



# LATROBE CITY COUNCIL

## MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 5.30PM ON  
15 JULY 2013

CM414

**PRESENT:**

<b>Councillors:</b>	Cr Sandy Kam, Mayor	East Ward
	Cr Peter Gibbons	West Ward
	Cr Dale Harriman	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
<b>Officers:</b>	Carol Jeffs	Acting Chief Executive Officer
	Michael Edgar	General Manager Community Liveability
	Jacinta Saxton	Acting General Manager Governance
	Geoff Hill	Acting General Manager Economic Sustainability
	Grantley Switzer	General Manager Recreation, Culture & Community Infrastructure
	Tom McQualter	Manager Council Operations & Legal Counsel

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**1. OPENING PRAYER**

The opening prayer was read by the Mayor.

**2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

The recognition of traditional landholders was read by the Mayor.

**3. APOLOGIES AND LEAVE OF ABSENCE**

Cr Gibson

**4. DECLARATION OF CONFLICT OF INTEREST**

Cr Middlemiss declared a direct interest under section 77B of the Local Government Act 1989 in relation to item 16.3 Planning Permit Application 2012/292 - Use Of Land For A Boarding House At 43-51 McMillan Street Morwell

Cr Kam declared an indirect interest under section 78 & 78A of the Local Government Act 1989 in relation to item 16.6 Submission to the Regional Growth Plan

Cr Harriman declared an indirect interest under section 78C of the Local Government Act 1989 in relation to item 16.6 Submission to the Regional Growth Plan

Cr O'Callaghan declared an indirect interest under section 78B of the Local government act 1989 in relation to item 16.6 Submission to the Regional Growth Plan

**4.1 DECLARATION OF INTERESTS**

Cr Rossiter advised Council that he had an interest in relation to item 9.1 Planning Permit Application 2012/038 - Four Lot Subdivision & Creation Of Easement At 85 Coonoc Road Traralgon.

**5. ADOPTION OF MINUTES**

**RECOMMENDATION**

**That the minutes of the Ordinary Council Meeting held on 1 July 2013 be confirmed.**

**Moved:** Cr White  
**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**6. PUBLIC QUESTION TIME**

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

# PUBLIC QUESTION TIME

**Suspension of Standing Orders**

**Moved:** Cr Harriman

**Seconded:** Cr O'Callaghan

**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**

Mr Wolf Becker addressed Council in relation to item 9.1 Planning Permit Application 2012/038 - Four Lot Subdivision & Creation Of Easement At 85 Coonoc Road Traralgon

Mr Tony Pitt addressed Council in relation to item 9.1 Planning Permit Application 2012/038 - Four Lot Subdivision & Creation Of Easement At 85 Coonoc Road Traralgon

Mr Brian Pinches addressed Council in relation to item 9.1 Planning Permit Application 2012/038 - Four Lot Subdivision & Creation Of Easement At 85 Coonoc Road Traralgon

Mr Matthew Joske addressed Council in relation to item 9.2 Potential Road Discontinuance And Sale Of Land - Part Catterick Lane, Traralgon

Mr James Cooper addressed Council in relation to item 9.3 Planning Permit Application 2012/275, Three Dwellings On A Lot And A Three Lot Subdivision, 11 Webb Street, Traralgon

Ms Pam Elkington addressed Council in relation to item 9.3 Planning Permit Application 2012/275, Three Dwellings On A Lot And A Three Lot Subdivision, 11 Webb Street, Traralgon

**Moved:** Cr Gibbons

**Seconded:** Cr Rossiter

**That Standing Orders be resumed.**

**CARRIED UNANIMOUSLY**

**Standing Orders were resumed at 6.26 pm**

# NOTICES OF MOTION





**8. NOTICES OF MOTION**

Nil reports



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



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

**9.1 PLANNING PERMIT APPLICATION 2012/038 - FOUR LOT SUBDIVISION & CREATION OF EASEMENT AT 85 COONOC ROAD TRARALGON**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/038 for a four lot subdivision at 85 Coonoc Road in Traralgon.

**DECLARATION OF INTERESTS**

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

**STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic 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:	85 Coonoc Road Traralgon, known as Lot 7 on Plan of Subdivision 86033
Proponent:	W.H. & A.H. Becker c/- Beveridge Williams & Co Pty Ltd
Zoning:	Low Density Residential Zone (LDRZ)
Overlay:	N/a

A Planning Permit is required for subdivision of land in a Low Density Residential Zone in accordance with Clause 32.03-3 of the Scheme.

A Planning Permit is required to create an easement in accordance with Clause 52.02 of the Scheme.

A site context plan is included as Attachment 1 of this report.

This application (2012/38) was previously for a 5 lot subdivision and was considered at the Ordinary Council Meeting held on 4 March 2013.

Council resolved:

1. *That this item be deferred for 2 weeks so that information provided by the applicants can be addressed by Councillors.*
2. *That Councillors be provided with preliminary information on the costings and feasibilities of running a piped drain from the precinct to Riddles Creek.*

In accordance with the above resolutions, this application was again considered at the Ordinary Council Meeting held on 18 March 2013 and Council resolved:

1. *That Council would appreciate the opportunity to consider an application for a four lot subdivision at 85 Coonoc Road, Traralgon.*

In response to the above resolution, an amended planning permit application was lodged by the applicant on 25 March 2013, to change the proposal from a 5 lot subdivision to a 4 lot subdivision.

Specifically, the applicant seeks to make the following changes to the original 5-lot subdivision:

- Consolidation of Lots 4 and 5 to create a single lot (now proposed Lot 4);
- Removal of common property driveway;
- Minor realignment of the boundary between proposed lots 2 and 4 as a result of the removal of the common property.

The amended application was re-referred and re-notified in accordance with the Sections 57B and 57C of the Act.

**PROPOSAL**

The amended (current) proposal seeks to subdivide the land into four lots. A copy of the proposed plan of subdivision is contained in Attachment 2 of this report. For comparison purposes, the previous plan of subdivision showing the original 5-lot subdivision proposal is also included as Attachment 3 of this report.

Proposed Lots 1, 3 and 4 would range in area between approximately 4000 square metres and 10739 square metres, each comprising vacant pasture and some existing planted vegetation.

Lot 1 would have a frontage of approximately 34 metres to Coonoc Road, and Lot 3 would have a frontage of approximately 43 metres to Coonoc Road. Access to Lots 1 and 3 would be provided from Coonoc Road via new bitumen sealed driveway crossovers, generally located where there are existing gaps in planted vegetation along the site frontage.

Lot 4 is proposed to be generally of a 'battle axe' shape, with access via a 7-metre wide and 100-metre long driveway off Coonoc Road. It appears that vegetation would need to be removed to facilitate access for Lot 4, the type of vegetation required for removal however has not been clearly identified on the plans submitted with the application.

Proposed Lot 2 would contain the existing 6-bedroom dwelling and associated buildings and works. This allotment is proposed to be irregular in shape, with a frontage to Coonoc Road measuring 54.41 metres and a total area of approximately 5200 square metres. Vehicular access would be provided from Coonoc Road via the existing sealed driveway crossovers.

As the subject land is located well outside Gippsland Water's sewer reticulation district, the proposal seeks to treat and retain wastewater on site. An updated Land Capability Assessment (prepared by Land Safe – a Division of Ag-Challenge Consulting Pty Ltd, dated 25 March 2013) has been submitted with the amended application and is included in Attachment 4 of this report.

An amended Stormwater Management Plan has also been submitted with the application (refer to Attachment 5). The plan proposes that each lot would be provided with a stormwater property connection to an underground piped drainage system which would then direct the collected stormwater to a grassed swale and a proposed retarding basin to be located centrally across Lot 4. As submitted by the applicant, the drainage system on proposed Lot 4 would be common to all lots on the plan and would be managed and maintained by an Owners Corporation. All members of the Owners Corporation would be responsible for the use, maintenance and liabilities associated with the shared drainage system in accordance with the Stormwater Management Plan. The Stormwater Management Plan is proposed to be enforced via a Section 173 Agreement registered on the title to each lot. The proposal seeks to create a drainage easement over the shared drainage system on Lot 4, in favour of all lots on the plan of subdivision.



A building and waste disposal envelope plan is contained in Attachment 6 of this report, showing indicative building and waste water disposal areas for each of the proposed lots.

**Subject Land:**

The subject site is located at 85 Coonoc Road in Traralgon, or more particularly described as Lot 7 on Plan of Subdivision 86033.

The site is irregular in shape, with an area of 2.023 hectares and an abuttal to Coonoc Road along the full length of its eastern boundary. The dimensions of the site are as follows:

- A frontage (eastern boundary) measuring 140.82 metres;
- A southern side boundary measuring 207.79 metres;
- A northern side boundary measuring 140.82 metres;
- A rear (western) boundary measuring 142.27 metres.

The land is currently used for low density residential purposes and is developed with a large single storey brick dwelling, with attached garage and carport, in-ground pool, colorbond storage shed, garden shed and associated infrastructure. The existing buildings are grouped together in the eastern portion of the land, within 65 metres of the front boundary.

The dwelling and associated buildings are surrounded by a landscaped garden comprising a combination of native and exotic trees, shrubs and lawn cover. As submitted by the applicant, all the existing vegetation (native and exotic) on site was planted by the land owners following their purchase of the property in the early 1970s.

Primary access to the site is currently obtained from Coonoc Road via a sealed crossover and driveway. A secondary access point is provided to the storage shed on site via another crossover and concrete culvert.

The site has a gentle slope in a south-westerly direction, with a fall of approximately 10 metres across the property between its highest point (adjacent to the main driveway entrance) and lowest point (south-west corner). As per the referral response provided by West Gippsland Catchment Management Authority (WGCMA) on 31 May 2012 (Attachment 9), the south-west corner of the site is affected by a designated waterway. However, the applicant is of the view (refer to page 10 of the Amended Land Capability Assessment report included in Attachment 4) there is only a broad based concave depression (swale) in the south west corner of the property and the location and presence of a watercourse as defined by the WGCMA was incorrect.

As submitted by the applicant, there are currently three separate wastewater treatment and dispersal systems (3 septic tanks and 3 sets of absorption trenches) servicing the existing 6-bedroom dwelling. The systems servicing the house collect black water only, with grey water discharged directly to the paddock untreated. It should be noted that each of these three systems would have to be disconnected and replaced with a new system as part of the proposal, as they would not be located wholly within the proposed boundaries of Lot 2.

**Surrounding Land Use:**

The site is located within an established low density residential precinct on the western periphery of Traralgon's urban area, approximately 3.2 kilometres west of the central activity district.

Surrounding the site are low residential allotments generally ranging between approximately 0.4 hectare and 4 hectares in area. All of the adjoining lots are developed with single dwellings and associated sheds.

Coonoc Road is classified as a Rural Access Road and is constructed with a seal width of 5.5 metres.

It is noted that the subject site is located within the Draft Traralgon West Structure Plan study area (part of the Traralgon Growth Areas Review project).

**HISTORY OF APPLICATION**

A history of assessment of this application is set out in Attachment 7.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 8.

**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 0.4 hectare. Given the site comprises 2.024 hectares in overall area, this allows Council to consider the subject application to subdivide the site into 0.4 hectare lots.

However, it should be noted that Clause 65 of the Scheme states that because a planning permit can be granted does not imply that a permit should or will be granted. Council must decide whether the proposal will produce acceptable outcomes in terms of the relevant provisions of the Scheme.

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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 that 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 amended stormwater management plan submitted by the applicant proposes that each lot be provided with a stormwater property connection which would connect to an underground piped drainage system. This would direct stormwater to a grassed swale and a proposed retarding basin to be located centrally across Lot 4.

Through the use of a retarding basin, the proposal seeks to restrict stormwater discharge from the development to pre-developed levels up to the 1 in 100 year ARI storm event. As submitted by the applicant, an outlet control would restrict outflows from the retarding basin to the appropriate pre-developed rate. Discharge from the retarding basin would be within Lot 4 (into the watercourse) and not at the boundary of the development. It is submitted by the applicant that these measures would ensure that properties both upstream and downstream of the site would not experience any detrimental impacts resulting from increased flows or flooding as a result of the proposed development.

In addition, it is submitted by the applicant that the drainage system on proposed Lot 4 would be managed and maintained by an Owners Corporation (with Lots 1 – 4 being parties to the Owners Corporation). The final plan of subdivision submitted for certification would include a drainage easement over the swale and retarding basin in favour of all lots on the plan of subdivision.

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 (including the grassed swale and the retarding basin on proposed Lot 4).

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 4 (and Lot 3) being affected, they do not have any objections to the proposed four lot subdivision or the proposed stormwater management arrangement as outlined above (refer to Attachment 10 for a copy of the latest WGCMA's response). 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. It is also required by the WGCMA that the owner of Lot 4 shall be solely responsible for the implementation of the Waterway Management Plan, via a Section 173 agreement arrangement.

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*.

Council's Health Department has reviewed the Land Capability Assessment (LCA) prepared by Land Safe (Attachment 4) submitted with the amended four lot subdivision application and identified the following issues:

- It is noted that the LCA that was submitted to Council dated 25 March 2013 is an amended version of the original LCA dated 20 January 2012. There is no new information provided on soil percolation rates, and the document still relies on samples taken at a location on a nearby road (Kay Street). This makes it difficult to assess the suitability of the site given that the soil is subject to saturation.
- The recommendation in the LCA indicates that gypsum should be applied at a rate of 2kg per m<sup>2</sup> in order to condition the soil. There would be some merit in this proposal, however it is questionable if the gypsum would provide any improvement in the short term, and its use should therefore only be considered depending on the type of disposal method installed.
- It is recommended in the LCA that a primary effluent disposal system with absorption trenches field be used for Lots 1 and 4. However, this system is not supported by Council's Health Department for the following reasons:
  - In accordance with EPA's Code of Practice for Onsite Wastewater Management (publication number 891.3), a reserve area is required for all primary effluent trench systems. A reserve area is a (duplicate) land use of equal size to the designated land application area (LAA) which may be used as the LAA in the event that the original area fails or is inadequate or needs to be rested. In other words, in this case, at least two wastewater envelopes should be provided for each of Lots 1 and 4. The wastewater and building envelopes submitted with the application have failed to do so.
  - As justified by the applicant in Section 4.4 of the LCA, 'a reserve area has not been allocated for absorption trenches (for Lots 1 and 4), as the 3-metre space of undisturbed soil between each trench may be act as a reserve area if required. Alternatively, the wastewater may be treated up to a secondary standard and a new subsurface irrigation system installed over the existing absorption trenches after some soil remediation'. These justifications however are considered unacceptable by either Council's Health

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Department or the EPA (It should be noted as part of the assessment process, Council's Health Department discussed the various issues at length with an officer from the EPA, who is the lead developer of EPA's Code of Practice. EPA's input and advice has helped to inform the findings of Council's Health Department). Given the soil conditions of the site and the high risk nature of the site, the '3-metre space of undisturbed soil' or the remediation of existing trenches would not be capable of treating wastewater on site in the event that the original LAA fails.

- It is also recommended in the LCA that subsurface irrigation be used for the disposal of secondary treated effluent for Lots 2 and 3; however this method again is not considered as the most effective given the characteristics of the site and is generally not supported by Council's Health Department.
- It is recommended by Council's Health Department that due to the high saturation levels and proposed lot sizes, a secondary effluent disposal field must be identified for each lot. A more advanced system, such as Wick Trench & Bed system, should be considered for the disposal of secondary treated effluent in this case. It should however be noted that these systems can be quite costly to install and generally require ongoing high level maintenance.
- A concern relating to the area being frequently waterlogged is that this is an indicator that the site is not capable of dispersing wastewater. The geometric mean Ksat value (indicative soil permeability) for the site as stated in the submitted LCA was 0.07m/day giving the site a soil category of a 6c (i.e. worst possible soil category with a very low level of permeability). It is considered by Council's Health Department that the site is high risk to human health and the environment, from failing treatment system.
- Even when onsite wastewater management systems are properly designed, installed and maintained, potential environmental and public health risks always exist. The consequences of failing onsite treatment and land application systems are diverse and depend on the type of treatment system, the characteristics of the site and the wastewater, the sensitivity of the surrounding environment and proximity of neighbouring household and land use. In accordance with EPA's Code of Practice, to minimise the potential risks, amongst other things, on site wastewater management systems must be installed with a 'buffer' or setback distance to property structures and the surrounding environment. Council's Health Department is generally of the view that given the nature of the proposal and characteristics of the site, there is an increased risk to public health and/or the environment, a more conservative approach should be adopted to require an increased EPA's specified setback distance to property. In other words, the setback distances used in the LCA and the wastewater and building envelopes (Attachment 6) may not be adequate, depending on the type of secondary treatment system installed.

- The building and waste water envelopes submitted with the application (Attachment 6) have failed to include details of the existing swimming pool located on proposed Lot 2. A setback distance of 6 metres is normally recommended between a pool and effluent disposal field. Given the physical constraints of the site, it is questionable as to whether the 6m setback can be achieved on Lot 2.
- It should be noted that if reticulated sewer services become available to the proposed lots in the future, all dwellings generating wastewater would be required to connect to the system and to decommission the existing onsite wastewater systems.

It is noted the amended application was also referred to the EPA for consideration in accordance with Section 52 of the Act, and EPA's response is included in Attachment 14). EPA generally does not support Council issuing a planning permit for the proposal, and advises that Council should undertake appropriate assessment to ensure that the wastewater issue be adequately addressed.

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 contained within the boundary of the site generally in accordance with the relevant EPA's 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 waste 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 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 four 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.

In addition, the proposal restricts the potential for a higher density lot yield in the future, as the lots have not been appropriately designed to facilitate future residential development of the site or to ensure that any such future residential development is able to integrate with the likely future subdivision pattern and infrastructure. In particular, lot 4 is proposed to have a long narrow driveway (7m wide and approximately 100m long).

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This driveway is not considered to be wide enough to become a road in the future to accommodate traffic from higher density residential lots.

It should be noted that in *Cuddy v Latrobe* [2011] VCAT 1169, the Tribunal in considering the application for a 5 lot subdivision at 55 Regan Road in Traralgon, and the general issue of the future residential development of this area, concluded that there was no longer a shortage of land supply. However, since that decision, a significant amount of further strategic work has been undertaken by Council and it has become evident from the relevant strategic work, such as Council's Traralgon Growth Area Review Project, that there is still a strong need for the area containing the subject land to be available for higher density residential development in the future.

In a more recent case, *Vogt v Latrobe* [2012] VCAT 3197, the Tribunal in considering the application for a 4 lot subdivision at Lot 3 Bradford Drive Traralgon, accepted that *'there is strong policy support against the proposal [low density subdivision] in the Planning Scheme and the associated strategic work of the Latrobe City Council for the expansion of Traralgon'*, and directed to refuse the 4 lot subdivision proposal in Traralgon West area based on grounds of compromising potential for increased urban densities.

On the above basis, it is reasonable to consider that the subject proposal to create four 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.

**SUBMISSION**

As a result of the notification process, the amended application received three additional submissions (including the revised submissions from the WGCMA and the EPA). The issues raised in the submissions were as follows:

## 1. Stormwater and wastewater runoff

### Comment:

Issues in relation to stormwater and wastewater runoff have been discussed above.

It is considered that subject to inclusion of appropriate permit conditions, the proposed stormwater drainage design as submitted with the application is generally satisfactory, in terms of restricting stormwater flows from the subdivision to pre-development levels.

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's 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 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.

**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 four lot subdivision subject to a range of conditions.

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 concerns about on-site wastewater treatment.

**Internal:**

The application was referred internally to Council's Infrastructure Planning and Health Services teams for consideration. Council's engineers do not object to the proposal, and Council's Health Services team raises concerns in relation to the proposed on-site wastewater treatment system.

Details of Community Consultation following Notification:

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Following the advertising and referral of the amended application, one objection to the application was received (additional to the two objections previously received by Council with respect to the original five lot subdivision). A written response was submitted to Council by the applicant to address concerns raised by the objector (refer to Attachment 12)

**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 considered to be inconsistent with Clause 65.02 (Decision Guidelines).
- The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

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**Attachments**

1. Site Context Plan
2. Proposed Plan of Subdivision
3. Superseded Plan of Subdivision
4. Land Capability Assessment
5. Stormwater Management Plan
6. Building and Wastewater Envelopes
7. History of Assessment
8. Relevant Planning Scheme Provisions
9. Referral Response from West Gippsland Catchment Management Authority (dated 31 May 2012)
10. Referral Response from West Gippsland Catchment Management Authority (dated 30 April 2013)
11. Referral Response from Environment Protection Authority
12. Objections
13. Response to Objection
14. Referral Response from EPA

**RECOMMENDATION**

- That Council issues a Notice of Refusal to grant a planning permit, for the four lot subdivision at 85 Coonoc Road Traralgon (or more particularly described as Lot 7 on Plan of Subdivision 86033), on the following grounds:
- 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.
- 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 considered to be inconsistent with Clause 65.02 (Decision Guidelines).
- The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

**ALTERNATE MOTION**

**That Council issues a Notice of Decision to grant a planning permit, for a four lot subdivision at 85 Coonoc Road Traralgon (or more particularly described as Lot 7 on Plan of Subdivision 86033), with the following conditions:**

**Amended Plans / Report**

1. **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. **Recommendations of an alternative on-site waste water treatment system for each of the proposed lots, to the satisfaction of Council's Health Department. Details of the siting and configuration of wastewater disposal envelope area (Land Application Area) associated with each of the proposed waste water treatment systems must be included.**

The recommendations for the on-site treatment of wastewater must be in accordance with EPA's guidelines for Environmental Management – Code of Practice Onsite Wastewater Management (EPA Publication 891.3, 2013).

The LCA must clearly demonstrate that based on the recommended on-site waste water treatment system as per condition 1(a) above, each lot will be able to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

When approved, the LCA will be endorsed and will then form part of the permit.

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.

#### **Endorsed Plans**

3. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

#### **Section 173 – On site Waste Management System**

4. 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:

- a. a current title search; or
  - b. a photocopy of the duplicate certificate of Title
- as evidence of registration of the section 173 agreement on title.

#### **Removal of Existing Waste Water System**

- 5. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the existing septic tank systems servicing the existing 6 bedroom home must be disconnected and a new waste water system must be installed to the satisfaction of the Responsible Authority, to maintain all waste water from that property on the new property boundary. The new waste water system must be of a type recommended in the endorsed LCA as per Condition 1 of this permit, or of type first approved by Council's Health Department.

#### **Public Open Space**

- 6. 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 five (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.

**Engineering Conditions**

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority and include the creation of all easements required to enable access for the construction and the future maintenance of the proposed drainage works.
8. 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 be endorsed and will then form part of the permit. The report must be generally in accordance with the Stormwater Management Plan prepared by Beveridge Williams & Co numbered 1101236-D01 and dated 23 March 2013 but amended to address:
  - a. 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 effects on flooding either upstream or downstream of any development on the land;
  - b. all stormwater discharging from the land including from all buildings, paved areas and vehicle access areas must be discharged so as not to cause erosion or flooding to the land or surrounding land;
  - c. 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;
    - (ii) 45% retention of the typical annual load of total phosphorous;
    - (iii) 45% retention of the typical annual load of nitrogen; and
    - (iv) 70% retention of the typical annual load of gross pollutants.
  - d. Maintenance of the stormwater system by the Owners Corporation including a schedule and requirements of inspections to be undertaken, how and when remediation and routine maintenance works are to be undertaken, maintenance intervention levels and response times for maintenance works,

and who it is proposed will undertake the maintenance works;  
and

- e. **Monitoring and reporting requirements for the stormwater treatment and detention system. What documentation is required with regard to inspections and repairs, who shall be required to arrange the maintenance inspections and any maintenance works and who is required to retain the written records of the inspections and any repairs undertaken.**
9. **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. **Before an Occupancy Permit is issued for any development of the land or by such later date as is approved by the Responsible Authority in writing, all stormwater drainage systems and works required to be undertaken and constructed in accordance with the Stormwater Management Plan that has been approved and endorsed to form part of this permit, must be carried out and completed on the land to the satisfaction of the Responsible Authority.**
  - b. **The Owners Corporation established pursuant to the plan of subdivision and its Members shall be responsible for the maintenance of the approved Stormwater Management Plan that has been approved and endorsed to form part of this permit.**
  - c. **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 Stormwater 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:**

- a. **A current title search; or**
- b. **A photocopy of the duplicate Certificate of Title.**
10. **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. 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:**
  - 80% retention of the typical annual load of suspended solids;
  - 45% retention of the typical annual load of total phosphorus;
  - 45% retention of the typical annual load of total nitrogen; and
  - 70% retention of the typical annual load of gross pollutants.

Where 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 a vehicle crossing for each of the proposed lots. These vehicle crossings must be constructed in locations approved by the Responsible Authority. The vehicle crossing must be constructed at right angles to the road, must comply with the standards as set out in Latrobe City Council's Standard Drawings LCC 306 and LCC 212 and include 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.**

**West Gippsland Catchment Management Authority (WGCMA) Conditions**

11. **Prior to the Certification of the Plan of Subdivision, a Water Management Plan for the proposed Lot 4 must be prepared to the satisfaction of the WGCMA and the Responsible Authority, and must be submitted to and approved by the Responsible Authority. The plan must address the following:**
- a. **Location of the Waterway Management Area within Lot 4;**
  - b. **A Landscape Plan showing the revegetation of the Waterway Management Area with a appropriate selection of indigenous vegetation in accordance with the Ecological Vegetation Class;**
  - c. **Ongoing maintenance plan of the revegetated area, including week eradication;**
  - d. **Exclusion of grazing animals from the Waterway Management Area;**

**When approved, the Waterway Management Plan will be endorsed and will then form part of the permit.**

12. **Prior to the Issuing of Statement of Compliance for the subdivision, the revegetation works as required in the approved and endorsed Waterway Management Plan must be completed to the satisfaction of the WGCMA.**
13. **Prior to the Issuing of Statement of Compliance for the subdivision, under the Subdivision act 1988, the owner must enter into an agreement with the Responsible Authority and the WGCMA 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 owner of Lot 4 shall be responsible for the implementation of the Waterway Management Plan approved and endorsed to this permit, to the satisfaction of the WGCMA.**

**The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.**

**Prior to the Issuing 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 registration of the Section 173 Agreement on title, either:

- a. A photocopy of the duplicate Certificate of Title; or
- b. A current title search.

**SPI Electricity Conditions**

14. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
  - a. The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
  - b. Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - c. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
  - d. Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
  - e. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - f. Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
  - g. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - h. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
  - i. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
  - j. Provide to SPI Electricity Pty Ltd a copy of the plan of

subdivision submitted for certification that shows any amendments that have been required.

- k. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- l. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

#### Gippsland Water Conditions

- 15. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:
  - a. Pay to Gippsland Water contributions for Headwork 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 reticulation system by this development.
  - b. Provide water services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
  - c. The existing water service and meter no: 04AF015112 located in proposed Lot 2, will continue to be utilised and service the existing dwelling in Lot 2
  - d. Install separate water services to Lot 1, 3 & 4 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 Lot 2 are contained solely within the boundary of the individual lots, to the satisfaction of Gippsland Water.
  - f. Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

#### Telecommunication Conditions

- 16. The owner of the land must enter into an agreement with:
  - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any

standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

17. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **Permit Expiry**

18. 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 three months afterwards.

**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.

#### **Permit Notes**

**Note 1:** In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, must not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.

**Note 2:** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.



**Note 3: Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.**

**Moved:** Cr Harriman  
**Seconded:** Cr Sindt

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**

## 9.1

### PLANNING PERMIT APPLICATION 2012/038 - FOUR LOT SUBDIVISION & CREATION OF EASEMENT AT 85 COONOC ROAD TRARALGON

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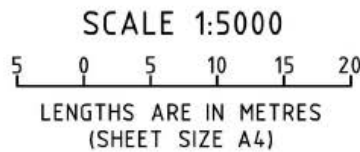
SITE CONTEXT PLAN  
85 COONOC ROAD, TRARALGON  
LOT 7 PS86033  
W & A BECKER



 SUBJECT SITE

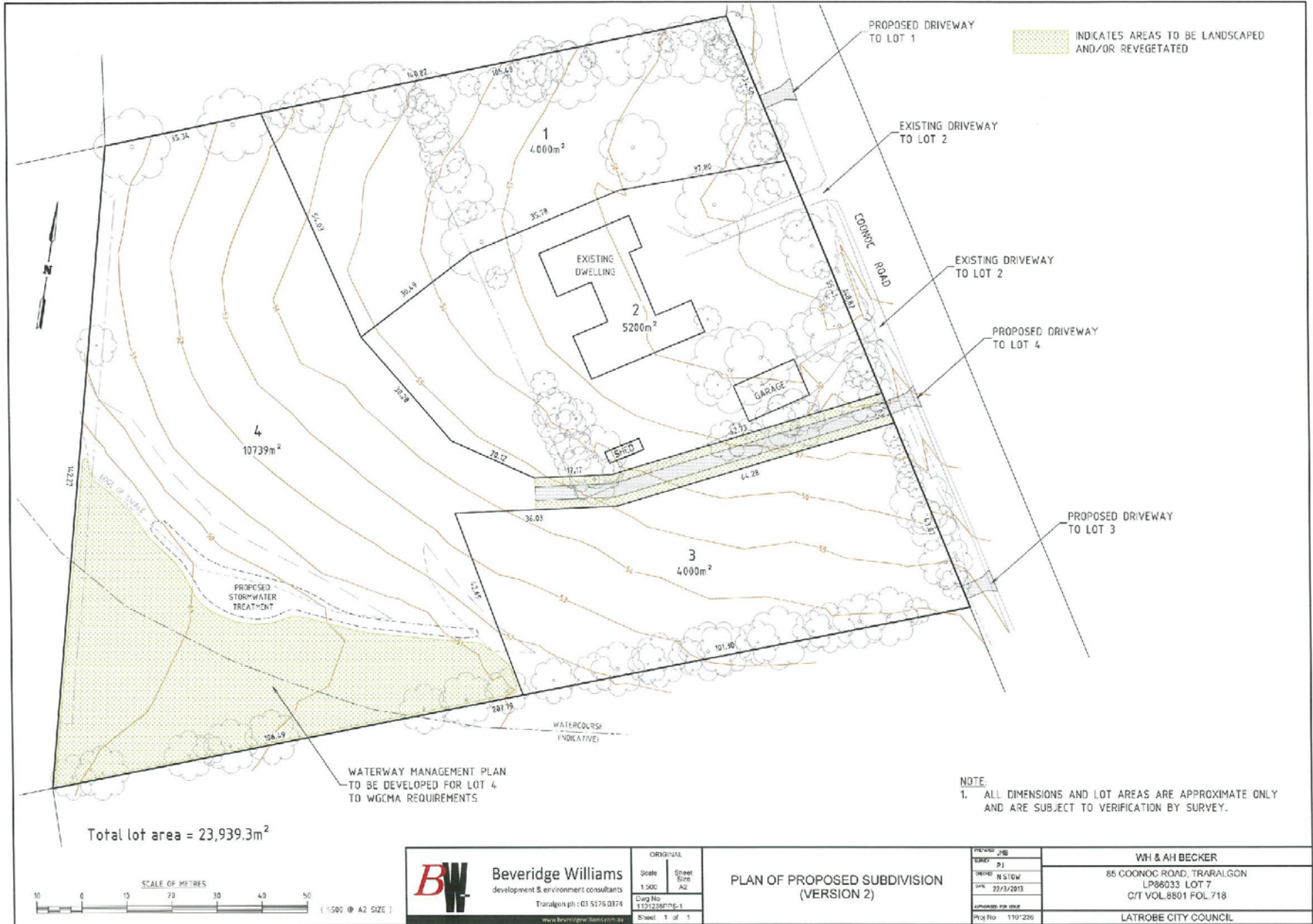


**Beveridge Williams**  
development & environment consultants  
Traralgon ph : 03 5176 0374  
[www.beveridgewilliams.com.au](http://www.beveridgewilliams.com.au)

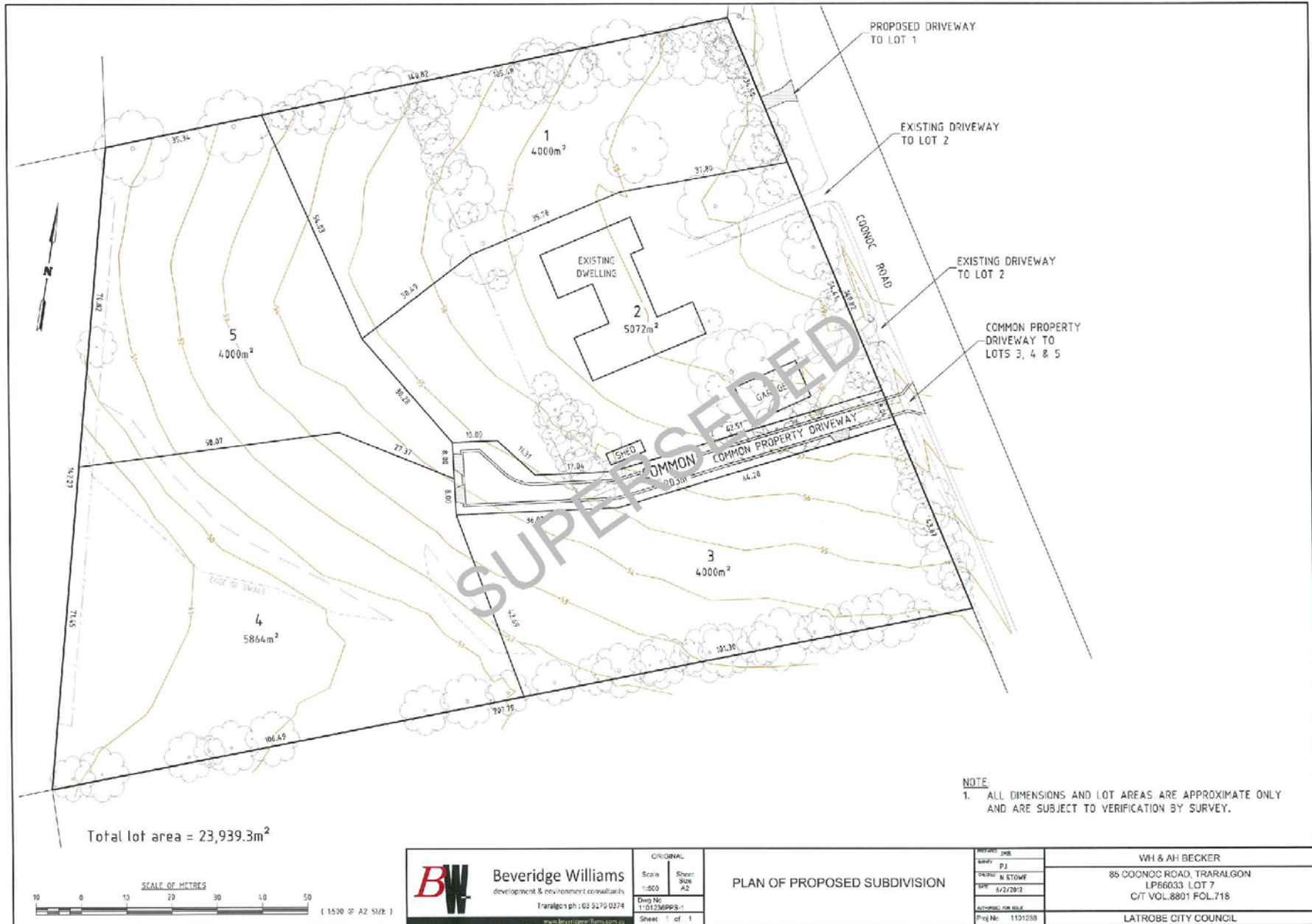


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LAND CAPABILITY ASSESSMENT  
FOR ON-SITE DOMESTIC WASTEWATER MANAGEMENT  
OF A  
PROPOSED FOUR LOT SUB-DIVISION AT  
85 COONOC ROAD TRARAGLON

*for*

W & A Becker  
&  
Beveridge Williams & Co. Pty Ltd

*By*  
G.D Marriott, *B Ag Sc*



*Land Safe is a Division of Ag-Challenge Consulting Pty Ltd*

PO Box 571  
Warragul, Victoria, 3820

*(25 March 2013)*



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**Executive Summary of Land Capability Assessment**

Site Address	85 Coonoc Road Traralgon
Lot Number	Lot 7 LP86033
Owner/Developer	W & A Becker
Council	Latrobe City Council
Property Zoning	Low Density Residential Zone
Land and Proposed Allotment size & Present Land Use	Lot 1 – 4000 m <sup>2</sup> ; Vacant Lot 2 – 5200 m <sup>2</sup> ; Existing 6 bedroom house Lot 3 – 4000 m <sup>2</sup> ; Vacant Lot 4 – 10739 m <sup>2</sup> ; Vacant
Total Property: 2.39393 ha	
Anticipated Wastewater Load	New - Four bedroom home with standard water fixtures: (4 bedroom + 1) Therefore 5 x 180 L = 900 L/day  Existing - Six bedroom home with standard fixtures: (6 bedroom + 1) Therefore 7 x 180 L = 1260 L/day
Rainfall: Evaporation:	Estimated by calculation to be 840 mm per annum Estimated to be 1182 mm per annum
Surface Water	There is a broad based concave depression (swale) in the south west corner of the property. This swale does not meet any of the parameters used to define a waterway by Southern Rural Water and is therefore not considered by definition a watercourse (Appendix 11). There are no clearly defined bed and banks, nor is it fed by a groundwater spring. The catchment area of the swale has been calculated at 20 ha which is well below the 60 ha specified by SRW. As per EPA guidelines “where an intermittent stream on a topographical or orthographic map is found through ground-truthing to be a drainage line (drainage depression) with no defined banks and the bed is not incised, the setback is 40 m <sup>1</sup> ”. This setback maybe reduced to 20 m if the wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation. As per the requirement in EPA doc 891.3 a photo of the drainage depression is shown in Figure 1. The relevant setbacks are shown in Figure 9. While there is no watercourse, the south west corner is likely to be regularly waterlogged and is not considered suitable for land application of wastewater.
Groundwater	The surface soil was saturated throughout the low lying south western corner of the property. The soil colour in this area suggests that waterlogging is frequent and as such no wastewater LAA should be located in the low lying south west corner of the property (Figure 9). This impacts upon the area available for wastewater application to land in proposed Lot 4, but there is still adequate high ground available in Lot 4 for wastewater application.
Stormwater run-on and upslope seepage	Stormwater should be diverted away from the LAA by diversion drains installed above the LAA (Figure 5). These drains will prevent stormwater run-on and up slope seepage from impacting upon the LAA.

<sup>1</sup> EPA Victoria (February 2013) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.3

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Site drainage and subsurface drainage	Given the anticipated low soil permeability, site drainage is likely to be an issue during prolonged periods of wet weather. The use of stormwater diversion drains around the LAA and sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.
Subsoil Permeability ( $K_{sat}$ ) at 350 – 600 mm	Not measured but estimated to be $\sim 0.06$ m/day based upon previous measurements at Kay Road, Traralgon.
Design Irrigation Rate (DIR) for subsurface irrigation & required Land Application Area (LAA)	DIR = 20 mm/week or 2.9 mm/day LAA of 559 m <sup>2</sup> – New 4 bedroom home LAA of 783 m <sup>2</sup> – Existing 6 bedroom home
Design Loading Rate (DLR) for absorption trenches & required Land Application Area (LAA)	DLR = 28 mm/week or 4 L/m <sup>2</sup> /day LAA of 635 m <sup>2</sup> – New 4 bedroom home LAA of 924 m <sup>2</sup> – Existing 6 bedroom home
Exchangeable Sodium Percentage (ESP)	11 % (40 – 50 cm): Soil is sodic and gypsum must be applied at 2 kg/m <sup>2</sup>
Dispersion Index (Loveday-Pyle)	16 (40 – 50 cm): significant dispersion, to be minimised with gypsum application. gypsum is required at a rate of 2 kg/m <sup>2</sup>
<b>Most significant environmental factor impacting upon sustainable wastewater land application –</b>  <b>Low subsoil permeability &amp; restricted deep drainage</b>  <b>Swale &amp; saturated soil in the south west corner</b>	<p>A water balance has been used to size the LAA that takes into account the anticipated low subsoil permeability and local climate. The wastewater will be applied at a suitably low rate, to ensure sustainable wastewater land application. Due to the low permeability of the subsoil, site drainage presents a significant constraint and this will be enhanced with the installation of upslope diversion drains, which must be installed around each wastewater LAA to intercept surface water run-on and up-slope seepage.</p> <p>The swale (drainage depression) and frequently saturated soil in the south west corner of the property must not be used for the application to land of wastewater. An EPA setback distance to all LAAs of 40 m from this swale applies. Where wastewater is treated to a secondary standard and applied to land with subsurface irrigation the setback to the swale may be reduced to 20 m.</p>

## 1. Introduction

Land Safe<sup>2</sup> has been engaged by Beveridge Williams & Co Pty Ltd on behalf of their client W & A Becker to complete a Land Capability Assessment (LCA) for a proposed four Lot subdivision of the existing 2.39393 ha property at 85 Coonoc Road, Traralgon (Lot 7 LP86033). Proposed Lot 2 is to retain the existing six bedroom residence. Town water is available but no town sewer.

An LCA report was prepared by Land Safe on 20 January 2012, for a proposed five allotment subdivision of this property. This report is therefore an amendment to the January 2012 LCA. This amended report will allow for a four Lot subdivision and will make changes where required to accommodate the most recent version of the EPA code of Practice for on-site wastewater (EPA doc. 891.3) and Australian Standards (1547:2012), which have both been released since the January 2012 LCA was prepared.

The field investigation for this LCA was conducted by Glenn Marriott and Pauline McPherson of Land Safe on the 24<sup>th</sup> November 2011. Glenn is a Level 2 Certified Professional Soil Scientist (CPSS) and specialised in soil and wastewater management.

This LCA has been commissioned to determine whether each of the allotments are capable of treating and dispersing domestic wastewater to land in an environmentally sustainable manner in accordance with both EPA Victoria and Latrobe City Council requirements.

Should the land be deemed suitable, the size of the designated wastewater Land Application Area (LAA) on each allotment will be calculated according to the estimated soil permeability, in conjunction with Municipal Association of Victoria (MAV) water and nutrient balances.

The size of the LAAs will be determined on the basis of the wastewater being treated to a primary standard and absorption trenches used as the land application method along with treatment of the wastewater to a secondary standard (20/30) and subsurface irrigation used as the land application method. The options of a Sand filter or Reed bed have been included as low maintenance alternatives to Aerated Wastewater Treatment Systems (AWTS) for treatment of domestic wastewater up to a secondary standard for use in subsurface irrigation systems.

## 2. The Development and Key Features of the Property

A description of the property and each allotment has been presented in Table 1. The entire unsubdivided 2.39393 ha retained land shall hereby be referred to as the property and is shown as an aerial photo in Figure 2. The spatial arrangement of proposed four Lot subdivision is shown in Figure 3. Where reference is made to a specific allotment it will be referred to by the specific proposed allotment number.

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<sup>2</sup> Land Safe is a division of Ag-Challenge Consulting Pty Ltd, based in Warragul.

LCA – 85 Coonoc Road – Traralgon – Becker (4 Lots)

There are currently three separate wastewater treatment and dispersal systems (3 septic tanks and 3 sets of absorption trenches) servicing the existing 6 bedroom home and workshop/garage. The systems servicing the house collect black water only, with grey water discharged directly to the paddock untreated. Each of these three systems will have to be disconnected as part of the proposed subdivision as they will not be located within the property boundaries of proposed Lot 2. The existing six bedroom home will require a new wastewater treatment and dispersal system to treat and disperse all domestic wastewater (both black and grey water will need to be connected to this system).

Table 1. Property description

Site Address	85 Coonoc Road Traralgon
Lot and Plot Number	Lot 7 LP86033
Owner/Developer	W & A Becker
Council	Latrobe Shire Council
Property Zoning and Planning Overlays	Low Density Residential Zone
Land and Proposed Allotment size & Present Land Use Total Property: 2.39393 ha	Lot 1 – 4000 m <sup>2</sup> ; Vacant Lot 2 – 5200 m <sup>2</sup> ; Existing 6 bedroom house Lot 3 – 4000 m <sup>2</sup> ; Vacant Lot 4 – 10739 m <sup>2</sup> ; Vacant
Domestic Water Supply	Each allotment will have access to town water
Anticipated Wastewater Load	Maximum anticipated from the vacant allotments- based on a four bedroom home with standard fixtures: (4 bedroom + 1) Therefore 5 x 180 L = 900 L/day  Maximum anticipated from the existing residence - based on a six bedroom home with standard fixtures: (6 bedroom + 1) Therefore 7 x 180 L = 1260 L/day
Availability of Sewer	The subdivision will be unsewered.

The 2.39393 ha property was assessed according to the environmental factors that may limit or prevent sustainable wastewater application to land on the property according to the Municipal Association of Victoria (MAV) Land Capability Assessment Template. The significant environmental features of the property are presented in Table 2.



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Table 2. Significant environmental features of the property

Feature	Description
Rainfall	<b>Estimated by calculation to be 840 mm</b> - The mean annual rainfall for Traralgon has been estimated from Met Stations at Morwell (La Trobe Valley Airport), Yallourn and Yallourn SEC.
Evaporation	<b>Estimated to be 1182 mm</b> - The mean annual Class A pan evaporation level is estimated from Yallourn SEC Met Station.
Vegetation	Mostly pasture. Native eucalypts occur along the northern boundary and Cypress along the southern boundary.
Landform	Dissected terrace of a former depositional plain.
Slope	The property has a convex slope towards the west at a gradient of between 5 and 9 % (measured with a hand held clinometer).
Fill	None observed.
Erosion Potential	No erosion was observed on site. Erosion potential is seen as negligible as all slopes are gentle. Erosion is not considered to be an issue.
Surface Water	There is a broad based concave depression (swale) in the south west corner of the property. This swale does not meet any of the parameters used to define a waterway by Southern Rural Water and is therefore not considered by definition a watercourse (Appendix 11). There are no clearly defined bed and banks, nor is it fed by a groundwater spring. The catchment area of the swale has been calculated at 20 ha which is well below the 60 ha specified by SRW. As per EPA guidelines <i>“where an intermittent stream on a topographical or orthographic map is found through ground-truthing to be a drainage line (drainage depression) with no defined banks and the bed is not incised, the setback is 40 m<sup>3</sup>”</i> . This setback maybe reduced to 20 m if the wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation. As per the requirement in EPA doc 891.3 a photo of the drainage depression is shown in Figure 1. The relevant setbacks are shown in Figure 9. While there is no watercourse, the south west corner is likely to be regularly waterlogged and is not considered suitable for land application of wastewater.
Groundwater	The permanent groundwater table is not expected to come within 2 m of the surface within proposed allotments 1, 2 & 3 or within the area deemed suitable to wastewater dispersal in proposed allotment 4. The surface soil was saturated throughout the low lying south western corner of the property, which is the area of allotment 4 which is not suitable for wastewater dispersal (Figure 9). The soil colour in this area suggests that waterlogging is frequent and as such no wastewater LAA should be located in the low lying south west corner of the property. This impacts upon the area available for wastewater application to land in proposed Lot 4, but there is still adequate high ground available in Lot 4 for wastewater application.

<sup>3</sup> EPA Victoria (February 2013) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.3

LCA – 85 Coonoc Road – Traralgon – Becker (4 Lots)

Stormwater run-on and upslope seepage	Stormwater should be diverted away from the LAA by diversion drains installed above the LAA (Figure 5). These drains will prevent stormwater run-on and up slope seepage from impacting upon the LAA.
Site drainage and subsurface drainage	Given the anticipated low soil permeability, site drainage is likely to be an issue during prolonged periods of wet weather. The use of stormwater diversion drains around the LAA and sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.

Figure 1. Photo of the “drainage depression” incorrectly mapped as a watercourse on the 1:25000 topographical map. (NOTE: the drainage depression slopes from right to left and has been highlighted in red).



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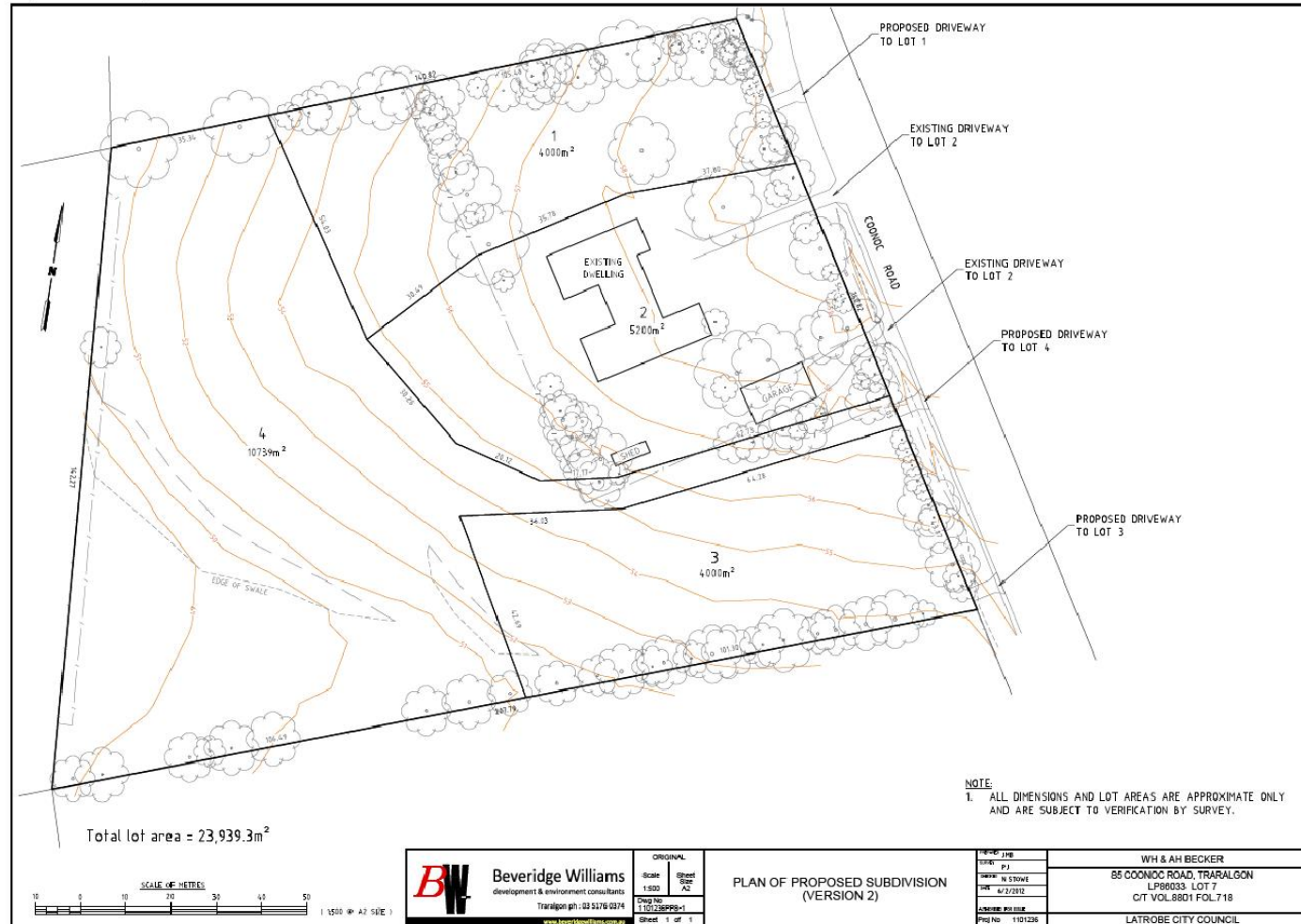
Figure 2. Aerial photo showing the property boundary (white). *NOTE: Blue line denoting the presence of a watercourse is considered incorrect.*





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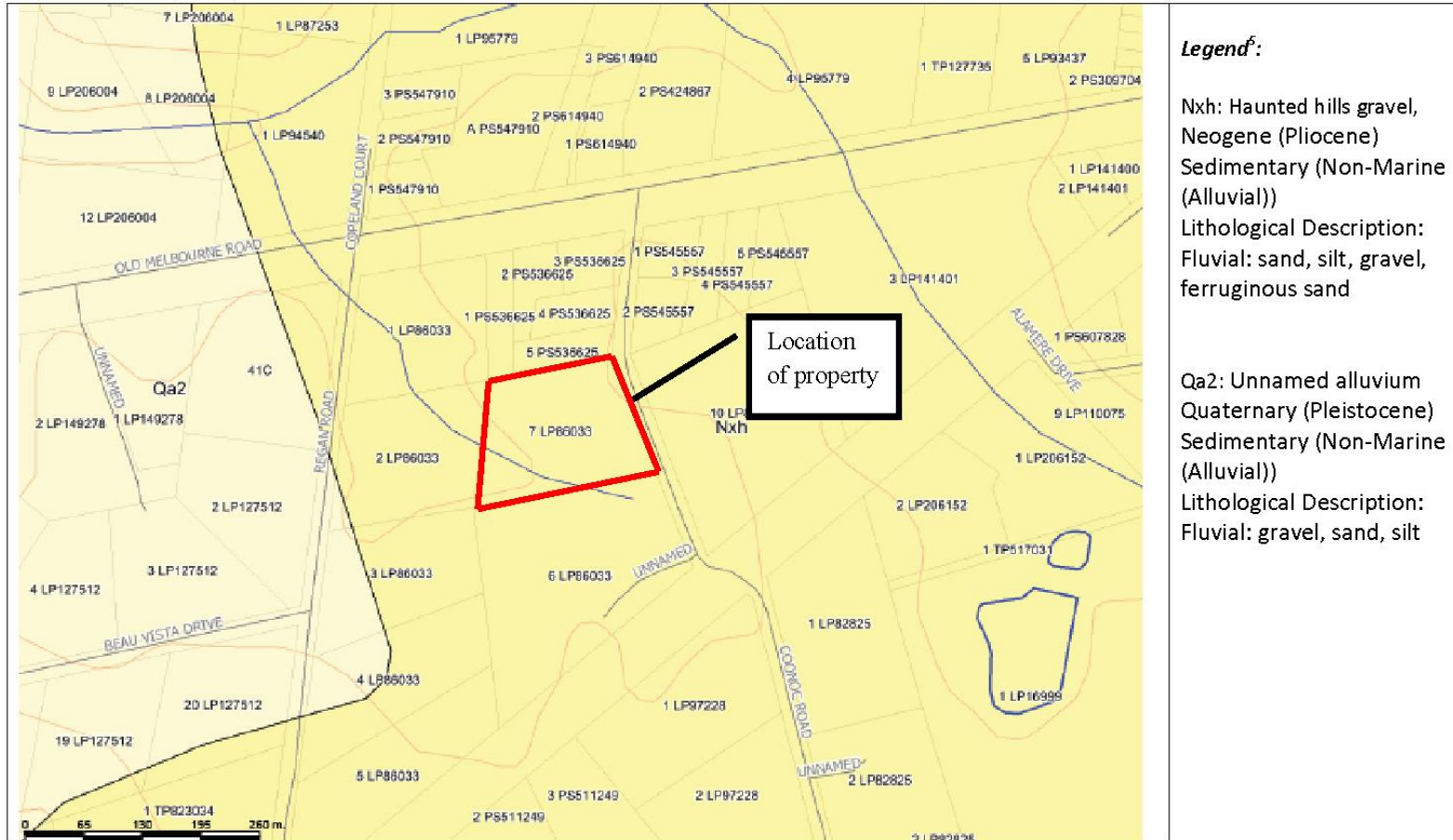
Figure 3. Proposed Subdivision Plan.





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Figure 4. Geology map<sup>4</sup>



<sup>4</sup> Geovic Website: <http://mapshare2.dse.vic.gov.au/MapShare2EXT/imf.jsp?session=49969> – Accessed 11 January 2012

<sup>5</sup> Vandenburg, A.H.M., 1997. WARRAGUL SJ 55-10 Edition 2, 1:250 000 Geological Map Series. 1:250,000 geological map. Geological Survey of Victoria.

### 3. Soil Assessment and Site Constraints

The soils of the property have been assessed for their suitability for the application of domestic wastewater. The soil is a consistent yellow brown sodic duplex across the property. Soils were classified according to Australian/New Zealand Standard (AS/NZS 1547:2012). A complete soil profile description is included in Appendix 1.

A soil sample was taken from site 1 (location defined in Appendix 1) at a depth of 40 to 50 cm below the surface for laboratory analysis of physical and chemical properties likely to affect wastewater application. The full set of laboratory results is included in Appendix 10, with a summary of the pertinent parameters included in Section 3.2.

#### ***3.1 Soil and Geological Reference Material***

A regional geological map of the property and the surrounding Traralgon area has been included in Figure 4. This gives an indication of the surface geology and shows that this region is in a depositional area. The site itself is situated on Neogene fluvial deposits of sand, silt, gravel and ferruginous sand which corresponds with the observations made during the site investigation.

#### ***3.2 Soil Chemical and Physical Analysis***

Full soil chemical and physical analysis results are provided in Appendix 10 for a soil sample taken from a depth of 40 – 50 cm. The following is a discussion of the soil chemical and physical parameters likely to impact on the soils ability to disperse wastewater in a sustainable manner. A summary of the soil features is included in Table 3.

- The pH subsoil (40 – 50 cm) is moderately acidic at pH 6.1<sub>(1:5 water)</sub> and no action is required as this pH is suitable for the growth of most plants and gypsum will still work effectively.
- The Exchangeable Sodium Percentage (ESP) of the subsoil (40 – 50 cm) is 11 % and therefore sodic. There is a high risk that these soils will disperse upon application of sodium-rich but low salinity domestic wastewater based upon the dispersion index value of 16 on a scale of zero to 16. Gypsum **must** be applied to minimise loss of soil permeability under the application of wastewater. The application of gypsum at a rate of 2 kg/m<sup>2</sup> to the wastewater LAA is recommended. This will assist in the creation and maintenance of soil structure and enhance soil permeability.
- The calcium magnesium ratio of 0.2 at a depth of 40 – 50 cm is very low and should be closer to 4 to ensure plant health and soil structural stability. The application of gypsum at a rate of 2 kg/m<sup>2</sup> will provide additional calcium to lift this ratio.
- The level of soil salinity as measured by the electrical conductivity (EC<sub>1:5</sub>) of the subsoil is 0.1 dS/m, which is a low level of salinity and indicates that most of the salts have been removed from the soil profiles during rain events.



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- The phosphorus binding capacity is moderate based upon the Phosphorus Binding Index (PBI) value of 228. This indicates that the soil has a high ability to bind and lock up phosphorus applied in the wastewater, preventing it from being mobilised through the soil profile. The soils PBI has been taken into account in the nutrient balance in Appendix 5.

Overall these soils are capable of sustainable wastewater application provided gypsum is applied at a rate of 2 kg/m<sup>2</sup> in order reduce the soils tendency to slake and disperse.

Table 3. Soil features: Yellow brown duplex

Soil Feature	Description
Soil Depth	Soil depth estimated to be at least 2 m.
Coarse Fragments	None.
Soil Permeability ( $K_{sat}$ ) of the subsoil between 350 mm – 600 mm	<b>Not measured but estimated to be ~ 0.06 m/day based upon previous measurements at Kay Road, Traralgon.</b>
Soil Category (AS/NZ1547:2000)	5
Design Irrigation Rate (DIR) for subsurface irrigation & required Land Application Area (LAA)	DIR = 20 mm/week or 2.9 mm/day LAA of 559 m <sup>2</sup> – New 4 bedroom home LAA of 783 m <sup>2</sup> – Existing 6 bedroom home
Design Loading Rate (DLR) for absorption trenches & required Land Application Area (LAA)	DLR = 28 mm/week or 4 L/m <sup>2</sup> /day LAA of 635 m <sup>2</sup> – New 4 bedroom home LAA of 924 m <sup>2</sup> – Existing 6 bedroom home
Soil pH (1:5 water)	6.1 (40 – 50 cm): Moderately acidic soil pH, no action required
Exchangeable Sodium Percentage (ESP)	11 % (40 – 50 cm): Soil is sodic and gypsum must be applied at 2 kg/m <sup>2</sup>
Electrical Conductivity (EC)	0.1 dS/m (40 – 50 cm): Low level of salinity of little concern
Calcium Magnesium ratio	0.2 (40 – 50 cm): Very low value should be closer to 4 for desirable plant growth and soil structural stability, should be increased with gypsum.
Dispersion Index (Loveday-Pyle)	16 (40 – 50 cm): significant dispersion, to be minimised with gypsum application. gypsum is required at a rate of 2 kg/m <sup>2</sup>

### 3.3 Soil Permeability

Soil permeability ( $K_{sat}$ ) was not measured onsite due to the saturated soil conditions present and as such the soil water conditions required for the Talsma-Hallam method were not met. The essential condition for any *in situ* test method for soil permeability is that there be no soil

saturation between the soil surface and at least 0.5 m below the bottom of a test hole. This condition was not fulfilled when the fieldwork took place. Appendix 2B has been included to explain the theory behind *in situ* soil permeability tests.

In October 2008 a set of seven soil permeability measurements were conducted in similar soils nearby on Kay Street, Traralgon (LP141401). The geometric mean  $K_{sat}$  value recorded was 0.07 m/day and is considered representative of the soils on this property on Coonoc Road. The same soil type, yellow brown sodic duplex soil, is present on the Kay Street property.

Temporary intermittent saturated soils and perched water tables are a normal and common occurrence across Victoria and do not preclude the land from being suitable for the application to land of domestic wastewater, provided wastewater is applied at a suitable rate. It is recommended that the design loading rate be calculated based upon a category 5 soil from AS/NZS 1547:2012.

### 3.4 Site Constraints

The site was assessed according to the environmental factors that may limit or prevent sustainable wastewater dispersal on the site according to the MAV Land Capability Assessment Template.

The broad based drainage line (swale) and land subject to frequent waterlogging in the south west corner of the property (Figure 9), presents a constraint to the location of wastewater LAA in proposed Lot 4 as no wastewater should be applied in this area. While the swale does not meet any of the criteria for a waterway according Southern Rural Water (Appendix 11), EPA recommends a 40 m setback from this drainage line be implemented if wastewater is treated to a primary standard and applied to land with absorption trenches. This setback may be reduced to 20 m if wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation. The land to the south west of the drainage line is unsuitable for wastewater application and no LAA should be positioned in this area. From Figure 9 the EPA setback of 40 m from the edge of the swale impacts upon proposed Lot 3 and Lot 4. There remains an abundance of land available in allotment 4 for the wastewater LAA, house, driveway and shedding, however Lot 3 is more significantly constrained. While there is sufficient land available in Lot 3 for an absorption trench system with a 40 m setback from the drainage line, the use of secondary treatment and subsurface irrigation would reduce the setback from the drainage line to 20 m and allow significantly more flexibility in locating the wastewater LAA and the house.

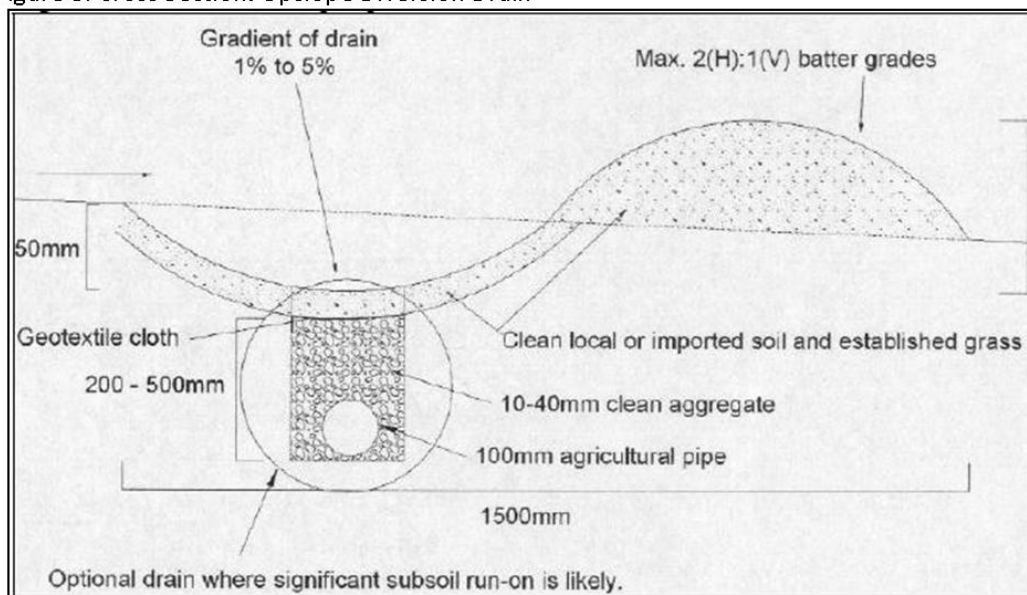
The wastewater LAAs will need to be protected against heavy or prolonged periods of rain by the installation of upslope diversion drains (as shown in Figure 5). These will not only divert surface water away from the LAAs but will also be effective in intercepting any lateral seepage from upslope.

Rainwater tanks should be installed for new dwellings to collect rainwater from the roofs for use in the home and garden irrigation. This will reduce stormwater runoff. The overflow from tanks and runoff from impervious surfaces should be diverted away from wastewater LAAs.

Site drainage may be restricted over winter by the limited subsoil permeability. By sizing the LAA with a water balance using a low wastewater loading rate and local climatic data the impact of poor site drainage can be overcome.

The soils are considered sufficiently permeable for the application of domestic wastewater through either subsurface irrigation or absorption trenches.

Figure 5. Cross Section: Upslope Diversion Drain<sup>6</sup>



#### 4. Interpretation of Field Results for On-Site Wastewater Dispersal

According to "Table 5.2 of AS/NZS 1547:2012 standard soil categories" found in Appendix 8 of this report, the soil type identified on the property can be classed as category 5, based on the geometric mean  $K_{sat}$  value of 0.07 m/day recorded in a similar soil type at Kay Road, Traralgon.

For subsurface irrigation the  $K_{sat}$  value corresponds to a conservative Design Irrigation Rate (DIR) of 20 mm/week or 2.86 L/m<sup>2</sup>/day for secondary treated wastewater.

For absorption trenches the  $K_{sat}$  value corresponds to a conservative Design Loading Rate (DLR) of 28 mm/week or 4 L/m<sup>2</sup>/day for primary treated wastewater.

Gypsum should be applied to all Land Application Areas (LAAs) at a rate of 2 kg/m<sup>2</sup>. This should be applied to the base of absorption trenches during construction or otherwise to the soil surface after subsurface irrigation lines have been installed.

<sup>6</sup> Domestic Wastewater Management Technical Workshop – Centre for Environmental Training – Baw Baw Shire Council 4 December 2006

#### 4.1 Required Area for Subsoil Absorption Trenches

The appropriate absorption trench length for a subsoil absorption system has been determined with a water balance constructed by Dr Robert Patterson<sup>7</sup> with a conservative DLR of 4 L/m<sup>2</sup>/day. The length of absorption trench required for new four bedroom homes has been determined based upon a daily design flow rate of 900 L/day and for the existing six bedroom home using 1260 L/day.

According to the water balance in Appendix 3A a total trench length of 194 m is required to adequately disperse 900 L/day of wastewater generated by a four bedroom dwelling on town water (assuming a trench depth of 400 mm and width of 700 mm). A total absorption trench length of 272 m is required for the existing six bedroom home (Appendix 3B).

These water balances take into account soil absorption from the trench base and also 250 mm up the sides of each wall. This means that the water balance allows for storage of effluent in the trench of up to 250 mm in depth, which still allows 150 mm between the highest water mark and the surface with 400 mm deep trenches. This aspect has been factored in to allow for the varying water level in the trench and the absorption potential of the trench side walls.

To ensure an even application of wastewater to the area it is beneficial to apply the effluent via multiple lengths of trench, no greater than 30 m each in length. Table 4 has been included to detail the recommended absorption trench configurations for four and six bedroom homes. The use of 3 m spacings between trenches negates the need for the allocation of a reserve wastewater LAA<sup>8</sup>, as additional absorption trenches can be installed between the existing trenches, or else a subsurface irrigation system could be installed in the same area after some soil remediation. Subsurface irrigation would also require treatment of the wastewater up to a secondary standard. This is discussed in Section 4.2.

Table 4. Recommended absorption trench configurations for four and six bedroom homes. Assumes trench widths of 0.7 m and 3 m of undisturbed soil between absorption trenches.

No. of Trenches	Total Trench length required	Individual Trench length	Width of LAA	Total LAA required
7	194 m	27.7 m	22.9 m	635 m <sup>2</sup>
10	272 m	27.2 m	34 m	924 m <sup>2</sup>

There is sufficient area available for absorption trenches in proposed allotment 3 with the 40 m EPA setback from the drainage depression. Treating the wastewater up to a secondary standard and applying it to land with subsurface irrigation, would allow greater flexibility in locating the wastewater LAA and the house.

#### 4.2 Required Area for Subsurface Irrigation

Wastewater applied to land using subsurface irrigation must be treated to a secondary (20/30) standard<sup>9</sup>. Wastewater may be treated to a 20/30 standard by a number of methods

<sup>7</sup> R.A. Patterson (2006) Water balance spreadsheet derived from water balance included in Table G1, AS 1547:1994. Lanfax Labs Armidale, NSW.

<sup>8</sup> EPA Onsite Newsletter No. 11 (30 September 2009) issued by Sarah West Onsite Wastewater Program Manager

<sup>9</sup> Secondary standard wastewater (20/30) requires treatment to 20 mg/L of Biological Oxygen Demand (BOD) and 30 mg/L of Suspended Solids (SS).

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and a full list of EPA approved wastewater treatment systems is available on the EPA Victoria website<sup>10</sup>. Sand filters and Reed bed filters have been included in this report as low maintenance alternatives to Aerated Wastewater Treatment Systems (AWTS).

Pressure compensated subsurface irrigation of wastewater ensures even distribution across the entire LAA, maximising the uptake of nutrients. One of the most significant advantages of subsurface irrigation is that the LAA can easily be installed in irregular shapes and potentially in multiple irrigation areas. This increases the flexibility in positioning the LAA and enables use of the wastewater for irrigation of either garden or lawn. Secondary treatment and subsurface irrigation also has the advantage of reduced setback distances of up to 50 % thus further increasing its versatility.

Instead of disposing of unwanted wastewater, secondary treatment and subsurface irrigation can become an asset by providing a supplement to conventional garden and lawn watering systems.

The MAV water and nutrient balances which appear in Appendix 4 and 5 respectively calculate the size of the LAA on the most limiting factor, assuming no winter storage. The water and nutrient balances determine the area required to sustainably disperse their respective components. The larger wastewater land application area predicted by either the water or the nutrient balances is the land application area to be adopted, as this becomes the limiting parameter.

The MAV method predicts that a four bedroom dwelling on town water (900 L/day) requires a LAA of 559 m<sup>2</sup> to adequately disperse the wastewater. A LAA of 783 m<sup>2</sup> is required for the existing 6 bedroom home using 1260 L/day.

