

LATROBE CITY COUNCIL

AGENDA FOR THE COUNCIL MEETING

TO BE HELD VIA AUDIO-VISUAL LINK AT 6:00PM ON 04 SEPTEMBER 2023 CM595

Please note:

Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.

By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.

TABLE OF CONTENTS

1.		LAND4		
2.	APC	DLOGIES AND LEAVE OF ABSENCE	4	
3.	ADOPTION OF MINUTES			
4.	DECLARATION OF INTERESTS			
5.	PUBLIC PARTICIPATION TIME			
6.	STR	RATEGIC ITEMS FOR DECISION	6	
	6.1	Draft Public Toilet Plan 2023-2033	6	
	6.2	Petition for the Reopening of Chestnut Avenue, Morwell	72	
	6.3	Tourism & Major Events Advisory Committee Recommendations, August 2023	76	
	6.4	2022/23 End of Year Result and Accumulated Cash Surplus	86	
7.	STA	ATUTORY PLANNING	96	
	7.1	Planning permit application 2022/361 Multi lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated works at 18 Leeandale Drive, Yinnar	96	
	7.2	Application to Amend Planning 2018/128 for the use and Development of Land for an Emergency Services Facility (Fire Station), alteration of access and removal and creation of an easement at 167-171 and 173-177 Princes Drive, Morwell	172	
8.	COF	RPORATE ITEMS FOR DECISION	211	
	8.1	Customer Behaviour Policy	211	
	8.2	Delegation to Japan for Hydrogen Advocacy and Sister City Meetings	225	
9.	URC	GENT BUSINESS	232	
10.	REF	PORTS FOR NOTING	234	
	10.1	Review of Dog Attack Processes Update	234	
11.	QUE	ESTIONS ON NOTICE	246	
12.	NO	TICES OF MOTION	248	

	12.1 2023/15 Removal of Street Furniture from Commercial Road, Morwell	248
	12.2 2023/16 Appointment of Independent person regarding professional development opportunities for Councillors	249
13.	ITEMS FOR TABLING	251
	13.1 Internal Arbitration Process (IAP 2023-8)	251
14.	ACKNOWLEDGEMENTS	266
15.	MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION	268
	15.1 Gippsland Logistics Precinct - Construction Phase - CEO Delegation Increase	268

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

I would like to acknowledge that we are meeting here today on the traditional land of the Brayakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.

If there are other Elders present I would also like to acknowledge them.

2. APOLOGIES AND LEAVE OF ABSENCE

3. ADOPTION OF MINUTES

Proposed Resolution:

That Council confirm the minutes of the Council Meeting held on 7 August 2023.

4. DECLARATION OF INTERESTS

5. PUBLIC PARTICIPATION TIME

Public Questions on Notice

In Accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon on the Friday before the day of the Council meeting in order for the question to be answered at the meeting.

Public Speakers

An opportunity for members of the public to speak to an item on the agenda will be made available by necessary means. To participate, members of the public must have registered before 12noon on the day of the Council meeting.

STRATEGIC ITEMS FOR DECISION

Item Number 6.1

04 September 2023

DRAFT PUBLIC TOILET PLAN 2023-2033

PURPOSE

To present the changes to the Draft Public Toilet Plan 2023-2033 incorporating feedback from public consultation and seek endorsement of the final Public Toilet Plan (Attachment 1).

EXECUTIVE SUMMARY

- At the Council Meeting held on Monday, 3 April 2023, Council endorsed the release of the Draft Public Toilet Plan 2023-2033 (the Plan) for public consultation.
- Public consultation was open for six weeks from 5 April 2023 to 17 May 2023.
- One letter, three emails and sixty Have Your Say submissions were received.
- Officers recommend seven changes are made to the Plan as a direct result of community feedback.
- These changes have increased the total estimated capital works budget required from \$3.81 million to \$4.82 million over the life of the Plan (based on 2022/23 costings).
- Officers recommend an increase to the level of cleaning service at an estimated additional annual operating cost of \$158,860 (based on 2022/23 costings). This additional budget will be sought through the internal budgeting process.
- Officers recommend that adult incontinence bins are provided in each accessible cubicle for an estimated additional annual operating cost of \$12,000 (based on 2022/23 costings).
- Officers recommend the Section 173 Agreement is removed from the property at 19-23 Kay Street, Traralgon, subject to construction of a new facility as part of the Kay/Grey Street multi-level car park (scheduled for 2026/27). A future report will be presented to Council at that time.
- As result of the public consultation, before undertaking any demolition works
 officers will obtain usage data via electronic counters for the facilities at the
 Albert Deppeler Memorial Tennis Courts, Yinnar South; Glendonald Park,
 Churchill; and Moe Town Hall, which are currently listed in the Plan for
 decommission.
- Officers undertook further investigation at Boolarra Avenue, Newborough East and have determined that this location should be periodically monitored for increased activation through consultation and pedestrian counts.

- The Implementation Plan will be reviewed in five years to ensure it continues to reflect the current needs of the community.
- Once endorsed, the Plan will be actioned by relevant teams in line with the Implementation Plan, subject to budget availability and promoted to the community accordingly.

OFFICER'S RECOMMENDATION

That Council endorse the Public Toilet Plan 2023-2033 and release to the public via Council's website.

BACKGROUND

At the Council Meeting held on Monday, 3 April 2023, Council endorsed the release of the Draft Public Toilet Plan 2023-2033 for public consultation.

From 5 April 2023 until 17 May 2023 the Plan was posted on the Have Your Say page on Council's website, advertised on social media and the Council Noticeboard. It was also promoted directly to the Latrobe City Council Disability Access and Inclusion Community Engagement Group (DAICEG), Positive Ageing Community Engagement Group (PACEG), and the Cultural Diversity Advisory Committee (CDAC). One letter, three emails and sixty Have Your Say submissions were received.

In addition to the community engagement outlined above, internal consultation was undertaken. Officers presented the Plan to the Coordinators Network and had conversations with the Events and Sustainability and Environment Teams to gather a broad range of feedback. At the conclusion of the community consultation phase, relevant teams such as Building Maintenance, Building Projects and Urban Amenity have been involved in reviewing and assessing submissions to inform recommendations.

ANALYSIS

Seven changes are recommended as a direct result from consultation. These are summarised below. See Attachment 2 for detailed feedback and Officer responses.

Summary of community feedback	Officer response	Estimated additional cost (based on 2022/23 costings)
The community would like to see a new facility built at Martin Walker Reserve, Yinnar South, to replace the noncompliant toilet at this location.	Add construction of a new facility to the Plan in 2029/30. NOTE: design is already listed in the Plan in 2028/29.	\$450,000
The community would like to see a facility built at Edward Hunter Bushland Reserve, Moe.	Add design and construction to plan (design in 2028/29, construct in 2032/33).	\$560,000
The Community has requested that toilets be provided on popular walking tracks.	Added to plan under future considerations.	\$0

Summary of community feedback	Officer response	Estimated additional cost (based on 2022/23 costings)
The Community would like a new facility in Boolarra Avenue, Newborough to cater for events held in the park	Officers spoke with local business and undertook pedestrian counts in the area. In line with the design guidelines and standards of the Plan, it was determined that a public toilet is not currently warranted, however this location has been added to plan for future review.	\$0
The Community has stated that cleaning of public toilets should be a priority.	Recommend an increase to the current level of service. Install cleaning schedule sign at each location.	\$158,860 (per year)
The Community would like to see clear and accurate signage displayed.	Review signage at each location. Review directional signage.	\$0
The Community has stated that the document should be more accessible.	Include a statement within the document on how to obtain in other languages and formats.	\$0

In addition to the above seven changes, Officers recommend that adult incontinence bins are provided for an estimated additional annual operating cost of \$12,000 per year (based on 2022/23 costings).

These recommended changes have increased the total estimated capital works budget required as a result of the Plan from \$3.81 million to \$4.82 million. In addition, the changes have added an estimated additional annual operating cost of \$170,860 for cleaning improvements and provision of adult incontinence bins. These estimated figures are based on 2022/23 costings, and do not include anticipated price increases over time. This additional budget will be sought through the internal budgeting process.

The table below lists some of the community feedback that has not been put forward for changes within the Plan.

See Attachment 3 for a full list of community feedback that has not been put forward for changes within the Plan, detailed reasoning for Officers' recommendations and matters that need to be understood if considering an alternative option.

Community feedback	Officer recommendation	Alternatives (not supported)
The Community do not want Council to remove facility at Albert Deppeler Memorial Tennis Courts, Yinnar South.	No change to the Plan - decommission facility in 2025/26 Note: the Plan recommends construction of a new facility at Martin Walker Reserve and an upgrade to Centenary Park	Demolish current facility, and construct new compliant facility for an estimated cost of \$300,000
The Community do not want Council to remove facility at Glendonald Park, Churchill.	No change to the Plan - decommission facility in 2024/25	Relocate facility to alternate location at an estimated cost of \$300,000
The Community do not want Council to remove facility at Moe Town Hall.	No change to the Plan - decommission facility in 2027/28	Upgrade facility to individual cubicles at an estimated cost of \$200,000

Note: Usage data will be obtained through electronic people counters prior to undertaking works to confirm daily visits support removal of the facility.

Church Street Carpark, Traralgon

For further consideration is the ongoing matter in relation to the Section 173 Agreement on 19-23 Kay Street, Traralgon, which states the property owner must provide a public toilet. The owners previously requested for the Section 173 Agreement to be removed. A report was presented at the Councillor Briefing session on Monday, 19 July 2021 however the matter was deferred until the public toilet audit/plan was presented.

Officer recommendation	Reasoning	Alternative (not recommended)
Consider the removal of the Section 173 agreement, subject to construction of the new facility as part of the Kay/Grey Street multi-level car park (scheduled for 2026/27). A future report will be presented to Council at that time.	Poor location History of unsocial behaviour Availability of better facilities in the area (Traralgon Service Centre, GRAC, Victory Park, Agnes Brereton) Owners ongoing failure to comply to open and maintain facility impacting Council resources. Negative impact on Council's reputation Currently not operating as a public toilet	Utilise Council resources to monitor facility and issue infringements to the property owner for noncompliance, with the next steps most likely being to prosecute the owners.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Continued compliance issues with the section 173 agreement in relation to 19-23 Kay Street, Traralgon	High Almost Certain x Minor	Enforce Section 173 Agreement conditions, or remove Section 173 subject to construction of the new facility as part of the Kay/Grey Street multilevel car park
SERVICE DELIVERY Works from Implementation Plan are unable to be fulfilled	Medium Possible x Moderate	Development of the Implementation Plan has occurred with significant involvement from relevant internal teams

RISK	RISK RATING	TREATMENT
FINANCIAL Financial cost of the Plan unable to be covered (estimated additional capital works budget required of \$4.82 million over 10 years, plus estimated additional annual operating budget of \$170,860 for increased cleaning frequency and provision of adult incontinence bins)	Medium Possible x Major	Yearly planning and adequate costings (including contingency) included in budget bids
STRATEGIC Plan does not meet community expectations	Medium Possible x Moderate	Council has undertaken a 6-week online campaign to seek community feedback and engaged directly with minority groups. All feedback has been considered thoroughly and recommendations provided which align with the objective of the Plan.

CONSULTATION

No further consultation is proposed.

COMMUNICATION

Once endorsed, the Public Toilet Plan 2023-33 will be uploaded onto the Council Website alongside a link to the recently updated National Public Toilet Map. Officers are also looking at provision of a list on Council's website of Council managed toilet facilities, their accessibility features, and operating hours.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

APPENDIX 1 IMPACT ASSESSMENT

Social

The objective of the Draft Public Toilet Plan 2023-2033 is to provide equitable, safe, accessible, well maintained and sustainable public toilet infrastructure to support community participation and social inclusion.

Cultural

Not applicable.

Health

The Draft Public Toilet Plan 2023-2033 contributes to community health and wellbeing by providing a safe, accessible network of toilets located in high activity areas for people to use when out in the community.

Environmental

Some of the identified projects within the Draft Public Toilet Plan 2023-2033 will result in upgrades or construction of new facilities that could have negative environmental impacts, however the Plan outlines requirements to consider environmentally sustainable design elements to reduce these impacts.

Economic

Delivery of the Draft Public Toilet Plan 2023-2033 will likely result in increased visitation to activity centres for longer periods of time. This is likely to directly result in economic stimulus.

Financial

There are financial impacts associated with the delivery of the Draft Public Toilet Plan 2023-2033 which is currently estimated at \$4.82 million over the life of the Plan, and an estimated additional annual operating budget to increase levels of cleaning service and provide adult incontinence bins of \$170,860 (based on 2022/23 costings). The estimated additional operating cost will be considered as part of the 2024/25 budget process. Review of security contract and the use of fully automated facilities are potential cost savings from maintenance and vandalism.

Attachments

- 1. Public Toilet Plan 2023-2033
- 2. Changes Recommended
- 3. Changes Not Recommended

6.1

Draft Public Toilet Plan 2023-2033

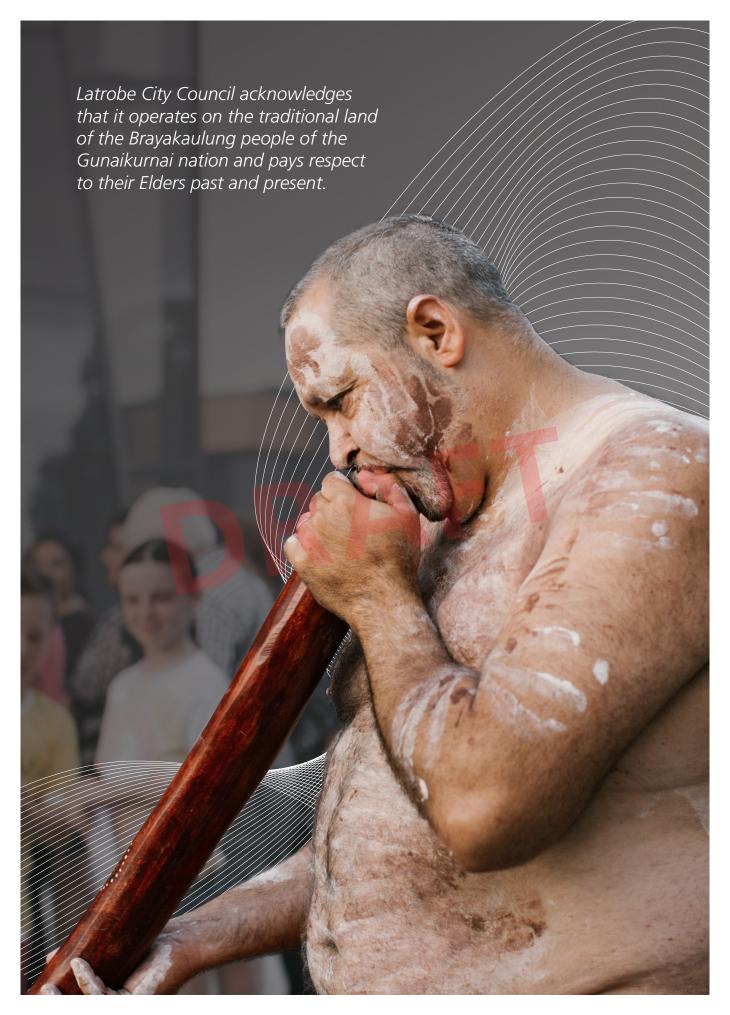
1	Public Toilet Plan 2023-2033	15
2	Changes Recommended	60
3	Changes Not Recommended	64

LatrobeCity

Public Toilet Plan

2023 - 2033





Our Community Vision

In 2031 Latrobe City will be known for being **smart, creative, healthy, sustainable and connected.** It will be the most liveable regional city and at the forefront of innovation.

Working together we are a diverse, connected and resilient community, supporting the equitable diversification of our economic base and transition towards a low emissions future.

We are known as a community that is equitable, liveable and sustainable, with a continued focus on healthy lifestyles supported by high quality recreational and cultural facilities and a natural environment that is nurtured and respected.



Table of Contents	
Introduction	01
Glossary	03
Existing Facilities	04
Current and Future Needs	05
Implementation Plan	07
Attachments	08
List of Public Toilets (as at January 2023)	09
Supplementary List	19
Town Maps	20
10 Year Implementation Plan	32
Associated Contracts - Recommendations	40
Public Toilet Design Examples	41

Front Cover: Haunted Hills, Newborough

Latrobe City Council

Public Toilet Plan 2023-2033



Introduction

The objective of the Latrobe City Council Public Toilet Plan is to provide equitable, safe, accessible, well maintained and sustainable public toilet infrastructure throughout the municipality to support community participation and social inclusion. Key principles in delivering this plan are:

- 1. PUBLIC HEALTH AND HYGIENE
- 2. THE NEED FOR SAFETY AND PRIVACY
- 3. ACCESSIBILITY AND INCLUSION
- 4. EASE OF MAINTENANCE
- 5. SUSTAINABILITY
- 6. CLEAR COMMUNICATION AROUND AVAILABILITY



Purpose

The Public Toilet Plan will guide Council to:

- 1. Improve existing facilities
- Provide appropriate facilities in high use public areas such as town activity centres, regional level parks / reserves / playgrounds and along popular walking paths and major highway routes
- 3. Maintain a high standard of sustainable Public Toilet infrastructure in line with the key principles.
- 4. Ensure information regarding Public Toilet facilities is current, readily available and accessible

Strategic Alignment

- Council Plan 2021-2025
- Asset Plan 2022-2032
- Living Well Latrobe, Our Community's Municipal Public Health and Wellbeing Plan 2022-25
- Public Open Space Strategy
- Play Space Strategy
- Latrobe City Council Disability Access and Inclusion Plan 2022-2025
- Community Access & Inclusion Policy

Community Feedback

In 2021 a community survey was conducted asking the community 'What would make Latrobe a better place to live, work, study and visit?' 1450 surveys were received, and Public Toilets came up 34 times.

What we heard was that people want more public toilet facilities that are accessible, clean and safe.

"Our public toilets need revamping... The standard at present is very poor and uninviting particularly for tourists"

"Most of the parks don't have toilet facilities and make it hard to enjoy to their full capacity."

"We need more public toilet facilities, including at parks. Most are CBD centric"

"When it comes to new infrastructure, please make them inclusive to ALL GENDERS. We need more gender-neutral bathrooms so we can stop having to choose between being mis gendered or attacked and having to use the disabled toilets"

Through the Vic Health Kids Co-Designing Healthy Places project in 2022 young people said they would like to see more family toilets that include a change table. They also told us that they would like to see more toilet cubicles that are larger and allow an adult and child to fit in them at the same time.

The YourGround Victoria Project of 2021 surveyed women and gender diverse people to map their perceptions of safety when exercising and recreating for health and wellbeing in open spaces, and public toilets have an impact on a positive experience. The main safety issues identified were around lighting and unsocial behaviours.

As required under the Gender Equality Act 2020, a Gender Impact Assessment has been completed on this Public Toilet Plan to ensure equal opportunities for people of all genders.

Latrobe City Council

Public Toilet Plan 2023-2033

Glossary

PUBLIC TOILET

A public toilet is defined in this plan as a facility that is in a convenient location, based on an identified need and accessible by the general public during daylight hours at minimum, 7 days a week.

CHANGING PLACES

Changing Places facilities provide suitable facilities for people who cannot use standard accessible toilets. These public toilets include an adult sized change table, ceiling hoist, a peninsular toilet, privacy screen and additional circulation space to meet the needs of people with complex disabilities and their carers.

ADULT CHANGE

Adult Change facilities are similar to a Changing Places (includes a ceiling hoist and adult sized change table) however they may be missing some of the specific design specifications required to be accredited as a Changing Places (such as 24-hour access or circulation space).

CPTED

Crime Prevention Through Environmental Design (CPTED) focuses on the design, planning and structure of physical spaces and infrastructure to reduce potential offenders from identifying opportunities to commit crime. The four main principles are natural surveillance, access control, territorial reinforcement and space management.

UNIVERSAL DESIGN

The design of buildings, products or environments to make them accessible to people regardless of age, ability or other factors. There are seven principles of Universal Design which are equitable use, flexibility in use, simple and intuitive, perceptible information, tolerance for error, low physical effort, size and space for approach and use.

FULLY AUTOMATED FACILITY

A safe, hygienic, accessible self-cleaning facility. These units are long lasting, made from durable and vandal proof material and are environmentally sustainable. They have reduced operational costs due to auto lock features and metered consumables.

NATIONAL PUBLIC TOILET MAP

The National Public Toilet Map shows the location, access information and opening hours of public and some private facilities across Australia. Other information such as baby care and provision of showers is also listed. https://toiletmap.gov.au/

WATER SENSITIVE URBAN DESIGN

Water Sensitive Urban Design (WSUD) is a set of principles that can be applied to sustainably manage water, providing opportunities to achieve more liveable cities with vibrant and healthy waterways.





Public Toilet Plan 2023-2033

Latrobe City Council

0.7

Existing Facilities

Summary of Existing Facilities

Latrobe City Council currently manages 37 public toilet sites across the municipality. In addition, there are 7 facilities that are part of existing buildings such as service centres and libraries. There are an additional 40 toilet facilities located at sporting venues which are not included in this plan as they are not classified as Public Toilets (only open on game day).

An Amenity and Accessibility Condition Audit completed by Gippsport in November 2022 and recent Building Condition Assessments rated 5 facilities in 'very good' condition, 28 in 'good / fair' condition and 4 in 'poor' condition. As a result, 13 have been identified for upgrades or replacement and 4 have been flagged for decommission.

Following the above audit and assessments, 90% of the public toilets were rated as being accessible. There are 2 Changing Places facilities and 1 Adult Change facility within the municipality and 8 sites currently have 24-hour access.

Latrobe City is generally well serviced with public toilet facilities however some gaps have been identified where there are no or insufficient facilities available, therefore this plan outlines construction of 5 new facilities by 2033.

The full list of existing public toilets and town maps can be found in the attachments section of the plan.



Latrobe City Council

Public Toilet Plan 2023-2033

Current and Future Needs

Design Guidelines and Standards

The following guidelines will inform the design and siting of public toilet facilities so that they are accessible, safe and sustainable

General

- Align with Crime Prevention through Environmental Design principles
- Adhere to relevant design standards including Disability (Access to Premises – Buildings) Standards 2010
- Consider Universal Design Principles
- Include Changing Places facilities at regional play spaces and town activity centres
- Installation of fully automated facility (with automated locking and cleaning) where budget allows in locations with high vandalism / anti-social behaviour
- Update National Public Toilet Map on an annual basis

Interior

- Good use of natural lighting sources
- Cubicles that are deep enough to allow a person to take in a mobility aid or pram
- Sharps disposal unit, sanitary bin, adult incontinence bin (located in the accessible cubicle), soap dispenser and grab rails at all locations (placed at accessible heights)
- Baby change table and nappy bin to be included at regional play spaces, destination locations and town centre facilities
- Materials, fittings and fixtures that are accessible and robust to withstand vandalism that can be easily cleaned and maintained
- Automated or flick mixer taps to minimise hand contact
- Full, round, secured toilet seat in contrast to the background (eg pan, wall or floor)
- No glass mirrors
- Use large toilet rolls where appropriate
- Effective contrast between vertical and horizontal surfaces around toilet door, fixtures, fittings, benches, toilets and signage
- Slip resistant floor surfaces in both wet and dry conditions
- Doors designed to be operated with minimum hand contact and that are not heavy or hard to open
- When upgrading or refurbishing facilities, replace any urinals with cubicles

Location

- Located within a walkable distance of main activity centres (approximately 400 meters), and at well utilised public open spaces that encourage a long duration of stay.
 Note: Daily visits should exceed 30 to warrant provision of a public toilet
- Located where there are opportunities for informal surveillance from nearby activities
- Where possible, facilities to be integrated with other buildings but independently accessed

Exterior

- A façade that complements surroundings
- Clear, easy to read signage at the entry to toilets incorporating International Symbol of Access and Braille elements
- A continuous accessible path of travel from site entry and any onsite carpark - to and through toilet area
- CCTV/surveillance cameras where appropriate
- Accessible entrances facing the most active space, and visible from a distance
- Open layout and design
- Self-contained, lockable individual cubicles (including at least 1 fully accessible toilet) on a single frontage with direct access into the cubicles avoiding common areas
- All locations should have a sign with opening hours and location of nearest 24 hour facility, and a cleaning schedule sign with information on how to report issues
- Consideration to installing additional wash basins on the outside (for people to just wash their hands)
- Accessible drinking fountain and bottle refill station, including dog bowl located on the outside where appropriate

Public Toilet Plan 2023-2033

Latrobe City Council

0.6

Sustainability

New, upgraded and refurbished facilities should include environmentally sustainable design elements to ensure the facilities contribute to a more sustainable environment and are cost effective for Council to operate and maintain, including:

- Consideration for Water Sensitive Urban Design principles
- · Water efficient appliances and fixtures
- Consideration for use of rainwater tanks (where appropriate and cost effective)
- Water efficient landscaping
- Good solar orientation
- · Energy efficient lighting
- Consideration for use of renewable energy systems such as solar panels (where appropriate and cost effective)
- · Retention of existing structures where possible
- Re-use of existing materials
- Use of recycled and environmentally friendly materials
- Waste Management Plans for demolition and construction phases
- Constructed with durable, vandal resistant materials to reduce need for replacement



Upgrade/Replace/Remove

UPGRADE

Existing toilets that are appropriately located and in good structural condition that generally meet or could meet the Key Principles and Design Guidelines and Standards outlined in this plan will be upgraded as required.

Upgrades will ensure that facilities are compliant with all current building standards, including Disability (Access to Premises – Buildings) Standards 2010.

REPLACE

Existing toilets that are well located but are unable to meet the Key Principles and Design Guidelines and Standards outlined in this plan should be replaced.

REMOVE

Existing toilets that are poorly located, in poor condition and are surplus to requirements should be decommissioned. This may mean demolition or the reuse of a sound building for other purposes.

Hours of Operation

The most central public toilet in each town activity centre should have 24-hour access.

The below locations have a 24-hour public toilet facility:

- Boolarra Railway Reserve
- Apex Park, Glengarry
- George Street Taxi Rank, Moe
- Commercial Road Bus Station, Morwell
- Village Green, Toongabbie
- Seymour Street Car Park, Traralgon
- Jaycees Park, Tyers
- Centenary Park, Yinnar

Latrobe City Council

Public Toilet Plan 2023-2033

Implementation Plan

Criteria for prioritisation

The following reports have been used to determine the 2023-2033 implementation plan:

- Building Condition Assessments
- · Amenity and Accessibility Condition Audit
- Internal Stakeholder Review
- · Community feedback on draft Public Toilet Plan

Implementation Plan

The full, detailed implementation plan can be found in the attachments section of this plan, however the key changes are as follows:

NEW LOCATIONS

- Churchill CBD
- Morwell CBD (north side)
- Immigration Park, Morwell
- Traralgon CBD
- Edward Hunter Reserve, Moe

UPGRADES

- Mathison Park, Churchill
- JS Dwyer Memorial Park, Moe
- Apex Park, Moe
- Kernot Hall, Morwell
- Commercial Road Bus Station, Morwell
- Morwell Rose Garden
- Morwell Town Common
- Seymour Street Car Park, Traralgon
- Jaycees Park, Tyers
- · Centenary Park, Yinnar

REPLACE

- · Albert Street, Moe
- Newman Park, Traralgon
- Martin Walker Park, Yinnar South

REMOVE

- · Glendonald Park, Churchill
- Moe Town Hall
- Albert Deppeler Memorial Tennis Courts, Yinnar South

Note: Usage data will be obtained prior to undertaking works to confirm daily visits are less than 30

• Morwell Recreation Reserve

Measurements of Success

- National Public Toilet Map and Changing Places map is kept up to date with correct and current information regarding public toilet facilities
- 13 facilities are upgraded or replaced by 2033
- 5 new facilities are in operation by 2033
- 5 additional Changing Places facilities at highly utilised locations
- 4 facilities have been decommissioned
- Sharps disposal unit, sanitary bin, adult incontinence bin, hand soap and grab rails are at all locations, and baby change tables are at each regional play space and town centre facilities
- Additional internal movement space and low benches provided for adult change where space permits at new or upgraded facilities
- All facilities have signage to advise opening hours, number to call for emergency cleaning and maintenance, and location of nearest 24-hour toilet

Public Toilet Plan 2023–2033

Latrobe City Council

08



Attachments

- List of Public Toilets (as at January 2023)
- Supplementary List
- Town Maps
- 10 Year Implementation Plan
- Associated Contracts Recommendations
- Public Toilet Design Examples

09

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 1 List of Public Toilets

BOOLARRA

Boolarra Railway Reserve, Tarwin Street



Unisex = 2 Accessible = 1

Open 24 hours

Good location Good condition Good accessibility

BUILD00194

as at January 2023

WORKS PLANNED

Maintain

CHURCHILL

Mathison Park, 19 Mackeys Road



Unisex / Accessible = 1

Open dawn to dusk

Poor location
Good condition
Good accessibility

BUILD00255

WORKS PLANNED

Upgrade

(refer to Implementation Plan for details)





Unisex / Accessible = 1

Open dawn to dusk

Poor location Fair to good condition Good accessibility

BUILD00248

Remove

(refer to Implementation Plan for details)

GLENGARRY

Apex Park, 4-16 Main Street



Unisex = 3 Accessible = 1

Open 24 hours

Good location Good condition Good accessibility

BUILD01062

WORKS PLANNED

Maintain

Dawn to Dusk: Autumn/Winter - 7am to 6pm | Summer/Spring - 6am to 9pm

Public Toilet Plan 2023–2033

Latrobe City Council

10

MOE

Moe Town Hall, 69 Albert Street



Albert Street (Coles Carpark), 92 Albert Street



JS Dwyer Memorial Park (Gippsland Heritage Park), Lloyd Street



Apex Park, Waterloo Road



Female = 2 + 1 Accessible Male = 2 + 1 Accessible

Open dawn to dusk

Poor location Fair to good condition Good accessibility

BUILD00208

Unisex = 2 Accessible = 1

Open dawn to dusk

Good location Fair to good condition Good accessibility

BUILD00868

Female = 4

WORKS PLANNED

Remove

(refer to Implementation Plan for details)

Replace

(refer to Implementation Plan for details)

Upgrade

(refer to Implementation Plan for details)

Male = 2Accessible = 1

Open dawn to dusk

Excellent location Fair to good condition Good accessibility

BUILD00394

Female = 2 Male = 2 Accessible = 1

Open dawn to dusk

Good location Good condition Good accessibility

BUILD00195

Upgrade

(refer to Implementation Plan for details)

11

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 1 List of Public Toilets (cont.)

as at January 2023

MOE



Unisex = 2Accessible = 1 Maintain

WORKS PLANNED

Open dawn to dusk

Good location Good condition Good accessibility

BUILD00197

George Street Taxi Rank, 36 George Street



Unisex = 1 Accessible = 2 Maintain

Open 24 hours

Good location Good condition Good accessibility

BUILD00210

Changing Places Facility

Under construction 2023

All Abilities Play Space, Waterloo Road



Dawn to Dusk: Autumn/Winter - 7am to 6pm | Summer/Spring - 6am to 9pm

Public Toilet Plan 2023–2033

Latrobe City Council

12

MORWELL

Kernot Hall, 50-70 Princes Drive



Unisex / Accessible = 1

Open dawn to dusk

Poor location Fair to good condition Good accessibility

BUILD00676

WORKS PLANNED

Upgrade

(refer to Implementation Plan for details)

Morwell Recreation Reserve, 9 Aherin Street



Female = 2Male =1

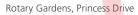
Open 24 hours

Poor location Poor condition Poor accessibility

BUILT00239

Remove

(refer to Implementation Plan for details)





Unisex / Accessible = 1

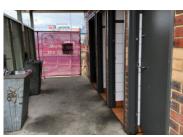
Open dawn to dusk

Poor location Good to very good condition Good accessibility

BUILD00761

Maintain

Commercial Road Bus Station, 212 Commercial Road



Unisex = 3 Accessible = 1

Open 24 hours

Good location Good condition Poor accessibility

BUILD00212

Upgrade

(refer to Implementation Plan for details)

3

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 1 List of Public Toilets (cont.)

MORWELL

Morwell Rose Garden, Anne Street



Unisex / Accessible = 2

Open dawn to dusk

Good location Good to very good condition Good accessibility

BUILD00237

as at January 2023

WORKS PLANNED

Upgrade

(refer to Implementation Plan for details)

Morwell Town Common, Elgin Street



Unisex = 3Accessible = 1

Open dawn to dusk

Good location Good condition Good accessibility

BUILD00141

Upgrade

(refer to Implementation Plan for details)

Crinigan Road Bushland, Fairway Drive



Unisex / Accessible = 1

Open dawn to dusk

Poor location Good condition Good accessibility

BUILD00150

Connect to power

(refer to Implementation Plan for details)

NEWBOROUGH

Lake Narracan Boat Ramp, Sullivans Track



Female = 3Male = 2Accessible = 1

Open dawn to dusk

Poor location Fair to good condition Poor accessibility

BUILD00243

WORKS PLANNED

Maintain

Dawn to Dusk: Autumn/Winter - 7am to 6pm | Summer/Spring - 6am to 9pm

Public Toilet Plan 2023–2033

Latrobe City Council

NEWBOROUGH

Henry White Reserve, Balfour Street





Haunted Hills Mountain Bike Park 354 Haunted Hills Road, Hernes Oak



TOONGABBIE

Village Green, Cowan Street



TRARALGON

Newman Park, Peterkin Street



Open dawn to dusk

Good location Good to very good condition Good accessibility

BUILD00242

Unisex = 2

Accessible = 1

Unisex = 1Accessible = 1

Open dawn to dusk

Good location Very good condition Good accessibility

Unisex / Accessible = 2

Open 24 hours

Good location Good condition Good accessibility

BUILD01095

WORKS PLANNED

Maintain

Maintain

WORKS PLANNED

Maintain

WORKS PLANNED

Replace

(refer to Implementation Plan for details)

Unisex = 5Female / Accessible =1

Fair to good location Fair to good condition Good accessibility

Open dawn to dusk

BUILD00205

TRARALGON

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 1 List of Public Toilets (cont.)

(11

Bert Thompson Reserve, 48 Argyle Street



Unisex = 2 Accessible = 1

Open dawn to dusk

Poor location Good condition Good accessibility

BUILD00191

as at January 2023

Maintain

WORKS PLANNED

Agnes Brereton Netball Courts, Breed Street



Unisex = 2Accessible = 1

Open dawn to dusk

Poor location
Fair to good condition
Good accessibility

BUILD00092

Maintain



Unisex = 2Accessible = 1

Open 24 hours

Very good location Good condition Good accessibility

BUILD00475

Upgrade

(refer to Implementation Plan for details)

Victory Park, Princess Highway



Unisex = 2Accessible = 1

Open dawn to dusk

Very good location Good condition Good accessibility Maintain

Dawn to Dusk: Autumn/Winter - 7am to 6pm | Summer/Spring - 6am to 9pm

Public Toilet Plan 2023–2033

Latrobe City Council

16

TRARALGON

TEDAS Pavilion, 15-19 Whittakers Road



Unisex = 6Accessible = 1

Open dawn to dusk

Good location Good condition

BUILD00247

WORKS PLANNED

Maintain

Good accessibility

Connect to power

(refer to Implementation Plan for details)





Unisex / Accessible = 1

Open dawn to dusk

Good location Very good condition Good accessibility





Female = 1Male = 1Female / Accessible = 1Male / Accessible = 1

Open 8am to 8pm

Note: The building owner is responsible for opening, closing, cleaning and maintenance of this facility

Poor location Poor condition Poor accessibility

Nil - not Council asset

TRARALGON SOUTH

Community Hall, Cats Drive



Unisex / Accessible = 1

Open dawn to dusk

Good location Good condition Good accessibility

WORKS PLANNED

Maintain

17

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 1 List of Public Toilets (cont.)

