



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 22 AUGUST 2011

PRESENT:

Cr Darrell White, Mayor - Firmin Ward
Cr Sharon Gibson, Deputy Mayor - Merton Ward
Cr Dale Harriman - Dunbar Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Kellie O'Callaghan - Burnet Ward
Cr Ed Vermeulen - Gunyah Ward
Paul Buckley, Chief Executive Officer
Michael Edgar, General Manager Community Liveability
Carol Jeffs, General Manager Governance
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 Sandy Kam -Galbraith 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 1 August 2011 (CM353), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That Council adopts the Minutes of the Special Council Meeting held on 15 August 2011 (SM354), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

Suspension of Standing Orders

Moved: Cr Vermeulen

Seconded: Cr Gibson

That Standing Orders be suspended to allow a member of the gallery to address Council in support of their submission.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7:02 pm

Ms Linda Reid addressed Council in relation to Item 11.3.4 State Government Recreation Funding Programs 2011/12

Resumption of Standing Orders

Moved: Cr Lougheed

Seconded: Cr Gibson

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7:15 pm

NOTICES OF MOTION

6.1 2011/19 - NOTICE OF MOTION - HRL DUAL GAS
CONSTRUCTION APPLICATION

CR VERMEULEN

MOTION

That this Council supports HRL Dual Gas in its application for construction of a 600 MW Dual Gas Power Station. That Council Officers examine ways LCC can make a submission to the forthcoming hearings in October 2011 before VCAT.

Moved: Cr Vermeulen

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

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PRESENTATION OF PETITIONS

10.1 **PETITION - REQUEST FOR TOWN CLOCK TO BE INCLUDED IN THE MOE RAIL PRECINCT REVITALISATION PROJECT**

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

1. PURPOSE

The purpose of this report is to present Council with a petition received requesting the inclusion of a town clock commemorating the fifty years of service to the community by the Rotary Club of Moe in the Moe Rail Precinct Revitalisation Project.

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.

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Governance

- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

Strategic Direction – Built Environment

- Develop high quality community facilities that encourage access and use by the community.

4. BACKGROUND

The petition (Attached) was received 3 June 2011 and contains 24 signatures.

The petition seeks confirmation of the inclusion of a town clock as a part of the Moe Rail Precinct Revitalisation Project, and that this aspect of the project is included in the total project budget.

A town clock was included in the project brief to the consultants responsible for the design of the Moe Rail Precinct Revitalisation Project, and has subsequently been included in the design, which was adopted by Council at the 9 May 2011 Ordinary Council Meeting.

5. ISSUES

The petition seeks to confirm the inclusion of a town clock in the Moe Rail Precinct Revitalisation Project.

The petition also asks that Latrobe City Council takes this opportunity to recognise 50 years of service of Moe Rotary Club. Recognition of the Moe Rotary Clubs service to the Moe Community will also be included as a part of the detailed design process which is currently underway.

The cover letter accompanying the petition states that a town clock is not currently noted on the plans, which is not correct. Although the final location of the town clock had not been decided at the time of the design launch, the clock was included on the concept plan legend, with the location noted as “to be confirmed”.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications arising from this report.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

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

Community engagement was undertaken as part of the Moe Activity Centre Plan, of which the Moe Rail Precinct Revitalisation Project is a major component. The extent of community engagement is detailed below.

Details of Community Consultation / Results of Engagement:

Extensive public consultation was undertaken to develop the Moe Activity Centre Plan and consultation continues to be a major component of implementation of the various projects contained within the Moe Activity Centre Plan.

For the Moe Railway Precinct Revitalisation Project: Master Plan, a significant consultation exercise comprising a "Design In" was held over two days in May 2009 followed by an "Ideas Shop" which was open for six days per week for a four week period to engage with the community and to encourage participation and contribution to this project.

More than 250 people participated in and contributed to the Moe Rail Precinct Master Plan throughout this process. All of the findings from these consultation activities were consolidated into a report provided to the consultants as critical background reading in developing the master plan.

A number of key state government departments and agencies have a direct interest and involvement in this project and are members of a steering group which has oversight of the project and have been actively involved in the preparation of the master plan.

To ensure that the public were well advised that the master plan was on exhibition a number of methods were used including:

- Media Release.
- Public Notice in LV Express and Moe News.
- Placement of the Moe Rail Precinct Revitalisation Project - Report and Master Plan on Latrobe City Council website.

- Copies made available at all Council service centres and the Moe Library.
- Poster of the Master Plan displayed in all Council service centres and the Moe Library, the Ideas Shop, and all Leisure Centres.

In addition, two community briefing sessions were held in Moe (one day session and one evening session) where the consultants delivered a presentation on the development of the master plan. Both of these sessions were well attended with approximately 50 people at each.

Following completion of the current detailed design activity, the design was launched to the community on Tuesday 7 June 2011.

8. OPTIONS

Council has the following options in relation to the petition;

1. Lay the petition on the table until the Ordinary Council Meeting on 19 September 2011; or
2. Not lay the petition on the table and deal with the petition at this Council Meeting.

9. CONCLUSION

During the community consultation phases of the Moe Activity Centre Plan and the Moe Rail Precinct Revitalisation Project, the Moe Rotary Club requested a town clock be incorporated into the Moe town centre. As a town clock has been incorporated into the design of the Moe Rail Precinct Revitalisation Project, it is deemed appropriate that Council note this report as there is no need to lay the petition on the table until the next available ordinary Council meeting.

10. RECOMMENDATION

1. **That Council does not lay the petition requesting the inclusion of a commemorative town clock in the Moe Rail Precinct on the table.**
2. **That the head petitioner be advised that a town clock has been included in the Moe Rail Precinct Revitalisation Project and that appropriate recognition will be given to the Rotary Club of Moe commemorating 50 years service to the community within the precinct.**

Moved: Cr Gibson

Seconded: Cr Vermeulen

That the Recommendation be adopted.

For the Motion

Councillor/s Vermeulen, Gibson and White.

Against the Motion

Councillor/s O'Callaghan, Middlemiss, Lougheed and Harriman

The Mayor confirmed that the Recommendation had been LOST.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Motion be adopted.

That Council invite public submissions asking what groups, organisations or individuals need to be recognised for their services to Moe in the Moe Rail Precinct Revitalisation Project.

For the Motion

Councillor/s Gibson, Middlemiss, Lougheed, Harriman and White.

Against the Motion

Councillor/s O'Callaghan and Vermeulen.

The Mayor confirmed that the Motion had been CARRIED.

ATTACHMENT

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SYLFAR PTY. LTD.
A.B.N. 86 010 453 595

54 Langford Street
Moe, Vic. 3825

Paul's
CARPET CHOICE

Phone: (03) 5127 2499

Fax: (03) 5127 5338

Mobile: 0428 513 996

Email: paulcarpet@pacific.net.au

27th May 2011

Attention: Paul Buckley
Latrobe City Council
PO Box 264
MORWELL VIC 3824
Facsimile: 03 5128 5078

Dear Paul

**YOUR REF: PROPOSAL OF TOWN CLOCK –
MOE RAIL PRECINCT REVITALISATION PROJECT.**

I, on behalf of the Rotary Club of Moe, would like to propose that a City of Latrobe Clock commemorating fifty years of service to the community by the Rotary Club of Moe be erected in the new Moe Rail Precinct.

The funds necessary to erect the Clock would be provided by the Council within the State Funds allocated to the construction of the precinct. We would like to point out that, on two different occasions, I have submitted expressions of interest in relation to the Clock. Barry Dunstan and I, on behalf of the Rotary Club of Moe, have also had discussions with yourself and Jane Burton at your office in 2009. In 2009 the Club submitted a signed letter of support regarding the proposed project to the Council which was subsequently misplaced. Discussions and correspondence with Hiren Bhatt yielded little success. We would also like to point out, both Morwell and Traralgon have two Clocks each; Moe does not possess even one. I have noted the current plans indicate that a Clock has not been included.

I therefore wish to propose the enclosed petition signed by members of the Rotary Club of Moe as a sign of interest by the Club and the community that a Clock be included within the planning.

Yours sincerely

B Paul

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

We, the undersigned, support a City of Latrobe Clock commemorating fifty years of service by the Rotary Club of Moe be included in the Moe Rail Precinct Revitalisation Project.

NAME	ADDRESS	SIGNATURE
JENNY STANBRIDGE	6 PRUDEN ST. MOE	
BRUCE C. PAULL	78-80. SHALYHAN PRD. NEWB.	
JAMES WILSON	14 STEARMAN NEWB	
MATHEW WILKINSON	38 AS MOE	
David Wood	Brownhill St Moe.	
JULIAN YEAMAN	15 STANBROOK ST MOE	
ROSS MARFIELD	26 BAYLEY ST MOE	
F. DOMALISTORIS	21 SOUTH ST MOE	
John Casson	38 Austin Ave Moe	
Ken Cairns	74 Coalville Rd Moe	
Daniel Barry	4288 Old Sale Rd Moe	
MICHAEL KOED	65 PAUL ST MORWELL	
JEFF STROGAN	421 SOUTH ST MOE	
BILIAN GREGORY	2 RUTHERGLEN RD NEWBOROUGH	
ALAN SINNOTT	40 NEWARK AVE NEWB.	
Ed ACHORN	20 AUDIN COURT NEWB.	
Rhonda Crooks	4 Red Gum Ave, Trefalgar	
Kishor MANANI	111 CAPELANDS RD WARRAGONG	
CHUCK LOYD	101 HOUNSLOW MILLS RD	
JOHN BUTCHINSON	7 CROSS ST NEWBOROUGH	
DIANE WILKINSON	28 MAY ST. MOE	
Barry DOWMAN	80 Daphne Drive Moe	
David Power	52 Albert Street Moe	

BUILT AND NATURAL ENVIRONMENT

11.3.1 PLANNING PERMIT APPLICATION 2011/102 - CONSTRUCTION OF FIVE DWELLINGS ON A LOT, 8 LAUREL STREET, MORWELL

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/102 for the construction of five dwellings on a lot at 8 Laurel Street, Morwell.

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 6 Lodged Plan 128053, known as 8 Laurel Street, Morwell.
Proponent: Mr O Celik
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

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

4.2 **PROPOSAL**

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

Each of the proposed dwellings is single storey. Units 2-5 will be accessed by a common driveway, whereas Unit 1 has separate access to Laurel Street. Units 1 and 2 have secure parking spaces and Units 3-5 car parking is located together. There is a visitor car parking space located within this same common area. Each dwelling will contain two bedrooms, a sole bathroom/laundry and a kitchen/meals living area addressing the designated private open space areas.

Each of the dwellings will be constructed of a range of materials, including face brickwork, timber cladding and a coloured render finish. The roofs will be constructed of tile.

Subject Land:

The subject site is currently vacant, flat and contains no vegetation. The site comprises 978 square metres and abuts Laurel Street along the southern site boundary and The Avenue along the south western boundary, where Laurel Street intersects with The Avenue. The subject site contains a drainage easement along the northern site boundary.

Surrounding Land Use:

North: 1-3/1 Opal Place, Morwell

This site comprises three recently constructed dwellings which have been subdivided. The overall site area for these dwellings is 979 square metres.

1-6/2 Opal Place, Morwell

This site contains six dwellings on separate lots with common property. The overall site area containing these lots is 1040 square metres.

South: 24 The Avenue, Morwell

This site contains a single dwelling and ancillary outbuildings, and is oriented to address both The Avenue and Laurel Street. The site comprises an overall area of 727 square metres.

East: 1-3/6 Laurel Street, Morwell

This site contains three separately titled single storey dwellings with common property. The overall area for this site is 1040 square metres.

West: 1-10/24A and 24B The Avenue, Morwell

This site contains ten dwellings on the site with common property. These dwellings are two storey on an area of approximately 1800 square metres.

4.3 HISTORY OF APPLICATION

The history of the assessment of planning permit application 2011/102 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 five 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 and it is considered to comply with the requirements of Clause 55. The assessment undertaken by officers against Clause 55 of the Scheme has been attached to this report.

The Scheme contains a number of strategies around promoting and supporting well designed infill residential development in areas located close to community facilities. The application is considered to provide for the varied housing needs of the community and caters to Latrobe residents seeking a smaller and more manageable property.

An application was considered by Council at the Ordinary Council meeting on 7 March 2011 for a similar proposal at the same site (Planning Permit Application 2010/325). Council officers had concerns regarding the layout of the car parking particularly in regard to the pedestrian access for Units 4 and 5, and also the security for the car parking spaces for Units 3, 4 and 5. This application was refused by Council and an appeal with the Victorian Civil and Administrative Tribunal is pending.

The permit applicant has largely addressed these issues in regard to Planning Permit application 2011/102 and it is considered that with these changes, the revised design is appropriate.

Following advertising, the application received two submissions in the form of objections. The issues raised by the submitters were:

1. The density of the development.

Officer Comment:

The application has been considered against the relevant requirements of Clause 55 of the Scheme and is considered to be generally appropriate for the site and surrounds. The applicant has provided sufficient secluded private open space for each of the dwellings, with each dwelling providing at least 27 square metres.

The requirements in regard to car parking have been satisfied and adequate landscaping has been provided both within and around the development to soften the impact of the appearance of the dwellings.

2. The increase in traffic movements in the area.

Officer Comment:

Council's Infrastructure Planning team have considered 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 five dwellings would result in an additional 40 vehicle movements over a 24 hour period (than what would occur 'as of right'). It is considered that the additional vehicle movements are unlikely to result in any unacceptable impacts on the amenity or safety of the area.

3. The impact of the development on the collection of waste.

Officer Comment:

It is considered that the road is sufficient in width to accommodate waste collection vehicles and arrangements can be made within the road for collection.

4. The provision of car parking within the development, in regard to number of spaces and also layout of the spaces.

Officer Comment:

Clause 55.03-11 requires that for every five dwellings, one visitor car parking space should be provided. A visitor car parking space has been provided within the car parking area adjacent to Unit 5. The permit applicant has demonstrated that the required number of spaces has been provided and the vehicles are able to appropriately manoeuvre within the development to be able to exit the site in a forward direction.

5. The inappropriate setback to the street.

Officer Comment:

The adjoining lots to both Laurel Street and The Avenue provide 5 and 6 metre setbacks to roads. The proposal is generally consistent with these setbacks. This setback is reduced to 3 metres at the intersection of The Avenue and Laurel Street and no front fences are proposed within this area.

Council's Infrastructure Planning team have assessed this aspect of the proposal and there are no concerns with the safety of road users or vehicles accessing the subject land.

The proposed front setback is generally considered to be acceptable, and will not have a detrimental impact on the amenity of the streetscape.

6. Sight distance issues at the intersection of Laurel Street and The Avenue.

Officer Comment:

It is considered that there will not be any sight distance issues associated with road users. The location of the vehicle crossovers to The Avenue and Laurel Street are sufficiently located in accordance with Council's vehicle crossing policy.

7. Amenity concerns throughout the construction stage.

Officer Comment:

If a planning permit is to be issued, planning permit conditions will ensure the appropriate management of the development throughout the construction stages.

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.

Notice was also provided to Gippsland Water in accordance with Section 52(1)(d) of the Act.

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 who 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 two submissions in the form of objections received to the application. A planning mediation meeting did not occur as the permit applicant did not wish to proceed to mediation.

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 certain strategic directions of the State Planning Policy Framework;
- Consistent with certain strategic directions of the Local Planning Policy Framework;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with certain provisions of Clause 55 (Two or More Dwellings on one Lot); and
- Consistent with certain provisions of 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 Planning Permit, for the construction of five dwellings on a lot at 8 Laurel Street, Morwell, subject to the following conditions:

Amended Plans Condition:

1. Prior to the commencement of works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) The change of direction at the entry to the garage of unit 2 and to the car port of unit 3 must have an internal radius of at least 4.0 metres or the parking layout plan must include vehicle swept path diagrams to show that vehicles can easily access these car spaces to the satisfaction of the Responsible Authority;
 - b) The proposed car ports for Units 3, 4 and 5 and the visitor car parking space must be lengthened so as to be a minimum of 6 metres long;
 - c) The location and layout of the vehicle crossings to access the subject land shall be shown to comply with Latrobe City Council's vehicle crossing standard layout and at the property line, the vehicle crossing to Unit 1 must be located a minimum of 1 metre from the side boundary of the property.

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.

No Changes to Plans Condition:

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

Landscaping Conditions:

3. Prior to the commencement of works, a landscape plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plans provided, but must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundaries;

- c) Details of all surface finishes of pathways and driveways;
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) Landscaping and plantings within all open areas of the site;
- f) At least seven canopy trees (minimum two metres tall when planted) throughout the site.

All species must be selected to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be to scale and three copies must be provided.

- 4. Within three months of the completion of works, or by such a date as is approved by the Responsible Authority in writing, the landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
- 5. The landscaping as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Site Management Conditions:

- 6. 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 buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, grit or oil;
 - d) Presence of vermin;

or otherwise to the satisfaction of the Responsible Authority.

- 7. All garbage and other waste material must be stored inside the land and set aside for such purpose to the satisfaction of the Responsible Authority.
- 8. 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.

9. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, exhausts and communications equipment must be to the satisfaction of the Responsible Authority.
10. Construction works on the land must be carried out in a manner which does not result in damage to existing Council assets and does not cause detriment to any adjoining land owners or occupiers.
11. External lighting must be designed, baffled and located so as to prevent any adverse affect on adjoining land to the satisfaction of the Responsible Authority.
12. Once buildings works have commenced they must be completed to the satisfaction of the Responsible Authority.
13. 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.
14. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Engineering Conditions:

15. Prior to the commencement of any works hereby permitted, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. The drainage plan must be in accordance with the requirements of Latrobe City Council 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 storm water detention within the site and prior to the point of discharge into the 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 runoff of 0.4 was applied to the whole property area.

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

16. 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.
 17. Prior to the issue of a Certificate of Occupancy, or by such a date agreed to in writing by the Responsible Authority, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) All drainage works must be constructed in accordance with the approved site drainage plan;
 - b) All proposed vehicle crossings shall be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - c) The areas set aside for vehicle access and vehicle parking areas shown on the endorsed plans must be constructed in accordance with the endorsed plans, surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt, drained in accordance with the approved site drainage plan and parking spaces line marked.
 18. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously usable condition 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.

Notes:

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

2. This permit does not authorise the commencement of any building construction works. Before any such development commences, the operator of this permit must obtain appropriate building approval.
3. Unless exempted by the Responsible Authority, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). The Responsible Authority must be notified in writing of any proposed building 7 days prior to any building works commencing or materials/equipment being delivered to the site.
4. 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 within this Planning Permit.
5. A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Council's drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority prior to any backfilling of the connection.
6. 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/.
7. Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement shall be in accordance with the requirements of the relevant authority and will be at the expense of the operator of this permit.

Moved: Cr Vermeulen

Seconded: Cr Harriman

That the Recommendation be adopted.

For the Motion

Councillor/s Vermeulen, Harriman and White.

Against the Motion

Councillor/s O'Callaghan, Gibson, Middlemiss and Lougheed.

The Mayor confirmed that the Recommendation had been LOST.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Motion be adopted.

That Council refuses to grant a planning permit for the construction of five dwellings on a lot at 8 Laurel Street, Morwell, on the following grounds:

- 1. The proposal is inconsistent with the strategic direction of the State Planning Policy Framework, more particularly Clauses 11.02 (Urban Growth), 15.01 (Urban Environment), 16.01 (Residential Development), and 18.02 (Movement Networks).**
- 2. The proposal is inconsistent with the strategic direction of the Local Planning Policy Framework, more particularly Clauses 21.04-5 (Urban Design Overview), 21.05-2 (Main Towns Overview), 21.08-2 (Liveability Overview) and 21.08-3 (Healthy Urban Design Overview).**
- 3. The proposal is inconsistent with the purpose of the Residential 1 Zone, in that the proposal is inconsistent with the Latrobe Planning Scheme and does not support the existing or preferred character of the area.**
- 4. The proposal is inconsistent with the decision guidelines of the Residential 1 Zone, in that the proposal is inconsistent with the Latrobe Planning Scheme and Clause 55.**
- 5. The proposal is inconsistent with the purpose and objectives of Clause 55, in that the design response of the proposal does not adequately response to the features of the site, and the proposal does not comply with Standard B11 (open space objective), B12 (safety objective), B14 (access objective), B15 (parking location objective), B26 (dwelling entry objective) and B28 (private open space objective) of Clause 55.**

- 6. The proposal is inconsistent with the decision guidelines of Clause 65, in that the proposal does not represent orderly planning of the area, and will result in a detrimental impact on the amenity of the area due to overdevelopment of the site.**

CARRIED UNANIMOUSLY

ATTACHMENTS

ATTACHMENT 1
History of Application

DATE	EVENT
4 April 2011	Application received by Responsible Authority.
2 May 2011	Additional information was received from the permit applicant in support of the application.
16 May 2011	<p>On behalf of the permit applicant, Council officers undertook the notice requirements by sending letters to adjoining land owners. 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>Internal referrals were provided to Council's Project Services and Property and Rates teams for consideration.</p>
1 June 2011	Two submissions in the form of objections were received to the application.
8 July 2011	Council's Infrastructure Planning team provided conditional consent to the granting of a planning permit.

ATTACHMENT 2
Relevant Clauses of
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 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 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
Copy of Proposed Plans

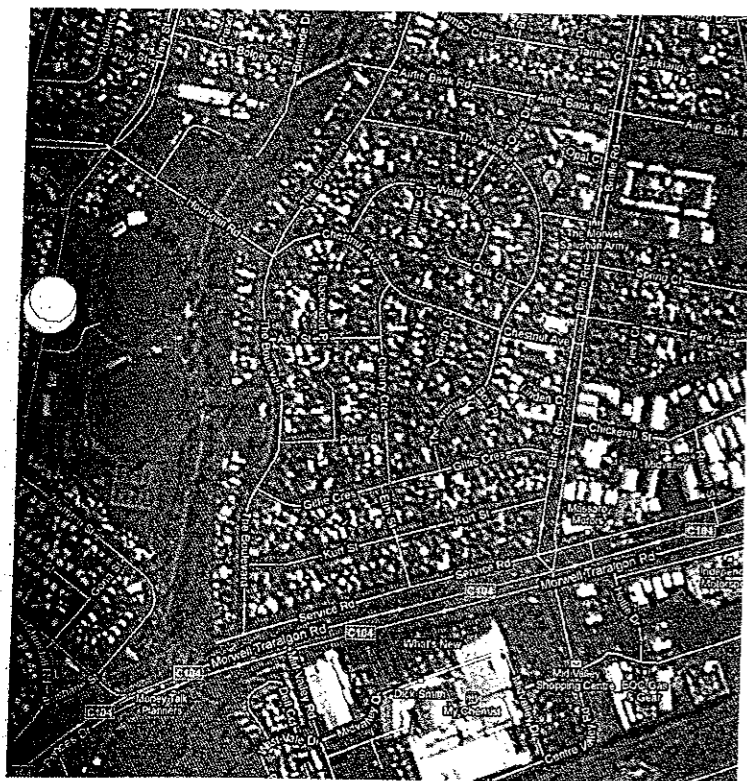


Laurel Street - view to subject site



Contextual Photos

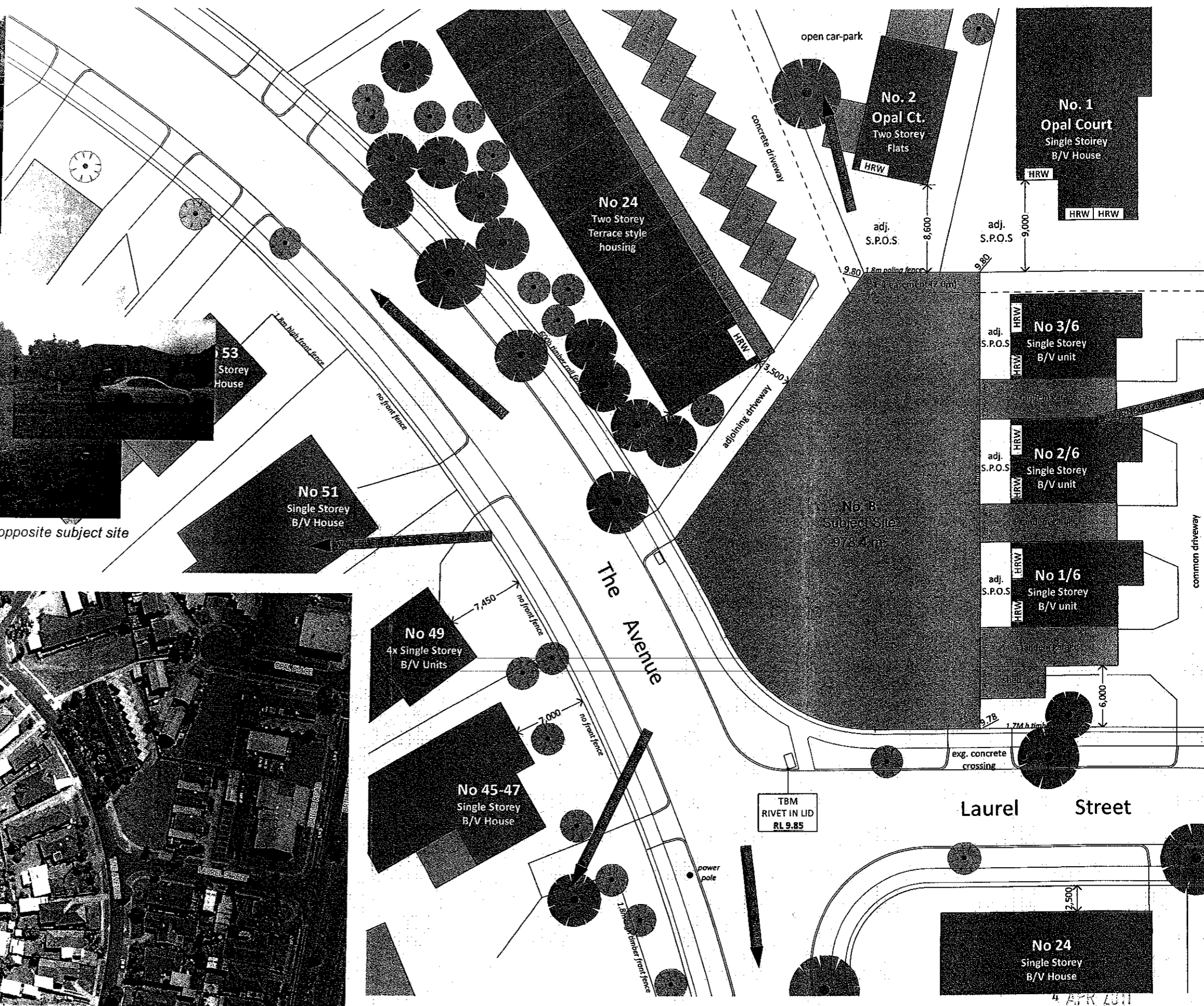
Laurel Street - view opposite subject site



Aerial Location



Aerial View



Neighbourhood & Site Description

Issue:	Drawn:	Checked:	Date:
22.07.10 : Preliminary			
07.10.10 A: TP Submission			
31.03.11 B: TP Submission			



Project:
Proposed Residential Development
8 Laurel Street MORWELL VIC 3840
Client:
TSC Homes P/L
Drawing Title:
Neighbourhood & Site Description

Print Date:
1/04/11
Scale:
1:200@A1
or 1:400@A3

Drawn:
SE
Checked:
MV

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Job No. 10137
Sheet No. TP.01.B

All Contractors must check dimensions on site prior to commencement of any works

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Design Response Statement

From the *Neighbourhood and Site Description*, a development is proposed that can take advantage of the site area and local amenity.

