



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6:00PM ON
10 JUNE 2014**

CM439



Latrobe Community **Vision**

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

Council **Mission**

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

Council **Values**

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

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

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

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/Ku

□rmai Clan

and pay our respect to their past and present elders

3. APOLOGIES AND LEAVE OF ABSENCE**4. DECLARATION OF CONFLICT OF INTEREST****5. ADOPTION OF MINUTES****RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 19 May 2014 and the minutes of the Special Council Meeting held on 12 May 2014 be confirmed.

6. PUBLIC QUESTION TIME

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7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

Council Meeting Date	Item	Resolution/Status	Responsible Officer
19/09/11	Traralgon Activity Centre Plan Key Directions Report	<p>That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following:</p> <p>1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until:</p> <p>(a) Council has been presented with the Traralgon Growth Area Review Status: A review of Traralgon Activity Centre Plan project required to be undertaken by officers following adoption of Traralgon Growth Areas Review</p> <p>(b) Council has received information on the results of the Latrobe Valley Bus Review Status: Letter sent 10 August 2010. Response received 24 August 2010</p> <p>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. Status: Letter sent 10 October 2011 No response received</p> <p>3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions. Status: Parking Strategy completed September 2013. Planning Scheme Amendment Process commenced</p> <p>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. Status: Adopted by Council 6 February 2012</p> <p>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). Status: Working Party endorsed by Council, 20 February 2012</p>	General Manager Planning and 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 Planning and 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 Planning and Governance

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Council Meeting Date	Item	Resolution/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, and 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, and 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 Economic Sustainability
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 Economic Sustainability

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Council Meeting Date	Item	Resolution/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 Putting Locals First Program to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria. 2. Status: Focus Group meetings were held on Tuesday, 22/10/13 and Wednesday, 23/10/13 at the Moe Town Hall. Attendance: Tuesday – 24, Wednesday – 11. Survey available online and in hard copy at Latrobe City Service Centres & Libraries between Monday, 3/2/14 and Friday, 7/3/14. Letter/email sent to 77 community groups in the Moe and District area to promote and encourage participation in the survey. The result of this community engagement is currently being collated. 3. 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 Government's Putting Locals First Program be prepared and submitted. 4. Status: Awaiting results of community engagement. 5. 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. 6. Status: Awaiting results of community engagement. 	General Manager Community Liveability

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Council Meeting Date	Item	Resolution/Status	Responsible Officer
16/09/13	14.3 Hazelwood Pondage Waterway And Caravan Park Lease	<p>1. That Council authorise the Chief Executive Officer to commence negotiations with IPH GDF Suez for the lease of the caravan park, southern boat ramp and surrounds, northern boat ramp and surrounds and management of the waterway for recreational purposes, ensuring the following principals are addressed:</p> <ul style="list-style-type: none"> •GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing; •GDF SUEZ to remain fully accountable for the pondage integrity; •Fair and equitable termination clauses should the power station close earlier than 2025; •Clarify risk, release and indemnity conditions; •Liquidated damages; •Clarify the end of lease conditions; •Clarify the early termination conditions <p>2. That a further report be presented to Council following negotiations with IPH GDF SUEZ seeking Council approval of the new lease arrangements at Hazelwood Pondage.</p> <p>3. That Council write to the Minister for Regional & Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ .</p>	General Manager Recreation and Community Infrastructure
6/11/13	Latrobe Regional Motorsport Complex	<p>1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers.</p> <p>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</p> <p>3. That a further report be presented to Council at such time that site options have been investigated.</p>	General Manager Recreation and Community Infrastructure
19/05/14	Drainage Investigation At Adam View Court, Tanjil South	That Council defer consideration of this item, so that a meeting between the Acting CEO, Mrs Kellie Fraser, the neighbouring property owners and the West Gippsland Catchment Management Authority, can be undertaken to explore the most appropriate options to mitigate the flooding issues.	General Manager RCI

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Council Meeting Date	Item	Resolution/Status	Responsible Officer
19/05/14	Planning Permit Application 2013/7, Staged Subdivision Of Land And Removal Of Native Vegetation, Coalville Road, Moe	<p>That Council defers to the next possible Council Meeting to allow consideration of the Planning Permit (reference 2013/7) for a staged subdivision of the land and removal of native vegetation at Lot A on PS329607, Coalville Road, Moe to allow for further consultation with the applicant in relation to:</p> <ol style="list-style-type: none"> 1. A 30m buffer on either side of the designated waterway with an expanded buffer at the floodplain end consistent with the State Planning Policy Framework Clause 14.02-1 Catchment Planning and Management 2. Stormwater run-off being treated prior to entering into the designated waterway, during construction and afterwards. 3. A survey being conducted to ascertain the presence of dwarf galaxias. 4. Removal of proposed lots 77 to 90 (inclusive) on the western side of the proposed drainage reserve. 5. Environmental parameters to be considered as potential conditions of any planning permit. 	General Manager Planning and Governance

NOTICES OF MOTION

8. NOTICES OF MOTION

**8.1 2014/09 - NOTICE OF MOTION - MEMBERSHIP OF THE COUNCIL
ADVISORY GROUP**

Cr Christine Sindt

**Attachments
Nil**

That Latrobe City Council write to Port of Hastings Development Authority seeking membership of the Council Advisory Group.

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

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

9.1 NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY 2014-2019

General Manager

Planning and Governance

For Decision

PURPOSE

The purpose of this report is for Council to consider submissions received in response to the draft *Natural Environment Sustainability Strategy 2014-2019*, and to seek adoption of the Strategy.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Natural Environment

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 2: Affordable and sustainable facilities, services and recreation

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

Theme 5: Planning for the future

Strategic Direction –

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

Work collaboratively with our partners to engage and support volunteers in providing services to the community.

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

Advocate for and support our partners to improve air and water quality in Latrobe City.

Strategy & Plans – Natural Environment

Natural Environment Sustainability Strategy 2008-2013.

Latrobe City Council Waste Management Strategy 2010-2017

BACKGROUND

The *Natural Environment Sustainability Strategy (NESS) 2014-19* is a high level strategy designed to guide Council's approach to natural environment sustainability by setting out general objectives. Specific actions aligned to the objectives in the Strategy will then be developed annually and resourced through the annual budget process.

Latrobe 2026 expresses the community's vision for Latrobe Valley, identifying three broad concepts shared by the Latrobe Valley community - Sustainability, Liveability and Leadership.

The *NESS 2008-2013* was adopted at the 2 June 2008 Ordinary Council meeting and outlined Latrobe City Council's position on the natural environment.

The *NESS 2008-2013* provided strong direction and guidance for Latrobe City's approach to natural environment sustainability over the five year period 2008 to 2013.

Annual reports and a mid-strategy review have been presented to Council. These documents detailed the progress against the *NESS* objectives, and were made available to the community.

The *NESS 2008-2013* has reached its conclusion and a new strategy is required.

The *NESS 2008-2013* has been reviewed, revisiting the current operational and legislative environment. The actions and successes of that strategy were utilised to inform the *NESS 2014-2019*.+

As per the resolution of the 17 February 2014 Ordinary Council meeting "that a further report detailing the results of the community consultation for the draft *Natural Environment Sustainability Strategy 2014-2019* be presented to Council for consideration".

ISSUES

The purpose of the *Natural Environment Sustainability Strategy (NESS) 2014-2019* is to:

- Provide direction for Council to identify and prioritise environmental activities across the municipality;
- Deliver the community and Council's vision and objectives to manage and protect our natural environment;

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- Provide clear, practical and achievable objectives; and
- To communicate with stakeholder agencies and the community.

The *NESS 2014 -2019* focuses on four themes for the sustainable management of the natural environment across Latrobe City for the next five years:

1. Meeting statutory requirements.
 - Continuing to fulfil our regulatory responsibilities under the *Planning and Environment Act 1987* and meeting the environmental requirements of state and federal legislation.
2. Building capacity to respond to change.
 - Helping our organisation and our community to make better environmental decisions and respond more effectively to environmental challenges.
3. Improving resource use efficiency.
 - Working towards overall reductions in water use, energy use, waste generation and unsustainable purchases.
4. Protecting natural assets.
 - Working cooperatively to better manage, and increase protection for, the waterways, air, soil and biodiversity valued by Latrobe City.

Each of these four themes contains objectives relevant to the *Council Plan 2013 -17*, Latrobe City Council's operations, and to the community as a whole. While some objectives can be delivered independently by Latrobe City Council, the success of many will be dependent on them being delivered in partnership with the community and other agencies.

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.

Objectives from the Strategy will be incorporated into Council's rolling business plan each year, and will detail specific actions, priorities and resourcing to deliver the Strategy.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

In accordance with Council's Community Engagement Plan the draft *Natural Environment Sustainability Strategy 2014 -2019* was released for public consultation for a period of four weeks, from February 20 to March 19 2014.

Community consultation included:

- Notices in the Council Noticeboard in the 'Latrobe Valley Express' advising of release of document and inviting comment
- Placement of the draft Strategy at all Latrobe City service centres and on the Latrobe City website with details for submitting feedback
- Targeted stakeholder and agency feedback
- Media release.

Details of Community Consultation / Results of Engagement:

A total of 12 submissions were received. All 12 submissions were generally supportive but also included suggestions or concerns. A copy of all submissions can be found at Attachment 1 and are summarised in Table 1 below.

A number of recurring themes and key issues were raised in the submissions:

- Lack of specific actions in the Strategy
As a high level strategy, this Strategy is designed to guide Council's approach to natural environment sustainability by setting out general objectives. Specific actions aligned to the objectives in the Strategy will then be developed annually and resourced through the annual budget process.
- Funding for implementation of the Strategy
As was the case with the previous Strategy, funding for implementation of this Strategy will occur through the annual budget, which is developed and adopted alongside the Annual Action Plan.
- Council's role in air quality

The Environment Protection Authority (EPA) is the responsible authority for air quality in Victoria. The EPA monitors air quality, enforces air quality protection through legislation and industry licence conditions, and has the ability to prosecute in the case of breaches in air quality. Private industry also monitors air quality in order to provide evidence to the EPA that they are meeting their licence conditions.

While many aspects of air quality are outside of Council's control, there is scope to both influence and to advocate. Air quality is listed in action area 4.2 of the Strategy (pp 18-19) and incorporates advocacy, support for monitoring and publication of information, reduction of pollution generated by Council activities, and an exploration of the use of Local Laws in addressing particular air quality issues (for example, Local Law No. 2 includes provisions relating to burning off and incineration).

These objectives are consistent with those of the previous Strategy, which were used to support officer and Councillor Conversations with the Environment Protection Authority in regards to air quality, air pollution and air monitoring prior to the Hazelwood Mine Fires, in April 2013.

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Table 1 – Summary of submissions

Submitter	Submission Issue	Officer Comment	Change to Strategy
1. Baw Baw Shire Council	Suggested that all objectives should be costed annually and Council then commit resources required to implement the Strategy.	This is a high level strategy designed to guide Council's approach to natural environment sustainability over the next five years, it is not a fully costed action plan. Council formulates four year rolling business plans each year, which will incorporate identified Natural Environment Sustainability strategic themes and will detail specific actions, priorities and resourcing to deliver the Strategy.	No
2a & 2b. Department of Environment and Primary Industries - Sustainability Program	Suggested re-wording the acknowledgement of traditional owners and natural environment definition; re-ordering the themes; including a map of the municipality; reducing the amount of space used to provide strategic context; changing some of the images on the front cover; making the objectives SMART; including a Council position for each these and objective; referencing the 'My Park' project; reference urban design more strongly; include support for climate change resilience and community adaptation projects;	Re-wording of acknowledgement can be achieved; themes have been placed in their current order to demonstrate the importance of being able to meet our statutory requirements; a map can be included and will add value for non-local readers; strategic context forms and important rationale for the themes and objectives that follow; some images will be changed on the front cover; this is a high level strategy designed to guide Council's approach, not a fully costed action plan, the objectives are general in nature and do not fit easily into a SMART framework (Specific, Measurable, Achievable, Realistic and Timeframed); the Council position on each of the themes and objectives is implicit in their current wording; only a few existing projects have been highlighted in the Strategy to provide an idea of the types of actions that may result, it is not a comprehensive list; urban	Yes. Acknowledgement of traditional owners re-worded in line with current protocol, map of municipality included; cover image of grass species replaced with image of local plantation.

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		design, through work with developers, is already referenced in many objectives; the focus of this strategy is on natural environment sustainability, while the sustainability of our towns is linked and also important, it is addressed more appropriately in other strategies and plans.	
3. East Gippsland Shire Council	Suggested listing how monitoring of the objectives will occur or adding key performance indicators. Suggested including five or ten key achievements from the previous strategy to assist in linking it to the new Strategy.	Monitoring of objectives will occur through existing internal Council reporting procedures as well as being presented to Council in an annual snapshot report to highlight the major achievements and activities against the strategy objectives, this is currently listed in the 'Review and Report' section of the Strategy. Key achievements from the previous strategy (2009-13) will roll on into the new Strategy (2014-19).	No
4. Edward Hunter Heritage Bush Reserve Committee of Management	Suggested the Strategy should be designed in black and white to reduce printing costs; include more stringent monitoring of water, soil, biodiversity and air (including PM2.5 and visibility index); include the introduction or trialling on biodiesel fuel; include public reporting of water and energy use at Council facilities; include an objective of overall water use reduction by residents; remove 'human consumption' as a reason for maximising water	The Strategy has been designed in colour to improve its readability; however the Strategy will predominantly be distributed electronically, and can be printed in black and white if desired. General monitoring of biodiversity, water, soil, and air in the community is beyond the remit of Council, with the latter three being the responsibility of the Environment Protection Authority, however, objectives to advocate and work cooperatively in these areas are already included on pages 18-19 of the Strategy; this is the same in regards to overall water use reduction by residents. Council has previously trialled biodiesel fuel in depot vehicles; however it was not permanently adopted due to logistic problems in	Yes. Explanation of triple bottom line clarified and expanded.

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	availability; include more explanation of 'triple bottom line'; include public reporting of waste and recycling in the Latrobe City community; include grass mowing/slashing methods that reduce the spread of weeds. Also a number of specific questions relating to the Council vehicle framework.	accessing the fuel. Public reporting of Council energy and water use is feasible, and will be considered at the operational level in the 15/16 year; this is the same in regards to public reporting of waste and recycling, and changing grass mowing/slashing methods. Human consumption of water is strongly linked to water availability for river health within this municipality and it is therefore considered that it cannot reasonably be excluded. Triple bottom line can be more clearly explained. Specific questions relating to the Council vehicle framework which have not been addressed in this Strategy (pp 16 & 28) will be addressed individually with the submitter.	
5. HVP Plantations	Suggested including one or two images of local plantations in the Strategy.	No additional comments.	Yes. Cover image of grass species replaced with image of local plantation.
6. Ms Kate Holz	Concerned that funding of the objectives was not addressed in the Strategy, with number of specific budget questions in relation to long term funding for the maintenance of Council's bushland reserves.	This is a high level strategy designed to guide Council's approach to natural environment sustainability over the next five years, it is not intended to be a fully costed action plan. Council will identify and prioritise actions in-line with the strategy as part of annual business planning and budget processes. Specific questions relating to the long term funding for the maintenance of Council's bushland reserves, and an explanation of the current funding model, will be addressed individually with the submitter.	No.

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7. Latrobe Valley Field Naturalists Club Inc.	Made comment on the need for Council to put its Strategies and management plans into action. Suggested that hydraulic fracturing (fracking) should be either referenced or actively addressed in the Strategy given current community concern.	Council formulates four year rolling business plans each year, which will incorporate identified Natural Environment Sustainability strategic themes and will detail specific actions, priorities and resourcing to deliver the Strategy. Fracking was considered by Council on 19 November 2012 and was considered to be unlikely to occur within this municipality, with Council resolving to advocate on behalf of the community for increased community engagement and consultation.	No.
8. Moe Yallourn Rail Trail Committee of Management	Suggested that the Moe-Yallourn Rail Trail should be included as an example of a reserve within the Gippsland Plain Bioregion.	No additional comments.	Yes. Moe-Yallourn Rail Trail included as an example of a reserve within the Gippsland Plain Bioregion.
9. South Gippsland Shire Council	Made comment that having general objectives, rather than specific actions, could make reporting on implementation difficult.	Comments noted.	No.
10. Ms Sylvia Leibrecht	Concerned that the Strategy contains many general and repetitive statements, and too few specific statements. Suggested the addition of specific details on how objectives will be actioned and achieved for water efficiency 3.1.2, waterway health 4.1.2 and air quality 4.2.4. Suggested additional clarification that future weather	This is a high level strategy designed to guide Council's approach to natural environment sustainability over the next five years, it is not a fully costed action plan. Council formulates four year rolling business plans each year, which will incorporate identified Natural Environment Sustainability strategic themes and will detail specific actions, priorities and resourcing to deliver the Strategy. Latrobe City Council recognises the international scientific consensus on climate change, which places a high level of	No.

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	patterns are not certain.	confidence in the general changes of increasing temperature, decreasing rainfall etc. outlined in the Strategy.	
11. Traralgon Railway Reservoir Conservation Reserve Committee of Management	Suggested that TRRCR and Traralgon Creek should be connected with a biolink.	Connecting TRRCR and Traralgon Creek with a biolink will be considered as part of the development the biolinks paper, rather than at the Strategy level. Development of the biolinks paper is objective 4.4.5 of the Strategy and included in the draft business plan for 2014-16.	No.

OPTIONS

The options that are available to Council are;

1. Adopt the *Natural Environment Sustainability Strategy 2014 - 2019*;
2. Amend the *Natural Environment Sustainability Strategy 2014 - 2019* and adopt; or
3. Not adopt the *Natural Environment Sustainability Strategy 2014 - 2019*.

CONCLUSION

The *Natural Environment Sustainability Strategy 2008-2013* has reached its conclusion and a new strategy is required.

The *Natural Environment Sustainability Strategy 2014 -2019* focuses on four themes for the sustainable management of the natural environment across Latrobe City for the next five years; meeting statutory requirements, building capacity to respond to change, improving resource use efficiency, and protecting natural assets.

Eleven submissions were received in response to the Strategy and a number of minor changes to the Strategy have been made as a result. Recurring themes from submissions included concerns around funding for implementation of the Strategy and the lack of specific actions. As a high level strategy, it is designed to guide Council's approach to natural environment sustainability, and is not intended to be a fully costed or specific action plan. Implementation will occur through Council's four year rolling business plan, and it is the business plan which will detail specific actions, priorities and resourcing for implementation of the Strategy on an annual basis.

Attachments

1. Submissions
2. Draft Natural Environment Sustainability Strategy 2014-2019

RECOMMENDATION

1. That Council having considered all submissions received, adopt the *Natural Environment Sustainability Strategy 2014 - 2019*
2. That Council officers send a letter of thanks to those persons and organisations who made submissions in response to the draft *Natural Environment Sustainability Strategy 2014-2019* and advise them of Council's decision.

9.1

Natural environment sustainability strategy 2014-2019

1	Submissions	23
2	Draft Natural Environment Sustainability Strategy 2014-2019.....	47

Jane Lloyd

From: Raj Manihar [REDACTED]
Sent: Friday, 28 March 2014 9:47 AM
To: Jane Lloyd
Subject: Latrobe - Natural Environment Strategy

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jane

Thanks for your letter on 19/2/2014 along with Council's Natural Environment Sustainability Strategy 2014-2019.

My apology for delay in responding to your letter.

The document is simple and easy to implement. I believe, majority of the actions are practical and I am sure your team will be able to delivery in given timeframe.

Please ensure all the actions are costed annually and Council commits the resources required to implement the strategy.

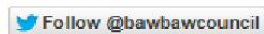
Regards



Raj Manihar
Coordinator Environment

www.bawbawshire.vic.gov.au

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Jane Lloyd

From:
Sent: Friday, 14 March 2014 3:13 PM
To: Jane Lloyd
Subject: Hello Jane Lloyd
Attachments: 20140314150936_SustainabilityStrategy_WebOptimised.pdf

Jane,

Good to get a copy of some other good strategies to see how they have been written (let me know and I can get any 1 in the state) Wellington being the most recent written in Gippsland

I will write the comments in this email about the strategy and they are more points to consider rather than what needs fixing etc.

I

Obviously a strategy should reflect the council that you work for and its constituents but how much does it reflect each party- should it be all about your internal workings of council or the wider community.

What time frames should it represent- it needs to be looking out 10 to 20 years in advance but concentrating on the here and now for the next 5ish years.

So where to from here: what themes will need covering (will this document get its power from council plans) - how much can it influence council ???.

How can you write it in such a way that it is fully endorsed and integrated into all council operations??.

(some quick things I noticed first)

the acknowledgement- reads as if the Latrobe shire is now the owners of the local tribes (would writing that Latrobe shire resides within the boundaries of the once traditional

The natural environment explanation need re writing

Where you have executive summary- why start out with the "meeting statutory requirements" this sounds like you are only doing it because you are supposed to- I would have that point last- that way it sounds like Latrobe are trying and wanting to be good custodians

Page 4. start of page possible words: Local governments have a close connection to their communities and the environment that they reside in

Last paragraph before Purpose heading

This also sounds like you are only going to do what you are supposed to- where is the stretch for council- where are the aspirations of your community

In general:

What benchmarks are there- and how will you measure these- how will you know if the document is successful.

What outcomes are you aiming for in each theme? and what of the outputs that will get you there.

what is the big ticket item or aspiration for council with regards to sustainability

There is a mention of a changing climate and all that I can read about is offsetting car emissions- what about hot cities? planting street trees- making resilient communities- climatic events that will effect people- what about efforts to build resilience and no more education programs- real action- shelters- food groups networks- green spaces interconnected communities- (you guys are doing some real steps towards people using parks and gardens) but it did not get a mention.

stronger links to other parts of council

plus council position on each theme. what is in your control, your responsibility- but what else can you advocate for, what else can you influence, what else can you support.

what about Mirboo North? what about communities that wish to become more self reliant- this doe snot mean that they wish to hate brown coal- but cost of energy is rising- being more self reliant build resilient to blackouts, rising fuel prices etc.

what of the transition to more renewables ? its gets mentioned but nothing more after that- how will it happen with no actions or aspirations.

What of the mention of planning- does it need a mention will the current planning scheme suit into the future?? does it need influence

what of the mention of rail trails and connections between towns for people and fauna-

what are the drivers, trends and opportunities that can come from this strategy or area

Jane I am not asking that you produce a bible.

sorry sounds like I am ranting at you with all the questions- I hope that you dont take this to heart but rather points to question when putting the document together or to bring up in the working group.

Cheers

Ash



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Received verbally at meeting on 17/03/2014 from

Ashley Hall
Sustainability Program Officer
Strategy & Integration
Regional Services
Department of Environment and Primary Industries

On behalf of the DEPI Sustainability Program:

A few comments to clarify what was sent by email:

- Now is the time, in the broader political context, to be a bit more inspirational than just 'meeting our statutory requirements'.
- Put a map of Latrobe City in there.
- The relevance of the strategic context is not so great that it should take up that much space, can you make it smaller?
- There is a weed (fog grass?) on the front cover, do you want that there?
- Try and change some of the actions into SMART actions, especially the efficient resource use ones.
- You could provide a column against the actions with Council's position i.e. lead, advocate, inform etc.
- You should include the 'My Park' project that Council is running.
- Be more explicit about influencing urban design.
- Have something in there about supporting the small towns in their resilience projects, something along the lines of 'resilience to future changes in the face of climatic events'.
- Get more of Council i.e. other departments involved in delivery.
- Try harder to use this to influence community's perception of Council i.e. stick a picture of a Council building with solar panels on the roof on the front cover.

Jane Lloyd

From: Megan Dennett
Sent: Wednesday, 5 March 2014 4:36 PM
To: Jane Lloyd
Subject: Comments on the draft Natural Environment Sustainability Strategy

Hi Jane

Thank you for your letter and for the opportunity to provide comments on the Latrobe City Council's draft Natural Environment Sustainability Strategy 2014-2019.

Rebecca Lamble, Sustainability Officer and I have reviewed the draft Strategy and would like to offer the following comments:

- The four themes comprehensively set the scope of works for action; meeting statutory requirements, building capacity to respond to change, improving resource efficiency, and protecting natural assets.
- The 'Development and Implementation' section clearly outlines tasks, roles and responsibilities; however it might need some KPIs or list how monitoring of the actions will occur.
- It offers a clear background and simply describes how the strategy has been developed and strategically how it relates to other key policies and strategies (e.g. Council Plan, federal legislation, international priorities etc).
- Referring to the previous Natural Environment Sustainability Strategy 2008-2013 as a reference document is a good way acknowledging the initial Strategy and still being able to utilise this comprehensive document. It may be a good idea to highlight key achievements from the initial strategy i.e. top 5 or 10. This could assist in linking the two documents and recognising and promoting achievements.
- Flagship projects are a good way of highlighting key areas of action.
- Future directions section is clear.
- Overall it provides a clear understanding of where the key environmental commitments are for Latrobe City Council in the coming years and has clear expectations.

We hope these comments are useful and commend the Environment Sustainability team for its efforts in developing the draft Strategy and wish you all the best through the adoption and implementation phase.

Thank you for also taking the time to explain the review and development processes with me today. It's greatly appreciated, as we commence the journey of reviewing our Environmental Sustainability Strategy.

Please do not hesitate to contact us on [redacted] should you wish to discuss our comments further.

Regards
Megan



Megan Dennett ■ Sustainability Coordinator ■ [East Gippsland Shire Council](#)

 Please consider the environment before printing this e-mail.

Latrobe City Natural Environment Sustainability Strategy for 2014- 2019 Draft

EHHBR comments on selected pages

(Page numbers refer to the paper copy)

Pls Note:

This doc is rather large for a Strategy (An overall Plan) and almost extends into Policies (A way/plan of managing/actions !

It has a huge amount of coloured print which is nice of course but we are probably printing out too much ?

Bottom of Page 2

Simplify the sentence

A full review of the Strategy and development will commence in late 2018 in response to a new Council Plan.

Page 12 Flagship project

This points to the need for more effort to be put into maintaining and enhancing ecosystem health, which includes more stringent monitoring of air, water, soil and biodiversity including PM at 2.5 microns and visibility index.

Page 13 2.1.3

Continue to offset Council's annual vehicle emissions through re-vegetation programs and pursue an overall reduction in vehicle emissions, with the introduction /trialing of Biodiesel Fuel.

Page 15 top

3. Improving resource efficiency use

Working towards overall reductions in water use, energy use, waste generation and unsustainable purchasing.

We will do this by monitoring and reviewing the water and energy use at Council facilities, and reporting this to the facility managers and to the public via the LC website to identify improvement. We will also do this by designing energy efficient buildings;

Page 16

3.1.2	<p>Work towards an overall reduction in Latrobe City corporate water usage and improve water re-use and water conservation.</p> <p>Work towards an overall reduction in Public water usage and improve water re-use and water conservation. The “how” techniques particularly with reduced rain fall in the future will need some serious thought, and perhaps that could be worthy of another Flagship Project such as promoting water soaks for discharges etc</p>
-------	--

3.1.3

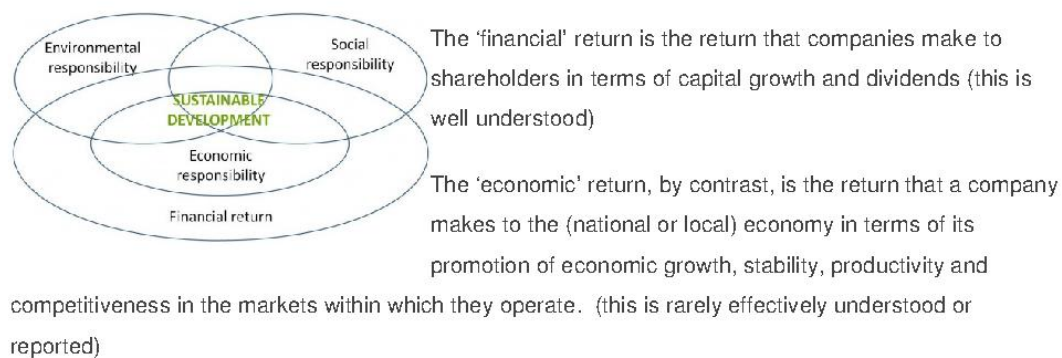
Support and promote water re-use and water conservation within the community, industries, developers and other agencies to maximise the amount of water available for river health, (Delete - and human use)

Page 17 4

Explain meaning of triple bottom line in brackets (financial, social and environmental performance measures). Or you may wish to consider others as below

The 'quadruple bottom line'

Companies need to make four returns, to the environment, to society, to the economy AND, a financial return, to shareholders. This is a quadruple bottom line. For too long, companies and investors have conflated the meaning of 'economic' and 'financial' returns.



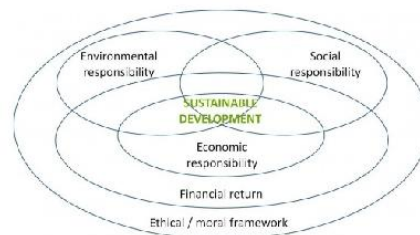
Consider the question over the expansion of airports – the debate is between the level of economic benefit that larger airports bring (or don't) with the level of environmental damage that they cause. The financial benefit to the airlines or the airport operators is a separate question.

If a further example is needed, consider the recent failure of the banking system. For years, banks had focussed on the returns to shareholders (their financial responsibilities) but had forgotten their wider

economic responsibilities (to support a functioning economy). The subsequent government intervention is a (belated) recognition that the banks failed to manage the fourth bottom line. Interestingly, SRI investors that do not separate this fourth (economic) bottom line from the first (financial) one would have missed the banking collapse and will miss the next one.

The 'quintuple bottom line'

Finally, companies are obliged to operate within an ethical or moral framework which is likely to be defined by the religious and non-religious beliefs of their wider community – but may have no direct relationship to other social, environmental, economic or financial considerations.



This adds up to a five-way balancing act for companies - a quintuple bottom line!

Page 16 3.4.5

Work cooperatively with other agencies to increase the amount of material recycled, and promote positive waste disposal behaviour, in the Latrobe City community.

Introduce some selected meaningful reporting metrics to the community on waste.

Page 22

1.1.3 Work cooperatively to control and reduce the spread of weeds on Council rural roadsides and other Council-managed land.....

Target weeds have been chosen in line with State and Catchment wide priorities, as well as local needs, and have included weeds such as Ragwort, Blackberry, Sweet Briar, Gorse, Cape Broom, English Broom, African Lovegrass and Prickly Pear.

The following are perhaps more of a Policy? To trial the Introduction of Grass Collection Slashers /Mowers to reduce the spread of weeds back into the perimeter of reserves. Trial the introduction of mowing slashing of perimeter grass based on time within the year, grass condition and local risk rather than just grass height. The main aim being to reduce spread of weeds due to disturbance by machinery but also as a consequence it reduces the no of times an area is slashed per year and so reduces CO₂ effects etc

Top of Page 23

Strzelecki Ranges bioregion

To the south, Latrobe City contains the northern slopes of the Strzelecki Ranges, part of the Strzelecki Ranges bioregion which extends towards Warragul in the west and Yarram in the South East.

Top of Page 27

Our changing climate

Overall the climate of Latrobe City is warm-temperate, with a warm dry summer and a cool, wet winter. Within Latrobe City, the climate of the Strzelecki Ranges is the coolest and wettest, the Gippsland Plain is the warmest and driest, and the climate of the Highlands-Southern Fall ranges between the two.

The Gippsland Plain averages some 40% more days over 25°C, compared to the Strzelecki Ranges, and 25% more than in the Highlands-Southern Fall. Rainfall in the high Strzelecki Ranges is around twice that in the Gippsland Plain, and the deep gullies and south-facing slopes of the Ranges can remain particularly cool and moist compared to north-facing slopes. The 1984-2006 Any more recent data??) data from the Latrobe Regional Airport in the Gippsland Plain show an annual average of 0.5 days over 40°C, 7 days over 35°C, 26 days over 30°C and 14 days below 0°C. However, we can no longer expect that past climate is an adequate guide to the future climate

Page 28 Flagship Project

In 2012/13:

- Council owned 139 fleet vehicles
 - Used 429,226 litres of fuel or an average of 59l/week / vehicle (Do we have a policy/incentive to purchase smaller vehicles/ hybrids and use of E10 and biodiesel fuels. Do we persist with vehicle lease policies that encourage people to drive more to obtain the next lower tax bracket?)
- Released 1205 tonnes carbon dioxide equivalent into the atmosphere from fleet vehicles. This could be reduced a little with use of E10 and Biodiesel fuels

Jane Lloyd

From: Simon Gatt
Sent: Friday, 7 March 2014 11:31 AM
To: Jane Lloyd
Cc: Richard Appleton
Subject: Draft Natural Environment Sustainability Strategy 2014-2019

Hi Jane,

Thanks for the opportunity to review your draft document.

I consider our company (and the forest industry) to be a large stakeholder in Latrobe City. Our plantations contribute to the economic, social and environmental well-being of the municipality.

We could not see anything in the draft report that requires correction or comment from HVP's perspective; apart from perhaps seeing merit in you including one or two photos of our plantations in the report.

I am happy to provide you with photos if you want.

Again, I appreciate the opportunity to review your document.

Regards

Simon Gatt | General Manager | Gippsland
HVP Plantations

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Jane Lloyd

From: Timeless framing
Sent: Wednesday, 19 March 2014 5:47 PM
To: Jane Lloyd
Subject: Sustainability Strategy Draft.

Hi Jane,
Better late than never!

Regarding my thoughts on the Draft:

I was going to mention the funding of programs & continued upkeep & maintenance; but I noted from the email the other day that this has been touched on.

I don't know if a section of the draft needs to address the funding of proposed programs, prevention strategies, funding for changes within LCC, installation of energy sufficient products eg: lighting etc mentioned on pg 15, preservation strategies to continue the protection of natural assets & resources especially the threatened species mentioned on pg 20, weed control etc, etc.

This is an in-depth subject but I shall endeavour to shorten my examples, & I'm confident you'll see where I'm going with this.

Has/will LCC budget for continuing funding?

If so, will the budget reflect an annual increase of funding as per climate change, economic change etc?

Will the funding come solely from the LCC budget? If so, will the budget be for a "lump Sum" amount which would cover all the funding needs across the board under this Strategy Draft, for all the projects & proposed changes & ongoing works?

If not, will the individual Reserves, projects, etc have to source some or all of their funding through applications to LCC & other government institutes who offer grants, & of course the annual LCC Maintenance Grants. Do these maintenance grants increase annually?

Obviously, the Reserves are of particular interest to me, so I would like to ensure that we can be confident that LCC will be including the financial needs of the reserves, for their continued maintenance, improvements & protection of threatened species, in this Draft. And a budget which will meet the possible escalating costs over the five year period;

eg: possible annual increase/sliding scale as per any CPI increases. (Not certain if CPI is relevant in this case) but I'm confident you can put it in better words than I have.)

Anyway, as I said, I've left this too late but hope you have already addressed this matter, if it is relevant to this Draft.

I'm looking forward to seeing this next stage to this Draft.

Kind Regards

Kate Holz



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

18 March 2014

Ms Jane Lloyd
Coordinator Environment Sustainability
Latrobe City Council
PO Box 264
Morwell VIC 3840

Dear Ms Lloyd

Re: DRAFT NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY 2014-19

The Latrobe Valley Field Naturalists Club Inc (LVFNC) appreciates the opportunity to comment on the above draft strategy, in line with its active involvement in natural environment issues in this region since its formation in 1960.

The draft strategy is to be applauded in terms of its statement of four themes for sustainable management of the natural environment (p. 5). We can only hope that the Council and the community recognise the enormous challenge involved in addressing those themes into the future in Latrobe City. Council's past record at putting strategy plans into effect has not always been good. For example, in relation to **energy use reduction**, there has been little progress in establishing a network of safe longer-distance bicycle paths despite much discussion and commissioning of consultants' reports – e.g. the proposed Morwell-Traralgon path.

Another example of the need to action strategies and management plans relates to the **management of natural assets**. The draft identifies the importance of conserving the Yarra Gum *Eucalyptus yarraensis*, for which the Eric Lubeke Yarra Gum Reserve in Morwell was established with the active involvement of the LVFNC. Regrettably, the maintenance of this reserve (e.g. weed eradication, thinning of less healthy plants, etc) has been patchy at best.

We are pleased to see the continued support for the NEIPs for Traralgon Creek and Morwell River. These are good examples of Council and the community working together in a productive way. It is also good to see Connected biodiversity (p. 23) stated to be a flagship project for 2014-2019.

A further comment from the LVFNC is to stress the importance of Council undertaking the required audits of forestry coupes in this LGA (Ref. p. 10). Our club members have long been concerned over the extent of damage to areas of high conservation value in those parts of the Strzelecki Bioregion falling inside Latrobe City, as a result of erosion processes, harvesting and weed management practices, lack of adequate buffers around rainforest patches, etc.

It is a little disappointing to see an absence of references in the draft to at least one key environmental/ sustainability issue of great current community concern. Hydraulic

fracturing (“fracking”) for extraction of gas has the potential to pollute groundwater and destroy productive agricultural land, thereby devastating both food production capacity and the natural environment. It would be good to see Council actively involved in addressing this issue as part of planning for the city’s future.

One final minor editing point. The Executive Summary (p.2) appears to contain a couple of inconsistent year references.

The LVFNC looks forward to continuing to work with Council and the community in future, in relation to natural environment matters.

Yours sincerely
Wendy Savage
Secretary LVFNC

Received verbally by phone on 13/03/2014 from

Nicola Stewart

on behalf of the Moe-Yallourn Rail Trail Committee of Management:

The draft strategy is generally good, however we would like to see the Moe-Yallourn Rail Trail included as an example of a reserve within the Gippsland Plain Bioregion (pp 21-22 of the draft strategy).

Jane Lloyd

From: Lyndal Peterson
Sent: Wednesday, 12 March 2014 11:00 AM
To: Jane Lloyd
Subject: Natural Environment Sustainability Strategy

Hi Jane

Congratulations on a great strategy. It's such a big job to get done no doubt you're excited that its nearly finished!

As requested we circulated your draft around the Sustainability team for everyone's comments and we all thought it was a terrific strategy. Our only comments were that we thought it might be bit general in terms of its actions. The strategy seems to be very general in nature with only broad commitments to sustainability principles rather than being focussed on direct documented actions. This is not however necessarily a bad thing, but depending on your Council and how you are expected to report on its implementation and success, this could make reporting difficult.

I hope this helps with the future development of the strategy. Good luck!

Cheers



Lyndal Peterson - Sustainability Advisor (Tues & Wed)

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W: <http://www.southgippsland.vic.gov.au>

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Jane Lloyd

From: sylvia leibrecht
Sent: Friday, 14 March 2014 5:38 PM
To: sylvia leibrecht; Jane Lloyd
Subject: Natural Environment Sustainability Strategy 2014-2019

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Please find below my feedback on the draft.

Dear Madam,

14th March 2013

Re: Latrobe City Natural Environment Sustainability Strategy 2014-2019
I have read the above document and am providing feedback.

Negative Points

I found the document contained very general repetitive statements that could be summarised reducing the amount of unnecessary wording making it easier to read, for instance many times it was written that Council will be working cooperatively with, or promoting or supporting groups.

Some other general statements included:

on page 16, 3.1.2 "work towards an overall reduction in Latrobe City corporate water usage and improve water re-use and water conservation", this should include how specifically this is to be done.

on page 18, 4.1.2 "continue to minimise the amount of litter and other pollutants entering the stormwater system through infrastructure and education".

This also does not name the pollutants nor infrastructure neither what actual actions would be done to minimise litter/pollutants.

on page 19, 4.2.4, "where particular local air quality issues are identified, explore the use of Local Laws to address them", it is not clear what is meant by explore and also either a law is enforceable or it is not law.

on page 27, "In comparison to 1990, by the year 2070, under the influence of climate change, we can expect:

average temperatures to have increased by at least 2.6 degrees Celsius" and so on.

I believe it should be more clearly noted that future weather patterns are not certain (and could actually become cooler before 2070).

Positive Points

There were however some specific actions and information which is most important and would have been more beneficial if there were more.

For instance:

page 20, 4.4.4 mentions some threatened species, such as the Growling Grass Frog and this specificity is more informative and helpful.

page 21, describes some of the specific plants and wildlife, such as the Barking Owl and also describes the bioregions, which is also more useful.

As mentioned above I believe the document should be summarised where there are repetitive generalisations and more specific information included.

Yours faithfully,

-

-

Sylvia Leibrecht

Assistant Secretary of Traralgon Railway Reservoir Conservation Reserve.

Though I am a member of the reserve I write on my behalf only.

The Traralgon Railway Reservoir Conservation Reserve Committee was particularly interested in commenting on the following part of the Natural Environment Sustainability Strategy.

Flagship Project - Connected biodiversity

4.4.5 Develop a biolinks paper highlighting areas of potential connectivity of habitat which can be used to prioritise biodiversity restoration work.

The aim of this project is to determine areas of potential connectivity for native habitat corridors across Latrobe City. By doing this, we can then encourage landholders of all kinds to work together on strategic biolinks across property boundaries - in order to support native biodiversity, improve the ecological resilience of the landscape, and secure the ecosystems on which many social and economic activities depend.

Biolinks areas of the landscape are managed primarily as habitat for native flora and fauna, which link other similar areas together. This project focuses on identifying biolinks at the whole of municipality scale.

Whilst native vegetation cover is high in the Highlands-Southern Fall bioregion in the north, it is far lower in the Strzelecki Ranges bioregion to the south, and extremely low in the Gippsland Plain bioregion which separates these two ranges. With the impacts of climate change, it is likely there will be an increasing need for connectivity to allow plants and animals to move about the landscape to find new habitats as their old ones become less habitable. In its current state, the area within the Gippsland Plain bioregion offers very little connectivity. Creating strategic biolinks across this area will provide significant benefits to biodiversity.

We note the emphasis on the Gippsland Plain bioregion and the need to create bio-links across this area. Completing connectivity between TRRCR and Traralgon Creek would fulfill a long held objective of the Management Committee of TRRCR. In practical terms such a bio-link would require re-designation of a road easement, maybe the acquisition of a small amount of private land and the cooperation of the WGCMA, DEPI and potentially the TRRCR Committee. The connection of the TRRCR and the existing bio-link of the natural Traralgon Creek through to Victory Park and beyond is a relatively straightforward exercise giving a high ecological return. It follows the establishment of the section of the bio-link between Hickox Street and Dunbar Road carried out by LCC in 2010. Such an increased link development fits in with the objectives of the Traralgon Creek NEIP scheme.

Natural Environment Sustainability Strategy 2014-2019



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Acknowledgement

Latrobe City Council would like to acknowledge the Gunaikurnai People, the Traditional Owners of this land, and pay respect to their Elders both past and present.

Environmental Sustainability

“Planning and providing for the needs of individuals and communities now and for future generations, creating resilient and prosperous communities and protecting the environment and ecosystem services”¹

Natural Environmental

Encompasses all living and non-living things that have evolved naturally; our landscapes, oceans, water, atmosphere and biodiversity. The natural environment both enables human life and is affected by human activity. The natural environment is essential to our wellbeing.

Latrobe City Council 2014

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¹ World Commission on Environment and Development, *Our Common Future*, 1987

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Executive Summary

The *Natural Environment Sustainability Strategy 2013 -2018* focuses on four themes for the sustainable management of the natural environment across Latrobe City for the next five years:

- ⇒ **Meeting statutory requirements.** Continuing to fulfil our regulatory responsibilities under the *Planning and Environment Act* and meet the environmental requirements of state and federal legislation.
- ⇒ **Building capacity to respond to change.** Helping our organisation and our community to make better environmental decisions and respond more effectively to environmental challenges.
- ⇒ **Improving resource efficiency use.** Working towards overall reductions in water use, energy use, waste generation and unsustainable purchases.
- ⇒ **Protecting natural assets.** Working cooperatively to better manage, and increase protection for the waterways, air, soil and biodiversity valued by Latrobe City.

Each of these four themes contain objectives relevant to the *Council Plan 2013 -17*, Latrobe City Council's operations, and to the community as a whole. While some objectives can be delivered independently by Latrobe City Council, the success of many will be dependent on them being delivered in partnership with the community and other agencies.

A full review of this Strategy and development of a new *Natural Environment Sustainability Strategy* will commence in late 2018 in response to a new Council Plan.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

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Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Introduction

Local governments have a close connection to their community and environment meaning they are well placed to work towards environmental sustainability – through policy, direct action and working in close partnership with the local community.

As the local planning authority, manager of reserves, parks and open space, and operator of community infrastructure, Council is responsible for many activities which impact upon the environment.

Local government also has the unique opportunity to be leaders by setting an example to the community, building community awareness through education, and promoting change in the way we utilise and conserve our environment.

The *Natural Environment Sustainability Strategy* will guide Latrobe City's approach to natural environment sustainability over the next five years (2014 – 2019).

The Strategy will help Council identify and prioritise environment sustainability activities across the municipality and will increase the capacity and understanding of environmental sustainability issues across Council and the community.

The Natural Environment Sustainability Strategy is based on practical and achievable actions within Council's jurisdiction and capacity.

Purpose

Latrobe City Council seeks its direction from *Latrobe 2026: The Community Vision for Latrobe Valley* with the objective

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

This objective, together with the core principles of sustainability, liveability, leadership and organisational excellence provide the overarching framework under which the *Natural Environment Sustainability Strategy* has been developed.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

The *Natural Environment Sustainability Strategy* focuses on four themes for the sustainable management of the natural environment across Latrobe City for the next five years:

- ⇒ **Meeting statutory requirements.** Continuing to fulfil our regulatory responsibilities under the *Planning and Environment Act* and meet the environmental requirements of state and federal legislation.
- ⇒ **Building capacity to respond to change.** Helping our organisation and our community to make better environmental decisions and respond more effectively to environmental challenges.
- ⇒ **Improving resource efficiency use.** Working towards overall reductions in water use, energy use, waste generation and unsustainable purchases.
- ⇒ **Protecting natural assets.** Working cooperatively to better manage, and increase protection for the waterways, air, soil and biodiversity valued by Latrobe City.

Strategic Context

Local government operates within the context of a broader governance framework, including the international community, federal and state governments.

The *Natural Environment Sustainability Strategy* has been developed in line with relevant legislation and policies that have been adopted at both the Federal and State level. These documents include:

- *Environment Protection and Biodiversity Conservation Act 1999 (Fed)*
- *Environment Protection Act (EP ACT) 1970, with Amendment in 2006 (Vic.)*
- *National Greenhouse and Energy Reporting Act 2007 (Fed)*
- *Flora and Fauna Guarantee Act 1988 (Vic.)*
- *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines 2013 (Vic.)*
- *Climate Change Act 2010 (Vic.)*
- *Local Government (Finance and Reporting) Regulations 2004 (Vic.)*
- *Catchment and Land Protection Act 1994 (Vic.)*
- *Planning and Environment Act 1987 (Vic.)*
- *Local Government Act (Best Value Regulations) 1999 (Vic.)*



*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***International**

In 1987, the United Nations' World Commission on Environment and Development published *Our Common Future*¹, also known as 'the Brundtland Report'. The commission sought to unite nations on a sustainable development path and, for the first time, sustainable development was placed firmly on the world political agenda. In the report, sustainable activities were defined as ones where the needs of the present generation are met without compromising the needs of future generations.

In 1992, the United Nations Earth Summit in Rio de Janeiro brought together leaders from across the world to focus on the sustainability challenge. The Summit adopted *Agenda 21*, which was an action plan for all groups – the United Nations, governments, and major organisations – at all levels and in every area in which people directly affect the environment. This established a blueprint for sustainability, and created an awareness of the need to consider the environmental and social, as well as economic, implications of our decisions and actions. Political commitment to *Agenda 21* was renewed at the Rio+10 conference in 2002.

In 2012, Rio+20 provided further opportunity to re-direct and re-energise political commitment to the three dimensions of sustainable development: economic growth, social improvement and environmental protection. This was the largest event in the history of the United Nations.

Australia's commitment to *Agenda 21* is reflected in a strong national response to meet our obligations under this international agreement. Local governments also have an important role to play in helping society to become sustainable and protect the natural environment³.

Since the Earth Summit in 1992, working towards environmental sustainability has become an increasingly important goal for governments across Australia².



¹ World Commission on Environment and Development, *Our Common Future*, 1987

² Department of Sustainability, Environment, Water Population and Communities (SEWPaC), "Commission on Sustainable Development", www.environment.gov.au/about/International/uncsd/index.html

³ Department of Environment, "National Strategy for Ecologically Sustainable Development" <http://www.environment.gov.au/about/esd/publications/strategy/index.html>

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Australia

In 1992, Australia developed the *National Strategy for Ecologically Sustainable Development* (NSED)³, which tackles many key areas for sustainability action highlighted in *Agenda 21*. The NSED directs governments to make policy and decisions which are more sustainable and which aim for long-term benefits over short-term gains. The NSED defines ecologically sustainable development as:

'Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'.

The Australian Government currently outlines its overarching environmental policy in the *Direct Action Plan*.

Victoria

The Victorian Government outlines its overarching key sustainability objectives in *Environmental Partnerships*⁴. This document is built on three aspirations:

- Value the environment and what it has to offer;
- Act to protect, conserve and maintain the environment; and
- Enjoy the wide range of benefits of a healthy environment now and into the future.

It also identifies eight priorities to help strengthen environmental partnerships and achieve the vision of a healthy Victorian environment that supports prosperity and wellbeing. The *Victorian Adaptation and Sustainability Partnership*⁵ is an established partnership between Victoria's 79 Councils and the State Government, previously known as the Victorian Local Sustainability Accord. The principles of Partnership are to:

- build shared understanding; establish shared local goals and priorities;
- develop long term strategic resource allocation and funding;
- pursue alignment and cooperation in service delivery; and
- improve procedures for regular, effective evaluation and review.