TYERS

Jaycees Park / Community Park, 70 Main Road



Female = 1Male = 1

Open 24 hours

Good location Good condition Good accessibility

BUILD01121

as at January 2023

WORKS PLANNED

Upgrade

(refer to Implementation Plan for details)

YALLOURN NORTH

Lyons Park, Reserve Street



Unisex = 2 Accessible = 1

Open dawn to dusk

Good location Good condition Good accessibility

BUILD00200

WORKS PLANNED

Maintain

YINNAR

Martin Walker Park, 35 Gilberts Road, Yinnar South



Female = 2Male = 1

Open 24 hours

Poor Location Poor to fair condition Poor accessibility

BUILD00266

WORKS PLANNED

Replace

(refer to Implementation Plan for details)

Yinnar Recreation Reserve East Pavilion, 88-144 Jumbuk Road



Unisex = 2Accessible = 1

Open dawn to dusk

Good location Good condition Good accessibility Maintain

Dawn to Dusk: Autumn/Winter - 7am to 6pm | Summer/Spring - 6am to 9pm

Public Toilet Plan 2023–2033

Latrobe City Council

18

YINNAR

Centenary Park, 44 Main Street



Unisex / Accessible = 1

Open 24 hours

Good location Good condition Good accessibility

BUILD00269

WORKS PLANNED

Upgrade

(refer to Implementation Plan for details)

Albert Deppeler Memorial Tennis Courts, Yinnar South



Female = 2Male = 1

Open 24 hours

Poor Location Poor condition Poor accessibility Remove

(refer to Implementation Plan for details)

Latrobe City Council

Public Toilet Plan 2023-2033

ATTACHMENT 2 Supplementary List

CHURCHILL

Churchill Community Hub

Phillip Parade Monday to Friday

8.30am to 5.15pm

Georgina Place

Marina Drive (next to bakery) Monday to Friday

6.30am to 4pm

Saturday and Sunday 7.30am to 2pm

TRARALGON

Traralgon Service Centre

34-38 Kay Street 7 days a week

6am to 8.30pm

Includes Changing Places facility

Changing Places is accessible 24h with

MLAK

Gippsland Performing Arts Centre

32 Kay Street

7 days a week 10am to 4pm

Includes Changing Places facility

Traralgon Railway Station

Princess Highway

Open during public transport operating

hours

Traralgon Plaza

166-188 Franklin Street

Monday to Thursday 9am to 5.30pm

Friday 9am to 9pm Saturday 9am to 5pm Sunday

10am to 4pm

Gippsland Regional Aquatic Centre

Monday to Friday 49 Breed Street

6am to 9pm

Saturday to Sunday 8am to 6pm

MOE

Moe Service Centre

1/29 George Street Monday to Friday

8.30am to 5.15pm

Includes Adult Change facility

Saturday 9am to 12noon

Moe Plaza

Monday to Friday 22 Moore Street

8am to 6pm Saturday

9am to 1pm

Moe Railway Station

Lloyd Street Open during public

transport operating

hours

MORWELL

Latrobe City Council Headquarters

141 Commercial Road Monday to Friday 8.30am to 5.15pm

This venue has a parent room which includes private space, toddler play area and baby

change station

Morwell Library

63-65 Elgin Street Monday to Friday

8.30am to 5.15pm

Saturday 9am to 12noon

Morwell Railway Station

Open during public Princess Drive

transport operating

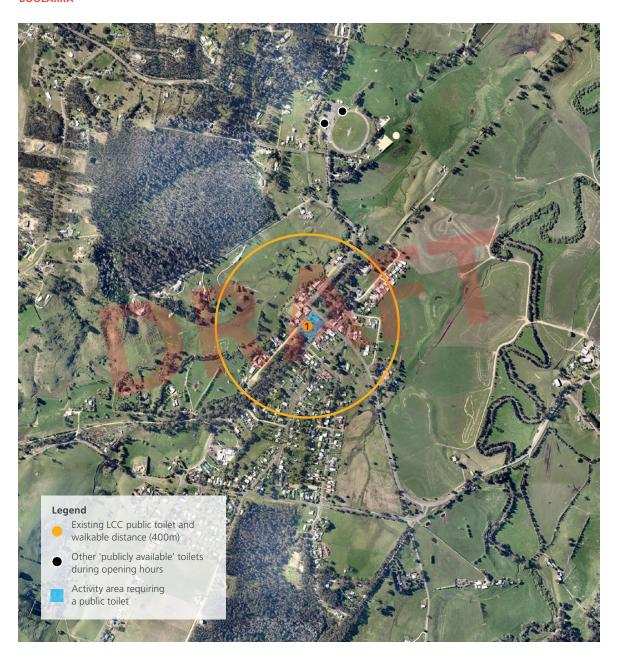
hours

Latrobe City Council

21

ATTACHMENT 3 Town Maps

BOOLARRA



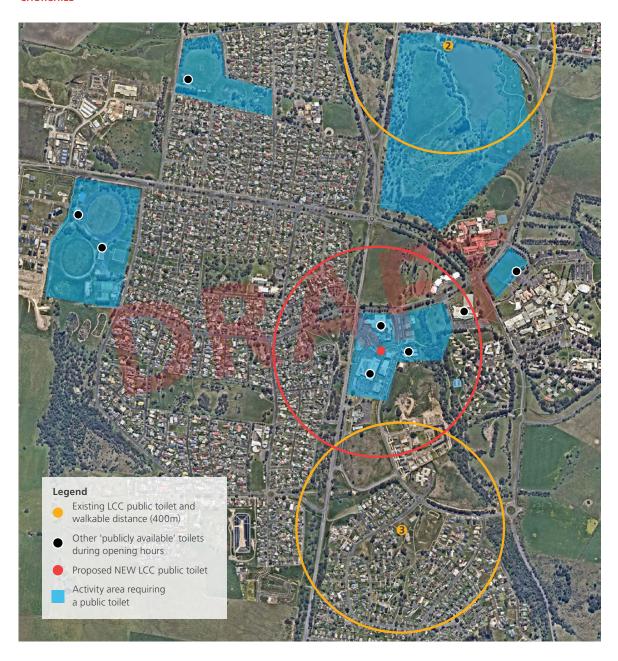
1. Railway Reserve

Location: -38.378502, 146.273584 Configuration: 2 unisex, 1 accessible Works required: maintain When: ongoing **Note:** Primrose Park, Boolarra was investigated as a potential site but location does not meet usage / demand requirements to justify need.

Public Toilet Plan 2023–2033

ATTACHMENT 3 Town Maps (cont.)

CHURCHILL



2. Mathison Park

Location: -38.302044, 146.424063 Configuration: 1 unisex / accessible Works required: upgrade

When: 2025/26

3. Glendonald Park

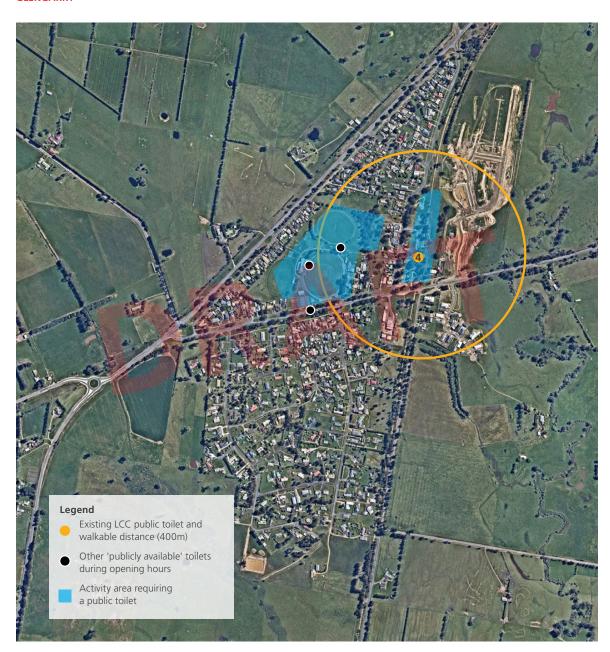
Location: -38.319511, 146.422241 Configuration: 1 unisex / accessible Works required: remove

When: 2024/25

Latrobe City Council

22

GLENGARRY



4. Apex Park

Location: -38.126550, 146.573680 Configuration: 3 unisex, 1 accessible

Works required: maintain When: ongoing

Public Toilet Plan 2023–2033

Town Maps (cont.)

MOE



5. Moe Town Hall

Location: -38.175240, 146.262170 Configuration: 2 female, 2 male, 2 accessible Works required: remove

When: 2027/28

8. Apex Park

Location: -38.178430, 146.253170 Configuration: 2 female, 2 male, 1 accessible Works required: upgrade

When: 2031/32

6. Albert Street (Coles Carpark)

Location: -38.173840, 146.259600 Configuration: 2 unisex, 1 accessible Works required: upgrade When: 2027/28

9. Moe Botanic Gardens

Location: -38.178540, 146.271730 Configuration: 2 unisex, 1 accessible Works required: maintain When: ongoing

7. JS Dwyer Memorial Park (Gippsland Heritage Park)

Location: -38.184446, 146.237642 Configuration: 4 female, 2 male, 1 accessible Works required: upgrade

When: 2030/31

10. George Street Taxi Rank

Location: -38.176379, 146.261979 Configuration: 1 unisex, 2 accessible

Works required: maintain

When: ongoing

Latrobe City Council

2

MORWELL



12. Kernot Hall

Location: -38.238810, 146.422560 Configuration: 1 unisex / accessible Works required: maintain When: ongoing

15. Commercial Road Bus Station

Location: -38.237780, 146.398190 Configuration: 3 unisex, 1 accessible Works required: upgrade When: 2026/27

18. Crinigan Road Bushland

Location: -38.212560, 146.426803 Configuration: 1 unisex / accessible Works required: connect to power

When: 2026/27

13. Morwell Recreation Reserve

Location: -38.239310, 146.390070 Configuration: 2 female, 1 male Works required: remove When: 2024/25

16. Morwell Rose Garden

Location: -38.236933, 146.390246 Configuration: 2 unisex / accessible Works required: upgrade When: 2028/29

14. Rotary Gardens

Location: -38.235605, 146.393868 Configuration: 1 unisex / accessible Works required: maintain When: ongoing

17. Morwell Town Common

Location: -38.240331, 146.400029 Configuration: 3 unisex, 1 accessible Works required: upgrade When: 2031/32

Public Toilet Plan 2023–2033

Town Maps (cont.)

NEWBOROUGH



19. Lake Narracan Boat Ramp

Location: -38.163936, 146.317694 Configuration: 3 female, 2 male, 1 accessible Works required: maintain When: ongoing

20. Henry White Reserve

Location: -38.186771, 146.292078 Configuration: 2 unisex, 1 accessible Works required: maintain When: ongoing

21. Haunted Hills Mountain Bike Park

Location: -38.198900, 146.315660 Configuration: 1 unisex, 1 accessible Works required: maintain When: ongoing

Note: Boolarra Avenue, Newborough was investigated as a potential site but location does not meet usage / demand requirements to justify need.

Latrobe City Council

21

TOONGABBIE



22. Village Green

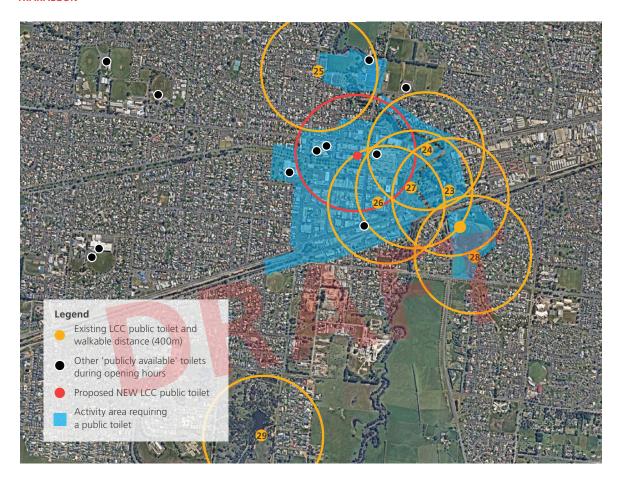
Location: -38.058912, 146.622291 Configuration: 2 unisex / accessible Works required: maintain

When: ongoing

Public Toilet Plan 2023-2033

Town Maps (cont.)

TRARALGON



23. Newman Park

Location: -38.196107, 146.544421 Configuration: 5 unisex, 1 female / accessible Works required: relocate When: TBC

26. Seymour Street Carpark

Location: -38.197371, 146.538973 Configuration: 2 unisex, 1 accessible Works required: upgrade When: 2027/28

29. Traralgon Railway Reserve

Location: -38.211184, 146.530016 Configuration: 1 unisex / accessible Works required: connect to power

When: 2026/27

24. Bert Thompson Reserve

Location: -38.193870, 146.542940 Configuration: 2 unisex, 1 accessible Works required: relocate When: TBC

27. Victory Park

Location: -38.196068, 146.541555 Configuration: 2 unisex, 1 accessible Works required: maintain When: ongoing

25. Agnes Brereton Netball Courts

Location: -38.188801, 146.534416 Configuration: 2 unisex / 1 accessible Works required: maintain When: ongoing

28. TEDAS Pavilion

Location: -38.200235, 146.546021 Configuration: 6 unisex, 1 accessible Works required: maintain When: ongoing

Latrobe City Council

28

TRARALGON SOUTH



31. Community Hall

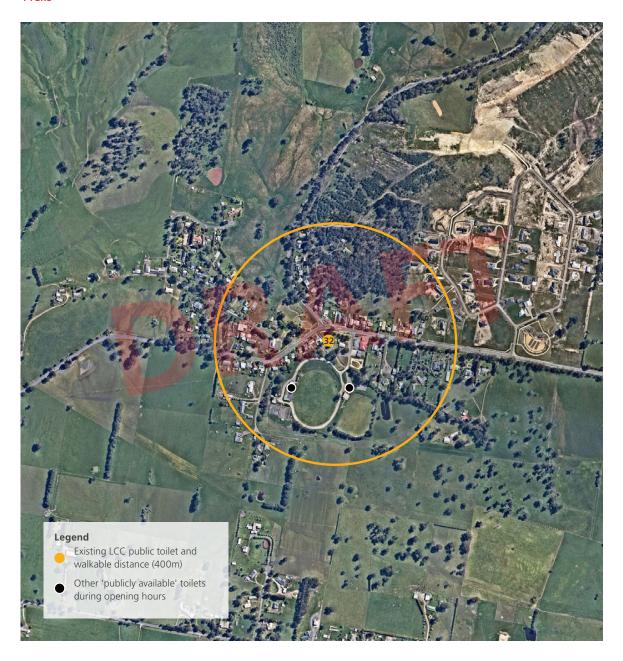
Location: -38.296476, 146.539423 Configuration: 1 unisex / accessible

Works required: maintain When: ongoing

Public Toilet Plan 2023–2033

Town Maps (cont.)

TYERS



32. Jaycees Park / Community Park

Location: -38.149139, 146.480489 Configuration: 1 female, 1 male Works required: upgrade

When: 2024/25

Latrobe City Council

3

YALLOURN NORTH



33. Lyons Park

Location: -38.162624, 146.361649 Configuration: 2 unisex, 1 accessible

Works required: maintain When: ongoing

Public Toilet Plan 2023–2033

Town Maps (cont.)

YINNAR



34. Martin Walker Park

Location: -38.376457, 146.361422 Configuration: 2 female, 1 male Works required: relocate When: 2030/31

36. Centenary Park

Location: -38.321838, 146.327761 Configuration: 1 unisex / accessible Works required: upgrade When: 2028/29

35. Yinnar Recreation Reserve

Location: -38.327807, 146.339619 Configuration: 2 unisex, 1 accessible Works required: maintain (by reserve committee) When: ongoing

37. Albert Deppeler Memorial Tennis Courts

Location: -38.360094, 146.360096 Configuration: 2 female, 1 male Works required: remove When: 2025/26

Latrobe City Council

2

ATTACHMENT 4

10 Year Implementation Plan – List of Works

LOCATION	ISSUE	SOLUTION
Boolarra Railway Reserve Tarwin Street, Boolarra	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap provided No baby change table	Hand soap dispenser to be installed Add stainless steel bench
Churchill CBD Marina Drive, Churchill	Area does not have adequate facilities	Construct new facility in CBD including a Changing Places
Mathison Park Mackeys Road, Churchill	Not big enough for demand / poor location No hand soap provided No baby change table	Upgrade to a larger facility, include a Changing Places and consider location (This project will be included in future playground upgrade) Hand soap dispenser to be installed Add stainless steel bench
Glendonald Park Amaroo Drive, Churchill	Poor location / high vandalism and antisocial behaviour No hand soap provided No baby change table	Decommission
Apex Park Main Street, Glengarry	No hand soap provided Broken fold down baby change	Hand soap dispenser to be installed Replace with stainless steel bench
Moe Town Hall Albert Street, Moe	Poor location / high vandalism and antisocial behaviour	Decommission Larger facility to be built in alternate location, see Albert Street (Coles carpark) Hand soap dispenser to be installed
	No hand soap provided	
Albert Street (Coles carpark) Albert Street, Moe	Not big enough for demand	Knock down and replace with much larger facility (consider including Changing Places)
	No hand soap provided	Hand so <mark>ap di</mark> spenser to be installed
JS Dwyer Memorial Pa <mark>rk</mark> (Gippsland Heritage Park)	No hand soap provided	Hand soap dispenser to be installed
Lloyd Street, Moe	No power No all gender facility	Connect to power and open 24-hours Replace cubical sign on accessible toilet with ungendered 'accessible toilet' sign
	Separate male / female compartments	Change configuration to individual cubicles
Moe Apex Park Waterloo Road, Moe	Poor natural surveillance	Large renewal to improve CPTED (change layout to have the entry face carpark)
	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap provided	Hand soap dispenser to be installed
	No baby change table	Insufficient space for a baby change (this will be addressed in renewal project)
	No all gender facility	Replace cubical signs with ungendered 'toilet' signs
Moe Botanic Gardens	No hand soap provided	Hand soap dispenser to be installed
Botanic Drive, Newborough	No sharps disposal unit provided	Sharps disposal unit to be installed
	Broken fold down baby change	Replace with stainless steel bench
George Street Taxi Rank George Street, Moe	No hand soap provided	Hand soap dispenser to be installed
Kernot Hall Princess Drive, Morwell	Poor condition / poor location	This facility will be refurbished as part of current works at Kernot Hall (poor location will be addressed through proposed new facility on other side of lake)
	No hand soap provided	Hand soap dispenser to be installed
	No sanitary bin provided	Sanitary bin to be provided
	No baby change table	Stainless steel bench to be added
Immigration Park Princess Drive, Morwell	Identified need for a new facility	Construct new facility near shared path (consider fully automated facility)

Public Toilet Plan 2023–2033

ATTACHMENT 4

10 Year Implementation Plan – List of Works (cont.)

LOCATION	ISSUE	SOLUTION
Morwell Recreation Reserve North Block Aherin Street, Morwell	Very poor condition No hand soap provided	Decommission and not replace
Rotary Gardens Princess Dr, Morwell	No hand soap provided	Hand soap dispenser to be installed
Commercial Road Bus Station Commercial Road, Morwell	Very poor condition / constant vandalism / poor accessibility / no flat concrete path to door	Significant renewal once new facility on north side open Change hours to 'dawn to dusk' (after new facility built)
	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap provided	Hand soap dispenser to be installed
Morwell CBD (north side of train station)	No facilities on north side	New facility – fully automated facility (consider including Changing Places)
Morwell Rose Garden	Poor natural light	Redesign to 1 compliant accessible cubicle
Anne Street, Morwell	No hand soap available	Hand soap dispenser to be installed
	Sign on door reads 'disabled toilet'	Replace cubical signs with ungendered 'accessible toilet' signs
Morwell Town Common	Poor ventilation / poor natural light	Renewal project to install skylights and consider including a Changing Places
	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap provided	Hand soap dispenser to be installed
	No baby change table	Stainless steel bench to be added
Crinigan Road Bushland Reserve	Issues with septic tank (fills with stormwater) and solar panels	Connect to power
businana Reserve	(vandalised)	
	No hand soap provided	Hand soap dispenser to be installed
	No sharps disposal unit provided	Sharps disposal unit to be installed
	No sanitary bin provided	Provide sanitary bin
	No baby change table	Stainless steel bench to be added
Lake Narracan Caravan Park - Caravan Park Toilet Block 1 South Shore Road, Newborough	Not a public toilet	Decommission
Lake Narracan North Shore - Caravan Park Toilet Block 2 South Shore Road, Newborough	Not a public toilet	Decommission
Lake Narracan South Shore South Shore Road, Newborough	Poor condition	Decommission
Lake Narracan Boat Ramp	Poor location / poor accessibility	Services in area dictates this location (septic)
Sullivans Track, Newborough	No hand soap provided No separate all gender facility	Hand soap dispenser to be installed Replace sign on accessible cubical with ungendered 'accessible toilet' sign
Henry White Reserve	No hand soap provided	Hand soap dispenser to be installed
Balfour Street, Newborough	No sharps disposal unit	Sharps disposal unit to be installed
	No baby change table	Stainless steel bench to be added

LOCATION

ISSUE

Public Toilet Plan 2023–2033

SOLUTION

Latrobe City Council

34

Haunted Hills Mountain Bike Park Haunted Hills Road, Hernes Oak	No hand soap provided No sharps disposal unit	Hand soap dispenser to be installed Sharps disposal unit to be installed
Village Green Cowan Street, Toongabbie	No hand soap provided	Hand soap dispenser to be installed
Newman Park Peterkin Street, Traralgon	Poor location / not big enough for demand	At end of usable life, or as funding presents, knock down and rebuild as per master plan currently in development (include a Changing Places)
	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap provided Sign on accessible cubical is female	Hand soap dispenser to be installed Replace all cubical signs with ungendered 'toilet' signs
Bert Thompson Reserve Argyle Street, Traralgon	Poor natural light / poor location	At end of usable life, or as funding presents, knock down and rebuild (as per future master plan)
	No hand soap provided	Hand soap dispenser to be installed
Agnes Brereton Netball Courts	Poor location / poor natural surveillance / poor natural light	Site restrictions don't allow for improvements to location or natural lighting, and construction of a new facility on other side unwarranted
Breed Street, Traralgon	No hand soap provided No sharps disposal unit provided	Hand soap dispenser to be installed Sharps disposal unit to be installed
Traralgon Recreation Reserve Nth Block Howitt Street, Traralgon	Not a public toilet	Decommission
Harold Preston Reserve Davidson Street, Traralgon	Not a public toilet Poor location / poor natural surveillance / poor natural light	Knock down and rebuild (this is to be identified in future master plan)
Seymour Street Car Park Seymour Street, Traralgon	Poor natural light / internal tiles too dark	Significant renewal once new 24-hour facility in CBD open
	Should not be the 24-hour facility due to location	Change opening hours to dusk to dawn once new facility open
	No hand soap provided	Hand soap dispenser to be installed
Traralgon CBD	Not enough facilities in CBD / current 24-hour facility is undesirable and not fully accessible (doorways too narrow)	Install new 24-hour facility (fully automated facility) and consider including Changing Places Identified location is proposed multi-level carpark on Kay Street
Victory Park Princess Highway, Traralgon	No hand soap provided No sharps disposal unit provided	Hand soap dispenser to be installed Sharps disposal unit to be installed
TEDAS Pavilion Whittakers Road, Traralgon	No hand soap available	Hand soap dispenser to be installed
Traralgon Railway Reserve Hickox Street, Traralgon	No hand soap available No sharps disposal unit provided No mains power	Hand soap dispenser to be installed Sharps disposal unit to be installed Connect to mains power
Community Hall Cats Drive, Traralgon South	No hand soap available No sharps disposal unit provided No sanitary bin provided	Hand soap dispenser to be installed Sharps disposal unit to be installed Sanitary bin to be provided

Public Toilet Plan 2023–2033

ATTACHMENT 4

10 Year Implementation Plan – List of Works (cont.)

LOCATION	ISSUE	SOLUTION
Jaycees Park / Community Park	No accessible toilet	Redesign to 2 accessible cubicles (provision for accessible path from carpark to be included in project)
Main Road, Tyers	No hand soap available	Hand soap dispenser to be installed
	No sanitary bin provided	Sanitary bin to be provided
	No all gender facility	Addressed by redesign project (signs to be ungendered 'accessible toilet')
Lyons Park Reserve Street, Yallourn North	Mesh screens in front of handbasin need refresh	Replace with new screen design
	No hand soap available	Hand soap dispenser to be installed
	No sanitary bin provided	Sanitary bin to be provided
	No baby change table	Stainless steel bench to be added
Martin Walker Park	Non-compliant as septic tank too close to creek	Knock down and rebuild in compliant location (will still need to use a septic tank)
Upper Middle Creek Road, Yinnar	No power	Connection to power to be included in project
	Poor location / poor accessibility / no accessible toilet / no flat concrete path to door No hand soap available No sanitary bin provided No baby change table No all gender facility	AFT
Centenary Park	No hand soap available	Hand soap dispenser to be installed
Main Street, Yinnar	No baby change table	Stainless steel bench to be added
	Identified as a potential location for a larger facility	Upgrade to larger facility
Albert Deppeler Memorial Tennis Courts Middle Creek Road, Yinnar South	Poor location / poor accessibility / no accessible toilet / no flat concrete path to door / underutilised No hand soap available No sanitary bin provided No baby change table No unisex facility	Decommission

Latrobe City Council

20

ATTACHMENT 4

10 Year Implementation Plan – Yearly Costings

YEAR 0-1 ACTIONS

Responsible team	\$
Building Maintenance	Included in building maintenance budget
Building Maintenance	20,000
Building Maintenance	Included in building maintenance budget
Building Maintenance	Included in building maintenance budget
Building Maintenance / Property Services	Included in building maintenance budget and current service contract
Building Maintenance	Included in building maintenance budget
Property Services	Included in current service contract
Property Services	Included in current service contract
Property Services	Estimated annual cost \$12,000 (to be added to service contract)
Building Projects	20,000
Building Projects	Included in design for new proposed multilevel carpark
Recreation Open Space Planning	Included in upcoming playground upgrade
Recreation Open Space Planning	Included in future Master Plan
Recreation Open Space Planning	Included in Recreation Open Space budget
	Building Maintenance Building Maintenance Building Maintenance Building Maintenance Building Maintenance / Property Services Building Maintenance Property Services Property Services Property Services Building Projects Building Projects Building Projects Building Projects Recreation Open Space Planning Recreation Open Space Planning Recreation Open Space

YEAR 1-2 ACTIONS

July 2024 / June 2025	Responsible team	\$
Design and construct new facility in Churchill CBD including a Changing Places	Building Projects	450,000
Renew Jaycees Park, Tyers	Building Maintenance	150,000
Demolish Glendonald Park, Churchill	Building Projects	50,000
Demolish Morwell Recreation Reserve	Building Projects	20,000
Additional estimated budget required under annual Co	apital Works Program	450,000

Public Toilet Plan 2023–2033

ATTACHMENT 4

10 Year Implementation Plan – Yearly Costings (cont.)

YEAR 2-3 ACTIONS

July 2025 / June 2026	Responsible team	\$
Upgrade facility at Mathison Park and include a Changing Places	Recreation Open Space Planning	Included in upcoming playground upgrades
Design and construct new facility at Immigration Park, Morwell	Building Projects	450,000
Design for new facility on north side of Morwell CBD	Building Projects	50,000
Design for Traralgon Railway Reserve to connect to power	Building Projects	10,000
Design for Crinigan Road to connect to power	Building Projects	10,000
Connect JS Dwyer Memorial Park (Gippsland Heritage Park) to power	Building Maintenance	50,000
Demolish Albert Deppeler Memorial Tennis Courts	Building Projects	40,000
Additional estimated budget required under annual Capital Wo	orks Program	510,000

YEAR 3-4 ACTIONS

July 2026 / June 2027	Responsible team	\$
Design for upgraded facility at Centenary Park, Yinnar	Building Projects	50,000
Connect Traralgon Railway Reserve to power	Building Projects	100,000
Connect Crinigan Road to power	Building Projects	100,000
Construct new facility on north side of Morwell CBD	Building Projects	400,000
Renew facility at Commerc <mark>ial R</mark> oad, Morwell	Building Maintenance	100,000
Construct new facility in Traralgon CBD	Major Projects	Included in Regional Car Park Funding Program
Additional estimated budget required under annual Capital Wo	rks Program	650,000

YEAR 4-5 ACTIONS

July 2027 / June 2028	Responsible team	\$
Design for new facility at Albert Street, Moe	Building Projects	400,000
Demolish old and construct new facility		
Renew Seymour Street Car Park	Building Projects	250,000
Decommission Moe Town Hall facility	Building Projects	30,000
Additional estimated budget required under annual Capital Works Program		400,000

	Public Toilet Plan 2023–2033	Latrobe City Council 38
YEAR 5-6 ACTIONS		
July 2028 / June 2029	Responsible team	\$
Demolish facility at Centenary Park, Yinnar and replace with larger facility	Building Projects	400,000
Renew Morwell Rose Garden	Building Maintenance	150,000
Design for new facility at Harold Preston Reserve in alternate location	Building Projects	50,000
Design for new facility at Martin Walker Park in alternate location (septic and connection to power to be included in project scope)	Building Projects	50,000
Design for new facility at Edward Hunter Reserve (connection to power to be included in project scope)	Building Projects	60,000
Additional estimated budget required under annual Capital Works	s Program	560,000
YEAR 6-7 ACTIONS July 2029 / June 2030	Responsible team	s
Construct new facility at Harold Preston Reserve	Building Projects	400,000
Design for upgraded facility at Apex Park, Moe	Building Projects	50,000
Additional estimated budget required under annual Capital Works		450,000
YEAR 7-8 ACTIONS July 2030 / June 2031	Responsible team	\$
Design upgrade of Morwell Town Common, including a Changing Places	Building Projects	50,000
Redesign JS Dwyer Memorial Park (Gippsland Heritage Park) to individual cubicles	Building Maintenance	50,000
Construct new facility at Martin Walker Park	Building Projects	450,000
Additional estimated budget required under annual Capital Works	Program	500,000
YEAR 8-9 ACTIONS		
July 2031 / June 2032	Responsible team	\$
Upgrade facility at Apex Park, Moe	Building Projects	400,000
Upgrade Morwell Town Common and include a Changing Places	Building Projects	400,000
Additional estimated budget required under annual Capital Works	Program	800,000
YEAR 9-10 ACTIONS		
July 2032 / June 2033	Responsible team	\$
Construct new facility at Edward Hunter Reserve	Building Projects	500,000
Additional estimated budget required under annual Capital Works	s Program	500,000
TOTAL estimated additional budget required as a result of the plan	n	4,820,000
TOTAL funded through existing renewal budgets		940,000

Note: This implementation plan will be reviewed in 2028/2029 to ensure it continues to reflect the current needs of the community. At that time, consideration should be given to the following:

- 1. Redesigning Lake Narracan to individual cubicles
- 2. Relocating Newman Park (as per master plan currently in development)
- 3. Provision of facilities on popular walking paths (ie Morwell to Traralgon Shared Path / Gippsland Plains Rail Trail)
- 4. Provision of a facility in Boolarra Avenue, Newborough East (based on increased activation of area)

Note: Estimated figures in blue are unfunded projects which will need to be requested during the annual Capital Works Program development. The rest of the figures are funded through existing renewal budgets or other projects.

Public Toilet Plan 2023-2033

ATTACHMENT 4

10 Year Implementation Plan – Yearly Costings (cont.)

MESH SCREENS TO BE UPDATED

- Boolarra Railway Reserve
- Moe Apex Park
- Commercial Road Bus Station, Morwell
- Morwell Town Common
- Newman Park, Traralgon
- · Lyons Park, Yallourn North

BABY CHANGE TABLE TO BE PROVIDED

- Boolarra Railway Reserve
- Mathison Park, Churchill
- Apex Park, Glengarry
- · Moe Botanic Gardens
- Kernot Hall, Morwell
- Morwell Town Common
- Crinigan Road Bushland Reserve, Morwell
- Henry White Reserve, Newborough
- · Lyons Park, Yallourn North
- Centenary Park, Yinnar

SHARPS BIN SERVICE TO BE ADDED

- Moe Botanic Gardens
- Crinigan Road Bushland Reserve, Morwell
- Henry White Reserve, Newborough
- Haunted Hills Mountain Bike Park
- Agness Brereton Netball Courts, Traralgon
- Victory Park, Traralgon
- Traralgon Railway Reserve
- Community Hall, Traralgon South

REPLACE INDIVIDUAL CUBICLE SIGNS WITH UNGENDERED 'TOILET' SIGN

- Moe Apex Park (all cubicles including accessible)
- Morwell Rose Garden (both cubicles and outside sign)
- Lake Narracan (accessible cubicle)
- JS Dwyer Memorial Park, Moe (accessible cubicle)
- Newman Park, Traralgon (all cubicles including accessible)

Note: over time all 'unisex' cubicle signs to be replaced with ungendered 'toilet' sign.

HAND SOAP TO BE ADDED

- Boolarra Railway Reserve
- Mathison Park, Churchill
- Apex Park, Glengarry
- Moe Town Hall
- Albert Street, Moe
- JS Dwyer Memorial Park, Moe
- Moe Apex Park
- Moe Botanic Gardens
- George Street, Moe
- · Kernot Hall, Morwell
- Rotary Gardens, Morwell
- Commercial Road Bus Station, Morwell
- Morwell Rose Garden
- Morwell Town Common
- Crinigan Road Bushland Reserve, Morwell
- Lake Narracan Boat Ramp
- Henry White Reserve, Newborough
- Haunted Hills Mountain Bike Park
- Village Green, Toongabbie
- Newman Park, Traralgon
- Bert Thompson Reserve, Traralgon
- Agnes Brereton Netball Courts, Traralgon
- Seymour Street Car Park, Traralgon
- Victory Park, Traralgon
- TEDAS Pavilion, Traralgon
- Traralgon Railway Reserve
- Community Hall, Traralgon South
- Jaycees Park, Tyers
- Lyons Park, Yallourn North
- · Centenary Park, Yinnar

NAPPY BIN SERVICE TO BE ADDED

Current locations that already have a baby change table:

- Apex Park, Glengarry
- Moe Town Hall
- George St Taxi Rank, Moe
- JS Dwyer Memorial Park, Moe
- Rotary Gardens, Morwell
- Village Green, Toongabbie
- Victory Park, Traralgon
- Bert Thompson Reserve, Traralgon
- · Agnes Brereton Netball Courts, Traralgon
- Traralgon Railway Reserve
- TEDAS Pavilion, Traralgon Recreation Reserve
- Traralgon South Community Hall
- Jaycees Park, Tyers

Locations where baby change tables will be added:

- Boolarra Railway Reserve
- Mathison Park, Churchill
- Moe Botanic Gardens
- Kernot Hall, Morwell
- Morwell Town Common
- Crinigan Road Bushland Reserve, Morwell
- Henry White Reserve, Newborough
- Lyons Park, Yallourn North
- Centenary Park, Yinnar

SANITARY BIN SERVICE TO BE ADDED

- Kernot Hall, Morwell
- Crinigan Road Bushland Reserve, Morwell
- Community Hall, Traralgon South
- Jaycees Park, Tyers
- Lyons Park, Yallourn North

Latrobe City Council

40

ATTACHMENT 5

Public Toilet Associated Contracts - Recommendations

Cleaning of Public Conveniences

CATEGORY 1

• 24h facility in large towns 3 x daily

· High use facilities in large

CATEGORY 2

• All other facilities in large towns 2 x daily

• 24h facility in small towns

CATEGORY 3

• Rural / remote 3 x per week

- Install cleaning schedule sign at each location, including number to report any issues and QR code for Snap Send Solve
- At contract renewal (due January 2024) set up online contractor timesheets to assist accurate job and time tracking

Note: The estimated additional yearly cost to increase cleaning frequency of Public Toilets to this recommended level will be \$158,860 (\$181,982 to \$340,842).

Sanitary and Nappy Bin Disposal Service

- Baby change table and nappy bin to be included at regional play spaces, destination locations and town centre facilities (see plan for list of locations)
- All locations to have an adult incontinence bin (located in the accessible toilet) in addition to the infant nappy bin, and promoted accordingly https://bins4blokes.org.au/resources/
- All cubicles to have a sanitary bin

Note: The estimated additional yearly cost to include adult incontinence bins at all Public Toilet locations is \$12,000.

Security

24-hour locations are:

- Boolarra Railway Reserve
- Apex Park, Glengarry
- George Street Taxi Rank, Moe
- Commercial Road Bus Station, Morwell
- Village Green, Toongabbie
- Seymour Street Car Park, Traralgon
- Jaycees Park, Tyers
- Centenary Park, Yinnar

All other facilities to be locked on dusk and opened at dawn

 At contract renewal (due August 2025) set up online contractor timesheets to assist accurate job and time tracking

Note: The estimated cost for an online timesheet solution is up to \$5,000 per year, but could be significantly less if it can be done inhouse or provided by the contractor

Consider electronic locking system

41

Latrobe City Council

Public Toilet Plan 2023–2033

ATTACHMENT 6

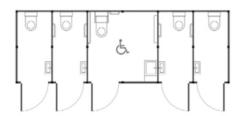
Public Toilet Design Examples

	INCLUSIONS/
DESIGN	MEASUREMENTS

ESTIMATE \$\$

Changing Places

\$350,000 - \$450,000



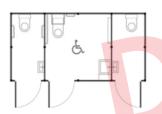
2 Standard Toilet

\$300,000 - \$400,000

2 Ambulant Toilet

1 Universal Access Toilet

7200 mm x 2400 mm



1 Standard Toilet

\$200,000 - \$300,000

1 Ambulant Toilet

1 Universal Access Toilet

4800 mm x 2400 mm



1 Ambulant Toilet

\$150,000 - \$250,000

1 Universal Access Toilet

3600 mm x 2400 mm



1x Universal Access Toilet

\$100,000 - \$200,000

2400 mm x 2400 mm



Fully Automated Facility

 Fully Automated 1
 \$150,000 - \$250,000

 Fully Automated 2
 \$250,000 - \$350,000

 Fully Automated 3
 \$300,000 - \$400,000

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CHANGES RECOMMENDED

MARTIN WALKER RESERVE, YINNAR SOUTH (1)

WHAT OUR COMMUNITY SAID

"We welcome the commitment for the toilets at Martin Walker Park, which currently have no all gender facility, to be knocked down and rebuilt, with the design of the new facility to occur in 2028-29. We recommend that this be brought forward..."

OFFICERS RESPONSE	
RECOMMENDATION	Add construction of a new facility at Martin Walker Reserve to Year 7 $-$ 8 (2029/30) for an estimated cost of \$450,000
REASONING	 This facility will replace the current, non-compliant public toilet at this location. It could be brought forward however this would be subject to budget and would need to be prioritised over other projects.

