



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 01 AUGUST 2011

PRESENT:

Cr Darrell White, Mayor - Firmin Ward
Cr Sharon Gibson, Deputy Mayor - Merton Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Kellie O'Callaghan - Burnet Ward
Cr Ed Vermeulen - Gonyah Ward
Paul Buckley, Chief Executive Officer
Michael Edgar, General Manager Community Liveability
Carol Jeffs, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Peter Quigley, General Manager Built and Natural Environment
Zemeel Saba, General Manager Organisational Excellence
Grantley Switzer, General Manager Recreation, Culture and Community
Tom McQualter, Manager Council Operations and Legal Services
Meagan Bennetts, Council Operations Administration Officer

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Cr Rohan Fitzgerald - Dunbar Ward

3. Declaration of Interests

NIL

4. Adoption of Minutes

Moved: Cr Gibson

Seconded: Cr Lougheed

That Council adopts the Minutes of the Ordinary Council Meeting held on 11 July 2011 (CM 352), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 TYERS TOWNSHIP SEWERAGE

Ms. Christine Sindt asked the following question at the Ordinary Council Meeting held 27 June 2011:

Background

I have the Minutes of an Executive Meeting of the Gippsland Integrated Natural Resources Forum. It was held on Thursday 23 August 2007 at the Board Room of the West Gippsland Catchment Management Authority. Section 6 of the Minutes states that Tyers township is scheduled for sewerage. I have two questions regarding the sewerage of Tyers township.

Questions

1. When and why was this project halted?
2. When were Councillors made aware of this situation?

Answer

Please find response letter in regards to the above questions on the next page.

Our Ref: 668580
ME:HT

26 July 2011

Ms Christine Sindt
PO Box 2044
Traralgon VIC 3844



Latrobe City ABN 92 472 314 133
Telephone 1300 367 700
Facsimile (03) 5128 5672
TTY 133 677
Post to PO Box 264 Morwell 3840
Email Address latrobe@latrobe.vic.gov.au
Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Dear Ms Sindt

PUBLIC QUESTION

I write further to our letter dated 7 July 2011, responding to questions you posed at the Council meeting of 27 June 2011, in which advised we were awaiting clarification from the Department of Sustainability and Environment (DSE).

A response to our request for information has been received from Mike Timpano of DSE, from which I quote:-

Reference to the scheduling of sewerage in Tyers in the GINRF Minutes was more specifically related to the Municipal Domestic Wastewater Management Plan developed by Latrobe City Council. Under the Plan, Council was required to investigate innovative wastewater disposal options at Tyers with the objectives of developing a long term solution to wastewater management and to minimise impact on receiving environments.

An Advisory Committee was established by Latrobe City Council which included representatives from the Department of Sustainability and Environment (DSE), Environmental Protection Agency (EPA), Gippsland Water, West Gippsland Catchment Management Authority (WGCMA) and the Tyers Community. The Committee oversaw a consultancy by Whitehead and Associates Environmental Consultants which resulted in a preferred recommended approach.

As referred to in Mr Timpano's response, a preferred option was agreed to by Council. The option provided for a mix of septic tank upgrades with treatment and disposal onsite for larger allotments; with the balance of smaller allotments using an off-site community collection, treatment and disposal system. Treated water would be disposed of via two methods, either municipal irrigation or alternatively, partial municipal reuse/groundwater recharge. The cost of the system was estimated at \$2.3 million.

Further investigation of similar stand alone systems currently in the process of being developed or constructed have highlighted a number of issues yet to be addressed namely:- responsibility for financial shortfalls, long term asset

responsibility/funding and responsibility for day to day operational management.

These issues were raised and discussed at a meeting of the Tyers Wastewater Management Committee on 14 July 2011. The Committee agreed the issues raised altered their decision to proceed with the stand alone option. The Committee was in agreement with its commitment to work with DSE, Gippsland Water and the EPA to further seek a resolution to the matter of waste water management for the Tyers township.

If you require further information please contact me on (03) 5128 5614 or via email <email@latrobe.vic.gov.au>.

Yours sincerely

MICHAEL EDGAR
General Manager Community Liveability

Suspension of Standing Orders

Moved: Cr Lougheed
Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7:02 pm

Mr John Hehir addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/119 – Use of the Land for a Supermarket, Waiver of the Car Parking Requirement, A packaged Liquor License and Business Identification Signage – 25-27 & 29 – 31 Rintoull Street Morwell

Mr John Kooiman addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/119 – Use of the Land for a Supermarket, Waiver of the Car Parking Requirement, A packaged Liquor License and Business Identification Signage – 25-27 & 29 – 31 Rintoull Street Morwell

Mr Shu Wu addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/119 – Use of the Land for a Supermarket, Waiver of the Car Parking Requirement, A packaged Liquor License and Business Identification Signage – 25-27 & 29 – 31 Rintoull Street Morwell

Ms Rosie Moore addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/119 – Use of the Land for a Supermarket, Waiver of the Car Parking Requirement, A packaged Liquor License and Business Identification Signage – 25-27 & 29 – 31 Rintoull Street Morwell

Chief Executive Officer read out letter to Council on behalf of Mr Gordon Arthur in relation to Item 11.3.1 Planning Permit Application 2010/335 – Use and Development of Land for a Second Dwelling, 124 Cross's Road Traralgon

Resumption of Standing Orders

Moved: Cr Gibson
Seconded: Cr Lougheed

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7:16 pm

NOTICES OF MOTION

6.1 2011/18 - NOTICE OF MOTION - MAV SAVE OUR LIBRARIES - FAIRER FUNDING CAMPAIGN

CR LOUGHEED

MOTION

That Council:

- 1. Supports the MAV Save Our Libraries – Fairer Funding campaign goals:**
 - **The Victorian Government’s early reversal of its cut in recurrent operational library funding and to apply indexation to maintain the State’s contribution in real terms for the life of the current funding agreement**
 - **The Victorian Government agreeing to review the adequacy of its contribution to operational funding and ensure future State recurrent grants are at a level that properly supports libraries and grows in line with population and core library costs such as wages, books and technology.**
- 2. Write to the Premier, the Hon. Ted Baillieu MP and Minister for Local Government, the Hon. Jeanette Powell MP seeking a review of library funding.**
- 3. Write to our local state MPs asking for this matter to be raised urgently in the Victorian Parliament.**
- 4. Agrees not to sign the Library Funding Agreement with the Victorian Government until further advice is received from the MAV on this matter.**
- 5. That the attached Petition be placed in Councils Libraries for a period of 2 weeks, before being lodged by the Mayor.**

Caretaker Statement:

“The recommended decision is not a “Major Policy Decision”, as defined in section 93A of the Local Government Act 1989, or a “Significant Decision” within the meaning of the Electoral Caretaker Provisions Policy”.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

To The Legislative Assembly of Victoria

The Petition of concerned library members, users and supporters draws to the attention of House that:

- Public libraries are a vital community service and we were shocked to learn recently of a State funding cut that was imposed without any warning or explanation
- We are concerned that our library services or other council services could be reduced this year to offset these funding cuts
- Local government now funds almost three quarters of library running costs, however the State Government's contribution is valued and helps to cover the daily operating costs of library services.
- A fairer funding model is needed to meet the growing popularity of public libraries and the expanded services they are providing to communities.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Premier and Minister for

Local Government to:

1. Reverse the cut in State operational library funding and apply indexation to maintain the Government's anticipated contribution that councils budgeted for in 2011-12.
2. Agree to review the adequacy of the State Government's contribution to recurrent public library funding and ensure future grants protect library services by growing in line with population and core library costs such as wages, books and technology.

NAME	ADDRESS	SIGNATURE
1.		
2.		
3.		
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5.		
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16.		

CORRESPONDENCE

9.1 **REQUEST FOR FOOTPATH TO BE ESTABLISHED BETWEEN ROSE AVENUE AND RAILWAY RESERVE, TRARALGON - CORRESPONDENCE FROM MR RUSSELL NORTHE, MLA**
AUTHOR: General Manager Built & Natural Environment
(ATTACHMENT - YES)

1. INTRODUCTION

The purpose of this report is to table for Council's consideration correspondence received from Mr Russell Northe MLA on behalf of residents requesting the provision of a footpath on Hickox Street Traralgon between Rose Avenue and the Traralgon Railway Conservation Reserve.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

Mr Russell Northe MLA has received a petition containing sixty signatures requesting the provision of a footpath on Hickox Street Traralgon between Rose Avenue and the Traralgon Railway Conservation Reserve (attachment 1). The signatories are predominantly from the residential precinct that abuts Hickox Street.

As the petition has been served on Mr Northe and not Latrobe City Council, Council procedure for the management of petitions does not apply in this instance. However, as the matter is one for consideration of Council, the petition and correspondence from Mr Northe is being presented to Council.

The residential area of Hickox Street Traralgon was established in approximately 1996. Latrobe City Council's infrastructure standards in place at that time did not require the developer to construct a footpath linking the new subdivision with existing residential areas to the north.

There are approximately 53 properties in this residential area that may derive a benefit from the provision of a footpath along Hickox Street.

As the developer did not incur costs to establish the footpath, the price of allotments sold at that time may have reflected lower infrastructure development costs.

Therefore it could be assumed residents of the area may have achieved some benefit through lower land costs.

Council policy provides for two options for the construction of new footpaths in established urban areas, these are:

1. Declaration of a Special Charge Scheme, whereby the residents benefiting from new infrastructure contribute to its cost
2. Council allocates funding for construction as part of its annual budget process

There has been concept designs developed and a desktop analysis of the potential cost to provide a footpath as requested, with a project estimated at approximately \$300,000.00. There are a number of factors that contribute to the significant cost of the project, these include;

- Existence of native vegetation
- Topography of the proposed path route
- Existing services within the road reserve
- Drainage requirements

As the proposed path (attachment 2) would front a Council reserve, there would be a requirement for Council to contribute to the construction cost of the path. This amount would be determined as part of the Special Charge Scheme and detailed design processes.

There are three options available to Council in respect to this matter:

1. Take no further action
2. Refer the total cost of the project for consideration in a future budget process
3. Determine residents interest in a special charge scheme

Where residents have sought to derive a benefit from non-existing infrastructure such as newly constructed footpaths in established urban or rural areas, it has been Council practice to seek a contribution to the cost of the project through the establishment of a special charge scheme.

4. RECOMMENDATION

- 1. That Council commence the process to determine the level of property owner support for a special charge scheme to construct a footpath on Hickox Street Traralgon between Rose Avenue and the Traralgon Railway Conservation Reserve.**
- 2. That a further report be presented to Council advising of the outcome of the property owner survey.**
- 3. That Mr Russell Northe MLA be advised of Council's action on this matter.**

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Gibson

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

Russell Northe MLA

Member for Morwell | Parliamentary Secretary for Small Business

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 20 JUN 2011	
R/O:	Doc No: 661011
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Thursday, 16 June 2011

Paul Buckley
Chief Executive
Latrobe City Council
PO Box 264
Morwell 3840

Dear Paul

Footpath

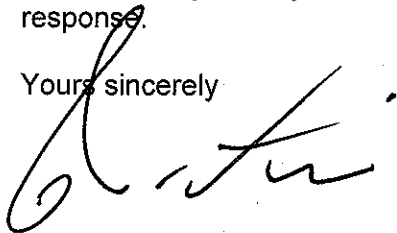
I write to you to make representation on behalf of Val Mayer of 23 Fairway Drive in Traralgon, with regard to a footpath being established for walkers and bike riders between Rose Avenue and Railway Reserve.

Enclosed is a letter from Val detailing the issues and urgently calling for a footpath to be established. Attached to this are 3 pages with petitioner's signatures supporting this request. Val has also raised safety issues with people walking on the roads in this area.

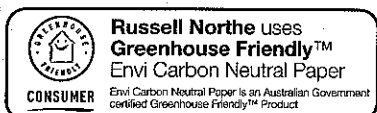
I have liaised with Peter Quigley on this matter and he suggested I write a formal letter to you covering Val's letter and the petition, for consideration by Council.

Paul, I thank you for your attention to this matter and look forward to Council's response.

Yours sincerely

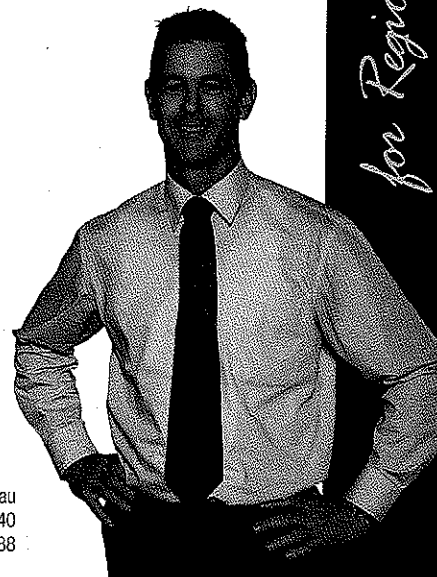


Russell Northe MLA
Member for Morwell



Russell Northe proudly supports Gippsland businesses

russell.northe@parliament.vic.gov.au www.russellnorthe.com.au
66 George Street, Morwell VIC 3840 PO Box 214, Morwell VIC 3840
ph 03 5133 9088 fax 03 5133 9388



for Regional Victoria

To: Russell Northe

From : Val Mayer, 23 Fairway Dive Trarlgon, 51741512

Re: Partition for Footpath, Hickox St Trarlgon.

Hello Russell, my neighbour Jeff Birt asked that I send to you the partition that was signed by most people in this area plus some people who visit our area.

With the growing development of our estate and the huge popularity of the Railway Reserve there is a significant increase of cars to this region, both local and from the wider community travelling on Hickox St. Including trucks

Also there are a lot more people using Hickox St -walkers, young mums with prams, joggers, older people, Children from the Special School in Hickox St (in wheelchairs) and bikers going to the Railway Reserve or walking to the CBD.

Our concerns are that there is no footpath from the corner of Rose Ave to the Reserve. Every person walks on the road. The road section from Rose Ave to Lake View Lane is actually quite narrow when two cars are travelling in opposite directions and a group of people are walking on the road. The small narrow grassed area here is not good enough to consider for safe walking, it is thick and boggy and has a considerable slope.

It is this section of road that several near misses have occurred. Some of which are: Several children and adults while walking or riding bikes have nearly been hit by cars. During winter with it getting darker earlier, we have the further danger of people having to walk on the road and just not being seen. Also, the footpath on Lake View Lane corner to Hickox St stupidly ends before the corner which is a blind corner to drivers approaching from Hickox St. This really is dangerous for everyone, especially young children.

We urgently need a safe wide path from Rose Ave corner to the Railway Reserve which would accommodate walkers and bikers. Also the footpath on the corner of Lake View Lane needs to be addressed.

Yours Sincerely

Val Mayer

NAME	ADDRESS	Sign
Val Mayer	23 Fairway Drive, Traralgon	V. Mayer
H. Mayer	23 Fairway Drive	
JEFF BIRT	12 Fairway Drive Traralgon	
SUE BIRT	12 Fairway Drive, Traralgon	
CAROL EVERETT	22 Fairway Drive, Traralgon	
Tim B. COLETT	" " "	
STEPHEN FITZPATRICK	20 FAIRWAY DRIVE, TRARALGON	
LIBBY FITZPATRICK	" " " "	
Shane Taylor	19 Fairway Drive Traralgon	
FIONA TAYLOR	19 FAIRWAY DR, TRARALGON	
BOB MCGONNIGAN	1/18 FAIRWAY DR "	
RUTH MCGONNIGAN	" "	
TERRY SILKMAN	2/18 Fairway Drive Traralgon	
ALISON LINDY-SILKMAN	" "	
Ann Emery	17 Fairway Dr T'gon	
Doreen Fall	" " (see comment)	
Chris	16 Fairway Drive, Traralgon	
GREG PRATT	" " " "	
Desrae Hean	15 Fairway Drive Traralgon	
David Hean	15 Fairway Drive Traralgon	
Janya Cardillo	14 Fairway Drive T'gon	
MICHAEL CAGGIO	14 Fairway Drive T'gon	
Jan Robinson	13 Fairway Drive T'gon	
Pat Robinson	" " " "	P. Robinson
TROY MORTIMER	24 FAIRWAY DR	
Darcy Jenner	25 Fairway Drive	
Geoff Savers	" "	

Name	Address	Sign
Hayley	15 Fairway Drive, Ager	H-Skinner
Andrea Coulter	26 Fairway Drive	A Coulter
G Coulter	26 Fairway Drive	G Coulter
LEE JAMES	28 FAIRWAY DVE	L James
Scott Yeoman	29 FAIRWAY DRIVE	S Yeoman
Danielle Yeoman	29 Fairway Dr	D Yeoman
Robyn Carroll	30 Fairway Dr	R Carroll
Michael Pearson	31 Fairway Dr	M Pearson
Nikki Pearson	31 Fairway Dr	N Pearson
Kristie Dyson	33 Fairway Dr	K Dyson
Scott Baker	34 Fairway Dr	S Baker
Carolyn Sanderson	1 Fairway Drive	C Sanderson
Michael Sanderson	1 Fairway Drive	M Sanderson
Michelle Bannister	2 Fairway Drive	M Bannister
CORY BANNISTER	2 FAIRWAY DRIVE	C Bannister
Joe Sanderson	4 Fairway Drive	J Sanderson
Nikki Holme	6 FAIRWAY DRIVE	N Holme
Kellie Holme	6 Fairway Drive	K Holme
Kerrie Macfield	7 FAIRWAY DRIVE	K Macfield
Wendy Taylor	9 Fairway Drive	W Taylor
KAREN TAYLOR	9 FAIRWAY DRIVE	K Taylor
Laurie Taylor	9 COLLETT COURT	L Taylor
Marie Cochrane	10 Fairway Drive	M Cochrane
Shaun Harrison	27 Fairway Drive	S Harrison

Name	Address	Sign
Andrea Ferguson	8, Fairway Dr	A Ferguson
JOHN ORR	8 FAIRWAY DR	JOHN
Julian Orr	8 Fairway DR	J. ORR
Cameron Johnson	2 Lake View Ln	C Johnson
PETRA FINOTT	108 HICKOX STREET	<i>[Signature]</i>
Ainslee Scunwah	101-102 HICKOX ST	<i>[Signature]</i>
Adam Monument	101-102 HICKOX ST.	A. Monument
Sally Balogh	116-118 Hickox St	<i>[Signature]</i>
BILL NAPIER	120 HICKOX	<i>[Signature]</i>

ATTACHMENT 2

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BUILT AND NATURAL ENVIRONMENT

11.3.1 PLANNING PERMIT APPLICATION 2010/335 - USE AND DEVELOPMENT OF LAND FOR A SECOND DWELLING, 124 CROSS'S ROAD TRARALGON

AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/335 for the use and development of land for a second dwelling at 124 Cross's Road in Traralgon.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

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 2011-2015

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.

4. **BACKGROUND**

4.1 **SUMMARY**

Land: Lot 1 on Lodged Plan 126409, more commonly known as 124 Cross's Road, Traralgon.
Proponent: G and S Arthur
C/- Beveridge Williams & Co Pty Ltd
Zoning: Rural Living Zone Schedule 3 (RLZ3)
Overlay: Development Plan Overlay Schedule 5 (DPO5)

A Planning Permit is required for the use and development of land for a second dwelling on a lot in accordance with Clauses 35.03-1 and 35.03-4 of the Scheme.

4.2 **PROPOSAL**

The application is for the use and development of land for a second dwelling on the land. The dwelling will be located 10 metres west of the Ashworth Drive street frontage, approximately 75 metres north of the Cross's Road boundary. The building will be located 1 metre south of the electricity easement affecting the site.

The dwelling will comprise two storeys, three bedrooms and two bathrooms.

Subject Land:

The subject site is located at 124 Cross's Road Traralgon, between Ashworth Drive and Tyers Road. The site presently contains a single dwelling, swimming pool and a number of outbuildings, largely contained within the eastern portion of the land.

It is irregular in shape, with a frontage of 234.3m to Cross's Road, a frontage of 139.11m to Ashworth Drive, a northern boundary of 211.78m and a western boundary of 133m. The area of the site is 3.073ha.

The site is affected by a number of easements which run northwest to southeast in the northeast corner of the site. Cross's Road is a bitumen road with kerb and channel drainage for the extent of the property frontage.

Surrounding Land Use:

- North: Directly to the north of the site is Lot 2 on PS126409, which is a vacant land of approximately 2ha. The lot is zoned Rural Living.
- South: To the south of the site, opposite side of Cross's Road is zoned Residential 1. The residential lots are typically around 600 square metres, with each of them developed with a single dwelling.
- East: To the east of the site, opposite side of Ashworth Drive is the property at 110 Cross's Road, which is also zoned Rural living and is developed with dwelling and associated outbuildings.
- West: To the west of the site is land is farming land, which has been rezoned to Residential 1 Zone with a Development Plan Overlay Schedule 5.

4.3 PLANNING CONTEXT

The history of assessment of the planning permit application is set out in Attachment 1.

The relevant provisions within the Scheme in regard to this application have been included in Attachment 2.

5. ISSUES

State and Local Planning Policy Frameworks

The State and Local Planning Policy Framework (SPPF and LPPF) sections of the Planning Scheme seek to protect rural living zone areas from higher density developments, in order to retain a sense of rural character and amenity. To achieve these objectives, the Rural Living Zone sets out decision guidelines for applications of this type.

In consideration of the decision guidelines, there are a number of issues associated with the proposal that warrant specific attention.

A key element to the assessment of this application relates to the zoning and type of land use surrounding the subject site. The surrounding properties on Ashworth Drive are approximately 2 hectares in area and have an existing single dwelling with ancillary outbuildings.

Only single dwellings with ancillary outbuildings are located on each of these surrounding Rural Living Zone lots. This is an established feature of the character of the neighbourhood of Ashworth Drive.

The minimum lot size for subdivision in the Rural Living Zone, Schedule 3 is 2 hectares. It is noted that the current size of the subject site is 3.073 hectares. The proposed development therefore exceeds the density of development anticipated by the Planning Scheme under the provisions of the Rural Living Zone.

It is important to note that the area is adjoining Residential 1 Zoned land and is within the Traralgon Township boundary. The Traralgon Structure Plan also identifies the land for future residential land use.

The proposed development could be considered as contrary to the established character of the Rural Living Zone at Ashworth Drive. Further, the development of a second dwelling on the lot may not be compatible with the intended future use of the precinct for residential land use at higher densities (discussed in more detail later in this report). The proposal is therefore considered to be premature and contrary to the orderly planning of this area.

Amendment C56 & Schedule 5 to the Development Plan Overlay

The subject site is affected by Amendment C56 to the Latrobe Planning Scheme. Amendment C56 applied Schedule 5 to the Development Plan Overlay (DPO5) to the subject site, in order to guide the future orderly development of the land.

Amendment C56 was approved by the Minister of Planning and gazetted on 5 May 2011. Accordingly, the Development Plan Overlay provisions of the Scheme now apply to the subject site.

Clause 43.04-1 (Development Plan Overlay) of the Scheme specifies that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority. The only opportunity for a planning permit to be issued prior to the approval of a Development Plan is if the proposal is: "*minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.*"

It should be noted that at this stage, no development plan has been prepared, submitted or approved for the subject site. Therefore, the subject application is considered premature and is essentially for a prohibited use and development. It is considered that the only decision that Council can validly make in such a case where the use or development is effectively prohibited is to refuse to grant a permit.

