



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 05 SEPTEMBER 2011

PRESENT:

Cr Darrell White, Mayor - Firmin Ward
Cr Sharon Gibson, Deputy Mayor - Merton Ward
Cr Dale Harriman - Dunbar Ward
Cr Sandy Kam - Galbraith 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
Allison Jones, General Manager Economic Sustainability
Peter Quigley, General Manager Built and Natural Environment
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

NIL

3. Declaration of Interests

Cr Kam declared an indirect interest under section 78B of the *Local Government Act 1989* in Item 15.6 – 2011/12 Community Grants Program.

Cr Vermeulen declared a direct interest under section 77B of the *Local Government Act 1989* in Item 15.7 – 2011/12 Community Grants Program – Projects: 1489 and 1431.

Cr Gibson declared an indirect interest under section 78 of the *Local Government Act 1989* in Item 15.8 – 2011/12 Community Grants Program – Project: 1535

Cr White declared a direct interest under section 77B and an indirect interest under Section 78 & 78D of the *Local Government Act 1989* in Item 15.6 – 2011/12 Community Grants Program.

4. Adoption of Minutes

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That Council adopts the Minutes of the Ordinary Council Meeting held on 22 August 2011 (CM 355), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr O'Callaghan

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.04 pm

Mr John Lagerwey addressed Council in relation to Item 11.3.1 Planning Permit Application 2010/370 – Building and Works Associated with the Construction of Four (4) Dwellings on a lot at 19 Manor Rise, Morwell

Ms Frances Terranova addressed Council in relation to Item 11.3.1 Planning Permit Application 2010/370 – Building and Works Associated with the Construction of Four (4) Dwellings on a lot at 19 Manor Rise, Morwell

Mr Mark Kokshoorn addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/001 – Two Lot (Re)Subdivision – 80 Two Mile Road Newborough

Mr Peter Dell addressed Council in relation to Item 11.3.3 Planning Permit Application 2011/025 Building and Works Associated with Extensions to an Existing General Store at 49 Tulloch Way, Traralgon

Ms Nancy Osborne addressed Council in relation to Item 11.3.4 Planning Permit Application 2011/65 – Building and Works Associated with the Construction of a Store – 6 Margaret Street, Morwell

Ms Maria Doganieri addressed Council in relation to Item 11.3.4 Planning Permit Application 2011/65 – Building and Works Associated with the Construction of a Store – 6 Margaret Street, Morwell

Ms Anna Doganieri addressed Council in relation to Item 11.3.4 Planning Permit Application 2011/65 – Building and Works Associated with the Construction of a Store – 6 Margaret Street, Morwell

Resumption of Standing Orders

Moved: Cr Gibson
Seconded: Cr O'Callaghan

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.40 pm

ITEMS REFERRED BY THE COUNCIL

7.1 PROJECT GOVERNANCE POLICY

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the *Project Governance Policy 11 POL-1* to Council for consideration.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Governance

- Support effective community engagement to increase community participation in Council decision making.
- Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Implement the strategic objectives as detailed in the Council Plan, review it annually to ensure that it reflects community expectations and our commitments to financial responsibility.
- Provide regular reports on Council's performance including strategic objectives and Council's progress towards Latrobe 2026.

- Provide timely, effective and accessible information about Latrobe City Council's activities.
- Ensure that Latrobe City Council continues to meet the highest standards of financial probity and is financially sustainable.
- Ensure that all strategic decisions reflect Latrobe City Council's Long Term Financial Plan and Annual Budget.
- Conduct a 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.
- Ensure that Latrobe City Council applies a sound risk management approach to decision making and service delivery.

Legislation – Local Government Act 1989

Section 76AA. Definitions - assembly of Councillors

Section 76E Improper direction and improper influence:

Section 86 - Special committees of the Council

Section 87- Special committee meetings

Councillor Code of Conduct

Section 3 – Council Decision Making

Section 7 – Relationships with Staff

Section 11 – Roles within Latrobe City Council

Victorian Ombudsman – Investigation into Corporate Governance at Moorabool Shire Council (April 2009)

Policy – There is currently no policy relating specifically to Project Governance

4. BACKGROUND

Latrobe City Council delivers many projects every year as part of recurrent and capital programs, many of which are actions identified in the Council Plan and require a Council decision for adoption.

During the past three years, Latrobe City Council has managed a number of large, complex projects with high community interest, requiring high levels of engagement with a range of community members and stakeholders.

While major initiatives are ultimately presented to Council for decision, the operational management of projects is delegated to the Chief Executive Officer and conducted by Council officers.

Due to the number of complex projects and engagement required, there have been some questions raised regarding project governance arrangements, in particular the role of Councillors during the management phase of projects.