The need for a reserve area with secondary treatment and subsurface irrigation is not considered necessary given the use of the MAV water and nutrient balances used to determine the appropriate size of the LAA<sup>11</sup>.

The most significant advantage of subsurface irrigation is that it enables greater flexibility when determining the location of the LAA. Figure 6 has been included to demonstrate a typical subsurface irrigation line.

Figure 6. A typical pressure compensated subsurface irrigation line taken from Wasteflow brochure.



<sup>10</sup> EPA Victoria online : Wastewater treatment systems with Certificates of Approval

<http://epanote2.epa.vic.gov.au/epa/septic.nsf/2830336ba1417b774a25664a002344d5?OpenView>

<sup>11</sup> EPA Victoria (February 2013) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.3 – Section 3.10.2 Page 41

### 4.3 Details of Sand Filters & Reed Beds

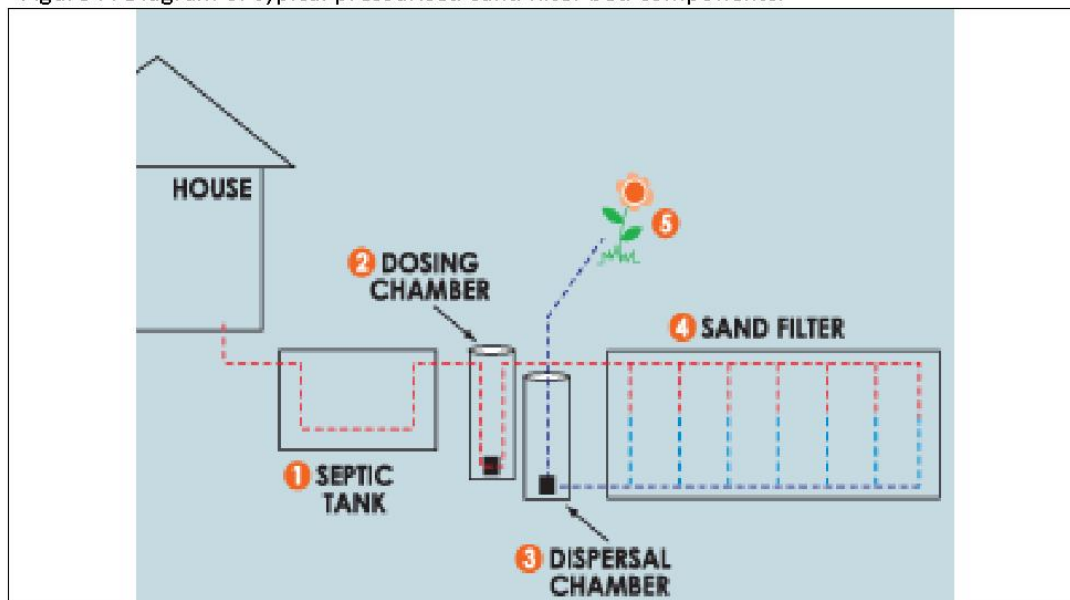
There are some disadvantages associated with AWTS's, including the continuous need for electrical power and maintenance to be carried out every three months by an accredited person<sup>12</sup>. The options of a Sand filter and a Rootzone Reed Bed have been included in this report as alternatives to an AWTS for the treatment of effluent up to a secondary standard.

- Sand filter beds require annual maintenance by an accredited person or servicing agent<sup>13</sup>, but still use electric pumps to ensure even effluent distribution over the sand, and for irrigation to land.
- Rootzone Reed beds require four maintenance visits by an accredited person or servicing agent in the first year, and annual maintenance thereafter<sup>14</sup>.

#### 4.3.1 Sand filter

A typical pressurised sand filter system involves the primary treated effluent being collected in a 500 L dosing chamber after leaving the septic tank. From the dosing tank the effluent is pumped to the sand filter bed [7 m x 4 m and 1.4 m deep for 900 L/day (4 bedrooms) and 10 m x 4 m and 1.4 m deep for 1260 L/day (6 bedrooms)] and then returned to a 500 L dispersal tank, before being pumped to irrigation or absorption trenches. The sand filter is normally covered with a thin layer of topsoil with lawn allowed to grow over the top. The area would then blend into the surrounds and can be easily mown over with the rest of the lawn. Figure 7 has been included to demonstrate the components and layout of a typical sand filter bed<sup>15</sup>.

Figure 7. Diagram of typical pressurised sand filter bed components.



<sup>12</sup> EPA Victoria (2002) – Guidelines for Environmental Management – Guidelines for On-site Aerated Wastewater Treatment Systems. Domestic Wastewater Management Series. Document No. 760 Page 39

<sup>13</sup> EPA Victoria (2003) Certificate of Approval Sand Filters. CA 1.3/03

<sup>14</sup> EPA Victoria (2009) Certificate of Approval Rootzone. CA 103/09

<sup>15</sup> Valley Septics Sand Filter - <http://www.valleyseptics.com.au/Sand%20Filter.htm> Accessed 17 Jan 2008



#### **4.4 Setback Distances and Reserve Areas**

The recommended Land Application Areas (LAAs) for subsurface irrigation with secondary treated wastewater and for subsoil absorption trenches with primary treated wastewater calculated in this report do not take into account setback distances specified in EPA publication 891.3 Onsite Wastewater Management Code of Practice<sup>17</sup>. These setback distances have been included in Appendix 6 and have been taken into account in the plan of subdivision in Figure 9 by Beveridge Williams & Co Pty Ltd.

According to this code, wastewater LAAs receiving primary treated wastewater must be located 6 m upslope or 3 m downslope of buildings or property boundaries. This means that when these set back distances are taken into account the LAA will need to be 6 m wider and 9 m longer. EPA specifies that setback distances can be reduced by 50 % if wastewater is to be treated to a secondary standard and applied to land via pressure compensated subsurface irrigation.

A reserve area has not been allocated for absorption trenches, as the 3 m space of undisturbed soil between each trench may act as a reserve area if required. Alternatively the wastewater may be treated up to a secondary standard and a new subsurface irrigation system installed over the existing absorption trenches after some soil remediation. The use of the MAV water and nutrient balances in determining the appropriate size of the LAA avoids the need for a reserve area with secondary treatment and subsurface irrigation<sup>18</sup>.

It is recommended that setbacks of 40 m to the commencement of the swale and land subject to waterlogging be implemented on this property. This setback may be reduced to 20 m where wastewater is treated up to a secondary standard and applied to land with subsurface irrigation. This setback is based upon dot point 17, page 40 of the EPA Guidelines for Environmental Management – On-site Wastewater Management Document 891.3, whereby the drainage line has been incorrectly mapped as a watercourse.

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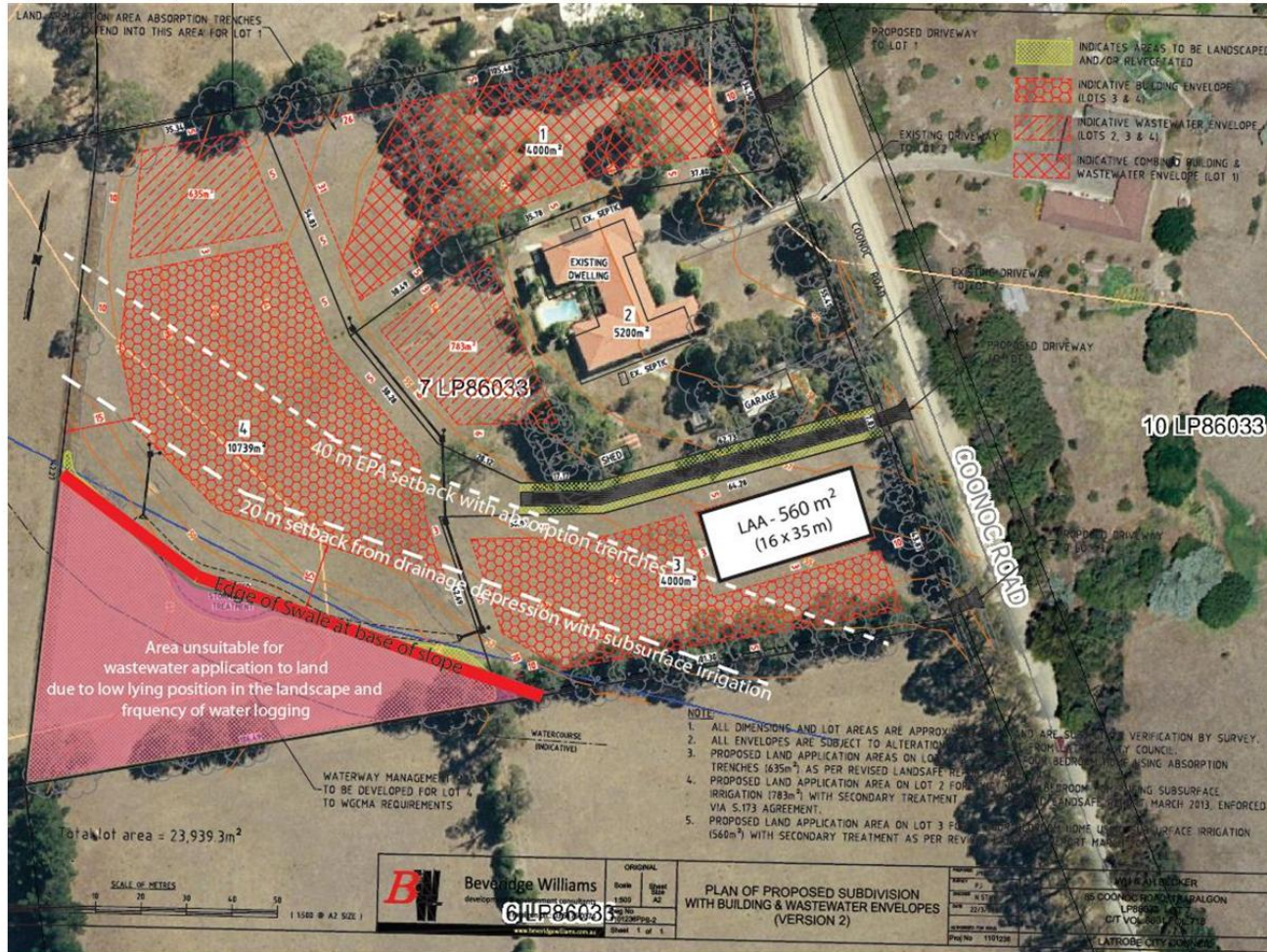
<sup>17</sup> EPA Victoria (February 2013) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.3

<sup>18</sup> EPA Victoria (February 2013) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.3 – Section 3.10.2 Page 41



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Figure 9. Aerial photo with plan of subdivision overlay. EPA setbacks from swale and indicative location of wastewater LAA.



## 5. Conclusion and Recommendations

The most significant environmental constraints impacting upon the sustainable application to land of wastewater on this property are the low permeability of the subsoil and poorly drained subsoil. The presence of a swale and frequently saturated soil also present a constraint, but the effect of this swale and saturated soil only impacts upon proposed Lot 4 (Figure 9).

- The low permeability of the subsoil has been overcome with the use of a water balance to take into account climate and a low design wastewater application rate. The low wastewater application rate will ensure the low subsoil permeability is not exceeded. Gypsum **must be applied** at a rate of 2 kg/m<sup>2</sup> to all Land Application Areas (LAAs) to overcome the soil sodicity and to improve the drainage characteristics of the subsoil. The gypsum will improve the soil structure and promote deep percolation and treatment of wastewater through the soil profile.
- Site drainage will be improved by the installation of diversion drains upslope and around each LAA. Upslope diversion drains are recommended to provide protection to the LAA from surface water run-on and upslope seepage, which are both likely on this property.
- The duplex soils on this property have subsoils which are sodic and likely to disperse when sodic and slightly saline domestic wastewater is applied. For this reason gypsum is recommended at a rate of 2 kg/m<sup>2</sup> to protect soil permeability in wastewater application areas.
- The swale or drainage depression and low lying land in the south west corner of the property are unsuitable for the application to land of wastewater. Land Safe considers that this swale does not meet any of the criteria for a waterway used by Southern Rural Water (eg no defined bed or banks, not spring fed, catchment area less than 60 ha). However as per EPA guidelines it is recommended that a setback of 40 m to LAAs upslope of this swale be implemented. This setback may be reduced to 20 m where wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation.

Soil permeability ( $K_{sat}$ ) was not able to be measured using the Talsma-Hallam constant head method on the day of the site visit due to the saturated soil conditions were common across Gippsland in 2011. A  $K_{sat}$  value of 0.07 m/day from seven permeability tests conducted on a similar soil type on Kay Road, Traralgon has been used as the anticipated soil permeability. This permeability is acceptable for the application to land of domestic wastewater, by either absorption trenches with primary treated wastewater or subsurface irrigation with secondary treated wastewater.

All LAAs in this report have been sized taking into account both water and nutrient balance requirements.

For absorption trenches a conservative Design Loading Rate (DLR) of 4 L/m<sup>2</sup>/day or 28 mm week has been assigned. The Land Application Area (LAA) for subsoil absorption trenches should be 635 m<sup>2</sup> for a four bedroom home using 900 L/day and 924 m<sup>2</sup> for a six bedroom

home using 1260 L/day. These LAAs include a 3 m space between each absorption trenches which also acts as the reserve area, but does not include EPA setback distances property boundaries or buildings. Absorption trenches in proposed Lot 3 would significantly constrain the area available for residence and driveways etc with this method.

For subsurface irrigation a Design Irrigation Rate (DIR) of 2.86 L/m<sup>2</sup>/day or 20 mm/week has been assigned. The LAA with subsurface irrigation should be 559 m<sup>2</sup> for a four bedroom home or 783 m<sup>2</sup> for a six bedroom home. This LAA does not include EPA setback distances to property boundaries or buildings.

There is sufficient area available on each proposed allotment for sustainable wastewater application to land with either absorption trenches or subsurface irrigation. Given the recommended setbacks from the swale, absorption trenches are suitable for all allotments however secondary treatment and subsurface irrigation would provide a greater degree of flexibility, particularly in proposed Lot 3.

Stormwater diversion drains must be installed around all LAAs so as to protect them from excess surface and subsurface water. Rainwater tanks should be installed to collect rainwater from all dwellings. All excess stormwater must be diverted away from wastewater LAAs.

The septic tanks and absorption trenches currently servicing the existing 6 bedroom home will need to be disconnected and all wastewater directed to a new wastewater management system in accordance with the recommendations in this report.

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## Appendix 1 Soil Profile Descriptions

W & A Becker  
Coonoc Road, Traralgon  
24 November 2011

Site No.1 GPS Co-ordinates - S38°12.106' E146°29.776 (DATUM Aus Geod 66)

Soil Type: Yellow brown duplex

- Centre of property
- Pasture
- Gradient 5-9 % (measured with a hand held clinometer, convex slope towards the west)

Horizon	Depth (cm)	Description
A1	0-15	Dark brown (10YR 3/3). Sandy clay loam, crumb structure. Worms present.  <i>--Clear change--</i>
A2	15-30	Mottles of Greyish brown (10YR 5/2 & 10YR 5/30). Sandy loam, weak structure.  Soil saturated at depth.  <i>--Abrupt change--</i>
B1	30-80	Mottles yellow brown (10YR 5/8) and dark grey (10YR 4/1). Medium clay. Plant roots.  <i>--Gradual change--</i>
B2	80-110	Brownish Yellow (10YR 6/8). Minor mottles of yellowish red (5YR 5/8). Light clay.  <i>---Hole terminated---</i>

Soil profile as seen at site 1



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**Site 2 – South west corner of property**

Soil similar to site 1.



Soil saturated at the surface and soil colour significantly more grey and soil texture more silty than at site 1. Also to B1 clay soil horizon.

## Appendix 2A Soil Hydraulic Conductivity Talsma-Hallam Method

### SOIL PERMEABILITY MEASUREMENT - CONSTANT-HEAD TEST<sup>19</sup>

#### INTRODUCTION

The Constant head method described here for measuring soil permeability *in-situ*, is described in more detail in Appendix G of the Australian/New Zealand Standard AS1547: 2012.

This method can be used for sizing effluent dispersal systems. The permeameter described below is suitable for a soil permeability range of  $1 \times 10^{-7}$  to  $3 \times 10^{-4}$  m/sec ( $\approx 0.009$  to 26 m/day). With certain modifications it can also be used for permeabilities less than  $1 \times 10^{-7}$  m/sec.

#### TEST METHODOLOGY

##### 1 Scope

In a constant head test, the water that runs out of an unlined test hole is replenished at the same rate from a reservoir, and one measures the loss of water from the reservoir over time. During this test the head of water in the hole remains the same, and a well-validated mathematical model can be used to calculate  $K_{sat}$  from the measurement.

##### 2 Apparatus

The following is required to carry out soil permeability tests using the constant head method;

- (a) soil auger of 75 to 100 mm diameter,
- (b) permeameter and tripod as illustrated in Figure 1,
- (c) anti scouring device,
- (d) suction flask,
- (e) stopwatch and field data sheets,
- (f) water container.

##### 3 Procedure

Excavate the required number of holes to 50 cm depth<sup>20</sup>, spacing holes over required area. Record the depth of the holes. Remove most of the loose earth at the bottom of the hole by hand.

Measure depth of hole and adjust tripod on permeameter to maintain 25 cm head of water in hole. Record the height of the head.

Place anti scouring device in hole and fill hole with water to approximately 25 cm depth soak test holes until the water infiltration is not influenced by the dryness of the soil, and record time of soaking

Fill permeameter with water, invert and place into hole so that water flows out of base. To the start test, suck water out of hole using suction flask apparatus until first air bubble appears. Set stop watch to 0.00 and start recording drop in solution reservoir (in cm) over time. Five minute intervals enable 8 tubes to be measured, with tubes read 30 seconds apart

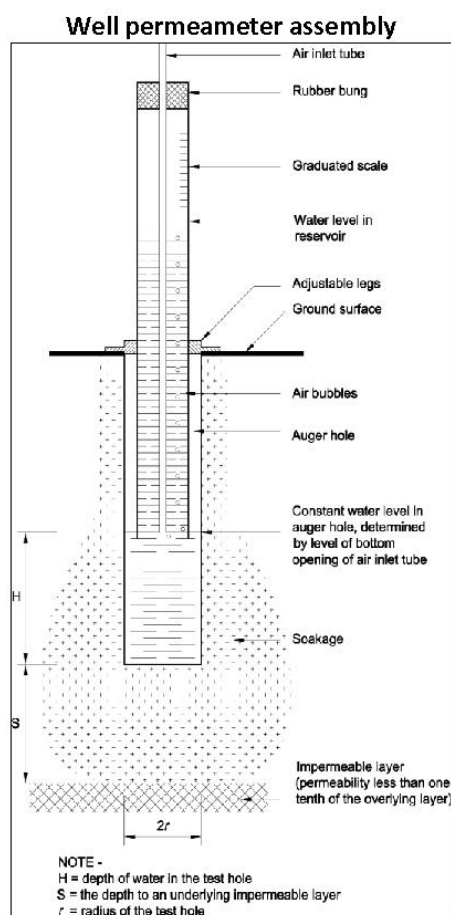
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<sup>19</sup> As per procedure in AS 1547:2012

<sup>20</sup> The depth of hole and height of head may be varied for particular situations, and the depths should be recorded to ensure the calculations are performed correctly.

in 4 minutes. The time should be adjusted if the drop in the water level is too rapid. With very high infiltration rates, each tube is read separately to its finish.

Record drop in water level in the reservoir using the field sheet (see next page) until it becomes “constant”, i.e. the last drop differs by less than 10% of the preceding drop.



#### 4 Calculations

Calculate the soil hydraulic conductivity according to the equation;

$$K_{\text{sat}} = 4.4 Q [0.5 \sinh^{-1}(H/2r) - \sqrt{\{(r/H)^2 + 0.25\}} + r/H] / 2\pi H^2$$

Where

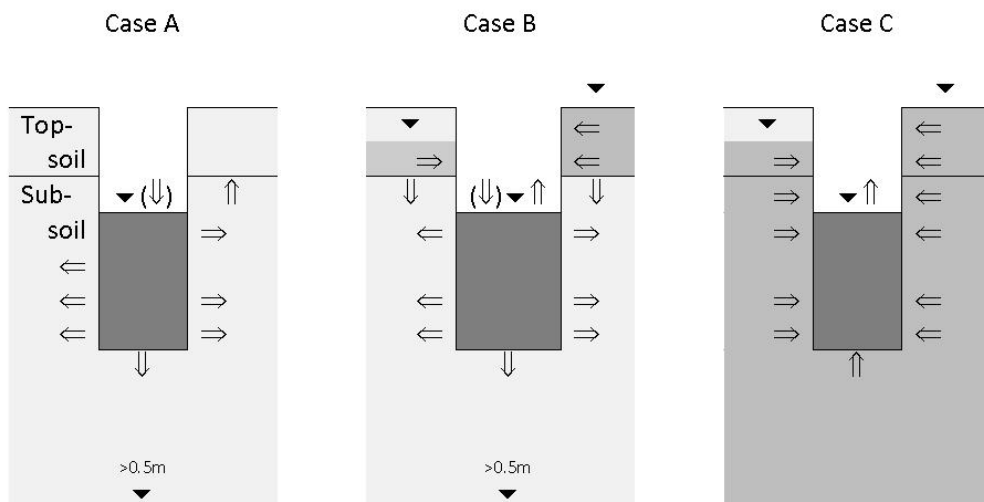
- $K_{\text{sat}}$  = saturated hydraulic conductivity of the soil in cm/min.
- 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation,
- Q = rate of loss of water from the reservoir in  $\text{cm}^3/\text{min}$ ,
- H = depth of water in the test hole in cm,
- r = radius of the test hole in cm.





## Appendix 2B How Soil Moisture Conditions Impact on Soil Hydraulic Conductivity Measurement

Soil moisture conditions and their possible seasonal variations as they affect soil permeability and soil percolation tests.



⇌ ⇒	Directions of water flow
↑ ↓	(↓) Applies only to the falling head percolation test. The water level in the hole stays at the pre-set level in a constant head permeability test.
▼	Indicating position of the free water surface (water table).
	Dry or moist but not saturated soil.
	Saturated soil.
	Water in the test hole.

### Case A:

This represents the appropriate conditions where soil permeability tests or percolation tests can succeed. A true groundwater table occurs at least 0.5 m below the bottom of the test hole. The test method is a so-called ‘above the water table test’. The surrounding soil exerts a capillary attraction on the water in the test hole and a stable infiltration rate occurs when the soil ‘mantle’ immediately around the hole is saturated and controls the rate of infiltration. The soil further out is still unsaturated and continues to exert a capillary pull. If a constant head test method is used, the reservoir from which water is added to the test hole will show a constant rate of depletion. With the old percolation test method – a falling head method – the rate of lowering of the water level in the hole becomes constant also. The permeability that is measured is  $K_{sat}$ , the permeability of the saturated soil. This permeability is used to size effluent disposal systems.

### Case B:

A perched water table exists above the subsoil layer, a common condition in many Victorian soils during periods of high rainfall in winter and early spring. The perched water table may

extend all the way to the soil surface. A true groundwater table occurs at least 0.5 m below the bottom of the test hole. Water seeps from the saturated surface soil down into the test hole. If the rate of seepage inflow exceeds the infiltration outflow rate from the test hole into the subsoil, the water level in the hole will rise. If the seepage inflow equals the infiltration outflow, the level will remain constant and a lay observer may interpret this as an impermeable soil. If the rate of seepage inflow is less than the infiltration outflow, the rate of lowering of the water level in the hole is reduced from what it would have been without the perched water. In all these scenarios, a test produces a useless result in terms of determining the size of an effluent disposal field.

When land is subject to seasonal and periodic perched water tables, a separate site analysis is needed to determine:

- what measures should be taken to protect an effluent disposal field from the ingress of lateral seepage and run-on,
- what is the viability of on-site effluent disposal, and
- what alternative systems or designs may overcome these site limitations.

A soil permeability test or percolation test is not intended to answer these questions.

#### Case C:

The groundwater table extends to well above the water level required for the test. Water from the saturated soil around the hole flows into the hole. A hole dug into this soil will fill up naturally with water until the water level in the hole is at the same level as the water table in the surrounding soil. The permeability of the soil can now only be measured by emptying the hole and measuring the rate of recovery of the water level in the hole. It now is a so-called 'below the water table test' which requires a different mathematical equation. However this case is of no interest to on-site effluent disposal, but it is relevant where land drainage schemes are being proposed.

#### **Theory and Examples**

The unifying principle that applies to all test methods, whether in the lab or in the field is Darcy's Law (1856), which states that the velocity of seepage flow,  $V$ , is proportional to the hydraulic gradient,  $i$ , which is the loss of head divided by the length of the flow path, and the permeability, also called hydraulic conductivity,  $K$ :

$$V = K \times i$$

It follows that when  $i = 0$ , regardless how big  $K$  may be,  $V = 0$ . Thus, to measure  $K$  by monitoring and measuring  $V$ , one must choose conditions when  $i$  is not zero. The  $K$  value we obtain from a correct test represents the permeability of the saturated "mantle" of soil immediately around the test hole. The unsaturated soil beyond ensures that the hydraulic gradient continues to act, i.e. does not go to zero.

It also follows that if  $V$  is made up of two components, outflow partially compensated by an unknown amount of inflow, then  $V$  is equally unknown and  $K$  cannot be calculated.

We have evidence of cases where the tester ran water into the test holes from siphons for periods of up to 28 hours when the soils were already saturated or close to saturation. In August 1996 a major consulting firm was engaged by an outer Melbourne Shire to do soil testing as part of a land use planning strategy. This consultant reported *“apparent undesirable percolation results”* where, *“in contrast to regional experience, it is understood that septic tank systems have been operating in generally similar soil profiles as that encountered on the site”*. The geological engineer in charge of the work reported that *“free ground water was not observed in any of the bores, however distinct wet horizons were encountered in bores 3, 8 and 13.”* Several days later *“water levels in all test holes, except site 6, had risen to the ground surface.”*

In another case, in an eastern rural Shire in October 1996, the tester actually wrote in his report that his test holes *“were observed to be in a very damp to saturated condition”*. Nevertheless the tester soaked the holes for 20 hours and found that of 5 sites tested 3 had percolation rates less than 15 mm/hour and 2 came out at 16 mm/hour. (Obviously, in reality these soils were pretty good for septic tanks, since the long soaking was not able to cause the water to stagnate in the soil around the holes!)

#### **How to recognise soil saturation**

The soil coming out of the test hole during augering is glistening with moisture if held in sunlight or even dripping.

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**Appendix 3A Water Balance – Absorption Trenches – Four Bedrooms**

Nominated Area for 700 mm wide Absorption Trenches										
Site Address: Coonoc Road - Traralgon - Becker										
Mean of Morwell (085280), Yallourn (08 Evap. data Yallourn SEC (085103)										
Mean average Pan evaporation										
Source: AS1547-1994 - Table G1 (Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006)										
1	2	3	4	5	6	7	8	9	10	11
Month	Days per month	daily pan Eo (B Met)	Pan Eo	Et +C*Eo	Rainfall P	Retained Rainfall Re=(1-r)P	LTAR*N	Disposal rate/month (Et-Re)+ LTAR*N	Effluent applied per month	Size of area (8)/(7) 900 L m2
		mm	mm	mm	mm	mm	mm	mm	mm	
Jan	31	5.9	182.9	146	55.6	47.3	124	223.1	27900	125
Feb	28	5.6	156.8	125	52.3	44.5	112	193.0	25200	131
Mar	31	3.9	120.9	97	58.3	49.6	124	171.2	27900	163
Apr	30	2.7	81.0	57	70.3	59.8	120	116.9	27000	231
May	31	1.7	52.7	37	68.8	58.5	124	102.4	27900	272
Jun	30	1.2	36.0	25	73.7	62.6	120	82.6	27000	327
Jul	31	1.3	40.3	28	72.9	62.0	124	90.2	27900	309
Aug	31	1.6	49.6	35	78.9	67.0	124	91.7	27900	304
Sep	30	2.4	72.0	50	78.5	66.7	120	103.7	27000	260
Oct	31	3.3	102.3	82	84.6	71.9	124	133.9	27900	208
Nov	30	4.4	132.0	106	78.2	66.5	120	159.1	27000	170
Dec	31	5.0	155.0	124	69.1	58.8	124	189.2	27900	147
<b>Totals</b>			<b>1181.5</b>	<b>912</b>	<b>841.2</b>	<b>715.0</b>				

TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above										
1	2	3	4	5	6	7	8	9	10	11
month	first trial area (m2)	application rate (8)/(2) (mm)	Disposal rate (above) (mm)	(3)-(4) (mm)	Increase depth of stored effluent (5)porosity	Starting depth of effluent for month	increase depth of effluent +(6)	computed depth of effluent (X)	reset if Et deficit <0 (mm)	equivalent storage 10 x area (L)
Dec										
Jan	252	111	223	-113	-375	0	-375	-375	0	0
Feb		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2053
Jun		107	83	24	81	27	81	108	108	8211
Jul		111	90	20	68	108	68	176	176	13341
Aug		111	92	19	63	176	63	239	239	18102
Sep		107	104	3	11	239	11	250	250	18929
Oct		111	134	-23	-78	250	-78	172	172	13034
Nov		107	159	-52	-174	172	-174	-2	0	0
Dec		111	189	-79	-262	0	-262	-262	0	0
Jan		111	223	-113	-375	0	-375	-375	0	0
Feb		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2053

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

<b>Porosity in disposal area</b>	<b>30%</b>
<b>Variables Table</b>	<b>Runoff Coeff = 0.15 percentage runoff</b>
	<b>Summer Crop Factor = 0.8 crop transpiration rate Oct-Mar</b>
	<b>Winter Crop Factor = 0.7 crop transpiration rate -Apr-Sep</b>
Change as required	<b>DLR = 4 L/m2/day</b>
	<b>FLOWS= 900 L/day</b>
<b>Estimated base area of trench =</b>	<b>252 square metres</b>
<b>Maximum depth of stored effluent =</b>	<b>250 mm depth</b>
<b>Trench dimensions (mm)</b>	<b>width = 700 mm depth = 400 mm</b>
<b>Length of trench required =</b>	<b>194 metres</b>

NOTES:  
As a model, the best results are only ESTIMATES of performance.  
A model is used to assess SENSITIVITY to changes in the variables and the effect upon application area

LCA – 85 Coonoc Road – Traralgon – Becker (4 Lots)

**Appendix 3B Water Balance – Absorption Trenches – Six Bedrooms**

Nominated Area for 700 mm wide Absorption Trenches										
Site Address: Coonoc Road - Traralgon - Becker										
Mean of Morwell (085280), Yallourn (08 Evap.data Yallourn SEC (085103)										
Mean average Pan evaporation										
Source: AS1547-1994 - Table G1 (Prepared by R.A. Patterson, Lanfax Labs. Amidale updated April 2006)										
1	2	3	4	5	6	7	8	9	10	11
Month	Days per month	daily pan Eo (B.Met)	Pan Eo	Et +C*Eo	Rainfall P	Retained Rainfall Re=(1-r)P	LTAR*N	Disposal rate/month	Effluent applied per month	Size of area (B)(7)
		mm	mm	mm	mm	mm	mm	mm	mm	L m2
Jan	31	5.9	182.9	146	55.6	47.3	124	223.1	39060	175
Feb	28	5.6	156.8	125	52.3	44.5	112	193.0	35280	183
Mar	31	3.9	120.9	97	58.3	49.6	124	171.2	39060	228
Apr	30	2.7	81.0	57	70.3	59.8	120	116.9	37800	323
May	31	1.7	52.7	37	68.8	58.5	124	102.4	39060	381
Jun	30	1.2	36.0	25	73.7	62.6	120	82.6	37800	458
Jul	31	1.3	40.3	28	72.9	62.0	124	90.2	39060	433
Aug	31	1.6	49.6	35	78.9	67.0	124	91.7	39060	426
Sep	30	2.4	72.0	50	78.5	66.7	120	103.7	37800	365
Oct	31	3.3	102.3	82	84.6	71.9	124	133.9	39060	292
Nov	30	4.4	132.0	106	78.2	66.5	120	159.1	37800	238
Dec	31	5.0	155.0	124	69.1	58.8	124	189.2	39060	206
<b>Totals</b>			<b>1181.5</b>	<b>912</b>	<b>841.2</b>	<b>715.0</b>				
<b>TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above</b>										
1	2	3	4	5	6	7	8	9	10	11
month	first trial area (m2)	application rate (B)*(2) (mm)	Disposal rate (above) (mm)	(3)-(4) (mm)	Increase depth of stored effluent (5)porosity (mm)	Starting depth of effluent for month	increase depth of effluent +(6)	computed depth of effluent (mm)	reset if Et deficit <0	equivalent storage 10 x area (L)
Dec								0.0		
Jan	353.3379	111	223	-113	-375	0	-375	-375	0	0
Feb		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2875
Jun		107	83	24	81	27	81	108	108	11495
Jul		111	90	20	68	108	68	176	176	18678
Aug		111	92	19	63	176	63	239	239	25343
Sep		107	104	3	11	239	11	250	250	26500
Oct		111	134	-23	-78	250	-78	172	172	18248
Nov		107	159	-52	-174	172	-174	-2	0	0
Dec		111	189	-79	-262	0	-262	-262	0	0
Jan		111	223	-113	-375	0	-375	-375	0	0
Feb		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2875
From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994										
<b>Porosity in disposal area = 30%</b>										
<b>Variables Table</b>										
Runoff Coeff = 0.15 percentage runoff										
Summer Crop Factor = 0.8 crop transpiration rate Oct-Mar										
Winter Crop Factor = 0.7 crop transpiration rate -Apr-Sep										
Change as required DLR = 4 L/m2/day										
FLOWS = 1260 L/day										
<b>Estimated base area of trench = 353 square metres</b>										
<b>Maximum depth of stored effluent = 250 mm depth</b>										
<b>Trench dimensions (mm) width = 700 mm depth = 400 mm</b>										
<b>Length of trench required = 272 metres</b>										
NOTES:										
As a model, the best results are only ESTIMATES of performance.										
A model is used to assess SENSITIVITY to changes in the variables and the effect upon application area										

LCA – 85 Coonoc Road – Traralgon – Becker (4 Lots)

**Appendix 4A MAV Water Balance – Subsurface Irrigation – Four bedrooms**

<b>Nominated Area Water Balance &amp; Storage Calculations For Irrigation</b>																
<b>Site Address:</b>		<b>Coonoc Road - Traralgon - Becker</b>														
<b>INPUT DATA</b>																
Design Wastewater Flow	Q	900	L/day													
Design DIR	DIR	20	mm/week													
Daily DIR		2.9	mm/day													
Nominated Land Application Area	L	559	m sq													
Crop Factor	C	0.7-0.8	unitless													
Retained Rainfall		0.85	unitless													
Rainfall Data (mean monthly)	Mean of Morwell (085280), Yallourn (085098) & Yallourn SEC (085103)															
Evaporation Data	Yallourn SEC (085103)															
<b>Parameter</b>	<b>Symbol</b>	<b>Formula</b>	<b>Units</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
Days in month	D	\	days	31	28	31	30	31	30	31	31	30	31	30	31	<b>365</b>
Rainfall	R	\	mm/month	56	52	58	70	69	74	73	79	78	85	78	69	<b>840</b>
Evaporation	E	\	mm/month	183	157	121	81	53	36	40	50	72	102	132	155	<b>1182</b>
Crop Factor	C	\		0.80	0.80	0.80	0.70	0.70	0.70	0.70	0.70	0.70	0.80	0.80	0.80	
<b>OUTPUTS</b>																
Evapotranspiration	ET	ExC	mm/month	146	125	97	57	37	25	28	35	50	82	106	124	<b>912</b>
Percolation	B	(DIR/7)xD	mm/month	88.6	80	88.6	85.7	88.6	85.7	88.6	88.6	85.7	88.6	85.7	88.6	<b>1043</b>
Outputs		ET+B	mm/month	234.9	205	185	142	125	111	117	123	136	170	191	213	<b>1955</b>
<b>INPUTS</b>																
Retained Rainfall	RR	R*0.80	mm/month	47.26	44.455	49.555	59.755	58.48	62.62	61.99	67.04	66.70	71.94	66.47	58.76	<b>715</b>
Effluent Irrigation	W	(QxD)/L	mm/month	49.9	45.1	49.9	48.3	49.9	48.3	49.9	49.9	48.3	49.9	48.3	49.9	<b>588</b>
Inputs		RR+W	mm/month	97.2	89.5	99.5	108.1	108.4	110.9	111.9	116.9	115.0	121.8	114.8	108.7	<b>1303</b>
<b>STORAGE CALCULATION</b>																
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-137.7	-115.9	-85.8	-34.4	-17.1	0.0	-4.9	-6.3	-21.1	-48.6	-76.5	-103.9	<b>-264</b>
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	<b>0</b>
Maximum Storage for Nominated Area	N		mm	<b>0.00</b>												
	V	NxL	L	<b>2</b>												
<b>LAND AREA REQUIRED FOR ZERO STORAGE</b>				m <sup>2</sup>	149	157	206	327	417	559	509	496	389	283	216	181
<b>MINIMUM AREA REQUIRED FOR ZERO STORAGE:</b>					<b>559.0</b>	m <sup>2</sup>										







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**Appendix 5 Nutrient Balance – Irrigation**

<b>Nutrient Balance</b>					
<b>Site Address:</b>		<b>Coonoc Road - Traralgon - Becker</b>			
<i>Please read the attached notes before using this spreadsheet.</i>					
<b>SUMMARY - LAND APPLICATION AREA REQUIRED BASED ON THE MOST LIMITING BALANCE =</b>					<b>420 m<sup>2</sup></b>
<b>INPUT DATA <sup>[1]</sup></b>					
<b>Wastewater Loading</b>			<b>Nutrient Crop Uptake</b>		
Hydraulic Load	<b>900</b> L/Day		Crop N Uptake	<b>250</b> kg/ha/yr	which equals <b>68</b> mg/m <sup>2</sup> /day
Effluent N Concentration	<b>40</b> mg/L		Crop P Uptake	<b>50</b> kg/ha/yr	which equals <b>14</b> mg/m <sup>2</sup> /day
% Lost to Soil Processes (Geary & Gardner 1996)	<b>0.2</b> Decimal		<b>Phosphorus Sorption</b>		
Total N Loss to Soil	<b>7200</b> mg/day		P-sorption result	<b>300</b> mg/kg	which equals <b>4500</b> kg/ha
Remaining N Load after soil loss	<b>28800</b> mg/day		Bulk Density	<b>1.5</b> g/cm <sup>3</sup>	
Effluent P Concentration	<b>13</b> mg/L		Depth of Soil	<b>1</b> m	
Design Life of System	<b>50</b> yrs		% of Predicted P-sorp. <sup>[2]</sup>	<b>0.75</b> Decimal	
<b>METHOD 1: NUTRIENT BALANCE BASED ON ANNUAL CROP UPTAKE RATES</b>					
<b>Minimum Area required with zero buffer</b>		<b>Determination of Buffer Zone Size for a Nominated Land Application Area (LAA)</b>			
Nitrogen	<b>420</b> m <sup>2</sup>	Nominated LAA Size	<b>559</b> m <sup>2</sup>		
Phosphorus	<b>363</b> m <sup>2</sup>	Predicted N Export from LAA	<b>-3.46</b> kg/year		
		Predicted P Export from LAA	<b>-2.30</b> kg/year		
		Phosphorus Longevity for LAA	<b>128</b> Years		
		Minimum Buffer Required for excess nutrient	<b>0</b> m <sup>2</sup>		
<b>PHOSPHORUS BALANCE</b>					
<b>STEP 1: Using the nominated LAA Size</b>					
Nominated LAA Size	<b>559</b> m <sup>2</sup>				
Daily P Load	0.0117 kg/day	→	Phosphorus generated over life of system	213.525	kg
Daily Uptake	0.0076575 kg/day	→	Phosphorus vegetative uptake for life of system	0.250	kg/m <sup>2</sup>
Measured p-sorption capacity	0.45 kg/m <sup>2</sup>				
Assumed p-sorption capacity	0.338 kg/m <sup>2</sup>	→	Phosphorus adsorbed in 50 years	0.338	kg/m <sup>2</sup>
Site P-sorption capacity	188.66 kg	→	Desired Annual P Application Rate	6.568	kg/year
P-load to be sorbed	1.48 kg/year			which equals	0.01800 kg/day
<b>NOTES</b>					
[1]. Model sensitivity to input parameters will affect the accuracy of the result obtained. Where possible site specific data should be used. Otherwise data should be obtained from a reliable source such as, - <i>Environment and Health Protection Guideline</i>					
[2]. A multiplier, normally between 0.25 and 0.75, is used to estimate actual P-sorption under field conditions which is assumed to be less than laboratory estimates.					

**Appendix 6 EPA Setback Distances**

**Code of Practice Onsite Wastewater Management**

**Table 5: Setback distances for primary and secondary treatment plants and effluent disposal/irrigation areas** <sup>1, 2, 6, 10, 19</sup>

Landscape feature or structure	Setback distances (m)		
	Primary treated effluent	Secondary sewage and greywater effluent	Advanced secondary greywater effluent <sup>3</sup>
<b>Building</b>			
Wastewater field up-slope of building <sup>7</sup>	6	3	3
Wastewater field down-slope of building	3	1.5	1.5
Wastewater up-slope of cutting/escarpment <sup>12</sup>	15	15	15
<b>Allotment boundary</b>			
Wastewater field up-slope of adjacent lot	6	3	1
Wastewater field down-slope of adjacent lot	3	1.5	0.5
<b>Services</b>			
Water supply pipe	3	1.5	1.5
Wastewater up-slope of potable supply channel	300	150	150
Wastewater field down-slope of potable supply channel	20	10	10
Gas supply pipe	3	1.5	1.5
In-ground water tank <sup>14</sup>	15	4	3
Stormwater drain	6	3	2
<b>Recreational areas</b>			
Children's grassed playground <sup>15</sup>	6	3 <sup>15</sup>	2 <sup>16</sup>
In-ground swimming pool	6	3 <sup>16</sup>	2 <sup>16</sup>
<b>Surface waters (up-slope of:)</b>			
Dam, lake or reservoir (potable water supply) <sup>8,13</sup>	300	150 <sup>4</sup>	150
Waterways (potable water supply) <sup>9,13</sup>	100	100 <sup>4,17</sup>	50
Waterways, wetlands (continuous or ephemeral, non-potable); estuaries, ocean beach at high-tide mark; dams, lakes or reservoirs (stock and domestic, non-potable) <sup>8,9</sup>	60	30	30
<b>Groundwater bores</b>			
Category 1 and 2a soils	NA <sup>11</sup>	50 <sup>5</sup>	20
Category 2b to 6 soils	20	20	20
<b>Watertable</b>			
Vertical depth from base of trench to the highest seasonal water table <sup>18</sup>	1.5	1.5	1.5
Vertical depth from irrigation pipes to the highest seasonal water table <sup>18</sup>	NA	1.5	1.5

- Distances must be measured horizontally from the external wall of the treatment system and the boundary of the disposal/irrigation area, except for the 'Watertable' category which is measured vertically through the soil profile. For surface waters, the measuring point shall be from the 'bank-full level'.
- Primary water-based sewerage systems must only be installed in unsewered areas; secondary sewerage systems must only be installed and managed in sewerage areas by Water Corporations; secondary greywater systems can be installed in sewerage and unsewered areas (see [Section 3.12.3](#)).
- Advanced secondary treated greywater of 10/10/10 standard.
- The setback distances are conditional on the following requirements (otherwise the setback distances for primary effluent apply):
  - effluent is secondary treated to 20/30 standard as a minimum
  - effluent is applied to land via pressure-compensating sub-surface irrigation installed along the contour and
  - a maintenance and service contract, with a service technician accredited by the manufacturer, is in place to ensure the system is regularly serviced in accordance with the relevant CA and Council Septic Tank Permit conditions.

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5. The setback distance to a groundwater bore in Category 1 and 2a soils can be reduced to 20 m where treated and disinfected greywater or sewage (20/30/10 or better standard) is applied via pressure-compensating sub-surface irrigation and the property owner has a service contract.
6. Effluent typically contains high levels of nutrients that may have a negative impact on native vegetation and promote the growth of weeds. When determining setbacks, Council should consider not only the potential impact of nutrients from the proposed onsite wastewater management system, but the cumulative impact of the existing onsite wastewater management systems in the area.
7. Establishing an effluent disposal/irrigation area upslope of a building may have implications for the structural integrity of the building. This issue is beyond the scope of this Code and should be examined by a building professional on a site-by-site basis.
8. Does not apply to dams, lakes and reservoirs located above ground-level which cannot receive run-off.
9. Means a waterway as defined in the *Water Act 1989*.
10. The setback distances for flat land are equivalent to 'down-slope' setback distances.
11. See [Table 9](#) for other land application options for Category 1 and 2a soils.
12. A cutting or escarpment from which water is likely to emanate.
13. Applies to land, adjacent to a dam, lake, reservoir or waterway that provides water for a public potable water supply, which is:
  - a. subject to a Planning Scheme Environmental Significant Overlay (ESO) that designates maintenance of water quality as the environmental objective to be achieved (contact the relevant Water Authority to determine whether the ESO is in a potable water supply catchment) and
  - b. within a Special Water Supply Area listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.
14. It is recommended that any primary or secondary treatment system and its associated land application system are installed downslope of an in-ground water tank.
15. Means a school, council, community or other children's grassed playground managed by an organisation which may contain play equipment.
16. Sub-surface irrigation only.
17. Where an intermittent stream on a topographic or orthographic map is found through ground-truthing to be a drainage line (drainage depression) with no defined banks and the bed is not incised, the setback distance is 40 m (SCA 2010). The topography of the drainage line must be visually inspected and photographed during the LCA site inspection and reported upon in writing and photographs in the LCA report.
18. The highest seasonal watertable occurs when the watertable has risen up through the soil profile and is closest to the ground surface. This usually occurs in the wettest months of the year.
19. See [Section 3.9](#) for more details on setback distances

**Appendix 7 EPA Design Flow Rates**

**Code of Practice Onsite Wastewater Management**

**Table 4: Minimum daily wastewater flow rates and organic loading rates <sup>1, 10</sup>**

Source	Design hydraulic flow rates for all water supplies <sup>2, 4, 5</sup> (L/person.day)	Organic material loading design rates (g BOD/person.day) <sup>7</sup>
Households with extra wastewater producing facilities <sup>6</sup>	220	60
Households with standard water fixtures	180	60
Households with full water-reduction fixtures <sup>3</sup>	150	60
Motels/hotels/guesthouse		
- per bar attendant	1000	120
- bar meals per diner	10	10
- per resident guest and staff with in-house laundry	150	80
- per resident guest and staff with out-sourced laundry	100	80
Restaurants (per potential diner) <sup>9</sup>		
- premises <50 seats	40	50
- premises >50 seats	30	40
- tearooms, cafés per seat	10	10
- conference facilities per seat	25	30
- function centre per seat	30	35
- take-away food shop per customer	10	40
Public areas (with toilet, but no showers and no café) <sup>8</sup>		
- public toilets	6	3
- theatres, art galleries, museum	3	2
- meeting halls with kitchenette	10	5
Premises with showers and toilets		
- golf clubs, gyms, pools etc. (per person)	50	10
Hospitals - per bed	350	150
Shops/shopping centres		
- per employee	15	10
- public access	5	3
School - child care	20	20
- per day pupil and staff	20	20
- resident staff and boarders	150	80
Factories, offices, day training centres, medical centres	20	15
Camping grounds		
- fully serviced	150	60
- recreation areas with showers and toilets	100	40

1. Based on EPA Code of Practice for Small Wastewater Treatment Plants, Publication 500 (1997).
2. When calculating the flow rate for an existing commercial premise, use this table or metered water usage data from the premise's actual or pro-rata indoor use.
3. WELS-rated water-reduction fixtures and fittings - minimum 4 Stars for dual-flush toilets, shower-flow restrictors, aerator taps, flow/pressure control valves and minimum 3 Stars for all appliances (e.g. water-conserving automatic clothes washing machines).
4. These flow rates take into consideration the likelihood of a reliable water supply being currently provided to a premises or in the future (e.g. from groundwater, surface water or reticulated water supply, or a tankered water supply).
5. Where Council is satisfied a household or premises is unlikely to be provided with a reliable water supply (e.g. a rural farming property where groundwater or surface water is unavailable or used only for stock) the design flow rates for Onsite Roof Water Tank Supply listed in the most current version of AS/NZS 1547 may be used.
6. Extra water producing fixtures include, but are not limited to, spa baths.
7. Based on Crites & Tchobanoglous (1998) and EPA Publication 500 (1997).
8. For premises such as public areas, factories or offices that have showers and toilets, use the flow rates for 'Premises with showers and toilets' in the calculations.
9. Number of seats multiplied by the number of seatings i.e., may include multiple seatings for breakfast, morning and afternoon teas, lunch and/or dinner.
10. The organic loading rate must be considered as well as the hydraulic flow rate when selecting the most suitable treatment system.

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**Appendix 8 DLR and DIR Tables from AS/NZS 1547:2012**

**TABLE 5.2  
SOIL CATEGORIES AND RECOMMENDED DESIGN IRRIGATION/LOADING RATES (DIR/DLR) FOR LAND-APPLICATION SYSTEMS**

Soil Category	Soil texture	Structure	Indicative permeability ( $K_{sat}$ ) (m/d)	Design irrigation/loading rate (DIR/DLR) (mm/day)							
				Trenches and beds (see Table L1)			ETA/ETS beds and trenches (Table L1)	Drip and spray irrigation (Table M1)	LPED irrigation (Table M1)	Mounds (basal area) (Table N1)	
				Primary treated effluent		Secondary treated effluent					
				Conservative rate	Maximum rate						
1	Gravels and sands	Structureless (massive)	> 3.0	(see Note 1 of Table L1 for DLR values)			5 (see Note 2 of Table M1)	(see Note 3 of Table M1)	32		
2	Sandy loams	Weakly structured massive	> 3.0	15	25	50		4 (see Note 1 of Table M1)	4	24	
3	Loams	High/moderate structured	1.5 – 3.0	15	25	50	3.5 (see Note 1 of Table M1)		3.5	24	
		Weakly structured or massive	0.5 – 1.5	10	15	30		16			
4	Clay loams	High/moderate structured	0.5 – 1.5	10	15	30	12	3.5 (see Note 1 of Table M1)	3	16	
		Weakly structured	0.12 – 0.5	6	10	20				8	8
		Massive	0.06 – 0.12	4	5	10				5	(see Note to Table N1)
5	Light clays	Strongly structured	0.12 – 0.5	5	8	12	8	3 (see Note 1 of Table M1)	2.5 (see Note 4 of Table M1)	8	
		Moderately structured	0.06 – 0.12		5	10					5
		Weakly structured or massive	< 0.06			8					
6	Medium to heavy clays	Strongly structured	0.06 – 0.5	(see Notes 2 and 3 of Table L1)			(see Notes 2, 3, and 5 of Table L1)	2 (see Note 2 of Table M1)	(see Note 3 of Table M1)	(see Note to Table N1)	
		Moderately structured	< 0.06								
		Weakly structured or massive	< 0.06								

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### Appendix 9 Estimating Coefficient of Run-off

Estimating coefficient of run-off R, as a percentage value, for use with the rational formula ( $Q = RiA$ ) or catchments with area less than 1 square mile (2.56 square km). Values in brackets are percentage run-off and are to be added together for each combination of the five catchment characteristics Burton<sup>21</sup> 1965).

Run-off producing characteristics				
Catchment characteristics	Extreme - 100	High - 75	Normal - 50	Low – 25
<b>Rainfall Intensity</b>	(30) 75-100 mm/hour	(25) 50-75 mm/hour	(15) 25-50 mm/hour	(5) < 25 mm/hour
<b>Relief</b>	(10) Steep rugged country with average slope above 20%	(5) Hilly with average slopes of 10%-20%	(0) Rolling with average slopes of 5%-10%	(0) Relatively flat land with average slopes of 0%-5%
<b>Surface retention stream and surface storage</b>	(10) Negligible; few surface depressions; water courses steep with thin film overland flow	(5+) Well-defined system of small water courses	(5) Considerable surface depressions; overland flow is significant; some farm ponds and swamps; some contour banks and furrows	(0) Poorly defined and meandering stream courses; large surface storage; water and soil conservation plan on 90% of the catchment
<b>Infiltration</b>	(25) No effective soil cover; either solid rock or thin mantle of negligible infiltration capacity	(20) Slow water infiltration; e.g. solodic soils when surface sealed or saturated	(10) Loam soils or well-structured clay soils; e.g. krasnozems	(5) Deep sands or well-aggregated soil, e.g. chernozems
<b>Cover</b>	(25) No effective plant cover	(20) Sheet-eroded native pasture; less than 10% of area under good native or improved pasture; clean cultivated crops	(10) About 50% of area with improved cover; not more than 50% cultivation; open woodlands	(5) About 90% of area with improved pasture; dry sclerophyll type forest

*Note: Determine the cumulative value for each of the characteristics of the catchment in question by summing individual % run-off values. In this instance a run off of 20 % is thought to be too great, 10 % has been used instead in the water balance calculations.*

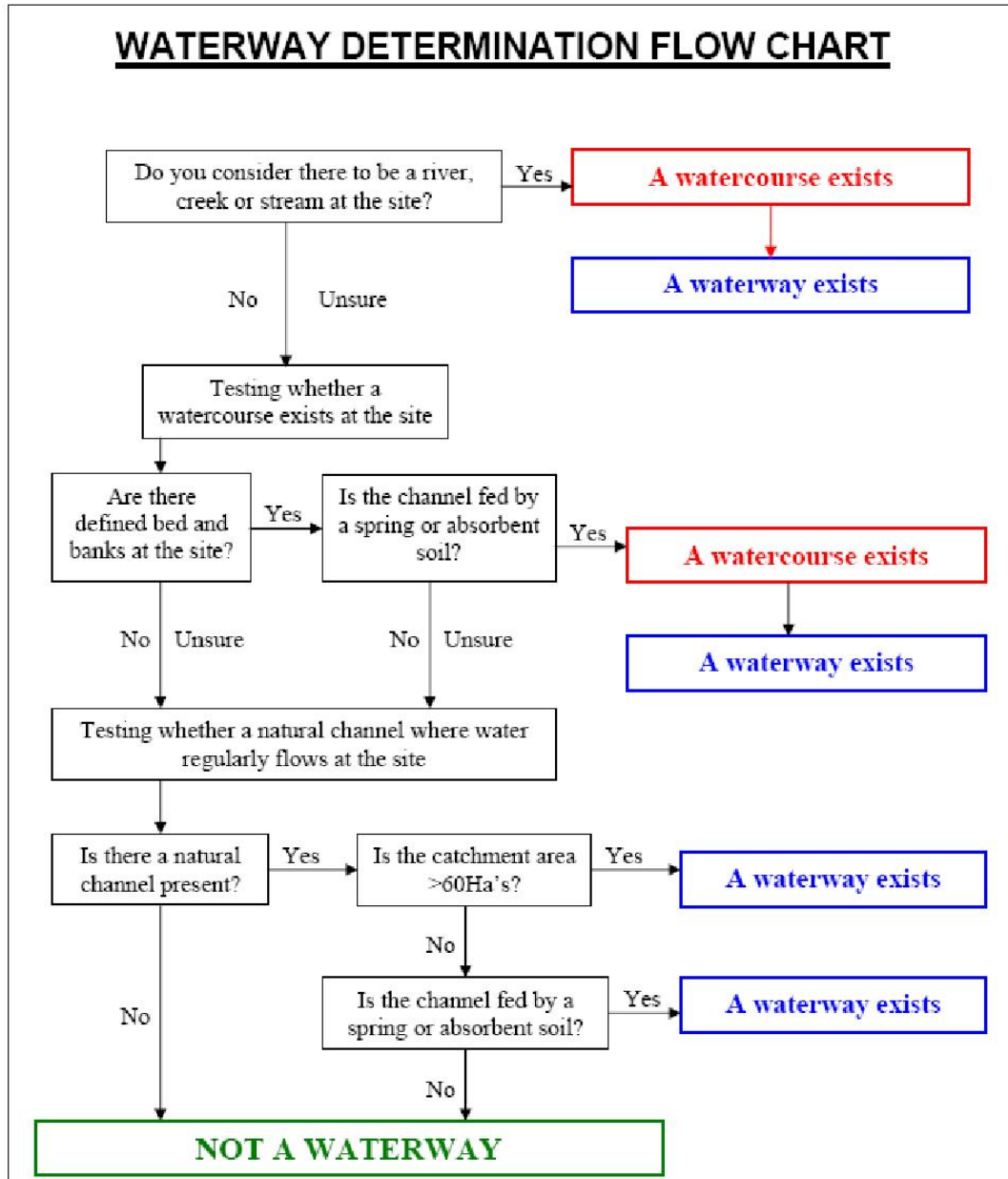
<sup>21</sup> Burton J.R (1965). "Water Storage on the Farm", Bulletin No.9, Water Research Foundation of Australia.

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**Appendix 10 Soil Laboratory Chemical Analysis**

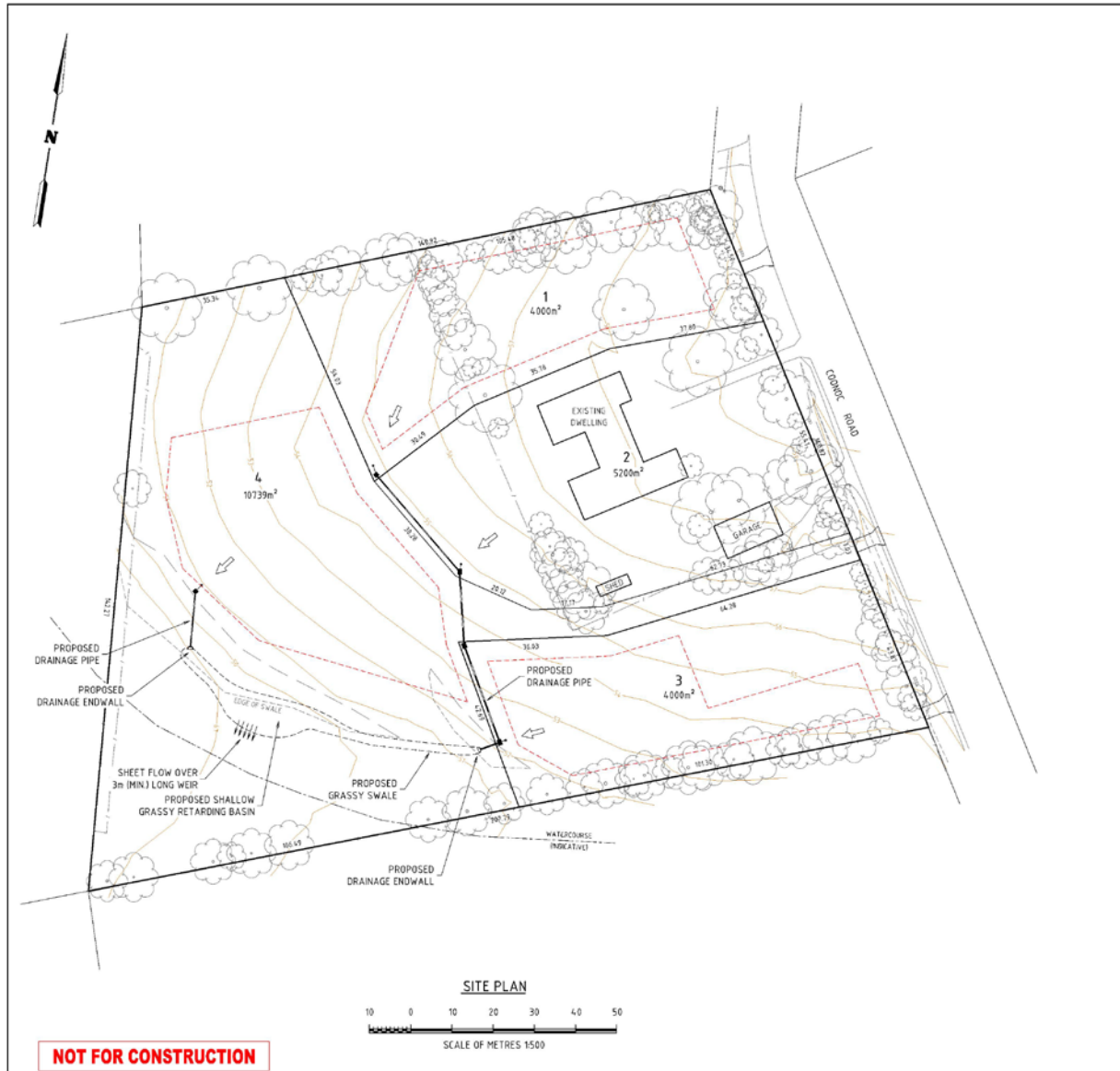
Sample ID		21308542
Sample Name		SITE 1
User ID		637
User Name		Glenn Marriott
Grower Name		AG CHALLENGE CONSULTING
Customer Name		AG CHALLENGE CONSULTING P/L
Paddock Name		BECKER TRARALGON
Sampling Date		27/11/2011
Sample Depth From		40
Sample Depth To		50
Crop		UNKNOWN
Test Code		2011-069
pH (1:5 Water)		6.1
pH (1:5 CaCl <sub>2</sub> )		4.9
Elect. Conductivity	dS/m	0.1
Phosphorus (Colwell)	mg/kg	<5
Phosphorus Buffer Index (PBI-Col)		228 *
Available Potassium	mg/kg	38
Calcium (Amm-acet.)	Meq/100g	2.1
Potassium (Amm-acet.)	Meq/100g	0.1
Magnesium (Amm-acet.)	Meq/100g	9.1
Sodium (Amm-acet.)	Meq/100g	1.5
Calcium/Magnesium Ratio		0.2
Aluminium (KCl)	Meq/100g	0.37
Cation Exch. Cap.	Meq/100g	13.2
Sodium % of Cations (ESP)	%	11
Aluminium Saturation	%	2.8
Disp. Index, Loveday/Pyle		16
Slaking 2Hrs		Partial
Aluminium (KCl)	mg/kg	33
Calcium (Amm-acet.)	%	16
Magnesium (Amm-acet.)	%	69
Potassium (Amm-acet.)	%	0.75
Potassium to Magnesium Ratio		0

**Appendix 11 Southern Rural Water Waterway determination flow chart**









**DRAINAGE STRATEGY**

The proposed drainage strategy is has been developed to demonstrate that requirements of Council can be met with regard to quantity and quality of stormwater discharge. The final design/strategy adopted may differ from this proposal following negotiation with, and agreement of, Councils Engineering and Planning Departments.

**LOT CONNECTIONS TO DRAINAGE**

- Lot 1 - Connection to proposed underground drainage at south-west corner of lot.
- Lot 2 - Connection to proposed underground drainage at south-west corner of lot.
- Lot 3 - Connection to proposed underground drainage at south-west corner of lot.
- Lot 4 - Connection to proposed underground drainage at central-west side of lot.

**PROPOSED DRAINAGE SYSTEM DESIGN:**

Drainage system to be designed to convey 5 year ARI storm flows from building envelopes within the development to stormwater treatment swales within Lot 4.  
100 Year ARI storm flows in excess of the piped drainage system capacity will sheet flow across the development generally towards the south west corner of the development.

**STORMWATER TREATMENT:**

Stormwater will be treated to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999 for:

- (a) 80% retention of the typical annual load of suspended solids;
- (b) 45% retention of the typical annual load of total phosphorous;
- (c) 45% retention of the typical annual load of nitrogen; and
- (d) 70% retention of the typical annual load of gross pollutants.

Treatment will be achieved by the combination of a grassy swale and shallow grassy retarding basin. Rainwater tanks (for lots 1-4) incorporating re-use will be utilised in the treatment system. The exact length of swale and size of retarding basin and rainwater tanks will be determined following MUSIC modeling during detailed drainage design.

Maintenance of the open treatment system will generally involve normal lawn mowing practices. Batter slopes will be no steeper than 1 in 3 to ensure this is possible.

A Section 173 agreement would be required for lot 4 to ensure general maintenance of the treatment system and to prevent any system modifications without prior consent of council.

A Section 173 agreement would be required for lots 1-4 if rainwater tanks are incorporated into the treatment or detention system.

**STORMWATER DETENTION/RETARDATION:**

Detention or retarding of stormwater flows will occur to limit site discharge to pre-developed levels for up to the 100 year ARI storm event. A single shallow grassy retarding basin (up to 0.4m deep) is proposed for the south west corner of the development (within Lot 4).

Following pre-treatment, flows will be limited to the pre-development rate (for both the 5 year ARI and 100 year ARI storms) then be forced to discharge from the basin over a weir length of at least 3 metres into the "watercourse". Scour protection will be provided if necessary.

**DRAINAGE EASEMENTS:**

Drainage easements in favor of the subdivided lots would be created as necessary to protect the drainage infrastructure.

A Limited Owners Corporation (for all lots) will be required for maintenance of the common drainage and treatment systems (excluding rainwater tanks).

INDICATIVE BUILDING ENVELOPES

INDEX	DATE	REVISION	APPD.
C	23-3-2013	P3 - AMENDED FROM 5 TO 4 LOTS	JMB
B	23-3-2012	P2 - MINOR REVISION TO SHAPE OF SWALE AND RETARDING BASIN AND NOTES	JMB
A	19-2-2012	P1 - PRELIMINARY ISSUE	JMB

**BW BEVERIDGE WILLIAMS & Co**  
 DEVELOPMENT & ENVIRONMENT CONSULTANTS  
 Melbourne: 1 Dandenong Road, Malvern 3144 Ph (03) 9524 8999  
 Brisbane: 95 Bloor Street, Stirling 4068 Ph (07) 5227 2000  
 Traralgon: 15 Malvern Street, Traralgon 3844 Ph (03) 67 78 0274  
 Warragul: 124 Gables Street, Warragul 3516 Ph (03) 5552 2330  
 Geelong: 45 Melbourne Street, Geelong 3220 Ph (03) 5214 146 3872  
 Melbourne: 119 Corporation Street, Melbourne 3000 Ph (03) 9147 2126

SURVEY	PJ	PS 7777	MUNICIPALITY:	LATROBE CITY COUNCIL
DESIGN	JMB	Version Reference: 100	SCHEME:	PROPOSED 4 LOT LDRZ SUBDIVISION - 85 COONOC RD, TRARALGON
DRAWN	JMB	©COMPENET		STORMWATER MANAGEMENT PLAN
CHECKED	PI		PRINCIPAL:	WH & AH BECKER

Scale: AS SHOWN @ A1 SIZE	Drawing No:	REV
	1101236-D01	P3
	Sheet 1 of 1	







**History of Application**

14 February 2012	Planning Permit application received by Council.
5 March 2012	Request for further information pursuant to 54(1) of the <i>Planning and Environment Act 1987</i> (the Act) was sent to the applicant.
28 March 2012	Information was submitted by the applicant to respond to Council's further information request.
30 April 2012	Letter was sent to the applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers, as well as placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the Act.
2 May 2012	Application was referred to authorities internally and externally in accordance with Sections 52 and 55 of the Act.
9 – 18 May 2012	Two objections to the application (from adjoining owners / occupiers) received.
23 May 2012	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
31 May 2012	Objection received from the West Gippsland Catchment Management Authority (WGCMA), in accordance with Section 52 of the Act.
26 June 2012	A written response to the objections was received from the applicant.
5 July 2012	Further to discussions between the applicant and WGCMA, a revised referral response was received from WGCMA, stating that WGCMA does not object to the proposed subdivision subject to conditions.
May to August 2012	Referral responses received from APA Group, Gippsland Water, SP-AusNet Electricity, Telstra, as well as Council's Health, Infrastructure Planning Departments. No objection from any of the authorities.
20 November 2012	Application was referred to the Environment Protection Authority (EPA) in accordance with 52 of the Act, as the subject site is partly affected by the Australia Paper Amenity Buffer.
21 November 2012	Request for additional information sent to the application. Further justifications requested from the applicant as to how the proposal is consistent with the draft Traralgon West Structure Plan
13 December 2012	Additional information received from the applicant
14 December 2012	Referral response received from EPA, stating that EPA does not support Council issuing a planning permit for the proposed subdivision.
4 March 2013	Application considered by Council at its Ordinary Meeting. Council resolved: 1. That this item be deferred for 2 weeks so that

	<p>information provided by the applicants can be addressed by Councillors.</p> <p>2. That Councillors be provided with preliminary information on the costings and feasibilities of running a piped drain from the precinct to Riddles Creek.</p>
18 March 2013	<p>Application considered by Council again, at its Ordinary Meeting. Council resolved:</p> <p>1. That Council would appreciate the opportunity to consider an application for a four lot subdivision at 85 Coonoc Road, Traralgon</p>
25 March 2013	<p>Council received an amended application to change the proposal from a 5 lot subdivision to a 4 lot subdivision at 85 Coonoc Road Traralgon.</p>
March – April 2013	<p>Amended application re-referred and re-advertised in accordance with Section 57B and 57C of the Act.</p>
April – May 2013	<p>Referral response received from APA Group, Gippsland Water, SP-AusNet Electricity. No objection received from these utilities authorities.</p>
30 April 2013	<p>Referral response received from the WGCMA. No objection subject to conditions requiring preparation of an appropriate waterway management plan.</p>
3 May 2013	<p>Objection received to the amended application</p>
23 May 2013	<p>The applicant submitted a written response to the objection received on 3 May 2013</p>

## **Latrobe Planning Scheme**

### **State Planning Policy Framework:**

- Clause 11.05 Regional Development
- Clause 14.02-1 Catchment Planning and Management
- Clause 14.02-2 Water Quality
- Clause 19.03-2 Water Supply, Sewerage and Drainage
- Clause 19.03-3 Stormwater

### **Municipal Strategic Statement:**

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.03-5 Water Quality and Quantity Overview
- Clause 21.04-3 Rural Living Overview
- Clause 21.5 – Main Towns

### **Zoning:**

The subject site is zoned Low Density Residential Zone

### **Overlays:**

The subject site is not affected by any overlays.

### **General Provisions:**

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

### **Incorporated Documents:**

No incorporated documents are considered to be relevant to this application.

### **Relevant Strategic Planning Policies / Plans:**

It should be noted that the subject site is affected by the draft Traralgon West Structure Plan







**CMA Application No:** WG-F-2012-0215-LAT  
**Document No:** 1  
**Council No:** 2012/38  
**SPEAR No.:** S020630V  
**Date:** 31 May 2012

Jacklyn Hiriaki  
Planning Officer  
Latrobe City Council  
PO Box 264  
Morwell Vic 3840

Dear Jacklyn,

**Application Number (CMA Ref):** WG-F-2012-0215-LAT  
**Section:** 52  
**Location Street:** 85 Coonoc Road, Traralgon, VIC 3844  
**Cadastral:** Lot 7, LP86033, Parish of Traralgon

I refer to your correspondence dated 2 May 2012, received at the West Gippsland Catchment Management Authority on 2 May 2012 in accordance with the provisions of *Section 52* of the *Planning and Environment Act 1987*.