Following the application of the DPO5, the permit applicant was required to respond to the changes in the Planning Scheme controls affecting the site. The proponent advised that the proposal constituted 'a minor extension to an existing residential development' and that it will not alter the future orderly development of the area.

It is considered that the proposed use and development of a second dwelling is not a minor extension as the permit applicant has indicated. A second dwelling within the Rural Living Zone is defined separately and a planning permit is required to operate this use and development.

The purpose of the Development Plan Overlay is to avoid circumstances where incremental development could prejudice longer term aspirations for development of a wider precinct. In this case it is considered that the proposed second dwelling fails to satisfy these requirements. No satisfactory evidence has been provided to Council to demonstrate that the development has no adverse impact of the orderly planning of the wider area (for example to facilitate public open space, access, drainage etc.).

6. FINANCIAL 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).

7. 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 site for 14 days.

No submissions in the form of objections were received for the application.

External:

The application was not required to be referred to any external authorities pursuant to Section 55 of the Act.

Internal:

Comments were sought from Council's Infrastructure Planning, Health Services and Strategic Planning teams.

Council's Infrastructure Planning team provided planning permit conditions and comments in relation to the drainage and access if a permit is to be issued.

Council's Health Services team advised that the site is capable of the disposal of all wastewaters generated from a dwelling of not more than five bedrooms, subject to a number of conditions relating to the requirement of septic tank permit, and the compliance of the waste water disposal in accordance with the relevant *Environment Protection Act 1970*.

Council's Strategic Planning Department has highlighted that the subject site is affected by the DPO5. Under the provisions of the DPO5, a planning permit must not be granted unless there is an approved development plan for the site, and at the time of writing, no development plan has been prepared or approved for the site.

8. OPTIONS

Council has two options in regard to this application:

1. Issue a Refusal to Grant a Planning Permit; or
2. Issue a Planning Permit.

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

9. CONCLUSION

Having evaluated the proposal against the relevant provisions of the Latrobe Planning Scheme, it is considered that the application does not meet the relevant tests as set out in the Scheme in relation to second dwellings in rural areas.

Further, the proposal is premature and should not be approved prior to the preparation of a development plan for this area. It is therefore recommended that a Refusal to Grant a Permit be issued for the reasons set out in this report.

10. RECOMMENDATION

A. That Council issues a Refusal to Grant a Planning Permit, for the use and development of land for a second dwelling at 124 Cross's Road in Traralgon, on the following grounds:

- 1. Pursuant to Clause 43.04 of the Scheme, a planning permit must not be granted for the proposal, until a development plan has been prepared to the satisfaction of the Responsible Authority. No development plan has been prepared or approved for the site.**
- 2. The proposal will not result in orderly development of the area.**
- 3. The proposal is inconsistent with the established character of the area.**

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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ATTACHMENT 1
History of Application

DATE	EVENT
15 October 2010	Application received by Responsible Authority.
17 November 2010	A further information request was made to the permit applicant.
14 February 2011	The requested information was provided to the Responsible Authority.
17 March 2011	<p>Council officers required notice to be given by sending letters to adjoining land owners and occupiers. A sign was subsequently displayed on the site in accordance with Section 52(1) of the <i>Planning and Environment Act 1987</i>.</p> <p>Notice was also provided to Gippsland Water and SP AusNet Pty Ltd.</p> <p>Internal referrals were provided to Council's Infrastructure Planning, Health Services, Strategic Planning and Property and Rates teams for consideration.</p>
7 April 2011	A Statutory Declaration was received confirming notice had occurred as per the direction of Council officers.
13 April 2011	Council received a letter from the Minister for Planning advising that a Development Plan Overlay Schedule 5 (DPO5) would be applied to the subject land.
5 May 2011	Ministerial Amendment C56 was gazetted which applied a DPO5 to the subject land.
7 June 2011	Council officers wrote to the permit applicant to require a response to the DPO5.
16 June 2011	A written response was received from the permit applicant addressing the requirements of the DPO5.

ATTACHMENT 2
Relevant Clauses of the
Latrobe Planning Scheme

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 16.02 'Housing Form'
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 – Rural Living Zone Schedule 3

The subject land is located within a Rural Living Zone Schedule 3.

Overlay

Development Plan Overlay Schedule 5

Particular Provisions

There are no particular provisions relevant to the consideration of this application.

General Provisions

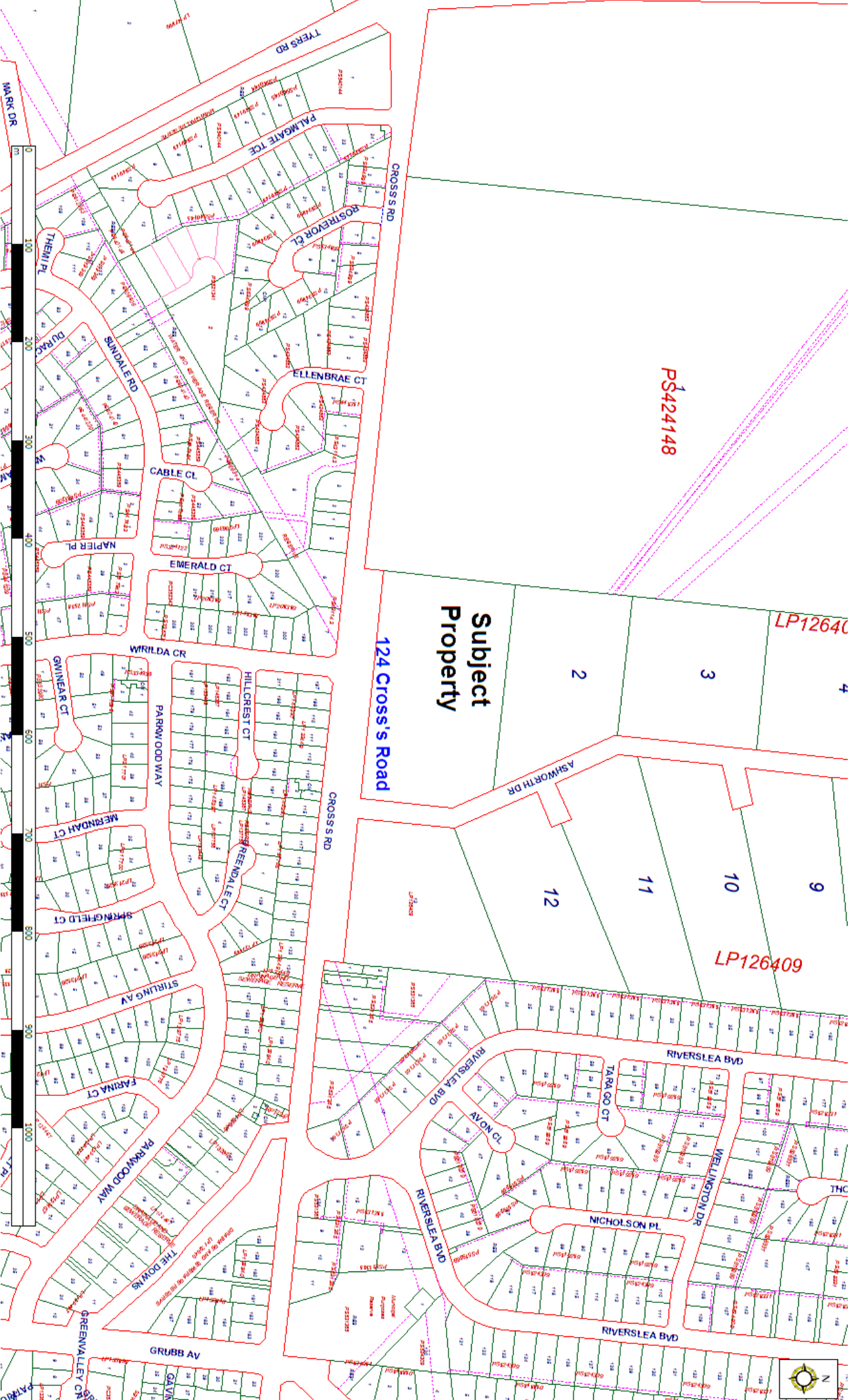
Clause 65 'Decision Guidelines'

Incorporated Documents

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

ATTACHMENT 3
Proposed Plans

ATTACHMENT 4
Locality Plan



Subject Property

124 Cross's Road

PS424148

LP12640

LP126409



Mr. G. W. Arthur
F.R.A.C.S. & F.R.C.S.

Harpfields

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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28 JUL 2011	
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Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

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Mob
Fax
ABN: 93252419397

Attention: Meagan Bennetts

Dear Councillors,

I apologise for my inability to attend tonight's meeting to present my application for a second dwelling at 124 Cross's Rd, Traralgon.

I hope council sees the application is in line with the future development of Traralgon. It will be placed on spacious land and abutting residential zoning on either side of the area of Ashworth Drive. It is in close proximity to town and has been approved by personal communication with neighbours.

Thank you for your consideration,

Yours sincerely,

Gordon Arthur.

Gordon ARTHUR for both gas.

11.3.2 PLANNING PERMIT APPLICATION 2011/119 - USE OF THE LAND FOR A SUPERMARKET, WAIVER OF THE CAR PARKING REQUIREMENT, A PACKAGED LIQUOR LICENSE AND BUSINESS IDENTIFICATION SIGNAGE - 25-27 & 29-31 RINTOULL STREET MORWELL

AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/119 for the use of the land for a supermarket, waiver of car parking requirement, a packaged liquor license and business identification signage at 25-27 & 29-31 Rintoull Street Morwell, also known as Lots 25 & 26 on Plan of Subdivision 043934 and Lot 8 on Plan of Subdivision 031915.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2011 - 2015

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.*

4. BACKGROUND

4.1 SUMMARY

Land: Lots 25 & 26 on Plan of Subdivision 043934 and Lot 8 on Plan of Subdivision 031915, more commonly known as 25-27 & 29-31 Rintoull Street Morwell.

Proponent: Saki Athanasiadis
61 Bridle Road
Morwell Vic 3840

Zoning: Mixed Use Zone

Overlay: No overlays affect the subject site.

A Planning Permit is required for the use of the land as a supermarket which is a Section 2 use in the mixed use zone. A Planning Permit is also required to waive the car parking requirement, and seek permission for a packaged liquor license and business identification signage in accordance with Clauses 52.05-9, 52.06 and 52.27 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application is for the use of the land as a supermarket. This will include the sale of fruit, vegetables, deli and frozen goods as well as the sale of packaged liquor. The existing building on site will remain and internal modifications will occur to provide shelving, refrigeration and counters. These internal modifications do not require planning approval.

The application also seeks to waive 18 car parking spaces which are generated at a rate of 8 spaces per 100 square metres of leasable floor area. Three car parking spaces are to be located on site.

The proposal will include the display of business identification signage. There will be several individual signs displayed including an illuminated above awning sign, two front façade awning signs and 6 window decal signs. (refer Attachment 3)

A packaged liquor license is also required for retail supply of liquor for the consumption off the licensed premises. The red line area proposed is shown on plans provided (refer Attachment 3).

Subject Land:

The site is rectangular in shape with a total site area of 738 square metres. The subject site includes three separate titles. Lots 25 & 26 on Plan of Subdivision 043934 contain an existing building that was previously used as an office. This building covers the entire site. Lot 8 on Plan of Subdivision 031915 contains an existing building that was previously used as a shop. This building is contained to the front half of the lot, with the rear half vacant. Both buildings have been unoccupied for several years.

Surrounding Land Use:

- North: To the north is a sealed laneway 6 metres wide.
- South: Directly south is 23 Rintoull Street that contains an existing building currently unoccupied.
- East: To the east is Rintoull Street which is sealed with kerb and channel. The road reserve also contains angle parking.
- West: Directly west is a continuation of the sealed laneway which is 6 metres wide and provides rear access to the subject site.

5. ISSUES*State and Local Planning Policy Framework*

It is identified in both the State and Local Planning Policy Frameworks of the Scheme to provide retail facilities such as that proposed close to local communities. Clause 21.07-6 of the Scheme encourages neighbourhood shops providing local convenience goods and services in locations accessible to local communities. It also encourages local shops that do not significantly detract from the function of the existing major retail centres. It should be noted that while the use of the land is proposed as a supermarket, the scale of the use is to accommodate the surrounding community that may not have access to public transport, or motor vehicles. Clause 21.08-3 also promotes active lifestyles and walkable neighbourhoods. It encourages the location of shops and mixed use community centres to be close to dwellings.

Land Use

The subject site is located within the Mixed Use Zone which requires a planning permit for the use of the land as a supermarket. A purpose of the zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. The site is part of a shopping strip that currently contains a hairdressers, pharmacy and fish and chip shop/milk bar. The remaining four shops are vacant and the surrounding uses are predominantly single dwelling allotments. The new use will occupy a site that has been vacant for several years. It will enhance the appearance of the site creating an improved façade and environment to Rintoull Street and its surrounds. It is therefore reasonable to consider that the subject site is suitable for a supermarket due to the existing residential living environment and accessibility to convenience items the supermarket will offer.

Business Identification Signage

Pursuant to Clause 52.05-9 of the Scheme a planning permit is required for the proposed business identification signage as part of this application. The signage proposed as part of the application is considerate of neighbouring properties and is not uncharacteristic of business identification signage within the shopping strip. The proposed signs are well proportioned and do not dominate the façade.

Liquor License

A packaged liquor license is required to sell alcohol under Clause 52.27 of the Scheme within the designated red line area as shown on the plans in Attachment 3. The purpose of this clause is to ensure the licensed premises are situated in appropriate locations and that the amenity of the surrounding area is considered.

The licensee has obligations and responsibilities which are managed through the Liquor Control Reform Act 1998. These obligations include a legal responsibility to ensure the operation of a licence does not detract from the amenity of the area. These obligations are important and are managed by the Compliance Directorate, Victoria Police and Latrobe City Council. Notice of the application was given to the Victoria Police pursuant to Section 52(1)(d) of the Act, who provided consent to the granting of a planning permit.

The applicant is also an existing licensee, with a similar business located in Morwell's east. There are considered to be no amenity issues in this area due to the management of the business and their obligations.

Car Parking

Under clause 52.06 of the Scheme the new use generates the requirement for 18 car spaces to be provided on site. The proposal seeks a reduction in the car parking requirement which has been identified as a key issue for review in this report.

Pursuant to Clause 52.06 the use of the land as a supermarket generates a car parking rate of 8 car spaces per 100 square metres of leasable floor area. The 18 spaces required to be provided by the use have been calculated from the existing building on Lots 25 & 26 on Plan of Subdivision 043934. The existing building on Lot 8 on Plan of Subdivision 031915 does not generate any additional car parking spaces as the use of this building remains.

Clause 52.06-1 allows a permit to be issued to reduce or waive the number of spaces required by the table at Clause 52.06-5. Before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to;

- Any relevant parking precinct plan;
- The availability of car parking in the locality;
- The availability of public transport in the locality;
- The reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- Any car parking deficiency or surplus associated with the existing use of the land;
- Any credit which should be allowed for a car parking demand deemed to have been provided in associated with a use which existed before the change of parking requirement;
- Local traffic management;
- Local amenity including pedestrian amenity;
- An empirical assessment of car parking demand; and
- Any other relevant consideration.

As part of this application the applicant has requested to reduce the requirement to provide 15 car parking spaces on site and provide 3 only at the rear of Lot 8 on Plan of Subdivision 031915. The following is an assessment of this request.

The surrounding land uses and existing car parking must be considered when assessing the appropriateness of the waiver request. The subject site is part of an established shopping strip that has the potential for 9 separate tenancies and over the years has operated at full capacity with no car parking issues. There are currently 3 separate businesses operating from this shopping strip with the remaining 6 buildings vacant.

It is important to note that there are 20 public car parking spaces provided in the road reserve (Rintoull Street) that have a one hour parking limit during business hours. These spaces are generally used by customers of the existing businesses. Following several site inspections by a Council Officer it has been noted that approximately 70 per cent of the car spaces are occupied within the shopping strip with 30 per cent vacant. This can vary during different periods of the day. However it is clear from the type of businesses that operate from the shopping strip that the frequency that the car parks will be used will be short periods. The pharmacy and hairdressers also have restricted business hours that differ of those of the proposal.

There are 9 car parks directly north of the proposed site located on Council owned land and used in conjunction with the childcare facility. These car parks have a two hour limit during business hours and provide direct access to the customers of the childcare facility. At the rear of the subject site are an additional 4 car spaces located on Councils land and used in conjunction with the maternal and child health centre. There are also 13 unrestricted car parks located on Vincent Road which also provide direct access to the maternal and child health centre. These additional 26 car parks can be viewed on Attachment 4 and provide ample car parking for customers of both the childcare centre and maternal and child health centre during drop off and pick up times. It is therefore considered that there is ample off street car parking available for all of the existing and proposed businesses to operate efficiently.

Submissions

The application received 44 submissions, 43 in the form of objections and 1 in the form of support for the proposal. Of the 43 objections, 37 of them were form letters. The issues raised in the objections are summarised as:

1. The loss of amenity and social problems due to the sale of packaged liquor.

Officer Comment

Whilst it is recognised that the behaviour of persons and the consumption of alcohol are a concern of the neighbourhood due to problems in the past, the application for a packaged liquor license is for retail supply of liquor for the consumption off the licensed premises. Notice of the application was given to the Victoria Police pursuant to Section 52(1)(d) of the Act, who provided consent to the granting of a planning permit.

Local Law No.2 Part 16 restricts any person without a permit from consuming or having in his or her possession any alcoholic beverage that is not sealed outside the hours of 8.00am and 6.00pm eastern standard time or 8.00am and 8.00pm eastern daylight savings time. This local law can be enforced by both a Latrobe City Council Local Law Officer and the Victorian Police.

2. The financial loss to other local businesses in close proximity.

Officer Comment

This is not a relevant planning permit consideration and cannot be considered a relevant ground of objection pursuant to Section 57(2)(a) of the Act.

3. The increased traffic will have impacts on safety of pedestrians and users of the Childcare Centre located in Rintoull Street.

Officer Comment

Councils Infrastructure Planning team have provided conditional consent to the granting of a planning permit. Traffic impacts have been assessed and the proposal is appropriate for the highway conditions. The childcare centre is fenced and parking is located in close proximity for children being dropped off and picked up with adult supervision.

4. A designated location for the loading and unloading of vehicles.

Officer Comment

The application proposes the delivery of stock will be made within a gravel paved area within the road reserve in Rintoull Street. Council's Infrastructure Planning Team have advised they require a delivery management plan as a condition on the planning permit to ensure that any risks to vehicles and pedestrians are minimised. This must be approved by the Responsible Authority prior to the commencement of the use.

5. The existing car parking spaces are insufficient. The new business is providing no additional car spaces, so where will customers park?

Officer Comment

The car parking issue has been discussed above. See 5.1 of this report.

A submission in the form of a letter of support was also received. The letter from a local resident commented on the availability of car parking in the area and how the proposal would be an asset to the immediate area.

6. FINANCIAL 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).

7. 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 land owners and occupiers and an A3 notice was displayed on the street frontage (Rintoull Street) for a minimum of 14 days.

External:

Clause 66 of the Scheme details that there were no referrals requirements under Section 55 of the Act.

Notice pursuant to Section 52(1)(d) was provided to Victoria Police for comment on the liquor license who did not object to the granting of a planning permit.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to traffic management. This advice is then used to assist the decision making process. Council's Infrastructure Planning team gave consent subject to appropriate conditions being placed on a permit should one be issued.

Internal officer comments were sought from Council's Health Services team in relation to any requirements under the Food Act 1984. This advice is then used to assist the decision making process. Council's Health Services team gave consent to a permit should one be issued.

Internal officer comments were also sought from Council's Community Strengthening team in relation to any social and community impacts. This advice is then used to assist the decision making process. Council's Community Strengthening team gave consent to a permit should one be issued.

It is noted that the comments offered by the above internal teams only inform the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

Forty three submissions in the form of objections and one submission in the form of support for the proposal were received. Upon consultation with the permit applicant officers were requested to proceed directly to an ordinary Council meeting for a decision to be made on the application as it was considered that a resolution would not be reached at a mediation meeting.

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Permit; or
2. Issue a Refusal to Grant a Permit.

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

9. CONCLUSION

Having evaluated the proposal against the relevant provision of the Latrobe Planning Scheme, it is considered that the application is consistent with the 'Purpose' and 'Decision Guidelines' of the Mixed Use Zone and the strategic directions of the State Planning Policy Framework, Municipal Strategic Statement and Decision Guidelines of Clauses 52.05, 52.06 and 52.27. It is therefore recommended that a Notice of Decision to approve the application be issued for the reasons set out in this report.

10. RECOMMENDATION

- A. **That Council issue a Notice of Decision to Grant a Planning Permit, for the use of the land as a supermarket, waiver of the car parking requirement, a packaged liquor license and business identification signage at Lots 25 & 26 on Plan of Subdivision 043934 and Lot 8 on Plan of Subdivision 031915 more commonly known as 25-27 & 29-31 Rintoull Street, Morwell, with the following conditions:**
 1. **Prior to the commencement of any works hereby permitted, amended plan 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 car parking layout must be amended to comply with the requirements of Australian Standard AS 2890 and the access way requirements of clause 52.06-3 of the Latrobe City Council Planning Scheme Particular Provisions. The plan must include construction details including finished surface levels and contours, pavement design and the modification/removal of the existing timber paling fence to provide the sight distance required for vehicles exiting the car parking spaces. Parking and access lanes must be finished with an all-weather sealed surface; drained; and line marked to indicate each car space and all access lanes.**
- 2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security device.**
- 4. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 5. The use must be managed so that the amenity of the area is not detrimentally affected, through the;**
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any building, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and**
 - d) presence of vermin.**
- 6. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent if the Responsible Authority.**
- 7. The signs must not contain any flashing light.**
- 8. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.**

- 9. The approval contained in this permit for the signs shown on the endorsed plan expires 15 years from the date of this permit. (NOTE: This is a condition requirement of the State Government).**
- 10. The use may operate only between the hours of
Monday – Friday 7.30am to 8.00pm
Saturday – Sunday 8.30am to 8.00pm
Public Holidays 9.30am to 7.30pm**

Engineering Conditions:

- 11. Before the commencement of any works hereby permitted, the following plans shall 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:
 - a) a site drainage plan including hydraulic computations for all new drainage works. The plan must show a drainage system providing for all stormwater discharging from the site, including from all buildings, car parks and vehicle access areas, to be conveyed to the legal point of discharge. The drainage system must be designed to take the 1 in 10 year ARI storm event; and**
 - b) a delivery management plan (DMP) providing details of how the transfer of all deliveries from delivery vehicles into the proposed development shall be undertaken. Where it is proposed that a fork lift shall be employed to effect the transfer of goods, the DMP shall include an assessment of the likely manoeuvres of the fork lift between the delivery truck and the site, assessing the likelihood and the consequences of potential risks and hazards associated with the fork lift manoeuvres. The DMP shall provide site specific measures to minimise any risks and hazards associated with the manoeuvres of the fork lift accessing the site, so far as practicable.****
- 12. 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.**

- 13. Prior to the use commencing, 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) The areas set aside for vehicle access and car parking shown on the endorsed plans must be constructed in accordance with the approved plans including surfacing with an all-weather sealed surface, drained and line marking to indicate each car space and all access lanes; and**
 - b) all drainage works must be constructed in accordance with the approved site drainage plan.**
- 14. The parking area must be kept available for the intended use at all times during business hours and the car parking spaces must not be obstructed or otherwise rendered inaccessible.**
- 15. The areas set aside for car parking must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**
- 16. The loading and unloading of goods from vehicles must not disrupt the circulation and parking of vehicles on the land or adjacent roads. The loading and unloading of goods from vehicles into and from the land subject to this permit must be undertaken at all times in accordance with the Delivery Management Plan approved by the Responsible Authority.**

Expiry of Permit:

- 17. This permit will expire if the use is not started within two 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. The applicant must ensure that all relevant Permits have been approved prior to the commencement.

