



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL

**HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 5.30PM ON
16 DECEMBER 2013**

CM427

PRESENT:

Councillors: Cr Dale Harriman, Deputy Mayor West Ward
Cr Peter Gibbons West Ward
Cr Sandy Kam East Ward
Cr Graeme Middlemiss Central Ward
Cr Kellie O'Callaghan East Ward
Cr Michael Rossiter East Ward
Cr Christine Sindt Central Ward
Cr Darrell White South Ward

Officers: Paul Buckley Chief Executive Officer
Michael Edgar General Manager Community Liveability
Jacinta Saxton Acting General Manager Governance
Allison Jones General Manager Economic Sustainability
Jamey Mullen Acting General Manager Organisational Excellence
Grantley Switzer General Manager Recreation, Culture & Community
Infrastructure
Jodie Pitkin Acting Manager Council Operations & Legal
Counsel

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**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****1. OPENING PRAYER**

The Opening Prayer was read by the Deputy Mayor.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Recognition of Traditional Landholders was read by the Deputy Mayor.

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Sharon Gibson, Mayor.

4. DECLARATION OF CONFLICT OF INTEREST

Cr Dale Harriman Advised Of A Conflict Of Interest In Item 18.6 Moe Rail Precinct Revitalisation Project - Land Purchase.

Cr Sandy Kam Advised Of A Conflict Of Interest In Item 18.6 Moe Rail Precinct Revitalisation Project - Land Purchase.

Cr Sandy Kam Advised Of A Conflict Of Interest In Item 18.25 Lcc-123 Moe Rail Precinct Revitalisation Project Expression Of Interest For Construction Of Stage .

5. ADOPTION OF MINUTES**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 2 December 2013 be confirmed.

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

6. PUBLIC QUESTION TIME**QUESTION 1:**

What action is the Latrobe city council taking to hold the government to account for the massive increase in our water bills; and the impact it has on our economy and cost of living? Reference is made to a letter to GRG Inc. of the 29/11/13 from Water Minister, Peter Walsh MLA.

ANSWER:

Chief Executive Officer paraphrased the question and responded that the question be taken on notice with the answers provided in writing in future minutes.

QUESTION 2:

What is the policy on leasing to not for profit organisations and incorporated associations as compared to commercial enterprises?

ANSWER:

Chief Executive Officer paraphrased the question and responded that the question be taken on notice with the answers provided in writing in future minutes.

Suspension Of Standing Orders

Moved: Cr O'Callaghan

Seconded: Cr Gibbons

That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 5.34 pm

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Mr Harold McIntosh Addressed Council In Relation To Item 8.1 Notice Of Motion – Dunbar Road.

Mr Gillio Barbara Addressed Council In Relation To Item 8.2 Notice Of Motion – Monash University

Mr Merv Geddes Addressed Council In Relation To Item 8.2 Notice Of Motion – Monash University

Ms Alison Ryan Addressed Council In Relation To Item 8.2 Notice Of Motion – Monash University

Mr Michael Ryan Addressed Council In Relation To Item 8.2 Notice Of Motion – Monash University

Mr Bill Riddle Addressed Council In Relation To Item 9.2 Planning Permit Application 2012/290 - Six Lot Subdivision & Creation Of Common Property At 340 Old Melbourne Road Traralgon.

Ms Wilma Evans Addressed Council In Relation To Item 8.2 Notice Of Motion – Monash University

Mr Ray Reed Addressed Council In Relation To Item 14.1 Proposed Removal Of Pedestrian Shelters Located At The Entrance To Hammersmith Circuit Traralgon.

Mr Barry Dickson Addressed Council In Relation To Item 14.1 Proposed Removal Of Pedestrian Shelters Located At The Entrance To Hammersmith Circuit Traralgon

Mr John Lewis Addressed Council In Relation To Item 16.3 Planning Permit Application 2013/104 - Increase Business Trading Hours (Liquor License) At 27a Grey Street, Traralgon

Mr Andrew Paniyiotou Addressed Council In Relation To Item 16.3 Planning Permit Application 2013/104 - Increase Business Trading Hours (Liquor License) At 27a Grey Street, Traralgon

Ms Helen Triantafilou Addressed Council In Relation To Item 16.3 Planning Permit Application 2013/104 - Increase Business Trading Hours (Liquor License) At 27a Grey Street, Traralgon

Mr Gino Tripodi Addressed Council In Relation To Item 16.5 Proposed Public Highway Declaration - Deakin Lane, Traralgon

Ms Rita Albanese Addressed Council In Relation To Item Planning Permit Application 2009/359/A - Use Of The Land For A Place Of Assembly, Associated Buildings And Works, Extension To The Red Line Area, Increase In Business Trading Hours, And Waiver Of The Car Parking Requirement At 7-13 Post Office Place, Traralgon

Mr Peter Rosarto Addressed Council In Relation To Item Planning Permit

**ORDINARY COUNCIL MEETING MINUTES
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Application 2009/359/A - Use Of The Land For A Place Of Assembly, Associated Buildings And Works, Extension To The Red Line Area, Increase In Business Trading Hours, And Waiver Of The Car Parking Requirement At 7-13 Post Office Place, Traralgon

Cr Harriman, Deputy Mayor, advised of a conflict of interest in relation to Item 18.6 and requestion nominations for the Chair.

Cr Kam nominated Cr O'Callaghan to take the chair.

CARRIED UNANIMOUSLY

Cr Kam and Cr Harriman left the chamber due to a conflict of Interest at 6:59 PM. Cr O'Callaghan took the Chair.

Ms Christine Waterhouse addressed council in relation to item 18.6 Moe Rail Precinct Revitalisation Project - Land Purchase

Moved: Cr White

Seconded: Cr Middlemiss

That Ms Waterhouse be granted an extension of speaking time.

CARRIED UNANIMOUSLY

Cr Kam and Cr Harriman returned to the chamber at 7.07 PM. Cr Harriman resumed as Chair.

Moved: Cr Kam

Seconded: Cr Gibbons

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.08 pm

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7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

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

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

**ORDINARY COUNCIL MEETING MINUTES
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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> 1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency. 2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency. 3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred. 4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality. 	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe. 2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe. 	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	General Manager Recreation, Culture & Community Infrastructure
6/05/13	Latrobe City International Relations Advisory Committee - Motion Re: Monash University	That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
6/05/13	Former Moe Early Learning Centre	<ol style="list-style-type: none"> 1. That a community engagement process be undertaken to inform a potential Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria. 2. That subject to the community engagement process identifying a community need meeting the funding criteria, that an Expression of Interest for funding from the State Governments Putting Locals First Program be prepared and submitted. 3. That a further report be presented to Council for consideration outlining the draft design of the former Moe Early Learning Centre based on feedback received during the community engagement process. 	General Manager Community Liveability
01/07/13	Traffic Investigation At Finlayson Crescent Traralgon	<ol style="list-style-type: none"> 1. That Council install temporary traffic calming devices in Finlayson Crescent, Traralgon for a period of six months. 2. That a review of traffic flow during this six month period in Finlayson Crescent and adjoining cross streets be undertaken and reported back to Council. 3. That a final determination be made by Council on review of these figures. 4. That Council write to the head petitioner and all other residents who were invited to express their views informing them of Council's decision. 	General Manager Recreation, Culture & Community Infrastructure
05/08/13	Traralgon to Morwell Shared Pathway Feasibility Study-Issues and Opportunities Report	That a further report be presented to Council following the completion of the consultation period.	General Manager Recreation, Culture & Community Infrastructure
16/09/13	2013/20 - Notice Of Motion - Adam View Court, Tanjil South	That a report be provided to Council on options available for the mitigation of flooding at 25 Adam View Court, Tanjil South.	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	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, Culture & Community Infrastructure
21/10/13	Review of Asset Management Policy and Asset Management Strategy	<p>1. That Council adopts the revised Asset Management Policy 13 POL-4; and</p> <p>2. That Council approves the release of the draft Asset Management Strategy 2014-2018 for community consultation for a period of five (5) weeks from Tuesday, 22 October 2013 – Friday 29 November 2013; and</p> <p>3. That a further report be presented to Council at the first Ordinary Meeting in 2014 on the Asset Management Strategy to consider all submissions received.</p>	General Manager Recreation, Culture & Community Infrastructure
6/11/13	Latrobe Regional Motorsport Complex	<p>1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers.</p> <p>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</p> <p>3. That a further report be presented to Council at such time that site options have been investigated.</p>	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
18/11/13	2013/26 – Notice Of Motion Car Parking At Traralgon, Morwell And Moe Train Stations	<ol style="list-style-type: none"> 1. That the Mayor write to the appropriate authorities and request an update, which includes timelines, on when improved car parking will be provided at the Traralgon, Morwell and Moe train stations 2. That the response be tabled at an Ordinary Council meeting 	General Manger Governance
18/11/13	Review Of Local Law No.1	<ol style="list-style-type: none"> 1. That Council, pursuant to sections 119 and 223 of the Local Government Act 1989, gives notice in the Government Gazette and a public notice placed in the Latrobe Valley Express of its intention to consider amending Local Law No.1 (09 LLW-3) and invited written submissions in regards to the draft Local Law No.1 [13 LLW-1]; 2. That Council, in accordance with section 223 of the Local Government Act 1989, considers any submissions received in relation to the draft Local Law No.1 at Ordinary Council Meeting to be held on 3 February 2014. 3. That Council considers adoption of the draft Local Law No.1 at the Ordinary Council Meeting to be held on 17 February 2014. 4. NOTE – amendment 'order of business include the CEO and Mayor' (division 3 section 23), also include 9.4 – previously removed 	General Manger Governance
2/12/13	Presentation Of Petition For The Proposed Removal Of 15 Corymbia Maculata Spotted Gum Street Trees Growing In Nature Strips In Fowler Street, Moe	<ol style="list-style-type: none"> 1. That Council lay the petition requesting the removal of gum trees in Fowler Street, Moe on the table. 2. That Council initiate a consultation process with all residents of Fowler street, Moe and the broader local community to determine public opinion in relation to the proposed removal of the gum trees. 3. That a further report be presented to Council detailing the results of the community consultation. 	General Manager Recreation, Culture & Community Infrastructure

NOTICES OF MOTION

8. NOTICES OF MOTION**8.1 DUNBAR ROAD TRARALGON****Cr Dale Harriman**

That Latrobe City Council immediately implement its planning direction that Dunbar Road Traralgon, above the Rose Avenue extension, be declared an "Access" Road and have the dedication of being a "B-Double" Route removed from this section of Dunbar Rd, effective immediately, and that the bridge in this section of Dunbar Road be designed as such.

ALTERNATE MOTION

That Latrobe City Council immediately investigate the current use of Dunbar Road, Traralgon by B-double vehicles with a view to requesting that VicRoads issue a declaration that Dunbar Road south of Rose Avenue is no longer an approved B-double route.

That the Acting Chief Executive Officer prepare a report detailing the results of this investigation for Council's further consideration of this matter and report back to the first Ordinary Council meeting of 2014

Moved: Cr Harriman**Seconded:** Cr White**That the Motion be adopted.****CARRIED UNANIMOUSLY****FORESHADOWED MOTION**

That Latrobe City Council have discussions with Vic Roads to investigate the possibility of Hickox Street being granted a B double Network or another appropriate route that allows access to the Dunbar Road property as required.

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Moved: Cr Kam

Seconded: Cr Gibbons

That the Motion be adopted.

For the Motion

Councillor/s Kam, Gibbons, Rossiter, White, Middlemiss, O'Callaghan,
Harriman

Against the Motion

Councillor/s Sindt

The Deputy Mayor confirmed that the Motion had been CARRIED.

8.2 MONASH UNIVERSITY**Cr Christine Sindt**

That Latrobe City Council advise the Prime Minister Hon Tony Abbott, the Federal Education Minister Hon Christopher Pyne, the Federal Member for McMillan Hon Russell Broadbent, the Victorian Premier Hon Denis Napthine and the State Member for Narracan Hon Gary Blackwood, that a letter has been sent to the Governor General of Australia to express concerns about the proposed gifting of our Group of Eight Monash University Gippsland Campus to Federation University Australia (formerly known as University of Ballarat)

Moved: Cr Sindt**Seconded:** Cr Gibbons**That the Motion be adopted.****For the Motion**

Councillor/s Gibbons, Sindt, O'Callaghan, Harriman

Against the Motion

Councillor/s Rossiter, Middlemiss, Kam, White

The Motion was put and CARRIED on the casting vote of the Deputy Mayor.

FORESHADOWED MOTION

That the CEO on behalf of Latrobe City Council, as a matter of urgency, and as his first priority, contact the Vice Chancellor of Monash University, Professor Ed Byrne, to accept his kind invitation, as made on two previous occasions, to meet with Latrobe City Council.

That the purpose of the meeting be to discuss the potential enrolment of first year Monash University students at the Monash University Gippsland campus in 2014.

That it be acknowledged that time is required for processes of due diligence to be completed by the Governor general of Australia, the federal Government of Australia (where the Higher Education Support Amendment Bill is 'stuck in the Senate' as described by the Federal Minister of Education Hon Christopher Pyne, until a response is received from the federal Minister for Education as foreshadowed by Virginia Hart, General Manager, Structural Adjustment and Strategic Engagement Branch, Higher Education Division, MC13-001630 and the Victorian Auditor General.

To allow an internal audit of all correspondence relating to Monash University to be completed by Latrobe city Council

Moved: Cr Sindt

Seconded:

As there was no seconder to the Foreshadowed Motion, the Motion lapses and no further action will be taken regarding this matter.

8.2

Notice Of Motion – Monash University

- 1. Attachment 1 – Letter From Alison Ryan, Governor General Of The Commonwealth Of Australia.....15**
- 2. Attachment 2 – Letter Of Authorization, Alison Ryan.....17**
- 3. Attachment 3 – UN Agenda 21 In Brief.....18**
- 4. Attachment 4 – Letter From Senator Kim Carr, Minister For Higher Education And Innovation.....22**
- 5. Attachment 5 – Letter From Virginia Hart, General Manager Structural Adjustment And Strategic Engagement Branch.....24**
- 6. Attachment 6 – Gippsland Resource Group Inc.....25**

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ORDINARY COUNCIL MEETING AGENDA 16 DECEMBER 2013 (CM427)

Mont Albert
Victoria 3127
30 October 2013

Your Excellency,

I would like to draw your attention to the legislation that is being passed in Victoria called "A Bill for an Act to amend the University of Ballarat Act 2010 to change the name of the University of Ballarat to Federation University Australia and for other purposes."

It was introduced in the Victorian Legislative Council on 24 June 2013 and becomes effective on 1 January 2014.

The background to creating Federation University (FedUni) comes from a merger of Monash University Gippsland and the University of Ballarat.

In 2012 Gippsland in Victoria had been named as a Regional Centre of Expertise (RCE) by the United Nations University-Institute of Advanced Studies in Japan.

A Regional Centre of Expertise is a network of existing formal, non formal and informal education organisations, mobilised to deliver Education for Sustainable Development (ESD) to local and regional communities.

A network of RCEs worldwide will constitute the Global Learning Space for Sustainable Development. RCEs aspire to achieve the goals of the United Nations Decade of Education for Sustainable Development (DESD) 2005-2014 by translating its global objectives into the context of the local communities in which they operate.

I raise my concerns to you about the UNESCO's stated "global education core mandate" and specifically the UN's ESD programs which FedUni plans to launch through the Ballarat and Gippsland campuses next year. It is not very well known that the Vice Chancellor of the University of Ballarat, Professor Battersby, has embedded sustainability into all curricula for FedUni under a Higher Education Sustainability Initiative at the UN Sustainable Development Knowledge Platform. The VTAC Bulletin of October 2013 shows that 51 Monash Gippsland and Ballarat University courses have been cancelled and new courses have been added.

ESD is a concept that goes far beyond environmental education. It is a process of achieving human development. It promotes sustainable consumption and production patterns in order to change attitudes and the behaviour of people as individuals, including as producers and consumers, and as citizens. The concept of sustainable development (SD) touches upon all aspects of the social and institutional fabric.

Transformation for SD is the goal of ESD. It involves the transformation of current education, public awareness and training systems for regional sustainable development. The programs of ESD, and the 2013 ECOSOC 10 Year Framework of Programmes on Sustainable Consumption and Production (SCP), as well as the 2011-2013 UNEP science strategy, are being implemented to change people's values and behaviours towards a sustainable future through lifelong learning.

RCEs are used to contribute to changing curricula, pedagogy, various forms of training, corporate and media training and other forms of training. RCEs aim to modify the content of courses, at all levels, from primary schools to the universities.

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If Federation University Australia becomes effective on 1 January 2014 it will modify the content of the university courses to be undertaken at Monash University Gippsland for ESD and not for scholarly learning.

The aim of university education at Gippsland campus has been (up to now) to provide and maintain the scholarly teaching of an excellent world class education in its region and beyond through distant education. This scholarly pursuit of learning is not reflected in ESD which aims to

- change the ways of teaching and learning because it does not perceive education as a process giving understanding of a particular subject.
- produce changes in individuals to act in ways that produce changes towards SD
- make pedagogies participatory for each target group
- incorporate sustainability elements into all learning , formal and non-formal, in a region

The United Nations Organisation has also endorsed 192 EX/6 Annex to promote global citizenship.

This Bill aforementioned must receive the approval of the Federal Government, the State Government and TEQSA. To date, it has been publicly announced in Victoria that Federation University Australia will become effective on 1 January 2014. There has been no public approval given by the Federal Government.

I have written letters to Ministers and to Senators of the Federal Parliament and Ministers and Members of State Parliament. I have had one response to my letters from a Victorian Minister.

The United Nations Organisation is not a part of the Commonwealth of Australia.

The Commonwealth of Australia Constitution Act states that we the people of NSW, Victoria, SA, Qld and Tasmania humbly rely on the blessing of Almighty God, and have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution.

I do not wish to see sound, excellent, world class scholarly university education overthrown in Victoria and Australia.

I wish our children and grandchildren to benefit from the world class education that has been offered at Monash University Gippsland to continue into the future.

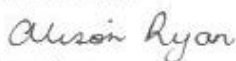
I do not want to see scholarly university education overthrown by ESD from the United Nations Organisation.

It is most apparent that Federation University Australia will be using a foreign nation's education plan to socialise Australians of all ages for the plans of that Organisation. This is quite unacceptable. It is unpatriotic and it must as such contravene the Commonwealth of Australia Constitution and our allegiance as Commonwealth citizens to the Crown.

It is my hope that the Monash University Gippsland can be saved from the socialist ESD agenda of the United Nations Organisation and that it can continue to provide and maintain an excellent standard of education in the region and beyond.

I am writing to ask for your help as Governor- General of the Commonwealth of Australia and I look forward to your reply.

Yours faithfully,



Alison Ryan

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

From: Jacinta Saxton
Sent: Tuesday, 10 December 2013 8:39 AM
To: alison ryan
Cc: Jodie Pitkin
Subject: RE: Authorisation to include name and suburb in Vic in Notice of Motion for Next Council Meeting

Thank you Alison.

These details have been included in the Council Agenda for the meeting on Monday, 16 December with your letter.

Regards
Jacinta

Jacinta Saxton

Manager Community Relations
Latrobe City Council



<http://www.latrobe.vic.gov.au/>

From: alison ryan
Sent: Monday, 9 December 2013 11:22 PM
To: Jacinta Saxton
Subject: Authorisation to include name and suburb in Vic in Notice of Motion for Next Council Meeting

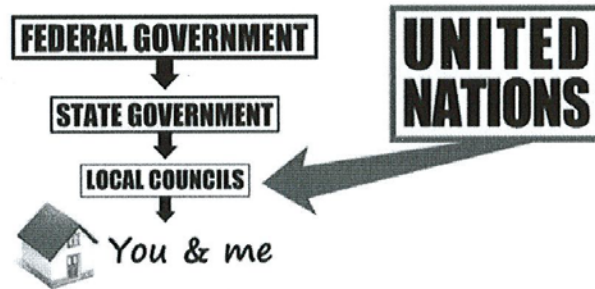
Good evening Jacinta,

Please accept this email as authorisation to include my name and suburb in Victoria in the Notice of Motion for the next Council Meeting.

Kind regards,

Alison Ryan

WHO DOES YOUR LOCAL COUNCIL WORK FOR?



G'day neighbours,

I am a local and live in your area and recently listened to a program on Fairdinkum Radio, it concerns our local councils.

The information is alarming to say the least, so I have decided to hit the pavement and spread this message.

We have all been asleep, glued to the TV, and yet instinctively most of us know something is wrong with our country.

Here's the deal, whilst we have been busy with our lives, the Globalist's have been having a field day stealing the wealth and sovereignty from all countries around the world - and guess what, Australia too.


The UN Agenda is to control all resources including our local councils, expect massive rate hikes whilst they covertly implement Agenda 21, a wolf in sheeps clothing!

Time to pay attention and do your homework, I urge you to turn off the TV, Google Fair Dinkum Radio and go to the Agenda 21 Tab. There you can listen to host Leon Pittard interview Ann Bessington, MLC SA, expose this agenda. There is also video and audio of other Aussies having a yarn about it.

So give it a go, check out FairDinkumRadio.com, guarantee it will be the Wake Up Call of your life!

I will leave you with this one question for council - **Who Are You?**

From your very concerned neighbour.

 Consider the environment and recycle....to family, friends, work mates

UN AGENDA 21 (AG21) IN BRIEF (video link)

Graham Williamson – October 2012

- **AG21 is a foreign United Nations (UN) program aimed at controlling all aspects of people's lives.** It reduces or eliminates individual human rights such as private property rights (1, 2, 3, 4). AG21 is a UN program adopted by the Keating government in 1992. It was later ratified by the Howard government & implemented by successive federal, state & local governments of all political persuasions ever since. In 20 years neither of the two major political parties has declared AG 21 as official policy, nor given voters a democratic choice.
- **AG21 is an attempt to undemocratically enforce upon Australians a 'foreign solution' for what are termed "sustainability" issues.** It is vitally important to understand that AG21 is undemocratic. It is an imported agenda that has been designed by, & its implementation monitored by, a foreign agency (the UN). Control must be increasingly surrendered to the UN & its foreign agencies with absolutely no limits being placed on this process.
- **AG21 is very much a blank cheque with no clearly defined goals & no clearly defined limits** regarding costs, legislative changes, loss of sovereignty, as well as loss of individual rights & democracy.
- **Implementation of Agenda 21 around the world is monitored by the United Nations Commission on Sustainable Development (CSD).** Participating countries are **required** to report back to the UN on a regular basis (5, 6, 7, 8). The CSD, which includes despotic dictators from other countries, will judge Australia's compliance!
- **The guiding principle behind AG21 is a belief in Gaia or ecocentrism (22, 23, 24), or the supremacy of the rights of plants & the environment (25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35) & an abandonment of traditional anthropocentrism (36).** In other words, rights are progressively transferred from humans to plants & the environment with the result that **private property rights** are being surrendered, piece by piece (37, 38, 39, 40, 41, 42, 43).
- **Two fundamental concepts upon which AG21 is based are intragenerational equity & intergenerational equity.**
 - a) **Intragenerational equity** states that common goods such as nature, environment, the ecosystem & therefore private property, **must** be shared amongst all. No one has exclusive rights of ownership (44, 45, 46, 47). According to the principle of intergenerational equity, the rights of those who have less may be used to take from those who have more, simply because of this disparity & **not** because of the existence of any legal debt.
 - b) **Intergenerational equity** grants equal rights to those who may exist in the future but who are not yet born (44, 45, 46, 47). With this bold new sense of 'justice' an assumption is made that the actions of one or more persons currently in existence will somehow reduce the quality of life of one or more persons who do not yet exist! Of course we should all be mindful of our responsibility to care for the environment, **but to legally convict a perpetrator when the victim cannot be named, does not exist, nor can his/her degree of suffering be determined, is an astonishing corruption of traditional legal & moral principles.** Yet, this has now become reality. Many see this UN driven ideologically motivated corruption of our legal system as being just. Really?
- **Under Chapter 28 of Agenda 21 the UN established Local Agenda 21 or LA 21 for implementation by local councils** around the world (48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59). Though Chapter 28 of Agenda 21 suggests that "*each local authority should enter into a*

UN Agenda21 in Brief Oct 2012.Doc

1

dialogue with its citizens, local organizations & private enterprises & adopt a local Agenda 21", in practice the public has largely been kept ignorant of AG 21 & has been denied a democratic choice by councils & governments around Australia. These concepts are currently being used by councils & state governments in Australia to tie up land use with regulations, LEP's, zonings & green tape so that private landholders are progressively losing control of their land, with resultant loss in land value.

- **Implementation of LA21 is also promoted by ICLEI, the International Council for Local Environmental Initiatives**, the name now being changed to **Local Governments for Sustainability**. In fact, **Section 7.21 of Agenda 21**, specifically recommends involvement with ICLEI. According to Maurice Strong in the **Local Agenda 21 Planning Guide**, "*The task of mobilizing & technically supporting Local Agenda 21 planning in these communities has been led by the International Council for Local Environmental Initiatives (ICLEI) & national associations of local government.*" **ICLEI supports** the "**Cities for Climate Protection Campaign & the Local Agenda 21 Initiative.**"
- **Many authorities prefer to mislead the public by avoiding the term "Agenda 21"**, using instead terms such as (60, 61, 62, 63, 64, 65) "*sustainability*", "*smart growth*", "*growth management*", "*local environmental plans*" or **Sustainable Development 21 or SD21** (66, 67, 68, 69). Some local authorities have also changed the name of Local Agenda 21 to '**Local Climate Strategy**' (66). The United Nations **Sustainable Cities** program is yet another spin off of Local Agenda 21 & the UN Habitat agenda (70, 71, 72, 73, 74). Deliberate deception or **failure to fully inform the public** is fundamental to the success of the program (75, 76).
- **Some local authorities overseas are now moving to ban Agenda 21** because of its fundamentally undemocratic regressive nature & the **threat** it poses to basic human rights, not least, our property rights (9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21).

According to Agenda 21 (77, 78, 79), Australians can only have "*improved living standards*", a "*more prosperous future*" & "*managed ecosystems*", if we form a "*global partnership*", a partnership of course which will ultimately be under the control of one global authority. By ourselves we are doomed to failure according to Agenda 21 (77, 78, 79). Chapter 8.31 of Agenda 21 states that countries are required to (80) "*incorporate environmental costs in the decisions of producers & consumers, to reverse the tendency to treat the environment as a 'free good' & to pass these costs on to other parts of society, other countries, or to future generations.*" This is described in Agenda 21 as a (80) "*fundamental objective.*"

Ratepayers & ordinary Australians will be increasingly required to fund local UN Agenda 21 schemes & 'green' programs with growing rates & taxes such as the CO2 tax. However, these funds will be diverted AWAY from local infrastructure projects to further the global ambitions of the UN, not least their stated intent of a future One World Government.

Agenda 21 & LA 21, inspired by Mikhail Gorbachev & Maurice Strong who formed the original Earth Charter, amounts to a global power grab & land grab to control & outlaw private land ownership (81, 82, 83, 84, 85).

Agenda 21 & Local Agenda 21 aims to change our lives, that of our children & future descendants, forever. And yet the political promoters of this program have continually refused to expose this program to the light of truth during an election campaign.

It is urgent that we restore democracy to our local area & insist that the voting public are permitted to make an informed democratic choice.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

The United Nations Octopus Spreads Its Tentacles

Removing Personal Property Rights

- Restricting/disallowing tree removal/lopping
- Refusing permission to clear rural land
- Resuming properties without adequate compensation

Supporting climate change scaremongering

- Banning wood burning heaters
- Preventing firewood collection in the bush
- Denying development of coastal properties
- Imposing exorbitant fees for waste disposal

Ratepayers' funds diverted to 'green' programmes

- Joining in UN's Local Gov. for Sustainability' Programmes
- Appointing full time 'environment officers'
- Supporting international celebrations such as 'Earth Day'

Basic services neglected

- Reduced rubbish collections
- Roads and pathways deteriorating
- Inadequate infrastructure for high density developments

Property rights given to other life forms

- 'Biocertification' & 'Biobanking' schemes which permanently lock up private land and are automatically transferred to any new owner
- Protection of native plants & animals used to block developments
- Local environmental plans (LEP's) favouring wildlife
- Bans on culling pests e.g. bats, ibises possums

Restricting use of our cars

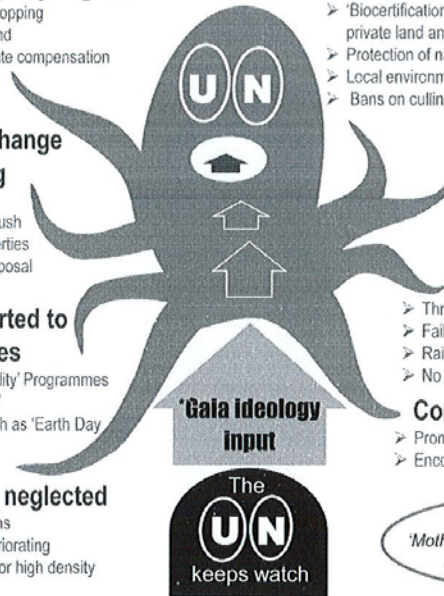
- Bikeways replacing roadways
- Trees planted in former car parking spaces
- Excessive parking fees & fines

'Bully boy' tactics

- Threatening those who complain or object
- Failing to advise constituents of council's UN agenda
- Raising rates without justification
- No democratic choice

Compressing human communities

- Promoting high rise developments
- Encouraging duplex and battleaxe developments



****Gala** refers to the belief that 'Mother Earth' is a living thing or goddess infested with parasitic humans.*

IS YOUR COUNCIL WORKING FOR THE UN?

HOW DID IT HAPPEN?

PAST - PRESENT - FUTURE

THE PAST

In 1992, the United Nations (UN) sponsored an international conference in Rio De Janeiro, at which most Nations, including Australia, signed up to a UN agreement titled "Agenda 21". AG21. This agreement was based upon *The Earth Charter*, the brainchild of former Soviet leader Mikhail Gorbachev & Canadian, Maurice Strong, godfather of the anthropogenic global warming hoax. *The Earth Charter* was a set of rules intended to lay the groundwork for complete world control, ostensibly to save the world from environmental suicide. A key component of the Agenda 21 plan is the use of local councils to implement far-reaching UN based environmental controls so that private land increasingly comes under control of local authorities & the UN. This is termed 'Local Agenda 21' or LA21, specifically promoted by the *International Council For Local Environmental Initiatives (ICLEI)*, now known as *Local Governments For Sustainability*. The Australian public was not made aware of these agreements by the politicians who were party to them.

THE PRESENT

20 years since Rio & now the Rio+20 conference, held in June, 2012, has strengthened the core aims of AG21. But still, governments at all levels, including most local councils, refuse to give residents a democratic choice & refuse to spell out the full details of the objectives & costs of their UN driven sustainability package. The UN sustainability package remains a wide-reaching charter with sinister goals and no limits to UN control.

THE FUTURE

Democracy continues to be trashed by those pushing the UN based sustainability package and AG21. It should greatly concern us all that most Australians remain unaware of the details, goals, or UN origin of AG21 even though it has thoroughly infiltrated all levels of government in Australia. If you care about democracy and the future of this great country, ask these three questions of your council or local member:

1. Do you agree that Local Council programs should be based upon so-called "sustainability" reforms guided and controlled by the UN?
2. Will you propose a complete ban on UN driven or associated Agenda 21 reforms?
3. If not, will you make the full details, goals, & costs of AG21 associated plans an election issue so residents may make a democratic choice?



A publication of The Southern Sydney Think Tank (SSTT)

Contact: sanhedin@gmail.com

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Sent: Friday, 2 August 2013 10:58 AM
Subject: Matters of Due Diligence - Monash University
Importance: High

Senator Kim Carr
Minister for Higher Education and Innovation

I write to request a meeting, at your earliest opportunity, relating to the matters below, which were raised with the State Minister for Higher Education, Hon Peter Hall, yesterday, by the Maryvale Branch of the Country Women's Association. I wrote to your office on 1 July 2013, after the announcement of your appointment as Minister for Higher Education and received no response.

KEY POINTS FROM MEETING with Victorian State Government members, Hon Peter Hall and Member for Morwell, Russell Northe held yesterday:

It has been proposed that the Gippsland Campus of Monash University be headquartered in Ballarat and that all assets be transferred to Ballarat.

The decision was announced on 22 February 2013.

There was no consultation with the Latrobe City community prior to the announcement, and no consultation with Latrobe City Council.

Over the last three years, the world ranking of Monash University has increased from 178, to 117, and is now in the top 100.

The University of Ballarat is unranked.

If this takeover were to go ahead, our community would obtain second class degrees.

It is understood that this takeover decision was made at a Monash University Council Meeting in January 2013, and that no staff or students were present at that meeting.

The Victorian Auditor General's Report – May 2012, showed Monash to have a Medium risk in terms of debt to equity.

The Victorian Auditor General's Report – May 2013, showed Monash to have a High risk in terms of debt to equity.

Monash South Africa has a multi-million dollar debt to Monash, and Monash has indicated that they will not seek repayment.

Questions have been asked of the Victorian Auditor General by Latrobe City Council regarding the financial status of Monash University.

There has been no response.

It would appear that there are financial issues to be addressed.

GippsTAFE and University of Ballarat already have an agreement for Ballarat degrees to be conferred by GippsTAFE.

Latrobe City Council has requested a copy of that agreement.

There has been no response.

It would appear that the beneficiary of the takeover is GippsTAFE.

Mr Ian Nethercote, who has been a member of the Monash Gippsland Advisory Council, has not represented the interests of our community in a satisfactory manner.

At a Meeting of Councillors with the Vice-Chancellor of Monash University he showed no sense of decorum.

Latrobe City Councillors behaved in a respectful fashion.

The Vice Chancellor indicated that he was open to further meetings.

Mr Nethercote is not a satisfactory representative of our community.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Latrobe City Council has requested copies of Monash Gippsland Advisory Council Minutes.
A letter was sent to the Vice Chancellor of Monash University by the Latrobe City Mayor on 20 March 2013.

There has been no response.

An informal approach was made to the former Chair, Ian Nethercote, at a meeting of Advance Morwell.

His arrogant response was, "You're not getting them".

The benefits touted by the Vice-Chancellor of University of Ballarat at two meetings (the AGM of Advance Morwell and Latrobe City Councillors) are non-existent.

1. Greater access. The appropriate method is by Articulated Pathways, not by dumbing down our University.
2. Expanded profile. Monash University is already a world-recognised brand.
3. Greater community engagement. The previous representatives on the Monash Gippsland Advisory Council were ineffectual.

In summary, I believe that this has been about bureaucratic blunders, and has nothing to do with our students or what is best for them.

The actions of Monash University are in breach of the Monash University Act (2009) in terms of Governance, and provision of appropriate Programs for the community.

The Vice-Chancellor of Monash University has resigned.

Now is an opportune time to engage with the Monash University Council.

A Notice of Motion is on the Agenda for the next meeting of Latrobe City Council to be held on Monday 5 August 2013.

It is time for a new broom at Monash Gippsland campus, not a takeover by Ballarat.

This has been confirmed by the opening of the New Horizons Building at Monash Clayton by yourself.

The devastation to our local economy of the proposed takeover of our Monash University campus is unconscionable, while the destruction of our current world-class educational opportunities beggars belief.

I would be most grateful if we could arrange a meeting in Melbourne at your earliest opportunity.

Kind regards,

Christine Sindt, PhD, BSc(Hons), Grad Dip Ad Ed, Grad Dip Ed (Sec)

Dr Christine Sindt
Councillor for Central Ward
Latrobe City
45 McLean Street
Morwell VIC 3840
E christine.sindt@latrobe.vic.gov.au
M 0404 893 455
T 03 5134 6877

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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Australian Government
Department of Industry, Innovation,
Climate Change, Science, Research
and Tertiary Education

Industry House, 10 Binara Street,
CANBERRA CITY, ACT 2601
GPO Box 9839,
Canberra City, ACT 2601 Australia
Phone: +61 2 6102
Email: @innovation.gov.au
Web: www.innovation.gov.au
ABN: 74 599 608 295

Dr Christine Sindt
Councillor for Central Ward
Latrobe City

MORWELL VIC 3840

MC13-001630

Dear Dr Sindt

Thank you for your email of 2 August 2013 to the Minister for Higher Education, Senator the Hon Kim Carr, concerning the transfer of Monash University's Gippsland campus to the University of Ballarat. Consistent with the caretaker conventions during the current federal election period, I am responding on behalf of the Minister.

During the period before and up until an election, the Government generally limits its functions to routine administration.

Therefore, I am unable to provide any comment on this matter at this point in time.

Yours sincerely

Virginia Hart
General Manager
Structural Adjustment and Strategic Engagement Branch
Higher Education Division

5 September 2013

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**



GIPPSLAND RESOURCE GROUP Inc.

Reg. No. A 00 50380

All correspondence to the Secretary:
2/5 Chestnut Avenue, MORWELL Vic. 3840
mqconsult@vic.australis.com.au

Mr John Doyle
Auditor General
Victorian Auditor General's Office
Level 24, 35 Collins Street
MELBOURNE VIC 3000

Dear Mr Doyle

**PROPOSAL FOR TAKEOVER OF MONASH UNIVERSITY - CHURCHILL
CAMPUS**

GRG is concerned about the above which is being undertaken by the University of Ballarat with the assets including intellectual property being vested in Ballarat and the new campus to operate from 1 January 2014 as Federation University Australia.

The University of Ballarat is un-ranked where as Monash is in the group of eight. The announcement without any prior consultation in February 2013 caused great consternation in the community among consumers and the landlord, Latrobe City Council; and in our experience lacks support. We enclose copies of the relevant correspondence:

5 April 2013	- Letter to Premier Denis Napthine
30 September 2013	- Letter from Minister Peter Hall
10 October 2013	- Letter in response to Minister Peter Hall
21 November 2013	- Letter to Latrobe City Councillor
22 November 2013	- Letter from Minister Peter Hall

We have been seeking information on probity and procurement issues that the minister refuses to provide transparency on. Letter to Cr Christine Sindt on 21 November 2013 the Minister with breathtaking arrogance suggests that he has un-fettered access to all assets and can transfer that at his discretion. Is this correct? Also how can scarce resources be used for contract and without tenders?

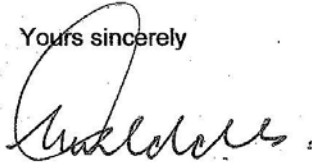
Also the last paragraph says that "information is the subject of agreement between the Universities and it is not for me to make public what may be material of some commercial confidentiality."

This information appears to be secret as my experience in over 40 years as a practising purchasing professional is that commercial in confidence ceases to exist after the tender process.

ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)

If the VAGO has done an appraisal of this takeover proposal, GRG would request a copy of same. If not we think it would be in the public interest to make an appraisal to see if we are receiving value for the transfer of our assets and whether the higher education aspirations will be met by the agreement between University of Ballarat and Monash.

Yours sincerely



MERV GEDDES

Secretary

Also founder M/ No 005237100
Chartered Institute of Purchasing
And Supply C.I.P.S. Aust.

11/12/13

cc: Cr Christine Sindt, 45 McLean Street Morwell 3840
Russell Northe, MLA, 66 George Street Morwell 3840

CORRESPONDENCE BETWEEN GIPPSLAND RESOURCE GROUP INC
AND THE PREMIER OF VICTORIA

ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)

All correspondence to the Secretary:
2/6 Chestnut Avenue, MORWELL Vic. 3840
mcconsult@vic.australis.com.au

The Hon Denis Napthine
Premier of Victoria
Level 1, 1 Treasury Place
MELBOURNE VIC 3000

Dear Premier

RE: Proposal for Takeover Monash University Gippsland Campus, Churchill

We refer to our email of the 5/4/13 through our local member forwarded for your attention through Joanne Gauci (as attached). We are very disappointed that on such a vital issue as the future of higher education in Gippsland that we have had no response.

Latrobe City Council has realised that as our elected representatives that the proposal by the University of Ballarat as described in a letter by the chairperson of Monash University Gippsland Advisory Council of 16/4/2013 (as attached) is completely worthless and without merit.

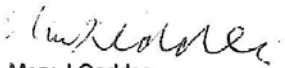
It points more to the maladministration of Monash itself than any perceived benefits. The one and only document put out by the University of Ballarat that Gippsland Resource Group (G.R.G) has seen (attached) shows a very amateurish attempt by a Vice Chancellor with questionable qualifications to seize all assets including intellectual property and vest them in Ballarat.

This is the dumbing down of an internationally recognised university with a regional campus. This proposal is not acceptable to the people of Gippsland and the future of Higher Education in the region. The attempt to paint the University of Ballarat proposal as positive is sadly misinformed and shows that the Monash University Advisory Council is completely out of touch and gullible.

A recent email from the AWU (attached) confirmed by a national radio acknowledgement earlier this week portrays a very different picture of TAFE in Ballarat that the salesman from the University of Ballarat would have us believe.

Gippsland Resource Group formally requests a meeting with yourself, as part of a delegation from Latrobe City; to discuss the resurrection of the once proud Monash University – Gippsland; Churchill Campus.

Yours sincerely


Merv J Geddes
Secretary
Gippsland Resource Group Inc.

Cc: Russell Northe MLA
Member for Morwell
Parliamentary Secretary for Small Business
66 George Street Morwell VIC 3840

Cc: Dr Christine Sindt
Councillor Central Ward
45 McLean Street Morwell VIC 3840

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)



The Hon. Peter Hall, MLC

Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 3300
Facsimile: +61 3 9637 2800

GPO Box 4367
Melbourne, Victoria 3001

HEP 1227

Mr Merv Geddes
Secretary
Gippsland Resource Group Inc.
2/6 Chestnut Avenue
MORWELL 3840

Merv

Dear Mr Geddes

Thank you for your letter to the Premier regarding higher education in Gippsland. As the matters raised fall within my portfolio responsibilities, I am responding to the issues raised.

From 1 January 2014, Monash University and the University of Ballarat (UB) will join forces to form an expanded, regionally-focussed university in Gippsland. As you would be aware, the Victorian Government has been supportive of the partnership as it is consistent with the Victorian Government's commitment to supporting the tertiary education needs of the Gippsland region.

To reflect its expanded regional focus, UB will change its name to Federation University Australia from 1 January 2014. Federation University will have seven campuses across Western, Central and Eastern Victoria with over 21,000 domestic and 5,000 international students.

The University's presence in Churchill will allow Monash University to retain its research presence in the Gippsland region and its Gippsland Medical School. In addition, the expanded university will offer a range of new courses from 2014 including:

- Bachelor of Information Technology
- Bachelor of Business (Finance and Investment)
- Master of Professional Accounting, and
- Master of Geomechanics and Geohydrology.

Significantly, Federation University's presence in Churchill presents an opportunity to facilitate more pathways for the region's students to go from vocational training to university, particularly in collaboration with the region's TAFE institutes, GippsTAFE and Advance TAFE and other training providers.



This original has been printed in black and white on recycled paper to reduce cost and environmental impact.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

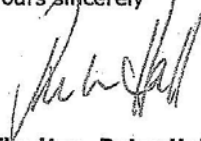
I have attached a copy of the Gippsland campus course guide for 2014 which details the breadth of courses available to students in the region.

To achieve this positive outcome, the universities adopted an open and consultative approach which was positively influenced by the contribution of engaged stakeholders. The universities have maintained dedicated sections of their websites that are updated regularly with current information for students, staff and the broader community.

I would encourage the Gippsland Resource Group to support Gippsland's two universities during their transition period, and beyond, as a demonstration of its commitment to improving access to tertiary education in Gippsland.

If you would like further information you may contact Ms Marianne Lourey, Project Executive Director, TAFE Transition Taskforce, Higher Education and Skills Group, Department of Education and Early Childhood Development, on 9637 2496 or by email: lourey.marianne.e@edumail.vic.gov.au.

Yours sincerely



**The Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession**

30/9/2013

Encl.

rec'd 2/10/13

ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)

The Hon. Peter Hall MLC
Minister for Higher Education and Skills
Minister Responsible for the Teaching Profession
2 Treasury Place
EAST MELBOURNE VIC 3002

10th October 2013

RE: Monash University Churchill
Your Letter : HEP1227 30/9/2013 refers

Dear Peter

I refer to the above letter and advise our severe disappointment that our Premier was not prepared to respond to decisions he made when coming into office.

Gippsland Resource Group became Incorporated on the 9th July 2007, because it was felt at the time that Gippsland was not receiving the full benefit of its vast assets. This serious situation has not changed; it has got worse with the election of your government; for example water prices, utility costs & fuel.

The Nationals have been espousing the benefits of supporting locals and yet are prepared to vest the assets of our University to an Un-ranked University in Ballarat.

A letter from the Monash University of Gippsland Advisory Council's Chairperson highlights the deceit that your Government has practiced on our community. As it was not made available to Latrobe City Councillors despite it apparently being carbon copied to the Mayor.

One of my personal occupations during about 40 years employment in the Latrobe Valley including all the Latrobe Valley Power Stations was as a Purchasing Officer, I enclose the following.

1. Copy of founder Member Certificate CIPS Australia 4th May 2005
2. Support letter CIPS Australia Managing Director.

I draw your attention to an article in the Age on Wednesday, October 2nd 2013 "Department Awards \$1mil TAFE contract without tender" While there may be some reason for appointing Ms Lourey to look at TAFE reform. The methods taken to achieve this objective, the cost to the taxpayers and the lack of purchasing ethics is appalling.

ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)

The last paragraph of your letter suggests that if we require further information to contact Ms Lourey, one of her responsibilities appears to be higher education.

In relation to the hostile takeover of Monash University, what expertise does Ms Lourey have in Higher Education and why was local (Gippsland) experience not sought. It is available!

G.R.G. would request a copy of the brief and the contract amount awarded to Ms Lourey and her firm and when that tender was advertised.

Peter, it is obvious that the takeover does not have community support and should be abandoned for a variety of reasons. Scant resources would be better utilised to ensure that Monash University lives up to its obligations contained in its 2009 Charter.

An article in the Latrobe Valley Express of the 4th of October 2013 " Core Business Differences", suggests that there were other reasons for the takeover of Monash by Ballarat. The backgrounds of Richard Bolt and Marianne Lourey were in the Department of Primary Industry. What relevance is this to Higher Education?

As you can see you have given no reasons for G.R.G. to support your absurd proposal, we can't until the information required is received. This will be a priority item at our next meeting.

We can't see International students flocking to "Fed Uni", either, when they would be able to get the same sub standard degrees at the University of Calcutta (no disrespect intended).

We await your expedient response
Yours Sincerely

Merv Geddes
Secretary
Gippsland Resource Group Inc.

ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)

Peter Hall MLC

Member for Eastern Victoria Region | The Nationals Leader in the Legislative Council | Minister for Higher Education & Skills
Minister responsible for the Teaching Profession

November 21st, 2013

Cr Christine Sindt
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

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Dear Christine,

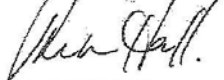
Acts of Parliament commonly assign powers to people or governing bodies to do certain things. The Local Government Act assigns powers to Latrobe Council and the Education and Training Reform Act 2006 gives the relevant Minister certain powers. One of those relevant powers which currently I hold as Minister is a requirement for me to approve a University asset transfer when the value of that transfer exceeds \$5m. In making that decision I consider the view of the university, the advice of my department and the broader interests of Victoria. In respect to the transfer of Monash's assets at Churchill to the University of Ballarat, my decision to approve the transfer was guided by the very clear wish of the Victorian Parliament that this should occur as well as the strong local community support for the proposal. I fully expect you would argue that many were not in favour of the change in local higher education provider, but I believe there were many more that did support it.

For a full account of the assets and liabilities that have been transferred you will need to seek that information from the universities. That information is the subject of agreement between the universities and it is not for me to make public what may be material of some commercial confidentiality.

This response follows Russell Northe's conversation with me following his receipt of your email of November 19th.

It should be regarded as a joint response from us both.

Yours sincerely,



PETER HALL MLC

peter.hall@parliament.vic.gov.au www.peterhall.com.au
181 Franklin St, Traralgon VIC 3844 PO Box 1506 Traralgon VIC 3844
ph 03 5174 7066 fax 03 5176 1266



ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)



The Hon. Peter Hall, MLC

Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 3300
Facsimile: +61 3 9637 2800

HEP 1285

GPO Box 436
Melbourne, Victoria 3002

Mr Merv Geddes
Secretary
Gippsland Resource Group Inc
2/6 Chestnut Ave
MORWELL 3840

Merv
Dear Mr Geddes

Thank you for your letter of 10 October regarding Monash University Churchill and making comment on other processes within DEECD.

While I am well aware of your opposition to changes that have occurred at Monash Churchill, the views that I have received across the Gippsland community have indicated overwhelming support. Further, the Parliament also gave unanimous support for the change. Without seeking to argue or debate every aspect of the change, I am confident that a provider committed to meeting the higher education needs of the region will serve us far better than one whose major focus was elsewhere.

In regards to your comments about the department engaging a company to assist with the implementation of the recommendations of the TAFE Reform Panel, this matter has been raised by the Public Accounts and Estimates Committee of the Parliament. The debate on this and further correspondence from the Department Secretary are on the Committee's website for all to see.

In regards to your reflection on the experience of senior staff of the department, I do not share your view. I believe I am well served by very capable and knowledgeable people who exercise their duties of the public service with great integrity.

Yours sincerely

The Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

22/11/2013



This original has been printed in black and white on recycled paper to reduce cost and environmental impact.

Company and they were subsequently arrived to stay at Government House. The Governor and Mrs Chenoweth attended the 2013 Cox Plate at Moonee Valley.

Lotteries

Results line 1900 966 222.

Shipping

Expected arrivals: Kin Zhan
Jane Swanson Dock 2 west
1.30pm. Steeler 1.50pm (7) Marilyn
No. 1, 3.30pm. Spirit of
Tasmania 1.51pm. Per inner
east, 5.20pm. MSC Pegasus. Swan-
son Dock 3 east, 12.30pm. SNI.
Colombo Swanson Dock 1 west
1pm. Submarine 1.41pm. Swan-
son Dock 3 east, 9pm.
Expected departures: Pegasus
Swanson Dock 1 west, 4am. ABL
Kennedy Swanson Dock 3 west,
6.30am. Maresk Dellys Swanson
Dock 2 east, 3pm. Tasmanian
Achiever Webb Dock 1 east,
4.30pm. Seacrest Tamar W/ebb
Dock 2 east, 4.30pm. CSL Pacific
South Wharf 26, 6pm. Spirit of
Tasmania 1.51pm. Per inner
east, 7.30pm.

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16/12/2013

for 2013-14.

The state financial watchdog has been pushing for "follow the dollar" powers for four years, with calls becoming more urgent as the government finances more projects through public-private partnerships and outsources services to the private sector.

A 2010 parliamentary inquiry into the Audit Act recommended Mr Brouwer's probe comes in response to a request from opposition skills spokesman Steve Herbert, who has again written to the Ombudsman to urge him to examine why the latest Department of Education and Early Childhood Development annual report states there are "no contractors with management responsibilities" despite Ms Lourey being listed as "Project Executive Director" of the TAFE Transition Taskforce.

Watchdog to probe TAFE deal done without tender

Exclusive
Richard Baker
Nick McKenzia

The Ombudsman is to investigate a contentious decision by Victoria's top education bureaucrat to pay a former colleague's company \$1 million to oversee TAFE reforms.

George Brouwer has written to Higher Education and Skills Minister Peter Hall to advise him of his investigation into Richard Bolt's hiring of his former primary industries colleague, Marianne Lourey, without a competitive tender process.

After the Coalition government slashed TAFE budgets, Mr Bolt last year used his special powers to override the state's purchasing guidelines to directly engage Ms Lourey to replace a mid-level public servant to lead the TAFE reform taskforce. Ms Lourey was hired through her company, ACIL Allen, of which she is a director, at a cost of almost \$1 million.

A former energy bureaucrat, Ms

to extensive public and private data, including random and targeted drug tests, positive result rates, seizure statistics, and prison capacity as part of his latest audit on drugs in prisons.

The value of public-private partnerships in Victoria is anticipated to rise from \$3 billion in 2012 to \$7.9 billion in 2018.

hennietta.cook@fairfaxmedia.com.au



Marianne Lourey



Richard Bolt

Lourey had no experience in the education sector.

Fairfax Media can also reveal that the education department's deputy secretary, Kym Peake, has awarded her former employer, KPMG, contracts worth almost \$500,000 to work on TAFE reform.

In one case, Ms Peake gave a \$200,000 contract to KPMG to organise "ministerial roundtables" on TAFE issues without going to public tender. Ms Peake was formerly the head of public sector governance at KPMG.

Documents show KPMG was awarded another \$400,000 contract last year by another education department bureaucrat for

A Sweet

Robert Upe
Tourism and Travel Writer

Melbourne's Adelphi Hotel, with its glass-bottom swimming pool partially jutting out over Flinders Lane, has quietly re-opened after closing this year because of financial difficulties with the Australian Tax Office.

With new owners, the 34-room boutique property has had a makeover and been re-invented as the world's only "dessert-themed" hotel.

The new-look five-star Adelphi started taking guests two weeks ago and its intimate 40-seat dessert restaurant and bar, Om Nom, opens for sweet tooth on Monday.

The two-hatted Ezart restaurant, which *The Age Good Food*

Abbott's

David Wroe
Foreign Affairs Correspondent

Tony Abbott's use of a *Washington Post* interviewer to brand his Labor predecessors as "wacko" and "embarrassing" could set back his working relationship with the Obama White House, a leading US commentator says.

Norman Ornstein, an author and political scientist with the right-leaning American Enterprise

TAFE AGE 26/10/13

Talks underway for proposed 'super TAFE'

Updated Wed 8 Aug 2012, 7:19am AEST

The University of Ballarat is in discussions with six regional TAFE institutes to create a super TAFE.

The university and TAFE institutes including Bendigo, Wodonga, Sunraysia and Gippsland have received Federal Government funding to explore whether they could work together to teach certain courses.

The new group would be called the Menzies Alliance and would cover about 80 per cent of regional Victoria starting next year.

University Vice Chancellor, Professor David Battersby, says State Government funding cuts have accelerated the project, but did not prompt it.

He says teaming up to deliver TAFE courses could improve education services in regional Victoria.

"We've got a new environment now with respect to TAFE delivery in Victoria," he said.

"We are in a climate now where it's all about partnership and collaboration, and particularly I think in regional Victoria, because in many ways by acting collectively with us partnering with TAFE institutes, I think we're able to deliver more effectively to the various regions that we serve."

The head of Advance TAFE in Gippsland, Peter Heilbuth, is playing down the idea, saying the new agreement would only be an extension of the relationship it already has with Ballarat.

"We have had to close down some of our outreach centres and I think that there's a possibility that we could use technology more creatively, to deliver training into those small remote areas," he said.

Topics: [education](#), [adult-education](#), [community-education](#), [education-collaborative-projects](#), [university-and-further-education](#), [bendigo-3550](#), [ballarat-3350](#), [wodonga-3690](#), [mildura-3500](#), [sale-3850](#)

First posted Tue 7 Aug 2012, 10:17am AEST

<http://www.abc.net.au/news/2012-08-07/talks-underway-for-proposed-super-tafe/4181886>

Ballarat University proposes 'super TAFE' for regional Victoria

By Jarrod Watt (Multiplatform editor, Victoria) 7 August, 2012 2:26PM AEST

The University of Ballarat's vice-chancellor announces the formation of 'the Menzies Alliance' to share resources among Sunraysia, Gippsland, Wodonga, Bendigo and Ballarat TAFE colleges that have been hit hard with State Government funding cuts. Hear how University of Ballarat vice chancellor David Battersby thinks it will work.

Professor David Battersby, vice-chancellor of the University of Ballarat, is proposing a new umbrella group, 'The Menzies Alliance', to bring together six regional institutes and their 28 different campuses to consolidate VET education in Victoria, based on the 'Star Alliance' model used by airlines.

"In some ways it's already in place now, because we've been given a grant of \$25 million by the Commonwealth Government to work in close partnership with six regional TAFE institutes, and that's

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16 DECEMBER 2013 (CM427)**

provided us with a good platform, and that platform is about the joint delivery of University of Ballarat degree programs through the TAFE institutes, so it's not too far removed then to look at the delivery of vocational education and training programs through that partnership arrangement."

He says the State Government is providing minimal funding to the group, despite its very public slashing of funding to vocational education in Victoria.

"The State is involved because additional to the funding we've got from the Commonwealth Government, the State have contributed about \$3m to the TAFE institutes."

Professor Battersby denies this move will create political chaos within the different institutes, saying this is a new opportunity.

"I take the view that this, in many ways, is a win-win situation. We've got a new environment with respect to TAFE delivery in Victoria, and we are in a climate now where it's all about partnership and collaboration and in particular in regional Victoria, because in many ways by acting collectively with us partnering TAFE institutes I think we're able to deliver more effectively to the various communities and regions we serve around regional Victoria," he says.

He agrees the idea to bring together the state's regional TAFEs has been pushed forward in the wake of the Baillieu Government's massive cuts to VET education in the 2012 budget

"Yes it has been certainly accelerated [by the cuts]. It has always been our view that the partnership which has been in place for a little while now might be extended, and I think the decisions taken by the State budget in May have accelerated it. One of the good things that's come out of the adversity around the VET funding cuts has been looking for opportunities and taking advantage of those," he says.

The Star Alliance model for regional TAFE institutes

Battersby proposes the Menzies Alliance would operate much like the umbrella group used by airlines, with specific costs borne by each institution.

"The proposal at the moment is each of the institutions would come together to form an affiliation, much like the airline industry and the Star Alliance, where the collective good of a whole group of airlines come together... at the end of the day the respective TAFE institutes and the university would retain their autonomy, so they would be responsible for their finances for their human resources, industrial relations, their capital assets and so on - but what we should do would be come together to look at how we could meet collectively the needs of students for our various regions."

He denies there will be any pooling of budgets, based on the differences in State and Federal funding for education.

"In fact it's too difficult; at the TAFE institutes are the responsibility of the State Government and the universities are in many ways a Commonwealth entity... but I think at the end of the day we should look ahead and see the possibility that at some in the future, out of this might arise a regional university for Victoria."

Battersby says he cannot name which courses might be saved by this alliance, and does not specifically mention how courses would be delivered remotely to students in campuses ranging from Mildura, Ararat and Warrnambool in the west of the state to Sale and Wodonga in the east.

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"For instance in some of the areas of business, horticulture, agriculture, the racing industry and so on, individual institutes probably don't have a critical mass of students now given the change of subsidies, but collectively, around the state we could garner and harness a much larger group of students," he says.

"In terms of delivery, we're already pioneering some really innovative delivery mechanisms with the partnership with the TAFE institutes; what it basically means is we don't want to dislocate students from their own regions, so one or other of the TAFE institutes for instance may take a lead on racing courses; the others would contribute, they would use their campuses, their facilities, their IT infrastructure, to enable these programs to be delivered in local communities."

Resistance is useless to the changes to TAFE funding

The university vice-chancellor says the University of Ballarat is moving from its announcement of staff and course cuts earlier this year.

"To this point we've got to the stage... we've been through a voluntary redundancy process, and we went for that firstly... we're now in the process of concluding that... I think there's been a general understanding that in fact with the changes in funding and new ways of delivering VET we do have to make these changes. I recognise there's been a lot of protests around this, but in this day and age we need to move ahead."

He says despite protests across the State, he does not believe there is any going back on the massive cuts made by the Baillieu government.

"The Government has made it very clear that this is a budget decision, they're sticking to it; I recognise the rights of folk, our staff, our students and others to protest this... but at the end of the day we are funded through Government mechanisms..."

Professor Battersby says the role of public institutions will not, on the whole, be picked up by private operators, as the same supply and demand factors affect both sectors of education in regional Victoria.

"Whether you are a private provider or a public institution like the University of Ballarat, there are thin markets in regional Victoria - unlike Melbourne, where true market forces operate, we only have what we would call 'quasi-markets' in regional Victoria, so the going can be tough for private providers as it is for public institutions," he says.

"One of the benefits of public institutions in regional Victoria is they have presence, and they have history and legacy and they exist for the public good."

Professor Battersby and the Menzies Alliance are due to take their proposal to Premier Baillieu next month.

<http://www.abc.net.au/local/stories/2012/08/07/3562369.htm>

Latrobe Valley community vow to fight TAFE funding cuts

By Rhiana Whitson (ABC Gippsland) 27 June, 2012 10:34AM AEST

A Latrobe Valley community action group has been formed to fight against state government cuts to TAFE.

About 200 people attended a community forum on the impact of TAFE funding cuts at Latrobe City Council offices.

The group, made up of current and former TAFE employees, Gippsland Trades and Labour Council, unions and the general public will lobby the state government to reverse funding cuts to TAFE.

Speakers included David Williams, Victorian TAFE Association chief executive, Joanne Stringer, Deputy President of GippsTAFE board, representatives from the NTEU and AEU and students.

Mr Williams says the community has about four months to convince the state government to reverse the changes.

Higher Education Minister and Member for Eastern region Victoria Peter Hall says the TAFE funding system is unsustainable, he told ABC Mornings program in May.

But Mr Williams refuted those claims.

GippsTAFE has lost \$10 million of state government funding, around a third of its budget.

32 staff have been made redundant, with more job losses expected to be announced within the next month.

About 60 courses have been cut.

School fees for many other courses have also been raised.

Peter Whitley, GippsTAFE chief executive, says the institution will continue to lobby the state government.

"This is about our community; this is about the heart and soul of regional Australia..."

Gippsland's other major TAFE provider, Advance TAFE announced it will cut 32 jobs and close eight of its smaller facilities, as a result of changes to state government funding of TAFEs.

It will also cut 36 from the 215 currently taught at Advance TAFE.

<http://www.abc.net.au/local/stories/2012/06/27/3533833.htm?site=ballarat>

TAFE college merger on the table for discussion

By Celine Foenander 4 December, 2013 12:00PM AEDT

The future of TAFE colleges across Gippsland is on a knife-edge with mergers or stronger collaboration the focus of talks.

The CEO of Advance TAFE, Shaun McDonagh today confirmed his institution and GippsTAFE are exploring ways to work together to ensure vocational education remains relevant and viable in the future.

Also included in the talks are Chisholm Institute which has a campus in Wonthaggi and the newly created Federation University which will take over Monash University's Churchill campus from January.

Mr McDonagh says all options are on the table for discussion and did not rule out a merger between the colleges.

"All options will be considered, whatever the structure, partnership, collaboration, affiliation - use any label you wish, they are all under consideration," he says.

The idea of a 'super TAFE' in Gippsland was flagged last August when the University of Ballarat revealed it was speaking with TAFE colleges across the state to form a partnership under a model dubbed the 'Menzies Alliance'.

The idea of amalgamating Advance TAFE, GippsTAFE and Chisholm was also submitted to the Victorian Government last year and formed part of a report investigating what changes colleges would have to make to remain viable.

"Advance TAFE, GippsTAFE and Chisholm Institute are certainly looking at what partnership and arrangement would best serve our respective stakeholders and also looking at options in terms of Federation University and what's happening with the Churchill campus and their growth and aspirations," Mr McDonagh says.

The boards of the TAFE colleges are expected to have formulated a preferred option for merger or partnerships by January.

<http://www.abc.net.au/local/stories/2013/12/04/3904769.htm>

Latest University And Further Education stories on ABC Online

TAFE college merger on the table for discussion

The future of TAFE colleges across Gippsland is on a knife-edge with mergers or stronger collaboration the focus of talks....

University And Further Education Wednesday 4 December 2013 ABC Gippsland Vic

<http://www.spacepickle.org/centralvic/topics/education/university-and-further-education/>

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

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

9.1 TRARALGON TO MORWELL SHARED PATHWAY FEASIBILITY STUDY

General Manager

Recreation, Culture &
Community Infrastructure

For Decision

PURPOSE

The purpose of this report is to present to Council the submissions received in relation to the Issues and Opportunities report for the Traralgon to Morwell Shared Pathway Feasibility Study and seek its endorsement of a preferred route.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Recreation

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

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

Objectives:

- *To promote and support a healthy, active and connected community.*
- *To provide facilities and services that are accessible and meet the needs of our diverse community.*
- *To enhance the visual attractiveness and liveability of Latrobe City .*

Strategic Directions:

- 1.2.1 Promote and support more involvement of children in active recreation and sport.
- 1.2.2 Develop and maintain community infrastructure that meets the needs of our community.
- 1.2.3 Promote and support opportunities for people to enhance their health and wellbeing.
- 1.2.4 Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.
- 1.2.5 Improve and link bicycle paths, footpaths and rail trail networks to encourage physical activity and promote liveability.
- 1.2.6 Deliver and promote environmentally sustainable waste management services that meet the expectations of the community and industry.
- 1.2.7 Continue to ensure Latrobe City is clean and tidy through the provision of effective litter control services.
- 1.2.8 Enhance and develop the physical amenity and visual appearance of Latrobe City.
- 1.2.9 Continue to maintain and improve access to Latrobe City's parks , reserves and open spaces.
- 1.2.10 Work collaboratively with our partners to engage and support volunteers in providing services to the community.
- 1.2.11 Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.

Theme 5: Planning for the futureObjectives:

- *To provide a well planned, connected and liveable community.*
- *To provide clear and concise policies and directions in all aspects of planning .*
- *Advocate for planning changes at the state level to reflect regional needs and aspirations.*
- *To reduce the time taken to process land use and development planning applications.*

Strategic Directions:

- 1.5.1 Explore the establishment of a Council planning committee to guide land use planning, development and growth.
- 1.5.2 Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.
- 1.5.3 Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.
- 1.5.4 Investigate the need for and provide appropriate resources to support land use planning and development of Latrobe City.
- 1.5.5 Review our policy and guidelines for new residential development in particular lot density, unit development, road widths and emergency vehicle access.
- 1.5.6 In consultation with the community, review Council's Municipal Strategic Statement and the Latrobe City Planning Scheme.
- 1.5.7 Work with stakeholders to maintain and enhance the natural environment and biodiversity of Latrobe City and the region.
- 1.5.8 Protect and celebrate the cultural heritage and historical character of Latrobe City.

BACKGROUND

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

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

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

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

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

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

DEPI staff provided detailed information about the status of biodiversity on the preferred route and a number of other options for the shared pathway,

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

including the Princes Freeway alignment. DEPI highlighted the bioregion status of biodiversity (including native vegetation) within the study area (Attachment 1). The map highlights the biodiversity on both the Old Melbourne Road alignment and the Princes Freeway alignment as endangered. DSE advised that Council would be required to undertake a preliminary biodiversity assessment of the Old Melbourne Road alignment.

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

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

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

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

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

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

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

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

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

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

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

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

In the conclusion and recommendations from this ecological assessment, the consultant has indicated that there are very high value biodiversity in the study area that would require significant offsets.

Following the finalisation of the biodiversity and ecological assessment (Attachment 4) in December 2012, Council officers presented the preferred or likely route of the shared pathway to a Councillor workshop in February 2013.

The proposed route (Attachment 2) for the Traralgon to Morwell Shared Pathway was selected as the most viable and cost effective option for a pathway between Traralgon and Morwell.

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

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

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

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

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

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

A detailed biodiversity assessment of the Old Melbourne Road alignment that includes the Airfield Road to Regan Road area has not been undertaken. A quote for this additional work indicates that the cost would be further \$20,000 for the consultant to undertake a preliminary design for a shared pathway, determining the best route options for the avoidance of High or Very High value flora. Further investigation would be required to determine the cost of impacts or removal of very high and high native vegetation and if required, the cost of bridges, culverts and board works. A biodiversity assessment needs to be undertaken during spring (September) and usually takes approximately 4 – 5 months.

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

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

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

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

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

ISSUES

The Traralgon to Morwell Shared Pathway has received significant support, with all submissions supporting the concept of a shared pathway between the two towns. Eighteen submissions were received and a total of 219 survey responses were received for the Community Survey, with most responses being completed online.

Overall results indicate a very positive response to the development of the shared pathway, with high levels of approval for the project and indications that a high level of consistent usage would occur.

A number of issues have been raised by the submissions received.

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Each submission is detailed in the table below. Attachment 2 provides a copy of each submission received. Attachment 3 provides a summation of all online survey responses received.

	Stakeholder name	Submission type	Issues raised	Officer response
1	Peter McMahon Cambrai Backpackers Hostel & Tours 28 Marine Parade Abbotsford	Letter	<ul style="list-style-type: none"> Support for a connected trail of shared pathways, rail trails etc. across Australia 	Noted.
2	Kennan & Julie Currie 70 Easterly Drive Traralgon	Letter	<ul style="list-style-type: none"> Devalue their property because of increased traffic The pathway is proposed to go across a gully, which would increase the cost of construction and be an eyesore. Personally believes that Old Melbourne Road is a better choice Questions the validity of the reports that other routes are not feasible. Are not prepared to make any of their land available for the shared pathway 	<p>There is no evidence that by putting in a shared pathway, that this will devalue a property's value. This is a specific design question, which will be noted at any later detailed design phase. The feasibility study is designed to consider costs of infrastructure so an informed decision can be made regarding cost vs. benefit.</p> <p>Noted.</p> <p>Independent analysis by specialist environmental consultants has supported an initial re-routing off Old Melbourne Road.</p> <p>Noted.</p>
3	Michael Purbrick	Online feedback	<ul style="list-style-type: none"> Supports the development of a shared pathway between Traralgon and Morwell. More people would use the path if the optional route via the hospital was constructed. 	<p>Noted.</p> <p>Noted. The route extension to the Latrobe Regional Hospital is proposed as an additional stage, once the Traralgon to Shared Pathway route has been completed.</p>
4	Julia Browell	Email	<ul style="list-style-type: none"> Supports the development of 	Noted.

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			<p>a shared pathway between Traralgon and Morwell.</p> <ul style="list-style-type: none"> • Concerns about safety with multiple users on Waterhole Creek linear pathway. • Off lead dog area at the end of Crinigan Road • Road crossings at Mid valley Kernot Hall and McDonalds • Australian Paper Odour buffer • Airport Road works • Alignment on the edge of HVP Plantation and safety with people being out of sight. • Distance between rest stops • Clean accessible toilets on route 	<p>This pathway is already a shared pathway, utilised by cyclists, walkers and runners.</p> <p>It is the responsibility of all dog owners to ensure that their dogs are controlled at all times.</p> <p>There is an existing pathway that goes under Princes Drive to Kernot Hall and links to McDonalds. Whilst there is a nominal 5 kilometres which can restrict or limit the intensity of residential development, it does not preclude the construction of a shared pathway or other recreation infrastructure. This will not affect the alignment of the shared pathway.</p> <p>There are reasonably open and has the airport nearby-passive surveillance is considered as part of any route.</p> <p>This will be incorporated into the future design of the pathway.</p>
5	Traralgon Harriers P O Box 1225 Traralgon 3844	Letter	<ul style="list-style-type: none"> • Supports the development of a shared pathway between Traralgon and Morwell. • Congratulation to LCC for undertaking the feasibility study • Pathway surface • Shade • Sharing of pathway with multiple users 	<p>Noted.</p> <p>Noted.</p> <p>This will be incorporated into the future design of the pathway, ensuring accessibility and safety for all users.</p>

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6	Hancocks Victoria Plantations	Letter	<ul style="list-style-type: none"> • Supports the development of a shared pathway between Traralgon and Morwell. • Concerns about the appropriateness of locating a pathway alongside a working plantation forest • There are better routes for the proposed pathway • Route would be better going south of the HVP plantation area. 	<p>Noted.</p> <p>Noted- consideration to be given to going along inside of airport along this section following a meeting held on site with HVP and Council staff. This issue is to be discussed further with the Latrobe Regional Airport Board.</p> <p>This is not the assessment that has been made. This is not an option, as the pathway alignment would go through the Latrobe Regional Airport land.</p>
7	Ken Skinner	Email	<ul style="list-style-type: none"> • Support for the proposal of a shared pathway. • Would like to see the shared pathway pick up the car yards, caravan park and hospital in the route 	<p>Noted.</p> <p>The Princes Freeway is not a preferred alignment due to the number of road crossings and driveway crossings along its extent. Hospital route has been noted in the report, with future opportunity to connect into Traralgon West development area.</p>
8	Nancy Coarser	Letter	<ul style="list-style-type: none"> • Objects to the proposed route as it makes no sense to divert the pathway through private property instead of continuing along Old Melbourne Road from Alexanders Rd. 	<p>The proposed pathway alignment is in response to avoiding significant high value native vegetation. The diversion is acknowledged as ideal from a cycling and walking perspective however DSE and consultant advice identified a preferred route.</p>
9	Peter Neumann	Email	<ul style="list-style-type: none"> • Get on with building the shared pathway and stop wasting money on feasibility 	<p>Noted.</p> <p>The feasibility is</p>

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			studies	crucial to convince funding bodies to invest the millions of dollars the trail will cost. Council could not do this without the study.
10	Janet Harris	Email	<ul style="list-style-type: none"> Supports the development of a shared pathway between Traralgon and Morwell. A pathway is long overdue Would like a route that follows the Princes Freeway More direct route, including the hospital Supports the Council financing a shared pathway, but not the proposed route 	<p>Noted.</p> <p>Noted. The Princes Freeway is not a preferred alignment due to the number of road crossings and driveway crossings along its extent.</p> <p>Noted.</p>
11	Emily O'Hara	Email	<ul style="list-style-type: none"> Support for the development of a shared pathway between Traralgon and Morwell Project addresses improving many components that strengthen the connectivity of the two towns. Overcomes barriers to being active 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
12	Neil Griffiths	Letter & Email	<ul style="list-style-type: none"> Supports the development of a shared pathway between Traralgon and Morwell. The proposed route is good. Alignment should go on Old Melbourne Road Link from Waterhole Creek to Alexanders Road unattractive. Would like to see it connected to the new development area, north of Crinigan Road. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. There is potential in the future, with the expansion of residential developments along Alexanders Road to incorporate a more attractive entry point to the shared pathway.</p>
13	Ken Bailey	Letter	<ul style="list-style-type: none"> Supports the development of a shared pathway between Traralgon and Morwell. Strongly object to the proposed route Why can't we use vacant land that follows the Old Melbourne Rd 	<p>Noted.</p> <p>Noted.</p> <p>The proposed pathway alignment is in response to avoiding significant high value native vegetation. The diversion is acknowledged as</p>

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				ideal from a cycling and walking perspective however DSE and consultant advice left no alternative at this point.
14	Neil Prestipino	Petition & Letter	<ul style="list-style-type: none"> • Supports the development of a shared pathway between Traralgon and Morwell. • Proposed route is an invasion of privacy • In a rural area there has been occasion where animals such as cows or horses enter the road which is a safety issue for potential users. • Expected use of the shared pathway will be highly utilised. • Proposed route will include very busy road crossings causing a safety issue for users • There are no links of interest within Easterly Drive and Beau Vista Drive or Regan Road • The Regan Rd and Beau Vista alignment would be challenging and costly • Its more logical to continue the proposed route via Old Melbourne Road • Another alignment option is to construct the shared pathway along the Princes Freeway via the Latrobe Regional Hospital 	<p>Noted.</p> <p>The pathway alignment is on road reserves or public land.</p> <p>It is the responsibility of animals owners to ensure that their animals are suitably fenced or restrained to prevent them escaping.</p> <p>Noted.</p> <p>The design of the shared pathway will incorporate best practice road crossings to ensure safety for all users.</p> <p>This is true however the route does include a rural setting and is open and devoid of native vegetation. This route has been used based on the direction of DSE and advice of consultants. Further detailed analysis and consideration of Old Melbourne Road would only be of value if DSE were willing to consider usage of this area with a variation to land offset</p>

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				requirements as they are currently cost prohibitive to this route. Noted, however the Princes Freeway is not a preferred alignment due to the number of road crossings and driveway crossings along its extent.
15	Vance Marcollo	Email	<ul style="list-style-type: none"> • Supports the development of a shared pathway between Traralgon and Morwell. • The east end diversion is so large that very few will use it. • The pathway will be of no use to Australian Paper commuters 	Noted. Commuting is not the primary purpose of the pathway and survey responses supported the main use as one of recreation and use with friends and family.
16	Ben Leigh Latrobe Community Health Service	Letter	<ul style="list-style-type: none"> • Supports development of a shared path between Traralgon and Morwell. • 	Noted.
17	Leah Samson – Latrobe Community Health Service	Email	<ul style="list-style-type: none"> • Supports development a shared path between Traralgon and Morwell. 	Noted.
18	Ben Morgan –	Email	<ul style="list-style-type: none"> • Supports development of a shared path between Traralgon and Morwell. 	Noted.

Submission and feedback results

Proposed alignment

Although the majority of respondents to both the online survey and formal submissions indicated their support for the alignment of the shared pathway, the Easterly Drive/Beau Vista Drive/Regan Road alignment has not been supported, especially by local residents. Local residents felt that the shared pathway was an invasion of their privacy, would be more costly to construct, and not encourage cyclists or pedestrians to use it, because it is not the most direct route between Traralgon and Morwell.

The Old Melbourne Road alignment was the preferred alignment by many submitters. Submitters cited that it was the most direct link between Airfield Road and Regan Road, and that it would encourage greater use and convenience for potential users.

If the shared pathway is to align through Old Melbourne Road between Airfield Road and Regans Road, further investigation by way of a detailed biodiversity report will be required to assess the potential impact of a shared pathway and the expected native vegetation offsets that will occur

as a result of its construction. This work has not yet been completed and will incur further costs and a variation to the project budget.

The biodiversity assessment report will need to be undertaken by an Ecological consultant, qualified to assess the value of native vegetation and the potential offsets that will be incurred.

A number of submitters proposed that the shared pathway should be aligned along the existing Princes Highway. Access to the Latrobe Regional Hospital, National Foods, car retailers etc. was cited as beneficial. However this alignment has significant constraints, including remnant native vegetation and a number of high usage roads, which are not considered safe or suitable for users of an off-road shared pathway. Both VicRoads and Department of Environment and Primary Industry have a representative on the Project Assurance Group for the Traralgon to Morwell Shared Pathway Feasibility Study project. The option to align the pathway along the Princes Freeway has not been supported by VicRoads.

Access to the Latrobe Regional Hospital was important for a number of submitters. This future alignment was identified in the Issues and Opportunities report as a future link; however access along Airfield Road is difficult, with remnant native vegetation and limited road reserve requiring further investigation.

Hancocks Plantations Victorian (HPV) highlighted concerns about the interface and alignment along the Latrobe Regional Airport land and the HPV Plantation. HPV indicated that the pathway had the potential to affect their forestry operations. The site is used by HPV as a nursery site to grow seedlings for their forestry operations. The government road between the HPV land and Latrobe Regional Airport is HPV's only access into the site.

Council officers met on site with HPV staff to further discuss this issue. The road is narrow, approximately 15 meters of road and reserve. The road abuts land currently owned by Latrobe City Council. This land is currently leased for grazing. There appears to be ample land available to potentially align the shared pathway on the inside of the Latrobe Regional Airport. This could be a continuation of the proposed shared pathway alignment already supported by the Latrobe Regional Airport Board through the easement on the southern boundary of the Latrobe Regional Airport land.

Council staff have written to the Latrobe Regional Airport Board to seek their support of this proposal. The Board is expected to meet in the near future and will provide their position on this proposal.

Design elements

A number of submissions have commented on potential infrastructure for the shared pathway such as toilets, pathway construction materials, fencing, access, road crossings, bridges, culverts etc. The design features of the shared pathway will be part of the design process and is considered too detailed at this stage of the process.

Native vegetation removal/offsets

In May 2013, the Victorian Government announced the repeal of *Victoria's Native Vegetation Management: A Framework for Action* and the introduction of a new native vegetation management system, which was due to commence in September 2013. However to date, this management system has not yet been implemented by the Victorian Government. It is expected to be introduced by the end of 2013.

With the repeal of the Framework, a new base document for the native vegetation management system entitled: "Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines" has been introduced. The Guidelines form the basis of the new system, and provide a core reference point for native vegetation applications.

Key aspects of the broad reforms include:

- removing the 'net gain' basis of assessment and replacing it with a 'net loss' assessment;
- introducing new systems of measurement and classification of native vegetation, including incorporating a core reference map of Victoria with specifically marked and ranked areas of "location risk" conservation status native vegetation to be protected to differing extents at differing locations;
- new "low", "medium" and "high" risk pathways to be used a tool for determining when suitable offsets must be sourced;
- introducing risk and proportionality into offset assessment, including for remnant patches of vegetation and old scattered trees, combined with an assessment of the actual amount of land to be cleared (with offset protection requirements increasing as the extent of land to be cleared increases), and including further assessment of the "condition" of the vegetation to be cleared (compared with the optimum condition that the vegetation had at the time of pre-European settlement); and
- ensuring secured offsets for moderate and high risk applications provide an appropriately matched habitat-hectare comparison to the native vegetation which is to be cleared (with "habitat hectares" being retained as the basis for calculating the 'biodiversity equivalence score' for native vegetation to be removed as well as the value of an offset site).

Advice provided by Latrobe City Council's Environmental department is that the native vegetation across most of Latrobe City Council is classified as "low risk". This may mean that the removal of remnant native vegetation may be a clearer and easier process; the assessment of the native vegetation and any required offsets still needs to be determined by a suitable qualified consultant.

Until such time that the new management system is introduced by the Victorian Government, Latrobe City Council must follow the current legislation and the existing Native Vegetation Framework.

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The Old Melbourne Road alignment from Airfield Road to Regans Road provides a direct and accessible route for the shared pathway. This route was originally proposed as the preferred route, prior to the identification of the native vegetation. Although there is still significant native vegetation in this road reserve, with the assistance of GPS alignment and the new native vegetation assessment criteria, a viable route can be achieved following a detailed biodiversity assessment.

Submissions received during the public exhibition of the Issues and Opportunities report have clearly identified the Old Melbourne Road alignment between Airfield Road and Regan Road as the preferred option.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

If further investigation is required into the biodiversity along Airfield Road and Regan Road, then an additional \$20,000 will be required to the project budget for a detailed biodiversity assessment.

The biodiversity assessment of the Old Melbourne Road alignment between Airfield Road and Regan Road and the detailed design of the entire extent of the shared pathway can be undertaken simultaneously. The biodiversity assessment is usually undertaken in the spring to ensure that all information is captured accurately.

There is no allocation in the 2013/14 budget for the biodiversity assessment and it will need to be referred to the mid-year budget review process for consideration.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

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

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

Details of Community Consultation / Results of Engagement:

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

- VicRoads
- Department of Sustainability & Environment
- Australian Paper

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- Latrobe Regional Airport Board
- Bicycle Victoria
- Hancocks Victoria Plantations

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

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

The following community engagement activities were undertaken during the community consultation when the Issues and Opportunities report was released.

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

OPTIONS

1. That Council adopt a new route for the shared pathway that aligns along Old Melbourne Road from Airfield Road to Regan Road, with no diversion through Easterly Drive/Beau Vista Road and Regan Road.
2. That Council not adopt a new route for a shared pathway that aligns along Old Melbourne Road from Airfield Road to Regan Road, with no diversion through Easterly Drive/Beau Vista Road and Regan Road.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****CONCLUSION**

There is substantial support for a shared pathway between Traralgon and Morwell. Feedback received during the public consultation did not support an alignment through Easterly Drive, Beau Vista Drive and Regans Road. Many submitters preferred a more direct alignment along Old Melbourne Road from Airfield Road to Regans Road.

If the alignment of the shared pathway is to continue along the extent of Old Melbourne Road from Airfield Road to Regans Road, a detailed biodiversity report will need to be undertaken to evaluate the impact on remnant native vegetation and any offsets that will be required.

Attachments

1. Proposed route
2. All submissions
3. Survey Results
4. Final Biodiversity Report

RECOMMENDATION

1. That Council not adopt the proposed route that was released to the community for consultation in August 2013.
2. That Council adopt the route as outlined in Attachment 1, with no diversion through Easterly Drive/Beau Vista Road/Regan Road and approve the commissioning of a detailed biodiversity assessment for the alignment along Old Melbourne Road, from Airfield Road to Regan Road.
3. That a further report be provided to Council outlining the results of this biodiversity study and other information relating to design and costs of the shared pathway.

Moved: Cr Kam

Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

9.1

Traralgon to Morwell Shared Pathway Feasibility Study

1	Proposed route	65
2	All submissions	67
3	Survey Results.....	133
4	Final Biodiversity Report	141

CAMBRAI BACKPACKERS HOSTEL & TOURS**28 MARINE PDE, ABBOTSFORD, 3067**

ACN 098389867

Email:petmac@bigpond.net.au

Ms. K. Tsebelis,
 Latrobe City Council,
 P.O. Box 264,
 MORWELL, 3840

1/09/2013

Dear Karen,

RE: MORWELL - TRARALGON SHARE PATHWAY

I write with an interest in the above project and hope in writing it will be of help in completing this project and at its roll with other Latrobe City bike paths in creating an Australian East Coast Cycleway.

In 2001 while attending the annual Adventure & Backpacker Industry in Sydney, I learnt of a the NSW Coastline Cycleway, a 1970's vision that connected a number of communities along the NSW coast from the Queensland border to the Victorian border with a cyclepath. I explain at the conference that Victoria had such bicycle paths (Rail Trails) and if linked, could form an off road Melbourne / Sydney bike path via Gippsland. I raised the proposed project at a Wellington Shire Council meeting at Maffra. I followed this up with letters to local Members of Parliament.

In 2004 I received a letter from the Hon. Peter Hall, MLC advising that he had made representations to the Victorian Minister for Transport. In the same year I also received a letter from the Hon. Peter McGauran, Federal Member for Gippsland with his interest on a Melbourne to Sydney Cyclepath and advised that the Federal Minister for Small Business and Tourism, the Hon. Joe Hockey would be visiting Cambrai Backpackers Hostel, Maffra and to have the proposed cyclepath in writing .

Both the Minister and his Chief of Staff, Matt Hingerty took an interest in the cyclepath and asked me to put the Victorian routes together. After the Howard Government lost government, Matt Hingerty became CEO of ATEC and kept in touch advising of the process of the NSW Coastline Cycleway. He later became the Chief of Staff for the NSW Mister for Tourism, Major Events, Hospitality and Racing and Minister for the Arts the Hon. George Souris. I was privilege to be advised by Matt that there was a group preparing to connect into NSW Coastline Cycleway from Brisbane to the NSW border which I was able to report to the 2008 Traralgon hearing of the 'Inquiry into Rural and Regional Tourism.' About the same time I was asked to discuss the proposal with Mr. Sean Daugherty, Tourism Victoria.