Below is the Authority's understanding of the application:

The applicant(s), W & A Becker  
Represented by Gwen Hickman, Beveridge Williams and Co Pty Ltd

Propose the following;

**Proposed Development Type:** Subdivision Only  
**Proposed Development Description:** Five lot subdivision

on the abovementioned proposed development location

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme;

**Zone(s):** LDRZ - Low Density Residential Zone  
**Overlay(s):** -

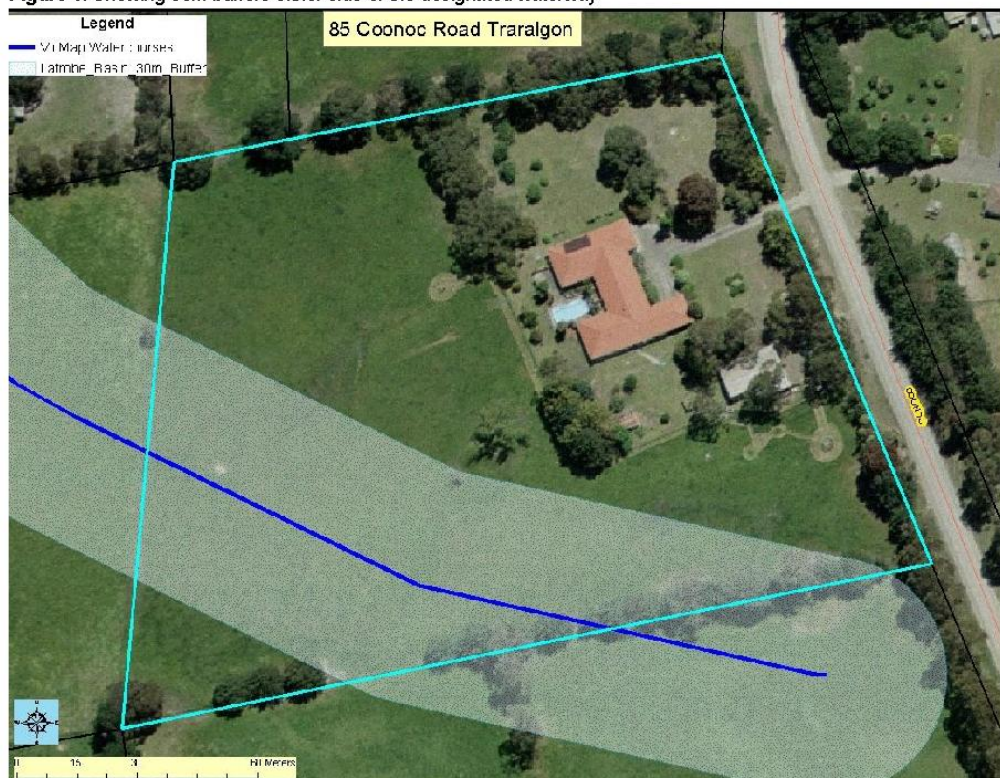
The Authority does not have any official record of flooding for the property described above on which to base its assessment. However mapping available to the Authority indicates that a designated waterway runs through the property with the proposed Lots 3, 4 & 5 being the parcel of land affected. See Figure 1.

The State Planning Policy Framework outlines strategic issues of State importance which must be considered when decisions are made for such development. Specifically Clause 14.02-1 of the Victorian Planning Provisions (Catchment Planning and Management) provides the following strategies that outline how the objective of the policy is to be achieved:

- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.
- Retain natural drainage corridors with vegetated buffer zones **at least 30m wide along each side of a waterway** to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses”
- Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.
- Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
- Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their in stream uses.
- Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.
- Require the use of appropriate measures to restrict sediment discharges from construction sites.

A Designated Waterways has been identified in Figure 1 and requires protection through the creation of a reserve which includes an ecological buffer of 30 metres either side of the designated waterway from the top of bank, or a buffer based on a flood study which identifies the 100 year flood extent, which ever is the greater. Such reserves should be vested in Council to ensure the area is maintained sustainably for the long term.

Figure 1: Showing 30m buffers either side of the designated waterway



In addition to the requirements under Clause 14.02-1 of the Planning Scheme any works within 30m of the waterway will require a Licence from the WGCMA under the Water Act 1989. It is noted that the development proposes stormwater quality and quantity works within the waterway corridor which will require a separate approval from the Authority. The Authority does not support the proposed treatment of the developments stormwater within Lot 4 as the Authority does not believe that a single landowner can be relied upon to adequately perform the necessary maintenance and manage the risks associated with the long term sustainability of the infrastructure.

In light of the above information the Authority **objects** to the granting of a permit based on, but not limited to, the following:

1. The proposed development is not consistent with the objectives of the State Planning Policy Framework, clause 14.02-1 – Catchment Planning and Management: To retain natural drainage corridors with vegetated buffer zones **at least 30m wide along each side of a waterway**

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact Adam Dunn on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0215-LAT** in your correspondence with us.

Yours sincerely,



**Martin Fuller**  
**Chief Executive Officer**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or Latrobe City Council.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.



CMA Application No: WG-F-2012-0215-LAT  
Document No: 3  
Council No: 2012/38  
SPEAR No: S020630V  
Date: 30 April 2013

Carol Lok  
Planning Officer  
Latrobe City Council  
Po Box 264  
Morwell Vic 3840

Dear Carol,

**Application Number (CMA Ref):** WG-F-2012-0215-LAT  
**Section:** 52  
**Property Street:** 85 Coonoc Road, Traralgon, Victoria 3844  
**Cadastral:** Lot 7, LP86033, Parish of Traralgon

I refer to your correspondence dated 17 April 2013, received at the West Gippsland Catchment Management Authority on 17 April 2013 in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*.

Below is the Authority's understanding of the application:

The applicant(s), W & A Becker  
Represented by Nicole Stow, Beveridge Williams and Co Pty Ltd

Propose the following;

**Proposed Development Type:** Subdivision Only  
**Proposed Development Description:** Four lot subdivision – revised plan received 17/4/13

on the abovementioned proposed development location.

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme:

**Zone(s):** Low Density Residential Zone (LDRZ)  
**Overlay(s):**

As advised in previous correspondence regarding this application, the Authority has met with the developers' representatives to discuss the proposed management arrangements for stormwater drainage treatment and the waterway area in the proposed Lot 4. The Authority supports the revised plan of subdivision into 4 lots.

In light of the above information, the Authority **does not object** to the granting of a permit, subject to the following conditions:

- Prior to the Certification of the Plan of Subdivision, a Water Management Plan for the proposed Lot 4 must be prepared to the satisfaction of the WGCMA and the Responsible Authority, and must be submitted to and approved by the Responsible Authority. The plan must address the following:
  - a. Location of the Waterway Management Area within Lot 4;
  - b. A Landscape Plan showing the revegetation of the Waterway Management Area with an appropriate selection of indigenous vegetation in accordance with the Ecological Vegetation Class;
  - c. Ongoing maintenance plan of the revegetated area, including weed eradication.
  - d. Exclusion of grazing animals from the Waterway Management Area.

When approved, the Waterway Management Plan will be endorsed and will then form part of the permit.

- Prior to the Issuing of Statement of Compliance for the subdivision, the revegetation works as required in the approved and endorsed Waterway Management Plan must be completed to the satisfaction of the WGCMA.
- Prior to the Issuing of Statement of Compliance 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:
  - e. The owner of Lot 4 shall be responsible for the implementation of the Waterway Management Plan approved and endorsed to this permit, to the satisfaction of the WGCMA.

The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

- Prior to the Issuing 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:
  - A photocopy of the duplicate Certificate of Title; or
  - A current title search"

In accordance with *Section 66 of the Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0215-LAT** in your correspondence with us.

Yours sincerely,



**Adam Dunn**  
**Statutory Planning Manager**

Cc: W & A Becker C/- Beveridge Williams and Co Pty Ltd

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Please note that the 1%probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1%probability flood may occur in the future.

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7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.





Our Ref: 62229 – PL8388  
Your Ref: 2012/38

14 December 2012

Jacklyn Hiriaki  
Planning Officer  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

Dear Jacklyn,

APPLICATION NO. 2012/38, 5 LOT SUBDIVISION, 85 COONOC ROAD,  
TRARALGON (SPEAR REF S020630V)

Thank you for your referral dated 20 November 2011 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 low permeability subsoil and poorly drained  
subsoil. The report also mentions a swale and frequently saturated soil.



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

PW 9/15  
Carol



GIPPSLAND'S CHOICE FOR QUALITY  
REFRIGERATED PRODUCE HAULAGE  
PO Box 971 - 2 Deakin St. Traralgon Victoria 3844  
Telephone: (03) 5174 2759 Fax: (03) 5174 2570  
■ Gino 0418 598 525 ■ Damian 0418 318 787  
Email: gino@tripodi.com.au  
ABN 59 088 443 574 - ACN 088 443 574

3<sup>rd</sup> May 2013

To Whom it may Concern;

RE: application reference 2012/38

Our position is unchanged, we still object, purely for the reason, that no matter if it is 5 or 4 blocks; there will always be inadequate water run-off collection.

Our current property has run-off from there, as well as the council had installed a culvert, which used to pass water into our dam. Now that there is no dam, we have water flowing in not just from the Beckers place, but from the council's culvert, which has no purpose.

Unless the water collection from Beckers subdivision, can be proved to be adequate, at this point, our objection stands.

Thank you.

Gino Tripodi

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*Our business is like yours... Still growing!*  
- Gino Tripodi -

*pw 22/5  
sackelgn*

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16<sup>th</sup> May 2012

To Whom It May Concern,

Re:- Reference No. 2012/38  
WH Becker and AH Becker

We oppose the subdivision, as we feel water catchment is at a bare minimum.

If the "developer" can build any supply efficient storm water and water catchment to suit beyond the environmental studies partaken, then we would have no objections.

Simply the excess water run off will go into our property and make it difficult for any development we may wish to do in the future. We have (in 1978) forsaken some of our land for road development (Regan Rd) and do not wish to forsake our land for "water catchment" at our expense, to benefit our neighbour.

Thank you for the opportunity but we object to this development as your environmental study is not sufficed.

Thank you

Gina Tripodi

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Brian and Lynda Pinches  
365 Old Melbourne Road  
Traralgon, 3844,

7/5/2012

51744253

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Latrobe City Council

PO Box 264

Morwell 3840

Re: 2012/38 OBJECTION Letter

To the Latrobe City Council,

We object to the subdivision being proposed for 85 Coonoc Road Traralgon application reference 2012/38 for the following reasons:

1. We feel as per the sub division put in next to this one that there is no method of getting rid of the storm water from the roofs of five houses other than what is being done next door where the water is being piped to my fence and then being released via a culvert grate on to my property. So is this going to happen again with this storm water? This is because I am down hill of this position and per the subdivision next door the Latrobe City Council do not care about the effected land holders after the subdivision has been put in. Refer to correspondence and meeting notes with planning department.
2. The septic water will run off will come on to my property due to the poor level of soil and the low percolation test of the soil. This is due to my property being downhill of this proposed subdivision.

What guarantee do we have that if this subdivision is granted that the council will care what happens to the other land holder? From person experience I have found the council do not care once a permit is approved so we oppose this subdivision.

Yours:

Brian and Lynda Pinches

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## Beveridge Williams

OUR REF: 1101236  
OFFICE: TRARALGON

22 May 2013

Chief Executive Officer  
Latrobe City Council  
PO Box 264  
**MORWELL VIC 3840**

Attention: Carol Lok – Consultant Planner

Dear Carol

**RE: APPLICATION FOR PLANNING PERMIT NO. 2012/38  
FOUR (4) LOT SUBDIVISION  
85 COONOC ROAD, TRARALGON**

We refer to the above planning permit application and confirm that we are in receipt of one objection from G Tripodi. We wish to provide the following response to the issues raised.

### Response to objection point 1

The objector is concerned that excess stormwater runoff resulting from the proposed development will adversely impact his property.

The stormwater management proposal included in the planning permit application allows for the collection of stormwater runoff from roofs into a network of underground drainage pipes which direct all pipe flows to an area where the stormwater is then treated and retarded through a combination of swale drains and retarding basin. The stormwater management plan also proposes the use of rainwater tanks on each allotment for the purpose of reuse through new dwellings (toilets and washing machine) and irrigation.

The treatment process is intended to reduce pollutants and nutrients from the stormwater prior to discharge from the site, and the proposal is in accordance with Council requirements to meet current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater – Best Practice Environmental Guidelines (CSIRO) 1999*.

Another requirement from Council is to restrict stormwater discharge from the development to pre-developed levels up to the 1 in 100 year ARI storm event. The proposal achieves this through the use of a retarding basin located within Lot 4. An outlet control will restrict outflows from the retarding basin to the appropriate pre-developed rate. Discharge from the retarding basin will be within Lot 4 (into the watercourse) and not at the boundary of the development. These measures will ensure that properties both upstream and downstream of the site do not experience any detrimental impacts resulting from increased flows or flooding as a result of the proposed development.

[www.beveridgewilliams.com.au](http://www.beveridgewilliams.com.au)



### **Beveridge Williams & Co Pty Ltd**

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environmental consulting  
contamination assessment

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Malvern Vic 3144  
PO Box 61  
Malvern Vic 3144  
ph: 03 9524 8888

#### **Bairnsdale**

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

#### **Ballarat**

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

#### **Geelong**

40 Bellerine Street  
Geelong Vic 3220  
ph: 03 5222 6563

#### **Leongatha**

45A Bair St  
PO Box 161  
Leongatha Vic 3953  
ph: 03 5662 2630

#### **Sale**

45 Macalister St  
Sale Vic 3850  
ph: 03 5144 3877

#### **Traralgon**

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

#### **Wonthaggi**

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



Quality  
ISO 9001  
SAI GLOBAL  
Melbourne





Response to objection point 2

This objection can be summarised as an issue relating to stormwater runoff discharging from an existing culvert in Reagans Rd and passing through the objector's property.

This issue is completely unrelated to our client's proposed subdivision at 85 Coonoc Rd and should therefore be dismissed as irrelevant.

We are of the opinion that there is no basis to the concerns raised in the objection and request that Council continue its assessment of the application with a view to granting a planning permit.

Should you require any additional information, please do not hesitate to contact the writer on 51760374.

Yours faithfully

**BEVERIDGE WILLIAMS & CO PTY LTD**

A handwritten signature in black ink, appearing to read 'Nicole Stow', written over a dotted horizontal line.

**NICOLE STOW**

Senior Town Planner



Ms. Carol Lok  
Town Planner Consultant  
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](http://www.epa.vic.gov.au)

28/06/2013

Reference: 5003591

Dear Ms. Lok

**RE: PLANNING PERMIT APPLICATION: 2012/38**  
**PROPOSAL: 4 Lot Subdivision**  
**PREMISES ADDRESS: 85 COONOC RD, TRARALGON VIC 3844**

Thank you for your correspondence in relation to the above application, referred to EPA on 17/04/2013.

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 Land Capability Assessment (LCA) (Land Safe, dated 25 March 2013), provided based on amendments to the application from 5 to 4 Lots. The report provides recommendations for the on-site treatment of wastewater and stormwater diversions for the proposed Lots (including the existing dwelling) in accordance with EPA's Guidelines for Environmental Management - Code of Practice Onsite Wastewater Management (EPA Publication 891.3, 2013). EPA remind 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 allotments are capable of treating and retaining all wastewater within the allotment boundary. Consideration of the recommendations within the LCA 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



Garry Kay  
Team Leader  
Gippsland Field 1  
EPA Victoria

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

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to further consider the potential discontinuance and sale of part of Catterick Lane Traralgon.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

***Latrobe 2026: The Community Vision for Latrobe Valley***

*Strategic Objectives - Governance*

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

***Latrobe City Council Plan 2013 - 2017***

Advocacy for and consultation with our community

*Strategic Direction*

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

*Legislation*

Local Government Act 1989

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

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

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

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

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

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

*Policy*

Council has not adopted a policy relating to the discontinuance of roads. Council has previously discontinued roads and laneways and sold the land to adjoining property owners, Blundell Lane Traralgon being the most recent. The *Sale of Council Property Policy* and the *Local Government Best Practise Guideline for the Sale, Exchange & Transfer of Land* is applicable.

**BACKGROUND**

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

Catterick Lane was originally created as road reserve in 1950 on Plan of Subdivision LP 20160. The laneway is contained in Certificate of Title Volume 7239 Folio 603, registered in the name of Australian Paper Manufacturers, the original owner and subdivider of the land.

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

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

*“That Council:*

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

In response to public consultation three submissions were received and these were considered at the 4 February 2013 Ordinary Council Meeting. Details of these submissions are provided below in “*Internal/External Consultation*” section of the report.

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

After the submissions received at the 4 February 2013 Ordinary Council Meeting, Council subsequently resolved:

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

### **ISSUES**

Catterick Lane is a narrow laneway being 3 metres wide, bounded by high fences either side. Current planning conventions, supported by the Local Planning Policies and the Municipal Strategic Statement would not support such narrow pedestrian laneways being incorporated into a new residential subdivision. Pedestrian paths provided in a new subdivisions are designed and constructed as part of a wider public open space area to provide greater visibility and improve public safety.

Council, pursuant to the Local Government Act 1989 and also the Road Management Act 2004 is the designated Road Management Authority being responsible for the care and management of this section of laneway.

Pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, Council is empowered to discontinue a road reserve or part thereof and if it desires sell the land whether or not it is the registered owner. The land vests in the name of Council from the date that the road discontinuance order is published in the Government Gazette. This notice will generally free the land of encumbrances and brings it in under the operation of the Transfer of Land Act 1958.

The applicants (the owners of 13 Bernard Avenue and 38 Washington Street) have advised that there have been numerous acts of vandalism and anti-social behaviour that have occurred in the laneway. There have also been incidents of property damage when neighbouring homes have had rocks thrown on roofs during the night by people walking through the laneway and items have been stolen from a work vehicle.

Council has discontinued a number of laneways in the past and the above claims of anti-social behaviour are consistent with those made by residents that have previously requested Council close a laneway to pedestrian traffic. The most recent laneway discontinued was between Blundell Court and Grey Street Traralgon.

Policing issues associated with this laneway was discussed with a representative of the Traralgon Police who was of the opinion that generally there was no significant difference in reported incidents of anti-social behaviour in laneways situated in a residential area compared to those that occur in residential streets. Laneways with bollards at entrances do prevent police vehicles accessing the lane and it was also mentioned that laneways provide a point of trespass/burglary in adjoining properties.

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

It is calculated that using Garibaldi Street instead of Catterick Lane would add an additional 170 metres to a pedestrian journey. This is an additional distance of 85 metres from Garibaldi Street to both laneway entrances on Bernard Avenue and Washington Street

### **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 discontinuance and sale of this part of Catterick Lane will reduce ongoing inspection and maintenance costs and remove the potential for any public liability claim resulting from injury to persons or damage to private property.

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victorian Government Gazette.

Should Council resolve to discontinue and sell part of Catterick Lane, all survey and legal costs associated with the transfer of the land would be borne by the applicants.

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

### **INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

The initial community consultation following the 3 December 2012 Ordinary Council Meeting involved the following:

- Public Notices published in the Latrobe Valley Express Thursday 6 December 2012, Monday 10 December 2012 and Monday 7 January 2013.
- A letter inviting comment from Kosciuszko Primary School was mailed on the 12 December, 2012.

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

- On the 11 December, 2012 letters were mailed to property owners within a target area east of the Traralgon Sports Stadium and Kosciuszko Primary School, south of Garibaldi Street and west of Ambrose Avenue, refer attachment 5. In total 109 letters were sent to residential properties as the occupants were potential users of the laneway as it offers a direct line access to both the Traralgon Sports Stadium and the Kosciuszko Primary School.
- Three laminated public notices were attached to fences in Catterick Lane.

Further community consultation followed the 4 February 2013 Ordinary Council Meeting. This involved letters being sent to the Kosciuszko Street Primary School and 109 residents in the vicinity of Catterick Lane Traralgon. These letters invited community comment concerning a proposal to close part of Catterick Lane Traralgon and sell the land by private treaty to the adjoining owners.

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

Initial community consultation:

In response to the initial community consultation (i.e. public notices, the 109 letters to nearby residents), Council received submissions objecting to the proposal from the residents of 9, 15 and 16 Bernard Avenue, refer attachment 3.

All three objections state that children regularly use the lane to go to and from school, the Catterick Crescent sporting oval and the Traralgon Sports Stadium. Two residents also advised that they use the lane regularly and the laneway provides a safe crossing location in Washington Street.

One objector expressed concern that *“the sale of the laneway will only benefit one or two adjoining landowners to the detriment of other rate payers and residents of the area.”* This objector has stated that they wish to address Council and speak in support of their submission

In addition to receiving the three objections, a Council Officer contacted the Kosciuszko Primary School to enquire if the school intended to lodge a submission and was advised by the School Principal the school would not be submitting a formal submission. The Principal further stated that they had consulted a number of students who walk to and from school who may elect to use the Catterick Lane and these students stated that they did not use the laneway.

Second round of community consultation:

A further two submissions were received in response to the second round of community consultation. One supported the proposal whilst the second submission objected to the proposal, refer attachment 4.

These two submissions are summarised as follows:



Support for the proposal-

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

Objection to the proposal-

- Regularly use laneways when out walking;
- Concerned that a precedent is established to sell off other laneways; and
- Of the opinion that the state of many laneways is due to the lack of maintenance by both residents and Council.

Refer attachment 5 displaying the neighbourhood mail out area and the five submissions.

### **OPTIONS**

Council may resolve to either:

1. Discontinue the road reserve and sell the land to the two applicants.
2. Not proceed with the road discontinuance and decline to sell the land.

### **CONCLUSION**

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

It is considered that the proposed discontinuance of this section of Catterick Lane would not have a significant impact on pedestrian traffic as there are alternative access routes in the immediate area. It would also eliminate the instances of antisocial behaviour and property damage that occur within the laneway.

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

#### **Attachments**

1. Joint Application Letter
2. Locality Plan.
3. Submissions following 3 December 2012 Ordinary Council Meeting.
4. Submissions following 4 February 2013 Ordinary Council Meeting.
5. Plan of Resident mail out area, Submissions and Applicants
6. Photo of Catterick Laneway.

RECOMMENDATION

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

1.

**Moved:** Cr White  
**Seconded:** Cr Sindt

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White

**Against the Motion**

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

**The Mayor confirmed that the Recommendation had been LOST**

**ALTERNATE MOTION**

1. That officers investigate alternatives to full closure and sale of Catterick Lane, Traralgon and report back to Council by the first Council meeting in September 2013.
2. That Council officers have discussions with the Victoria Police about abatement procedures for the vicinity of Catterick Lane, Traralgon to stem the antisocial behaviour in that area.

**ALTERNATE MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibbons

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**

## **9.2**

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

<b>1</b>	<b>Joint Application Letter.....</b>	<b>133</b>
<b>2</b>	<b>Locality Plan.....</b>	<b>135</b>
<b>3</b>	<b>Submissions following 3 December 2012 Ordinary Council Meeting.....</b>	<b>137</b>
<b>4</b>	<b>Submissions following 4 February 2013 Ordinary Council Meeting.....</b>	<b>143</b>
<b>5</b>	<b>Plan of Resident mail out area, Submissions and Applicants .....</b>	<b>145</b>
<b>6</b>	<b>Photo of Catterick Laneway.....</b>	<b>147</b>



13/06/12

To Whom It May Concern

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

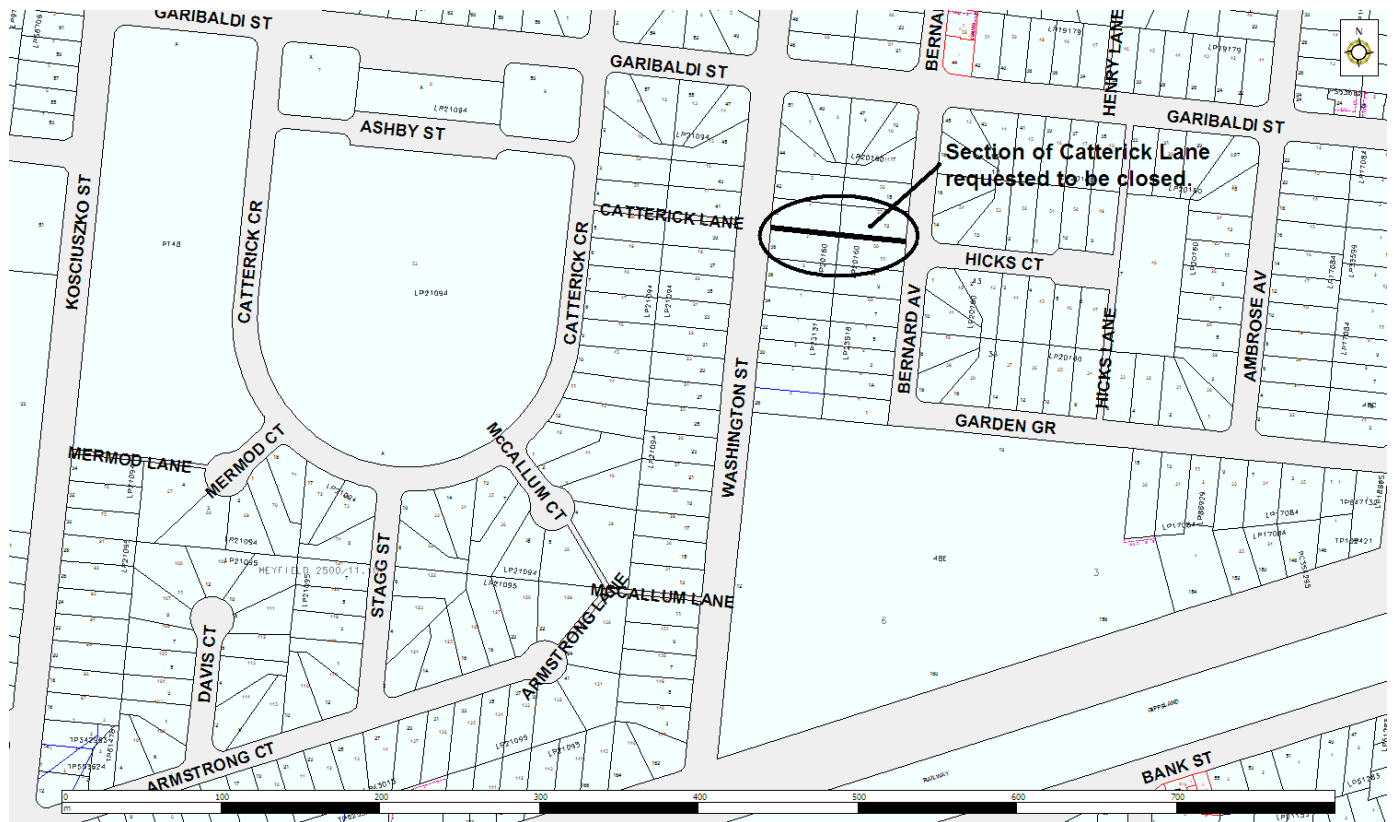
We have had vandalism to the laneway, people drinking in the lane at night, throwing rocks from the lane on our roof were on one occasion my house window was smashed, a drunk person trespassing on our property and tools stolen from my work ute when parked in my drive way alongside the laneway, after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

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

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

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









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TRARALGON  
7/1/13

HENRY MORRISON  
CO-ORD - PROP & STAT SERV.  
LATROBE CITY,  
BOX 264  
MORWELL 3840

Dear Sir, RE: CLOSURE PART CATTERICK  
LANE, TRARALGON.

This lane is used by children  
going through to schools and  
sports grounds. Why close it?

Yours faithfully,  
H. Morrison  
( )

Chief Executive Office  
 Latrobe City Council  
 P.O. Box 264  
 Morwell 3840

<b>LATROBE CITY COUNCIL</b>	
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Dear Sir,

Re - Closure Part Catterick Lane,  
 Traralgon.

We wish to make a submission to Council  
 to consider keeping this lane open for  
 use by the public.

1. School children use it to go to  
 Kosciuszko St. School and  
 the Secondary school also in  
 Kosciuszko Street.
2. We use it to go through to  
 Catterick Crescent also.

We will not be wanting to address Council.  
 Thankyou for the opportunity to make a  
 submission on this matter.

Chief Executive Officer  
 Latrobe City Council  
 PO Box 264  
 Morwell 3840

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RECEIVED  
 11 JAN 2013  
 BY: HSNK

9<sup>th</sup> January 2013

Dear Sir,

**Re: Closure Part Catterick Lane, Traralgon**  
**Your Ref: HJM:CA**

We refer to your letter dated the 11 December 2012 regarding the request to close part of Catterick Lane, Traralgon and sell the land to the adjoining owners and advise that we wish to express our objection to this closure and sale of public land.

The land in question is a fully sealed concrete laneway in good condition. The laneway requires little maintenance by council and the ongoing costs of maintenance by Council would be negligible within the foreseeable future. The laneway is adequately fenced with two of the adjoining land owners having recently constructed new paling fences and the remaining two adjoining landowners having maintained their boundary fences.

The laneway is regularly used by our family, neighbours, many school aged children and other local residents. During the school year you can witness numerous children use the laneway to safely walk to and from the Kosciuszko Street Primary School and Lavalla Catholic College. The use of the laneway places the children at a safe location on Washington Street to cross the road where they are only required to navigate two lanes of traffic which are generally slowing as there are speed humps on the road to the highway end of Washington Street, a short distance from the laneway and a roundabout to the Garibaldi Street end of Washington Street. The children then use the other connecting laneways being the balance of Catterick Lane and for the senior school Mermod Lane to safely arrive and depart school. This route provides safe crossing locations, generally light traffic flow and a sealed and safe pathway to and from their school. Council should be committed to ensuring safe routes to schools and public sporting areas used by children exist and continue to be encouraging the youth of the municipality to be active and fit by walking and riding to school.

Further to this other children who do not attend these schools and adults who live within the area use the laneway on a regular basis to traverse to and from the Traralgon Basketball Stadium and Catterick Crescent sporting oval for various sporting pursuits including junior football practice, junior and senior cricket practice and games, junior and senior basketball practice and games, senior netball

competition and badminton competition. Further to this we were under the impression that Council had been considering the development of Catterick Crescent sporting oval and basketball stadium in the recent past as a location for the new Traralgon Leisure Centre. It would be highly short-sighted of Council to consider selling an adjoining and currently well used pedestrian access to these publicly owned sports facilities, which may be further developed in the future and that would create an even higher traffic flow to the area than currently experienced. A recent example of higher pedestrian traffic using the laneways occurred when the basketball stadium hosted Commonwealth Games group matches, the roadways including Bernard Avenue had additional traffic using the surrounding streets for parking due to limited car parking at the venue, accordingly the laneways were used to access the venue easily. If Council intended to support other major events being hosted in the municipality, in this case at the basketball stadium and Catterick Crescent reserve these additional pedestrian routes are necessary.

As parents of a young child we also regularly use the park and equipment located at the bottom of Hicks Court, since receiving your letter we have spoken to several parents with children using that park who have indicated that they live in Kosciuszko Street, Armstrong Court, Catterick Crescent and Washington Street and that they and their children use the laneways to safely and conveniently access Burge park. Limiting other local resident's access to another public owned park would be a consequence of closing the laneway.

We are also aware of several elderly neighbours in Bernard Avenue and Garden Grove who no longer or rarely drive and use the laneway to visit other friends and family who live on Washington Street and the streets around Catterick Crescent. If Council was to close this laneway it may result in some elderly members of our community who are already limited in mobility being unable to as easily access their support network and social circle.

The sale of this property to one or two adjoining landowners would create little in the way of revenue for Council, the sale price given the dimensions of the land would only raise several thousand dollars per sale in a one off transaction and the ongoing additional rates Council could raise against the landowners would not be a significant increase to the existing rates already charged to the landowner. As a Solicitor, in my experience with these types of dealings by other Councils the majority of funds spent or received are allocated to both the Councils and the adjacent landowner's legal and surveying costs, not the sale price. Council has already spent significant funds on the laneway when it was sealed and will be unlikely to be required to spend further funds on maintenance in the near future. The sale of this laneway will only benefit one to two adjoining landowners to the detriment of other rate payers and the residents of the area. The sale of what is effectively a sealed driveway, to one or two landowners to enable them to extend sheds, store caravans, campers, boats or vehicles is not a reasonable or appropriate reason for Council to sell public land that is currently and regularly used by other rate payers to access other publicly owned facilities and schools. Further Council should keep this land as there is a continued and ongoing need for access to the nearby schools and any future development of Catterick Crescent sporting facilities by Council or use of the facilities for any major events will create additional traffic to the venues and a continued need for pedestrian access to and from the sporting venue. As Council is aware the process of acquiring

land from private land owners if in the future Council was required to provide these additional access routes is not a simple process and can be costly to Council.

We have lived in Bernard Avenue for about 12 years, during our residence in this area there has been little evidence of any antisocial behaviour occurring in the laneway, any argument that the lane should be closed to prevent these types of behaviours occurring is in our opinion unjustified.

Our family uses the laneway on our own regular walks and to access the sports facilities at Catterick Crescent and we hope as our children reach school age their school. We have and continue to witness others regularly using the laneway whilst walking, jogging, biking or walking their dogs. Council is aware that the Latrobe City has a statistically high obesity rate and should be committed to ensuring that any publicly owned land that is currently used by the public for exercise or as in this case to access additional exercise facilities remains available for the public to use. Council should also remain committed to providing safe routes to and from schools and these sporting venues, this laneway currently provides this. We hope that Council consider our objections carefully and keep the interests and wellbeing of the majority of residents and ratepayers at the forefront of their decision making along with the foresight to protect publicly owned assets for use should future developments occur. We are happy to support our written submission verbally at the forthcoming Council meeting, I have enclosed my business card which has my contact details should any representative from Council need to discuss this matter further during business hours.

We look forward to hearing from Council regarding this matter in due course.

Yours Faithfully,



TRARALGON VIC 3844

23 March 2013

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

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Dear Mr Morrison

**CLOSURE OF PART CATTERICK LANE, TRARALGON**

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

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

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

Yours sincerely



**Henry Morrison**

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

Your Ref: HJM:CA

Dear Henry,

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

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

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

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

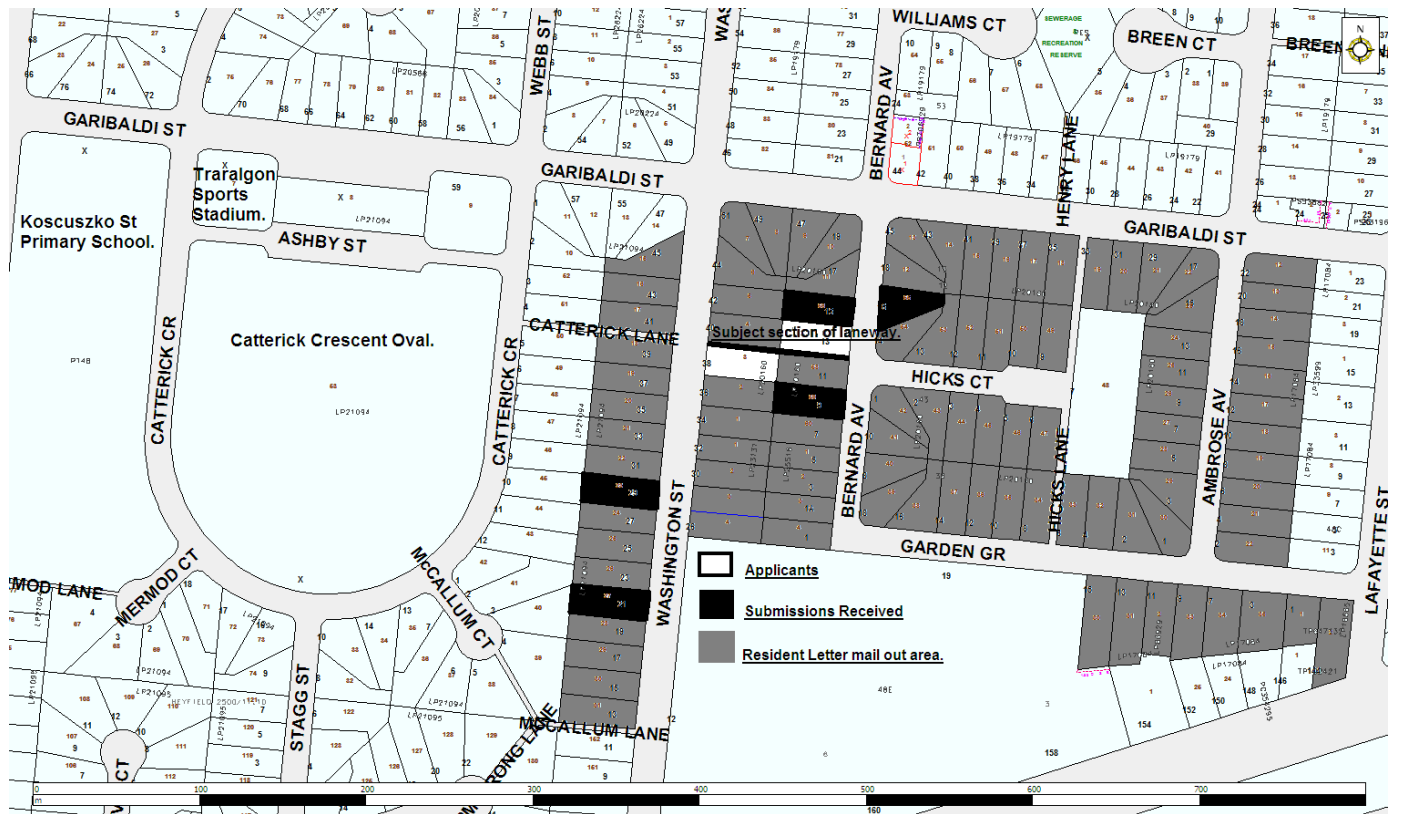
I would be very concerned about the precedent this would set if this laneway was to be sold by Council. Would it then set the fate of all the other similar laneways in Traralgon?

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

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

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

Regards





**Photographs**



**9.3 PLANNING PERMIT APPLICATION 2012/275, THREE DWELLINGS ON A LOT AND A THREE LOT SUBDIVISION, 11 WEBB STREET, TRARALGON**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/275 for the development of three dwellings and a three lot subdivision at 11 Webb 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 2013-2017.

**Latrobe 2026: The Community Vision for Latrobe Valley**

*Strategic Objectives – Built Environment*

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

**Latrobe City Council Plan 2013 - 2017**

*Strategic Direction – Built Environment*

- *Promote and support high quality urban design within the built environment; and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

**Legislation –**

The discussions and recommendations of this report are consistent with the provisions of the Planning and Environment Act 1987 (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

**SUMMARY**

Land: 11 Webb Street, Traralgon, known as Lot 89 on PS 20566  
Proponent: JJC Design  
Zoning: Residential 1 Zone  
Overlay: No overlays

A Planning Permit is required to subdivide land in accordance with Clause 32.01-2 Residential 1 Zone.

A Planning Permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.01-4 Residential 1 Zone.

**PROPOSAL**

The proposal is for three (3) dwellings on a lot and a three lot subdivision. As submitted by the applicant, details of the proposal are as follows:

Proposed dwelling 1 will contain 2 bedrooms, a kitchen, living and dining area and bathroom. It is located 6.2 metres from the Webb Street frontage, with the entrance addressing the Webb Street road frontage. Access to the single garage space will be achieved via a new access way. The floor area of the proposed dwelling will be 121 square metres.

Dwelling 2 is proposed be a two storey dwelling and contain a kitchen, living and dining area, laundry and bathroom on the ground floor. On the first floor of the dwelling will be two bedrooms, one of which will be a master bedroom with ensuite. A single garage space has been provided for the dwelling. The entrance and garage will address the common property and access will be provided via the common property crossover. The floor area of the dwelling will be 151 square metres.

Proposed dwelling 3 will be single storey with a 'semi-detached' form at ground floor level with dwelling 2. It is however only a single storey development. It will contain 2 bedrooms, a kitchen, living and dining area and bathroom. A single garage space has been provided for the dwelling. The entrance and garage will address the common property and access will be provided via the common property crossover. The floor area of the dwelling will be 112 square metres.

A copy of the plans can be found at Attachment 1.

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

### Subject Land:

The subject site is irregular in shape and is located on the western side of Webb Street in Traralgon. It has a frontage to Webb Street of 18.29 metres, a depth of 45.67 metres on the northern boundary and 44.28m on the southern boundary. The western boundary has a length of 15.24m and the site has an overall area of 752.9 square metres. There is a 2.0 metre wide drainage and sewerage easement running along the western boundary. The site is virtually flat.

The site is currently vacant and does not have any significant vegetation.

The site is located approximately 1.2 kilometres from the Traralgon Primary Activity Centre. There are neighbourhood activity centres in close proximity to the site.

### Surrounding Land Use:

Webb Street is part of an established residential area of Traralgon. The neighbourhood consists generally of detached, single storey modest dwellings built predominantly in the 1950s and 1960s. Lots sizes vary from 700 square metres to over 1100 metres squared. The average lot size is approximately 800 square metres. The subject site is within walking distance of Primary and Secondary school located on Kosciusko Street, and is within distance of a local bus route which connects to Traralgon CBD.

The use and development of land surrounding the subject site can be summarised as follows:

North	The dwelling at 13 Webb Street is a 1950/60s weather board dwelling with a tiled roof and has a front setback from Webb Street of approximately 6 metres.
South	The dwelling at 9 Webb Street is 1950/60s weather board dwelling with a tiled roof has a front setback from Webb Street of approximately 7.5 metres.
East	The dwelling at 14 Webb Street is 1950/60s weather board dwelling with a tiled roof has a front setback from Webb Street of approximately 4.5 metres.
West	The dwelling at 2 Griffiths Court is 1950/60s weather board dwelling with a colorbond roof has a front setback from the court at the shortest point of approximately 4 metres.

A locality plan can be found at Attachment 2 and a locality plan of the subject site in context of the wider area of Traralgon West is located in Attachment 3.

**HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2012/275 can be found in Attachment 4.

The provisions of the Scheme relevant to this application are in Attachment 5.

Council considered this matter at the Ordinary Council Meeting held on 1 July 2013. The recommendation to issue a Planning Permit was not supported and this matter has been resubmitted to this Council meeting.

**LATROBE PLANNING SCHEME****State Planning Policy Framework (SPPF)**

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

The State Planning Policy Framework Clause 15.01-1 'Urban Design' requires development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Clause 16.01-2 Location of Residential Development states that new housing should be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

The objective of Clause 16.01-4 'Housing Diversity' is to provide for a range of housing types to meet increasingly diverse needs. Strategies to achieve this objective include ensuring planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres; and encouraging the development of well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

The proposal is considered to be consistent with the policy outlined above. The application proposes medium density development in an area suitable for residential development. The proposal is an appropriate response to the subject site and the character of the area. This will be discussed further in the 'Issues' section of this report.

**Local Planning Policy Framework (LPPF)**

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.



Within the Local Planning Policy Framework Clause 21.04-2 'Settlement Overview' has objectives to contain urban development within distinct boundaries and to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community.

The site is identified in an "existing urban" area on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 'Main Towns' states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans is also encouraged.

It is considered that the proposal satisfies this policy direction and that the scale of the proposed development is suitable for the subject site. The subject site is within walking distance of Primary and Secondary schools located on Kosciusko Street, Route 41 of the Latrobe Valley Bus Network which connects to Traralgon CBD runs along Garibaldi Street which has a bus stop 350 metres from the subject site and the Catterick Crescent Recreation Reserve is located 200 metres to the south.

### **Zoning**

The site is located within a Residential 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Residential 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application complies with the zoning provisions.

These elements will be further discussed in the 'Issues' section of this report.

### **Particular Provisions**

Clause 52.01 Public Space Contribution and Subdivision.

The application has been considered against the assessment criteria of Section 18 of the Subdivision Act 1988 and the adopted Latrobe City Council Public Open Strategy. It is considered that as a result of the cumulative impact of the increase in the number lots, that a public open space contribution of 10% of the site value is required in this case for the following reasons:

- There will two extra lots as a result of this proposal;
- The residential use of the site will be more intensively used as a result of this proposal;
- The density of population in the area will increase in the future as a result of the proposal;

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- Catterick Crescent is the closest reserve and it will be more intensively used by the future land owners; and
- The adopted public open space identifies that a cash contribution of 10 % of the site value of the net developable area is required.

In this case no onsite contribution is proposed. It should be noted that the Latrobe City Council Public Open Strategy is not specified in the Latrobe planning scheme as of yet either as a reference document or used to inform a schedule of Clause 52.01. However, given that it has been adopted, it is considered a seriously entertained document in the assessment of this proposal.

**Clause 52.06 Car Parking:**

The proposal has been assessed against Clause 52.06 and found to comply. One car parking space is required to be provided for a dwelling comprising of two bedrooms. One garaged space is provided for each dwelling in accordance with this clause. A tandem car space is also provided for in the setback of proposed dwelling 1.

**Clause 55 Two or More Dwellings on a Lot:**

The application has been assessed against Clause 55 and it is considered to be compliant with the applicable standards with the exception of variation to one standard *Street setback objective* (B6). This will be discussed later in the issues section of the report.

**Decision Guidelines (Clause 65):**

The proposal accords with the relevant decision guidelines of this clause.

**Incorporated Documents (Clause 81):**

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004. The application accords with these standards.

## ISSUES

### Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the development of the site for multi-dwellings satisfies State and Local Planning Policy Frameworks in that the site is an appropriate location for multi-dwelling development as it is located within a residential area of Traralgon. The proposal would be considered to make a positive contribution to the Webb Street built environment. The proposal does not seek to reflect the architectural style of a different period but addresses the needs of a contemporary proposal that does not detract from the existing street character. The proposal provides for a similar setback to dwelling 1 that exists to others dwellings along Webb Street. This will also provide an area for landscaping consistent with other dwellings in the area. Similarly dwelling two's second storey is treated with a weatherboard type cladding that is consistent with building materials used on other dwellings in the area. The site has good access to public transport that connects to Traralgon CBD and also is in close proximity social and community infrastructure such as schools and parks.

### Clause 55 ResCode:

The proposal demonstrates compliance with the objectives and standards of ResCode. As detailed previously, the proposed development does not seek to imitate the architectural style of the existing 1950s/60s housing stock but does take into consideration specific design elements. For instance unit three is not connected to unit one and unit two which breaks up the visual bulk of the proposal. As such the design of the proposed dwellings would blend in well with the existing character of the neighbourhood. The proposal satisfactorily addresses required standards including building heights, private open space, on site amenity and vehicle access standards. The small variation to standard B6 *Street setback objective* has been assessed and considered appropriate in this instance. There would be no off-site amenity impacts such as overlooking and overshadowing from the proposal. A landscaping design has also been submitted with the application and is considered to be satisfactory.

Council's Infrastructure Planning Team has assessed the proposal and found it to be satisfactory subject to conditions to be placed on any approval issued for the management of stormwater from the site and construction of vehicle crossings.

### Car Parking

As discussed, the application complies with the requirements of Clause 52.06 Car Parking of the Latrobe Planning Scheme. Each dwelling will have two bedrooms and one car parking spaces. A tandem car parking space is also provided for unit 1.

Response to Objections

The application received seven submissions in the form of objections. Four objections were subsequently withdrawn. All objections contained subject matter in the form of a template letter with individual signatures. The issues raised were:

- 1 Increasing traffic movement and car parking issues.

Comment:

The proposal satisfies the requirements of the Latrobe Planning Scheme in relation to car parking provision and with the tandem car space for unit one, it exceeds the requirements the requirements of Clause 52.06. Webb Street is designed and constructed as a 'minor access street' which has a capacity of up to 1000 vehicles per day. It is not considered that this proposal will result in a major increase of vehicle movements along Webb Street.

- 2 Dwellings have been purchased along Webb Street due to their architectural style and unit development is not supported.

Comment:

Both the State and Local Planning Policy Framework support increasing the diversity of residential development and also support infill residential development at an appropriate scale and design. It is noted that there are no restrictions on development in this area and the proposal is generally consistent with the objectives and standards of Clause 55 of the Latrobe Planning Scheme.

- 3 The land is too small to be subdivided

Comment:

The proposal is for a combined subdivision and development application. Multiple dwellings on a lot are permissible in the Residential 1 Zone if they meet the requirements of the planning scheme. As discussed in this report, the proposal has achieved compliance with ResCode and satisfies car parking requirements. A Section 173 Agreement will be placed on any permit issued to ensure that the development will be completed to the satisfaction of the Responsible Authority prior to the issue of a statement of compliance for the three lot subdivision. It is considered as a result that the proposal is consistent with the requirements of Clause 56 (Subdivision) and Clause 55 (two or more dwellings on a lot).

- 4 Decrease in property values.

Comment:

Property values are not considered to be a valid planning consideration.

- 5 We wish and plan to have Webb Street heritage listed due to the existence of old style homes

Comment:

There is no proposal or Planning Scheme Amendment currently under consideration to place the Heritage Overlay over any buildings along Webb Street. The proposal has been assessed against relevant State and Local Planning Policy provisions. It is considered that the proposal by extracting certain design elements such as maintaining setbacks from boundaries and using similar building materials to the existing housing stock, does not detract in a negative fashion from the existing built environment.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

**INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

External:

There were no external referrals required.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

*Details of Community Consultation following Notification:*

**ORDINARY COUNCIL MEETING MINUTES  
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Seven objections to the application were originally received. Four objections were subsequently withdrawn. A mediation meeting was originally set for 22 March 2013 but was cancelled at the request of a representative of the objectors. Due to three outstanding objections remaining the mediation meeting was rescheduled for 7 May 2013. The applicant, Council Officer and a ward Councillor attended. The outstanding objectors did not attend.

A copy of the outstanding submissions and response by the applicant can be found at Attachment 6.

**OPTIONS**

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit.
- 2 Issue a Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone; and
- Consistent with Clause 65 (Decision Guidelines).

The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. The objections received do not form planning grounds on which the application could be refused.

**Attachments**

1. Plans
2. Locality Plan
3. Subject Site
4. History of Application
5. Relevant Ordinance
6. Outstanding objections and response by the applicant

## RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit for the development of three dwellings on a lot and three lot subdivision at 11 Webb Street, Traralgon known as Lot 89 on PS20566N with the following conditions:
1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  2. Within three months of the issue of a certificate of occupancy or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  3. The landscaping as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
  4. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, exhausts and communications equipment must be to the satisfaction of the Responsible Authority.
  5. Construction works on the land must be carried out in a manner which does not result in damage to existing Council assets and does not cause detriment to any adjoining land owners or occupiers.
  6. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
  7. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
  8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
  9. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
  10. 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 10 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.

11. Prior to the issue of Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must:
  - a) have commenced the development of Lot 89 on PS020566 and the development must be at least at frame stage in accordance with Planning Permit 2012/275, issued by Latrobe City Council on xx July 2013 (or any subsequent amendment to the permit), to the satisfaction of the Responsible Authority; or
  - b) enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the following:
    - That development of Lots 89 on PS020566 must be in accordance with Planning 2012/275, issued by Latrobe City Council on xx July 2013 (or any subsequent amendment to the permit).

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.

The operator of this permit must pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement.

The operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office.

Once titles are issued, Council requires the operator of this permit or its legal representative to provide either:

- a) a current title search; or
- b) a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 Agreement on title.

12. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:



- a) The removal of the redundant vehicle crossing at number 11 Webb Street requiring the reconstruction of the vehicle crossing at No 13 Webb Street to comply with Latrobe City Council's standard drawing LCC 307.
13. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
- a) How the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event.
- b) An underground pipe drainage system conveying stormwater to the legal point of discharge, and from the legal point of discharge connecting into Latrobe City Council's stormwater drainage system
- c) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a co-efficient of run-off of 0.4.
14. Before an Occupancy Permit is issued for the dwellings hereby permitted or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:
- a) All drainage works must be constructed in accordance with the approved site drainage plan.
- b) The construction of all on-site stormwater detention works in accordance with the site drainage plan approved by the Responsible Authority.
- c) Vehicle crossings must be constructed in accordance with the endorsed plans, to provide access to the land, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, including all necessary permits being obtained and inspections undertaken.
- d) The redundant vehicle crossing at number 11 Webb Street must be removed and kerb and channel, footpath and nature strip reinstated. In removing the redundant vehicle crossing, the vehicle crossing for number 13

- Webb Street must be reconstructed between the footpath and the edge of the road including kerb layback.
- e) Areas for common property vehicle access and car parking within the land must be constructed in accordance with plans endorsed by the Responsible Authority and be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with an approved site drainage plan.

15. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
16. The operator of this permit must comply with the following requirements from SPI Electricity Pty Ltd:
- a) 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.
  - b) 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. The operator of this permit must meet the following requirements of Gippsland Water:
  - 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) The existing 20mm water service must be capped at the water main. The existing meter 02AF007129 must be returned to Gippsland Water for a final read.
  - c) Install a metered master water service to be located within the common property to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed service are required to be submitted to Gippsland Water.
  - d) Install separate slave meters to be located within the common property to all Lots to the satisfaction of Gippsland Water.
  - e) As constructed details showing the location of the installed internal combined sewer drain required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.
  - f) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
  - g) Provide Gippsland Water with a copy of the Owners Corporation Schedule.
  - h) The certified plan of subdivision must create easements, under Section 12(2) of the Subdivision Act, over all existing water and sewerage works within the subdivision.
  - i) 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.
  
18. 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 three months afterwards.

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.

19. The 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 if this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Note 1: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 2: Unless exempted by the Responsible Authority, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). The Responsible Authority must be notified in writing at least 7 days prior to the building works commencing or materials/equipment are delivered to the site.

Note 3: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of any works that include the construction, installation, alteration, or removal of a vehicle crossing. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.

Note 4: Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, and adjacent side entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

Note 5: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Councils stormwater drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority before any backfilling

of the connection is undertaken.

Note 6: The location of the legal point of discharge into Latrobe City Councils stormwater drainage system can be obtained for any property by completing a Legal Point of Discharge form, found at [www.latrobe.vic.gov.au/services/roads/workspemits](http://www.latrobe.vic.gov.au/services/roads/workspemits)

Note 7: Approval does not cover alterations to existing Telstra Plant or Network.  
Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.

Note 8: For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your Development and Apply for Reticulation.

#### **ALTERNATE MOTION**

**That Council issues a notice of Refusal to Grant a Planning Permit, for the development of three dwellings and a three lot subdivision at Lot 89 on PS 20566, more commonly known as 11 Webb Street, Traralgon on the following grounds:**

- 1. The proposal is not consistent with Clause 15.01-1 'Urban design' and Clause 15.01-2 'Urban design principles' as the proposal is inconsistent with the scale and design of surrounding properties and is an over intensification of the site.**
- 2. The proposal is not consistent with Clause 55.01-1 'Neighbourhood and site description and design response' and Clause 55.02-1 'Neighbourhood character objectives' as the proposal is inconsistent with the character of the area.**
- 3. The proposal is not consistent with Clause 65 'Decision Guidelines'.**

**Moved:** Cr Middlemiss  
**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

#### **For the Motion**

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

#### **Against the Motion**

Councillor/s Sindt, Rossiter

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

**The Mayor confirmed that the Motion had been CARRIED**



## 9.3

### PLANNING PERMIT APPLICATION 2012/275, THREE DWELLINGS ON A LOT AND A THREE LOT SUBDIVISION, 11 WEBB STREET, TRARALGON

1	Plans .....	169
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NOT FOR CONSTRUCTION

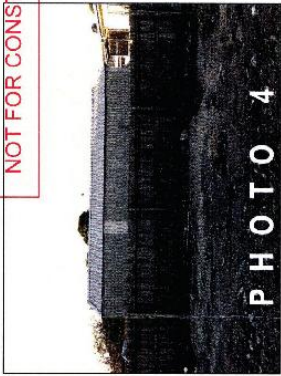


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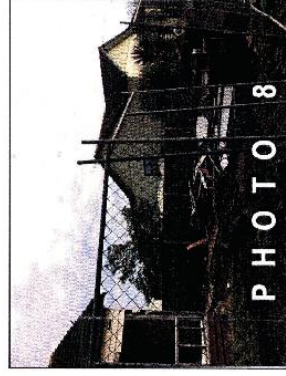


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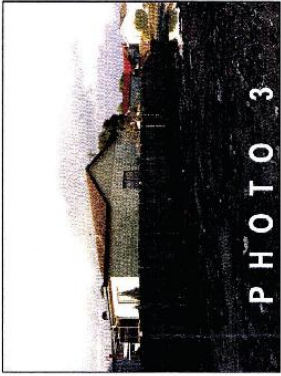


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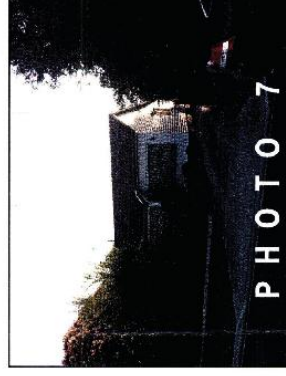


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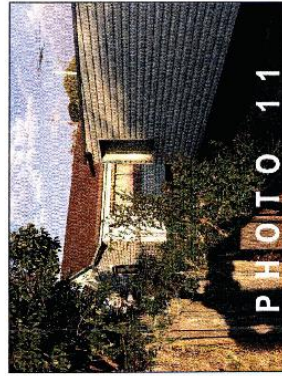


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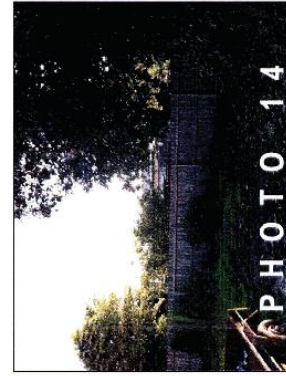


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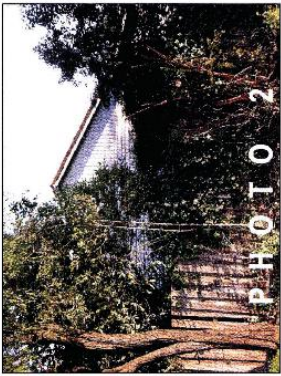


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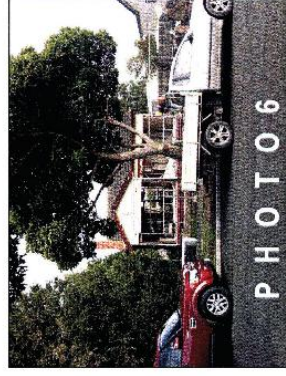


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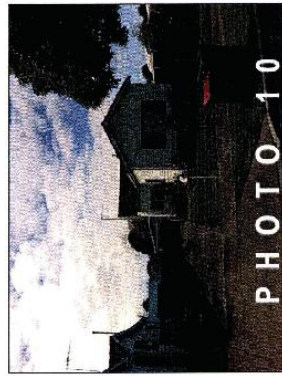


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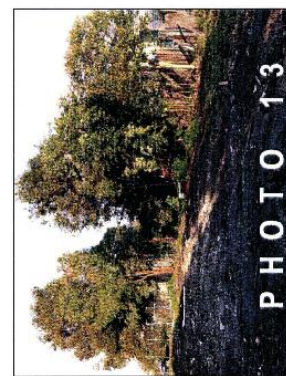


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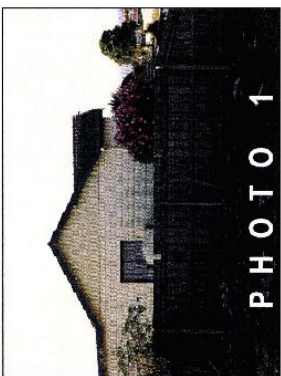


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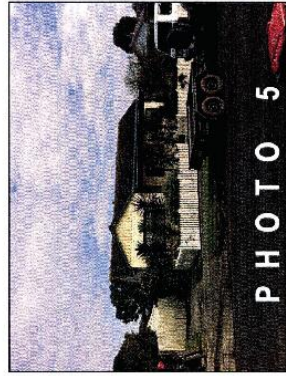


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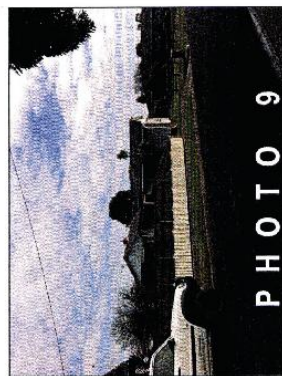


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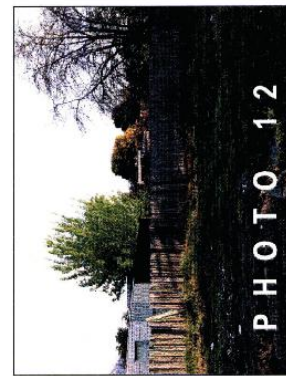


PHOTO 12

JJC DESIGN

DATE: 2012/08/11	PROJECT: JJC Design Pty. Ltd.
DRAWN BY: JJC	CHECKED BY: JJC
DATE: 2012/08/11	PROJECT: JJC Design Pty. Ltd.