EDWARD HUNTER RESERVE, MOE (1)

WHAT OUR COMMUNITY SAID

"The immediate problem for the Edward Hunter Reserve is that although we are mentioned as receiving a new toilet on page 10 this does not follow through in attachment 4 in the 10-year implementation plan. While this is probably an oversight and is easily corrected, we need to be certain we are not overlooked. The main points we wish to put forward are:

- Be Included in the 10-year implementation plan
- There is evidence of defaecation close to the carpark on Coalville Rd thus demonstrating the need
- There is public expectation this facility should be provided as it is in many other public areas
- There is growing interest by the public in the natural environment and hence increasing use of the Reserve in the future
- Provision of this facility would enhance the public image of Moe and the Reserve as a desirable place for tourists to visit Asset Committee EHHBR, Moe"

OFFICERS RESPONSE	
RECOMMENDATION	Add design of a new facility at Edward Hunter Reserve to Year 5 – 6 (2028/29) for an estimated cost of \$60,000
	Add construction of a new facility at Edward Hunter Reserve to Year $9-10$ (2032/33) for an estimated cost of \$500,000
REASONING	To align with similar reserves within the municipality

FACILITIES ON POPULAR WALKING TRACKS (3)

WHAT OUR COMMUNITY SAID

"I would love for a public toilet to be built somewhere along Traralgon's Kay St walking path... A lot of people walk/exercise along this path and there are no toilets any further west of the pool. ... I love walking long distances and it's a shame not to have a toilet in this part of town especially with such a great path (& particularly now that it links with the path to Morwell)."

"It takes too long to walk from my home in Traralgon into the CBD without any toilet facilities available. This is a barrier to our family engaging exercise."

"Toilets at the playground at "The Strand," in Traralgon would be very beneficial!"

OFFICERS RESPONSE	
RECOMMENDATION	List Morwell to Traralgon Shared Path and Gippsland Plains Rail Trail in plan under potential future works for consideration.
REASONING	 Budget limitations restrict number of facilities that can be built over duration of this plan. As per the Latrobe City Council Play Space Strategy The Strand playground is classified as a local level park and does not require a toilet

NEW FACILITY IN NEWBOROUGH (3)

WHAT OUR COMMUNITY SAID

"We have found to have increasing numbers of people and events example Car Show and a Dog show in the park recently. As there are no public toilet facilities, we believe the participants and increasing of business in the area would highly benefit from the inclusion of public toilet facilities in the park between Darlimurla and Boolarra Avenue."

"All shopping strips with eating facilities should have a public toilet facility within easy reach. The Boolarra Rd shops would benefit greatly from this inclusion."

"I wish to submit that a dual unisex & wheelchair-accessible toilet block be built adjacent to Newborough Square in Old Newborough. The best location we have looked at is at the rear of the block next to Central Pharmacy Newborough on Eillinbank Street and Boolara Avenue as there is currently sewage lines right there. This park and shopping area is growing with the Anzac & Remembrance Day gatherings as well as a monthly car meet between Spring & Autumn as well as a Market that had to use portaloos."

OFFICERS RESPONSE	
RECOMMENDATION	Not included in plan, however usage of area will be monitored, and location listed under potential future works for consideration.
REASONING	 In line with the design guidelines and standards, the location does not currently meet usage / demand requirements to justify need. Events should bring in portable facilities when required.

CLEANLINESS (4)

WHAT OUR COMMUNITY SAID

"I'm all for the plan to implement safer, cleaner more accessible Public toilets..."

"Clean, accessible, open and welcoming toilets should be one of the highest priorities within council remit."

"As for your cleaning contractors - value for money is not being had. They turned up in Yinnar today to clean the toilets and were gone in less than 5 minutes."

"The sinks are often very dirty with green gunk in them which confirms they have not been cleaned."

"...inside each facility a clear sign be placed stating how often the toilet block is cleaned and a direct phone number to a LCC officer during normal business hours for cleanliness concerns or toilet facility damage."

"Given the ongoing nature of Covid and other transferable diseases please consider having soap dispensers placed in public toilets."

OFFICERS RESPONSE	
RECOMMENDATION	Cleaning frequency is increased resulting in an estimated additional yearly cost of \$158,860.
	Cleaning schedule signs to be installed at all locations during 2023/24
REASONING	 Current cleaning frequency has been reviewed and recommendations added as an appendix to plan to inform future cleaning contract. Provision of soap is already recommendation plan - this will increase operational costs which must be considered in future budget allocation.

DESIGN OF DOCUMENT (1)

WHAT OUR COMMUNITY SAID

"Council prides itself on being 'equitable' and having 'access for all'. Yet this document (and most other council documents), ustilise a lighter shade of grey, and small, font. This is all too common and discriminates against people with visibility concerns."

OFFICERS RESPONSE	
RECOMMENDATION	Include sentence at end of document 'To obtain this information in languages other than English, or in other formats, please contact Latrobe City Council on 1300 367 700.'

SIGNAGE (2)		
	WHAT OUR COMMUNITY SAID	
"directional signage to the toilet facilities and designated cubicle signage be placed in-situ."		
	OFFICERS RESPONSE	
RECOMMENDATION	All toilets will be checked to ensure they have a sign stating correct opening hours displayed, and all non 24h locations to include information on closest 24h facility (added to Year 0-1 Actions) Undertake a review of all directional signage to ensure public toilets are appropriately signed within a 100m radius and seek budget for delivery of recommendations once complete.	

CHANGES NOT RECOMMENDED

REMOVING ALBERT DEPPELER MEMORIAL TENNIS COURTS FACILITY, YINNAR SOUTH (32)

WHAT OUR COMMUNITY SAID

"Please DO NOT remove the public toilets at Yinnar South Tennis courts. We use courts for a hit sometimes and I have a problem with bladder and bowel control. I would not be able join in the family fun as I would not have time to get to home for the toilet."

"I believe it's necessary to have public toilets at the tennis courts. It would be appreciated to have an updated facility block. I think the courts also need new nets."

"Objection to the removal of public toilets at Yinnar South tennis court. We have very few public toilets in this council, need more, not less."

"The tennis courts are utilised by families not just for the purpose of playing tennis but for a multitude of purposes that assist other recreational pursuits."

"... It would be ideal to include a playground, sealed carparking, flood lighting to increase usage of this council owned asset."

"The removal of the toilets will mean we will be unlikely to continue using the facility as with 4 children someone always needs to use the toilet. It would be a great loss for the community of Yinnar South, as the tennis courts are a well-loved facility."

"Improve them or leave them alone!"

"The community does its best to maintain, clean and supply toilet paper to these toilets as they believe they are an essential part of the community."

"These courts still get plenty of use by local families with young children."

"The tennis courts are utilised by families daily. The Yinnar South Primary School use the courts as a safe meeting point and also for PE classes."

"Spend OUR Money IMPROVING FACILITIES not Removing them!!"

"Please keep the Yinnar Sth toilets. They are really convenient when cycling in the area and when caught short out and about."

"I am strongly in favour of these toilets remaining in place. As a local father of young children we frequently visit the tennis courts and use the toilets whilst there regularly."

"The Yinnar South Tennis Court toilets fulfill the wants of many people and must remain! ...The toilets are used by many people, families bring their children down for a game of tennis, tradesmen, especially when the parking area is used as a rendezvous for contractors working in the area and further up the valley, and tourists / general public...The land the courts and toilets are on was donated by the Deppeler family and signed over to the Council many years ago. We are still working the land around the area and are fully aware of the number of people who use the toilets."

"The Latrobe City Council is wanting to attract visitors and promote liveability within the municipality, I feel demolishing of these toilets goes against this."

	OFFICERS RESPONSE	
RECOMMENDATION	Due to the substantial cost to Council to continue to provide a toilet at this location, it is recommended the facility is decommissioned in 2025/26 as planned in the <i>draft</i> Public Toilet Plan 2023-2033 *Usage data will be obtained prior to undertaking works to confirm daily visits are less than 30	
REASONING	 This facility was erected to service the Yinnar South Tennis Club which has been inactive since 2006. The tennis courts are in fair condition, but non-compliant for competition and no longer used as a secondary venue for the Yinnar Tennis Club A recent Building Condition Assessment scored the clubrooms and public toilet as condition 5 (demolish) The site is not accessible (DDA compliant) Centenary Park in Yinnar is a 5-minute drive which will be upgraded to a larger facility in 2028/29 Yinnar Recreation Reserve has 4 tennis courts to service a population of 1,738 (2021 Census data on postcode 3869) and is a 4-minute drive from Yinnar South 	
ALTERNATIVE	Demolish the current facility and construct a new facility including DDA upgrades to site and a new septic system (which may not be feasible due to site conditions) at an estimated cost of \$300,000+	

REMOVING GLENDONALD PARK FACILITY (7)

WHAT OUR COMMUNITY SAID

"Unfortunately, you are speaking of closing the Glendonald Park Toilets because of damage and graffiti. I understand this and sympathize with this but when you do this, you are now serving the community inequitably. Innocent parents and children need to have a public toilet within a public park. I'm not sure how to fix that but you need to keep thinking."

"The toilet in Glendonald Park is often damaged and dirty but handy to have if running or walking on the Eel Hole Creek and other pathways in that area. As the Hub is also not open on weekends these become more important to have available."

"We oppose the proposed demolition of the toilets at Glendonald Park. These are the only existing public toilets within walkable distance, and their demolition would impose an unnecessary cost on Council."

"I ask that the present unisex toilet at Glendonald Park be retained and maintained. Groups, families and individuals utilise the park. I suggest LCC officers consider whether vandalism and graffiti could be reduced by improved lighting, outside security cameras or Dob in Vandal signs with an accompanying direct LCC phone number."

"I don't think removing the toilet in Glendonald Park is a good idea there is so much new housing going in near this location the need for one will only grow."

"CDCA does not support the decommissioning of the public toilet at Glendonald Park without further consideration and investigation. We concur that the public toilet at this park is subject to "high vandalism & antisocial behaviour" but believe that facilities should not necessarily be demolished because they are vandalised... Glendonald Park is a well-appointed park with multiple recreational facilities and is well utilised by the public. ...An upgrade or refurbishment to meet Council's requirements could be undertaken... and increased security measures to deter anti-social behaviour."

	OFFICERS RESPONSE
RECOMMENDATION	Due to the ongoing cost to Council to continue to provide a toilet at this location due to repeated and frequent vandalism, it is recommended the facility is decommissioned in 2024/25 as planned in the draft Public Toilet Plan 2023-2033 *Usage data will be obtained prior to undertaking works to confirm daily visits are less than 30
REASONING	 As per the Latrobe City Council Play Space Strategy this is classified as a local level park and does not currently require a toilet (however future needs may change) Building Maintenance report significant damage through vandalism to all infrastructure at this location, with the public toilets a popular target (facility was closed for 12 months due to ongoing issues)
ALTERNATIVE	Demolish facility and relocate to an alternate location to improve passive surveillance and CPTED at an estimated cost of \$300,000 (\$50,000 to demolish current facility, \$250,000 to design and construct a new facility)

REMOVING MOE TOWN HALL FACILITY (3)

WHAT OUR COMMUNITY SAID

"These are mostly central to Moe CBD...The current newer toilets are a bit out of the way being on the south side of George St... Instead of removal I ask for a review and major upgrade of these."

"These toilets are the most central public toilets in Moe town centre and are a hotspot for the elderly. A lot of elderly do not drive and rely on public transport to get around. For a 70+ year old citizen with mobility or incontinence issues be expected to walk to either the Taxi Rank or to Coles if they are in need of the bathroom to me seems unfair and more of a hazard then the amenities block staying in its location."

"These toilets are centrally located and the most accessible toilets for the north-east of the town."

	OFFICERS RESPONSE
RECOMMENDATION	Due to the substantial cost to Council to upgrade this facility in line with the recommendations of the <i>draft</i> Public Toilet Plan 2023-2033, it is recommended that it is decommissioned as planned in 2027/28 *Usage data will be obtained prior to undertaking works to confirm daily visits are less than 30
REASONING	 As per location maps, there are 5 other facilities within walkable distance (Moe Service Centre is 260m walk, Albert Street Coles Carpark is 250m walk) This facility is in poor location with high occurrence of vandalism and anti-social behaviour and does not comply with CPTED principles. Facility is segregated male / female compartments which does not align with recommendations of the public toilet plan. Albert Street will be upgraded first to accommodate service requirements.
ALTERNATIVE	A significant upgrade to change layout to individual cubicles (with an external handwash station) at an estimated cost of \$200,000.

UPGRADING FACILITY IN CENTENARY PARK, YINNAR (5)

WHAT OUR COMMUNITY SAID

"The toilets in Main Street Yinnar have been inadequate for general use for some time. Yinnar has several large functions each year which attract hundreds of visitors to town. ... As well as our events in Yinnar we receive many more visitors to our parks and playgrounds during the year, the wait times during busy periods especially with younger children is far from acceptable. To have to wait another 4 - 5 years to have our single unit toilet replaced is placing our community in a poor light for our visitors."

"Yinnar is a busy town and there are often lines for the one poorly designed and managed toilet we have. To not have any works flagged til 2028 is a joke."

"Yinnar public toilet NEED more than 1 toilet for all the festivals / sculpture / playground that we are having now. The population here needs more than 1 toilet."

"While I applaud your decision to demolish and upgrade the public toilet in Centenary Park Yinnar, I, along with many other residents of Yinnar, think that it should be implemented sooner than the projected start date."

	OFFICERS RESPONSE	
RECOMMENDATION	Due to other priorities within the plan, and yearly budget limits it is recommended that this facility is upgraded in 2028/29 as planed in the <i>draft</i> Public Toilet Plan 2023-2033	
REASONING	Scheduled for 2028/29	
	Currently provides adequate level of service for most of the time	
ALTERNATIVE	It could be brought forward however this would be subject to budget and would need to be prioritised over other projects.	

UPGRADING FACILITY AT MATHISON PARK (2)		
WHAT OUR COMMUNITY SAID		
"I am pleased to see the plan recommends an upgrade but the likely increase of Mathison Park usage requires substantial upgrading of toilet facilities."		
OFFICERS RESPONSE		
RECOMMENDATION	No change	
REASONING	Already in plan to upgrade to a larger facility (which may be done as part of the playground upgrade)	

UNGENDERED CUBICLES (7)

WHAT OUR COMMUNITY SAID

"Unisex loos are acceptable and welcome in many locations. But not all, specifically where they incorporate change rooms. The current example of installations of unisex toilets as displayed across the city are functional, practical, and suitable for a modern world. These are appropriate and welcome."

"Why must we have 'ungendered' toilets? As a female, I cannot stand going in after a man who can occasionally twinkle on the seat."

"I would personally prefer a female toilet due to them often being cleaner. A male, female and unisex/disabled/parent types would be my choice for any new toilet blocks."

"We welcome the commitment from Council to include all gender facilities and appropriate signage in its future public toilet installations, upgrades and replacements. This will ensure that non-binary people can access public toilets throughout the City, creating more equitable access to public toilet facilities."

"I ask that where the LCC provides public toilets (unless it is only one cubicle), the cubicles be clearly designated male and female toilets and not unisex...There are people in the local community who not feel safe and/or comfortable using unisex public toilets; particularly elderly residents and parents/carers of young children and I submit these views should have precedence over having all public toilet facilities unisex."

OFFICERS RESPONSE	
RECOMMENDATION	No change - the recommendation of the <i>draft</i> Public Toilet Plan 2023-2033 is to provide forward facing, individual cubicles that are signed to specify the fixtures and fittings within the cubicle rather than designating a specific gender of users.
REASONING	 Gender Equality Act 2020 Living Well Latrobe 2022-25 Ungendered toilets benefit parents and guardians accompanying children and people requiring the assistance of a carer, and reduce wait times during peak usage times. Recommend an increase to cleaning schedule at an estimated additional yearly cost of \$158,860 to appease community concerns regarding cleanliness.

FREE SHOWERS (2)		
WHAT OUR COMMUNITY SAID		
"Is there any consideration of the needs of homeless people and for more access to showers as well as toilets in appropriate places?"		
OFFICERS RESPONSE		
RECOMMENDATION	Not recommended	
REASONING	Showers are available via Emergency Relief and Support Services, including Latrobe Leisure (refer ERNLaC brochure)	

VENDING MACHINES (2)

WHAT OUR COMMUNITY SAID

"Condoms are the best form of prevention for sexually transmissible infections (STIs) and can also prevent unintended pregnancy. For rural young people, issues of privacy, lack of transport and cost are some of the barriers that prevent them from accessing condoms... The Latrobe Valley has and consistently maintains one of the highest rates of teenage pregnancy in the state."

"Period poverty also remains an issue in Australia, access to period products is a privilege many of us take for granted. Providing free period products in public toilets offer relief and dignity to vulnerable community members."

OFFICERS RESPONSE		
RECOMMENDATION	Referred to Active and Liveable Communities to explore options.	
REASONING	Due to history of severe vandalism to Condom Vending Machines in the past, recommendation is to find an alternative solution	

SMALL TOILETS (2)

WHAT OUR COMMUNITY SAID

"I also suggest these facilities (Mathison Park) have children sized pans and the separate cubicles clearly identified as young boys and another for young girls."

OFFICERS RESPONSE			
RECOMMENDATION	Not recommended		
REASONING	Not required		
	For the majority of circumstances, a child that requires a small toilet would be with parent/ guardian.		
	Need does not justify cost		

OPENING HOURS (1)

WHAT OUR COMMUNITY SAID

"Apex Park toilet should be open 24 Hours, as well as the toilet at Henry Park Reserve at the top of Rutherglen Road in Newborough. Locking gates should be removed."

OFFICERS RESPONSE		
RECOMMENDATION	No change	
REASONING	Not a viable option due to history of high vandalism at both locations	

LAKE NARRACAN (1)

WHAT OUR COMMUNITY SAID

"A toilet block must be installed at the north shore of Lake Narracan. Families refuse to use this area (preventing "activation") because of the lack of toilet facilities, and this therefore attracts undesirable behaviour; littering, graffiti, etc. People instead travel to Cowarr Weir in Wellington shire with their families, taking money out of Latrobe City and sending it to our neighbours."

OFFICERS RESPONSE		
RECOMMENDATION	Not included in plan	
REASONING	 Alternate options explored but not viable (including Ski Club / Hovercraft Club) No current identified need to warrant new facility. Potentially addressed by any future works under the Lake Narracan Foreshore Landscape Masterplans 	

PETITION FOR THE REOPENING OF CHESTNUT AVENUE, MORWELL

PURPOSE

To provide Council a detailed response to the petition received requesting Council reopen Chestnut Avenue in Morwell.

EXECUTIVE SUMMARY

- Latrobe City Council (Council) has been presented with a petition (Attachment
 1) containing 45 signatures requesting that Council reopen the western end of Chestnut Avenue to restore vehicular access to The Boulevard in Morwell.
- The petition was tabled at the Council Meeting held on Monday, 7 August 2023, where it was resolved that a further report would be presented to Council in response to the petition.
- The permanent closure of Chestnut Avenue, Morwell took place in June 1984, with the reason predominantly being the use of the road as a "rat run" for speeding and/or hooning drivers. The closure was the result of a trial undertaken by the Shire of Morwell, and subject to a number of petitions in relation to the matter.
- The use of roads during the time of the closure was likely different to that of the present day, it is considered that reopening Chestnut Avenue could result in a significant increase of through traffic.
- Officers have reviewed the history relating to the closure of Chestnut Avenue in 1984 and recommend no further work be undertaken in response to the petition, due to the apparent low level of support from residents on Chestnut Avenue.
 - Of the approximately 40 properties on Chestnut Avenue, only eight signatories (six properties in total) were from residents that have addresses on Chestnut Avenue.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the report and that no further work be undertaken in relation to the reopening of Chestnut Avenue, Morwell; and
- 2. Advises the head petitioner of this resolution.

BACKGROUND

Council has been presented with a petition (Attachment 1) containing 45 signatures requesting that Council reopen the western end of Chestnut Avenue, Morwell.

The petition statement outlines the following:

We, the undersigned residents and property owners hereby request that Latrobe City Council remove the barrier at the western end of Chestnut Avenue to restore vehicular access to The Boulevard, Morwell.



Figure 1: Location of Chestnut Avenue Closure

ANALYSIS

The permanent closure of Chestnut Avenue, Morwell took place in June 1984, with the reason predominantly being the use of the road as a "rat run" for speeding and/or hooning drivers. The closure was the result of a trial undertaken by the Shire of Morwell, and subject of a number of petitions in relation to the matter.

A copy of the 24 May 1984 decision of the Shire of Morwell to Close Chestnut Avenue and the objections to the proposal are provided as information at Attachment 2.

The use of roads during the time of the closure was likely different to that of present day, however it is also considered likely that reopening Chestnut Avenue could result in a significant increase of through traffic.

Of the 45 signatures on the petition, only 8 (6 different properties) are from residents that have addresses on Chestnut Avenue, indicating that the vast majority of those directly impacted are not supportive. Figure 3 below shows the location of the residence for each signatory of the petition (excluding one from Moe and one from a location in Morwell outside of the direct neighbourhood area of Chestnut Avenue).

Several factors must be considered when undertaking a change such as that requested by the petitioners, particularly the traffic, noise and amenity impacts for the residents of Chestnut Avenue. The financial impacts for Council to implement the reopening should also be considered. Whilst minimal, the potential for future costs remains particularly if speeding or hooning were to commence, residents may see this as Council's responsibility to address.

Officers also undertook a review of documentation and records available regarding the road closure of Chestnut Avenue, coupling this with the above, officers recommend that no further work be undertaken in response to this petition due to the apparent low level of support from residents on Chestnut Avenue for the reopening.

RISK ASSESSMENT

TOTAL	NION / NOCEO MENT					
RISK	RISK RATING	TREATMENT				
COMPLIANCE Addressing speeding or hoon behaviour resulting from a potential reopening of Chestnut Avenue.	Medium Possible x Minor	Leave the current closure of Chestnut Avenue in place.				
STRATEGIC Reopening the road may have a detrimental impact on local residents when considering existing amenity and noise.	Medium Possible x Moderate	Leave the current closure of Chestnut Avenue in place.				

CONSULTATION

No consultation has been conducted in relation to this matter to date.

COMMUNICATION

The head petitioner was advised of the petition being tabled at the Council Meeting held on Monday, 7 August 2023 and as a result of the resolution, was advised of this report being presented at the Council meeting on Monday, 4 September 2023.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

APPENDIX 1 IMPACT ASSESSMENT

Social

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Financial

Not applicable.

Attachments

- 1. 2023 Petition Reopening Of Chestnut Avenue Morwell (Published Separately)

 This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Contains personal details of signatories.
- 2. May 1984 Council Meeting Minutes and Objections for the Closure of Chestnut Avenue, Morwell (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Contains personal details of objectors.

TOURISM & MAJOR EVENTS ADVISORY COMMITTEE RECOMMENDATIONS, AUGUST 2023

PURPOSE

To present the recommendations from the Tourism and Major Events Advisory Committee and seek Council approval to fund the 2023 National Basketball League (NBL) in-season match (16 December 2023) through the major events attraction budget (2023/24).

EXECUTIVE SUMMARY

- At its meeting held on 2 August 2023, the Tourism and Major Events Advisory Committee (TAMEAC) recommended funding support for the 2023 National Basketball League (NBL) in-season match.
- This event can be funded from the 2023/24 Major Event Attraction budget and, as a result, there are no budget implications.
- This major event has been reviewed and considered by officers based on assessments prepared outlining economic benefit, return on investment and benefit to the local community. Details of the assessments are provided in the attachments.
- This event will be broadcast live on ESPN and Kayo in Australia, providing national and international publicity for Latrobe City.

OFFICER'S RECOMMENDATION

That Council approve the \$25,000 contribution for the 2023 National Basketball league (NBL) in-season match.

BACKGROUND

The South East Melbourne Phoenix will return to Gippsland Regional Indoor Sports Stadium on 16 December 2023 for the third year running to compete in an in-season National Basketball League Match against the Illawarra Hawks. This event will be broadcast live on ESPN and Kayo in Australia, ensuring national and international exposure for Latrobe City. The event will also provide opportunities for local community engagement, allowing residents to actively participate and immerse themselves in the basketball festivities.

Event	Council Contribution	Economic Impact (estimated)	Return on Investment (estimated)
NBL In Season Match: SEMP vs Illawarra Hawks	\$25,000.00	\$475,274.96	\$19:\$1
16 December 2023			

ANALYSIS

In accordance with the Major Events Selection Framework the recommendation to progress this event is presented to Council for adoption.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Major event doesn't meet safety or regulatory requirements.	Low Unlikely x Minor	All events supported by Council are required to submit and have approved an event permit.
SERVICE DELIVERY Inability to deliver event by scheduled date	Low Unlikely x Minor	Event timeframes are developed in conjunction with the Latrobe City events team. Strict oversight of this is monitored by Council officers.
FINANCIAL Opportunity cost of lost economic benefit from these major events if not supported.	Low Unlikely x Minor	Use of the major events assessment process and review by Council officers and TAMEAC.

RISK	RISK RATING	TREATMENT
STRATEGIC Major event negatively impacts on the reputation of Latrobe City Council as an events destination.	Low Unlikely x Minor	TAMEAC consideration of event proposal and assessment. Strict oversight of operations and arrangements by Council officers.

CONSULTATION

Consultation has occurred with internal stakeholders to determine support of this major event. Further, major event proposals and assessments are presented to TAMEAC for consideration and recommendation.

COMMUNICATION

All major events have extensive marketing and community engagement activities associated with their delivery. These are managed in conjunction with officers from Latrobe City Council.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

APPENDIX 1 IMPACT ASSESSMENT

Social

The opportunity to host this major event is expected to enhance and boost civic pride and Latrobe's reputation as a centre for sporting excellence.

Cultural

This event is a public sporting event and will be promoted to all backgrounds and various community groups to encourage a diverse mix of spectators.

Health

Hosting major events provides the opportunity for the local community to experience high profile events which have an impact on overall community health and wellbeing.

Environmental

It is not anticipated that this event will generate any adverse environmental impacts.

Economic

An economic impact has been undertaken and assessed based on the economic benefit, return on investment and benefit to the local business community. This event offers an excellent economic benefit to the municipality.

Financial

Event funding is covered under the annual Major Events Attraction budget and part of BAU budget preparations.

Attachments

1. Event Assessment - 2023 National Basketball League Match

6.3

Tourism & Major Events Advisory Committee Recommendations, August 2023

1	Event Assessment - 2023 National Basketball League
	Match 8 ²



TAMEAC Major Events Funding Assessment Form



EVENT ASSESSMENT					
Date proposal received:	17 July 2023 Application assessed by: Jess N		Jess Middlemiss		
EVENT CONTACT DETAILS					
Contact Name:	Anoop Singh		Email:	Anoop	o.singh@semphoenix.com.au
Title/Position:	Chief Commercial C	Officer	Phone:	0457 8	804 327
EVENT DETAILS & DELIVER	RABLES				
Event:	NBL Regular Seaso	n Game -	- SEMP vs Illa	awarra	Hawks
Event date:	Saturday 16 Decem	ber 2023	3, 2.30pm		
Event description: Please provide detailed event description including the who, what, where, when?	The South East Melbourne Phoenix (SEMP) will return for the third year in a row to play an in season National Basketball League (NBL) match on the 16 December at the Gippsland Regional Indoor Sports Stadium (GRISS). This event will be broadcast live on both ESPN and Kayo in Australia.				
Is the event new or existing?	New Event Existing Event: How long has your event been running for? 2 Years				
Purpose/Aims/Objectives:	Continue to engage with the regional community of Gippsland. The Club has built a great relationship with the region since inception and is looking to continue to grow the relationship, while promoting the sport of basketball and engaging the community.				
Benefit/Outcomes:	Great for the region to experience the NBL product. The last two seasons have been a resounding success. SEMP are able to engage with the community and continue to develop basketball outcomes in the region.				
EVENT BUDGET					
Disconnection was a sent budget in the income and averaging tables below including details of other					

Please outline your event budget in the income and expenditure tables below, including details of other

funding that you have applied for, whether it has been confirmed or not.

INCOME		EXPENDITURE	
Latrobe City Council	\$25,000	Event Operations	\$100,000
Additional Grants / Sponsorship	\$75,000	Venue Hire	\$10,000
Team Entry / Ticket Sales	\$50,000	Marketing and Promotion	\$15,000
In-kind	\$	Administration	\$25,000
Applicants Contribution	\$	Infrastructure	\$
TOTAL	\$150,000	TOTAL	\$150,000



EVENT GRADING				
Estimated economic benefit to Latrobe Valley	ROI	Rating		
	Up to \$10	<u> </u>		
Projected economic impact: \$475,247.69 (based on 2022 event) ROI - \$19:\$1	\$11 – \$19	⊠ 2		
(6)	\$20 +	□ 3		
Event commitment to the region				
1 year only – annual event, agreement is for 1 year] 1		
2 years] 2		
3 years] 3		
Event budget				
	Poor	<u> </u>		
Event budget supplied.	Good	⊠ 2		
	Excellent	<u></u> 3		
Does the event have budget for promotion and marketing opportunities to showca beyond? (Please select one)	se Latrobe (City and		
None allocated] 0		
Latrobe City Only] 1		
Gippsland] 2		
Intrastate] 3		
Interstate] 4		
In addition to the above, does the event provide opportunity to market and promote Latrobe City as a tourist destination through the events existing and established marketing channels? i.e. membership data base, TV / live streaming digital media other.				
The event will be promoted to our database, including fans, members and corporate partners. This will include both traditional and digital marketing channels. With the game scheduled on Saturday afternoon, this will be broadcast live on both ESPN and Kayo in Australia.		es (1) lo (0)		
Is there a proposed community engagement plan / content? If yes, is there any intent to engage / collaborate with schools, CALD community members, or outreach communities? Expand:				
Primarily schools as per prior year visits along with local basketball communities		es (1) lo (0)		



Calendar/marl	ket fit for Latrobe City Calendar of Events				
Poor					
Good fit in the calendar. No conflicting events.			<u> </u>		
		Excellent	⊠ 3		
Grading guide	: 0 − 6 = GOOD, 7 − 12 = V GOOD, 13 and above = EXCELLENT	Score	14/20		
STRATEGIC G	OALS / FOCUS				
Does the even	t support the following strategic goals:				
Adding to our	region's Economic prosperity	⊠ Yes	s □ No		
Being comple	mentary to community members and groups	⊠ Yes	s □ No		
Increasing the	regions image and visibility	⊠ Yes	s □ No		
IDENTIFY KEY	ISSUES / BENEFITS				
Issues:	None				
Benefits:	 Returning event with it being almost sold out both times it has be Broadcasted event, which promotes Latrobe City as an events de SEMP are very professional and organised and are a great organ 	estination			
RECOMMENDATION					
	ove application into consideration, it is recommended to proceed with d funding allocation: \$25,000.00	this propos	sal.		
These recommendations align with the Latrobe City Events & Tourism Strategy 2018–2022:					
1. Increase Visitation Through developing major destination attractions, experiences, and hallmark events. By leveraging events as a catalyst for tourism growth through a diverse year-round calendar of events.					
2. Increase Length of Stay and Visitor Spend By stopping passing through traffic and convert day trippers into overnight stays. Via increased spend through value-adds and the packaging of events and tourism experiences.					
3. Increase Destination Profile Through brand development, destination and event marketing and PR. By prioritising digital and social media and collaboration with regional, state, and national partners.					
4. Promote Community Connectiveness By encouraging community support. Through participation in events and tourism initiatives.					



It also supports the Latrobe City Council Plan 2021 - 2025 objectives:

1. Healthy

 Continue to position Latrobe City for major sporting events that are accessible and inclusive for all our community.

2. Connected

- Promote our role as Gippsland's Regional City to support economic growth and events programming, cultural events and recreation and sporting attractions.
- Connect people facing barriers to opportunities in education, recreation, sport, culture, and the community.



2022/23 END OF YEAR RESULT AND ACCUMULATED CASH SURPLUS

PURPOSE

To present to Council the 2022/23 realised cash surplus position (pending year end audit completion) and to provide a listing of projects identified for funding consideration from the surplus.

EXECUTIVE SUMMARY

- At the close of the 2022/23 financial year Council has realised a cash surplus of \$6.592M (unaudited) against the adopted budget.
- This brings the total of the Accumulated Unallocated Cash Reserve to \$6.596M.
- It is recommended that \$4.381M of unfunded priority projects be allocated funding from the Accumulated Unallocated Cash Reserve.
- Following the allocation of funds to recommended priority projects a balance of \$2.215M would remain in the Accumulated Unallocated Cash Reserve.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes at the conclusion of the 2022/23 financial year Council generated a net cash surplus of \$6.592M (unaudited); and
- 2. Allocates the 2022/23 net cash surplus of \$6.592M to the Accumulated Unallocated Cash Reserve, or if different the amount following the completion of the audit; and
- 3. Allocates from the Accumulated Unallocated Cash Reserve \$4.381M to fund the following projects:

•	Traralgon CBD Parking Overlay Waiver	\$194,000
•	Gaskin Park Oval 2 – Surface Upgrade	\$100,000
•	Old Methodist Church EOI Process	\$86,000
•	Planning Panel Report Works – Amendment C127	\$36,000
•	Maintenance Grant – Morwell Baseball Club	\$10,569
•	Maintenance Grant – Morwell Tennis Club	\$2,500
•	Environmental Audit Works – Dunbar Road Traralgon	\$227,000
•	Latrobe Regional Airport Safety Upgrades	\$20,000
•	Marshalls Road Intersection	\$750,000
•	Kernot Hall Upgrade	\$412,000
•	Traralgon Court House	\$150,000

•	Morwell Depot Building Works	\$838,000
•	Footpath/Paths - Renewal & Missing Links	\$200,000
•	Council Chamber – Detailed Design Works	\$200,000
•	Open Space Maintenance Equipment (Wing Mowers x 2)	\$170,000
•	Crossing Point – Cross's Road Traralgon	\$150,000
•	Gaskin Park Churchill – Cricket Pitches	\$150,000
•	Public BBQ – New & Renewal Works	\$100,000
•	Tyers Soccer Pitch – Drainage & Irrigation	\$100,000
•	Latrobe Regional Gallery Digital Screen	\$60,000
•	Pedestrian Crossing - Old Sale Road Newborough	\$55,000
•	Place Brand Project	\$350,000
•	Old Gippstown Maintenance Grant (one-off)	\$20,000

BACKGROUND

Council finances are predominately managed on a cash basis with the annual budget set by balancing budgeted expenditure with expected cash income. At the conclusion of the financial year the balancing up of the annual financial accounts will result in the recognition of either a cash surplus or a cash deficit. Variations mostly represent savings against the adopted annual budget or the recognition of additional unexpected revenue.

The recognition of a cash surplus allows the organisation to consider the funding of additional expenditure into the following financial year, the funding of previous years deficits (where applicable) or the transfer of the surplus to a reserve for future consideration.

During the financial year Council may need to seek funding for a project (or matching grant funding towards a project) or an unforeseen circumstance that is unbudgeted within the current financial year. Council has the ability to allocate funding from the Accumulated Unallocated Cash Reserve via a resolution or the matter may be referred by Council for consideration at a future budget review opportunity.

Council has an opportunity at the end of each financial year to allocate any realised cash surplus to those projects or issues which have been referred to the end of year process.

ANALYSIS

For the financial year 2022/23 council has realised a cash surplus of \$6.592M. The surplus is mainly as a result of:

- Additional interest income resulting from a favourable movement in interest rates and additional funds invested (partly associated with the advanced payment of Grants Commission funding) \$3.3M
- Additional Grants Commission Funding of \$1.3M
- Additional rates revenue growth \$0.6M
- Favourable Workcover premiums & utilities \$1.5M

The balance of the Accumulated Unallocated Cash Reserve including the 2022/23 Cash Surplus is \$6.596M.

The following projects were not funded as part of the 2023/24 adopted budget and are recommended for funding from the Accumulated Unallocated Cash Reserve.

Project Title	Funding \$M
Council Resolutions from FY23	
Traralgon CBD Parking Overlay Waiver	0.194
Gaskin Park Churchill – Oval 2 Surface Upgrade	0.100
Old Methodist Church EOI Process	0.086
Amendment C127 – Planning Panel Report Works	0.036
Maintenance Grant Funding Increase	0.013
Subtotal	0.429
Regulatory Requirements	
Dunbar Road Depot – Site Contamination Works	0.227
Latrobe Regional Airport - CASA Audit Safety Upgrades	0.020
Subtotal	0.247
	-
Strategic Reserves	
Marshalls Rd Intersection – Gipps Water Shared Costs	0.750
Projects requiring additional funds to complete	
Kernot Hall Upgrade	0.412
Traralgon Court House	0.150
Subtotal	1.312
Recommended Capex Projects	
Morwell Depot – DDA/Rebuild Compliance Works	0.838
Footpath/Paths – Renewal & Missing Links	0.200
Council Chamber – Detailed Design Works	0.200
Additional Wing Mowers – Open Space Maintenance	0.170
Safer Crossing Point – Cross's Road Traralgon	0.150
Gaskin Park Churchill – Cricket Pitch Relocation	0.150
Public BBQ – New & Renewal Works	0.100
Tyers Soccer Ground – Drainage & Irrigation	0.100
Latrobe Regional Gallery – Digital Screens	0.060
Old Sale Road Newborough – Pedestrian Crossing	0.055
Subtotal	2.023
Recommended Non-Capex Projects	
Place Brand Project	0.350
Old Gippstown Maintenance Grant (one-off)	0.020
Subtotal	0.370
Total	\$4.381

The balance remaining in the Accumulated Unallocated Cash Reserve following the allocation of \$4.381M is \$2.215M.

