



# **LATROBE CITY COUNCIL**

**SUPPLEMENTARY AGENDA FOR THE  
ORDINARY COUNCIL MEETING**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 6.00 PM ON  
01 AUGUST 2016**

**CM487**

**ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA  
01 AUGUST 2016 (CM487)**

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# NOTICES OF MOTION

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**9. NOTICES OF MOTION**

**9.1 2016/19 - REMOVAL OF REEDS/BULLRUSHES FROM KERNOT LAKE, MORWELL**

**Cr Graeme Middlemiss**

I, Cr Middlemiss, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 01 August 2016:

**That Council:**

- 1. Approves in principle the immediate removal of reed/bullrush encroachment from Kernot Lake, Morwell; and**
- 2. Refers funding of this work for consideration in the Mid Year Budget Review process.**

**Attachments  
Nil**

Signed  
Cr Graeme Middlemiss  
28 July 2016

# COMMUNITY SERVICES

**16. COMMUNITY SERVICES**

**16.1A TARWIN STREET POP UP PARK - REVISION**

**General Manager**

**Community Services**

**For Decision**

**PURPOSE**

This report is seeking an extension to the duration of the Tarwin Street Pop Up Park and the temporary partial closure of Tarwin Street, Morwell until 31 March 2017.

**EXECUTIVE SUMMARY**

At the ordinary Council Meeting of 16 November 2015, Council approved a six month road closure of the northbound lane of Tarwin Street for 30 metres South of Commercial Road for the installation of a pop up park as per the project agreement. The road was closed off on Tuesday 9 February 2016 and works commenced to activate the space. The space has evolved with community and trader input. Council has since extended the duration of the Park to 8 August 2016 to make use of the full amount of time of the temporary partial road closure.

Consistent data collected and feedback from local community members and traders indicates that a majority are very supportive of the Park and would like to see it continued. Even throughout winter, park utilisation has continued and is booked for a future community event in early August. At a recent 50 Mile Farmer's Market event, it was observed that the Park seemed more popular than the market itself with a range of people using the space, listening to a brass band and enjoying consumption of their food purchases.

Due to this feedback and other factors, it is therefore suggested that the Park remain in place until 31 March 2017, whereupon there is the option of being dismantled and returned to its former state. As the original road closure was only for a stated period of six months, and people were invited to make submissions based on this, Council is required to follow the necessary steps under the *Local Government Act 1989* to further exercise its power to keep the road closed.

The additional eight and a half months provides an opportunity to build on the community's ownership and activation of the space and to realise the benefits from the current infrastructure investment in the Park.

The proposed additional period of operation is able to be achieved by temporary staff within the Community Services Division. Currently, Council is pursuing a range of possible funding options to enhance Council's activation of the Park. Latrobe City Council has requested extended Mine Fire Recovery funding from the Department of Health and Human Services to support additional engagement activities. This may also include continued development of the Park as a community led space. Also,

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VicHealth is open to discussions regarding both in-kind and financial support to the Park with a view to long-term sustainability as a separate submission proposal. This would enable increased operational activity to develop a transition plan with the community.

The transition plan for the Park would include increased community ownership; to shift from an events activity site to a community meeting place; and deliver decreasing operational costs.

### RECOMMENDATION

**That Council:**

1. **Extends the duration of the Tarwin Street Pop Up Park until 31 March 2017.**
2. **Publish a Public Notice in the Latrobe Valley Express on 4 August 2016, advising the community that Council intends to exercise its powers under clause 10(1)(c) of Schedule 11 of the *Local Government Act 1989* to maintain the closure of the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road and of their rights to make a submission under section 223 of the *Local Government Act 1989*;**
3. **Consider any submissions received in relation to the proposed closure of Tarwin Street until 31 March 2017 as part of a final decision on the closure of Tarwin Street at the Ordinary Council Meeting to be held on Monday 12 September 2016.**

### DECLARATION OF INTEREST

No officer declared a conflict of 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 complementary to its surroundings, and which provides for a connected and inclusive community*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

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

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*Strategic Direction: Promote and support opportunities for people to enhance their health and wellbeing.*

*Enhance and develop the physical amenity and visual appearance of Latrobe City.*

*Theme 4: To advocate for and support cooperative relationships between business, industry and the community.*

*Strategic Direction: Actively encourage and support initiatives that promote social inclusion and diversity within our community.*

*Theme 5: Planning for the future*

*Strategic Direction: To provide a well-planned, connected and liveable community*

### **BACKGROUND**

In April 2015, Latrobe City Council submitted a funding application to VicHealth for a Community Activation Program. The application outlined the proposed partial closure of Tarwin Street for a pop up park with the intent that this project be the catalyst for permanent change to the Tarwin Street area.

The Objectives of the funding were to:

- Increase opportunities for physical activity among the inactive and less active;
- Showcase and create pathways toward engaging with physical activity through creative means;
- Strengthen social connections and mental wellbeing;
- Build a collective movement for active arts participation across Victoria;

VicHealth advised Latrobe City Council in May 2015 that the application for funding under VicHealth's Community Activation Program was successful.

At the ordinary council meeting of November 16, 2015 Council resolved:

*That Council exercise its powers under clause 10(1) of Schedule 11 of the Local Government Act 1989 to temporarily close the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road for a six month period.*

Tarwin Street was temporarily closed from Tuesday 9 February 2016 and the activation of the space commenced. During this period, verbal communication continued with the traders about the look and use of the Park and what to expect over the coming months.

Since its activation in February there have been a total of 89 scheduled activities and events held in the Park. Of the 89, 72 have been planned activities including lunch time yoga, story time for children, parents and bubs fitness classes and ready steady go kids, a program designed to get kids moving and more active.



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During the 72 planned activities, a total of 515 community members have participated from across the municipality and beyond. Incidental and informal usage of the Park has also been significant.

There have also been 17 major events held in the Park including workshops and performances from the Australian Ballet, Arts Centre Melbourne and Circus Oz with a further 755 community members participating in these events. Tarwin Park movie nights have also been successful with 218 people in attendance over three nights.

Surveys and questionnaires were completed at a number of events and daily activities to gain additional insight into what the community members and traders wanted from the space, this in turn lead to more events and some local traders choosing to open weekends that they would normally be closed.

The Park has been accepted so well into the community over the last five months that traders and community members are now expressing feedback and comments about the life of the Park and its continuation in the Tarwin Street space.

After being activated on 9 February 2015, the Park was advertised to close on 14 June 2016, well within the six month road closure period. In the Councillor Briefing on May 30, 2016 Council were informed of the decision to extend the Park until August 8, 2016 utilising the full period of the initial Tarwin Street road closure approval period. This decision was taken in direct response to positive stakeholder feedback, particularly from traders and community members.

**KEY POINTS/ISSUES**

Reasons for Extension:

The activation of Tarwin Park has produced many community benefits and met the goals established by VicHealth, demonstrating its success. As part of Latrobe City Council's obligations in receiving the VicHealth funding, there has been significant data gathered throughout the duration of the project as well as reflection workshops and surveys with key internal and external stakeholders.

The key elements gleaned from this collective work and observations indicate the following:

- Community ownership of the space has been continually growing since it was established in early February 2016. This is evidenced by the responses from community surveys, anecdotal feedback to staff from traders and community members, and ongoing enquiries from organisations and groups about the possibility of using the space.
- The Park is a great showcase of how increased pedestrian use of an area can lead to economic and community gains, which can potentially inform other similar measures in the municipality. It successfully challenges peoples traditional views on what should be expected in a road environment.