At the Ordinary Council meeting held on 5 October 2009, Council resolved:

That Chief Executive Officer drafts a policy on the composition of Project Control Groups having regard to the role of Councillors.

At the Ordinary Council meeting held on 19 April 2010, Notice of Motion 2010/07 - *Establishing A Project Reference Group When An External Consultant Is Engaged* was presented to Council:

That Latrobe City Council establish a Project Reference Group (PRG), whenever an external consultant is engaged, with a consultancy fee over \$20,000.

That such a PRG consists of;

- *At least two councillors, with the option of all councillors to attend each meeting.*
- *The relevant General Manager.*
- *The briefing Manager/Officer.*

That before a consultant starts work, an initial meeting with the PRG takes place, with the consultant(s).

That there be ongoing meetings with the consultant(s) during the period of the consultancy.

This motion was deferred and at the same Ordinary Council meeting held on 19 April 2010, Council resolved:

That Council defer consideration of this item until the next Ordinary Council Meeting to be held on 3 May 2010 in order for the Chief Executive Officer to provide information regarding the number of projects where external consultancies of \$20,000 or more are engaged.

A report was presented at the Ordinary Council meeting held on 3 May 2010, and Council resolved:

1. *That Council defer consideration of Notice of Motion 2010/07 in order for further information to be provided regarding the number of projects where external consultancies are engaged above \$20,000.*
2. *That Council consider Notice of Motion 2010/07 in conjunction with the Council resolution of 5 October 2009 to draft a policy on the composition of Project Control Groups.*
3. *That a further report be provided for Council to consider both further information for Notice of Motion 2010/07 and the draft policy on the composition of Project Control Groups at the Ordinary Council Meeting to be held on 7 June 2010.*

A draft Project Governance Policy was presented to Council on 7 June 2010 and Council resolved as follows:

That Council defer consideration of the Project Governance Policy for a period of two months to allow further discussions.

Discussion was held with Councillors and the policy edited to reflect the discussion. The amended policy was presented to Council for consideration on 2 August 2010 and Council resolved as follows:

That Council defer consideration of the Project Governance policy to allow for further discussion.

Ensuing discussion suggested seeking advice from Council's Audit Committee. The draft policy was presented to the Audit Committee on 6 September 2010, resulting in an action for the CEO to arrange a meeting with a small group of Councillors to review the policy and bring it back to the Audit Committee.

A meeting was held on 15 February 2011 with the Mayor, two Councillor representatives of the Audit Committee and the CEO. The draft policy was edited following discussions at this meeting and presented to the Audit Committee at the meeting of 18 April 2011. Changes to the policy included: emphasising good project management and the provision of timely information to Councillors, more clearly defining what a project is and is not, an added step to ensure Councillors have an opportunity to discuss what might be regarded as a project under the policy.

Following consideration of the revised draft policy, the Audit Committee requested further revision to separate procedural aspects from policy elements and a flow chart to make the steps clearer. The draft policy was further revised and significantly simplified, suggesting that a flow chart was no longer necessary.

The final draft version of the policy was presented to the Audit Committee on 16 June 2011 which resolved the following:

That the Audit Committee recommends that Council adopts the policy with a thorough review in six months.

5. **ISSUES**

The Council resolutions and Notice of Motion highlight the need for Council to be clear about governance of projects and, in particular, the role of Councillors in the management of projects. A Project Governance Policy has been drafted, giving consideration to the requirements of the Local Government Act 1989, recent recommendations from the Victorian Ombudsman and best practice project management principles.

Project Management Principles

Latrobe City Council has increased its capacity to deliver projects over the past five years due to the many high priority strategic and construction projects required to be delivered. Good project management is required to ensure that these initiatives are delivered on time, on budget and to a quality expected.

Engaging, consulting and informing key stakeholders and our community is vital to the success of any project. There are many examples of projects where well planned and targeted consultation occurring throughout the life of a project has resulted in excellent quality project outcomes.

Along with the many other community and agency stakeholders, Councillors are key stakeholders in any large project because the final decision about a project's implementation often rests with Council.

Moorabool Ombudsman report

In April 2009 the Victorian Ombudsman investigated the Moorabool Shire Council in relation to their governance practices. The Ombudsman identified a number of specific areas that resulted in a failure of governance. These included:

- A lack of transparency, with decisions inappropriately made in private;
- Inappropriate interaction between councillors and officers;
- Poor organisational culture;
- Poor conceptual understanding of conflict of interest and the rules that govern it;
- Poorly worded policies; and
- The complexity of the conflict provisions in the Local Government Act.

The Ombudsman identified that within the environment of the Local Government Act

'...the elected council is responsible for the overall direction for the municipal district through long-term planning. It should adopt a strategic view of the future and make plans and policies to achieve this. A council then ensures that this is arrived at through its monitoring and reporting process. The implementation of these plans and policies and ongoing management of the council's affairs and advice is the responsibility of the CEO and his staff. The CEO is the only staff member the council appoints. The CEO is in turn responsible for the employment, work and conduct of the council staff.'

