investment, nationally and globally.
- Establish a standalone Latrobe Valley marketing campaign with input from the local community and high profile creative professionals.
- Creative incentives for arts, cultural and hospitality businesses and individuals to invest in the development of symbolic actions and places for the region.

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2 RECOMMENDATIONS

2.1 Articulate the brand

Using the information garnered in this project, we recommend the City Image Strategy comprise, in part, the following components:

1. brand identity
2. branding guide

2.1.1 Brand identity

The brand identity is made up of the following elements:

- Essence: the defining core of the brand
- Associations: the extensions of the brand
- Personality: the brand as a person
- Visual identity: photography, symbols and graphical interpretations of the brand

Its purpose is the establishment of a concise set of elements and directions that will be repeated and emphasised over time.

2.1.2 Branding guide

The purpose of the branding guide is to effectively communicate the composition of the brand. The guide:

- forms part of employee and stakeholder inductions;
- informs training and leadership programs;
- acts as a brief to communication and creative agencies;
- is a point of reference for city spokespeople; and
- ensures consistency of messaging, visual identity and behaviour over time.

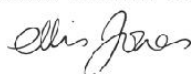
It should feature a compelling narrative.

2.2 Integrated marketing strategy

The integrated marketing strategy comprises and/or outlines the:

- value proposition and key messages
- key target audiences and the channels through which to establish the brand
- strategy, tactics and activities which will embody branding in all communication (internal and external)
- structural links between marketing and economic development activities
- protocols for engaging external stakeholders as brand advocates
- marketing materials/impressions which will express the brand
- milestones for key activities and measurement
- annual budgets

Note, the establishment of a standalone marketing brand (Section 2.6) will enable repurposing of the Latrobe Story website and its content for marketing purposes. Currently Council is constricted by the utilitarian design and purpose of its main website and communication channels.



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2.3 Brand stewardship group

There will be many decisions to make as the City Image Strategy is developed and implemented over time. Some of these decisions will require the consideration of experienced city managers who must be aware of the comprehensive range of communication activities. For this reason we recommend establishment of a brand stewardship group comprising general managers from relevant business units and people employed by council in the relevant disciplines of economics/city development, marketing and community relations.

A consistent senior management presence will demonstrate council's strength of commitment, ensure risks are managed, and decisions are made in a timely manner (in order to take advantage of short term opportunities).

The stewardship group will liaise with the external brand champion group.

2.4 Champion group

During the execution of the project we have been struck by the genuine interest in providing information and ongoing input to the branding of Latrobe – not only from internal stakeholders but external stakeholders as well. Many of the people we interviewed are acknowledged leaders in their fields who gladly shared their expertise. Even if they had no immediate connection to the Valley, they expressed sincere empathy and professional interest in the perception challenge.

We therefore recommend establishment of a place branding and marketing Champion Group which comprises:

- leading members of the project reference group;
- business sector ambassadors; and
- talented, experienced, high profile people.

Membership of the group would not be paid. Members would leverage their own networks and provide expert advice. The group would be facilitated by an experienced facilitator with branding expertise and local knowledge.

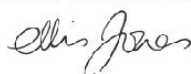
This model has been used effectively in other cities.

2.5 An exemplar

The City of Latrobe is the first regional government subject to transformation planning as a result of climate change policy (in this case a 'carbon price'). The Latrobe Story campaign has made a bold statement: the city is more than its best known industry and it is ready for a new era of growth.

Latrobe is on the way to establishing a benchmark for regions adapting to changes in energy production and industry. The City Image Strategy will build on the important and respected work completed so far and will, in itself, mark the region and its people as innovative, responsive and resilient. These and other associations will strengthen its attractiveness to investors and workers.

As an exemplar, Latrobe will also become a reference point for influential government and industry representatives. This will protect its regional centre categorisation and establishing its reputation within the institutions that will, to greater and lesser degrees, decide its future.



A branding and marketing strategy with well timed milestones for publicity and external marketing will entrench Latrobe's exemplar status and sustain momentum over time. It will have global reach.

2.6 Latrobe Valley marketing campaign

The success of the Latrobe Story campaign was due, in part, to the background role council played. The city played exactly the kind of part it must in future: to provide information and incentives for local people and businesses to become active.