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- Opportunity exists to link park activities with other initiatives and emerging projects and programs e.g. Homelessness week, Community Music Victoria's "StreetSounds".
- Support from nearby traders who on a daily basis continue to take ownership of the Park through management of resources such as seating, umbrellas and games remains strong.
- Among the strengths of the Park, as identified as part of the VicHealth required reflection and review process, is that the Park has continued to evolve and change, making it more attractive to users and a point of interest.
- An extension to the duration of the Park will enable the benefit of the investment in infrastructure such as the shade and the turf to be fully realised, particularly during spring and summer.
- The timing of the extension is likely to coincide and align with the Future Morwell plans for the redevelopment of the CBD area including Tarwin Park.
- The Park complements the monthly 50 mile market that takes place in the vicinity of the Park in the same section of Tarwin Street.
- Survey data (see attachments A & B) from users of the Park has indicated that there is a strong base on which to build further participation in the Park and increase the wellbeing and health benefits:
  - 45% of people indicated that their physical activity increased from using the Park
  - 77% of traders in Morwell would like to see the duration of the Park extended with 69% wanting to see the Park become a permanent feature in Tarwin Street.
  - 54% of the community were able to get to know other community members as a direct result of activities and events held at the Park.
- Activities held in the Park include:
  - Tarwin Park Launch and Working Bee Event
  - 'Out There' with the Australian Ballet
  - Melbourne Active Arts: All Day Fritz, Valanhga Khoza, Nicky Bomba and Dig Deep & Massive Fam 'Fresh Take' workshop
  - Circus Connect 'Circus Oz'
  - Giant Games in the Park
  - Ready Steady Go Kids
  - Movie Nights

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- Embrace Fitness Classes
- Latrobe Leisure Family Friendly Fitness Classes
- Art in the Park
- Yoga
- Painting activities with Berry Street Students
- Team Latrobe Fun Run
- Heart Foundation Walk
- EW Tipping 'Cosmic Chickens'
- Storytime in the Park
- Pop Up Skate Park
- Harmony Day – Organised by Latrobe City
- Berry Street Event 'Out with the Kids'
- Soon to be held, Quantum homelessness information session.

**REQUIREMENTS FOR EXTENSION**

Section 207 of the *Local Government Act 1989* describes the powers that Council has over traffic, stating:

*“Subject to the **Road Safety Act 1986** and any regulations made under that Act, but without limiting any other powers of a Council as a road authority, the powers include the specific traffic management powers set out in Schedule 11.”*

The following clause under Schedule 11 of the *Local Government Act 1989* that specifically relates to the closure of Tarwin Street for this project states:

**10. Power to place obstructions or barriers on a road temporarily**

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(1) A Council may block or restrict the passage or access of vehicles on a road by placing and maintaining any temporary barrier or other obstruction on the road–

(c) for a genuine traffic diversion experiment.

(2) A Council must not exercise this power given to it under subclause (1)(c) unless it has considered a report from the Roads Corporation concerning the exercise of the power.

In addition, Section 207A of the *Local Government Act 1989* details the ability for people to make submissions under section 223 (right to make submission), stating:

“A person may make a submission under section 223 on the proposed exercise of any power under–

(b) clauses 9, 10(1)(c), 11 and 12 of Schedule 11”

Summarising the above sections, schedules and clauses, Council needs to do the following under the *Local Government Act 1989* to allow Tarwin Street to remain closed for this project:

- Publish a Public Notice that advises members of the public of the intention to temporarily close this northbound section of Tarwin Street, and that they have the right to make a submission in regards to the proposal for at least 28 days, as per section 223 of the *Local Government Act 1989*;

As VicRoads has previously given support for this when the road was first closed, and this was not conditional on the road being closed for only six months, no further report from the Roads Corporation needs to be considered.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

In relation to the road closure, there is a small risk that Council receives objections to the road remaining closed during a further consultation period, should Council wish to continue with the closure as recommended.

However, as the previous submission period received no submissions, and there is general support for the Park, this risk is not considered significant.

The existing Risk Management Plan for the operation of the Tarwin Park will continue to be reviewed on a regular basis and updated where necessary. However, it has been identified that there is a change to the look of the traffic management signage to improve its effectiveness to fit in with the duration of the period of extension.

A detailed plan for the pack up and removal of the Park and associated work plan has been developed to ensure the site is restored safely to its original state following its closure, whatever date is set.

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Initially, the Park was advertised to close on 14 June 2016, well within the six month road closure period. At the Council Briefing on 30 May 2016, Councillors were informed of the decision to extend the Park until 8 August 2016, thus utilising the full six-month Tarwin Street road closure approval period. Therefore any decision related to an extension of the closure period needs to be made on 1 August 2016 to enable effective communication to occur and continuous operation of the Park.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The proposed additional period of operation until 31 March 2017 is able to be achieved by temporary staff within the Community Services Division. Currently, Latrobe City Council is negotiating with the Department of Health and Human Services for access to further funds. Also, VicHealth is offering both in-kind and financial support to the Park with a view to long-term sustainability as a separate submission proposal. This would enable increased operational activity to develop a transition plan with the community.

### **INTERNAL/EXTERNAL CONSULTATION**

Apart from the statutory consultation requirements under Sections 207 and 223 of the *Local Government Act 1989* in relation to the temporary road closure, a variety of consultation with stakeholders has occurred as part of the Tarwin Street Project, including:

- Council Officers have visited individual businesses that are directly impacted by the Tarwin Street Project and road closure, with traders remaining positive regarding the proposal.
- Council Officers have held individual meetings with the following groups and organisations, all of which have advocated their continuing support for the Tarwin Street Project:
  - Traders Group
  - Advance Morwell
  - Future Morwell
  - Re-Activate Latrobe Valley
  - 50-Mile Market.

Upon approval to commence the process to retain the Tarwin Street closure, further consultation with the above groups and the general community will be undertaken, encouraging them to make a submission under Section 223 to be considered as part of the final decision to close the road at the Ordinary Council Meeting on 12 September 2016.

### **OPTIONS**

Council may choose to:

1. Leave the temporary Pop Up Park in place while the statutory requirements to close the road are fulfilled and the final determination on the closure is made on 12 September, 2016.
2. Dismantle the site on 8 August 2016 and cease the Park's operation.

**CONCLUSION**

The Tarwin Street Pop Up Park has been a highly visible and successful initiative of Latrobe City Council, which has been strongly supported by traders, local organisations and community members. It has had a positive impact on increasing the wellbeing of the community and physical activity.

The popularity of the Park has continued to grow and a potential extension to the duration of the Park until the end of March 2017 would enable further development of a sustainable model and increase community ownership.

At this stage, there is no plan to continue the Park beyond March 2017. However, it would enable the opportunity to further test the viability of the site and consider redevelopment options to support local businesses in Morwell CBD as part of the Future Morwell Urban Design planning.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Morwell Traders Have Your Say Analysis
2. Community Activation Responses
3. Images from the Pop Up Park

## **16.1A**

### **Tarwin Street Pop Up Park - revision**

<b>1</b>	<b>Morwell Traders Have Your Say Analysis .....</b>	<b>15</b>
<b>2</b>	<b>Community Activation Responses.....</b>	<b>23</b>
<b>3</b>	<b>Images from the Pop Up Park.....</b>	<b>27</b>

## Morwell Traders 'Have Your Say' on Tarwin Park

Conducted via Survey Monkey between 20/4/16 and 19/5/16

Question One: Do you believe Tarwin Park has directly influenced your business? (75 responses)

Yes	No
26 (34.67%)	49 (65.33%)

Selection of comments (14 in total):

'Negatively as there is no passing vehicle traffic as there should be'

'Unbelievably wonderful'

'Think it always looks untidy unless they are taking photos'

'I'm a bank so it does not impact my business'

'Very positive'

'We work with disadvantaged young people who don't feel as though it's for them. It also causes people to notice who enters our service'

Question Two: Has it had a positive or negative effect on your business? (75 responses)

Positive	Neutral	Negative
26 (34.67%)	43 (57.33%)	6 (8.00%)

Comments (7 in total):

'Things haven't changed'

'When things are happening in the park - it adds to the ambience of the street scene'



'There is no passing vehicle traffic to see our new business. We only located here on the grounds that the park would terminate in the middle of June'

'It made me feel happier at work'

'It has Mainly causes our clients to feel awkward especially when it's their first contact'

'Very positive'