Through his investigation the Ombudsman, at page 7, stated that:

'There was evidence that Councillors do become involved in day to day operational matters directly, as part of regular briefings and by membership of working groups. However, reportedly such situations do not occur as often as previously. Nevertheless, in my view such practices lead, as a minimum, to perceptions of inappropriate influence on staff in their work and a lessening of transparency of decision making with the Shire.'

The Ombudsman made 15 recommendations as part of his report, not all of which are relevant to this discussion. Importantly, recommendation 1 states:

'That Councillors should not be assigned to informal working parties. Rather, Special Committees should be established in accordance with sections 88-93 of the Local Government Act to ensure that adequate records are kept of all meetings involving Councillors and that the public are able to attend. Preferably, all such Committees should have clearly defined Terms of Reference.'

'...investigators also found that the Shire occasionally establishes working parties of a mix of Councillor(s) and staff to manage fairly significant projects being undertaken by Council. In one example, a Councillor was involved in a working party overseeing the planning of an industrial development in the Shire. Not only did the Councillor own an adjoining property to the development but he subsequently declared a 'conflict of interest' when the matter was put formally to Council.'

It was identified by the Ombudsman that these working parties have no terms of reference, no minutes or agendas and meet on an ad hoc basis. The Ombudsman importantly noted that;

'The use of working parties does raise a concern about possible undue influence, either perceived or actual, that a Councillor might have on staff on the working party and the fact that such situations present opportunities for decisions to be made without the requisite transparency. This is especially the case where the working parties are non-executive and have no formal terms of reference or minutes associated with their activities.'

Local Government Act 1989

Section 76E of the Local Government Act 1989 states:

- (1) *A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.*
- (2) *A Councillor must not direct, or seek to direct, a member of Council staff-*
 - (a) *in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or*

(b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or

(c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or

(d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.*

Good project management and Good governance

Good project management involves critical stakeholders as much as possible throughout all stages of a project. This ensures that the expectations are met and/or managed and improves the quality of the project outcome.

Councillors are key stakeholders for any Latrobe City Council project, particularly where Council will ultimately be required to make a decision. Good project outcomes are achieved when Councillors are kept well informed and have opportunities to provide feedback as a project progresses. It is current practice to provide all Councillors any project information that is distributed and provide all Councillors with an opportunity to provide feedback on a project.

It is important that principles of good governance are protected and promoted throughout the management of a project. In particular, transparency of decision making and avoiding inappropriate influence or direction of Council officers and consultants are key requirements of the Local Government Act.

The convening of Project Control Groups with differing membership and functions may cause confusion about roles and responsibilities of various PCG members. In particular, there is a distinct risk that individual Councillors who are members of PCGs may be perceived as having an undue level of influence over Council officers and/or consultants.

Project Governance Policy

In the design of project governance arrangements and the setting of policy, it is imperative that there be no opportunity for Councillors to influence members of Council staff or consultants who are acting under delegation, whether this be actual, potential or perceived influence. In addition, any project governance arrangements should ensure that transparency of decision making is maintained.

The formation of special committees under Section 86 (s.86) of the Local Government Act to manage projects is one option available to Council. These committees act as delegates of the full Council, subject to the terms of reference and achieve the aim of transparency in decision making very well. Usually Council nominates Councillor representatives for such committees to make certain decisions on Council's behalf. The meetings are open to the public and all committees must have terms of reference and keep minutes that are available for public information. The terms of reference may require the committee to report back to full Council at specified times. The formation of a s.86 committee is, in effect, a form of delegation from the full Council to make decisions in accordance with the terms of reference.

It is considered that, although achieving high levels of transparency, the mere act of forming s.86 committees does not necessarily clarify project roles and responsibilities, leaving this to the terms of reference of each committee.

An alternative approach to project governance policy is to formalise and standardise Latrobe City Council's approach to project organisation through a Project Governance Policy. It is recommended that for each project being a major initiative in the Council Plan, Councillors be provided with an opportunity to discuss whether this policy applies, and if so, the following groups be formed:

- Project Board
- Project Assurance Group
- Project Reference Group

In order to maintain separation of duties, it is recommended policy that Councillors may be part of a Project Reference Group but must not be part of a Project Board or Project Assurance Group. There are to be no groups known as Project Control Groups. The definition and roles of each of these groups is provided in the appendix to the draft policy.

In addition, the principles of good project management reiterate the importance of keeping all Councillors and other key stakeholders informed of a project's progress.