We recommend that the city create a standalone Latrobe Valley marketing campaign with a strong visual identity (logo, imagery and graphic treatments) which are distinct from that of council. Creation of the new visual identity should engage the community so a sense of ownership and responsibility is engendered in the brand and its communication.

We recommend commissioning a well known 'star' designer or creative thinker – potentially one with a connection to the Valley – to take community ideas and realise them. The personal brand of the designer will mesh with that of the city, communicating with actions and through a concept of great integrity, the unique and compelling narrative of Latrobe.

In combination, this collaborative and star designer approach is a combination of the best achievements of Manchester and Newcastle.

Importantly, the standalone marketing Latrobe campaign will enable council to create a sense of urgency, energy and optimism about change without compromising its responsibilities as a local government. The campaign would be perceived as arms length from the governance of council.

Examples of marketing campaign branding at other cities follow:



NEWCASTLE



p!ttsburgh 250

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2.7 Creative incentives

A theme emerged from external interviews with experts in tourism, arts, economic development (policy makers) and city positioning: there needs to be positive symbols associated with Latrobe Valley other than smoke stacks.

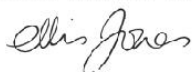
As time has shown, building a giant Gallah does not drive tourism. Neither does promising an experience that is not delivered. As we outline in Section 5, competitive branding is a balance of strategy, substance and symbolism.

Our assessment of council planning documentation, coupled with the Latrobe Story campaign and internal surveying, has revealed a strong base of arts and cultural activity. If we look beyond the main towns to the smaller villages, Latrobe Valley has beguiling heritage nestled in breathtaking landscapes. That's central to the lifestyle offer. However, there are no iconic hospitality or entertainment venues that act as a destination for cultural tourism and sell the lifestyle proposition to potential new residents.

Council has proven adept through its events program at attracting groups to the region, delivering an annual flow of people to whom reinvigorated branding and a new value proposition can be communicated. This should be linked to relationship marketing and consumer incentives programs.

Furthermore, we recommend consideration of high profile economic and cultural incentives. Examples include:

- A competition arts prize funded in whole or part by a high profile philanthropic partner and with a high profile judging panel. This would not be a community arts project but an exercise which would deliver works of significance linked to branding themes.
- Active connection of promising arts, cultural or entertainment activities with state government regional marketing initiatives and grant programs.
- Collaboration with local financial institutions such as Mecubank to develop creative financial incentives and attract innovative hospitality businesses. Examples are low interest loans and rates concessions.
- Collaboration with adventurers on the commercialisation of Tarra Bulga National Park.



3 CONSIDERATIONS

3.1 Story telling

Branding is story-telling. The narrative must acknowledge history while building a sense of excitement and anticipation about the future. This story must be told, with relative consistency, for twenty years.

Latrobe's historical narrative is one of resilience. It is not one of gradual evolution, rather, of reaction to outside intervention on a major scale: the establishment of the power industry and relocation of workers; the deregulation of the power industry and pervasive negative impact on local people; the amalgamation of shire councils. Most recently, the demonization of brown coal, introduction of a carbon price and the drafting of 'transition' plans and road maps by state and commonwealth governments.

There is another narrative: of successful food processing and paper milling, development of service hubs and education institutions. Unfortunately this is not well known. It is the story that needs to be told.

The City Image strategy must consider the best possible channels to influence the key target audience members: local people, policy makers, business owners and investors. It must focus on a few key pillars (associations) upon which the brand can be built and use both written and visual communication to entrench a broader set of associations.

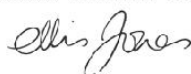
3.2 Operations

Communicating and gaining leverage from the brand will fall to all representatives of council and stakeholders. However, the custodians of the brand will be the city's communication and economic development staff.

Marketing plays a key role in *brand awareness*. If people do not know you exist or are confused as to what/who you are they cannot begin to form a picture. Raising brand awareness is therefore fundamental to achievement of all other areas of the brand strategy. It must be driven by a marketing strategy that links key council interfaces, and marketing materials, with target audiences groups.

Community engagement is essential to effective place branding because the brand cannot be perceived as genuine if it is not expressed in the actions and communication of local people. Therefore, council will be reliant upon carefully selected community members to act as champions for the brand (otherwise known as 'brand advocates') as well as a critical mass of activity which reflects the positioning of the region. Community relations will play a lead role in coordinating local engagement activities.