'Blocked off street has not brought more people in to the CBD for the right reasons'

Question Three: Would you like to see the operation of Tarwin Park temporarily extended?(75 responses)

Yes	No
58 (77.33%)	17 (22.67%)

No additional comments

Question Four: Would you like to see Tarwin Park become a permanent feature? (75 responses)

Yes	No	Yes, but in a different location
52 (69.33%)	12 (16.00%)	11 (14.67%)

No additional comments

Question Five: Would you like to see the Park continue in a different location? If so, where? (75 responses)

I would like it to remain in Tarwin Street	Yes, I would like to see it pop up in a different space	No, I would rather the park be packed up and not pop up in another area	I would like to see more than one pop up park in the community
43 (57.33%)	19 (25.33%)	8 (10.67%)	12 (16.00%)

Comments (10 in total):

'On the opposite side of the road, on Commercial Rd'

'Legacy Park Morwell'

'Traralgon'

'I think in the centre of town is a good location - but not really fussed'

'Town Common'

'Different locations at different times'

'I don't know Morwell well enough but it would be great to give a different street a go and spread it around'

'Memorial site for Sir Stanley Savige'

'Near to Rose Garden'

'Out the front of Harvey Norman'

Question Six: As a trader, what do you think has worked well in the park? (75 responses – multiple choices available)

Fencing	Road Closure	Turf	Events and activities	Furniture	Shade	None of the above
12 (16.00%)	21 (28.00%)	26 (34.67%)	55 (73.33%)	25 (33.33%)	24 (32.00%)	6 (8.00%)

Selection of comments (9 in total):

'Road closure has caused some inconvenience'

'The park needs to be seen to being used - events and activities are important. Without them, I don't think the park would have had the same effect. Continuance (not too sure how it will go over the winter months) is a good thing. Additional seating and shades will be lovely in the warmer weather'

'There needs to be better signs, because people think the road is closed and are doing u turns and driving out on the wrong side'<sup>1</sup>

'Colour'

'It has been an attractive addition to the streetscape'

Question Seven: What would you change about Tarwin Park? (75 responses – multiple choices available)

I wouldn't change the park at all	The location	The road closure	The cosmetics	The events and activities	The concept	Other (see below)
35 (46.67%)	14 (18.67%)	15 (20.00%)	14 (18.67%)	4 (5.33%)	1 (1.33%)	8 (10.67%)

Responses to "other, please specify":

'Expand it explore two way access to Tarwin Street via remodelling current access road from Commercial'

'Get rid of it'

'Put more plants and greenery'

'The advertising and getting the word out there more about it'

'No real ideas to add'

'The barricades obstructing the view of cars turn around'<sup>2</sup>

'The fencing could be improved. I would also like the bunting back or other overhead things happening'

'Would have more of the community involved so that those who are from more disadvantaged backgrounds can feel as though the park is for them as well'

<sup>1</sup> Traffic issues highlighted in this survey have been addressed by Council to improve visibility for vehicular and pedestrian traffic

<sup>2</sup> Barricades have been removed since this survey was completed

Question Eight: If Tarwin Park continues what could you or your business contribute/offer to the park? (74 responses)

Help with event organising	Help with maintenance	Set up or pack up	Week day activities	Weekend activities	Advertising	Participate in events as a community member only	All of the above	Other (see responses below)
3 (4.05%)	3 (4.05%)	2 (2.70%)	1 (1.35%)	2 (2.70%)	19 (25.68%)	9 (12.16%)	3 (4.05%)	7 (9.46%)

Responses to "other, please specify"

'If time permits'

'Would not like to be obliged to run park but prepared to help on my terms'

'Unsure'

'I have donated a gift to an event I would like to see it advertise that our shop is open when the park has music etc drawing in people from the community'

'Happy to help in whatever way I can. Would also like to run mini workshops there on Saturdays'

'Not sure'

'I'm an electronic tech & ready to help if anything I can do in this profession'

Question Nine: As a trader in Morwell what would you like to see in the space? (38 responses)

Responses have been grouped into the following categories:

No change – leave the park where it is and as it is	Reopen the road and return the car park spaces	More activities (music, buskers, classes, demonstrations etc.)	Increased number of market stalls	Park aesthetics (increased seating, permanent plants, boundary fencing, water fountain etc.)
9 (23.68%)	11 (28.94%)	9 (23.68%)	3 (7.89%)	6 (15.78%)

'Keep it a kid's playground and seats for the parents'

'Have the road reopened'

'The same but better fixtures, build on the concept'

'Seating'

'The park becoming permanent, so there can be more activities in the park'

'For it to continue to be activated. Classes, music, demonstrations, all the thing currently happening'

### Summary

- More than one-quarter of respondents believe Tarwin Park has had a positive influence on their business, with only 8% considering it to be a negative influence on their business. The majority of respondents indicated a neutral response (57.33%).
- When asked if they would like to see Tarwin Park become a permanent feature, 69.33% of respondents stated 'yes', with a further 14.67% stating 'yes, but in a different location'. The most suggested alternate location is Legacy Place in Commercial Road, with other suggestions including the Rose garden, across from Harvey Norman, and the Town Common.
- Some traders had concerns about traffic management and suggested the road closure has caused some inconvenience. It should be noted that traffic issues have been addressed by Council to improve visibility for vehicular and pedestrian traffic, including the removal of some barriers.
- Traders in favour of Tarwin Park particularly like the greenery and bold colours.
- More than a quarter of traders who responded to the survey would be happy to provide advertising if the park continues to operate (25.68%).
- When asked what they would like to see in the space, respondents indicated a return of car park spaces and reopening of the road (28.94%, closely followed by providing more activities in the park (23.68%) or changing nothing about the park (23.68%). Enhancing the park's aesthetics was another popular category (15.78%) with suggestions such as increased seating, permanent plants, and a water/drinking fountain.

Attachment One: Questions asked in the Traders Have Your Say Survey

1. Do you believe Tarwin Park has directly influenced your business?
2. Has it had a positive or negative effect on your business?
3. Would you like to see the operation of Tarwin Park temporarily extended?
4. Would you like to see Tarwin Park become a permanent feature?
5. Would you like to see the Park continue in a different location? If so, where?
6. As a trader, what do you think has worked well in the park?
7. What would you change about Tarwin Park? (multiple choices available)
8. If Tarwin Park continues what could you or your business contribute/offer to the park?
9. As a trader in Morwell what would you like to see in the space?

**COMMUNITY ACTIVATION SURVEY  
MAY 2016  
RESPONSES**

**Demographics**

Age

Child(0-12)	Teen(13-17)	Adult(18-65)	Senior(over 65)	Total
6 (7.89%)	1(1.32%)	56(73.68%)	13(17.11%)	76(100%)

Gender

Male	Female
30(39.47%)	46(60.53%)

**Q1. Did you use the space before the changes were implemented?**

YES	NO	DID NOT ANSWER
22(28.95%)	49(64.47%)	5(6.58%)

**Q2. What attracted you to use the space once the changes were implemented?**

EVENTS	SOCIAL ACTIVITIES	FITNESS ACTIVITIES	KIDS ACTIVITIES	RELAXING SPACE
57(75%)	27(35.53%)	12(15.79%)	25(32.89%)	18(23.68%)

Please note that multiple answers were allowed.

The option of "Other" was provided and answers included music, movies, meeting new people and Nicky Bomba workshop.

**Q3. Rate Your Experience**

POOR	FAIR	GOOD	VERY GOOD	EXCELLENT	DID NOT ANSWER
0	0	11(14.47%)	25(32.89%)	37(48.68%)	3(3.96%)

**Q4. Has your physical activity changed since you engaged with the space?**

YES	SOMEWHAT	NO	DID NOT ANSWER
15(19.74%)	19(25%)	36(47.37%)	6(7.89%)



**Q5. Did you get to know anyone else in the community from using the space?**

YES	NO	DID NOT ANSWER
41(53.95%)	22(28.95%)	13(17.1%)

**Q6. What would you like to see Latrobe City incorporate in this space before June 2016?**

More fitness activities	23(30.26%)
More family activities	36(47.37%)
Different furniture	9(11.84%)
Different colour scheme	3(3.95%)
Music	54(71.05%)
Heating	17(22.37%)
DIY workshops	24(31.58%)
Disability activities	22(28.95%)
Seniors activities	23(30.26%)
Youth programs	19(25%)

Please note that multiple answers were allowed.