In accordance with Council's Resolution from the March 2023 Council Meeting (Management Report 7.1), allocation of \$650,000 to fund the Traralgon Men's Shed project at Glenview Park as a standalone building was considered as part of the year-end review process. Based on progress of development of concept plans, allocation of \$650,000 for construction works is not supported at this stage due to progress of design works.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY Service delivery expectations may be compromised should funding not be allocated to priority projects.	High <i>Likely x Moderate</i>	Ensure surplus funds are allocated to the highest priority projects aligned with community expectations.
FINANCIAL There is a risk that surplus funds could be used to fund projects that further negatively impact on Councils financial sustainability.	Medium Possible x Moderate	Ensure rigorous financial business cases are prepared and assessed prior to allocating funds to new services or assets.
STRATEGIC Council has identified through the asset plan and LTFP impending reductions in revenue and costs outstripping rate cap increases.	High Almost Certain x Major	Recognise opportunities which will reduce future financial burdens.

CONSULTATION

There is no external consultation in relation to this report, all areas of council have had an opportunity to submit priority unfunded projects for consideration.

COMMUNICATION

It is not anticipated that there will be any communications required in relation to this report however the exact nature and extent of any communication will depend on the agreed outcomes.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

APPENDIX 1 IMPACT ASSESSMENT

Social

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Financial

Suggested projects for consideration have been through a prioritisation process and represent projects which are not currently included in the adopted budget.

Proposed funding allocations cannot exceed the identified funds available.

Attachments

1. Summary of Projects

6.4

2022/23 End of Year Result and Accumulated Cash Surplus

1	Summar	y of Pro	ects	93
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Project Description Information

de motorised bars to enable rigging to take place at ground level; and
ution relates to the waiver applied to 38 Franklin Street Traralgon idance with Council resolution from April 2023 - Council endorsed the iion submitted for Gaskin Park 2 Surface Upgrade to Sport and ion Victoria's Country Football Netball Program, with Council's ation to the project being \$100K. Idance with Council resolution from May 2023, an amount of \$86K is located to be used in relation to the future of the old Methodist dance with Council resolution from May 2023, an amount of \$36K is located towards the required works identified by the Planning Panel idance with Council resolution from July 2023 an increase in Council's maintenance grants is approved to enable grants for the Morwell I Club and the Morwell Tennis Club totalling \$13K tion of works to decontaminate the site in accordance with 53X mental Audit. Seke safety upgrades in accordance with audit findings, in order to a safe and secure facility. Inction with Gippsland Water undertake additional works required to the Regional Outfall Sewer (ROS) as part of the Marshall Road / on Maffra Road signalised intersection works. In Maffra Road signalised intersection works. In Maffra Road signalised intersection works are undertake and upgrade of the existing stage lighting and stage lighting bars de motorised bars to enable rigging to take place at ground level; and newal works to replace areas of roof sheeting, box gutters and flashing nate issues with water leaks in facility.
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the renewal of the existing indoor and outdoor toilets, and
the reflected of the existing mader and database tollets, and
ction and installation of DDA compliant ramps to both the existing
buse building and outdoor toilets.
ake works as identified in the Depot Masterplan to meet DDA
nce requirements and required repositioning of infrastructure
works identified by Community, Councillors and Officers that have not
le to be funded as part of the adopted budget.
an architect to undertake design works on integrating into the
at Morwell HQ a more suitable Council Chamber
e of two additional wing mowers to realise improved mowing
cy of open space areas.
and install a new crossing point or school crossing in recognition of
ed traffic movements and improved safety.
ion of the turf wicket from Andrews Park West to Gaskin Park Oval 1
ewal of a synthetic cricket pitch at Gaskin Park Oval 2. This is to
the facilitation of the Churchill Recreation Consolidation project.
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le to be funded as part of the adopted budget.
ion of drainage and irrigation to the Tyers soccer ground located at
rs Recreation Reserve.
rs Recreation Reserve.
ment of advertising billboards with digital billboards to enhance sing of the gallery exhibition program.
1 to 1

Project Description Information

Project	Project Description/Information
Place Brand Project	The Latrobe City Place brand 2022-2024 Communications Plan has been developed with our audiences at the heart. All messaging and proposed activity for the brand over the next 2.5 years has been work-shopped, crafted and planned aligned to a set of audience profiles within our Live and Work, Invest and Visit brand pillars. This ensures that our brand and communications activity is focused, relevant and meaningful, and therefore set up with the right framework for success. Project activity has been split into Major Projects - which tend to be multi-audience, one-off, more substantial projects - and Audience-Centric Action Plans - which are 12 month, 'always on' action plans primarily driven by digital and social content. The Plan has been developed with the following objectives in mind: - Improve awareness of the Latrobe City region as a place for a 'life transformed', for current and future residents, workers, investors and the investment community, and visitors Attract new investment and residents into our communities Align with Our Transition plan objectives and activities
Old Gippstown Maintenance Grant (one-off)	Allocate a grant to Old Gippstown for maintenance works associated with the Old Gippstown Heritage Park.

STATUTORY PLANNING

Item Number 7.1

04 September 2023

PLANNING PERMIT APPLICATION 2022/361
MULTI LOT SUBDIVISION OF LAND IN
STAGES, REMOVAL OF CARRIAGEWAY
EASEMENT, REMOVAL OF NATIVE
VEGETATION, AND ASSOCIATED WORKS AT
18 LEEANDALE DRIVE, YINNAR

PURPOSE

To provide Council with an assessment of planning application 2022/361 for the multi-lot subdivision of land in stages (18 residential lots and 1 rural lot), removal of carriageway easement, removal of native vegetation, and associated works at 18 Leeandale Drive, Yinnar, against the provisions of the Latrobe Planning Scheme.

EXECUTIVE SUMMARY

The subject site has a split zoning - Neighbourhood Residential Zone Schedule 4 (NRZ4) and Farming Zone Schedule 1 (FZ1) and is subject to Environmental Significance Overlay Schedule 1 (ESO1) and Land Subject to Inundation Overlay (LSIO).

Following advertising of the application, ten objections were received against the application however, two have since been withdrawn leaving eight remaining. The objections raise the following concerns:

- Lack of infrastructure in Yinnar to support more housing.
- Traffic and road issues.
- Neighbourhood character.
- Loss of amenity.
- Advised site would not be developed.
- Insufficient time to object.
- No public open space proposed.
- Impact on property values.
- Flooding and drainage issues.
- Amenity during construction.
- Interference with rail trail.

Having considered the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the objections submitted, it is considered that the proposal is generally consistent with the relevant objectives and decision guidelines of the Scheme.

The proposal has appropriately addressed the constraints of the site with regard to flooding and bushfire risk and presents a subdivision design that would connect well with the existing and future road network of Yinnar. Lot configuration is compatible with the existing residential lot layout surrounding the site and native vegetation removal has been minimised. The proposal is considered to be an acceptable response to neighbourhood character and would blend in well with the existing rural town character of Yinnar.

OFFICER'S RECOMMENDATION

That Council issues a Notice of Decision to Grant a Permit for a multi-lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated work at 18 Leeandale Drive, Yinnar, subject to conditions at Attachment 1 to this report.

BACKGROUND

Summary

Land: 18 Leeandale Drive, Yinnar, known as Lot 2 on Plan of Subdivision

805310X

Proponent: Peter Rennie c/- Beveridge Williams & Co Pty Ltd

Zoning: Neighbourhood Residential Zone, Schedule 4 (part) (NRZ4)

Farming Zone, Schedule 1 (part) (FZ1)

Overlay: Environmental Significance Overlay, Schedule 1 (part) (ESO1)

Land Subject to Inundation Overlay (part) (LSIO)

A Planning Permit is required:

Pursuant to Clause 32.09-3 (NRZ4) to subdivide land.

- Pursuant to Clause 35.07-3 (FZ1) to subdivide land.
- Pursuant to Clause 42.01-2 (ESO1) to subdivide land.
- Pursuant to Clause 52.02 to remove an easement.
- Pursuant to Clause 52.17-1 to remove, destroy or lop native vegetation.

Proposal

It is proposed to subdivide the subject site into 18 residential lots and 1 rural lot, remove a carriageway easement from the title, and remove native vegetation.

A copy of the plans of the proposal can be viewed at Attachment 2 of this report.

The main aspects of the proposal can be summarised as follows:

- Subdivision of the land into 19 lots comprising 18 residential lots ranging in size between 750 square metres and 5,197 square metres located in NRZ4, and 1 farming lot of 36.2 hectares that would be located within FZ1.
- Extension of Leeandale Drive to provide access to all proposed lots via the creation of a road reserve that is proposed to extend to the eastern boundary and to the north terminating at a court bowl.
- Removal of the carriageway easement known as E-3 on PS 805310X which is currently used as a turnaround area for vehicles in Leeandale Drive. It will no longer be required due to the proposed extension of Leeandale Drive.
- Removal of native vegetation comprising a patch of Bursaria spinosa (native blackthorn) located on the northern boundary adjacent to 5 Hopkins Court, and a Eucalyptus globulus (southern blue gum) located near the north-east corner of the site.

- Completion of the subdivision in two stages, with the first stage involving subdivision of the land into two lots for the purpose of excising the farming land from the residential land. This would involve the creation of the extension to Leeandale Drive with no road construction proposed in this stage. Stage 2 would see the creation of the residential lots and roads.
- Lots have been designed so that future dwellings can meet a Bushfire Attack Level (BAL) of 12.5 for construction with a minimum 19 metre separation from grassland vegetation. This is shown as a building setback on the site plan.
- The site is partly located in an area of Aboriginal cultural heritage sensitivity. A
 Cultural Heritage Management Plan has been approved under the Aboriginal
 Heritage Act 2006 and has been submitted to Council. No Aboriginal cultural
 heritage was found in the activity area.

Subject Land:

The site is located in the south-west of the Yinnar township and is irregular in shape with an overall area of 38.75 hectares. The northern part of the site is located in NRZ4 (approximately 2.55 hectares) while the remainder of the site is located in FZ1 (approximately 36.2 hectares). The site has a 21 metre frontage to Leeandale Drive along part of its northern boundary.

The site is used for the grazing of livestock and has been developed with a hay shed located in the south. Vehicle access to the site is from Leeandale Drive. A temporary gravel turnaround area is located on the site at the end of Leeandale Drive. The turnaround was created when 16 Leeandale Drive was subdivided from the site in 2019 and is subject to a carriageway easement E-3 on PS 805310X in favour of Latrobe City Council. The easement measures 30 x 30 metres and is fenced off from the remainder of the property by rural post and wire fencing.

The site is gently undulating and slopes down to the west to the Morwell River. Two small tributaries of the river are located in the south-western corner of the site. Vegetation on site is located mainly around the perimeter of the site in the north and along the waterways and near the farm shed in the south. An aerial photo of the site is shown in Figure 1 below, and Figure 2 shows the subject site in the context of the Yinnar township and surrounds.



Figure 1: Subject site



Figure 2: Subject site in relation to the Yinnar township and surrounds

Surrounding Land Use

Abutting the site to the north are residential properties located in Hopkins Court, Leeandale Drive and Creamery Road. These properties contain single dwellings on lots ranging between approximately 661 square metres and 2,527 square metres and are located in NRZ4.

To the east is a lot of approximately 32 hectares located mainly in NRZ4 with a portion located in FZ1. This land is currently vacant and is used for agriculture. It has frontage to Main Street.

To the south is a parcel of land of approximately 47 hectares that is used for agriculture and has been developed with a dwelling and outbuildings. It has frontage to Vaggs Road and is located in FZ1.

To the west is the Morwell River reserve which is located in the Public Conservation and Resource Zone.

History of Application

The application was lodged on 20 December 2022. A request for further information was made with Council officers raising concerns about the creation of a lot in more than one zone and connectivity of the subdivision to the east. This request resulted in the application being amended, the lodging of amended plans, and the provision of a native vegetation report.

No further changes have been made to the plan following advertising of the application and the receipt of objections.

CONSULTATION

The application was advertised pursuant to Section 52(1)(a) and (d) of the Planning and Environment Act 1987 (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontage for 14 days.

Following advertising of the application, 10 submissions in the form of written objections were received. A copy of the objections can be viewed at Attachment 3 to this report. Two objections have since been withdrawn, leaving a total of 8 objections. A map of the location of objectors can be viewed at Attachment 4.

The main issues raised in the objections can be summarised as:

- Lack of infrastructure in Yinnar to support more housing
- Traffic and road issues
- Neighbourhood character
- Loss of amenity
- Advised site would not be developed
- Insufficient time to object
- No public open space proposed
- Impact on property values
- Flooding and drainage issues
- Amenity during construction
- Interference with rail trail

The concerns raised by the objectors are discussed in the Community Submissions section of this report.

External:

The application was referred to the following external authorities:

Referral Agency	Referral Trigger	Response
APA	Section 55 – Clause 66.01	Consent, no conditions.
AUSNET SERVICES	Section 55 – Clause 66.01	Conditional consent
CFA	Section 55 – Clause 66.01	Conditional consent
DJPR	Section 55 – Clause 66.04	Consent, no conditions.
GIPPSLAND WATER	Section 55 – Clause 66.01	Conditional consent.
WGCMA	Section 55 – Clause 66.03	Conditional consent

Internal:

The application was referred internally to Council's:

- Engineering Development team: conditional consent
- Strategic Planning team: no objection
- Environment team: conditional consent
- Recreation and Open Space team: conditional consent
- Health team: no objection

ANALYSIS

Latrobe Planning Scheme

Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

The relevant direction and policy contained in the MPS and PPF of the Latrobe Planning Scheme have been considered as part of the assessment of this application.

Relevant Planning Policies

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental and Landscape Values
- Clause 02.03-3 Environmental Risks and Amenity
- Clause 02.03-4 Natural resource management
- Clause 02.03-5 Built environment and heritage

- Clause 02.03-6 Housing
- Clause 02.03-9 Infrastructure
- Clause 02.04 Strategic framework plans
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement Gippsland
- Clause 11.02-1S Supply of urban land
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-1L Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 13.02-1S Bushfire planning
- Clause 13.02-1L Bushfire prone areas
- Clause 13.03-1S Floodplain management
- Clause 13.03-1L Floodplain management
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land
- Clause 14.03-1S Resource exploration and extraction
- Clause 14.03-1R Resource exploration and extraction
- Clause 15.01-1S Urban Design
- Clause 15.01-1L Urban Design
- Clause 15.01-3S Subdivision Design
- Clause 15.01-3L Subdivision Design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Neighbourhood Character
- Clause 15.03-2S Aboriginal cultural heritage
- Clause 16.01-1S Housing supply
- Clause 16.01-1L Housing supply
- Clause 16.01-2S Housing affordability

- Clause 18.01-1S Land use and transport integration
- Clause 18.02 Movement Networks
- Clause 19.02-6S Open space
- Clause 19.02-6S Open space
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The relevant direction and policy contained in the MPS and PPF of the Latrobe Planning Scheme have been considered as part of the assessment of this application and the proposal has been found to be consistent with policy. A response to relevant policy can be viewed at Attachment 5 to this report.

Zones

Clause 32.09 Neighbourhood Residential Zone Schedule 4 (NRZ4)

The purpose of NRZ4 is (as relevant to this application):

- To implement the Municipal Planning Strategy and the Planning Policy
 Framework.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

Pursuant to Clause 32.09-3 of the Scheme, a permit is required to subdivide land. An application must meet the relevant requirements of Clause 56 of the Scheme. An assessment against Clause 56 is provided at Attachment 6 to this report.

The decision guidelines of the NRZ4 require consideration of the following matters:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

The proposal is consistent with the decision guidelines for the following reasons:

- The proposal satisfactorily addresses the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal addresses the purpose of the zone as the proposed layout respects the character of the area with similar lot sizes and configuration of lots in the immediate vicinity of the site.

- The proposal satisfactorily addresses the environmental, heritage and landscape characteristics of the site through a site responsive design that appropriately deals with bushfire risk, native vegetation, inundation from Morwell River, and Aboriginal cultural heritage.
- The proposal satisfies the objectives and standards of Clause 56 and would provide lots that would have areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management and easements.

Clause 35.07 Farming Zone Schedule 1 (FZ1)

The purpose of FZ1 is (as relevant to this application):

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.

Pursuant to Clause 35.07-3 of the Scheme, a permit is required to subdivide land. Each lot must be at least 80 hectares as specified in the schedule to the zone. A permit may be granted to create smaller lots if the subdivision is the re-subdivision of existing lots and the number of lots is not increased. This cannot be achieved for this site as Lot 1, which will comprise all of the land in the site in FZ1, will be 36.2 hectares.

Clause 64.03 Subdivision of Land in More Than One Zone in the Scheme is able to be relied upon in this scenario. A permit may be granted to create one lot smaller than specified in the scheme if the land is in more than one zone and cannot comply with the minimum lot area specified. The clause also stipulates that the subdivision cannot create lots where any lot extends into more than one zone, and the remainder of the proposed lots must comply with the minimum lot area specified in the Scheme. The proposal is able to satisfy these requirements.

Lot 1 is the balance lot for the proposal and as such the FZ1 land is not being further subdivided. The proposal is therefore considered to have satisfied the decision guidelines of the zone as the lot will continue to support agricultural production, will be connected to available services, and will have road frontage and access from Leeandale Road. There will be no biodiversity impacts as no vegetation removal is proposed, and no impacts on the natural physical features of the land as no works are proposed.

Overlays

<u>Clause 42.01 Environmental Significance Overlay Schedule 1 – Urban Buffer (ESO1)</u>

The environmental objective to be achieved under ESO1 is:

To ensure that development in the Gippsland Coalfields Policy Area provides mutual protection of urban amenity, coal resource development, the continued social and economic productive use of land and is compatible within a buffer area including reservations and for services ancillary to a Brown Coal Open Cut outside the buffer area.

Pursuant to Clause 42.01-2 of the Scheme, a permit is required to subdivide land. Part of the FZ1 area of the site is covered by ESO1. It is considered that the proposal is generally consistent with the environmental objective of ESO1 as proposed Lot 1 will allow for the continuation of the productive economic use of the land (agriculture) whilst maintaining an appropriate buffer between the urban area of Yinnar and the nearby sand resource.

The application was referred to DJPR (Earth Resources Regulation) who had no objection to the granting of a planning permit and did not specify any planning permit conditions. However it recommended "that a risk assessment be undertaken in accordance with EPA Guideline 1518 and or other documents relating to the preparation of a risk analysis in the event of mining activity and or extractive industry activity. Particular reference to dust, noise and vibration mitigation measures should be incorporated into the subdivision design. It is noted that the sand resource may become highly valuable into the future with the construction of renewable energy projects." This can be included as a note on any approval issued.

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

The purpose of the LSIO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100
 (1 per cent Annual Exceedance Probability) year flood or any other area
 determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage
 of floodwaters, minimises flood damage, responds to the flood hazard and local
 drainage conditions and will not cause any significant rise in flood level or flow
 velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

Pursuant to Clause 44.04-3 of the Scheme, a permit is required to subdivide land. The LSIO covers three quarters of the FZ1 land and a small area of the NRZ4 land. The proposed subdivision shows the LSIO being contained within proposed Lot 2 in the NRZ4 part of the site. WGCMA has advised that land below the 68 metre Australian Height Datum (AHD) contour is likely to be subject to inundation during a 1% Annual Exceedance Probability (AEP) flood event therefore Lot 2 has been designed with a building envelope located above the 68 metre AHD contour line. The building envelope would contain any dwelling or buildings on the site.

The application was referred to WGCMA who had no objection to the proposal subject to conditions regarding, among other things, the creation of a restriction on the title of Lot 2 showing the building envelope with the restriction to state that a dwelling or any other buildings must not be constructed outside the building envelope other than with the consent of WGCMA.

With the WGCMA conditions included on any approval issued, the proposal is considered to have satisfied the purpose and decision guidelines of the overlay as it will not impact the flow of floodwaters from Morwell River.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

Clause 52.02 provides that a permit is required to remove an easement. The proposal seeks to remove the carriageway easement E-3 located on the site which provides the temporary gravel vehicle turnaround area at the end of Leeandale Drive. The easement will be made redundant as a result of the proposed subdivision. Its removal is therefore supported as it will no longer be required.

Clause 52.17 Native Vegetation

The proposal is considered to be generally consistent with the particular provision purpose:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
 - 1. Avoid the removal, destruction or lopping of native vegetation.
 - 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.

- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

The applicant has provided an 'avoid and minimise statement' which states that the area of vegetation proposed to be removed is minimal and is not considered to be significant vegetation.

The proposal is identified as being within Location 1 with the extent of native vegetation to be removed being a total of 0.033 hectares. Based on this information, the Guidelines stipulate that the proposal is to be assessed under the Basic assessment pathway.

Offset Requirements

The proposed removal of native vegetation is required to be offset by:

- 0.007 general habitat units and must include the following offset attribute requirements:
 - Minimum strategic biodiversity value of 0.352
 - Occur within the West Gippsland CMA boundary or the Latrobe City Council boundary.

The Guidelines require that the offset must be secured prior to the removal of native vegetation, and this will be achieved by a condition on the planning permit. The offset requirements for the proposal would be met via the purchase of a third-party offset and evidence that the required offset is currently available has been provided.

The proposal is considered to be generally consistent with the Clause 52.17 Decision Guidelines (with appropriate conditions):

- The site has not been subject to a regional or landscape scale strategic planning process with regard to avoiding and minimising impacts on native vegetation.
- No further feasible opportunities exist to further avoid and minimise impacts on native vegetation. The vegetation to be removed is located on established site boundaries.
- The vegetation that is proposed for removal is not located near a waterway, a riparian ecosystem, or on a steep slope and has a minimal role in preventing land degradation. Its removal is not expected to have any adverse effect on groundwater quality.
- The vegetation identified for removal has no identified landscape values or Aboriginal cultural heritage values.
- The removal is not associated with a bushfire mitigation measure, and a Property Vegetation Plan does not apply to the site.

- An offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The proposal is considered to be in the Basic Assessment Pathway and it has been demonstrated that based on the extent, the condition score, the strategic biodiversity value score, the number and circumference of any large trees, the Ecological Vegetation Class and the distance from waterways that the impact on biodiversity is not significant.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to Council for public open space. The schedule to the clause states that for residential subdivision (greenfield) 8 per cent of net developable area in cash or land contribution must be provided. As no public open space is proposed to be provided in land, a condition of approval will require a contribution of 8% of the value of the site to be paid in cash.

Clause 56 Residential Subdivision

The application has been assessed against the relevant clauses of Clause 56 and found to comply (see Attachment 6). Each lot would be able to be accessed from the street network and would be able to be readily connected to services. The lots have areas and dimensions that would enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management and easements. The lot sizes and dimensions would blend in well with the surrounding established residential area.

The proposed subdivision is therefore considered to be appropriate for the site and surrounding neighbourhood.

Decision Guidelines (Clause 65)

Clause 65.02 sets out the decision guidelines to be considered before deciding on an application to subdivide land. The following is a response to the guidelines:

- The land is considered to be suitable for subdivision as it would excise a parcel
 of FZ1 land and would subdivide land zoned NRZ4 into residential allotments in
 an acceptable manner.
- The proposal is considered to be compatible with existing uses surrounding the site.
- Planning permit conditions will ensure there is no impact from the subdivision on other land which has a common means of drainage.
- The proposal is considered to be sympathetic to the prevailing subdivision pattern in this part of Yinnar having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development at 7 lots per hectare is considered to be acceptable for Yinnar.
- The area and dimensions of each lot in the subdivision meet Clause 56 ResCode requirements.

- The proposed road layout would link with existing roads as well as provide future opportunity to provide a through road link to Main Street when the land to the east is subdivided.
- Given the constraints of the site, the proposal is considered to have provided a permeable street network to allow for the effective movement of pedestrians and vehicles throughout the subdivision and provide ease of access to all lots.
- The staging of the subdivision is acceptable as Stage 1 would create the FZ1 lot and road access, and Lot 2 would comprise the subdivision of the NRZ4 land and construction of roads.
- The subdivision will be required to connect to all available utility services, including water, sewerage, drainage, and electricity for the NRZ4 land.
- Native vegetation is proposed to be removed from the NRZ4 land to accommodate the subdivision as discussed however this has been minimised.
- It is considered that the subdivision would not have a detrimental impact on current and future development in the surrounding area or on the operation of the transport system.

Incorporated Documents (Clause 81)

 Design Vehicles and Turning Path Templates (Publication AP – 34/95, Austroads, 1995)

Background Documents (Clause 72.08)

- Infrastructure Design Manual (Local Government Infrastructure Design Association, 2019).
- Live Work Latrobe Housing Strategy (Latrobe City Council, MacroPlan Dimasi, RMCG and Planisphere, May 2019)

Community Submissions

The application received 10 submissions in the form of objections. Two have been withdrawn therefore there are 8 remaining. The issues raised, and responses are detailed below:

Concern raised	Response
Lack of infrastructure in Yinnar to support more housing.	Infrastructure issues in Yinnar such as schools, kindergartens, childcare centres, emergency services and parking in the township cannot be addressed under a planning permit application such as this one as these issues involve strategic planning to be undertaken at a State and local government level.

Concern raised	Response
Traffic and road issues	In accordance with guidelines outlined in the Infrastructure Design Manual, it is anticipated that each lot would generate up to 10 vehicle movements per day which would result in 200 additional vehicle movements being generated per day.
	Although traffic volumes along these sections of Leeandale Drive and Creamery Road will increase from those at present, the expected total traffic volumes will be lower than the nominal maximum considered appropriate for these roads.
	Road widths are able to accommodate emergency services vehicles.
	Issues were raised around Leeandale Drive being the entrance to the subdivision. As the site does not have any other road abuttals this cannot be changed.
	No upgrade to the existing footpath network beyond the site is proposed. Permit conditions will require concrete footpaths to be provided on both sides of all proposed streets except where abutting farmland.

Concern raised	Response
Neighbourhood character	Objectors raised concerns regarding the size of the proposed lots. The lots would range in size from 750 square metres to 5,197 square metres with most lots being in the range of 750-1,000 square metres. The subdivision would have a density of 7 lots per developable hectare with an average lot size of 1,117 square metres. These lot sizes are comparable to the sizes of lots in Yinnar. The proposed density is considered to be acceptable due to the physical constraints of the site and rural character of the town. It is noted that proposed Lot 2, which would be the largest lot at 5,197 square metres, is constrained by the boundary between the two zones, the location of the LSIO and the provision of a 10 metre wide drainage easement which has resulted in the lot's unusual configuration. Setbacks of future dwellings on the lots to existing residential lots are governed by the Victorian Building
	Regulations and do not form part of this application. Building envelopes are shown for the mitigation of bushfire and flooding risk on nominated lots.
Loss of amenity	Objectors were concerned with a loss of amenity due to the removal of the cul-de-sac currently at the southern end of Leeandale Drive, loss of views, and loss of quietness and privacy.
	The site is zoned for residential purposes. Whilst there may be some perceived loss of amenity, this must be balanced with the zoning of the land which allows it to be lawfully subdivided.
	Fencing is proposed between lots to preserve privacy, and whilst Leeandale Drive is to be extended, it will not be a through road at this point in time meaning only traffic associated with the subdivision will utilise it. It is noted that one objection was withdrawn on the basis that the rural post and wire fencing between an existing lot and proposed Lot 2 be retained.
	With regard to the loss of views, VCAT case law generally applies the approach that there is no legal right to a view.

Concern raised	Response		
Advised site would not be developed	Objectors state they were advised that the site would not be developed in the near future and property purchases were made based on that advice. It is noted that the land is zoned NRZ4 and has been zoned for residential purposes for some years. Council must consider all planning permit applications that are submitted and cannot refuse an application that satisfies the requirements of the Latrobe Planning Scheme.		
Insufficient time to object	Objections are received by Council until such time that a decision has been made. The applicant commenced notification on 16 June 2023 which is considered to be ample time for objections to be lodged.		
No public open space proposed	As no public open space is proposed for the subdivision, the landowner will be required to make a monetary contribution to Council equal to 8 percent of the site value which will be used to improve existing public open space or contribute towards new public open space reserves.		
Impact on property values	The impacts of a proposal on property values is not a consideration under the Scheme and therefore not considered to be a valid ground of objection.		
Flooding and drainage issues	Drainage requirements for the development will include stormwater drainage systems and property connections designed for a 20% AEP (1 in 5 year) storm, overland flow routes for storms up to 1% AEP (1 in 100 year recurrence interval), no increase in predevelopment stormwater discharges (unless agreed by the drainage authority), and works to ensure best practice water quality parameters are met for the stormwater discharge.		
	All new drainage works relating to this subdivision must be completed to Council's satisfaction before the issue of a Statement of Compliance for this subdivision.		
	Permit conditions on any approval issued will address the above matters.		

Concern raised	Response
Amenity during construction	A condition of any approval issued will require the applicant to submit a site management plan prior the commencement of the subdivision. The plan will be required to include details of traffic management measures, construction management measures including management of deliveries, noise and dust, and an environmental management plan detailing matters such as erosion prevention techniques, vegetation protection, and temporary drainage and sediment control measures.
Interference with rail trail	The Inter-township Trail Network will not be impacted by the proposal.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
REPUTATIONAL RISK Refusing an application which is consistent with the Latrobe Planning Scheme and Council's Housing Strategy and Housing Framework Plans	Medium Possible x Minor	The proposal has been considered against the Latrobe Planning Scheme and it is considered to be consistent with the relevant provisions and should therefore be approved.

RISK	RISK RATING	TREATMENT
FINANCIAL RISK Supporting the application and the objectors seeking review of the decision at VCAT.	High Likely x Moderate	To manage and limit the potential risk, the recommendation has been considered against the requirements of the NRZ4, FZ1, LSIO and ESO1, Planning Policy Framework and Municipal Planning Strategy, and relevant Particular Provisions. The recommendation to approve is considered to be consistent with the Latrobe Planning Scheme and VCAT precedent.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

Attachments

- Attachment 1 Draft Permit Conditions
- 2. Attachment 2 Plans of the proposal
- 3. Attachment 3 Copy of objections (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Personal identifying information contained in submissions.

4. Attachment 4 Location of objectors (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Provides addresses of objectors.

- 5. Attachment 5 Planning Policy Assessment
- 6. Attachment 6 Clause 56 Assessment

7.1

Planning permit application 2022/361 Multi lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated works at 18 Leeandale Drive, Yinnar

1	Attachment 1 Draft Permit Conditions	117
2	Attachment 2 Plans of the proposal	135
5	Attachment 5 Planning Policy Assessment	138
6	Attachment 6 Clause 56 Assessment	143

DRAFT PERMIT CONDITIONS 2022/361

Proposal: Multi-lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated works

18 Leeandale Drive, YINNAR

1. Amended Plans Condition

Before the plan of subdivision is certified under the *Subdivision Act* 1988, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with Plan of Proposed Subdivision prepared by Beveridge Williams & Co (Job no. 2103103 Version 4 dated 08/05/2023 Sheets 3 of 3) but modified to show:

- a) the section of boundary fence separating 6 Hopkins Court, Yinnar and proposed Lot 2 retained as rural post and wire fencing.
- b) The building envelope for Lot 2 provided with notation stating that no dwelling or any other buildings may be constructed outside the building envelope.

2. Endorsed Plans Condition

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

3. Staged Subdivision Condition

The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

4. Environment Conditions

Notification of permit conditions

Prior to the commencement of works, the permit holder must advise all persons undertaking vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

5. Native vegetation offsets

To offset the removal of 0.033 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

- a) A general offset of 0.007 general habitat units:
 - i. located within the West Gippsland Catchment Management Authority boundary or Latrobe City Council municipal district.
 - ii. with a minimum strategic biodiversity score of at least 0.352.
 - iii. The offset(s) secured must provide protection of at least 0 large trees.

- 6. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10year management actions and ongoing management of the site and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- 7. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Energy and Climate Action Traralgon regional office via gippsland.planning@delwp.vic.gov.au.

8. Recreation and Open Space Conditions

Prior to certification of Stage 1, a detailed landscape plan for all public open space areas to be developed as part of this permit, including streets, parklands, entry features, drainage reserves, wetlands and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and electronic copy (PDF) must be provided. The landscape plan must show:

- a) New plantings including their layout to be provided in any road reserves and municipal reserves.
- b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- c) The supply and spread of sufficient topsoil and subsoil if required on the proposed areas of open space to provide a stable, free draining surface free of compaction and hydro-seeding of proposed grass areas (including within drainage reserves).
- d) Vehicle access points for maintenance purposes.
- e) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- f) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- g) Location and style of public lighting.
- h) Details of tree protection zones where/if applicable
- i) A detailed maintenance plan for all proposed landscape features outlined in the detailed landscape designs. The maintenance plan must include a schedule which details the following:
 - Frequency of maintenance visits
 - Minimum maintenance standards for grass cutting, weed

management, plant maintenance, tree watering and care, litter management, mulch coverage and playground/ street furniture maintenance and repairs.

Once approved, the maintenance plan will then form part of the permit.

9. Prior to the issue of a Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works for that stage must be carried out and completed to the satisfaction of the Responsible Authority. All landscape works carried out must be completed as per the detailed landscape plan for each stage of the subdivision and maintained to the satisfaction of the responsible authority for a period of two years as detailed in the endorsed landscape maintenance plans.

10. Engineering Conditions

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 plan will then form part of the permit. The report is to be based upon the "Stormwater Management Strategy – 18 Leeandale Drive, Yinnar" (Beveridge Williams – 11 May 2023) and must address the following:

- a) Where grassed swales are proposed for use, they must be trafficable by mowers to allow for ease of maintenance.
- b) Amend the stormwater treatment model appropriately to account for the type and height of vegetation along the proposed swale drain.
- c) How access for maintenance purposes is proposed to be provided to the stormwater treatment system.
- d) A maintenance plan for all water sensitive urban design (WSUD) devices to be constructed as part of this strategy. The maintenance plan must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works. The plan should include appropriate references to the "Guidelines for the Maintenance of Stormwater Treatment Measures" by Stormwater New South Wales. The plan shall include the provision of copies to the Responsible Authority within one (1) calendar month of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed.
- 11. Prior to the certification of the Plan of Subdivision under the Subdivision Act 1988 for each stage of the development, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. Documentation must include a completed "Road Name History" form and

- completed road naming checklist. All proposed new road names must comply with the naming principles described in the Victorian Government's "Naming rules for places in Victoria 2022" and Latrobe City Council policy.
- 12. Prior to certification of the Plan of Subdivision under the Subdivision Act 1988 for each stage of the development, the following easements must be created in favour of Latrobe City Council to the satisfaction of the Responsible Authority:
 - a) Where any drain must be constructed as part of this development on adjacent lands on separate titles, a drainage easement shall be created for the drain on the abutting land.
- 13. Plans submitted for certification under the Subdivision Act 1988 for each stage of the development, must show to the satisfaction of the Responsible Authority:
 - a) Easements for drainage purposes,
 - b) Road reserve widths complying with Latrobe City Council's design guidelines and the endorsed plans under this permit, and
 - c) Splays, a minimum of 3 metres by 3 metres unless required otherwise, at all intersections of the local road network.
 - d) Street names complying with the requirements of the Victorian Government's "Naming rules for places in Victoria 2022".
 - e) A restriction on the land within the proposed Lot 2 to the effect that encompassing the drainage easement. The restriction is provide that no buildings, planting of vegetation or works to alter the levels of the land within the easement are to be permitted to be undertaken within the areas shown on the plan of subdivision unless with the written approval of the Responsible Authority and the West Gippsland Catchment Management Authority.
- 14. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserve unless with the written agreement of the Responsible Authority.
- 15. Prior to certification of the Plan of Subdivision under the Subdivision Act 1988 for each stage of the development, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions and an electronic copy (PDF) provided. The functional layout plan must incorporate the following:
 - A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.

- b) Topography and existing features, including contours for the subject land and any affected adjacent land.
- c) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
- d) Details of tree protection zones (TPZs), for all trees to be retained on site (if any).
- e) Any trees proposed for removal from the site clearly designated.
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and street trees.
- g) Details of intersection treatments and traffic calming measures in accordance with Latrobe City Council's design guidelines and Austroads' Guide to Traffic Management.
- h) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops, line marking and traffic controls.
- i) The location of all temporary vehicle turn around areas.
- j) The proposed minor drainage network.
- k) The major drainage system, including any watercourse, wetland, silt pond or other water sensitive urban design devices, and/or piped elements showing preliminary sizing and any land required for maintenance access.
- Overland stormwater flow paths (100 year ARI) to indicate how excess runoff will be safely conveyed to its destination including from adjacent upstream areas.
- m) Preliminary location of reserves for electrical kiosks;
- n) Works external to the subdivision, including both interim and ultimate access requirements.
- 16. Prior to the commencement of any road and/or drainage works for each stage of the subdivision, detailed engineering plans and specifications must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the approved Functional Layout Plans and consistent with the approved landscape detail plans. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and electronic copies in both PDF and DWG formats must be provided. The plans must include:
 - a) Design and construction of the new roads including connection to

Page 5 of 18

- existing roads. The road shall be designed and constructed in accordance with the endorsed plans and Latrobe City Council's design guidelines.
- b) Concrete footpaths along both sides of all proposed streets, except where abutting farmlands, to be provided in accordance with the endorsed plans and Latrobe City Council's design guidelines.
- c) Intersection treatment in accordance with Latrobe City Council's design guidelines and Austroads "Guide to Traffic Management".
- d) Earthworks shall be undertaken within the development to ensure that vehicle access can be obtained to each proposed allotment.
- e) Details of any cut and fill.
- f) Vehicle crossings must be constructed to provide access to lots where the location of the vehicle crossing is relatively fixed.
- g) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. Drainage plans must include hydraulic computations. The stormwater drainage system must:
 - Be designed to take the 20% AEP storm event,
 - The provision of property stormwater drainage connections so that each lot is drained from its legal point of discharge to the stormwater drainage system.
 - 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.
- h) Provisions shall be made for stormwater from all storm events greater than the 20% AEP event and up to and including the 1% AEP storm event including:
 - Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - All new and existing lots should be free from inundation.
 - All roads that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).
- Construction of stormwater treatment facilities generally as proposed in the approved stormwater management strategy. Stormwater treatment facilities shall be designed to achieve the objectives for

- environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
- j) Street lighting in accordance with Australian Standard AS1158, along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development.
- k) All traffic signage, street name signage and road pavement line marking.
- High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA2020).
- m) Details of any Tree Protection Zones.
- 17. Prior to the commencement of any road, drainage or landscaping works associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
 - a) Traffic management measures the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures the plan must outline how issues such as deliveries, noise, mud on roads and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) How any fill material either transported to the site or stockpiled on-site will be assessed and managed in accordance with the requirements of the Environment Protection Act. Any stockpiled soils must be adequately protected behind a sediment barrier to prevent sediment laden runoff to the satisfaction of the Responsible Authority.
 - d) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures and vegetation protection during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 "Doing it right on subdivisions".