³ Department of Environment, "National Strategy for Ecologically Sustainable Development" <http://www.environment.gov.au/about/esd/publications/strategy/index.html>

⁴ Department of Environment and Primary Industries, State Government Victoria, "Environmental Partnerships" <http://www.depi.vic.gov.au/environment-and-wildlife/environmental-partnerships>

⁵ Department of Environment and Primary Industries, State Government Victoria, "Victorian Adaptation and Sustainability Partnership" <http://www.dse.vic.gov.au/conservation-and-environment/sustainability/victorian-adaptation-and-sustainability-partnership>

*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***Latrobe City Council**

Through the *Council Plan* and the *Natural Environment Sustainability Strategy*, Latrobe City Council identifies a range of objectives and actions to achieving the wider environmental aspirations of our community.

The *Council Plan 2013-2017* recognises natural environment sustainability within the themes:

- *Appropriate, Affordable and Sustainable Facilities, Services & Recreation;*
- *Advocacy for and Consultation with Our Community; and*
- *Planning for the Future.*

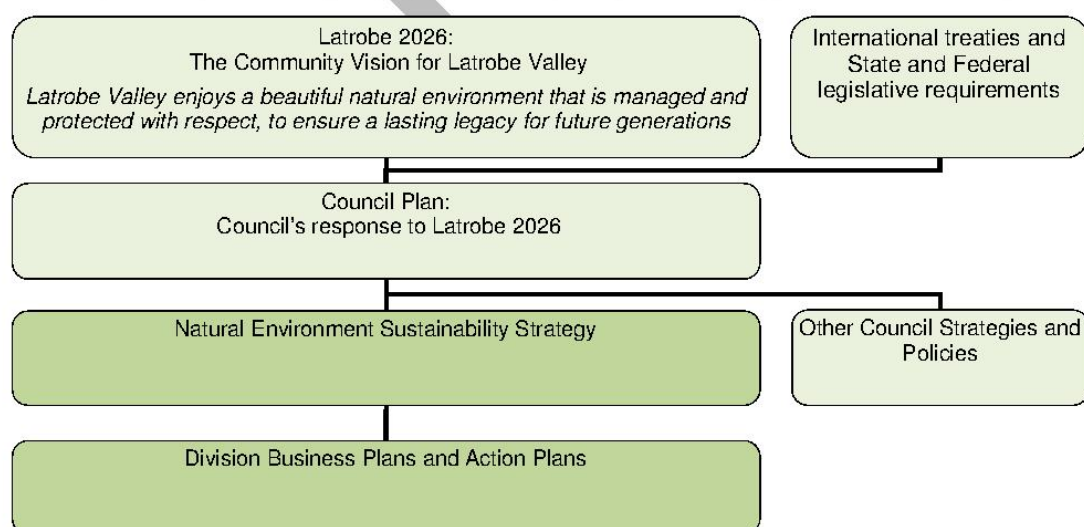
Strategic directions specific to the *Natural Environment Sustainability Strategy* within *Council Plan 2013-2017*:

- *Work with stakeholders to maintain and enhance the natural environment and biodiversity of Latrobe City and the region; and*
- *Advocate for and support our partners to improve air and water quality in Latrobe City.*

Latrobe City Council recognises waste management as a fundamental element of caring for our natural environment and has adopted a separate *Latrobe City Council Waste Management Strategy 2010-2017* to provide sustainable solutions to the collection, disposal and resource recovery of waste.

Latrobe City's *Ecologically Sustainable Development Policy (11 POL-4)* provides a basis for a series of outline policies and strategies to assist Latrobe City to achieve sustainability in various sectors of environmental protection, major land-use, business and industry, waste disposal and people and equity.

The *Natural Environment Sustainability Strategy* will guide Latrobe City's approach to sustainably managing our natural environment over the next five years (2014 – 2019), with flexibility to adapt to changes in government policy and new opportunities that may arise.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Development and implementation

Development

Natural Environment Sustainability Strategy 2008-2013

This is the second Latrobe City Council Natural Environment Sustainability Strategy, with the first published in 2008. The 2008 Strategy provided a clear direction for natural environment sustainability action, with a wide array of council, community groups and other stakeholders involved in the delivery of the actions. It remains an important reference document regarding the development of a common understanding of the natural environment in Latrobe City and detailed information on our natural assets.

Natural Environment Sustainability Strategy 2014-2019

The 2013 Strategy builds on the work achieved through the previous strategy and focuses clearly on the issues and responsibilities under the jurisdiction of Latrobe City Council. Themes and objectives have been developed with an emphasis on the *Council Plan 2013-2017*, council operations, and management and planning responsibilities. Emphasis has also been placed on Council's role in working with other organisations, agencies and the community to deliver natural environment sustainability outcomes for areas outside the direct influence of Council.

Implementation

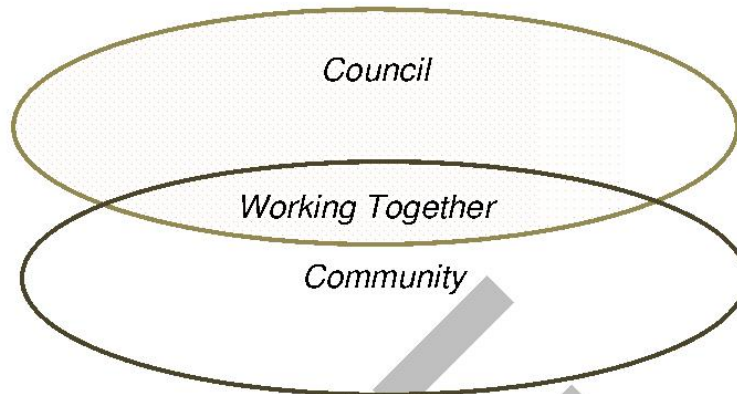
The 2014 Strategy has identified four themes for the sustainable management of the natural environment across Latrobe City for the next five years.

Each of these four themes contains strategic objectives relevant to Latrobe City Council's operations, and to the community as a whole. While some objectives can be delivered independently by Latrobe City Council, the success of many will be dependent on them being delivered in partnership with the community and other agencies.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

To demonstrate how we will deliver the strategic objectives several flagship projects have been identified that have high interest within the community, are a particular focus of the Strategy and have a strong resource and funding commitment.



Council is responsible for implementing the Strategy by ensuring that it is incorporated into its annual business planning process.

1. Meeting statutory requirements

Continuing to fulfil our regulatory responsibilities under the Planning and Environment Act 1987 and meeting the environmental requirements of state and federal legislation.

We will do this by providing advice on meeting the requirements of the Latrobe planning scheme, assessing plans and permit applications, conducting site visits, auditing forestry coupes and prosecuting people for the illegal clearing of native vegetation.

We will also work to meet our legal obligations as a land owner, for the protection of land and water and the management of invasive species; this includes treating weeds on Council land to make sure they do not spread.



*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***1. Meeting statutory requirements**

Continuing to fulfil our regulatory responsibilities under the Planning and Environment Act 1987 and meeting the environmental requirements of state and federal legislation.

Action Area		Objective		Responsibility	Timing
1.1	Compliance activities	1.1.1	Continue to fulfil Council's regulatory responsibility in ensuring compliance with permitted clearing and the Code of Practice for Timber Production under the Latrobe Planning Scheme.	Statutory Planning/ Environment Sustainability	Ongoing
		1.1.2	Maintain Council's enforcement capacity and capability regarding our natural environment sustainability regulatory responsibilities.	Statutory Planning/ Environment Sustainability	Ongoing
	<i>Flagship project (pg. 22)</i>	1.1.3	Work cooperatively to control and reduce the spread of weeds on Council rural roadsides and other Council-managed land.	Environment Sustainability/ Recreational Liveability/ External Stakeholders	Ongoing
1.2	Sustainable future	1.2.1	Utilise Council's role as the responsible planning authority to encourage environmentally sustainable design principles in public and private developments including open space.	Statutory Planning/ Future Planning	Ongoing
		1.2.2	Work cooperatively with relevant community, industry and agency groups to develop shared understanding and agreed action on natural environment sustainability regulatory issues.	Statutory Planning/ Environment Sustainability	Ongoing



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

2. Building capacity to respond to change

Helping our organisation and our community to make better environmental decisions and respond more effectively to environmental challenges.

We will do this by planning future Council infrastructure and services around expected changes in climate and extreme weather, replacing aging and inefficient Council vehicles, lighting and hot water systems with more efficient units to reduce emissions, and planting native trees, shrubs and grasses to offset the emissions of our vehicle fleet. We will also provide targeted environmental information and environmental recovery programs following natural disasters, keep informed by publishing a State of Environment report for the Latrobe City Council area, and running education programs for schools, businesses and households to enable them to improve their energy efficiency and reduce their environmental impacts.

Flagship Project - Latrobe City's 'State of the Environment'.

2.3.2 Maintain data and publish a 'State of the Environment' report to measure progress and indicate priorities and developing issues.

Latrobe City's local 'State of the Environment' report, first published in 2010 and again in 2013, provides an objective basis for assessing whether the natural environment, resource use and the capacity for sustainability in the municipality are stable, improving or deteriorating. It also provides a basis for identifying priorities and evaluating the success or failure of actions aimed at sustainability.

The data which is used to create the 'State of the Environment' report is collected regularly as it becomes available from a range of sources. These sources include, among others, data sets from the Bureau of Meteorology, Australian Bureau of Statistics, Office of the Clean Energy Regulator, Victorian Water Data Warehouse, Latrobe Valley Air Monitoring Network, Trust for Nature, and Parks Victoria.

The 2013 publication indicated that while climate stability and ecosystem health were predominantly still deteriorating, capacity building and sustainability interventions were generally improving and natural resource extraction and consumption have remained generally stable. This points to the need for more effort to be put into maintaining and enhancing ecosystem health, which includes things like air, water, soil and biodiversity.

Data will continue to be collated, shared and trends monitored for change.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

2. Building capacity to respond to change

Helping our organisation and our community to make better environmental decisions and respond more effectively to environmental challenges.

Action Area		Objective		Responsibility	Timing
2.1	Emissions reduction and climate change adaptation	2.1.1	Participate in regional climate change forums and networks to share information and develop better strategies for emissions reduction and climate change adaptation.	Regional Partnerships/ Environment Sustainability	Ongoing
		2.1.2	Pursue emissions reduction and climate change adaptation actions that provide a net social, economic or environmental benefit.	Environment Sustainability/ All Units	Ongoing
	<i>Flagship project (pg. 28)</i>	2.1.3	Continue to offset Council's annual vehicle emissions through revegetation programs and pursue an overall reduction in vehicle emissions.	Environment Sustainability/ Finance	Ongoing
2.2	Environmental recovery	2.2.1	Utilise Council's ongoing natural environment sustainability programs to complement other disaster recovery efforts where appropriate.	Environment Sustainability	As needed
		2.2.2	Support relevant authorities and community groups to undertake environmental recovery works in disaster affected areas.	External Stakeholders/ Environment Sustainability	As needed
2.3	Sustainability information and education	2.3.1	Engage with schools, businesses and households to improve energy efficiency and reduce environmental impacts.	Environment Sustainability	Ongoing
	<i>Flagship project (pg. 12)</i>	2.3.2	Maintain data and publish a 'State of Environment' report to measure progress and indicate priorities and developing issues.	Environment Sustainability	2-4 yrs
		2.3.3	Encourage, support and promote local community sustainability initiatives.	Environment Sustainability/ Community Development	Ongoing

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

		2.3.4	Demonstrate leadership in environmental sustainability through regular information to the community about Council's sustainability actions and achievements.	Environment Sustainability	Ongoing
2.4	Continuous improvement	2.4.1	Regularly measure and report on Latrobe City's progress against the Natural Environment Sustainability Strategy.	Environment Sustainability	Annually
		2.4.2	Improve internal communications to better inform staff of current trends and developments in natural environment sustainability, to encourage informed debate and co-operation across Council.	Environment Sustainability	Ongoing
	<i>Flagship project (pg. 30)</i>	2.4.3	Participate in regional networks and forums and work cooperatively to ensure alignment with regional and state environmental sustainability strategies, policies and programs.	Environment Sustainability	Ongoing



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

3. Improving resource efficiency use

Working towards overall reductions in water use, energy use, waste generation and unsustainable purchasing.

We will do this by monitoring and reviewing the water and energy use at Council facilities, and reporting this to the facility managers to identify improvement. We will also do this by designing energy efficient buildings; installing energy efficient products; and installing water conservation and water re-use systems, such as rainwater tanks, low flow shower heads and taps. We also work towards needing fewer office supplies and increasing the amount that have better sustainability credentials, such as 100% recycled copy paper.

Flagship Project – Energy efficiency upgrades

3.2.2 Work towards an overall reduction in Latrobe City corporate energy consumption to improve energy efficiency.

Every year, we monitor corporate energy consumption and try to reduce the amount used. This has benefits for the environment, through reduced greenhouse gas emissions, and also for Council budgets, through reduced electricity, gas and fuel charges. Council's biggest single energy user is street lighting, which accounts for about 40% of all our energy use. Council's leisure centres, regional gallery and HQ building are also major users of energy. Between 2013-2016, with the assistance of the Australian Government, Council will be embarking on the single greatest greenhouse reduction project we have ever implemented; upgrading residential street lights and a number of internal building lights to highly energy efficient LEDs.

Between 2013 – 2016 Council plans to:

- Upgrade approximately 6000 residential street lights from mercury vapour to LED lights.*
- Upgrade internal building lights in five of Councils community facilities, approximately 2000 lights, to mostly LED lights.*
- Save 41 million kWh of electricity, 56,000 tonnes of greenhouse gas emissions and \$11.1 million in costs over the 20 year lifespan of the new LED lights.*

Other projects currently underway to improve energy efficiency include:

- changing over to solar hot water systems in four of Councils community facilities,*
- improving the energy efficiency of theatrical stage lighting in Council's performing arts venue, and*
- reducing the amount of time that air conditioning and security lighting needs to remain on in Council's HQ building.*

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

3. Improving resource use efficiency

Working towards overall reductions in water use, energy use, waste production and unsustainable purchases.

Action Area		Objective		Responsibility	Timing
3.1	Water efficiency	3.1.1	Monitor and review Latrobe City Council's water use and make the information available to the community.	Environment Sustainability	Ongoing
		3.1.2	Work towards an overall reduction in Latrobe City corporate water usage and improve water re-use and water conservation.	All Departments	Ongoing
		3.1.3	Support and promote water re-use and water conservation within the community, industries, developers and other agencies to maximise the amount of water available for river health and human use.	Environment Sustainability/ Statutory Planning/ Future Planning	Ongoing
3.2	Energy efficiency	3.2.1	Monitor and review Latrobe City Council's energy consumption and make the information available to the community.	Environment Sustainability	Ongoing
	<i>Flagship project (pg. 15)</i>	3.2.2	Work towards an overall reduction in Latrobe City corporate energy consumption to improve energy efficiency.	Environment Sustainability/ All Departments	Ongoing
		3.2.3	Support and promote energy efficiency within the community, industries, developers and other agencies to minimise the amount of energy needed and maximise the efficiency of what is used.	Environment Sustainability/ Statutory Planning	Ongoing
3.3	Sustainable procurement	3.3.1	Increase the proportion of environmentally sustainable products and services purchased by Latrobe City.	Finance	2-4 yrs
		3.3.2	Encourage a reduction in Latrobe City's corporate consumption by identifying and investigating changes in quantity and cost of consumables purchased.	Environment Sustainability/ Finance	2-4 yrs
3.4	Waste minimisation	3.4.1	Implement and review the Latrobe City Council Waste Management	Environment Sustainability	2-4 yrs

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

		Strategy 2010-2017.		
		3.4.2	Implement and review the Latrobe City Council Waste Education Plan 2010-2015.	Environment Sustainability 2-4 yrs
		3.4.3	Ensure the socially, environmentally and economically responsible disposal of municipal waste.	Environment Sustainability Ongoing
		3.4.4	Maintain and enhance community engagement over waste management services provided by Council.	Environment Sustainability Ongoing
		3.4.5	Work cooperatively with other agencies to increase the amount of material recycled, and promote positive waste disposal behaviour, in the Latrobe City community.	Environment Sustainability/ External Stakeholders Ongoing

4. Protecting natural assets

Working cooperatively to better manage, and increase protection for the waterways, air, soil and biodiversity valued by Latrobe City.

We will do this by providing gross pollutant traps to prevent litter entering our waterways, maintaining waterway vegetation to support biodiversity and regulate water flow, and developing plans and memorandums to ensure consistent waterway management between different land owners. We will support and advocate for local monitoring of air quality, cooperate with state government agencies to promote better management of land in erosion prone areas, particularly in the Strzelecki Ranges and encourage a triple bottom line approach to Council activities. Triple bottom line involves incorporating social and environmental values into decision making, in addition to traditional financial values. We will protect biodiversity and native vegetation in Council reserves and roadsides, run biodiversity restoration projects and support private landowners and community groups to protect biodiversity by providing grants, rate rebates, tree planting equipment, information and advice.



*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***4. Protecting natural assets**

Working cooperatively to better manage, and increase protection for, the waterways, air, soil and biodiversity valued by Latrobe City.

Action Area		Objective		Responsibility	Timing
4.1	Waterway health	4.1.1	Advocate for and support our partners to improve water quality in Latrobe City.	Environment Sustainability/ External Stakeholders	Ongoing
		4.1.2	Continue to minimise the amount of litter and other pollutants entering the stormwater system through infrastructure and education.	Infrastructure Development/ Environment Sustainability	Ongoing
	<i>Flagship project (pg. 26)</i>	4.1.3	Continue to support Neighbourhood Environment Improvement Plans for Traralgon Creek and Morwell River, and encourage other cooperative action between industry, agencies and community.	Environment Sustainability	Ongoing
		4.1.4	Work in cooperation with the West Gippsland Catchment Management Authority to develop a Waterway Management Plan for Waterhole Creek.	External Stakeholders/ Environment Sustainability	>2 yrs
		4.1.5	Work cooperatively with relevant agencies to protect natural waterways within Latrobe City from threatening activities.	Environment Sustainability	Ongoing
		4.1.6	Work in cooperation with the West Gippsland Catchment Management Authority to develop a memorandum of understanding for the management of the urban section of Traralgon Creek.	External Stakeholders/ Environment Sustainability	>2 yrs
4.2	Air quality	4.2.1	Advocate for and support our partners to improve air quality in Latrobe City.	Environment Sustainability	Ongoing
		4.2.2	Support the continued monitoring of air quality and publication of information by the Latrobe Valley Air Monitoring Network Inc.	Environment Sustainability	Ongoing

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

		4.2.3	Encourage the reduction of pollution from Latrobe City Council activities as well as local domestic, transport and business sources.	Environment Sustainability	Ongoing
		4.2.4	Where particular local air quality issues are identified, explore the use of Local Laws to address them.	Local Laws/ Environment Sustainability	As needed
4.3	Soil conservation	4.3.1	In cooperation with relevant agencies, promote awareness of appropriate land management to landholders in high erosion risk-areas.	External Stakeholders/ Environment Sustainability	2-4 yrs
		4.3.2	Support actions to improve soil health where they contribute to whole-of-catchment sustainability.	Environment Sustainability	2-4 yrs
4.4	Biodiversity protection	4.4.1	Work cooperatively to protect existing biodiversity within Latrobe City from threatening processes, with a priority focus on remnant vegetation and protected species.	Environment Sustainability/ External Stakeholders	Ongoing
		4.4.2	Work cooperatively to plan, implement and maintain biodiversity restoration projects, with a priority focus on strategic landscape linkages and waterways.	Environment Sustainability/ External Stakeholders	Ongoing
		4.4.3	Support individuals and groups undertaking biodiversity management actions that are of benefit to the Latrobe City's natural environment and community.	Environment Sustainability	Ongoing
	<i>Flagship project (pg. 20)</i>	4.4.4	Demonstrate leadership in natural environment sustainability through appropriate management of biodiversity on Council managed land, particularly bushland reserves.	Recreational Liveability/ Environment Sustainability/ Statutory Planning	Ongoing
	<i>Flagship project (pg. 23)</i>	4.4.5	Develop a <i>Biolinks</i> paper highlighting areas of potential connectivity of habitat which can be used to prioritise revegetation and biodiversity restoration work.	Environment Sustainability	>2 yrs

*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***Flagship Project - Threatened species**

4.4.4 Demonstrate leadership in natural environment sustainability through appropriate management of biodiversity on Council managed land, particularly bushland reserves.

*Many threatened species are found within the Council boundaries, including plants, mammals, birds, reptiles, amphibians, fish and invertebrates. Some well-known threatened species in Latrobe City include the Growling Grass Frog (*Litoria raniformis*), Yarra Gum (*Eucalyptus yarraensis*), Powerful Owl (*Ninox strenua*), Strzelecki Gum (*Eucalyptus strzeleckii*), Matted Flax-lily (*Dianella amoena*) and the small fish, Dwarf Galaxias (*Galaxiella pusilla*).*

Threatened species are assigned a status, for example endangered, vulnerable or rare, under the federal Environment Protection and Biodiversity Conservation Act 1999 and National Action Plans; and the state Flora and Fauna Guarantee Act 1988 and Advisory Lists.

The Latrobe City Council Planning Scheme specifically makes reference to habitat protection measures for both Dwarf Galaxias and Growling Grass Frog when assessing sites within the municipality. Recent work to protect the Matted Flax-lily has also resulted in the Latrobe City Council collecting seed, propagating and planting many new Matted Flax-lily plants in Councils garden beds and reserves. Council also manages the Eric Lubcke Yarra Gum Conservation Reserve, considered to be the most important of the four localities in Gippsland where Yarra Gum can still be found.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

About Latrobe City

Our natural environment

Latrobe City is located in the Gippsland region of Victoria, about 150 kilometres south-east of Melbourne. It is the fourth largest Regional City in Victoria and the only Regional City in eastern Victoria. Latrobe City is an urban and rural area, with the majority of the population living in the urban areas. The City encompasses a total land area of about 1,422 square kilometres.

As a Regional City, Latrobe City takes a leadership role in strategically planning for our future and that of our region by attempting to find a balance in advancing our City's built environment and liveability whilst planning for and protecting our natural environment.

Latrobe City contains a rich diversity of plants, birds and other wildlife, including fauna such as the Powerful Owl and Barking Owl, Strzelecki Koala and Tree Goanna. Grey Kangaroo, Swamp Wallaby, Wombat and Echidna are common and Platypus can be found in some of the creeks. Latrobe City extends over parts of three natural regions – separate bioregions recognised by State and Federal Government due to their unique assemblage of vegetation cover, natural physical features, climate and biodiversity.

Highlands-Southern Fall bioregion

To the north, Latrobe City contains rugged and heavily forested foothills of the Great Dividing Range, part of the Highlands – Southern Fall bioregion that extends across the whole southern fall of the Great Dividing Range. It consists largely of hard, very old, folded marine sediments dissected by rocky gorges through which flow the Tanjil East River, Tyers River, Rintouls Creek, Eaglehawk Creek, Toongabbie Creek and Fells Creek. The most common vegetation is Shrubby Dry Forest and Damp Forest on the upper slopes, with Wet Forest in the valleys and Cool Temperate Rainforest in the most protected gullies. Tyers Regional Park is located in this bioregion.

Gippsland Plain bioregion

Running through the centre of Latrobe City is the broad plain of the Latrobe Valley, part of the Gippsland Plain bioregion that extends from Melbourne to the Gippsland Lakes. It consists of younger sands and gravels and recent sedimentary deposits along the river floodplain through which the Latrobe River flows. It is broad, relatively flat and



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

bordered by low, rounded foothills. Stands of Lowland Forest including the saw-leaved Banksia occur in the foothills, with red gums and patches of rare Grassy Woodlands found in parts of the plain. The Traralgon South Flora and Fauna Reserve, Traralgon Railway Reservoir Conservation Reserve, Edward Hunter Heritage Bush Reserve Moe, Ollerton Avenue Newborough, Crinigan Bushland Reserve Morwell and Moe-Yallourn Rail Trail are located in this bioregion.

Flagship Project - Managing roadside weeds

1.1.3 Work cooperatively to control and reduce the spread of weeds on Council rural roadsides and other Council-managed land.

The responsibility for weed management, and actions taken, are spread across a wide variety of organisations and individuals in Latrobe City. Because weeds spread so easily, there are also major advantages in coordinating weed control across land tenures.

Of the 1800 km of maintained public roads in Latrobe City, approximately 1000 km are rural roads with road reserves which are the responsibility of Latrobe City Council. Since 2005, through the support of a range of State Government funding programs, Latrobe City Council has been managing weeds on these rural roadsides. This has included monitoring the presence and abundance of target weeds, herbicide spraying and a small amount of manual removal. Target weeds have been chosen in line with State and Catchment wide priorities, as well as local needs, and have included weeds such as Ragwort, Blackberry, Sweet Briar, Gorse, Cape Broom, English Broom, African Lovegrass and Prickly Pear.

In 2012/13

- *Council targeted Blackberry, Gorse, African Lovegrass, Cape Broom, Flax-leaf Broom and English Broom.*
- *Conducted independent weed monitoring on 1942 km of roadside reserves.*
- *Treated 792 km of roadside reserves for Blackberry, Gorse and Broom.*
- *Treated isolated occurrences of African Lovegrass in roadside reserves.*



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Strzelecki Ranges bioregion

To the south, Latrobe City contains the northern slopes of the Strzelecki Ranges, part of the Strzelecki Ranges bioregion which extends towards Warragul in the west and Yarram in the East. It consists of soft, erosion prone Cretaceous sediments, overlain in places with more recent volcanics, which produce patches of fertile red soil. The hills are rounded with moderate to steep slopes and are deeply dissected by Flynn Creek, Traralgon Creek, Bennett's Creek, the Morwell River and Narracan Creek. Mountain Ash forests are the main native vegetation type, with Damp Forest frequent in the lower elevations, and Cool-temperate Rain forest in the steep sheltered gullies. Tarra Bulga National Park, Morwell National Park, Morwell River Falls Reserve and Yerrang Park are located in this bioregion.

Flagship Project - Connected biodiversity

4.4.5 Develop a biolinks paper highlighting areas of potential connectivity of habitat which can be used to prioritise biodiversity restoration work.

The aim of this project is to determine areas of potential connectivity for native habitat corridors across Latrobe City. By doing this, we can then encourage landholders of all kinds to work together on strategic biolinks across property boundaries - in order to support native biodiversity, improve the ecological resilience of the landscape, and secure the ecosystems on which many social and economic activities depend.

Biolinks areas of the landscape are managed primarily as habitat for native flora and fauna, which link other similar areas together. This project focuses on identifying biolinks at the whole of municipality scale.

Whilst native vegetation cover is high in the Highlands-Southern Fall bioregion in the north, it is far lower in the Strzelecki Ranges bioregion to the south, and extremely low in the Gippsland Plain bioregion which separates these two ranges. With the impacts of climate change, it is likely there will be an increasing need for connectivity to allow plants and animals to move about the landscape to find new habitats as their old ones become less habitable. In its current state, the area within the Gippsland Plain bioregion offers very little connectivity. Creating strategic biolinks across this area will provide significant benefits to biodiversity.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Our land use

Prior to European settlement, Latrobe City had a native vegetation cover of 100%, which was used to varying degrees by the traditional owners. Approximately 20% native vegetation cover remains scattered throughout the municipality today, the majority of it on private land. Some 2.5% of bushland in the municipality is formally protected.

Approximately 36% of the land in Latrobe City is used for agriculture, primarily dairy farming and livestock. The most agriculturally productive areas are located within the Gippsland Plain bioregion around the Latrobe River and its main tributaries.

Approximately 29% of the land is used for forestry, with private forestry concentrated in the Strzelecki Ranges bioregion and public forestry in the Highlands-Southern Fall bioregion. Much of the forest product produced from these areas is then used by the pulp and paper mill located in Maryvale.

Approximately 17% of the land is reserved for open-cut coal mining. The brown coal resource stretches eastward from Yallourn for about 50 kilometres beneath the Gippsland Plain and is used to feed the power stations at Yallourn, Hazelwood and Loy Yang.

Only some 6% of the municipality is under urban development (residential, business, industrial, roads etc. but including public parks), and 5% for rural living and hobby farms. This urban and industrial development is also concentrated in the Gippsland Plain bioregion.

Our industry and economy

Natural resources are the focus of Latrobe City's economy. The City's rich brown coal reserves, forestry and agriculture all represent a major contribution to Victoria's economy. Latrobe City is an urban and rural area, built on one of the largest brown coal reserves in the world, and traditionally recognised as the centre of Victoria's electricity industry.

The electricity generated in the Latrobe Valley from brown coal resources has contributed significantly to the state's economic prosperity over the past 90 years. Latrobe City currently supplies over 90% of Victoria's electricity generation requirements; around 11% of the population is directly employed within the sector, with an additional eight percent of jobs indirectly supported within the local economy. The electricity generation sector accounts for 21 % of the area's Gross Regional Product.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Latrobe City is also at the centre of a large forestry industry which supplies timber to the largest pulp and paper mill in Australia. The agricultural industry in Latrobe City's worth some \$57 million a year and is based primarily on dairy farming (45% of the value of Latrobe's agricultural production in 2006) and livestock (a further 36% of the value).

Other industries in the area include hospital and health care, food processing, engineering, education and the service sector.

As the largest population centre in the Gippsland region, Latrobe City is the regional headquarters for both Government agencies and private operators.

Our diverse community

Latrobe City is part of the region traditionally owned by the Braiakaulung people of the Gunai/Kurnai clan. European settlement began in the Gippsland Plain in the 1840's and extended to most of the Strzelecki Ranges after 1900.

The current (2012) population of Latrobe City is estimated at 77,365 people. The population is predicted to steadily increase over the next 24 years, reaching approximately 95,000 people by 2036.

The median age of the population is 39 years with 35% of residents in the 0 -24 age group and only 12% over 65 years. 38.7% of households have children with 26.3% of these being comprised of couples and 12.3% being single parent households. 10 % of households are comprised of older couples without children.

Latrobe is a vibrant area with a diversity of heritage and cultures. 13.2% of the population were born overseas and 7.3% are from a non-English speaking background. The dominant non-English speaking country of birth in the Latrobe City was Netherlands, where 1.2% of the population were born. Approximately 1.3 % of the population is indigenous.

Numerous community groups with an interest in the natural environment operate within the municipality. Community groups, along with businesses, philanthropic organisations and individuals, make an important and significant contribution to Latrobe City's environment through financial investment, business practices and volunteering.



*Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019***Flagship Project - Neighbourhood Environment Improvement Plans**

4.1.3 Continue to support Neighbourhood Environment Improvement Plans for Traralgon Creek and Morwell River, and encourage other cooperative action between industry, agencies and community.

In 2006 and 2007, Neighbourhood Environment Improvement Plans were developed to improve the local environments of Traralgon Creek and Morwell River. Each of the plans included a vision for the area, and an action plan with detailed objectives, actions and targets, such as improving water quality, recreation and tourism facilities, biodiversity and partnerships.

The plans were developed by collaborative steering committees, which included representatives from government agencies, power and forestry industries, landowners, environmental groups, education providers and community organisations. Once completed, the plans then became incorporated into the Planning Scheme for Latrobe City.

Latrobe City Council has been a guiding body for both of the plans, providing co-ordination and secretariat support for both their development and implementation. Since their development the plans have facilitated riverside weed control and fencing, platypus monitoring, lobbying, the publication of catchment report cards, the development of a friends group, and in 2012, the re-opening of a tourist attraction, the Morwell River Falls.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Our changing climate

Overall the climate of Latrobe City is warm-temperate, with a warm dry summer and a cool, wet winter. Within Latrobe City, the climate of the Strzelecki Ranges is the coolest and wettest, the Gippsland Plain is the warmest and driest, and the climate of the Highlands-Southern Fall ranges between the two.

The Gippsland Plain averages some 40% more days over 25°C, compared to the Strzelecki Ranges, and 25% more than in the Highlands-Southern Fall. Rainfall in the high Strzelecki Ranges is around twice that in the Gippsland Plain, and the deep gullies and south-facing slopes of the Ranges can remain particularly cool and moist compared to north-facing slopes. The 1984-2006 data from the Latrobe Regional Airport in the Gippsland Plain show an annual average of 0.5 days over 40°C, 7 days over 35°C, 26 days over 30°C and 14 days below 0°C. However, we can no longer expect that past climate is an adequate guide to future climate.

In comparison to 1990, by the year 2070, under the influence of climate change, we can expect:

- Average temperatures to have increased by at least 2.6°C
- Average rainfall to have decreased by at least 11%
- Potential evaporation to have increased by at least 10%
- Relative humidity to have decreased by at least 1.7%
- Solar radiation to have increase by at least 2.6%

The decrease in average annual rainfall is likely to be most noticeable in spring. The number of rainy days will also decrease, but the rainfall intensity will increase. By 2030, runoff to the Latrobe River system is expected to have decreased by up to 20%.

The increase in average annual temperatures is likely to be most noticeable by higher maximum temperatures in summer and milder winters. The frequency and intensity of extreme fire weather days will also increase, with longer fire seasons and a reduction in the number of days suitable for controlled burning.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

The key impacts for Latrobe City include:

- changes in rainfall patterns that pose challenges for water supply and agriculture,
- more common intense rainfall events which increase the risk of severe flooding,
- higher temperatures which increase the likelihood of large and intense fires,
- increased number of hot days and heatwaves which place substantial pressure on our health services and infrastructure, and
- biodiversity changes.

Decisions about carbon emissions made from now to 2020 will determine the severity of climate change experienced by Latrobe City into the future.

Flagship Project - Offsetting vehicle emissions

2.1.3 Continue to offset Council's annual vehicle emissions through revegetation programs and pursue an overall reduction in vehicle emissions.

Every year, Latrobe City Council fully offsets the greenhouse gas emissions created by our vehicle fleet.

We do this by restoring bushland and revegetating cleared areas that soak up carbon dioxide from the atmosphere as they grow. Our bushland restoration projects are made up of a wide variety of locally native plants. The number of plants needed to create each year's offset is calculated based on how much greenhouse gas is created from the fuel used to drive our Council machinery, trucks and cars. As well as soaking up carbon dioxide, these plants also help to reduce soil erosion and salinity, improve water quality and provide habitat for native animals.

On National Tree Day, many Latrobe City staff get involved to help plant trees, shrubs and grasses for our offset. We also work with local contractors, Landcare Groups, community groups and school children to source seed, grow seedlings, do planting and look after the sites.

In 2012/13:

- *Council owned 139 fleet vehicles*
- *Used 429,226 litres of fuel*
- *Released 1205 tonnes carbon dioxide equivalent into the atmosphere from fleet vehicles*
- *Planted 8330 locally native plants which will fully offset the year's fleet vehicle emissions*
- *Involved 87 staff and contractors in helping to plant the offset*

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Future directions

Looking forward

The natural environment is in a state of constant change, subject to the influences of a full suite of social, economic and environmental processes. Trends in land use, demographics, economy and climate all have implications for the natural environment.

Predicted population growth in Latrobe City means a growing demand for land availability and housing development. The ageing population may threaten the viability of many of Latrobe's environmental volunteer groups unless opportunities are taken to engage our young people in volunteering activities.

The rapidly increasing costs of utilities are driving resource efficiency in both industry and the community. Increased responsibilities under environmental legislation and the cost penalties associated with non-compliance are also driving improved practices across business and industry.

Of particular note, Latrobe City has been identified as a community likely to be exposed to significant structural adjustment pressures as a result of the introduction of more sustainable and clean energy technologies. Consequently, the long-term economic future of the Latrobe Valley will be very different from its immediate past.

It is anticipated that the community push for more sustainable and clean energy technologies will decrease the competitiveness of the brown coal fired generators that are located within the Latrobe Valley, which will in turn impact on the local economy and employment growth. A successful transition to a clean energy (low carbon) economy will be critical to Latrobe City's future.

A changing climate will affect biodiversity at varying scales and species may alter their distribution patterns, abundance, behaviour and the timing of migration and breeding.

The conditions for large and intense fires – low humidity, high winds and extreme temperatures – are likely to become more common in Latrobe City by mid-century. These were some of the contributing factors in the 2009 Black Saturday bushfires which devastated parts of the municipality, claiming lives, destroying homes, and native flora and fauna.



Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Lower runoff will reduce the flow of water in the Latrobe River system, which may reduce water quality within the catchment and increase the potential for algal blooms. The drying trend and reduced runoff may also have important consequences for the composition of ecosystems and their distribution; urban water supply and agriculture across municipality. While runoff will reduce, it will reduce by a much lesser extent than other areas of Victoria, which may lead to enterprises such as horticulture shifting into the municipality in the search for higher levels of water security.

In addition, the frequency and intensity of heavy rainfall events is likely to increase as the climate continues to warm. Intense rainfall events increase the risk of severe flooding with impacts for infrastructure, such as road washouts, biodiversity and agriculture, such as damage to soil, crops, livestock, loss of native flora and fauna and increased pressure from competitors, predators, disease and parasites.

Taking the unique context of Latrobe City, and these future directions and implications into account, the Natural Environment Sustainability Strategy focuses on four themes for the sustainable management of the natural environment across Latrobe City for the next five years.

Flagship Project - Partnerships

2.4.3 Participate in regional networks and forums and work cooperatively to ensure alignment with regional and state environmental sustainability strategies, policies and programs.

Latrobe City Council has the ability to influence our local environment directly, but by working in partnership with businesses, government agencies, individuals and organisations, we have the opportunity to influence and support our environment much more broadly.

For example, in recent years, Council has been working closely with Landcare, the Victorian Farmers Federation and the Department of Environment and Primary Industries to improve the management of private agricultural land. On air quality issues, Council has been working closely with the Environment Protection Authority and the Latrobe Valley Air Monitoring Network, which consists of a number of the Valley's power generators and big businesses. In the forestry sector, Council pools its resources with HVP Plantations to increase the number of coupes which are audited for compliance against the Code of Forest Practice. In waterway management, Council has been working with the West Gippsland Catchment Management Authority to improve the management of both Traralgon Creek and Waterhole Creek. In preventing and preparing for climate change, Council is working with the Gippsland Climate Change Network, Gippsland Local Government Network, state and federal governments on implementing projects. And in biodiversity conservation, Council works in partnership with numerous volunteers, friends groups and dedicated Committees of Management to ensure that our bushland reserves are protected well into the future.

Latrobe City Council Natural Environment Sustainability Strategy 2014 - 2019

Review and Report

Progress of this Strategy will be reviewed and presented to Council in an annual snapshot report to highlight the major achievements and activities against the strategy objectives.

There are many ongoing routine activities undertaken by the Environment Sustainability team, the organisation more broadly and the Latrobe City community on a daily basis, to meet the strategic objectives that can be captured within the snapshot report.

Latrobe City Council has mechanisms to measure and monitor environmental indicators and Latrobe City's environmental progress over the 2014-19 period. The data will enable Latrobe City Council to identify opportunities and issues, and to adapt or supplement business plan actions accordingly. However, not all of these indicators can be used directly to assess the implementation of this Strategy as there are many factors outside the control of Latrobe City Council that impact on environmental sustainability.

Latrobe City Council formulates four year rolling business plans each year, which will incorporate the identified Natural Environment Sustainability strategic themes and will detail specific actions, priorities and resourcing to deliver the Strategy.

Selected actions in this strategy will be measured and reported through the Council's corporate performance monitoring process. Achievements and work towards meeting targets will be reported as part of Council's Annual Report.

A full review of the Strategy and development of a new *Natural Environment Sustainability Strategy* will commence in 2018 in response to a new Council Plan.



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**9.2 CONSIDERATION OF PLANNING PANEL REPORT AND
ADOPTION OF LATROBE PLANNING SCHEME AMENDMENT
C82****General Manager****Planning and Governance****For Decision****PURPOSE**

The purpose of this report is for Council to consider the Planning Panel report received for proposed Amendment C82 and to seek approval to progress the amendment to the next stage.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley***Strategic Objectives – Built Environment (City Planning)***

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

Strategic Objective – Governance

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

Latrobe City Council Plan 2013 - 2017**Themes and Objectives*****Theme 5: Planning for the future***

To provide a well planned, connected and liveable community.

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

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

Strategic Direction – Planning for the future

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

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

Legislation

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

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

BACKGROUND

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

Amendment C82 proposes to:

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

At the Ordinary Council meeting on 8 April 2013 Council resolved to request authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme.

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

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

At the Ordinary Council meeting on 18 November 2013 Council considered all 14 written submissions to Amendment C82 and resolved to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report.

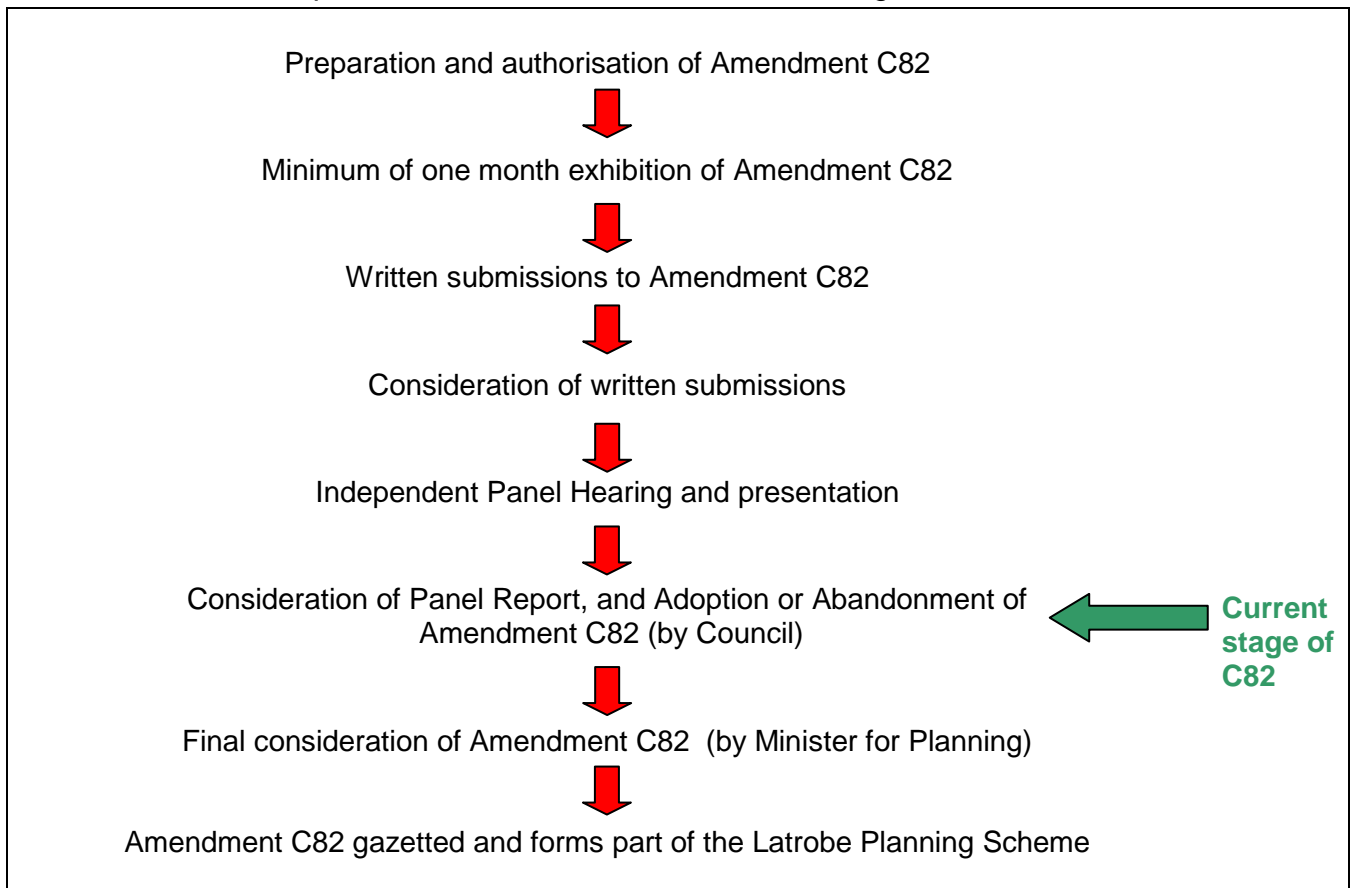
ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

At the Ordinary Council meeting on 19 May 2014 Council considered the Planning Panel report received for proposed Amendment C82 where Council resolved the following:

To defer item 16.2 to the next Ordinary Council Meeting 10 June 2014 to allow further consideration by councillors, prior to progression of the Latrobe Planning Scheme Amendment C82 to the next stage.

Statutory Requirements

The C82 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C82.



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

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

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

Amendment C82 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Transport Planning and Local Infrastructure (DTPLI) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (see Attachment 1).

The proposal is consistent with the State Planning Policy Framework, at Clauses 11 – Settlement, Clause 15 – Built Environment and Heritage and Clause 16 – Housing. The proposal is also consistent with the current Municipal Strategic Statement (MSS), at Clause 21.03 – Natural Environment Sustainability, Clause 21.04 - Built Environment Sustainability and Clause 21.08 – Liveability. The proposal provides opportunities for new residential development, provides important diversity of housing and lifestyle to reinforce the role of smaller settlements as rural service centres and avoids development in areas with high biodiversity values. This is further explained in the attached explanatory report (see Attachment 1).

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

Section 27(1) of the Act requires Council to consider the panel's report before deciding whether or not to adopt the amendment. Section 29(1) of the Act enables Council after complying with the relevant sections of the Act, to adopt the amendment or that part with or without changes.

ISSUES

Of the 14 written submissions received during the exhibition of Amendment C82, three submissions requested changes. While Council resolved to make changes that addressed some of the matters raised by these submitters at a Council meeting held 18 November 2013, those submissions that could not be resolved were referred to the Planning Panel.

The Planning Panel was held on the 21 February 2013 and a report received by Council on 1 April 2014 (See Attachment 2).

The focus of submitter presentations and discussion during the planning panel hearing was primarily in relation to housing land supply, stormwater management and wastewater management.

Housing Land Supply

There were some concerns from one submitter in relation to the demand and supply of housing within the Tyers Township and whether the amendment would potentially provide an oversupply of residential land.

The proponent for the amendment commissioned consultant MacroPlan Dimasi to complete a high level housing supply and demand assessment of the Tyers Township whilst maintaining context to the greater Latrobe LGA. The Panel supported the approach taken by MacroPlan Dimasi and concluded that although the amendment may result in a short to medium oversupply of Low Density Residential Zone and Rural Living Zone land in Tyers, this was not contrary to State Policy. In addition the Panel concluded that there are no adverse traffic impacts resulting from the proposed development and the impact on local businesses and services is most likely to be positive.

Stormwater and Wastewater Management

There were concerns from one submitter that the Land Capability Assessment undertaken on the subject land was insufficient in establishing the ability of the land to deal with both stormwater and wastewater created by any future development on the site.

The Panel concluded that although the Land Capability Assessments completed to date and the expert witness reports presented to the Panel indicated that the subject site has some major constraints in terms of the capability to manage stormwater and wastewater; they were not fatal to the rezoning of the site.

Gippsland Water as a submitter acknowledged that the subject land is partially serviced with reticulated water but no reticulated sewerage system exists within the township. Latrobe City Council has been liaising with Gippsland Water for some years in regards to improved wastewater management within the Tyers Township. Gippsland Water advised the Panel that they do not have any plans to provide reticulated sewerage to the township of Tyers in the near future, but are prepared to continue to work with Council to explore potential options to fund the provision of sewerage services for the Tyers Township.

One submitter suggested that the subject site provided an opportunity to add more lots to a sewerage scheme and hence improve the viability of any scheme (by spreading costs). The submitter proposed that the lower part of the subject site be zoned Township Zone and smaller lots be provided to assist in achieving a 'critical mass' to make a sewerage scheme viable.

The Panel concluded that although both Gippsland Water and Council were supportive of finding a way to implement reticulated sewerage in Tyers in the future, the amendment should be assessed on the assumption that wastewater is to be treated on site and that detailed drainage and wastewater management issues can be dealt with at the development plan and subdivision permit stages.

The Panel also concluded that the wording of the Development Plan Overlay Schedule 8 should be clarified and strengthened in relation to stormwater and wastewater management.

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

The Planning Panel report makes three recommendations for Council consideration. Attachment 3 of this Council report provides planning advice on the preferred approach when considering each of the planning panel recommendations.

In summary, Council's proposed response to the recommendations of the panel is to:

- Amend Clause 21.06 as proposed by Councils post-exhibition documents, to utilise the most recently adopted version of the Clause and correct references to the Tyers Structure Plan.
- Adopt the post-exhibition versions of the Zone Map and Tyers Structure Plan.
- Amend the Development Plan Overlay Schedule 8 as shown in the Panel Preferred Version.

The planning panel recommendations are considered to be appropriate and are recommended to be supported by Council.

In order for Amendment C82 to proceed, Council must now consider the recommendations of the Planning Panel and decide whether to adopt Amendment C82 as exhibited, adopt Amendment C82 with changes or abandon the amendment.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

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

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

INTERNAL/EXTERNAL CONSULTATION

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

Amendment C82 was placed on public exhibition during the period 25 July to 30 August 2013. This included advertising in the Government Gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment. All statutory and servicing authorities likely to be materially affected were also notified of the proposed amendment.

**ORDINARY COUNCIL MEETING AGENDA
10 JUNE 2014 (CM438)**Public Submissions

Following public exhibition, 14 written submissions were received by Latrobe City Council in response to Amendment C82. Two submissions requested changes which were not supported by Council. As such, Council resolved at the Ordinary Council meeting on 18 November 2013 to request the Minister for Planning establish a planning panel to consider these submissions and prepare a report.

A Directions Hearing was held on 18 December 2013 and the subsequent Panel Hearing was held on 21 February 2013 at the Traralgon Service Centre where submitters were provided an opportunity to present their written submission.

The panel report that was received by Council on 1 April 2014 was made available to the public on the 22 April 2014.