The attached draft policy encompasses the framework set out above and aims to:

1. Encourage best practice project management which aims to keep Councillors and other critical stakeholders well informed and engaged throughout a project.
2. Ensure project governance arrangements and management of projects are in accordance with broader governance provisions as specified in the Local Government Act 1989.
3. Provide clear direction for appropriate involvement of Councillors in governing projects with the express purpose of avoiding arrangements where it may be perceived that individual Councillors have the opportunity to influence the actions of a Council officer, consultant or contractor.

6. FINANCIAL AND RESOURCES IMPLICATIONS

No additional resource implications are expected

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

No community consultation has been undertaken.

8. OPTIONS

1. Adopt the Project Governance Policy as attached.
2. Amend and adopt the attached Project Governance Policy
3. Request a further report exploring an alternative policy approach

9. CONCLUSION

Latrobe City Council delivers a number of high priority, complex projects with high levels of community interest and has enhanced its project delivery capability to ensure projects are delivered on time, on budget and to the expected quality.

Questions have been raised about roles and responsibilities in governance of projects, particularly in respect to the role of individual Councillors in project management.

A Project Governance Policy has been drafted and edited following consultation with the Audit Committee. The revised policy is presented for Council's consideration on recommendation of the Audit Committee, to be reviewed within six months of adoption.

10. RECOMMENDATION

1. That Council adopts the Project Governance Policy [11 POL-1].
2. That the revised 2009-2012 Council Policy Manual [11 POL-6] be produced and made available to the public.
3. That the Project Governance Policy be reviewed within six months of adoption.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Kam

That Council defer the Project Governance Policy until such time that the Councillors have met and discussed the issue to the point that they are comfortable that all their issues have been addressed.

For the Motion

Councillor/s Kam and Gibson

Against the Motion

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

The Mayor confirmed that the Motion had been LOST.

The original Recommendation became the Motion before the chair.

1. That Council adopts the Project Governance Policy [11 POL-1].
2. That the revised 2009-2012 Council Policy Manual [11 POL-6] be produced and made available to the public.
3. That the Project Governance Policy be reviewed within six months of adoption.

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That the Recommendation be adopted.

For the Motion

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

Against the Motion

Councillor/s Kam, Gibson and Harriman

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT

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Document Name: **Project Governance**

11 POL-1

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

Policy Goals

This policy provides direction for governance arrangements that apply to individual projects being managed by officers of Latrobe City Council. The policy applies to all Councillors and officers of Latrobe City Council.

The policy aims to:

1. Encourage best practice project management which aims to keep Councillors and other critical stakeholders well informed and engaged throughout a project.
2. Ensure project governance arrangements and management of projects are in accordance with broader governance provisions as specified in the Local Government Act 1989.
3. Provide clear direction for appropriate involvement of Councillors in governing projects with the express purpose of avoiding arrangements where it may be perceived that individual Councillors have the opportunity to influence the actions of a Council officer, consultant or contractor.

Definition of a Project

For the purposes of this policy, a Project is defined as a high priority action being delivered by council officers which is to occur over a defined period of time in order to meet some unique goals and objectives. An action fitting this definition that is listed as a Major Initiative in the Council Plan would usually be regarded as a project for the purposes of this policy.

This policy is not intended to apply to actions in the Council Plan that are of an ongoing nature or that are of such a small nature that they would not justify the formation of a project board.

Please see list at Appendix 1 of policy for examples of actions that would and would not be defined as projects

Relationship to Council Plan & Latrobe 2026

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

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.

-
- Support effective community engagement to increase community participation in Council decision making.
 - Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.
 - Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
 - Conduct regular review of Latrobe City Council policies to ensure that they reflect aspirations of the community.
 - Ensure that Council decision-making considers adopted policies.

Policy Implementation

1. Discussions are to be held with Councillors prior to the commencement of each new financial year to determine which Council Plan actions will be regarded as a project for the purposes of this policy,
2. Prior to commencement of a project, the following project governance arrangements must be established:
 - Project Board comprising Project Executive, Senior Supplier and Senior User. Project manager will also attend Project Board meetings. Must not include Councillors.
 - Project Assurance Group – may be comprised of Council officers, officers from a relevant Government department from which funding has been derived and/or external technical advisors if appropriate. Project Manager must attend meetings. Must not include Councillors.
 - Project Reference Group - A group of key stakeholders who are to be engaged at key points throughout the project. Must include at least one Councillor and other critical community and agency stakeholders as identified will be impacted by the project. Must not direct Council officers or consultants in the conduct of the project and does not have authority to approve any stages of a project or to change the scope of a project.