**JJC DESIGN**

Unit 3, 6-16 Boada Road  
PO Box 8330  
Traralgon VIC 3844  
Tel: 03 5176 1117  
Fax: 03 5176 1107  
Mobile: 03 5176 1121  
Richard JJC  
Phone: (03) 6483 2328  
Email: rj@jjcdesign.com.au  
Website: www.jjcdesign.com.au  
ABN: 18 5176 1121  
REG No: EP-102228

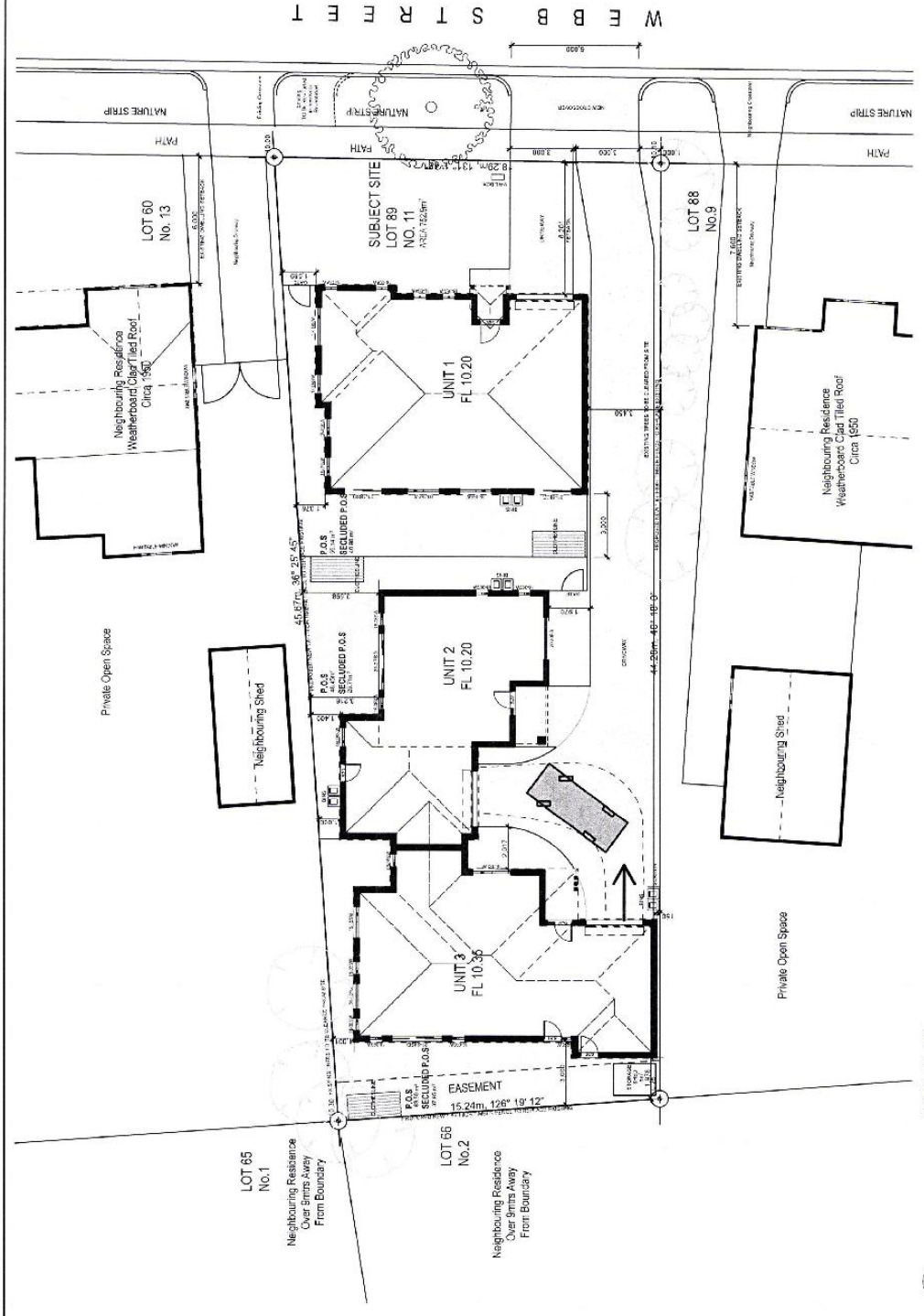
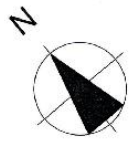
**bdcv**  
Building Development  
Construction  
11 Webb Street  
Traralgon VIC 3844  
Tel: 03 5176 1117

**HURRICAIN CONSTRUCTION**  
**PROPOSED UNIT DEVELOPMENT**  
**SITE PHOTOS**

PLANING SET

Scale: 1:500	Drawn By: JJC	Checked By: JJC
Drawn: JJC	Project No:	2253
Date: 2012/08/11	Site No:	
<b>TP-01/1</b>		

NOT FOR CONSTRUCTION



**SITE PLAN**  
1:200

PROJECT NAME	TP-02
CLIENT	TP-02
DATE	2012/03/15
SCALE	AS SHOWN
PROJECT NO.	2012/03/15
DATE	2012/03/15

**JJC DESIGN**

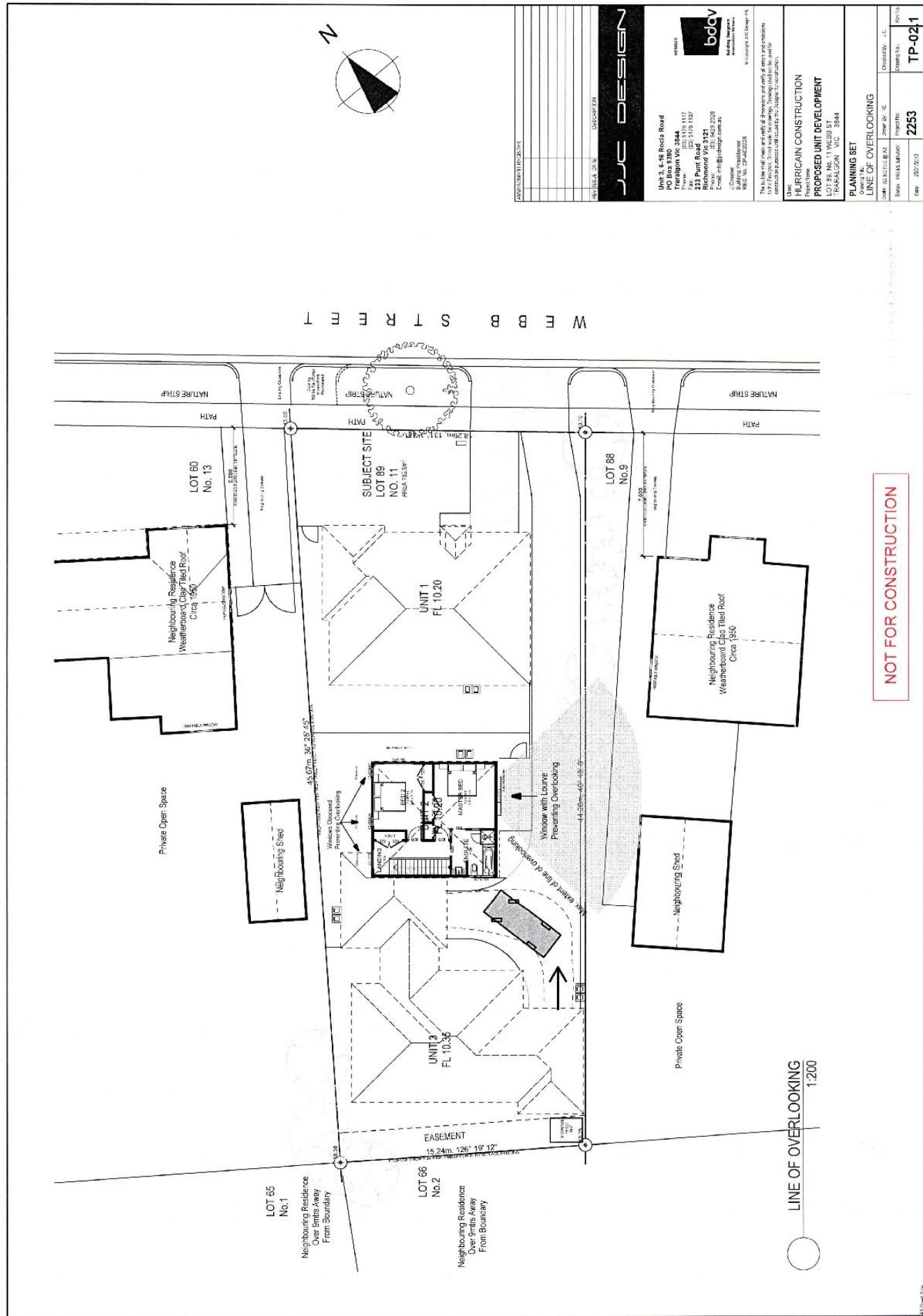
Unit 3, 4-16 Becke Road  
PO Box 5396  
Traralgon Vic. 3844  
Phone: (03) 5178 1107  
Fax: (03) 5178 1107  
222 Punt Road  
Traralgon Vic. 3844  
Phone: (03) 8428 2328  
Email: info@jjcdesign.com.au

**bdcv**  
Building Design Council of Victoria  
Associate Member

Drawn: [Name]  
Checked: [Name]  
Date: 2012/03/15

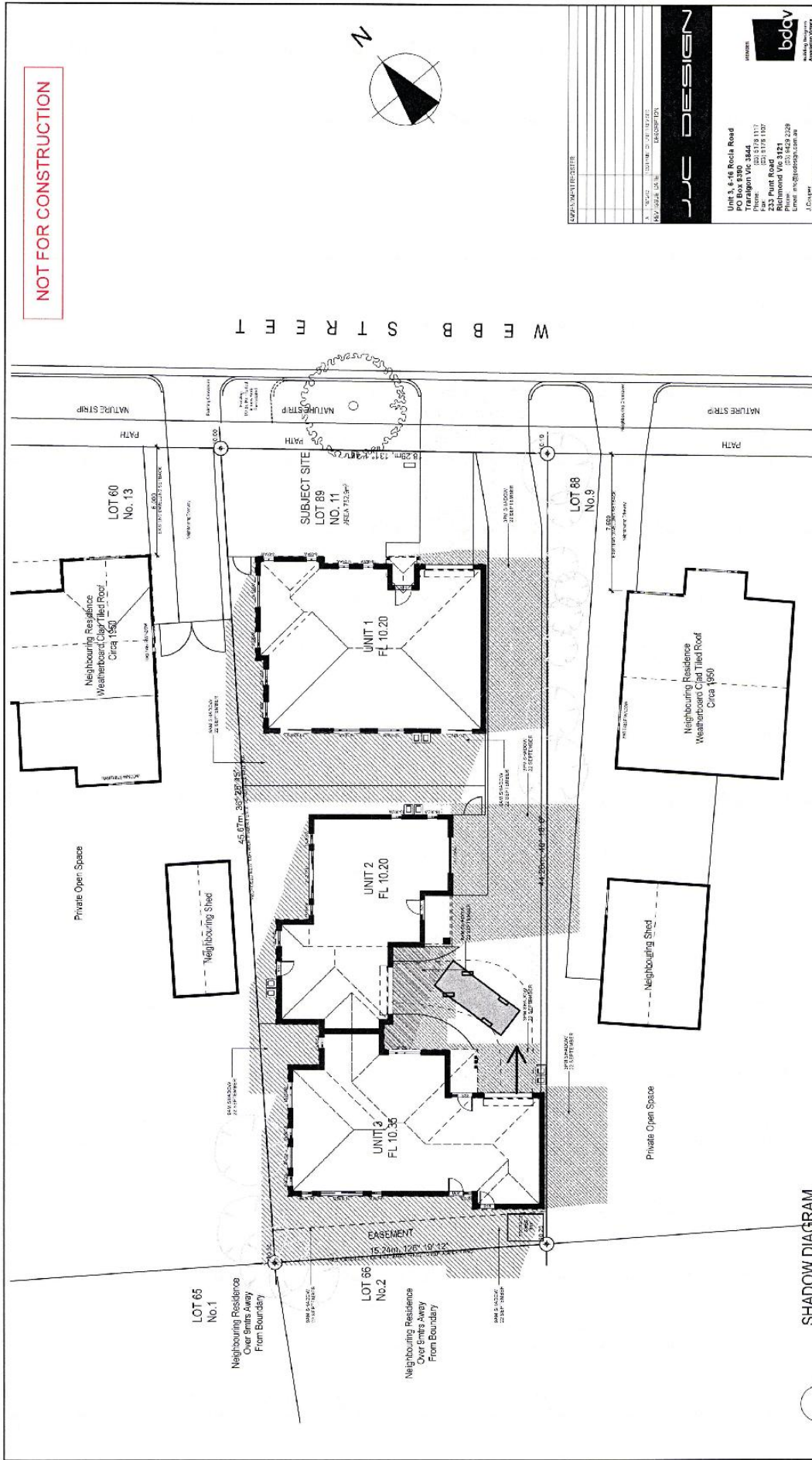
Project Name	TP-02
Client	TP-02
Date	2012/03/15
Scale	AS SHOWN
Project No.	2012/03/15
Date	2012/03/15

Building Requirement Part 4	Requirement	Compliance
4089	STREET SETBACK	FRONT 6.2m - AS PER PREVIOUS RESIDENCE
410	BUILDING HEIGHT	7.019m ( 9.0m MAX )
411	SITE COVERAGE	BUILT AREA = 384.39m <sup>2</sup> ( 60% MAX )
412	PERMEABLE AREA	26.43% (GREATER THAN 20% MIN REQUIRED)
413	CARPARKING	3 - GARAGE SPACES & 1 ONSITE VISITOR SPACES
414	SIDE & REAR SETBACKS	GREATER THAN MIN. REQ. (2m - 2 Storey & 1m)
415	WALLS ALONG BOUNDARIES	6.48m WITH 3.0 MAX HEIGHT (18.67m ALLOWABLE)
416	DAYLIGHT TO EXIST HAB. WINDOWS	UNAFFECTED - SEE SHADOW PLAN
417	EXISTING NORTH FACING WINDOWS	UNAFFECTED - SEE SHADOW PLAN
418	OVERSHADOWING	UNAFFECTED - SEE SHADOW PLAN
419	OVERLOOKING	1.8M FENCE TO PERMETRE OF BOUNDARY & 2 STOREY WINDOWS OBSOURED
420	DAYLIGHT TO NEW WINDOWS	ALL NORTH FACING WINDOWS ARE UNAFFECTED
421	PRIVATE OPEN SPACE	GREATER THAN 40 m <sup>2</sup> MIN REQUIRED WITH 25m <sup>2</sup> OF SECLUDED OPEN SPACE



NOT FOR CONSTRUCTION

<p>UNIT 1 FLOOR PLAN</p> <p>DATE: 10/10/12</p> <p>SCALE: 1:200</p>	<p><b>JJC DESIGN</b></p> <p>Unit 3, 6-16 Rocla Road PO Box 1380 Traralgon VIC 3844 Tel: 03 5119 1127 Fax: 03 5119 1127 Mobile: 03 5119 1127 Richard VIC 3121 Phone: 03 9422 2228 Email: rj@jjcdesign.com.au www.jjcdesign.com.au</p>	<p><b>bdcav</b></p> <p>Building Design Development Services</p> <p>© copyright JJC Design Pty Ltd</p>	<p><b>HURRICAIN CONSTRUCTION</b></p> <p><b>PROPOSED UNIT DEVELOPMENT</b></p> <p>LOT 89, NO. 11, WEBB STREET TRARALGON, VIC 3844</p>	<p><b>PLANNING SET</b></p> <p>LINE OF OVERLOOKING</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Scale: 1:200 (FL 10.20)</td> <td>Drawn by: JL</td> <td>Checked by: JL</td> </tr> <tr> <td>Drawn: JAMES MANNING</td> <td>Project No: 2253</td> <td>Drawn To: TP-021</td> </tr> <tr> <td>Date: 10/10/12</td> <td></td> <td></td> </tr> </table>	Scale: 1:200 (FL 10.20)	Drawn by: JL	Checked by: JL	Drawn: JAMES MANNING	Project No: 2253	Drawn To: TP-021	Date: 10/10/12		
Scale: 1:200 (FL 10.20)	Drawn by: JL	Checked by: JL												
Drawn: JAMES MANNING	Project No: 2253	Drawn To: TP-021												
Date: 10/10/12														



SHADOW DIAGRAM  
1:200

**JJC DESIGN**  
Unit 3, 4-46 Reelin Road  
PO Box 5390  
Traralgon VIC 3844  
Phone: (03) 5175 1107  
Fax: (03) 5175 1107  
233 Punt Road  
Traralgon VIC 3844  
Phone: (03) 5428 2228  
Email: enq@jjcdesign.com.au  
REG No. DP-442278

**bdcv**  
Building Design Council of Victoria  
Member Since 2011

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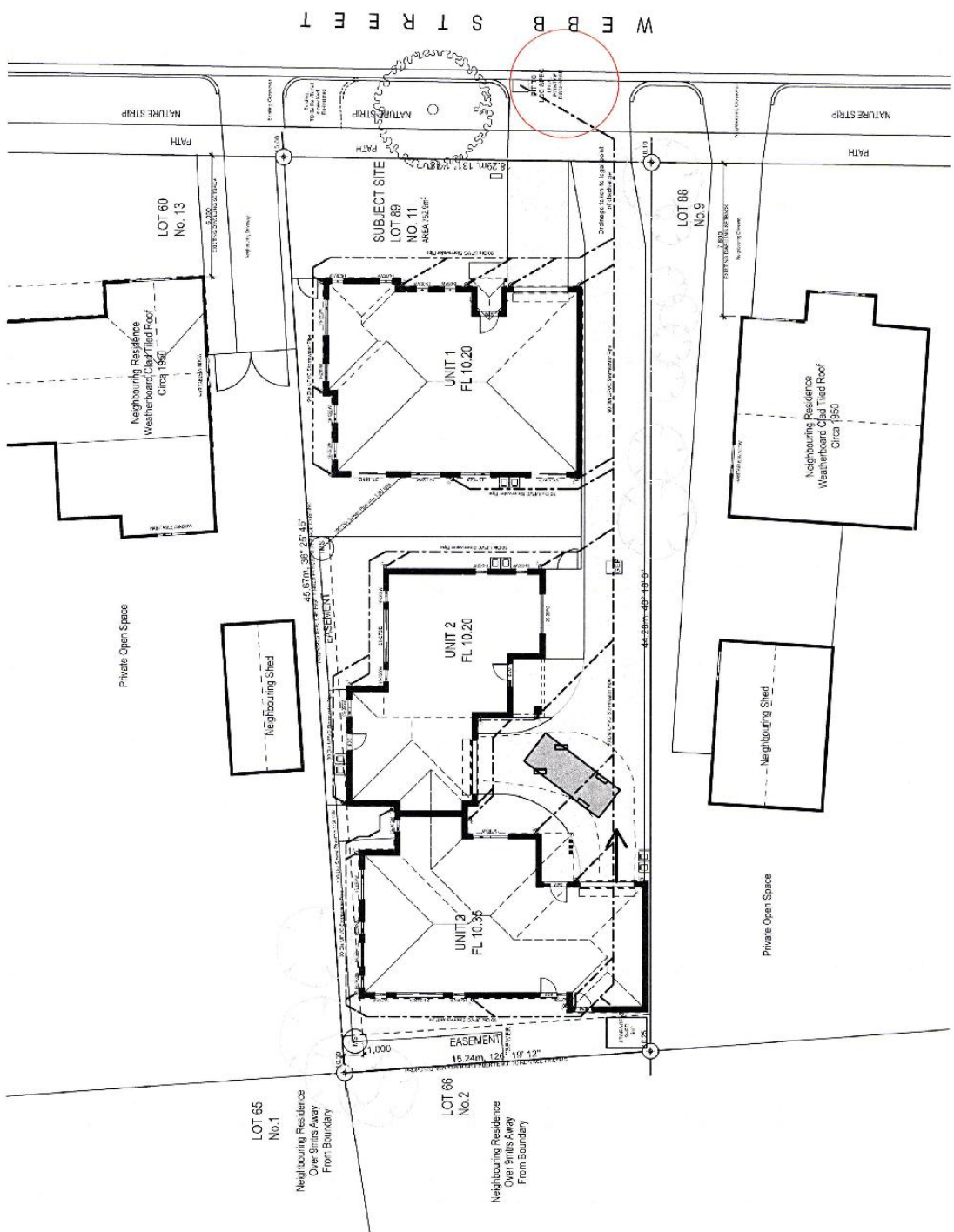
**HURRICAIN CONSTRUCTION**  
Proposed Unit Development  
Traralgon VIC 3844

**PLANNING SET**  
SHADOW DIAGRAM PLAN

Scale: AS NEEDED TO  
Drawn By: R.E.  
State Permit Number: 2253  
Date: 28/09/12  
Project No: TP-02/2A

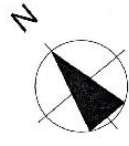
Building Regulation Part 4	Requirement	Compliance
4089	STREET SETBACK	FRONT 6.2m - AS PER PREVIOUS RESIDENCE
410	BUILDING HEIGHT	7.018m (9.0m MAX)
411	SITE COVERAGE	BUILT AREA = 384.39m <sup>2</sup> (60% MAX)
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417	EXISTING NORTH FACING WINDOWS	UNAFFECTED - SEE SHADOW PLAN
418	OVERSHADOWING	UNAFFECTED - SEE SHADOW PLAN
419	OVERLOOKING	1.8M FENCE TO PERIMETRE OF BOUNDARY & 2 STOREY WINDOWS OBSCURED
420	DAYLIGHT TO NEW WINDOWS	ALL NORTH FACING WINDOWS ARE UNAFFECTED
421	PRIVATE OPEN SPACE	GREATER THAN 40 m <sup>2</sup> MIN REQUIRED WITH 25m <sup>2</sup> OF BECLUDED OPEN SPACE

NOT FOR CONSTRUCTION



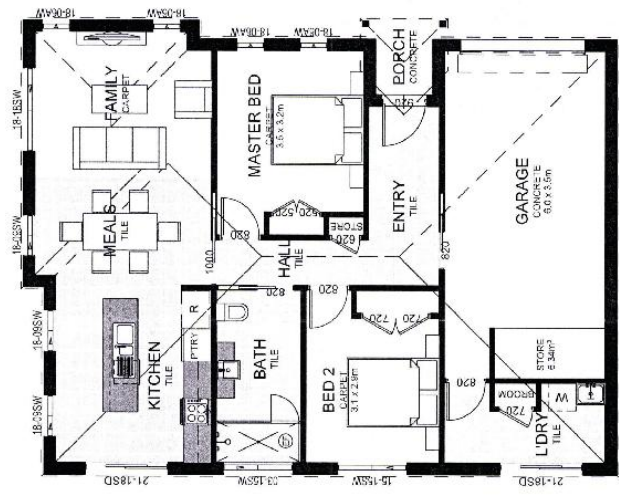
INDICATIVE STORMWATER & SEWER PLAN

STORMWATER & SEWER  
1:200



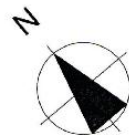
<p><b>JJC DESIGN</b></p> <p>Unit 3, 6-16 Becha Road PO Box 9390 Traralgon VIC 3844 Phone: (03) 5179 1107 Fax: (03) 5179 1107 233 Punt Road Traralgon VIC 3844 Phone: (03) 5179 1107 Email: info@jjcdesign.com.au</p>		<p><b>bdav</b></p> <p>Building Design Association Victoria</p>
<p><b>HURRICAIN CONSTRUCTION</b></p> <p>Proposed Unit Development 11 WEBB STREET TRARALGON VIC 3844</p>		<p><b>PLANNING SET</b></p> <p>SITE PLAN STORMWATER &amp; SEWER</p>
<p>DATE: 2012/08/03</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT NO: 2253</p> <p>DATE: 2012/08/03</p>	<p>PLAN NO: TP-02/3A</p>

NOT FOR CONSTRUCTION



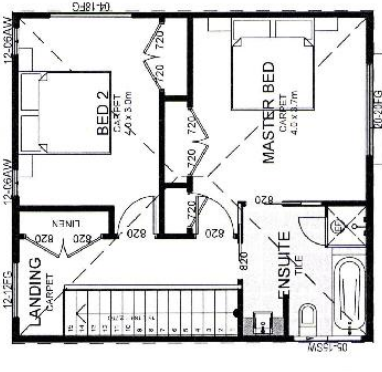
UNIT 1 FLOOR PLAN  
1:100

BUILDING AREA - UNIT 1	
LIVING	91.34 m <sup>2</sup>
GARAGE	27.45 m <sup>2</sup>
PORCH	2.22 m <sup>2</sup>
<b>TOTAL</b>	<b>121.01 m<sup>2</sup></b>



UNIT 2 FIRST FLOOR PLAN  
1:100

BUILDING AREA - UNIT 2	
GROUND FLOOR LIVING	59.41 m <sup>2</sup>
FIRST FLOOR	59.17 m <sup>2</sup>
GARAGE	28.19 m <sup>2</sup>
PORCH	3.95 m <sup>2</sup>
<b>TOTAL</b>	<b>151.37 m<sup>2</sup></b>



UNIT 3 & 2 FLOOR PLAN  
1:100

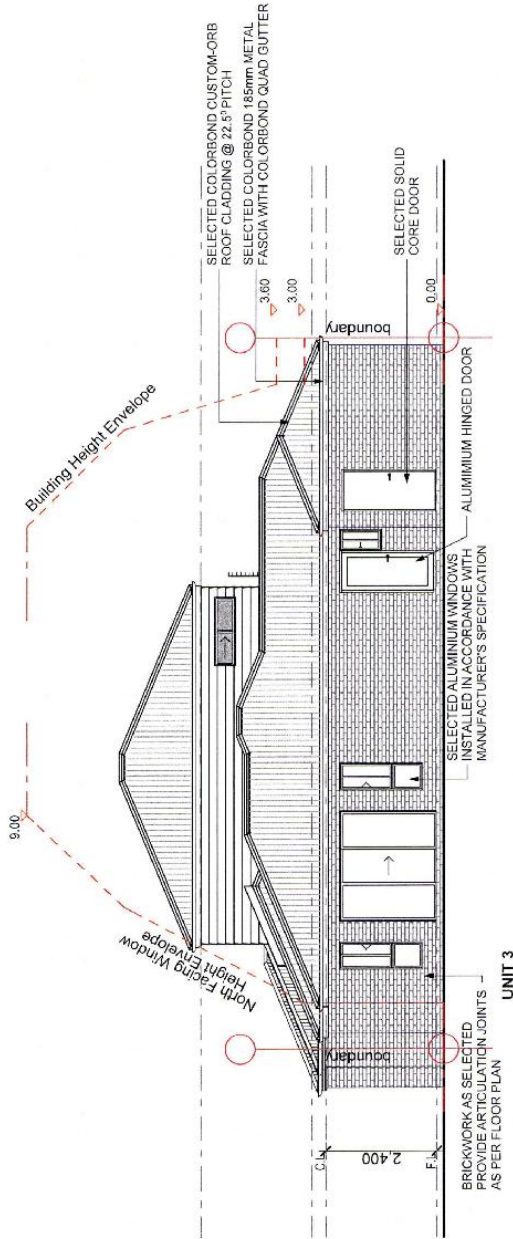
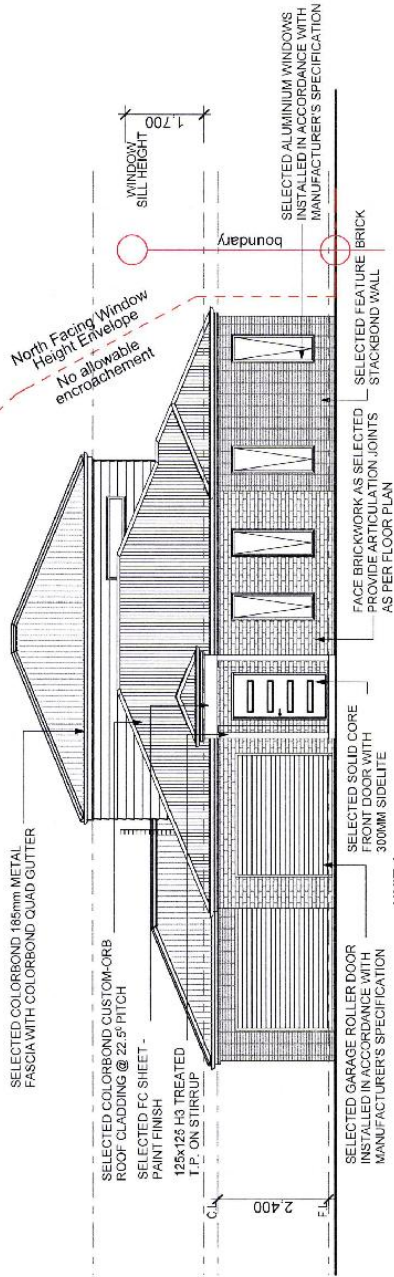
BUILDING AREA - UNIT 3	
LIVING	84.54 m <sup>2</sup>
GARAGE	24.94 m <sup>2</sup>
PORCH	3.67 m <sup>2</sup>
<b>TOTAL</b>	<b>112.01 m<sup>2</sup></b>

Unit 1, 2 & 3, Endeavour 233 West Road Traralgon, VIC 3844 Phone: (03) 5172 1417 Fax: (03) 5172 1417 Email: info@jjcdesign.com.au www.jjcdesign.com.au		Unit 1, 2 & 3, Endeavour 233 West Road Traralgon, VIC 3844 Phone: (03) 5172 1417 Fax: (03) 5172 1417 Email: info@bdv.com.au www.bdv.com.au	
PROJECT NUMBER: 2012/275 PROJECT NAME: 3 DWELLINGS ON A LOT AND A THREE LOT SUBDIVISION, 11 WEBB STREET, TRARALGON, VIC 3844		PROJECT NO: 2253 DRAWING NO: TP-03 DATE: 10/10/12 DRAWN BY: JJC CHECKED BY: JJC	



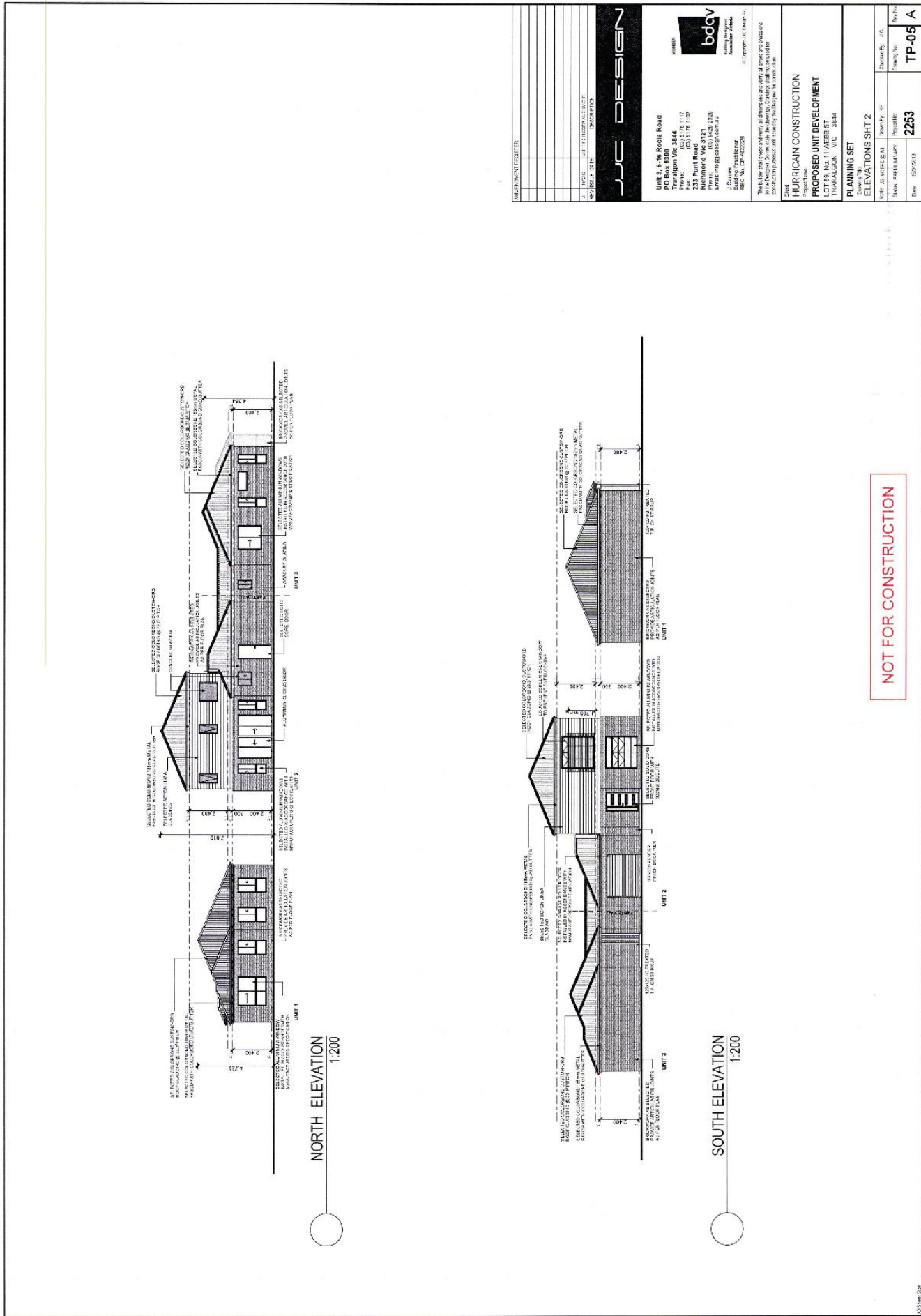
**MATERIAL SCHEDULE**

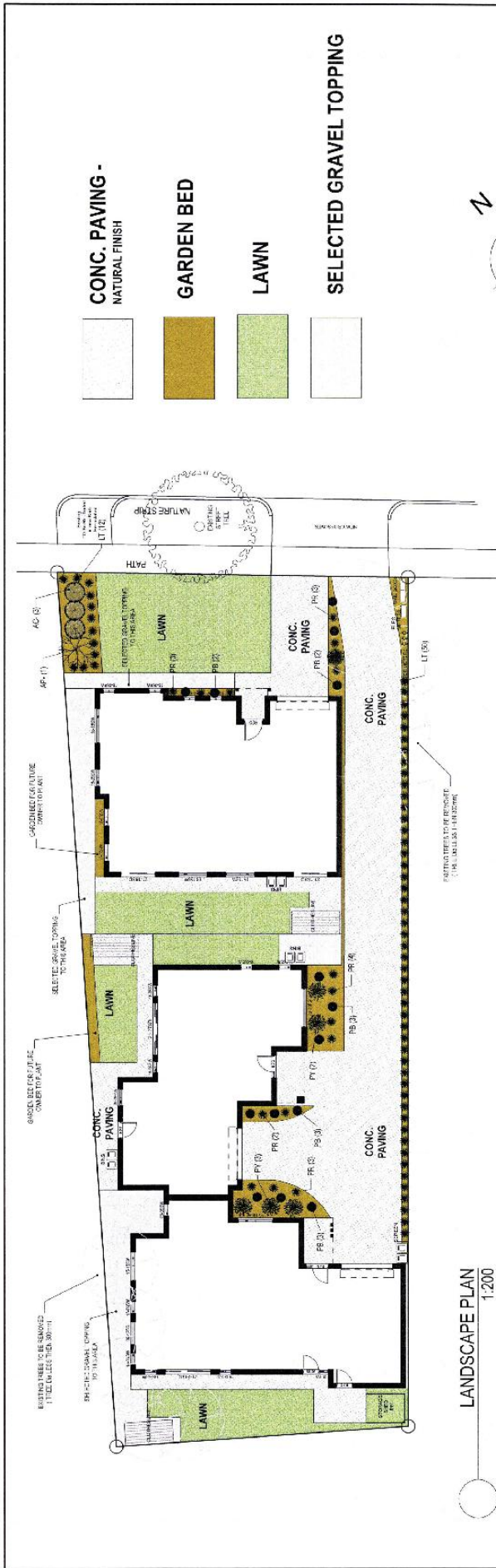
	COLORBOND ROOF & GARAGE DOORS JASPER
	COLORBOND GUTTERS & FASCIA PAPERBARK
	ALUMINIUM WINDOWS DOWELL-WOODLAND GREY SATIN
	FACE BRICKWORK BORALI-MOCHA
	STACKBOND BRICKWORK BORALI-ESPRESSO



NOT FOR CONSTRUCTION

<p>Unit 3, 4-16 Rocla Road PO Box 9390 Traralgon VIC 3844 Phone: (03) 5178 1137 Fax: (03) 5178 1127 R33 Hunt Road Traralgon VIC 3844 Phone: (03) 8628 2328 Email: enquiries@jdc.com.au Client: JDC Development 3844 Rocla Road R33 No. 02-002228</p>	
<p><b>JDC DESIGN</b></p> <p>Unit 3, 4-16 Rocla Road PO Box 9390 Traralgon VIC 3844 Phone: (03) 5178 1137 Fax: (03) 5178 1127 R33 Hunt Road Traralgon VIC 3844 Phone: (03) 8628 2328 Email: enquiries@jdc.com.au Client: JDC Development 3844 Rocla Road R33 No. 02-002228</p>	
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<p>Client: HURRICAIN CONSTRUCTION Project: PROPOSED UNIT DEVELOPMENT Address: 11 WEBB STREET, TRARALGON, VIC 3844</p>	
<p>Scale: AS NOTED Date: 12/12/12 Drawn: PAUL MURPHY Job: 2552825</p>	<p>Checked: JDC Revised: TP-04 A</p>





Key	Botanical Name	Common Name	Size H x W (m)	Pot Size	Qty.
AP	Acer palmatum, Sango kaku	RED STEM JAPANESE MAPLE	3.0 x 1	400mm	1
PR	Phormium (RED ANNA)	FLAX	1.2 x 1	200mm	15
PY	Phormium (YELLOW WAVE)	FLAX	0.75 x 0.75	200mm	5
PB	Phormium (BABY BRONZE)	FLAX	0.5 x 0.5	200mm	13
AC	Acacia Cognata 'limelight'	DWARF ACACIA	1 x 1	150mm	3
LT	Lomandra Longifolia	'Tankia'	0.75 x 0.75	140mm	62

- LANDSCAPING NOTES:**
1. Plants are to be placed in the centre of the holes.
  2. Plants must be set at a level such that the crown of the plants establish a normal and natural relationship with surrounding levels.
  3. Plants to be removed from containers by tipping container upside down and letting plant fall into hand.
  4. After removing from container, the handling of the root system must be done with a minimum of root disturbance particularly Australian native species.
  5. Plants must be healthy and plant root systems must be moist at the time of planting. Plants must be watered in, with approximately 10 litres of water at time of planting.
  7. All Plants exceeding 200mm pot size, shall be staked against prevailing winds.
  - Ties shall be of a flexible nature to allow sufficient movement to encourage root formation.
  8. All plants shall receive a slow release fertilizer at a quantity relative to the pot size.
  9. All garden beds shall be covered with 10cm Pine Bark at a depth of 75mm.

10. Soil level on garden bed side of restraining edge shall be graded 50mm below top of edge to allow for garden mulch placement. Soil levels on lawn side to be kept 20mm below restraining edge to allow for correct turf sod placement. Prior to laying of turf, all areas are to be raked by hand, and then tuted to provide a perfect flat bed, free of any depressions or high points.
11. All lawn areas shall be Instant Turf, washed free Turf to be Festuca Arundinacea, and shall be laid in stretcher bond pattern, and dressed with a fertilizer application of Pivot 900, at 40 grams per square metre. Maintenance: At the completion of the Landscape Development. The landscape consultant shall provide a full and comprehensive Maintenance Program for a 13 week period. It shall be the contractors responsibility to ensure that plants and turf are established during this period. Replacement of substandard Landscape, Structural or Horticultural, will be the Contractors responsibility.
12. All landscape areas are to receive a 100mm fill of screened and pH tested topsoil sourced from a local supply. This soil must be free of any organic debris. Topsoil will be compatible with soils of the area.

**JJC DESIGN**

Unit 3, 8-16 Booth Road  
PO Box 6390  
Traralgon VIC 3844  
Phone: (03) 5176 1127  
Fax: (03) 5176 1167  
123 Park Road  
Traralgon VIC 3844  
Phone: (03) 5429 2209  
Email: hsj@jjcdesign.com.au  
Glenys J. Jankovic  
REG No. TP-402298

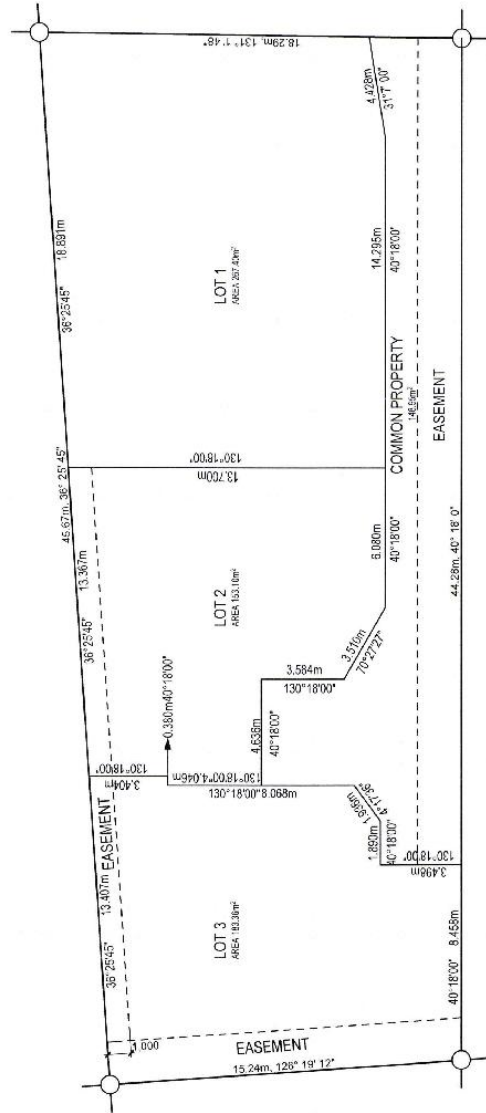
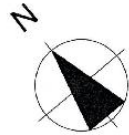
**bobcv**  
bobcv  
Bob Carr Victorian  
Ambassador Network

**HURRICAIN CONSTRUCTION**  
**PROPOSED UNIT DEVELOPMENT**  
11 WEBB STREET  
TRARALGON VIC 3844

**PLANNING SET**  
LANDSCAPE PLAN

Scale: ARCHITECTURAL: 1:200  
Site: 1:500  
Project: 1:2500  
Date: 25/08/12

2253  
TP-06 A



NOT FOR CONSTRUCTION

SUBDIVISION PLAN  
1:200

DATE: 15/08/12	BY: JJC
REVISION: 1	DATE: 15/08/12
REVISION: 2	DATE: 15/08/12
REVISION: 3	DATE: 15/08/12
REVISION: 4	DATE: 15/08/12
REVISION: 5	DATE: 15/08/12
REVISION: 6	DATE: 15/08/12
REVISION: 7	DATE: 15/08/12
REVISION: 8	DATE: 15/08/12
REVISION: 9	DATE: 15/08/12
REVISION: 10	DATE: 15/08/12

**JJC DESIGN**

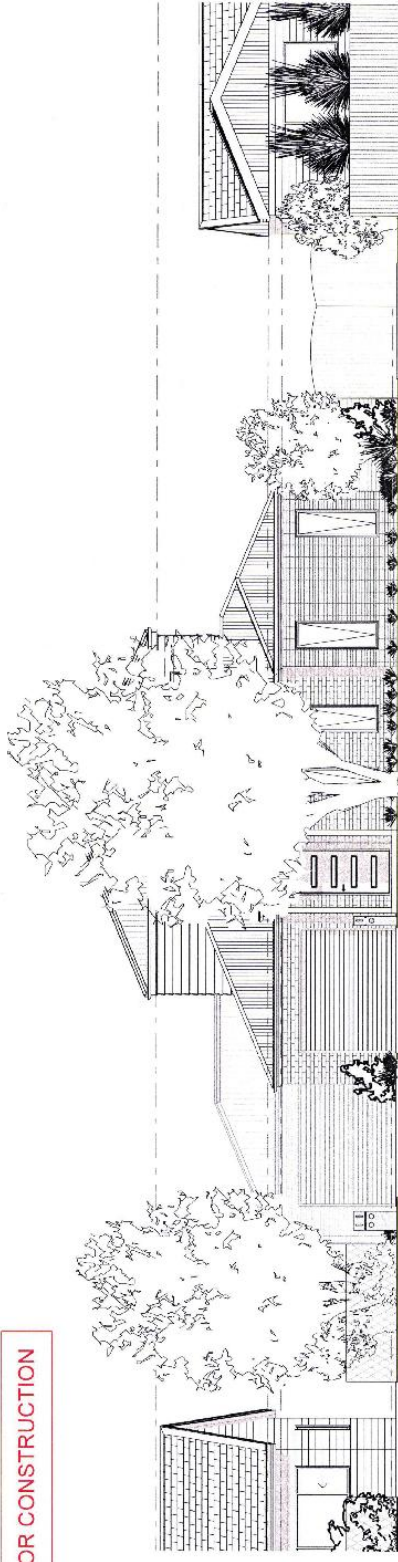
Unit 3, 6-16 Beards Road  
PO Box 5390  
Traralgon Vic 3844  
Tel: (03) 5178 1117  
Fax: (03) 5178 1107  
23 Hunt Road  
Traralgon Vic 3844  
Tel: (03) 5429 2136  
Email: info@jjcdesign.com.au  
JJC Design Pty Ltd  
ABN 16 624 222 228  
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This plan is to be used in conjunction with the accompanying application to the Council. It is not to be used for any other purpose. The design is not to be used for construction purposes without the approval of the Designer for construction.

**HURRICAIN CONSTRUCTION**  
PROPOSED UNIT DEVELOPMENT  
11 WEBB STREET, TRARALGON, VIC 3844

<b>PLANNING SET</b>	
Code: AS/NZS1600	Drawn By: JJC
Scale: 1:200	Checked: JJC
Project No: 2253	Drawn: JJC
Job: 2253/01	Scale: TP-07
	Sheet: B

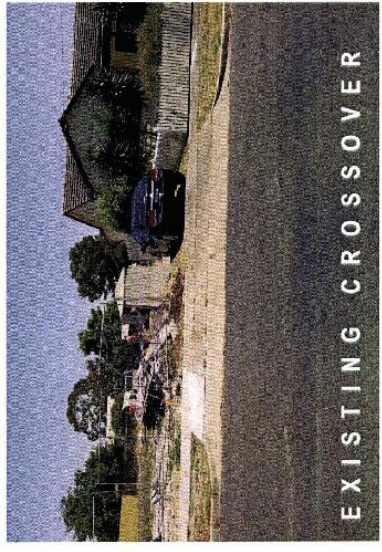
NOT FOR CONSTRUCTION



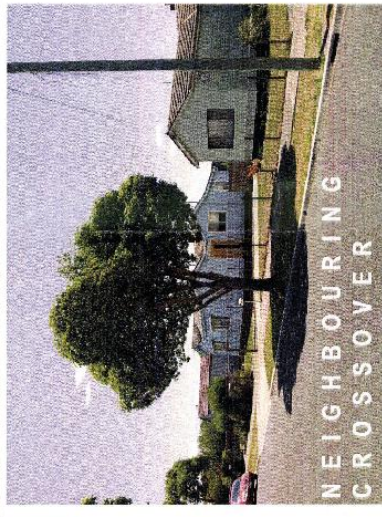
○ CONTEXTUAL ELEVATION  
1:100



STREET VIEW



EXISTING CROSSOVER



NEIGHBOURING CROSSOVER

PREPARED BY:	JJC DESIGN
DATE:	05/02/2014

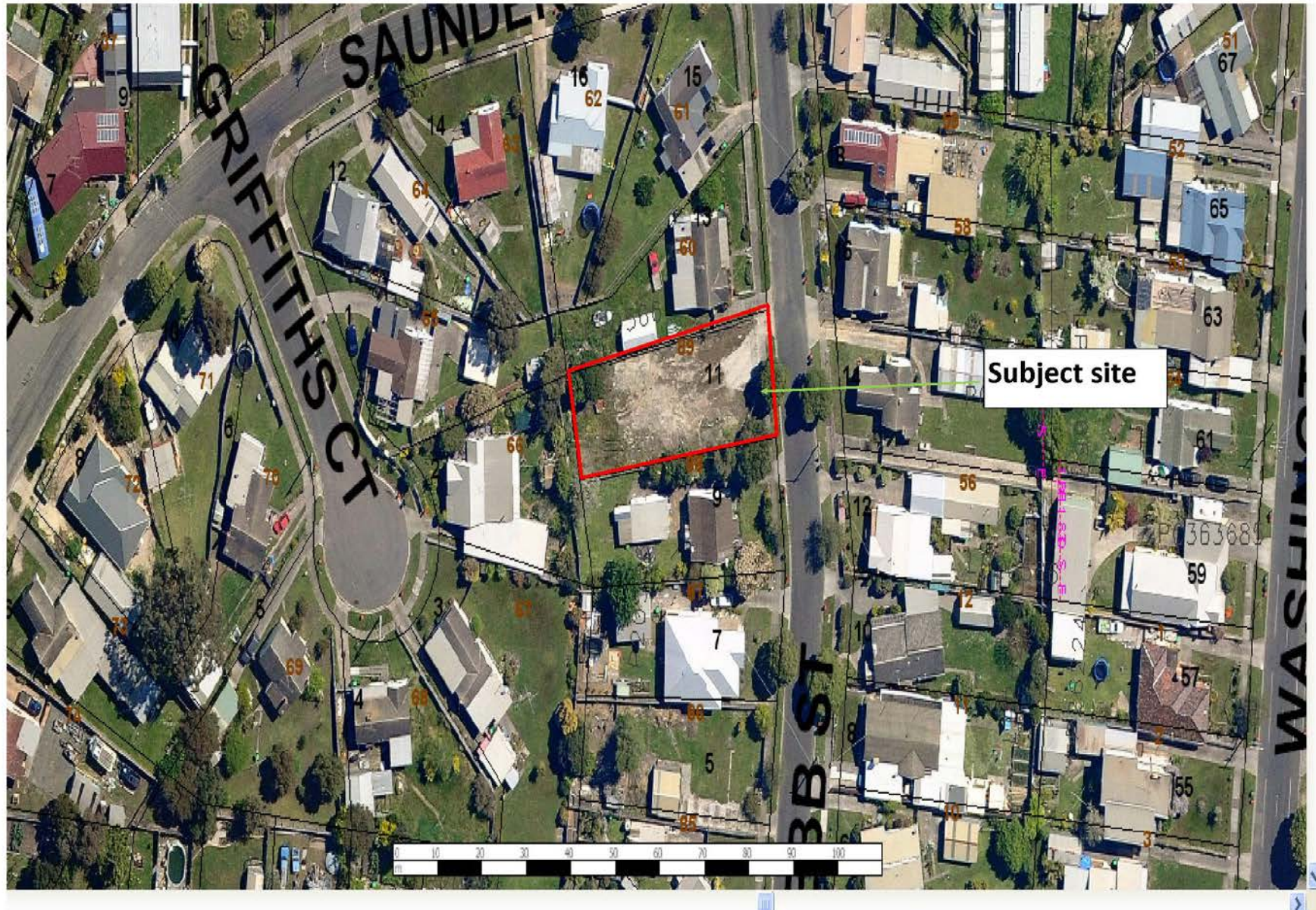


**Unit 3, 4-16 Beale Road**  
 PO Box 53360  
 Traralgon Vic 3844  
 Tel: (03) 5178 1117  
 Fax: (03) 5178 1107  
**233 Punt Road**  
 Traralgon Vic 3844  
 Phone: (03) 5429 2205  
 Email: info@jjcdesign.com.au

**bdav**  
 Building Development Association Victoria  
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**HURRICAIN CONSTRUCTION**  
 Proposed Name:  
**PROPOSED UNIT DEVELOPMENT**  
 11 WEBB STREET, TRARALGON, VIC 3844

PLANNING SET	
CONTEXTUAL ELEVATIONS	
DATE: 05/02/2014	DATE: 05/02/2014
DRAWN BY: JJC	PROJECT NO: 2253
CHECKED BY: JJC	DATE: 26/02/2013
DATE: 26/02/2013	PROJECT NO: 2253
	TP-08











**History of Application**

26 October 2012	Planning Permit application received by Council.
23 November 2012	Further information requested from applicant. The purpose of this request was to obtain an accurate Neighbourhood and Site Description as outlined in Clause 55.01-1, to deal with the requirements of ResCode and issues regarding the design response.
21 December 2012	Further information received
15 January 2013	As only part of the further information requested was provided another further information request was sent to the applicant
31 January 2013	Further information was received.
12 February 2013	Application requested to be notified and application referred under Section 55 of the Act to Referral Authorities as required.
28 February 2013	First of 6 objections received. All objections were exactly the same.
7 March 2013	Response from the applicant to the objections received on the application.
20 March 2013	The mediation meeting scheduled for the 22 of March was cancelled as the head petitioner for the objections detailed that all objections would be withdrawn.
2 May 2013	Only four of the objections were subsequently withdrawn as a result a mediation meeting was rescheduled for 7 May 2013.
7 May 2013	None of the outstanding objectors attended the rescheduled mediation meeting



●  
**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 – Residential 1 Zone**

The subject land is located within a Residential 1 Zone.

**Overlay**

There are no overlays that affect this property.

**Particular Provisions**

Clause 52.06 Car Parking  
Clause 55 'Two or More Dwellings on a Lot'

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents**

There are no incorporated documents that relate to the consideration of this application.



Re 11 Webb St, Traralgon  
Application permit is JG Couper

To Whom It May Concern

We would like to put our concerns and objective against the development of the three units being built and the subdivision at Webb Street Traralgon.

Webb Street Traralgon is already a busy road due to the recreation centre being so close, we object regarding the development because we have concerns regarding more vehicle's using this road and also have strong concerns regarding parking issues. At the moment there is a problem with parking and people parking on the side of the road which at times makes it difficult to drive through when there is cars parked along the side of the road, which makes it a safety issue.

Homes have been purchased in Webb Street because of the style of the homes and the location environment, we don't want to live next to units as we have always been long term residents and we fear that with units being built will cause the street not to be safe as there will be numerous people coming and going and fear the noise and location it will bring.

We believe that the land is not suitable in size to be subdivided and for units to be built and can't see how council can approve for a subdivision to go ahead? If this does go ahead more people would want to build units on their land in this street as they are smaller homes on bigger blocks however the blocks are not big enough to be subdivided.

We wish and plan to have Webb Street as heritage listing eventually as all the houses are old style which is the attraction to Webb Street and to Traralgon. Webb Street has a history which we would like to keep and not become a modern street. We would like to encourage people to keep the old style homes not to destroy them and build new units. We should be encouraging to keep the history of Traralgon homes.

We also have concerns that our homes will not hold its price value as no one want to purchase a home next to units.

We don't wish for this development to go ahead and hopefully understand where we are coming from and if this goes ahead the problems which may arise.

We hope you take our considerations into account when making this decision and can hopefully understand why we wish for this development to not go ahead.

Thank you for your time

Yours sincerely

Salve Scalia

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*Re 11 Webb Street, Traralgon  
Application permit to JG Cooper*

To Whom It May Concern

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Yours sincerely



*M. Geary*

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Application permit is JG Cooper

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Yours sincerely



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6 March 2013

**JJC DESIGN**

Latrobe City Council  
 Att: Jody Riordan - Planning Department  
 PO Box 264  
 Morwell Vic 3840



**Re: Application No: 2012/275**  
**Proposal: 3 Lot Subdivision & Three Unit Development**  
**Property: 11 Webb Street, Traralgon**

Dear Jody,

I respond to your letter dated 1<sup>st</sup> & 5<sup>th</sup> March 2013 regarding the objections for the above planning Application. I note that the 7 objections received are all identical (photo copied). So will respond to main the points raised.

1. *The objectors note that Webb Street is a busy road, and have concerns about Traffic movement, and parking.* – I note that Webb Street is not a Street in a Road zone, and would be classified as an Access road under the AUSTRROADS standard, and would be designed for normal Neighbourhood access traffic (carrying less than 1000 vehicles per day). The extra traffic volume generated by this development would be minimal. The development has been designed to provide parking on site to cater for the size of the development. Each dwelling provides a single garaged parking space which is required for two bedroom dwellings. Because of the size of the development no additional parking is required. The rear two dwellings have the access way designed so that vehicles can exit the site in a forward direction. I note that this not a requirement for planning compliance, but has been provided for safe and efficient vehicle movements.

Therefore in regards to clause 55.03-9 Access objectives, and clause 52.06 Car Parking, the development meets the standards and objectives, and is compliant.

2. *The objectors note that land is not suitable to be subdivided.* We believe our application goes to prove that the site is suitable for Multi-residential development. Our development complies with all the standards of clause 55 of the planning scheme.

In regards further development in the area. Council would have to assess all new applications independently. Even if this application is successful, it would not guarantee future Multi-residential development within Web Street.

3. *The objectors note that they wish Webb Street to be Heritage listed.* – There are currently no Properties within Webb Street that are covered by a Heritage overlay. As such, no Heritage permit requirement exists for the site. I note that even if a Heritage overlay existed over the site, it would not exclude the site from being developed.

JJC Design Pty.Ltd.  
 Unit 3, 6 – 16 Rocla Road, P.O Box 9390,  
 Traralgon, Vic 3844

P: 03 5176 1117  
 F: 03 5176 1107  
 E: info@jjcdesign.com.au

Melbourne Office P: 03 9429 2329  
 233 Peart Road  
 Richmond Vic 3121

4. *The objectors note they believe their properties will be devalued.* – This type of objection is not a planning consideration, and cannot be address under the planning scheme.

We hope we have answered the objector's queries. However to conclude we believe the development is appropriate, and is consistent with both State & Local Planning Policies. Which encourage, infill residential development throughout the existing urban area, especially in locations close to activity centers, areas of open space and areas with good public transport accessibility. All of which exist close to the site.

The Local planning policy encourages a wider variety of housing types. In particular smaller & more compact housing, and to provide best practice in modern housing design, and development, particularly for medium density housing.

We trust we have answered the issues raised, and hope this would avoid the need for further Planning mediation. However if a meeting is required, we would be happy to attend.

Please do not hesitate in calling if you have any further queries.

Sincerely

  
**James Couper**  
 Managing Director

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

General Manager

Economic Sustainability

For Decision

**PURPOSE**

The purpose of this report is to seek Council's approval to seek community comment on the sale of Latrobe City Council native vegetation offsets in Crinigan Bushland Reserves to an external permit applicant, Maryvale Private Hospital.

**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*

*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.

*Strategy – Natural Environment*

Natural Environment Sustainability Strategy 2008-2013.  
Key Strategic Actions

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

## **BACKGROUND**

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

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

### **Native vegetation offsets**

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

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

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

### **Third party offsets**

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

Third party offsets can be organised specifically for one developer/permit applicant, or can be developed speculatively to be traded through the Native Vegetation Credit Register.

There are a number of offset brokers which match potential sellers with potential buyers. The current offset market is subject to high transaction costs, volatile prices and a lack of competition for some offsets types. For example, between 2006 and 2012, BushBroker offset average prices for bioregions ranged from \$34,000 to \$370,000 per Habitat Hectare (i.e. identified like native vegetation suitable for offset).

The reforms to Victoria's native vegetation permitted clearing regulations, which come into effect in September 2013, will include changes to the offset market, including a standardised pricing structure and suggest local governments establish over the counter offset sales programs.

### **The ability of local governments to provide third party offsets**

Due to the significant areas of bushland that local governments already manage, there is scope to provide third party offsets to permit applicants at an agreed amount.

A number of local governments sell third party offsets to permit applicants using a business model; these include Bendigo, Yarra Ranges and Casey.

Without a business model, offsets could be sold on a case by case basis based on the benefits of doing so for environmental or social reasons.

In providing third party offsets, Council takes on the legal responsibility and requirements of that offset, which includes developing and actively implementing a 10 Year Management Plan, meeting and reporting on milestone targets, and securing the site for conservation purposes in perpetuity.

Risks involved in Council providing third party offsets include:

- Governance and management costs may outweigh income generated from selling offsets, particularly if unforeseen management is required, such as bushfire or flood remediation.
- Areas of bushland are 'locked-up' for conservation in perpetuity and cannot be used for conflicting purposes; this may result in possible community backlash.
- The sale of offsets is governed by fair-trading law, Council needs to take care not to engage in anti-competitive practices.

Benefits of Council providing third party offsets include:

- Permit applicants have increased ease and decreased cost of locating and purchasing offsets.
- Council has confidence that offsets purchased through Council are being managed appropriately and are meeting planning scheme requirements.
- Council receives additional income, potentially profit, allocated for directly managing offset areas of bushland.
- Areas of Council bushland are protected in perpetuity and managed to a higher environmental standard.
- Council can target the location of offsets to areas of high conservation significance.

### **ISSUES**

Maryvale Private Hospital, represented by a planning consultant, has determined that they require a third party native vegetation offset to meet the requirements of a planning permit for the expansion of their facilities.

Council has been approached, as the land owner of the Crinigan Bushland Reserve, separately to the responsible planning authority, to consider a proposal to use the Reserve as a native vegetation offset option. There is a good nexus for Maryvale Hospital using the Crinigan Bushland Reserve for its native vegetation offsets as the same ecological condition exists within direct proximity.

Current options available to Maryvale Private Hospital include:

- Altering plans so that the offset requirements can be met wholly on-site;
- Purchasing additional land on which to locate offsets;
- Seeking a third party offset through a direct approach to an alternate landowner; or
- Seeking a third party offset through an established native vegetation offset broker (i.e. Bush Broker, Trust for Nature, Abzeco, Vegetation Link, ES Link Services, or VegetationOffsets.com).

Maryvale Private Hospital has indicated that other options may be cost prohibitive.

Currently there remains a range of statutory requirements that the applicant is still required to meet, and no decision has been made. Council officers are working in partnership with the applicant and have provided in-principle support to the proposal.

The proposal seeks to achieve a good environmental outcome for the Crinigan Reserve, strong local community involvement from the Committee of Management that Maryvale Hospital has a position on, and the proposal Maryvale Hospital development has direct benefit to the local community.

If offsets are purchased through a broker or land purchase there is not a requirement for this to be located in Latrobe City, hence deriving no direct local benefit.

Council has not entered into an arrangement of this type previously and does not have an adopted position, policy or procedure to govern the process or arrangements. Caution should be exercised where a precedent may be set without an appropriate governance structure.

Council would essentially be selling items/assets with a financial value (offsets) without a clear authorising environment. In the absence of policy this arrangement requires a decision of Council.

Currently there is a high level of uncertainty of the implications of offering native vegetation offsets to external applicants; including:

- regulatory and legal requirements,
- risk insurance,
- internal governance/procurement requirements,
- pricing mechanisms,
- staff and financial resource implications,
- the experiences of other local councils, and
- benchmarking of influencing factors.

Internal discussions between Council's Governance and Natural Environmental Sustainability teams have suggested that the proposal for Maryvale Private Hospital to use Crinigan Bushland Reserve for its native vegetation offsets could be considered using a similar framework to that used with property sales. Where Council consider the sale of an asset, seek community comment through a consultation period and then seek Council decision.

In this case, community consultation would include discussions with the Crinigan Bushland Reserve Committee of Management, Friends of Crinigan Bushland Reserve and the broader community via notices in the print media, social media and Council's webpage.

An independent evaluation would be sought by Council of the cost of providing the offset, separately to that provided by the consultant (refer to attachment 1).

Alternatively, Council could commence an investigation to understand the implications of offering native vegetation offsets to external applicants; including regulatory and legal requirements, risk insurance, internal governance requirements, pricing mechanisms, staff and financial resource implications, and the experiences of other local councils.

Following an investigation, a Council policy or position would be developed and presented to Council for consideration. This process may take up to 12 months.

### **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.

Council has not entered into an arrangement of this type previously and does not have an adopted position, policy or procedure to govern the process or arrangements. Caution should be exercised where a precedent may be set without an appropriate governance structure.

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

If Council determined to proceed with the proposed arrangement to sell native vegetation offsets in Crinigan Bushland Reserve to Maryvale Private Hospital all costs would be borne by the applicant.

Currently the estimated cost provided by the consultant in attachment 1 is \$49,176.87 for the offset alone. These funds are allocated for the maintenance and management of the offset for a 10 year period.

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

Meetings and discussions have been held with the Department of Environment and Primary Industries (DEPI), Maryvale Private Hospital consultant project manager, planning consultant, environmental consultant and council officers regarding the feasibility of the concept and proposal. This has included site meetings.

Meetings have been held with the Councillor delegate, Chair and members of the Crinigan Bushland Reserve Committee of Management to advise them of the proposal and process being undertaken.

Council officers are discussing third party native vegetation offset arrangements and processes with officers at Yarra Ranges and Bendigo Councils, and how they administer their system.

*Details of Community Consultation / Results of Engagement:*

The Maryvale Private Hospital consultant project manager, planning consultant and DEPI officers have been made aware that Latrobe City Council currently does not have an adopted position, policy or process and therefore requires a decision of Council.

**OPTIONS**

The following options are available to Council:

1. Due to the complexity of providing native vegetation offsets to external permit applicants, Council not enter into any offsetting arrangement until a thorough investigation is completed to understand the implications and governance of such an arrangement, and Council policy or position is in place.
2. Council seek community comment on the sale of Latrobe City Council native vegetation offsets in Crinigan Bushland Reserve to Maryvale Private Hospital, for a period of 4 weeks. This would inform Council regarding community view with this particular case and the concept in general. A report would be presented to Council for consideration including submissions.
3. Council continue discussions with Maryvale Private Hospital with a view of proceeding with the sale of Latrobe City Council native vegetation offsets, as a one-off case study to assist in shaping a future Council policy or position, seek community comment and proceed to investigate to understand the implications and governance of such an arrangement to develop a Council policy or position.

**CONCLUSION**

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

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

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

Further investigation is required to understand the implications of offering native vegetation offsets to external applicants; these include regulatory and legal requirements, risk insurance, internal governance requirements, pricing mechanisms, staff and financial resource implications, the experiences of other local councils, and the development a Council policy or position.

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

**Attachments**

1. Assessment of Costs to Implement Ten Year Offset Management Plan within Crinigan Bushland Reserve, Morwell.

**RECOMMENDATION**

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



**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

**Moved:** Cr Middlemiss  
**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

## **13.1**

### **Sale of Latrobe City Council Native Vegetation Offsets to External Permit Applicant, Maryvale Private Hospital.**

- 1 Assessment of Costs to Implement Ten Year Offset  
Management Plan within Crinigan Bushland Reserve,  
Morwell. .... 219**





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

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**May 2013**  
Ben Imbery

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## 1 Background

A updated management plan was prepared for Crinigan Reserve in 2011 by Practical Ecology- *Crinigan Bushland Reserve, Morwell Management Plan Review* (Practical Ecology, 2011) This document contained a prioritised five year schedule of works which included estimated costs for a variety of recommended management actions.

A Net Gain Assessment (IDL, 2013) was undertaken to quantify the unavoidable losses to native vegetation which will be incurred through the ongoing management of vegetation within the defendable space zones surrounding Maryvale Hospital. The assessment set the following net gain target(s) due to the proposed extension and associated fuel management zone within Maryvale Hospital:

Target #	Ecological Vegetation Classes	Net Gain Target (Habitat hectares)	LOT's to be protected
Very High 1	EVC 16: Lowland Forest	0.34	0
High 1	EVC 16: Lowland Forest	0.42	0
Total Net Gain Target		0.76	

The purpose of this assessment is to use the estimated costs within the Practical Ecology management plan as a guide to develop an overall cost estimate if the Reserve was to be managed under a ten year Offset Management scenario.

Investigation of Potential Options to Achieve Maryvale Private Hospital Offset Requirements – May 2013

## 2 Methodology

### 2.1 Crinigan Bushland Reserve Vegetation

Firstly the following assumption is made regarding Crinigan Bushland Reserve:

- The vegetation meets the like-for-like criteria of the 'very high' net gain target -and thus meets/exceeds the 'high' net gain target. The vegetation within Crinigan Reserve is predominantly assigned as *EVC 16: Lowland Forest* within the Practical Ecology report and is assumed to be of moderate to high quality.

### 2.2 Determination of Required Offset Management Area

Using DSE's gain calculator (DSE, 2010) and assigning the default habitat score to areas of Lowland Forest (60 points out of 100) within Crinigan Reserve the following area is calculated as being required to meet the net gain target.

Offset Target (hha)	Sum of Improvement + Maintenance Gain	Management Area Required (hectares)	Total Gain Generated (hha)
0.76	0.04	19	0.76

This offset management scenario applies the following management commitments within Crinigan Reserve:

- Exclude stock and ensure that weed cover does not increase beyond current levels;
- Retain all standing trees- dead or alive;
- Retain all fallen timber/branches/leaf litter;
- Eliminate high threat woody weeds and control pest animals.

Investigation of Potential Options to Achieve Maryvale Private Hospital Offset Requirements – May 2013

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### **2.3 Application of Practical Ecology Costing Estimate**

The following factors have been considered or applied in the application of Practical Ecology's costing estimate to a ten year Offset Management scenario:

- Only those management actions which are considered necessary to achieve the designated management commitments have been applied. For example revegetation is not required to achieve gain therefore these costs have not been applied. Similarly tasks which are unrelated to the achievement of offsets such as fire fuel management or track maintenance have not been included;
- Sub-tasks which are listed as 'moderate- subject to funding' or 'low- optional' were not included in the cost calculations;
- Costing estimates for years 6-10 used averages or followed the relative increase/decrease pattern identified within Practical Ecology's five year cost estimate;
- As the Practical Ecology cost estimates have been based on a management area of 42.84 ha and an area of only 19 hectares is required to be managed Practical Ecology's costs have been multiplied by a factor of 0.4435 ( $19 / 42.84 = 0.4435$ ); and
- CPI increases across the ten year offset management period have been incorporated.

Investigation of Potential Options to Achieve Maryvale Private Hospital Offset Requirements – May 2013

### 3 Ten Year Offset Costing Estimate

The following management actions were considered necessary to meet the commitments listed in *Section 2.3*:

- Fencing and boundary management;
- Weed management;
- Pest animal management;
- Burgan management;
- Fauna habitat management; and
- Monitoring and Reporting.

This cost estimate does not include the preparation of an Offset Management Plan document and does not include any legal documentation fees which may be associated with the formalisation of the offset agreement.

The table below provides the cost estimate for the ten year management period as a figure to manage the entirety of Crinigan Reserve (42.84 hectares) and as a figure to manage the minimum required area to meet the net gain target (19 hectares).

YEAR	Cost Ex. GST		Cost Inc. GST	
	Entire Crinigan Reserve- 42.84 ha	Minimum area required to meet net gain target- 19 ha	Entire Crinigan Reserve- 42.84 ha	Minimum area required to meet net gain target- 19 ha
1	\$ 19,895.00	\$ 8,823.43	\$ 21,884.50	\$ 9,705.78
2	\$ 8,755.00	\$ 3,882.84	\$ 9,630.50	\$ 4,271.13
3	\$ 11,887.90	\$ 5,272.28	\$ 13,076.69	\$ 5,799.51
4	\$ 5,786.20	\$ 2,566.18	\$ 6,364.82	\$ 2,822.80
5	\$ 12,820.03	\$ 5,685.68	\$ 14,102.03	\$ 6,254.25
6	\$ 5,189.27	\$ 2,301.44	\$ 5,708.20	\$ 2,531.59
7	\$ 10,947.20	\$ 4,855.08	\$ 12,041.92	\$ 5,340.59
8	\$ 5,485.26	\$ 2,432.71	\$ 6,033.79	\$ 2,675.98
9	\$ 11,496.34	\$ 5,098.63	\$ 12,645.97	\$ 5,608.49
10	\$ 8,541.06	\$ 3,787.96	\$ 9,395.17	\$ 4,166.76
<b>TOTALS</b>	<b>\$ 100,803.26</b>	<b>\$ 44,706.25</b>	<b>\$ 110,883.59</b>	<b>\$ 49,176.87</b>



Investigation of Potential Options to Achieve Maryvale Private Hospital Offset Requirements – May 2013

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In summary using the Practical Ecology schedule of Works as a guide, it is estimated that the implementation of a ten year offset management plan within Crinigan Reserve would equate to approximately:

A total cost of:

- \$44,706.25 (ex. GST);
- \$49,176.87 (inc. GST)

An average Yearly cost of:

- \$4,470.62 (ex. GST);
- \$4,917.68 (inc. GST)

It is considered that approximately 30 hectares of suitable *EVC 16: Lowland Forest* vegetation exists within Land Title: 2/PS 407641- the largest parcel within Crinigan Reserve. Allocation of the entire offsets within this parcel would remove the necessity to produce multiple offset management plans for separate title areas within Crinigan Reserve.

Investigation of Potential Options to Achieve Maryvale Private Hospital Offset Requirements – May 2013

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## References

DSE. (2010, September). DSE Gain Calculator - Version 1.2.5. *DSE Gain Calculator - Version 1.2.5*. Melbourne, Victoria: Department of Sustainability and Environment.

IDLM. (2013). *Net Gain Assessment in relation to Vegetation Management within Defendable Space Zones at Maryvale Private Hospital*.

Practical Ecology. (2011). *Crinigan Bushland Reserve, Morwell Management Plan Review*.



INDIGENOUS DESIGN P (03) 9437 0555  
1635 Main Road, Research, VIC, 3095 F (03) 9437 0555  
Melbourne | Morwell | Leongatha E [nadia@iddesign.com.au](mailto:nadia@iddesign.com.au)  
ABN: 8310 4215 947 [www.iddesign.com.au](http://www.iddesign.com.au)

# RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE



**14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE**

**14.1 CHURCHILL EAST WEST LINK DRAFT MASTER PLAN:  
EXHIBITION OF REPORT**

**General Manager**

**Recreation, Culture &  
Community Infrastructure**

**For Decision**

**PURPOSE**

The purpose of this report is to consider the exhibition of the Churchill East West Link Draft Master Plan and Urban Design Framework. The results of this consultation will be incorporated into the final Churchill East West Link Master Plan and Urban Design Framework, to be considered by Latrobe City Council later in 2013.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

**Latrobe 2026: The Community Vision for Latrobe Valley**

*Strategic Objectives – Built Environment*

*To achieve the vision for a connected and inclusive built environment it is important that accessibility of community services and facilities are preserved and enhanced as communities evolve. We must also consider key urban needs such as housing; commercial and industrial uses; railway and road infrastructure; water, sewerage and energy supply; and open space and recreational areas.*

**Latrobe City Council Plan 2013 - 2017**

*Advocacy for and consultation with our community*

*Strategic Direction*

Encourage new retail initiatives which increase activity in shopping precincts.

Work with relevant agencies to improve the management and maintenance of all roads and road sides in Latrobe City.

Actively encourage and support initiatives that promote social inclusion and diversity within our community.

*Planning for the future*

*Strategic Direction*

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

*Strategy –  
Churchill Town Centre Plan*

### **BACKGROUND**

The Churchill East West Link is a central element of the Churchill Town Centre Plan, which was adopted by Latrobe City Council in 2007, with an update adopted in 2010. The East West Link is the main feature of planning for the precinct between Philip Parade and the University Campus, aiming to provide a substantial improvement to the current unsatisfactory link between the campus, Latrobe Leisure Churchill and the town centre.

The original town centre plan included three sections – the western residential area, the existing commercial centre and “Eel Hole Creek and University Campus”. The existing commercial centre has been the focus of implementation of the town centre plan since 2008, while the proposed link to the western residential area was removed from the town centre plan after community consultation in 2008 and 2009. The preparation of a Master Plan for the East West Link in the “Eel Hole Creek and University Campus” precinct was identified in 2011 as the final step in implementing the town centre plan. The purposes of the Master Plan and Urban Design Framework are to provide a basis for funding applications, and to guide capital works decisions.

CPG (since renamed “spiire”) was appointed as consultants to carry out preparation of the master plan. Following consultation, a Key Directions paper was exhibited for comment in August 2012. Five written submissions were received, as well as informal comments from stakeholders. These were incorporated by the consultants into a Draft Master Plan and Urban Design Framework.

There has been other complementary activity in the precinct in recent years, including the development of a Draft Master Plan by Monash University consultants for the university campus, and the preparation of a “principles” document for the proposed art and culture trail under the auspice of the Gippsland Education Precinct. The East West Link Draft Master Plan complements these plans.

It is now proposed to exhibit the Draft Master Plan and Urban Design Framework for five weeks, from Tuesday, 16 July 2013 to Tuesday, 20 August 2013. Comments received will be considered for incorporation into a final Master Plan, to be presented to Latrobe City Council for consideration in October 2013.

**ISSUES**

The development of the East West Link Draft Master Plan has not raised community expectations that funding is available for its implementation. Rather, the focus has been on the preparation of a Master Plan that has broad ownership, identifying a number of projects that would implement the plan over a number of years, and providing the basis for funding applications.

Key features of the East West Link Draft Master Plan include:

- A new pedestrian link between the campus and the town centre, including a new iconic bridge over Eel Hole Creek
- The Eel Hole Creek Pavilion, which is a heritage and cultural pavilion being proposed as part of the art and culture trail
- A redesigned car park and pathway at Latrobe Leisure Churchill
- A new fence between the skate park and Hub car park
- A new street linking McDonald Way with the Hub car park
- A clean-up of Eel Hole Creek and construction of pondages
- Missing sections in footpaths addressed
- Improvements at Latrobe Synthetic Sports Field.

There is considerable interest in the East West Link Draft Master Plan among stakeholders, who are keen to form partnerships to progress the projects which are proposed. Exhibition of the draft will enable submissions to be made to refine the final East West Link Master Plan.

**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 main risk regarding the exhibition of the East West Link Draft Master Plan is the loss of community confidence if the Master Plan is not delivered or is delayed.

A risk in the preparation and eventual adoption of the Master Plan is that community expectations regarding funding of projects may be raised. However, this risk has been addressed by regular reference to the role of the document as the basis for future funding submissions.

There are no immediate costs associated. If approved, elements of the Masterplan will be referred to future capital works budgets. The Masterplan will also enable funding submissions to be presented to funding bodies.



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

The preparation of the Key Directions report followed a process of targeted engagement with main stakeholders (eg CDCA, Churchill and District Community Hub Advisory Committee, CFA, Monash University, MUGSU, Latrobe Valley Hockey Association, Latrobe Leisure Churchill, Lions and Rotary Clubs), as well as broader exhibition through *Churchill News* and newsletters on the Churchill Town Centre Plan.

*Details of Community Consultation / Results of Engagement:*

All stakeholders who have been engaged throughout the project will be contacted requesting feedback on the draft Masterplan. Advertisements will also be placed in the Latrobe Valley Express advertising the public submission process. The section on the Latrobe City Council website dealing with the draft Masterplan ("Churchill Town Centre Planning") will provide a link to the document, and seek submissions.

**OPTIONS**

Options include:

1. Abandon the development of the East West Link Master Plan.
2. Exhibit the East West Link Draft Master Plan for further comment.
3. Adopt the document as a final Master Plan, without further exhibition.

**CONCLUSION**

The exhibition of the East West Link Draft Master Plan for comment represents another step in the implementation of the Churchill Town Centre Plan. It follows a consultation phase and the preparation of the Key Directions paper, and is aimed at encouraging comment prior to adoption of a final Master Plan.

There is a strong community expectation in Churchill that a Master Plan will be prepared to encourage the effective redevelopment of the precinct, while a period of further comment will ensure that the process of consultation is rigorous.

**Attachments**

1. Churchill East West Link: Draft Master Plan and Urban Design Framework (April 2013)

**RECOMMENDATION**

- 1. That the Churchill East West Link Draft Master Plan and Urban Design Framework be released for exhibition for five weeks, from Tuesday, 16 July 2013 to Tuesday, 20 August 2013.**
- 2. That the outcomes of the exhibition be considered for incorporation in the final Churchill East West Link Draft Master Plan and Urban Design Framework, to be considered by Latrobe City Council at a meeting later in 2013.**

**Moved:** Cr White  
**Seconded:** Cr Sindt

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White, O'Callaghan, Sindt, Middlemiss, Gibbons

**Against the Motion**

Councillor/s Harriman, Kam, Rossiter

**The Mayor confirmed that the Recommendation had been CARRIED**



## **14.1**

### **Churchill East West Link Draft Master Plan: Exhibition of Report**

- 1 Churchill East West Link: Draft Master Plan and Urban  
Design Framework (April 2013) ..... 237**





# Churchill East West Link:

Draft Master Plan and Urban Design Framework

April 2013  
Rev 2











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## Churchill East West Link | 1. Executive Summary

The Churchill East West Link Master Plan and Urban Design Framework is the second part of the Churchill East West Link project. The two reports are to be read in conjunction with one another to ensure an appreciation of the rationale for the master plan and urban design framework.