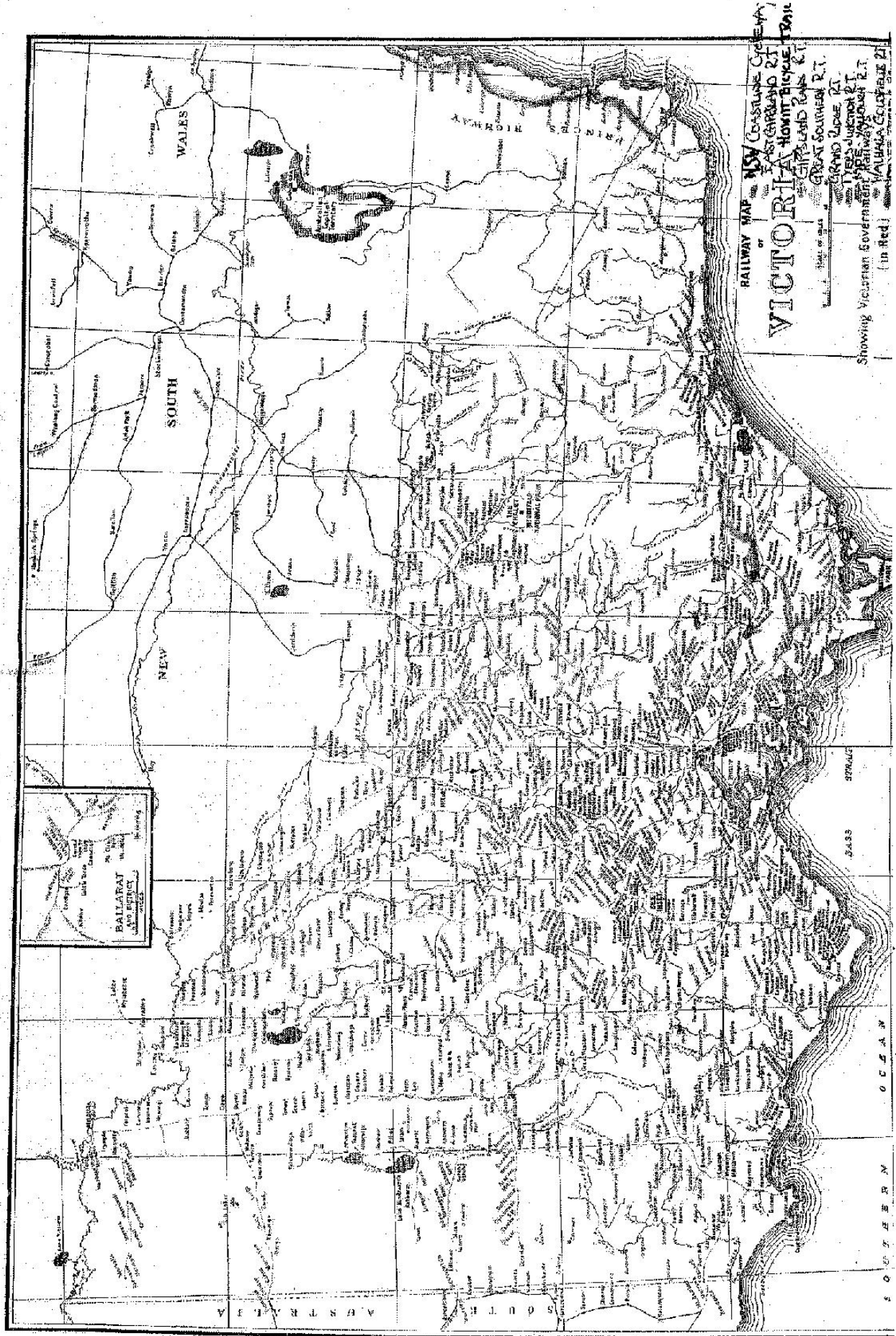
LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
4 SEP 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts	

I am enclosing a number of letters and a 1946 Victorian Railways Map showing all the disused railways, many that have been converted into Rail Trails which you may have to enlarge.

I do hope this is of help in completing your project and may be of help to the other Latrobe City's bikepaths. Please do not hesitate to contact if I could be of help.

Yours faithful,

Peter McMahon





Department of
Infrastructure, Planning and Natural Resources

NSW Coastline Cycleway – The Story so Far

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Abstract

The NSW Coastline Cycleway is a visionary project first promoted around 30 years ago by, the now retired urban planning academic, Elias Duek-Cohen. The vision was to connect the fast growing settlements along the NSW coast, most of which are less than 20km apart, with a cyclepath – thereby providing a healthy, sustainable and accessible transport choice for local communities and eventually a long distance cycle route to attract tourists from interstate and overseas. A series of studies, undertaken with State Government funding and support from Bicycle NSW, defines a route that stretches from the Queensland border to the Victoria border for a length of approximately 1,500km. The route avoids the highway where possible and will primarily be formed of off-street paths, local streets, fire trails and tracks.

In March 2003 the NSW Minister for Planning announced \$6m in seed funding for the project, extending over 4 years. These funds will be allocated to project management and dollar-for-dollar grants available to Councils along the route for capital works. A Project Manager has been appointed to manage the fund with input from other key stakeholders. A Project Officer will soon be appointed within Bicycle NSW to facilitate community partnerships to further develop the project. Work is currently underway with Councils to review the defined route and develop projects for funding, with the initial focus on sections that provide a transport/recreation function for local people.

Whilst offering wide ranging benefits to coastal communities, the development of the project will face a number of future challenges including raising the funds to complete the route, managing the impacts in sensitive locations, public liability, track maintenance and perceived security risks. The Project Manager is working closely with Councils and other land management agencies to address these issues through design, management techniques and identifying alternative funding sources.

1. Introduction

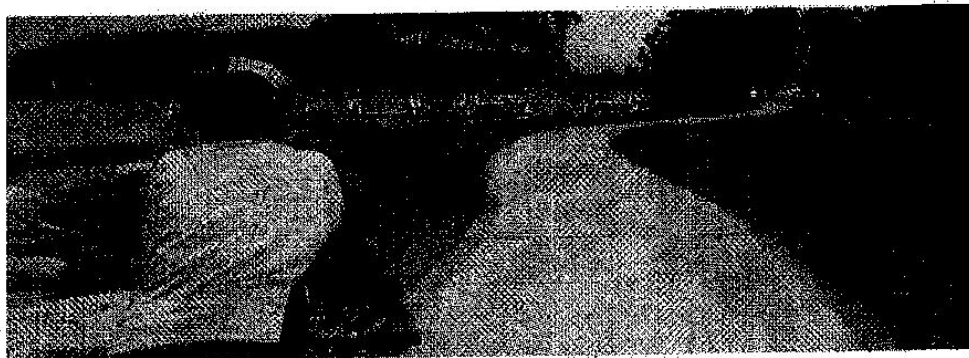
The NSW Coastline Cycleway is a visionary project that will eventually result in a continuous cycleway along the entire NSW coast between the Queensland border and the Victoria border. The announcement by the NSW Government of funding for the project follows more than 30 years of involvement and development work undertaken by individuals, bicycle user groups and Government agencies.

This paper outlines the story of the NSW Coastline Cycleway as the project has moved from the dream of one individual to a realistic undertaking that has gained the support of Government and other key stakeholders. It briefly discusses the history of the project, the vision and desired outcomes, the initial planning studies, the announcement of NSW Government funding and the resulting project management and grant funding activities, including projects that have received

**New South Wales Government**

Premier's Council for Active Living

Design Process

[Introduction](#)[Description/context](#)[Design Process](#)[Evaluation](#)[Project participants](#)[Getting there](#)[Further information](#)

The cycleway route was originally defined in a set of five studies coordinated by Bicycle New South Wales and largely funded by the New South Wales Roads and Traffic Authority (RTA). The route defined in these studies is currently being reviewed by the Department of Planning (DOP) in conjunction with councils, other New South Wales Government agencies and local bicycle user groups to ensure that the route remains viable and that current local priorities are accommodated. The route alignment is shown in maps held by DOP. Grant funding is available to councils for cycle projects on this revised route.

The New South Wales Coastline Cycleway integrates with local cycleway and road networks through local councils bike plans and pedestrian access and mobility plans. It is also integrated with the local road networks, with some sections consisting of on-road cycle lanes along local streets. While the project is known as the New South Wales Coastline Cycleway, in many areas off-road shared use paths (for both cyclists and pedestrians) have been built.

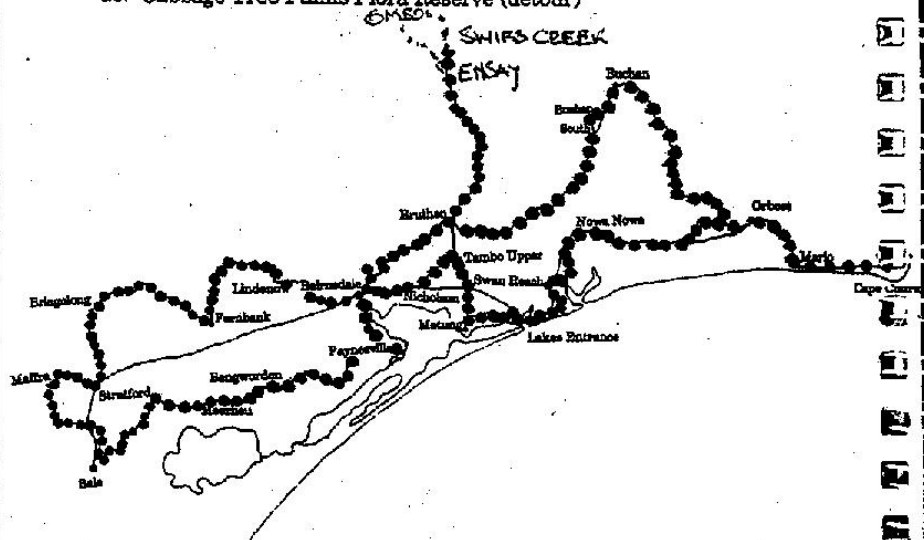
ERRATUM

Please note and excuse the following errors:

p 7 - Wa De Lock vineyard, Stratford Road (detour)
Offers dry and sweet whites, dry reds and fortifieds.
Features a local art display and BBQ area. Tasting on
6 days (closed Wed). Open 10.00am - 5.00pm.

p 20 - The following map references should read:

7. Estuary View Trail
8. Aboriginal Shell Middens
9. Yeerung Gorge
10. Cabbage Tree Palms Flora Reserve (detour)

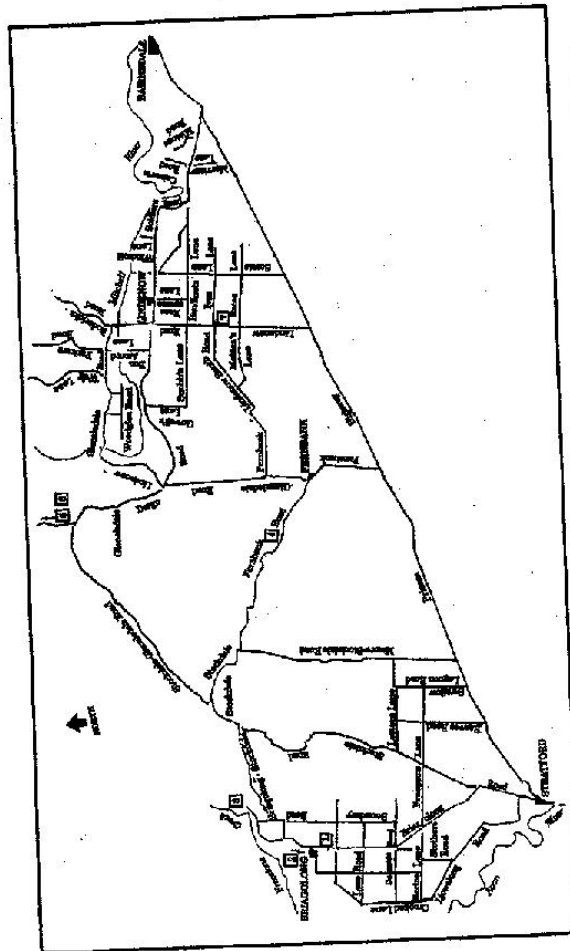


Please note that the Howitt Bicycle Trail has been designed as a round trip commencing and finishing in Sale, and the signs have been directed accordingly.

STRATFORD - BRIAGOLONG - LINDENOW - BAIRNSDALE

(24km of flat/undulating terrain with a degree of difficulty of 2)

Includes 3km of gravel road)



1. Briagolong Red Gum Reserve

Just south of Briagolong is this very significant area for forest red gum grassy woodland. This plant community used to cover the Gippsland Plains from Traralgon to Bairnsdale, along with native grassland. Now both are very restricted because of grazing areas have been replaced with introduced grasses.

BRIAGOLONG

Originally named Top Plain and nestled at the base of the Great Divide, it offers a charm found only in similar small towns in delightful settings. The green verandahed hotel, built in the 1830's, is a true example of colonial architecture, and a popular spot for a weekend counter meal.



The Howitt Bicycle Trail - an East Gippsland Experience is named in honour of Alfred William Howitt (1830-1908), a distinguished explorer, scientist (in the fields of botany, geology and anthropology) and public servant.

Howitt spent most of his life in Gippsland. He travelled over most of the area and called it "my country". It is considered fitting that this bicycle trail be named after this man who travelled over and contributed to so much of the knowledge of the East Gippsland area.

Born in England, Howitt came to the Victorian goldfields at the age of 22 where he developed outstanding qualities as a leader, explorer, and bushman. In 1863, Howitt was appointed Police Magistrate and Goldfields Warden, and made his base in Omeo, Bairnsdale and Sale respectively over the years of his appointment. As magistrate, he rode on circuit over most of East Gippsland, travelling over 10,000km a year.

In addition to his eminent public service, Howitt was a distinguished scientist and was awarded a number of honours. Botany played a big part in Howitt's studies, as he collected and classified Gippsland flowers, grasses and acacias on his journeys.

Howitt also recorded a wealth of information on the lives of the remaining Gippsland Aborigines. His studies of Aboriginal social organisations and customs have preserved most of the information about the Kurnai tribe of Gippsland.

On his death, Howitt was described as "a man of simple and noble character, whose one aim was a ceaseless and tireless search for truth".

***Enjoy your own "East Gippsland Experience" as you travel
through the area as this great man once did!***

This project has been dedicated to the memory of Kenneth Myer.

The Hon Peter Hall MLC

Member for Gippsland Province



April 19th, 2004

Mr Peter McMahon
Peter McMahon Building Services Pty Ltd
28 Marine Parade
ABBOTSFORD VIC 3067

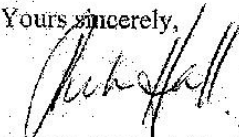
Dear Peter,

My electorate officer advised that you rang earlier this afternoon. I am sorry I missed your call as I was out of the office on electorate duties.

I was pleased to learn that the Federal Minister for Small Business and Tourism, the Hon. Joe Hockey MHR is visiting "Cambrai" at Maffra in early May. This will be a welcome opportunity for you to give him your ideas and talk about the Melbourne to Sydney bike route, via Maffra, using the existing rail trails etc.

I hope there is a successful outcome from the meeting.

Yours sincerely,


PETER HALL M.L.C.
MEMBER FOR GIPPSLAND PROVINCE

The Nationals spokesman for Education, Tertiary Education, Resources and Environment
and Leader in the Legislative Council

Electorate Office: 190 Franklin Street (PO Box 1506), Traralgon VIC 3844
Tel: 03 5174 7066 Fax: 03 5176 1266
Email: peterhall@parliament.vic.gov.au www.vicnet.net.au/~phall



**Office of the Minister for Transport**

80 Collins Street
Melbourne Victoria 3000
GPO Box 2797Y
Melbourne Victoria 3001
Telephone (03) 9655 8683
Facsimile (03) 9655 8617
www.doi.vic.gov.au
DX 210410

Our Ref:

Ref: DOI036855

30 January 2004

The Hon Peter Hall MLC
Member for Gippsland
PO Box 1506
TRARALGON VIC 3844

Dear Mr Hall

**MR PETER MCMAHON
BIKE ROUTE BETWEEN MELBOURNE AND SYDNEY**

On behalf of the Minister for Transport, I acknowledge receipt of your letter dated 28 January 2004 concerning the above matter.

Your letter is receiving attention and a response will be forwarded as soon as possible.

Yours sincerely

**Jennie Koernig
Departmental Liaison Officer**



ELECTORATE OFFICE
60 CUNNINGHAME STREET
PO BOX 9210
SALE VIC. 3850
TELEPHONE: (03) 5143 1038
FACSIMILE: (03) 5143 1057



LEGISLATIVE COUNCIL
PARLIAMENT HOUSE
MELBOURNE VIC. 3002
TELEPHONE (03) 9651 8701
FACSIMILE: 9651 8808
Email: philip.davis@parliament.vic.gov.au

THE HON. PHILIP R. DAVIS M.P.
LEADER OF THE OPPOSITION IN THE LEGISLATIVE COUNCIL
LEADER OF THE LIBERAL PARTY IN THE LEGISLATIVE COUNCIL
SHADOW MINISTER FOR AGRICULTURE
SHADOW MINISTER FOR COUNTRY VICTORIA
MEMBER FOR GIPPSLAND PROVINCE

Mr Peter McMahon
Peter McMahon Building Services P/L
28 Marine Pde
ABBOTSFORD VIC 3067

Dear Mr McMahon

Re: Rail Trail – Bairnsdale to Orbost

Reference is made to your letter regarding Victorian bike route connections, in particular in East Gippsland.

Please accept my apologies for the delay in responding, however I have only recently received a response from Gavin Jennings, MP Acting Minister for Planning acting for the Minister for Environment, The Hon John Thwaites to whom I made representations to on your behalf.

A copy of Mr Jennings' response is enclosed for your information.

Yours sincerely

A handwritten signature in black ink that reads "Philip R. Davis".

PHILIP R DAVIS MP

17/18/04

Encl.



Minister for Planning

Correspondence No: MWD14439
File No: 2000112C

8 Nicholson Street
PO Box 500
East Melbourne Victoria 3002
Telephone: (03) 9637 8087
Facsimile: (03) 9637 8921
ABN 90 719 052 204
DX 210098

13 AUG 2004

The Hon. Philip R Davis MP
Member for Gippsland Province
PO Box 9210
SALE VIC 3853

11 AUG 2004

Dear Mr Davis *Philip*

RAIL TRAIL - BAIRNSDALE TO ORBOST

Thank you for your letter to John Thwaites MP, Minister for Environment, regarding bicycle trails in East Gippsland. Matters concerning Crown land are within my portfolio.

The East Gippsland Rail Trail Committee of Management has established over 57kms of Rail Trail between Bairnsdale and Nowa Nowa. This Trail, together with the Gippsland Lakes Discovery Trail that links Lakes Entrance to the East Gippsland Rail Trail, is already a significant addition to the tourism industry in East Gippsland.

The state government has provided significant financial and technical support to both projects and continues to assist in the further development of the project.

Local departmental officers are continuing to work with the Rail Trail Committee of Management to identify additional funding sources (including state government and private sector funding) that would enable the Committee to complete construction of the Rail Trail through to Orbost.

Yours sincerely

Gavin Jennings
GAVIN JENNINGS, MP
Acting Minister for Planning

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.





FEDERAL MEMBER FOR GIPPSLAND
PETER MCGAURAN, MP

March 06, 2008

Mr P McMahon
28 Marine Pde
ABBOTSFORD VIC 3067

Dear Mr McMahon

Thank you for your email dated February 3, 2008, regarding development of an Eastcoast Cycleway.

I regret the delay in responding. As my staff have advised you, your email was not received in my office until this week.

I appreciate the reasons which have prompted you to contact me and commend you for the way in which you have presented your proposed project.

I have made representations on your behalf to the new Minister for Tourism, the Hon Martin Ferguson, seeking his support for your project, and will contact you again as soon as a reply comes to hand.

In the meantime, I suggest you might like to contact Ms Maree McPherson, Executive Officer, Gippsland Area Consultative Committee (GACC). The GACC is funded by the Federal Government to assist local communities to identify funding sources for Gippsland-based projects and assist community groups and businesses through the process of application. Ms McPherson can be contacted by telephone on 5175 0600 or email mareem@gippslandacc.com.au and will be able to provide further detail about your project's eligibility for the *Regional Partnerships* program and others.

Please do not hesitate to contact me if I can be of any further support or if you would like a letter of support to accompany any funding application you decide to submit.

Yours sincerely



PETER MCGAURAN

*ALL MAIL TO PO BOX 486 SALE VIC 3853 TEL: 1300 131 785
36 MACARTHUR STREET, SALE VIC 3850 TEL: (03) 5144 6744 FAX: (03) 5144 3945
126 FRANKLIN STREET, TRARALGON VIC 3844 TEL: (03) 5174 1341 FAX: (03) 5176 0719



THE HON MARTIN FERGUSON AM MP

**MINISTER FOR RESOURCES AND ENERGY
MINISTER FOR TOURISM**

PO BOX 6022
PARLIAMENT HOUSE
CANBERRA ACT 2600

The Peter McMahan
28 Marine Parade
ABBOTSFORD VIC 3067

Dear Mr McMahan

Thank you for your letter to the Hon Peter McGauran MP concerning funding for an East Coast Cycleway. In light of Mr McGauran's retirement, I am responding to your proposal as the Minister for Tourism.

Your recommendation for a continuous cycleway from Queensland to Melbourne was very informative. It is important for Australian destinations to have a diverse range of tourism products and experiences in order to attract visitors. This is particularly important for regional areas where tourism can contribute significantly to the economy and community sustainability.

I would like to suggest that you investigate the eligibility of his project for funding under Australian Government programs. Information on these programs is available from Grantslink on 1800 026 222 or at www.grantslink.gov.au.

Thank you for bringing this matter to our attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Ferguson'.

Martin Ferguson

21 APR 2008

Telephone: (02) 6277 7930 Facsimile: (02) 6273 0434

Darren Chester

Federal Member for Gippsland

April 17, 2013

Mr Peter McMahon
Cambrai Backpackers Hostel & Tours
28 Marine Pde
ABBOTSFORD VIC 3067

Dear Peter

Thank you for your letter of April 8, 2013, regarding a Melbourne to Sydney bike path.

The opportunities to promote tourism and the flow-on economic benefits to communities along the route would be most beneficial.

As you would be aware, the National Cycling Strategy was established in 1999 as a coordinating framework consisting of Federal, State and Territory Transport Ministers, to identify responsibilities that lie with the various governments of all levels, community and industry stakeholders to encourage and facilitate increased cycling in Australia.

Early in 2011 the strategy for the next five years was released to build on the previous policy to identify a series of actions to ensure the continued growth of this important component of Australia's transport system. Should you not already have seen the 2011-2016 strategy, I have enclosed a copy for your information.

A suggestion was put to me early last year for the establishment of a bike pathway from Melbourne to Brisbane and at the time I wrote to both the Federal and State Governments, seeking advice.

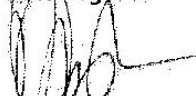
I enclose copies of the responses I received (I have deleted names for reasons on privacy).

I understand that the Victorian Trails Strategy, referred to by Philip Davis, has only recently closed tenders for service providers to gather and analyse information to prepare a final report which will form the basis of the strategy.

I have taken the liberty of forwarding your letter to the Shadow Minister for Transport, Warren Truss, so that your ideas can be considered when we develop policy in the next few months.

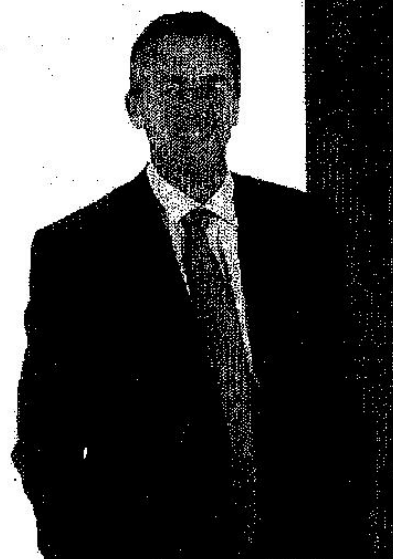
Again, Peter, thank you for taking the time to provide this information to me.

Kind regards



DARREN CHESTER
The Nationals

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



THE NATIONALS for Regional Australia



Hon. George Souris MP
 Minister for Tourism, Major Events, Hospitality and Racing
 Minister for the Arts

MH11/04

Mr Peter McMahon
 Cambra Backpackers Hostel and Tours
 117 Johnson St
 Maffra 3860

Dear Mr McMahon *Pete*

Thank you for your letter dated 12 May 2011 concerning the NSW Coastline Cycleway and congratulating me with this new position.

It is important that NSW has a wide range of tourism products and experiences for domestic and international tourists while providing transport alternatives to the residents of NSW. You may be interested in making contact with Premier's Council for Active Living which has administration for the NSW BikePlan. Further information can be accessed via www.pcal.nsw.gov.au.

Thank you for bring this matter to my attention

Yours sincerely

Matt

Matt Hingerty
 Chief of Staff
 Minister for Tourism, Major Events, Hospitality and Racing
 Minister for the Arts

25 MAY 2011

*Great to know your still
 pushing away on this Pete.
 Big things about to happen
 in tourism in NSW!*

Matt



State Government of Victoria

Victorian Trails Coordinating Committee

Mr Darren Chester
Federal Member for Gippsland
PO Box 486
SALE VIC 3853

Level 32, 121 Exhibition Street
Melbourne
Victoria 3000
Australia
GPO Box 2219T
Melbourne
Victoria 3001
Telephone: 9653 9786
Facsimile: 9653 9755

Dear Mr Chester

A handwritten signature in black ink that reads "Darren".

RE: CYCLING PATH – NEW SOUTH WALES BORDER TO MELBOURNE

Thank you for your letter which was received on 12 April 2012 regarding proposal for a cycling path from the NSW border to Melbourne and my sincere apologies for not responding sooner.

The Victorian Government is committed to the development of walking and cycling tracks and trails in a financially responsible way. Cycling is considered an important alternative transport mode, recreational activity for the family and tourism product.

The Victorian Trails Coordinating Committee (VTCC) is an interdepartmental committee that aims to identify tracks and trails across Victoria that have the potential to drive tourism visitation in the state.

The VTCC sees merit in your proposal and will take this into consideration as part of the review of the Victorian Trails Strategy, however, a new cycling path from the NSW border to Melbourne is a lower priority at this stage.

Thank you for raising this matter with me.

Yours sincerely

A handwritten signature in black ink that reads "Philip R. Davis".

Philip R. Davis MP
Chairman

26/10/2012



**Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events**

Level 36
121 Exhibition Street
Melbourne
Victoria 3000
Telephone: (03) 9651 9900
Facsimile: (03) 9651 9962

Ref: LA328805

The Hon Peter Hall
Minister for Higher Education and Skills
PO Box 1506
TRARALGON VIC 3844

Peter
Dear Minister

MELBOURNE TO SYDNEY BIKE PATH

Thank you for your letter dated 7 July 2011, on behalf of your constituent Mr Peter McMahon, regarding Melbourne to Sydney Bike Path.

The Baillieu Government through Tourism Victoria is in the process of establishing the Victorian Trails Co-ordinating Committee (VTCC) under the chairmanship of Mr Philip R. Davis MP, Member for Eastern Victoria.

This committee will drive the future direction of trails development in Victoria by providing a more co-ordinated approach towards the identification and prioritisation of tracks and trails which can drive tourism visitation to Victoria.

The Committee will be managed by Mr Sean Daugherty, Manager Nature-based Tourism at Tourism Victoria. I encourage Mr McMahon to contact Mr Daugherty to discuss the proposal in detail. His telephone number is: (03) 9653 9786.

Thank you once again for your letter.

Yours sincerely

THE HON LOUISE ASHER MP
Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events

19 JUL 2011



Peter Hall MLC

Member of the Victorian Government | Member of the Victorian Legislative Council | Minister for Higher Education & Skills
 Minister of the Opposition | Member of the Victorian Legislative Council

25th July, 2011

Mr Peter McMahon
 28 Marine Pde
 ABBOTSFORD VIC 3067

Dear Peter,

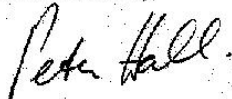
Please find enclosed a response received today from the Minister for Tourism and Major Events, the Hon. Louise Asher in answer to my representations on your behalf in regard to a Melbourne to Sydney bike path.

The Minister advises the Coalition is in the process of establishing the Victorian Trails Co-ordinating Committee which will drive the future direction of trails development in Victoria.

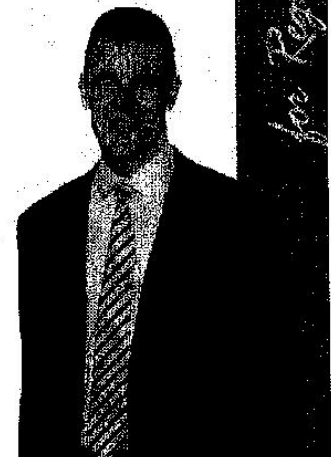
The committee will be managed by Mr Sean Daugherty, manager nature-based tourism at Tourism Victoria and you are encouraged to contact him on 9653 9786 to discuss your proposal in detail.

I trust this information is helpful to you.

Yours sincerely,



PETER HALL MLC
 MEMBER FOR EASTERN REGION



peter.hall@parliament.vic.gov.au www.peterhall.com.au
 181 Franklin St, Traralgon VIC 3844 PO Box 1808 Traralgon VIC 3844
 or 03 5174 7066 or 03 5178 1266

for Regional Victoria



Australian Government

Department of Infrastructure and Transport

Reference: 00239-2012

Mr Darren Chester MP
Member for Gippsland
PO Box 486
SALE VIC 3853

Dear Mr Chester

Thank you for your letter dated 20 December 2011 to the Hon Anthony Albanese MP Minister for Infrastructure and Transport, on behalf of your constituent, _____ who is suggesting an inter-city cycling link between Melbourne and Brisbane. The Minister has asked me to reply on his behalf.

While the provision of cycling infrastructure is principally the responsibility of State and Local governments, the Australian Government is dedicated to improving transport and lifestyle options that affect the productivity, sustainability and liveability of Australian cities. For example, in 2008-09 the Government invested \$40 million for the construction of cycling infrastructure under the National Bike Paths Projects component of the Jobs Fund. The Australian Government has also provided funding for cycling paths as part of larger Nation Building projects, such as a three kilometre cycleway along Princes Highway East, between Traralgon and Sale.

You may wish to direct your constituent, _____ to the following resources:

- Rail Trails Australia (www.railtrails.org.au) which is aiming to convert former railway lines to hiking and riding trails. They have an upcoming symposium on 3 February 2012.
- *Victoria's Cycle Tourism Action Plan 2011-2015* prepared by Tourism Victoria, which aims to enhance Victoria's position as a cycling tourism destination.
- *NSW Coastline Cycleway* program which is aiming to eventually provide a 1400 kilometre cycleway from the Queensland to Victorian border through grants to local governments.

I thank you for your interest in this matter.

Yours sincerely

Dorte Ekelund
Executive Director
Major Cities Unit

24 January 2012

Darren Chester

Federal Member for Gippsland

May 24, 2013

Mr Peter McMahon
Cambrai Backpackers Hostel & Tours
28 Marine Pde
ABBOTSFORD VIC 3067

Dear Peter

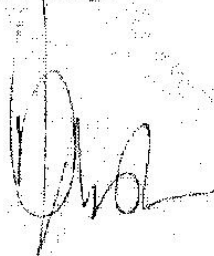
Please find enclosed correspondence received from the Hon Warren Truss MP, Shadow Minister for Infrastructure and Transport, with regard to representations I made on your behalf in relation to a continuous coastal cycle path from Melbourne to Sydney.

I trust the information will be of interest to you.

I have acted on Mr Truss's suggestion, and made representations on your behalf to Shadow Ministers Bob Baldwin and Senator Barnaby Joyce in relation to this matter.

As soon as I receive their responses, I will be in contact with you again.

Kind regards



DARREN CHESTER
The Nationals



www.darrenchester.com email: darren.chester.mp@aph.gov.au
PO Box 486 Sale Vic 3853
tel: 1300 131 785 fax: 03 5144 3945

THE NATIONALS for Regional Australia

**Hon Warren Truss MP**

Leader of the Nationals

Shadow Minister for Infrastructure and Transport

Member for Wide Bay

Wednesday, 15 May 2013

JF

Mr Darren Chester MP
Federal Member for Gippsland
PO Box 486
SALE VIC 3853

Dear Mr Chester,

Darren

Thank you for your letter, received 26 April 2013, on behalf of your constituent Mr Peter McMahon supporting the construction of a continuous coastal cycle path from Melbourne to Sydney.

I appreciate the time you have taken to bring Mr McMahon's proposal to my attention. As you would be keenly aware, tourism is extremely important for the economies of many regional communities, particularly those coastal communities in your electorate of Gippsland.

Mr McMahon's proposal has the potential to boost tourism in local communities along its route as cycle tourism grows in popularity in Australia. However, as the Minister for Infrastructure and Transport has advised cycle paths are predominantly the responsibilities of state and local governments. In this respect I note that the Victorian Transport Coordinating Committee Chairman has acknowledged that Mr McMahon's proposal has merit and has indicated it will be taken into consideration in their future strategic planning.

It may also be possible for smaller sections of the project to be funded through local tourism initiatives or regional development grants and you might like to also advise Shadow Ministers Bob Baldwin and Senator Barnaby Joyce of your constituent's proposal.

I hope that this information has been of assistance.

Yours sincerely,



Hon. Warren Truss MP
Leader of The Nationals
Shadow Minister for Infrastructure and Transport

Page 1 of 2



14.9.2013.

Karen Teebelis

Senior Recreation and Open Space Planner
Latrobe City Council.

Dear Karen

In regards to the proposed
Traralgon to Morwell, shared Pathway.My wife and I currently live at 70 Easterly Drive,
Traralgon and have done so for over 30 years.We selected the block when when it was subdivided,
and part of the Shire of Traralgon, for 3 main reasons.

1. For its character. Two gullies running through
the property and some native bush.
2. For its quiet location.
3. For the fact that it is at the end of a
"no through road," with no through traffic.

We believe that a shared pathway would devalue
our property, because of pedestrians, bike riders
and a good chance of unwanted noisy motor bikes.
People and possibly, undesirable types would have
access to the property, which would not normally be
the case.

The pathway is proposed to cross the gully, and
although it doesn't run water all year, it frequently
floods during the wet months. A substantial
bridge would be required to cross the gully when
in flood, this would be expensive and an eye-
sore as far as we are concerned.

I personally believe the Old Melb' road would
be a better choice, I have ridden horses through
this section numerous times in the past and found
it to be most pleasant.

Page 1 of 2

14.9.2013.

Karen Tsebelis
Senior Recreation and Open Space Planner
Latrobe City Council.

Dear Karen,

In regards to the proposed
Traralgon to Morwell, Shared Pathway.

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bridge would be required to cross the gully when
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sore as far as we are concerned.

I personally believe the Old Melb' road would
be a better choice, I have ridden horses through
this section numerous times in the past and found
it to be most pleasant.

Page 2 of 2

I question the validity of the reports that other routes are not feasible, and that only via Easterely Drive would be suitable.

My wife and I would also like to make it quite clear that any land, being a small portion or otherwise of our property, would not be made available for this Proposed Shared Pathway.

We remain.

Yours Respectfully,

Kennan & Julie Currie

Kennan

Julie H. Currie

70 Easterely Drive
Traralgon

Karen Tsebelis

From: Kristie West
Sent: Thursday, 12 September 2013 3:53 PM
To: Karen Tsebelis
Subject: FW: Online Consult - Shared Pathway Submitted

Hi Karen,

Please see below the latest submission about the Shared Pathway.

Thanks,

Kristie West

Marketing and Communications Officer
 Latrobe City Council

[mailto: Kristie.West@latrobe.vic.gov.au](mailto:Kristie.West@latrobe.vic.gov.au)
 Direct: 03 5128 5492
 Fax: (03) 5128 5672

Phone: 1300 367 700
 PO Box 264, Morwell 3840
 141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

From: cms@seamlesscms.com [<mailto:cms@seamlesscms.com>]
Sent: Thursday, 12 September 2013 1:37 PM
To: Kristie West
Subject: Online Consult - Shared Pathway Submitted

First Name Michael
 Surname Purbrick
 Street Kay Street
 Town Traralgon
 Post Code 3844
 Email opurbrick@gmail.com
 Address
 Phone Number 0427515165

My submission is More people would use the path if the optional route via the hospital was constructed. This would provide increased opportunity for hospital staff & visitors to keep fit, stay healthy and reduce carbon emissions.

Upload... No file attached

Karen Tsebelis

From: Karleen Plunkett
Sent: Tuesday, 17 September 2013 2:24 PM
To: Karen Tsebelis
Subject: FW: Traralgon Morwell Shared Pathway Feasibility Study

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Karen,

Below is the email I received from a DRC community member regarding the feasibility study.

I think what is said may be of interest to you.

From: spinifex dreaming [mailto:spinifex_dreaming@yahoo.com]
Sent: Tuesday, 10 September 2013 3:33 PM
To: Karleen Plunkett
Subject: Re: Traralgon Morwell Shared Pathway Feasibility Study

G'day Karleen,

My brain is still a bit blah! after wading through the Feasibility Study. The route came a bit of a surprise as I had thought the bike path would be more direct, maybe alongside the railway tracks. Not for one moment did I consider a route that puts kilometres onto the distance between towns.

I have a couple of thoughts which I didn't see addressed, though I may have missed them.

I didn't get the chance to respond to the Waterhole Creek Study, unfortunately submissions are now closed. I had hoped it would be looked at by the committee.

It is a quite busy area with pedestrians cyclists gopher-users wheelchair-users etc. It tends to be utilised as a short-cut by Mid Valley shoppers, plus parents with small children, dog-walkers, elderly folk and quite a number of people with disabilities enjoy relaxing walks, picnics & play. Even at night there is a surprising amount of foot traffic along the paths beside the creek. This could be a safety issue with lots of bicyclists sharing the same pathways with excited toddlers at play, young loughs on BMX bikes, & people unable to get out of the way quickly or hear bikes coming up behind them.

Down the far end towards Crinigan Rd there is an area where dogs can be let off their leash...dogs and revolving bike wheels are NOT a good combination. Residents are NOT going to sit still if this leash-free area is taken away.

At the other end, there are three ways to cross the highway. Pedestrian crossing into the Mid Valley carpark (put in after tragic deaths near the bridge) but no footpath access to Kernot Hall and people are forced to walk on the road as they cross the bridge. The next closest is at the McDonalds intersection, again a fair out of the way walk for those

heading to Kernot Hall/lake. Also with poor boggy access and people using wheelchairs/gophers/walking frames are again forced to negotiate moving cars on the road. The third option is under the road bridge. A very steep often muddy wet slippery pathway and when we've had lots of rain this is flooded. Another concern is: this area is the haunt of chromers & other drug users and is never safe to travel under the highway alone.

Another thought I had is the proposed route doesn't seem to take into account the papermill stench. It's bad enough for the couple of minutes it takes to get through the smell when driving. Who in their right mind would want to cycle/walk breathing it in much longer and deeper due to exercise? Or arrive at their destination with the smell on their skin & clothing?

I know there have been road works being done on Airport Rd, hopefully to lessen the ongoing accidents at the intersections, especially the Old Melb Rd end. The proposed route brings cyclists/pedestrians into the middle of this high-risk zone.

The section through the plantation seems to me to put users out of sight of the road. I query the safety of this. Also, when the plantations are harvested and again when the next crops of trees are being planted, there will be safety concerns with harvesters, log trucks, work vehicles etc. Will it be necessary to close the pathway during these times. Also these vehicles tend to tear up the ground. They will also tear up the bikepath where they cross it.

The long distance will require rest stops which, in my opinion, should have recharge points for electric chairs/gophers/bicycles. Or do people with disabilities just hope like hell they can call for help on their mobile phones (those who can use them) in this patchy phone reception area when their vehicle batteries go flat and they are stuck.

Clean accessible toilets along the route are a must as well. Regularly inspected to remove sleeping tiger & other snakes that are plentiful in these areas.

Well, that's it from me for the moment. I did have some other thoughts but can't recall them now. Probably remember in the middle of the night..lol.

I hope to make it to the next meeting next week. Am not sure how to pay for the taxis to and from Traralgon. Lots of bills, not enough pension. But I'll do my best to be there on the 17th.

Please can you convey my thanks to Committee members who sent me a lovely sympathy card. A much needed heart-warming gesture very muchly appreciated.

Thanks Karleen.

Julia.

From: Karleen Plunkett <Karleen.Plunkett@latrobe.vic.gov.au>
To:

Sent: Monday, August 26, 2013 3:42 PM
Subject: Traralgon Morwell Shared Pathway Feasibility Study

Good afternoon,

On Friday the Traralgon Morwell Shared Pathway Feasibility Study went out for public comment. The file is too big to send electronically but you can read it via the link below. I would appreciate it if you could read this document before the next DRC meeting on 17 September as I'd like the committee to either development a submission or have the Officer attend this meeting.

As a committee this is your opportunity to have input into the study.

http://www.latrobe.vic.gov.au/Get_Involved/Have_Your_Say/Traralgon_to_Morwell_Shared_Pathway_Feasibility_Study

If you have any problems accessing this document please let me know asap.

Kind regards,

Karleen

Karleen Plunkett
Disability Services Officer
Latrobe City Council

mailto: Karleen.Plunkett@latrobe.vic.gov.au
Direct: 03 5128 5464
Fax: (03) 5128 5672
Phone: 1300 367 700
PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

From: Karen Tsebelis
Sent: Monday, 26 August 2013 11:48 AM
To: Karleen Plunkett
Subject: RE: Traralgon Morwell Shared Pathway Feasibility Study

Hi Karleen

Unfortunately I can't send you the report, as it is too big to send even internally.

You can find the reports and online survey and feedback at:

http://www.latrobe.vic.gov.au/Get_Involved/Have_Your_Say/Traralgon_to_Morwell_Shared_Pathway_Feasibility_Study

If you would like me to come along to the reference group meeting, I would be more than pleased to.

Cheers

Karen

Karen Tsebelis
Coordinator Recreation & Open Space
Latrobe City Council

mailto:%20Karen.Tsebelis@latrobe.vic.gov.au

Direct: (03) 5128 5483
 Fax: (03) 5128 5427

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 PO Box 264, Morwell 3840
 141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

From: Karleen Plunkett
Sent: Monday, 26 August 2013 10:20 AM
To: Karen Tsebelis
Subject: Traralgon Morwell Shared Pathway Feasibility Study

Hello Karen,

I'd really like for the Latrobe City Disability Reference Committee (DRC) to put for a submission response to the Traralgon Morwell Shared Pathway Feasibility Study. Would it be possible for you to send me the study electronically please?

The next DRC meeting is on 17 September so it's perfect timing.

Kind regards,

Karleen

Karleen Plunkett
 Disability Services Officer
 Latrobe City Council

<mailto:Karleen.Plunkett@latrobe.vic.gov.au>
 Direct: 03 5128 5464
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Traralgon Harriers Athletic Club Inc
PO Box 1225
Traralgon Vic 3844
info@traralgonharriers.org.au
ABN 52 867 093 654

Traralgon Harriers Athletic Club Inc

Submission to Latrobe City Council

Traralgon to Morwell Shared Pathway Feasibility Study

20 September 2013

The Traralgon Harriers Club wishes to congratulate Council for undertaking the Feasibility Study. We are pleased to see project concepts which will make the Pathway attractive to a wide range of possible users.

We make this submission on behalf of all runners in the municipality. We believe we are qualified to do so because our club reaches out to, and encourages, people with a diverse range of running and fitness interests:

- we conduct mid-week running events which attract many who seek general fitness, supplementary fitness for other sports, or socialising with other runners
- we organise two of Gippsland's biggest open-to-all running events, plus several lesser ones during each year
- we provide supported weekend training groups which are open to all comers and require no club membership to participate

Of course we represent serious runners as well and have been Gippsland's biggest athletics club for the last 30 years. Our current membership is approximately 120.

At present runners are mostly using footpaths, pathways and roads. All have limitations in terms of route options, and often present traffic risks. A few travel to quiet, out-of-town forest areas, but such venues are not suitable for all runners for a number of practical reasons: time required for travelling, winter darkness, vehicle ownership is necessary, and personal safety concerns.

From a runner's or walker's perspective the shared pathway proposal is a great opportunity because it will provide a far safer pedestrian environment that is readily accessible to the majority of the municipality's population.

Runner Demographics

The wider community of runners is an enormous one. The *Shared Pathway IO Report* indicates that the total pool of recreational runners is 11.7% of the over-15 population and confirms our knowledge that those who join clubs or compete at serious running events are just a small proportion of all runners.

As a further comment on the patterns in Graph 1 in the *Report*, we have observed in entries to our Latrobe Community Fun Run a more recent and positive participation trend for 35-year and older people, most especially women, in both running and walking. Whilst this may be a local trend only, it is

one well worth encouraging and the Shared Pathway will support this.

Participation figures provided by Mr Tim Crosbie, the Recreational Running Manager at Athletics Victoria, show an even split for men and women participants at the Melbourne Marathon events. In championship-level competition there are significantly higher proportions of men involved and, in contrast, runs focussed more on general fitness attract far greater numbers of women.

We would like to add that many women have concerns for personal safety, and that the pathway design has the potential for either heightening or reducing the safety concerns that runners might have, and hence for encouraging greater participation. Safety implications for route alignment include:

- An attractive route is far more encouraging for groups of users as well as overall numbers, with both factors enhancing safety
- Spacious pathway width for those in groups, with a dog or being accompanied by a cyclist
- Avoidance of heavily-wooded or potential entrapment areas.

Choice of route alignment and other design factors

Runners are likely to be slightly more forbearing than cyclists if the route is hilly or has rough sections. However, one issue for all pathway surfaces in the vicinity of surface-rooted trees is their proneness to root damage; this has relevance for all types of surface and all modes of travel. On the other hand, adjacent shade trees are highly desirable and provide a more amenable landscape as well.

As a shared pathway, the speed differential between the slowest walkers and fastest cyclists requires consideration to ensure that an adequate pathway width is provided, especially as there will times when groups of users meet other groups travelling in the opposite direction.

Distances being run

Our experience shows that beginning runners quickly find that they can cope with 5-kilometre distances (which generally takes them around half-an-hour) and that, even with modest training, they are able to continue extending their training times and distances if they desire.

For those who take to the competitive side, at the Melbourne Marathon Festival the racing distance of preference is the half marathon (21.1-km). Since, however, this is Victoria's premier running event, this

preference may not be the same for less serious participants at other levels. We have found the strongest interest in our 10-km races, being able for example, to attract around 600 competitors, mostly local runners, to events of this distance.

Of those entering races for the 10-km distance, the majority of runners would have run greater than that distance in training, and usually on a reasonably regular basis. We note that the initial Pathway route length is approximately 8-kilometres and a return run of 16-km is within the capacities of the majority of this group.

Consequently, Traralgon Harriers believe that a shared pathway would be provide an invaluable resource for recreational runners and serious runners alike and that they would be major users of the pathway.

Our continuing support

The Traralgon Harriers Club is keen to see the Pathway project advanced as it will be of great advantage to the wider running community, in addition to cyclists and walkers.

As the Study proceeds we would be keen to assist in any consultative or advisory way and provide you with more information on any issues of relevance.

SG_13-030

20th September 2013.

Karen Tsebelis
 Coordinator Recreation and Open Space
 Latrobe City Council
 PO Box 445
 Morwell Vic 3840



Dear Karen,

RE: SUBMISSION WITH RESPECT TO PROPOSED MORWELL-TRARALGON SHARED PATHWAY

I write in response to the Issues and Opportunities Report published by Council regarding this proposed pathway.

HVP Plantations manages the plantation forests between Morwell and Traralgon which adjoin the proposed route of the pathway, and several of the alternative route sections considered. We have real concerns about the appropriateness of locating such a pathway alongside a working plantation forest, both with respect to public safety and with respect to constraints that would be imposed on plantation management. Further, we believe that there are better routes for the proposed pathway than the route identified by Spiire.



Figure 1, Section of the proposed route of concern to HVP Plantations

HVP Plantations' concern is the proposed routing of the path along an "unused road" which follows the southern and eastern boundaries of Crown allotment 66 in the Parish of Maryvale (ie. the section shown in Figure 1 above). This allotment is held freehold by HVP Plantations and is used for plantation forestry, growing timber for use locally in sawmilling and paper making. The "unused road" is licensed by the Crown to HVP Plantations, and our company has constructed a road on the land for the company's use in access, timber haulage, forest management and fire protection. This road is an integral part of our plantation management, and HVP is concerned

HVP Plantations Pty Ltd
 50 Northways Road
 Churchill VIC 3842

PO Box 385
 Churchill VIC 3842

Tel. +61 3 5122 0600
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 ABN: 56 004 285 705

that use of the road for the proposed path will be incompatible with the ongoing uses listed above. The road is the only safe route for entry and exit from the plantation onto the Old Melbourne road.

Section 9.2 of the Spiire study considers a possible alternative route through an area of HVP Plantations' forest. It notes that "management of the pathway through a privately owned, commercial asset could raise potential ongoing risk management issues regarding potential damage to trees, fire and control of user access." HVP Plantations agrees that each of these is an issue, but the more significant issue is the management of public and private uses at the interface to ensure public safety. Each of these issues applies equally to the section of road referred to above.

The nature of HVP Plantations use of the land as a commercial plantation forest means that tree falling and other mechanised operations will from time to time be occurring directly adjacent to the proposed path. Further, loading and cartage of logs on B-double trucks will from time to time take place along the road itself.

Maintaining the safety of each of these operations is incompatible with allowing recreational use of the land. Whilst it might be possible to close the relevant section of track when operations are occurring on adjacent land, this will have the effect of severing the path for that period. Further, experience suggests that a certain number of path users are likely to disregard warning signs and closure notices, potentially placing themselves in danger.


We are also concerned that the path is likely to be lightly constructed, with a design strength targeted at bicycle usage. Passage by B-double trucks may cause major damage to the path.

As noted above, HVP Plantations considers that a better route for the proposed path can be found to the south of the plantation. This would have several benefits over the route identified by Spiire:

- (1) it would be more direct, as well as passing closer to the Latrobe Regional Hospital and Latrobe Airport, thus enhancing the path's potential for commuter use (as discussed on page 5 of the Spiire report);
- (2) it would not need to pass through the endangered EVC to the north of the Latrobe Airport (see Context Plan on Page 25 of the Spiire report);
- (3) it would align with the West Traralgon alignment option (identified in the plan on p47 of the Spiire report); and
- (4) it would avoid conflicts with commercial plantation forestry operations.

It is HVP Plantations' belief that the balance of community costs and benefits clearly points to a more southerly route for the proposed path being preferable. I would be happy to arrange with interested parties for an inspection of the section of the proposed route adjoining the company's land, if this is considered useful.

Yours sincerely,



Simon Gatt
General Manger - Gippsland

Phil Whiteman - no issues

Karen Tsebelis

From: skinnk <skinnk@netspace.net.au>
Sent: Tuesday, 27 August 2013 9:55 AM
To: Karen Tsebelis
Cc: Kellie O'Callaghan
Subject: Morwell Traralgon Shared Pathway submission



Follow Up Flag: Follow up
Flag Status: Completed

Karen, as a long-time resident and occasional bike rider of Traralgon, I would like to say that I support the proposal for the pathway.

Having had my cars serviced locally, I drop them off at the caryards for the day and either walk or ride home and back to pick them up. I find it difficult walking back along the highway because of traffic and the new law that says I must walk facing the traffic, to do this I have to cross two lanes of traffic, one at 80 k/h and the other at 100 k/h. I looked at the proposed route for the pathway and prefer the alternate routes for a couple of reasons.

First of all a route that has exposure to the highway has a greater awareness of the project, if the Warragul to Drouin pathway did not have this exposure I would not know of its existence.

I would like to see the pathway pick up access to the caryards, caravan park and the hospital, I feel this would lead to greater use by both workers and tourists.

Caravaners and people with motor homes are increasingly using bikes when they park up the van and with the only tourist parks located halfway between Traralgon and Morwell, this pathway will give them easier access to town.

I hope you will take these issues into your consideration, because not everyone wants to just travel from town to town.

Regards
Ken Skinner
250 Franklin Street
Traralgon, Vic. 3844
Mob 0427744346

Nancy Corser
94 Cross's Road
TRARALGON VIC 3844

10 September 2013

Latrobe City Council
P O Box 264
MORWELL VIC 3840

Dear Ms Tsebelis

RE: SHARED PATHWAY BETWEEN MORWELL AND TRARALGON

I wish to express my objection to the proposed route for the shared pathway between Morwell and Traralgon.

It makes no sense why you would divert the pathway through private property instead of continuing the pathway along Old Melbourne Road from Alexanders Road Morwell into Traralgon.

Having read the feasibility study it also indicates that the proposed route would be a more expensive option; this is a waste of ratepayers money.

Yours sincerely



Nancy Corser

Karen Tsebelis

From: Peter Neumann <pejan3@speedweb.com.au>
Sent: Saturday, 31 August 2013 9:28 AM
To: Karen Tsebelis
Subject: Bicycle tracks

Follow Up Flag: Follow up
Flag Status: Completed



Hi Karen,

I like to express my opinion in regard to Feasibility Study of Pathways.

More than 20 years ago local council promised to join all the towns in Latrobe Valley by bicycle tracks. That was then. Money has been spent and waisted on useless studies and projects without anything to show for. So please no more study by council, get private company to make firm plans and start building. We are sick of the never never. We have many hundreds of unemployed people in Latrobe Valley and least we need is more study. It would be perfect opportunity to engage people with limited skills in manual labor to earn decent living. So I cannot support more red tape bureaucracy, get on with building the bicycle track without fiddling with the Shared Pathway name. I used to go to Canberra every year to see my friends and we spent most of the time riding the bikes from suburb to suburb on excellent bicycle paths surrounded by vegetation. It was so rewarding we never had enough. Politicians did look after them self. Now is the time to get something back. So get on with it, don't be shy, ask for money, but not for more study. Regards Peter Neumann

Karen Tsebelis

From: Janet Harris <jharris116@bigpond.com>
Sent: Friday, 20 September 2013 10:54 PM
To: Karen Tsebelis
Subject: Shared pathway



Hello Karen,
Unfortunately ,my attempts to access the online survey failed. I do struggle at times with technology!
As a consequence I am therefore emailing you my thoughts that I hope will be considered as you deliberate over the prospect of the shared pathway.

A pathway is long overdue. I am surprised that Latrobe city have taken so long to get to this point. Given the large amount of valleyites who commute from town to town in this day and age of environmental and physical sensitivities, why wouldn't you have alternative options for transport? My biggest concern is the planned route, I see it as being totally ridiculous. Why can't we have a route that follows the princes highway. This makes more sense to me the route is direct, it also services the many business that are located in the Traralgon Morwell corridor, including the hospital. With the route following the highway it has the potential for servicing the many cyclists that tour through our region.

I support our council financing a shared pathway however I am totally against the proposed route.

Regards Janet Harris

Sent from my iP

Karen Tsebelis

From: Emily O'Hara <Emily.OHara@lchs.com.au>
Sent: Friday, 20 September 2013 10:03 AM
To: Karen Tsebelis
Subject: Shared path - Morwell Traralgon

Hi Karen,

Please accept this e-mail as a submission for support of the development of a shared path between Morwell and Traralgon.

This project addresses improving many components that strengthens the connectivity of the two towns as well as increase:

- Active transport
- Social connectivity
- Opportunities for outdoor leisure
- Healthy lifestyle opportunities for Latrobe Valley

Two main barriers for residents to become more active in their day to day living is recognised as access and affordability. A shared path overcomes these barriers, placing the ownership of activity back on the community. Places that shared pathways have been developed clearly demonstrate that these community's embrace this opportunity. I have lived and worked in places such as the Northern Territory and Western Australia where shared pathways have been a part of the connection of the townships for years, they are quite simply a way of life. Riding to work, walking to the shops, and enjoying the rest areas with family and friends are the norm in these places. This has a direct result upon increased community safety and a sense of community, which ultimately encourages people to stay longer within these places as well as improve community health outcomes.

I strongly believe that the opportunity to develop a shared path between Morwell and Traralgon would reflect these outcomes right here in our region, and I commend you on the work that you and your team have been applying towards the feasibility study.

If possible, please keep me informed of the outcomes and I can share these with our Primary Prevention Team and LCHS staff.

All the best with the collation of the study findings and the presentation to Council in October.

Warm Regards,
Emily



Emily O'Hara
SENIOR PROJECT OFFICER - HEALTH PROMOTION

Morwell, Victoria, 3840
Ph: 03 51 365 397
Fax: 03

Totally Smoke Free

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TRARALGON TO MORWELL PATHWAY – FEEDBACK ON PROPOSED ROUTE

Thank you for the opportunity to provide feedback on the proposed route of the Traralgon to Morwell shared pathway. Generally, I think the proposed route is good, however I question whether a couple of sections of the pathway are the best choice.

Detour along Beau Vista Rd & Easterly Rd

Although the section along Regan's Rd, Beau Vista Rd, Easterly Drive & Airfield Rd would be peaceful & scenic, I think many users would instead leave the pathway and continue along the more direct route along Old Melbourne Rd on the roadside shoulder, rather than travelling an additional 800 metres along the proposed route. The Issues & Opportunities report states that the section of bushland reserve along Old Melbourne Rd between Regan Rd & Airfield Rd is of high conservation value. Perhaps this is a good reason for the pathway to follow this route, rather than avoiding it. A pathway through this reserve would allow people to enjoy it up close, rather than just having vehicles travelling beside it as is the case now. I think this reserve has the potential to be one of the highlights of the entire pathway. It is common for pathways to be constructed elsewhere through high value vegetation, including through many National Parks. I would be very surprised if a pathway could not also be constructed through this reserve without significantly impacting on the existing vegetation. It appears that there are already small tracks formed for at least part of the length of the reserve, indicating that there may already be a demand for pedestrian/cyclist traffic along the reserve. Although it may be more expensive to continue the pathway along Old Melbourne Rd between Regan's Rd & Airfield Rd, I believe that if funds were available it could be a better option.

Crinigan Rd section

In my opinion, the section of the route along Crinigan Rd between Alexander's Rd & Waterhole Creek would not be very attractive for pathway users and could potentially be hazardous as it would be squeezed alongside a busy road. If future urban development goes ahead on the northern side of Crinigan Rd as mentioned in the I&O report, this section could become even more unattractive & hazardous. I think a more scenic, peaceful & safe approach to Morwell would be option C (to the North of Crinigan Rd).

In summary, I think it is great to see some progress on the long overdue Traralgon to Morwell pathway. If built, it would be a fantastic asset for the Latrobe Valley. If funding only permits the proposed route, then that is fine. However, if additional funding becomes available, I think the two options above should be considered.

Neil Griffiths

19/9/2013

18 September 2013

Karen Tsebelis
Coordinator Recreation /Open space
Latrobe City
PO Box 445
MORWELL VIC 3840

Dear Sir/Madam

RE: Traralgon to Morwell Shared.

My name is Ken Bailey, my wife is Christine and our children are Levi and Alexandra, we live on Scrubby lane and welcome a shared pathway as we believe that it is only by the grace of God that there hasn't been anyone killed while walking, riding or jogging along the West End busy roads, in saying that, we **strongly objected** to the planned route that the Council has proposed for the Traralgon to Morwell Shared Pathway for reasons listed below.

I struggle to understand why you would not utilise the vacant land that follows the Old Melbourne Road and suggest that you rethink your strategy, as it makes perfect sense to use land that is already available.

I understand that this reserve has been earmarked for such a project and yet the Council weakens to pressure applied from environmental groups. I cannot understand as to why you would increase the **cost and the higher risk of liability** by building a walking track that will be going through and/or close to private land and homes.

I understand and fully support people who have chosen to live outside of a residential/built up area for the purpose of experiencing a quieter and safer lifestyle.

I would be extremely annoyed with Council, knowing you are proposing to give people access to close proximity of people's property and homes, also bearing in mind that a lot of these people who live out of town such as myself are among some of your highest rate payers and again I ask the question; Why you would propose a pathway route that will increase cost by deviating from the road side to become close to people's homes and more importantly, the risk of increasing the risk of legal liability.

I would like to suggest that you keep the design of the walking track simple and allow it to follow as many roads as possible and only deviate when it is the only available option left.

Thank you for your time and consideration.

Yours sincerely

Ken Bailey and
The Bailey Family

11-9-13



We the undersigned, while supportive of a shared pathway between Morwell to Traralgon, strongly object to the proposed route via Easterly Drive, Beau Vista Drive and Regan Road, Traralgon for the following reasons:

- The proposed route is an invasion of privacy; we, the residents of this estate chose to live in a quite location on acres and do not want pedestrians, cyclists or runners to be using these streets as a thoroughfare.
- Given we live in a rural area there have been occasions where animals such as cows or horses enter the road which is a safety issue for users of the shared pathway.
- As indicated on page 6 of the feasibility study, walking, cycling and running are well within the top five activities by participation rate and states that this data can be used to calculate the levels of expected participation in Morwell and Traralgon for these activities. Based on this indication it is expected the shared pathway will be highly utilised.
- Page 10 of the feasibility study indicates if the proposed route was to proceed, this could potentially attract major cycling attractions and attract new riders (page 12); again an increase in the usage of the shared pathway.
- The proposed route will need to include crossing extremely busy roads/ intersections causing safety issues for users of the shared pathway e.g. Crinigan Road Alexanders Road, Airfield Road and Old Melbourne Road.
- Page 15 of the feasibility study refers to ongoing economic growth and population within Latrobe City; this could again potential increase in the use of the shared pathway.
- There is no links of interest within Easterly Drive, Beau Vista Drive or Regan Road as it is only residential area and the route would only be used as a thoroughfare.
- The feasibility study has indicated that the Regan Road and the Beau Vista Drive proposed route would be challenging (Page 40) and potentially a very expensive option for connection due to power lines, natural gas services and also significant road verge treatment issues. There are many gullies and steep table drains which would require culverts or bridge crossover treatments as well easements, subdivision and land purchase of private property. This impacts all ratepayers!
- It would be more logical to continue the route via Old Melbourne between Airfield Road and Regan Road without detouring through private residential area; although we understand some vegetation would need to be removed (this has been previously been done before).
- Another alternate option could be to construct the shared pathway along the Princes Highway via the Hospital into Traralgon.

The petition attached has been signed by all residents living within Easterly Drive, Beau Vista Drive and Regan Road and some neighbouring properties.

Neil Prestipino
 Head Petitioner
 PO BOX 908
 TRARALGON 3844

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Karen Tsebelis

From: Vance Marcollo <vanmarc@netspace.net.au>
Sent: Tuesday, 17 September 2013 10:21 AM
To: Karen Tsebelis
Subject: Shared Pathway submission.

Hi Karen,

I can't remember the details of what I wrote when I saw you in Traralgon.

The east end diversion is so large that very few will use it, so it becomes dangerous, and the west end leaves the Old Melbourne road such that the pathway is no use to A.P. mill commuters. It should probably continue along the road reserve to Alexanders Road.

In its present form, I don't see much point in having the track.

The pathway becomes a sort of alternative.

Its only value may be just something to start with; and that's not likely to happen until it causes the first fatality.

In its present form, the community may be about to be provided with something that is extremely dangerous.

The diversion at the eastern end is so long that very few will use it.

I know how teenagers (and others) think.

"Which way are you going? I'm going this way!"

I can imagine groups of kids 'jumping' out onto the road from the track on their bikes from both ends, eventually resulting in serious injury or fatality.

If the pathway is built the proposed route, the danger will always be there and there will be no way to stop it.

It becomes a death-trap.

If the pathway is built according to the proposed plan, then VicRoads will need to put a speed limit all along the section adjacent to the east end diversion as kids, and others who were on the pathway, trying to ride the track that is already there, will be jumping out onto the road anywhere from it. (This would be very common in wet weather.)

They will also need signs at both ends warning drivers.

Best wishes.

Vance

P.S. One day I will write in proper English.

Also, in the middle of the map you kindly gave me there is spelling error.

"PRINCESS" should be "PRINCES"

Better health. Better lifestyles. Stronger communities



24 September 2013

Karen Tsebellis
 Senior Recreation and Open Space Planner
 Latrobe City Council
 Box 264, Morwell 3840
 141 Commercial Rd, Morwell 3840

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ABN 74 136 602 022

Dear Karen

RE: DEVELOPMENT OF A SHARED PATH BETWEEN MORWELL AND TRARALGON

LCHS supports the development of a shared path between Morwell and Traralgon. LCHS works with clients to increase individual capacity around their own health. Improving environments that support people's health is crucial to improved health outcomes. The development of a shared path is a good example of this.

Evidence shows that affordability and access are two main barriers to having a healthy lifestyle. A shared path, with safe and enjoyable access for all, begins to address these barriers and creates new possibilities for people living in and visiting the Latrobe Valley.

The development of this shared path between Morwell and Traralgon has identified that planning for healthier communities is essential to increase active lifestyles in the Latrobe Valley. LCHS supports increasing community participation in a healthy environment and we look forward to learning the outcomes of the 2013 feasibility study.

Yours Sincerely,

Ben Leigh
 Chief Executive Officer
 Latrobe Community Health Service



Gippsland Wide

Karen Tsebelis

From: Leah Samson <Leah.Samson@lchs.com.au>
Sent: Friday, 27 September 2013 9:36 AM
To: Karen Tsebelis
Subject: LCC Shared Pathway Submission

Follow Up Flag: Follow up
Flag Status: Completed

Hi Karen,

I didn't get to post my submission via the site before closing date.

I was immediately excited when I became aware that the idea of the Shared Pathway was back on the agenda and seeking community feedback. Since my conversations with project manager Karen Tsebelis, I learned that this particular project has been in operation since 2010. With the lack of publicity unfortunately the project was not known in the community.

As a Latrobe Valley resident living a healthy and active lifestyle I see this pathway as an ideal space for community interaction, promoting health and fitness and alternatives to vehicles which also includes young people's needs for independence and responsibility. As a family and friend group we regularly use community spaces to teach our children about community involvement, respect for others and the advantage of having such wonderful shared spaces. Through my upbringing in the Latrobe Valley I have witnessed and experienced the lack of encouragement and importance placed on community and physical activity resulting in active young people growing into inactive and ill health prone adults and the cycle continues. Working in the community welfare sector in Latrobe Valley some of the ongoing issues I see are lack of access for people who rely on public transport for independent travel, lack of interaction between the elderly and people with disabilities and the rest of the community, overwhelming numbers of health issues associated with poor diet and lifestyle leading to long term health care needs. I see many families repeating the cycle and relying on the health system to manage their poor health rather than seeing early intervention and education about healthy living as a precursor to a healthy lifestyle.

We as a community need to share the responsibility of bringing up healthy and happy children. To do this we need to educate and practice what we preach by providing options that show we care about and respect our residents.

I am happy to be involved in any way to assist in the development of this project.

Regards,
Leah



Leah Samson
A/CLINICAL LEAD - DISABILITY SERVICES
122 Albert Street
Warragul, Victoria, 3820
Ph: 1800 242 696

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Karen Tsebelis

From: Morgan, Ben <bwmorgan@westnet.com.au>
Sent: Sunday, 29 September 2013 12:41 PM
To: Tim Buykx
Cc: Karen Tsebelis
Subject: Re: Morwell to Traralgon Shared Path Feasibility Project

Hi

Thanks for the update on the trail. It would have been good, however, if it had arrived a bit earlier than 2 days before the cut off date for feedback. I did the online survey, which was still open last Sunday (22-9), and hope my response has been accepted.

I would also like to provide some other feedback, if it is possible to do so. Quite apart from the health and environmental benefits for the people of the two towns, the proposed trail could be something of an attraction in its own right. Although I have visited both towns, I have done so only as a stop while travelling elsewhere. If there was a way of getting between the towns that (1) did not require a car and (2) offered an opportunity to see the local scenery, preferably away from the highway, I would be interested in making a day trip to use it – as I have done for the Drouin – Warragul Trail.

Although I understand that the trail is primarily intended for the use of local residents who want a safe, off-road bike path for routine travel between Morwell and Traralgon, I (as a non-resident) think that it could also provide some tourism benefit for both towns. With the projected extension of the Gippsland Plains Rail Trail (Glengarry to Traralgon) and the recent completion of the Grand Strzelecki Track, completing this path would help make Traralgon a viable hub for a cycling or walking holiday.

Not being familiar with the area, I can't really comment on the advantages or disadvantages of the projected pathway. Given the length of time and technical difficulties encountered so far, it is unlikely that any better route can be devised in any reasonable timescale. One feature I think is good is the use of Alexanders Rd: this goes in the right direction to eventually provide a further link to Moe, utilising the existing Yallourn Rail Trail. This would provide a linkage between the three towns of the LaTrobe Valley and would also allow cyclists to ride from Moe to Traralgon without having to go into Morwell. This, also, would be a worthwhile tourist attraction. I appreciate that this will not be built for years (if ever), but it would be worth factoring into plans for the trail.

Best wishes for the rest of the project, and hoping to hear from you again soon.

Yours truly,

B Morgan.

----- Original Message -----

From: "Tim Buykx" <Tim.Buykx@spiire.com.au>
To: "Tim Buykx" <Tim.Buykx@spiire.com.au>
Cc: "Karen Tsebelis (Karen.Tsebelis@latrobe.vic.gov.au)" <Karen.Tsebelis@latrobe.vic.gov.au>
Sent: Thursday, 19 September, 2013 2:22:14 PM GMT +10:00 Canberra / Melbourne / Sydney
Subject: Morwell to Traralgon Shared Path Feasibility Project

Thank you for your submission and comments via the Project Website for the Morwell to Traralgon Shared Trail Feasibility Study. We apologise for the slow response in getting back to you regarding the project as we have had some delays in the project itself and some technical issues with the website itself. These issues are now resolved and the project is again on the move – please refer to the updated project website at <http://www.spiire.com.au/projects/TraralgonMorwell/> for up to date information and to the attached Project Update for a brief summary of the work to date.

Recently the Latrobe City Council approved the release of the 'Issues and Opportunities Paper' for public comment. As the title suggests the report looks at the issues and opportunities around the project and determines a 'likely route' for the path.
The Council web page with more information is http://www.latrobe.vic.gov.au/Get_Involved/Have_Your_Say/Traralgon_to_Morwell_Shared_Pathway_Feasibility_Study

The Report is available for down load from the link above and is also available for viewing at the Latrobe City Council.

The likely Route has been selected for a variety of reasons that are outlines in the Report itself and at this stage is only a proposal. The Latrobe Valley community have been asked to make further submission regarding the path and its alignment via Latrobe Council or though the online Survey here - <https://www.surveymonkey.com/s/TraralgonMorwellPathway>

We encourage you to take the time to review the report and complete the survey. All the views submitted including those you have already made via the project website will be compiled into the future recommendations and will inform the detailed design of the path should the Latrobe Council determine to go beyond the current Public Comment phase.

Thank you for your time and patience and we look forward to completing the next phase of the project.

Regards
Tim Buykx



Tim Buykx | Senior Associate Landscape Architect
t +61 3 5448 2500 m 0437 927 216
16 Bridge Street Bendigo VIC 3550 Australia
spiire.com.au **client feedback survey**

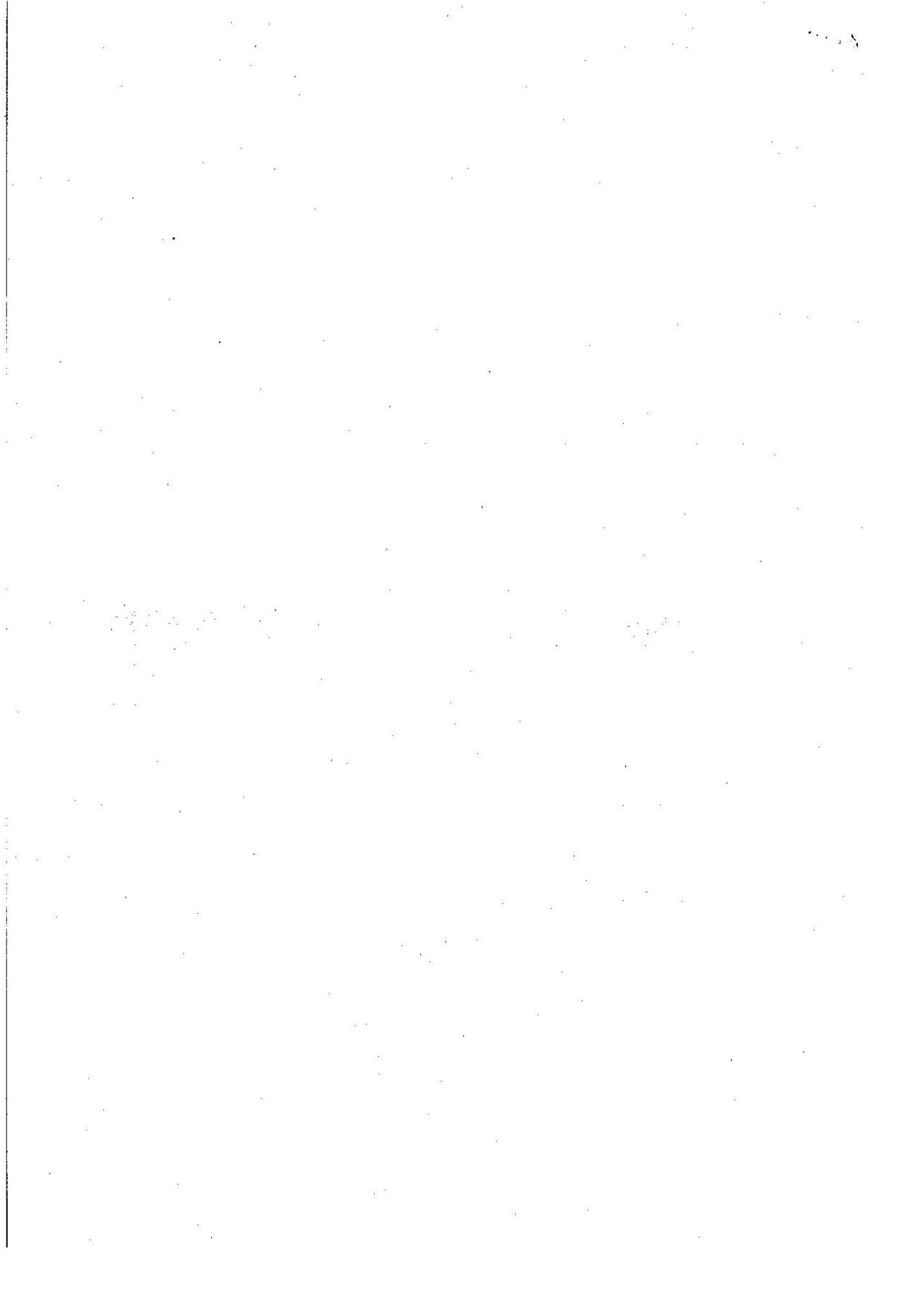
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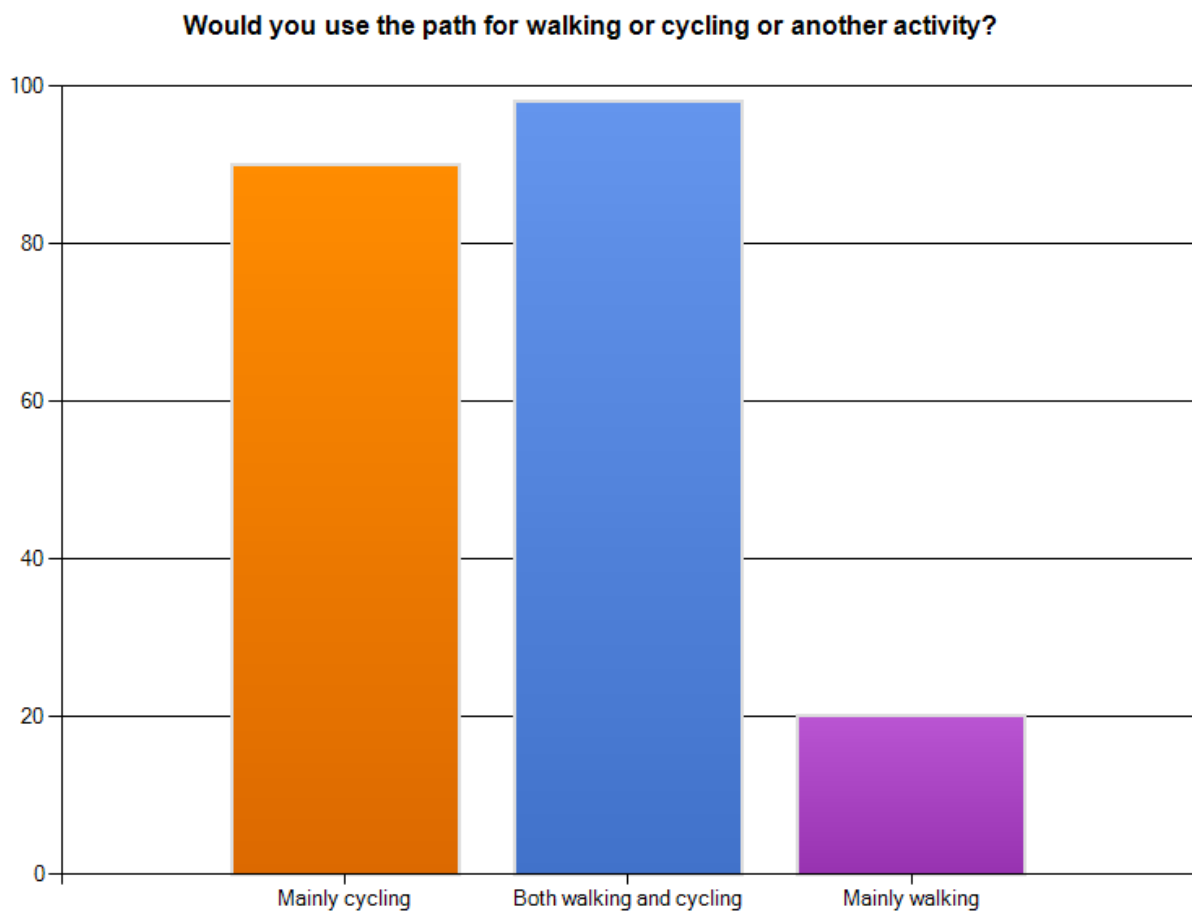
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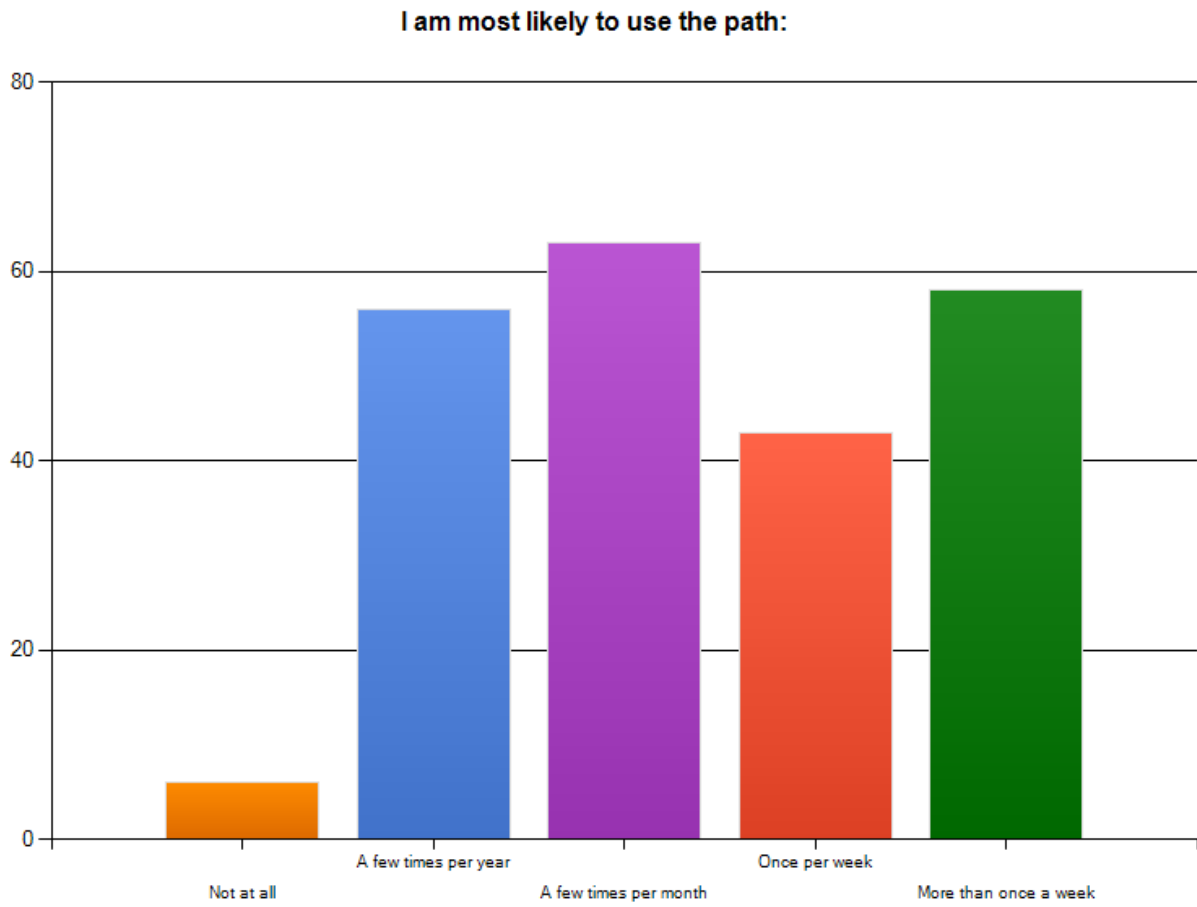


A total of 219 responses were received for the Community Survey, with most responses being completed online. Results overall indicated a very positive response to the development of the shared pathway, with high levels of approval for the project and indications that a high level of consistent usage would occur.

Individual question results are summarised below.

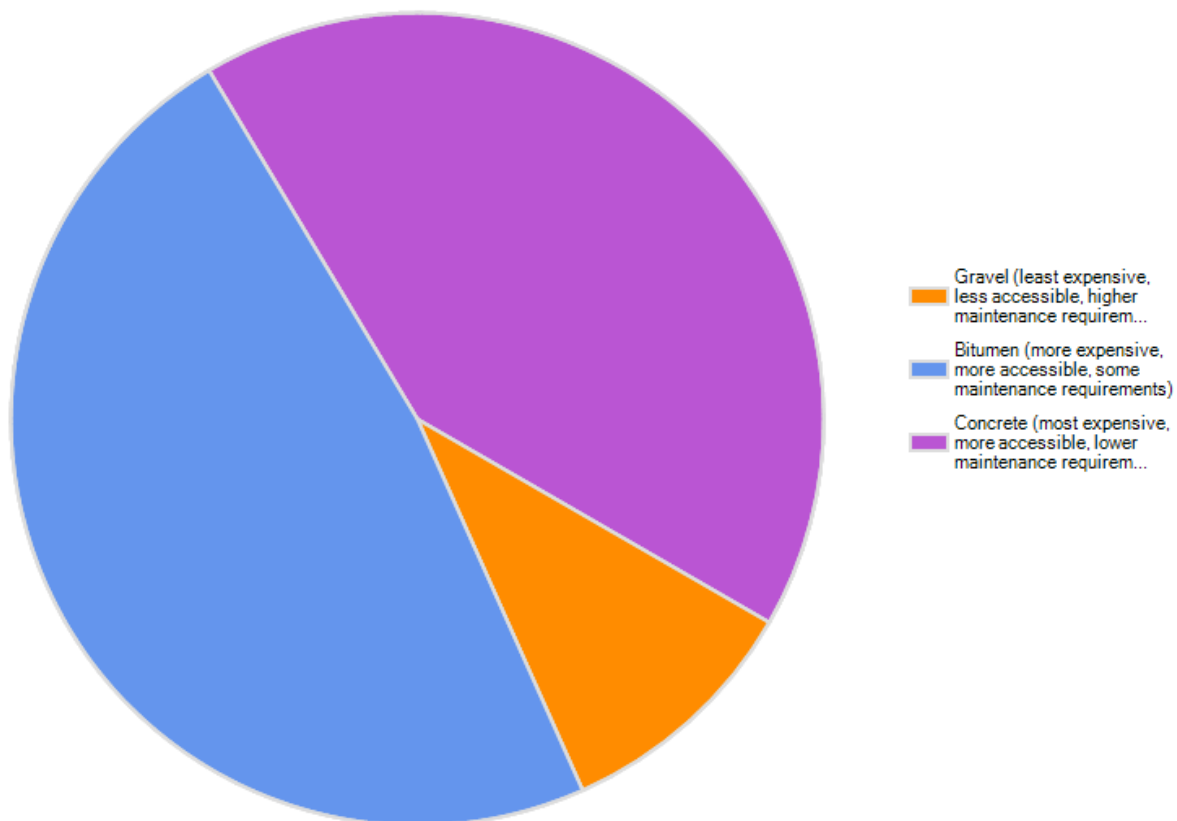


Question 1 indicates cycling would be the main use for the trail, with both cycling and a combination of walking and cycling rating highly.