- e) Cultural protection issues the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out.
- 18. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
- 19. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
- 20. The extent and depth of excavation and/or filling must not exceed that shown on the approved plan without the prior written consent of the Responsible Authority.
- 21. Without the prior written consent of the Responsible Authority, no soil can be stockpiled unless it is carried out in accordance with any other condition of this Permit or in accordance with an approved Construction Management Plan.
- 22. At their discretion, the Responsible Authority may allow bulk earthworks to commence prior to approval of detailed engineering (road, drainage and ancillary) plans. The following requirements must be complied with to the satisfaction of the Responsible Authority for any stage of subdivision:
 - a) Functional Layout Plans and Bulk Earthwork Plans must be submitted and approved by the Responsible Authority before any earthworks commence.
 - b) Bulk Earthworks must be contained to stage boundaries. No batter slope overruns shall be allowed without relevant plans.
 - c) No structures, including but not limited to retaining walls, shall be permitted with early Bulk Earthworks.
 - d) Bulk Earthworks must not commence prior to the approval of a Construction Management Plan for the works. Once approved the Construction Management Plan will form part of the endorsed set of planning documents.
 - e) A Geotechnical Report completed by a suitably qualified geotechnical engineer must be submitted to and be to the satisfaction of the Responsible Authority. Bulk earthworks shall not commence until the

- Report is to the satisfaction of the Responsible Authority. All Bulk Earthworks shall be done under "Level 1 inspection and testing" conditions, as per Australian Standard AS3798.
- f) All fill material imported to the site shall be tested in accordance with EPA requirements and certification provided that all imported fill is contamination free.
- 23. No topsoil is to be removed from land covered by the subdivision without the written consent of the Responsible Authority.
- 24. Prior to the issue of the certificate of practical completion for piped drainage works, CCTV results for the full length of all storm water drainage pipes for which Latrobe City Council will become responsible at the expiry of the maintenance period, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor to the satisfaction of the Responsible Authority, at the permit operator's cost. The submitted information is to be to the satisfaction of the Responsible Authority.
- 25. Before a Statement of Compliance is issued for each relevant stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority and must include:
 - a) All proposed new roads in accordance with the endorsed plans.
 - b) Appropriate intersection treatments.
 - c) Concrete footpaths along both sides of all proposed streets, except where abutting farmlands.
 - d) Earthworks within the development to ensure that vehicle access can be obtained to each proposed allotment.
 - e) Vehicle crossings must be constructed to provide access to lots where the location of the vehicle crossing is relatively fixed.
 - f) Underground piped drainage to convey stormwater from each lot to the legal point of discharge for the 20 % AEP storm event.
 - g) Works to ensure that flows downstream are in accordance with the approved stormwater management plan.
 - h) Works to ensure the stormwater management system meets current best practice performance objectives for stormwater quality in accordance with the approved stormwater management plan.
 - i) Provisions for stormwater from all storm events greater than the 20 %

AEP year event and up to and including the 1 % AEP storm event including:

- i. Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows.
- ii. Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed.
- iii. All new and existing lots should be free from inundation.
- iv. All roads that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).
- j) Street lighting along all new roads and shared paths and upgraded street lighting at the locations of proposed intersection works and along all those sections of external roads where access is obtained directly to lots in the development.
- All traffic signage, street name signage and road pavement line marking.
- I) The installation and registration of high stability permanent survey marks.
- 26. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
 - a) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - c) The sum of \$490 per street tree as shown on the endorsed landscape plans, for the provision of street trees along all streets where street trees are not planted by the operator of this permit.
- 27. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
 - a) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of

Australia (MGA2020).

- Final as-built plans in an electronic DWG format, for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period.
- c) Certification by a licensed surveyor of the registration of all constructed Permanent Survey Marks.
- d) Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council's Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.
- 28. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.
- 29. Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of not less than three (3) months from the date of practical completion of the works. Maintenance of road works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the completion of this maintenance period to the satisfaction of the Responsible Authority, a Defects Liability Period of not less than nine (9) months shall then apply to the works. Any defects occurring during the defects period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority. At the completion of this Defects Liability period to the satisfaction of the Responsible Authority, a Final Completion certificate for the works will be issued.
- 30. The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within one (1) calendar month of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the

maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority.

31. Public Open Space Contribution Condition:

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for the subdivision, an 8% public open space contribution as specified in the schedule to Clause 53.01 of the Latrobe Planning Scheme must be made to the Responsible Authority to the satisfaction of the Responsible Authority.

32. Section 173 Agreement:

Before the issue of Statement of Compliance under the *Subdivision Act* 1988, the operator of this permit must:

- a) enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act* 1987 (the Act) that requires the following:
 - all habitable buildings must be constructed wholly within the building envelope shown on the endorsed plan of Planning Permit 2022/361;
 - ii. this envelope cannot be varied except with the written consent of the Responsible Authority. This can be achieved via an amendment to the endorsed plans; and
- b) Make application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and
- c) Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
- d) Provide Council with a copy of the dealing number issued by the Titles Office: and
- e) Once titles are issued, provide either:
 - i. a current title search; or
 - ii. a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 Agreement on title.

33. Site Assessment

Before a statement of compliance is issued under the Subdivision Act 1988 for Stage 2, a site assessment prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority for that part of the site located in the Neighbourhood Residential Zone. The site assessment must be to the satisfaction of the Responsible Authority. The site assessment must include:

- a) details about the nature of the previous land use and activities on the land:
- b) an opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- c) details of any clean up, construction, ongoing maintenance,

- monitoring or other measures to effectively manage any contamination that is present; and
- d) recommendations on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

If the site assessment recommends that an environmental audit be undertaken, before a statement of compliance is issued, either:

- An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for residential purposes as allowed by this permit must be submitted to the Responsible Authority; or
- b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for residential purposes allowed by this permit if the recommendations made in the statement are complied with must be submitted to the Responsible Authority.

34. AusNet Electricity Services Conditions

The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

35. The applicant must -

- a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
- b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AusNet Electricity Services 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 AusNet Electricity Services Pty Ltd.
- d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as

determined by survey.

- g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.
- h) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- i) 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 AusNet Electricity Services 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.
- j) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

36. CFA Conditions

Subdivision plan not to be altered

The subdivision as shown on the endorsed plans must not be altered for building envelopes or road access without the consent of CFA.

CFA consents to the removal of reference to a non-combustible fence for the rear of lots 12-18.

37. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the Page 2 of 2 hydrants must be no more than 200 metres apart. These distances must be measured as a hose would be laid on the ground. Not over obstructions and obstacles, such as fences, or over side and rear boundaries.
- b) The hydrants must be identified with marker posts, blue road reflectors and white road triangles (as applicable).

38. Gippsland Water Conditions

The following must be met by the owner prior to the issue of a Statement

Page 14 of 18

of Compliance:

- a) Prior to the commencement of any water, sewer or ancillary works that will be vested in Gippsland Water, the owner of the land, the developer and the design consultant must enter into and execute a Developer Works Deed of Agreement with Gippsland Water, under Gippsland Water's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services, in accordance with Gippsland Water's standards, to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website: https://www.gippswater.com.au/developers/information/informationd esign-consultants and download Form 1 to apply for a Developer Works deed of agreement.
- b) Design plans must be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be accepted by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan of subdivision.
- c) Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- d) Install sewer services 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) Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
- f) The planning permit conditions outlined will apply to all stages of the subdivision.
- g) 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.
- Pay to Gippsland Water New Customer Contributions for the change in servicing of the land. These charges will be applied after 30 June 2023 and will be based on Gippsland Water's Essential Services Commission approved charges.

39. WGCMA Conditions

The Building Envelope Plan (Version 4, 08/05/2023) showing a building

Page 15 of 18

- envelope above the 68m AHD contour on Lot 2 must be endorsed and form part of the Planning Permit.
- 40. The building envelope on Lot 2 must be shown as a restriction on the plan of subdivision certified under the Subdivision Act 1988 and registered on the title of the relevant allotment. The description of restriction must state that:
 - a. The registered proprietor or proprietors of the lot shall not build a dwelling or any or other buildings outside the building envelope unless prior written consent has been granted by the West Gippsland Catchment Management Authority.
- 41. Prior to Certification of the Plan of Subdivision, the Stormwater Management Plan 'Stormwater Management Strategy, 18 Leeandale Drive, Yinnar (11/05/2023)' must be updated to the Satisfaction of the West Gippsland Catchment Management Authority. The updated Stormwater Management Plan must include a Maintenance Plan detailing all maintenance requirements and responsible parties.
- 42. Prior to the issue of a Statement of Compliance for Stage 2 of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of West Gippsland Catchment Management Authority.

43. Telecommunications Condition:

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:

 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.

44. Expiry of Permit

This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision for the first stage is not certified within two years of the date of this permit, or
- b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit, or
- c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

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 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.

- **Note 1.** Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.
- **Note 2.** The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- **Note 3.** 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, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.
- Note 4. In accordance with the requirements of the Road Safety (Traffic Management) Regulations, a responsible entity for a road or road-related area (as defined in the Road Safety Act) may install Major Traffic Control Devices on the road or road-related area only with the authority of VicRoads.

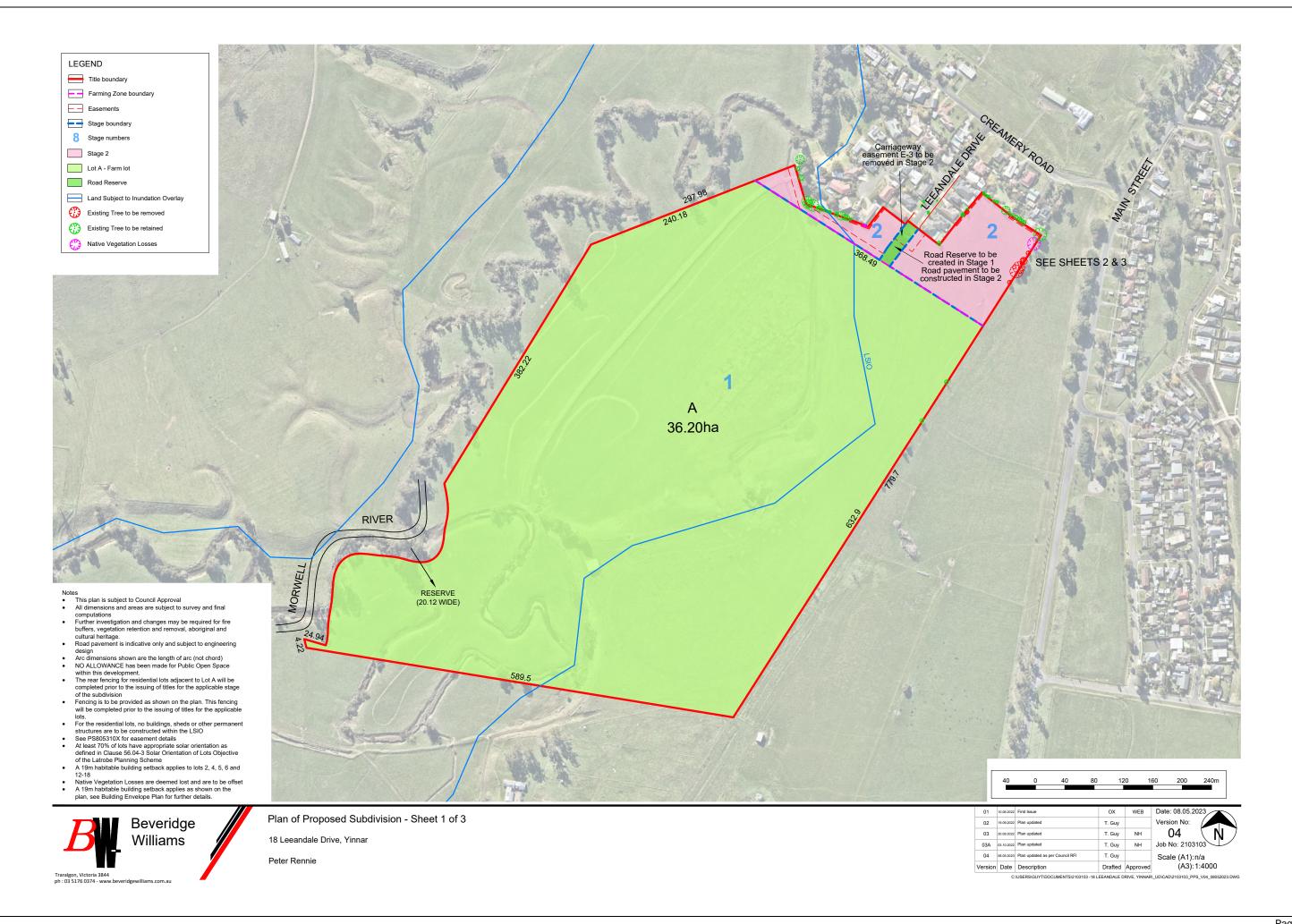
Note 5. CFA Note

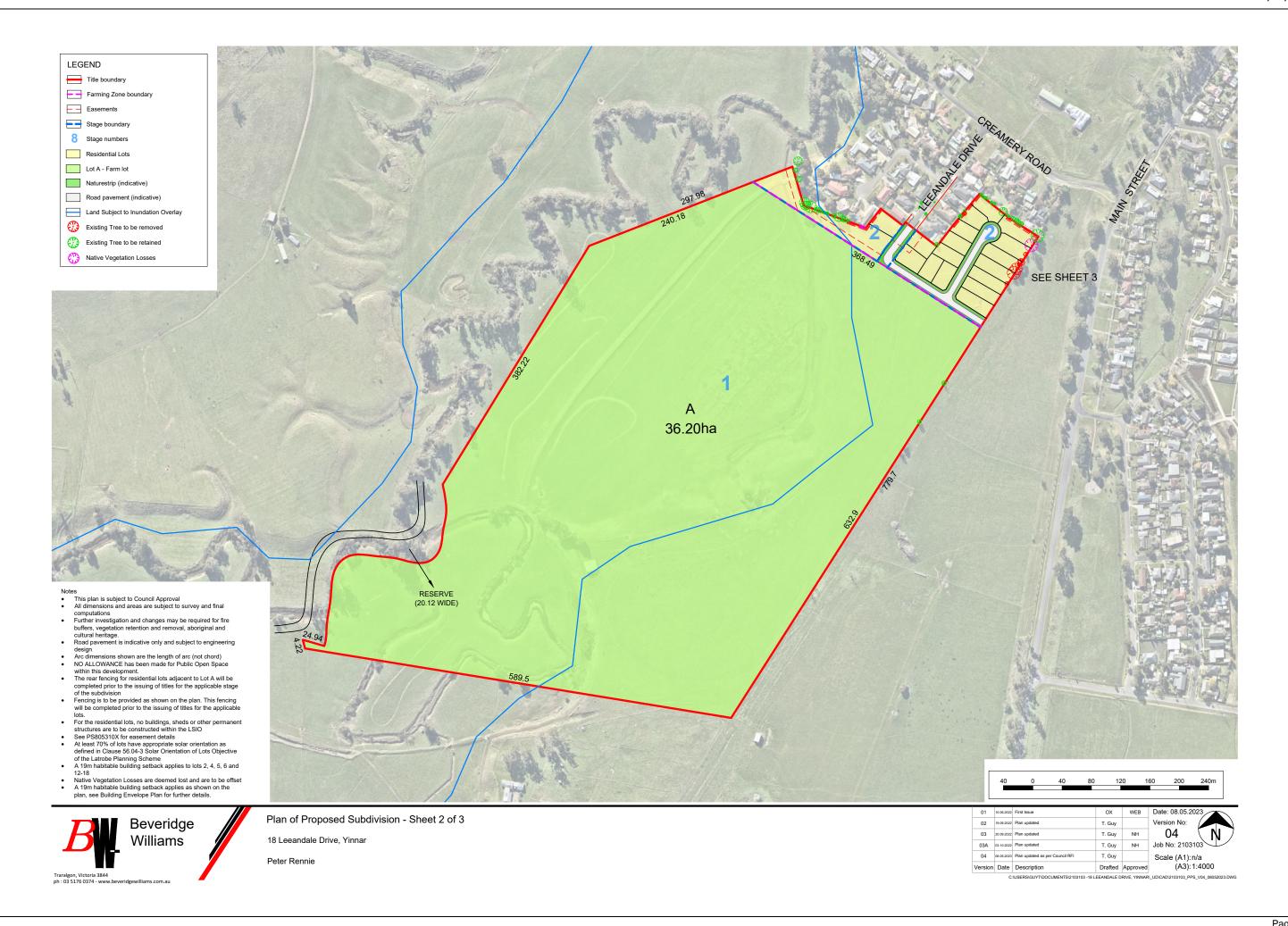
CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under 'About us' then 'Publications' on the CFA website (www.cfa.vic.gov.au).

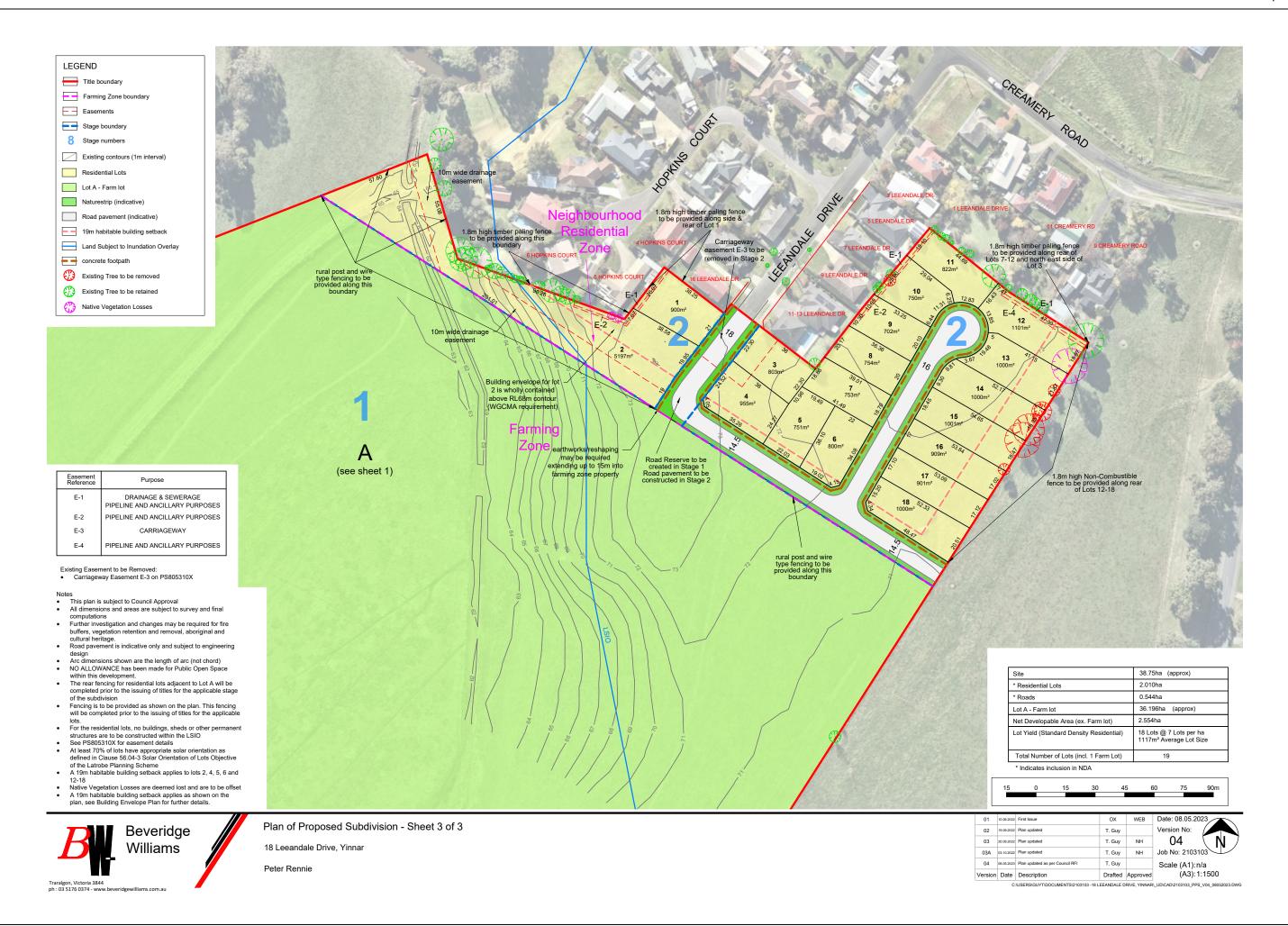
7.1 Planning permit application 2022/361 Multi lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated works at 18 Leeandale Drive, Yinnar - Attachment 1 Draft Permit Conditions

Note 6. DJPR Note

It is recommended that a risk assessment be undertaken in accordance with EPA Guideline 1518 and or other documents relating to the preparation of a risk analysis in the event of mining activity and or extractive industry activity. Particular reference to dust, noise and vibration mitigation measures should be incorporated into the subdivision design. It is noted that the sand resource may become highly valuable into the future with the construction of renewable energy projects.







Latrobe Planning Scheme - Planning Policy Assessment Planning Policy Framework and Municipal Planning Strategy

The following clauses are appliable to this application:

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental and Landscape Values
- Clause 02.03-3 Environmental Risks and Amenity
- Clause 02.03-4 Natural resource management
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-6 Housing
- Clause 02.03-9 Infrastructure
- Clause 02.04 Strategic framework plans
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement Gippsland
- Clause 11.02-1S Supply of urban land
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-1L Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 13.02-1S Bushfire planning
- Clause 13.02-1L Bushfire prone areas
- Clause 13.03-1S Floodplain management
- Clause 13.03-1L Floodplain management
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land
- Clause 14.03-1S Resource exploration and extraction
- Clause 14.03-1R Resource exploration and extraction
- Clause 15.01-1S Urban Design
- Clause 15.01-1L Urban Design

- Clause 15.01-3S Subdivision Design
- Clause 15.01-3L Subdivision Design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Neighbourhood Character
- Clause 15.03-2S Aboriginal cultural heritage
- Clause 16.01-1S Housing supply
- Clause 16.01-1L Housing supply
- Clause 16.01-2S Housing affordability
- Clause 18.01-1S Land use and transport integration
- Clause 18.02 Movement Networks
- Clause 19.02-6S Open space
- Clause 19.02-6S Open space
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

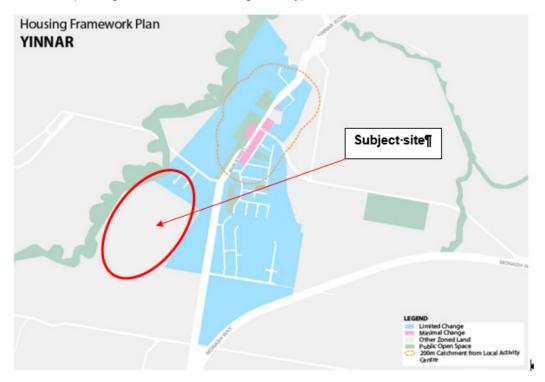
Yinnar is identified in the Scheme as one of Latrobe's district towns (along with Glengarry, Tyers and Yallourn North) that "serve as key retail and service centres for a moderate population base and the hinterland, providing residential opportunities within commuting distance of the larger centres" (Clause 02.03). Clause 16.01-1L identifies the subject site as being in a 'limited change' area on the Yinnar Housing Framework Plan – see extract below. The limited change area has the following strategy and guidelines in the Scheme:

<u>Limited change areas strategy</u> - Support the development of detached dwellings and dual occupancies that reinforce the spacious regional suburban character.

Limited change areas policy guidelines - Consider as relevant:

- Encouraging smaller and diverse housing types, including units and townhouses, within 200 metres of existing or planned Neighbourhood and Local Activity Centres and where public transport is accessible.
- Discouraging units of townhouses beyond 200 metres from an existing or planned Neighbourhood Activity Centre and Local Activity Centre, except on Strategic Development Sites identified on the Housing Framework Plans.

- Discouraging higher densities unless a lot is greater than 1500 square metres and is:
 - Within 400 metres walking distance from a public transport network.
 - Consistent with the average lot size of density development of residentially zoned land that is within a 150 metre radius (excluding the subject site in the calculation).
 - Not constrained by an overlay that affects the development potential of the lot (heritage, bushfire or flooding overlay).



The proposed subdivision has been designed to address the spacious regional suburban character of Yinnar on a site that is constrained by bushfire and flooding issues. Given the constraints of the site, the proposal is considered to have provided a satisfactory permeable street network which will allow for the effective movement of pedestrians and vehicles throughout the subdivision and provide ease of access to all lots. Future permeability has been included in the design with the link to the land to the east which will provide a future road through to Main Street and into the town centre. This accords with **Clause 15.01** with regard to subdivision design and neighbourhood character.

The proposal satisfactorily addresses the environmental risks to the site through a site responsive design that appropriately deals with bushfire risk and inundation from Morwell River.

The site is located in a designated Bushfire Prone Area as outlined in the *Building Regulations 2006*. The proposed subdivision layout has responded to **Clause 13.02** as lots abutting grassland fire risk would be provided with building envelopes to allow for future dwellings to have a construction level of BAL-12.5. While it is not possible at present to provide two ways in and out of the subdivision (**Clause 13.02-1L**), this has been taken into consideration and will be possible when the land to the east is subdivided for residential purposes with a through road provided for to Main Street.

Clause 13.03-1S states "avoid intensifying the impact of flooding through inappropriately located use and development" and Clause 13.03-1L states "within the mapped extent of a 1% Annual Exceedance Probability (AEP) flood (commonly knowns as 1:100 year flood), discourage:

- Residential development, other than replacement dwellings that have a finished floor level that is above the 1% AEP flood level.
- Raised earthworks.
- Subdivision, other than realignment or consolidation.

Discourage development in residential areas within the 1% AEP flood extent or within 30m of existing waterways.

Ensure building envelopes for dwellings, including a sufficient effluent disposal area onsite, are located on flood free land."

WGCMA has advised that the land below the 68m AHD contour is likely to be subject to inundation during a 1% AEP flood event. The subdivision has been designed to avoid permitting any development below the 68m AHD contour while addressing the boundaries between the two zones on the site.

The three step approach to native vegetation removal has been applied to the proposal in accordance with **Clause 12.01-2S**. Vegetation removal is to take place along existing boundaries with the purchase of appropriate offsets to compensate for the loss.

Aboriginal cultural heritage has been taken into consideration in accordance with **Clause 15.03-2S**. A Cultural Heritage Management Plan (CHMP) approved under the *Aboriginal Heritage Act 2006* was submitted with the application. The CHMP advised that no Aboriginal cultural heritage is registered in the activity area (site).

The FZ1 portion of the land will be retained in one lot. This will not impact the ability of this part of the site to continue to be use for agricultural purposes. This accords with the objective of **Clause 14.01-1S** which is "to protect the state's agricultural base by preserving productive farmland".

The objective of **Clause 13.04-1S** is "to ensure that contaminated and potentially contaminated land is used and developed safely". As the site has been used for agricultural purposes it must be assessed to ensure that it is suitable for the proposed sensitive use (residential development). This is applicable to the NRZ4 portion of the land only. A condition of approval will require the developer to undertake the necessary testing and reporting to inform Council that the land is

7.1 Planning permit application 2022/361 Multi lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated works at 18 Leeandale Drive, Yinnar - Attachment 5 Planning Policy Assessment

suitable for residential development in accordance with *Ministerial Direction No. 1 - Potentially Contaminated Land* and *Environment Protection Act 2017*.

Overall, the proposal accords with the Planning Policy Framework and Municipal Planning Strategy. The subdivision of the land into residential allotments as proposed is considered to be consistent with the strategic vision for the site.

SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE Clause 56 Objectives

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-50 Late Residential and Miyed Lice Zone

		10-39 LOIS	s, Residential and Mixed Use Zone		
	Clause & andard No.	OBJECTIVES	STANDARDS	COMMENTS	
Clause 56.01		SITE CONTEXT [DESCRIPTION & DESIGN RESPONSE		
	Site and context description & design response		Provision of details as listed in clause		
Clau	se 56.02	POLIC	CY IMPLEMENTATION		
C1	Strategic implementa tion objective	To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.	An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.	Complies – application was accompanied by a written statement as per the requirement	
Clau	se 56.03	LIVABLE AND	SUSTAINABLE COMMUNITIES		
C2	Compact and Walkable neighbourhoods objective Not Required				
C3		Activity Centre objective Not Required			
C4	Planning for Community facilities objective Not Required				

SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE Clause 56 Objectives

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

	16-59 Lots, Residential and Mixed Use Zone				
C5	Built Environmen t objective	To create urban places with identity and character.	The built environment should: Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. Provide living and working environments that are functional, safe and attractive. Provide an integrated layout, built form and urban landscape. Contribute to a sense of place and cultural identity. An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.	 Complies Connects to the land to the east. Lot sizes acceptable in regional town setting. Road network acceptable. Addresses neighbourhood character through lot sizes and configurations and the constraints of the site. Located in limited change area of Yinnar Housing Framework Plan so is suitable for this regional town setting. 	
C6	Neighbourho Not Require	od character objective d			
Clau	se 56.04		LOT DESIGN		
C7	Lot Diversity and distribution objectives	To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres.	A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. A range and mix of lot sizes should be provided including lots suitable for the development of:	Complies Density of 8.1 lots per hectare Range of lot sizes proposed Located in limited change area of Yinnar Housing Framework Plan so is suitable for this regional town setting. Limited public transport options in the town.	

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

		<u>16</u> -59 Lots	, Residential and Mixed Use Zone	
		To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.	 Single dwellings. Two dwellings or more. Higher density housing. Residential buildings and Retirement villages. Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station. Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre. 	
C8	Lot area and building envelopes objective	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management,	An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: • That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or	All lots greater than 500 sqm and able to contain rectangle 10 x 15 m Lots abutting grassland bushfire risk have building envelopes

16-59 Lots	, Residential and Mixed Use Zone	
easements and the retention of significant vegetation and site features.	 That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. Lots of between 300 square metres and 500 square metres should: Contain a building envelope that is consistent with a development of the lot approved under this scheme, or If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve. Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement. 	Lot 2 addresses flooding risk

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 na (NRZ4 land = 2.55 na)	Paridontial and Mired Hay Zone
16-59 LOTS	Residential and Mixed Use Zone
	Any requirement should meet the relevant
	standards of Clause 54, unless:
	The objectives of the relevant standards
	are met, and
	The building envelope is shown as a
	restriction on a plan of subdivision
	registered under the Subdivision Act
	1988, or is specified as a covenant in an
	agreement under Section 173 of the Act.
	Where a lot with a building envelope adjoins a
	lot that is not on the same plan of subdivision or
	is not subject to the same agreement relating to
	the relevant building envelope:
	The building envelope must meet
	Standards A10 and A11 of Clause 54 in
	relation to the adjoining lot, and
	The building envelope must not regulate
	siting matters covered by Standards A12
	to A15 (inclusive) of Clause 54 in relation
	to the adjoining lot. This should be
	specified in the relevant plan of
	subdivision or agreement.
	Lot dimensions and building envelopes should
	· · · · · · · · · · · · · · · · · · ·
	protect:
	Solar access for future dwellings and support the siting and design of dwellings.
	support the siting and design of dwellings
	that achieve the energy rating
	requirements of the Building Regulations.

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-50 Late Residential and Miyed Use Zone

	16-59 Lots, Residential and Mixed Use Zone			
			Existing or proposed easements on lots. Significant vegetation and alto features.	
C9	Solar orientation if lots objective	To provide good solar orientation of lots and solar access for future dwellings.	 Significant vegetation and site features. Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when: The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	Complies At least 70% of the lots have appropriate solar orientation.
C10	Street orientation objective	To provide a lot layout that contributes to community social interaction, personal safety and property security.	Subdivision should increase visibility and surveillance by: • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more	All lots have street frontages. No connector streets, arterial roads or public open space proposed.

	16-59 Lots, Residential and Mixed Use Zone			
C11	Common area objectives	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.	dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.	Not applicable No common property proposed.
	se 56.05		RBAN LANDSCAPE	
C12	Integrated urban landscape objectives	Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces	An application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should:	Complies A landscape plan can be made a condition of permit.

16-59 Lots	s, Residential and Mixed Use Zone
that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles. Public lighting should be designed in accordance with the relevant Australian Standards. Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.	 Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. Create attractive landscapes that visually emphasise streets and public open spaces. Respond to the site and context description for the site and surrounding area. Maintain significant vegetation where possible within an urban context. Take account of the physical features of the land including landform, soil and climate. Protect and enhance any significant natural and cultural features. Protect and link areas of significant local habitat where appropriate. Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. Promote the use of drought tolerant and low maintenance plants and avoid

Land	Area: 38.75 h	a (NRZ4 land = 2.55 ha)		
		16-59 Lots	species that are likely to spread into the surrounding environment. Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. Provide for walking and cycling networks that link with community facilities. Provide appropriate pathways, signage, fencing, public lighting and street furniture. Create low maintenance, durable landscapes that are capable of a long life. The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.	
C13	Public open space provision objectives	To provide a variety of open spaces with links to other open spaces and regional parks where possible. To ensure that public open space of appropriate quality and quantity is provided in	The provision of public open space should:	Not applicable No public open space proposed.

16-59 Lots, Residential and Mixed Use Zone		
convenient locations to r		
the recreational and soc		
needs of the community		
To support active and he		
communities.	 Regional parks of at least 3 	
	hectares, combining passive and	
	active use, within 2 kilometres of	
	all dwellings.	
	 Large local parks of at least 1 	
	hectare for active and passive	
	use, within 500 metres safe	
	walking distance from all	
	dwellings.	
	 Small local parks within 150 	
	metres to 300 metres safe walking	
	distance of all dwellings, where	
	appropriate.	
	 Include land used for drainage control or 	
	stream and floodway purposes if	
	generally available for recreational use.	
	Be integrated with urban water	
	management systems including	
	watercourses and water bodies.	
	Incorporate natural and cultural features	
	where appropriate.	
	Encourage shared use of active open	
	space.	

16-59 Lots	s, Residential and Mixed Use Zone
	 Adjoin schools and other community facilities where practical. Meet the social, cultural, recreational and sporting needs of the community including different age groups and abilities. Be linked to existing or proposed future public open spaces where appropriate. Include publicly owned plazas or parks in activity centres where appropriate. Land provided for public open space should be: Of a quality, quantity and character that makes it fit for its potential functions. Located so that every lot in the subdivision is within 500 metres street walking distance of existing or proposed public open space. Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets along public open space boundaries. Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences.

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots, Residential and Mixed Use Zone

CI	ause 56.06		AND MOBILITY MANAGMENT	
C14		obility objectives		
	Not Require			
C15	Walking and cycling network objectives	To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.	 The walking and cycling network should be designed to: Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. Link to any existing pedestrian and cycling networks. Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. 	Streets and footpaths to be provided which will connect with the existing road network.

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

I and Δ rea: 38.75 ha (NBZ4 land = 2.55 ha)

Land	Area: 38.75 h	a (NRZ4 land = 2.55 ha) 16-59 Lots	, Residential and Mixed Use Zone	
			 Ensure safe street and road crossings including the provision of traffic controls where required. Provide an appropriate level of priority for pedestrians and cyclists. Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. Be accessible to people with disabilities. 	
C16	Public transp Not Require	ort network objectives d		
C17	Neighbourh ood street network objective	To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	 The neighbourhood street network must: Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes. Provide clear physical distinctions between arterial roads and neighbourhood street types. Comply with the Roads Corporation's arterial road access management policies. Provide an appropriate speed environment and movement priority for the safe and easy movement of 	Complies Road will connect with existing Leeandale Drive. Future road connection to the east to Main Street.

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

I and Δ rea: 38.75 ha (NBZ4 land = 2.55 ha)

	pedestrians and cyclists and for accessing public transport. Provide safe and efficient access to activity centres for commercial and freight vehicles. Provide safe and efficient access to all lots for service and emergency vehicles. Provide safe movement for all vehicles. Incorporate any necessary traffic control measures and traffic management infrastructure. The neighbourhood street network should be designed to: Implement any relevant transport strategy, plan or policy for the area set out in this scheme. Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. Ensure connector streets align between neighbourhoods for direct and efficient	
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Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots. Residential and Mixed Use Zone

		10-00 Lots	Facilitate the provision of the walking and	
			cycling network, integrated water management systems, utilities and planting of trees. Contribute to the area's character and identity. Take account of any identified significant features.	
C18	Walking and cycling network detail objective	To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	Footpaths, shared paths, cycle paths and cycle lanes should be designed to: Be part of a comprehensive design of the road or street reservation. Be continuous and connect. Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. Accommodate projected user volumes and mix. Meet the requirements of Table C1. Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. Provide appropriate signage.	Complies Footpaths to be provided.