OPTIONS

The options available to Council are as follows:

- 1 That Council, after considering the Planning Panel report recommendations for Amendment C82, resolves to adopt and submit for approval to the Minister for Planning, Amendment C82 without changes from what was originally exhibited.
Or
- 2 That Council, after considering the Planning Panel report recommendations for Amendment C82, resolves to adopt and submit for approval to the Minister for Planning, Amendment C82 with changes from what was originally exhibited.
Or
- 3 That Council, after considering the Planning Panel report recommendations received for Amendment C82, resolves to abandon the exhibited planning scheme amendment C82 and inform the Minister for Planning.

The recommendation to Council is to support option 2 in accordance with the Panel Report recommendations. The changes to Amendment C82 post exhibition are identified in Attachments 2 and 3 of this council report. It should be noted that if Council wish to make substantial changes to C82 or abandon parts of C82, there is a risk that the Minister for Planning may refuse to approve C82 and require a new planning scheme amendment to be prepared and re-exhibited.

CONCLUSION

It is now appropriate for Council to progress with the inclusion of proposed Amendment C82 into the Latrobe Planning Scheme. The recommendations of the Planning Panel report are intended to assist Council in their final consideration of C82.

- The Planning Panel report received by Council on 1 April 2014 concluded that the amendment is broadly supported by and implements the relevant sections of the State and Local Planning Policy Framework and is strategically supported. The Panel recommended the adoption of Amendment C82 with changes which is consistent with the recommendations of this council report.

Attachments

1. Attachment 1 - Amendment C82 Explanatory Report
2. Attachment 2 - Amendment C82 Panel Report
3. Attachment 3 - Planning Panel Recommendations

RECOMMENDATION

- 1 That Council, having considered the Planning Panel report recommendations for Amendment C82 *adopts* Amendment C82 with changes, identified in Attachment 2 - Amendment C82 Panel Report and Attachment 3 – Planning Panel Recommendations, in accordance with Section 29 of the *Planning & Environment Act, 1987*.**
- 2 That Council submits Amendment C82 once adopted to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*.**
- 3 That Council advises those persons who made written submissions to Amendment C82 of Council's decision.**

9.2

Consideration of Planning Panel Report and adoption of Latrobe Planning Scheme Amendment C82

- 1 Attachment 1 - Amendment C82 Explanatory Report..... 89**
- 2 Attachment 2 - Amendment C82 Panel Report..... 97**
- 3 Attachment 3 - Planning Panel Recommendations 153**

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C82

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment.

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

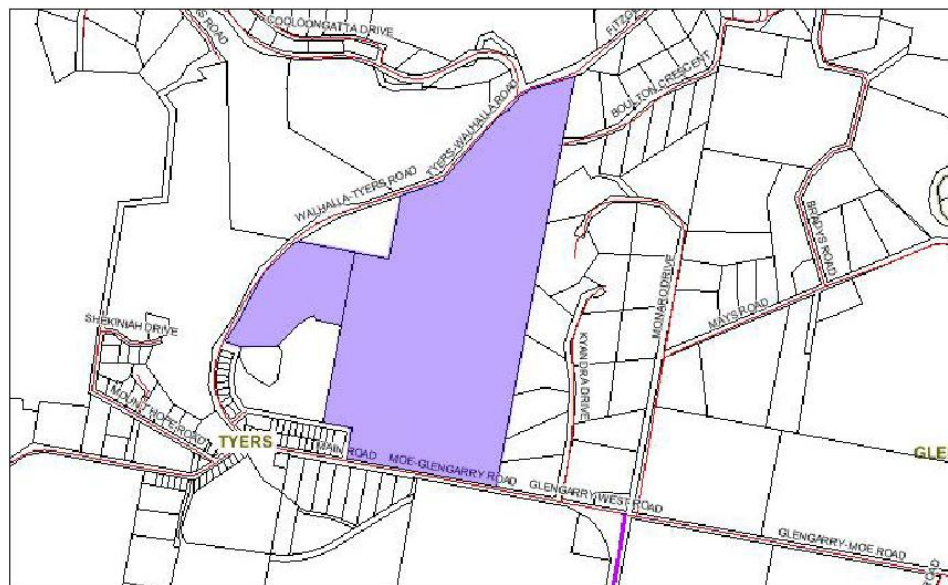


Figure 1 – Subject Land
Not to scale

What the amendment does.

The amendment seeks to:

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

See attached Proposed Zone and Overlays Maps and Proposed Tyers Structure Plan.

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

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

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

The objectives of planning in Victoria are:

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

The amendment will provide for the fair, orderly, economic and sustainable use of land which has limited agricultural potential.

The amendment allows for the protection and maintenance of the natural environment and the provision for quality low density residential and rural living housing development to be controlled by the Development Plan Overlay.

Clauses 14.03, 21.06-5 and 21.07 of the Latrobe Planning Scheme specify that potential developments need to have regard to stone resources and extractive industries. A large portion of the subject land has been identified as being within the *Latrobe Supply Area – Extractive Industry Interest Area 1999* (which forms part of the Latrobe Planning Scheme). The purpose of these Interest Areas is to provide a basis for the long-term protection of stone resources, assist councils in long term strategic planning and to create awareness that extractive industry is a possible land use in these areas. An 'Extractive Industry Interest Area' does not imply that future extractive industry operations will be confined to these areas, or that they will be automatically approved. Nor does it imply that other uses will be precluded from these areas. In this particular case the Department of Primary Industries has been consulted throughout both the preparation of the Tyers Structure Plan and the proposed rezoning and have confirmed that there is no longer an intention to extract materials from the Tyers Interest Area now or into the future.

The amendment presents an appropriate balance between the present and future interests of the community by providing a clear planning framework for the future urban growth of the area that will cater to Latrobe City Council's increasing population.

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

The utilisation of the subject land (a former blue gum plantation) has the potential to provide an appropriate use of land for housing and will result in logical in-fill between the township area and the established rural living development to the north-east of the town.

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

The amendment will have a positive social effect by providing more low density residential and rural living housing opportunities within the municipality. Tyers is serviced by existing social infrastructure including schools and sporting clubs which will benefit with further population. The amendment also has the potential to provide a positive economic effect through employment opportunities during the construction period and longer term economic benefits through additional population to the Tyers Township.

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

- The land has the capability to provide onsite effluent disposal areas for low density residential land use. Future low density allotments can be provided with necessary effluent treatment and field areas, incorporating appropriate design measures, to ensure all domestic wastewater is contained on site.
- The amount of wastewater generated from future dwellings would determine the area of land required for effluent disposal or effluent re-use.
- Effluent outputs from future dwellings should be minimised by homeowners '*employing water saving fixtures and devices.*'

- Drainage systems for future residential development for the subject land should be professionally designed as an integrated system. *'In addition, it is strongly recommended that the effluent fields be designed and located at the same time that other developments are planned, to have these fully integrated, so as to avoid that effluent fields are considered as a last step.'*

It should be noted that the indicative lot configuration plan which informs the LCA (and several other appendices within the background report) is based on a maximum density under the proposed zoning and ensures Council and referral agencies are able to consider the full implications of rezoning the subject land. It is not intended that the indicative layout will be the eventual subdivision format. This amendment relates only to the rezoning of the land and does not propose a lot layout. A final lot layout will be developed as part of the Development Planning stage which will be undertaken post rezoning of the land.

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

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

Does the amendment address relevant bushfire risk?

The land affected by the amendment is subject to the Bushfire Management Overlay (BMO). Whilst the blue gum plantation has been removed from the subject land, advice from the Country Fire Authority (CFA) is that the BMO will remain in place due to wider bushfire risk presented to the Tyers area. In addition, CFA is satisfied that the detail required by the Bushfire Management Overlay for each proposed lot will be dealt with post rezoning, during the development of future applications for subdivision and appropriately referred to the CFA for consideration.

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

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

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

The amendment is affected by Ministerial Direction 15 *The Planning Scheme Amendment Process*, by achieving the set time frames for completing steps in the planning scheme amendment process. This direction applies to the Minister for Planning, the Secretary to the Department, Panels appointed under Part 8 of the *Planning and Environment Act 1987* (Act), and all planning authorities in Victoria.

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

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

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

In particular the amendment is:

- Consistent with Clause 11 – Settlement by providing land for settlement in an area that is provided with utility, urban and social services. The Tyers Structure Plan has designated the subject land as being suitable for future low density residential. The utilisation of the subject land (a former blue gum plantation) has the potential to provide a higher order use of land for housing and will result in logical in-fill between the township area and the established rural living development to the north-east of the town.

It is acknowledged that Tyers does not currently have access to reticulated sewerage and as such the future development of the subject land will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site.

- Consistent with Clause 11.05-4 Regional planning strategies and principles by facilitating the development of diverse dwelling types and providing greater housing choice and affordability. This is particularly important for Tyers as it has the potential to provide a unique lifestyle that cannot be replicated or offered by a larger urban centre such as Traralgon. Tyers also has the potential to meet some of the spill-over demand for residential land coming from the Traralgon housing market.
- Consistent with Clause 15.01-3 Neighbourhood and subdivision design as the sites are well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated Tyers community.
- Consistent with Clause 16.02-1 Rural Residential Development as the rezoning will consolidate the existing rural residential areas within the Tyers Township and is in accordance with strategies which recognise both existing housing supply need in an appropriate location. Future subdivision can occur with a variety of lot sizes and shapes each provided with sufficient area to satisfy the domestic waste water requirements as specified in the LCA.

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

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

Clause 21.04 – Objective 2 (Rural Living) seeks to minimise conflict between agricultural activities and rural lifestyle. This amendment will achieve this objective by rezoning the land into Low Density Residential Zone and Rural Living Zone that will provide an appropriate interface between farming zone land and new housing.

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

Clause 21.07-10 – Objective 1 - Stone Resources seeks to protect significant resources to ensure an adequate supply of stone in future years. The Department of Primary Industries has been consulted throughout both the preparation of the Tyers Structure Plan and the proposed rezoning and have confirmed that there is no longer an intention to extract materials from the Tyers Interest Area now or into the future.

Clause 21.08 – Objective 1 (Liveability) seeks to enhance the quality of residents' lives by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility and sense of place by first rezoning land for low density and rural living within close proximity to the Tyers Township. The subsequent preparation of a future development plan will expand on these themes further when an urban design response is being prepared.

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

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

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

The amendment will be referred to all relevant agencies as part of the exhibition process and any comments will be included as necessary. Preliminary feedback has been sought from key agencies such as the: West Gippsland Catchment Management Authority; Gippsland Water; APA Group; SPAusnet; Country Fire Authority; Department of Primary Industries; Australian Paper and the Environment Protection Authority which has informed the application of proposed zones and overlay provisions.

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

A Transport and Traffic Assessment Report has been undertaken to inform the proposed rezoning application. The findings of the report are that the rezoning of the subject land is not likely to have a significant impact upon the existing road networks or transport system. The existing road system is deemed capable of carrying any future traffic generated by residential development of the subject land. The planning scheme provides adequate guidance and power to ensure that subdivision design includes integrated and sustainable transport planning that contributes to an inclusive, prosperous and environmentally responsible State.

The public notification requirements of the *Planning and Environment Act 1987* ensure any subdivision process will be carried out in a fair and transparent manner with adequate opportunity for public engagement.

Resource and administrative costs

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

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

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning 4 November 2013
- panel hearing: Week beginning 2 December 2013

Where you may inspect this Amendment

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

Latrobe City Council
Corporate Headquarters
141 Commercial Road
Morwell VIC 3840

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

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

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

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



Planning and Environment Act 1987

Panel Report

Latrobe Planning Scheme
Amendment C82

31 March 2014



Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Amendment C82 to the Latrobe Planning Scheme

A handwritten signature in black ink, appearing to read 'Trevor', with a long, sweeping horizontal line extending to the right.

Trevor McCullough, Chair

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List of Abbreviations

BMO	Bushfire Management Overlay
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EPA	Environment Protection Authority
LCA	Land Capability Assessment
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MAV	Municipal Association of Victoria
MSS	Municipal Strategic Statement
NVPP	Native Vegetation Precinct Plan
PSP	Precinct Structure Plan
RLZ	Rural Living Zone
SPPF	State Planning Policy Framework
TZ	Township Zone
VPP	Victoria Planning Provisions

Executive Summary

Summary

Amendment C82 to the Latrobe Planning Scheme applies to land generally contained within Areas 3 and 10 of the Tyers Structure Plan and proposes to:

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

The Amendment was exhibited from 25 July 2013 to 30 August 2013. A total of 14 written submissions were received in response to the exhibition of the Amendment.

Council was unable to resolve all issues raised in submissions and requested the Minister for Planning to appoint an independent panel to consider submissions and make recommendations in respect to the Amendment. The Panel consisted of Trevor McCullough (Chair). The Panel conducted Public Hearings in Traralgon on 21 February 2014.

The main issues raised by submitters were:

- Strategic justification for the Amendment;
- Support for the proposal on the basis that it will provide a more sustainable future for the town;
- Opposition on the basis that there is no demonstrated demand for additional housing;
- Concerns about stormwater drainage; and
- Concerns about the capability of the site to treat wastewater.

The Panel has considered all submissions and presentations made to it and concluded that, whilst there are legitimate concerns about the capability of the subject site to manage stormwater and on-site wastewater, the preliminary Land Capability Assessment completed by the Proponent is satisfactory for the site to be rezoned. This support is subject to more specific requirements for future work being set out in the proposed Development Plan Overlay Schedule. The Panel has also concluded that the Amendment is strategically justified and the proposed RLZ and LDRZ are appropriate subject to land capability being demonstrated in the Development Plan stage.

The Panel agrees that a more transparent process for the exhibition of the proposed Development Plan and consideration of submissions is appropriate and has recommended this in a revised Development Plan Overlay Schedule.

The Panel recommends the Amendment be adopted as exhibited subject to a number of changes to the Amendment documents.

Consolidated Recommendations

Based on the reasons set out in this Report, the Panel recommends that Amendment C82 to the Latrobe Planning Scheme should be adopted as exhibited, subject to the following changes:

- Include amendments to Clause 21.06 as proposed post-exhibition by Council to use the most recently adopted version of the Clause and correct references to the Tyers Structure Plan.
- Adopt the post-exhibition versions of the Zone Map and Tyers Structure Plan as tabled by Council and attached to this report as Appendices B and C.
- Amend the Development Plan Overlay Schedule 8 as shown in the Panel Preferred Version attached to this report as Appendix D.
-

1 Introduction

1.1 The Amendment

Amendment C82 to the Latrobe Planning Scheme (the Amendment) was prepared by the Latrobe Council (the Planning Authority) at the request of NBA Group on behalf of Yorksville Pty Ltd (the Proponent).

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

The Amendment proposes to:

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

1.2 Exhibition and Submissions

The Amendment was authorised by the Department of Transport, Planning and Local Infrastructure (DTPLI) under delegation from the Minister for Planning on 4 June 2013.

The Amendment was exhibited from 25 July 2013 to 30 August 2013.

The Council received 14 submissions, as listed in Appendix A.

At its meeting of 18 November 2013, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 28 November 2013 and comprises Trevor McCullough (Chair).

1.3 Directions and Panel Hearing

A Directions Hearing was held on 18 December 2013. The Panel undertook an inspection of the subject site and surrounding area on 18 December 2013.

A Public Hearing was held in the offices of Latrobe City Council in Traralgon on 21 February 2014 to hear submissions in respect of the Amendment. The parties that made presentations to the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Latrobe City Council	Ms Leah Pollard and Mr Jason Pullman
NBA Group Pty Ltd	Mr Nick Anderson who called the following expert witnesses: - Mr Robert Van de Graaff on soil hydrology - Mr Chris Constantine on engineering
Ms Alexandra Sasse	Represented by Mr Mark Woodland of Echelon Planning who called the following expert evidence via video link: - Ms Rebecca Kelly of WSP Group on hydrology
Gippsland Water	Mr Andrew Sherman of Russell Kennedy Lawyers
Mr Neil Jones	-

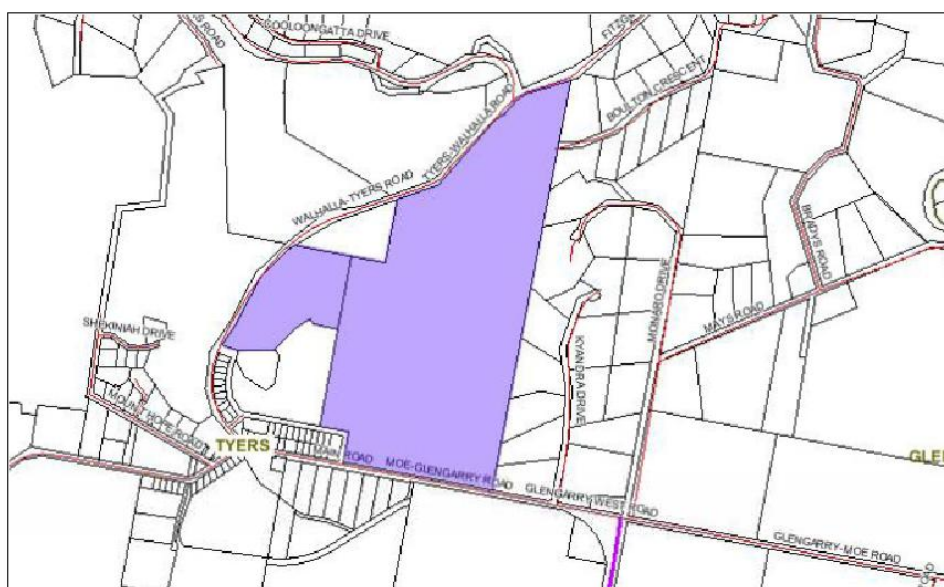
Following the Hearing on 21 February 2014, the Panel directed that each of the parties to the Hearing provide (without prejudice) their own preferred version of the wording of the proposed Development Plan Overlay Schedule. This was completed by 7 March 2014.

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions, evidence, verbal presentations and its own observations from site visits.

1.4 The Subject Site

The Amendment applies to the subject site shown in Figure 1. The subject site is located on the eastern edge of the Tyers township in Central Gippsland.

Figure 1 Subject site



1.5 Post-exhibition changes to the Amendment

In response to submissions, Council proposed a number of changes to the Amendment documents as detailed below. The Panel has based its assessment on the modified form of these Amendment documents.

Amendments to proposed Planning Scheme Zone Map

In response to one submission the proposed zone map has been amended to ensure that the proposed LDRZ lots are below the 110m contour and do not cross over the limits of reticulated water servicing.

The 110m contour was used to guide the logical boundary between the proposed LDRZ and RLZ as it is the nominal height at which reticulated water can be supplied to new allotments.

The proposed amended zone map is attached as Appendix B to this report.

Amendments to Clause 21.06 Small Towns and the Tyers Structure Plan

Amendment C74 to the Latrobe Planning Scheme, which made changes to the LPPF, was approved on 15 August 2013; after the exhibition of Amendment C82. The revised Clause 21.06 has now been substituted.

A number of errors were identified in the exhibited Clause 21.06-5 with the Area numbers corresponding to the Tyers Structure Plan and references to rural living; these have been amended.

The proposed Tyers Structure Plan has been amended to align with the amended zone map which identifies the low density and rural living within Areas 3 & 9. The township boundary has been extended further north to include all of the proposed LDRZ land.

The proposed amended Tyers Structure Plan is attached as Appendix C to this report.

Amendments to the proposed Development Plan Overlay Schedule 8

In response to a submission made by the Country Fire Authority, Section 3.0 has been amended to include 'Bushfire Risk' and Section 4.0 has also been amended to reference the *Planning for Bushfire Victoria Guidelines*.

Recommendations

The Panel recommends the following changes to the Amendment documents be adopted:

- Include amendments to Clause 21.06 as proposed post-exhibition by Council to use the most recently adopted version of the clause and correct references to the Tyers Structure Plan.
- Adopt the post-exhibition versions of the zone map and Tyers Structure Plan as tabled by Council and attached to this report as Appendices B and C.

The proposed changes to the DPO8 are incorporated in the Panel Preferred Version. See Chapter 9 and Appendix D.

2 Identification of Issues

2.1 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

- Strategic justification for the Amendment;
- Support for supply of additional dwellings;
- Support for the proposal on the basis that it will provide a more sustainable future for the town;
- Opposition on the basis that there is no demonstrated demand for additional housing;
- Submissions on the future approach to reticulated sewerage in Tyers;
- Comments on the most appropriate zone and proposed zone boundaries;
- Concerns about stormwater drainage;
- Concerns about the capability of the site to treat wastewater;
- The planning process is flawed; and
- Comments on the proposed DPO Schedule.

2.2 Issues dealt with in this Report

This report deals with the issues under the following headings:

- Planning Context;
- Demand and Supply of Housing;
- Reticulated Wastewater in Tyers;
- The Most Appropriate Zones and Zone Boundaries;
- Land Capability;
- The Planning Process; and
- Proposed Development Plan Overlay Schedule 8.

3 Planning Context

This section of the report briefly sets out key elements of State Planning Policy Framework (SPPF), the Municipal Strategic Statement (MSS), Local Planning Policies, zones and overlays, and other provisions and strategies relevant to the Amendment.

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report and their submission to the Hearing.

3.1 Policy framework

(i) State Planning Policy Framework (SPPF)

Council submitted that the proposed amendment is considered to support the objectives of the State Planning Policy Framework by providing zone and overlay controls that will facilitate the efficient expansion of the Tyers Township for housing purposes.

Council submitted that the following clauses of the SPPF are relevant:

Consistent with *Clause 11 – Settlement* by providing land for settlement in an area that is provided with utility, urban and social services. The Tyers Structure Plan has designated the subject site as being suitable for future low density residential development. The utilisation of the subject site (a former blue gum plantation) has the potential to provide a higher order use of land for housing and will result in logical in-fill between the existing township area and the established rural living development to the north-east of the town.

Council acknowledged that Tyers does not currently have access to reticulated sewerage and as such the future development of the subject site via a Development Plan, will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site.

Consistent with *Clause 12 - Environmental and Landscape Values* by protecting and conserving areas with identified environmental and landscape values. The subject site has historically been utilised for blue gum plantations all of which have now been cleared. A Flora and Fauna and Net Gain Assessment were prepared for the subject site in preparing for the amendment application.

Consistent with *Clause 13 – Environmental Risk* by minimizing the risk to life, property, the natural environment and community infrastructure from wildfire. Whilst the blue gum plantation has been removed from the subject site the Bushfire Management Overlay (BMO) will remain in place due to wider bushfire risk presented to the area.

Consistent with *Clause 14 – Natural Resource Management* by protecting waterways and opportunities for exploration and extraction of natural resources. Two designated waterways were originally identified on the subject site; however following further consultation with the West Gippsland Catchment Management Authority (WGCMA), one of the waterways was identified as a mapping anomaly. After a thorough reassessment of the second waterway the WGCMA advised that given the small

catchment and the lack of a natural channel they had determined that the second designated waterway was also invalid as the overland flow path did not meet the definition of a waterway under section 3 of the *Water Act 1989*.

Consistent with *Clause 15 - Built Environment and Heritage* as the subject site is well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated Tyers community. The proposed application of the Development Plan Overlay will ensure that good urban design outcomes are achieved on the subject site in consultation with the community.

Consistent with *Clause 16 - Housing* as the rezoning will consolidate the existing rural residential areas within the Tyers Township and is in accordance with strategies which recognise both existing housing supply need in an appropriate location. It is envisaged that future subdivisions can occur with a variety of lot sizes and shapes each provided with sufficient area to satisfy the domestic waste water requirements.

Consistent with *Clause 19 – Infrastructure* as services have been considered as part of the proposal and electricity and telecommunications are available to the subject site and reticulated water is available to a portion of the subject site (below the 110m contour line in the proposed LDRZ area). Reticulated sewerage is not available and as such a Land Capability Assessment is required for the site. Future allotments will be required to be large enough to enable the treatment and retention of effluent on site. The proposed application of the Development Plan Overlay also requires the development of a wastewater management plan and integrated stormwater management plan be prepared for the subject site.

(ii) Local Planning Policy Framework

Council submitted that the proposed amendment is considered to support the objectives of the Local Planning Policy Framework by providing zone and overlay controls that will facilitate the efficient expansion of the Tyers Township for housing purposes.

Municipal Strategic Statement

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.03 – Natural Environment Sustainability by seeking to maintain and improve the ecological integrity of natural and artificial systems such as agriculture, forestry and urban areas by avoiding development in areas with high biodiversity, agriculture and forestry values.

Clause 21.04 – Built Environment Sustainability by seeking to minimise conflict between agricultural activities and rural lifestyle by rezoning the land into Low Density Residential Zone and Rural Living Zone. These zones will provide an appropriate interface between farming zone land and new housing.

Clause 21.06 – Small Towns by seeking to facilitate development in accordance with the specified small town structure plan. The Tyers Structure Plan is included in Clause 21.06-8. The Amendment proposes changes to the Tyers Structure Plan consistent with the proposed development of the subject site.

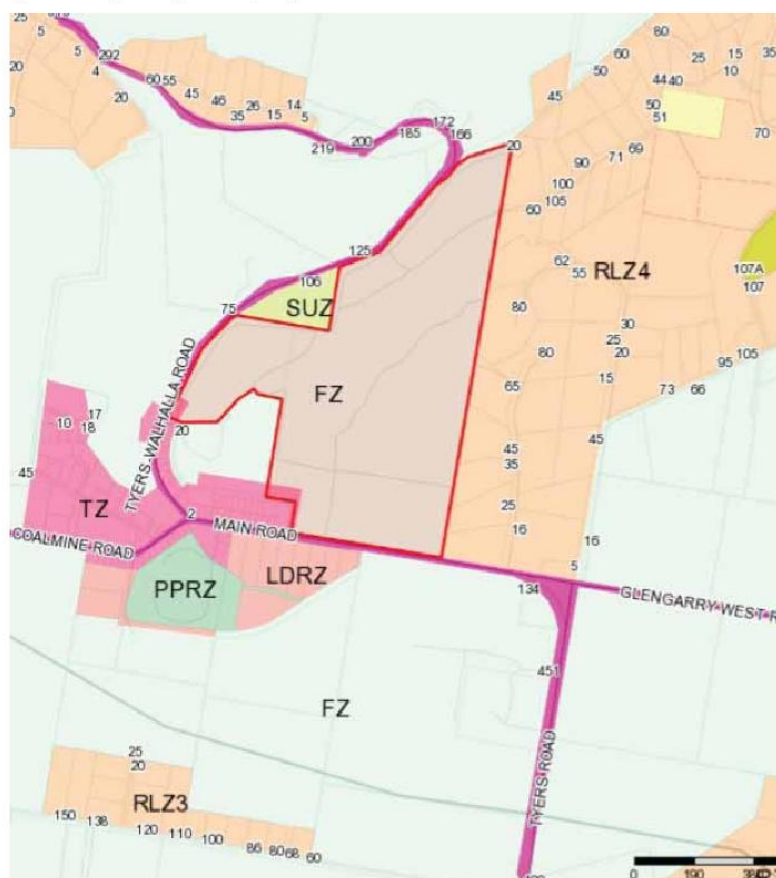
Clause 21.08 – Liveability by rezoning land for low density and rural living within close proximity to the Tyers Township.

3.2 Planning Scheme provisions

(i) Zones

The Tyers town centre is currently zoned Township Zone (TZ). The Residential 1 Zone does not apply to any land within the town. There are two small pockets of Low Density Residential Zone areas to the south east and south west of the town centre. Further south of the town centre there are some Rural Living Zone Schedule 3 areas. Further north east and north west of the township there are Rural Living Zone Schedule 4 areas. An extensive area of land surrounding Tyers is zoned Farming Zone. The Rural Living Zones – Schedules 3 & 4 allow for lot sizes of approximately two to four hectares respectively. There is limited potential for further subdivision and development of existing zoned Township, Low Density Residential and Rural Living land in the absence of reticulated sewerage.

Figure 2 Tyers existing zoning showing subject site



The subject site is currently in the Farming Zone and Township Zone (small area in the south west corner of the site).

The Amendment proposes to rezone the subject site to the Low Density Residential Zone (LDRZ) and the Rural Living Zone (RLZ) Schedule 2.

The purposes of the LDRZ are:

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

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The purposes of the RLZ are:

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

To provide for residential use in a rural environment.

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

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

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

Schedule 2 to the RLZ specifies the minimum subdivision area as one hectare and the minimum area for which no permit is required to use land for a dwelling as one hectare.

(ii) Overlays

The following Planning Scheme overlays apply to the subject site:

Bushfire Management Overlay (BMO)

The BMO applies to the entire subject site and is not affected by this Amendment.

Development Plan Overlay

The Amendment seeks to introduce Schedule 8 to the Development Plan Overlay (DPO) to the subject site which requires a Development Plan to be prepared to the satisfaction of the Responsible Authority.

The Development Plan must include, amongst other things, details about the following matters:

- The proposed subdivision layout;
- The proposed plan for introducing infrastructure services;
- A Land Capability Assessment;
- A Wastewater Management plan;
- Details of proposed open space;
- A flora and fauna assessment;

- A cultural heritage assessment; and
- Details of bushfire protection measures.

3.3 Other planning strategies

Latrobe City Council Residential and Rural Residential Land Assessment 2009

Council submitted that the *Latrobe City Council Residential and Rural Residential Land Assessment 2009* provides an analysis of the demand and supply of residential and rural residential land across the municipality.

This study analysed existing supply and demand for residential and rural residential land, including low density residential, rural living and farming allotments under five hectares, within four main towns and seven small towns, including Tyers. The *Latrobe City Council Residential and Rural Residential Land Assessment 2009* is listed as a Reference Document within Clause 21.04 – Built Environment Sustainability, 21.05 – Main Towns and 21.06 – Small Towns of the Latrobe Planning Scheme.

In addition, the study examined the precincts and settlement relationships between the small townships and the main towns.

The issue of supply and demand for residential lots is discussed in Chapter 4.

Small Town Structure Plans: Boolarra, Glengarry and Tyers Background Report 2010

The *Latrobe City Council Residential and Rural Residential Land Assessment 2009* provided input into the preparation of the *Small Town Structure Plans: Boolarra, Glengarry and Tyers Background Report 2010* and accompanying Latrobe Planning Scheme Structure Plans. The Background Report and Structure Plans provided the necessary direction to inform strategic land use objectives and strategies for the three small townships, including Tyers, until 2023.

The *Small Town Structure Plans Background Report 2010* outlines the process and assessments which took place to inform the preparation of structure plans for the three townships. Chapter 7 of that Report provides a summary of the preparation and implementation of the Tyers structure plan.

The *Small Town Structure Plans Background Report 2010* is listed as a Reference Document within Clause 21.06 – Small Towns of the Latrobe Planning Scheme.

Draft Traralgon Growth Areas Review Project (TGAR)

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

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

Support ongoing growth and development of Tyers as a lower density / rural lifestyle village which provides lower density lifestyle opportunities to those available within Traralgon and Glengarry.

Consider the development of additional areas of Rural Living ('low density') opportunities to the south of Tyers (area 20) where 'long term urban' expansion

is proposed in the small town structure plan. The suitability of this type of development will need to be associated with additional consultation with the paper mill given the development would occur within the buffer area for this use and may not be suitable.

3.4 Planning Practice and Advisory Notes

The following Practice and Advisory Notes are relevant to the Amendment:

(i) Applying the Incorporated Plan and Development Plan Overlays – Practice Note 23

In relation to this Amendment, the practice note provides guidance for preparing a schedule to the DPO.

(ii) Rural Residential Development – Practice Note 37

This practice note provides guidance for assessing proposals for rural residential use and development. Of particular relevance to this Amendment, the Practice Note provides guidance on the application of the LDRZ and RLZ.

The Practice note states that rural residential development requires special consideration and sets out four broad questions that should be asked in relation to proposed development. The response to these strategic questions is discussed in Chapters 4 and 7 of this report.

(iii) Strategic Assessment Guidelines – Practice Note 46

The practice note provides general guidelines for preparing and evaluating planning scheme amendments.

3.5 Strategic Assessment

The Panel concludes that the Amendment is broadly supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is strategically supported subject to the further discussion of issues in the following Chapters.

4 Demand and Supply of Housing

4.1 The issues

The Panel has examined whether there is a demonstrated future need for additional RLZ and LDRZ lots in Tyers, and how this impacts on whether the Amendment should be supported.

The Panel is guided by the four questions set out in Planning Practice Note 37:

Strategy: *Does rural residential development align with the overall strategic planning of the municipality?*

Housing need: *How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?*

Location: *Where should new rural residential development take place?*

Subdivision and design: *Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?*

4.2 Submissions

Council submitted that there are a number of constraints within the Tyers Township which limit future infill development and therefore restrict supply. Additionally, there is limited supply of LDRZ land available within Latrobe City.

Council further submitted that recent subdivision within Latrobe City has occurred within the Residential 1 Zone (averaging 11 lots per ha). Currently no other development proposal incorporates the LDRZ or the RLZ. Council submitted that Tyers has the opportunity to offer greater diversity of housing choice in Latrobe City and that the supply of additional land will assist in housing affordability and ensuring that there are a range of options for people wishing to purchase LDRZ and RLZ lots within the municipality.

The *Residential and Rural Residential Land Assessment 2009* states, in relation to Tyers:

Under the high growth scenario, forecasts show a requirement for approximately an additional 9 ha of LDRZ by 2023 and an estimated 0.5 ha of TZ land (assuming a density of 8 lots per hectare can be achieved).

Council noted that 8 lots per hectare (1250m² average lot size) is not going to be achieved in Tyers without reticulated sewerage. A minimum of 4000m² is required to facilitate an on-site septic tank system.

Council submitted that in regards to RLZ land, the land assessment indicated that there is an adequate supply of RLZ land in Tyers to meet forecast requirements over the next 15 years; however, the development and/or re-subdivision of existing lots may not be achievable due to constraints such as wastewater, Bushfire Management Overlay and native vegetation.

Council envisaged that the future Development Plan for the subject site will propose a more conservative lot density be implemented to that nominated within the *Residential and Rural Residential Land Assessment, 2009*.

Council was not concerned about oversupply, as the development of the subject site is likely to be undertaken in stages over a number of years.

Council noted, in its submission to the Hearing:

Limited residential sales activity has occurred in Tyers in recent years, with only 21 residential property sales occurring between 2008 and 2013 with the median house price being \$261,300 (Property Data Solutions Pty Ltd 2014). There have been 14 vacant land sales between 2008 and 2013 with the median sale price being \$136,166. The limited supply of available land for residential development is a likely contributing factor to this minimal activity.

The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2010 states that:

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

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

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

Due to the limited supply of residential land in Tyers, the Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2010 recommended that:

- *Appropriate locations for Low Density Residential areas should be identified to provide for the immediate shortage of LDRZ allotments and improve housing variety and choice. Additional land suitable for Low Density Residential should also be protected for longer term planning purposes.*
- *Under a high growth scenario, there is currently 9 years supply of TZ land available with a forecast dwelling demand of 10 to the year 2023 Considering no additional TZ has been identified, it is recommended that dwelling demand for TZ (10 allotments) be directed to LDRZ. Approximately 18 hectares of land is therefore recommended for future low density residential development.*
- *New LDRZ would achieve a density of 2 lots per hectare and account for 40% of dwelling demand in Tyers. Under a high growth scenario this equates to 20 LDRZ dwellings to the year 2023. Under a high growth scenario, there is currently 1.5 years supply of LDRZ land available.*
- *RLZ would account for 40% of dwelling demand in Tyers. Under a high growth scenario this equates to 20 RLZ dwellings to the year 2023.*

Under a high growth scenario, there is currently 14.3 years supply of total vacant lot potential of RLZ available. This includes a combination of RLZ3 and RLZ4.

In summary, the Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2010 recommends that an additional 30 dwellings within the LDRZ will be required up to the year 2023.

The Proponent relied on the justification provided for releasing new land for development in Tyers within the *Tyers Supply and Demand Assessment Report 2013* prepared for NBA Group by MacroPlan Dimasi. That Report concluded that Tyers needs to be considered in the context of its proximity to Traralgon and the projections for residential demand in the broader Latrobe municipality:

MacroPlan Dimasi has identified the need to support growth in fringe townships to Traralgon in order to provide a 'release valve' mechanism that benefits the broader Latrobe region. Tyers provides a strong opportunity to service this requirement because it is an alternative, yet complimentary market to Traralgon, with strong links to the local employment. The procurement of additional supply in Tyers would aid in transferring demand and relieving future housing requirement pressures.¹

The MacroPlan Dimasi Report projects that 6,095 additional dwellings would be required in Latrobe between 2011 and 2026 in a medium growth scenario and 8,895 in a high growth scenario. The Report concludes that the distribution of supply is not optimal, resulting in a likely shortage of supply in Traralgon, 'significantly under the proposed 15 year target for the Latrobe LGA', and also noting that:

Due to significant supply constraints relating to planning restrictions, flood plains, mining and infrastructure projects, growth in Traralgon may be restricted in the medium to long term.

The challenge ahead is to investigate peripheral townships that may provide a demand release mechanism and allow for a level of demand transference. The Tyers Township provides an opportunity to play a role in this process because of its proximity to employment, access to Traralgon's amenity. This would be enhanced by the provision of infrastructure such as sewerage.

In order to induce demand within the Tyers Township and capture a growing proportion of the Latrobe LGA's future demand, it is recommended that consideration should be given to the provision of larger premium lots, which aren't as prevalent in the LGA.²

Mr Anderson, on behalf of the Proponent, noted that the staging of development will ensure that the release of land does not flood the market.

A number of submissions from local residents, including Ms Ketchion, Ms Symons, Ms Godfrey, Mr Henry, Mr Jones and Mr Hodgson generally supported the development of the

¹ MacroPlan Dimasi – Tyers Supply and Demand Assessment 2013, Page 2.

² Ibid, Page 14.

subject site on the basis that an increased population would add to the longer term sustainability of businesses, sporting clubs and services in the town.

Mr Woodland, on behalf of Ms Sasse (Submission 8), submitted that the *Latrobe City Council Residential and Rural Residential Land Assessment 2009* concluded that, under a high growth scenario, Tyers will grow by a maximum of 50 new dwellings over the period 2008 to 2023 (or 3.3 dwellings per annum). He noted that the Report broke this down further as follows:

- Less than 1 lot per annum for land in the TZ;
- Around 1 lot per annum for the land in the LDRZ; and
- Around 1 lot per annum for land the RLZ.

He also noted that the Report concluded that there was adequate supply of RLZ in Tyers to 2023, and that around 9ha of LDRZ land would be required to meet demand over the same period. Mr Woodland submitted that there is sufficient LDRZ land identified in the existing Tyers Structure Plan to meet at least 15 years supply, and submitted that the approximately 25ha of LDRZ land proposed on the subject site is well in excess of that required to meet future demand. Mr Woodland concluded that the case for amending the Tyers Structure Plan has not been made; the Structure Plan should continue to show it as 'Future Long Term Low Density Residential'; and the subject site should remain in the Farming Zone.

4.3 Discussion

The Panel notes that one of the strategies in Clause 11.02-1 Supply of Urban land states:

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

The Panel believes that this supports the approach taken by MacroPlan Dimasi to examine the broader role of Tyers in providing for residential land supply in Latrobe. The Panel accepts that Tyers may provide a market niche for some of the demand from the Traralgon area. The Panel notes the comments of both Council and the MacroPlan Dimasi Report that residential development in Tyers is limited, most notably by the lack of reticulated sewerage. In short, if reticulated sewerage was provided in Tyers, the number of lots able to be developed would increase significantly, both through infill development and higher yield on new subdivision such as the subject site.

The Panel notes that, whilst the MacroPlan Dimasi Report concludes that there may be a market for larger lots in Tyers, the Report does not provide an updated estimate of the quantity of that demand. Based on the estimates provided on likely demand in the *Latrobe City Council Residential and Rural Residential Land Assessment 2009*, the Panel agrees with the assertion of Mr Woodland that, if the site is developed as LDRZ and RLZ, the proposed development could potentially create an oversupply of LDRZ, and possibly RLZ as well, in Tyers in the short to medium term. The Panel notes the conclusions of the *Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2010* that this may be mitigated by some transfer of demand for Township Zone land to LDRZ if additional LDRZ lots were supplied.

The Panel is satisfied that satisfactory answers have been provided to the first three questions set out in Planning Practice Note 37 (in relation to Strategy; Housing need; and Location) in the work referred to by the Council and the Proponent.

The Panel has also considered the consequences if residential land is oversupplied in Tyers:

- Would any oversupply of residential land be contrary to State and/or local policy?; and
- Is it likely to lead to a poor planning outcome?

On the first question, the Panel believes that whilst it may be arguable that the proposed development provides well in excess of 15 years supply of LDRZ land in Tyers, there is nothing in the State or local policy that prevents or even discourages this. It could also be argued that provision of the proposed number of lots assists in achieving overall land supply objectives for the municipality; and, by identifying land for development (by rezoning) the second part of the strategy in Clause 11.02-1 is complied with i.e. clear direction is provided on where growth should occur. The Panel concludes that the potential local oversupply is, in itself, not a barrier to endorsing a proposal. The Panel would add, however, that this is only the case if other potential barriers can be overcome.

In examining other potential barriers the Panel notes that:

- The proposed development is not expected to create any traffic or parking issues;
- No significant issues arise in relation to managing bushfire risk or impact on native vegetation; and
- No submitters raised concerns about the impact of the development on local services and facilities. In fact the reverse was argued i.e. that the viability of businesses, schools and sporting clubs would improve with increase population.

The main concerns raised by submitters relate to the impact of development on stormwater drainage and wastewater management. The Panel concludes that, provided that these issues can be appropriately managed, there are no significant barriers to the Amendment progressing. Stormwater drainage and wastewater management are examined in more detail in the following chapters in the context of the fourth question provided by Planning Practice Note 37 in relation to subdivision and design.

4.4 Conclusions

The Panel concludes that:

- The proposed Amendment may result in a short to medium oversupply of LDRZ and RLZ land in Tyers, but this is not counter to State policy.
- There are not expected to be adverse traffic impacts resulting from the proposed development, and the impact on local businesses and services is most likely to be positive.
- There are no significant barriers to the Amendment provided that stormwater drainage and wastewater can be appropriately managed.

5 Reticulated Wastewater in Tyers

5.1 The issues

One of the key issues for how future residential development proceeds in Tyers is when and if reticulated wastewater is provided.

The Panel was provided with information on the likely timing of reticulated wastewater and has reviewed the relevance to this proposed Amendment.

5.2 Submissions

Mr Sherman, on behalf of Gippsland Water, advised the Panel that reticulated sewerage in Tyers is not part of the Gippsland Water *Water Plan (2013 to 2018)*. He clarified that Gippsland Water does not oppose sewerage for Tyers, but that it is not currently planned to allocate capital funds to any project before 2018.

Mr Sherman added that if the Panel supports the rezoning:

It should do so only if satisfied that sewerage can be provided through on-site disposal; and

On the basis that ...there should not be an expectation on the part of landowners or developers that reticulated sewerage will be available at some stage in the immediate future.

He added:

It is important that if the rezoning proceeds then septic tank systems installed perform appropriately so as not to add to existing problems in Tyers.

Mr Sherman outlined the various alternative funding options for sewerage schemes, including owner funding and small town sewerage schemes, but concluded that any feasible sewerage solution for Tyers would require a substantial government funding contribution. He therefore concluded that the Panel should base its assessment of the subject site on the assumption that on site disposal will work.

Council submitted that earlier feasibility studies recommended a stand alone wastewater treatment system for Tyers, and the Council continues to work with Gippsland Water to explore potential funding options. Council confirmed that no solution is currently on the horizon, and that the subject site should be developed on the assumption that reticulated sewerage will not be implanted in the short to medium term.

Mr Jones submitted that the subject site provided an opportunity to add more lots to a sewerage scheme and hence improve the viability of any scheme (by spreading costs). He proposed that the lower part of the subject site be zoned Township Zone and smaller lots be provided to assist in achieving a 'critical mass' to make a sewerage scheme viable.

Mr Woodland noted that Latrobe City Council adopted a *Municipal Domestic Wastewater Management Plan 2006* and that the Plan identifies Tyers as a high risk locality, and the highest priority for dealing with wastewater management. Mr Woodland also noted that there are no current plans by Gippsland Water to provide reticulated sewerage to Tyers.

5.3 Discussion

The provision of reticulated sewerage would enable higher density development options for the subject site and would also encourage the infill of vacant land within the town. The Panel notes that Gippsland Water and Council are both supportive of finding a way to implement reticulated sewerage in Tyers in the future. The Panel notes, however, the Gippsland Water and Council advice that reticulated sewerage in Tyers is not proposed in the foreseeable future.

The Panel agrees that the subject site should therefore be planned on the assumption that wastewater must be treated on site.

5.4 Conclusions

The Panel concludes that:

- The Amendment should be assessed on the assumption that wastewater is to be treated on site.

6 The Most Appropriate Zones and Zone Boundaries

6.1 The issues

The Panel has examined submissions made in relation to the most appropriate zone/s to apply to the subject site and the location of zone boundaries.

6.2 Background

Planning Practice Note 37 – Rural Residential Development provides guidance to the application of rural residential zones as follows:

LDRZ is a ‘residential’ zone. It specifies a lot size of at least 0.4 ha in areas where reticulated sewerage is not connected or 0.2ha for each lot connected to reticulated sewerage. A different lot size can be specified in a zone.

RLZ is a ‘rural’ zone. It specifies a lot size of at least 2 ha and provides opportunities for some rural uses to occur. A different lot size can be specified in a zone.

The purpose of the LDRZ is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The purpose of the RLZ is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

6.3 Evidence and submissions

Council submitted that the Amendment proposes to rezone Areas 3, 6 and a portion of Area 10 as identified within the Tyers Structure Plan to LDRZ. The remainder of Area 10 is proposed to be rezoned to RLZ Schedule 2. Schedule 2 specifies a minimum lot size of 1ha.

Council submitted that the LDRZ is proposed to be applied to all land below the 110m elevation contour and is considered appropriate given the presence of reticulated water and electricity and the absence of reticulated sewerage. Applying the LDRZ to this area of the subject site ensures the creation of lots no less than 0.4 hectares in size. Council submitted

that the application of the LDRZ is also in accordance with the recommendations of the Tyers Structure Plan.

The remainder of Area 10, above the 110m contour, is proposed to be rezoned to RLZ Schedule 2 due to the steep topography of this section of the subject site and in the absence of both reticulated water and sewerage. Lots created on this steeper section will need to be larger in size to ensure all wastewater is safely managed, treated and retained on site. Applying the RLZ Schedule 2 to this area of the subject site ensures the creation of lots no less than 1ha in size. Council submitted that the application of the RLZ is also generally in accordance with the recommendations of the Tyers Structure Plan.

Council submitted that the proposed boundary between the two zones has had regard to the area able to be serviced with reticulated water, as well as the elevation contours of the land and the unusual shape of the site and therefore submitted that the boundary between the two proposed zones provides the most efficient use of the land.

The Proponent agreed that the LDRZ is the most appropriate zone for land below the 110m contour as reticulated water and electricity is available for that land, but reticulated sewerage is not.

The Proponent, in their planning proposal to the Council, referred to the subdivision application requirements in the LDRZ which require, in the absence of reticulated sewerage, a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

The Proponent has commissioned a Land Capability Assessment and submits that this demonstrates that lot sizes of 0.4ha are large enough to treat and retain wastewater. The adequacy of the Land Capability Assessment was contested by Ms Sasse and this is discussed in more detail in the following Chapter.

The Proponent submitted that the RLZ is proposed in the upper reaches of the site where the land is steeper and future lots are not able to be serviced by reticulated water. They submitted that future dwellings will be able to be connected to electricity, will be accessible by all weather roads, are large enough to accommodate potable water supplies and retain wastewater runoff.

Mr Jones agreed with the RLZ on the upper part of the site (above 110m) but submitted that the land below the 72m contour should be rezoned to Township Zone (with average lot sizes around 1600m²) and not developed until reticulated sewerage is provided. He argued that this would be a more efficient use of the land and would make a future reticulated sewerage scheme more viable.

Mr Woodland, on behalf of Ms Sasse, submitted that the strategic case for amending the Tyers Structure Plan has not been made and concludes the land should remain in the Farming Zone. The Panel has not accepted this argument as discussed in Chapter 4 above.

Mr Woodland further submitted that it has not been adequately demonstrated that drainage and wastewater can be appropriately managed on the site under either the LDRZ or RLZ and for this reason the Amendment should be abandoned. These issues are discussed in the following Chapter – Land Capability.

6.4 Discussion

The Panel accepts that the LDRZ and RLZ are the most appropriate zones for the subject site, provided that it can be demonstrated that drainage issues can be managed and the land is capable of on site wastewater treatment and retention. The Panel accepts that the purpose of these zones best fits the proposed development and that, subject to the same qualification, the application of these zones meets the general requirements of Planning Practice Note 37.

The Panel also accepts the logic of the boundary between the zones being located approximately on the 110m contour.

The Panel agrees with Mr Jones that if reticulated sewerage could be provided, the Township Zone may well be a more appropriate zone for part of the site. The Panel notes that if in the future reticulated sewerage is provided, LDRZ lots may be able to be further subdivided (to a minimum of 2000m²) to achieve a similar long term outcome. Whether this is achievable in practice will depend on how many of the LDRZ lots are developed in the meantime and how dwellings are positioned on those lots. However, the Panel must, for the reasons set out in Chapter 5, consider the subject site on the basis that reticulated sewerage will not be provided, so in this context other zones cannot be contemplated.

6.5 Conclusions

The Panel concludes that:

- The LDRZ and RLZ are appropriate zones for the subject site subject to a land assessment demonstrating that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

7 Land Capability

7.1 The issues

The capability of the land to support on-site waste management is the key issue given the advice from Gippsland Water that reticulated sewerage is not likely in the foreseeable future and the subsequent requirement for sewerage to be treated and retained within all lots in the proposed development.

The Issues for the Panel to address in relation to land capability are as follows:

- What is the appropriate standard to demonstrate land capability at the planning scheme amendment stage and has that standard been met for this proposal?
- What are the risks of proceeding with rezoning if the land capability is uncertain?
- If the site is rezoned as proposed, what planning controls ought to be applied to ensure that future development of the site appropriately considers land capability?