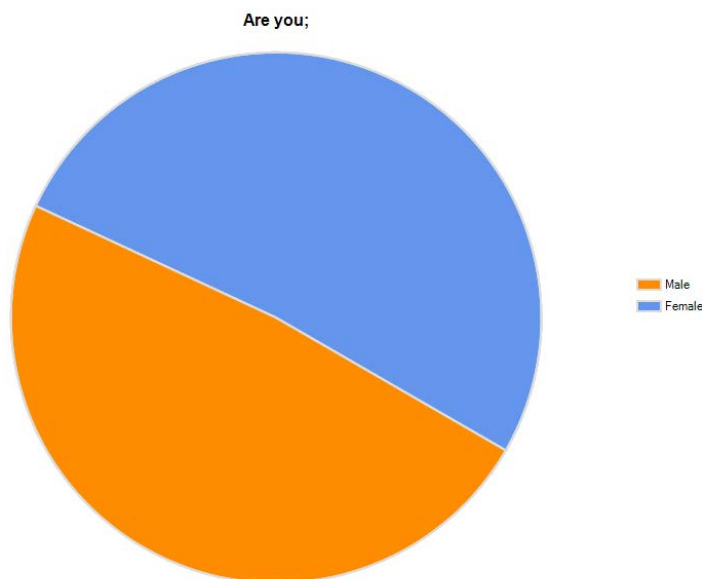
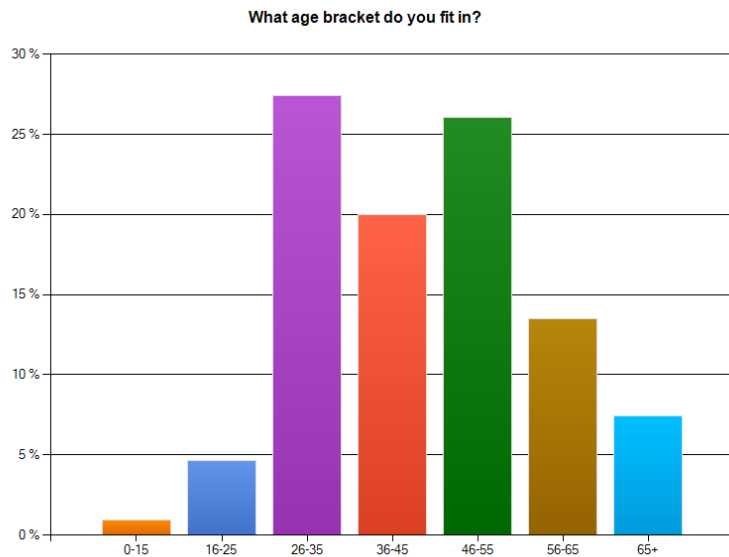


Surveys indicate that respondents would use the path frequently, with 27 percent of all respondents indicating they would use the path more than once a week and 47 percent indicating they would use the path at least once per week.

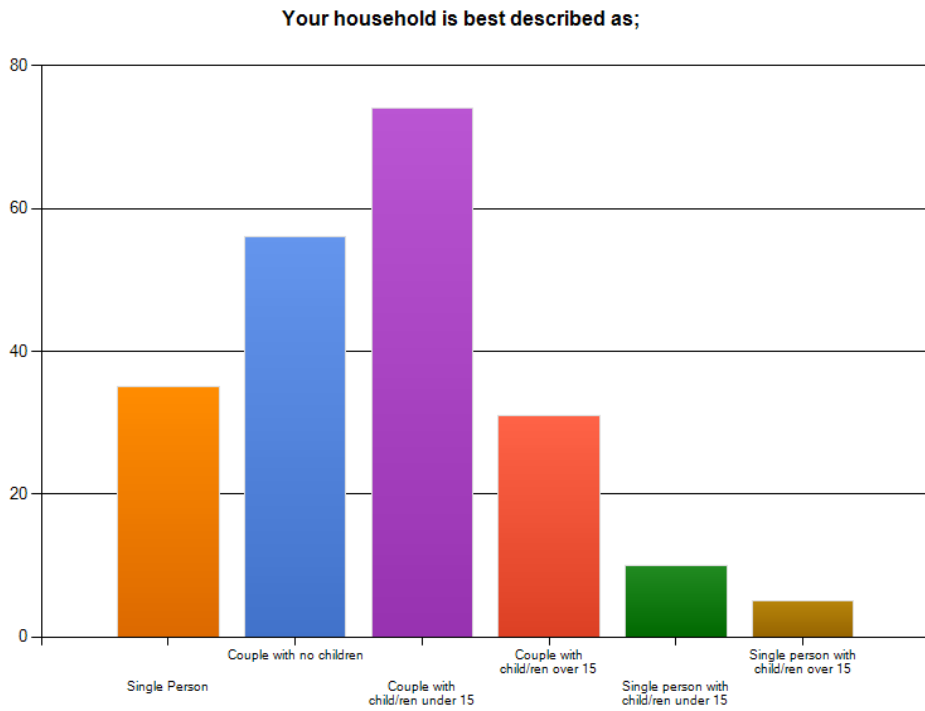
Please prioritise your preference for the following pathway surfaces



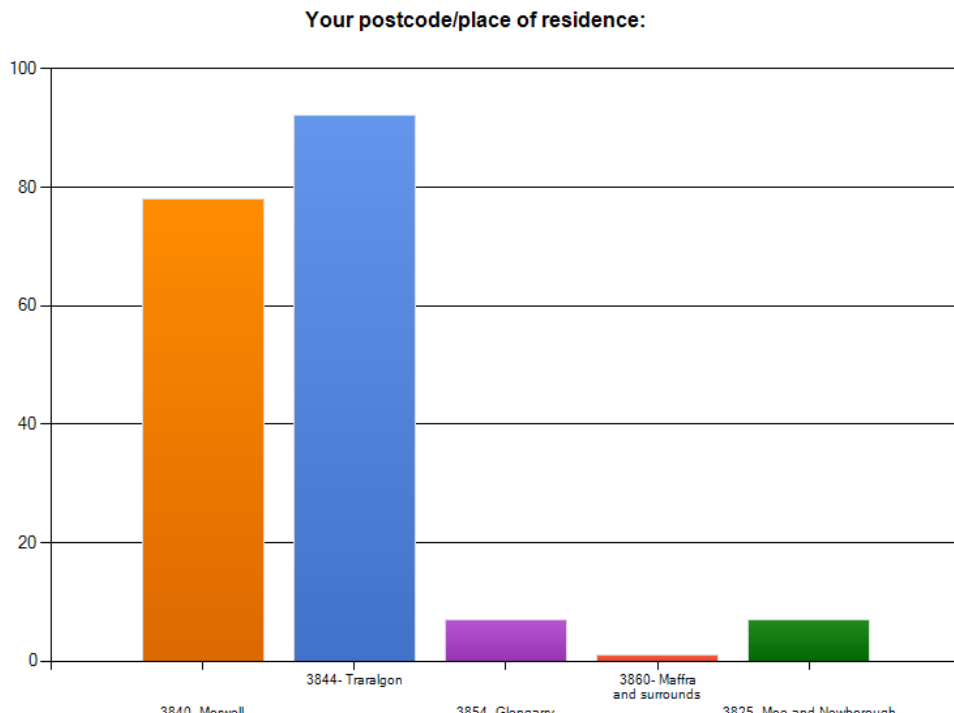
Bitumen surface was the most common choice, with an indication that the surface provides a balance between low maintenance, easy access and initial cost. Gravel was the least popular choice of surface based mainly on lack of accessibility.



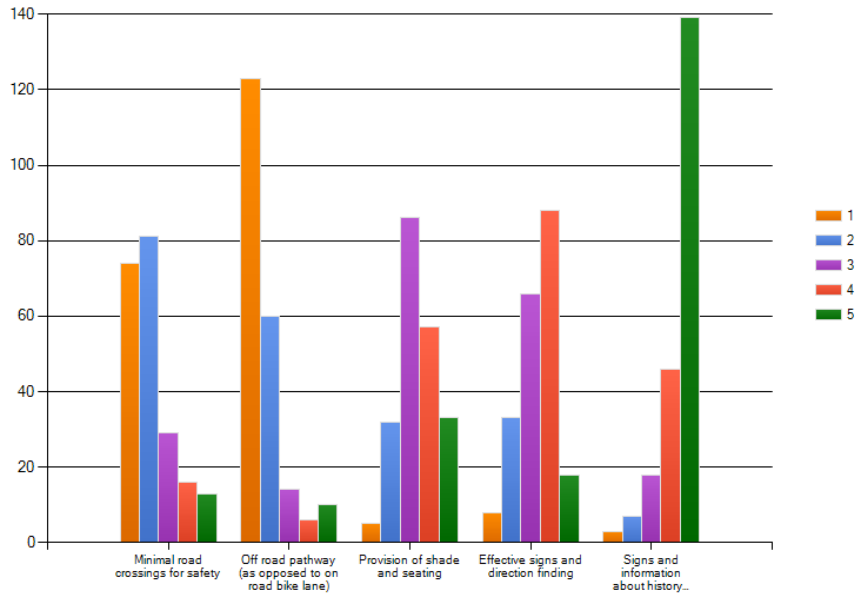
Although there was spread of males and females responding, there was a concentration of responses between 26-55 years of age. Younger and older adults provided a lower level of responses however it should be noted that many respondents provided feedback as part of a household with children, indicating that the family experience of walking or riding together was a high priority. Couples with children under 15 represented the largest cohort of respondents (see following page).



Most respondents indicated they lived in Traralgon or Morwell with minimal responses from other areas. This indicates an expected high level of local interest.



Please rank these elements in order of importance to you (1 being most important):



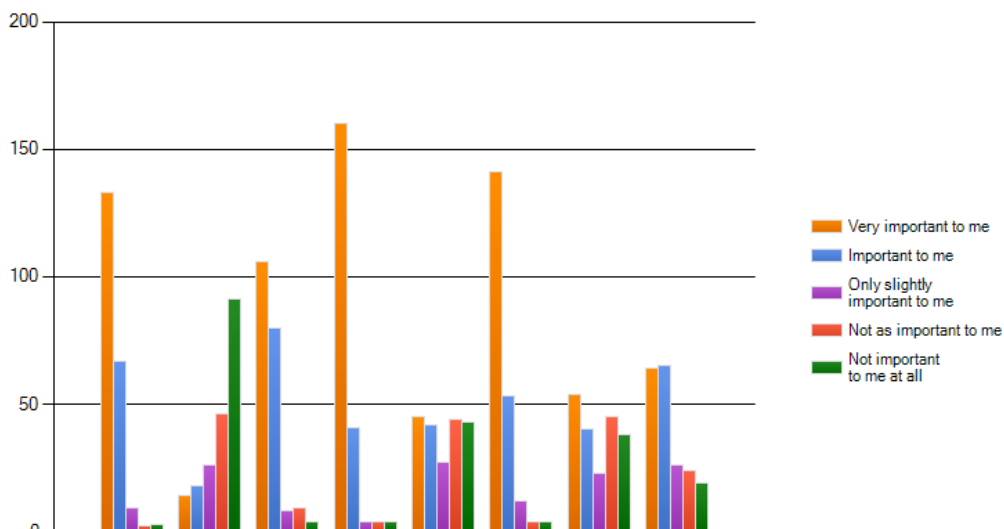
Importantly the community survey reinforced the priorities of developing a safe, family oriented recreation asset with the key priority elements being:

1. An off road pathway- minimizing or eliminating on road lanes, and
2. Minimal road crossings.

The key motivations for use focused on:

1. A safe walking or cycling experience,
2. Health and fitness,
3. Recreation and casual use, and
4. An enjoyable experience with family or friends.

When I use this path, the main reasons for use will be (use the scale to rank the importance of the reasons listed or provide an alternative reason);



These results support the selection of a route that provides an enjoyable, safe experience that stays off road wherever possible and minimises use of roadside verges.

The focus of the route should be maintained as one that is;

1. Off road wherever possible,
2. An enjoyable environment in which to participate in recreational cycling or walking,
3. Minimises road crossings, and
4. Available as a recreation asset focused on access for all, particularly family and social recreation opportunity.



Report for CPG

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

February 2013

Harley Schinagl & William Doherty



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

Acknowledgements

- Mark Hands, CPG Bendigo
- Nadia Cole, Manager, Indigenous Design Land Management
- Shannon Dwyer, Indigenous Design Land Management

Version Control

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Draft 1.2	07/02/2013	Second Draft	H. Schinagl	H. Schinagl
Draft 1.3	11/02/2013	Third Draft	N. Cole	H. Schinagl
Draft 1.4	14/02/2013	Released to client		

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

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Glossary

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

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

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

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

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

Executive Summary

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

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

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

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

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

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

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

1 Introduction

1.1 *Project Background*

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

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

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

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

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

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

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

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

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

1.2 Objectives

The objectives of this assessment are:

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

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1.3 Study Area

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

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

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

Planning Zones

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

Planning Overlays

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

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

(DPCD, 2012)

1.4 BioSites

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

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

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

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

Figure 1 displays the proposed alignment of the shared path.

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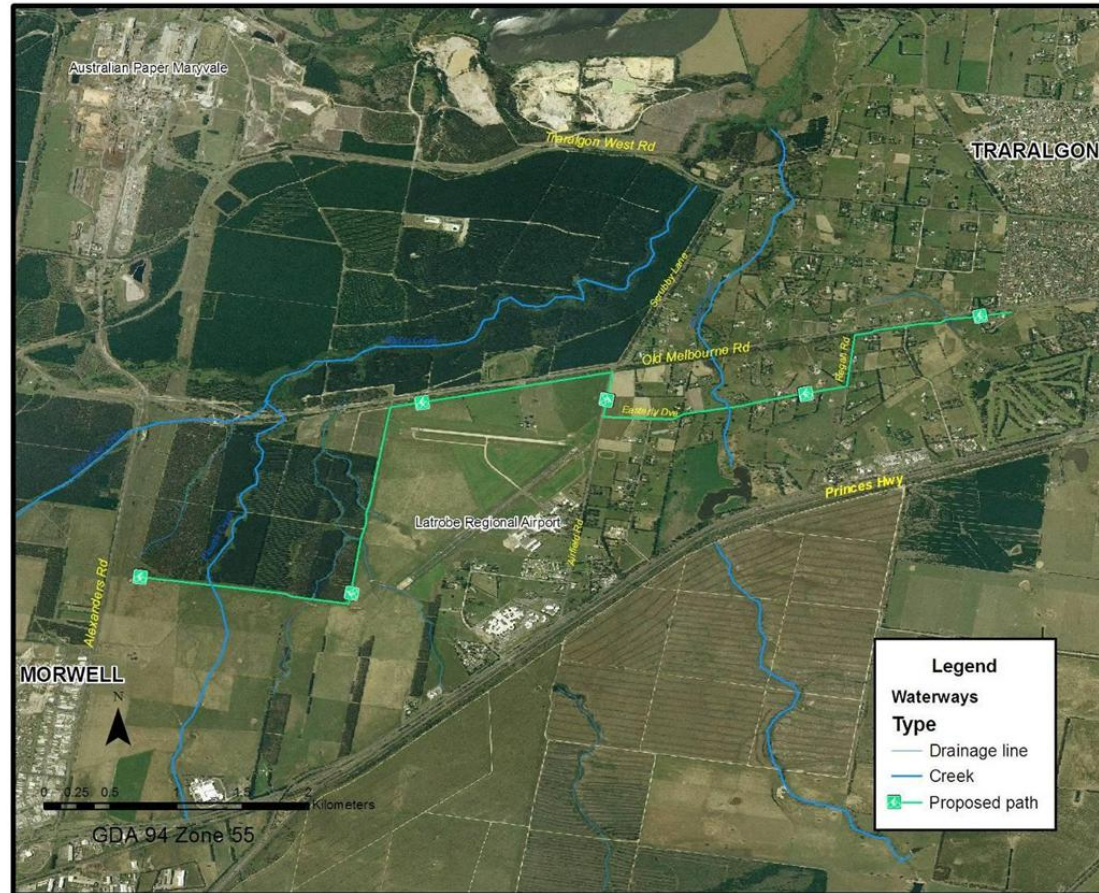


Figure 1 Proposed site of Morwell to Traralgon Shared Path).

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2 Descriptions of Methods

2.1 Data and Literature Review

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

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

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

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

2.2 Field Survey

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

2.2.1 Vegetation

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

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

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

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

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

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

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

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

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

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

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

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2.2.2 Fauna

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

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

2.2.3 Consultation

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

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

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

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

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

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

2.4 Limitations

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

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

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3 Ecological Values

3.1 Vegetation Condition

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

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

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

3.2 Ecological Vegetation Classes

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

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

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

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

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

(DSE 2011a).

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

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

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

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

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3.3 Flora Species

3.3.1 Flora Species Recorded

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

3.4 Significant Flora Species and Communities

3.4.1 National

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

3.4.2 State

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

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3.4.3 Significant Communities

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

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

3.5 Fauna

3.5.1 Fauna Species Recorded

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

3.6 Fauna Habitats

The study area supports 4 broad habitat types:

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

Remnant (but modified) patches of woodland

Description

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

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

Fauna

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

Remnant (but heavily modified) patches of grassland

Description

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

Fauna

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

Creeks and drains

Description

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

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

Fauna

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

Swampy pools and farm dams

Description

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

Fauna

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

Threatened species of significance area dealt with below.

3.7 Significant Fauna

3.7.1 National

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

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3.7.2 State

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

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

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

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

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Table 3 *Habitat assessment for threatened species*

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

3.8.1 Threatened Flora Species

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

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

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

3.8.2 Threatened Fauna Species

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

3.8.3 Summary of Threatened Species Assessment

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

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

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4 Policy and Legislative Implications

4.1 Commonwealth- Environment Protection and Biodiversity Conservation Act 1999

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

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

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

4.1.1 Implications

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

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4.2 State - Flora and Fauna Guarantee Act 1988

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

4.2.1 Implications

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

4.3 Catchment and Land Protection Act 1994

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

Table 5 *Declared Noxious Weeds Identified On Within Study Site*

Botanical Name	Common Name	Classification
<i>Crataegus monogyna</i>	Hawthorn	Regionally Controlled
<i>Rosa rubiginosa</i>	Sweet Briar	Regionally Controlled
<i>Rubus fruticosus</i> spp. agg.	Blackberry	Regionally Controlled
<i>Watsonia meriana</i> var. <i>bulbillifera</i>	Watsonia	Regionally Controlled

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In accordance with this act, land holders have a responsibility to take all reasonable steps to control and prevent the spread of these weeds on their land (DPI 2012). Vehicle and soil hygiene recommendations must be followed to ensure Declared Noxious Weeds are not introduced to or removed from site. Ongoing maintenance of landscaped and retained vegetation areas must be monitored to ensure any existing or newly emergent Declared Noxious Weed species are recorded and promptly controlled.

Exposure and disturbance of soil during and after construction has the potential to cause contamination of water bodies through run-off of silt from the road. *Section 5* details measures to minimise impacts during and after construction.

4.4 Victoria's Native Vegetation Management Framework

Consideration and application of the three-step approach to native vegetation management under Victoria's Native Vegetation Management- A Framework for Action is detailed in *Section 5*.

4.5 Planning and Environment Act 1987

The shared path occurs within several Design and Development Overlays, Wildfire Management Overlays, Land Subject to Inundation Overlays, Airport Environs Overlays and Area of Aboriginal Cultural Heritage Sensitivity Overlays. There are no environmental issues applicable to these overlays and any other potential issues relating to these overlays need to be addressed in seeking approval for the proposed development.

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5 Victoria's Native Vegetation Management – A Framework for Action

5.1 Three-step Approach

The Framework (DNRE 2002) outlines the three step approach to native vegetation management in Victoria. This approach is:

1. Avoid
2. Minimise
3. Offset

The following subsections outline how this process has been applied to this project.

5.2 Avoiding Impacts on Native Vegetation

Initial options for the path included a variety of alignments along various roads between Morwell and Traralgon. A preliminary field assessment was undertaken (Dwyer, 2012) to identify what ecological values the alternative routes would encounter. From the preliminary field assessment, a route was identified that avoided 2.78 kilometres of endangered *Plains Grassy Woodland* EVC of very high significance along Old Melbourne Road between the forestry plantation and Regan Road. This was achieved by placing part of the path within the already cleared boundary of Latrobe Regional Airport, and using an alternative route (using Easterly and Beau Vista Drives). Refer to the Preliminary Biodiversity Assessment (Dwyer, 2012) for more information on the initial options considered. *Map 2* summarises these avoidance measures.

The path that impacted on native vegetation the least was chosen and assessed as part of this report. After assessment of four habitat zones it was concluded that further impacts on native vegetation and rare and threatened species could be made by making small deviations in the exact line in which the path would be constructed. This avoidance resulted in:

- The removal of two habitat zones – one of *Plains Grassy Woodland* and one of *Swamp Scrub* EVCs;
- The reduction in size of one habitat zone; and

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- Avoiding all potential impacts on the Eastern Dwarf Galaxia's and Growling Grass Frogs (subject to construction control measures).

5.3 Minimising Impacts on Native Vegetation

The final path avoided all impacts on native vegetation except for three small habitat zones occurring in an 850 metre section of *Plains Grassy Woodland* between Regan Road and Traralgon. Further on site consultation identified an existing powerline easement that could be used for the path that would minimize the impacts on all *Plains Grassy Woodland* habitat zones:

- The first habitat zone (no longer detailed in this report) was completely avoided saving 0.02 Hha of a high conservation significance EVC;
- The second habitat zone (now regarded as PGW1) no longer impacts on trees in the core of the zone and was reclassified to only assess understorey;
- The final habitat zone (now regarded as PGW2) had a specific path selected that appears to be an old management track that has reestablished with Burgan regrowth. This avoided the adjacent area that was of a higher quality.

Map 2 summarises these minimise measures.

5.4 Other Actions to minimise impacts on Wildlife (consistent with Clause 15.09)

Potential impacts on the Eastern Dwarf Galaxia have been avoided by plans to create boardwalks over Boyd's Creek. Any impacts on the creek will have to consider the Eastern Dwarf Galaxia.

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5.5 Assessing Loss of Native Vegetation

5.5.1 Patches of Native Vegetation

Patches of native vegetation were located on site that was able to be assessed under Victoria's Native Vegetation Management Framework.

5.5.2 Habitat Zones

Native patches identified on site were divided into habitat zones based on similarities in vegetation structure, composition, quality and other habitat components such as logs and litter cover. Each habitat zone received a habitat hectare assessment against the appropriate EVC classification in order to assign a quality score. *Map 1* displays the location of these habitat zones and descriptions of each habitat zone are provided below. *Table 6* displays the results of the assessments in each habitat zone.

Habitat Zone 1 - PGW1

This habitat zone measures 93 m² (0.0093 ha) and consists of native grassy understorey. It is characterised by an absent canopy and middle-storey, with a scarce occurrence of very small woody shrubs like Burgan and *Dillwynia cinerascens* (Grey Parrot-pea). The understorey has been slashed to less than 150 mm tall amongst an otherwise dense grassland.

The zone is composed almost entirely of a grassy under-storey containing three native grass species including Kangaroo Grass, *Eragrostis* sp. (Love Grass) and a variety of six native forbs and graminoids including *Microtis* sp. (Onion Orchids) and *Wurmbea dioica* (Common Early Nancy). The grassy understorey encompasses roughly a 50-50 ratio of native and weedy grasses with three exotic grass species: *Paspalum dilatatum* (Paspalum), Sweet Vernal Grass and Large Quaking Grass.

Habitat Zone 2 – PGW2

This habitat zone measures 787 m² (0.0787 ha) and is part of a patch running alongside Old Melbourne Road stretching from Boyd's Creek and up into Traralgon's urban outskirts.

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The upper-storey of PGW2 is composed of scattered immature eucalypts of *Eucalyptus angophoroides* (Apple-topped Box) and *Eucalyptus ovata* (Swamp Gum) that have not yet reached benchmark canopy height.

The middle storey is dominated by dense, scrubby Burgan with occasional *Acacia melanoxylon* (Blackwood) and *Leptospermum continentale* (Prickly Tea-tree). The middle-storey contains a small presence of exotic trees like Pine, *Prunus* spp. (Fruit Trees) and Sweet Pittosporum. Small clusters of Hawthorn are also present.

The grassy under-storey contains a diverse number of native species with seven grass and seven forb/graminoid species recorded. These include Love Grass, Kangaroo Grass and *Gahnia radula* (Thatch Saw-sedge). The understorey though is infested with exotic weeds especially on the upper portion of the hill and contains nine weedy grasses, six weedy forbs/graminoids and two noxious woody weed species in *Rubus fruticosus* spp. agg. (Blackberry) and *Rosa rubiginosa* (Sweet Briar).

A dirt track winds its way through the habitat zone between the scrubby Burgan and private property fence-lines but no overt signs of maintenance were observed.

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Table 6 *Quantification and Significance of Losses in Patches of Native Vegetation*

Habitat Zone			HZ1	HZ2
Bioregion			Gippsland Plains	Gippsland Plains
EVC #: Name			55: Plains Grassy Woodland	55: Plains Grassy Woodland
EVC Bioregional Conservation Status			Endangered	Endangered
		Max Score	Score	Score
Site Condition	Large Old Trees	10	0	0
	Canopy Cover	5	0	0
	Understorey	25	5	15
	Lack of Weeds	15	4	0
	Recruitment	10	0	10
	Organic Matter	5	0	3
	Logs	5	0	0
	Total Site Score	75	9	28
	EVC standardiser (e.g. 75/55) [1]		-	-
	Adjusted Site Score		29	28
Landscape value	Patch Size	10		
	Neighbourhood	10	2	4
	Distance to Core	5		
Habitat Score		100	11	32
Habitat points = #/100		1	0.11	0.32
Habitat Zone area (ha)		(#,#)	0.0093	0.0787
Habitat Hectares		(#,#)	0.0010 *	0.0252 **
Conservation Significance	Conservation status x Habitat Score		High	High
	Threatened Species Rating		High	High
	Other Site Attribute Rating		-	-
	Overall Conservation Significance (highest rating)		High	High
Net Outcome			1.5	1.5
Gain Target (Hha)			0.0015	0.0378
No. of Large Old Trees to be removed in each Habitat Zone			0	0
Tree protection multiplier			-	-
Large Old Trees to be protected			-	-

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[1] For non-forest or woodland vegetation or other vegetation types

where some elements of the score are not relevant

* Rounded to four decimal places from 0.001023 to 0.0010

** Rounded to four decimal places from 0.025184 to 0.0252

5.6 Scattered Trees

There are no scattered native trees to be removed under this proposal.

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5.7 Net Gain Targets

5.7.1 Native Patch Losses

Table 7 provides the detail of all native patch losses according to the relevant habitat zone and the subsequent offset requirements.

Table 7 Gain Targets for Clearing Patches of Native Vegetation

Target # [1]	Habitat Zones [2]	Bioregion	EVC #: Name	Conservation significance	Min. habitat score for target [3]	Other Like-for-Like reqts [4]	Habitat Hectares Target			Large Tree Protection Target [5]		
							Total Losses (Hha)	Net Outcome	Gain Target (Hha)	Total LOTs Lost	Protection Multiplier	LOTs to be protected
H1	PGW1	Gippsland Plains	55: Plains Grassy Woodland	High	8	Remaining habitat for Matted Flax-lily	0.0010	1.5	0.0015	0	-	-
H2	PGW2	Gippsland Plains	55: Plains Grassy Woodland	High	24	Remaining habitat for Matted Flax-lily	0.0252	1.5	0.0378	0	-	-

[1] For losses of very high or high conservation significance vegetation, the losses in different habitat zones can be added together into one Offset Target provided that they meet the same Like-for-Like criteria, e.g. losses are in the same EVC/habitat type etc. For losses of medium or low conservation significance vegetation, losses from different habitat zones can be added together into one Offset Target provided that the losses are in the same bioregion.

[2] Please specify the habitat zones that contribute to the target.

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[3] Based on the quality objectives for the offset specified in Table 6 of *Victoria's Native Vegetation Management - A Framework for Action* (DNRE 2002).

[4] Please specify any other Like-for-Like requirements. These may include best/remaining habitat for threatened species, ecological function etc.

[5] Please note that by protecting a medium or large tree, either scattered or within a patch it is assumed five recruits will be generated. To be considered protected twice the canopy diameter of a tree must be fenced and protected from adverse impacts (see definition in *Guide for Assessment of Referred Planning Permit Applications* DSE 2007 for more information). It has therefore been assumed that protection of a tree will generate five recruits and no separate recruitment targets have been calculated.

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6 Conclusion and Recommendations

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

After this process, three small patches of *Plains Grassy Woodland* and one habitat zone of *Swamp Scrub* remained to be impacted upon. Further on site consultation determined that two of these habitat zones could be avoided by using an existing powerline easement, and one could be minimised leaving only 880 m² of vegetation in two habitat zones remaining to be impacted upon. This also removed any impacts on threatened fauna (Eastern Dwarf Galaxia and Growling Grass Frog) provided sufficient construction controls are implemented to avoid impacts on Boyd's Creek and other dams and streams adjacent to the path (see *Appendix 5*).

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

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

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Appendices

Appendix 1 – Flora Survey Results

ORIGIN	Botanical Name	Common Name	Conservation Status				
			FFG	EPBC	VROTS	PGW1	PGW2
	<i>Acacia melanoxylon</i>	Blackwood					+
	<i>Acaena ovina</i>	Australian Sheep's Burr					+
*	<i>Agrostis capillaris</i>	Brown-top Bent					+
*	<i>Aira</i> spp.	Hair Grass					+
*	<i>Anthoxanthum odoratum</i>	Sweet Vernal-grass				+	+
*	<i>Aster subulatus</i>	Aster-weed					+
	<i>Austrodanthonia geniculata</i>	Kneed Wallaby-grass				+	+
	<i>Austrostipa rudis</i>	Veined Spear-grass					+
*	<i>Briza maxima</i>	Large Quaking-grass				+	+
*	<i>Briza minor</i>	Lesser Quaking-grass					+
*	<i>Crataegus monogyna</i>	Hawthorn					+
*	<i>Cyperus eragrostis</i>	Drain Flat-sedge					+
*	<i>Dactylis glomerata</i>	Cocksfoot					+
	<i>Dillwynia cinerascens s.l.</i>	Grey Parrot-pea				+	
	<i>Elymus scaber</i> var. <i>scaber</i>	Common Wheat-grass					+
	<i>Eragrostis</i> sp.	Love Grass				+	+
	<i>Eucalyptus angophoroides</i>	Apple-topped Box					+

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ORIGIN	Botanical Name	Common Name	Conservation Status				
			FFG	EPBC	VROTS	PGW1	PGW2
	<i>Eucalyptus ovata</i>	Swamp Gum					+
	<i>Gahnia radula</i>	Thatch Saw-sedge					+
*	<i>Holcus lanatus</i>	Yorkshire Fog					+
	<i>Hypericum</i> sp.	St John's Wort					+
	<i>Isolepis inundata</i>	Swamp Club-sedge					+
	<i>Juncus bufonius</i>	Toad Rush				+	+
	<i>Juncus</i> sp.	Rush					+
	<i>Kunzea ericoides</i> spp. agg.	Burgan				+	+
	<i>Leptospermum continentale</i>	Prickly Tea-tree					+
	<i>Lomandra filiformis</i>	Wattle Mat-rush				+	
	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass					+
	<i>Microtis</i> sp.	Onion Orchid				+	
*	<i>Paspalum dilatatum</i>	Paspalum				+	+
*	<i>Pinus radiata</i>	Radiata Pine					+
#	<i>Pittosporum undulatum</i>	Sweet Pittosporum					+
*	<i>Plantago lanceolata</i>	Ribwort				+	+
	<i>Plantago</i> sp.	Plantain				+	+
	<i>Poa</i> sp.	Tussock Grass					+
*	<i>Prunella vulgaris</i>	Self-heal					+
*	<i>Prunus</i> sp.	Prunus					+
	<i>Pseudognaphalium luteoalbum</i>	Jersey Cudweed				+	+
*	<i>Rosa rubiginosa</i>	Sweet Briar					+

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ORIGIN	Botanical Name	Common Name	Conservation Status				PGW1	PGW2
			FFG	EPBC	VROTS			
*	<i>Rubus fruticosus</i> spp. agg.	Blackberry					+	
	<i>Thelymitra</i> sp.	Sun Orchid				+		
	<i>Themeda triandra</i>	Kangaroo Grass				+	+	
*	<i>Vicia</i> sp.	Vetch					+	
*	<i>Vulpia</i> sp.	Fescue					+	
*	<i>Watsonia meriana</i> var. <i>bulbillifera</i>	Bulbil Watsonia				+		
	<i>Wurmbea dioica</i>	Common Early Nancy				+		
						17	41	

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Appendix 2 – Results of Rare and Threatened Flora Species Desktop Search (5km radius)

Botanical Name	Common Name	Last Documented Record	Total # of Documented Records	Conservation Status			Source	Likely Usage of Study Site
				FFG	VROTS	EPBC		PGW
<i>Craspedia canens</i>	Grey Billy-buttons	2004	1	L	e		DSE 2005	3
<i>Dianella amoena</i>	Matted Flax-lily	2004	1	L	e	E	DSE 2005	2
<i>Eucalyptus strzeleckii</i>	Strzelecki Gum			L	v	V	DSE 2011, DSEWPC 2012	3
<i>Eucalyptus yarraensis</i>	Yarra Gum	1770	1		r		DSE 2005	3
<i>Hypsela tridens</i>	Hypsela	2003	1		k		DSE 2005	3
<i>Lachnagrostis punicea</i> subsp. <i>punicea</i>	Purple Blown-grass	2000	1		r		DSE 2005	3
<i>Marsilea mutica</i>	Smooth Nardoo	1983	1		k		DSE 2005	3
<i>Platysace ericoides</i>	Heath Platysace	2003	1		r		DSE 2005	3
<i>Prasophyllum correctum</i>	Gaping Leek-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Prasophyllum frenchii</i>	Maroon Leek-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Ranunculus papulentus</i>	Large River Buttercup	1981	1		k		DSE 2005	3
<i>Thelymitra epipactoides</i>	Metallic Sun-orchid			L	e	E	DSE 2011, DSEWPC 2012	4
<i>Thelymitra matthewsii</i>	Spiral Sun-orchid			L	v	V	DSE 2011, DSEWPC 2012	4
<i>Xerochrysum palustre</i>	Swamp Everlasting			L	v	V	DSE 2011, DSEWPC 2012	5

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Key to Conservation Status & Origin

Origin	
#	Native species that may be considered alien in some circumstances
*	Exotic species

Flora and Fauna Guarantee Act 1988	
L	Listed as a Threatened in Victoria
P	Listed as a Protected in Victoria
N	Nominated for listing as Threatened in Victoria
D	Delisted as Threatened in Victoria

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999	
V	Listed as Nationally Vulnerable
E	Listed as Nationally Endangered
X	Listed as Nationally Extinct
C	Listed as Nationally Critically Endangered

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Advisory List of Rare or Threatened Plants in Victoria (VROTS) (DSE 2005)	
v	Listed as Vulnerable in Victoria
x	Listed as Presumed Extinct in Victoria
e	Listed as Endangered in Victoria
r	Listed as Rare in Victoria
k	Listed as Poorly Known in Victoria

Key to Likely Occurrence within Study Site

1	Known occurrence.
2	Habitat present- considered reasonable likelihood
3	Habitat present- considered low likelihood
4	Considered unlikely to be present
5	No suitable habitat present

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Appendix 3 – Fauna survey results

Origin	Common Name	Zoological Name	VROTS	FFG	EPBC	Record Type
	Australian Magpie	<i>Gymnorhina tibicen</i>				S
	Australian White Ibis	<i>Threskiornis molucca</i>				S
	Common Froglet	<i>Crinia signifera</i>				H
*	European Hare	<i>Lepus europeus</i>				S
	Magpie-lark	<i>Grallina cyanoleuca</i>				S
	Peron's Tree Frog	<i>Litoria peronii</i>				H
	Striped Marsh Frog	<i>Limnodynastes peronii</i>				H
	Unidentified Egret	<i>Egretta / Ardea sp.</i>				S
	White-faced Heron	<i>Egretta novae-hollandiae</i>				S
	Yellow-tailed Black Cockatoo	<i>Calyptorhynchus funereus</i>				S

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Appendix 4 – Results of Rare and Threatened Fauna Desktop Search (5km radius)

Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
Australasian Bittern	<i>Botaurus poiciloptilus</i>			L	EN	EN			5
Australasian Shoveler	<i>Anas rhynchotis</i>	1991	4		VU				5
Australian Grayling	<i>Prototroctes maraena</i>	1979	1	L	VU	VU		Marine	5
Australian Painted Snipe	<i>Rostratula australis</i>			L	VU	VU		Migratory	5
Azure Kingfisher	<i>Alcedo azurea</i>	1979	1		NT				4
Black Falcon	<i>Falco subniger</i>	1999	1		VU		Dependent		4
Blue-billed Duck	<i>Oxyura australis</i>	1995	4	L	EN				5
Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>			L	VU	VU			5
Dendy's Toadlet	<i>Pseudophryne dendyi</i>	1973	1		DD				5
Eastern Dwarf Galaxias	<i>Galaxiella pusilla</i>			L	VU	VU		Marine	5
Eastern Great Egret	<i>Ardea modesta</i>	2001	4	L	VU				5
Fairy Tern (Australian)	<i>Sterna nereis nereis</i>			L	EN	VU			5
Giant Burrowing Frog	<i>Heleioporus australiacus</i>			L	VU	VU			5
Golden Sun Moth	<i>Synemon plana</i>			L	CE	CR			5
Grey Goshawk	<i>Accipiter novaehollandiae novaehollandiae</i>	2004	1	L	VU				4

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Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>			L	VU	VU		Migratory	5
Growling Grass Frog	<i>Litoria raniformis</i>	1982	1	L	EN	VU			4
Hardhead	<i>Aythya australis</i>	2000	9		VU				5
Hooded Robin	<i>Melanodryas cucullata cucullata</i>	1973	1	L	NT				4
Intermediate Egret	<i>Ardea intermedia</i>	1978	1	L	CE				5
Latham's Snipe	<i>Gallinago hardwickii</i>	2000	1		NT			Migratory	5
Little Egret	<i>Egretta garzetta nigripes</i>	1978	1	L	EN			Migratory	5
Long-nosed Potoroo (SE mainland)	<i>Potorous tridactylus tridactylus</i>			L	VU	VU			5
Malleefowl	<i>Leipoa ocellata</i>			L	VU	VU			5
Musk Duck	<i>Biziura lobata</i>	1995	6		VU				5
Nankeen Night Heron	<i>Nycticorax caledonicus hillii</i>	1945	1		NT				5
New Holland Mouse	<i>Pseudomys novaehollandiae</i>			L	VU	VU			5
Pied Cormorant	<i>Phalacrocorax varius</i>	1977	1		NT				5
Powerful Owl	<i>Ninox strenua</i>	1981	1	L	VU		Dependent		5
Regent Honeyeater	<i>Anthochaera phrygia</i>			L	CE	EN		Migratory	4
River Blackfish	<i>Gadopsis marmoratus</i>	1990	1		DD			Marine	5
Royal Spoonbill	<i>Platalea regia</i>	1988	1		VU				5
Smoky Mouse	<i>Pseudomys fumeus</i>			L	EN	EN			5
Southern Brown Bandicoot	<i>Isodon obesulus obesulus</i>			L	NT	EN			5
Southern Toadlet	<i>Pseudophryne</i>	1962	1		VU				5

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Common Name	Zoological Name	Last Documented Record	Total # of Documented Records	Conservation Status			Hollow Usage	Migratory / Marine	Likely Usage of Study Site
				FFG	VROTS	EPBC			PGW
	<i>semimarmorata</i>								
Spot-tailed Quoll	<i>Dasyurus maculatus maculatus</i>	1966	1	L	EN	EN			5
Spotted Quail-thrush	<i>Cinclosoma punctatum</i>	1975	1		NT				5
Swift Parrot	<i>Lathamus discolor</i>			L	EN	EN	Dependent	Migratory	4
White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>	2001	4	L	VU				5

Key to Conservation Status & Origin

Origin	
*	Exotic species
Flora and Fauna Guarantee Act 1988	
L	Listed as a Threatened in Victoria
P	Listed as a Protected in Victoria
N	Nominated for listing as Threatened in Victoria
I	Invalid or Ineligible for listing.
D	Delisted as Threatened in Victoria

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Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999	
VU	Listed as Nationally Vulnerable
EN	Listed as Nationally Endangered
EX	Listed as Nationally Extinct
CR	Listed as Nationally Critically Endangered

Advisory List of Threatened Vertebrate Fauna in Victoria (DSE2007), Advisory List of Threatened Invertebrate Fauna in Victoria (DSE 2009).	
EX	Listed as Extinct in Victoria
RX	Listed as Regionally Extinct in Victoria
WX	Listed as Extinct in the Wild
CE	Listed as Critically Endangered
EN	Listed as Endangered
VU	Listed as Vulnerable
NT	Listed as Threatened
DD	Listed as Data Deficient

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

Likely Usage of Study Site

1	Known/ recorded as 'resident'
2	Possible 'resident'
3	Frequent visitor
4	Occasional/ Rare Visitor
5	Unlikely/ No Suitable Habitat

Ecological Assessment with Net Gain for a proposed shared path between Morwell and
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Appendix 5 - Management of Construction Zone

Minimising Impact

The proposed development would not require the removal of any indigenous trees. The following measures should be followed to ensure native vegetation surrounding the development footprint is protected.

- No vegetation, apart from that shown on the endorsed plan as vegetation to be removed may be felled, destroyed or lopped without written consent;
- No existing canopy trees are located within the construction zone
- Trees within the vicinity of the construction area and proposed shared path which are marked on the plan to be retained must have tree protection zones defined on site. Each tree protection zone must extend to at least around the periphery of the foliage canopy to include the drip line. No excavation, trenching or soil removal may be carried within these protection zones;
- Goods or materials should not be stored or vehicles parked within the drip line of any tree;
- All exposed roots must be cut by or under the supervision of an Arborist or suitably qualified person, using a handsaw and or secateurs;
- Vehicle access ways should be gravel topped where appropriate to reduce the spread of sediment;
- Soil should not be deposited at the base of and on areas surrounding trees;
- Patches of indigenous vegetation in close proximity to the construction zone should be fenced off prior to and also during the construction works to provide for their protection;
- Machinery should be cleaned prior to entering the site and again before leaving site;
- During earthworks a qualified arborist is to be on site advising plant operators on the appropriate methods within the root zones of any indigenous species;
- Trees not proposed for removal should be monitored at regular intervals for any signs of deterioration in overall health. The timing and length of monitoring is to be determined by a qualified arborist;

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- If any further indigenous trees or vegetation is lost due to construction works associated with the development then appropriate measures should be undertaken to apply Net Gain Guidelines and calculate appropriate offsets;
- Proposed trimming of indigenous trees only be undertaken to specified clearance limits and no excessive trimming/ pruning is to be undertaken.
- The use and installation of pre-constructed boardwalks for waterway crossings are necessary to ensure Boyd's Creek is not disturbed.

Erosion and Sediment Management

To ensure that silt doesn't enter waterways, construction of a silt control barrier like a 'Filter Fence' should be considered. Such a fence should be erected on the downward slope of any stockpiles of soil and the downward slope of the construction site to mitigate any sediment movement, especially into the waterways.

All works are to be confined to the building and effluent envelope and measures must be taken, during the transfer of soil, to ensure it is not deposited in areas outside of the construction zone.

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Appendix 6 – Habitat assessment and survey for the Growling Grass-frog

Introduction

Preliminary surveys indicated that it may be necessary to undertake targeted survey for the presence of the Growling Grass-frog. The presence of habitat and historical records for the species in the area meant that the presence of the species at the site could not be ruled out and should therefore be established.

The following subsections detail the results of habitat and call-playback surveys for the Growling Grass-frog in several habitat niches crossed by the proposal.

Additional Note: The surveys were timed so that they occurred at the correct time of year. After the surveys were conducted, alterations to the design have been made which remove any locations where Growling Grass Frog habitat is affected from the proposal.

Species information

Growling Grass-frog (*Litoria raniformis*)

‘The Growling Grass-frog is one of the largest frog species in Australia. It reaches up to 104 mm in length, with females usually larger (60-104 mm) than males (55-65mm). Growling Grass-frogs vary in colour and pattern but in general are olive to bright emerald green, with irregular gold, brown, black or bronze spotting. Their backs are warty and usually have a pale green mid-dorsal stripe. The eardrum is pronounced. A cream or yellow stripe underlined by a dark brown stripe runs from the nostril, through the eye, above the inner ear and down the sides of the body to the groin as a dorso-lateral fold. On their bellies, Growling Grass-frogs are white and coarsely granular. During the breeding season males may become yellow or dark grey/black under the throat. The groin and posterior of the thighs are turquoise blue’ (Barker and Grigg 1977; Robinson 1993; Barker et al. 1995; Tyler 1978; Tyler and Barrie 1996; DEC NSW 2005; cited in (DSEWPC, 2010)).

The Growling Grass-frog is considered to have a natural range encompassing south-eastern mainland Australia and most of Tasmania. The species typically occupies slow moving or

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still waters of creeks, dams or lagoons and is often found amongst emergent vegetation of species such as *Phragmites australis* (Common Reed), *Typha* spp. (Bull-rushes) and *Eleocharis* spp. (Spike-rushes) within and surrounding the water (DEC, 2005).

Two historical records for the Growling Grass-frog are found within 5 km of the proposed path (DSE, 2010a). The closer of these two records is from 1982 with the location described as the ‘Latrobe Valley Aerodrome’, which this current proposal skirts the western and northern boundaries of. Although the precise point for the record sits outside the current Latrobe Valley Airport, it is reasonable to assume that it is related to one of the minor drainage lines that exit the airport on its western and northern boundaries, all of which support potential Growling Grass-frog habitat. *Map 3* displays the all records of the species in Victoria from DSE’s VBA (DSE, 2010).

Habitat Description

Potential habitat for the Growling Grass-frog is found in a number of small creeks and drainage lines that cross the proposed shared path. *Map 4* displays these locations numbered from 1 to 6.

All habitat niches found across the site have common properties such as the following:

- Amongst or directly adjacent to agricultural grazing land.
- Moderate to high cover of environmental weeds.
- Host emergent aquatic and semi-aquatic vegetation.
- Slow moving or still water bodies which may temporarily dry up during summer.

The following subsections describe each of the six areas identified along the length of the proposed shared path as providing potential habitat to the Growling Grass-frog.

Frog Habitat 1 – South-east edge of the plantation

This habitat is a swampy marsh at the toe of a farm dam that continues as a low velocity, swampy creek. Vegetation is a composite of low grazed grasses and sedges.

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Frog Habitat 2 – Western boundary of Latrobe Regional Airport 1

Habitat 2 is a swampy marsh with a range of native grasses and sedges. Small pools formed from the backup of water at the culvert are found however, the stream is typically low velocity only flowing during rain events.

Frog Habitat 3 – Within plantation

This habitat is a broad marsh formed from the flow of water from the creeks that make up Habitats 1 and 2. Although native vegetation is present, it is not very diverse and exotic grasses are common.

Frog Habitat 4 – Western boundary of Latrobe Regional Airport 2

This habitat is very similar in structure and vegetation to Habitat 2.

Frog Habitat 5 – Between the cul-de-sacs of Easterly Drive and Beau Vista Drive

Habitat 5 occurs in a thin strip of farm land between two roads. Although mostly dominated by exotic grasses that are variably grazed, native rushes are scattered. Both upstream and downstream are wooded clumps of paperbarks.

Frog Habitat 6 – Boyd's Creek alongside Old Melbourne Road between Coonoc Road and Coopers Road

A small pool exists near the fence line where the creek builds up behind a culvert. This pool is surrounded by little other than *Typha* sp. (Bulrush) and exotic pasture.

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Results

Habitat Assessment

Table 8 details the outcome of habitat assessments in line with guidelines for the assessment of habitat for the *Litoria raniformis* (Growling Grass-frog) (DEWHA, 2009 & 2010)

Table 8 - Results of habitat assessment

Assessment Question	<i>L. raniformis</i>
Is the site within the expected range of the species?	Yes
Are there records of the species within the local area/catchment?	Yes
Does the site support potentially suitable habitat for the species?	Yes – Small areas of water's edge and emergent vegetation, still water
Are there other frog species on site? If so, what species?	Yes – Common Froglet and Peron's Tree Frog
What vegetation occurs on and around the site?	Good cover of semi-aquatic and aquatic vegetation within ponds. Little remnant terrestrial vegetation
How close is the nearest water body?	Adjacent (<5 metres)
How many water bodies occur within 10 km?	20+
Is there habitat connectivity (terrestrial or aquatic) between water bodies on site, and between on-site water bodies and those on neighbouring sites?	No – Agricultural grazing land exists between the bodies of water
Is there any evidence of disturbance on site?	Yes – grazing of pond banks and surrounding areas. Habitat 5 is highly disturbed.
Has this habitat been modified as a result of previous development actions?	Yes – ponds are natural though cattle graze in the area. Little native vegetation on the site.
Are water bodies infested with Mosquito Fish or other predatory species that prey on the Growling Grass-frog?	No mosquito fish were found by the study by

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Assessment Question	<i>L. raniformis</i>
	Mcguckin (2011). However, omnivorous waterbirds are present within the area, some of which may prey on tadpoles or small frogs.
Are there other threats to the species occurring on site?	No – the main threats are from predatory waterbirds.
	7/12

The assessment of the habitats' suitability to the Growling Grass-frog detailed in *Table 8* demonstrates that the habitat found along the proposed shared path is only marginally suitable for the Growling Grass-frog. 7 out of 12 questions received a positive or suitable answer consistent with the habitat requirements of the species. This result should be viewed as an indication that the study site, in its current state, provides less than ideal habitat for the species.

Nocturnal Surveys

Following initial habitat assessments, two nocturnal call play-back and spotlighting surveys were undertaken.

Survey 1

The first survey was undertaken on the 28th of November, 2012. The survey began at approximately 8:15 pm at habitat 1 and progressed sequentially to end at habitat 6 after approximately 1 hour, playing the 6 minutes of Growling Grass-frog calls at each of the 6 habitat sites.

Conditions for the survey were favourable with mild temperature of between 23.9 and 16.0 degrees Celsius for the night of the survey. *Table 9* details the weather conditions of the dates adjoining the night of the survey recorded at the Latrobe Valley Airport weather station approximately 3 km west of the study site.

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No occurrences of Growling Grass-frogs were recorded during the survey. However, the presence of small numbers of three other frog species; *Crinia signifera* (Common Froglet), *Limnodynastes tasmaniensis* (Spotted Marsh Frog, southern call race) and *Litoria peroni* (Peron's Tree Frog) indicate that conditions were generally suitable for frog calling to occur.

Table 9 – Latrobe Valley Airport, Traralgon 27th-29th November, 2012 (BoM, 2012)

Date	Min. Temp (°C)	Max. Temp. (°C)	Temp. @ 9am/3pm (°C)	Rainfall (mm)
27/11/2012	15.1	20.8	- / 19.9	3.0
28/11/2012	15.0	24.9	16.9 / 23.9	8.6
29/11/2012	16.0	33.0	20.5 / -	0.0

Survey 2

The second survey was undertaken on the 11th of December, 2012. The survey began at approximately 8:50pm. This time the survey began in habitat 6 and progressed sequentially to end at habitat 1 taking approximately 1 hour, stopping at each habitat area to play 6 minutes of the Growling Grass-frog calls. This survey began slightly later than survey 1 due to the later sunset and the area was traversed in the opposite direction to survey 1 to ensure each habitat area received Growling Grass-frog calls at both dusk and full-night.

Conditions for this survey were similar to the November survey with mild temperature of between 22.3 and 12.5 degrees Celsius for the night of the survey. *Table 10* details the weather conditions of the dates adjoining the night of the survey recorded at the Latrobe Valley Airport weather station approximately 3 km west of the study site (BoM, 2012).

Table 10 – Weather records from Latrobe Valley Airport, Traralgon 10th to 12th December 2012 (BOM, 2012)

Date	Min. Temp (°C)	Max. Temp. (°C)	Temp. @ 9am/3pm (°C)	Rainfall (mm)
10/12/2012	4.3	23.3	- / 22.8	0
11/12/2012	8.3	23.0	16.7 / 22.3	0
12/12/2012	12.5		18.8 / -	0

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No Growling Grass-frogs were detected by this survey. However, as in November, a small number of the same frog species, the Common Froglet was heard in 2 habitat areas once again indicating that conditions were generally suitable for frogs to be calling.

Summary of conclusions

Habitat assessments detailed in *Table 8* concluded that habitat along Old Melbourne and adjacent to the Latrobe Valley Airfield is suitable – although less than ideal - for the Growling Grass-frog based on habitat guidelines described by DEC (2005) and DEWHA (2009 & 2010)

Two separate call play-back surveys for the Growling Grass-frog failed to detect the species along the proposed shared path route and *Table 11* summarises the outcomes of habitat assessments and surveys for the Growling Grass-frog.

Table 11 - Summary of assessment and survey outcomes

<i>Litoria raniformis</i> (Growling Grass-frog)	
Suitable Habitat	Species Presence
YES	NO

While surveys failed to detect the Growling Grass-frog the results of this study should be used with caution and not interpreted as a definitive conclusion that the species could not make some use of or occupy the site in future. However, in the absence of any recent nearby records of the species or active management intervention to establish and maintain a more suitable habitat, the species is unlikely to colonise or make significant use of the site.

Additionally, as discussed earlier, direct impacts on favourable habitat for the species caused by grazing and other disturbances are significant.

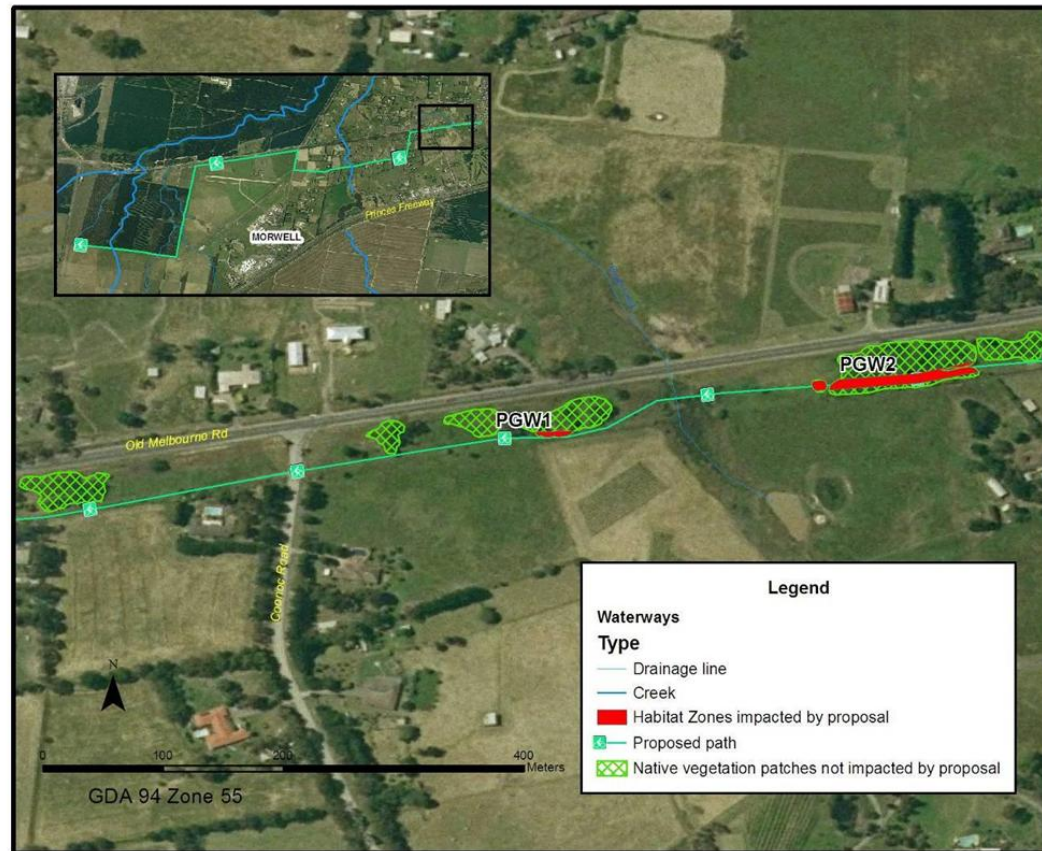
It can be considered unlikely that the development of the proposed shared path route will have any medium or long term impacts upon potential habitat or important populations of Growling Grass-frogs. As the wetland is proposed to be retained, the removal of grazing and re-establishment of native vegetation within and surrounding the wetland is likely to improve the habitat potential for the site.

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Maps

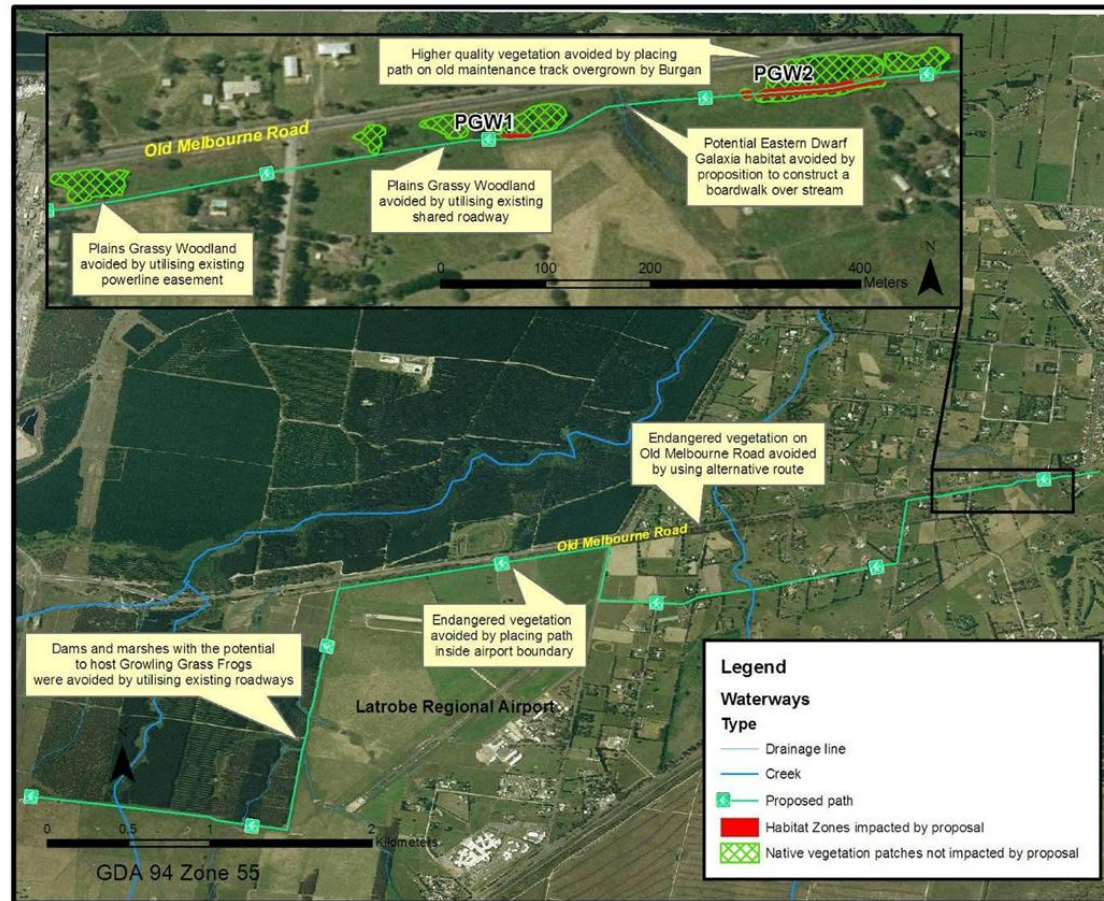
Ecological Assessment with Net Gain for a proposed shared path between Morwell and Traralgon – February, 2013

Map 1 – Habitat Zones identified within the proposed impact zone



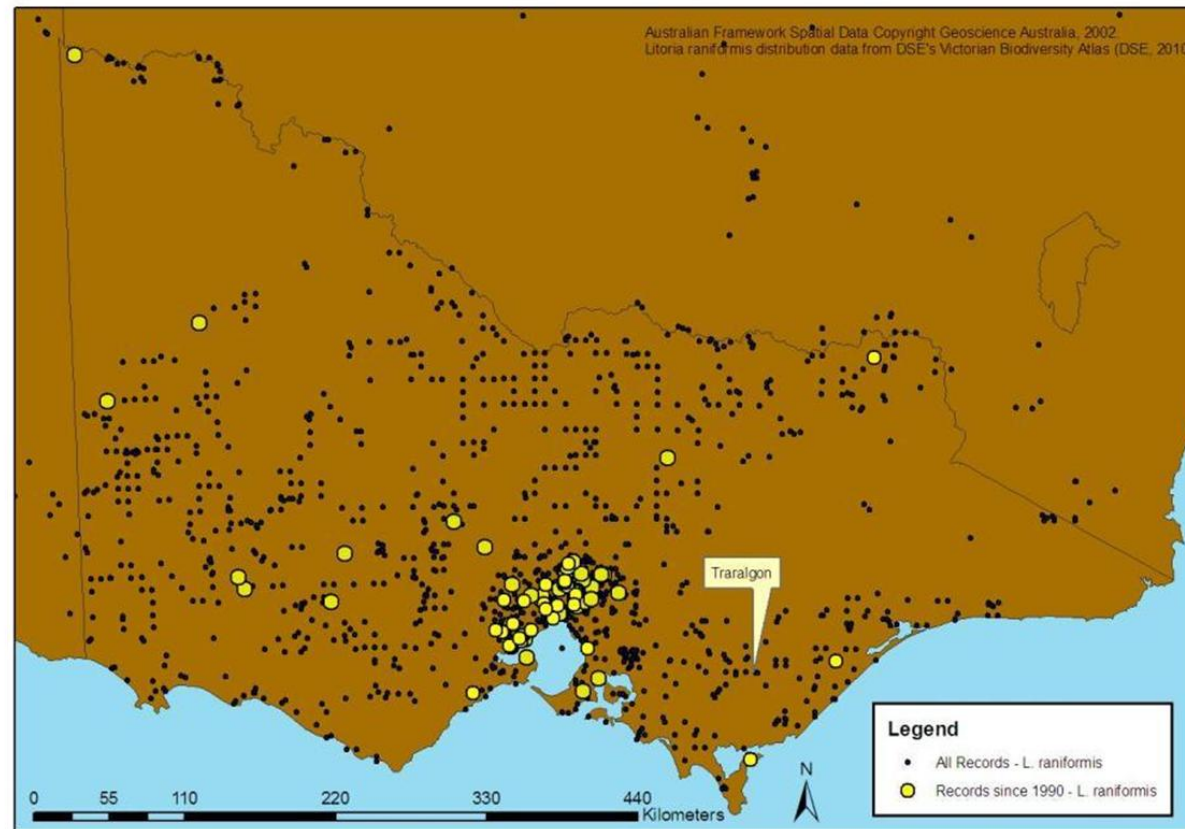
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Map 2 – Summary of Avoid and Minimise measures



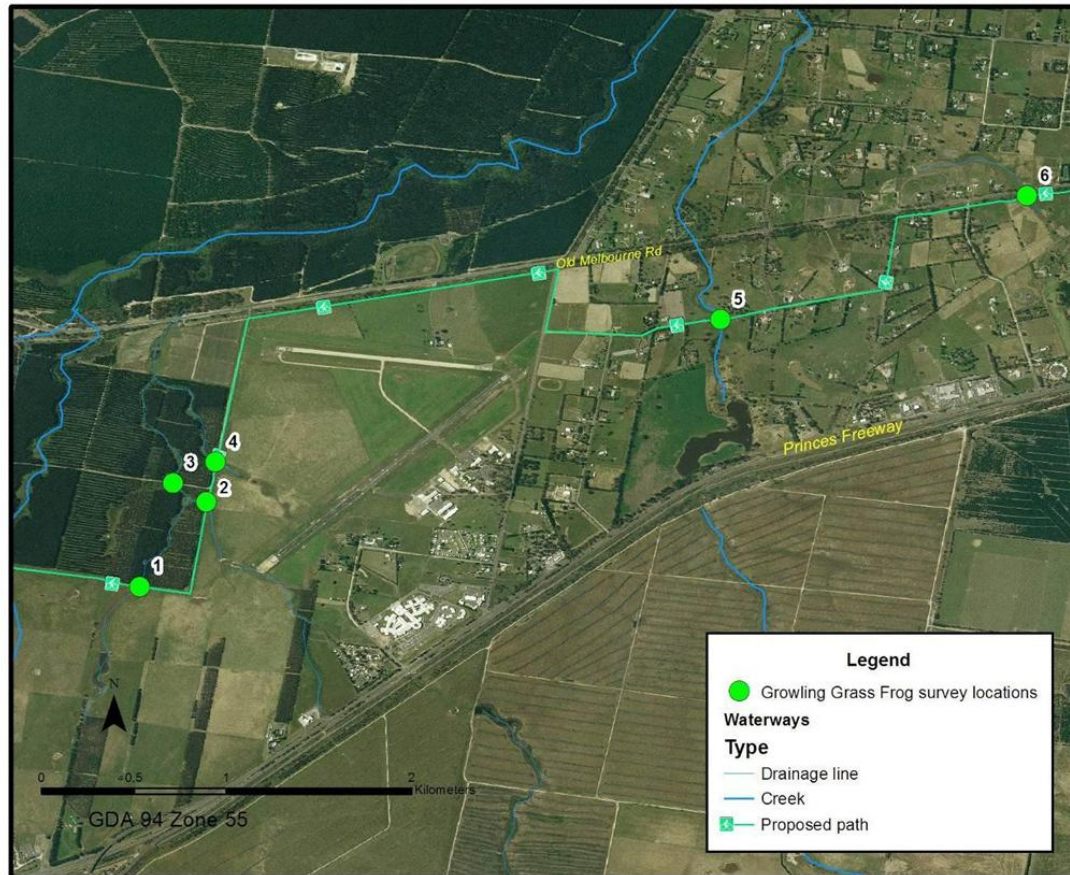
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Map 3 – Victorian records of *Litoria raniformis* (DSE, 2010a)



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Map 4 – Locations of the sites for the targeted frog survey





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ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

9.2 PLANNING PERMIT APPLICATION 2012/290 - SIX LOT SUBDIVISION & CREATION OF COMMON PROPERTY AT 340 OLD MELBOURNE ROAD TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/290 for a six lot subdivision and creation of common property at 340 Old Melbourne Road in Traralgon known as Lot 4 on LP 95779

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Planning for the future

Strategic Direction

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

Legislation

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

BACKGROUND

SUMMARY

Land: 340 Old Melbourne Road, Traralgon, known as Lot 4 on LP 95779

Proponent: W.P Riddle & B Riddle
c/- Beveridge Williams & Co Pty Ltd

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Zoning: Low Density Residential Zone (LDRZ)

Overlay: N/a

A Planning Permit is required for subdivision of land in a Low Density Residential Zone in accordance with Clause 32.03-3 of the Scheme.

PROPOSAL

It is proposed to subdivide the land into six lots and creation of common property to provide access to proposed lots 2 – 6.

A copy of the proposed plan of subdivision is included as Attachment 1 of this report.

Subdivision

Proposed Lot 1 will contain the existing dwelling, carport, gazebo, shed, landscaped garden, wastewater/grey water disposal areas and wetland. The allotment will be irregular in shape, with a frontage to Old Melbourne Road measuring approximately 172 metres and a total area of approximately 1.8 hectares. Vehicular access will be provided from Old Melbourne Road via the existing access that will be upgraded as required. The size of this lot has been determined by the location of the wetland and designated watercourse that traverses it. The wetland area and a 30 metre buffer either side of the designated water that transverses the site has been provided to comply with West Gippsland Catchment Management Authority requirements.

Proposed Lots 2 to 6 will range in area between approximately 4000m² and 4850m² and will be vacant and comprise of cleared land covered in pasture grass. All of these lots will be accessed from Old Melbourne Road via a new driveway in the form of common property. The common property will be designed with a width of 12 metres to allow for a 4.5 metre sealed driveway pavement, provision of landscaping and stormwater management. The common property will have an overall area of 1459m².

All allotments will be connected to reticulated electricity, water, gas and telecommunications services. As the land is located outside Gippsland Water's sewer reticulation district, all of the proposed lots will require on-site treatment and disposal of wastewater. Stormwater and the common property area will be managed by a body corporate arrangement.

Building and wastewater envelopes have been shown for each lot on the plan. A copy of this plan included as Attachment 2 of this report

Subject Land:

The site is located at 340 Old Melbourne Road, Traralgon. It is more particularly described as Lot 4 on Plan of Subdivision 95779, being land contained in Certificate of Title Volume 10375 Folio 393.

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The site is irregular in shape, has an area of 4.1 hectares and an abuttal to Old Melbourne Road along the full length of its southern boundary. The dimensions of the site are as follows:

- A frontage (southern boundary) measuring approximately 223.2 metres;
- An eastern side boundary measuring approximately 158.7 metres;
- A western side boundary measuring approximately 223 metres; and
- A rear (northern) boundary measuring approximately 213.5 metres.

The land is used for low density residential purposes and is developed with a single storey rendered brick dwelling with attached carport, a gazebo, large galvanised iron shed and associated infrastructure. The buildings are grouped together in the south-western corner of the site, within approximately 70 metres of the front boundary. A landscaped garden comprising a combination of planted native and exotic trees, shrubs and lawn cover is located on the southern side of these buildings.

The dwelling is connected to reticulated electricity, water, gas and telecommunication services, all of which extend along Old Melbourne Road. Wastewater is treated and retained on-site via a septic tank and trench system located on the northern side of the dwelling. Grey water is disposed of via a separate arrangement to the north-east.

An extensive wetland extends in a north-westerly direction between the site's southern and western boundaries. The wetland is approximately 40 metres in width and is fenced off from the balance of the site with post and wire. It comprises a series of four ponds established on a declared watercourse.

The remainder of the land is vacant, cleared and covered in pasture grass. Access to the site is obtained from Old Melbourne Road via a gravel crossover and driveway that leads to the dwelling and carport.

The land has an undulating topography, generally sloping down from each corner of the site towards the wetland, with a fall of approximately 12 metres between its highest point (northeast corner) and lowest point (at the wetland).

Surrounding Land Use:

The site is located within an established low density residential precinct on the western periphery of Traralgon's urban area, approximately 2.9 kilometres west of the central activity district.

Surrounding the site are low density residential allotments generally ranging between approximately 0.4 hectare and 6 hectares in area. All of these lots are developed with single dwellings and associated sheds. Old Melbourne Road is a bitumen sealed arterial road with gravel shoulders and open drains on both sides. It extends generally in an east-west direction between the towns of Traralgon and Morwell. The speed limit of the road changes from 60 kms to 80 kms per hour adjacent to the site.

A site context plan is included in Attachment 3.

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 4.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 5.

ISSUES

Clause 32.03 Low Density Residential Zone (LDRZ)

The subject land is contained within the Low Density Residential Zone of the Scheme. The primary purpose of the zone is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least .4 hectare.

However, it should be noted that Clause 65 of the Scheme states that because a planning permit can be granted does not imply that a permit should or will be granted. Council must decide whether the proposal will produce acceptable outcomes in terms of the relevant provisions of the Scheme.

In accordance with Clause 32.03-3 of the Scheme, Council must consider decision guidelines of the LDRZ as follows, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
 - The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).*
 - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipments.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4 [which relate to integrated water management in subdivisions].*

An assessment of the application against the above has highlighted wastewater and stormwater management as the key issues to be resolved. The subject land is located outside Gippsland Water's sewer reticulation district and all of the proposed lots would require on-site

treatment and disposal of wastewater. Also, there is currently no supporting drainage or stormwater infrastructure in place in the Traralgon low density residential area.

Stormwater Management

The applicant has detailed the following in relation to the management of stormwater onsite *"The proposed stormwater treatment and retarding swales will be a 'common' drainage system located within common property reserve. The system will be subject to Unlimited Owners Corporation rules and a Section 173 Agreement that sets out obligations on the Unlimited Owners Corporation and its members. The Agreement will need to be registered on the titles for Lots 2, 3, 4, 5 and 6 and the common property. A stormwater management plan will be prepared following the issue of a planning permit and will be attached as a schedule to the Agreement. This will provide certainty to the future owners of each lot, the Owners Corporation and the Council as to the responsibilities for management and maintenance of the common drainage system"*.

Council's Traralgon West Interim Infrastructure Development Policy outlines the process by which Council will consider further subdivision of land within the Traralgon Low Density Residential Zone

In relation to an application to subdivide land, the policy requires an assessment against the criteria set out in the policy including *"whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property"* and *"whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority"*.

Increased drainage flows downstream of the site would not be permitted without the construction of supporting infrastructure to mitigate potential flooding and degraded water quality impacts. As there is currently no overall development plan for the area, each subdivision should make adequate individual provision for the treatment and discharge of all stormwater from the land and from areas upstream to ensure that water quality is maintained or improved and stormwater flow rates are restricted to pre-development flow rates.

The alternative to on-site detention and treatment is for the applicant to make arrangements to the satisfaction of the responsible authority, for the provision of stormwater detention and treatment on land downstream of the site. This would also require the provision of appropriate stormwater drainage works between the subject land and the downstream treatment/detention site.

The proposed stormwater management arrangement has been reviewed by Council's Infrastructure Planning Team and is generally deemed satisfactory, subject to inclusion of appropriate permit conditions to ensure that all members of the Owners Corporation be responsible for the

ongoing use, maintenance and liabilities associated with the common drainage system.

It should be noted whilst the West Gippsland Catchment Management Authority (WGCMA) has identified that a designated waterway runs through the property with proposed Lot 1, they do not have any objections to the proposed six lot subdivision or the proposed stormwater management arrangement as outlined by the applicant. The WGCMA only requested that appropriate permit conditions be included, should a planning permit for the proposal be granted, requiring the development of a Water Management Plan to revegetate and rehabilitate the relevant waterway.

On the above basis, it is reasonable to consider that subject to appropriate conditions, the proposed stormwater drainage system would be able to operate efficiently to limit stormwater discharge from the site to pre-developed levels. The proposal is unlikely to have any adverse amenity impact on adjoining properties or on the environmental qualities of waterways, from excessive stormwater runoff.

Wastewater Management

In terms of wastewater management, it should be noted that the purpose and decision guidelines of the LDRZ emphasise the need to ensure that waste water can be treated and retained on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

It is noted the application was also referred to the EPA for consideration in accordance with Section 52 of the Act. It should be noted that Environment Protection Authority (EPA) objected on two grounds one of which was related to waste water treatment. The EPA, following the review of the submitted Land Capability Assessment (LCA) identified the following issues:

- *“The LCA states that the site has a number of environmental constraints impacting upon the sustainable application of wastewater to land including a watercourse, springs and dams, lateral seepage from upslope, seasonal wet areas, areas of frequently saturated soil and groundwater springs.*
- *EPA recommends Council consider obtaining an independent review of the LCA, as the report submitted with the application raises numerous factors which may impact on the site being able to sustainably treat and contain wastewater on within the boundary of the property”*

As a result of this point of objection, the applicant was requested to provide a review of the submitted LCA by a suitably qualified Environmental Consultant to conduct a peer review assessment of the document. On receiving this peer review assessment of the submitted

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LCA the application and supporting documentation was re-referred to the EPA and Councils Health Team.

The following was provided in an amended response received from the EPA: *“EPA acknowledges receipt of the Independent review of the Land Capability Assessment (LCA) (EWS Environmental, report dated 28 May 2013), provided in response to the recommendation in our previous correspondence (letter dated 14 December 2012). The report provides recommendations for minor adjustments to the size, location and orientation of effluent envelopes, and position of cut-off drains in accordance with EPA's Guidelines for Environmental Management - Code of Practice Onsite Wastewater Management (EPA Publication 891.3, 2013), and indicates that there is a low risk of off-site impact associated with domestic wastewater treatment. EPA reminds Council that should they decide to issue a planning permit for this application, that in accordance with Clause 32 of the State Environment Protection Policy (Waters of Victoria), they must ensure that the allotment is capable of treating and retaining all wastewater within the allotment boundary. Consideration of the recommendations within the Independent review report should therefore be made when assessing this application.”*

For the reasons outlined above, it is considered that the proposal is generally inconsistent with the purpose of LDRZ, as the revised documentation has failed to satisfactorily demonstrate that wastewater would be capable of effectively being treated and wholly contained within the boundary of the site generally in accordance with the relevant EPA guidelines and Code of Practice.

Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2

Pursuant to Section 60(1A)(g) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

In this case, the Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2 is applicable.

The TW Interim Policy applies to approximately 180 hectares of Low Density Residential zoned land to the west of Traralgon (or known as Traralgon West Low Density Residential Precinct). The subject site falls within this precinct.

This policy, adopted by Council on 7 February 2011, outlines the process by which Latrobe City Council will consider further subdivision of land within the Traralgon Low Density Residential Precinct, pending:

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- Resolution and construction of agreed road and stormwater infrastructure services to be provided for the precinct;
- Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes;
- Establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services;
- Resolution of opportunities for the immediate and long term provision of medium density residential development within the LDRZ precinct.

Before deciding on an application to subdivide land, the policy requires that Council must also consider:

- *The directions of this policy [TW Interim Policy];*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65;*
- *The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct;*
- *Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property;*
- *Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority;*
- *Whether each proposed lot has a legal point of vehicle access via a government road;*
- *Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct; and*
- *The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure:*
 - *present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct;* and
 - *Financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct.*

As issues regarding stormwater and wastewater management have already been discussed above, the relevant decision guidelines of the TW Interim Policy that need to be further considered by Council are those relating to impact of the proposal on future opportunities for residential development within the TW precinct (or fragmentation of potential future residential land).

Inconsistency with the State and Local Planning Policies & Fragmentation of potential future residential land

The land is located outside the Traralgon township boundary identified in the Traralgon Structure Plan at Clause 21.05. There are Clauses which acknowledge the need to protect land on the outskirts of the town boundary in the event that this is to be required for future growth of the town. In particular, Clause 11.02-1 of the Scheme aims to restrict low density rural residential development that would compromise future development at higher densities. Also, 21.04-3 of the Scheme generally discourages further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor.

In addition, Council's draft Traralgon Growth Area Review report and draft Traralgon West Structure Plan have identified that there are some significant constraints associated with future residential development of Traralgon. In particular, the floodplain associated with Latrobe River located to the north of the town, the proposed Traralgon bypass to the south of the town, and the airfield and coal buffer to the west of the town restrict the ability for growth in these directions. A large portion of the area in Traralgon West is also affected by the Australian Paper Amenity Buffer. Areas to the east and west of Traralgon (including part of the subject land) therefore represent opportunities for future growth for the town, and ad-hoc subdivisions should be avoided to provide maximum opportunity for future residential development.

The subject land has been identified as being located within a 'proposed conventional residential' and 'future Residential 1 zoned' area, in accordance with Council's draft Traralgon West Structure Plan.

Whilst the proposed six lot subdivision may assist with the short term provision of low density residential lots, it affects the future ability of the land to be further subdivided and restricts the potential for a higher density lot yield in the future. It does so at a general level, because, as is recognized in the strategic planning documents for Traralgon, the more fragmented land is, and the more land owners that are involved, the more difficult it is to achieve the coordinated redevelopment of an area to a higher residential density. The further fragmentation of the site will also set a precedent which may influence other similar applications currently before Council, potentially also leading to those other sites being fragmented.

It should be noted that in *Cuddy v Latrobe* [2011] VCAT 1169, the Tribunal in considering the application for a 5 lot subdivision at 55 Regan Road in Traralgon, and the general issue of the future residential development of this area, concluded that there was no longer a shortage of land supply. However, since that decision, a significant amount of further strategic work has been undertaken by Council and it has become evident from the relevant strategic work, such as Council's Traralgon Growth Area Review

Project, that there is still a strong need for the area containing the subject land to be available for higher density residential development in the future.

In a more recent case, *Vogt v Latrobe* [2012] VCAT 3197, the Tribunal in considering the application for a 4 lot subdivision at Lot 3 Bradford Drive Traralgon, accepted that *'there is strong policy support against the proposal [low density subdivision] in the Planning Scheme and the associated strategic work of the Latrobe City Council for the expansion of Traralgon'*, and directed to refuse the 4 lot subdivision proposal in Traralgon West area based on grounds including that it compromised potential for increased urban densities.

On the above basis, it is reasonable to consider that the subject proposal to create six additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal will restrict the orderly planning of future growth for the town and may hinder the capabilities for well planned, sustainable growth of the town. The proposal is considered to be contrary to Council's strategic direction for the area.

In relation to financial contributions (i.e. last dot point of TW Interim Policy), it should be noted that this issue has not been considered as part of the assessment of this application. This is because specific requirements of financial contributions have not been determined by Council at this stage, pending to outcome of the Traralgon Growth Areas Review project.

Air quality amenity concerns and buffer zone encroachment

The Australian Paper Maryvale mill (APM) is identified as an industry of state importance which is within 4.1km of the subject site. EPA Publication AQ2/86 *Buffer Distances for Industrial Residual Air Emissions* recommends that the APM has a buffer zone for up to 5 km, and these recommended buffer requirements are included in Clause 52.10 of the Latrobe Planning Scheme *Uses with Adverse Amenity Potential*.

The guidelines do allow for the recommended separation distances to be varied under a detailed study for site specific and location conditions. It should be noted that this 100m unit buffer around the APM partially impacts the subject site. It should be noted that an "Adjusted Amenity Buffer" that has been agreed upon between council officers and the APM does not affect the subject site.

The EPA's Recommended Buffer Distances for Industrial Residual Air Emissions AQ2/86 reinforces the concept of reverse buffers by specifying that buffer distances should be implemented taking into considerations the need for preventing sensitive uses encroaching on industry as well as industry encroaching on sensitive uses

Whilst the EPA opposes the intensification of development within the buffer, the subject property as detailed previously is located approximately 4.1km from the Australian Paper Mill. Added to this the zoning of the land as such will only allow subdivisions to be considered where proposals address the minimum lot size of the schedule to the zone as well as addressing all other planning considerations and address effectively all environmental and physical constraints of individual sites.

It should also be noted that comments have been sought from APM in relation to the proposed subdivision and APM did not object.

It is considered as a result that the proposed subdivision is appropriate when assessed against air quality amenity concerns and buffer zone encroachment of a state significant industry.

SUBMISSION

As a result of the notification process, 1 submission in the form of an objection has been received from the EPA (including the revised submissions from the EPA). This submission, including their revised submission is included in attachment 6. The issues raised in the EPA submissions are as follows:

1. Management of wastewater

Comment:

Issues in relation to wastewater runoff have been discussed above.

In relation to the wastewater issue, it is considered that the revised documentation has failed to satisfactorily demonstrate that wastewater would be capable of effectively being treated and contained within the boundary of the site generally in accordance with the relevant EPA guidelines and Code of Practice. The residual environmental and public health risk associated with the proposed on-site waste water system is of a concern.

It should be noted that as part of Council's Traralgon Growth Review Project, it has been identified that significant scope exists in the overall Traralgon West area to cater for future growth in terms of sewage treatment. This is because upon completion of the Gippsland Water Factory, it will be able to treat up to 35 million litres of domestic and industrial wastewater daily when fully operational. There is potential for the Traralgon west area to be serviced by reticulated sewerage in the future.

2. Implications of the Australian Paper Buffer

EPA highlighted in its submission to Council that the subject site is located within the 5 km Australia Paper Buffer area. EPA is of the view that the

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subject site is likely to be affected by amenity reducing impacts, in terms of odour emission from the Australian Paper Mill operation. To protect both residents and industry alike, EPA is generally against further intensification of residential areas within the Australian Paper buffer zone.

It should be noted that as part of the Traralgon Growth Review project, Council Officers are in the process of working with both Australian Paper and EPA to determine an appropriate buffer zone based on odour emissions and context of the area. A defined buffer zone has not been established at this stage. It should be noted that the “adjusted amenity buffer” has been agreed upon between council officers and the APM representatives.

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).

Council would also be exposed to risk if the wastewater or stormwater system proposed by the applicant was unable to operate effectively or was not adequately maintained, and the consequence of failing system varies and depends upon the particular site and the sensitivity of the environment surrounding the site.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

In accordance with the notice requirements of Section 52(1) of the Act, notice was provided to adjoining property owners and occupiers of the proposal and a sign was displayed on the site for 14 days.

External:

In accordance with the referral requirements of Section 55 of the Act, the application was referred to Telstra, SP AusNet Pty Ltd, Gippsland Water and GasNet for consideration.

The application was also referred to the WGCMA and EPA in accordance with Section 52 of the Act.

WGCMA does not object to the granting of a planning permit for a six lot subdivision subject to a condition being placed on any issue of a permit.

EPA does not support Council issuing a planning permit for the proposal given the site is affected by the Australian Paper buffer zone and due to ongoing concerns about on-site wastewater treatment despite a peer review assessment being conducted on the submitted LCA.

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The application was referred internally to Council's Infrastructure Planning and Health Services teams for consideration. Council's Engineering and Health Teams do not object to the proposal subject to appropriate conditions.

Details of Community Consultation following Notification:

Following the advertising and referral of the application, one submission in the form of an objection to the application was received from the EPA.

Please see attachment 6.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit: or
- 2 Refuse to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application is inconsistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a refusal to grant a Planning Permit be issued for the reasons set out in this report. More specifically, it is considered that:

- The proposal is inconsistent with Clauses 11.02-1 (Supply of Urban Land) and 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.
- The proposal is inconsistent with the purpose and decision guidelines of Clause 32.03 (Low Density Residential Zone), in terms of failing to clearly demonstrate the capability of the lots to treat and retain all wastewater on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The proposal is inconsistent with Clause 65.02 (Decision Guidelines).
- The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

Attachments

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1. Proposed Plan of Subdivision
2. Building and Wastewater Envelopes
3. Site Context Plan
4. History of Assessment
5. Relevant Planning Scheme Provisions
6. Referral Response and Response as a result of Further Information from Environment Protection Authority

RECOMMENDATION

That Council issues a Notice of Refusal to grant a planning permit, for the six lot subdivision and creation of common property at 340 Old Melbourne Road, Traralgon (or more particularly described as Lot 4 on LP 95779 on the following grounds:

1. The proposal is inconsistent with Clause 11.02-1 (Supply of Urban Land) and Clause 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.
2. The proposal is inconsistent with the purpose and decision guidelines of Clause 32.03 (Low Density Residential Zone), in terms of failing to clearly demonstrate the capability of the lots to treat and retain all wastewater on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
3. The proposal is considered to be inconsistent with Clause 65.02 (Decision Guidelines).
4. The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

ALTERNATE MOTION

1. Amended Plans/Report

Prior to the certification of the subdivision hereby permitted, an amended Land Capability Assessment (LCA) must be submitted to and approved by the Responsible Authority. The LCA must be prepared by a suitably qualified and experienced engineer / person to the satisfaction of the Responsible Authority and must be generally consistent with the LCA submitted with the original application but to include:

- a) The effluent dispersal area for each lot should be increased in size to allow for a minimum of 900 litres of effluent per day as required by the EPA Code of Practice, Onsite Wastewater Management, Publication No. 891.3 February 2013.
- b) Reserve Wastewater Disperse envelopes of 600m² including a reserve (750m² for Lot 5) for subsurface irrigation lines (under pressure) installed in accordance with Australian Standard AS/NZS 1547:2012, Table M1.
- c) All setback distances detailed in Table 5 Page 39 of the EPA Code of Practice, Onsite Wastewater Management, Publication No. 891.3 February 2013, must be adhered to.