	16-59 Lots, Residential and Mixed Use Zone				
			 Be constructed to allow access to lots without damage to the footpath or shared path surfaces. Be constructed with a durable, non-skid surface. Be of a quality and durability to ensure: Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. Discharge of urban run-off. Preservation of all-weather access. Maintenance of a reasonable, comfortable riding quality. A minimum 20 year life span. Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 		
C19	Public Transport network detail objectives	To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users. To provide public transport stops that are accessible to people with disabilities.	Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.	Not applicable	

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots. Residential and Mixed Use Zone

	16-59 Lots, Residential and Mixed Use Zone				
			required for the movement of people with		
			physical disabilities.		
C20	Neighbourh ood street network detail objective	To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	The design of streets and roads should: • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street	Complies Street design acceptable to Council's Engineering Development team	

16-59 Lots	s, Residential and Mixed Use Zone
16-59 Lots	users applying speed control measures where appropriate. Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. Ensure streets are of sufficient strength to: Enable the carriage of vehicles. Avoid damage by construction vehicles and equipment. Ensure street pavements are of sufficient quality and durability for the: Safe passage of pedestrians, cyclists and vehicles. Discharge of urban run-off. Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. Ensure carriageways of planned arterial
	roads are designed to the requirements of

16-59 Lots	s, Residential and Mixed Use Zone
	the relevant road authority. Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. Provide pavement edges, kerbs, channel and crossover details designed to: Perform the required integrated water management functions. Delineate the edge of the carriageway for all street users. Provide efficient and comfortable access to abutting lots at appropriate locations. Contribute to streetscape design. Provide for the safe and efficient collection of waste and recycling materials from lots. Be accessible to people with disabilities. A street detail plan should be prepared that shows, as appropriate: The street hierarchy and typical cross-sections for all street types. Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-50 Late Residential and Miyed Use Zone

		10-39 LOIS	, Residential and Mixed Use Zone	
			 Water sensitive urban design features. Location and species of proposed street trees and other vegetation. Location of existing vegetation to be retained and proposed treatment to ensure its health. Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 	
C21	Lot access objective	To provide for safe vehicle access between roads and lots.	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. See Table C1	Complies Each lot has an appropriate street frontage to provide for vehicle and pedestrian access.
Claus	se 56.07	INTEGRA	TED WATER MANAGEMENT	
C22	Drinking Water	To reduce the use of drinking water.	The supply of drinking water must be: • Designed and constructed in accordance with the requirements and to the	Complies Permit conditions from Gippsland Water

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots. Residential and Mixed Use Zone

	16-59 Lots, Residential and Mixed Use Zone				
	supply objectives	To provide an adequate, costeffective supply of drinking water.	satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.		
C23	Reused and recycled water objective	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	Reused and recycled water supply systems must be: Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Not applicable Not available to the site at a subdivision level.	
C24	Waste water manageme nt objective	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Complies Permit conditions from Gippsland Water	

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-50 Late Residential and Miyed Lice Zone

	16-59 Lots, Residential and Mixed Use Zone			
C25	Urban run- off manageme nt objectives	To minimise damage to properties and inconvenience to residents from urban runoff. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.	The urban stormwater management system must be: Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater — Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.	Permit conditions from Council's Engineering Development team

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

I and Δ rea: 38.75 ha (NBZ4 land = 2.55 ha)

should: • Ensure run-off is retarded to a standard	id Area: 38.75 ha (NRZ4 land = 2.9	For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard: • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. For storm events greater than 20% AEP and up to and including 1% AEP standard: • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria da Vave < 0.35 mz/s (where, da = average depth in metres per second). The design of the local drainage network
		should:

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land	and Area: 38.75 ha (NHZ4 land = 2.55 ha)					
	16-59 Lots, Residential and Mixed Use Zone					
			to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.			
Claus	se 56.08	Si	TE MANAGEMENT			
C26	Site	To protect drainage	A subdivision application must describe how the	Complies		
	manageme	infrastructure and receiving	site will be managed prior to and during the	Permit conditions from Council's		
	nt	waters from sedimentation and	construction period and may set out	Engineering Development team		
	objectives	contamination.	requirements for managing:			
			 Erosion and sediment. 			

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots, Residential and Mixed Use Zone

		To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	Dust. Run-off. Litter, concrete and other construction wastes. Chemical contamination. Vegetation and natural features planned for retention. Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.	
Clause 56.09		·	UTILITIES	
C27	Shared trenching objective	To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	Complies To be achieved by the developer where applicable.
C28	Electricity, telecommu nications and gas objectives	To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.	Complies Conditions provided by relevant services. Mandatory telecommunications condition from the Latrobe Planning Scheme to be included on permit.

Property address: 18 Leeandale Drive, YINNAR Application Number: 2022/361

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots. Residential and Mixed Use Zone

	16-59 Lots, Residential and Mixed Use Zone				
		10 33 23.5	The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency and supply agency.		
C29	Fire hydrants objective	To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	Fire hydrants should be provided: • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment.	Complies Permit conditions from CFA	
C30	Public lighting objective	To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.	Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to	Complies Permit conditions from Council's Engineering Development team	

Land Area: 38.75 ha (NRZ4 land = 2.55 ha)

16-59 Lots, Residential and Mixed Use Zone

To provide pedestrians with a	be well used at night to assist in providing safe	
sense of personal safety at	passage for pedestrians, cyclists and	
night.	vehicles.	
To contribute to reducing	Public lighting should be designed in	
greenhouse gas emissions	accordance with the relevant Australian	
and to saving energy.	Standards.	
	Public lighting should be consistent with any	
	strategy, policy or plan for the use of renewable	
	energy and energy efficient fittings.	

APPLICATION TO AMEND PLANNING 2018/128 FOR THE USE AND DEVELOPMENT OF LAND FOR AN EMERGENCY SERVICES FACILITY (FIRE STATION), ALTERATION OF ACCESS AND REMOVAL AND CREATION OF AN EASEMENT AT 167-171 AND 173-177 PRINCES DRIVE, MORWELL

PURPOSE

To provide Council with an assessment of an application to amend planning permit 2018/128 for the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone, alteration of access onto Transport Zone 2, and removal and creation of an easment at 167-171 and 173-177 Princes Drive Morwell, against the provisions of the Latrobe Planning Scheme.

EXECUTIVE SUMMARY

The application seeks to amend the existing planning permit to:

- a) Amend the access to Princes Drive, to meet the requirements of Department of Transport.
- b) Amend the design of the laneway from Buckley Street to provide rear access to 24, 26 and 28 Buckley Street, Morwell from reinforced concrete to asphalt surface, as well as other minor changes below.
 - i. The installation of gate a with concrete base running the width of access.
 - ii. Installation of four sensor light fittings installed along the southern boundary fence.
 - iii. Installation of a raised concrete kerb along the northern side of the access to align with vehicle movements with the crossover.
 - iv. Installation of a concrete slab (dimensions 3.6m x 4.8m) for the location of the waste bins.

As part of these changes the following will occur to the permit conditions:

- Condition 27 and 28 of the permit issued by VCAT on 7 October 2019 will be
 deleted to reflect the private nature of the accessway (i.e. not a public road) and
 to remove inconsistencies contained in the original permit between conditions
 and endorsed plans, with all other conditions renumbered accordingly.
- A condition (Condition 3) will be added in relation to the maintenance of the access from Buckley Street.
- The preamble to the permit will also be altrered to meet the current zoning of the land and renaming of the Road Zone to Transport Zone.

It is noted the application is retrospective in nature as the works have already occurred.

The subject site is now located within the Activity Centre Zone (previously the mixed use zone) and is subject to the Environmental Audit Overlay (partial south-west corner of the site) and the Parking Overlay (Schedule 2).

Following advertising of the application, thirteen (13) objections were received with the following concerns raised (a map showing the location of objectors is provided at Attachment 1, and a copy of the objections at Attachment 2):

- the proposed amendment does not comply with condition 1a) of the permit issued, which requires the applicant to install 6mm thick glass as a noise barrier
- the proposed amendment does not comply with condition 28 a) relating to the
 construction of the proposed vehicle access to 24, 26 and 28 Buckley Street,
 where the condition stipulates the access to be constructed from reinforced
 concrete and to meet Latrobe City Council standard drawings 302 & 307
- The amended plans still show "proposed easement" as there has been no private agreement with the owners that gained access from formely Verey Lane
- Four sensor lights have been installed along only one boundary
- The gate that has been constructed has no drop bolt and presents as an obstruction to gain acess to the road and has the ability to damage property as it is not constructed properly

Having considered the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the objections submitted, it is considered that the proposal is generally consistent with the relevant objectives and decision guidelines of the Scheme.

The proposal is also considered to be consistent with the relevant planning policy frameworks, the Activity Centre Zone, Environmental Audit Overlay and the Parking Overlay (Schedule 2) of the City of Latrobe Planning Scheme.

Consideration of this report was deferred from the Council Meeting on 7 August 2023. The content of the report and officer's recommendation is unchanged, other than to note that in response to the Council resolution on 7 August to defer this matter to provide more time to address the objectors' concerns, Officers have entered into discussions with the appropriate parties.

OFFICER'S RECOMMENDATION

That Council issues a Notice of Decision to grant an amended Permit for the the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone alteration of access onto Transport Zone 2 and removal and creation of an easment at 167-171 and 173-177 Princess Drive Morwell, subject to the conditions at Attachment 3 to this report.

BACKGROUND

- The site is located on the corner of Princes Drive, Collins Street and Buckley Street Morwell.
- The site is irregular in shape and is approxmately 7,160 metres square.
- The site contains the Morwell CFA station, with a number of buildings on the site, as was approved under planning permit 2018/128 which has just commenced operation as fire station.
- Access to the site is via Princes Drive and along Collins Street.
- The site is used for fire fighting purposes as well as community safety briefings and educational sessions for schools and groups.

The application seeks to amend the existing planning permit to:

- a) Amend the access to Princes Drive, to meet the requirements of Department of Transport.
- b) Amend the design of the laneway from Buckley Street to provide rear access to 24, 26 and 28 Buckley Street, Morwell from reinforced concrete to asphalt surface, as well as other minor changes, including:
 - i. The installation of gate with concrete base running the width of access.
 - ii. Installation of four sensor light fittings installed along the southern boundary fence.
 - iii. Installation of a raised concrete kerb along the northern side of the access to align with vehicle movements with the crossover.
 - iv. Installation of a concrete slab (dimensions 3.6m x 4.8m) for the location of the waste bins.

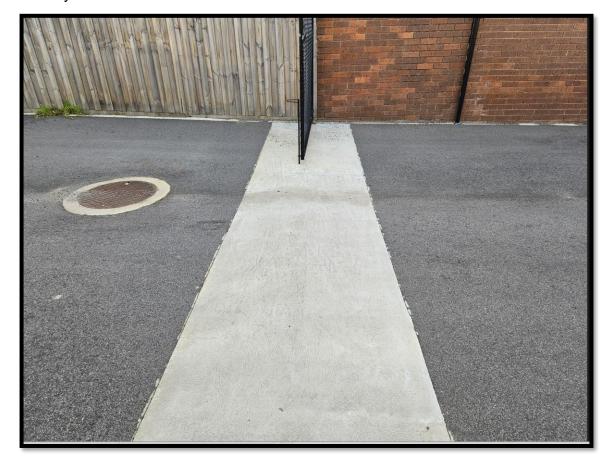
It is noted the application is retrospective in nature as the works have already occurred.

Condition 27 and 28 of the permit issued by VCAT on 7 October 2019 (refer to Attachment 4) will be deleted, with all other conditions renumbered accordingly so as to remove the original inconsistency between Conditions 27 and 28 and the originally endorsed plans. This is deemed appropriate as the endorsed plans enable all weather surface access and an additional Condition is to be added to the amended permit to ensure maintenance of the accessway from Buckley Street.

The preamble to the permit will also be altrered to meet the current zoning of the land and renaming of the Road Zone to Transport Zone.



Buckley Street Entrance construction



Reinforced concrete for gate construction



Construction of access, access to 24, 26 and 28 Buckley Street and construction of concrete foundation under bins



Construction of concrete island to steer vehicles in line with access

CONSULTATION

The application was advertised pursuant to Section 52(1)(a) and (d) of the Planning and Environment Act 1987 (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontage for 14 days.

Following advertising of the application, 13 submissions in the form of written objections were received, a copy of the objections can be viewed at Attachment 2 to this report.

The main issues raised in the objections can be summarised as:

- the proposed amendment does not comply with condition 1a) of the permit issued, which requires the applicant to install 6mm thick glass as a noise barrier.
- the proposed amendment does not comply with condition 28 a) relating to the
 construction of the proposed vehicle access to 24, 26 and 28 Buckley Street,
 where the condition stipulates the access to be constructed from reinforced
 concrete and to meet Latrobe City Council standard drawings 302 & 307.
- The amended plans still show "proposed easement" as there has been no private agreement with the owners that gained access from formely Verey Lane.
- Four sensor lights have been installed along only one boundary.
- The gate that has been constructed has no drop bolt and presents as an obstruction to gain acess to the road and has the ability to damage property as its not constructed properly.

The amended application was formally notified by posting of notices to the owners and occupiers of the surrounding properties and signs placed along Princes Drive, Collins Street and Buckley Street for 14 days.

The concerns raised by the objectors relate to the construction of the access from formally Verey Lane for 24, 26 and 28 Buckley Street, who have engaged in a number of discussions relating to the construction of the access, gate and bin damage to the access.

It is noted there is an objection relating to a private agreement between the CFA and the landowners at 24-28 Buckley Street, Morwell. Private agreements are civil matters between the parties inolved.

ANALYSIS

This application to amend the existing permit requires assessment against the relevant Planning Polices, Activity Centre Zone, Environmental Audit Overlay (partial), and Parking Overlay of the Latrobe Planning Scheme. A report relating to how the amended proposal meets the Planning Policy is listed as Attachment 5.

The application seeks to amend Planning Permit 2018/128. The proposal must be considered under the provisions of Section 72 of the Planning and Environment Act 1987. Under these provisions, Section 72 of the Act states:

(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

Section 73 of the Act states:

- (1) Subject to this section, sections 47 to 62 (with any necessary changes) apply to an application to the responsible authority to amend a permit as if—
 - (a) the application were an application for a permit; and
 - (b) any reference to a permit were a reference to the amendment to the permit.
- (2) If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit; and
- (3) Any conditions to which an amendment to a permit is subject form part of the permit when it is issued.

These relevant sections of the legislation effectively require Council to consider an amendment to a permit in the same way as an application for planning permit would be considered.

The proposed amendment to the design to the access from Princes Drive and Buckley Street requires assessment against the provisions of the relevant planning policies, Activity Centre Zone, Environmental Audit Overlay, Parking Overlay and the decision guidelines of Clause 65.

Matters for consideration include the suitability of the design and siting of the amended access and materials used for the construction of the access. The response from the relevant referral authorities and matters raised in the objections received will also be taken into consideration.

The application was referred to the Department of Transport and Planning in relation to the amended design for Princes Drive, with the referal stating they amended design meets their conditions as part of the existing permit. The appplication was also referred to Council's Engineering Team who consented to the amendment, subject to changes to conditions.

Ultimately, the proposed amendments are considered to be acceptable when assessed against the relevant planning controls. The ashphalt accessway provides for an all weather surface and therefore is suitable. A copy of the amended plans proposed to be endorsed can be found at Attachment 6.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
REPUTATIONAL RISK Supporting an application that seeks to legitimise works contrary to a planning permit as originally issued.	Medium Possible x Minor	The amendment to the planning application 2018/128 complies with the Latrobe Planning Scheme and can be supported with appropriate conditions.

RISK	RISK RATING	TREATMENT
FINANCIAL RISK Supporting the application and the submitters seeking review of the decision at VCAT.	High Likely x Moderate	To manage and limit the potential risk, the recommendation has been considered against the requirements of the Activity Centre Zone, Planning Policy Framework and Municipal
		Planning Strategy. The recommendation to approve the amendments to the permit is considered to be consistent with the Latrobe Planning Scheme.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

Attachments

1. Attachment 1 - Map Of Objectors (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Personal identifying information of objectors.

2. Attachment 2 - Copies Of Objections (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Personal identifying information of objectors.

- 3. Attachment 3 Draft Permit Conditions
- 4. Attachment 4 Existing Planning Permit 2018/128
- 5. Attachment 5 Policy Response
- 6. Attachment 6 Amended Plans

7.2

Application to Amend Planning 2018/128 for the use and Development of Land for an Emergency Services Facility (Fire Station), alteration of access and removal and creation of an easement at 167-171 and 173-177 Princes Drive, Morwell

3	Attachment 3 - Draft Permit Conditions	181
4	Attachment 4 - Existing Planning Permit 2018/128	190
5	Attachment 5 - Policy Response	193
6	Attachment 6 - Amended Plans	207

DRAFT PERMIT CONDITIONS 2018/128/A

Proposal: Use and development of land for an Emergency Services Facility (Fire Station) in the Activity Centre Zone (ACZ1), alteration of access onto a Transport Road 2 (TPZ2) and removal and creation of an easement 30-40 Buckley Street, 167-171 and 173-177 Princes Drive, MORWELL

Amended Plans:

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to an 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 dimension and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) An acoustic barrier at a height of 3.6m to be provided to the norther and western boundary in accordance with the recommendations in the Watson Moss Growcott Acoustic report dated 17 September 2019 at page 27. A section of the acoustic barrier at least 1 metre above the 2.4 metre fence should be constructed in 6mm clear glass.
- b) Additional landscaping to be provided in front of the acoustic barrier ensuring sight lines are retained.
- c) Location of all mechanical services equipment.

Endorsed Plans Condition:

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Maintenance Condition

3. The maintenance of the Access easement E-1formally known as Verey Lane is to be maintained at the expense of the owner of land in consolidation 377347T, unless with the prior written consent of the Responsible Authority

Environmental Conditions:

4. Before the use or buildings and works associated with the use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide an independent review of the Environmental Site Assessment (Completed by Senversa, dated 9 October 2018, Ref:m16539_rpt_004_rev0), undertaken by a suitably qualified person to the satisfaction of the Responsible Authority. This review should confirm the Environmental Site Assessment was undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and either:

- a) Confirm the suitability of the land for the proposed use and/or development, including any conditions or limitations associated with that use and/or development; or
- b) Recommend an environmental audit in accordance with Section 53X of the Environment Protection Act 1970 be undertaken.
- 5. If recommended by the independent review of the Environmental Site Assessment as outlined in Condition 3. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide:
 - a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Development Conditions:

- 6. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
- 7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 8. 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.

Operational Amenity Conditions:

- 9. 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.
- Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 11. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.
- 12. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
- 13. The public address system must not be utilised external to the building during the night time period between 10:00pm and 7.00am.
- 14. Vehicle testing as much as possible is to be carried out during the periods 8:00am to 8:30am and 6:00pm to 6:30pm.
- 15. Training activities are to be undertaken only during EPA defined 'day' and 'evening' periods. No training activities to be undertaken during the 'night' period.
- 16. A maximum of only two emergency vehicles are to be in operation within the external yard area forming part of training/testing activities at any one time.
- 17. During times when sirens are tested as part of the emergency vehicle testing, the duration of the test must be as short as possible to satisfy the tester that the equipment is functioning correctly (nominally less than 1 second).
- 18. The location and design of all mechanical services equipment is to be undertaken by an acoustic consultant to ensure compliance with NIRV RNML's and the project design objectives at the nearby residential receptors.

Landscaping Conditions:

19. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Subdivision Conditions:

- 21. Before the use starts, all existing and proposed easements and sites for existing and required utility services roads or accessways must be set aside in favour of the relevant authorities and landowners for whom the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act* 1988.
- 22. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 23. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 24. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

Engineering Conditions:

- 25. Prior to the commencement of any works hereby permitted, all titles of the land to which this amendment applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways in the proposed development are contained within a single title.
- 26. Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.

- An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
- 27. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority
- 28. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
 - a) All drainage works must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
 - b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drainage and line marking to indicate each car space.
 - c) The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
 - i. the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
 - ii. the requirements of any service authority having existing assets proposed to be incorporated into the vehicle crossings or located within one metre of the vehicle crossings.
 - d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.
- 29. 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.
- 30. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed site layout plan shall not be permitted to enter the property.

- 31. Car spaces, vehicle access lanes, vehicle turn around areas and driveways must be kept available for these purposes at all times.
- 32. 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.

Gippsland Water Conditions:

- 33. Prior to the construction of any building works commencing on site the owner of the land must enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete works necessary to re-align the existing 150mm sewer mains around the proposed development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
- 34. The owner must also enter into a separate Deed of Agreement for the transfer and decommissioning of the section of the existing sewer mains which details the terms for transferring the ownership of the decommissioned sewer main from Gippsland Water to the County Fire Authority. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
- 35. The applicant will need to verify the depth of water mains adjacent to site in Princes Drive and Collins Street via Non Destructive Digging technique. A Gippsland Water representative may need to be on site during digging.
- 36. The owner/applicant must lodge a Building Over or Near Assets application and have written approval given by Gippsland Water prior to the commencement of any building works associated with the development.

Please refer to Gippsland Water website: https://www.gippswater.com.au/developers/property-connections/buildover-easements

- 37. Provide water and sewer service layout plan (Hydraulic Plans) showing how the proposed site will be serviced.
- 38. The existing 50mm Fire Service is to be disconnected via a quote request in conjunction with all other Water and Sewer connection works.
- 39. The following existing metered water services will need to be capped at the main and the meters returned to Gippsland Water for a final read:

- 05BF000786 25mm 167 Princes Hwy
- 14AF001176 20mm 173-77 Princes Hwy
- 11AF006280 20mm 30 Buckley St
- 40. All unused existing sewer connection points, must be capped as part of the sewer re-alignment works.
- 41. As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.

VicRoad Conditions:

- 42. The access, kerbing and emergency signals must generally be in accordance with the recommendations and plans associated with the Trafficworks, traffic impact assessment no 170451 dated 17/10/2018.
- 43. Prior to the design beginning, a pre-design meeting between VicRoads and the applicant's consultants must be conducted.
- 44. Prior to the construction works beginning, functional layout plans of the access must be submitted and approved by VicRoads.
- 45. All plans must be in accordance with VicRoads Eastern Region Developer funded works checklists.
- 46. Prior to the building works beginning, detailed plans of the access, kerbing, lighting and emergency signals must be provided and approved by VicRoads.
- 47. The installation of the new emergency signals, upgrade or reprogramming of existing signals must be to the satisfaction off and at no cost to VicRoads.
- 48. Prior to works commencing within the road reserve, a plan demonstrating the roadway lighting and demonstrated relocation of lighting must be submitted and approved by VicRoads.
- 49. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 11m inside the property to allow vehicles to store clear of Princes Drive pavement and footpath.
- 50. The luminance of any sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach.
- 51. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access, crossovers and associated works must be provided and available for use.

52. All works must be completed at no cost and to the satisfaction of VicRoads.

Expiry of Use and Development:

- 53. 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 and the use has not commenced within four years of the date of this permit;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Expiry of Subdivision:

- 54. This permit will expire if:
 - a) the plan of subdivision is not certified within 2 years of the date of this permit; or
 - b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act* 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

- Note 1. For a quotation relating to sewerage and water costs and requirements, please contact Property Connections on (03) 5177 4648.
- Note 2. The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- Note 3. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

- Note 4. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 5. 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 6. The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at http://www.latrobe.vic.gov.au/Building_and_Planning/Building/Work_Permits_and_Property_Information
- Note 7. A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- Note 8. Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

Attachment 5: Policy Assessment

Planning Policy Framework

Clause No.	Clause name
11	Settlement
11.01-1L	Morwell
11.03-1S	Activity Centres
11.03-1L	Activity Centres
15.01-1S	Urban Design
15.01-1L	Urban Design
15.01-2S	Building Design
18.01-2S	Transport System
19.02-5S	Emergency Services

The relevant clauses listed above are relevant to the amendment to 2018/128. The state based objectives seek

 'to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community'.

The locally based policy around activities seeks the following

• 'to facilitate the growth of the Morwell, Moe, Traralgon and Churchill Town Centres'. The proposal implements the strategy 'encourage a diverse range of land uses including accommodation, office, retail, food and drink, transport, leisure, civic and community uses' by locating an emergency services facility in the Morwell Town Centre..

Local based policy seeks that Morwell (clause 11.01-1L) has a role in accommodating the population and catering for the provision of government and commercial services.

In relation to policy it is considered the amended proposal is still appropriately located and the amended design is appropriate as the subject site is still located in the Morwell Activity Centre and represents an opportunity for a high quality development to re-invigorate an area of the centre. The proposal is a community facility that provides for employment and accommodation of firefighters. It provides increased surveillance of the area and improved amenity of the activity centre with landscaping, community seating and building design.

In regards to Clause 19.02-5S (emerngency services) which seeks

 'to ensure suitable locations for police, fire, ambulance and other emergency services'.

The proposal is still located within an appropriate site, with the location being contained in the Morwell Activity Centre. Morwell is identified as one of the four main towns in Latrobe City. The Latrobe City Strategic Land Use Framework Plan details Morwell's role in providing for government offices, and implementing the Morwell Structure Plan.

In regards to the Clauses relating to Urban Design, which seek the following:

• 'to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity'.

The amended design relates to the access from Buckley Street and Princes Drive, where from a design perspective the amended application is considered satisfactory as surveilence is maintained from the public and private interface, where the gate proposed in fully transparent in design and the applicant has provided sensor lighting along the Buckley Street access to further enhance the site from a safety perspective.

The proposal responds to the strategy

• 'Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm'

by not impacting on the landscaping and has not minimised the landscaping (staying the same as approved) that has been approved, which at maturity will sufficiently screen the fence and soften the development.

The proposed amendment maintains the strategy

• 'Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads'

As the traffic signals, crossovers and signage approved by Council and the Department of Transport (formally Vic Roads) have not been altered, and the application was re-referred to the Department of Transport, who responded the proposed amendment meets the conditions on the permit.

The amended application still responds to the strategy

 'Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use'

As the amended application, although not provided a reinforced concrete material sought by conditions 27 and 28 of the existing permit, will still provide paved areas of sufficient dimensions to enable safe access. This includes the installation of warning bollards for pedestrians to enable safe egress of emergency vehicles. As the site is located along a principal road it responds to the strategy 'Promote good urban design along and abutting transport corridors' by providing a complementary but interesting façade, variable roof levels and setbacks, and incorporating timber into the entry of the building.

In relation to Clause 18.01-2S (Transport system) which has the following objective

- 'to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure'.
- 'ensure that road space complements land use and is managed to meet community and business needs'

The amended design is still considered to implement the above strategies by providing a purpose built traffic and pedestrian interface catering to the egress of emergency vehicles from the facility, that has been approved by the Department of Transport and Council's engineers. The proposed easement that has provided access to the rear of 24-28 Buckley Street, under existing conditions exists through the centre of the development. The amended design has not altered from the existing plans endorsed, where the new location provides far better access, however the construction of the access has been altered. Council's engineering department have no issues with the altered treatment of the road from reinforced concrete to asphalt, with conditions 27 and 28 deleted from the permit. A condition will be added by council officers regarding the maintenance of the access, which will be required to be maintained by the CFA to appropriate standards. It is noted the CFA have already done maintance works, in the bin locations, changing the material from asphalt to reinforced concrete.

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND: 30-40 Buckley Street, 167-171 and

173-177 Princes Drive, MORWELL

DESCRIPTION: L 1 TP 365164, L 1 TP 518929, L 1

TP 247461, L 1 TP 418368, L 1 TP 98997, RD 1 LP 33695, L 1 TP

216347, L 1 TP 399065

THE PERMIT ALLOWS: Use and development of land for an Emergency Services Facility (Fire Station) in the Mixed Use Zone (MUZ), alteration of access onto Road Zone, Category 1 (RDZ1) and removal and creation of an easement, in accordance with the endorsed plan(s)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans:

- 1. Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to an 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 dimension and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) An acoustic barrier at a height of 3.6m to be provided to the norther and western boundary in accordance with the recommendations in the Watson Moss Growcott Acoustic report dated 17 September 2019 at page 27. A section of the acoustic barrier at least 1 metre above the 2.4 metre fence should be constructed in 6mm clear glass.
 - b) Additional landscaping to be provided in front of the acoustic barrier ensuring sight lines are retained.
 - c) Location of all mechanical services equipment.

Endorsed Plans Condition:

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 1 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Environmental Conditions:

- 3. Before the use or buildings and works associated with the use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide an independent review of the Environmental Site Assessment (Completed by Senversa, dated 9 October 2018, Ref:m16539_rpt_004_rev0), undertaken by a suitably qualified person to the satisfaction of the Responsible Authority. This review should confirm the Environmental Site Assessment was undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and either:
 - a) Confirm the suitability of the land for the proposed use and/or development, including any conditions or limitations associated with that use and/or development; or
 - b) Recommend an environmental audit in accordance with Section 53X of the Environment Protection Act 1970 be undertaken.
- 4. If recommended by the independent review of the Environmental Site Assessment as outlined in Condition 3. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide:
 - a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*: or
 - b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or

Date Issued: 9 October 2019

Signature for the Responsible Authority

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Development Conditions:

- 5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
- 6. All buildings and works must be maintained in good order and appearance 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.

Operational Amenity Conditions:

- 8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
 - or otherwise, to the satisfaction of the Responsible Authority.
- Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 10. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 3 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
- 12. The public address system must not be utilised external to the building during the night time period between 10:00 pm and 7.00 am.
- 13. Vehicle testing as much as possible is to be carried out during the periods 8:00 am to 8:30 am and 6:00 pm to 6:30 pm.
- 14. Training activities are to be undertaken only during EPA defined 'day' and 'evening' periods. No training activities to be undertaken during the 'night' period.
- 15. A maximum of only two emergency vehicles are to be in operation within the external yard area forming part of training/testing activities at any one time.
- 16. During times when sirens are tested as part of the emergency vehicle testing, the duration of the test must be as short as possible to satisfy the tester that the equipment is functioning correctly (nominally less than 1 second).
- 17. The location and design of all mechanical services equipment is to be undertaken by an acoustic consultant to ensure compliance with NIRV RNML's and the project design objectives at the nearby residential receptors.

Landscaping Conditions:

18. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 4 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Subdivision Conditions:

- 20. Before the use starts, all existing and proposed easements and sites for existing and required utility services roads or accessways must be set aside in favour of the relevant authorities and landowners for whom the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
- 21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 22. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 23. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

Engineering Conditions:

24. Prior to the commencement of any works hereby permitted, all titles of the land to which this amendment applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways in the proposed development are contained within a single title.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 5 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 25. Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.
 - An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
- 26. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
- 27. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the operator of this permit must complete to the satisfaction of the Responsible Authority, all legal arrangements required to provide vehicle access from Buckley Street to the rear of the properties at numbers 24, 26 and 28 Buckley Street. Such arrangements may include either the creation of a road reserve or written agreement to the declaration of the proposed vehicle accessway as a public highway.
- 28. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority in accordance with engineering

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 6 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

plans and specifications submitted to and approved by the Responsible Authority:

- a) The areas on the endorsed plans shown for vehicle access to abutting properties in Buckley Street, must be constructed in accordance with the standards as set out in Latrobe City Council's Standard Drawings LCC 302 and LCC 307 and be surfaced with reinforced concrete.
- 29. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
 - All drainage works must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
 - b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an allweather sealed surface, drainage and line marking to indicate each car space.
 - c) The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
 - the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
 - ii. the requirements of any service authority having existing assets proposed to be incorporated into the vehicle crossings or located within one metre of the vehicle crossings.
 - d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 7 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 30. 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.
- 31. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed site layout plan shall not be permitted to enter the property.
- 32. Car spaces, vehicle access lanes, vehicle turn around areas and driveways must be kept available for these purposes at all times.
- 33. 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.

Gippsland Water Conditions:

- 34. Prior to the construction of any building works commencing on site the owner of the land must enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete works necessary to re-align the existing 150mm sewer mains around the proposed development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
- 35. The owner must also enter into a separate Deed of Agreement for the transfer and decommissioning of the section of the existing sewer mains which details the terms for transferring the ownership of the decommissioned sewer main from Gippsland Water to the County Fire Authority. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 8 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 36. The applicant will need to verify the depth of water mains adjacent to site in Princes Drive and Collins Street via Non Destructive Digging technique. A Gippsland Water representative may need to be on site during digging.
- 37. The owner/applicant must lodge a Building Over or Near Assets application and have written approval given by Gippsland Water prior to the commencement of any building works associated with the development.

Please refer to Gippsland Water website: https://www.gippswater.com.au/developers/property-connections/buildover-easements

- 38. Provide water and sewer service layout plan (Hydraulic Plans) showing how the proposed site will be serviced.
- 39. The existing 50mm Fire Service is to be disconnected via a quote request in conjunction with all other Water and Sewer connection works.
- 40. The following existing metered water services will need to be capped at the main and the meters returned to Gippsland Water for a final read:
 - 05BF000786 25mm 167 Princes Hwy
 - 14AF001176 20mm 173-77 Princes Hwy
 - 11AF006280 20mm 30 Buckley St
- 41. All unused existing sewer connection points, must be capped as part of the sewer re-alignment works.
- 42. As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 9 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

VicRoads Conditions:

- 43. The access, kerbing and emergency signals must generally be in accordance with the recommendations and plans associated with the Trafficworks, traffic impact assessment no 170451 dated 17/10/2018.
- 44. Prior to the design beginning, a pre-design meeting between VicRoads and the applicant's consultants must be conducted.
- 45. Prior to the construction works beginning, functional layout plans of the access must be submitted and approved by VicRoads.
- 46. All plans must be in accordance with VicRoads Eastern Region Developer funded works checklists.
- 47. Prior to the building works beginning, detailed plans of the access, kerbing, lighting and emergency signals must be provided and approved by VicRoads.
- 48. The installation of the new emergency signals, upgrade or reprogramming of existing signals must be to the satisfaction off and at no cost to VicRoads.
- 49. Prior to works commencing within the road reserve, a plan demonstrating the roadway lighting and demonstrated relocation of lighting must be submitted and approved by VicRoads.
- 50. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 11m inside the property to allow vehicles to store clear of Princes Drive pavement and footpath.
- 51. The luminance of any sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 10 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 52. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access, crossovers and associated works must be provided and available for use.
- 53. All works must be completed at no cost and to the satisfaction of VicRoads.

Expiry of Use and Development:

- 54. 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 and the use has not commenced within four years of the date of this permit;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Expiry of Subdivision:

- 55. 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.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 11 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act* 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

- **Note 1.** For a quotation relating to sewerage and water costs and requirements, please contact Property Connections on (03) 5177 4648.
- **Note 2.** The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- **Note 3.** This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- Note 4. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 5. 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.

Date Issued: 9 October 2019

Signature for the Responsible Authority

Page 12 of 14

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2018/128

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- Note 6. The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at http://www.latrobe.vic.gov.au/Building_and_Planning/Building/Work_Permits_and_Property_Information
- Note 7. A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- **Note 8.** Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

END CONDITIONS

Date Issued: 9 October 2019

Signature for the Responsible Authority

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.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the *Planning and Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

3.

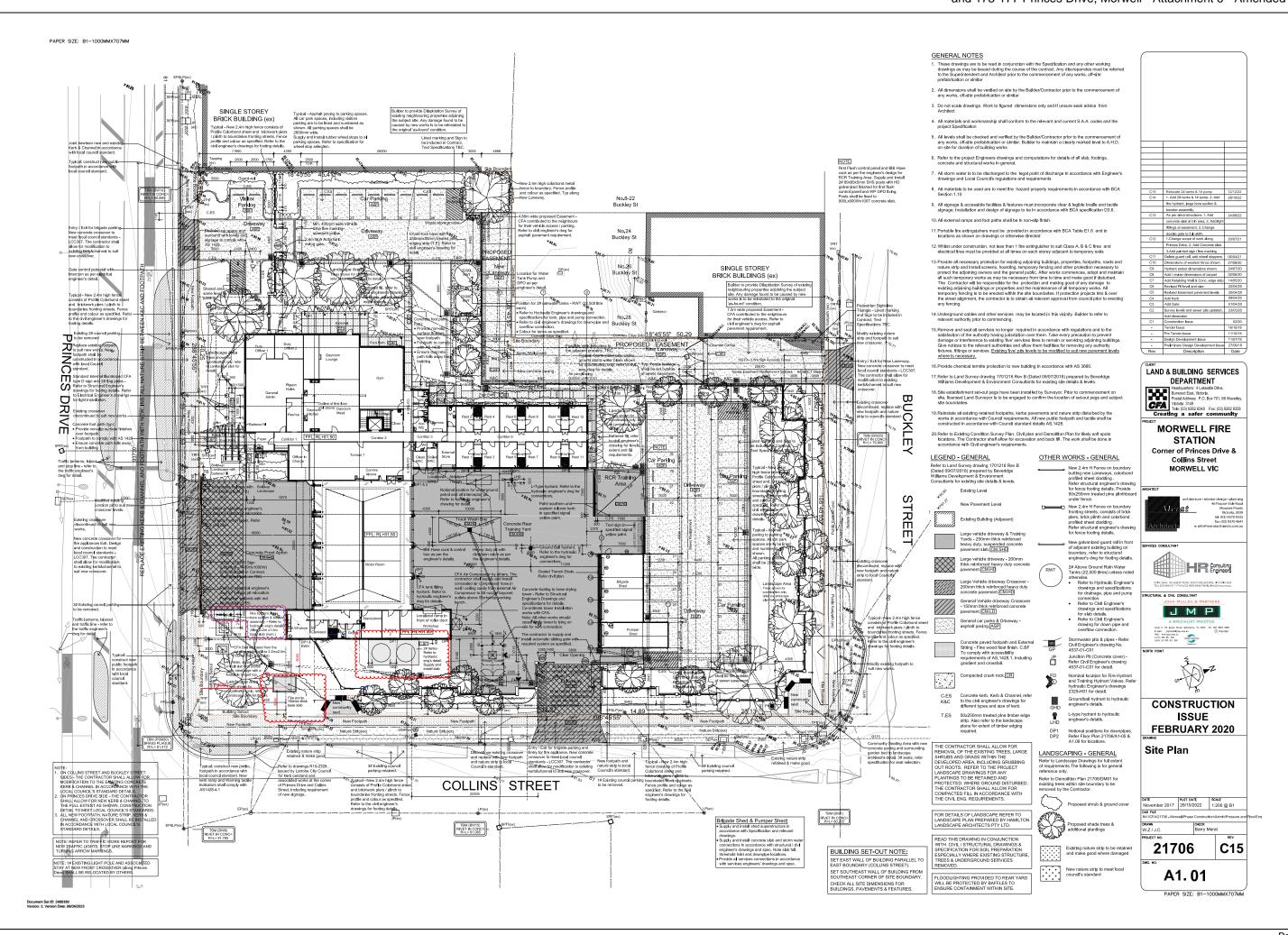
- from the date specified in the permit, or
- if no date is specified, from:
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - i. the date on which it was issued, in any other case.

