



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 5.30PM ON  
18 FEBRUARY 2013**

**CM399**



## *Latrobe Community* **Vision**

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

## *Council* **Mission**

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

## *Council* **Values**

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

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



# ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

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**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****1. OPENING PRAYER**

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

AMEN

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

*We respectfully acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunnai/Kurnai Clan and pay our respect to their past and present elders*

**3. APOLOGIES AND LEAVE OF ABSENCE****4. DECLARATION OF CONFLICT OF INTEREST**

**Direct and indirect interests - Section 77A(1) Local Government Act 1989**

*A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.*

**5. ADOPTION OF MINUTES****RECOMMENDATION**

**That the minutes of the Ordinary Council Meeting meeting held on 4 February 2013 and Special Council Meeting meeting held on 11 February 2013 be confirmed.**

**6. PUBLIC QUESTION TIME**

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

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

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

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Council Meeting Date	Item	Status	Responsible Officer
20/8/12	Item 7.2 – Proposed Sale of Land – Franklin Street, Traralgon	<ol style="list-style-type: none"> <li>1. That the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, be placed on the market for sale with a further report to be presented to Council should an offer to purchase the property be received.</li> <li>2. That a further report be presented to Council by 31 March 2013 if no offers to purchase the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, are received.</li> </ol>	General Manager Governance
17/09/12	Planning Permit Application 2011/294 - Use and Development of a Single Dwelling and Associated Outbuilding, Deys Road Tyers	<ol style="list-style-type: none"> <li>1. That Council note this report.</li> <li>2. That once an assessment of the amended plans has been undertaken by the CFA, a further report be presented to Council for consideration.</li> </ol>	General Manager Governance
17/09/12	Draft Public Open Space Strategy	<ol style="list-style-type: none"> <li>1. That Council releases the draft <i>Public Open Space Strategy Volume 1: Strategy and Recommendations August 2012</i> and draft <i>Public Open Space Strategy Volume 2: Appendices and Supporting Information July 2012</i> for community consultation for a period of 6 weeks from 30 October 2012 to 14 December 2012.</li> <li>2. That a further report be presented to Council on the results of the community consultation process.</li> </ol>	General Manager Recreation, Culture & Community Infrastructure

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Proposed Feature Naming – Alexandra Park, Morwell	<ol style="list-style-type: none"> <li>That Council gives public notice of its intention to consider the proposal to register the following features located in Commercial Road Morwell: <ul style="list-style-type: none"> <li>Alexandra Park</li> <li>Bus and Taxi Interchange / Public Toilets,</li> <li>Morwell Skate Park</li> </ul> and invite comment on the proposal. </li> <li>That Council considers any submissions regarding the proposal to register the above features located in Commercial Road Morwell as official feature names at the Ordinary Council Meeting to be held the 4 March 2013.</li> <li>That the Morwell Historical Society be advised of the above action.</li> </ol>	General Manager Governance

# ORDINARY COUNCIL MEETING AGENDA

## 18 FEBRUARY 2013 (CM399)

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

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Proposed Special Charge Scheme to Seal Austin Street, Boolarra	<ol style="list-style-type: none"> <li>1. That in accordance with section 163 of the <i>Local Government Act</i> 1989:               <ol style="list-style-type: none"> <li>I. Council declares its intentions to levy a Special Charge Scheme at the Ordinary Council Meeting on 3 December 2012 for funding expenses for the construction of a sealed roadway in Austin Street, Boolarra; and</li> <li>II. Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and</li> <li>III. Council notifies persons liable to pay the \$5000 special charge by sending a notice.</li> </ol> </li> <li>2. That Council, in accordance with section 223 of the <i>Local Government Act</i> 1989 consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal Austin Street, Boolarra at the Ordinary Council Meeting on 4 March 2013.</li> </ol>	General Manager Recreation, Culture & Community Infrastructure
3/12/12	Proposed Road Discontinuance and Sale of Lane – Donaldson Lane and Fleming Street, Morwell	<ol style="list-style-type: none"> <li>1. That Council gives public notice of its intention to consider the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer by private treaty of two parcels of land in Fleming Street, Morwell, pursuant to Section 189 and Section 206 and Schedule 10 Clause 3 of the <i>Local Government Act</i> 1989.</li> <li>2. That Council considers any submissions received in relation to the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer by private treaty of two parcels of land in Fleming Street, Morwell, at the Ordinary Council Meeting to be held on 17 February 2013.</li> </ol>	General Manager Governance



# ORDINARY COUNCIL MEETING AGENDA

## 18 FEBRUARY 2013 (CM399)

Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> <li>1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency.</li> <li>2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency.</li> <li>3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred.</li> <li>4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality.</li> </ol>	General Manager Recreation, Culture & Community Infrastructure

# NOTICES OF MOTION

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****8. NOTICES OF MOTION****8.1 2013/02 - NOTICE OF RESCISSION - 2013 SUPER TRADE  
MISSION TO INDIA**

**Cr Darrell White**

I wish to submit a notice of rescission for the following Council resolution made at the Ordinary Council Meeting CM397 on Monday February 2013.

**Item 13.1**

**2013 Super Trade Mission to India**

- 1. That Council approve a delegation consisting of the General Manager and/or Manager of Economic Sustainability to the super trade mission to India.**
- 2. That no Councillor or officer travel to China.**
- 3. That following the super trade mission to India, a report outlining the key outcomes and opportunities resulting from the mission be presented to council for consideration within 30 days of returning from the mission.**

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

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

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

#### **9.1 PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - DONALDSON LANE AND FLEMING STREET, MORWELL**

**General Manager**

**Governance**

**For Decision**

#### **PURPOSE**

The purpose of this report is to consider submissions received in relation to the proposed discontinuance and sale of part of Donaldson Lane together with the transfer of two parcels of land adjoining 1-3A Fleming Street, Morwell.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

*Strategic Objectives - Governance*

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

#### **Latrobe City Council Plan 2012 - 2016**

#### **Shaping Our Future**

*An active connected and caring community  
Supporting all*

*Strategic Direction – Governance*

- *Support effective community engagement to increase community participation in Council decision making.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Council's activities.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### *Legislation*

#### Local Government Act 1989

Section 189 of the *Local Government Act* 1989 gives Council the power to sell land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications of experience specified under Section 13DA(2) of the *Valuation of Land Act* 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.

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

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

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

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

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

#### *Policy – Sale of Council Owned Property Policy 11 POL-4*

The principal aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property. The purpose of this policy is to serve as an accountability mechanism to the community.

It is Councils position that that the sale of Council owned property will be via public auction unless circumstances exist that would justify an alternative method of sale.

All sales of Council owned property shall be consistent with the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **BACKGROUND**

Council has received an application from Anglicare Victoria to acquire part of Donaldson Lane between their offices at 1-3A Fleming Street and 65 Church Street, Morwell, as shown on the attached plan.

Donaldson Lane was originally created in 1933 on LP 13729 and is contained in Certificate of Title Volume 4952 Folio 331 which remains in the name of Neil Chamberlain who acquired the land in 1925.

The laneway is 3.6 meters wide, runs from Church Street to Fleming Street and provides rear access to residential properties 5, 7 & 9 Fleming Street, the Morwell Squash Courts and the former Karma Hall and off street car park.

During investigation of this request it was identified that there are two additional parcels of Council owned land that have been incorporated into the Anglicare property as part of the frontage to Fleming Street. These two parcels of land, shown on the attached plan, are described as Lot 1 on Title Plan 142444 and Lot 1 on Title Plan 143992 being the land contained in Certificates of Title Volume 9918 Folio 212 and Volume 9963 Folio 797 respectively.

Both of these parcels of land were acquired in 1989 by the former Shire of Morwell and are six metres wide and 16.46 metres in length with a combined area of approximately 200 square metres. It is understood that these parcels of land were originally acquired for road widening purposes.

It is noted that when Fleming Street was fully reconstructed (kerb, channel and road pavement) in April 2009 these two parcels of Council land previously acquired for road widening were not required as part of this reconstruction.

Anglicare Victoria are proposing to redevelop the site and this would involve consolidating their two properties with the section of laneway that separates them, together with the two parcels of land owned by Council.

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

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer of two parcels of land in Fleming Street, Morwell, pursuant to Section 189 and Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*
- 2. That Council considers any submissions received in relation to the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer by private treaty of two parcels of land in Fleming Street, Morwell, at the Ordinary Council Meeting to be held on 18 February 2013.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **ISSUES**

Donaldson Lane is unconstructed and is unused apart from the section of laneway that Anglicare currently use for car parking and wish to acquire. The balance of the laneway is a grassed surface and with the exception of a gate at the rear of 7 Fleming Street there is no evidence that the lane has been required as access by adjoining properties at 5 and 9 Fleming Street or the general public.

Gippsland Water has confirmed that there is a 150mm VC Sewer Main located within the laneway and it would therefore be a requirement, if the land was to be sold, for it to be encumbered with an easement for pipeline or ancillary purposes to protect this asset. This would have an impact on what would be able to be done with the land should it be transferred.

Anglicare Victoria have consulted with Gippsland Water and reached agreement that the proposed development would use a covered walkway as a link between the two buildings thereby minimising the impact on the sewer main.

The owner of 31-43 Buckley Street (former Karma Hall and off street car park), Stirloch Developments Pty Ltd, have objected to the proposed discontinuance on the grounds that Donaldson Lane would be required to provide access to any future development of their property. These concerns have been addressed later in the Internal/External Consultation section of this report.

Whilst the adopted Sale of Council Owned Property Policy states that the preferred method of sale is by public auction, in this instance Anglicare Victoria would be the only interested purchaser. Accordingly it would be appropriate to consider selling the two parcels of Council land adjoining 1-3A Fleming Street by private treaty.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. No significant risks have been identified.

Should Council resolve to discontinue this part of the laneway and transfer the land all survey and legal costs would be borne by Anglicare Victoria.

Both the land from the discontinued section of Donaldson Lane and the two parcels in Fleming Street would be transferred at a purchase price based upon an independent valuation that would be obtained by Council.



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

- Public notices placed in the Latrobe Valley Express on Monday 10 and Thursday 13 December 2012 as well as Monday 7 January 2013.
- Letters sent to all adjoining property owners and occupiers inviting comment on the proposal.

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

In response to the public notices and correspondence, one submission has been received from Stirloch Developments Pty Ltd objecting to the proposed discontinuance, refer following attachment.

This objection is summarised below:

- Lane provides a link from both Church Street and Fleming Street.
- The lane provides access to two of the residential units shown on the development plan.
- Stirloch purchased their land from Council and are concerned that closure of the lane would affect the value of their land.

Officer Comment: Stirloch Developments purchased the former Karma Hall site and the adjoining car park (31-41 Buckley Street) from Council. The sale date for the land was 24 February 2006 and ownership was transferred on the 13 March 2007.

Council issued Planning Permit P06309 for the use and development of an office with associated parking at 31-41 Buckley Street on the 10 November 2006. Permit extensions were subsequently granted in August 2009, May 2011 and November 2012.

It is noted that the endorsed Planning Permit Development Plan for the office and associated parking (P06309) does not show the residential units as detailed on the development plan attached to the submission from Stirloch Developments. The proposed office and associated car parking development does not fully utilise the entire property, there may be sufficient area at the rear of the office development for the fore mentioned residential units.

In addition to Donaldson Lane there is alternative street access to the Stirloch Development property from Buckley Street, Church Street (both constructed) and if required Fleming Street.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **OPTIONS**

Having given public notice and consideration of the submission received, Council may now:

1. Resolve to discontinue part of Donaldson Lane, Morwell, and transfer the land together with the two parcels of Council owned land adjoining 1-3A Fleming Street by private treaty to Anglicare Victoria.
2. Resolve to retain Donaldson Lane, Morwell, and transfer the two parcels of Council owned land adjoining 1-3A Fleming Street by private treaty to Anglicare Victoria.
3. Resolve to retain Donaldson Lane, Morwell, together with the two parcels of Council owned land adjoining 1-3A Fleming Street which will require no further action.

### **CONCLUSION**

Anglicare's intention is to acquire part of Donaldson lane to facilitate expansion of their current office buildings at 65 Church Street and 1-3A Fleming Street Morwell.

The entire lane is unconstructed and the section being considered for closure is currently used by Anglicare as off-street car parking between the two Anglicare offices.

The closure and sale of the section of Donaldson Lane is not considered to have a detrimental affect to the Council road network.

The two parcels of Council land adjoining 1-3A Fleming Street have been incorporated into the Anglicare office complex garden surround and will not be utilised for municipal purposes.

#### **Attachments**

1. Site Plan
2. Correspondence from Anglicare
3. Stirloch Developments Pty Ltd Submission.

### **RECOMMENDATION**

1. That Council, having considered the one submission received, form the opinion that the part of Donaldson Lane, Morwell adjoining 65 Church Street and 1-3A Fleming Street Morwell is not reasonably required as a road for public use.
2. That Council resolves to discontinue and sell by private treaty that part of Donaldson Lane, Morwell pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* to Anglicare Victoria

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

3. That a notice be published in the Government Gazette to formally discontinue the section of Donaldson Lane, Morwell adjoining 65 Church Street and 1-3A Fleming Street Morwell.
4. That Council form the opinion that the two parcels of Council owned land adjoining 1-3A Fleming Street are surplus to both Council and community requirements and resolves pursuant to section 189 of the *Local Government Act* 1989 to sell the land to Anglicare Victoria.
5. That pursuant to the *Sale of Council Property Policy* the Chief Executive Officer is authorised to enter into Contracts of Sale and sign and seal Transfer of Land Documents to dispose of this section of Donaldson Lane and land adjoining 1-3A Fleming, Morwell.
6. That Council advise Stirloch Developments Pty Ltd of Council's decision in this matter.

## **9.1**

### **PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - DONALDSON LANE AND FLEMING STREET, MORWELL**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>Site Plan .....</b>                               | <b>27</b> |
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GOVERNANCE

114

03 December 2012 (CM395)

ATTACHMENT TWO

Mr Henry Morrison  
Coordinator of Property Services  
Latrobe City council  
141 Commercial Road  
Morwell Victoria 3840.

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 22 MAR 2012	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

21<sup>st</sup> march 2012

Re:- Anglicare Victoria Properties 65 Church Street Morwell and 1-2 Fleming Street Morwell

Dear Mr Morrison

Anglicare Victoria currently own the two properties listed above, between the two properties is a "Easement" as indicated on the attached titles. We would like to seek Councils approval to purchase this Easement to facilitate expansion of our current buildings.

Could you review any information that Council may have and advise if our request may be possible and what steps we will need to commence this process

Regards

Gary Dalton  
Project Manager – Property & Fleet

Anglicare Victoria

Central Office 103 Hoddle Street Collingwood PO Box 45 Abbotsford Victoria 3067  
Tel 03 9412 6133 Fax 03 9415 9181 Email [info@anglicarevic.org.au](mailto:info@anglicarevic.org.au) Web [www.anglicarevic.org.au](http://www.anglicarevic.org.au)  
A member of Anglicare Australia. Incorporated by Act of Parliament. APN 97 397 067 456

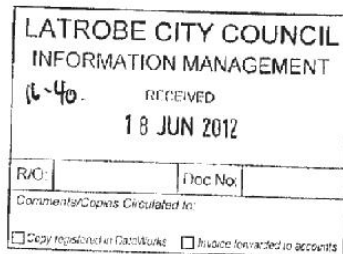
Supporting families, building communities



GOVERNANCE

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03 December 2012 (CM395)

ATTACHMENT THREE

15th June 2012

Mr Peter Schulz  
Property and Statute Officer  
Latrobe City Council  
141 Commercial Road  
Morwell Victoria 3640.

Re:- Proposed Road Discontinuance – Church Street Morwell

Dear Mr Schulz

I refer to your correspondence dated 13 June 2012 whereby you request Anglicare Victoria to consider the purchase of parcels of land located adjacent to our Fleming street property.

I wish to advise that Anglicare Vic is very interested in this proposal and would like to receive a proposal for the purchase of these 3 plots of land.

Could you contact me when appropriate to discuss this option.

Regards

Garry Dalton  
Project Manager – Property & Fleet  
Anglicare Victoria

**Stirloch Developments Pty Ltd**

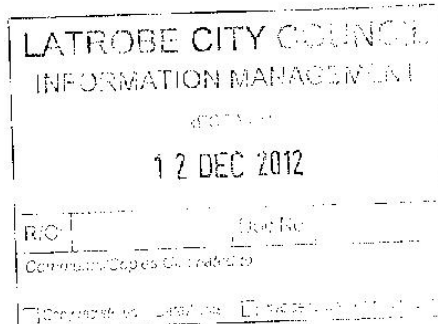
ACN: 100 011 489

69 Head Street, TRARALGON VIC 3844

Ph: 03 5175 0633

10<sup>th</sup> December, 2012

Mr Peter Schultz  
Property and Statute Officer  
Latrobe City  
PO Box 264  
**Morwell, VIC 3840**



Dear Sir,

**RE: Proposed Road Discontinuance and Sale of Land -  
Donaldson Lane and Fleming Street, Morwell**

We are strongly against the closure / discontinuance of any part of the unnamed laneway off Church Street.

This lane provides a link with our land from both Church and Fleming Streets. I have enclosed a Master Plan for the development of the land for which we hold a Development Approval. It shows the connections with our property

Our land is Zoned Mixed Use and as such has planned a residential component which abuts the lane. The unnamed lane will provide access to two of the development sites.

If this closure is allowed to proceed it will have a detrimental effect on the value of the land.

We purchased the land from Council knowing the lane was in place and added value to the parcel of land. We see it as very concerning that Council is considering closing a laneway in a relatively shortly period after selling it and in effect reducing the value of the land.

We urge Council to reject the part lane closure.

We would welcome the opportunity to discuss this further with Council representatives

Please contact me with any of your queries; we look forward to providing this new facility. My contact details are provided.

Yours faithfully,

Ken Beck  
**Stirloch Developments Pty Ltd**





## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **9.2 PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER - DEAKIN LANE, TRARALGON**

**General Manager**

**Governance**

**For Decision**

#### **PURPOSE**

The purpose of this report is to consider a submission received regarding the proposed placement of permanent barriers over Deakin Lane, Traralgon.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

*Strategic Objectives – Governance*

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

##### **Latrobe City Council Plan 2012 - 2016**

##### **Shaping Our Future**

An active connected and caring community  
*Supporting all*

*Strategic Direction – Governance*

- *Support effective community engagement to increase community participation in Council decision making.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Council's activities.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### *Legislation*

Local Government Act 1989

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

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

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

Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989 gives Council the power to place obstructions or barriers on a road permanently:

- (1) A Council may block or restrict the passage or access of vehicles on a road by placing and maintaining any permanent barrier or other obstruction on the road.
- (2) A Council must not exercise this power unless it has considered a report from the Roads Corporation concerning the exercise of this power.
- (3) The exercise of this power is subject to any direction of the Minister.
- (4) This clause does not apply to a freeway or arterial road within the meaning of the Road Management Act 2004, unless the Council has the consent of the Roads Corporation.

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

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

*Policy – Council does not have an adopted policy relating to the discontinuance of road.*

### **BACKGROUND**

Council has received a request from the owners of 2 Deakin Street, Traralgon, for the discontinuance of Deakin Lane as shown on the attached plan and photographs, attachment 1.

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. This lane is now described on Certificate of Title Volume 10246 Folio 309 as “*Road R1 on Plan of Subdivision 041285*”.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

The registered owners of the Road are also the owners of 2 Deakin Street, Traralgon (the applicant). A copy of the Application Letter, Plan of Subdivision and Certificate of Title are attached refer Attachments 2, 3 & 4.

Deakin Lane is fully constructed being four metres wide on the east/west alignment and is a total length of 48 metres. This lane terminates at the southern boundary of 5-7 Church Street.

The laneway is listed on the Register of Public Roads in *Appendix 4 – Roads Not Maintained by Latrobe City Council* and there are Council drainage assets contained within the road reserve.

The owners of 2 Deakin Street have advised that they have experienced ongoing incidents of antisocial behaviour which has prompted them to make application to Council to have the laneway discontinued.

As the applicants are the registered proprietors of the road reserve, they consider it would be appropriate for Council to discontinue the road and for the land to be transferred back to them for a nominal consideration where it would be retained as a private access laneway.

In examining this request, it has been found that Deakin Lane provides access to off-street parking at the rear of the office complex at 3 Church Street. This off-street car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on the 7 September 1993 and later an amended plan was endorsed on the 10 May 1994.

Deakin lane also provides access to a large door at the rear of 72 Princes Street and corner Deakin Street.

Council previously considered this matter at the Ordinary Council Meeting held on Monday 17 December 2012 and resolved the following:

1. *That Council gives public notice of its intention to consider the placement of permanent barriers over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.*
2. *That Council considers any submissions received in relation to the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council Meeting to be held on Monday 18 February 2013.*

### **ISSUES**

The initial expression of interest from the applicants requested that Council discontinue and transfer ownership of the land back to the applicant (attachment 2). As there are a number of properties that have carriageway and use rights over this lane, officers determined that it would not be feasible to formally discontinue the road. Officers therefore proposed to the applicants and obtained their support to recommend to Council that it considers undertaking the statutory process to allow the installation of lockable gates on the road reservation.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

These permanent barriers being gates would allow all adjoining property owners' access to Deakin Lane during normal business hours whilst still providing the security that the applicant is seeking outside of business hours. The use of locked gates proved very effective to resolve a similar problem at Tarwin Lane between 14 and 16 Tarwin Street Morwell.

Since receiving the initial application and then the revised proposal to obtain consent to erect lockable gates, officers have had numerous discussions with the applicant's representative and Council has also received the additional correspondence:

- Letter dated 14 December 2012 concerning the proposed development at 5-7 Church Street and how it effects the immediate area, in particular the reduction in size to the loading zone in Deakin Street.
- Email dated 20 December 2012 advising of an intention to erect a boundary fence at the rear of the 2 Deakin Street (applicants property) and 3 Church street; and
- Letter dated 18 January 2012 inviting Council to a meeting to discussion the applicant's position in regard to the Deakin Lane.

Based upon these documents and the discussions with the applicant's representative, officers believe it is now their stated intention to prevent adjoining property owners and the general public having continued use of the lane by erecting a boundary fence at the rear of their property and gates across the front of the lane.

As mentioned in the Background section of the report, Deakin Lane was created as an easement of way to service four lots created on Plan of Subdivision LP 41285. Three of these lots face Deakin Street (the applicants property) and the fourth fronting Princes Street being part of the decommissioned Caltex Petrol Station, corner Church Street and Princes Street.

Deakin Lane also provides access to the off street car park rear of 3 Church Street and a large door at the rear of 72 Princes Street. In acknowledging that the Deakin Lane is being used to access adjoining properties, Officers have formed the opinion that Deakin Lane has acquired the status of a public highway at common law.

In this instance the common law *Doctrine of Dedication and Acceptance* in relation to Deakin Lane has been satisfied, firstly by land being set aside as a easement of way (Dedication) on the 1957 plan of subdivision LP 41285 and shown as Road R1 on Certificate of Title Volume 10246 Folio 309. Secondly, as the lane is used by the public, adjoining property owners and occupiers the requirement for acceptance is satisfied.

This position is supported by legal advice previously obtained from Council's solicitors in relation to two similar matters. Relevant sections of this advice are summarised below:



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### Right of Access

At common law, an owner or occupier of land adjoining a public highway (road) has a right to access the road from their land.

### A Public Highway is vested in Council

A road is a public highway at common law because there has been:

- Dedication of the Road to the public when it was constructed; and
- Subsequent acceptance of the Road, by the public, through public use of the Road.

As Deakin Lane is marked as a “road” on title, this is a clear indication that the road is a public highway at common law. In addition, Clause 1 of Schedule 5 in the *Road Management Act 2004* (RMA) also has the effect of vesting in Council particular roads (including Deakin Lane).

The effect of this public highway classification is that the road remains open for the public to use, regardless of who owns the land underneath and the road is vested in Council.

### Council has responsibility for use and control over Road

The general public’s right to use a road (including a public highway) is confirmed by section 8 of the RMA. The RMA also places Council in control of roads because:

- by operation of section 37 of the RMA and division 2 of Part 9 of the *Local Government Act 1989* (LGA) as well as Schedules 10 and 11 of the LGA; and
- The Road is on Council’s register of public roads.

In light of the above, only Council is entitled to control access to a road by virtue of the powers conferred in both the RMA and LGA. Therefore, despite holding title to the land over which a road is constructed, the registered owner/s does not enjoy exclusive possession with respect to the road (as opposed to an ordinary parcel of land). It follows that Council maintains control and responsibility for a road, regardless of whether Council or another party holds title to the land over which the road is located.

Planning Permit 93/745 issued by the former City of Traralgon the 8 September 1993 and later amended on the 10 May 1994 for an office complex at 3 Church Street contained two conditions that relate specifically to Deakin Lane:

Condition 2. “the owner prior to the commencement of the use hereby permitted shall transfer to council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 for the purpose of providing public vehicular access to the rear of the site.”

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

Officer comment: This strip of land abuts the existing lane and was required to increase the width of the lane to approximately six metres at the rear of both 2 Deakin Street and 3 Church Street. This road widening was to provide improved access to a proposed mid block off street car park that was identified to be constructed at the rear of premises fronting Church Street from Deakin Lane north through to Hotham Street. The assembly of land for the proposed mid block off street car has not progressed.

The transfer of the strip of land at the rear of 3 Church Street did not occur as required and officers have recently obtained a commitment from the current owner to arrange for the transfer of this piece of land.

Condition 3. "a plan detailing the construction and drainage of the parking area and driveway shall be submitted to the satisfaction of the responsible authority prior to the construction of the car parking area, and prior to occupancy of the premises.

Such driveway and car parking area shall be constructed with bituminous surface or reinforced concrete or block work to the satisfaction of the responsible authority.

Minimum depth of pavement materials to be 150mm depth, and bituminous surface to be 30mm depth."

Officer Comment: The section of land between the rear of 3 Church Street and 2 Deakin Street including the section of laneway and part of 2 Deakin Street was completely constructed with a concrete surface and line marked for car parking. It is assumed that this construction occurred as part of the office complex at full cost to the developer.

Later in September 1999, the owner of 3 Church Street wrote to Council concerning the unmade east/west section of Deakin Lane from Deakin Street through to the section of constructed laneway and car park the rear of 3 Church Street and 2 Deakin Street, refer attachment 5 – photo of laneway. The photo was taken the 24 July 1999 and shows that the east/west section of the laneway was unconstructed and the surface was rough with a number of large potholes containing water.

The Deakin Street Road file details that two meetings were held concerning the state of the lane in October 1999 and another in November 2000. The later meeting was between Council and representatives from Tripodi Fruit Supply and the Latrobe Regional Development Group. This meeting discussed the possibility of fully constructing the entire east/west area with reinforced concrete from building line to building line. Each party was requested to consider contributing \$6,000 towards the cost of this project.

The Latrobe Regional Development Group have stated that they fully funded the construction cost. At present it is unknown whether Council or any other party contributed towards the cost of this construction.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

In the event Council was to complete the statutory process and consent to the applicant request to erect gates and a suitable formal agreement being entered into with the applicant to cover installation, maintenance and access to the gates, there is unlikely to be any associated risks with the proposed placement of permanent barriers over Deakin Lane.

Should Council not agree to the applicant requests and Deakin Lane remains an open public highway, there is the potential that Council may need to take enforcement action should the applicant decide to block public use of the laneway.

With respect to financial implications, if Council resolves to restrict access by allowing the placement of gates across Deakin Lane all costs associated with the construction of the gates would be borne by the applicants.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

- Public notices placed in the Latrobe Valley Express on Thursday 20 December 2012 together with Monday 7 and Thursday 10 January 2013.
- Letters sent to all adjoining property owners and occupiers together with VicRoads and Gippsland Water
- Notice displayed at the Traralgon Service Centre.
- Details placed on the Latrobe City Council website.

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

In response to the public notices and correspondence one submission (attachment 6) was received from Beveridge Williams & Co Pty Ltd on behalf of Petroleum Property Holdings Pty Ltd Traralgon, owner of 1 Church Street and Parody Glade Pty Ltd owner of 3 Church Street Traralgon.

This submission “strongly objects” to the proposal to place gates across Deakin Lane for the following reasons:

- Petroleum Property Holdings Pty Ltd (1 Church Street) has existing rights over the lane.
- Petroleum Property Holdings Pty Ltd require permanent unimpeded access along Deakin Lane as it has plans for future redevelopment on the site.



**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

- Parody Glade Pty Ltd (3 Church Street) requires continued access to the off-street car park at the rear of its office development. The provision of off-street car parking was a requirement of the planning permit issued for the office development constructed in 1994.

In addition to raising the above points in support of this objection, Beveridge Williams & Co have stated that the owners of Lots 1, 2 & 3 Deakin Street have indicated that “they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.”

Beveridge Williams also state that “both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.”

Beveridge Williams intend to speak in support of this submission at the Council.

**OPTIONS**

Having given public notice and considered submissions received Council may now:

1. Resolve to allow permanent barriers (lockable gates) to be erected on Deakin Lane, Traralgon.
2. Resolve to keep Deakin Lane open to public traffic which will require no further action.

**CONCLUSION**

Deakin Lane has public highway status having been used by the tenants of the office complex to access the off street car park at the rear of 3 Church Street. This car park was a requirement of a Planning Permit for the Office complex endorsed by the former City of Traralgon in 1993 and the plan amended in 1994. Without access of Deakin Lane the development would no longer comply with this requirement of the planning permit.

Deakin Lane allows access to a large door at the rear of 72 Princes Street Traralgon and the decommissioned Caltex Service Station has entitlement to use this lane as an easement of carriageway.

Considering these factors and the submission objecting to the proposal to discontinue or place a permanent barrier (lockable gates) across Deakin Lane it is recommended that Council take no further action and advises the applicant that it has formed the opinion that Deakin Lane is a public highway required for access by all adjoining property owners and occupiers.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

Any action taken to either erect a boundary fence or place any other barrier across Deakin Lane would be in conflict with the Council's legislative and common law rights and Council should maintain public access to the entire length of Deakin Lane.

**Attachments**

1. Site Plan & Site Photos
2. Application Letter
3. Plan of Subdivision LP 041285
4. Deakin Lane Certificate of Title Volume 10246 Folio 309
5. Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.
6. Submission

**RECOMMENDATION**

1. That Council having considered the submission received resolves that it is of the opinion that Deakin Lane is a public highway and is reasonably required as a road for public use.
2. That Council does not accede to the request to discontinue or place a permanent barrier (lockable gates) across Deakin Lane.
3. That the applicants be notified of the two Council decisions above and also advise that Council has legislative and common law responsibility for use and control of Deakin Lane, Traralgon.
4. That Beveridge Williams acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd be advised accordingly.

## 9.2

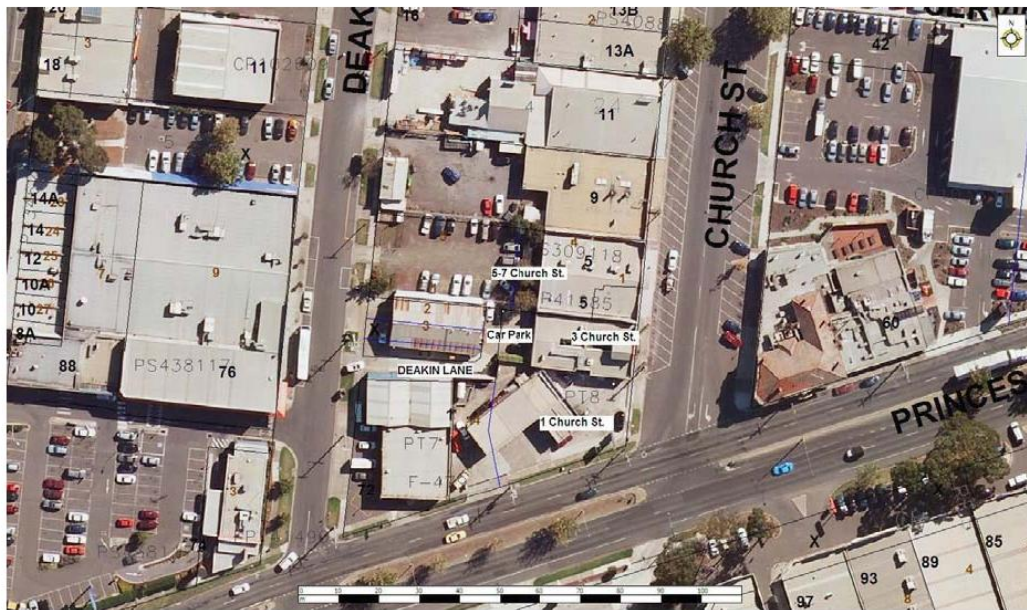
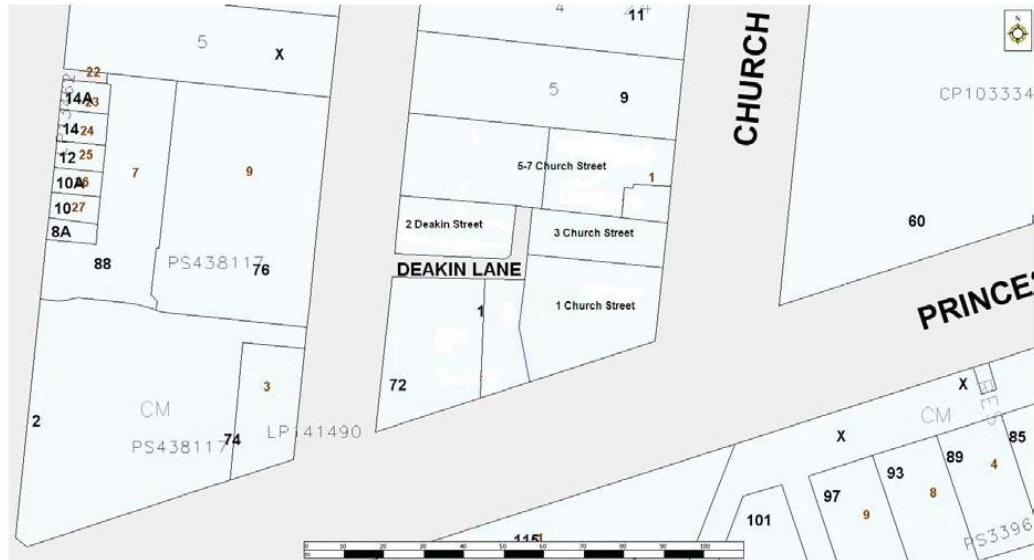
### PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER - DEAKIN LANE, TRARALGON

1	Site Plan & Site Photos .....	45
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5	Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.....	55
6	Submission .....	57

GOVERNANCE

222

17 December 2012 (CM396)

ATTACHMENT ONE

GOVERNANCE

223

17 December 2012 (CM396)

**ATTACHMENT TWO**  
**PHOTOS OF DEAKIN LANE.**

Photo taken from Deakin Street opposite Lane entrance.



Close up of Lane entrance.





GOVERNANCE

224

17 December 2012 (CM396)

Off Street Car Park, rear 3 Church Street.





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30<sup>th</sup> May 2012

Mr Peter Schulz

Re: Laneway Closure  
2 Deakin Street  
Traralgon VIC 3488

Dear Mr Schulz,

I apologise, as it has taken some time to write to you, since we spoke. This letter is in regard to an old laneway which is attached to our title, at 2 Deakin Street, Traralgon 3844.

The laneway begins at the front of our property and finishes at the rear. We believe that we purchased the property as the title states ownership. We also understand that being a "Discontinued" laneway with no street name or title the Latrobe Council are "liable" for anything unfortunate that could happen.

We propose that Latrobe City Council transfer full ownership to us, as our entitlement and therefore rid them of liability. We believe that it is in all party's best interest. The laneway will be left as an access laneway, servicing our needs.

Please if you could take this into consideration we would be appreciative.

Thank you.

Yours Faithfully

Gino Tripodi  
On behalf of  
Stefano Tripodi  
Concetta Tripodi  
Damiano Tripodi

*"As fresh as today, just as crisp as tomorrow"*

Delivered by LANDATA®. Land Victoria timestamp 22/01/2013 15:46 Page 1 of 1

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LP 41285

EDITION 1

PLAN MAY BE LODGED 5/9/57

# PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENTS 7 & 8, SECTION 24

TOWNSHIP OF TRARALGON

PARISH OF TRARALGON

COUNTY OF BULN BULN

Measurements are in Feet &amp; Inches

Conversion Factor

FEET X 0.3048 = METRES

✓ 4583 F 536

✓ 6343 F 795

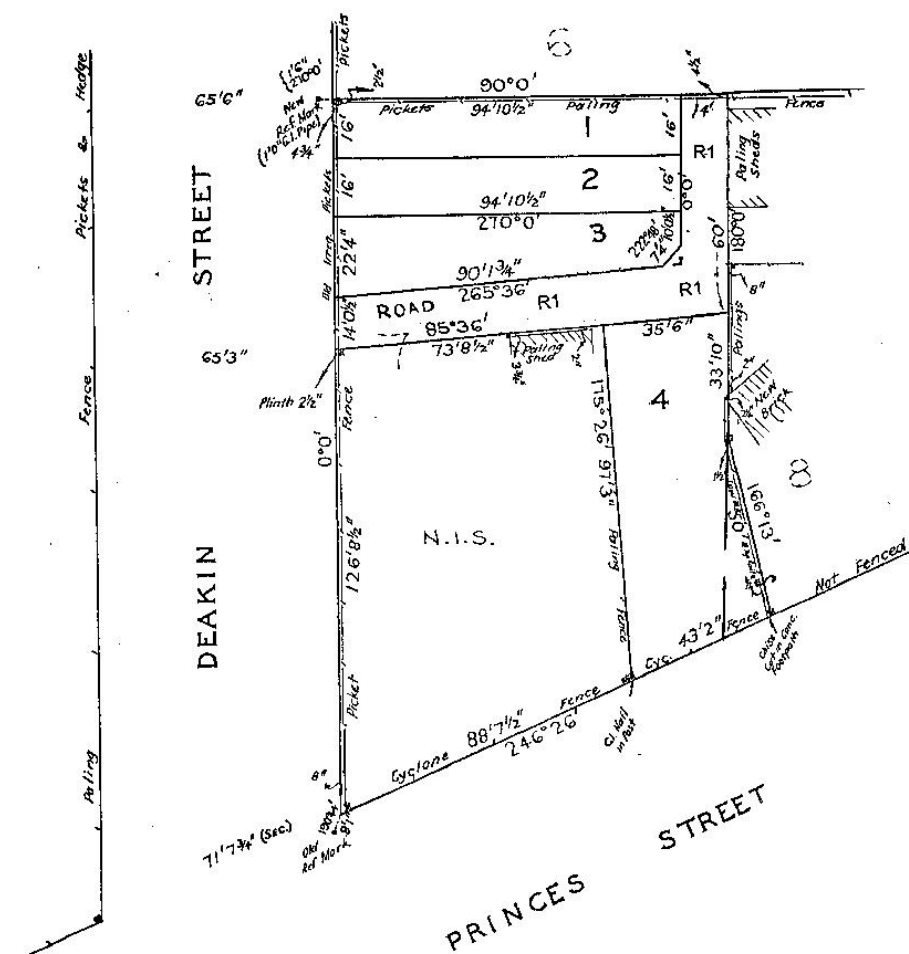
✓ 7551 F 028

COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

THE LAND COLOURED BROWN  
IS APPROPRIATED OR SET APART  
FOR EASEMENTS OF WAY AND  
DRAINAGE.

~~PARISH TOWNSHIP~~

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## Register Search Statement - Volume 10243 Folio 238

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10243 FOLIO 238

Security no : 124044527951G

Produced 22/01/2013 04:02 pm

## LAND DESCRIPTION

Lot 1 on Plan of Subdivision 041285.  
PARENT TITLE Volume 08156 Folio 271  
Created by instrument T741805V 26/06/1995

## REGISTERED PROPRIETOR

Estate Fee Simple  
TENANTS IN COMMON  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
STEFANO TRIPODI of 10 MOORE ST. TRARALGON 3844  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
CONCETTA TRIPODI of 10 MOORE ST. TRARALGON 3844  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
DAMIANO TRIPODI of 10 MOORE ST. TRARALGON 3844  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
GINO TRIPODI of 10 MOORE ST. TRARALGON 3844  
U146141P 26/03/1996

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: DEAKIN STREET TRARALGON VIC 3844

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd  
Delivered at 22/01/2013, for Order Number 11244891. Your reference: Deakin Lane.**

**PHOTO AT THE ENTRANCE OF THE UNCONSTRUCTED EAST/WEST  
SECTION OF DEAKIN LANE.  
PHOTO DATED 24 JULY 1999.**



**Beveridge Williams**

Reference: 1200716

Office: Traralgon

16 January 2013

Mr Peter Schulz  
Property and Statute Officer  
City of Latrobe  
PO Box 264  
**MORWELL VIC 3840**

Dear Peter,

RE: **YOUR REFERENCE: R511973/00**  
**PROPOSED PLACEMENT OF PERMANENT BARRIERS**  
**DEAKIN LANE, TRARALGON**

We refer to your letter dated the 18<sup>th</sup> of December 2012 to Mr Leo DiFabrizio of the Latrobe Regional Development Group and advise as follows.

We act for the following registered proprietors in this matter:

- Parody Glade Pty Ltd who are the registered proprietors of the land described in certificate of title volume 7263 folio 425 being lot 1 on TP 532747M being located at 1-3 Church Street, Traralgon.
- Petroleum Property Holdings Pty Ltd who are the registered proprietors of the land described in certificate of title volume 8156 folio 270 being lot 4 on plan of subdivision LP 41285.

Copies of these titles are enclosed for your information.

As you are aware Deakin Lane was created in LP 41285 with lots 1, 2, 3 and 4 of that subdivision having way and drainage rights over the lane.

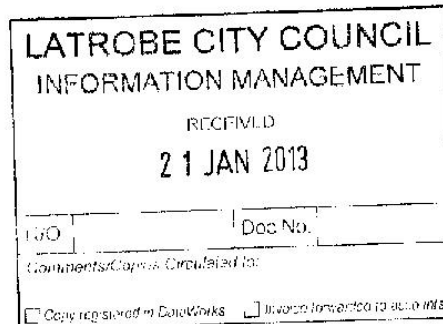
The land comprising Deakin Lane is described in certificate of title volume 10246 folio 309 being road R1 on plan of subdivision LP 41285.

We understand the proposal as stated in your letter dated the 18<sup>th</sup> December 2012 is for council to consider the place of permanent barriers across Deakin Lane.

We wish to advise that both our clients **strongly object** to this proposal.

Lot 4 on LP 41285, owned by Petroleum Property Holdings Pty Ltd has existing way and drainage rights over Deakin Lane because it is part of the original subdivision, LP 41285.

www.beveridgewilliams.com.au



**Beveridge Williams  
& Co Pty Ltd**

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Bairnsdale Vic 3875  
ph: 03 5152 4708

**Ballarat**

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Ballarat Vic 3350  
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ph: 03 5144 3877

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**Wonthaggi**

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Wonthaggi Vic 3995  
ph: 03 5672 1505



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Melbourne

Petroleum Property Holdings Pty Ltd require permanent unimpeded access to continue to be provided along Deakin Lane because they have plans to develop their property (lot 4) in the future and will require the rear access that Deakin Lane provides.

The building at 1-3 Church Street Traralgon was constructed in 1994. The City of Traralgon required car parking for this facility to be provided at the rear of the building. The only access to this car parking area is via Deakin Lane, which council must have deemed to be a public highway, otherwise they would not have been in a position to require the car parking to be at the rear of the building.

We understand the registered proprietors of lots 1, 2 and 3 on LP 42185 have indicated that they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.

Both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.

If possible we would like an opportunity to address council regarding this matter at the council meeting to be held on Monday 18<sup>th</sup> of February 2013.

If you have any queries please do not hesitate to contact us.

Yours faithfully

**BEVERIDGE WILLIAMS & CO**



**PETER G DELL**

**DEVELOPMENT MANAGER – GIPPSLAND**

Vic Property

Page 1 of 3

Doc id: 8156/270 Matter: 2222PGD Search generated on 04/07/2012 at 09:37

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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08156 FOLIO 270

Security no : 124042363569V  
Produced 04/07/2012 09:38 am

## LAND DESCRIPTION

Lot 4 on Plan of Subdivision 041285.

## PARENT TITLES :

Volume 04583 Folio 536

Volume 06349 Folio 795

Volume 07551 Folio 028

Created by instrument A318161 10/04/1957

## REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PETROLEUM PROPERTY HOLDINGS PTY LTD of 388 RAYMOND ST SALE 3850  
V361058H 08/04/1998

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE V361060E 08/04/1998

NATIONAL AUSTRALIA BANK LTD

LEASE C554022 01/08/1966

Expiry Date 29/03/1973

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE E915459 25/07/1973

Expiry Date 29/03/1978

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE H292020 02/11/1978

Expiry Date 29/03/1983

CALTEX OIL (AUSTRALIA) PTY LTD

CAVEAT AG109227R 29/09/2008

Caveator

PETER JOHN MINSTER

Capacity PURCHASER/FEE SIMPLE

Lodged by

MCDONOUGH &amp; CO

Notices to

MCDONOUGH &amp; CO of 68 SEYMOUR STREET TRARALGON VIC 3844

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

<https://secure-ac.s.urbispro.com.au/cgi-bin/landata/docimage?dtype=title&>

4/07/2012

Vic Property

Page 1 of 2

Doc id: 7263425 Mailer: 2222PGD Search generated on 04/07/2012 at 09:39

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07263 FOLIO 425

Security no : 124042363599N  
Produced 04/07/2012 09:40 am

LAND DESCRIPTION

Lot 1 on Title Plan 532747M (formerly known as part of Crown Allotment 8  
Section 24 Township of Traralgon Parish of Traralgon).  
PARENT TITLE Volume 07263 Folio 424  
Created by instrument 2203845 24/03/1949

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PARODY GLADE PTY LTD of 10 GREY ST TRARALGON 3844  
S934246N 14/02/1994

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S934247K 14/02/1994  
NATIONAL AUSTRALIA BANK LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP532747M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 532747M</b>						
<b>Location of Land</b>  Parish: TRARALGON Township: TRARALGON Section: 24 Crown Allotment: 8(PT) Crown Portion:  Last Plan Reference: Derived From: VOL 7263 FOL 425 Depth Limitation: NIL		<b>Notations</b>  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT  COMPILED: 29/05/2000 VERIFIED: SO'C							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="padding: 2px;">           WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962         </td> </tr> <tr> <td colspan="2" style="padding: 2px;">           PARCEL 1 = CA 8 (PT)         </td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 8 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 8 (PT)									
LENGTHS ARE IN FEET & INCHES		Metres = 0.3048 x Feet Metres = 0.201168 x Links							
			Sheet 1 of 1 sheets						



## Vic Property

Doc id: 10246/309 Matter: 1200716 Search generated on 16/01/2013 at 15:21

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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 309

Security no : 124044466544D  
Produced 16/01/2013 03:22 pm

## LAND DESCRIPTION

Road R1 on Plan of Subdivision 041285.  
PARENT TITLE Volume 08156 Folio 271  
Created by instrument T741807P 26/06/1995

## REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

CONCETTA TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

GINO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

DAMIANO TRIPODI of 10 MOORE STREET TRARALGON 3844  
U146141P 26/03/1996

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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## DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NIL

## DOCUMENT END

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## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **9.3 PETITION - REQUEST TO BUILD A ROUNDABOUT AT THE INTERSECTION OF MARKET STREET AND ALBERT STREET MOE**

**General Manager**

**Recreation, Culture &  
Community Infrastructure**

**For Decision**

#### **PURPOSE**

The purpose of this report is to present Council with a petition received with respect to the request to build a roundabout at the intersection of Market Street and Albert Street, Moe.

#### **DECLARATION OF INTERESTS**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

*Strategic Objectives – Built Environment*

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

##### **Latrobe City Council Plan 2012 - 2016**

##### **Shaping Our Future**

*Strategic Direction – Built Environment*

*Ensure public infrastructure is maintained in accordance with community aspirations*

*Service Provision – Infrastructure Development*

*Provide Asset Management planning, advice and services for Latrobe City.*

#### **BACKGROUND**

A petition (Attachment 1) containing 282 signatures was presented to Council on the 14 October 2011.

The petition presents safety concerns at the intersection of Market Street and Albert Street, Moe and seeks the construction of a roundabout.

An update report was presented to Council at the Ordinary Meeting on 18 June 2012 and Council resolved:

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

1. *That Council notes this report.*
2. *That a further report on the request for a roundabout at the intersection of Albert Street and Market Street, Moe be presented to the Ordinary Council meeting in February 2013.*
3. *That the head petitioner be advised of Council's decision in relation to the petition requesting a roundabout at the intersection of Albert Street and Market Street, Moe.*

### **ISSUES**

The petition states that now Market Street Moe has two-way traffic there have been numerous accidents. There are concerns for the safety of local retailers and their customers' and the petitioners believe that a roundabout would make it safer for pedestrians and motorists as well as improving visual amenity.

#### **Clifton Street Precinct Upgrade**

The Clifton Street Precinct Upgrade which abuts this intersection has 4 stages of construction. Stages 1 & 2 have been completed. Stages 3 & 4 are on hold. Stage 3 is on hold due to a land acquisition that is required and stage 4 is on hold pending the outcome of this petition as it may have re-design implications. The design for the Clifton Street Precinct Upgrade is included as Attachment 2.

Changes at the intersection of Market Street and Albert Street occurred under Stage 1 in early 2011, which altered the southern section of Market Street from one-way traffic to two-way traffic.

The consulting traffic engineers for the Clifton Street Precinct Upgrade completed a Signalised & un-signalised Intersection Design & Research Aid (SIDRA) analysis at the intersection of Albert Street & Market Street in 2008. The analysis report noted 'that the provision of a roundabout at the Market Street and Albert Street intersection would offer minimal traffic capacity improvements.

To explore the impacts of placing a roundabout at this intersection a draft concept design was developed. This is included as Attachment 3.

#### **Traffic and Pedestrian Usage in Area**

In 2009 a traffic count was undertaken in Albert Street between Moore Street and Market Street, which identified an average of 3,853 vehicles per day travelled in a westbound direction towards the Market street intersection. A further traffic count undertaken in 2012 identified an average of 4,156 vehicles per day travelled in a westbound direction towards the intersection. The amount of traffic at the Market Street and Albert Street intersection is approximately two thirds of that at the Moore Street and Albert Street roundabout.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

The amount of traffic entering or exiting Albert street from Market street is relatively low being only one sixth of the traffic that travels along Albert Street. A summary of the 2012 traffic data is included as Attachment 4.

Roundabouts work best on intersections where the traffic is well distributed between the intersecting streets. This is not the case for this intersection where about only 15% of the traffic is along Market Street.

This area of Moe's CBD is well used by pedestrians who use the surrounding footpath network to access shops and the bus interchange, located in the Northern section of Market Street.

### Casualty Accident History

The VicRoads State Casualty Accident Records collates accident events that result in either a fatality or personal injury such that a person (motorist and/or pedestrian) requires medical or surgical treatment. A review of the statistics indicates that over a 5 year period (01/01/2006 – 31/12/2011) there were no casualty accidents recorded for the intersection of Albert Street and Market Street, Moe.

To accommodate a roundabout at the Market Street and Albert Street intersection the footpath network would need to be altered and car parking in Albert Street would be reduced by 4 spaces. Implementation of the design would substantially impact the use of the footpath by traders as pavement widening would be needed which would occupy the current footpath area.

Based on the information collected there is not a traffic management requirement for the installation of a roundabout at the Market Street and Alberts Street intersection.