Mr Woodland has also raised issues in relation to drainage of the site which are examined in this Chapter.

7.2 Evidence and submissions

Wastewater management

Council noted that due to the absence of reticulated sewerage, a Land Capability Assessment (LCA) was prepared by the Proponent for the subject site. The Development Plan prepared to inform the LCA was a conceptual layout to provide an estimate of a 'highest and best' lot yield. The LCA's objective was to determine whether onsite methods of domestic wastewater management were feasible on the subject land, not to determine each lot's individual capability. Having specific regard to the previous LCAs undertaken for the site, the results concluded that the subject site is capable of containing dwellings that can treat and disperse wastewater on lots that are approximately 0.5 hectare or larger within the proposed LDRZ and at sites that are approximately 1 hectare or larger within the proposed RLZ. It was recommended that areas of at least 2000m² should be set aside for effluent disposal fields (based on a 5 bedroom house), due to constraints such as low subsoil permeability and elevated soil sodicity.

Council acknowledged the past failure of some septic tanks systems in the Tyers area, noting that these have generally occurred on the existing small township lots which average 800sqm in size.

Mr Anderson submitted that LCAs were commissioned for the site by the landowners as part of their initial investigations as to the suitability of the site for development. The first LCA was completed by Ecological Solutions Today in 2006, with a further report prepared by Land Safe in 2008. Further high level reviews have been undertaken by Land Safe in October 2011 and January 2014. The Proponent provided the following summary of the findings of these reports:

The land has the capability to provide onsite effluent disposal for low density residential use. Low Density allotments can be provided with necessary effluent treatment and field dispersion areas, incorporating appropriate design measures to ensure all domestic wastewater is contained on site;

The amount of wastewater generated from dwellings would determine the area of land required for effluent disposal or reuse;

It is important that water saving strategies be incorporated in residential development. Effluent outputs from dwellings should be minimised by homeowners employing water saving fixtures and devices;

Drainage systems for residential development in this area should be professionally designed as an integrated system, having regard to the location of required effluent fields to ensure a considered, comprehensive approach; and

The design and construction of any effluent dispersion and reuse on the subject land will be subject to further processes and to the satisfaction of Council's Environmental Health Department and the Environment Protection Authority.

Mr Anderson added that it is expected that further work may be required at the subdivision stage to inform lot boundaries; however the reports have indicated that the land is capable of treating and retaining all wastewater within lot boundaries, subject to a range of measures.

It was noted during the Hearing that the LCAs completed to date do not review the capability of individual lots for on-site sewerage treatment, but that the LCA required to be submitted under the DPO will require capability to be assessed for each individual lot.

It is the position of the Proponent that the land capability work done to date should be sufficient to approve rezoning.

Mr Anderson called Mr Van de Graaff who gave expert evidence in relation to the capability of the subject site to treat wastewater on-site. He outlined the theoretical basis for assessing the capability of soils and concludes with some cautionary words suggesting Council take a conservative approach in assessing the site.

Mr Van de Graaff adopted the conclusions and recommendations of the revised report *Land Capability Assessment for On-site Domestic Wastewater Management as a 95 lot Proposed Subdivision at Tyers January 2014* prepared by Land Safe.

The Panel has extracted relevant conclusions and statements from the Report's Executive Summary and Conclusions:

This report has been prepared as a complete review of the Land Capability Assessment Report conducted by Land Safe in September 2008 and subsequently modified in the light of comments by the Shire, EPA and others. The review is based on the current proposal for a 87-lot subdivision and the detailed information on stormwater drainage that has become available. The Land Safe - Tyers LCA (2008) has also been updated to reflect the most recent EPA Guidelines for Onsite Wastewater Management which were last updated in late 2013. All

text in this report that has been inset is the original text from the last revision of 2011.

This review has been brought into accordance with the 2013 EPA Code of Practice (EPA Publ. 891.3, 2013) and the 2012 Australian Standard (AS/NZS 1547:2012).

The basic objective of the original land capability assessment was to determine whether onsite methods of domestic wastewater management are feasible on the subject land. The objective was not to determine that each lot of the large number of lots required an identical design and identical sizing of the land application area (LAA). The original LCA is based on only four backhoe pits for logging the soil types on the property and only three determinations of soil permeability. Only five soil samples, representing just three backhoe pits, have been sent to a laboratory for chemical analysis. This was considered adequate to conclude that allotments varying in size from 4000 m² and upwards to just over 1 hectare would generally be able to contain the wastewater of a 4-bedroom or 5-bedroom home. This finding has been the basis for a rezoning of the property.

We have found that due to the low permeability of the native soils and the coincidence of higher monthly rainfall with low evaporation the areas of land required for effluent disposal are quite large.

The subsoils on this property have high sodicity and also have a high risk of dispersion. These soil limitations can be reduced with the application of gypsum. Gypsum must be applied to each wastewater LAA at a rate of 1 kg/m².

Upslope seepage entering each wastewater LAA can be prevented with the installation of upslope diversion drains around each LAA. These will prevent excess water surface run-on and seepage from impacting upon the LAA.

Apart from these limitations, the land can be developed for rural residential land use and on-site effluent disposal.

Given the constraints imposed on this property for onsite wastewater management it is recommended that a significant additional area of land be allowed for to enable the LAA to be extended by 30%. This is not an EPA requirement with secondary treated wastewater and subsurface irrigation, but it is considered necessary given the low permeability of the subsoil, sodicity and soil disturbance from tree clearing.

We believe that the land is capable of coping with the domestic effluent when our recommendations are accepted and acted upon. However, at the time that each lot is proposed to be built upon, a separate LCA must be conducted on that lot to determine the most appropriate size and design of the wastewater management system.

Our overall conclusion is that the subject land is capable of containing dwellings that can appropriately treat and disperse wastewater at sites that are 0.5 hectare or larger within the area proposed as LDRZ and at sites 1 hectare or larger within the area proposed as RLZ. At the Development Plan and/or subdivision stage requirements to ensure the appropriate establishment and on-

going maintenance of wastewater treatment systems should be imposed such that these measures address issues raised within the LCA Report.

Under cross examination, Mr Van de Graaff clarified the extent of testing done to prepare the LCAs done to date. He emphasised that, in his opinion, the level of testing was limited, but appropriate to assess general conditions at the rezoning stage. He gave evidence that substantial additional testing would be required to assess sites for septic tanks at the subdivision stage.

Under cross examination by Mr Woodland, Mr Van de Graaff clarified the conclusion in the January 2014 Report that seems to suggest 0.5ha (5000m²) is required as a minimum in LDRZ parts of the site. He gave evidence that a land application area (LAA) of 2000m² should be sufficient on each site i.e. the area required to treat and disperse waste water. He concluded that septic systems would be viable on sites as small as 4000m² in many cases, but that there could be a higher level of confidence that 5000m² lots on this site could comfortably accommodate septic systems.

Under cross examination, Mr Van de Graaff acknowledged that the auger test data referred to in the report was of little or no value but he did maintain that the four test pits that were used provided sufficient information to assess the site at this stage of the process. Mr Van de Graaff acknowledged that the site did at some times become waterlogged and he also acknowledged that little was known about the clay layer on the site.

Mr Van de Graaff agreed with Mr Woodland that the site corresponded with the MAV Guidelines description of a 'major risk' site. He gave evidence that this risk had been factored in by allowing a 30% increase in the LAA. Mr Van de Graaff acknowledged that the site is problematic given the existence of clay soils and variable sodicity. He maintained, however, that this doesn't mean septic systems cannot be successfully implemented.

Mr Anderson called Mr Constantine who gave evidence that, in his opinion, sufficient work has been done to satisfy him that 4000m² lots are sustainable.

Mr Woodland submitted that it has not been demonstrated that waste water can be treated and retained within the subject land. In support of that position he submitted that:

- *The Planning Practice Note 37 (Rural Residential Development) requires that planning scheme amendments for rural residential development include an assessment of whether the land has been found to have satisfactory characteristics for sustainable on-site wastewater management and can meet the EPA Code of Practice for Onsite Wastewater Management.*
- *The EPA Code of Practice require that the information gathered through the LCA process be used to determine whether the site is capable of managing wastewater on site, as well as to determine the size of the lots to ensure sustainable on site wastewater management (Mr Woodland's emphasis).*

Mr Woodland called expert evidence from Ms Kelly of WSP who has undertaken a peer review of the Landsafe LCA. Ms Kelly concluded that the Landsafe LCA has not demonstrated that wastewater can be contained within each individual allotment.

Ms Kelly, who appeared at the Hearing by video link, highlighted what she considers to be a number of data deficiencies in the Landsafe LCA. The deficiencies identified by Ms Kelly include:

- *Soil profile logging – Four test pits within a 66.2ha area provides a very low sampling density and low confidence in understanding soil types across the site.*
- *Soil permeability tests - Three tests are inadequate to characterise the permeability of soils across 66.2ha site. As no permeability tests were completed in the heavy clay subsoils, there is no site specific information on the permeability of this soil horizon, which is expected to be significantly lower than the sandy loam or silty clay loams.*
- *Sodicity of soils/Gypsum application – The Landsafe LCA contains insufficient information about how gypsum salts will leach through the soil profile. The successful treatment of this soil variable is critical if the site is to be able to drain vertically through the soil profile. Ms Kelly notes that even if this method is effective in the short term, gypsum application may not be effective in the long term.*
- *Monitoring and maintenance – The Landsafe LCA does not include a contingency in the event that surface expression of wastewater and waterlogging occur, particularly on lower slopes and neighbouring properties.*

Ms Kelly gave evidence that, *'given the scale of development proposed, cumulative impacts are likely to occur if the water balance is not as predicted in the Landsafe LCA and so the potential impact of wastewater systems failure are very significant'*.

Mr Woodland submitted that the EPA and MAV³ guidelines encourage the use of risk assessments to determine the suitability of sites for wastewater application. Ms Kelly concluded that such a risk assessment is warranted for the subject site given the potentially serious limitations associated with soil types and locations, including:

- Soils with a high potential for dispersion, sodicity and shrink/swell;
- Low permeability soils; and
- Steep slopes.

Ms Kelly has undertaken a risk assessment using the MAV guidelines, and she has identified large number of 'major' risks that need to be addressed in relation to the current site:

- Site aspect – south and east facing slope;
- Climate – excess rainfall over evaporation in the wettest months;
- Slope form – concave or convergent side-slopes;
- Slope gradient – > 10%;
- Soil drainage – wet soils, water ponding on surfaces;
- Stormwater run-on – high likelihood of inundation;
- Mottling – evidence of poorly drained soils;

³ MAV, EPA Victoria and DEPI – *The Victorian Land Capability Assessment Framework*, 2nd edition, 2014.

- Sodicity – measuring >8%;
- Soil depth to rock or other impervious layer – less than 1m; and
- Soil texture – relatively impermeable soils.

In response to questions from the Panel chair, Ms Kelly gave evidence that the slope of the land and the existence of the clay layer are the main risk factors and, in her opinion, the site cannot contain waste, regardless of lot layout, if 4000m² lots are assumed.

In response to cross examination by Mr Anderson, Ms Kelly acknowledged she had not visited the site and that she was not aware of the revised LCA prepared in January 2014. Mr Anderson asked whether, in Ms Kelly's opinion, on-site sewerage treatment could be possible subject to further testing? Ms Kelly responded that, based on the information she had sighted, that there were too many unknowns and the land capability has not been demonstrated.

In response to further questions from the Panel chair, Ms Kelly gave evidence that significant further testing would be required to accurately assess the suitability of the site. In her opinion, further work should include (but not be limited to):

- A detailed water balance model;
- Deep drainage tests;
- Assessment of the permeability of the clay layer;
- Higher density of soil sampling; and
- A risk assessment.

Mr Woodland submitted that the EPA guidelines note that soil that is seasonally waterlogged is a good indication the land is *not capable of dispersing wastewater* and *therefore must not have wastewater applied to it*. He submitted that where water inputs exceed outputs and where vertical drainage is restricted (as appears to occur on the subject site) there is no storage available in the soil system for wastewater irrigation.

Mr Woodland concluded:

Ms Sasse submits that Amendment C82 has not demonstrated that wastewater can be contained within each individual allotment (as required by Practice Note 37 and the EPA Guidelines), and that insufficient information has been presented to safely conclude that this land can be developed for residential purposes.

On the evidence before the Panel, there are serious reasons to doubt that the subject site can accommodate lots of 0.4 ha in such site conditions. It would be imprudent to allow the subject land to be rezoned without undertaking further work in relation to the environmental capability of the subject land. It is not yet possible to determine what a sustainable minimum lot size might be for this site for the reasons already set out. Further land capability assessment is required to first determine whether the site is in fact capable of managing wastewater on site, and if so what size of the lots to ensure sustainable on site wastewater management.

Ms Sasse submits that Amendment C82 should be abandoned for the above reasons.

On the issue of whether land capability should be demonstrated at the amendment stage or subdivision stage, Mr Woodland conceded that Practice Note 37 is not clear on this point.

In his concluding remarks, Mr Anderson reiterated his client's willingness to doing further work on land capability, but argued that there is no risk in the rezoning going ahead and the more detailed work being completed later in the process. He noted that the EPA had been involved in the preliminary assessment of the site and had raised no objection.

Mr Pullman, in his concluding remarks on behalf of Council, agreed that a land capability assessment should be undertaken before rezoning but that the standard required for a LCA at the amendment stage is not as detailed as for subdivision. He reiterated that Council is satisfied with the information provided and added that the LCA had been provided to the EPA, who raised no concerns at this stage.

Drainage issues

Mr Woodland submitted that Planning Practice Note 37 requires that rural residential development include an assessment of whether the land can be connected to or provided with drainage that effectively removes stormwater from each house and lot, prevents inundation of effluent disposal fields and is designated to handle the one in 100 year storm event where required.

Mr Woodland submitted that Amendment C82 acknowledges but fails to adequately address these issues. He submitted that the LCA that accompanies the Amendment acknowledges that there is an existing stormwater runoff issue on the subject land, and that removal of vegetation and development of the subject land is expected to exacerbate these conditions.

Mr Woodland submitted that:

The subject site is very steep in parts, and is currently almost entirely cleared of vegetation. The clearing of vegetation on that property has caused Ms Sasse's property to flood more frequently and more intensely than was the case when it was vegetated. Parts of Ms Sasse's land are now a waterlogged on a regular basis.

It is self-evident that Ms Sasse's land is and will continue to be adversely impacted by runoff from the subject property until such time as appropriate mitigation measures (revegetated areas, retardation dams, stormwater wetlands, drainage swales, etc.) are put into place.

Mr Woodland submitted that the Amendment does not contain an assessment of how these drainage issues can be addressed, as required under Planning Practice Note 37. Instead, it relies solely on the preparation of a stormwater management plan under the DPO.

Mr Woodland also submitted that Amendment C82 fails to properly address existing drainage corridors on the subject site:

Ms Sasse submits that there is a natural drainage corridor running through the subject site and that the future development of the site should incorporate a 30m wide vegetated buffer along each side of it. Such a treatment will deliver a

number of benefits, including assisting in mitigating stormwater impacts associated with urban development on Ms Sasse's property.

Two drainage courses are identified on the West Gippsland Catchment Management Authority's (WGCMA) 'designated waterways' mapping database. In November 2011, the WGCMA advised the proponent that:

- One of the designated waterways appears to be a mapping anomaly (e.g. a 300 metre long centrally located waterway running north-west to south-east) and any future assessment will not include this waterway;*
- The Authority has determined that the second waterway is in of low ecological and hydrological value and that the Authority will not have any requirements or place any conditions on the land currently mapped as designated waterways in any future development proposals for this property (refer Appendix 5 to the planning report accompanying Amendment C82).*

Mr Woodland advised the Panel that Ms Sasse made enquiries with the WGCMA and was subsequently advised that the WGCMA agreed that an overland flow path exists through a relatively well defined gully across the subject land, but that *'no natural channel existed in this gully or through your property'*. As such, the WGCMA concluded that this drainage corridor did not meet the definition of a waterway under the *Water Act 1989* (WGCMA letter to Ms Sasse 3rd December 2013).

Mr Woodland submitted that the *Water Act 1989* does not define the term 'natural channel' nor did the WGCMA attempt to define it for Ms Sasse. It is Ms Sasse's submission that the characteristics of this natural gully would reasonably qualify it as a 'natural channel', and that it should therefore be treated as a waterway for the purpose of the future planning of the subject site. Ms Sasse submits that a 30m waterway setback should be required on either side of this natural drainage corridor, as set out in Clause 14.02-1 of State Policy.

Mr Anderson submitted that it is proposed that stormwater issues be addressed as part of the Development Plan and subdivision approval stages. The draft DPO8 requires an integrated stormwater management plan to be prepared as part of any Development Plan and that the treatment of waterways can be incorporated into subdivision design.

Mr Anderson called Mr Constantine, who supported Mr Anderson's assertion that stormwater issues can be dealt with at time of subdivision. He acknowledged that there were some issues with waterlogging on the site, but that on site detention and use of roadway drainage could be employed to manage drainage and in fact improve the current off site impacts. Mr Constantine noted that adjoining properties will not be worst off because it is not permitted to discharge more water across property boundaries.

In response to cross examination from Mr Woodland, Mr Constantine gave evidence that he was not concerned about possible inundation of effluent disposal areas as the two systems can be kept separate by design. Mr Van de Graaff, in his evidence, stated that the health risk associated with this is low, as only water that has been treated to a secondary standard can be discharged into irrigation fields.

Mr Anderson submitted that there are no modifications required to the Amendment documentation in order to achieve the outcomes sought by the submitters, as this investigation will occur as part of subsequent processes once the land is rezoned.

Mr Pullman, on behalf of Council, agreed that the issues of stormwater management and the definition of waterways should most appropriately be dealt with at the subdivision design stage and should not be a barrier to approval of the rezoning.

7.3 Discussion

The Panel concludes from the expert witness statements of both Mr Van de Graaff and Ms Kelly that there are still significant unknowns with regard to whether the subject site is capable of appropriately managing on-site wastewater and drainage. Mr Van de Graaff's endorsement of the proposed development is conditional on mitigating actions and raises questions about whether larger lot sizes (than 4000m²) will be required. Ms Kelly concludes that the rezoning should not be approved at all on the basis that the site capability has not been demonstrated. Ms Kelly also highlights deficiencies in the testing done to date that lead her to conclude that the risks are too high to endorse development of the site.

The Panel agrees that insufficient work has been done to date to demonstrate, as required by Planning Practice Note 37 and Clause 32.03-5, that wastewater can be retained and treated on individual lots in the proposed development. The Panel also agrees with evidence that the site has some 'major constraints' in terms of the MAV LCA Framework⁴. The question for the Panel is whether this should necessarily prevent the land from being rezoned and proceeding to the next step.

The Panel concludes that the concerns raised by the initial LCAs and the expert witness statements are not fatal to rezoning the site as proposed for the following reasons:

1. The Panel does not agree with Mr Woodland that the Planning Practice Note 37 or the MAV Framework necessarily require land capability to be conclusively demonstrated at the amendment stage. In fact on page 2 of the Practice Note it states that:

These broad questions (meaning the four strategic considerations listed on page 2) should be taken into account when considering a proposed amendment.

Generally, final detailed subdivision and design matters can be considered as part of the permit application process.

The Panel believes that this clearly provides scope for design and land capability matters to be resolved at a stage later than at the amendment stage.

2. The Amendment applies the DPO8 to the site which effectively places an intermediate step between the amendment and subdivision approval stages. The DPO (as proposed to be amended) requires, amongst other things, that a more detailed LCA be completed that demonstrates land capability at an individual lot level, in accordance with the EPA Code of Practice. This provides the Panel with some comfort that the land capability risks will be dealt with appropriately, and appropriate lot sizes incorporated into the

⁴ MAV, EPA Victoria and DEPI – *The Victorian Land Capability Assessment Framework*, 2nd edition, 2014.

subdivision design, before approval of the Development Plan. The wording of the DPO8 to ensure this is discussed in Chapter 9 of this report.

3. LDRZ provides for a minimum lot size (without reticulated sewerage) of 4000m². This does not mean that all lots will be 4000m². In fact, the preliminary LCA work suggests that lots will typically need to be larger, and this is acknowledged by the Proponent. The Panel believes that this substantially mitigates the risk of this development proceeding to the next stage of assessment as the Responsible Authority has the option of requiring larger lots if it has concerns about land capability.
4. The Panel agrees with the Proponent and Council that detailed drainage and wastewater management issues (including waterway corridors and off-site impacts) can be dealt with in the Development Plan and at the subdivision permit stage.
5. The Panel agrees with Council and the Proponent that a different (lesser) standard of LCA should apply to the amendment stage as opposed to the subdivision stage. The Panel is not certain what the appropriate standard of LCA to endorse an amendment should be. Ms Kelly suggests that the LCAs are deficient and that the minimum standard has not been met in this case; Mr Van de Graaff and Mr Constantine disagree. The Panel is influenced by the fact that the EPA and Council have accepted that the work to date is satisfactory to support rezoning. As stated above, the Panel is also comforted by the fact that the DPO provides an extra, more stringent step in the assessment process prior to subdivision approval.

The Panel has considered the question of whether a higher than 4000m² minimum lot size should be specified in the DPO Schedule given that the LCAs suggest that larger lot sizes may more typically be required. Mr Anderson and Council submitted that this is not appropriate as it may be possible for some lots to be sustainably designed at 4000m², and flexibility should be retained in the design to allow this. The Panel agrees and concludes that there is no need to specify a higher minimum lot size in the DPO Schedule.

It was submitted by Council that the wording of the DPO Schedule could be clarified and strengthened in relation to stormwater and wastewater management. This was also acknowledged by the Proponent. The Panel agrees and alternative wording is discussed in Chapter 9 and presented in the Panel's preferred DPO8 in Appendix D.

7.4 Conclusions

The Panel concludes that:

- The LCAs completed to date and the expert witness reports presented to the Panel indicate that the subject site has some major constraints in terms of the capability of site to manage stormwater and wastewater.
- The concerns raised by the initial LCAs and the expert witness statements are not fatal to rezoning the site for the reasons set out above.
- Detailed drainage and wastewater management issues can be dealt with in the Development Plan and at the subdivision permit stage.
- The wording of the DPO should be strengthened to make the expectations of further work clearer.

8 The Planning Process

8.1 The issues

Mr Woodland, on behalf of Ms Sasse, submitted that the planning process is flawed and that the Responsible Authority ought to be compelled to provide an opportunity for affected landowners to provide input into the Development Plan before it is adopted.

8.2 Submissions

Mr Woodland submitted that the application of the DPO8 to the site means that the Development Plan must subsequently be approved by the Council and thereafter all planning permits are exempt from further notice and third party review rights for affected parties. He submitted that this is a problem as the level of detail that has been prepared at the Amendment stage is inadequate to properly assess the impacts of the development. He further submits that the *'DPO approvals process in no way provides sufficient transparency and rigour to allow the necessary environmental and design issues to be properly tested in relation to this site.'*

As an alternative, Mr Woodland suggests that no DPO be applied to the site and that future development permits be dealt with by way of planning permit applications, subject to the usual rights of notification and third party appeal.

Council have proposed the inclusion of the following requirement in the Schedule to the DPO:

The Development Plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority, this may include direct notification to all adjoining and adjacent landowners/occupiers and any party known to have particular interest in the overall design of the Development Plan.

The Proponent has confirmed that they are comfortable with the inclusion of this Clause.

Whilst Ms Sasse maintains that the Amendment ought to be abandoned, Mr Woodland offered the following response to this clause on her behalf:

(replace with the following) ...

Before deciding to approve a Development Plan, the Responsible Authority must display the plan for public comment. Notice of the Development Plan must be given to the owners and occupiers of adjoining land... the Development Plan must be displayed for at least 28 days.

The Responsible Authority must consider the views of all submitters prior to making a decision in respect to the Development Plan.

Ms Sasse makes the above suggestion because she submits that the wording in the revised DPO8 remains relatively ambiguous, particularly the use of the phrase *'this may include direct notification...'*

Ms Sasse submits that the requirement to consult with third parties in relation to the Development Plan needs to be much more definitive. Mr Woodland added that a similar requirement exists in DPOs in other Victorian planning schemes, and the above provisions have been generally adapted from *DPO4 (Brandon Park Residential Development Plan)* and *DPO5 (Surplus Education Land)* under the Monash Planning Scheme.

8.3 Discussion

The purpose of a DPO as set out in Clause 43.04 of the VPP is:

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

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

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

The Panel notes that it is common practice to apply a DPO to future development sites. The Panel believes that the subject site is an ideal location for a DPO, as the specific conditions for that site can be tailored to suit the site conditions and circumstances. The Panel does not support Mr Woodland's suggested alternative of not having a DPO as it believes that this would be a missed opportunity to address some of the particular issues relating to the site. The Panel believes the DPO best protects the interests of the surrounding community, including Mr Woodland's client.

It is clear in the third paragraph of the DPO Purpose and Clause 43.04-2 that, if there is a DPO, applications are exempt from further notice and review. The expected process for the adoption of a Development Plan is not specified. The Clause seems to leave this to the discretion of the Responsible Authority.

The Panel notes that the Council and the Proponent have agreed to a consultation process in the proposed addition to the DPO Schedule. The Panel generally supports this approach, particularly given the conclusions of the previous Chapter that there are still some matters that need further work to demonstrate the capability of the land to support the proposed development. The Panel agrees with Mr Woodland that the words proposed by Council are not as clear as they could be. The Panel prefers the following wording which effectively combines the intent of each of the parties and is aimed at providing a more certain process:

Before deciding to approve a Development Plan, the Responsible Authority must consult with potentially affected parties. This must include direct notification of the Development Plan to all adjoining and adjacent landowners.

The Responsible Authority must consider the views of all submitters prior to making a decision in respect to the Development Plan.

This approach does not specify the form or period of notification as the Panel believes that these matters should be at the discretion of the Responsible Authority. The preferred

wording makes it clear that the Responsible Authority must consider any submissions made to it. The Panel believes this adds accountability and transparency to the process.

The Panel notes that nothing in the preferred wording (or indeed the alternative wording proposed by any of the parties) provides for any notice requirement or third party appeal rights on subsequent permit applications once the Development Plan is approved. The Panel thinks this is appropriate.

8.4 Recommendation

The Panel recommends:

Amend Schedule 8 to the Development Plan Overlay to include the following under 3.0 Requirements for Development Plan, Process and Outcomes:

Before deciding to approve a Development Plan, the Responsible Authority must consult with potentially affected parties. This must include direct notification of the Development Plan to all adjoining and adjacent landowners.

The Responsible Authority must consider the views of all submitters prior to making a decision in respect to the Development Plan.

9 Proposed Development Plan Overlay Schedule 8

9.1 The issues

The Panel has reviewed the most appropriate wording of the proposed DPO8 in the light of the conclusions of the Panel in the previous chapters.

The Panel has considered initial written submissions, presentations made to the Hearing and written submissions specifically invited by the Panel on the DPO8; provided by Council, the Proponent, Gippsland Water and Mr Woodland after the Hearing.

9.2 Evidence and submissions

Council provided the Panel with a revised version of the DDO8 on 4 March 2014. The revised version made the following changes to the exhibited version:

Clause 2.0 Conditions and requirements for permits

Add:

- *Conditions may be imposed on permits to subdivide land to ensure compliance with the approved Development Plan and to facilitate construction of wastewater and drainage works identified in the approved Development Plan. Future lots proposed to be created by way of subdivision will require individual land capability assessments to satisfy the Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).*

Clause 3.0 Requirements for Development Plan

Add under Land use and subdivision:

- *The proposed building envelopes and effluent disposal field areas within an indicative lot layout for the overall Development Plan area. Future lots proposed to be created by way of subdivision will be formalised at the planning permit application stage.*

Add new section:

Bushfire Risk

- *The location, design and construction of development considers the need to implement bushfire protection measures.*

Amend the first paragraph under Process and Outcomes to read:

The Development Plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority, this may include direct notification to all adjoining and adjacent landowners/occupiers and any party known to have particular interest in the overall design of the Development Plan

Clause 4.0 Decision guidelines for Development Plan

Replace the reference to Native Vegetation Management Framework with:

- *Permitted Clearing of Native Vegetation, Biodiversity Assessment Guidelines, Department of Environment and Primary Industries, September 2013*

Add:

- *Planning for Bushfire Victoria – Guidelines for meeting Victoria’s Bushfire Planning Requirements, November 2012.*

The first two of these changes are aimed at strengthening the requirements to demonstrate land capability at the Development Plan stage.

The Proponent advised that they accepted the changes as proposed by Council.

Mr Sherman responded that Gippsland Water generally supported the additional clause under Clause 2.0 relating to Wastewater.

Mr Sherman added that the points listed in Clause 2.0 are not in the nature of conditions and requirements for permits but rather in the nature of matters to be considered by the Responsible Authority in respect of the grant of a permit.

Mr Woodland, in his submission, also noted that the first eight bullet points under this section are written as ‘*decision guidelines*’ and should be moved under such a heading in the Overlay. He also suggested that the following decision guidelines be added:

Whether all effluent from each residential lot can be treated, retained and disposed of within each individual lot boundary, in accordance with the Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).

Whether the proposal has demonstrated the stormwater can be retained and treated on the property such that it will not adversely impact on adjoining properties.

Mr Woodland requested that a section on ‘*conditions and requirements for permits*’ be retained under the DPO and that it include the following in lieu of the changes suggested by Council:

All planning permits to subdivide land must include the following conditions:

Effluent from each residential lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).

Stormwater from each residential lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment system) so as to ensure that there are no adverse drainage or stormwater quality impacts on adjoining properties.

The proponent must enter into an agreement pursuant to section 173 of the Planning and Environment Act 1987 to ensure that:

- *Effluent from each residential lot is treated, retained and disposed of within each individual lot boundary, in accordance with the Environment*

Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).

- *Stormwater from each residential lot is retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment systems) in a manner which to ensure that there are no adverse drainage or stormwater quality impacts on adjoining properties.*

Mr Woodland advised that Ms Sasse agrees with the submission made by Gippsland Water that there is no effective method to achieve compliance in the nature of enforcement order (as provided by VCAT) under the *Environment Protection Act* or the *Public and Health Wellbeing Act*, and for this reason permit conditions and a section 173 agreement to address wastewater and stormwater issues is warranted. He submitted that this is particularly so given the very challenging environmental conditions at the subject land.

Mr Woodland suggested a number of changes to Clause 3.0 Requirements for Development Plan, including:

Waterways

Unless otherwise agreed by the relevant Catchment Management Authority, A buffer zone of 30 metres each side of the existing drainage line ~~waterways designated under the Water Act 1989 or a buffer based on a flood study which identifies the 100-year flood extent~~ must be set aside for revegetation and stormwater treatment purposes. Land within this buffer will be revegetated and it will also be used to provide further treatment of stormwater before it enters the drainage line....

Infrastructure Services

(Amend first bullet point as follows)...An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including ~~consideration of~~ reducing downstream impacts. This plan must demonstrate how stormwater will be retained and treated on the property such that it will not adversely impact on adjoining properties....

Domestic Wastewater

(Amend first bullet point as follows) ...s A Supplementary Land Capability Assessment, prepared in accordance with the EPA publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management, March 2003 and the Victorian Land Capability Assessment Framework (MAV, 2014), that verifies the following:

- site conditions (including sampling results of subsoil and geological conditions across the entire site); and
- the likely minimum typical lot size required for the land to be able to treat, retain and disposed of effluent within individual lot boundaries on the subject land.

This assessment should consider all environmental constraints on the site and adjoining properties, including but not limited to:

- Soil profile, including groundwater conditions, soil types, soil depth, sodicity and permeability

- existing dams
- erosion
- drainage lines and depressions
- water logging
- slopes
- contours ...
-

... Add additional bullet point as follows) Guidelines for the design and layout of lots including how stormwater and wastewater will typically be retained and treated on each individual lot. These will identify the size and layout of building envelopes, effluent disposal field and stormwater retention/treatment arrangements on a typical lot type. These guidelines will conceptually demonstrate how the land capability parameters set out in the Supplementary Land Capability Assessment can be addressed. They will also assist in used in the assessment of future subdivision applications...

During the Hearing, Mr Sherman representing Gippsland Water submitted that the DPO Schedule should include the following additional requirements under Conditions and Requirements for Permits:

A permit condition requiring a section 173 agreement to regulate the ground preparation, installation and maintenance of onsite waste water disposal systems.

Provision of not less than 2 water main connections from Glengarry-Moe Road, via road or other reserves.

In the Rural Living Zone (due to the significant cost of reticulated water supply) requirements for onsite water supply arrangements to meet resident needs including fire fighting purposes.

Council responded that it did not support the changes proposed by Gippsland Water as they duplicate requirements in the zone provisions and other areas of the VPP; or, in the case of the more site specific issues, could be included as conditions in future permits. Council does not support the use of section 173 agreements as they create an unreasonable drain on Council resources.

9.3 Discussion and conclusions

The Panel has given thought to all of the suggestions made as outlined above and makes the following comments:

1. The proposed additions and changes by Council are generally supported. In particular the additional conditions and requirements in relation to wastewater and drainage, in the view of the Panel, add clarity and strengthen the management of some of the risks discussed in Chapter 7 of this report.
2. The Panel agrees that with Mr Sherman and Mr Woodland that the majority of the items listed under 2.0 Conditions and requirements for permits are in fact Decision Guidelines and should be relocated accordingly.

3. The Panel agrees with Council on its response to the changes proposed by Gippsland Water. These changes are either already covered in other provisions or can be picked up as later permit conditions.
4. The Panel has some concerns about the enforcement of on-site wastewater management post-development and has some sympathies for the use of section 173 agreements to assist. The Panel, however, believes that the most appropriate approach to enforcement is a matter for Council to determine and therefore reference to section 173 agreements has not been included as a requirement. It is open to Council to include such a permit condition in the future if it has a change of heart.
5. The Panel considers that the majority of changes proposed by Mr Woodland are not required as they are duplications of other requirements. Having said that, the Panel has adopted a number of the suggested wording changes proposed by Mr Woodland where it is considered they add clarity or rigour to the process.

The Panel has incorporated the changes it believes are warranted and included in the Panel Preferred Version of the DPO8 attached as Appendix D. Changes from the Council March 4 2014 version are shown.

9.4 Recommendation

The Panel recommends:

- **Amend the Development Plan Overlay Schedule 8 as shown in the Panel Preferred Version attached to this report as Appendix D.**

These changes incorporate the changes recommended by the Panel in previous chapters.

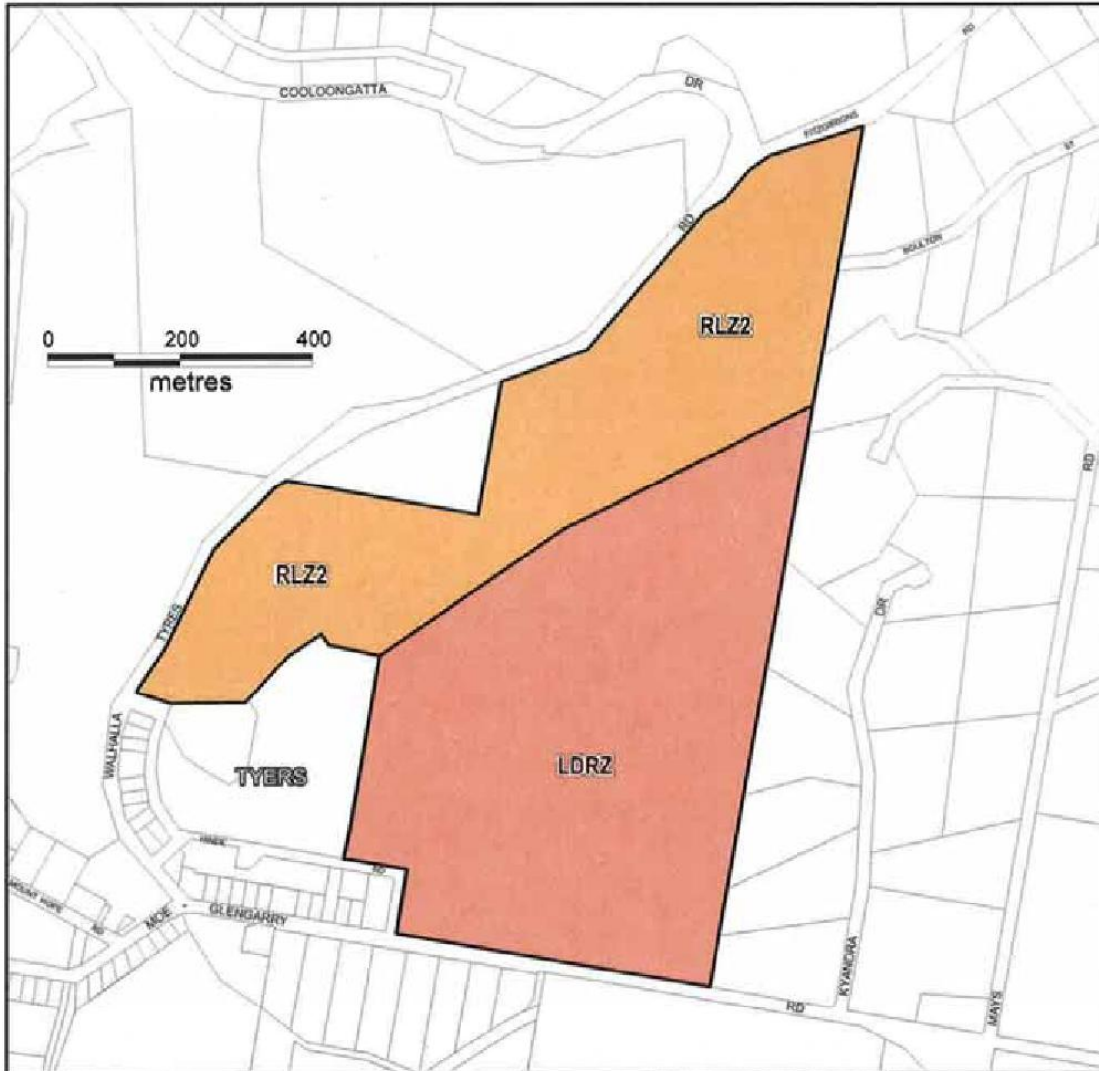
Appendix A List of Submitters

No.	Submitter
1	NBA Group Pty Ltd on behalf of Yorksville Pty Ltd
2	SP Ausnet
3	West Gippsland Catchment Management Authority
4	Country Fire Authority
5	Department of Environment and Primary Industries
6	Gippsland Water
7	VicRoads
8	Ms Alexandra Sasse
9	Mr and Mrs Ketchion
10	Ms Bobbie Symons
11	Ms Jennifer Godfrey
12	Mr John Henry
13	Mr Neil Jones
14	Mr Peter Hodgson

Appendix B Post Exhibition Proposed Planning Scheme Zone Map

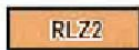

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LATROBE PLANNING SCHEME LOCAL PROVISION



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

LEGEND

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

AMENDMENT C82

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

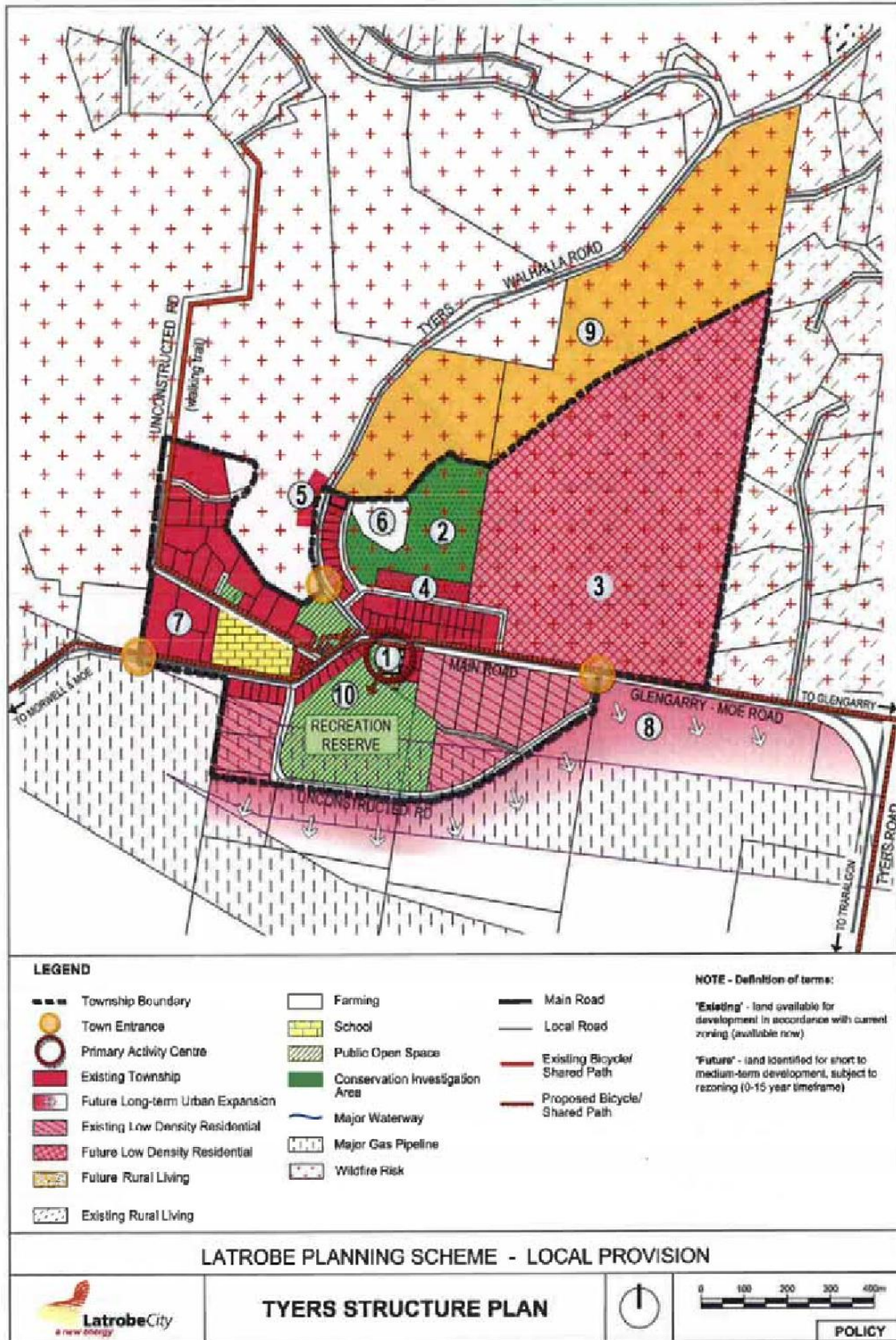


Department of Planning
and Community Development

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Appendix C Post Exhibition Proposed Tyers Structure Plan

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Appendix D Panel Preferred Development Plan Overlay Schedule 8

Changes from the Council March 4 2014 version are marked.

LATROBE PLANNING SCHEME

xx/xx/20xx
Proposed
C82**SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO8****LOW DENSITY AND RURAL LIVING GROWTH AREAS****1.0 Requirement before a permit is granted for minor building and works**xx/xx/20xx
Proposed
C82

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

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

2.0 Conditions and requirements Decision guidelines for permitsxx/xx/20xx
Proposed
C82

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

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

~~Conditions may be imposed on permits to subdivide land to ensure compliance with the approved development plan and to facilitate construction of wastewater and drainage works identified in the approved development plan. Future lots proposed to be created by way of subdivision will require individual land capability assessments to satisfy the Environment Protection Authority Code of Practice – Onsite Wastewater Management, February 2013 (as amended).~~

3.0 Conditions for permitsAll planning permits to subdivide land must include the following conditions:

- Effluent from each residential lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).
- Stormwater from each residential lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment systems) so as to ensure that there are no adverse drainage or stormwater quality impact on adjoining properties.

4.0 Requirements for development planxx/xx/20xx
Proposed
C82

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

The plan must show:

LATROBE PLANNING SCHEME

Land use and subdivision

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries. The boundaries of the development area must align with zone boundaries. The re-subdivision of land in the development area must be undertaken in such a way as to not create allotments in two zones. This is to ensure the future orderly development of the general area affected by the Development Plan Overlay.
- The overall subdivision of the area, including ~~where possible~~, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The proposed building envelopes and effluent disposal field areas within an indicative lot layout for the overall development plan area. Future lots proposed to be created by way of subdivision will be formalised at the planning permit application stage.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Waterways

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

Infrastructure Services

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

LATROBE PLANNING SCHEME

Domestic Wastewater

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

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

Open Space

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
 - Public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with Latrobe City Public Open Space Plan 2013, (as amended).
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
 - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
 - A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.

Flora and Fauna

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

LATROBE PLANNING SCHEME

Cultural Heritage

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

Bushfire Risk

- The location, design and construction of development considers the need to implement bushfire protection measures.

Process and Outcomes

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority, this may include direct notification to all adjoining and adjacent landowners/occupiers and any party known to have particular interest in the overall design of the development plan

Before deciding to approve a development plan, the responsible authority must consult with potentially affected parties. This must include direct notification of the development plan to all adjoining and adjacent landowners.

The responsible authority must consider the views of all submitters prior to making a decision in respect to the development plan.

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

The requirements for the development plan must be address to the satisfaction of the responsible authority prior to the issuing of a planning permit, except for matters listed in item 1 of this schedule.

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

5.0 Decision guidelines for development plan

xx/xx/20xx
Proposed
C82

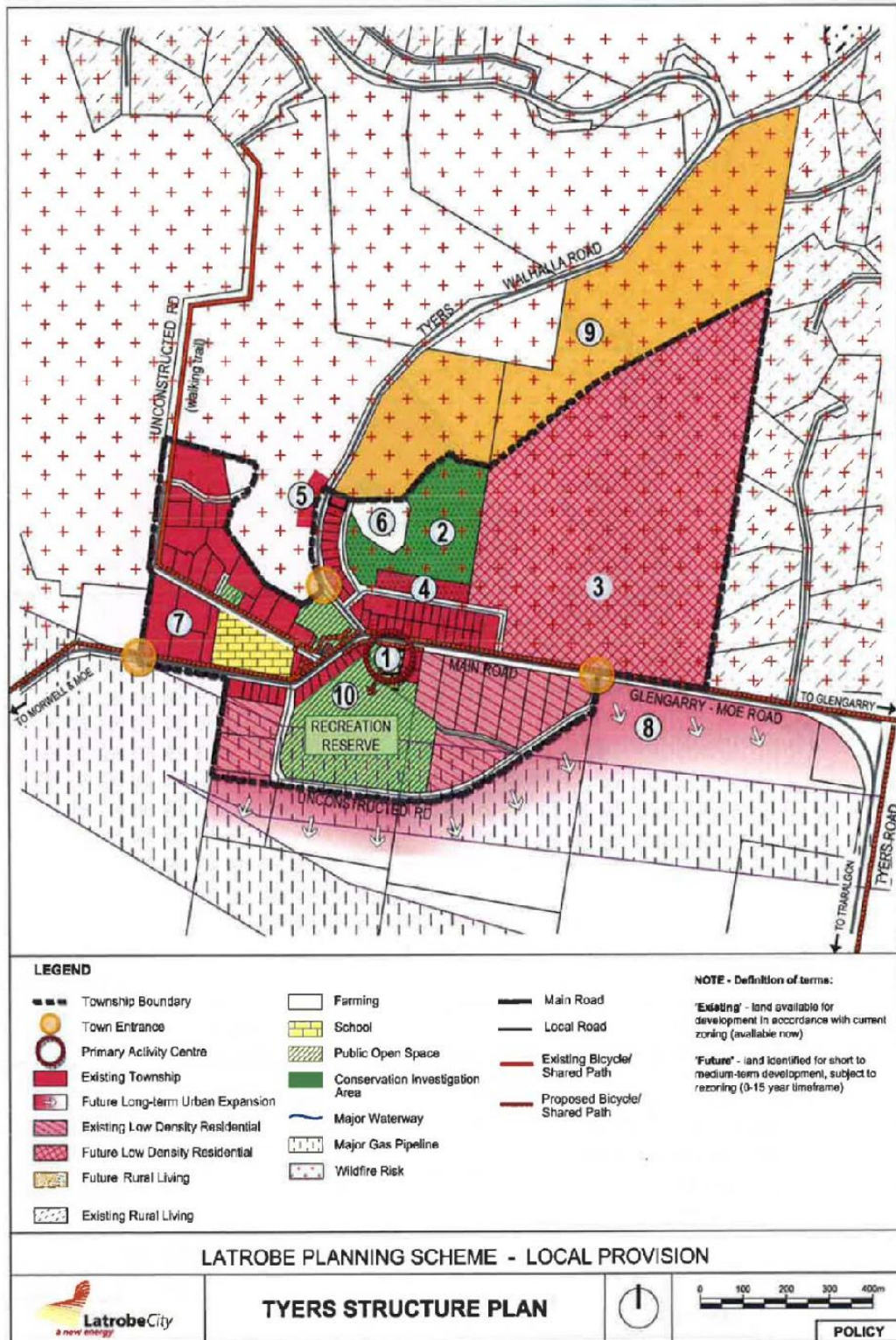
Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- Latrobe City Healthy Urban Design Good Practice Guideline: Meeting Healthy by Design® Objectives, June 2008 (as amended)
- Permitted Clearing of Native Vegetation, Biodiversity Assessment Guidelines, Department of Environment and Primary Industries, September 2013
- Latrobe Healthy by Design® – Background and Issues Report (Beca Pty Ltd, December 2007)
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division)
- Latrobe City Public Open Space Plan 2013 (as amended)
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- Latrobe City Public Toilet Plan 2010-2014 (as amended)
- Small Town Structure Plans: Boolarra, Glengarry and Tyers Background Report 2010 (revised edition)
- Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013
- Planning for Bushfire Victoria – Guidelines for meeting Victoria's Bushfire Planning Requirements, November 2012.