2. Prior to the certification of the subdivision hereby permitted, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the original application but modified to show:

- a) Revised building and waste water / effluent disposal envelopes for each of the proposed lots, in accordance with the endorsed LCA as required under condition 1 of this permit, to the satisfaction of the Responsible Authority. The building envelope must be of an appropriate size, to the satisfaction of the Responsible Authority, so that a dwelling can reasonably be accommodated within the envelope without the need to remove native vegetation.

3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:

- a) The proposed common property vehicle access way layout for access to lots 2, 3, 4, 5 and 6 shall be amended to provide for a minimum pavement width of 6.5 metres with a 5.5 metre all-weather sealed surface.
- b) The provision of a 20 metre diameter turn-around area at the end of the proposed access road adequate for service vehicles to turn in a forward-only direction.
- c) Alteration of the building envelopes shown for lots 4 and 6 so that no development is permitted along the alignment of the natural depressions traversing these lots.

4. Endorsed Plans

The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

5. Section 173 – On site Waste Management System:

Before the plan of subdivision is Certified under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides the following:

- a) That all future buildings and works must be contained within the building envelope endorsed under this permit unless with the written consent of the Responsible Authority.
- b) That the number of habitable rooms for each of the future dwellings must not exceed the number recommended in the LCA endorsed under this permit, unless with the written consent of the Responsible Authority.
- c) That all effluent shall be discharged within the effluent disposal envelope endorsed under this permit unless with the written consent of the Responsible Authority.
- d) That the proposed effluent treatment and disposal system for each lot must be designed and constructed in accordance with the Land Capability Assessment endorsed under this permit, unless with the written consent of the Responsible Authority.
- e) That within two months of installation of the approved wastewater treatment plant and effluent distribution system, a commissioning report must be provided to the satisfaction of the Responsible Authority to ensure construction has been completed to the satisfaction of the Responsible Authority.

- f) Maintenance reports of each wastewater system must be prepared by a person or firm approved by the responsible authority and must be submitted to the Responsible Authority every twelve months or another period of time determined by the Responsible Authority. The maintenance report must be prepared after an inspection of the system and must document the condition and operation of the system and any repair works which are necessary. The carrying out of all maintenance and repair work documented in the latest maintenance report must occur within two months of the report to the satisfaction of the Responsible Authority.

The owner must pay the reasonable costs of preparation, review, 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
- i) a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.

6. Public Open Space:

Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority:

- a) a sum equivalent to 5% per cent of the site value of all the land in the subdivision; and
- b) any costs associated with valuation of the land including valuers fees.

Health Condition

7. The operator of this permit must meet the requirements of Telstra Corporation Ltd in that, prior to the issues of Certification/Statement of Compliance, they:

- a) That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

8. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:

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- a) Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.
 - b) Provide water services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
 - c) Master/Slave water service required. Install a master water service meter within the common property to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water. Existing meter 04AF015114 to be reused as slave meter for lot 1. The internal water supply for the existing dwelling on lot 1 must be realigned to connect to the new master service provided. A sketched plan showing the realigned service for lot 1 & location of slave meter must be submitted to Gippsland Water by the owner's plumber.
 - d) Install separate slave water services, terminating within lots 2, 3, 4, 5 & 6, to allow future connection for lots 2, 3, 4, 5 & 6, to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - e) Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lots, to the satisfaction of Gippsland Water.
 - f) Provide Gippsland Water with a copy of the Owners Corporation Schedule.
 - g) The certified plan of subdivision must create easements, under Section 12(2) of the Subdivision Act, over all water works within the subdivision.
 - h) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
9. Before the plan of subdivision is certified under the Subdivision Act 1988, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the report will then form part of the permit. Issues the plan must address include:
- a) how stormwater is to be conveyed to the legal point of discharge for all storm events up to and including the 1 in 100 year ARI storm event including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from areas

upstream of the subject land;

- b) how stormwater is to be conveyed from the legal point of discharge into a receiving designated waterway;
- c) mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes or concentrated stormwater discharges;
- d) details (including on-site detention) to ensure all stormwater discharge from each of the lots on the land is limited to pre-development flows for all storm events up to and including the 1 in 100 year ARI storm event and to ensure there are no adverse affects on flooding either upstream or downstream of any development on the land;
- e) Where swales are proposed for use they may be grassed and trafficable by mowers to allow for ease of maintenance.
- f) details regarding treatment of stormwater discharge from the development to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999 and designed in accordance with:
 - (i) 80% retention of the typical annual load of suspended solids;
 - (i) 45% retention of the typical annual load of total phosphorous;
 - (ii) 45% retention of the typical annual load of nitrogen; and
 - (iii) 70% retention of the typical annual load of gross pollutants.

10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:

- a) Easements set aside for drainage purposes.
- b) A restriction on the development of the land within the proposed lots 4 and 6 along the alignment of the natural depressions traversing the lots.
- c) A road name complying with the requirements of the Department of Sustainability and Environment's "Guidelines for Geographic Names 2010".

11. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

12. Before a Statement of Compliance is issued for this subdivision 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 apply to the Registrar of Titles to register the agreement on the title to the land under section 181 of the Act. This agreement must provide that:

- a) The Owners Corporation established pursuant to the plan of subdivision and its Members shall be responsible for the implementation of the approved Drainage Management Plan that has been approved and endorsed to form part of this permit.
- b) Latrobe City Council will accept no responsibility or liability whatsoever for any failure of the Owners Corporation to meet its obligations pursuant to the approved Drainage Management Plan.

The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Prior to the issue of a Statement of Compliance for the subdivision, the operator of this permit must provide the Responsible Authority with a copy of the dealing number issued by the Title Office. Once titles are issued the Responsible Authority requires the Permit Operator or its legal representative to provide as evidence of registration of the Section 173 Agreement on title, either:

- i) A current title search; or
- ii) A photocopy of the duplicate Certificate of Title.

13. Before a Statement of Compliance is issued under the Subdivision Act 1988, the operator of this permit must construct drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with engineering plans and specifications approved by the Responsible Authority and must include:

- a) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. The stormwater drainage system must be designed to take the 1 in 5 year ARI storm event, to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 as amended and to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater drainage system may include water sensitive urban design features. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Drainage plans must include hydraulic computations for all new drainage works.

b) Construction of wetland/stormwater detention areas and grassed swales generally as proposed in the stormwater management plan submitted with the application. The wetlands and grassed swales 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.**

Proposed wetlands/stormwater detention areas 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.

c) Proposed wetlands/stormwater detention areas, reserves and surrounds shall be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with approved turf mixture of perennial rye and bents at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.

d) Construction of the proposed common property vehicle accessway providing access from Old Melbourne Road to lots 2, 3, 4, 5 and 6 in accordance with Latrobe City Council's Design Guidelines. The proposed vehicle accessway shall be designed and constructed as a Rural Access Road including a sealed width of 5.5 metres and a pavement width of 6.5 metres and all required provisions for the drainage of the common property. A vehicle turn around area with a 20 metre diameter sealed pavement must be constructed at the end of the proposed vehicle accessway. Construction of the proposed vehicle accessway must include:

- i) A sealed surface width of 5.5 metres and a pavement width**

- of 6.5 metres,
- ii) the pavement material must be placed on an approved subgrade material,
 - iii) side drains must be formed and graded to a suitable outfall, and
 - iv) all culverts along the vehicle accessway shall be provided with headwalls in accordance with Latrobe City Council's standard drawing LCC 212.
 - e) Construction of a vehicle crossing for each of the proposed lots. These crossings shall be constructed to Latrobe City Council standards for a rural culvert crossing including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres towards the property boundary.
 - f) The existing vehicle crossing providing access to lot 1 from Old Melbourne Road must be upgraded between the edge of the existing road pavement and the property boundary to comply with the vehicle crossing standards as set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212 including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.
 - g) Provision of road name signage.

14. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority, a detailed maintenance plan for all proposed water sensitive urban design features to the satisfaction of and approved by the Responsible Authority. 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.

West Gippsland Catchment Management Authority Condition

15. Prior to the issuing 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 waterway area and a maintenance plan detailing the short, medium and long term actions and agencies/developers responsible for each stage.

SP Ausnet Condition

16. Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

17. Expiry Condition

This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

Moved: Cr Rossiter

Seconded: Cr Middlemiss

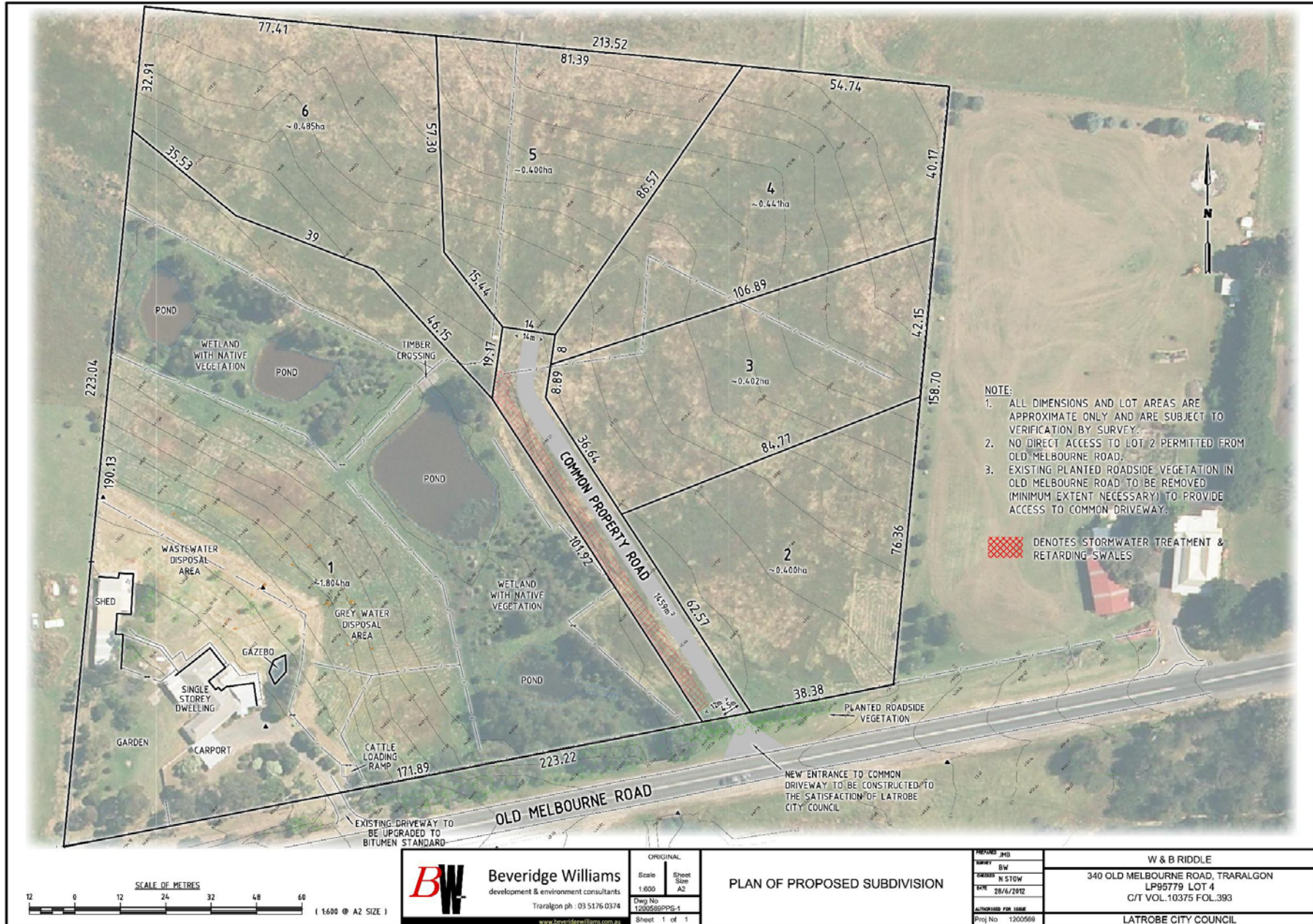
That the Motion be adopted.

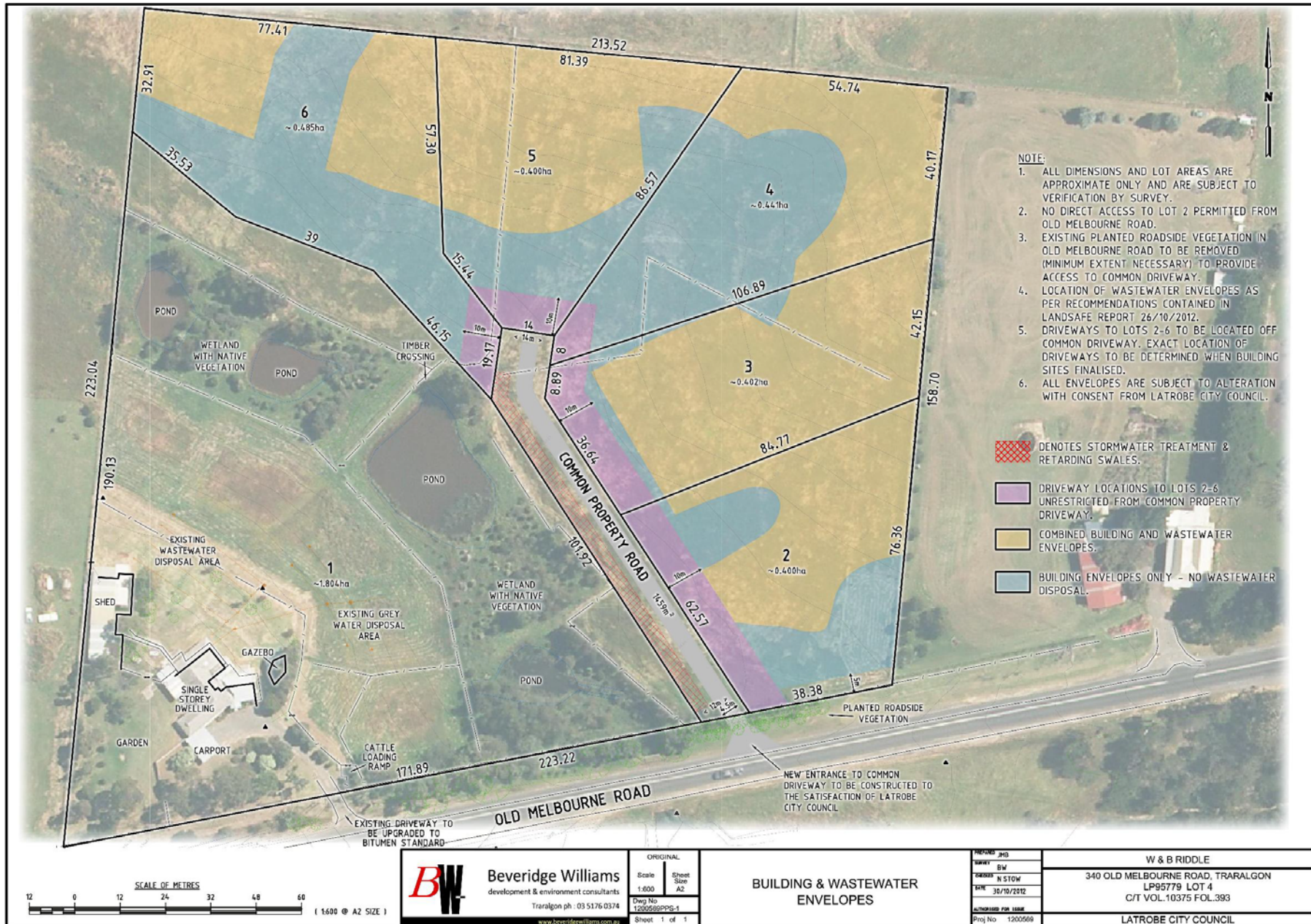
CARRIED UNANIMOUSLY

9.2





PLANNING PERMIT APPLICATION 2012/290 - SIX LOT SUBDIVISION & CREATION OF COMMON PROPERTY AT 340 OLD MELBOURNE ROAD TRARALGON

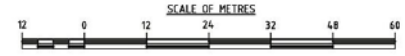
1	Proposed Plan of Subdivision.....	237
2	Building and Wastewater Envelopes	239
3	Site Context Plan	241
4	History of Assessment.....	243
5	Relevant Planning Scheme Provisions.....	245
6	Referral Response and Response as a result of Futher Information from Environment Protection Authority	247





- NOTE:**
1. ALL DIMENSIONS AND LOT AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO VERIFICATION BY SURVEY.
 2. NO DIRECT ACCESS TO LOT 2 PERMITTED FROM OLD MELBOURNE ROAD.
 3. EXISTING PLANTED ROADSIDE VEGETATION IN OLD MELBOURNE ROAD TO BE REMOVED (MINIMUM EXTENT NECESSARY) TO PROVIDE ACCESS TO COMMON DRIVEWAY.
 4. LOCATION OF WASTEWATER ENVELOPES AS PER RECOMMENDATIONS CONTAINED IN LANDSAFE REPORT 26/10/2012.
 5. DRIVEWAYS TO LOTS 2-6 TO BE LOCATED OFF COMMON DRIVEWAY. EXACT LOCATION OF DRIVEWAYS TO BE DETERMINED WHEN BUILDING SITES FINALISED.
 6. ALL ENVELOPES ARE SUBJECT TO ALTERATION WITH CONSENT FROM LATROBE CITY COUNCIL.

-  DENOTES STORMWATER TREATMENT & RETARDING SWALES.
-  DRIVEWAY LOCATIONS TO LOTS 2-6 UNRESTRICTED FROM COMMON PROPERTY DRIVEWAY.
-  COMBINED BUILDING AND WASTEWATER ENVELOPES.
-  BUILDING ENVELOPES ONLY - NO WASTEWATER DISPOSAL.



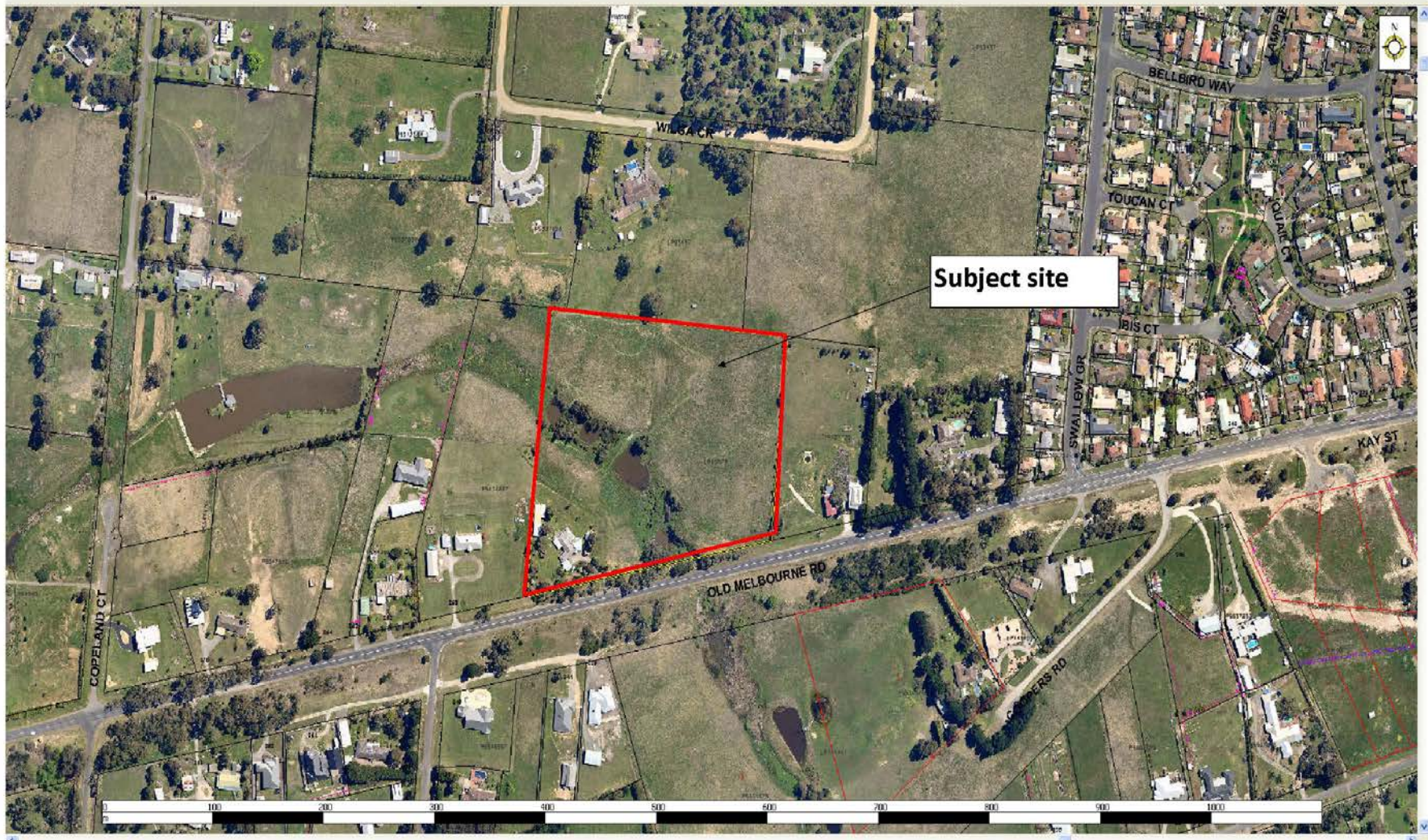
BW Beveridge Williams
 development & environment consultants
 Traralgon ph: 03 5176 0374
 www.beveridgewilliams.com.au

ORIGINAL	Scale	Sheet
1:600	A2	1 of 1
Dwg No	120059999-1	
Sheet	1 of 1	

BUILDING & WASTEWATER ENVELOPES

PREPARED BY	W & B RIDDLE
DRAWN BY	BW
CHECKED BY	N STOW
DATE	30/10/2012
APPROVED FOR ISSUE	
Proj No	1200599

W & B RIDDLE	
340 OLD MELBOURNE ROAD, TRARALGON	
LP95779 LOT 4	
C/T VOL.10375 FOL.393	
LATROBE CITY COUNCIL	



History of Application

26 November 2012	Planning permit application received by Council.
5 December 2012	Application advertised and referred to Gippsland Water, Telstra, SP Ausnet and APA. Application sent to West Gippsland Catchment Management Authority (WGCMA) for comment. Application referred internally to Infrastructure Planning, Health and Strategic Planning.
14 December 2012	Advertising instructions sent to the applicant.
14 December 2012	Objection received from the EPA in relation to waste water concerns and proximity to the APM
21 January 2013	Completed statutory declaration returned by the applicant.
30 January 2013	Correspondence from the property owners in relation to TGAR and its possible impact on the assessment of this planning permit application.
1 May 2013	Further information requested from the applicant to address EPA waste water management concerns.
20 June 2013	Revised response received from the EPA, two points of the objection still considered to be outstanding although concerns regarding waste water have been reduced substantially based on the peer review assessment provided by the applicant of the submitted LCA .
13 July 2013	Further correspondence with the EPA, questioning whether their objection would remain outstanding despite the changes in relation to the “adjust amenity buffer” and the fact the subject site was outside this agreed buffer between the APM and Council.
27 August & 10 September 2013	No reply from the EPA to emails sent in relation to Councils letter sent on 13 July 2013.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
Clause 16.01 'Residential Development'
Clause 18.01 'Integrated Transport'
Clause 18.02 'Movement Networks'
Clause 19.03 'Development Infrastructure'

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.03 'Natural Environment Sustainability'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Low Density Residential Zone

The subject land is located within the Low Density Residential Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.01 'Public Open Space Contribution and Subdivision'

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents (Clause 81):

There are no incorporated documents that relate to the consideration of this application.

Our Ref: 62229 – PL8389
Your Ref: 2012/290

14 December 2012

Janet Power
Planning Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Dear Janet,

APPLICATION NO. 2012/290, 6 LOT SUBDIVISION, 340 OLD MELBOURNE ROAD, TRARALGON (SPEAR REF S029299A)

Thank you for your referral dated 5 December 2012 regarding the above planning permit application. EPA is not a statutory referral Authority under Section 55 of the Planning and Environment Act 1987, since this proposal:

- (a) does not require a licence or works approval or amendment to a licence or works approval;
- (b) Is not proposed to be used for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1 or for which the threshold distance is not to be met; and
- (c) Is not a proposed extractive industry intended to be used at a later date for landfill.

However, EPA offers the following comments with regard to this proposal:

Australian Paper Buffer

The application relates to a property which is located approximately 4.1km from the Australian Paper Mill. When making land use decisions, council must give regard to EPA Publication AQ 2/86 *Recommended Buffer Distances for Industrial Residual Air Emissions*. This guideline specifies that a paper or paper pulp industry involving the combustion of sulphur or sulphur containing materials requires a 5km buffer. As the property relating to this application falls within this buffer area, it is likely to be affected by amenity reducing impacts.

The guideline does allow for the buffer distance to be modified under a detailed study for site specific and local conditions. GHD Pty Ltd, on behalf of Australian Paper, have assessed the odour emissions from the site and devised a revised site specific buffer currently known as the "Adjusted Amenity Buffer". However, part of the property relating to this application is still located within this adjusted amenity buffer.

To protect both residents and industry alike, EPA advises against further intensification of residential areas within the Australian Paper buffer zone.

Wastewater Disposal

EPA has reviewed the Land Capability Assessment (LCA) for the proposal. The LCA states that the site has a number of environmental constraints impacting upon the sustainable application of wastewater to land including a watercourse, springs and dams, lateral seepage from upslope, seasonal wet areas, areas of frequently saturated soil and groundwater springs.



7 Church Street
Traralgon
Victoria 3844
PO Box 1332
Traralgon Victoria 3844
T: 1300 EPA VIC
F: 03 5174 7851
DX 219292
www.epa.vic.gov.au



2

EPA recommends Council consider obtaining an independent review of the LCA, as the report submitted with the application raises numerous factors which may impact on the site being able to sustainably treat and contain wastewater on within the boundary of the property. I remind you that Clause 32 of the *State Environment Protection Policy (Waters of Victoria)* requires that prior to approving a development; Council must ensure that the allotment is capable of treating and retaining all wastewater within the allotment boundary.

Due to the above areas of concern, EPA does not support Council issuing a planning permit for this application.

Please contact our Planning Assessment Officer, Karen Taylor on 1300 EPA VIC (1300 372 842) if you require further information or advice.

Yours Sincerely



GARRY KAY
EPA GIPPSLAND



Ms. Janet Power
LATROBE CITY COUNCIL
PO BOX 264
MORWELL VIC 3840

Lvl 3, 200 Victoria Street
Carlton
Victoria 3053
GPO Box 4395
Melbourne, Victoria 3001
T: 1300 EPA VIC
DX 210082
www.epa.vic.gov.au

20/06/2013

Reference: 5003697

Dear Ms. Power

RE: PLANNING PERMIT APPLICATION: 2012/290
PROPOSAL: 6 Lot Subdivision
PREMISES ADDRESS: 340 Old Melbourne RD, TRARALGON VIC 3844

Thank you for your correspondence in relation to the above application, referred to EPA on 05/12/2012.

EPA is not a statutory referral Authority under Section 55 of the Planning and Environment Act 1987, since this proposal:

- (a) does not require a licence or works approval or amendment to a licence or works approval;
- (b) is not proposed to be used for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with Note 1 or for which the threshold distance cannot be met; and
- (c) is not a proposed extractive industry intended to be used at a later date for landfill.

EPA does not support Council issuing a planning permit for the above application, given the following considerations:

Australian Paper Buffer

EPA re-iterates below its previous advice in relation to the Australian Paper Buffer (letter dated 14 December 2012).

The application relates to a property which is located approximately 4.1km from the Australian Paper Mill. When making land use decisions, Council must give regards to EPA's revised guidelines: Recommended separation distances for industrial residual air emissions (EPA publication 1518; 2013). This guideline specifies that a paper or paper pulp industry involving the combustion of sulphur or sulphur containing materials requires a 5km separation distance. As the property relating to this application falls within this separation distance, it is likely to be affected by amenity reducing impacts.

The guidelines does allow for the recommended separation distances to be varied under



a detailed study for site specific and location conditions. GHD Pty Ltd, on behalf of Australian Paper, has assessed the odour emissions from the site and developed a revised site specific buffer currently known as the "Adjusted Amenity Buffer". However, part of the property relating to this application is still located within this adjusted amenity buffer.

To protect both residents and industry alike, EPA re-iterates its previous advice against further intensification of residential areas within the Australian Paper buffer zone.

Wastewater Disposal

EPA acknowledges receipt of the Independent review of the Land Capability Assessment (LCA) (EWS Environmental, report dated 28 May 2013), provided in response to the recommendation in our previous correspondence (letter dated 14 December 2012). The report provides recommendations for minor adjustments to the size, location and orientation of effluent envelopes, and position of cut-off drains in accordance with EPA's Guidelines for Environmental Management - Code of Practice Onsite Wastewater Management (EPA Publication 891.3, 2013), and indicates that there is a low risk of off-site impact associated with domestic wastewater treatment. EPA reminds Council that should they decide to issue a planning permit for this application, that in accordance with Clause 32 of the State Environment Protection Policy (Waters of Victoria), they must ensure that the allotment is capable of treating and retaining all wastewater within the allotment boundary. Consideration of the recommendations within the Independent review report should therefore be made when assessing this application.

If you need additional information or assistance, please contact our Planning Assessment Officer, Martin Juniper on 1300 EPA VIC (1300 372 842).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Garry Kay'.

Garry Kay
Team Leader
Gippsland Field 1
EPA Victoria

CORRESPONDENCE

10. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

**13.1 OPERATIONS OF THE LATROBE CITY HYLAND HIGHWAY
MUNICIPAL LANDFILL CONSULTATIVE COMMITTEE,
DECEMBER 2013**

GENERAL MANAGER

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to inform Council on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee (the Committee) from 24 June 2013 to 16 December 2013, in accordance with the objectives contained within the Committee's Terms of Reference

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Natural Environment

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

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 by diversity by Latrobe City and the region.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

Deliver and promote environmentally sustainable waste management services that meet the expectations of the community and industry.

Strategy & Plans – Natural Environment

Natural Environment Sustainability Strategy 2008-2013.
Latrobe City Council Waste Management Strategy 2010-2017.

Legislation

Environmental Protection Act 1970

BACKGROUND

The Environment Protection Authority (EPA) Works Approval (WA61581, 4 March 2008) issued for construction of the Latrobe City Hyland Highway Landfill requires Latrobe City Council to:

‘... establish a community consultative committee (“the Committee”)...before commencement of works on the premises.’

The Committee was established in April 2008.

The role of the Committee is to:

- act as a sounding board and advocate for the community and other stakeholders over any issues of concern;
- to act as a channel of communication between the community, stakeholders and Latrobe City Council;
- to review reports and investigations; to assist in the development and review of the environmental improvement plan;
- to advise on the re-vegetation plan for the balance of the land; and to advise on the rehabilitation and after use of the landfill itself.

The Committee Terms of Reference (TOR) requires a report to Council each six months, in June and December of each year, on the overall operations of the Committee. The Committee Terms of Reference are attached to this report.

A report was prepared and provided to Council on the operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee for the period from 18 December 2012 to 24 June 2013. At the 17 June 2013 Ordinary Council Meeting, Council resolved:

That Council note the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 17 December 2012 to 24 June 2013.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****ISSUES**

Since 24 June 2013, the Committee has convened on two occasions:

- 2 July 2013; and
- 3 December 2013.

A meeting had been scheduled for 8 October 2013 however due to a lack of member attendance the meeting did not proceed. A further meeting was scheduled for 3 December 2013 to convene prior to Christmas at the request of the two members in attendance.

Minutes of the Committee meetings are attached to this report for information.

There has been no change in composition of the Committee during this reporting period.

Members and officers over this period of the Committee operations were:

1. Cr Peter Gibbons (Councillor Delegate)
2. Cr Dale Harriman (Councillor Delegate)
3. Ms Deirdre Griepsma (LCC Officer)
4. Dr Chandana Vidanaarachchi (LCC Officer)
5. Mr Garry Kay (EPA)
6. Mr Matthew Peake (GRWMG) / Ms Karen Humphries (GRWMG)
7. Mr Paul Barrand (Loy Yang Power)
8. Mr David Mackenzie (WGCMA)
9. Dr Dilip Nag (Technical Rep)
10. Mr Ian Ewart (Community Rep)
11. Ms Lynette Van Vondel (Community Rep)
12. Mr Ted Addison (Community Rep)
13. Mr Chris Madsen (Community Rep)

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

The following table details attendance of members at meetings of the Committee:

Date of Meeting	2/7/13	3/12/13	Total
Member/Representative			
Latrobe City Councillor Delegate	✓	Apology	1/2
Latrobe City Councillor Delegate	Apology	✓	1/2
Manager Natural Environment Sustainability*	✓	✓	2/2
Co-ordinator landfill Services *	✓	✓	2/2
West Gippsland Catchment Management Association	✓	✓	2/2
AGL Loy Yang Power	✓	Apology	1/2
Gippsland Regional Waste Management Group	✓	✓	2/2
Environment Protection Authority	✓	Apology	1/2
Technical Representative			
Dr Dilip Nag	✓	Apology	1/2
Community Member			
Mr Ian Ewart	Apology	Apology	0/2
Mr Ted Addison	✓	✓	2/2
Mr Chris Madsen	✓	✓	2/2
Ms Lynette Van Vondel	✓	Apology	1/2
No. Members in Attendance	8/11	7/11	

* Not members

Through the recent meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion regarding:

- Best Practice Environmental Management
- OH&S at the landfill
- Baw Baw Shire use of the landfill
- GRWVG function and Regional Plan
- Website and newsletter
- Cell 3 & 4 construction
- Leachate management
- Landfill airspace
- Odour complaints and investigation
- Landfill operations
- Regional landfill resources

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

- Reporting of Committee operations

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are no financial or resource implications arising from this report.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The Latrobe City Hyland Highway Municipal Landfill Consultative Committee.

Details of Community Consultation / Results of Engagement:

The Committee is a mechanism for consultation with the community regarding issues in relation to the Hyland Highway Municipal Landfill.

OPTIONS

Options available to Council include:

1. Accept the report as presented;
2. Request further information regarding the overall operations of the Committee;
3. Not accept the report as presented.

CONCLUSION

The Latrobe City Hyland Highway Municipal Landfill Consultative Committee has convened on two occasions during the period from 24 June 2013 to 16 December 2013.

Through the meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion in accordance with its Terms of Reference.

The Committee continues to operate in accordance with the Terms of Reference.

Attachments

1. Latrobe City Hyland Highway Municipal Landfill Consultative Committee Terms of Reference
2. Latrobe City Hyland Highway Municipal Landfill Consultative Committee Minutes 2 July 2013
3. Latrobe City Hyland Highway Municipal Landfill Consultative Committee Minutes 3 December 2013

RECOMMENDATION

That Council note the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 24 June 2013 to 16 December 2013.

Moved: Cr White

Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

13.1

Operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee, December 2013

- 1 Latrobe City Hyland Highway Municipal Landfill
Consultative Committee Terms of Reference..... 265**
- 2 Latrobe City Hyland Highway Municipal Landfill
Consultative Committee Minutes 2 July 2013..... 271**
- 3 Latrobe City Hyland Highway Municipal Landfill
Consultative Committee Minutes 3 December 2013..... 275**

ATTACHMENT 1



**Latrobe City Hyland Highway Municipal
Landfill Consultative Committee**

TERMS OF REFERENCE

9 March 2010

Contents:

1. OBJECTIVES
2. MEMBERSHIP
3. RESIGNATIONS
4. PROCEEDINGS
 - 4.1 Meetings
 - 4.2 Quorum
 - 4.3 Voting
 - 4.4 Recording of Meetings
5. AUTHORITY LEVELS AND REPORTING
6. FINANCE & ADMINISTRATION
7. APPOINTMENT OF ADDITIONAL MEMBERS

1. **OBJECTIVES**

- a) To act as an advocate and sounding board for the community and other stakeholders bringing to the attention of Latrobe City any issues of concern that may arise during the construction of works and in the operation of the premises.
- b) To act as a channel of communication between the community, stakeholders and Latrobe City.
- c) To review environmental reporting documentation including reports, investigations and studies into aspects of the development and operation of the premises.
- d) To assist Latrobe City and participate in the development and review of an Environment Improvement Plan for the Latrobe City Municipal Landfill Facility.
- e) To provide advice to Latrobe City in the development of a harvesting and re-vegetation plan for the balance of the property not utilised for landfill activities.
- f) To provide advice on the rehabilitation and proposed after use of the entire site.
- g) To report to Council each six months in June and December of each year on the overall operations of the Consultative Committee.

2. **MEMBERSHIP**

- a) The Latrobe City Municipal Landfill Consultative Committee will comprise of a maximum of fifteen (15) representatives and will be provided with administrative support by Latrobe City.
 - The Gunyah Ward Councillor plus one (1) additional Latrobe City Councillor delegate.
 - One (1) representative from the Environment Protection Authority Victoria
 - One (1) representative from the West Gippsland Catchment Management Authority
 - One (1) representative from the Gippsland Regional Waste Management Group
 - One (1) representative from Loy Yang Power
 - One (1) representative from the Department of Sustainability and Environment
 - Up to five (5) Community Members

- Up to three (3) other members with specialist skills and/or industry experience

The Manager Natural Environmental Sustainability and the Co-ordinator Landfill Services will be present at all meetings to provide feedback, advice and identify issues and how such issues are proposed to be addressed.

- Members of the Community will be selected based on expressions of interest received. Latrobe City through consultation with local stakeholders and community groups in areas adjacent to the landfill locality shall determine membership of the Committee to the satisfaction of the Environment Protection Authority Victoria (EPA).
- Whilst the Consultative Committee will be in place throughout the life of the landfill facility the appointment of members to Latrobe City Municipal Landfill Consultative Committee will be for a term of three (3) years. Prior to the expiration of each three year term, nominations will be called for the next three year term. Current Consultative Committee members are able to renominate.
- The Gonyah ward Councillor will Chair the meetings. If the ward councillor is unavailable he/she will delegate a replacement Councillor for purposes of chairing the meeting.
- Members will be appointed for a three year term. In the case of casual vacancies, members shall be appointed for a period as determined by Latrobe City, with advice from the committee. The term shall not exceed the date set down for the expiry of the term of office of the retiring member.
- A member who misses two consecutive meetings without a formal apology may have their term of office revoked if requested to do so by Latrobe City Council.
- Organisational representatives are able to co-opt a temporary member to fulfil their duties and attend meetings after gaining approval from the Chair.

3. RESIGNATIONS

All resignations from members of the Community Consultative Committee are to be submitted in writing to the General Manager, Built and Natural Sustainability Latrobe City Council, PO Box 264, Morwell VIC 3840.

4. PROCEEDINGS

4.1 Meetings

- a) Each forum will determine its meeting schedule. The meetings will be held at the Traralgon Civic Centre, Kay Street, Traralgon, unless otherwise decided by the committee. Meetings will begin at 6.00pm. Light Refreshments will be provided.
- b) The duration of each forum should not generally exceed two hours.
- c) A record of each meeting will be taken by Latrobe City staff servicing the forum.
- d) Meetings will follow standard meeting procedures.
- e) Meetings of the Committee will be held bi-monthly initially or as may be deemed necessary to fulfil the objectives of the Consultative Committee.
- f) Special meetings may be held on an as needs basis.
- g) Meetings will be open to the public however those non-members in attendance have observer rights only.

4.2 Quorum

- a) A majority of the members constitutes a quorum.
- b) If at any meeting of the Latrobe City Municipal Landfill Consultative Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

4.3 Voting

- a) There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council in all reports.

4.4 Record of Meeting

- a) A Latrobe City Officer will record the meeting notes and store them on the DataWorks file Landfill Sites that shall state the names of the members present.
- b) A copy of the meeting notes will be distributed to all Committee members.
- c) A copy of the meeting notes are to be provided to all Latrobe City Councillors.
- d) If so needed, the Committee can provide formal reports for Council if agreed to by the Chair.

5. AUTHORITY LEVELS AND REPORTING

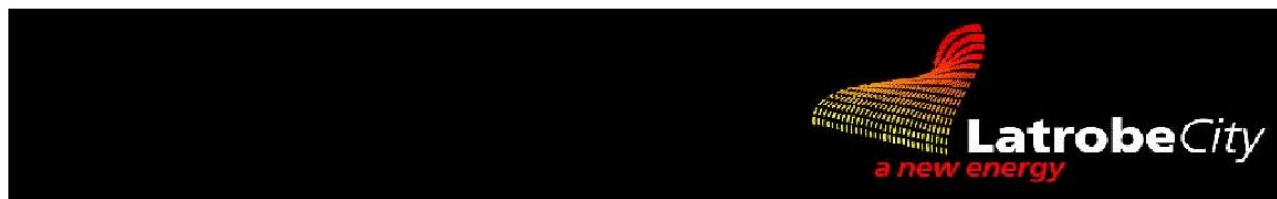
- a) The Committee is a consultative committee only and has no delegated decision making authority.
- b) Reports to the Latrobe City Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- c) Recommendations, proposals, media releases and other advice must be directed through the Chair.
- d) Reports to the Latrobe City Council will be co-ordinated through the General Manager – Built and Natural Environmental Sustainability.

6. FINANCE & ADMINISTRATION

- a) Latrobe City will provide a Secretariat for the Committee who shall arrange for the preparation and distribution of meeting agendas and meeting notes.

7. APPOINTMENT OF ADDITIONAL MEMBERS

Following the initial appointments of Latrobe City Municipal Landfill Consultative Committee Members, the filling of vacancies that may occur will be subject to the approval of the Chief Executive Officer and the Latrobe City Council.



Details

Name of Project	Latrobe City Landfill Consultative Committee Minutes
Date of Meeting	Tuesday 2 July 2013
Meeting Times	5.00 pm – 6.20 pm
Venue	MacFarlane Burnet Room, Traralgon Service Centre

Attendees

Cr Dale Harriman	Ted Addison	Deirdre Griepsma
David Mackenzie (WGCMA)	Lynette Van Vondel	Chandana Vidanaarachchi
Garry Kay (EPA Vic)	Chris Madsen	
Paul Barrand (Loy Yang Power)	Dilip Nag (Monash Uni)	

Apologies

Cr Peter Gibbon	Ian Ewert	
Karen Humphries/Matthew Peake (GRWVG)		

Welcome

Cr Dale Harriman chaired the meeting. He welcomed the committee members who attended the meeting. A quorum was present.

Minutes of the previous meeting

The minutes from the previous meeting were discussed and moved by Garry Kay and seconded by David Mackenzie.

Environmental Protection Authority Report

Garry Kay provided a verbal reported for EPA Victoria.

There have been several odour reports to the EPA Gippsland office from community members alleging the landfill as the source. An EPA officer attended the landfill boundary and issued an Inspection report in response to multiple odour reports, on the 19 June 2013. They detected a slight rotting odour (1/10) at the driveway of the Motorcycle Track. No odour was detected on the walking track off Callignee South Rd. Latrobe City has provided a response to EPA and the internal daily inspection log sheets. None of the complaints have come from people's house and does not impact on residents.

The odour reports are attributed to the amount of water in the waste, increased volume of leachate and climatic conditions. Chris indicated the odour is present along Traralgon South Road mornings and evenings. This has become an item for discussion at community meetings. There was discussion regarding a press release to provide the community with information. The complaint process with EPA reporting was discussed.

Capping of cell 1&2 will alleviate odour issues from the waste mass and change the active area of the waste, hence the topography and movement of air/odour.

Latrobe City Council reported an overflow spill from the leachate line inspection pipe into the cell 3 due to heavy rainfall on the 13 June 2013. The overflow spill was caused by large volume of surface water (rain water) being collected in the empty catchment area of cell 3B and flowing through the leachate collection system. Water samples were taken and the analytical results have been provided to the EPA demonstrating that the water quality was not detrimental to the environment and was a mix of surface water and minimal leachate. The Traralgon Creek was at moderate flood level and over 272 mm of rain was received in the Traralgon Creek catchment in a 72 hour period. Pumping into the leachate pond and treatment continued stopping this occurrence. EPA Victoria considered the incident to be managed and contained. There was no detrimental impact on the surrounding community. There was discussion as to how a situation where a spill/overflow migrates and reaches an area of interface with the community (i.e. the walking path) how is this managed. There is an Emergency Management Plan for incidences at the landfill, however Chris expressed concerns regarding public health and asked for this to be noted.

Letter of approval from EPA Victoria has been issued for commencement of cell 4 design.

OH&S at landfill

There has been 1 incident at the landfill within this reporting period. A truck body roll over occurred (not the cab), there was no injuries to any personnel and the body was made upright again. This was not a WorkSafe notifiable incident.

Communication – Website and News Letter

The May 2013 landfill newsletter has been distributed. Copies have been made available at the Traralgon South shop and it is available on Councils website.

Construction of Cell 3B – update

Work on landfill Cell 3B is complete. The third party independent supervisors (GITA and TPCC), and the EPA appointed construction verification auditor and his team have been onsite during works and at each milestone hold point. The Auditor is completing his report for EPA approval and licencing of cell 3B. This is expected within the next 3 weeks.

Other Items

Cell activities

Cell 3A is filling quickly. The team is working well and the design improvements made between cells 1&2 and cell 3 are making it easier and safer for the team (i.e. flatter base in cell).

Daily check list is based on the EMP and operational auditor recommendations.

Regional Landfill

This item will be held over to the next meeting as a representative from the GRWWMG needs to be present to discuss and respond. GRWWMG will be invited to respond.

Questions arise as to the status of the landfill, GRWWMG authority/position on this, and Councils position.

The Gippsland Regional Waste Management Plan will be completed over the next 12 – 18 months and include consultation with the community and stakeholders regarding landfills. This is a strategic document for long term planning of waste management in Gippsland. The Plan includes landfills continuing to operating, proposed new landfills to be build and old landfills to be rehabilitated.

Ted asked if the question regarding if Hyland Highway landfill is to be a regional landfill has been resolved.

The appropriate mechanism to consult and discuss this matter with the community is via the development of the Gippsland Regional Waste Management Plan. The Plan is a statutory requirement for the GRWWMG and includes broad community consultation.

Baw Baw Shire Waste

The percentage of waste received at Hyland Highway landfill under the reciprocal arrangement for tipping with Baw Baw Shire Council (BBSC) will be reported to the committee. Some details of the arrangement are confidential.

Information requested

The committee would like to see some statistics for incidents/event (not including odour as this is subjective and difficult to measure), percentage of cell filling and BBSC waste percentage (as above).

Incidents and volumes of waste are currently provided in the newsletter. More detail will be provided to the committee.

Odour reports

Interim email report on odour reports & preventative actions will be provided to committee members in approximately 6 weeks.

Litter

AGL (Loy Yang) have observed litter escaping from the back of trucks travelling to the landfill from Traralgon. This is resulting in litter on road side of Hyland Highway (e.g. Miners lookout).

Any person seeing littering should report this directly to EPA Vic. There is an online process for reporting asking for details such as date, time, location, licence plat of vehicle etc. Companies will be fined if sufficient information is available. The kerbside collection trucks are a closed body hence should not loose material, the commercial trucks are required to cover their loads (tarping) and prevent loss of material. All community members are encouraged to report to EPA Vic any litter activity.

Latrobe City officers are meeting with the major commercial operators and will mention this in discussions. Litter on the roadsides is the responsibility of the road manager to remove.

HVP harvest

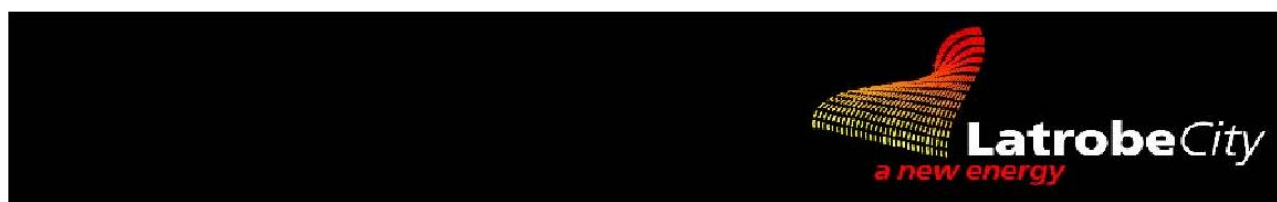
HVP have requested to harvest their assets (blue gum trees) identified in the 2014 harvest a few months early. The committee did not express any concerns regarding this.

Operations of the Committee

In accordance with the committee's terms of reference a report was presented to Council at the 24 June 2013 Ordinary Council Meeting on the overall operations of the committee for the preceding 6 months. This report is available online in the minutes of the Council Meeting.

Next Meeting

Next meeting to be Tuesday 8 October 2013, at 5.00 pm, Traralgon Service Centre.
Meeting closed at 6.20 pm.



Details

Name of Project	Latrobe City Landfill Consultative Committee Minutes
Date of Meeting	Tuesday 3 December 2013
Meeting Times	5.00 pm – 6.10 pm
Venue	MacFarlane Burnet Room, Traralgon Service Centre

Attendees

Cr Peter Gibbon	Ted Addison	Deirdre Griepsma
David Mackenzie (WGCMA)		Chandana Vidanaarachchi
Karen Humphries/Matthew Peake (GRWMG)	Chris Madsen	

Apologies

Garry Kay (EPA Vic)	Lynette Van Vondel	
Paul Barrand (Loy Yang Power)	Ian Ewert	
Cr Dale Harriman	Dilip Nag (Monash Uni)	

Welcome

Cr Peter Gibbon chaired the meeting. He welcomed the committee members who attended the meeting. A quorum was not present however the meeting proceeded.

Minutes of the previous meeting

Due to lack of numbers for a quorum the Landfill Committee meeting scheduled for the 8 October 2013, at 5.00 pm did not proceed and a decision was made to schedule a further meeting on the 3 December 2013, 5.00 pm.

The minutes from the previous meeting, 2 July 2013 were discussed. An amendment will be made to page 2, 2nd paragraph to say "There is an Emergency Management Plan for incidences at the landfill, however Chris expressed concern that the EMP did not include a procedure to inform the residents downstream of the landfill of any risk".

The minutes and amendment were moved by David McKenzie and seconded by Ted Addison.

Environmental Protection Authority Report

There was no reported for EPA Victoria. The EPA representative is an apology.

There was a small spill from the small leachate pond on the morning of the 3 October 2013. EPA were notified of this incident and agreed that with the volume of high intensity rainfall received over the previous few days (63 mm) the environmental impact was negligible. Once discovered pumps were deployed to pump from the small to the large leachate pond, stopping any spill and creating freeboard.

An odour complaint was reported occurring on the 12 September 2013 at 7 pm. Capping of cell 1&2 will alleviate odour issues from the waste mass and change the active area of the waste, hence the topography and movement of air/odour. The comment was made by Chris that the odour had been much better of late.

Annual Performance Statement waste submitted by 30 September 2013. This is publically available and will be provided to committee members.

Committee members express concern that an EPA Victoria representative is not present at the meeting to give confidence to the community regarding the operations at the landfill.

Committee expressed concern regarding EPA Victoria not passing odour complaints to Latrobe City Council. Could the EPA please provide the an explanation as to how odour is reported to Council.

OH&S at landfill

No incidence, accidents or near misses to report.
Power is connected to the Education Centre.

Communication – Website and News Letter

The May 2013 landfill newsletter has been distributed. Copies have been made available at the Traralgon South shop and it is available on Councils website.

The next newsletter will be completed and distributed in January 2013.

The latest Landfill licence will be updated on the website.

Cell Construction works – update

The design for the partial capping of cell 1&2 (1.2 ha) has been completed and the auditor has provided preliminary comments. Plan to construct over 2013/14 summer period.

The Cell 4 design is completed and approved, construction works will commence in October 2014.

Other Items

Regional Landfill

GRWVG has a statutory role to do a Regional Waste Plan. The Hyland Highway landfill is a regional landfill; it accepts waste from Latrobe City, Baw Baw Shire and commercial waste from the Gippsland area. The landfill has operated in this manner since opening.

There was difference of opinion as to the information provided to the community that waste would not be accepted at the landfill from outside the Latrobe City area. There is a concern that the community believes that once the Baw Baw Shire reciprocal waste agreement concludes there will be no other residential waste from outside the Latrobe City received at the landfill.

The landfill site was established and approved on the basis of regional circumstance within Gippsland, and more specifically to meet the needs of both Latrobe City and Baw Baw Shire. This information is within the public domain.

The governance of the GRWVG will change in 1 July 2014. There is a model for a new GRWVG board, 4 Council representatives and 4 members of technical expertise however the details are yet to be advised. The new plan will be developed with community consultation. Landfill Committee members will be notified when the community consultation period is open by GRWVG and Latrobe City Council.

Contact details (email) for landfill members will be distributed.

The Gippsland Regional Waste Management Group contact details are
Phone: 03 5633 2744

contact@grwmg.vic.gov.au

PO Box 444
TRAFALGAR VIC 3824

Baw Baw Technology Centre,
107 Princes Highway, TRAFALGAR VIC 3824

Baw Baw Shire Waste

The percentage of waste received at Hyland Highway landfill under the reciprocal arrangement for tipping with Baw Baw Shire Council (BBSC) to 30 September 2013 is 14.5%.

Within the 2013/14 year to date 60% of the waste received at the landfill has been residential waste, in 2012/13 this figure was 56%.

Operations of the Committee

In accordance with the committee's terms of reference a report will be presented to Council at the 16 December 2013 Ordinary Council Meeting on the overall operations of the committee for the preceding 6 months. This report is available online in the minutes of the Council Meeting.

General Business

- Sand is on the road near motorcycle track. This was good after VicRoads cleared the drains. Council officers will investigate the cause and notify VicRoads.
- In the event of a fire approaching the landfill site the procedure is for the staff and any other personal to evacuate. If the landfill was affected by fire damage Council would work together with EPA Victoria to understand and rectify any environmental impact. It would be likely an independent auditor would be appointed to undertake these works.
- Waste/unwanted goods dumped outside charity shops. This is causing an eyesore in the streets (Traralgon noted). There is a perception in the community that there is a stand-off between Council and the charity shops regarding responsibility for this matter.
- Committee believes the Council should review the non-attendance of some committee members and organizational representatives with a view to discuss the terms of reference and in particular the rules of the quorum.

Next Meeting

Dates for all 2014 meetings will be sent to Committee members as calendar invitations prior to Christmas.

The next meeting to be Tuesday 4 March 2014, at 5.00 pm, Education Centre, Hyland Highway Landfill.

Meeting closed at 6.10 pm.

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

**14.1 PROPOSED REMOVAL OF PEDESTRIAN SHELTERS LOCATED
AT THE ENTRANCE TO HAMMERSMITH CIRCUIT TRARALGON**

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to provide Council with further information on the proposed removal of pedestrian shelters at the entrance to Hammersmith Circuit, Strand Estate, Traralgon in presenting the results of consultation with all residents of the Estate to establish their opinion on the proposed removals.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

Latrobe City Council Plan 2013 - 2017

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

BACKGROUND

During construction of the Strand Estate in Traralgon, four pedestrian shelters were constructed on either side of the road at numbers 1, 2, 3 and 4 Hammersmith Circuit as entrance features and have since been vested in Latrobe City Council (attachments 2). The structures were constructed before any homes were developed on the estate as a feature to indicate the entrance to the new subdivision.

In the course of the last twelve months a number of complaints have been received from the residents at numbers 1, 2, 3 and 4 Hammersmith Circuit. These complaints include issues with pedestrian and traffic safety, birds nesting in the shelters and their subsequent droppings and insufficient roof plumbing leading to rainwater drainage into some resident's gardens.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

A report on this issue was presented at the Ordinary Meeting of 16 September 2013 where Council resolved the following;

1. *That Council undertake consultation with all Strand Estate residents seeking their opinion on the proposed removal of the shelters.*
2. *That a further report be presented to Council detailing the findings of the consultation with estate residents.*

Subsequent to this Council resolution a letter seeking their opinion on the removal of the shelters was delivered to every resident of the Strand estate in early October 2013.

ISSUES

Council's Manager Infrastructure Operations, Coordinator and Team Leader of Building Maintenance met on site during February 2013 to inspect the four structures and found that the complaints received were warranted especially in relation to traffic safety. The shelters clearly create blind spots for the residents at numbers 1 - 4 Hammersmith Circuit when they are leaving their residences

At this meeting it was proposed that the removal of these structures would be the most effective way to eliminate the issues that they cause along with the cost and time required to undertake repairs, maintenance and clean up works on an ongoing basis at the site.

Officers subsequently wrote to the residents of 1, 2, 3, and 4 Hammersmith Drive on 25 February 2013 and their feedback is attached (attachment 1).

Officers have spoken with the original site developers, CEEJ Developments, on 26 June 2013 and they had no opposition to the removal of the structures at that time as long as they are removed at Council's cost. Further to the Council meeting of 16 September 2013 and the October community consultation process a representative of CEEJ Developments has verbally instructed officers that his organisation now wished to have the structures remain as they are and wish not for them to be removed.

Officers received three responses to the letters sent to all residents of the Strand Estate indicating their desire to retain the shelters located on Hammersmith Circuit at the entrance to the estate (attachments 2, 3, 4).

Further to the receipt of the three responses citing the retention of the shelters one of the respondents (attachment 2) conducted an independent survey of residents of the Strand Estate in relation to not removing the shelters at the estate entrance (attachment 5)

No responses were received from residents of the Strand Estate indicating that they would like to have the shelters removed in relation to the October community consultation process.

Council's Traffic Engineer has been consulted in relation to the shelters and their safety for the adjacent residents and the greater community. It is the opinion of the Traffic Engineer that, from a safety perspective, the

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

position of the shelters could certainly obscure the visibility of oncoming pedestrians, to which vehicles are required to give way to when entering the road from a driveway. However, this does not say that the shelters cannot legally be present where they are and there are plenty of examples of structures, eg fences and hedges that abut driveways and cause sight issues that are not illegal.

In summary Council's Traffic Engineer stated that the removal of the structures would improve visibility for both pedestrians near the structures and adjacent residents but their removal is not mandatory. It is also the opinion of Council's Traffic Engineer that approval would not be given for construction of the shelters should a similar request be received now as they do affect the visibility.

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 recommended by Council, the cost to remove the shelters can be accommodated with the Building Maintenance recurrent budget.

INTERNAL/EXTERNAL CONSULTATION

Council met with the residents of 1, 2, 3, and 4 Hammersmith Drive on 25 February 2013 to discuss their concerns with the shelters proposed for removal.

As discussed, further letters have been sent to all residents of The Strand Estate seeking their opinion on the proposed removal of the shelters.

An independent survey has been carried out by a resident of the Strand estate with all estate residents on the proposed removal of the shelters.

OPTIONS

1. Remove the shelters located on Hammersmith Circuit at the entrance to the Strand Estate, Traralgon as soon as is practicable.
2. Not remove the shelters located on Hammersmith Circuit at the entrance to the Strand Estate, Traralgon.

CONCLUSION

A request was submitted to Council from the residents who live in the residences adjacent to the pedestrian shelters at the entrance to the Strand Estate, Traralgon for their removal in early 2013.

Further to this Council has now carried out consultation in relation to the removal of the shelters with all residents of the Strand Estate, Traralgon during October 2013 and has received no correspondence supporting the removal of these shelters. A resident of the estate has also carried out their own independent consultation with the estate residents which has resulted in forty six signatures of those not interested in the removal of the shelters.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Council's Traffic Engineer has investigated the suitability of the structures and concluded that the removal of the structures would improve visibility for both pedestrians near the structures and adjacent residents but their removal is not mandatory.

Attachments

1. Attachment 1 Hammersmith Circuit
2. Attachment 2 Hammersmith Circuit
3. Attachment 3 Hammersmith Circuit

RECOMMENDATION

1. That Council not authorise the proposed removal of the shelters located at Hammersmith Circuit, Strand Estate, Traralgon at this time.
2. That all residents of the Strand Estate, Traralgon be informed of this decision.

Moved: Cr O'Callaghan

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

14.1

Proposed Removal of Pedestrian Shelters Located at the Entrance to Hammersmith Circuit Traralgon

1	Attachment 1 Hammersmith Circuit.....	285
2	Attachment 2 Hammersmith Circuit.....	295
3	Attachment 3 Hammersmith Circuit.....	297
4	Attachment 4 Hammersmith Circuit.....	284
5	Attachment 5 Hammersmith Circuit.....	285



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: <u>Jessica Bishop & Shane Ryan</u>	LATROBE CITY COUNCIL INFORMATION MANAGEMENT
ADDRESS: <u>3 Hammersmith Ckt Traralgon</u>	RECEIVED 04 MAR 2013
CONTACT NUMBER: <u>043271055</u>	NO. <u>5000000</u> DSO No. OPERATIONAL USE ONLY
Please provide comments on the following:	

Structure: There are gaps below the roof where birds have created bird nests

Looks: The shelters are quite unattractive, it did not look like they were made for the use of our town. Other interest in and for

Public Use: The shelters are very very rarely used. Never in the day time have I seen them used, only once or twice at night that I seen, heard young people using them at night having using for shelter from the wind, but very rarely.

Cleanliness: Covered in bird poo, sometimes find fast food wrappers etc from public use & rubbish often end up in our gutter.

Any Safety Concerns: No real safety concerns other than shingles using them & being quite close to our bathroom at an evening & people being noisy is concerning

Other Comments:

4/ an evening many birds found & have made bird nests under the aluminium roof of the shelter. This is very noisy & our bathroom is right next to the shelter. It's very noisy at night and during.

As mentioned I have never seen the shelters used in daytime only by drunken kids at an evening and this was only 2nd time, and heard one other time.

We think the bulk of them, they do not seem useful, and they cause a lot of noise at night, not would like to see them removed



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: SHANNON WHITEHEAD
 ADDRESS: 1 HAMMERSMITH CIRCUIT TRARALGON
 CONTACT NUMBER: 0434082458

Please provide comments on the following:

Structure: NO GUTTERING OR DRAINAGE INSTALLED,
FLOODS FRONT YARD WITH RAIN.

Looks: COVERED IN BIRD POO LOOKS OUT OF
PLACE, HAS NO REAL PURPOSE AT ALL.

Public Use: ENCOURAGES YOUNG/OLD PERSONS TO GATHER
OUT THE FRONT AT ALL HOURS OF THE DAY & NIGHT!

Cleanliness: RUBBISH IS LEFT WEEKLY (EMPTY ALCOHOL
CANS AND BOTTLES)

Any Safety Concerns: THE POSITION OF THE SHELTER IS
A REAL CONCERN FOR US IN PARTICULAR. IT BLOCKS

~~Other Comments:~~ OUR VISION AS WE REVERSE OUT

OUR DRIVE WAY AND HAVE HAD TO SLAM OUR
BRAKES ON AS WE REVERSE NUMEROUS TIMES,
TO AVOID A COLLISION WITH VEHICLES AND ALSO
PEDESTRIANS.

IF YOU HAVE ANY QUESTIONS ABOUT THE INFO I HAVE
PROVIDED PLEASE DONT HESITATE CALLING ME.

REGARDS, SHANNON WHITEHEAD



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: Lloyd Collinson + Jackie Collinson
 ADDRESS: 2 HAMMERSMITH CRT TRARALGON
 CONTACT NUMBER: 0401978888
 WORK 51745400

Please provide comments on the following:

Structure: STEEL, CAST IRON

Looks: SQUARE BOX

Public Use: SEATS & SHADE

Cleanliness: POOR

Any Safety Concerns: HEAPS.

Other Comments:

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 08 MAR 2013	
BY: S. DUNCAN	DD: NO
Government of Victoria Consulting SA	
<input type="checkbox"/> Copy returned to client	<input type="checkbox"/> Copy returned to authority

P.T.O.

THANKS SHANE FOR WRITING TO US, THE SHELTER IS VERY BAD, FOR THE FOLLOWING REASONS;
 1) WATER RUN OFF AND FLOODS MY PROPERTY
 2) BAD COMPANY HANG AROUND SWERING, AND GRAFFITIING SHELTER AND MY PROPERTY. RIDE THERE SCOOTER AND BIKES INTO MY GARAGE AND AROUND MY CARS; VERY WORRIED ABOUT SAYING ANYTHING, CAUSE THERE IS SOME VERY UNLIKABLE PEOPLE IN THE STANNO
 MAKE A HUGE TRAFFIC HAZARD VERY DANGEROUS FOR US BACKING OUT DRIVE WAY CAUSE LACK OF VISION

MAKE IT LOOK LIKE I HAVE A B.B.Q SHELTER
OUT THE FRONT OF MY HOUSE.

HIDES PEOPLE WHEN I AM USING DRIVE
WAY VERY WORRIED THERE WILL BE A
ACCIDENT VERY SOON.

ALSO KIDS SIT ON MY FRONT LAWN WHEN THERE
IS GROUPS OF PEOPLE VERY NOISY & SCARY.
SHANE IF YOU CAN HAVE THIS REMOVED

I WOULD BE SO HAPPY THIS SHELTER IS
A REAL PROBLEM TO ME AND MY FAMILY
PLEASE PLEASE REMOVE IT

KIND REGARDS

Lloyd Colman

Our Ref: 475502
SD

25th February 2013

Mrs Rong
4 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mrs Rong

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref: 475502
SD

25th February 2013

Mr & Mrs Collinson
2 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr & Mrs Collinson

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

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If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref: 475502
SD

25th February 2013

Mr Ryan & Miss Bishop
3 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr Ryan & Miss Bishop

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref: 475502
SD

25th February 2013

Mr SG Whitehead
1 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr Whitehead

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance



MAINTENANCE OF PEDESTRIAN SHELTERS
HAMMERSMITH CIRCUIT TRARALGON

NAME: Jurgen

ADDRESS: 4 Hammersmith Cct.

CONTACT NUMBER: 0439728107

Please provide comments on the following:

Structure: Pedestrian Shelter

Looks: Eyesore

Public Use: Minimal use

Cleanliness: Full of bird droppings

Any Safety Concerns:

Other Comments:

LATROBE CITY COUNCIL INFORMATION MANAGEMENT RECEIVED 08 MAR 2013	
R/O: <u>JANE DUNCAN</u>	Doc No:
Copy will be sent to:	
<input type="checkbox"/> Copy to be sent to:	<input type="checkbox"/> Latrobe City Council

These shelters are an eyesore. Other than birds who seem to use them as toilets, they are used by kids as a skate apparatus or percussion instrument. ~~Other~~ users include drinks in the middle of the night making loud phone calls or having arguments. ~~_____~~

From: [Catherine Reed](#)
To: [Latrobe Central Email](#)
Subject: pedestrian shelters, hammersmith circuit, traralgon
Date: Friday, 8 November 2013 7:12:06 PM

I strongly wish for the pedestrian shelters in Hammersmith Circuit to remain. I have found the shelters to be use full when there has been a sudden downpour when out walking the dog. Also after a 2012 heart operation my daughter Melissa was able to rest out of the sun when exercising. I pass the shelters on average 6 times a day and have yet to see any body in or around them behaving inappropriately. I think there is a problem with some people travelling around the roundabout to quickly rather than the pedestrian shelters blocking visibility when residents leave their property. The Shelters are attractive and useful and I hope they are retained.
Regards Catherine Reed

From: [Raymond Reed](#)
To: [Latrobe Central Email](#)
Subject: Predestrian Shelters at hammersmith circuit
Date: Friday, 8 November 2013 6:53:14 PM

Dear Dale In response to the letter from council about the removal of the pedestrian shelters , I do not agree with the concerns that have been raised and have spoken to all my neighbours who strongly feel the same way so I think they should definitely stay . I have lived in the estate for 4 years and have never seen any vandalism or littering ,or any danger to pedestrian traffic and they are a attractive addition in the estate

Yours truly Ray Reed

Sent from my iPhone

Katrina Pizzi

From: Barry Dickson <barry@barrydickson.com.au>
Sent: Tuesday, 15 October 2013 10:48 AM
To: Jody O'Kane
Cc: Mary Drivas; Ray & Catherine Reed; michael@ceej.com.au
Subject: Reference 1009895 Pedestrian Shelters, Hammersmith Circuit, Traralgon

Good Morning Jody

I am writing to you in reference to your letter dated 14 October, 2013 in regards to Pedestrian Shelters, Hammersmith Circuit Traralgon Victoria. I am opposed to the removal of the shelters on the grounds that these were purpose built shelters (Arbours) with approval given to the developer CEEJ Property Developments by the Latrobe City Council which was done to enhance the appearance of The Strand. I believe that 3 of the 4 occupiers of homes in the immediate vicinity of the shelters would like the shelters removed. When purchasing their homes in 2012, the owners should have taken the matter of the structures into consideration before they made their respective purchases. In regards to paragraph 2 of your letter in the time that I have lived in the area I have observed only once graffiti on one of the shelters, regarding maintenance costs I would like Latrobe City Council to produce records of maintenance costs as I have never seen any council workers in my time of living in The Strand removing any bird droppings from the shelters, the design I believe from speaking with the developer, Mr Michael Biviano, Managing Director CEEJ Property Developments was done by a landscape architect, Ms Amy Davidson from Beverage Williams which was then approved by the Latrobe City Council and lastly the concern over pedestrian safety appears to me not to be an issue as visibly is good for vehicles moving in and out of the two corner allotments of Hammersmith Circuit and Park Lane. The other two residents have no pedestrian issues moving vehicles in and out of their driveways due to the location of the arbours. I was told by Mr Biviano, CEEJ Property Developments that he was requested by you to supply a letter so that the arbours could be removed at no cost to him. I believe in the circumstances he was given inappropriate information by the Latrobe City Council as to why the arbours were going to be removed. At that time of the complaint in February, 2013 I believe that all residents of The Strand had not been approached about the removal of the arbours and they were going to be removed on the 4 unjustified complaints of the residents in the immediate vicinity of the arbours being 1,2,3 & 4 Hammersmith Drive, Traralgon. The first time that I was aware of the issue was when I read it in the Latrobe Valley Express on Monday 30 September, 2013, as was my neighbour Mr Ray Read. I was unaware that Council had meet with the 4 residents on 25 February, 2013. After that date the 4 residents were written to asking them to submit their complaints in writing. It is my view due to the fact that the Latrobe City Council have failed to suitability maintain the arbours they have become an issue for the residents at 1,2,3 & 4 Hammersmith Drive, Traralgon.

Kind Regards
Barry Dickson

barry@barrydickson.com.au

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

We the undersigned of this petition are opposed to the removal of the 4 shelters situated at the entrance to The Strand Estate, Hammersmith Circuit, Traralgon Victoria 3844. We do not believe that the structures are subject to vandalism, a pedestrian traffic hazard, a design problem for the area or do they attract unwanted loitering.

NAME	ADDRESS	Signature
BARRY DICKSON	18 Hawksburn Rd	
Alfred	16 Hawksburn Rd Traralgon	
Peter Macdonald	14 Hawksburn Rd, Traralgon.	
JAMES CARLIN	7 SUMMERHILL RD TIGON	
DERMOTT BERKHOFF	9 Summerhill Ct TIGON	
BEN HAMMOND	15 Summerhill Rd TIGON	
Sarah Hagan	16 Summerhill Rd Traralgon	
Mark Cooper	6 Hawksburn Rd Traralgon	
Rachael Kessner	6 Hawksburn Rd Traralgon	
Leopold Mikan	13 S Hammersmith	
Carole Fievel	3 Stonehaven Rd	
ROY REED	16 Hawksburn Rd. TRAR	
BREE JAME	13 STONEHAVEN RD TRA	
Brett Ben Reis	13 WESTMINSTER ST TIGON	
Kristy Kitchen	10 westminster st Tigon	
Anthony Nicda	10 westminster st Tigon	
Sandra Kitchen	10 westminste st Tigon	
LUKE BIRCHAM	2 WESTMINSTER ST TIGON	
KEITH McLAUGHLIN	100 HAMMER SMITH CT	
Krustle Pisani	9 Coventry Rd, Traralgon	
Mark Potter	13 COVENTRY RD TRARALGON	
JOHN McEvoy	17 COVENTRY ROAD, TRARALGON	

We the undersigned of this petition are opposed to the removal of the 4 shelters situated at the entrance to The Strand Estate, Hammersmith Circuit, Traralgon Victoria 3844. We do not believe that the structures are subject to vandalism, a pedestrian traffic hazard, a design problem for the area or do they attract unwanted loitering.

NAME	ADDRESS	Signature
Laurie Dyall	92 HAMMERSMITH CRT	<i>[Signature]</i>
Josh Harkensee	111 Hammersmith CRT	<i>[Signature]</i>
Chuang Shun Kuy	113 Hammersmith Circuit	<i>[Signature]</i>
GAZETTE POLLARD	119 HAMMERSMITH CIRCUIT	<i>[Signature]</i>
Lyn Pison	9 Coventry Rd Traralgon	<i>[Signature]</i>
Barry Ketchell	8 Hawks Burn Rd	<i>[Signature]</i>
Shane Frost	1-153. HAMMERSMITH CIRCUIT	<i>[Signature]</i>
Michelle	1-153 Hammersmith cct	<i>[Signature]</i>
Daniel O'Donnell	157 Hammersmith cct	<i>[Signature]</i>
K STANCAK	157 HAMMERSMITH CC	<i>[Signature]</i>
MICHAEL O'DONNELL	157 HAMMERSMITH T	<i>[Signature]</i>
LEWIS WINMAR	161 HAMMER ST	<i>[Signature]</i>
Jasmine Taylor	2/155 Hammersmith cct	<i>[Signature]</i>
Natasha Wilson	2/153 Hammersmith cct	<i>[Signature]</i>
LISA SWEET	3/157 Hammersmith CRT	<i>[Signature]</i>
Shelley Goldsbrugh	3 Greythorn Rd. Traralgon	<i>[Signature]</i>
Teagan abbey	13 Greythorn Rd. Traralgon	<i>[Signature]</i>
Benjamin abbey	13 Greythorn Rd. Traralgon	<i>[Signature]</i>
STEVE WOODALL	19 Greythorn Rd Traralgon	<i>[Signature]</i>
Taylor Jackson	23 Greythorn Rd Traralgon	<i>[Signature]</i>
Vinod Kapadia	25 Greythorn Rd Traralgon	<i>[Signature]</i>
TONY TOOKE	7 CHRISTIAN RISE, TRARALGON	<i>[Signature]</i>

We the undersigned of this petition are opposed to the removal of the 4 shelters situated at the entrance to The Strand Estate, Hammersmith Circuit, Traralgon Victoria 3844. We do not believe that the structures are subject to vandalism, a pedestrian traffic hazard, a design problem for the area or do they attract unwanted loitering.

NAME	ADDRESS	Signature
JESS SPITHOVEN	9 CHRISTIAN RISE T'GON	
Erin Marsham	17 Christian Rise, Traralgon	

**14.2 TRARALGON COURT HOUSE FUTURE USE - COMMERCIAL
ACTIVATION**

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to seek Council endorsement of a proposed Expression of Interest process for the commercial activation of the non-heritage portion of the Traralgon Court House. This follows Councils approval for a hybrid use of the Traralgon Court House that satisfies both the wish for broad community use, but also providing much needed funds to maintain this valuable heritage building.

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 - Culture

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 1: Job creation and economic sustainability

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

Protect and celebrate the cultural heritage and historical character of Latrobe City.

Strategy & Plans

Traralgon Court House Conservation Management Plan

Legislation – Latrobe City Planning Scheme

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

Policy - Asset Management Policy 12 POL-3

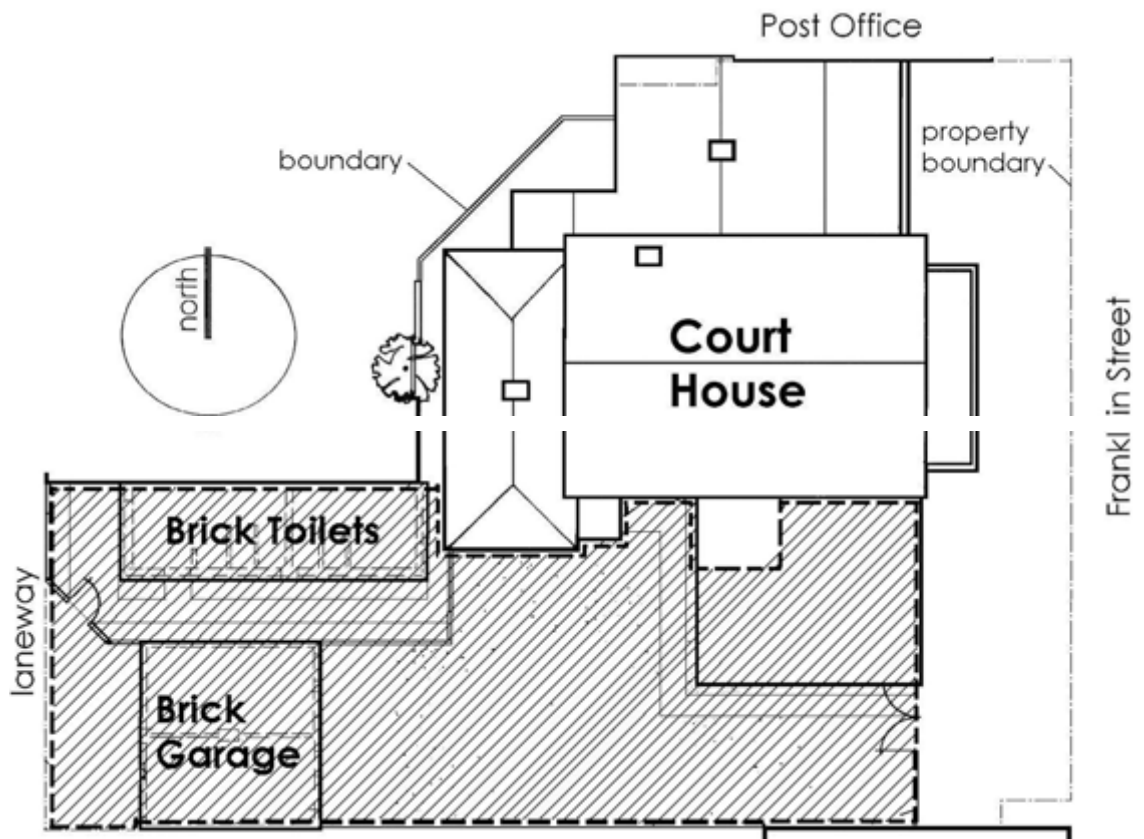
To preserve and manage Council and community assets to ensure optimum utilisation while minimising the whole-of- life cost to the community.

BACKGROUND

At the Ordinary Council Meeting of 15 July 2013 Council resolved as follows;

1. *That all formal Expressions of Interest received for the future use of the Traralgon Court House be rejected as they have not sufficiently addressed the adopted Project Brief or the Traralgon Court House Conservation Management Plan.*
2. *That those who made a submission, formal or informal, be written to thanking them for their submission.*
3. *That Council further progress the proposed hybrid model of community and commercial use of the Traralgon Court House, including preparation of detailed plans for the community portion of the building and applications for grant funding.*
4. *That Council undertake a new Expression of Interest process for commercial development and use of the non-heritage portion of the Traralgon Court House buildings as indicated in this report.*
5. *That final plans, costs and operating model be presented to Council for endorsement at a future Council meeting.*
6. *That Council authorise the release of the above information, excluding information related to individual submissions, to the wider public via a news release.*

Following the Heritage Consultants assessment of EOI's received and discussion with some Councillors at a briefing session, as outlined above, a way forward for activating the Traralgon Court House has been resolved. The proposal is a hybrid of submissions received and seeks to maximise the community use and benefit of this prominent and historic building, whilst also providing a means to sustainably maintain the building and adhere to the Traralgon Court House Conservation Management Plan.



The diagram above demonstrates two distinct areas within the Traralgon Court House land footprint. The hatched area is part of an extension to the court house and is available for expansion. Whilst the original building (non- hatched) is of significant heritage value and any alterations are covered by strict heritage overlays.

Council will put forward its own plan for the future use of the Traralgon Court House. The plan would see the hatched area made available for commercial development and use and the non-hatched area (the bulk of the building) made available for broad community use and hire.

Heritage Consultant, Ivar Nelson has prepared a proposal and a summary is provided below for reference.

In summary;

Hatched area – Commercial Use

- Use of the 1950's extension to convert for café style commercial use.
- Use of grassed area and garage.
- Upgrade of toilet block for use by all patrons utilising the Traralgon Court House.
- Rent to be used for ongoing maintenance of the Court House buildings and to maintain the principles outlined in the Traralgon Court House Conservation Management Plan.

Non- hatched area – Community Use

- Main Court House room – developed into a multi-purpose room suitable for meetings, expos, small events and functions.
- Toilet – renovated to be an accessible, unisex facility.
- Lounge / Meeting Space – utilise front office as a dedicated, permanent meeting space with soft furnishings suitable for intimate meetings, conversations and discussions.
- Office Space – suitable for use by community groups and individuals as a private space for completing administrative tasks.
- Furniture Store and storage space at rear of main court house room.
- Entire space upgraded to include 12 volt ‘cable’ lighting, carpeting, heating/cooling, disability access and toilet, audio-visual equipment, furniture and fittings.
- This would require an initial investment from Council and application for a ‘Putting Locals First’ grant application for capital upgrades to the building. Initial discussions with the State indicate support for such a proposal.

Feature Space / Historical Display

- Suggested permanent Macfarlane Burnett display at the front of the Court House.

Note: Plans for the Community Use portion and Feature Space are currently under development with indicative plans and pricing sought and discussion held with the State Government around partial funding of capital upgrades. A further report will be provided to Council on this matter in due course.

ISSUES

This report will address only the commercial aspect of the Traralgon Court House future use.

As per the resolution of the Ordinary Council Meeting on 15 July 2013, Council will now conduct an Expression of Interest process to identify and determine prospective commercial users of the non-heritage portion of the Traralgon Court House, which comply with the requirements of the Conservation Management Plan and clearly articulate the business model that will be implemented.

The Draft Expression of Interest prospectus is attached, however, listed below is a summary of prerequisites for a compliant application:

What will be considered?

- Proposals in keeping with the Traralgon Court House’s historic nature and complimentary to the community use.
- Tea Rooms, cafes and restaurant style operations.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

What won't be considered?

- Bars, nightclubs
- Proposals considered non-complementary to the historic nature of the Traralgon Court House
- Proposals considered non-complementary to the community use

Proposed Rental and Term

- Rental will be based on square metres of useable space.
- Rental will be based on market valuation from an independent valuer.
- A retail lease will be entered into with the preferred applicant.
- The Traralgon Court House is owned by the State through the Department of Environment and Primary Industries (DEPI) who has appointed Council as the committee of management. As such the retail lease will be a DEPI lease and requires Ministerial approval.
- A proposed tenancy term of a minimum of 5-years with an option for two further terms of 3-years will be negotiated with the preferred applicant.
- Rental to be placed in Trust and used for the ongoing maintenance and future upgrades of the Traralgon Court House.

Liquor License

- It is likely that any proposal, whether it be a tea room, café or restaurant style of business will request a liquor license.
- Applicants will need to demonstrate that this use will be limited to activities associated with partaking in a meal and during reasonable business hours.
- Only a 'Restaurant and café' liquor license will be considered. The restaurant and café licence applies when the predominant activity at all times is the preparation and serving of meals for consumption on the premises. Tables and chairs for at least 75 per cent of clients must be available at any one time.

Planning

- All applications will be subject to planning approval and if selected will be required to obtain a Planning Permit.
- Proposals must adhere to the Court House Conservation Management Plan and will require approval of Heritage Victoria, DEPI and relevant planning conditions.

Other

- Costs to refurbish, alter and/or extend will be borne by the business applicant. At the end of the lease term, improvements are to remain and transfer of ownership to Council.
- The applicant will be responsible for the ongoing opening and cleaning of the toilet facility located external to the Court House

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

proper. However, capital upgrades to this facility will be borne by Council. This facility will be used by both clients and community users of the Court House.

- Proposals must have a business plan and demonstrate a sustainable business model.

The Expression of Interest document is considered to be a detailed document that should provide interested commercial users with all the information required to make detailed submissions and develop considered business plans.

It is proposed the EOI take place from 19 December 2013 to 28 February 2014.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Costs associated with this Expression of Interest process will be limited to advertising costs and officer resources. At the conclusion of the EOI process (and during if required) a heritage consultant will be engaged to provide expert review of all EOI's received. These costs have been allowed for within the 2013/14 budget.

A commerciality expert may be required to determine the annual rent and retail lease upon finalisation of a commercial user. It is anticipated that this rent would be used to subsidise the ongoing maintenance of the Traralgon Court House, reducing the burden on rate payer funding.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The EOI process will be advertised in the Latrobe Valley Express and The Age at the commencement of the process and again halfway through the process. It will also be promoted on the Latrobe City Council website, Latrobe City Tender portal and with signage placed on the Traralgon Court House building for the duration of the EOI process.

OPTIONS

1. That Council conducts an Expression of Interest process to identify and determine prospective commercial users of the non-heritage component of the Traralgon Court House.
2. That Council does not conduct an Expression of Interest process at this time.