**Q7. If this park was to continue as a community park what would you contribute?**

Event organising	24(31.58%)
Fitness classes	11(14.47%)
Community workshops	16(21.05%)
DIY workshops	10(13.16%)
Furniture building	6(7.89%)
Community garden	21(27.63%)

Please note that multiple answers were allowed.

The option of "Other" was provided and answers included busking, music, tia chi drum clinic, movies for kids, event management and social media promotion.

**Q8. I would like to receive more information on activities in Tarwin Park.**

YES	NO	DID NOT ANSWER
46(60.53%)	19(25%)	11(14.47%)

Attachment

**Community Activation Program Survey**

Name			
Email			
Age	Child (0-12)	Teen (13-17)	Gender
	Adult (18-65)	Senior (Over 65)	Male
			Female
			Gender Diverse
Postcode			

**Questions**

The following questions are structured to create a beginning (what attracted you to the space), a middle (what happened when you were in the space) and an end (what changed as a result of using the space).

1. Did you use this space before the changes were implemented? (please circle) YES/ NO
  
2. What attracted you to use the space once the changes were implemented?
  - Events
  - Social Activities
  - Fitness Activities
  - Kids Activities
  - Relaxing Space
  - Other

.....
  
3. Rate your experience:
  - Poor
  - Fair
  - Good
  - Very Good
  - Excellent
  
4. Has your physical activity changed since you engaged with the space?  
(please circle) YES/ SOMEWHAT/ NO
  
5. Did you get to know anyone else in the community from using the space? (please circle) YES/ NO

6. What would you like to see Latrobe City incorporate in this space before June 2016?

Please tick your selection/s

- More fitness activities
- More family activities
- Different furniture
- Different colour scheme
- Music
- Heating
- DIY workshops
- Disability activities
- Seniors activities
- Youth programs

7. If this park was to continue as a community park what would you contribute?

Please tick your selection/s

- Event organising
- Fitness Classes
- Community workshops
- DIY Workshops
- Furniture building
- Community Garden
- Other:.....

8. I Would like to receive more information on activities in Tarwin Park? (please circle) YES/ NO

















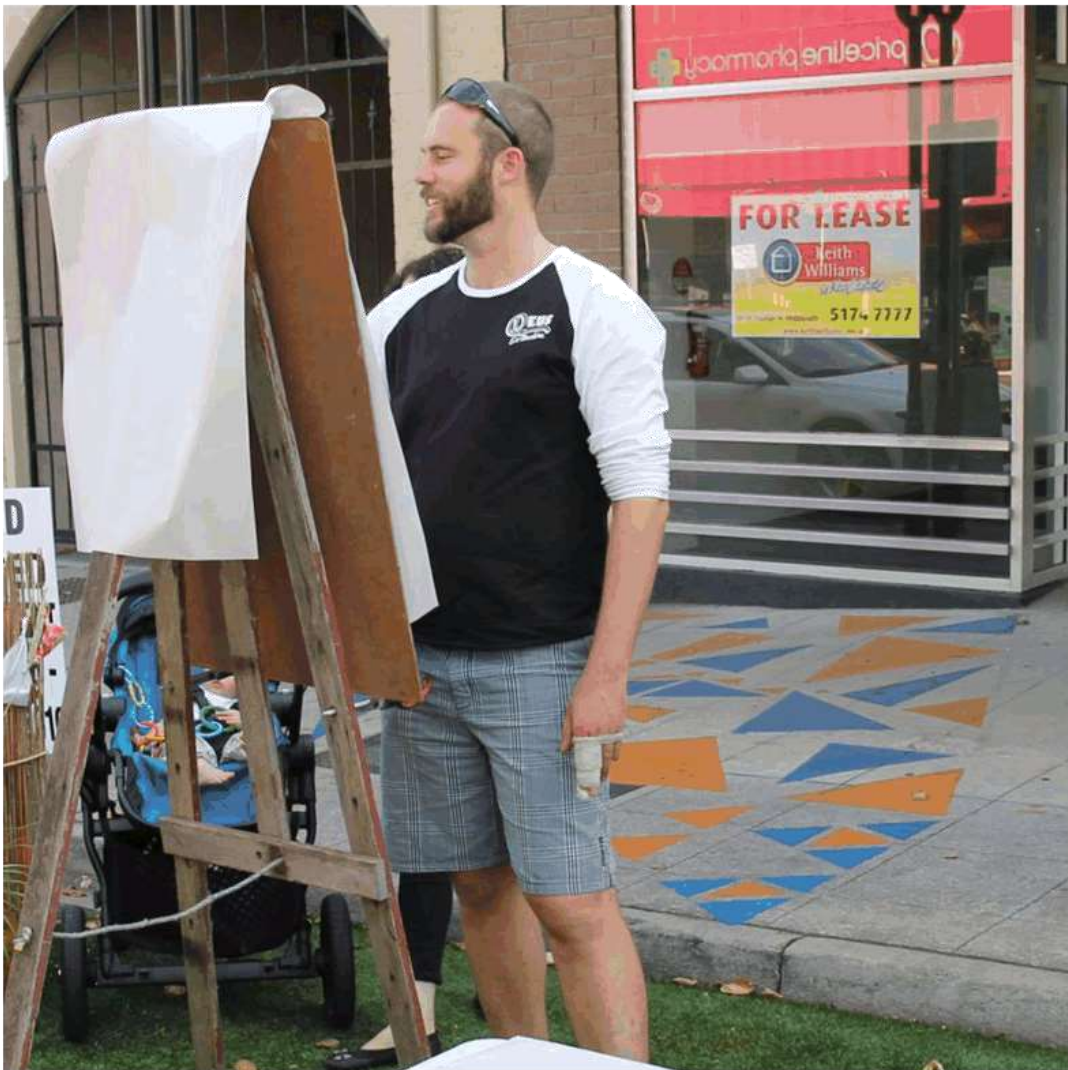


























































# URGENT BUSINESS

**18. URGENT BUSINESS**

*Business may be admitted to the meeting as urgent business in accordance with clause 26 of the Meeting Procedure Local Law by resolution of the Council, if it relates to a matter which has arisen since distribution of the agenda and:*

- 1. cannot safely or conveniently be deferred until the next Ordinary meeting; or*
- 2. involves a matter of urgent community concern.*

In the interest of facilitating planning decisions, this permit is due to expire on 02 August 2016, and therefore it is considered appropriate that this matter be considered as urgent business as otherwise there will be no opportunity for Council to consider the application before the expiry.

**RECOMMENDATION**

**That Council admits, in accordance with clause 26 of the Meeting Procedure Local Law, the following item:**

- 1. Extension of Time to Planning Permit 6180 - Development of a Two Storey Retail and Office Building with Associated Car Parking and Signage at 1-3 Franklin Street, Traralgon**

**as it cannot safely or conveniently be deferred until the next Ordinary meeting.**

**18.1 EXTENSION OF TIME TO PLANNING PERMIT 6180 -  
DEVELOPMENT OF A TWO STOREY RETAIL AND OFFICE  
BUILDING WITH ASSOCIATED CAR PARKING AND SIGNAGE  
AT 1-3 FRANKLIN STREET, TRARALGON**

**General Manager**

**City Development**

**For Decision**

**PURPOSE**

This report is to allow Council to determine an extension of time request for Planning Permit Application 6180 for the development of a two storey retail and office building with associated car parking and signage at 1-3 Franklin Street, Traralgon (CP 161006).