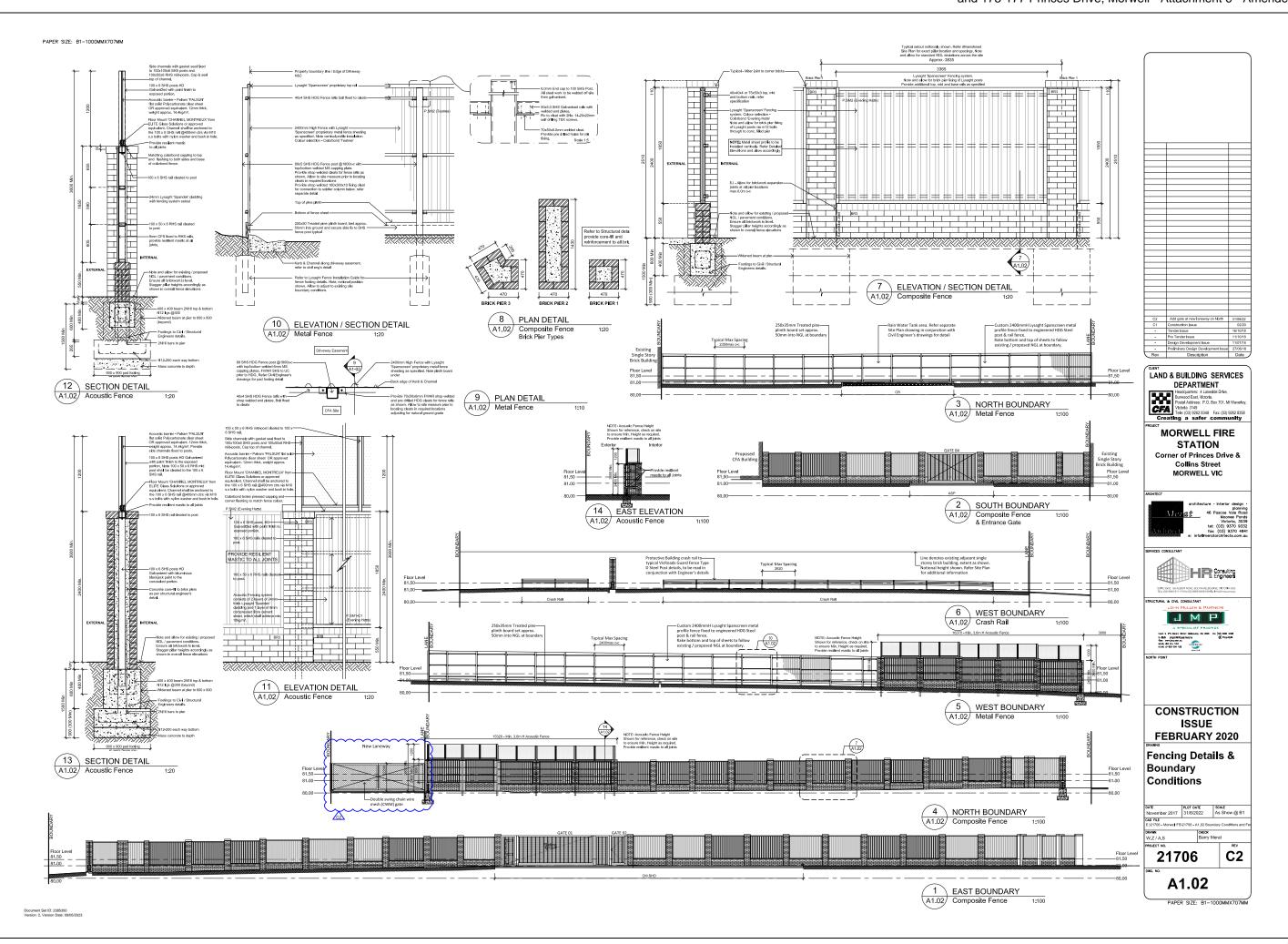
WHEN DOES A PERMIT EXPIRE?

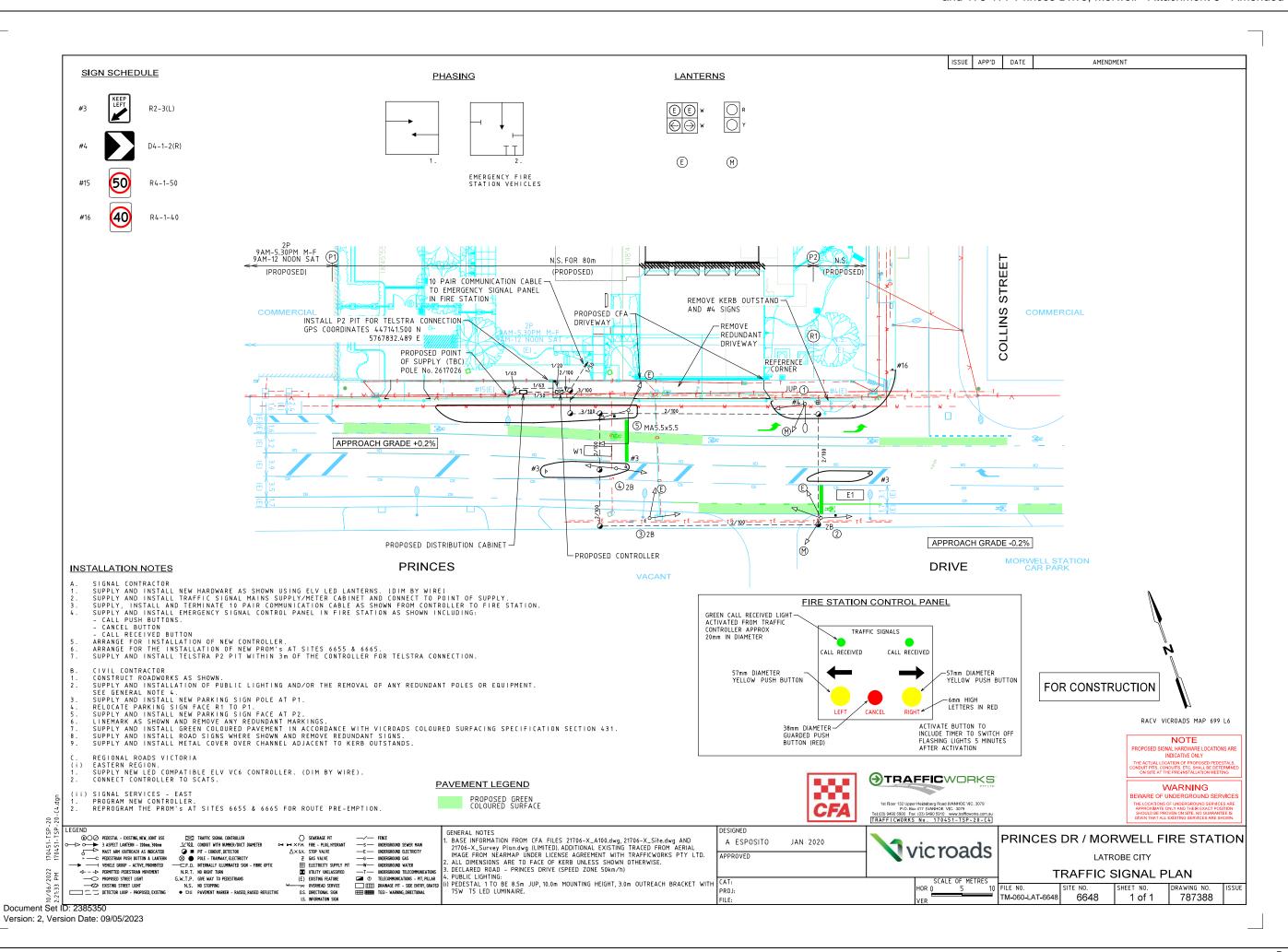
- . A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within 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.
 - 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 REVIEWS?

- 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.
- A copy of 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.







CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1

04 September 2023

Organisational Performance

CUSTOMER BEHAVIOUR POLICY

PURPOSE

To seek Council's endorsement of the Customer Behaviour Policy 2023.

EXECUTIVE SUMMARY

- Following a recent review of Council policies, a policy gap was identified in relation to expected standards of behaviour by customers attending Council facilities or utilising Council services. The Customer Behaviour Policy (Policy) has been created to rectify this policy gap.
- The Draft Policy lists unacceptable customer behaviour across Council services and facilities and the different actions that Council may take in response to such behaviour.

OFFICER'S RECOMMENDATION

That Council adopt the Customer Behaviour Policy 2023 and make the policy available on Council's website.

BACKGROUND

Following recent incidents of disruptive behaviour in Council facilities and public disruption at previous Council Meetings, and a review of Council policies, a policy gap was identified in relation to expected standards of behaviour by customers attending Council facilities or utilising Council services.

Council does not have an adopted Council policy outlining acceptable customer behaviour whilst utilising Council services or facilities. The Customer Behaviour Policy (Policy) has been created to rectify this policy gap. This policy aligns with Council's operational/internal procedure, Preventing and Responding to Occupational Violence.

The Draft Policy lists unacceptable customer behaviour across Council services and facilities and the different actions that Council may take in response to such behaviour.

ANALYSIS

Council has an obligation to ensure Councillors and staff feel safe and supported and to take a risk management approach to prevent and respond to unacceptable behaviour.

The Policy lists unacceptable customer behaviour across Council services and facilities and the different actions that Council may take in response to such behaviour. The policy applies to:

- all customers of Council.
- all communications channels including, but not limited to, in person, telephone, in writing (mail, email, letters to media) and social media.

This policy is consistent with the Social Media Framework and draft policy, where Council can, at its discretion, moderate any post, comment, or interaction that is deemed inappropriate. Latrobe City Council services include Council's digital communication platforms and customers who do not comply with the required behaviours set out in both policies may be banned or blocked from the social media platform as a result.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Council has obligations under the OHS Act to provide and maintain a working environment that is safe and without risks to health. Councillors and staff at risk of injury due to inappropriate behaviour of customers.	High Almost Certain x Moderate	The Customer Behaviour Policy lists unacceptable customer behaviour and provides responses to address such behaviour.
SERVICE DELIVERY Unacceptable customer behaviour disrupts service delivery while staff or councillors respond to the behaviour.	Medium Almost Certain x Insignificant	The Customer Behaviour Policy lists unacceptable customer behaviour.
STRATEGIC Unacceptable customer behaviour towards staff and Councillors not addressed. Customers unaware of consequences of unacceptable behaviour and make complaints about their perceived unfair treatment.	Medium Almost Certain x Insignificant	The Customer Behaviour Policy lists unacceptable customer behaviour and provides responses to address such behaviour.

CONSULTATION

Councillors and staff were given an opportunity and have provided feedback on the Policy.

COMMUNICATION

When adopted, the Customer Behaviour Policy will be communicated internally to Councillors and staff and will be available on the Latrobe City Council website.

DECLARATIONS OF INTEREST		
Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the <i>Local Government Act 2020</i> .		

APPENDIX 1 IMPACT ASSESSMENT

Social

The Policy provides a framework to ensure that Latrobe City Council services and facilities remain safe for all community members.

Cultural

The Policy provides a framework to ensure that Latrobe City Council services and facilities are respectful and open to all community members. Behaviour that is obscene, threatening, harassing, disruptive, discriminatory or hateful will not be tolerated.

Health

The Policy provides a framework to ensures that Latrobe City Council services and facilities remain a safe for staff, councillors and community members.

Environmental

Not Applicable.

Economic

Not Applicable.

Financial

Not Applicable.

Attachments

1. Customer Behaviour Policy 2023

8.1

Customer Behaviour Policy

1	Customer Behaviour Policy	y 2023 217



Version 1

Approval Date: (insert date)

Review Date: (insert date)



DOCUMENT CONTROL

Responsible GM	Nathan Kearsley			
Division	Organisational Performance			
Last Updated (who & when)	Manager – People & Culture Augus 2023			
DOCUMENT HISTORY				
Authority	Date	e Description of change		
Council	September 2023	Adoption of policy		
References	Refer to	o Section 8 and 9 of this poli	су	
Next Review Date		Month 2027		
Published on website	Yes			
Document Reference No	xx			

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Page 2 of 8

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)	
Division	Performance	Date	2023)	Date	(111011ti1 & 2021)	



1. Background

Latrobe City Council (Council) is committed to providing a welcoming and inclusive environment for all in our community. Council has zero tolerance for disrespectful, anti-social, aggressive and/or dangerous behaviours which pose a threat to the wellbeing and safety of Councillors, Council staff (staff) and customers.

The purpose of the Customer Behaviour Policy (Policy) is to ensure Councillors and staff are able to carry out their roles in an environment where their health, safety and security is protected. This policy aligns with Council's operational procedure, Preventing and Responding to Occupational Violence.

Under the *Occupational Health and Safety Act 2004* (OHS Act) the following applies so far as reasonably practicable:

- employers must provide and maintain a working environment for their employees, including contractors, that is safe and without risks to health including psychological health (refer Section 21).
- employers must ensure persons other than employees are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer (refer Section 23).

2. Objectives

This Policy aims to:

- Provide a safe and secure environment to conduct business in a respectful and professional manner.
- Outline Council's expectation that all customers behave in a respectful and reasonable manner.

3. Scope

This Policy covers all inappropriate and unacceptable behaviours across all Council services or facilities and applies to:

- All customers of Council.
- All communications channels, including but not limited to in person, telephone, in writing (mail, email, letters to media) and social media.

Council recognises that members of the public have the right to complain and have complaints handled objectively. This Policy does not restrict a customer's right to make a complaint, when done so in a respectful and courteous manner.

This policy is supported by the requirements of the Councillor Code of Conduct and Staff Code of Conduct.

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Page	J	OI	o	

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(IIIOIIIII & 2021)



4. Principles of Management

Council has a responsibility to ensure Councillors and staff feel safe and supported, along with a duty of care to our customers. Council has a risk management approach that is prompt, planned and systematic, to prevent and respond to inappropriate and unacceptable behaviours including occupational violence and aggression (OVA).

4.1. Unreasonable Customer Behaviour

Unreasonable customer behaviour can take many forms, with some of the most common including:

- Arguing with Councillors or staff.
- Confronting Councillors or staff about their competency.
- Requesting impossible timeframes.
- Not accepting the limitations and procedures in place.
- Verbal and non-verbal threats, intimidation and/or discrimination.

Councillors and staff will make every effort to understand the possible reason for such behaviour to assist Councillors and/or staff with providing appropriate responses. The ideal outcome is for Councillors and/or staff and customers to reach an agreement and adopt positive behaviours.

4.2. Unacceptable Customer Behaviour

Unacceptable customer behaviour can take many forms, with some of the most common including (all of which will not be tolerated):

- Threats of violence.
- Threats with weapons.
- Spitting and other aggressive behaviours, sneering, yelling.
- Verbal abuse/Offensive language.
- Discriminatory behaviour or language.
- Personal or discriminatory attacks on social media.
- Disruptive behaviour/ Disturbing others.
- Throwing objects.
- Property damage/Inappropriate use of property.
- Physical assault such as pushing, shoving, tripping and/or grabbing.
- Physically intimidating someone such as standing over them.
- Preventing someone from undertaking their work tasks.

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Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(111011111 & 2027)



 Extreme violent acts such as punching, kicking, strangulation and sexual assault.

4.3. Responses to Unreasonable and Unacceptable Customer Behaviour

Responses to unreasonable and unacceptable customer behaviour will vary depending on the scale and severity of the incident. Immediate steps taken may include requesting the customer to leave the Council facility and/or contacting Victoria Police where appropriate.

The following further steps may also be taken.

4.3.1. Limiting contact

- Where a customer is demonstrating any unreasonable/unacceptable behaviour, Council may restrict the customer to a single point of contact. The single point of contact is likely to be a Manager or General Manager and have Chief Executive Officer (CEO) approval.
- The single point of contact may set timeframes for responses that are
 outside of Council's usual service timeframes. The impacted customer will
 be notified of these response times in writing at the time of establishing
 the single point of contact arrangements.

4.3.2. Modifying communications medium

• In response to unreasonable/unacceptable behaviour, Council may notify the customer in writing that their contact with Council is being restricted to a specific medium, for example, only in writing or only by telephone.

4.3.3. Warning of Exclusion

 Where a customer's behaviour impacts Councillor and/or staff health, safety or security, a letter may be sent advising that an exclusion letter will be sent should the behaviour continue. This must be in writing and be approved and signed by the relevant General Manager.

4.3.4. Exclusion

- Where a customer's behaviour impacts Councillor and/or staff health, safety or security, Council may exclude the customer. A warning letter (refer Section 4.3.3) is not required to be issued prior to a decision to exclude.
- A decision to exclude a customer from any/all services and facilities can be applied and will be assessed on a case-by-case basis. A recommendation on which services the customer should be excluded from, and the length of the exclusion will be approved by the relevant General Manager. The customer will be notified of the exclusion in writing and signed by the CEO. This letter will include:
 - The period of time the exclusion applies from the date of receipt;

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Page 5 of 8

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(111011111 & 2021)



- Details of facilities the exclusion applies to;
- A summary of the type/s of behaviour/s that led to the exclusion being applied; and
- o Reference to the customer's right of appeal.

4.3.5. Expulsion

- In exceptional circumstances, a permanent expulsion from one or more Council services or facilities may be the determined outcome and must be authorised by the CEO.
- Such a decision would be made on the basis that repeated attempts to implement strategies to address unreasonable/unacceptable behaviour have failed and an assessment that the customer poses significant risk to a person or property.

4.3.6. Breach of an Exclusion

- If a customer attends a service or facility they are currently excluded from, Councillors and/or staff will verbally remind the customer of the exclusion and inform them that their presence constitutes a breach.
- If the purpose of the customer's attendance is to enquire about the date of their exclusion expiring, they will be provided with the information promptly and asked to leave immediately. This does not constitute a breach.
- If the customer refuses to leave, Victoria Police will be called, and a breach of exclusion notice will be sent to the customer. This may result in an extension of the exclusion period.
- Further breaches may result in reporting those breaches to Victoria Police on the basis of trespass.

4.3.7. Social Media

- Council's Social Media Policy outlines appropriate behaviours by users.
- All moderation will be done at, Council and the platform's discretion, and
 can be applied to any post, comment, or interaction that is deemed
 inappropriate. Council may take the discussion 'offline' or into a private
 channel if the content is personal in nature or is affecting the enjoyment of
 the page for other visitors. If it is deemed appropriate to block the user,
 approval from the CEO will be obtained.

4.3.8. Phone Calls

- If Councillors or staff are unable to de-escalate the situation or if a caller becomes abusive, they will:
 - Advise that the call will be terminated if the behaviour continues; and if necessary

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Page 6 of 8

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(IIIOIIIII & 2021)



- Escalate the call to a supervisor if possible, providing them with details of what has occurred and a description of the behaviour the customer is displaying; or
- If a supervisor is not readily available, terminate the call.
 Note: If a call is terminated before being able to notify a supervisor, details of the call will be provided to a supervisor as soon as possible.

4.4. Appeals

- A customer who has been informed of a change or restriction to access to Council services or facilities has the right to one appeal of that decision.
 The appeal must be lodged in writing and the review will be undertaken by the CEO or delegate.
- The customer will be informed of the CEO or delegate's decision in writing.
- If the customer is dissatisfied with the appeals process decision, they may seek a review from the Victorian Ombudsman to assess procedural fairness.
- Refer to Council's <u>Complaints Handling Policy</u> for further information.

5. Accountability and Responsibility

5.1. Chief Executive Officer (CEO)

- The CEO or delegate will approve exclusions and may choose to completely terminate a customer's access to Council facilities and/or services.
- The CEO or delegate is responsible for reviewing any appeals requested by customers in relation to decisions to change or restrict access.

5.2. General Manager

- Ensure that this policy is effectively implemented in their areas of control;
- Approve and sign warning letters;
- Approve exclusion requests; and
- Support their managers/supervisors/coordinators and hold each accountable for their specific responsibilities.

5.3. Manager/Coordinator/Team Leader

 Take all practicable measures to ensure a safe workplace and safe systems of work, by implementing the requirements of this policy.

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Page 7 of 8

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(IIIOIIIII & 2021)



5.4. Councillors and Staff

- Adhere to the requirements of this policy to ensure their own health and safety and the health and safety of others in their workplace;
- Identify and report any concerns through the organisation's agreed procedures; and
- Cooperate with others in seeking appropriate solutions to prevent and manage inappropriate and unacceptable behaviour.

6. Definitions

Customers, visitors, clients, community members

interacting with Councillors or staff or who are

accessing services or attending facilities provided by

Latrobe City Council.

Occupational Violence & Aggression (OVA)

Any incident in which the person is abused, threatened or assaulted in circumstances relating to their work.

Council staff (staff) Employees, contractors and volunteers that are

carrying out service delivery on behalf of Latrobe City

Council.

Facilities Any building or location, owned or managed, by Latrobe

City Council

Services Any service provided by or on behalf of Latrobe City

Council, including Council's digital communication

platforms.

Unreasonable and Unacceptable Behaviour Behaviour or conduct by a customer that due to its intensity, nature or frequency is considered to impact negatively on the health, safety or security of others.

7. Related Documents

Complaints Handling Policy

Privacy Statement

Privacy Policy

Preventing and Responding to Occupational Violence Operational Procedure

8. Reference Resources

Occupational Health and Safety Act 2004 (Vic)
Occupational Health and Safety Regulations 2017 (Vic)
Privacy and Data Protection Act 2014 (Vic)

WARNING	- uncontrolled	when printed

Page 8 of 8

Responsible	Organisational	Approved	(day, month,	Review	(month & 2027)
Division	Performance	Date	2023)	Date	(111011111 & 2021)

DELEGATION TO JAPAN FOR HYDROGEN ADVOCACY AND SISTER CITY MEETINGS

PURPOSE

To seek endorsement for a delegation by the Mayor, CEO, and/or delegate to attend meetings in Japan with J-Power to advocate for the Hydrogen Energy Supply Chain (HESC) project and to visit Latrobe City's Sister City Takasago.

EXECUTIVE SUMMARY

- The Latrobe City Our Transition Plan identifies the facilitation and advocacy for new energy as a main strategy to support the region as it moves away from traditional power generation.
- The Hydrogen Energy Supply Chain (HESC) project presents a major opportunity to manufacture hydrogen in the region and provide a pathway for Latrobe City to be a future manufacturing hub of hydrogen.
- HESC is the only proven hydrogen project in Australia that has trialled the manufacture and export of hydrogen to Japan.
- HESC supported by Carbon Capture and Storage are transition technologies
 that can establish hydrogen as a net zero energy of the future. The project has
 the potential to establish Latrobe City as a Hydrogen research and production
 hub for the future.
- The world leading project is being delivered by a partnership between Japanese and Australian experienced industry partners and supported by the Victorian, Australian and Japanese Governments.
- The HESC consortium plan to have the commercial plant operational by 2028, subject to Government approvals being obtained.
- Council has been invited by J-Power, the lead Japanese business for the HESC consortium, to visit their best practice Integrated Gasification Combined Cycle with Carbon Capture and Hydrogen fuel cell in Japan. The Latrobe City project would be based on this existing project and would provide an excellent opportunity to see firsthand what this could mean for the region once delivered. The visit would provide the opportunity to continue discussions on how we can best work together.
- A delegation to Japan would also provide an opportunity to visit our Sister City Takasago and further build on our 20 year relationship following the recent resigning of the Sister City Agreement.

 Officers have developed a Hydrogen Advocacy Strategy (Attachment 1) which details a number of activities to promote Latrobe City as a research and manufacturing hub for hydrogen. The delegation to Japan is one of many actions within this strategy.

OFFICER'S RECOMMENDATION

That Council:

- 1. Approve the Mayor, CEO and/or delegate to attend meetings with J-Power in Japan, and any relevant businesses to advocate for the Hydrogen Energy Supply Chain project; and
- 2. Approve the Mayor, CEO and/or delegate to visit Council's Sister City Takasago; and
- 3. Receive a report detailing the outcomes of the delegation to Japan.

BACKGROUND

Hydrogen has been identified as an energy for the future, particularly to support niche markets. Hydrogen is a clean-burning fuel with a range of uses, from powering vehicles to storing energy. Hydrogen can make a significant contribution to the required transition to clean energy by replacing existing fuels and reducing CO₂ emissions and across a broad range of applications.

Council supports both the State and Federal Government policy to move to a net zero economy and the manufacture of hydrogen as a net zero energy of the future helps to deliver on this policy. Council recognises that there are opportunities for various forms of hydrogen manufacture with opportunities for blue hydrogen in the medium term with the long term ambition being green hydrogen.

Latrobe City has a major opportunity through the Hydrogen Energy Supply Chain (HESC) project to manufacture hydrogen in the region. HESC is the only proven hydrogen project in Australia that has trialled the manufacture and export of hydrogen to Japan. The quality of the hydrogen was 99.999% pure. Based on this success HESC has received \$2 billion funding from the Japanese Government Green Futures Fund (the only project funded in Australia) to support the commercialisation of the manufacture of hydrogen.

The total investment will exceed \$2.5 billion and create 1,000 jobs across the supply chain. This represents a significant opportunity for Latrobe City and supports our ongoing transition to a new energy future.

In the commercial phase, carbon dioxide would be captured during this process and stored deep underground in a process known as carbon capture and storage (CCS).

The HESC consortium plan to have the commercial plant operational by 2028, subject to Government approvals being obtained. The consortium is also working closely with Carbon Net to achieve this start date.

ANALYSIS

HESC presents a significant opportunity to support Latrobe City's transition creating much needed jobs as we transition from traditional energy production.

Officers have developed a Hydrogen Advocacy Strategy (Attachment 1) which identifies Councils continued engagement across a range of stakeholders to promote the HESC project. It is critical that the HESC consortium take the lead in promoting their project, and the opportunities it provides to the Latrobe City community. Council must continue to demonstrate our support for the project, not only to Japanese business leading the consortium, but the Japanese government and most importantly to our community.

It is well known and recognised that holding face to face meetings and building relationships in person is highly regarded when dealing with the Japanese.

J-Power have, following various meetings with the Victorian State Government, invited Council to meet in Japan to discuss the project and showcase their facility in Hiroshima.

The Victorian Sate Government, through the Carbon Capture and Storage unit, have held regular meetings with J-Power. The feedback from the State Government has been that J-Power see Council as a critical stakeholder as part of the HESC project and put a high value on the relationship with Council and particularly our role in representing the community. Demonstrating Council's commitment to the project and continuing to build the relationship with J-Power will have a positive impact on ensuring the HESC project will progress to commercialisation in Latrobe.

The HESC project represents a significant investment into Victoria (\$2 billion) that will provide much needed jobs for the region and provide a pathway for employees in the current power generation businesses.

Whilst in Japan, the opportunity presents itself to visit our Sister City Takasago. Council has recently resigned our Sister City agreement building on our 20 year relationship. The longevity of such agreement is highly regarded in Japan and will go a long way to supporting any future investment decision for the HESC project or other future investment projects.

The estimated cost for the Mayor, CEO or delegate is detailed in the table below for a period of seven days. It is proposed to travel to Japan in mid-October and a schedule of meetings will be developed to best maximise the use of time in Japan.

Description	
Airfares	\$6,000
Accommodation	\$4,000
Transfers	\$400
Meals and incidentals	\$1,000
Train Travel between cities	\$600
TOTAL	\$12,000

It is also recommended that the Mayor, CEO or delegate, also meet with our Sister City, Takasago to strengthen the relationship and discuss potential collaborative ideas and projects.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
STRATEGIC REPUTATIONAL		
Not building a relationship with J-Power to demonstrate Council support for the HESC project.	Medium Possible x Moderate	Implement various advocacy actions including visiting Japan, attending the upcoming Australia Japan Business Conference, engaging local stakeholders.
Community perception Council lack of activity to support projects that will create jobs for the future.	Medium Possible x Moderate	Implement various advocacy actions including visiting Japan, attending the upcoming Australia Japan Business Conference, engaging local stakeholders.
Community perception of Mayor and Officer travelling overseas.	Medium Possible x Moderate	Ongoing advocacy for the HESC project, seek regional stakeholders support and provide a final report to a Council meeting outlining the benefits of the meetings.

CONSULTATION

Officers have consulted and received advice from Victorian State Government, Carbon Capture Storage Division, as well as the Victorian HESC representatives.

COMMUNICATION

There are no communications planned to support this report.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

APPENDIX 1 IMPACT ASSESSMENT

Social

Not applicable

Cultural

Face to face meetings are highly regarded when dealing with the Japanese. This delegation will enhance the relationships and trust with the Japanese businesses that are investing in Victoria and Latrobe City. It will also continue to strengthen our relationship with Takasago.

Health

Not applicable.

Environmental

Not applicable.

Economic

The HESC project presents a significant investment into Victoria with the Japanese Government committing \$2 billion. The project is one of few for Latrobe City that will provide deliver much needed jobs for the region through construction and ongoing manufacturing as well as building hydrogen supply chain opportunities.

Financial

The cost to travel to Japan can be paid for within the current advocacy budget.

Attachments

Nil

URGENT BUSINESS

9. URGENT BUSINESS

Business may be admitted to the meeting as urgent business in accordance with clause 17 of the Governance Rules, by resolution of the Council and only then if it:

- 17.1 Relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2 Cannot reasonably or conveniently be deferred until the next Council meeting.

REPORTS FOR NOTING

Item Number 10.1 04 September 2023

REVIEW OF DOG ATTACK PROCESSES **UPDATE**

PURPOSE

To provide Councillors with an update on the actions taken by officers to review responses to reports of dog attacks and information relating to the advocacy position conveyed to State Government regarding legal reforms required to effectively manage and prevent dog attack.

EXECUTIVE SUMMARY

- At the Council Meeting held on Monday, 6 March 2023, Council resolved to, in part:
 - Advocate to the State Government to review the laws in relation to the management of dog attacks to preserve public safety.
 - Officers provide the opportunity for those individuals that were involved in previous incidents that occurred during 2022, that led to this report being presented to Council, the opportunity to provide feedback to Council Officers in relation to the actions taken by officers.
 - Officers present a further report to Council within the next six months to provide information in relation to how the actions identified in the report have been implemented.
- In July 2023, a letter was sent from Madam Mayor on behalf of Council to the Minister for Agriculture, The Hon Gayle Tierney MP, advocating for stronger penalties for owners of dogs involved in an attack. Attachment 1
- Officers from the Animal Management team are participating in the state reference group convened by Animal Welfare Victoria (AWV) to improve the effectiveness of the Domestic Animal Act 1994 and to increase Local Government powers to deal with attacks.
- The Chief Executive Officer (CEO) and General Manager Community Health & Wellbeing (GM) met with individuals involved in previous incidents on 4 May 2023 and acccepted feedback in relation to actions taken by officers and the draft Best Practice Guide to management of dog attacks (The Guide).

OFFICER'S RECOMMENDATION

That Council note this report.

BACKGROUND

Advocacy Work:

On 24 July 2023, a letter signed by Madam Mayor (*Attachment 1*) was sent to the Minister for Agriculture, The Hon Gayle Tierney MP, advocating for stronger penalties for owners of dogs involved in an attack. This position was informed by an earlier submission to Animal Welfare Victoria as detailed below.

In December 2022, Animal Welfare Victoria (AWV) conducted a survey to understand how to better support councils in their regulatory role under the *Domestic Animals Act* 1994 (DA Act) and seek input from authorised officers on the effectiveness of the DA Act's framework.

The survey included questions on AWV's service delivery, training, tools, resources, and communication materials, as well as general questions on certain DA Act provisions (e.g., dog attack declared dog and DNA sampling). Respondents were asked to answer questions in a range of formats, including multiple choice, ranking options and free text.

The survey was sent to a total of 531 council officers across all 79 Victorian councils.

Latrobe City Council's (LCC) Animal Management Team participated in the survey, calling for:

- Additional powers to restrict a dog's movements during the declaration process.
- The power to seize unregistered dogs (amend section 82 to allow seizure if infringement notice is unpaid).
- The power to infringe a person who fails to leave contact details after a dog attack.
- The power to seize a menacing dog for non-compliance.
- The ability to infringe for borderline serious attacks.
- A menacing declaration requiring mandatory desexing.
- The power to hold dogs during the declaration process.

As a result of the survey responses, officers from Latrobe City Council's Animal Management Team have been identified as having valuable perspectives to share on current opportunities and issues in the pet rehoming sector.

The Team Leader Animal Management was invited to participate in stakeholder interviews hosted by Cube Group, as part of Victorian Government's Rehoming Pet Reforms.

Feedback from Individuals:

A range of issues were discussed during the meeting held between the CEO, GM and individuals involved in two incidents which occurred in 2020 and 2022. These themes included:

- Availability of trauma counselling.
- Frequency of training for staff in responding to traumatic events.
- Response to reports of attacks
- Fee structures and penalties
- Customer interaction with victims
- Registration management
- Increased signage in park areas

Following consideration of the above Council have committed to:

- Undertake a publicity campaign highlighting responsibilities of dog owners, including compliance with on-lead walking requirements.
- Increase direct engagement in areas where there is indication of unregistered dogs via a door knock campaign.
- Edit Best Practice Guide as indicated.
- Review signage to ensure messaging is clear regarding responsibilities of dog owners.
- Trial a contact officer model to deliver improved victim support.
- Attend all instances of contemporaneously reported dog attack, noting some safety and forensic exemptions.
- Review of recently implemented trauma training schedules.
- Undertake advocacy such as that already undertaken, as required.

ANALYSIS

Officers will continue to work to improve the experience of members of the community who have been involved in an incident which has resulted in a report to Council of an attack or rush.

Policies and procedures will be monitored and reviewed during investigations to ensure that they accurately reflect the expectations of community while balancing the legal obligations and limitations placed on Council under the legislative framework.

In addition, Officers have requested a review of the DAA Division 2 S29(3) to better reflect the community's expectation that the consequences for an attack are significant enough to ensure that owners take full responsibility for the management of their dogs.

Understanding that this issue is one of significant importance, this paper confirms the organisation's commitment to work towards reducing instances of dog attack and improving organisational response where these unfortunately occur.

To support officers, management are checking in with staff and working through any change management issues as they arise in a collaborative manner.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Officers not adhering to their legislative obligations or making decisions outside of their authorisation.	Low Unlikely x Minor	Authorised Officers must adhere to a strict set of guiding principles and legislation when determining the course of action to be taken when investigating dog attack matters. These principles and best practice standards have now been formalised in a procedure for ease of reference and oversight by the Team Leader Animal Management.
SERVICE DELIVERY Not meeting community expectations regarding appropriate response to reported dog attacks	Medium Possible x Moderate	Formalising the procedure and ensuring staff are trained to reference the procedure, as well as documenting all steps and assessments taken within Council's document management system will provide evidence to inform conversations with affected members of the community. This will assist the community to understand what can and cannot be achieved within an Authorised Officer's delegation.
STRATEGIC There is potential for damage to the Council's reputation if the management of dog attacks is played out in the public arena without endorsed procedures in place.	Medium Possible x Moderate	As above.

CONSULTATION

Benchmarking was undertaken with Animal Management teams to inform the Animal Management's review of current and future practices with:

- City of Casey
- City of Ballarat
- Maribyrnong City Council
- Merri-Bek Council
- Whitehorse Council
- Whittlesea Council
- Bass Coast Council
- South Gippsland Shire Council

Latrobe City's practices are consistent with the best practice of Authorised Officers from the benchmarked municipalities. The procedures have been implemented based on the outcome of a dynamic risk assessment of each situation based on officer safety, community safety, likelihood of reoffending and seriousness of the attack.

COMMUNICATION

Community Education Plan

It's recognised that a critical part of the prevention of dog attacks is an effective communication program. A Community Education Plan has been developed and will be rolled out over the next 12 months to inform our community on their roles and responsibilities in relation to responsible pet ownership and Council's role in response to reports of attacks.