The first part, the Key Directions Paper:

- reviewed existing relevant studies
- provided a summary of the community profile
- analysed the site context, constraints and opportunities
- summarised a community consultation program, and
- developed a set of key directions for the master plans and urban design framework.

This report takes the information outlined in the Key Directions report and provides a design framework for a link between the Churchill Town Centre and Monash University. It is intended to set an overall picture (a master plan) that considers all of the previous studies and ideas, and to provide a basis for funding applications to a variety of sources for specific projects that go to make up the overall East West Link.

It is to be noted that further detailed design of the various components contained within the master plan will be required and this will be subject to funding opportunities for their implementation.

The Master Plan and Urban Design Framework report follows the set out of the Key Directions report, and the items listed therein. The East West Link is dealt with in three precincts;

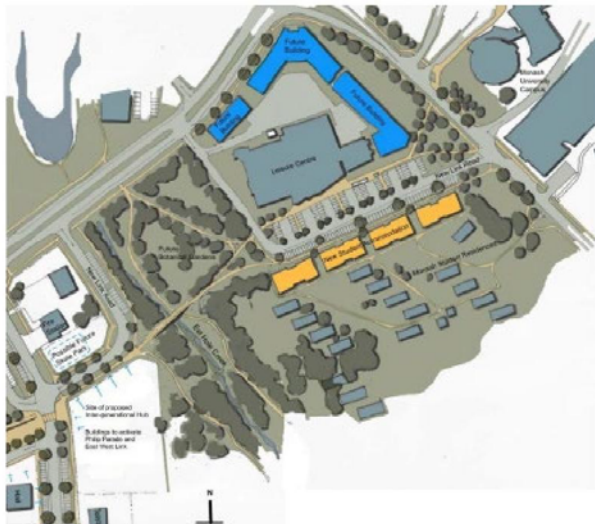
- Precinct 1; Eel Hole Creek
- Precinct 2; Latrobe Leisure Churchill
- Precinct 3; Monash Interface

Within each precinct, a variety of projects is set out with their design requirements, priority, partners and estimated cost. The cost estimates are indicative only and are based on 2012 costs. They are also a basis from which to apply for funding opportunities.

The master plan will ensure that a consistent and integrated approach to the implementation of an East West Link will be achieved. As such, it is essential that it be adhered to so that the input of the various stakeholders and previous work is acknowledged, and the desired outcomes for the community are provided.



## Churchill East West Link | 2. Introduction



Churchill Town Centre Plan 2007



Churchill Town Centre Plan 2010

### 2.1 AREA OF THE EAST-WEST LINK MASTER PLAN

This Master Plan addresses a number of aspects of the 2007 Churchill Town Centre Plan (Beca, 2007).

The 2007 Plan included a precinct labelled "Section 3: Eel Hole Creek and University Campus", from Philip Parade to the Monash University Campus. This broadly covers the area of this current Master Plan.

In 2010, the Churchill Town Centre Plan was revised to take account of developments following 2007, including the establishment of the Churchill and District Community Hub, the construction of the Latrobe Synthetic Sports Field and the expansion of Latrobe Leisure Churchill.

This Master Plan includes all of the 2007 Plan's "Section 3", plus the Latrobe Synthetic Sports Field, as well as pedestrian linkages between this precinct and other parts of Churchill.

### 2.2 DESIGN PRINCIPLES

This document is based on a set of design principles, aiming to produce quality outcomes that reflect and enhance Churchill's built and natural environment.

Many of the principles were elucidated in the 2007 Churchill Town Centre Plan. Some of the 2007 principles relate more specifically to Churchill's commercial centre, such as providing a strengthened civic identity, heart and focal point of Churchill, strengthening the interaction between different sections of the town centre and improving public transport. Others were general principles, such as promoting increased activity, improving traffic movements and pedestrian safety, and enhancing links to open space.

Since 2007, substantial change has taken place in Churchill as a result of the implementation and refinement of the Churchill Town Centre Plan, so an update of the design principles for the east-west link is required. Also, the east-west link master plan provides a more detailed level of analysis than the broad concepts in the 2007 Plan, so an explicit outline of the specific design principles is necessary.

The following table provides an outline design principles that have provided the basis of this Master Plan and Urban Design Framework, and examples of the ways in which these principles will influence project designs.

#### DESIGN PRINCIPLES

- Local: Designs reflect and reinforce the positive aspects of Churchill's history, culture and environment
- Safe: All designs are aimed at improving the reality and perception of safety for those using the spaces, reflecting principles of Crime Protection Through Environmental Design (CPTED)

#### EXAMPLE OF DESIGN CONSEQUENCES

- Designs build on the growing quality of Churchill's facilities and set new standards of creativity
- A diversity of types of formal and informal spaces is provided
- Increased activity
- Improved passive surveillance
- Improved pedestrian safety
- Improved lighting on pathways
- Increased legibility of pathways
- Improved signage
- Landscaping that minimises vulnerable places

#### IMPLICATIONS FOR THE MASTER PLAN

- Innovative designs that reflect and reinforce Churchill's character are adopted
- The relationship between Churchill's town centre and the Monash University campus is strengthened
- The sense of entry at Latrobe Leisure Churchill is improved
- Eel Hole Creek is transformed
- Lighting and street furniture is complementary with town centre themes
- The east-west pedestrian link is the primary priority
- Lighting and street furniture are upgraded
- A way finding or signage theme is developed
- Pondages are developed on Eel Hole Creek with safe edges





## Churchill East West Link | 2. Introduction

### DESIGN PRINCIPLES

3. Accessible: All designs promote access for all, including access for disabled people

4. Environmental: Designs create environmental and aesthetic improvements, reflecting a shift from the more developed landscape in the commercial centre to the more natural environment of Eel Hole Creek

5. Artistic: Designs assist in identifying the precinct as central to Churchill's Art and Culture Pathway, consistent with the Brecknock Consulting report, Making Our Way (2011)

6. Practical: Designs continue to lift the standard of Churchill's infrastructure, are affordable and easy to maintain

### EXAMPLE OF DESIGN CONSEQUENCES

• Materials and layouts of infrastructure are designed to maximise access

• Natural landscaping  
• Quality vegetation retained  
• Weeds removed

• Artistic focus in designs  
• Community involvement in locally-based art projects

• Designs are fit for purpose  
• All-of-life costs are considered, through identification and control of maintenance costs

### IMPLICATIONS FOR THE MASTER PLAN

• Slopes on the east-west pedestrian link are minimised, and steps avoided where possible  
• Seating is provided in appropriate locations  
• Vehicle access and parking is improved at Latrobe Leisure Churchill

• Vegetation along Eel Hole Creek is mapped, and high quality vegetation retained  
• Weeds and lower quality trees are removed along Eel Hole Creek and new plantings take place

• The precinct is an attraction for locals and visitors to Churchill  
• Artistic elements are included in design of the bridge, Eel Hole Creek Pavilion and other infrastructure  
• The skate park is upgraded  
• There is involvement of skate park users and Churchill schools around the skate park  
• Monash University Gippsland Centre for Art and Design contributes to the artistic focus

• Infrastructure such as footpaths, streets, bridge, Eel Hole Creek Pavilion, lighting, signage and street furniture is designed to minimise maintenance requirements

### 2.3 KEY SIMILARITIES AND DIFFERENCES

The key similarities and differences between the 2010 version of the Churchill Town Centre Plan and this Draft Master Plan include:

#### Similarities

- The main focus and priority is the east-west pedestrian link between the Monash campus and the town centre, including a new bridge across Eel Hole Creek
- The "Opportunities", "Constraints" and "Vision" identified in 2007 and reflected in 2010 generally remain relevant to this Master Plan
- Elements such as the street connection to the east of the CFA building (between McDonald Way and the car park at the Hub), upgrade of Eel Hole Creek environment and reconfiguration of the Latrobe Leisure Churchill car park remain

#### Differences

- The plan has been updated to include developments that have taken place since 2010, such as the extension to the play areas at the Churchill & District Community Hub, replacement of some of the Monash student accommodation units, and construction of the Latrobe Synthetic Sports Field. The Master Plan reflects a need to include improved pedestrian links from these facilities to key destinations
- The "Future Botanical Gardens" west of Latrobe Leisure Churchill have been removed and replaced with "Footprint for Monash building". This recognises Monash University's ownership of this parcel of land, and the focus of open space in Churchill in other locations (such as Mathison Park)
- The proposed reconnection of the car park at Latrobe Leisure Churchill to Northways Road has been removed
- Several proposed developments have been added, including facilities at the skate park, pondages and wetlands on Eel Hole Creek, Eel Hole Creek Pavilion to the west of Latrobe Leisure Churchill car park, and potential parking on the access road to Latrobe Leisure Churchill





### Churchill East West Link | 3. Site Context Plan



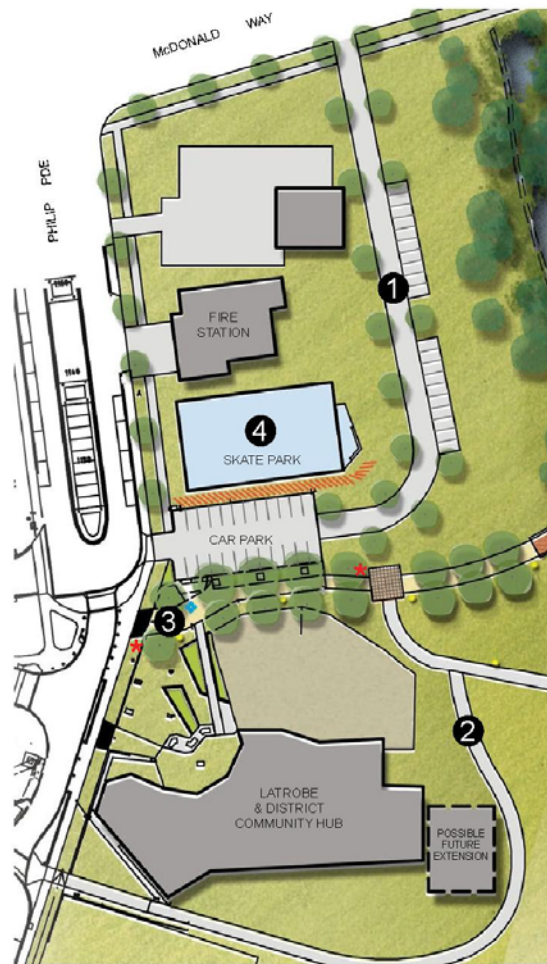


### Churchill East West Link | 4. Master Plan





Churchill East West Link | 5.1 Eel Hole Creek Precinct - Area 1



Retain and enhance indigenous / native vegetation where possible



Example of activating the creek side.



Existing interface between skate park and car park



Example of semi-transparent panel for skate park and car park interface

PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
1. Access laneway behind CFA	<ul style="list-style-type: none"> <li>• Provide low-speed traffic access between McDonald Way and Philip Parade via Hub car park</li> <li>• Low key frontage to Eel Hole Creek</li> <li>• Potential for some on-street parking</li> <li>• Address slope near access point from McDonald Way</li> <li>• Retain and enhance indigenous or native vegetation</li> <li>• Ensure security of CFA building is addressed in design</li> <li>• Provide for informal access for maintenance vehicles to service lane around Hub</li> </ul>	D	Latrobe City Council, CFA,	\$300,000 to \$400,000
2. Service lane around Hub	<ul style="list-style-type: none"> <li>• Provide restricted access for maintenance vehicles around Hub</li> <li>• Ensure safe and practical crossing of east-west pedestrian link</li> <li>• Requires access point from new laneway behind CFA</li> </ul>	D	Latrobe City Council, Churchill Hub Advisory Committee	\$150,000 to \$200,000 (depends largely on nature of construction)
3. Art installation in front of Hub	<ul style="list-style-type: none"> <li>• Provide gateway signature for Art &amp; Culture Trail</li> <li>• Requires consistency with Art &amp; Culture Trail themes for precinct</li> <li>• Ensure consistency with South Australian Government, Public Art - <i>Making it Happen: Commissioning Guidelines for Local Councils (2006)</i></li> </ul>	C	GEP Art & Culture Trail, Latrobe City Council, Churchill Hub Advisory Committee	\$30,000 to \$50,000
4a. "Skate of the Art" Project at skate park	<ul style="list-style-type: none"> <li>• Provide youth focus for Art &amp; Culture Trail</li> <li>• Staged project including involvement of youth and schools</li> <li>• Encourage "ownership" of skate park territory by users</li> </ul>	B	GEP Art & Culture Trail, Churchill schools, Latrobe City Council	\$10,000 to \$25,000
4b. Fence with an artistic focus between the skate park and car park	<ul style="list-style-type: none"> <li>• Design should reflect role as a key part of the Art &amp; Culture Trail</li> <li>• Provide separation between parked vehicles and skate park with a safe, attractive, minimum maintenance fence</li> <li>• Ensure fence design is complementary with other features around the Hub and skate park</li> <li>• Encourage "ownership" of skate park territory by users</li> </ul>	B	Latrobe City Council, Churchill Hub Advisory Committee, GEP Art & Culture Trail	\$20,000 to \$40,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority





Churchill East West Link | 5.2 Eel Hole Creek Precinct - Area 2



Existing Eel Hole Creek



Example of pondage / wetland. Provides environmental and aesthetic benefits



Provide iconic bridge as the focal point of Art & Culture Trail



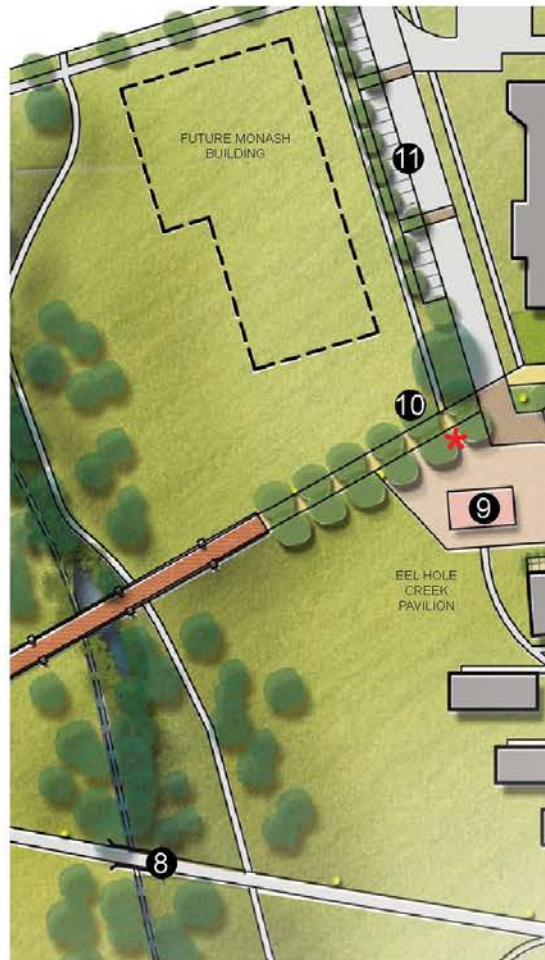
Opportunities to upgrade existing path to student accommodation to improve identified safety issue

PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
5. Iconic bridge over Eel Hole Creek	<ul style="list-style-type: none"> <li>Primary access and visual link between campus and town centre</li> <li>Primary focus for Art &amp; Culture Trail – ensure that artists and designers provide a world-class design within a brief that is consistent with themes for the precinct</li> <li>Ensure highest quality design and construction so that the bridge is functional, attractive, and appropriate to its location within the art and culture trail and over Eel Hole Creek</li> <li>Clarify length of bridge to reach a balance between minimising footpath slopes through a long bridge and lower costs of a shorter bridge</li> <li>Ensure consistency with South Australian Government, Public Art - Making it Happen: Commissioning Guidelines for Local Councils (2006)</li> <li>Design incorporating CPTED (Crime Prevention Through Environmental Design) principles</li> </ul>	A	Latrobe City Council, Monash University, State and Commonwealth Governments; possible corporate sponsorship	Between \$400,000 for an "off-the-shelf" 60-m bridge and \$1m for a custom bridge with artistic features
6. Amenities for skate park	<ul style="list-style-type: none"> <li>Confirm location of facilities along Philip Parade or east of the skate park</li> <li>Provide shade, shelter and water for skate park users</li> <li>Ensure visibility of facilities</li> <li>Ensure design of facilities is functional, attractive, and appropriate to its location near the skate park and Hub, within the art and culture trail and next to Eel Hole Creek</li> </ul>	B	Latrobe City Council, State Government	\$55,000 to \$75,000
7. Pondage & wetland areas at Eel Hole Creek	<ul style="list-style-type: none"> <li>Investigate environmental benefits and constraints</li> <li>Investigate regulatory requirements</li> <li>Provide environmental and aesthetic improvements to degraded area</li> <li>Ensure design consistency with pondages north of McDonald way</li> <li>Confirm number and scale of pondages and wetland areas</li> <li>Retain and enhance indigenous and native vegetation (and protect specimens of Strzelecki gums)</li> <li>Replace vegetation where appropriate</li> <li>Ensure safety of pondage surrounds</li> </ul>	B	Latrobe City Council, Monash University, WGCMA	\$300,000 to \$400,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority



Churchill East West Link | 5.3 Eel Hole Creek Precinct - Area 3



Existing embankment - between Eel Hole Creek and Latrobe Leisure Centre, view towards North



Existing embankment - between Eel Hole Creek and Latrobe Leisure Centre, view towards Leisure Centre



Opportunity for tree line pedestrian friendly boulevard on either side of bridge



Consider inclusion of BBQ and toilet facility near pavilion

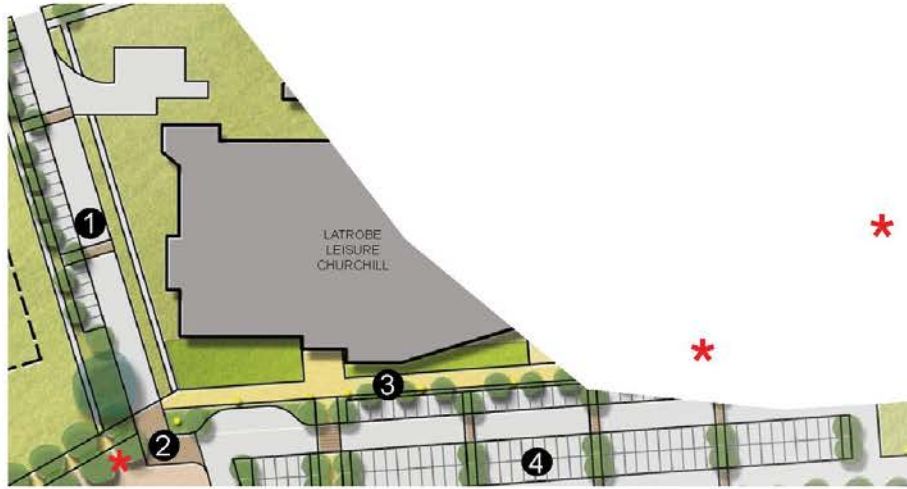
PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
8. Investigate current path over Eel Hole Creek	<ul style="list-style-type: none"> <li>Investigate advantages and disadvantages of retaining direct link between Monash accommodation and town centre</li> <li>If appropriate, develop alternative treatments of culverts and upstream areas</li> </ul>	C	Latrobe City Council, Monash University	Up to \$20,000 (study); further costs for any works proposed
9. Eel Hole Creek Pavilion	<ul style="list-style-type: none"> <li>In association with Hansen Partnership study, identify location, purposes and design concepts of pavilion</li> <li>Following completion of Hansen Partnership study, confirm pavilion design</li> <li>Ensure design of pavilion is functional, attractive, and appropriate to its location within the art and culture trail and near Eel Hole Creek</li> </ul>	B	Latrobe City Council, State and Commonwealth Governments	\$150,000
10. Grading of rise to car park	<ul style="list-style-type: none"> <li>Enable visual link in east-west pedestrian link by reducing "hump"</li> </ul>	A	Latrobe City Council	\$10,000 to \$20,000
11. Investigate 90-degree parking on west side of access road to Latrobe Leisure Churchill	<ul style="list-style-type: none"> <li>Investigate adequacy of parking at Latrobe Leisure Churchill following restructure of main car park</li> <li>Retain 90-degree parking as option if needed</li> <li>Ensure new car parks meet traffic safety requirements</li> <li>Ensure new car parks are appropriately landscaped</li> </ul>	C	Latrobe City Council	\$5,000 for study; additional costs for car park construction

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority





Churchill East West Link | 6.1 Latrobe Leisure Churchill Precinct - Area 1



PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
1. Traffic calming measures along service road	<ul style="list-style-type: none"> <li>• Maintain safe and easy vehicle access to Latrobe Leisure Churchill car park</li> <li>• Improve safety of precinct by reducing vehicle speeds</li> </ul>	B	Latrobe City Council	\$50,000 to \$100,000
2. Raised pedestrian crossing at key connection in car park	<ul style="list-style-type: none"> <li>• Enhance pedestrian safety in precinct by providing identified crossing point</li> <li>• Contribute to traffic calming along service road</li> </ul>	A	Latrobe City Council	\$25,000 to \$50,000
3. Wide boulevard along front of Leisure Centre	<ul style="list-style-type: none"> <li>• Provide a major pedestrian pathway between Monash University, Latrobe Leisure Churchill and the town centre (a key part of the East-West Link)</li> <li>• Provide a sense of entry to Latrobe Leisure Churchill "front door"</li> <li>• Include elements that are part of the art and culture trail</li> <li>• Ensure that way finding measures are incorporated along pathways</li> </ul>	A	Latrobe City Council, Monash University, State & Commonwealth Governments	\$300,000 to \$400,000
4. Reconfigure Latrobe Leisure Churchill car park	<ul style="list-style-type: none"> <li>• Redesign car park to maintain at least the existing number of spaces (126, plus 2 bays for disabled)</li> <li>• Improve the legibility of the car park layout</li> </ul>	B	Latrobe City Council	\$5,000 to \$10,000 (design) \$250,000 to \$400,000 (construct)

EEL HOLE CREEK PAVILION

STUDENT ACCOMMODATION

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority



Existing Service Road - West of Latrobe Leisure Centre



Existing entrance and footpath along Latrobe Leisure Centre



Existing car park at Latrobe Leisure Centre



Example of raised pedestrian crossing



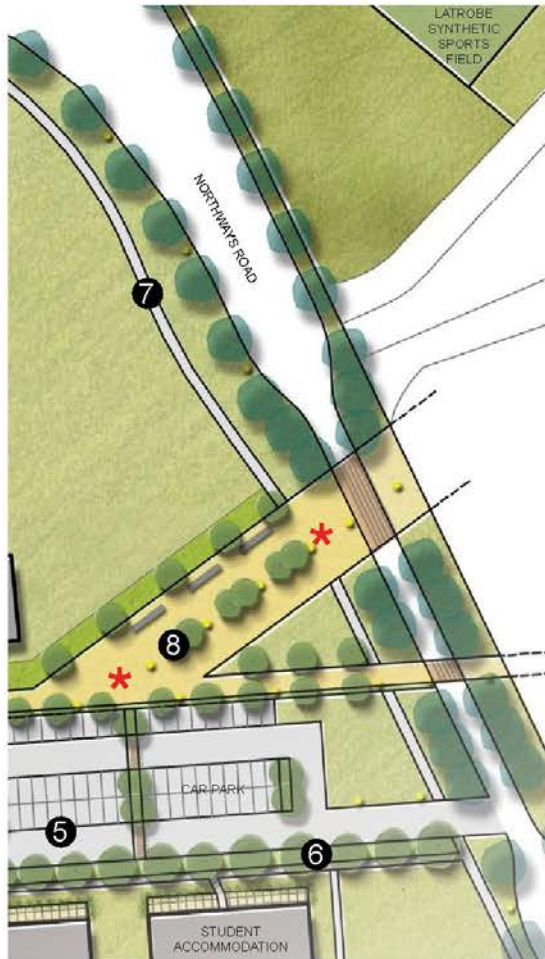
Example of wide pedestrian boulevard to building entrance



Example of way finding measure



Churchill East West Link | 6.2 Latrobe Leisure Churchill Precinct - Area 2



Example of paving treatment for arrival point



Example of plaza design for arrival / transition point



Example of lighting incorporated into street furniture. Provide pedestrian friendly environment at arrival point



Example of way finding theme / sculpture

PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
5. Grade out rise within car park	<ul style="list-style-type: none"> <li>Provide visual link between Monash University and town centre by removing rise when reconstruction occurs</li> </ul>	B	Latrobe City Council	\$50,000 to \$75,000
6. Grade out embankment, replant	<ul style="list-style-type: none"> <li>Improve visual and practical connectivity between Monash accommodation and Latrobe Leisure Churchill</li> <li>Provide opportunities for landscaping and vegetation consistent with CPTED principles</li> </ul>	C	Monash University, Latrobe City Council	\$50,000 to \$75,000
7. Reconfigure footpaths to Monash, GEP and Latrobe Synthetic Sports Field	<ul style="list-style-type: none"> <li>Provide legible, attractive and direct pedestrian links between major destinations</li> <li>Include elements that are part of the art and culture trail</li> <li>Ensure that wayfinding measures are incorporated along pathways</li> </ul>	B	Monash University, GEP, Latrobe City Council	\$100,000 to \$125,000
8. Develop arrival point and way finding signage	<ul style="list-style-type: none"> <li>Develop clear way finding theme, consistent and complementary with town centre, art and culture trail and Monash University campus themes</li> <li>Identify specific templates for way finding signage</li> </ul>	A	Latrobe City Council, Monash University	\$30,000 to \$40,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority





Churchill East West Link | 6.3 Latrobe Leisure Churchill Precinct - Area 3



PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
9. Lighting in car park and for arrival point	<ul style="list-style-type: none"> <li>• Ensure safety of car park and East-West Link by provision of quality lighting</li> <li>• Complement public lighting themes in town centre by appropriate selection of poles and luminaires</li> </ul>	B	Latrobe City Council	\$30,000 to \$40,000
10. Improve arrival point for Latrobe Leisure Churchill, including drop-off / arrival point	<ul style="list-style-type: none"> <li>• Develop landscape, "front door", pathway, wayfinding and traffic treatments that clearly identify the arrival point</li> <li>• Design traffic arrangements that enable drop-offs to occur effectively and quickly</li> <li>• Design traffic arrangements that allow bus drop-offs to occur</li> </ul>	A (design) B (construct)	Latrobe City Council	\$100,000 to \$200,000
11. Develop footpaths along McDonald Way and Northways Road	<ul style="list-style-type: none"> <li>• Provide visible, safe pedestrian access from Monash University, GEP, Kurnai College and Latrobe Leisure Churchill to the town centre (along McDonald Way) and Churchill's western residential area (along Northways Road)</li> <li>• Ensure that footpaths have adequate lighting</li> </ul>	B	Latrobe City Council	\$150,000 to \$180,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority



Existing entrance to Latrobe Leisure Centre



Example of well defined entrance



Example of well lit car park with clear sight lines

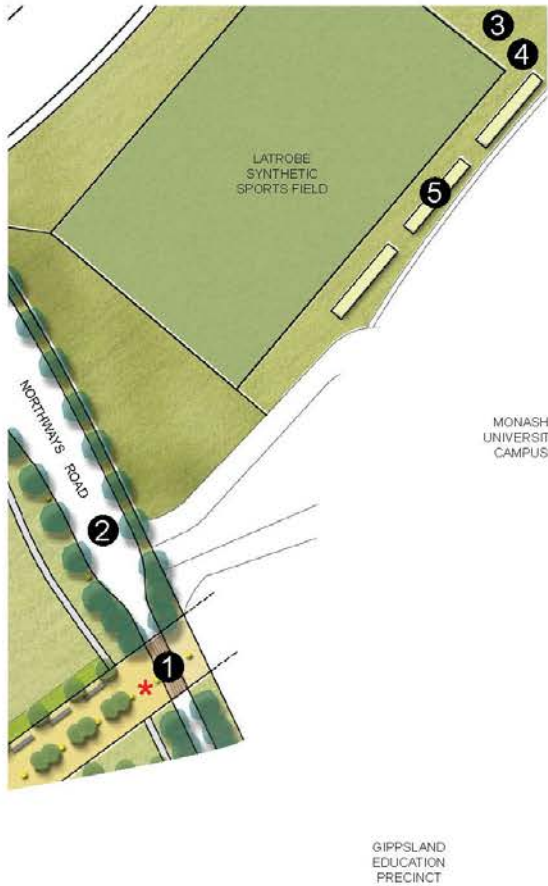


Example of well lit path for pedestrian





Churchill East West Link | 7.1 Monash Interface Precinct - Area 1



Example of well lit public space



Example of traffic calming measure / feature paving treatment for pedestrian crossing



Provide street lighting along Northways Road



Example of two way bus shelter / spectator shelters

PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
1. Traffic calming measures along Northways Road	<ul style="list-style-type: none"> <li>• Improve safety of precinct by reducing vehicle speeds</li> <li>• Maintain safe and easy vehicle access to Monash University (including the bus stop) and GEP</li> <li>• Investigate reinstatement of safe and efficient traffic access to Latrobe Leisure Churchill car park</li> </ul>	B	Latrobe City Council, Monash University	\$100,000 to \$200,000
2. Lighting along Northways Road	<ul style="list-style-type: none"> <li>• Ensure safety of Northways Road and East-West Link by provision of quality lighting</li> <li>• Complement public lighting themes in town centre by appropriate selection of poles and luminaires</li> </ul>	B	Latrobe City Council, Monash University	\$50,000 to \$80,000
3. Future warm-up area for synthetic sports	<ul style="list-style-type: none"> <li>• Identify and retain option for warm-up area</li> </ul>	D	Latrobe City Council, Monash University, LV Hockey Association	\$30,000
4. Consider future pavilion footprint for synthetic sports field	<ul style="list-style-type: none"> <li>• Assess need for pavilion for synthetic sports field</li> <li>• Identify and retain option for pavilion</li> <li>• Ensure design complements Monash campus, Latrobe Leisure Churchill and town centre</li> </ul>	B	Latrobe City Council, Monash University, LV Hockey Association	\$400,000 to \$600,000
5. Future two way bus shelter / spectator shelters and change / toilet spaces	<ul style="list-style-type: none"> <li>• Design and develop functional building that meets multiple needs – transport, shelter and change facilities</li> <li>• Ensure design complements Monash campus, Latrobe Leisure Churchill and town centre</li> </ul>	B	Monash University, LV Hockey Association, Latrobe City Council	\$500,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority



**Churchill East West Link | 7.2 Monash Interface Precinct - Area 2**



*Existing view towards Monash University Sports Field from Latrobe Leisure Centre*



*Example of safe designated pedestrian crossing*



*Example of pedestrian path with clear sight lines*

PROJECT	DESIGN REQUIREMENTS	PRIORITY*	PARTNERS	ESTIMATED COST (DEPENDENT ON DESIGN)
6. North south link for students to Latrobe Leisure Churchill	<ul style="list-style-type: none"> <li>• Complement East-West Link</li> <li>• Provide safe access through Latrobe Leisure Churchill car park</li> </ul>	C	Monash University, Latrobe City Council (through car park)	\$50,000 to \$70,000
7. Clear landscape area to protect vista along Northways Road approach to Monash University entry	<ul style="list-style-type: none"> <li>• Ensure plantings protect and create vistas to Monash entry</li> </ul>	B	Monash University	\$20,000 to \$30,000

Priorities:  
 A: Primary priority (Churchill east-west link)  
 B: Urgent, requiring significant investment  
 C: Important, medium term investment  
 D: Longer term or lower priority









## Churchill East West Link | 8. Summary

The East West Link Master Plan seeks to provide a basis for funding applications that will enable the realisation of a co-ordination and consistent connection between Churchill's Town Centre and the Monash University Campus. It collates information from past studies, incorporates community and stakeholder input and sets out an urban design framework for this important community asset.

Underpinning the master plan is the consideration of improved connectivity, legibility, amenity, and safety, along with the feasibility to be implemented.

The level of detail for the key elements is kept to a minimum so as to provide flexibility for future detailed design work that will be dependant on available funds, and also on partnerships that Council can establish with various key stakeholders such as Monash University or community groups.

Land ownership will be an important consideration in the implementation of the East West Link Master Plan, as titles along the East West Link are fractured. The implementation of various elements of the Plan will rely on the ongoing engagement and participation of the various land owners and stakeholders. It is noted that through this current project, they are in favour of the Key Directions on which the Master Plan is based – so this should not present any issues.

In this sense, the East West Link will also serve as a community building exercise.

**14.2 PROPOSED AMENDMENT TO LATROBE CITY PLAYGROUND  
IMPLEMENTATION PLAN 2011-2016**

**General Manager**

**Recreation, Culture &  
Community Infrastructure**

**For Decision**

**PURPOSE**

The purpose of this report is to provide Council with a proposal to amend the Latrobe City Playground Improvement Plan 2011-16 through the retention of playgrounds at Burnside Drive Morwell, Hicks Court Traralgon and the relocation of playground equipment from Taylor Crescent, Traralgon to Murphy Crescent, Traralgon.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Recreation*

*Latrobe City Council Plan 2013 - 2017*

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

*Strategic Direction*

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

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

*Strategy*

*Latrobe City Council Playground Strategy 2005 – 2021 (attachment 4)*

*Playground Improvement Implementation Plan 2011–2016 (attachment 5)*

*Playground Upgrade/Removal Procedure 11 PRO 1 (attachment 6)*

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

**BACKGROUND**

Council adopted the Playground Improvement Implementation Plan 2011 – 2016 in 2011. For the 2013/14 financial year the following works were identified;

<b>YEAR 3 : 2013 – 2014 PARK &amp; LOCATION</b>	<b>ACTION</b>	<b>AMOUNT</b>
Jeeralang Avenue Reserve Jeeralang Avenue, Newborough	Purchase and install large combo unit, double swing, see-saw	\$30,000.00
Alfred Drive Reserve Alfred Drive, Yinnar	Purchase and install medium combo unit, 1 x spring rider	\$18,000.00
Randall Crescent Reserve Randall Crescent, Moe	Purchase and install medium combo unit, double swing, 1 x spring rider, see-saw	\$25,000.00
Charles Bond Park Wicks Street, Yinnar	Purchase and install medium combo unit, double swing, 1 x spring rider	\$21,000.00
Berg Street Reserve Berg Street, Morwell	Purchase and install medium combo unit, 1 x spring rider, see-saw	\$20,000.00
Various – to be determined	Shade sail replacement and repairs	\$15,000.00
Waterhole Creek Burnside Drive, Morwell	Removal	\$2,500.00
Burge Park Hicks Court, Traralgon	Removal	\$2,500.00
Coleman Park Taylor Crescent, Traralgon	Removal	\$3,500.00
<b>Total</b>		<b>\$137,500.00</b>

**ISSUES**

There are three playgrounds identified for removal in the 2013/14 financial year in accordance with the Playground Improvement Implementation Plan 2011-2016. These playgrounds are situated in the following locations;

- Burnside Drive Morwell (attachment 1)
- Hicks Court Traralgon (attachment 2)
- Taylor Crescent Traralgon (attachment 3).

Council officers have carried out a thorough inspection and condition assessment on these playgrounds and have determined they are in good condition, have no major defects and require only minor parts replacement. It is proposed that the playgrounds will now be retained until such time as they are deemed unsafe and will then be removed under the Latrobe City Council Playground Strategy 2005-2021.

Removal of the Burnside Drive and Hicks Court playgrounds is therefore deemed to be not warranted at this time.

In the case of Taylor Crescent a playground relocation rather than removal has been determined by officers as the best option in this instance. There is an existing playground in Murphy Crescent Traralgon and this provides an opportunity to consolidate and improve what is already there by combining this with the equipment from Taylor Crescent. The distance between the two playgrounds is 135 metres.

There is a possibility that residents of Taylor Crescent and immediate surrounds may raise concerns if relocation of the Taylor Crescent playground is adopted.

Any concerns regarding relocation could be countered by advertising our intentions and the positioning of explanatory signage around the playground to be relocated explaining clearly what is intended by Council. The explanatory signage will easily be noticed by residents and will be onsite for a period of eight weeks before any proposed works.

### **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 is not considered to be any financial risk to this proposal and no resource implications have been identified. The funds identified for the removal of these above playgrounds will instead be utilised for maintenance works to ensure the playgrounds continue to meet current safety standards.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

Council has not yet engaged in any community consultation with the residents of nearby streets and any other user groups of the affected playgrounds now not designated for removal in the 2013/14 year.

This will be done via the directions outlined in the Playground Upgrade/Removal Procedure 11 PRO 1.

Council will need to engage in a consultation process if the proposed relocation of Taylor Crescent playground is pursued.

**OPTIONS**

1. Remove the three playgrounds in accordance with Year 3 (2013-2014) of the Playground Improvement Implementation Plan 2011-2016.
2. Retain all three playgrounds in their current positions..
3. Retain the Burnside Drive and Hicks Court playgrounds, and re-locate the Taylor Crescent playground to Murphy Crescent.

**CONCLUSION**

Council's playgrounds maintenance team have carried out thorough inspections of the three sites mooted for removal and have found no defects in the playgrounds identified in this report.

The playgrounds at Burnside Drive and Hicks Court will continue to provide worthwhile service to the community and no benefit will be gained by removal.

In the case of Taylor Crescent there will be considerable benefit gained by relocating the playground to Murphy Crescent and combining the equipment from both.

**Attachments**

1. Burnside Drive Morwell
2. Hicks Court Traralgon
3. Taylor Crescent Traralgon
4. Playground Strategy
5. Implementation Plan
6. Procedure

RECOMMENDATION

1. That Council formally amend the Playground Improvement Implementation Plan 2011 – 2016 to reflect the following:
  - Retain the Burnside Drive Morwell and Hicks Court Traralgon playgrounds in their current positions until such time as the equipment becomes unsafe and unsuitable for further use.
  - Relocate the Taylor Crescent Traralgon playground to Murphy Crescent Traralgon in adherence with the community engagement guidelines outlined in the Playground Upgrade/Removal Procedure 11 PRO 1.

**Moved:** Cr White

**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White, Sindt, Middlemiss, Gibbons

**Against the Motion**

Councillor/s Harriman, O'Callaghan, Kam, Rossiter

**The Mayor confirmed that the Recommendation had been LOST upon the casting vote of the Mayor.**

**ALTERNATE MOTION**

**1. That Council formally amend the Playground Improvement Implementation Plan 2011 – 2016 to reflect the following:**

- **Retain the Burnside Drive Morwell and Hicks Court Traralgon playgrounds in their current positions until such time as the equipment becomes unsafe and unsuitable for further use.**

**2. Defer any decision regarding the Taylor Crescent Traralgon and Murphy Crescent Traralgon Playgrounds subject to further community consultation.**

**Moved:** Cr O'Callaghan

**Seconded:** Cr Harriman

**That the Recommendation be adopted.**

**For the Motion**

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

**Against the Motion**

Councillor/s Gibbons, Middlemiss

**Abstain**

Councillor/s Sindt

**The Mayor confirmed that the Motion had been CARRIED**



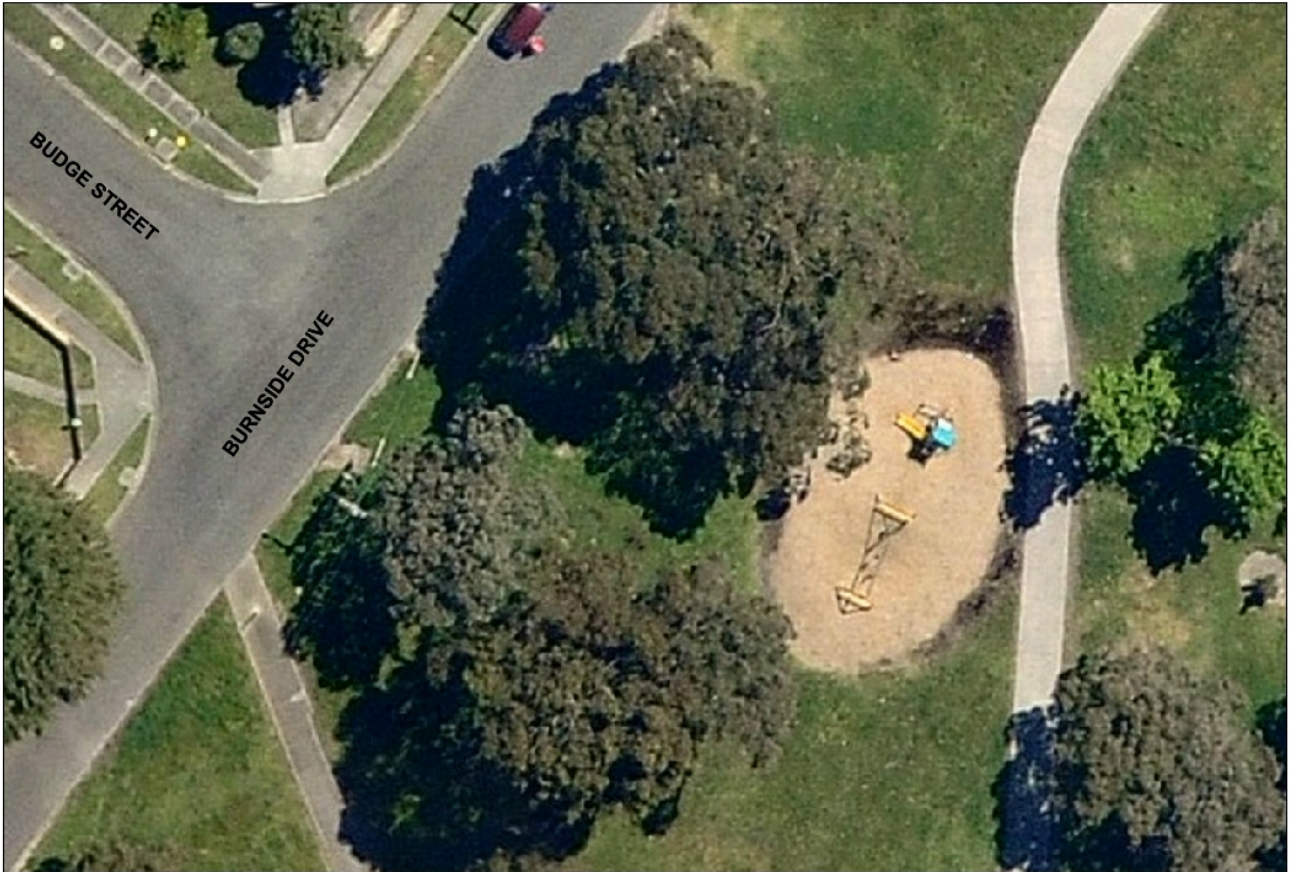


## 14.2

### Proposed amendment to Latrobe City Playground Implementation Plan 2011-2016

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# ***Playground Strategy*** **2005 – 2021**

***Adopted 5<sup>th</sup> June 2006***



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Appendix 1 – Individual site detail and recommendations

Appendix 2 – Playground distribution mapping

## EXECUTIVE SUMMARY

This strategy has been prepared to provide strategic direction for the provision of playgrounds within Latrobe City in the drive towards 2021.

As of March 2006 there are 122 public open spaces with playground equipment that are owned, maintained or inspected by Latrobe City. This does not include equipment at preschools, private facilities and those that are not the responsibility of the City. A number of other playground sites have had play equipment removed since 1999 due to equipment age, inherent risk and compliance issues.

Playground equipment design, construction, inspection and reporting are governed by several Australian Standards;

AS/NZS 4422 : 1996	Playground Surfacing
AS/NZS 4486 : 1997	Playground Equipment
AS 4685-1 - 2004	General Safety Requirements & test methods
AS 4685-2 - 2004	Particular safety requirements & test methods for swings
AS 4685-3 - 2004	Particular safety requirements & test methods for slides
AS 4685-4 - 2004	Particular safety requirements & test methods for runways
AS 4685-5 - 2004	Particular safety requirements & test methods for carousels
AS 4685-6 - 2004	Particular safety requirements & test methods for rocking equipment

The Council has (up to January 2005), conducted inspection programs using the services of experienced playground consultant Ray Hutchinson and Associates on a six-monthly basis. In agreement with CMP (Council's insurance provider), the inspection program has been reduced to annual external inspections from 2005. Currently internal inspections and maintenance systems are in place to maintain standards in between external inspections.

To ensure Council is meeting Australian Standards and public expectations now and into the future this strategy will provide

- Analysis of current playground provision.
- Comparison of playground provision amongst other municipalities.
- Current and predicted demographics for Latrobe City.
- Recommendations on the future distribution, development and standard of playgrounds.
- Recommendations on individual sites development, equipment replacement or removal.
- Recommendations on maintenance / inspections / audits requirements.
- Budget implications.
- Inventory Register.

## KEY PRINCIPLES

The following key principles adopted by Council on the 20<sup>th</sup> February 2006 have been used in the development of this playground strategy to address the current and future provision of playgrounds within the municipality.

1. Playground provision has a vital role in achieving the Latrobe 2021 liveability strategic objective "To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality."
2. Council recognises the important role quality playgrounds have in the physical, cognitive and social development of children.
3. Latrobe 2021 recognises a safe environment for children is the number one community aspiration. To provide a safe yet challenging play experience, playgrounds will be inspected by Council officers monthly, externally audited annually to assess compliance with Australian standards and that the equipment replacement schedule matches the expected lifespan.
4. Council provides three categories of playgrounds to provide a variety of play opportunities.
  - a. Local playgrounds are located close to residential areas to provide basic play opportunities for the surrounding neighbourhood.
  - b. District playgrounds provide a wider variety of play experiences for a broader range of ages and are located to service a number of neighbourhood areas.
  - c. Regional playgrounds provide a variety of play experiences for a number of age and ability levels. Regional playgrounds are supported by a number of associated facilities that allow for multiple hours visits and are well located to service a number of districts.
5. Regional, District and Local playgrounds descriptions.  
Regional
  - Major playground sites located in towns with a population of over 10,000.
  - Variety of play equipment for all ages and abilities.
  - Located in close proximity to large open space areas.
  - Provides greater play opportunities intended for multiple hour visits.
  - Associated facilities including toilets, paths, BBQs and shade structures.
  - Total replacement cost of these playgrounds estimated \$100,000+ (2006).
  - Highly accessible sites.
  - Catchment area of entire town and surrounding smaller townships.

- Regional playgrounds to also function as a district facility for the surrounding 2km catchment zone.
- The CPTED (Crime Prevention through Environmental Design) principles will be considered in the design of regional playground sites.

#### District

- Large playground sites.
- Variety of play equipment suitable for a number of age and ability levels.
- Where possible located in close proximity to large open space areas.
- Located to provide for a number of local neighbourhood areas.
- Replacement cost is estimated at \$25,000 (2006).
- Catchment area of 2km radius. The Playground & Recreation Association of Victoria (PRAV) in the document "Play Area Development Policy for Local Government in Victoria July 2004" outlines people will travel further to use district parks than for local parks.
- District playgrounds to also function as a local facility for the surrounding 500 metre catchment zone.
- The CPTED (Crime Prevention through Environmental Design) principles will be considered in the selection and design of district playground sites.

#### Local

- Small playground sites
  - Basic provision of equipment
  - Replacement cost estimated at \$10,000 (2006)
  - Catchment area of 500 metre radius giving consideration to major barriers such as freeways and train lines.
  - The CPTED (Crime Prevention through Environmental Design) principles will be considered in the selection and design of local playground sites.
6. The preceding playground definitions and catchment areas will be used to determine if a playground is required in a new residential development.
  7. The availability to the public of school playground facilities to be considered in the distribution of local level playgrounds.

**CURRENT PLAYGROUND PROVISION**

The following table lists the total number of community based playgrounds in the municipality. It includes both Council and Crown land reserves that are managed by the Council or Crown Committees of Management. This list includes previous playground sites that have had equipment removed and one school site where Council has contributed to the development of the playground.

<b>Town / Area</b>	<b>Number of Playground Sites</b>
Moe	19
Newborough	13
Yallourn Heights	1
Morwell	23
Churchill	11
Jeeralang Junction	1
Yinnar	5
Boolarra	2
Hazelwood	1
Pondage	
Traralgon	53
Traralgon South	1
Flynn	1
Glengarry	1
Toongabbie	1
Tyers	1
Yallourn North	7
<b>Total</b>	<b>141</b>

- 21 of these 141 sites have had all equipment removed during recent years. The majority of these sites were cleared due to the age of the equipment and has not been reinstated under the current equipment replacement program. Sites that were better located had higher usage or better associated facilities were given priority in the replacement of equipment.
- At the time of installation all equipment complied with the relevant Australian Standard. The recent alterations to the Australian Standards mean previously compliant equipment may no longer meet the current standard.
- As of 2004 the population of children under fourteen was estimated at 15,500 (CDATA 2001) giving a current playground to child ratio of approximately 1:130 (120:15,500).

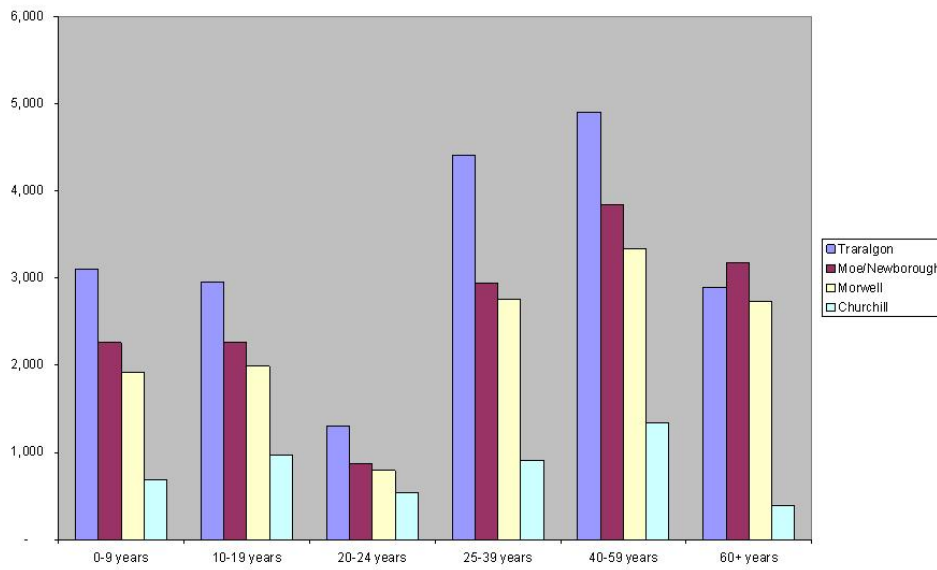
- The standard of playgrounds varies greatly from modern playgrounds with a variety of equipment and associated facilities (toilets, paths, BBQs, shelters), to sites where equipment has been removed or with very few pieces of poor quality equipment.
- Current equipment replacement program focuses on removing equipment that has been identified as requiring an upgrade or is reaching the end of its effective lifespan.
- Without increased funding the current replacement program can only replace equipment where absolutely necessary and this results in minimal improvement to the overall quality of our playgrounds.
- There is a continuing expectation of new playgrounds to be created in developing areas.
- Continually increasing the number of playgrounds within the municipality will only place further pressure on the equipment replacement program and will not improve the overall quality or community perception of playgrounds.
- Based on valuations from during 2005 the current value of the playground equipment is \$1,282,089, this does not include associated facilities or the required playground under surfacing. Total replacement cost of playgrounds is estimated to be approximately \$1.75 million.
- All costs detailed within this strategy should be indexed annually in line with CPI.



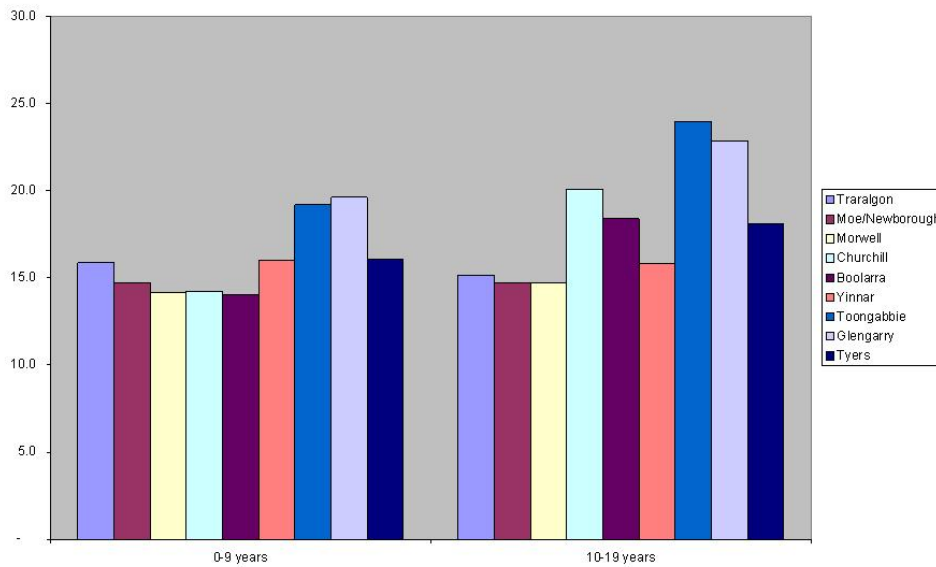
Mervyn Reserve Moe – A well equipped local level playground



**LATROBE CITY DEMOGRAPHICS**

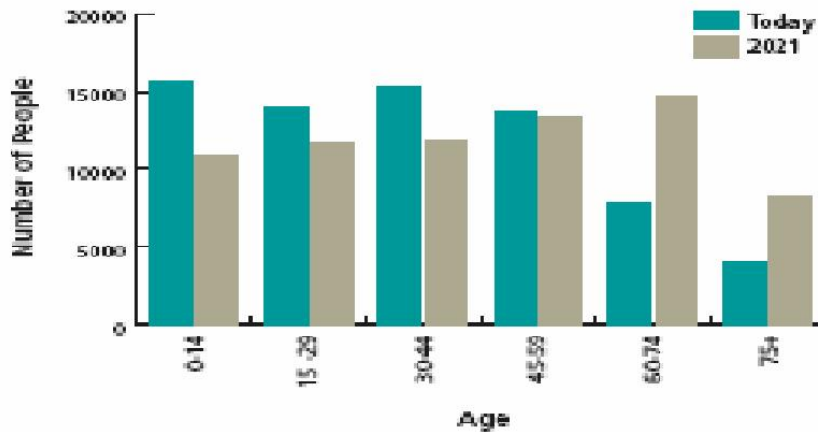


**Figure 1 Age demographic main Latrobe towns**



Source: CDATE 2001

**Figure 2 Percentage of towns' population by age group**



**Figure 3 Current and predicted 2021 age demographic (DSE 2004)**

Population projections indicate the number of children under the age of 14 is expected to decline to approx 11,000 by 2021. This decline in population needs to be considered in the future provision of playgrounds.

The draft Latrobe City Recreation and Leisure Strategy prepared by Stratcorp Consulting also identifies that across Australia “more children now play electronic or computer games (71%) than play organised sport (62%).” The current increased popularity of non physical activities would also be expected to result in a decline in the number of children using playgrounds within the municipality.

With less children participating in physical activity and the anticipated decline in population in this age group the key direction of this strategy is to improve the quality of playgrounds across the municipality to encourage longer more enjoyable visits to playground sites.

## PLAYGROUND PROVISION BENCHMARKING

Regional City	Total Population	Playgrounds	Ratio
Ararat	11,751	21	560:1
<b>Latrobe</b>	<b>70,000</b>	<b>120</b>	<b>583:1</b>
Ballarat	80,000	120	666:1
Geelong	200,000	279	717:1
Horsham	20,000	25	800:1
Shepparton	60,000	75	800:1
Bendigo	93,000	108	861:1

Municipality	Total Population	Playgrounds	Ratio
Baw Baw	37,000	60	616
South Gippsland	27,000	38	710:1
Wellington	43,000	51	843:1

Urban	Total Population	Playgrounds	Ratio
Kingston	127,540	117	1090:1
Moonee Valley	105,615	87	1213:1
Booroondara	148,532	109	1362:1
Bayside	83,504	59	1415:1
Glen Eira	117,199	42	2790:1

NSW Councils	Total Population	Playgrounds	Ratio
Woolhara	42,000	51	823:1
Salisbury	111,000	131	847:1
Canada Bay	55,000	62	887:1
Ryde	96,000	96	1000:1
Mackay	85,000	85	1000:1
Gosford	168,000	154	1090:1
Willoughby	58,000	37	1567:1
Sutherland	201,000	129	1558:1

As can be seen in the benchmarking data above, Latrobe City has the second highest provision ratio of any rural, rural city, urban or interstate Council.

This high level of provision is not reflected in the annual community satisfaction survey conducted by the Department of Victorian Communities, which in 2005 indicated Latrobe City was one of the lowest rating Councils in terms of community satisfaction with Recreational Facilities.

**FORMER PLAYGROUND SITES CURRENTLY WITH NO EQUIPMENT**

There are currently a number of sites in Latrobe that have previously had all play equipment removed. The following table identifies these parks with a recommendation on future action. A review into public open space in the municipality is expected to be conducted during 2006. This review is intended to provide strategic advice in terms of current areas and the provision of public open space in the future.

<b>Park Location</b>	<b>Town</b>	<b>Property Owner</b>	<b>ACTION</b>
Bristol Hawker Reserve	Moe	LCC	No longer required as playground site. Refer to Public Open Space review.
Ted Summerton Reserve	Moe	CROWN	Sporting reserve Reinstate playground facilities
Retford Ave. Reserve	Newborough	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.
Yinnar St. Reserve	Newborough	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.
Boolarra Ave. Nth. Reserve	Newborough	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.
Livingstone St. Reserve	Morwell	LCC	No longer required as playground site. Gippsland water easement Refer to POS review
Vary Street reserve	Morwell	LCC	Sporting reserve Reinstate playground facilities
Martin Walker Reserve	Yinnar South	CROWN	No longer required as playground site. Refer to Public Open Space review.
Catterick Cr. Reserve	Traralgon	LCC	No longer required as playground site.
Queens Park	Traralgon	LCC	No longer required as playground site. Refer to Public Open Space review.
Guides Park	Traralgon	LCC	No longer required as playground site. Refer to Public Open Space review.
Elizabeth St. Reserve	Traralgon	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.
Apex Park	Traralgon	LCC	No longer required as playground site. Refer to Public Open Space review and Traralgon Reserves study
Campigli Park	Traralgon	LCC	No longer required as playground site. Refer to Public Open Space review.
Mytle Park	Traralgon	LCC	No longer required as playground site. Refer to Public Open Space review.
Causer Park	Traralgon	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.
North Road Reserve	Yallourn North	LCC	No longer required as playground site. Minimum POS value Refer to Public Open Space review.

**ACCESS FOR ALL ABILITIES PLAYGROUNDS**

Council has previously resolved to further investigate the possibility of developing access for all abilities (AAA) playgrounds in Moe and Morwell. Currently one AAA playground exists at the regional playground in Newman Park Traralgon with plans for a new AAA playground in Moe which is currently unfunded.

Establishing and maintaining three AAA playgrounds within the municipality will require a significant financial contribution from Council. In addition to the planned development of these three playgrounds, during scheduled renewal of district standard playgrounds attempts should be made to improve all abilities access. This can be done through improving or providing suitable paths, selecting equipment that suits all abilities or providing alternative play activities suitable for all abilities eg. Sand pits, water play features.

Any further development of AAA facilities should be located with the other regional playground facilities at Apex / Lions Park Moe and Morwell Town Common, given the availability of associated facilities such as toilets, seating, BBQs and other play equipment.

### USE OF TREATED PINE (CCA) FOR PLAYGROUND EQUIPMENT

There has been some debate and concern for a number of years over the use of treated pine (Copper Chrome Arsenate – CCA) in playground equipment. In recent years the use of treated pine has decreased in preference of metal, plastic and fibreglass components. However there are a number of pieces of equipment currently in use that is suspected of being constructed of timber treated with CCA. Latrobe City has tended to use alternative products for the construction of playgrounds since its formation in 1994, most CCA treated pine structures were installed pre amalgamation.

The Australian Pesticides & Veterinary Medicines Authority (APVMA) in March 2005 released details of their review into the use of CCA products, particularly in relation to its use in playgrounds. The APVMA is an Australian Government regulatory authority responsible for the regulation and registration of all pesticides and veterinary medicines used, sold or supplied in Australia.

“From its assessment of the information available, the APVMA concluded that it had **insufficient information to be satisfied** that the continuing use of CCA is safe for timber used in structures with which the general community (and particularly children) are likely to come into frequent and intimate contact.”  
[www.apvma.gov.au](http://www.apvma.gov.au)

The APVMA has recommended CCA is no longer considered suitable for garden furniture, picnic tables, exterior seating, children’s play equipment, patios, decking and handrails. However the APVMA has stopped short of recommending that structures treated with CCA be dismantled. They have cited that reviews by other regulatory authorities in the USA, Europe and Canada that have not recommended dismantling existing structures.

Latrobe City currently has approximately 25 pieces of equipment that are suspected of being constructed of material treated with CCA. To remove all these items and replace those deemed necessary would cost approximately \$60,000 (estimate).

It is recommended that play equipment constructed with CCA treated timber not be removed immediately, however CCA treated timber should have a high replacement priority (second only to safety or compliance issues) in the annual equipment replacement program. Timber treated with CCA should not be considered an appropriated material for any new playground equipment.

**2021 PLAYGROUND SITES**

Current population projections indicate that by 2021 the number of children under 14 years in Latrobe is expected to decline from 15,500 currently to approximately 11,000.

If all 120 current playground sites with equipment were retained until 2021 Council would be providing one playground for every 92 children within the municipality.

Current population under 14	Current number of playgrounds	Ratio
15,500	120	1:130

2021 est. population under 14	Projected playgrounds required	
11,000	120	1:92
11,000	100	1:110
11,000	80	1:138

Current playgrounds have been assessed to evaluate their suitability as a long term playground sites based on the key provision principles adopted by Council. The suitability of a site as a playground has been used as the primary factor in determining the sites to be retained beyond 2021. The consideration of each site has included catchment area, proximity to other playgrounds, usage, equipment quality and quantity, access, visibility, associated public open space and associated facilities. These factors should also be used to consider whether a playground is required within new development areas.

The tables in attachment 1 provide a breakdown of all current playgrounds, identifies 2021 sites and timelines for replacement or removal of equipment.

### **NEW PLAYGROUND DEVELOPMENTS**

As the major towns continue to develop and expand there is a need to consider the provision of playgrounds within new development areas. Developers are currently required to contribute either 5% of development area or a cash contribution equal to 5% of the land value for the provision of public open space (POS). This contribution then becomes the responsibility of Council for the ongoing provision and maintenance of the public open space.

For new playgrounds in larger developments it is recommended that playgrounds be high quality district standard facilities that are located to service the entire development area rather than developing a number of smaller local standard playgrounds. In most cases district level playgrounds are located within existing residential areas which are not easily accessible from new development areas.

Where smaller developments are within 500m radius of other playground facilities, developer contributions should be used to develop existing parks to higher standard rather than developing new playgrounds to service new development area.



## ASSOCIATED FACILITIES

There is an expectation that on top of playground equipment, associated facilities are required to make for a more enjoyable visit. These associated facilities include toilets, drinking fountains, seating, picnic tables, BBQs and shade.

Provision of these facilities where practicable should include:-

### Regional

Toilets - including AAA.	Seating and picnic tables
BBQs	Adequate litter bin facilities
Drinking fountains	Suitable car parking facilities
Suitable shade	

### District

Drinking fountains	Seating or picnic tables
Suitable shade	
Suitable car parking facilities	

### Local

Seating or picnic tables	Shade trees
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Providing these associated facilities in close vicinity to playgrounds will provide for a more enjoyable experience and increases the likelihood of return visits.

It is recommended that regional and district level playgrounds be assessed for the current level of associated facilities. This will provide an indication of where additional associated facilities maybe required.

### **EQUIPMENT REPLACEMENT PROGRAM**

This strategy recommends that all playground equipment should be replaced within a twenty year period.

The few sites that currently have equipment over 20 years old, together with timber treated with CCA should be the priorities during the equipment replacement program. If these sites have not been identified as 2021 playground sites then the equipment removed should not be replaced.

If the majority of equipment, at a site not identified as a 2021 priority, is over 20 years old and scheduled for removal, any newer equipment should be removed and reused at another venue. When equipment is removed from a playground, ideally another playground located close by will be upgraded during that year.

### **FINANCIAL IMPLICATIONS**

Under the current annual funding allocation of \$54,000, based on the 2005 estimated total value of playgrounds of \$1,750,000, playgrounds would require an expected lifespan of 32 years, well beyond the expected design life of equipment.

To achieve the recommended 20 year turn over of equipment and improve the quality of remaining playgrounds, this strategy recommends that an annual allocation of \$120,000 + CPI be made to the playground equipment replacement program. An increase in staffing within the playgrounds maintenance team is needed to meet the increase Preschool inspection requirements identified in this strategy. This increase is anticipated to cost approximately \$15,000. This increased funding and staffing allocation would allow playgrounds to be replaced on 20 year basis, fund the removal and replacement, where required, of CCA treated timber equipment, facilitate where possible, improved all abilities access to district standard playgrounds and ensure that associated facilities are provided to a suitable standard.

This allocation will only address current playgrounds, new playground developments including new access for all abilities playgrounds would require additional funding on a case by case basis. The annual funding commitment required to achieve the 20 year turn over of equipment maybe reduced through the sale of former playground sites that are no longer required as part of the playground or public open space network. An upcoming review of public open space within the municipality is anticipated to identify any such parcels of land that are no longer required and maybe suitable for sale.

## **PRESCHOOL PLAYGROUNDS**

There are currently 22 playgrounds within preschool facilities in Latrobe City. Presently the inspection, maintenance and replacement of these facilities is the responsibility of the Preschool Committee of Management. This arrangement has caused some difficulty as the committees in general have little experience in the inspection and maintenance of playgrounds. Also the capacity of committees to fund the inspection, maintenance and replacement of equipment varies greatly from site to site.

To assist the COM maintain safe and usable playground facilities it is recommended that Council assumes greater responsibility over these playgrounds. Previously the external audits and internal inspections have only been conducted on facilities that are considered part of the Latrobe City playground network. To improve the safety of preschool playgrounds it is suggested that Latrobe City assume responsibility for the annual audit, monthly inspection and basic maintenance of the playground equipment. The COM will remain responsible for funding major maintenance and replacement of equipment. The annual audit should be expanded to include play equipment at pre schools. These facilities should then be included on the monthly inspection and maintenance register.

## **MAINTENANCE, INSPECTIONS AND EXTERNAL AUDITING**

To ensure safety remains the highest priority, suitable inspection and auditing regimes need to be adhered to. The frequency of internal site inspections by council staff may vary from site to site depending on playground standard and type of equipment, usage, history of vandalism and the work load of playground maintenance staff. However it is expected that all playgrounds will be inspected on a monthly basis.

External audits by a suitably qualified and experienced person are conducted on an annual basis. These inspections are intended to identify any equipment that does not meet Australian standards, review the current internal maintenance and inspection practises, and provide advice and recommendations on future equipment maintenance and replacement needs.

The current annual maintenance budget for playgrounds is \$195,000, which is adequate. However the proposed increase in the capital works program will impact on the work load of the playground maintenance staff. Increasing the allocation for equipment replacement program and expanding the scope of the current monthly inspections will require an increase in the staffing levels of the playground maintenance team. Initially an increase of \$15,000 should allow for the increased replacement and inspection requirements

**SUMMARY OF RECOMMENDATIONS**

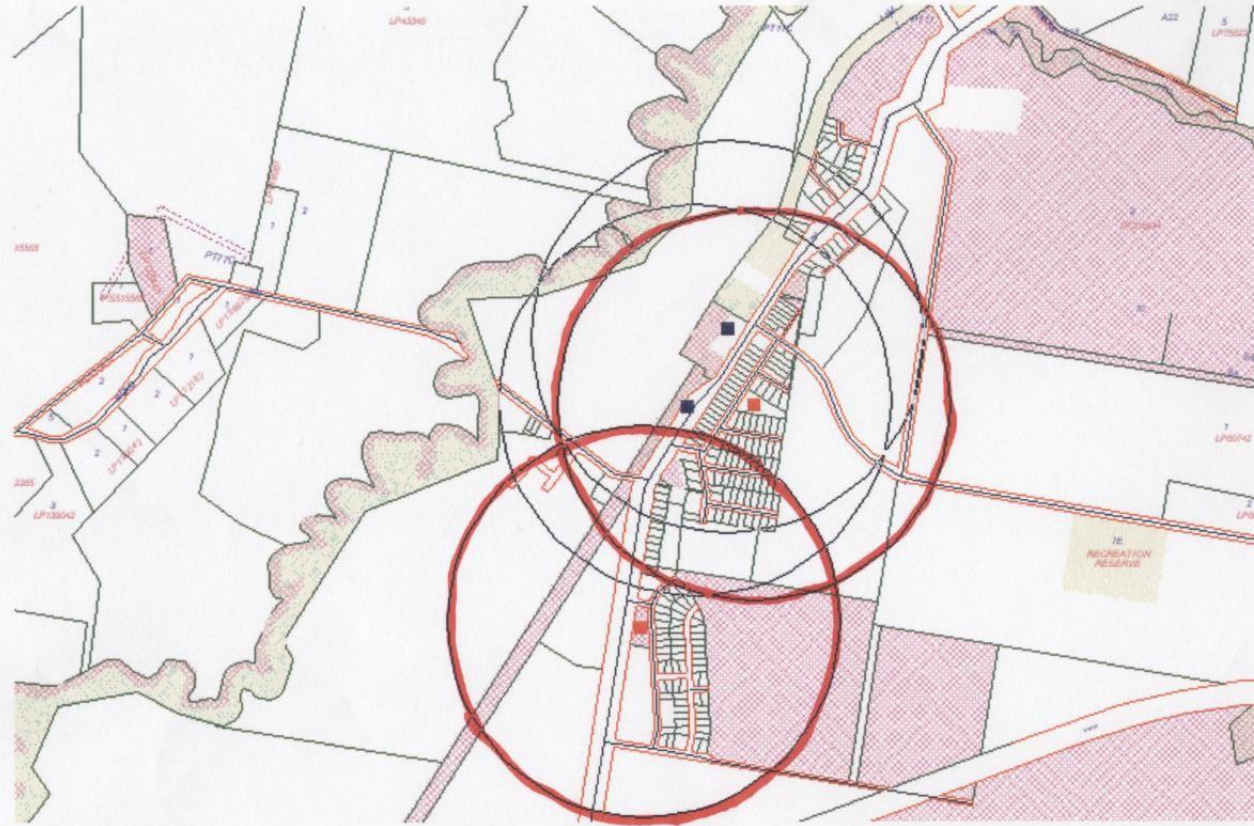
- Safety remains the highest priority in provision and maintenance of equipment and associated facilities.
- Playgrounds identified in appendix 1 are to be retained as a priority until 2021 and beyond.
- All playground equipment to have an assumed maximum lifespan of twenty years.
- An annual allocation of \$120,000 + CPI to be made to the playground equipment replacement capital works program. Allocation to be reviewed every five years to ensure allocation can meet replacement and upgrade needs.
- All playgrounds will be inspected by Council Officers on a monthly basis.
- External audits by a suitably qualified and experienced person are to be conducted on an annual basis.
- Annual audits and monthly inspections to be expanded to include play equipment at any Latrobe City facilities such as pre schools and child care centres.
- That play equipment constructed with CCA treated timber be removed as a high replacement priority (second only to safety or compliance issues) in the annual equipment replacement program.
- Timber treated with CCA should not be considered an appropriated material for new playground equipment.
- New developments to focus on providing a higher quality district standard facilities if appropriate rather than more small local level facilities.
- It is recommended that regional and district level playgrounds be assessed for the current level of associated facilities. This will provide an indication of where additional associated facilities maybe required.
- Increase the staff resources in the playground maintenance team by \$15,000 to allow for extra inspection requirements and the increased equipment replacement program.
- The up coming review of public open space considers potential options for land no longer required as a playground site.