**EXECUTIVE SUMMARY**

The applicant seeks an extension of time to Planning Permit 6180 for the development of a two storey retail and office building with associated car parking and signage at 1-3 Franklin Street, Traralgon (CP 161006). The permit was issued in 2006 and has been extended four times.

The development has commenced with some preliminary drainage works and the applicant is requesting an extension of time of 6 months to complete the development. The applicant has advised that the development has not progressed due to the economic climate over the past ten years including the inability to secure suitable tenants for the building.

Since the permit was issued, planning provisions for the site have changed including the zoning and overlay requirements. In particular, the site is now subject to the Parking Overlay which requires a cash in lieu payment to be made for car parking dispensation. In this instance, a cash in lieu payment of \$144,000 (to be indexed) would be required to be paid for the dispensation of 18 car parking spaces.

The planning provisions are considered to have undergone considerable change since the permit was issued ten years ago. The Parking Overlay has been implemented to financially assist Council in providing future car parking in Traralgon. The proposed development will place further stress on the current car parking situation and it is considered reasonable that the proponent pay for the requested dispensation. As such the extension of time for the planning permit should be refused.

## RECOMMENDATION

That Council issues a refusal to the extension of time for the development of a two storey retail and office building with associated car parking and signage at 1-3 Franklin Street, Traralgon (CP 161006) on the following grounds:

- a) The proposal does not satisfy the tests set out in VCAT case *Kantor v Murrindindi Shire Council* (1997) [18 AATR 285].
- b) The proposal is inconsistent with key issues identified in the Municipal Strategic Statement at Clause 21.05-6 Specific Main Town Strategies - Traralgon.
- c) The proposal is inconsistent with Clause 45.09 Parking Overlay.
- d) The proposal is inconsistent with Clause 65 (Decision Guidelines).

## 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 Objectives – 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.*

### *Theme and Objectives*

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

#### *Strategic Direction*

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



## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

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

### Legislation

*Local Government Act 1989*

*Planning and Environment Act 1987*

### **SUMMARY**

Land:	1-3 Franklin Street, Traralgon, known as CP 161006
Proponent:	Stirloch Constructions
Zoning:	Commercial 1 Zone (C1Z)
Overlay	Parking Overlay – Precinct 1 Schedule (PO1)

A Planning Permit would be required as follows if the application was lodged as a ‘fresh’ application:

- Buildings and works in accordance with Clause 34.01 C1Z
- Reduction in car parking in accordance with Clauses 45.09 PO1 and 52.06 Car Parking; and
- Business identification signage in accordance with Clause 52.06 Advertising Signs

### **PROPOSAL**

The application is for an extension of time to Planning Permit 6180. A copy of the planning permit is included in Attachment 1. The applicant is seeking an extension of time of 6 months to complete the development.

A copy of the endorsed plans is included in Attachment 2 and a site context plan is included in Attachment 3.

Subject Land:

The subject site is a prominent triangular shaped site in Traralgon with frontage to both Franklin Street and Princes Highway as well as to Service Street along its northern boundary. The site is vacant, is relatively flat and has an overall area of 1,690 square metres.

Surrounding Land Use:

North:	Retail premises
South:	Federation Training
East:	Grand Junction Hotel
West:	Retail premises

### **HISTORY OF APPLICATION**

Planning Permit 6180 was issued on 2 August 2006 for the development of a two storey retail and office building with associated car parking and signage.

## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

The original application was assessed under the relevant planning scheme controls at that time. The site was located in the Business 1 Zone and there were no overlays.

The permit has received four extensions of time as follows:

- 23 May 2008 – the permit was extended for two years with a commencement date of 2 August 2010.
- 8 November 2010 – the permit was given a further two years to commence and four years to complete. Therefore the development was required to commence by 2 August 2012 and complete by 2 August 2014.
- 30 August 2012 - the permit was given a further two years to commence and four years to complete. Therefore the development was required to commence by 2 August 2014 and complete by 2 August 2016.
- 30 January 2015 - the permit commencement was given a further year extension. Therefore the development had to commence by 2 August 2015 and complete by 2 August 2016.

The applicant has had plans endorsed as per Condition 1 of the permit and drainage plans approved by Council on 19 December 2014. Some initial drainage works occurred on the site prior to 2 August 2015 and as such it is considered that development had commenced before the expiry date for commencement of the development.

### **KEY POINTS/ISSUES**

#### Process for requesting an extension of time to a planning permit

As per Section 69 of *Planning and Environment Act 1987* 'before the permit expires or within 6 months afterwards, the owner or the occupier of the land to which it applies may ask the responsible authority for an extension of time'. This is to extend the date for commencement of an approved permit.

Further to this, the following is also provided 'The owner or occupier of land to which a permit for a development applies may ask the responsible authority for an extension of time to complete the development or a stage of the development'. The request must be made within 12 months of the expiry date for the development to be completed and the development must have been lawfully started before the permit expired.

It is considered that the development has lawfully commenced and as a result an extension of time request for the development completion date can be considered and Council have discretion to approve such a request.

It should be noted that it is the responsibility of the planning permit operator to ensure consistency with all relevant planning permit conditions including the expiry condition.

#### Assessment criteria for requests to extend planning permits

The application has been assessed against the tests found in VCAT case *Kantor v Murrindindi Shire Council* (1997) [18 AATR 285] which identifies

## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

relevant factors to assist in exercising discretion when extending a planning permit which are as follows:

***Has there been a material change in planning policy since the original granting of the permit?***

Local Planning Policy Change

There have been changes to planning policy in relation to car parking since the permit was granted. Clause 22.03 was a local policy in regard to car parking and allowed reductions and exemptions to particular uses under Clause 52.06. This policy is no longer in the Scheme.

The *Car Parking Framework Review Traralgon & Morwell* (August 2014), which formed the basis for the implementation of the Parking Overlay, is referred to in the Municipal Strategic Statement at Clause 21.05-6 and is a reference document in the Scheme.

Zoning Change

The zoning of the land has changed from Business 1 Zone to Commercial 1 Zone. The permit triggers have not changed as a result of the zoning change however as land use in the vicinity of the site has altered the application is no longer exempt from notification requirements specified in the zone.

Overlay Change

The Parking Overlay was introduced into the Latrobe Planning Scheme on 7 April 2016 and amended on 30 June 2016. The subject site is now subject to Parking Overlay - Precinct 1 Schedule. Under the provisions of the overlay, a permit may be granted to reduce the number of car parking spaces within the Traralgon Activity Centre Parking Precinct provided a financial contribution of \$8,000 per space (excluding GST) is made in lieu of the car parking reduction. Different car parking rates in Clause 52.06 Car Parking also apply as a result of the Parking Overlay.

For this development the car parking rate is calculated as follows:

Shop floor area of 1,454.18 square metres x 2.6 spaces/100 square metres of leasable floor area = 37.8 spaces

Office floor area of 346 square metres x 3 spaces/100 net floor area = 10.38 spaces.

Total spaces required = 48

Total spaces provided = 30

Shortfall = 18 spaces

Therefore a cash in lieu payment of \$144,000 is now applicable to the development. (It is noted that the \$8000 financial contribution for each car space is to be adjusted on 1 July each year in accordance with the relevant Building Price Index (Melbourne) in Rawlinson's Australian Construction Handbook. This adjustment has not been undertaken to date.)

## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

It is also noted the original development waived 40 spaces under the car parking provisions at that time.

### Particular Provisions Change

Clause 52.34 Bicycle Facilities would now be required to be addressed. A total of 5 bicycle spaces would be required to be provided on site for the development or a permit issued for this requirement to be waived.

### Assessment of planning policy change

The planning controls affecting the site have undergone substantial change since the permit was issued. In particular, the Parking Overlay provisions that have been introduced into the Scheme to address future car parking needs as identified in the *Car Parking Framework Review August 2014* by Traffix Group. The Review formed part of the justification for the Parking Overlay as part of Planning Scheme Amendment C94. It concluded that forecasted future floor space in the Primary Activity Centre (PAC) of Traralgon indicates that new car parking will be required to be constructed in Traralgon to meet the future demands generated by the expected increase in floor area. The cash in lieu contributions will contribute to the construction of additional car parking in the PAC by Council in the future.