CONCLUSION

The Traralgon Court House is a significant and iconic building in Traralgon's central precinct requiring sound management to conserve its relative cultural values for the benefit of future generations. Council has resolved to implement a hybrid use of this facility allowing for community use of the bulk of the court house building and commercial use of the non-

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

heritage portions of the court house and surrounds. It is proposed that Council now undertake an Expression of Interest process from individuals, business and commercial potential users for the future use, management and development of the non-heritage component of the court house in line with the Traralgon Court House Conservation Management Plan and adopted hybrid plan for activation of this building.

Attachments

1. Traralgon Court House Conservation Management Plan
2. Expression of Interest - Commercial Activation of Traralgon Court House

RECOMMENDATION

1. That Council conducts an Expression of Interest process for commercial activation of the non-heritage portion of the Traralgon Court House that complies with the requirements of the Conservation Management Plan and clearly articulates the business model that will be implemented.
2. That the Expression of Interest process takes place from 19 December 2013 to 28 February 2014.
3. That Council are provided with a report on the Expression of Interest process and any resultant recommendation on or prior to the Ordinary Council Meeting to be held on 28 April 2014.

Moved: Cr O'Callaghan

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

14.2

Traralgon Court House Future Use - Commercial Activation

- 1 Traralgon Court House Conservation Management Plan 311**
- 2 Expression of Interest - Commercial Activation of
Traralgon Court House..... 355**

Court House (and Post Office)
Traralgon, Victoria
Conservation Management Plan

September 2009 (final)

For:
Latrobe City Council
PO Box 264
Morwell, Victoria 3840



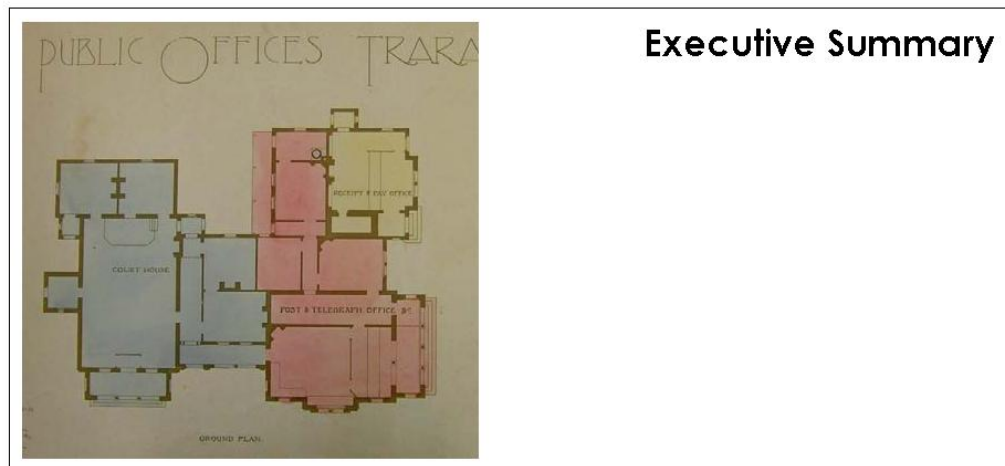
From: Traralgon, A Tableau Through Time

14 Elm St Surrey Hills Victoria 3127 Australia
0412 057 870
inelsen@bigpond.net.au

ivar nelsen abn 19 130 103 741

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Executive Summary

The Traralgon Court House is part of a larger Public Offices group which includes the Post Office and a Receipt and Pay Office built in 1885-86. The latter Office was demolished in the 1960s to make way for the existing additions to the Post Office. The present clock tower on the Post Office was added to the original design late in 1886.

The Traralgon Post Office and Court House are included on the Victorian Heritage Register (VHR H1488) and the Heritage Overlay of the Latrobe City Council Planning Scheme (item HO4). Both these listings provide statutory protection to both buildings and ensure their appropriate conservation.

The Traralgon Court House is owned by the Department of Sustainability but managed by the Latrobe City Council as Committee of Management under the *Crown Lands (Reserves) Act 1978*. The Traralgon Court House reserved under that Act 'for public building' purposes.

Only a portion of the original Public Offices group remains or has any integrity. The Pay and Receipt Office (facing Kay Street) is completely gone. The external shell of the Post Office (on the corner of Kay and Franklin Streets) retains most of its integrity. The Court House (facing Franklin Street) retains most of its integrity – although it has been unsympathetically extended on its South side.

The design of the original Public Offices group was generated by the then Victorian Public Works Department, although its specific architect is an issue of uncertainty. While both John Thomas Kelleher and John Russell Brown signed the drawings, this could indicate their authorisation to construct, rather than either's authorship of the design. A comparison of other court buildings indicates the use of similar compositions and details were used by other PWD architects.

The design is interesting for its decorative elements, asymmetry and ad hoc composition. The group as a whole appears to be three different buildings butted together to form one building. Regardless, the remaining Post Office and Court House is a highly ornate and visually dominant group, reflecting the growth and maturity of Traralgon in the late 19th century.

Portions of the present Court House reserve do not have heritage value. These include the brick garage and toilets at the rear of the block and single storey 1950s extension on the South side of the Court House. Their retention is not required, and in fact their removal could provide a crucial area of open space/annexe to complement the Court House - visually and functionally.

The exterior of the original 1886 Court House is intact and should remain so in terms of its public appreciation. Its literal 'restoration' in the context of a house-museum however is not required and there are opportunities for controlled alterations around the rear of the building.

The exterior of the existing building is in need of urgent repairs including the cleaning of the slate roof, complete replacement of flashings, gutters and downpipes as well as extensive timber joinery repairs/replacement. In particular the possible adverse impact of rainwater disposal from the adjacent Post Office must be addressed.

The interior of the existing Court House is also largely intact and should also remain so, although as noted for the exterior, its 'restoration' as a house-museum is not required. The court room should be the focus of conservation although there are opportunities for controlled alterations, including the dismantling and/or creative alteration of court related furnishings to maximise the re-use of the court room. Alterations in the other 'secondary' rooms of the Court House are more acceptable to support the building's ongoing sustainable use.

In terms of Policy for the management of the Court House, the following statements are crucial.

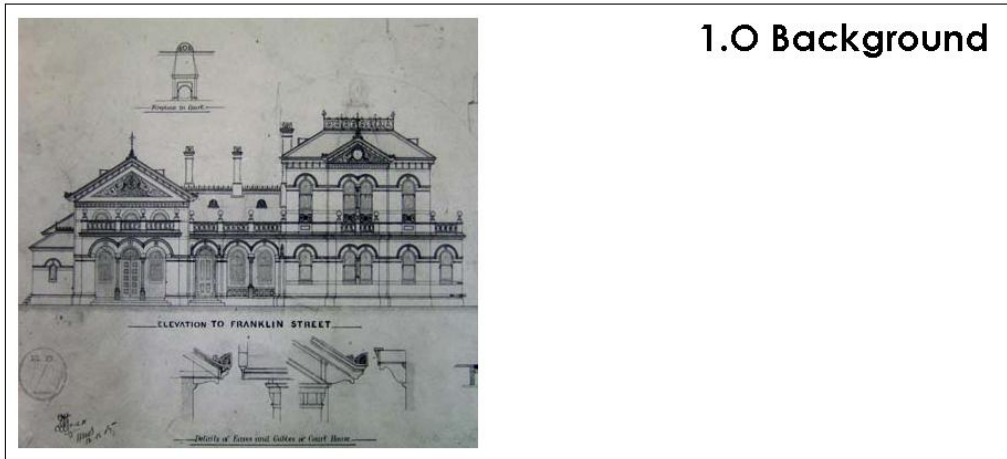
- The Traralgon Public Offices should be managed to conserve its relative cultural values for the benefit of future generations. *(An important mother-hood statement.)*
- The Traralgon Public Offices should be managed to facilitate their conservation-by-use and to facilitate wherever possible its regeneration for an ongoing public/community use. *(Use it or lose it.)*
- The Traralgon Public Offices should, wherever possible, be provided with and/or allowed to generate financial resources to facilitate its own ongoing maintenance. *(Sustainability)*
- The Traralgon Public Offices should be conserved to maintain and enhance the visual dominance of the Court House and Post Office in their immediate environs and the remnant original fabric.
- The undeveloped portion of the site adjacent to the Traralgon Court House may be utilised in terms of use and appearance to complement and support a sustainable future for the Court House.

The Conservation Guidelines embrace Article 1.4 of the Australia ICOMOS *Burra Charter* which states "*Conservation means all the processes of looking after a place so as to retain its cultural significance*". The conservation processes at the Traralgon Court House will include restoration, but also adaptation where that adaptation will contribute to an ongoing, sustainable community use.

Conceptually, the regeneration of the Court House as a multi-purpose meeting/activity/exhibition/forum facility would correspond with the views and concerns of the community expressed at a series of meetings on 11 March 2009. Such a use will require improved amenities and infrastructure but can be accommodated within the Conservation Guidelines in the Conservation Management Plan. It will require however creativity in its planning and manifestation as well as an investment from the community in its physical fabric.



Ivar Nelsen



1.1 Existing Property

The author has been commissioned by the Latrobe City Council to prepare this Conservation Management Plan for the Court House in Traralgon. The City is the Committee of Management for the building under the *Crown Lands (Reserves) Act 1976*.

The Court House property – refer to Figure 1.3 below - includes the Court House building, a brick toilet block and a brick garage, as well as a portion of land immediately south of court house.

The Court House was built in 1885-86 as part of a larger Public Offices. The Public Offices consisted of the Court House, the existing Post Office and a Pay and Receipt Office –since demolished. The three buildings were built as one connected complex.

In this document, the author has used to ‘Public Office’s when referring to the larger complex but ‘Court House’ or ‘Post Office’ when referring to those particular portions of the complex.

While the requested subject of this document is the Court House, the author has recognised it would be inappropriate to ignore the Post Office entirely. Both the Court House and Post Office are listed by statutory heritage authorities as one entry. The author has offered to provide Latrobe City Council with external guidelines for the Post Office in this document.

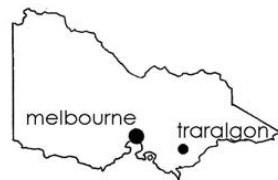


Figure 1.1



Figure 1.2

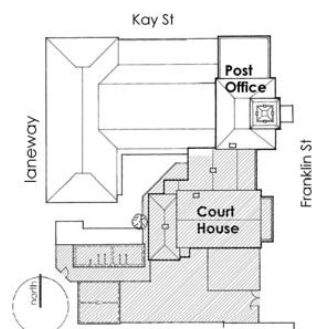


Figure 1.3 Court House property is shaded

1.2 Heritage Status

1.2.1 Latrobe City Council Planning Scheme Heritage Overlay

The Traralgon Post Office and Court House are included on the Heritage Overlay of the Latrobe City Council Planning Scheme (item HC4). This status has statutory obligations under the Planning Scheme. There is no Statement of Significance in the Overlay.

1.2.2 Victorian Heritage Register

The Traralgon Post Office and Court House, 161-169 Franklin Street, Traralgon, are included on the Victorian Heritage Register (VHR Number H1488, File Number 603351) as one entry. This status has statutory obligations under the (Victorian) *Heritage Act 1995*—refer to www.heritage.vic.gov.au/permits. The following is existing Statement of Significance from the online VHR.

“Statement of Significance

The Post Office and Court House is a major 19th century building in Traralgon located on a key site and retaining most of its original architectural details. It is of regional historic significance as a symbol of Traralgon’s development and importance as a regional centre for communications and civic administration. Architecturally it is of national significance as an example of a building complex with substantially intact features which demonstrate a variety of Victorian medieval and classical ideas combined in the one building.”

1.2.3 National Trust of Australia (Victoria)

The Traralgon Court House and Post Office are included on the National Trust Register (file B2722) and identified as having local significance. This status has no statutory obligations associated with it but is an expression of community interest. The following is the existing Statement of Significance from the Trust’s online register.

“Statement of Cultural Heritage Significance:

Built in 1886, this combined courthouse and post office occupies a prominent position and its contrasting brick and rendered trims emphasize the elaborately detailed decoration characteristic of the period.”

“The Traralgon court house and post office complex, built in Victorian Italianate style in 1886, is an unusual complex composed of two distinct buildings, built as one unified structure (criterion F1). The complex is in a prominent position in the town and forms a strong element in the streetscape. However, alterations to the Kay Street façade detract slightly from the visual impact as well as reducing the overall integrity and intactness of the complex (criterion E1). The complex has historical significance with Traralgon being one of the few large, central Gippsland towns which retains its original Post Office, while the size of the complex and the richness of the detailing reflects the prosperity of the town during the 1880s (criteria B2 and A4).”

1.3 Use and Management

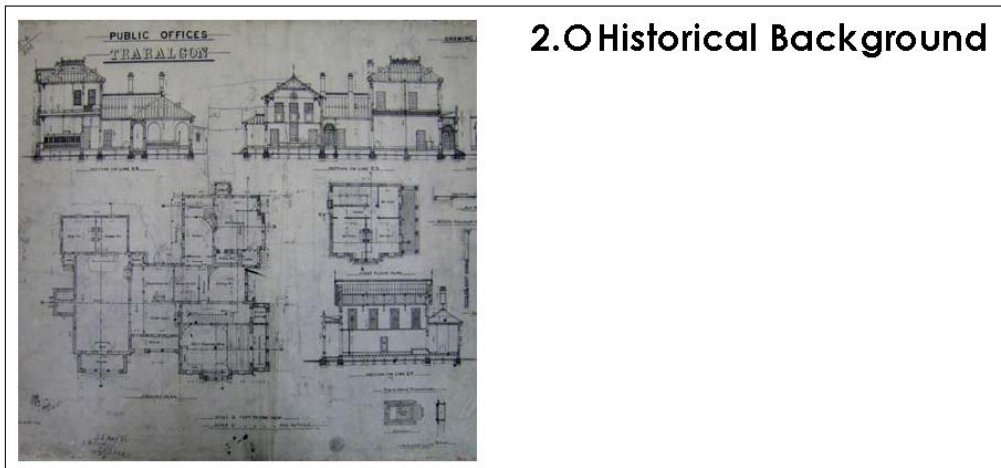
1.3.1 Use

The Court House is currently vacant.

A series of public information sessions in Traralgon identified a number of proposals and concerns regarding the possible use of the Court House. A common concern was expressed that the Court House should not be used for ‘commercial’ purposes and in particular a café, restaurant or bottle shop. Participants almost universally envisioned a community venue for art exhibitions, lectures, meetings, forums, visitor information centre and Latrobe City Council information centre, but preferred not to have it available to one group at the expense of the wider community.

1.3.2 Management

The Latrobe City Council was named Committee of Management by the Department of Sustainability and Environment for the Court House under the *Crown Land (Reserves) Act 1976*. The Reserve (Court House and land) has been reserved by DSE for a 'Public Building'.



2.0 Historical Background

2.1 Historical Summary

2.1.1 Court House and Post Office

The following is an unedited extract from the Traralgon Historical Society website.
"Official Reopening of the Traralgon Courthouse Wednesday February 24 1993"

The Family Court has established a venue for its sittings here in Traralgon after having to seek accommodation elsewhere in Gippsland for the past 20 years. Magistrates' courts, County Courts and the Supreme Court has always taken precedence, making it difficult at times for the Family Court to list cases for hearing in Gippsland.

The history of the Court of Petty sessions at Traralgon goes back to 1876 when Charles Ignatz Du Ve, Clerk of Petty sessions at Rosedale, opening a Court here in 22nd September of that year. The Court sat in Shield's Rooms, a wooden building on the Kay Street frontage of the Traralgon hotel. That building, which was the only public hall in the township, served for that purpose until the imposing brick structure, which was to house the Post Office, Court House, and the Receipt and Pay office of the State Treasury, was built in 1886. When Mr. Du Ve retired in 1901, Traralgon became the headquarters for the group of Courts.

The building served Traralgon well for the next 100 years until the Law Department created regional courts using multi-court room Courts and which was the best available buildings between Warragul and Traralgon. The practice of creating a Court of Petty Sessions in every town 10 miles apart may have served the purpose in the days of little or no public or private transport, but the advent of the motor car and of forms of public transport made this quite costly and unnecessary. The Regional Court was established at Moe, and the magistrates Court at Traralgon sat for the last time in mid December 1989. Since that date, all summary court proceedings arising here in Traralgon have been heard at Moe where several magistrates sit to deal with the business and thereby avoid visiting small towns just to hear one that could have been heard much more expeditiously at Moe where the maximum use of resources and facilities was concentrated in one Court instead of four Courts.

On the closure of the magistrates Court in Traralgon, the Courthouse section of the complex was allowed to deteriorate and the possibility of the building becoming an eyesore or a ruin in the centre of the city caused the City Council to determine on some course of action to maintain the premises and make them available again for community use.

The Government appointed the City of Traralgon as a Committee of Management and steps were taken to paint the premises both inside and out.

When the building was erected in 1886, the painting was done by Richard Canfield who, at the time, was in business as a painter and decorator. It was repainted only three times in 100 years. In the 1930s the whole color scheme of the interior was changed. The original color of the walls was sky blue but they were repainted beige. Repainting, in the mid-'70s and in the mid-'80s, were predominately white, with no regard to history or the adjoining Post Office.

The Committee of Management decided to return, as near as possible, to the original sky blue visible under the peeling paint work on the walls to allow a good match to be made. In 1886, all of the doors and their surrounds were hand-grained but were painted over in the 1930s.

Traralgon Court House – Conservation Management Plan

Part of the floor of the Courtroom had collapsed due to damp and that had to be reconstructed. Most of the Courtroom furniture and fittings had been preserved and they were recovered from a place of storage. However, the Bar Table had been appropriated by some other Government facility and has now been lost forever.

In the 1930s, additional rooms were added on the south, to house the offices of the Department of Crown Lands and Survey, and these have now been taken over in the renovation. Access to these rooms is provided by the creation of a new entrance through the original Dock and Cell, and they are intended for use by legal practitioners and their clients and witnesses.

The Committee of Management was able to negotiate with the Federal Government for the lease of the now restored Courthouse for permanent use by the Family Court and, on February 24, 1993, a ceremonial sitting of that Court was held. The Chief Justice of that Court, Mr. Justice Alistair Nicholson AC, RFD, presided on the Bench with Mr Justice Hubert Frederico and other Court dignitaries. The Bar was represented by quite a number of its member, all in their wigs and gowns.

The Mayor of the city of Traralgon, Councillor J. Hood, was in charge of proceedings and welcomed the Judiciary on behalf of the City. He was supported by a spokesman for the Bar after which the Chief Justice gave a resume of the need for better services by the Family Court in Gippsland and congratulated on its presentation.

The Junior Band was in attendance, and rendered quite suitable numbers on the footpath outside. On the whole, it was quite an impressive ceremony, and those who organized it are to be congratulated on its presentation. After the opening of the Courthouse, the City Council entertained the Judiciary, the Bar and their guests at a luncheon in the Council Chambers.

Reconstruction and renovation of the building was under the direction of Mr. Chris White, Manager for Economic Development and Planning, of the City of Traralgon.

We thank Mr Bill Cuthill for this very comprehensive report on the history of the building and the ceremonial re-opening.”

2.1.2 Architect

The architect responsible for the Traralgon Court House and Post Office has not been conclusively identified. Both John Thomas Kelleher and John Russel Brown of the Victorian Public Works Department have been identified as being involved in the project for 'Traralgon Public Buildings'.

In his seminal thesis for Melbourne University - The Public Works Department of Victoria 1851-1900: an architectural history - Bruce Trethowan provides the following career highlights for John Thomas Kelleher and John Russel Brown.

“John Thomas Kelleher

- *DOB: 12 Feb 1844;*
- *commenced employment with PWD 29 October 1863 in position of Class 5 Draftsman, replacing Samuel White;*
- *1 July 1873: Class 4 Draftsman;*
- *1 July 1878: Class 3 Draftsman;*
- *1879: Assistant Architect, Class 3, Eastern Division. Duties – In sub-charge of architectural work relating to buildings. NB Colony divided into three districts – Western, Central and Eastern;*
- *erected regional Post Offices in Benalla (1881) and Fitzroy (1882);*
- *1887-91: Architect (Grade II) in sub-charge of Eastern District within newly created Buildings Division of PWD. NB working with Brown at this time;*
- *1888: Architect (Grade 1);*
- *1893: Architect (Grade I) for Eastern District in Buildings Division;*
- *Kelleher probably retrenched early 1894 due to general depression of the time, not listed in statistical register from 1895.”*

“John Russel Brown

- *DOB: 1 Dec 1857;*
- *appointed to staff as a temporary Junior Draftsman 19 March 1877;*
- *1882: Temporary Assistant Draftsman;*
- *1885: Temporary Architectural Draftsman, Western district. Duties – Assists in architectural works relating to buildings;*
- *29 Jan 1886: Assistant Architect (Grade II) assists in Eastern District within newly created Buildings Division of PWD. NB working with Kelleher at this time;*

Traralgon Court House – Conservation Management Plan

- 1893: Assistant Architect for Central District in Buildings Division;
- 1895: Assistant Architect for Eastern Division in Buildings Division;
- remained in this position until after 1900.”

Trethowan also states,

“Undoubtedly the most inventive of all the architectural sections was the Eastern District under J.T. Kelleher. We know very little of Kelleher’s personal style, but he employed two very interesting assistants, J.R. Brown and A.J. Macdonald. J.R. Brown worked with the department from 1877 to after 1900 and up until 1888 produced some quite notable buildings:

<i>Walhalla Post Office</i>	<i>December 1884</i>
<i>Oakleigh Post Office</i>	<i>August 1885</i>
<i>Traralgon Public Buildings</i>	<i>December 1885</i>
<i>Warragul Court House</i>	<i>November 1886</i>
<i>Warragul Post Office</i>	<i>March 1887</i>
<i>Benalla Court House</i>	<i>August 1888</i>
<i>Flemington Post Office</i>	<i>September 1888</i>

All of Brown’s buildings are heavily ornamented with iron ridge railings, finials, balustrading, and elaborate gable decorations. Usually this decorative application was highly unsuccessful and sometimes absurd; however, Brown’s ornamented development had a successful climax in the Flemington Post Office where the elaborate decoration has been tastefully concentrated to produce a very pleasing building”.

suggesting that Brown designed public buildings in Traralgon under supervision of Kelleher.

Trethowan further states, under ‘Police Buildings’ portion of his thesis:

“J.R. Brown excelled in the quest for the most ornamented house with sunshades, multi-gabled facades with decorative woodwork, Gothic roof vents and elaborate chimneys. At Alexandra he was so carried away with gables, verandahs and sunshades that he quite neglected the fact that the principal façade of the police quarters faced south and did not require his elaborate innovations”

2.2 Historical Illustrations



Figure 2.1 from *Traralgon, a Tableau Through Time*



Figure 2.2 from Australian Archives



Figure 2.3 from Australian Archives



Figure 2.4 from Australian Archives



Figure 2.5 from Traralgon Historical Society, 10507



Figure 2.6 from Traralgon Historical Society, identical to Figure 2.3

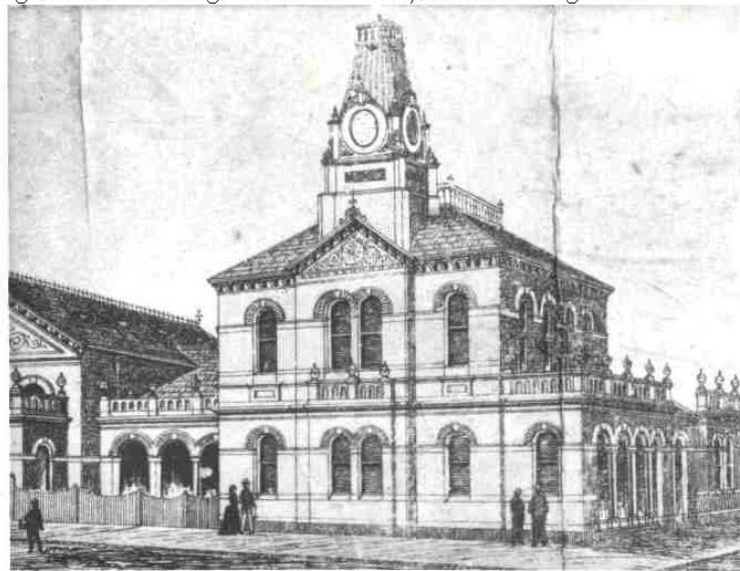


Figure 2.7 from Traralgon Historical Society, 10506



Post Office, Traralgon.

A. H. Cross Series

Figure 2.8 from Traralgon Historical Society, 10513



Figure 2.9 from Traralgon Historical Society, 10519



Figure 2.10 from Traralgon Historical Society, 10520

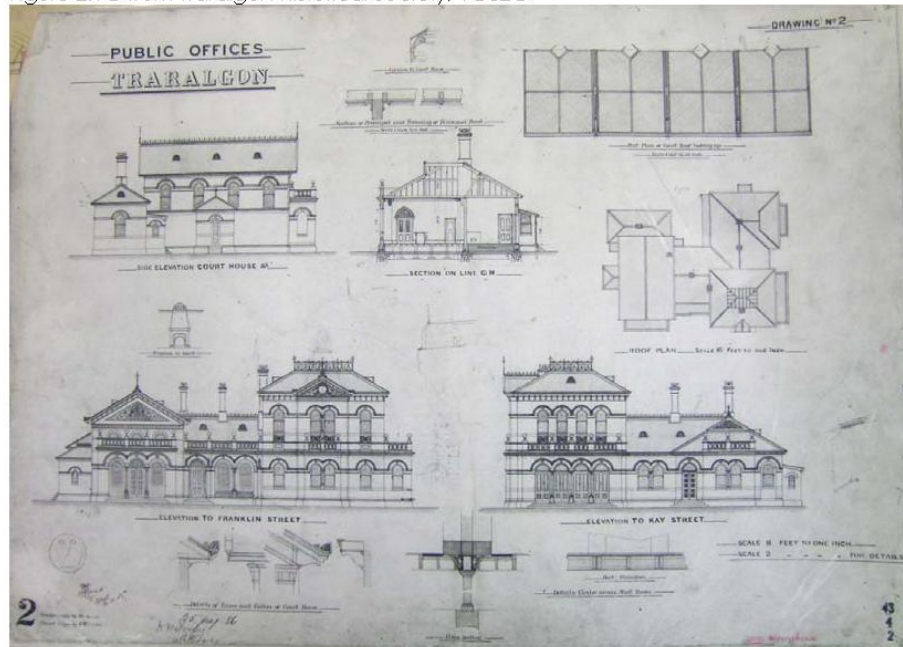


Figure 2.11 December 1885 Public Works Dept drawing, from Australian Archives

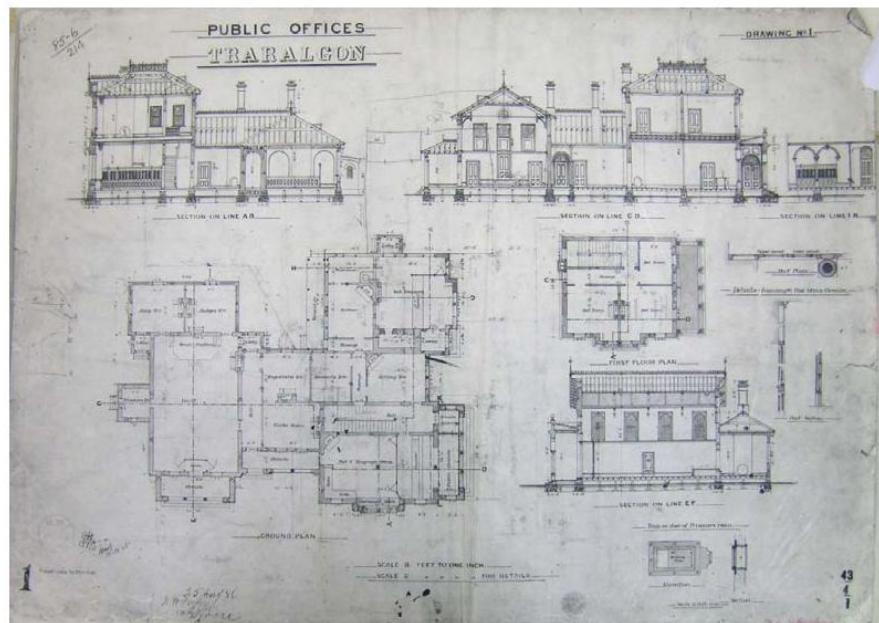


Figure 2.12 December 1885 Public Works Dept drawing, from Australian Archives

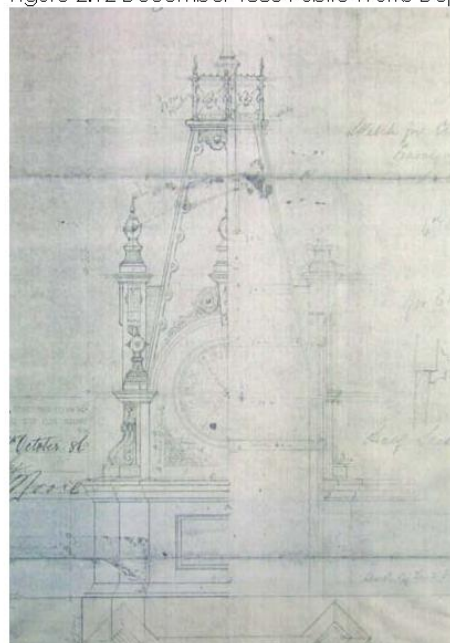


Figure 2.13 October 1886 PWD drawing from Australian Archives

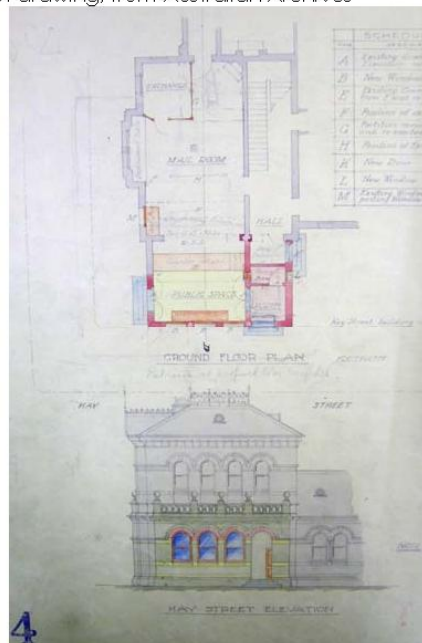


Figure 2.14 1904 alteration drawing from Australian Archives

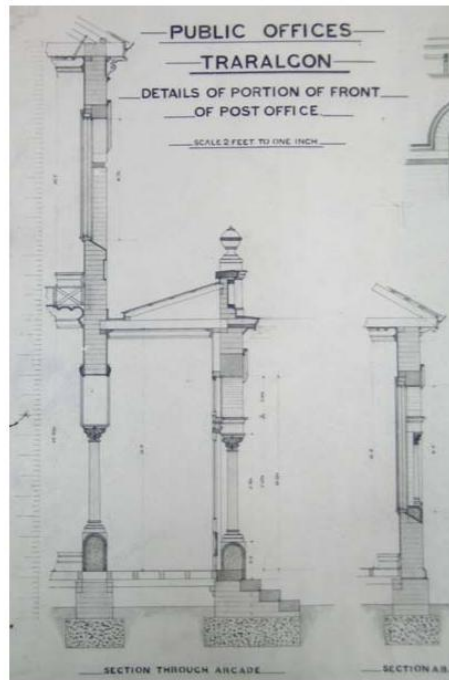


Figure 2.15 from Australian Archives



Figure 2.16 from Australian Archives

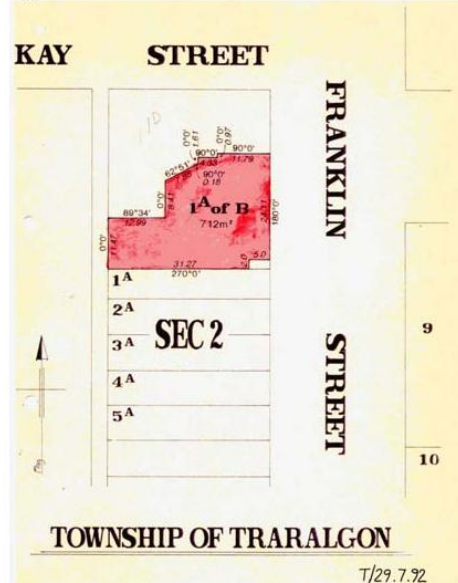


Figure 2.17 subdivision plan for Court House, from DSE Traralgon

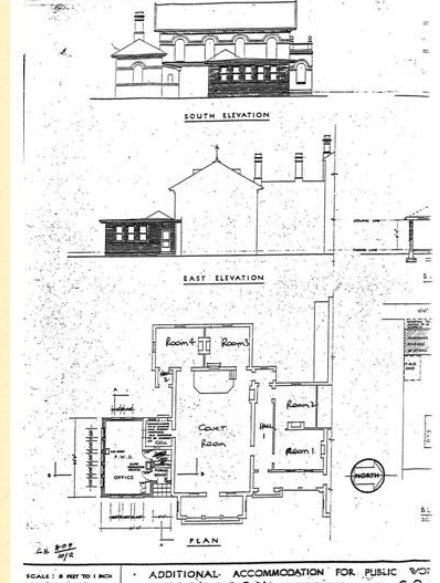


Figure 2.18 1951 additions drawing, from DSE Traralgon

2.3 Alterations to the Fabric

2.3.1 Public Offices

The following are documented and/or observable alterations to the Traralgon Public Offices site.

- The existing clock tower was added to the original contract for the public offices, c. late 1886
- The single storey portion of the Post Office was extended north towards Kay Street with numerous associated internal functional changes, c. 1901-1914
- The entry to the Post Office was shifted from Kay Street to Franklin Street and the existing entrance canopy and ramp was added, c. 1960s

- The Receipt and Pay Office was demolished and the existing Post Office extension was constructed, c. 1968

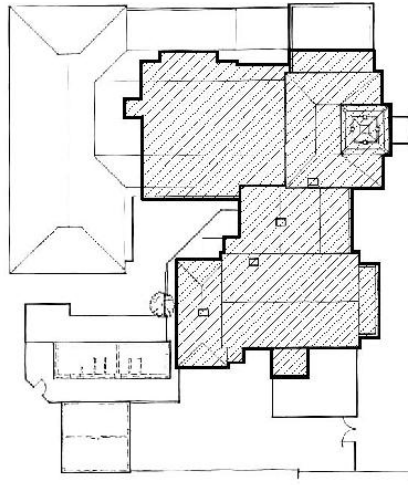


Figure 2.19 Public Offices, extent of original building superimposed over present site

2.3.2 Court House

The following are documented and/or observable alterations to the Traralgon Court House.

1. The single storey brick addition (rooms 11, 12 and 13) was added to the south of the Court House, c.1951, including:
 - the introduction of doors d20 and d21 into the original building;
 - the removal of the original roof over the lock-up (room 10).
2. The small brick toilets (room 6) were added, c. post-1951, including the introduction of doors d9 and d10, c. post 1951.
3. Doors d15, d20, d21 added (identical to doors d20 and d21), c. 1990.
4. Door d13 was introduced by altering an existing window opening, c. unknown.
5. The door opening at the end of the front recessed arcade was sealed off, c. unknown.
6. The existing door d8 was introduced into an original arched opening, c.1993.
7. The ceilings in rooms 7 and 8 were replaced with plasterboard and modern cornices, c.1993.

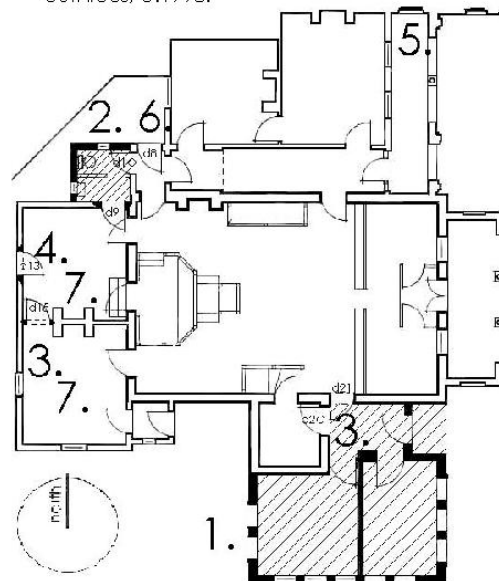
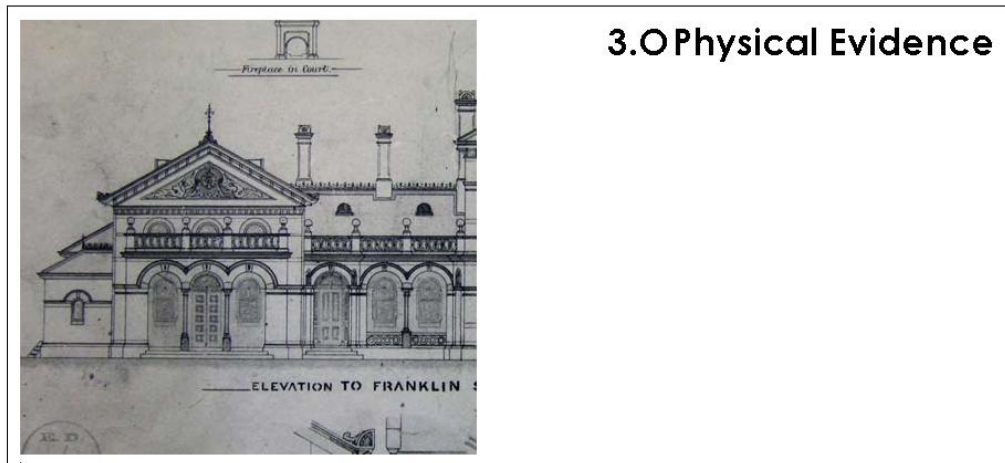


Figure 2.20 Court House Alterations



3.1 Site and Fabric Recording

The brick toilet block and brick garage at the rear of the Court House property are obviously recent additions and do not share, or contribute to, any of the stated cultural values of the Court House and/or Public Offices. Neither of those buildings has been recorded in any detail.

3.1.1 As Existing Plans

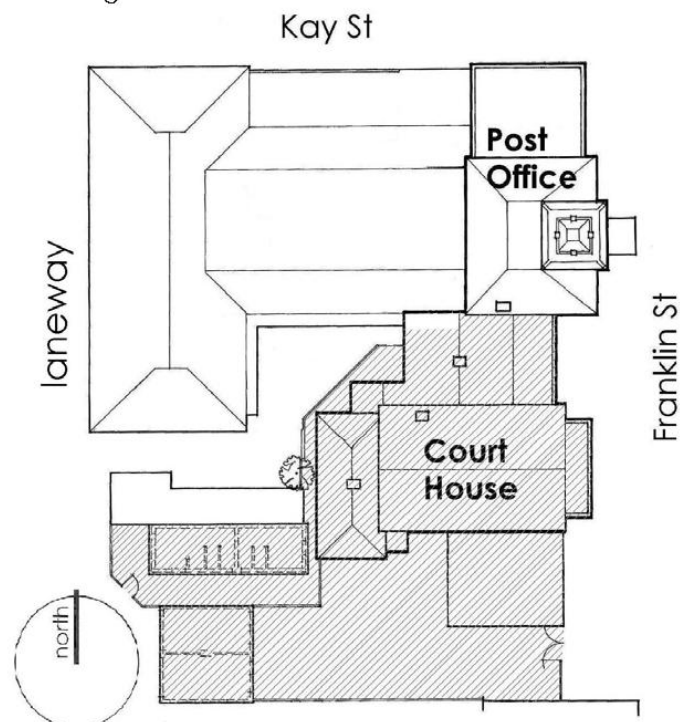


Figure 3.1 As Existing Public Offices Plan, Court House portion shaded

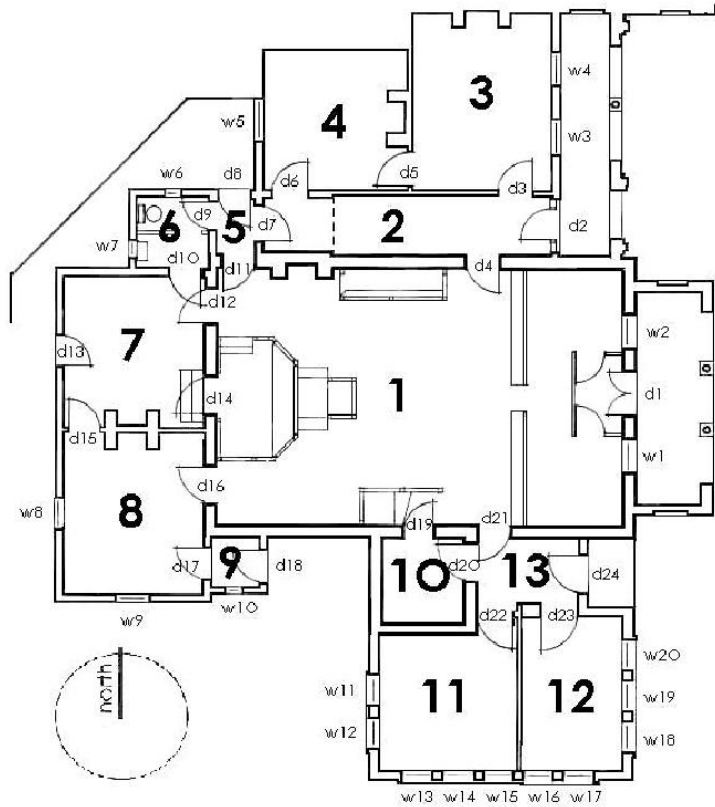


Figure 3.2 As Existing Court House Plan
3.1.2 As Existing Photos



Figure 3.3 view north along Franklin St



Figure 3.4 view west along Post Office Place
Traralgon Court House – Conservation Management Plan



Figure 3.5 Kay St and laneway



Figure 3.6 Kay and Franklin Sts



Figure 3.7 Franklin St



Figure 3.8 Post Office



Figure 3.9 Post Office



Figure 3.10 Post Office



Figure 3.11 Court House



Figure 3.12 Court House



Figure 3.13 1951 addition



Figure 3.14 as per 3.1.4



Figure 3.15 Court House rear



Figure 3.16 brick garage



Figure 3.17 brick garage



Figure 3.18 brick toilets



Figure 3.19 court yard on south side

Traralgon Court House – Conservation Management Plan



Figure 3.20 Court Room



Figure 3.21 Court Room



Figure 3.22 Magistrate's Bench



Figure 3.23 Prisoner Dock



Figure 3.24 Witness Bench



Figure 3.25 Court Room ceiling



Figure 3.26 room 2 Hallway



Figure 3.27 room 3



Figure 3.28 room 7



Figure 3.29 room 11

3.1.3 Room Schedules – Court House building only

Room:	1 (original Court Room)
Wall	plaster scored to replicate blocks; picture rail moulding along long walls and bench end
Floor	timber with carpet
Ceiling	mansard expressed; decorative beaded boards in diagonal pattern with timber mouldings defining pattern; 4 circular sheet metal vents
Skirtings/Cornices	tall Victorian skirtings consistent with original period; no cornice
Openings	3 half circular timber hopper windows high on end walls (unnumbered); 4 tall timber double hung windows at high level on south side (unnumbered); two tall timber double hung windows either side of the door at the east end (w1 and w2), d1 is timber four panel double doors; d4, d11, d12, d14 and d16 are four panel doors consistent with each other; d21 is timber four panel door but inconsistent in detail (however identical to d15); d19 is heavy timber cell door with viewing hole; d14 is raised on the wall to service the raised bench; with exception of d21 all doors and windows are consistent in construction; design and architraves.
Features	decorative fireplace breast on north wall; 8 small (modern) circular pendent lights; gas heaters and piping at picture rail level; timber furniture-most built in-most consistent with other joinery; timber lobby around main entrance on east wall is consistent with other furniture.
Comments	painted back to original colours; some furniture not consistent
Condition	good condition; no obvious defects

Room:	2 (hallway)
Walls	plaster
Floor	timber with carpet
Ceiling	plasterboard for most, arched plaster at west end
Skirtings/cornices	consistent Victorian skirtings; modern coved cornices
Openings	d2, 3, 4 and 6 are original with consistent Victorian joinery and doors; d2 is part of a Victorian door set with glazed sidelights, consistent with the rest; d7 is timber four panel door with half circular highlight over
Features	walls at the west end step in with an arched ceiling over and decorative bracket at the step; contemporary globe pendent light fitting
Comments	
Condition	no obvious defects

Room:	3 (Clerks' Room)
Wall	plaster
Floor	timber with carpeting
Ceiling	plaster
Skirtings/Cornices	deep Victorian cornice consistent with room 4; modest Victorian skirting

Openings	two timber double hung windows consistent with most others in the building (w3 and w4); d3 and d5 are four panel timber Victorian doors with consistent detailing and architraves to most others
Features	slate fireplace surround, two cast plaster vents on east wall; one contemporary pendent globe light fitting; surface mounted electrical conduits
Comments	
Condition	damp low on the north wall; damp high on the east wall over the windows, plaster patched in the northeast corner

Room:	4 (Magistrates' Room)
Walls	plaster
Floor	timber with carpeting
Ceiling	plaster
Skirtings/Cornices	deep Victorian cornice consistent with room 3; modest Victorian skirtings
Openings	w5 is timber double hung window consistent with most others in the building; d6 is four panel timber Victorian door with consistent detailing and architraves with the rest of the building.
Features	grained Victorian fireplace surround; picture rail over fireplace only; one cast plaster vent on west wall; one contemporary pendent light fitting; surface mounted electrical conduits
Comments	
Condition	damp low on the north wall

Room:	5 (lobby)
Walls	plaster
Floor	masonry (concrete?) with carpeting
Ceiling	beaded boards
Skirtings/Cornices	no skirtings; simple timber moulding at ceiling
Openings	d8 and d9 are new hollow core doors; d7 and d11 are four panel timber Victorian doors with consistent detailing to the rest of the building; openings at d7 and d11 are chamfered plaster with no architraves
Features	one flush oyster light fitting; d8 is arched brickwork over
Comments	this appears to originally have been an external lobby with no door except for d7 and d11; may have a slate floor
Condition	considerable damp low on most walls; crack in circular brickwork over d8

Room:	6 (toilets)
Wall	plaster with ceramic tiles behind basin
Floor	masonry (concrete?) with ceramic tiles
Ceiling	plasterboard
Skirtings/Cornices	no skirtings; modern coved cornice
Openings	w6 and w7 are contemporary timber with glass louvers; d9 and d10 are modern hollow core doors with no architraves
Features	modern lightweight partition; ceramic wc and basin; modern oyster light fitting
Comments	a modern addition
Condition	damp low on north and west walls

Room:	7 (Judges' Room)
Walls	plaster
Floor	timber with carpeting
Ceiling	plasterboard
Skirtings/Cornices	modest Victorian skirtings; modern coved cornices
Openings	d10 is modern hollow core door; d13 is reused four panel door in a modified window opening; d12 and d14 are four panel timber Victorian doors consistent with others in the building; d15 is a modern opening with a modern four panel Victorian reproduction door – consistent with d21 in room 1

Features	marble fireplace surround; timber steps to reached door d14 which is raised to service the bench in room 1; modern bookshelves; one modern pendent light fitting; cast plaster vents on west wall
Comments	
Condition	no obvious or serious defects

Room:	8 (Jury Room)
Walls	plaster
Floor	timber with carpeting
Ceiling	plasterboard
Skirtings/Cornices	modest Victorian skirtings; modern coved cornices
Openings	d15 is modern; d16 and d17 are four panel timber Victorian doors consistent in detailing and architraves to the rest of the building; w8 and w29 are timber double hung Victorian windows consistent in detailing and architraves to the rest in the building
Features	timber Victorian fireplace in consistent with the others in the building; cast plaster vents on the west wall; concealed and surface mounted electrical conduits; one modern pendent light fitting; modern sink unit in southwest corner
Comments	
Condition	no obvious or serious defects

Room:	9 (Lobby)
Walls	plaster scored with joints to appear to be stone
Floor	masonry with modern tiles; step up into room 8 with bluestone threshold
Ceiling	beaded boards
Skirtings/Cornices	no skirtings; simple timber moulding for cornice
Openings	d17 and d18 are four panel timber Victoria doors with consistent detailing to the rest of the building; the exterior of d17 and d18 do not have architraves but openings are chamfered; w10 is a simple fixed timber window
Features	one oyster light fitting
Comments	
Condition	good; no obvious or serious defects

Room:	10 (cell)
Walls	plaster although new (possibly part of the c.1951 works)
Floor	timber with carpeting
Ceiling	modern plasterboard
Skirtings/Cornices	no skirtings; modern coved cornice
Openings	d19 is the original security door to the court room; d20 is Victorian in initial appearance but is contemporary and inconsistent in detail to the original joinery of the building
Features	
Comments	considerably altered, probably during the c.1951 works to create the adjacent offices; the original roof over was also removed
Condition	good; no obvious defects

Room:	11,12, 13 (Offices)
Walls	plaster and plasterboard
Floor	timber floor boards with carpet
Ceiling	plasterboard
Skirtings/Cornices	stepped cornices and quad topped skirtings consistent with 1951 date
Openings	W11-20 all timber double hung windows consistent with 1951 date, d22 and 23 are hollow core with circular windows, d24 is simple glazed door all consistent with 1951 date
Features	surface mounted florescent lights, surface mounted conduits; 2 surface mounted oyster lights in room 13
Comments	this is a 1951 addition
Condition	good; damp in the ceiling and in the west wall

3.2 Architectural Comparison

The Traralgon Public Offices is one of at least 9 public offices (combinations of court houses, post office, offices, town halls, etc) constructed in the Colony of Victoria prior to 1900. It is not the largest or the most ornate (Shepparton probably wins both).

The Traralgon Public Offices consisted of the Court House, Post Office and Receipt and Pay Office. Only the Court House and a portion of the Post Office remain and the interior of the Post Office has been altered beyond recovery. In effect, only about half of the original Traralgon Public Offices remain.

There is some inconsistency and doubt about the specific designer of the Traralgon Public Offices. Both John Thomas Kelleher and John Russel Brown are attributed with the design and both signed the drawings. A signature on the drawing however does not ascribe authorship, it could just mean approval. Bruce Trethowan in his seminal *The Public Works Department of Victoria 1851-1900* appears to identify Brown worked under Kelleher on the Traralgon Public Offices as the designers.

Trethowan further states,

"All of Brown's buildings are heavily ornamented with iron ridge railings, finials, balustrading, and elaborate gable decorations. Usually this decorative application was highly unsuccessful and sometimes absurd..." and

"J.R. Brown excelled in the quest for the most ornamented house with sunshades, multi-gabled facades with decorative woodwork, Gothic roof vents and elaborate chimneys."

Trethowan's statements would appear to solidify Brown as the designer of the highly decorative Traralgon Public Offices, even with Trethowan's critical opinion of Brown's design capability.

It is most accurate however to state that the Traralgon Public Offices were a product of the Victorian Public Works Department, rather than expressing any individual's 'style' or 'signature'. A visual comparison of other court house of the period indicates that the Traralgon Public Offices are similar in detailing and the use of almost identical design features to Benalla (1888), Berwick (1885), Camperdown (1887), Donald (1885), Moonee Ponds (1890) and Warragul (1888).



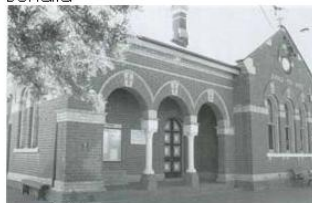
Benalla



Berwick



Camperdown



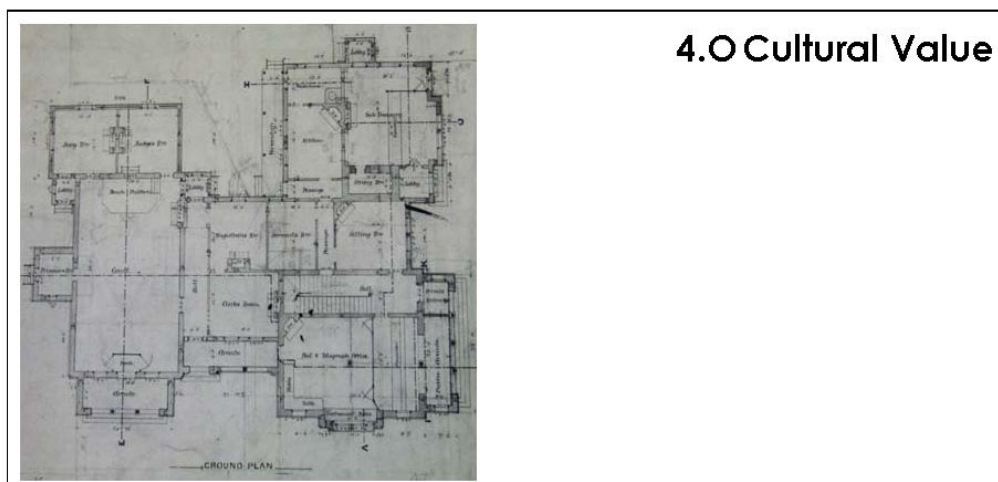
Donald



Moonee Ponds



Warragul



4.0 Cultural Value

4.1 Existing Statement of Cultural Value

The following is the existing Statement of Cultural Value from Heritage Victoria. It should be noted the statement is not in the current Heritage Victoria format and that references to 'criterion' appears to be the criteria for inclusion on the Register of the National Estate, prepared by the Australian Heritage Commission.

The Post Office and Court House is a major 19th century building in Traralgon located on a key site and retaining most of its original architectural details. It is of regional historic significance as a symbol of Traralgon's development and importance as a regional centre for communications and civic administration. Architecturally it is of national significance as an example of a building complex with substantially intact features which demonstrate a variety of Victorian medieval and classical ideas combined in the one building."

4.2 Heritage Victoria Criteria

Subsequent to the listing of the Traralgon Court House and Post Office by Heritage Victoria, that organisation developed the following Criteria for Assessment of Cultural Heritage Significance.

The author has prepared the following comments against these criteria in order to update and clarify the cultural value of the Court House (and Post Office).

Criterion A The historical importance, association with or relationship to Victoria's history of the place or object

The Traralgon Public Offices is reflective of the settlement of Victoria generally and the establishment of government services in new or established townships.

Criterion B The importance of a place or object in demonstrating rarity or uniqueness.

The Traralgon Public Offices are an unusual, although not unique, example of several public offices being combined into a single building. Refer to the discussion in Criterion E below.

Criterion C The place or object's potential to educated, illustrate or provide further scientific investigation in relation to Victoria's cultural heritage.

The Traralgon Public Offices do not have any scientific potential worthy of illustration or investigation.

Criterion D The importance of a place or object in exhibiting the principal characterises or the representative nature of a place or object as part of a class or type of places or objects.

Criterion E The importance of the place of object in exhibiting good design or aesthetic characteristics and/or in exhibiting a richness, diversity or unusual integration of features.

The combined Traralgon Public Offices were a notable achievement in the design of government buildings. While not unique, the combination of three government functions into one building resulted in a striking composition. The original building was not so much a single composition though, as three different (but similar) building butted together. Other combined offices such as Alexandra, Clunes, North Melbourne and Heathcote are more clearly designed as a contiguous composition.

The architectural expression of the remaining portions of the Traralgon Public Offices is not clearly attributable to a single government architect. The building is attributed in various sources to JJ Kelleher and JR Brown but is also strikingly similar to court houses designed by SE Brindley and JBH Austin. The architectural expression of the Public Offices is that of the public service, not that of an individual architect.

While the architectural expression of the Traralgon Public Offices is unique, it is embellished by standard architectural details from other government buildings. The truncated columns, parapet balustrade, brick arches and roof top lacework are all typical elements from other similar court houses. It is difficult to state this building's composition is of greater merit than other court houses and/or combined government buildings.

The combination of those architectural elements however creates a wonderful traditional building occupying an important corner location in Traralgon. It is possibly the location which most strikingly sets off the 'interesting' architectural expression.

Criterion F	The importance of the place or object in demonstrating or being associated with scientific or technical innovations or achievements.
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The Traralgon Public Offices do not demonstrate any scientific or technical innovations or achievements.

Criterion G	The importance of the place or object in demonstrating social or cultural associations.
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Like most other townships in Victoria, the erection of the government offices in Traralgon was a demonstration or reinforcement of importance. Government services such as courts, post offices, railways stations, etc were a commitment by the Colonial government to Traralgon's future, although compared to many other Victorian communities that commitment was rather late. Over time Traralgon was eclipsed with Sale becoming the judicial centre for Gippsland with its larger court buildings and its seat of the Supreme Court.

The Court House at Traralgon was a Court of Petty Sessions. The types of cases which were heard charges such as drunkenness, street offences, minor assaults and breaches of by-laws. The proceedings in the Court House were not necessarily reflective of its architectural achievement.

Likewise, the desertion of the Court House was a demonstration of evolution/rationalisation of government services over a larger geographic area.

Criterion H	Any other matters which the Council considers relevant to the determination of cultural heritage significance.
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It is important to note the relative integrity of the original Public Offices has been severely compromised by the demolition of the original Receipt and Pay Office and the alterations to the interior and exterior of the Post Office.

4.3 Updated Statement of Cultural Value

The following uses the current Heritage Victoria format.

4.3.1 What is significant?

The remaining portions of the original 1886 Traralgon Public Offices are of heritage value-essentially the Court House and Post Office. The later 1950s and 1960s additions are not considered to be of value, nor the now demolished Pay and Receipt Office.

4.3.2 How is it significant?

The Traralgon Public Offices are of historical and aesthetic value.

4.3.3 Why is it significant?

The Traralgon Public Offices is an important statement of the history, growth and development of Traralgon in the late 19th century.

The Traralgon Public Offices are significant as scarce example of a Victorian Public Works Department building combining several 'offices'. The striking composition is highly decorated, although it lacks a strong design continuity expressed in other combined buildings. Its significance is compromised by the previous demolition of the original third 'office', leaving the court house and post office.

The Traralgon Public Offices are important traditional visual elements in the centre of Traralgon. Their visual importance complements and reinforces their statement as historical elements.

The Traralgon Court House demonstrates a higher level of internal integrity than the adjacent Post Office which has lost all internal integrity.

4.4 Hierarchy of Court House Physical Components

The following is a hierarchy of the relative degree of contribution of the components to the cultural values of the Traralgon Public Offices. The hierarchy recognises Article 5.2 of the Australia ICOMOS *Burra Charter* which states, "Relative degrees of cultural value may lead to different conservation actions at a place"

4.4.1 Primary Contribution

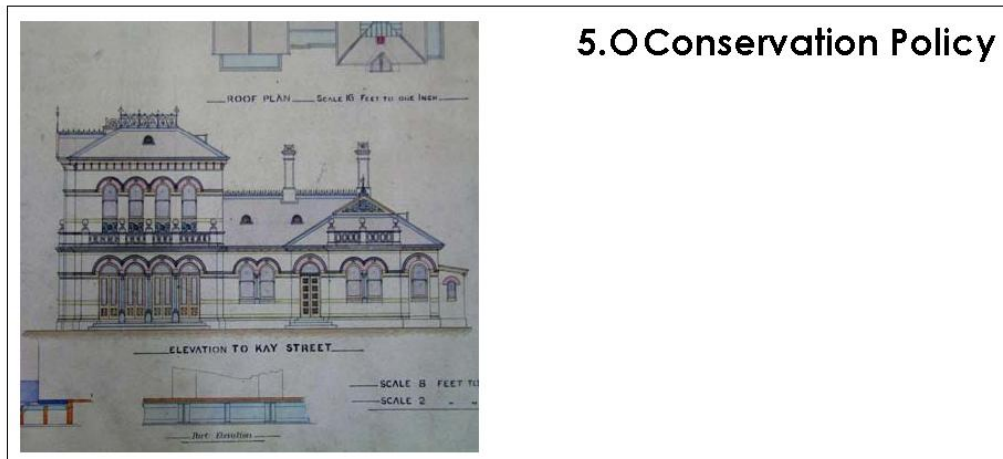
- the whole of the tower, roofs and all first floor elevations of the Post Office;
- the north, east and south elevations ground floor fabric of the Post Office which face or can be seen from Kay and Franklin Streets;
- the whole of the Court House fabric which face or can be seen from Kay Street;
- the taller north, east and south elevations (enclosing the court room);
- the east elevation of the single storey connection between the court room and the Post Office (enclosing rooms 2, 3 and 4);
- the gable slate roof (over the court room);
- the eastern portion of the gable corrugated iron roof facing Franklin Street (over rooms 2 and 3)
- the single storey porches of the Court House on Franklin Street;
- all fireplaces;
- room 1 and its ceiling in particular

4.4.2 Secondary Contribution

- remnant internal fabric of the Post Office which may date from pre-WWI;
- the external fabric of the west (taller) elevation of the Court House;
- the external fabric of the lower portion of south (taller) wall of the Court House;
- the remaining external fabric of the former cell (room 10);
- the external and internal fabric of the rear rooms of the Court House (enclosing room 4, 5, 7, 8 and 9);
- the slate and corrugated iron roofs over rear rooms (over 2, 4, 5, 7 and 8);
- joinery and court related furniture in the Court Room;
- rooms 2, 3, 4, 5, 7, 9, 9 and 10.

4.4.3 No Contribution

- all fences, paving or landscaping on the Public Offices site;
- the external and internal fabric of 1960s brick addition to the Post Office (on Kay Street and the laneway);
- the modern canopy, steps/ramp and doors at the entry to the Post Office;
- the internal fabric and fit-out of the Post Office;
- the brick toilets and brick garage behind the Court House on the laneway;
- the whole of the toilet addition at the rear of the Court House (room 6);
- the external and internal fabric of the office addition at the side of the Court House (rooms 11, 12, and 13);
- the void at the rear (west) and side (south) of the Court House;
- rooms 6, 11, 12 and 13.



5.0 Conservation Policy

5.1 Conservation and Management

5.1.1 The Traralgon Public Offices must be managed to conserve its relative cultural values for the benefit of future generations.

Rationale: The Traralgon Public Offices (Court House and Post Office) are part of Traralgon's cultural heritage and identity. The Public Offices provide residents and visitors with a tangible expression of Traralgon's history and landscape. The Public Offices are historical records and must be conserved for present and future generations.

5.1.2 The Traralgon Public Offices should be managed cooperatively, to ensure actions by individual 'managers/owners' do not compromise the cultural values of the total.

Rationale: While the Court House and the Post Office are now under separate ownership, their cultural value is as a whole. Each manager/owner should be aware of their responsibilities to the other and to conserving the cultural values of the whole – the Public Offices.

If at all possible this cooperation should be instinctive, but a formal agreement would also be appropriate. The statutory listing of the Public Offices on the Victorian Heritage Register should provide another opportunity to coordinate actions.

5.1.3 The Traralgon Public Offices should be managed to facilitate their conservation-by-use and to facilitate wherever possible an ongoing and sustainable use(s).

Rationale: The Traralgon Public Offices were built to accommodate functions and activities. While in the case of the former Court House, that activity has changed, the inherent role of any building is to accommodate activities. While the Public Offices are of cultural value, this should not deprive them of their inherent role.

In maintaining an ongoing use, the Traralgon Public Offices (and Court House and Post Office individually) continues to contribute to the community and justify its ongoing maintenance. Wherever possible, uses should be public, ongoing and sustainable.

While original functions are preferable, they are not mandatory. During their lifetime as a court house and post office respectively, the two buildings which make up the Traralgon Public Offices have been altered to accommodate changes in their activities. Change is inevitable in the ongoing use of the buildings and as such does not pose a threat to the conservation of the Public Offices.

5.1.4 Traralgon Public Offices should, wherever possible, be provided with, and/or allowed to generate, sufficient financial resources to facilitate its ongoing conservation and maintenance.

Rationale: The maintenance and improvement of the Traralgon Public Offices will require a financial commitment by the managers/owners. In return, and to complement this commitment, the buildings which make up the Public Offices should be provided with, and/or allowed to generate an income to support that commitment on an ongoing basis.

In the June 2003 Heritage Council of Victoria's A Review of Heritage Place Management in Victoria, it was noted, "*The sustainability of most heritage places relies on...a usage plan that can both recover the costs of operation and contribute to the ongoing cost of maintenance.*"

While full 'cost recovery' may not be possible, a contribution towards costs is possible, even in terms of a public or community uses. A degree of creativity and innovation may be required to realise this policy, but will be well worthwhile in the long term.

5.2 Site

5.2.1 The site of the Traralgon Public Offices need not be literally 'restored' to a specific, previous state or period, but should concentrate on maintaining and enhancing the visual dominance of the Offices in their environs.

Rationale: As noted previously, the integrity of the Public Offices as a whole has already been compromised by the demolition of the (little appreciated) third part of the Offices – the Pay and Receipt Office which faced Kay Street. The literal 'restoration' of the former Public Offices site is therefore not possible, and certainly not required.

While regrettable with hindsight, its replacement building does not distract from the appreciation of the remaining Court House and Post Office. Further works and proposals should seek to maintain the visual dominance of the two buildings in their important location at the junction of Kay and Franklin Streets and Post Office Place.

5.2.2 The undeveloped portion of the site adjacent to the Traralgon Court House may be utilised in terms of use and community amenity to complement and support a sustainable future for the Court House.

Rationale: The portion of land immediately south of the Court House has never been developed and only partially occupied later by the present, unfortunate, 1950s addition. The retention of this addition is not required.

This land provides a unique opportunity in central Traralgon for open space and/or accommodation to complement and support the use of the Court House. The options may include landscaping and/or buildings.

5.3 Exterior

5.3.1 The exterior of the Traralgon Public Offices need not be literally 'restored' back to a specific previous state or period.

Rationale: Restoration is used in the context of a house-museum. While the Court House is relatively intact, the Post Office has been altered over time at ground level, although not to the extent where its public contribution to its environs is negated.

5.3.2 The exterior of the Traralgon Public Offices (particularly as seen from the public domain) should be conserved to retain and enhance their traditional qualities and fabric.

Rationale: The visual appreciation of the Court House and Post Office, and specifically their architectural qualities and embellishments should be the main concern of external conservation actions. Those areas with limited visual access should have a corresponding level of concern.

While the Court House has a higher external (and internal) integrity than the Post Office, their conservation as an entity should be

paramount – in terms of colour, detailing, new works, signage and landscaping.

As opportunities present themselves, the reversal or mitigation of less sensitive works to the Post Office should be facilitated. Again this does not imply a return of the building to a specific previous appearance, but it does embrace more respectful design endeavours to maximise the appreciation of the Public Offices as an entity. The present canopy and entrance steps/ramps at the Post Office, and the street furniture/signs at the same entrance are cases in point.

5.4 Interior

5.4.1 The interior of the Traralgon Public Offices need not be literally 'restored' back to a specific previous state or period.

Rationale: This statement is in the context of creating house-museums of the Court House and/or Post Office.

Where traditional features remain in either building, they should be retained and conserved, with adaptation to accommodate an ongoing, sustainable function.

5.4.2 The interiors of the Court House and the Post Office should be conserved with an appreciation of the relative integrity of each.

Rationale: The Post Office has little or no internal integrity and the degree of constraints should be corresponding.

The Court House has a higher level of integrity, and accordingly should be more sensitive in its conservation and adaptation. This does not imply that adaptation and change is prohibited.

5.5 Interpretation

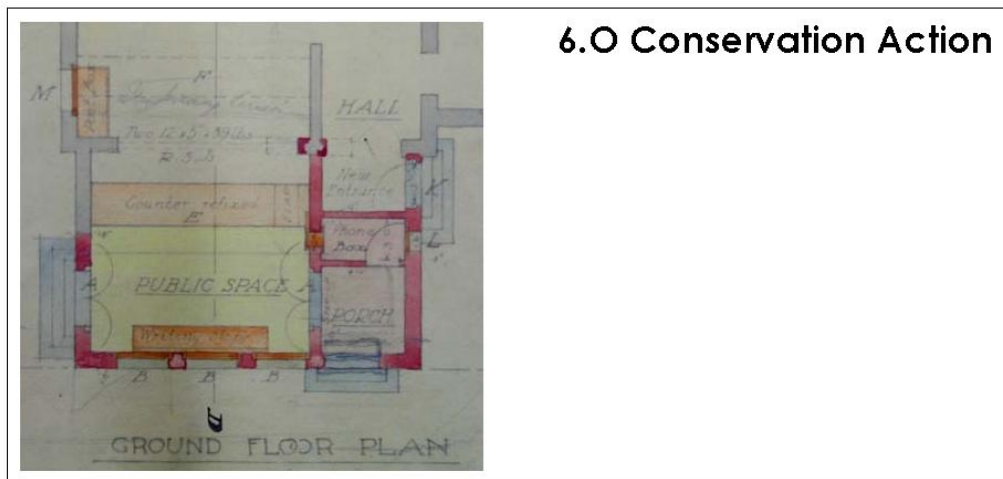
5.5.1 The cultural values of the Traralgon Public Offices should be celebrated and transmitted to the public in an appropriate manner.

Rationale: As iterated several time above, the literal 'restoration' of the Public Offices in the context of a house-museum is not required. Likewise, the interpretation of the cultural values of the Offices does not require the traditional house-museum approach.

The interpretation of the Court House in particular does not imply the presentation of how a court functioned – to the exclusion of a new use.

The continued use of the Court House and the Post Office for public functions provides an opportunity for the wider community to experience their architectural qualities, without having to resort to a house-museum. The continued public use of the Court House is a subtle form of interpretation.

Interpretation can take on a variety of forms but successful interpretation requires creativity and innovation. The interpretation of the Public Offices may change and/or evolve over time.



6.0 Conservation Action

6.1 Maintenance Priorities (Court House)

6.1.1 Urgent Works

Note: The following costs are indicative only and are not based upon quotes.

a. Slate Roof, \$8,500±

- The existing slate roof must be pressure cleaned to remove the existing moss and growths.
- Care must be exercised to prevent damage to the slates.
- Some slate replacement should be anticipated (5%)
- The existing cast iron ridge decoration should be painted.

b. Rainwater Goods, \$12,500±

- All existing flashings must be inspected following the above cleaning and replaced as existing, as required (30%)
- The existing cast iron gutters should be removed, labelled and stored for possible future conservation.
- The existing cast iron downpipes should be disconnected from the gutters and capped within the eaves soffit. The cast iron downpipes should be retained for appearances only – brushed, rust treated and painted.
- The above guttering should be replaced with colourbond finished galvanised guttering of the same Ogee profile (possible larger profile).
- Install new circular galvanised downpipes to the new gutters, exposed for easy cleaning, at the rear of the main court room roof and less exposed areas elsewhere.
- This project need not restrict the new downpipes to the existing locations. Efficiency and visibility are the two priorities. This will require some below ground drainage to stormwater lines as well.

c. Flashings and drainage with Post Office, \$10,000±

- There is evidence of damp on the shared wall with the Post Office.
- All flashing with the Post Office should be replaced as existing.
- The existing drainage of rainwater on the shared wall will require review and resolution to address damp, particularly under the floor of rooms 3 and 4.
- Cast iron downpipes from the Post Office roof, which run inside or on the walls of the Court House and then under the Court House should be disconnected and re-routed/replaced in galvanised iron where exposed and plastic where concealed.
- The a portion of the floorboards in rooms 3 and 4 should be removed and replaced with screwed water proof sheet flooring to create a 600mm wide access panel to assist in the above drainage works and future inspection.

d. Joinery Repairs, \$12,000±

- The existing doors and windows all require maintenance, including:
 - scraping of loose paint;
 - replacement of deteriorated elements (15%);

- operating portions made operable again (including weights in double hung windows;
- repainting.
- All external doors should be keyed alike
- The existing bargeboards, eaves and associated decorative timber joinery requires maintenance including:
 - scraping of loose paint;
 - replacement of deteriorated elements (25%);
 - repainting.

6.1.2 Maintenance Plan

The Court House must be included in the Latrobe City Council building maintenance program.

This program should include:

- Inspecting and cleaning gutters and downpipes once a year
- Painting external timber joiner
- Monitoring of damp on the high level walls of room 1 and the walls adjoining the Post Office

6.2 Conservation Guidelines

6.2.1 General

- a. Wherever possible, works should not involve:
 - changes to significant fabric as note below;
 - changes which have an adverse impact upon the appreciation of the heritage values of the group and building; and
 - changes which are reversible.
- b. Wherever possible, materials and features should be repaired rather than replaced.
- c. The development of proposals and the implementation of works should involve the input from an experienced heritage practitioner.
- d. The introduction of sustainable 'green' technologies and opportunities should be encouraged but accommodated in such a manner as to minimise possible visual disruption to the appreciation of the building.
- e. Appropriate building acts and regulations must be complied with, but in such a manner as to minimise potential disruption to the fabric and appreciation of the Court House. It may be possible to apply for dispensation on the basis of the cultural values of the building, but every attempt should be made to comply.
- f. Works to the Traralgon Court House and Post Office require a permit from Heritage Victoria – refer to www.heritage.vic.gov.au/permits. Reference should be made to this document and how the proposed works comply with it.
- g. Variations to the following parameters may be considered but not on the basis of expediency. Proposed variations must demonstrate a tangible benefit to the sustainable conservation the building and/or a particularly creative or innovative approach to its regeneration.
- h. The retention of the Traralgon Court House in State Government ownership is not required to conserve its cultural values. The transfer of the building to local government ownership is appropriate and will not compromise its cultural values. Any change of ownership should be dependent upon a direct benefit to the conservation/maintenance of the building.
- i. The consolidation of the ownership with the Post Office into one entity is encouraged but not mandatory.
- j. New works/construction and/or features at the Court House (and Post Office) should:
 - facilitate the viable and active use of the building, and/or indirectly support its conservation and ongoing maintenance;
 - retain as much of the important fabric, as noted in this document, as possible;
 - allow for the visual appreciation of the Court House;
 - be appreciable as contemporary additions/alterations;
 - conceal services wherever possible;

- avoid imitations of traditional buildings/features/designs which never existed at the Property;
 - utilise creativity and innovation in use and design.
- k. In terms of the Public Offices site - Court House and Post Office;
- only those two 1886 buildings are of value. The other buildings may be removed, retained and/or altered;
 - the reinstatement of Pay and Receipts Office or any picket fences is not required;
 - The retention of the 1968 post office additions (along Kay Street and the laneway) is not required to conserve the cultural values of the Offices. Any replacement or alterations should not exceed the current building envelope and should be visually treated to be recessive and understated (in particular colours) in comparison to the 1886 building.
 - alterations/additions must not visually intrude upon, or impede, the appreciation of the Court House or Post Office, including signage.
 - The enhancement of the Franklin Street frontage of the Court House (and Post Office) is encouraged, particularly to remove visual intrusions and complement the traditional character of the two buildings.
 - The enhancement and use of the open space immediately south of the Court House to complement the Court House and facilitate its ongoing use is encouraged. This enhancement may include landscaping, free standing structures and possibly structures abutting the Court House. The incorporation of this area with enhancements in front of the Court House (and Post Office) is strongly encouraged. Landscaping and structures should be contemporary and creative, but should not visually compete with the Court House.

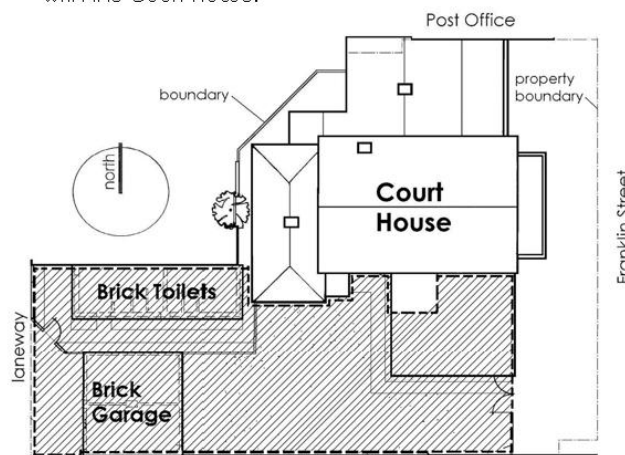


Figure 6.1 The hatched area is available for expansion, e.g. building(s), landscaping, etc

6.2.2 Court House

a. External

- The literal restoration of the Court House back to a specific period or previous appearance is not required.
- However, the conservation of the Post Office should include the retention of its 1886 fabric and the restoration of its Primary physical components – refer to 4.4.1, page 26.
- The conservation of the building should also include the restoration/adaptation of its Secondary physical components – refer to 4.4.2, page 26.
- The existing colour scheme of the Court House should be retained and its application/coordination to the adjacent Post Office should be encouraged.
- The retention of the 1951 additions to the Court House (rooms 11, 12 and 13) is not required to conserve the cultural values of the Offices. Likewise the retention of the toilet addition at the rear of the building (room 6) is not required.

- Alterations/additions, as required to provide a viable and sustainable ongoing use, should be restricted to the less visible portions of the building – those Secondary physical components identified in 4.4.2, page 26.
 - Where alterations/additions are required in the areas of Primary physical components special care is necessary to minimise physical and visual intrusion.
 - The sensitive alteration of the original gutters and downpipes to improve drainage and maintenance is appropriate. The existing ‘rear entry’ downpipes as well as their cast iron fabric, has failed and in the case of the main roof, it too awkward to maintain. The use of painted/prefinished galvanised iron for the gutters and downpipes and the use of ‘exposed’ eaves downpipes is appropriate. The cast iron gutters should be labelled and stored, but wherever possible the cast iron downpipes should be retained insitu, but sealed.
 - The slate roof, ridge decoration, eaves decoration and the decorated gable of the main roof must be retained. The reinstatement of slate to the smaller roof between the main roof and the Post Office is encourage (with lead vents) but is not mandatory.
 - The reinstatement of the slate roof over the cell (room 10), should the opportunity present itself, is encouraged but not mandatory. Likewise, the reinstatement of the exposed brick finishes where rooms 11-13 currently about the Court House. Is encouraged should the opportunity present itself.
 - Wherever possible, hard paving should be separated from the original brick walls (except at thresholds) by a 600mm gravel strip to allow the walls to ‘breathe’.
 - Electrical conduits and redundant wiring/pipes should be removed.
- b. Internal**
- The literal restoration of the Court house interior back to a specific period or previous appearance is not required.
 - However, the conservation of the building should include the restoration of the ‘shell’ of the court room (room 1), with adaptation to accommodate a viable and sustainable ongoing function.
 - The conservation of the building should also include the adaptation of the Secondary rooms, with elements of restoration as required in ‘public’ rooms.
 - The existing colour scheme of the court room (room 1) should be retained. The extension of this scheme into Secondary rooms, where a ‘public’ function is accommodated.
 - The Court Room (room 1) is the pre-eminent room in the building in terms of importance and care for its appearance. This does not prevent adaptation, but places a greater emphasis on reversibility and care than the other rooms of the court house. The major original built-in features such as the fireplace, ceiling, doors, windows and joinery should be retained intact.
 - The judicial fit-outs (bar, bench, witness box, etc) would preferably be retained intact, however it is recognised this may prohibit or compromise the building’s sustainable future use. Their modification, to facilitate a use and minimise their obstruction, may be considered where:
 - it is recorded, dismantled and the unused portions labelled and stored;
 - the original item is retrievable at a future date;
 - the modification retains the majority of the item intact;
 - the item remains within the building and/or extension of the building.
 - In the Secondary rooms;
 - the same level of reversibility and care is not required;
 - chimney breasts e retained and the retention of the surrounds is encouraged. These may however be enclosed to prevent disturbance or dismantled and stored in the building;
 - original comices and joinery should be retained.
 - New alterations/additions to accommodate a new function should not imitate original features and should be contemporary and creative. Creativity may also include the sensitive adaptation of court room furniture to accommodate a new role.

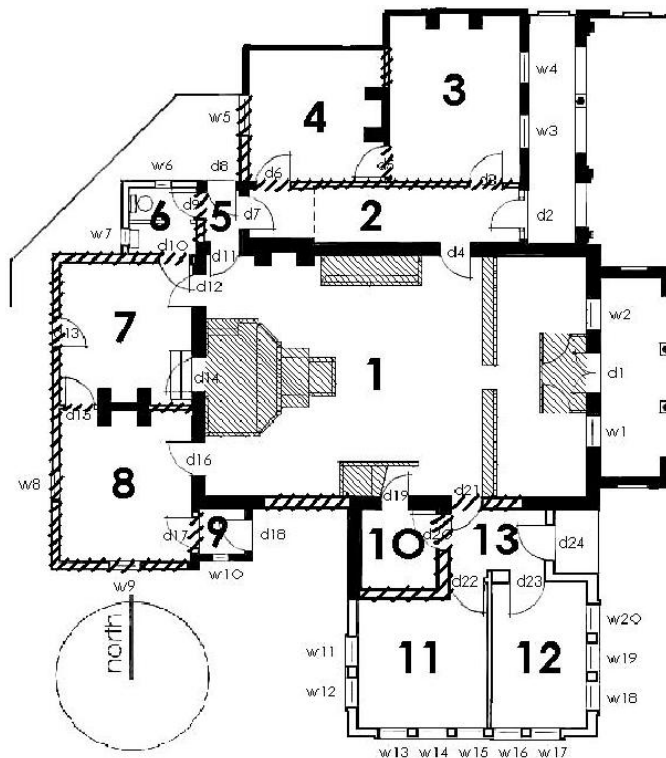


Figure 6.2 Court House Guidelines

- solid walls are Primary components and must be retained intact
- hatched walls and features are Secondary Components and must be retained but may be altered
- open walls may be retained, removed or altered
- room 1, the court room, is the most sensitive in terms of alterations

6.2.3 Post Office (indicative)

a. External

- The literal restoration of the Post Office back to a specific period of time or previous appearance is not required.
- However, the conservation of the Post Office should include the retention of its remaining 1886 fabric and the restoration of its Primary physical components – refer to Figure 6.3.
- The conservation of the building's exterior should also acknowledge the multiple alterations to the window/door openings over time, and consider their further alteration, within the existing openings.
- The further alteration/enhancement of door d25 is encouraged, along with a potential alteration/enhancement of the adjacent entry canopy.
- The alteration/redesign of the existing entry canopy of the Post Office is encouraged to minimise the visual disruption of the existing entry to the appreciation of the building as a whole. This should include and be coordinated with the ramp and steps access and the letter boxes as required. The relocation of the entry to the Post Office back to Kay Street is acceptable but not mandatory.
- The existing colour scheme of the Court House should be retained.
- The slate roof, cast iron ridge capping and clock tower must be retained. The replacement of the cast iron ridge decoration may consider a more durable metal such as aluminium.
- Cast iron gutters and downpipes should be replaced with appropriate sheet metal alternatives to the same profiles and diameters. Care must be taken to use mutually compatible metals with other metals on the roof (flashings, etc). Refer to comments under 6.6.1b and 6.6.2a.

b. Internal

- The interior of the Post Office has been altered almost continuously over the past 100 years. The interior of the public postal chamber was inspected but nothing of any traditional architectural merit was noted to require conservation.
- It is encouraged that any proposed works to the interior of the Post Office should not have any adverse impacts upon the exterior appreciation of the Post Office.
- It is encouraged that any proposed works to the interior of the Post Office are referred to the Latrobe City Council for comment and consideration.

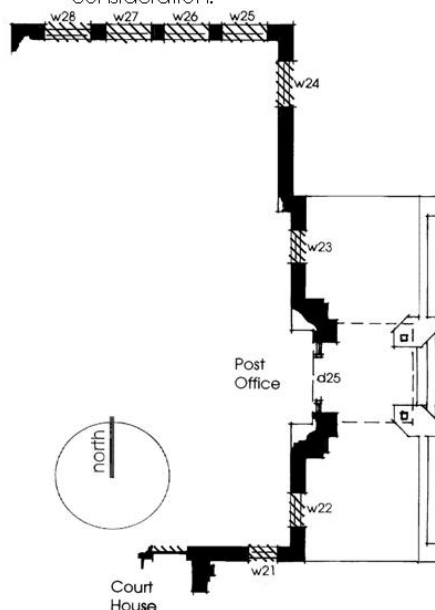


Figure 6.3 Post Office Guidelines

- solid walls are Primary components and must be retained intact
- hatched walls and features are secondary components and must be retained but may be altered
- open walls may be retained, removed or altered
- there should be no restrictions internally in the Post Office

6.3 Indicative Concept

6.3.1 Introduction

On 11 March 2009, the author met with community groups and individuals and available members of the Council to discuss the future of the Court House. A number of views were expressed but there was a surprising degree of continuity and commonality.

There was a general concern about the alienation of the Court House from the community. Rumours regarding its use as a restaurant, café, bottle shop, etc had caused those concerns. A Council officer clarified the Council has never sought expressions of interest in the building. It was acknowledged that while informal proposals from individuals had been received by the Council, they were not solicited nor endorsed.

The public view on the building was very much a community facility for the purpose of community meetings, exhibitions, forums and celebrations. I would be a facility used by a variety of community groups but not dedicated or managed by any one. Management would be through the Council.

It was noted the Council was currently investigating the feasibility of a Latrobe City Performing Arts and Convention Centre and this the Court House could accommodate some of the requirements. It was also suggested a portion of the Court House could accommodate a visitor/resident's information centre.

Traralgon Court House – Conservation Management Plan

There was discussion over the use of adjacent land immediately south of the Court House and it was agreed it had the potential to complement and support Court House in this community role. It was also discussed that, in part, this land could be used to accommodate a café or similar, which would generate a revenue stream to financially support the maintenance of the Court House as well as provide a catering opportunity for functions in the Court House.

The nature of the meetings was not to determine a specific use or brief but rather to inform the following Indicative Concept.

6.3.2 Indicative Brief

For the purpose of the following Concept, the following points are used as an Indicative Brief.