There is a level of concern by Moe community members about the perceived safety of the Market Street and Albert Street intersection. Enhanced line marking of the intersection would provide greater spatial guidance for motorists resulting in smoother traffic interaction. Implementing this strategy is a low cost option. A schematic of the line marking concept is included as Attachment 5.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

The cost to construct a roundabout at the intersection of Albert Street and Market Street Moe would be determined after detailed design but the estimated cost based on the concept design is between \$300,000 and \$500,000.

The estimated cost to undertake the line marking at the intersection is estimated to be between \$10,000 and \$15,000. The line marking could be undertaken immediately and be funded from the 2012/13 budget.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****INTERNAL / EXTERNAL CONSULTATION***Engagement Method Used:*

There has been no specific community engagement undertaken in the preparation of this report.

*External Consultation:*

Latrobe City officers have met with the head petitioner to discuss the findings of the traffic data, reported casualty incident statistics and various traffic strategy options including enhanced line marking.

**OPTIONS**

Council has the following options in relation to the petition;

- 1) Undertake line marking at the intersection of Market Street and Albert Street, Moe;
- 2) Install a roundabout at the intersection of Market Street and Albert Street, Moe;
- 3) Do nothing at the intersection of Market Street and Albert Street, Moe.

**CONCLUSION**

The level of traffic along Albert Street decreases as traffic moves westward from the Moore Street roundabout (3,185 vehicles per day) to the intersection with Market Street (1,985 vehicles per day). In comparison the level of traffic in Market Street is low (580 vehicles per day).

Over the past five years there were no casualty accidents recorded at the intersection of Albert Street and Market Street.

Given the traffic data, the absence of casualty accidents, and the 2008 SIDRA, there is no compelling traffic management requirement for the installation of a roundabout at the Albert Street and Market Street intersection.

There is however a recognition that the current traffic arrangements do not provide optimum spatial guidance and thus it is recommended that enhanced line marking of the intersection would improve the spatial focus of motorists and result in smoother traffic interactions.

**Attachments**

1. Attachment 1 - Petition
2. Attachment 2 - Area Plan
3. Attachment 3 - Draft roundabout plan
4. Attachment 4 - Traffic Count
5. Attachment 5 - Overhead Photo

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****RECOMMENDATION**

- 1 That line marking be undertaken at the intersection of Market Street and Albert Street, Moe;**
- 2 That the head petitioner be advised of Council's decision in relation to the petition requesting a roundabout at the intersection of Albert Street and Market Street, Moe.**

## 9.3

### **PETITION - REQUEST TO BUILD A ROUNDABOUT AT THE INTERSECTION OF MARKET STREET AND ALBERT STREET MOE**

1	Attachment 1 - Petition.....	71
2	Attachment 2 - Area Plan .....	89
3	Attachment 3 - Draft roundabout plan .....	93
4	Attachment 4 - Traffic Count.....	95
5	Attachment 5 - Overhead Photo .....	97

13/10/11

## Petition to build a roundabout at the corner of Market Street and Albert Street Moe

The petitioners whose names, addresses and signatures appear hereunder petition the Latrobe City Council as follows:

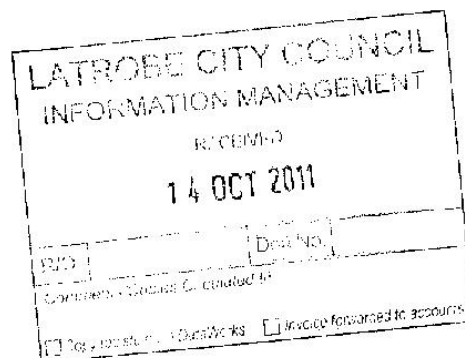
Since Market Street is now two way traffic on the south side, there have been numerous accidents; some requiring ambulances to be in attendance. This has become a very big concern for the local retailers and for the safety of their customers and pedestrians in general. There have been many near accidents. It is extremely dangerous when turning right from Market St. heading towards Moore St. and turning right towards Saviges Rd. Having a roundabout would not only slow traffic down and reduce the risk of accidents but will also beautify the intersection. We already have roundabouts at Anzac St, Kirk St, Moore St, and a similar roundabout at Market and Albert streets would make it safer for both pedestrians and motorists.

Looking forward to your prompt reply,

Yours sincerely,

Landlord and petition organiser on behalf of the Albert St west traders,

Contact details,  
Peter Calabro  
0413655301





Name	Address	Signature
Merica McGrath	Po Box 539 Moe	M. McGrath
Lyndell Westhoff	20 Warrana Dr. Moe	L. Westhoff
Annie O'Hea	270 Moe Stn Rd Moe Stn	A. O'Hea
ADAM CHESTER	18 HYLAND ST MOE	A. Chester
Brenda Seymour	24 Alexander Ave Moe	B. Seymour
Naomi Chester	18 Hyland St Moe	N. Chester
DEREK CHESTER	18 HYLAND ST MOE	D. Chester
Emma Jane <sup>Montgomery</sup>	6 Balfour St, Newborough	E. Montgomery
Ruth Grizic	151 Monash 2nd Newborough	R. Grizic
Sullivan Luke	6 CANDY ST NEWBOROUGH	L. Sullivan
Nayne Shaw	2 Matlock St. Newb.	N. Shaw
Kaylene Dwyer	11 Carinbrook Rd Glangary	K. Dwyer
Greg Farrell	29 Antelaria Cres Churchill	G. Farrell
Petra Seymour	27 Guy St Newb	P. Seymour
Victoria Newbain	mantone Blvd Newborough	V. Newbain
Wade Stewart	mantone blvd Newborough	W. Stewart
Rod Day	1139 South St Moe	R. Day
Kayleigh Clegg	55 Watsons Road Moe	K. Clegg
Kylie Morris	5 Spencer Crt Yarragon	K. Morris
Stephanie Paull	78-80 Shanahan pde Newborough	S. Paull
Taylor Frenedo	23 Newstead St Newborough	T. Frenedo
Midi Cosgriff	10 Leons Crt Moe vic	M. Cosgriff

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Sonya Richards	6 Knotts Siding Rd Rawdon	S Richards.
Sonia Horrocks	29 COALVILLE RD MOE	[Signature]
Tameka Perkins	120 Wirraway street moe	T Perkins
Tracey Morrey	12 Beck st Moe	T Morrey
Nadine Tullett	48 Kitchener st Timgalga	[Signature]
Alli Dewsbury	24 austin ave moe	[Signature]
Damien Harsley	38 victoria street	[Signature]
C Waterhouse	36 George St Moe	[Signature]
Kerry Pearce	55 Parkside Dve Moe	[Signature]
Karen Morrow	10 Wirraway Dve Moe	[Signature]
Jade Groganovic	63 Torres street Newborough	[Signature]
Lauren Sayce	unit 2/21 Law Street Newborough	L. Sayce
Julia Jessup	305 mountain Glen Drive East <sup>Timgalga</sup>	J. Jessup
Nicole Kethner	16-18 Furnell st, Newborough Vic 3825	[Signature]
Ashlee Lileu	81 Western Av, Newborough Vic 3825	[Signature]
Laura Chester	18 Hyland st moe	[Signature]
Janine Mitchell	11 Eden St Moe	[Signature]
Steven Mitchell	" " "	[Signature]
McKinley Mitchell	11 Eden St Moe	[Signature]
Stacy Jackson	Dinwoodie drive Newb	[Signature]
MAT SELLINGS	OLD SALE RD	[Signature]
Col Downs	Howitt Cant- Newborough	[Signature]

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Danielle Dragg	21 Southwell Ave Newb	[Signature]
Miss Dragg	72 Haigh St Newb	[Signature]
Simon Burnett	72 Haigh St Newb	[Signature]
M O'DRIEN	4 MARGARET ST MOE	[Signature]
M. PARKER	58 Hampton St MOE	[Signature]
D Brad	MOE PLAZA <sup>Stop 16</sup> 17	[Signature]
Brenda Griffin	A2 Seven Mile Rd Trafalgar	[Signature]
Jo Walsh	23 Hawker St MOE	[Signature]
Gary Dove	46 Prince St MOE	[Signature]
DAVE WILKINSON	28 Mary St MOE	[Signature]
B. Healy	P.O. Box 131 Newb.	[Signature]
J. DALBY	Po Box 223 Newb	[Signature]
F. Dalby	3 Morgan Crt New	[Signature]
G. Eaton	2 Morgan Crt, MOE	[Signature]
N Heger	Unit 1 33 South St MOE	[Signature]
A. Azopardi	26 Avon crt Newborough	[Signature]
Em Mitchell	35 Old Coalville Rd. MOE	[Signature]
A. Wyke	72 Vale St MOE	[Signature]
D. Ireland	241 Hearts ridge Rd.	[Signature]
Simone Scott	PO. Box 257 Trafalgar <sup>3824</sup>	[Signature]
LYNNE BOSKMA	43 COALVILLE RD MOE	[Signature]
LINDSAY KING	32 JOYCE COURT WESTBURY	[Signature]

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
R COATES	C/- 89 Albert St Moe	
S. Hocking	365 McDonalds Trk Herneville	
N Wells	31 RETFORD ST NTH NEWB	Mrs Newman
M LIETZAU	25 KING ST MOE	m Lietzau
M Luckow	9 Kent St moe	m Luckow
A Domagala	Hamsted Hills Rd.	A Domagala
B. Trigne	13 Pruden St moe.	B. Trigne
M. Franchetti	M. Franchetti	M. Franchetti
Li Zhang	89 Albert St moe	Li Zhang
<del>Alan Wakefield</del>		
Alan Wakefield	89 Albert St moe	Alan
D Ryan	13 Sweetwater Place Moe	D Ryan
B. Hobbins	5 Quince St Newborough	B. Hobbins
Lyn Magain	2A Langford St moe	Lyn Magain
Sue Mason	19 Quinn St Traf.	Sue Mason
K. Staker	Moe	K. Staker
H. FREDDO	MOE	H. M.
E. Henderson	Moondarra	E. Henderson
Sam Daley	2 Teeralang Ave MOE	Sam Daley
GAIL TAWS	117 SAXTONS DVE, MOE	G. Taws
GEORGINA	4 LISIE STREET	GEORGINA
FAYE VOSTER	Moe	F. Voster

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Jen Devers	Touell St Neer	
Leonard Evans	Brendan st Moe	
Lisa K EVANS	Brendan st Moe	
Sarah Neame	Phelps Crt, Moe	
Kathy Rose	7 Paull Crt Moe	
Alison KAMAYE	9 Anzac St Moe	
I PENFOLD	446 Austin Ave Moe	
J Gibbs	71 Moore St	
G McLaren	P.O. Box 160 Thorpdale	
A Robinson	P.O. Box 508 Moe	
S. BROWN	17 Amaro Way Newborough	
B. Hillbrick	Narracunn	
Julie Reid	3 Market st Moe	
Sonia Reid	28 Portside Drive Moe	
Ma Reid	28 Portside Drv Moe	
J Stephens	4 Prince St Moe	
A. Finigan	13 Monte Crt Moe	
J ADAMS	MEADOWS RD MORUYA NSW	
A Chambers	Southwell St Neer	
S. Dama	43 York St MOE	
M. Anderson	2 GOULD ST NEWBOROUGH	
M. HAWTHORNE	55 PRINCE ST. MOE	

LATROBE CITY COUNCIL




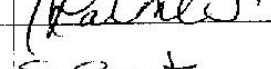

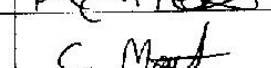
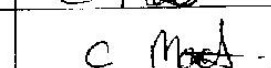

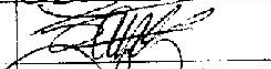
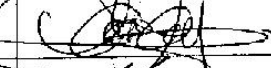

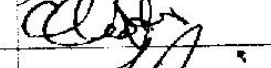
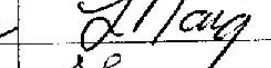


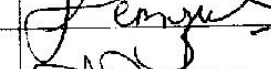



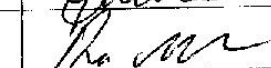

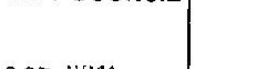
13 OCT 2011

Name	Address	Signature
HOLLIE MITCHELL	19 MURRAY ROAD NEWBOROUGH	H. Mitchell
RICHARD GRIFFITH	7 AMOR CRT MOE	R. Griffith
Courtney Whittaker	10 Crombe CRT MOE	C. Whittaker
Kerri Whittaker	10 Crombe CRT MOE	K. Whittaker
Debbie Griffith	7 AMOR CRT MOE	D. Griffith
Janice Malady	3 Libra Cres MOE	Janice Malady
GENIE BATHGATE	37 KADENALLA ST NEWBOROUGH	G. Bathgate
Shlee Cowling	16 Hunter St MOE	S. Cowling
Lesley Spittall	11/13 Saxtons DR MOE	L. Spittall
VICKI CHEN	3 TABOURAU RD MOE	V. Chen
KATH GRAY	56 DINWOODIE DRIVE MOE	K. Gray
K. Pearce	55 PARKSIDE DRIVE MOE	K. Pearce
Rowena M Smith	20 YORK MOE	R. M. Smith
C. Perkins	81 Western Ave Newborough	C. Perkins
N. Kellner	16-18 Fornell St, Newborough	N. Kellner
Annede Hurwath	76 Albert Street MOE	A. Hurwath
SUSAN GROUT	18 Ithaca PARK MOE	S. GROUT
Theresa Malticks	3 Alpha CRT MOE	T. Malticks
Maria Greigton	16 Dabry CRT. Traralgon	M. Greigton
Narelle Fanning	75 Haunted Hills Newb.	Narelle Fanning
Mary Coffin	4 PARKSIDE DRIVE MOE	M. Coffin
BARB HELYAR	1 BANKSIA CRES CHURCHILL	B. Helyar

LATROBE CITY COUNCIL

13 OCT 2011



Name	Address	Signature
PETER CALABRO	7 Kennedy St Newborough	
Sandy Calabro	" " "	
Jon Cowley	1 Smallburn Ave "	
Carmel Holmes	48 Dancy Dr Traf	
Sandra Coates	1 Dwyer St Moe	
KATHI Fleming	Russell Crk Rd Hillend	
Charmaine Mader	7 Tanjil Cr Willan Crake	
Star Easy Shop Moe	89 Albert St Moe	
Moe Bike Hub	87 Albert St Moe	
Julias Trotter	7 HARLEV	
Sarah Day	3/85 Albert St Moe	
Sally Prezioso	2/85 Albert St Moe	
Carolyn Chester	<del>18</del> 1/85 Albert St Moe	
Lisa Taig	<del>18</del> 1/85 Albert St Moe	
Jessica Cormack	22 Newark Avenue Newb	
GRAHAM SEAROLL	7 HAROLD ST. MOE	
Julie Demczuk	9 Guy St Newb	
Grace Dickerson	26 March St Newb	
Marilyn Edelholz	66 Albert St Moe	
JOHN ERSKIN	73 HAMPTON ST MOE	
Cathy McCulloch	68 Albert St Moe	
ROSE HURVAT	70A ALBERT ST MOE	

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Stuart Turner P. J. J. J. J.	Shop 5 Moe Plaza Moe optical Taste Design parvis plaza,	[Signature]
Tess Williamson	24 March Street Newborough	[Signature]
SIMON Calabro	7 Kennedy crt Newbora	[Signature]
John Baye	6 TARRA CRT NEWBOROUGH	[Signature]
Catherine Noy	34 Leith St Newborough	[Signature]
James Butler	116 Harvey St Newborough	[Signature]
Rogers Humphrey	41 Mabel St Tarralga	[Signature]
LYN SPRAKE	6 KENNEDY CRT NEWBOROUGH	[Signature]
JUSTIN SPRAKE	50 CHAMBERLAIN RD. NEWS	[Signature]
IAN HUSTON	4 KENNEDY CRT MOE.	[Signature]
HEATHER MOONEY	4 KENNEDY CRT MOE.	[Signature]
M. WHELAN	6 TARWIN GROVE, NEWB.	[Signature]
Amy Calabro	7 Kennedy CRT Newborough	[Signature]
Kim Baye	6 Tarra Court. Newb.	[Signature]
Kim Baye	8 Amanda Way Newb	[Signature]
Bruce Thomson	32 SHANNAN FID NEWS	[Signature]
Jay Dent	65 Langford St Moe	[Signature]
He Thomson	32 Shannan Fd Newborough 3825	[Signature]
SHANE LIJERS	66 NEWARK AVE NEWBOROUGH 3825	[Signature]
Brock Gane	6 Gooding St Yallarn Nth 3825	[Signature]
Rogers Church	6 Tarra Ct Newborough 3825	R. Church

LATROBE CITY COUNCIL

13 OCT 2011



Name	Address	Signature
M. PETKOVIC	70 A ALBERT ST.	<i>M. Petkovic</i>
F. LOCCO	72 ALBERT ST MOE	<i>F. Locco</i>
H. PERIKAKIS	56 MOORE ST MOE	<i>H. Perikakis</i>
C. PERIKAKIS	1 " " "	<i>C. Perikakis</i>
J. P. P.	46 ELIZABETH ST MOE	<i>J. P. P.</i>
<del>A. BROOKER</del>	74 ALBERT ST MOE	<del><i>A. Brooker</i></del>
N. GIBSON	48 SCARPIO DR MOE	<i>N. Gibson</i>
Kellee Kenter	82 Albert St moe	<i>K. Kenter</i>
BRETT THORP	1 MARKET ST. MOE.	<i>B. Thorp</i>
Christine Briggs	3 Market st, moe	<i>C. Briggs</i>
K. BURGON	18 WILLIS CRT MARVELL	<i>K. Burgon</i>
F. BURTON	" " "	<i>F. Burton</i>
Dorothy Ganga	Pindari Rd. moe	<i>D. Ganga</i>
Gina Carpino	1A market st, moe	<i>G. Carpino</i>
Linda Savage	1A Market st moe	<i>L. Savage</i>
J. Attard	55 LINCOLN ST. MOE	<i>J. Attard</i>
J. WINTH	33 STODOLAK SE. MOE.	<i>J. Wint</i>
C. WINTH	33 Stoddart St MOE	<i>C. Wint</i>
O. CHRISTIAN	1 C MARKET ST. MOE	<i>O. Christian</i>
LIN CHEN	1 C Market Street MOE	<i>L. Chen</i>
A. MILDREN	4 ALPHA COURT MOE	<i>A. Mildren</i>
C. MILLER-BARNES	25 COMANS WAY MOE	<i>C. Miller-Barnes</i>

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Craig Jennings	Tanjil South	
Sarah Gorman	Tatagar	
ROSEMARY CAKE	Moe	R Cake
Nadine Demegut	Newborough	ess. Demegut
Marilyn May	" "	M May
Simon Mag	" "	S.J. Mag
M. REED	11 Boonanna Ave d'arb	M Reed
C. NORMAN	111 HIGH ST, MOE	C Norman
J. ASKE	33 TORRES ST NEWBOROUGH	J Aske
ALAN BRENTWOOD	63 KELSO RD YALLORENTH	A Brentwood
Go Wald	23 Hawker St Moe	Go Wald
Mick Anthonys	32 Parkside Ave. Moe	Mick Anthonys
K. Unwin	15 PONSIE RD NEVR	K Unwin
S. McCracken	48 Northern Ave Newborough	S McCracken
J JACKELLEN	9 P.O. Box 777 MOE	J Jackellen
Lynne Hitchens	Willow Grove Rd Tanjil St	Lynne Hitchens
STUART YOUNG	28 PAPER AVE MOE	Stuart Young
PETER TURNER	22 LANGFORD ST MOE	P Turner
D. FRIZZELL	MOE JTH	D Frizzell
S. Carbone	95 MIRBOOTH RD THORPDALE	S Carbone
P Carbone	95 MIRBOOTH RD THORPDALE	P Carbone
R. Kyle	15 Fairview St	R Kyle


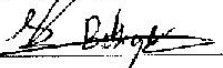

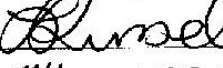
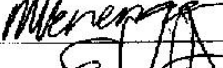
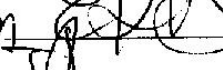




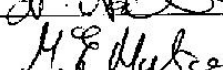
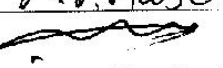

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
m. mifsud	Franklin Street, Morwell	<i>[Signature]</i>
S. REES	LIBRA CRES MOE	<i>[Signature]</i>
M. MEHAFFEY	JOHN ST MOE	<i>[Signature]</i>
K. Kenter	Pindari Rd Moe Sh	<i>[Signature]</i>
E. JENNINGS	SCORPIO DVE MOE	<i>[Signature]</i>
L. Cilia	Scorpio Dve - moe	<i>[Signature]</i>
Karen Forle	22 Thompsons rd Moe.	<i>[Signature]</i>
M. JACKIW	PO Box 122 Newborough	<i>[Signature]</i>
T. Webber	Newborough	<i>[Signature]</i>
D. Webber	Moe	<i>[Signature]</i>
S. J. Rees	Newb.	<i>[Signature]</i>
S. Raymond	Newb.	<i>[Signature]</i>
B. Rees	Libra cres, moe.	<i>[Signature]</i>
T. Kenter	Pindari Rd. Moe	<i>[Signature]</i>
Lauren Kenter	Chamberlain Rd Newb.	<i>[Signature]</i>
T. Kennedy	Western ave Newb	<i>[Signature]</i>
L. Rees	MOE	<i>[Signature]</i>
T. Gaudi	Pindari Rd moe	<i>[Signature]</i>
T. Mallia	Old Sale Rd. Newborough	<i>[Signature]</i>

LATROBE CITY COUNCIL

13 OCT 2011

Name	Address	Signature
Mandy Fanning	15 Ollerton Avenue Newb	
LUKE BATHGATE	6 Langford st Moe	
NAOMI ROYCE	8 Amara Way, Newborough	
T. Russell	34 Sankar Drive Moe	
M Veneman	71 main Rd Teongabre	
E. Dabrowski	19 Woodlawn Blvd Yarragon	
Jack Hecker	58 ALBERT ST MOE	
Sharon Hecker	58 Albert st Moe	
N. G. DAVIS	2 PHILLIP ST TRARALGON	
R Davis	2 Phillip St Traralgon	
M. Northover	60 Kauloon Rd, Teeralang	
M. E. Hutches	65 Walhalla Rd. Moe	
JOHN MUTSAERS	65 WALHALLA RD MOE	

LATROBE CITY COUNCIL

16 OCT 2011

LATROBE CITY COUNCIL

13 OCT 2011

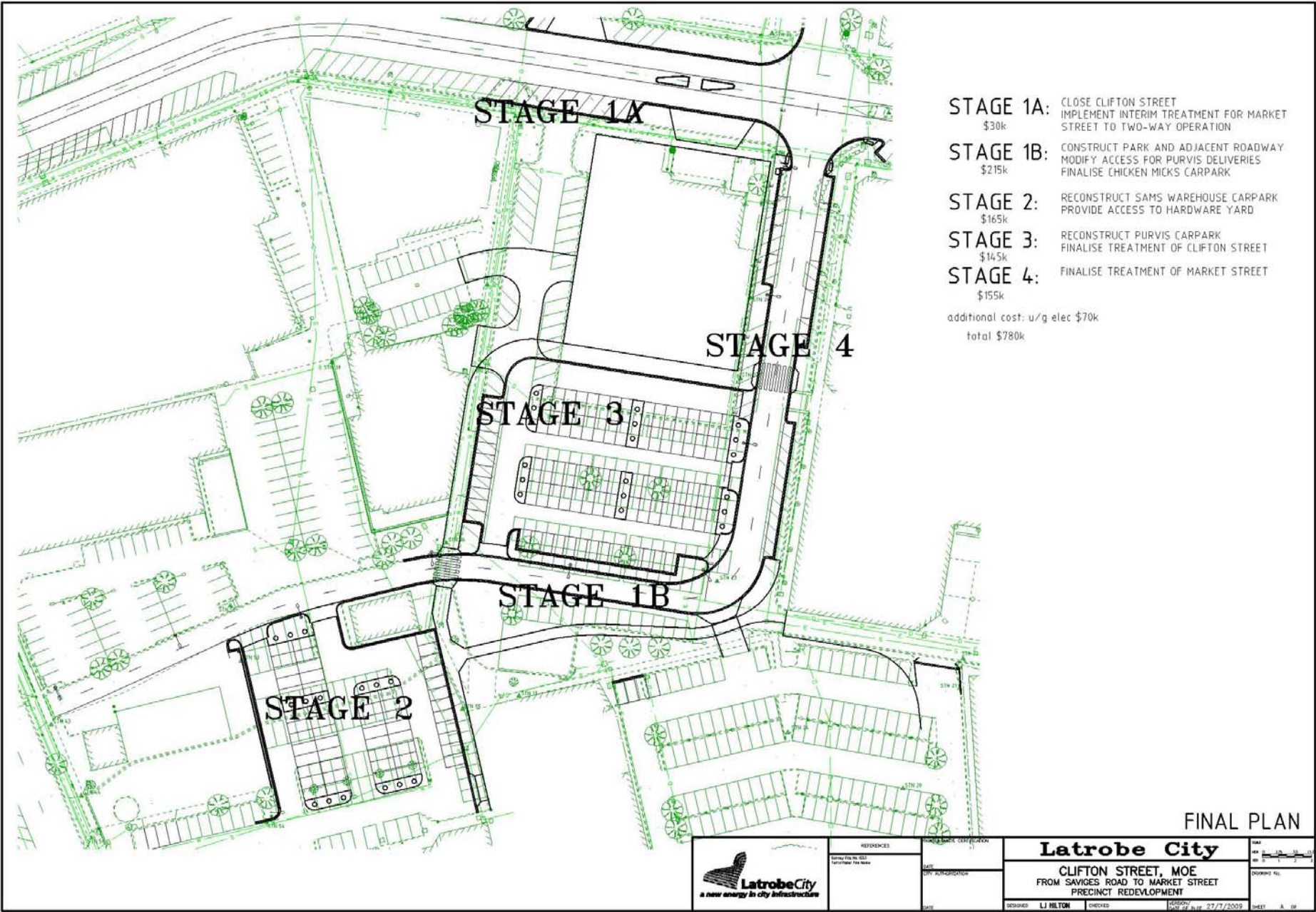
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13 OCT 2011



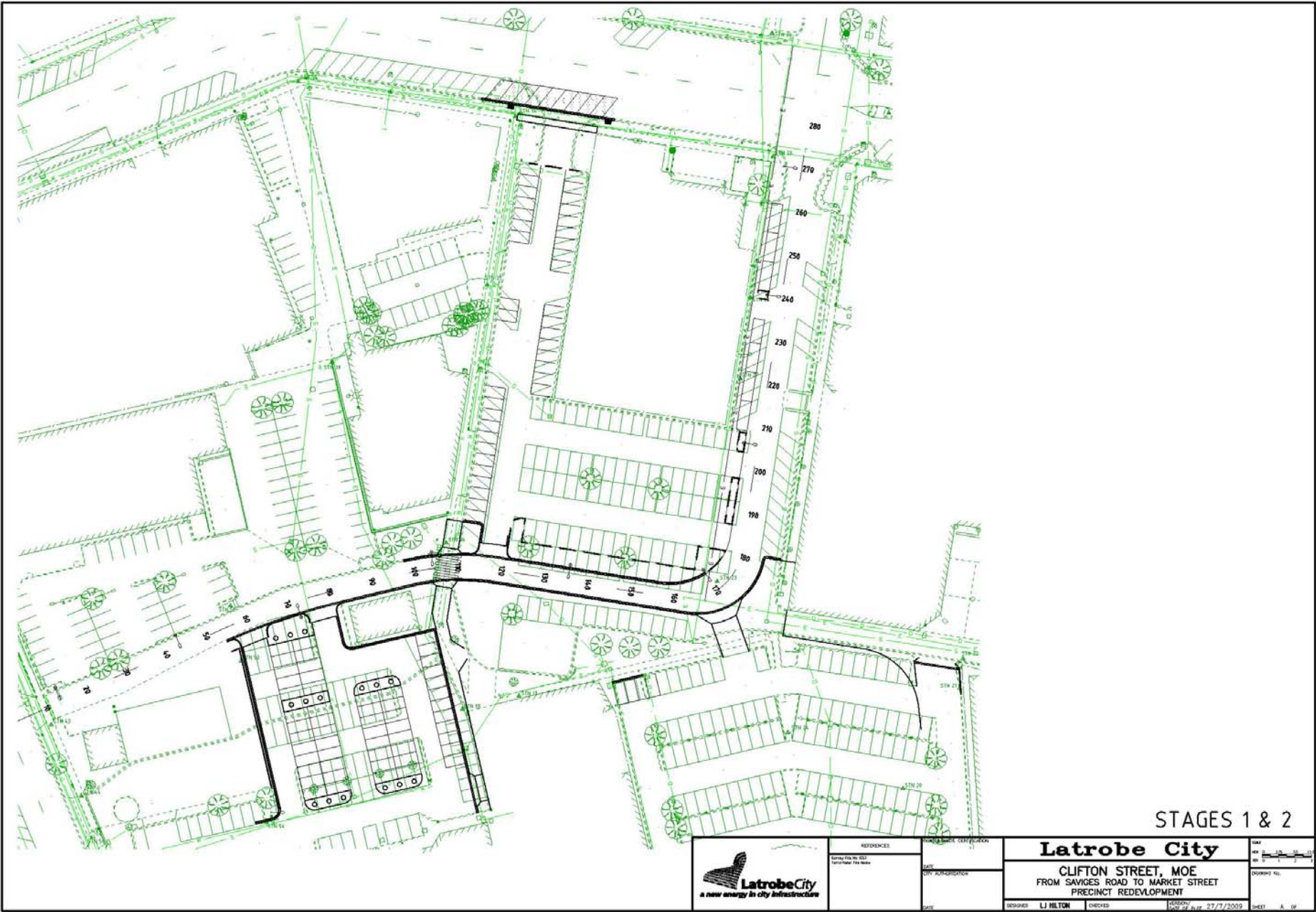
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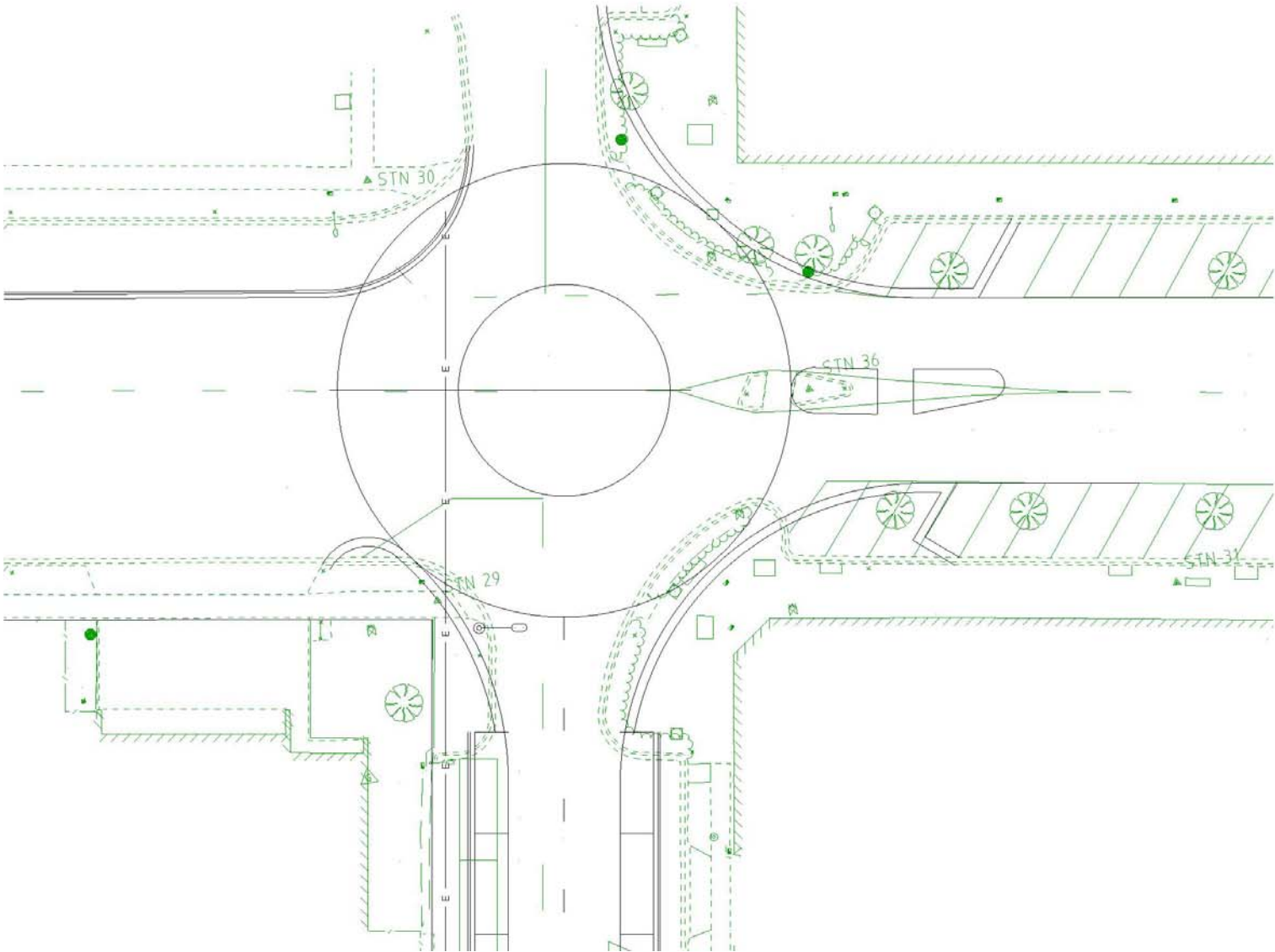
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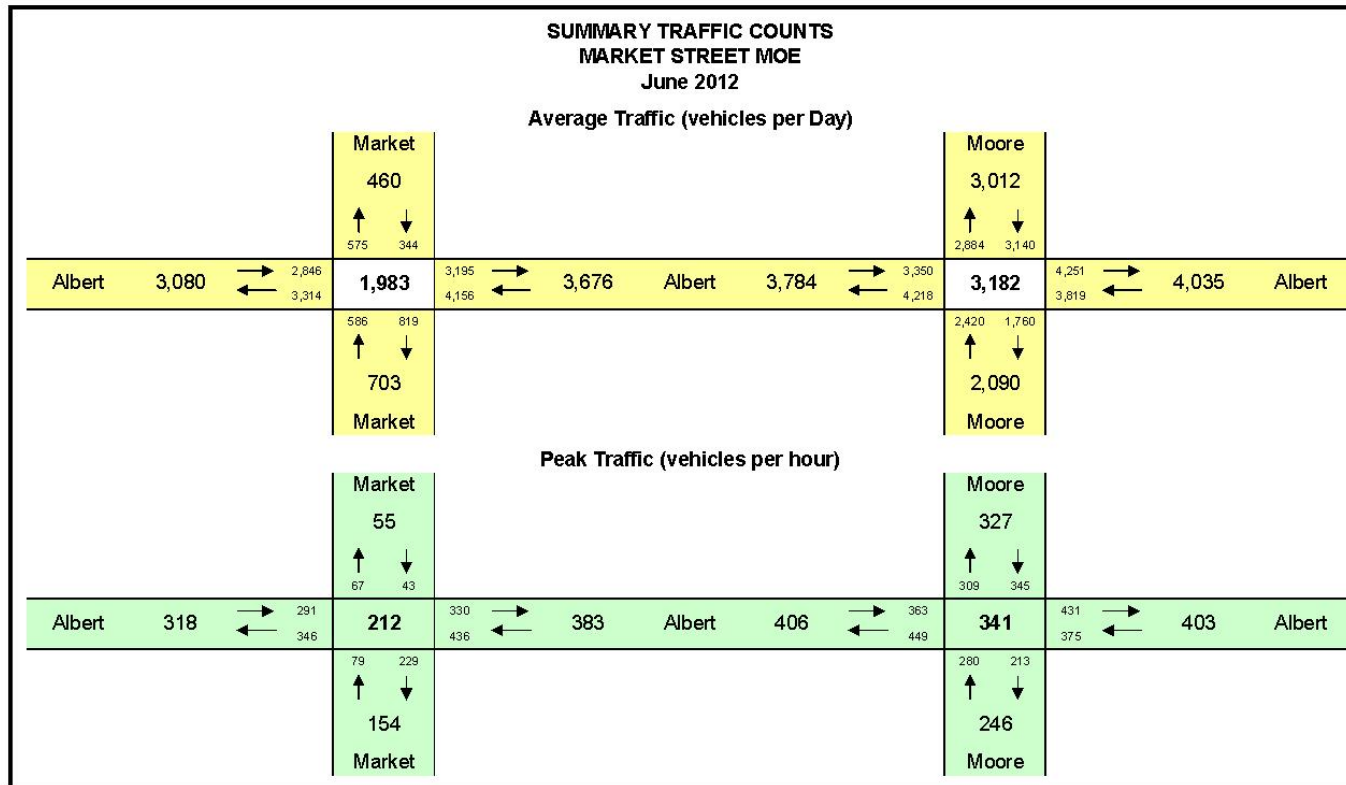












Market Street	581	15%
Albert Street	3,378	85%
Total	3,959	100%







# CORRESPONDENCE

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**10. CORRESPONDENCE**

Nil reports

# **PRESENTATION OF PETITIONS**

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 11. PRESENTATION OF PETITIONS

#### **11.1 PETITION TO IMPLEMENT THE MOE RAIL PRECINCT REVITALISATION PROJECT MASTER PLAN AND ACTIVELY SEEK FUNDING FROM BOTH STATE AND FEDERAL GOVERNMENTS TO ENSURE COMPLETION OF THE PROJECT.**

General Manager

Recreation, Culture &  
Community Infrastructure

For Decision

#### **PURPOSE**

The purpose of this report is to present Council with a petition received requesting the Moe Rail Precinct Revitalisation Project Master Plan be implemented immediately and that Council actively seek funding from both state and federal governments to ensure the completion of the project in a timely manner.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

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

*Latrobe City Council Plan 2012 - 2016*

*Shaping Our Future*

*Gippsland's Regional City  
Strengthening our profile*

*An active connected and caring community  
Supporting all*

*Attract, retain, support  
Enhancing opportunity, learning and lifestyles*

*Strategic Direction – Built Environment*

- *Integrate transit cities principles in the development of Moe, Morwell and Traralgon activity centres.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

- *Develop high quality community facilities that encourage access and use by the community.*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*
- *Promote and support high quality urban design within the built environment.*
- *Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.*
- *Promote and support private and public sector investment in the development of key infrastructure within the municipality.*

### *Major Initiatives – Built Environment*

*Pursue government funding opportunities to progress construction of the Moe Rail Precinct Revitalisation Project in accordance with the Moe Activity Centre Plan.*

### *Strategy – Built Environment*

- *Moe Activity Centre Plan*
- *Moe Rail Precinct Revitalisation Project: Master Plan*

### *Key Strategic Actions*

*Pursue government funding opportunities to progress construction of the Moe Rail Precinct Revitalisation Project in accordance with the Moe Activity Centre Plan.*

## **BACKGROUND**

The petition (Attachment 1) was received on Monday 4 February, 2013, and contains 6,644 signatures.

The petition seeks the Moe Rail Precinct Revitalisation Project Master Plan to be implemented immediately and that Council actively seeks funding from both state and federal governments to ensure the completion of the project in a timely manner.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### ISSUES

Latrobe City Council adopted the Moe Activity Centre Plan (MACP) in December 2007. The MACP contains seven individual projects that have been designed to drive the urban revitalisation of the Moe Activity Centre.

The seven projects are:

1. Moe Train Station Precinct
2. Integrated Bus Loop & Street Upgrades
3. Moore Street Shared Zone
4. Clifton Street Car Park
5. Hasthorpe Place Precinct
6. Roundabout Overpass
7. Southern Precinct Housing

In order to undertake a whole of precinct approach to the future development of Moe, a number of the projects have been combined to create the Moe Rail Precinct Revitalisation Project (MRPRP). The projects combined include:

- Project 1 – Moe Train Station Precinct
- Project 2 – Integrated Bus Loop and Street Upgrades
- Project 3 – Moore Street Shared Zone, and,
- Project 6 – Roundabout Overpass

Latrobe City Council adopted the Moe Rail Precinct Revitalisation Project: Master Plan in December 2009. In May 2011, Council adopted the concept design of the Moe Rail Precinct Revitalisation Project and launched the design to the community and stakeholders in June 2011.

At the Ordinary Council Meeting on Monday, 17 December 2012, Council resolved:

*That the Moe Railway Revitalisation Project – Moe Activity Centre Plan (MRPRP – MACP) be brought back to Council for a full review and that no further works be commenced, external funding sought and/or Council funding allocated until such time as Council completes the review, with the exception of those projects already approved by Council and funded, namely the underground placement of powerlines, construction of public toilets and the clocktower.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Subsequently, at the 17 December 2012 Ordinary Meeting Council also resolved:

1. *That Council endorses the following review process for the MRPRP-MACP project. That Council:*
  - *Identify realistic funding opportunities and amounts for each component of the design;*
  - *Reviews each component of the MRPRP-MACP project design not yet undertaken and/or funded with regard to availability of funding and previous council submissions;*
  - *Review all previously received written public submissions made to Council on the MACP and MRPRP, including petitions;*
  - *Review the project design with reference to the Department of Transport's current 'Guidelines for Land Use and Development', and any plans involving transport which may affect the Moe railway corridor that have developed since adoption of the MRPRP-MACP Masterplan in 2009, and any finalised reports commissioned by Council and the State Government about road and rail traffic in and around Moe;*
  - *Undertake meetings in February 2013 between Councillors and Council officers with the previous public submitters to the MRPRP-MACP, and MACP written submission processes to discuss their respective submission/s.*
2. *That a report be brought back to a future Council meeting no later than the second Council meeting in March, 2013.*

A report was presented to the Ordinary Council Meeting on Monday, 4 February 2013 to identify all previous submissions made to Council on the MACP and MRPRP; and present a suggested process for community members to engage with Council in relation to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project review during February.

At this meeting, Council resolved:

1. *That Council notes a copy of all previous submissions to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, together with relevant petitions, has been provided to the Council for review.*
2. *That a Special Council Meeting is held for the purpose of hearing from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project and whether their views about their original submission have since changed, on Wednesday, 20 February 2013 at 5.30 pm at the Moe Town Hall.*



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

3. *That Council invite written submissions from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project to address whether their views about their original submission have since changed, to be received by Friday 1 March 2013 and included in the final review report for Council consideration at the Special Council Meeting to be held on Monday, 25 March 2013 at 5.30 pm at the Moe Town Hall.*
4. *That a Special Council Meeting is held for the purpose of considering the review of the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, on Monday, 25 March 2013 at 5.30 pm at the Moe Town Hall.*

On this date, 4 February 2013, Council were presented with a petition from Mr Manny Gelagotis. The Petition contains 6,644 signatures and requests that the Moe Rail Precinct Revitalisation Project Master Plan be implemented immediately and that Council actively seeks funding from both state and federal governments to ensure the completion of the project in a timely manner.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

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

### **INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

There has been no specific community engagement undertaken in the preparation of this report.

### **OPTIONS**

Council has the following options in relation to the petition;

1. Lay the petition on the table until a future Council Meeting; or
2. Deal with the petition at this Ordinary Council Meeting.

### **CONCLUSION**

It is usual practice for petitions to lay on the table as per Clause 63 of Council's Local Law No.1.

It is recommended that the petition lay on the table until the 25 March 2013 Special Council Meeting, as Council has resolved to hold this Special Council Meeting for the purpose of considering the review of the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****Attachments****1. Petition****RECOMMENDATION**

- 1 That Council lays the petition “requesting the Moe Rail Precinct Revitalisation Project Master Plan to be implemented immediately and that Council actively seeks funding from both state and federal governments to ensure the completion of the project in a timely manner”, on the table until the Special Council Meeting to be held on Monday, 25 March 2013.**
- 2 That the head petitioner be advised of Council’s decision in relation to the petition “requesting the Moe Rail Precinct Revitalisation Project Master Plan to be implemented immediately and that Council actively seeks funding from both state and federal governments to ensure the completion of the project in a timely manner”.**

## 11.1

**Petition to implement the Moe Rail Precinct  
Revitalisation Project Master Plan and actively seek  
funding from both State and Federal Governments to  
ensure completion of the project.**

- 1    Petition ..... 113

**Petition**

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **11.2 PETITION IN RELATION TO THE PROPOSED DEMOLITION OF 171 FRANKLIN STREET, TRARALGON (OSTLERS HOUSE) - PLANNING APPLICATION REFERENCE 2011/397.**

**General Manager**

**Governance**

**For Decision**

#### **PURPOSE**

The purpose of this report is to present Council with a petition received in relation to planning application reference 2011/397 for the demolition of a building (Ostlers House) at 171 Franklin Street, Traralgon. The petition seeks that Council prevent the demolition of the building and consider future opportunities to capitalise on this tourist attraction.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

##### *Strategic Objectives – Built Environment*

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

#### **Latrobe City Council Plan 2012 - 2016**

##### **Shaping Our Future**

Gippsland's Regional City  
*Strengthening our profile*

An active connected and caring community  
*Supporting all*

Attract, retain, support  
*Enhancing opportunity, learning and lifestyles*

##### *Strategic Direction – Built Environment*

Promote and support high quality urban design within the built environment.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

### **BACKGROUND**

The petition (Attachment 1) was received on Monday 4 February, 2013, and contains 546 signatures.

The petition seeks that Council prevent the demolition of the building and consider future opportunities to capitalise on the tourist attraction.

### **ISSUES**

Planning application reference 2011/379 is for the demolition of a heritage listed building known as Ostlers House. The subject building is identified in *Latrobe City Heritage Study* (2010) HO 101, which includes both Ostlers House and Traralgon (Ryans) Hotel.

The planning application assessment has been undertaken and a report was presented to Council for decision making at the Ordinary Council meeting on 4 February 2013. The planning application was found to be inconsistent with the requirements of the Latrobe Planning Scheme and Council resolved as follows:

*That Council issues a notice of Refusal to Grant a Planning Permit, for the demolition of a building commonly known as Ostler's House of the land at Lot 2 on PS 314881, more commonly known as 171 Franklin Street, Traralgon on the following grounds:*

- 1. The proposal is not consistent with Clause 15 'Built Natural Environment and Heritage' as the proposal is for the demolition of a heritage listed building with no alternative use or development proposed.*
- 2. The proposal is not consistent with Clause 15.03-1 'Heritage conservation' as the proposal is for the demolition of a heritage listed building.*
- 3. The proposal is not consistent with Clause 21.04-4 'Heritage Overview' and the incorporated document Latrobe City Heritage Study 2010.*
- 4. The proposal is not consistent with the 'Purpose' of Clause 43.01, the Heritage Overlay.*
- 5. The proposal is not consistent with the 'Decision Guidelines' of Clause 43.01-4, the Heritage Overlay.*
- 6. The proposal is not consistent with Clause 65 'Decision Guidelines'.*

A Notice of Refusal has been issued to the applicant in accordance with the resolution. The decision of Council is consistent with the request set out in the petition.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

The petition also makes reference to future opportunities to capitalise on the tourist potential of the building. Council has no jurisdiction to direct the use of land or buildings that are within private ownership. In this context it is not possible to directly influence any tourism opportunities that may be related to this historic structure.

Council is currently undertaking work in relation the future of Traralgon Activity Centre via the Traralgon Activity Centre Plan (TACP) – the subject site forms part of the TACP study area. This project considers (amongst other things) the heritage value of buildings and places within the Traralgon Activity Centre including opportunities (via signage, trails etc.) to enhance tourism opportunities across the whole activity centre. In this wider context it is considered that the TACP project addresses the request set out in the petition.

It is noted that the delivery of the TACP project is connected to the preparation of a growth strategy for Traralgon – the Traralgon Growth Areas Review (TGAR). Progress with the TACP study is intended to recommence following further work on the TGAR project.

It is deemed appropriate for Council to deal with the petition at this Ordinary Council Meeting.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

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

**INTERNAL/EXTERNAL CONSULTATION**

There has been no specific community engagement undertaken in the preparation of this report.

**OPTIONS**

Council has the following options in relation to the petition;

1. Lay the petition on the table until a future Ordinary Council Meeting; or
2. Deal with the petition at this Ordinary Council Meeting.



**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****CONCLUSION**

The request set out in the petition relating to the proposed demolition of Ostlers House at 171 Franklin Street, Traralgon was primarily addressed by the decision of Council on 4 February 2013 to refuse the planning application. A Notice of Refusal has been issued to the applicant in accordance with the resolution.

Issues relating to future opportunities to capitalise on the tourist potential of the building are also being addressed in a broader context as part of the TACP project.

**Attachments**

1. Petition

**RECOMMENDATION**

1. That Council considers the petition at this meeting and notes required measures to resolve concerns raised by the petition have been actioned.
2. That the head petitioner be advised of Council's decision in relation to the petition.

## 11.2

**Petition in relation to the proposed demolition of 171 Franklin Street, Traralgon (Ostlers House) - Planning application reference 2011/397.**

1	Petition .....	121
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**Petition**

# CHIEF EXECUTIVE OFFICER

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**12. CHIEF EXECUTIVE OFFICER**

Nil reports

# ECONOMIC SUSTAINABILITY

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**13. ECONOMIC SUSTAINABILITY**

Nil reports



# **RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE**

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

#### 14.1 AFFORDABLE HOUSING PROJECT - OUR FUTURE OUR PLACE

General Manager

Recreation, Culture &  
Community Infrastructure

For Decision

#### PURPOSE

This report presents the results, to date, of the investigation into undertaking an affordable and sustainable housing project on the Kingsford Reserve, Moe, and, provides detail and seeks approval of a proposal to commence an Expression of Interest process to complete the investigation and assessment of the project feasibility.

#### DECLARATION OF INTEREST

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

#### STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

##### *Strategic Objectives – Built Environment*

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

*Strategic Objectives - (i) In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings, and which provides for a connected and inclusive community.*

*Strategic Objectives - (ii) In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### *Strategic Direction –*

- (a) Promote and support private and public sector investment in the development of key infrastructure within the municipality.*
- (b) Utilise place management principles in planning, developing and promoting localities within the Latrobe City.*
- (c) Promote and support high quality urban design within the built environment.*
- (d) Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*
- (e) Encourage environmentally sustainable design principles, including water sensitive urban design in proposed public and private developments.*
- (f) Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.*
- (g) Facilitate and support initiatives that strengthen the capacity of the community.*
- (h) Support initiatives that promote diversity and social inclusion.*

### *Local Government Act 1989*

*The Local Government Act 1989 articulates the role for local government in housing as follows:*

- Coordinate with other public bodies to ensure that services and facilities are provided and resources are used effectively and efficiently.*
- Ensure adequate planning for the future of the municipal district.*
- Represent and promote the interests of the community and to be responsive to the needs of the community.*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **BACKGROUND**

The future use of the Kingsford Reserve, Moe has been under consideration since 2006. This follows an acknowledgement by the Latrobe Recreation and Leisure Strategy (2006) and the Moe Newborough Outdoor Recreation Plan (2007) that the reserve was surplus to Council's recreation requirements.

In 2008 it was resolved that the land be sold to Try Youth and Community Services for a social housing project. The sale did not proceed as that organisation withdrew and was not able to complete the transaction.