If an application was made today for the subject development, a condition of approval would require the payment of \$144,000 (to be indexed) to be made by the developer to Council. The proposed development will impact on the current stressed level of car parking in Traralgon and payment of this contribution is considered to be appropriate in this instance.

The other particular changes to the scheme with regard to policy, zoning, notification and bicycle provision also contribute to the decision that policy change has been too great since the permit was issued ten years ago and it is considered a fresh application should be made.

### ***Does it appear the land owner is 'warehousing' the permit?***

Given the complexity and magnitude of the application, it would be difficult to determine whether or not the applicant is warehousing the permit. The scale of the development is considered to be significant and it is understood that the developer has found the economic environment over the past ten years difficult to justify the commencement of the proposal. The developer was also focused on a larger development in Seymour Street which is now completed and is able to commit resources to the subject site.

## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

***Have there been any intervening circumstances bearing on the grant or refusal of the extension?***

There have been no intervening circumstances since the permit was issued that would warrant a further extension of time to complete the development.

***Whether the total lapse of time is excessive?***

A total of ten years has elapsed since the permit was issued which is considered to be excessive. This is evident in the number of policy and zoning changes that have occurred since 2006 when the permit was issued as well as land use change in the vicinity of the site.

***Is the time limit originally imposed on the permit adequate?***

The permit allowed two years to commence the development and four years to complete which is considered to be an adequate time frame for a development of this size.

***Whether there is an economic burden imposed on the land owner?***

The landowner has obtained planning and building permits and has had drainage plans approved. Minor drainage and site works on site have occurred. These actions have taken place over the ten year life of the permit. The above costs are only a fraction of the overall cost of the development. Therefore it is considered that no economic burden has been imposed on the land owner at this stage.

***Is it likely that a permit would be issued if a fresh application is made?***

It is likely that a permit would issue should a fresh application be made however the permit would include the following conditions:

- Payment of \$144,000 (excluding GST)(to be indexed) in lieu of 18 car parking spaces.
- Provision of 5 bicycle spaces or the permit to include the waiver of 5 bicycle spaces.

**Assessment**

It is acknowledged that the subject site is in a prominent location in Traralgon and its development with the proposed two storey retail and office building is to be encouraged and supported by Council. However car parking in the Traralgon PAC has been identified as a significant issue which is to be addressed partially by the Parking Overlay for new development. The proposal seeks a dispensation of 18 car parking spaces. The payment for these spaces by the applicant would assist Council in constructing future car parking in Traralgon which would have an overall benefit to commercial activity in the area. The current permit would otherwise place a burden on the stressed car parking situation in the Traralgon PAC.

**Other options open to the applicant**

## ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA 01 AUGUST 2016 (CM487)

As outlined in the key point/issues section of this report, it is recommended that the request for an extension of time to the planning permit be refused.

The following are other options available to the applicant (other than VCAT proceedings):

- The applicant could request a concurrent extension of time and an amendment to the existing permit. Any such amended permit issued by council would need to include a condition ensuring compliance with Clause 45.09 Parking Overlay and associated payment in lieu of the reduction of car parking provision onsite. In properly exercising its powers as the Responsible Authority for the Scheme, it is considered that it is not open to Council to waive such a requirement.
- A new planning application for the same development application could be lodged for the site. Similar to aforementioned option a condition of any permit issued would include addressing the mandatory requirements of Clause 45.09 Parking Overlay

The second identified option would be considered the most appropriate option for the applicant and Council as it is consistent with written advice previously provided to the applicant on 9 December 2014. This advice stated that the previous request for an extension of time '*will be the final extension of time granted to this permit*'. This advice was provided at the time, given the significant lapse of time since the original issue of a permit coupled with the significant change in planning policy.

### **INTERNAL / EXTERNAL CONSULTATION**

No internal or external consultation required. The original application was not advertised.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Refusing the extension of time is considered to be the appropriate planning decision however it is noted that this could delay or possibly stop completely a development in a high profile site within the Traralgon Activity centre which has been vacant for a considerable time.

It is also noted however that granting a further extension of time ignoring the considerations of the Parking Overlay which has been implemented to financially assist Council in providing future car parking in Traralgon could be considered an inappropriate precedent for other similar development applications in the future.

### **FINANCIAL RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the applicant appeal the refusal to extend the permit at the Victorian Civil and Administrative Tribunal (VCAT).

**ORDINARY COUNCIL MEETING SUPPLEMENTARY AGENDA  
01 AUGUST 2016 (CM487)****OPTIONS**

Council has the following options in regard to this application:

1. Approve the extension of time to Planning Permit 6180 with the development to be completed in 6 months.
2. Refuse to extend Planning Permit 6180.

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:

- The proposal is inconsistent with key issues identified in the Municipal Strategic Statement at Clause 21.05-6 Specific Main Town Strategies - Traralgon.
- The proposal is inconsistent with Clause 45.09 Parking Overlay.
- The proposal is inconsistent with Clause 65 (Decision Guidelines); and
- The proposal does not satisfy the tests set out in VCAT case Kantor v Murrindindi Shire Council (1997) [18 AATR 285].

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Planning Permit 6180
2. Endorsed Plans
3. Subject Site Context

## 18.1

### **Extension of Time to Planning Permit 6180 - Development of a Two Storey Retail and Office Building with Associated Car Parking and Signage at 1-3 Franklin Street, Traralgon**

1	Planning Permit 6180 .....	72
2	Endorsed Plans.....	77
3	Subject Site Context.....	80



Planning and Environment Regulations 2005  
S.R. No. 33/2005

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 6180/XCOMM  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

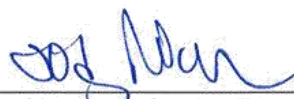
ADDRESS OF THE LAND: 1-3 Franklin Street, TRARALGON VIC 3844  
 Description: CP 161006

THE PERMIT ALLOWS: The development of a two storey retail and office building with associated parking and signage, in accordance with the endorsed plan(s)

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

DATE OF AMENDMENT	BRIEF DESCRIPTION OF AMENDMENT
23 May 2008	This Permit was granted an Extension of Time for Two (2) years in accordance with section 69 of the Planning and Environment Act 1987. The Permit will expire if the Development has not commenced by the 2 August 2010.
8 November 2010	This Permit was granted an extension of time for two (2) years in accordance with Section 69(2) of the Planning and Environment Act 1987. The Permit will expire if the development has not commenced by the 2 August 2012 or the development is not completed by 2 August 2014.
30 August 2012	This Planning Permit has been extended pursuant to Section 69 of the Planning and Environment Act 1987. The permit will now expire if the development does not commence by 2 August 2014, or is not completed by 2 August 2016.
30 January 2015	This Planning Permit has been extended pursuant to Section 69 of the Planning and Environment Act 1987. The permit will now expire if the development does not commence by 2 August 2015, or is not completed by 2 August 2016.

Date Issued: 2 August 2006



Signature for the Responsible Authority

Planning and Environment Regulations 2005  
S.R. No. 33/2005

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

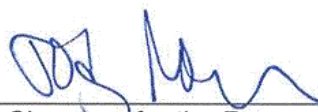
Permit No.: 6180/XCOMM  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) The removal of the 'feature light tower' and associated signage from the proposal.
  - b) A cross section diagram of building showing longitudinal grade of the accessway ramps from the laneway to the carpark.
2. The development as shown on the endorsed plans must not be altered without consent of the Responsible Authority.
3. Prior to the commencement of the development hereby permitted a site drainage plan must be submitted to Council's Subdivision Coordinator for approval. The plan must show a drainage scheme providing for conveying of the stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
4. The amenity of the area must not be detrimentally affected by the development, 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.
5. The loading and unloading of goods from vehicles must only be carried out on the land.