An important underlying purpose of place branding is economic and cultural development: attracting skilled and knowledgeable workers, and investment in existing and new industries. The story must match economic potential with diverse lifestyle and employment opportunities. People are emotional. The most compelling statistics has never been as powerful as an appeal to a person's ego. Latrobe must project an identity onto the people it seeks as residents and partners; that identity must be compelling.



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Marketing, community relations and economic development personnel must:

- develop strategies in collaboration
- gather and share data with which to refine strategies
- coordinate the development of materials and engagement of stakeholders

3.3 Linking branding to economic development strategy and tactics

Council's economic development team has produced some very good strategic work founded by useful research. That work has defined key areas for economic development investment and activity. Here we provide an introduction of how to match economic development communication with branding.

<i>Economic focus</i>	<i>Brand overlay</i>
<u>Major energy hub</u> : Latrobe will continue to be a key supplier of energy to Victoria, with strategic transition to cleaner energy production over the next decade. A major asset, the brown coal deposit will be the focus of different applications (fertiliser, hydrogen) and exported to other countries. Carbon sequestration is the subject of commercial and government research.	Potential A place where things get done Adventure Innovation Affordability
<u>Fresh food hub</u> : A centre for processing and management of distribution of food to Australian and local markets. A place of idyllic climate and landscapes synonymous with healthy food.	Lifestyle Potential <i>A brand associated with fresh food is also associated with healthy landscapes which drives tourism and attraction of workers.</i>
<u>Education hub</u> : Comprehensive education offer from school to tertiary study. A respected 'university town' with lifestyle appeal linked to world class education. Education institutions as knowledge centres, enhancing the capacity of local industry through skilled workers and intelligence/innovation. Education of international students to underpin the establishment of links with overseas markets and investors.	Lifestyle Innovation Adventure Community Potential Affordability
<u>Shared services hub</u> : Latrobe has a strong track record as a services hub for major corporations and government in industries such as telecommunication and health. The region offers low cost, smart labour from a local student population.	Affordability Potential Lifestyle Innovation

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3.4 Leadership

We associate a place with its people. The personification of the brand is both dependent on the overall 'type' of person we expect to find in a region but also the identifiable faces we know represent it.

Broadly, we have a well defined sense of the 'Latrobe' person with encouraging links between external and internal perceptions. But who are the faces of Latrobe? Who is leading by example?

Government's role is to provide confidence via the competency of its leadership, the consistency of its actions and investments and responsiveness to change. The city is represented ably by the Mayor and Chief Executive Officer, both of whom have authentic and intrinsically Latrobe stories. Importantly their stories are different but reflective of the development of the region.

The private sector will drive the recasting and promotion of Brand Latrobe. Via their own actions and achievements, local businesses and business leaders embody the potential and capacity of the region. Brand advocates must be carefully established. They must be credible, committed to the region and embody the brand associations.

3.5 Localised identity

During the course of this project, many people have referenced the rivalry between the three main towns of the Valley: Moe, Morwell and Traralgon.

The identity of local people is clearly linked to that of the town they live in but also the Valley and, more broadly, Gippsland. It is a case of: 'we, the people of Moe; we, the people of Latrobe Valley; we, the people of Gippsland' but not 'we, the people of the City of Latrobe'.

Rivalry is not unusual. There is rivalry between the suburbs and precincts in any municipal area of Victoria. The distinctions is perhaps more acute in Latrobe Valley but take for example the differences between East Melbourne and West Melbourne, just a kilometre away from one another but, culturally, often worlds apart.

The impact of rivalry although important in local policy making is not as critical to branding. The establishment of a standalone marketing campaign and brand will assist in uniting people behind a vision for the region not the City.

3.6 In reasonable time

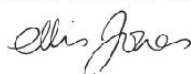
It takes time and persistence to change people's perceptions. It took 20 years to change perceptions of Melbourne from a dirty hole where nothing happens ('the donut') to Australia's art, culture and food capital. The identity of Melburnians had to change as well. Even though most don't access the city's wealth of entertainment, they now proudly claim it as their own.

Latrobe is in an advantageous position as there is limited knowledge and there are limited perceptions of the region. However, filling the void will take time. A milestone approach is required and a plan that is refined, responsive and sustained.