*** Please refer to definitions section in Appendix 2 of this policy for further information of the functions of each group.*

-
3. All Project Boards, Project Assurance Groups and Project Reference Groups must operate within a terms of reference and must keep notes of any meetings held.
 4. All Councillors are to be provided with information regarding the project governance arrangements prior to the commencement of a project.
 5. All Councillors and other critical stakeholders are to be kept informed of project progress including the project plan.
 6. All Councillors and other critical stakeholders are to be invited to provide feedback and comment at key points throughout the project ..

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.

Charter acknowledgement - for internal auditing purposes only:

YES / NO Name: _____ Date: / / 2010

Signed : _____ Date : / / 2010.
Chief Executive Officer

Appendix 1: Examples of actions that may and may not be defined as projects

Examples of actions that may be defined as projects

- Review the Latrobe City Council Economic Development Strategy and present to Council for consideration.
- Review the Waste Management Strategy and present to Council for consideration
- Progress stages 1 & 2 of the Traralgon Activity Centre Plan
- Review the Latrobe City Council Municipal Early Years Plan 2010-2013 and present to Council for consideration.
- Review the Latrobe City International Relations Plan 2007-2010 and present a revised plan to Council for consideration.
- Implement Council's decision in respect to the provision of an indoor aquatic facility in Traralgon.
- Review the Risk Management Plan and present to Council for consideration.

Examples of actions that may not be defined as projects

- Continue implementation of the Airport Master Plan
- Facilitate the Latrobe City Climate Change Consultative Committee, and report to Council
- Finalise the planning scheme amendment(s) to introduce new zones and overlays as a result of the Main Town Structure Plans forming part of the Latrobe Planning Scheme.
- Maintain an active role in the Latrobe Settlement Committee to assist in the settlement of new migrants
- Maintain and develop playgrounds in accordance with Latrobe City Council Playground Strategy
- Conduct the 2012 Latrobe City Employment and Industry Survey to identify the challenges and opportunities facing local business and industry
- Develop the annual budget and present to Council for consideration.

Appendix 2: Project Governance roles and definitions

Project Board

Approves each stage of the project. Authorises any changes that may occur throughout the life of the project. Comprises Project Executive, Senior Supplier and Senior User. Project manager will also attend Project Board meetings. Must not include Councillors.

Project Executive

Ultimately responsible for the delivery of the project, ensuring value for money, timeliness and quality. Chairs the Project Board meetings and reports to the Chief Executive Officer. At Latrobe City Council this is usually the relevant General Manager.

Senior Supplier

Provides resources to the project and ensures plans are realistic and can be delivered within agreed budget and timescale. In the context of local government, it may be a representative of an external funding body such as a Victorian or Australian Government department. Where projects are fully funded by Council, the senior supplier will be a manager or general manager and may be from a different division to the Project Executive.

Senior User

Represents the interests of all those who will use the final products of the project. Ensures that the project delivers outcomes that meet the users requirements and will provide the expected benefits. The senior user should be a general manager or manager representing the division that will ultimately benefit most from the project.

Project Manager

Responsible for operational aspects within the constraints agreed with the Project Board. Responsible for the project producing the required actions to the agreed quality standards, within budget and on time.

Project Assurance Group

Responsible for monitoring the progress of the project on behalf of the Project Board to ensure that the project is being managed effectively in all respects. May provide specialist knowledge on particular aspects of the project.

May be comprised of Council officers, officers from a relevant Government department from which funding has been derived and/or external technical advisors if appropriate. Project Manager must attend meetings. Must not include Councillors.

Project Reference Group

A group of key stakeholders who are to be engaged at key points throughout the project.

Must include at least one Councillor and other critical community and agency stakeholders as identified will be impacted by the project.

May provide feedback on various aspects of a project. Must not direct Council officers or consultants in the conduct of the project and does not have authority to approve any stages of a project or to change the scope of a project.

7.2 **ROADSIDE LITTER WITHIN THE MUNICIPALITY**

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

1. PURPOSE

The purpose of this report is to provide information on how Council can minimise, collect and dispose of roadside litter in our municipality.

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 – Natural Environment

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Natural Environment

Provide and promote environmentally sustainable waste management practices to attain best practice 'final storage quality'.

Service Provision – Natural Environment

Implement actions from the Natural Environment Sustainability Strategy 2008-2013 to achieve identified biodiversity and sustainability outcomes.

Major Initiatives – Landfill Services

Collect and process municipal waste in accordance with the Latrobe City Council Waste Management Strategy.

Strategy – Natural Environment

Natural Environment Sustainability Strategy (2008-2013).
Latrobe City Council Waste Management Strategy (2010-2017).

Legislation – Natural Environment

Local Government Act 1989
Environmental Protection Act 1970
Road Management Act 2004.

4. BACKGROUND

At its 10 June 2011 Ordinary Meeting, Council resolved:

That the CEO presents a report to Council by the 1st Ordinary Council Meeting in September 2011 providing information on how Council can minimise, collect and dispose of roadside litter in our municipality.