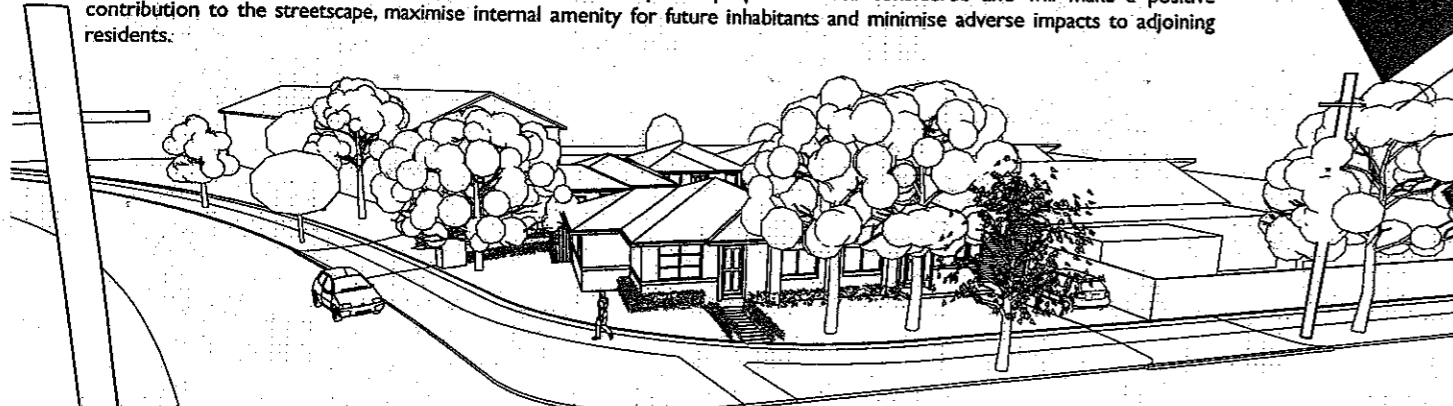
The nature and topography of the site precludes the location of a main crossing and driveway along the west boundary with a front setback of 6.0m that is in keeping with Standard B6 of the planning scheme. Side set-backs that minimise impacts of overshadowing are also adopted.

The vernacular of an articulated veneer with high-light elements in the form of feature materials, screens and other elements is adopted to tie in with elements of the existing built form in the area. The proposal is further articulated to add detail in the form of more contemporary finishes & window arrangements conducive to contemporary living.

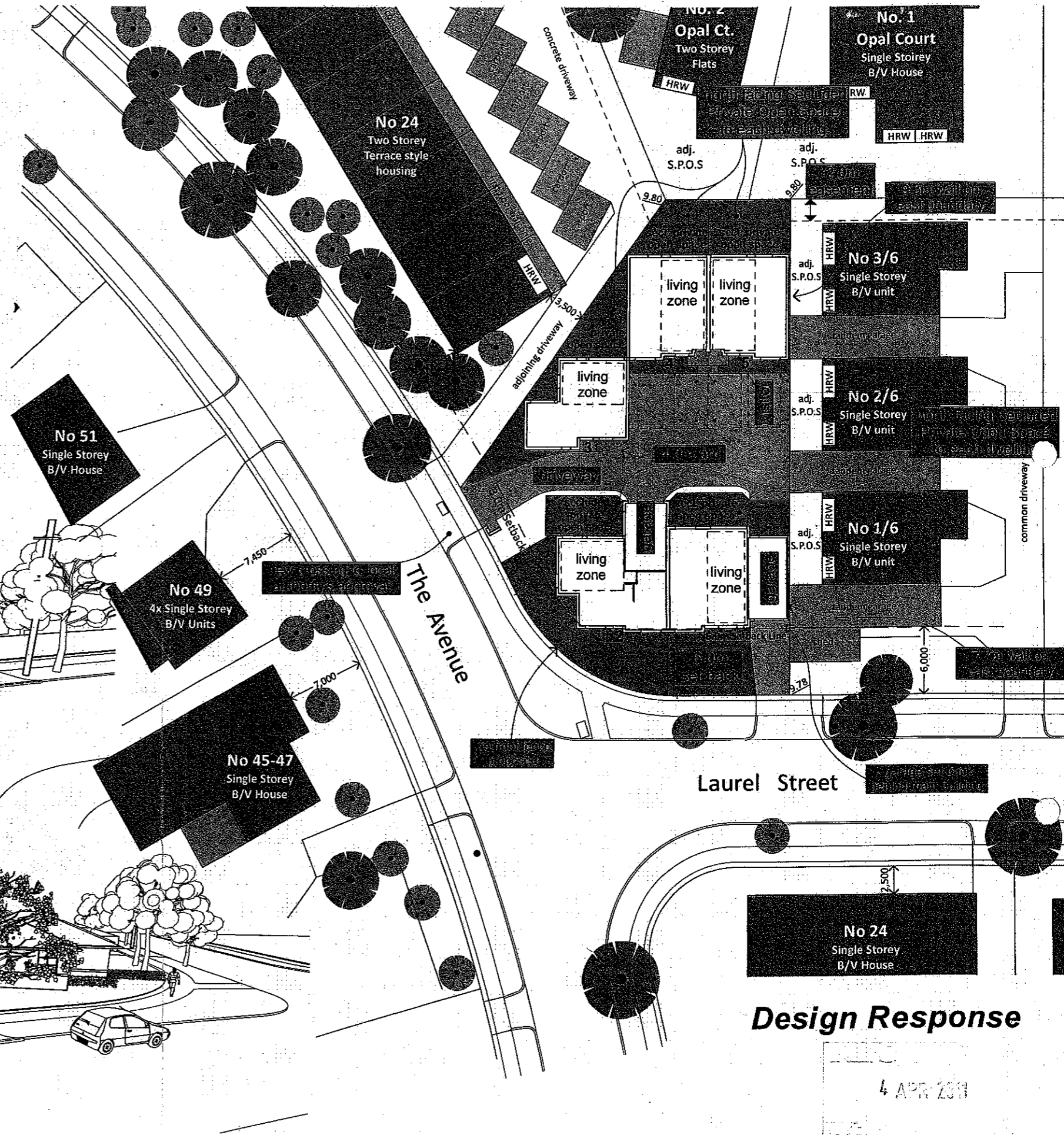
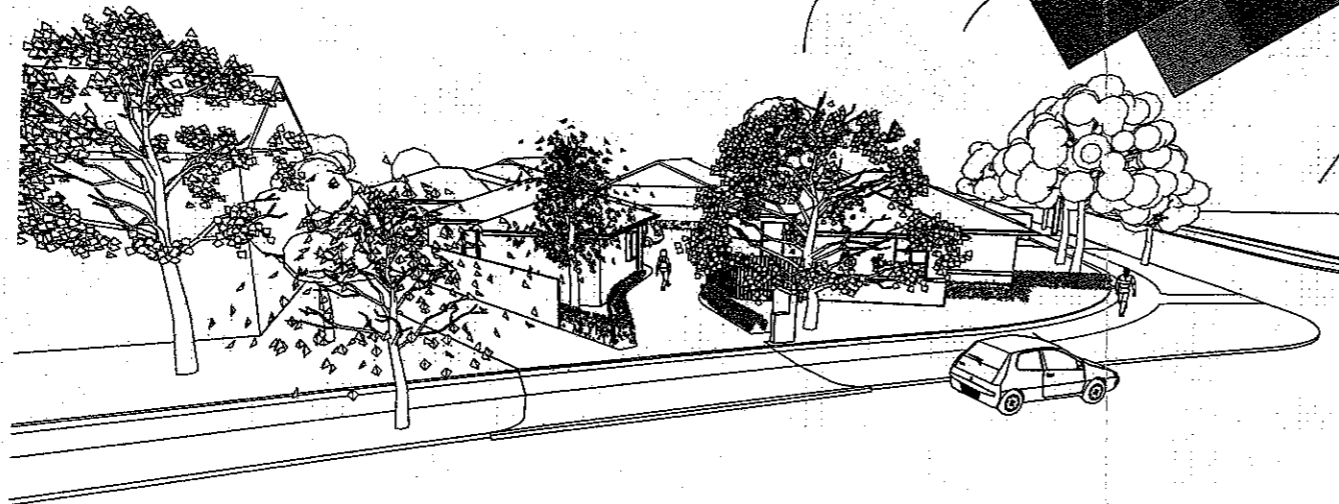
The proposal has been designed to:

- Respond as much as practicable to the mixed building style of the immediate surrounds.
- Provide for zoned living areas immediately adjoining Secluded Private Open Spaces.
- Follow the existing contours of the land.
- Ensure **minimal shadows** to S.P.O.S. (Secluded Private Open Space) of adjoining dwellings
- Ensure **no overshadowing** to any adjoining H.R.W. (Habitable Room Window)
- Ensure **no overlooking** to the S.P.O.S. or H.R.W. of any adjoining dwelling.

It is submitted that the *Design Response* and the development proposal is well considered and will make a positive contribution to the streetscape, maximise internal amenity for future inhabitants and minimise adverse impacts to adjoining residents.



Indicative Perspectives



Design Response

4 APR 2011

Issue:	Date:	By:
22.07.10 : Preliminary		
07.10.10 A: TP Submission		
31.03.11 B: TP Submission		



Project:
Proposed Residential Development
8 Laurel Street MORWELL VIC 3840
Client:
TSC Homes P/L
Drawing Title:
Design Response

Print Date:
1/04/11
Scale:
1:200@A1
or 1:400@A3

Drawn:
SE
Checked:
MV

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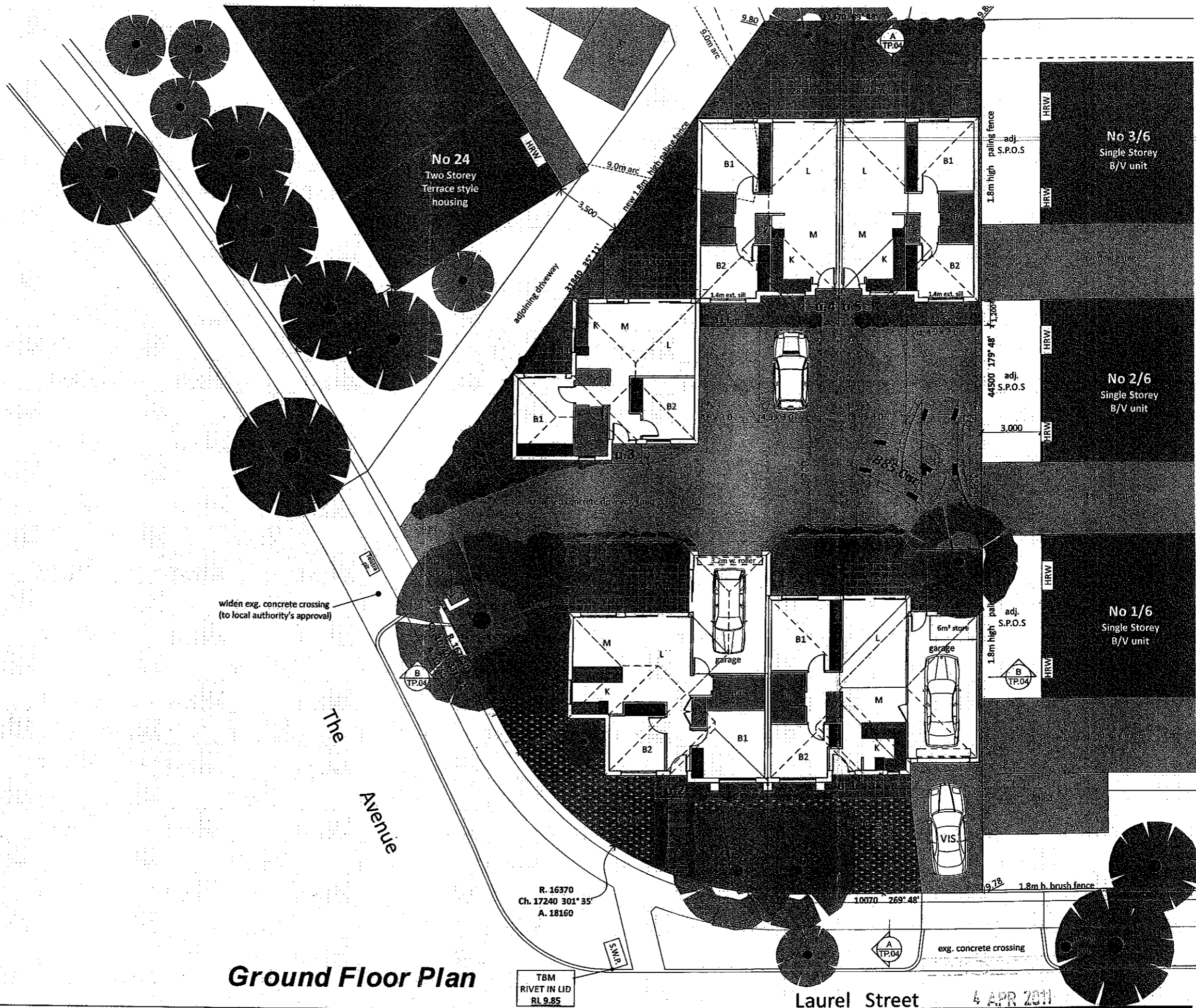
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Area Schedule

Site Area	978.4 m ²	
Site Coverage (Building Footprint)	436.1 m ²	44.6%
Permeability	362.3 m ²	37.0%

Unit	Area (m ²)	Beds	Cars
Unit 1			
Living	67.0	7.2 Sq.	2
Garage	27.8	3.0 Sq.	1
Private Open Space	78.0		
Unit 2			
Living	71.5	7.7 Sq.	2
Garage	23.6	2.5 Sq.	1
Private Open Space	105.6		
Unit 3			
Living	65.6	7.1 Sq.	2
Car Space	15.0	1.6 Sq.	1
Private Open Space	54.8		
Unit 4			
Living	67.8	7.3 Sq.	2
Car Space	15.0	1.6 Sq.	1
Private Open Space	40.0		
Unit 5			
Living	67.8	7.3 Sq.	2
Car Space	15.0	1.6 Sq.	1
Private Open Space	47.9		
Visitor Car Space			2
Total Car Spaces			7



Ground Floor Plan

Issue:	
22.07.10 : Preliminary	
07.10.10 A: TP Submission	
31.03.11 B: TP Submission	



Project:
Proposed Residential Development
8 Laurel Street MORWELL VIC 3840
Client:
TSC Homes P/L
Drawing Title:
Floor Plans

Print Date:
1/04/11
Scale:
1:100@A1
or 1:200@A3

Drawn:
SE
Checked:
MV

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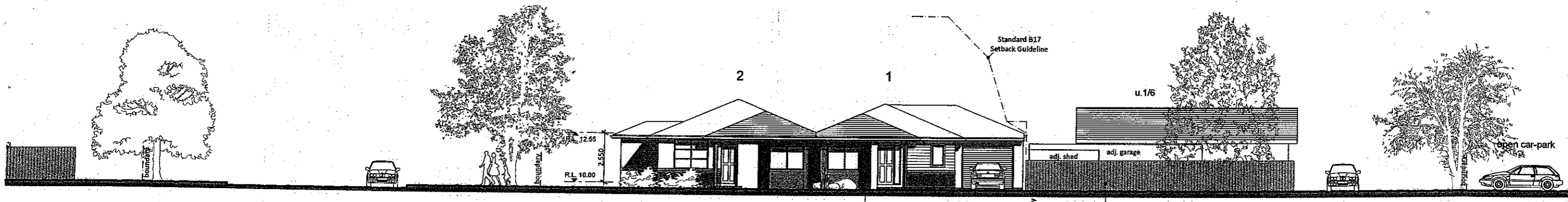
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Job No. 10137
Sheet No. TP.03.B

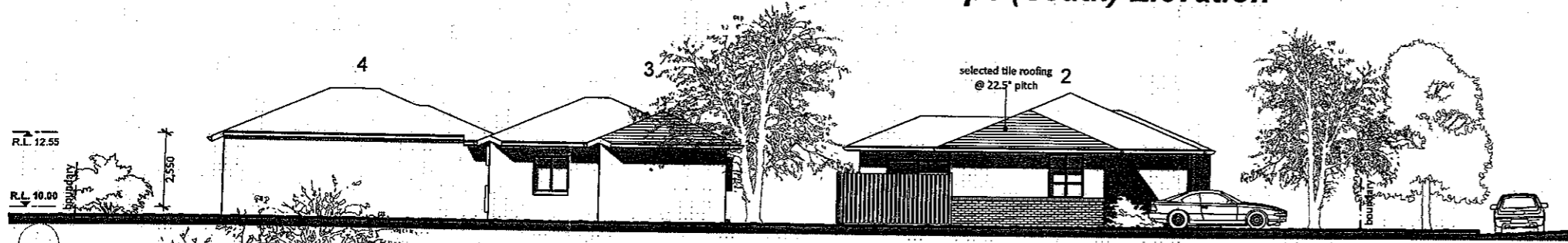
4 APR 2011

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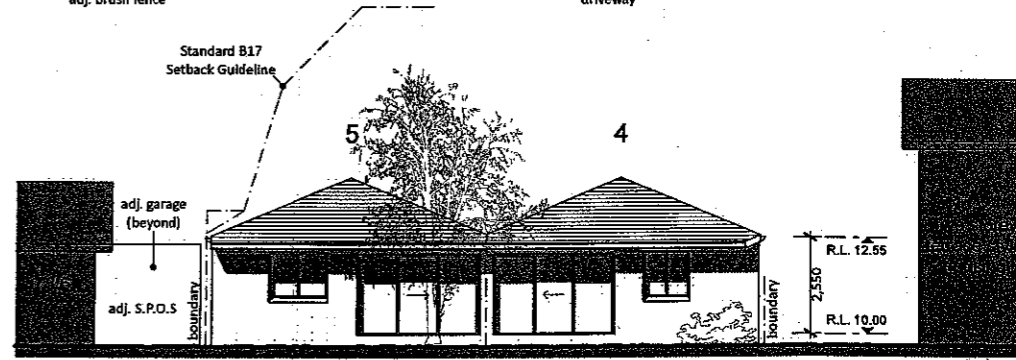
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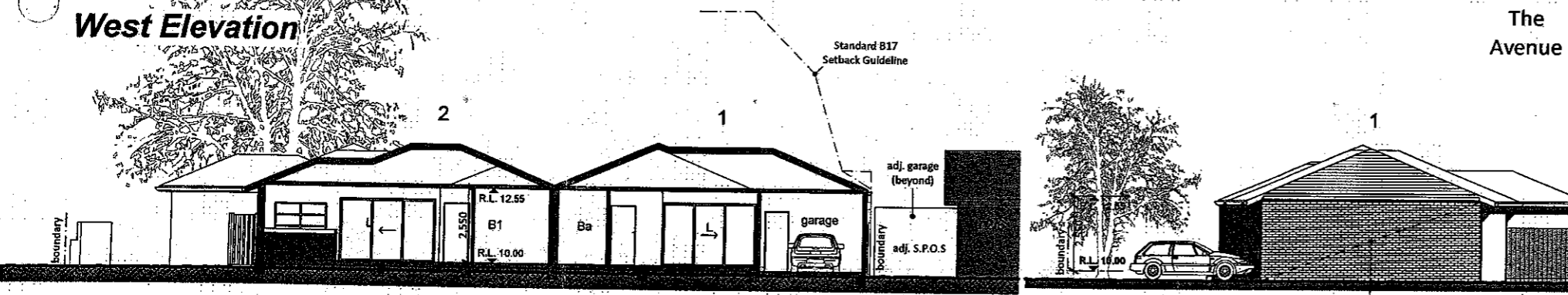
The Avenue
Streetscape (South) Elevation



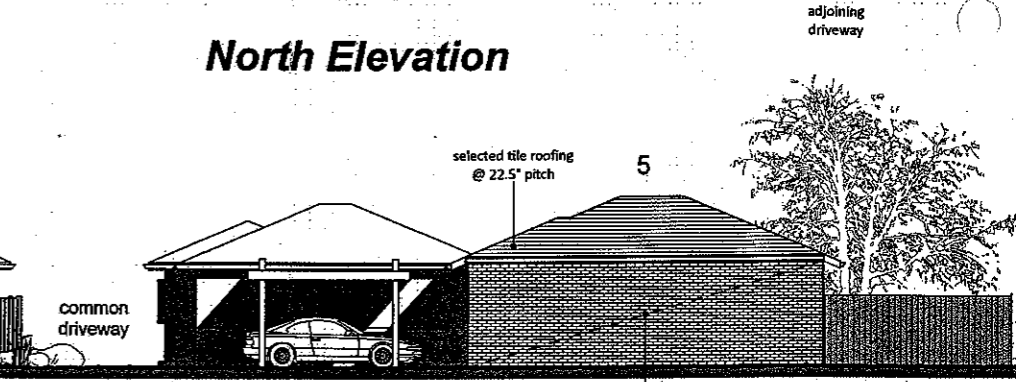
West Elevation



The Avenue
North Elevation

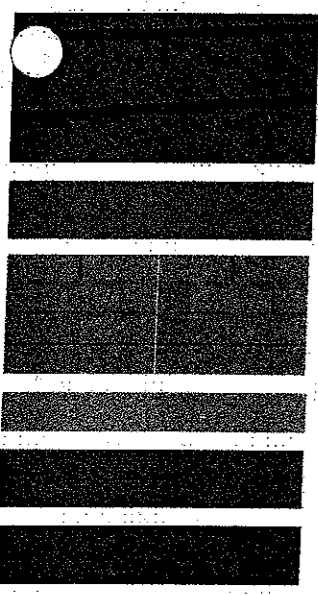


Section B-B

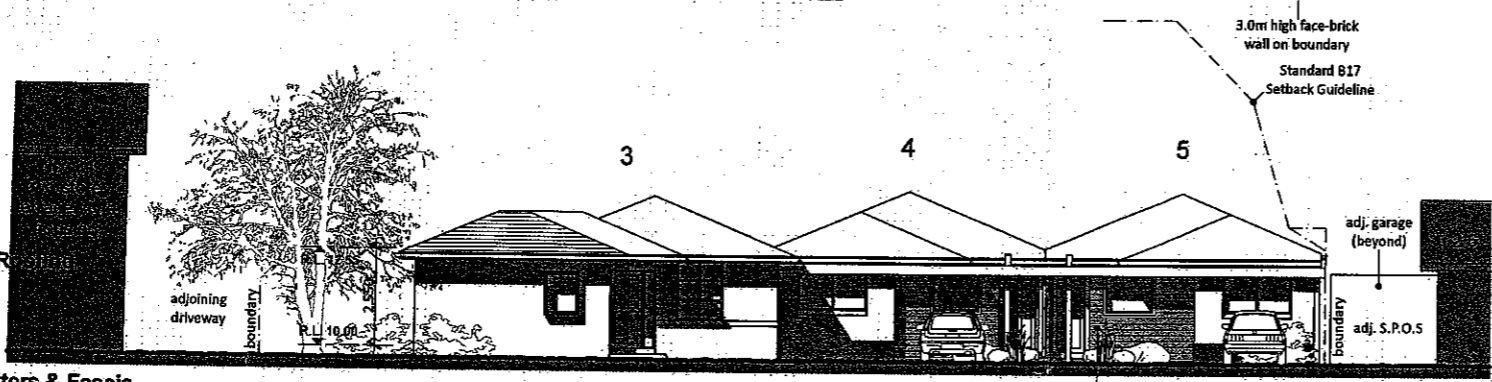


East Elevation

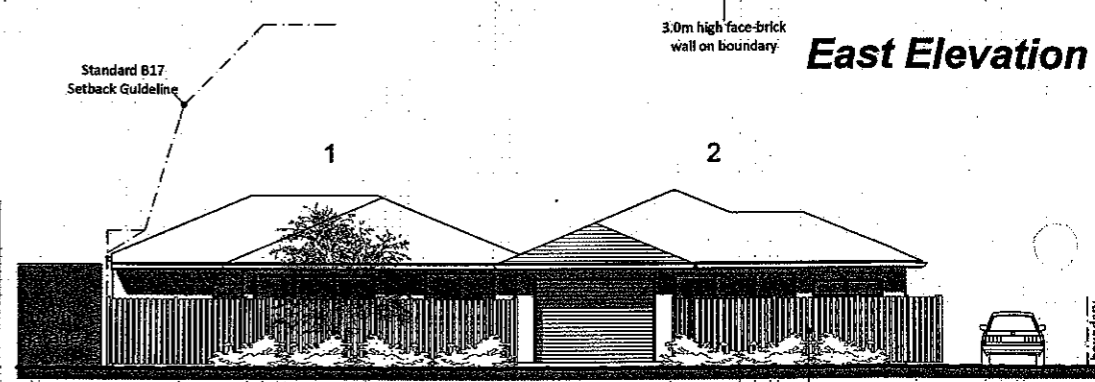
Materials Schedule



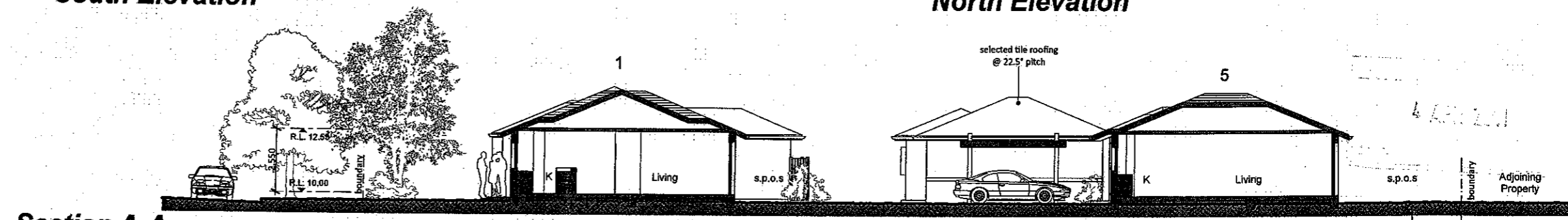
- Concrete Tile Roof
Charcoal
- Colorbond Gutters & Fascia
Bushland
- Face Brickwork
Boral - Nevada Cream
- Aluminium Windows
Surf Mist
- Coloured Render
Taubmans Foxdale
- Coloured Concrete Driveway
Dark Grey



South Elevation



North Elevation



Section A-A

Issue:

22.07.10	: Preliminary
07.10.10 A:	TP Submission
31.03.11 B:	TP Submission

Project:
Proposed Residential Development
8 Laurel Street MORWELL VIC 3840
Client:
TSC Homes P/L
Drawing Title:
Elevations

Print Date:
1/04/11
Scale:
1:100@A1
or 1:200@A3

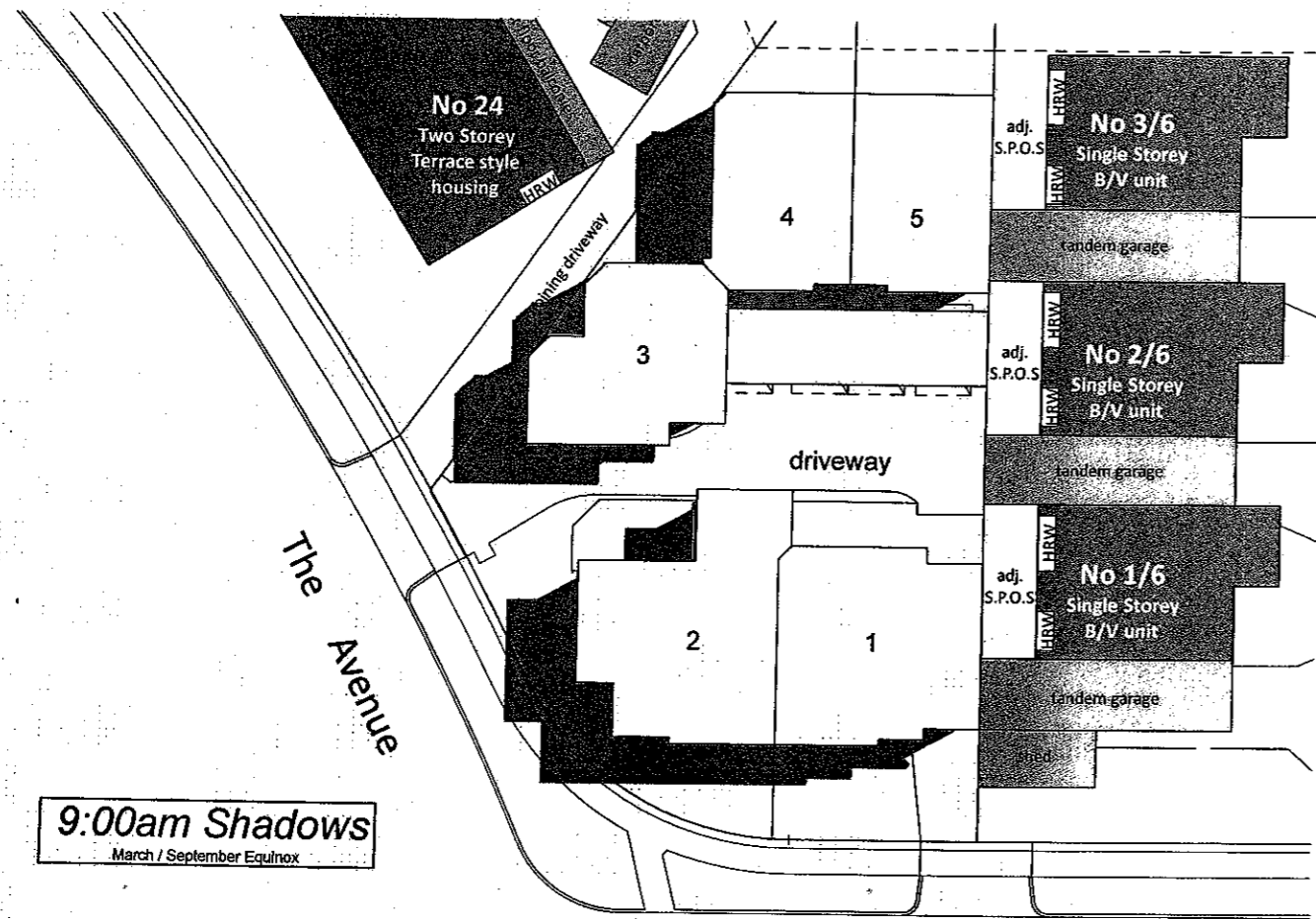
Drawn:
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Checked:
MV