3.7 The greater the sum of its parts

Latrobe is commonly perceived as the economic centre of Gippsland (inferred not stated) and designated one of Victoria's four regional centres by the state. Municipal boundaries are largely irrelevant to people in their daily lives – it is only when dealing with regulatory requirements or attending voting stations we are reminded of where the municipality starts and ends.

Many people travel to work in the City of Latrobe and return home to large and small towns outside the Valley.



It is therefore entirely reasonable for the City of Latrobe to attract workers, visitors, investors and residents based on the sweep of lifestyle options available in neighbouring shires. Ultimately, people across the broader region will benefit.

3.8 Symbolism and substance

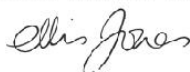
It is always attractive to use an exciting local business as the face of a branding campaign. However, if that business and the industry it represents, is not a growth industry for the region and not targeted by council economic development activities, sometimes a broken promise can be made to outsiders. For example an agricultural region cannot sell a technology offer without their being credible evidence of potential.

3.9 A sense of resignation

The Kafkaesque scenario of greater powers deciding the fate of common people with negative consequence is alive and well in Latrobe. In-field surveying revealed a sense of resignation ('there's nothing we can do so why get involved'). Council staff members are also aware of the apparent lack of an entrepreneurial middle class and limited ambition.

However, there are some enigmatic, energetic business people and community leaders (and council managers) who buck the trend and can, with persistence, create anticipation for positive change. There are companies that have emerged from deregulation as highly competitive businesses.

In addition, although we acknowledge the reticence to appoint people from outside the valley to lead initiatives, the use of highly respected and charismatic thinkers to energise community members can be very successful. For this reason, we think leaders of successful place branding/transformation initiatives for other cities would be of great use in open house forums and supporting publicity.



4 PROJECT OVERVIEW

4.1 Approach

4.1.1 Strategy + substance + symbolism

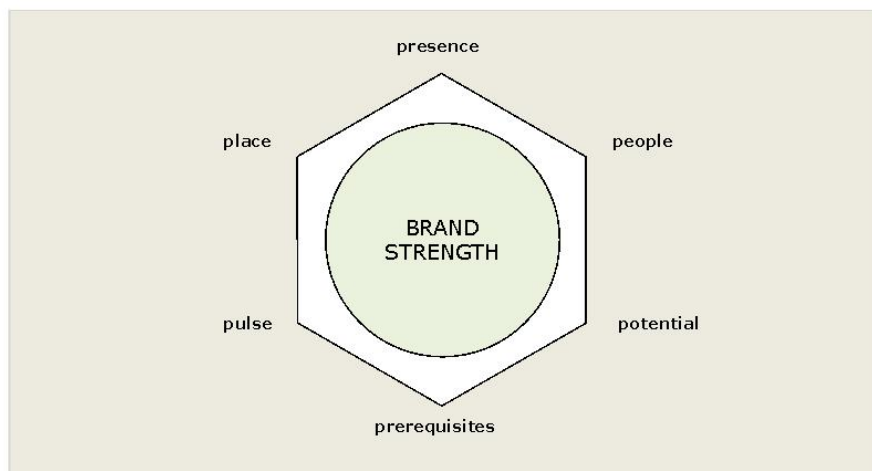
To develop a competitive brand identity, brand strategists must have strategy, substance and symbolism. The Latrobe Story project sought to uncover the substance behind the story that needed to be told. In Latrobe's case people came forward with authentic stories of a rich life in green natural surrounds and stable jobs in industries other than power generation and coal mining.

In addition, the project was designed to identify the:

- people whose actions were symbolic of the 'real Latrobe' lifestyle; and
- landmarks (natural and man made) that could potentially serve as recognisable symbols for the Valley's towns and landscape.

4.1.2 6 P's: *place, potential, people, presence, pre-requisites, pulse.*

There is a general place-identity for each individual which reflects his or her unique socialization in the physical world. Put simply, how we see ourselves is linked to the place in which we live or have lived. The overall branding of a place needs to distil those identity elements that are shared by most community members, potentially also creating 'brand stretch' toward new areas of activity the government is pursuing. The diagram below defines the six main factors by which people measure a city brand (consciously and subconsciously).