Attachment 3 – Planning Panel Recommendations

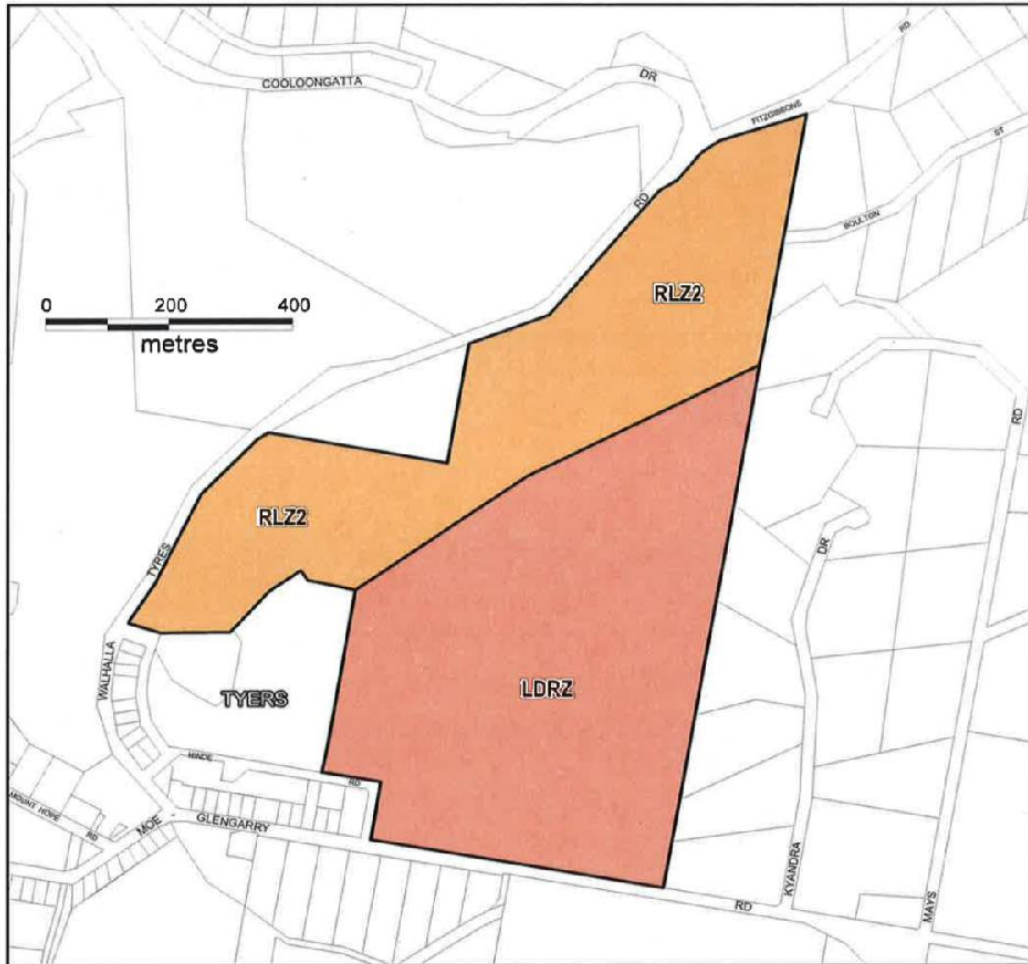
Panel Report Recommendations	Council Preferred Approach
<p>Include amendments to Clause 21.06 as proposed post-exhibition by Council to use the most recently adopted version of the Clause and correct references to the Tyers Structure Plan.</p>	<p>Council supports the Panel's recommendations. Amendment C74 to the Latrobe Planning Scheme was approved on the 15 August 2013 which was after the official exhibition of Amendment C82. The revised Clause 21.06 (post C74) has now been utilised. Within the exhibited version of Clause 21.06-5 some errors were identified. More specifically the Area numbers corresponding to the proposed Tyers Structure Plan map and references to rural living have been amended.</p>
<p>Adopt the post-exhibition versions of the Zone Map and Tyers Structure Plan as tabled by Council.</p>	<p>Council supports the Panel's recommendations. In response to one submission, the proposed zone map was amended to ensure that the proposed LDRZ land below the 110m contour and did not cross over the reticulated water servicing level area. The proposed Tyers Structure Plan has also been amended to align with the amended zone map which identifies low density and rural living Areas 3 & 9. The township boundary has been extended further north to include all of the realigned LDRZ land.</p>
<p>Amend the Development Plan Overlay Schedule 8 as shown in the Panel Preferred Version.</p>	<p>Council supports the Panel's recommendations. The suggested additional conditions and requirements in relation to wastewater and drainage should be included in the schedule to clarify and strengthen management of some of the risks for the subject land. Clause 2.0 in the schedule was renamed from 'Conditions and Requirements' to 'Decision Guidelines' as the majority of items listed are decision guidelines and not conditions and requirements. A number of suggested wording changes proposed by one submitter have also been included in the schedule where they add clarity and rigour to the process.</p>

Post Exhibition Proposed Tyers Structure Plan





Post Exhibition Proposed Planning Scheme Zone Map

**LATROBE PLANNING SCHEME
LOCAL PROVISION**



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

LEGEND

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

AMENDMENT C82

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



001

Panel Preferred Development Plan Overlay Schedule 8**SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY**xx/xx/20xx
Proposed
C82

Shown on the planning scheme map as DPO8

LOW DENSITY AND RURAL LIVING GROWTH AREAS**1.0 Requirement before a permit is granted for minor building and works**xx/xx/20xx
Proposed
C82

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

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

2.0 Decision Guidelines for permitsxx/xx/20xx
Proposed
C82

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

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

3.0 Conditions for permitsxx/xx/20xx
Proposed
C82

All planning permits to subdivide land must include the following conditions:

- Effluent from each residential lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013 (as amended).
- Stormwater from each residential lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment system) so as to ensure that there are no adverse drainage or stormwater quality impact on adjoining properties.

4.0 Requirements for development plan

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

The plan must show:

Land use and subdivision

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

- The proposed building envelopes and effluent disposal field areas within an indicative lot layout for the overall development plan area. Future lots proposed to be created by way of subdivision will be formalised at the planning permit application stage.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Waterways

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

Infrastructure Services

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

Domestic Wastewater

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

- the capability of the site to sustainably manage wastewater within allotment boundaries.
- compliance with State and local policies on effluent disposal.
- consideration of all environmental constraints on the site, including but not limited to:
 - soil profiling
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 - drainage lines and depressions
 - water logging

- . slopes
- . contours
- A Wastewater Management Plan must also be prepared that identifies preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

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- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
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 - Public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with Latrobe City Public Open Space Plan 2013, (as amended).
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
 - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
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Flora and Fauna

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

Cultural Heritage

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

Bushfire Risk

- The location, design and construction of development considers the need to implement bushfire protection measures.

Process and Outcomes

Before deciding to approve a development plan, the responsible authority must consult with potentially affected parties. This must include direct notification of the development plan to all adjoining and adjacent landowners.

The responsible authority must consider the views of all submitters prior to making a decision in respect to the development plan.

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

The requirements for the development plan must be addressed to the satisfaction of the responsible authority prior to the issuing of a planning permit, except for matters listed in item 1 of this schedule.

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

5.0 Decision guidelines for development plan

xx/xx/20xx
Proposed
C82

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

- Latrobe City Healthy Urban Design Good Practice Guideline: Meeting Healthy by Design® Objectives, June 2008 (as amended)
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- Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013
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**9.3 PLANNING PERMIT APPLICATION 2013/7, STAGED
SUBDIVISION OF LAND AND REMOVAL OF NATIVE
VEGETATION, COALVILLE ROAD, MOE**

General Manager

Planning and Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/7 for a staged subdivision of the land and removal of native vegetation at Lot A on PS329607, Coalville Road, Moe.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe City Council Plan 2013 - 2017

Shaping Our Future

Gippsland's Regional City

Strengthening our profile

An active connected and caring community

Supporting all

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Planning for the future

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

Protect and celebrate the cultural heritage and historical character of Latrobe City.

Legal

The discussions and recommendations of this report are consistent with the provisions of the Planning and Environment Act 1987 (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

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

SUMMARY

Land:	Coalville Road, Moe known as Lot A on Plan of Subdivision 329607, Parish of Moe
Proponent:	Kennedy Plant Hire
Zoning:	Residential 1 Zone
Overlay	Bushfire Management Overlay

A Planning Permit is required to subdivide land in accordance with Clause 32.01-3 of the Scheme.

A Planning Permit is required to subdivide land in accordance with Clause 44.06-1 of the Scheme.

A Planning Permit is also required to remove, destroy or lop native vegetation, including dead native vegetation, in accordance with Clause 52.17-2 of the Scheme.

Refer to Attachment 1 for a site context plan.

PROPOSAL

The proposal seeks to subdivide the subject land into 102 residential lots in stages. The proposed lots range in size between 614 and 8488 square metres with the majority of the lots between 600 and 800 square metres.

The subdivision offers a diversity of choice with standard residential lots occupying the eastern extent of the site and larger lots generally occupying the northern and western extents. The larger lots are generous sized allotments that provide a buffer between the existing vegetated reserve and to comply with bushfire management requirements whilst offering a diversity in lot sizes in the Moe area to future residents.

Main access to the estate is proposed off Coalville Road with secondary access proposed off Borrmans Street. The main entrance has a width of 19 metres, narrowing to 18 metres and is provided with a feature entrance boulevard. Internal roads feed off the main entrance road in a north south direction. The internal road layout provides for circulation within the estate, with dead end streets and court bowls avoided. The proposed internal roads vary in width between 14 metres and 16 metres wide and have been designed to meet the requirements of Access Street's pursuant to Clause 56.

Pathways are provided on both sides of each of the proposed roads. Where roads abut the proposed open space reserves the pathways meander within the reserve to offer and facilitate connections to existing

pedestrian networks along Coalville Road and the Edward Hunter Reserve.

The applicant is also proposing to remove the following vegetation on site

- 1 scattered 'large old' trees of 'medium' assessed conservation significance;
- 1 scattered 'medium old' tree of 'medium' assessed conservation significance; and
- 2 scattered 'medium old' trees of 'high' assessed conservation significance.

In September 2013, a planning scheme amendment introduced the Victorian Government's Reforms to Victoria's native vegetation permitted clearing regulations (the reforms). The reforms include amendments to various clauses of the Victoria Planning Provisions including Clause 52.17 of the Latrobe Planning Scheme. It should be noted that transitional arrangements have been put in place for applications that were being assessed when these changes were introduced, these transitional arrangements are applicable to this application.

In relation to public open space provision a public open space reserve is to be provided in the south west corner of the site and along the designated waterway areas that affect the site. It is submitted by the applicant that while the southern reserves within the subdivision have a primary function for drainage and providing defendable spaces area abutting the lots in the south west corner, they also provide a contribution to passive recreation as pedestrian and cycling paths would be provided within the reserves.

Refer to attachment 2 for a copy of the proposed plan of subdivision.

Site and surrounds

The subject site is located to the south east of the township of Moe. It is located on the western side of Coalville Road, is irregular in shape and comprises of an area of 16.32 hectares.

The site abuts Borrmans Street to the south, the Edward Hunter Heritage Bush Reserve to the north and west, and residential properties and Coalville Road to the east. A municipal reserve abuts the length of the western and northern boundary. An existing post and wire fence exists between the bush reserve and municipal reserve; however no fencing occurs between the municipal reserve and the site.

The site generally comprises of cleared pasture grass which has been used for grazing and hay harvesting purposes in the past. A patch of bushland extends into the southwest corner of the site and a few scattered trees are also present. Other than a bus shelter adjacent to Coalville Road

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

and a small shed adjacent to Bormans Street, the site contains no buildings or improvements.

The topography of the land is undulating in nature and distant views are available to the north and north east. The largest change of slope is from the south west corner of the site which has AHD level of 125 metres to the low point of the site of approximately 98 metres AHD that is located along the natural drainage corridor that transverses the site from the south east boundary of the site to the western boundary of the site abutting the municipal reserve.

The surrounding area contains a variety of lot sizes with a mix of large rural living properties and smaller residential properties available throughout. Lots on the eastern and western sides of Coalville Road in the vicinity of the site are generally typical residential allotments of 700-900 square metres and are developed with single dwellings and associated outbuildings.

More specifically the surrounding land use can be described as follows:

North:	To the north of the site is the Edward Hunter Reserve. Coalville Road bisects the reserve on its northern side. Within the reserve there is also a large dam. Along the north western side of Coalville Road there a number of residential properties ranging in size from over 800 sqm to over 4000 sqm. Each of the properties contains a single dwelling and associated shedding with varying degrees of landscaping. Further to the north of the subject site are more conventional sized residential properties and a cemetery along Cemetery Road.
South:	A number of rural living properties with areas range from 2 hectares to 5.7 hectares. Properties are generally cleared of native vegetation with varying levels of landscaping. Properties to the south west of the subject site are different to the lots directly to the south of the subject site as many of the properties still have a high level of remnant native vegetation on site. Properties are generally occupied by single dwellings and associated shedding. The properties directly to the south are also used for hobby farming type purposes. There is also a Gippsland Water Utility installation approximately 400 metres south west of the subject site.
East:	To the east of the subject site along Coalville Road and Cemetery Road there are standard residential blocks, as there is on both sides of Wirrana Drive. Further east of Wirrana Drive is land zoned Farming Zone which borders Narracan Creek along its eastern boundary.
West:	To the west is the Edward Hunter Bush Reserve.

Refer to Attachment 1 for a site context plan.

HISTORY OF APPLICATION

The application was heard at the Ordinary Council meeting on 19 May 2014, where Council decided on the following alternative motion:

That Council defers to the next possible Council Meeting to allow consideration of the Planning Permit (reference 2013/7) for a staged subdivision of the land and removal of native vegetation at Lot A on PS329607, Coalville Road, Moe to allow for further consultation with the applicant in relation to:

1. *A 30m buffer on either side of the designated waterway with an expanded buffer at the floodplain end consistent with the State Planning Policy Framework Clause 14.02-1 Catchment Planning and Management*
2. *Stormwater run-off being treated prior to entering into the designated waterway, during construction and afterwards.*
3. *A survey being conducted to ascertain the presence of dwarf galaxias.*
4. *Removal of proposed lots 77 to 90 (inclusive) on the western side of the proposed drainage reserve.*
5. *Environmental parameters to be considered as potential conditions of any planning permit.*

Council Officers met with the applicant to consult on delivering the above requirements. The applicant advised that they feel all acceptable compromises and amendments have been made in order to secure the support of all relevant authorities and they now wish to proceed with the application as presented.

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.

ASSESSMENT

Strategic Consideration for Subdivision of the Land

The State and Local Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of this application.

The SPPF encourages new urban residential areas to be developed in a sustainable manner with regard to the protection of agricultural land and take into consideration environmental and physical constraints such as topography, water catchments and bushfire risk. Subdivisions should achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

The Latrobe City Strategic Land Use Framework Plan found at Clause 21.02 identifies Moe/Newborough as one of the main towns, whereby housing diversity and lifestyle choice should be promoted. Clause 21.04-2 Settlement Overview states that development within and around existing towns should be consolidated and unnecessary urban and rural expansion should be avoided. The priorities in all main urban settlements are on realising opportunities for infill development, diversity of housing types, improving residential amenity, while maximising existing infrastructure and community facilities. Clause 21.04-2 of the Scheme further states that given the land use constraints around the major towns, there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate.

A structure plan for Moe/Newborough has been prepared and is located at Clause 21.05 of the Scheme. Specifically, it identifies the subject land as being located within an 'existing residential opportunity' area where residential development is encouraged.

The proposal seeks to subdivide land located in a Residential 1 Zone for residential purposes, thereby assisting in the consolidation of urban settlement within urban zoned boundaries. The proposal would not encroach onto any of the farming zoned land but is to be contained within the established Moe/Newborough township boundary in accordance with the Moe/Newborough structure plan. The proposed lot sizes, ranging from 614 and 8488 sqm would increase diversity in residential allotment sizes within main towns, whilst having regard to the physical and environmental constraints of the land.

The purpose of the Residential 1 Zone, amongst other things, is '*to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households*'. The zoning of the site provides further strategic basis to support residential subdivision of the land.

It is generally considered that proposal is consistent with relevant strategic consideration given the physical and environmental constraints of the site.

Lot Yield and Density

The proposed subdivision achieves a lot yield of 7.7 lots per net developable hectare (9 lots per hectare omitting lots 91-100). The 102 lots have an average lot size area of 1015 sqm. It is noted that at the Ordinary Meeting of Council of 19 November 2012, Council adopted a preferred lot density of 11 lots per hectare on unencumbered land and this

foreshadows Council's intention with regard to the upcoming Latrobe Planning Scheme review.

The Scheme generally envisages change in subdivision patterns within existing residential area in order to achieve urban consolidation objectives, but it also seeks to manage the change so that the environmental and physical consideration are fully considered when evaluating proposals. In this case, the subject land is located at a sensitive location due to its proximity to the Edward Hunter Bush Reserve. As a result of this proximity to the reserve area the subject site is affected by the Bushfire Management Overlay. Added to this the site has large changes in slope and has designated waterways which traverse the site.

Given these design considerations it is deemed that the subdivision design and lot yield is appropriate based upon the specific considerations of the subject site.

Subdivision layout & Compliance with Clause 56

Clause 32.01-2 in the Residential 1 Zone requires that a subdivision must meet the objectives of Clause 56 Residential Subdivision. The objectives and standards of Clause 56 relate to community, movement network, pedestrians and cyclists, lot size and orientation, street design, street construction, drainage systems and utilities provision.

The proposal has been assessed against the relevant provisions of the Scheme and it is considered that the proposal meets the standards and purposes of Clause 56 for the following reasons:

- The road design as far as practically possible will allow future dwellings to face onto reserve areas;
- Where lots do not face onto reserve areas (lots 91-100), it is considered due to the large change in topography, required building envelopes and suitable design guidelines including fencing restrictions will ensure an appropriate design outcome is achieved;
- The applicant has provided public open space areas in excess of requirements and will facilitate approved connections to the Edward Hunter Bush Reserve as part of an approved landscape plan;
- A waterway management plan will be a requirement of any permit issued to provide for a significant improvement in the ecological health of the waterway to the satisfaction of the WGCMA and Latrobe City Council;

- The level of vegetation to be removed has been minimised as far as practically possible and the remnant patch of vegetation in the south west corner will be retained onsite. This will be discussed in greater detail later on in the report;
- It is considered bushfire consideration is generally appropriate subject to conditions and has resulted in the CFA removing their objection as a result of the amended lot design layout. This will be discussed in greater detail later on in the report; and
- The proposed road network including dimensions is consistent with Clause 56 design requirements.

On the above basis, appropriate conditions will be included on any approvals to ensure consistency with the standard and objectives of Clause 56.

Drainage & stormwater

It should be noted that a stormwater management plan was submitted with the application. There are waterways running through the proposed development and the plans do show the provision of a series of wetland ponds along the waterway. Computations have been provided to indicate the extent of flooding along the waterway and to detail how proposed treatments are correctly sized or can effectively treat the stormwater from the development. It is noted that that the subdivision layout has changed since this stormwater management plan was derived however Council's engineers have reviewed the application and are satisfied that the relevant information can be provided by way of permit conditions to address stormwater management onsite.

Road design and sealed width

The applicant has outlined proposed road reserve widths consistent with the design requirements of Clause 56.06-8. The planning scheme requires that the street network should be designed "to provide a speed environment that is appropriate to the street type". Standard C20 of Clause 56 requires that street blocks are generally between 120 metres and 240 metres long to control traffic speeds.

The application has proposed new road reserves of 16 metres and 14 metres (land abutting reserves) in width in most of the development. Council's Design Guidelines require that streets with a seven metre road carriageway width have a road reserve width of 18 metres and streets with a five metre road carriageway width, a road reserve width of 16 metres.

However the road reserve widths proposed by the applicant comply with the requirements of clause 56.06-8 of the planning scheme where minimum road reserve widths of 13.5 metres are acceptable for an Access

Street Level 1 and 16 metres for an Access Street level 2. As mentioned above, Clause 56.06-7 of the scheme requires that *“the design of streets and roads should ... meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met”*.

The CFA have consented to the proposed design solution in relation to road widths and have not requested any changes in relation to sealed width area within the reserve area.

The recommendation of council agenda item 14.1 of the council meeting of 7 April 2014 in relation to the proposed interim changes to the Latrobe City Design Guidelines with respect to the width of streets in new residential developments has been considered. Council's Design Guidelines are not currently an incorporated or a referenced document in the planning scheme and the proposed road reserve widths meet the scheme requirements.

It is the adopted preferred position of council that Access Places and Access Streets in new residential developments must have a minimum carriageway width of 7.3 metres. It is considered as a result that a condition on any permit will request that the minimum carriage width of 7.3 metres will be required for Access Places and Access Streets.

It is noted that increasing the carriage way width would reduce the area of nature strip, restrict street planting within the road reserve, increase construction costs and result in subsequent design considerations including the provision of services if any such condition is imposed on any permit issued. It is also noted that such a condition could be subject to challenge at VCAT.

Removal of Native Vegetation

The proposal seeks to remove 4 scattered trees, three 'medium old' trees and one 'large old' tree. One of the 'medium old' trees and the 1 'large old' tree is classified as having 'medium' conservation significance. While two of the large scattered 'medium old' trees have 'high' assessed conservation significance.

A ecological assessment report has been prepared and submitted with the application. The report provides an assessment of the distribution and quality of native vegetation on the land, it also details the potential ecological impacts resulting from the proposed subdivision and outlines the Net Gain implications associated with the proposed removal of native vegetation.

Both the Department of Environment and Primary Industries (as a non-determining Section 52 referral authority) and Council's Environmental

Planning Department have reviewed the native vegetation quality assessment report submitted with the application, and do not object to the proposed removal of native vegetation. The ecological assessment states that appropriate offsets can be achieved onsite and it is considered that the remnant patch of vegetation on site will be secured in perpetuity within the reserve area.

It should be noted In September 2013, a planning scheme amendment introduced the Victorian Government's Reforms to Victoria's native vegetation permitted clearing regulations. This amendment changed the permit application requirements however it is noted that DEPI have released transitional arrangements that state that additional information will only be sought when adequate information to inform the application of the decision making guidelines has not been provided.

It is considered that these offset requirements can be satisfactorily addressed by way of permit conditions, through the preparation and implementation of an Offset Management Plan to the satisfaction of the Responsible Authority.

On the above basis, it is considered that the extent of native vegetation to be removed as part of this application is acceptable, and that the proposal is generally consistent with the native vegetation objective of Clause 52.17 of the Latrobe Planning Scheme.

Biodiversity and Site Ecology

A detailed ecological assessment was undertaken on site and a desktop assessment was undertaken within five kilometres of the site. This assessment was compiled in a report that was submitted with the application.

A total of twelve species of fauna (listed below) were located on the site, of which nine were native species. No Nationally or State significant fauna species were recorded on site.

- Eastern Spinebill
- Common Myna (*exotic*)
- Grey Shrike-thrush
- Australian Raven
- Black-shouldered Kite
- Australian Magpie
- Superb Fairy-wren
- European Rabbit (*exotic*)
- New Holland Honeyeater
- Crimson Rosella
- Eastern Rosella
- Common Starling (*exotic*)

Specified in the report, the ephemeral wetlands formations indicated to potentially provide limited habitat for Southern Bell Frogs as well as potential (limited) water and foraging source for listed bird species during periods of high rain. There was no evidence of the Dwarf Galaxias on site.

When considering a five kilometre radius, 20 species were highlighted (below), of which the Dwarf Galaxias was one.

The detailed report highlighted that the usage of the subject site by the Dwarf Galaxias was unlikely as there was no suitable habitat.

In summary the independent submission stated that no rare or threatened fauna species were identified on site and no habitat within the site is considered to provide for any threatened fauna species such as the Dwarf Galaxias.

Bushfire Risk

Due to the proximity of the subject site to the Edward Hunter Reserve, the entire site is covered by the Bushfire Management Overlay. The topography of the site also increases the bushfire risk of the site. The application initially received an objection form the CFA for the following reasons;

- Concerns in relation to the “interface lots” with the Edward Hunter Bushland Reserve;
- Bushfire implementation measures could not be achieved on site;
- Location of the perimeter shared access road;
- Lots previously identified as lots 83-94 could not effectively achieve defensible space requirements; and
- Inconsistency in terms of layout with the documentation submitted.

An updated Bushfire Assessment was prepared by Millar Merrigan and provided with the amended plans, which demonstrates that the proposal generally provides a subdivision which reduces fire risk to an acceptable level. The CFA have confirmed that they are satisfied that the amended design achieves this and that the interface lots with the Edward Hunter Bush Reserve achieve a minimum BAL 19 level.

It should be noted however that the defensible space area to achieve a Bal 19 level for lots 88 to 90 is partially within the Borrmans Street road reserve. This is considered an unacceptable risk to Council as it would require vegetation removal outside of which that has been formally requested by the applicant and would also result in Council having to maintain the road reserve to a BAL 19 that due to its gradient would prove difficult to maintain to required standards. It is further noted that although

there is some exotic species within the road reserve councils environmental planner detailed as follows "*the vegetation present is considered a remnant patch of either Lowland Forest or Damp Forest EVC and the default conservation significance is high to very high. Under the new permitted clearing regulations, some of the roadside vegetation close to the main gully is classed in the High Risk category and this is based on its potential as habitat for threatened species. While there are a number of woody and environmental weeds present within the road reserve, there are still indigenous understorey species occurring and large old trees.*"

It is considered as a result that a condition of any planning permit issued will include a requirement to amend the plan of subdivision (and all other plans as a result) to ensure that lots 88-90 will have to achieve defendable space requirements within the subject site entirely as opposed to identifying it as being located within the road reserve.

SUBMISSIONS

The application received eight submissions in the form of objections. These are included in attachment 5 of this report. The issues raised were:

1. Concerns in relation to the ecological surveys and potential impact on the fragile natural environment and especially the Edward Hunter Reserve.

Officer Comment

It is generally considered that the applicant has provided sufficient justification for the proposal including detail of the ecological impact on the subject site. It should be noted that the subject site has been considered suitable for residential development and has been zoned accordingly. The proposal has a large open space area that will provide for public open space, storm water treatment and offset areas to replace the native vegetation to be removed.

Suitable conditions will be placed on any permit issued to ensure that fauna friendly fencing at reserve boundaries is ongoing requirement, which enables wildlife to pass through the fencing without becoming caught or stuck, and enables animals to evacuate in the event of wildfire.

Restrictions of access points to the Edward Hunter Reserve will ensure any negative impact is minimised and will also allow future residents to use the reserve area in a fashion that does not have a negative ecological impact.

2. Impact on existing amenity of residents along Coalville Road if the proposal goes ahead.

Officer Comment

Whilst there will be an increase in vehicle movements as a result of new residents moving into the subdivision area, a number of submissions expressed concerns relating to amenity impacts (noise from residents, impacts of vehicle head lights, etc). It is a reasonable expectation that there will be traffic movement in a residential area. If a particular resident or residents are causing nuisance beyond reasonable levels, then there are other mechanisms that can be used to remedy this which sit outside the subdivision planning permit process, and is not best dealt with under other legislation.

3. Concerns regarding existing resident vehicle movements exiting and accessing Coalville Road and capacity of the intersection of Borrmans Street and Coalville Road to facilitate increasing traffic movements.

Officer Comment

A traffic impact assessment has been submitted with the application. It is considered that the existing road network is satisfactory to address the increased level of traffic movement in the area. Suitable conditions will be placed on any issue of a permit however it is not considered appropriate to request any intersection upgrades due to this proposal alone.

4. Concerns that proposed lots 87 to 106 are not consistent with Victorian Planning Provisions, especially in terms of Bushfire Planning Provisions.

Officer Comment

This objection relates to the interface lots with the Edward Hunter Reserve, It should be noted these lot numbers have changed as a result of an amended design layout being submitted. The configuration of these lots has been reconsidered having regard to the advice provided to date from the CFA, Council, and the comments provided within many of the submissions. By providing a road interface along the EHBR, providing a wider municipal reserve and reducing the number of lots, the amended design ensures that all lots within this precinct of the site are able to achieve a BAL19 or lower. It is considered that this is an improvement to the design and is consistent with State Planning Policy which seeks to ensure protection of life and property as the predominant objective. An updated Bushfire Assessment has been prepared to reflect the amended layout. It is considered that the updated plan provides an outcome consistent with the relevant requirements.

It is noted that council will not accept responsibility for management of the road reserve to ensure lots 88-90 can maintain defensible space requirements, however it is considered that this can be suitably addressed by condition on any permit issued.

5. Concerns raised regarding the fire risk associated with the Reserve and lack of a meeting area in emergency situations.

Officer Comment

It is considered the updated Bushfire Assessment prepared by Millar Merrigan and provided with the amended plan, demonstrate that the proposal provides a subdivision which reduces fire risk to an acceptable level. The CFA have also consented to the subdivision subject to suitable condition on any issue of a permit in relation to maintenance requirements of the defensible space area. There is ample public open space provided within the subdivision which could act as a meeting place if need arose, however it is noted that this should be considered at a precinct wide level, rather than simply as a site specific issue.

6. Fencing to prevent unregulated access to the Edward Hunter Reserve from the proposed subdivision.

Officer Comment

There is an existing 11.75 metre wide reserve between the subject land and the Edward Hunter Reserve. The western boundary of the existing reserve is fenced along the Edward Hunter Reserve interface, however it is not fenced along its eastern boundary and currently appears as if it were part of the subject site (it was in fact transferred to Latrobe City Council in 1995 for the purpose of a fire access track however the track has never been constructed).

Despite this, the additional reserve to be created along the common interface will ensure that there is a greater separation between the future residences within the subdivision and the Edward Hunter Reserve. Access to the reserve area will be restricted and unregulated access from the lots proposed to abut the reserve will not be permitted and suitable restriction will be put to ensure this occurs in perpetuity.

The amended design reduces the number of properties sharing the Edward Hunter Reserve interface, with the lots that do share an interface being larger allotments more representative of a rural character. Suitable conditions will be put in place ensuring fencing is fauna friendly fencing also consistent with the rural character of the area.

7. Concerns that the drainage of the subdivision will divert water away from the Edward Hunter Reserve and justification for why a 30m reserve has not been indicated.

Officer Comment

Council will place conditions on any planning permit granted to restrict stormwater flows from the land to pre-development flows. This is also nominated within the Stormwater Management Plan prepared by Stormy Water Solutions and included as part of the application. The measures proposed to treat and retain stormwater are outlined in detail within that report and as such, the West Gippsland Catchment Management Authority were satisfied (subject to appropriate conditions) that despite not having a 30 metre wide buffer either side of the watercourse, the solution proposed would result in an acceptable outcome. Further works will be required however these are typically imposed by way of planning permit condition and are not ordinarily required prior to the granting of a permit. The improvements to the health and quality of the waterway that will result are considered to result in a superior outcome.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

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

**ORDINARY COUNCIL MEETING AGENDA
10 JUNE 2014 (CM438)**External:

The application was referred under Section 55 of the Act to the following authorities:

- Gippsland Water;
- SP AusNet;
- APA Group
- CFA
- Public Transport Victoria

All the above authorities gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions and notes (where applicable).

The application was referred under Section 52 of the Act to West Gippsland Catchment Management Authority and VicRoads.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to drainage and traffic.

The application was forwarded to Council's Environmental team in relation to native vegetation issues and Councils Recreation and Open Space in relation to proposed public open space area and connections to the Edward Hunter Reserve.

All the relevant Council's internal departments gave consent to the granting of a planning permit in relation to their area of expertise. It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification

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

A mediation meeting was held on 12 September 2013. The grounds of objection were discussed and amended plans and documentation were submitted by the applicant in response to the issues raised.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Planning Permit; or
2. Issue a Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

CONCLUSION

Council Officer met with the applicant to discuss the alternative motion adopted by Council on 19 May 2014. The applicant considered the options and decided to progress with the original application submission. Council has now been requested by the applicant to make a determination on the application as it stands.

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application generally meets the requirements of the Scheme, subject to appropriate planning permit conditions.

Attachments

1. Site context and design response
2. Proposed plan of subdivision
3. History of Application
4. Latrobe Planning Scheme
5. Objections

RECOMMENDATION

That Council issues a Notice of Decision to grant a planning permit, for for a staged subdivision of the land and removal of native vegetation at Lot A on PS329607, Coalville Road, Moe with the following conditions:

Amended Plans

1.

Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:

- a) **Remove the divided road at the entry to the development from Coalville Road and instead show a single carriageway.**
- b) **Amended bushfire consideration plan showing the defendable**

space area for lots 88-90 to be within the subject site area completely.

- c) Removal of the reference to road side vegetation being required to be removed to achieve defensible space requirements.
- d) Staging plan to be consistent with an approved stormwater management plan.
- e) All road carriageway width to be consistent with Latrobe City Design Guidelines.
- f) Any subsequent changes for all other plans submitted for endorsement.

Subdivision conditions

- 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
- 3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.
- 4. Detailed landscaping plans

Prior to certification of the plan of subdivision associated with each stage of the subdivision, a landscape plan for all public open space areas including streets, parklands, entry features, drainage reserves, and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must be consistent with any landscape master plan already endorsed in respect of the land and must show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- b) New plantings including their layout to be provided in any road reserves and municipal reserves.
- c) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- d) The supply and spread of sufficient topsoil and subsoil if required on the proposed areas of open space to provide a stable,

free draining surface and hydro-seeding of proposed grass areas (including within drainage reserves).

e) All proposed open space streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.

f) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.

g) Additional supporting information, such as certified structural designs or building forms.

h) Vehicle access points for maintenance purposes.

i) Mechanisms/structures for the exclusion of vehicles from landscaped areas.

j) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.

k) Design and construction layouts for equipment in playground areas.

l) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.

m) Location of public lighting.

n) Details of all boundary fencing along Council reserve boundaries.

o) Details of revegetation and weed control works in reserves, consistent with the Water Management Plan as required under Condition 32 of this permit.

5. Landscape Works to be Completed

Prior to the issue of Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. All areas to be landscaped, including open space, must:

a) Have bulk earthworks completed (where required) to ensure reserves are fit for intended purpose;

- b) Be cleared of all rubbish and environmental weeds, top soiled and grassed;
- c) All landscape planting works completed including drought resistant trees and other planting;
- d) Have shared paths and footpaths as shown on endorsed plans;
- e) Public lighting provided along paths, signage, fencing and street furniture installed;
- f) Maintenance vehicle access points provided.

6. Design Guidelines

Before the plan of subdivision is certified under the Subdivision Act 1988, the operator of this permit must prepare design guidelines to the satisfaction of the Responsible Authority for all residential lots adjoining reserve areas. The design guidelines must include:

- a) Specification that dwellings must not present 'back or side fences' to the reserve area.
- b) Guidance as to appropriate dwelling design to positively address the reserve areas.
- c) Guidance as to appropriate building design, garaging, fencing and landscaping to activate all frontages.
- d) Requirement that any development on the relevant lots must be in accordance with the design guidelines except with written consent from Council.

The guidelines must be submitted to and approved by the Responsible Authority. When approved, the guidelines will be endorsed and will then form part of the permit.

7. Prior to the certification of the plan of subdivision for the relevant stage under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which provides that:

- Development of residential lots adjoining public open space reserve area must be in accordance with the design guidelines (as required under Condition 6 of this permit) approved by the Responsible Authority.

The above restriction must be placed on any new title being issued for lots adjoining the western boundary of the drainage reserve south of the local park.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Within 3 months of the registration of the Section 173 agreement, the owner/operator of the permit must provide Council a copy of the dealing number issued by the Title Office. Once titles are issued, Council requires the owner/operator of the permit or its legal representative to provide either:

- a) a current title search; or
 - b) a photocopy of the duplicate certificate of title as evidence of registration of the Section 173 agreement on title.
8. Prior to the commencement of any works for stage 1 of the development hereby permitted, conditions 1,4,6,7,9,10,11,12,15 and 19 of this permit must be completed to the satisfaction of the Responsible Authority.

Engineering Conditions

9. Prior to the certification of the plan of subdivision for stage 1 of the development hereby permitted, an amended stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will then form part of the permit. The plan is to be consistent with Stormy Water Solutions "Coalville Road, Moe Stormwater Management Plan" revision A dated 6 August 2012 as submitted and must address the following:
- a) Details of the staging of the works and any interim works and how these will impact upon discharges from the land, on-site detention and water quality requirements.
 - b) A detailed maintenance plan for all proposed water sensitive urban design features. The maintenance plan must include a schedule and requirements of inspections to be undertaken, how and when remediation and routine maintenance works are to be undertaken and estimated maintenance costs.
10. Prior to certification of the plan of subdivision under the Subdivision Act 1988 for each stage of the development, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. All proposed new road names must comply with the naming principles described in the Department of Environment and Primary Industry's "Guidelines for Geographic Names 2010".
11. Plans submitted for certification for each stage of the development under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
- a) Easements for drainage purposes,

- b) A restriction on the plan of subdivision in relation to lots 47, 48 and 96 to 102 in relation to collection of refuse from bins placed on bin pads located within the road reserve.
 - c) Reserves created for the purposes of stormwater management, vested in the Responsible Authority,
 - d) Road reserve widths complying with the endorsed plans,
 - e) Splays at cross-road intersections appropriate to allow for the construction of a roundabout at such intersections,
 - f) Splays, a minimum of 3 metres by 3 metres unless required otherwise, at all intersections of the local road network, and
 - g) Street names complying with the requirements of the Department of Environment and Primary Industry's "*Guidelines for Geographic Names 2010*".
12. Prior to the lodgement of engineering construction plans and specifications, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions and an electronic copy (PDF) provided. The functional layout plan must incorporate the following:
- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
 - b) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - c) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
 - d) Details of tree protection zones (TPZs), for all trees to be retained on site (if any).
 - e) Any trees proposed for removal from the site clearly designated.
 - f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and street trees.
 - g) The proposed location for the relocation of the bus stop and shelter in Coalville Road in accordance with the requirements

of Public Transport Victoria.

- h) Details of intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
 - i) The provision of roundabouts at all cross-road intersections.
 - j) A table of offsets for all utility services (including fibre optic conduit) and street trees.

 - k) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops, line marking and traffic controls.
 - l) The proposed minor drainage network.
 - m) Preliminary location of reserves for electrical kiosks;
 - n) Works external to the subdivision, including both interim and ultimate access requirements.
 - o) Intersections with roads external to the subdivision.
13. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserves unless with the written agreement of the Responsible Authority.
14. Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless with the written agreement of the Responsible Authority.
15. Prior to the certification of the plan of subdivision associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust

generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

- c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures and vegetation protection during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 '*Doing it right on subdivisions*'.
 - d) Cultural protection issues – the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out.
16. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
17. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
18. Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of the works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.
19. Prior to the certification of the plan of subdivision and for each subsequent stage, detailed engineering plans and specifications must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the approved Functional Layout Plans. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and

electronic copies in both PDF and DWG formats must be provided. The plans must include:

- a) Design and construction of all new roads including connections to existing roads. Roads shall be designed and constructed in accordance with the endorsed plans and Latrobe City Councils "Design guidelines".
- b) Construction of a "BAR type" right turning lane and a "BAL type" left turning lane at the proposed intersection on Coalville Road and the proposed intersection on Borrmans Street. The turning lanes must be provided in accordance with the Austroads "Guide to Road Design".
- c) Temporary vehicle turnarounds at the ends of streets to be continued in future stages, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
- d) Concrete footpaths along both sides of all proposed streets, unless otherwise required and 2.5 metre minimum width concrete shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
- e) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. Drainage plans must include hydraulic computations. The stormwater drainage system must:
 - i) Be designed to take the 1 in 5 year ARI storm event,
 - ii) Meet the current best practice performance objectives for stormwater quality as contained in the "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999" as amended,
 - iii) Ensure that flows downstream of the subdivision site are restricted as proposed in the endorsed Stormwater Management Plan.
- f) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - i) Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - ii) All new and existing lots should be free from inundation.
 - iii) All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$

(where d_a = average depth in metres and v_{ave} = average velocity in metres per second).

- g) **Construction of wetland/stormwater detention areas generally as proposed in the approved stormwater management plan. The wetlands shall be designed to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999:**
- i) **80% retention of the typical annual load of suspended solids;**
 - ii) **45% retention of the typical annual load of total phosphorus;**
 - iii) **45% retention of the typical annual load of total nitrogen; and**
 - iv) **70% retention of the typical annual load of gross pollutants.**

The proposed wetlands/stormwater detention area must be constructed to ensure that the bed of the internal edges of any water body are graded to achieve a maximum water depth of 0.2m for a minimum distance of 3 metres in from the water's normal edge before becoming steeper or achieve the alternatives specified in "WSUD Engineering Procedures: Stormwater (Melbourne Water 2005), Clause 10.3.2.3 Cross sections" or equivalent standards applicable at the time to the satisfaction of the Responsible Authority.

- h) **Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.**
- i) **The provision of roundabouts at all cross intersections. Roundabouts must be designed in accordance with Austroads "Guide to Road Design".**
- j) **The relocation of the existing bus stop and shelter in Coalville Road in accordance with the requirements of Public Transport Victoria.**
- k) **A paved area clear of the road shoulder for the placement of bins for the collection of wastes and recyclables for lots 47, 48 and 96 to 102.**
- l) **Street lighting in accordance with Australian Standard AS1158, along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development and along all those sections of external roads where access is obtained directly to lots in the**

development.

- m) All traffic signage, street name signage and road pavement line marking.
 - n) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
20. Before a Statement of Compliance is issued for each relevant stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority and must include:
- a) All proposed new roads in accordance with Latrobe City Council's Design Guidelines.
 - b) The construction of BAR/BAL treatments at the proposed intersection on Coalville Road and at the proposed intersection on Borrman's Street.
 - c) Concrete footpaths along both sides of all proposed streets and shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
 - d) Intersection treatments and traffic calming measures.
 - e) The provision of roundabouts at all cross-road intersections.
 - f) Underground piped drainage to convey stormwater from each lot to the legal point of discharge for the 1 in 5 year ARI storm event.
 - g) Works to ensure that flows downstream are in accordance with the approved stormwater management plan.
 - h) Works to ensure the stormwater management system meets current best practice performance objectives for stormwater quality.
 - i) Provisions for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - i) Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows.

- ii) Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed.
 - iii) All new and existing lots should be free from inundation.
 - iv) All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_{ave} = average depth in metres and v_{ave} = average velocity in metres per second).
 - j) Earthworks within the development to ensure that vehicle access can be obtained to each proposed allotment.
 - k) The relocation of the existing bus stop and shelter in Coalville Road in accordance with the requirements of Public Transport Victoria.
 - l) A paved area clear of the road shoulder for the placement of bins for the collection of wastes and recyclables for lots 47, 48 and 96 to 102.
 - m) Street lighting along all new roads and shared paths and upgraded street lighting at the locations of proposed intersection works and along all those sections of external roads where access is obtained directly to lots in the development.
 - n) All traffic signage, street name signage and road pavement line marking.
 - o) The installation and registration of high stability permanent survey marks.
 - p) Provision of temporary vehicle turnarounds with a low maintenance sealed surface, at the end of all streets proposed to be continued in a later stage of the development where there are new lots with frontage onto the completed sections of those streets.
21. Before a Statement of Compliance is issued for each relevant stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct fences in accordance with the approved landscape plans, along all allotment boundaries abutting reserves.
22. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for any stage of this subdivision that creates allotments for which carriageway easements are created in favour of those allotments, the owner of the land must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make

application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act. The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide for:

- a) How, when, to what standard and at whose cost shared vehicle accessways will be constructed;
 - b) How the liability for costs will be shared for the maintenance of the shared vehicle accessways;
 - c) A description of the standard to which the shared vehicle accessways shall be maintained including how often inspections will be undertaken, maintenance intervention levels and response times for maintenance works;
 - d) What documentation is required with regard to inspections and repairs; and
 - e) Who shall be required to arrange the maintenance inspections and any maintenance works and who is required to retain a written record of the date of inspections and any repairs undertaken.
23. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
- a) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - b) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - c) The sum of \$175 per 20 metres of street length or per lot frontage (whichever provides for the greater number of street trees), for the provision of street trees along all streets where street trees are not planted by the operator of this permit.
24. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
- a) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in

an electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).

- b) Certification by a licensed surveyor of the registration of all constructed Permanent Survey Marks.
 - c) A plan certified by a licensed surveyor showing the extent and depth of fill in excess of 300 mm placed on all land within or abutting the subdivision.
 - d) Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council's Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.
25. The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within one (1) calendar month of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority.

26. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.
27. The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.

Telco Condition

28. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

CHMP

- 29. All works onsite must be conducted as per the requirements of approved CHMP No.: 12219**

SPI Ausnet Condition

- 30. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:**
- a) The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.**
 - b) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.**
 - c) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.**
 - d) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.**
 - e) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the, endorsed plan and for abutting land.**
 - f) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots;**
 - g) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.**
 - h) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.**
 - i) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan o subdivision.**
 - j) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.**

- k) Agree to provide alternative electricity supply to lot owners. and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd.**
- l) Ensure that all necessary auditing is. completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network**

Gippsland Water Condition

31. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:

- a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.**
- b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.**
- c) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.**
- d) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.**
- e) Install separate water services and sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water. Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.**
- f) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.**

**ADVICE NOTES FOR INCLUSION IN THE PLANNING PERMIT
WATER**

- g) Simple water main extensions that interconnect with the existing 150 mm water main in Coalville Road and 100mm water main in Borrmans Road.

SEWER

- h) Simple sewer main extensions into the existing 150mm and 225mm sewer/s.

WGCMA condition

32. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA) in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Prior to the issue of a Statement of Compliance, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway, and must include a landscape plan for revegetation of the reserves and a maintenance plan detailing the short, medium and long term actions and agencies/developers responsible for each stage.
33. The operator of this permit must meet the requirements of Country Fire Authority (CFA) in that, prior to the issues of Certification/Statement of Compliance, they:
- A) Before the plan of subdivision is certified under the *Subdivision Act 1988* for any stage in the subdivision the BUSHFIRE CONSIDERATIONS PLAN to the satisfaction of Country Fire Authority (CFA) and the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and then form part of the permit.
- B) Before the plan of subdivision is certified under the *Subdivision Act 1988* for any stage in the subdivision, the i) LANDSCAPE CONCEPT, and ii) OPEN SPACE PLAN (RESERVES) PLANS to the satisfaction of the CFA and the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and then form part of the permit.
- C) The BUSHFIRE CONSIDERATIONS PLAN, LANDSCAPE CONCEPT AND OPEN SPACE PLANS which are endorsed under this permit must not be altered unless with the written consent of the CFA and the Responsible Authority.

MANDATORY CONDITION (as per Clause 44.06-4)

- D) Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* and make application to the Registrar of Titles to have the agreement registered on the

title to the land under Section 181 of the Act. The agreement must set out the following matters:

- That it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of this planning scheme.
 - The building envelope and defendable space envelope to achieve the Bushfire Attack Level approved under this permit.
 - Vegetation management requirements and arrangements suitable to implement and maintain the defendable space approved under this permit.
 - The access and water supply requirements approved under this permit.
- E) The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Additional matters that must be set out in Section 173 Agreement

- F) To give effect to the requirements of clause 44.06-4 of the Latrobe City Planning Scheme, and the above condition, the Section 173 Agreement prepared in accordance with clause 44.06-4 must:
- a) 6.1 Explicitly exclude the option to vary the requirements of the agreement through another planning permit.
 - b) 6.2 Specify that all land shown within lot boundaries on the BUSHFIRE CONSIDERATIONS PLAN endorsed under this permit must at all times, and regardless of whether a dwelling is located on the land, be maintained to the defendable space requirements of this permit.
 - c) 6.3 Specify that before the occupation of a dwelling starts on each lot in the subdivision:
 - i) A static water supply dedicated for fire-fighting purposes must be provided on the lot which complies with the requirements of this permit.
 - ii) Include the detailed requirements of this permit relating to defendable space, building construction and static water supply within the covenants of the agreement.
 - iii) Specify that the bushfire protection measures which form part of the Section 173 Agreement, planning permit and endorsed plans, including those relating to construction standards (BAL), defendable space and water supply must be maintained to the satisfaction of the Responsible Authority on a continuing basis.
 - iv) Include the BUSHFIRE CONSIDERATIONS PLAN endorsed under this permit as an annexure to the

- agreement.
- v) Include a copy of this permit as an annexure (including the plan labelled
 - vi) 'Bushfire Considerations' prepared by NBA Group / Millar Merrigan Ref: 15703P4 Version 4 Dated January 2014) to the section 173 agreement.

BUILDING CONSTRUCTION

- G) The construction of any dwelling or dependent person's unit on each lot in the subdivision must comply with no lesser than the following Bushfire Attack Level (BAL) in accordance with the relevant sections of AS3959-2009:
 - a) 7.1 For lots designated BAL 12.5 Building Envelope on the Bushfire Considerations Plan 15703P4 – BAL 12.5.
 - b) 7.2 For lots designated BAL 19 Building Envelope on the Bushfire Considerations Plan 15703P4 – BAL 19.

DEFENDABLE SPACE

- H) Vegetation on the land must at all times be maintained to at least the following standard:

An Inner Zone: being the area designated as a:

- BAL 12.5 Building Envelope; or a
- BAL 19 Building Envelope and extending 35 metres from a BAL 19

Defendable Space line as recorded on the Bushfire Considerations Plan 15703P4 or to the property boundary, whichever is the lesser distance;

- a) 8.1 Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
- b) 8.2 Trees must not overhang the roofline of the building, touch walls or other elements of a building.
- c) 8.3 Grass must be no more than 5 centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.
- d) 8.4 Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
- e) 8.5 Plants greater than 10 centimetres in height at maturity

must not be placed directly in front of a window or other glass feature.

- f) 8.6 Tree canopy separation of 2 metres and the overall canopy cover of no more than 15 per cent at maturity.
- g) 8.7 Tree branches below 2 metres from ground level must be removed.