NOTE 2. 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 3.** Unless exempted by the Responsible Authority, an Asset Protection Permit must be obtained prior to the commencement of any proposed buildings works (as defined by Latrobe City Council's Local Law No.3). Latrobe City Council's Local Law No.3 requires an owner, builder or appointed agent to notify the Responsible Authority in writing at least 7 days prior to any building works commencing or materials/equipment are delivered to the site.
- NOTE 4.** A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority before any backfilling of the connection is undertaken.
- NOTE 5.** The location of the Legal Point of Discharge into Latrobe City Council's 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/.
- NOTE 6.** 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.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

For the Motion

Councillor/s Vermeulen, Middlemiss, Lougheed and White.

Against the Motion

Councillor/s O'Callaghan and Gibson

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENTS

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ATTACHMENT 1
HISTORY OF APPLICATION

History of the Application

18 April 2011	Application received by Council.
9 May 2011	Further information requested by Council.
12 May 2011	Further information received from applicant.
26 May 2011	Application referred internally to Council's Infrastructure Planning team, Health Services team and Community Strengthening team. Applicant sent letter requiring notification to be given to adjoining and adjacent properties via letters and sign placed on site, in accordance with Section 52(1)(a) and Section 52(1)(d) of the Act. Notification also sent to Victoria Police in accordance with Section 52(1)(d).
27 May 2011	Consent to the granting of a planning permit received from Council's Health Services team.
2 June 2011	Objections 1 and 2 received.
3 June 2011	Objection 3 received.
6 June 2011	Objection 4 received.
8 June 2011	Consent to the granting of a planning permit received from the Victoria Police. Objection 5 received.
9 June 2011	Consent to the granting of a planning permit received from Council's Community Strengthening team. Statutory declaration received advising that advertising has been carried out and completed as per Council's requirements.
10 June 2011	Objection 6 to 38 received.
27 June 2011	Submission of support for the proposal received.

**ATTACHMENT 2
RELEVANT CLAUSES OF THE LATROBE
PLANNING SCHEME**

LATROBE PLANNING SCHEME

State Planning Policy Framework

- Clause 11.05-1 – Regional Settlement Networks
- Clause 15.01-2 – Urban Design Principles
- Clause 17.01-1 – Business

Local Planning Policy Framework

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.04-5 – Urban Design
- Clause 21.05 – Main Towns
- Clause 21.07-6 – Retail
- Clause 21.08-3 – Healthy Urban Design

Zoning

The subject site is located within the Mixed Use Zone.

Overlay

The subject site is not affected by any overlays.

Particular Provisions

- Clause 52.05 – Advertising Signs
- Clause 52.06 – Car Parking
- Clause 52.07 – Loading and Unloading of Vehicles
- Clause 52.27 – Licensed Premises

General Provisions

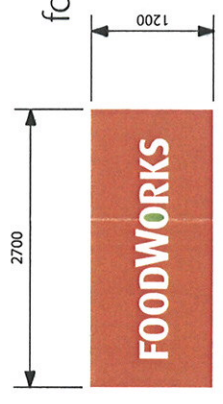
Before deciding on an application or approval of a plan, the Responsible Authority must consider the 'Decision Guidelines' of Clause 65, as appropriate.

Incorporated Documents

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

ATTACHMENT 3
PLANS

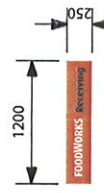
draft
for approval
art
for construction
drawing status



double sided above awning sign x 1
illuminated



liquor disc x 1
illuminated



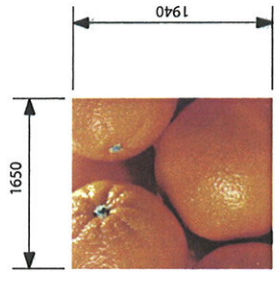
goods receiving x 1
unilluminated



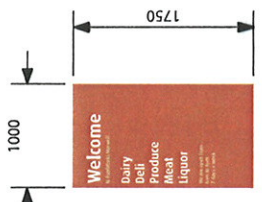
fascia decal x 3
unilluminated



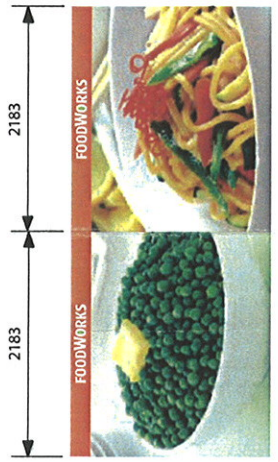
fascia decal x 2
unilluminated



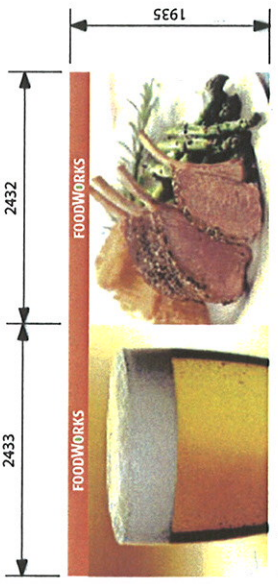
transparent decal x 1
unilluminated



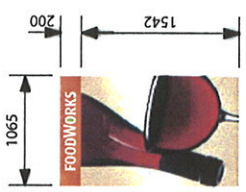
welcome sign x 1
unilluminated



icon decals x 4
unilluminated



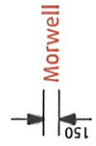
icon decals x 4
unilluminated



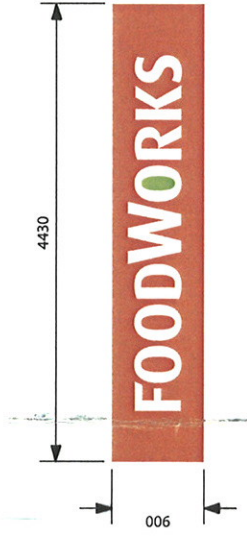
icon decals x 2
unilluminated



store name x 1
unilluminated



store name x 1
unilluminated



hero sign x 1
unilluminated

draft
for approval
art
for construction
drawing status

above awning sign



draft
for approval
art
for construction
drawing status



store name

liquor sign

liquor disk

hero sign

transparent decal

welcome sign

goods receiving

window decals

decal

window icons

transparent decal

welcome sign

goods receiving

window icons

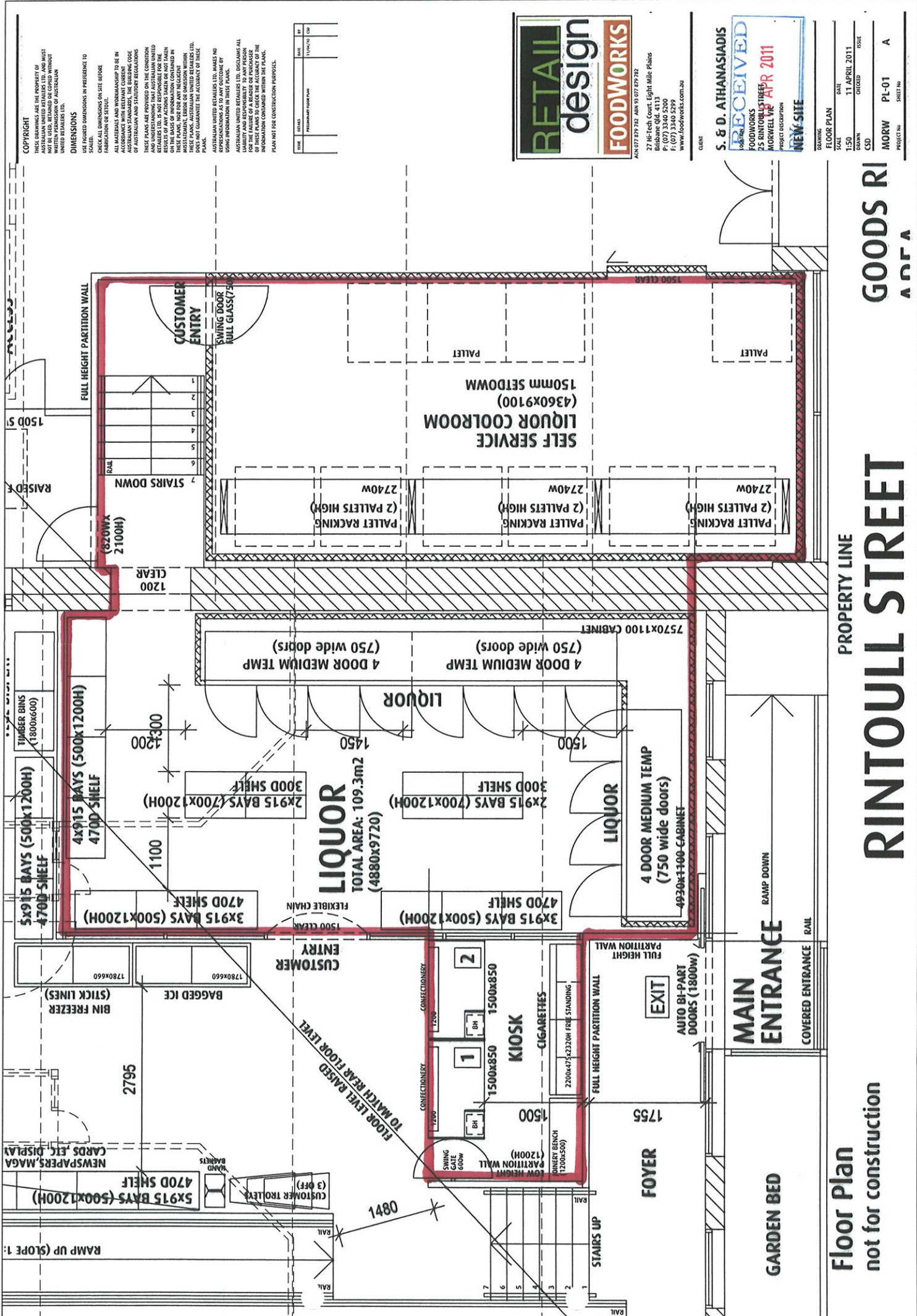
decal

welcome sign

goods receiving

window icons

RECEIVED
18 APR 2011
BY:



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11/04/11	CSJ	



AN 077 879 752 FAX 93 077 879 752
 27 Hi-Tech Court, Eight Mile Plains
 Brisbane, Qld. 4113
 P: (07) 3340 5200
 F: (07) 3340 5299
 www.foodworks.com.au



DATE	ISSUE
11 APRIL 2011	ISSUE

PROJECT No. MORW PL-01 A
 SHEET No.

PROPERTY LINE
RINTOULL STREET
GOODS RI
AREA

Floor Plan
 not for construction

ATTACHMENT 4
LOCALITY MAP



VASEY ST

WINSTON CT

RINTOU ST

ANGELFORD ST

Subject Site

20, 1 Hour Limit Car Parks

9, 2 Hour Limit Car Parks

13 Unrestricted Car Parks

4 Unrestricted Car Parks



LP96313

LP96313

LP57030

LP45314

GP172509

LP31919

LP90173

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ATTACHMENT 5
OBJECTIONS

pw 14/6/11
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I ~~STEVE~~ STEVE SIDOLE of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

Secondly the sale of alcohol and liquor will also bring a serious social problem to this area. At present the bottle shop at this Rintoull Street has just ends business and the trouble of drunken people has almost disappeared. Now if this supermarket starts selling liquor, then the peaceful life that we enjoyed will be shattered.

Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

S. Sidole
4.6.2011

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
File No.	658409
Case No.	
Project No.	
Client No.	

pw 14/6
Jae

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

A. Guffellaro of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

A. Guffellaro

3/06/2011

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INFORMATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
Doc ID: 658408	
Document generated to:	
<input type="checkbox"/> Print	<input type="checkbox"/> Email

pw 14/6
Jae

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I REHANA NAIDU of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

R. Naidu
0417597290

4/06/2011

LATROBE CITY COUNCIL	
L.P.C. PLANNING MANAGEMENT	
RECEIVED	
10 JUN 2011	
Project No.	658407
Project Name	
<input type="checkbox"/> Display of Plans	<input type="checkbox"/> Other

pw 14/6
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

Steven Stan Lacey of _____

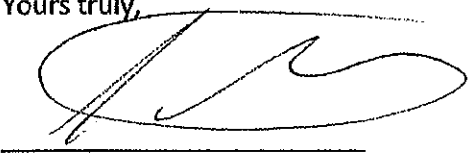
Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Thank you.

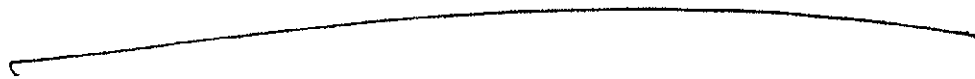
Yours truly,



S. LACEY

LATROBE CITY COUNCIL	
REGULATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
_____	Doc. 658405
_____	_____
_____	_____

About time !



plw 1416
J.C.

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I N. E. GILL of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

N. E. Gill

4/06/2011

LATROBE CITY COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT
RECEIVED
10 JUL 2011
658403

pw 14/6

Ja

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

CHARLOTTE R. HALSTED of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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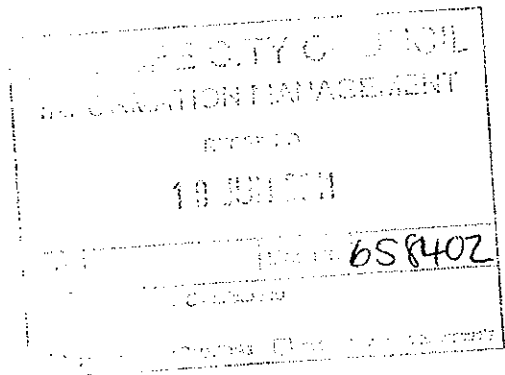
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Charlotte R. Halsted

4/06/2011



pw 1416
Jan

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

Sue Ross of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Sue Ross

3/6/2011

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INFORMATION MANAGEMENT	
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10 JUN 2011	
FILE NO	658401
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p w 14/6
Jae

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LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I GLENNYS BOGSFIELD of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Glennys Boggsfield

2/6/2011

CITY COUNCIL WASTE COLLECTION MANAGEMENT RECEIVED 16 JUN 2011 MORWELL 3840 (03) 596 58400 <input type="checkbox"/>
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p 14/6
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Matthew ALAN of _____

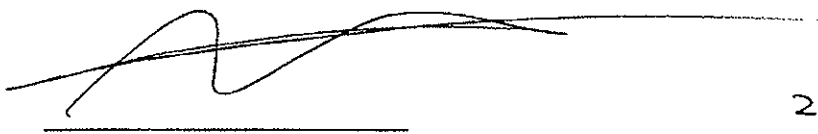
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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



2 / Jun / 2011

LATROBE CITY COUNCIL	
DEVELOPMENT MANAGEMENT	
RECEIVED	
10 JUN 2011	
658420	

pw 14/6
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

ROBERT O'Donnell of

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



2/06/2011

LATROBE CITY COUNCIL	
REGISTRATION MANAGEMENT	
APPROVED	
10.05.2011	
REF	658419
LATROBE CITY COUNCIL	
MORWELL 3840	

pw 14/6
Jas

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I HELEN ROBERTS of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Helen Roberts 4/6/2011

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 10 JUN 2011	
No.	Doc No 658418
658418	
<input type="checkbox"/> Change and Details <input type="checkbox"/> Extension	

pw 1416
Jae

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Eric HUGHES of _____


Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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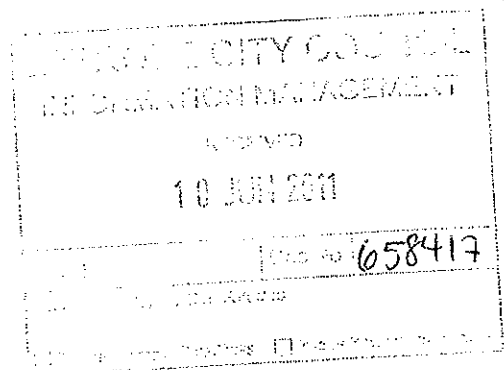
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



3-06-2011



pw 1416
June

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

William Sandford of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

W. Sandford

3-6-2011

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INFORMATION MANAGEMENT	
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10 JUN 2011	
Doc No	658416
To: _____	
By: _____	

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LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Judy Steele of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Judy Steele
3/6/11

LATROBE CITY COUNCIL	
DEVELOPMENT MANAGEMENT	
RECEIVED	
10 JUN 2011	
PROJECT NO.	658415
<input type="checkbox"/> APPROVED <input type="checkbox"/> REJECTED <input type="checkbox"/> DEFERRED	

pw 1416
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Georgina Chichen of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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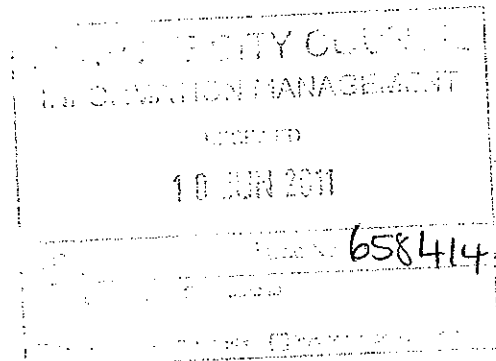
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

G. Chichen

316111



pw 14/0
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I BEN GRAY of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

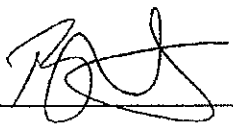
Secondly the sale of alcohol and liquor will also bring a serious social problem to this area. At present the bottle shop at this Rintoull Street has just ends business and the trouble of drunken people has almost disappeared. Now if this supermarket starts selling liquor, then the peaceful life that we enjoyed will be shattered.

Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

BEN GRAY

Yours truly,



2/06/2011

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
10	658413
<input type="checkbox"/>	

pw 19/0
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Benjamin HULBERT of _____

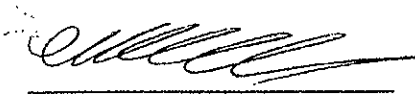
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Secondly the sale of alcohol and liquor will also bring a serious social problem to this area. At present the bottle shop at this Rintoull Street has just ends business and the trouble of drunken people has almost disappeared. Now if this supermarket starts selling liquor, then the peaceful life that we enjoyed will be shattered.

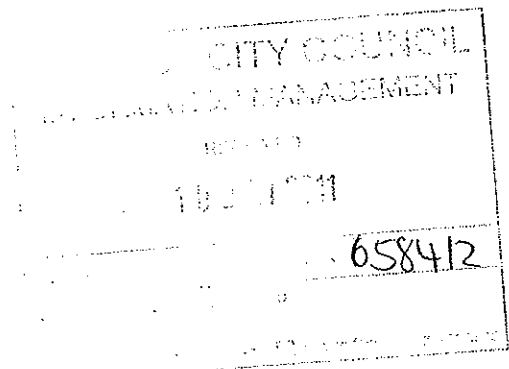
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



2-06-2011



PP 2011/119. p.w 14/11
Jas

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Shannon Russell of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Shannon Russell

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT
RECEIVED
10 JUN 2011
658411

plw 14/6
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I WENDY SMITH of _____


Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



3/6/2011

LATROBE CITY COUNCIL	
COMMUNICATIONS MANAGEMENT	
RECEIVED	
18 JUN 2011	
OFFICE	658398
COMMUNICATIONS	

pw 14/6

Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I PETER SMITH of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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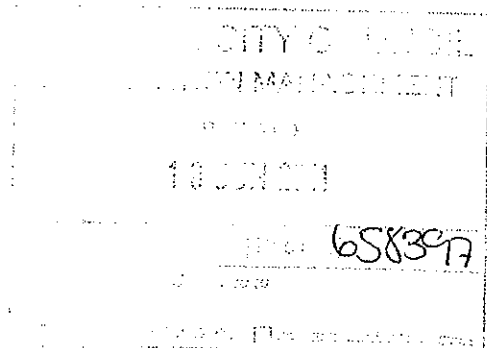
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Peter Smith

03/06/2011



pw 14/6
Jae

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

ROY DWYER of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

ROY DWYER

3/06/2011

1011/11
10 JUN 2011
658396

per 1416
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I E. LUAFOS of _____

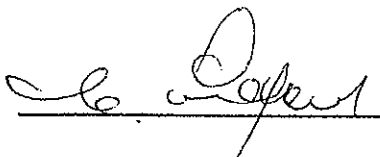
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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



4/06/2011

LATROBE CITY COUNCIL COMMUNITY DEVELOPMENT 18/01/2011 658395

pw 1916
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Laurie Coulson of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Laurie Coulson

LATROBE CITY COUNCIL PLANNING AND DEVELOPMENT DEPARTMENT 16 JAN 2011 658 393

Pw 14/6
Jae

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Edna Coulson of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Edna Coulson

LATROBE CITY COUNCIL
COMMUNICATIONS SECTION
10/10/11
658392

pw 14/6
Jae

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Kennie Lewis of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Kennie Lewis

4/06/2011

LATROBE CITY COUNCIL POPULATION MANAGEMENT REPORTED 10 JUL 2011 658391
--

pw 19/6
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Kylie Kilpatrick of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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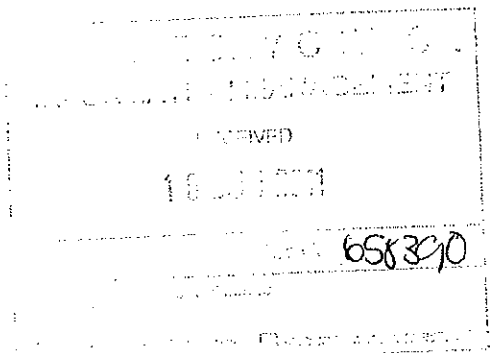
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Kylie Kilpatrick

3/16/2011



pw 14/16
Ja

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Dallas MacGibbon of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Dallas MacGibbon

4-2-2011

PLANNING
DEPARTMENT
10/10/11
658387

p-1416
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I GIRLIE LEWIS of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

girlie

4/26/2011

LATROBE CITY COUNCIL
COMMUNICATIONS UNIT
13 JUL 2011
658382

plw
14/6

↓ d e

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I J. S. ROBERTS of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Robert 15/6-2012

LATROBE CITY COUNCIL
COMMUNITY DEVELOPMENT
10/10/12
TO OBJECT
15/6/12 (656387)

pw1416
Jac

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I LAWRA HARE of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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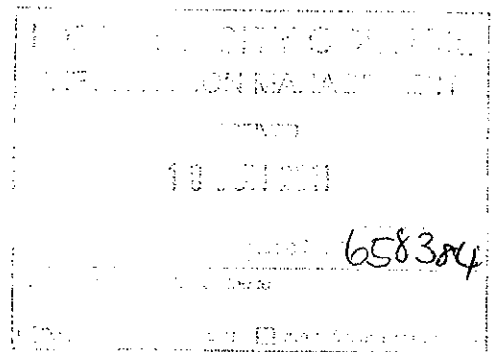
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

L Hare

6-6-2004



pw 19/6
Jan

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I M KIRWIN of _____

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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

M K

6-6-2011

RECEIVED
LAWSON
18/06/11
658386

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

pw 14/6
Jae

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

B Gianni of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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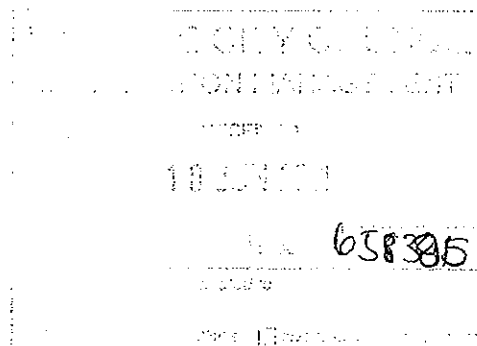
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

B Gianni

6/06/2011



Giannina B.

pw 1416
Jac

THE RESPONSIBLE AUTHORITY
LATROBE CITY COUNCIL
MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

Mieldach Harrison of _____

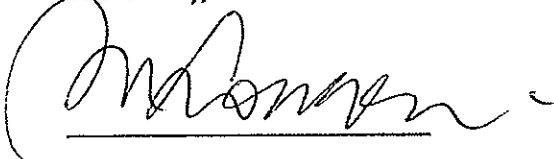
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Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,



4-6-2011

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
FILE NO.	658404
COUNCILOR	
COUNCILOR	

harrison
M

THE RESPONSIBLE AUTHORITY

LATROBE CITY COUNCIL

MORWELL 3840

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As Supermarket

I Darrin Brown of _____

Strongly object to the planning of use of land at proposed address as a supermarket. This is due to the insufficient car park space problem. It will caused heavy traffic at Rintoull Street and risky the safety of the residents at this area. Especially the safety of those Children at the Carinya Childcare Center which is next to the proposed address.