Date Issued: 2 August 2006



Signature for the Responsible Authority

Page 2 of 5

Planning and Environment Regulations 2005  
S.R. No. 33/2005

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 6180/XCOMM  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

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6. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
7. Refuse must be disposed of to the satisfaction of the Responsible Authority. Any large skips or bins must be screened from the public view to the satisfaction of the Responsible Authority and must not occupy or obstruct parking spaces required by this permit.
8. The site must be suitably landscaped and generally maintained in a clean and tidy state with the unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.
9. The location and details of the signs shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
10. Signs must not contain any flashing light.
11. All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority.
12. Signs must not be illuminated by external lights except with the written consent of the responsible authority.
13. The approval contained in this permit for the signs shown on the endorsed plans expires fifteen years from the date of this permit. (NOTE: This condition is a requirement of the State Government).
14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Date Issued: 2 August 2006



Signature for the Responsible Authority

Page 3 of 5

Planning and Environment Regulations 2005  
S.R. No. 33/2005

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 6180/XCOMM  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

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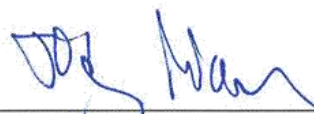
15. Prior to the commencement of works, the Council's Asset Protection Unit must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by Council, an Asset Protection Permit must be obtained.
16. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

- Note 1.** All buildings erected on this site must comply with the requirements of the Building (Interim) Regulations 2005, the Building Code of Australia 2005 and the Building Act 1993 and relevant municipal local laws.

END CONDITIONS

Date Issued: 2 August 2006



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Signature for the Responsible Authority

Page 4 of 5

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

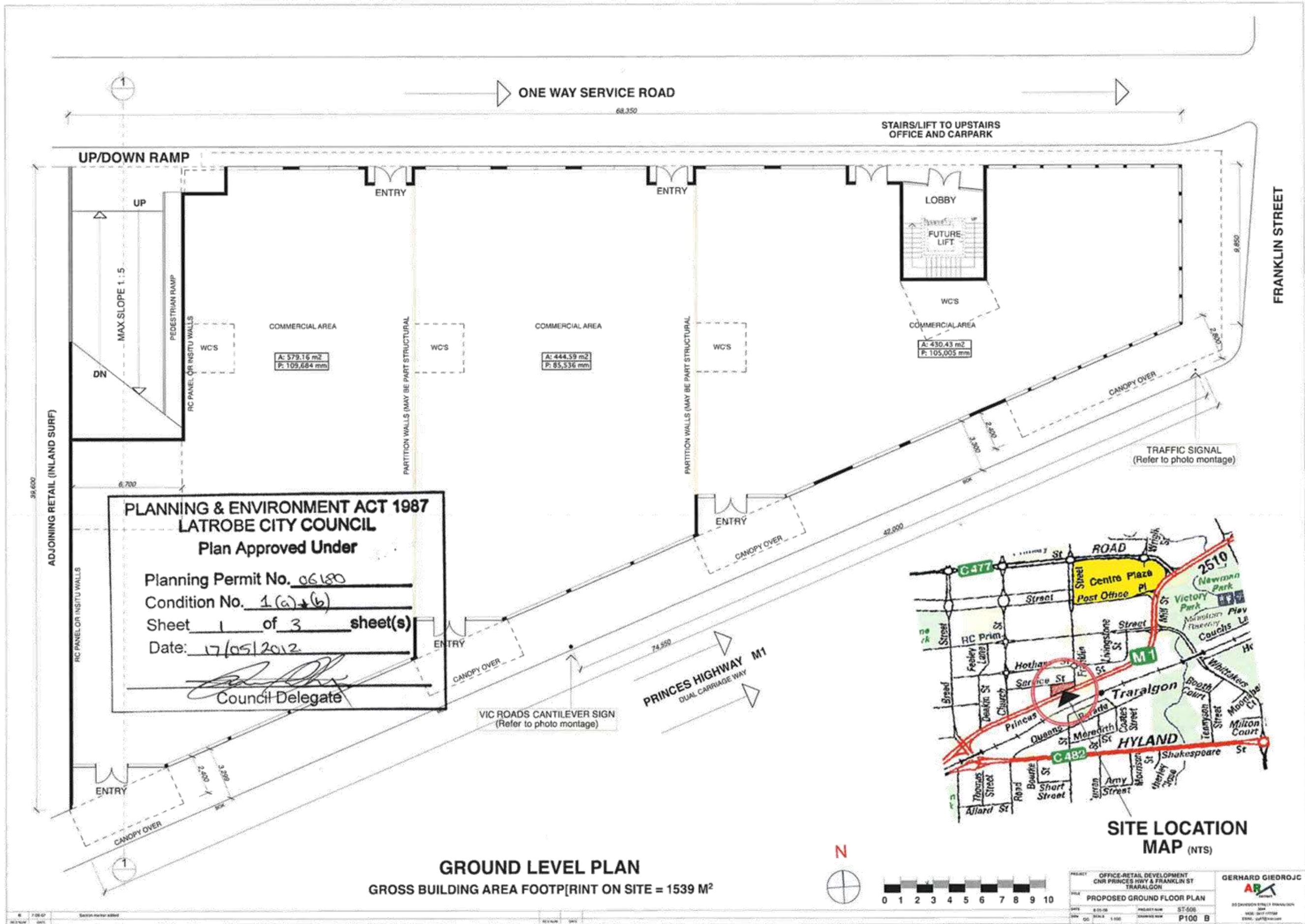
- ❖ from the date specified in the permit, or
- ❖ if no date is specified, from:
  - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - ii. the date on which it was issued, in any other case.

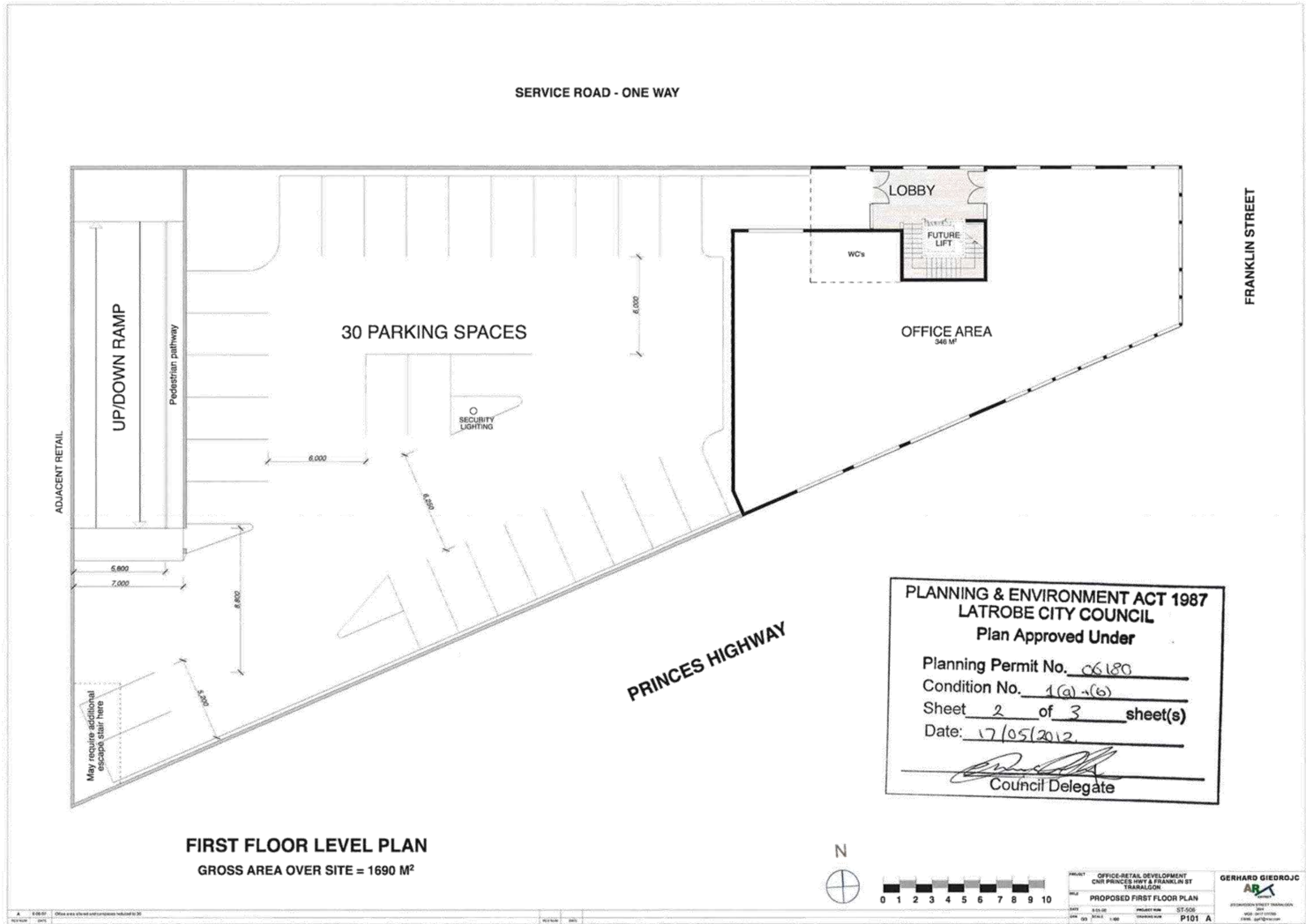
### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
  - ❖ the development or any stage of it does not start within the time specified in the permit, or
  - ❖ the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - ❖ the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
  - ❖ the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - ❖ the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
  - ❖ the development or any stage of it does not start within the time specified in the permit; or
  - ❖ the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - ❖ the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
  - ❖ the use is discontinued for a period of two years
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
  - ❖ the use or development of any stage is to be taken to have started when the plan is certified; and
  - ❖ the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