Definitions:

- Presence – brand awareness
- People – how the people who inhabit the city are perceived; the quality of leadership
- Potential – the perceived future potential of a city
- Prerequisites – the basic expectations (education, accommodation etc.)
- Pulse – the energy (defined by cultural vibrancy, activities etc.)
- Place – the physical, man made and natural assets

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4.1.3 Applying a framework to the brand perception study

The 6 P's framework was applied to:

- interview questioning;
- survey questioning; and
- user experience strategy for the Latrobe Story website so that stories could be effectively categorised.

4.2 Project elements

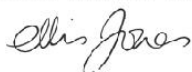
The brand perception study and community engagement study comprised the following integrated elements. Implementation occurred according to the flow diagram overleaf.

Brand perception study:

- External survey
- External stakeholder interviews
- Internal survey
- Internal stakeholder interviews
- Facebook quiz (Valley IQ Test)
- Website and social media analytics

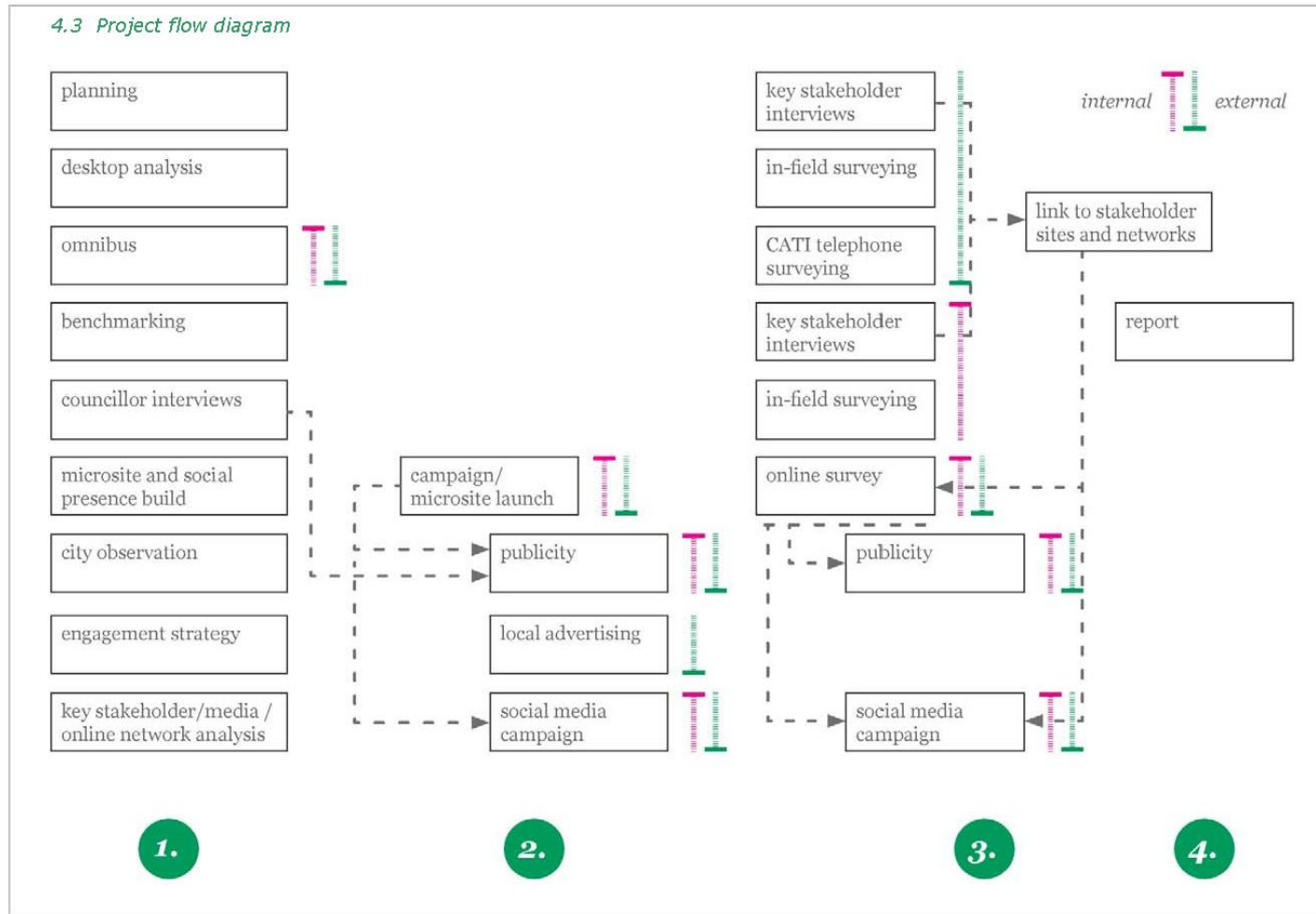
Community engagement

- Marketing and engagement strategy
- Campaign brand and positioning concept ('I [] in Latrobe')
- Website and social presence development ('Latrobe Story')
- Social media networking, strategy and community management
- Media relations