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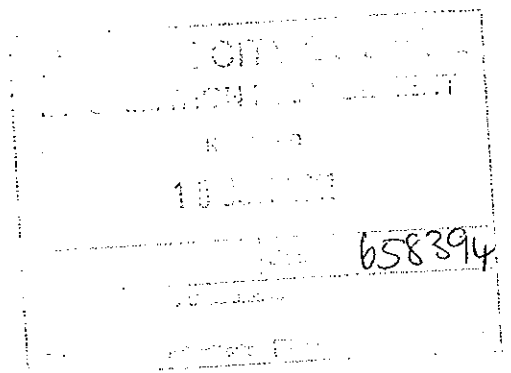
Hence I urge the Latrobe City Council to pay due consideration to my objection. There is definitely another better venue for a supermarket to be set up.

Thank you.

Yours truly,

Darrin Brown

4 / 6 / 11



31st May 2011

The Officer In-charged,
Latrobe City Council
PO BOX 264,
MORWELL 3840

To Whom It May Concern

PL 11 11 02 07 11

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
03 JUN 2011	
R/O	Doc No: 655178
Comments/Copies of attached to	
<input type="checkbox"/> Copy retained in DataWorks	<input type="checkbox"/> Invoice forwarded to suppliers

Objection To The Use Of Land 25-27,29-31 Rintoull Street Morwell As A Supermarket

I Mr Shu Yuan Wu, Owner of the business of Rintoull Street Minimart, 9-11 Rintoull Street Morwell strongly object to the application for the planning permit to use the Land of 25-27 and 29-31 Rintoull Street Morwell as a Supermarket. Waiver Of The Car Parking requirement. This is due to the insufficient car park space problem. At the present moment, the car park space is even not enough to support the shops operating during peak hour. Hence, i strongly object to the planning of setting up a supermarket as the car park space problem unsolved. This will only cause me to lose business when the customers turning back whenever the car park is fully occupied.

Secondly, the customer will start parking at the roadside. This Rintoull Street is too narrow to allow them to do so and it will cause heavy traffic problem. It will definitely incurred certain risk to the road safety at this vicinity. As the Carinya Childcare Center is just next to the suggested premises. Most Of the kids are running around to and from the childcare center. This will certainly risking their safety when there is heavy traffic.

I appeal to the Latrobe City Council to pay due consideration to my objection.

The Insufficient car park space problem must be solved, another 20 car park spaces necessary to be build and at least four loading and unloading bays to be build as well.

Secondly the Latrobe City Council will have to look into the plan of widening this Rintoull Street as to solve the heavy traffic problem.

I am really grateful if i can hear the decision from the Latrobe City Council as soon as possible to my objection.

Thank You.

Yours Truly,



Shu Yuan Wu
Owner of Rintoull Street Minimart.
9-11 Rintoull Street Morwell

Tel: 51342950.
Mob: 0411704219.

1710

Jac

The Responsible Authority

Latrobe City Council

Morwell 3840

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
10 JUN 2011	
R/O	Doc No: 658380
Comments/Steps Calculated to	
<input type="checkbox"/> Copy recorded in DataWorks	<input type="checkbox"/> Info. is transferred to database

To Whom It May Concern

Objection To The Use Of Land 25-27, 29-31 Rintoull Street As A Supermarket

Prior to my earlier letter, I Mr. Shu Yuan Wu owner of the business of Rintoull Street Mini Mart at 9-11 Rintoull Street would like to appeal to you as a city council of Morwell to exercise due consideration and planning to the use of said land as a supermarket.

At the present moment, my business is just surviving and I have my regular customers coming in to buy their groceries during emergencies period. Business has been tough. Most of the residents are going to Mid Valley to do their MAJOR shopping for daily groceries. Fair enough that they are doing the saving for their expenses. Somehow I still manage to sustain at the current situation. I can foresee if the supermarket is setting up just next to my business, I will lose most of my customers as the said supermarket will sell most of the groceries at a cheaper price. Unfortunately I am not in the position to compete with them in term of prices. They are the giant supermarket with lots of capital and bargaining power when handling the suppliers.

My business has been here for about two and a half year. To-date, I have put a lot of effort in building up my business. I manage to draw some customers to my shop by giving all the best to them. My shop is doing the fish and chips takeaway as well. My fish and chips prices are among the cheapest in Morwell. Only by doing so, I am able to attract more residents to come to my shop and probably spend some money here. I have taken all the necessary action to attract more customers. Somehow, for the other groceries, I am really not in the position to compete with the giant supermarket. Therefore it will be really unfair to me if the supermarket is allowed to be opened just next door to my business. No doubt it probably will bring more crowds to this Rintoull Street but it will definitely cause me to lose most of my business.

I have gathered most of my customers support to object to this planning of use of land as a supermarket. Most of them are happy and satisfy with the current conditions. Most of them are behind me. We enjoy a peaceful life and a special bond has been built among us throughout the years. We have not seen the sign of any drunken people around this vicinity. No arguments, no fighting and no chaos. We love this peaceful manner. We are strongly objects to selling of the liquor and alcohol in this vicinity. As the bottle shop on this Rintoull Street has just end its business, we are not welcome a new shop to start selling the alcohol and liquor again. It will

definitely create more social problem to this street. It will restraint some customers from shopping at this street when there is group of drunken people hanging around at this street. That is what we can foresee, what we can expect when there is a bottle shop round the corner.

Car park requirement is the main issue in this planning. Directly or indirectly, majority of our customers are the old age senior citizen. They come to my shop or the next door chemist because it is so convenient. Most of the car park is just in front of the shops. They park their cars and are just a few steps to do some of their shopping. If the car park requirement were to be waived, if the supermarket starts operation, whenever the car park is fully occupied, all this conveniences are missing. (Attachment ONE)

Besides it will caused heavy traffic at this Rintoull Street, it will risk the safety of the residents at this area. As the Carinya Childcare Center is just next to the proposed address, it will incur certain degree of danger to the children travel to and from the center. As we know, most of the children are walking and running around this street before and after their stay at the center. Without a better car park, loading and unloading bays, the traffic will become really in a mess. Hence I urge the council to build the required car park before the supermarket was to allow operating here.

We are living in harmony at the present moment. If some changes were to bring a better environment to this place, it will be most welcomed. What I can foresee if the plan of a supermarket is approved without fulfilling all the requirements, it will only bring more disadvantages. I will strongly object to it. It will not bring much benefit to the residents. I am objecting to this planning, not just to protect myself but mainly for the residents in this township. We do not want our peaceful and harmony life being shattered.

Finally I would like to bring your council's attention to the validity of the notice displayed. The notice itself has no date-of-issued. Who is the authority issuing? Why is the expiry date handwritten? Why is it being amended (Attachment TWO)? The notice itself is hidden behind a piece of glass window (Attachment THREE). It will not easy to be seen by the pedestrian or passer-by. Hence I urge the council to pronounce this notice void.

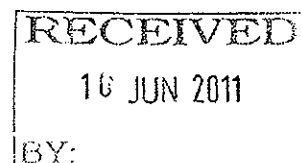
I strongly appeal the council to consider my objection with due care. I really hope to hear from the council as soon as possible.

Thank you.

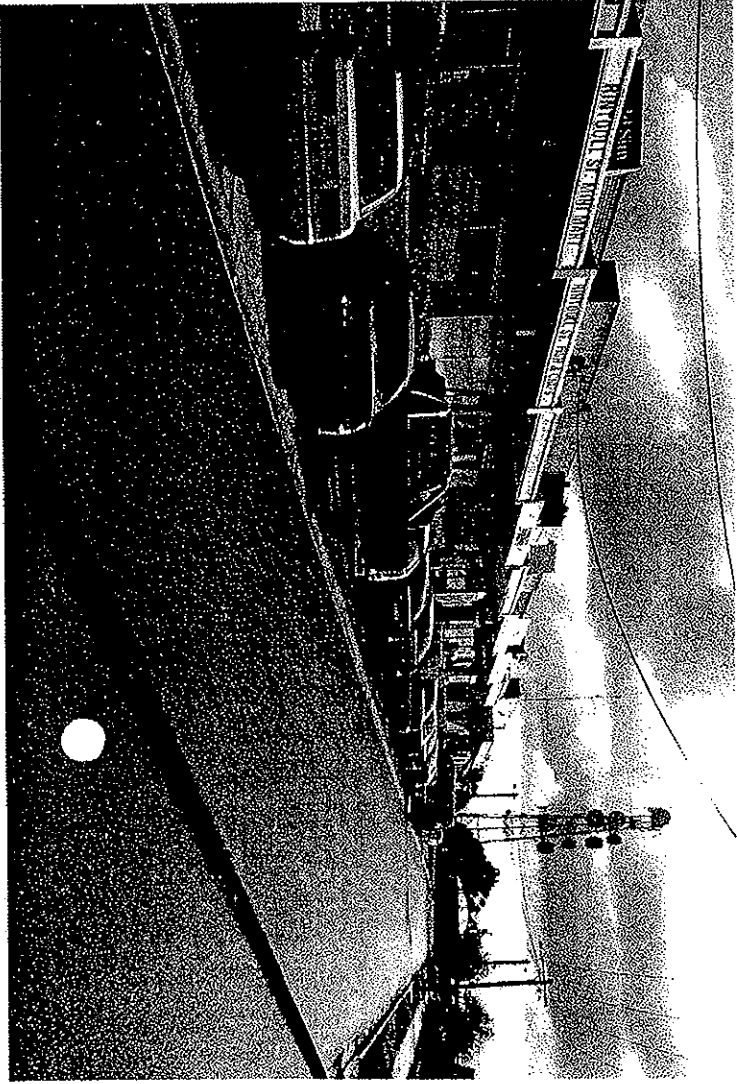
Yours truly,



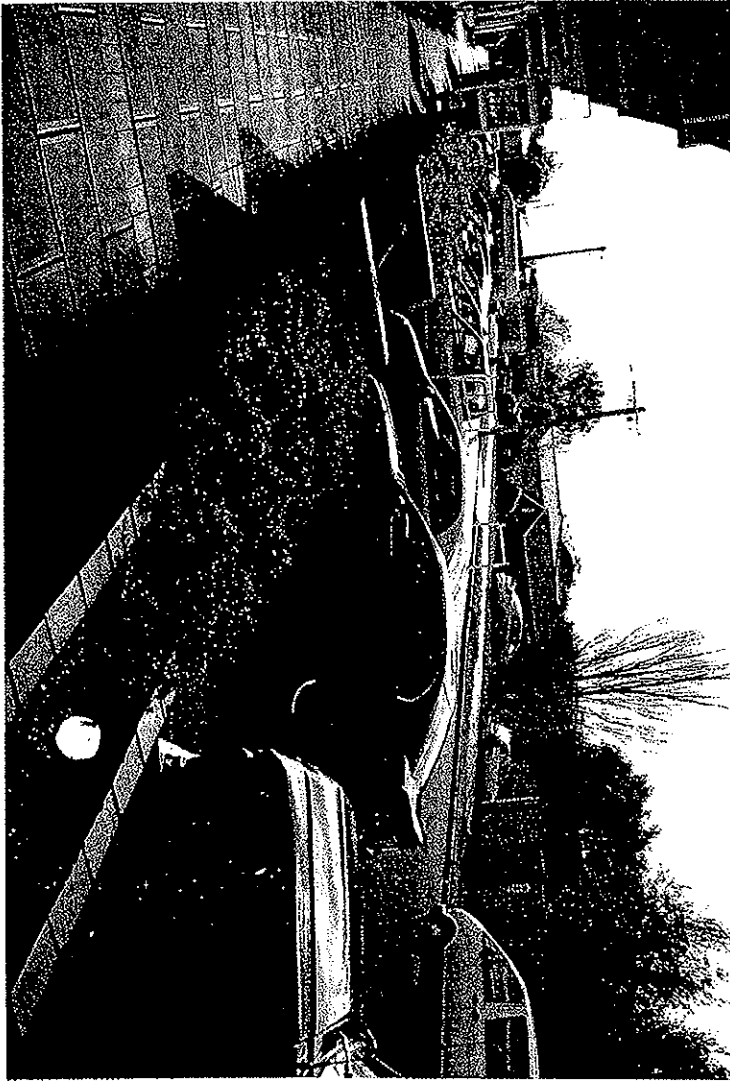
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Attachment One

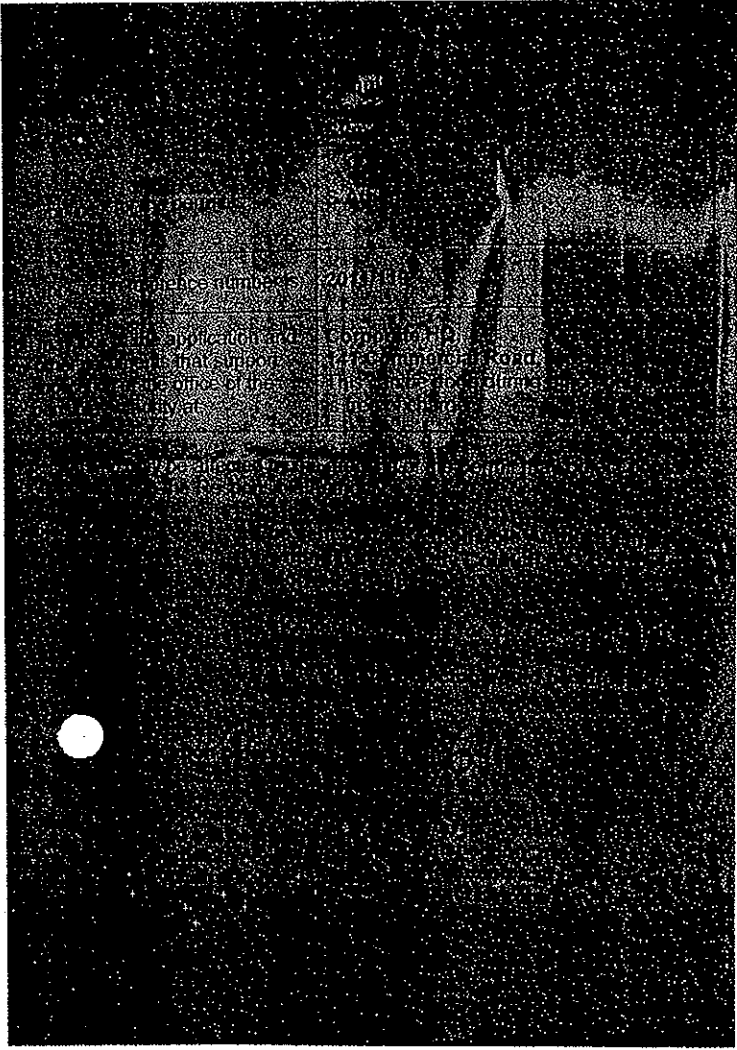


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10 JUN 2011



RECEIVED
10 JUN 2011
BY:

Attachment Two



RECEIVED
10 JUN 2011
BY: _____

Attachment THREE



RECEIVED
10 JUN 2011
BY:

3/6/2011

Responsible Authority
Latrobe City Council
Morwell 3840

LATROBE CITY COUNCIL INFORMATION
REC'D 10 JUN
658694
Conservation Areas Circulation
1.1 Planning Services - Planning Services

pw 1416

Jac

To Whom It May Concern:

Objection To The Use Of Land 25-27, 29-31 Rintoull St.
As Supermarket ; Waiver Of Car Park Requirement And
Selling Of Alcohol .

I Mr MARKO APAI URBANO living at ...
with a family of eight members strongly object to the
abovementioned planning. This is due to the insufficient
car park space problem and it will caused heavy traffic at
this street. Hence the customers to the supermarket or
the other shops will start parking at the roadside. It
might risk the safety of my children and those kids at
Caringer Childcare Center which is next to the proposed address.

Secondly is the sale of alcohol and liquor will bring a serious
social problem to this area. I am so glad the earlier bottle
shop at this Rintoull St. has ends business and the trouble
of drunken people has almost disappeared. Now if the
supermarket starts selling liquor and alcohol, then the
peacefull life that my family enjoy and other residents
enjoyed will be gone.

I urge the Latrobe City Council to pay due consideration to
my objection. All the problem concerned have to be settled
before the supermarket to be set up here.

Thank You.

~~Site~~

Marko Apai Urbano

Subject:

LATROBE CITY COUNCIL

INFORMATION MANAGEMENT

Date: 3/6/11

13 SEVI 12

08 JUN 2011

R/O:

Doc No:

651150

Comments/Notes Connected to

Copy retained in Database

Invoice forwarded to accounts

To whom it may concern,

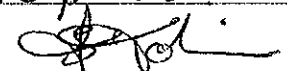
My name is Steven Tabin and I live in [redacted], and I wish to object the plans to put a supermarket in Rintall St. (ref number 2011/119)

The reason for my objection are that I have 7 kids living here, next door has 4 and the whole street has kids in the houses, it will be just too busy if a supermarket was there. There is a childcare centre next door that is very busy in it self, and to have more cars in the street would be ridiculous. Fair enough food works in bridle road, it does not have driveways where people park, so for me to get out of my place will be just a hassel.

There is enough trouble in the street as it is with people breaking windows and damaging property, people hanging out the front of shops, if you put more shops, it will just become a hang out for louts, and my wife and I really don't need that. Im sure if the police was questioned that there would be many incidents in the street. And during the day, many older people use the chemist as they know they can get a park and it's not too busy. I'm sure they like it the way it is. There are enough Supermarkets in Morwell, as it is only a 8 min walk to mid valley, or 6 dollar taxi. On Saturdays it is so busy allready, cars everywhere no parks

©Scribblers

Steve Tabin



page 1/1
June

Rosie Moore

To Responsible Authority,
(Latrobe City Council)
PO Box 264 Morwell

LA	INFORMATION MANAGEMENT
06 JUN 2011	
Doc No	655707
Comments/Notes Generated by	
<input type="checkbox"/> Comments only	<input type="checkbox"/> Comments and notes

I am a resident of

This street is busy enough as it is.
It is a small street, at times coming back
from Moe I come across cars parked outside
my residence, up to my driveway I have
to go around the block 2-3 times in
order to park in my drive way so strongly
oppose this car park - come supermarket.

Also my concern that it will become more
dangerous, not to mention that my children
and I won't be able to play football, or
run around.

My concern is of a market that sells
alcohol, there ^{was} Bottle O here it caused
drunken arguments, broken bottles, even abuse
at me and my children.

surely there must be another venue
where you can achieve this.

Since Bottle O has gone this street has
been quieter. I like it like that and
my family and I can play without danger.

Yours sincerely

Rosie Moore. 1/6/11

pw
3/6
Jae

Mobile:

Brad

Date: 03/06/11

Eliaser

4 Rantoul

Council's MORWELL OFFICE
3840 141 commercial road Morwell 3840

MOB:
Address:

APPLICATION REFERENCE NUMBER IS 2011/119

To Whom It May Concern, I am responding to the letter about the planning permit AT 25-27 and 29-31 Rantoul Street Morwell I don't think that is a good idea it's okay to have supermarket but the liquor business I think that will effect the street and the people who lives there because it will be busy street cars will going and coming throw the night and that's not good think to do and its going to be hazard for our kids actually free dangerous for our kids I imagine u live in street that have a liquor business you cant sleep at night people will get drunk and fight, the main concerned is the kids I think its bad idea to have a liquor business in this street ,and look the way people drive this days did u see what happened in well street a drunk man heat a 5 years boy and killed him last year and he only got 4 years for that why because he was drunk he didn't know what he was doing don't need Sam think like this happened to my kids, as I said supermarket nothing wrong with that but a liquor business its no no for me anyway this is my personal opinion I don't know about every body else but I hope they all understand what is going on and I hope they all agree with me

Thanks....

LATPORE CITY COUNCIL	
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Customer Ref: [] Title: []	
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OBJECTION TO GRANT OF PLANNING PERMIT

OFFICE USE ONLY

Date Received

WHO IS OBJECTING?

I/We (Names in block letters) BRENDAN O'DONNELL, AYBEN O'DONNELL
 Of (Address) _____
 _____ Fax No. : _____
 Postcode _____ Telephone No. _____ (Home) : _____ (Work)

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 2011/119
 WHAT IS PROPOSED? FOOD WORKS SUPERMARKET & PACKAGED LIQUOR LICENCE. WAIVER OF CARPARK REQUIREMENT.
 WHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? EXISTING PREMISES TO BE RE-FURNISHED
 WHO HAS APPLIED FOR THE PERMIT? S. Athanasiadis.

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. LOSS OF AMENITY DUE TO THE SALE AND POSSIBLE CONSUMPTION OF LIQUOR IN CLOSE PROXIMITY OF CARINYA CHILD CARE CENTRE AND KINDERGARTEN.
 2. LOSS OF AMENITY IN LOCAL THOROUGHFARES DUE TO THE CONVENIENCE AND AVAILABILITY OF PACKAGED LIQUOR.
 3. CONFLICT OF USE OF CARINYA CARPARKING BY CONVENIENCE STORE CUSTOMERS AND OR STAFF, INADEQUATE CONSIDERATION OF VEHICULAR PARKING AND MOVEMENT BY NON-COMPLIANCE WITH LATROBE CITY PLANNING CAR PARKING CLAUSE 52.06. INADEQUATE NO. OF CAR PARKING SPACES FOR CONVENIENCE SHOP GREATER THAN 80m² LEASABLE FLOOR SPACE. (CURRENTLY 20 AVAILABLE FOR 3 EXISTING BUSINESSES AND 1 RESIDENCE.
 (If there is not enough room. attach a separate page.)

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

1. My family (myself, wife and two small children) will be exposed to loss of amenity whilst attending Carinya child care centre. (Proximity - right next door)
 2. My family and my home will once again be exposed to a loss of amenity as we live on Vincent Rd which is a local thoroughfare to Rintoull st precinct.
 3. Reduction in safe ability to pickup/drop off at Carinya.
- (If there is not enough room, attach a separate page.) Please read attachment.