Littering is the deliberate action of depositing items of waste incorrectly, rather than the use of the disposal infrastructure provided. It is one of the most visible and frequently encountered signs of pollution in the community.

Roadside litter is a pervasive form of litter that gathers in the gullies, nature strips and bushland which line our roads. Roadside litter that is tossed or swept by the wind into gullies can remain there for some time if not regularly cleaned, thus creating very unsightly aesthetics for our roadsides. Litter also gets caught in trees, shrubbery and on fencing. Plastic bags, fast food litter and beverage containers are the most visible forms of roadside litter.

According to the 2007-08 Sustainability Victoria Local Government Data Collection Survey almost 12,000 tonnes of litter was removed from Victorian roadsides by councils at a cost of \$1.7 million. Combine roadside litter and illegally dumped rubbish and the figure increases to over 25,000 tonnes at a cost of \$4.6 million.

5. ISSUES

A number of agencies have responsibility to minimise, collect and dispose of roadside litter, including Environment Protection Authority Victoria (EPA), VicRoads, Sustainability Victoria and Local Government.

Minimise

At its 6 December 2010 Ordinary Meeting, Council adopted the Latrobe City Council Waste Management Strategy (2010 -17) providing a framework for Council's waste management direction and practices. The Waste Management Strategy acknowledges and addresses the issue of litter within the municipality.

Through the Gippsland Regional Waste Management Group (GRWMG) Council participates in the Gippsland Regional Litter Prevention Task Force and recognises litter as a problem and is working to reduce littering behaviour. Council activity in this area of litter control is not currently measured and as such it is not possible to compare this to the Towards Zero Waste or the Gippsland Regional Waste Management Plan target of reducing littering behaviour by 25% compared to 2003.

State and local government agencies working in this area agreed the most effective litter prevention behaviour change programs include a mix of approaches across the three critical areas of education, infrastructure and enforcement. The mix of these elements needs to be adapted to the local conditions and include incentives, communications and evaluation. These are the elements that characterise Victoria's Towards Zero Waste approach to litter prevention.

The Victorian Litter Strategy, Creating Cleaner, Safer Places, was issued in August 2009 (attached) and is appended to the Waste Management Strategy.

Latrobe City acknowledges that there is a persistent problem with littering across the municipality. Littering results in a number of issues including pollution, both physical and visual, and a cost for collection and disposal.

General littering may occur due to an inadequate number of places to dispose of waste correctly, however this is not the case in Latrobe City as 110L litter bins are provided in CBD areas, parks and gardens, bus stops and at other community facilities.

Latrobe City has identified key areas of littering and has reviewed the provision of public litter bins in these areas. Where this review ascertains that a contributing factor to the litter problem is a lack of waste receptacles then Council continues to invest in this infrastructure.

Other contributing factors are a lack of understanding of how to dispose of waste correctly and a conscious decision to incorrectly dispose of waste. Ongoing review of the implementation and effectiveness of the waste education plan informs litter education.

In addition to waste education Council undertakes enforcement action through the use of Local Laws and *Environment Protection Act 1970*. Council implements a system whereby fines can be imposed on anyone caught dumping to cover the cost of proper disposal, administration and a more significant penalty sum. In the past twelve months council officers have made significant improvements, working together with local builders and EPA Victoria officers, to reduce litter from building sites.

The management of littering is an identified area for improvement in Council's Waste Management Strategy Action Plan, action 9. Details of the action items and associated timeframes for completion are within the Waste Management Strategy.

The Waste Management Strategy also discusses the need for the creation of a formal littering and illegal dumping plan which clearly identifies:

- Education required including that identified in the Waste Education Plan.
- A method for warning the public that littering and illegal dumping will no longer be accepted - this can be achieved in conjunction with education e.g. community posters and articles.
- A framework for enforcing the ban on public littering and illegal dumping, including identification of who can impose enforcement measures and what the enforcement measures are.

This plan will be supported with the resources available for tackling littering issues from the Victorian Littering Action Alliance (VLAA), Sustainability Victoria and the Department of Sustainability and Environment.

The Litter Provisions in the *Environment Protection Act 1970* include provisions for litter thrown from vehicles. Section 45G deals with this issue specifically indicating that a registered owner of a vehicle is deemed to be guilty of an offence if he or she deposits litter in an incorrect manner, such as throwing it out of their window for example.

EPA Victoria hosts a community Litter Report Line whereby individuals who witness littering from vehicles are able to report offences using a statutory declaration. The process is similar to that of a speeding fine where the registration plate of a vehicle is used to determine ownership. EPA then issues a fine for the littering offence to the registered owner of the vehicle. In the 2008-09 financial year, 19,465 fines were issued across Victoria.*

(* *Sustainability Victoria. Victorian Local Government Annual Survey 2007-08. Available at www.sustainability.vic.gov.au*)

Collection and Disposal

Roadside litter can be difficult to remove and cleaners need to comply with provisions of the *Road Management Act 2004*.