An Outer Zone extending 18 metres from the inner zone – or to the property boundary whichever is the greater distance)

- h) 8.8 Grass must be no more than 10 centimetres in height and leaf and other debris mowed, slashed or mulched.
- i) 8.9 Shrubs and/or trees must not form a continuous canopy.
- j) 8.10 Tree branches below 2 metres from ground level must be removed.
- k) 8.11 Trees may touch each other with an overall tree canopy cover of no more than 30 percent at maturity.
- l) 8.12 Shrubs must be in clumps of no greater than 10 square metres, which are separated from each other by at least 10 metres.

WATER SUPPLY

- l) Prior to the occupation of any dwelling, a static water supply must be provided on the lot subject to development. A static water supply must meet the following requirements:
 - a) For lots of a size less than 1650m² – the water supply must have a minimum capacity of 5,000 litres that is maintained for firefighting purposes for the occupier of the lot.
 - b) For lots of a size greater than 1650m² – the water supply must have a minimum capacity of 10,000 litres that is maintained for firefighting purposes, has suitable access for a CFA fire truck to within 4m of an on tank connection being a CFA-3TPI male fire brigade coupling with a minimum 64mm control valve.
 - c) The water supply must be stored in an above ground water tank constructed of concrete, steel or corrugated iron; and o The water supply must be located within 60 metres of the outer edge of the dwelling (including any obstructions).
 - i) The water supply outlet/s must be attached to the tank and must face away from the building to enable access during

emergencies.

- ii) All pipework between the water supply and the outlet/s must be a minimum of 64 mm nominal bore.
- iii) All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
- iv) The water supply outlet must not be obstructed by vegetation, buildings, fences or other structures.
- v) A sign displayed on or adjacent to the tank that indicates the water supply for fire fighting purposes and which specifies the capacity of the tank for fire fighting. The sign must be in upper case lettering not less than 75 mm in height and must be in fade-resisting lettering in a contrasting colour with that of the background.

EMERGENCY ACCESS WITHIN SPECIFIED RESERVES

- J) Prior to the statement of compliance for the subdivision, emergency vehicle access must be provided in accordance with the *'Bushfire Considerations'* and *'Landscape Concept'* plans, to permit a fire fighting appliance trafficable access from and to the public roadway via the central and northern reserves of the development.
- K) Emergency vehicle access must comply with the following minimum requirements (including any gates, bridges and culverts):
 - a) Curves in the access way must have a minimum inner radius of 10 metres.
 - b) The average grade must be no more than 1 in 7 (14.4 percent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 percent) (11.3 degrees) for no more than 50 metres.
 - c) Dips must have no more than a 1 in 8 (12.5 percent) (7.1 degrees) entry and exit angle.
 - d) Designed, constructed and maintained for a load limit of at least 15 tonnes and be of all-weather construction.
 - e) Have a minimum trafficable width of 3.5 metres and be substantially clear of encroachments for at least 0.5 metres on the western side.
 - f) Be clear of encroachments 4 metres vertically.

Environment Condition

- 34 In order to offset the removal of 4 scattered trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual:

The offset must:

- contribute gain of 0.018 general biodiversity equivalence units
- be located within the West Gippsland Catchment Management Authority boundary or Latrobe municipal district
- have a strategic biodiversity score of at least 0.106

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
- a credit register extract from the Native Vegetation Credit Register.

Prior to the issue of a Statement of Compliance pursuant to the Subdivision Act 1988, the owner must enter into an agreement with the Latrobe City Council made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Register of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that the remnant patch of native vegetation shown in the south-western corner of the property as shown in the endorsed plans must be permanently protected.

The Agreement must state:

- i. Native Vegetation identified to be retained in accordance with the endorsed plans must not be removed, lopped or destroyed
- ii. Native Vegetation identified to be retained in accordance with the endorsed plans must not be cleared for the installation or provision of services to the subdivision
- iii. All development is to be sited so that the native vegetation as identified to be retained on the endorsed plans are not disturbed or damaged
- iv. There must be no temporary or permanent storage of any materials, vehicles or equipment within the buffer zone* around native vegetation identified to be retained in accordance with the endorsed plans
- v. There must be no earthworks or excavation within the buffer zone* around native vegetation identified to be retained in accordance with the endorsed plans.
- vi. Permanent protection measures for the remnant patch of native vegetation must include the following requirements as a minimum:

**ORDINARY COUNCIL MEETING AGENDA
10 JUNE 2014 (CM438)**

- a) **Fencing and foregoing entitlement to graze domestic stock**
- b) **Ensure no further spread of weeds**
- c) **Foregoing entitlement to cut trees for personal use**
- d) **Foregoing entitlement to collect fallen timber**

The owner/applicant must pay the reasonable costs of the preparation, execution and registration of the agreement.

Prior to Statement of Compliance issued the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

- i. **a current title search; or**
- ii. **a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.**

Expiry Condition

35. This permit will expire if:

- a) The plan of subdivision for the first stage is not certified within two years of the date of this permit, or**
- b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit , or**
- c) The registration of the last stage of subdivision is not completed within five years of the certification of that plan of subdivision.**

9.3

Planning permit application 2013/7, Staged Subdivision of Land and Removal of Native Vegetation, Coalville Road, Moe

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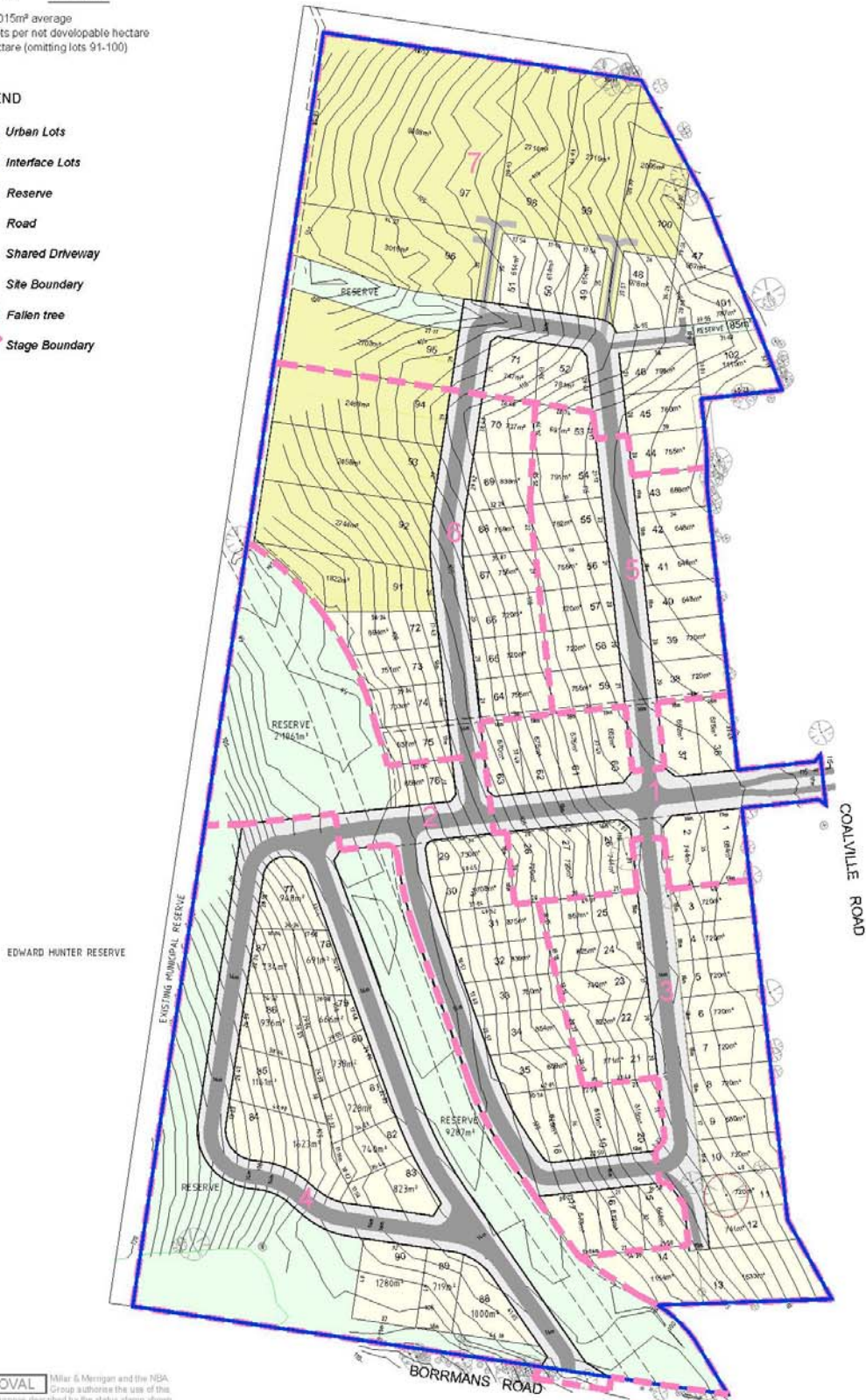


SITE AREA 16.32ha

- 102 Lots @ 1015m² average
- Overall 7.7 Lots per net developable hectare
- 9 Lots per hectare (omitting lots 91-100)

LEGEND

- Urban Lots
- Interface Lots
- Reserve
- Road
- Shared Driveway
- Site Boundary
- Fallen tree
- Stage Boundary



FOR APPROVAL Millar & Merrigan and the NBA Group authorise the use of this drawing only for the purpose described by the status stamp shown hereon. This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. © Millar & Merrigan Pty Ltd and the NBA Group

PROPOSED SUBDIVISION



COALVILLE ROAD, MOE 3825
 LATROBE CITY COUNCIL
 15703T1
 VERSION 1
 Nov. 2013

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
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 nick@nbagroup.com.au
 nbagroup.com.au



History of Application

20 December 2012	Application received
11 February 2013	Further information requested
18 March 2013	It was agreed to delay responding to FIR and cancel the meeting with the CFA (scheduled for 19 March) until comments from Council's Environment Department were obtained
29 April 2013	Response to further information request
10 May 2013	Site Meeting held between NBA and Council to clarify questions raised by Council and allow Council to inspect the site before they required more changes
22 May 2013	Application referred to CFA only
4 July 2013	Objection received from the CFA
30 July 2013	Application referred and advertising noting a number outstanding requirements that were required to be addressed
12 September 2013	Mediation meeting held
2 December 2013	Further information response received
17 December 2013	Letter to the applicant detailing that information was still outstanding
20 January 2014	Application re-referred to the CFA
04 February 2014	Response from the CFA, no objection subject to conditions

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.02-1 Supply of Urban Land
- Clause 11.05-4 Regional Planning Strategies and Principles
- Clause 15.01-1 Urban Design
- Clause 15.01-4 Design for Safety
- Clause 15.01-5 Cultural Identity and Neighbourhood Character
- Clause 15.02-1 Energy and Resource Efficiency
- Clause 16 Housing

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.4 – Built Environment Sustainability
- Clause 21.05 – Main Towns
- Clause 21.08 - Liveability

Zoning:

The subject site is zoned Residential 1 Zone.

Overlays:

The subject site is affected by the Bushfire Management Overlay.

Particular Provisions:

- Clause 52.47 Bushfire Protection: Planning Requirements
- Clause 56

General Provisions:

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.



Latrobe Valley Field Naturalists Club Inc.

PRESIDENT: Mr David Stickney
david.stickney@westnet.com.au

SECRETARY: Ms. Wendy Savage
email: wsavage@dcsi.net.au

Incorporation No. A0005323T
ABN 86 752 280 972

P.O. BOX 1205,
MORWELL. 3840.

The Responsible Authority, Statutory Planning
Latrobe City Council
PO Box 264
Morwell 3840

20 August 2013

Dear Sir/Madam

Re: Application Reference Number 2013/7 for multi-lot staged subdivision and native vegetation removal, Coalville Road Moe

The above planned subdivision has come to our attention and we have some concerns as to how it may impact on the Edward Hunter Reserve.

The Latrobe Valley Field Naturalists have had a long association with the reserve, regularly conducting excursions there to enjoy and record its flora and fauna. The list of birds and plants on the large interpretive sign in the Coalville Rd carpark has been provided by our club.

Moe is very fortunate to have such a large reserve (57 hectares) within its residential area, but the density of houses around most of its boundary has a negative impact on the natural values of the reserve with weeds, roaming domestic animals and water drainage problems as the main impacts.

The proposed subdivision will destroy one of the last protective areas adjoining the reserve, which presently acts as a buffer and wildlife corridor into the reserve, being itself close to large blocks of land with quite good habitat.

Because the proposed subdivision is so close to the main creeks and fern gully, which are already compromised by an artificial drainage system which diverts water away from them, removing the natural drainage into the reserve from this 16 hectare area to be developed will exacerbate the problem.

We would like to see council reconsider this medium density development (109 blocks on 16.32 hectares) in favour of a low density development. This would better allow the area to continue to serve its present function of an important buffer on one side of the reserve.

We would also recommend council consider including a requirement for garden plantings in line with the Latrobe City's garden weeds advice (Ref: Grow Me Instead – a guide for gardeners in the Gippsland area), and domestic animal controls on the development, which is frequently a requirement of developments adjoining sensitive areas.

Wendy Savage,
Secretary, LVFNC Inc

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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Edward Hunter Heritage Bush Reserve Committee of Management
PO Box 204,
Moe 3825

The Responsible Authority, Statutory Planning
Latrobe City Council

16 August 2013

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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We wish to lodge objections and state concerns in regard to the proposed subdivision development of Coalville Road, Application Reference Number 2013/7, adjoining the Edward Hunter Heritage Bush Reserve in Moe – that is, 109 residential allotments.

The Edward Hunter Heritage Bush Reserve (EHHBR) is a conservation reserve and is Crown land which has been set aside into perpetuity for the use and recreation of the public. It contains significant Ecological Vegetation Classes: Lowland Forest, which is classified as Vulnerable, and Fern Swamp, which is classified as Endangered. The proposed development, should it proceed, will have the effect of totally enclosing the EHHBR with housing. This will be disastrous for the EHHBR ecosystem, already under pressure from suburbia on the three other sides.

Latrobe's Planning Scheme, clause 21.03-3 'Native Vegetation and Biodiversity Overview', clearly indicates strategies that include "enhancing the quality and quantity of remnant vegetation by controlling threatening processes, development plans, providing incentives and encouraging community involvement", "encouraging the development of wildlife corridors and links across the municipality" and "connecting native vegetation to reduce fragmentation" are to be realised. Further, it includes the strategy to "encourage more bushland reserves on public and private land." It is not apparent these strategies have been considered in the proposed development. This proposal lacks sufficient consideration of the impact on the EHHBR particularly in relation to overarching Municipal Strategic Statements such as Environmental Sustainability, Native Vegetation and Biodiversity and Wildfire.

- (1) The Public Conservation and Reserve Zone is not clearly marked into the plan for the proposed development. There needs to be, at a minimum, the application of a Conservation and Resource Zone of at least 30 m into the proposed development site from the fence line of the EHHBR, as per 36.03 of Victoria's Planning Provisions (VC77).
- (2) We support the application of the concept of defensible space, as recommended by Terramatrix, in the interests of future residents of the proposed development. However, the minimum stated 'fuel loadings' ascertained in Terramatrix's report cannot be guaranteed. The EHHBR is a conservation reserve which means the management focus is on ecological burning, rather than managing to a Bushfire Attack Level of 29 or less.

The tragic circumstances of widely destructive bushfires are still fresh in the community's memory and have been the subject of a Royal Commission. Allowing people to build so close to an established conservation reserve with a questionable minimum BAL is ill-considered. People's concerns about bushfire should not even arise because the buffer should be based on a maximum possible fire risk rather than a minimum one. Using the maximum possible fire risk in determining an appropriate buffer between the boundary of the Reserve and the new development will ensure consistency with Latrobe's Planning Scheme clause 21.03-8 strategy "to ensure that new land use and development does not increase the level of fire risk."

Should this proposed development go ahead, we have grave concerns about the pressure new owners will bring to bear on clearing or burning the EHHBR in order to preserve feelings of safety and risk-aversion. A case in point is the pressure being brought to bear on the noise effects of Essendon Airport – despite people having full knowledge of where they were building.

The EHHBR has been in existence since 1878 and consists of remnant vegetation of the significant Strzelecki Bioregion. This remnant cannot afford to lose any further ground or size. It cannot afford to suffer any further reversals to its biodiversity. Under such circumstances, unacceptable degradation will occur. These changes would also be inconsistent with clause 21.03-2 of the Latrobe Planning Scheme which has as an objective to "protect environmental assets as the top priority, enhance as the second priority, and consider replacement as a last resort."

The potential effects on community cohesion also need to be considered. Divisive perspectives can develop an energy of their own that will put further pressure on the EHHBR and its ecological objectives.

- (3) The waterway through the proposed development site is a significant water source for the EHHBR. The EHHBR has a reservoir and wetlands that supports a range of wildlife including native fish, birds and amphibians, as well as a diversity of flora and fungi. Water quality is important to the health of the EHHBR ecosystem.

The waterway is a registered waterway under the WGCMA, as acknowledged in the developer's proposed development plans.

The Ecological Assessment undertaken by Indigenous Designs does not reflect the presence of significant wildlife using this stream habitat (understandably as it was essentially a snap shot assessment) including a range of amphibians (including the Southern Toadlet, currently classified as 'vulnerable' in DSE's Victorian listing) and birds including the black-shouldered kite and the white-necked heron. It does, however, acknowledge the high conservation significance of the native patches colonising that waterway.

We note that the proposed development includes a waterway reserve. We also note that a 30 metre vegetated buffer zone on each side of the waterway should be implemented according to clause 14.02-1 of Natural Resource Management (State Planning Policy

Framework). This would, at a minimum, help address the "retention of the natural drainage function, stream habitat and wildlife corridors" stated under that Planning Scheme.

- (4) It is noted that a Traffic Impact Assessment was undertaken. It has, however, not considered the effect of increasing traffic, noise and light at night on the local fauna.

Terrestrial and arboreal fauna in this region tends to be more active at night. There is a history of increased road kills of local fauna with the introduction of Borrmans Street as a through road. The further increase in additional traffic volumes represented by the proposed development imposes further pressure on the ability of local fauna to survive in the EHHBR and to make use of wildlife corridors and dispersal routes to the south and east.

We suggest this could be mitigated by the installation of wildlife corridors under the road. The implementation of possum poles and ropes would also mitigate the effect of traffic on the local fauna.

- (5) We have concerns for the effect the increase in the amount of light, noise and human habitation of the proposed development will have on an already pressured wildlife. The negative effects of this urban pressure on wildlife are well documented and do not seem to have been considered in the proposed development plans.

At a minimum, an assessment of the impact of this proposed development on both the native vegetation and fauna in the adjoining Reserve needs to be undertaken.

- (6) Lastly, we are concerned about the decrease in amenity arising for the local residents who use the EHHBR. The presence of a new housing estate will bring with it an increase in noise, the presence of pollutants, and lighting where there has been none. The eastern boundary of the Reserve is an area of quietude, secluded, where the local fauna is more active and natural, given the lack of development in that vicinity. There are a great diversity of orchids and diggings that suggest evidence of bandicoots. This proposed development, should it go ahead, will result in a marked decrease in amenity and enjoyment of the natural environment currently being experienced by Reserve users.

Other concerns:

- Consistent with both the Municipal Vision and clause 21.08 'Liveability' in the Latrobe Planning Scheme, we would request the installation of public toilets at the A frame car park of the Edward Hunter Heritage Bush Reserve, midway between the proposed new development and the highway crossing on Coalville Road. This is consistent with strategies to support Healthy Urban Design: to "Promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporates shade, toilet facilities, seating and directional signage where possible."

- We are concerned about unregulated access to the EHHBR from the proposed development – by people and domestic animals – would result in an increase in damage and erosion at the margins and edges and the further loss of habitat for native fauna and flora which are already under pressure.

We noted that a few paths are to be formalised, according to the Introduction to the proposed development. In order to address these concerns, we would request the installation of suitable fencing and clarification of where the paths will be located. This would also allow the delineation of the different land uses which will make Council's increased responsibilities easier to manage (i.e. so that mowing on the municipal boundary doesn't inadvertently encroach on the EHHBR.)

- It would be important to formalise the noted opportunity to connect to existing pathways within the adjacent EHHBR. There is real potential for the undesirable development of informal paths. Without this formalisation, further degradation of the EHHBR would be inevitable.
- There is reference to an EMP on page 9 of the Introduction to the application for development. We request clarification as to whether it considers the impact on the surrounding area, including the EHHBR? If it does not, we request that it should consider the impact on the surrounding area and the EHHBR.

Yours sincerely,


Bruce King

Chairperson,

Edward Hunter Heritage Bush Reserve Committee of Management

Wednesday, 14 August, 2013

**Latrobe City Council
P.O. Box 264
MORWELL 3840**

Dear Sir / Madam

**Objection to Planning Permit for Multi – Lot Staged Subdivision and Native Vegetation Removal – Coalville Road, Moe
Reference Number: 2013 / 7**

I write to lodge my objection to this application.

I only became aware of this application through the Committee of Management for the Edward Hunter Heritage Bush Reserve today.
I have had no contact from the applicant, and have not seen any notice that this application was pending.

I feel this is a very poor circumstance, particularly given that our home is directly opposite the proposed only entry and exit to the subdivision, so will be particularly adversely affected.

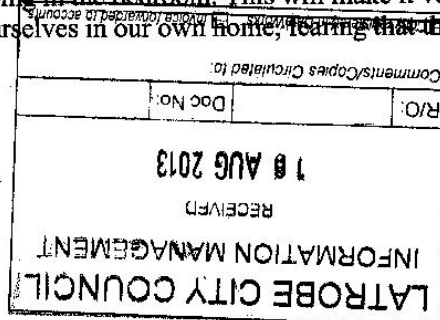
This is very concerning, and I'm sure there would be many other residents in the area affected by this proposal who will also similarly be unaware of it.

I live at 59 Coalville Road, and my property will be directly opposite the proposed intersection –the **only** entry and exit to the subdivision.

I am concerned that with 106 lots, this intersection will become extremely busy.
I fear that this will jeopardise my family's safety, along with the current amenity we enjoy.

My issues are as follows:-

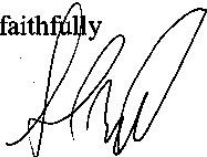
1. Vehicles exiting the sub division may overshoot, either by accident, or hoon driving, and shoot straight across the road into either my loungeroom or bedroom. Our home sits about a metre below road level, so an out of control vehicle would plough through our window, and land on top of anyone sitting in the loungeroom, or sleeping in the bedroom. This will make it very difficult for us to relax and enjoy ourselves in our own home, fearing that this may occur at any time.



2. The intersection would create bottlenecks of vehicles queued up along Coalville Road waiting to turn right into the subdivision. At afternoon peak times, this will be particularly diabolical as people attempt to return home after school or work. This will result in vehicles travelling south along Coalville Road, either having to wait, or pass the queue on the left. There is little or no room for vehicles to pass on the left, and I fear that these vehicles will pass extremely close to my front garden, leaving little room for error. Again, this would make my family fearful for their safety in our own front garden, when they should be relaxing and enjoying themselves.
3. At night, we will have headlights of vehicles shining into our lounge room and bedroom, which will affect the amenity and enjoyment of our property. It will no doubt affect our sleep as well.
4. The intersection will make it difficult and dangerous for my family and visitors to enter and exit from my driveway onto Coalville Road. This will be especially bad at peak times such as mornings when people are heading to work and schools, and similarly in the afternoon when they are returning home.

If you have any queries, or require any further information, please do not hesitate to call me on 0429 868 715 or 5127 4628.

Yours faithfully



Gordon McHallam
59 Coalville Road, Moe.

From: Lee Minton
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Date: 19/08/2013 9:32:24 AM
Subject: wagners paddock on coalville road

Dear Sir/Madam,

I am a resident of Dwyer Street, Moe. I have only today been made aware of the proposed subdivision at Wagners Paddock.

I am concerned that the developers did not notify me or the other residents of my street of the proposed subdivision. I only found out from the Edward Hunter Reserve committee.

The reserve is very important for the surrounding residents. It is an important recreational facility. The proposed development would put pressure on the natural environment of the reserve. I am particularly concerned about the lots abutting the reserve and the creek. These lots will seriously compromise the reserve and the creek.

I would be personally affected by the development due to noise and the contamination of the reserve. I bought my home because of its proximity to the reserve and the natural quiet the reserve offers. With the kind of development proposed the increase in noise and pollution would seriously affect my enjoyment of my home.

I seriously object to the development proposed.

thank you
Lee Minton
20 Dwyer Street
Moe 3825

Michael Krawec

Resident of 57 Coalville Rd.

15-8-13

I am a objector for the Application
for the Subdivision to have
residence so close to the reserve.
But most of all the road
infrastructure could not handle
the amount of traffic along
Coalville Rd. and High Street
to the roundabout. At times
you have to wait in long
Queues on High Street to
get aroud the Roundabout
its Just impractible

M. Krawec

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26 AUG 2013

6/8/13

Sue Plemper

41-413 Cemetery Rd

Moe 38835

Re Planning Permit

Dear Tom Re reference No. 2013/7

My husband & I are seriously concerned about the proposed subdivision.

We live on the intersection of Coalville Rd & cemetery Road and at present the traffic going past us in the school & work times is already increased with housing in Moe South etc.

Our concerns with another 106 houses being built very close to us is the traffic at those times especially coming out of Bormans Rd & the other proposed Rd in the middle of our intersection & Bormans Rds. Residents use this Coalville Rd

as a freeway often speeding more than 60 km/hour. We have no footpaths along that Coalville Rd & we have a local bus now as well as school buses, trucks, and normal vehicles using this Coalville Rd & the people living along that section are going to be in danger when people are stopped to turn into Bormans Rd & the new road that accesses the new subdivision. There will be accidents aplenty because Coalville Rd is not a very wide Road at all.

Also with most people having two cars per house hold, there is a huge traffic issue, & safety issue. Residents trying to reverse out of their driveways along Coalville Road have a hard time now so

This will make it a nightmare including myself because I live on the intersection as I mentioned and people travelling along Coalville Rd turn into Cemetery Road and one has to stop there in order to see properly with the view down towards High Street is very limited.

Also with the Edward Hunter Reserve at the back of the proposed subdivision, if there is a fire in there the exit for those people will be dangerous due to the limited exit roads.

We are very against this huge populated subdivision.

Regards

[Signature]

2nd September 2013

KRYS & HERMAN BROEREN

P.O. Box 39

MOE 3825

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

5 SEP 2013

PLANNING TEAM

LATROBE CITY COUNCIL

COMMERCIAL RD.

MORWELL 3840.

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RE - Planning Permit Application 2013/7

Dear Team

We have been on holidays during the month of August and have only today received the notice of application for the above planning permit. We would like to make the following notes of objections and concerns.

2.

1. Looking at the plans it appears to us that the distance between the lots 87 to 106 and the Edward Hunter Reserve is not within guide lines of Victoria planning provision.

2. With 106 lots you could look at approx. 450 people living in this confined area. It appears to us that no recreation or meeting area in case of fire has been planned. This is a high fire risk area.

With an anticipated 200 children living in this area ^{it} appears to be no playground or picnic area planned either. The Edward Hunter area is not for unsupervised children to be playing in. If this was to happen a fire in the reserve would be eminent.

3. We also feel another entry point should

3.

be considered as in the event of a
fire easy access is required by
fire vehicles.

4. Fencing at the rear of lots backing
on to Borrmans street and also
all lots backing on to the Edward
Hunter lots 87 to 106 should have
at least 6 foot colour bond fencing
put in place so that there is no
direct access to the Edward Hunter
from these properties.

Yours faithfully

Ally & Norman Brewer.

N. Brewer



From: Robyn Long
To: Latrobe Central Email
Date: 15/08/2013 7:18:42 PM
Subject: Objection to planning permit for subdivision of Wagner's Paddock. Moe

To Latrobe City Council Planning and Permits division.

?

Please find attached my written objection to the above mentioned subdivision.

Application reference number 2013/7

?

Sincerely

Robyn Stanton-Long

15 Coalville Road

MOE 3825

?

To Latrobe City Council
PO Box 264
Morwell 3840

Robyn Stanton-Long
15 Coalville Road
Moe. 3825

14/8/2013

RE: Objection to Proposed Planning Permit Application for the Subdivision of Wagner's Paddock on Coalville Road.

I am writing to you to object to the above subdivision on the following grounds:

1. Currently Coalville Road carries most of the traffic to Moe South and Coalville. Since living on Coalville Road (10 Years) the traffic has increased to such an extent to make the road dangerous and noisy. Peak hour traffic is becoming unbearable to live with, the traffic causes problems with parking and entering and exiting our property. There will also be a bottleneck created at High St/Coalville Rd intersection and again at the roundabout on High St and Lloyd St.
Currently large trucks and a high volume of passenger vehicles use Coalville Road and this will increase by a minimum of 106 but most probably double that given that most households these days are 2 vehicle households. We are currently investigating the cost of double glazing to try to eliminate some of the noise, especially from large trucks. There is also a danger of a major accident given the poor condition of the road and the proximity of houses to the road; there is no room for error and it is only a matter of time before one of the houses is impacted by a vehicle (in the past couple of years we have seen at least three incidents of vehicles leaving the road after failing to take the bend and running into front yards/fences). We have also lost two cats to speeding vehicles (even the school bus speeds on Coalville Rd!)
2. I walk our dog in Edward Hunter Reserve and on most mornings native wildlife such as wallabies and wombats are happily going about their business. These animals use Wagner's Paddock as a corridor to the more vegetated bushland to the South, and if the proposed subdivision and subsequent development goes ahead EHHBR will be bound on all sides by residential/urban properties. Where will the animals go then? They will be trapped in EHHBR or alternatively will bound across busy roads and be killed. Eventually the animals will leave EHHBR and it will be devoid of our native fauna. What's the point of a bush reserve without the native animals?
3. We purchased this property in the belief that there would never be any development of EHHBR and that the paddock would remain rural. It would impact on our lifestyle greatly if there were another 106 residential buildings across the road! I don't believe that Coalville Road can tolerate the increase in traffic as it can't be widened and with the current development of a footpath we are losing a significant portion of the road shoulder. The only alternative to using Coalville Road is Wirraway St into Moe but this is unlikely as Coalville Rd would be the quickest way to the CBD and freeway access.
4. From a heritage point of view, EHHBR has been in existence since the 1870's. It is a unique green space and bush reserve found nowhere else in the Latrobe Valley, I do not want to see it destroyed. Surrounding it by housing estates is disgraceful and just a grab for cash. I will not support the development in any way, shape or form.

Yours sincerely
Robyn Stanton-Long
0422116309

9.4 PLANNING PERMIT APPLICATION 2013/270, USE & DEVELOPMENT OF A CONVENIENCE RESTAURANT AND WAIVER OF THE REQUIREMENT FOR END OF TRIP FACILITIES AT 1-3 STANDING DRIVE, TRARALGON

GENERAL MANAGER

Planning and Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/270 for the use and development of a convenience restaurant and waiver of the end requirement for end of trip facilities (Clause 52.34) at 1-3 Standing Drive, Traralgon East (Lot 1 1 PS 433853).

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 5: Planning for the future

Strategic Direction – Built Environment

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

Legislation

The discussions and recommendations of this report are consistent with the provisions of the Planning & Environment Act 1987 (the Act) and the Latrobe Valley Planning Scheme (the Scheme), which apply to this application.

BACKGROUND

SUMMARY

Land:	1-3 Standing Drive, Traralgon East known as L 1 PS 433853
Proponent:	McDonalds Australia Limited
Zoning:	Industrial 1 Zone
Overlay	Nil

A Planning Permit is required for use as a convenience 'restaurant' in accordance with Clause 33.01-1. In an Industrial 1 Zone, a convenience restaurant is included in the broader definition of 'food and drink premises' which is included in the nesting diagram of 'Retail Premises' under the Latrobe Planning Scheme.

A permit is also required for the construction of buildings and works in an Industrial 1 Zone.

A permit is also required to waive the end of trip facilities (ie; shower for cyclists) in accordance with Clause 52.34 of the Scheme.

PROPOSAL

The application is for use and development of the land for a convenience restaurant, waiver of the end of trip facilities as per the requirements of Clause 52.34-3, and associated works. The use and development proposes::

- The gross floor area of 415sqm that includes an internal dining area, outdoor terrace, McCafe, party room, kitchen, staff and patron amenities and a service area.
- The site layout includes the main pedestrian entrance to the restaurant which is via the terrace on the south elevation.
- The building proposes a height of 5.5 metres, with the tallest part of the building being approximately 7.5 metres which is associated with the blade sign element located in the south-eastern portion of the building.
- The restaurant proposes 137 seats as follows:
 - 87 internal seats (including Party Room);
 - 22 Playland seats;
 - 28 terrace seats.
- The building will incorporate a range of materials and finishes, including painted fibre cement sheeting, colourbond metal and timber battens.
- The convenience restaurant is proposed operate 24 hours a day, 7 days a week.

**ORDINARY COUNCIL MEETING AGENDA
10 JUNE 2014 (CM438)**

Vehicular access to the site will be via both McNairn Road and Standing Drive. The two crossovers will facilitate both ingress and egress movements. A dual drive-thru lane is proposed along the western boundary of the site, condensing to a single lane along the northern boundary.

A total of 49 car spaces (including 1 disabled space), four boat trailer/caravan spaces and one waiting bays are proposed. A loading bay of approximately 80 square metres is proposed to be located on the western side of the restaurant, between the restaurant and the drive-thru lane. The loading area has been designed to accommodate the ingress and egress movements associated with a 14 metre semi-trailer.

The plans indicate the provision of two bicycle spaces on the site for use by patrons, with a corral providing adequate space for six bicycle spaces for restaurant staff.

A proposed landscaping treatment has also been provided.

A planning permit has been approved under planning permit 2013/269 for ancillary business identification signage.

Refer Attachment 1 for a copy of the proposed plans

Subject Land:

The site is located on the southeast corner of Princes Highway (also known as Argyle Street), and is bounded by McNairn Street to the west and Standing Drive to the south (Attachment 2). The site has an area of approximately 4,300 square metres and is currently occupied by a disused building which contains an office with associated warehouse and storage facilities.

The site has three separate vehicular access points: two from McNairn Road and one from Standing Drive. The existing building contains limited activated elements, with the office building's western façade (which presents to McNairn Road) containing the most amount of glazing.

There is a large amount of hardstand on the site which is set aside for car parking. Landscaping on the site is primarily limited to a grassed area adjacent to the intersection of Princes Highway and McNairn Road and two canopy trees. These trees are not indigenous to the area and do not trigger the requirements of the Planning Scheme for removal.

Surrounding Land Use:

The subject site has only one interface with another property to the east boundary at 5 Standing Drive. This property is used as a car importation business (America) that sells to the general public. The business also sells car parts and accessories.

The neighbouring building is setback approximately 16 - 20 metres from the common boundary with the subject site with a 20 metre setback to Princes Highway.

The area between the building and the common boundary with the subject site is paved and is used as a car parking area.

A 10 metre wide plantation reserve abuts the site's northern boundary. Further north of the plantation reserve is the Princes Highway. The plantation reserve is grassed and accommodates a scattering of canopy trees extending from out the front of 5 Standing Drive to the east where a roundabout is located at the intersection of Princes Highway and Rocla Road.

There are no pedestrian footpaths in the immediate area. As such, the various land uses rely upon their patrons to undertake car based trips when visiting their respective sites.

The built form in the surrounding area makes little contribution to the activation of the public realm through with features such as glazing, siting of buildings within proximity to the public realm or by accommodating meaningful landscaping.

Refer to the Existing Conditions Plan in Attachment 3

HISTORY OF THE APPLICATION

The history of the application is set out in Attachment 4.

The application has been previously considered at the council meeting of 19 May 2014, the following motion was adopted by Council:

That this matter be deferred until the Ordinary Council Meeting on Tuesday 10 June 2014.

The application is now presented to Council for decision.

LATROBE PLANNING SCHEME

The provisions of the Scheme that are relevant to the subject application are included in Attachment 5.

ISSUES

ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The proposal has been considered against the relevant clauses under the State and Local Planning Policy Framework.

Within the State Planning Policy Framework, the following Clauses are relevant for this application:

Clause 11.02 –Urban Growth

Clause 11.02-1 *Supply of Urban Land* outlines that sufficient supply of land must be provided residential, commercial, retail, industrial, recreational, institutional and other community uses.

The specific proposal is identified as a use of land for a Convenience Restaurant. The subject site is zoned for industrial purposes.

The applicant has provided significant justification in their original report in relation to the merits of the proposal and has also provided details of the location of other McDonalds applications

It is noted that the proposed use is a 'discretionary use' in an Industrial 1 Zone. Therefore it is considered given the mix of uses in the area, that the use of the site for a convenience restaurant would complement its location in an industrial area where a number of its customers will be sourced.

The proposal will make better use of an underutilised site that has existing available infrastructure connections, as required by Clause 11. As such, the proposed development takes full advantage of existing settlement patterns and does not place undue pressure on sensitive areas or sites.

Clause 17.01 – Commercial

The objective of Clause 17.01-1 Business is "to encourage development which meet 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".

Clause 17.02-1 Industrial Land Development requires land to be available for industry. Non-industrial uses which would prejudice the availability of land for future industrial requirements should be avoided in identified industrial areas.

Although not an industrial use, the McDonalds restaurant will provide a service to not only the surrounding businesses but also for passing motorists along the Princes Highway.

Furthermore, the mix and variety uses of the area, many of which are not considered industrial uses, means that the character of business activity in the area is already mixed in nature and is not dominated completely by industrial uses.

Clause 18.02- Land Use & Transport Planning

Clause 18.01-1 has the objective "to create a safe and sustainable transport system by integrating land use and transport." The proposal is supportive of this policy. The site has frontage to, and obtain access from, both Standing Drive and McNairn Road which has access onto Princes Highway, one of the major transport corridors through Traralgon, maximising access to the Traralgon community.

VicRoads have raised concerns about the lack of a right hand turn from exiting vehicles from McNairn Road and this may result in drivers taking undue risks when turning right to go east along the highway.

A traffic report was submitted with the application which has resulted in no objection or request for further information from either VicRoads or Council engineers. It is noted that Council has no mechanism in this case to request to provide a right hand turn lane when all available information and assessment submitted states there will be no undue stress on the junction as a result of the proposal.

It is further noted that as a result of discussions with the applicant, the proposed convenience restaurant will have a connection to a pedestrian

crossing at the junction of McNairn Road and the Princes Highway which will be integrated with the cycle lane along the highway.

It is considered that provided suitable conditions attached to any issue of a permit, access issues can be satisfactorily addressed based on the provisions within the planning scheme.

Clause 21.05 – Main Towns

At Clause 21.05-6 — Specific Main Town Strategies — Traralgon, it is policy with regard to commercial to:

- *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 Restricted Retailing to locate within Argyle Street and Princes Highway and Stammers Road (Area 14).*

The Traralgon Structure Plan identifies that the subject site is within an existing industrial area.

It is considered that the general intent of the structure plan is that any lots that have frontage onto Argyle Street are covered by the above three points. It is noted that technically a municipal reserve abuts the subject site to the north which is adjacent to the Princes Highway.

The objectives of the structure plan encourage retail development, as well as other forms of development, along Argyle Street and the Princes Highway. Therefore, there is a general encouragement for mixed use activities within the area abutting the highway which is consistent with the development that has occurred in the surrounding area. It is considered that the development could not be considered significant as it is just over 400m² in floor area and it will not detract from the Primary Activity Centre of Traralgon.

Clause 21.07 – Economic Sustainability:

Clause 21.07-6 *Retailing Overview* acknowledges that Council's preferred position is to retain and support existing neighbourhood and primary activity centres and that no new centres should be supported unless adequate justification is provided.

It is submitted the inclusion of a convenience restaurant will not create a new town centre or detract from the existing Traralgon Activity Centre (TAC) and therefore is in accordance with Council's Statement. The surrounding area will remain an industrial precinct, with this use (permitted under the zone) providing additional dining options in the immediate area. Given the lack of strategic guidance, especially at a Local Planning Policy level, there will be a lack of justification not to support a modest floor area retailing on the vacant subject site that is not considered significant enough to have an adverse impact on the existing TAC.

Industrial 1 Zone

The purpose of the Industrial 1 Zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

The following has been considered in the assessment against the Industrial 1 Zone considerations:

- Overall the proposal is considered generally consistent with the State and Local Planning Policy Framework;
- The proposal does not affect the safety and amenity of local residential communities. Even in an Industrial 1 Zone an industrial use has the potential to cause off-site amenity effects. However, the proposed convenience restaurant is relatively remote to the closest residential zone and suitable conditions will be attached to any issue of a permit.
- Council has allowed development to occur within the Industrial 1 Zone on either side of the Princes Highway to allow a mix of “employment” type uses, e.g. restricted retail, industrial, trade supplies, restricted recreational facilities, etc. to establish within the wider area.
- A traffic report has been provided which details the existing road infrastructure is satisfactory. This been assessed by the Engineering department and VicRoads and although comments have been provided in relation to the lack of a right hand turn lane exiting McNairn Road, Council have no mechanism to secure the upgrade of the junction to include a right hand turn based on this proposal alone.
- A suitable landscaping treatment will be provided within the site area

It is considered the proposal is generally consistent with purpose and decision guidelines of the zone.

Particular Provisions:

Clause 52.06 Car Parking

The table to Clause 52.06-5 requires 0.3 spaces per patron to be set aside for a convenience restaurant. The application proposes a total of 137 seats and there is a statutory requirement of 45 car spaces.

A total of 49 car parking spaces and 4 boat/trailer/caravan spaces have been provided on site which is in excess of the statutory requirements.

The Transport Impact Assessment submitted with the application provides an assessment of proposed parking adequacy and layout for the site.

It is considered that the car parking provision proposed exceeds the requirements of Clause 52.06 of the Scheme.

52.07 Loading and Unloading of vehicles

**ORDINARY COUNCIL MEETING AGENDA
10 JUNE 2014 (CM438)**

An external loading bay is proposed to be located to the immediate west of the proposed building and will be in excess of 80m². The dimensions of the loading bay exceed the requirements of this clause and are therefore satisfactory.

Clause 52.34 Bicycle Facilities

Clause 52.34-1 states that a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

Clause 52.34-3 requires the following bicycle facilities to be provided for a retail premises at the following rates:

- 1 space to each 25 sq m available to the public for employees
- 2 spaces for visitors/patrons

The submitted plans indicate the provision of 2 visitor/customer spaces adjacent to the terrace area. The plans also propose secure employee bicycle parking area within the "corral area" for 6 bicycles. Although this does not strictly address design standards of Clause 52.34-3, it is considered that it generally addresses the intent of the clause.

Application of the above rates to the statutory employee bicycle parking generates a requirement of one change room/shower. This has not been shown on the plans. Whilst there are areas within the building provided for male and female changing room facilities, no provision has been made for a shower. Therefore, application is made to vary the requirement for the provision of shower facility.

The Traffic Impact Report has stated that no shower facility is required as the age group of the target workforce will reside within close proximity to the subject site, works periods are generally shorter than office working days and there are examples of the non provision of these facilities in other McDonalds restaurants.

It is considered that sufficient justification has been provided and the proposal is consistent with Clause 52.34.

Decision Guidelines (Clause 65):

The appropriate guidelines have been considered in the above discussion.

Incorporated Documents (Clause 81):

The incorporated documents that relate to the consideration of this application are:

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004.
- Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95).

The application is not considered to be fully consistent with the provisions of these documents and amended plans are required to be submitted to show their compliance.

Other Issues for Consideration**Vic Roads Comments**

The application was referred to VicRoads for their comment, considering the proximity of the site to a road (Argyle Street/Princes Highway) and intersection which are under their control.

Vic Roads did not object or request further information in relation to the proposal.

VicRoads supplied some comments in relation to road traffic safety issues that may occur as a result of the proposal. These relate to the absence of a right-hand turning lane at the McNairn Road (northbound) /Argyle Street intersection. VicRoads was concerned that the proposal may result in an increased level of traffic wishing to turn right from McNairn Road into Argyle Street. This could then result in drivers taking greater risks when making this movement.

However, it is considered that if this became an issue, it is a VicRoads matter as it relates to an intersection under VicRoads control. Furthermore, if VicRoads had considered this to be an issue of such importance, they could have requested the Traffic Assessment to address this aspect. As noted above, VicRoads raised no objection or request for further information.

Healthy Community Concerns:

- The safety of customers frequenting the business and health considerations in relation to the assessment of the proposal.

Officer Comment:

In response to concerns raised by Council officers, the applicant has indicated a preparedness to provide a connection from the subject site along the eastern side of McNairn Road to facilitate a pedestrian connection to the existing pedestrian crossing at the junction of McNairn Road and the Princes Highway

In relation to the safety of patrons entering and exiting the site, street lighting is already provided along this segment and lighting on site and around the perimeter can be addressed by permit condition. It is considered that the proposal will activate the area, increase levels of passive surveillance, and as a result, improve safety levels in this area.

It is noted that concerns have also been raised in relation to health issues related to the use of the land for a "convenience restaurant".

It should be noted that this application is for a convenience restaurant. No consideration can be given to the proponent of the restaurant as planning relates to the use of land, not the operator of a particular use.

Furthermore, the current proponent may, at some stage, transfer the land to another convenience restaurant operator without the need to gain planning permission to do so and the permit runs with the land, not the owner/operator. It is therefore inappropriate to have any regard to the current proponent.

SUBMISSIONS

As a result of the notification process, the application received one (Attachment 6). The issues raised in the objection are as follows:

1. Lack of bicycle facilities

Officer Comment

The applicant has provided suitable parking for bicycle facilities based on the provisions of Clause 52.34 Bicycle Facilities. It is noted that the end of trip facilities (1 shower) has not been provided and it has been requested to be waived. The applicant has submitted sufficient justification to waive this requirement.

2. Possible damage on high value products

Officer Comment

The objector's abutting property to the east is used as an industrial workshop for high value American import trucks and associated activities. It is generally considered that a patron management plan, including security personnel (as required), complaints register, CCTV camera and effective perimeter lighting will address concerns in relation to potential vandalism on the neighbouring property.

3. Highway exposure could be limited

Officer Comment

Concerns were raised regarding the impact of the use and development on the abutting businesses. The proposed development is single storey in size, is setback from the title boundary by approximately 6m and a further setback to Princes Highway is created by the plantation reserve (ie; 10 metres). It is considered the siting of the restaurant complies with the relevant requirements of the Planning Scheme. It is recommended that a condition be included on any permit issued for the removal of the proposed tree along the east boundary to address the objector's concerns. It is considered that this measure will remove a proposed future visual obstruction to the existing signage on the perimeter fence

4. Waste management

Officer Comment

Rubbish and waste on the subject site can be managed through a waste management plan being required as condition of any permit issued.

5. Increased traffic movement and parking of additional vehicles along Standing Drive

Officer Comment

The development proposes two dedicated entries onto McNairn Road and Standing Drive and an oversupply of car parking is provided. A detailed car park plan and traffic report has been submitted in support of this proposal. Any illegal car parking on Standing Drive is an enforcement matter that is outside the realm of planning.

6. Potential odour impacting the amenity of customers and employees

Officer Comment

A standard condition in relation to the control of can be placed on any issue of permit. Any restaurant will require health and building permits to ensure no unreasonable amenity impacts to adjoining properties. During these approval processes, matters such as exhausting of odours are addressed to ensure compliance with the relevant regulations.

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 the following Sections of the Planning and Environment Act 1987 (the Act):

- S. 52(1)(a): to adjoining property owners and occupiers;
- S. 52(1)(d): by publishing two notice in the Latrobe Valley Express;
- S. 52(1)(d): by displaying a sign on the subject land for 14 days

Notice of the application was also given pursuant to Section 52(1)(d) to VicRoads.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, 2 submissions in the form of objections was received.

Council officers have met and discussed the grounds of objection with one of the two objectors (one un-contactable) including potential permit conditions that could address the objector concerns. No withdrawal of objections was forthcoming.

A copy of the outstanding submissions can be found at Attachment 5.

External:

The application was referred under Section 52 of the Act to the following authority:

- Vic Roads

Vic Roads have consented to the granting of a permit.

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

Internal:

Internal officer comments were sought from the Council's Infrastructure Team, Engineering Team, Environment Team, Community Health and Strategic Team.

All the relevant Council's internal departments gave consent to the granting of a permit in relation to their expertise with the exception of Community Health (refer to comments under 'Other Issues for Consideration')

OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Planning Permit; or
2. Issue a Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

CONCLUSION

The application has been previously considered at the Ordinary Council meeting of 19 May 2014, with the decision to defer the application until the Ordinary Council Meeting on 10 June 2014. The application is presented to Council for decision.

It is considered that this proposal is generally consistent with the Latrobe Planning Scheme and is appropriate for the site and surrounds. It is recommended that a planning permit be issued subject to appropriate conditions, including a Patron Management Plan, Litter Management Plan and construction of a vehicle crossing within the car park area that complies with Vic Road requirements.

Attachments

1. Attachment 1 Proposed Plans
2. Attachment 2 Site Context Map
3. Attachment 3 Existing Conditions Plan
4. Attachment 4 History of Application
5. Attachment 5 Planning Scheme Provisions
6. Attachment 6 Objection

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit, for the use and development of a convenience restaurant and waiver of the requirement for end of trip facilities (Clause 52.34) at 1-3 Standing Drive, TRARALGON EAST, L 1 PS 433853, with the following conditions:

1. Amended Plans

Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:

- a) Deletion of the proposed pedestrian crossing within the car park and replacement with a pedestrian crossing point.
- b) The car parking layout must be amended to show all parking and loading areas and access lanes constructed with an all-weather sealed surface.
- c) Show redundant vehicle crossings that must be removed and kerb and channel, footpath and nature strip to be reinstated.
- d) Provide a 1.5 metre wide footpath from the traffic lights at the intersection of McNairn Road and Princes Highway to provide safe pedestrian access to the development.
- e) Removal of the Eucalyptus Radiata in the north east corner of the landscape concept plan.
- f) Any other necessitated changes to plans as a result of these amendments.