Signature *B. D. M.*

Date 30/05/2011

IMPORTANT NOTES ABOUT OBJECTIONS TO PERMIT APPLICATIONS

- 1 This form is to help you make an objection to an application in a way which complies with the *Planning and Environment Act 1987*, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2 Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- 3 To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice - Application for Planning Permit.
- 4 An objection must:
 - * State the reasons for your objection; and
 - * State how you would be affected if a permit is granted.
- 5 The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6 Any person may inspect an objection during office hours.
- 7 If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8 To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9 If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10 If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Administrative Appeals Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11 If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Planning Department
Latrobe City Council
PO Box 264
MORWELL VIC 3840

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Attention (Planning Officer)

Dear Sir/Madam

OBJECTION TO PLANNING PERMIT (Insert Permit No.) 2011/119
(Proposal) FOODWORKS SUPERMARKET & PACKAGED LIQUOR LICENCE.
WAIVER OF CAR PARKING PROVISIONS.

I refer to your correspondence of (insert date)..... and
wish to advise as follows:
(Please tick one)

We wish to withdraw our objection to planning permit (Insert Permit
No.) subject to (any conditions).

We do not wish to withdraw our objection

Yours sincerely

BRENDAN O'DONNELL
Objector (please print name)

[Signature]
(Objector's Signature)

Date 30/05/2011.....

AYBEN O'DONNELL
Objector (Please print name)

[Signature]
(Objector's Signature)

Date 30/05/2011.....

Attachment to objection;

In relation to points one and two, the convenience and proximity of a packaged liquor outlet, has in the past directly contributed to a loss of amenity in our area. With people living within walking distance of the Rintoull St. Cellars, routinely purchasing alcohol and drinking in both the proximity of the shops as well as their return journey along local thoroughfares such as Vincent rd. There has been a significant decrease in this sort of activity since Rintoull St. Cellars has been closed. Activities such as loud shouting and arguing, fighting, damage to fences, gardens, letterboxes, vehicles and nature strip trees were a thrice weekly occurrence.

A reintroduction of packaged liquor to the Rintoull St. precinct will increase this behaviour once more. Only this time it will be 50 meters to the north, right next door to Carinya. To back up my claims I should notify you that until the sale of my restaurant business in the CBD I was a Liquor Licensee. I have had the necessary training and experience to identify intoxicated persons and its related antisocial behaviours.

I also make note that The Latrobe City local laws does cover the drinking of alcohol in public places only within the CBD. The Rintoull St precinct is not covered by this local law but the planning dept. is expected to examine the potential building up of development in the area. In my opinion the granting of any liquor licence without any adequate control measures is a backward step. Relying on the fact that it becomes a "Victorian Police matter" does not absolve Council of a shared duty of care to local residences and child care facilitators.

I have studied at length and kept myself updated with the laws relating to the purchase and consumption of alcohol. I know there are many adequate laws both under administration of the Dept. of Justice and Victoria Police. There is however a large gap in the ability of these policing agencies to adequately administer the law within certain demographic groups as these are seen as more of a health issue rather than a legal issue. I would like council planning to take this into consideration before relying on other agencies to adequately administer control measures in relation to this packaged liquor licence.

In relation to point three, there are currently two convenience related stores; milk bar/fish and chips, and the multifunctional pharmacy spread across the lower half of the strip. The parking available for customers is spread evenly in front of the various shops. If the Food works is established, I personally doubt that the milk bar will survive, leaving most of the convenience shoppers vying for parking in a more concentrated area. Humans being what they are will always try and park as close as possible to where they want to go. The parking and drop off point at Carinya is already highly utilised and is within the five meter radius of the proposed Food works. There is potential for conflict if either Food works staff or customers feel the compulsion to park in the Carinya spaces. This will also add an unnecessary load to the pick-up/drop off spaces, which in itself becomes a safety issue for small children.

Sincerely,
Butcher

Ayben O'Donnell
A O'Donnell

Meagan Bennetts

From: O'Donnell, Brendan
Sent: Monday, 1 August 2011 11:35 AM
To: Meagan Bennetts
Subject: extra objection to planning application 2011/119

Greetings Meagan, further to our phone conversation I am adding a point in grounds for objection to be presented to council tonight along with other grounds/objections etc.

The applicants proposed truck unloading area is currently heavily utilised by Carinya parents as a short term drop off and pick up point. This area is also unsealed. With a truck making deliveries, this area will become blocked for an unacceptable period of time. It will also create a visual obstruction at the corner of entry into the main car parking area, making it dangerous for children and parents walking into this area. Finally, the weight of a delivery truck is significant and uncontrolled therefore it is reasonable to expect that a laden truck may do damage to the unsealed surface area. Given the amount of recent rain and visible waterlogging adjacent to Carinya footpaths on the south east corner, it is fair to say the unsealed parking bay would be broken through in no time with secondary damage occurring. This raises questions of liability for repair as well as duty of care for normal traffic users of this area.

Regards Brendan O'Donnell.

ATTACHMENT 6
SUBMISSION IN SUPPORT

28/6/11

Monday, 27 June 2011

Mr Paul Buckley

John Hehir

Chief Executive Officer

City of Latrobe

Commercial rd

Morwell 3840

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Dear Sir

RE SUPPORT FOR PROPOSED FOODWORKS STORE IN RINTOULL ST MORWELL EAST

At the weekend I asked a question about the progress of the proposed Foodworks store in Rintoull Street Morwell East. I was told that Council was waiting to see if there were any objections in relation to parking.

From my inquiries I was told the proprietor of the Fish and Chip shop objected on the grounds that he would lose too many customers if permission was given to Foodworks to operate..

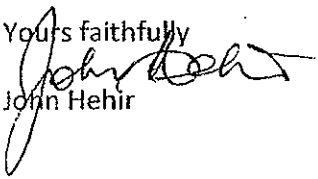
I fail to see his logic as with a store like Foodworks it could only increase his business. As a regular customer of the Chemist and occasionally the Fish and Chip shop and Hairdresser there are only a handful of cars parked in Rintoull Street. With the Foodworks there would be more than adequate parking spaces for their customers.

Foodworks would take up the loss of the Bottle Shop that closed several months ago and prior to that a PC workshop and Bakery.

It would also be a boon to the residents of the area, clients of the Child Minding Centre, who go to either Mid Valley, Aldi's or the CBD.

The establishment of Foodworks could be a boon to the Shopping Centre and an asset to the immediate area of Morwell East

With three operating businesses at the moment, Montagues Pharmacy, Hairdresser and the Fish and Chip shop the proposed Foodworks store is a blessing.

Yours faithfully

John Hehir

*pwil8
Jac*

28th July 2011

Trent Kooyman

ATTENTION:
Town Planner
Latrobe City Municipal Office
141 Commercial Road
Morwell Vic 3840
Fax: 5128 5672

Application No 2011-119

RE: ATHANANASIADIS 25-27-29-31 Rintoull Street Morwell

Dear Town Planner,

My name is Trent Kooyman and I'm the owner of 29-31 Rintoull Street Morwell. I would like for you to consider and to include in your decision to approve the application before you.

When Mr. Athanasiadis approached me and asked that he would like to rent the premises as he purchased the ex Human Services Office of Housing building, for a Foodworks supermarket I agreed. This is because I know it would greatly improve the group of shops in this street.

I have rented out the building a number of times, but each time the shop was vacant the windows were smashed. Therefore at the moment all the windows are boarded with galvanised sheeting and in its current state significantly decreases the overall appearance and appeal of the street. Furthermore, windows are destroyed constantly when the other buildings are vacant.

I have no doubt that if Foodworks is to operate as a supermarket in Rintoull Street the remaining empty shops will soon be utilised by others.

I sincerely hope that you approve the application.

Yours faithfully,



Trent Kooyman

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COPY

11.3.3 PLANNING PERMIT APPLICATION 2011/023 - BUILDINGS AND WORKS ASSOCIATED WITH EXTENSION OF AN EXISTING STORE (SELF STORAGE FACILITY)

AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/023 for buildings and works associated with the extension to an existing store (self storage unit facility) at 48 McMahon Street in Traralgon.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

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 2010-2014

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.

4. BACKGROUND

4.1 SUMMARY

Land:	48 McMahon Street Traralgon, known as Lot 1 on Plan of Subdivision 131609
Proponent:	JJC Design Pty Ltd PO Box 9390 Traralgon
Zoning:	Industrial 3 Zone (IN3Z)
Overlay	n/a

A Planning Permit is required for buildings and works in accordance with Clause 33.03-4 of the Scheme.

4.2 PROPOSAL

The subject site is currently used and developed as a self-storage facility, with approximately 200 individual units contained within five separate buildings.

The proposal seeks to construct a new building of approximately 245 square metres on the land, to provide additional 22 self-storage units.

The proposed building is to be 68m long and 3.6m wide, with a maximum height of 3m. The building is to be located within the western portion of the land and setback 1.8m from the western title boundary.

The building is to be constructed of precast concrete tilt panel with steel roller doors which provide access to the individual units.

Five car parking spaces are also proposed, to be located to the south of the new self-storage units.

It should be noted that the western portion of the land (i.e. proposed location of the new building) is meant to accommodate 20 car parking spaces for the existing self-storage facility and a visual screen of trees and shrubs, as per the development plans endorsed under previous planning permit (05084/A) relevant to the site. The car parking spaces and landscaping however were never constructed on site.

Accordingly, the proposal essentially seeks to replace all the car parking spaces for the existing self-storage facility with additional 22 storage units.

A copy of the proposed development plan is located at Attachment 1.

Subject Land:

The subject site is located on the north side of McMahon Street, between Wren Street and Traralgon Maffra Road, in Traralgon.

The subject site is in an irregular battle axe shape, with a frontage to McMahon Street of approximately 18m and an area of 5929 square metres.

The site is currently used and developed as a self-storage facility, with approximately 200 individual units contained within five separate buildings.

The site is affected by a number of easements as follows:

- A 2m wide sewerage easement runs along the entire northern boundary of the site
- A 4.5m wide drainage and sewerage easement traverses the site in a southwest to northeast direction.
- A 1.8m wide easement (easement type unknown) runs along part of the western boundary of the site

Vehicular access to the site is currently provided via a double crossover on McMahon Street.

The subject site itself is generally flat, however the topography of the broader area generally slopes from southeast to northwest.

The site is approximately 2km north-east of the Traralgon Primary Activity Centre.

Surrounding Land Uses and Development:

North & South: Industrial 3 zoned land with a mixture of industrial buildings
East: A large allotment which is also zoned Industrial 3, currently used as a Depot by SPI Networks
West: Residential 1 zoned land with established dwellings facing Burnet Place.

A locality map of the area is set out at Attachment 2.

4.3 HISTORY OF APPLICATION

The history of assessment of the Planning Permit application is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 4.

5. ISSUES

5.1. SUITABILITY OF THE LAND

The proposal seeks approval for buildings and works associated with the extensions to an existing self storage facility on site. The use of land for the purpose of a self-storage facility was previously approved and established under Planning Permit 05084.

It is reasonable to consider the proposal is a suitable response to the site as follows:

- The proposed building, in terms of the built form, scale, materials and finishes, is generally consistent with the existing self-storage facility on the land
- The proposed building is to be appropriately setback from all boundaries, and is unlikely to be highly visible when viewed from McMahan Street or adjoining properties. A 1.8m high colourbond fence is currently erected along the western boundary of the site, to provide an effective visual screen between the residential properties to the west and the subject site.
- The proposal is considered to be rather a 'low-key' industrial development, and is considered to be appropriate in context of an Industrial 3 Zone, of which the purpose is to provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, and to allow for industries and associated uses be compatible with the nearby community.

5.2. CAR PARKING AND TRAFFIC

Whilst it is acknowledged the proposal seeks to replace all the existing car parking spaces with the new self-storage units, a recent site inspection by Council's Planning Officer has confirmed that the existing car parking spaces are not being utilised.

In fact, as submitted by the applicant, due to the nature of the development, users of the facility generally park in front of their respective storage unit for short periods of time. This view is generally supported by Council's Infrastructure Planning Unit, and it is considered that the proposed accessway width of 7.1m is adequate for a vehicle to be parked in front of a storage unit on one side of the access way and for another vehicle to pass safely.

It should be noted that Clause 52.06 of the Scheme requires 10 percent of the site area be set for car spaces and access lanes but not driveways, for a 'store' use. The subject site which is 5929 square metres in area therefore requires approximately 590 square metres be set aside for such purposes. As submitted by the applicant, the proposal has allowed for approximately 2500 square metres (mostly made up of access lanes) for car parking / access purposes.

It is reasonable to consider that the provision of car parking facility is appropriate for the operation of the development, and that the proposal is unlikely to adversely affect the amenity of the locality in terms of off-street car parking.

5.3. OBJECTIONS

The application received 3 submissions in the form of objections. The issues raised were

- i. Concerns relating to the use of fire hydrant for cleaning purposes, thereby causing water runoff into adjoining residential properties.

Comment:

The fire hydrant referred to by the objector is an existing one on site, and essentially does not form part of the current proposal. In addition, the fire hydrant is required on site in accordance with the relevant building codes. It is recommended that an appropriate sign be erected on site near the fire hydrant, to ensure that the fire hydrant must not be misused for cleaning purposes at any time.

- ii. Without the provision of any gradient or height information regarding the proposed car parking spaces along the western title boundary, it was submitted by one of the residents that the parking of commercial vehicles within the new car parking spaces is likely to 'increase the lack of privacy'

Comment:

It is acknowledged that there is a level difference between the subject site and adjoining residential properties, with the site being approximately 1m higher than the residential properties to the west.

However, subject to appropriate conditions (should a planning permit be issued), the finished level of the proposed car parking spaces will be generally consistent with the existing finished level of the subject site.

In addition, it is reasonable to consider vehicles are likely to park within the designated car spaces for a short period of time only, mainly for loading and unloading purposes.

As there is an existing 1.8m colourbond fence along the western title boundary, which acts as a separation or visual barrier between the residential properties and proposed car parking spaces, it is reasonable to consider that the car parking arrangement is unlikely to cause any detrimental impact upon the adjoining residential properties, particularly in terms of overlooking.

- iii. There is an existing ongoing problem associated with inadequate drainage system within the broader area, which currently causes flooding in the backyards of residences to the west of the site. It was submitted by the applicant that the proposal is likely to exacerbate the problem as there has been no provision of drainage on the plans submitted with the applicant.

Comment:

As per the advice provided by Council's Infrastructure Planning team, a drainage plan has previously been approved for the site and the total paved or built area to the drained is to remain the same as part of the proposal. Accordingly, the proposal is unlikely to exacerbate any problem associated with flooding in the area.

In order to ensure that the discharge of stormwater be contained within the site, it is recommended that a condition be included on the permit (should one be issued) requiring the proposed building to be connected to the existing underground drainage system within the property in accordance with Council's requirements.

- iv. The proposed building, in terms of its height and minimal setback from the western title boundary, is likely to cause overshadowing onto the private open space of the residences to the west of the site

Comment:

To address the above concern, a shadow diagram has been submitted by the applicant following the mediation meeting. As illustrated in the submitted shadow diagram, the proposal would have minimal impact upon adjoining residences in terms of overshadowing. Less than 20% of the overall private open space would be overshadowed by the proposed building for a period of no more than 2 to 3 hours.

It is reasonable to consider that proposed building height of 3.6m and setback of 1.8m from the western title boundary are appropriate, in context of the site and surrounds.

6. FINANCIAL 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).

7. 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 site for a minimum of 14 days.

External:

As per Clause 66 of the Scheme, the application is exempt from the referral requirements of section 55 of the Act.

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.

Details of Community Consultation following Notification:

Following the advertising of the application, the application received three submissions in the form of objections.

A planning mediation meeting was held on 2 May 2011.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Permit; or
2. Issue a Refusal to Grant a Permit.

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

9. 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 Industrial 3 Zone
- Consistent with Clause 65 (Decision Guidelines)

The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been addressed (subject to relevant permit conditions).

The proposed development represents a suitable response to the site, in terms of its built form, scale, provision of on site car parking and loading / unloading area. It is reasonable to consider that the proposal is unlikely to have any significant detrimental impact upon adjoining and surrounding properties.

10. RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with extensions to an existing store (self storage facility) at 48 McMahon Street in Traralgon (Lot 1 on Plan of Subdivision 131609), with the following conditions:

- 1. Before the commencement of development, 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 show:**
 - (a) Location of the existing main entrance gate**
 - (b) Provision of landscaping within the frontage setback of the site, and between the car parking area and the western title boundary. A planting schedule of all the proposed trees, shrubs, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant must also be included.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

- 3. Before the use/occupation of the development starts 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.**
- 4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
- 5. 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.**
- 6. Prior to the use of the building hereby permitted, the following work must be completed to the satisfaction of the Responsible Authority:**
 - (a) All stormwater discharging from the proposed building, parking spaces and works must be conveyed to the legal point of discharge by the existing underground drainage system within property. No new connection to Latrobe City Council's underground drainage system or kerb and channel is permitted.**
 - (b) Car parking spaces to be constructed generally in accordance with the plans approved by the Responsible Authority. Parking areas must be properly formed to such levels that they can be used in accordance with the plans; surfaced with an all-weather-seal coat, drained and line marked to indicate each car space.**
- 7. The areas set aside for car parking must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**
- 8. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times**
- 9. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.**
- 10. The strip of land between the western title boundary and the storage units must be kept clear and cleaned at times and be maintained to the satisfaction of the Responsible Authority.**
- 11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**

- 12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
- (a) transport of materials, goods or commodities to or from the land;**
 - (b) appearance of any building, works or materials;**
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - (d) presence of vermin;**
- 13. This permit will expire if one of the following circumstances applies:**
- (a) The development is not started within two years of the date of this permit.**
 - (b) The development is not completed within four years of the date of this permit.**

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

Note 1: 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: Appropriate signage should be provided on site to ensure that the fire hydrant must not be used for cleaning purposes at any time.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr O'Callaghan

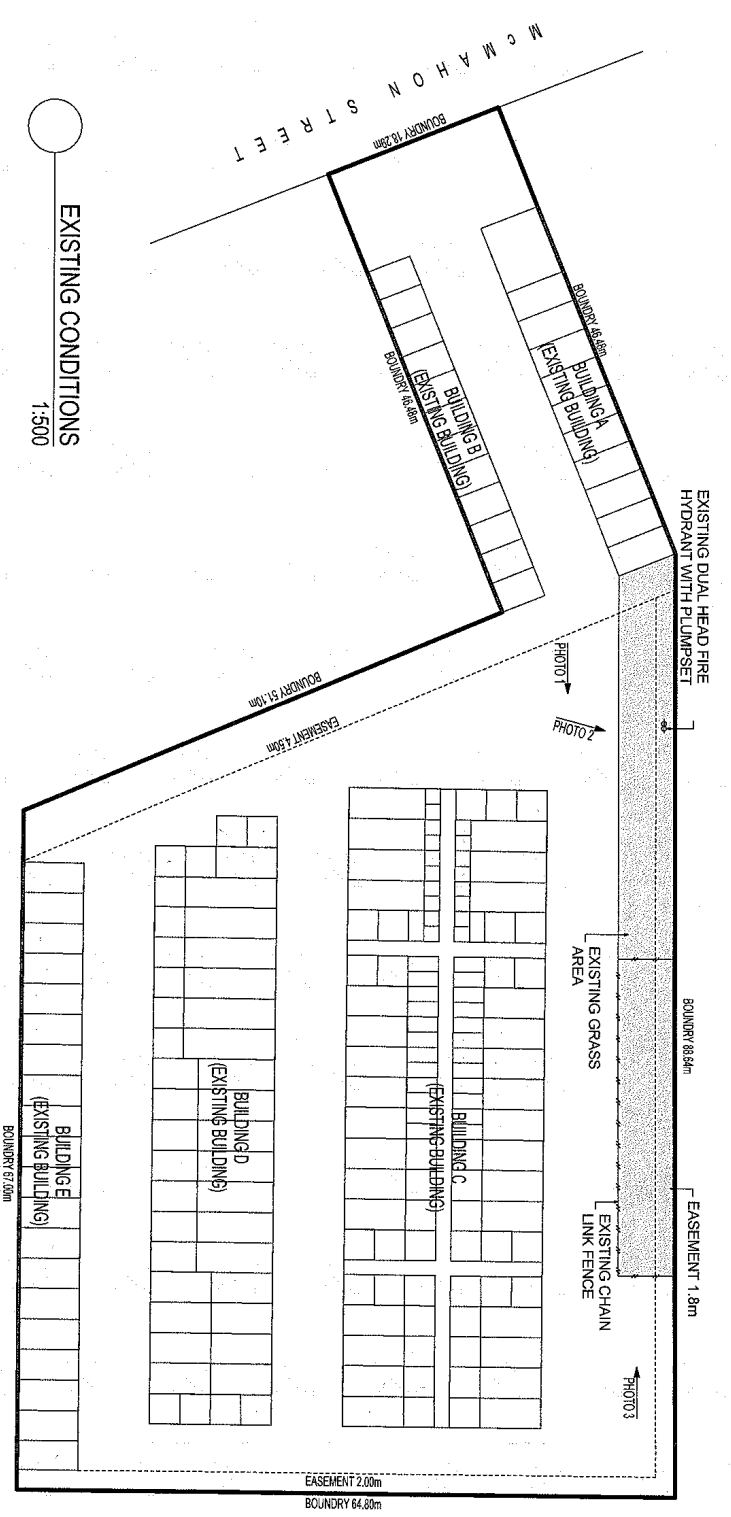
Seconded: Cr Gibson

That the Recommendation be adopted.

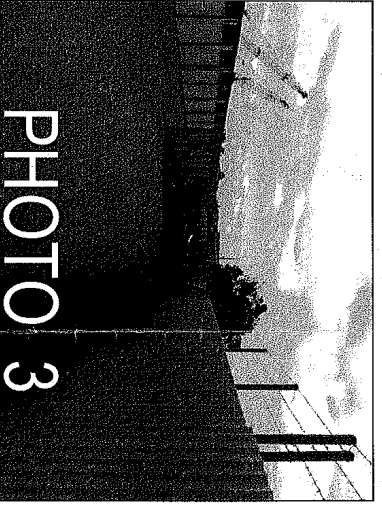
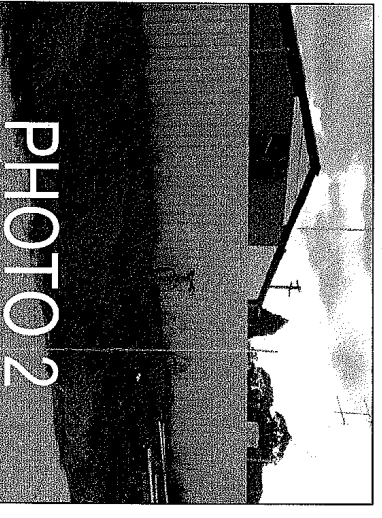
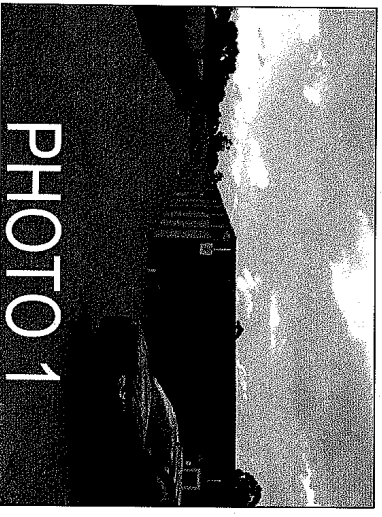
CARRIED UNANIMOUSLY

ATTACHMENTS

**ATTACHMENT 1
PROPOSED DEVELOPMENT PLANS**



EXISTING CONDITIONS
1:500



REV	DATE	DESCRIPTION

IL Design
Building Design Consultants
Suite 1, 1st Floor
219 St. Albans Place
PO Box 9390
Traralgon VIC 3844
Phone: (03) 5178 1117
Fax: (03) 5178 1117
233 Hunt Road
Richmond VIC 3121
Phone: (03) 9428 2339
Email: info@il-design.com.au

bdv
Building Design
1/250
Richmond VIC 3121
Phone: (03) 9428 2339
Email: info@bdv.com.au

Client: 48 McMAHON STREET PARTNERS
Project Name: PROPOSED STORAGE UNITS
Site: 48 McMAHON STREET
TRARALGON VIC 3944

Planning Set
EXISTING CONDITIONS

Scale: AS NOTED @ A3 Date: 20/02/11

Drawn by: S. BOHNE
Checked by:
Project No: 2098
Drawing No: TP-01

1 FEB 2011

**ATTACHMENT 2
LOCALITY MAP**



**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

1 February 2011	Planning Permit application received by Council.
2 March 2011	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers, placing a sign on site for 14 days and by publishing a notice in the Latrobe Valley Express under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
2 March 2011	The application was referred internally to Council's Infrastructure Planning Unit for consideration
25 March 2011	Three objections to the application received by Council
28 March 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
8 April 2011	Council's Infrastructure Planning team provided its referral comments and confirmed that it has no objections to the granting of a permit subject to conditions and conditions
2 May 2011	Mediation held at Corporate HQ. Attendees include Cr O'Callaghan, Council's Planning Officer, one objector and the applicant Consensus was not reached between parties.