A Community Facility

- used by a variety of groups, not a permanent venue for any one group
- used for meetings, forums, exhibitions and celebrations
- used only for short periods and booked/coordinated through the Council
- with disabled access
- with toilet facilities, preferably internal
- with tea/kitchen facilities, not for cooking but just preparation and serving
- with some form of heritage interpretation

6.3.3 Indicative Concept

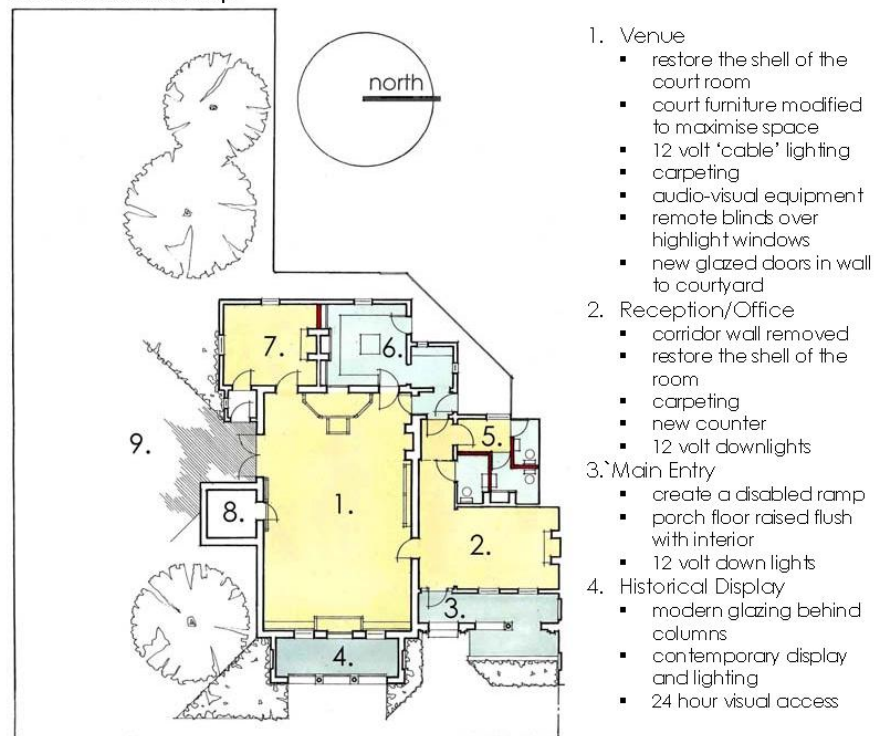
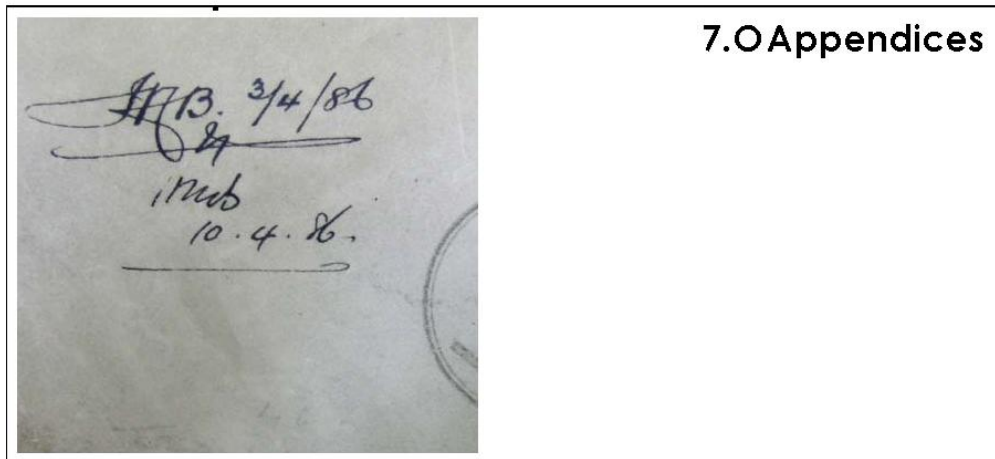


Figure 6.4 Indicative Concept Plan and Notes

5. New Amenities
 - 1-disabled toilet
 - 2-unisex toilets
6. Kitchen/Serving
 - new external door
 - 'behind-the-scenes' access
 - new counters
 - no cooking facilities
7. Ancillary Room
 - forum breakout space
 - access outside
 - possible storage cupboards
8. Store
 - for dismantled/altered court furniture
9. Courtyard
 - remove existing garage and toilets
 - breakout space for Venue
 - public access
 - future contemporary landscaping



7.0 Appendices

7.1 Bibliography

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- Victorian Heritage Database Online, <http://vhd.heritage.victoria.vic.gov.au/vhd/heritagevic>

7.2 Limitations on this Investigation

In proposing this document to the Latrobe City Council, the author identified the following proposals which were accepted by the City.

1.4.1 Outline/Table of Contents

I propose the following outline/table of contents for the Conservation Management Plan (CMP) for the Traralgon Court House. It is a modified version of the Heritage Victoria outline.

It also follows the outline recommended by Dr. James Kerr in his seminal publication The Conservation Plan with two major divisions – The Analysis (why is it significant) and The Plan (what do you do with it).

1.4.2 Notes

The Court House is part of the single Court House/Post Office building. While their ownership is now separate, their heritage value is common. In my CMP I will include – for reference – the exterior of the original portion Post Office in the 5.0 Conservation Policies and the 6.2 Conservation Guidelines to facilitate a degree of continuity.

The cultural values of the Court House are essentially self-evident and have already been enunciated by Heritage Victoria (however briefly). In section 4.3, I will however provide a brief discussion of the Court House against the criteria used by Heritage Victoria. I will also provide an 'updated' statement of the cultural values for the Court House in section 4.4.

*As noted previously, my CMP will focus on its practical application by the Council towards guiding and assessing future use proposals. That application will concentrate on **The Plan** portion of the outline/table of contents. Sections 5.0 Conservation Policy and 6.0 Conservation Actions will be heart of my CMP.*

By default, this means I will give relatively minimal emphasis on further historical research and the assessment of its cultural values in 2.1.

Section 5.0 Conservation Policy, will provide statements to give strategic and philosophical direction for both building and management issues. Each policy will have a 'rationale' to explain its application. Refer to the following extracts from my CMP for the Town Hall at Echuca.

Section 6.0 Conservation Actions will provide detailed statements regarding the conservation, restoration and adaptation of the physical fabric of the site and building. It will identify, through plans and statements, the hierarchy of areas and built-elements and then corresponding actions to ensure the most valuable are retained. It will also identify the areas and built-elements where there are opportunities. Refer to the following extracts from the Echuca CMP.

In section 7.2 I will include an Indicative Concept(s) Plan for the Court House to stimulate thinking towards its active future use.

1.4.3 Outputs

I propose an initial visit to Traralgon to:

- *document the building (photographs, plan drawings, schedules)*
- *meet with yourself and stakeholders/potential users*
- *inspect DSE files*
- *visit similar court houses in the area*

I propose a second visit to Traralgon to:

- *confirm building documentation*
- *meet with yourself regarding progress]*
- *assist yourself with a public meeting with a presentation of my findings to date and another presentation outlining contemporary approaches to historic buildings in Australia and overseas.*

I propose to provide one electronic and two hard copies of the draft and final document to the Latrobe City Council, one of the final hard copies will be unbound."

7.3 DSE Historic Places Data Sheet

**COURT HOUSE BUILDINGS INVENTORY (HISTORIC PLACES - DSE
COURT HOUSE BUILDINGS AND SITES DATASHEET)**

NAME: Traralgon Court House and Post Office	Inventory ID: Traralgon
LOCATION:	
Street: Franklin St, cnr Kay St	Location: Traralgon
Location details:	
Municipality: La Trobe Shire	DSE Area: Gippsland
LAND STATUS AND MANAGEMENT:	
Land status: Crown reserve	Reserve: Traralgon Court House Reserve
LIMS parcel: P261273	Crown allotments: CA 1D of 2
Parish: Traralgon (P), (T)	Rs/file no: 1506737 Area (ha):
Reserve purpose: Public buildings	
Reserve date: 1992	Gazette page: 2663 Reserve type: <input type="checkbox"/> T i.e. P = Permanent T = Temporary
Owners: 700	
Owner details: La Trobe Shire	
DESCRIPTION:	
Extant?: <input checked="" type="checkbox"/> Y	Current use: Community use - still Court hearings?
Level of court: Magistrates Court	
Description: Substantial building complex built to contain the post office, court house and sub-treasury. Dichromatic brickwork (red and cream brick) in the Federation romanesque style with typically rich detailing. While built as a unified structure, the post office and court house are distinct elements linked together by the magistrates rooms. Part of the Kay street facade has been demolished and rebuilt in a similar form, changing the original entrance to post office. A flat roofed section has been added to the southern end of the court house. Other alterations include the addition of a ramp, modern porch and new entry to the post office. The complex originally contained a residence to the rear which has since been demolished. The post office is centrally massed, two storey with a square clock tower. Arched windows and arcade is a feature.	
Type code: 6.10.1	Type: Victorian Free Classical c.1840-1890 Later. Projected Entry. Arcade. Gabled Roof. 1879-90
Type change: -	
Date: 1886	Architect(s): J.R. Brown or J.T. Kelleher. Hermes database states John Russell Brown
Building contracts: N. W. Frogley	
Materials: Brick	Original furnishings?: <input checked="" type="checkbox"/> Y Rooms:
Condition/integrity: Good	
Group status: C	Associated buildings: Post Office

Traralgon Court House and Post Office Court House Buildings datasheet (Historic Places Section, DSE) 16/10/2008 1

Comparability:**History:**

Designed for the Public Works Department by either J.R. Brown or J.T. Kelleher in 1885. It cost £5265 to build. Closed as a court in 1989.

Themes: Providing administrative structures and authorities - justice

Information source(s):

Court Houses in Victoria: a survey, 1991, Diahnn McIntosh, Frances O'Neill; HV Hermes Inventory: Master Plan for future provision of Law Courts In Victoria Report Sept 1989: Stage 3 Non-metropolitan Evaluation for Court Facilities in Country Victoria Volume 5.

HERITAGE SIGNIFICANCE AND PROTECTION:

IS THE BUILDING LISTED ON A HERITAGE REGISTER OR ARE THERE OTHER PROTECTIVE MEASURES?:

National Heritage List **Commonwealth Heritage List?**

Register of the National Estate (RNE)

RNE legal status: Registered

RNE ref: 2/10/275/0003

Victorian Heritage Register (VHR) **VHR listing ref:** H1488

Heritage Inventory (Heritage Victoria) **Heritage Inventory ref:**

Planning Scheme: Heritage Overlay:

National Trust

Statement of significance:

GBR 368 - Transferred to VHR 1488 - 23/05/1998

Victorian Heritage Register:

All of the place known as Traralgon Court House 161-169 Franklin Street Traralgon. The Post Office and Court House is a major 19th century building in Traralgon located on a key site and retaining most of its original architectural details. It is of regional historic significance as a symbol of Traralgon's development and importance as a regional centre for communications and civic administration. Architecturally it is of national significance as an example of a building complex with substantially intact features which demonstrate a variety of Victorian medieval and classical ideas combined in the one building.

"The Traralgon court house and post office complex, built in Victorian Italianate style in 1886, is an unusual complex composed of two distinct buildings, built as one unified structure (criterion F.1). The complex is in a prominent position in the town and forms a strong element in the streetscape. However, alterations to the Kay Street facade detracts slightly from the visual impact as well as reducing the overall integrity and intactness of the complex (criterion E.1). The complex has historical significance, with Traralgon being one of the few large, central Gippsland towns which retains its original Post Office, while the size of the complex and the richness of the detailing reflects the prosperity of the town during the 1880s (criteria B.2 and A.4).

HO4 Court House and Post Office Building Complex, southwest corner of Franklin and Kay Streets, Traralgon

DSE MANAGEMENT:

Traralgon Court House and Post Office Court House Buildings datasheet (Historic Places Section, DSE) 16/10/2008 2

BUILDING/SITE TYPE CONTEXT

Based on Typology Study, Court houses in Victoria, Historic Buildings Branch, 1991

Type code: 6.10.1

Victorian Free Classical c.1840-1890 Later. Projected Entry. Arcade. Gabled Roof. 1879-90

Description:

Victorian Free Classical buildings drew on a large repertoire of motifs from different places and periods. The style was popular in the later half of the nineteenth century for banks, insurance offices, shops, theatres, hotels, town halls, post offices and other civic buildings.

Most examples of this style were built of brick, with offices at the side under hipped roofs. At Lancefield and Romsey, the offices were under the main gabled roof. Later examples display Federation-style details, as in the timber fretwork of Warrnambool.

Examples:

Drysdale, Williamstown (2), Traralgon, Lancefield, Romsey, Moonee Ponds, formerly Essendon (2), Warrnambool (2)

Type change:

Type code: -

Description:

Examples:

Traralgon Court House and Post Office Court House Buildings datasheet (Historic Places Section, DSE) 16/10/2008 4



EXPRESSION OF INTEREST NO: LCC-Number

**FUTURE USE OF TRARALGON COURT HOUSE
Commercial Activation**

CLOSING DATE: 2:00 pm on Friday, 28 February 2014
Corporate Headquarters, 141 Commercial Road, Morwell

PHONE CONTACT: David Elder, Manager Arts, Events & Tourism

Corporate Headquarters, telephone (03) 5128 5646

LATROBE CITY COUNCIL

INFORMATION AND CONDITIONS FOR SUBMISSION

EXPRESSION OF INTEREST NO: LCC-Number

1. INTRODUCTION

1.1 FORM OF CONTRACT

Latrobe City Council is seeking expressions of interest for the performance of work under an agreement (which in the remainder of this document is referred to as “**the Contract**”).

1.2 CONTACT OFFICER

All enquiries regarding the Expression of Interest process must be directed to the officer or officers of the Latrobe City Council as follows:

David Elder, Manager Arts, Events & Tourism - telephone (03) 5128 5646

Latrobe City Council may restrict the period during which it will accept questions, requests for further information or for clarification.

1.3 RESTRICTION OF INQUIRIES

Latrobe City Council restricts all questions and inquiries to the respondent and its representatives. Inquiries through potential sub-contractors and suppliers must be directed through the respondent.

2. SUBMISSIONS

2.1 REGISTRATION FORM AND SCHEDULES

The Registration Form and Schedules attached and other information or documents listed in the Registration Form are to be completed and will constitute the Expression of Interest.

2.2 FORM OF SUBMISSIONS

2.2.1 Electronic submission lodgement via email to: tenders@latrobe.vic.gov.au is to be utilised by Respondents no later than the closing time and date.

OR

2.2.2 Hardcopy submissions may be lodged in one original unbound / loose leaf copy (i.e. **no staples, no hole punching, no binding**) as per Clause 2.3.

2.3 PLACE TO LODGE CD / USB OR HARDCOPY SUBMISSIONS

CD / USB or hardcopy submissions are to be addressed as follows and be placed in the Tender Box, no later than the closing time and date, at the Latrobe City Council's Corporate Headquarters, 141 Commercial Road, Morwell.

Closing Time and Date: **2:00 pm, Friday, 28 February 2014**

Tender Box

EOI No: LCC-NUMBER - DESCRIPTION
Latrobe City Council
141 Commercial Road
MORWELL VIC 3840

2.4 LATROBE CITY COUNCIL PROPERTY

Expressions of Interest, once submitted become the property of the Latrobe City Council. Respondents license the Latrobe City Council to reproduce the whole or any part thereof, of the Expression of Interest for the purpose of evaluation.

2.5 LATE EXPRESSIONS OF INTEREST

Expressions of Interest received after the time and date specified will not be accepted.

However, if there is explicit and conclusive evidence that late lodgement resulted from mishandling by the Latrobe City Council, an Expression of Interest will be deemed to have been lodged before the Closing Time. Reasons such as late delivery of submissions by Australia Post, by courier or any other carrier will not be deemed sufficient reason for reconsideration.

2.6 EXPRESSIONS OF INTEREST BY FACSIMILE

Expressions of Interest submitted by facsimile will not be accepted.

3. NOTIFICATION TO RESPONDENTS

3.1 NOTIFICATION

All respondents will be notified in writing of the Latrobe City Council's decision relating to the shortlisting or otherwise of Expressions of Interest.

Latrobe City Council is not obliged to give reasons for its decision and no negotiations or correspondence concerning the decision shall be entered into. Latrobe City Council's written notification will be final.

4. INFORMATION

4.1 ADDITIONAL INFORMATION AND DOCUMENTATION

Respondents are required to complete the questionnaire contained in the Schedule of the Registration Form and submit it as part of their Expression of Interest. They should also supply any information or documents specified in the Schedule.

4.2 INFORMATION FOR EVALUATION

Respondent may submit any further information considered relevant to their Expression of Interest.

5. PROBITY OF PROCESS

Canvassing of Councillors or staff of the Latrobe City Council is not permitted and the Expression of Interest of any respondent who seeks to canvass a Councillor or member of Latrobe City Council staff individually will not be considered.

Enquiries relating to clarification of the Expression of Interest documents are appropriate and acceptable, however must be directed to the Contact Officer (Clause 1.2).

Further, a Heritage Consultant, will be appointed to assist applicants and provide advice around what can and can't be done around the heritage constraints of the Traralgon Court House building. The Contact Officer will provide this consultants details upon request.

6. BENEFIT TO THE REGIONAL ECONOMY

One of the goals of the Latrobe City Council Plan is to reduce unemployment – that is, to provide benefit to the regional economy. Consequently, the benefit to the regional economy that might be expected from submissions for this work will be taken into account during the evaluation process.

7. EVALUATION CRITERIA

Expressions of Interest will be shortlisted on the basis of the following criteria and must contain sufficient information for these criteria to be evaluated:

- Proposed purpose or use of the building
- Management / Business and Financial Plans
- Development and Restoration Plans
- Maintenance Plans
- Details of Qualifications, Track Record and Experience of Individuals involved in the proposal and in the Community and/or Commercial Organisations submitting the Expression of Interest.
- Partnership arrangements (where applicable)

NB: All applicants must meet on-site with the Contact Officer to be considered a valid Expression of Interest.

(* list criteria in order of weighting)

LATROBE CITY COUNCIL

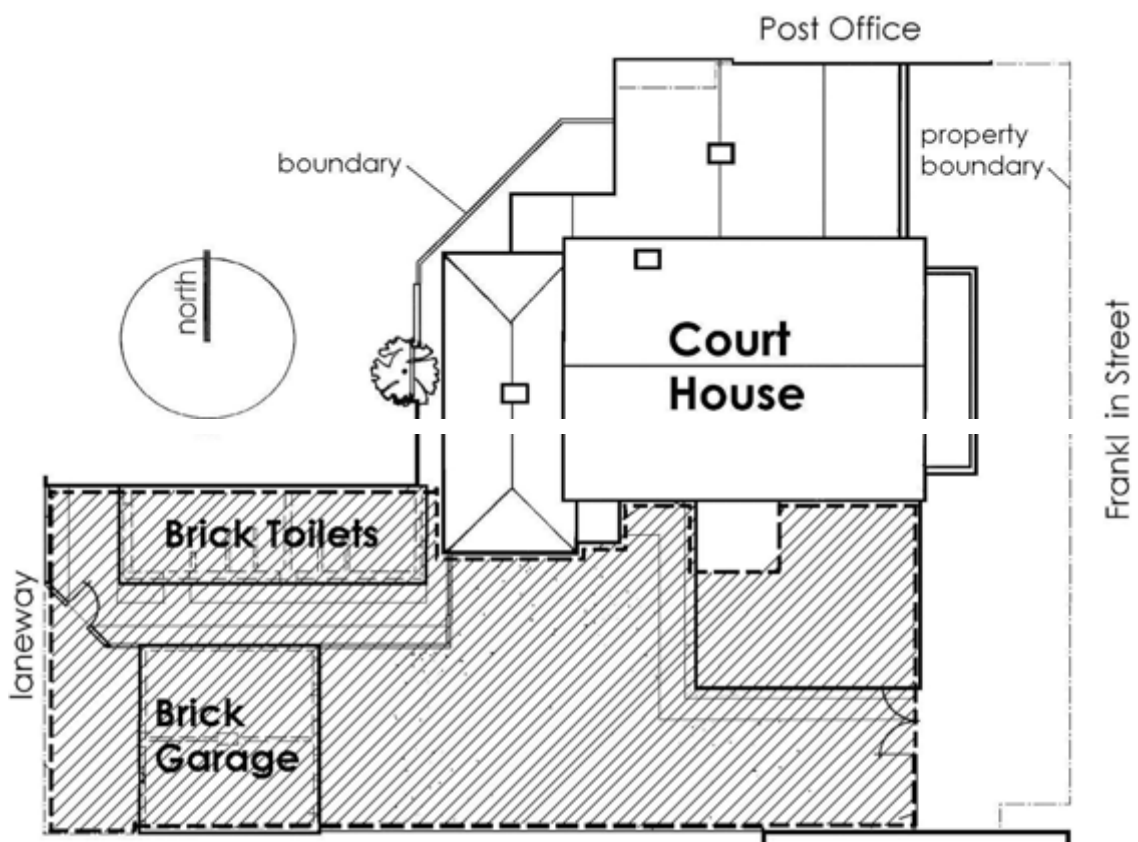
BRIEF SPECIFICATION

EXPRESSION OF INTEREST NO: LCC-Number

1. INTRODUCTION

Latrobe City Council is seeking expressions of interest from commercial groups, individuals and organisations, to determine commercial activation of the non-heritage portion of the Traralgon Court House. This follows Councils approval for a hybrid use of the Traralgon Court House that satisfies both the wish for broad community use, but also providing much needed funds to maintain the valuable heritage value of this iconic building. It is expected that expressions of interest will identify opportunities for the development, management and maintenance of the Traralgon Court House in line with the recommendations of the Traralgon Court House Conservation Management Plan.

The Traralgon Courthouse is an iconic building located in the central business district of Traralgon. There is significant community interest in the future of the building and the process of seeking expressions of interest for commercial activation is expected to provide a way forward for use of the building whilst preserving and maintaining its historical features.



The diagram above demonstrates two distinct areas within the Traralgon Court House land footprint. The hatched area is part of an extension to the court house and is available for expansion. Whilst the original building (non-hatched)

is of significant heritage value and any alterations are covered by strict heritage overlays.

Council will put forward its own plan for the future use of the Traralgon Court House. The plan would see the hatched area made available for commercial development and use and the non-hatched area (the bulk of the building) made available for broad community use and hire.

Heritage Consultant, Ivar Nelson has prepared a proposal and a summary is provided below for your reference.

In summary;

Hatched area – Commercial Use

- Use of the 1950's extension to convert for café style commercial use.
- Use of grassed area and garage.
- Upgrade of toilet block for use by all patrons utilising the Traralgon Court House.
- Rent to be used for ongoing maintenance of the Court House buildings and to maintain the principles outlined in the Traralgon Court House Conservation Management Plan.

Non- hatched area – Community Use

- Main Court House room – developed into a multi-purpose room suitable for meetings, expos, small events and functions.
- Toilet – renovated to be an accessible, unisex facility.
- Lounge / Meeting Space – utilise front office as a dedicated, permanent meeting space with soft furnishings suitable for intimate meetings, conversations and discussions.
- Office Space – suitable for use by community groups and individuals as a private space for completing administrative tasks.
- Furniture Store and storage space at rear of main court house room.
- Entire space upgraded to include 12 volt 'cable' lighting, carpeting, heating/cooling, disability access and toilet, audio-visual equipment, furniture and fittings.
- This would require an initial investment from Council and application for a 'Putting Locals First' grant application for capital upgrades to the building. Initial discussions with the State indicate support for such a proposal.

Feature Space / Historical Display

- Suggested permanent Macfarlane Burnett display at the front of the Court House.

Only the hatched area will form part of this Expression of Interest process.

2. ABOUT THE TRARALGON COURTHOUSE

The Traralgon Post Office and Court House Building is listed in the Victoria Heritage Register as “a major 19th century building in Traralgon located on a key site and retaining most of its original architectural details. It is of regional historic significance as a symbol of Traralgon's development and importance as a regional centre for communications and civic administration. Architecturally it is of national significance as an example of a building complex with substantially intact features which demonstrate a variety of Victorian medieval and classical ideas combined in the one building.”

3. ABOUT THE CONSERVATION MANAGEMENT PLAN

The Traralgon Courthouse Conservation Management Plan provides an overview of the Traralgon Courthouse historical background, a detailed description of each room in the Courthouse including a condition report and a statement of cultural value. The plan also sets out a conservation policy for the Courthouse and details a set of conservation actions which includes a list of maintenance priorities. Additionally the plan provides an indicative brief and concept for future use of the Traralgon Courthouse which is in keeping with the conservation policy and the views expressed by community members through the consultation process involved in the development of the plan. The Conservation Management Plan is attached to this brief and will provide guidance to applicants who may wish to submit expressions of interest.

4. WHAT TYPE OF COMMERCIAL ACTIVITY WILL BE CONSIDERED?

Listed below is a summary of prerequisites for a compliant application:

What will be considered?

- Proposals in keeping with the Traralgon Court House's historic nature and complimentary to the community use.
- Tea Rooms, cafes and restaurant style operations.

What won't be considered?

- Bars, nightclubs
- Proposals considered non-complimentary to the historic nature of the Traralgon Court House
- Proposals considered non-complimentary to the community use

Proposed Rental and Term

- Rental will be based on square metres of useable space.
- Rental will be based on market valuation from an independent valuer.
- A retail lease will be entered into with the preferred applicant.

- The Traralgon Court House is owned by the State through the Department of Environment and Primary Industries (DEPI) who has appointed Council as the Committee of Management. As such the retail lease will be a DEPI lease and requires Ministerial approval.
- As per the Retail Leases Act 2004, an initial tenancy term of 5-years will be entered into with an option for additional terms to be negotiated with the preferred applicant.
- Rental to be placed in Trust and used for the ongoing maintenance and future upgrades of the Traralgon Court House.

Liquor License

- It is likely that any proposal, whether it be a tea room, café or restaurant style of business will request a liquor license.
- Applicants will need to demonstrate that this use will be limited to activities associated with partaking in a meal and during reasonable business hours.
- Only a 'Restaurant and café' liquor license will be considered. The restaurant and café licence applies when the predominant activity at all times is the preparation and serving of meals for consumption on the premises. Tables and chairs for at least 75 per cent of clients must be available at any one time.
- For further information on this license visit www.vcgjr.gov.au/home/liquor.

Planning

- All applications will be subject to planning approval and if selected will be required to obtain a Planning Permit.
- Proposals must adhere to the Court House Conservation Management Plan and will require approval of Heritage Victoria, DEPI and relevant planning conditions.

Other

- Costs to refurbish, alter and/or extend will be borne by the business applicant. At the end of the lease term, improvements are to remain and transfer of ownership to Council.
- The applicant will be responsible for the ongoing opening and cleaning of the toilet facility located external to the Court House proper. However, capital upgrades to this facility will be borne by Council. This facility will be used by both clients of the commercial enterprise and community users of the Court House.
- Proposals must have a business plan and demonstrate a sustainable business model.

5. RESPONSE TO THE BRIEF

When submitting their proposal community and/or commercial groups, individuals and organisations must provide the following information:

- The proposed purpose or use of the building

- Management/Business and Financial Plans
- Development and Restoration plans
- Maintenance plans
- Details of financial contributions to capital costs associated with development, restoration and maintenance and indicative rental.
- Details of qualifications, track record and experience of individuals and organisations involved in the proposal.
- Partnership arrangements (where applicable).

Such expressions of interest are required to detail the proposed development and in particular, explain how it would adhere to the conservation policy, respect the statement of cultural value and deliver the conservation actions contained in the conservation management plan.

6. EVALUATION CRITERIA

Expressions of interest will be evaluated against the following criteria:

- Reference and relevance to the key outcomes of the Conservation Management Plan i.e. the conservation policy, the statement of cultural value and the conservation actions
- Compatibility between the proposed use of the building, the significance of its location, community aspirations, planning zones and state government regulations (information regarding this is detailed in the Conservation Management Plan)
- Viability and sustainability of the business plan
- Social and community benefit
- Economic benefit
- Experience, track record, bona fides and reputation of the community and/or commercial groups, individuals and organisations submitting the Expression of Interest

LATROBE CITY COUNCIL

REGISTRATION FORM

EXPRESSION OF INTEREST NO: LCC-NUMBER

FUTURE USE OF THE TRARALGON COURTHOUSE

EXPRESSIONS OF INTEREST SUITABLY ENDORSED "FUTURE USE OF THE TRARALGON COURTHOUSE – COMMERCIAL ACTIVATION" AND CONTAINING THE INFORMATION LISTED BELOW ARE TO BE FORWARDED TO **THE MANAGER ARTS, EVENTS & TOURISM, LATROBE CITY COUNCIL, P.O.BOX 264, MORWELL VIC 3840** BY 2:00pm, FRIDAY 28 February 2014.

EOI CHECKLIST	✓
• THE PROPOSED PURPOSE OR USE OF THE BUILDING	
• MANAGEMENT/BUSINESS AND FINANCIAL PLANS	
• DEVELOPMENT AND RESTORATION PLANS	
• MAINTENANCE PLANS	
• DETAILS OF FINANCIAL CONTRIBUTIONS TO CAPITAL COSTS ASSOCIATED WITH DEVELOPMENT, RESTORATION AND MAINTENANCE.	
• DETAILS OF QUALIFICATIONS, TRACK RECORD AND EXPERIENCE OF INDIVIDUALS INVOLVED IN THE PROPOSAL AND IN THE COMMUNITY AND/OR COMMERCIAL ORGANISATIONS SUBMITTING THE EXPRESSION OF INTEREST.	
• PARTNERSHIP ARRANGEMENTS (WHERE APPLICABLE).	

PLEASE USE BLOCK LETTERS

Business Name of company or firm submitting Expression of Interest - **Include full trading as business name (if applicable)**

Address of Respondent:

Postal Address of Respondent:

Telephone No:

Email address:

ABN:

GST Registration No:

hereby submits an Expression of Interest to perform the works/services for:

DESCRIPTION

in accordance with the following documents:

- ⇒ **Information and conditions for submission**
- ⇒ **Brief Specification**
- ⇒ **Registration Form**
- ⇒ **Registration Form Schedule 1**
- ⇒ **Attachments**

Name of person submitting
Expression of Interest:

Position of person submitting
Expression of Interest:

Signature of person submitting
Expression of Interest:

DATED this day of 2014 (*insert date*)

ATTACHMENT 1

Traralgon Court House Conservation Management Plan

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

16. GOVERNANCE

16.1 PURCHASING CARD POLICY

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present for Council's consideration the new Purchasing Card Policy 13 POL-1.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Strategic Direction – To provide open, transparent and accountable governance.

Legislation

Local Government Act 1989

BACKGROUND

Good governance principals suggest that Council should determine its policy position and then ensure that decision making is consistent with adopted policy.

Council policies are reviewed or developed on a regular basis to ensure that they reflect the direction of Council, fair and equitable community representation and comply with legislative requirements.

A recent request was received from Council for the creation of a Purchase Card Policy to complement the recently adopted Procurement Policy.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

As a result of this request Officers have prepared a Purchase Card Policy, and a copy of the document has been included as an attachment to this report.

ISSUES

The Purchasing Card Policy is designed to provide the parameters in which Council issued purchasing cards can be used.

Officers have taken into consideration the current rules for use and administration, the Victorian Governments Department of Treasury and Finance purchasing card rules for use and administration and credit card policies for City of Greater Bendigo, Greater Shepparton City Council and Swan Hill Rural City Council in developing this policy.

The policy is being put forward for consideration and inclusion in the 2013-2016 Council Policy List.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

No Community consultation or engagement used.

OPTIONS

1. Adopt the Purchasing Card Policy.
2. Not adopt the new policy.
3. Seek further information and amend policy.

CONCLUSION

The proposed Purchasing Card policy has been developed in conjunction with the recently adopted Procurement Policy 13 POL-6.

Attachments

1. Purchasing Card Policy

RECOMMENDATION

1. That Council adopts the new Purchasing Card Policy 13 POL-1
2. That the Council Policy manual be updated and made available to the public.
3. That the Procurement Policy 13 POL-6 be updated to refer to the new Purchasing Card Policy 13 POL-1.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Moved: Cr Harriman
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.1

Purchasing Card Policy

1 Purchasing Card Policy 375

Document Name: **Purchasing Card Policy**

13 POL-1

Adopted by Council:

Policy Goals

The goal of purchasing cards is to reduce the costs, paperwork and time associated with purchasing goods and services of a relatively low value and infrequent nature and to ensure purchases made via purchasing cards have appropriate internal controls and comply with the Latrobe City Councils Procurement Policy.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Latrobe 2026 Governance

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

Regulation and Accountability

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

Council Plan 2013-2017 Theme:

Efficient, Effective & Accountable Governance

Objectives

- To achieve the highest standards of financial probity and meet all statutory obligations
- To provide open, transparent and accountable governance
- Work to minimise rate increases for our community

Strategic Directions:

- Continuously review our policies and processes to increase efficiency and quality of our facilities and the service we provide.
- Increase local procurement of goods and services received by Council where feasible.
- Establish and maintain rigorous Council policies that comply with legislation and respond to community expectations.
- Increase community awareness and satisfaction with Council's services and facilities.
- Continuously improve financial management and reporting.
- Continuously improve decision-making structures and processes.

Policy Implementation

Latrobe City Council aims to provide responsible financial management through a strict, transparent and sound control environment. This document aims to assist cardholders in the interpretation and application of internal requirements when using Council issued purchasing cards.

1. Definitions

Defined words are highlighted in italics throughout these rules. Where a conflict occurs between the words defined in these rules and the words used in any policies issued by Council, or the words used in the terms and conditions issued by the *card provider*, the definitions in these rules prevail.

In the directions and rules:

accountable officer has the same meaning as in section 3 of the *Financial Management Act 1994*. For Council this will be the *Chief Executive Officer*.

Finance administrator is a person nominated by the Council with specific responsibility for oversight of the operation of *purchasing cards*.

authorised officer/ authorised signatory means the person nominated by the *accountable officer* with specific responsibility for:

- reviewing and approving transactions appearing on the cardholder statements;
- and
- approving payment of incurred expenses for specified cardholders.

cardholder means a person who has been issued with a *purchasing card*.

card provider means the approved supplier of the purchasing card facility account.

employee means a person who is employed by Council. This includes persons employed on a 'fixed term' contract basis who are on Councils payroll.

facility account means the individual purchasing and settlement facility between the *card provider* and the Council.

official purposes means purposes that are in direct connection with, or a direct consequence of, the *cardholder's* functions and duties within Council

purchasing card means any type of *credit card* used by Council (i.e. corporate card, *credit card* facility).

unauthorised use means any instance of non-compliance with the Directions and Rules, whether by the cardholder or by someone else.

2. Scope of the Rules

The Rules contained in this document set out the principles to be applied, and the procedures to be followed in relation to the use and administration of a *purchasing card*.

3. Role of Cardholders

The Rules apply to all *cardholders* of Council. Instances of non-compliance are to be reviewed by the *accountable officer* and if necessary, referred to the Police for investigation and action (please refer to unauthorised use below).

The *finance administrator* must ensure that the following procedures are followed in relation to intended *cardholders*:

- The employee reads the card provider's terms and conditions provided with the card;
- The employee reads and signs the "Undertaking by the cardholder" as set out in Appendix A;
- The employee is appropriately trained on the operation and use of purchasing cards;
- The employee signs the purchasing card immediately; and
- Cardholders are provided with a copy(s) of any revised rules issued.

It must always be remembered that purchasing cards are a purchasing facility, not a convenient alternative for employees who might otherwise have to seek reimbursement for minor work-related expenses. This principle is reflected within the structure of the Rules.

The accountable officer is responsible for ensuring systems and processes are in place to enable the Council to implement rigorous controls in relation to the use and administration of *purchasing cards*.

4. Role of the Finance Team

The Finance Team undertakes the role of adviser to the Council in respect to the use and administration of *purchasing cards*.

This involves:

- nominating a central administrator ("administrator");
- formulating strategies to promote the use of *purchasing cards* and the benefit of its use across the Council as a purchasing mechanism (this is done in conjunction with the *card provider*);
- monitoring usage statistics;
- monitoring the performance and facilitate regular evaluation of the *card provider's* contract; and
- systematic review of card usage.

5. Unauthorised Use

Unauthorised use means any instance of non-compliance with the Directions and Rules, whether by the cardholder or by someone else.

The *accountable officer* is responsible for investigating all instances of unauthorised use.

In the event a *cardholder* knows or suspects that unauthorised transactions have been made using the *cardholder's purchasing card*, the *cardholder* must immediately notify the *card provider* and the *finance administrator* who must promptly refer all cases of *unauthorised use* to the *accountable officer*.

The *accountable officer* must provide a written report on significant instances of unauthorised use to Council's Audit Committee as soon as the *accountable officer* has completed an inquiry into the *unauthorised use*. This report must provide details of any police involvement or disciplinary action taken.

The *unauthorised use* of a *purchasing card* may constitute a criminal offence. The *accountable officer* is responsible for determining whether a breach of the Directions and Rules is significant and requires referral to police for immediate investigation and action.

Where the *accountable officer* has determined that a significant breach has occurred but does not warrant police involvement, he/she must either refer the matter for disciplinary action or, if he/she is the responsible officer, initiate disciplinary action. Disciplinary action is to conform with Council's disciplinary policy and procedures. The *accountable officer* has a discretion not to proceed with disciplinary action if he/she is satisfied that the unauthorised use was accidental, and it was not part of a pattern of unauthorised use (accidental or not).

In addition to referral for disciplinary action, should three separate breaches have occurred, irrespective of the dollar amount, consideration should be given to withdrawing the purchasing card immediately. The purchasing card must be withdrawn if any one breach involves \$500 and above.

Cases involving \$500 and above, or any repeated non-compliance with the Directions and Rules may result in a finding of misconduct which could lead to the employee's termination.

6. Rules

1.	Establish the facility account, including a maximum monthly account limit
<i>Facility accounts</i>	Council will establish a facility account with the card provider. The accountable officer is required to authorise the opening of the facility account with the card provider on behalf of Council.
<i>Maximum facility account Limits</i>	Council is required to set a maximum monthly facility account limit with the card provider.
2.	Ensure only one Card is issued to each employee approved as a cardholder
<i>Who is eligible to be a cardholder?</i>	Only an employee of Council can be a cardholder. This includes employees on a 'fixed term' contract registered on the payroll of Council. Other persons associated with Council, such as independent contractors, are not eligible to exercise financial delegations or hold a purchasing card. Councillors are not eligible to be cardholders unless authorised by the Council.
<i>Conditions for issue to employees</i>	A purchasing card may be issued to an employee whose functions and duties relating to official purposes within Council would be enhanced through the efficiencies that arise from use of the Card. Purchasing cards should not be issued to employees on the basis of their seniority in Council. A purchasing card approved for the use of a specific cardholder must only be used by the person whose signature appears on the Card.
3.	Ensure cardholders use the Card for official business and that purchases of goods and services are for Council purpose
<i>Liability for the Card</i>	The liability for any charges on purchasing cards rests with the Council and not the individual cardholder. For this reason, these rules must be strictly adhered to as a means of limiting the financial exposure of Council.

Official Purposes

The purchasing card is to be used for official purposes only. This means that the card is to be used for purposes that are in direct connection with, or as a direct consequence of, the cardholder's functions and duties within Council.

This applies regardless of:

- the amount of the transaction involved; and
- the type of transaction made using a purchasing card. For example, whether the card is used to pay for goods or services which are bought directly from a merchant, or by mail or telephone order, or through electronic means.

Expenses in relation to Conferences, Seminars & Training

Whilst in attendance, employees must exercise appropriate financial accountability when incurring expenses. Appropriate and acceptable expenses are in accordance with Councils Conferences, Seminars and Training Operational Framework and includes;

Travel

- Business train fare and economy flight fare where required
- Taxi or public transport charges direct to and from other forms of public transport
- Council vehicle, and associated cost of parking (*personal vehicle expenses will only be reimbursed where no other option for travel is available*)

Accommodation

- Accommodation is booked within an appropriate proximity to the venue using Council's preferred accommodation where available
- Accommodation is discussed and pre-approved by the relevant line manager
- There is adherence to Council's Procurement Policy

Meals (*where meals are not provided*)

- Breakfast (*Full breakfast up to standard accommodation rate*)
- Lunch (*Up to \$30.00*)
- Dinner (*Up to \$50.00*)

These allowances are to be utilised independently for each meal type per day and not to be added together for one meal.

Private Expenses

On occasions a cardholder may incur coincident official and private expenditure recorded on a single billing system. For example, a cardholder may make private telephone calls or purchase goods for private consumption that are subsequently

<p><i>Determination of 'official purposes'</i></p>	<p>charged to a hotel account. Cardholders must settle all such private expenses prior to charging the balance on the purchasing card.</p> <p>Judgements about the nature and legitimacy of particular transactions must be made having regard to all policy statements issued by Council.</p> <p>The determination of whether an expense is for official purposes must not differ between one purchasing method and another. In other words, the tests applied by cardholders to determine whether a purchase can legitimately be paid for using purchasing cards must be the same as if the transaction was being managed through Councils procurement and payment systems.</p> <p>Cardholders who are in doubt as to the private or official nature of a particular transaction, for example the purchase of gifts or flowers for staff who are leaving the organisation or are ill, must take advice from their <i>authorised officer</i> <u>prior</u> to the expenditure being incurred.</p>
<p><i>Purchases by other means</i></p>	<p>A cardholder must not use a purchasing card to pay for expenses, which, under the rules issued by Council must be paid for by means other than purchasing cards. For example, Council may impose additional restrictions on the types of goods or services for which the cardholder may use the purchasing card, such as restrictions on expenses incurred in relation to domestic and overseas travel, hospitality or entertainment.</p>
<p><i>Cash</i></p>	<p>A cardholder must not use a purchasing card to obtain cash.</p>
<p><i>Other card purchasing arrangements</i></p>	<p>A cardholder must not use a purchasing card for purchases covered by other existing card purchasing contracts to which Council is a signatory, for example, fuel cards except in the circumstance when the cardholder may be awaiting a new fuel card.</p>
<p><i>Reimbursement</i></p>	<p>A cardholder must not use a purchasing card to pay for an expense where reimbursement has been made (or will be made) to the cardholder in respect of that same expense from any allowance, which exists in Council. For example, accommodation expenses must only be claimed once; either through the use of a card or through reimbursement of payments made by the cardholder personally.</p>
<p>4.</p>	<p>Require cardholders to provide supporting documentation for all transactions and ensure that expenditure is approved by the most appropriate financial delegate prior to setting the monthly account with the card provider</p>

*Supporting
Documentation*

The authorising officer of Council must ensure that all transactions made using purchasing cards are supported by sufficient supporting documentation.

A cardholder must obtain sufficient supporting documentation in relation to each and all transactions made using the purchasing card. There are no materiality thresholds in relation to this requirement.

Accordingly transactions:

- made directly with a merchant must be supported by appropriate documentation; and
- made by telephone, mail or electronic means must be supported by an invoice or receipt which the cardholder must request be sent at the time of making the order.

The requirement for sufficient supporting documentation applies –

- irrespective of the form of the transaction, such as transactions conducted directly with a merchant, or by telephone or mail order, or transactions made using electronic means; and
- irrespective of the amount of the transaction made using the purchasing card.

Supporting documentation consists of, but not limited to receipts, tax invoices and merchant records (airplane boarding passes etc.).

Where original supporting documentation is not obtainable, copies of such documentation can be provided in its place, when it has been endorsed (signed) by the cardholder stating why original documentation was not available.

*What if
appropriate
supporting
documentation
is unable to be
obtained?*

In exceptional circumstances where appropriate supporting documentation cannot be obtained, alternate certification may be acceptable. In these cases the advice of the authorising officer and/or appropriate Council personnel should be sought before a monthly statement is verified.

All supporting documentation must be sufficiently detailed to adequately support the payment processes.

To avoid any doubt as to the level of documentation required in respect of various transactions, Council may determine thresholds and transaction substantiation requirements.

<i>Tax Invoices</i>	<p>Where GST input tax credits are being claimed, a valid tax invoice is required for supplies greater than \$82.50 (GST inclusive), or any revised amount advised by the ATO from time to time. The ATO has ruled that the card provider statement itself may be considered a valid tax invoice for claiming input tax credits.</p> <p>Transactions made using purchasing cards must also comply with other requirements such as the Fringe Benefits Tax legislation.</p>
<i>Electronic procurement</i>	<p>Any electronic procurement system that Council operate must have specific rules established to ensure that the requirements for signatories and sufficient supporting documentation are met in an adequate electronic form that can be audited.</p>
<i>Payments director to card provider</i>	<p>A cardholder must not make any payments directly to the card provider in respect of expenses the cardholder incurred using the purchasing card.</p>
<i>Authorisation</i>	<p>A cardholders expense must be authorised by an employee who is senior to the cardholder. In the case of expenses incurred by Chief Executive Officer arrangements should be made for cardholder statements to be authorised by the Mayor.</p>
<i>Review of monthly statement</i>	<p>A cardholder must ensure that the monthly statement issued by the card provider is reviewed for completeness and accuracy and transactions appearing on the statement are matched to supporting documentation.</p> <p>The monthly statement provided by the card provider must be signed by the cardholder to verify that transactions appearing on the statement have been made for official purposes. The signed monthly statement (with attached supporting documentation) is then forwarded to the relevant authorised officer for approval.</p> <p>The approval of the authorised officer must be evidenced on the card provider's statement. The approved statement is then forwarded to the finance administrator for processing.</p>
<i>Procedures to be followed</i>	<p>The cardholder must ensure that the following procedures are also followed:</p> <ul style="list-style-type: none">• reconciliations must be performed on a monthly basis, within 5 days of receipt of the monthly statement;• discrepancies on the statement are followed up with the card provider and promptly advised to the finance administrator;• goods or services paid for using the card have actually delivered or provided;

	<ul style="list-style-type: none"> credits on the card are raised where, for example, a good or service is not delivered or not provided in accordance with original expectations; each transaction appearing on the card provider's statement is appropriately coded for accounting purposes; and sufficient supporting documentation for each transaction is attached to the card provider's statement when statements are provided by the cardholder to the authorised officer for approval.
<p>5.</p>	<p>Ensure cardholders hold a financial delegation and their individual transaction limits do not exceed this delegation</p>
<p><i>Limits</i></p>	<p>The following limits must be set for each cardholder:</p> <ul style="list-style-type: none"> maximum limits on the total credit available in each monthly billing period: where applicable maximum limits on the amount of any individual transaction which can be made using a purchasing card; and where applicable, restrictions on the types of goods or services for which the cardholder may use the card, for example, restrictions on domestic and overseas travel, hospitality and entertainment. <p>The limits also apply to purchasing cards issued on a temporary basis.</p>
<p><i>Financial Delegations</i></p>	<p>Cardholders must hold a financial delegation and their purchasing card individual transaction limits must not exceed this delegation.</p> <p>Expenditure incurred and commitments on the card must be taken into account when monitoring delegation limits expended by cardholders. Council should install preventative and monitoring controls that prevent and detect:</p> <ul style="list-style-type: none"> misuse of purchasing cards; purchasing cards being issued to employees who do not hold a financial delegation; and expenditure and commitments incurred on a purchasing card, and from other sources, exceeding a cardholder's maximum: <ul style="list-style-type: none"> individual transaction limit; monthly card limit; and financial delegation limit.
<p>6.</p>	<p>Ensure that all individual card limits do not exceed \$10,000, unless approved by the Chief Executive Officer</p>
	<p>A cardholder must not exceed the overall maximum limit set for the cardholder's purchasing card.</p> <p>The limits placed on a cardholders overall card limit may vary depending on an individual cardholder's financial delegation,</p>

however this limit must not exceed \$10,000 unless it is approved by the Chief Executive Officer.

Cardholders must not purchase items using a 'stringing' arrangement, that is, splitting one transaction into many to avoid exceeding card limits.

7. Ensure adequate monitoring and security procedures are in place

The Council must ensure that appropriate internal controls are in place and maintained

Council must ensure that the following controls are in place and maintained:

- appropriate training is given to employees before they are issued with a purchasing card;
 - appropriate purchasing card limits are set and reviewed in line with the cardholder's actual usage;
 - sufficient documentation is obtained and maintained covering the authorisation and identification of transactions, including merchant records and approved and reconciled statements;
 - the allocation of transactions to expenditure types is made in the same manner as other expenditure;
 - purchasing cards are withdrawn and immediately cancelled:
 - On the termination, or notification of resignation of the cardholders employment within Council
 - Where the card has been lost, stolen or misused.
 - Where the card is no longer relevant to the performance, of the cardholder's functions and duties within Council; or
 - If the cardholder's account is inactive.
- Monthly reports are monitored by the finance administrator.

Transactions must be subject to controls

To ensure that purchasing cards are used in accordance with these rules, transactions must be subject to the following controls:

- regular audits by the Council's internal auditors;
- reports by managers on card usage within their areas; based on regular checks of samples of transactions;
- random checks carried out by the finance administrator;
- regular review of monthly reports on card usage issued by the card provider; and
- regular review to ascertain whether cardholders have an ongoing or changed requirement for the card.

The Council must ensure

Council must ensure that adequate procedures are in place to:

adequate security procedures are in place

- provide for the secure delivery of purchasing cards from the card provider to the Council and from the finance administrator to each cardholder;
- ensure the recovery of all unused cards and their destruction in accordance with the card provider's requirements; and
- recover cards from cardholders leaving the employment of the Council and/or cardholder's who have been requested to return their card.

The Council must reconcile payment of the purchasing card liability to their bank account to the general ledger and other supporting records

Loss and theft of card

A cardholder must also immediately report the loss or theft of the cardholder's purchasing card to the finance administrator and the card provider. Notification must be made using the 24 hour emergency number provided by the card provider. A cardholder must retain any notification number or other acknowledgment provided by the card provider as evidence of the date and time of the notification.

Where the cardholder changes position within Council it is the responsibility of the finance administrator within Council to assess the requirement for ongoing issue of the card to the current cardholder, as well as the limits and types of expenses for which the card can continue to be used by the cardholder.

Cardholder may be personally liable for any unauthorised use of the card

The cardholder may be held to be personally liable for any unauthorised use of the purchasing card unless the unauthorised use is the result of the card being lost or stolen (provided the cardholder took adequate measures to prevent the card from being lost or stolen) or is otherwise the result of fraud on the part of some third party such as a merchant.

Include in the audit program a review of the Card scheme and the use of cards issued

The objective of any set of rules is to assist in the management of risk. As a consequence Council should consider the following as part of a broader risk management strategy overseen by its audit committee.

Council should perform a number of roles in relation to the administration of purchasing cards. Council should:

- Identify relevant administrative personnel (e.g. authorised officers, finance administrator) to ensure the efficient and effective administration of the facility account within Council. Persons identified to such positions should be at a level appropriate to the responsibilities of that position;
- assess the costs and benefits of using purchasing cards;
- develop adequate internal controls, security measures and

reporting procedures to implement and control the operation of the purchasing cards;

- determine internal rules or policies in relation to the use and administration of the purchasing card, particularly in respect of electronic commerce, which supplement the rules in this document;
- administer and monitor the operation of purchasing cards on a day-to-day basis in compliance with these rules. Service issues should first be raised with the card provider. A summary of service issues raised should be provided to the finance administrator as requested from time to time;
- ensure cardholders are appropriately briefed before they are issued with a card;
- authorise and process the relevant documentation for the operation of purchasing cards;
- maintain all documents, statements and reconciliations required to be kept in relation to the use and administration.

7. Guidelines

Guideline 7.1

The procedures for timely and accurate recording of expenditure should cover:

- Identification and recording of expenditures incurred irrespective of any subsequent cash flow;
- Expenditure only to be incurred when duly approved, within available budgets and for authorised purposes;
- Systems to ensure all disbursements and payments are approved by an appropriately authorised officer;
- Procedures to ensure that disbursements and payments are not duplicated;
- Payments only being made on original tax invoices or in accordance with ATO tax rulings in this area, with instances of non-compliance monitored by the finance administrator;
- An audit trail which substantiates payments and demonstrates that internal control systems and procedures have been adhered to;
- A mechanism for periodic review of all major suppliers for performance and competitiveness should be established; and
- Mechanisms to ensure all legal and taxation requirements, such as for GST and FBT are satisfied.

Guideline 7.2

With respect to the approval of expenditure, where practical, appropriate segregation of duties within the procurement and payment processes would typically incorporate segregation of the following:

- Initiating expenditure;
- Approving expenditure;
- Receipt of goods and services;
- Invoice verification and processing;
- Disbursement and payments processing; and
- Maintenance of vendor records.

Undertaking by the cardholder

PURCHASING CARD AGREEMENT AND ACKNOWLEDGMENT BY CARDHOLDER

Cardholder name: _____
Position: _____
Division: _____
Accountable officer: _____
Authorised officer: _____

I understand and agree that the Purchasing card is issued to me on the express understanding that I will, at all times, comply with the following conditions.

USE

1. The purchasing card is the property of Latrobe City Council and is in my possession and under my strict control.
2. I will not permit the purchasing card to be used by any person other than myself.
3. I will only use the purchasing card for official purposes.
4. I will immediately report any suspected or known unauthorised use of the purchasing card to the card provider and the finance administrator.
5. I will not use the purchasing card to pay for expenses that have already been claimed (or will be claimed) by any form of allowance.
6. I can use the purchasing card to a maximum limit of \$ _____ in any one transaction and to a maximum monthly limit of \$ _____. My use of the purchasing card is subject to the following restrictions on transaction types (specify):
7. I hold a financial delegation that is at least equivalent to the transaction limit in 6 above.
8. I understand that any purchasing information will be periodically reviewed by Council's Finance Team and Internal Auditors.

MONTHLY RECONCILIATION

9. I will be issued with a monthly statement by the card provider. I will ensure that all transactions that appear on the monthly statement are verified by me and that sufficient supporting documentation is attached to the monthly statement when it is submitted for approval. I will ensure that goods or services paid for using the purchasing card are actually delivered or provided. I will ensure that each transaction appearing on the card provider's statement is appropriately coded for accounting purposes.
10. I will sign the monthly statement provided by the card provider to indicate that the transactions being paid have been made only for official purposes.

11. I will ensure that credits are requested in relation to transactions made using the purchasing card as soon as I become aware of the need for a credit, for example, where a good or service is not delivered or not provided in accordance with original expectations.

CHANGE IN CARDHOLDER DETAILS

12. I will immediately advise the finance administrator of any change in my name or contact details.

UPON RESIGNATION OR TRANSFER

13. I will immediately return my purchasing card to the finance administrator if I resign or retire, or if my services as an employee of Latrobe City Council are otherwise terminated or if I am instructed to do so by the authorised officer or the finance administrator.

LOST OR STOLEN CARDS

14. I will immediately report the loss or theft of my purchasing card to the card provider (24 hour service) and the finance administrator.

DECLARATION

15. I confirm that I have access to only one purchasing card.

16. I acknowledge receipt of the Purchasing card Rules for Use and Administration.

17. I have been briefed on, and understand, all aspects of the operation and use of the purchasing card.

Signature of cardholder

Signature of finance administrator

Name of cardholder

Name of finance administrator

Date

Date

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Charter acknowledgement - for internal auditing purposes only:

YES / NO	Name: _____	Date: / / 2011
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Signed : _____ Date : / / 2011.
Chief Executive Officer

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16.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

Governance

For Decision

DECLARATION OF INTEREST

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

DOCUMENTS

PP 2012/3	<p>Section 173 Agreement under the <i>Planning and Environment Act 1987</i> between Latrobe City Council and David Ian Mitchell as the owners of the Land more particularly described in Certificate of Title Volume 08605 Folio 701, Volume 08605 Folio 702 and Volume 08605 Folio 703 being Lot 169, 170 and 171 on LP 59038 situated at 135-137 Shakespeare Street & 3 Murphy Crescent, Traralgon pursuant to Condition 4 on PP 2012/3 issued 16 March 2012 providing that prior to the issue of the Statement of Compliance, the operator of this permit must:</p> <ul style="list-style-type: none"> (a) Enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) requires any future development of the land on Lot 3 on the plan of subdivision approved on Planning Permit 2012/3 must address both street frontages (Shakespeare Street and Murphy Crescent); and (b) Make application to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.
PP 2012/237	<p>Section 173 Agreement under the <i>Planning and Environment Act 1987</i> between Latrobe City Council and Blair Athol Livestock Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 10458 Folio 236 being Lot 1 on PS 424148 situated at 240 Cross's Road, Traralgon pursuant to Condition 9 on PP 2012/237 issued 14 February 2013 providing that 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, which provides that:</p> <ul style="list-style-type: none"> (a) Development of residential lots adjoining the western boundary of the drainage reserve south of the local park must be in accordance with the design guidelines (required under Condition 8 of this permit) approved by the Responsible Authority. The above restriction must be placed on any new

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	<p>title being issued for lots adjoining the western boundary of the drainage reserve south of the local park.</p>
<p>PP 2011/183</p>	<p>Section 173 Agreement under the <i>Planning and Environmental Act 1987</i> between Latrobe City Council and Damiltin Pty Ltd as the owner of the land more particularly described in Certificate of Title Volume 9871 Folio 046 situated at 25 English Street, Morwell pursuant to Schedule 1 of the Morwell North Development Plan providing that prior to the grant of a planning permit, the owner of the land must enter into an agreement under section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide for infrastructure contributions to be paid in respect of land prior to the issue of a Statement of Compliance in respect of the subdivision of that land.</p> <p>The Agreement must require the payment of infrastructure contributions for:</p> <ul style="list-style-type: none"> • The acquisition of any land required for road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be provided in an existing reserve wider than what presently exists, the infrastructure payment required must only relate to the additional width of the road reserve required. The contributions must be in the proportions set out in the development contributions tables in the approved development plan. • The construction of any road that Council proposes is to be funded by the contributions agreement. If that road is by widening an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising an 11 metre pavement and associated facilities. In the proportions set out in the development contributions tables in the approved development plan. • The design and construction of stormwater drainage infrastructure including main drainage, wetlands and retarding basins as explained in the approved development plan. • The improvement of the public open space identified in the approved development plan.

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	<ul style="list-style-type: none"> • The acquisition of land for public open space in the proportions set out in the development contributions tables in the approved development plan. • The acquisition of land for storm water drainage purposes in the proportions set out in the development contributions tables in the approved development plan. • Infrastructure associated with the proposed bus route. • Traffic calming treatments. • The walking and cycling network including safe crossing points on the abutting arterial roads (excluding footpaths along roads). <p>The Agreement must be prepared at the cost of the Owner and be to the satisfaction of the responsible authority.</p>
PP 2011/183	<p>Section 173 Agreement under the <i>Planning and Environmental Act 1987</i> between Latrobe City Council and Aldo Nania as the owner of the land more particularly described in Certificate of Title Volume 9805 Folio 920 situated at 55 English Street, Morwell pursuant to Schedule 1 of the Morwell North Development Plan providing that prior to the grant of a planning permit, the owner of the land must enter into an agreement under section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide for infrastructure contributions to be paid in respect of land prior to the issue of a Statement of Compliance in respect of the subdivision of that land.</p> <p>The Agreement must require the payment of infrastructure contributions for:</p> <ul style="list-style-type: none"> • The acquisition of any land required for road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be provided in an existing reserve wider than what presently exists, the infrastructure payment required must only relate to the additional width of the road reserve required. The contributions must be in the proportions set out in the development contributions tables in the

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	<p>approved development plan.</p> <ul style="list-style-type: none"> • The construction of any road that Council proposes is to be funded by the contributions agreement. If that road is by widening an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising an 11 metre pavement and associated facilities. In the proportions set out in the development contributions tables in the approved development plan. • The design and construction of stormwater drainage infrastructure including main drainage, wetlands and retarding basins as explained in the approved development plan. • The improvement of the public open space identified in the approved development plan. • The acquisition of land for public open space in the proportions set out in the development contributions tables in the approved development plan. • The acquisition of land for storm water drainage purposes in the proportions set out in the development contributions tables in the approved development plan. • Infrastructure associated with the proposed bus route. • Traffic calming treatments. • The walking and cycling network including safe crossing points on the abutting arterial roads (excluding footpaths along roads). <p>The Agreement must be prepared at the cost of the Owner and be to the satisfaction of the responsible authority.</p>
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Attachments
Nil

RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the *Planning and Environment Act 1987* between Latrobe City Council and David Ian Mitchell as the owners of the Land more particularly described in Certificate of Title Volume 08605 Folio 701, Volume 08605 Folio 702 and Volume 08605 Folio 703 being Lot 169, 170 and 171 on LP 59038 situated at 135-137 Shakespeare Street & 3 Murphy Crescent, Traralgon pursuant to Condition 4 on PP 2012/3 issued 16 March 2012.
2. That Council authorises the Chief Executive Officer to sign and seal Section 173 Agreement under the *Planning and Environment Act 1987* between Latrobe City Council and Blair Athol Livestock Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 10458 Folio 236 being Lot 1 on PS 424148 situated at 240 Cross's Road, Traralgon pursuant to Condition 9 on PP 2012/237 issued 14 February 2013.
3. That Council authorise the Chief Executive Officer to sign and seal Section 173 Agreement under the *Planning and Environmental Act 1987* between Latrobe City Council and Damiltin Pty Ltd as the owner of the land more particularly described in Certificate of Title Volume 9871 Folio 046 situated at 25 English Street, Morwell pursuant to Schedule 1 of the Morwell North Development Plan.
4. That Council authorise the Chief Executive Officer to sign and seal Section 173 Agreement under the *Planning and Environmental Act 1987* between Latrobe City Council and Aldo Nania as the owner of the land more particularly described in Certificate of Title Volume 9805 Folio 920 situated at 55 English Street, Morwell pursuant to Schedule 1 of the Morwell North Development Plan.

Moved: Cr White

Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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16.3 PLANNING PERMIT APPLICATION 2013/104 - INCREASE BUSINESS TRADING HOURS (LIQUOR LICENSE) AT 27A GREY STREET, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/104 for the increase of business trading hours of the liquor license for “Star Bar” Traralgon at 27A Grey Street, Traralgon.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 – 2017

- *Strategic Direction – Built Environment*
- *Promote and support high quality urban design within the built environment; and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

Shaping Our Future

An active connected and caring community

Latrobe City is a vibrant, multicultural and diverse community. Council continues to respond to the changing needs and aspirations of our diverse community by providing facilities, services and opportunities that promote an inclusive and connected community.

Legislation –

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the

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Latrobe Planning Scheme (the Scheme), which are relevant to this application.

SUMMARY

Land: Lot 2 on Plan of Subdivision 603045, known as 27A Grey Street, Traralgon.
Proponent: Auswi PTY LTD
Zoning: Commercial 1 Zone
Overlay: None

A Planning Permit is required:

- for an extension of business trading hours (liquor licence) in accordance with Clause 52.27 of the Scheme.

PROPOSAL

The proposal is for the extension of liquor license hours for an on-premises liquor licence. The applicant currently operates under a liquor licence that has the following hours:

- Monday to Saturday between 4 pm until 1 am the following day
- Sunday 1 pm until 11 pm.

The only exception to these hours is Anzac Day and Good Friday.

The proposed operating hours are as follows:

- Monday to Thursday between 4 pm and 1 am the following day (**no change**)
- Friday 4 pm until 2 am (**1 hour change increase in operating hours**)
- Saturday 1 pm until 2 am (**1 hour increase in operating hours**)
- Sunday 1 pm until 11 pm (**no change**)

It should be noted that the proposal does not include any proposed changes to external licensed area either in terms of operating hours or area.

There is also no proposed change in the number of patrons.

Subject Land:

The subject land is located within the Traralgon central activity district and is an 'L' shaped size lot with a total area of 209 metres squared. The site contains an existing single storey building and the building covers the entirety of the site.

The subject site has been used as a tavern for in excess of 10 years

There are no on site car parking spaces provided as a result of this proposal.

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Surrounding Land Use:

North: 30-44 Grey Street, Traralgon

Grey Street Primary School takes over the entire block of land to the north which encompasses 18 lots in total..

South: 179-181 Franklin Street, Traralgon

Directly to the south of the site at 179-181, Franklin Street is an office building which is used by a mix of organisations including emergency services as a central communication headquarters. Further to the south includes a bottle shop and Ryans Hotel.

East: 27 Grey Street, Traralgon

Directly to the east is "Studio M" which is an interior design centre for domestic and commercial buildings. Further to the east is a hairdresser, Metricon Homes Sales Centre and to the east of Franklin Street is Stockdale Shopping Centre.

West: 29 Grey Street, Traralgon

"Premier Function Centre" is directly to the west. Further to the west is a range of commercial and medical services including Gippsland Imaging, financial services and real estate offices.

Refer to Attachment 2 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

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

LATROBE PLANNING SCHEME

State Planning Policy Framework

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Clause 11.01-2 Activity Centre Planning encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments in activity centres to provide a variety of land uses which are highly accessible to the community.

Strategies to achieve this include:

- *Provide a focus for business, shopping, working, leisure and community facilities.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of the centre.*

13.04-1 Noise abatement has an objective of ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design, land use separation techniques and appropriate management of premises as appropriate to the land use functions and character of the area.

The objective of Clause 17.01-1 Business is “*to encourage development which meets the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*”. One strategy listed to achieve this is to “*locate commercial facilities in existing or planned activity centres*”.

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Clause 21.04 Built Environment Sustainability recognises the towns of Moe, Morwell, Traralgon and Churchill as having their own unique characteristics which contribute to their local sense of place and provide diversity. Each town has developed its own role and function with Traralgon identified as being the commercial centre of Latrobe City.

Clause 21.05-6 Specific main town strategies – Traralgon shows the site located in the Traralgon Primary Activity Centre on the Traralgon Structure Plan. The clause lists the following relevant strategies for commercial development:

- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters.*
- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Discourage significant new retail and office development outside of areas Area 4, Argyle Street and Princes Highway and Stammers Road (Area 14).*
- *Encourage increased densities and vertical growth of Traralgon’s town centre to support the growth of the office sector.*

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

- *Discourage dispersion of the office sector.*
- *Support the development of the land generally bounded by Grey Street, Franklin Street and the Traralgon Creek for mixed use purposes.*

Zoning

The site is located within a Commercial 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Commercial 1 Zone have been taken into account in the assessment of this application however it should be noted that the specific planning permit trigger is Clause 52.27 Licensed Premises.

Particular Provisions

Clause 52.27 Licenced Premises:

Pursuant to Clause 52.27 a planning permit is required to increase the hours of trading allowed under an on-premises liquor licence.

The proposed operating hours are as follows:

- Monday to Thursday between 4 pm and 1 am the following day (**no change**)
- Friday 4 pm until 2 am (**1 hour change increase in operating hours**)
- Saturday 1 pm until 2 am (**1 hour increase in operating hours**)
- Sunday 1 pm until 11 pm (**no change**)

The proposed changes to the liquor licence will be discussed in greater detail in the issues section of this report.

Please see attachment 5 for a copy of the existing liquor licence.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The proposed extension of liquor licence hours is considered to be generally consistent with the draft strategic direction for the Traralgon activity centre plan. At its Ordinary Council Meeting on 2 August 2010 Council adopted the Traralgon Activity Centre Plan *Stage 1 Background Reports*, July 2010. As outlined in these documents the Draft Traralgon Activity Centre Plan aims to protect and promote the role of Traralgon activity centre as the pre-eminent commercial centre for the region. The site is located in an established primary activity centre where there already exists a mix of liquor licences for the example the Premier Function

**ORDINARY COUNCIL MEETING MINUTES
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Centre, "Ryans Hotel", Sabroso Tapas & Grill etc, however it is noted that the nearest sensitive use is located due north of the subject site (Grey Street Primary School) with the nearest dwelling located 125 metres away from the subject site

It is considered that with suitable conditions attached to any issue of a permit, the proposal will result in the continued effective management of an existing license premises.

'Purpose' and 'Decision Guidelines' of the Commercial 1 Zone:

The permit trigger in relation to this application is Clause 52.27 Licensed Premises of the Latrobe Planning Scheme

The proposal is therefore considered to be appropriate for the site and satisfies the requirements of the Commercial 1 Zone.

Extension of hours and number of patrons allowed under the Liquor licence

Clause 52.27 Licenced Premises of the Latrobe Planning Scheme has an outlined purpose to ensure that liquor licences are appropriately located and to ensure that liquor licence premises do not affect the amenity of the surrounding area.

The applicant proposes an increase in the liquor licence trading hours between 1 am to 2 am on Friday and Saturday night week with the only exception being Good Friday and Anzac Day which will remain the same.

The decision guidelines of Clause 52.27 that have to be considered include:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

As detailed previously the subject site is located within the Primary Activity Centre of Traralgon where a mix of liquor licences exists. However it is noted that directly north of the subject is Grey Street Primary School and nearest residential sensitive use (dwelling) is located 125 metres to the north along Moore Street

**ORDINARY COUNCIL MEETING MINUTES
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The Department of Planning and Community Development (DPCD) have released a practice note in relation to the assessment of liquor licence applications. *Licensed premises: Assessing cumulative impact* (DPCD, March 2011). This document is to be used as a support tool for councils when assessing the cumulative impact of licensed premises as part of a planning permit application.

The document details that “*Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.*”

Negative impacts can include increased levels of anti-social behaviour and infrastructural problems such as a lack of available transport options at available times. Positive impacts can include the creation of a local ‘identity’ or status as an entertainment or tourism destination, enhanced vitality of an area and increased economic benefits.

When assessing liquor licence proposals such as proposed in this application, the following should be considered when assessing the cumulative impact of licensed premises:

- Planning policy context

As detailed previously the subject site is located in the Primary Activity Centre of Traralgon, however Grey Street Primary School is directly north of the subject site and the nearest dwelling on Moore Street is 125 metres away from the subject site. It is generally considered that the most suitable location for such venues is within Primary Activity Centres and with suitable conditions attached to any issue of a permit; it is considered that the proposal would be consistent with State and Local Planning Policy Framework.

- Surrounding land use mix and amenity

The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area. In this case the nearest sensitive use is located directly north of the subject site (Grey Street Primary School). The subject site is within an area where a ‘cluster’ of licensed premises exist, with varying license types, which operate past 11 pm. It is however noted that no objection was received from the Victorian Police or the Victorian Commission for Gambling and Liquor Regulation.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

It also should be noted that representatives of Grey Street Primary School that originally objected to the proposal have subsequently withdrawn their objection as a result of a private agreement between both parties.

- The mix of licensed premises:

There is a large mix of liquor licence types within the Traralgon Activity Centre including On-Premises Liquor, Restaurant and Café Liquor Licenses and On-Premises Liquor Licences.

There are a large number of late night venues within the subject area including the Premier Function Centre, Ryans Hotel, Spirit Bar and Cargo Lounge which are all within 200 metres of the subject site and all of which have licences to cater for in excess of 200 patrons.

However, it is noted that the proposed extension of time for the business trading hours of the liquor licence is for 1 hour only on Friday and Saturday Night and that the existing venue management measures have been detailed as being satisfactory by members of the Victorian Police.

- Transport and dispersal

Patrons leaving licensed premises at closing time can have a significant impact on the amenity of an area. Consideration of how patrons will leave the area and the routes they will take, including the location and availability of taxi ranks, car parks and public transport services is important in the assessment in whether a new or increase of liquor license business hours is considered appropriate. The quality and frequency of services is a factor because it will influence the length and time that patrons spend in an area. In this case the following has been considered:

- There is adequate car parking available to the public;
- The taxi rank is located less than a 150 metres from the subject site; and
- Latrobe Valley Bus lines operate a late night service from the taxi rank to the towns such as Churchill, Traralgon, Morwell and Moe.

It is further noted the closing times within the Primary Activity Centre are “staggered” with the closing time of the differing types of licence of 11 pm, 1 am, 3 am and 5 am.

As a result it is not considered that all patrons frequenting night time venues will be looking to leave the primary activity area at the same time.

- Impact mitigation

A venue incorporating good urban design and safe design principles is more likely to successfully manage potential amenity impacts from venue patrons on an area, improve perceptions of safety and provide a positive cumulative impact.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

It is considered a suitable planning permit condition can be imposed requiring a venue management plan (if required) as part of any planning permit issued.

Conclusion:

Given the above, it is considered that the proposed increase in business trading hours of 1 hour on a Friday and Saturday night in relation to the liquor license and associated increase in patron numbers is consistent with the purpose and decision guidelines of Clause 52.27 Licensed Premises.

Submissions

As a result of the notification process, the application received three objections originally. As a result of mediation two of those objections have been removed.

The issues raised in the one outstanding objection are as follows:

1. Discussions have been held with the Traralgon CBD Safety Committee and the Victorian Police in regards to reducing liquor license hours.

Officer Comment:

Although such discussions may have taken place, it is noted that no objection has been received from the Victorian Police and Victorian Commission for Gambling and Liquor Regulation in relation to the proposed extension liquor licence trading as a result of this proposal.

2. Concerns that the proposal will further increase the congestion of patrons attempting to get taxis as a transportation method to get home.

Officer Comment:

The issue of transportation and dispersal has been discussed at length in the previous section of the report. It is not considered that this proposal will result in any increase of perceived problems in relation to transportation deficiencies at weekends. It is further noted taxi services are privatised and as a result the provision of such services is not something controlled by Council. As detailed previously Latrobe Valley Bus Lines also operate a late night service at weekends.

As a result it is not considered that the proposal will result in any increased congestion issues for patrons of late night transportation services within the Traralgon Activity Centre at weekends.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers, an A3 notice was displayed on the site frontage for 14 days and a notice was placed in the Latrobe Valley Express for one issue. 3 objections to the application were received, two of which were subsequently withdrawn.

Refer to Attachment 6 for a copy of the objection and withdrawal letters.

External:

The application was referred pursuant to Section 55 of the Act to the Victorian Commission for Gambling and Liquor Regulation, who did not object to the grant of a permit. Pursuant to Section 52(1)(d) of the Act, Victorian Police were also notified of the application. They also had no objection to a grant of planning permit.

Internal:

Internal officer comments were sought from Council's Community Strengthening Team who gave consent to the granting of a planning permit subject to appropriate notification of the application to the appropriate bodies which has taken place.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit.
- 2 Issue a Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Commercial 1 Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of Clause 52.27 Licensed Premises;
- Consistent with relevant Particular Provisions and Clause 65 (Decision Guidelines).

Attachments

1. Redline plan
2. Locality plan
3. History of the assessment of the application
4. Latrobe Planning Scheme provisions
5. Current licence
6. Copy of objection and withdrawal letters

RECOMMENDATION

That Council issues a notice of decision to grant a planning permit for the increase in business trading hours of the liquor license at 27A Grey Street, Traralgon being Lot 2 on Plan of Subdivision 603045 with the following conditions:

1. **The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
2. **At the request of the Responsible Authority a Venue Management Plan must be submitted to and approved by the responsible authority. The venue management plan must set out the measures to be implemented by the Licensee to assist in the orderly management of the liquor licence to limit any impacts of the use on the amenity of the locality. The venue management plan must include (but not be limited to):**
 - a) **The operator of the premises will participate in the Traralgon Liquor Accord.**
 - b) **Emergency Procedure Management plan.**
 - c) **Responsible serving of alcohol guidelines and staff responsibilities.**
 - d) **Management of patron entrance (including queuing) and exit from the premises**

- e) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers and queuing lines).
- h) Hours of operation for all parts of the premise.
- i) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- j) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premise.
- k) Measures to be undertaken to address all noise sources identified, including any on and off-site noise attenuation measures.
- l) Details of staffing arrangements including numbers and working hours of all security staff.
- m) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
- p) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- q) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.

Any amendment to venue management plan must be submitted to and approved by the Responsible Authority. The permitted use must be conducted in accordance with the provisions of this plan to the satisfaction of the responsible authority.

3. Not more than 249 patrons (including external area) may be present on the premises at any one time without the written consent of the Responsible Authority.
4. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager').

The Manager must be authorised by the operator of this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

5. The use 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.
6. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
7. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:
 - a) Sunday between 1 p.m. and 11 p.m.
 - b) Good Friday between 4 p.m. and 11 p.m.
 - c) Anzac Day (being Monday to Saturday) Between 4 p.m. and 11 p.m.
 - d) Anzac Day (being Sunday) between 1 p.m. and 11 p.m.
 - e) Friday and Saturday between 4 p.m and 2 a.m the following morning.
 - f) On any other day between 4 p.m. and 1 a.m. the following morning.

(No proposed change to the liquor license external area either by way of area, times or number of patrons permitted.)

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

8. The operator of this permit and the Manager shall take all necessary steps to ensure that no noise or other disturbances emanates from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, in the opinion of the Responsible Authority.
9. The operator of this permit must comply with any conditions set by the Victorian Commission for Gambling and Liquor Regulation.

Permit Expiry

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.

Moved: Cr Kam

Seconded: Cr Rossiter

That the Recommendation be adopted.

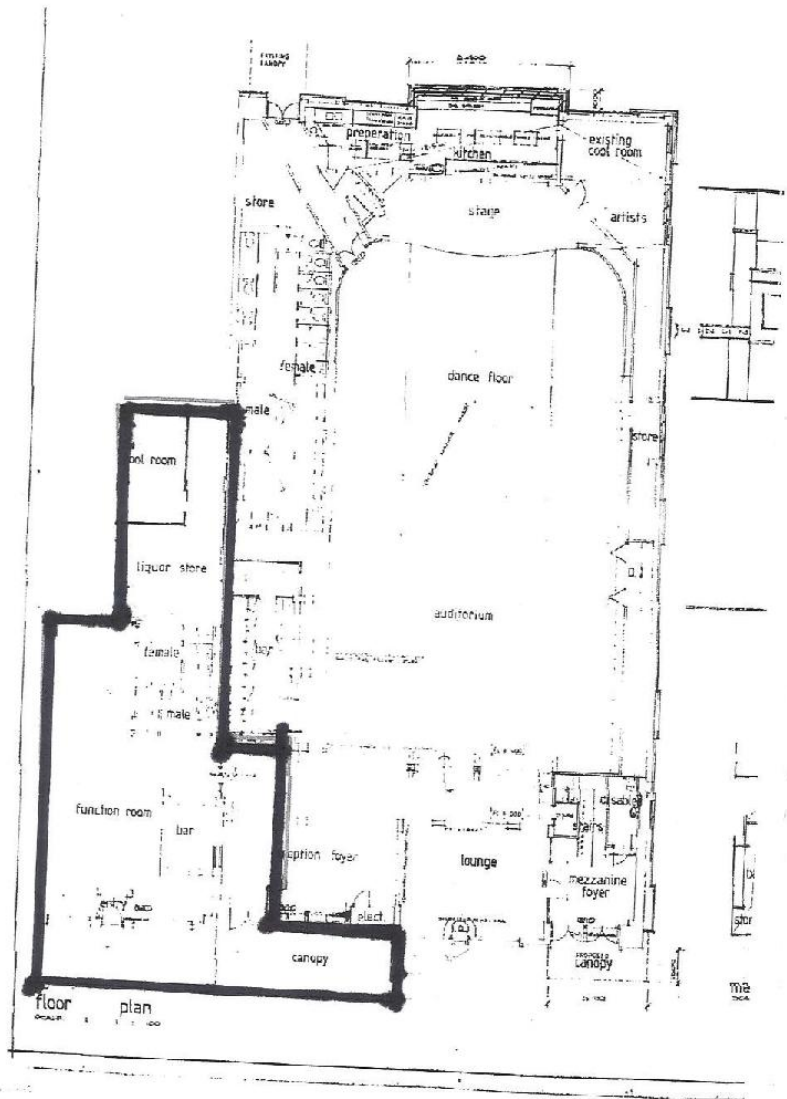
CARRIED UNANIMOUSLY

16.3

PLANNING PERMIT APPLICATION 2013/104 - INCREASE BUSINESS TRADING HOURS (LIQUOR LICENSE) AT 27A GREY STREET, TRARALGON

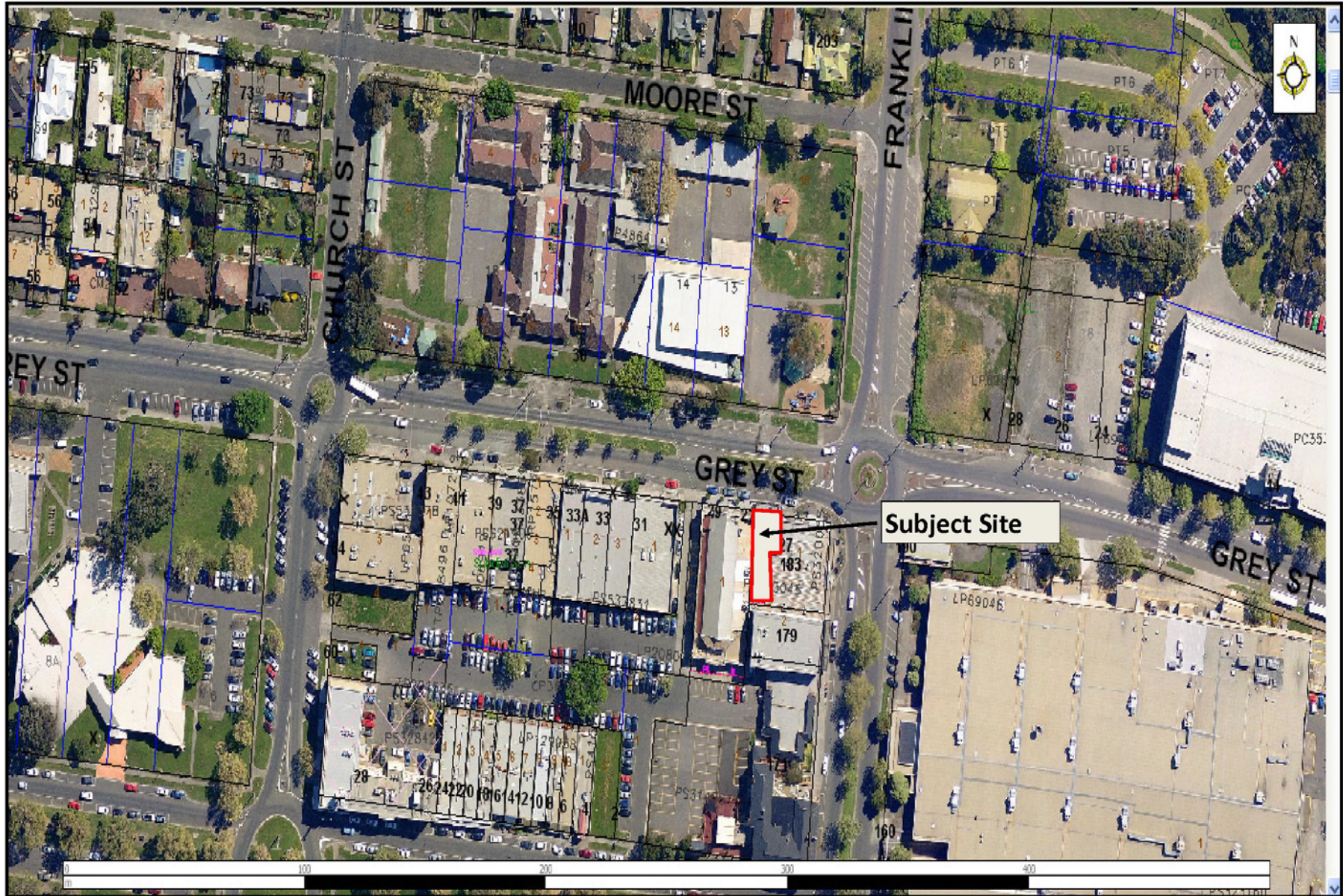
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J V STAR BAR



Date of Approval 17/06/2003

Licence: 32269985 - Premises: 3



History of Application

30 April 2013	Planning Permit application received by Council
14 May 2013	Further information requested from applicant
3 June 2013	Further information received from applicant
4 June 2013	Applicant advised to give notification of the application. Application referred internally to Community Strengthening. Application referred under Section 55 and Section 52 of the Act to the VGCLR and Victorian Police respectfully
5 & 7 August 2013	Three objections received
7 August 2013	Statutory declaration returned by applicant advising notification complete.
9 August 2013	Mediation meeting requested to be setup
20 August 2013	Mediation meeting held
26 September 2013	Correspondence with 1 of the objectors and requesting the objector to outline whether objection is withdrawn or remain outstanding.
14 October 2013	1 objection withdrawn
15 October 2013	Correspondence with 1 of the objectors and requesting the objector to outline whether the objection is withdrawn or remain outstanding.
22 October 2013	1 objection withdrawn

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02-1 Activity Centre Planning
Clause 11.05-1 Regional Settlement Networks
Clause 17.01-1 Business

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'

Zoning – Commercial 1 Zone

The subject land is located within a Business 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.27 Licensed Premises

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

None

*On-Premises Licence**Licence No. 32269985*

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2013

Licensee	AUSWI PTY LTD	Licensed premises address	27 A GREY STREET TRARALGON 3844
Address for service of notices	PO BOX 1850 TRARALGON 3844		
Trading as	J V STAR BAR		

TYPE OF LICENCE

This licence is an on-premises licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

MAXIMUM PATRON CAPACITIES

External area - 78 patrons. Internal area - 249 patrons. Overall maximum - 249 patrons.

TRADING HOURS

Sunday	Between 1 p.m. and 11 p.m.
Good Friday	Between 4 p.m. and 11 p.m.
Anzac Day (being Monday to Saturday)	Between 4 p.m. and 11 p.m.
Anzac Day (being Sunday)	Between 1 p.m. and 11 p.m.
On any other day	Between 4 p.m. and 1 a.m. the following morning.

APPROVALS/CONSENTS

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Director of Liquor Licensing and shown on the approved plan during the hours specified below for consumption on those premises.

Sunday	Between 1 p.m. and 9 p.m.
Good Friday	Between 4 p.m. and 11 p.m.
Anzac Day (being Monday to Saturday)	Between 4 p.m. and 11 p.m.
Anzac Day (being Sunday)	Between 1 p.m. and 9 p.m.
On any other day	Between 4 p.m. and 12 midnight.

End of Conditions - Printed on 22/11/2013

Latrobe City Council

Service Centre

34- 38 Kay Street

Traralgon 3844

4th August, 2013

I am writing to you in respect to the application to increase business trading hours of Star Bars liquor licence in Traralgon from 1am to 2am.