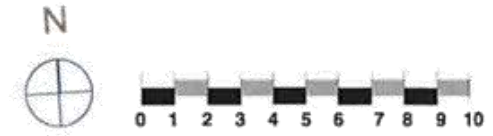
- ❖ The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of review exists.
- ❖ An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to Grant a Permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- ❖ An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- ❖ An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- ❖ An application for review must state the grounds upon which it is based.
- ❖ An application for review must also be served on the Responsible Authority.
- ❖ Details about applications for review and the fees payable can be obtained from VCAT.



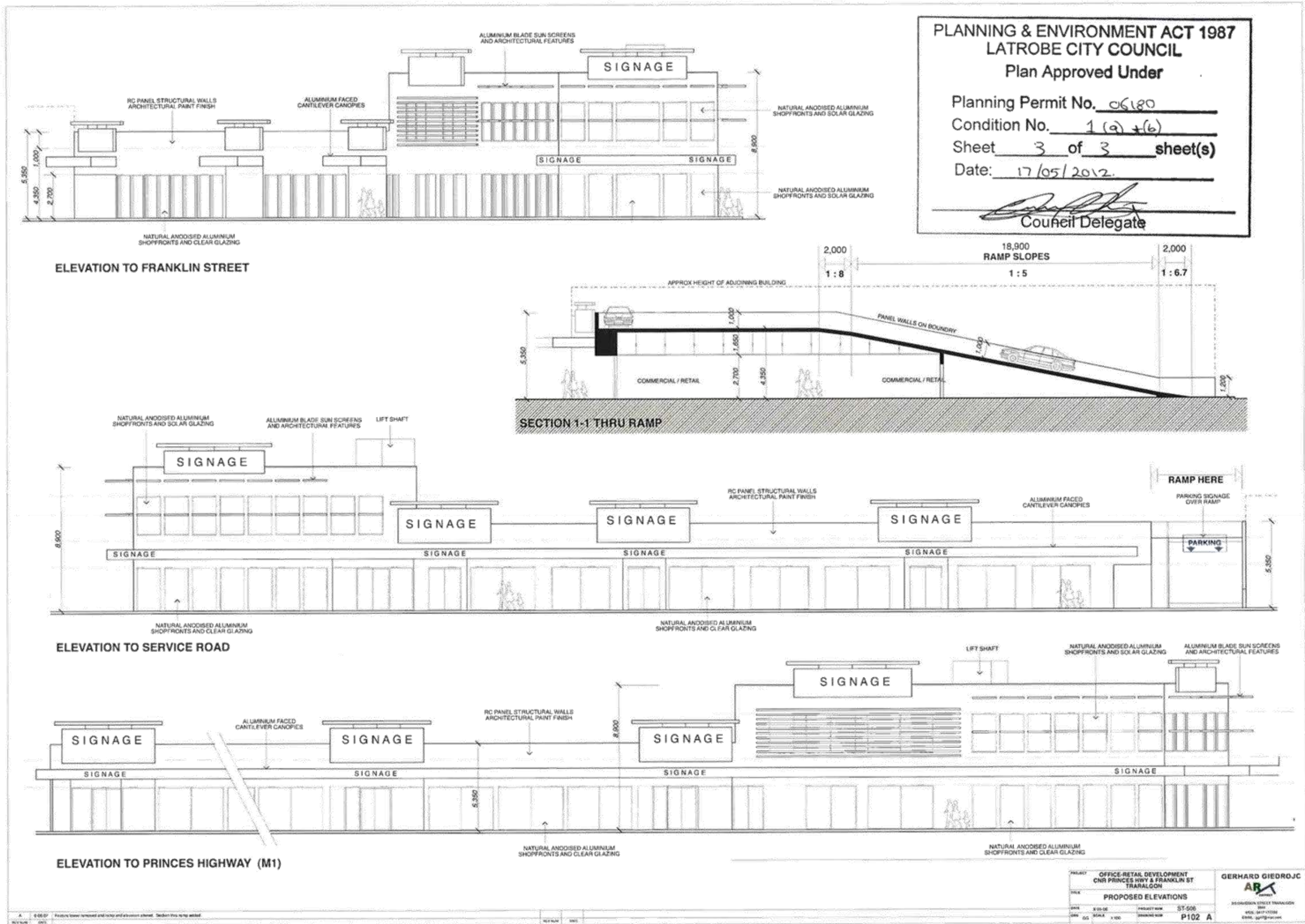


**FIRST FLOOR LEVEL PLAN**  
 GROSS AREA OVER SITE = 1690 M<sup>2</sup>

**PLANNING & ENVIRONMENT ACT 1987**  
**LATROBE CITY COUNCIL**  
 Plan Approved Under  
 Planning Permit No. 06180  
 Condition No. 1(a)-(b)  
 Sheet 2 of 3 sheet(s)  
 Date: 17/05/2012  
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 Council Delegate




PROJECT	OFFICE-RETAIL DEVELOPMENT CNR PRINCES HWY & FRANKLIN ST TRARALGON	GERHARD GIEDROJC
FILE	PROPOSED FIRST FLOOR PLAN	AR
DATE	05/05/12	25/05/2012
SCALE	1:500	1:500
PROJECT NO.	ST-508	
TRADING NO.	P101 A	







	<p><b>Note</b> The information shown on this map is derived from a variety of sources including, but not limited to, Vicmap Data, other State and Local Government Agencies data and Latrobe City Data.</p> <p><b>Disclaimer</b> The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the state of Victoria shall bear no responsibility or liability whatsoever for any errors, omissions, faults, defects or inaccuracies in the information.</p> <p>Latrobe City does not guarantee the accuracy or the currency of the information presented on this map and therefore Latrobe City will not be held liable for any losses or damages arising as a result of using this information.</p> <p>The location of features shown on this map is indicative only. The underlying information location shown is not to be used as a substitute for field before you dig.</p> <p>The compilation of this map is subject to copyright laws and regulations, no part of this map can be reproduced without prior written consent of Latrobe City Council.</p>	<p>1-3 Franklin Street, Traralgon</p>	<p>26/07/2016</p> <hr/> <p>Scale 1:1000</p>	
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