At its ordinary Council Meeting held on Monday 4 June 2012 Council resolved:

1. *That Council not sell Kingsford Reserve, Moe.*
2. *That Council investigate the potential of an affordable and sustainable housing project being undertaken on Kingsford reserve, Moe.*
3. *That a further report be presented to Council with the results of the investigation of an affordable and sustainable housing project being undertaken on Kingsford Reserve, Moe.*
4. *That Council notify those persons who have previously made a written submission concerning the potential sale of this land.*

Kingsford Reserve is approximately 450 metres south of the central business district and is approximately 8,724 square meters in size. The land has two street frontages, one in Hinkler Street and the other in Kingsford Street (attachment 1).

This proposed project builds upon the experience gained by Latrobe City Council in developing and managing housing projects through its Our Future Our Place Program. This program focussed on providing training for long-term unemployed people in the building and construction industry and three houses were completed.

The Our Future Our Place (OFOP) program began in May 2005 and was kick-started by initial funding of \$195,000 provided by the Commonwealth Government's former Department of Transport and Regional Services under the Regional Partnerships Program.

Following the success of a separate housing renovation program known as 'Urban Renewal', the Our Future Our Place program was developed as a pilot project (Stage 1) by Latrobe City Council and Try Youth and Community Services in consultation with a range of State and Commonwealth Government Departments, local businesses and community members.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

The funds enabled the purchase of materials for the construction of two houses within an 18 month period which concluded with the sale of the second house in December 2006. Try Youth and Community Services undertook the training of program participants and oversaw the construction activities.

A third house was built between 2007 and 2008 following a further receipt of funds by Try Youth and Community Services from the then Department of Victorian Communities and the Office of Training and Tertiary Education (OTTE).

The project had a multipurpose focus to achieve real job outcomes for the long-term unemployed and indigenous people, whilst addressing a range of community issues within former public housing estates owned by the Department of Human Services.

The development of an affordable and sustainable housing project requires that the houses must be designed within the affordability market range of a particular geographical and demographic area. Whilst some houses may be sold below the price that may be paid in a competitive open market, generally it is the unique financial arrangements that are put into place as an aid to assisting people to enter home ownership.

An initial independent investigation undertaken by Beveridge Williams, development and environmental consultants, indicates that the Kingsford Reserve could easily accommodate fourteen individual houses (see attached draft plan). The project should deliver affordable and sustainable housing for purchase to people who might otherwise be excluded from home ownership because of their financial position. The project should be specifically designed for owner-occupiers and not for people seeking an investment property.

The project should also contribute to community development and capacity building by providing opportunities to enhance the existing range of training opportunities for people wishing to enter, or who are already in, the building and construction industry.

In addition, the project should be designed as a demonstration project with evaluation mechanisms and capability of being implemented in other areas of the municipality whilst being cost neutral for Council.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### ISSUES

Since June 2012, Officers have undertaken research into a range of housing financing and affordability models currently available in Australia.

Models that have been examined include:

- Western Australia - Keystart Home Loans,
- First Start Shared Equity Home Loan Scheme.
- Victoria - Ownhome Ballot Homes, Vic Urban.
- South Australia- HomeStart Breakthrough Loan,
- Tasmania- Home Ownership Assistance Program Shared Equity Scheme.
- Queensland - Pathways Shared Equity Loan Product.
- New South Wales- Landcom Affordable Housing Demonstration Project.

For the vast majority of people a prime ambition in life is to become an owner-occupier of the home in which they live. In recent years this ambition has become harder to fulfil particularly for families who are in the lower socio-economic strata.

Research indicates that fewer low to moderate income households can afford to buy a home compared to 30 years ago, and those that do purchase often experience significant financial risks (particularly in the early years of purchase) which has to be weighed against the non-financial benefits such as greater security and stability.

The benefits of home ownership are that it enhances a sense of place, a sense of self and the connections that one can have with the broader community. Home ownership provides tangible benefits, as well as many intangible benefits, beyond the simple provision of shelter. It can provide social stability, economic reliability, community acceptance and assurance.

It is generally recognised that access to secure, appropriate and affordable housing is not only a basic requirement for all people, but also an essential component of an inclusive, dynamic and sustainable municipality. Housing is a major force that shapes the character of every neighbourhood. The image that housing creates influences people's decisions about where to live. It also shapes an area's socio-demographic makeup, quality of life, rate of growth and level of investment.

The definition of affordable housing used in many Australian studies of housing affordability is that housing repayments, for those purchasing their own home, should not be any more than 35% of their income. Any larger percentages of income paid for housing purchase may negatively impact the household's ability to meet other needs such as food, clothing, health care, education or transport. This is especially the case for those in the lowest 40% of Australians ranked by income.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

These factors relate to the general cost of living in any particular house design therefore sustainability should be an important consideration.

There are other contributing factors of housing affordability including:

- Easy access to a range of community services;
- Access to social and community infrastructure;
- Easy access to public transport;
- Access to employment opportunities; and
- Neighbourhood amenity.

The Kingsford Reserve is close to the Moe Central Business District and meets all of these contributing requirements.

One of the key concepts in developing this project was that it should facilitate the development of local skills in the building and construction industry as a strategic approach in contributing to community capacity building. In building on this GippsTAFE have investigated a range of training programs that could be developed to meet the overall objectives of the project, and whilst they are very supportive of the project they do not have the current capacity to deliver the outcomes required without additional support.

An alternative method of delivering the project has been investigated that would see GippsTAFE and other training providers involved. This would be through the formation of a public private partnership arrangement between the Council and a developer or builder with an emphasis on the project providing training for apprentices and trainees with clear measurable outcomes of attainment whilst delivering a number of affordable houses as well as houses for sale on the open market.

Under a public private arrangement Latrobe City Council would provide the land subdivided as per attached plan (attachment 2) or as may be agreed upon with the developer or builder as its contribution to the project. The plan of subdivision will include rerouting of the current drainage easement located on the eastern side of the block into Council owned land.

The successful developer or builder (private sector partner) would be responsible for the development of all other infrastructure necessary to complete the project.

An Expression of Interest document (attachment 3) has been developed indicating that the project may consist of town houses or other types of housing designed to offer privacy but promote physical interaction between occupiers through an integrated community open space incorporating an attractive physical environment. The houses proposed should be a range of one, two and three bedroom properties.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

The design should encompass affordable energy efficient and environmental sustainability attributes.

The Expression of Interest document provides the developer or builder with the opportunity to sell a percentage of the proposed housing stock on the open market whilst a percentage of the housing is to be provided at no cost to Latrobe City Council or its nominated agent.

Once the numbers and types of housing that will be provided at no cost to Council are known, negotiations will commence with a housing provider or a housing association to manage the allocation and sale of this housing to eligible affordable housing applicants. The number of houses provided at no cost to Latrobe City Council or their nominated agent should be in accordance with or greater than the value of the land and subdivision costs of the project and will be subjected to an independent valuation.

The land in its un-subdivided state was valued by CJA Lee Property Valuers and Consultants in May 2012 at \$700,000, however the land would need to be re-valued prior to project commencement.

The value of the land together with the cost of subdivision and the diversion of the existing drainage easement would be equal to the minimum amount of financial return acceptable to Council in order to keep the project cost neutral. The financial return to Council will be assessed in the form of the value of affordable housing stock provided at no direct cost to Council or its nominated agent.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

The land in its un-subdivided state would need to be valued prior to project commencement.

The value of the land together with the cost of subdivision and the diversion of the existing drainage easement would be equal to the minimum amount of financial return acceptable to Council in order to keep the project cost neutral. The financial return to Council will be assessed in the form of the value of affordable housing stock provided at no direct cost to Council or its nominated agent .

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



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **INTERNAL/EXTERNAL CONSULTATION**

In putting together this proposal and Expression of Interest document, officers have had discussions with the following stakeholders:

- Beveridge Williams
- Places Victoria
- Victorian Government Housing Registrar
- Community Housing Association
- Loddon Mallee Housing Association
- Common Equity Housing Ltd
- the Australian Housing and Urban Research Institute
- FMSA Architects
- Bank MECU
- Bendigo Bank
- GippsTAFE

Research and consultation has also included investigations of a range of housing financing and affordability models currently available in Australia. Models that have been examined include:

- Western Australia - Keystart Home Loans,
- First Start Shared Equity Home Loan Scheme.
- Victoria - Ownhome Ballot Homes, Vic Urban.
- South Australia- HomeStart Breakthrough Loan,
- Tasmania- Home Ownership Assistance Program Shared Equity Scheme.
- Queensland - Pathways Shared Equity Loan Product.
- New South Wales- Landcom Affordable Housing Demonstration Project.

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

The Bendigo Bank and Bank MECU have already indicated their support and participation in the project; and GippsTAFE have also indicated their desire to participate in the program.

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

The Bendigo Bank and Bank MECU have already indicated their support and participation in the project; and GippsTAFE have also indicated their desire to participate in the program.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****OPTIONS**

Council may resolve to:

1. Proceed to advertise the Expression of Interest for this project as part of the assessment process to determine the projects viability.
2. Request further information or amend the Expression of Interest documentation; or
3. Resolve not proceed with the proposed project.

**CONCLUSION**

Significant investigations have been undertaken as a step to developing an affordable and sustainable housing project on the Kingsford Street Reserve.

The land at the Kingsford Street Reserve is ideally situated to be used for this purpose as it offers the potential to serve as a demonstration project for higher density housing as it is of sufficient size for up to fourteen homes. The site offers the possibility of creating a model village atmosphere achieved by an overall design that physically separates houses but promotes physical interaction between occupiers through an integrated community open space incorporating an attractive physical environment.

The nature of the project offers the potential to develop a public private partnership arrangement which will provide affordable housing options together with houses for sale on the open market.

It is proposed that the development and promotion of an Expression of Interest document will allow a comprehensive evaluation of the project to be completed.

**Attachments**

1. Site Map
2. Draft Subdivision
3. Expression of Interest

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****RECOMMENDATION**

1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.
2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.

## 14.1

### Affordable Housing Project - Our Future Our Place

1	Site Map.....	145
2	Draft Subdivision .....	147
3	Expression of Interest .....	149

**Attachment 1**  
**Site Map of Location of Kingsford Street Reserve**





# PLAN F

**NOTE**  
ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY AND FINAL COMPUTATIONS.

**PLAN OF PROPOSED SUBDIVISION**  
**18-22 KINGSFORD STREET, MOE**  
**TP420398L LOTS 1 & 2**  
**C/T VOL 8812 FOL 181**

**PREPARED** A. SPEIR  
**SURVEY**

**CHECKED** I.G. KEITH  
**DATE** 1/11/2012

**AUTHORISED FOR ISSUE**  
**Proj No** 1200653

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

**ORIGINAL**

<b>Scale</b> 1:1000	<b>Sheet Size</b> A4
<b>Dwg No</b> 1200653PPS DGN	
<b>Sheet 1 of 1</b>	

**PLAN F**

**VALE STREET**

**THIS SECTION TO BE REDIRECTED**

**LATROBE CITY COUNCIL**



## EXPRESSION OF INTEREST NO: LCC-Number

### AFFORDABLE HOUSING PROJECT

CLOSING DATE: **2:00 pm on Thursday, Date**  
Corporate Headquarters, 141 Commercial Road, Morwell

PHONE CONTACT: Name, title  
Corporate Headquarters, telephone (03) 5128 5extension

## **LATROBE CITY COUNCIL**

### **INFORMATION AND CONDITIONS FOR SUBMISSION**

#### **EXPRESSION OF INTEREST NO: LCC-Number**

## **1. INTRODUCTION**

### **1.1 FORM OF CONTRACT**

Latrobe City Council is seeking expressions of interest for the performance of work under an agreement (which in the remainder of this document is referred to as “**the Contract**”).

### **1.2 CONTACT OFFICER**

All enquiries regarding the Expression of Interest process must be directed to the officer or officers of the Latrobe City Council as follows:

Name, title, telephone (03) 5128 5extension

Latrobe City Council may restrict the period during which it will accept questions, requests for further information or for clarification.

### **1.3 RESTRICTION OF INQUIRIES**

Latrobe City Council restricts all questions and inquiries to the respondent and its representatives. Inquiries through potential sub-contractors and suppliers must be directed through the respondent.

## **2. SUBMISSIONS**

### **2.1 REGISTRATION FORM AND SCHEDULES**

The Registration Form and Schedules attached and other information or documents listed in the Registration Form are to be completed and will constitute the Expression of Interest.

### **2.2 FORM OF SUBMISSIONS**

2.2.1 Electronic submission lodgement via Latrobe City Council's e-tendering portal [www.latrobe.vic.gov.au/tenders](http://www.latrobe.vic.gov.au/tenders) is to be utilised by Respondents no later than the closing time and date.

**OR (IF EMAILED DIRECTLY) DELETE ABOVE PARAGRAPH**

2.2.1 Electronic submission lodgement via email to: [tenders@latrobe.vic.gov.au](mailto:tenders@latrobe.vic.gov.au) is to be utilised by Respondents no later than the closing time and date.

**OR**

2.2.2 Submissions may be lodged on a CD (compact disc) or a USB memory stick in either Microsoft Word or Acrobat Reader format by Respondents and be placed in the Tender Box as per Clause 2.3.



---

**OR**

2.2.3 Hardcopy submissions may be lodged in one original unbound / loose leaf copy (i.e. **no staples, no hole punching, no binding**) as per Clause 2.3.

**2.3 PLACE TO LODGE CD / USB OR HARDCOPY SUBMISSIONS**

CD / USB or hardcopy submissions are to be addressed as follows and be placed in the Tender Box, no later than the closing time and date, at the Latrobe City Council's Corporate Headquarters, 141 Commercial Road, Morwell.

Closing Time and Date: **2:00 pm, Thursday, DATE**

**Tender Box**

EOI No: LCC-NUMBER - DESCRIPTION

Latrobe City Council

141 Commercial Road

MORWELL VIC 3840

**2.4 LATROBE CITY COUNCIL PROPERTY**

Expressions of Interest, once submitted become the property of the Latrobe City Council. Respondents license the Latrobe City Council to reproduce the whole or any part thereof, of the Expression of Interest for the purpose of evaluation.

**2.5 LATE EXPRESSIONS OF INTEREST**

Expressions of Interest received after the time and date specified will not be accepted.

However, if there is explicit and conclusive evidence that late lodgement resulted from mishandling by the Latrobe City Council, an Expression of Interest will be deemed to have been lodged before the Closing Time. Reasons such as late delivery of submissions by Australia Post, by courier or any other carrier will not be deemed sufficient reason for reconsideration.

**2.6 EXPRESSIONS OF INTEREST BY FACSIMILE**

Expressions of Interest submitted by facsimile will not be accepted.

**3. NOTIFICATION TO RESPONDENTS****3.1 NOTIFICATION OF SHORTLISTED RESPONDENTS**

The shortlisted respondents will be notified in writing. An Invitation to Tender will follow the notification which will be required to be returned by the Closing Date as specified on the tender document.

It is envisaged that tenders will be invited in [timeframe].

**3.2 NOTIFICATION**

All respondents will be notified in writing of the Latrobe City Council's decision relating to the shortlisting or otherwise of Expressions of Interest.

Latrobe City Council is not obliged to give reasons for its decision and no negotiations or correspondence concerning the decision shall be entered into. Latrobe City Council's written notification will be final.

#### **4. INFORMATION**

##### **4.1 ADDITIONAL INFORMATION AND DOCUMENTATION**

Respondents are required to complete the questionnaire contained in the Schedule of the Registration Form and submit it as part of their Expression of Interest. They should also supply any information or documents specified in the Schedule.

##### **4.2 INFORMATION FOR EVALUATION**

Respondent may submit any further information considered relevant to their Expression of Interest.

#### **5. PROBITY OF PROCESS**

Canvassing of Councillors or staff of the Latrobe City Council is not permitted and the Expression of Interest of any respondent who seeks to canvass a Councillor or member of Latrobe City Council staff individually will not be considered.

Enquiries relating to clarification of the Expression of Interest documents are appropriate and acceptable, however must be directed to the Contact Officer (Clause 1.2).

#### **6. BENEFIT TO THE REGIONAL ECONOMY**

One of the goals of the Latrobe City Council Plan is to reduce unemployment – that is, to provide benefit to the regional economy. Consequently, the benefit to the regional economy that might be expected from submissions for this work will be taken into account during the evaluation process.

#### **7. EVALUATION CRITERIA**

Expressions of Interest will be shortlisted on the basis of the following criteria and must contain sufficient information for these criteria to be evaluated:

- Value of and type of houses provided to Latrobe City Council or its nominated agent
- Overall project concept and design
- Number of apprentices and/or trainees engaged on the project
- Experience in working in a public private contractual arrangement
- Occupational Health and Safety
- Benefit to the Regional Economy

(\* list criteria in order of weighting)

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# LATROBE CITY COUNCIL

## BRIEF SPECIFICATION

### EXPRESSION OF INTEREST NO: LCC-Number

#### **1. INTRODUCTION**

Latrobe City Council is seeking a public private partnership arrangement to develop an affordable housing development on land formerly known as the Kingsford Reserve in Moe Lots 1 and 2 on Title Plan 420398L (see attachment 1). The land is approximately 450 metres south of the central business district and is approximately 8,254 square meters in size. The land has two street frontages, one in Hinkler Street and the other in Kingsford Street and is zoned residential 1.

An investigation undertaken by Beverage Williams, development and environmental consultants, indicates that Kingsford Reserve could accommodate fourteen or more individual houses (see attachment 2). It should be noted that this is an indicative plan and submitters may present alternative plans for consideration as part of the expression of interest process.

As a guide, the land in its un-subdivided state was valued by CJA Lee Property Valuers and Consultants in May 2012 at \$700,000.

Latrobe City Council will provide the land subdivided as per attached plan or as may be agreed upon with the developer or builder as its contribution to the project. The plan of subdivision will include rerouting of the current drainage easement located on the eastern side of the block into Council owned land. The successful applicant will be responsible for the development of all other infrastructure necessary to complete the project.

The development may consist of town houses or other types of housing designed to offer privacy but promote physical interaction between occupiers through an integrated community open space incorporating an attractive physical environment. The project offers scope to serve as a demonstration project for higher density housing. The houses proposed should be a range of one, two and three bedroom properties. The design should encompass affordable energy efficient and environmental sustainability attributes.

This proposal provides the developer or builder with the opportunity to sell a percentage of the proposed housing stock on the open market whilst a percentage of the housing is to be provided at no cost to Latrobe City Council or its nominated agent.

#### **2. SCOPE OF WORK**

The Contractor is required to provide a detailed proposal of how they would proceed with the project taking into consideration the Latrobe City Council's Affordability Housing Model (see attachment 3).

The project should be fully costed taking into consideration that the Contractor will be responsible for the provision of all necessary infrastructures for ground works, services, building and development.

The proposal should include proposed housing designs, building costs for each design and land scaping proposals.

The project should be seen in part as a community development and capacity building project and contractors should indicate the number of apprentices or trainees that they intend to employ throughout the development and construction of this project. As part of this process contractors should provide evidence of any existing or potential partnership and their willingness to form such arrangements with local training providers.

The proposal must also nominate the number and types of housing that will be sold on the open market by the Contractor or their agent at market value and provide details of the housing stock that will be provided at no cost to Latrobe City Council or its nominated agent.

The number of houses provided at no cost to Latrobe City Council or their nominated agent should be in accordance with or greater than the value of the land as provided in this proposal. The Contractor may submit an alternative arrangement for consideration provided such proposal is in accordance with the principles and directions as outlined in Latrobe City Councils' Affordable Housing Discussion Paper.

### **3. EXTENT OF WORKS**

To provide a detailed proposal and outline plan for the development of the land, ground works and the design and construction of a range of housing types ready for sale and occupation on land formerly known as the Kingsford Reserve in Moe Lots 1 and 2 on Title Plan 420398L.

As part of the proposal the Contractor will cost the removal of existing infrastructure consisting of disused tennis courts, concrete works and kiosk building, the cost of necessary earth works and the provision of services to each block in accordance with a proposed plan of subdivision.

The Contractor will provide the cost of construction of an access road as per plan of subdivision and submit design proposals for a range of housing stock ranging from one to three dwellings or town houses.

The Contractor will provide the total cost of the project and the number of houses that will be sold on the open market and the number and types of housing that will be provided to Latrobe City Council or its nominated agent.

## LATROBE CITY COUNCIL

### REGISTRATION FORM

#### EXPRESSION OF INTEREST NO: LCC-NUMBER

PLEASE USE BLOCK LETTERS

Business Name of company or  
firm submitting Expression of  
Interest - **Include full trading as  
business name (if applicable)**

Address of Respondent:

Postal Address of Respondent:  
(if different from above address)

Telephone No:

Email address:

ABN:

GST Registration No:

hereby submits an Expression of Interest to perform the  
works/services for:

#### DESCRIPTION

in accordance with the following documents:

- ⇒ **Information and conditions for submission**
- ⇒ **Brief Specification**
- ⇒ **Registration Form**
- ⇒ **Registration Form Schedule 1**
- ⇒ **Attachment/s##### (if applicable – delete if none)**

Name of person submitting  
Expression of Interest:

Position of person submitting  
Expression of Interest:

Signature of person submitting  
Expression of Interest:

**DATED** this ..... day of ..... 2012(insert  
date)

**LATROBE CITY COUNCIL****REGISTRATION FORM SCHEDULE 1****EXPRESSION OF INTEREST NO: LCC-NUMBER****INFORMATION TO BE SUPPLIED BY RESPONDENT**

Respondents are required to submit such information as is necessary to enable the Latrobe City Council to assess their ability to carry out the works. This questionnaire has been prepared to assist respondents in supplying this information.

1. Respondent's Name: \_\_\_\_\_
2. How many years has the Respondent been in business under its present business name?  
\_\_\_\_\_  
\_\_\_\_\_
3. In what other types of business has the Respondent a financial interest?  
\_\_\_\_\_  
\_\_\_\_\_
4. How many years' experience has the Respondent had in the type of work it would be required to perform under the Contract?  
\_\_\_\_\_
5. List current works of a similar type that the Respondent is undertaking.

Description of Work	Annual Value	When Started and Expiry Date	Location of Work	Client Company, Contact Person and Telephone Number

6. List works of a similar type that the Respondent has done in the past three years.

Description of Work	Value	Dates	Location of Work	Client Company, Contact Person and Telephone Number

7. What is the experience of the principal individuals of the Respondent in the type of work it would be required to perform under the Contract?

Name and Position	Location and Description of Work and for Whom Work Performed	In what capacity

8. State the personnel and their qualifications and experience that the Respondent intends to employ on performing the Contract.

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9. Location of Office (if applicable) the Respondent intends to use for the Contract.

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10. Give details of the Respondent's financial ability to carry out the work.

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11. List banks or other financial institution from which references may be obtained.

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12. List names and telephone numbers of professional referees.

Name	Position	Organisation	Telephone

13. Benefit to the Regional Economy

- 13.1 Does your business have a head office, if yes where is its location?

---

- 13.2 What percentage (%) of the business is locally owned (i.e: within the Latrobe City region)?

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- 13.3 What percentage (%) of goods and services will be sourced from within the Latrobe City region?

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- 13.4 Other Information (such as local sponsorship of community or sporting groups from within the Latrobe City region)

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14. Community Engagement

Does your product / service have the potential to have an impact on the community?

If so, please outline how you will communicate and engage with key stakeholders and relevant community members:

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- 
15. Other information from the Respondents (Respondents are invited to submit other relevant information in support of their submission. Respondents are expected to clarify in writing their interpretation of the Specification where there may be an ambiguity).

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ATTACHMENT [NO.]
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title/description

# COMMUNITY LIVEABILITY

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**15. COMMUNITY LIVEABILITY**

Nil reports

# GOVERNANCE

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 16. GOVERNANCE

#### 16.1 PLANNING PERMIT APPLICATION 2012/038 - FIVE LOT SUBDIVISION AT 85 COONOC ROAD TRARALGON

General Manager

Governance

For Decision

#### PURPOSE

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

#### DECLARATION OF INTERESTS

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

#### STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

##### *Strategic Objective – Built Environment*

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

#### *Shaping Our Future*

An active connected and caring community  
*Supporting all*

#### *Latrobe City Council Plan 2012 - 2016*

##### *Strategic Direction – Built Environment*

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

#### *Legislation*

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

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### **BACKGROUND**

#### **SUMMARY**

Land: 85 Coonoc Road Traralgon, known as Lot 7 on Plan of Subdivision 86033

Proponent: W.H. & A.H. Becker  
c/- Beveridge Williams & Co Pty Ltd

Zoning: Low Density Residential Zone (LDRZ)

Overlay: N/a

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

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

#### **PROPOSAL**

The proposal seeks to subdivide the land into five lots. A copy of the proposed plan of subdivision is contained in Attachment 2 of this report.

Proposed Lots 1, 3, 4 and 5 would range in area between approximately 4000 square metres and 5864 square metres, each comprising vacant pasture and some existing planted vegetation.

Access to Lot 1 would be provided from Coonoc Road via a new bitumen sealed driveway crossover, located adjacent to an existing gap in planted vegetation along the eastern boundary of this lot.

Access to Lots 3, 4 and 5 would be provided from Coonoc Road via a new common property driveway. As submitted by the applicant, the common property would have a width of 8 metres to allow for a 4.5 metres sealed pavement and provision of landscaping on either side. It appears that vegetation would need to be removed for the construction of the common property driveway, although the extent or significance of vegetation required for removal has not been clearly identified on the plans submitted with the application.

Proposed Lot 2 would contain the existing 6-bedroom dwelling and associated buildings and works. This allotment is proposed to be irregular in shape, with a frontage to Coonoc Road measuring 54.41 metres and a total area of approximately 5072 square metres. Vehicular access would be provided from Coonoc Road via the existing sealed driveway crossover.

As the subject land is located well outside Gippsland Water's sewer reticulation district, the proposal seeks to treat and retain wastewater on site. A Land Capability Assessment (prepared by Land Safe – a Division of Ag-Challenge Consulting Pty Ltd, dated 20 January 2012) has been submitted with the application and is included in Attachment 3 of this report.



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A Stormwater Management Plan has also been submitted with the application (refer to Attachment 4). The plan proposes that each lot would be provided with a stormwater property connection connected to an underground piped drainage system which would then direct the collected stormwater to a grassed swale and a proposed retarding basin to be located centrally across Lot 4.

A building and waste disposal envelope plan is contained in Attachment 5 of this report, showing indicative building and waste water disposal areas for each of the proposed lots.

**Subject Land:**

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

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

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

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

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

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

The site has a gentle slope in a south-westerly direction, with a fall of approximately 10 metres across the property between its highest point (adjacent to the main driveway entrance) and lowest point (south-west corner). The south-west corner of the site is affected by a waterway.

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

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### Surrounding Land Use:

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

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

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

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

### HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 6.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 7.

### ISSUES

#### Clause 32.03 Low Density Residential Zone (LDRZ)

The subject land is contained within the Low Density Residential Zone of the Scheme. The primary purpose of the zone is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least 0.4 hectare. Given the site comprises 2.024 hectares in overall area, this allows Council to consider the subject application to subdivide the site into 0.4 hectare lots.

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

In accordance with Clause 32.03-3 of the Scheme, Council must consider decision guidelines of the LDRZ as follows, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

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- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
  - *The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
  - *The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).*
  - *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipments.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4 [which relate to integrated water management in subdivisions].*

An assessment of the application against the above has highlighted that wastewater and stormwater management as the key issues to be resolved. The subject land is located outside Gippsland Water's sewer reticulation district and all of the proposed lots would require on-site treatment and disposal of wastewater. Also, there is currently no supporting drainage or stormwater infrastructure in place in the Traralgon low density residential area.

### Stormwater Management

The stormwater management plan submitted by the applicant proposes that each lot be provided with a stormwater property connection which would connect to an underground piped drainage system. This would direct stormwater to a grassed swale and a proposed retarding basin to be located centrally across Lot 4. As submitted by the applicant, by the combination of a grassy swale and shallow grassy retarding basin, the stormwater would be treated to achieve the relevant objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999. Following pre-treatment, flows would be limited to the pre-development level, then be forced to discharge from the basin over a weir length of at least 3 metres into the existing waterway which runs through the subject site.

The stormwater management plan also proposes the use of rainwater tanks on each allotment for the purpose of reuse through new dwellings (toilets and washing machine) and irrigation.

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It is proposed by the applicant that the maintenance of the drainage system within the land would be the responsibility of the Owners Corporation although maintenance of the grassed swale and the retarding basin would appear to be the responsibility of the owner of Lot 4.

Council's Infrastructure Planning Team has advised that whilst the stormwater drainage design is generally adequate, maintenance of the proposed drainage works is not satisfactory. This is because the proposed arrangement would require the owner of Lot 4 to undertake ongoing maintenance and liability of the stormwater treatment and detention system at their own cost. A more satisfactory arrangement would be for the Owners Corporation to be responsible.

In other words, should a planning permit be granted, appropriate conditions must be included to require all members of the Owners Corporation be responsible for the use, maintenance and liabilities associated with the shared drainage system in accordance with the stormwater management plan. The stormwater management plan should be enforced via a Section 173 Agreement registered on the title to each lot, to ensure that maintenance works would be undertaken after the subdivision is registered. The Agreement should set out obligations on the Owners Corporation and its members to maintain the shared drainage system. The stormwater management plan should be included as a schedule to the Agreement and therefore provide certainty to the land owners, the Owners Corporation and Council as to responsibilities for this drainage system. It is expected that once registered, the obligations associated with the Agreement would 'flow' through to each of the respective owners of the allotments created (Lots 1 – 5) and also the title issued for the Common Property. In addition, the final plan of subdivision submitted for certification should also include a drainage easement over the swale and retarding basin in favour of all lots on the plan of subdivision.

It should be noted whilst the West Gippsland Catchment Management Authority (WGCMA) has identified that a designated waterway runs through the property with proposed Lots 3, 4 & 5 being affected, they have consented to issuing a planning permit for the proposed subdivision based on the submitted stormwater management plan, with the 'Owners Corporation' arrangement as highlighted above (refer to Attachment 8 for a copy of WGCMA's response).

On the above basis, it is reasonable to consider that subject to appropriate conditions, the proposed stormwater drainage system would be able to operate efficiently to limit stormwater discharge from the site to pre-developed levels. The proposal is unlikely to have any adverse amenity impact on adjoining properties or on the environmental qualities of waterways, from excessive stormwater runoff.

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### Wastewater Management

In terms of wastewater management, it should be noted the purpose and decision guidelines of the LDRZ emphasise the need to ensure that waste water can be treated and retained on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

A Land Capability Assessment was conducted by Land Safe (refer to Attachment 3) and the key findings of the assessment are as follows:

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

*The Land Application Area LAA (note: LAA refers to areas that allowed treated domestic waste water to be managed entirely on site) for subsoil absorption trenches should be 635 square metres for a four bedroom home using 900L/day and 924m for a six bedroom home using 1260L/day. These LAAs include a 3m space between each absorption trenches which also acts as the reserve area, but does not include EPA setback distances. Absorption trenches are not considered appropriate in proposed Lot 4, given the constrained area available for wastewater dispersal with this method.*

*For subsurface irrigation a Design Irrigation Rate (DIR) of 2.86L/m<sup>2</sup>/day or 20mm/week has been assigned. The LAA with subsurface irrigation should be 559 square metres for a four bedroom home or 783 for a six bedroom home. This LAA does not include EPA setback distances. Subsurface irrigation with secondary treatment is the most suitable wastewater management option for proposed Lot 4.*

*There is generally sufficient area available on each proposed allotment for sustainable waste water application to land. Given the recommended setbacks from the swale, absorption trenches are not suitable for proposed Lot 4, only subsurface irrigation. Either absorption trenches or surface irrigation must be used in each of the other four proposed allotments'.*

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As highlighted above, the findings contained in the Land Capability Assessment are not without limitations. More specifically, the recommended Land Application Areas (LAAs) for subsurface irrigation with secondary treated wastewater and for subsoil absorption trenches with primary treated wastewater calculated in the assessment do not take into account setback distances specified in EPA publication - Onsite Wastewater Management Code of Practice.

It should be noted however that the recommended LAAs above have been used to inform the extent of wastewater envelopes as proposed under this subdivision (refer to Attachment 5).

According to the relevant EPA's guidelines, even when onsite wastewater systems are properly designed, installed and maintained, a residual environmental and public health risk always remains. The consequence of failing systems varies and depends upon the particular site and the sensitivity of the environment surrounding the site.

To minimize that residual risk, onsite waste water systems must be installed in a way that allows for a 'buffer' or 'setback distance' between the system and the surrounding environment. In accordance with EPA's draft Code of Practice – Onsite Wastewater Management 891.3, the setback distance for onsite wastewater system in unsewered areas (i.e. including the subject area) from waterway for secondary treated wastewater system is approximately 20 to 30 metres. The relevant section of the draft Code of Practice is included as Attachment 11 of this report.

It should be noted that the West Gippsland Catchment Management Authority (WGCMA) has identified that a designated waterway runs through the property with proposed Lots 3, 4 & 5 being affected (refer to Attachments 8 & 9). The stormwater management plan submitted with the application further confirms the function of this 'waterway', by proposing that stormwater be discharged from the proposed retarding basin into this existing waterway.

Based on the location of the designated waterway as identified by the WGCMA (refer to Attachment 9), it appears that the wastewater envelope (or Land Application Areas for subsurface irrigation with secondary treated wastewater) of Lot 4 would not be able to provide adequate buffer distance of at least 20-30 metres from the waterway on the land, in accordance with the relevant EPA's Code of Practice.

The relevant EPA's guidelines also state that Council may increase setback distances where it considers that the residual risk to public health and the environment are too high. Council may also reduce setback distances where it considers that the residual risk to public health and the environment is negligible. In either case, Councils may seek advice from relevant authorities and stakeholders before making such a decision.



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The application was referred to the EPA for consideration. EPA, being the responsible authority administering the EPA Act, generally questions the ability of the site being able to sustainably treat and contain wastewater within the boundary of the property. EPA does not support Council issuing a planning permit for the proposal (refer to Attachment 10).

It should be noted that the application was also referred internally to Environmental Health team for consideration and Council's Health Officers generally acknowledge concerns raised by the EPA.

For the reasons outlined above, it is considered that the proposal is inconsistent with the purpose of LDRZ, as it has failed to demonstrate that wastewater would be capable of being treated and contained within the boundary of the site in accordance with the relevant EPA's guidelines and Code of Practice.

Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2

Pursuant to Section 60(1A)(g) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

In this case, the Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2 is applicable.

The TW Interim Policy applies to approximately 180 hectares of Low Density Residential zoned land to the west of Traralgon (or known as Traralgon West Low Density Residential Precinct). The subject site falls within this precinct.

This policy, adopted by Council on 7 February 2011, outlines the process by which Latrobe City Council will consider further subdivision of land within the Traralgon Low Density Residential Precinct, pending:

- Resolution and construction of agreed road and stormwater infrastructure services to be provided for the precinct;
- Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes;
- Establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services;
- Resolution of opportunities for the immediate and long term provision of medium density residential development within the LDRZ precinct.

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Before deciding on an application to subdivide land, the responsible authority must also consider:

- *The directions of this policy [TW Interim Policy];*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65;*
- *The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct;*
- *Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property';*
- *Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority;*
- *Whether each proposed lot has a legal point of vehicle access via a government road;*
- *Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct; and*
- *The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure:*
  - *present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct'; and*
  - *Financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct.*

As issues regarding stormwater and waste management have already been discussed above, the relevant decision guidelines of the TW Interim Policy that need to be further considered by Council are those relating to impact of the proposal on future opportunities for residential development within the TW precinct (or fragmentation of potential future residential land).

Inconsistency with the State and Local Planning Policies & Fragmentation of potential future residential land

The land is located outside the Traralgon township boundary identified in the Traralgon Structure Plan at Clause 21.05. There are Clauses which acknowledge the need to protect land on the outskirts of the town boundary in the event that this is to be required for future growth of the town. In particular, Clause 11.02-1 of the Scheme aims to restrict low density rural residential development that would compromise future development at higher densities.



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Also, 21.04-3 of the Scheme generally discourages further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor.

In addition, Council's draft Traralgon Growth Area Review report and draft Traralgon West Structure Plan have identified that there are some significant constraints associated with future residential development of Traralgon. In particular, the floodplain associated with Latrobe River located to the north of the town, the proposed Traralgon bypass to the south of the town, and the airfield and coal buffer to the west of the town restrict the ability for growth in these directions. Areas to the east and west of Traralgon (including the subject land) therefore represent opportunities for future growth for the town, and ad-hoc subdivisions should be avoided to provide maximum opportunity for future residential development.

The subject land has been identified as being located within a 'proposed conventional residential' area, in accordance with Council's draft Traralgon West Structure Plan.

Whilst the proposed subdivision will potentially assist with the short term provision of low density residential lots, it restricts the potential for a higher density lot yield in the future.

On the above basis, it is considered that to create five additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal will restrict the orderly planning of future growth for the town and may hinder the capabilities for well planned, sustainable growth of the town.

It should be noted that the subject land has also been identified as being partly located within the Australia Paper Buffer area as per Council's draft Traralgon West Structure Plan. Given the nature of this proposal, it is considered that the land would not be unreasonably affected by the odour emissions from the existing Australia Paper Facility and is therefore generally suitable for higher density development.

In relation to financial contributions (i.e. last dot point of TW Interim Policy), it should be noted that this issue has not been considered as part of the assessment of this application. This is because specific requirements of financial contributions have not been determined by Council at this stage, pending to outcome of the Traralgon Growth Areas Review project.

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

1. Stormwater and wastewater runoff

Comment:

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

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

In relation to the wastewater issue, based on the information submitted with the application, it is questionable as to whether the on-site wastewater arrangement could be achieved on each lot in accordance with the relevant EPA regulations. The residual environmental and public health risk associated with the proposed on-site waste water system is of a concern.

It should be noted that as part of Council's Traralgon Growth Review Project, it has been identified that significant scope exists in the overall Traralgon West area to cater for future growth in terms of sewage treatment. This is because upon completion of the Gippsland Water Factory, it will be able to treat up to 35 million litres of domestic and industrial wastewater daily when fully operational. There is potential for the Traralgon West area to be serviced by reticulated sewerage in the future.

2. Implications of the Australian Paper Buffer

EPA highlighted in its submission to Council that the subject site is located within the 5 km Australia Paper Buffer area. EPA is of the view that the subject site is likely to be affected by amenity reducing impacts, in terms of odour emission from the Australian Paper Mill operation. To protect both residents and industry alike, EPA is generally against further intensification of residential areas within the Australian Paper buffer zone.

It should be noted that as part of the Traralgon Growth Review project, Council Officers are in the process of working with both the Australian Paper Mill and EPA to determine an appropriate buffer zone based on odour emissions and context of the area. A defined buffer zone has not been established at this stage.

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

Council would also be exposed to risk if the wastewater system proposed by the applicant was not adequately maintained, and the consequence of failing system varies and depends upon the particular site and the sensitivity of the environment surrounding the site.

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

In accordance with the notice requirements of Section 52(1) of the Act, notice was provided to adjoining property owners and occupiers of the proposal and a sign was displayed on the site for 14 days.

**External:**

In accordance with the referral requirements of Section 55 of the Act, the application was referred to Telstra, SP AusNet Pty Ltd, Gippsland Water and GasNet for consideration.

The application was also referred to the WGCMA and EPA in accordance with Section 52 of the Act.

WGCMA provided consent to the granting of a planning permit subject to a range of conditions. EPA does not support Council issuing a planning permit for the proposed subdivision.

**Internal:**

The application was referred internally to Council's Infrastructure Planning team for consideration. Council's engineers do not object to the proposal.

**Details of Community Consultation following Notification:**

Following the advertising and referral of the application, one objection to the application was received.

As requested by the applicant, a mediation meeting was not held. However, written response was provided by the applicant to address concerns raised by the objector. The written response was forwarded to the objector for consideration.

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### **OPTIONS**

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit: or
- 2 Refuse to Grant a Planning Permit.

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

### **CONCLUSION**

The proposal is considered to be:

- The proposal is inconsistent with Clauses 11.02-1 (Supply of Urban Land) and 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.
- The proposal is considered to be inconsistent with the purpose and decision guidelines of the Clause 32.03 (Low Density Residential Zone), in terms of failing to demonstrate the capability of the lots to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The proposal is considered to be inconsistent with Clause 65.02 (Decision Guidelines).
- The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

#### **Attachments**

1. Site Context Plan
2. Proposed Plan of Subdivision
3. Land Capability Assessment
4. Stormwater Management Plan
5. Building and Wastewater Envelopes
6. History of Assessment
7. Relevant Planning Scheme Provisions
8. Referral Response from West Gippsland Catchment Management Authority
9. Location of Designated Waterway
10. Referral Response from Environment Protection Authority
11. EPA Code of Practice - On Site Wastewater Management Draft 891.3
12. Objections

**ORDINARY COUNCIL MEETING AGENDA  
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- 1 That Council issues a Refusal, for the five lot subdivision at 85 Coonoc Road Traralgon (or more particularly described as Lot 7 on Plan of Subdivision 86033), on the following grounds:**
  - The proposal is inconsistent with Clause 11.02-1 (Supply of Urban Land) and Clause 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.
  - The proposal is considered to be inconsistent with the purpose and decision guidelines of the Clause 32.03 (Low Density Residential Zone), in terms of failing to clearly demonstrate the capability of the lots to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
  - The proposal is considered to be inconsistent with Clause 65.02 (Decision Guidelines).
  - The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

## 16.1

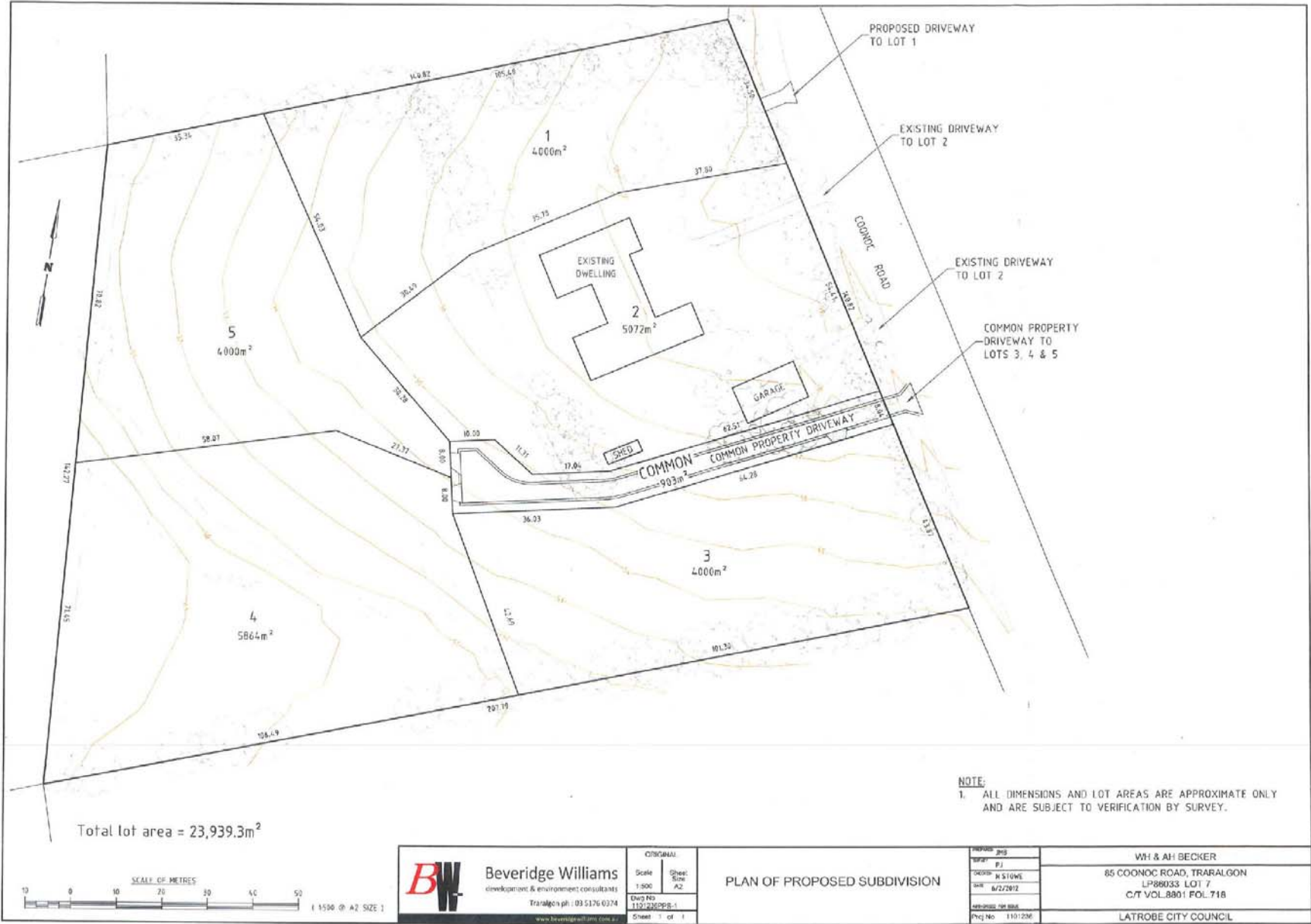
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SITE CONTEXT PLAN  
85 COONOC ROAD, TRARALGON  
LOT 7 PS86033  
W & A BECKER







LAND CAPABILITY ASSESSMENT  
FOR ON-SITE DOMESTIC WASTEWATER MANAGEMENT  
OFA  
PROPOSED FIVE LOT SUB-DIVISION AT  
85 COONOC ROAD TRARAGLON

*for*

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

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



*Land Safe is a Division of Ag-Challenge Consulting Pty Ltd*  
PO Box 571  
Warragul, Victoria, 3820

*(20 January 2012)*



## LCA – 85 Coonoc Road – Traralgon – Becker

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## LCA – 85 Coonoc Road – Traralgon – Becker

**Executive Summary of Land Capability Assessment**

Site Address	85 Coonoc Road Traralgon
Lot Number	Lot 7 LP86033
Owner/Developer	W & A Becker
Council	Latrobe City Council
Property Zoning	Low Density Residential Zone
Land and Proposed Allotment size & Present Land Use	Lot 1 – 4000 m <sup>2</sup> ; Vacant Lot 2 – 5024 m <sup>2</sup> ; Existing 6 bedroom house Lot 3 – 4000 m <sup>2</sup> ; Vacant Lot 4 – 5864 m <sup>2</sup> ; Vacant Lot 5 – 4000 m <sup>2</sup> ; Vacant
Total Property: 2.39393 ha	
Anticipated Wastewater Load	New - Four bedroom home with standard fixtures: (4 bedroom + 1) Therefore 5 x 180 L = 900 L/day  Existing - Six bedroom home with standard fixtures: (6 bedroom + 1) Therefore 7 x 180 L = 1260 L/day
Rainfall:	Estimated by calculation to be 840 mm per annum
Evaporation:	Estimated to be 1182 mm per annum
Surface Water	There is a swale in the south west corner of the property. This depression is not considered to be a watercourse despite being shown as watercourse in Figure 1. This swale does not meet any of the parameters used to define a waterway by Southern Rural Water (Appendix 11) and is therefore not considered by definition a watercourse. There are no clearly defined bed and banks, nor is it fed by a groundwater spring. The catchment area of the swale has been calculated at 20 ha which is well below the 60 ha specified by SRW. While there is no watercourse, the south west corner is likely to be regularly waterlogged and as such a setback to wastewater LAAs of 15 m is recommended as a precautionary measure. This setback maybe reduced to 7.5 m if the wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation.
Groundwater	The surface soil was saturated throughout the low lying south western corner of the property. The soil colour in this area suggests that waterlogging is frequent and as such no wastewater LAA should be located in the low lying south west corner of the property (Figure 8). This significantly impacts upon the area available for wastewater application to land in proposed Lot 4, but there is still adequate high ground available in Lot 4 for wastewater application.
Stormwater run-on and upslope seepage	Stormwater should be diverted away from the LAA by diversion drains installed above the LAA (Figure 4). These drains will prevent stormwater run-on and up slope seepage from impacting upon the LAA.
Site drainage and subsurface drainage	Given the anticipated low soil permeability, site drainage is likely to be an issue during prolonged periods of wet weather. The use of stormwater diversion drains around the LAA and sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.
Subsoil Permeability (K <sub>sat</sub> ) at 350 – 600 mm	Not measured but estimated to be ~ 0.06 m/day based upon previous measurements at Kay Road, Traralgon.

## LCA – 85 Coonoc Road – Traralgon – Becker

Design Irrigation Rate (DIR) for subsurface irrigation & required Land Application Area (LAA)	<p>DIR = 20 mm/week or 2.9 mm/day</p> <p>LAA of 559 m<sup>2</sup> – New 4 bedroom home LAA of 783 m<sup>2</sup> – Existing 6 bedroom home</p> <p><b>Subsurface irrigation with secondary treated wastewater is required on proposed Lot 4 given the constrained area available for wastewater management.</b></p>
Design Loading Rate (DLR) for absorption trenches & required Land Application Area (LAA)	<p>DLR = 28 mm/week or 4 L/m<sup>2</sup>/day</p> <p>LAA of 635 m<sup>2</sup> – New 4 bedroom home LAA of 924 m<sup>2</sup> – Existing 6 bedroom home</p> <p><b>Absorption trenches with primary treated wastewater are not suitable for Lot 4 given the constrained area available for wastewater management.</b></p>
Exchangeable Sodium Percentage (ESP)	11 % (40 – 50 cm): Soil is sodic and gypsum must be applied at 2 kg/m <sup>2</sup>
Dispersion Index (Loveday-Pyle)	16 (40 – 50 cm): significant dispersion, to be minimised with gypsum application. gypsum is required at a rate of 2 kg/m <sup>2</sup>
<p><b>Most significant environmental factor impacting upon sustainable wastewater land application –</b></p> <p><b>Low subsoil permeability &amp; restricted deep drainage</b></p> <p><b>Swale &amp; saturated soil in the south west corner</b></p>	<p>A water balance has been used to size the LAA that takes into account the anticipated low subsoil permeability and local climate. The wastewater will be applied at a suitably low rate, to ensure sustainable wastewater land application. Due to the low permeability of the subsoil, site drainage presents a significant constraint and this will be enhanced with the installation of upslope diversion drains, which must be installed around each wastewater LAA to intercept surface water run-on and up-slope seepage.</p> <p>The swale and frequently saturated soil in the south west corner of the property must not be used for the application to land of wastewater. As an additional precautionary measure a setback distance to all LAAs of 15 m from this swale is recommended. Where wastewater is treated to a secondary standard and applied to land with subsurface irrigation the setback to the swale may be reduced to 7.5 m. These setbacks have been derived from the EPA guidelines which apply to cuttings or escarpments.</p>

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LCA – 85 Coonoc Road – Traralgon – Becker

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## **1. Introduction**

Land Safe<sup>1</sup> has been engaged by Beveridge Williams & Co Pty Ltd on behalf of their client W & A Becker to complete a Land Capability Assessment (LCA) for a proposed five Lot subdivision at 85 Coonoc Road, Traralgon (Lot 7 LP86033).

The owners propose to subdivide the existing 2.9393 ha property into five allotments. Proposed Lot 2 is to retain the existing six bedroom residence. Town water is available but no town sewer.

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

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

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

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

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

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

There are currently three separate wastewater treatment and dispersal systems (3 septic tanks and 3 sets of absorption trenches) servicing the existing 6 bedroom home and workshop/garage. The systems servicing the house collect black water only, with grey water discharged directly to the paddock untreated. Each of these three systems will have to be

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<sup>1</sup> Land Safe is the joint trading name of van de Graaff & Associates Pty Ltd, based in Mitcham, and Ag-Challenge Consulting Pty Ltd, based in Warragul. Robert van de Graaff and Tony Pitt are the Principals of Land Safe.