Responsibility for roadsides resides with different government agencies depending upon their placement in the roads hierarchy within the *Road Management Act 2004*. Latrobe City Council has over 1500 km of sealed and unsealed roads within the network for which the Council is the coordinating or responsible road authority.

Freeways, Arterial Roads and their associated infrastructure are the sole responsibility of VicRoads.

Council officers currently collect and dispose of illegally dumped rubbish and large deposits of litter from roadsides in response to reports from the community in areas of Councils responsibility. Although this action provides a better visual outcome, it also encourages unacceptable littering behaviour. Where there is sufficient evidence and information investigation is undertaken by Council's Local Law officers to take enforcement action against those responsible for the litter and dumped rubbish.

Council officers have previously used the services of Corrections Victoria to collect roadside litter however this has had limited success with lack of reliability of workers. This arrangement also required consideration and planning of appropriate traffic management, safety and OH&S issues. The inability to provide a predictable need for this service, as it is dependant upon location, amount of litter and frequency of service has meant this has not been successful.

Areas for consideration for future works include:

- Keep Australia Beautiful Victoria manages the 'Adopt a Roadside' program whereby businesses, community groups and other interested parties literally adopt a roadside and keep it litter free and in good care.
- Further examine a variety of infrastructure including: installing signage at litter hot spots and roadside stops; maintenance regimes for roadsides and roadside stops; providing or encouraging the use of waste bags in vehicles; installing waste receptacles at appropriate locations. The VLAA has developed a series of litter prevention road signs which are approved for use by VicRoads.

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 in preparation of this report.

Details of Community Consultation / Results of Engagement:

The *Waste Management Strategy 2010-17* was the subject of community and stakeholder consultation during its development and received strong support.

8. OPTIONS

Options available to Council include:

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

9. CONCLUSION

It is acknowledged that there is a persistent problem with littering across the municipality, as recognised in Councils *Waste Management Strategy 2010-17*, and action plan. Littering creates a number of issues including pollution, both physical and visual, and a cost for collection and disposal. There is no reason for littering to occur in Latrobe City with a significant amount of waste infrastructure provided to the community.

Behaviour change through education as outlined in the Waste Management Strategy, and responsible prioritisation and utilisation of Council resources has been identified as the most effective way to minimise, collect and dispose of roadside litter within our municipality.

10. RECOMMENDATION

1. That Council note this report and the actions identified within the Latrobe City Council Waste Management Strategy 2010-17 to reduce roadside litter.
2. That the Mayor write to VicRoads requesting they provide their strategic direction for the prevention and removal of roadside litter, and explain how this is being effectively implemented within Latrobe City.

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

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09 Summary

Creating Cleaner, Safer Places

Working together to
remove litter from
Victoria's environment

sustainability.vic.gov.au

Since the mid 1980s, the prevalence of litter has received increasing attention because of its environmental impact and association with anti-social behaviour. In a society which aims to reduce its overall waste and environmental impact, most litter represents a loss to recycling and reuse opportunities.

Whether it is food packaging, plastic bags, cigarette butts, dog poo or syringes, litter is one of the most visible signs of pollution and its impact is substantial.

Acknowledging environmental impacts and wasted resources from littering, the Victorian Government in 2005 addressed litter as part of its *Sustainability in Action: Towards Zero Waste Strategy* (TZW) – setting a target to improve littering behaviours by 25% by 2014, compared to 2003 levels.

In 2006, the Victorian Government committed to developing a new Victorian litter strategy to achieve the TZW target.

This new strategy represents the next step in litter prevention and litter management and sets the directions to support Victoria to achieve its commitments.

Objectives

The objectives of the strategy are to prevent litter and improve litter management practices to meet the TZW littering behaviour target and achieve clean and safe public places.

The objectives will be achieved by government, industry and community sectors working together to meet their shared responsibility to achieve a litter-free Victoria.

What does the strategy cover?

The strategy outlines where we've come from, what we have achieved and what we need to do. It sets out a vision for how we can get there together.

Creating cleaner, safer places for all Victorians to share is the focal point for this strategy. Accordingly, it targets our shared places including train stations, parks and sporting grounds, forests, beaches, streets, roadsides and shopping centres. It also targets particular littering activities which may not always occur in public spaces, but nevertheless have a cost, such as building site littering and illegal dumping.

The strategy provides information about littering and litterers and notes the importance of shared responsibility and partnerships, with all players – all levels of government, industry, business, communities and individuals – working together to remove litter.