**CONCLUSION**

High quality playgrounds and open space is widely recognised as being vital in the physical and cognitive development of children. This strategy through increasing annual spending, while reducing the number of playgrounds within the municipality, aims to ensure that leading up to 2021 Latrobe City has a high quality playground network that is safe, accessible, sustainable and widely used and enjoyed by the community.



**Traralgon Playgrounds 500m Radius**



Yinnar playgrounds 500m radius



Churchill playgrounds 500m radius





**Yallourn North Playgrounds 500m radius**



**Boolarra playgrounds 500m radius**



**Morwell Playgrounds 500m Radius**



**Moe Playgrounds 500m Radius**

Location	Town	Property	Playground Status (2005)	Level of playground	Distance to nearest playground	Part of playground network at 2021	Equipment Removal
Ferguson Street Reserve	Moe	LCC	Active	LOCAL	500m	YES	
Hennessey Street Reserve	Moe	CROWN	Active	LOCAL	500m	YES	
Apex Park	Moe	CROWN	Active	REGIONAL	NA	YES	
Lions Park	Moe	CROWN	Active	REGIONAL	NA	YES	
Mervyn Street Reserve	Moe	LCC	Active	LOCAL	800m	YES	
Bristol Hawker Reserve	Moe	LCC	No equip		300m	NO	Not To Be Replaced (NTBR)
Marshall Ave. Reserve	Moe	LCC	Active	LOCAL	250m	NO	2015 - 2021
Ted Summerton	Moe	CROWN	Active	LOCAL	250m	YES	
Scott Avenue Reserve	Moe	LCC	Active	LOCAL	450m	YES	
Phillip Street Reserve	Moe	LCC	Active	LOCAL	500m	YES	
John Street Reserve	Moe	LCC	Active	LOCAL	300m	NO	2005 -2010
Randall Cres. Reserve	Moe	LCC	Active	LOCAL	450m	YES	
Elizabeth St. Prim. School	Moe	CROWN	Active	DISTRICT	350m	YES	
Scorpio Drive Reserve	Moe Heights	LCC	Active	LOCAL	500m	YES	
Stoddart St. Reserve	Moe Heights	LCC	Active	LOCAL	450m	YES	
T.B. Drew Park	Moe Heights	CROWN	Active	LOCAL	400m	YES	
Bayley Street Reserve	Moe Heights	LCC	Active	LOCAL	400m	YES	
H.G. Stoddart Mem. Park	Moe	LCC	Active	LOCAL	700m	YES	
Moe Skate Park	Moe	LCC	Active	SKATE	NA	YES	
Merton Court Reserve	Newborough	LCC	Active	LOCAL	550m	YES	
Jeeralang Ave. Reserve	Newborough	LCC	Active	LOCAL	550m	YES	
Retford Ave. Reserve	Newborough	LCC	No equip		300m	NO	NTBR

Steaman St. Reserve	Newborough	LCC	Active	LOCAL	550m	<b>YES</b>	
John Field Reserve.	Newborough	CROWN	Active	DISTRICT	550m	<b>YES</b>	
Smallburn Ave. Reserve	Newborough	LCC	Active	LOCAL	500m	<b>YES</b>	
Harvey Street Reserve	Newborough	LCC	Active	LOCAL	500m	<b>YES</b>	
Balfour St. Reserve	Newborough	LCC	Active	LOCAL	650m	<b>YES</b>	
Monash Reserve	Newborough	LCC	Active	LOCAL	650m	<b>YES</b>	
Hallston Street Reserve	Newborough	LCC	Active	LOCAL	350m	<b>NO</b>	<b>2015 - 2021</b>
Boolara Ave. Sth. Reserve	Newborough	LCC	Active	LOCAL	350m	<b>YES</b>	
Yinnar St. Reserve	Newborough	LCC	No equip		220m	<b>NO</b>	<b>NTBR</b>
Boolara Ave. Nth. Reserve	Newborough	LCC	No equip		240m	<b>NO</b>	<b>NTBR</b>
Fairway Drive Reserve	Yallourn Heights	LCC	Active	LOCAL	NA	<b>YES</b>	
Driffield Road Reserve	Morwell	LCC	Active	LOCAL	900m	<b>YES</b>	
Berg Street Reserve	Morwell	LCC	Active	LOCAL	450m	<b>YES</b>	
Morwell Town Common Res.	Morwell	CROWN	Active	REGIONAL	NA	<b>YES</b>	
Kentucky Lawns Res.	Morwell	LCC	Active	LOCAL	300m	<b>NO</b>	<b>2005 - 2010</b>
Helen Street reserve	Morwell	LCC	Active	DISTRICT	300m	<b>YES</b>	
Bellarine Circuit Res.	Morwell	LCC	Active	LOCAL	350m	<b>NO</b>	<b>2005 - 2010</b>
Northern Reserve	Morwell	LCC	Active	DISTRICT	750m	<b>YES</b>	
Livingstone St. Reserve	Morwell	LCC	No equip.		350m	<b>NO</b>	<b>NTBR</b>
Barry Street Reserve	Morwell	LCC	Active	LOCAL	350m	<b>YES</b>	
Tulloch Street Reserve	Morwell	LCC	Active	LOCAL	200m	<b>NO</b>	<b>2010 - 2015</b>
McMillan St. Reserve	Morwell	LCC	Active	LOCAL	300m	<b>YES</b>	
Lions Park	Morwell	LCC	Active	LOCAL	300m	<b>NO</b>	<b>2010 - 2015</b>
Fairfield Sq. Reserve	Morwell	LCC	Active	LOCAL	550m	<b>YES</b>	

Vary Street reserve	Morwell	LCC	Active		580m	<b>YES</b>	
Savige Street Reserve	Morwell	LCC	Active	LOCAL	400m	<b>YES</b>	
Well Street Reserve	Morwell	LCC	Active	DISTRICT	400m	<b>YES</b>	
Dwyer Court Reserve	Morwell	LCC	NO Equipment		150m	<b>NO</b>	<b>NTBR</b>
Waterhole Creek NW Res	Morwell	LCC	Active	LOCAL	150m	<b>YES</b>	
Burnside Drive Reserve	Morwell	LCC	Active	LOCAL	150m	<b>NO</b>	<b>2015 - 2021</b>
Fraser Court Reserve	Morwell	LCC	Active	LOCAL	300m	<b>NO</b>	<b>2005 - 2010</b>
Waterhole Creek SE Res.	Morwell	LCC	Active	LOCAL	300m	<b>YES</b>	
Waratah Linear Res.	Morwell	LCC	Active	LOCAL	450m	<b>YES</b>	
Nindoo Drive Reserve	Morwell	LCC	Active	LOCAL	450m	<b>YES</b>	
Andrews Park Reserve	Churchill	LCC	Active	LOCAL	700m	<b>YES</b>	
White Parade Reserve	Churchill	LCC	Active	LOCAL	200m	<b>NO</b>	<b>2015 - 2021</b>
Watsons Park	Churchill	LCC	Active	LOCAL	300m	<b>YES</b>	
English Reserve	Churchill	LCC	Active	LOCAL	500m	<b>YES</b>	
Reservoir Park	Churchill	LCC	Active	LOCAL	700m	<b>YES</b>	
Walkley Park	Churchill	LCC	Active	DISTRICT	500m	<b>YES</b>	
Walker Parade Reserve	Churchill	LCC	Active	LOCAL	300m	<b>NO</b>	<b>2015 - 2021</b>
Churchill Skate park	Churchill	LCC	Active	SKATE	NA	<b>YES</b>	
Mathison Park	Churchill	LCC	Active	LOCAL	900m	<b>YES</b>	
Glendonald Park	Churchill	LCC	Active	DISTRICT	200m	<b>YES</b>	
Glendonald Park East	Churchill	LCC	Active	LOCAL	200m	<b>NO</b>	<b>2010 - 2015</b>
Billy's Creek Reserve	Jeeralang Junction	CROWN	Active	LOCAL	NA	<b>NO</b>	<b>2005 - 2010</b>
Martin Walker Reserve	Yinnar South	CROWN	No equip.		NA	<b>NO</b>	<b>NTBR</b>
Limonite Road Playground	Boolara	LCC	Active	LOCAL	450m	<b>YES</b>	

Railway Park	Boolara	CROWN	Active	DISTRICT	450m	YES	
Alfred Drive Reserve	Yinnar	LCC	Active	LOCAL	600m	YES	
CWA Park	Yinnar	CROWN	Active	LOCAL	200m	NO	2005 - 2010
Charles Bond Park	Yinnar	LCC	Active	LOCAL	200m	YES	
Yinnar Bicentennial	Yinnar	CROWN	Active	LOCAL	200m	YES	
Hazelwood Pondage Res.	Hazelwood	LCC	Active	LOCAL\ TOURIST	NA	YES	
Lloyd Park	Traralgon	LCC	Active	DISTRICT	600m	YES	
Wood Park	Traralgon	LCC	Active	LOCAL	400m	YES	
Kosiosko St. Reserve	Traralgon	LCC	Active	LOCAL	400m	NO	2005 - 2010
Catterick Cr. Reserve	Traralgon	LCC	No equip		NA	NO	NTBR
Bruce Park	Traralgon	LCC	Active	LOCAL	180m	NO	2005 - 2010
Dyer Park	Traralgon	LCC	Active	LOCAL	300m	YES	
Burge Park	Traralgon	LCC	Active	LOCAL	300m	NO	2015 - 2021
Triangle Park	Traralgon	LCC	No equip.		NA	NO	NTBR
Hubert Osborne Park	Traralgon	LCC	Active	DISTRICT	800m	YES	
Queens Park	Traralgon	LCC	No equip.		NA	NO	NTBR
Guides Park	Traralgon	LCC	No equip.		NA	NO	NTBR
Blanck Park	Traralgon	LCC	Active	LOCAL	160m	YES	
Elizabeth St. Reserve	Traralgon	LCC	No equip.		NA	NO	NTBR
Freeman Park East	Traralgon	LCC	Active	LOCAL	250m	NO	2015 - 2021
Freeman Park West	Traralgon	LCC	Active	DISTRICT	350m	YES	
Jack Harrison Park	Traralgon	LCC	Active	LOCAL	280m	NO	2010 - 2015
Rod Dunbar Park	Traralgon	LCC	Active	LOCAL	260m	NO	2015 - 2020
Rangeview Park	Traralgon	LCC	Active	LOCAL	320m	YES	



Meadow Park	Traralgon	LCC	Active	LOCAL	320m	<b>NO</b>	<b>2005 - 2010</b>
Downs Reserve	Traralgon	LCC	Active	LOCAL	260m	<b>YES</b>	
Ann Park	Traralgon	LCC	No equipment	LOCAL	NA	<b>No</b>	<b>NTBR</b>
West Park	Traralgon	LCC	Active	LOCAL	230m	<b>NO</b>	<b>2005 - 2010</b>
Apex Park	Traralgon	LCC	No equip.		NA	<b>NO</b>	<b>NTBR</b>
Maskey Reserve	Traralgon	LCC	Active	DISTRICT	220m	<b>YES</b>	
Gilwell Park	Traralgon	LCC	Active	LOCAL	230m	<b>YES</b>	
Grant Park	Traralgon	LCC	Active	LOCAL	230m	<b>NO</b>	<b>2005 - 2010</b>
Harold Preston Park/Traralgon Skate Park	Traralgon	LCC	Active	SKATE	NA	<b>YES</b>	
Explorers Park	Traralgon	LCC	Active	LOCAL	580m	<b>YES</b>	
Bond Park	Traralgon	LCC	Active	LOCAL	240m	<b>YES</b>	
Pratt Reserve	Traralgon	LCC	Active	LOCAL	240m	<b>NO</b>	<b>2010 - 2015</b>
Medew Reserve	Traralgon	LCC	Active	DISTRICT	450m	<b>YES</b>	
Riggall Road Reserve	Traralgon	LCC	Active	LOCAL	200m	<b>NO</b>	<b>2005 - 2010</b>
Newman Park	Traralgon	LCC	Active	REGIONAL	NA	<b>YES</b>	
Campigli Park	Traralgon	LCC	No equip.		NA	<b>NO</b>	<b>NTBR</b>
Mytle Park	Traralgon	LCC	No equip.		NA	<b>NO</b>	<b>NTBR</b>
Carrington Park	Traralgon	LCC	Active	LOCAL	600m	<b>YES</b>	
Judd Park	Traralgon	LCC	Active	LOCAL	350m	<b>YES</b>	
Court Park	Traralgon	LCC	Active	LOCAL	250m	<b>YES</b>	
Charles Street Reserve	Traralgon	LCC	Active	LOCAL	250m	<b>NO</b>	<b>2005 - 2010</b>
Considine Park	Traralgon	LCC	Active	LOCAL	250m	<b>NO</b>	<b>2005 - 2010</b>
Duncan Cameron Park	Traralgon	LCC	Active	LOCAL	250m	<b>YES</b>	

Queens Parade Reserve	Traralgon	LCC	active	DISTRICT	600m	YES	
Crisp Park	Traralgon	LCC	Active	DISTRICT	260m	NO	2010 - 2015
Causer Park	Traralgon	LCC	No equip.		NA	NO	NTBR
Ray Simons Playground	Traralgon South	LCC	Active	LOCAL	NA	YES	
Hourigan Park	Traralgon	LCC	Active	DISTRICT	280m	YES	
O'Mara Park	Traralgon	LCC	Active	LOCAL	280m	NO	2010 - 2015
Bonnie Vista Reserve	Traralgon	LCC	Active	LOCAL	300m	NO	2010 - 2015
Priestly Park	Traralgon	LCC	Active	LOCAL	300m	YES	
Ford Park	Traralgon	LCC	Active	LOCAL	300m	NO	2015 - 2021
Coleman Park	Traralgon	LCC	Active	LOCAL	270m	NO	2015 - 2021
Milligan Park	Traralgon	LCC	Active	LOCAL	400m	YES	
Macey Park	Traralgon	LCC	Active	LOCAL	300m	YES	
Layton Park	Traralgon	LCC	Active	LOCAL	300m	YES	
Think Big Reserve	Traralgon	LCC	Active	DISTRICT	250m	YES	
Robert Farmer Park	Traralgon	LCC	Active	DISTRICT	800m	YES	
Flynn Recreation Res.	Flynn	CROWN	Active	LOCAL	NA	YES	
Apex Park	Glengarry	LCC	Active	LOCAL	NA	YES	
Toongabbie Town Common	Toongabbie	LCC	Active	LOCAL	NA	YES	
Traralgon Jaycees Tyers	Tyers	LCC	Active	LOCAL	NA	YES	
Marshall Street Reserve	Yallourn North	LCC	Active	LOCAL	260m	NO	2005 - 2010
North Road Reserve	Yallourn North	LCC	No equip.	LOCAL	200m	No	NTBR
Low Road Reserve	Yallourn North	LCC	Active	LOCAL	200m	YES	
Anderson Ave. Reserve	Yallourn North	LCC	Active	LOCAL	350m	NO	2010 - 2015
Boundary Road Reserve.	Yallourn North	LCC	No equip.		340m	YES	

Rossmore Ave. Reserve	Yallourn North	LCC	Active	LOCAL	330m	<b>YES</b>	
Lions Park	Yallourn North	LCC	Active	LOCAL	350m	<b>YES</b>	

**2005 - 2010**

**2010 - 2015**

**2015 - 2021**

**NTBR**

**DRAFT 5 YEAR PLAYGROUND  
REPLACEMENT CAPITAL PROGRAM**

<b>Year 1 - 2006/2007</b>		<b>COST</b>
Staffing /Contractors		\$ 20,000
<b>REMOVALS</b>		
Kentucky Lawns Res.	Morwell	\$ 5,000
Marshall Street Reserve	Yallourn Nth	\$ 5,000
<b>UPGRADES</b>		
English Reserve	Churchill	\$ 14,000
Reservior Park	Churchill	\$ 14,000
Barry St Reserve	Morwell	\$ 14,000
McMillian St Resere	Morwell	\$ 14,000
Boundary Road Reserve	Yallourn Nth	\$ 14,000
<b>TOTAL</b>		<b>\$ 100,000</b>

**Year 2 - 2007/2008**

Staffing /Contractors \$ 20,000

**REMOVALS**

Kosiosko St. Reserve Traralgon \$ 5,000

Meadow Park Traralgon \$ 5,000

West Park Traralgon \$ 5,000

**UPGRADES**

Dyer Park Traralgon \$ 15,000

Blanck Park Traralgon \$ 15,000

Bond Park Traralgon \$ 15,000

Hourigan Park Traralgon \$ 15,000

Hazelwood Pondage Hazelwood \$ 15,000

Contingency \$ 10,000

Total \$ 120,000

**Year 3 - 2008/2009**

Staffing /Contractors \$ 20,000

**REMOVALS**

John Street Reserve Moe \$ 5,000

Fraser Court Reserve Morwell \$ 5,000

Bruce Park Traralgon \$ 5,000

**UPGRADES**

Savige St Reserve Morwell \$ 15,000

Nindoo Drive Reserve Morwell \$ 15,000

Ted Summerton Moe \$ 15,000

Merton Court Newborough \$ 15,000

Milligan Park Traralgon \$ 15,000

Contingency \$ 10,000

Total \$ 120,000

**Year 4 - 2009/2010**

Staffing /Contractors \$ 20,000

**REMOVALS**

Riggall Road Reserve Traralgon \$ 5,000

Charles Street Reserve Traralgon \$ 5,000

Considine Park Traralgon \$ 5,000

**UPGRADES**

Layton Park Traralgon \$ 14,000

Milligan Park Traralgon \$ 14,000

Court Park Traralgon \$ 14,000

Gillwell Park Traralgon \$ 14,000

Rangeview Park Traralgon \$ 14,000

Agnes Bereton Traralgon \$ 15,000

Total \$ 120,000



**Year 5 - 2010 / 2011**

Staffing /Contractors \$ 20,000

**REMOVALS**

Grant Park Traralgon \$ 5,000

CWA Park Yinnar \$ 5,000

Bellarine Circuit Res. Morwell \$ 5,000

**UPGRADES**

Scott Avenue Moe \$ 15,000

Phillip Street Reserve Moe \$ 15,000

Duncan Cameron Traralgon \$ 15,000

Downs Reserve Traralgon \$ 15,000

Macey Park Traralgon \$ 15,000

Contingency \$ 10,000

Total \$ 120,000

# Playground Improvement Implementation Plan 2011-2016



May 2011



## PROPOSED PLAYGROUND REMOVAL & REPLACEMENT PLAN 2011-2016

The list of new works presented below are base on the adopted Latrobe City Playground Strategy 2005 – 2021 inventory recommendations, assessments by Latrobe City Playground maintenance staff and annual safety audits carried out by a qualified playground auditor.

### YEAR 1 : 2011 – 2012

PARK & LOCATION	ACTION	AMOUNT
Apex Park Main Street, Glengarry	Install medium combo unit (item already purchased)	\$2,000.00
Freeman Park East Kestrel Close, Traralgon	Removal	\$1,500.00
Hubert Osborne Park Seymour Street, Traralgon	Purchase and install mixed aged play unit, double swings, 2 x spring riders or see-saw, sandpit mini excavator	\$55,500.00
Ford Park Maskrey Street, Traralgon	Removal	\$1,500.00
Grant Court Grant Court, Traralgon	Install medium combo unit	\$20,000.00
O'Mara Park Farren Close, Traralgon	Removal	\$1,500.00
Sir Frank McFarlane Burnet Reserve Traralgon	Shade sail replacement and repairs	\$9,000.00
YDCA Centenary Park Yinnar	Upgrades and relocation of equipment	\$6,500
Glendonald Park Churchill	Shade sail replacement and repairs	\$12,000.00
Beattie Crescent Morwell	Shade sail replacement and repairs	\$4,300.00
AAA Playground Moe	Shade sail replacement and repairs	\$1,900.00
Boolarra Railway Park Boolarra	Shade sail replacement and repairs	\$2,200.00
Yallourn Lions Park Yallourn North	Shade sail replacement and repairs	\$1,500.00
	<b>Total</b>	<b>\$119,400.00</b>



## YEAR 2 : 2012 – 2013

PARK & LOCATION	ACTION	AMOUNT
Andrews Park West Maple Crescent, Churchill	Purchase and install medium combo unit, double swing, 1 x spring rider	\$21,000.00
Glendonald Park Amaroo Drive, Churchill	Purchase and install mixed aged play unit, row of swings and see saw	\$62,500.00
Apex Park Waterloo Road, Moe	Purchase and install large combo unit, 4-way skate swing, double swing, sandpit mini-excavator	\$26,500.00
Crisp Park Tanjil Street, Traralgon	Removal	\$3,500.00
Tulloch Street Reserve Tulloch Street, Morwell	Removal	\$3,500.00
Various – to be determined	Shade sail replacement and repairs	\$15,000.00
	<b>Total</b>	<b>\$117,000.00</b>



### YEAR 3 : 2013 – 2014

PARK & LOCATION	ACTION	AMOUNT
Jeeralang Avenue Reserve Jeeralang Avenue, Newborough	Purchase and install large combo unit, double swing, see-saw	\$30,000.00
Alfred Drive Reserve Alfred Drive, Yinnar	Purchase and install medium combo unit, 1 x spring rider	\$18,000.00
Randall Crescent Reserve Randall Crescent, Moe	Purchase and install medium combo unit, double swing, 1 x spring rider, see-saw	\$25,000.00
Charles Bond Park Wicks Street, Yinnar	Purchase and install medium combo unit, double swing, 1 x spring rider	\$21,000.00
Berg Street Reserve Berg Street, Morwell	Purchase and install medium combo unit, 1 x spring rider, see-saw	\$20,000.00
Various – to be determined	Shade sail replacement and repairs	\$15,000.00
Waterhole Creek Burnside Drive, Morwell	Removal	\$2,500.00
Burge Park Hicks Court, Traralgon	Removal	\$2,500.00
Coleman Park Taylor Crescent, Traralgon	Removal	\$3,500.00
	<b>Total</b>	<b>\$137,500.00</b>



### YEAR 4 : 2014 – 2015

PARK & LOCATION	ACTION	AMOUNT
Helen Street Reserve Helen Street, Morwell	Purchase and install mixed aged play unit, see-saw, 1 x spring rider	\$40,000.00
Railway Park Duke Street, Boolarra	Purchase and install mixed aged play unit, row of swings, 2 x spring riders, see-saw	\$50,000.00
Dyer Park Brookes Street, Traralgon	Purchase and install freestanding slide, double swing, see-saw, spring rider	\$11,000.00
Stearman Street Reserve Stearman Street, Newborough	Purchase and install freestanding slide, cable climber, sea-saw	\$16,000.00
Various – to be determined	Shade sail replacement and repairs	\$15,000.00
	<b>TOTAL</b>	<b>\$132,000.00</b>



## YEAR 5 : 2015 – 2016

PARK & LOCATION	ACTION	AMOUNT
Northern Reserve Collins Street, Morwell	Purchase and install mixed age playground, double swing, see-saw, 2 x spring riders	\$32,000.00
Watsons Park Heesom Crescent, Churchill	Purchase and install large combo unit, see-saw, double swing	\$30,000.00
Morwell Town Common Elgin Street, Morwell	Upgrades to timber structures	\$21,000.00
Apex Park Waterloo Road, Moe	Purchase and install theme play pirate ship	\$30,000.00
Jack Harrison Park Quail Court, Traralgon	Removal	\$4,000.00
Marshall Street Reserve Marshall Street, Yallourn North	Removal	\$3,500.00
Various – to be determined	Shade sail replacement and repairs	\$15,000.00
<b>TOTAL</b>		<b>\$135,500.00</b>

<b>Document Name</b>	<b>Playground removal procedure</b>
<b>Version Number</b>	Version 1
<b>Approved by</b>	General Manager Recreation Culture & Community Infrastructure
<b>Effective Date</b>	1 July 2011
<b>Date of Last Review</b>	N/A
<b>Superseded Documents</b>	N/A
<b>Document Number</b>	Playground upgrade / removal procedure 11 PRO 1
<b>Responsible Area</b>	Recreational Liveability
<b>Associated Documents</b>	Latrobe City Playground Strategy 2005-2021 Playground Improvement Implementation Plan 2011-2016

### 1. Purpose & Scope

The purpose of this procedure is to describe the process for community notification when upgrading or removing a playground in accordance with the Latrobe City Playground Strategy 2005-2021 and Playground Improvement Implementation Plan 2011-2016.

The procedure applies to staff from the Recreational Culture & Community Infrastructure division and in particular the Playground Maintenance Team.

### 2. Definitions

**Procedure:** A document that details the purpose and scope of an activity or process and specifies how and by whom it is to be purposely carried out. A particular way of accomplishing something, an established way of doing things, a series of steps followed in a defined regular order ensuring the consistent and repetitive approach to actions.

### 3. Procedure

#### Step:

1. Install one sign in a prominent place adjacent to the playground advising that the playground is being removed for a minimum of eight (8) weeks prior to any works being undertaken. (See approved wording for signs in section 3 of this procedure)
2. Place an advertisement for removals only in the Latrobe City Notice Board section of the LV Express. (See Latrobe City Media Team and use the template for approved wording in section 3 of this procedure)
3. If an objection is received during the 8 week advertising period and can not be resolved in the first instance, it should then be made in writing to Manager Recreational Liveability prior to the end of the 8 week advertising period. Only written objections will be considered.
4. Manager Recreational Liveability to prepare and present report to Council outlining the objections and officers recommendations.



5. No works shall be undertaken to a playground that is subject to a written objection or Council report until there has been a decision of Council or the General Manager Recreation Culture & Community Infrastructure.
6. Implement Councils decision.

### **Sign wording**

#### **Upgrade;**

This playground is being upgraded as part of the Playground Improvement Implementation Plan 2011-2016.

#### *Latrobe 2026*

*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*

#### **Removal;**

In accordance with the Latrobe City Council Playground Strategy, Council gives notice of its intention to decommission this playground.

Should you have any queries in regards to the above matter please do not hesitate to contact Latrobe City Council on 1300 367 700

### **Media advertisement template**

#### **PUBLIC NOTICE**

#### **PROPOSED PLAYGROUND REMOVALS – PLAYGROUND IMPROVEMENT IMPLEMENTATION PLAN 2011-2016**

In accordance with the Latrobe City Council Playground Strategy, Council gives notice of its intention to decommission the following playgrounds:

- 
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Should you have any queries in regards to the above matter please do not hesitate to contact the Latrobe City Council on 1300 367 700 .

**4. Review**

This procedure will be reviewed annually by Manager Recreational Liveability or when any changes to the procedure occur. Any changes will be recorded as a new version and divisional General Manager approval will be required.

Signed: \_\_\_\_\_ Date: 29 June 2011  
General Manager Recreation Culture & Community Infrastructure



# COMMUNITY LIVEABILITY



**15. COMMUNITY LIVEABILITY**

Nil reports



# GOVERNANCE





16. GOVERNANCE

**16.1 PROPOSED LEASE OF LAND - YINNAR RECREATION RESERVE**

General Manager

Governance

For Decision

**PURPOSE**

The purpose of this report is to consider the proposed lease agreement with NBN Co Limited for the placement of a tower on part of the Yinnar Recreation Reserve in Jumbuk Road, Yinnar.

**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*

*Efficient, effective and accountable governance*

*Strategic Direction*

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

*Planning for the future*

*Strategic Direction*

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

*Legislation*

*Local Government Act 1989*

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

Section 190 of the *Local Government Act 1989* places restrictions on Council's power to lease land:

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions it must comply with this section.
- (3) If the lease is to be –
  - (a) for 1 year or more and –
    - (i) the rent for any period of the lease is \$50 000 or more a year; or
    - (ii) the current market rental value of the land is \$50 000 or more a year; or
  - (b) for 10 years or more; or
  - (c) a building or improving lease –

the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.

- (4) A person has a right to make a submission under section 223 on the proposed lease.

*Policy – Council does not have an adopted policy relating to the leasing of land.*

**BACKGROUND**

The National Broadband Network (NBN) is a federal government program that aims to upgrade the existing telecommunications network to provide for affordable, high-speed internet and phone access for all Australians.

Whilst this is to be achieved predominantly through improving the fibre network in the ground, in areas where this network is unavailable fixed wireless and satellite technology is to be used to provide this service.

NBN Co Limited, the government business enterprise responsible for delivering the open access broadband network, has identified the Yinnar Recreation Reserve as a suitable site for the installation of a tower to provide high-speed broadband access to Yinnar via fixed wireless technology.

The Yinnar Recreation Reserve is comprised of Crown Land for which Council is the appointed committee of management, Crown Allotment 7E in the Parish of Yinnar, together with freehold land owned by Council, Lot 1 on PS 300383. It is on the parcel of land owned by Council that the tower is to be located, as shown on Attachment 1.

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

The Yinnar Recreation Reserve is managed by the Yinnar Recreation Reserve Committee of Management Inc. (the committee) under a management agreement between the committee and Council that was entered into in September 2012 (Attachment 2).

This agreement defines the role of the committee as being “to manage, operate and maintain the facility for the community in an efficient, effective and practical manner, without involving Council in day to day management and to encourage, promote and provide for the use of the facility”.

Under the terms of this agreement the committee is responsible for all maintenance of the reserve, including both ovals, whilst Council is only responsible for maintenance of the internal road network and any line marking that may be required.

The committee can be seen as a good model for such management arrangements as it is empowered, coherent and cohesive and this is reflected in the standard of the facility which has been achieved with minimal involvement by Council.

The committee has negotiated a lease agreement for placement of the tower on part of the reserve however, as they are not the land owner, it will be necessary for the lease to be between Council and NBN Co Limited.

In October 2012 an application for a planning permit was lodged by Visionstream Pty Ltd, on behalf of NBN Co Limited, “for building and works to establish a proposed telecommunications facility on the property that comprises a 40 metre high monopole, equipment units and associated antennas”.

A planning permit (2012/283) was subsequently issued under delegation on 4 April 2013.

**ISSUES**

Initial discussions regarding the proposed placement of an NBN tower at the Yinnar Recreation Reserve took place between the committee and Visionstream Pty Ltd prior to being referred to Council as the land owner.

The proposed lease agreement that was negotiated with NBN Co Limited is for a term of 20 years at an initial rental of \$8,000.00 per annum plus GST, to be increased annually by 2.5% for the duration of the lease, which will be paid directly to the committee.

A copy of the proposed lease agreement is attached to this report (Attachment 3).

The committee have negotiated with NBN Co Limited to allow for the co-location of lighting equipment on the tower which will serve as the second of four lighting towers for the oval.

Upon expiration or termination of the lease, unless a new agreement is entered into, NBN Co Limited will be required to remove all cabling and fixtures installed on the land.

The attached letter has been received from the committee supporting the installation of the proposed tower on the reserve (Attachment 4).

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

As the proposed lease is to be for a term of 20 years it will be necessary for Council to give public notice pursuant to Section 190 of the *Local Government Act 1989* and invite comment prior to entering into the agreement.

### **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.

Under the terms and conditions of the proposed lease NBN Co Limited will be required to maintain a valid public liability insurance policy, for no less than \$20 million, and will be responsible for insuring all assets within the lease area.

As stated above, it has been agreed that the annual rental shall be paid directly to the committee to enable it to be used for improvements to the Yinnar Recreation Reserve.

The management agreement requires that the committee must provide an annual financial statement to Council and this will act as an accountability mechanism to ensure that the rental paid to the committee is being used in an appropriate manner.

Whilst Council is listed as the landlord for the purposes of this lease agreement the actual financial and resource implications will be minimal.

### **INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Proposed:*

- Public notices placed in the Latrobe Valley Express
- Public notice placed on Councils website
- Public notice placed in the Yinnar General Store
- Public notice placed at the Yinnar Recreation Reserve

*Details of Community Consultation / Results of Engagement:*

In accordance with Section 223 of the *Local Government Act 1989* any submissions that are received regarding the proposed lease will be considered at a future meeting of Council.

### **OPTIONS**

Council may now resolve to either:

- Give public notice pursuant to Section 190 of the *Local Government Act 1989* of its intention to enter into a long-term lease agreement with NBN Co Limited for part of the Yinnar Recreation Reserve and invite public comment.
- Not enter into a long-term lease agreement with NBN Co Limited which will require no further action. This will require NBN Co Limited to identify an alternative site in Yinnar for placement of a tower and will result in them being unable to act on the planning permit issued in April 2013. A new permit would be required for any other site.

**CONCLUSION**

The Yinnar Recreation Reserve Committee of Management has negotiated a lease with NBN Co Limited for the installation of a monopole tower on part of the Yinnar Recreation Reserve owned by Council as part of the roll out of the national broadband network.

Council, as the owner of the land on which the tower is to be erected, will need to enter into the proposed lease with NBN Co Limited.

The rental from the proposed lease will provide an additional source of funding for the reserve and will also allow lighting to be co-located on the tower for the eastern oval.

As the proposed lease with NBN Co Limited is for a term of twenty years Section 190 of the *Local Government Act 1989* requires that Council gives public notice of its intention to enter into the lease and invite public comment.

**Attachments**

1. Attachment One: Aerial photograph of Yinnar Recreation Reserve showing location of proposed lease.
2. Attachment Two: Yinnar Recreation Reserve Licence & Service Agreement
3. Attachment Three: Proposed Lease Agreement
4. Attachment Four: Letter of support from the Yinnar Recreation Reserve Committee of Management

**RECOMMENDATION**

**That Council:**

1. Gives public notice of its intention to enter into a 20 year lease agreement with NBN Co Limited for part of the Yinnar Recreation Reserve in Jumbuk Road, Yinnar, being Lot 1 on PS 300383 and the land contained in Certificate of Title Volume 9965 Folio 414, pursuant to Section 190 of the Local Government Act 1989.
2. Considers any submissions received in relation to the proposed long-term lease with NBN Co Limited for part of the Yinnar Recreation Reserve in Jumbuk Road, Yinnar, being Lot 1 on PS 300383 and the land contained in Certificate of Title Volume 9965 Folio 414, at the Ordinary Council Meeting to be held on Monday 19 August 2013.

**Moved:** Cr White  
**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**



## 16.1

### Proposed Lease Of Land - Yinnar Recreation Reserve

- 1 Attachment One: Aerial photograph of Yinnar Recreation Reserve showing location of proposed lease..... 353
- 2 Attachment Two: Yinnar Recreation Reserve Licence & Service Agreement ..... 355
- 3 Attachment Three: Proposed Lease Agreement..... 367
- 4 Attachment Four: Letter of support from the Yinnar Recreation Reserve Committee of Management..... 397









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## YINNAR RECREATION RESERVE

This Agreement is between **LATROBE CITY COUNCIL** of 141 Commercial Road, Morwell 3840 and **YINNAR RECREATION RESERVE COMMITTEE OF MANAGEMENT INC.** of Main Street, Yinnar, for the period from 01/06/2012 to 31/05/2017.

### 1. DEFINITIONS

“Committee of Management” means the Yinnar Recreation Reserve Committee of Management Inc, being a properly constituted and legal body incorporated under the provisions of the Associations Incorporation Act 1981.

“Council” means the Latrobe City Council.

“facility” means the Yinnar Recreation Reserve located at Jumbuk Road, Yinnar, and as defined by the plan (attached) – Appendix 2.

“property” means the land the subject of this Agreement and includes any structures or buildings on the land.

### 2. PURPOSE

The purpose of this Agreement is to establish occupancy arrangements, to define the relationship between the Council and the Committee of Management and to identify the respective responsibilities of each in order to ensure that the facility is well maintained, managed and available to specific user groups and the community as a whole on a fair and equitable basis.

### 3. ROLE OF COUNCIL

#### 3.1 Ownership

The role of the Council is primarily as owner of Lot 1 on PS 300383J and the appointed Committee of Management for Crown Allotment 7E in the Parish of Yinnar.

The ownership of the facility remains vested in the Council as part of the property and no tenancy, estate or interest in either the property or the facility is created in the Committee of Management by the execution of this Agreement.

#### 3.2 Other roles

Council’s other roles are to act in an advocacy and advisory capacity when necessary and to otherwise act in accordance with its responsibilities elsewhere defined in this Agreement.

### 4. ROLE OF COMMITTEE OF MANAGEMENT

The role of the Committee of Management is to manage, operate and maintain the facility for the community in an efficient, effective and practical manner, without involving Council in day to day management and to encourage, promote and provide for the use of the facility for the purpose in Clause 2.

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**5. GRANT OF LICENCE**

In consideration of the due and prompt payment of the licence fee of \$1.00 per annum, payable on demand, the Council licenses the Committee of Management to occupy and use the facility and the property on which it is erected for the period from 01/06/2012 to 31/05/2017, subject always to the terms of this Agreement which are non exclusive and do not comprise or include any rights other than those granted or to which the Committee of Management is otherwise entitled by law.

**6. RULES OF COMMITTEE OF MANAGEMENT**

Any proposed alteration or amendment to the Rules of the Committee of Management must be notified to the Council.

**7. FUNCTIONS**

To further its objectives and without limiting any other provisions of this Agreement the Committee of Management is required to in relation to the facility:

- develop policies and procedures for its effective and efficient management.
- manage, operate and maintain it in accordance with adopted policies, procedures and sound financial management principles.
- determine the terms and conditions under which it is to be made available for use by the public generally or by specific user groups.
- promote its use.
- act in compliance with relevant reporting requirements contained herein.

**8. COMPLIANCE WITH LAWS**

The Committee of Management must comply with all laws relating to the property or the use of the property.

The laws which you must comply with include (but are not limited to):

- (I) Council local laws;
- (II) the Liquor Control Reform Act 1998 and any regulations made pursuant to that Act or any other law relating to the sale or consumption of liquor;
- (III) the Health Act 1958;
- (IV) the Occupational Health and Safety Act 1985;
- (V) the Property Law Act 1958;
- (VI) the Building Act 1993;
- (VII) the Associations Incorporation Act 1981;
- (VIII) the Commercial Arbitration Act 1984.

**9. NO AGENCY ARRANGEMENT OR ASSIGNMENT**

- (I) The Committee of Management is not by virtue of the execution of this Agreement constituted an agent of the Council.
- (II) The Committee of Management must not without first obtaining the Council's consent assign, under-licence, mortgage, or charge this Licence or part with or share possession of the property or any part of it.

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**10. REPORTING & PERFORMANCE MONITORING REQUIREMENTS**

- (I) Within 3 months of this Agreement being signed the Committee of Management must:
- develop and submit a three year maintenance program for the property;
  - outline how this program will be met;
  - submit a three year budget, if turnover exceeds or will exceed \$30,000; and
  - submit a schedule of user charges.
- (II) Where annual turnover is expected to or will exceed \$30,000 the Committee of Management must submit by 28 February each year an annual budget together with a schedule of user charges which reflect operating and maintenance requirements for the next annual period commencing 1 July.
- (III) Within one month of the Annual General Meeting, the Committee of Management must provide the Council with the following:
- Copy of the minutes of the Annual General Meeting.
  - A report on the operations of the Committee for the previous 12 months.
  - Annual financial statement for the previous 12 months prepared in accordance with Section 30 of the Associations Incorporation Act 1981.
  - Details of Office-Bearers for the ensuing year.
  - Copy of the Committee's Essential Services Register (as detailed in Clause 15)
  - Risk Assessment Inspection Report (proforma at Appendix 1).

**11. FINANCIAL MANAGEMENT & OUTGOINGS**

- (I) The Committee of Management must do all things necessary to ensure prudent and sound financial management of the facility.
- (II) The Committee of Management is responsible to pay for all services supplied to the property such as water, electricity, gas, sewerage, telephone and any other similar utility charge, rate or cost.

**12. COUNCIL FUNDING**

The provision of an annual operating grant to the Committee will be subject to the annual budget process of the Council. In the event that such funding is not to be provided the Council will notify the Committee of Management as early as possible to enable the Committee to plan for this eventuality.

The Committee of Management is not precluded from making separate application to the Council for funding support from any Grant Scheme or other funding source offered by the Council or any other body from time to time. The Committee of Management will be subject to terms and conditions generally applying to any funds allocated from such sources.

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**13. MAJOR WORKS**

- (I) The Council may take responsibility for any required structural changes to the property, the funding for which will be subject to negotiation and agreement between the Committee of Management and the Council, on a project by project basis.
- (II) The Committee of Management may suggest or request the undertaking of major works which, subject to Council consent, it may do at its cost.
- (III) Any additions modifications or improvements made to the property during the term of this Agreement are to remain the property of the Council.
- (IV) The Committee of Management is responsible for maintenance and replacement of all fittings, furniture and equipment within the facility.

**14. FUNDRAISING**

All fundraising activities for or related to the facility, including any undertaken by the Committee of Management, must not occur until after all applicable permits and licences have been obtained.

**15. ESSENTIAL SERVICES**

The Committee is responsible for maintaining an Essential Services Register and ensuring subsequent action and reporting is carried out as appropriate.

The Committee is responsible for ensuring an evacuation plan, detailing the location of fire extinguishers and emergency exits is displayed at the exits of all buildings.

The Committee will undertake inspections of paths of entry and exit on a quarterly basis and ensure that fire extinguishers are serviced twice yearly.

**16. DECLARED EMERGENCIES**

During periods of declared emergencies, Council reserves the right to designate, manage and operate the facility as an Emergency Relief or Response Centre. In this situation Council will furthermore reserve the right to cancel (possibly at little or no notice) any existing casual or regular bookings that conflict with the dates the facility is proposed to be used for emergency relief or response purposes.

Operational and set up costs associated with the use of the facility as an Emergency Relief or Response Centre will be the responsibility of the Council.

**17. INSURANCES**

- (I) The Council is responsible for the insurance of all buildings, any contents it owns and other physical structures at the facility. The Committee of Management is responsible to pay any excess or deductible amount in respect of any insurance claim.
- (II) The Council will provide public liability insurance for the Committee of Management and volunteers working for it to cover negligent acts, errors or omissions while the Committee or volunteers are acting directly and solely within the scope of the role and duties in this Agreement for and on behalf of the Council and subject to the terms and conditions of the endorsement placed on Council's insurance policy.
- (III) The Committee of Management:

- 
- is responsible to insure for the full reinstatement and replacement value any contents it owns at the facility; and
  - must maintain a Workcover Policy of insurance, if required by law to do so, for any employee or person engaged who may be classified as an employee.
- (V) The Council will cover casual hirers of hall facilities against public liability and property damage claims arising from an occurrence at a function.
- (V) The Committee of Management must ensure that user groups have adequate public liability insurance cover (a minimum value of \$10M is required) having regard to the type of use intended to be made of the facility.
- (VI) The Committee of Management must not do anything or allow anything to be done on the property which may cause any insurance policy to be invalid or avoided or cause any increase in premiums.

#### **18. INDEMNITY**

The Committee of Management indemnifies the Council in respect of any liability for damage or personal injury arising on the property or as a result of any use of the property in circumstances where it is not acting within the scope of the roles and duties in this Agreement.

#### **19. MAINTENANCE**

- (I) The Committee of Management must keep the property inclusive of fittings, furniture and equipment in good repair and condition.
- (II) Any works undertaken on the property must comply with the statutory health and safety standards applicable.
- (III) The Committee of Management will maintain each oval to the standard set by the Council.
- (IV) The Council will be responsible for maintenance of the internal road network and any line marking.

#### **20. USE AND FEES**

- (I) The property is to be used for sports and recreation uses associated with the Yinnar Recreation Reserve as a place of public resort and recreation serving the needs of residents of the area and the general public.
- (II) The Committee of Management is responsible for the formulation and administration of terms and conditions for use of the facility, including the setting of hire fees and security deposits. All terms and conditions of use and access must be consistent with any Council policy(s).
- (III) The Committee of Management must formulate a written Hire Agreement inclusive of an indemnity to be entered into with users of the facility.
- (IV) The Committee of Management must ensure that all users of the facility execute the hire agreement and indemnity prior to any use.



**21. SECURITY & ACCESS**

- (I) The Committee of Management is responsible for the day to day security of the facility, including storing and issuing of keys, changing of locks, and the like.
- (II) Subject to prior arrangement with the Secretary of the Committee of Management, the Council, its staff, contractors and agents will have access to the facility at all reasonable times.

**22. TERMINATION OF AGREEMENT**

- (I) The Council reserves the right to terminate or suspend this Agreement at any time on 60 days written notice and to resume control of the facility should it be deemed necessary from any cause to do so after a period of consultation with the Committee of Management.
- (II) In the event of this Agreement being terminated,
  - the licence granted in Clause 5 is also terminated;
  - the Committee of Management forfeits all rights and entitlements to the management and operation of the facility; and
  - the Committee of Management must deliver up and vacate the facility in good order and kept as required by this Agreement, complete with all keys, fixtures and any fittings vested in the Council.

**23. CONSENT & NOTICES**

Any consent, approval or notice required by this Agreement must be in writing and may be served personally or by leaving it at the property or by posting. The address for service will be as set out at the head of this Agreement.

**24. WINDING UP**

In the event of the winding-up of the Committee of Management any assets or liabilities of the Committee of Management will be disposed of and/or transferred in accordance with the Rules of the Committee of Management.

**25. DISPUTE SETTLEMENT**

Any dispute arising in relation to the use of or any other matter whatsoever relating to the facility and its operation must be settled by consultation between the Council and Committee of Management. In the event of the dispute NOT BEING SETTLED a person nominated by the Chairperson of the Victorian chapter of the Institute of Arbitrators will be appointed to arbitrate the matter.

**26. VARIATION OF AGREEMENT**

This Agreement may be varied only with the joint consent of the Council and the Committee of Management.

**27. REVIEW OF AGREEMENT**

This Agreement may be renegotiated at any time during the period, at the instigation of either the Council or the Committee of Management.

**28. RENEWAL OF AGREEMENT**

This Agreement may be renewed for a further five year term subject to mutual agreement between the Council and the Committee of Management.

The **LATROBE CITY COUNCIL** and the **YINNAR RECREATION RESERVE COMMITTEE OF MANAGEMENT INCORPORATED** agree to the terms and conditions as specified in this Agreement.

**SIGNED** for and on behalf of )  
**LATROBE CITY COUNCIL** by )  
Paul Buckley pursuant to )  
Instrument of Delegation dated )  
17 November 2009 )  
In the presence of: ) \_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_ Witness

**THE COMMON SEAL** of the **YINNAR RECREATION RESERVE COMMITTEE OF MANAGEMENT INCORPORATED** was hereunto affixed in the presence of:

.....  
Member

.....  
Member

This .....day of ..... 2012



## APPENDIX NO. 1

LATROBE CITY COUNCIL  
RECREATION/SPORTING FACILITIESRISK ASSESSMENT INSPECTION REPORT

I.D.	Facility:		
Date:	Address:		
Inspection by:		Ph:	
Facility Contact:		Ph:	

**EXTERNAL ENVIRONMENT**

Field of Play	Condition	Risk Required	Treatment	Action Taken
Surface <ul style="list-style-type: none"> <li>• Depressions, irrigation covers,</li> <li>• excessive water,</li> <li>• grass cover,</li> <li>• rubbish, obstacles etc.</li> </ul>	Satisfactory / Not Satisfactory			
Goal posts/nets <ul style="list-style-type: none"> <li>• Secured,</li> <li>• padding</li> </ul>	Satisfactory / Not Satisfactory			
Boundary fences/gates <ul style="list-style-type: none"> <li>• Adequate runoff distance,</li> <li>• secured,</li> <li>• signage fixed</li> </ul>	Satisfactory / Not Satisfactory			
Lighting <ul style="list-style-type: none"> <li>• Appropriate, secure</li> </ul>	Satisfactory / Not Satisfactory			
<b>Public Viewing/ Access Areas</b>				
Grandstands <ul style="list-style-type: none"> <li>• Structure,</li> <li>• stairways, handrails</li> </ul>	Satisfactory / Not Satisfactory			
Amenities <ul style="list-style-type: none"> <li>• Clean,</li> <li>• consumables,</li> <li>• lighting,</li> <li>• access,</li> </ul>	Satisfactory / Not Satisfactory			

<ul style="list-style-type: none"> <li>rubbish bins - collection/storage</li> </ul>			
<b>Roadways/paths</b> <ul style="list-style-type: none"> <li>Obstructions, tripping hazards,</li> <li>signage,</li> <li>drainage,</li> <li>trees/dead branches etc.</li> </ul>	Satisfactory / Not Satisfactory		
<b>Equipment</b> <ul style="list-style-type: none"> <li>Storage, security</li> </ul>	Satisfactory / Not Satisfactory		

**BUILDINGS & INDOOR SPORTING AREAS**

<b>Courts</b>	<b>Condition</b>	<b>Risk Required</b>	<b>Treatment</b>	<b>Action Taken</b>
<b>Surface</b> <ul style="list-style-type: none"> <li>Clean,</li> <li>Seal, traction,</li> <li>linemarking</li> </ul>	Satisfactory / Not Satisfactory			
<b>Goal posts/backboards</b> <ul style="list-style-type: none"> <li>Secured,</li> <li>padding, nets</li> </ul>	Satisfactory / Not Satisfactory			
<b>Perimeter Clearances</b> <ul style="list-style-type: none"> <li>Run-out distance,</li> <li>umpire corridors</li> </ul>	Satisfactory / Not Satisfactory			
<b>Lighting</b> <ul style="list-style-type: none"> <li>Appropriate,</li> <li>secure,</li> <li>functioning</li> </ul>	Satisfactory / Not Satisfactory			

**PUBLIC AMENITY**

<b>Access/Seating</b> <ul style="list-style-type: none"> <li>Appropriate,</li> <li>handrails, ramps,</li> <li>clear passage</li> </ul>	Satisfactory / Not Satisfactory			
<b>Toilets</b> <ul style="list-style-type: none"> <li>Clean,</li> <li>consumables,</li> <li>lighting,</li> <li>access</li> </ul>	Satisfactory / Not Satisfactory			
<b>Roadways/paths</b> <ul style="list-style-type: none"> <li>Obstructions, tripping hazards,</li> <li>signage,</li> <li>drainage</li> </ul>	Satisfactory / Not Satisfactory			
<b>Equipment</b> <ul style="list-style-type: none"> <li>Storage,</li> <li>security</li> </ul>	Satisfactory / Not Satisfactory			

<b>BUILDING</b>			
Essential Services <ul style="list-style-type: none"> <li>• Emergency/exit lighting,</li> <li>• exit signs,</li> <li>• fire fighting equipment,</li> <li>• evacuation plan</li> </ul>	Satisfactory / Not Satisfactory		
General Condition <ul style="list-style-type: none"> <li>• structure, int/ext cladding, roof, doors</li> <li>• secure, locks, windows</li> </ul>	Satisfactory / Not Satisfactory		
<b>OTHER COMMENTS</b>			

APPENDIX NO. 2



## **Lease**

Dated:

**NBN CO LIMITED (ACN 136 533 741)**

**LATROBE CITY COUNCIL**



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## Date

## Parties

Latrobe City Council

(Landlord)

NBN Co Limited (ACN 136 533 741)

(Tenant)

## General Conditions

### 1 Defined terms & interpretation

#### 1.1 Defined terms

In this Lease:

**Act** means the *Telecommunications Act 1997* (Cth).

**APRA** means Australian Prudential Regulation Authority.

**Business Day** means any day in the Jurisdiction which is not a Saturday, Sunday or Public Holiday.

**Carrier** has the meaning given to it in the Act.

**Code** means the *Telecommunications Code of Practice 1997*.

**Consecutive Lease** means a lease of the Premises between the Landlord and NBN Co other than this Lease, which is granted at the same time as this Lease in respect of periods either prior or subsequent to the Term.

**Date of Commencement** means the date stated in Item 2.

**Date of Expiration** means the date stated in Item 3.

**Determination** means the *Telecommunications (Low Impact Facilities) Determination 1997*.

**Equipment** means those items of plant and / or equipment brought onto the Land by NBN Co for the use permitted by this Lease.

**General Conditions** means the part of this Lease described as General Conditions.

**Government Agency** means any government or any governmental, semi-government, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity.

**GST** means a goods and services tax or like tax payable in respect of a supply under the Lease.

**Information Table** means the part of this Lease described as Information Table.

**Item** means an item in the Information Table.

**Jurisdiction** means the state or territory of the Commonwealth of Australia in which the Land is situated.

**Land** means the land described in the Certificate of Title (or title reference) referred to in Item 1.

**Landlord** means the Landlord described on the front page of the Lease and its successors and assigns or, if the Landlord is a natural person, its executors, administrators and assigns and in either case its employees, agents and contractors.

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**Landlord's Covenants** means the covenants and agreements contained or implied in the Lease to be observed and performed by the Landlord.

**Lease** means the lease or tenancy that exists between the Landlord and NBN Co in relation to the Premises of whatever nature and whether at law or in equity as evidenced in whole or in part by this document.

**NBN Co** means the lessee described on the front page of the Lease and its successors and assigns and where the context permits, its employees, agents, invitees and contractors.

**NBN Co's Covenants** means the covenants and agreements contained or implied in the Lease to be observed and performed by NBN Co.

**Payment Date** means the date stated in Item 7.

**Premises** means the premises described in Item 1.

**Related Body Corporate** has the meaning given in the *Corporations Act 2001* (Cth).

**Rent** means the amount stated in Item 5.

**Reputable Insurer** means an insurer who is:

- (a) a reputable APRA authorised insurer(s); or
- (b) APRA exempt and maintains a Standard & Poor's rating of A minus or higher (or an equivalent rating agency rating).

**Special Conditions** means the special conditions in Item 9.

**Statute** means any statute, regulation, proclamation, ordinance, by-law, code or determination of the Commonwealth of Australia or the Jurisdiction and includes all statutes, regulations, proclamations, ordinances, by-laws, codes or determinations varying, consolidating or replacing them and all regulations, proclamations, ordinances, by-laws, codes and determinations issued under that statute.

**Term** means the term of the Lease set out in item 4.

## 1.2 Interpretation

In the Lease, unless the context otherwise requires:

- (a) headings and underlinings are for convenience only and do not affect the interpretation of Lease;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, joint venture, corporation or other body corporate and any Government Agency;
- (e) a reference to any thing includes a part of that thing;
- (f) a reference to a part, clause, party, annexure, exhibit, information table or schedule is a reference to a part and clause of and a party, annexure, exhibit, information table and schedule to the Lease;
- (g) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next succeeding day which is a Business Day;

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- (h) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of the Lease or any part of it;
- (i) month means a calendar month;
- (j) a covenant or agreement on the part of two or more persons binds them jointly and severally;
- (k) "includes" in any form is not a word of limitation;
- (l) any parties, persons, facts, events or documents alternatively or collectively shall be construed as a reference to all of them and to each and any one or more of them; and
- (m) any organisations, associations, societies, groups or bodies shall in the event that any of them ceases to exist or is reconstituted renamed or replaced or that any of its powers or functions are transferred to any other entity body or group refer respectively to any such entity body or group established or constituted in lieu thereof or succeeding to similar power or functions.

### 1.3 Third parties

Any covenant (whether express or implied) by a party to this Lease not to do or omit any act or thing shall be deemed to extend to an obligation not to permit any third party to do or to omit the same.

### 1.4 Special Conditions

The parties acknowledge and agree that the Special Conditions take precedence over the General Conditions to the extent of any inconsistency between the Special Conditions and the General Conditions.

## 2 Grant of Lease, implied covenants and powers

### 2.1 Grant of Lease

The Landlord leases the Premises to NBN Co for the Term at the Rent subject to the terms and conditions contained in this Lease.

### 2.2 Exclusion of implied covenants

The obligations and powers implied in the Lease by section 67 of the *Transfer of Land Act 1958 (Vic)* are expressly excluded.

### 2.3 Inclusion of implied covenants

Any covenants and powers implied in the Lease by any law apply to the extent they are consistent with the terms of the Lease and which are applicable to NBN Co.

### 2.4 Contravention of Statute - severance

Any provision of the Lease or its application to any party or in any circumstances is or becomes void, voidable, unenforceable or invalid because of any Statute or otherwise must in any such case and to such extent be severed from the Lease, and the Lease must be read as though such provision did not form part of the Lease at that time.

## 3 Term of Lease and holding over

### 3.1 Term of the Lease

The Term commences on the Date of Commencement and expires on the Date of Expiration, subject to the provisions of the Lease.

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### 3.2 Yearly tenancy holding over

If NBN Co occupies the Premises after the Date of Expiration (other than pursuant to a Consecutive Lease or the grant of a further lease) NBN Co must do so as a yearly tenant for yearly terms thereafter on the same terms and conditions as the Lease as far as they apply to a yearly tenancy. Either party may terminate the yearly tenancy by giving not less than 12 months' notice to the other party expiring on any day.

## 4 Payment

### 4.1 NBN Co's Covenant

NBN Co must pay the Rent to the Landlord during the Term.

### 4.2 Payment of Rent

- (a) Subject to clause 4.2 (b), the Rent will be paid annually in advance to the Landlord or to any other person the Landlord notifies to NBN Co. Any notification must be served at least 30 days prior to the date for payment of Rent.
- (b) The first Rent payment will be made on the Payment Date. The following Rent payments will be made annually in advance on or before the anniversary of the Date of Commencement and thereafter on the same day of each year.
- (c) If an instalment of Rent is for a period of less than one year, the instalment for that period is apportioned on a daily rate for the relevant lease year.

### 4.3 Rent Reviews

The Rent will be increased by 2.50% on each anniversary of the Date of Commencement.

### 4.4 GST

- (a) Unless stated to the contrary, all payments to be made by NBN Co under the Lease (including but not limited to Rent) are calculated without regard to GST. If a payment by NBN Co to the Landlord under the Lease is consideration for a supply by the Landlord under the Lease on which the Landlord must pay GST, NBN Co must also pay the Landlord an additional amount equal to the GST payable (**GST Amount**) by the Landlord on that supply.
- (b) Subject to clause 4.4(d), NBN Co will issue recipient created tax invoices (**RCTIs**) for the taxable supplies made by the Landlord to NBN Co under this Lease. For the purpose of NBN Co issuing RCTIs the parties agree:
  - (i) NBN Co may, to the extent it is legally entitled to do so, issue a single RCTI for more than one rental period;
  - (ii) The Landlord will not issue a tax invoice in respect of any supply it makes to NBN Co under this Lease;
  - (iii) Each party acknowledges and warrants that at the time of entering into this Lease, it is registered for GST; and
  - (iv) Each party must notify the other party if, at any time, it ceases to be registered for GST or it ceases to comply with any of the requirements of any taxation ruling issued by the Australian Taxation Office relating to the issuing of RCTIs.
- (c) If a payment to a party under this Lease is a reimbursement or indemnification calculated by reference to a loss, cost or expense incurred by that party, then

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the payment must be reduced by the amount of any input tax credit to which that party is entitled for the acquisition to which that loss, cost or expense relates.

- (d) If NBN Co notifies the Landlord in writing that NBN Co will no longer issue RCTIs then:
- (i) clause 4.4(b) will not apply from the date specified in the notification until NBN Co withdraws the notification by a further notice to the Landlord; and
  - (ii) during the period specified in clause 4.4(d)(i), the Landlord must issue a tax invoice to NBN Co for any taxable supply made by the Landlord to NBN Co under this Lease before the consideration payable for that supply is due and NBN Co need not pay the GST Amount for a particular taxable supply until such time as the Landlord has issued a tax invoice to NBN Co for that supply.

#### 4.5 EFT payments

NBN Co may pay the Rent by Electronic Funds Transfer (EFT) to the account nominated in Item 6. The Landlord may notify another account in Australia to which payments may be made by EFT to replace the account stated in Item 6. The notification must be served at least 30 days prior to the date for payment of Rent. Payment by EFT by NBN Co's banker to the relevant nominated account by the due date is a full discharge for the payment.

#### 4.6 Pro rata refund of Rent

In the event of termination of the Lease pursuant to clause 10.2 or 10.3 the Landlord must forthwith refund to NBN Co prepaid Rent on a pro rata basis.

#### 4.7 Gross Rent

The Landlord acknowledges the Rent is a 'gross' rent and is inclusive of all rates, taxes, statutory and building outgoings.

### 5 Use

#### 5.1 Permitted use

NBN Co will use the Premises for the purpose of constructing, maintaining and operating a telecommunications facility, network and service and such use includes any use allowed under the Act and may do all such things as may be necessary or convenient for this purpose. NBN Co may at any time during the Term install, remove, modify, vary, maintain, use and operate on the Premises such Equipment as is necessary for the use permitted by this Lease now and in the future.

#### 5.2 Adjoining Land

The Landlord grants to NBN Co the right to use so much of the Land adjoining and adjacent to the Premises or any installation of NBN Co as is reasonably required during installation, erection, construction, dismantling, repair, replacement, variation, renewal and maintenance of the telecommunications facility, network and service. After using the Land adjoining and adjacent to the Premises NBN Co will restore the surface of the Land as so used as near as practicably possible to its state prior to such use by NBN Co to the reasonable satisfaction of the Landlord.

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### 5.3 Requirements of Government Agencies

NBN Co must comply promptly with any applicable Statute in respect of NBN Co's use of the Premises and any requirements, notices or orders of any Government Agency having jurisdiction or authority in respect of the Premises or the use of the Premises. NBN Co is not liable for structural alterations unless caused or contributed to by NBN Co's particular use or occupation of the Premises.

### 5.4 Cabling

For the purpose of the operation of NBN Co's telecommunications facility, network and service, the Landlord will permit NBN Co to install, erect, construct, dismantle, maintain, repair, replace, vary, add and use above or below ground cabling to and from the Premises and any other installations of NBN Co on the Land or to connect to adjoining roads or services and where necessary to construct supports for that cabling. When exercising its rights under this clause, NBN Co must:

- (a) not cause any lasting material damage to the Land or material interference with the Landlord; and
- (b) restore the surface of the Land as so used as nearly as practicably possible to its state prior to use by NBN Co to the reasonable satisfaction of the Landlord.

### 5.5 Non-contiguous Premises

In the event of parts of the Premises not being contiguous one with the other or the Premises being partly or wholly on the rooftop of a building on the Land NBN Co may run such above or below ground cabling, wiring, conduit, earthing straps, cable trays and support structures over the Land or within or upon the building on the Land on which the Premises are situated as are necessary for its safe, continuous and proper use of the Premises but in doing so NBN Co must not cause any material damage to the Land or material interference with the Landlord.

### 5.6 Consents

- (a) The Landlord hereby irrevocably authorises NBN Co to make, at NBN Co's cost, any application for consent or approval to any Government Agency to use or develop the Premises for the use referred to in clause 5.1 and to exercise and procure (at NBN Co's cost) every right and appeal arising from the determination of any such application or the failure to determine the application.
- (b) The Landlord must sign all documentation and do all such things as NBN Co or any person nominated by NBN Co reasonably requires (at NBN Co's cost) to authorise or assist in obtaining consent or approval from any Government Agency to use or develop the Premises for the use referred to in clause 5.1.

## 6 Access to the Premises

### 6.1 Access

The Landlord consents to NBN Co and persons authorised by NBN Co without the need for prior approval and with or without materials, equipment, plant and other apparatus and vehicles entering the Land or land adjoining the Land (owned by the Landlord) for the purpose of using the Premises and installations of NBN Co under this Lease and exercising its rights under the Lease at all times of the day and night during the Term.

### 6.2 Contact person

- (a) The Landlord and NBN Co must each nominate a contact person to contact about non-legal matters relating to access and Equipment and other non-legal

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matters relating to this Lease. The relevant contact persons, as at the Date of Commencement, are stated in Item 8 of the Information Table.

- (b) The Landlord and NBN Co must each nominate a contact person to contact about legal matters relating to this Lease. The relevant contact persons, as at the Date of Commencement, are stated in Item 8 of the Information Table.
- (c) The contact persons in Item 8 of the Information Table may be changed by the relevant party at any time by notice in writing to the other.

## 7 Insurance

### 7.1 Obligation to insure

- (a) NBN Co must have in force and maintain with a Reputable Insurer for the Term a valid and enforceable public liability insurance policy to the value of at least \$20,000,000 for any one occurrence.
- (b) The Landlord must have in force and maintain with a Reputable Insurer for the Term a valid and enforceable public liability insurance policy to the value of at least \$10,000,000 for any one occurrence.
- (c) The Landlord must inform its public liability insurer of the Lease and do all things necessary to ensure that the insurance policy covers the Landlord with respect to the activities contemplated within the Lease.

### 7.2 Evidence of Insurance

On request (and on no more than two occasions per year):

- (a) by the Landlord, NBN Co will produce to the Landlord satisfactory evidence, including certificates of currency, of the insurance policy required under clause 7.1(a); and
- (b) by NBN Co, the Landlord will produce to NBN Co satisfactory evidence, including certificates of currency, of its insurance policy referred to in clause 7.1(b).

### 7.3 Global Policy

NBN Co may effect its insurance in clause 7.1 pursuant to an insurance policy which is not specific as to the location of risk.

## 8 Installation

### 8.1 Construction and alterations

NBN Co may at NBN Co's discretion and expense during the Term after complying with the requirements of any Government Agency having jurisdiction in the matter to the extent required by law, do anything in accordance with the permitted use of the Premises as set out in this Lease, including, without limitation, to install, erect, construct, dismantle, repair, replace, renew, add, vary and maintain upon the Premises security fencing and any building or buildings as necessary now or in the future to shelter the Equipment and a free standing monopole, lattice tower, guyed mast, multi-sided antenna support structure or other antenna support structure of sufficient height now or in the future to meet NBN Co's telecommunications requirements and all necessary connecting appurtenances.

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## 8.2 NBN Co property

Despite the extent of any affixation, the Equipment and all other fixtures, fittings, plant and other items brought onto or erected on the Land by or on behalf of NBN Co, at all times remains the absolute property of NBN Co.

## 9 Electricity supply

### 9.1 Electricity connection

The Landlord must, at NBN Co's cost, permit NBN Co to connect the Premises to an electricity supply (including making provision for and allowing connection to emergency back-up power) and to install on the Land such earthing apparatus as is necessary for the safe continuous use of NBN Co's equipment on the Premises. The supply of this electricity must be made through a dedicated usage meter, installed by NBN Co at its own cost, so that NBN Co is directly accountable for payment of electricity consumed by it on the Premises.

### 9.2 Easement for electricity purposes

- (a) If, pursuant to clause 9.1, NBN Co is required to connect to an electricity supply on or over the Land or on or over land adjoining the Land (owned by the Landlord), the Landlord must grant an easement for electricity purposes across that part of the Land or the land adjoining the Land (owned by the Landlord) to enable NBN Co to connect the Premises to that electricity supply on terms as may be required by the electricity supplier (**Easement**). NBN Co will be responsible for preparing the Easement documentation and must pay the relevant land titles office fees for registration of the Easement, or reimburse the Landlord for such registration fees.
- (b) In anticipation of the grant of Easement, the Landlord hereby consents to NBN Co permitting the relevant electricity supplier to enter the Land or the land adjoining the Land (owned by the Landlord) from the Date of Commencement to construct electricity infrastructure and associated structures required for the purpose of the proposed Easement.

## 10 Termination

### 10.1 Termination by the Landlord

If:

- (a) NBN Co commits a material breach of any of its obligations including payment of Rent, the Landlord may serve notice on NBN Co requiring remedy of the breach within a reasonable time having regard to the nature of the breach specified in the notice (**Trigger Notice**) such period to be not less than 21 days; and
- (b) NBN Co does not remedy the breach within the time specified in the Trigger Notice, the Landlord may serve notice on NBN Co requiring remedy of the breach within a further reasonable time having regard to the nature of the breach such period to be not less than 60 days (**Default Notice**); and
- (c) NBN Co does not remedy the breach within the period specified in the Default Notice,

the Landlord may terminate this Lease by serving notice to NBN Co at any time before the breach is remedied.



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## 10.2 Termination by NBN Co

In addition to any rights NBN Co may have to terminate this Lease for breach of the Landlord's Covenants:

- (a) if the Premises are damaged or destroyed or if there is interruption to access to the Premises so as to render the Premises or any part of the Premises wholly or substantially unfit for the occupation or use of NBN Co or inaccessible by any means of access; or
- (b) if any application for a required consent or permit for the installation and use of the Premises as part of a telecommunications facility, network or service is rejected or is cancelled, lapses or is otherwise terminated and no further or replacement consent or permit can reasonably be obtained; or
- (c) any application to a Government Agency for a required consent, permit or licence for the installation and use of the Premises as part of a telecommunications facility, network or service is granted to NBN Co with conditions unacceptable to it in its absolute and unfettered discretion or is finally rejected or is cancelled, lapses or is otherwise terminated and no further or replacement consent or permit can reasonably be obtained; or
- (d) if the Premises are rendered unfit for NBN Co's use by reason of the emergence of physical, radio or other interference,

then NBN Co may terminate the Lease immediately by notice to the Landlord.

## 10.3 NBN Co's additional rights to terminate

NBN Co may also terminate this Lease by notice to the Landlord:

- (a) at any time before it substantially commences construction work to install the Equipment on the Premises (excluding placement of survey pegs or delivery of materials and the Equipment); or
- (b) at any time by giving not less than 6 months notice expiring on any day.

## 10.4 Effect on rights or liabilities

Termination of the Lease does not affect the rights or liabilities of the parties in relation to any cause of action accruing prior to termination.

## 10.5 NBN Co to yield up

NBN Co must, by no later than 6 months after the Date of Expiration (unless there is in place after this Lease a Consecutive Lease or further lease between the Landlord and NBN Co, and in any event subject to clause 14.2), earlier termination of the Lease or such other date as the Landlord and NBN Co agree in writing, yield up the Premises in good repair and clean condition fair wear and tear excepted having regard to their condition at the Date of Commencement of the Lease.