As the licensee of Ryans Hotel on franklin Street Traralgon, I've had several intense conversations with Superintendent Mick West in respect to venues trading hours. He has stated on several occasions that it is his intent to reduce all venue trading hours. Furthermore please refer to the Traralgon CBD Safety Committee Meeting minutes dated 18 July, 2013 where Kay Street Entertainment Centre have also been in discussions with the Mick West regarding reducing its licensing hours.

On another note in Traralgon there is an issue with the shortage of Taxis late at night. By extending the hours of another venue this will create further congestion at the taxi ranks as more patrons will be out in the streets at the same time looking for transportation home congregating in front of Stocklands Plaza.

By reducing other venue hours and increasing Star Bar's hours will result in a lot more people in the streets of Traralgon searching for an avenue to get home.

I strongly object to the approval of Star bars increase in trading hours.

Yours faithfully,



Tina Doyle

Licensee Ryans Hotel 171 Franklin street Traralgon 3844

Phone 03 5174 2058

Fax 03 5176 2280



Traralgon CBD Safety Committee Meeting Minutes

No	Item Description
	<p>operating, and that Latrobe City is in the process of installing signage across the CBD to highlight that cameras are operating.</p> <p>Lorraine Paulette indicated that the Chamber of Commerce Business Safety Presentation was very successful and that future Business Safety Presentations will be delivered as part of their breakfast meetings.</p> <p>Lorraine also advised that the AGM for the Chamber will take place next week and that she will be stepping down as the President. She indicated that the likely President may be unable to attend CBD Safety Committee meetings due to work commitments. If that is the case, Lorraine will continue to attend the meetings as the representative.</p> <p>ACTION: <i>Add Traralgon Chamber of Commerce to the Agency Report list on future agendas.</i></p>
8	<p>Next Meeting 9.00 am – 10.00 am, Thursday 18 July 2013 Traralgon Police Station, Kay Street, Traralgon</p>
9	<p>Meeting closed 9.55 am</p>

Action Items

No	Item Description / Action	Owner	Due Date
1	<i>Invite a Drug and Alcohol worker to attend a CBD Safety Committee meeting to inform members of the drug issues and how they relate to Traralgon.</i>	David	
2	<i>Contact the management of Stocklands Plaza and McDonalds and invite them to a CBD Safety Committee meeting to discuss the issues further.</i>	David	
3	<i>Add Traralgon Chamber of Commerce to the Agency Report list on future agendas.</i>	David	



Traralgon CBD Safety Committee Meeting Minutes

No	Item Description
	<p>Steve advised that this has been an issue for some time and that the management of both Stocklands and McDonalds have had discussions with Council Officers previously to engage them in improving the situation. He also advised that CPTED audits have highlighted poor lighting exists in the car park at Stocklands.</p> <p>Brent reiterated the seriousness of the issue.</p> <p>ACTION: <i>Contact the management of Stocklands Plaza and McDonalds and invite them to a CBD Safety Committee meeting to discuss the issues further.</i></p> <p>6.5 Traralgon Liquor Accord No report.</p> <p>6.6 Late Night Venue Operators Andrew Panayiotou from the Kay St Entertainment Complex brought the conversation back to drugs and believes it is currently the biggest problem for venues also. He advised that his venue now employs more security guards than is legally required simply to deal with the issues of aggressive patrons who appear to be drug affected.</p> <p>Andrew advised that the licence scanner which is now installed and being used has really helped with behaviour and is acting as a deterrent to anti-social behaviour.</p> <p>Steve asked whether a Breathometre had been installed and Andrew confirmed that it had, but that they are considering moving it to an area with greater foot traffic as it is underutilised.</p> <p>Andrew also advised the Committee that the Liquor Licencing Inspector is engaged in discussions with the venue regarding its licensing hours.</p> <p>6.7 Latrobe City Council Steve advised the Committee that the Minister for Crime Prevention, Edward O'Donohue was recently in Traralgon to view the CCTV cameras and celebrate their implementation. The Minister also announced that Latrobe City was successful in its grant application for lighting upgrades to MERA Park in Morwell and the underpass in Churchill.</p>
7	<p>General Business</p> <p>7.1 CCTV Update David advised that all of the CCTV cameras have now been installed and are</p>



Traralgon CBD Safety Committee Meeting Minutes

No	Item Description
	<p>a process recently which will identify and capture what the future networks will be, and through that process some certainty may be clearer. He advised that the process will take at least twelve months.</p> <p>Steve advised the meeting that at a recent Alcohol and Other Drugs Forum, a report was tabled which showed that Melbourne's Nightrider service was being underutilised by woman due to safety concerns.</p> <p>Stuart replied that funding is the issue and doesn't disagree that the provision of security is a desirable outcome.</p> <p>Rhonda commented that she has been directly involved with the negotiations between LV Bus Lines and PTV, and the reason the contract is only for twelve months is because the security issue can't be resolved currently.</p> <p>6.3 LV Bus Lines</p> <p>Rhonda had nothing further to report, given the preceding discussion.</p> <p>6.4 Victoria Police</p> <p>Brett advised that a new Superintendent for Eastern Region has been announced. The new Superintendent is Malcolm 'Jock' Menzel.</p> <p>Brett spoke about the EyeWatch page on Facebook and advised that it currently has 2900 'likes', has processed 60 pieces of information from the public and that four offenders have been captured as a result of the page. One of the latest posts focussed on the CCTV cameras in the Traralgon CBD, and this had been viewed by 8000 people.</p> <p>Brett advised that the CCTV image quality of private cameras operating in businesses is often very poor and he has been working on encouraging businesses to improve their systems.</p> <p>Brent has now been tasked to this Committee along with Paul Stow and Steve Owen. He spoke about a recent Public Order operation which saw 14 people through the cells in one weekend. Another Public Order operation will be conducted shortly.</p> <p>Brent raised significant concerns about the number of people hanging around the McDonalds store and the car park at Stocklands Plaza in the early hours of Saturday and Sunday mornings, and that a number of 'sniper' assaults have occurred.</p>



Traralgon CBD Safety Committee Meeting Minutes

Meeting	Traralgon CBD Safety Committee	
Day/Date	Thursday, 20 June 2013	
Venue	Traralgon Police Station	
Time	Start 9.05 am	Finish 9.55 am
Chairperson	Cr Michael Rossiter	

Attendees

Rhonda Renwick – LV Bus Lines
 Steve Tong – Latrobe City Council
 David Lane – Latrobe City Council
 Brett Godden – Victoria Police
 Brent Muir – Victoria Police
 Lorraine Paulette – Traralgon Chamber of Commerce
 Stuart Johns – Public Transport Victoria
 Andrew Panayiotou – Kay St Entertainment Complex

Apologies

Darren Chester MP – Federal Member for Gippsland
 Cr Sandy Kam – Latrobe City Council
 Anna Tyben – LV Buslines
 Daryl Marks – Traralgon Taxis

Meeting Notes

No	Item Description
1	Welcome Cr Michael Rossiter welcomed those in attendance.
2	Apologies Apologies were tabled as noted above.
3	Minutes of last meeting - Thursday, 16 May 2013 Motion: That the minutes of Thursday 16 May 2013, as circulated, be adopted as a true and accurate record. Moved: Lorraine Paulette Seconded: Brett Godden Carried.
4	Business Arising David Lane and Stuart Johns joined the meeting at 9:07 am. 4.1 Change the wording for future agendas from Department of Transport to Public Transport Victoria David reported that this has been corrected on the current agenda. 4.2 Updated Action Plan to be sent to Committee members with the

Statutory Planning team
 Latrobe City Council
 PO Box 264
 MORWELL VIC 3840

Attention Jody Riordan

Dear Sir/Madam

**OBJECTION TO PLANNING PERMIT 2013/104
 27A Grey Street, TRARALGON
 L 2 PS 603045
 Increase business trading hours (liquor licence).**

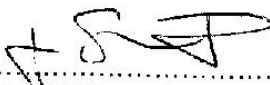
I refer to your correspondence of 26 September 2013
 and wish to advise as follows:
 (Please tick one)

- We wish to withdraw our objection to planning permit 2013/104 subject to any conditions.

N/A

- We do not wish to withdraw our objection

Yours sincerely



 Mr J R Stewart
 Printed Name and Signature
 Date

2/10/13

 Date

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

Attention Jody Riordan

Dear Sir/Madam

OBJECTION TO PLANNING PERMIT 2013/104
27A Grey Street, TRARALGON
L 2 PS 603045
Increase business trading hours (liquor licence).

I refer to your correspondence of 15 October 2013
 and wish to advise as follows:
 (Please tick one)

We wish to withdraw our objection to planning permit 2013/104 subject to any conditions.

We do not wish to withdraw our objection

Yours sincerely

PAULINE JELLEFF
 Grey Street Primary School
 Printed Name and Signature
 Date

Pauline Jelleff
 Date

**16.4 HOUSING STRATEGY - IMPLEMENTATION OF NEW
RESIDENTIAL ZONES INTO THE LATROBE PLANNING SCHEME**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present a proposed project plan in relation to the development of a Housing Strategy to facilitate the implementation of new residential zones into the Latrobe Planning Scheme to Council for consideration.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – 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.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 5: Planning for the future

To provide a well planned, connected and liveable community.

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

Strategic Direction – Planning for the future

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

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

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

Review our policy and guidelines for new residential development in particular lot density, unit development, road widths and emergency vehicles.

Legislation

The provisions of the Latrobe Planning Scheme and the *Planning and Environment Act 1987 (the Act)*.

BACKGROUND

Three new zones were introduced into the *Victorian Planning Provisions (VPP)* in July 2013 via Amendment V8.

The three new residential zones are:

1. The Neighbourhood Residential Zone (NRZ) – Minimal change areas
2. The General Residential Zone (GRZ) – Moderate change areas
3. The Residential Growth Zone (RGZ) – Substantial change areas

The three new residential zones will replace the existing Residential 1 Zone (R1Z) within the Latrobe Planning Scheme.

Councils have been given 12 months (until July 2014) to consider and implement the new zones into their planning schemes. If the new zones are not implemented by this date the General Residential Zone will replace the existing R1Z by default.

The GRZ is very similar to the existing R1Z which currently exists within the Latrobe Planning Scheme. The GRZ enables moderate housing growth and diversity while respecting urban character.

See Attachment 1 for a copy of the Department of Transport Planning and Local Infrastructure (DTPLI) *Advisory Note 50 – Reformed Residential Zones* and a copy of each of the new residential zoning provisions.

The *Latrobe City Council Plan 2013-2017* identifies a Strategic Direction within *Theme 5 – Planning for the Future* to:

- Review our policy and guidelines for new residential development in particular lot density, unit development, road widths, and emergency vehicle access.

The *Latrobe City Council 2013/14 Budget* identifies an Annual Action to:

- Develop a housing strategy and present to Council for consideration, to support application of new Residential Zones within the Latrobe Planning Scheme.

Project Governance

Latrobe City Council's adopted Project Governance Policy (11-POL-1) directs (where applicable) that prior to the commencement of a project to establish best practice project governance arrangements. This includes establishment of a Project Board, Project Reference Group and Project Assurance Group. Terms of Reference must be adopted by each governance group.

Project Reference Group

In accordance with the Project Governance Policy, at its Ordinary Council Meeting on 6 November 2013 Council resolved:

1. *That Council adopt the Strategic Planning Projects 2013/14- Housing Strategy and Latrobe Planning Scheme Review Project Reference Group Terms of Reference as attached.*
2. *That Council appoints Councillors White, Gibbons, Middlemiss, Gibson and Kam to the Strategic Planning Projects Reference Group.*
3. *That Council amend the Committee Delegations Register to include the Strategic Planning Projects Reference Group*

The major objectives of the Project Reference Group are:

- To provide input into the development of the project brief and stakeholder engagement plan for the Housing Strategy and Latrobe Planning Scheme Review for future Council endorsement;
- To assist in the review and inclusion of community consultation feedback and suggestions to the Housing Strategy and Latrobe Planning Scheme Review;
- To be a key reviewer of draft documentation for the Housing Strategy and Latrobe Planning Scheme Review in accordance with the draft Terms of Reference.

A copy of the adopted terms of reference for the Project Reference Group November 2013 can be found at Attachment 2.

Project Board

The role of the Project Board is to approve each stage of the project and authorise any changes that may occur throughout the life of the project. The Project Board consist of the Executive Team including Council officer support. A copy of the Project Board Terms of Reference can be found at Attachment 3.

Project Assurance Group

The role of the Project Assurance Group will be to monitor the progress of the project on behalf of the Project Board and provide specialist knowledge where required. The Project Assurance Group is yet to be established for this project (pending formalisation of the project plan).

ISSUESImplementing the new zones

A planning scheme amendment is required to implement the three new residential zones into the Latrobe Planning Scheme. In accordance with the Department of Transport Planning and Local Infrastructure (DTPLI) *Advisory Note 50 – Reformed Residential Zones*, Councils that have existing and relevant policies/strategies (such as a Housing Strategy) that have undergone a process of public exhibition can prepare an amendment to implement the new zones, this may include a request to the Minister for Planning under Section 20(4) of the *Planning and Environment Act 1987* to be exempt from the requirements of giving notice based on earlier consultation.

Councils must ensure that zones support and give effect to the State Planning Policy Framework (SPPF) and support all relevant policy areas within the Municipal Strategic Statement (MSS). In addition the rationale for applying the zone should be clearly discernible in the Local Planning Policy Framework (LPPF).

Further advice regarding the implementation of the new residential zones is available within the DTPLI *Practice Note 78 – Applying the Residential Zones* (see Attachment 4).

Key deliverables

Council has a significant number of strategic land use planning policies/strategies within the Latrobe Planning Scheme that are relevant to the application of new residential zones. These documents have undergone a process of public exhibition prior to Council adoption and incorporation into the Latrobe Planning Scheme. See Attachment 5 for a list of all existing and relevant policies/strategies within the Latrobe Planning Scheme.

The potential therefore exists that the relevant recommendations from these documents could be utilised to inform the preparation of a Housing Strategy that facilitates the implementation of new residential zones into the Latrobe Planning Scheme. This would negate the need for significant further strategic work to implement the new residential zones. Informal discussions with DTPLI offices have supported this position.

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This would result in a process where existing policy is utilised to inform the spatial allocation of new residential zones. A desktop assessment of all existing and relevant policies/strategies would need to be undertaken to provide the relevant strategic justification to support the application of the new residential zones and a subsequent planning scheme amendment.

The option also exists for Council to consider the development of a more sophisticated Housing Strategy to inform the implementation of the new residential zones. This could incorporate new policy direction and detailed analysis of issues such as neighbourhood character, urban design, affordable housing etc.

Preliminary workshops have been held with the Project Reference Group and Project Board to investigate these opportunities and develop a project plan to undertake the development of a Housing Strategy. The following options have been investigated as part of these workshop activities:

Option 1 - Detailed Housing Strategy

Under option 1 a consultant would be engaged to develop a detailed Housing Strategy to support application of the new residential zones. The following matters may be considered in developing the strategy:

- Policy context review
- Demographic and housing profile
- Housing growth and change in Latrobe City
- Neighbourhood character and urban design analysis
- Affordable housing policy
- Draft residential zones and schedules
- Draft planning scheme mapping
- Draft amendments to relevant local policy
- Recommendations for additional policy development to support the Housing Strategy

Under option 1 the following key deliverables would be established:

- Analyse Latrobe's capacity for housing growth.
- Identify areas capable of accommodating increased residential development
- Provide greater certainty over the housing change envisaged across the municipality (housing change areas – substantial, incremental and minimal)
- Medium Density Housing Strategy identified in the MSS at Clause 21.04 as further strategic work to be undertaken
- Include both main and small towns

A Housing Strategy in accordance with option 1 would be envisaged to follow the following project plan:

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The following strengths and weaknesses of option 1 have been identified in workshops with the Project Reference Group and Project Board:

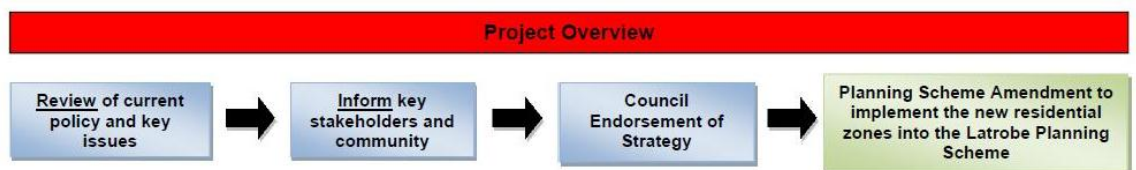
STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Completes medium density housing strategy as identified in the current MSS • Consultant expertise and support • Policy to support decisions • Strong justification for Planning Scheme Amendment (PSA) • Detailed community and stakeholder engagement • Municipal wide application of zones 	<ul style="list-style-type: none"> • Timeframe – unlikely to be completed until end 2015. • Uncertain policy environment for extended period. • Default to GRZ in July 2014 • DTPLI assistance with PSA not guaranteed

Option 2 – Implementation of New Residential Zones Only (Consultant assisted)

Under option 2 a consultant would be engaged to undertake a review of current policy and key issues and apply the new residential zones and develop schedules in line with existing policy (i.e. policy neutral). The following matters may be considered in developing the strategy:

- Policy context
- Draft residential zones and schedules
- Draft planning scheme mapping
- Draft amendments to relevant local policy (if required)
- Include both main and small towns
- Recommendations for additional policy development

A Housing Strategy in accordance with option 2 would be envisaged to follow the following project plan:



The following strengths and weaknesses of option 2 have been identified in workshops with the Project Reference Group and Project Board:

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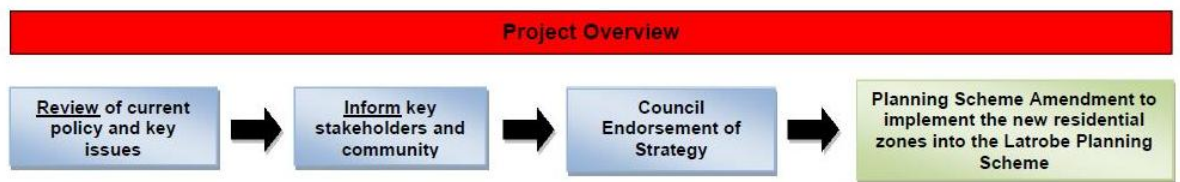
STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Consultant expertise and support • Within allocated budget • Timeframe – aimed at June 2014 (subject to procurement policy requirements) • Policy to support decisions • No default to GRZ in July 2014 • Municipal wide • DTPLI assistance with PSA 	<ul style="list-style-type: none"> • Implements new residential zones only – no new policy development • Limited community engagement (if June 2014 deadline to be met) • No direct correlation to market factors/economic drivers • Future policy development still required.

Option 3 - Implementation of New Residential Zones Only (in-house delivery)

Under option 3 Council officers would undertake a review of current policy and key issues and apply the new residential zones and develop schedules in line with existing policy (i.e. policy neutral). The following matters may be considered in developing the strategy:

- Policy context
- Draft residential zones and schedules
- Draft planning scheme mapping
- Draft amendments to relevant local policy (if required)
- Includes main towns only
- Recommendations for additional policy development

A Housing Strategy in accordance with option 3 would be envisaged to follow the following project plan:



The following strengths and weaknesses of option 3 have been identified in workshops with the Project Reference Group and Project Board:

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Timeframe – optimises opportunity for delivery by June 2014 • Policy to support decisions • No default to GRZ in July 2014 in main towns • DTPLI assistance with PSA 	<ul style="list-style-type: none"> • Implements new residential zones only • Limited community engagement (if June 2014 deadline to be met) • No direct correlation to market factors/economic drivers • Main towns only • Future policy development still required.

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In undertaking an analysis of the options outlined above, the following key factors were discussed with the Project Reference Group and Project Board.

Timeframes

The Annual Action as identified within the *Latrobe City Council 2013/14 Budget* was due to commence on 1 July 2013. Due to resourcing issues within the Future Planning Department, the project did not commence until September 2013.

The scheduled completion date of the project is 30 June 2014. This date coincides with the DTPLI verbal offer to all councils (which currently can readily convert into the three new residential zones by the 1 July 2014) to coordinate the PSA process. This may include a request to the Minister for Planning to prepare the amendment and use his powers under Section 20(4) of the *Planning and Environment Act 1987* to exempt himself from the requirements of giving notice based on earlier consultation. By DTPLI coordinating the Planning Scheme Amendment process it provides substantial potential time and cost savings to council.

DTPLI have advised that there may be an opportunity for councils who wish, at this stage, to transition to the GRZ to do so before the 1 July 2014 via a general amendment coordinated by DTPLI.

Discussions held with the Project Board and Project Reference Group have indicated a general preference to continue to aim at meeting the 30 June 2014 deadline to take advantage of DTPLI offer of assistance.

Financial implications

The project has an allocated budget of \$100,000 for the 2013-2014 financial year. The delivery of a detailed Housing Strategy (as outlined in option 1) would likely be significantly in excess of this figure (estimated at approximately \$250,000). This would require the allocation of additional funding for the project over forthcoming financial years as part of future budget processes.

Delivery of the Housing Strategy to only facilitate implementation of the new residential zones (i.e. option 2 or option 3) would likely identify that future strategic work be undertaken in subsequent financial years with additional associated costs.

Discussions held with the Project Board and Project Reference Group has indicated a general preference to develop the Housing Strategy within existing budget allocations.

Community engagement

If the timeline of June 2014 is to be met for the Housing Strategy project, the opportunity for community consultation will be limited. In the case of options 2 and 3 the review of existing policy (previously subject to community engagement) to inform the location of new residential zones, this approach may be deemed appropriate. Option 1 would require extensive community engagement and would not allow the project to be delivered within projected timelines.

The result of the Housing Strategy will be that all residential zones within Latrobe City will be altered. It is therefore anticipated that there will be a high degree of community interest in the project. In this context the requirement for community engagement will need to be carefully considered and balanced against other competing priorities in delivering the project – in particular the June 2014 deadline.

Policy certainty versus the need for future strategic land use work

An underlying principle for the expeditious delivery of the Housing Strategy and implementation of new residential zones relates to the need for policy certainty for our community in relation to housing development (i.e. planning applications).

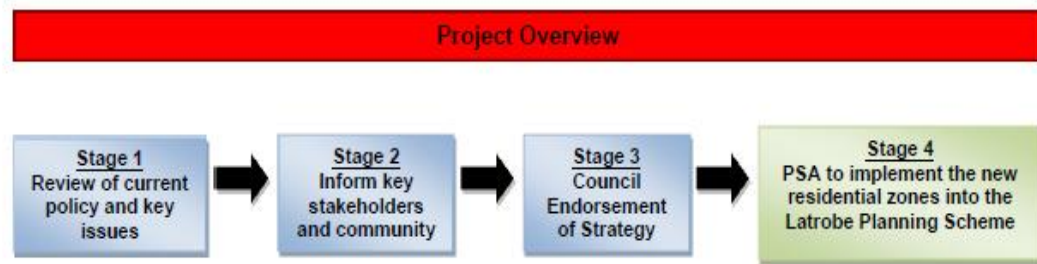
In a broader strategic sense the evolving land use planning environment associated with the Gippsland Regional Growth Plan and State of Cities means that there is an opportunity to provide a contemporary approach to policy in relation to current and future housing needs within Latrobe Regional City.

A key question therefore relates to the choice to deliver a detailed housing strategy (i.e. in line with option 1) now or simply implement the new residential zones (i.e. in line with options 2 and 3) and undertake more detailed strategic policy work in the future? The development of a project plan for the Housing Strategy will need to reconcile these competing priorities.

Preferred Project Plan

Taking into account the options analysis outlined above and discussion held with the Project Reference Group and Project Board, a project plan for delivery of the Housing Strategy has been identified. The project plan is in line with option 3 (above) and would follow the following program:

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)



Stage	Task Breakdown	Timeframe
1	<ul style="list-style-type: none"> Identify and collect data and review Analysis of previous council consultation Review of current policy and key issues Meetings with PB and PRG 	December 2013 to February 2014
	<ul style="list-style-type: none"> Preparation of draft zoning maps and supporting documentation Meetings with PB and PRG 	March to April 2014
2	<ul style="list-style-type: none"> Community and stakeholder consultation (limited and may include fact sheets, website tools, newspaper advertising etc.) Meetings with PB and PRG 	May 2014 (2 weeks)
3	<ul style="list-style-type: none"> Seek endorsement of Strategy by Council 	June 2014
4	<ul style="list-style-type: none"> Planning Scheme Amendment to implement new residential zones – DTPLI coordinated 	Begin July 2014

The project plan outlined above seeks to balance the competing demands associated with the development of the Housing Strategy and implementation of new residential zones. The principle aim of the project is to seek delivery and implementation by the end June 2014 to allow greater certainty for the community in relation to residential development.

In order to achieve this outcome it is acknowledged that there is limited time for community engagement. It is also acknowledged that future strategic project work is likely to be required in relation to the formulation of refined policies in relation to housing for Latrobe Regional City. The recommended project plan does not preclude this work being undertaken in the future whilst providing greater policy certainty for Council and the community in the short term.

It is noted that if and when future land use policy is developed, the residential zones can be further amended to reflect an emerging policy environment.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report in relation to the following matters.

Financial

Dependent on the option selected to progress the project, certain financial risks have been identified.

Option 1 – A detailed housing strategy

The project has an allocated budget of \$100,000. It is anticipated that if a detailed housing strategy is to be undertaken it could cost in excess of \$250,000 leaving a budget shortfall. Additional funds would need to be allocated to the project in the 2014/2015 budget.

Options 2 and 3 – Implementation of new zones only

Alternative options outside a detailed housing strategy have been considered to deliver the project within the allocated budget. These are discussed in more detail in the issues section of this report. These two options are projected to fall within (or below) the allocated budget.

Risk

The Annual Action as identified within the *Latrobe City Council 2013/14 Budget* is due to be completed by June 2013.

DTPLI have made verbal offers to all councils (which currently can readily convert into the three new residential zones by the 1 July 2014) to coordinate the process. If this opportunity is missed the coordination of a Planning Scheme Amendment by council will require additional time and potential budget allocation (see above). This could result in a lack of clear policy direction for future housing development within Latrobe City.

Resources

If option 3 is preferred for delivery of the Housing Strategy and implementation of new residential zones, this will require a more intensive use of officer resources than initially anticipated. This will require a review of project delivery during the 2013-2014 financial year to optimise the opportunity for the project to be delivered on time.

INTERNAL/EXTERNAL CONSULTATION

With the aim of meeting the budget and completion deadlines and taking into account the large amount of existing and relevant policies/strategies within the Latrobe Planning Scheme, that have undergone a process of

**ORDINARY COUNCIL MEETING MINUTES
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public exhibition, it is proposed that the engagement activities associated with the project will be limited.

OPTIONS

Three options have been developed to progress the project. The following options are available to Council.

1. Endorse option 3 – Implementation of New Residential Zones Only (in house delivery) for the Housing Strategy.
2. Endorse an alternate option for delivery of the Housing Strategy.

CONCLUSION

Three new residential zones were introduced into the *Victorian Planning Provisions (VPP)* in July 2013 via Amendment V8.

Councils have been given 12 months (until July 2014) to consider and implement the new residential zones into their planning schemes, if the new zones are not implemented by this date the General Residential Zone will replace the existing Residential 1 Zone by default.

In line with Latrobe City Council's adopted Project Governance Policy a Project Board, Project Reference Group and Project Assurance Group have been established to ensure best practice project governance arrangements.

Three options have been developed to deliver the project, however only options 2 and 3 allow for the opportunity to meet budget and timeframe constraints. Option 1 offers full community and stakeholder consultation while options 2 and 3 offer limited consultation.

Discussions held with the Project Board and Project Reference Group have indicated a general preference for the project to be delivered within the allocated budget and timeframe with the aim to take advantage of DTPLI's offer of assistance. Potential risks have been flagged with both the Project Board and Project Reference Group to assist with the decision making process.

The preferred option to progress with the implementation of the new residential zones into the Latrobe Planning Scheme has been selected after consideration of the above issues and discussions held with both the Project Board and Project Reference Group.

Attachments

1. Attachment 1 - Advisory Note 50 and New Zone Provisions
2. Attachment 2 - Project Reference Group TOR
3. Attachment 3 - Project Board TOR
4. Attachment 4 - Practice Note 78
5. Attachment 5 - List of all existing and relevant policies/strategies

RECOMMENDATION

- 1. That Council endorse Option 3 – Application of the new residential zones (in-house delivery) as the preferred option to progress the Housing Strategy project.**

Moved: Cr Middlemiss
Seconded: Cr Gibbons

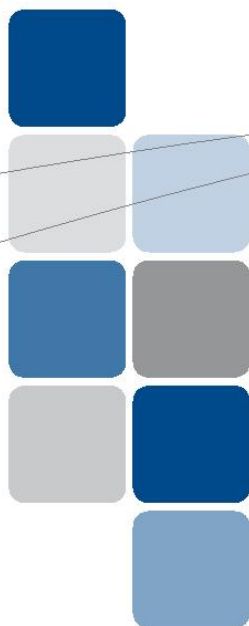
That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.4

Housing Strategy - Implementation of New Residential Zones into the Latrobe Planning Scheme

1	Attachment 1 - Advisory Note 50 and New Zone Provisions	445
2	Attachment 2 - Project Reference Group TOR	477
3	Attachment 3 - Project Board TOR.....	483
4	Attachment 4 - Practice Note 78.....	487
5	Attachment 5 - List of all existing and relevant policies/strategies	499



Advisory Note | 50

July 2013

Reformed residential zones

This advisory note provides information about the introduction of the General Residential, Neighbourhood Residential and Residential Growth zones in Clause 32 of the *Victoria Planning Provisions* (VPP) through Amendment V8.

This advisory note explains:

- the background and amendment process of the reformed residential zones
- the main features of the reformed residential zones
- how the new provisions affect planning schemes, existing uses, permits and permit applications
- the application and implementation of the new residential zones into planning schemes.

Why have new residential zones been introduced?

The Victorian government has delivered on commitments to reform Victoria's residential zones by introducing the new residential zones into the VPP and ensuring that these zones are relevant and reflect the aspirations of all Victorians. The new residential zones will give greater clarity about the type of development that can be expected in any residential area by simplifying requirements, allowing a broader range of activities to be considered and better managing growth.

What are the main features of the reformed residential zones?

The General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ) will replace the Residential 1, 2 and 3 zones. The new and amended residential zones provide councils with improved tools to plan for residential development.



Department of
Transport, Planning and
Local Infrastructure



Residential Growth Zone

- The zone purpose encourages diverse housing types and increased densities up to and including four storeys. This zone will work as a transitional zone between areas of more and less intensive development.
- Sets a discretionary height limit of 13.5 metres for dwellings and residential buildings with the ability for a council to specify a mandatory height limit through the schedule to the zone.
- Allows complementary uses including Shop, Food and drink premises, Medical centre and Place of worship without a permit if conditions limiting their location and scale are met.

General Residential Zone

- The zone purpose provides for a diversity of housing types and moderate housing growth, and requires development to respect neighbourhood character and implement neighbourhood character policy guidelines.
- A discretionary height limit of 9 metres ('ResCode' standard) with the ability for a council to specify a mandatory height limit through the schedule to the zone.
- Allows complementary uses including Medical centre and place of worship without a permit if conditions limiting their location and scale are met.

Neighbourhood Residential Zone

- The zone purpose manages areas where there are limited opportunities to increase residential development and requires development to respect identified neighbourhood character.
- A maximum of two dwellings allowed on a lot with the ability for a council to specify a different number in a schedule to the zone.
- A mandatory height limit of 8 metres for dwellings and residential buildings with the ability for a council to specify a mandatory height limit in a schedule to the zone to take account of existing built form.
- Allows complementary uses including Medical centre and place of worship without a permit if conditions limiting their location and scale

are met. This includes a maximum floor area of 250 square metres and a requirement to adjoin a major road for both of these uses.

When will the new residential zones be implemented into local planning schemes?

The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone have been introduced into the VPP. They will be implemented into all planning schemes by 1 July 2014.

For a period of time the VPP will contain the three new residential zones and the Residential 1, 2 and 3 zones because councils require time to make amendments to planning schemes implementing the new residential zones.

How will the new residential zones affect existing uses, permit applications and approved permits?

Existing lawfully established uses can continue to operate and existing permits which have not expired can still be acted upon as provided in Clause 63 of the planning scheme.

When a new zone replaces an existing zone in the planning scheme land use and development that no longer requires a permit under the new provisions does not need to comply with relevant existing permit requirements. Other planning scheme provisions and restrictions such as section 173 agreements or covenants may still apply.

For example, the Neighbourhood Residential Zone will apply more restrictive planning provisions to some residential land. Situations may arise where permit applications lodged subject to the Residential 1, 2 or 3 provisions, but not yet decided, are now subject to the Neighbourhood Residential Zone. Transitional provisions have been introduced to ensure that existing permit applications for residential development and subdivision that have been lodged but not decided are not unfairly disadvantaged.

Where a current permit application is no longer required because of the implementation of a new residential zone, the application cannot be



determined by a council. A council can determine if a full or partial application fee refund is applicable.

Permit holders and permit applicants are encouraged to discuss these matters with their council if they believe they will be affected by the new residential zones.

How will the new residential zones be applied and implemented?

A planning scheme amendment is required to implement the new zones into council planning schemes. Councils will have 12 months from the gazettal of Amendment V8 to begin amendments to their planning provisions and maps to apply the new zones. Existing schedules to the residential zones can be translated to the new

zone schedules. When doing this work councils are encouraged to make consequential changes to local policies to align with the reformed zones.

If new zones are not implemented by 1 July 2014, the General Residential Zone will replace the Residential 1, 2 or 3 zone by default.

Different approaches to applying the new residential zones are available depending upon the individual circumstances of each council. Councils should undertake a strategic approach to the implementation of the residential suite of zones and consider the opportunities presented by converting existing residential zones to the new residential zones.

The following information is intended to assist councils in deciding on the best amendment process to apply the new residential zones.

Circumstance	Suggested approach
<p>Tier 1 – Councils with existing policies</p> <p>A council that has existing and relevant policies/strategies such as housing and development strategies which have undergone a process of public exhibition. These policies can readily spatially convert into the three new residential zones. The existing policy work would generally reflect the principles and criteria set out in Tables 1 and 2 of this document.</p>	<p>A council can begin preparing an amendment to implement the new residential zones. This may include a request to the Minister for Planning to prepare the amendment and use his powers under Section 20(4) of the <i>Planning and Environment Act 1987</i> to exempt himself from the requirements of giving notice depending on the earlier consultation informing the housing and development strategy and its implementation.</p>
<p>Tier 2 – Councils with draft policies</p> <p>A council currently developing relevant draft policies such as housing and development policies/strategies that can be used to apply the new residential zones.</p>	<p>A council can work to complete the draft policies and concurrently begin work on an amendment to implement the new residential zones. This amendment process would include notification of the amendment and consultation on the provisions of the zones and schedules.</p>
<p>Tier 3 – Councils with no relevant policy work</p> <p>A council that has not undertaken current or relevant policy work that can be used to apply the new residential zones.</p>	<p>A council can work to develop relevant policies that will provide the strategic basis for applying the new residential zones. Work can begin concurrently on the amendment to implement the new residential zones. This amendment process would include notification of the amendment and consultation on the provisions of the zones and schedules.</p>

Note: Councils are encouraged to liaise with the Department of Transport, Planning and Local Infrastructure to discuss their circumstances and implementation process.



Principles and criteria for applying the new residential zones

The Department of Transport, Planning and Local Infrastructure has conducted a series of workshops with councils and other stakeholders to test implementation criteria for the new residential zones. The following tables have been prepared by the department to assist councils in identifying principles and criteria to apply the new residential zones when preparing a planning scheme amendment.

Table 1 - Principles for applying the new residential zones

New Residential Zone			Principles in applying zones
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
RGZ	Enables new housing growth and diversity in appropriate locations	In appropriate locations near activities areas, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites	<ul style="list-style-type: none"> ■ Locations offering good access to services, transport and other infrastructure ■ Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth ■ Areas where there is mature market demand for higher density outcomes
GRZ	Respects and preserves neighbourhood character while allowing moderate housing growth and diversity	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided	<ul style="list-style-type: none"> ■ Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character ■ Areas where moderate housing growth and housing diversity is encouraged
NRZ	Restricts housing growth in areas identified for urban preservation	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, environmental or landscape significance	<ul style="list-style-type: none"> ■ Areas with a neighbourhood character that is sought to be retained ■ Areas where more than 80% of lots currently accommodate detached dwellings ■ Areas with Neighbourhood Character Overlays ■ Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites) ■ Areas of identified environmental or landscape significance ■ Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term

*Other principles and criteria may be required by councils to suit local circumstances.

**Table 2 - Criteria to guide the application of the new residential zones**

Criteria*	Applicable to:			
	Neighbourhood Residential Zone (low levels of residential change)	General Residential Zone (moderate levels of residential change)	Residential Growth Zone (high levels of residential change)	
Character				
1	Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)	Yes	Yes	No
2	Identified areas for growth and change (such as evidenced through DDO or similar)	No	No	Yes
3	Existing landscape or environmental character/constraints (evidenced through SLO, ESO, local policy)	Yes	Yes	No
4	Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)	High	Low	Low
5	Level of development activity (existing and desired)	Low	Low/Moderate	High
6	Brownfield/urban renewal site/area	No	No	Yes
Strategic				
7	Adopted housing and development strategy (not required for conversion only to GRZ)	Yes	No	Yes
8	Identified in Activities Area structure plan / policy	No	No	Yes
9	Commercial or industrial land for redevelopment not in Activities Area (strategic justification for rezoning required)	No	Yes	Yes
10	Good access to employment options	No	No	Yes
Context				
11	Good access to local shopping	No	No	Yes
12	Good access to local community services	No	No	Yes
13	Good access to transport choices (including walkability, public transport, cycling, road access etc.)	No	No	Yes

*There is no specific weighting to the criteria. This should be applied by councils to suit local circumstances.



What is the background to the new provisions?

The government has committed to improve the efficiency of the planning system by reviewing the operation of the zones. The Minister for Planning released a set of proposed reformed zones in July 2012 for public comment. The reformed zones included a suite of new or amended residential, industrial, commercial and rural zones.

A Reformed Zones Ministerial Advisory Committee was established to consider all comments and to advise the government on the zone reforms. A total of 917 submissions related to the reformed residential zones.

The Committee met with stakeholders including councils, community and industry groups. The Committee provided the government with a Residential Zones Progress Report making 21 recommendations on the residential zones. The Government supported the majority of the Committee's recommendations and released a final set of residential zones in March 2013.

Amendment V8 implements the reforms supported by the government.

More information

More information is available at www.dpcd.vic.gov.au/planning

- Publications / Practice and advisory notes
- *Victoria Planning Provisions*
- Residential Zones Progress Report and the government response, 14 December 2012
- Fact Sheet: Reformed Zones for Victoria, Reformed Residential Zones, An Update July 2013

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www.dpcd.vic.gov.au/planning

32.0901.07/2013
VB**NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ** with a number (if shown).

Purpose

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

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-101.07/2013
VB**Table of uses****Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must be located in an existing building. The site must adjoin, or have access to, a road in a Road Zone. Must not require a permit under clause 52.06-3.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone. Must not require a permit under clause

Use	Condition
Railway	52.06-3.
Residential aged care facility	
Tramway	
Any use listed in clause 62.01	Must meet the requirements of Clause 62.01.
Section 2 - Permit required	
Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ Adjoin a commercial zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

32.09-2
01.07/2013
VB

Subdivision

Permit requirement

A permit is required to subdivide land.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.09-301/07/2013
VB**Number of dwellings on a lot**

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two.

32.09-401/07/2013
VB**Construction and extension of one dwelling on a lot****Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
 - A lot of less than 300 square metres, or
 - A lot of less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.09-501/07/2013
VB**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings****Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.

- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person's unit on a lot.

32.09-6

01/07/2013
VB

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.09-7

01/07/2013
VB

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

32.09-8

01/07/2013
VB

Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- The rebuilding of a lawful building or works which have been damaged or destroyed.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

32.09-9

01/07/2013
VB

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.

- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses, including siting and dimensioned setbacks.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.09-10 Exemption from notice and review

01/07/2013
VB

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.09-11 Decision guidelines

01/07/2013
VB

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

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.09-12 Advertising signs

01/07/2013
VB

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--f--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**Shown on the planning scheme map as **NRZ[number]**.**NAME OF AREA****1.0 Minimum subdivision area**--f--/20--
C--

Where the minimum lot size for subdivision is not specified insert "None specified"

Where the minimum lot size for subdivision is specified insert "The minimum lot size for subdivision is [insert number] square metres"

2.0 Permit requirement for the construction or extension of one dwelling on a lot--f--/20--
C--

Requirement	
Permit requirement for the construction or extension of one dwelling on a lot	Insert "None specified" or "[insert number] square metres"
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	Insert "None specified" or "[insert number] square metres"

3.0 Requirements of Clause 54 and Clause 55--f--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

4.0 Number of dwellings on a lot

---/20--
C--

Where the number of dwellings on a lot is not specified insert “None specified”

Where the number of dwellings on a lot is specified insert “The number of dwellings on a lot must not exceed [insert number]”

5.0 Maximum building height requirement for a dwelling or residential building

---/20--
C--

Where no height is specified insert “None specified”

Where a height is specified insert “A building used as a dwelling or a residential building must not exceed a height of [insert number] metres”

6.0 Application requirements

---/20--
C--

Where no application requirements are specified insert “None specified”

Where application requirements are specified insert “The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- ”

7.0 Decision guidelines

---/20--
C--

Where no decision guidelines are specified insert “None specified”

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- ”

32.0801/07/2013
VB**GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ** with a number (if shown).

Purpose

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

To encourage development that respects the neighbourhood character of the area.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.08-101/07/2013
VB**Table of uses****Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must not require a permit under clause 52.06-3. The site must adjoin, or have access to, a road in a Road Zone.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	

Use	Condition
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Section 2 - Permit required	
Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ Adjoin a commercial zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.

Use	Condition
Utility installation (other than utility installation and Telecommunications facility)	Minor and
Any other use not in Section 1 or 3	
Section 3 – Prohibited	
Use	
Amusement parlour	
Animal boarding	
Animal training	
Brothel	
Cinema based entertainment facility	
Horse stables	
Industry (other than Car wash)	
Intensive animal husbandry	
Motor racing track	
Nightclub	
Office (other than Medical centre)	
Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery)	
Saleyard	
Stone extraction	
Transport terminal	
Warehouse (other than Store)	

32.08-2

01/07/2013
V8**Subdivision****Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.08-3 Construction and extension of one dwelling on a lot01.07/2013
VB**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
 - A lot of less than 300 square metres, or
 - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.08-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings01.07/2013
VB**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

32.08-5 Requirements of Clause 54 and Clause 5501.07/2013
VB

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.08-6

01/07/2013
VB

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

32.08-7

01/07/2013
VB

Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height, provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

32.08-8

01/07/2013
VB

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.08-901.07/2013
VB**Exemption from notice and review****Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.08-1001.07/2013
VB**Decision guidelines**

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

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-11 Advertising signs01/07/2013
WB

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**Shown on the planning scheme map as **GRZ[number]**.**NAME OF AREA****1.0 Permit requirement for the construction or extension of one dwelling on a lot**--/--/20--
C--**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

Where the permit requirement for the construction or extension of one dwelling on a lot remains at 300 square metres insert "None specified"

Where the permit requirement for the construction or extension of one dwelling on a lot is changed to between 300 square metres and 500 square metres insert "[insert number] square metres"

2.0 Requirements of Clause 54 and Clause 55--/--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

3.0 Maximum building height requirement for a dwelling or residential building--/--/20--
C--

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

4.0 Application requirements

--/20--
C--

Where no application requirements are specified insert "None specified"

Where application requirements are specified insert "The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- "

5.0 Decision guidelines

--/20--
C--

Where no decision guidelines are specified insert "None specified"

Where decision guidelines are specified insert "The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- "

32.07
01.07/2013
V8

RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ** with a number (if shown).

Purpose

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

To provide housing at increased densities in buildings up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.

To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.07-1
01.07/2013
V8

Table of uses

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Food and drink premises (other than Convenience restaurant, Hotel and Tavern)	The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Road Zone. The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone. The leasable floor area must not exceed 100 square metres.
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.

Use	Condition
	The site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	
Shop (other than Adult sex bookshop and Bottle shop)	<p>The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Road Zone.</p> <p>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.</p> <p>The leasable floor area must not exceed 100 square metres.</p>
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop – if the Section 1 conditions to Shop are not met.	
Hotel	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Office (other than Medical centre)	<p>The land must be located within 100 metres of a commercial zone.</p> <p>The land must have the same street frontage as the land in the commercial zone.</p> <p>The leasable floor area must not exceed 250 square metres.</p>

Use	Condition
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ Adjoin a commercial zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Shop (other than Adult sex bookshop, Bottle shop and Convenience shop) – if the Section 1 conditions are not met	<p>The land must be located within 100 metres of a commercial zone or Mixed Use Zone.</p> <p>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.</p>
Store	<p>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</p>
Tavern	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Adult sex bookshop
Amusement parlour
Animal boarding
Animal training
Bottle shop
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Retail premises (other than Community market, Food and drink premises, Plant nursery and Shop)
Saleyard

Use**Stone extraction****Transport terminal****Warehouse (other than Store)****32.07-2**01.07/2013
VB**Subdivision****Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.07-301.07/2013
VB**Construction and extension of one dwelling on a lot****Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.07-401.07/2013
VB**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings****Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

32.07-5 Requirements of Clause 54 and Clause 55

01.07/2013
VB

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.07-6 Buildings and works associated with a Section 2 use

01.07/2013
VB

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-1.

32.07-7 Maximum building height requirement for a dwelling or residential building

01.07/2013
VB

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

If no building height is specified in a schedule to this zone, the maximum building height should not exceed 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

32.07-8 Buildings on lots that abut another residential zone

01.07/2013
VB

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

32.07-901.07/2013
VB**Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.07-1001.07/2013
VB**Exemption from notice and review****Subdivision**

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.07-1101.07/2013
VB**Decision guidelines**

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

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.

- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.07-12 Advertising signs

01/07/2013
V8

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ[number]**.**NAME OF AREA****1.0 Requirements of Clause 54 and Clause 55**--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

2.0 Maximum building height requirement for a dwelling or residential building--/20--
C--

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

3.0 Application requirements--/20--
C--

Where no application requirements are specified insert "None specified"

Where application requirements are specified insert "The following application requirements apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

4.0 Decision guidelines--/20--
C--

Where no decision guidelines are specified insert "None specified"

Where decision guidelines are specified insert "The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- “

**Strategic Planning Projects 2013/14 –
Housing Strategy and Latrobe Planning Scheme Review**

Project Reference Group
Terms of Reference



November 2013





CONTENTS:

1. Preamble
2. Objectives
3. Membership
4. Length of appointment
5. Attendance at meetings
6. Chair
7. Meeting schedule
8. Meeting procedures
9. Voting
10. Minutes of the Meeting
11. Authority and Reporting
12. Administration



1. Preamble

- 1.1. The group shall be known as the **Strategic Planning Projects Reference Group** (hereinafter referred to as the "Project Reference Group").
- 1.2. This group will act in accordance with Latrobe City Council's adopted Councillor Code of Conduct.
- 1.3. This group will act in accordance with Latrobe City Council's adopted **Project Governance Policy**. As per the policy, the function of a Project Reference Group is:
 - 1.3.1. *A group of key stakeholders who are to be engaged at key points throughout the project. Must include at least one Councillor and other critical community and agency stakeholders as identified [that] will be impacted by the project. Must not direct Council officers or consultants in the conduct of the project and does not have authority to approve any stages of a project or to change the scope of a project.*
- 1.4. These Terms of Reference are adopted by resolution of Latrobe City Council at the Ordinary Council Meeting 6 November 2013.

2. Objectives

- 2.1. To provide input into the development of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.
- 2.2. To assist in the review and inclusion of community consultation feedback and suggestions.
- 2.3. To be a key reviewer of draft documentation during the development of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.

3. Membership

- 3.1. Composition of the Committee

The Strategic Planning Project Reference Group shall comprise representatives including:

 - 3.1.1. Five [5] Councillors; including one each from the respective wards (one Councillor would be nominated Chair);
 - 3.1.2. Respective Council Officers (includes Manager Future Planning and/or General Manager Governance, project managers and administration officer); and
 - 3.1.3. At the request of the Project Reference Group external advice can be provided to the Project Reference Group (i.e. project consultant, project sponsor etc.).



4. Length of appointment

- 4.1. The Project Reference Group shall be in place until the finalisation of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review. The appointment of members to the Project Reference Group shall be from the date of appointment by Council until the date that the final reports are adopted by Council.

5. Attendance at meetings

- 5.1. The project manager will reschedule the Project Reference Group meeting to an alternate time if 2 or more councillors are not available to attend.

6. Chair

- 6.1. A nominated Councillor shall chair the meetings. If the Chair is unavailable another Councillor will act as chair for that meeting.

7. Meeting schedule

- 7.1. Project Reference Group meetings may consider the Housing Strategy project and Latrobe Planning Scheme Review project issues separately or concurrently.
- 7.2. Project Reference Group meetings will be held as required. These meetings will be scheduled once members are appointed.
- 7.3. The duration of each meeting should not exceed two hours.

8. Meeting procedures

- 8.1. Meetings of the Project Reference Group are not open to the public; however non-members may attend at the invitation of the Project Reference Group.
- 8.2. Councillors not appointed to the Project Reference Group are openly invited to attend any meetings.
- 8.3. Documentation provided in the meeting will remain confidential. The Project Manager will indicate if draft documentation is available for public consultation.

9. Voting

- 9.1. There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council if necessary through usual reporting methods.

10. Minutes of the Meeting

- 10.1. The Project Manager or authorised agent (e.g. administration officer) shall take the Minutes of each Project Reference Group meeting.



- 10.2. The Minutes shall be in a standard format including a record of those present, apologies for absence, a list of agreed actions and key discussion points of the Project Reference Group.
- 10.3. The Minutes shall be stored in the Latrobe City Council corporate filing system (currently Latrobe Content Management System.)
- 10.4. A copy of the Minutes shall be distributed to all Project Reference Group members and the Strategic Planning Projects Project Board within 5 business days of the close of each Project Reference Group meeting. The minutes will be located in the relevant Councillor Committees Folders.

11. Authority and Reporting

- 11.1. The Project Reference Group's authority sits within a project governance structure and Latrobe City Council's adopted Project Governance Policy.
- 11.2. All recommendations, proposals and advice regarding community engagement for the project must comply with *Council's Community Engagement Plan 2010-2014* and any statutory land-use planning legislative and policy guideline requirements.

12. Administration

- 12.1. The Project Manager or an authorised agent (e.g. administration officer) will receive and distribute communications to the Project Reference Group, arrange meeting venues and prepare and distribute meeting agendas.

Strategic Planning Projects 2013/14 – Housing Strategy and Latrobe Planning Scheme Review

Project Board *Terms of Reference*



November 2013





CONTENTS:

1. Preamble
2. Objectives
3. Membership and Meetings
4. Length of appointment
5. Minutes of the Meeting
6. Authority and Reporting



1. Preamble

- 1.1. The group shall be known as the **Strategic Planning Projects Project Board** (hereinafter referred to as the "Project Board").
- 1.2. This group will act in accordance with Latrobe City Council's adopted **Project Governance Policy**. The function of a Project Board is:
 - 1.2.1. To Meet the objectives as listed in Section 2 of this Terms of Reference
 - 1.2.2. To approve each stage of the project and authorise any changes that may occur throughout the life of the project.

2. Objectives

- 2.1. To advise on the strategic policy implications and outcomes of the various initiatives explored throughout the life of the project.
- 2.2. To be an advocate for the outcomes being pursued throughout the life of the project.
- 2.3. To ensure the requirements of stakeholders are addressed and documented.
- 2.4. To help balance conflicting organisational priorities and provide guidance to the project manager regarding initiatives explored throughout the life of the project.
- 2.5. To be a key reviewer of draft documentation during the development of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.
- 2.6. To check adherence of project activities to standards of best practice, both within Latrobe City Council and in a wider context.
- 2.7. To provide guidance and approval for Contract Management in accordance with Council's Policy and Procedures.

3. Membership and Meetings

- 3.1. Composition of the Project Board will be Latrobe City Council's Executive Team.
- 3.2. Meetings of the Project Board will be undertaken during normal Executive Team meetings at key stages of the Strategic Planning Projects 2013/14 as required.
- 3.3. The relevant Project Manager and Manager Future Planning will attend the meetings of the Project Board.
- 3.4. At the invitation of the Project Manager external advice can be provided to the Project Board (i.e. project consultant etc.) as needed.

4. Length of appointment



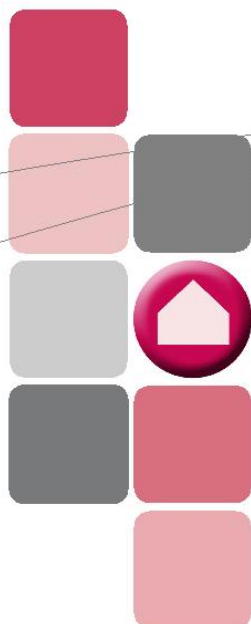
- 4.1. The Project Board shall be in place until the finalisation of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.

5. Minutes of the Meeting

- 5.1. The Project Manager or authorised agent (e.g. administration officer) shall take the Minutes of each Project Board meeting
- 5.2. The Minutes shall be in a standard format including a record of those present, apologies for absence, a list of adopted actions and resolutions of the Project Board.
- 5.3. The Minutes shall be stored in the Latrobe City Council corporate filing system (currently Latrobe Content Management System.)
- 5.4. A copy of the Minutes shall be distributed to all Project Board members.
- 5.5. A copy of the Minutes shall be made available to the Strategic Planning Projects Project Reference Group.

6. Authority and Reporting

- 6.1. The Project Board approves each stage of the project in accordance with the project brief and any agreed to consultant proposal. The Project Board can authorise any changes that may occur throughout the life of the project but is subject to matters that require a councillor decision/resolution at a Council Meeting.
- 6.2. The Project Board will form part of the approval process for financial delegation delegated through Council's Procurement Policy (13-Pol-5)
- 6.3. All recommendations, proposals and advice must comply with *Council's Community Engagement Plan 2010-2014*.
- 6.4. Reports to Latrobe City Council will be coordinated through the relevant General Manager.



Practice Note | 78

July 2013

Applying the residential zones

This practice note provides information and guidance to councils about:

- the purposes and features of the residential zones
- how to apply the residential zones
- the schedules to the residential zones.

The reformed zones

In July 2013 amendments to residential zones were introduced into the *Victoria Planning Provisions (VPP)*. This included:

- the introduction of three new zones, the General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ) to replace the Residential 1, 2 and 3 zones
- reforms to the Mixed Use, Low Density and Township Zone
- consequential changes, including changes to Clauses 54, 55 and 56 'ResCode' to ensure consistency between the reformed residential zones and the VPP.

The Department of Transport, Planning and Local Infrastructure website contains detailed information on Amendments V8 and VC100.

A suite of residential zones

The residential zones are a suite of statutory tools for a planning authority to implement state and local policies and strategies for housing and residential growth in their planning scheme to better plan for residential development.

Strategic use of the residential zones can give greater clarity about the type of development that can be expected in a residential area, allow a broader range of activities to be considered and better manage growth.

The six residential zones are:

- **Mixed Use Zone (MUZ)** enables new housing and jobs growth in mixed use areas
- **Residential Growth Zone (RGZ)** enables new housing growth and diversity
- **General Residential Zone (GRZ)** enables moderate housing growth and diversity while respecting urban character
- **Neighbourhood Residential Zone (NRZ)** restricts housing growth in areas identified for urban preservation
- **Township Growth Zone (TZ)** enables moderate housing growth while respecting urban character in small towns
- **Low Density Residential Zone (LDRZ)** enables low density housing.

The following table provides details about each of the residential zones, their potential application and key planning requirements.

Residential Zones

	MUZ	RGZ	GRZ	NRZ	TZ	LDRZ
	MIXED USE ZONE	RESIDENTIAL GROWTH ZONE	GENERAL RESIDENTIAL ZONE	NEIGHBOURHOOD RESIDENTIAL ZONE	TOWNSHIP ZONE	LOW DENSITY RESIDENTIAL ZONE
WHAT IS THE ROLE OF THE ZONE?	Enables new housing and jobs growth in mixed use areas.	Enables new housing growth and diversity.	Respect and preserve urban character while enabling moderate housing growth and housing diversity.	Restricts housing growth in areas identified for urban preservation.	Provides for residential and other uses in small towns. Enables moderate housing growth.	Enables low density housing.
WHERE WILL IT BE USED?	In areas with a mix of residential and non-residential development. In local neighbourhood centres undergoing renewal and around train stations, where appropriate.	In appropriate locations near activity areas, train stations and other areas suitable for increased housing activity.	In most residential areas where moderate growth and diversity of housing is provided, it is consistent with existing neighbourhood character.	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character or environmental or landscape significance.	In townships.	On the fringe of urban areas and townships where sewerage may not be available.
DOES RESCODE APPLY?	Yes (up to and including 4 storeys)	Yes (up to and including 4 storeys)	Yes	Yes	Yes	No
WHAT SORT OF HOUSING CAN BE EXPECTED?	High and medium density housing A mixture of townhouses and apartment style housing up to three storeys, and higher where appropriate.	Medium density housing A mixture of townhouses and apartments with underground car parking.	Single dwellings and some medium density housing A mixture of single dwellings, dual occupancies with some villa units and in limited circumstances town houses, where appropriate.	Single dwellings and dual occupancies under some circumstances	Single dwellings and some medium density housing A mixture of single dwellings, dual occupancies, villa units and town houses.	Single dwellings
DOES THE ZONE SET A MAXIMUM BUILDING HEIGHT FOR HOUSING?	No But a maximum building height can be specified.	Yes, 13.5 metres But a higher or lower maximum building height can be set by a council.	Yes, 9 metres But a higher or lower maximum building height can be set by a council.	Yes, 8 metres mandatory Can be varied by council with approval from the Minister for Planning.	Yes, 9 metres But a higher or lower maximum building height can be set by a council.	No
CAN A PERMIT BE GRANTED TO EXCEED THE MAXIMUM BUILDING HEIGHT?	Yes When approved by a council.	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded.	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded.	No Except when a higher or lower maximum building height has been set which cannot be exceeded.	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded.	No
IS A STRUCTURE PLAN OR DESIGN FRAMEWORK REQUIRED FOR THE ZONE TO BE APPLIED?	No The preferred future use of land and built form may be specified if necessary.	No The preferred future built form may be specified if necessary.	No	No	No	No



There are other zones in the VPP that allow residential development including the Commercial 1 Zone, Comprehensive Development Zone, Activity Centre Zone, Capital City Zone and the Docklands Zone.

Applying the residential zones

Applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme. The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required. Alternatively, a council may have undertaken relevant strategic planning for their residential areas.

State Planning Policy Framework

The SPPF provides a context for spatial planning and decision making by planning and responsible authorities. The SPPF in conjunction with relevant policies in the LPPF provide key guidance for planning authorities to implement residential zones within a municipality.

Local Planning Policy Framework

The reforms made to the residential zones in July 2013 provide more flexibility and discretion allowing permit applications for a broad range of uses. Councils may wish to create or amend existing local policies to assist in the exercise of this discretion and fully implement their strategic objectives. A council should consider whether a local policy is necessary to help establish realistic expectations about how land in an area may be used and developed, and provide a sound basis for making consistent, strategic decisions. Refer to Practice note 8: Writing a Local Planning Policy for more guidance on using local planning policies.

Strategic Planning

Sound strategic planning for residential areas is essential to ensuring that land use and development achieves the desired outcomes for an area. It can help ensure that:

- use and development in residential areas fits into the overall strategic planning of the municipality
- housing development is consistent with the housing needs and housing strategies
- new housing demand, growth and diversity can be accommodated
- in identified areas housing growth may be restricted or moderated
- in identified areas new development respects and preserves existing neighbourhood character
- planning for residential areas takes into account matters such as heritage, environmental constraints, hazards such as bushfire and contaminated land and access to infrastructure, transport, employment, commercial and community facilities
- the most appropriate residential zone is used to achieve strategic planning objectives.

Many councils have already undertaken strategic planning and resource management studies for their residential areas and used this work to articulate strategic objectives in their Municipal Strategic Statements (MSS). New strategic work may not be required if existing policies address the key residential land use issues in the municipality and adequately reflect the planning outcomes that the council wants to achieve.

If the MSS objectives and local policies no longer provide clear guidance for decision making, or there are strategic gaps, new strategic work may be required. Before commencing new strategic work, the planning authority should review the policy components of the planning scheme and other relevant studies.



Principles and criteria for applying the residential zones

The following tables can assist councils in identifying principles and criteria to apply the residential zones when preparing a planning scheme amendment.

Table 1 Principles for applying the residential zones

RESIDENTIAL ZONE			PRINCIPLES IN APPLYING ZONES
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
MUZ	Enables new housing and jobs growth in mixed use areas	In areas with a mix of residential and non-residential development. In local neighbourhood centres undergoing renewal and around train stations, where appropriate.	<ul style="list-style-type: none"> ■ Areas encouraging a range of residential, commercial, industrial and other uses ■ Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character
RGZ	Enables new housing growth and diversity in appropriate locations	In appropriate locations near activities areas, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites	<ul style="list-style-type: none"> ■ Locations offering good access to services, transport and other infrastructure ■ Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth ■ Areas where there is mature market demand for higher density outcomes
GRZ	Respects and preserves neighbourhood character while allowing moderate housing growth and diversity	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided	<ul style="list-style-type: none"> ■ Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character ■ Areas where moderate housing growth and housing diversity is encouraged



RESIDENTIAL ZONE			PRINCIPLES IN APPLYING ZONES
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
NRZ	Restricts housing growth in areas identified for urban preservation	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, environmental or landscape significance	<ul style="list-style-type: none"> ■ Areas with a neighbourhood character that is sought to be retained ■ Areas where more than 80% of lots currently accommodate detached dwellings ■ Areas with Neighbourhood Character Overlays ■ Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites) ■ Areas of identified environmental or landscape significance. ■ Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term
TZ	Provides for residential and other uses in small towns. Enables modest housing growth	In townships	<ul style="list-style-type: none"> ■ Areas in small towns for residential development and educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs ■ Areas with Neighbourhood Character Overlays or policies
LDRZ	Enables low density housing	On the fringe of urban areas and townships where sewerage may not be available	<ul style="list-style-type: none"> ■ Areas for low-density residential development.

*Other principles and criteria may be required by councils to suit local circumstances.



Table 2 Criteria for applying the NRZ, GRZ and RGZ

Criteria*	Applicable to:			
	Neighbourhood Residential Zone (low levels of residential change)	General Residential Zone (moderate levels of residential change)	Residential Growth Zone (high levels of residential change)	
Character				
1	Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)	Yes	Yes	No
2	Identified areas for growth and change (such as evidenced through DDO or similar)	No	No	Yes
3	Existing landscape or environmental character/ constraints (evidenced through SLO, ESO, local policy)	Yes	Yes	No
4	Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)	High	Low	Low
5	Level of development activity (existing and desired)	Low	Low/Moderate	High
6	Brownfield/urban renewal site/ area	No	No	Yes
Strategic				
7	Adopted housing and development strategy (not required for conversion only to GRZ)	Yes	No	Yes
8	Identified in Activities Area structure plan / policy	No	No	Yes
9	Commercial or industrial land for redevelopment not in Activities Area (strategic justification for rezoning required)	No	Yes	Yes
10	Good access to employment options	No	No	Yes
Context				
11	Good access to local shopping	No	No	Yes
12	Good access to local community services	No	No	Yes
13	Good access to transport choices (including walkability, public transport, cycling, road access etc.)	No	No	Yes

*There is no specific weighting to the criteria. This should be applied by councils to suit local circumstances.



Implementing strategic objectives

A planning authority may need to use a number of VPP tools to successfully implement residential policy objectives. There are circumstances where more than one zone or overlay will be needed to deliver the desired outcome. Councils should think laterally about the mix of policies and controls required to achieve their objectives, and be prepared to consider using a range of tools.

In deciding which residential zone should apply, the following principles should be considered:

- the zone should support and give effect to the SPPF
- the zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environmental and infrastructure policy)
- the rationale for applying the zone should be clearly discernible in the LPPF
- the zone should be applied in a way that is consistent with its purpose
- the requirements of any applicable Minister's Direction must be met.

The residential zones in summary

Mixed Use Zone (MUZ) Clause 32.04

The Mixed Use Zone enables new housing and jobs growth in mixed use areas. The zone provides for a range of residential, commercial, industrial and other uses and provides for housing at higher densities that responds to the neighbourhood character.

The zone is flexible because there is no default building height limit and planning authorities can specify different objectives, decision guidelines and building and design requirements to suit a range of strategic outcomes. The Mixed Use Zone may be appropriate for areas:

- planned for more intense and diverse residential development on sites well located in relation to activity centres, employment and public transport
- brownfield or urban renewal sites
- planned for apartment style development.

Key attributes of the Mixed Use Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows uses such as Food and drink premises, Medical centre, Office, Place of worship and Shop without a permit if conditions are met.
- Allows applications to be made for a variety of uses such as Industry, Retail premises and Warehouse.
- Prohibits uses such as Adult sex bookshop, Brothel, Materials recycling and Transfer station
- Allows a schedule to specify objectives, application requirements, decision guidelines, a maximum building height and siting and design requirements to suit local circumstances.
- Allows a local maximum building height to be specified that cannot be exceeded.
- Includes amenity requirements for buildings on lots abutting land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone or Township Zone.

Using the schedule to the Mixed Use Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

Summary of the Mixed Use Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Mixed Use Zone Schedules, for example MUZ1, MUZ2 and MUZ3.
- Allows the specification of different standards to Clause 54 or 55 for:
 - minimum street setbacks



- site coverage
- permeability
- landscaping
- side and rear setbacks
- walls on boundaries
- private open space
- front fence height.
- Allows a maximum building height requirement in metres for any building to be specified.
- Exempts specified uses, buildings and works from the notice requirements of section 52 of the *Planning and Environment Act 1987*.
- Allows permit application requirements and decision guidelines to be specified.

Residential Growth Zone (RGZ) Clause 32.07

The Residential Growth Zone enables new housing growth and allows greater diversity in appropriate locations while providing certainty about the expected built form outcomes.

The Residential Growth Zone may be appropriate for:

- areas planned for increased housing growth and density
- the provision of increased or predominate medium density housing
- land near activities areas, train stations and town centres
- redevelopment sites, brownfield or urban renewal sites.

Key attributes of the Residential Growth Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.

- Allows uses such as Food and drink premises, Medical centre, Place of worship and Shop without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Convenience restaurant, Office, Shop and Service station.
- Prohibits uses such as Bottle shop, Industry, Nightclub, Warehouse and many retail uses.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.
- Encourages up to four storey residential development (and complementary non-residential uses) by setting a discretionary height limit of 13.5 metres.

Using the schedule to the Residential Growth Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

Summary of the Residential Growth Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Residential Growth Zone Schedules, for example RGZ1, RGZ2 and RGZ3.
- Allows the specification of different standards to Clause 54 or 55 for:
 - minimum street setbacks
 - site coverage
 - permeability
 - landscaping
 - side and rear setbacks
 - walls on boundaries
 - private open space
 - front fence height.
- Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.



General Residential Zone (GRZ) Clause 32.08

The General Residential Zone enables moderate housing growth and diversity. In the suite of residential zones, the role of the General Residential Zone sits between the Residential Growth Zone, which enables housing growth and diversity, and the Neighbourhood Residential Zone which favours existing neighbourhood character and restricts housing growth.

The General Residential Zone may be appropriate for:

- most residential areas where moderate growth and diversity of housing will occur consistent with neighbourhood character
- areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character.

Key attributes of the General Residential Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more unless specified differently in a schedule to the zone. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Convenience restaurant, Store, Take-away food premises and Service station.
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.

Using the schedule to the General Residential Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

Summary of the General Residential Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the General Residential Zone Schedules, for example GRZ1, GRZ2 and GRZ3.
- Allows a permit requirement to be specified for the construction or extension of one dwelling on a lot between 300 square metres and 500 square metres.
- Allows the specification of different standards to Clause 54 or 55 for:
 - minimum street setbacks
 - site coverage
 - permeability
 - landscaping
 - side and rear setbacks
 - walls on boundaries
 - private open space
 - front fence height.
- Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.

Neighbourhood Residential Zone (NRZ) Clause 32.09

The Neighbourhood Residential Zone restricts housing growth and protects an identified neighbourhood character. The likely application of the Neighbourhood Residential Zone is in areas where single dwellings prevail and change is not identified.

The Neighbourhood Residential Zone may be appropriate for:

- areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage, environmental or landscape significance



- areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term
- areas where constraints and natural or other hazards should limit housing growth and diversity.

Key attributes of the Neighbourhood Residential Zone

- Supports limited residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Includes a purpose to implement neighbourhood character policy and adopted neighbourhood character guidelines. Character studies and policies that are not part of a planning scheme have limited statutory weight however they may be deemed as seriously entertained documents for the purpose of decision making by responsible authorities.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met. A schedule to the zone can specify a different threshold.
- Restricts dwelling development to a maximum of two dwellings on a lot, with the ability for councils to vary this limit through a schedule to the zone (the minimum can be less or more than two dwellings).
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Convenience restaurant, Store, Take-away food premises and Service station.
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements, number of dwellings on a lot, permit thresholds for construction and

extension of single dwellings and maximum building height for a dwelling or residential building.

Using the schedule to the Neighbourhood Residential Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

Summary of the Neighbourhood Residential Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Neighbourhood Residential Zone Schedules, for example NRZ1, NRZ2 and NRZ3.
- Allows a minimum subdivision area to be specified.
- Allows a threshold area (in square metres) to be specified for the construction or extension of one dwelling on a lot.
- Allows a threshold area (in square metres) to be specified for the construction or extension of a front fence within three metres of a street where there is one dwelling on a lot.
- Allows the specification of different standards to Clause 54 or 55 for:
 - minimum street setbacks
 - site coverage
 - permeability
 - landscaping
 - side and rear setbacks
 - walls on boundaries
 - private open space
 - front fence height.
- Allows a maximum number of dwellings allowed on a lot to be specified. The number can be one or higher.
- Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.



Township Zone (TZ) Clause 32.05

The Township Zone provides for residential and other uses in small towns and enables moderate housing growth.

The likely application of the Township Zone is in residential areas of small towns where moderate growth and diversity of housing will occur that is consistent with neighbourhood character.

Key attributes of the Township Zone

- Supports residential development in townships. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as, Place of assembly, Retail premises, Industry and Warehouse.
- Prohibits uses such as Brothel, Intensive animal husbandry, Motor racing track and Saleyard.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.

Using the schedule to the Township Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

Summary of the Township Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all Township Zone Schedules, for example TZ1, TZ2 and TZ3.

- Allows a permit requirement to be specified for the construction or extension of one dwelling on a lot between 300 square metres and 500 square metres.
- Allows the specification of different standards to Clause 54 or 55 for:
 - minimum street setbacks
 - site coverage
 - permeability
 - landscaping
 - side and rear setbacks
 - walls on boundaries
 - private open space
 - front fence height.
- Allows a maximum building height requirement in metres for a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.

Low Density Residential Zone (LDRZ) Clause 32.03

The Low Density Residential Zone enables the lowest density of housing in the suite of residential zones. It may be appropriate for:

- residential areas on the fringe of urban areas and townships
- areas planned for larger residential lots containing a maximum of one or two dwellings
- areas where sewerage may not be available or areas where larger residential lots (to a minimum of 2 hectares) are connected to reticulated sewerage.

Key attributes of the Low Density Residential Zone

- A permit is not required to use land for a single dwelling on a lot. The use of land for two dwellings requires a permit and the use of land for more than two dwellings is prohibited.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.



- Allows an application to be made to subdivide a lot to a minimum of 0.2 hectares where reticulated sewerage is connected or to a minimum of 0.4 hectares where not connected to reticulated sewerage.
- Allows limited non-residential uses such as Medical centre without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Food and drink premises, Place of assembly, Service station and store.
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify a minimum subdivision area and permit threshold for the construction of outbuildings.

Summary of the Low Density Residential Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all Low Density Residential Zone Schedules, for example LDRZ1, LDRZ2 and LDRZ3.
- Allows a minimum subdivision area to be specified for land.

More information

More information is available at www.dpcd.vic.gov.au/planning

Practice note 4: Writing a Municipal Strategic Statement

Practice note 8: Writing a Local Planning Policy

Practice note: Writing schedules

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Attachment 5

Existing and relevant policies/strategies within the Latrobe Planning Scheme:

- SPPF – Clause 11 – Settlement
- SPPF – Clause 15 – Built Environment and Heritage
- SPPF – Clause 16 – Housing
- SPPF – Clause 18 - Transport
- MSS – Clause 21.04 – Built Environment Sustainability
- MSS – Clause 21.05 – Main Towns
- MSS – Clause 21.06 – Small Towns
- MSS – Clause 21.08 – Liveability
- VPP – Clause 52.35 – Urban Context Report and Design Responses for Residential Development of Four or More Storeys.
- VPP – Clause 54 – One Dwelling on a Lot
- VPP – Clause 55 – Two or More Dwellings on a Lot and Residential Buildings
- VPP – Clause 56 – Residential Subdivision
- Latrobe Main Towns Structure Plans (Traralgon, Morwell, Moe/Newborough and Churchill)
- Latrobe Small Towns Structure Plans (Glengarry, Tyers and Boolarra).
- Morwell-Traralgon Residential Land Supply Analysis (2007)
- Latrobe City Council Residential and Rural Residential Land Assessment (2009)
- Latrobe City Heritage Study (2010)
- Latrobe City Residential 1 Zone
- Latrobe City Heritage Overlay
- Traralgon Inner South Precinct (TISP)
- Traralgon Station Precinct Masterplan (TSPM)
- Natural Environment Sustainability Strategy
- Latrobe City Council Residential and Rural Residential Land Assessment 2009
- Moe Activity Centre Plan
- Churchill Activity Centre Plan
- Latrobe City Open Space Strategy
- Existing Development Plans
- Design Guidelines for Subdivisional Developments
- Draft Traralgon Activity Centre Plan (TACP)
- Draft Traralgon Growth Areas Review (TGAR)
- Draft Lake Narracan Precinct Structure Plan

Other Legislation and Documentation to consider:

- Council Plan and Action Plan
- Latrobe 2026
- ResCode
- Building Regulations (in particular Part 4 – Siting)
- Planning and Environment Act 1987
- Melbourne 2030
- Gippsland Regional Growth Plan

- Plan Melbourne - Metropolitan Planning Strategy
- DTPLI Practice and Advisory Notes

* Please note the above is not an exhaustive list and further research is required to be undertaken.

**16.5 PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE,
TRARALGON**

General Manager

Governance

For Decision

PURPOSE

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

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

Strategic Direction

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

Legislation

Local Government Act 1989

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

- (1) A Council may, by notice published in the Victoria Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.

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- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section(2).

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

Schedules 10 and 11 of the *Local Government Act 1989* provide Council with the powers to maintain public access to a road. Clause 5 of schedule 11 provides:

“A Council may –

- (a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on a road under clause 9,10 or 11);
- (b) require any person responsible for, or in control of, the thing to move it.”

Road Management Act 2004

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

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

Policy

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

BACKGROUND

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

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. The lane is now described on Certificate of Title Volume 10246 Folio 309 as “*Road R1 on Plan of Subdivision 041285*”. The registered proprietors of the road are also the owners of 2 Deakin Street, Traralgon. (Attachment 2)

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

The laneway is listed on the 2013 Register of Public Roads as a ‘Road Not Maintained by Latrobe City Council’. Council also has drainage assets contained with the road reserve.

As the owners of 2 Deakin Street are the registered proprietors of the road reserve they were of the opinion that Council should discontinue the road and transfer the land back to them for a nominal consideration where it would be retained as a private access laneway.

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In examining this request, it was found that there is an expressed entitlement on the respective Certificates of Title for each of the four lots created on LP 41285 to use Deakin Lane. Three of these lots comprise 2 Deakin Street with the fourth lot being 1 Church Street which is owned by Petroleum Property Holdings Pty Ltd.

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

In view of the above mentioned expressed entitlement for the use of Deakin Lane by the tenants of 3 Church Street officers reached agreement with the owners of 2 Deakin Street to amend their request from discontinuance of the road to the placement of permanent barriers, in the form of gates, across the entrance from Deakin Street.

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

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

At the Ordinary Council Meeting held on Monday 18 February 2013 Council considered an objection on behalf of two adjoining property owners to this proposal and a request from the owner of 2 Deakin Street that Council defer consideration of this matter for another month pending the provision of additional information. Council subsequently resolved:

That Council defer this item for one month.

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

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

At the Ordinary Council meeting held 22 April 2013, Council considered legal advice provided by the owner of 2 Deakin Street in support of their application. The legal advice obtained by the owner of 2 Deakin Street is summarised as follows:

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

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

Based upon these points the owner of 2 Deakin Street has concluded that Deakin Lane is not a public road and they are therefore justified in restricting access and placing a fence across the boundary with 3 Church Street.

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

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

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

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

Maddocks Lawyers have written to John Morrow, representing the owners of 2 Deakin Street, on behalf of Council on 28 June 2013 and 5 July 2013 formally requesting removal of the fence however these requests were not complied with.

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

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

Council officers subsequently received confirmation that neither the Victorian Ombudsman nor the Office of Local Government would be taking any action in this matter. The latter advised that it is at Council’s discretion to declare a public highway and it would not intervene in what it considers to be a Council decision.

A further report was considered that the Ordinary Council meeting held on 6 November 2013 again recommending that Council commence the

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

statutory process to declare Deakin Lane a public highway however this recommendation was not adopted.

ISSUES

Following consideration of this matter by Council on 6 November 2013, correspondence has been received from McDonough & Co Solicitors, acting on behalf of Parody Glade Pty Ltd, requesting that it restore access by commencing the statutory process to declare Deakin Lane a public highway or taking action to remove the fence to provide access to the parking at the rear of 3 Church Street. (Attachment 3)

Since the erection of the fence in June the occupiers of 3 Church Street have not been able to gain access to the rear of the property. As a temporary solution the occupiers have been forced to park in Church Street and access has been gained across the neighbouring property, 5-7 Church Street, as a short term yet impractical solution.

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

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

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

Right of Access

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

A Public Highway is vested in Council

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

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

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

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

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Council has responsibility for use and control over a Road

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

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

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

Following Council's decision at the Ordinary Council Meeting held on 22 April 2013 officers sought legal advice from Maddocks Lawyers on the status of Deakin Lane and, in particular, the information provided by the owner of 2 Deakin Street.

Maddocks advice is summarised as follows:

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

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

McDonough & Co Solicitors, on behalf of Parody Glade Pty Ltd are seeking that Council undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989* and removal of the fence to restore access to the rear of 3 Church Street as provided for in the planning permit issued by the former City of Traralgon.

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

A recent relevant example of Council exercising this power occurred in 2010 when part of Wilmot Court, Traralgon East, was declared a public highway to preserve public access to 37 properties in Turnbull Drive, Varney Crescent, Kings Way and Tait Court.

The first 400 metres of Wilmot Court from the Princes Highway were created in 1979 as road on LP 130953 however the remaining 300 metres was constructed within an easement of way and drainage over two properties including 49 Turnbull Drive, Traralgon East.

This section of Wilmot Court was declared a public highway via a notice placed in the Victoria Government Gazette thereby vesting the land in Council.

No compensation was payable to the owners of 49 Turnbull Drive as the declaration of the road as a public highway would not have a negative impact financially as neither the current nor preceding owners of the property ever had free use of the land given its long standing and intended use as a road.

Likewise, since the owners of 2 Deakin Street acquired the property in 1995, after the issue of the planning permit for the development of 3 Church Street, the land that is contained in Certificate of Title Volume 10246 Folio 349 has always been used as a laneway and at no time did they seek to prevent such access.

The declaration of the road as a public highway will therefore not change the physical characteristics of the land other than ensuring the public right to use the road, an ongoing use that only became an issue following the objection to the proposed gates by Parody Glade Pty Ltd.

Council can use its powers under the *Local Government Act 1989* to remove any obstruction, such as the fence that has been erected, that is encroaching on or restricting access to a road.

To do so Council would again need to write to the owners of 2 Deakin Street requesting that the fence be removed within a reasonable time frame.

If the owners of 2 Deakin Street refuse to do so the fence can be removed by Council and impounded. The owners will then be required to pay any costs incurred by Council as part of this process to have the impounded fencing released.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

As indicated above, there is no obligation for Council to provide compensation to the owners of 2 Deakin Street as part of this process as was the case with the declaration of part of Wilmot Court as a public highway.

Given that a large majority of the laneways in Traralgon are comprised of pieces of land in private ownership making an exception in the case of Deakin Lane would set a dangerous precedent for any similar actions in the future.

It is possible that Parody Glade Pty Ltd may take legal action and possibly seek compensation from Council if access to the rear of the property is not restored to the rear car park as required by the former City of Traralgon as part of planning permit 93/745/PO.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Proposed:

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

Details of Community Consultation / Results of Engagement:

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

It is proposed that any submissions that are received regarding the proposed public highway declaration would be considered at the Ordinary Council meeting to be held on Monday 17 February 2014.

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

OPTIONS

Council may now:

1. Resolve to commence the statutory process to declare Deakin Lane, Traralgon, a public highway under section 204(1) of the Local Government Act 1989 which formally vests the land in Council once the statutory process is finalised.
2. Resolve that it has formed the opinion that Deakin Lane is a public highway at common law and, as the owners of 2 Deakin Street have not complied with previous notices, authorise Council officers to take action to remove and impound the fence.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

3. Resolve not to undertake the statutory process to declare Deakin Lane, Traralgon, a public highway and take no further action regarding the fence that has been erected between the road reserve and the rear of 3 Church Street, Traralgon. This would permanently remove any access to the parking at the rear of this property provided for in the planning permit issued by the former City of Traralgon and may cause Parody Glade Pty Ltd to take further legal action.

CONCLUSION

Council has committed considerable time to the deliberation of this matter.

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

McDonough & Co Solicitors, acting on behalf of Parody Glade Pty Ltd, have now written to Council requesting that it undertake the statutory process to declare Deakin Lane a public highway so as to restore access to the rear of 3 Church Street, Traralgon.

As Deakin Lane is a public highway at common law and is clearly required for public use it would be appropriate for Council to commence the statutory process to formally declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989*.

It would also be appropriate for Council to authorise officers to take the necessary action to remove the fence that has been erected between Deakin Lane and the car park at the rear of 3 Church Street.

Attachments

1. Attachment One: Aerial Photograph of Deakin Lane, Traralgon
2. Attachment Two: Plan of Subdivision LP 41285 showing Deakin Lane as Road R1
3. Attachment Three: Letter from McDonough & Co Solicitors on behalf of Parody Glade Pty Ltd

RECOMMENDATION

1. **That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.**
2. **That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 17 February 2014.**
3. **That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.**

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

4. That Council authorises officers to take the necessary action to remove the fence that has been erected between Deakin Lane and the car park at the rear of 3 Church Street, Traralgon.
5. That McDonough & Co, acting on behalf of Parody Glade Pty Ltd, be advised accordingly.

Moved: Cr White

Seconded: Cr Gibbons

That the Recommendation be adopted.

Cr Kam requested an amendment to the motion before council.

AMENDED MOTION

1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.
2. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 17 February 2014.
3. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.
4. That McDonough & Co, acting on behalf of Parody Glade Pty Ltd, be advised accordingly.

The amended motion was agreed to by the Mover and Seconder.