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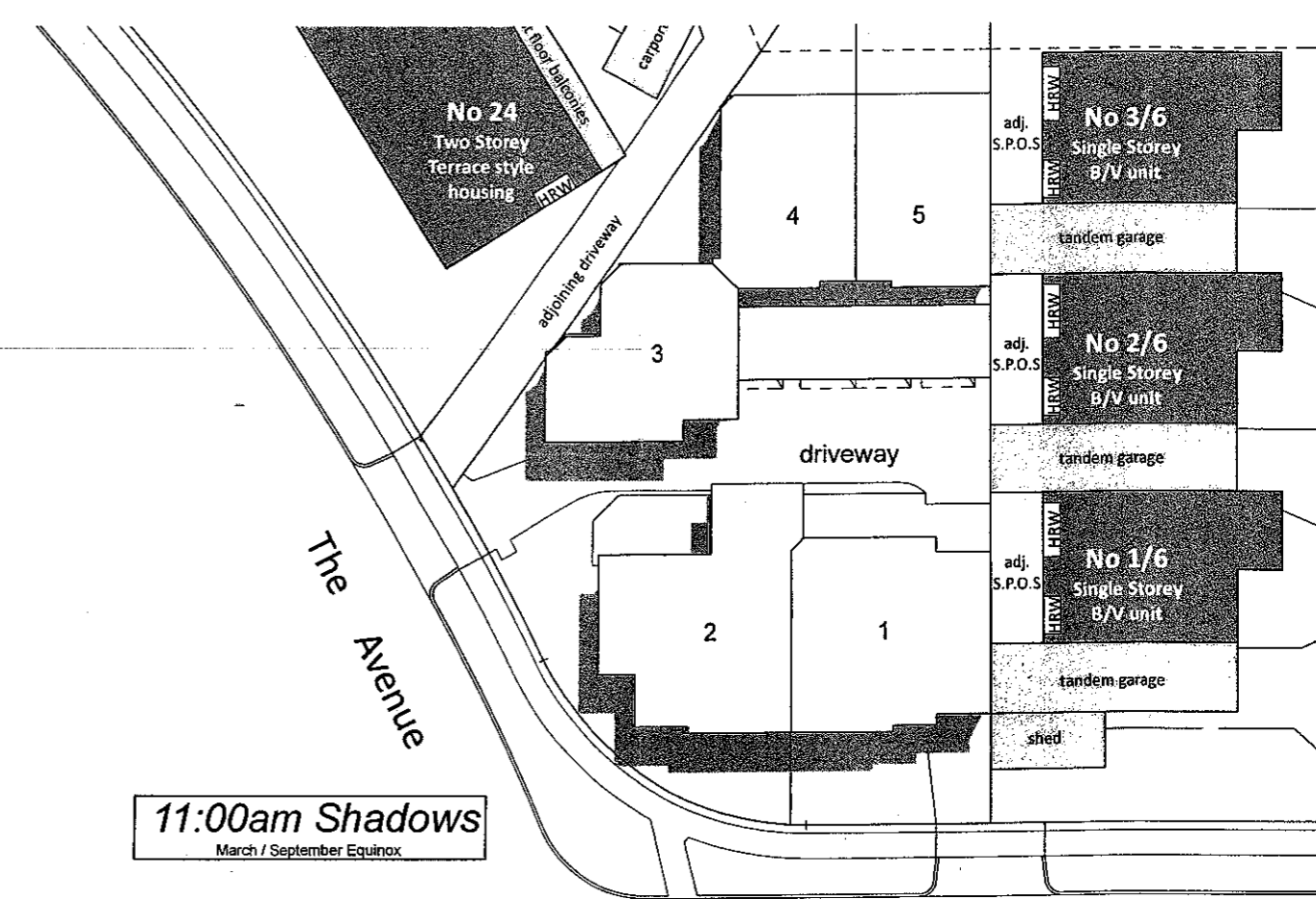


Sheet No.
TP.04.B
Job No.
10137

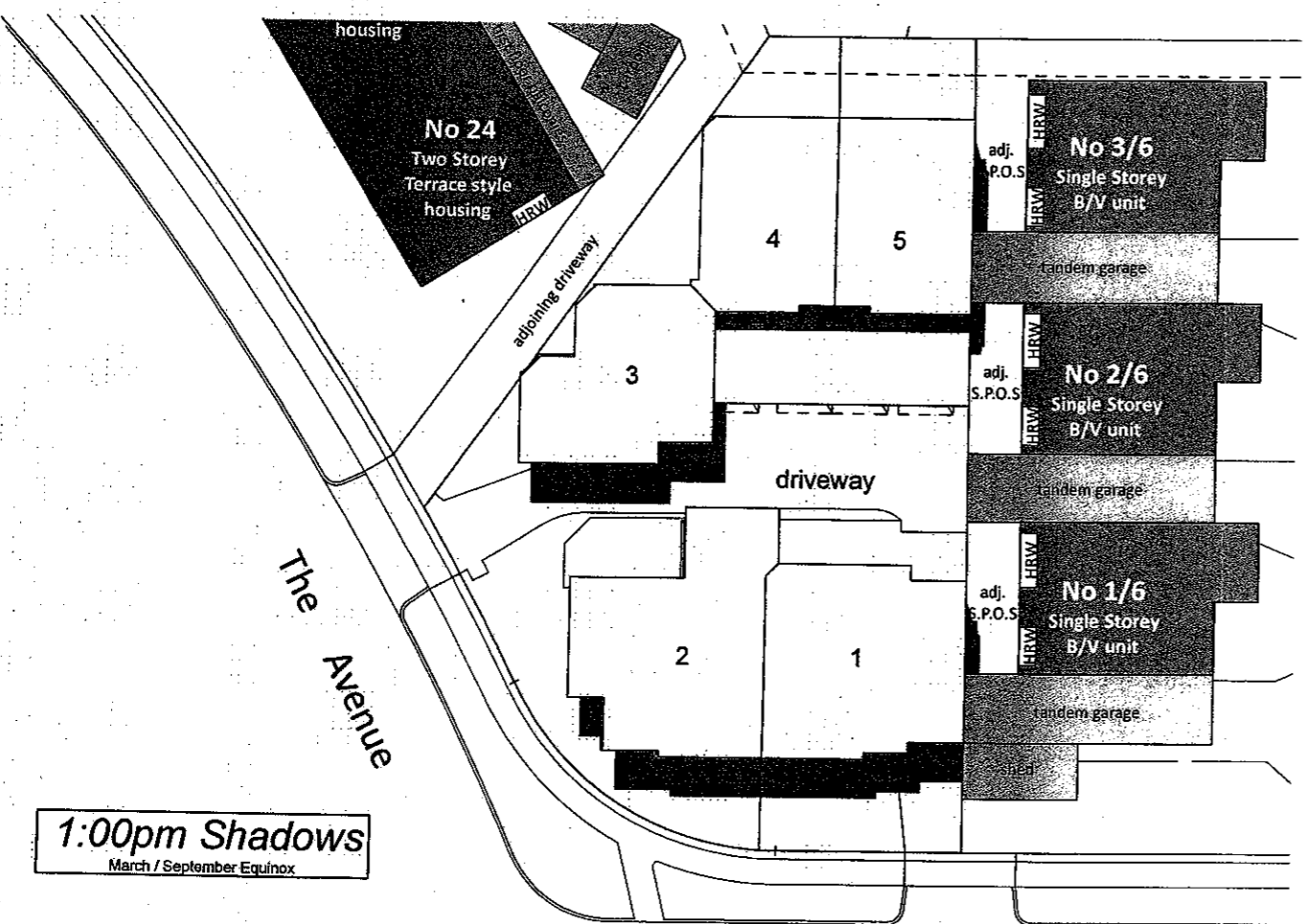
All Contractors must check dimensions on site prior to commencement of any works



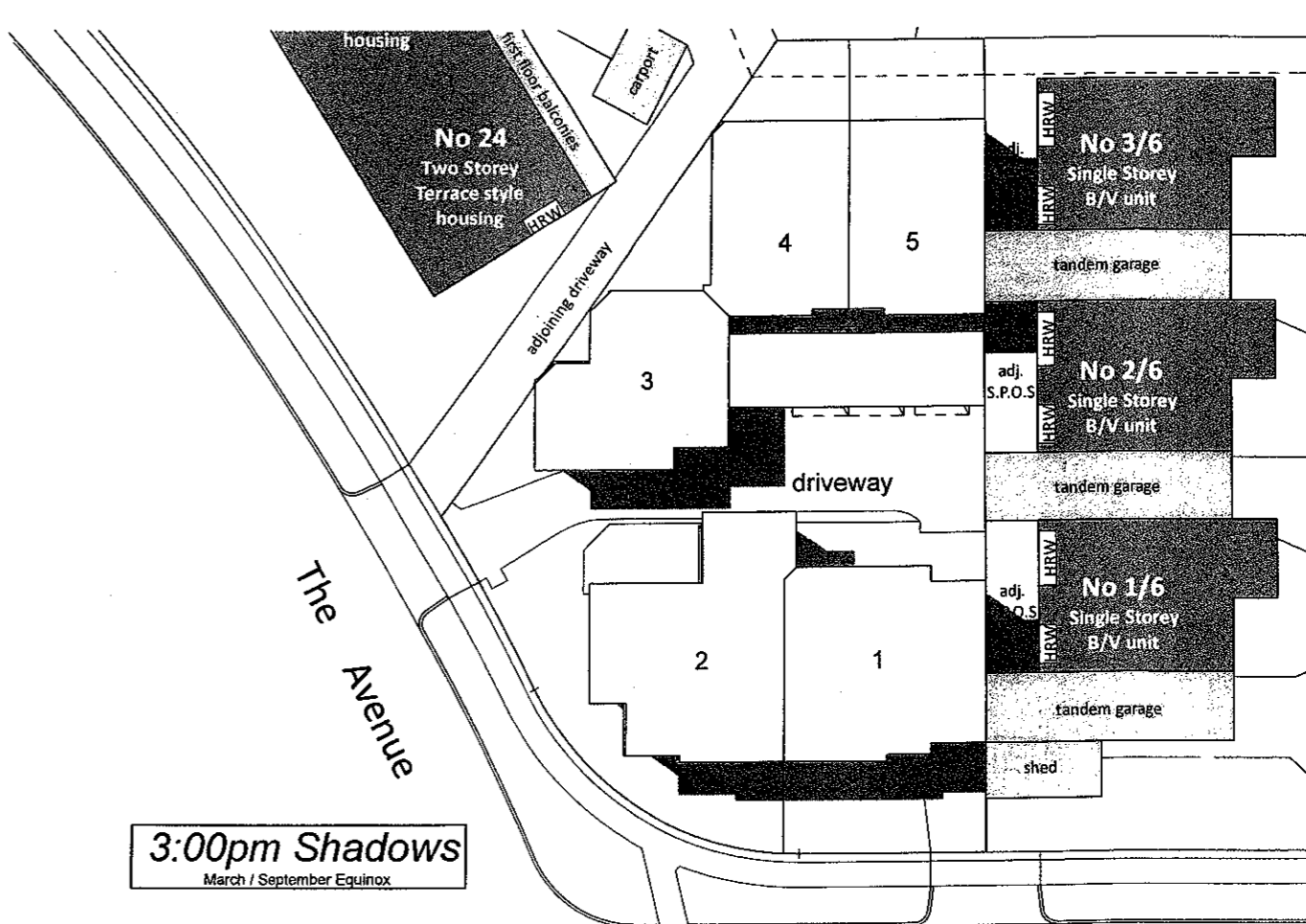
9:00am Shadows
March / September Equinox



11:00am Shadows
March / September Equinox



1:00pm Shadows
March / September Equinox



3:00pm Shadows
March / September Equinox

Issue:	
22.07.10 : Preliminary	
07.10.10 A: TP Submission	
31.03.11 B: TP Submission	



Project:
Proposed Residential Development
8 Laurel Street MORWELL VIC 3840
Client:
TSC Homes P/L
Drawing Title:
Shadow Diagrams

Print Date:
1/04/11
Scale:

Drawn:
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ATTACHMENT 4
Copies of Submissions

Mark & Karen Ballard

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

01 JUN 2011

p w 216
Tom

30th May 2011

R/O: Doc No: 653591

Dear Sir,

Comments/Copies Circulated to: Recd 31/5/11

Copy registered in DataWorks Invoice forwarded to accounts

Re - **CONSTRUCTION OF FIVE DWELLINGS ON LOT - 8 LAUREL STREET
MORWELL VIC 3840 - Application Reference 2011/102**

I am lodging the following objections to the above application

Car parking and traffic. Both Laurel Street and The Avenue in this area are already over run with vehicles parked on the side of the road at any given time. This is most evident after working hours when people are home from work. Also if The Salvation Army second hand shop is open, or the church itself is having a function, driving is chaos, with my driveway often being blocked resulting in me being unable to leave my own home. Or conversely, being unable to park in my own driveway.

On garbage days There is often vehicles parked in front of my bin resulting in it being unable to be emptied. This occurs whether or not I place the bins on The Avenue or on Laurel Street.

Pick up Time from the High School - Laurel Street is lined with cars of parents picking up their children at school time making it extremely dangerous to even enter the street at this time.

The density of the development is excessive - Not enough living space or parking space has been allocated in order to prevent or minimise excessive traffic noise and congestion.

Parking Spaces in the development - I do not believe that the parking spaces allocated to the development are either sufficient in number (there are more 2 car families in this area than there are 1 car families) and as such would contribute to the number of cars parked on both The Avenue and Laurel St, thus making it unsafe to drive, especially at night, or large enough. I drive a 4WD and so do other people. You would be lucky to turn a medium sized station wagon in the space allocated.

In general, if this proposal were to go ahead in its current form, it would greatly add to the already heavy traffic and parking congestion possibly increasing the frequency of traffic complaints and incidents, endanger the life of residents and users of both Laurel St and The Avenue particularly that of the school children, and elderly residents. On the basis of these reasons I believe that you should not grant the requested planning permit in its current form.

I would appreciate it if you kept me informed on the progression of this permit application and any decisions that council makes.

Yours sincerely



Karen Ballard

Tom

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 01 JUN 2011	
R/O:	Doc No: 653590
Comments/Copies Circulated to: Read 3/15/11	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

3840
29/05/2011

Latrobe City,
Chief Executive Officer
Attn Statutory Planner
(Mr. T. Verco)

Please refer to your letter dated 16/05/2011 Ref 2011/102 regarding the proposal to construct five dwellings on lot 8 Laurel Street Morwell. Application reference Number 2011/102

Statement of grounds for objection.

The 3 Metre set back on The Avenue will seriously reduce visibility for the drivers of vehicles entering The Avenue from Laurel Street. The set back should be increased to 6 Metres as is normal for The Avenue in this location.

The off street parking arrangements for dwellings U2-U3-U4 is very congested and entry is restricted. The access to the single visitor parking space is restricted and difficult to locate. The space is not visible to a visitor.

As far as I can determine there is no legal kerb side parking available in front of No. 8 Laurel Street. Dwellings of this type (high density) require additional parking spaces to accommodate occupants with more than one vehicle. Where these additional parking spaces requires consideration before these dwellings are constructed.

As an example, the occupants of adjacent dwellings (ten units 24A—2B) built in the 1970s regularly park at the kerb side overnight and at the week ends even though there is at least 14 off street parking spaces on the property. Up to four vehicles can be found parking at the kerb over long periods.

During the construction phase all machinery materials and plant should be confined to the actual property. Using the nature strip or the kerb even as a temporary construction area should be prohibited.

Yours sincerely

B. O'Sullivan.



ATTACHMENT 5
Locality Plan



Subject Site



ATTACHMENT 6
Clause 55 Assessment

Clause 55 Objectives
 Application Number: 2011/102
 Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE
 Property address: 8 Laurel Street, MORWELL Land Area: 1005 square metres
 Assessing Officer: Tom Vercoe

Standard Number	Standard	Latrobe City Officer Comments
Standard B1	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>A neighbourhood and site description plan has been submitted as part of the proposal. Photos have also been provided.</p> <p>Standard and Objective generally met</p>
Standard B2	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>A brief written assessment against the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) of the Scheme has been provided.</p> <p>An assessment against Clause 55 of the Scheme has been submitted as part of the application.</p> <p>Standard and Objective generally met.</p>
Standard B3	<p>Developments of ten or more dwellings should provide:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Standard B3 applies to development of ten (10) or more dwellings only. The proposal only seeks approval for five dwellings.</p> <p>Not applicable</p>
Standard B4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p>	<p>The subject site is located within an established residential area.</p>

		<p>The subject site is not adjacent to any existing public open space.</p> <p>Standard and Objective generally met</p>
<p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, the distance specified in Table B1. 		<p>The subject site is on a corner. Whilst there is an existing building on the abutting allotment, the building is not orientated towards Laurel Street but towards an internal accessway.</p> <p>Accordingly, the proposed 6m frontage setback is considered appropriate for unit 1.</p> <p>The minimum frontage setback for Unit 2 is only approximately 2.5m (at the corner), which appears to be under the B6 requirements. However, in consideration that Unit 2 seeks to match the proposed frontage setback of Unit 1, it is reasonable to consider that the proposed frontage setback for Unit 2 is appropriate.</p> <p>Units 3 – 5 are all orientated towards an internal accessway, Standard B6 does not strictly apply.</p> <p>Standard not met but Objective generally met</p>

Clause 55 Objectives
Application Number: 2011/102
Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE
Property address: 8 Laurel Street, MORWELL **Land Area: 1005 square metres**
Assessing Officer: Tom Vercoe

	<p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Standard and Objective met</p> <p>It is reasonable to consider that the proposed development has generally been designed to make appropriate use of solar energy.</p> <p>All the secluded private open space and living areas are to be located on the north side of the development, with direct access to (northern) daylight. This arrangement is considered to be ideal, having regard to the orientation of the subject site. Opportunities for north-facing windows have been maximised where possible.</p> <p>The single-storey development is unlikely to have any impact upon the energy efficiency of existing dwellings on adjoining lots. There are also no north-facing windows nearby.</p>
<p>Standard B10</p>	<p>Standard and Objective met</p> <p>It appears that no public / communal open space is proposed on site, other than the common driveway and the strip of landscaping along the driveway.</p> <p>There are no public or communal open space adjacent to the subject site.</p>	<p>Standard B11</p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site.

Clause 55 Objectives
Application Number: 2011/102
Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE
Property address: 8 Laurel Street, MORWELL **Land Area: 1005 square metres**
Assessing Officer: Tom Vercoe

	<p>protection of buildings.</p> <ul style="list-style-type: none"> • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. 	
<p>Standard B14</p>	<p>Accessways should:</p> <ul style="list-style-type: none"> -Be designed to allow convenient, safe & efficient vehicle movements and connections within the development and to the street network. -Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. -Be at least 3 metres wide. -Have an internal radius of at least 4 metres at changes of direction. -Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the access serves ten or more spaces and connects to a road in a Road Zone. 	<p>Width of the central accessway varies in length, from around 3m to 5.2m. The central accessway is to service Units 2-5, for a total of 5 car spaces.</p> <p>A separate crossover / driveway is provided for Unit 1.</p> <p>The number and location of the crossovers are generally considered acceptable, in consideration of the context of the site.</p> <p>The vehicle swept path shown on the plan demonstrates that vehicles can exit the development in a forwards direction.</p> <p>The width of the accessways do not exceed 33% of either of the street frontages.</p> <p>The application will also be referred to Council's Infrastructure Planning for further comment.</p> <p>Standard and Objective generally met</p>
<p>Standard B15</p>	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> -reasonably close & convenient to dwellings & residential buildings. -secure. 	<p>A car space (in form of a single garage) is to be provided for each of units 1 and 2 (both two-bedroom dwellings).</p> <p>A single car space is provided for each of Units 3 – 5 (all two bedroom dwelling). One visitor car space is also proposed.</p>

Clause 55 Objectives

Application Number: 2011/102

Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Property address: 8 Laurel Street, MORWELL

Land Area: 1005 square metres

Assessing Officer: Tom Vercoe

Standard B18	<p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none">• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or• Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.	<p>The eastern garage wall of Unit 1 and the eastern wall of unit 5 (a total length of approx 17m) are to be constructed on the eastern boundary of the subject site.</p> <p>The length of the eastern boundary is approximately 45m.</p> <p>Standard and Objective met</p>
Standard B19	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p>	<p>The proposed development is setback at least 3m from its nearest existing habitable room window.</p> <p>Standard and Objective met</p>
Standard B20	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>The proposed development does not affect any existing north-facing habitable room window.</p> <p>Not applicable</p>
Standard B21	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres,</p>	<p>The submitted shadow diagrams indicate that the proposal will not overshadow any existing secluded private space of adjoining properties for more than 75%, for more than five</p>

Clause 55 Objectives
Application Number: 2011/102
Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE
Property address: 8 Laurel Street, MORWELL **Land Area: 1005 square metres**
Assessing Officer: Tom Vercoe

		Standard and Objective met
Standard B24	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>The subject site is surrounded by either residential properties or public open space. The proposed development is only for residential purposes, and no mechanical plants are proposed. It is reasonable to consider that 'noise' will be not a significant issue in this proposal.</p> <p>Standard and Objective met</p>
Standard B25	<p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>It is considered reasonable that the dwelling entries for units 1-3 are accessible to people with limited mobility. There appears to be no significant obstacles, such as stairs.</p> <p>It is considered that the accessway servicing Units 4 and 5 has been efficiently designed so as to ensure adequate access into these dwellings from the driveway areas.</p> <p>Objective met</p>
Standard B26	<p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Entrances to Units 1 & 2 are considered to be visible from Laurel Street.</p> <p>Entrance to Unit 3 is considered to be visible from the central accessway.</p> <p>The entrances to Unit 1 to 3 are considered to be acceptable, in terms of providing a sense of personal address / identity.</p>

Clause 55 Objectives

Application Number: 2011/102

Date of Assessment: 19 April 2011

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Property address: 8 Laurel Street, MORWELL

Assessing Officer: Tom Vercoe

Land Area: 1005 square metres

Standard B29	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>All the private open space areas are to be located on the north side of the development, with direct access to (northern) daylight. This arrangement is considered to be ideal, having regard to the orientation of the subject site.</p> <p>Standard and Objective met</p>
Standard B30	<p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Each dwelling is to be provided with at least a 6 cubic metres of externally accessible shed.</p> <p>Standard and Objective met</p>
Standard B31	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> -Facade articulation and detailing, -Window and door proportions, -Roof form, and -Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Features, including face-brick wall, pitched tiled roof, are considered to be consistent with neighbourhood character.</p> <p>Standard and Objective generally met</p>
Standard B32	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> -The maximum height specified in the schedule to the zone, or -If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3. 	<p>No front fence is proposed.</p> <p>Standard and Objective met</p>

11.3.2 **PLANNING PERMIT APPLICATION 2011/124 - BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF SIX (6) DWELLINGS ON A LOT AND CREATION OF ACCESS TO A ROAD IN THE ROAD ZONE, CATEGORY 1 AT 124 GREY STREET, TRARALGON**

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

1. **PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/124 for buildings and works associated with the construction of six dwellings on a lot and creation of access to a road in the Road Zone, Category 1 at 124 Grey Street, Traralgon (Lot A on Plan of Subdivision 524072C).

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.

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

Legal –

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: 124 Grey Street, Traralgon, known as Lot A on Plan of Subdivision 524072C
Proponent: Abode Design & Construct
Zoning: Residential 1 Zone and abuts a road in a Road Zone, Category 1
Overlay No overlays affect the subject land

A Planning Permit is required to:

- construct two or more dwellings on an allotment in the Residential 1 Zone in accordance with Clause 32.01-4 of the Scheme; and
- to create access to a road in the Road Zone, Category 1 in accordance with Clause 52.29 of the Scheme.

4.2 **PROPOSAL**

The application is for buildings and works associated with the construction of six dwellings on a lot and creation of access to a road in the Road Zone, Category 1.

Proposed Dwellings

The six dwellings are proposed to be of single storey construction with a minimum setback of 6.46 metres from Grey Street. The dwellings are to be constructed predominantly of brick with some weatherboard and rendered detailing and pitched tiled roofs.

Each of the dwellings will contain two bedrooms and will be provided with a single car lock-up garage. A visitor's car parking space is also proposed to be provided at the rear of the development.

Areas of secluded private open space are to be provided for each dwelling. These areas are 28 square metres or larger.

The neighbouring allotment to the west contains six dwellings that are similar to the design of the dwellings proposed by this application. Therefore, this application is considered to be somewhat of a completion of this neighbouring development, being the second of two stages.

For further detail, please refer to *Attachment 5* to view a copy of the proposed plans.

Creation of Access to a Road in the Road Zone, Category 1

It is proposed to construct one shared crossover to the subject site via Grey Street which is in a Road Zone, Category 1. The crossover is central to the Grey Street frontage of the site and is proposed to be 3.6 metres wide at the road.

VicRoads is the Responsible Authority for roads in the Road Zone, Category 1. Therefore, the application was referred to the Authority under Section 55 of the Act. The Authority gave consent to the granting of a Planning Permit, subject to appropriate conditions.

Subject Land:

The subject site is essentially rectangular in shape with a northern (rear) boundary measuring 27.6 metres and a 27.6 metre long southern (front) boundary. The eastern and western (side) boundaries each extend 54.6 metres.

The land is relatively flat and does not contain any native vegetation. The only vegetation located on site is pasture grass. Access is currently not provided to the site and is proposed to be created as part of this application.

An easement for 'Pipeline or Ancillary Purposes' appears to the north west of the site adjacent to the western boundary for a distance of approximately 9 metres. At its widest point, this easement is 2 metres wide.

No restrictive covenants, caveats or Section 173 Agreements are registered on the certificate of title.

Surrounding Land Use:

- North: Single dwellings on allotments between 910 and 930 square metres in size in the Residential 1 Zone.
- South: Road sealed with kerb and channel (Grey Street) in the Road Zone, Category 1 and an office building (containing the VicRoads office) on an allotment of 18,870 square metres in the Public Use Zone, Schedule 4.
- East: Single dwellings on allotments between 635 and 810 square metres in size in the Residential 1 Zone.
- West: Six dwelling development that has been subdivided to create individual allotments for each dwelling in the Residential 1 Zone. The allotments range in size from 178 to 212 square metres and a common property area of 335 square metres is also provided.

4.3 PLANNING CONTEXT

Planning Permit 5430 for a seven lot subdivision and common property was issued on 11 April 2006. This permit was not acted upon and has subsequently expired.

The history of assessment of this Planning Permit application is set out in Attachment 2.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 3.

5. ISSUES

5.1 STATE AND LOCAL PLANNING POLICY FRAMEWORKS

The proposal has been considered against the relevant clauses under the State and Local Planning Policy Frameworks.