Detail of the proposed lighting along the western and northern boundaries.

Standard Conditions

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
3. 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.
4. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority

5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. 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.
8. Before the development starts a Construction Management Plan must be submitted and approved detailing the construction activity proposed. The plans must include, but not limited to:
 - (a) The method for storage of material.
 - (b) Hours of operation.
 - (c) Dust management.
 - (d) Parking and traffic movement of all workers vehicles and construction vehicles.
 - (e) Works timetable.
 - (f) Any impacts upon adjacent roads and pedestrian walkways and providing for adequate movement and circulation of vehicles and pedestrians adjacent to the site during the construction phase.
 - (g) Access routes for construction vehicles.
 - (h) Proposed parking locations for construction vehicles and construction workers' vehicles.
 - (i) Temporary fencing works.
 - (j) Number of workers expected to work on the site at any time.
 - (k) Methods of limiting escape of dust and litter from the site
9. Except with the written consent of the Responsible Authority, the maximum number of patrons allowed on the premises is 137 patrons.
10. Before the occupation of the development starts, a Patron Management Plan prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following:
 - (a) The area to be covered by the Patron Management Plan.
 - (b) A manager to be on the premises at all times.
 - (c) The maintenance of a complaints register.
 - (d) The publication of a complaints telephone number and email address to adjoining and nearby properties.
 - (e) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, or an 'authorised officer' of Council.
 - (f) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner including car park patrols and security as

required.

(g) The operators of the convenience restaurant must undertake a daily patrol to keep the site and surrounding road reserve areas within 200 metres of the site free from rubbish resulting from the use of the site, to the satisfaction of the Responsible Authority.

(h) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the site.

(i) Staff be authorised to make statements at any time on their own behalf to any officer of the Responsible Authority and/or to take action on behalf of the operator in accordance with a lawful direction by such officer.

(j) Information regarding the provision of CCTV cameras as part of the development proposal

11. Before the occupation of the development starts, a Litter Management Plan prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must show:
 - (a) the location of all rubbish bins within the site accessible to the public.
 - (b) signage within the restaurant and adjacent to the drive through food collection booths encouraging patrons to not litter public areas and road/footpath areas.
 - (c) the conduct of a litter patrol to be undertaken on each day that the premises are open for trading to the public within a 200 metre radius of the site to the satisfaction of the responsible authority to collect and dispose of any litter emanating from the site.
12. All wastewater shall be treated and disposed of to the reticulated sewer to the satisfaction of the Responsible Authority
13. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters may be discharged into a sewer or stormwater drainage system
14. The odour filters and kitchen exhaust system must be installed and maintained to the satisfaction of the Responsible Authority so as to prevent any odour nuisance beyond the site.
15. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.

Engineering Conditions

16. Before works commence on the development hereby permitted, a site drainage plan including levels or contours of the land and all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The drainage plan must be prepared in

accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:

- a. How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
 - b. An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system by the existing underground drainage property connection. No new connection to Latrobe City Council's stormwater drainage system or kerb and channel is permitted.
17. Prior to the commencement of any works hereby permitted, the operator of this permit shall
- a. Arrange the removal of the street tree (including the stump) at 1-3 Standing Drive, Traralgon East by a tree contractor approved by the Responsible Authority. Seven (7) days notification must be given to Latrobe City Council's Supervisor Arborist before the commencement of any tree removal works.
 - b. Pay \$180 to Latrobe City Council for the planting of an appropriate replacement street tree.
18. Before the use commences of the building/development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken
- a. All drainage systems must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
 - b. The existing southern vehicle crossing on McNairn Road 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 307.
 - c. All proposed new 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, footpath and naturestrip reinstated.
 - e. 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

19. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.

20. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

21. All external lighting of the site, including car parking areas and buildings, must be located, directed, baffled and shielded and of such limited intensity so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

22. The area set aside for the loading and unloading of vehicles must not be used for any other purpose.

Expiry Condition

23. 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 six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Note 1

This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 2

Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any

proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Note 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.

Note 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.

Note 5

In accordance with the requirements of the Road Safety (Traffic Management) Regulations, a responsible entity for a road or road-related area (as defined in the Road Safety Act) may install Major Traffic Control Devices on the road or road-related area only with the authority of VicRoads.

Note 6

Please contact Gippsland Water to discuss whether the proposed development requires a Trade Waste Agreement for the business operation planned for this site.

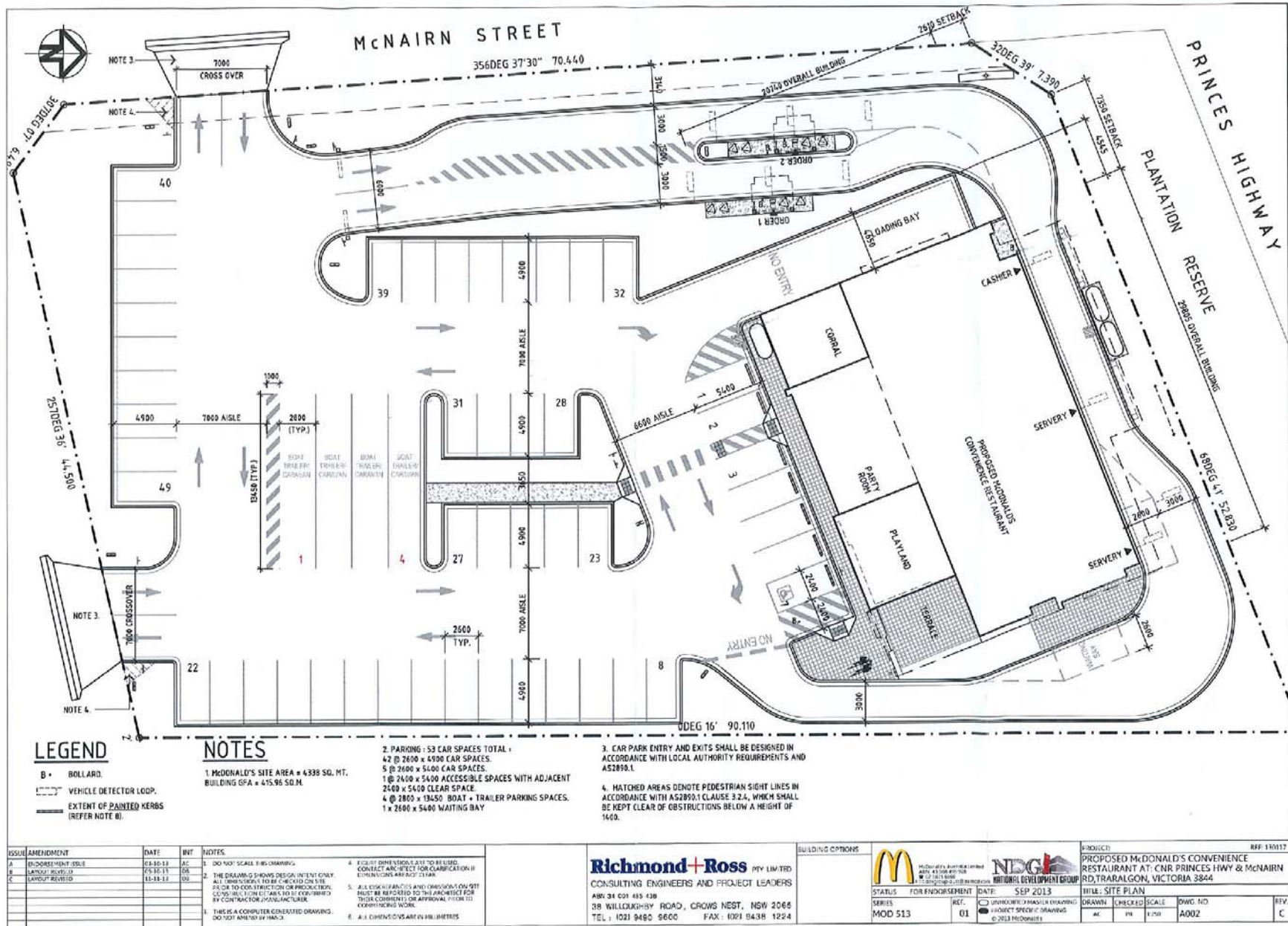
Note 7

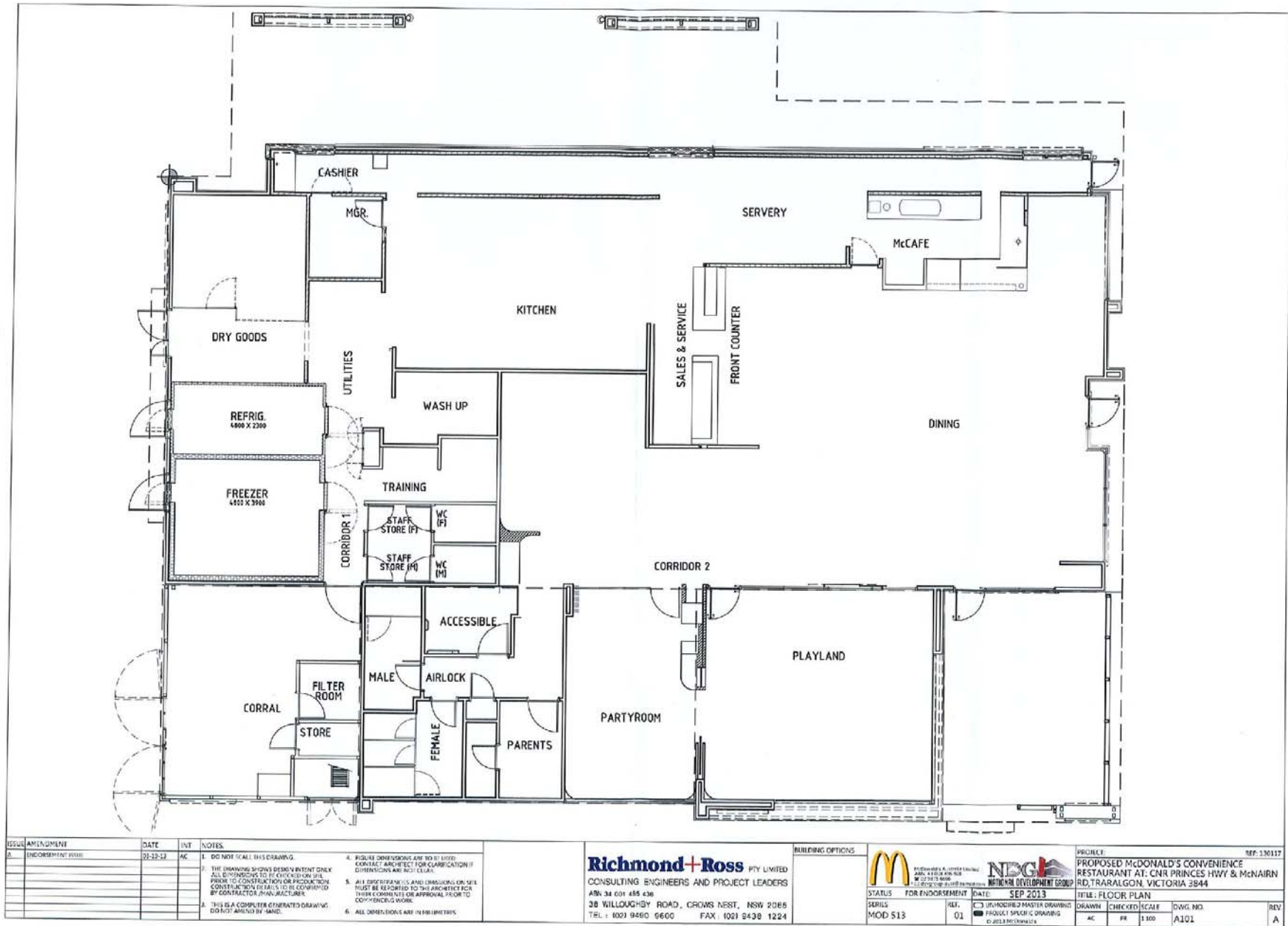
The serving of any food or beverage on the land requires registration under the Food Act 1984 prior to commencement of operation. It is recommended that you contact Council's Environmental Health Officer prior to starting any works

9.4

Planning Permit Application 2013/270, Use & Development of a Convenience Restaurant and Waiver of the Requirement for end of Trip Facilities at 1-3 Standing Drive, Traralgon

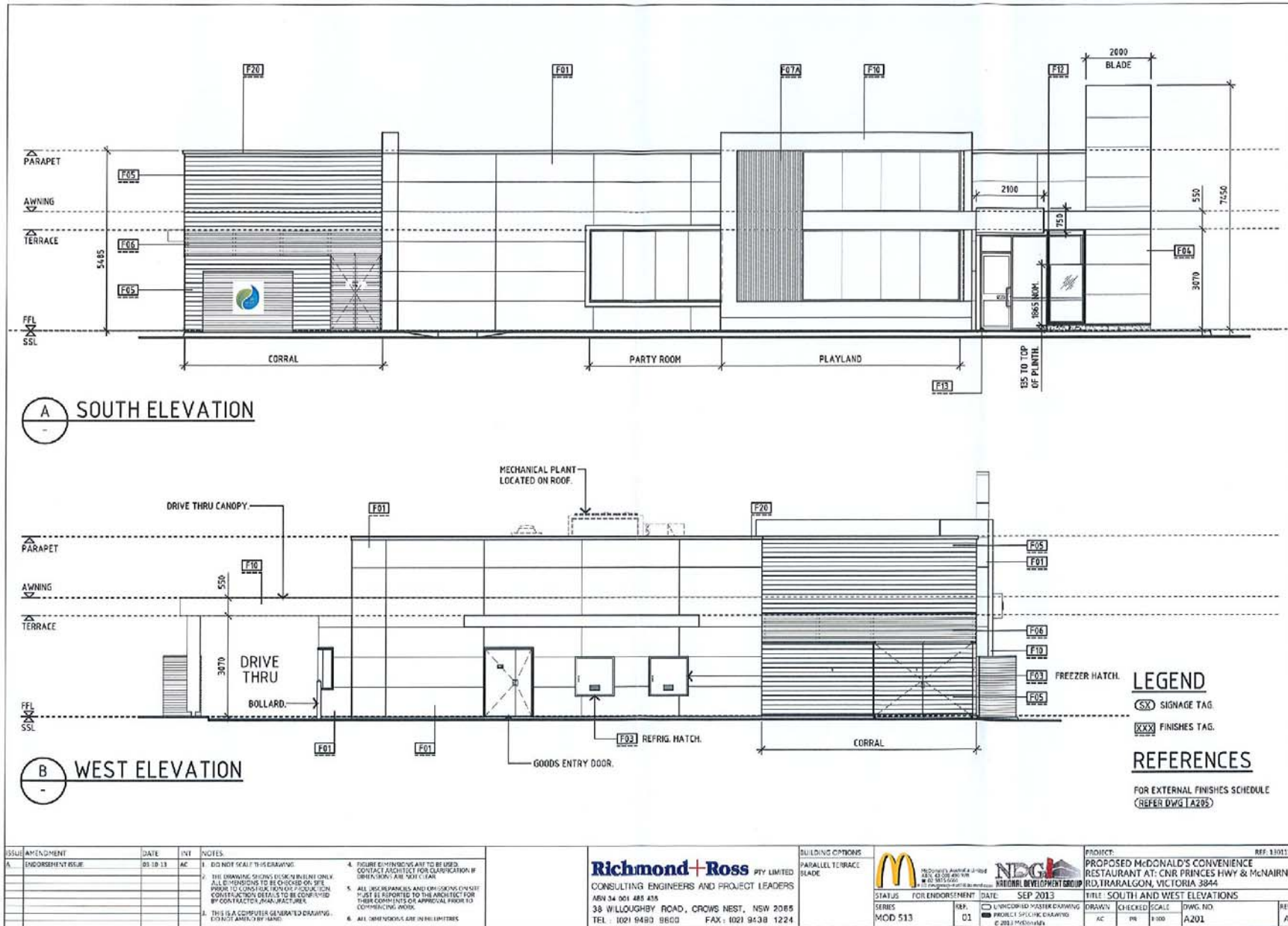
1	Attachment 1 Proposed Plans	247
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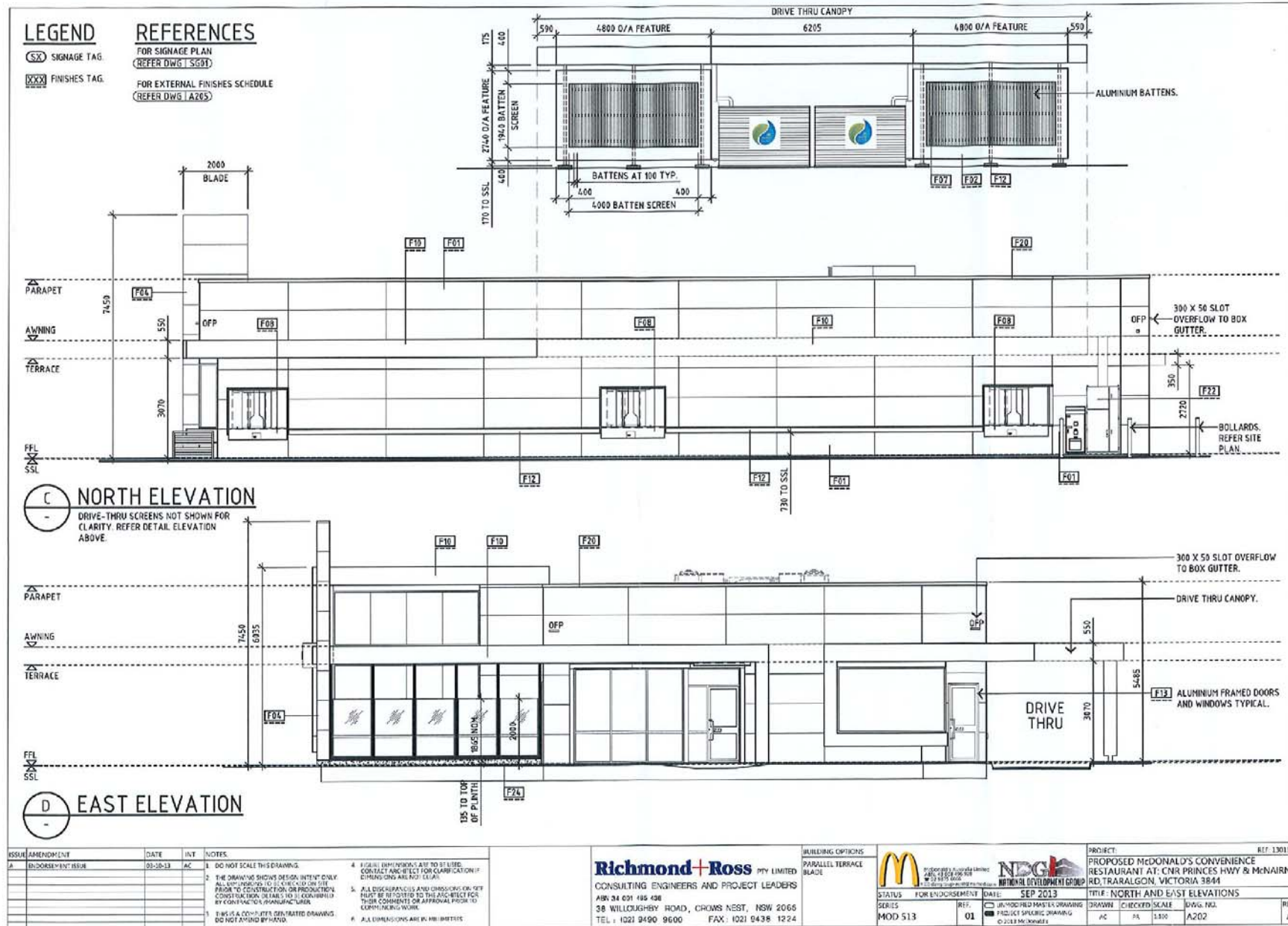




ISSUE/AMENDMENT	DATE	INT	NOTES
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			4. ALL DIMENSIONS ARE IN MILLIMETERS. 5. ALL DIMENSIONS ARE TO BE USED TO CONTACT ARCHITECT FOR CLARIFICATION IF DIMENSIONS ARE NOT CLEAR. 6. ALL DIMENSIONS ARE TO BE USED TO CONTACT ARCHITECT FOR CLARIFICATION IF DIMENSIONS ARE NOT CLEAR. 7. ALL DIMENSIONS ARE TO BE USED TO CONTACT ARCHITECT FOR CLARIFICATION IF DIMENSIONS ARE NOT CLEAR. 8. ALL DIMENSIONS ARE TO BE USED TO CONTACT ARCHITECT FOR CLARIFICATION IF DIMENSIONS ARE NOT CLEAR.

Richmond + Ross PTY LIMITED CONSULTING ENGINEERS AND PROJECT LEADERS 38 WILLOUGHBY ROAD, CROWS NEST, NSW 2066 TEL: (002) 9490 9600 FAX: (002) 9430 1224		BUILDING OPTIONS STATUS: FOR ENDORSEMENT DATE: SEP 2013 SERIES: MOD 513 REF: 01 <input type="checkbox"/> UNMODIFIED MASTER DRAWING <input checked="" type="checkbox"/> PROJECT SPECIFIC DRAWING	PROJECT: PROPOSED McDONALD'S CONVENIENCE RESTAURANT AT CAR PRINCES HWY & McNAIRN RD, TRARALGON, VICTORIA 3844 REF: 130117 TITLE: FLOOR PLAN DRAWN: AC CHECKED: PR SCALE: 1:100 DWG. NO: A101 REV: A
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TAG	AREA	DESCRIPTION
F01	MAIN BUILDING WALLS, DRIVE THRU WALLS (REFER ELEVATION FOR EXTENT OF ALT. COLOUR) AND PLAYLAND END WALL.	COMPRESSED FIBRE CEMENT WITH APPLIED FINISH.
F02	DRIVE THRU FEATURE/SCREEN WALL.	PAINTED FIBRE CEMENT SHEETING.
F03	GOODS ENTRY DOOR AND FREEZER HATCH.	METAL LINED SOLID CORE DOOR WITH PAINT FINISH.
F04	TERRACE BLADE WALLS.	PAINTED FIBRE CEMENT SHEETING.
F05	CORRAL WALLS/GATES.	
F06	CORRAL WALL BATTENS AND C02 / HELIUM ENCLOSURE DOORS.	ALUMINIUM.
F07	MAIN BUILDING WALLS.	ALUMINIUM BATTENS
F07A	PLAYLAND BATTEN SCREENS.	BIOWOOD BATTENS.
F08	DRIVE THRU BOOTH BENCH TOP/TURN DOWN AND WINDOW TRIM.	STONE.
F10	TERRACE, DINING ROOM AND PLAYLAND CANOPY FASCIAS. DINING ROOM AND PARTY ROOM WINDOW REVEALS.	COMPRESSED FIBRE CEMENT.
F11	TERRACE, PLAYLAND, GOODS ENTRY DOOR AND DRIVE THRU CANOPIES PERIMETER SOFFIT AND BULKHEAD LINING.	PAINTED FIBRE CEMENT SHEETING.
F12	TERRACE, PLAYLAND AND DRIVE THRU CANOPY EXPOSED STEELWORK.	STEEL FRAMING TO STRUCTURAL ENGINEER'S DETAIL.
F13	ALUMINIUM WINDOW AND DOOR FRAMES.	PREFABRICATED ALUMINIUM FRAMING.
F20	MAIN BUILDING PARAPET CAPPING, DOWNPIPES AND OVERFLOW PIPES. CORRAL PARAPET CAPPING.	COLORBOND FINISH FOLDED METAL.
F21	MAIN BUILDING ROOF CLADDING AND INTERNAL PARAPET WALL CLADDING. PARTY ROOM AND CORRAL ROOF.	ZINCALUME FINISH METAL ROOFING.
F22	METERING CUBICLE & POWER FACTOR CORRECTION CUBICLE.	COLORBOND FINISH FOLDED METAL.
F24	TERRACE PLINTH.	PAINTED REINFORCED CONCRETE.

REFERENCES
FOR BUILDING ELEVATIONS
(REFER DWG TA201)
(REFER DWG TA202)

ISSUE	AMENDMENT	DATE	BY	NOTES
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BUILDING OPTIONS



McDonald's Australia Limited
200-2100 Pitt St
W 20 00 00 00
111-111-1111-1111-1111

NDGI
NATIONAL DEVELOPMENT GROUP

STATUS: FOR ENDORSEMENT DATE: SEP 2013

SERIES: MOD 513 REF: 01

UNMODIFIED MASTER DRAWING
 PROJECT SPECIFIC DRAWING

PROJECT: PROPOSED McDONALD'S CONVENIENCE RESTAURANT AT: CNR PRINCES HWY & MCNAIRN RD, TRARALGON, VICTORIA 3844

REF: 230117

TITLE: EXTERNAL FINISHES SCHEDULE

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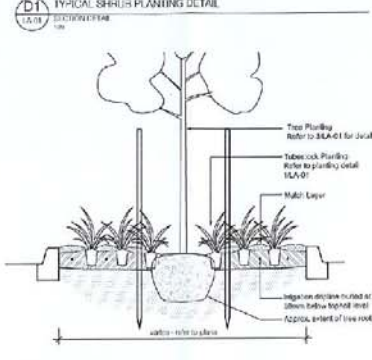
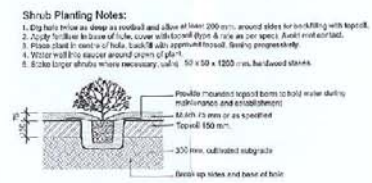




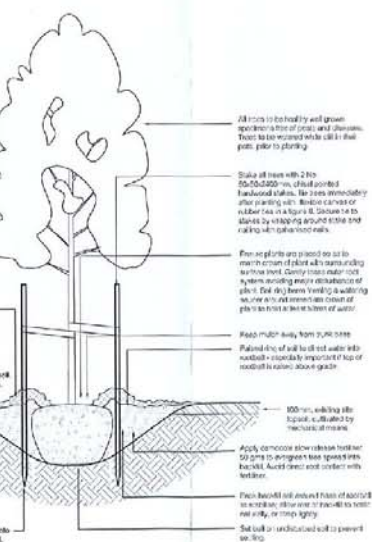


Code	Botanical Name	Common name	Pot size/Installation Height	Size at maturity (HxW)	Density	Qty
Trees						
E1	<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint	Advanced, 45 L1/3m	12 x 7m	as shown	7
L1	<i>Lagerstromia indica</i> s.l. <i>fauciflora</i> Zucc	Copa Myrtle calliary	Advanced, 45 L1/3m	3 x 3m	as shown	1
M1	<i>Melia azadirachta</i> var. <i>australis</i> (L.)	White Cedar	Advanced, 45 L1/3m	10 x 7m	as shown	3
P1	<i>Pyrus colonnata</i> 'Edgwood'	Edgewood Ornamental Pear	Advanced, 45 L1/3m	8 x 6m	as shown	5
TOTAL NUMBER OF TREES						16
Large Shrubs						
D1	<i>Dankalia marginata</i>	Silver Manrovia	15 L1/1.5m	2 x 2m	as shown	3
P1	<i>Palissotium tenuicaule</i> 'LimeLight'	LimeLight Kobuki	10 L1/1.5m	4 x 2m	as shown	8
S1	<i>Syzygium luehmannii</i>	Small Leaf Lilly Pilly	Advanced, 45 L1/2m	slipped to 2m high	as shown	25
TOTAL NUMBER OF LARGE SHRUBS						34
Small Shrubs and Tufting Plants to be selected from:						
<i>Agave attenuata</i>	Agave	330mm	1 x 1m	1m ²		
<i>Banksia stenocoma</i> 'Birchby Candles'	Dwarf Banksia	200mm	0.6 x 1m	1m ²		
<i>Chrysanthemum</i>	Mexican Orange Blossom	200mm	1 x 1m (slipped)	1m ²		
<i>Canina reflexa</i>	Ornamental Canina	150mm	1 x 1m	1m ²		
<i>Diarrhiza 'Little Joss'</i>	Black Anther Flax Lily	150mm	0.4 x 0.4m	3m ²		
<i>Dialia eborac</i>	African Iris	150mm	0.8 x 1m	3m ²		
<i>Lamnaria 'Katherine Deane'</i>	Katherine Spine Rush	150mm	0.7 x 0.7m	3m ²		
<i>Ozotamnias rotundifolius</i>	Hoosierary Everlasting	150mm	1 x 1m	2m ²		
<i>Pycnanthemum sp.</i>	New Zealand Flax	150mm	1 x 1m	1m ²		
<i>Poa montana</i>	Gold Tussock Grass	150mm	0.4 x 0.4m	1m ²		
<i>Syntherisma reginae</i>	Bird Of Paradise	200mm	1 x 1m	2m ²		
Ground Covers and Climbers to be selected from:						
<i>Chrysanthemum apiculatum</i>	Common Everlasting	150mm	0.3 x 0.5m	3m ²		
<i>Chromola coccinea</i> 'Paniculata'	Firewheel Groundcover	150mm	0.3 x 1.5m	1m ²		
<i>Myoporum parvifolium</i>	Creeping Goodenia	150mm	0.3 x 1.5m	1m ²		
<i>Trachelium perenne</i> 'JasmineIce'	Cherry Star Jasmine	150mm	slipping	1m ²		

Note: advanced trees min 3m tall with 40mm caliper



D2 TREE PLANTING IN GARDEN BED DETAIL



D3 TYPICAL TREE PLANTING DETAIL

D4 TIMBER EDGE DETAIL

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NOT FOR CONSTRUCTION

PROJECT: McDonald's Traralgon East
Cnr McNairst Rd & Princes Highway
Traralgon East VIC 3844

CLIENT: McDonald's Australia Pty Ltd

CONCEPT TITLE: Landscape Concept Plan

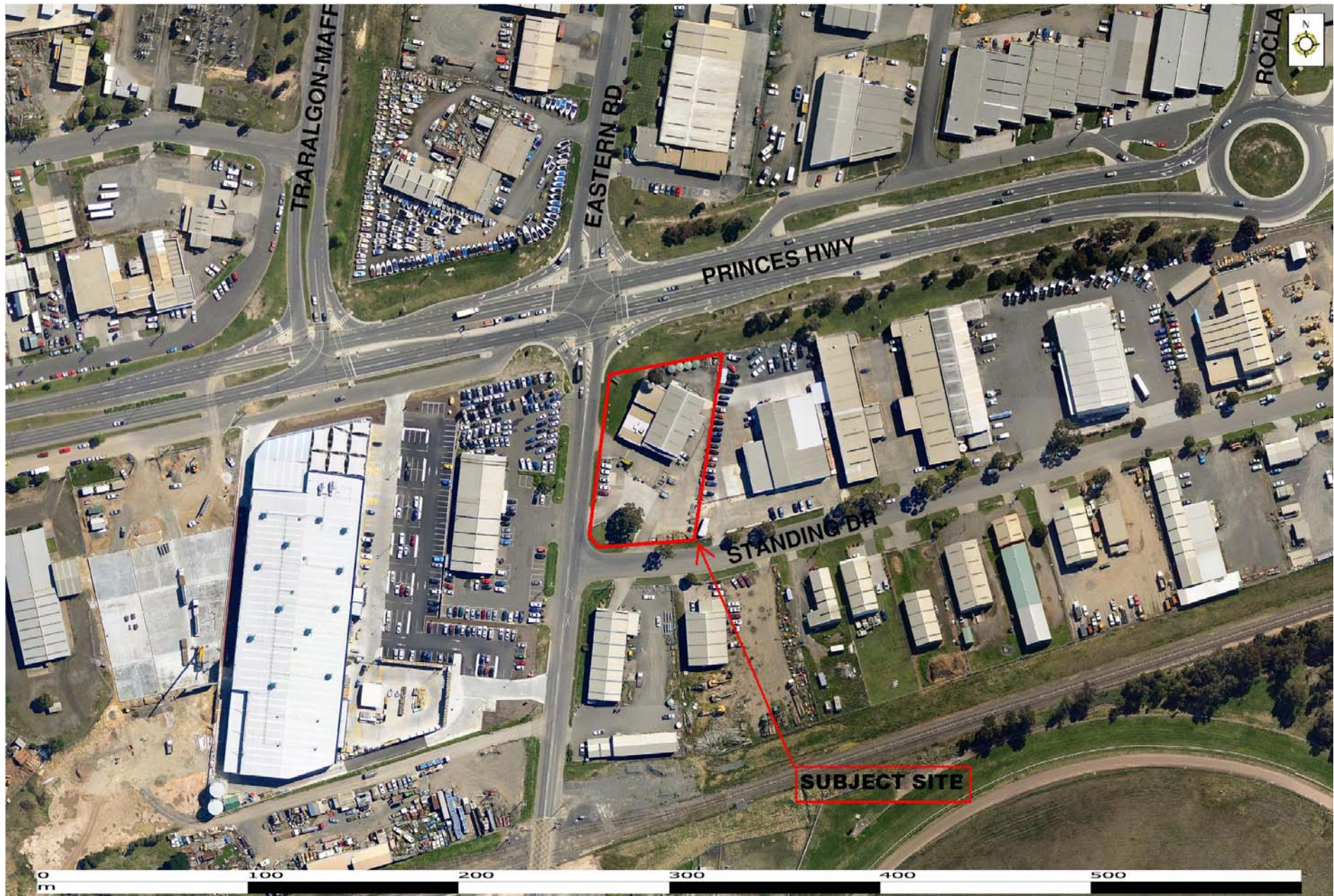
PROJEC/NO: MD3317 | DRAWING NO: LA01 | REVISION: A

DATE: 1:000 GP A1 | 1:400 GP A3

SCALE: 0 2 4 6 8 10m

urbis

1-3 Standing Drive, TRARALGON EAST



History of Application

26 November 2013	Application received
13 December 2013	Application referred internally to Health & Strategic Planning
16 December 2013	Applicant advised to give notification of the application Application referred internally to Engineering Application referred under Section 52 to Vic Roads
30 January 2014	Objection received.
20 February 2014	All external and internal referral responses received
March 2014	Officers conduct discussions with the applicant and objector in order to resolve the issues raised.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 13.04-1 Noise abatement
Clause 13.04-2 Air quality
Clause 17.02 Industry
Clause 17.02-1 Industrial land development
Clause 17.02-2 Design of industrial development

Local Planning Policy Framework

Clause 21.03-2 Environmental Sustainability Overview
Clause 21.05-6 Specific Main Town Strategies - Traralgon
Clause 21.07 Economic Sustainability
Clause 21.07-7 Industry Overview

Zoning – Industrial 1 Zone

The subject land is located within the Industrial 1 Zone at Clause 33.01.

Overlay

None

Particular Provisions

Clause 52.06 Car Parking
Clause 52.07 Loading and Unloading of Vehicles

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no relevant Incorporated Documents



PTY. LTD.
 ABN 49 076 433 648
 LMCT 9721

Date 28/1/2014

Latrobe City Council

Po Box 264

Morwell

Vic 3840

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
30 JAN 2014	
R/O	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Planning Application 2013/270 Objection

To whom it may concern,

I have been notified of the proposal to establish a convenience restaurant at the property located at 1-3 Standing Drive Traralgon namely McDonalds Australia Limited.

I would like to place a formal objection on file based on the following points:

- 1/ We sell high value products which are displayed in our yard and monitored by extensive security system including high definition camera's. We are concerned that an increase in clients attending the area to frequent the proposed restaurant may give rise to potential damage or theft to vehicles displayed on our yard. We seek clarification on how this issue will be addressed.
- 2/ Our business moved to our current facility to gain increased highway exposure and have invested in security fencing that allows clear view display of our products and facility. We would request assurances that the proposed project would not hinder the view from either direction on the highway and not hinder the display of our current signage.
- 3/ We are concerned that rubbish and waste will become an issue blowing or being dumped onto our property and seek assurances on how this will be addressed.
- 4/ We require clear access to our property via Standing drive and are concerned about the increased traffic flow and in particular parking of additional vehicles including caravans and trucks potentially affecting entry into our business.
- 5/ With the establishment of a restaurant next to our business we are concerned about the potential odour impact effecting the amenity of our employees and clients.

Victorian American Imports is a long established local business employing 30 local people, we have invested significantly in recent years and continue to do so.

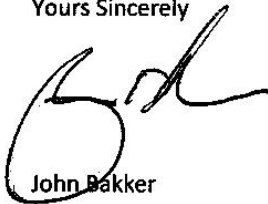
**VICTORIAN
AMERICAN
IMPORTS****PTY. LTD.**
ABN 49 076 433 648
LMCT 9721

This investment has been made based on the Industrial zoning of our current location believing a food outlet would not be developed next door.

I look forward to receiving your responses to my concerns and encourage you to contact me with any questions you may have.

I can be contacted on the number listed or on my mobile 0418 149 356.

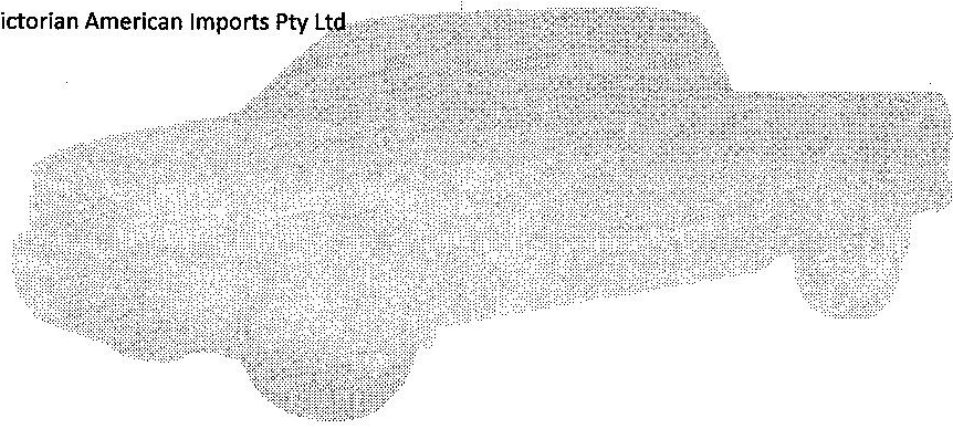
Yours Sincerely



John Bakker

Owner / Director

Victorian American Imports Pty Ltd



CORRESPONDENCE

10. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

Nil reports

RECREATION AND COMMUNITY INFRASTRUCTURE

14. RECREATION AND COMMUNITY INFRASTRUCTURE

Nil reports

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

PLANNING AND GOVERNANCE

16. PLANNING AND GOVERNANCE

16.1 LATROBE HERITAGE STRATEGY

General Manager

Planning and Governance

For Decision

PURPOSE

The purpose of this report is to seek adoption from Council of the Latrobe Heritage Strategy 2013.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – People and Culture

A vibrant area shaped by diversity of heritage and cultures, it embraces a migrant population of varied origins and backgrounds

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 5: Planning for the future

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

Strategic Direction – Protect and celebrate the cultural heritage and historical character of Latrobe City

Strategy & Plans:

Latrobe Heritage Study 2010

The study comprises of three volumes and provides heritage assessment and recommendations for the protection of places of heritage significance within Latrobe. It is a guiding document for assessing and protecting heritage buildings and precincts at a planning level.

Legislation:

Planning and Environment Act 1987

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

Purpose: to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

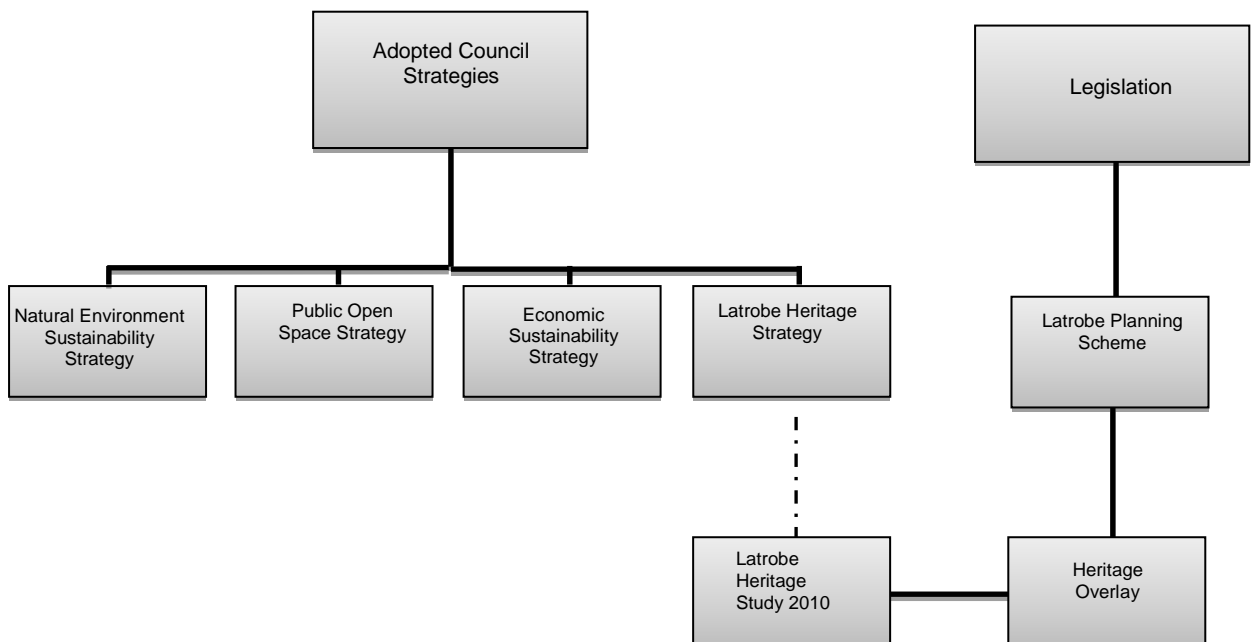
Section 4 of the Act Objective: to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

BACKGROUND

The Latrobe Heritage Strategy is intended to complement the adopted Latrobe Heritage Study 2010 and the Heritage Overlays within the Latrobe Planning Scheme. The adopted Latrobe Heritage Study 2010 comprises of three volumes and provides heritage assessment and recommendations for the protection of specific places of heritage significance. It is a guide for assessing and protecting heritage significant areas at a planning level. The Heritage Study is connected with the existing Heritage Overlay within the Latrobe Planning Scheme. When making assessment on applications covered by the Heritage Overlay the 2010 study provides information and recommendations on heritage buildings and precincts covered by the Heritage Overlay.

This Heritage Strategy is a higher level Municipal wide document. The Heritage Strategy will not propose to add or change Heritage Overlays or change information in the Heritage Study, it is instead a tool to be used Council wide to help assist Council to more effectively manage, monitor and promote heritage places within the municipality.

The flow chart below demonstrates where the Latrobe Heritage Strategy will be situated within Council, and how it stands separately from the Latrobe Heritage Study 2010 and the Heritage Overlays.



ISSUES

Council currently receives a dollar-for-dollar grant from Heritage Victoria, to assist with the promotion of heritage conservation in Latrobe City. The current nominated amount received from Heritage Victoria is \$10,000 which is required to be matched by Council. As part of our funding arrangement, Heritage Victoria has advised that Council must adopt a Heritage Strategy by 30 June 2014 in order to continue any funding from Heritage Victoria. The funding received from Heritage Victoria helps to provide Council with a Heritage Advisory Service. The advisory service provides advice on heritage matters including planning application impacted by the Heritage Overlay.

In 2005 the Victorian State Government released the Victorian Heritage Strategy 2005-2010 which provided direction for local governments to prepare their own heritage strategies. In 2012 the Department of Planning and Community Development, now known as Department of Transport Planning and Local Infrastructure (DTPLI) prepared a Municipal Heritage Strategy Toolkit to help Councils develop and implement a heritage strategy.

The Latrobe Heritage Strategy sets out an action plan for Council to better manage, monitor and promote heritage within the municipality. The Heritage Strategy will allow Council to identify and prioritise work to be done in the future and appropriately manage and monitor the heritage assets of the community.

The Latrobe Heritage Strategy has been prepared by Council officers and reviewed by Councils Heritage Advisor, Context and by Heritage Victoria.

The Strategy is based on Heritage Victoria's guidelines for development of heritage strategy which provides a framework based on four key themes:

- *Knowing* – Identifying, assessing and documenting heritage places
- *Protecting* – Securing statutory protection for significant places, developing policy/ guidelines to assist decision making, appropriate management.
- *Supporting* – Incentives, advisory services, financial assistance.
- *Communicating and Promoting* – Measures to raise awareness and appreciation of the heritage of the area.

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.

If Council does not adopt a Heritage Strategy by 30 June 2014, the current funding arrangements with Heritage Victoria will finish. The current nominated amount of \$10,000 by Heritage Victoria that Council is required to match has been budgeted for in the 2014-2015 Budget. Losing the funding arrangement with Heritage Victoria will have implications on the Councils Heritage Advisory Service.

The advisory service provides advice on heritage matters including advice for planning applications impacted by the Heritage Overlay.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The consultation method used was consistent with Councils Community Engagement Plan 2010-2014.

Community Consultation

The Latrobe Heritage Strategy was placed on public exhibition for 5 weeks from 10 April 2014 to 19 May 2014.

As part of the community consultation process Council Officers posted letters to the following stakeholders:

- Local Heritage Groups
- Local Community Associations/ Groups
- Government Agencies

To further provide the community an opportunity to comment on the draft Heritage Strategy a public notice was published in the Latrobe Valley Express on 17 April 2014 and 12 May 2014.

The Heritage Strategy was (and still is) available for public viewing on Latrobe City Council's corporate website.

Within the letters sent out to stakeholders it was detailed that Council Officers will be available to attend Committee meetings or meet with relevant community members if requested. During the consultation period Council Officers met with one group, Morwell Historical Society on 16 April 2014.

The meeting consisted of providing information about the Heritage Strategy, including how the document was prepared and what is the purpose. Council officers detailed that the Historical Society have an opportunity to send in a submission if they have any concerns or issues.

Submissions Received

A total of 3 submissions were received in response to the draft Latrobe Heritage Strategy.

Submission 1: Tyers and District Community Association

The response identified sites in Tyers Park of possible heritage consideration. The submission is noted however it is not the purpose of the Heritage Strategy. As well as this, Tyers Park is actually located outside Latrobe's municipal boundary and instead within Baw Baw Shire. An acknowledgement letter to the submission was sent to the association, detailing this information.

Submission 2: Traralgon and District Historical Society

The response set out what parts of the strategy they agreed with and supported and where changes could be made. In regards to the actual action plan, it was identified that a number of the dates of completion were

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

unrealistic or out of date and that some targets should be ongoing not completed by a particular date.

A written response to the Traralgon and District Historical Society was prepared and sent out detailing that their comments have been considered and the dates in the action plan have been amended to form a realistic approach to meeting the action. .

Submission 3: Friends of the Traralgon Railway Reservoir Conservation Reserve Committee

The response related to how the committee considers that the Traralgon Railway Conservation Reserve should be of significant Heritage value. The submission was noted however because identifying particular sites of Heritage significance is better captured as part of the Heritage Study it was not considered as part of this strategy.

OPTIONS

1. Adopt the Latrobe Heritage Strategy;
2. Adopt the Latrobe Heritage Strategy with changes; or
3. Do not adopt the Latrobe Heritage Strategy.

CONCLUSION

The Latrobe Heritage Strategy is a guiding document articulating the City's commitment to Heritage. The strategy sets out Latrobe's aspirations for heritage with an action plan to guide how the Council will manage, monitor and promote heritage. Furthermore adopting the Heritage Strategy if adopted will ensure that Councils funding arrangements with Heritage Victoria will continue.

Attachments

1. Latrobe Heritage Strategy
2. Submission 1 - Friends of the Traralgon Railway Reserve Conservation Reserve
3. Submission 2- Traralgon and District Historical Society Incorporated
4. Submission 3 - Tyers and District Community Association

RECOMMENDATION

- 1. That Council adopts the Latrobe Heritage Strategy.**
- 2. Letters are sent to submitters advising of outcome and thanking them for their submission.**

16.1

Latrobe Heritage Strategy

1	Latrobe Heritage Strategy	285
2	Submission 1 - Friends of the Traralgon Railway Reserve Conservation Reserve	301
3	Submission 2- Traralgon and District Historical Society Incorporated.....	305
4	Submission 3 - Tyers and District Community Association	307

Latrobe Heritage Strategy

May 2014

Adopted by Council on [Date]

Introduction

The Latrobe City Heritage Strategy is a guiding document, articulating the City's commitment to cultural heritage. It has been developed to set the context for Latrobe's aspirations for heritage, together with actions to guide the City's work over the next 5 years.

The Latrobe City Heritage Strategy is designed to celebrate the City's unique local identity that is both ancient and modern. Traditionally the land of the Gunai Kurnai nation, Latrobe City retains elements of importance to Aboriginal people from the past and present. Settlement of the area has left its mark in the rural landscape with farm complexes, small rural settlements, industrial heritage and in urban growth from the early nineteenth century.

At the State level, the *Victorian Heritage Strategy 2005-2010*, sets the scene for local government to prepare their own heritage strategies, and provided a framework for their preparation in the information guide *Local Government Heritage Strategies, 2010*. Importantly a Heritage Strategy provides an essential background document, informing future funding arrangements with Heritage Victoria.

1. Council's Heritage Vision Statement

Latrobe City Council and the community are proud of Latrobe City's diverse histories and heritage places. Our vision is to conserve and enhance areas, buildings and natural features of architectural, historical and cultural value (both Aboriginal and post European settlement) for the benefit of current and future generations.

2. Strategy Context

2.1 State Context

2.1.1 Planning and Environment Act 1987

The purpose of this Act is *"to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians"*.

Section 4 of the Act sets out objectives for planning in Victoria, which include *"to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value"*.

2.1.2 State Planning Policy Framework (SPPF)

Clause 15.03-1 of the SPPF relates to heritage conservation. The objective of this Clause is to ensure the conservation of places of heritage significance.