**ATTACHMENT 4
RELEVANT CLAUSES OF THE
LATROBE PLANNING SCHEME**

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05 – Regional Development
- Clause 17.02 - Industry

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.4 – Built Environment Sustainability
- Clause 21.05 – Main Towns
- Clause 21.07 - Economic Sustainability

Zoning:

The subject site is zoned Industrial 3 Zone.

Overlays:

The subject site is not affected by any overlays.

Particular Provisions:

- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles

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.

11.3.4 **PLANNING PERMIT APPLICATION 2010/356 - CONSTRUCTION
OF THREE DWELLINGS ON A LOT, 7 SWEETWATER PLACE,
MOE**

AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/356 for the construction of three dwellings on a lot at 7 Sweetwater Place, Moe.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

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 provided for a connected and inclusive community.’

Latrobe City Council Plan 2011-2015

Strategic Direction –

‘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.

4. BACKGROUND

4.1 SUMMARY

Land: Lot 4 PS 616259, known as 7 Sweetwater Place, Moe
Proponent: N and V Midzic
C/- Avanti Design Pty Ltd
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

A Planning Permit is required for the construction of three dwellings on a lot within the Residential 1 Zone in accordance with Clause 32.01-2 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application is for the construction of three dwellings on a lot within the Residential 1 Zone.

Each of the proposed dwellings are single storey and are accessed via two driveway crossovers, with Units 2 and 3 sharing a common accessway.

Unit 1 will comprise three bedrooms and a single garage, with a second car parking space provided in front of the garage. This is accessed via a separate driveway crossover from Unit 2 and 3. This unit provides 42.5 square metres of private open space.

Unit 2 will comprise two bedrooms and a single garage, which is accessed via a shared driveway with Unit 3. This unit also provides 42.5 square metres of private open space.

Unit 3 comprises three bedrooms and a single garage, with an additional space provided in front of the garage and within the shared accessway. This unit provides 49 square metres of private open space.

Subject Land:

The subject site is currently vacant, flat, contains no vegetation and is rectangular in shape. The site comprises 796 square metres and abuts Sweetwater Place along the eastern site boundary for a length of 18 metres. The northern and southern site boundaries measure 43.7 metres. The western site boundary is encumbered by a 2 metre wide easement in favour of Latrobe City Council for drainage purposes.

The site is encumbered by a covenant. The covenant, contained within dealing number AH308864Q, provides for the materials by which a dwelling may be constructed. The proposal does not contravene this covenant.

Surrounding Land Use:

- North: 9 Sweetwater Place, Moe
This lot comprises a total site area of 794 square metres and is presently vacant.
- South: 5 Sweetwater Place, Moe
This site comprises a total site area of 800 and contains a single dwelling and associated outbuilding.
- East: 2 Sweetwater Place, Moe
This site comprises a total site area of 709 square metres and contains a single dwelling.
- West: 98-108 Waterloo Road, Moe
This site comprises a total site area of over 6 hectares and is operated by Rocklea Spinning Mills Pty Ltd. This site contains existing industrial buildings.

4.3 HISTORY OF APPLICATION

The history of the assessment of planning permit application 2010/356 is identified within Attachment 1.

The relevant provisions of the Scheme relevant to this application are identified within Attachment 2.

5. ISSUES

The site is contained within a Residential 1 Zone and is not encumbered by any overlays. The development of the site for three dwellings requires planning permission. An application for a planning permit must demonstrate compliance with the relevant provisions of Clause 55 of the Scheme. The proposal has been assessed against the relevant provisions of the Scheme, including Clause 55, and is considered to be appropriate for the site and surrounds.

Part of this assessment includes a design response and a neighbourhood site description. There are a number of unit developments approved within this estate of a variety of sizes and number of bedrooms. As this is a new estate, the character of the area is still being established and the proposal is considered to be consistent with the emerging character of this neighbourhood.

The application received four submissions in the form of objections. The issues raised were:

1. The proposal will negatively impact property values.

Officer Comment:

This is not considered a valid planning consideration. No evidence has been provided to support this ground of objection. Impacts on property value are not considered a ground for refusal when considered in VCAT hearings.

2. Potential for ongoing amenity issues (noise/tenants etc)

Officer Comment:

A concern regarding the potential future tenants of the dwellings was raised by objectors. It should be acknowledged that issues such as potential residents of the dwellings and concerns regarding future noise, graffiti and crime are not relevant to the consideration of the planning merits of an application. The planning system is not designed to manage these concerns and other procedures exist to deal with nuisance, vandalism, crime and neighbourhood disputes.

3. The additional vehicle movements and car parking will negatively impact residents.

Officer Comment:

Council's Infrastructure Planning team have provided conditional consent to the granting of a planning permit and provided comment on traffic levels likely to be generated by this development. It is considered that the increased traffic levels created by the development of a single dwelling on the lot would be an average of 10 vehicle movements over a 24 hour period. Therefore, the proposed development of an additional two dwellings to this would result in an additional 20 vehicle movements over a 24 hour period, in addition to the 10 generated by the development of a single dwelling. It is considered that the additional vehicle movements are unlikely to result in any unacceptable impacts on the safety or amenity of the area.

Sweetwater Place is identified as being a 'minor access place', which as constructed in accordance with *Latrobe City Council's Guidelines for Infrastructure Development*. It is capable of accommodating up to 500 vehicle movements per day. Sweetwater Place is considered capable to accommodate the additional vehicle movements likely if this application is to be approved.

Throughout a mediation meeting held between the applicant and objectors (discussed further in this report) it became clear there were concerns in regard to sight distances from the driveways for pedestrians and road users in regard to vehicles accessing the site. Officers have required the location of the vehicle crossovers to be amended by Condition 1 of the draft planning permit conditions to an appropriate distance from the side boundaries of the site subject to appropriate conditions to comply with the requirements of Council standards.

4. The density of the development is too high for the size of the lot.

Officer Comment:

There are no neighbourhood character studies or policies in place relating to Moe or specifically to Sweetwater Place.

As discussed earlier in this report, the application has been considered against the requirements of Clause 55 of the Scheme and is considered to be suitable for the site and surrounds having regard to the developing character of the area.

6. **FINANCIAL 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).

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1) of the Act in that notice was provided to the adjoining property owners and occupiers, and a sign displayed on the site for 14 days.

Notice was also provided to Gippsland Water in accordance with Section 52(1)(d) of the Act. Gippsland Water did not object to the granting of a planning permit.

External:

There were no referral requirements pursuant to Section 55 of the Act.

Internal:

The application was referred internally to Council's Infrastructure Planning team which provided consent to the granting of a planning permit subject to appropriate conditions.

Details of Community Consultation following Notification:

Following the notification process, there were four submissions in the form of objections received to the application.

A planning mediation meeting was held on 21 June 2011 and was attended by the permit applicant and land owner, two of the four objectors, a Council officer from Statutory Planning and the Farley Ward Councillor.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

8. 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.

9. 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 the provisions of Clause 55 (Two or More Dwellings on a Lot); and
- Consistent with Clause 65 (Decision Guidelines).

The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered.

10. RECOMMENDATION

That Council issues a Notice of Decision to Grant a Permit, for the construction of three dwellings on a lot at 7 Sweetwater Place, Moe (Lot 45 PS616259), subject to the following conditions:

- 1. Prior to the commencement of works, revised plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with those previously submitted but must provide for:**
 - a. The location and the layout of the proposed vehicle crossings must be altered so as to comply with Latrobe City Council's vehicle crossing standard.**

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.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. No vehicle parking shall be permitted to occur in front of the garage to Unit 2, and vehicle accessways must not be obstructed or rendered inaccessible to the satisfaction of the Responsible Authority.
4. Within three months of the issue of a Certificate of Occupancy, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
6. 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.
7. Once building works have commenced, they must be completed to the satisfaction of the Responsible Authority.
8. All walls on or near boundaries are to be cleaned and finished to the same standard as all other walls, to the satisfaction of the Responsible Authority.
9. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
10. The exterior colour and cladding of the buildings must be of a non-reflective nature, to the satisfaction of the Responsible Authority.
11. External lighting must be designed, baffled and located so as to prevent any adverse impact on the adjoining land, to the satisfaction of the Responsible Authority.
12. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of the Responsible Authority.
13. No garbage bin or surplus materials generated by the site may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

14. All building plant and equipment is 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.
15. Any 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 the adjoining owners and occupiers, to the satisfaction of the Responsible Authority.

Engineering Conditions:

16. Prior to the commencement of any works, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. The 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 to the legal point of discharge; and
 - c. The provision of stormwater detention within the site and prior to the point of discharge into the Latrobe City Council drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a co-efficient of run-off of 0.6 was applied to the whole of the property area.

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

17. Prior to the issue of Certificate of Occupancy, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a. All drainage must be constructed in accordance with the endorsed plans;
 - b. New vehicle crossings must be constructed in accordance with the endorsed plans and Latrobe City Council current vehicle crossing standards;

- c. The areas set aside for vehicle access and vehicle parking must be constructed in accordance with the endorsed plans and surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with the approved site drainage plan.
18. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Expiry of Permit:

19. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit; or
 - b. The development is not completed within four years of the date of this permit.

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

Note 1: All buildings erected on this site must comply with the requirements of the *Building Act* 1993, the *Building Regulations* 2006, the Building Code of Australia 2005, Australian Standards and relevant municipal local laws.

Note 2: Legal points of discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au

Note 3: Any drainage connection into a stormwater drain or to a kerb or channel require the approval of the Responsible Authority prior to works commencing. The operator of this permit must obtain a Council Stormwater Connection Permit for new connections to Council drains or to a kerb or channel and these works are to be inspected by the Responsible Authority.

Note 4: Prior to the construction, alteration or removal of any vehicle crossing a Council Vehicle Crossing Permit is to be obtained. The issue of a Planning Permit for development does not obviate the requirements to also obtain a Vehicle Crossing Permit prior to the commencement of the vehicle crossing works.

Note 5: Prior to the commencement of works, the Responsible Authority must be notified in writing of any proposed building work (as defined by Local Law No. 3 (2006)) at least seven days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That the Recommendation be adopted.

For the Motion

Councillor/s O'Callaghan, Vermeulen, Middlemiss, Lougheed and White.

Against the Motion

Councillor Gibson

The Mayor confirmed that the Recommendation had been CARRIED

Question taken on notice from Cr Lougheed:

What is the width of the road at Sweetwater Place?

The width of Sweetwater Place at the site of the proposed development is 7m wide, which is above standard for a minor access road. Table 4.1 of Latrobe City's Design Guidelines states that a minor access road must be at least 5m wide, which is capable of handling 500 cars per day. The road is constructed to a major access road standard (although it is only a minor access road), and is capable of handling up to 2000 cars per day.

ATTACHMENTS

ATTACHMENT 1
History of Application

DATE	EVENT
11 November 2010	Application received by Responsible Authority.
30 November 2010	A request for additional information was forwarded to the applicant to address.
3 February 2011	Revised plans were provided addressing the concerns raised by Council in relation to the design of the dwellings.
29 March 2011	The permit applicant was directed to undertake the notice requirements of Section 52(1) of the Act by notifying adjoining property owners and occupiers of the proposal and displaying a sign on the site. Notice was provided in accordance with Section 52(1)(d) of the Act to Gippsland Water. Internal referrals were provided to Council's Infrastructure Planning and Property and Rates teams for consideration.
20 April 2011	One submission in the form of an objection was received to the application.
29 April 2011	A second submission in the form of an objection was received to the application.
4 May 2011	A statutory declaration was received from the applicant advising that notice had occurred as per the direction of Council officers. A third and fourth submission in the form of an objection was received to the application.
21 June 2011	A Planning Mediation Meeting was held and was attended by the Farley Ward Councillor, a Council planning officer, two of the four objectors, the permit applicant and the land owner.

ATTACHMENT 2
Relevant Clauses of the
Latrobe Planning Scheme

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 21.08 '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 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.

ATTACHMENT 3
Proposed Plans

ATTACHMENT 4
Locality Plan

Subject Site



ATTACHMENT 5
Copies of Submissions

1st May 2010

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

- 4 MAY 2011

R/O: Doc No. 642599

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to Accounts

To whom it may concern,

We are writing to express our objection to the proposed subdivision of Lot 4 Sweetwater Place, Moe. We understand that this objection was due to be submitted by the 1st of May however with the many public holidays of late, we feel that the very short time frame of only 5 business days in which to lodge our objection, is an unrealistic time frame.

Sweetwater Place was originally sub divided into 37 lots, giving an increase of approximately 74 daily vehicles, with the current approved units and townhouses this has already increased to approx 84 and if the proposed sub division is approved it could increase again by 7 vehicles. Over 90 daily vehicles for an estate that only has one entry/exit, measuring a mere 6 metres. This increase will put a strain on the current structures such as roads, footpaths, and public services i.e. public phones, toilets, and bus stops.

We feel that there are already too many units/townhouses in this very small estate. We purchased land in Sweetwater Place as we were attracted to its size and felt that it would be an ideal area to raise our family with quiet street traffic and nearby Apex Park. There are many new families to move into the area and with the Townhouses, etc that are already existing which are ideal for the elderly, we are concerned about the threat anymore would impose on the safety of children and elderly residents of Sweetwater Place, Querencia, and surrounding areas.

We are not comfortable with the sub division being approved and we have been approached by others who have expressed their concerns also. We have encouraged them to act on their concerns even though they may be past the submission date and simply hope that they are considered.

Thank you for your time.


Bruce & Rebecca Stell

To Whom It May Concern,

We are writing this letter in regards to a notice of application for a planning permit to which we would like to oppose. The application reference number in which we are opposing is 2010/356 for the address of (Lot 4) 7 Sweetwater Place, Moe. The application is for the construction of 3 dwellings on this lot.

The reasons as to why we strongly oppose this application are as follows:

- Firstly the major concern is child safety with the increased traffic. As far as we are aware, several other applications have already been approved for subdivision therefore a larger amount of traffic will be coming from these premises. To further add more subdivisions, will increase the traffic significantly. The way that the estate has been designed there is only one entry and exit point to this estate. All traffic will be required to pass Lot 4 in order to enter or exit the estate. To approve this planning permit will increase the danger of children or pedestrians being injured. Apex Park is of short distance to the estate, children living within the Estate will be going to the park and once again this increased traffic from an added subdivision will increase the danger of an accident.
- The second point as to why we object the planning permit is the lack of time in which we have been given to object. This notice was received was the week around Easter. As you would be aware there were several public holidays this Easter holiday period including ANZAC day. As many people do at Easter, I took my family away and didn't receive any notification of this permit until we returned. I don't feel that we've been given sufficient amount of time to object.
- Finally we purchased this block of land, being Lot 5 Sweetwater Place, in January 2010 to create a safe family home for our family. By creating 3 separate dwellings upon Lot 4 Sweetwater Place we cannot be guaranteed who will be residing in these dwellings and whether they will be leased or owner/occupied. We have not been given any information in relation to this proposal.

We hope that you feel these are valid points and you strongly consider this objection for the safety of our children.

Thank you for taking the time to read this letter and we look forward to your favourable reply. We can be contacted via mail at _____ or via telephone on _____

Yours Thankfully,

Travis Galbraith and Monica Lowe

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
04 MAY 2011	
R/O:	Doc No: 642601
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoiced forwarded to accounts

PW 29/4/11
Tom

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

29 APR 2011

27/04/2011

Family Varesanovic

R/O:		Doc No: 640547
Comments/Copies Circulated to:		
<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts		

Subject: Objection against granting building permit to construct three dwellings on 7 Sweetwater Place - Application Number: 2010/356

To Whom This May Concern,

As this is a newly constructed estate and the houses built on it are new buildings it is of concern that three units in the area will lower the property value. Also, as this is a residential area the streets are narrow and only meant for local traffic. Therefore, it would be an issue especially with visitors parking on the street as the block is too small to allow for a large parking space. As the mentioned block of land is right across from ours it is a concern that the driveway and street in front if may be blocked.

Furthermore, it can be imagined that three units on such a small block can lead to a lot of noise and disturbance, with visitors and tenants coming and going.

We have a little daughter, who likes to play in front of the house with other children. However, with the proposed units across from our house this would not be possible as it could be dangerous for the children to play there, with cars from three units driving through.

We would appreciate it if you to considered granting the permit with our objection in mind.

Yours sincerely,

Z Varesanovic

Zoran Varesanovic

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

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20 APR 2011

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Annette Young

To the responsible authority, Latrobe City Council

Re proposal for 3 units, no 7 Speedwell Place. I am objecting on several grounds. I reside next door and 3 units that close together with parking for at least 3 cars will create a lot of noise in my living area. I feel that the block is too small for 3 units and looking at the plans they look more like flats as they are too close to each other.

Also parking for 5 cars on that site will lead to problems and visitors to these 3 units will congest a quiet, small street.

I also observed many discrepancies in the submission.

1. One proposal was for 2 units. I have no objection to 2 units.
2. On the next page there is a proposal for 3 units.
3. It was stated as of 1 Nov. 2010 lot 3 (my lot was vacant) actually a house was well on its way to completion at that date 85% fitted.
4. The proposed trees will further block the driveway.

Also I am building a 1.80 m colourbond fence as I have a large dog and am concerned that with such a narrow driveway this will be damaged by vehicles attempting to exit the property.

So parking and noise and damage to the fences are my concerns for units on such a small block of land. Also decreasing the value of my property is a concern.
Annette Young

Yours sincerely
Annette Young

COMMUNITY LIVEABILITY

11.5.1 RURAL ACCESS PROGRAM 2010/2011

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide advice on the outcomes of projects in the 2010/2011 Rural Access Program.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

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.

Latrobe City Council Plan 2010 - 2014

Strategic Direction – Our Community

Support initiatives that promote diversity and social inclusion

Service Provision – Community Development

Develop and implement the Rural Access Plan and the Disability Action Plan.

Legislation – Disability Act 2006

Disability Discrimination Act 1992

4. **BACKGROUND**

The Rural Access Program was piloted in the Grampians region of Victoria in 2000/2001. After an evaluation of the pilot, the Victorian State Government decided to implement the Rural Access Program in the other four non metropolitan Department of Human Services regions in Victoria.

A meeting of relevant stakeholders from the disability sector, community sector, community health and local government was held in 2001 to plan the implementation of the Rural Access Program in Gippsland. It was decided at this meeting that the Rural Access Program would be best positioned within local government. The Gippsland Local Government Network (GLGN) played a key role in the roll-out of the Rural Access Program by developing common position descriptions and coordinating recruitment for the positions.

Funding was allocated for full time Rural Access Project Officers in Latrobe City, Baw Baw Shire, Wellington Shire and East Gippsland Shire, and the remaining fulltime position to be equally shared between Bass Coast Shire and South Gippsland Shire.

The Rural Access Project Officer commenced employment at Latrobe City in October 2001. In 2005 the Victorian Government announced that the funding for the Rural Access Program would be ongoing.

The aim of the Rural Access Program is to enhance the capacity of rural and regional communities in Victoria to plan and provide support for people with disabilities and their families, thereby maximising opportunities for community membership and participation.

The objectives of the Rural Access Program are:

1. To mobilise and provide support for people with disabilities to optimise participation in the life of their local community.
2. To build and strengthen the community's capacity to provide support to people with disabilities and their families through a range of strategies which include networking, community education, policy development, partnership development, and specific project development.

3. To develop a framework for integrated local community planning and coordination which engages and involves people with disabilities and their families, disability service providers and community organisations.
4. To work with existing disability service providers to enhance their capacity to provide relevant and appropriate support in the community.
5. To improve access to information about relevant services and community activities available to people with disabilities in their communities.

An extensive community mapping exercise was undertaken in 2002 to identify key local priorities, which are summarised below:

- Access to accessible affordable public transport.
- Access to the built environment.
- Community awareness of disability issues.
- Unmet needs in the disability sector.
- General community services not meeting the needs of people with a disability.
- Information not available in a range of accessible formats.
- Lack of advocacy for people with a disability.
- Lack of appropriate respite services.

As a result of continuing community engagement, consultation and project development, identified priorities for the Latrobe City Rural Access Program for 2010/2011 were:

- Access to the built environment (including public buildings and infrastructure, housing, public toilet facilities, parking and public transport).
- Information available in accessible and alternate formats.
- Inclusive Emergency Evacuation Planning.
- Improving access and inclusion in the business sector (including tourism).
- Increasing opportunities for social connection.
- Raising awareness of disability issues.
- Increasing employment opportunities for people with a disability.
- Unmet need in the disability sector (including advocacy).
- Lack of access to Auslan interpreters.

5. ISSUES

The activities of the Latrobe City Rural Access Program are primarily project based. Projects are initiated by members of the community, organisations and services in the disability and community sectors, and by the Rural Access Project Officer.

Project development is informed by the identified priorities listed above.

A report on the implementation of the Rural Access Program 2010/2011 is attached.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The Latrobe City Rural Access Program receives a recurrent grant from the Department of Human Services which in 2010/2011 was \$97,593. Council provided a further contribution of \$9,400.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Community engagement is undertaken through meetings, forums, focus groups and recording of feedback and requests from the community.

Details of Community Consultation / Results of Engagement:

The Rural Access Program is predominantly project based using a community development framework. Projects and partnerships are developed by analysing requests and issues raised by members of the community, service providers in the disability sector and a range of organisations located in Latrobe City. The projects listed in the attached report are the result of ongoing community engagement and consultation.

8. OPTIONS

Council has the following options:

1. Note the Rural Access Program 2010/2011 Report.
2. Request further information about the implementation of the Rural Access Program 2010/2011.

9. CONCLUSION

The delivery of the Rural Access Program 2010/2011 has further provided Latrobe City with the knowledge and resources to effectively advocate for services and facilities to address the identified priorities and meet the needs of local people with a disability.