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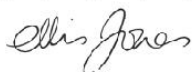
5 COMMUNICATION MATERIALS

5.1 Introduction

The Latrobe Story campaign consisted of:

- Latrobe Story website
- Latrobe Story Twitter presence and feed
- Latrobe Story Facebook presence and feed
- Postcards
- T-shirts

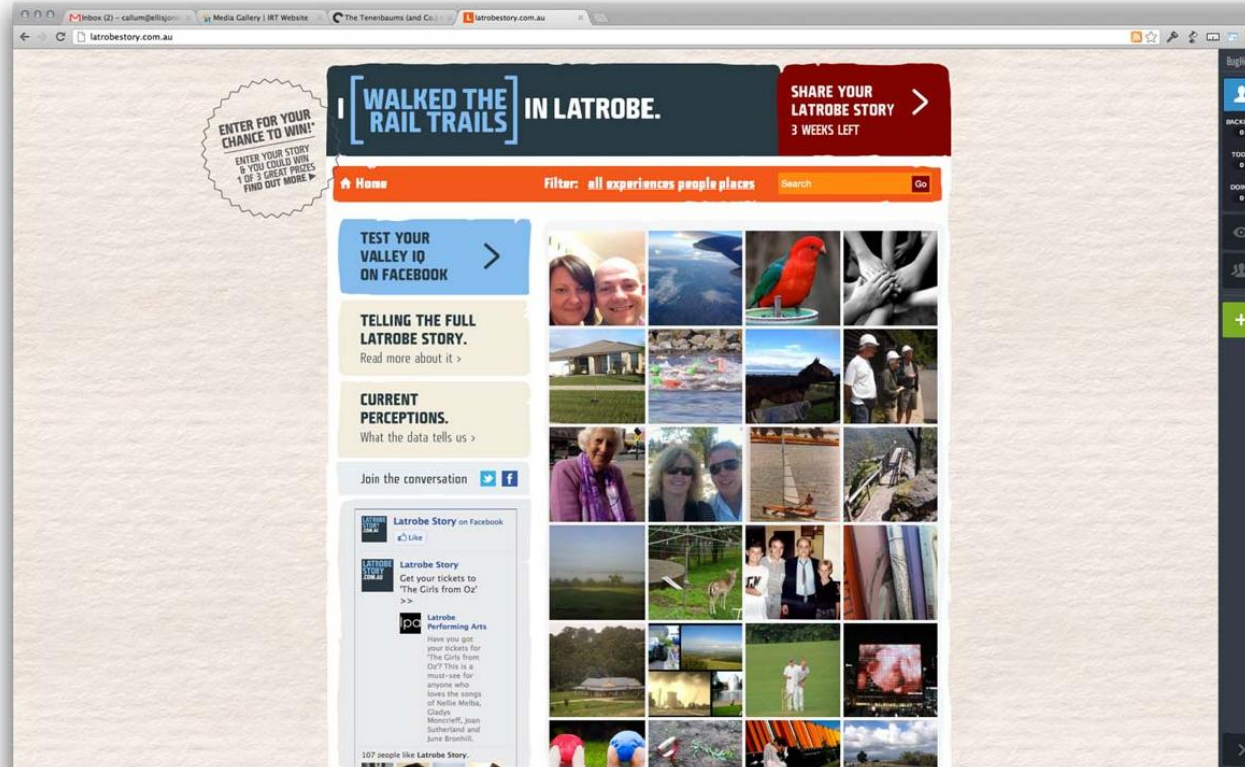
We provide visual expressions of each.