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

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land. Further, Clause 16.01-2 'Location of Residential Development' provides a direction to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies to achieve this objective are to encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport and to identify opportunities for increased residential densities to help consolidate urban areas.

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

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

Strategies at Clause 21.05-2 'Main Towns Overview' encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans and encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.

The proposal is considered to be consistent with all of the directions discussed above and is aligned with the relevant clauses of the State and Local Planning Policy Frameworks.

5.2 DESIGN RESPONSE OF THE PROPOSAL

Site analysis and design response plans were submitted with the application and photographs of the site and its surrounds provided.

It is considered that the design response is appropriate to the neighbourhood and the site and that the proposal respects the existing neighbourhood character of the area. The dwellings are each relatively small in scale and of single storey construction. The building materials to be utilised are consistent with the materials of other dwellings in the locality.

The neighbouring allotment to the west contains six dwellings that are similar to the design of the dwellings proposed by this application.

5.3 ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1

The application has been considered against the 'Purpose' of Clause 52.29 'Land Adjacent to a Road in a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road'.

VicRoads is the Responsible Authority for roads in the Road Zone, Category 1. Therefore, the application was referred to the Authority under Section 55 of the Act. The Authority gave consent to the granting of a Planning Permit, subject to appropriate conditions.

After considering the proposal and receiving consent from VicRoads, the proposal is considered to be consistent with the 'Purpose' of Clause 52.29.

5.4 CLAUSE 55 'TWO OR MORE DWELLING ON A LOT AND RESIDENTIAL BUILDINGS'

The proposal is considered to be consistent with the objectives of the relevant standards of Clause 55 of the Scheme. Please refer to *Attachment 4* for a detailed Clause 55 (ResCode) assessment.

5.5 OBJECTOR CONCERNS

The application received one submission in the form of an objection. The issues raised in the objection were:

1. There are drainage issues at the site that impact on 3 Tobruk Court.

Officer comment:

The proposal has been considered by Council's Infrastructure Planning team who have assessed the drainage at the site. The referral response requested that a condition be placed on any permit in order to address any issues or concerns related to drainage.

Please refer to Section 10 of this report to review the condition (condition 12).

2. There is a gap under the fence shared with 3 Tobruk Court which may make it difficult to contain pet dog(s).

Officer comment:

Issues that relate to fencing of private land are dealt with under the Fences Act 1968. This is a civil matter in which Council do not have jurisdiction. Agreement will need to be made between the landowners who share the fence in relation to replacement or repairs.

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 and was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the *Planning and Environment Act 1987* (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:

The application was referred to VicRoads under Section 55 of the Act. The Authority gave consent to the granting of a Planning Permit, subject to appropriate conditions.

Notice of the application was given under Section 52(1)(d) of the Act to Gippsland Water, SP AusNet, APT O&M Services and Telstra. SP AusNet gave consent to the granting of a Planning Permit, subject to appropriate conditions. APT O&M Services and Gippsland Water gave consent without conditions. Telstra did not respond and therefore, their consent is assumed.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to drainage and traffic management and the Rates team in relation to street numbering.

Each team gave consent to the granting of a Planning Permit in relation to their area of expertise, with Infrastructure Planning consent subject to appropriate conditions.

It is noted that these comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, one submission in the form of an objection to the application has been received.

At the request of the permit applicant a planning mediation meeting was not held. The applicant requested instead that the proposal go directly to an ordinary Council meeting for a decision.

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. Issue a Refusal to Grant a Planning Permit.

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

9. CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to appropriate Planning Permit conditions. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued.

10. RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit, for buildings and works associated with the construction of six (6) dwellings on a lot and creation of access to a road in the Road Zone, Category 1 at Lot A on Plan of Subdivision 524072C, more commonly known as 124 Grey Street, Traralgon, with the following conditions:

Amended Plans Condition:

1. Prior to the commencement of buildings and works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) the change of direction in the vehicle accessway at the entry to the garages for units 3 and 4 must have an internal radius of at least 4.0 metres; and
 - b) the driveway crossover access into the allotment must be widened to 5 metres.

No Changes to Plans Condition:

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

Fencing of Secluded Private Open Space Condition:

3. Areas of secluded private open space for each dwelling must be fenced off to the satisfaction of the Responsible Authority. No fences are to be provided any further forward than the front setback of 'Unit 1' or 'Unit 6'.

Provision of Mailboxes Condition:

4. Mailboxes must be provided and located for convenient access as required by Australia Post.

Landscaping Conditions:

5. Prior to the issue of a Certificate of Occupancy, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
6. 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.

Site Management Conditions:

7. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
8. Upon completion of the dwellings, the site must be cleared of all excess and unused building materials and debris 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.

SP AusNet Conditions:

10. The permit operator must comply with the following requirements:
 - i. Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to proposed dwellings. A payment to cover the cost of such work will be required.
 - ii. Provide electricity easements internal and external in favour of SPI Electricity Pty Ltd to service the lots on the plan and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

VicRoads Conditions:

11. The permit operator must comply with the following requirements:
 - a) The driveway crossover access into the allotment to be widened to 5m.

- b) The driveway and crossover are to be constructed to the satisfaction of the Roads Corporation prior to the occupation of the dwellings.

Infrastructure Planning Conditions:

- 12. Prior to the commencement of buildings and works, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) *how the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event;*
 - b) *an underground pipe drainage system conveying stormwater discharge to the legal point of discharge; and*
 - c) *the provision of storm water detention within the site and prior to the point of discharge into the 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 0.4 was applied to the whole of the property area.*
- 13. 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.
- 14. Prior to the issue of a Certificate of Occupancy, the following works must be completed to the satisfaction of the Responsible Authority:
 - a) all drainage works must be constructed in accordance with the approved site drainage plan;
 - b) all proposed vehicle crossing/s shall be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307;

- c) all redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated; and
- d) the areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.

15. No vehicle parking shall be permitted to occur in front of the garages of the proposed dwellings.

Expiry Condition:

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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

Building Note:

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 2007*, Australian Standards and relevant municipal local laws.

Infrastructure Planning Notes:

Note 2. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit operator 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 building 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 Vehicle Crossing Permit must be obtained prior to the commencement of any works that include the construction, installation, alteration or removal of a vehicle crossing. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.
- Note 5.** 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 6.** 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 7. Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the permit operator's expense.

Moved: Cr Harriman
Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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**ATTACHMENT 1
LOCALITY PLAN**



**ATTACHMENT 2
HISTORY OF APPLICATION**

History of Application

14 April 2011	Planning permit application submitted to Council.
10 May 2011	Applicant notified that the neighbourhood and site description submitted with the application met the requirements of Clause 55.01-1 of the Latrobe Planning Scheme (the Scheme).
13 May 2011	Application referred internally to Council's Rates and Infrastructure Planning teams.
13 May 2011	Notice of the application given to Telstra, Gippsland Water, APT O&M Services and SP AusNet under Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
13 May 2011	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers and by placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the Act.
17 May 2011	Council's Rates team provided consent to the granting of a Planning Permit.
24 May 2011	SP AusNet provided consent to the granting of a Planning Permit, subject to appropriate conditions.
24 May 2011	Application referred to VicRoads under Section 55 of the Act following confirmation that the applicant was seeking to create access to a road in a Road Zone, Category 1.
30 May 2011	APT O&M Services provided consent to the granting of a Planning Permit.
1 June 2011	Submission in the form of an objection to the application received.
27 June 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
27 June 2011	Council's Infrastructure Planning team provided consent to the granting of a Planning Permit, subject to appropriate conditions.
30 June 2011	Permit applicant informed Council that they wished to bypass mediation and sent the application directly to an ordinary Council meeting for a decision.
11 July 2011	VicRoads provided consent to the granting of a Planning Permit, subject to appropriate conditions.

**ATTACHMENT 3
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 19.03 – Development Infrastructure.

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile.
- Clause 21.04 – Built Environment Sustainability.
- Clause 21.05 – Main Towns.

Zoning:

The subject site is located in the Residential 1 Zone and abuts a road in the Road Zone, Category 1.

Overlays:

No overlays affect the subject site.

Particular Provisions:

- Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

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.

ATTACHMENT 4
CLAUSE 55 'RESCODE' ASSESSMENT

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Standard Number	Standard	Does it meet the Standard or More information required
Standard B1	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Site analysis and design response plans have been submitted as part of the proposal. Photos have been provided.</p> <p>Details relating to locations of adjoining habitable windows, and elevation in context of the adjoining properties have not been provided. However, these are not essential considering the nature (single storey, relatively small scale) of the proposal.</p> <p>Objective Met and Standard Generally Met</p>
Standard B2	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>A brief written planning assessment against the SPPF and LPPF has been submitted as part of the application.</p> <p>An assessment against Clause 55 of the Scheme has been submitted.</p> <p>Objective Met and Standard Generally Met</p>
Standard B3	<ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Standard B3 applies to development of ten (10) or more dwellings only. The proposal only seeks approval for six (6) dwellings.</p> <p>Not Applicable</p>

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

<p>95Standard B4</p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>The subject site is located within an established residential area in Tratalgon, with services generally available in the subject area. It is expected that the proposed six dwellings are to be connected to reticulated services as required. It is reasonable to consider that the proposal will not unreasonably exceed the capacity of utility services and infrastructure currently available in the subject area. This application will also be referred to Council's Project Services Department for consideration.</p>
<p>Standard B5</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be orientated to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>Objective Met and Standard Generally Met One crossover is proposed, to be located about half way of the Grey Street frontage. It is reasonable to consider that adequate vehicle and pedestrian link to the existing street network is provided, as part of the proposal. The front units are proposed to be orientated to Grey Street, whereas the rear units are to be orientated generally towards the common driveway No front fence is proposed. The subject site is not adjacent to any existing public open space Objective Met and Standard Generally Met</p>

<p>Standard B6</p>	<ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, the distance specified in Table B1. 	<p>The front setback of the adjoining property at 122 Grey Street is approximately 8.5m, and the front setback of the adjoining unit 124 Grey Street is approximately 4.5m.</p> <p>The minimum front setback (fronting Grey Street) of the proposal is approximately 6.46m, which generally meets the Standard of B6 being a minimum of 6.5m.</p>
<p>Standard B7</p>	<p>The maximum building height should not exceed the maximum height specified in the schedule to the zone. If no maximum height is specified in the schedule to the zone, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>Objective Met and Standard Generally Met</p> <p>The proposed dwellings are to be single storey, with a maximum height of approximately 4.3m.</p> <p>The contour of the land is not clearly shown on the plans, but it is understood that the site is relatively flat, as per Council's Latitude data.</p>
<p>Standard B8</p>	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in the schedule to the zone, or • If no maximum site coverage is specified in the schedule to the zone, 60 per cent. 	<p>Objective Met and Standard Generally Met</p> <p>Site area = 1506 square metres Total building area = 671.46 square metres</p> <p>Site coverage = approximately 45% < 60% requirement</p> <p>Objective Met and Standard Generally Met</p>

<p>Standard B9</p>	<p>At least 20 per cent of the site should not be covered by impervious surfaces.</p>	<p>Site area = 1506 square metres Area not covered by impervious area = approximately 813.54 square metres</p> <p>Land not covered by impervious surfaces = approximately 54% >20% standard</p>
<p>Standard B10</p>	<p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Objective Met and Standard Generally Met</p> <p>It is considered that the buildings have been oriented to make an acceptable level of appropriate use of solar energy. The secluded private open space of Units 1-3 is located on the south side of the dwellings. However, given the orientation of the site and the number of dwellings proposed, a variation to this standard is considered to be acceptable.</p> <p>The single-storey development is unlikely to have any impact upon the energy efficiency of existing dwellings on adjoining lots.</p>
<p>Standard B11</p>	<p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. 	<p>Objective Met and Standard Generally Met</p> <p>It appears that no public / communal open space is proposed on site, other than the common driveway and the landscaping area along the driveway.</p> <p>Not Applicable</p>

Clause 55 Objectives

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

<p>Standard B12</p>	<ul style="list-style-type: none"> • Be accessible and useable. <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>All entrances are considered to be visible from either Grey Street or the internal accessway.</p> <p>It is considered reasonable that opportunities for the casual / natural surveillance the internal accessway will be provided through (indirect) views from the proposed dwellings.</p> <p>All the private spaces can easily be fenced off, from inappropriate use as public thoroughfares, subject to permit conditions.</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B13</p>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. 	<p>A landscape plan has been submitted as part of the application.</p> <p>Objective Met and Standard Generally Met</p>

<p>Standard B14</p>	<p>Accessways should:</p> <ul style="list-style-type: none"> -Be designed to allow convenient, safe & efficient vehicle movements and connections within the development and to the street network. -Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. -Be at least 3 metres wide. -Have an internal radius of at least 4 metres at changes of direction. -Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the access serves ten or more spaces and connects to a road in a Road Zone. 	<p>Width of the accessway varies in length, with a min width of 3m.</p> <p>Only one crossover is proposed, and the width does not exceed 33% of the street frontage.</p> <p>It appears that the development has been provided with an internal radius of at least 4m at changes of direction, the application will be referred to Council's Infrastructure Planning Unit for further comment.</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B15</p>	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> -reasonably close & convenient to dwellings & residential buildings. -secure. -designed to allow safe and efficient movements within the development. -well ventilated if enclosed. <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared access or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access.</p>	<p>A single garage is to be provided for each of the two-bedroom dwellings.</p> <p>Each car space is to be located directly adjacent to its associated dwelling.</p> <p>A visitor car space is also proposed on the land.</p> <p>Objective Met and Standard Generally Met</p>

<p>Standard B16</p>	<p>Car parking for residents should be provided as follows:</p> <ul style="list-style-type: none"> • One space for each one or two bedroom dwelling. • Two spaces for each three or more bedroom dwelling, with one space under cover. 	<p>A single garage is to be provided for each of the two-bedroom dwellings.</p> <p>Each car space is to be located directly adjacent to its associated dwelling.</p> <p>A visitor car space is also proposed on the land.</p> <p>Dimensions of the proposed car spaces satisfactory meet the requirements of Standard B16.</p>
<p>Standard B17</p>	<p>A new building not on or within 150mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	<p>Objective Met and Standard Generally Met</p> <p>The maximum (wall) height of the building is approximately 2.7m. Minimum set back should be at least around 1m.</p> <p>The proposed minimum setback of 1m generally meets the standard and respects the existing or preferred character of the area.</p>
<p>Standard B18</p>	<p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or • Where there are existing or simultaneously constructed walls or carports abutting the boundary 	<p>Objective Met and Standard Generally Met</p> <p>No new wall is to be constructed on or within 1m of a side or rear boundary.</p> <p>Not Applicable</p>

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

	<p>on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</p>	
<p>Standard B19</p>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p>	<p>A light court of a minimum area of 3 square metres has been provided for each of the existing habitable room windows on the adjoining lots.</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B20</p>	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>Exact location of the north-facing habitable room window is not known. However, it is reasonable to consider that the proposed development is adequately setback from the abutting lot to the south, and that the proposal will not unreasonably impact upon the amenity of adjoining properties (in terms of overshadowing).</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B21</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Shadow diagrams have been submitted as part of the application. Given the proposal is for a single storey development, it is considered that there will be limited overshadowing impact upon adjoining properties.</p> <p>Objective Met and Standard Generally Met</p>

<p>Standard B22</p>	<p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. 	<p>Given the single storey nature of the proposal and the site is generally flat, it is reasonable to consider that there will be minimal or virtually no views into existing secluded private open or habitable room windows of the adjoining properties.</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B23</p>	<p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>The proposed development is to be single storey only. There will be no opportunity for views into the secluded private open space or habitable rooms of a lower-level dwelling.</p> <p>Objective Met and Standard Generally Met</p>
<p>Standard B24</p>	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise</p>	<p>The subject site is surrounded by residential properties or allotments. The proposed development is only for residential purposes, and no mechanical plants are proposed. It is reasonable to consider that 'noise' will be not a significant issue in this proposal.</p> <p>Objective Met and Standard Generally Met</p>

	levels in habitable rooms.	
Standard B25	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	It is considered reasonable that the dwelling entries are accessible to people with limited mobility. There appears to be no significant obstacles, such as stairs. Objective Met and Standard Generally Met
Standard B26	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. 	It is considered reasonable that entries to dwellings are visible from either Grey Street or the internal accessway. A small entry porch has been provided for each dwelling to provide shelter and a sense of personal address. Objective Met and Standard Generally Met
Standard B27	A window in a habitable room should be located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	All habitable room windows are to face an outdoor space to the sky with a minimum area of 3 square metres. Objective Met and Standard Generally Met
Standard B28	A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.	The submitted plans indicate that each dwelling is to be provided with a private open space, in excess of 40 square metres, Objective Met and Standard Generally Met

<p>Standard B29</p>	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>For units 4 to 6, all the secluded private open space areas are to be located on the north side of the development.</p> <p>For units 1 to 3, all the secluded private open space areas are to be located on the south side of the development. Each of the southern secluded private open is setback greater than 6m from the wall on the north of the space though (i.e. exceeds the requirement of approximately 4.5m as per Standard B29).</p> <p>However, given the orientation of the site and the number of dwellings proposed, a variation to this standard is considered to be acceptable.</p>
<p>Standard B30</p>	<p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Objective Met and Standard Generally Met</p> <p>Each dwelling has been provided with at least a 6 cubic metres of externally accessible shed.</p>
<p>Standard B31</p>	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> -Facade articulation and detailing, -Window and door proportions, -Roof form, and -Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Objective Met and Standard Generally Met</p> <p>Generally, it appears that features, including face-brick wall, pitched tiled roof, are considered to generally be consistent with existing / preferred neighbourhood character.</p> <p>Objective Met and Standard Generally Met</p>

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

<p>Standard B32</p>	<p>A front fence within 3 metres of a street should not exceed: -The maximum height specified in the schedule to the zone, or -If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3.</p>	<p>No front fence is proposed. Objective Met and Standard Generally Met</p>
<p>Standard B33</p>	<p>Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>	<p>All the secluded private areas can easily to be fenced off (via permit condition). It is reasonable to consider that the common driveway is functional and capable of efficient management. Objective Met and Standard Generally Met</p>
<p>Standard B34</p>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>It is considered reasonable that bin and recycling enclosures can easily be accommodated within the private open space of each dwelling. Letter boxes are not shown on the plans, yet this requirement can easily be met through condition of permit (should a permit be issued). Objective Met and Standard Generally Met</p>

**ATTACHMENT 5
PROPOSED DEVELOPMENT PLANS**

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 14 APR 2011
 BY:

EXISTING NEIGHBOURHOOD CHARACTER PLAN SCALE 1 : 500



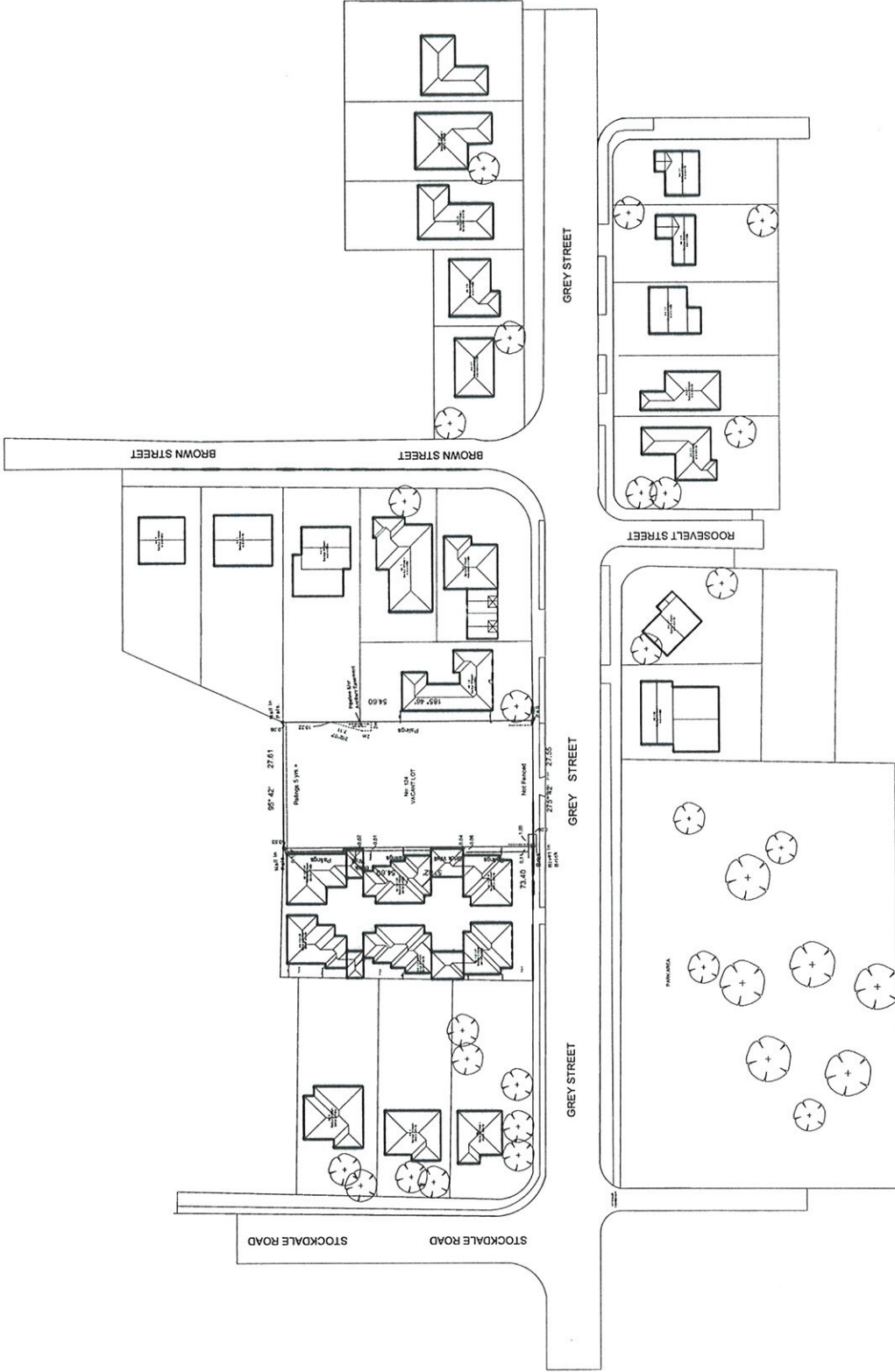
P.O. Box 1210, Middleburg, VIC 3042
 P: 1300 737818 F: (03) 9646633 E: enquiry@abodeac.com.au

DRAWING TITLE
 NEIGHBOURHOOD CHARACTER
 PLAN
 PROJECT DETAILS
 124 GREY STREET, TRARALGON, 3944

SCALE: 1:500
PAGE SIZE: A1
DATE DRAWN: 17/08/2011
DRAWN BY: S. EYRE
REVISION:
DRAWING NO: TP02



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SCALE: 1:100
PAGE SIZE: A1
DATE DRAWN: 17/09/2011
DRAWN BY: SEYAR
REVISION:
DRAWING NO: TP03

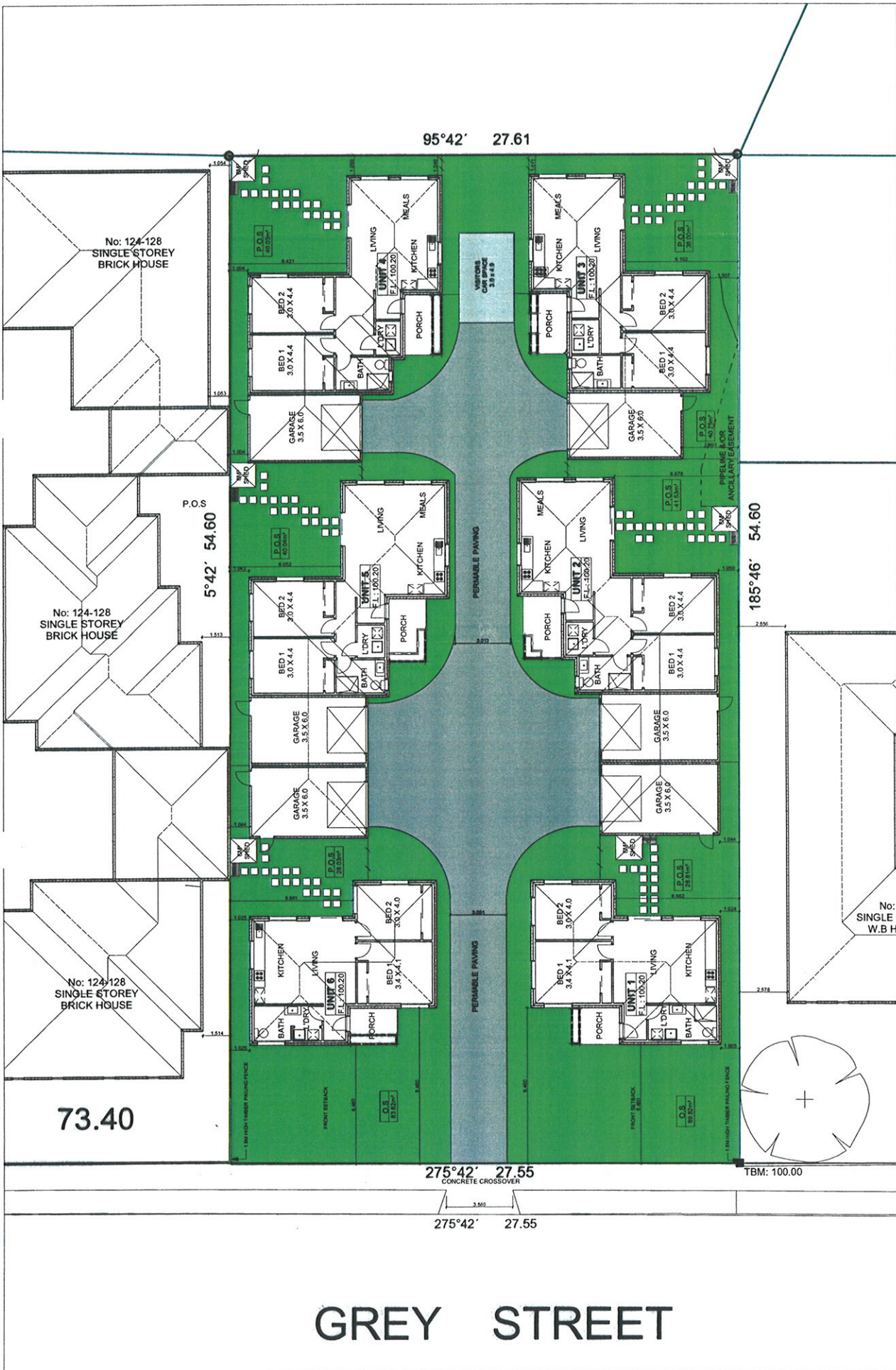


REVISIONS

124 GREY STREET, TARALGON, NSW
PROJECT DETAILS:
GROUND FLOOR PLAN
DRAWING TITLE

124 GREY STREET, TARALGON, NSW
 PROJECT DETAILS:
 GROUND FLOOR PLAN
 DRAWING TITLE

P.O. Box 1210, Niddrie, VIC 3042
 P: 1300 737648 F: (03) 96486383 E: enquiry@abode.com.au



AREA SCHEDULE	TOTAL
UNIT 1 GROUND FLOOR	70.56 MP
UNIT 1 PORCH	20.81 MP
UNIT 1 P.O.S.	6.52 MP
UNIT 1 TOTAL	97.89 MP
UNIT 2 GROUND FLOOR	70.56 MP
UNIT 2 PORCH	20.81 MP
UNIT 2 P.O.S.	6.52 MP
UNIT 2 TOTAL	97.89 MP
UNIT 3 GROUND FLOOR	70.56 MP
UNIT 3 PORCH	20.81 MP
UNIT 3 P.O.S.	6.52 MP
UNIT 3 TOTAL	97.89 MP
UNIT 4 GROUND FLOOR	70.56 MP
UNIT 4 PORCH	20.81 MP
UNIT 4 P.O.S.	6.52 MP
UNIT 4 TOTAL	97.89 MP
UNIT 5 GROUND FLOOR	70.56 MP
UNIT 5 PORCH	20.81 MP
UNIT 5 P.O.S.	6.52 MP
UNIT 5 TOTAL	97.89 MP
UNIT 6 GROUND FLOOR	70.56 MP
UNIT 6 PORCH	20.81 MP
UNIT 6 P.O.S.	6.52 MP
UNIT 6 TOTAL	97.89 MP
TOTAL	587.88 MP

14 APR 2011

PROPOSED GROUND FLOOR PLAN SCALE 1:100

GREY STREET

SCALE: 1:200
PAGE SIZE: A1
DATE DRAWN: 17/02/2011
DRAWN BY: SEYR
REVISION:
DRAWING NO: TP05



THE PLANS & DRAWINGS FOR THIS PROJECT ARE TO BE USED FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT AND FOR CONSTRUCTION TO BE CARRIED OUT IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THE PROJECT ARCHITECTS AND ENGINEERS ACCEPT RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS OF THESE DRAWINGS AND FOR THE PROVISION OF ALL NECESSARY SERVICES AND INFORMATION. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS OF THESE DRAWINGS AND FOR THE PROVISION OF ALL NECESSARY SERVICES AND INFORMATION.