This will include information on the following:

- Councils' role in the management of reported attacks.
- Responsible pet ownership.
- Preventing dog attacks and keeping your dog securely confined to your property.
- How to manage your dog if it displays aggressive behaviours.
- What to do if you or your dog is involved in an attack.
- How to report an attack.
- What to expect in relation to investigations and follow up.
- Penalties for owners of dogs that attack.
- Definitions of menacing and dangerous dogs.

This plan has been reviewed and endorsed by the Animal Welfare Advisory Committee.

Officers proparing this report have declared they do not have a conflict of interest in
Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the <i>Local Government Act 2020</i> .

APPENDIX 1 IMPACT ASSESSMENT

Social

Not applicable.

Cultural

Not applicable.

Health

The health benefits to owners of domestic animals are well established. However, there can be significant emotional, financial and health impacts in instances of dog attacks for victims, witnesses and owners.

The revised procedures and officer training will support victims to be better supported and informed about the processes involved in an investigation of a dog attack.

Environmental

Not applicable.

Economic

Not applicable.

Financial

Not applicable.

Attachments

- 1. Advocacy letter to Gayle Tierney MP Minister for Agriculture
- 2. Pet Ownership and Attacks Communications Plan

10.1

Review of Dog Attack Processes Update

1	Advocacy letter to Gayle Tierney MP Minister for	
	Agriculture	242
2	Pet Ownership and Attacks - Communications Plan	244



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www.latrobe.vic.gov.au

AUSDOC DX2 17733 Morwell

21 July 2023

The Honourable Gayle Tierney MP Minister for Agriculture

Via email: Gayle.Tierney@parliament.vic.gov.au

Dear Minister Tierney

I am writing to seek your assistance regarding current limitations under the *Domestic Animal Act 1994* (DAA) for Authorised Officers to satisfactorily deal with owners of dogs involved in an attack.

I commend the work currently underway from your office in relation to the Victorian Government's Rehoming Pets Reforms and our Animal Management officers are actively participating in the stakeholder engagement process.

As part of our Councils response, Council is advocating for:

- Additional powers to restrict the dog's movements during the declaration process.
- Power to seize unregistered dogs (amend section 82 to allow seizure if infringement notice goes unpaid).
- Power to infringe a person who fails to leave contact details after a dog attack.
- Power to seize menacing dog for non-compliance.
- · Ability to infringe for borderline serious attacks.
- Menacing declaration should require mandatory desexing.
- Power to hold dogs during declaration process.

Council is also seeking a review of the DAA Division 2 S29(3) to better reflect the community's expectation that the consequences for an attack are significant enough to ensure that owners take full responsibility for the management of their dogs.

While the number of reported dog attacks has significantly reduced from 190 to 99 over the past two years within the municipality, victims of reported attacks do not feel that justice is served in a fair and equitable manner when infringements of less than \$1000 can be issued to the owner of the dog and if prosecuted, the maximum application of 40 units can be applied if the dog has not previously been declared dangerous.

Moe 1-29 George Street

Morwell 141 Commercial Road

Churchill Hub 9-11 Philip Parade

Traralgon 34-38 Kay Street

This is substantially less than what can be applied in Queensland for example, where the maximum penalty units is 100, if grievous bodily harm or death is caused to an animal or 300 if grievous bodily harm or death is caused to a human.

I look forward to building on our strong relationship with your office and believe that we can create positive change that better reflect the community's expectations in relation to the management of dog attacks, which in turn will have a positive effect on public safety.

Should you require any further information on the above matter, please contact Georgia Hills General Manager Community Health and Wellbeing by phone: 0403 598 647 or via email: Georgia.Hills@latrobe.vic.gov.au

Yours sincerely

Cr Kellie O'Callaghan

Mayor, Latrobe City Council

OFFICIAL

Pet Ownership and Reporting Attacks – Communications Plan

Stakeholders

Internal

- Councillors
- Executives
- Communications/Marketing
- Safe Communities
- Local Laws
- Pound

External

- Pet Owners
- Community members interested in pet ownership
- Community members who experience dog attacks
- General Community
- Visitors

Key Messages

- Details to come (as per website update) and will focus on the following:
 - o Councils' role in the management of reported attacks
 - o Responsible pet ownership
 - o Preventing dog attacks and keeping your dog securely confined to your property
 - o How to manage your dog if it displays aggressive behaviours
 - o What to do if you or your dog is involved in an attack
 - How to report an attack
 - o What to expect in relation investigations and follow up
 - o Penalties for owners of dogs that attack
 - o Definitions of menacing and dangerous dogs
- Riding horses in a public reserve, recreation ground or other Council land (other than those signposted)
 is not permitted.
- Community members are reminded to keep their cats contained to their property overnight. This helps keep cats safe and protects native wildlife.



OFFICIAL

Adoptions and Pound Image – Communications Plan | Page 2

Schedule Activity	Description	Dates	Cost
Website Update	Review information available on Council's website under the Animals and Pets section. This will pay particular attention to dog attack processes and reporting.	June 2023 Updated information to be provided by Safe Communities.	Covered
Media Release – Responsible Pet Ownership and Reporting Attacks	Outline the importance of responsible pet ownership and how community members can report dog attacks.	July 2023 Following website update so it can be promoted.	Covered
Social Media	General campaign promoting responsible pet ownership and reporting/preventing dog attacks.	Ongoing	Covered
Noticeboard – Mayor's Message	Outline to pet owners their responsibilities and what to do if they experience dog attacks. Promote info on website.	July 2023	Covered
Radio – Noticeboard	Include information on responsible pet ownership and push to website for assistance.	When available	Covered
Designed Collateral - DL Flyer (Calling card) - DL Flyer (registration renewal)	Create two DL flyers to provide to the community: - One for Local Laws when they attend properties with suspected unregistered dogs. It will encourage registration and be provided to the owner if home or with calling card. - One to be included as an insert with registration renewals that outlines responsible pet ownership and benefits.	July 2023 April 2024 Content and artwork will need to be developed end of 2023.	\$300 minimum To allow for printing Costs associated with insert into Pet Regos



11.	QUESTIONS ON NOTICE
	Nil reports

NOTICES OF MOTION

12. NOTICES OF MOTION

12.1 2023/15 REMOVAL OF STREET FURNITURE FROM COMMERCIAL ROAD, MORWELL

Cr Dale Harriman

I, Cr Dale Harriman, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 04 September 2023:

That Council remove the seating and tables from in front of Manny's Market in Commercial Road, Morwell, as soon as practicable due to unacceptable behaviour from some of those who congregate there and the negative impact this is having on local businesses and customers.

Signed Cr Dale Harriman 29 August 2023

Attachments

Nil

12.2 2023/16 APPOINTMENT OF INDEPENDENT PERSON REGARDING PROFESSIONAL DEVELOPMENT OPPORTUNITIES FOR COUNCILLORS

Cr Sharon Gibson

I, Cr Sharon Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday 04 September 2023:

That the CEO write to Local Government Victoria requesting advice in relation to the appointment of an independent person who could:

- 1. Provide advice to Council regarding the identification and implementation of professional development opportunities to ensure Councillors.
 - a) Can continue to work together as a cohesive Council.
 - b) Can effectively meet their governance, transparency and leadership obligations.

Signed Cr Sharon Gibson 30 August 2023

Attachments

Nil

ITEMS FOR TABLING

Item Number 13.1 04 September 2023

INTERNAL ARBITRATION PROCESS (IAP 2023-8)

PURPOSE

The purpose of this report is for Council to receive and note the outcome from the internal arbitration process that was undertaken in relation to the conduct of Councillor Melissa Ferguson.

EXECUTIVE SUMMARY

- An application was made by Councillor Tracie Lund for a matter to be heard in relation to the conduct of Councillor Ferguson, dated 8 June 2023.
- An Internal Arbitration Process was undertaken by an independent Arbiter appointed by the State Government Principal Councillor Conduct Registrar.
- The Arbiter held a hearing on 14 August 2023 and provided their determination and statement of reasons to the Council on 25 August 2023.
- The Local Government Act 2020 ("the Act") requires that a copy of the arbitration determination must be tabled at the next Council Meeting after it is received and must be recorded in the minutes.
- One of the sanctions identified at clauses 38 and 39 of the report requires an
 unreserved public apology to be made by Councillor Ferguson at the meeting at
 which the decision is tabled in accordance with the Act. Therefore after Council
 has received and noted the report Cr Ferguson should be provided the
 opportunity to make the unreserved public apology.
- The Internal Arbitration Report is attached and presented for Council to receive and note.

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 168(2) of the Local Government Act 2020, note the tabling of the attached Internal Arbitration Report (IAP 2023-8) for Latrobe City Council in the matter of Councillor Tracie Lund and Councillor Melissa Ferguson as attached to this report and that the decision be recorded in the minutes of the meeting.

BACKGROUND
Not applicable.
ANALYSIS
Not applicable.
RISK ASSESSMENT
Not applicable.
CONSULTATION
Not applicable.
COMMUNICATION
Not applicable.
DECLARATIONS OF INTEREST
Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the <i>Local Government Act 2020</i> .

Cultural Not applicable. Health Not applicable. **Environmental** Not applicable. **Economic** Not applicable. **Financial** Not applicable. **Attachments** 1. Internal Arbitration Report (IAP 2023-8)

APPENDIX 1 IMPACT ASSESSMENT

Social

Not applicable.

13.1

1 Internal Arbitration Report (IAP 2023-8)255

ARBITRATION PURSUANT TO DIVISION 5 OF PART 6 OF THE LOCAL GOVERNMENT ACT 2020

Internal Arbitration Process – Latrobe City Council

(IAP 2023-8)

Applicant: Cr Tracie Lund

Respondent: Cr Melissa Ferguson

Arbiter: Dr Meredith Gibbs

Date of Hearing: 14 August 2023

DETERMINATION

Pursuant to s147(1) of the *Local Government Act 2020* (Act) the Arbiter makes a finding of misconduct against Cr Melissa Ferguson.

STATEMENT OF REASONS FOR DECISION

Background and procedural matters

- 1. On 8 June 2023, the Applicant made Application IAP 2023-8 (**Application**) seeking a find of misconduct against the Respondent.
- 2. The Applicant alleges that the Respondent, Cr Ferguson, repeatedly breached the Latrobe City Council's Councillor Code of Conduct (February 2021) (Council Code) and therefore engaged in misconduct by her use of social media, in particular Cr Ferguson's twitter account of various names with the twitter handle @Melferg246 from around 8 April 2023 to the date of the Application. The allegations relate to Cr Ferguson's posting of tweets and re-tweets concerning the LGBTIQA+ community.
- 3. The specific clauses of the Council Code alleged to have been breached are:
 - a. failing to treat the municipal community and members of the public with dignity, fairness, courtesy and respect (clauses 3.1, 3.1.4, 17.3);
 - failing to take positive action to eliminate discrimination based on gender identity (clauses 3.1.1, 17.1, 17.4.1);
 - c. failing to support the Council in fulfilling its obligation to achieve and promote gender equality (3.1.2, 17.1, 17.4.2);
 - d. engaging in obscene behaviour in dealings members of the public (clause 3.1.3);
 - e. making comments on social media that are offensive (clause 10.6.5 [sic clause 10.6.6]); and
 - f. behaving in a manner that brings discredit or disrepute upon the Council (clause 4.3.1, 10.6.3).

- 4. The Council Code reflects the standards of conduct required to be met by Councillors when performing the role of a Councillor, as set in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020 (Standards of Conduct). The relevant clauses of the Standards of Conduct alleged to have been breached are clauses 1 and 4.
- 5. The Application attached a number of tweets and re-tweets allegedly made by Cr Ferguson in her role as Councillor as examples of conduct in breach of the Council Code.
- 6. A Directions Hearing was held on 6 July 2023 at which the Arbiter explained the arbitration process to the parties. The Arbiter set out a timetable for the exchange of submissions and supporting documentation (including provision of copies of relevant tweets), and the following day issued a series of Directions to that effect. An in-person Hearing was set down for Thursday, 27 July 2023 to be held at a suitable neutral location where, at the request of the Respondent, Cr Ferguson would be provided a separate room in which to wait before and after the Hearing.
- 7. In the weeks following, the Arbiter received requests for alterations to the timetable and Hearing date, and subsequent adjustments were made. The parties adhered to the adjusted dates.
- 8. A Hearing of the matter took place on 14 August 2023 at the Morwell Innovation Centre, Morwell. As requested, Cr Ferguson was provided with a separate room in which to wait.
- 9. Both parties provided written submissions prior to the Hearing and oral submissions at the Hearing. The parties provided over 40 tweets and re-tweets for consideration by the Arbiter.
- 10. No witnesses were called by either party.
- 11. The Respondent requested that one tweet not be considered because it had been posted on a date outside the period specified by the Applicant in the Application. Upon examination it was confirmed that the relevant tweet was within the relevant period. The Arbiter held that the tweet could be considered. The Respondent then requested that the tweet be kept confidential because she said that she had "over-shared" in posting the tweet, had taken the tweet down quickly and did not want the tweet to be reproduced for fear of repercussions. The Arbiter held that the tweet would either not be reproduced in the Arbiter's reasons or if it was necessary to do so, it would be redacted before being made public.
- 12. In this Statement of Reasons the term "tweet" is used to refer to both tweets and re-tweets except where the context requires a distinction be made between the two.

Councillor Lund's submissions

- 13. Cr Lund submitted that the Respondent's tweets:
 - a. criticise transgender activists and support the view that predators are using the rainbow to prey on children constitute discrimination based on gender identity and undermine Council's obligation to achieve and promote gender equality;
 - b. contain offensive and obscene comments directed at, and focusing on, the LGBTIQA+ community and which have been shared in a public forum;
 - spread harmful and hurtful misinformation targeted at the LGBTIQA+ community and members of the broader municipal community, and fail to treat them with dignity, fairness, courtesy and respect; and
 - d. have brought discredit or disrepute upon the Council, as evidenced by the Council releasing a press release on the matter on or about 12 April 2023 (https://www.latrobe.vic.gov.au/news-and-media/Councillor_Social_Media_Use) (Council Press Release), an ABC news article titled "Latrobe City Council condemns transphobia, passes new motion in wake of Melissa Ferguson tweets", dated 2 May 2023 (ABC News Article) and a tweet by a third party (referred to below as Tweet 3).

- 14. Cr Lund submitted that Cr Ferguson was acting in her role as Councillor when making the tweets. She argued that regardless of the use of various names on Cr Ferguson's twitter account, twitter accounts are public and the public cannot be expected to know when a Councillor is acting in a personal capacity and when acting in the role of Councillor. Cr Lund submitted that the changing of names on Cr Ferguson's twitter account was a deliberate move to deceive and confuse people about the role in which Cr Ferguson was acting.
- 15. More generally, Cr Lund submitted Cr Ferguson's behaviour was inconsistent with what is expected of a Councillor and is in breach of the Council Code.
- 16. At the Hearing, Cr Lund referred to three of Cr Ferguson's tweets as particular examples of conduct in breach of the Council Code.

Tweet 1

17. The first tweet (**Tweet 1**) was a re-tweet by "Cr Melissa Ferguson" of a tweet by "Gays Against Groomers" which stated:

Predators are hiding behind the rainbow and using it as a shield to prey on children. Our organization will not allow our community to be scapegoats for this perversion and abuse any longer.

The tweet then displayed a cartoon "How to flash in the Woke Era" which showed:

- a. First the wrong way "to flash in the Woke Era": a man clothed in a raincoat which he has open, indecently exposing himself to a woman who says "Pervert" and then a mug shot of the man having been arrested for indecent exposure; and
- b. Second the right way "to flash in the Woke Era": the same man indecently exposing himself to a woman who says "Pervert" but this time the man is naked except that for a rainbow-coloured scarf and then a mug shot of the woman having been arrested for "hate speech, bigotry, TERF and discrimination".
- 18. Cr Lund submitted that Tweet 1 is offensive because it suggests that trans people are predators, perpetrating perversion and abuse and preying on children, and therefore in breach of the Council Code.

Tweet 2

19. The second Tweet (**Tweet 2**) referred to by Cr Lund was a tweet by "Cr Melissa Ferguson" which stated:

Also via workplace training or any other programs etc. It's big business \$\$\$. So many feed on the radical push confused kids into trans / gender bender – funded gravy train, while the rest of youth prob go without funding in the communities. Imagine the profiteering off that [emoji of a face vomiting]

20. Cr Lund submitted that this tweet was offensive to trans children by likening them to a "gender bender" and also offensive to those responsible for workplace training or other similar programs behind what Cr Ferguson calls the "radical push", and therefore in breach of the Council Code.

Tweet 3

21. Cr Lund referred to a third tweet (**Tweet 3**) as evidence of how Cr Ferguson's tweets have brought discredit or disrepute upon the Council. Tweet 3, made by "ivy fae (angry arc)", states, "Anyone under Latrobe City Council? One of your councillors is a TERF". These words are followed by what appears to be a screen shot of Cr Ferguson's twitter account showing Cr Ferguson's photo, the name "Cr Melissa Ferguson" and "Latrobe City Council".

Alleged victimisation tweets

22. Cr Lund also submitted that Cr Ferguson had breached clause 19 of the Council Code (relating to bullying, vilification and victimisation) when making tweets claiming that she (Cr Ferguson) was being silenced and unable to continue to use her freedom of thought and speech to discuss issues by being threatened with the need to comply with the Council Code. Cr Lund was unable to point to a particular tweet as an example of this type of tweet. She argued that Cr Ferguson's comments amounted to victimisation of the person (such as Cr Lund) making a complaint against Cr Ferguson for breach of the Council Code.

Sanctions

23. Cr Lund submitted because Cr Ferguson's behaviour had been going on for some time and that Cr Ferguson's tweets have caused considerable harm to the LGBTIQA+ community in the local area, should the Arbiter make a finding of misconduct, appropriate sanctions would be at least one month's suspension from acting as a Councillor and an apology.

Councillor Ferguson's submissions

- 24. Cr Ferguson denied all allegations against her. She provided detailed written submissions to support her case and further tweets. At the Hearing, she spoke to Cr Lund's points made at the Hearing.
- 25. Cr Ferguson submitted:
 - a. She has not directed anything at an individual, community group or entity;
 - b. She has not incited any hate or violence towards anybody;
 - c. She has not campaigned to have her twitter account exposed to the local municipality;
 - d. Her twitter account was shown to people by others known to each other and who subjectively chose to find offence;
 - e. Her twitter account is a personal account, and the tweets were made in her personal capacity not in her role as Councillor;
 - f. She cannot be held responsible for any re-tweets as she did not author the original tweets:
 - g. The Applicant is in breach of the Council Code, in particular the obligation to comply with the Victorian *Charter of Human Rights and Responsibilities Act 2006*, by presenting tweets as evidence against her in this matter;
 - h. She has the right to freedom of opinion and expression as set out in articles 19 and 20 of the International Covenant on Civil and Political Rights, as expressed in Australian Law;
 - i. There is a broad community with very many different opinions, ideas and thoughts and people should be able to hold differing views and not be silenced;
 - j. Her twitter activity is a legitimate engagement with the issues and current debates around LGBTIAQ+ issues. Some tweets are responses to academic papers or supported by academic articles;
 - k. The tweets were about Cr Ferguson learning, researching and thinking deeply about these issues and were not intended to be an attack on the community or any individual; and
 - I. She is being attacked for holding a different political opinion to the Applicant.
- 26. Cr Ferguson submitted that her twitter account is a private account, and the tweets were made in her personal capacity. She said that she can only be considered to be performing as a Councillor when participating in decisions of the Council, representing the interests of the municipal community in decision making or contributing to the strategic direction of Council. As she was not engaging in any of those activities while tweeting, Cr Ferguson was not acting as a Councillor when making the tweets in question.

- 27. She also referred to a disclaimer on her twitter page: "Thoughts and opinions belong to me, as per my human rights. They are not that of any other entity."
- 28. Cr Ferguson admitted that the prefix "Cr" did appear before her name on a portion of the tweets in question. She submitted that there is no law pertaining to the use of prefixes and that she removed the prefix "in case the subjective opinios [sic] of the use of prefixes should occur". Cr Ferguson stated that she did not use the prefix to coerce the public.
- 29. Cr Ferguson also submitted that she did not have local followers initially. She submitted that others passed on her tweets and brought people over to her account in order to portray her as making an attack on the local community, which it was never intended to be.
- 30. Cr Ferguson also addressed Cr Lund's submissions on Tweets 1 3.

Tweet 1

- 31. Cr Ferguson submitted that she could not be held responsible for Tweet 1 because it was a retweet. She had not authored the tweet.
- 32. In her written submission Cr Ferguson argued that what is "offensive" is subjective and that in a diverse world and community it is impossible to know how something will be perceived by every single individual.

Tweet 2

33. With respect to the comment about the "gravy train", Cr Ferguson submitted that if the comment was so offensive, why had it been published in the ABC news article and distributed Australia-wide through the Press.

Tweet 3

34. Cr Ferguson submitted that she had not brought discredit or disrepute upon the Council. She argued that the Council did not have governance rules around what constitutes bringing the Council into disrepute or what number of complaints needed to be received before the Council should put out a press release. She said that there had only been four complaints out of 77,500 residents and that she had not been allowed to read the complaints or given an opportunity to address them before the Council Press Release was made.

Alleged victimisation tweets

35. Cr Ferguson identified a number of tweets that she said were relevant to Cr Lund's submissions on this point. Cr Ferguson submitted that she was not suggesting that Cr Lund was making the threat to take action under the Council Code. The threat to use the Council Code against her was made by a third party, not Cr Lund and was therefore not relevant to this matter.

Sanctions

36. Cr Ferguson submitted that it would be inappropriate for her to be suspended from her role as Councillor. She indicated that she "was fine" with any other sanction.

Findings of the Arbiter

37. Pursuant to s147(1) of the Act the Arbiter makes a finding of misconduct against Cr Melissa Ferguson on the basis that the Respondent has breached clauses 1(a), 1(b), 1(d), 2(d) and 4(1) of Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020.

Sanctions

- 38. Pursuant to s147(2)(a) of the Act the Arbiter directs Cr Ferguson to:
 - a. make a verbal apology for her conduct on twitter which is to be provided at the Council meeting at which this decision (and statement of reasons) is tabled in accordance with s147(4) of the Act; and
 - b. provide a written apology for her conduct on twitter which is to be included in a tweet on her twitter account (twitter handle @Melferg246) within one week of the Council meeting at which this decision (and statement of reasons) is tabled in accordance with s147(4) of the Act.

In each case, the apology must unreserved and reference that Cr Ferguson has engaged in misconduct by breaching the standards of conduct in clauses 1(a), 1(b), 1(d), 2(d) and 4(1) of Schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020* through her tweets about the LGBTIQA+ community.

- 39. Pursuant to s147(2)(e) of the Act the Arbiter directs Cr Ferguson to attend training to increase her understanding of:
 - a. diversity, equity and inclusion with particular reference to the LGBTIQA+ community and what behaviour is required of a Councillor in meeting the Standards of Conduct;
 - b. the appropriate use of social media and the role and responsibilities of being a Councillor which is to include Council's standards and expectations for Councillor use of social media for at least the following:
 - i. naming of accounts and twitter handles;
 - ii. standards for how Councillors are to communicate when they are acting in the role of Councillor and when they are acting in a personal capacity so as to comply with the Council Code;
 - iii. re-tweets, follows, likes and other forms of endorsement of third-party material;
 - iv. engaging in respectful debate in accordance with the Standards of Conduct and handling of varying points of views on social media; and
 - v. examples of engaging in debate on social media that does and does not breach the Council Code but still allows for robust public debate.

The Council (through the Chief Executive Officer and/or Council Officers) is to organise the above training which may be in one or more sessions.

Reasons

- 40. The key issues in this matter are:
 - a. Whether the tweets were made by the Respondent in her role as Councillor;
 - b. Whether the Respondent is to be held responsible for re-tweets when she did not author the original tweet;
 - c. Whether the Respondent's tweets are offensive and demonstrate that the Respondent has behaved in a manner that:
 - i. brings discredit or disrepute upon the Council;
 - ii. fails to:
 - treat the municipal community and members of the public with dignity, fairness, courtesy and respect;
 - take positive action to eliminate discrimination based on gender identity;

- to support the Council in fulfilling its obligation to achieve and promote gender equality; and
- iii. is obscene in her dealings with members of the public;
- d. Whether the Respondent's twitter activity is a legitimate exercise of her right to freedom of speech.

Capacity in which the tweets were made

- 41. Cr Ferguson accepted that she made a number of tweets under the name "Cr Melissa Ferguson". She later changed her twitter name and at some point, included a disclaimer on her account. All tweets were made under the twitter handle @Melferg246.
- 42. As evidenced by Tweet 3, at least on one occasion Cr Ferguson also stated on her twitter account that she was associated with Latrobe City Council. Tweet 3 (and other tweets before me) also demonstrates that it was possible to identify the twitter account as being held by a Latrobe City Councillor.
- 43. Section 28(2)(e) of the Act states "In performing the role of a Councillor, a Councillor must ... (e) act in accordance with the standards of conduct" (that is, the standards set out in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020) and are included in the Council Code.
- 44. The Council Code acknowledges that Councillors are permitted to express independent views through the media (clause 10.6) but requires Councillors to:
 - a. make it clear that any unofficial comment is a personal view, and does not represent the position of the Council as a whole (clause 10.6.1);
 - b. ensure any personal opinions or views expressed publicly are identified as the Councillor's own and not those of Council (clause 10.6.5);
 - c. not bring the Council into disrepute through any words or actions (clause 10.6.3);
 - d. ensure any communications are not offensive, derogatory, insulting or otherwise damaging to the reputation of Council, members of the public, Council officers and Councillor (clause 10.6.6).
- 45. I have identified approximately 20 tweets where the twitter account name is stated as "Cr Melissa Ferguson". I also note that at some point the name of the Latrobe City Council was also shown together with the name "Cr Melissa Ferguson". As a result, I find that these tweets could reasonably be interpreted as having been made by Cr Ferguson in her role as Councillor.
- 46. Although the Respondent later changed the name of the account, all tweets were made under the same twitter handle (@Melferg246) and could therefore be traced back to the name "Cr Melissa Ferguson". As a result, I consider that these later tweets could also reasonably be interpreted as having been made by the Respondent in the role of Councillor.
- 47. Cr Ferguson submitted that she placed a disclaimer on her twitter page with the inference that it would be clear that her tweets were not made in her capacity as a Councillor, at least from the time that the disclaimer was posted. In my view, because the same twitter handle was being used throughout, this creates ambiguity about the role in which the Respondent was acting.
- 48. The disclaimer stated "Thoughts and opinions belong to me, as per my human rights. They are not that of any other entity." The disclaimer does not refer to the Council or the Respondent's role as a Councillor. While it might be inferred from the disclaimer that the Respondent was not speaking for the Council (as "another entity"), the disclaimer does not make it clear whether her opinions are held in her personal capacity or in her capacity as a Councillor. They could be thoughts and opinions belonging to the Respondent in her personal capacity or in her capacity as Councillor.

- 49. Given that the tweets were under the same twitter handle as that previously identified as being associated with the Latrobe City Council and the Respondent as Councillor, I find that a reasonable interpretation could include that she was acting in her Councillor role in posting these tweets also
- 50. The Council Code plainly requires Councillors to ensure that it is very clear when opinions and views are being expressed by Councillors in their personal capacity and when they do so in their role as Councillor. The Respondent has not provided the required clarity and as a result, has not acted consistently with clauses 10.6.1 and 10.6.5 of the Conduct Code.
- 51. In making these findings I do not suggest that there is a "bright line" that delineates when a Councillor is acting in his or her personal capacity and when acting in the role of Councillor. Some, including the Applicant, take the view that a Councillor in holding a public office can always be reasonably inferred to be acting in their public role. In my view, it is therefore all the more important that when acting in a personal capacity there is no doubt that a Councillor is doing so. Further, as elected officials, Councillor are held to a high standard of conduct and knowingly agree to these standards, as evidenced in this case, by signing the Councillor Code. Clause 10.6 of the Councillor Code (discussed above) clearly outlines these high standards which apply even when Councillors are expressing personal views.

Responsibility for re-tweets

- 52. The Respondent argued that she could not be held responsible for any given re-tweet because she did not author the original tweet. I disagree.
- 53. In this context, if a tweet is re-tweeted without rejection or denunciation of its contents, there is an implicit endorsement or approval of its contents. In the tweets I have examined, I find that they have been re-tweeted in a manner where it would be reasonable to interpret them as endorsing the contents of the original tweet.
- 54. As a result, I hold that the Respondent is responsible for re-tweets.

The substance of the tweets

- 55. Tweet 1 was a re-tweet by "Cr Melissa Ferguson" of a tweet by "Gays Against Groomers". Tweet 2 was a tweet by "Cr Melissa Ferguson" which Cr Lund submitted was offensive to trans children by likening them to a "gender bender" and also offensive to those responsible for workplace training or other similar programs.
- 56. Cr Ferguson's position was that it is impossible to know who will be offended by what and that offence is subjective. While offence is taken personally, in my view whether behaviour or words are offensive can be measured by whether a reasonable person in the position of the offended person (in this case a trans person) would take offence.
- 57. I agree with Cr Lund's submission that the words and the cartoon depiction in Tweet 1 suggests that trans people in general are predators, perpetrating perversion and abuse, and preying on children. In relation to Tweet 2, I consider that it portrays trans children in a negative light and training providers as on the "gravy train".
- 58. I consider these sentiments to be offensive and disrespectful of trans people in the sense that a trans person would reasonably find this characterisation of trans people as offensive and disrespectful. I consider calling training providers as being on the "gravy train" as disrespectful of the work they do. Expression of these opinions do not support the Council in fulfilling its obligation to achieve and promote gender equality, nor is it consistent with a Councillor's obligation to consider and be responsive to the diversity of interests and needs of the municipal community. In addition, it is behaviour that brings discredit upon the Council.

- 59. Tweet 3 was provided as evidence of the Respondent's twitter activity bringing discredit or disrepute upon the Council. The Applicant also referred to the Council Press Release and the ABC New Article as further evidence of disrepute being brought upon the Council by the Respondent's twitter activity.
- 60. The fact that the Council felt it necessary to issue the Press Release suggests that it was concerned that Cr Ferguson's twitter activity would be damaging to the Council's reputation. The Council Press Release reaffirms the Council's commitment to "fostering an inclusive community" and "to support all people irrespective of age, gender, ability, cultural background, religion or sexual identity". It states:

We are committed to ensuring that our Council provides a safe and an inclusive environment for all members of the community while supporting councillors to undertake their roles.

- 61. At the Hearing, Cr Ferguson suggested that the issue of whether something can be said to bring discredit upon the Council related to how many people complained. She stated that there had only been four complaints out of 77,500 residents. In my view the test of whether a Councillor's behaviour bring discredit upon the Council is not about how many complaints have been made about the Councillor's behaviour. Rather, it is whether a reasonable person, viewing the relevant behaviour, would think less of the Council by virtue of the Councillor's behaviour and association with the Council.
- 62. While some individual tweets are not in themselves offensive and may be a legitimate engagement with academic articles on LGBTIQA+ issues, others are not. In my view there are many tweets that are offensive, disrespectful to trans people by inferring that trans people are paedophiles, grooming children and using their gender identity to legitimise paedophilic activity, disrespectful to other members of the public by stating that academics are trying to normalise paedophilia, are discriminatory and do not support the Council in its obligation to achieve and promote gender equality or treat members of the public with dignity, fairness, courtesy and respect. Examples of the latter category of Cr Ferguson's' tweets include:

Re-tweet of Gays Against Groomers tweet which states, "If the American people do not do something soon, it will be legal to f*** kids. The government will eventually enforce it. These monsters are coming after ALL children. They are consuming them. The 'Trans Bill of Rights' will be the end of all things good and beautiful." and re-tweets its own tweets which states "This 'Trans Bill of Rights' is co-sponsored by Movement Advancement Project (MAP) PEDOPHILES [sic]."

There is a predatory emergence going on when re-tweeting Rachael Wong's tweet which states, "If ever you needed evidence of the link between the fetishisation of womanhood by a growing number of trans-identifying males & porn, here it is."

It's also very concerning when academics are trying to normalise pedophiles [sic].

Re-tweet of Terfcat's tweet stating, "It doesn't line up with their objective of grooming children into queer theory ideology, which they openly admit".

When you support these political narratives you support atrocities when re-tweeting a Gays Against Groomers tweet which states "Trans ideologues will tell you that it is society's fault that trans people feel ostracized and suffer from so much mental anguish. They demand that we confirm to their interpretation of reality so that trans people can finally feel whole".

Re-tweet of REDUXX tweet "Two Aussie women were informed by Twitter that they had broken the law after posting criticism of a trans-identified male who induced lactation to 'breastfeed' a child. Enough is enough. Babies are not props for men with fetishes to use to affirm their 'identity'."

Re-tweet of Angie Jones' tweet "In 2023 observing reality in the form of 'gender critical views' get women fired from their job & labelled a 'Nazi' but drag performers can give a guy a hand job on social media, then get invited to read stories about sexuality & gender identity to 1-8 year olds in Parliament."

Joe are fuking for real?

- 63. After reviewing the body of tweets, I find that the Respondent's twitter activity has brought discredit on the Council. I have held (above) that the Respondent's tweets were made in her role as Councillor. Therefore, her behaviour is clearly linked to the Council. Given my findings above that many tweets are offensive and disrespectful, I consider that the Respondent's behaviour damaged the Council's reputation.
- 64. The Applicant also alleges that the Respondent, in making the tweets, has failed take positive action to eliminate discrimination based on gender identity. I consider that the twitter activity is discriminatory and is not action that supports the elimination of discrimination based on gender identity.

Alleged victimisation tweets, the Victorian Charter of Human Rights and freedom of speech

- 65. The Respondent made a number of submissions related to her right to express her opinions and beliefs. She submitted that the Applicant is in breach of the Council Code, in particular the obligation to comply with the *Victorian Charter of Human Rights and Responsibilities Act 2006*, by presenting tweets as evidence against her in this matter; she has the right to freedom of opinion and expression as set out in article 19 of the International Covenant on Civil and Political Rights (ICCPR), as expressed in Australian Law; and that there is a broad community with different opinions and people should be able to hold differing views and not be silenced.
- 66. I have reviewed the material submitted by the Respondent in support of these submissions.
- 67. Relevant Commonwealth and Victorian laws do indeed protect a person's right to freedom of expression as set out in article 19 of the ICCPR. But the right to freedom of expression is not unlimited. Clause 19(3) of the ICCPR provides that the exercise of the right to freedom of expression:
 - ...carries with it special duties and responsibilities. It may therefore be subject to certain restrictions ... such as are provided by law and are necessary: (a) For respect of the rights or reputations of others ...
- 68. This limitation on the right to freedom of speech is reflected in Australian Law, for example by the *Racial Discrimination Act 1975* (Cth), the *Racial and Religious Tolerance Act 2001* (Vic) and the *Victorian Charter of Human Rights and Responsibilities Act 2006* (section 15 in particular).
- 69. It is also reflected in the Standards of Conduct which are the subject of this matter. After setting out the standards of conduct for Councillors that have been referred to above, the Standards of Conduct provide:

5 Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust political debate in a democracy.

- 70. These provisions demonstrate that there is a balance to be attained between the right to express one's personal opinions and the rights of others not to be harmed by the expression of those opinions. In achieving robust political debate, particularly on matters such as those before me, the line between appropriate and inappropriate expression must be carefully struck. The subject matter is sensitive to many. However, that does not mean that all debate must be shut down. What it does mean is that the *manner* in which these matters are expressed must be respectful, fair, done with courtesy and affording all engaging in the debate dignity. For a Councillor, that is what is required by clause 1 of the Standards of Conduct.
- 71. Therefore, in my view the Respondent's submission that her tweets are in some way justified by the right to freedom of expression must be rejected.
- 72. The submissions that the Applicant is in breach of the *Victorian Charter of Human Rights and Responsibilities Act 2006*, by presenting tweets as evidence against Cr Ferguson in this matter or that certain of Cr Ferguson's tweets were victimising the Applicant because she had made the Application are outside my jurisdiction in this matter.

Sanctions

- 73. I have considered both parties submissions on appropriate sanctions. I have taken into account the Respondent's submissions that she did not intend to harm the LGBTIQA+ or the local community by her twitter activity and that her tweets were not intended as attacks. However, the twitter platform is public and once a tweet is posted the author essentially loses control over how and when that material is reproduced and by whom it can be seen. Further, while intention is important, offence can reasonably be taken even when that is not intended.
- 74. I have also taken into account that the Respondent tried to identify that tweets were being made in her personal capacity by posting a disclaimer. However, as discussed above, the disclaimer was ineffective and left ambiguity about the capacity in which she was acting.
- 75. I also note that while the Council Code provides some detail and expectations around the use of media by Councillor, there is no evidence before me that the Council has provided Councillors with clear guidance on matters specific to what is appropriate social media engagement such as use of twitter names, the type of disclaimers that would effectively communicate to the public on social media that a Councillor is acting in his or her personal capacity and so on. I recommend that the Council consider extending the training on use of social media that I have directed for the Respondent to all Councillors.

Dr Meredith Gibbs

Legal Member

Date: 24 August 2023

14. ACKNOWLEDGEMENTS Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.

MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION

15. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION

Section 66 of the *Local Government Act 2020* enables Council to close the meeting to the public to consider *confidential information* as defined in that Act.

Proposed Resolution:

That Council pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020* (the Act) close the Council Meeting to the public to consider the following items containing confidential information as defined in section 3(1) of the Act:

15.1 Gippsland Logistics Precinct - Construction Phase - CEO Delegation Increase

This item is confidential as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)). This ground applies because Information regarding State Government funding that is not yet public.