Delivery of the program has further increased the capacity of our community to provide support for people with a disability and their families.

Latrobe City has shown statewide leadership in the further development and implementation of the Rural Access Program in Victoria.

10. RECOMMENDATION

That Council notes the Rural Access Program 2010/2011 Report.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
<p>Monash Medical Student Disability Awareness Sessions</p>	<ul style="list-style-type: none"> • Monash University • Deaf Access Gippsland • Vision Australia • Relevant service providers and support groups. 	<ul style="list-style-type: none"> • Educate Monash Medical students Years 1 and 2 in relation to disability issues - physical, sensory, intellectual to increase medical practitioners awareness of the needs of people with a disability. • Increased skills and confidence by delivering information to trainee doctors. • Enable people with disabilities and specialist disability providers to have a leadership role in educating participants. 	<ul style="list-style-type: none"> • Disability awareness sessions held for Year 1 Medical Students in Churchill, Warragul, Inverloch, Foster, Sale and Bairnsdale in August 2010. • Two people with a disability delivered presentations, led a discussion and answered questions at a 2 hour session with Year 2 Medical Students in September 2010 and May 2011.
<p>Super Toilet in Moe CBD. (This project is linked to the Moe Rail Precinct Revitalisation Project)</p>	<ul style="list-style-type: none"> • Latrobe City Built & Natural Environment Sustainability • Scope (Vic) Warragul. 	<ul style="list-style-type: none"> • Establish a 'Super Toilet' facility in the Moe CBD by June 2012. 	<ul style="list-style-type: none"> • Requirement for Super Toilet facility included in Concept Plan and detailed design of the Moe Rail Precinct. • Funding of \$49,500 obtained by ScopeVic, in partnership with Latrobe City, for fit out of Super Toilet facility. • Super Toilet Facility included in draft plans for precinct and quotations received for construction.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
Enabling Community Inclusion	<ul style="list-style-type: none"> • Moe Life skills • George Gray Centre • Scope Regional Communication Service • Gippsland Rural Access • Leadership Plus • Department of Human Services. 	<ul style="list-style-type: none"> • Deliver three training sessions for 60 day service staff by 28 February 2011. • Arrange three 'Communities of Professional Practice' for day service staff by 30 June 2011. 	<ul style="list-style-type: none"> • 35 Day Service staff attended 3-day training program and Circle of Professional Practice in Traralgon and Sale. • Training program and Circles of Professional Practice evaluated and report prepared.
Gippsland Groovers Club	<ul style="list-style-type: none"> • Department of Human Services • EW Tipping Foundation • Various venue operators. 	<ul style="list-style-type: none"> • Run five Gippsland Groovers Club events by 30 June 2011. • For people with a disability to take an active role in planning and running the events. 	<ul style="list-style-type: none"> • Gippsland Groovers events held on 3 September 2010, 22 October 2010, 26 November 2010, 25 March 2011 and 27 May 2011 with a total of approximately 400 people attending. • Two people with a disability on Gippsland Groovers Steering Committee who assist with booking venues, hiring DJs and staffing the door. One person with a disability is treasurer. • Partnership developed with Club Wild Gippsland to provide entertainment at Gippsland Groovers events.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
<p>Good Access Is Good Business - Latrobe</p>	<ul style="list-style-type: none"> • Latrobe City Economic Sustainability Team • Latrobe International Day of People with Disability Steering Committee • Gippsland Business Awards Committee • Latrobe City Business Tourism Association. 	<ul style="list-style-type: none"> • Include a 'Good Access Is Good Business' category in the 2011 Gippsland Business Awards. • Include a 'Good Access Is Good Business' award category in the Latrobe City Business Tourism Association People's Choice Awards Program for 2011. • Run an event on International Day of People with a Disability 2010 with a 'Good Access Is Good Business' theme. • Include action in the 2010-11 Latrobe City Disability Action Plan to promote the 'Good Access Is Good Business' concept. 	<ul style="list-style-type: none"> • 'Good Access Is Good Business' award category included in the 2011 Gippsland Business Awards. • 'Good Access Is Good Business' award category included in the Latrobe City Business Tourism Association People's Choice Awards Program for 2011. • Latrobe City Disability Action Plan 2010-2011 includes one 'Good Access Is Good Business' related action. • Gippsland 'Good Access Is Good Business' publication reviewed.
<p>Latrobe City Disability Action Plan</p>	<ul style="list-style-type: none"> • Latrobe City Disability Services Officer • Latrobe City Disability Reference Committee • Latrobe City Senior Leaders Team. 	<ul style="list-style-type: none"> • Support the organisation to develop and implement an annual Disability Action Plan to ensure people with a disability have equitable access to infrastructure and services provided by Latrobe City, in accordance with the Disability Discrimination Act 1992. 	<ul style="list-style-type: none"> • 2010-11 Disability Action Plan (DAP) developed and implemented. • Latrobe City Rural Access Project Officer provided support and advice to many Latrobe City teams in the implementation of the DAP. • Disability Reference Committee meeting bi-monthly to guide the implementation of the Disability Action Plan and provide advice to Council on major projects and disability related matters.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
Linking Latrobe Transport Connections	<ul style="list-style-type: none"> • Latrobe City Linking Latrobe Transport connections Project Officer • Department of Transport (Gippsland Region) • Department of Planning and Community Development • Latrobe Valley Bus Lines • Monash University Gippsland • Baw Baw Latrobe Local Learning and Employment Network • Department of Education and Early Childhood Development. 	<ul style="list-style-type: none"> • Improve existing transport by developing innovative solutions in partnership with relevant stakeholders and facilitating ongoing community participation in decision making. • Ensure optimum access for people with a disability to public and community transport (people with a disability are transport disadvantaged and are part of the target group). 	<ul style="list-style-type: none"> • Advice on access for people with a disability provided on Transport Connections projects. • The need to provide transport that is accessible to people with a disability is embedded into the Transport Connections processes.
Inspire Youth Mentoring Project	<ul style="list-style-type: none"> • Berry Street • Latrobe Community Health Service • Helen Mcpherson-Smith Trust. 	<ul style="list-style-type: none"> • For 10 people with a disability to undertake mentoring training by March 2010. • Match 10 mentors with 10 participants by 31 December 2010. 	<ul style="list-style-type: none"> • Eight people with a disability completed mentoring training. • Three young people with a disability participated as mentees. • Inspire Youth Mentoring Program has been integrated into Berry Street's Mentoring Programs.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
Moe Rail Precinct Revitalisation Project	<ul style="list-style-type: none"> • Latrobe City Built & Natural Environment Sustainability • ScopeVic Warragul. 	<ul style="list-style-type: none"> • The revitalised Moe Rail Precinct provides optimum access for people with a disability. • People with a disability have input into the design of the revitalised Moe Rail Precinct. • The revitalised Moe Rail Precinct has toilet facilities for people with a disability who have high support needs. 	<ul style="list-style-type: none"> • Requirement for Super Toilet facility included in Concept Plan and detailed design for the Moe Rail Precinct. • Funding of \$49,500 obtained by ScopeVic, in partnership with Latrobe City, for fit out of Super Toilet facility. • Rural Access Project Officer member of Internal Project Team.
Providing Information In Audio Formats	<ul style="list-style-type: none"> • Latrobe City Disability Services Officer • Latrobe City Marketing and Communications Team • Quantum Technology 	<ul style="list-style-type: none"> • For Latrobe City to offer and provide information in audio format. • Promote the provision of information in audio format to other organisations and service providers. 	<ul style="list-style-type: none"> • Latrobe City has the ability to provide information in audio formats. • Latrobe City Community Engagement Plan 2010-14 requires that information be provided in other formats. • Latrobe City Style Guide makes reference to providing information in other formats and refers staff to an Organisational Procedure. • Disability Action Plan action in 2010-11 to develop an Organisational Procedure for offering and providing information in a range of formats has been achieved.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
Traralgon Activity Centre Plan	<ul style="list-style-type: none"> • Latrobe City Built & Natural Environment Sustainability. • Latrobe City Economic Sustainability. • Regional Development Victoria • Department of Planning and Community Development 	<ul style="list-style-type: none"> • The Traralgon Activity Centre provides optimum access for people with a disability. • People with a disability have input into the design of the Traralgon Activity Centre. 	<ul style="list-style-type: none"> • Community consultations held in venues that are accessible to people with a disability. • A number of people with a disability attended community consultations with their feedback noted by consultants. • Information Bulletins containing updates on progress of the Traralgon Activity Centre Plan are available in alternate formats and large print. • 10 organisations from disability sector added to Stakeholder List and are sent invitations to consultations and copies of Information Bulletins. • Rural Access Project Officer provided feedback on aspects of the project to Project Control Group. • Directions Report adopted by Council and released for community consultation.
International Day of People with a Disability 2010 - Latrobe	<ul style="list-style-type: none"> • Cooina Hill • Work Solutions Gippsland • Workways Traralgon • Vision Australia • Gippsland Disability Advocacy Inc • Latrobe Advocacy Group. 	<ul style="list-style-type: none"> • Undertake 4 disability awareness activities on International Day of people with Disability 2010 to raise disability awareness of school students in Latrobe City. 	<ul style="list-style-type: none"> • Meetings of the 2010 Latrobe International Day Steering Committee commenced in September 2010. • A total of 4 disability awareness workshops delivered at Churchill Primary School, South Street Primary School Moe, Kurnai College Morwell and Traralgon College with 125 students participating.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
<p>Gippsland Regional Advocacy Network Development (GRAND) Project</p>	<ul style="list-style-type: none"> • Gippsland Disability Advocacy Inc • Anglicare Gippsland (Rights and Advocacy Support Program) • Gippsland Rural Access Project Officers. 	<ul style="list-style-type: none"> • To establish and sustain at least one disability Advocacy Group in each local government area in Gippsland. 	<ul style="list-style-type: none"> • Advocacy groups meeting regularly 5 Gippsland municipalities. • Staff from Gippsland Disability Advocacy Inc attending advocacy group meetings. • One member of the Bairnsdale and District Advocacy Group has completed the 2010 Leadership Plus Leadership Program. • Annual Gippsland Regional Advocacy Forum (GRAF) held on 21 October 2010 with over 100 people attending. • Members of the sub-regional advocacy groups provided a presentation at the 2010 GRAF. • Regional network of advocacy groups meeting to plan co-ordinated action, identify region issues of concern and plan the annual GRAF.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
<p>Accessible change rooms at Latrobe Leisure Newborough and Morwell</p>	<ul style="list-style-type: none"> • Scope (Vic) • Latrobe City Major Projects Team • Latrobe Leisure. 	<ul style="list-style-type: none"> • Refurbish change rooms at Latrobe Leisure Moe Newborough and Morwell to provide access to people with a disability who have high support needs. 	<ul style="list-style-type: none"> • Space allocated for fully accessible change room in the refurbishment of the change facilities at Latrobe Leisure Moe Newborough and Morwell. • Plans for fully accessible change rooms developed by Scope (Vic) and integrated into refurbishment. • Change room refurbishment at Latrobe Leisure Morwell completed, refurbishment of change room at Latrobe Leisure Moe Newborough in progress.
<p>Club Wild Latrobe</p>	<ul style="list-style-type: none"> • Cooinda Hill • Moe Life Skills • i-GAIN • Latrobe Community Health service (Creative House) • Gippsland Groovers Club. 	<ul style="list-style-type: none"> • Support a member of the Latrobe City community to establish a branch of Club Wild in Latrobe. 	<ul style="list-style-type: none"> • Club Wild Latrobe Planning Group meeting regularly with 6 members. • \$2,000 received from Latrobe City Community Grant. • Singing Workshop delivered in October 2010. • 4 DJ Workshop delivered November 2010. • First Club Wild event held on 10 December 2010 with singers and DJ from workshops performing.

Rural Access Plan Report 2010-2011

Name of Project	Partners	Goals	Outcome(s)
RecSpo Gippsland 2010	<ul style="list-style-type: none"> • GippSport AAA Program • Vision Australia • Gippsland Rural Access • Blind Sports Victoria • Latrobe Leisure 	<ul style="list-style-type: none"> • To increase the participation of people who are blind or have low vision in sport and recreation. 	<ul style="list-style-type: none"> • 'Come and Try' day held a Latrobe Leisure Moe Newborough in November 2010 • Approximately 200 people attended and participated in 10 programmed activities • People who are blind or have low vision joined local clubs or are participating in new sport and recreation activities.
Value Added Conference	<ul style="list-style-type: none"> • Gippsland Rural Access • Deaf Access Gippsland • Department of Human Services • GippSport 	<ul style="list-style-type: none"> • To support service providers, community groups, clubs and businesses to develop strategies to increase inclusion of people with a disability 	<ul style="list-style-type: none"> • Value Added Conference held in Cowes over two days with approximately 200 people attending.
Community Inclusion and Interpreter Support	<ul style="list-style-type: none"> • Gippsland Rural Access • Deaf Access Gippsland • Department of Planning and Community Development • Vicdeaf • Latrobe community Health Service • Department of Human Services. 	<ul style="list-style-type: none"> • Enable Deaf , hard of hearing people and people with barriers to communication to be included in Community clubs, groups and organisations 	<ul style="list-style-type: none"> • 9 people who were Deaf or hard of hearing participated in a variety of community groups. • 'Effective Communication – Real Inclusion' Fact Sheets and DVD produced and distributed.

11.5.2 **DISABILITY ACTION PLAN 2010/2011**

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide advice on the outcomes of actions in the 2010/11 Disability Action Plan

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

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.

Latrobe City Council Plan 2010 - 2014

Strategic Direction – Our Community

Support initiatives that promote diversity and social inclusion.

Service Provision – Community Development

Develop the Rural Access Plan and the Disability Action Plan.

Major Initiatives – Facilitate the Disability Reference Committee to support implementation of the Disability Action Plan.

Legislation – Disability Act 2006

Disability Discrimination Act 1992

Policy – Community Access and Inclusion Policy 11 POL-4

4. **BACKGROUND**

The *Disability Discrimination Act 1992* (DDA) and the *Disability Act 2006* encourages organisations to develop and register Disability Action Plans to ensure their services and facilities are accessible to people with a disability.

In 1995, Latrobe City formed an Advisory Committee to guide the development of its first Disability Action Plan (DAP). Following consultation with community representatives and service providers the DAP was developed and adopted in August 1996.

The DAP specified that a Disability Reference Committee (DRC) be formed to guide the implementation of the DAP and provide advice to Council on disability related matters. The first DRC was established in 1996 and the current DRC is chaired by Councillor Lougheed.

The DRC meets bi-monthly and the current two-year term will end on 30 September 2012. The DRC is made up of six community members with a disability, five representatives from organisations in the disability sector, up to two Councillors (one of who chairs the meetings), the Disability Services Officer and the Rural Access Project Officer. Care is taken to ensure the Disability Reference Committee is made up of people who have a wide range of knowledge and experience about specific disabilities and the disability sector.

Latrobe City employs a Disability Services Officer to support the organisation to develop and implement the DAP and to resource the Disability Reference Committee.

5. **ISSUES**

The goal of the DAP 2010/2011 is to ensure that people with a disability have equitable access to infrastructure and services provided by Latrobe City Council, in accordance with the DDA.

The first three Disability Action Plans developed by Latrobe City were stand-alone plans which focused on a systemic approach to achieve change across the organisation.

In early 2006, a decision was made to link DAP actions to projects contained in the organisation's business plans. This approach was successful as it enhanced team actions by addressing barriers to access and inclusion for people with a disability.

This process also initiated a 'whole of organisation' approach to the implementation of the DAP. In 2009/2010 and 2010/11 DAP actions were incorporated as business plan actions, thus completing the fully integrated approach to disability action planning.

A report on the outcomes of the DAP 2010/2011 actions is attached.

This report indicates that all 16 actions have been implemented. This demonstrates the success of the integrated planning approach and the extent to which the DAP has become a core part of business in all areas of Council.

Highlights of the Disability Action Plan 2010/2011 were the description of art works in large print, information about Universal Design included in packs distributed to building & planning permit applicants and regular consultation with the DRC regarding the Moe Rail Precinct Revitalisation Project.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Latrobe City Council receives a recurrent grant of \$28,000 from the Department of Human Services for the development and implementation of the Disability Action Plan. An additional contribution of \$36,400 was allocated by Latrobe City Council in the 2010/11 budget.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

In December 2009, community consultations were held in Morwell, Moe and Traralgon to identify issues that could be addressed in the 2010/2011 DAP. Subsequent to these consultations staff across the organisation were consulted in the development of Disability Action Plan actions which were included in relevant business plans.

The development and implementation of the 2010/2011 DAP was guided by the Latrobe City Disability Reference Committee. A report on the progress of the Disability Action Plan is presented to the DRC at each bi-monthly meeting.

Details of Community Consultation / Results of Engagement:

Community consultation is primarily through members of the DRC at regular meetings or through focus groups set up for specific purposes.

On-going community engagement and consultation is done by the Disability Services Officer and Rural Access Project Officer who respond to identified issues immediately, or record issues which would be more appropriately addressed through the Disability Action Planning process.

8. OPTIONS

Council has the following options:

1. Note the Disability Action Plan 2010/2011 Report.
2. Request further information about the progress of the Disability Action Plan 2010/2011.

9. CONCLUSION

The integrated approach to the Disability Action Plan 2010/2011 is an effective way of ensuring a whole of Council response to the inclusion of people with a disability.

The ongoing commitment of the Disability Reference Committee enhances the effectiveness of the implementation of the DAP, as well as advising Council on disability related matters.

10. RECOMMENDATION

That Council notes the Disability Action Plan 2010/2011 Report.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

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Disability Action Plan 2010-11

Action	Business Unit	Core Service	Outcome
Promote to local business the economic advantages of providing access for all abilities via the tourism e-newsletter, business connect and relevant business forums.	Economic Development	Business Development	Promotion of Good Access is Good Business appeared in Business Connect and Tourism Talks as well as a category in regional business awards.
Develop a Waste Education action to ensure residents understand their responsibility to keep footpaths in front of their property free of broken glass and other hazards.	Natural Environment Sustainability	Cleaning Services	The Latrobe City Waste Education Plan includes an action regarding footpath responsibility and hazards.
Review compliance of footpath access from accessible parking bays and develop work plan.	Infrastructure Development	Infrastructure Planning	The review has commenced and will be completed in 2011-2012.
Investigate and provide recommendations to the Manager Community Information Centres on the feasibility and costing associated with offering hearing loop enhancements at Council Service points.	Community Information Centres	Community Information Centres	Investigation has been completed and approval has been given to proceed with the purchase and installation of the hearing loop enhancement across all service centres. It is anticipated this will be completed in July 2011

Action	Business Unit	Core Service	Outcome
Deliver information session to HACC workers on domestic violence and abuse pertaining to people with a disability.	Community Health and Well-being	Home and Community Care	Training was provided to 40 Home and Community Care workers, which enabled these workers to be aware of the impact of domestic violence on people with a disability. This training provided some strategies for these workers to assist their clients.
Include Universal Housing Design information in packs distributed to planning permit and building permit applicants.	City Planning	Building Services	Has been implemented and is ongoing
Include Universal Housing Design information in Planning Permits application packs and distribute to applicants.	City Planning	Statutory Planning	Has been implemented and is ongoing
Ensure the availability of communication boards in all Early Learning Centres, Maternal and Child Health Centres and Preschools for access by families and children who are hearing impaired or require supported communication.	Child and Family Services	Child and Family Services	All Early Learning Centres, Maternal and Child Health Centres and Preschools have the Boardmaker software to be used as a tool to ensure inclusive communication.

Action	Business Unit	Core Service	Outcome
Include actions in the Municipal Recovery Plan to meet the needs of people with a disability.	Community Capacity Building	Community Development	The Municipal Recovery Plan incorporates the needs of people with disabilities.
Develop a procedure for providing information in languages other than English and other formats.	Community Capacity Building	Rural Access	Organisational procedure developed.
Investigate the development of audio description in relation to works in the Cbus Collection.	Cultural Liveability	Arts	The investigation is completed and audio exhibition notes will be made available within 2011/12.
Investigate the installation of a hearing loop at the Latrobe Performing Arts Centre.	Cultural Liveability	Arts	The investigation is completed and further action is under consideration.
Provide large font description of works at the Latrobe Regional Gallery.	Cultural Liveability	Arts	Large print descriptions have ensured readability of exhibition notes for people with a vision impairment.

Action	Business Unit	Core Service	Outcome
Continue to develop and review evacuation procedures for Council facilities.	Legislative Compliance	Strategic Risk	The review of evacuation procedures will include Personal Emergency Evacuations Procedures for staff with disabilities and guidelines to evacuate people with disabilities from Latrobe City buildings.
Report back to the Disability Reference Committee the findings of the Footpath Trading Review.	Legislative Compliance	Local Laws	Report was presented to the Committee on 16 June 2011. Committee accepted the report.
Develop an accessible Information Services Procurement Policy and Procedure.	Information Services	Information Technology	The operation framework will include an accessible procurement policy and procedure.
Conduct a review of current recruitment and selection processes and implement approved recommendations.	People and Development	Human Resources	Recruitment and Selection guidelines are available for Team Leaders and Managers to help them in attracting and recruiting new staff.

GOVERNANCE

11.6.1 PROPOSAL TO PLACE A PERMANENT OBSTRUCTION OR BARRIER ON ROCLA ROAD TRARALGON

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider a proposal to place barriers on the unsealed section of Rocla Road, Traralgon East to close Rocla Road to through traffic between the Princess Highway and Dranes Road, Traralgon East.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

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 2010 - 2014

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.
- Ensure that Council decision-making considers adopted policies.

Legislation – Section 207 of the *Local Government Act* Council as a road authority has specific traffic management powers over roads within its municipal district as set out in Schedule 11 of the *Local Government Act* 1989.

Policy – Council has not adopted a policy relating to temporarily or permanently placing an obstruction or barrier on a road.

4. **BACKGROUND**

Rocla Road Traralgon East as shown on the attached plan (attachment 1) runs between the Princes Highway (southern end) and Dranes Road (northern end).

The southern section of Rocla Road is fully constructed from the Princes Highway to a point adjacent to the third last industrial allotment at 67-71 Rocla Road, a length of approximately 1020 metres. The remaining northern section of Rocla Road (approximately 530 metres) through to Dranes Road is formed and lightly gravelled. There are two rural living dwellings, one either side of the gravel section of Rocla Road, two vacant farm land lots and two industrial allotments also fronting this unsealed section of road.

The Latrobe City Register of Public Roads identifies Rocla Road as:

- Sealed Access <= 60km/hr from Princes Highway to the end of seal at approximately 1.02 KM, and
- Minor Access from end of seal to Dranes Road.

Since 2000, Council has received regular and ongoing complaints/reports from a resident concerning dust, speeding vehicles and heavy vehicles using the unsealed section of Rocla Road.

To address these complaints, Council initially considered a proposal to close the road to traffic. After giving public notice and inviting submissions, Council subsequently resolved not to proceed with this course of action after receiving a number of submissions from the community objecting to the proposal.

Following further complaints, Council again considered the issues associated with the unsealed section of Rocla Road.

In April 2001 Council, after completing the statutory process resolved to impose a 3 tonne load limit and a 40 kph speed limit on the unsealed section of Rocla Road. Road traffic management signs were subsequently erected.