NO.	DESCRIPTION	DATE

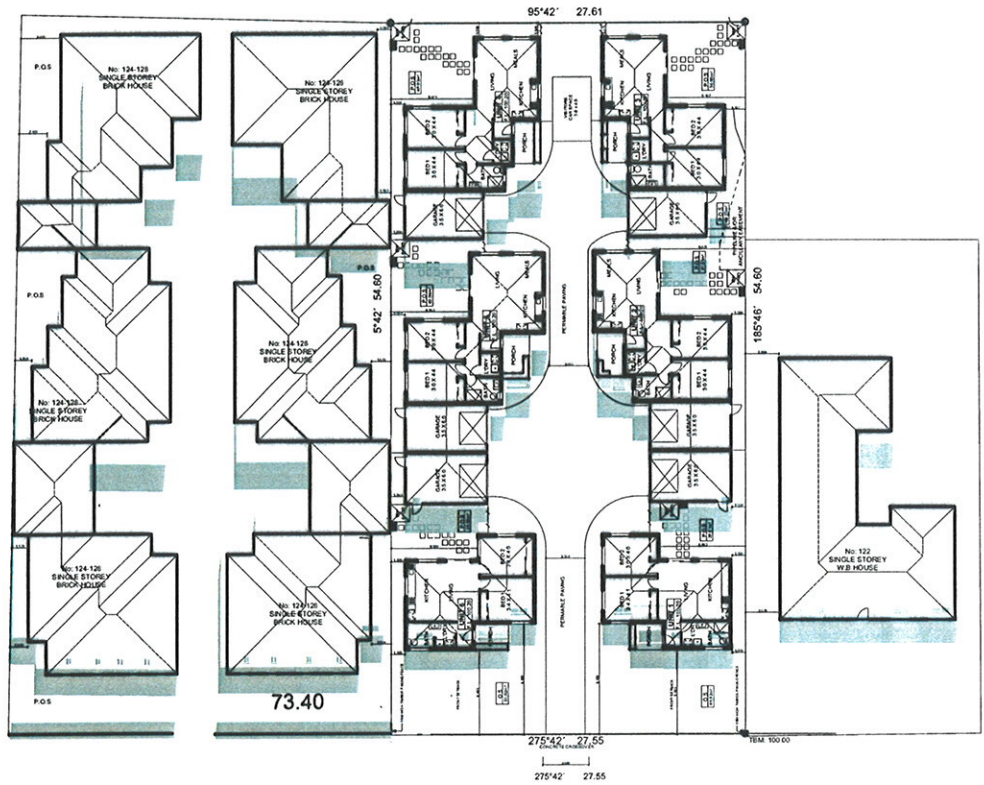
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SHADOW DIAGRAMS

PROJECT DETAILS:
124 GREY STREET, TRARLIGN, 3844

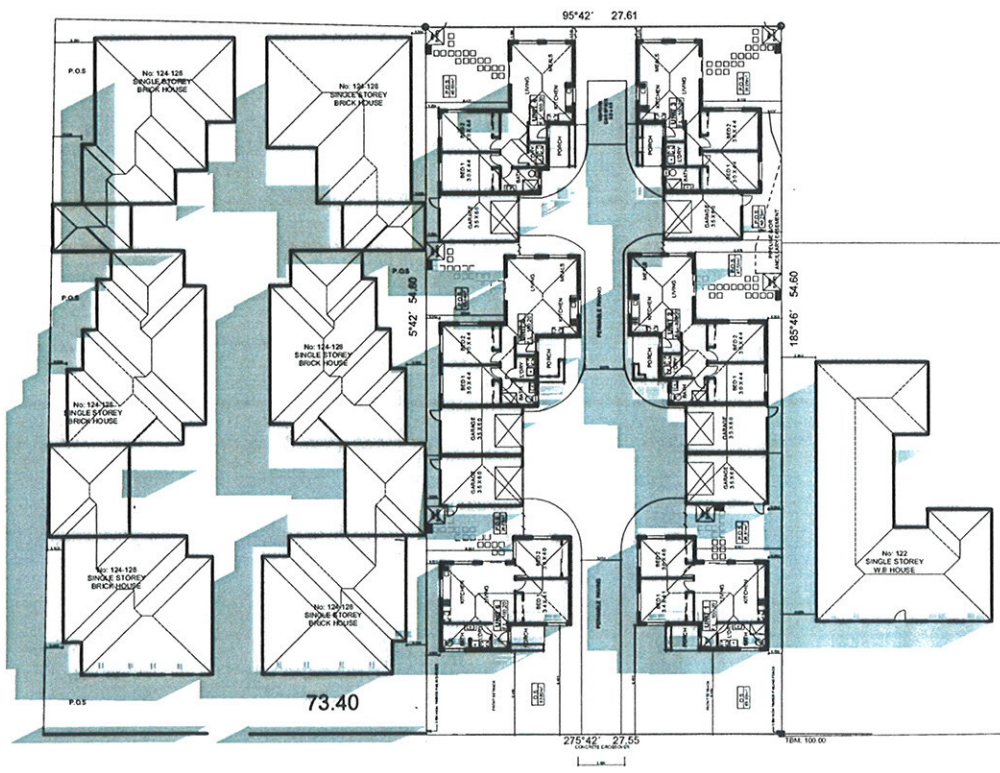
ABODE ARCHITECTS

P.O. Box 1210, Middleburg, VIC 3012
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SHADOW DIAGRAM SEP, 22 12AM SCALE 1:200



SHADOW DIAGRAM SEP, 22 9AM SCALE 1:200

SHADOW DIAGRAM SEP, 22 3PM SCALE 1:200

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 P: 1300 737848 F: (03) 98486383 E: enquiry@abodearc.com.au

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 SHADOW DIAGRAMS

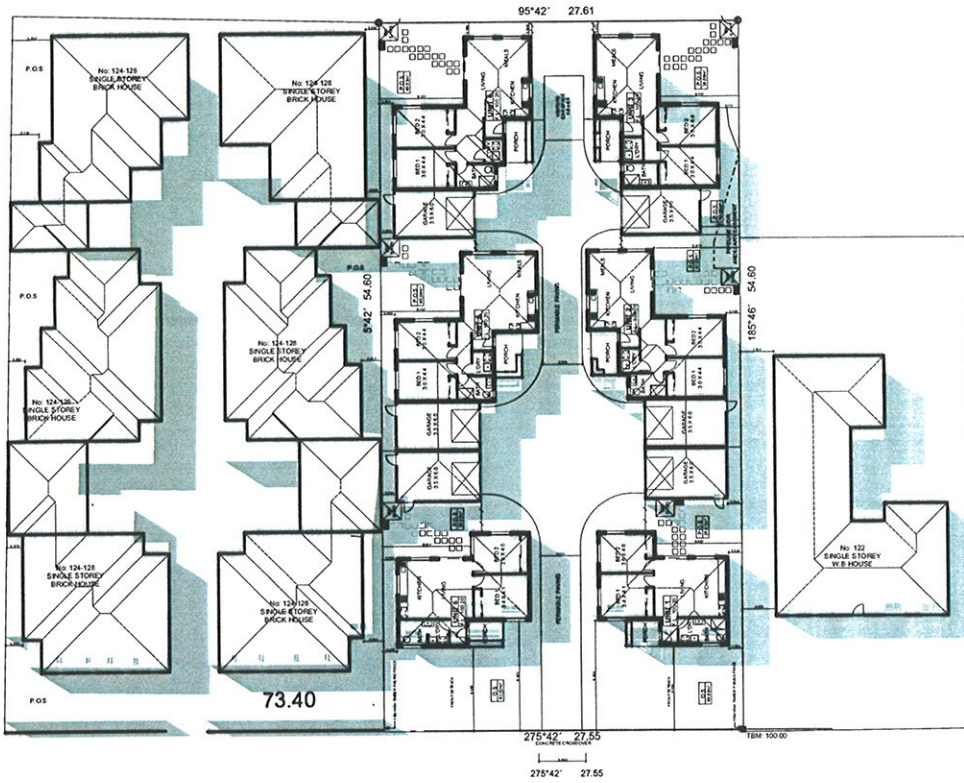
PROJECT DETAILS
 124 GREY STREET, TRARALGON 3944

REVISIONS

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 PAGE SIZE: A1
 DATE DRAWN: 17/09/2011
 DRAWN BY: S. EVAR
 REVISION:
 DRAWING NO: TP08



SHADOW DIAGRAM SEP, 22 3PM SCALE 1:200

PROJECT ADDRESS:
 No. 124-128 SINGLE STOREY BRICK HOUSE

DRAWING NO.: 0
 DRAWN BY: S. EYAR
 CHECKED BY: A.T.
 SCALE: A1

DATE: 14 APR 2011

REVISION: 0

PROJECT ADDRESS: 1009/1769 F (13) 8848363 E enquiry@abodeconstruct.com.au
 P O Box 1218 Nildun, VIC 3012

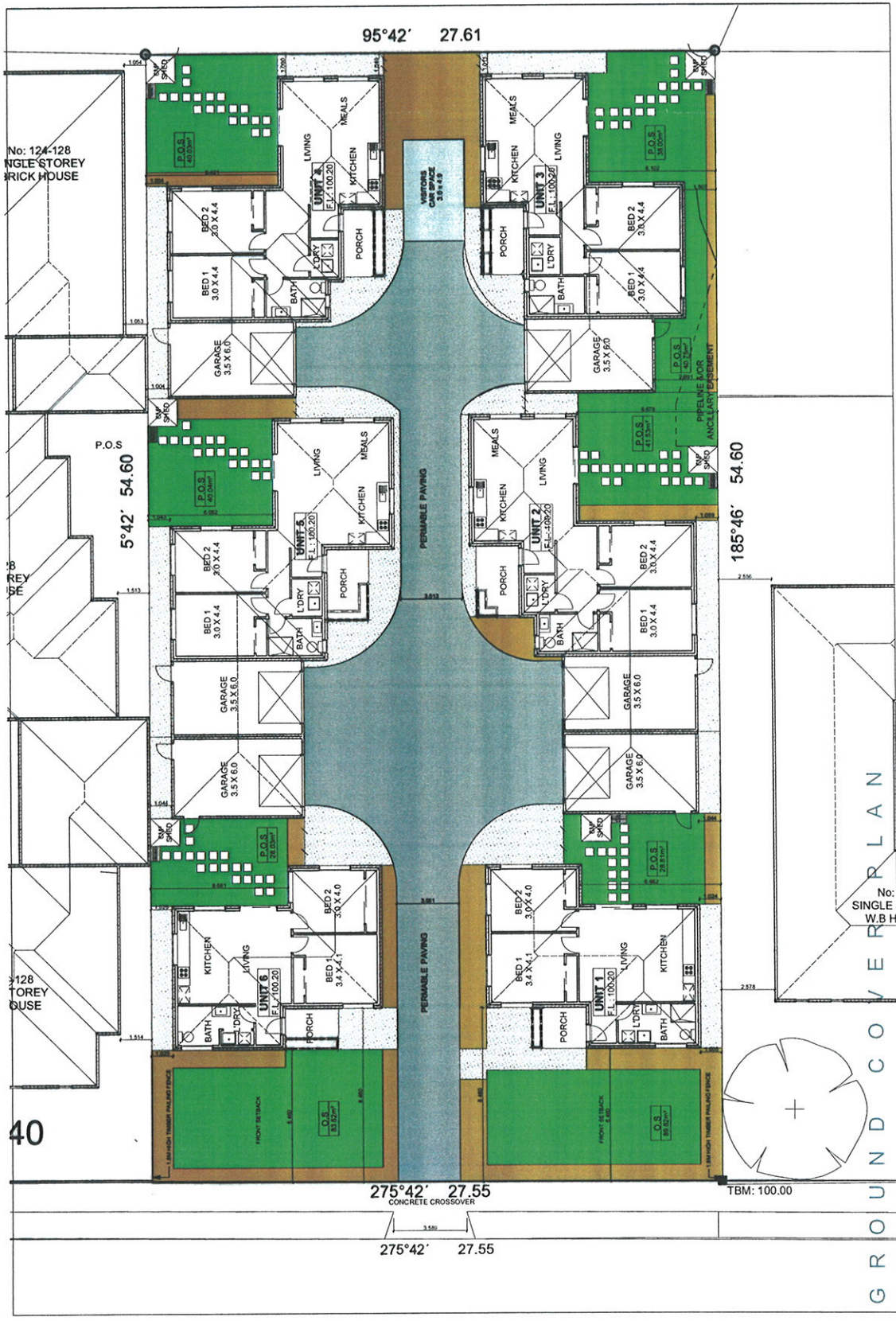
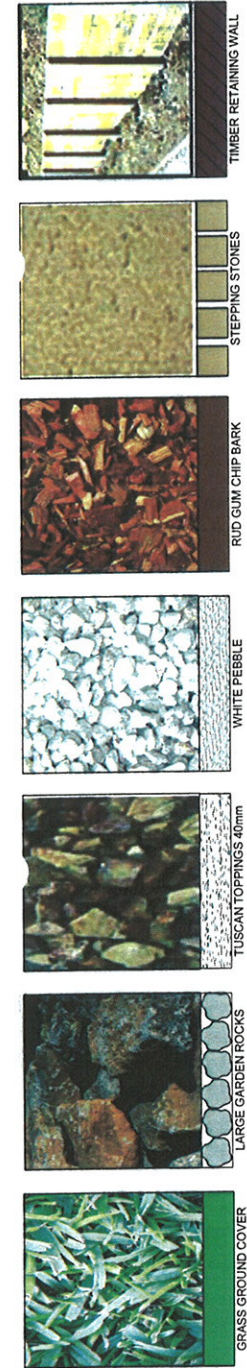


GENERAL NOTES:

1. LANDSCAPER TO ENSURE ALL SITE LEVELS ARE AS PER ENDORSED PLANS.
2. NO FENCING TO ENCRUCH NEIGHBOURING PROPERTIES.
3. PROVIDE 90mm x 12mm JARRAH ARDEN BEDDING (OR SIMILAR) SET FLUSH WITH GARDEN LEVELS WITH METAL BED AT APPROX 1m INTERVALS OR AS REQUIRED
4. 150mm TOP SOIL TO GARDEN BEDS
5. 50mm TOP SOIL TO GROUND COVER WHERE GRASS TO BE PLANTED
6. 50mm COVER FOR ALL BARKS, MULCH, AND ARCHITECTURAL STONE AS INDICATED
7. TIMBER RETAINING WALLS AND OR RETAINING GARDEN ROCKS TO BE INSTALLED OR LAID AS PER TYPICAL AUSTRALIAN STANDARDS AND SHOULD HAVE AGI DRAIN INSTALLED AND CONNECTED TO STORM WATER SYSTEM AS APPROPRIATE. REFER TO ENGINEER FOR MORE DETAIL
8. PAVING STONES TO BE MORTARED IN PLACE OVER SAND BED
9. CLOTHES LINES STORAGE SHEDS AND LETTER BOXES TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.
10. MAINTAIN THE LANDSCAPE FOR MINIMUM OF 12 WEEKS (RESPONSIBILITY OF THIS TO BE DETERMINED WITH OWNER) REPLACE PLANTS THAT HAVE DIED OR HAVE BEEN REMOVED. REMOVE WEEDS AND REPLACE MULCH TO THE REQUIRED LEVELS.

NOTE: OWNER/DEVELOPER TO REFER TO THE ACCOMPANYING 'LANDSCAPE MAINTENANCE' OVERVIEW FOR OBLIGATIONS AND REQUIREMENTS AFTER INITIAL INSTALLATION WORKS. THE FORMS PART OF THIS LANDSCAPING PLAN.

RECEIVED
 14 APR 2011
 P.V.



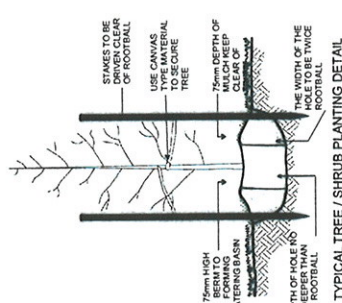
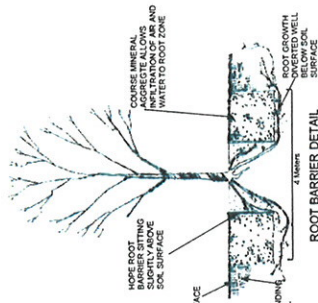
G R O U N D C O V E R P L A N

No. SINGLE W.B.H.

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Revision	0
Drawn By	S. EYAR
Date Drawn	17/03/2011
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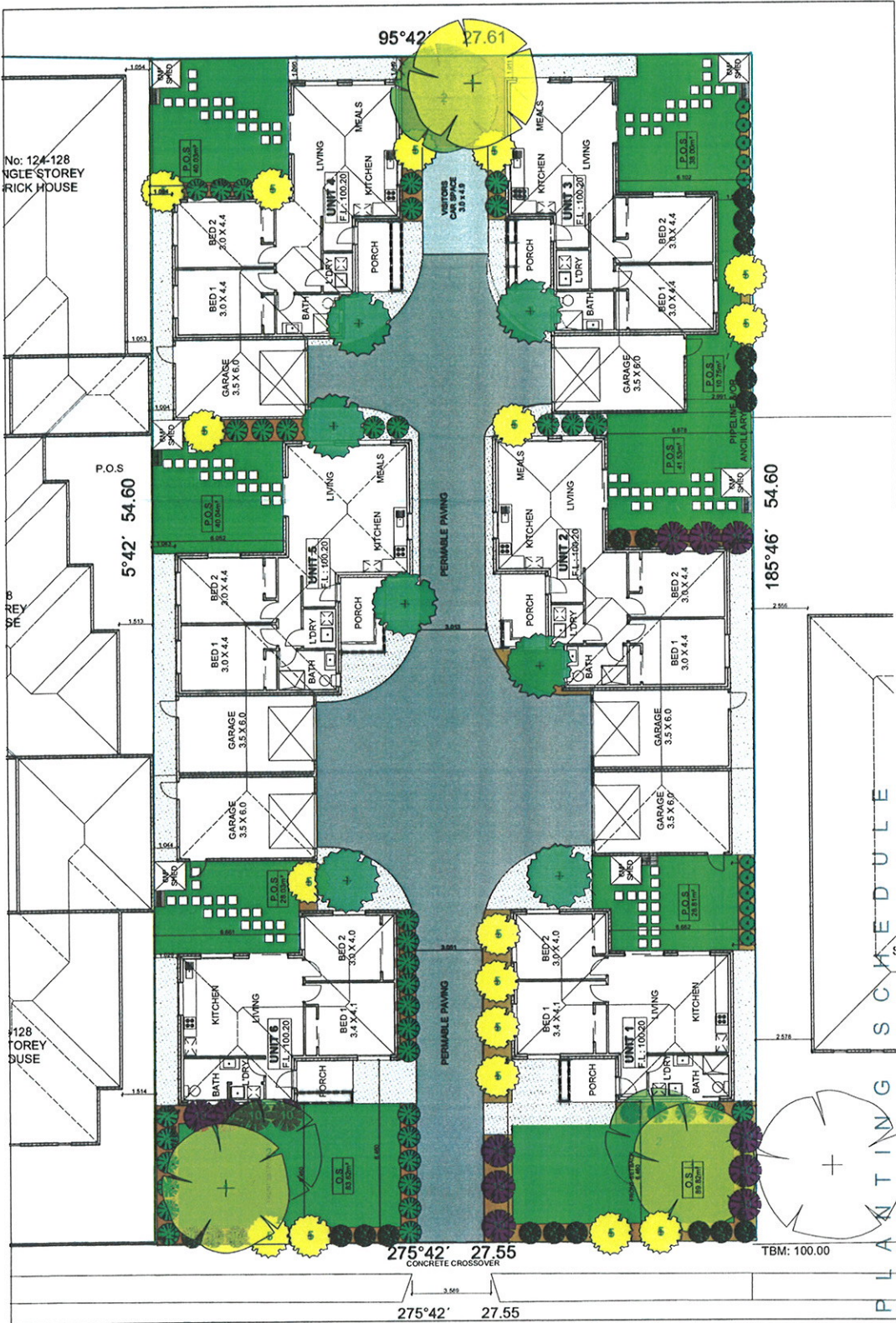


PROJECT ADDRESS: 124 GREY STREET, TRARALGON, 39144
 P.O. Box 1218 Traralgon, Vic 3912
 P 1300 237955 F 03 546535 E enquiry@abode.com.au



1.5m HIGH ORANGE PROTECTIVE FENCING FIXED TO STAR PICKETS FOR TREE PROTECTION ZONES. THESE MUST BE MAINTAINED AND FREE OF ANY CONSTRUCTION MATERIALS DURING CONSTRUCTION.
 Tree protection zone (TPZ)

NOTE: OWNER / DEVELOPER TO REFER TO THE ACCOMPANYING 'LANDSCAPE MAINTENANCE' OVERVIEW FOR OBLIGATIONS AND REQUIREMENTS AFTER INITIAL INSTALLATION WORKS. THIS FORMS PART OF THE LANDSCAPING PLAN.
 14 APR 2011
 LBY



Common Name	CORYLINE
Botanical Name	
City	0
Plant Size	140mm
Max Height	1.2m-1.5m
Max Width	1.2m-1.5m
Common Name	FLAX
Botanical Name	DIANELLA
City	0
Plant Size	140mm
Max Height	0.3m-0.4m
Max Width	0.3m-0.4m

Common Name	PURPLE HOP BUSH
Botanical Name	DOONAEA
City	0
Plant Size	140mm
Max Height	1.2m-1.5m
Max Width	1.2m-1.5m
Common Name	NANDINA
Botanical Name	NANDINA NANA
City	0
Plant Size	140mm
Max Height	0.3m
Max Width	0.3m

Common Name	KANGAROO PAW
Botanical Name	ANIGOSANTHOS
City	0
Plant Size	140mm
Max Height	1m
Max Width	1m
Common Name	CUSHION BUSH
Botanical Name	LEUCOPHYA BROWNI
City	0
Plant Size	140mm
Max Height	1m
Max Width	1m

Common Name	PHLOTHECA HYPOPHOEA
City	0
Plant Size	140mm
Max Height	1.5m-2m
Max Width	1.5m-2m
Common Name	DUSKY BELLS
Botanical Name	CORREA
City	0
Plant Size	140mm
Max Height	1.5m
Max Width	1m

Common Name	LILYPILLY
Botanical Name	ACACIA SMITHI
City	0
Plant Size	140mm
Max Height	2m-3m
Max Width	2m-3m
Common Name	TENUFOLIUM
Botanical Name	PITTIPOPIUM
City	0
Plant Size	140mm
Max Height	3m-4m
Max Width	0.7m

Common Name	WATTLE - LIGHTWOOD
Botanical Name	ACACIA IMPLEXA
City	0
Plant Size	250mm
Max Height	10m
Max Width	6m
Common Name	RED FLOWING GUM
Botanical Name	EUCALYPTUS FICIFOLIA
City	0
Plant Size	250mm
Max Height	7m-10m
Max Width	3m-5m

PLANTING SCHEDULE

TBM: 100.00

SCALE: 1:100
PAGE SIZE: A1
DATE DRAWN: 17/03/2011
DRAWN BY: SEYR
REVISION:
DRAWING NO: TPO4



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REVISIONS

PROJECT DETAILS:
124 GREY STREET, TRARALGON, 3944

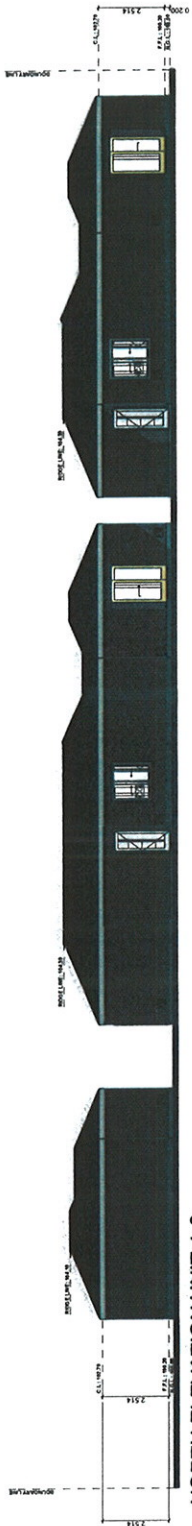
DRAWING TITLE:
PROPOSED ELEVATIONS

ABODE DESIGN & CONSTRUCTION
P.O. Box 1210, Nildara, VIC 3042
P: 030 737648 F: (03) 9646363 E: enquiry@abodedac.com.au

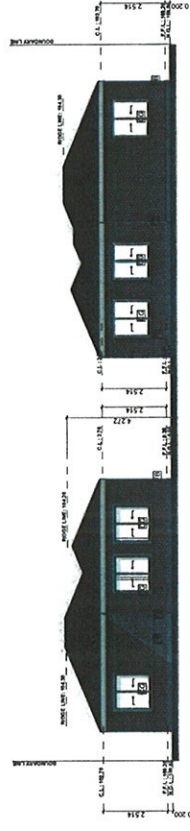
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- WB - TIMBER WEATHERBOARDS
- CC - CLEAR GLASS
- PS - PRIVACY SCREEN
- DF - DARK FINISH
- GF - GRENSEID FINISH
- GD - GARAGE DOOR
- OG - OBTUSURE GLASS

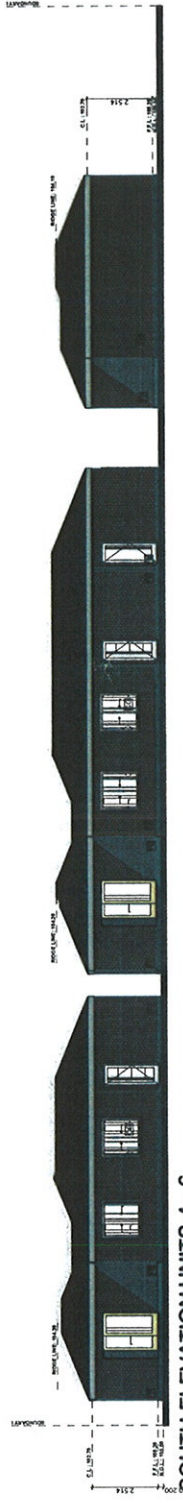
14 APR 2011



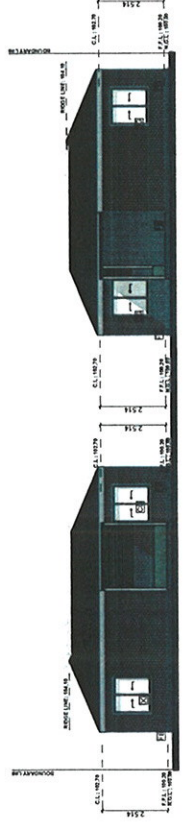
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EAST ELEVATION UNIT 3-4



SOUTH ELEVATION UNITS 4 - 6



WEST ELEVATION UNITS 1 - 6



NORTH ELEVATION UNIT 1-3



SOUTH ELEVATION UNIT 4 - 6

**ATTACHMENT 6
SUBMISSION IN THE FORM OF AN
OBJECTION**

**11.3.3 AMENDMENT C53 REZONING OF LAND FROM FARMING ZONE
TO PUBLIC USE ZONE - ABANDONMENT OF AMENDMENT**

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

1. PURPOSE

The purpose of this report is to provide Council with an update on the status of Amendment C53 and to seek approval to abandon the amendment.