Strategies include:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*

- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

Clause 15.03-2 relates to Aboriginal cultural heritage. The objective of this Clause is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

2.1.3 Heritage Act 1995

The main purposes of this Act are:

- a) to provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects; and*
- b) to establish a Heritage Council; and*
- c) to establish a Victorian Heritage Register.*

2.1.4 Victorian Heritage Register

The Victorian Heritage Register lists the State's most significant heritage places and objects, which can be searched on the Victorian Heritage Database. The Heritage Council of Victoria determines the places that are included in the Victorian Heritage Register, and only places of significance to the State of Victoria are added. Heritage places under the Victorian Heritage Register can include buildings, trees, parks and gardens, streetscapes, archaeological sites, shipwrecks and structures such as bandstands.

At June 2013, there were eight heritage places in Latrobe City listed on the Victorian Heritage Register:

- Azarole Hawthorn (*Crataegus Azarolus*) Tree, Victory Park, Mill Street (Princes Highway), Traralgon
- No 21 Bucket Dredger, Ridge Road, Morwell
- Traralgon Engine Shed and Turntable, Queens Parade, Traralgon
- Staplegrove Meat Works, 50 Berkleys Road, Flynn
- Court House & Post Office, 161-169 Franklin Street Traralgon
- Loren-Folk Museum - Gippsland Heritage Park, 211 Lloyd Street, Moe
- Former Yallourn Power Station Administrative Building, Yallourn Drive, Yallourn
- Mechanics Institute and Free Library, 12-16 King Street, Toongabbie

2.1.5 Victorian Heritage Database

The Victorian Heritage Database includes places on the Victorian Heritage Register, and also includes places which are not on the Victorian Heritage Register but are classified by the National Trust, are

included in the Victorian War Heritage inventory or are covered by a local government Heritage Overlay.

The Heritage Management Electronic System (HERMES) is the online portal heritage database centrally managed by Heritage Victoria and used by the Victorian government, the National Trust, local government and heritage consultants to record heritage sites in the state. All of the places included in the Heritage Overlay in Latrobe City are listed on HERMES. Once registered, any member of the public can access data on HERMES.

2.1.6 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria. Its main purpose is “to provide for the protection of Aboriginal cultural heritage in Victoria”.

The objectives of this Act are:

- d) *to recognise, protect and conserve Aboriginal cultural heritage in Victoria in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices;*
- e) *to recognise Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;*
- f) *to accord appropriate status to Aboriginal people with traditional or familial links with Aboriginal cultural heritage in protecting that heritage;*
- g) *to promote the management of Aboriginal cultural heritage as an integral part of land and natural resource management;*
- h) *to promote public awareness and understanding of Aboriginal cultural heritage in Victoria;*
- i) *to establish an Aboriginal cultural heritage register to record Aboriginal cultural heritage;*
- j) *to establish processes for the timely and efficient assessment of activities that have the potential to harm Aboriginal cultural heritage;*
- k) *to promote the use of agreements that provide for the management and protection of Aboriginal cultural heritage;*
- l) *to establish mechanisms that enable the resolution of disputes relating to the protection of Aboriginal cultural heritage;*
- m) *to provide appropriate sanctions and penalties to prevent harm to Aboriginal cultural heritage.*

Aboriginal Affairs Victoria manages an inventory of places of Aboriginal cultural significance.

The Aboriginal Cultural Heritage Register and Information System (ACHRIS) is the online portal of the Victorian Aboriginal Heritage Register, providing resources and services to various stakeholders throughout Victoria. Aboriginal heritage places and objects are irreplaceable, non-renewable resources and can also include traditional and spiritual sites of significance.

2.1.7 Gunaikurnai Land and Waters Corporation (GLaWAC)

The Gunaikurnai Land and Waters Corporation (GLaWAC) represents Traditional Owners from the Brataualung, Brayakaulung, Brabralung, Krauatungalung and Tatungalung family clans, who were recognised in the Native Title Consent Determination made under the *Traditional Owner Settlement Act 2010*.

GLaWAC is the Registered Aboriginal Party for the Gunaikurnai claim area, as decided by the Victorian Aboriginal Heritage Council under the *Aboriginal Heritage Act 2006*.

Indigenous occupation and way of life *The area that is now Latrobe City was part of the traditional lands of the Gunai Kurnai people. The Brataualung, a clan of the Gunai Kurnai, claimed the land south of the Latrobe River, while the Briakalong occupied land to the north.*

Food supplies on the plains and in the river valleys were plentiful. The people had a valuable supply of silcrete from quarries in the Haunted Hills and used this to make tools for hunting kangaroos and wallabies on the open plains. The rivers and swamps supplied abundant food such as fish, eels, reptiles, freshwater mussels, waterbirds and eggs. The women gathered plants and small animals. Recent archaeological surveys along the Morwell River valley provide an insight to how people lived and where they camped. Besides camping close to water, higher sites such as Macmillan's hill were also important places. From these vantage points, Aboriginal people had good views of the surrounding plains where they could keep an eye on their campfires and other clans' movements. They made their stone tools on these hills.

This was a 'totemic landscape', a geography created by ancestral beings whose actions ordered an existing world. The totemic ancestors linked people to country and gave authority, religion and social order to the country. The past and present were connected through the bestowal of identity, rights and obligations that came from the ancestral past but that were 'evident and alive' in the totemic landscape.

Source: Context Pty Ltd, Latrobe City Heritage Study Volume 1: Thematic Environmental History, 2010, p. 1

2.2 Local Policy Context

2.2.1 Latrobe 2026: The Community Vision for Latrobe Valley

Latrobe 2026 is a long term vision that captures what community members would like Latrobe City to be in the future.

Latrobe 2026 includes several references to the City's heritage:

- *Overview – People and Culture: A vibrant area shaped by diversity of heritage and cultures, it embraces a migrant population of varied origins and backgrounds. (p. 9)*
- *Leadership: The community has expressed its desire for a future in which people are united in a common purpose whilst respecting the diversity of their heritage and cultures. (p. 19)*
- *Cultural Vitality: Latrobe Valley enjoys a strong reputation as a culturally vibrant region, enriched by the diversity of our indigenous and multicultural heritage, and supported by well-established international relationships. Strong heritage influences continue to shape the region's culture, particularly through British, Dutch, Italian and Germany ancestry. While new settlers have continued to arrive from the United Kingdom, the Latrobe Valley has also become home to many Sudanese families in recent times. (p. 30)*

2.2.2 Council Plan 2013-2017

The Council Plan 2013-2017 identifies a range of objectives and strategies that will shape the direction and priorities for Latrobe City's community over the next four years.

Under the theme of "Planning for the Future", the Strategic Directions in the Council Plan 2013-2017 include:

Protect and celebrate the cultural heritage and historical character of Latrobe City (p. 14).

2.2.3 Heritage studies and heritage documents prepared for Latrobe City

A number of heritage studies have been undertaken by Latrobe City Council. These studies provide heritage assessments and recommendations for the protection of places of cultural heritage significance through the Heritage Overlay of the Planning Scheme, the Victorian Heritage Inventory or the Victorian Heritage Register.

These heritage studies provide inventories of buildings, precincts and other places of aesthetic, architectural, historical, scientific, social or other special importance within a locality of the municipality. They document their histories and integrity, and assess their significance based on a range of comparative places. The *Latrobe City Heritage Study* (Context Pty Ltd, 2010) was developed over a number of years, with a 2008 version forming the basis of Amendment C14. It comprises three volumes:

- Volume 1: Latrobe City Thematic Environmental History
- Volume 2: Key Findings and Recommendations
- Volume 3: Heritage Place and Precinct Citations

The three Volumes incorporate the findings of previous studies:

- Latrobe Heritage Study, 1991
- Traralgon Heritage Study, 1992
- Traralgon Heritage Study 2001
- Latrobe Heritage Study 2005.

As well as providing the basis for Amendment C14 and identifying 130 heritage places and 14 precincts in Latrobe City, the *Latrobe Heritage Study* (2010) recommended that Latrobe City Council should nominate the following places for inclusion on the Victorian Heritage Register:

- The Bluff Causeway Bridge, Traralgon-Tyers Road, Tyers

- Dunedin (Jean Galbraith garden), Main Road, Tyers
- Latrobe River Railway trestle bridges (former Traralgon-Stratford Railway)

It also recommended that Latrobe City Council support the nomination by Old Gipps town of the following places for inclusion on the VHR:

- Narracan Mechanics Institute and Library collection
- Yallourn House and the collection of Dr James Moore Andrew, who was GP at Yallourn from 1926 until his death in 1972.

Further, it recommended that:

Latrobe City Council seek the assistance of Heritage Victoria in the preparation of a heritage study of electricity generation in Victoria. This study would be similar to the recent state-wide study commissioned by Heritage Victoria for places associated with the provision of water supply, and the recently launched Coal Mining Heritage Study and may include:

- *A thematic history of electricity generation in Victoria.*
- *A list of places of potential heritage significance.*
- *Identification of places with high priority for detailed assessment.” (Volume 2: Key Findings and Recommendations, p. 33)*

The Study identified further work to be undertaken to complete the assessment of places of potential significance:

- Assessment of 38 more identified places and precincts, plus any additional places identified by community consultation or further investigation.
- Assessment of pre and post-contact Aboriginal heritage places.
- Assessment of archaeological sites.
- Assessment of cultural landscapes. (Volume 2: Key Findings and Recommendations, p. 33-34)

Other recommendations of the *Latrobe Heritage Study* (2010) included:

- *Latrobe City appointed a Heritage Advisor on a regular part time basis to assist in the assessment of planning applications for heritage places, and to provide advice and assistance to owners and occupiers of heritage places...*
- *Until such time as the places of potential significance...can be assessed Latrobe City should continue to closely monitor development and building permit applications to develop or demolish these places...*
- *Latrobe City seeks the assistance of Heritage Victoria in transferring the LHD to the Hermes database system managed by Heritage Victoria...*
- *Latrobe City ensures that the early Council records of the former municipalities (Rate records, building records, Council minutes, Water Board Records etc.) are professionally catalogued and stored in accordance with best practice to prevent deterioration and ensure their conservation... (Volume 2: Key Findings and Recommendations, p. 34)*

In addition to Heritage Studies prepared for Latrobe City Council for the purposes of supporting protection through the Latrobe Planning Scheme, a large range of local and regional histories have been published over past decades. Significant collections are held in the libraries of Latrobe City (particularly in Traralgon and Moe branches) and at the Centre for Gippsland Studies at the Monash University campus in Churchill.

2.2.4 Municipal Strategic Statement (MSS)

The Municipal Strategic Statement (MSS) sets out the key strategic planning, land use and development objectives for Latrobe City, and the strategies and actions for achieving the objectives. It provides the basis for the application of zones, overlays and particular provisions in the planning scheme, and decision making by Council. In this regard the MSS provides the basis for heritage management and protection in the City.

Clause 21.04-4 Heritage Overview describes Latrobe City's cultural heritage, and includes two Objectives relating to the preservation of Latrobe City's heritage:

- *To ensure that the heritage of Latrobe City is protected and conserved.*
- *To ensure that the management of heritage places will reveal rather than diminish the significance of the place.*

To achieve these objectives, the following Strategies are implemented:

- *Ensure that all heritage places and precincts of local or state significance receive appropriate statutory protection.*
- *Nominate heritage places, precincts and archaeological sites of potential state significance for inclusion on the Victorian Heritage Register.*
- *Provide assistance and support to owners and custodians of heritage places in the conservation and management of these places.*

Latrobe City has a rich and diverse cultural heritage that illustrates how the landscape has been changed by indigenous and non-indigenous peoples. Gippsland was occupied by the Gunai Kurnai peoples for many thousands of years prior to European exploration and settlement. The first non-indigenous people to visit Gippsland were explorers, such as Paul de Strzelecki. Pastoralists followed, occupying vast cattle runs, which were later broken up and sold as the land was opened up for selection. This in turn led to the development of agricultural industries such as grazing and dairying. Transport improvements such as the 1865 coach road and the Gippsland Railway in 1879 connected the region to markets and established the pattern of settlements around railway stations which endured well into the twentieth century.

The greatest change to the cultural landscape was to come in the twentieth century with the exploitation of the vast brown coal reserves, which led to the creation of the industrial empire of the State Electricity Commission and the rise of major industries such as the Australian Paper Mills. In the space of 30 years – less than a generation - whole towns were born, while some disappeared and others were changed forever.

The diverse history of the area is reflected in the heritage places that have been identified by the Latrobe City Heritage Study 2010, which incorporates the findings of two previous studies; Traralgon Heritage Study 1992 and the Latrobe Heritage Study 1991. The heritage places include archaeological sites, township precincts, buildings, memorials, gardens, factories and trees.

Source: Latrobe Planning Scheme, Clause 21.04-4

2.2.4 Heritage Overlays within the Latrobe Planning Scheme

Places of heritage significance within Latrobe City are protected by the Heritage Overlay of the Latrobe Planning Scheme, the purpose of which is to ensure that changes to a heritage place do not diminish their heritage value.

A heritage place is any place of historical significance that has met the criteria that justifies statutory protection under the Latrobe Planning Scheme (see the Practice Note 01, Applying the Heritage Overlay, revised September 2012). Clause 43.01 of the Latrobe Planning Scheme sets out the requirements of the Heritage Overlay, and outlines a list of places (or Schedule) that are included in the Heritage Overlay for Latrobe City. At August 2013, there are 150 heritage places included within the schedule to the Heritage Overlay of the Latrobe Planning Scheme. These include precincts in the following areas, where there are numerous individual properties included within the one Heritage Overlay:

- Glengarry
- Langford Street in Moe
- Moore Street in Moe
- Toongabbie
- Anderson Street in Traralgon
- Bridges Avenue in Traralgon
- Traralgon Railway Residential Precinct
- APM Senior Staff precinct in Traralgon
- Henry Street in Traralgon
- Moore Street in Traralgon
- Thomas Street in Traralgon
- Yinnar

Places are included in the Heritage Overlay following the preparation and adoption of a heritage study. A heritage place could include an individual site, a precinct area covering many sites, buildings, structures, archaeological sites, trees, gardens, geological formations, fossils, habitat or other places of natural or cultural significance and its associated land. A heritage place cannot be moveable or portable objects (such as machinery within a factory or furniture within a house).

Within Australia are three main levels or thresholds of significance. These include:

- Places of local significance to a municipality area are listed in the schedule to the Heritage Overlay. Amendment C14 to the Latrobe Planning Scheme focused on heritage assets of local significance only, on the basis that assets of state and national significance (such as much of Latrobe City's electricity industry heritage) are already protected.
- State: Items of state significance are listed by the Heritage Victoria on the Victorian Heritage Register.
- National: Items of national significance are listed on the National Heritage list by the Federal Department of Sustainability, Environment, Water, Population and Communities.

Following the gazettal of Amendment C14 in October 2010, there are two documents listed under the Schedule to Clause 81.01: Incorporated Documents in the Latrobe Planning Scheme:

- Latrobe City Heritage Overlay – Planning Permit Exemptions & Application Requirements Incorporated Plan (July 2010)
- Latrobe City Heritage Study. Volume 3: Heritage place & precinct Citations (July 2010).

2.3 National Trust of Australia (Victoria) Classification

The National Trusts of Australia are community-based, non-government organisations, committed to promoting and conserving Australia's indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects.

The Victorian Heritage Database includes places which are not on the Victorian Heritage Register but are classified by the National Trust. In the case of Latrobe City, all except the Toongabbie Mechanics Institute and Free Library are listed in both the Victorian Heritage Register and classified by the National Trust, while the former Yallourn Power Station 'A-E' Boiler Plants at Yallourn (now demolished) are National Trust classified but are not in the Victorian Heritage Register.

2.4 Australian Heritage Database

The Australian Heritage Database contains information about more than 20,000 natural, historic and Indigenous places of outstanding heritage significance to Australia. The database includes places in the World Heritage List, National Heritage List, Commonwealth Heritage list, Register of the National Estate and the List of Overseas Places of Historic Significance to Australia. It also lists places under consideration, or that may have been considered for, any one of these lists.

There are 30 places in Latrobe City in the National Heritage Database. Examples are Angus McMillan's Homestead (portion), Princes Freeway, Moe; Morwell National Park, Jumbuk Road, near Churchill, the Traralgon Courthouse and Post Office Franklin Street, Traralgon and numerous houses.

At the Commonwealth level, the National Heritage List confers heritage status on places. It is compiled and maintained by the Department of Sustainability, Environment, Water, Population and Communities and can be searched using the Australian Heritage Database. There are no places in Latrobe City on the National Heritage List – the closest is Baw Baw National Park

The Register of the National Estate (RNE) was closed in 2007 and is no longer a statutory list. All references to the Register of the National Estate were removed from the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 19 February 2012. The Register of the National Estate is now an archive of information about more than 13,000 places throughout Australia.

3. Heritage-related achievements

Achievements, opportunities and challenges are arranged under the following heritage strategy themes:

1. Knowing (i.e. identifying, assessing and documenting heritage places).
2. Protecting (i.e. securing statutory protection for significant places, developing policy/guidelines to assist decision making, appropriate management).
3. Supporting (i.e. incentives, advisory services, financial assistance).
4. Communicating and promoting (i.e. measures to raise awareness and appreciation of the heritage of the area).

The following is a list of some of the achievements in heritage protection and management for Latrobe City in recent years.

Knowing

- Periodic review of previous heritage studies and documents to ensure that they are relevant, up to date and consistent with accepted criteria, and periodic updates of heritage studies to assess places and precincts for their heritage significance.
- Periodic input of all heritage studies and citations into Heritage Victoria's Heritage Management Electronic System (HERMES).

Protecting

- A Conservation Management Plan has been prepared for the former Traralgon Courthouse and Post Office.
- Continual review of the heritage provisions of the Latrobe Planning Scheme to ensure that it does not contain errors or anomalies (Planning Scheme Amendments C8, C11, C14, C17, C22, C61, C65, C68, and C71). Planning Scheme Amendment C14, gazetted in October 2010, was based on a comprehensive analysis including a Thematic Environmental History, detailed descriptions of heritage places and citations.

Supporting

- The Latrobe City Library holds significant collections of local and regional histories, particularly in Traralgon and Moe branches. Advice is provided to residents seeking information on local and Gippsland histories.
- Latrobe City works in partnership with a wide variety of groups such as Committees of Management in supporting the development and maintenance of a range of facilities with high heritage significance. Examples include:
 - The Gippsland Plains Rail Trail, Grand Ridge Rail Trail and Moe-Yallourn Rail Trail
 - The Strzelecki Walking Track
 - Cultural heritage sites such as the Rose Garden, Legacy Place and Heritage Walk at Kernot Lake in Morwell, and Victory Park in Traralgon.
- Operational Support Grants are allocated by Latrobe City Council to local historical societies on an annual basis, providing support to meet administrative costs. These include the Boolarra & District Historical Society Inc, Moe & District Historical Society, Morwell Historical Society Inc., Traralgon & District Historical Society, Yallourn North & District Historical Society and Yinnar & District Historical Society. Advice is also periodically provided to venues the local historical societies on potential funding streams, and information is regularly provided on community group training.

Communicating/Promoting

- Master plans developed for Council's parks and open space include recommendations to improve interpretation of places and objects of heritage significance.
- The Latrobe Regional Gallery art collection includes works that in part reflect the evolution of the region's natural and built environment since the nineteenth century.
- The Centre for Gippsland Studies at the Monash University campus in Churchill specialises in Gippsland's, history, land use and water management, industrial development, aboriginal cultures, architecture and town planning, and environment and natural resources. It houses an extensive collection of books, documents, photographs, and maps related to Gippsland. It conducts research, undertakes consultancies and contributes to teaching. The Centre liaises with the community, offering history conferences, advice on collections management and assistance with research and writing.
- The six local historical societies host collections of artefacts of local heritage significance; these collections are complemented by specialist collections of private individuals within Latrobe City.
- In 2007, interpretive signage was erected at Yinnar township. In 2009, a further program in developing interpretive signage for 36 Council owned and managed heritage places in Morwell, Boolarra, Yallourn North, Moe, Newborough and Traralgon was implemented in association with Latrobe City's historical societies.

4. Heritage Challenges and Opportunities

Knowing

- The Thematic Environmental History provides a valuable framework for consideration of heritage in Latrobe City, but will require periodic review and update.
- The recommendations of the *Latrobe Heritage Study* (2010) seeking support from Heritage Victoria in the preparation of a heritage study of electricity generation in Victoria requires action, with the guidance of Heritage Victoria.
- There is a need to ensure that all numbering of Heritage Overlays, citation numbers and site numbers in the Latrobe Heritage Study are aligned in Latrobe City Council's Geographic Information System.
- With the exception of the art collection, the content of registers of Council owned and managed assets requires review to ensure their effectiveness in identifying heritage places.
- There needs to be an increase in awareness of places of importance to Aboriginal people (archaeological sites and places of social or spiritual significance).

Protecting

- The recommendations of the *Latrobe Heritage Study* (2010) regarding further assessment of 38 additional places and precincts for further analysis, pre and post-contact Aboriginal heritage places, archaeological sites and cultural landscapes requires action.
- The preparation of clear guidelines on Latrobe City Council's expectations regarding applications for development in the Heritage Overlay could provide information for property owners and make planning referrals more transparent.
- Policy for the protection of heritage within open spaces in new subdivisions requires consideration.

Supporting

- There is a need to assess how best to support applicants seeking permits for development of sites in the Heritage Overlay.
- Local historical societies require ongoing support and capacity-building.
- There is a need to ensure that the heritage advisory service continues to be supported, and its effectiveness maximised.
- Capacity building for Latrobe City staff

Communicating/Promoting

- There appears to be a lack of understanding and appreciation of the value of heritage places within the community.
- Council's website is not currently used to its best advantage in providing information to the community about heritage in Latrobe City.
- A heritage signage project was completed from 2007 to 2009, with sites being signposted across Latrobe City's townships. The opportunity to further extend heritage signage across the municipality remains.
- Council needs to strengthen links with heritage organisations, through involvement of a range of areas within the Council.

5. Strategy Action Plan

This Action Plan is subject to Business Plan prioritisation on a year-by-year basis and may be subject to change based on Business Plan requirements.

Four Year Action Plan	Resourcing	Target Date for Completion	Progress/Outcome
Knowing			
Carry out the recommendations of the <i>Latrobe Heritage Study</i> (2010) regarding assessment of 38 additional places and precincts for further analysis, pre and post-contact Aboriginal heritage places, archaeological sites and cultural landscapes	Latrobe City Council supported by Heritage Victoria	June 2017	
Follow-up support from Heritage Victoria in the preparation of a heritage study of electricity generation in Victoria	Latrobe City Council and Heritage Victoria	June 2018	
Continue to review and identify places and precincts of national, state, regional or local significance through future heritage studies, consistent with the themes of historic development identified in the Thematic Environmental History	Latrobe City Council	Ongoing	
Continue to use HERMES to input heritage studies and citations.	Latrobe City Council	Ongoing	
Review all numbering of Heritage Overlays, citation numbers and site numbers in the Latrobe Heritage Study so that they are aligned in Latrobe City Council's Geographic Information System	Latrobe City Council	June 2016	
Investigate the potential for modifying the current "Yes/No" classification for heritage buildings in MyData (Council's Asset Register) to include heritage places	Latrobe City Council	June 2016	
Investigate the inclusion of the heritage module in MyData and the potential for linking data from the module to Council's Geographic Information System	Latrobe City Council	December 2016	
Review Council's programmed maintenance needs for heritage assets as part of the next review of the Building Asset Management Plan	Latrobe City Council	June 2018	
Review information relating to Aboriginal heritage, and develop a plan to know, protect, support and communicate it	Latrobe City Council	June 2016	

Protecting			
Regularly review the Heritage Overlay Schedule and maps in the planning scheme to ensure they are accurate	Latrobe City Council	Ongoing	
Prepare nominations for places recommended for the Victorian Heritage Register as a result of Amendment C14.	Latrobe City Council	Complete by June 2019	
Develop and deliver a training program to educate Council staff on the statutory requirements of heritage protection, particularly for staff managing heritage assets	Latrobe City Council	Ongoing	
Conduct a review of the process of maintaining registers of Council owned and managed assets to ensure their effectiveness in protecting heritage places	Latrobe City Council	June 2018	
Council will work collaboratively with historical societies in planning for a Latrobe City public art register	Latrobe City Council and local historical societies	Complete by June 2019	
Supporting			
Consider and determine the most effective use of the Heritage Advisor in providing professional advice to owners and managers of heritage places within Latrobe City	Heritage Victoria support; Latrobe City Council	December 2014	
Provide an opportunity for the Heritage Advisor to train Statutory Planning staff on basic heritage assessments	Heritage Victoria support; Latrobe City Council	December 2014	
Support attendance of planning staff at heritage courses through the PLANET Professional Development Program, to improve their understanding of heritage citations, Statements of Significance and the assessment of heritage related issues	Latrobe City Council	Ongoing	
Continue to support local historical societies through operational grants and capacity-building	Latrobe City Council	Ongoing	

Communicating and promoting			
<p>Regularly update the Latrobe City Council website in relation to:</p> <ul style="list-style-type: none"> • Latrobe City Council's heritage vision, challenges, opportunities and achievements • Heritage guidelines • Planning scheme requirements for Heritage Overlays 	Latrobe City Council	Ongoing	
<p>Provide a link to and from the Heritage section of Council's website to the Local and Family History section of the Latrobe City libraries</p>	Latrobe City Council	July 2014	
<p>Seek funding to further progress interpretive signage for Council owned and managed heritage places, in association with Latrobe City's historical societies</p>	Latrobe City Council and local historical societies	December 2015	
<p>Hold a Councillor Forum to inform Councillors about heritage related issues</p>	Latrobe City Council	December 2014	

Key References

- Context Pty Ltd, *Latrobe City Heritage Study* 2010) comprising three volumes:
 - Volume 1: Latrobe City Thematic Environmental History
 - Volume 2: Key Findings and Recommendations
 - Volume 3: Heritage Place and Precinct Citations

Key Websites

- Latrobe City Council heritage webpage:

http://www.latrobe.vic.gov.au/Building_and_Planning/Planning/Heritage

- Latrobe Planning Scheme Municipal Strategic Statement, Clause 21.04 Built Environment Sustainability:

http://planningschemes.dpcd.vic.gov.au/latrobe/ordinance/21_mss04_latr.pdf

- Latrobe Planning Scheme, Schedule to the Heritage Overlay:

http://planningschemes.dpcd.vic.gov.au/latrobe/ordinance/43_01s_latr.pdf

- Latrobe Planning Scheme Amendment C14, Panel Report:

[http://planningschemes.dpcd.vic.gov.au/Shared/ats.nsf/WebViewUniqueID/463d83bca86cb58bca2575cb00088f9b?OpenDocument&L&Latrobe&Latrobe%2CLoddon&Click=CA256DC800080C18.476caac79d318ee2ca256dee001434f7/\\$Body/0.2C98](http://planningschemes.dpcd.vic.gov.au/Shared/ats.nsf/WebViewUniqueID/463d83bca86cb58bca2575cb00088f9b?OpenDocument&L&Latrobe&Latrobe%2CLoddon&Click=CA256DC800080C18.476caac79d318ee2ca256dee001434f7/$Body/0.2C98)

- Department of Planning and Community Development, Practice Note 01, Applying the Heritage Overlay, revised September 2012

http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0017/41705/PN01-Applying-the-heritage-overlay-published-1-Oct-2012.pdf

- Department of Planning and Community Development website on heritage:

<http://www.dpcd.vic.gov.au/heritage>

- Victorian Heritage database:

<http://vhd.heritage.vic.gov.au/>

- Aboriginal Affairs Victoria website:

<http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview>

- Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) website:

<http://www.glawac.com.au/index.php/services>

- Australian Heritage Database:

<http://www.environment.gov.au/heritage/ahdb/>



Phone [REDACTED] ABN 81711086650 P.O. Box 884 Traralgon 3844

Hayley Becker,

Statutory Planner.

Latrobe City Council.

Attached is a submission to the Latrobe City Draft Heritage Strategy.

Submitted on behalf of the Management Committee of the Traralgon Railway Reservoir Conservation Reserve by John Lawson, 4 Poplar Avenue, Traralgon 3844.

Contact Details:

[REDACTED]
[REDACTED]

19 May 2014.

PERM

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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21 MAY 2014	
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Comments/Comments Calculated ID:	
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Submission to the Latrobe City Draft Heritage Strategy – May 19th 2014

The Committee of Management of the Traralgon Railway Conservation Reserve considers the Reserve to be of significant Heritage value to Latrobe City.

This is based upon its history associated with the development of Traralgon over the years as a railway town and its place as a place of recreation for the town's inhabitants. Latrobe City Council supports the Committee of Management with advice and finance in its stewardship of the Reserve.

By declaring the Reserve to be of significant Heritage Value it is our belief that the security of the Reserve will be enhanced for its intrinsic conservation value and for continued use by future generations.

The Traralgon Railway Reserve covers 29.5 hectares and has survived as a fragment of natural bush land that represents the original vegetation type which once covered the greater Traralgon area. The Reserve was originally part of Hobson's Run, a large agricultural outpost.

In the 19th century the Victorian Railways acquired the site and constructed what was now known as the "Traralgon Railway Reservoir" to supply water for the steam locomotives.

In 1908 the reservoir overflowed, destroying the wooden weir and this resulted in the start of a great erosion that ultimately formed the canyon, known by locals as Kick Horse Canyon. In the 1930's a nine-hole golf course was established and extended across the Reserve. In later years the lake provided water for vegetable gardens used by Hobson's Park Hospital.

In 1990 the community petitioned the Traralgon City Council to preserve the Reserve as a bush park for recreational purposes but with conservation as a priority.

Four years later the Reserve was named the *Traralgon Railway Reservoir Conservation Reserve*.

Significant stands of native vegetation, grasslands and wetland still exist providing the basis for current conservation efforts. Since 1990, these efforts have been undertaken by local residents and have included the removal of stock grazing on the Reserve, the commissioning of major botanical surveys and the planting of indigenous trees, shrubs and grasses.

All of these efforts have significantly enriched the overall biodiversity of the area.

In 2005, a second wetland was constructed to the north of the original reservoir as a storm-water settling and polishing pond servicing the surrounding housing estate. The location of this wetland enables it to receive overflow from the main reservoir during periods of high flow.

This construction has enhanced the quality of water flowing through to the Traralgon Creek.

The history and conservation values of the Reserve are depicted in displays erected throughout the Reserve.

- ⊗ The Committee commends the development of a Heritage Strategy and wishes the Reserve to be included within the Strategy.



Features

- Varied vegetation
- Wetlands
- Extensive birdlife
- Canyon Wonderland
- Wildflowers in season
- Marshlands
- Lake Fishing
- Historic Pipeline
- Information Centre



Friends of the Traralgon Railway Reserve Conservation Reserve

Preserving, Maintaining and Developing the Reserve as an Important Area of Urban Natural Bushland



Inquiries about the reserve can be made to
 Latrobe City Council 1300 367 700
 or by writing to the Secretary,
 Committee of Management TRRCR
 PO Box 884, Traralgon 3844



TRARALGON RAILWAY RESERVE CONSERVATION RESERVE

Production of this publication is by
 The Committee of Management
 Funds provided by Latrobe City Council
 Printed by The IV Printers
 August 2011

Acknowledgements

The Reserve is supported by the following major organisations:

- International Power
- MITSUBISHI CO., LTD.
- Department of Sustainability & Environment Victoria
- Latrobe City - a new energy in community building
- West Gippsland Catchment Management Authority

24771 The IV Printers 03 574 2346

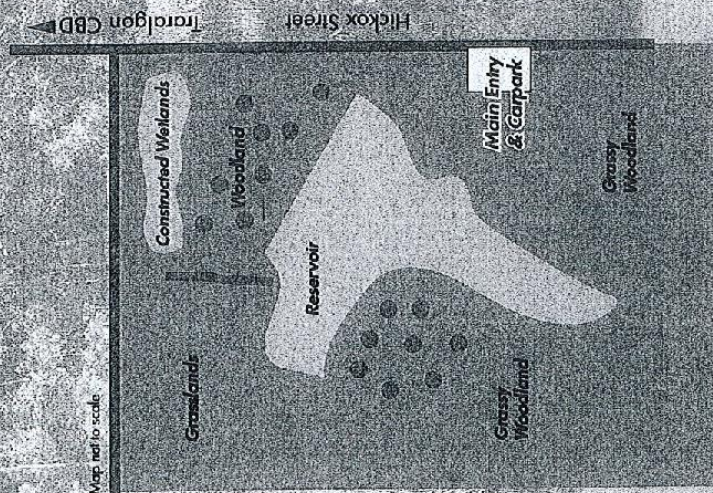


Where is the Reserve?

Directions: From the traffic lights at the western edge of Traralgon CBD drive south under the railway line and take Hickox Street to the Reserve carpark.

See RACV Country Street Directory: Town Map 342 G11

VISITORS ARE WELCOME TO THIS LAND FOR WILDLIFE RESERVE



History of the Reserve

The Reserve was originally part of Hobson's Run. In the 19th Century, the site was owned by the Victorian railways and the railway authorities constructed the lake. A pipeline, parts of which can still be seen today, transported water to the railway for use by steam locomotives.

The first golf course in Traralgon extended across the reserve and later the lake provided water for vegetable gardens used by Hobson's Park Hospital.

The lake and eroded canyon have been a playground for children for over 80 years.

Significant stands of native vegetation, grasslands and wetlands still exist and provide a base for today's conservation efforts.

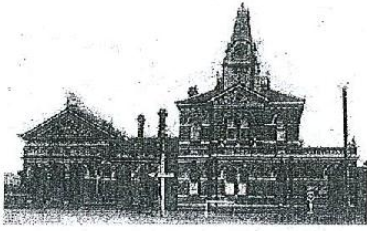
Since 1990, conservation efforts by local residents, such as the removal of grazing animals, a major botanical survey and the planting of trees, shrubs and grasses, have enriched biodiversity.

There is increased recreational use by residents and visitors.

A committee of management cares for the reserve on behalf of Latrobe City Council and the Department of Sustainability and Environment.



Traralgon and District Historical Society Incorporated



Office and Library: Kath Teychenne Centre
11 Breed Street, Traralgon, 3844

Email: [REDACTED]

URL: www.traralgonhistory.asn.au

Phone: [REDACTED]

Mobile: [REDACTED]

Ms Hayley Becker,
Statutory Planner,
Latrobe City,
PO BOX 264,
MORWELL 3840

LATROBE CITY HERITAGE STRATEGY

Dear Hayley,

Please find enclosed the written response from The Traralgon & District Historical Society Inc. to the Latrobe City's Heritage Strategy, September 2013.

It is a single page covering each page of the document. I trust that the comments are easy to understand and that you find them helpful.

If you need to contact me for explanation I may be contacted on [REDACTED] (Home – has an answering machine).

Thank you for the opportunity to make comments.

Yours sincerely

Barbara Johnson (Dr.)
President
15/5/2014

Postal Address: PO Box 697, Traralgon, VICTORIA 3844

ABN: 83 077 806 233

Incorporation Number: A0012134B

Received 16/5/14.

**Latrobe Heritage Strategy
September 2013**

Comments from Traralgon & Districts Historical Society Incorporated - May 2014.

These comments are made page by page.

p. 1: Introduction.

Has there been any update to Victorian Heritage Strategy 2005 – 2010?

Has there been any update to Local Government Heritage Strategies, 2010?

Good to state rationale for strategy.

p. 2: STRATEGY CONTEXT (cont.)

2.1.2: last dot point – ‘support adaptive reuse Good to have this.

p. 4: Box coloured is this new? OK to have included.

p. 6: Does LC have a Heritage Advisor as recommended by Latrobe Heritage Study (2010)?

p. 7: Coloured box. Is this new? OK. Possibly is needed here.

p. 8: Missing word in 5th paragraph ‘Within Australia THERE are three....’

p. 10: 3. HERITAGE RELATED ACTIVITIES.

Within each of the sections may be examples would be useful?!

Knowing – Periodic review – surely a frequency is needed. Who will do this? Which previous studies & documents? Maybe they should be referred to.

Protecting – Date when the Conservation Management Plan was prepared needs to be included.

Nothing reviewed since 2010?

Supporting – second dot point; Committees of Management of WHAT?? I guess it refers to organisations in the list below the statement!

Final dot point (p.10) Last sentence. ‘Advice is also periodically provided to (venues) remove the word venues, then continue sentence - the local historical...’

p. 11: Communicating/promoting – third dot point - change Monash Uni to Federation Uni.

Last dot point - No work since 2007 & 2009!!

p. 12: Supporting. Good points all of them.

p. 1: STRATEGY ACTION PLAN

Knowing – First point - target is too ambitious especially as this Strategy not yet passed by Council. 38 sites in 18 months!!!

Second point - target was Dec 2013. If reached then should be reported in Progress/outcome column.

Fifth point - ‘Review all...’ target unrealistic (June 2014) surely?

Sixth point - ‘Investigate...’ June 2014 target may be OK. Check.

p. 14: Protecting - third point ‘Develop & deliver...’ should have a target as well as ongoing surely!

Fourth point - ‘Conduct a’. Target June 2014. will not be met - Change.

Fifth point - ‘Council will work...’ History Societies for Art????

Supporting – first 2 dot points. The target has passed so there should be a comment in the Progress/Outcome column OR change target dates!

p. 15: OUT OF DATE!!! Check All targets. Ongoing is best target as well as specific timelines.

If points that have target dates that have gone then where is the comment in the Progress/Outcome column???

Like the fourth point - inform Councillors. Possibly should be ongoing to cover new Councillors after elections?!

Prepared for - Traralgon & Districts Historical Society Incorporated by Dr. Barbara Johnson, President.
And approved by the Society at its General Meeting, May 13 2014.

Signed : Barbara Johnson, President, T&DHS Inc.; 15/5/2014

Hayley Becker

From: Ian and Sue-Ann McGowan <[REDACTED]>
Sent: Sunday, 4 May 2014 12:31 PM
To: Hayley Becker
Subject: Fw: Heritage Strategy Document - Tyers

----- Original Message -----

From: Ian and Sue-Ann McGowan
To: HayleyBecker@latrobe.vic.gov.au
Cc: Teresa Pugliese ; Jim Stranger ; Jo Huggins
Sent: Sunday, May 04, 2014 9:43 AM
Subject: Heritage Strategy Document - Tyers

Morning Hayley,

Please note the suggestions below from Jim Stranger through the TDCA.

Regards,

Ian

Secretary - Tyers and District Community Association

----- Original Message -----

From: [REDACTED]
To: Ian and Sue-Ann McGowan ; Peter Bray ; Peter Judson and Carmel English ; Joe and Judy Van Beek ; Judy and Joe van Beek
Sent: Friday, May 02, 2014 10:26 AM
Subject: Re: Fw: Heritage Strategy Document - please send to Tyers [SEC=UNOFFICIAL]

Good morning Ian

There are several places of heritage interest in the Tyers Park. These include:

- * The "Silt Quarries" - an aboriginal heritage site known to Archeology Victoria, (the location of which is the park's best kept secret)..
- * The old lime kilns on W3 Track.
- * The original Traralgon Water Supply system on the Tyers River including the old dam wall, tunnels and wooden stave pipes.
- * The site of two old timber mills, one on W2 Track, the other on Tyers -Walhalla Road.

The Friends of Tyers Park would be pleased to discuss this further with Council representatives.

Could you pass this on to Latrobe City, thought it best to go through the Secretary.

Regards

Jim Stranger, Convenor, Friends of Tyers Park.

----- Original Message -----

From: "Ian and Sue-Ann McGowan" <mcgowanis@dodo.com.au>

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

16.2 ASSEMBLY OF COUNCILLORS

GENERAL MANAGER

Planning and Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 3 February 2014.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

The following Assembly of Councillors took place:

<u>Date:</u>	<u>Assembly Details / Matters Discussed:</u>	<u>In Attendance:</u>	<u>Declaration of Interest Declared:</u>
14 April 2014	<p>Early Years Reference Committee</p> <p>Review of the Municipal Early Years Plan Project update from David Brous, Impact Consulting Group (consultant engaged to review Latrobe City Council's preschool committees) Marketing campaign for 2015 preschool enrolments discussion.</p>	<p>Councillors: Cr O'Callaghan</p> <p>Officers: Ronda Brueton, Kate McCulley</p>	NIL
5 May 2014	<p>Jumbuk Road Timber Traffic</p> <p>Jumbuk Road timber traffic issues with residents, VicRoads and HVP.</p>	<p>Councillors: Cr Kam, Cr White, Cr Gibson, Cr Gibbons, Cr Rossiter.</p> <p>Officers: John Mitchell, Chris Wightman, Damian Blackford</p>	NIL
6 May 2014	<p>Mine Fire Recovery</p>	<p>Councillors: Cr Gibson, Cr Gibbons, Cr O'Callaghan, Cr White, Cr Sindt, Cr Harriman, Cr Kam</p> <p>Officers: John Mitchell, Tom McQualter, Damian Blackford, Geoff Hill, David Elder, Jamey Mullen, Lance King.</p>	NIL

ORDINARY COUNCIL MEETING AGENDA 10 JUNE 2014 (CM438)

<u>Date:</u>	<u>Assembly Details / Matters Discussed:</u>	<u>In Attendance:</u>	<u>Declaration of Interest Declared:</u>
8 May 2014	Qube Logistics provided an overview of their operations and the potential opportunities for rail import and export of freight from the Gippsland Region	Councillors: Cr Harriman, Cr Gibson, Cr White, Cr Sindt, Cr Kam. Officers: Jamey Mullen, David Elder, Michelle Franke, Geoff Hill, Brigitte Bence, Shannan Little.	NIL
12 May 2014	Public Presentations 4.1 Young People without Borders 4.2 Coalville Road - Submission Application 4.3 Coalville Road - Submission Application 4.4 Amendment C82, Tyers Rezoning 4.5 Amendment C82, Tyers Rezoning 4.6 Drainage Adam View Court 4.7 Gippsland Soccer League	Councillors: Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Sindt, Cr White. Officers: John Mitchell, Chris Wightman, Stacey Greenwood, Damian Blackford, Debbie Tyson, Jason Pullman, Rosalind Serventy.	Cr Middlemiss declared an Interest in items 4.4 and 4.5 – Amendment C62, Tyers Rezoning
23 May 2014	Meeting with the Port of Hastings Development Authority Port of Hastings Development Authority provided an overview of the Port of Hastings Development Authority current operations, planned port expansion and associated road and rail infrastructure developments.	Councillors: Cr Harriman, Cr Sindt, Cr Kam, Cr Gibbons, Cr Middlemiss. Officers: John Mitchell, Geoff Hill, Michelle Franke, Brigitte Bence	NIL

Attachments

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4
5. Attachment 5
6. Attachment 6

RECOMMENDATION

That Council note this report.

16.2

Assembly of Councillors

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2	Attachment 2	313
3	Attachment 3	315
4	Attachment 4	317
5	Attachment 5	319
6	Attachment 6	323



Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

Assembly details: Early Years Reference Committee

Date: 14 April 2014

Time: 1.00pm – 3.00pm

Assembly Location: Meeting Room 6, Latrobe City Council Headquarters

In Attendance:

Councillors: Cr O'Callaghan

Officer/s: Ronda Bruerton, Kate McCulley

Matter/s Discussed:

Review of the Municipal Early Years Plan
Project update from David Brous, Impact Consulting Group (consultant engaged to review Latrobe City Council's preschool committees)
Marketing campaign for 2015 preschool enrolments discussion.

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

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

Councillors:

Officer/s:

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

Completed by: Ronda Bruerton



Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

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Brief Explanation:

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

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

Assembly details: Jumbuk Road Timber Traffic

Date: 5 May 2014

Time: 3.30pm

Assembly Location: Latrobe City Council Offices, Nambur Wariga Meeting Room

In Attendance:

Councillors: Kam, White, Gibson, Gibbons, Rossiter

Officer/s: John Mitchell, Chris Wightman, Damian Blackford

Matter/s Discussed: Jumbuk Road timber traffic issues with residents, VicRoads and HVP.

Are the matters considered confidential under the Local Government Act: No

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

Councillors: Nil

Officer/s: Nil

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

Cr Rossiter arrived at 3.58pm

Completed by: Chris Wightman



Assembly of Councillors Record Explanation / Guide Notes

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Section 80A(3)

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Assembly of Councillors Record

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Assembly details: Meeting with Craig Lapsley

Date: 6 May 2014

Time: 5pm

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Headquarters.

In Attendance:

Councillors: Cr Gibson, Cr Gibbons, Cr O'Callaghan, Cr White, Cr Sindt, Cr Harriman, Cr Kam.

Officer/s: John Mitchell, Tom McQualter, Damian Blackford, Geoff Hill, David Elder, Jamey Mullen, Lance King

Matter/s Discussed: Mine Fire Recovery

Are the matters considered confidential under the Local Government Act: No

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Courtney Aquilina



Assembly of Councillors Record Explanation / Guide Notes

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Assembly details: Tour and site visit of Qube Logistics

Date: Thursday, 8 May 2014

Time: 9.00 am to 3.30 pm

Assembly Location: Assembled at Latrobe City Council HQ, bus trip to Qube Logistics at Port of Melbourne and returned to HQ
(e.g: Town Hall, TOWN, No. xx ADDRESS, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Dale Harriman, Cr Sharon Gibson, Cr Darrell White, Cr Christine Sindt, Cr Sandy Kam.

Officer/s: Jamey Mullen, David Elder, Michelle Franke, Geoff Hill, Brigitte Bence, Shannan Little.

Matter/s Discussed: Qube Logistics provided an overview of their operations and the potential opportunities for rail import and export of freight from the Gippsland Region.

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

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

Councillors:

Officer/s:

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

Completed by: Brigitte Bence



Assembly of Councillors Record Explanation / Guide Notes

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Section 80A(3)

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Assembly of Councillors Record

Assembly details: Public Presentations

Date: Monday 12 May 2014

Time: 4:00 - 6.00 PM

Assembly Location: Meeting Room 4, Latrobe City Council Headquarters.

In Attendance:

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

Officer/s: John Mitchell, Chris Wightman, Stacey Greenwood, Damian Blackford, Debbie Tyson, Jason Pullman, Rosalind Serventy.

Matter/s Discussed:

- 4.1 Young People without Borders
- 4.2 Coalville Road - Submission Application
- 4.3 Coalville Road - Submission Application
- 4.4 Amendment C82, Tyers Rezoning
- 4.5 Amendment C82, Tyers Rezoning
- 4.6 Drainage Adam View Court
- 4.7 Gippsland Soccer League

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

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

Councillors: Cr Middlemiss declared an Interest in item 4.4 – Amendment C82, Tyers Rezoning and 4.5 Amendment C82, Tyers Rezoning

Officer/s:



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

Debbie Tyson entered the room at 4.15pm to hear Items 4.2 and 4.3 relating to Coalville Road and left the room at the conclusion of these presentations.

Jason Pullman and Rosalind Serventy entered the room at 5.00 pm to hear items 4.4 and 4.5 and left the room at the conclusion of these presentations.

Cr Graeme Middlemiss left the room at 5.08 PM due to an interest in item 4.4 Amendment C82, Tyers Rezoning and returned at 5.18 PM

Cr Graeme Middlemiss Left the room at 5.23 PM due to an interest in item 4.5 Amendment C82, Tyers Rezoning and returned at 5.30 pm

Cr Dale Harriman entered the room at 5.22 pm

Damian Blackford entered the room at 5.30pm to hear items 4.6 and 4.7 and left the room at the conclusion of these presentations.

Completed by: Katrina Pizzi



Assembly of Councillors Record Explanation / Guide Notes

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Assembly of Councillors Record

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Assembly details: Meeting with the Port of Hastings Development Authority

Date: Friday, 23 May 2014

Time: 1.30 pm - 3.30 pm

Assembly Location: Latrobe City Council Headquarters, Nambur Wariga Room.

In Attendance:

Councillors: Cr Dale Harriman, Cr Christine Sindt, Cr Sandy Kam, Cr Peter Gibbons, Cr Graeme Middlemiss.

Officer/s: John Mitchell, Geoff Hill, Michelle Franke, Brigitte Bence.

Matter/s Discussed: Port of Hastings Development Authority provided an overview of the Port of Hastings Development Authority current operations, planned port expansion and associated road and rail infrastructure developments.

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

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

Councillors:

Officer/s:

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

Completed by: Brigitte Bence



Assembly of Councillors Record Explanation / Guide Notes

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- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

Nil reports

MEETING CLOSED TO THE PUBLIC

18. MEETING CLOSED TO THE PUBLIC

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

RECOMMENDATION

That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

18.1 ADOPTION OF MINUTES

Agenda item 18.1 *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.2 CONFIDENTIAL ITEMS

Agenda item 18.2 *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.3 ASSEMBLY OF COUNCILLORS

Agenda item 18.3 *Assembly of Councillors* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.4 PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON

Agenda item 18.4 *Proposed Sale Of Land - Franklin Street, Traralgon* 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)

18.5 LCC-169 LAWN MAINTENANCE OF LATROBE CITY COUNCIL SITES

Agenda item 18.5 *LCC-169 LAWN MAINTENANCE OF LATROBE CITY COUNCIL SITES* is designated as confidential as it relates to contractual matters (s89 2d)

18.6 LCC-172 PROVISION OF BULK STREET LIGHTING REPLACEMENT PROGRAMME

Agenda item 18.6 *LCC-172 PROVISION OF BULK STREET LIGHTING REPLACEMENT PROGRAMME* is designated as confidential as it relates to contractual matters (s89 2d)

18.7 MOE RAIL PRECINCT REVITALISATION PROJECT - ENGAGEMENT OF VICTRACK FOR UNDERGROUND CABLING RELOCATION WORKS.

Agenda item 18.7 *Moe Rail Precinct Revitalisation Project - Engagement of VicTrack for underground cabling relocation works.* is designated as confidential as it relates to contractual matters (s89 2d)

18.8 LATROBE CITY TRUST - APPOINTMENT OF COMMUNITY REPRESENTATIVE TRUSTEE

Agenda item 18.8 *Latrobe City Trust - Appointment of Community Representative Trustee* 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)