## LCA – 85 Coonoc Road – Traralgon – Becker

disconnected as part of the proposed subdivision as they will not be located within the property boundaries of proposed Lot 2. The existing six bedroom home will require a new wastewater treatment and dispersal system to treat and disperse all domestic wastewater (both black and grey water will need to be connected to this system).

Table 1. Property description

Site Address	85 Coonoc Road Traralgon
Lot and Plot Number	Lot 7 LP86033
Owner/Developer	W & A Becker
Council	Latrobe Shire Council
Property Zoning and Planning Overlays	Low Density Residential Zone
Land and Proposed Allotment size & Present Land Use  Total Property size: 2.39393 ha	Lot 1 – 4000 m <sup>2</sup> ; Vacant Lot 2 – 5024 m <sup>2</sup> ; Existing 6 bedroom house Lot 3 – 4000 m <sup>2</sup> ; Vacant Lot 4 – 5864 m <sup>2</sup> ; Vacant Lot 5 – 4000 m <sup>2</sup> ; Vacant
Domestic Water Supply	Each allotment will have access to town water
Anticipated Wastewater Load	Maximum anticipated from the vacant allotments - based on a four bedroom home with standard fixtures: (4 bedroom + 1) Therefore 5 x 180 L = 900 L/day  Maximum anticipated from the existing residence - based on a six bedroom home with standard fixtures: (6 bedroom + 1) Therefore 7 x 180 L = 1260 L/day
Availability of Sewer	The subdivision will be unsewered.

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



## LCA – 85 Coonoc Road – Traralgon – Becker

Table 2. Significant environmental features of the property

Feature	Description
Rainfall	<b>Estimated by calculation to be 840 mm</b> - The mean annual rainfall for Traralgon has been estimated from Met Stations at Morwell (La Trobe Valley Airport), Yallourn and Yallourn SEC.
Evaporation	<b>Estimated to be 1182 mm</b> - The mean annual Class A pan evaporation level is estimated from Yallourn SEC Met Station.
Vegetation	Mostly pasture. Native eucalypts occur along the northern boundary and Cypress along the southern boundary.
Landform	Dissected terrace of a former depositional plain.
Slope	The property has a convex slope towards the west at a gradient of between 5 and 9 % (measured with a hand held clinometer).
Fill	None observed.
Erosion Potential	No erosion was observed on site. Erosion potential is seen as negligible as all slopes are gentle. Erosion is not considered to be an issue.
Surface Water	There is a broad based concave depression (swale) in the south west corner of the property. This swale does not meet any of the parameters used to define a waterway by Southern Rural Water and is therefore not considered by definition a watercourse (Appendix 11). There are no clearly defined bed and banks, nor is it fed by a groundwater spring. The catchment area of the swale has been calculated at 20 ha which is well below the 60 ha specified by SRW. While there is no watercourse, the south west corner is likely to be regularly waterlogged and as such a setback to wastewater LAAs of 15 m is recommended as a precautionary measure as shown in Figure 8. This setback maybe reduced to 7.5 m if the wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation. These setbacks have been derived from the EPA guidelines which apply to cuttings or escarpments (Appendix 6).
Groundwater	The permanent groundwater table is not expected to come within 2 m of the surface within proposed allotments 1, 2, 3 & 5 and within the area deemed suitable to wastewater dispersal in proposed allotment 4. The surface soil was saturated throughout the low lying south western corner of the property, which is the area of allotment 4 which is not suitable for wastewater dispersal (Figure 8). The soil colour in this area suggests that waterlogging is frequent and as such no wastewater LAA should be located in the low lying south west corner of the property. This significantly impacts upon the area available for wastewater application to land in proposed Lot 4, but there is still adequate high ground available in Lot 4 for wastewater application.
Stormwater run-on and upslope seepage	Stormwater should be diverted away from the LAA by diversion drains installed above the LAA (Figure 4). These drains will prevent stormwater run-on and up slope seepage from impacting upon the LAA.
Site drainage and subsurface drainage	Given the anticipated low soil permeability, site drainage is likely to be an issue during prolonged periods of wet weather. The use of stormwater diversion drains around the LAA and sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.

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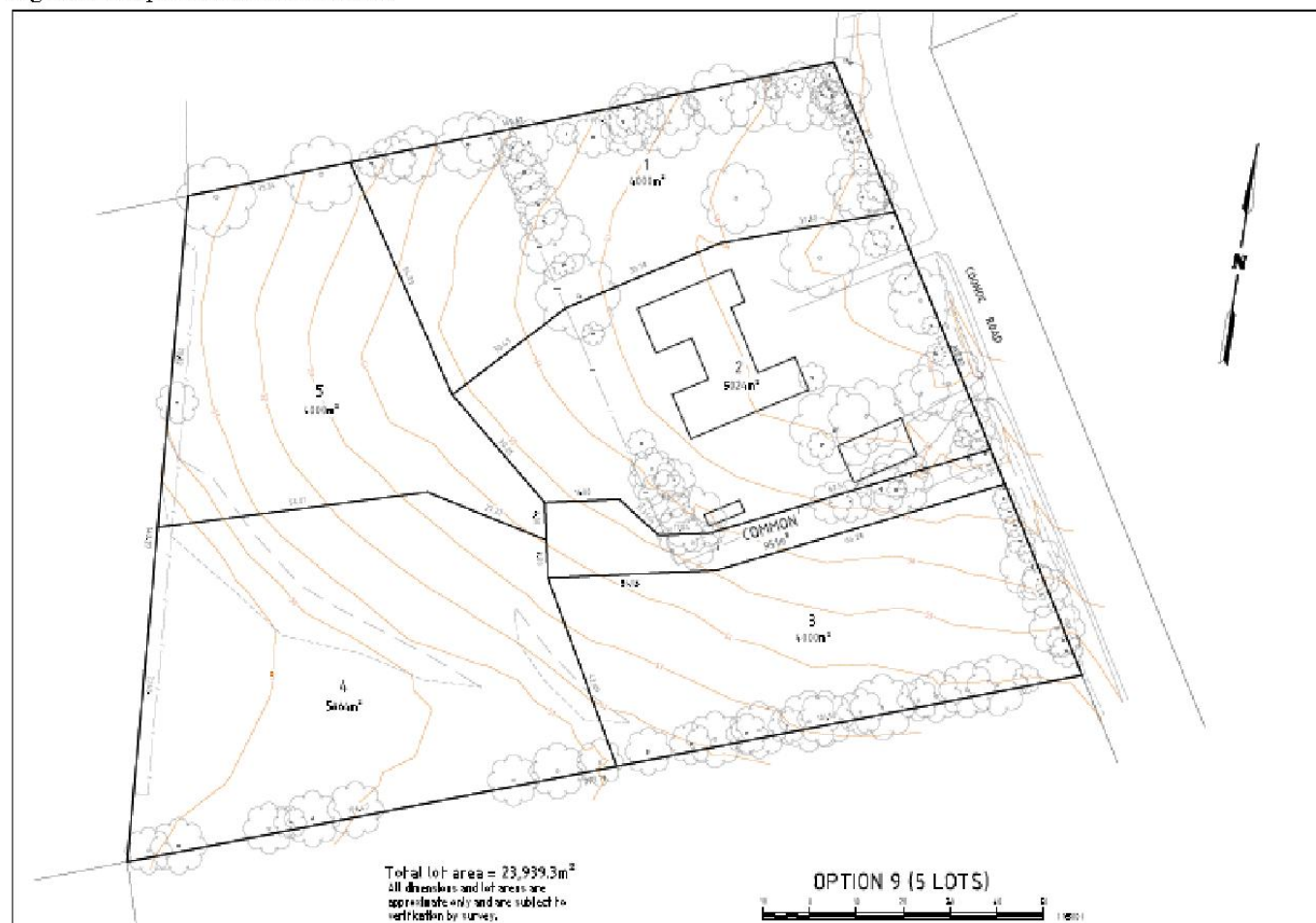
Figure 1. Aerial photo showing the property boundary (white). *NOTE: Blue line denoting the presence of a watercourse is considered incorrect.*





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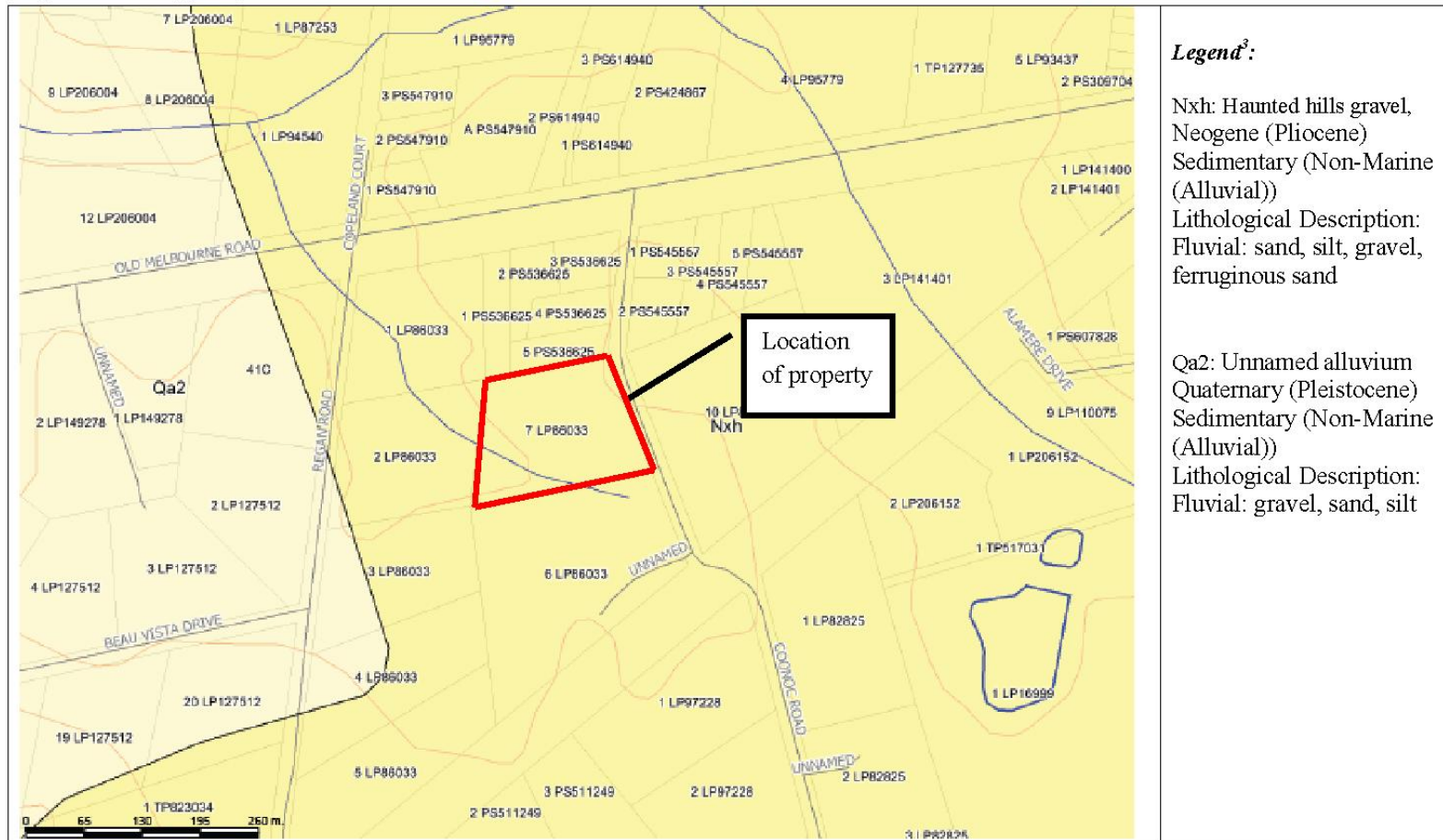
Figure 2. Proposed Subdivision Plan.







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Figure 3. Geology map<sup>2</sup>

<sup>2</sup> Geovic Website: <http://mapshare2.dse.vic.gov.au/MapShare2EXT/imf.jsp?session=49969> – Accessed 11 January 2012

<sup>3</sup> Vandenburg, A.H.M., 1997. WARRAGUL SJ 55-10 Edition 2, 1:250 000 Geological Map Series. 1:250,000 geological map. Geological Survey of Victoria.

### 3. Soil Assessment and Site Constraints

The soils of the property have been assessed for their suitability for the application of domestic wastewater. The soil is a consistent yellow brown sodic duplex across the property. Soils were classified according to Australian/New Zealand Standard (AS/NZS 1547:2000). A complete soil profile description is included in Appendix 1.

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

#### 3.1 Soil and Geological Reference Material

A regional geological map of the property and the surrounding Traralgon area has been included in Figure 3. This gives an indication of the surface geology and shows that this region is in a depositional area. The site itself is situated on Neogene fluvial deposits of sand, silt, gravel and ferruginous sand which corresponds with the observations made during the site investigation.

#### 3.2 Soil Chemical and Physical Analysis

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

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



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- The level of soil salinity as measured by the electrical conductivity ( $EC_{1.5}$ ) of the subsoil is 0.1 dS/m, which is a low level of salinity and indicates that most of the salts have been removed from the soil profiles during rain events.
- The phosphorus binding capacity is moderate based upon the Phosphorus Binding Index (PBI) value of 228. This indicates that the soil has a high ability to bind and lock up a phosphorus applied in the wastewater, preventing it from being mobilised through the soil profile. The soils PBI has been taken into account in the nutrient balance in Appendix 5.

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

Table 3. Soil features: Yellow brown duplex

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

### 3.3 Soil Permeability

Soil permeability ( $K_{sat}$ ) was not measured onsite due to the saturated soil conditions present and as such the soil water conditions required for the Talsma-Hallam method were not met. The essential condition for any *in situ* test method for soil permeability is that there be no soil saturation between the soil surface and at least 0.5 m below the bottom of a test hole. This condition was not fulfilled when the fieldwork took place. Appendix 2B has been included to explain the theory behind *in situ* soil permeability tests.

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

Temporary intermittent saturated soils and perched water tables are a normal and common occurrence across Victoria and do not preclude the land from being suitable for the application to land of domestic wastewater, provided wastewater is applied at a suitable rate. It is recommended that the design loading rate be calculated based upon a category 5 soil from AS/NZS 1547:2000.

### 3.4 Site Constraints

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

The broad based drainage line (swale) and land subject to frequent waterlogging in the south west corner of the property (Figure 8), presents a constraint to the location of wastewater LAA in proposed Lot 4 as no wastewater should be applied in this area. While the swale does not meet any of the criteria for a waterway according Southern Rural Water (Appendix 11), it is recommended that a 15 m setback from this swale be implemented if wastewater is treated to a primary standard and applied to land with absorption trenches. This setback may be reduced to 7.5 m if wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation. The land to the south west of the drainage line is unsuitable for wastewater application and no LAA should be positioned in this area. The LAA in proposed Lot 4 must be located on the elevated land to the north east of the allotment as shown in Figure 8. The remaining area available for the house, driveway and shedding in allotment 4 will be significantly restricted. The recommended setbacks from the edge of the swale also impact upon proposed Lot 3, but to a lesser extent than Lot 4.

The wastewater LAAs will need to be protected against heavy or prolonged periods of rain by the installation of upslope diversion drains (as shown in Figure 4). These will not only divert surface water away from the LAAs but will also be effective in intercepting any lateral seepage from upslope.

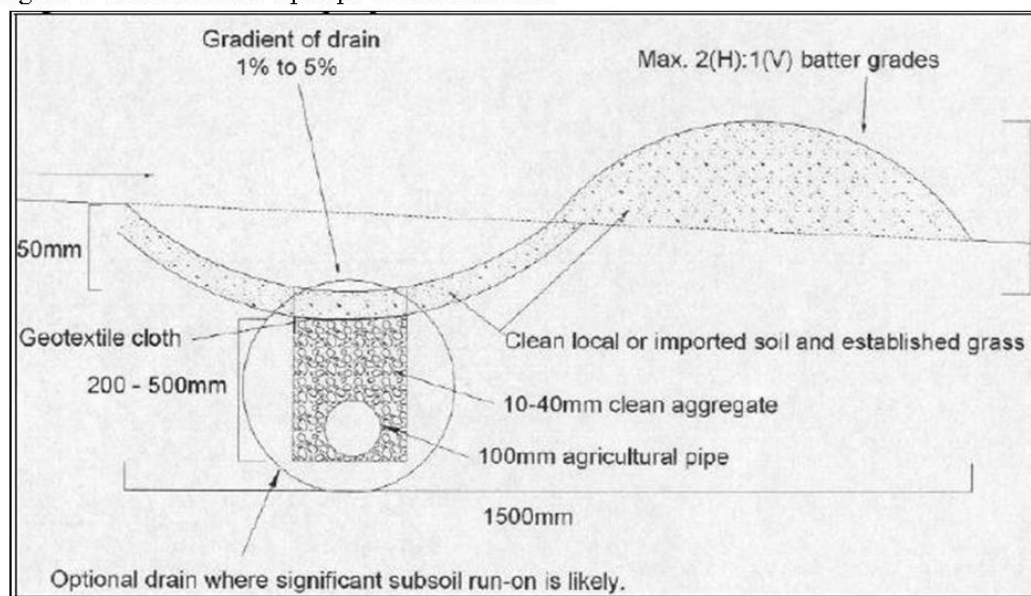
## LCA – 85 Coonoc Road – Traralgon – Becker

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

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

The soils are considered sufficiently permeable for the application of domestic wastewater through either subsurface irrigation or absorption trenches. The use of absorption trenches is not possible in Lot 4 given the requirement for a 40 m setback from the drainage line and land subject to frequent waterlogging.

Figure 4. Cross Section: Upslope Diversion Drain<sup>4</sup>



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

According to “Table 4.2 A1 of AS/NZS 1547:2000 standard soil categories” found in Appendix 8 of this report, the soil type identified on the property can be classed as category 5, based on the geometric mean  $K_{sat}$  value of 0.07 m/day recorded in a similar soil type at Kay Road, Traralgon.

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

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

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

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

#### 4.1 Required Area for Subsoil Absorption Trenches

The appropriate absorption trench length for a subsoil absorption system has been determined with a water balance constructed by Dr Robert Patterson<sup>5</sup> with a conservative DLR of 4 L/m<sup>2</sup>/day. The length of absorption trench required for new four bedroom homes has been determined based upon a daily design flow rate of 900 L/day and for the existing six bedroom home using 1260 L/day.

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

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

To ensure an even application of wastewater to the area it is beneficial to apply the effluent via multiple lengths of trench, no greater than 30 m each in length. Table 4 has been included to detail the recommended absorption trench configurations for four and six bedroom homes. The use of 3 m spacings between trenches negates the need for the allocation of a reserve wastewater LAA<sup>6</sup>, as additional absorption trenches can be installed between the existing trenches, or else a subsurface irrigation system could be installed in the same area after some soil remediation. Subsurface irrigation would also require treatment of the wastewater up to a secondary standard. This is discussed in Section 4.2.

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

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

<sup>5</sup> R.A. Patterson (2006) Water balance spreadsheet derived from water balance included in Table G1, AS 1547:1994. Lanfax Labs Armidale, NSW.

<sup>6</sup> EPA Onsite Newsletter No. 11 (30 September 2009) issued by Sarah West Onsite Wastewater Program Manager

The amount of area available for absorption trenches in proposed allotment 4 is significantly restricted by the area of land in the south west corner which is considered unsuitable and the recommended 15 m setbacks from the swale as shown in Figure 8. There is likely to be insufficient land available in proposed allotment 4 for absorption trenches with primary treated wastewater, with the construction of a house, garage, shedding and driveway. Wastewater in allotment 4 will need to be treated up to a secondary standard and applied to land with subsurface irrigation.

#### **4.2 Required Area for Subsurface Irrigation**

Wastewater applied to land using subsurface irrigation must be treated to a secondary (20/30) standard<sup>7</sup>. Wastewater may be treated to a 20/30 standard by a number of methods and a full list of EPA approved wastewater treatment systems is available on the EPA Victoria website<sup>8</sup>. Sand filters and Reed bed filters have been included in this report as low maintenance alternatives to Aerated Wastewater Treatment Systems (AWTS).

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

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

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

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

Secondary treatment and subsurface irrigation avoids the need for a reserve area<sup>9</sup>.

<sup>7</sup> Secondary standard wastewater (20/30) requires treatment to 20 mg/L of Biological Oxygen Demand (BOD) and 30 mg/L of Suspended Solids (SS).

<sup>8</sup> EPA Victoria online : Wastewater treatment systems with Certificates of Approval

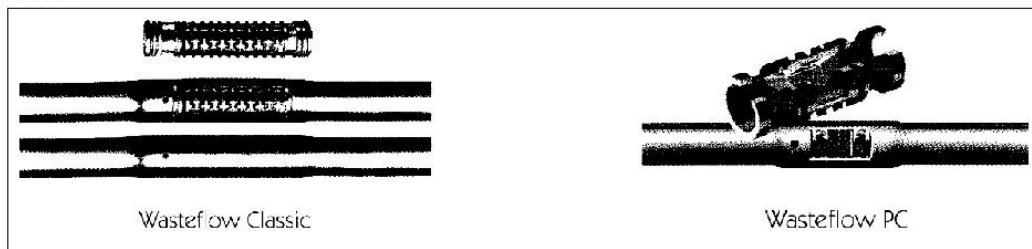
<http://epanote2.epa.vic.gov.au/epa/septic.nsf/2830336ba1417b774a25664a002344d5?OpenView>

<sup>9</sup> EPA Victoria (2008) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.1



The most significant advantage of subsurface irrigation is that it enables greater flexibility when determining the location of the LAA. Figure 5 has been included to demonstrate a typical subsurface irrigation line.

Figure 5. A typical pressure compensated subsurface irrigation line taken from Wasteflow brochure.



#### 4.3 Details of Sand Filters & Reed Beds

There are some disadvantages associated with AWTs, including the continuous need for electrical power and maintenance to be carried out every three months by an accredited person<sup>10</sup>.

- Sand filter beds require annual maintenance by an accredited person or servicing agent<sup>11</sup>, but still use electric pumps to ensure even effluent distribution over the sand, and for irrigation to land.
- Rootzone Reed beds require four maintenance visits by an accredited person or servicing agent in the first year, and annual maintenance thereafter<sup>12</sup>.

The options of a Sand filter and a Rootzone Reed Bed have been included in this report as alternatives to an AWTs for the treatment of effluent up to a secondary standard.

##### 4.3.1 Sand filter

A typical pressurised sand filter system involves the primary treated effluent being collected in a 500 L dosing chamber after leaving the septic tank. From the dosing tank the effluent is pumped to the sand filter bed [7 m x 4 m and 1.4 m deep for 900 L/day (4 bedrooms) and 10 m x 4 m and 1.4 m deep for 1260 L/day] and then returned to a 500 L dispersal tank, before being pumped to irrigation or absorption trenches. The sand filter is normally covered with a thin layer of topsoil with lawn allowed to grow over the top. The area would then blend into the surrounds and can be easily mown over with the rest of the lawn. Figure 6 has been included to demonstrate the components and layout of a typical sand filter bed<sup>13</sup>.

<sup>10</sup> EPA Victoria (2002) – Guidelines for Environmental Management – Guidelines for On-site Aerated Wastewater Treatment Systems. Domestic Wastewater Management Series. Document No. 760 Page 39

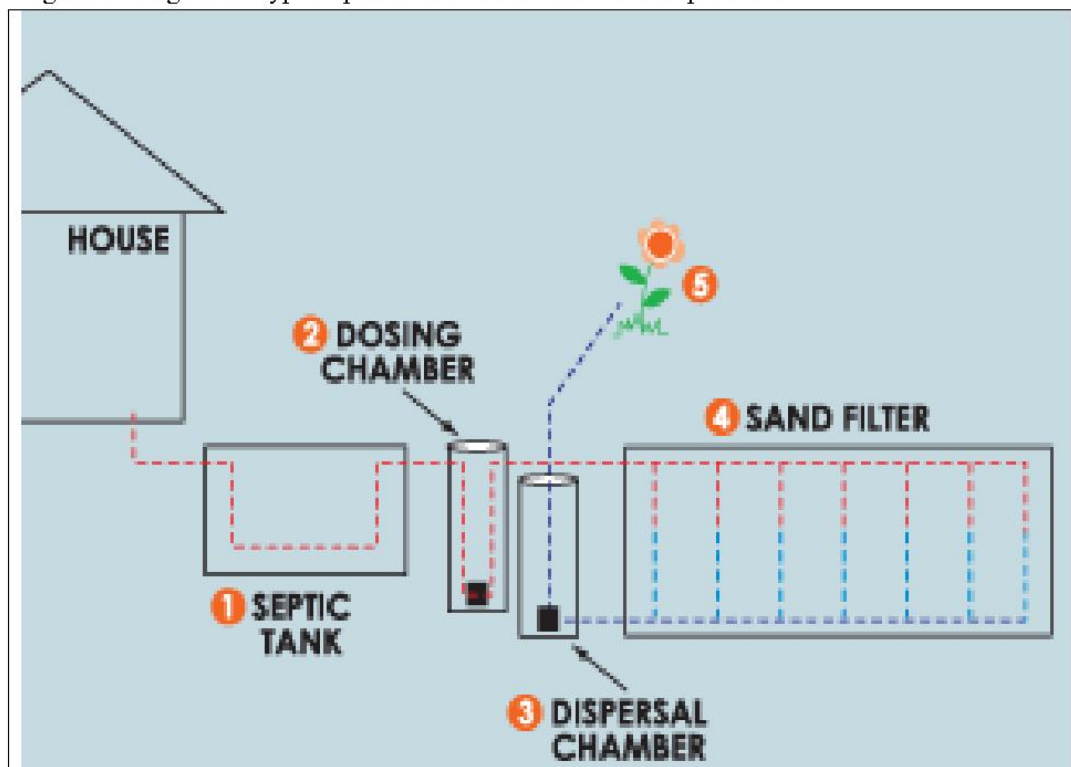
<sup>11</sup> EPA Victoria (2003) Certificate of Approval Sand Filters. CA 1.3/03

<sup>12</sup> EPA Victoria (2009) Certificate of Approval Rootzone. CA 103/09

<sup>13</sup> Valley Septics Sand Filter - <http://www.valleyseptics.com.au/Sand%20Filter.htm> Accessed 17 Jan 2008

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Figure 6. Diagram of typical pressurised sand filter bed components.





A suitably sized pressure pump is located in the exit well of the vertical filter for distribution of the treated effluent to the subsurface irrigation system. An emergency outlet pipe is installed above the gravel section to enable effluent to enter a short (10 m) subsoil absorption trench in the event of electricity disruption or pump failure. Reed beds are designed to retain effluent for five to seven days to allow for ideal secondary treatment before irrigation occurs. The Rootzone reed bed 1200P model would be the most appropriate model for a four or six bedroom home as it is suitable for up to 6 occupants regardless of the wastewater volume (wastewater just becomes less concentrated as volume increases). The 1200P model is required when effluent must be pumped between the two reed beds, which is a requirement for level sites.

[illegible]

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

The recommended Land Application Areas (LAAs) for subsurface irrigation with secondary treated wastewater and for subsoil absorption trenches with primary treated wastewater calculated in this report do not take into account setback distances specified in EPA publication 891.2 Onsite Wastewater Management Code of Practice<sup>15</sup>. These setback distances have been included in Appendix 6.

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

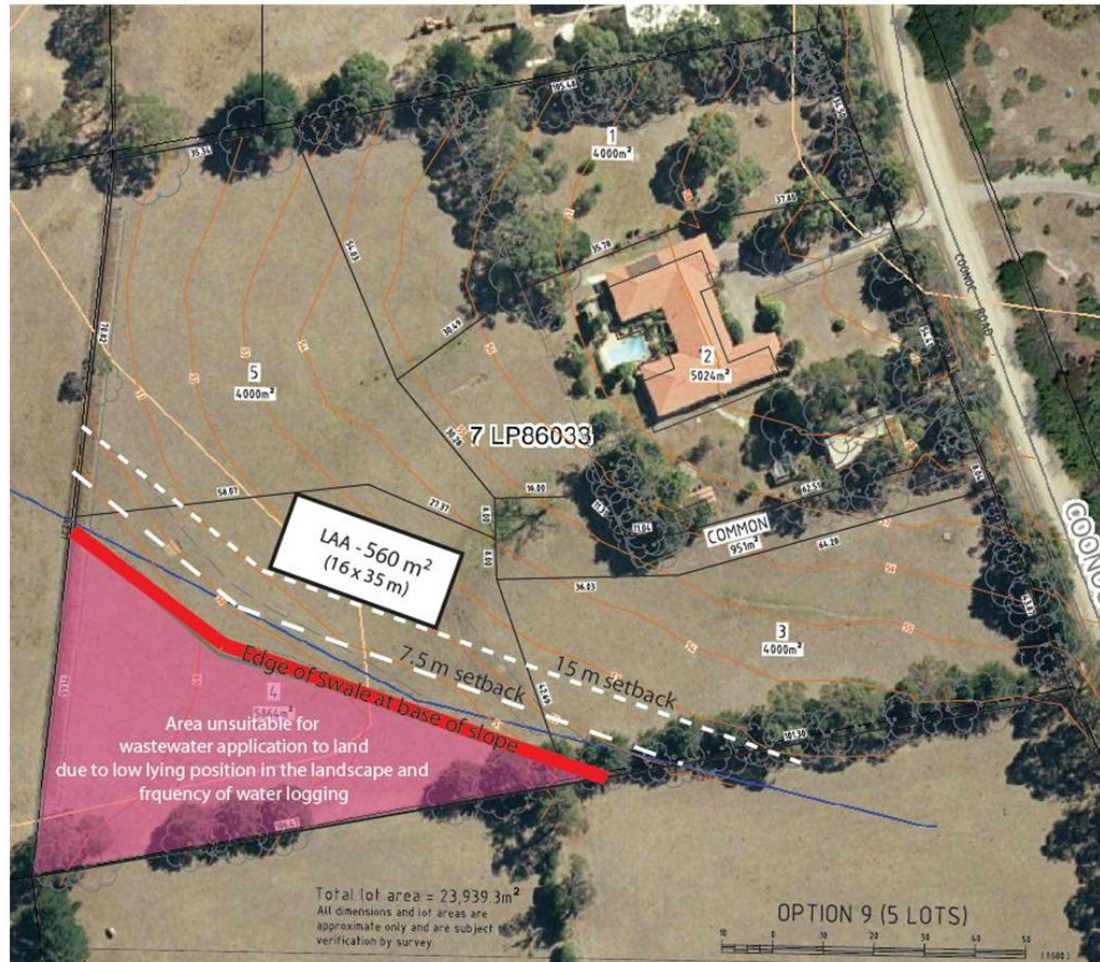
A reserve area has not been allocated for absorption trenches, as the 3 m space of undisturbed soil between each trench may act as a reserve area if required. Alternatively the wastewater may be treated up to a secondary standard and a new subsurface irrigation system installed over the existing absorption trenches after some soil remediation.

It is recommended that setbacks of 15 m to the commencement of the swale and land subject to waterlogging be implemented on this property. This setback may be reduced to 7.5 m where wastewater is treated up to a secondary standard and applied to land with subsurface irrigation. This setback is based upon that which applies to a cutting or escarpment according to EPA guidelines in Appendix 6.

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<sup>15</sup> EPA Victoria (December 2008) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.2

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Figure 8. Aerial photo with plan of subdivision overlay. *Recommended setbacks from swale and indicative location of wastewater LAA.*

## 5. Conclusion and Recommendations

The most significant environmental constraints impacting upon the sustainable application to land of wastewater on this property are the low permeability of the subsoil and poorly drained subsoil. The presence of a swale and frequently saturated soil also present a constraint, but the effect of this swale and saturated soil only significantly impacts upon proposed Lot 4 (Figure 8).

- The low permeability of the subsoil has been overcome with the use of a water balance to take into account climate and a low design wastewater application rate. The low wastewater application rate will ensure the low subsoil permeability is not exceeded. Gypsum **must be applied** at a rate of 2 kg/m<sup>2</sup> to all Land Application Areas (LAAs) to overcome the soil sodicity and to improve the drainage characteristics of the subsoil. The gypsum will improve the soil structure and promote deep percolation and treatment of wastewater through the soil profile.
- Site drainage will be improved by the installation of diversion drains upslope and around each LAA. Upslope diversion drains are recommended to provide protection to the LAA from surface water run-on and upslope seepage, which are both likely on this property.
- The duplex soils on this property have subsoils which are sodic and likely to disperse when sodic and slightly saline domestic wastewater is applied. For this reason gypsum is recommended at a rate of 2 kg/m<sup>2</sup> to protect soil permeability in wastewater application areas.
- The swale and low lying land in the south west corner of the property are unsuitable for the application to land of wastewater. Land Safe considers that this swale does not meet any of the criteria for a waterway used by Southern Rural Water (eg no defined bed or banks, not spring fed, catchment area less than 60 ha). As a precautionary measure however it is recommended that a setback of 15 m to LAAs upslope of this swale be implemented. This setback may be reduced to 7.5 m where wastewater is treated to a secondary standard and applied to land with pressure compensated subsurface irrigation.

Soil permeability ( $K_{sat}$ ) was not able to be measured using the Talsma-Hallam constant head method on the day of the site visit due to the saturated soil conditions which have been common across Gippsland in the past 12 months. A  $K_{sat}$  value of 0.07 m/day from seven permeability tests conducted on a similar soil type on Kay Road, Traralgon has been used as the anticipated soil permeability. This permeability is acceptable for the application to land of domestic wastewater, by either absorption trenches with primary treated wastewater or subsurface irrigation with secondary treated wastewater.

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

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For absorption trenches a conservative Design Loading Rate (DLR) of 4 L/m<sup>2</sup>/day or 28 mm week has been assigned. The Land Application Area (LAA) for subsoil absorption trenches should be 635 m<sup>2</sup> for a four bedroom home using 900 L/day and 924 m for a six bedroom home using 1260 L/day. These LAAs include a 3 m space between each absorption trenches which also acts as the reserve area, but does not include EPA setback distances. Absorption trenches are not considered appropriate in proposed Lot 4, given the constrained area available for wastewater dispersal with this method.

For subsurface irrigation a Design Irrigation Rate (DIR) of 2.86 L/m<sup>2</sup>/day or 20 mm/week has been assigned. The LAA with subsurface irrigation should be 559 m<sup>2</sup> for a four bedroom home or 783 for a six bedroom home. This LAA does not include EPA setback distances. Subsurface irrigation with secondary treatment is the most suitable wastewater management option for proposed Lot 4.

There is sufficient area available on each proposed allotment for sustainable wastewater application to land. Given the recommended setbacks from the swale, absorption trenches are not suitable for proposed Lot 4, only subsurface irrigation. Either absorption trenches or subsurface irrigation may be used in each of the other four proposed allotments.

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

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



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**Appendix 1      Soil Profile Descriptions**

W &amp; A Becker

Coonoc Road, Traralgon

24 November 2011

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

Soil Type: Yellow brown duplex

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

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

**Soil profile as seen at site 1****Site 2 – South west corner of property**

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**Soil similar to site 1.**

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



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

### SOIL PERMEABILITY MEASUREMENT - CONSTANT-HEAD TEST<sup>16</sup>

#### INTRODUCTION

The Constant head method described here for measuring soil permeability *in-situ*, is described in more detail in Appendix 4.1F of the Australian/New Zealand Standard AS1547: 2000.

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

#### TEST METHODOLOGY

##### 1 Scope

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

##### 2 Apparatus

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

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

##### 3 Procedure

Excavate the required number of holes to 50 cm depth<sup>17</sup>, spacing holes over required area. Record the depth of the holes. Remove most of the loose earth at the bottom of the hole by hand.

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

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

Fill permeameter with water, invert and place into hole so that water flows out of base. To the start test, suck water out of hole using suction flask apparatus until first air bubble appears. Set stop watch to 0.00 and start recording drop in solution reservoir (in cm) over time. Five minute intervals enable 8 tubes to be measured, with tubes read 30 seconds apart in 4 minutes. The time should be adjusted if the drop in the water level is too rapid. With very high infiltration rates, each tube is read separately to its finish.

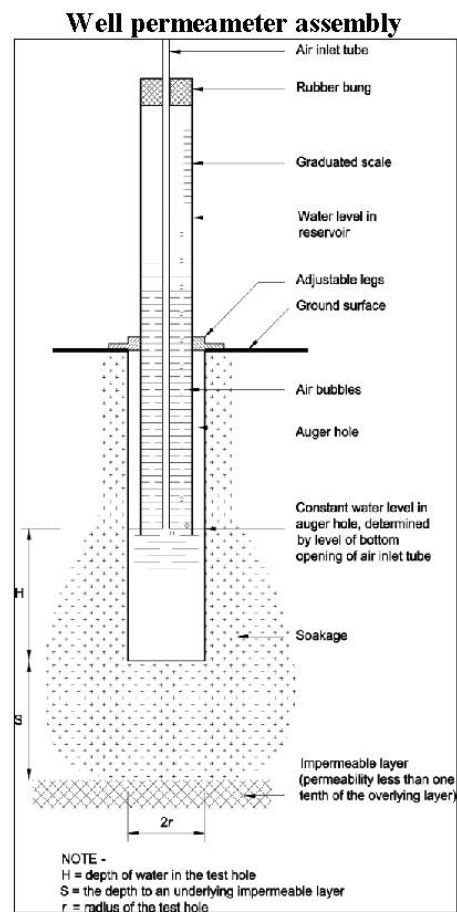
Record drop in water level in the reservoir using the field sheet (see next page) until it becomes

<sup>16</sup> As per procedure in AS 1547:2000

<sup>17</sup> The depth of hole and height of head may be varied for particular situations, and the depths should be recorded to ensure the calculations are performed correctly.

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“constant”, i.e. the last drop differs by less than 10% of the preceding drop.



#### 4 Calculations

Calculate the soil hydraulic conductivity according to the equation;

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

Where

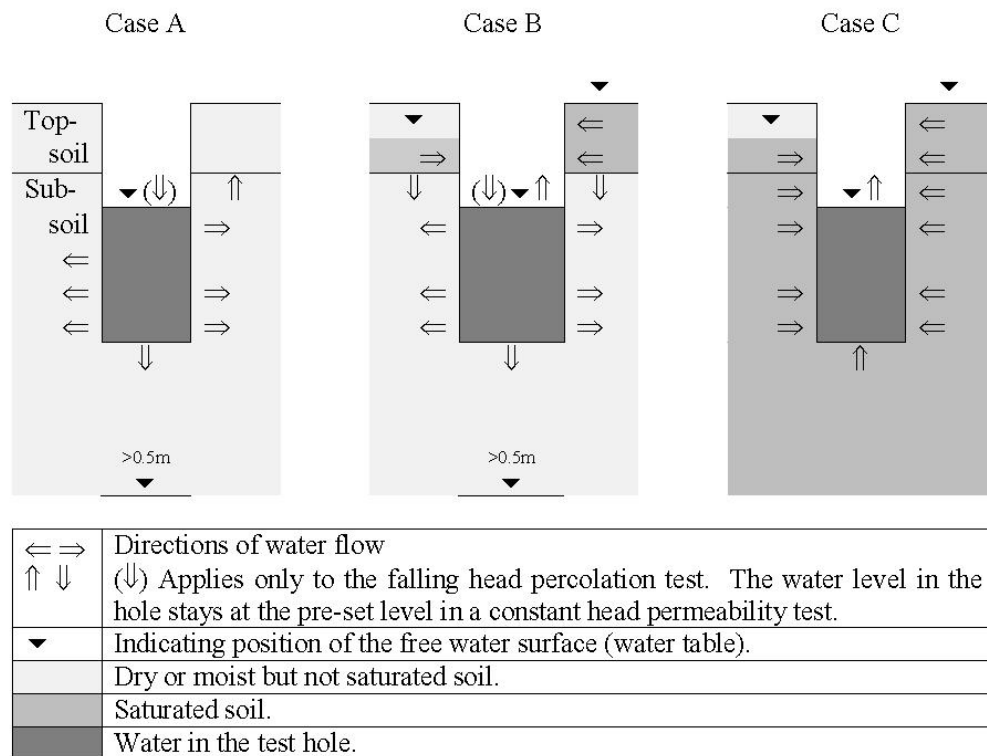
- |           |   |  |
|-----------|---|--|
| $K_{sat}$ | = | saturated hydraulic conductivity of the soil in cm/min.  |
| 4.4       | = | correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation, |
| Q         | = | rate of loss of water from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

### Example of field record sheet for the Constant head method

[illegible]

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

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



### Case A:

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

### Case B:

A perched water table exists above the subsoil layer, a common condition in many Victorian soils during periods of high rainfall in winter and early spring. The perched water table may extend all the way to the soil surface. A true groundwater table occurs at least 0.5 m below the bottom of the test hole. Water seeps from the saturated surface soil down into the test hole. If

the rate of seepage inflow exceeds the infiltration outflow rate from the test hole into the subsoil, the water level in the hole will rise. If the seepage inflow equals the infiltration outflow, the level will remain constant and a lay observer may interpret this as an impermeable soil. If the rate of seepage inflow is less than the infiltration outflow, the rate of lowering of the water level in the hole is reduced from what it would have been without the perched water. In all these scenarios, a test produces a useless result in terms of determining the size of an effluent disposal field.

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

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

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

#### **Case C:**

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

#### **Theory and Examples**

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

$$V = K \times i$$

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

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

We have evidence of cases where the tester ran water into the test holes from siphons for periods of up to 28 hours when the soils were already saturated or close to saturation. In August 1996 a major consulting firm was engaged by an outer Melbourne Shire to do soil testing as part of a land use planning strategy. This consultant reported “*apparent undesirable percolation results*” where, “*in contrast to regional experience, it is understood that septic tank systems have been operating in generally similar soil profiles as that encountered on the*

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*site*". The geological engineer in charge of the work reported that *"free ground water was not observed in any of the bores, however distinct wet horizons were encountered in bores 3, 8 and 13."* Several days later *"water levels in all test holes, except site 6, had risen to the ground surface."*

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

**How to recognise soil saturation**

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

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

Nominated Area for 700 mm wide Absorption Trenches										
Site Address:		Coonoc Road - Traralgon - Becker								
Mean of Morwell (085280), Yallourn (08		Evap. data		Yallourn SEC (085103)						
Mean		average Pan evaporation								
Source: AS1547-1994 - Table G1		(Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006)								
1			2	3	4	5	6	7	8	9
Month	Days	daily pan	Pan Eo	Et	Rainfall	Retained	LTAR*N	Disposal	Effluent	Size of
	per	Eo		+C*Eo	P	Rainfall		rate/month	applied	area
	month	(B Met)			Re=(1-r)P		4	(Et-Re)+	per month	(8)/(7)
		mm	mm	mm	mm	mm	mm	LTAR*N	900	m2
Jan	31	5.9	182.9	146	55.6	47.3	124	223.1	27900	125
Feb	28	5.6	156.8	125	52.3	44.5	112	193.0	25200	131
Mar	31	3.9	120.9	97	58.3	49.6	124	171.2	27900	163
Apr	30	2.7	81.0	57	70.3	59.8	120	116.9	27000	231
May	31	1.7	52.7	37	68.8	58.5	124	102.4	27900	272
Jun	30	1.2	36.0	25	73.7	62.6	120	82.6	27000	327
Jul	31	1.3	40.3	28	72.9	62.0	124	90.2	27900	309
Aug	31	1.6	49.6	35	78.9	67.0	124	91.7	27900	304
Sep	30	2.4	72.0	50	78.5	66.7	120	103.7	27000	260
Oct	31	3.3	102.3	82	84.6	71.9	124	133.9	27900	208
Nov	30	4.4	132.0	106	78.2	66.5	120	159.1	27000	170
Dec	31	5.0	155.0	124	69.1	58.8	124	189.2	27900	147
Totals			1181.5	912	841.2	715.0				
TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above										
1	2	3	4	5	6	7	8	9	10	11
month	first trial	application	Disposal	(3)-(4)	Increase	Starting	increase	computed	reset if	equivalent
	area	rate	rate		depth of	depth	depth	depth	Et deficit	storage
	(m2)	(8)/(2)	per month	(above)	stored	effluent	effluent	effluent	<0	10 x area
		(mm)	(mm)	(mm)	(5)/porosity	month	+(6)	(mm)	(mm)	(L)
Dec	252 3842	111	223	-113	-375	0	-375	-375	0	0
Jan		100	193	-93	-310	0	-310	-310	0	0
Feb		111	171	-61	-202	0	-202	-202	0	0
Mar		107	117	-10	-33	0	-33	-33	0	0
Apr		111	102	8	27	0	27	27	27	2053
May		107	83	24	81	27	81	108	108	8211
Jun		111	90	20	68	108	68	176	176	13341
Jul		111	92	19	63	176	63	239	239	18102
Aug		107	104	3	11	239	11	250	250	18929
Sep		111	134	-23	-78	250	-78	172	172	13034
Oct		107	159	-52	-174	172	-174	-2	0	0
Nov		111	189	-79	-262	0	-262	-262	0	0
Dec		111	223	-113	-375	0	-375	-375	0	0
Jan		100	193	-93	-310	0	-310	-310	0	0
Feb		111	171	-61	-202	0	-202	-202	0	0
Mar		107	117	-10	-33	0	-33	-33	0	0
Apr		111	102	8	27	0	27	27	27	2053
May		111	102	8	27	0	27	27	27	2053
From calculations in tables above for optimised drainfield area, using Appendix G: AS1547-1994										
Porosity in disposal area					30%					
Variables Table					Runoff Coeff = 0.15 percentage runoff					
					Summer Crop Factor = 0.8 crop transpiration rate Oct-Mar					
					Winter Crop Factor = 0.7 crop transpiration rate -Apr-Sep					
Change as required					DLR = 4 L/m2/day					
					FLOWS= 900 L/day					
Estimated base area of trench =					252 square metres					
Maximum depth of stored effluent =					250 mm depth					
Trench dimensions (mm)				width =	700 mm		depth =	400 mm		
Length of trench required =				194 metres						
NOTES:										
As a model, the best results are only ESTIMATES of performance.										
A model is used to assess SENSITIVITY to changes in the variables and the effect upon application area										



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

Nominated Area for 700 mm wide Absorption Trenches										
Site Address:		Coonoc Road - Traralgon - Becker								
Mean of Morwell (085280), Yallourn (08		Evap. data		Yallourn SEC (085103)						
Mean		average Pan evaporation								
Source: AS1547-1994 - Table G1		(Prepared by R.A. Patterson, Lanfax Labs. Ammidale updated April 2006)								
1			2	3	4	5	6	7	8	9
Month	Days	daily pan	Pan Eo	Et	Rainfall	Retained	LTAR*N	Disposal	Effluent	Size of
	per	Eo		+C*Eo	P	Rainfall		rate/month	applied	area
	month	(B.Met)				Re=(1-r)P	4	(Et-Re)+	per month	(8)/(7)
		mm	mm	mm	mm	mm	mm	mm	1260	m2
Jan	31	5.9	182.9	146	55.6	47.3	124	223.1	39060	175
Feb	28	5.6	156.8	125	52.3	44.5	112	193.0	35280	183
Mar	31	3.9	120.9	97	58.3	49.6	124	171.2	39060	228
Apr	30	2.7	81.0	57	70.3	59.8	120	116.9	37800	323
May	31	1.7	52.7	37	68.8	58.5	124	102.4	39060	381
Jun	30	1.2	36.0	25	73.7	62.6	120	82.6	37800	458
Jul	31	1.3	40.3	28	72.9	62.0	124	90.2	39060	433
Aug	31	1.6	49.6	35	78.9	67.0	124	91.7	39060	426
Sep	30	2.4	72.0	50	78.5	66.7	120	103.7	37800	365
Oct	31	3.3	102.3	82	84.6	71.9	124	133.9	39060	292
Nov	30	4.4	132.0	106	78.2	66.5	120	159.1	37800	238
Dec	31	5.0	155.0	124	69.1	58.8	124	189.2	39060	206
Totals			1181.5	912	841.2	715.0				
TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above										
1	2	3	4	5	6	7	8	9	10	11
month	first trial	application	Disposal	(3)-(4)	Increase	Starting	increase	computed	reset if	equivalent
	area	rate	rate		depth of	depth	depth	depth	Et deficit	storage
	(m2)	(8)/(2)	per month		stored	effluent	effluent	effluent	<0	10 x area
		(mm)	(mm)	(mm)	effluent	for	(X)	(mm)	(mm)	(L)
					(5)/porosity	month	+(6)			
Dec	353 3379	111	223	-113	-375	0	-375	-375	0	0
Jan		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2875
Jun		107	83	24	81	27	81	108	108	11495
Jul		111	90	20	68	108	68	176	176	18678
Aug		111	92	19	63	176	63	239	239	25343
Sep		107	104	3	11	239	11	250	250	26500
Oct		111	134	-23	-78	250	-78	172	172	18248
Nov		107	159	-52	-174	172	-174	-2	0	0
Dec		111	189	-79	-262	0	-262	-262	0	0
Jan		111	223	-113	-375	0	-375	-375	0	0
Feb		100	193	-93	-310	0	-310	-310	0	0
Mar		111	171	-61	-202	0	-202	-202	0	0
Apr		107	117	-10	-33	0	-33	-33	0	0
May		111	102	8	27	0	27	27	27	2875
From calculations in tables above for optimised drained area, using Appendix G AS1547-1994										
Porosity in disposal area					30%					
Variables Table					Runoff Coeff = 0.15 percentage runoff					
					Summer Crop Factor = 0.8 crop transpiration rate Oct-Mar					
					Winter Crop Factor = 0.7 crop transpiration rate -Apr-Sep					
Change as required					DLR = 4 L/m2/day					
					FLOWS= 1260 L/day					
Estimated base area of trench =					353 square metres					
Maximum depth of stored effluent =					250 mm depth					
Trench dimensions (mm)				width =	700 mm		depth =	400 mm		
Length of trench required =				272 metres						
NOTES:										
As a model, the best results are only ESTIMATES of performance.										
A model is used to assess SENSITIVITY to changes in the variables and the effect upon application area										

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

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



LCA – 85 Coonoc Road – Traralgon – Becker

**Appendix 4B MAV Water Balance – Subsurface Irrigation – Six bedrooms**

Nominated Area Water Balance & Storage Calculations For Irrigation																
Site Address:		Coonoc Road - Traralgon - Becker														
INPUT DATA																
Design Wastewater Flow	Q	1260	L/day													
Design DIR	DIR	20	mm/week													
Daily DIR		2.9	mm/day													
Nominated Land Application Area	L	783	m sq													
Crop Factor	C	0.7-0.8	unitless													
Retained Rainfall		0.85	unitless													
Rainfall Data (mean monthly)	an of Morwell (085280), Yallourn (085098) & Yallourn SEC (085103)															
Evaporation Data	Yallourn SEC (085103)															
Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D	\	days	31	28	31	30	31	30	31	31	30	31	30	31	365
Rainfall	R	\	mm/month	56	52	58	70	69	74	73	79	78	85	78	69	840
Evaporation	E	\	mm/month	183	157	121	81	53	36	40	50	72	102	132	155	1182
Crop Factor	C			0.80	0.80	0.80	0.70	0.70	0.70	0.70	0.70	0.70	0.80	0.80	0.80	
OUTPUTS																
Evapotranspiration	ET	ExC	mm/month	146	125	97	57	37	25	28	35	50	82	106	124	912
Percolation	B	(DIR/7)xD	mm/month	88.6	80	88.6	85.7	88.6	85.7	88.6	88.6	85.7	88.6	85.7	88.6	1043
Outputs		ET+B	mm/month	234.9	205	185	142	125	111	117	123	136	170	191	213	1955
INPUTS																
Retained Rainfall	RR	R*0.80	mm/month	47.26	44.455	49.555	59.755	58.48	62.62	61.99	67.04	66.70	71.94	66.47	58.76	715
Effluent Irrigation	W	(QxD)/L	mm/month	49.9	45.1	49.9	48.3	49.9	48.3	49.9	49.9	48.3	49.9	48.3	49.9	587
Inputs		RR+W	mm/month	97.1	89.5	99.4	108.0	108.4	110.9	111.9	116.9	115.0	121.8	114.7	108.6	1302
STORAGE CALCULATION																
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-137.7	-115.9	-85.9	-34.4	-17.1	0.0	-4.9	-6.4	-21.1	-48.6	-76.6	-103.9	-265
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
Maximum Storage for Nominated Area	N		mm	0.00												
	V	NxL	L	0												
LAND AREA REQUIRED FOR ZERO STORAGE			m <sup>2</sup>	208	219	288	457	583	783	713	694	545	397	303	254	
MINIMUM AREA REQUIRED FOR ZERO STORAGE:				782.6	m <sup>2</sup>											

## LCA – 85 Coonoc Road – Traralgon – Becker

## Appendix 5 Nutrient Balance – Irrigation

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



**Appendix 6      EPA Setback Distances****4.4      Setback distances (unsewered areas)**

Even when onsite wastewater systems are properly designed, installed and maintained, a residual environmental and public health risk always remains. The consequence of failing systems varies and depends upon the particular site and the sensitivity of the environment surrounding the site.