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 – 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 private and public sector investment in the development of key infrastructure within the municipality.

Service Provision – Built Environment (City Planning)

Provide Strategic Planning advice and services in accordance with the Local Planning Policy Framework.

Legislation

Local Government Act 1989
Planning and Environment Act 1987 (the Act)

4. **BACKGROUND**

Amendment C53 proposes to amend the Latrobe Planning Scheme by rezoning approximately 36.5 hectares of land fronting Lawless Road, Churchill from Farming Zone (FZ) to Public Use Zone Schedule 2 – Education (PUZ2). The land is more particularly described as Plan of Consolidation 357023K contained in Certificate of Title Volume 10271 Folio 143.

The amendment was requested by Monash University who are the owners of the subject land. The amendment aims to apply a zone which appropriately reflects the existing and future use of the land for tertiary education and research purposes.

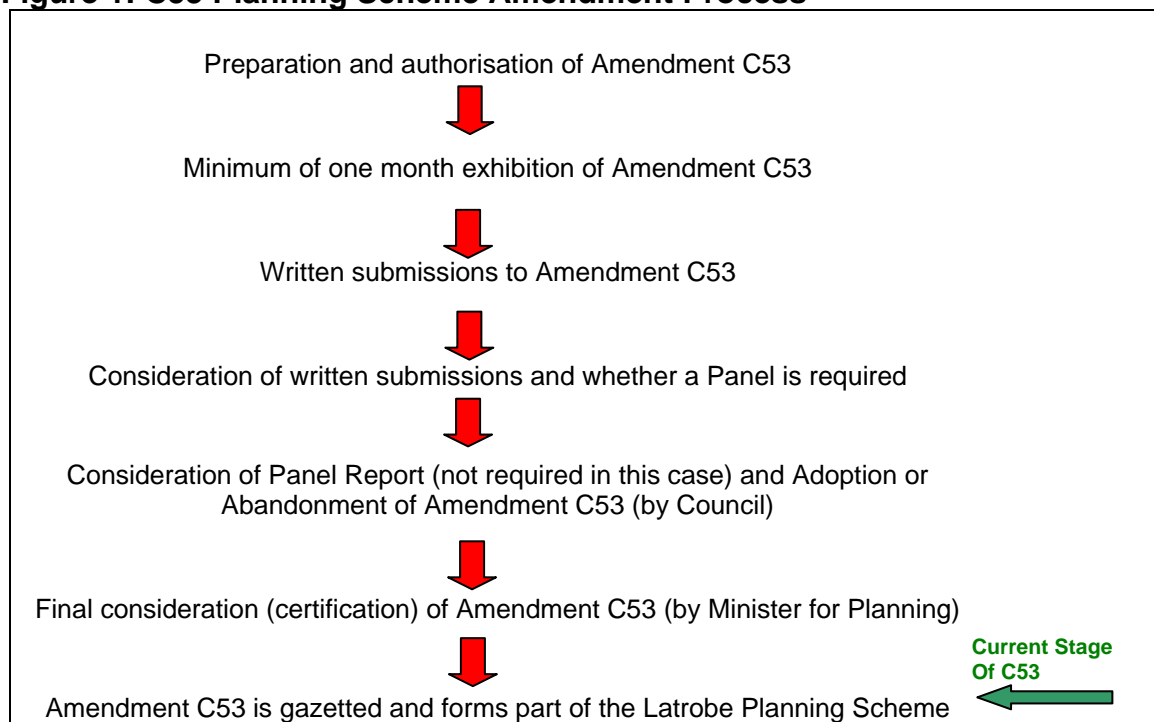
The Public Use Zone would provide a level of land use protection and flexibility which is not afforded under the existing Farming Zone. The Public Use Zone is also consistent with the zone applied to the adjacent land west of the subject site which is currently the location for the majority of Monash University operations at Churchill.

Amendment C53 is consistent with the State Planning Policy Framework and with the Municipal Strategic Statement (MSS) at Clause 21.05-3 Specific Town Strategies, Churchill, which specifically states under Infrastructure, dot point 5;

- *Encourage the on going development and expansion of Monash University.*

Statutory Requirements

The C53 planning scheme amendment process is shown in Figure 1 below and an indication of the current stage of C53 is provided.

Figure 1: C53 Planning Scheme Amendment Process

Further explanation of Figure 1 is outlined below.

Council considered the amendment proposal at the Ordinary Council Meeting of 2 July 2007 and resolved the following:

That Council seeks the Minister for Planning's Authorisation to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to rezone the land located on the northern side of Lawless Road, Churchill on Plan of Consolidation 357023K, being land contained in Certificate of Title Volume 10271, Folio 143, from Farming Zone to Public Use Zone 2.

Authorisation to proceed with the amendment was requested from the Minister for Planning and was subsequently received on 24 September 2007. At this time the Minister for Planning also authorised Council to approve the amendment, once certified under section 35B of the Act.

Amendment C53 was placed on public exhibition during the period of 28 February 2008 to 28 March 2008. Three written submissions were received in response to the public exhibition of Amendment C53. Two of these submissions were in support of the amendment the third submission from an adjacent landowner objected and raised concerns with Amendment C53.

These concerns centred around the potential loss of amenity to the objector's property located adjacent to the subject land. Specifically, this included noise abatement, lighting abatement and screening to reduce visual impact. In addition, the security and maintenance of the objector's domestic water supply which passes through the subject land was also raised.

In response to the concerns raised by the objector, the proponent, Monash University agreed to enter into a Section 173 Agreement with Latrobe City Council for the subject land. Under section 173 of the Act, the responsible authority can negotiate an agreement with an owner of land to set out conditions or restrictions on the use or development of that land, or to achieve other planning objectives in relation to the land.

During the period of April 2008 and September 2008 Latrobe City Council facilitated a series of negotiations between Monash University and the objector to develop a Section 173 Agreement that was to the satisfaction of all parties.

On 1 September 2008 email advice from Monash University informed Latrobe City Council that Monash University were satisfied with the drafted Section 173 Agreement. Written advice received from the objector on the 21 September 2008 stated the following:

On the basis of the good work you have done in negotiations with Monash University and the achievement of a second Section 173 draft, I am pleased to withdraw the planning objection.

At this point in time the Section 173 Agreement was to the satisfaction of all parties. The withdrawal of the objector's planning objection meant that there were no outstanding objections to Amendment C53 and therefore establishment of a Planning Panel was not required.

At the Ordinary Council Meeting of 20 October 2008 Council considered all written submissions to Amendment C53 and resolved the following:

- 1. That Council, as the responsible authority, adopts Amendment C53 as exhibited in accordance with Section 29 of the Planning & Environment Act, 1987.*
- 2. That Council submits Amendment C53 once adopted, to the Minister for Planning for certification, in accordance with Section 35A of the Planning and Environment Act 1987.*

3. That Council approves Amendment C53 following receipt of certification from the Minister for Planning in accordance with Section 35B of the Planning and Environment Act 1987.

4. That Council submits an application to register the Section 173 Agreement with the Titles Office within one month of the gazetted approval of Amendment C53.

Following Council adoption of Amendment C53 and in accordance with part 2 of the above resolution, Latrobe City Council submitted Amendment C53 to the Minister for Planning for certification. The process of certification is a necessary step to ensure that the amendment documentation is in an appropriate form prior to approval. It should be noted that at this point in the amendment process it is not a requirement to have a signed and sealed Section 173 Agreement as part of the certified documents, an unsigned copy of the Agreement is all that is required for certification. Certification from the Minister for Planning was subsequently received on 10 November 2008.

5. ISSUES

The final step in the process for Amendment C53 is following certification, Council would normally approve the amendment and notice of this approval is then advertised in the government gazette.

Given that Amendment C53 involves a Section 173 Agreement between Latrobe City Council and Monash University it is necessary for the Section 173 Agreement to be signed and sealed by both parties prior to Council approving the amendment and the subsequent lodgement of the Section 173 Agreement with the Titles Office.

Following certification of Amendment C53, Latrobe City Council forwarded copies of the Section 173 Agreement to Monash University on the 14 November 2008 for signing and sealing. Correspondence was received from Monash University on 22 December 2008 (see Attachment 1), which requested Latrobe City Council place Amendment C53 on hold. Monash University cited the following reasons:

Since receiving the Section 173 Agreements from Latrobe City Council, circumstances and timeframes associated with Monash University's future plans for the Churchill campus have altered. Monash has decided to take the opportunity to develop a Master Plan for the campus, including land affected by this amendment. This is expected to be completed in early 2009.

We request that Amendment C53 be placed on hold until the Master Plan is finalised and presented to Council.

Latrobe City Council responded to this letter on 22 December 2008 (see Attachment 2), advising that the amendment had been placed on hold pending further advice from the Department of Planning and Community Development (DPCD) with regard to any statutory requirements. Through this written correspondence, Latrobe City Council also extended an offer to meet with Monash University to discuss how Council could assist in the development of its Master Plan and any implications for processing Amendment C53. Latrobe City Council officers subsequently met with representatives from Monash University on 12 February 2009 to discuss the amendment and provide further information regarding the statutory requirements for Amendment C53.

DPCD advised Latrobe City Council that the Section 173 Agreement was required to satisfy an objection to Amendment C53. If Monash University no longer intend to be party to the Section 173 Agreement the objection will still stand. Amendment C53, is at the end of the statutory process (ie has been certified), there was no option to rewind back to request a Planning Panel. The absence of a signed Section 173 Agreement constitutes a significant change and therefore Amendment C53 cannot be approved by Latrobe City Council.

In accordance with Section 30 of the Act an amendment will lapse at the end of two years after the date of publication of the notice in the Government Gazette unless the planning authority has adopted it within this period. Amendment C53 was adopted by Council on 20 October 2008 within the 2 year timeframe of notice in the Government Gazette, therefore there is no option to allow the amendment to lapse. Council has a statutory obligation to abandon Amendment C53 as the proponent no longer requires Council to progress the amendment.

This position was conveyed by Latrobe City Council representatives at the 12 February 2009 meeting and later confirmed in further written correspondence to Monash University on 18 May 2009 (see Attachment 3).

Further phone and email correspondence between Latrobe City Council officers and Monash University between June 2009 and July 2010 sought to clarify the University's position on the matter. Responses received during that time indicated that the University were still receiving legal advice on the matter and were appreciative of the assistance they were receiving from Latrobe City Council.

Latrobe City Council again wrote to Monash University on 24 August 2010, (see Attachment 4) seeking confirmation of the University's position with regard to Amendment C53. Monash University confirmed via email on the 15 September 2010 that they will not sign the Section 173 Agreement and will instead be undertaking a Master Planning process for the University before further pursuing the rezoning request. (see Attachment 5).

Monash University re-confirmed via email on the 29 June 2011 that their "*position has not changed*" and they will not proceed with signing the Section 173 Agreement (see Attachment 6).

Following abandonment of an amendment, Section 28 of the Act requires that Council must notify the Minister for Planning in writing if it decides to abandon an amendment or part of an amendment.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications if Council abandons amendment C53.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Amendment C53 was placed on public exhibition during the period of 28 February 2008 to 28 March 2008 in accordance with the prescribed public notice and consultation requirements of Section 19 of the Act.

This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment. Amendment documentation was also placed on Latrobe City Council's website and copies made available for viewing at Council Service Centres.

Details of Community Consultation/Results of Engagement:

Three written submissions were received in response to the public exhibition of Amendment C53.

Following the public exhibition process, extensive consultation was undertaken with Monash University to facilitate Amendment C53. This included numerous phone conversations, emails, letters and a meeting at the Churchill campus of Monash University as documented in the above sections of this report.

Latrobe City Council officers also engaged with the objector to Amendment C53. This was undertaken through phone discussion, written correspondence and several meetings on site to discuss his concerns with the amendment and facilitate a satisfactory outcome for all parties.

8. OPTIONS

The option available to Council is as follows:

1. After considering the status of Amendment C53, Council resolves to abandon the planning scheme amendment and inform the Minister for Planning, therefore fulfilling the statutory requirements of the Act.

9. CONCLUSION

Amendment C53 sought to rezone land at Lawless Road, Churchill from Farming Zone to Public Use Zone Schedule 2 – Education (PUZ2). Council officers have worked closely with all parties affected by the amendment.

A Section 173 Agreement between Latrobe City Council and Monash University is required to satisfy an objection to Amendment C53. Monash University no longer intends to be party to the Section 173 Agreement. Therefore Amendment C53 cannot be approved by Latrobe City Council and Council is required to abandon this amendment.

Monash University have been informed of Latrobe City Council's statutory requirement to abandon the amendment and will be undertaking a Master Planning process to support potential rezoning requests in the future.

10. RECOMMENDATION

- 1. That Council having considered the status of Amendment C53, abandons the planning scheme amendment and informs the Minister for Planning of Council's decision in accordance with Section 28 of the *Planning and Environment Act 1987*.**
- 2. That Council advises all parties who made written submissions to Amendment C53 of Council's decision.**

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.



Wayne Brundell
Manager, Property and Venues Services Branch

Monday, 22 December 2008

Dear Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL 3840

Attention: Ms Gail Gatt – Strategic Planner

RE: Amendment C53 to the Latrobe Planning Scheme Rezoning of land from Farming Zone to Public Use Zone, Schedule 2 – Education Lawless Road, Churchill

We refer to the above matter.

Since receiving the Section 173 Agreements from Latrobe City Council, circumstances and timeframes associated with Monash University's future plans for the Churchill campus have altered. Monash has decided to take the opportunity to develop a Master Plan for the campus, including land affected by this amendment. This is expected to be completed in early 2009.

We request that Amendment C53 be placed on hold until the Master Plan is finalised and presented to the Council.

We would appreciate confirmation that this is acceptable.

Yours sincerely

Our Ref: 658845

Attachment 2

22 December 2008

Mr Wayne Brundell
Manager Property and Venues Services Branch
Monash University
Building 203 Room G1
Wellington Rd
Clayton VIC 3800

Dear Mr Brundell,

**AMENDMENT C53 LATROBE PLANNING SCHEME
REZONING OF LAND FROM FARMING ZONE TO PUBLIC USE ZONE –
EDUCATION**

I confirm receipt of your letter of 22 December 2008 via email, regarding your request to place the above mentioned planning scheme amendment on hold.

I advise that Council has placed the amendment temporarily on hold, pending further advice from the Department of Planning and Community Development with regard to any relevant statutory requirements.

I acknowledge the decision by Monash University to take the opportunity to develop a Master Plan for the development of the University across the entire campus, including the site proposed to be rezoned as part of Amendment C53.

It should be noted that depending on the information contained in the Master Plan that is presented to Council, the existing C53 amendment proposal may require re-exhibition.

If the University intends to use the Master Plan as justification for the land to be rezoned, Council will require the Master Plan to have addressed the matters raised in the existing submissions and in the Section 173 Agreement. In addition the issues raised in the explanatory report for Amendment C53 such as native vegetation and cultural heritage will also need to be addressed. The Master Plan should also be developed with due consideration of Amendment C62 which incorporates the new Municipal Strategic Statement for Latrobe and the Churchill Structure Plan.

I extend an offer to meet with yourself and Monash University representatives in January 2009 to discuss how Council can assist the University in the development of its Master Plan and any implications for processing the amendment.

Please also note that in the event that a Planning Panel is required as part of the amendment process, the proponent will be responsible for the payment of Panel fees.

Council offices are closed over the holiday period from midday on Wednesday 24 December 2008 until Monday 5 January 2009. I will be on annual leave until 19 January 2009. If you require any further information in my absence or would like to discuss this matter further, please contact Jason Pullman, Co-ordinator Strategic Planning after 5 January 2009 by phone on 5128 5504 or email; jasonpu@latrobe.vic.gov.au.

Yours sincerely,

A handwritten signature in cursive script that reads "Gail Gatt".

GAIL GATT
Senior Strategic Planner

Our Ref: DW 406677
C53

Attachment 3

18 May 2009

Mr Wayne Brundell
Manager Property and Venues Services Branch
Monash University
Wellington Rd
CLAYTON VIC 3800

Dear Mr Brundell,

**STATUS OF SECTION 173 AGREEMENT
AMENDMENT C53 LATROBE PLANNING SCHEME - PROPOSED REZONING OF
LAND AT LAWLESS ROAD, CHURCHILL**

I refer to the meeting of 12 February, 2009 between yourself, Monash University representatives (Churchill campus), Nicole Stow (Beveridge Williams), Gail Gatt and myself (Latrobe City Council), regarding progress of the above mentioned amendment.

I am writing to clarify Monash University's position in relation to signing the Section 173 Agreement forwarded to you via Nicole Stow on 10 March 2009. We have recently received an enquiry from the Department of Planning and Community Development as to why the amendment has not been approved, given that the secretary to the Department, certified the amendment on 10 November 2009.

It was Latrobe City Councils' understanding that Monash University had decided to proceed with the amendment which includes signing 2 copies of the Section 173 Agreement. Council notes that the signed agreements have not been returned to our office.

The alternative option, in the absence of a signed Section 173 Agreement as discussed at the 12 February meeting, is for Council to abandon Amendment C53. Could you please notify us in writing within the next 7 days as to Monash University's intention regarding this amendment and specifically when the Section 173 Agreement is expected to be signed.

For further information please contact Gail Gatt, Senior Strategic Planner by phone on 5128 5336 or email; gailga@latrobe.vic.gov.au

Yours sincerely,

JASON PULLMAN
Co-ordinator Strategic Planning

CC Brian Stark (Monash University – Churchill)
Nicole Stow (Beveridge Williams)

Our Ref: DW 658904
C53 Abandon

Attachment 4

24 August 2010

Ms Nicole Stow
Beveridge Williams
PO Box 1916
TRARALGON VIC 3844

Dear Ms Stow,

**INTENTION TO ABANDON AMENDMENT C53 LATROBE PLANNING SCHEME -
PROPOSED REZONING OF LAND AT LAWLESS ROAD, CHURCHILL**

I am writing to seek confirmation of your client, Monash University's position regarding the above mentioned planning scheme amendment.

Amendment C53 was adopted by Latrobe City Council on 20 October 2008 and subsequently certified by the Minister for Planning on 10 November 2008. The final step in the process for this amendment is following certification, Council would normally approve the amendment and notice of this approval is then advertised in the government gazette.

Amendment C53 involves a Section 173 Agreement between Council and Monash University, it is therefore necessary for the Section 173 Agreement to be signed and sealed by both parties prior to Council approving the amendment. Three copies of the Section 173 Agreement were sent to Monash University on 14 November 2008. Signed and sealed copies of the Section 173 Agreement have not been returned to Council.

On the 12 February 2009 Council staff met with University staff and yourself and also held several subsequent discussions regarding a way forward for the amendment. At that time the University was in the process of seeking legal advice in relation to the Section 173 Agreement associated with amendment C53.

The last correspondence with Monash University (email of 23 July 2009) indicated that the University expected to have this advice finalised in the near future regarding their intention or otherwise to sign the Section 173 Agreement. Considerable time has now lapsed since any correspondence on this matter has been received.

Council has sought advice from the Department of Planning and Community Development (DPCD) regarding the opportunity to make changes to Amendment C53 at this stage of the amendment process. As explained to Monash University in previous correspondence (email of 24 June 2009), advice received from DPCD states that any changes to the Section 173 Agreement or the suggested introduction of a University Master Plan to the amendment at this late stage in the process (following certification) would require Amendment C53 to be abandoned and a new amendment process to proceed.

Please advise Council in writing within 14 days of receipt of this letter whether your client intends to proceed with Amendment C53. Given the significant lapse in time, it is Council's intention to abandon the amendment if no advice is received.

For further information please contact Gail Gatt, Senior Strategic Planner by phone on 5128 5336 or email; gailga@latrobe.vic.gov.au. Scott Sibly, Regional Planner at DPCD can also be contacted by phone on 51 722 534, regarding advice on the amendment process.

Yours sincerely

JASON PULLMAN
Co-ordinator Strategic Planning

cc
Scott Sibly (Regional Planner – DPCD)
Brian Stark (Monash University – Churchill)
Wayne Brundell (Monash University - Clayton)

From: Wayne Brundell
Sent: Wednesday, 15 September 2010 10:03 AM
To: Gail Gatt
Cc: Brian Stark
Subject: (DWS Doc No 562518) C53 Rezone

Gail,

I write confirming that Monash would like to wait until completion of the Uni Master plan before further pursuing the C53 rezoning and therefore has decided not to sign the Section 173 Agreements.

Thank you very much for your excellent assistance to reach this point.

Wayne Brundell
Manager Property Venues

From: Wayne Brundell (FSD)
Sent: Wednesday, 29 June 2011 1:13 PM
To: Gail Gatt
Cc: Brian.Stark; Jason Pullman; Chris Wightman; Leah Harper
Subject: (DWS Doc No 664976) Re: Amendment C53 - Notification of Council's Intent to Abandon.
Gail,

Thanks for this further opportunity to comment. You are correct in your assumptions and Monash's position has not changed.

Many Thanks,

Wayne Brundell

On 23 June 2011 16:25, Gail Gatt <Gail.Gatt@latrobe.vic.gov.au> wrote:

Dear Brian/Wayne

This email is to advise that Latrobe City Council officers have prepared a report to be considered at an upcoming Council meeting that recommends Council abandon Amendment C53.

I refer to extracts of previous correspondence between Latrobe City Council and Monash University below

Latrobe City Council's letter to Monash University of 24 August 2010 (attached):

"Council has sought advice from the Department of Planning and Community Development (DPCD) regarding the opportunity to make changes to Amendment C53 at this stage of the amendment process. As explained to Monash University in previous correspondence (email of 24 June 2009), advice received from DPCD states that any changes to the Section 173 Agreement or the suggested introduction of a University Master Plan to the amendment at this late stage in the process (following certification) would require Amendment C53 to be abandoned and a new amendment process to proceed."

Response to the above letter to Latrobe City Council from Monash via email on 15 September 2010 (attached):

"I write confirming that Monash would like to wait until completion of the Uni Master plan before further pursuing the C53 rezoning and therefore has decided not to sign the Section

173 Agreements.”

I confirm therefore that Monash University's advice not to proceed with signing the Section 173 Agreement requires Council to abandon Amendment C53.

Given that some months have passed since previous correspondence Latrobe City Council would appreciate an acknowledgement from Monash University via return email to indicate their understanding of Latrobe City Council's proposed course of action on this matter.

A response prior to 1 July 2011 would be appreciated, Council will be proceeding to abandon the amendment at a Council meeting some time after this date.

If you require any further information please contact myself on 0458 833 173 or gail.gatt@latrobe.vic.gov.au or in my absence please contact

Jason Pullman on mobile 0400614218 or jason.pullman@latrobe.vic.gov.au

Regards,

Gail Gatt

Confidentiality

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Latrobe City Council
P.O. Box 264
Morwell 3840 Victoria Australia

www.latrobe.vic.gov.au

**11.3.4 STATE GOVERNMENT RECREATION FUNDING PROGRAMS
2011/12**

AUTHOR: General Manager Built & Natural Environment
(ATTACHMENT –NO)

1. PURPOSE

The purpose of this report is to seek Council's consideration of recreation projects that are eligible to be submitted for funding under State Government funding programs and to seek Council's endorsement of funding applications to be prepared and lodged during 2011/12.

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 an inclusive community.

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Built Environment

Develop high quality community facilities that encourage access and use by the community.

Service Provision – City Planning

Provide Recreation and Open Space planning advice for Latrobe City.

Strategy – Recreation

- *Traralgon Outdoor Recreation Plan 2006*
- *Moe Newborough Outdoor Recreation Plan 2007*
- *Gippsland Hockey Facilities Strategic Plan 2007*
- *Morwell Outdoor Recreation Plan 2008*
- *Tennis Facilities Plan 2009*
- *Soccer Facilities Plan 2009*
- *Southern Towns Outdoor Recreation Plan 2009*
- *Northern Towns Outdoor Recreation Plan 2010*
- *Recreation and Leisure Strategy 2006*

These adopted Council plans and strategies provide guidance for the improvement of existing and development of future recreation facilities across the Municipality.

4. **BACKGROUND**

The Victorian Government annually provides a number of funding opportunities to support the improvement and development of community recreation facilities.

These programs, administered by the Department of Planning and Community Development (DPCD), provide the opportunity to access funding to assist in the delivery of projects that meet the program funding criteria.

The following program funding opportunities have been recently advised by DPCD.

Country Football Netball Program

Funding to assist country football and netball clubs and umpiring association to develop facilities in particular areas of need including: football, netball and umpire facilities; shared community, club and social facilities; and multi-use facilities or lighting.

Councils may apply for up to \$100,000 per financial year. This can comprise one larger project seeking \$100,000 or up to three smaller projects across different sites. The funding ratio for this program is \$1 Council funding to \$2 State Government funding.

Community Facility Funding Program – Minor Facilities

Applications under the Minor Facilities category are available for community groups, working in partnership with Council to develop or upgrade community sport and recreation facilities where the total project cost does not exceed \$500,000 (GST exclusive).

Councils can apply for a maximum of \$200,000 total funding under this grant, with a maximum of 3 applications per Council. The funding ratio for this program is \$1 Council funding to \$2 State Government funding.

Community Facility Funding Program – Planning

The Planning category supports local government authorities to provide a planned response to local community sport and recreation needs. Councils may submit only one application under Recreation Planning or Facility Feasibility.

A second planning project may be submitted under the Regional Planning category where the scope and funding contributions extend beyond a single municipality. The funding ratio for this program is \$1 Council funding to \$2 State Government funding.

Community Facility Funding Program – Major Facilities

Applications under the Major Facilities Program should focus on building or upgrading community sport and recreation facilities that are innovative, effectively managed, environmentally sustainable and well-used. The total project cost must be greater than \$500,000 and only one application can be submitted per local government area.

A maximum grant of \$650,000 per project is available under this program. The funding ratio for this program is \$1 Council funding to \$1 State Government funding.

Strengthening the World Game

The Strengthening the World Game program provides funding to assist local football (soccer) clubs to improve existing or develop new facilities to maximise their capacity to cater for additional participation in soccer. There will be two assessment periods in each financial year.

Council may apply for up to \$100,000 in each assessment period. This can comprise one larger project seeking \$100,000 or several smaller projects across different sites. The funding ratio for this program is \$1 Council funding to \$2 State Government funding.

Sustainable Sports Ground Program

The Sustainable Sports Ground Program will help local communities implement sustainable water management practice and achieve high levels of use and participation at sport and recreation facilities. Councils can apply for grants up to a total of \$100,000 from the program. This can comprise one larger project seeking \$100,000 or several smaller projects. The funding ratio for this program is \$1 Council funding to \$2 State Government funding.

The following table summarises the funding co-contribution and submission dates for each of the programs.

PROGAM	MAX GRANT	FUNDING RATIO State/Council (\$)	DUE DATE
Country Football/Netball Program	\$100,000	2:1	Nov/Dec 2011 May/June 2012
Community Facility Funding Program – Minor	\$100,000	2:1	28 September 2011
Community Facility Funding Program – Major	\$650,000	1:1	24 August 2011
Community Facility Funding Program - Planning	\$30,000 (Recreation Planning or Facility Feasibility)	2:1	2 November 2011
	\$ 50,000 (Regional Planning)	2:1	
Strengthening the World Game	\$100,000	2:1	Nov/Dec 2011 May/June 2012
Sustainable Sports Ground Funding	\$100,000	2:1	10 August 2011

Recreation Project Delivery Context

The strategic recreation plans adopted by Council since 2006 have assisted in the facilitation of the construction, upgrade and improvement of a range of facilities across Latrobe City. These projects include:

Projects delivered 2006 – 2010:

- Traralgon West Sporting Complex – Pavilion upgrade
- Northern Reserve Newborough – Facility upgrade
- Boolarra Recreation Reserve – Facility upgrade
- Jack Canavan Oval Traralgon – Lighting Upgrade
- Hazelwood North Reserve – Due diligence report
- Churchill Soccer Club – Lighting installation and upgrade
- Yinnar Recreation Reserve – Facility upgrade
- Boolarra Recreation Reserve – Upgrade to Netball Courts
- Access for All Abilities Playground Moe – Stage 2
- Burrage Reserve Newborough – Facility upgrade
- Tyers Recreation Reserve – Upgrade Soccer Lighting
- Traralgon City Soccer Club – Facility upgrade
- Toners Lane Reserve Morwell – Improve access
- Burrage Reserve Newborough – Lighting upgrade
- Yinnar Recreation Reserve – Umpire facility upgrade
- Morwell Recreation Reserve – Ground improvements
- Keegan Street Reserve Morwell – Lighting installation
- Northern Reserve Morwell – Pavilion construction
- Crinigan Road Reserve Morwell – Facility upgrade
- Ted Summerton Reserve Moe – Pavilion & ground upgrade
- Monash University Churchill – Synthetic Hockey Pitch
- Strengthening World Game Soccer surfaces upgrades.