In 2002, Council again considered concerns relating to heavy vehicles and speeding vehicles using the unsealed section of Rocla Road. At the ordinary Council Meeting held 14 February 2002 Council resolved:

1. *That the owners of the two properties on the corner of Dranes Road and Rocla Road be asked if they are willing to contribute \$4,000 each to the sealing of the first 200m of Rocla Road from Dranes Road.*
2. *That a further report be presented following receipt of the owners comments.*

A further report was presented to the 5 August 2002 Ordinary Council Meeting. This report advised Council that following consultation with the affected residents, they indicated they were *“not willing to contribute towards the cost of sealing the road and believed sealing would encourage more vehicles and higher speeds”*. Council subsequently resolved:

That Council continues to monitor the situation but takes no other action at present.

5. **ISSUES**

Since Council last considered a request to close Rocla Road to through traffic, there has been a significant increase in the number of vehicles travelling on the gravel section of road. Details stated in respective Council Reports and the results of two recent traffic volume counts on the unsealed section of road reveal:

- The 14 February 2002 Council report states the traffic volume is less than 40 vehicles per day,
- The 5 August 2002 Council report states the traffic volume is less than 50 vehicles per day
- Traffic Count during Princes Highway Traralgon East duplication work, October 2010 recorded an average 154 vehicle per day, and
- Traffic Count at the conclusion of the Princes Highway duplication work, May 2011 recorded an average 125 vehicles per day.

Council has received a further request (attachment 3) from a resident adjoining Rocla Road detailing a number of issues relating to amenity and health concerns caused by vehicles using the gravel section of road. The issues specifically being dust, speeding vehicles and heavy vehicles. The resident suggests three possible options to remedy the problems but encourages Council to close Rocla Road to through traffic.

Council has power pursuant to Section 207 and Schedule 11, Clause 9 of the *Local Government Act 1989* to place and maintain a permanent barrier or obstruction to block and restrict traffic using a road, viz:

9. 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 the 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 an arterial road within the meaning of the Road Management Act 2004, unless the Council has the consent of the Roads Corporation.

In accordance with Section 207A of the *Local Government Act 1989* this power is subject to Section 223 of the *Local Government Act* whereby:-

The Council must 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 to be heard, is entitled to appear before a meeting of Council.

If Council supports closing a section of Rocla Road to through traffic by permanently placing an obstructions or barriers on the unsealed section of Rocla Road, it is recommended locked gates be erected at the locations shown on attachment 2. These gates could be opened in the event there was a need to redirect traffic from the Princes Highway or Traralgon –Maffra Road, or if one of the adjoining property owners required occasional access to their property from the section of Rocla Road.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this first part of the statutory process are minimal, being:

1. the cost of a public notice inviting submissions, and
2. preparation of correspondence sent to nearby residents, farming and industrial property owners and VicRoads advising of the proposal and inviting comment.

Subject to Council formally resolving to stop through traffic using the gravel section of Rocla Road, costs would be incurred with placing and maintaining two barriers/gates across the road reserve and traffic control signage.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Proposed:

- *Public notice in the Latrobe Valley Express.*
- *Letters to nearby rural living, farm and industrial property owners.*
- *Letter to VicRoads inviting comment.*
- *Latrobe City Council Web Site*
- *Erecting signs at suitable locations at either end of the unsealed section of Rocla Road.*

Details of Community Consultation / Results of Engagement:

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

Council is required to give a minimum 28 days public notice before it can consider any written submissions received. Council must also allow any person (or nominated representative) who has requested to appear before Council, the opportunity to speak in support of the submission.

8. OPTIONS

1. Commence the statutory process to place two barriers/gates preventing through traffic using Rocla Road to Dranes Road by giving public notice of Council's intention to consider the proposal and invite public submissions, or
2. Not accede to the request and take no further action, or
3. Explore other options to try and abate the problems associated with traffic using the gravel section of Rocla Road as a through road between the Princes Highway and Dranes Road.

9. CONCLUSION

Council has been requested to close the gravel section of Rocla Road Traralgon East to through traffic.

Council last considered issues concerning traffic using this section of Rocla Road in August 2002. Since that date, a recent traffic count in May 2011 has shown there has been a significant increase in the volume of traffic using the road, from less than 50 vehicles per day to an average 125 per day.

To gauge community opinion concerning a proposal to permanently place two barriers/gates on the Rocla Road Reserve and prevent through traffic using the gravel section of Rocla Road, Council may consider it appropriate to give public notice and invite submissions concerning such a proposal.

The preferred location for the two barriers/gates would be at the end of the sealed section of the Rocla Road sealed pavement and south of the last dwelling drive way entrance off Rocla Road.

10. RECOMMENDATION

1. **That Council, pursuant to Section 207 and Schedule 11 Clause 9 of the *Local Government Act 1989*, gives public notice of its intention to consider a proposal to place permanent barriers/gates on the unsealed section of Rocla Road, Traralgon East to prevent through traffic between the Princes Highway and Dranes Road.**

2. That Council notify VicRoads, nearby residents, farm and industrial property owners of its intention to consider a proposal to place permanent barriers/gates on the unsealed section of Rocla Road, Traralgon East preventing through traffic between Dranes Road and the Princes Highway.
3. That Council in accordance of a section 223 of the *Local Government Act 1989* consider submissions received regarding this proposal to place barriers/gates on the unsealed section of Rocla Road, Traralgon East to prevent through traffic between the Princes Highway and Dranes Road at a future Ordinary Council Meeting.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Vermeulen

Seconded: Cr Lougheed

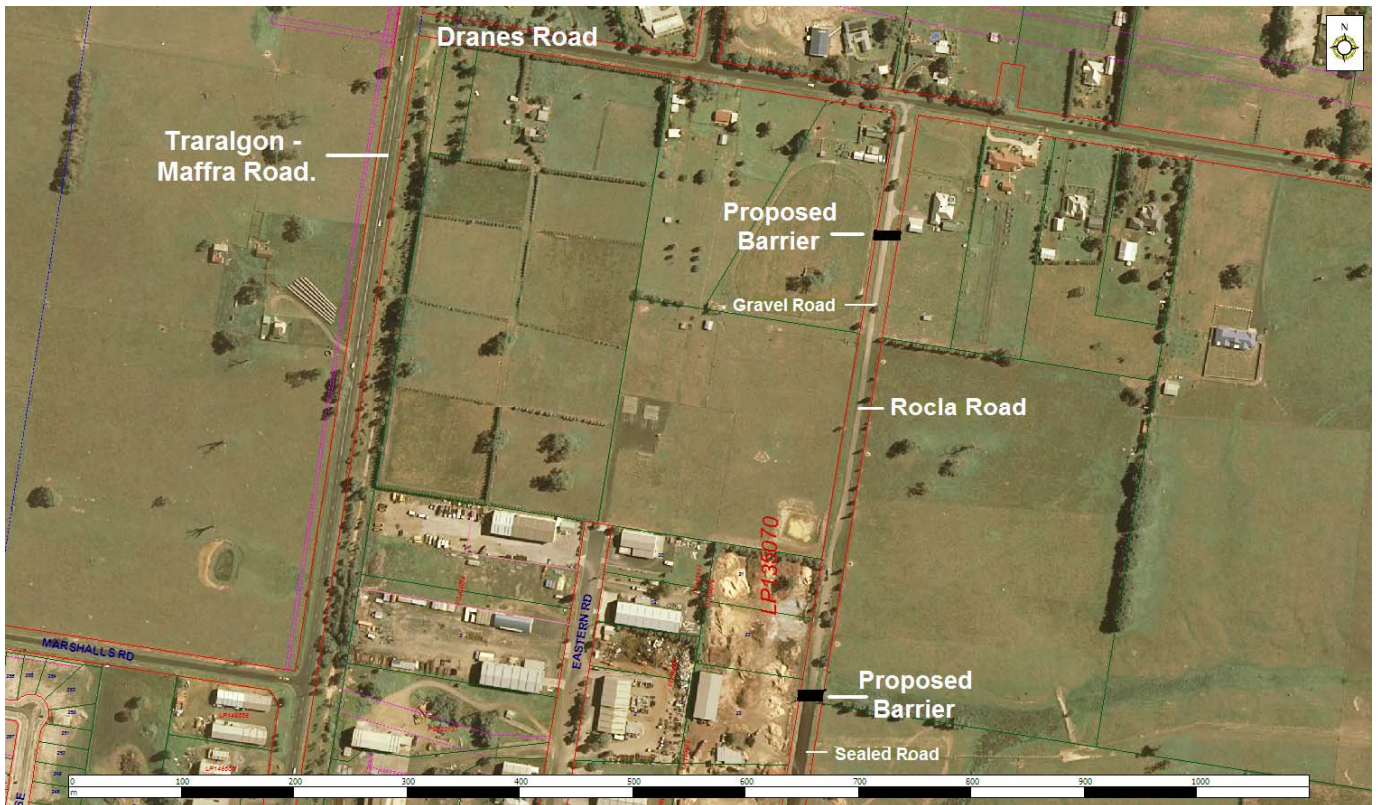
That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

B & P Andjelkovic

Manager Roads

Latrobe City Council
Commercial Road
MORWELL 3840

Dear Sir

We wish to again bring to the attention of Council the problems we are encountering with the present state of the Northern section of Rocla Road, Traralgon East.

As Council is aware, the Northern 450 (approx) metres are gravel and the weight limit is 3 tonnes gross. It is also speed restricted to 40KPH.

The problems we are encountering are several but all are the result of traffic on the road. The main issue is the dust. This is made worse by the speed of the traffic on the road.

Another issue is the danger due to the speed of the traffic, to our property, that of our neighbours, of our families and livestock, and of course, other road users. The road gets very corrugated, again due to the speed of the traffic, which can result in loss of vehicle's driver control.

The amount of traffic in recent times has increased dramatically. Not only has the amount increased, but the speeds which the traffic travels at, is also on the increase. We do not believe it is a result of the construction of the Princes Highway as it has been going on for a long time before the start of the works. Every morning and every evening there is traffic towards and from the Glengarry direction.

From time to time heavy vehicles still use the road but to catch them is a problem as they are often unmarked, travelling too quickly or their number plates are obscured. We do refer their details to Council for attention and as far as we are aware they are dealt with although we do note there are some vehicles which seem to re offend.

The regular traffic causes dust to blow onto our or our neighbour's property, depending on wind direction. The speeding traffic multiplies this problem greatly and is the cause of our grievance.

Our property is to the west of the road and it experiences a lot of dust during the summer as there are a lot of days with continuous dry easterly winds. Our frontage is 200 metres so it gets a lot of dust. We simply cannot leave open any doors or windows in our house or cars to cool them. Everything in our yards, sheds, house, everywhere, is covered in dust. While we are outside, even we ourselves get covered in dust. Although we are not asthmatic, it is not nice to get a nose, eye etc

full of dust every time a car goes by. This causes us distress, which is hard to bear and added costs to wash cars, house, clean inside etc.

Dust is also a problem with the paddocks as any livestock eating the grass ingest a lot of road dust. The dust is indigestible and causes irritation in the animal's bowels.

The road does have a 40KPH sign at both ends. Most traffic, about 80-95% ignores this reduction. Some cars travel at frighteningly high speeds. We are sure Council data from their counter will vindicate that, as it has in the past. We are constantly contacting the police to speak to the speedsters who we can identify. The police at times indicate they will attend the area but they have never been seen there by us. We have been told they are far too busy to sit there to catch a few cars. They do say they will speak to the drivers of the cars if we supply them with the details of the cars, but again most times this is not possible.

The cars that speed of course create a far higher level of dust than a cars travelling at the posted speed limit. Speeding on this road is also dangerous as it is a poorly made road and very uneven. The unevenness is due mainly to the speed and weight of the traffic and therefore a constant condition. The noise made by traffic using it at 4.30 in the morning is simply outrageous. It goes on far into the night as well. The weekends in particular are distressing. The traffic to and fro travels very quickly and causes a lot of dust and noise. Traffic prior to a long weekend often consists of 4 wheel drive vehicles travelling in convoy at speed.

There are three possible ways to alleviate this problem.

One option is to seal it. However we do not see that we, nor Council, should have to pay for sealing the road for traffic from the outlying areas to have a short cut to the industrial estate. This option would not only increase the amount of traffic, but the speed as well. The cost for this 'short cut' would be rather large. Considering the amount of money spent on the main road, it cannot be justified. To add to the problem, the intersection of Dranes Road and the Glengarry Road is dangerous. Traffic pulling out and going south cannot see traffic already at 100kph coming over the hill until too late. This option is not preferred by us and we do not wish to contribute to the sealing of the road as we do not use it or want it.

A second possible option, but we doubt its effectiveness, would be to seal the road to about 150 metres south of Dranes Road and place several speed humps in the sealed and also unsealed sections to slow the traffic. This would possibly reduce the dust and speed related dangers. However the rest of the road would still require the frequent maintenance it requires now. We were told in the past speed humps were not wanted as emergency services did not like them. We point out that the major towns would have emergency services use their streets far more often, and they have many speed humps in them. This option is not preferred by us.

The third option is to close the road. This is our preferred option. It would raise some objections but we believe our and our neighbour's, problems far outweigh those using this road as a rat run. We personally have no use for this road at all.

If the road was terminated at a point either at about 220 metres or about 400 metres south from Dranes Road, our property and that of our neighbour opposite in Rocla Road, and that of our neighbour to the south of us on the same side would be serviced. This section could be renamed Rocla Court.

We note that our neighbour to the south of us and on the same side has an entry from Eastern Road. There has been no traffic using the gate to the property in Rocla Road for over 2 years to our knowledge.

This option would reduce the maintenance cost to almost nil over a year and probably only require minor attention every 5 or so years. The closed section to the south could be sold or leased to adjoining neighbours or nearby neighbours for use as grazing land. Another idea is to close the road by installing posts across the road thus allowing pedestrian, cycle access. We point out that very few people cycle or walk this road.

Other neighbours to the east of us in Dranes Road occasionally use the road but again our problems far outweigh theirs and it is but a small extra distance for them to travel to the industrial estate given the much improved road conditions in the area.

We have in the past been told the Fire Services want the road open for fire access. This is a not a valid argument as there are several estates with only one access road. To mention one, it is near our eastern fire service and is Wilmot Court. Furthermore there is still Stammers Road to the East as well for alternative access and much closer to the brigade's station.

We ask Council to consider our plight and take steps to alleviate the problem. As indicated above, our preferred option is the third.

Doing nothing is not an option as it is costing us and Council a lot for a road that is only used for a rat run. It is simply a short cut for the outlying areas of Glengarry etc to the industrial estate and there is no reason the traffic from there cannot use the main road, now that there are good conditions and traffic control at the highway.

Yours sincerely

P & B Andjelkovic

11.6.2 ASSEMBLY OF COUNCILLORS

AUTHOR: General Manager Governance
(ATTACHMENT - YES)

1. INTRODUCTION

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 27 June 2011.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

The following Assemblies of Councillors took place between 16 June 2011 and 25 July 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
16 June 2011	Disability Reference Committee 1. Parking at east end of Stockland Plaza. 2. Creating a designated parking space for Senior Citizens. 3. Raised footpath, Breed and Hotham Streets, Traralgon 4. Traffic Island – Hourigan Road and The Boulevard, Morwell 5. Cleanaway bins on footpaths 6. Public Toilets in Churchill and Hub 7. Accessible parking bay (ongoing) 8. Query to Deb Skinner from Julia 9. Training survey to DRC members 10. Workers Report 11. Recharge points website 12. Car parking, pedestrian crossing, line marking Breed and Deakin Streets, Traralgon 13. Round the table catch up.	Cr Bruce Lougheed Karleen Plunkett, Bill Lawler, Allison Jones, Peter Fraser and Ian Gibson	NIL
4 July 2011	Issues & Discussion Session Tonight's Presentations: Overview of ClimateWorks Project in Gippsland Gippsland Climate Change Adaption Project, Future Presentations, Regional Cities Victoria – Minutes – 2 June 2011, GLGN Mayor/CEO Group Forum – Minutes – 2 June 2011, Morwell Land Movement – Update, Caretaker Provisions	Cr Gibson, Cr White Cr Lougheed, Cr Middlemiss, Cr O'Callaghan and Cr Vermeulen Paul Buckley, Casey Hepburn, Allison Jones, Tom McQualter, Jodie Pitkin, Peter Quigley, Zemeel Saba, Grantley Switzer	Cr Gibson declared an indirect interest under Section 78 of the Local Government Act 1989 in respect of Item 4.1 Overview of Climateworks Project in Gippsland Cr Middlemiss declared an indirect interest under Section 78B of the Local Government Act 1989 in respect of Item 4.1 Overview of Climateworks Project in Gippsland

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
6 July 2011	Tourism Advisory Board Meeting Future objectives of the TAB	Cr Darrell White Geoff Hill, Linda Brock, and Shannyn Kiss	NIL
25 July 2011	Issues & Discussion Session Tonight's Presentations: Long Term Financial Plan; Previous Presentations; Future Presentations; New Issues; 8.4.1 Progress Report on the Traralgon Growth Areas Review Project	Cr Gibson, Cr Lougheed, Cr Middlemiss, Cr O'Callaghan, Cr Vermeulen, Cr White Michael Edgar, Carol Jeffs, Tom McQualter, Peter Quigley	NIL

4. **RECOMMENDATION**

That Council note this report.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Manager Council Operations - Legal Counsel for filing.

Assembly details: Disability Reference Committee

Date: 16 June 2011

Time: 1.30 pm

Assembly Location: Nambur Wariga Room, Latrobe City Council Offices

In Attendance:

Councillors: Cr Bruce Lougheed

Officer/s: Karleen Plunkett, Bill Lawler, Allison Jones, Peter Fraser, Ian Gibson.

Matter/s Discussed:

1. Parking at east end of Stockland Plaza.
2. Creating a designated parking space for Senior Citizens.
3. Raised footpath, Breed and Hotham Streets, Traralgon
4. Traffic Island – Hourigan Road and The Boulevard, Morwell
5. Cleanaway bins on footpaths
6. Public Toilets in Churchill and Hub
7. Accessible parking bay (ongoing)
8. Query to Deb Skinner from Julia
9. Training survey to DRC members
10. Workers Report
11. Recharge points website
12. Car parking, pedestrian crossing, line marking Breed and Deakin Streets, Traralgon
13. Round the table catch up.

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: Peter Fraser left the room at 2 pm. Ian Gibson left at 2.30 pm.

Completed by: Karleen Plunkett

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 planned or scheduled meeting, comprising at least 3 Councillors and 1 member of Council 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 Council 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 of 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 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: Issues & Discussion Session

Date: Monday, 4 July 2011..... **Time:** 6.00pm

Assembly Location: Meeting Room 6 and Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

In Attendance:

Councillors: Cr Gibson, Cr Lougheed, Cr Middlemiss, Cr O'Callaghan, Cr Vermeulen, Cr White.....

Officer/s: Paul Buckley, Casey Hepburn, Allison Jones, Tom McQualter, Jodie Pitkin, Peter Quigley, Zemeel Saba, Grantley Switzer,

Matter/s Discussed:

Tonight's Presentations: Overview of ClimateWorks Project in Gippsland
Gippsland Climate Change Adaption Project

Future Presentations

Regional Cities Victoria – Minutes – 2 June 2011

GLGN Mayor/CEO Group Forum – Minutes – 2 June 2011

Morwell Land Movement - Update

Caretaker Provisions

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 4.1 Overview of Climateworks Project in Gippsland

Cr Middlemiss declared an indirect interest under Section 78B of the *Local Government Act* 1989 in respect of Item 4.1 Overview of Climateworks Project in Gippsland

Officer/s: NIL

Times that Officers / Councillors left/returned to the room:

Cr Gibson left the Chamber at 6.30 pm and returned at 6:45 pm

Cr Middlemiss left the Chamber at 6.30 pm and returned at 6:45 pm

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

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing.

Assembly details: Tourism Advisory Board Meeting

Date: Wednesday 6 July 2011

Time: 5.30pm

Assembly Location: Nambur Wariga Room, Latrobe City Council Offices.

In Attendance:

Councillors: Cr Darrell White.

Officer/s: Geoff Hill, Linda Brock, and Shannyn Kiss.

Matter/s Discussed: Future objectives of the TAB

Are the matters considered confidential under the Local Government Act: No

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NA

Officer/s: NA

Times that Officers / Councillors left/returned to the room:

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;
- 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: Issues & Discussion Session

Date: Monday, 25 July 2011..... **Time:** 6.00pm

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Offices,
Commercial Road, Morwell.....

In Attendance:

Councillors: Cr Gibson, Cr Lougheed, Cr Middlemiss, Cr O'Callaghan,
Cr Vermeulen, Cr White.....

Officer/s: Michael Edgar, Carol Jeffs, Tom McQualter, Peter Quigley,.....

Matter/s Discussed:

Tonight's Presentations: Long Term Financial Plan;
Previous Presentations; Future Presentations; New Issues;
8.4.1 Progress Report on the Traralgon Growth Areas Review Project

Are the matters considered confidential under the Local Government Act: No

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Meagan Bennetts

Assembly of Councillors Record Explanation / Guide Notes
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:

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providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

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“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
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Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

11.6.3 FARLEY WARD - BY-ELECTION

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with an update in relation to the pending by-election in the Farley Ward.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Regulation and Accountability

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Regulation and Accountability

Ensure that Latrobe City Council meets all relevant legislative obligations and is positioned to respond to legislative change in a manner which inspires community confidence.

Legislation

Local Government Act 1989

4. BACKGROUND

On Monday 27 June 2011 Councillor Lisa Price was convicted of three offences against the Local Government Act 1989 ("the Act") and was disqualified from continuing as a Councillor.

On Friday 22 July 2011 Councillor Price lodged a Notice of Appeal with the County Court in relation to all three offences.

The Chief Executive Officer has advised the Minister for Local Government of this action.

5. **ISSUES**

In accordance with section 29(7) of the Act, until the appeal is either determined or withdrawn, Councillor Price is taken to be on a leave of absence.

Following Councillor Price's conviction, the Minister had directed the Victorian Electoral Commission (VEC) to commence procedures for a by-election in the Farley Ward. The Minister will now advise the VEC to postpone the election pending the outcome of the appeal.

Both the length of time to hear the appeal and the appeal process are a matter for the courts to determine.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications as result of this report.

7. **INTERNAL / EXTERNAL CONSULTATION**

No community consultation was undertaken in the preparation of this report.

8. **OPTIONS**

The following options are available to Council:

1. Note this report; or
2. Note this report and seek further information.

9. **CONCLUSION**

Councillor Price has lodged an appeal in the County Court in response to her conviction on 27 June 2011. The Minister has been informed of this action and is responsible for notifying the VEC that the by-election is to be postponed pending the outcome of Councillor Price's appeal.

The matter is now before the courts and until the case is determined or withdrawn, Councillor Price is taken to be on a leave of absence.

10. RECOMMENDATION

That Council note this report.

Caretaker Statement:

"The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Electoral Caretaker Provisions Policy".

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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**MEETING CLOSED
TO THE PUBLIC**

13.1 MEETING CLOSED TO THE PUBLIC

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is for Council to consider closing this meeting to the public to allow Council to deal with items which are of a confidential nature.

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.

2. DECLARATION OF INTERESTS

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

3. RECOMMENDATION

That 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 following reasons:

	ITEMS	NATURE OF ITEM
15.1	ADOPTION OF MINUTES	(h) other
15.2	CONFIDENTIAL ITEMS	(h) other
15.3	ASSEMBLY OF COUNCILLORS	(h) other

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 7.59 pm

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 8.16 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 255 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____