## 10.6 Removal of NBN Co's fixtures and chattels

NBN Co must, by no later than 6 months after the Date of Expiration (unless there is in place after this Lease a Consecutive Lease or further lease between the Landlord and NBN Co, and in any event subject to clause 14.2), earlier termination of the Lease or such other date as the Landlord and NBN Co agree in writing, remove from the Premises all above ground cabling and fixtures, fittings, plant, machinery, and other items erected or brought by it onto the Premises or the Land.

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#### 10.7 Rent abatement

- (a) If the Premises are damaged or destroyed or if there is interruption to access to the Premises so as to render the Premises or any part of the Premises wholly or substantially unfit for the occupation or use of NBN Co or inaccessible by any means of access, then except to the extent that such damage or destruction is caused by the wrongful or negligent act or omission of NBN Co, the Rent will abate in proportion to the extent to which NBN Co is inhibited from carrying on the use permitted by this Lease from the date upon which the destruction or damage occurs until the earlier of the date upon which it is repaired and the date of termination of the Lease pursuant to clause 10.2 (a).
- (b) If there is a dispute between the parties as to the proportion of Rent to be abated pursuant to clause 10.7(a) which is not resolved within 20 days after notice by one party to the other of the nature of the dispute then:
- (i) the dispute may be referred by either party for determination by an expert who is an appropriate practising professional appointed at the request of either party (**Expert**), by:
    - (a) the President of the professional body most appropriate to determine the dispute or, if the parties are unable to agree on the appropriate body, the President for the time being of the Law Society of the Jurisdiction; or
    - (b) if there is no such body in existence at the time of the request, the President for the time being of an equivalent body;
  - (ii) each party may make a submission either orally or in writing to the Expert within 20 days after that appointment;
  - (iii) in making a determination the Expert must:
    - (a) act as an expert and not as an arbitrator;
    - (b) consider any submission made to it by a party; and
    - (c) provide the parties with a written statement of reasons for the determination;
  - (iv) in the absence of manifest error the determination of the Expert is conclusive and binding on the parties;
  - (v) the costs of the Expert will be shared equally between the parties unless otherwise determined by the Expert; and
  - (vi) if the Expert fails to deliver a determination within 20 days after the last day on which the parties are entitled to make submissions, either party may require the appointment of a further Expert under clause 10.7(b)(i) to determine the dispute.

#### 10.8 Termination of consecutive leases

This Lease will terminate automatically if there exists any Consecutive Lease the commencing date of which precedes the Date of Commencement and:

- (a) NBN Co gives notice to the Landlord not later than the date which is 3 months prior to the Date of Commencement that it no longer requires the Premises; or
- (b) that Consecutive Lease is terminated for any reason.

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## 11 Notices

### 11.1 Method of service

Any notice to be given under this Lease by one of the parties to the other must be in writing and is given for all purposes by delivery in person, by pre-paid post or by facsimile addressed to the receiving party at the address specified in the notice details in the Information Table.

### 11.2 Time of service

Any notice given in accordance with this Lease will be deemed to have been duly served in the case of posting at the expiration of two Business Days after the date of posting and in the case of facsimile, on the first Business Day after the date of transmission (providing the sending party receives a facsimile machine verification report indicating that the notice has been transmitted).

### 11.3 Change of address

A party may at any time change its address, postal address or facsimile number by giving notice to the other party.

## 12 Assignment and subletting

### 12.1 NBN Co not to assign

NBN Co must not assign the Lease except under clause 12.2 or with the prior written consent of the Landlord under clause 12.3.

### 12.2 Assignment to a Related Body Corporate or a Carrier

NBN Co may from time to time assign the Lease to a Related Body Corporate of NBN Co or to a Carrier or to the holder of a Nominated Carrier Declaration (as those terms are defined in the Act) or to a party in conjunction with the sale of the whole or part of NBN Co's telecommunications network or to a Government Agency.

### 12.3 Assignment

Subject to clause 12.2 NBN Co may assign the Lease with the prior written consent of the Landlord, such consent not to be unreasonably withheld.

### 12.4 Release following assignment

If this Lease is assigned, NBN Co will cease to be liable for any NBN Co's Covenants which arise, or are liable to be performed, on or after the date of assignment. However, NBN Co is not released in respect of breaches of NBN Co's Covenants which arose before the date of assignment.

### 12.5 Subletting

NBN Co may sublet, licence, part with or share its right to possession of the Premises without requiring the consent of the Landlord.

## 13 Landlord's covenants

### 13.1 Quiet enjoyment

The Landlord covenants that NBN Co may peaceably hold and enjoy the Premises during the Term without any interruption by the Landlord or any person rightfully claiming through the Landlord. The Landlord must not do anything which derogates from its grant of the Premises to NBN Co under this Lease.

**13.2 Restriction on Landlord's use of the Land**

The Landlord covenants that the Landlord will not itself nor will it permit any third party to do anything on the Land which is likely to cause physical, radio or other interference which obstructs, interrupts or impedes the use or operation of NBN Co's telecommunications facility, network or service. If NBN Co advises the Landlord of any breach by the Landlord of its covenant the Landlord will, to the extent that it is within its power to do so, use all reasonable endeavours at its expense to forthwith remedy such breach.

**13.3 Landlord's covenant**

The Landlord covenants that the Landlord will not itself nor will it permit any third party to, store on, dispose of on or transport to or over the Land any hazardous substance which is likely to cause interference with NBN Co's use of the Premises. If NBN Co advises the Landlord of any breach by the Landlord of its covenant the Landlord will, to the extent that it is within its power to do so, use all reasonable endeavours at its expense to forthwith remedy such breach.

**13.4 Sale or dealings with the Land by the Landlord**

- (a) The Landlord must not sell, transfer, subdivide or otherwise deal with its interests in the Land (so far as it relates to the Premises and any areas used by NBN Co for access to or use of the Premises) unless it first procures that the transferee or other relevant person provides a deed poll in favour of NBN Co, in a form reasonably required by NBN Co, under which that person agrees to comply with all of the Landlord's Covenants as if that person were the Landlord party originally named in this Lease.
- (b) The Landlord consents to NBN Co lodging a caveat to protect its rights under this Lease. If requested by NBN Co, the Landlord must sign the caveat or other relevant form to indicate its consent.
- (c) NBN Co must consent, as caveator, to the registration of any transfer or dealing contemplated by clause 13.4(a) if the Landlord has provided NBN Co with the duly executed deed poll required under that clause.

**13.5 Consent of Mortgagee or Chargee**

If the Land is subject to any mortgage or charge, the Landlord must, at its cost, obtain the mortgagee or chargee's consent to this Lease.

**13.6 Contamination**

- (a) The Landlord warrants that, at the Date of Commencement, the Land does not contain substances hazardous to health or safety.
- (b) If any cleanup of the Land is required by Statute or because substances are present on the Land which are hazardous to health or safety, and is not caused by the activities of NBN Co on the Land, then the Landlord must, upon written request from NBN Co, at the Landlord's cost, carry out such cleanup as may be required to comply with the Statute or deal with the hazard to health or safety.

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## 14 Miscellaneous

### 14.1 Costs and disbursements

Each party is responsible for its own legal and other costs, charges and expenses in relation to the preparation, negotiation and completion of the Lease.

### 14.2 Without prejudice – Telecommunications Act

This Lease is without prejudice to, and nothing in this Lease affects, restricts, limits or derogates from any right, power and immunity of NBN Co under or by virtue of any Statute including, without limitation,

- (a) NBN Co's rights under Schedule 3 of the Act.
- (b) The parties acknowledge that, in relation to the Premises, the installation of any Equipment deemed to be low impact pursuant to the Determination, or the maintenance of any of the Equipment on the Land, by or for NBN Co is undertaken in exercise of the rights of NBN Co pursuant to Divisions 2, 3 and / or 4 (as the case may be) of Schedule 3 to the Act.
- (c) To the extent that an activity performed by NBN Co in connection with the Premises or anything in, over or under the Premises, is an activity that NBN Co is authorised to do under Schedule 3 of the Act, the Landlord waives its right to be given a notice under clauses 17 and 18 of Schedule 3 of the Act, and also waives any rights that it has to object to the activities that, but for this clause, would have been the subject of a notice under clauses 17 and 18 of Schedule 3 of the Act.
- (d) The Landlord agrees that, in light of the terms of this Lease, it will not make any claim against NBN Co in relation to clause 42 of Schedule 3 to the Act.
- (e) The operation of this clause and any waiver given under this clause will survive the termination or expiry of this Lease. Any rights obtained by NBN Co under Schedule 3 of the Act will continue in accordance with the Act, notwithstanding the termination or expiry of this Lease.

### 14.3 Governing law

This Lease is governed by the laws of the Jurisdiction and the Commonwealth of Australia and the Landlord and NBN Co submit to the non-exclusive jurisdiction of the Courts of the Jurisdiction.

### 14.4 Entire Agreement

This Lease contains the entire agreement of the parties with respect to its subject matter. It sets out the only conduct relied on by the parties and supersedes all earlier conduct by the parties with respect to its subject matter.

### 14.5 No Waiver

No failure to exercise and no delay in exercising any right, power or remedy under this Lease will operate as a waiver. Nor will any single or partial exercise of any right, power or remedy preclude any other or further exercise of that or any other right, power or remedy.

### 14.6 No Merger

The rights and obligations of the parties will not merge on completion of any transaction under this Lease.

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#### 14.7 Counterparts

If this Lease consists of signed counterparts, each is an original and all of the counterparts together constitute the same document.

#### 14.8 Confidentiality

The parties each agree that the terms of this Lease are confidential. Except to the extent necessary to comply with its terms, a party must not disclose this Lease or the contents of this Lease to any third party without the prior written consent of each other party unless it is compelled by law to do so.

**EXECUTED** as a Deed

**EXECUTED by NBN Co Limited )**  
**(ACN 136 533 741)** by its duly appointed )  
attorneys in accordance with the power of )  
attorney dated 21 March 2013 in the )  
presence of: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Attorney

By executing this deed the attorney states that the attorney has received no notice of revocation of the power of attorney

\_\_\_\_\_  
Name of Witness  
(Please print)

\_\_\_\_\_  
Name of Attorney  
(Please print)

\_\_\_\_\_  
Position of Wireless Attorney

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Attorney

By executing this deed the attorney states that the attorney has received no notice of revocation of the power of attorney

\_\_\_\_\_  
Name of Witness  
(Please print)

\_\_\_\_\_  
Name of Attorney  
(Please print)

\_\_\_\_\_  
Position of Wireless Attorney

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THE COMMON SEAL of the LATROBE )  
CITY COUNCIL was affixed in the )  
presence of: )

.....  
Chief Executive Officer

.....  
Witness

.....  
Name of Witness

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## Annexure A

### Information Table

#### Parties Notice Details

Name	Latrobe City Council
ABN	92 472 314 133
Short form name	Landlord
Notice details	Address: PO Box 264, Morwell, Victoria 3840
	Telephone: 03 5128 5668
	Facsimile: 03 5128 5672
	Attention: Mr Peter Schulz
Name	NBN Co Limited
ACN	136 533 741
Short form name	NBN Co
Notice details	Address: Level 11, 100 Arthur Street, North Sydney, New South Wales 2060
	Facsimile: 02 9926 1901
	Attention: Chief Legal Counsel

#### Items

Item 1	<b>Premises</b> (clause 1.1) That part of the Land hatched in black on the plan in Annexure B being part of the property known as Jumbuk Road, Yinnar, Victoria 3869 described in Certificate of Title Volume 9965 Folio 414. Site name: Yinnar Site number: NBN-3TGZ-3CHH-5108
Item 2	<b>Date of Commencement</b> (clause 1.1) 16 August 2013
Item 3	<b>Date of Expiration</b> (clause 1.1) 15 August 2033
Item 4	<b>Term</b> (clause 1.1) 20 Years
Item 5	<b>Rent</b> (clause 1.1) \$8,000.00 per annum payable from the Payment Date.
Item 6	<b>Nominated Account for payment of Rent</b> (clause 4.5) Bank: Bendigo Bank Branch: Mirboo North



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Account Name: Yinnar Recreation Reserve Committee of Management

BSB No: 633 000

Account No: 1491 33845

Item 7

**Payment Date**

The date NBN Co substantially commences construction work to install the Equipment on the Premises (excluding placement of survey pegs or delivery of materials and the Equipment).

Item 8

**Contact Person (clause 6.2)**

**Contact person for all Rent and payment matters:**

**Landlord:** Mr Peter Schulz

Telephone: 03 5128 5668

Facsimile: 03 5128 5672

**NBN Co:** NBN Co Accounts Payable

Telephone: 02 9927 4151

Address: 100 Arthur Street, North Sydney, New South Wales 2060

Email: [accountspayable@nbnco.com.au](mailto:accountspayable@nbnco.com.au)

**Contact person for non-legal matters relating to access and Equipment:**

**Landlord:** Mr Peter Schulz

Telephone: 03 5128 5668

Facsimile: 03 5128 5672

**NBN Co:** NBN Co Network Operations Support

Telephone: 1800 626 762 (option 5)

**Contact person for all other non-legal matters relating to this Lease:**

**Landlord:** Mr Peter Schulz

Telephone: 03 5128 5668

Facsimile: 03 5128 5672

**NBN Co:** NBN Co Commercial Network Manager

Email: [wirelesservices@nbnco.com.au](mailto:wirelesservices@nbnco.com.au)

**Contact person for all legal matters relating to this Lease:**

**Landlord:** Mr Peter Schulz

Telephone: 03 5128 5668

Facsimile: 03 5128 5672

**NBN Co:** Chief Legal Counsel

Facsimile: 02 9926 1901

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Item 9 **Special Conditions** (clause 1.4)

1. Clause 4.3 is deleted and replaced with:

"The Rent will be reviewed in accordance with CPI on each anniversary of the Date of Commencement, provided the Landlord gives NBN Co written notice of the following at least 30 days prior to the anniversary of the Date of Commencement:

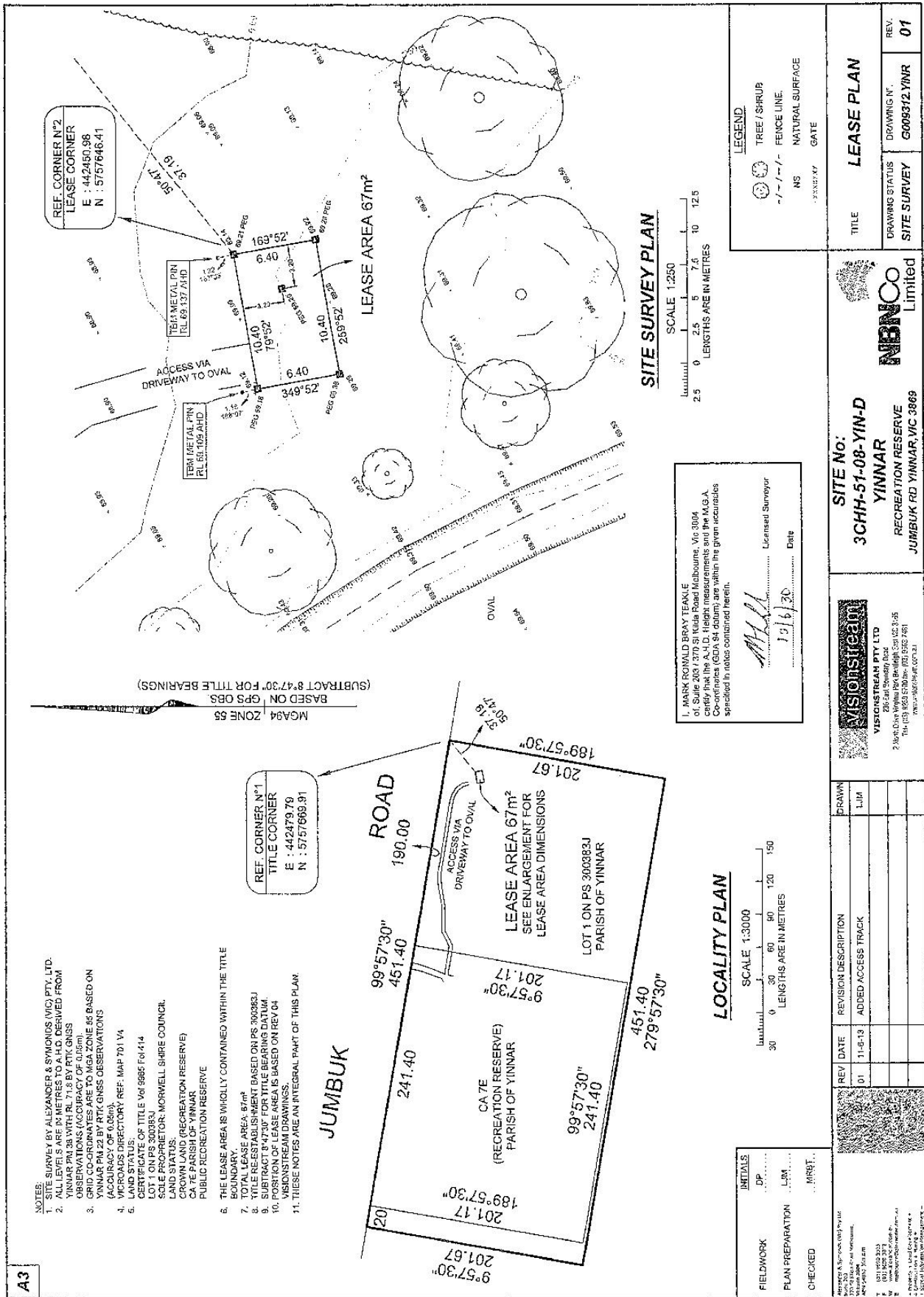
  - (a) the adjusted Rent that is to be payable after the relevant anniversary of the Date of Commencement; and
  - (b) supporting details which confirm calculation of the adjusted Rent."
2. New additional clause 8.3 is inserted as follows:

"NBN Co will permit the Landlord to co-locate its lighting equipment on NBN Co's telecommunications facility in accordance with the terms set out in Annexure C."

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# Annexure B

## Plan



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## Annexure C

### Co-Location of Landlord's Equipment

**ANNEXURE C: Co-Location of Landlord's Equipment**

1. In consideration of the mutual promises and obligations contained in the Lease, NBN Co grants to the Landlord a non-exclusive, non-transferable licence to co-locate the Landlord's Equipment on NBN Co's telecommunications facility subject to the terms contained in this Annexure C.
2. The Landlord shall, after providing notice in writing to NBN Co (which will be not less than 30 days), be entitled to install the Landlord's Equipment on NBN Co's telecommunications facility in accordance with the Construction Drawings.
3. In performing any activities under this licence the Landlord must:
  - a. comply with NBN Co's procedures and access protocols relating to the Premises and NBN Co's telecommunications facility as may be notified to the Landlord from time to time;
  - b. comply with all applicable laws relating to health and safety;
  - c. ensure that its personnel are suitably qualified;
  - d. observe all reasonable directions of NBN Co;
  - e. hold and comply with all necessary permits and laws which are applicable to the Landlord's Equipment.
4. The Landlord shall ensure that the Landlord's Equipment:
  - a. is maintained in a state of good repair at all times;
  - b. complies with all applicable laws; and
  - c. is separately metered for electricity usage. The Landlord will be responsible for all charges associated with electricity usage and its use of any other services.
5. The Landlord may access the Landlord's Equipment from time to time by providing at least 15 days' advance notice in writing to NBN Co. A request for access shall be sent to the following email address: [nopschangemanagement@nbnco.com.au](mailto:nopschangemanagement@nbnco.com.au)  
In the event the Landlord requires emergency access to the Landlord's Equipment, it will provide as much advance notice as is reasonably practicable.
6. The Landlord shall be entitled to replace the Landlord's Equipment from time to time on a 'like for like' basis by providing notice in writing to NBN Co. In the event that the Landlord intends to add any new or replacement landlорd's equipment which substantially differs from the Landlord's Equipment, it must first seek NBN Co's consent in writing, which shall not be unreasonably withheld.
7. NBN Co reserves the right to move the Landlord's Equipment to a different location on NBN Co's telecommunications facility at any time after providing reasonable notice to the Landlord, provided this does not impair the use or operation of the Landlord's Equipment.
8. The Landlord agrees to access and use NBN Co's telecommunications facility at the risk of the Landlord and to release, indemnify and hold harmless NBN Co to the full extent

Yinnar, VIC – Special Conditions for Landlord's Co-location on NBN Co Facility

permitted by law from all claims and demands of every kind resulting from accident damage death or injury to person or property occurring thereon, except to the extent caused or contributed to by the act, default, omission or negligence on the part of the NBN Co.

9. This licence may be terminated at any time by the Landlord, by providing 30 days' notice in writing to NBN Co.
10. This licence may be terminated by NBN Co:
  - a. upon reasonable notice, in the event the Lease is terminated for any reason; or
  - b. if the Landlord is in breach of its obligations under the Lease (including this Annexure A):
    - i. where the Landlord does not rectify the breach promptly (which timeframe shall, in any case, not exceed 30 days); or
    - ii. immediately, if the breach is not capable of being remedied.
11. Upon termination of this licence, the Landlord shall remove the Landlord's Equipment within 14 days and in doing so shall not damage the NBN Co's telecommunications facility or the Premises.
12. If the Landlord fails to remove the Landlord's Equipment in accordance with clause 11, NBN Co shall be entitled to remove the Landlord's Equipment and any costs associated with removal and storage of the Landlord's Equipment shall be recoverable on demand from the Landlord.
13. Any defined terms used in this Annexure A have their meaning as determined in accordance with the Lease, unless defined below:




**Construction Drawings** means, for the purposes of this Annexure A the drawings attached as Addendum 1 to this Annexure A.

**Landlord's Equipment** means the lighting equipment operated by the Landlord, as more particularly detailed in the Constructions Drawings.



**Addendum 1 – Construction Drawings**

Yinnar, VIC – Special Conditions for Landlord's Co-location on NBN Co Facility



<p>Client:</p>  <p>Client:</p> 	<p>Project:</p> <p>NATIONAL BROADBAND NETWORK</p> <p>SITE No: 3CHH-51-08-YIN YINNAR</p> <p>RECREATION RESERVE JUMBUK RD, YINNAR VIC 3869</p> <p>PRELIMINARY</p>	<p>VISIONSTEAM</p> <p>VISIONSTEAM PTY LTD 250 Oak Railway Road Melbourne, Victoria 3008 Tel: (03) 9500 2770 Fax: (03) 9500 2643 www.visionsteam.com.au</p> <p>DRAWN BY: KE CHECKED BY: DB APPROVED BY: JRK</p> <p>COVER SHEET</p>	<p>Revision No: 3CHH-51-08-YIN-T1</p> <p>Revision: 03</p> <p>Scale: 1:1</p>										
<p><b>SITE No. 3CHH-51-08-YIN YINNAR</b></p> <p><b>RECREATION RESERVE JUMBUK RD, YINNAR VIC 3869</b></p>  <p><b>PROJECT SUMMARY</b></p> <p>NBN GREENFIELD NBN 40m MONOPOLE WITH CIRCULAR HEADFRAME NBN OUTDOOR CABINET ON CONCRETE SLAB</p>													
<p>DATE OF ISSUE</p> <p>DRAWING PACKAGE VERSION</p>	<p>GENERAL</p> <p>3CHH-51-08-YIN -T1 COVER SHEET</p> <p>3CHH-51-08-YIN -C1 SITE SPECIFIC NOTES &amp; ANTENNA TABLE</p> <p>3CHH-51-08-YIN -C2 OVERLAY SITE PLAN</p> <p>3CHH-51-08-YIN -C3 SITE SETOUT PLAN</p> <p>3CHH-51-08-YIN -C4 SITE ELEVATION</p>	<p>STRUCTURAL</p>	<p>ELECTRICAL</p>	<p>EME EXCLUSION ZONES</p>	<p>REFERENCE DOCUMENTS</p>	<p>DISTRIBUTION</p> <p>VISIONSTEAM JOE K. ENLITZ</p> <p>ERICSSON INA THAR MOUAT</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>08.10.12</td> <td>23.10.12</td> <td>06.12.12</td> <td>1</td> <td>2</td> <td>3</td> </tr> </table> <p>LEGEND: E (EMAIL); F (Fax); M (Mail); H (Hand); C (Contact)</p>	08.10.12	23.10.12	06.12.12	1	2	3
08.10.12	23.10.12	06.12.12	1	2	3								

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Client: NATIONAL BROADBAND NETWORK  
 Project: SITE No: 3CHH-51-08-YIN  
 RECREATION RESERVE  
 JUMBURK RD, YINNAR  
 VIC 3869

PRELIMINARY

VISIONSTREAM  
 VISIONSTREAM PTY LTD  
 238 East Boundary Road  
 For 1033965 Station Rd Dingo Rd  
 Warrnambool, VIC 3240  
 Phone: 08 9426 1300  
 Fax: 08 9426 1301  
 Email: info@visionstream.com.au

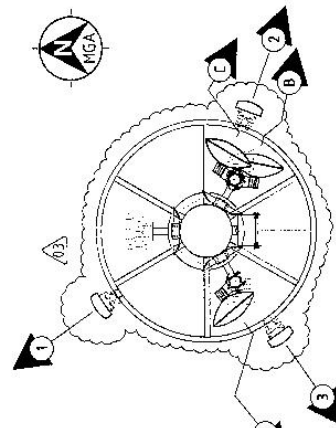
DRAFTED BY: KE  
 CHECKED BY: DB  
 APPROVED BY: JRK

Drawing Title: **SITE SPECIFIC NOTES & ANTENNA TABLE**  
 Drawing No: 3CHH-51-08-YIN-C1  
 Revision: 03

### NBN ANTENNA TABLE

SECTOR	SYMBOL	ANTENNA DETAIL			MAIN FEEDER DETAIL			RRU DETAIL		RF TAIL						
		TYPE	DIMENSION (HxWxD)	HEIGHT	MECH TILT	AZIMUTH	TYPE	QUANTITY RAU	DESTINATION	OVERALL LENGTH	CANISTER TO RRU LENGTH	CANISTER HEIGHT	TYPE	LOCATION	TYPE	LENGTH
1	①	ARGUS LLPX411F-2-V1	1180x300x115	4.0m	2°	325°	1	JERALARANG JUNCTION	H&S HYBRID ø19mm	50.0m	4.0m	38.0m	RRUS51	BELOW ANTENNA	1/2" SCF12-50J	1.5m
2	②	ARGUS LLPX411F-2-V1	1180x300x115	4.0m	2°	110°	2	JERALARANG JUNCTION	H&S HYBRID ø19mm	50.0m	4.0m	38.0m	RRUS51	BELOW ANTENNA	1/2" SCF12-50J	1.5m
3	③	ARGUS LLPX411F-2-V1	1180x300x115	4.0m	2°	235°	1	JERALARANG JUNCTION	H&S HYBRID ø19mm	50.0m	4.0m	38.0m	RRUS51	BELOW ANTENNA	1/2" SCF12-50J	1.5m
A	ⓐ	PARABOLIC	ø600	37.0m	23°		1	BOLARRA	ERICSSON	4.7m						
B	ⓑ	PARABOLIC	ø600	32.0m	102°		2	JERALARANG JUNCTION	ERICSSON	4.2m						
C	ⓒ	PARABOLIC	ø600	37.0m	122°		1	JERALARANG JUNCTION EAST	ERICSSON	4.7m						
GPS		KRF-701 2082/1	ø69x96	7.5m					ERICSSON	5.0m						



**ANTENNA PLAN**  
SCALE: 1:50

#### SITE INFORMATION:

1. **SITE ADDRESS:**  
RECREATION RESERVE, JUMBURK RD, YINNAR, VIC 3869
2. **GENERAL:**  
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, AUSTRALIAN STANDARDS AND SPECIFICATIONS.
3. **SITE ACCESS:**  
HEAD WEST ON MONASH WAY, YINNAR TURN RIGHT ON TO JUMBURK RD.  
SITE WILL BE ON THE LEFT, ACCESS VIA ENTRANCE TO YINNAR RECREATION RESERVE.  
NBN LOCK TO BE INSTALLED IN LINE WITH ANY EXISTING OR NEW ACCESS EATE LOCKING SYSTEM.
4. **EQUIPMENT:**  
NBN OUTDOOR CABINET TO BE INSTALLED WITHIN NBN COMPOUND.
5. **SUBSTRUCTURE:**  
NBN 40m MONOPOLE WITH CIRCULAR HEADFRAME (Ø3).
6. **ANTENNA ACCESS:**  
ANTENNA ACCESS VIA MONOPOLE MOUNTED ACCESS LADDER WITH FALL ARREST OR EQUIV BY QUALIFIED PERSONNEL ONE (1).
7. **EXISTING SERVICES:**  
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.
8. **EXISTING SITE HAZARDS:**  
THE FOLLOWING HAZARDS ARE PRESENT ON SITE:
  - ELECTRICAL CABLING AND/OR TRIP HAZARDS
  - MANUAL HANDLING
  - WORKING AT HEIGHT

9. **ELECTRICAL SUPPLY:**  
NEW POWER SUPPLY SHALL BE PROVIDED IN LIAISON WITH THE POWER SUPPLY AUTHORITY (SPI).

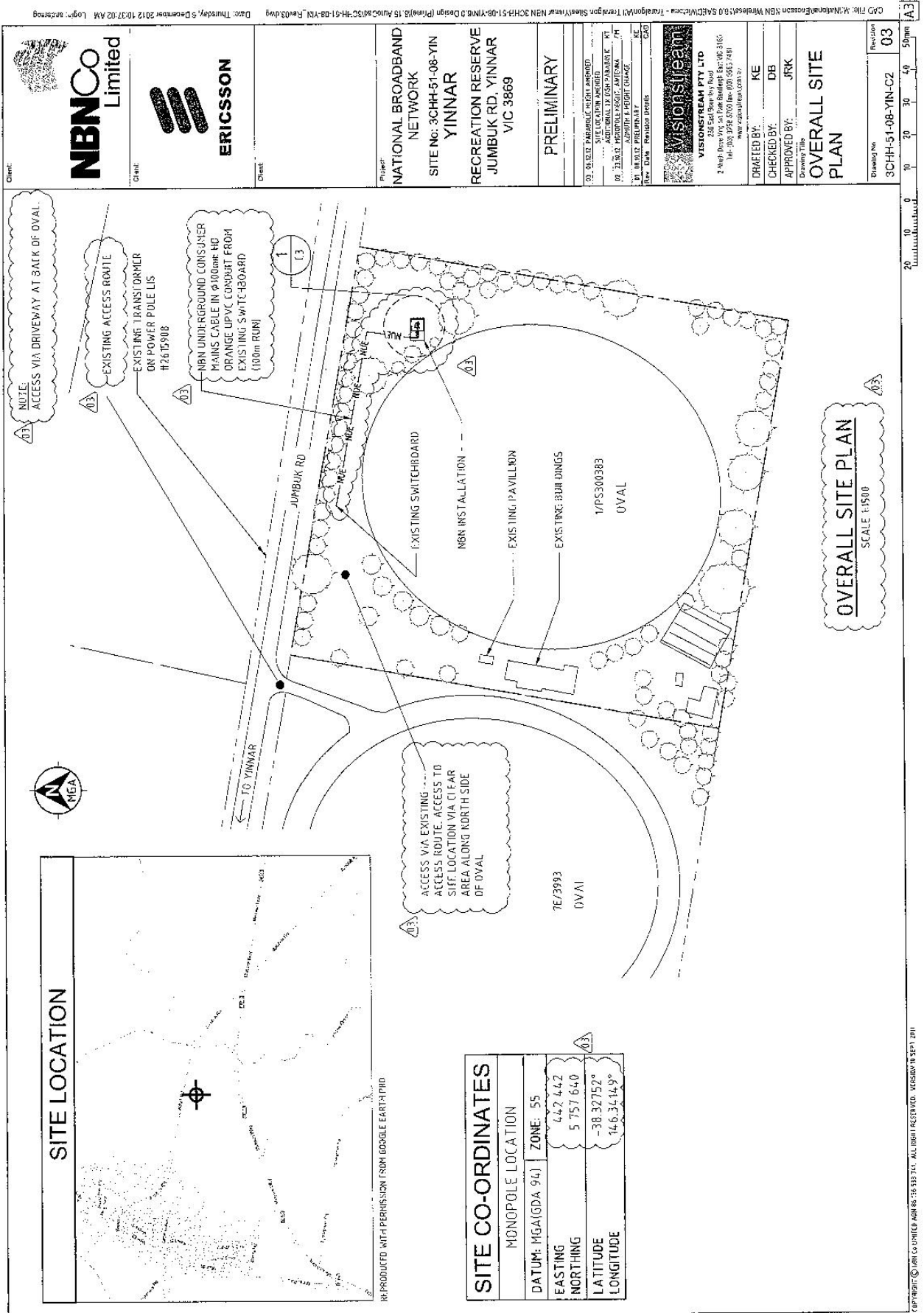
10. **TRANSMISSION LINK:**  
REFER TO ANTENNA TABLE FOR DETAILS.

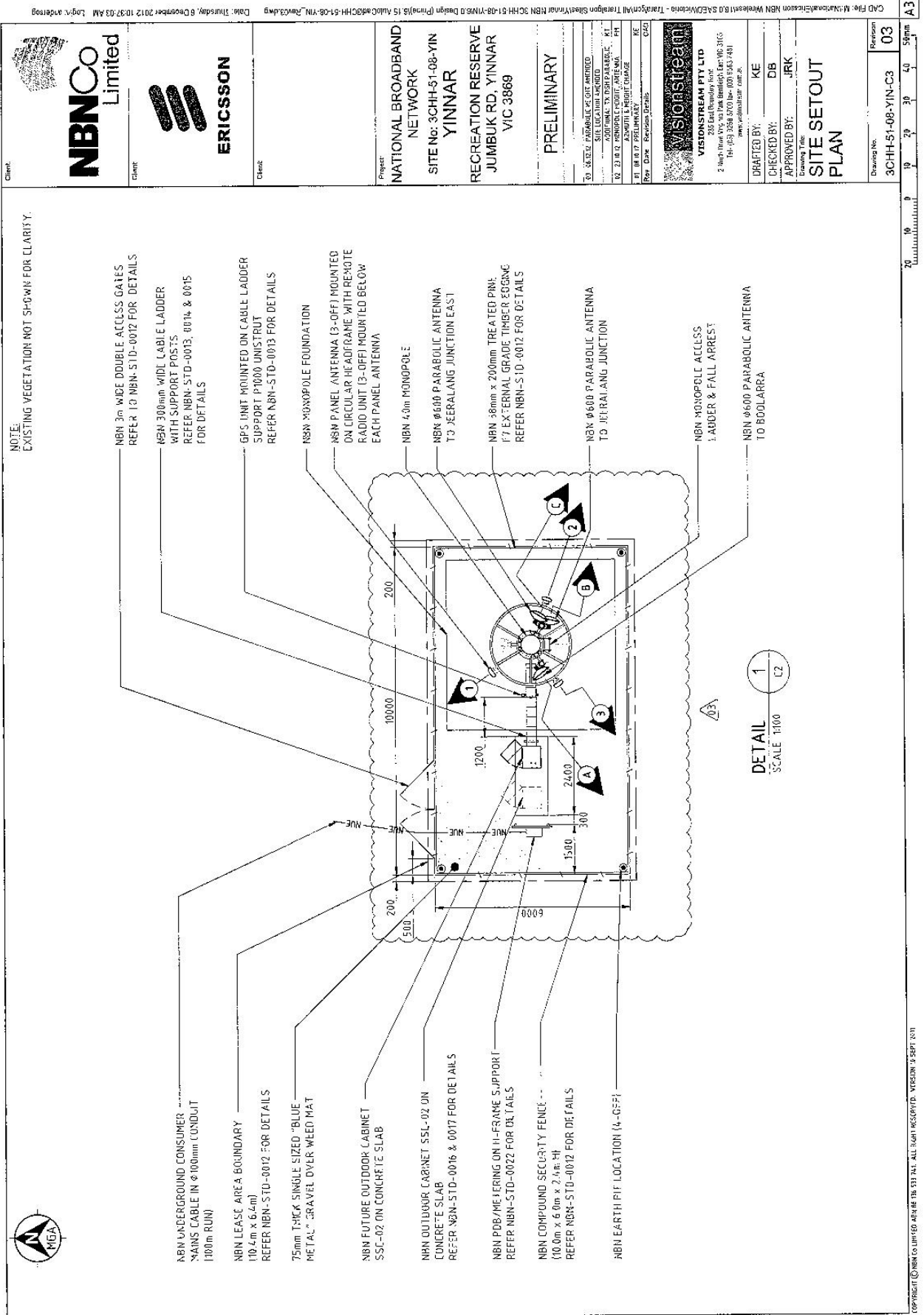
11. **WIND PARAMETERS:**

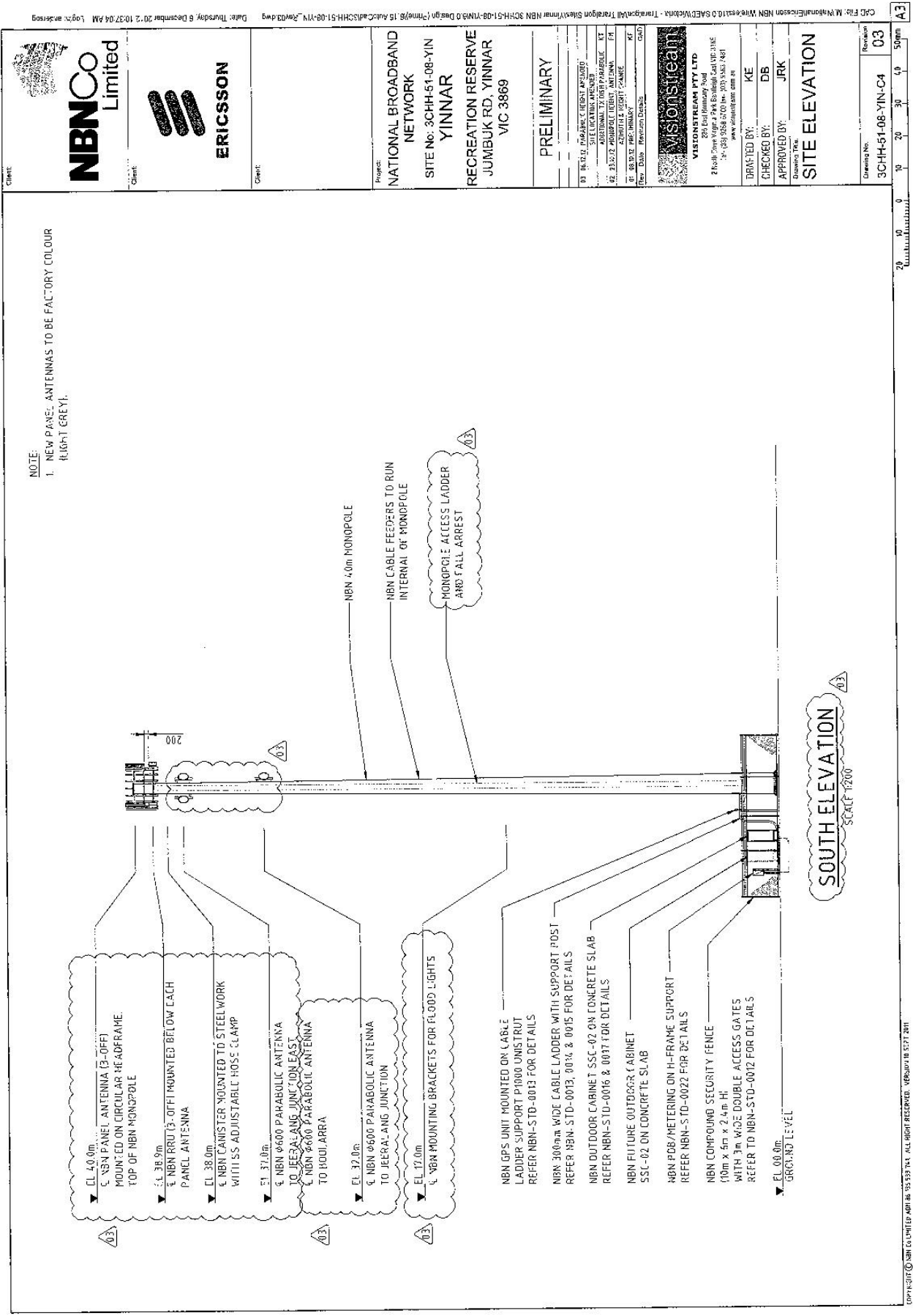
SITE TOPOGRAPHICAL DATA	
REGION	TOPOGRAPHIC CATEGORY
A1	1.0
	100

12. **SITE SIGNALS:**  
THE FOLLOWING SITE STORAGE SHOULD BE PRESENT ON SITE:  
 • MERCS-1, 1500mm AGL REFER TO NBN-STD-0025.  
 • MERCS-2, AFFIX TO SITE ACCESS GATE, REFER TO NBN-STD-0025.  
 • HAZARDOUS VOLTAGE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION.  
 • CLIMBING FALL ARREST DEVICE SIGN, REFER TO ERICSSON RAN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION.

13. **RENSA SITE NUMBER:**  
RPRSA NUMBER - TBA







CAD File: M:\nbn\ericsson\NBN West\310 SAED\Victoria - Traralgon\Site\Yinnar\NBN 3CHH-51-08-YIN-0 Design\Drawings Date: Thursday, 6 December 2012 10:37:04 AM Logon: andersson

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PRESIDENT

Don Barnes  
0417 561 311

**YINNAR  
RECREATION  
RESERVE**  
Est. 1958

SECRETARY

Chris Long  
Box 165 Yinnar 3869  
51 631 575 / 0428 631 575

17 June 2013

Mr Peter Schulz  
Property & Statute Officer  
Latrobe City Council  
PO Box 264  
Morwell VIC 3840

<b>LATROBE CITY COUNCIL</b>	
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Dear Mr Schulz

**PROPOSED NBN TOWER, YINNAR RECREATION RESERVE**

I write as President and on request of the Yinnar Recreation Reserve Committee of Management. I understand that Council will be considering a planning permit application to erect a communications tower at the Reserve as part of the Australian Governments NBN project. It would be appreciated if this letter is submitted to Council as part of any report on this mater.

For the benefit of Council and Council Officers, the following may be of interest when determining the matter:

1. The Yinnar Recreation Reserve Committee of Management (CoM) is a Latrobe City Council auspiced and controlled Committee.
2. The CoM comprises representatives of user groups including: Yinnar Football & Netball Club, Yinnar & District Judo Club, Morwell Tigers Yinnar Cricket Club, Yinnar Tennis Club and community members not aligned to, or a Committee member of these clubs.
3. The CoM structure ensures it is a broad based "whole of community" committee, which assists in ensuring it receives many differing views and opinions when considering matters at its meetings.
4. The CoM through its community and user group membership represents and advocates on behalf of the active and passive recreation needs and interests of the vast majority of the Yinnar & District community.
5. The combined membership of our user groups exceeds some 600 people.
6. The CoM has been extremely impressed with the process of engagement and consultation undertaken by NBN and its contractors in the planning of this project.
7. As a result of the engagement process, the proposed NBN tower will be erected within the Reserve at a location that will enable it to be used as the

1


second of four lighting towers that will see match quality oval lighting in place on our eastern oval (one has been erected to date). This will save our user groups and community approximately \$12-15k - the cost of constructing and erecting a single tower of the height required for match quality lighting.

8. Lighting of the eastern oval to match competition standard is the CoM's highest capital project priority. This is required to cater for the expanding number of predominantly junior teams located at the Reserve, and to ease the training and match burden on the western oval.
9. NBN have agreed to the CoM's lighting equipment to be mounted on the communications tower. Other savings will be made by the CoM through utilizing the NBN cabling trench (we wont have to dig a separate trench for our lighting cables).
10. The Yinnar community will benefit significantly from the NBN tower, and its services cannot be brought to this community too soon.
11. The Yinnar & District Community Association (YDCA) has been advised of our support of this project. I am also advised that as part of Council's notification process for planning consideration, the YDCA have received separate notice of the development application.

In summary, the Yinnar Recreation Reserve Committee of Management offers it full support to the erection of a communications tower at the Reserve as part of the NBN project roll out.

Thank for you for the opportunity to submit this letter to Council. Should you require any further information, please do not hesitate to contact me on 0417 561 311.

Yours faithfully



Don Barnes  
**PRESIDENT**

CC Secretary, YDCA  
YRR CoM community representatives  
Secretary, Yinnar Football & Netball Club  
Secretary, Yinnar & District Judo Club  
Secretary, Morwell Tigers Yinnar Cricket Club  
Secretary, Yinnar Tennis Club  
Petar Rajcevic, Visionstream

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

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

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

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

Strategic Objectives

Governance

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

*Latrobe City Council Plan 2013 - 2017*

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

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

*Efficient, effective and accountable governance*

Strategic Direction

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

*Planning for the future*

*Strategic Direction*

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



*Legislation*

Local Government Act 1989

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

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

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

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

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

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

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

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

**BACKGROUND**

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

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

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

1. *That the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, be placed on the market for sale with a further report to be presented to Council should an offer to purchase the property be received.*

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

2. *That a further report be presented to Council by 31 March 2013 if no offers to purchase the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, are received.*

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

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

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

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

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

### **ISSUES**

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

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

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

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

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

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

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

The offer that has been received will address most of this deficit and it is also consistent with the most recent valuation obtained in April 2012 that valued the property at \$1.1 million.

The difference between this deficit and the most recent valuation reflects additional land between the former TELC and the car park to the east, measuring approximately 600 square metres, that was originally to be sold but no longer forms part of this transaction.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

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

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

If accepted, the revised offer of \$1.1 million that has recently been received will cover most of this shortfall and is a reasonable offer for the property that is consistent with the most recent valuation that was obtained in April 2012.

Given the age of this valuation it will be necessary for Council to obtain an updated valuation to ensure that it is compliant with Section 189 of the *Local Government Act 1989* and this has been requested.

**INTERNAL/EXTERNAL CONSULTATION**

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

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

**OPTIONS**

The following options are available to Council:

1. Accept the revised offer of \$1.1 million plus GST for the former Traralgon Early Learning Centre subject to compliance with Section 189 of the *Local Government Act 1989*.
2. Reject the revised offer of \$1.1 million plus GST for the former Traralgon Early Learning Centre.

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)****CONCLUSION**

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

As the offer that has recently been received from a prospective purchaser of \$1.1 million plus GST, subject to conditions is consistent with the most recent valuation obtained for the property and will rectify most of the current budget shortfall of \$1.2 million it would be appropriate for Council to accept this offer.

**Attachments**  
Nil

**RECOMMENDATION**

1. That Council resolves to accept the offer from LRDG Project Management Pty Ltd of \$1.1 million plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, and
2. That pursuant to the Sale of Council Property Policy the Chief Executive Officer is authorised to negotiate and enter into a Contract of Sale that includes conditions relating to the timeframe for the issue of a planning permit, the purchaser achieving a 50% leased occupancy rate and finance approval.
3. That pursuant to the Sale of Council Property Policy the Chief Executive Officer is authorised to sign and seal Transfer of Land documents to dispose of the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon.
4. That LRDG Project Management Pty Ltd, via Councils appointed estate agent, be advised accordingly.

**ALTERNATE MOTION**

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

**Moved:** Cr O'Callaghan  
**Seconded:** Cr Harriman

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**

**16.3 PLANNING PERMIT APPLICATION 2012/292 - USE OF LAND  
FOR A BOARDING HOUSE AT 43-51 MCMILLAN STREET  
MORWELL**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/292 for the Use of the Land for a Boarding House at 43-51 McMillan Street, Morwell, known as Lot 4 on Plan of Subdivision 064270.

**DECLARATION OF INTERESTS**

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

**STRATEGIC FRAMEWORK**

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

***Latrobe 2026: The Community Vision for Latrobe Valley***

***Strategic Objectives – Built Environment***

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

***Latrobe City Council Plan 2013 – 2017***

***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 are relevant to this application.

## **BACKGROUND**

### **SUMMARY**

Land:	43-51 McMillan Street, Morwell, known as Lot 4 on Plan of Subdivision 064270.
Proponent:	Louie Asiaee Archivision Pty Ltd 20/981 North Road MURRUMBEENA VIC 3163
Zoning:	Residential 1 Zone
Overlay	None

A planning permit is required pursuant to Clause 30.01-1 of the Scheme to use land for the purposes of a Section 2 use in the Residential 1 Zone.

### **PROPOSAL**

The application is for the use of the land for the purposes of a boarding house. The applicant proposes to utilise the existing buildings on the site, with internal re-arrangements, to accommodate persons for a contracted period of time.

A site management plan has been submitted which details the measures to be implemented by the site manager to control the operation of the site, to ensure that the use does not have a detrimental impact on the surrounding neighbourhood. Patrons of the premises will be required to adhere to the requirements set out in this plan.

The applicant has stated no more than 35 persons will be on site at any one time.

For further details, please refer to *Attachment 1* to view a copy of the proposed plans.

Please refer to *Attachment 2* to view a copy of the proposed Site Management Plan.

### **Subject Land:**

The subject land is located to the east of the Morwell Township in an established residential precinct, surrounded by single dwelling allotments and ancillary outbuildings. The site is known as 43-51 McMillan Street, but is more specifically known as Lot 4 on Plan of Subdivision 064270. The site has an overall area of approximately 5,970 square metres with a 73 metre frontage to McMillan Street. The lot is of a square shape, currently encompassing two buildings, sloping from the highest point along the western boundary toward the eastern boundary, with planted vegetation along the McMillan Street frontage.

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

### Surrounding Land Use:

North:	53 McMillan Street, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
South:	41 McMillan Street, Morwell Residential 1 Zone Vacant Land
	47 Mountain Grey Circuit, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
	45 Mountain Grey Circuit, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
	43 Mountain Grey Circuit, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
East	Road, sealed with kerb and channel (McMillan Street); and
	46 McMillan Street, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
	44 McMillan Street, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
	42 McMillan Street, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;
	1 Satelberg Street, Morwell Residential 1 Zone property Single dwelling and ancillary outbuilding;

West: Gippsland Water Asset  
Tolmie Road  
Public Use Zone - 1

### **HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2012/292 is identified within *Attachment 3*.

The relevant provisions of the Scheme relevant to this application are identified within *Attachment 4*.

The site context map is contained within *Attachment 5*.

### **ISSUES**

#### **ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES**

##### **State Planning Policy Framework**

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Within The State Planning Policy Framework Clause 11.05-4 '*Settlement – Regional Planning Strategies and Principles*' contains the objective to '*develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable*'. A specific strategy which is relevant to this application relates to liveable settlements and health communities, where responsible authorities should '*promote liveable regional settlements and healthy communities by:*

- *Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.*
- *Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.*
- *Improving the availability of a diverse range of affordable accommodation, including social housing, in locations with good access to transport, commercial facilities and community services.*
- *Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline*'.

Clause 16.01-1 '*Housing – Integrated Housing*' seeks to encourage housing diversity, and states that housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space. In addition, planning for housing should also include providing land for affordable housing. A strategy listed in this Clause to achieve the above, relevant for the application' is to '*promote a housing market that meets community needs*'



by *'facilitate(ing) the delivery of high quality social housing to meet the needs of Victorians'*.

Clause 16.01-4 *'Housing Diversity'* seeks to *'provide for a range of housing types to meet increasingly diverse needs'* by *'support(ing) opportunities for a wide range of income groups to choose housing in well serviced locations'*.

Clause 16.01-5 *'Housing Affordability'* seeks to *'deliver more affordable housing closer to jobs, transport and services'*. The strategies from this Clause that are relevant to this application are the following:

*'Improve housing affordability by:*

- *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
- *Increase the supply of well-located affordable housing by:*
- *Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites.*
- *Ensuring the redevelopment and renewal of public housing stock better meets community needs'*.

#### **Local Planning Policy Framework**

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Within the Local Planning Policy Framework Clause 21.02 *'Municipal Vision'* seeks to adopt the vision contained in Latrobe 2021- The Vision for Latrobe Valley and seeks to establish:

- *'A vibrant region;*
- *A caring and enterprising community;*
- *A harmonious community; and*
- *A sustainable, safe, secure region'*

The key value from the vision contained within Latrobe 2021 relevant for the consideration of this application is the following:

*Liveability:*

*To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality.*

Clause 21.04-2 *'Settlement'* has objectives to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community. The policy also recognises that *'the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live . . . the priorities in all the main urban settlements are on realising opportunities for infill development, diversity of*

*housing types, upgrading areas of public housing, improving residential amenity, while maximising existing infrastructure and community facilities’.*

Clause 21.08-2 ‘Liveability’ recognises that ‘strategies have already been developed to improve the health and level of health and wellbeing support for older people, young people, the koorie community, people with a disability, people with mental illness and those who are economically disadvantaged’. Further to this policy direction, in order to fulfil the objective of ‘enhance(ing) the quality of residents’ lives by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility, and sense of place’, strategies such as the following should be addressed:

- *‘promote and support an increase in the level of inclusion for older people, young people, the koorie community, and people from culturally and linguistically diverse backgrounds and people with a disability or mental illness’.*

The relevant SPPF and LPPF policy framework provides support for the proposed use being located at the subject site. The surrounding area is an established residential area, generally encompassing single detached dwellings with ancillary outbuildings. It is considered that the proposed use, which essentially seeks to provide accommodation, will not be uncharacteristic to the area; as it will not present any activities which would be considered uncommon to such urban residential areas.

The policy directions relating to liveability and housing diversity directly support such uses being located in established residential areas within walking distance to amenities such as public open space, public transport and other services which will address the amenity requirements of any potential occupiers. By allowing such uses to be established, Latrobe City Council will be actively addressing the needs of the community whilst promoting housing diversity and social inclusion within the municipality.

## **5.2 CLAUSE 52.06 – CAR PARKING**

The proposal would establish 19 lodging rooms within the building addressing the McMillan Street frontage, and the dwelling located to the west of the building encompassing 7 lodging rooms, with a total of 35 beds for the purposes of a boarding house on the site. The table at Clause 52.06-5 does not provide a car parking ratio for a boarding house; therefore the ratio is left to the discretion of the responsible authority.

The applicant has indicated that the existing 10 car parking spaces are adequate to service the car parking demand associated with the use. The applicant stated that any visitors to the site will be required to advise the staff on site of their intentions to attend the premises; the responsibility is then placed on the site manager to ensure that sufficient car spaces are made available.

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

As a guide, the car parking ratio associated with an 'Aged Care Facility' requires 0.3 car parking spaces to be provided for each lodging room. This ratio would equate to a total car parking requirement of 8 car parking spaces to be provided.

Public transport facilities, namely a bus service is located approximately 250 metres towards the south-east of the site, on Princes Drive and is serviced by Routes '1' and '2' as illustrated in *Attachment 6* of this report.

It is recommended that should a decision be made to approve this application, a condition requiring car parking management measures to be adopted by the site manager, should be requested in order to mitigate any potential traffic management or car parking amenity impact issues.

Furthermore, it is considered that a restriction to the amount of persons permitted on the site should be included in order to ensure that the site manager can adequately manage and regulate the site within the guidelines set out in the Site Management Plan, and subsequent parking management plan.

### **5.4 OBJECTIONS**

The application received two (2) submissions in the form of objections. One objection was withdrawn after actions set out in the mediation meeting were completed by the applicant. A copy of the remaining objection can be viewed at *Attachment 7* of this report. The issues raised in the remaining objection were:

- 1 *Detrimental impact the use will have on the residential character and amenity of the surrounding neighbourhood*

Officer Comment:

The subject site is located within an established residential neighbourhood, encompassing single dwelling allotments with ancillary outbuildings. The buildings on the subject site have been established for a period in excess of 15 years. It is considered that the proposed use, being a boarding house, will generally entail residential type activities, with buildings serving the purpose of residential accommodation for the potential inhabitants. As a result, the use will not be uncharacteristic for the existing residential neighbourhood.

- 2 *The proposed use abuts the recently purchased lot of the objector*

Officer Comment:

It is assumed that this objection relates to the potential impact the use may have on the resale value and the development potential of the adjoining property; this is not a consideration able to be taken into account for planning permit applications. Furthermore, the amenity impacts that the proposal may have on adjoining properties have been addressed in the above sections of the report.

3 *Increase of anti-social behaviour*

Officer Comment:

The applicant proposes to manage the behaviour of residents on the site by implementing the Site Management Plans which details the suitable behaviour of patrons, measures taken to control such behaviour and the appropriate course of action should a breach take place. It is considered that the measures encompassed in the Site Management Plan are appropriate and should address any concerns in relation to adverse behaviour.

4 *Motor vehicles performing 'burn-out's in front of the property*

Officer Comment:

Vehicles performing burn-outs are not a relevant planning consideration, as such actions cannot be regulated under the *Planning and Environment Act 1987*; these issues are addressed and alleviated by actions implemented by Victoria Police.

5 *Trolleys being abandoned in the neighbourhood*

Officer Comment:

Issues of this nature cannot be taken into consideration under the provisions of the Latrobe Planning Scheme or the *Planning and Environment Act 1987*.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

**INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers, an A3 notice was displayed on site for 14 days.

Two (2) submissions in the form of written objections were received for the application. One objection was withdrawn as the applicant completed the actions that were agreed upon in the mediation meeting. The issues raised in the remaining objection are discussed in Section 5.4 of this report.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to access and drainage. The Infrastructure Planning team did not object to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions if approved.

The application was also referred to Council's Health Services Team. The advice received from the Health Services Team indicated that there had been some concerns with the provider meeting requirements in the past that had been rectified, following advice and consultation. A recommendation was made for this to be considered as a condition for the granting of a planning permit.

It is noted that these comments only relate to part of the assessment process and should be considered in conjunction with the assessment details provided elsewhere in this report.

*Details of Community Consultation following Notification:*

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

A mediation meeting was held on 19 April 2013. One objector attended the meeting, whilst no contact could be established with the other objector despite a number of attempts. Actions to be taken were established at the meeting, which resulted in one objection to the application being withdrawn; a copy of the withdrawal can be viewed in *Attachment 6*. One objection is outstanding and as a result, the matter could not be determined by officer delegation, therefore requiring a decision by Council.

**OPTIONS**

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit; or
- 2 Issue a Notice of Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with Clause 65 (Decision Guidelines); and

The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered; the objection does not form planning grounds on which the application should be refused.

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application does meet the Scheme requirements. It is therefore recommended that Council Issue a Notice of Decision to Grant a Planning Permit for the reasons set out in this report.

**Attachments**

1. ATTACHMENT 1 - Proposed Plans
2. ATTACHMENT 2 - Proposed Site Management Plan
3. ATTACHMENT 3 - History of the Application
4. ATTACHMENT 4 - Planning Scheme Provisions
5. ATTACHMENT 5 - Site Context Map
6. ATTACHMENT 6 - Morwell Bus Network Map
7. ATTACHMENT 7 - Copy of Objections

**RECOMMENDATION**

**That Council Issue a Notice of Decision to Grant a Planning Permit, for Use of the Land for a Boarding House at 43-51 McMillan Street, Morwell, known as Lot 4 on Plan of Subdivision 064270 with the following conditions:**

- 1. Prior to the commencement of the use, revised floor plans for both buildings are required, illustrating that the number of beds to be provided for accommodation will not be for more than 30 persons on the site.**
- 2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. The Site Management Plan endorsed as part of this permit must not be altered without the consent of the Responsible Authority.**
- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - a. transport of materials, goods or commodities to or from the land;**
  - b. appearance of any building, works or materials;**
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - d. presence of vermin;****or otherwise, to the satisfaction of the Responsible Authority.**
- 5. Not more than 30 patrons/residents and 5 visitors may be present on the site at any one time without the written consent of the Responsible Authority.**
- 6. The measures set out in the Site Management Plan are to be adhered to at all times and must be enforced by the Site Manager delegated responsible for the site at any time to the satisfaction of the Responsible Authority.**
- 7. Within 28 days of the issue of this permit, a Parking Management Plan must be submitted to and approved by the Responsible Authority. The plan must include:**
  - a. the location of all areas on- site to be used for staff, patron and visitor parking;**
  - b. specification of visitor control measures that will be**

introduced to ensure sufficient car parking is provided for such persons;

- c. measures to preclude staff parking in designated visitor car parking areas;
- d. staffing and other measures to ensure the orderly departure and arrival of visitors especially any large groups departing at closing time; and

When approved, the plan will be endorsed and will then form part of the permit. Parking operations on the site must conform to this endorsed plan.

8. Prior to any visitors or patrons entering the premises, staff must advise such persons of all conditions of this permit including the detailed requirements set out in the Site Management Plan.
9. Within 28 days of the issue of this permit, a copy of the Site Management Plan is to be displayed within both buildings on the land, in clear view of all persons entering and exiting the buildings.
10. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.
11. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
12. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
13. This permit will expire if the use is not started within two years of the date of this permit, or if the use ceases for a period of two years or greater.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**Note:**

The use and development allowed by this Planning Permit must meet the requirements of relevant legislation pursuant to the operation of a Boarding House.



**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

**Cr Middlemiss left the Chamber at 7.49 pm due to an direct interest under section 77B of the Local Government Act 1989**

**Cr Gibbons left the Chamber at 7.51 pm and returned at 7.53pm.**

**Moved: Cr Sindt  
Seconded: Cr Rossiter**

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White, Sindt, Kam, Gibbons, Rossiter

**Against the Motion**

Councillor/s Harriman, O'Callaghan

**The Mayor confirmed that the Recommendation had been CARRIED**

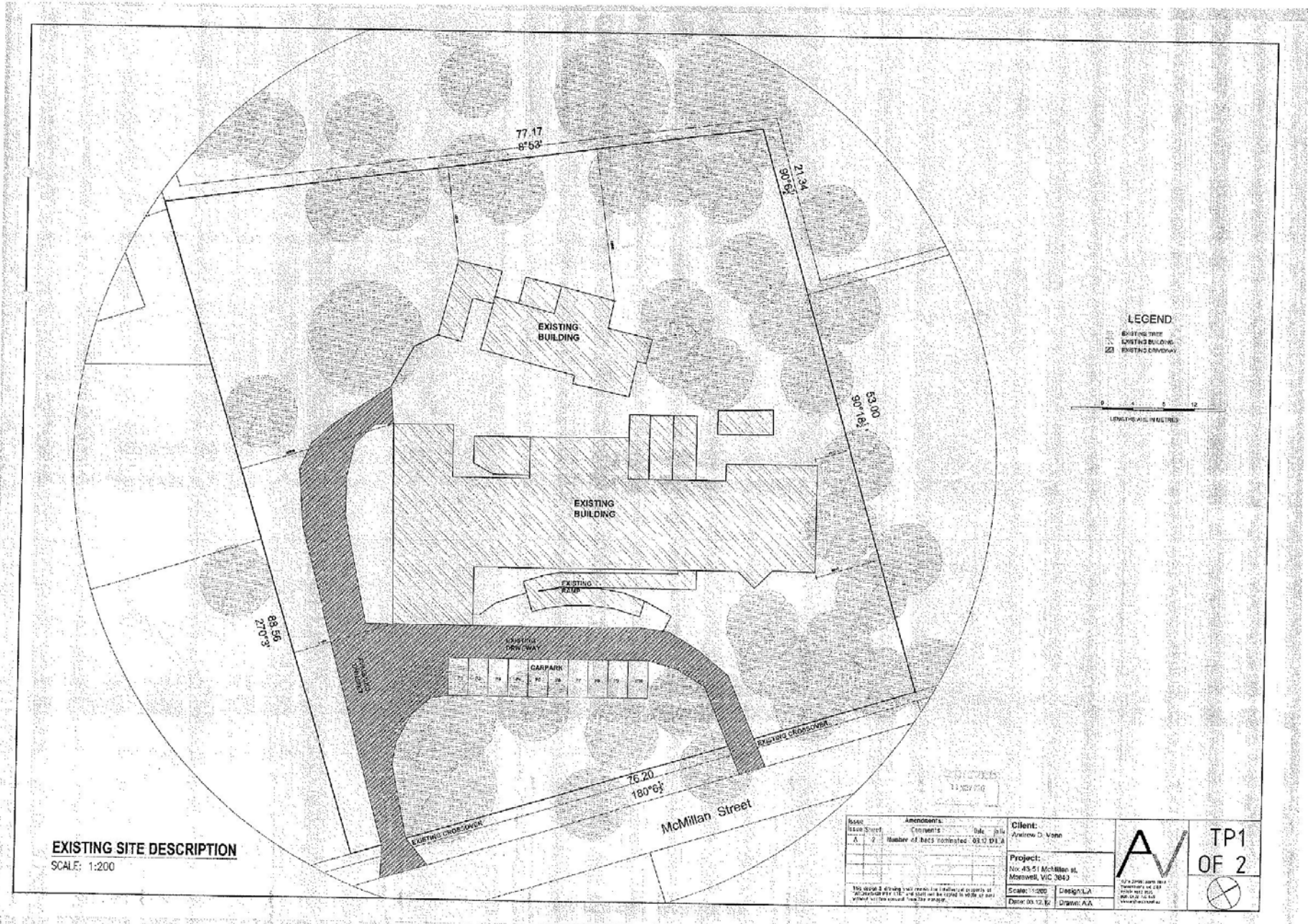
**Cr Middlemiss returned to the Chamber at 8.04 pm**

## 16.3

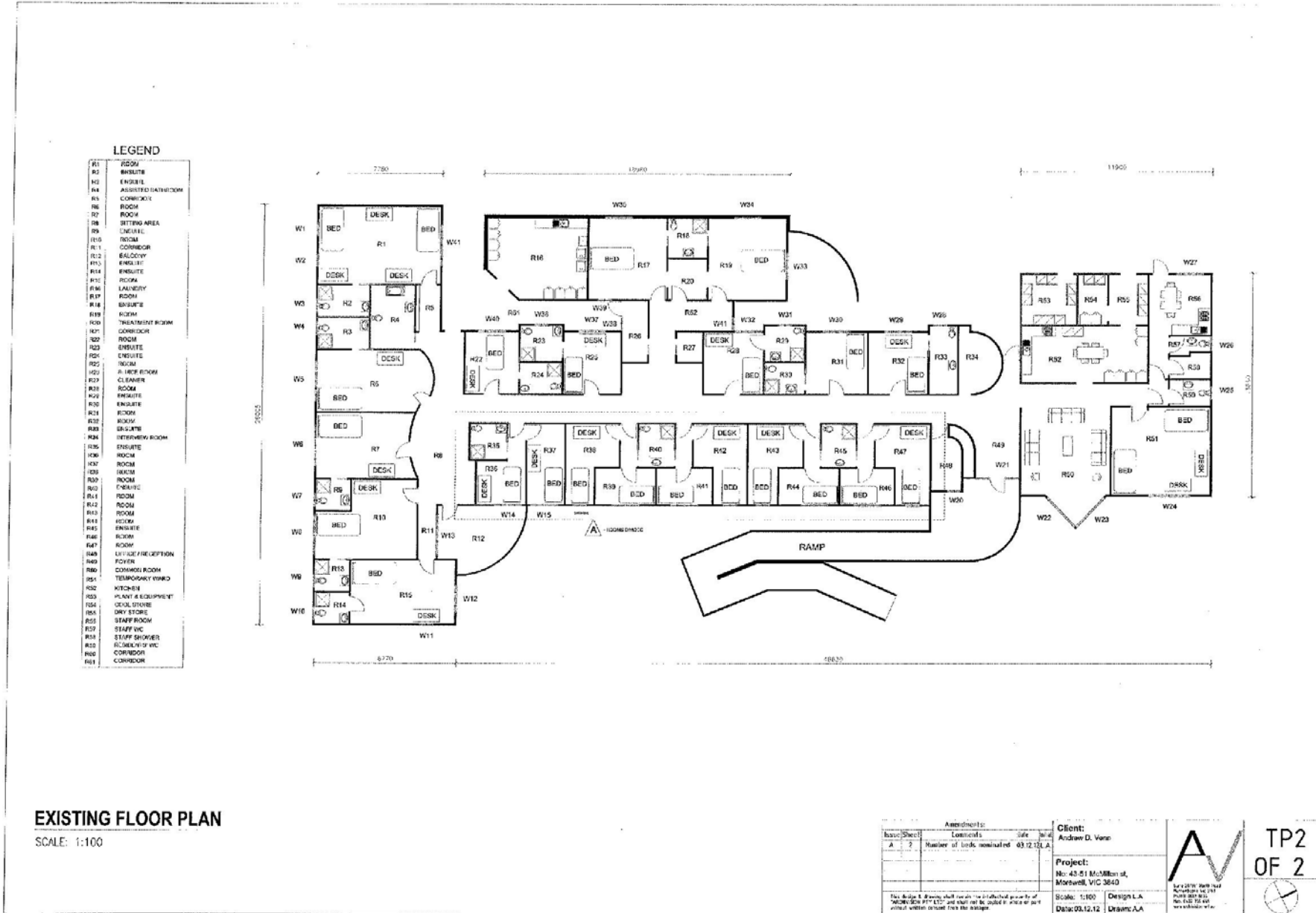
### PLANNING PERMIT APPLICATION 2012/292 - USE OF LAND FOR A BOARDING HOUSE AT 43-51 McMILLAN STREET MORWELL

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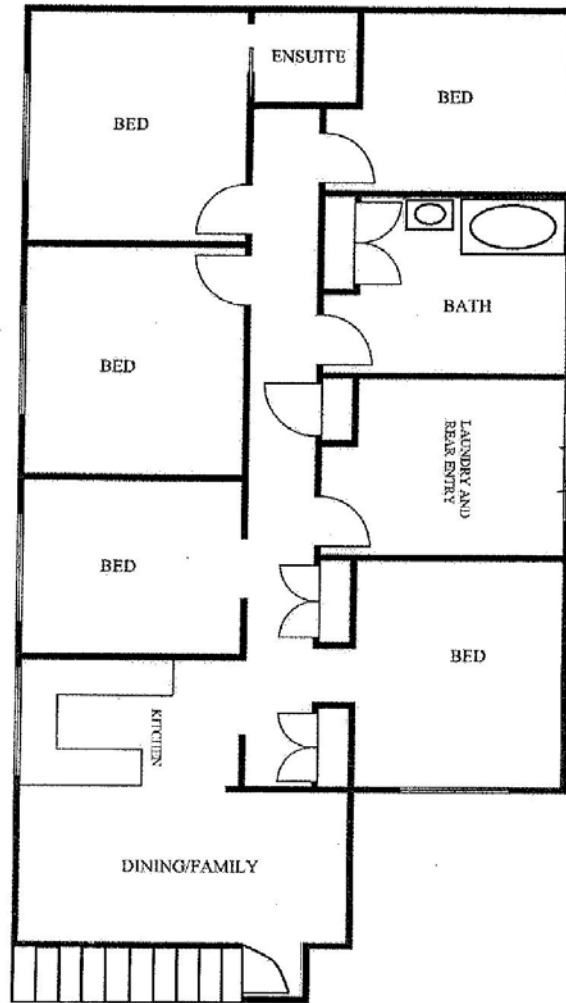




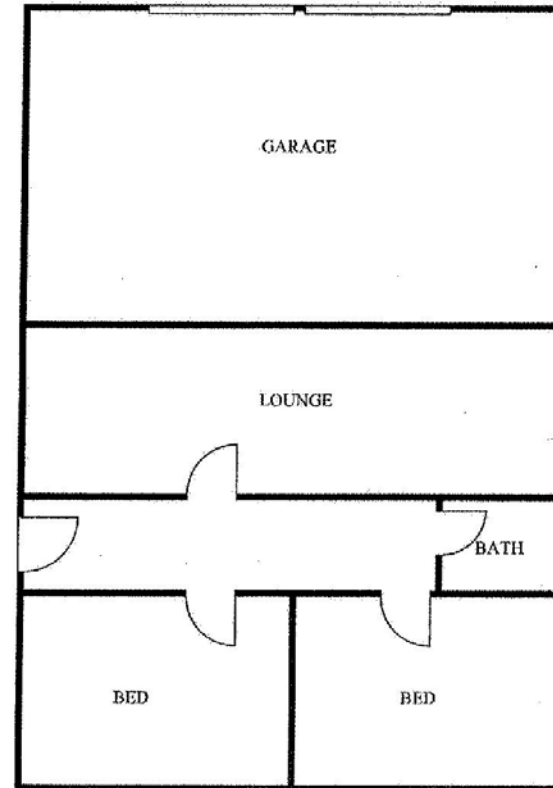








UPPER FLOOR



LOWER FLOOR







# Management Plan

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43-51 McMillan, Morwell

Archivision Pty Ltd  
Suite 20 – 981 North Road  
Murrumbeena Vic 3163  
Ph: 03 9563 7011  
ABN: 26 126 763 273

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## MANAGEMENT PLAN

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The purpose of this document is to outline both general and specific requirements and expectations for the ongoing operation and management of 43-51 McMillan, Morwell. The Management Plan will set out who is responsible for particular management actions set out within and the daily enforcement of the adopted rules. The Management Plan sets out consequences to those who fail to meet the reasonable expectations of residency behaviour at 43-51 McMillan, Morwell. This document is intended to be subject to periodic review and updating where required to ensure that 43-51 McMillan, Morwell continues to operate in a manner which provides a high quality living environment to its residents.