Projects to be delivered during 2011/12

- Yallourn North Town Oval – Facility upgrade
- Tyers Football/Netball Club – Facility upgrade
- Glengarry Football/Netball Club – Court upgrade
- Pegasus Soccer Club Morwell – Lighting upgrade
- Moe Olympic Soccer Club – Construct new Pavilion
- Monash Soccer Club Newborough – Facility upgrade
- Gaskin Park Master Plan – Facility upgrade
- Traralgon Tennis Centre – Facility upgrade

Priority projects to be delivered during 2012/13 (subject to Council's annual budget process)

The following projects are the final Council adopted priority projects from the outdoor recreation plans to be delivered:

- Tyers Soccer Club – Upgrade to Facility
- Toongabbie Tennis Courts – Resurfacing of Courts

5. ISSUES

In considering the projects that could be nominated for funding, a number of factors require consideration in addition to the requirements set by the State Government. These include:

Existing Council Strategy/Plan/Policy or Resolution

Applicable Council adopted recreation strategies and plans have been analysed to assess potential projects for the funding programs.

These include:

- Traralgon Outdoor Recreation Plan 2006
- Moe Newborough Outdoor Recreation Plan 2007
- Gippsland Hockey Facilities Strategic Plan 2007
- Morwell Outdoor Recreation Plan 2008
- Tennis Facilities Plan 2009
- Soccer Facilities Plan 2009
- Southern Towns Outdoor Recreation Plan 2009
- Northern Towns Outdoor Recreation Plan 2010

As part of the process of these strategies and plans being considered by Council, a number of priority projects for funding and delivery were identified and adopted for each plan.

In addition to the priority projects adopted by Council, each of the plans contains a significant number of other projects that have been identified as “future opportunities”. Whilst being identified as such, they have been attributed no priority or weighting for funding or delivery.

In preparing this report, the Council adopted project priorities from each of the above plans form the basis for considering the projects to be nominated for funding through the DPCD programs.

Alternatively, Council may consider other projects from the plans that are listed as future opportunities, rather than adopted priority projects.

Scoping and planning of the project

In order to access potential funding, an eligible project must have been subject to adequate scoping and planning. This includes community engagement, design, building/planning approval, site tenure and a comprehensive financial cost assessment.

These factors must be demonstrably progressed to ensure that the project can be delivered in accordance with program guidelines and completion dates.

These factors, when considered with the project eligibility criteria applicable to each of the State Government funding programs result in the narrowing of potential projects that may be considered for funding.

Eligibility Assessment

In the context of assessing all eligible projects under the various funding streams, Officers have prepared a list of potential projects from the strategic recreation plans. The approximate project costs and an assessment of the delivery timelines of the project (including planning and design, funding application and delivery) have then been factored in to allow the consideration of eligible projects.

It is important to note that the dates identified for planning, funding and delivery of projects in this section of the report reflect current circumstances and will be reviewed on an annual basis (as funding opportunities become available).

Country Football Netball Program

When considering projects eligible for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans against the Country Football Netball Program funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
George Bates Reserve – Yallourn North	Construct female change facility at George Bates Reserve	\$200,000	\$150,000	Northern Towns Outdoor Recreation Plan (NTORP)	2013/14	2014/15	2014/15
George Bates Reserve	Install lighting for Netball Court at George Bates Reserve Yallourn North	\$80,000	\$40,000	Northern Towns Outdoor Recreation Plan (NTORP)	2014/15	2015/16	2015/16
Tyers Recreation Reserve	Upgrade Lighting on main Football Oval	\$150,000	\$90,000	Northern Towns Outdoor Recreation Plan (NTORP)	2014/15	2015/16	2015/16
Yinnar Recreation Reserve	Install Lighting on Eastern Oval	\$150,000	\$90,000	Southern Towns Outdoor Recreation Plan (STORP)	2014/15	2015/16	2015/16
Gaskin Park Reserve - Churchill	Install Lighting on Gaskin 2 Oval	\$200,000	\$100,000	Gaskin Park Master Plan	2014/15	2015/16	2015/16
Total		\$780,000	\$470,000				

There are no adopted priority projects from Council's outdoor recreation plans that meet this program criterion or that can be suitably scoped, planned and designed prior to the submission of the funding application.

Community Facility Funding Program – Minor Facilities

When considering projects eligible for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans together with the soccer, tennis and hockey plans against the Community Facility Funding Program – Minor Facilities funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Traralgon Recreation Reserve	Construction of multi use change facility at Traralgon Rec Reserve for the TEDAS Junior Football Club & Ex-Students Cricket Club	\$300,000 (\$100,000 of funding to be applied for)	Nil	Traralgon Outdoor Recreation Plan	2011/12	2011/12	2012/13
Agnes Brereton Reserve - Traralgon	Upgrade to Pavilion & Public Toilets	\$250,000	\$200,000	Traralgon Outdoor Recreation Plan	2012/13	2013/14	2014/15
Catterick Crescent Reserve - Traralgon	Upgrade to Pavilion for Imperials Cricket Club	\$250,000	\$200,000	Traralgon Outdoor Recreation Plan	2012/13	2013/14	2014/15
Ronald Reserve - Morwell	Upgrade to female change facilities for players and referees at Pegasus Soccer Club	\$250,000	\$200,000	Morwell Outdoor Recreation Plan Soccer Plan	2012/13	2013/14	2014/15
Apex Park Reserve - Traralgon	Upgrade Pavilion for all user groups	\$200,000	\$150,000	Not identified	2013/14	2014/15	2015/16
Glengarry Recreation Reserve	Upgrade of Netball/Tennis Pavilion	\$250,000	\$200,000	Northern Towns Outdoor Recreation Plan	2013/14	2014/15	2015/16
Toongabbie Recreation Reserve	Resurface Tennis Courts at Toongabbie Recreation Reserve	\$100,000	\$50,000	Northern Towns Outdoor Recreation Plan	2011/12	2012/13	2013/14

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Traralgon South Recreation Reserve	Construct change facilities at CATS Cricket pavilion	\$150,000	\$100,000	Traralgon South Master Plan	2013/14	2014/15	2015/16
Burrage Reserve - Newborough	Upgrade Baseball Lighting	\$150,000	\$100,000	Moe Outdoor Recreation Plan	2014/15	2015/16	2016/17
Maryvale Reserve - Morwell	Upgrade Pavilion for all users	\$250,000	\$200,000	Morwell Outdoor Recreation Plan	TBC		
Northern Reserve - Newborough	Install Lighting for Reserve	\$150,000	\$100,000	Moe Outdoor Recreation Plan	TBC		
Kevin Lythgo Reserve - Traralgon	Upgrade Pavilion	\$200,000	\$150,000	Traralgon Outdoor Recreation Plan	TBC		
Gaskin Park Reserve - Churchill	Install Lighting at Tennis Facility	\$150,000	\$100,000	Southern Towns Outdoor Recreation Plan Gaskin Park Master Plan	TBC		
Maskrey Reserve - Traralgon	Upgrade toilet	\$100,000	\$50,000	Traralgon Outdoor Recreation Plan	TBC		
Maskrey Reserve - Traralgon	Install Lighting	\$150,000	\$100,000	Traralgon Outdoor Recreation Plan	TBC		
Monash Synthetic Hockey Pitch	Pavilion Construction	\$500,000	\$400,000	Gippsland Hockey Facilities Strategic Plan 2007	TBC		
Traralgon Croquet Club	Resurface Grass Courts	\$80,000	\$40,000	N/A	TBC		
Total		\$3,480,000	\$2,340,000				

There is only one project that meets the program funding criteria and has been sufficiently planned, designed and costed to allow submission under this funding stream.

The Traralgon East District Association Sports (TEDAS) will construct a multi use pavilion which will provide change facilities for female and male football and cricket players, female and male umpires and public toilets for reserve users.

This project is supported through Council's adoption of the Traralgon Outdoor Recreation Plan (2006)

At its Ordinary Meeting of 22 November 2010, the proposal to construct the TEDAS pavilion at Traralgon Recreation Reserve was presented to Council, with the following resolved:

1. *That Council provide in principle support for the construction of a pavilion, including public toilets at the Traralgon Recreation Reserve subject to TEDAS securing:*
 - a. *Relevant approvals in relation to the Planning and Environment Act 1987, Building Act and Regulations 1993 and any other relevant legislation.*

2. *that the Chief Executive Officer be authorised to negotiate and sign:*
 - a. *lease agreement in relation to the land management agreement to include (but not limited to) maintenance, ground improvements and cost for power and water at the pavilion.*

An application for funding for this project is consistent with the Council resolution of 22 November 2010. It is noted that no financial contribution from Council is required to support this funding application.

There are no other adopted priority projects from Council's outdoor recreation plans that meet this program criterion or that can be suitably scoped, planned, designed prior to the submission of the funding application.

Community Facility Funding Program - Recreation Planning

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans, together with the soccer, tennis and hockey plans against the Community Facility Funding Program – Planning funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Morwell Recreation Reserve Master Plan	Reserve Master Plan	\$35,000	\$20,000	Morwell Outdoor Recreation Plan	2011/12	2012/13	2013/14
Traralgon Recreation Reserve Master Plan	Reserve Master Plan	\$35,000	\$20,000	Traralgon Outdoor Recreation Plan	2011/12	2012/13	2013/14
Hazelwood North Recreation Reserve Master Plan	Reserve Master Plan	\$40,000	\$20,000	Hazelwood North Due Diligence report	2012/13	2013/14	2014/15
Total		\$110,000	\$60,000				

There are no suitable projects that meet the program funding criteria and have been sufficiently planned, designed and costed to allow submission under this funding stream.

Planning and scoping will be undertaken during 2011/12 to allow a funding proposal to be submitted in 2012/13 for the completion of the Morwell & Traralgon Recreation Reserve master plans.

Community Facility Funding Program – Major Facilities

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans, together with the soccer, tennis and hockey plans against the Community Facility Funding Program – Major Facilities funding criteria has been undertaken

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Gaskin Park Reserve - Churchill	Multi-use Facility	\$800,000	\$400,000	Gaskin Park Master Plan	2012/13	2013/14	2014/15
Gaskin Park Reserve - Churchill	Construction of Bowling Green	\$400,000	\$200,000	Gaskin Park Master Plan	2012/13	2013/14	2014/15
Total		\$1,200,000	\$600,000				

It is noted that the Gaskin Park Recreation Reserve Master Plan is yet to be adopted by Council and is therefore not eligible for submission at this time.

There are no suitable projects that meet the program funding criteria and have been sufficiently planned, designed and costed to allow submission under this funding stream.

Strengthening the World Game

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans and the soccer plan against the Strengthening the World Game funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Tyers Recreation Reserve	Upgrade to facilities or Tyers Soccer club	\$300,000	\$230,000	Northern Towns Outdoor Recreation Plan	2011/12	2011/12	2012/13
Harold Preston Reserve - Traralgon	Installation of Match Lighting on rear pitch at Traralgon City Soccer Club	\$120,000	\$60,000	Traralgon Outdoor Recreation Plan Soccer Plan	2011/12	2011/12	2012/13
Harold Preston Reserve - Traralgon	Upgrade to female change facility at Olympians Soccer Club	\$200,000	\$150,000	Traralgon Outdoor Recreation Plan Soccer Plan	2012/13	2012/13	2013/14
Moe Olympic Reserve	Upgrade Lighting	\$120,000	\$60,000	Moe Outdoor Recreation Plan Soccer Plan	2013/14	2014/15	2014/15
Total		\$740,000	\$500,000				

From the above table there are two projects that meet the funding criteria and can be sufficiently scoped, planned, designed and financially assessed for submission to the Strengthening the World Game funding program.

The Tyers Recreation Reserve Soccer change room upgrade was identified in the Northern Towns Outdoor Recreation Plan (2010) as a priority project. The State Government has committed to a \$20,000 contribution towards this project.

The works to be undertaken include; upgrade to the clubrooms to provide change facilities for female players and referees, improving of canteen facilities and provisions of storage and disability access.

The Traralgon Outdoor Recreation Plan and the Soccer Plan have both identified the need for lighting to the rear pitch at Harold Preston Reserve, currently used by the Traralgon City Soccer Club. The club has a fast growing membership, and requires lighting for the 2nd pitch to cater for the growing numbers of junior and female players.

Sustainable Sports Ground Funding

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans and the soccer plan against the Sustainable Sports Ground funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

Reserve	Project Description	Total Cost (approx)	Council Costs (approx)	Strategy/Plan	Planning & Design	Funding Application	Project Delivery
Latrobe City Sports & Entertainment Centre	Installation of water tanks & Water Capturing from stadium roof	\$150,000	\$100,000	Not identified *	2011/12	2012/13	2012/13
Glengarry Rec Reserve	Drainage & irrigation to main oval	\$100,000	\$50,000	Northern Towns Outdoor Recreation Plan	2012/13	2013/14	2013/14
Burrage Reserve – Newborough	Upgrade rear Soccer pitch for drainage	\$300,000	\$200,000	Moe Outdoor Recreation Plan	2014/15	2015/16	2016/17
Northern Reserve - Morwell	Upgrade surface and install irrigation	\$150,000	\$100,000	Morwell Outdoor Recreation Plan	TBC		
Total		\$700,000	\$450,000				

** At the time of the adoption of the Morwell Recreation Plan and Latrobe City Soccer Plan the Latrobe City Sports & Entertainment Centre was in private ownership. With Council now having a 30 year lease for community use works on the reserve are eligible and have been deemed appropriate due to it being an A Grade reserve and one of the City's primary event destinations.*

There are no suitable projects that meet the program funding criteria and have been sufficiently planned, designed and costed to allow submission under this funding stream.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The following table provides a summary of the grants available from the State Government for each of the recommended projects and the funds to be contributed by Latrobe City Council.

Program	Project	Total Cost	State Govt Contribution	LCC Contribution	Other Contrib.	Year
Community Facility Funding Program - Minor	TEDAS Pavilion	\$350,000	\$100,000	NIL	\$250,000 (1)	
Strengthening the World Game	Tyers Soccer Club – Change Room upgrade	\$300,000	\$50,000	\$230,000	\$20,000 (Victorian Government)	
Strengthening the World Game	Traralgon City Soccer Club – Install Lighting	\$120,000	\$60,000	\$60,000	N/A	

(1) TEDAS Contribution

If Council is successful in obtaining the grant funding requested, funding allocations will be required for each of these projects in the 2012/13 Council capital works budget.

Projects identified for submission to funding streams in future years will require capital works allocation for planning and design of the project.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

The projects identified for application to the State Government form part of an existing Council Strategy/Plan/Policy/program or resolution. Community engagement and consultation has been completed as part of the prior action.

Significant community consultation and engagement was undertaken in the formation of each of the plans detailed in the report to Council for endorsement.

As the projects identified are required to be submitted to the State Government within reasonably short timeframes, it is not practical to undertake further specific community engagement and consultation.

Details of Community Consultation / Results of Engagement:

Significant community consultation and engagement was undertaken as part of the development of the following plans, which have been adopted by Council:

- Traralgon Outdoor Recreation Plan 2006
- Moe Newborough Outdoor Recreation Plan 2007
- Gippsland Hockey Facilities Strategic Plan 2007
- Morwell Outdoor Recreation Plan 2008
- Tennis Facilities Plan 2008
- Soccer Facilities Plan 2009
- Southern Towns Outdoor Recreation Plan 2009
- Northern Towns Outdoor Recreation Plan 2010

8. OPTIONS

Options available to Council include:

1. Endorse the projects identified for preparation and submission of funding submissions to the State Government.
2. Not endorse the projects identified for preparation and submission of funding submissions to the State Government.
3. Amend the projects identified for the preparation and submission of funding applications to the State Government, giving consideration to the project delivery factors, identified in Section 4.

9. CONCLUSION

The recreation projects nominated for submission to the State Government provide an opportunity to deliver significant benefit to the Latrobe City community and improve the quality of the City's recreation facilities and built environment.

It is critical that Council takes a strategic approach to the selection of eligible projects to ensure sustainable financial management and the proactive management of expectations as to which projects can be delivered by when. The availability of funding should not be the key driver to consider eligible projects and not all project submissions will be successful.

10. RECOMMENDATION

That Council:

- 1. Endorse the following projects for funding applications to be prepared for delivery in the 2012/13 financial year:
 - a. Upgrade to Tyers Soccer Club – Strengthening the World Game**
 - b. Installation of lighting to Harold Preston Reserve – Strengthening the World Game**
 - c. TEDAS – Community Facility Funding - Minors****
- 2. Agree to contribute an estimated amount of \$290,000 towards the capital cost of the construction of the upgrade to the Tyers Soccer Club and installation of lights at Harold Preston Reserve; and that the Council contribution be committed in the 2012/13 capital works program.**

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

COMMUNITY LIVEABILITY

11.5.1 EARLY YEARS REFERENCE COMMITTEE TERMS OF REFERENCE

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council endorsement of the Terms of Reference for an Early Years Reference Committee.

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

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 2011-2015

Strategic Directions

Develop and foster relationships with service providers to enhance the learning and employment outcomes of the community.

Work collaboratively with all stakeholders in the provision of quality education and care.

4. BACKGROUND

At the ordinary Council meeting held on Monday 27 June 2011 Council resolved as follows:

1. *That Council adopts the Municipal Early Years Plan 2011-2015.*

2. *That all who made a submission in relation to the Municipal Early Years Plan be forwarded a letter to thank them for their submission.*
3. *That a further report be presented to Council at the ordinary council meeting on 15 August 2011 on the terms of reference for the establishment of an Early Years Reference Committee.*

Latrobe City plays a significant role across the municipality in relation to the early years sector, both as a provider of services and in planning for service provision and development.

Early Education and Care Services provided directly by Latrobe City include:

- Preschool (year prior to starting primary school)
- Prekinder (year prior to starting preschool)
- Long Day Care
- Family Day Care
- Occasional Care
- Maternal and Child Health

Health and Development programs relating to early years which are provided directly by Latrobe City include:

- Universal Maternal and Child Health
- Enhanced Maternal and Child Health
- Preschool Field Officer program

Developmental programs auspiced by Latrobe City and fully funded by the Department of Education and Early Childhood Development (DEECD) include:

- Early Literacy Project
- Best Start Facilitation

In addition to being directly responsible for the delivery of the above services and programs Latrobe City also plays an important community planning role in relation to the current and future development of the Early Years sector.

5. ISSUES

During the development of the Municipal Early Years Plan 2011-2015 (MEYP) it was identified that there would be significant benefit for Latrobe City to form an Early Years Reference Committee, to assist in the monitoring of the MEYP and also to provide input into early years planning and development.

The Early Years Reference Committee will discuss and advise on issues including but not limited to the following:

1. Assist in the promotion of the Latrobe City Municipal Early Years Plan 2011-2015 to the community.
2. To formally monitor the progress of the Latrobe City Municipal Early Years Plan 2011-2015.
3. Through the chair, to inform Councillors of matters related to the needs of children and their families that may effect their participation in community life or their development into the future.
4. To advocate in relation to areas of identified need on behalf of children and their families.
5. To provide input into the development of future Latrobe City plans and strategies that have a focus or contribution outcomes for early years.

A draft Terms of Reference document (attached) for the Early Years Reference Committee has been developed in line with other Latrobe City Council Committees and Reference Groups. The Terms of Reference propose that the Committee is comprised of:

- Two Latrobe City Councillors
- Two Latrobe City Child and Family Services Officers
- Two Early Years Sector professional representatives (representative of organisations providing services within Latrobe City)
- Up to four community representatives

It is proposed that vacancies will be filled on the reference group as follows:

- Latrobe City Councillor representatives, as determined through standard delegation processes.
- Latrobe City Child and Family Services Council officer representatives, to be determined by the General Manager Community Liveability.
- All other positions to be advertised and appointed by Council.

Meetings of the Committee will be held bi-monthly, with the Committee establishing suitable times and the authority to revise the meeting schedule as required.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant financial implications as a result of this Committee. Officer time to attend meetings and provide administration support will be accommodated within current budget.

7. INTERNAL / EXTERNAL CONSULTATION

The Terms of Reference will be reviewed by the Committee once membership is established. If any alterations are requested, a revised version will be presented to Council for consideration.

8. OPTIONS

Council has the following options available:

1. Adopt the Terms of Reference as attached for the Early Years Reference Committee.
2. Make alterations to the Terms of Reference for the Early Years Reference Committee.
3. Not adopt the Terms of reference for the Early Years Reference Committee and request further information.

9. CONCLUSION

Latrobe City is responsible for the direct delivery of a range of early childhood services across the municipality. In addition to the role that it plays in service delivery, Council also plays a key role in planning for future service provision within the early childhood sector.

The formation of an Early Years Reference Committee will assist Council and other partners in the implementation of the Municipal Early Years Plan 2011-2015 and provide input to future planning.

10. RECOMMENDATION

1. That Council adopts the terms of reference for the Early Years Reference Committee dated August 2011.

2. That expressions of interest be invited for community and early years sector professional representatives on the Early Years Reference Committee.
3. That Latrobe City Council Instrument of Delegation document 2011-2012 Council Delegates and Committees [11 DEL-6] be amended to reflect the above changes.

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

Early Years Reference Committee Terms of Reference



Vision Statement

Every child to be happy, healthy and safe and to continue to learn and grow

1. Preamble

- 1.1 The group shall be known as the Early Years Reference Committee.
- 1.2 The Committee is an advisory committee of Latrobe City Council.
- 1.3 These Terms of Reference are adopted by resolution of Latrobe City Council at the Ordinary Council Meeting held on Monday, 22 August 2011.

2. Objectives

- 2.1 To assist in the promotion of the Latrobe City Municipal Early Years Plan 2011-2015 to the community.
- 2.2 To monitor the progress of the Latrobe City Municipal Early Years Plan 2011-2015.
- 2.3 Through the chair, to inform Councillors of matters related to the needs of children and their families that may affect their participation in community life or their development into the future.
- 2.4 To advocate in relation to areas of identified need on behalf of children and their families.
- 2.5 To provide input into the development of future Latrobe City Council plans and strategies that have a focus on the early years.

3. Membership

Composition of the Committee

- 3.1 The Early Years Reference Committee shall comprise representatives including:
 - 3.1.1 Two Latrobe City Council Councillors.
 - 3.1.2 Two Latrobe City Child and Family Services Officers.
 - 3.1.3 Two Early Years Sector professional representatives (representative of organisations providing services within the Latrobe City municipality.)
 - 3.1.4 Up to four community representatives.

Length of appointment

- 3.2 All memberships to be reviewed at two year intervals.

Selection of members and filling of vacancies

- 3.3 Latrobe City Council shall determine the membership of the Committee based on expressions of interest received from members of the community and nominations received from organisations.

- 3.4 The Committee may fill any vacancies that occur within the two year period of appointment. In the first instance this will be achieved by review of the previous expressions of interest. If this is unsuccessful vacancies will be advertised. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the appointment.

Co-option of members

- 3.5 With the approval of the Chair, members may co-opt a temporary member to fulfil their duties and attend meetings.
- 3.6. With the approval of the Chair, the Committee may invite other individuals to participate in the group on a regular or an occasional basis and included in the proceedings of any working groups formed.

Attendance at meetings

- 3.7 A member who misses two consecutive meetings without a formal apology may, at the discretion of the Committee, have their term of office revoked.
- 3.8 A member who is unable to attend the majority of meetings during the year may, at the discretion of the group, have their term of office revoked.

4. Resignations

- 4.1 All resignations from members of the Early Years Reference Committee are to be submitted in writing to the Chair, Early Years Reference Committee, Latrobe City Council, PO Box 264, Morwell VIC 3840.

5. Proceedings

Chair

- 5.1 A nominated Councillor shall chair the meetings. If the Chair is unavailable he/she shall delegate the role of the Chair to the other Councillor.
- 5.2 In the event that both Councillors are unavailable to attend a given meeting the role of chair shall be nominated at the discretion of the standing chair.

Meeting schedule

- 5.3 Meetings of the Committee will initially be held bi-monthly or as may be deemed necessary by the Committee to fulfil the objectives of the Committee.
- 5.4 Special meetings may be held on an as needs basis.
- 5.5 Meetings will be held at the Latrobe City Corporate Head Quarters, Commercial Road, Morwell, unless otherwise decided by the Committee.
- 5.6. Meetings will begin at 3.00 pm, unless otherwise decided by the Committee. The duration of each meeting should not exceed two hours.

Meeting procedures

- 5.7. Meetings of the Committee are not open to the public; however non-members may attend at the invitation of the Chair.

Quorum

- 5.8 A majority of the members constitutes a quorum.
- 5.9 If at any meeting of the Early Years Reference Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

Voting

- 5.10 There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council if necessary.

Minutes of the Meeting

- 5.11. Child & Family Services officer or authorised agent shall take the Minutes of each Committee meeting.
- 5.12. The Minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Committee.
- 5.13. The Minutes shall be stored in the Latrobe City Council corporate filing system (currently Latrobe Content Management System.)
- 5.14. A copy of the Minutes shall be distributed to all Committee members.
- 5.15. A copy of the Minutes shall be made available to all Latrobe City Councillors.

6. Authority and Reporting

- 6.1 The Committee is a consultative committee only and has no delegated decision making authority.
- 6.2 Reports to Latrobe City Council should reflect a consensus of view. Where consensus cannot be reached, the report should outline any differing points of view.
- 6.3 All recommendations, proposals and advice must be directed through the Chair and comply with Councils '*Community Engagement Policy and Strategy*'.
- 6.4 Reports to the Latrobe City Council will be coordinated through the General Manager Community Liveability.
- 6.5 All public statements of the Committee will be managed by Latrobe City Council's Community Relations Department in consultation with the Chair.

7. Finance and Administration

- 7.1 Latrobe City Council shall provide for the Committee a Secretariat who shall receive and distribute communications to the Committee, arrange meeting venues and prepare and distribute meeting agendas.

11.5.2 QUARTERLY PROGRESS REPORT – PRESCHOOL SERVICES TRANSITION TO 15 HOURS PER WEEK BY 2013

AUTHOR: General Manager Community Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with an update regarding the implementation of 12 hours of preschool per week across Latrobe City Council preschool services in 2011 as a transition to providing 15 hours per week by 2013.

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 – 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 2011-2015

Strategic Directions

Develop and foster relationships with service providers to enhance the learning and employment outcomes of the community.

Work collaboratively with all relevant stakeholders in the provision and support of quality education and care.

4. **BACKGROUND**

At the ordinary Council meeting on 21 June 2010 Council resolved as follows:

1. *That Council endorses increasing the preschool program to 12 hours per week in 2011 as a transition to 15 hours per week by 2013.*
2. *That the community be informed of Council's intention to provide 12 hours of preschool during the 2011 school year as a transition to providing 15 hours per week by 2013.*
3. *That a report be presented to Council in April 2011 regarding the progress of the transition to 12 hours of preschool per week and further report be provided on a quarterly basis.*

Enrolments opened in August 2010 advertising a 12 hour program for the 2011 preschool year. The 22 preschools managed by Latrobe City Council had transitioned to the full 12 hour early education program by week seven of term one 2011.

During 2011, the Child & Family Services Management team have continued to consult with staff to develop a plan to successfully transition the preschool program to the provision of 15 hours of preschool education by 2013.

A report was presented at the ordinary Council of 23 May 2011 regarding the progress of the transition to 12 hours of early education per week.

The provision of 15 hours of preschool per week forms part of the Council of Australian Governments (COAG) 'National Partnership Agreement on Early Childhood Education'.

5. **ISSUES**

In second term each year all preschool users are provided with the opportunity to provide feedback on the preschool program, including program delivery and management. This process is managed through a customer satisfaction survey.