For the Motion

Councillor/s Gibbons, Middlemiss, Kam, Sindt, O'Callaghan, White

Against the Motion

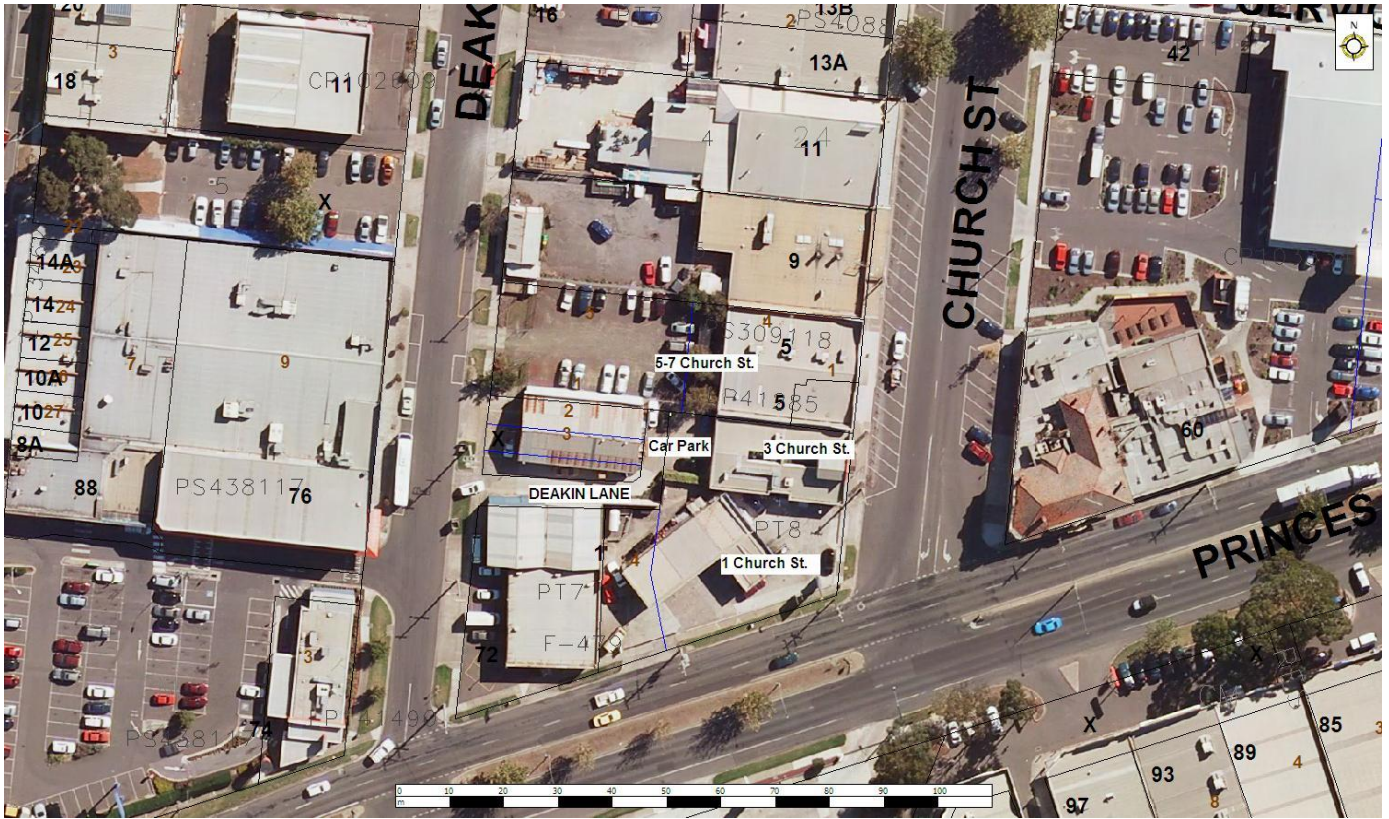
Councillor/s Rossiter, Harriman

The Deputy Mayor confirmed that the Motion had been CARRIED

16.5

PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE, TRARALGON

- 1 Attachment One: Aerial Photograph of Deakin Lane,
Traralgon 513
- 2 Attachment Two: Plan of Subdivision LP 41285 showing
Deakin Lane as Road R1 515
- 3 Attachment Three: Letter from McDonough & Co
Solicitors on behalf of Parody Glade Pty Ltd 517



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LP 41285

EDITION 1
PLAN MAY BE LODGED 5/9/57

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

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

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

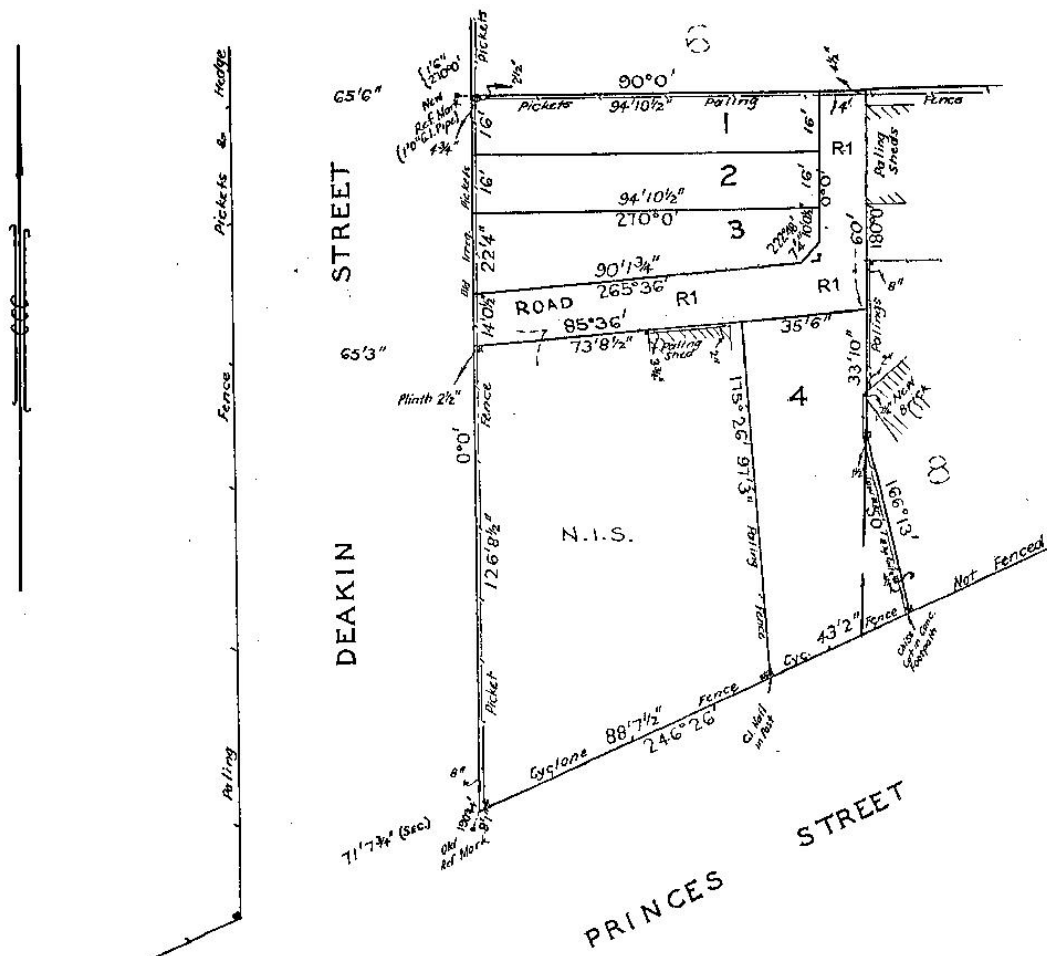
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

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

~~PARISH/TOWNSHIP~~



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McDonough Legal Pty Ltd
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ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)

16.6 ASSEMBLY OF COUNCILLORS

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 2 December 2013.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

The following Assembly of Councillors took place between the 8 October 2013 and the 25 November 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
8 October 2013	Latrobe City Hyland highway Municipal Landfill Consultative Committee Meeting did not proceed due to lack of attendance (no quorum)	Cr Harriman Deirdre Griepsma, Chandana Vidanaarachchi	NIL
21 November 2013	Traralgon CBD Safety Committee Meeting Newsletter Update, CCTV update, Action Plan Update, Latrobe City Local Laws update, Victoria Police Update, LV Bus Lines Report, Victoria Police Report, Latrobe City Update.	Cr Rossiter, Cr Kam Steve Tong, Andrew Legge	NIL
25 November 2013	Issues and Discussions Session 4.2 Previous Presentations 6.1 Forward Planner 7.1 New Issues 7.2 Outstanding Issues 8.1 Advice – Australia Post 8.2 Future of Local Government 8.3 Sister City – Broken Hill for Consideration 9.2 Local Members of Parliament Briefing Agenda 12.1 Draft Cultural Diversity Action Plan 2014-2018 13.1 Review of Council Policy – Fraud Policy 13.2 2012 General Election Compulsory Voting Enforcement 13.3 Statutory Planning Reporting and Delegation Process	Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr Rossiter, Cr White Paul Buckley, Michael Edgar, Allison Jones, Jamey Mullen, Grantley Switzer, Jodie Pitkin	NIL

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Attachments

1. AOC - LCC Highland Highway Municipal Landfill Consultative Committee
2. AOC - Traralgon CBD Safety Committee Meeting
3. AOC - Issues & Discussion Session 25 November 2013 - Not Confidential

RECOMMENDATION

That Council note this report.

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.6

Assembly of Councillors

- 1 AOC - LCC Highland Highway Municipal Landfill
Consultative Committee..... 523**
- 2 AOC - Traralgon CBD Safety Committee Meeting..... 525**
- 3 AOC - Issues & Discussion Session 25 November 2013 -
Not Confidential 527**



Assembly of Councillors Record

Assembly details: Latrobe City Hyland highway Municipal Landfill Consultative Committee

Date: 8 October 2013

Time: 5.30 PM

Assembly Location: Latrobe Room, Traralgon Service Centre

In Attendance:

Councillors: Cr Dale Harriman

Officer/s: Deirdre Griepsma, Chandana Vidanaarachchi

Matter/s Discussed:

Meeting did not proceed due to lack of attendance (no quorum)

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Deirdre Griepsma



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"*Assembly of Councillors* (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing at least 5 Councillors and 1 Council staff member are present and the matter/s considered are intended or likely to be subject of a future decision by the Council OR an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Committee Meeting

Date: Thursday, 21 November 2013

Time: 9.08 am - 10.00 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Michael Rossiter, Sandy Kam

Officer/s: Steve Tong, Andrew Legge

Matter/s Discussed: Newsletter Update, CCTV update, Action Plan Update, Latrobe City Local Laws update, Victoria Police Update, LV Bus Lines Report, Victoria Police Report, Latrobe City Update.

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Andrew Legge



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

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- 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.

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"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

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providing at least 5 Councillors and 1 Council staff member are present and the matter/s considered are intended or likely to be subject of a future decision by the Council OR an officer decision under delegated authority.

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- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

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"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)



Assembly of Councillors Record

Assembly details: Issues and Discussions Session

Date: Monday, 25 November 2013

Time: 5:30 PM

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Offices,
Commercial Road, Morwell

In Attendance:

Councillors: Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss,
Cr Rossiter, Cr White

Officer/s: Paul Buckley, Michael Edgar, Allison Jones, Jamey Mullen, Grantley Switzer,
Jodie Pitkin

Matter/s Discussed:

- 4.2 Previous Presentations
- 6.1 Forward Planner
- 7.1 New Issues
- 7.2 Outstanding Issues
- 8.1 Advice – Australia Post
- 8.2 Future of Local Government
- 8.3 Sister City – Broken Hill for Consideration
- 9.2 Local Members of Parliament Briefing Agenda
- 12.1 Draft Cultural Diversity Action Plan 2014-2018
- 13.1 Review of Council Policy – Fraud Policy
- 13.2 2012 General Election Compulsory Voting Enforcement
- 13.3 Statutory Planning Reporting and Delegation Process

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Meagan Bennetts

ORDINARY COUNCIL MEETING MINUTES 16 DECEMBER 2013 (CM427)



Assembly of Councillors Record Explanation / Guide Notes Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate: "At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g. meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended or likely to be subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: **Conflict of Interest**):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

16.7 PLANNING PERMIT APPLICATION 2009/359/A - USE OF THE LAND FOR A PLACE OF ASSEMBLY, ASSOCIATED BUILDINGS AND WORKS, EXTENSION TO THE RED LINE AREA, INCREASE IN BUSINESS TRADING HOURS, AND WAIVER OF THE CAR PARKING REQUIREMENT AT 7-13 POST OFFICE PLACE, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Amendment Application 2009/359/A.

The original planning permit issued was for the use of the land for a place of assembly(function centre) and associated building and works, extension to the red line area, increase in business trading hours (liquor licence) and waiver of the car parking requirement at 7-13 Post Office Place, Traralgon.

It should be noted that this planning permit amendment application is being applied for to increase the number of patrons onsite from 100 to 322 and to increase the liquor licence hours between 10 am to 1 am 7 days a week with the exception of Good Friday and Anzac Day which will have proposed liquor licence hours of 12 noon to 11 pm. There is also an associated increased waiver of car parking required as a result of the increased level of patronage.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Strategic Direction – Built Environment

- *Promote and support high quality urban design within the built environment; and*

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- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

Shaping Our Future

An active connected and caring community

Latrobe City is a vibrant, multicultural and diverse community. Council continues to respond to the changing needs and aspirations of our diverse community by providing facilities, services and opportunities that promote an inclusive and connected community.

Legislation –

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme), which are relevant to this application.

Background

Planning Permit 2009/359 was issued on 26 November 2010 for the use of the land for a place of assembly (function centre) and associated building and works, extension to the red line area, increase in business trading hours (liquor licence) and waiver of the car parking requirement.

The permit issued was a retrospective approval as the site had been operating as a place of assembly without the necessary planning approval for 18 months prior to the issue of the planning permit. The application was lodged after enforcement action was taken against the permit applicant.

A subsequent extension of time to the permit was granted on 4 April 2013 for a period of two years

SUMMARY

Land: Lot 1 on Plan of Subdivision 633190, Lot 1 on Title Plan 761908, Crown Allotment 8 TP 342359 SECT 4, known as 7-13 Post Office Place, Traralgon.

Proponent: Dal Mondo

Zoning: Commercial 1 Zone

Overlay: None

A Planning Permit amendment is required:

- to waive the requirement for parking spaces in accordance with Clause 52.06-1 of the Scheme;
- for an extension of business hours and increase in patron numbers (liquor licence) in accordance with Clause 52.27 of the Scheme; and

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- to amend condition 5 of the planning permit to increase the number of patrons allowed onsite to 322.

It should be noted that the use of the land for a function centre has commenced as a result of the approval issued under planning permit 2009/359. The on premises liquor licence and the waiver of 16.5 spaces have also been approved as part of planning permit 2009/359.

The development element of planning permit 2009/359 has not commenced.

PROPOSAL

The application seeks to increase the numbers of patrons allowed on the area of the site used as function centre from 100 patrons to 322 patrons. The applicant also proposes an increase in the liquor licence trading hours between 10 am to 1 am 7 days a week with the exception of Good Friday and Anzac Day which will have proposed liquor licence hours of 12 noon to 11 pm.

This existing liquor licence has the same opening times but has a closing time every night of 11 pm.

As a result of proposed increase in patron numbers there is associated increase in car parking demand. In this case as a result of the proposed amendment there would be waiver of a further 67 car parking spaces. This is discussed in greater detail in the issues section of the report

There are no proposed changes to the plans endorsed under planning permit 2009/359 as a result of this application, including the 'red line' plan associated with the liquor licence.

Please see attachment 1 for a copy of the endorsed plans under planning permit 2009/359.

Subject Land:

The subject land is located within the Traralgon central activity district and extends south from the southern boundary of Post Office Place to the northern side of Seymour Street. The site contains two buildings separated by a car park. The car parking spaces within this area are set aside for the tenants of the 7-13 Post Office Place building and 26-28 Seymour Street (Hillcrest Family Medicine).

The 7-13 Post Office Place building comprises two levels, with the upper levels used as an office and nail salon, and the ground floor used for the existing café/restaurant. The café/restaurant has a deck elevated from the pedestrian path and this portion of the footpath is leased from Council.

The area of the building proposed to be used for a place of assembly has been previously used as a retail premises, with a floor area of approximately 168 square metres.

There are 43 on street car parking spaces provided along the southern side of Post Office Place and 32 provided along the northern side of Post

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Office Place with pedestrian paths, landscaping and street furniture abutting the road.

There are no on site car parking spaces provided as a result of this proposal.

Surrounding Land Use:

North: 146-188 Franklin Street, Traralgon

This site contains the Stockland Plaza. There are no retail frontages addressing the northern side of Post Office Place. There is a loading and unloading area which is accessed from Post Office Place.

South: 26-28 Seymour Street, Traralgon

This site comprises Hillcrest Family Medicine. This site is a multi-purpose healthcare facility with car parking located on private land between the building at 7-13 Post Office Place and this building. These buildings are situated within the same lot.

On the southern side of Seymour Street there are several buildings and a variety of land uses (predominantly retail). Council's Seymour Street car park is opposite the Hillcrest Family Medicine building to the south.

East: 17 Post Office Place

A site comprising an existing building currently occupied by Wolf Mobile Phones. There is a loading bay area separating this building from the subject site.

West: 1-3 Post Office Place

A site comprising an existing two storey building containing a retail premises and a food and drink premises. The existing tenants of these shops are Dyology and Gloria Jeans.

Refer to Attachment 2 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

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

LATROBE PLANNING SCHEME

State Planning Policy Framework

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Clause 11.01-2 Activity Centre Planning encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments in activity centres to provide a variety of land uses which are highly accessible to the community.

Strategies to achieve this include:

- *Provide a focus for business, shopping, working, leisure and community facilities.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of the centre.*

The objective of Clause 17.01-1 Business is *“to encourage development which meets the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities”*. One strategy listed to achieve this is to *“locate commercial facilities in existing or planned activity centres”*.

Clause 18.02-5 Car parking has an outlined objective *“To ensure an adequate supply of car parking that is appropriately designed and located”*. A strategy to achieve this objective within this clause is *“Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking”*.

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Clause 21.04 Built Environment Sustainability recognises the towns of Moe, Morwell, Traralgon and Churchill as having their own unique characteristics which contribute to their local sense of place and provide diversity. Each town has developed its own role and function with Traralgon identified as being the commercial centre of Latrobe City.

Clause 21.05-6 Specific main town strategies – Traralgon shows the site located in the Traralgon Primary Activity Centre on the Traralgon Structure

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Plan. The clause lists the following relevant strategies for commercial development:

- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters.*
- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Discourage significant new retail and office development outside of areas Area 4, Argyle Street and Princes Highway and Stammers Road (Area 14).*
- *Encourage increased densities and vertical growth of Traralgon's town centre to support the growth of the office sector.*
- *Discourage dispersion of the office sector.*
- *Support the development of the land generally bounded by Grey Street, Franklin Street and the Traralgon Creek for mixed use purposes.*

At its Ordinary Council Meeting on 2 August 2010 Council adopted the Traralgon Activity Centre Plan Stage 1 Background Reports, July 2010. The Draft Traralgon Activity Centre Plan (TACP) aims to plan for the future growth of the Traralgon town centre over the next 20 years. A draft Key Directions Report has been developed containing 18 key directions.

Zoning

The site is located within a Commercial 1 Zone and is not subject to any overlays. It should be noted that the Land Subject to Inundation Overlay was removed as part of Planning Scheme Amendment C9. The purpose and decision guidelines of the Commercial 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application generally complies with purpose and decision guidelines of the zoning provisions.

Particular Provisions

Clause 52.06 Car Parking:

Pursuant to Clause 52.06 the use of the land for a place of assembly generates a car parking rate of 0.3 spaces per patron permitted.

In accordance with these ratios, a total of 67 car parking spaces are required to be waived as a result of the increased proposed level of patronage from 100 persons to 322. There is no capacity for additional car parking spaces to be provided on the site.

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The applicant has provided a Car Parking Assessment by Cardno Group dated July 2013. The assessment detailed existing parking conditions (on and off street car parking) and the availability of public transport to the site.

It should be noted that this assessment was based a total overall waiver of car parking required for a function centre with expected patrons of 300 people. As detailed previously the permit operator has already got approval for 100 patrons to be allowed onsite at any one time with associated waiver of 16.5 car parking spaces (Please note that there was credit of 13.5 spaces based on the previous use).

Please see attachments 5 for a copy of the Car parking Assessment by Cardno Group.

This issue will be outlined in greater detail in the issues section of this report.

Clause 52.27 Licenced Premises:

Pursuant to Clause 52.27 a planning permit is required to increase the number of patrons allowed under a licence and to increase the hours of trading allowed under a licence.

The number of patrons is proposed to increase from 100 to 322 and the hours of operation are proposed to be between 12 noon and 11 p.m. on Good Friday and Anzac Day and between 10 a.m. and 1 a.m. on any other day.

The proposed changes to the liquor licence will be discussed in greater detail in the issues section of this report.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004
- Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993
- The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

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The proposal is considered to be generally consistent with the strategic direction of the State and Local Planning Policy Frameworks. It is noted that the lack of available car parking onsite and as a result subsequent request for an increased waiver of car parking is an issue that needs to be fully assessed. This is further discussed under "car parking".

The proposed intensification of the use of the function centre within an existing commercial building is considered to be suitably located within the Traralgon Primary Activity Centre which is the focus for business, shopping, working, leisure and community facilities. The proposal would make more beneficial use of the existing building.

The proposed intensification of the use is also considered to be consistent with the draft strategic direction for the Traralgon activity centre as outlined in the draft TACP which aims to protect and promote the role of Traralgon activity centre as the pre-eminent commercial centre for the region. The proposal supports the consolidation of the town centre through the efficient utilisation of an existing building.

It is noted that whilst the TACP project is in draft form and not adopted by Council, it has been the subject of extensive community consultation and the contents of the Key Directions report are considered to be of relevance in the assessment of this planning application.

'Purpose' and 'Decision Guidelines' of the Commercial 1 Zone:

The proposal satisfies the Commercial 1 Zone as it would provide for the better utilisation of an existing building within the Primary Activity Centre of Traralgon which is considered to be most suitable location for such activities.

The proposal also satisfied the decision guidelines of the zone as follows:

- The existing uses surrounding the site comprise retail, office and retail premises. As such the proposed intensification of the use of the site for a function centre would be compatible with the surrounding land uses in this part of the Traralgon Activity Centre.
- The site is suitably located to benefit from all public transport services available such as taxi and bus transport.
- The proposal will lead to increase economic benefits for the area.
- The site is connected to all required services.

The proposal is therefore considered to be appropriate for the site and satisfies the requirements of the Commercial 1 Zone.

Car Parking

The applicant has provided a car parking assessment to justify the shortfall of 67 parking spaces for the proposal based on the proposed increase in patronage from 100 to 322.

It should be noted that the study was based upon the total number of patrons being 300. As previously detailed the applicant has a previous approval for 100 patrons to be allowed and associated waiver of car parking of 16.5 spaces (There was a credit of 13.5 spaces based upon the previous use of the floor area as a retail premises). The study provided the following information:

Car Parking Demand – Increase in patron numbers

The proposed increase in patron numbers would generate a car parking rate of 67 spaces. There is no availability onsite for the provision of increased car parking at grade level. Therefore, a dispensation of 67 spaces is required for this part of the proposal.

Availability of public car parking in Traralgon Activity Centre

A survey was undertaken by Cardno within 400 metres walking distance from the site between the hours of 11:00 a.m. and 10:00 p.m. on Friday 21st June 2013 and between the hours of 5:00 p.m. and 10:00 p.m. Saturday 22nd June 2013 to establish a parking profile for the area. The survey was undertaken at hourly intervals between 11 am and 10 pm and was generally of car parking spaces with a two hour limit.

The Friday survey results indicate that the peak demand occurred at 1:00 p.m. when 932 spaces were occupied leaving no fewer than 110 spaces available during the survey period.

The Saturday survey results indicate that the peak demand occurred at 8:00 p.m. when 298 spaces were occupied leaving no fewer than 658 spaces available during the survey period.

It should be noted that the peak demands on the Friday took place during the function room's off-peak period of time.

In relation to the adequacy of available parking the survey details as follows *"It is expected that the function room will be used primarily on Friday and Saturday evenings and sought to extend operating hours to 1:00am. As seen in the survey data, on-street and off-street public parking spaces surrounding the subject site on these evenings contain in excess of 500 spaces available after 5:00pm. When considering the Latrobe Planning Scheme's car parking requirements, the surveys demonstrate that public car parking in the immediate vicinity of the site could accommodate the additional 90 parking spaces with ease"*.

It is considered as a result that there is sufficient availability of short term car parks. Given the proposed increased level of patronage is related to the use of the land as a function centre, it is considered the following are

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key considerations in the assessment of the proposed waiver of car parking;

- There is sufficient short term car parking available in the vicinity of the site;
- The use of the land of function centre could in many cases require longer terms of car parking than 1 hour or 2 hour car parking terms that are available within the activity centre area;
- The site is approximately 350 metres from the Traralgon Railway Station and a total of 10 bus services operate within close proximity of the site including three services that operate along the site's frontage; and
- The subject site is within 100 metres of the Traralgon Taxi Rank located along Franklin Street.

It is noted that the Victorian Civil and Administrative Tribunal (VCAT) takes a 'centre based' approach to the provision of car parking in activity centres. This is summarised in *Dixon v Bass Coast Shire Council* [2006] VCAT 2396 as follows:

"From around the early 1990's the tribunal and its predecessors have grappled with the issue of how to facilitate the introduction of new and appropriate uses into retail centres that experience parking difficulties due to saturated parking conditions. In general terms, the conclusion that has been reached is that in centres that are problematic, like Cowes is at peak times, a "centre based" approach toward the provision of parking should be adopted by the council. It was an approach that was ultimately tested before His Honour Mandie J in Sansmark Pty Ltd and Ors v Boroondara CC. In his decision, His Honour cited the description of the "centre based" approach as set out by the tribunal as follows:

The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre should arise from a combination of strategic planning and economic forces at work in the centre, car parking issues have a part to play in this but should not dominate. At the level of the individual site where there is a change of use or an extension to an existing building in most circumstances car parking shortfalls should be waived if it is consistent with the strategic plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply."

As detailed car parking for activity centres is generally assessed on a 'whole of centre' approach. The whole of centre approach recognises that different land uses within the centre may generate varying levels of parking demand throughout the course of the day, or at different times of the week, month or year. As a result it is possible to gain efficiencies in the public car parking supply through the 'sharing' of parking amongst a number of uses where peak parking demands do not coincide. This means

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that overall parking demand for the area is lower than if parking was to be provided to cater for peak demands of all uses within the centre and leads to more efficient use of the available land.

The parking survey results for the recently submitted planning permit applications and as requested by Latrobe City Council as part of the ongoing strategic planning work conducted as part of the Draft Car parking Strategy suggest no major issues in terms of parking supply and availability. While some areas within the centre experience high levels of utilisation, parking is generally available in the centre within a short walk of the more popular 'stressed' parking areas.

Given the availability of car parking as per the submitted car park assessment and as per recently submitted documents in relation to other planning permit applications it is generally considered that the proposal is consistent with the requirements of Clause 52.06. It is further noted that expected peak business hours for the function centre is outside of standard business hours within the Traralgon CBD

Restricted patronage numbers during some business hours

Concerns were raised originally by three parties in relation to request to waiver of car parking associated with the increase of patronage to 300 people.

Based on discussions that took place with objectors it was agreed by the applicant that the allowing up 150 patrons during the hours between 12 noon and 2 pm would be appropriate. As a result of this compromise position, two of the objectors have withdrawn.

As a result if any planning permit is issued a suitable condition will be placed on any issue of a permit required that patronage of the function centre will be limited to 150 patrons during the hours of 12 noon to 2 pm, seven days a week.

Conclusion:

The application has justified the shortfall of 67 spaces for the development as follows:

- The location of the subject site within the Traralgon Activity Centre;
- The location of the site with respect to efficient public transport;
- The availability of public parking within close proximity of the subject site; and
- The restriction of the number of patrons allowed onsite during business hours of 12 noon -2 p.m.

Given the above, it is considered that the proposed intensification of the use of an existing building satisfies the purpose and decision guidelines of Clause 52.06 Car Parking as the proposed provision of car parking would

be appropriate for the intensified use of the site using a 'centre based' approach given the strategic and economic benefits of the proposal.

Extension of hours and number of patrons allowed under the Liquor licence

Clause 52.27 Licenced Premises of the Latrobe Planning Scheme has an outlined purpose to ensure that liquor licences are appropriately located and to ensure that liquor licence premises do not negatively impact the amenity of the surrounding area.

The application seeks to increase the numbers of patrons allowed on the site from 100 patrons to 322 patrons. The applicant also proposes an increase in the liquor licence trading hours between 10 am to 1 am 7 days a week with the exception of Good Friday and Anzac Day which will have proposed liquor licence hours of 12 noon to 11 pm.

The decision guidelines of Clause 52.27 that have to be considered include:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

As detailed previously the subject site is located within the Primary Activity Centre of Traralgon where a mix of liquor licences exists. The alcohol consumption is proposed to be in conjunction with the existing café (as of right) and function centre was has approval for 100 patrons as a result of planning permit 2009/359.

The applicant has detailed that the proposed extension to the liquor licence hours is because the majority *"of functions we cater for are for Weddings, Engagements, and Birthdays (30th, 40th, 50th and so on). We are finding that patrons are requesting a 1.00am finish especially for weddings. We have applied for and been granted an extension to our current licence to 1.00am in the past and have had no problems."*

The applicant has been granted a number of temporary licences that granted extensions of time on his current on-premises licence.

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The Department of Planning and Community Development (now known as Department of Transport, Planning and Local Infrastructure) have released a practice note in relation to the assessment of liquor licence applications. *Licensed premises: Assessing cumulative impact* (DPCD, March 2011). This document is to be used as a support tool for councils when assessing the cumulative impact of licensed premises as part of a planning permit application.

The document details that “*Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.*”

Negative impacts can include increased levels of anti-social behaviour and infrastructural problems such as lack available transport options at available times. Positive impacts can include the creation of a local ‘identity’ or status as an entertainment or tourism destination, enhanced vitality of an area and increased economic benefits.

When assessing liquor licences such as proposed in this application, the following elements should be considered when assessing the cumulative impact of licensed premises:

- Planning policy context

As detailed previously the subject site is located in the Primary Activity Centre of Traralgon with no sensitive use in close proximity to the site. It is generally considered that the appropriate location for such venues is within Primary Activity Centres and with suitable conditions attached to any issue of a permit; it is considered that the proposal would be consistent with State and Local Planning Policy Framework.

- Surrounding land use mix and amenity

The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area. In this the nearest school is 300 metres away (Grey Street Primary School). The subject site is within an area where a ‘cluster’ of licensed premises, with varying license types that operate past 11 pm. It is also noted that no objection was received from the Victorian Police and no concerns were detailed from Councils Community Strengthening team.

- The mix of licensed premises;

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There is a large mix of liquor licence types within the Traralgon Activity Centre included On-Premises Liquor Licences, Restaurant and Café Liquor Licences and On-Premises Liquor Licences.

There are a large number of late night venues within the subject area including the Premier Function Centre, Star Bar, Ryans Hotel, Spirit Bar, Cargo Lounge are all within 300 metres of the subject site and all of which have licences to cater for in excess of 200 patrons.

However, it is noted that this extension of time of liquor licence is related to the use of the land for a function centre and as a result issues such as crowd management (e.g. queuing) is less of concern given the existing use of the land. Council also does not have a record of any complaints against the management and operation of the existing liquor licence.

- Transport and dispersal

Patrons leaving licensed premises at closing time can have a significant impact on the amenity of an area. Consideration of how patrons will leave the area and the routes they will take, including the location and availability of taxi ranks, car parks and public transport services is important in the assessment in whether a new or increase of liquor license business hours is considered appropriate. The quality and frequency of services is a factor because it will influence the length and time that patrons spend in an area. In this case the following has been considered:

There is adequate car parking available to the public (as detailed previously in this report and also that many of the time limits of parking spaces do not apply after 5.30 pm);

The taxi rank is located less than a 100 metres from the subject site;

Latrobe Valley Bus lines operate a late night service from the taxi rank to the towns such as Churchill, Traralgon, Morwell and Moe; and

It is unlikely that all patrons that leave the venue at 1 am will all be looking for transport to their place of residence at that time given the existence of other late night venues in the area which would still be operating beyond 1 am.

- Impact mitigation

A venue incorporating good urban design and safe design principles is more likely to successfully manage potential amenity impacts from venue patrons on an area, improve perceptions of safety and provide a positive cumulative impact.

**ORDINARY COUNCIL MEETING MINUTES
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It is considered a suitable planning permit condition can be imposed requiring a venue management plan will be imposed as part of any planning permit issued.

Conclusion:

Given the above, it is considered that the proposed increase in business trading in relation to the liquor license and associated increase in patron numbers is consistent with the purpose and decision guidelines of Clause 52.27 Licensed Premises.

Municipal Building Surveyor response in relation to proposed occupancy rates

The application has been referred internally to Councils Building Team for comment. The Municipal Building Surveyor has provided specific comments in relation to the proposed occupancy rate and assessed it against the Building Code of Australia, (NCC) Volume 1, 2013 and has detailed the following:

- No direct links to the areas identified in the Building Surveyors Report and the submitted plans;
- The number of facilities must be split evenly between male and female patrons therefore the facilities provided are adequate for a number accommodated of around 220 occupants only;
- There is potential to increase occupancy numbers quite significantly by the inclusion of additional sanitary fixtures and the increase of exit widths particularly at the rear of the building.

The applicant has been informed of these requirements that will need to be addressed prior to the issue of a building permit for the proposal.

Submissions

As a result of the notification process, a single objection remains outstanding. Refer to Attachment 6 for a copy of the outstanding objection.

The issues raised in the objection were as follows:

1. Insufficient notification and information regarding the application

Officer Comment:

It has been detailed that the advertising sign placed on site was not located in a suitable visible location of the site. On 29 August 2013 a site inspection took place and it was considered that the sign on site was suitably located in a visible location. It has also been detailed that a copy of the application was not made available for viewing at the service centre. It should be noted that as soon as the planning department were made aware that the advertising material was no longer at the service centre, a

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new copy of the application was sent to the service centre. A Council officer also met with the objector to give an overview of the application on Friday 6 September 2013.

2. Impact of the waiver of car parking on the surrounding business

Officer Comment:

Assessment of the waiver of car parking has been conducted in the issues section of this report and as detailed previously it is considered that the car parking waiver is satisfactory with suitable conditions and restrictions as part of any planning permit issued.

It should be further noted that if the proposal was only for the waiver of car parking that it would be exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3. Impact of additional licensed premises on the amenity of the surrounding area.

Officer Comment:

It should be noted that the proposal is not for an additional liquor license but for an increase in the liquor license trading hours.

As detailed at length in the issues section of this report it is considered that with suitable conditions attached to any issue of a permit, the proposal will be consistent with the purpose and decision guidelines of Clause 52.27 Licensed Premises

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers; an A3 notice was displayed on the site frontage for 14 days and advertised in the Latrobe Valley Express for two issues.

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Three objections to the application were received, two which were subsequently withdrawn.

The applicant has provided a response to the objections. Please see attachment 7.

External:

There were no external referrals.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning, Strategic Planning and Building Teams who gave consent to the granting of a planning permit subject to appropriate conditions and notes in relation to their area of expertise.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant an Amended Planning Permit.
- 2 Issue a Refusal to Grant an Amended Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Commercial 1 Zone;
- Generally consistent with Clause 52.06 Car Parking;
- Consistent with the 'Purpose' and 'Decision Guidelines' of Clause 52.27 Licensed Premises;
- Consistent with relevant Particular Provisions and Clause 65 (Decision Guidelines).

Attachments

1. Previously endorsed plans
2. Locality plan
3. History of the assessment of the application
4. Latrobe Planning Scheme provisions
5. Traffic Assessment by Cardno
6. Outstanding objection
7. Response to objections from the applicant

RECOMMENDATION

That Council issue a Planning Permit, for the use of the land for a place of assembly (function centre) and associated building and works, extension to the red line area, increase in business trading hours (liquor licence) and waiver of the car parking requirement at L 1 PS 633190, L 1 TP 761908, CA 8 TP 342359 SECT 4, known as 7-13 Post Office Place, Traralgon, with the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 3. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 4. The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.**
- 5. Not more than 322 patrons (including external area) may be present on the premises at any one time.**

The only exception to this is between 12 p.m. and 2 p.m. (7 days a week) where the maximum number of patrons allowed on site is 150 except with the written consent of the Responsible Authority.

- 6. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager'). The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.**
- 7. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises**

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permitted by this permit must operate only between the following times:

- a) Sunday between 10 a.m. and 1 a.m. the following morning
- b) Good Friday between 12 noon and 1 a.m. the following morning
- c) Anzac Day 12 noon and 1 a.m. the following morning
- d) On any other day between 4 p.m. and 1 a.m. the following morning.

(No proposed change to the liquor license external area either by way of area, times or number of patrons permitted.)

8. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
9. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Engineering Conditions:

10. Prior to the commencement of works, the operator of this permit must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, road pavement, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development site. Unless identified within the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Council's assets/public infrastructure caused as a result of the development permitted by this permit.
11. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Expiry of Permit

12. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of

this permit; or

- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterward.

Liquor License Conditions

- 13. The operator of this permit must comply with any conditions set by the Victorian Commission for Gambling and Liquor Regulation.
- 14. At the request of the Responsible authority a Venue Management Plan must be submitted to and approved the responsible authority. The venue management plan must set out the measures to be implemented by the owner to assist in the orderly management of the liquor licence to limit any impacts of the use on the amenity of the locality. The venue management plan must include (but not be limited to):
 - a) The operator of the premises will participate in the Traralgon Liquor Accord.
 - b) Emergency Procedure Management plan.
 - c) Responsible serving of alcohol guidelines and staff responsibilities.
 - d) Management of patron entrance (including queuing) and exit from the premises
 - e) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers and queuing lines).
 - h) Hours of operation for all parts of the premise.
 - i) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
 - j) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premise.
 - k) Measures to be undertaken to address all noise sources identified, including any on and off-site noise attenuation

**ORDINARY COUNCIL MEETING MINUTES
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measures.

- l) Details of staffing arrangements including numbers and working hours of all security staff.
- m) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
- n) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- o) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.

Any amendment to venue management plan must be submitted to and approved by the Responsible Authority. The permitted use must be conducted in accordance with the provisions of this plan to the satisfaction of the responsible authority.

Moved: Cr Rossiter

Seconded: Cr Gibbons

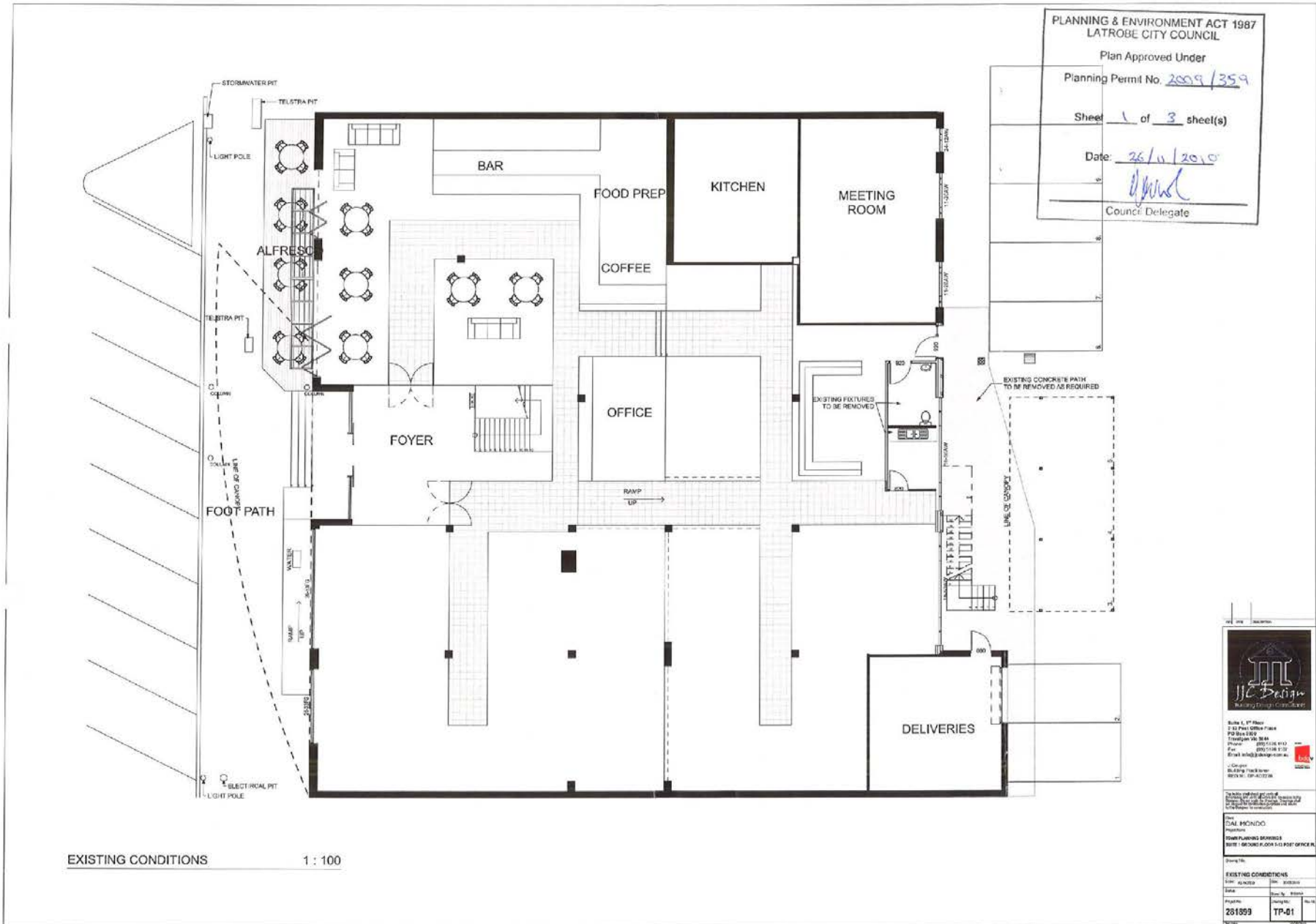
That the Recommendation be adopted.

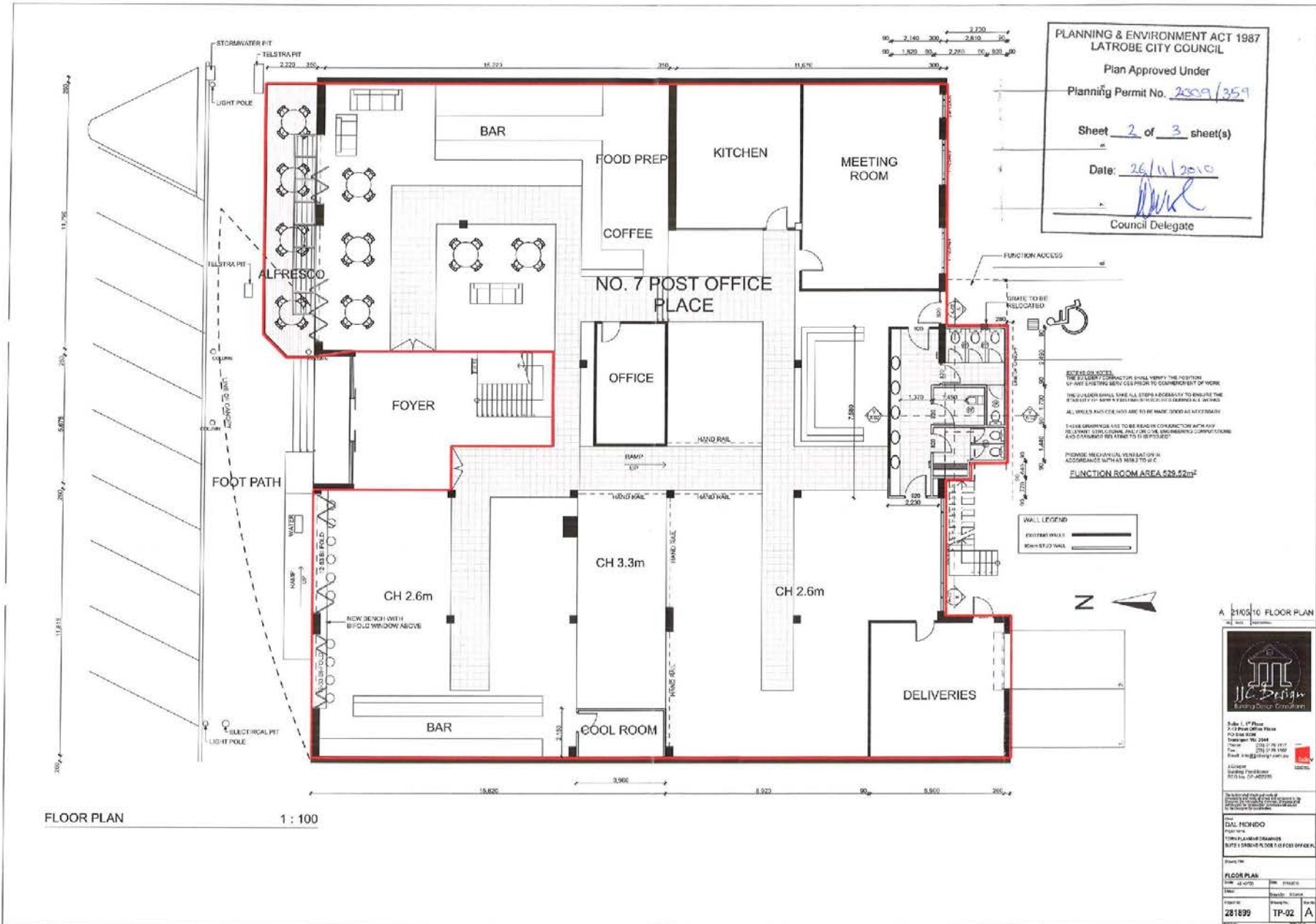
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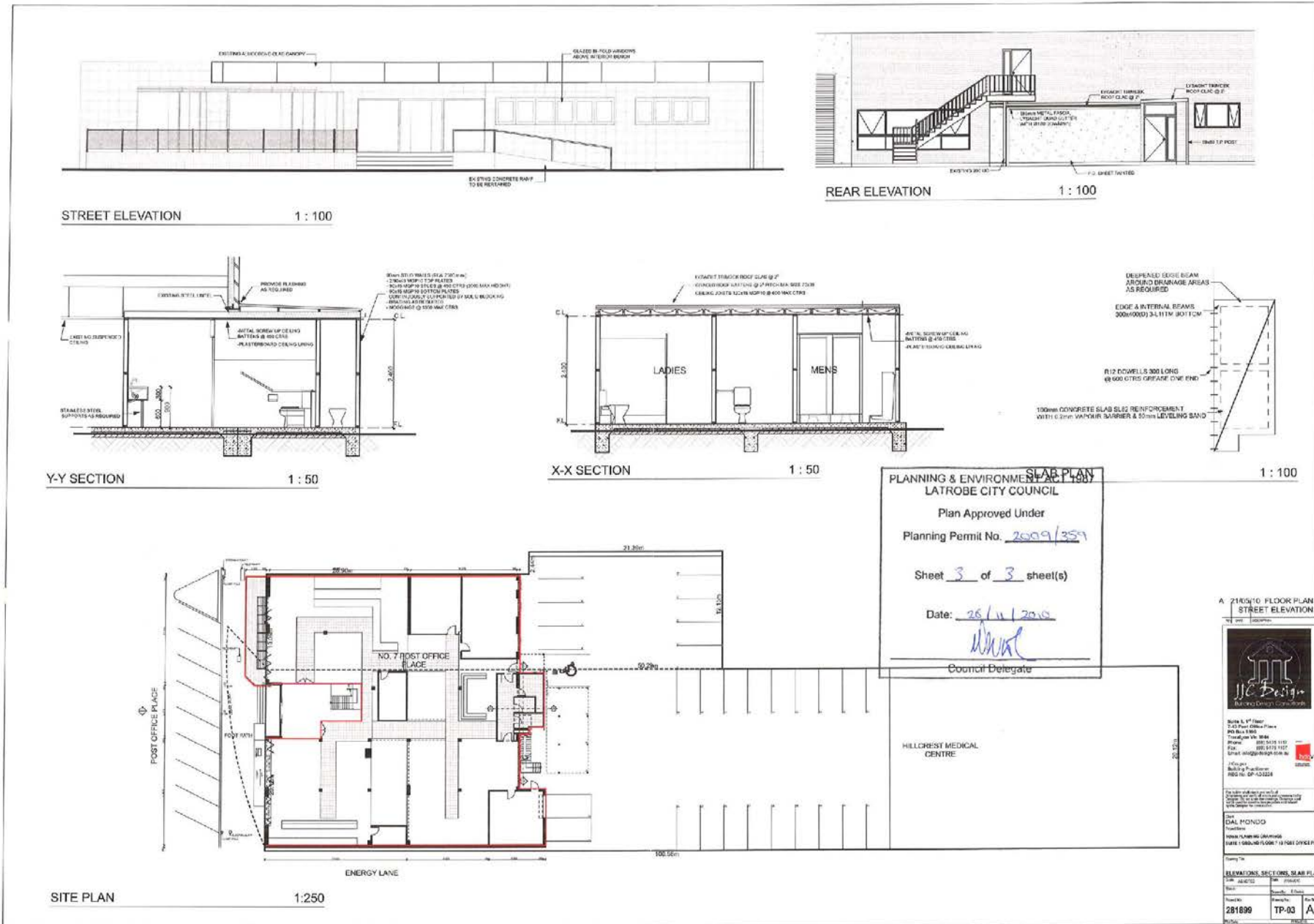
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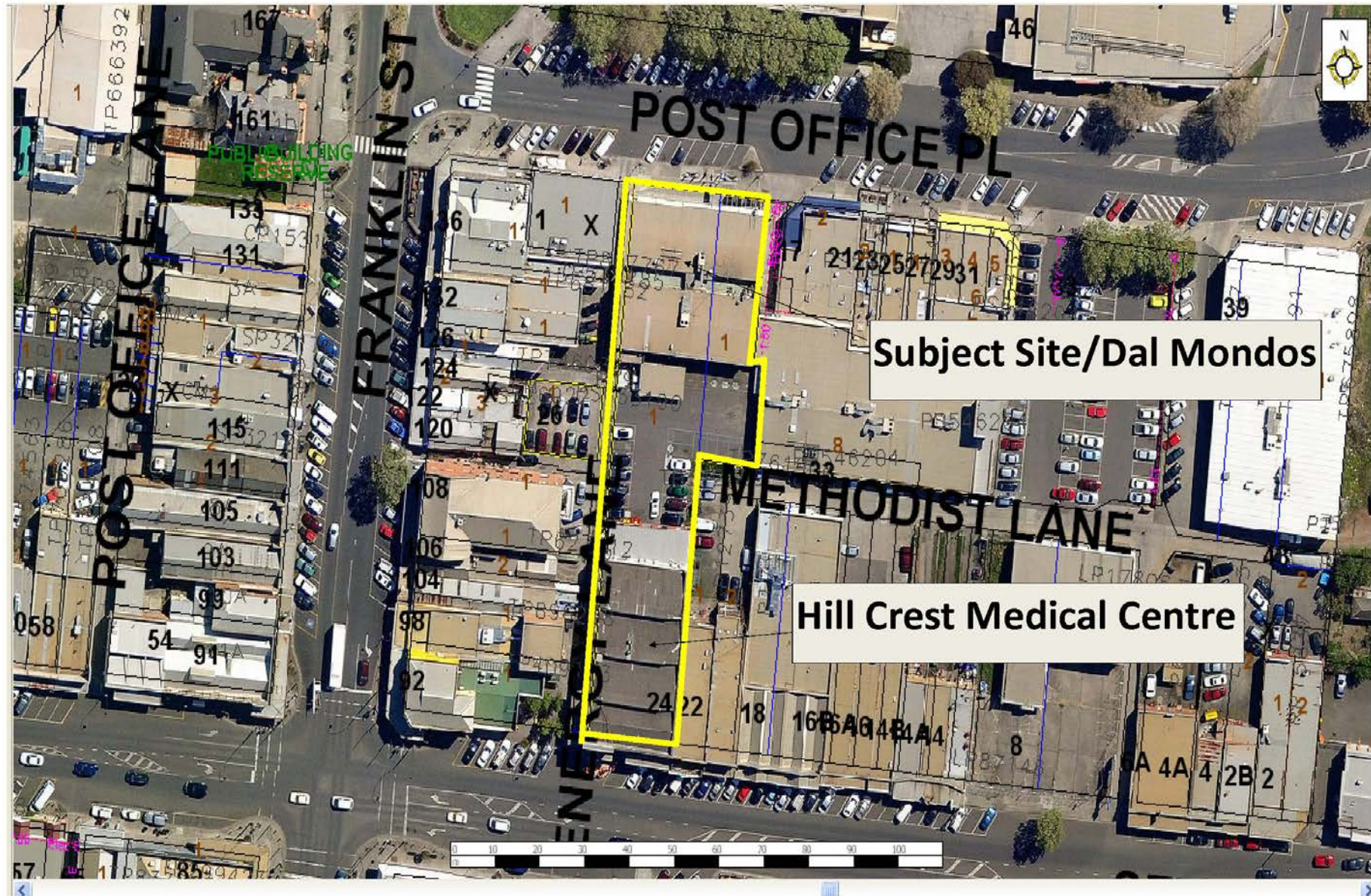
PLANNING PERMIT APPLICATION 2009/359/A - USE OF THE LAND FOR A PLACE OF ASSEMBLY, ASSOCIATED BUILDINGS AND WORKS, EXTENSION TO THE RED LINE AREA, INCREASE IN BUSINESS TRADING HOURS, AND WAIVER OF THE CAR PARKING REQUIREMENT AT 7-13 POST OFFICE PLACE, TRARALGON

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History of Application

22 February 2013	Planning Permit application received by Council
3 April 2013	Further information requested from applicant
2 August 2013	Further information received from applicant
7 August 2013	Applicant advised to give notification of the application. Application referred internally to Community Strengthening, Engineering and Building Teams
27 August 2013	First objection received
18 September 2013	Mediation meeting held
2 October 2013	Applicant was formally requested to respond to the concerns of objections raised in relation to car parking and increase in business operating hours in relation to the liquor licence.
10 October 2013	Response to the objectors concerns was submitted to council
16 & 22 October 2013	2 objections withdrawn

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02-1 Activity Centre Planning
Clause 11.05-1 Regional Settlement Networks
Clause 15.01-1 Urban Design
Clause 17.01-1 Business

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'

Zoning – Commercial 1 Zone

The subject land is located within a Commercial 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.06 Car Parking
Clause 52.27 Licensed Premises

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

Our Ref: CG130375:EK
Contact: Eric Kydd



12 July 2013

Dal Mondo Cafe
7 Post Office Place
TRARALGON VIC 3844

Attention: Ben Albanese

Cardno Victoria Pty Ltd
ABN 47 106 610 913

150 Oxford Street
Collingwood VIC 3066
Australia

P.O. Box 2712
Fitzroy VIC 3065
Australia

Phone: +61 3 8415 7777
Fax: +61 3 8415 7788

www.cardno.com

Dear Ben,

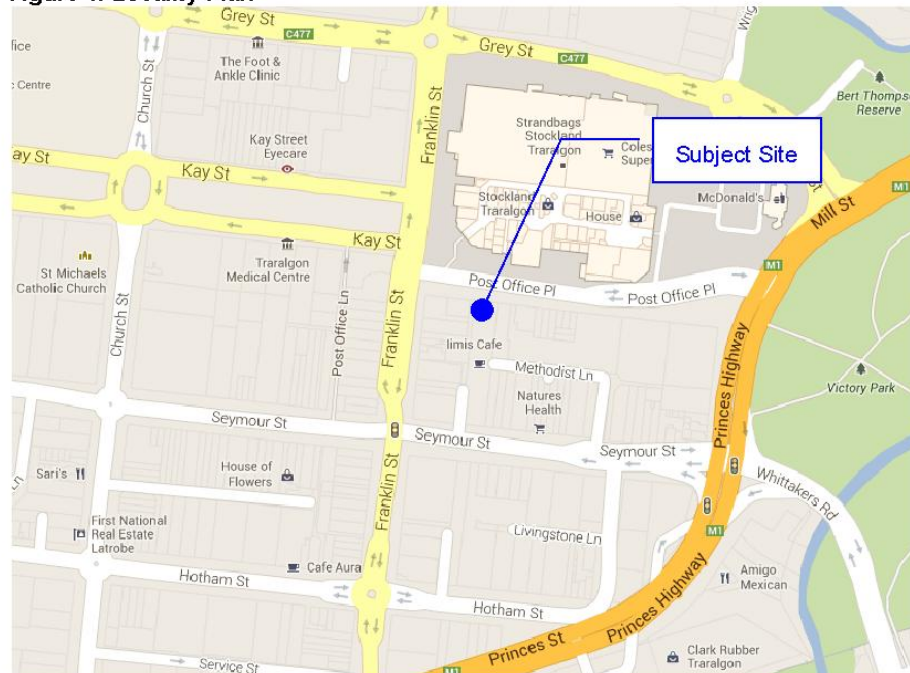
DAL MONDO CAFE – 7 POST OFFICE PLACE, TRARALGON CAR PARKING ASSESSMENT

Cardno has been retained by Dal Mondo Cafe to prepare a car parking assessment for the proposed new function room at the existing site on Post Office Place, Traralgon. We have undertaken an investigation into the parking impact of the proposed alterations, and offer the following information.

Existing Conditions

The subject site is located on the southern side of Post Office Place in Traralgon, as shown in Figure 1.

Figure 1: Locality Plan



Australia • Belgium • Indonesia • Kenya • New Zealand • Papua New Guinea
United Kingdom • United Arab Emirates • United States • Operations in 60 countries

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The site is currently occupied by a café on the ground floor with a total 100 seats available to the public. The café operates during the following hours:

- Sunday to Tuesday (except public holidays): 8:00am to 5:00pm
- Wednesday to Saturday and public holidays: 8:00am to 11:00pm

A total of 5 car parking spaces are provided at the back of house, currently allocated to the café for staff and visitor parking.

Proposed Development

It is proposed to amend the existing planning permit to allow for a function room with capacity for up to 300 patrons and to extend the operating hours to 1:00am. The existing café will continue to operate with the existing 100 seats in conjunction with the function areas.

Parking Considerations

Planning Scheme Assessment

Clause 52.06 of the City of Latrobe Planning Scheme sets out the relevant statutory parking rates for various land uses within the municipality.

Clause 52.06-5 states that "...the car parking requirement only applies to the increase of use provided the existing number of car parking spaces is not reduced." As the current parking conditions are being maintained the following parking assessment need only apply to the additional 300 patrons associated with the function room.

The Latrobe Planning Scheme specifies that parking for restaurants and function rooms should be provided as follows in Table 1:

Table 1: Planning Scheme Car Parking Requirements – Clause 52.06

Component	Rate	Measure	Requirement
Function Room	0.3 spaces per patron	300 patrons	90 spaces

According to the rates set out within the Latrobe Planning Scheme, the proposal generates a parking requirement of 90 spaces.

Notwithstanding the above, Clause 52.06 allows for a reduction or waiver of a requirement for car spaces. In the case of this proposal it is considered that a waiver of the statutory car parking requirement is justified on the basis of the availability of suitable public car parking opportunities in the vicinity of the site.

Availability of Parking in the Area

In order to assess the availability of parking in the area surrounding the subject site, Cardno commissioned parking surveys to be undertaken within 400m walking distance from the site between the hours of 11:00am and 10:00pm on Friday 21st June 2013 and between the hours of 5:00pm and 10:00pm Saturday 22nd June 2013.

The survey times were chosen to ascertain the parking occupancy of the surrounding area at times of peak patronage for the subject site. The area surveyed is shown in Figure 2.

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Figure 2: Survey Area



The surveys identified a total supply of 1181 spaces appropriate for use by the café/function centre allowing for a 1 hour stay or longer within the 400 m survey area. Permit zones, spaces within clearways and private car parks (such as the Traralgon Centre Plaza, Aldi and back of house areas) were all excluded from the analysis. Various temporal parking restrictions within the survey area limited the supply of parking appropriate for use by the café/function centre to no fewer than 956 spaces at different times during the surveys.

The Friday survey results indicate that the peak demand occurred at 1:00pm when 932 spaces were occupied leaving no fewer than 110 spaces available during the survey period.

The Saturday survey results indicate that the peak demand occurred at 8:00pm when 298 spaces were occupied leaving no fewer than 658 spaces available during the survey period.

Figure 3 and Figure 4 plot the parking supply and spaces occupied for Friday 21st June 2013 and Saturday 22nd June 2013 respectively. It should be noted that the peak demands on the Friday took place during the function room's off-peak period of time.



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Figure 3: Parking Adequacy Profile (Friday 21st June 2013)

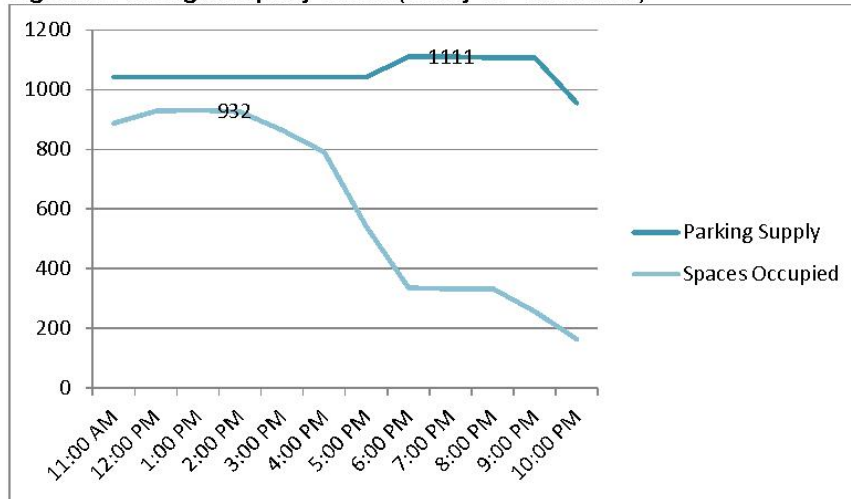
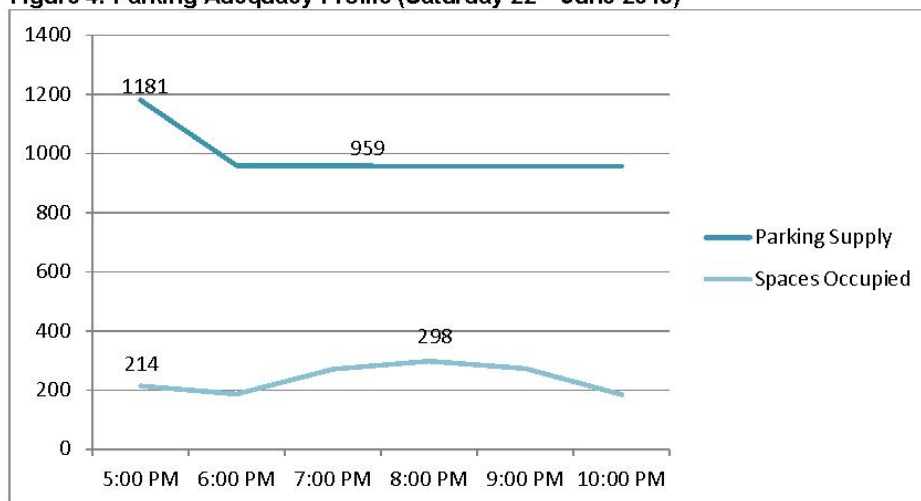


Figure 4: Parking Adequacy Profile (Saturday 22nd June 2013)



Adequacy of Available Parking

The results of the surveys indicate that ample parking is available within the on-street and off-street public parking spaces surrounding the subject site to accommodate the likely demand associated with the additional function area.

It is expected that the function room will be used primarily on Friday and Saturday evenings and sought to extend operating hours to 1:00pm. As seen in the survey data, on-street and off-street public parking spaces surrounding the subject site on these evenings contain in excess of 500 spaces available after 5:00pm. When considering the Latrobe Planning Scheme’s car parking requirements, the surveys demonstrate that public car parking in the immediate vicinity of the site could accommodate the additional 90 parking spaces with ease.

Notwithstanding, even on the rare occasion of an off-peak function during peak parking demand for the surrounding area, the existing parking supply would be sufficient with no fewer than 110 spaces available on the survey days. Furthermore, functions occurring during this time would be less likely to reach peak occupancy and therefore generate a parking demand lower than 90 spaces.

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The impact of additional vehicles parking in the vicinity of the site as a result of the proposed function areas is therefore not expected to compromise the potential for other users to find a parking space.

Summary

The proposal for new function areas to accommodate up to 300 additional patrons to the subject site brings about a requirement for an additional 90 parking spaces.

Surveys undertaken by Cardno indicate that on-street and off-street car park occupancy in the area surrounding the subject site peaks at 1:00pm on Friday. Even on the rare occasion that a function of full capacity was to take place during this time the parking in the immediate vicinity of the site could accommodate the additional parking demand.

Furthermore, the survey showed that ample parking (in excess of 500 parking spaces) is available during peak function times for both Friday and Saturday evenings from 5:00pm.

This demonstrates that there is more than sufficient capacity in the surrounding area to accommodate the demand associated with the proposal, without compromising the availability of public parking spaces for other users.

Should you have any further queries in relation to the above, please do not hesitate to contact the undersigned.

Yours sincerely,

Eric Kydd
Design Engineer
for Cardno
Direct Line: 8415 7523
Email: eric.kydd@cardno.com.au



**Objection to the Grant
of a
Planning Permit**
Under section 57 of the Planning
and Environment Act 1987

Council Use Only	
Application Number :-	<input type="text"/>
Application Date:-	<input type="text"/>
Ledger Number:-	<input type="text"/>

Latrobe City Council
Tel: 1300 367 700
www.latrobe.vic.gov.au

Fields marked with an asterisk (*) are mandatory and must be completed.

Council Specific Information

Objector details

Title*	Surname*	Given Name 1*	Given Name 2
Mr	Gonzy	Louie	

Business Details

ABN	ACN
5 9 1 1 2 8 5 7 2 4 4	

Company Name	Business Name
Cargo F5 Pty Ltd	Cargo Lounge

Address

Street Address*
136-138 Franklin Street

Suburb / Town*	State*	Postcode*
Traralgon	Vic	3844

Affected property address (if different from above)

Street Address*

Suburb / Town*	State*	Postcode*

Contact Details

Please provide at least one phone number and include the area code*

Business Phone	After hours phone	Business Fax	Mobile
(03) 5173 4001			0407 848 913

Email

info@cargolounge.com.au

Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect

Title*	Surname*	Given Name 1*	Given Name 2

Business Details

ABN	CAN

Business Name	Company Name

Address

Street Address*

Suburb / Town

State *

Postcode *

Contact Details

Please provide at least one phone number and include the area code *

Business Phone

After hours phone

Business Fax

Mobile

Email

Planning permit application details

What is the permit application number to which you object? *

Who has applied for the permit? Name of applicant *

Address

Choose the type of formal land description *

Street Address

Lot/ Plan

Crown allotment

Other (if no other land description applies)

Street address *

Suburb Town *

State *

Post Code *

Lot / Plan

Plan type and numbering (existing)

Crown allotment number

Section number

Block

Portion

Subdivision

Parish OR Township name

Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)

What is Proposed? *

Use of land for a Place of Assembly, and associated Building and Works,
Increase in business trading hours (liquor licence) and
Waiver of the car parking requirement

Objection Details

What are the reasons for your objection?

1. Insufficient notification of and information regarding the planning permit application provided.

The applicant has failed to provide appropriate notification of the planning permit application, in accordance with the application process obligations. Despite having several meters of 'Dal Mondo branded' clear window frontage in which the planning application notification could have been displayed, the applicant displayed the obligatory notification on the exterior wall of the Zsop Cafe, which was located behind patron seating and umbrellas, resulting in very poor visibility of the notification.

As a result of the inappropriate display of the application notification, we only became aware of the application a couple of days prior to its conclusion. As a result, we have had insufficient time to prepare a thorough response to the application. We also note that many other neighbouring businesses and interested community members may be unaware of the application, and therefore not provided an adequate opportunity to provide a response.

The responsible authority has failed to provide appropriate information in support of the application. A copy of the application and any other supporting documentation was not available for viewing at the Latrobe City Council Service Centre, 34-38 Kay Street, Traralgon, as noted on the 'Notice of an Application for a Planning Permit' for application number 2009/359/A. Upon request of this information at the Service Centre counter, the only information provided was a copy of the same one page 'Notice of an Application for a Planning Permit' that is displayed on the exterior wall of Dal Mondo Cafe.

As a result of insufficient information pertaining to the application, we are unable to fully assess the potential impact of the proposed change in use of land and proposed number of patrons, on the amenity of the area. As a late night licenced venue, and member of the Traralgon Liquor Accord, the cumulative impact of the proposed licenced premises on the amenity of the surround area, is also of particular concern. However, it is difficult to fully assess this impact, without sufficient information being provided as part of the application process. Likewise, without publication of patron numbers proposed within the application, the extent of car parking requested to be waived is unclear.

2. Impact of waiver of car parking requirements on surrounding businesses and community safety.

In the absence of disclosure of the patron numbers proposed within the application, we have made an assumption that patronage would be in the vicinity of 300 to 400. Based on this assumption, the applicant would be required to provide 90 to 120 car parking spaces under the provisions of the Latrobe Planning Scheme to support the commercial operations. Post Office Place and nearby Franklin Street are extremely busy thoroughfares, providing vehicular access from the highway to the town centre, as well as managing traffic to and from the Stockland Plaza and street shops. The introduction of the proposed function centre/nightclub business, attracting up to 400 patrons will significantly increase the demand on car parking. This increase would overwhelm an area of the Traralgon CBD that is already stretched beyond its capacity, resulting in potential road safety concerns and detrimental impacts to existing businesses due to insufficient parking provisions.

3. Impact of an additional licenced premises on the amenity of the surrounding area, and social impact on local community.

'Practice Note 61, March 2011 – Licenced Premises Assessing Cumulative Impact' published by the Victorian Government Department of Planning and Community Development, states [these guidelines] "should be used for all applications for a new or expanded licenced premises that 1) will be licenced and opened after 11.00pm, and is in an area where there is a cluster of licenced premises." To assess the potential cumulative impacts, the guidelines notes the following matters should be considered by Council: planning policy context, surrounding land use mix and amenity, the mix of licenced premises, transport and dispersal and impact mitigation.

In relation to 'Surrounding land use mix and amenity' the guidelines notes "A diversity of uses and activities can add to the vibrancy and amenity of an area. This may help mitigate potential harms and reduce the potential for unreasonable negative cumulative impact. Late night uses that do not focus on serving alcohol provide alternative activities for visitors, resulting in better patron behaviour in an area." We believe the introduction of another licenced premises, to the existing cluster of late night venues will create a negative cumulative impact.

In relation to 'the mix of licenced premises' the guidelines notes "Late-night trading hours for licenced premises have been associated with increased harm including violence. Licenced premises open after 11pm are considered a greater risk to the surrounding area. Reduced trading hours may therefore reduce the risk of late-night alcohol related harm. Licenced premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in a negative cumulative impact." We believe the introduction of another licenced premises, with a capacity in excess of 200 people, to the existing cluster of late night venues will create a negative cumulative impact.

In relation to 'transport and dispersal' the guidelines notes "A concentration of high risk licenced premises closing at similar times may lead to difficulties in safe and orderly patron dispersal. This can be addressed by staggering the operating hours because there will be fewer people on the street trying to leave the area at one time". Despite a 3am licence, Cargo Lounge regularly closes at 1am, as does the nearby Star Bar. Patrons of both venues then disperse to taxi ranks and other venues located in Kay Street. The introduction of another licenced premises closing at 1am, would significantly increase the number of people on the street at this time, and increase the potential for anti-social behaviour.

In relation to 'impact mitigation' the guidelines notes "Impact mitigation measures can include: providing patron transport or parking" and "involving licenced premises in a liquor accord or forum". The guideline clearly identifies the provision of car parking as a factor to reduce negative impacts, and is therefore in conflict with the applicants proposal to waive car parking requirements identified by the Planning Scheme.

How will you be affected by the grant of a permit?

As a business operating in close proximity to the applicant, the increased demanding on car parking will have a significant impact to our business, as outlined above. These impacts will not only affect our business, but may also be detrimental to road safety in the area.

As an existing late night licenced premises, and member of the Traralgon Liquor Accord, implementation of strategies and initiatives to reduce anti-social behaviour is of utmost concern to our business. Should Council grant this permit for use of land for a place of assembly (nightclub), allowing an additional high-risk venue to the existing cluster of nightclubs, the potential for increased anti-social behaviour to the area is highly probable. This increase will potentially impact our ability to provide a safe environment for our patrons.

Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.

By marking this checkbox I confirm that I have read and understood all the statements above.

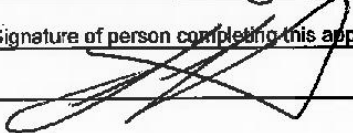
Name of person completing this application *

Louie Gonzy

Date

28/8/13

Signature of person completing this application *



Privacy Statement

The information gathered in the form is used by Council to process the application. To view Council's privacy policy, please either visit Council's offices or go to Council Privacy statement located at: www.latrobe.vic.gov.au

Lodgement

If you intend to post or fax this form please use the details provided below:

Latrobe City Council
PO BOX 264
MORWELL VIC 3840

Telephone: 1300 367 700
Fax: 03 5128 5672
Email: latrobe@latrobe.vic.gov.au
Website: www.latrobe.vic.gov.au

DAL MONDO

Café / Restaurant / Function Centre

Phone: (03) 51766977 E-mail: dalmondofunctions@hotmail.com

ABN: 29 137 961 169

8TH October 2013

Mr Jody Riordan
Senior Statutory Planner
Latrobe City
PO Box 264
MORWELL 3840

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

Dear Jody,

RE: Application No – 2009/359/A

We refer to your letter dated 2nd October relating to the mediation meeting and objections and address the following issues –

- **Objection 1**
Restrictions of the number of people allowed onsite between 12pm to 2pm daily to the existing approved limit (100 patrons) or otherwise agreed -
- **Response**
After discussions with both Mr McInnes at the mediation meeting and Mrs Bonacci a few days later all three parties agreed to a compromise that Dal Mondo not allow more than 150 patrons on site between 12pm – 2pm daily.
- **Objection 2**
Reduce the proposed operating hours of the liquor licensed premises to a 12am close and conditions for CCTV and security imposed on the venue be imposed as a condition of permit.
- **Response**
We have requested a liquor licence to 1.00am. The reasons for this is that the majority of functions we cater for are Weddings, Engagements, and Birthdays (30th, 40th, 50th and so on). We are finding that patrons are requesting a 1.00am finish especially for weddings. We have applied for and been granted an extension to our current licence to 1.00am in the past and have had no problems.

During this application and also the aforementioned applications extensions we have had no objections from the Traralgon Police Station. The concerns raised by Cargo Lounge that granting us a 1.00am licence would see an increase in anti-social behaviour which would impact on their ability to provide a safe environment for patrons seems a little extreme. As mentioned we have had multiple temporary extensions to 1.00am granted to our licence for functions over the past few years without there being any issues. Cargo Lounge has mentioned in their objection that whilst they are licenced to 3.00am they sometimes choose to close at 1.00am. So as they have a choice and are concerned that problems may arise, they can choose to close at either 12.30am or 1.30am

Unlike Cargo Lounge, we look to attract the older age group wanting to go out and celebrate a "momentous" occasion with family and friends in a friendly and safe environment.

- Our premises already have CCTV in place. We have 9 operating cameras throughout the venue – 7 cameras within the venue, 1 camera covering the front of the venue and 1 camera covering the back car park. Upon obtaining the permit we will increase the number of CCTV by 7, bringing the total number of CCTV to 16. This will give greater coverage to both front and back of the venue as well as inside. We already have security in place on the premises during functions.

Cargo Lounge, along with Dyoligy and Mint Café submitted objections to our proposal, but only Mr McInnes from Mint Café attended the mediation meeting. During the course of the meeting Mr McInnes expressed his concerns which we were able to address. It was through this open and honest discussion that we were able to reach a compromise acceptable to both parties that Dal Mondo be granted an extension to their liquor licence to 1.00am. Mr Rosato a director from Dal Mondo spoke with Mrs Bonacci from Dyoligy a few days after the mediation meeting when they met in the foyer of the building at 7-13 Post Office Place. Mrs Bonacci's greatest concern was the possible increase in patrons between 12pm – 2pm. However once Mr Rosato reiterated to her what he had told Mr McInnes at the mediation meeting and after some discussion, Mrs Bonacci and Mr Rosato also reached an amicable compromise that Dal Mondo be granted an extension to their liquor licence to 1.00am.

We note from copies of the objections forwarded to us that Mr McInnes objection was stamped and dated by Latrobe City Council on 27th August 2013 and Mrs Bonacci objection was stamped and dated 28th August 2013. However the objection by Cargo Lounge is not dated or stamped. This suggests to us that Cargo Lounge objection was not submitted by the due date and therefore not processed via the correct procedure. It seems extremely unfair that Cargo Lounge is able to lodge an objection to our proposal for an extension of our licence to 1.00am and then not attend the mediation meeting thus not giving us the opportunity to present our case and try and reach a compromise to the situation as has happened with Dal Mondo, Dyoligy and Mint Café.

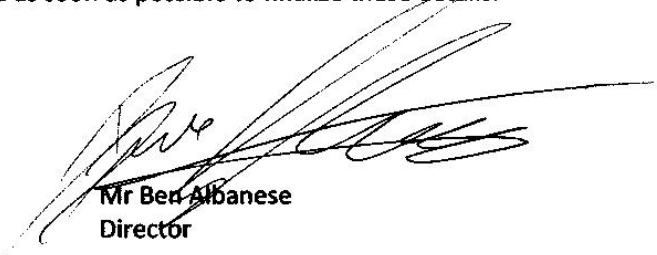
We believe that this extension to our operating hours of trade are not an impost in any way on the public infrastructure and facilities currently provided within the confines of the CBD, in fact it further enhances Traralgon for not only the residents but also the tourism market segment that is vital to our area.

Finally in summing up we believe we have more than adequately met the criteria set out by the Liquor Department, Latrobe City Council and more than adequately addressed issues from the mediation meeting in our quest to have our liquor licence extended to 1.00am. We therefore look forward to hearing from you as soon as possible to finalize these details.

Yours sincerely,



Mr Peter Rosato
Director



Mr Ben Albanese
Director

Dal Mondo Café/ Restaurant /Function Centre

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

Nil reports

URGENT BUSINESS

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****URGENT BUSINESS**

That Council accept an item of Urgent Business to introduce a motion from Morwell Rose Garden Committee, which required Council's urgent consideration and that a presentation be made by Mr Frank Sutherland.

For the Motion

Councillor/s Gibbons, White, Sindt, Harriman

Against the Motion

Councillor/s Kam, Rossiter, Middlemiss, O'Callaghan

The Deputy Mayor confirmed that the Recommendation had been put and CARRIED on the casting vote of the Deputy Mayor.

Moved: Cr Sindt

Seconded: Cr White

That Council note the following motion carried unanimously at a meeting of the Rose Garden committee held on Friday 13 December 2013;

That Council be formally advised of our absolute rejection of the proposal by SPAusnet for the placement of a power pole in the Northern section of the Morwell Centenary Rose Garden, and that Council be requested to take whatever action is necessary to prevent the implementation of the proposal.

Cr Kam requested to amend the motion.

AMENDED MOTION

That Council note the following motion carried unanimously at a meeting of the Rose Garden committee held on Friday 13 December 2013 and that a report be presented to Council at the meeting to be held 3 Feb 2014 which includes consideration of the Rose Garden Committees motion;

That Council be formally advised of our absolute rejection of the proposal by SPAusnet for the placement of a power pole in the Northern section of the Morwell Centenary Rose Garden, and that Council be requested to take whatever action is necessary to prevent the implementation of the proposal.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****Suspension Of Standing Orders**

Moved: Cr Middlemiss
Seconded: Cr Kam

That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 9:11 PM

Mr Frank Sutherland addressed the council regarding the implementation of a power pole in Morwell Centenary Rose Garden.

Moved: Cr Middlemiss
Seconded: Cr Gibbons

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 9:17 PM.

Moved: Cr Sindt
Seconded: Cr Gibbons

FORESHADOWED MOTION

That SP Ausnet be invited to make a presentation in relation to the power pole at the Morwell Rose Garden and to provide an overview of the electrical linkages between the Northern and Southern sides of Morwell and to include information regarding the details that are now required by Vic Track as part of their maintenance program to Latrobe City Council at the next Issues and Discussion meeting to be held at Latrobe City Council on 28 January 2014.

That the Motion be adopted.

CARRIED UNANIMOUSLY

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Moved: Cr Harriman
Seconded: Cr Middlemiss

That council accept an item of urgent business regarding the proposed GippsTAFE amalgamation on the grounds that it has been indicated that it will be happening within the next week.

For the Motion

Councillor/s Harriman, White, Gibbons, Middlemiss

Against the Motion

Councillor/s Kam, Rossiter, O'Callaghan, Sindt

The Deputy Mayor confirmed that the Recommendation had been put and carried on the casting vote of the Deputy Mayor.

Suspension Of Standing Orders

Moved: Cr White
Seconded: Cr Gibbons

That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 9:39 PM

Mr Gillio Barbara was provided the opportunity to address council in regards to the proposed amalgamation of GippsTAFE.

Moved: Cr O'Callaghan
Seconded: Cr White

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 9:40 PM.

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)**

Moved: Cr O'Callaghan
Seconded: Cr White

MOTION

That Council seek advice from Minister Hall regarding any proposed amalgamation of GippsTAFE with any other entity and a timeframe of any such proposals.

CARRIED UNANIMOUSLY

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 *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 *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 *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 HEAVY INDUSTRY PARK PROJECT AND CONSTRUCTION OF INFRASTRUCTURE

Agenda item *Heavy Industry Park Project and Construction of Infrastructure* is designated as confidential as it relates to proposed developments (s89 2e)

18.5 INSTRUMENT OF DELEGATION - ACTING CHIEF EXECUTIVE OFFICER

Agenda item *Instrument of Delegation - Acting Chief Executive Officer* is designated as confidential as it relates to personnel matters (s89 2a)

18.6 MOE RAIL PRECINCT REVITALISATION PROJECT - LAND PURCHASE

Agenda item *Moe Rail Precinct Revitalisation Project - Land Purchase* is designated as confidential as it relates to proposed developments (s89 2e)

18.7 SPORTING SPONSORSHIP APPLICATION

Agenda item *Sporting Sponsorship Application* 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)

18.8 REQUEST FOR PROCUREMENT EXEMPTION FOR THE SUPPLY OF POSTAL SERVICES AND SUPPLIES

Agenda item *REQUEST FOR PROCUREMENT EXEMPTION FOR THE SUPPLY OF POSTAL SERVICES AND SUPPLIES* is designated as confidential as it relates to contractual matters (s89 2d)

18.9 COUNCIL CONTRACT VARIATION APPROVAL REPORT - RECONSTRUCTION OF KELLY STREET, MORWELL

Agenda item *COUNCIL CONTRACT VARIATION APPROVAL REPORT - RECONSTRUCTION OF KELLY STREET, MORWELL* is designated as confidential as it relates to contractual matters (s89 2d)

18.10 COUNCIL CONTRACT VARIATION APPROVAL REPORT - RECONSTRUCTION OF DOHERTY AVENUE, MORWELL

Agenda item *COUNCIL CONTRACT VARIATION APPROVAL REPORT - RECONSTRUCTION OF DOHERTY AVENUE, MORWELL* is designated as confidential as it relates to contractual matters (s89 2d)

18.11 LCC-114 SUPPLY AND DELIVERY OF HYDRAULIC TRACK TYPE LOADER OR EQUIVALENT

Agenda item *LCC-114 SUPPLY AND DELIVERY OF HYDRAULIC TRACK TYPE LOADER OR EQUIVALENT* is designated as confidential as it relates to contractual matters (s89 2d)

18.12 LCC-122 RESURFACE OF JOE CARMODY ATHLETICS TRACK MOE/NEWBOROUGH

Agenda item *LCC-122 RESURFACE OF JOE CARMODY ATHLETICS TRACK MOE/NEWBOROUGH* is designated as confidential as it relates to contractual matters (s89 2d)

18.13 LCC-134 LANDFILL LEACHATE TREATMENT HYLAND HIGHWAY LANDFILL, LOY YANG

Agenda item *LCC-134 LANDFILL LEACHATE TREATMENT HYLAND HIGHWAY LANDFILL, LOY YANG* is designated as confidential as it relates to contractual matters (s89 2d)

18.14 LCC-135 HAZELWOOD PONDAGE CARAVAN PARK WASTE WATER DISPOSAL

Agenda item *LCC-135 HAZELWOOD PONDAGE CARAVAN PARK WASTE WATER DISPOSAL* is designated as confidential as it relates to contractual matters (s89 2d)

18.15 LCC-138 SEALING OF AUSTIN STREET, BOOLARRA

Agenda item *LCC-138 SEALING OF AUSTIN STREET, BOOLARRA* is designated as confidential as it relates to contractual matters (s89 2d)

18.16 LCC-139 PROVISION OF UNSUITABLE TREE REMOVAL. STUMP GRINDING AND NATURESTRIP REINSTATEMENT

Agenda item *LCC-139 PROVISION OF UNSUITABLE TREE REMOVAL. STUMP GRINDING AND NATURESTRIP REINSTATEMENT* is designated as confidential as it relates to contractual matters (s89 2d)

18.17 LCC-140 PROVISION OF PLANTS, TREES, NURSERY AND IRRIGATION SUPPLIES

Agenda item *LCC-140 PROVISION OF PLANTS, TREES, NURSERY AND IRRIGATION SUPPLIES* is designated as confidential as it relates to contractual matters (s89 2d)

18.18 LCC-141 SUPPLY OF WORK WEAR, SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT

Agenda item *LCC-141 SUPPLY OF WORK WEAR, SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT* is designated as confidential as it relates to contractual matters (s89 2d)

18.19 LCC-142 PROVISION OF WORKSHOP CONSUMABLES, INDUSTRIAL SUPPLIES AND GENERAL HARDWARE

Agenda item *LCC-142 PROVISION OF WORKSHOP CONSUMABLES, INDUSTRIAL SUPPLIES AND GENERAL HARDWARE* is designated as confidential as it relates to contractual matters (s89 2d)

18.20 LCC-143 SUPPLY AND DELIVERY OF ONE SINGLE CAB TRUCK WITH TIPPING BODY AND ONE DUAL CAB TRUCK WITH TIPPING BODY

Agenda item *LCC-143 SUPPLY AND DELIVERY OF ONE SINGLE CAB TRUCK WITH TIPPING BODY AND ONE DUAL CAB TRUCK WITH TIPPING BODY* is designated as confidential as it relates to contractual matters (s89 2d)

18.21 LCC-145 PROVISION OF CCTV SERVICES

Agenda item *LCC-145 PROVISION OF CCTV SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)

**ORDINARY COUNCIL MEETING MINUTES
16 DECEMBER 2013 (CM427)****18.22 LCC-148 FOOTPATH REPLACEMENT PROGRAM 2013/14**

Agenda item *LCC-148 FOOTPATH REPLACEMENT PROGRAM 2013/14* is designated as confidential as it relates to contractual matters (s89 2d)

18.23 LCC-149 DESIGN AND CONSTRUCT - CHURCHILL TAXI RANK AND BUS SHELTER

Agenda item *LCC-149 DESIGN AND CONSTRUCT - CHURCHILL TAXI RANK AND BUS SHELTER* is designated as confidential as it relates to contractual matters (s89 2d)

18.24 LCC-129 RECONSTRUCTION OF LAE COURT, MORWELL

Agenda item *LCC-129 RECONSTRUCTION OF LAE COURT, MORWELL* is designated as confidential as it relates to contractual matters (s89 2d)

**LCC-23 MOE RAIL PRECINCT REVITALISATION PROJECT
EXPRESSION OF INTEREST FOR CONSTRUCTION OF STAGE 1**

Agenda item *LCC-23 MOE RAIL PRECINCT REVITALISATION PROJECT EXPRESSION OF INTEREST FOR CONSTRUCTION OF STAGE 1* is designated as confidential as it relates to proposed developments (s89 2e)

The Meeting closed to the public at 9:52 PM.