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### **Item 1 – General House Rules**

- All residents are to respect the privacy of other residents.
- All residents are to respect the privacy of neighbours and nearby residents and ensure that a satisfactory level of amenity is maintained throughout at all times.
- All residents are to respect the authority of the on-site manager.
- All residents must take responsibility in maintaining the premises to a high standard of cleanliness.
- No smoking is permitted inside the residential building.
- No excessive alcohol consumption is permitted on the premises.
- No loud music or excessive noise is permitted after 10:30pm.
- The possession and use of illegal drugs is strictly prohibited.
- All visitors are to advise the on-site manager upon arrival.
- All visitors are to adhere to all house rules and authority of the on-site manager.

A breach of the general house rules may result in instant eviction of the resident while a less severe breach will result in a resident being put on notice of possible future eviction should rules be breached in the future. The level of penalty will be to the discretion of the on-site manager and the proprietors of 43-51 McMillan, Morwell depending on the level of detriment caused to the operation of the premises.

### **Item 2 – On-site Manager**

The on-site live in manager is responsible for the day to day management of 43-51 McMillan, Morwell and is responsible for the enforcement of the general house rules. The on-site



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manager will be appropriately experienced to address all operational issues in relation to general house rules, amenity and anti-social behaviour to the satisfaction of the proprietors of 43-51 McMillan, Morwell. An on-site manager must be provided at all times.

The on-site manager will reside at 43-51 McMillan, Morwell and will be available to any resident for their particular needs. Amongst the daily operation of the premises, the manager will maintain the site to a high level of liveability liaise with the proprietor on administrative matters such as lease agreements and financial management, arrange for any external contract work to be undertaken to maintain a high quality upkeep, take responsibility of any incident and report any relevant matter to the proprietor. The manager may liaise with external bodies such as neighbours, local Council and Victorian Police where required. In the event that the normal on-site manager is unable to undertake their duties a suitable qualified replacement manager will be engaged by the proprietors to undertake the required duties for the required time.

### **Item 3 – Communication with Management**

All residents of 43-51 McMillan, Morwell are provided direct contact details of the current on-site manager for contact at any time. All relevant external authorities such as Council, community services and Victoria Police will be provided with the direct contact details of the current on-site manager. The manager is available to surrounding residents should any request for discussions be expressed. All adjoining property owners will be provided with the on-site manager contact details. Furthermore direct contact with the on-site manager is made available via the contact number on the signage boards located externally to the site.



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#### **Item 4 – Register of Residents**

At all times an up to date register of all current residents of 43-51 McMillan, Morwell will be maintained by the on-site manager with associated contact details for each resident and their primary external contact details included. The register will be made available to the responsible authority upon request.

#### **Item 5 – Management and Maintenance of Internal Private and Common Areas**

All residents are responsible for maintaining their private rooms to an appropriate level of cleanliness. Cleaning equipment is provided by 43-51 McMillan, Morwell to all residents to comply with this management item.

The day to day cleanliness of indoor common living areas is ultimately the responsibility of the on-site manager although it is expected that residents will take responsibility for their own cleanliness within these areas with daily cleaning duties shared between the manager and residents. A daily cleaning roster is to be maintained which assigns cleaning duties on the given day to residents in an alternating manner.

The on-site manager is responsible for maintaining the premises to the degree which requires repairs and/or replacement of relevant items on the premises. The manager is responsible for arranging repair or replacement of any items in a timely manner and for arranging any external person/company to carry out works where required. The property will be maintained in a sightly manner.



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### **Item 6 – Management and Maintenance of Outdoor Common Areas**

The management of the outdoor common areas is ultimately the responsibility of the on-site manager although it is reasonably expected that residents will take responsibility for their own cleanliness within these areas with daily management duties shared between the manager and residents. 43-51 McMillan, Morwell will maintain all relevant utilities to undertake day to day management of the outdoor grounds including for the purposes of mowing of lawns, gardening, maintaining vehicle access and general cleanliness.

Daily gardening including maintenance of the vegetable garden will generally be undertaken by residents as part of outdoor leisure activity and supplemented by the manager where required. The manager is responsible for maintaining the outdoor grounds which also included all buildings, fences and vegetation to the degree which requires repairs and/or replacement or other works on the premises. The manager is responsible for arranging repair or replacement or other works deemed necessary of such items in a timely manner and for arranging any external person/company to carry out works where required.

### **Item 7 – Use of Outdoor Areas**

The use of outdoor areas is for the enjoyment of all residents at their leisure. The use of the outdoor areas is to be consistent with any a user for which has received planning approval and forms part of any relevant planning permit. Use of the outdoor area is not to be substantially altered from that to which has received planning approval without the written consent of the relevant authority.



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The use of any outdoor area is to ensure that the behaviour of all residents is conducted in a way which is respectful of all neighbouring and nearby residents and that satisfactory level of amenity for all surrounding residents is maintained at all times. Should any resident engage in inappropriate behaviour which unreasonably disturbs the amenity within the premises and to the broader neighbourhood then the manager will implement appropriate means deemed necessary to cease the behaviour immediately.

#### **Item 8 – Management of On-Site Car Park**

Maintenance of the car park area will be the responsibility of the on-site manager who is to ensure that the car park is maintained to an appropriate level to facilitate the efficient and safe movement of vehicles. Any works deemed necessary for maintaining the upkeep of the car park to a satisfactory standard are to be undertaken without delay by the manager.

The manager is to ensure that satisfactory level of parking are maintained for visitors 43-51 McMillan, Morwell at all times including ensuring that parking of vehicles owned by residents is managed in a way which provides sufficient level of parking for visitors. The ongoing management of the car park is to comply with all applicable conditions found on any relevant planning permit. Prior to any changes to the layout of the car park the manager or proprietor are to check with Council to determine if approval is required.

The manager is to ensure that the car park is provided with satisfactory levels of lighting to provide for the safety of all residents and visitors. The car park is not to be used for the purpose of storing unregistered vehicles.





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### **Item 9 – Provision of Signage**

Signage which states that all residents of 43-51 McMillan, Morwell are to respect the peace and quiet of the neighbourhood are to be displayed within the premises at all times. General house rules will be displayed at appropriate locations for residents to observe.

### **Item 10 – Visitors**

Visitors are to abide by all General House Rules otherwise they will be removed from the premises by the manager and may be advised not to return in the future depending on the severity of any breach of the rules. Upon arrival to 43-51 McMillan, Morwell all visitors are to check in with the on-site manager who will maintain daily list of all visitors.

All visitors are to leave the premises no later than 10:30pm except in circumstances where consent of the manager has been granted for extended stay. Those circumstances are to be noted and maintained in a register.

### **Item 11 – Curfews**

There is no official curfew for residents although management of 43-51 McMillan, Morwell generally expects all residents to be within the premises by 10:30pm. Should a resident spend a night away from the premises it is expected that the resident give the on-site manager reasonable prior notification of the overnight stay away from the premises.



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### **Item 12- Management of Complaint**

The on-site manager is responsible for addressing any matter which results in a complaint being made by a member of the community, Council or Victoria Police. The manager is to consult with any resident and external member of the public involved in any such incident to determine the facts of the incident. Once the facts of the incident have been determined the manager will undertake the most appropriate means to either immediately end the incident if continuing to occur and furthermore implement action to avoid the repeat of any such incident occurring in the future.

The manager will consult with any relevant external person involved in the incident at the earliest possible time advising them of any management action to be taken by 43-51 McMillan, Morwell. The Manager will work with any external person to bring about a resolution to any particular matter to avoid any future repeat. It will be the aim of the manager to work in a collaborative manner with any implicated external person so as to achieve the best possible outcome for all concerned and achieve ongoing improvement of the management practices of 43-51 McMillan, Morwell.

Depending on the severity of the incident any resident faces immediate eviction if the incident is deemed to be a severe breach of the General House Rules. Should it be determined that the incident is of a minor nature the resident will nevertheless be placed under notice by the manager and risk possible future eviction should they again breach the General House Rules. The on-site manager will maintain an incident/complaint register which will be made available upon request to the responsible authority.



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### **Item 13 – Reporting of Incident**

Depending on the level of any such incident the manager may be required to advise either Council or Police if there is a severe breach of the General House Rules resulting in a serious offence. Should this be the case, the on-site manager will, without delay, alert Victoria Police and Council where applicable and provide a detailed summary of the incident.

The manager will advise either authority about what actions are to be taken to address the incident to ensure avoidance of any repeat in the future. The manager will implement any recommendations from either Council or Victoria Police for inclusion into the current Management Plan by making an amendment.

Should the incident involve any external person, the manager will, at their earliest possible convenience contact relevant person to advise them of the outcome of correspondence with relevant authorities and advise of any action to be implemented to avoid any repeat in future. The manager will make a recording of any incident within a relevant document for record keeping purposes maintained to assist in future review and amendment of the Management Plan.

### **Items 14 – Safety Features**

Lighting – Appropriate levels of outdoor security/safety lighting are to be provided and maintained for all outdoor areas including car park areas.



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Fire Alarm – The premises is fitted and provided with all relevant fire protection devices required by relevant building codes.

Locking of Doors- All external door access to the premises are to be fitted with appropriate lock and key device. Required exits must comply with the emergency provisions of the relevant building codes. The manager is responsible for ensuring that all locks are in a good working order and responsible for managing keys and the daily locking of the premises.

All private rooms are to be provided with lock and key devices with each resident responsible for their own key. The manager will maintain a copy of all private room keys and ensure all locks are in good working order.

Fencing – The manager will ensure that all boundary fencing is maintained to an appropriate level. Should any remediation works be required for any part of the fence the manager will arrange for relevant works to be carried without delay.

Existing Buildings – All buildings will be maintained to a level which complies with all relevant building and environmental health code requirements.

### **Items 15 – Medications**

There is to be no administering of medication of any kind by 43-51 McMillan, Morwell staff. Any medication required by any resident is to be undertaken by their own personal management and determination.



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### **Item 16 – Case Workers**

Any external case workers attending the premises are required to announce their arrival to the manager prior to engaging in any works with any resident. A request for a case worker to attend 43-51 McMillan, Morwell will be at the direction of the resident. All works associated with a case worker and a resident will be undertaken in a private manner that respects the privacy of both the resident involved and other residents of 43-51 McMillan, Morwell. Case workers will conduct their works in an orderly manner as they see fit and are to abide by all General House Rules whilst on the premises. General attendance to 43-51 McMillan, Morwell will be during normal visitation hours from 9am to 10:30pm.

### **Item 17 – Monitoring and Review**

The proprietor and manager will undertake continued record keeping of any incident and management issues. The proprietor and manager will undertake review of the Management Plan 12 months after the approval of the Management Plan by Council. Record keeping accounts are to contribute to the updating of the Management Plan in consultation with Council and Victoria Police where it is considered required to do so to achieve ongoing improvement in the overall management of 43-51 McMillan, Morwell. The Management Plan may be amended by the Responsible Authority after a written request by the owner of the operator of the use.

**History of the Application**

1 November 2012	Application received by Council.
26 November 2012	Further Information Letter Sent
11 December 2012	Additional Information Received
24 January 2013	Further Information Letter Sent
21 February 2013	Additional Information Received
4 March 2013	Notification package sent Internal referral sent to Health and Infrastructure Planning Response received from Health
2 April 2013	Objection received from: Trevor Pickering
5 April 2013	Response received from Infrastructure Planning
8 April 2013	Objection received from: Maureen Middlemiss
17 April 2013	Additional Information Received
19 April 2013	Mediation Meeting Held
13 May 2013	Objection withdrawn by: Trevor Pickering
4 June 2013	Revised floor plans submitted



●  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.05 'Regional Development'  
Clause 16.01 'Residential Development'

**Local Planning Policy Framework**

Clause 21.02 'Municipal Vision'  
Clause 21.04 'Built Environment Sustainability'  
Clause 21.08 'Liveability'

**Zoning – Residential 1 Zone**

The subject land is located within a Residential 1 Zone.

**Overlay**

There are no overlays that affect this property.

**Particular Provisions**

Clause 52.06 Car Parking

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents**

There are no incorporated documents that relate to the consideration of this application.







### 43-51 MCMILLAN STREET MORWELL

- Proposed Property
- Property Boundary - Clear
- Parcel Boundary - Clear

Disclaimer: The compilation of this map is subject to Copyright laws & regulations. Latrobe City Council does not warrant the accuracy of the information shown. Latrobe City Council will not be liable for any loss or damage caused as a result of using this site.

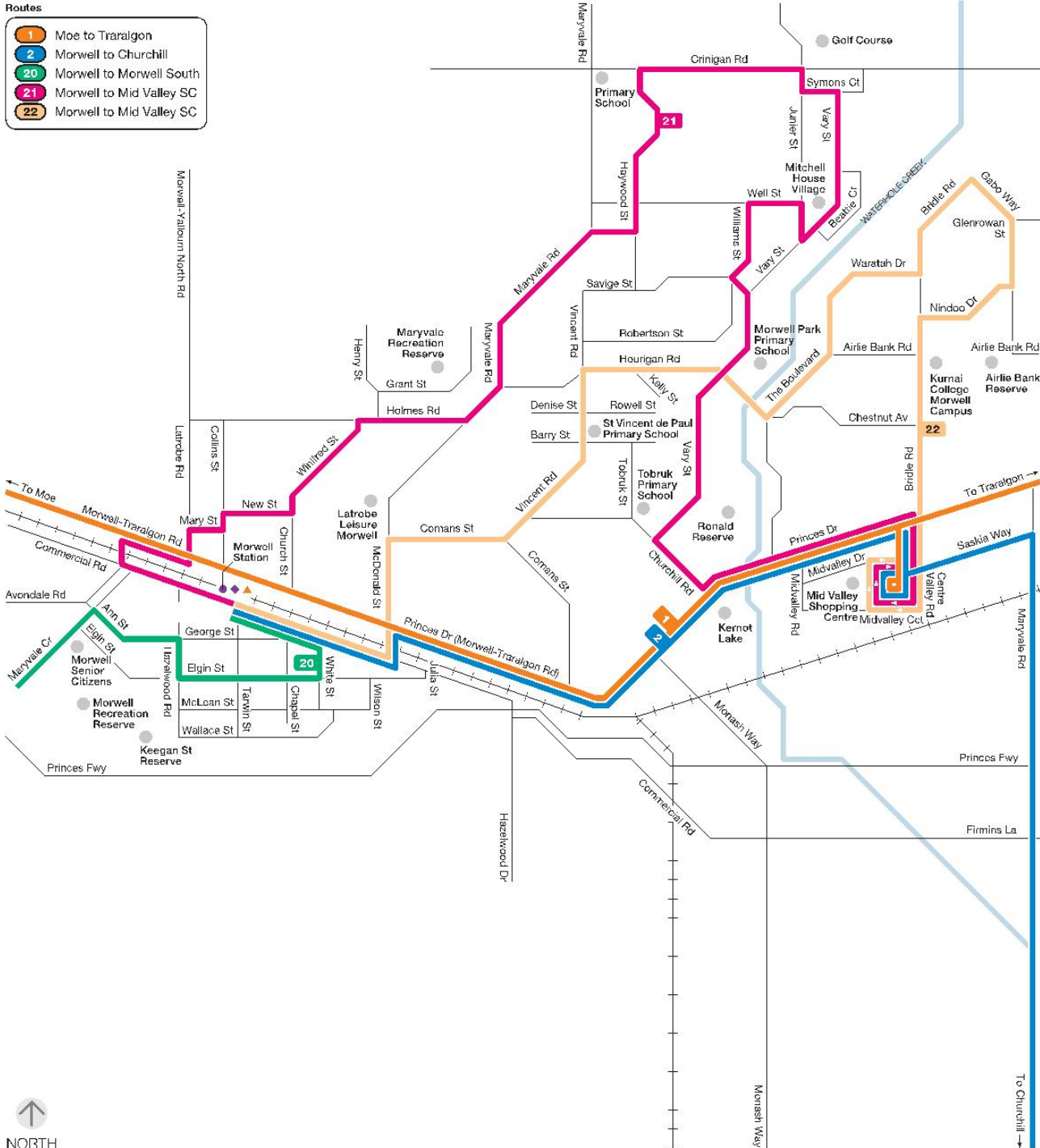


# Morwell bus network

Zone 11

Routes

- 1 Moe to Traralgon
- 2 Morwell to Churchill
- 20 Morwell to Morwell South
- 21 Morwell to Mid Valley SC
- 22 Morwell to Mid Valley SC



Information



For more information visit [ptv.vic.gov.au](http://ptv.vic.gov.au)  
 or call **1800 800 007** (6am – midnight daily)

MAP NOT TO SCALE  
 Effective January 2012



PW 8/4  
Adnan

Planning Department

Latrobe City

Objection to Planning Permit Application 2012/292Boarding House – 43-51 McMillan St Morwell

Dear Sir/Madam,

I wish to formally object to the above planning permit application.

The grounds for my objection centre on the detrimental effect the operation of a boarding house with over 40 residents will have (and is currently having!) on the residential character and amenity of the surrounding neighbourhood, of which I am a resident and property owner.

The McMillan St neighbourhood is made up of single detached dwellings on 50 foot frontage, fifth of an acre blocks which were sub-divided and built on in the mid 60s as I understand it. These houses are largely occupied by families.

McMillan St. would best be characterised as a quiet family neighbourhood.

I have lived/owned a house in McMillan St. for almost 40 years. I have found the neighbourhood character to be so pleasant that I have purchased a vacant block for when the time comes to 'downsize'. Unfortunately this block is next to the boarding house. End of plans.

Apart from the last three or four years, 43-51 McMillan St, operated for a 40 plus year period as the 'St. Lawrence Hospital'. This was a nursing home for the elderly. As you can imagine, largely bed-ridden nursing home residents had almost zero impact on neighbourhood amenity or character.

Due to changes in federal funding, the nursing home closed and, after a period of disuse, the building was re-opened (under new ownership) as an unauthorised boarding house. At the time, I was under the mistaken understanding that the Local Government Act prevented me from objecting to this unauthorised use of the building.

As a boarding house, this site has introduced a large number of additional residents to the neighbourhood. My observation is that these are largely single, young men and appear to be relatively transient. This has unfortunately resulted in a significant increase in the anti-social activity in this once quiet family neighbourhood.

I have personally witnessed fist fights and brawls on the property in question, which have spilled out onto the street. Police units are regularly in attendance at the site. During a recent police visit a resident climbed the fence onto my property and fled down the street. Motor vehicles regularly leave the site and demonstrate 'burn-outs' along the street. One is doing so as I write this.

As the bus service was recently removed from McMillan St., residents of the site in question who do not have access to transport must walk a considerable distance to access community services and retail facilities.

Because of this distance, and the steep climb up Sattelberg Street to McMillan Street, I have observed that site residents regularly use supermarket shopping trolleys to transport their purchases. The trolleys are often then abandoned in the neighbourhood. As I write this, I can see seven abandoned supermarket trolleys on the footpath opposite the 'proposed' boarding house.

To summarise, the use of the site in question as a boarding house will be (and is) detrimental to the neighbourhood character and amenity of the section of McMillan Street in the vicinity of the proposed development.

Put quite simply, the 'dumping' of a large number of individuals in a quiet family neighbourhood without public transport and some considerable distance from community, entertainment and retail facilities is a recipe for social disaster. As I have illustrated.

Unfortunately, there is no combination of planning conditions that could overcome the problems that I have outlined. I therefore request that you refuse the requested planning permit.

Yours,

Maureen Middlemiss

57 (& 53) McMillan St

Morwell

pw 4/4  
Adrian



# LATROBE CITY OBJECTION to the Grant of a

RECEIVED

2 APR 2013

## Planning Permit

Under section 57 of the Planning and Environment Act 1987

Latrobe City Council

Tel: 1300 367 700

www.latrobe.vic.gov.au

R/O:

Doc No:

Comments/Copies Circulated to:

Council Use Only	
Application Number :-	<input type="text"/>
Application Date:-	<input type="text"/>
Ledger Number:-	<input type="text"/>

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	Pickering	Trevor	John

#### Business Details

ABN	ACN
<input type="text"/>	<input type="text"/>

Company Name	Business Name
<input type="text"/>	<input type="text"/>

Address

Street Address\*

7 Winston Colurt

Suburb / Town*	State *	Postcode *
Morwell	Vic	3840

Affected property address (if different from above)

Street Address\*

42 McMillan Street

Suburb / Town*	State *	Postcode *
Morwell	Vic	3840

#### Contact Details

Please provide at least one phone number and include the area code \*

Business Phone	After hours phone	Business Fax	Mobile
( )	( )	( )	(0428502547 )

Email

trevor.pickering@bigpond.com

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
Mr	Pickering	Trevor	John

#### Business Details

ABN	ACN
<input type="text"/>	<input type="text"/>

Business Name	Company Name
<input type="text"/>	<input type="text"/>



**Address**

Street Address\*

7 Winston Court

Suburb / Town\*

Morwell

State \*

Vic

Postcode \*

3840

**Contact Details**

Please provide at least one phone number and include the area code \*

Business Phone

( )

After hours phone

( )

Business Fax

( )

Mobile

(0428502547 )

Email

trevor.pickering@bigpond.com

**Planning permit application details**

What is the permit application number to which you object? \*

2012/292

Who has applied for the permit? Name of applicant \*

Archivision Pty Ltd

Address: Suite 20/981 North Road Murrumbidgee Vic 3163

Choose the type of formal land description \*

Street Address

Lot/ Plan

Crown allotment

Other (if no other land description applies)

Street address \*

43 - 51 McMillan Street

Suburb Town \*

Morwell

State \*

Vic

Post Code \*

3840

Lot / Plan

Lot number

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 premises for a boarding house, and structural changes to existing premises to enable more persons to be accommodated.

### Objection Details

What are the reasons for your objection? \*

1. The application states that the current use for the premises is an Aged Care Facility. This is obviously incorrect as to the best of my knowledge, it had been used as a boarding house for last 2- 3 years that I am aware of.
2. There are ongoing issues which I feel need to be addressed if permission for the application is to be considered. There appears to be no on-site management of the premise, and the application details I read at the Council Offices are very ambiguous on this point. In one section it states there is NO on-site management, and in other sections says there is. This is very misleading. The local Police are called there on a regular basis to stop arguments, fighting, abusive language, and most likely drug related problems.
3. If the applicants are the same people who currently own and run the premises, then it is highly likely that this situation will continue, and most likely increase.
4. My elderly parents in-law live in close proximity to the premises, and have had tenants from the boarding house using their postal address without permission for receiving mail etc. The tenants have come knocking on my in-laws door seeking mail, and there has been incidents where the tenants even ask my in-laws for money.
5. There has been overnight damage to items in the surrounding area, eg: last week a concrete storm water drain cover was smashed, and wires on a pole which run from the boarding house across to a pole opposite have been broken and left dangling. Empty shopping trolleys are regularly abandoned across the street from the boarding house.
6. My in-laws are elderly and frail, and are currently too frightened to leave their front door unlocked when they are at home, and have become virtual prisoners in their own home, as they will not venture outside unaccompanied.

How will you be affected by the grant of a permit? \*

I believe that, as the Applicants are asking permission to increase the number of rooms at the premise, then the number of tenants will increase, and without proper on-site management, there is a great risk that the sorts of problems raised above have the risk of increasing in proportion.

If this permit is to be considered and granted, we seek assurances from the Applicant, Latrobe City and Victoria Police, that the sort of behaviour which currently goes on unabated, and which creates so much worry and fear for the nearby residents, will be at the very least subject to the strictest on site management.

My parents in-law are too old and frail to relocate from their current home and should not be expected to live in such an environment. They are entitled to live without an ever present threat to their peace and freedom of movement in and out of their own home. I strongly believe that this permit application should not be approved, and if it is, at the very least it should only be done so with the imposition of the strictest management controls possible to ensure that the current situation does not continue.

### 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 \*

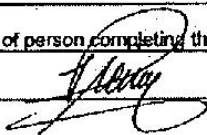
Name of person completing this application \*

Trevor John Pickering

Date \*

30<sup>th</sup>. April 2013

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](http://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](mailto:latrobe@latrobe.vic.gov.au)  
Website: [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)



**Adnan Voloder**

---

**From:** Trevor Pickering <trevor.pickering@bigpond.com>  
**Sent:** Monday, 13 May 2013 4:49 PM  
**To:** Adnan Voloder  
**Cc:** louie@archivision.net.au  
**Subject:** Re: Withdrawal of objection

Good afternoon Adnan,

As requested by Louis from Archivision, I advise that I hereby withdraw my objection to Planning Permit Application No: 2012/292.

Can you please advise receipt of this email. Can you also advise me of what the process should be if any further issues happen to arise which may relate to my initial objections. I have been given the name and contact number for the Manager of the facility, and I would like to know who I should contact at Latrobe City Council if the need arises.

Regards

Trevor Pickering

***Trevor & Lee Pickering***  
***7 Winston Court***  
***Morwell Vic 3840***  
***[trevorp@gipps.net.au](mailto:trevorp@gipps.net.au)***





**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

**16.4 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 2013/18	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Gaskin Rise Estate Pty Ltd as the owner of the Land more particularly described in Certificate of Title Volume 10322 Folio 995 being Lot A on PS 402920Q situated at 515 Hazelwood Estate Road, Churchill pursuant to Condition 8 on PP 2013/18 issued on 15 May 2013 providing that prior to completion of the dwelling allowed by this permit the owner must enter into an agreement with the Responsible Authority that requires the following: (a) That proposed Lot 2 may not be further subdivided so as to create a smaller lot for an existing dwelling.
PP 2012/180	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Anthony Hicks and Patricia Hicks and Barry Bennett as the owners of the Land more particularly described in Certificate of Title Volume 9223 Folio 823 and Volume 4480 Folio 931 being Lot 1 on PS710340 situated at 20 Riverside Drive, Yinnar and 70 Vaggs Road, Yinnar pursuant to Condition 7 on PP 2012/180 issued on 21 December 2012 providing that prior to the commencement of the subdivision, the owner must enter into an agreement with the Responsible Authority.

**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 Gaskin Rise Estate Pty Ltd as the owner of the Land more particularly described in Certificate of Title Volume 10322 Folio 995 being Lot A on PS 402920Q situated at 515 Hazelwood Estate Road, Churchill pursuant to Condition 8 on PP 2013/18 issued on 15 May 2013.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Anthony Hicks and Patricia Hicks and Barry Bennett as the owners of the Land more particularly described in Certificate of Title Volume 9223 Folio 823 and Volume 4480 Folio 931 being Lot 1 on PS710340 situated at 20 Riverside Drive, Yinnar and 70 Vaggs Road, Yinnar pursuant to Condition 7 on PP 2012/180 issued on 21 December 2012.

**Moved:** Cr Rossiter

**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

## 16.5 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 24 June 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 28 November 2012 and the 28 June 2013:

This is a bulk set of documents for a range of meetings held since the election in November 2012.

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
28 Nov 2012	City Image Strategy Project Reference Group Meeting  Research & Engagement Phase Presentation Recommendations Discussion Project Planning Communications	Cr Christine Sindt, Cr Peter Gibbons, Cr Sandy Kam  Jacinta Saxton, Carol Jeffs	NIL
4 Dec 2012	Latrobe City International Relations Committee Meeting  Australia Garden overview Sister Cities Australia National Conference overview 2012 Sister Cities Festival 2013 Inbound Takasago Sports Exchange	Cr White, Cr Sindt and Cr Gibbons  Jason Membrey and Jie Liu	NIL
5 Dec 2012	Braiakaulung Advisory Committee  Gippsland Heritage Walk project presentation Members reports Gippsland Koorie Football & Netball Carnival 2013 Social Inclusion Week Afternoon Tea 28 November 2013 Guest Speakers for Future Meetings	Cr Kellie O'Callaghan  Steven Tong, Deb Brown, Sharon Kingaby, Brenda Aitken, Ronald Edwards, Christine Body.	NIL

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
19 Dec 2012	Latrobe City Hyland highway Municipal Landfill Consultative Committee  Welcome Minutes of the previous meeting Environmental Protection Authority Report OH&S at landfill Communication – Website and News Letter Construction of Cell 3 – update Other Items - Cell activities - Other business	Cr Peter Gibbon, Cr Dale Harriman  Deirdre Griepsma, Chandana Vidanaarachchi, Allison Jones	NIL
31 Jan 2013	City Image Strategy Project Reference Group Meeting  Research Recommendations Workshop	Cr Christine Sindt, Cr Peter Gibbons  Jacinta Saxton, Carol Jeffs	NIL
6 Feb 2013	Braiakaulung Advisory Committee  Reconciliation Action Plan Update Presentation from Gippsland Immigration Park group on the proposed Gippsland Heritage Walk project. Presentation from guest speaker Mr Mark Dodd on the DHS Secretary's partnership Project Members reports Social Inclusion Week afternoon tea 28 November 2012 Guest speakers for next meeting Aboriginal Liaison Officer position NAIDOC Week 2013 - School Initiative Competitions for school age children Youth Council card	Cr Kellie O'Callaghan Cr Darrell White  Steven Tong, Brenda Aitken, Rebecca Brown, Joanne Brunt, Ronalds Edwards, Christine Body.	NIL
11 Feb 2013	LINK Committee Meeting  Planning potential stories for April edition of Link Confirming themed stories Suggesting contacts for themed stories	Cr Sandy Kam, Cr Sharon Gibson, Cr Graeme Middlemiss  Jacinta Saxton, Emma Lewis	NIL
14 Feb 2013	Disability Reference Committee  Understanding Local Government, Latrobe 2026, Council Plan, Terms of Reference of Disability Reference Committee, Victorian State Disability Action Plan, Latrobe City Disability Action Plan, 2013 meeting dates and times	Cr Kellie O'Callaghan, Cr Sandy Kam  Karleen Plunkett, Steve Tong, Christine Body Carol Jeffs, Tom McQualter	NIL
7 Mar 2013	City Image Strategy Project Reference Group Meeting  Transiting Cities Presentation Strategy Development	Cr Christine Sindt, Cr Peter Gibbons  Jacinta Saxton, Carol Jeffs	NIL

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
	Community Engagement		
13 Mar 2013	<p>Latrobe City International Relations Committee Meeting</p> <p>Australian Garden Official Opening Invitation letter from Geochang County, South Korea for Students Exchange Program 2013 Inbound Takasago Sports Exchange Program Sister Cities Conference 2013 Terms of Reference Economic Development Update – supplied by Economic Development</p>	<p>Cr White, Cr Sindt and Cr Gibbons</p> <p>David Elder, Jason Membrey and Jie Liu</p>	NIL
19 March 2013	<p>Disability Reference Committee</p> <p>Location of current Accessible Parking Bays and suitability, Latrobe City Website, Pathway system, Terms of Reference of Disability Reference Committee, Representation on other council committees</p>	<p>Cr Kellie O'Callaghan,</p> <p>Karleen Plunkett, Joedy Meers, Mary Sharrock, Gerard Engel, Neil Churton, Sophie Visser, Melinda Schweighofer, David Brodie</p>	NIL
2 April 2013	<p>Latrobe City Hyland highway Municipal Landfill Consultative Committee</p> <p>Welcome Minutes of the previous meeting Environmental Protection Authority Report OH&amp;S at landfill Communication – Website and News Letter Construction of Cell 3 – update Other Items - Cell activities - Other business</p>	<p>Cr Peter Gibbon</p> <p>Deirdre Griepsma, Chandana Vidanaarachchi</p>	NIL
3 April 2013	<p>Braiakaulung Advisory Committee</p> <p>Reconciliation Action Plan Update Gippsland Heritage Walk project Update Members reports Aboriginal Liaison Officer position Gippsland Koorie Football &amp; Netball Carnival National Reconciliation Week - 27 May to 3 June NAIDOC Week 2013 - School Initiative Competitions for school age children Australian Garden Project Guest Speakers for Future Meetings</p>	<p>Cr Darrell White</p> <p>Steven Tong, Deb Brown</p>	NIL

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
4 April 2013	<p>City Image Strategy Project Reference Group Meeting</p> <p>Brand Narrative Workshop Discussion of draft Strategy Project Timelines</p>	<p>Cr Christine Sindt, Cr Peter Gibbons</p> <p>Jacinta Saxton</p>	NIL
10 April 2013	<p>Latrobe Regional Gallery Advisory Committee</p> <p>1. Latrobe Regional Gallery Advisory Committee Terms of Reference and the purpose and role of the committee. 2. The proposed development of a Latrobe City Arts Strategy and the need for community engagement for such a project. 3. The officer brought to the attention of members that there is an inactive Latrobe Regional Gallery Advisory Committee bank account (which is independent to Latrobe City and has signatories who are past and present members of the committee). The officer proposed that this account be wound up. There was discussion regarding this proposal and how the balance of the account would be dispersed. It was resolved that the officer provide options at the next meeting.</p>	<p>Cr Darrell White and Cr Peter Gibbons</p> <p>Julie Adams, Arts Director</p>	NIL
14 April 2013	<p>Latrobe City International Relations Committee Meeting</p> <p>Liddiard Road Primary School presentation Taizhou Education delegation Australian Garden Opening Takasago Sports Exchange Program 2013 / 2014 Sister Cities Music Exchange Program Invitation letter from Geochang County, South Korea for Students Exchange Program Sister Cities Conference 2013— Jason Membrey Terms of Reference Economic Development Update – supplied by Economic Development</p>	<p>Cr White, Cr Sindt and Cr Gibbons</p> <p>David Elder, Jason Membrey and Jie Liu</p>	NIL

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
16 May 2013	<p>Australia Day Advisory Committee meeting</p> <p>Review of 2014 Australia Day Awards conditions Look at other Councils criteria's for awards Review of 2013 Australia Day township events 2014 Proposed Australia Day Schedule 2014 Sporting Hall of Fame National Australia Day Council Conference – June 2013 Election of Australia Day Advisory Committee members – Current Term expires 18 September 2013</p>	<p>Cr Christine Sindt</p> <p>Jason Membrey</p>	NIL
21 May 2013	<p>Disability Reference Committee</p> <p>1 Welcome 2 Apologies 3 Conflict of Interest 4 Acceptance of Previous Minutes (19 March 2013) 5 Business Arising from Previous Minutes 5.1 Gathering previous information regarding non-compliant accessible parking bays. 5.2 Hard copies of maps indicating accessible parking bays to be included in March minutes. 5.3 From current locations discuss if the location of accessible parking bays are still appropriate 5.4 Copy of website presentation to be sent with the March minutes. 5.5 Attach the Disability Services Officer report to March minutes. 5.6 Invitation to Russell Northe to attend the meeting with Andrea Coote 6 General Business 6.1 Review the Disability Reference Committee Terms of Reference 6.2 Disability Services Officer report. 6.3 Gippsland Linking Local Action Network (GLLAN) 6.4 Around the table catch up. 7 Next Meeting 16 July 2013, Macfarlane Burnet Room, Traralgon</p>	<p>Cr Kellie O'Callaghan,</p> <p>Karleen Plunkett, Deb Brown, Steve Tong, Gerard Engel, Neil Churton Mary Sharrock</p>	NIL

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
19 June 2013	Latrobe City International Relations Committee Meeting  Traralgon Central Rotary Club Visit to China presentation 2013 Sister Cities Festival Inbound Taizhou Education delegations 2013 / 2014 Sister Cities Music Exchange Program Geochang County, South Korea for Students Exchange Program Sister Cities Conference 2013 Economic Development Update	Cr White, Cr Sindt and Cr Gibbons  David Elder, Jason Membrey and Jie Liu	NIL
20 June 2013	Community Engagement Project Reference Group Meeting  Community Engagement Plan Review Councillor Extranet	Cr Peter Gibbons, Cr Michael Rossiter  Jacinta Saxton	NIL
20 June 2013	Traralgon CBD Safety Committee Meeting  Late Night bus service, CCTV cameras, 2013 - 2014 Committee Action Plan, Increased Drug Useage in the region, Issues with young people hanging around McDonalds and Stocklands Plaza	Cr Michael Rossiter  Steven Tong, David Lane	NIL
24 June 2013	Issues and Discussions Session  4.3 Future Presentations 4.4 Future Presentations Outside Issues & Discussion Sessions 6.1 Forward Planner 7.1 Outstanding Issues 7.2 New Issues	Cr Gibbons, Cr Gibson, Cr Harriman, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White  Paul Buckley, Carol Jeffs, Jacinta Saxton, Damian Blackford	NIL

## ORDINARY COUNCIL MEETING MINUTES 15 JULY 2013 (CM414)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
25 June 2013	<p>Cultural Diversity Advisory Committee - Action Plan Sub Committee</p> <p>Review of the 2010-2013 and development of the 2013-2017 Cultural and Linguistic Diversity Plan.</p> <p>Areas of discussion included:</p> <ul style="list-style-type: none"> <li>• Identifying areas of the 2010-2013 plan that needed to be kept, removed and updated as well as identifying any areas that need to be added</li> <li>• A review of the key objectives and priority areas</li> <li>• The need for external consultation and engagement with the community</li> <li>• Methods of engagement to be used</li> <li>• Timeline for this to take place</li> </ul>	<p>Cr Peter Gibbons</p> <p>Tara Donegan, Heather Farley, Steve Tong</p>	NIL
28 June 2013	<p>Meeting with Professor David Battersby - Vice-Chancellor University of Ballarat</p> <p>Further Development of Churchill Campus</p>	<p>Cr Gibson, Cr White, Cr Sindt, Cr Gibbons</p> <p>Paul Buckley</p>	NIL

### Attachments

1. Assembly of Councillors - 15 July 2013 - Not Confidential

### RECOMMENDATION

- That Council note this report.

**Moved:** Cr White

**Seconded:** Cr Gibbons

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**





## **16.5**

### **Assembly of Councillors**

- 1 Assembly of Councillors - 15 July 2013 - Not Confidential..... 467**





## Assembly of Councillors Record

**Assembly details:** City Image Strategy Project Reference Group Meeting

**Date:** 28 November 2012

**Time:** 5.30 pm

**Assembly Location:** Traralgon Service Centre

**In Attendance:**

**Councillors:** Cr Christine Sindt, Cr Peter Gibbons, Cr Sandy Kam

**Officer/s:** Jacinta Saxton, Carol Jeffs

**Matter/s Discussed:**

Research & Engagement Phase Presentation  
Recommendations Discussion  
Project Planning  
Communications

**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:** Jacinta Saxton, Manager Community Relations



### 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:** Latrobe City International Relations Committee Meeting

**Date:** 4 December, 2012

**Time:** 5.00 pm to 7.00 pm

**Assembly Location:** Meeting Room, Rose Garden (2-4 Maryvale Cr) Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Sindt and Cr Gibbons

**Officer/s:** Jason Membrey and Jie Liu

**Matter/s Discussed:**

Australia Garden overview  
Sister Cities Australia National Conference overview  
2012 Sister Cities Festival  
2013 Inbound Takasago Sports Exchange

**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:** Jason Membrey, Coordinator Events & International Relations



### 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:** Braiakaulung Advisory Committee

**Date:** 5 December 2012

**Time:** 10.35 am to 12.15 noon

**Assembly Location:** Meeting Room, Latrobe Regional Gallery

**In Attendance:**

**Councillors:** Cr Kellie O'Callaghan

**Officer/s:** Steven Tong, Deb Brown, Sharon Kingaby, Brenda Aitken, Ronald Edwards, and Christine Body.

**Matter/s Discussed:**

Gippsland Heritage Walk project presentation

Members reports

Gippsland Koorie Football & Netball Carnival 2013

Social Inclusion Week Afternoon Tea 28 November 2013

Guest Speakers for Future Meetings

**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:** Christine Body





### 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;
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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.

*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
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##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

**Assembly details:** Latrobe City Hyland highway Municipal Landfill Consultative Committee

**Date:** 19 December 2012

**Time:** 5.30 PM

**Assembly Location:** Latrobe Room, Traralgon Service Centre

**In Attendance:**

**Councillors:** Cr Peter Gibbon, Cr Dale Harriman

**Officer/s:** Deirdre Griepsma, Chandana Vidanaarachchi, Allison Jones

**Matter/s Discussed:**

Welcome  
Minutes of the previous meeting  
Environmental Protection Authority Report  
OH&S at landfill  
Communication – Website and News Letter  
Construction of Cell 3 – update  
Other Items - Cell activities  
- Other business

**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:

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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."

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- incorporated in the minutes of that Ordinary meeting.

#### 2. Section 76AA definition:

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- 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;
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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

**Assembly details:** City Image Strategy Project Reference Group Meeting

**Date:** 31 January 2013

**Time:** 5.30 pm

**Assembly Location:** Headquarters

**In Attendance:**

**Councillors:** Cr Christine Sindt, Cr Peter Gibbons

**Officer/s:** Jacinta Saxton, Carol Jeffs

**Matter/s Discussed:**

Research Recommendations Workshop

**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:** Jacinta Saxton, Manager Community Relations



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** Braiakaulung Advisory Committee

**Date:** 6 February 2013

**Time:** 10.35 am to 12.00 noon

**Assembly Location:** Meeting Room, Latrobe Regional Gallery

**In Attendance:**

**Councillors:** Cr Kellie O'Callghan and Cr Darrell White

**Officer/s:** Steven Tong, Brenda Aitken, Rebecca Brown, Joanne Brunt, Ronalds Edwards, Christine Body.

**Matter/s Discussed:**

Reconciliation Action Plan Update

Presentation from Gippsland Immigration Park group on the proposed Gippsland Heritage Walk project.

Presentation from guest speaker Mr Mark Dodd on the DHS Secretary's partnership Project

Members reports

Social Inclusion Week afternoon tea 28 November 2012

Guest speakers for next meeting

Aboriginal Liaison Officer position

NAIDOC Week 2013 - School Initiative Competitions for school age children

Youth Council card

**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:** Christine Body



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

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##### **Section 80A(3)**

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##### **Section 80B**

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## Assembly of Councillors Record

**Assembly details:** LINK Committee Meeting

**Date:** 11 February 2013

**Time:** 10.00am

**Assembly Location:** Headquarters

**In Attendance:**

**Councillors:** Cr Sandy Kam, Cr Sharon Gibson, Cr Graeme Middlemiss

**Officer/s:** Jacinta Saxton, Emma Lewis

**Matter/s Discussed:**

Planning potential stories for April edition of Link

Confirming themed stories

Suggesting contacts for themed stories

**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:** Jacinta Saxton, Manager Community Relations





### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

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## Assembly of Councillors Record

**Assembly details:** Disability Reference Committee

**Date:** 14 February 2013

**Time:** 2.00 pm

**Assembly Location:** Nambur Wariga, Headquarters, Commercial Rd, Morwell

**In Attendance:**

**Councillors:** Cr Kellie O'Callaghan, Cr Sandy Kam

**Officer/s:** Karleen Plunkett, Steve Tong, Christine Body, Carol Jeffs, Tom McQualter

**Matter/s Discussed:**

Understanding Local Government, Latrobe 2026, Council Plan, Terms of Reference of Disability Reference Committee, Victorian State Disability Action Plan, Latrobe City Disability Action Plan, 2013 meeting dates and times

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** Karleen Plunkett - amended by Deb Brown 3 July 2013



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** City Image Strategy Project Reference Group Meeting

**Date:** 7 March 2013

**Time:** 5.30 pm

**Assembly Location:** Headquarters

**In Attendance:**

**Councillors:** Cr Christine Sindt, Cr Peter Gibbons

**Officer/s:** Jacinta Saxton, Carol Jeffs

**Matter/s Discussed:**

Transiting Cities Presentation

Strategy Development

Community Engagement

**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:** Jacinta Saxton, Manager Community Relations



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## Assembly of Councillors Record

**Assembly details:** Latrobe City International Relations Committee Meeting

**Date:** 13 March 2013

**Time:** 5.00 pm to 7.00 pm

**Assembly Location:** Meeting Room, Rose Garden (2-4 Maryvale Cr) Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Sindt and Cr Gibbons

**Officer/s:** David Elder, Jason Membrey and Jie Liu

**Matter/s Discussed:**

Australian Garden Official Opening  
Invitation letter from Geochang County, South Korea for Students Exchange Program  
2013 Inbound Takasago Sports Exchange Program  
Sister Cities Conference 2013  
Terms of Reference  
Economic Development Update – supplied by Economic Development

**Are the matters considered confidential under the Local Government Act:** NIL

**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:** Jason Membrey, Coordinator Events & International Relations



### Assembly of Councillors Record Explanation / Guide Notes

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- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

**Assembly details:** Disability Reference Committee

**Date:** 19 March 2013

**Time:** 1.00 pm

**Assembly Location:** Meeting room, Latrobe Regional Gallery, Commercial Rd Morwell

**In Attendance:**

**Councillors:** Kellie O'Callaghan,

**Officer/s:** Karleen Plunkett, Joedy Meers, Mary Sharrock, Gerard Engel, Neil Churton, Sophie Visser, Melinda Schweighofer, David Brodie

**Matter/s Discussed:** Location of current Accessible Parking Bays and suitability, Latrobe City Website, Pathway system, Terms of Reference of Disability Reference Committee, Representation on other council committees

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** Karleen Plunkett Amended by Deb Brown 3 July 2013





### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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"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;
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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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**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:** Latrobe City Hyland highway Municipal Landfill Consultative Committee

**Date:** 2 April 2013

**Time:** 5.00 PM

**Assembly Location:** MacFarlane Burnet Room, Traralgon Service Centre

**In Attendance:**

**Councillors:** Cr Peter Gibbon

**Officer/s:** Deirdre Griepsma, Chandana Vidanaarachchi.

**Matter/s Discussed:**

Welcome

Minutes of the previous meeting

Environmental Protection Authority Report

OH&S at landfill

Communication – Website and News Letter

Construction of Cell 3 – update

Other Items - Cell activities

- Other business

**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

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **Section 80B**

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## Assembly of Councillors Record

**Assembly details:** Braiakaulung Advisory Committee

**Date:** 3 April 2013

**Time:** 10.40 am to 12.10 noon

**Assembly Location:** Meeting Room, Latrobe Regional Gallery

**In Attendance:**

**Councillors:** Cr Darrell White

**Officer/s:** Steven Tong, Deb Brown.

**Matter/s Discussed:**

Reconciliation Action Plan Update

Gippsland Heritage Walk project Update

Members reports

Aboriginal Liaison Officer position

Gippsland Koorie Football & Netball Carnival

National Reconciliation Week - 27 May to 3 June

NAIDOC Week 2013 - School Initiative Competitions for school age children

Australian Garden Project

Guest Speakers for Future Meetings

**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:** Christine Body



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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##### **Section 80A(3)**

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## Assembly of Councillors Record

**Assembly details:** City Image Strategy Project Reference Group Meeting

**Date:** 4 April 2013

**Time:** 5.30 pm

**Assembly Location:** Headquarters

**In Attendance:**

**Councillors:** Cr Christine Sindt, Cr Peter Gibbons

**Officer/s:** Jacinta Saxton

**Matter/s Discussed:**

Brand Narrative Workshop  
Discussion of draft Strategy  
Project Timelines

**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:** Jacinta Saxton, Manager Community Relations



### Assembly of Councillors Record Explanation / Guide Notes

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##### **Section 80B**

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## Assembly of Councillors Record

**Assembly details:** Latrobe Regional Gallery Advisory Committee

**Date:** 10 April 2013

**Time:** 5.30pm - 7.10pm

**Assembly Location:** Latrobe Regional Gallery, 138 Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Darrell White and Cr Peter Gibbons

**Officer/s:** Julie Adams, Arts Director

**Matter/s Discussed:**

1. Latrobe Regional Gallery Advisory Committee Terms of Reference and the purpose and role of the committee. 2. The proposed development of a Latrobe City Arts Strategy and the need for community engagement for such a project. 3. The officer brought to the attention of members that there is an inactive Latrobe Regional Gallery Advisory Committee bank account (which is independent to Latrobe City and has signatories who are past and present members of the committee). The officer proposed that this account be wound up. There was discussion regarding this proposal and how the balance of the account would be dispersed. It was resolved that the officer provide options at the next meeting.

**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:** Julie Adams





### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** Latrobe City International Relations Committee Meeting

**Date:** 14 April, 2013

**Time:** 5.00 pm to 7.00 pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Council Corporate Headquarters, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Sindt and Cr Gibbons

**Officer/s:** David Elder, Jason Membrey and Jie Liu

**Matter/s Discussed:**

Liddiard Road Primary School presentation

Taizhou Education delegation

Australian Garden Opening

Takasago Sports Exchange Program

2013 / 2014 Sister Cities Music Exchange Program

Invitation letter from Geochang County, South Korea for Students Exchange Program

Sister Cities Conference 2013– Jason Membrey

Terms of Reference

Economic Development Update – supplied by Economic Development

**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:** Jason Membrey, Coordinator Events & International Relations



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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## Assembly of Councillors Record

**Assembly details:** Australia Day Advisory Committee meeting

**Date:** 16 May, 2013

**Time:** 5.00 pm to 6.45 pm

**Assembly Location:** Nambur Wariga, Council Headquarters, Morwell

**In Attendance:**

**Councillors:** Cr Christine Sindt

**Officer/s:** Jason Membrey

**Matter/s Discussed:**

Review of 2014 Australia Day Awards conditions

Look at other Councils criteria's for awards

Review of 2013 Australia Day township events

2014 Proposed Australia Day Schedule

2014 Sporting Hall of Fame

National Australia Day Council Conference – June 2013

Election of Australia Day Advisory Committee members – Current Term expires 18 September 2013

**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:** Jason Membrey



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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#### 3. Section 80A and 80B requirements (re: *Conflict of Interest*):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

**Assembly details:** Disability Reference Committee

**Date:** 21 May 2013

**Time:** 1.00 pm to 3.00 pm

**Assembly Location:** Workshop Room, Latrobe Regional Gallery, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Kellie O'Callaghan

**Officer/s:** Karleen Plunkett, Deb Brown, Steve Tong (Guest), Gerard Engel (Guest), Neil Churton (Guest) and Mary Sharrock (Minute Taker).

**Matter/s Discussed:**

- 1 Welcome..... Cr Kellie O'Callaghan.
- 2 Apologies..... Cr Kellie O'Callaghan.
- 3 Conflict of Interest..... Cr Kellie O'Callaghan.
- 4 Acceptance of Previous Minutes (19 March 2013)
- 5 Business Arising from Previous Minutes
  - 5.1 Gathering previous information regarding non-compliant accessible parking bays. (Karleen).
  - 5.2 Hard copies of maps indicating accessible parking bays to be included in March minutes. (Karleen / Mary).
  - 5.3 From current locations discuss if the location of accessible parking bays are still appropriate (15 minutes). (All / Gerald Engel).
  - 5.4 Copy of website presentation to be sent with the March minutes. (Mary).
  - 5.5 Attach the Disability Services Officer report to March minutes. (Mary).
  - 5.6 Invitation to Russell Northe to attend the meeting with Andrea Coote. (Karleen).
- 6 General Business .....
  - 6.1 Review the Disability Reference Committee Terms of Reference (15 minutes). (Karleen).
  - 6.2 Disability Services Officer report. (Karleen).
  - 6.3 Gippsland Linking Local Action Network (GLLAN)
  - 6.4 Around the table catch up. (All).
- 7 Next Meeting 16 July 2013, Macfarlane Burnet Room, Traralgon

**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:** Mary Sharrock - amended by Deb Brown 2 July 2013



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: Written Record to be made by Council staff member):

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"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;
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#### 3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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##### **Section 80B**

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## Assembly of Councillors Record

**Assembly details:** Latrobe City International Relations Committee Meeting

**Date:** 19 June 2013

**Time:** 5.00 pm to 7.00 pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Council Corporate Headquarters, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Sindt and Cr Gibbons

**Officer/s:** David Elder, Jason Membrey and Jie Liu

**Matter/s Discussed:**

Traralgon Central Rotary Club Visit to China presentation

2013 Sister Cities Festival

Inbound Taizhou Education delegations

2013 / 2014 Sister Cities Music Exchange Program

Geochang County, South Korea for Students Exchange Program

Sister Cities Conference 2013

Economic Development 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:** Jason Membrey, Coordinator Events & International Relations



### Assembly of Councillors Record Explanation / Guide Notes

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## Assembly of Councillors Record

**Assembly details:** Community Engagement Project Reference Group Meeting

**Date:** 20 June 2013

**Time:** 5.00 pm

**Assembly Location:** Headquarters

**In Attendance:**

**Councillors:** Cr Peter Gibbons, Cr Michael Rossiter

**Officer/s:** Jacinta Saxton

**Matter/s Discussed:**

Community Engagement Plan Review

Councillor Extranet

**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:** Jacinta Saxton, Manager Community Relations



### Assembly of Councillors Record Explanation / Guide Notes

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#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

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## Assembly of Councillors Record

**Assembly details:** Traralgon CBD Safety Committee Meeting

**Date:** Thursday, 20 June 2013

**Time:** 9.05 am - 9.55 am

**Assembly Location:** Traralgon Police Station, Kay Street Traralgon.

**In Attendance:**

**Councillors:** Cr Michael Rossiter

**Officer/s:** Steven Tong, David Lane

**Matter/s Discussed:** Late Night bus service, CCTV cameras, 2013 - 2014 Committee Action Plan, Increased Drug Useage in the region, Issues with young people hanging around McDonalds and Stocklands Plaza

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** David Lane



### Assembly of Councillors Record Explanation / Guide Notes

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Tuesday 24 June 2013

**Time:** 8:00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Gibbons, Cr Gibson, Cr Harriman, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

**Officer/s:** Paul Buckley, Carol Jeffs, Jacinta Saxton, Damian Blackford

**Matter/s Discussed:**

4.3 Future Presentations

4.4 Future Presentations Outside Issues & Discussion Sessions

6.1 Forward Planner

7.1 Outstanding Issues

7.2 New Issues

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** Meagan Bennetts



**Assembly of Councillors Record Explanation / Guide Notes**  
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## Assembly of Councillors Record

**Assembly details:** Cultural Diversity Advisory Committee - Action Plan Sub Committee

**Date:** 25/06/2012

**Time:** 5.00pm - 7.00pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Corporate Headquarters, 141 Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Peter Gibbons

**Officer/s:** Tara Donegan, Heather Farley, Steve Tong

**Matter/s Discussed:**

Review of the 2010-2013 and development of the 2013-2017 Cultural and Linguistic Diversity Plan.

Areas of discussion included:

- Identifying areas of the 2010-2013 plan that needed to be kept, removed and updated as well as identifying any areas that need to be added
- A review of the key objectives and priority areas
- The need for external consultation and engagement with the community
- Methods of engagement to be used
- Timeline for this to take place

**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:** Tara Donegan



### Assembly of Councillors Record Explanation / Guide Notes

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- 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:** Meeting with Professor David Battersby - Vice-Chancellor University of Ballarat

**Date:** 28 June 2013

**Time:** 11.30 am

**Assembly Location:** Nambur Wariga - Corporate Headquarters

**In Attendance:**

**Councillors:** Cr Gibson, Cr White, Cr Sindt, Cr Gibbons

**Officer/s:** Paul Buckley

**Matter/s Discussed:** Transition of the Monash University Campus to the new Federation University of Australia

**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:** Paul Buckley



### 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.

**16.6 SUBMISSION TO THE REGIONAL GROWTH PLAN**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to seek Council endorsement of the submission to the draft Gippsland Regional Growth Plan June 2013.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

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

*Latrobe City Council Plan 2013 - 2017*

Planning for our future

*Strategic Direction*

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

*Legislation*

Local Government Act 1989  
Planning and Environment Act 1987

**BACKGROUND**

Latrobe City Council has worked in collaborative partnership with the Department of Planning and Community Development, the Gippsland Local Government Network, the Gippsland catchment management authorities, the Department of Environment and Primary Industries, Gippsland's Regional Development Australia Committee and VicRoads in the development of the draft Plan.

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

There are eight Regional Growth Plans being prepared across Victoria that will set the broad direction for land use, development and planning frameworks for the key regional centres. It is anticipated that the Victorian Government will finalise the Regional Growth Plan for Gippsland in October 2013.

The draft Regional Growth Plan has been on public exhibition throughout June and July with the exhibition period officially ending on 12 July 2013. Council has contacted the relevant officers from the Department of Planning and Community Development who have indicated they will accept a submission from Council slightly after this date.

**ISSUES**

A draft submission has been prepared to provide Latrobe City Councils thoughts and positions on the draft Regional Growth Plan. That submission is provided as Attachment 1.

The submission has considered the issues of:

- Partnerships
- Coal Allocation and Diversification of Industry and Employment
- Transport Infrastructure
- Liveability

A high level of detail in relation to these matters is presented in the submission.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

There are not considered to be any financial implications as a result of this report.

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

The draft submission to the Regional Growth Plan has been informed by a number of relevant internal Latrobe City Council departments.

The Regional Growth Plan has been placed on public exhibition by the Department of Planning and Community Development from 3 June 2013 to 12 July 2013.

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)***Details of Community Consultation / Results of Engagement:*

The ministerial consultation and consultation carried out by way of developing relevant strategic documents is generally consistent with Council's adopted community engagement principles.

**OPTIONS**

That Council:

1. Submit Latrobe City Council's submission to the Regional Growth Plan to the Department of Planning and Community Development; or
2. Not submit Latrobe City Council's submission to the Regional Growth Plan to the Department of Planning and Community Development.

**CONCLUSION**

The Gippsland Regional Growth Plan has been prepared by the Department of Planning and Community Development in collaboration with key stakeholders.

The Gippsland Regional Growth Plan has been prepared to set the broad direction for land use, development and planning frameworks for the key regional centres.

Latrobe City Council's submission has been prepared and is based on four key themes of partnership, coal allocation and diversification of industry and employment, transport infrastructure and liveability to support Latrobe City's status as a regional city.

**Attachments**

1. Regional Growth Plan Submission

**RECOMMENDATION**

That Council endorse the submission to the Regional Growth Plan June 2013.

**ALTERNATE RECOMMENDATION**

**That Council endorse the submission to the Regional Growth Plan June 2013 with the following amendment:**

**- Refer to Latrobe City as one of Victoria's four major regional cities and the regional city for the Gippsland region.**

**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)**

Cr O'Callaghan left the Chamber at 8.06 pm due to an indirect interest under section 78B of the *Local Government Act 1989*

Cr Kam left the Chamber at 8.06 pm due to an indirect interest under section 78 & 78A of the *Local Government Act 1989*

Cr Harriman left the Chamber at 8.06 pm due to an indirect interest under section 78C of the *Local Government Act 1989*

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibbons

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**

Cr O'Callaghan returned to the Chamber at 8.15 pm

Cr Kam returned to the Chamber at 8.15 pm

Cr Harriman returned to the Chamber at 8.15 pm





## **16.6**

### **Submission to the Regional Growth Plan**

<b>1</b>	<b>Regional Growth Plan Submission .....</b>	<b>523</b>
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# Latrobe City Council Submission Regional Growth Plan



July 2013





## ***Introduction***

Latrobe City Council appreciates the opportunity to provide a submission to the draft Gippsland Regional Growth Plan June 2013 ('the draft Plan'). Latrobe City Council has worked in collaborative partnership with the Department of Planning and Community Development, the Gippsland Local Government Network, the Gippsland catchment management authorities, the Department of Environment and Primary Industries, Gippsland's Regional Development Australia Committee and VicRoads in the development of the draft Plan.

## ***General Comment***

Latrobe City Council is very supportive of the draft Plan. The draft Plan is well considered, easy to read and an excellent blueprint to assist in the ongoing development of Gippsland. We are particularly excited that the document recognises Latrobe City as Gippsland's Regional City. It has been, and continues to be our position, that the growth of Latrobe City is integral to the ongoing growth of Gippsland. We are fully supportive of this approach and acknowledge the recognition from the Victorian Government of the status of Latrobe City as the regional city of Gippsland.

We are also very supportive of the strategies for future land use that are broken down through a range of chapters in the draft plan.

We have focussed our submission on four key themes that are directly relevant to Latrobe City within the draft Plan. These are;

1. Partnerships
2. Coal Allocation and Diversification of Industry and Employment
3. Transport Infrastructure
4. Liveability

## ***Partnerships***

Latrobe City Council is of the view that the draft Plan, along with the Employment and Industry Roadmap are prime examples of the outcomes that may be achieved through a partnership approach between local, state and federal governments. Working collaboratively as a collective voice the Gippsland region will see greater opportunities for funding, growth and investment.

Latrobe City is of the view that the focus for growth within Latrobe City will strengthen the entire Gippsland region, not just Latrobe City itself. As such, we are keen to continue to work collaboratively with local, state and federal government in order to achieve the



outcomes set out in the draft Plan. This will include working on the development of the implementation plan as alluded to in Chapter 16. We are particularly keen to see the development of the specific strategies that assist Latrobe City to continue to grow as a single urban system are consistent with the work currently being undertaken in the strategic planning area of Latrobe City Council. For the 2013/2014 financial year these include a review of the Planning Scheme and the development of a Housing Strategy amongst a range of other projects.

We are also supportive of the need for this plan to provide opportunities for the development and funding of regional infrastructure as set out in chapter 2 of the draft plan. We believe that this should also include state and federal infrastructure as well. The ongoing growth of the Gippsland region and Latrobe City as the regional city will require a continued partnership approach from all levels of government.

### ***Coal Allocation and Diversification of Industry and Employment***

The Brown Coal resource within Latrobe City is an enormous asset for the Gippsland region and the state of Victoria. There is currently significant investment and investigation by government and private industry to secure a sustainable and economically achievable use for this resource in the longer term. Latrobe City will seek to harness it's competitive strengths in power generation and heavy engineering in order to build on, and further enhance our reputation as Victoria's energy heartland. This will involve a significant focus on new technology and sustainable uses for the coal resource.

Specifically, the Victorian Brown Coal Roadmap and the coal allocation market analysis are two key pieces of work that are underway and are likely to have a significant impact on the future of Latrobe City and Gippsland. These documents will feed into the Coal Strategic Plan which will deal with the long term development of Victoria's lignite from an economic, community and environmental perspective.

Whilst brown coal electricity generation has been the backbone of the Latrobe City economy the importance of continuing to diversify into a range of industries cannot be understated. Latrobe City is supportive of the commentary provided in Chapter 11 of the draft Plan regarding diversification. Latrobe City is now home to Australia's largest yoghurt manufacturing facility, the largest pulp and paper manufacturer in Australia, a regional university, and the only manufacturer of passenger aircraft in Australia.

As indicated in the draft Plan there is significant growth forecast in ageing population throughout the Gippsland region that will also continue to see the health services sector grow. Latrobe City is home to the Latrobe Regional Hospital and the Maryvale Private Hospital which will play an increasingly important role in providing health services for the Gippsland region.

There are also a range of opportunities to diversify the Latrobe City and Gippsland economy that would support the role of employment and innovation clusters, boost



productivity, support economic and population growth and best utilise a range of existing state and regional infrastructure. These are supported by Council as set out in Chapter 11 of the draft plan. Of particular importance will be the emerging role that Gippsland plays in becoming the food bowl of Victoria, Australia and the emerging Asian market.

### ***Transport Infrastructure***

Once again Latrobe City Council is supportive of the draft Plan's commentary around the importance of infrastructure in the region and particularly it's connectivity to Melbourne and broader markets. We are particularly supportive of the commentary provided around the ongoing development of the Gippsland Logistics Precinct in Morwell.

One area that we believe should be strengthened within the draft plan is the connectivity of Gippsland to the Port of Hastings. It is well recognised in the draft plan the need for Gippsland to grow and diversify its economy and increase its productivity and export capacity. We envisage a situation where transport hubs at Morwell and Bairnsdale have direct road and rail links into the Port of Hastings that provide such an opportunity. As such, we are fully supportive of the draft Plan's recognition the role the Port of Hastings can play for Gippsland. In fact, we would be even more supportive of a reservation between Gippsland and the Port of Hastings being indicated within the draft Plan. We believe that this has the capacity to further strengthen the investment opportunities that exist and provide investors with greater confidence in Gippsland's ability to export its' extensive natural resources.

The creation of a reservation between Gippsland and Hastings also requires a connection through the south eastern suburbs of Melbourne. We believe that this connection could have significant benefits for those areas, as well as Gippsland and would be keen to engage with all relevant stakeholders to deliver this reservation.

### ***Liveability***

For Gippsland and Latrobe City as the regional city to continue to grow and become a desirable destination to live and work we need to ensure that growth continues in a healthy, safe and connected fashion. The local suburbs of Traralgon, Moe/Newborough (including Lake Narracan), Morwell and Churchill all have existing growth fronts for the short to medium term. These are being dealt with through a number of existing development plans and development contributions plans which will play an essential role in providing infrastructure in these growth areas.

The ongoing capacity for Latrobe City to continue to grow in the long term is dependent upon a range of studies currently being undertaken, particularly in regards to the coal resource. One opportunity for exploration and investigation is what role buffer areas may be able to play in planning our communities in a world class fashion around the coal



resource. It is essential that we work with the local, state and federal governments in order to grow Latrobe City as the regional City of Gippsland. As stated earlier, we believe that growth in Latrobe City is beneficial for the entire Gippsland region. There may also be a role for the smaller towns within Latrobe in providing a range of lifestyle choices and choice in housing diversity.

We are of the opinion that the development of the implementation plan will provide a greater level of detail regarding the works that are to be undertaken for the Gippsland region moving forwards and specifically Latrobe City. We are hopeful that the Gippsland Housing Strategy and the specific projects that will continue to grow Latrobe City as a single urban system will be included within the implementation plan. Further to that, we are keen to further understand the Planning Scheme Amendment that will be required to incorporate the Regional Growth Plan into the Planning Scheme and its role in informing the Municipal Strategic Statement.

We note that the draft Plan refers to existing lot densities within Gippsland and Ballarat on page 38. We are keen to point out that Latrobe City Council resolved at the ordinary Council meeting held on 3 September 2012;

*That Council undertake a review of the municipal strategic statement with regard to the recommended lots per hectare in future residential subdivision development on the preferred basis of 11 lots per hectare....*

Please note that the review of the Municipal Strategic Statement is scheduled to commence in the 2013/2014 financial year.

### **Technical Amendments**

- We are reviewing the Australian Paper buffer and need to ensure it is consistent with the TGAR document as it progresses
- The references to Monash University may need to be amended to reflect a University in Gippsland or Federation University
- Inclusion of future employment land to accommodate growth to be included in the Latrobe map on p.41.
- Include university and Latrobe Regional Hospital on inset map on page 64
- Include the Moe Activity Centre Plan in the retail section on page 22
- Include Morwell National Park and the Gippsland Rail Trail in the tourism section on page 23 and 24
- Note that there is probably roughly 7000 lots in Latrobe rather than 13000

### **Conclusion**





- As stated throughout this submission the Latrobe City Council is very supportive of the draft Regional Growth Plan. We believe it is a well put together, easily readable and informative document that sets the context for the future of Gippsland.
- We are particularly excited that the document recognises Latrobe City as Gippsland's Regional City. It has been, and continues to be our position, that the growth of Latrobe City is integral to the ongoing growth of Gippsland. We are fully supportive of this approach and acknowledge the recognition from the Victorian Government of the status of Latrobe City as the regional city of Gippsland.
- We are excited about the opportunity to continue to work with the State and Federal governments on the Gippsland Regional Plan.

# ORGANISATIONAL EXCELLENCE



**17. ORGANISATIONAL EXCELLENCE**

Nil reports



# MEETING CLOSED TO THE PUBLIC



**18. MEETING CLOSED TO THE PUBLIC**

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**RECOMMENDATION**

**That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:**

**18.1 ADOPTION OF MINUTES**

**Agenda item *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 SPONSORSHIP APPLICATION**

**Agenda item *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)**

**18.5 TRARALGON COURT HOUSE FUTURE USE**

**Agenda item *TRARALGON COURT HOUSE FUTURE USE* 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)**



**ORDINARY COUNCIL MEETING MINUTES  
15 JULY 2013 (CM414)****18.6 PROVISION OF STATUTORY PLANNING CONSULTANT SERVICES**

Agenda item *Provision of Statutory Planning Consultant Services* 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)

**18.7 LCC-70 PROVISION OF URBAN TREE PRUNING**

Agenda item *LCC-70 PROVISION OF URBAN TREE PRUNING* is designated as confidential as it relates to contractual matters (s89 2d)

**18.8 APPLICATION FOR FINANCIAL ASSISTANCE UNDER COUNCIL'S ECONOMIC DEVELOPMENT ASSISTANCE POLICY**

Agenda item *Application for financial assistance under Council's Economic Development Assistance Policy* is designated as confidential as it relates to proposed developments (s89 2e)

**Moved:** Cr Rossiter

**Seconded:** Cr Gibbons

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

The Meeting closed to the public at 8:16 pm.

The meeting re-opened to the public at 9:30 pm

There being no further business the meeting was declared closed at 9:30 pm

I certify that these minutes have been confirmed.

**Mayor:** \_\_\_\_\_

**Date:** \_\_\_\_\_