To minimise that residual risk, onsite wastewater systems must be installed in a way that allows for a 'buffer' or 'setback distance' between the system and the surrounding environment (in other words, both the treatment system and the associated disposal/recycling system must be installed the required distance away from the site boundary). Setback distances for onsite systems

that dispose/recycle primary/secondary treated wastewater in unsewered areas are listed in Table 4.2. These setback distances are independent of any other buffer distances that may apply to the site.

Council may increase setback distances where it considers that the residual risk to public health and the environment are too high. Council may also reduce setback distances where it considers that the residual risk to public health and the environment is negligible. In either case, councils may seek advice from relevant authorities and stakeholders before making such a decision.

Also, council may need to seek that advice through formal processes (such as planning referrals).

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## CODE OF PRACTICE – ONSITE WASTEWATER MANAGEMENT

Table 4.2: Setback distances for primary and secondary treated sewage in unsewered areas<sup>1</sup>

Item	Setback distance <sup>2,3</sup> (m)
<b>Building</b>	
Wastewater field up-slope of building <sup>4</sup>	6
Wastewater field down-slope of building	3
<b>Allotment boundary</b>	
Wastewater field up-slope of adjacent lot	6
Wastewater field down-slope of adjacent lot	3
<b>Services</b>	
Water supply pipe	3
Potable supply channel (wastewater field up-slope)	300
Potable supply channel (wastewater field down-slope)	20
Gas	3
Underground water tank	15
Stormwater drain	6
Swimming pool	6
Cutting/escarpment	15
<b>Surface waters (up-slope from)</b>	
Dam or reservoir (potable, includes water for food production) <sup>5</sup>	300
Stream, River, Waterways in potable water supply catchment <sup>6</sup>	100
Dam or reservoir (stock & non-potable) <sup>5</sup>	60
Stream or channel (continuous or ephemeral, non-potable)	60
Drainage lines, dam outfalls	60
<b>Groundwater bore</b>	
Potable or non-potable	20

<sup>1</sup> These distances act as a guide and must be measured horizontally from the defined boundary of the disposal/irrigation area. They do not apply vertically. For streams and dams, the measuring point shall be the 'bank-full discharge level'. See Table 5.3 for setback distances for irrigating with treated greywater.

<sup>2</sup> The setback distances may be reduced by up to 50 per cent where all the following conditions are met:

- effluent quality meets 20/30 standard when used for sub-surface irrigation
- or
- effluent quality meets 20/30/10 standard when used for surface irrigation
- and
- slopes are <5%, or pressure compensated sub-surface irrigation drip lines along the contour.

<sup>3</sup> Effluent typically contains high levels of nutrients that may have a negative impact on native vegetation. When considering setbacks, council should consider not only the potential impact of nutrients in regards to the proposed onsite wastewater system, but in regards to other existing onsite wastewater systems located in the same area.

<sup>4</sup> Setback distances help protect human health. However, establishing an effluent disposal field/irrigation area upslope of a building may have implications for the structural integrity of the building. This issue is beyond this Code's scope and should be examined by a building professional on a site-by-site basis.

<sup>5</sup> Does not apply to dams and reservoirs located above ground-level.

<sup>6</sup> Means a watercourse in an area declared as a water supply protection area as defined in section 27 of the Water Act 1989.



## Appendix 7 EPA Design Flow Rates

CODE OF PRACTICE – ONSITE WASTEWATER MANAGEMENT

Table 4.1: Typical domestic wastewater flow design allowances<sup>1</sup>

Contributing source	Design flow (L/person.day)		Sludge and scum rate (L/person.year)
	Onsite roof water	Reticulated water supply or water supply sourced from both onsite roof water plus alternative sources (rivers, dams, creeks, bores)	
<b>Domestic wastewater flows at domestic residences</b>			
Households with extra wastewater producing facilities	180	220	80
Household with no water saving features	180	200	80
Household with standard fixtures (excluding top loading automatic washing machine)	140	180	80
Household with standard water reduction facilities <sup>2,4</sup>	80	110	80
Household with full water reduction facilities <sup>3,4</sup>	60	80	80
Household (blackwater only)	50	60	60
Household (greywater only)	90	120	20
<b>Domestic wastewater flows at community/commercial premises</b>			
<b>Accommodation establishments</b>			
Guests, residential staff	140	180	60
Non-residential staff	30	40	6
<b>Food premises</b>			
Food premises (unlicensed)	15	25	30
Restaurant/Café (licensed), Hotel (per customer)	20	30	50
<b>Community recreation</b>			
Centre with commercial kitchens	20	30	5
Meeting room	10	15	1
Recreation facility (social club)	20	30	2
Sports centre (with showers)	40	50	5
Sports centre (without showers)	20	30	2
Picnic area (public amenities)	5	5	2
<b>Community education</b>			
Schools (Pupils + Staff)	30	40	10
<b>Small and medium commercial premises</b>			
Small/medium business (Staff)	15	10	10
<b>Shopping centres</b>			
Staff	15	15	15
Public access	5	5	5
<b>Camping area (fully serviced)</b>	100	130	60

Source: AS/NZS 1547

1 These flows are minimum rates unless actual flows from past experience can be demonstrated and shall be related to the maximum occupancy rate for a house.

2 Standard water-reduction fixtures include dual flush 6/3 litre toilets, shower-flow restrictors, aerator taps and water-conserving automatic washing machines.

3 Full water-reduction fixtures include the combined use of reduced flush 4.5/3 litre toilets, shower-flow restrictors, aerator taps, front-load washing machines and flow/pressure control valves on all water-use outlets.


4 Additionally, water reduction may be achieved by


a) reusing untreated greywater in the garden within 24 hours

or

b) recycling treated greywater that meets water quality requirements for toilet flushing and/or cold water supply to washing machines.

Note: When designing the wastewater treatment system and the land disposal/recycling area, the higher level of nutrients and salts in effluent derived from recycled wastewater must be considered.


  
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**Appendix 8 DLR and DIR Tables from AS/NZS 1547:2000**

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TABLE 4.2A1  
RECOMMENDED DESIGN LOADING RATES FOR TRENCHES AND BEDS

Soil category	Soil texture	Structure	Indicative permeability ( $K_{sat}$ ) (m/d) (see Note 6)	Design loading rate (DLR) (see Notes 1, 2 and 3)			Indicative drainage class (see Note 9)
				Primary-treated effluent (see Note 4)		Secondary-treated effluent (see Note 5)	
				Conservative rate (mm/d) (see Notes 4 & 7)	Maximum rate (mm/d) (see Notes 4 & 8)	(mm/d)	
1	Gravels and sands	Structure-less (Massive)	>3.0	20 (see Note 10)	35 (see Note 10)	50 (see Note 10)	Rapidly drained
2	Sandy loams	Weakly structured	> 3.0	20	35	50	Well drained
		Massive	1.4 – 3.0	15	25	50	
3	Loams	High/moderate structured	1.5 – 3.0	15	25	50	Moderately well drained
		Weakly structured or massive	0.5 – 1.5	10	15	30	
4	Clay loams	High/moderate structured	0.5 – 1.5	10	10	30	Imperfectly drained
		Weakly structured	0.12 – 0.5	6	10	20	
		Massive	0.06 – 0.12	4	5	10	
5	Light clays	Strongly structured	0.12 – 0.5	5	8	12	Poorly drained
		Moderately structured	0.06 – 0.12	(see Note 11)	5	10	
		Weakly structured or massive	< 0.06	(see Note 11)	(see Note 11)	8	
6	Medium to heavy clays	Strongly structured	0.06 – 0.5	(see Note 11)	(see Note 11)	(see Note 11)	Very poorly drained
		Moderately structured	< 0.06	(see Note 11)	(see Note 11)	(see Note 11)	
		Weakly structured or massive	< 0.06	(see Note 11)	(see Note 11)	(see Note 11)	

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<b>NOTES TO TABLE 4.2A1:</b>	
1	The DLR in mm/day is to be used to size the horizontal bottom area of conventional trench and bed systems. (Refer to Paragraph 4.2A7.3.1 for comment on the relationship between bottom area and sidewall absorption mechanisms.)
2	Where loading rates of 10 mm/day or lower are required, it is critical that there is an even effluent loading over the design area.
3	The Design Loading Rates in Table 4.2A1 are based upon the best available information at the time of preparation of this Standard.
4	Primary-treated effluent is the discharge from conventional septic tanks and improved septic tanks (such as two-stage units and/or tanks fitted with solids-control filters). It includes all-waste, greywater and blackwater effluents.
5	Secondary-treated effluent has a quality equal to or better than 20 g/m <sup>3</sup> BOD <sub>5</sub> and 30 g/m <sup>3</sup> SS and typically is the effluent discharged from processes such as AWTs, sand filters, or wetlands.
6	The values of indicative permeability as $K_{sat}$ are based on the movement of water, and not effluent, through the soil. They are estimates only and shall be used with caution in the determination of soil category and DLR.
7	Conservative Design Loading Rates must be used for beds (see Paragraph 4.2A7.2), for systems to be installed on steep sites and where other site and soil limitations are present. Conservative Design Loading Rates must always be used for primary-treated blackwater effluent.
8	Maximum Design Loading Rates may only be used where site and soil limitations are absent and where there is evidence that these rates can be effectively maintained without harm to the environment or without potential for failure of the system. Maximum Design Loading Rates may also be used for primary-treated greywater effluent and for improved primary effluent from modified septic tanks. (Refer to Clause 4.3.5.2.1.)
9	Indicative drainage classes listed are based on the assumption that drainage of water out of the soil is governed only by the indicative permeability and that external factors play no role.
10	The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the clogging layer govern the effluent loading rate in Category 1 soil. Category 1 soils require special design and distribution techniques to help achieve even distribution of effluent over the full design surface (see Paragraph 4.5A4.2) for recommended discharge method). These soils have low nutrient retention capacities, often allowing accession of nutrients to groundwater.
11	To enable utilization of such soils for on-site wastewater disposal alternative systems (including ETA/ETS systems), special design requirements and distribution techniques and/or soil modification procedures will be necessary. For any alternative system designed for these soils, the effluent absorption rate shall be based upon soil permeability testing. Specialist soils advice and special design techniques will be required for clay dominated soils having dispersive (sodic) or shrink/swell behaviour. Such soils shall be treated as Category 6 soils. In some situations, these soils will preclude the use of an absorption only system design. If $K_{sat} < 0.06$ m/d, a full water balance for the disposal area (including effective rainfall, run-off, evapo-transpiration, (see Appendix 4.2D), can be used to calculate trench/bed size.

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TABLE 4.2A4

RECOMMENDED DESIGN IRRIGATION RATE (DIR) FOR IRRIGATION SYSTEMS

Soil category	Soil texture	Structure	Indicative permeability ( $K_{sat}$ ) (m/d) (see Note 1)	Design irrigation rate (DIR) (mm/week) (see Notes 2 & 3)	Indicative drainage class (see Note 4)
1	Gravels and sands	Structureless Massive	>3.0	35	Rapidly drained
2	Sandy loams	Weakly structured Massive	> 3.0 1.4 – 3.0	35 35	Well drained
3	Loams	High/moderately structured Weakly structured or massive	1.5 – 3.0 0.5 – 1.5	28 28	Moderately well drained
4	Clay loams	High/moderately structured Weakly structured Massive	0.5 – 1.5 0.12 – 0.5 0.06 – 0.12	25 25 25	Imperfectly drained
5	Light clays	Strongly structured Moderately structured Weakly structured or massive	0.12 – 0.5 0.06 – 0.12 < 0.06	20 20 20	Poorly drained
6	Medium to heavy clays	Strongly structured Moderately structured Weakly structured or massive	0.06 – 0.5 < 0.06 < 0.06	15 15 15	Very poorly drained

NOTES:

- The values of indicative permeability as  $K_{sat}$  are based on the movement of water, and not effluent through the soil. They are estimates only and should be used with caution in determining soil category and Design Loading Rates.
- The relevant qualifications regarding the use of trenches and beds in Table 4.2A1 are applicable for irrigation systems.
- The Design Irrigation Rates in Table 4.2A4 are based on the best available information at the time of preparation of this Standard.
- Indicative drainage classes listed are based on the assumption that drainage of water out of the soil is governed only by the indicative permeability and that external factors play no role.

## Appendix 9 Estimating Coefficient of Run-off

Estimating coefficient of run-off  $R_i$  as a percentage value, for use with the rational formula ( $Q = R_i A$ ) or catchments with area less than 1 square mile (2.56 square km). Values in brackets are percentage run-off and are to be added together for each combination of the five catchment characteristics Burton<sup>18</sup> 1965).

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

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

<sup>18</sup> Burton J.R (1965). "Water Storage on the Farm", Bulletin No.9, Water Research Foundation of Australia.

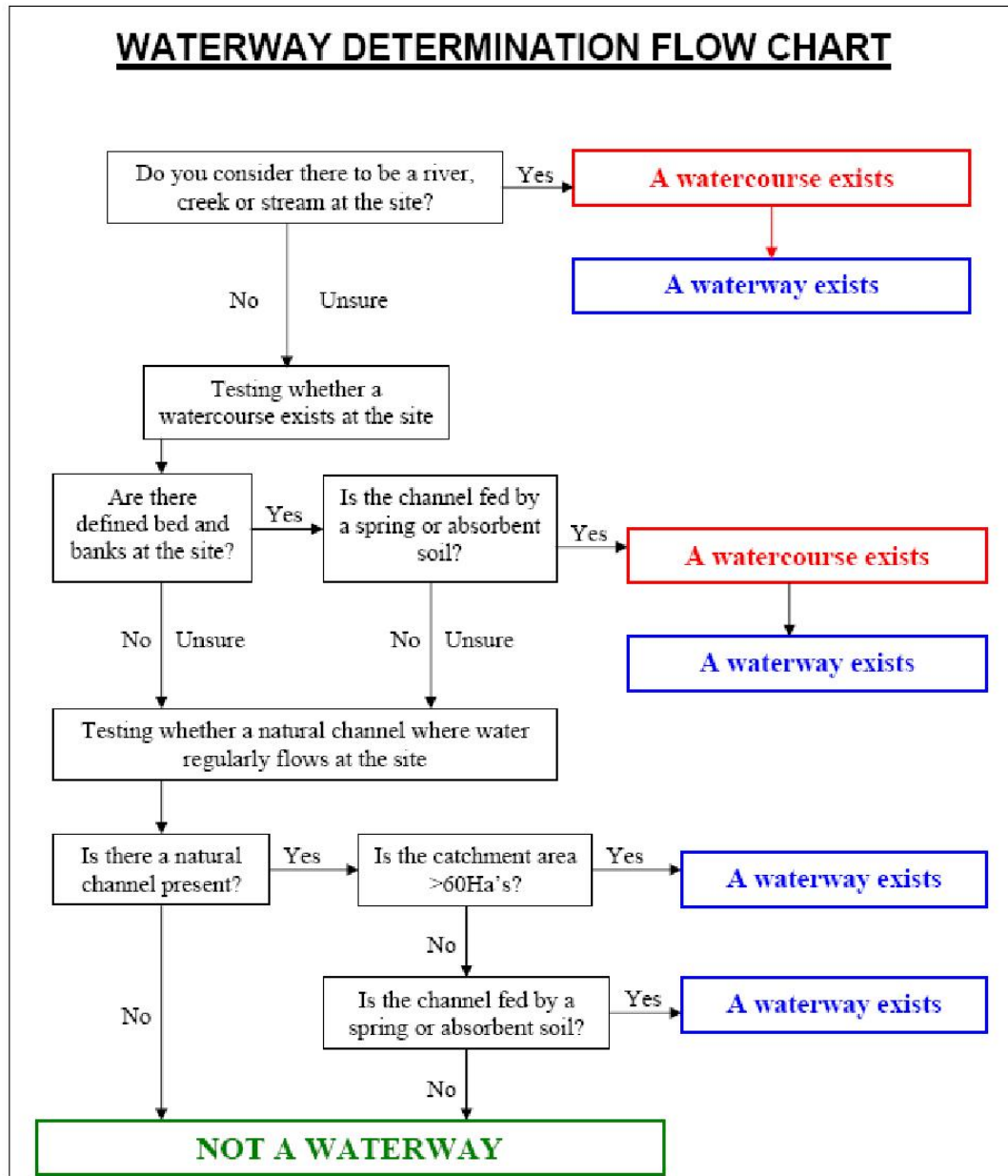


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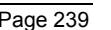
**Appendix 10      Soil Laboratory Chemical Analysis**

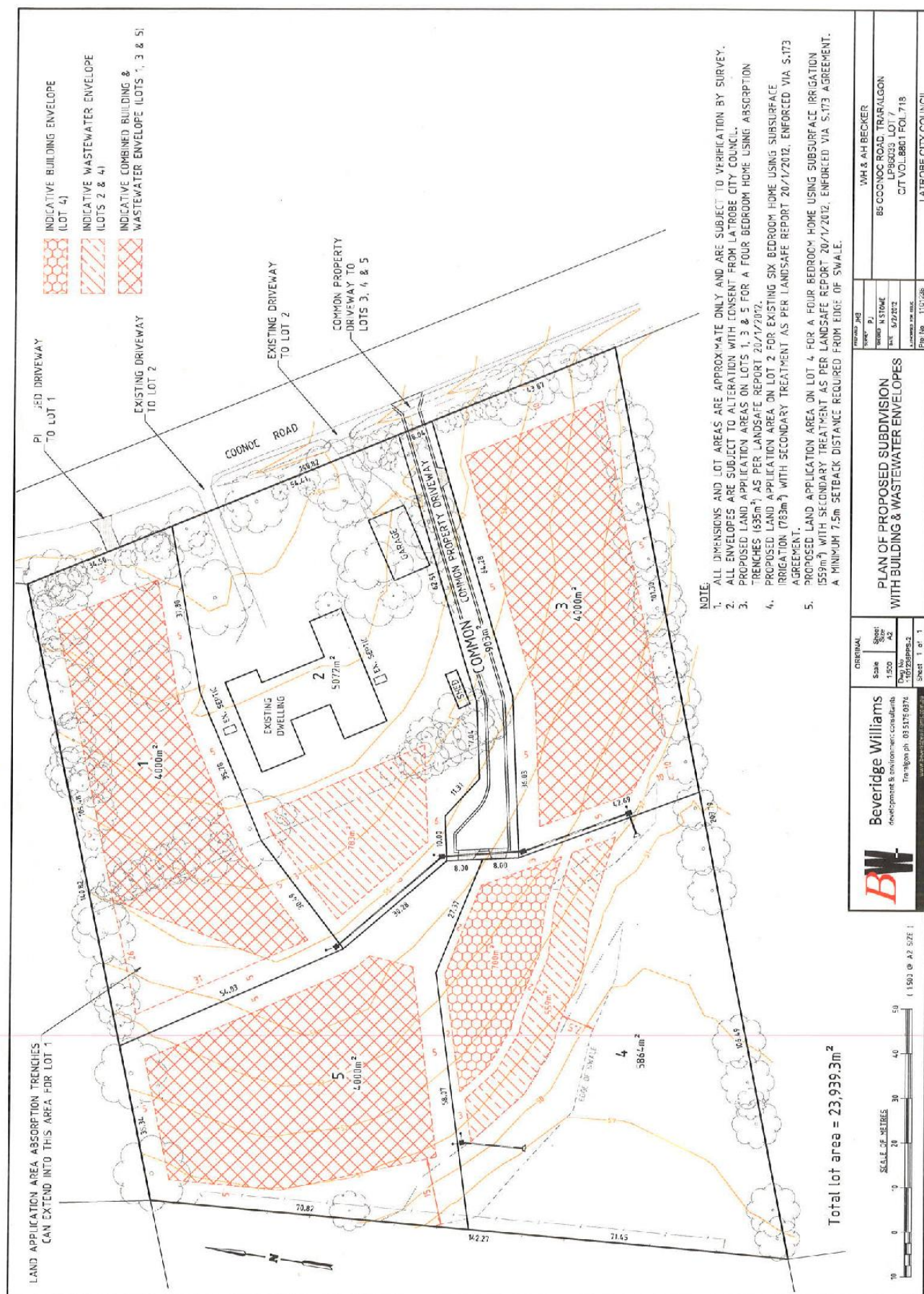
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Sample Name		SITE 1
User ID		637
User Name		Glenn Marriott
Grower Name		AG CHALLENGE CONSULTING
Customer Name		AG CHALLENGE CONSULTING P/L
Paddock Name		BECKER TRARALGON
Sampling Date		27/11/2011
Sample Depth From		40
Sample Depth To		50
Crop		UNKNOWN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

LCA – 85 Coonoc Road – Traralgon – Becker

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







### **History of Application**

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



## **Latrobe Planning Scheme**

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

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

### **Municipal Strategic Statement:**

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

### **Zoning:**

The subject site is zoned Low Density Residential Zone

### **Overlays:**

The subject site is not affected by any overlays.

### **General Provisions:**

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

### **Incorporated Documents:**

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

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

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

pwr 17/7/12

  
**West Gippsland**  
Catchment Management Authority

CMA Application No: WG-F-2012-0215-LAT  
Document No: 2  
Council No: 2012/38  
SPEAR No.: S02063V  
Date: 5 July 2012

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

Dear Jacklyn,

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

I refer to your correspondence dated 29 June 2012, received at the West Gippsland Catchment Management Authority on 29 June 2012 in accordance with the provisions of *Section 52* of the *Planning and Environment Act 1987*.

Below is the Authority's understanding of the application:

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

Propose the following;

**Proposed Development Type:** Subdivision Only  
**Proposed Development Description:** Five lot subdivision 29/06/12 Further info provided by developer

on the abovementioned proposed development location.

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

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



WG-F-2012-0215-LAT-02.docx

Pa 1 of 3

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 • Facsimile (03) 5175 7899 • Email [westgipps@wgoma.vic.gov.au](mailto:westgipps@wgoma.vic.gov.au) • Website [www.wgoma.vic.gov.au](http://www.wgoma.vic.gov.au)  
Traralgon Office 16 Holtham Street, Traralgon VIC 3844 • Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

Mapping available to the Authority indicates that a designated waterway runs through the property with proposed Lots 3, 4 & 5 being affected.

The Authority has met with the developers' representatives to discuss the proposed management arrangements for stormwater drainage treatment and the waterway area in Lot 4.

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

- Prior to Certifying the plan of subdivision, the owner shall enter into an Agreement with the Latrobe City Council made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act, acknowledging that:
  - The management and maintenance of the stormwater drainage treatment system identified on Lot 4 must be managed and maintained by an Owners Corporation
  - The owner of any approved permit in the future should pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.
- Prior to Certifying the plan of subdivision, the owner shall enter into an Agreement with the Latrobe City Council made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act, acknowledging that:
  - A Waterway Management Plan to the satisfaction of the WGCMA is developed for the proposed Lot 4 which addresses the following:
    - A plan showing the Waterway Management Area within Lot 4
    - A Landscape Plan showing the revegetation of the Waterway Management Area with an appropriate selection of indigenous vegetation in accordance with the Ecological Vegetation Class;
    - Ongoing maintenance plan of the revegetated area, including weed eradication.
    - Exclusion of grazing animals from the Waterway Management Area;
  - The owner of any approved permit in the future should pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.
- Completion of the revegetation works to the satisfaction of the WGCMA must be done prior to the issue of a statement of compliance in accordance with the Waterway Management Plan;

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

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

Yours sincerely,



Adam Dunn  
Land Planning Manager

Cc: W & A Becker, -

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

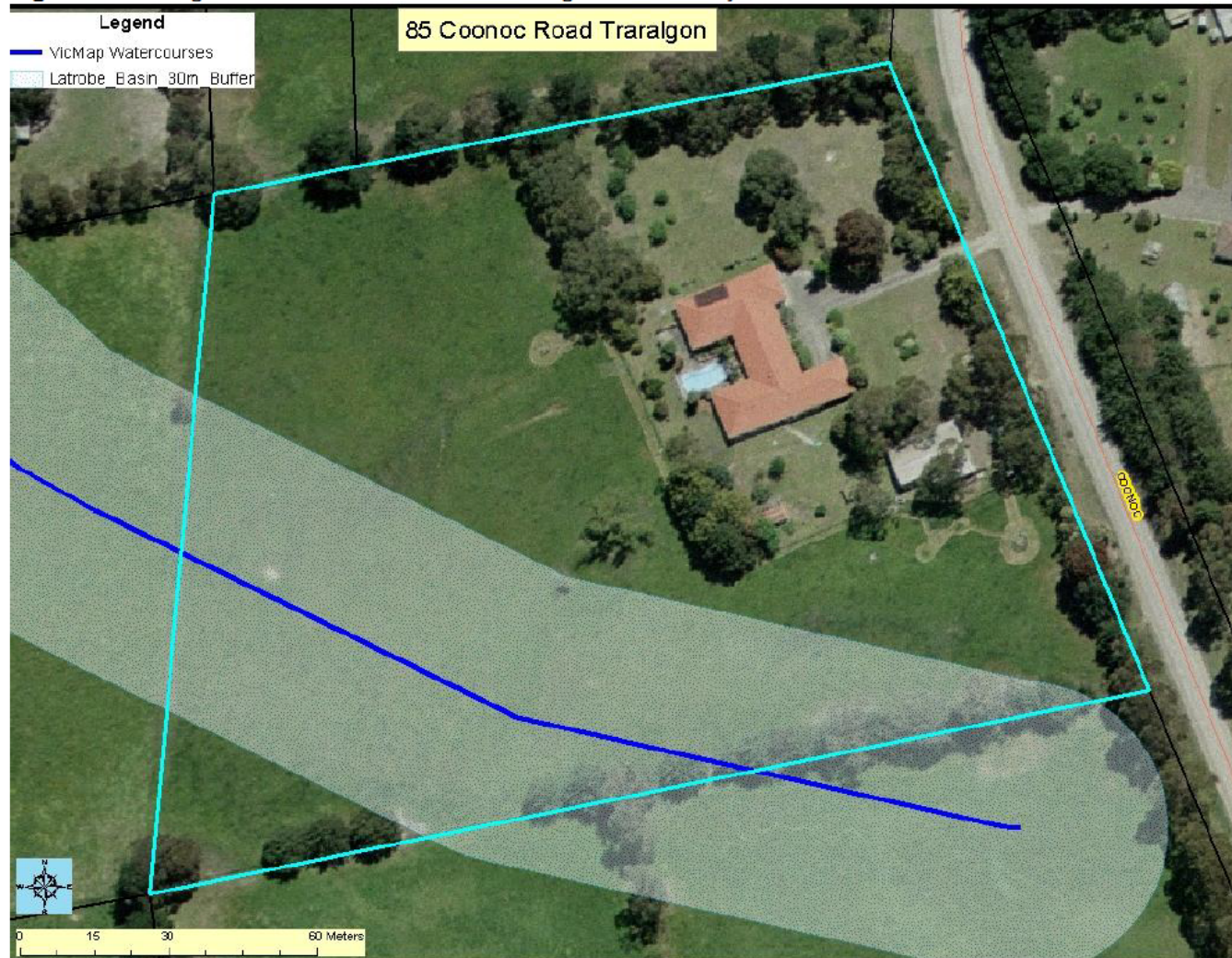
**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or LATROBE Shire Council.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).  
  
Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.
4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.





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



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

14 December 2012

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

Dear Jacklyn,

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

Thank you for your referral dated 20 November 2011 regarding the above planning permit application. EPA is not a statutory referral Authority under Section 55 of the Planning and Environment Act 1987, since this proposal:

- (a) does not require a licence or works approval or amendment to a licence or works approval;
- (b) is not proposed to be used for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1 or for which the threshold distance is not to be met; and
- (c) is not a proposed extractive industry intended to be used at a later date for landfill.

However, EPA offers the following comments with regard to this proposal:

#### **Australian Paper Buffer**

The application relates to a property which is located approximately 4.1km from the Australian Paper Mill. When making land use decisions, council must give regard to EPA Publication AQ 2/86 *Recommended Buffer Distances for Industrial Residual Air Emissions*. This guideline specifies that a paper or paper pulp industry involving the combustion of sulphur or sulphur containing materials requires a 5km buffer. As the property relating to this application falls within this buffer area, it is likely to be affected by amenity reducing impacts.

The guideline does allow for the buffer distance to be modified under a detailed study for site specific and local conditions. GHD Pty Ltd, on behalf of Australian Paper, have assessed the odour emissions from the site and devised a revised site specific buffer currently known as the "Adjusted Amenity Buffer". However, part of the property relating to this application is still located within this adjusted amenity buffer.

To protect both residents and industry alike, EPA advises against further intensification of residential areas within the Australian Paper buffer zone.

#### **Wastewater Disposal**

EPA has reviewed the Land Capability Assessment (LCA) for the proposal. The LCA states that the site has low permeability subsoil and poorly drained subsoil. The report also mentions a swale and frequently saturated soil.



7 Church Street  
Traralgon  
Victoria 3844  
PO Box 1332  
Traralgon Victoria 3844  
T: 1300 EPA VIC  
F: 03 5174 7851  
DX 219292  
www.epa.vic.gov.au



2

EPA recommends Council consider obtaining an independent review of the LCA, as the report submitted with the application raises numerous factors which may impact on the site being able to sustainably treat and contain wastewater on within the boundary of the property. I remind you that Clause 32 of the *State Environment Protection Policy (Waters of Victoria)* requires that prior to approving a development, Council must ensure that the allotment is capable of treating and retaining all wastewater within the allotment boundary.

Due to the above areas of concern, EPA does not support Council issuing a planning permit for this application.

Please contact our Planning Assessment Officer, Karen Taylor on 1300 EPA VIC (1300 372 842) if you require further information or advice.

Yours Sincerely



GARRY KAY  
EPA GIPPSLAND



## DRAFT EPA CODE OF PRACTICE — ONSITE WASTEWATER MANAGEMENT

**Table 5: Setback distances for primary and secondary treated effluent disposal / irrigation areas<sup>1,2</sup>**

Landscape feature or structure	Land application setback distances (m)		
	Primary treated effluent	Secondary sewage & greywater effluent <sup>1,a</sup>	Advanced secondary greywater effluent <sup>3,4,b</sup>
<b>Building</b>			
Wastewater field up-slope of building <sup>7</sup>	6	3	3
Wastewater field down-slope of building	3	1.5	1.5
<b>Allotment boundary</b>			
Wastewater field up-slope of adjacent lot	6	3	1
Wastewater field down-slope of adjacent lot	3	1.5	0.5
<b>Services</b>			
Water supply pipe	3	1.5	1.5
Wastewater up-slope from potable supply channel	300	300	150
Wastewater field down-slope from potable supply channel	20	20	10
Gas	3	1.5	1.5
Underground water tank	15	7.5	3
Stormwater drain	6	3	2
In-ground swimming pool	6	3	2
Wastewater up-slope from cutting / escarpment	15	15	15
<b>Surface waters (up-slope from)</b>			
Dam, lake or reservoir (potable and for food production) <sup>8</sup>	300	300	300
Waterways (potable water supply) <sup>9</sup>	100	100	100
Dam, lake or reservoir (stock & non-potable) <sup>8</sup>	60	30	20
Waterways, wetlands, estuaries, ocean beach (continuous or ephemeral, non-potable, includes ocean at high-tide mark)	60	30	20
<b>Groundwater bore</b>			
Potable <sup>1,5</sup>	50	50	25
Non-potable	20	10	10
<b>Watertable</b>			
Vertical depth from base of trench to ground water table	1.2	1.2	1.2
Vertical depth from irrigation pipes to ground water table	NA	1.2	1.2

- 1 These distances act as a guide for the protection of environment and human health and must be measured horizontally from the defined boundary of the dispersal/irrigation area. Only the 'Watertable' category is measured vertically through the soil profile. For surface waters, the measuring point shall be the 'bank-full level'.
- 2 Primary water-based sewerage systems must only be installed in unsewered areas; secondary sewerage system must only be installed and managed in sewerage areas by water corporations; secondary greywater systems can be installed in sewerage and unsewered areas.
- 3 Advanced secondary treated greywater of 10/10/10 standard.
- 4 With the exception of potable groundwater bores, Special Water Supply Catchments and cutting/escarpments the setback distances for secondary treated effluent with a minimum of 20/30 and 20/30/10 standard can be reduced by up to 50 per cent of the primary treated effluent setback distances, where all the following conditions are met:
- slopes are <5% or pressure-compensating sub-surface irrigation is installed along the contour. (Where the slope is >5% and there is a risk of land slippage, a reduction in setback distances may not be appropriate. A geotechnical assessment may be needed to determine the risk of land-slippage, especially if the soil is likely to be saturated during winter); and
  - an ongoing maintenance and service contract with a service agent accredited by the manufacturer is in place to ensure the system is regularly serviced in accordance with the relevant EPA CA and Council Permit conditions.
- 5 The setback distance to a potable groundwater bore in clay soil can be reduced by up to 50% where treated and disinfected greywater (10/10/10 or 20/30/10 standard) is applied via pressure-compensating sub-surface or surface irrigation.
- 6 Effluent typically contains high levels of nutrients that may have a negative impact on native vegetation and promote the growth of weeds. When determining setbacks, Council should consider not only the potential impact of nutrients from the proposed onsite wastewater system, but the cumulative impact of the existing onsite wastewater systems in the area.
- 7 Setback distances help protect human health. Establishing an effluent dispersal/irrigation area upslope of a building may have implications for the structural integrity of the building. This issue is beyond this Code's scope and should be examined by a building professional on a site-by-site basis.
- 8 Does not apply to dams and reservoirs located above ground-level which cannot receive run-off.
- 9 Means a waterway within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection (CaLP) Act 1994 or waterway within a Special Area as created under Section 27 of the CaLP Act.

10/5/12

Brian and Lynda Pinches

7/5/2012

Latrobe City Council

PO Box 264

Morwell 3840

Re 2012/38 OBJECTION Letter

To the Latrobe City Council,

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

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

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

Yours

Brian and Lynda Pinches

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pw 22/5  
Jacklyn

This document has been copied and made available for the planning process as set out in the *Planning and Environment Act 1987*. The information must not be used for any other purpose.

By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

16<sup>th</sup> May 2012

To Whom It May Concern,

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


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

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

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

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

Thank you

  
Gino Tripodi

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## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **16.2 PLANNING PERMIT APPLICATION 2012/158 - USE AND DEVELOPMENT OF A SINGLE DWELLING AND ANCILLARY OUTBUILDING - LOT 2, SYMONS DRIVE, CALLIGNEE**

**General Manager**

**Governance**

**For Decision**

#### **PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/158 for the construction of a single dwelling and ancillary outbuilding at Lot 2, Symons Drive, Callignee.

#### **DECLARATION OF INTERESTS**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

##### ***Strategic Objective – Built Environment***

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

#### ***Latrobe City Council Plan 2012 - 2016***

##### ***Strategic Direction – Built Environment***

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

#### ***Shaping Our Future***

An active connected and caring community  
*Supporting all*

#### **Legislation**

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



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### BACKGROUND

#### SUMMARY

Land:	Lot 2 on LP 126629
Proponent:	G Fletcher Builders
Zoning:	Rural Living Zone (Schedule 6)
Overlay	Wildfire Management Overlay (Also identified as the Bushfire Management Overlay)

A Planning Permit is required for the use of the land for a dwelling (as a Section 2 use) pursuant to Clause 35.03-1 of the Rural Living Zone.

A Planning Permit is also required for buildings and works associated with a use in Section 2 pursuant to Clause 35.03-4 of the Rural Living Zone.

A planning permit is required for buildings and works for 'accommodation' under the provisions of Clause 44.06-1 of the Wildfire (Bushfire) Management Overlay.

#### PROPOSAL

The application is for the use and development of the land for a single storey dwelling and an ancillary outbuilding.

The single storey dwelling is proposed to be located towards the southern end of the site and consist of kitchen, dining/living area, three bedrooms, study and a garage. The dwelling is proposed to be constructed from face brickwork, with a colourbond steel roof. The proposed outbuilding would have a floor area of 135 square metres and be located to the rear of the dwelling the southern most end of the site.

Access to the buildings would be achieved from an existing track which runs parallel to the eastern boundary of the site.

For further details, please refer to the proposed plans at Attachments 1 and 2.

#### Subject Land:

The subject land is two hectares in area, roughly rectangular in shape and gently slopes from south to north. The site has a frontage to Symons Drive that is 136 metres in length with a site depth of approximately 163 metres. The boundary to the south is 95 metres in length whilst the east and west boundaries are 171 metres and 164 metres in length respectively.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

There is a small dam located within the north-west corner of the site but the land is otherwise devoid of any other features or notable vegetation.

The lot immediately to the east of the site has been developed and contains a single residential dwelling and associated outbuildings.

The site is located approximately four kilometres to the south of Traralgon South.

### Surrounding Land Use:

North: Managed grassland/grazing  
 South: Managed grassland /woodland stand of trees  
 East: Existing dwelling and ancillary outbuildings  
 West: Managed grassland/grazing

All surrounding lots are located within the Rural Living Zone (Schedule 6). A locality plan can be found at Attachment 3.

### HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 4.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 5.

## LATROBE PLANNING SCHEME

### STATE PLANNING POLICY FRAMEWORK

The proposal has been assessed against the relevant Clauses of the State Planning Policy Framework.

Clause 11.05-4: 'Regional planning strategies and principles', the objective of which is to ensure there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

The proposal would facilitate the use of appropriately located rural living land for rural living purposes. As the original subdivision of the land (early 1980's) was to allow for the rural residential development of the area, the development and on-going use of the land for a dwelling is considered to be appropriate.

Clause 13.05: 'Bushfire', the objective of which is to strengthen community resilience to bushfire. A strategy to implement this objective is to only permit new development where:

- The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

- Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.
- The risk to existing residents, property and community infrastructure from bushfire is not increased

The construction of the dwelling will require a minimum level of protection in order for the development to proceed. The development is considered to be in an appropriate location on the site and is considered to meet the objective of this clause. The application has been assessed by the Country Fire Authority which has raised no objections to the proposal subject to appropriate conditions.

Clause 15: 'Built environment and heritage', which states that planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

The aim of this clause is to ensure that development achieves a high quality urban design and architecture that respects the cultural, physical and architectural values of the area. The dwelling has been designed to reflect local architectural standards and will respect the character of the area and the topography of the site.

Clause 16.02-1: 'Rural Residential Development', the objective of which is to identify land suitable for rural living and rural residential development.

As the subject site has previously been zoned and consequently subdivided for rural living purposes the proposed use and development of the site for a dwelling is considered to be an appropriate and legitimate use that is consistent with the general spirit of the zone.

### LOCAL PLANNING POLICY FRAMEWORK

The proposal has been assessed against the relevant Clauses of the Local Planning Policy Framework.

Within the Local Planning Policy Framework Clause 21.04-2 '*Settlement Overview*' highlights that the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Clause 21.04-3: *'Rural Living Overview'* acknowledges that rural residential living has been a popular and attractive lifestyle choice in Latrobe City and continues to attract residents. As the subject site has previously been identified for rural residential purposes and subdivided to allow for the lot to be used as such, it is considered that the proposal reflects this trend, is appropriate, legitimate and consistent with the general spirit and intent of this clause.

### RURAL LIVING ZONE (SCHEDULE 6) - CLAUSE 35.03

The subject site is located within the Rural Living Zone (Schedule 6). The 'Purpose' and 'Decision Guidelines' of the zone have been taken into account as part of the assessment of this application, which is considered to be consistent with the provisions of the Planning Scheme on the basis that the proposal would:

- provide for residential use in a rural environment;
- provide for an agricultural land use which would not adversely affect the amenity of surrounding land uses; and
- not compromise any natural resources, biodiversity or landscape and heritage values of the area.

### BUSHFIRE MANAGEMENT OVERLAY - CLAUSE 44.06

The purpose of the Bushfire Management Overlay is:

- To assist to strengthen community resilience to bushfire.
- To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.
- To ensure that the location, design and construction of development consider the need to implement bushfire protection measures.
- To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

The proposed development is considered to be consistent with the Bushfire Management Overlay (discussed later in this report)

### PARTICULAR PROVISIONS

The purpose of Clause 52.47 - Bushfire Protection, Planning Requirements is

*'To ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level', and*

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

*'To specify requirements for buildings, works and subdivision on land to which the Bushfire Management Overlay applies'.*

The application has been assessed against the requirements of this provision and is consistent with its intent.

### DECISION GUIDELINES (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this planning application and where relevant have been discussed in this report.

### **ISSUES**

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

It is considered that the proposed use and development of the site for a single dwelling and ancillary outbuilding satisfies both the State and Local Planning Policy Frameworks in that the site is an appropriate location for rural residential living and is a legitimate use within the context of the provisions of the Rural Living Zone.

#### 'Purpose' and 'Decision Guidelines' of the Rural Living Zone:

The subject land is currently within the Rural Living Zone (Schedule 6) the provisions of which require the submission of a planning permit application for the use of the land for a dwelling if the lot size is below the scheduled minimum of 8ha. The subject land is 2ha in area.

Historically speaking, the site is located within the Traralgon South Precinct (as per the, *'Residential and Rural Residential Land Assessment'* study (the Study) adopted by Council in April 2009 and is identified (in the Study) as a 'vacant lot' within the Rural Living Zone. This is primarily the consequence of the earlier (1980's) subdivision of the land which created a number of 2ha blocks along Symons Drive – one of which was developed in 2009.

Whilst the provisions of the Clause stipulate a minimum lot size of 8ha – this applies to the use of the land for a dwelling as an *'as of right'* use not requiring a planning permit. This does not preclude the use of land for a dwelling on lots of less than 8ha for rural living purposes; rather, it triggers the need for a formal planning permit to enable Council to consider the individual merits of a proposal in accordance with the relevant provisions of the Latrobe Planning Scheme.

Having considered the historic subdivision of the land, previous developments and the purpose of the Rural Living Zone, it is considered that the proposal is both a legitimate use and is consistent with the relevant provisions of the zone.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 'Purpose' and 'Decision Guidelines' of the Wildfire (Bushfire) Management Overlay:

The planning application has been assessed against the provisions of Clause 44.06, the purpose of which is:

- To assist to strengthen community resilience to bushfire.
- To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.
- To ensure that the location, design and construction of development consider the need to implement bushfire protection measures.
- To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

Under the provisions of Clause 44.06-2, the application was accompanied by a locality and site description and a bushfire management statement – both of which have been assessed by the Country Fire Authority. The latter has raised no objection to the grant of a planning permit subject to appropriate planning conditions.

### Commencement of Works

Whilst it is noted that some earthworks have been undertaken to level the site in the location that the proposed dwelling would be situated, the submission of the planning permit application currently affords an opportunity to regularise the works in the event that a planning permit is issued.

### OBJECTOR'S CONCERNS

As a result of the notification process, the application received a single objection. The issues raised in the objection were as follows:

- 1 The potential density of dwellings in the immediate area will be approximately one dwelling per 2ha which is far higher than the 1 dwelling per 8ha that is preferred for the RLZ6 Zone. There is currently an oversupply of rural living zoned allotments in Callignee.

### Officer Comment:

The fundamental land-use planning considerations associated with this application relate specifically to the assessment of the extent to which the use and development of a dwelling within an area that has been identified for rural residential uses within a rural environment is acceptable based on the provisions of the Rural Living zone.



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

The provisions of Clause 35.03-1 provide a mechanism (i.e. the planning permit trigger) through which planning permit applications for proposals which do not necessarily meet the scheduled minimum lot size requirements of the zone (in this instance 8ha), can be considered on their own individual planning merits and site-specific circumstances.

The State Planning Policy Framework states that (within Regional areas of Victoria) responsible authorities should provide adequate and competitive land supply. This approach is supported within Latrobe City where it remains Council policy that each town should grow in its own right and maintain a 10 to 15 year urban land supply within them. The 'Residential and Rural Residential Land Assessment' study formally adopted by Council in April 2009 identified that, within the Traralgon South precinct (which includes the application site) there is (currently) an adequate supply of total vacant lot potential in regard to RLZ land to meet forecast demand over the next 15 years. Under a 'high growth' scenario (forecast demand of up to approximately 20 additional dwellings) an estimated 16 year supply of total vacant lot potential exists on RLZ land in Traralgon South. On this basis, the current supply of RLZ land within the Traralgon South precinct is consistent with both State and Local Planning Policy requirements.

- 2 Increasing the density of rural living style allotments will disrupt the community of Callignee by increasing the number of rural living dwellers and create an imbalance in the population using land for rural living versus the population using land for farming. This will place the smaller number of broad-acre farmers at a disadvantage if changes to the district are proposed on a quasi-democratic basis that has no special regard for the minority group of farmers that extensive rural living creates.

Officer Comment:

Clause 21.04-3 highlights the fact that rural residential living has been a popular and attractive lifestyle choice in Latrobe City and continues to attract residents. The Latrobe Planning Scheme supports rural living development in appropriate locations, taking into account current supply and demand for these types of subdivisions. Clause 21.07-5 identifies that there is pressure for rural residential development and acknowledges that it is a legitimate land use. The Traralgon South Precinct is an area within which rural living is identified as a legitimate land use, a facet of which is a corresponding increase in population.

- 3 The original subdivision (in the early 1980's) required the road to be sealed. This did not occur. If a higher density than 1 dwelling per 8ha is now permitted there are potentially 11 dwellings with sole access to Symons Drive. The applicants should be required to seal Symons Drive.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### Officer Comment:

Council records indicate that the planning permit that created the subject site had a condition requiring the developer to seal the north-south portion of Symons Drive but not the east-west portion where the subject site is located. It is noted that subsequent correspondence from residents of Symons Drive did not wish the road to be sealed, and it is understood that this was accepted by Council.

However, the current permit application relates solely to the subject land and as such it would not be considered reasonable for the applicant to be required to undertake works beyond the extent of the property boundary that would benefit others. Engineering conditions will ensure that the existing access to the lot complies with the relevant Council standards.

- 4 The application does not comply with the provisions of Section 35.03

### Officer Comment:

Under the provisions of Clause 35.03 a purpose of the Rural Living Zone is to provide for residential use in a rural environment. The application would provide for a residential use within a rural environment and is therefore in compliance with the Planning Scheme.

- 5 The dwelling is not associated with a small scale agricultural enterprise; it is principally for residential purposes.

### Officer Comment:

A purpose of the Rural Living Zone is to provide for residential use in a rural environment. The application would satisfy the intent of the zone by providing a residential use in a rural environment. The provisions of the zone do not expressly stipulate a requirement for a residential use to be associated with any small scale agricultural enterprise.

- 6 The lot is in a Wildfire Overlay. Bushfire research indicates that rural living is inappropriate in such areas whereas general farming or forestry is appropriate. This is not addressed in the current planning scheme. Planners would be wise to restrict the proposed type of development in these areas.

### Officer Comment:

The Latrobe Planning Scheme contains provisions which trigger requirements for detailed mitigation measures for those areas where fire danger is considered to be a significant risk to life.

The application site is located within the Wildfire Management Overlay and as such was referred to the Country Fire Authority who have assessed the application and raised no objections to the grant of a planning permit subject to appropriate conditions.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

- 7 The dwelling will result in the fragmentation of agricultural land and proliferation of dwellings in an agricultural area.

Officer Comment:

The application does not involve the subdivision of the existing lot. The provisions of Clause 35.03-3 prevent the land from being further subdivided on the basis that a minimum lot size of 8ha could not be achieved.

As such it is not considered that the proposed development will result in the potential for fragmentation of land and/or proliferation of dwellings in the area.

- 8 The proposed dwelling will have an adverse impact on agricultural activity on adjoining land and unreasonably restrict adjacent properties expanding in compliance with the intent of an RLZ6 Zone

Officer Comment:

A purpose of the Rural Living Zone is to provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses. It is considered that the proposal addresses this requirement and will not result any adverse impact on the use or amenity of adjoining land.

- 9 Earthworks have been undertaken on the site.

Officer Comment:

This issue is dealt with under the Issues section of this Report.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT). Risk has been considered as part of this report considered to be consistent with the Risk Management Plan 2011-2014.

### **INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(c) of the Planning and Environment Act (1987). Notices were sent to all adjoining landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### External:

The application was referred pursuant to Clause 55 of the Act to the Country Fire Authority, which did not object to the grant of a permit subject to conditions.

### Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who had no objections to the granting of a planning permit subject to appropriate conditions and notes.

Comments were also sought from Council's Environmental Health Team who raised no objections to the grant of a planning permit subject to appropriate conditions.

### *Details of Community Consultation following Notification:*

Following the advertising and referral of the application, one objection was received. A copy of the objection can be found at Attachment 6.

At the request of the applicant, a mediation meeting was not held.

### **OPTIONS**

Council has the following options in regard to this application:

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

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

### **CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Rural Living Zone.
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Wildfire Management Overlay; and
- Consistent with Clause 65 (Decision Guidelines).

The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered and the objection is not considered to form planning grounds upon which the application should be refused.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### Attachments

1. Plans and elevations
2. Shed plan and elevations
3. Locality Plan
4. Planning history
5. Latrobe Planning Scheme provisions
6. Letter of objection

### **RECOMMENDATION**

- 1 That Council issues a Notice of Decision to Grant a Planning Permit for the construction of a single dwelling and ancillary outbuilding at Lot 2 on LP 126629, Symons Drive, Callignee with the following conditions :
  - 1.The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  2. The outbuilding must not be used for human habitation at any time.
  - 3.Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers, to the satisfaction of the Responsible Authority.
  - 4.The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the Responsible Authority.
  - 5.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.
  - 6.Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
  - 7.Engineering Conditions:
 

Before an Occupancy Permit is issued for the dwelling 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:

    - a) All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

- b) The areas provided within the property for vehicle access to the permitted dwelling and associated buildings and works, must be constructed and surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud, crushed rock or other debris from being carried onto the road.
- c) The existing vehicle crossing providing access to the property must be reconstructed to comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212.

8. 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.

9. The owner must ensure that all waste waters emanating from the dwelling are contained and treated within the boundaries of the lot in accordance with the State Environment Protection Act 1970 and to the satisfaction of the Responsible Authority.

10. An application for a permit to install a septic tank system must be submitted and approved by Council prior to any installation.