The 2011 customer satisfaction survey results have been collated and the results are as follows:

Surveys issued	862
Surveys returned	151
Overall satisfaction with the preschool program	93%

With specific reference to the implementation of the 12 hours provided in 2011, the following question was asked:

Q. Do you believe the increase in program delivery time from 10 hours to 12 hours has been of benefit to your child?

Of the 151 surveys returned the following results were received to this question:

Strongly agree	73
Agree	49
Neutral	16
Disagree	0
Strongly disagree	1
No response	12

The information returned indicates that families believe that the 12 hours of early education being provided to their child is proving to be beneficial.

Teachers have generally reported that children are adjusting well to the 12 hour program. This has been evidenced by the formation of strong social bonds between children, which is not always evident in children at this stage of the preschool year. Teachers have also noted prolonged periods of concentration and reduced anxiety from children when brought to preschool by family members.

It has been noted that some teachers and children are still adjusting to the increased hours and there are a range of supports in place including:

- Work load management assistance
- Planning assistance
- Assessment of children's individual needs
- Additional (funded) teaching support where required.

Additional information regarding long term social and educational benefits will be collected at the conclusion of the preschool year and over the coming years, through primary school testing.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Pilot funding has been provided by the department of Education and Early Childhood Development for the provision of 12 hours preschool in 2011. There has been no additional cost to Council as a result of the implementation of this pilot.

7. **INTERNAL / EXTERNAL CONSULTATION**

Consultation has taken place using the following means:

- Customer satisfaction survey
- Verbal feedback from teaching staff
- Ongoing dialogue between teachers and parents.

8. **OPTIONS**

Council has the following options:

1. Note the report
2. Note the report and request further information

9. **CONCLUSION**

This report is provided as an update in relation to the implementation of 12 hours of preschool in 2011 as a transition to the delivery of 15 hours by 2013.

To date the implementation of the 12 hour preschool program has proven to be successful, with positive feedback from service users.

International research has shown that the benefits of additional hours of early education are beneficial to children from an intellectual, social and behavioural point of view, with improved outcomes at school entry and into the child's school career.

This is an important step in progressing to the provision of 15 hours preschool per week by 2013 in accordance with the National Partnership Agreement on Early Childhood Education.

10. RECOMMENDATION

That Council notes this quarterly progress report on the implementation of 12 hours preschool per week as a transition to providing 15 hours per week by 2013.

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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GOVERNANCE

**11.6.1 CONTRACT ACTIVITIES FROM PREVIOUS COUNCIL MEETINGS
AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION**

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. DOCUMENT/S

a) The following contracts were awarded at previous Council Meetings.

Contract No.	Description	Contractor	Price Awarded (excluding GST)	Date Awarded
12980	Provision of home maintenance and home gardening duties	Dale Thompson's Garden Lawn Service	Schedule of rates	27/6/2011
12981	Provision of home maintenance and home gardening duties	Morwell Mowing and Home Maintenance Services	Schedule of rates	27/6/2011
12982	Provision of home maintenance and home gardening duties	T.W Willhelme T/As Jims Mowing Traralgon West	Schedule of rates	27/6/2011
12983	Provision of home maintenance and home gardening duties	Stephen Walkley T/As Steve's Home & Garden	Schedule of rates	27/6/2011
12984	Provision of home maintenance and home gardening duties	JL Mowing & Garden Care	Schedule of rates	27/6/2011
12985	Provision of home maintenance and home gardening duties	PHF Investments Pty Ltd T/As Grey Army Lawn & Care Traralgon	Schedule of rates	27/6/2011
12986	Provision of home maintenance and home gardening duties	Gippsland Land Services	Schedule of rates	27/6/2011
12987	Provision of home maintenance and home gardening duties	Chris Van Den Ham T/As Latrobe Home & Garden Maintenance	Schedule of rates	27/6/2011
12988	Provision of home maintenance and home gardening duties	Day to Day Handyman Service	Schedule of rates	27/6/2011
12979	Provision of acceptance and processing of recyclables	Dasma Environmental Pty Ltd	Schedule of rates	27/6/2011
12978	Provision of acceptance and processing of organic waste	Pinegro Products Pty Ltd	Schedule of rates	27/6/2011
12989	Provision of plant hire	Filmer Group Pty Ltd	Schedule of rates	27/6/2011
12990	Provision of plant hire	Willy's Bobcat Hire	Schedule of rates	27/6/2011
12991	Provision of plant hire	Williams Family Trust T/As KND Maintenance Pty Ltd	Schedule of rates	27/6/2011
12992	Provision of plant hire	PA & LM De Lazzer	Schedule of rates	27/6/2011
12993	Provision of plant hire	ASH (Vic) Pty Ltd T/As Hughes Plant	Schedule of rates	27/6/2011
12994	Provision of plant hire	Dasma Industries Pty Ltd	Schedule of rates	27/6/2011

Contract No.	Description	Contractor	Price Awarded (excluding GST)	Date Awarded
12995	Provision of plant hire	ACE Earthmoving Unit Trust	Schedule of rates	27/6/2011
12996	Provision of plant hire	Beyer Contractors Pty Ltd	Schedule of rates	27/6/2011
12997	Provision of plant hire	Bob Kistler Earthmoving Pty Ltd	Schedule of rates	27/6/2011
12998	Provision of plant hire	Prosper Valley Enterprises Pty Ltd T/As Prosper Valley Gravel	Schedule of rates	27/6/2011
12999	Provision of plant hire	Coats Hire Operations Pty Ltd	Schedule of rates	27/6/2011
13000	Provision of plant hire	Prosper Valley Excavations Pty Ltd	Schedule of rates	27/6/2011
13001	Provision of plant hire	Thomson Valley Excavations Pty Ltd	Schedule of rates	27/6/2011
13002	Provision of plant hire	Valley Sweep Pty Ltd	Schedule of rates	27/6/2011
13003	Provision of plant hire	Gippsland Logging & Earthmoving Pty Ltd	Schedule of rates	27/6/2011
13004	Provision of plant hire	Niclap Pty Ltd	Schedule of rates	27/6/2011
13007	Latrobe City Hyland Highway Landfill Construction of Southern Bund Wall – Cells 1 & 2	Grosvenor Lodge Pty Ltd	\$759,920.80	11/7/2011
13008	Provision of sanitary disposal services	Moconna Pty Ltd T/As Medico Hygiene Services	Schedule of rates	11/7/2011

- b) The following contracts were awarded by the Chief Executive Officer under delegation.

NIL

- c) The following is a summary of contract variations approved by the Chief Executive Officer under delegation.

Contract No.	Description	Contractor	Variation Amount (excluding GST)	Date Contract Awarded by CEO	Date Contract Awarded by Council	Date Variation Approved by CEO	Variation Works
12838	Reconstruction of Philip Parade Churchill	Sure Contractions (Vic) Pty Ltd	\$16,582.00	N/A	21/6/2010	24/6/2011	V7-Additional landscape & pavement works at Hub
12931	Intersection improvements – Old Melbourne Road, Traralgon	Q.R Construction (Gippsland) Pty Ltd	\$58,914.25	N/A	7/2/2011	25/7/2011	V1-Removal of unsuitable material-north west section
12931	Intersection improvements – Old Melbourne Road, Traralgon	Q.R Construction (Gippsland) Pty Ltd	\$48,560.85	N/A	7/2/2011	25/7/2011	V2-Removal of unsuitable material-south east & south west sections

3. **RECOMMENDATION**

That Council notes this report on contract decisions made at previous Ordinary Council Meetings and by the Chief Executive Officer under delegation.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.2 REVIEW OF COUNCIL POLICIES

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present these 4 policies —

- Community Access and Inclusion Policy
- Community Based Aged and Disability Services Policy
- Home Based Aged and Disability Services Policy
- Occupational Health and Safety Policy

for Council's consideration under Stage 3 of the 2011-2012 Council Policy Review 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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction - Governance

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.

Service Provision – Risk and Compliance

Administer the policies of Latrobe City Council.

Policy - Council Policy Development Policy 11 POL-5

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficiency of the process and the overall policy framework.

4. BACKGROUND

Good governance principles suggest that Council should determine its policy position and then ensure that decision making is consistent with adopted policy.

A program has been developed to provide a structured and regulated system for reviewing Council Policies. The current introductory two-year program was designed to enable Council to review all adopted policies in stages leading up to the 2012 General Election. Thereafter, an ongoing four year program rolled out over the full term of each Council will be employed to ensure that all policies are kept relevant and up to date into the future.

At the Ordinary Meeting on 7 February 2011, Council gave consideration to the first seven policies presented in Stage 1 of the 2011-2012 Policy Review Program. Sixteen policies were presented to Council on 23 May 2011 under Stage 2, with the Procurement Policy reconsidered at the Ordinary Council Meeting on 27 June 2011.

The Policy Review Table set out below lists all policies presented for consideration in Stage 3, identifying the policy number and status assigned to each policy and the revisions made (if any) under the following headings:

Statutory Review	- Policy review is a statutory requirements
No change	- No change to current policy.
Title change	- Amendment to existing policy title.
Minor change(s)	- Minor amendments within policy content to reflect the passage of time; enhance language and/or correct grammatical errors.
Significant change(s)	- Significant amendments within policy content.
Superseded / obsolete	- Existing policy no longer required &/or superseded by another document or policy.
New	- New policy developed.

Each policy identified in the table below refers to the policy version contained in *2009 – 2012 Policy Manual* [11 POL-4] which was produced following the adoption of Procurement Policy [11 POL-3] by Council on 27 June 2011.

Adopted Policy Title & Document No.	Statutory Review	No Change	Title Change	Minor Change(s)	Significant Change(s)	Superseded / Obsolete	New
Community Access and Inclusion Policy [11 POL-4]				✓			
Community Based Aged and Disability Services Policy [11 POL-4]				✓			
Home Based Aged and Disability Services Policy [11 POL-4]				✓			
Occupational Health and Safety Policy [11 POL-2]					✓		

5. ISSUES

As a result of Stage 3 of the 2011-2012 Council Policy Review Program:

- Only 1 of the listed policies has been significantly amended in relation to policy content; and
- 3 policies have been subjected to minor amendment;

No new policy is being put forward for consideration in Stage 3 and no policy has been nominated for revocation.

The following is a summary of revisions made to the policy denoted **Significant Change(s)** in the Policy Review Table set out above:

- Occupational Health and Safety Policy [11 POL-2]
 - The following objectives of the occupational health and safety management system (OHSMS) have been added:
 - “6. *Establish and review measureable health and safety objectives and targets, aimed at elimination or reduction of work related injury or disease;*
 - 7. *Achieve continuous improvement through ongoing review.*”

Accordingly, the following revised policy document (as attached) is now presented to Council for adoption:

- Occupational Health and Safety Policy 11 POL-3.

The revisions made to the 3 policies denoted **Minor Change(s)** in the Policy Review Table set out above can be summarised as follows:

- Community Access and Inclusion Policy [11 POL-4]
 - The reference to the “*Charter of Public Service in a Diverse Society*” in the third paragraph of the Policy Goals section has been revised to cite the following legislation:
 - *Racial Discrimination Act 1975 (Cth);*
 - *Equal Opportunity Act 1995 (Vic);*
 - *Racial and Religious Tolerance Act 2001 (Vic);*

- *Multicultural Victoria Act 2004 (Cth)*; and
 - *The Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

- Community Based Aged and Disability Services Policy 11 POL-4
 - Under the heading *Senior Citizens Program*, the language in relation to the use of Senior Citizens Centre facilities and access to the program has been modified.
 - The second sentence under the heading *Planned Activity Service* has been reworded to read:
“In consultation with consumers, a variety of programs will be provided that will encourage participation, independence, social interaction and enable those in attendance to remain connected to their community.”

- Home Based Aged and Disability Services Policy 11 POL-4
 - The reference to *“aged and disabled persons”* in the second paragraph of the Policy Goals section has been amended to read *“aged and people with a disability.”*

Accordingly, the following three policy documents (as attached) are also being presented to Council for adoption:

- Community Access and Inclusion Policy 11 POL-5;
- Community Based Aged and Disability Services Policy 11 POL-5; and
- Home Based Aged and Disability Services Policy 11 POL-5.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no direct financial implications in relation to the review of Council Policies.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

All policies selected for review and/or presented to Council for consideration in Stage 3 have been the subject of comprehensive internal consultation throughout the review process. Community engagement is not an element of the Council Policy Review process.

8. OPTIONS

The following options are available to Council:

1. Adopt the 4 revised policy documents as presented.
2. Amend & adopt policies.
3. Not to adopt or to revoke any one policy.
4. Seek further information on any policy.

9. CONCLUSION

The comprehensive review of the four policies nominated for Stage 3 of the introductory cycle of Policy Review Programme has now been completed.

As a result, it is recommended that Council adopts the four amended policy documents as presented.

10. RECOMMENDATION

1. That Council adopts the four (4) amended Policies as presented namely —
 - *Community Access and Inclusion Policy* [11 POL-5];
 - *Community Based Aged and Disability Services Policy* [11 POL-5];
 - *Home Based Aged and Disability Services Policy* [11 POL-5]; and
 - *Occupational Health and Safety Policy* [11 POL-3]; and
2. That revised *2009 - 2012 Council Policy Manual* [11 POL-5] be produced and made available to the public.

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

Policy	Document ID Number
Occupational Health and Safety Policy	11 POL-3
Community Access and Inclusion Policy	11 POL-5
Community Based Aged and Disability Services Policy	11 POL-5
Home Based Aged and Disability Services Policy	11 POL-5

Policy Goals

The purpose of this policy is to define Latrobe City Council's commitment to Occupational Health and Safety.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Governance

Latrobe 2026:

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.

Council Plan:

- Ensure that Latrobe City Council applies a sound risk management approach to decision making and service delivery.

Regulation and Accountability

Latrobe 2026:

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.

Council Plan:

- 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.

Policy Implementation

Latrobe City Council is committed to providing and maintaining, as far as is reasonably practicable, a working environment at all Council workplaces that is safe and without risks to health to all employees, contractors, volunteers and visitors. We are adamant in our resolve to help build a safety culture throughout the many diverse workplaces of Council by proactive management and planning for hazard identification, risk assessment and control.

Occupational Health and Safety is a shared responsibility shared amongst elected representatives, employees, managers/supervisors, contractors, volunteers and visitors to Council workplaces.

As a demonstration of our commitment, we are supporting the implementation and maintenance of an Occupational Health and Safety Operating Framework and comprehensive occupational health and safety management system (OHSMS), which will be based on AS/NZS 4801. The objectives of this management system will be to:

1. Meet the requirements of the Occupational Health & Safety Act 2004 and other relevant legislation;
2. Instill a culture that demonstrates safety and health in the workplace as a fundamental element of organisational excellence;
3. Instill the understanding that those who manage or control activities that give rise to risks to health and safety are responsible for eliminating or reducing health and safety risks so far as reasonably practicable;
4. Ensure effective consultation with all employees on matters that may directly affect their health, safety or welfare;
5. Develop, implement and maintain Divisional / Work Area OH&S plans to promote safe workplaces for employees, contractors and visitors.
6. Establish and review measurable health and safety objectives and targets, aimed at elimination or reduction of work related injury or disease;
7. Achieve continuous improvement through ongoing review.

Review

This Policy will be reviewed annually and shall be distributed and communicated to each workplace in Council.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____
Chief Executive Officer

Date : <insert date.

Signed : _____
Health and Safety Representative

Date : <insert date.

Policy Goals

Latrobe City has a strong commitment to building an inclusive community. A harmonious community that recognises difference, engages and communicates with its citizens, and nurtures its neighbourhoods.

The Latrobe City Disability Action Plan outlines a strategic approach to ensure that people with a disability have equitable access to infrastructure and services provided by Latrobe City in compliance with the Disability Discrimination Act 1992.

The Cultural and Linguistic Diversity Action Plan aims to ensure Latrobe City services, information and facilities are inclusive of people from diverse cultural backgrounds, in accordance with the *Racial Discrimination Act 1975 (Cth)*, *Equal Opportunity Act 1995 (Vic)*, *Racial and Religious Tolerance Act 2001 (Vic)*, *Multicultural Victoria Act 2004 (Cth)* and *The Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Our Community

Latrobe 2026:

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.

Council Plan:

- Support initiatives that promote diversity and social inclusion.
- Facilitate and support initiatives that strengthen the capacity of the community.
- Build the resilience and capacity of the community through ongoing liaison, training and development.
- Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.
- Promote community participation and volunteerism to support improved health and wellbeing through all stages of life.

Culture

Latrobe 2026:

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Council Plan:

- Strengthen community capacity and sustainability by providing opportunities for education, skills development and lifelong learning.
- Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.
- Facilitate and support events, community festivals and arts programs that reflect and celebrate cultural diversity and heritage.

Policy Implementation

The Community Access and Inclusion Policy will be implemented by actions contained within the Latrobe City Disability Action Plan and the Latrobe City Cultural and Linguistic Diversity Action Plan.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____
Chief Executive Officer

Date : <insert date>.

Document Name: **Community Based Aged and Disability Services Policy**

11 POL-5

Adopted by Council: **<Council Meeting date>**

Policy Goals

Latrobe City will provide designated facilities for use by senior citizens and other members of the Home and Community Care Program's target group. Senior citizens centres provide facilities for persons over the age of 55 years and persons with disabilities, in which they can meet and find companionship, entertainment and a range of programs and activities to promote self help and independence. Senior citizens centres provide venues for independent groups of senior citizens to meet and may also serve as a base for the operations of the planned activity service.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Our Community

Latrobe 2026:

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.

Council Plan:

- Support initiatives that promote diversity and social inclusion.
- Facilitate and support initiatives that strengthen the capacity of the community.
- Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.
- Promote community participation and volunteerism to support improved health and well-being through all stages of life.

Recreation

Latrobe 2026:

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.

Council Plan:

- Foster the health and wellbeing of the community by promoting active living and participation in community life.
- Provide diverse and accessible recreational, leisure and sporting facilities, that are financially sustainable.

Built Environment

Latrobe 2026:

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.

Council Plan:

- Develop high quality community facilities that encourage access and use by the community.
- Ensure public infrastructure is maintained in accordance with community aspirations.

Policy Implementation

1. Senior Citizens Program

Senior Citizens Centre programs operate out of Council owned and maintained community facilities. The Council will encourage senior citizens centres to be used for senior citizens clubs, planned activity service programs, disability and carers groups, meals and other activities. The facilities are also available for hire to other community groups and organisations or individuals within Latrobe City. However, preference will be given to members of the Home and Community Care (HACC) programs target group.

Access will not be restricted on the basis of membership or non-membership of a particular social group. An individual or groups inability to pay any centre fee or charge should not prevent them from accessing and using the senior citizens centre facilities. In particular carers, people with a disability and ethnic groups are encouraged to use the premises for regular sessions and other activities. This practice of equitable access is in accordance with the Home and Community Care Program National Services Standards ensuring that each person's access to a service is decided on the basis of relative need.

2. Planned Activity Service

Latrobe City will provide a centre based program for clients who are assessed as requiring support to meet their individual needs, while enhancing their social, psychological and intellectual skills. In consultation with consumers, a variety of programs will be provided that will encourage participation, independence, social interaction and enable those in attendance to remain connected to their community.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____
Chief Executive Officer

Date : <insert date.

Policy Goals

The Home and Community Care Program was established in 1985 and is a cost shared program between the Commonwealth, State and Local Governments which provides a range of domiciliary and community based support services for the frail aged, younger people with a disability, and their carers. At the local level, the City of Latrobe plays a key planning and financial role in providing these services. A number of the services provided are governed by the Home and Community Care Act 1985.

The range of programs and assistance provided by the Council are responsive and flexible to the needs of aged and people with a disability. The programs are designed to promote independence, client wellbeing and prevent premature or inappropriate admission to residential care. This is achieved through the provision of a range of supports, which may include direct practical assistance, in the user's home or local community environment. Services are provided based on an assessment of client or carer need.

In addition to preventing premature or inappropriate admission to long-term residential care, the availability of aged and disability services also promotes the quality of life of the family and carer. The provision of targeted services enables carers to participate in family, social and community activities outside the home, where caring for a child or adult with a disability is restrictive of such activities.

Our Community

Latrobe 2026:

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.

Council Plan:

- Support initiatives that promote diversity and social inclusion.
- Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, well-being and safety of all within Latrobe City.
- Work collaboratively with all relevant stakeholders in the provision and support of quality education and care.
- Facilitate and support initiatives that strengthen the capacity of the community.
- Promote community participation and volunteerism to support improved health and wellbeing through all stages of life.

Policy Implementation

1. Domiciliary Services

The following services are designed to provide assistance and support within a person's home when that person has been assessed either temporarily or permanently, due to frailty, disability, illness, social or other problems as unable to maintain their lifestyle. Any resident on notification to Council in respect of aged and disability services shall be advised of the following programs and that access requires an assessment to be undertaken. Residents, after requesting a service, will be assessed for eligibility to ensure that the appropriate level of support can be determined. Assessments will be conducted within three working days of a request for a service.

1.1 Home Care:

Includes essential house cleaning, changing bed linen, washing, ironing, and assistance with shopping, paying bills, preparing meals or running errands.

1.2 Personal Care:

Includes assistance with bathing, showering, sponging, dressing, mobility and eating and drinking.

1.3 Respite Care:

Supports the relationship between a carer and the person they are caring for, by providing them with a break from their caring responsibilities. The program also provides an opportunity for a person being cared for to have a break or an outing without their usual carer.

1.4 Home Maintenance:

Includes tasks such as changing light globes, installing and replacing the batteries in smoke detectors and other minor household repairs, cyclic tasks such as spring cleaning, clearing gutters, cleaning windows, taking rubbish to the transfer station, mowing lawns and general garden maintenance and installation of rails and ramps.

1.5 Meals on Wheels:

Provides a fresh home delivered three-course meal at lunchtime to recipients each weekday and frozen meals on weekends for outlying towns. Volunteers throughout the municipality deliver meals on wheels.

1.6 Volunteer Program:

Recruits, trains and supports volunteers to enable participation in services delivered by the Aged and Disability Services Unit. These services include We Care (friendly visiting), meals on wheels and the adult day activity support service.

A copy of the Home Based Aged and Disability Services Client Charter shall be given to all clients and/or their carers outlining their rights and responsibilities in regard to Council services delivered under the Home and Community Care Program.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____ Date : <insert date.
Chief Executive Officer

11.6.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

AUTHOR: General Manager Governance

(ATTACHMENT - **NO**)**1. DECLARATION OF INTERESTS**

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

2. DOCUMENT/S

671559	Creation of Easement for sewerage purposes (E-3 and E-4) in favour of Central Gippsland Water Corporation pursuant to section 45(1) of the Transfer of Land Act 1958 between The President Councillors and Ratepayers of the Shire of Morwell (Latrobe City Council) as Grantors and Central Gippsland Water Corporation as Grantee for that part of land as is marked "E – 3" and "E – 4" on Plan of Creation of Easement prepared by CPG (bearing surveyors reference 133817SV01) being part of the land contained in certificate of title Volume 9483 Folio 037 situated at Toners Lane, Morwell for the consideration of \$1.00.
2033/2011 – CR	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and L G Horn and M J Horn as the Owners of Land described in Certificate of Title Volume 11112 Folio 543 being Lot 111 on PS 610622N situated at 9 Dunsmuir Grove, Traralgon providing that notwithstanding the granting of consent and report of Council 2033/2011–CR to construct a detached garage over the easement on the land, the Council may enter the easement and carry out whatever works may be necessary to maintain the drain which is in the easement.
681928	Transfer of Land pursuant to Section 45 of the Transfer of Land Act 1958 and Contract of Sale between Morwell Parklands Pty Ltd as Transferor and Latrobe City Council as Transferee for property being Parklands Preschool being 121-129 Bridle Road, Morwell 3840 contained in Certificate of Title Volume 10523 Folio 874 for the nominal consideration of \$1.00.

3. RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to sign and seal the Creation of easement for sewerage purposes (E-3 and E-4) in favour of Central Gippsland Water Corporation pursuant to section 45(1) of the Transfer of Land Act 1958 between The President Councillors and Ratepayers of the Shire of Morwell (Latrobe City Council) as Grantors and Central Gippsland Water Corporation as Grantee for that part of land as is marked "E – 3" and "E – 4" on Plan of Creation of Easement prepared by CPG (bearing surveyors reference 133817SV01) being part of the land contained in certificate of title Volume 9483 Folio 037 situated at Toners Lane, Morwell for the consideration of \$1.00.**
- 2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and L G Horn and M J Horn as the Owners of Land described in Certificate of Title Volume 11112 Folio 543 being Lot 111 on PS 610622N situated at 9 Dunsmuir Grove, Traralgon providing that notwithstanding the granting of consent and report of Council 2033/2011–CR to construct a detached garage over the easement on the land.**
- 3. That Council authorises the Chief Executive Officer to sign and seal Transfer of Land pursuant to Section 45 of the Transfer of Land Act 1958 and Contract of Sale between Morwell Parklands Pty Ltd as Transferor and Latrobe City Council as Transferee for property contained in Certificate of Title Volume 10523 Folio 874 for the nominal consideration of \$1.00.**

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.4 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 1 August 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 25 July 2011 and 16 August 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
25 July 2011	Low Carbon Emissions Future Transition Committee meeting with Climate Change Minister Combet Transition to a Low Carbon Economy, Latrobe Valley and the Government's Carbon Tax Package	Cr White, Cr Vermeulen, Cr O'Callaghan Paul Buckley Allison Jones Julie Agostino	NIL
15 August 2011	Issues & Discussion Session Tonight's Presentations: Traralgon Activity Centre Plan Key Directions Report – Response to Submissions Outstanding Issues Discussion – Proposed Workshop for Low Carbon Policy Implementation and Government Funding Opportunities	Cr Gibson, Cr Harriman, Cr Lougheed, Cr Middlemiss, Cr O'Callaghan, Cr Vermeulen and Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer	NIL

4. RECOMMENDATION

That Council note this report.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for *Explanation/Guide Notes*}.

Assembly details: Low Carbon Emissions Future Transition Committee meeting with Climate Change Minister Combet

Date: Monday, 25 July 2011

Time: 1.00 pm - 2.00 pm

Assembly Location: Latrobe Regional Gallery
(e.g: Town Hall, *TOWN*, No. xx *ADDRESS*, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Darrell White, Cr Ed Vermeulen, Cr Kellie O'Callaghan

Officer/s: Paul Buckley, Allison Jones and Julia Agostino

Matter/s Discussed: Transition to a low carbon economy, Latrobe Valley and the Government's Carbon Tax package
(e.g: Proposed Development in *TOWN* discussion with residents, Planning Permit Application No. xxxx re: proposed xx story development at *ADDRESS*, etc)

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: Not applicable

Completed by: Julia Agostino

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 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, 15 August 2011 **Time:** 7.00pm

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

In Attendance:

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

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter,
Peter Quigley, Zemeel Saba, Grantley Switzer,

Matter/s Discussed:

Presentation: Traralgon Activity Centre Plan Key Directions Report – Response to
Submissions

Outstanding Issues

Discussion – Proposed Workshop for Low Carbon Policy Implementation and
Government Funding Opportunities

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: 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.

**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
15.4	ITT 12969 - SUPPLY, DELIVERY AND PLACEMENT OF ASPHALT PRODUCTS	(d) contractual matters
15.5	ITT 12970 - KERB AND CHANNEL REPLACEMENT PROGRAM	(d) contractual matters
15.6	ITT 12971 - EXTENSION TO THE TRARALGON EAST COMMUNITY CENTRE	(d) contractual matters

15.7	ITT 12972 - TRARALGON SOUTH COMMUNITY HALL REFURBISHMENT	(d) contractual matters
15.8	ITT 13009 - RESURFACING OF THE TRARALGON TENNIS COURTS	(d) contractual matters
15.9	COUNCILLOR QUARTERLY EXPENSES REPORT - APRIL-JUNE 2011	(h) other
15.10	FOOD SAMPLE ANALYSIS REPORT - APRIL TO JUNE 2011	(h) other
15.11	VICTORY PARK PRECINCT ADVISORY COMMITTEE MEMBERSHIP	(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 8.12 pm.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.12 PM for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.25 PM.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 8.35 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 256 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____