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5.2 Latrobe Story website

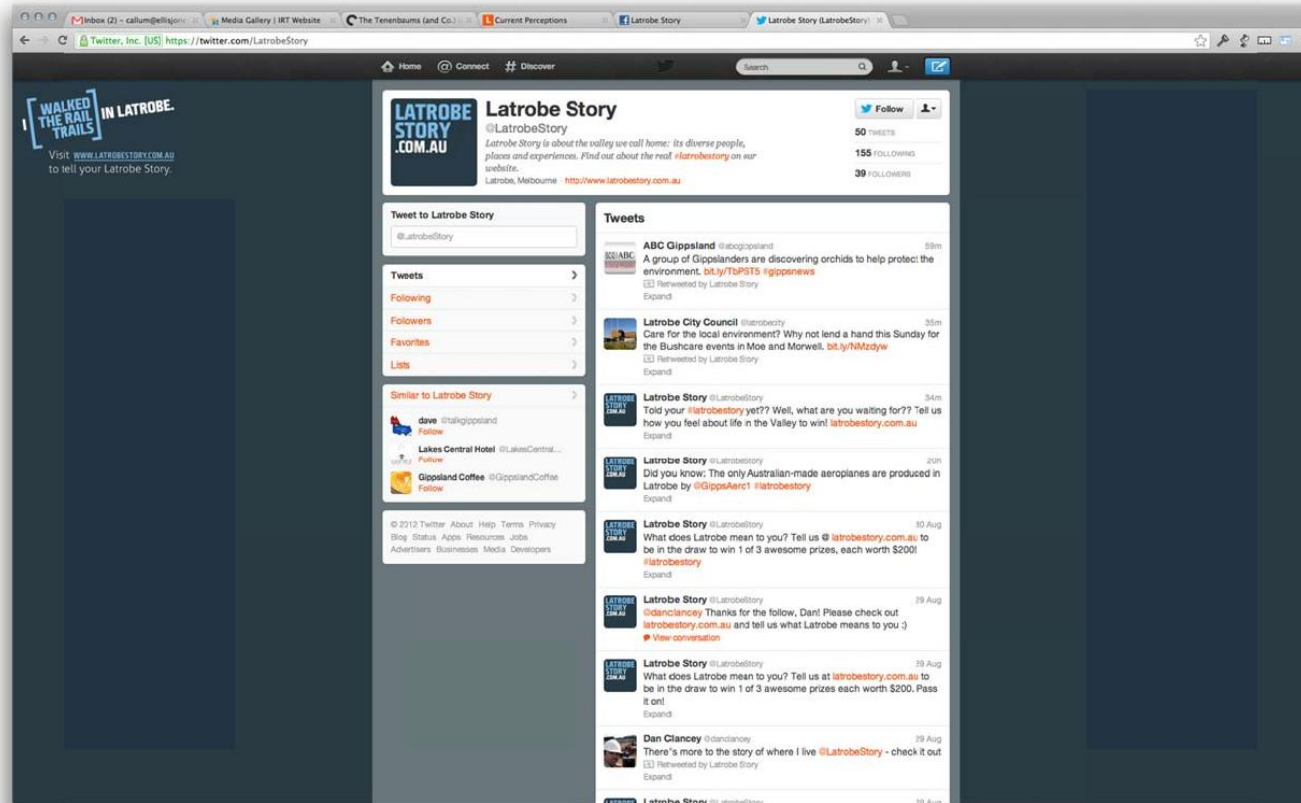


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5.3 Latrobe Story Twitter presence



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5.4 Latrobe Story Facebook presence



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5.5 Postcards



LATROBE IS MANY THINGS TO MANY PEOPLE.

Latrobe has a rich history and a promising future. We're the proud seat of the state's power industry but that is only part of our story. Right now lots of people are talking about Latrobe Valley and the people who live here. It's our chance to tell them the real Latrobe Story.

What is Latrobe to you? Share it with the rest of Australia, and beyond. There are prizes to be won!¹

Go to WWW.LATROBESTORY.COM.AU and tell your Latrobe Story.

 Latrobe City | ¹ Terms & Conditions apply.

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5.6 T-shirts



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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 LCC-63 RECONSTRUCTION OF COLLINS STREET, MORWELL - STAGE 2**
Agenda item *LCC-63 RECONSTRUCTION OF COLLINS STREET, MORWELL - STAGE 2* is designated as confidential as it relates to contractual matters (s89 2d)
- 18.2 ADOPTION OF MINUTES**
Agenda item *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)
- 18.3 CONFIDENTIAL ITEMS**
Agenda item *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)