11. The septic tank (waste water system) must be set back a minimum of 60m from all surface waters (dam).

12. Country Fire Authority Conditions:

The operator of this permit must comply with the following requirements from the Country Fire Authority (CFA):

### A) Endorsed Plan

The Plans dated 26/11/2012 as Revision 2 of Drg. Number PN12347 Page P1 & P5 must be endorsed as part of the permit.

### B) Buildings and works

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### C) Static Water Supply

#### a) A static water supply must be provided and meet the following requirements:

- I) Water tank(s) with a minimum of 45,000 litres of water must be provided on the lot. Such tank(s) must have the domestic supply draw off at a level which will provide storage of 10,000 litres reserve for fire fighting purposes or a separate tank can be provided for fire fighting purposes.
- II) The water supply must be located within 60 metres of the buildings(s) (allowing for any obstructions).
- III) Fire brigade vehicles must be able to get to within four metres of the water supply outlet.
- IV) The water supply and associated fixed above ground water pipelines and fittings must be constructed in materials resistant to corrosion, combustion and deformation by heat. Other materials can be utilised where appropriately protected from the effects of radiant heat and flame.
- V) The water supply must be readily identifiable from the building or appropriate signage must point to the water supply.
- VI) All pipe work and connections must comply with the following:
  - i) all above ground water supplies must provide at least one 64 mm, 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling to CFA specifications,
  - ii) all pipe work and valving between the water supply and the outlet must be no less than 64 mm nominal bore and
  - iii) if less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.
- VII) All Below ground water pipelines must be installed to the following depths:
  - i) subject to vehicle traffic - 300 mm.
  - ii) under houses or concrete slabs - 75 mm.
  - iii) all other locations - 225 mm.

### D) Access

#### a) Access to the dwelling must be designed to allow emergency vehicles access.

- I) curves in the driveway must have a minimum radius of 10 metres
- II) the average grade must be no more than 1 in 7 (14.4%), however an absolute maximum of 1 in 5 (20%) is allowed for a maximum of 50 metres.
- III) dips must have no more than a 1 in 8 (12.5%, 7.1 degree) entry and exit angle.
- IV) must be designed, constructed and maintained for a load limit of at least 15 tonnes and be of all weather construction
- V) must provide a minimum trafficable width of 3.5 metres and be clear of encroachments for 4 metres vertically and 0.5 metres each side of the

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

driveway.

- b) Driveways longer than 100 metres must provide for the turning of fire fighting vehicles close to the building by either:
- i) a turning circle with a minimum radius of 8 metres; or
  - ii) by the driveway encircling the building; or
  - iii) the provision of a T or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width.

### E) Vegetation Management

Vegetation must be maintained in accordance with the Bushfire Management Overlay Table 1 Defendable Space and to the satisfaction of CFA and the responsible authority.

- a) Inner Protection Zone of 26 metres South & West for Woodland and 11 metres North & East for Grassland from the building:
- I) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
  - II) Trees must not overhang the roofline of the building, touch walls or other elements of a building.
  - III) Grass must be no more than 5 centimetres in height. All leaves and vegetation debris are to be removed at regular intervals.
  - IV) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
  - V) Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.
  - VI) Tree canopy separation of 2 metres and the overall canopy cover of no more than 15 percent at maturity.
  - VII) Tree branches below 2 metres from ground level must be removed.
- b) Outer Protection Zone of 15 metres South & West for Woodland from the inner protection zone and NIL for North & East for Grassland or exclusions:
- I) Grass must be no more than 10 centimetres in height and leaf and other debris mowed, slashed or mulched.
  - II) Shrubs and/or trees must not form a continuous canopy.
  - III) Tree branches below 2 metres from ground level must be removed.
  - IV) Trees may touch each other with an overall canopy cover of no more than 30 percent at maturity.
  - V) Shrubs must be in clumps of no greater than 10 square metres, which are separated from each other by at least 10 metres, to the satisfaction of the CFA.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****F. Building Construction Standard**

A site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the application for the planning permit. The construction of buildings must be to a minimum bushfire attack level of BAL 29 in accordance with the relevant sections to AS3959-2009.

**13. Expiry Condition:**

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

- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed and the use has not commenced within four years of the date of this permit.

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

- Note 1.** This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- Note 2.** 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.

## **16.2**

### **PLANNING PERMIT APPLICATION 2012/158 - USE AND DEVELOPMENT OF A SINGLE DWELLING AND ANCILLARY OUTBUILDING - LOT 2, SYMONS DRIVE, CALLIGNEE**

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**PNBC DESIGN & DRAFTING**

REGISTERED No. DP-AD 26502  
p. 09 5116 1080 f. 09 5116 1081  
m. 0412 912245 e. pnew@deband.net.au

**First Rate house energy rating**

✓ Single dwelling rating Stars MJ/m2  
Accredited number VIC/BDAY/11/3107  
Signature Date

**Project:**

PROPOSED RESIDENCE  
FOR STUART & FLEUR STEVENSON  
AT LOT 2 LP 126629,  
SYMONS DRIVE, CALLIGNEE 3844

**Drawing Title:**

ELEVATIONS

**Revision No.2**

26/11/2012  
cfa  
Scale on A3  
AS SHOWN

**Drg. Number**

PN12347  
Date:  
26/11/2012

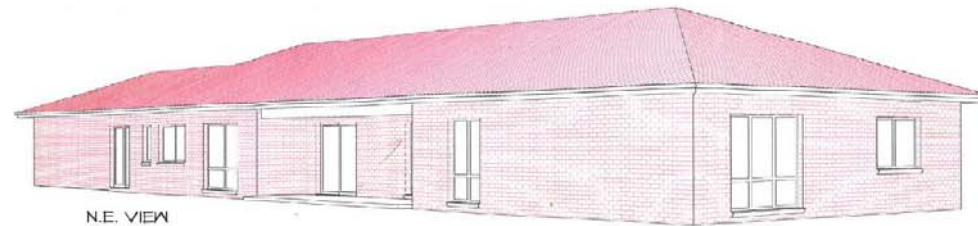
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N.E. VIEW

**BUILDING IN A (BMO) BUSHFIRE MANAGEMENT OVERLAY**

SITE ASSESSMENT AS PER BAL ASSESSMENT BY CFA.

PREDOMINANT VEGETATION - GRASS LAND WITH LOW RISK WOODLAND 160 m FROM PROPOSED DWELLING. NEIGHBOURING UNMANAGED GRASS LAND AT PROPERTY BOUNDARY.

SLOPE OF LAND - LESS THAN 10°

BAL ASSESSMENT - BAL 29

GENERAL REQUIREMENTS  
PLEASE REFER TO THE BUSHFIRE MANAGEMENT STATEMENT

**1. WATER SUPPLY**

A 10 000 LITRES (MIN) ON SITE STATIC STORAGE MUST BE PROVIDED ON THE LOT AND BE MAINTAINED SOLELY FOR THE PURPOSE OF FIRE FIGHTING, WITHIN 60m MAX FROM DWELLING, WITH 15 TONNE CAPABLE ALL WEATHER ROAD TO WITHIN 4m OF TANK AND MUST BE IDENTIFIABLE BY APPROPRIATE SIGNAGE. ALL CONNECTIONS TO TANK MUST BE CONSTRUCTED OF NON-CORROSIVE NON-COMBUSTIBLE MATERIALS OR PROTECTED FROM RADIANT HEAT AND FLAMES ALL ABOVE GROUND STATIC WATER SUPPLY MUST PROVIDE AT LEAST ONE 60mm ST-HEAD/ 25mm X 50mm NOMINAL BORE BRITISH STANDARD PIPE (BSP), ROUND MALE COUPLING, ALL PIPEWORK AND VALVING BETWEEN THE WATER SUPPLY AND THE OUTLET TO BE NO LESS THAN 50mm NOMINAL BORE. IF LESS THAN 20m FROM THE BUILDING, EACH OUTLET MUST FACE AWAY FROM THE BUILDING TO ALLOW ACCESS DURING EMERGENCIES.

**2. ACCESS REQUIREMENTS**

ACCESS TO THE DWELLING MUST BE DESIGNED TO ALLOW EMERGENCY VEHICLE ACCESS. THE MINIMUM REQUIREMENTS ARE AS FOLLOWS:  
CURVES IN DRIVEWAYS MUST HAVE A MIN INNER RADIUS OF 10 m.  
THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.6%) (3.10°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR MORE THAN 50m.  
DIPS MUST HAVE NO MORE THAN A 1 IN 5 (12.5%) (1.1°) ENTRY AND EXIT ANGLE.  
IF THE DRIVEWAY FROM THE ROAD TO THE DWELLING AND WATER SUPPLY, INCLUDING GATES, BRIDGES AND CULVERTS, IS GREATER THAN 30m LONG, THE DRIVEWAY MUST BE DESIGNED, CONSTRUCTED AND MAINTAINED FOR A LOAD LIMIT OF 15 TONNES, BE OF ALL WEATHER CONSTRUCTION, AND MUST PROVIDE A MIN. TRAFFICABLE WIDTH OF 3.5m, AND BE CLEAR OF ENCROACHMENTS 4m VERTICALLY.  
IF THE DRIVEWAY IS LONGER THAN 100 m, A TURNING AREA FOR FIRE FIGHTING VEHICLES CLOSE TO THE DWELLING MUST BE PROVIDED, BY EITHER:  
A TURNING CIRCLE WITH A MIN. RADIUS OF 8 m,  
OR THE DRIVEWAY ENIRCLE THE DWELLING,  
OR A "T" OR "Y" HEAD WITH A MIN. FORMED SURFACE OF EACH LEG BEING 6m IN LENGTH AND 4m WIDTH.  
IF THE LENGTH OF THE DRIVEWAY IS GREATER THAN 200m, PASSING BAYS MUST BE PROVIDED EVERY 200m. PASSING BAYS MUST BE 20m LONG AND BE OF A TRAFFICABLE WIDTH OF 6m.



S.E. VIEW



N.W. VIEW



S.E. VIEW

**PNBC DESIGN & DRAFTING**

REGISTERED No. DP-AD 26502  
p. 03 5116 1880 f. 03 5116 1881  
m. 0412 912243 e. pnew@deband.net.au

**First Rate house energy rating**

Single dwelling rating Stars MJ/m2  
Accredited number VIC/BDPAV/11/3107  
Signature Date

**Project:**

PROPOSED RESIDENCE  
FOR STUART & FLEUR STEVENSON  
AT LOT 2 LP 126629,  
SYMONS DRIVE, CALLIGNEE 3844

**Drawing Title:**

3D

**Revision No.2**

26/11/2012  
cfa  
Scale on A3  
AS SHOWN

**Drg. Number**

PN12347  
Date:  
26/11/2012

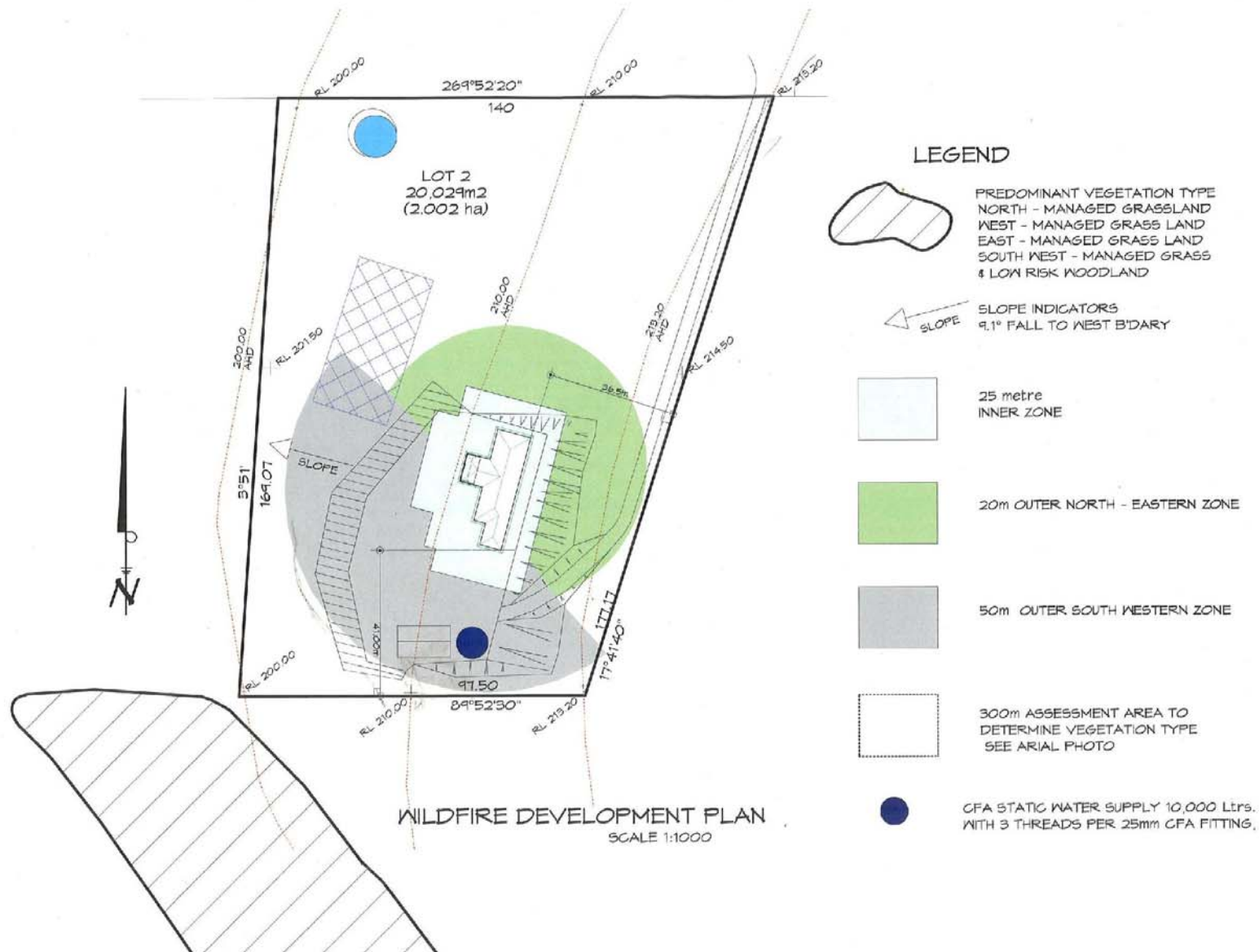
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p. 03 5176 1880 f. 03 5176 1881  
m. 0412 912245 e. pan@wildband.net.au

First Rate house energy rating

Accredited number V/C/BDAN/11/9107  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Project:

PROPOSED RESIDENCE  
FOR STUART & FLEUR STEVENSON  
AT LOT 2 LP 126629,  
SYMONS DRIVE, CALLIGNEE 3844

Drawing Title:  
WILDFIRE  
DEVELOPMENT  
PLAN

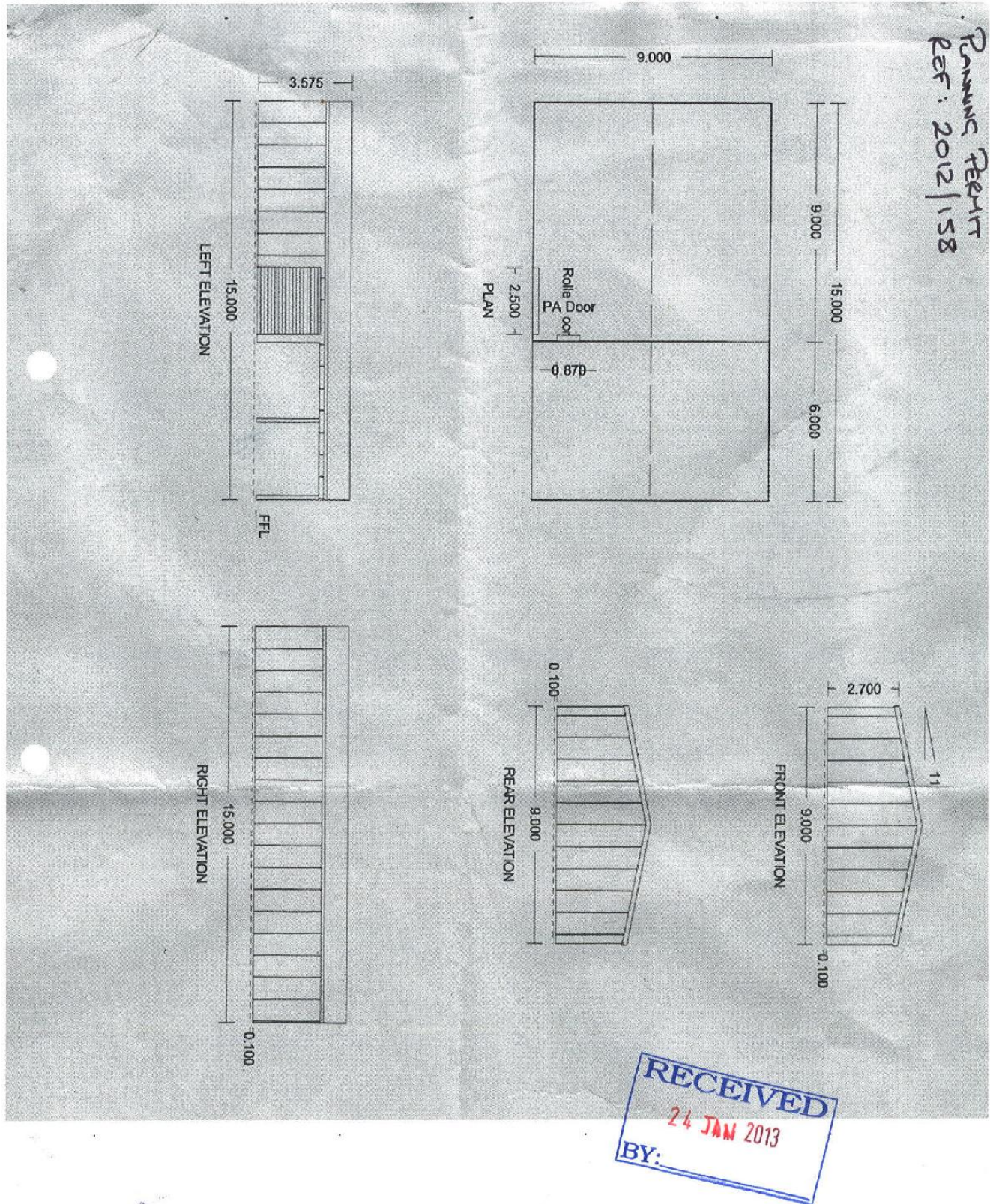
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Drg. Number  
PN12947  
Date:  
26/11/2012

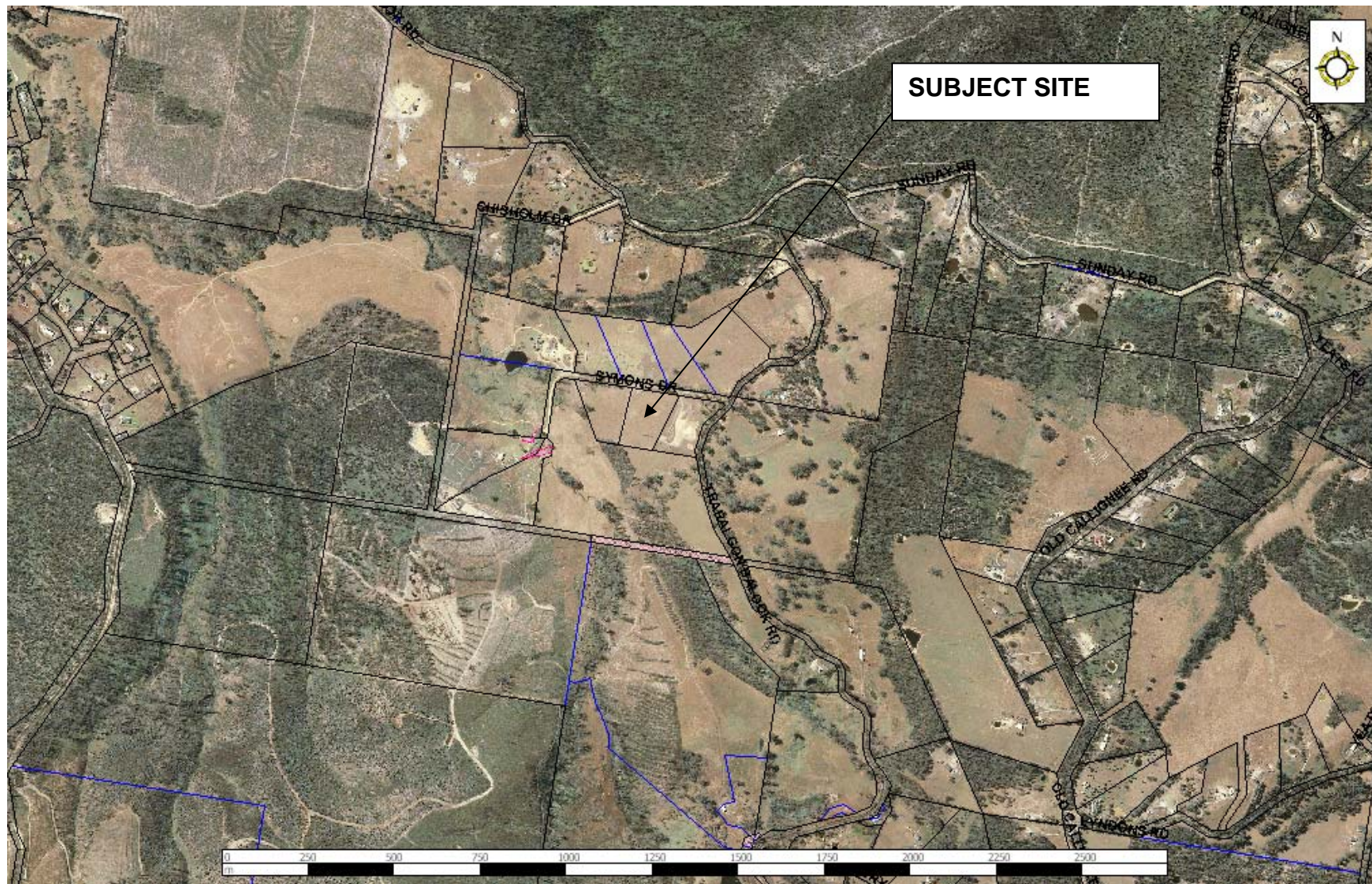
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**History of Application**

21 June 2012	Planning Permit application received by Council.
29 June 2012	Application formally acknowledged by Council.
18 July 2012	Further information requested from applicant in relation to the preparation of a Bushfire Management Statement.
31 July 2012	Further information received.
19 September 2012	Application referred internally to Infrastructure Planning.
23 October 2012	Application referred to Country Fire Authority
1 November 2012	Application referred internally to Health.
6 December 2012	Application advertised to adjoining land owners and sign on site.
18 December 2012	One objection received to the application

•  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.05-4: Regional planning strategies and principles

Clause 13.05: Bushfire

Clause 15: Built environment and heritage

Clause 16.02-1: Rural residential development

**Local Planning Policy Framework**

Clause 21.04-2: Settlement Overview

Clause 21.04-3: Rural Living Overview

Clause 21.07-5: Agriculture Overview

**Zoning – Residential 1 Zone**

The subject land is located within the Rural Living Zone (Schedule 6) at  
Clause 35.03.

**Overlay**

The site is subject to the Wildfire Management Overlay (also illustrated as  
Bushfire Management Overlay) at Clause 44.06.

**Particular Provisions**

Clause 52.47: Bushfire protection: planning requirements

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents**

There are no relevant Incorporated Documents



18 December 2012



**CALLIGNEE VIC 3844**

Latrobe City Planning Department  
141 Commercial Road  
Latrobe City  
Morwell VIC 3840

Attention: Mr B Hearsey

Dear Sir,

Re: Planning Application 2012/158 Symons Drive Callignee

Thankyou for your advice (7 December 2012) that a Planning Application 2012/158 has been made. I wish to object to the application as it is inappropriate development in a RLZ6 Zone because the development is principally for urban style residential purposes, not rural living.

My objection is to the construction of a dwelling and is as follows:

- The potential density of dwellings in the immediate area will be approximately one dwelling per 2Ha. This is far higher than the 1 dwelling per 8 Ha that is preferred for an RLZ6 Zone under the Latrobe Planning Scheme. There is currently an oversupply of rural living zoned allotments in Callignee. This is particularly the case for RLZ4 zones which allow for lot sizes of 4Ha and also in Loy Yang Park, an anomaly to the Latrobe Planning scheme which provides for dense living in an RLZ6 zone by way of a structured agricultural operation and lot sizes of generally 0.7Ha. There is significant disagreement between the body corporate and residents over the use of agricultural land and between residents and Latrobe City regarding road maintenance within the Loy Yang Park development. These are only some of the reasons why this style of development should not be promoted, but it is currently available to the applicants on lots where owners are currently permitted to reconstruct dwellings under 2009 bushfire rebuilding amendments to the Planning Scheme;
- Increasing the density of rural living style allotments will also disrupt the community of Callignee by increasing the number of rural living dwellers. Increasing the number of rural living dwellers will create an imbalance in the population using land for rural living versus the population using land for farming. This will place the smaller number of broadacre farmers at a disadvantage if changes to the district are proposed on a quasi democratic basis that has no special regard for the minority group of farmers that extensive rural living creates. This conflict is well documented in research into new rural landowners;
- The original subdivision in the early 1980's required the road to be sealed. This did not occur. If a higher density than 1 dwelling per 8Ha is now permitted there are potentially 11 dwellings with sole access to Symons Drive. Symons Drive is an unsealed road on grade. If this development is permitted, rather than place an unfair financial burden on other ratepayers within Latrobe City the applicant should be required to seal Symons Drive;
- The application does not comply with the provisions of Section 35.03;

- The dwelling is not associated with a small scale agricultural enterprise, it is principally for residential purposes;
- The lot is in a wildfire overlay (or its current nomenclature). Bushfire research indicates that rural living is inappropriate in such areas whereas general farming or forestry is appropriate. This is not addressed in the current planning scheme. However, research indicates that planners would be wise to restrict the proposed type of development in these areas. Because the lot concerned is less than that scheduled in the Latrobe planning scheme this wisdom can be reasonably demonstrated; and
- As previously indicated this application for a dwelling will result in
  - the fragmentation of agricultural land;
  - It is likely the dwelling will be adversely affected by other agricultural pursuits;
  - this dwelling will lead to a proliferation of dwellings at a density that is inappropriate in an RLZ6 Zone; and
  - provision of a dwelling on this allotment will unreasonably restrict adjacent properties expanding in compliance with the intent of an RLZ6 zone. Only one adjacent property is developed with a dwelling and it, too, is undersize for the zoning. The planning approval for that dwelling occurred during a period when Latrobe City was consistently, incorrectly, applying the Planning scheme in Callignee. To achieve compliance with the preferred density in an RLZ6 zone this lot would need to be consolidated with three similar adjacent lots, preferably on the same side of the road if issues with moving stock across Symons Drive are to be avoided.

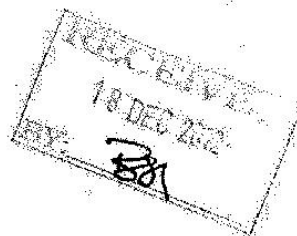
We also note that extensive earthworks for a dwelling were undertaken prior to this application for a planning permit. This has reduced the available land for agriculture on the lot. Please refer email to Mr B Hearsey dated 13 July 2012 which draws attention to this.

In conclusion, this application is for a dwelling on a small lot in an RLZ6 zone. It is unlikely that any agricultural operation on a 2Ha allotment in an RLZ6 zone in Callignee can justify a dwelling when both low density urban lots are available nearby in Traralgon South township and RLZ4 subdivisions are also available nearby. Appropriate usage of this size lot in an RLZ6 zone is simply for trading between occupiers to provide extensions to the agricultural use on other properties. These small parcels are not intended for residential use. Clearly the applicant is merely trying to impose inappropriately dense residential development on an RLZ6 Zone in Callignee.

Yours faithfully

(signed)

Stuart Strachan



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **16.3 PLANNING PERMIT APPLICATION 2012/193 - 9 TINTERN PLACE, TRARALGON**

**General Manager**

**Governance**

**For Decision**

#### **PURPOSE**

The purpose of this report is to determine Planning Permit Application 2012/193 for the development of three dwellings at 9 Tintern Place, Traralgon.

#### **DECLARATION OF INTERESTS**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

##### ***Strategic Objectives – Built Environment***

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

#### ***Latrobe City Council Plan 2012 - 2016***

##### ***Strategic Direction – Built Environment***

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

#### ***Legislation –***

- Planning & Environment Act 1987
- Local Government Act 1989

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****BACKGROUND**

This section covers

- Summary
- Proposal
- History of Application
- Latrobe Planning Scheme

**SUMMARY**

Land: 9 Tintern Place, Traralgon, known as Lot 23 on PS620558N.

Proponent: Vision 3 Architecture

Zoning: Residential 1 Zone

Overlay No overlays

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

**PROPOSAL**

It is proposed to construct three single storey dwellings on the site. The dwellings would all have frontage to Tintern Place. Dwellings 1 and 2 would be semi-detached and Dwelling 3 would be detached.

Each dwelling would comprise three bedrooms, a bathroom, laundry, kitchen and living areas. Private open space would be located at the rear with access from living rooms.

A single car garage for each dwelling would be incorporated under the roofline of each dwelling. Each dwelling would also have a tandem car space in front of the garage. A 5.5 metre wide crossover would provide vehicle access for Dwellings 1 and 2, and a 3.0 metre wide crossover would provide vehicle access for Dwelling 3.

The dwellings would be finished in a mixture of face brickwork and render and would have tiled pitched roofs. No front fencing is proposed. Landscaping would be provided in the front setback and private open space areas of the development.

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

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### Subject Land:

The subject site is irregular in shape and is located on the northern side of Tintern Place in Traralgon. It has a frontage to Tintern Place of 33.46 metres, a depth of 31.68 metres, and an overall area of 808.3 square metres. There is a 2.0 metre wide drainage easement in the north-eastern corner of the site. The site rises approximately 1.0 metre from the front south-east corner to the middle of the site where it flattens out, and then falls 0.4 metres to the rear north-west corner.

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

The site is located approximately 1.5 kilometres from the Traralgon Principal Activity Centre.

### Surrounding Land Use:

The site and surrounds form part of the Sherwood Park Estate where land is in the process of being developed with dwellings. Development generally consists of single detached dwellings on a variety of residential lot sizes.

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

North	Eton Avenue	Vacant residential land
South	15 & 16 Tintern Place	Vacant residential land
East	10 Tintern Place	Vacant residential land
West	8 Tintern Place	Vacant residential land

A locality plan can be found at Attachment 2.

It should be noted that there are two other current planning permit applications for multi dwellings in Tintern Place. No. 5 Tintern Place has an application for four dwellings (Council is awaiting further information from the applicant), and No. 26 Tintern Place has an application for four dwellings (an application for review has been lodged at VCAT for failing to determine the application within the prescribed time).

### HISTORY OF APPLICATION

The history of the assessment of planning permit application 2012/193 can be found in Attachment 3.

The relevant provisions of the Scheme relevant to this application are in Attachment 4.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### LATROBE PLANNING SCHEME

#### State Planning Policy Framework (SPPF)

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

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

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

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

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

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

#### Local Planning Policy Framework (LPPF)

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

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



**ORDINARY COUNCIL MEETING AGENDA  
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The site is identified in an “existing residential opportunity” area (Area 12) on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans is also encouraged.

It is considered that the proposal satisfies this policy direction and that the scale of the proposed development is suitable for the subject site. This will be discussed further in the ‘Issues’ section of this report.

### Zoning

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

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

### Particular Provisions

#### Clause 52.06 Car Parking:

The proposal has been assessed against Clause 52.06 and found to comply. Two car parking spaces are required to be provided for a dwelling comprising three or more bedrooms. One garaged space and one tandem space have been provided for each dwelling in accordance with this clause.

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

The application has been assessed against Clause 55 and it is considered to be compliant with the applicable standards. These elements will be discussed later in this report. A copy of the ResCode assessment can be found at Attachment 5.

#### Decision Guidelines (Clause 65):

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

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004

**ISSUES****Strategic direction of the State and Local Planning Policy Frameworks:**

It is considered that the development of the site for multi-dwellings satisfies State and Local Planning Policy Frameworks in that the site is an appropriate location for multi-dwelling development as it is located within the residential area of Traralgon. The proposal is respectful of the surrounding neighbourhood and would provide high quality urban design within Tintern Place.

**Clause 55 ResCode:**

The proposal demonstrates compliance with the objectives and standards of ResCode. The dwellings would be single storey and constructed from brick and render, materials commonly found in the immediate area. As such the design of the proposed dwellings would blend in well with the existing and emerging character of the neighbourhood. The proposal satisfies the setbacks, building heights, private open space, on site amenity and vehicle access standards. There would be no off-site amenity impacts such as overlooking and overshadowing from the proposal. A condition of any approval issued will require the applicant to lodge a landscaping plan.

Council's Infrastructure Planning Team has assessed the proposal and found it to be satisfactory but will require conditions to be placed on any approval issued for the management of stormwater from the site and construction of vehicle crossings. A condition will also require an existing street light to be relocated due to the proposed location of the vehicle crossing for Dwelling 3. This must be shown on an amended plan and relocation works undertaken at the developer's cost.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**Car Parking

As discussed, the application complies with the requirements of Clause 52.06 Car Parking of the Latrobe Planning Scheme. Each dwelling would have three bedrooms and two car parking spaces. The tandem configuration for the car parking spaces is considered to be an acceptable arrangement.

Response to Objections

The application received six submissions in the form of objections. The issues raised were:

1. Inadequate car parking for residents and visitors.

Comment:

The proposal satisfies the requirements of the Latrobe Planning Scheme in relation to car parking provision. Two vehicles for each dwelling will be able to park on site. The proposed garages would be set back greater than 5.0 metres from the site frontage allowing a vehicle to park on site safely in tandem.

2. Increased traffic and on street car parking causing problems on street.

Comment:

The provision of car parking meets the requirements of the planning scheme. Council's Infrastructure Planning Team has not raised any concerns regarding traffic congestion as part of the assessment of the proposal. It is envisaged that noise and traffic generation from the dwellings will not be excessive.

3. Neighbourhood character.

Comment:

The proposal is for three dwellings on a lot. The majority of the surrounding allotments are and will be developed for single dwellings. Multiple dwellings on a lot are permissible in the Residential 1 Zone if they meet the requirements of the planning scheme. As discussed in this report, the proposal has achieved compliance with ResCode and satisfies car parking requirements. The proposed design, layout and materials are compatible with the surrounding area. Three smaller dwellings on a lot will cater for smaller household sizes and would contribute to a variety of dwelling types in the area as encouraged by State and local planning policy.

**ORDINARY COUNCIL MEETING AGENDA  
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- 4 Decrease in property values.

Comment:

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

- 5 Front setback does not comply with ResCode.

Comment:

Clause 55.03-1 Street Setback objectives allows a 4.0 metre front setback for development when there are no existing buildings on either side of the site. As the adjoining properties on either side of the subject site are vacant, a 4.0 metre setback is applicable in this instance. The proposal has front setbacks ranging from 4.1 metres to 5.86 metres in accordance with this clause.

- 6 Developer has completed other developments in area to a poor standard.

Comment:

Council can ensure a development is built according to the plans endorsed to the permit but cannot control the quality of finish for the dwellings. This is beyond the scope of the Council jurisdiction.

- 7 Dual crossover will not allow safe vehicle access.

Comment:

Council's Infrastructure Planning Team has assessed the application and has found the crossover locations to be in accordance with Council policy.

- 8 Dwellings will probably be rented and will attract a poorer tenant due to cheaper rent.

Comment:

Council cannot control the tenure or type of person that may ultimately reside in the dwellings. This is not a relevant planning consideration.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

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

### **INTERNAL / EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

#### Notification:

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

#### External:

There were no external referrals.

#### Internal:

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

#### *Details of Community Consultation following Notification:*

Five objections to the application were received. The applicant requested not to have a mediation meeting and asked that the application proceed to a Council meeting for a decision.

A copy of the submissions can be found at Attachment 6.

### **OPTIONS**

Council has the following options in regard to this application:

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

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

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with Clause 65 (Decision Guidelines); and
- The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Relevant permit conditions addressing these issues will be required. The objections received do not form planning grounds on which the application should be refused.

#### **Attachments**

1. Attachment 1 Copy of Plans
2. Attachment 2 Locality Plan
3. Attachment 3 History of Application
4. Attachment 4 Relevant Ordinance
5. Attachment 5 Clause 55 Assessment
6. Attachment 6 Copies of Submissions

### **RECOMMENDATION**

- A. That Council issues a Notice of Decision to Grant a Planning Permit for the development of three dwellings at 9 Tintern Place, Traralgon known as Lot 23 on PS620558N with the following conditions:**
- 1. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:**
    - a) The relocation of the existing street light and pole in front of the proposed unit 3 so that the light and pole are at least one metre from the edge of the vehicle crossing proposed to provide vehicle access to Dwelling 3. The plan must note that this work will be at the cost of the operator of this permit.**
  - 2. The development as shown on the endorsed plans must not be altered without the consent of the Responsible Authority.**



**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority 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 three copies must be provided. The plan must show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
  - c) Details of surface finishes of pathways and driveways;
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - e) Landscaping and planting within all open areas of the site; and
  - f) One canopy tree (minimum two metres tall when planted) to be planted in the front setback or private open space of each unit.
4. Within three months of the issue of a certificate of occupancy or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
6. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, exhausts and communications equipment must be to the satisfaction of the Responsible Authority.
7. Construction works on the land must be carried out in a manner which does not result in damage to existing Council assets and does not cause detriment to any adjoining land owners or occupiers.
8. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
9. 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.
10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

11. Before works commence on the development hereby permitted, a site drainage plan including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one copy and an electronic copy (PDF) must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
  - a) How the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event.
  - b) An underground pipe drainage system conveying stormwater discharge from each dwelling separately to the legal point of discharge.
  - c) The provision of a stormwater detention system within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to detain the difference between the stormwater discharge from the proposed development and the rate of discharge from the total area of the land based upon a co-efficient of run-off of 0.6.
15. 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.
16. Before an Occupancy Permit is issued for the dwellings 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:
  - a) All drainage systems must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
  - b) All 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
    - the requirements of any service authority having existing assets at the proposed location of the vehicle crossing.
  - c) The relocation at the cost of the operator of this permit, of the existing street light and pole in front of the proposed Dwelling 3 so that the light and pole are at least one metre from the edge of the vehicle crossing proposed to provide vehicle access to Dwelling 3.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

**17. The permit will expire if one of the following circumstances applies:**

- a) The development is not started within two years of the date of this permit; or**
- b) The development is not completed within four years of the date of this permit.**

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

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

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

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

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

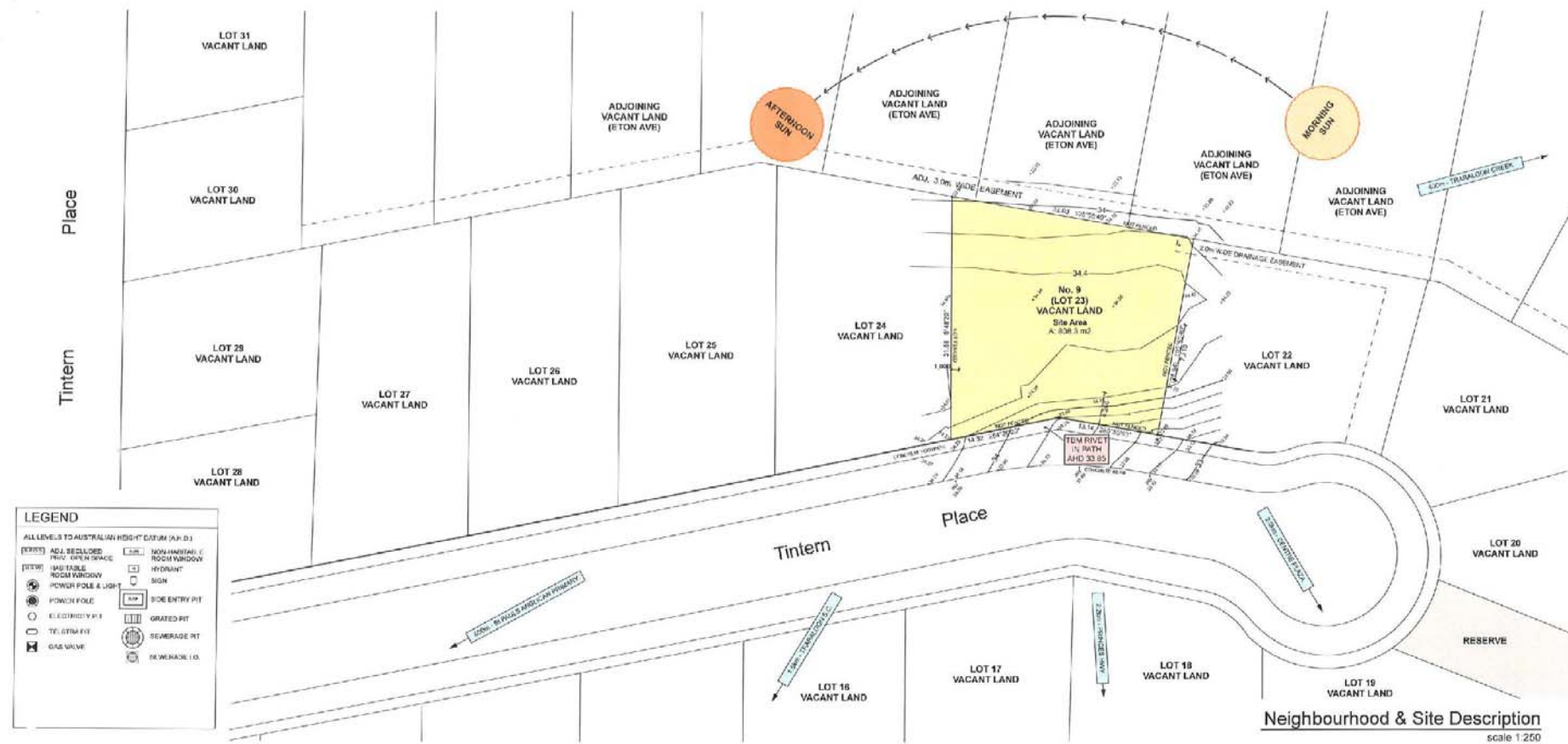
**Note 5: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Councils stormwater drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority before any backfilling of the connection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

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

## **16.3**

### **PLANNING PERMIT APPLICATION 2012/193 - 9 TINTERN PLACE, TRARALGON**

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9 (L23) Tintern Place - view to subject site



View opposite subject site

**Job Status:** TOWN PLANNING

**Notes:**  
Do not scale the drawings.  
The Builder shall check and verify all dimensions and verify any errors or omissions to the Architect.  
Drawings shall not be used for construction purposes until issued by the Architect for construction.

**Comments:**  
03.06.12 A: TP Application

**Project:**  
Proposed Residential Development  
9 (L23) Tintern Place TRARALGON VIC 3844

**Client:**  
Hipo Investments P/L

**Drawing Title:**  
NHOOD & SITE DESCRIPTION

**Issue Date:**  
03/08/12

**Scale:**  
1:250@A1  
or 1:500@A3

**Drawn:**  
VA

**Checked:**  
MV

**VISION3 Pty Ltd**  
Suite A / 92 Graham Street  
Port Melbourne VIC 3207

**T 613 1449 0411**  
**F 613 1449 0373**  
**www.vision3.com.au**

**RECEIVED**  
- 7 AUG 2012

**vision3**  
architecture

**12106 SD.02A**

**Plot Date:** 3/08/12

**File:** R16\_12106 A00109 A.dgn

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DESIGN RESPONSE

From the Neighbourhood and Site Description, a development is proposed that can take advantage of the site area and local amenity.

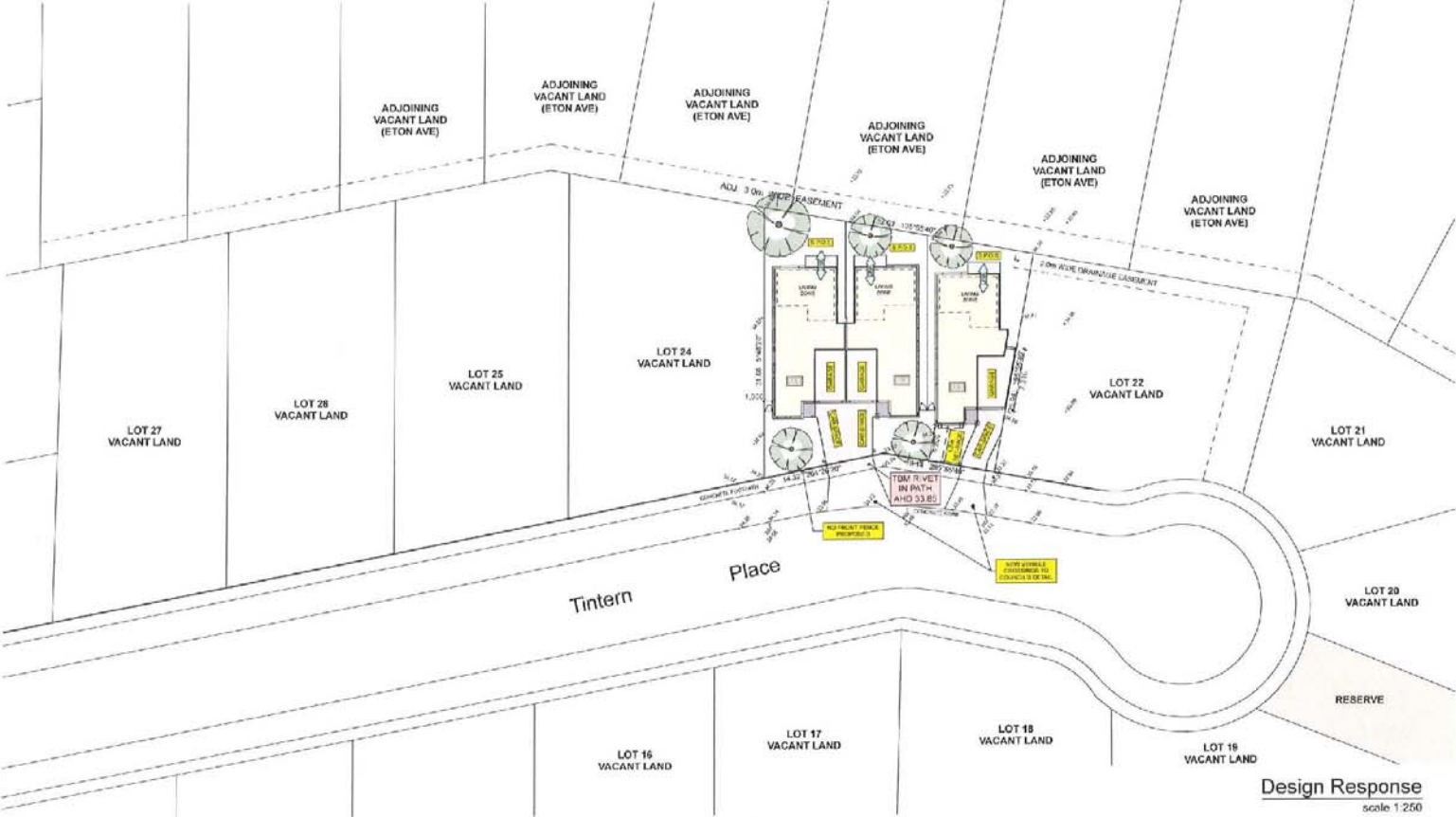
The nature and topography of the site precludes the location of a main crossing and driveway along the western boundary with a front setback of 4.2m that is in keeping with Standard B5 of the planning scheme. Side setbacks that minimise impacts of over-shadowing are also adopted.

The vernacular of an articulated veneer with high-light elements in the form of feature materials, screens and other elements is adopted to tie in with elements of the existing built form in the area. The proposal is further articulated to add detail in the form of more contemporary finishes & window arrangements conducive to contemporary living.

The proposal has been designed to:

- Respond as much as practicable to the mixed building style of the immediate surrounds.
- Provide for zoned living areas immediately adjoining Secluded Private Open Spaces.
- Follow the existing contours of the land.
- Ensure minimal shadows to S.P.O.S. (Secluded Private Open Space) of adjoining dwellings
- Ensure no overshadowing to any adjoining H.R.W. (Habitable Room Window)
- Ensure no overlooking to the S.P.O.S. or H.R.W. of any adjoining dwelling.

It is submitted that the **Design Response** and the development proposal is well considered and will make a positive contribution to the streetscape, maximise internal amenity for future inhabitants and minimise adverse impacts to adjoining residents.



LEGEND

ALL LEVELS TO AUSTRALIAN HEIGHT DATUM (AHD)

ADJ. SECLUDED PRIV. OPEN SPACE	NON HABITABLE ROOM WINDOW
HABITABLE ROOM WINDOW	HYDRANT
POWER POLE & UGFI	IRON
POWER POLE	SIDE ENTRY PIT
ELECTRICITY PIT	GRAVED PIT
TELEPHONE	SEWERAGE P.T.
GAS VALVE	SEWERAGE I.O.

PROPOSED TREES

Design Response  
scale 1:250

RECEIVED  
- 7 AUG 2012  
BY:

Job Status: **TOWN PLANNING**

Notes:

Do not scale the drawings.

The Maker shall check and verify all dimensions and verify any errors or omissions to the Architect.

Drawings shall not be used for construction purposes until issued by the Architect for construction.

Comments:

03.08.12 A: TP Application

Project

Proposed Residential Development

9 (L23) Tintern Place TRARALGON VIC 3644

Client:

Hipo Investments P/L

Drawing title:

DESIGN RESPONSE

Issue Date:

03/08/12

Scale:

1:250@A1  
or 1:500@A3

Drawn:

VA

Checked:

MV

VISION3 Pty Ltd

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Port Melbourne VIC 3207

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Drawn By:  
12106 DR.01A

Plot Date: 3/08/12      File Ref: 12106 Model A.plt      © This drawing is protected by copyright and remains the property of Vision3 Pty Ltd.

Page 314



Proposed Residential Development at  
9 (L.23) Tintern Place TRARALGON VIC 3844

Drawing Index

Development Plans  
TP.01 PLANS / SECTIONS  
TP.02 ELEVATIONS

Area Schedule			
SITE AREA	808.3 m <sup>2</sup>		
SITE COVERAGE	395.5 m <sup>2</sup>	48.9%	
PERMEABILITY	312.8 m <sup>2</sup>	38.7%	
AREA (m <sup>2</sup> )			
U.1 FLOOR AREA	108.8	11.7 Sq	3
GARAGE	22.5	2.4 Sq	2
PRIV. OPEN SPACE	114.0		
U.2 FLOOR AREA	108.8	11.7 Sq	3
GARAGE	22.5	2.4 Sq	2
PRIV. OPEN SPACE	84.6		
U.3 FLOOR AREA	128.2	11.6 Sq	3
GARAGE	24.7	2.7 Sq	2
PRIV. OPEN SPACE	88.8		



Site / Floor Plans  
scale 1:100



Section B  
scale 1:100



Section A  
scale 1:100

**Job Status:** TOWN PLANNING

**Notes:**  
Do not scale the drawings.  
The Builder shall check and verify all dimensions and verify any errors or omissions to the Architect.  
Drawings shall not be used for construction purposes until issued by the Architect for construction.

**Comments:**  
03 C8.12 A TP Application  
26 C9.12 B TP RF1

**Project:**  
Proposed Residential Development  
9 (L.23) Tintern Place TRARALGON VIC 3844

**Client:**  
Hippo Investments P/L

**Drawing Title:**  
PLANS / SECTIONS

**Issue Date:**  
26/09/12

**Scale:**  
1:100@A1  
or 1:200@A3

**Drawn:**  
VA

**Checked:**  
MV

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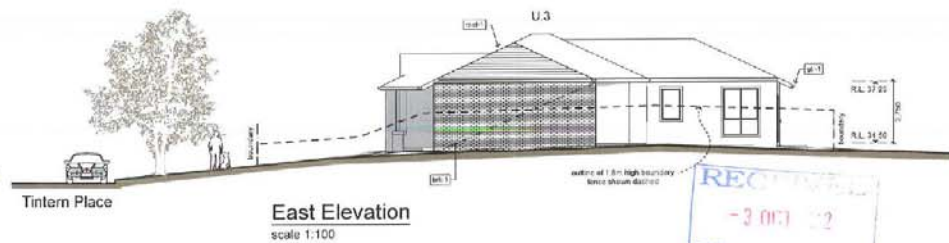
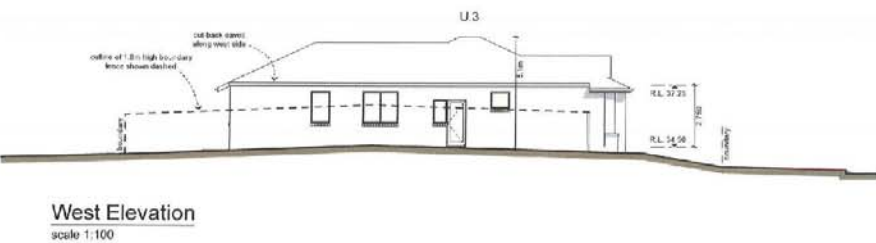
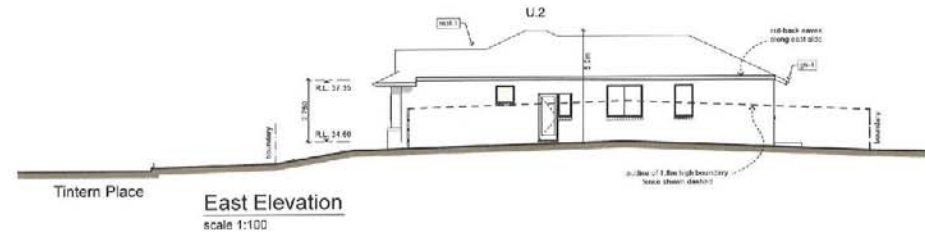
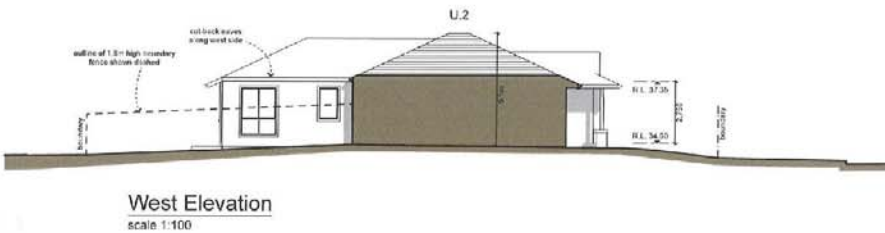
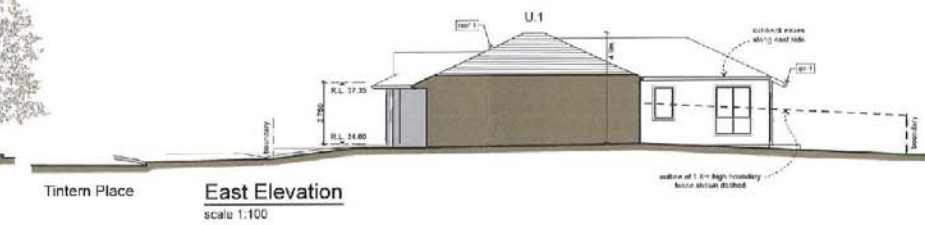
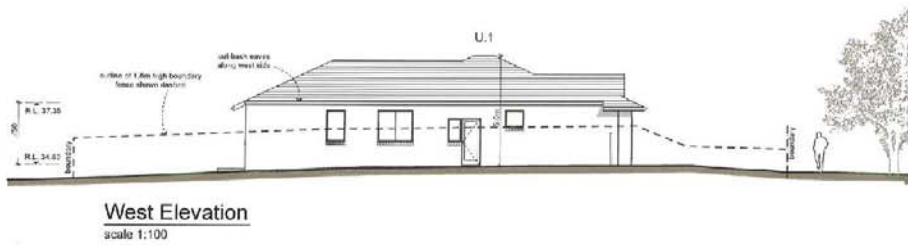
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12106 TP.01.B  
26/09/12

Plot Date: 26/09/12

File Ref: 12106 Model TP.B.plt

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**Job Status: TOWN PLANNING**

**Notes:**  
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Drawings shall not be used for construction purposes until issued by the Architect for construction.

**Comments:**

03.08.12 A: TP Application  
26.06.12 B: TP RFI

**Project:**  
Proposed Residential Development  
9 (L23) Tintern Place TRARALGON VIC 3844  
**Client:**  
Hipo Investments P/L  
**Drawing Title:**  
ELEVATIONS  
**Issue Date:**  
28/09/12  
**Scale:**  
1:100@A1  
or 1:200@A3  
**Drawn:**  
VA  
**Checked:**  
MV

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Job No. 12106  
Drawing No. TP02.B

Plot Date: 25/09/12

File Path: 12106 Model TP02.B

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## MATERIALS SCHEDULE



[roof-1]

SELECTED ROOF TILES



[gutt-1]

SELECTED  
COLORBOND GUTTER

[brk-1]

SELECTED FACE BRICK



[ar-1]

SELECTED  
ACRYLIC RENDER

[ar-2]

SELECTED  
ACRYLIC RENDERCOLOURED  
CONCRETE PAVING

Job Status: TOWN PLANNING

Notes:

Do not scale the drawings.  
The Builder shall check and verify all dimensions  
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Drawings shall not be used for construction until  
issued by the Architect for construction.

Comments:

03.05.12 A. TP Application

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- 7 AUG 2012

BY:

Project:

Proposed Residential Development  
9 (L23) Tintern Place TRARALGON VIC 3844

Client:

Hipo Investments P/L

Drawing Title:

MATERIALS SCHEDULE

Issue Date:

03/08/12

Scale:

N/A

Drawn:

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Checked:

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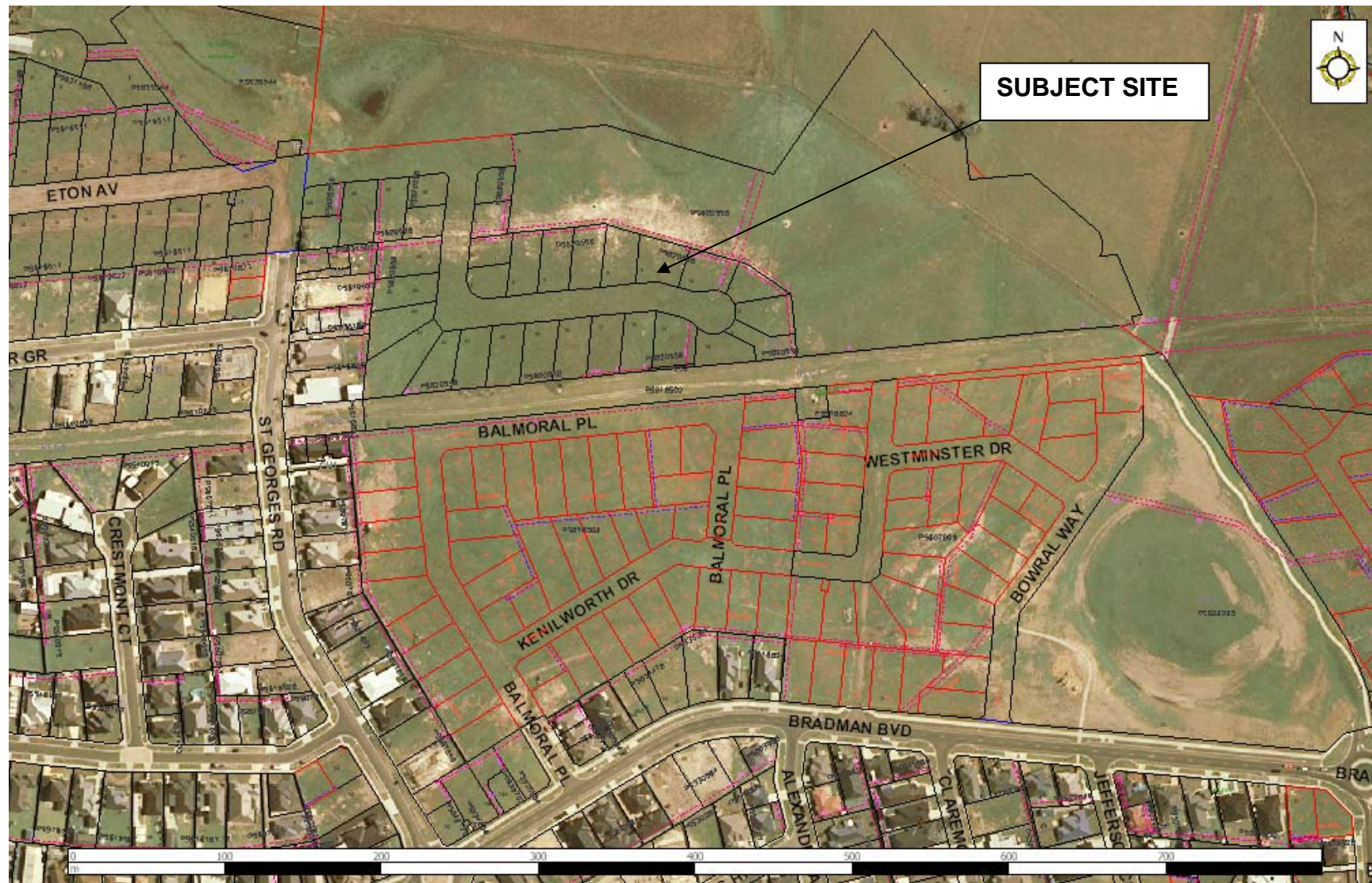
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architectureJob No: 12106  
Drawing: MS.01A

Plot Date: 3/08/12

File Ref: 12106 Model A.plt

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### History of the Application

7 August 2012	Application received by Council.
5 September 2012	Further information letter sent to applicant
3 October 2012	Amended plans received by Council from the applicant in response to the further information letter
15 October 2012	Application referred internally to Council's Infrastructure Planning team
15 October 2012	Council undertook advertising on behalf of the applicant. Letters were sent to adjoining property owners and a sign was placed on site giving notice of the application.
30 October 2012	The applicant advised Council that in the event objections were received to the application, that not mediation meeting be held and the application be determined at a Council meeting.
8 November 2012	Letters sent out to other owners of property in Tintern Place as the majority of the land in the street is vacant and people may not be aware of the application.
26 November 2012	Referral response received from Council's Infrastructure Planning team.
November 2012	Objections received



•  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.02 'Urban Growth'  
Clause 11.05 'Regional Development'  
Clause 15.01 'Urban Environment'  
Clause 16.01 'Residential Development'  
Clause 18.01 'Integrated Transport'  
Clause 18.02 'Movement Networks'  
Clause 19.03 'Development Infrastructure'

**Local Planning Policy Framework**

Clause 21.01 'Municipal Profile'  
Clause 21.02 'Municipal Vision'  
Clause 21.03 'Natural Environment Sustainability'  
Clause 21.04 'Built Environment Sustainability'  
Clause 21.05 'Main Towns'  
Clause 21.07 'Economic Sustainability'  
Clause 21.08 'Liveability'

**Zoning – Residential 1 Zone**

The subject land is located within a Residential 1 Zone.

**Overlay**

There are no overlays that affect this property.

**Particular Provisions**

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

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents**

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

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

<b>Standard Number</b>	<b>Standard</b>	<b>Does it meet the Standard or More information required</b>
Standard B1	The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	Complies
Standard B2	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	Complies
Standard B3	<ul style="list-style-type: none"><li>• Dwellings with a different number of bedrooms.</li><li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li></ul>	n/a < 10 dwellings

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

Standard B4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	Complies
Standard B5	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	Complies
Standard B6	<ul style="list-style-type: none"> <li>At least the distance specified in the schedule to the zone, or</li> <li>If no distance is specified in the schedule to the zone, the distance specified in Table B1.</li> </ul>	<p>As no development on adjoining lots, 4 metre setback is applicable.</p> <p>Complies</p>
Standard B7	<p>The maximum building height should not exceed the maximum height specified in the schedule to the zone.</p> <p>If no maximum height is specified in the schedule to the zone, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building</p>	Complies – 5.2 metres

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

	is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. Changes of building height between existing buildings and new buildings should be graduated.	
Standard B8	The site area covered by buildings should not exceed: <ul style="list-style-type: none"> <li>• The maximum site coverage specified in the schedule to the zone, or</li> <li>• If no maximum site coverage is specified in the schedule to the zone, 60 per cent.</li> </ul>	Complies – 51%
Standard B9	At least 20 per cent of the site should not be covered by impervious surfaces.	Complies – 37%
Standard B10	Buildings should be: <ul style="list-style-type: none"> <li>• Oriented to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.	Complies
Standard B11	If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> <li>• Be substantially fronted by dwellings, where appropriate.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Be designed to protect any natural features on the</li> </ul>	n/a

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

	<p>site.</p> <ul style="list-style-type: none"> <li>• Be accessible and useable.</li> </ul>	
Standard B12	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	Complies
Standard B13	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>• Protect any predominant landscape features of the neighbourhood.</li> <li>• Take into account the soil type and drainage patterns of the site.</li> <li>• Allow for intended vegetation growth and structural protection of buildings.</li> <li>• In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>• Provide a safe, attractive and functional environment for residents.</li> </ul>	Landscape plan required - condition
Standard B14	<p>Accessways should:</p> <p>-Be designed to allow convenient, safe &amp; efficient vehicle movements and connections within the development and to the street network.</p>	<p>Complies</p> <p>Referred to Engineering who had no objection.</p>

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

	<p>-Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone.</p> <p>-Be at least 3 metres wide.</p> <p>-Have an internal radius of at least 4 metres at changes of direction.</p> <p>-Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the access serves ten or more spaces and connects to a road in a Road Zone.</p>	
Standard B15	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>-reasonably close &amp; convenient to dwellings &amp; residential buildings.</li> <li>-secure.</li> <li>-designed to allow safe and efficient movements within the development.</li> <li>-well ventilated if enclosed.</li> </ul> <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared access or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access.</p>	Complies
Standard B16	<p>Car parking for residents should be provided as follows:</p> <ul style="list-style-type: none"> <li>• One space for each one or two bedroom dwelling.</li> <li>• Two spaces for each three or more bedroom dwelling, with one space under cover.</li> </ul>	Complies – see Cl 52.06



**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

Standard B17	<p>A new building not on or within 150mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• At least the distance specified in the schedule to the zone, or</li> <li>• If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul>	Complies
Standard B18	<p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>• Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul>	Complies - average of 3 metres
Standard B19	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.	n/a
Standard B20	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is	n/a

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

	a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	
Standard B21	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	n/a
Standard B22	A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>• Have sill heights of at least 1.7 metres above floor level.</li> <li>• Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul>	Complies
Standard B23	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	Complies
Standard B24	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new	Complies

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

	<p> dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p> Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	
Standard B25	<p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	Complies
Standard B26	<p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	Complies
Standard B27	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	Complies
Standard B28	<p>A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.</p>	Complies
Standard B29	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>	Complies

**Clause 55 Objectives      NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**

Standard B30	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Complies
Standard B31	The design of buildings, including: -Facade articulation and detailing, -Window and door proportions, -Roof form, and -Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies
Standard B32	A front fence within 3 metres of a street should not exceed: -The maximum height specified in the schedule to the zone, or -If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3.	No front fence proposed
Standard B33	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	Complies
Standard B34	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	Complies

**LATROBE CITY COUNCIL**  
a new energy  
INFORMATION MANAGEMENT

**RECEIVED**  
27 NOV 2012

**Objection to the Grant of a Planning Permit**  
Under section 57 of the Planning and Environment Act 1987

Latrobe City Council  
Tel: 1300 354 700  
www.latrobe.vic.gov.au

Doc No: \_\_\_\_\_

Copies Circulated to: \_\_\_\_\_

☐ Copy registered in DataWorks ☐ Invoice forwarded to accounts

**Council Use Only**  
Application Number: \_\_\_\_\_  
Application Date: \_\_\_\_\_  
Ledger Number: \_\_\_\_\_

Fields marked with an asterisk (\*) are mandatory and must be completed.

**Council Specific Information****Objector details**

Title\* MS Surname\* REID Given Name 1\* DIANNE Given Name 2

**Business Details**

ABN ACN

Company Name Business Name

Address  
Street Address\* preferred postal address

Suburb / Town\* TRARALGON State\* VIC Postcode\* 3844

**Affected property address (if different from above)**

Street Address\*

Suburb / Town\* Traralgon State\* VIC Postcode\* 3844

**Contact Details**

Please provide at least one phone number and include the area code \*

Business Phone After hours phone Business Fax Mobile

Email

**Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect**

Title\* Surname\* Given Name 1\* Given Name 2

**Business Details**

ABN ACN

Business Name Company Name

Mars H/a.

**Address**  
Street Address\*

Suburb / Town\*

State\*

Postcode\*

**Contact Details**  
Please provide at least one phone number and include the area code \*

Business Phone  
( )

After hours phone  
( )

Business Fax  
( )

Mobile  
( )

Email

**Planning permit application details**

What is the permit application number to which you object? \*

Who has applied for the permit? Name of applicant \*

Address

Choose the type of formal land description \*

☒ Street Address ☐ Lot/ Plan ☐ Crown allotment ☐ Other (if no other land description applies)

Street address \*

Suburb Town \*

State \*

Post Code \*

Lot / Plan  
Lot number

Plan type and numbering (existing)

Crown allotment number

Section number

Block

Portion

Subdivision

Parish OR Township name

Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)

What is Proposed? \*



## Objection Details

What are the reasons for your objection? \*

See attached list

How will you be affected by the grant of a permit? \*

See attachment

## Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.

☒ By marking this checkbox I confirm that I have read and understood all the statements above \*

Name of person completing this application \*

DIANNE REID

Date \*

22/11/12

Signature of person completing this application \*

D Reid

Attachment to accompany Objections to Planning Permit for No. 9 Tintern Place TraralgonReasons for Objections

I believe that there may not be adequate provisions made in this development for parking for resident and visitor vehicles. (as outlined in Res Code 55.03-10 which states 'To provide convenient parking for resident and visitor vehicles.

A development of this magnitude has the ability to require at least six car spaces for each of the three three bedroom dwellings located on the one allotment, when you consider that three couples are capable of residing at each of the three three bedroom dwellings. Provision for parking is at most two car spaces per dwelling. If two or more than two car owners reside at each dwelling, there is no provision for visitor parking at all. I question whether this requirement is being met in the proposed plan.

The development is located approximately .8 kilometre from the closest bus stops, one being an uphill trek to Cross's Road, the other being in Bradman Boulevard reached by walking across an unpaved reserve. The Post Office is approximately three kilometres from the development. The nearest convenience store is located 2.6 kilometres away at West End Store and the closest supermarket, Woolworths is a distance of 2.8 kilometres.

It is likely therefore, that residents of this proposed development would need to have their own vehicles.

I feel that due to the potential for greater numbers of people to be residing/visiting this one allotment, there is likely to be the following situation with regard to traffic/and car parking.

Increased traffic volumes/flows in a tight cul de sac would lead to congestion.

Additional traffic flows and congestion due to cars parked in the street will endanger children, other pedestrians, cyclists and motorists.

Additional vehicles parking on an already narrow carriageway will reduce access.

Access for emergency vehicles may be restricted because of extra vehicles parked in the street.

Garbage bin collection times could prove problematic due to roadways clogged with parked cars. There has already been a tragic death of a child during garbage collection in a court location in Traralgon.

Additional vehicular crossovers will be a pedestrian hazard.

Additional vehicles illegally parked on nature strips will contribute to a deterioration of those nature strips.

There is potential for additional noise pollution.

Vehicles parked on the street/nature strip are likely to encourage an increase in crime in the area because of their easy access to criminals. Recently there have been windows of vehicles smashed while parked outside nearby 101 St Georges Road because of the fact that residents of this block of units are unable to park their vehicles off the street due to insufficient off street parking allocation.

When driving along the northern end of St Georges Road Traralgon outside the three unit development located at 101 St Georges Road, there is frequently several cars parked on either side of the road and on the nature strip making it a very narrow carriageway accommodating barely one vehicle at a time.

I feel that the proposed multiple dwelling development is against the neighbourhood character of the street. Res Code 55.02-1 states: **To ensure the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.** Currently there are eight dwellings each on a single allotment under construction in Tintern Place. I know of another five proposed homes planned to be constructed each on single allotments in Tintern Place. The established neighbourhood character of Tintern Place is thus that of single dwellings per allotment. There are currently no multiple dwelling per allotment developments in Tintern Place.

Multi dwelling per allotment developments frequently attract tenants who may not take pride in their homes, may be noisy and undermine the general tone of the neighbourhood. There is often a frequent turnover of occupiers in these types of developments.

I was looking forward to building a nice home and making a safe home for my family in a quiet court location. The extra traffic, congestion from parked cars and uncertainty of who may be living in the neighbourhood in the three dwellings proposed for No 9 concerns me.

How will I be affected

I feel I could be affected as outlined in the objections listed above regarding safety, increased traffic flow, reduced access, congestion, noise and a departure from the established neighbourhood character.

I feel that unitised and multi dwelling per allotment residential developments often devalues properties in the surrounding area so I am concerned that my property will be worth less because of the development. I am putting a lot of money and resources into establishing a home in this area and I fear that the proposed development may have a negative effect on my property value.

I was looking forward to a stable residential environment in Tintern Place where families would take pride of ownership in that environment without the constant turnover of residents that often occur with multi dwelling per allotment settlement. I am concerned that should the development go ahead this may no longer be the case.

Dianne Reid

22/11/12

DIANNE REID



From: Madelyn Van Gelderen  
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>  
Date: 2/11/2012 9:40:03 AM

---

To whom it may concern,

We would like to raise a few concerns regarding the potential building of a block of units across from our house being built at 9 Tintern Place, Traralgon as well as down the street.

Whilst we understand that units are a good investment opportunity for the builder and/or developer and are good value for money for renters and purchasers alike, we are a little concerned about the reputation of the developers, and the quality of work/products that they provide.

Having seen some of their work around the Traralgon area, we are concerned that the units being built in Tintern Place will be another example of a lack of quality, therefore decreasing the value of the other residences in the court.

Although they have built some nice properties, there seems to always be problems with the residences resulting in cars having to be parked on the street, which is a cause for increased risk break-ins which is not something we want happening in a brand new area. From looking at the plans, the units across the road from 17 Tintern Place (Lot 16) we have found that the garages are very close to the road. Whilst residents will still be able to park their cars in the driveway the cars will most likely overhang the footpath. Because of this, people may be inclined to park on the road or nature strip and will impede access to the street and other resident's driveways as well as restrict emergency services from getting through quickly in case of an emergency. The crowded street will bring back previous concerns about crime in the street (car break-ins etc.) We have seen this happen to a family member living in units that have been developed and built by the same companies. They are unable to park their car in the garage and are forced to park it in the street. Their car was broken in to, a window was smashed and items stolen. This is definitely something that we do not wish to see or worry about after moving in to our brand new home.

We would also have appreciated a lot more notice of the permit for development of the units across the road. The only reason why we knew of this is because of other residents in the street making aware of what was to happen. A letter was sent but not to myself or Stephen but to Stephen's father and was not noticed. We are still yet to receive a letter in regards to the other units being developed in the street.

We understand that you cannot prevent the development of units in this area; however we would like to ask that you take our concerns into consideration in the case that other residents of the court have similar concerns or apprehensions.

Kind regards,  
Stephen Hadjistefanis & Madelyn Van Gelderen



pw 19/11/12  
Janet

Latrobe City Council  
Tel: 1300 367 700  
[www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

**Objection to the Grant  
of a  
Planning Permit**  
Under section 57 of the Planning  
and Environment Act 1987

Council Use Only	
Application Number:-	
Application Date:-	
Ledger Number:-	

Fields marked with an asterisk (\*) are mandatory and must be completed.

Council Specific Information			
<p align="center"><b>Objector details</b></p>			
Title*	Surname*	Given Name 1*	Given Name 2
MR	REID	NEIL	ALLAN
Business Details		LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
ABN	ACN	RECEIVED 15 NOV 2012	
Company Name		Business Name	
Address		R/O:	Doc No:
Street Address*		Comments/Copies Circulated to:	
		<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts	
Suburb / Town*	State*	Postcode*	
TRARALGON (POSTAL -	VIC	3844	
Affected property address (if different from above)			
Street Address*			
Suburb / Town*	State*	Postcode*	
TRARALGON	VIC	3844	
Contact Details			
Please provide at least one phone number and include the area code *			
Business Phone	After hours phone	Business Fax	Mobile
( )	(03)	( )	( )
Email			
Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect			
Title*	Surname*	Given Name 1*	Given Name 2
Business Details			
ABN	ACN		
Business Name	Company Name		

Page 1 of 4

1 1 2012  
AB HQ

**Address**  
Street Address\*

Suburb / Town\*

State\*

Postcode\*

**Contact Details**  
Please provide at least one phone number and include the area code \*

Business Phone  
( )

After hours phone  
( )

Business Fax  
( )

Mobile  
( )

Email

**Planning permit application details**

What is the permit application number to which you object? \*

Who has applied for the permit? Name of applicant\*

Address

Choose the type of formal land description \*

☒ Street Address ☐ Lot / Plan ☐ Crown allotment ☐ Other (if no other land description applies)

Street address \*

Suburb Town \*

State \*

Post Code \*

Lot / Plan  
Lot number

Plan type and numbering (existing)

Crown allotment number

Section number

Block

Portion

Subdivision

Parish OR Township name

Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)

What is Proposed? \*

## Objection Details

What are the reasons for your objection? \*

\* SEE ATTACHMENT ALSO

- \* DESTROYING NEIGHBOURHOOD CHARACTER OF SINGLE DWELLING PER ALLOTMENT.
- \* CONGESTION OF AN ALREADY NARROW STREET CUL-DE-SAC, RESTRICTING TRAFFIC FLOW AND ACCESS FOR EMERGENCY VEHICLES AND RUBBISH COLLECTION DUE TO MORE ON STREET OR NATURE STRIP PARKINGS. NOT ENOUGH ADEQUATE OFF STREET PARKING IN PLAN
- \* MORE RISK TO YOUNG CHILDREN PLAYING IN THIS AREA.

How will you be affected by the grant of a permit? \*

\* SEE ATTACHMENT ALSO

MY QUALITY OF LIFE WILL BE AFFECTED:-

- \* MUCH MORE TRAFFIC NOISE, AND POSSIBLE HOVISM, AND VANDLISH, CRIME.
- \* DE VALUATION OF PROPERTY.  
(i.e. less rates for council, and devalues my investment)
- \* BE PREPARED TO BE FAR MORE LITIGIOUS IF ANYTHING HAPPENS TO MY FAMILY DUE TO ANY OF MY CONCERNS RAISED AND NOT ACTED ON

## Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.

☒ By marking this checkbox I confirm that I have read and understood all the statements above \*

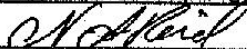
Name of person completing this application \*

NEIL ALAN READ

Date \*

14/11/12

Signature of person completing this application \*



Attachment to accompany Objections to Planning Permit for No. 9 Tintern Place TraralgonReasons for Objections

I believe that there may not be adequate provisions made in this development for parking for resident and visitor vehicles. (as outlined in Res Code 55.03-10 which states **To provide convenient parking for resident and visitor vehicles.**

A development of this magnitude has the ability to require at least six car spaces for each of the three three bedroom dwellings located on the one allotment, when you consider that three couples are capable of residing at each of the three three bedroom dwellings. Provision for parking is at most two car spaces per dwelling. If two or more than two car owners reside at each dwelling, there is no provision for visitor parking at all. I question whether this requirement is being met in the proposed plan.

The development is located approximately .8 kilometre from the closest bus stops, one being an uphill trek to Cross's Road, the other being in Bradman Boulevard reached by walking across an unpaved reserve. The Post Office is approximately three kilometres from the development. The nearest convenience store is located 2.6 kilometres away at West End Store and the closest supermarket, Woolworths is a distance of 2.8 kilometres.

It is likely therefore, that residents of this proposed development would need to have their own vehicles.

I feel that due to the potential for greater numbers of people to be residing/visiting this one allotment, there is likely to be the following situation with regard to traffic/and car parking.

Increased traffic volumes/flows in a tight cul de sac would lead to congestion.

Additional traffic flows and congestion due to cars parked in the street will endanger children, other pedestrians, cyclists and motorists.

Additional vehicles parking on an already narrow carriageway will reduce access.

Access for emergency vehicles may be restricted because of extra vehicles parked in the street.

Garbage bin collection times could prove problematic due to roadways clogged with parked cars. There has already been a tragic death of a child during garbage collection in a court location in Traralgon.

Additional vehicular crossovers will be a pedestrian hazard.

Additional vehicles illegally parked on nature strips will contribute to a deterioration of those nature strips.

There is potential for additional noise pollution.

Vehicles parked on the street/nature strip are likely to encourage an increase in crime in the area because of their easy access to criminals. Recently there have been windows of a vehicles smashed while parked outside nearby 101 St Georges Road because of the fact that residents of this block of units are unable to park their vehicles off the street due to insufficient off street parking allocation.

When driving along the northern end of St Georges Road Traralgon outside the three unit development located at 101 St Georges Road, there is frequently several cars parked on either side of the road and on the nature strip making it a very narrow carriageway accommodating barely one vehicle at a time.

I feel that the proposed multiple dwelling development is against the neighbourhood character of the street. Res Code 55.02-1 states: **To ensure the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.** Currently there are six dwellings each on a single allotment under construction in Tintern Place. I know of another three proposed homes planned to be constructed on single allotments in Tintern Place. The established neighbourhood character of Tintern Place is thus that of single dwellings per allotment. There are currently no multiple dwelling per allotment developments in Tintern Place.

Multi dwelling per allotment developments frequently attract tenants who may not take pride in their homes, may be noisy and undermine the general tone of the neighbourhood. There is often a frequent turnover of occupiers in these types of developments.

I was looking forward to building a nice home and making a safe home for my family in a quiet court location. The extra traffic, congestion from parked cars and uncertainty of who may be living in the neighbourhood in the three dwellings proposed for No 9 concerns me.

**How will I be affected**

I feel I could be affected as outlined in the objections listed above regarding safety, increased traffic flow, reduced access, congestion, noise and a departure from the established neighbourhood character.

I feel that unitised and multi dwelling per allotment residential developments often devalues properties in the surrounding area so I am concerned that my property will be worth less because of the development. I am putting a lot of money and resources into establishing a home in this area and I fear that the proposed development may have a negative effect on my property value.

I was looking forward to a stable residential environment in Tintern Place where families would take pride of ownership in that environment without the constant turnover of residents that often occur with multi dwelling per allotment settlement. I am concerned that should the development go ahead this may no longer be the case.

*N. Reid*  
14/11/12







Latrobe City Council  
Tel: 1300 367 700  
[www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

**Objection to the Grant  
of a  
Planning Permit**  
Under section 57 of the Planning  
and Environment Act 1987

Council Use Only	
Application Number :-	
Application Date:-	
Lodger Number:-	

Fields marked with an asterisk (\*) are mandatory and must be completed.

**Council Specific Information**

**Objector details**

Title*	Surname*	Given Name 1*	Given Name 2
Mr	Klopf	Ryan	
Business Details		<b>LATROBE CITY COUNCIL</b> <b>INFORMATION MANAGEMENT</b>  <b>RECEIVED</b> <b>15 NOV 2012</b>	
ABN	ACN		
Company Name	Business Name		
Address			
Street Address*		R/O:	Doc No:
Suburb / Town*		Comments/Copies Circulated to:	
Traralgon		<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts	
State*		Postcode*	
VIC		3844	

Affected property address (if different from above)

Street Address*	
Suburb / Town*	State*
Traralgon	VIC
	Postcode*
	3844

**Contact Details**

Please provide at least one phone number and include the area code \*

Business Phone	After hours phone	Business Fax	Mobile
( )	( )	( )	
Email			

Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect

Title*	Surname*	Given Name 1*	Given Name 2
Business Details			
ABN	ACN		
Business Name	Company Name		

AB HQ

# Objection to the Grant of a Planning Permit

Under section 57 of the Planning  
and Environment Act 1987

**Latrobe City Council**  
Tel: 1300 367 700  
[www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

Council Use Only	
Application Number :-	
Application Date:-	
Ledger Number:-	

Fields marked with an asterisk (\*) are mandatory and must be completed.

### Council Specific Information

### Objector details

Title*	Surname*	Given Name 1*	Given Name 2
Miss	Tara	Kayla	
<b>Business Details</b>			
ABN		ACN	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
Company Name		Business Name	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<b>Address</b>			
Street Address*			
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
Suburb / Town*		State*	Postcode*
Traralgon		VC	3844
<b>Affected property address (if different from above)</b>			
Street Address*			
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
Suburb / Town*		State*	Postcode*
Traralgon		VC	3844
<b>Contact Details</b>			
Please provide at least one phone number and include the area code *			
Business Phone	After hours phone	Business Fax	Mobile
( )	( )	( )	( )
Email			
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<b>Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect</b>			
Title*	Surname*	Given Name 1*	Given Name 2
<b>Business Details</b>			
ABN		ACN	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
Business Name		Company Name	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

**Address**  
Street Address\*

Suburb / Town\*

State\*

Postcode\*

**Contact Details**  
Please provide at least one phone number and include the area code \*

Business Phone  
( )

After hours phone  
( )

Business Fax  
( )

Mobile  
( )

Email

**Planning permit application details**

What is the permit application number to which you object? \*

Who has applied for the permit? Name of applicant\*

Address

Choose the type of formal land description \*

☒ Street Address ☐ Lot / Plan ☐ Crown allotment ☐ Other (if no other land description applies)

Street address\*

Suburb Town\*

State\*

Post Code\*

Lot / Plan  
Lot number

Plan type and numbering (existing)

Crown allotment number

Section number

Block

Portion

Subdivision

Parish OR Township name

Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)

What is Proposed? \*

## Objection Details

What are the reasons for your objection? \*

See attached list.

How will you be affected by the grant of a permit? \*

See attached list.

## Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.

☒ By marking this checkbox I confirm that I have read and understood all the statements above \*

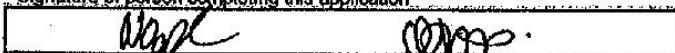
Name of person completing this application \*

Ryan Klopf &amp; Kayla Fink

Date \*

14/11/12

Signature of person completing this application \*



Attachment to accompany Objections to Planning Permit for No. 9 Tintern Place TraralgonReasons for Objections

I believe that there may not be adequate provisions made in this development for parking for resident and visitor vehicles. (as outlined in Res Code 55.03-10 which states **To provide convenient parking for resident and visitor vehicles.**

A development of this magnitude has the ability to require at least six car spaces for each of the three three bedroom dwellings located on the one allotment, when you consider that three couples are capable of residing at each of the three three bedroom dwellings. Provision for parking is at most two car spaces per dwelling. If two or more than two car owners reside at each dwelling, there is no provision for visitor parking at all. I question whether this requirement is being met in the proposed plan.

The development is located approximately .8 kilometre from the closest bus stops, one being an uphill trek to Cross's Road, the other being in Bradman Boulevard reached by walking across an unpaved reserve. The Post Office is approximately three kilometres from the development. The nearest convenience store is located 2.6 kilometres away at West End Store and the closest supermarket, Woolworths is a distance of 2.8 kilometres.

It is likely therefore, that residents of this proposed development would need to have their own vehicles.

I feel that due to the potential for greater numbers of people to be residing/visiting this one allotment, there is likely to be the following situation with regard to traffic/and car parking.

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Garbage bin collection times could prove problematic due to roadways clogged with parked cars. There has already been a tragic death of a child during garbage collection in a court location in Traralgon.

Additional vehicular crossovers will be a pedestrian hazard.

Additional vehicles illegally parked on nature strips will contribute to a deterioration of those nature strips.

There is potential for additional noise pollution.

Vehicles parked on the street/nature strip are likely to encourage an increase in crime in the area because of their easy access to criminals. Recently there have been windows of a vehicles smashed while parked outside nearby 101 St Georges Road because of the fact that residents of this block of units are unable to park their vehicles off the street due to insufficient off street parking allocation.

When driving along the northern end of St Georges Road Traralgon outside the three unit development located at 101 St Georges Road, there is frequently several cars parked on either side of the road and on the nature strip making it a very narrow carriageway accommodating barely one vehicle at a time.

I feel that the proposed multiple dwelling development is against the neighbourhood character of the street. Res Code 55.02-1 states: **To ensure the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.** Currently there are six dwellings each on a single allotment under construction in Tintern Place. I know of another three proposed homes planned to be constructed on single allotments in Tintern Place. The established neighbourhood character of Tintern Place is thus that of single dwellings per allotment. There are currently no multiple dwelling per allotment developments in Tintern Place.

Multi dwelling per allotment developments frequently attract tenants who may not take pride in their homes, may be noisy and undermine the general tone of the neighbourhood. There is often a frequent turnover of occupiers in these types of developments.

I was looking forward to building a nice home and making a safe home for my family in a quiet court location. The extra traffic, congestion from parked cars and uncertainty of who may be living in the neighbourhood in the three dwellings proposed for No 9 concerns me.

#### **How will I be affected**

I feel I could be affected as outlined in the objections listed above regarding safety, increased traffic flow, reduced access, congestion, noise and a departure from the established neighbourhood character.

I feel that unitised and multi dwelling per allotment residential developments often devalues properties in the surrounding area so I am concerned that my property will be worth less because of the development. I am putting a lot of money and resources into establishing a home in this area and I fear that the proposed development may have a negative effect on my property value.

I was looking forward to a stable residential environment in Tintern Place where families would take pride of ownership in that environment without the constant turnover of residents that often occur with multi dwelling per allotment settlement. I am concerned that should the development go ahead this may no longer be the case.



p.w. 19/11/12  
Jones

Latrobe City Council  
Tel: 1300 367 700  
[www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

**Objection to the Grant  
of a  
Planning Permit**  
Under section 57 of the Planning  
and Environment Act 1987

Council Use Only	
Application Number:-	
Application Date:-	
Ledger Number:-	

Fields marked with an asterisk (\*) are mandatory and must be completed.

**Council Specific Information**

**Objector details**

Title\*  Surname\*  Given Name 1\*  Given Name 2

**Business Details**

ABN

ACN

Company Name

Business Name

Address

Street Address\*

Suburb / Town\*

State\*

Postcode\*

Affected property address (if different from above)

Street Address\*

Suburb / Town\*

State\*

Postcode\*

**Contact Details**

Please provide at least one phone number and include the area code \*

Business Phone

After hours phone

Business Fax

Mobile

Email

Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect

Title\*  Surname\*  Given Name 1\*  Given Name 2

**Business Details**

ABN

ACN

Business Name

Company Name

<b>Address</b>			
Street Address*			
<input type="text"/>			
Suburb / Town*		State *	Postcode *
<input type="text"/>		<input type="text"/>	<input type="text"/>
<b>Contact Details</b>			
Please provide at least one phone number and include the area code *			
Business Phone	After hours phone	Business Fax	Mobile
( ) <input type="text"/>	( ) <input type="text"/>	( ) <input type="text"/>	( ) <input type="text"/>
Email			
<input type="text"/>			

<b>Planning permit application details</b>			
What is the permit application number to which you object? *			2012/193
Who has applied for the permit? Name of applicant *			
MR OSCAR CELIK 2/14 Newmans rd			
Address Templestowe VIC 3106			
Choose the type of formal land description *			
<input checked="" type="checkbox"/> Street Address	<input type="checkbox"/> Lot / Plan	<input type="checkbox"/> Crown allotment	<input type="checkbox"/> Other (if no other land description applies)
Street address *			
9 Tintern Place			
Suburb Town *		State *	Post Code *
Traralgon		VIC	3844
Lot / Plan		Plan type and numbering (existing)	
Lot number		<input type="text"/>	
Crown allotment number		Section number	Block
<input type="text"/>		<input type="text"/>	<input type="text"/>
Portion	Subdivision	Parish OR Township name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)			
<input type="text"/>			
What is Proposed? *			
Development of 3 single story dwellings			

## Objection Details

What are the reasons for your objection? \*

See Attachment

How will you be affected by the grant of a permit? \*

See Attachment

## Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.



By marking this checkbox I confirm that I have read and understood all the statements above \*

Name of person completing this application \*

Daniel Bloss

Date \*

13/11/12

Signature of person completing this application \*

Daniel Bloss

Attachment to accompany Objections to Planning Permits for Nos 9 Place TraralgonReasons for Objections

I believe that there may not be adequate provisions made in this development for parking for resident and visitor vehicles. (as outlined in Res Code 55.03-10 which states **To provide convenient parking for resident and visitor vehicles.**

A development of this magnitude has the ability to require at least six car spaces for each of the three three bedroom units, when you consider that three couples are capable of residing at each three bedroom units. Provision for parking is at most two car spaces per unit. If two car owners reside at each unit, there is no provision for visitor parking at all. I question whether this requirement is being met in the proposed plan.

The development is located approximately .8 kilometre from the closest bus stops, one being in Crosses Road, the other being in Bradman Boulevard. One has to walk over an unpaved reserve to reach the later. The Post Office is approximately three kilometres from the development. The nearest convenience store is located 2.6 kilometres away at West End Store and Safeway is 2.8 kilometres.

It is likely therefore, that residents of this proposed development would need to have their own vehicles.

I feel that due to the potential for greater numbers of people to be residing/visiting this one allotment that there is likely to be the following situation with regard to traffic/and car parking.

Increased traffic volumes/flows in a tight cul de sac would lead to congestion.

Additional vehicles illegally parked on nature strips will contribute to a deterioration of those nature strips.

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Access for emergency vehicles may be restricted because of extra vehicles parked in the street.

Garbage bin collection times could prove problematic due to roadways clogged with parked cars.

Additional traffic flows and congestion due to cars parked in the street will endanger children, other pedestrians, cyclists and motorists.

There is potential for additional noise pollution.

Additional vehicular crossovers will be a pedestrian hazard.

Vehicles parked on the street/nature strip are likely to encourage an increase in crime in the area because of their easy access to criminals. Recently there was a window of a vehicle smashed parked outside nearby 101 St Georges Road because of the fact that residents of this block of units are unable to park their vehicles off the street due to insufficient off street parking allocation.

When driving along nearby St Georges Road outside the three unit development located there at 101 St Georges Road, there is frequently several cars parked on either side of the road and on the nature strip making it a very narrow carriageway.

I feel that the proposed multiple dwelling developments are against the neighbourhood character of the street. Currently there are six dwellings each on a single allotment under construction in Tintern Place. I know of another three proposed homes planned to be constructed on single allotments in Tintern Place. The established neighbourhood character is thus that of single dwellings per allotment.

Unit developments frequently attract tenants who may not take pride in their homes, may be noisy and undermine the general tone of the neighbourhood. There is often a frequent turnover of occupiers in unitised developments.

I was looking forward to building a nice home and making a safe home for my family in a quiet court location. The extra traffic, congestion from parked cars and uncertainty of who may be living in the neighbourhood in the units proposed for No 9 are a concern to me.

**How will I be affected?**

I was looking forward to a stable residential environment in Tintern Place where families would take ownership of that environment without the constant turnover of residents that often occur with unit settlement. I am concerned that should the development go ahead this may no longer be the case.

I feel that unitised and multi dwelling per allotment residential developments devalues properties in the surrounding area so I am concerned that my property will be worth less because of the development.

Along with the all objections listed above regarding neighbourhood character, traffic, noise, congestion and safety I feel that I could be adversely affected should the proposed development proceed.

I strongly oppose the proposed development at 9 Tintern Place.

Daniel Bloss 12/11/12  
*Daniel Bloss*





## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **16.4 DECEMBER 2012 QUARTERLY FINANCIAL AND PERFORMANCE REPORT**

**General Manager**

**Governance**

**For Information**

#### **PURPOSE**

The purpose of this report is to present the December 2012 quarterly Financial and Performance Report to Council.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

*Strategic Objectives – Governance*

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

##### **Latrobe City Council Plan 2012 - 2016**

*Strategic Direction – Governance*

*Provide timely, effective and accessible information about Latrobe City Council's activities.*

*Ensure that Latrobe City Council continues to meet the highest standards of financial probity.*

*Legislation –*

Local Government Act 1989

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****BACKGROUND**

Under the provisions of the Local Government Act 1989 Section 138 (1), at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure to date is presented to Council. This report ensures compliance with this legislative requirement.

The attached report as at 31 December 2012 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first six months of the financial year. A status report on the Key Strategic Activities, adopted in the 2012/2013 budget is also attached.

**ISSUES**

The attached report, "Income Statement", shows the actual result for the six months ended 31 December 2012 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to the budgeted full year financial result.

Overall the report is showing an unfavourable year to date variance of \$0.216M. This mainly consists of an unfavourable year to date income variance of \$1.869M resulting from the following factors;

- Operating grants and contributions (\$3.599M unfavourable) due to Victoria Grants Commission allocations for 2012/2013 being advanced to Council in June 2012 and therefore recognised in the 2011/2012 carry forward surplus.
- User fees and charges (\$0.726M unfavourable) mainly as a result of lower than expected landfill gate fees due to reduced levels of commercial/industrial waste received together with lower utilisation of child care services than anticipated in the budget.

These unfavourable income variances have been partially offset by favourable variances in the other income categories.

The report also shows a favourable variance of \$2.085M in expenditure mainly as a result of the following factor;

- Depreciation and amortisation (\$1.332M) principally relating to the new landfill cell which was expected in the budget to open in the 2011/2012 financial year. Due to the later timing of the opening of the new cell no depreciation has been calculated to date for the 2012/13 financial year.
- Materials and Services (\$0.632M) principally relating to project and program expenditure that will be incurred later than anticipated in the budget.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

The "Income Statement" report forecasts a deficit result for the full financial year of \$4.523M which is an unfavourable variance of \$7.094M to the original budget. The main contributing factors are reduced grant revenue and additional recurrent program expenditure relating to surplus funds generated in previous years. The 2011/2012 financial year surplus was \$9.2M greater than the Adopted Budget (excluding the accrued expense for the defined benefits superannuation liability which will be funded in 2013/14) mainly due to a combination of government grants received in advance and other unspent project and program funding required to be carried forward for completion in 2012/2013. There is expected to be no significant variance in the 2012/2013 cash flow statement. More detailed explanations of all variances are included in the attached report.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

This report assists in ensuring legislative requirements are met.

The attached report provides details of budget variances for the six months to 31 December 2012 and the forecasted full financial year.

**INTERNAL/EXTERNAL CONSULTATION**

There has been no consultation in the preparation of this report.

**OPTIONS**

The requirement to report on financial and key strategic actions quarterly is a statutory requirement, therefore the options that exist are:

1. Council receives and notes the financial and performance report for the quarter ending 31 December 2012, in accordance with the Local Government Act 1989; or
2. Council does not accept the report; or
3. Council seeks additional information.

**CONCLUSION**

The attached report provides financial details, as required by the Local Government Act 1989. The report indicates that Council is operating within the parameters of its 2012/2013 adopted budget. Variances arising from the timing of the receipt of grant revenues and the carry over of incomplete 2011/2012 recurrent and capital works programs to be completed in 2012/2013 have resulted in a forecasted operating deficit for the full financial year. This reduction is fully offset and largely a result of the additional surplus achieved in the 2011/2012 financial year.

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**Attachments**

1. December Quarterly Finance Report
2. December Quarterly KSA Report

**RECOMMENDATION**

**That Council receives and notes the financial and performance reports for the six months ended 31 December 2012, in accordance with the Local Government Act 1989.**

## 16.4

### DECEMBER 2012 QUARTERLY FINANCIAL AND PERFORMANCE REPORT

- 1 December Quarterly Finance Report ..... 367
- 2 December Quarterly KSA Report ..... 381

**STANDARD INCOME STATEMENT**  
**FOR THE QUARTER ENDED 31 DECEMBER 2012**

		YTD Actuals	YTD Budgets	Variance YTD Act/Bud	Full Year Forecast	Annual Budget	Variance Annual Budget/F'cast
	NOTE	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>INCOME</b>							
Rates	1	62,654	62,478	176	62,654	62,600	54
Operating Grants and Contributions	2	10,315	13,914	(3,599)	20,007	23,061	(3,055)
Capital Grants and Contributions	3	1,277	760	517	5,668	4,978	690
Interest	4	918	490	428	1,360	1,130	230
User fees and charges	5	6,395	7,122	(726)	13,548	15,192	(1,644)
Other Income	6	974	992	(19)	2,127	1,962	164
Developer Contributions	7	393	35	358	420	70	350
Developer Contributed assets	8	986	0	986	2,000	2,000	0
Net gain (loss) on disposal of property, infrastructure and equipment	9	9	0	9	0	0	0
<b>TOTAL INCOME</b>		<b>83,921</b>	<b>85,791</b>	<b>(1,869)</b>	<b>107,784</b>	<b>110,993</b>	<b>(3,209)</b>
<b>EXPENSES</b>							
Employee costs	10	22,238	22,339	102	46,829	46,503	(325)
Materials and services	11	16,653	17,285	632	42,968	39,162	(3,807)
Bad and Doubtful Debts	12	8	12	4	23	29	6
Finance costs	13	571	587	15	1,087	1,117	31
Depreciation and amortisation	14	9,368	10,700	1,332	21,400	21,400	0
<b>TOTAL EXPENSES</b>		<b>48,838</b>	<b>50,924</b>	<b>2,085</b>	<b>112,307</b>	<b>108,211</b>	<b>(4,096)</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>		<b>35,083</b>	<b>34,867</b>	<b>216</b>	<b>(4,523)</b>	<b>2,782</b>	<b>(7,305)</b>



**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****1. Rates****Year to Date - \$176K Favourable**

The year to date favourable variance is primarily a result of additional general rates and garbage charge services due to the growth being greater than anticipated in the budget.

**Full Year - \$54K Favourable**

The full year favourable variance is forecasted mainly due to the additional general rates and garbage charges growth being in excess of what was anticipated in the adopted budget and after taking into consideration potential abandonments relating to valuation objections.

**2. Operating grants and contributions****Year to Date - \$3.599M Unfavourable**

The year to date variance of \$3.599M is mainly due to the Grants Commission first instalment being received in the 2011/2012 financial year this is partially offset by additional grant funding received for some programs including Community Development projects and Vic Health Be Active together with monthly instalments that were expected in January for Preschool and HACC Services have been received late December.

**Full Year - \$3.055M Unfavourable**

The full year variance is mainly due to the first instalment (\$5.869M) for 2012/2013 Grants Commission allocations being received in the 2011/2012 financial year. This has been partially offset by funds for Community Development projects (\$740K), Preschools (\$610K), Vic Health Be Active Program (\$331K), Boolarra Multi Purpose Centre refurbishment (\$325K), Moe outdoor pool upgrade (\$248K) and Accelerated Business Growth & SME Support (\$158K).

**3. Capital Grants and Contributions****Year to Date - \$517M Favourable**

The year to date variance is mainly due to project funding that was expected to be received in 2011/12 but was received in 2012/13 for Latrobe Regional Airport Facilities Expansion (\$500K) and Road Rehabilitation Program - Quigley Street Morwell (\$140K), funding for the Franklin Street Bridge has been received earlier than anticipated in the budget (\$375K) and new funding received for Growing Aerospace Manufacturing (\$150K). This is largely offset by budgeted grant funds for the Moe Outdoor Pool upgrade which were advanced to Council in 2011/12 (\$600K) and the return of a 'Living Libraries Program' grant 2009 (\$160K).

**Full Year - \$690K Favourable**

The full year variance is made up by some project funding that was expected to be received in 2011/12 but was received in 2012/13 for Latrobe Regional Airport Facilities Expansion (\$500K) and Road Rehabilitation Program - Quigley Street Morwell (\$140K), together with Growing Aerospace Manufacturing at LRA funding (\$785) and VicRoads blackspot funding for safety improvement works not included in the budget (\$415K). This is partially offset by budgeted grant funds for the Moe Outdoor Pool upgrade which were advanced to Council in 2011/12 (\$570K) and Return of 'Living Libraries Program' grant 2009 (\$160K).

**4. Interest****Year to Date - \$428K Favourable**

The year to date favourable variance of \$428K is a result of greater than expected funds available for investing together with favourable interest rates.

**Full Year - \$230K Favourable**

The full year favourable variance of \$230K is a result of greater than expected funds available for investing together with favourable interest rates.

**5. User fees and charges****Year to Date - \$726K Unfavourable**

The unfavourable variance is mainly a result of a decrease in Landfill gate fees due to reduced levels of commercial/industrial waste received, together with lower than anticipated Child Care fees as a result of lower than expected utilisation rates and ability to fill Family Day Carer positions. Parking infringements are also less than anticipated as a result of the move to two hour limits. Some slightly better than expected results have been achieved to date in Subdivision supervision fees and Building Approvals.

**Full Year - \$1.644M Unfavourable**

The unfavourable variance is largely a result of an expected decrease in Landfill gate fees of (\$1.409M) due to reduced levels of commercial/industrial waste, together with less than expected income from child care fees and parking infringements.

**6. Other Income****Year to Date - \$19K Unfavourable**

A minor unfavourable variance mainly relating to the timing of receipt of sponsorship and other contributions.

**Full Year - \$164K Favourable**

The full year variance is mainly due to external contributions for the Gippsland Regional Plan Policy & Strategy Project (\$50K) which was not budgeted for and reimbursements of \$43K for Moe Underground Power Line project, along with other minor variances predicted across the organisation.

**7. Developer Contributions****Year to Date - \$358K Favourable**

The year to date favourable variance is mainly related to Development Plan Contributions for Heritage Boulevard Estate, together with greater than expected Drainage Headworks and Street Tree contributions.

**Full Year - \$350K Favourable**

The full year favourable variance is mainly related to Development Plan Contributions for Heritage Boulevard Estate, together with greater than expected Drainage Headworks and Street Tree contributions.

**8. Developer Contributed assets****Year to Date - \$986K Favourable**

The year to date favourable variance is due to the early than anticipated receipt of developer contributed reserves land e.g. Heritage Boulevard Morwell

**Full Year - \$Nil**

No full year variance.

**9. Net gain (loss) on disposal of property, infrastructure and equipment****Year to Date - \$9K Favourable**

Minor variance.

**Full Year - \$Nil**

No full year variance.

**10. Employee costs****Year to Date - \$102K Favourable**

The favourable variance is largely due to a number of vacant staffing positions during the first half of the financial year.

**Full Year - \$325K Unfavourable**

The unfavourable variance is largely due to increases in workcover levy together with an increase of staffing required for HACC services and Social Inclusion which are fully offset by additional external/carry forward funding.

**11. Materials and services****Year to Date - \$632K Favourable**

The favourable variance is mainly due to the timing in some project and program expenditure being later than anticipated.

**Full Year - \$3.807M Unfavourable**

The unfavourable full year variance reflects expenditure on a number of projects/programs that were funded from the 2011/2012 accumulated surplus due to them not being fully completed in the last financial year. Other contributing factors are expenditure on new externally funded programs and flood relief.

**12. Bad and Doubtful Debts****Year to Date - \$4K Favourable**

Minor Variance

**Full Year - \$6K Favourable**

Minor Variance

**13. Finance costs****Year to Date - \$15K Favourable**

The favourable variance is due to the interest rate obtained on the loan drawn down at the end of June 2012 being less than anticipated in the budget.

**Full Year - \$31K Favourable**

The favourable variance is due to the interest rate obtained on the loan drawn down at the end of June 2012 being less than anticipated in the budget.

**14. Depreciation****Year to Date - \$1.332M Favourable**

The favourable variance is mainly due to the delay in completion of the landfill cell 3 which was expected in the budget to open in the 2011/2012 financial year. Due to the later timing of the opening of the new cell no depreciation has been calculated to date in 2012/2013.

**Full Year - \$Nil**

The favourable variance is mainly due to the delay in completion of the landfill cell 3 which was expected in the budget to open in the 2011/2012 financial year. Due to the later timing of the opening of the new cell no depreciation has been calculated to date in 2012/2013.

**RECONCILIATION OF STANDARD INCOME STATEMENT TO CASH BUDGET**  
**FOR THE QUARTER ENDED 31 DECEMBER 2012**

	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	Full Year Forecast	Annual Budget	Variance Annual Budget/F'cast
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating Surplus (Deficit)</b>	35,083	34,867	216	(4,523)	2,782	(7,305)
<b>Reconciliation to Cash Budget</b>						
Plus Depreciation	(9,368)	(10,700)	1,332	(21,400)	(21,400)	0
Plus WDV of Assets Disposed	(485)	(465)	(20)	(627)	(657)	30
Less Developer Contributed Assets	986	0	986	2,000	2,000	0
Less Capital Expenditure	10,063	10,055	7	33,133	28,006	5,127
Less Loan Principal Repayments	1,545	1,533	12	3,142	3,127	15
Less Landfill Rehabilitation Expenditure	14	0	14	1,054	1,600	(546)
Plus Internal Transfers	(24,787)	(9,765)	(15,022)	(20,832)	(8,893)	(11,939)
Plus Net Internal Charges	0	0	0	(0)	0	(0)
Plus Loan Proceeds	0	0	0	(991)	(1,000)	9
Less Net Workcover Debtors	21	0	21	0	0	0
<b>Net Total Non-Operating Items</b>	<b>(22,011)</b>	<b>(9,341)</b>	<b>(12,670)</b>	<b>(4,523)</b>	<b>2,782</b>	<b>(7,305)</b>
<b>Cash Budget Surplus (Deficit)</b>	<b>57,094</b>	<b>44,208</b>	<b>12,886</b>	<b>0</b>	<b>0</b>	<b>0</b>

**STANDARD INCOME STATEMENT**  
**FOR THE QUARTER ENDED 31 DECEMBER 2012 COMPARED TO PREVIOUS FINANCIAL YEAR**

	AS AT 31 DEC 2012			AS AT 31 DEC 2011		
	YTD Actuals	YTD Budgets	Variance YTD	YTD Actuals	YTD Budgets	Variance YTD
	\$'000	\$'000	Act/Bud \$'000	\$'000	\$'000	Act/Bud \$'000
<b>INCOME</b>						
Rates	62,654	62,478	176	58,695	58,119	576
Operating grants and contributions	10,315	13,914	(3,599)	10,278	12,190	(1,912)
Capital Grants and Contributions	1,277	760	517	934	0	934
Interest	918	490	428	713	484	229
User fees and charges	6,395	7,122	(726)	5,798	7,112	(1,313)
Other Income	974	992	(19)	1,160	959	202
Developer Contributions	393	35	358	136	207	(71)
Developer Contributed assets	986	0	986	0	0	0
Net gain (loss) on disposal of property, infrastructure and equipment	9	0	9	92	(20)	112
<b>TOTAL INCOME</b>	<b>83,921</b>	<b>85,791</b>	<b>(1,869)</b>	<b>77,807</b>	<b>79,050</b>	<b>(1,243)</b>
<b>EXPENSES</b>						
Employee costs	22,238	22,339	102	20,072	20,666	595
Materials and services	16,653	17,285	632	17,519	17,068	(451)
Bad and Doubtful Debts	8	12	4	13	14	1
Finance costs	571	587	15	637	696	59
Depreciation	9,368	10,700	1,332	9,326	9,250	(76)
<b>TOTAL EXPENSES</b>	<b>48,838</b>	<b>50,924</b>	<b>2,085</b>	<b>47,567</b>	<b>47,694</b>	<b>127</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>	<b>35,083</b>	<b>34,867</b>	<b>216</b>	<b>30,240</b>	<b>31,356</b>	<b>(1,116)</b>



**STANDARD CASH FLOW STATEMENT  
FOR THE QUARTER ENDED 31 DECEMBER 2012**

		Cash Flow 01/07/12 to 31/12/12	Budget 11/12 Cash Flow 01/07/12 - 30/06/13	Cash Flow 01/07/11 - 30/12/11
	NOTE	\$'000	\$'000	\$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Cash Receipts from Operating Activities		45,818	108,766	45,529
Cash Payments in the Course of Operating Activities		(45,397)	(86,746)	(45,895)
<b>Net Cash from Operating Activities</b>		<b>421</b>	<b>22,020</b>	<b>(366)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from property, plant and equipment		494	1,380	275
Payments for property, plant and equipment		(10,063)	(28,006)	(8,416)
Proceeds from other financial assets		3,000	0	0
<b>Net Cash used in Investing Activities</b>		<b>(6,569)</b>	<b>(26,626)</b>	<b>(8,140)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Finance Costs		(571)	(1,117)	(637)
Proceeds from Borrowings		0	1,000	0
Repayments of Borrowings		(1,545)	(3,127)	(1,394)
<b>Net Cash provided by (used in) Financing Activities</b>		<b>(2,116)</b>	<b>(3,244)</b>	<b>(2,031)</b>
<b>Net Increase / (Decrease) in Cash &amp; Cash Equivalents</b>		<b>(8,264)</b>	<b>(7,850)</b>	<b>(10,538)</b>
Cash & Cash Equivalents at the Beginning of the Year	1	39,033	24,594	31,609
<b>Cash at the End of the Period</b>		<b>30,769</b>	<b>16,744</b>	<b>21,072</b>

1. The budgeted cash at the beginning of the year was based on \$7.698M of the 2011/2012 capital works program being incomplete at 30 June 2012. The actual amount of incomplete capital works and capital grants received in advance was \$13.037M. This additional \$5.339M together with additional advance funding and incomplete operational projects from 2011/2012 of \$9.667M are the principal factors contributing to the significant variance in the opening cash balance.

**STANDARD BALANCE SHEET**  
**AS AT 31 DECEMBER 2012**

	<b>Current Balance</b>	<b>Balance as at 30/06/12</b>	<b>Movement for Year</b>	<b>Balance as at 31/12/11</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>CURRENT ASSETS</b>				
Cash and Cash Equivalents	30,769	39,033	(8,264)	21,072
Other Financial Assets	0	3,000	(3,000)	0
Trade and Other Receivables	44,939	7,359	37,580	43,050
Prepayments	9	354	(346)	3
Non-current Assets Held for Sale	743	743	0	723
<b>Total Current Assets</b>	<b>76,460</b>	<b>50,490</b>	<b>25,970</b>	<b>64,848</b>
<b>NON CURRENT ASSETS</b>				
Trade and Other Receivables	46	46	0	65
Property, Plant and Equipment	932,899	931,704	1,196	921,729
Other Financial Assets	2	2	0	2
<b>Total Non Current Assets</b>	<b>932,948</b>	<b>931,752</b>	<b>1,196</b>	<b>921,796</b>
<b>TOTAL ASSETS</b>	<b>1,009,408</b>	<b>982,242</b>	<b>27,166</b>	<b>986,644</b>
<b>CURRENT LIABILITIES</b>				
Trade and Other Payables	1,390	7,974	(6,584)	514
Interest Bearing Liabilities	1,606	3,151	(1,545)	2,941
Employee Benefits	9,768	10,051	(283)	7,548
Provisions	1,994	2,008	(14)	1,334
Trust Funds and Deposits	2,028	1,520	508	1,557
<b>Total Current Liabilities</b>	<b>16,786</b>	<b>24,704</b>	<b>(7,917)</b>	<b>13,894</b>
<b>NON CURRENT LIABILITIES</b>				
Trade and Other Payables	6,975	6,975	0	0
Interest Bearing Liabilities	13,386	13,386	0	13,844
Employee Benefits	1,409	1,409	0	1,373
Provisions	14,581	14,581	0	14,895
<b>Total Non Current Liabilities</b>	<b>36,350</b>	<b>36,350</b>	<b>0</b>	<b>30,112</b>
<b>TOTAL LIABILITIES</b>	<b>53,136</b>	<b>61,053</b>	<b>(7,917)</b>	<b>44,006</b>
<b>NET ASSETS</b>	<b>956,271</b>	<b>921,188</b>	<b>35,083</b>	<b>942,638</b>
<b>EQUITY</b>				
Net Operating Surplus / (Deficit) for Year	35,083	0	35,083	30,240
Accumulated Surplus	611,241	611,558	(317)	605,494
Reserves	309,948	309,630	317	306,904
<b>TOTAL EQUITY</b>	<b>956,271</b>	<b>921,188</b>	<b>35,083</b>	<b>942,638</b>

**FINANCIAL RATIOS**  
**AS AT 31 DECEMBER 2012**

	\$'000s	Year to Date Ratios			Forecast at 30/06/13	Budget at 30/06/13	Prudential Guidelines
		Ratio at 31/12/12	Ratio at 30/09/12	Ratio at 30/09/11			
<b>Debt Servicing Ratio</b> (to identify the capacity of Latrobe City Council to service its outstanding debt)							
$\frac{\text{Debt Servicing Costs}}{\text{Total Revenue}}$	$\frac{571}{83,921}$	0.68%	0.40%	0.48%	1.01%	1.01%	Less than 5%
Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.  The ratio expresses the amount of interest paid as a percentage of Latrobe City Council's total revenue.							
<b>Debt Commitment Ratio</b> (to identify Latrobe City Council's debt redemption strategy)							
$\frac{\text{Debt Servicing \& Redemption Costs}}{\text{Rate Revenue}}$	$\frac{2,116}{62,654}$	3.38%	1.68%	1.73%	6.75%	6.78%	No guidelines for this ratio
The strategy involves the payment of loan principal and interest, finance lease principal and interest.  The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.							
<b>Indebtedness Ratio</b> (to ensure Council has the ability to pay its long term debts & provisions)							
$\frac{\text{Non Current Liabilities}}{\text{Own Source Revenue}}$	$\frac{36,350}{70,023}$	51.91%	55.11%	51.09%	42.09%	31.97%	No guidelines for this ratio
Compares Council's long term debt (loans & other non-current liabilities) to its own source revenue (ie. Rates, user charges, other income) which is used to gain a general idea as to Council's ability to meet its debts.  The ratio expresses the percentage of own source revenue required to meet long term debts.							

	Year to Date Ratios			Forecast at 30/06/13	Budget at 30/06/13	Prudential Guidelines
	\$'000s	Ratio at 31/12/12	Ratio at 30/09/12	Ratio at 30/09/11		
<b>Debt Exposure Ratio</b> (to identify Latrobe City Council's exposure to debt)						
<u>Total Indebtedness</u> Total Realisable Assets	53,136 429,904	12.36%	11.90%	10.49%	14.56% 15.93%	Less than 150%
For the purpose of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use.  Any liability represented by a restricted asset is excluded from total indebtedness.  The following assets are excluded from total assets when calculating Council's realisable assets: Land and buildings on Crown land; restricted assets; heritage assets and total infrastructure assets.  The ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage to total liabilities for each dollar of realisable assets.						
<b>Operating Revenue Ratio</b> (to identify Latrobe City Council's dependence on non-rate income)						
<u>Rate Revenue</u> Total Revenue	62,854 83,921	74.66%	83.31%	87.04%	58.13% 56.40%	No guidelines for this ratio
The level of Latrobe City Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue.						
<b>Liquidity Ratio (Working Capital)</b> (to assess Latrobe City Council's ability to meet current commitments)						
<u>Current Assets</u> Current Liabilities	76,460 16,786	4.55:1	5.54:1	6.08:1	1.20:1 1.20:1	Greater than 1:1
The ratio expresses the level of current assets the Council has available to meet its current liabilities.						
<b>Adjusted Liquidity Ratio</b> (to assess Latrobe City Council's ability to meet current commitments)						
<u>Current Assets</u> Current Liabilities	76,460 10,998	7.02:1	8.42:1	9.07:1	1.60:1 1.46:1	No guidelines for this ratio
The ratio expresses the level of current assets the Council has available to meet its adjusted current liabilities.  Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period.						

	Year to Date Ratios			Forecast at 30/06/13	Budget at 30/06/13	Prudential Guidelines
	\$'000s	Ratio at 31/12/12	Ratio at 30/09/12	Ratio at 30/09/11		
<b>Infrastructure Renewal Gap Ratio</b> (to ensure the community's infrastructure assets don't become run down)  $\frac{\text{Infrastructure Renewal Expenditure}}{\text{Infrastructure Depreciation}}$  Compares the renewal expenditure on existing infrastructure assets (e.g. roads, drains, footpaths, buildings, etc.) to the dollar value of the asset that has been used up in that year (depreciation).  Target of 100% indicates that spending on existing assets is equal to their consumption.	4,107 7,296	56.29%	30.36%	36.85%	110.41% 101.17%	Greater than 100%
<b>Underlying Result Ratio</b> (To ensure enough revenue is raised to maintain the existing assets base and fund recurrent services. We don't rely on capital grants to run the basic business of Council.)  $\frac{\text{Adjusted net Surplus/(Deficit)}}{\text{Adjusted underlying revenue}}$  Determines if each year Council is raising enough revenue to cover operating costs & asset renewal costs of the existing asset base.  The ratio takes out the effect of once off capital grants & developer contributions.  <b>Note:</b> The forecasted negative ratio of 12.41% reflects the operating deficit that is now projected in the 'Standard Income Statement' and is mainly a result of the early receipt of 2012/2013 grant revenue and unspent 2011/2012 recurrent project and program expenditure which led to a greater than expected surplus result in the 2011/2012 financial year.	31,508 81,265	38.77%	66.86%	66.03%	(12.65%) (4.10%)	Greater than 0%

**STANDARD CAPITAL WORKS STATEMENT  
FOR THE QUARTER ENDED 31 DECEMBER 2012**

		YTD Actuals	Full Year Forecast	Annual Budget	Variance Ann Budget / Forecast
	NOTE	\$'000	\$'000	\$'000	\$'000
<b>CAPITAL WORKS AREAS</b>					
Roads / Paths / Bridges and Carparks	1	5,646	21,859	17,492	(4,367)
Drainage	2	75	195	120	(75)
Land, Buildings and Improvements	3	2,868	5,924	5,619	(304)
Plant and Equipment	4	1,328	2,402	2,037	(365)
Furniture and Equipment	5	234	906	550	(356)
Playgrounds, Skate Parks & BMX Tracks	6	85	673	673	0
Artworks	7	0	15	15	0
Landfill Cell Construction	8	46	1,160	1,500	340
<b>Total Capital Works</b>		<b>10,063</b>	<b>33,133</b>	<b>28,006</b>	<b>(5,127)</b>
<b>REPRESENTED BY</b>					
Renewal	9	5,640	19,860	16,977	(2,883)
New Assets	10	896	5,595	4,942	(653)
Asset expansion/upgrade	11	3,527	7,678	6,087	(1,592)
<b>Total Capital Works</b>		<b>10,063</b>	<b>33,133</b>	<b>28,006</b>	<b>(5,127)</b>

**Notes:****1. Roads / Paths / Bridges and Carparks**

The forecast increase in expenditure of \$4.367M relates mainly to advanced flood recovery works grant funds, together with road rehabilitation projects that have been carried over from the previous year for completion in the 2012/2013 financial year. Council has also received funding approval for two new traffic safety improvement projects under the Vic Roads Blackspot safety program.

**2. Drainage**

The forecast additional expenditure of \$75K relates to drainage works at Alamere Drive Traralgon that are funded from developer contributions reserves.

**3. Land, Buildings and Improvements**

The forecast additional expenditure is mainly due to an additional grant received for the Moe Outdoor Pool Redevelopment project together with project funding carried forward from the previous financial year.

**4. Plant and Equipment**

The forecast additional expenditure of \$365K relates to funds carried forward from 2011/2012 for plant and vehicle purchases that were ordered in the previous year but delivery did not occur until the 2012/2013 financial year.

**5. Furniture and Equipment**

The forecast additional expenditure of \$356K relates mainly to IT equipment and the implementation of a new telephone system, together with new CCTV at Seymour Street Carpark and a fire hydrant system at Moe Gardens Caravan Park all to be funded from funds carried over from previous years together with capital items funded from the recurrent budget.

**6. Playgrounds, Skate Parks & BMX Tracks**

It is expected that the end of year result will be in line with the adopted budget.

**7. Artworks**

It is expected that the end of year result will be in line with the adopted budget.

**8. Landfill Cell Construction**

The forecast reduction in expenditure of \$340K is a result of funds allocated in the 2012/13 budget for future landfill cell construction (\$1.5M) that will be carried forward to expend in future years, partially offset by ongoing works on cell 3 that have been funded with carry forward monies and savings found within the waste budget.

**9. Renewal**

The forecast additional expenditure of \$2.883M relates mainly to funding carried forward from 2011/2012 for projects still in progress as at 30 June 2012. The most significant of these is the funds received for flood recovery works together with road rehabilitation projects delayed due to weather and planning factors.

**10. New Assets**

The forecast additional expenditure of \$653K relates mainly to additional carried forward funding from 2011/2012 for projects still in progress as at 30 June 2012 including, Hyland Highway cell 3 construction, Moe Railway Precinct Revitalisation Plan, Coalville Road Moe Pedestrian Link and the Churchill Activity Centre Plan.

**11. Asset expansion/upgrade**

The forecast additional expenditure of \$1.592M relates mainly to additional carried forward funding from 2011/2012 for projects still in progress as at 30 June 2012 including, Latrobe Regional Airport facilities expansion and Franklin Street Bridge upgrade together with additional funding received for the Vic Roads Blackspot safety program and Latrobe Regional Airport.





## Key Strategic Actions Report

PERIOD: 12/13



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

Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

## Key Strategic Actions Report

### Strategic Document: 1 Council Plan

#### Strategic Objective: 1.1 Economy

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.1.1 Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.</b>					
1.1.1.1 Deliver 'Positioning Latrobe City for a Low Carbon Emission Future' to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.	In Progress	50%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: On track with adopted budget.</p> <p>TIME MEASURE: A report detailing progress and activities during 2012/13 financial year will be presented to Council for consideration no later than 30 June 2013.</p> <p>TIME PROGRESS: Target on track. 2013 meeting dates have not yet been set as Council has indicated it would like to consider the future of the Committee in its current form.</p> <p>QUANTITY MEASURE: A minimum of two Low Carbon Committee meetings will be held during 2012/13.</p> <p>QUANTITY PROGRESS: Target on track.</p> <p>QUALITY MEASURE: Progression of actions and objectives from the 'Positioning Latrobe City for a Low Carbon Emission Future'.</p> <p>QUALITY PROGRESS: Target on track.</p>	Economic Sustainability	30/06/2016

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.2 Natural Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.2.1 Collaborate with stakeholders to progress environmental sustainability initiatives aimed at reducing environmental impacts.</b>					
1.2.1.1 Implement actions from the Natural Environment Sustainability Strategy 2008-2013 to achieve identified biodiversity and sustainability outcomes.	In Progress	50%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: On track with adopted budget.</p> <p>TIME MEASURE: A progress report on the delivery of actions identified by the Natural Environment Sustainability Strategy will be presented to Council for consideration, no later than 30 June 2013.</p> <p>TIME PROGRESS: Target on track. Scheduled for annual progress report to be presented to Council for consideration in May 2013.</p> <p>QUANTITY MEASURE: A report on the progress delivered against actions identified in the Natural Environment Sustainability Strategy 2008 -2013 will be presented to Council for consideration.</p> <p>QUANTITY PROGRESS: Target on track. NES team working to achieve objectives in work plan.</p> <p>QUALITY MEASURE: Progression of actions and objectives from the Natural Environment Sustainability Strategy 2008-2013, and provision of information to Council on progress.</p> <p>QUALITY PROGRESS: Target on track.</p>	Built and Natural Environment	30/06/2013

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS		STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction:</b>		<b>1.3.6 Promote and support high quality urban design within the built environment.</b>				

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.6 Promote and support high quality urban design within the built environment.</b>					
1.3.6.1 Finalise Stages 2 and 3 of the Traralgon Activity Centre Plan to improve access, guide future land use and establish an urban design framework and parking precinct.	In Progress	30%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Budget target on track.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which Stage 2 of the Traralgon Activity Centre Plan will be presented to Council for consideration, will be no later than 30 June 2013.</p> <p>TIME PROGRESS: Time target not on track to complete Stage 2. Due to a change of focus in the City Planning Department to provide resources to finalising development plans, Stage 2 of the Traralgon Activity Centre Plan will not be presented to Council prior to 30 June 2013. However, the draft Parking Strategy is scheduled to be presented to Council prior to 30 June 2013.</p> <p>QUANTITY MEASURE: Finalisation of Stage 2 of the Traralgon Activity Centre Plan will result in the completion of an Urban Design Framework, Activity Centre Plan and Implementation Plan to inform a planning scheme amendment.</p> <p>QUANTITY PROGRESS: Quantity not on track. The draft Urban Design Framework, Activity Centre Plan and Implementation Plan will not be presented to Council prior to 30 June 2013. However, the draft Parking Strategy is scheduled to be presented to Council prior to 30 June 2013.</p> <p>QUALITY MEASURE: The quality of Stage 2 outputs and resulting planning scheme amendment will be measured by the success of the Planning Scheme Amendment process, including assessment by an independent Planning Panel and the decision by the</p>	Built and Natural Environment	30/12/2014

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.6 Promote and support high quality urban design within the built environment.</b>					
			Minister for Planning. QUALITY PROGRESS: The Traralgon Activity Centre Plan project is subject to the success of the Planning Scheme Amendment process (i.e. Stage 3) which has not yet commenced.		

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.11 Integrate transit cities principles in the development of Moe, Morwell and Traralgon activity centres.</b>					

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.11 Integrate transit cities principles in the development of Moe, Morwell and Traralgon activity centres.</b>					
1.3.11.1 Pursue government funding opportunities to progress construction of the Moe Rail Precinct Revitalisation Project in accordance with the Moe Activity Centre Plan.	In Progress	40%	<p>In accordance with the resolution from Council at its 17th December 2012 meeting, seeking funding opportunities relating to this project have been put on hold.</p> <p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: No additional commitments for further funding have been given by State or Federal Governments to date.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which the summary of funding programs and opportunities identified will be presented to Council for consideration, will be no later than 30 June 2013.</p> <p>TIME PROGRESS: Progressing as forecast.</p> <p>QUANTITY MEASURE: A report detailing potential funding programs and opportunities will be identified throughout the 2012/13 financial year.</p> <p>QUANTITY PROGRESS: Activities have been completed such as preparation of project information brochures and Ministerial briefing notes. Physical works on site are progressing and giving demonstration to potential funding sources of the improvements to the Moe town centre that can be achieved.</p> <p>QUALITY MEASURE: The report will outline potential program funding opportunities, funding guidelines and provide recommendations to progress the Moe Civic Precinct development. (Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within</p>	Built and Natural Environment	30/06/2016

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.3 Built Environment**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.11 Integrate transit cities principles in the development of Moe, Morwell and Traralgon activity centres.</b>					
			the reporting period). QUALITY PROGRESS:		
ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.4.1 Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.</b>					
1.4.1.2 In consultation with community groups, develop and implement a Seniors Week program of activities to provide opportunities for active participation of older people.	Completed	100%	COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget. COST PROGRESS: Seniors Week delivered on budget TIME MEASURE: Delivery of the Seniors Week program of activities by no later than 31 October 2012. TIME PROGRESS: Program delivered in October 2012. QUANTITY MEASURE: Delivery of a program of activities, to provide opportunities for active participation of older people during Seniors Week. QUANTITY PROGRESS: Event held over 7 days offering over 40 activities. QUALITY MEASURE: Senior's Week program that receives positive feedback from participants and is well attended. QUALITY PROGRESS: All activities fully booked. Surveys returned at major activities show only positive feedback. Unsolicited letters of appreciation have been received.	Community Liveability	30/06/2016

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.5 Culture**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.5.3 Attract, promote and facilitate significant regional, national and international events to improve the liveability and sustainability of the municipality.</b>					
1.5.3.3 Develop the Latrobe City Events Strategy and Action Plan 2013-2017 and present to Council for consideration.	Completed	100%	Project complete. Events Strategy and Action Plan was adopted at the Ordinary Council Meeting held on 17 September 2012.	Recreation, Culture and Community Infrastructure	30/06/2013

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.6 Recreation**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.6.3 Align open space requirements of the community with useable public open space.</b>					
1.6.3.1 Finalise review of the Latrobe City Public Open Space Strategy to ensure accessible, connected and varied open space experiences continue to be provided for our community.	In Progress	50%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Budget target on track.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which the Public Open Space Plan will be presented to Council for consideration, will be no later than 30 June 2013.</p> <p>TIME PROGRESS: Time target on track.</p> <p>QUANTITY MEASURE: The revised Latrobe City Public Open Space Plan key principles and actions will guide and define the provision of public open space in Latrobe City for the enjoyment of the community.</p> <p>QUANTITY PROGRESS: Quantity on track. The draft Public Open Space Strategy was released for public exhibition from 30 October to 16 December 2012.</p> <p>QUALITY MEASURE: The quality of outputs will be measured by the Department of Planning and Community Development's level of satisfaction with the information and process used to support a subsequent planning scheme amendment. (Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).</p> <p>QUALITY PROGRESS: The project is subject to the success of a subsequent Planning Scheme Amendment process which has not yet commenced.</p>	Recreation, Culture and Community Infrastructure	30/06/2013



Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.7 Governance**

ACTIONS		STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
Strategic Direction:	1.7.1 Implement the strategic objectives as detailed in the Council Plan, review it annually to ensure that it reflects community expectations and our commitments to financial responsibility.					

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.7 Governance**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.7.1 Implement the strategic objectives as detailed in the Council Plan, review it annually to ensure that it reflects community expectations and our commitments to financial responsibility.</b>					
1.7.1.1 Develop the Council Plan 2013-2017 and present to Council for consideration and submit to the Minister for Local Government within the legislated timeframe.	Planning / Design / Approval	30%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: No expenditure of budget to date (as forecast).</p> <p>TIME MEASURE: Submit the Council Plan 2013-2017 to the Minister for Local Government by the 30 June 2013.</p> <p>TIME PROGRESS: Councillor workshops were completed for the development of the 4-year Council Plan draft. A summary draft Council Plan concept was developed and distributed to Councillors during December 2012. This will be matured in early 2013.</p> <p>QUANTITY MEASURE: The Council Plan 2013 – 2017 will identify four year strategic objectives of Council, strategies to achieve identified objectives, strategic performance indicators and a four year strategic resources plan, in accordance with the Local Government Act.</p> <p>QUANTITY PROGRESS: A review of Latrobe City Council's planning and reporting framework against relevant legislation and best practice models has been completed with feedback consolidated. A final draft will be presented to the Executive team in January 2013.</p> <p>QUALITY MEASURE: The Council Plan will outline Latrobe City Council's response to the objectives of 'Latrobe 2026: The Community Vision for Latrobe Valley' and identify Councillors strategic directions for the next four years.</p> <p>QUALITY PROGRESS: In accordance with Best</p>	Organisational Excellence	30/06/2013

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.7 Governance**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.7.1 Implement the strategic objectives as detailed in the Council Plan, review it annually to ensure that it reflects community expectations and our commitments to financial responsibility.</b>					
			Practice, the current Council Plan outlines Council's response to the objectives of Latrobe 2026: Our Community Vision for Latrobe Valley. It is proposed that the development of the Council Plan 2013-2017 will include consideration of Latrobe 2026.		

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Latrobe City Council

KEY STRATEGIC ACTIONS REPORTD: 12/13)

**Key Strategic Actions Report****Strategic Document: 1 Council Plan****Strategic Objective: 1.8 Advocacy and Partnerships**

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.8.5 Build a strong image for Latrobe City which emphasise prosperity, liveability and a sense of self confidence and resilience within the community.</b>					
1.8.5.1 Develop a City Image Strategy to strengthen Latrobe City's profile as Gippsland's Regional City.	In Progress	50%	<p>COST MEASURE: Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.</p> <p>COST PROGRESS: Budget target on track.</p> <p>TIME MEASURE: The Ordinary Council Meeting, at which the Latrobe City Image Strategy will be presented to Council for consideration, will be no later than 30 June 2013.</p> <p>TIME PROGRESS: Time target on track. Council adopted the Research Findings and Recommendation Papers on Monday 17 December 2012. A workshop is planned for the Project Reference Group in late January 2013 to further explore the Recommendations Paper and next steps.</p> <p>QUANTITY MEASURE: The Latrobe City Image Strategy will guide Latrobe City Council's role in promoting a sense of community pride and promote Latrobe City's regional city status.</p> <p>QUANTITY PROGRESS: Quantity target on track.</p> <p>QUALITY MEASURE: The Latrobe City Image Strategy will provide clear strategic direction to strengthen Latrobe City's profile as Gippsland's Regional City. (Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).</p> <p>QUALITY PROGRESS: Quality target on track.</p>	Governance	30/06/2013

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## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 16.5 CONTRACT DECISIONS FROM PREVIOUS COUNCIL MEETINGS AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION

**General Manager**

**Governance**

**For Information**

### DECLARATION OF INTEREST

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

### DOCUMENTS

- The following contracts were awarded at previous Council Meetings.

Contract No.	Title	Contractor	Contract Amount*	Date Awarded
13151	Provision of Urban Tree Pruning	Valleywide Tree Services	\$203,000.00	2/07/2012
13152	Provision of Minor Painting Works, Graffiti Removal and Protective Coatings	G&G Horan Painting Contractors	schedule of rates	2/07/2012
13153	Provision of Minor Painting Works, Graffiti Removal and Protective Coatings	John Palmer Coatings	schedule of rates	2/07/2012
13154	Provision of Minor Painting Works, Graffiti Removal and Protective Coatings	Ausvic Pty Ltd	schedule of rates	2/07/2012
13162	Resealing of Municipal Roads within Latrobe City	Roads Corporation T/As Sprayline	schedule of rates	6/08/2012
13165	Provision of Security Shredding and Recycling Services	The Doc Shop	schedule of rates	20/08/2012
13166	Tyers Soccer Club New Pavilion	P&M Minster Constructions	\$380,441.41	11/09/2012
13164	Design, Supply, Installation and Commissioning of Stationary Compaction and Conveyor Feed Systems for the Morwell Transfer Station	Wastech Engineering Pty Ltd	\$308,341.00	17/09/2012
13167	Provision for Glazier Services	Valley Glass & Glazing	schedule of rates	17/09/2012
13168	Provision for Glazier Services	Bunyip Glass	schedule of rates	17/09/2012
13169	Provision for Glazier Services	Fineline Glass & Glazing	schedule of rates	17/09/2012
13170	Construction of Netball and Tennis Courts at Glengarry Recreation Reserve	HCM Constructions P/L	\$338,583.00	17/09/2012
13171	Moe Powerline Relocation – George Street, Moe	ZNX(2) T/As Zinfra Contracting P/L	\$2,228,291.00	17/09/2012
13172	Service of GITA & TPCC for the Construction of Latrobe City Hyland Highway Landfill Cell 3B Liner	Sowiol Eight P/L T/As Terra Firma Laboratories	schedule of rates	17/09/2012
13173	Services of Environmental Auditor for the Construction of Hyland Highway Landfill Cell 3B Liner	GHD Pty Ltd	schedule of rates	17/09/2012
13174	Boolarra Multipurpose Building Redevelopment	Steve Brinsmead T/As Dascon	\$454,620.00	17/09/2012
13175	Footpath Replacement Program 2012-2013	ACE Earthmoving Unit Trust	schedule of rates	17/09/2012
13176	Provision of Footpath Grinding Services	The Australian Grinding Company	schedule of rates	17/09/2012
13131	Telecommunications Solution Replacement	Viatek Sage Pty Ltd	schedule of rates	17/09/2012
LCC-8	Reconstruction of Driffield at Morwell	HCM Constructions VIC Pty Ltd	\$695,960.25	19/11/2012
LCC-8	Construction of Retaining Wall at Coalville Road, Moe	ACE earthmoving Unit Trust	\$310,130.00	3/12/2012
LCC-10	Yallourn North Town Hall Development	De Gooyer Constructions	\$535,412.00	3/12/2012
LCC-12	Curve Widening Works at Jumbuk Road, Jumbuk – Stage 1	Civil Construction Network Services	\$397,550.70	17/12/2012

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

2. The following contracts were awarded by the Chief Executive Officer under delegation.

Contract No.	Title	Contractor	Contract Amount*	Date Awarded
13163	Traffic/Pedestrian Safety Educator	First Track Adventures	\$20,000	14/08/2012
LCC-4a	Provision of under excess claims management services	Echelon Australia P/L	schedule of rates	27/09/2012
LCC-4b	Provision of under excess claims management services	Nolan Consulting Services T/As National Claims Solutions	schedule of rates	27/09/2012
LCC-13	Emergency Relief	Emergency Management Network Solutions	\$134,880	26/11/2012

3. The following is a summary of contract variations approved by the Chief Executive Officer under delegation.

Contract No.	Title	Contractor	Variation Amount *	Date Contract Awarded	Date Variation Approved by CEO	Variation Works
12960	Provision of Consultancy Services - Traralgon Growth Area	Hansen Partnership	\$5,014.55	13/04/2011	21/06/2012	V2 - Updates to TGAR reports
12925	Service of Environmental Auditor for the Construction of Latrobe City Hyland Highway Landfill Cell 3 Liner	Tonkin & Taylor Pty Ltd	\$77,650.00	16/02/2011	22/06/2012	V2 - Additional works and tests by auditor
13102	Latrobe Regional Airport - Site Preparation for Aircraft Production Hangar	Civil Construction Network Services Pty Ltd	\$17,735.34	10/04/2012	5/09/2012	V1 - Additional excavation works and hangar extension
13101	Latrobe Regional Airport Construction of Car Park	Civil Construction Network Services Pty Ltd	\$25,323.56	28/03/2012	19/09/2012	V1 - Additional excavation works for soft spots, concrete works and gravel
13101	Latrobe Regional Airport Construction of Car Park	Civil Construction Network Services Pty Ltd	\$23,210.20	28/03/2012	3/10/2012	V2 - Landscape preparation works
13089	Review of the Public Open Space Strategy	Insight Leisure Planning Pty Ltd	\$18,750.00	6/12/2012	17/10/2012	V1 - Database manipulation and mapping, report review and updates
13132	Reconstruction of Hourigan Road at Morwell - Stage 1	Fulton Hogan Industries Pty Ltd	\$72,767.65	21/05/2012	30/10/2012	V2 - Repairs to storm water pipes
13132	Reconstruction of Hourigan Road at Morwell - Stage 1	Fulton Hogan Industries Pty Ltd	\$98,433.20	21/05/2012	30/10/2012	V3 - relocation of water main, soft spot works, reinstall aggie drain.
13171	Moe Powerline Relocation	Zinfra	\$260,325.00	17/09/2012	13/11/2012	V1 - 66kV Cable supply and delivery
13132	Reconstruction of Hourigan Road at Morwell - Stage 1	Fulton Hogan Industries Pty Ltd	\$192,648.83	21/05/2012	30/11/2012	V4 - Treatment of soft spots, removal of concrete paving, install concrete footpath and installation of no-entry signs.
13136	Latrobe Regional Airport Construction of Helipad	ACE Earthmoving Pty Ltd	\$27,625.85	27/06/2012	7/12/2012	V1 - Additional materials, equipments and labour
LCC-1	Latrobe Regional Airport Construction Gravel Runway	Civil Construction Network Services Pty Ltd	\$29,078.38	21/08/2012	7/12/2012	V1 - Access works at Airport and Hyland Highway Landfill
LCC-1	Latrobe Regional Airport Construction Gravel Runway	Civil Construction Network Services Pty Ltd	\$34,536.00	21/08/2012	7/12/2012	V2 - Supply, mix and spread of rock dust

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

LCC-1	Latrobe Regional Airport Construction Gravel Runway	Civil Construction Network Services Pty Ltd	\$11,736.00	21/08/2012	7/12/2012	V3 - Rip and Padfoot rolling of runway surface
12925	Service of Environmental Auditor for the Construction of Latrobe City Hyland Highway Landfill Cell 3 Liner	Tonkin & Taylor Pty Ltd	\$30,000.00	17/09/2012	17/12/2012	V4 - Site visit, reviewing of data, variation assessments and submission of audit report.
13171	Moe Powerline Relocation	Zinfra	\$20,222.00	17/09/2012	10/01/2013	V2 - Road Excavation of Waterloo Road
13132	Reconstruction of Hourigan Road at Morwell - Stage 1	Fulton Hogan Industries Pty Ltd	\$35,440.49	21/05/2012	21/01/2013	V5 - Additional site management and maintenance, works to south carriageway.

**Attachments**  
Nil

### **RECOMMENDATION**

**That Council notes this report on the contract decisions made at previous Council Meetings and by the Chief Executive Officer under delegation.**



## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### **16.6 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

**General Manager**

**Governance**

**For Decision**

### **DECLARATION OF INTEREST**

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

### **DOCUMENTS**

PP 2011/29	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Trevor Anthony Alexander and Wendy Kaye Alexander as the Owner of the Land more particularly described in Certificate of Title Volume 9218 Folio 964 being Lot 4 on LP 120528 situated at 60 Outlook Drive, Jeeralang Junction pursuant to Condition 2 of PP 2011/29 for Two (2) Lot Plan of Subdivision No. PS70460S issued under Officer Delegation on 7 July 2011 providing that the Land will not be further subdivided so as to increase the number of lots.
PP 2010/270	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Waibstadt Pty Ltd as the Owner of the Land more particularly described in parent Certificate of Title Volume 11148 Folio 120 being Lot 2 on PS 616507 situated at Breed Street, Traralgon pursuant to Condition 6 of PP 2010/270 for Two (2) Lot Plan of Subdivision No. 644787M and Creation of a Road Reserve issued under Officer Delegation on 18 February 2011 providing that no new dwellings are to be permitted on Lot 2 of the proposed subdivision and that the Land will not be further subdivided so as to increase the number of lots.

**Attachments**  
Nil

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)****RECOMMENDATION**

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Trevor Anthony Alexander and Wendy Kaye Alexander as the Owner of the Land more particularly described in Certificate of Title Volume 9218 Folio 964 being Lot 4 on LP 120528 situated at 60 Outlook Drive, Jeeralang Junction pursuant to Condition 2 of PP 2011/29 for Two (2) Lot Plan of Subdivision No. PS70460S issued on 7 July 2011 providing that the Land will not be further subdivided so as to increase the number of lots.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Waibstadt Pty Ltd as the Owner of the Land more particularly described in parent Certificate of Title Volume 11148 Folio 120 being Lot 2 on PS 616507 situated at Breed Street, Traralgon pursuant to Condition 6 of PP 2010/270 for Two (2) Lot Plan of Subdivision No. 644787M and Creation of a Road Reserve issued on 18 February 2011 providing that no new dwellings are to be permitted on Lot 2 of the proposed subdivision and that the Land will not be further subdivided so as to increase the number of lots.

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 16.7 ASSEMBLY OF COUNCILLORS

**General Manager**

**Governance**

**For Decision**

#### PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 4 February 2012.

#### DECLARATION OF INTEREST

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

#### OFFICER COMMENTS

The following Assembly of Councillors took place between 29 January 2013 and 11 February 2013 inclusive:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
29-Jan-13	Issues and Discussion Session 4.2 Previous Presentations 4.3 Future Presentations 6. Upcoming Forward Planner 7.1 New Issues 7.2 Outstanding Issues 8.1 GLGN Councillor Forum – March 2013 – for discussion 9.1 CEO Update – November and December 2012 10.1 Economic Sustainability Committees 13.2 City Planning Monthly Update January 2013	Cr Gibbons, Cr Gibson, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Jacinta Saxton, Grantley Switzer,	<ul style="list-style-type: none"> <li>● Cr Gibson declared a Conflict of Interest in Item 7.2.1.</li> <li>● Cr Middlemiss declared a Conflict of Interest in Item 7.2.1.</li> <li>●</li> </ul>
6-Feb-13	Latrobe Tourism Advisory Board Development of the Tourism Advisory Board Annual Report, Recruitment of members to the Board	Cr Darrell White David Elder, Geoff Hill, Linda Brock, Rachel Callus	NIL

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
11-Feb-13	<p>Issues and Discussion Session</p> <p>4.1 Tonight's Presentation</p> <p>4.2 Future Presentations</p> <p>6.1 2013 Forward Planner – Discussion</p> <p>7.1 New Issues</p> <p>7.2 Outstanding Issues</p> <p>10.1 Traralgon Bypass Western Alignment</p> <p>10.2 Economic Sustainability Committees</p> <p>11.1 Recreation Plans – Status Update</p> <p>12.1 Latrobe Prevention Community Model Briefing for Councillors (Inc Latrobe Municipal Public Health and Wellbeing Plan Timeframe)</p> <p>14.1 Victorian Government Review of Local Government Performance Reporting Framework</p> <p>14.2 Latrobe City Council Strategy, Plan and Policy Review and Development Schedule</p>	<p>Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White</p> <p>Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Grantley Switzer, Jacinta Saxton</p>	<p>● Cr Kam declared a Conflict of Interest in Item 7.1.5.</p> <p>●</p>

### Attachments

1. I&D - 29 January 2013
2. Latrobe Tourism Advisory Board - 6 February 2013
3. I&D - 11 February 2013

### **RECOMMENDATION**

**That Council note this report.**

## **16.7**

### **Assembly of Councillors**

- |   |  |     |
|---|--|-----|
| 1 | I&D - 29 January 2013.....                             | 405 |
| 2 | Latrobe Tourism Advisory Board - 6 February 2013 ..... | 409 |
| 3 | I&D - 11 February 2013 .....                           | 411 |

## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Monday, 29 January 2013

**Time:** 5:30 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices,  
Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Gibbons, Cr Gibson, Cr Kam, Cr Middlemiss, Cr O'Callaghan,  
Cr Rossiter, Cr Sindt, Cr White

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Grantley Switzer, Jacinta Saxton

**Matter/s Discussed:**

- 4.2 Previous Presentations
- 4.3 Future Presentations
- 6. ....Upcoming Forward Planner
- 7.1 New Issues
- 7.2 Outstanding Issues
- 8.1 GLGN Councillor Forum – March 2013 – for discussion
- 9.1 CEO Update – November and December 2012
- 10.1 Economic Sustainability Committees
- 13.2 City Planning Monthly Update January 2013

**Are the matters considered confidential under the Local Government Act: NO**

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:**

**Cr Gibson declared an indirect interest under Section 78 of the *Local Government Act 1989* in respect of Item 7.2.1 Outstanding Items – Discussions held.**

**Cr Middlemiss declared an indirect interest under Sections 78 and 78B of the *Local Government Act 1989* in respect of Item 7.2.1 Outstanding Items – Discussions held.**



**Officer/s: NIL**

**Times that Officers / Councillors left/returned to the room:**

**Cr Gibson and Cr Middlemiss declared a conflict of interest in respect of Item 7.2.1 and left the Chamber at 7.55pm and both returned to the Chamber at 7.57pm.**

**Completed by: JAYNE EMANS**

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

**"Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any meeting of at least 5 Councillors and 1 Council staff member** will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

## **Assembly of Councillors Record**

**Assembly details:** Latrobe Tourism Advisory Board

**Date:** 6 February 2013

**Time:** 5.30pm

**Assembly Location:** Nambur Wariga meeting room, Latrobe City Council Head Quarters, Morwell

**In Attendance:**

**Councillors:** Cr Darrell White

**Officer/s:** David Elder, Geoff Hill, Linda Brock, Rachel Callus

**Matter/s Discussed:** Development of the Tourism Advisory Board Annual Report, Recruitment of members to the Board

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:**

**Cr Darrell White left the meeting at 5.48pm. (The meeting concluded at 6.22pm)**

**Completed by:** Linda Brock

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

**"Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
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providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.***

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
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- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

## **Assembly of Councillors Record**

**Assembly details:** Issues & Discussion Session

**Date:** Monday 11 February 2013

**Time:** 6.00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices,  
Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss,  
Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba,  
Grantley Switzer, Jacinta Saxton

**Matter/s Discussed:**

- 4.1 Tonight's Presentation
- 4.2 Future Presentations
- 6.1 2013 Forward Planner – Discussion
- 7.1 New Issues
- 7.2 Outstanding Issues
- 10.1 Traralgon Bypass Western Alignment
- 10.2 Economic Sustainability Committees
- 11.1 Recreation Plans – Status Update
- 12.1 Latrobe Prevention Community Model Briefing for Councillors (Inc Latrobe  
Municipal Public Health and Wellbeing Plan Timeframe)
- 14.1 Victorian Government Review of Local Government Performance Reporting  
Framework
- 14.2 Latrobe City Council Strategy, Plan and Policy Review and Development Schedule

**Are the matters considered confidential under the Local Government Act: NO**

**Conflict of Interest Disclosures: (refer 3. over page)**

**Councillors:**

Cr Kam declared an indirect interest under Section 78 and 78A of the *Local Government Act* 1989 in respect of Item 7.1.5 – New Issues

**Officer/s:**

NIL

**Times that Officers / Councillors left/returned to the room:**

Cr Kam left the Chamber due to a conflict of interest in Item 7.1.5 at 10.09pm and returned to the Chamber at 10.14pm

**Completed by:** JAYNE EMANS

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

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- any conflict of interest disclosures made by a Councillor attending under subsection (3);
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- to be reported to an Ordinary meeting of the Council; and
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**2. Section 76AA definition:**

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Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

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- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



# ORGANISATIONAL EXCELLENCE

**ORDINARY COUNCIL MEETING AGENDA  
18 FEBRUARY 2013 (CM399)**

**17. ORGANISATIONAL EXCELLENCE**

Nil reports

# MEETING CLOSED TO THE PUBLIC

## ORDINARY COUNCIL MEETING AGENDA 18 FEBRUARY 2013 (CM399)

### 18. MEETING CLOSED TO THE PUBLIC

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

#### **RECOMMENDATION**

**That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:**

#### **18.1 LCC-5 PROVISION OF DRAINAGE MAINTENANCE WORKS**

Agenda item InsertHeaderPage *LCC-5 Provision of Drainage Maintenance Works* is designated as confidential as it relates to contractual matters (s89 2d)

#### **18.2 LCC-3 PROVISION OF THEATRE TECHNICIAN AND MECHANIST**

Agenda item InsertHeaderPage *LCC-3 Provision of Theatre Technician and Mechanist* is designated as confidential as it relates to contractual matters (s89 2d)

#### **18.3 ADOPTION OF MINUTES**

Agenda item InsertHeaderPage *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### **18.4 CONFIDENTIAL ITEMS**

Agenda item InsertHeaderPage *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### **18.5 ASSEMBLY OF COUNCILLORS**

Agenda item InsertHeaderPage *Assembly of Councillors* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)