A recent example is the joining of Keep Australia Beautiful Victoria (KABV) with Sustainability Victoria. This creates an opportunity to engage a wider range of regional and metropolitan communities to prevent and remove litter under the iconic Keep Australia Beautiful (KAB) brand.

The strategic directions outlined in this document build on the broad range of current litter management practices and programs, and include expanded and new actions to fill identified gaps to move towards meeting the TZW target.

The three key inter-related elements of this strategy are:

- education
- infrastructure
- enforcement.

To change littering behaviour, all three elements must be in place and be complementary. They need to be adaptable to local conditions and need to include incentives, communication activities and evaluation. These elements characterise Victoria's approach to litter prevention.

An integrated strategy

The strategy outlines four areas for future directions:

- 1 a coordinated statewide approach
- 2 improved litter prevention and management
- 3 behavioural change
- 4 improved measurement and reporting.

Achieving cleaner, safer public places requires complementary action across all these areas.

The first action area, **a coordinated statewide approach**, provides the umbrella for future action on the prevention, management and removal of litter.

The second and third action areas, **improved litter prevention** and **management and behavioural change**, provide the opportunity for coordinated, targeted action for each of the public places identified as priorities in this strategy.

The fourth action area, **improved measurement and reporting**, supports the overall strategy and provides the critical information we need to inform, evaluate and monitor all future actions under this strategy.

A summary of the major actions that form the core of *Creating Cleaner, Safer Places* is outlined below.

1 Statewide action to reduce litter from Victoria's environment

Litter actions	Description	Places
Victoria Litter Action Plan	This plan will integrate the current and proposed actions of governments, industry and the community to prevent and manage litter in our public places. It will aim to maximise outcomes by coordinated, joint action and reduced duplication.	The plan will cover the range of public places across metropolitan and regional Victoria.
Whole-of-government approach	This approach aims to ensure that stakeholder roles are clear, duplication of work is avoided, and litter is considered in the planning of, where appropriate, new government policy and initiatives.	The approach will be implemented across a range of government departments in partnership with land owners.
Investigate establishing a central public reporting system for the public to report littering and illegal dumping	This central reporting system could draw together existing systems and provide a central point for reporting littering.	This system will cover all forms of littering in parks, forests, streets and roadsides, rivers and beaches.
Investigate establishing an illegal dumping database for authorities to compile information about illegally dumped materials	This database could help better quantify the extent of the problem and associated management costs, and assist in new strategies to prevent illegal dumping.	This database will include all forms of illegal dumping in parks, forests, streets and roadsides, rivers, beaches and other public places.
Work with local governments to establish a regional illegal dumping squad for councils	The aim of this initiative is to partner with regional local governments to trial an illegal dumping squad, supported through statewide enforcement provisions.	The primary focus of this initiative is on places where most illegal dumping occurs.

2 Improved litter prevention and management

Litter actions	Description	Places
Street sweeping guidelines for councils	Guidelines and training for councils should improve street sweeping efficiencies and reduce costs.	Statewide – streets and roadsides.
Build local government capacity in street bin management guidelines	Extending this training to more councils will result in greater efficiencies and cost savings.	Statewide – streets and roadsides.
Increase the number of local government litter enforcement and education officers and continue to use existing networks	KABV will work with local governments and waste management groups to identify opportunities to increase litter enforcement activity undertaken by councils. This will help EPA Victoria's full-time Litter Enforcement Program Officer and provide training to improve the litter enforcement capabilities of staff in local governments. Existing council education and enforcement officer networks will also continue to be a successful way for councils to share information and knowledge and work together on litter.	Statewide – this initiative will strengthen action.
Install bins for recyclables and better bins for rubbish at railway stations and major tram stops	KABV will work with train and tram operators to encourage the extension of this initiative to major tram stops and V/Line stations.	Metropolitan and major regions; train stations and major tram stops.
Regional and rural illegal dumping, litter and public place recycling projects	The Sustainability Victoria Regional TZW Support Program (2008-11) funds regional and rural Victoria to implement a range of projects targeting illegal dumping, public place recycling improvements and litter prevention and management.	Rural and regional Victoria parks and sporting grounds, rivers, train stations, streets and roadsides.

3 Behavioural change

Litter actions	Description	Places
Awareness campaign	In consultation with a range of partners, the government will examine the potential of a targeted awareness campaign to further increase awareness of the impacts of littering and its potential role in supporting statewide and local action, particularly targeting illegal dumping.	It is envisaged such a campaign will target littering in all Victorian public areas, with a particular focus on the growing area of illegal dumping.
KABV's Tidy Towns, Sustainable Communities and Clean Beaches Awards	These awards are held and promoted annually to recognise and celebrate sustainability and environmental initiatives (including those addressing litter) in rural and regional Victoria, metropolitan Melbourne, and bay and coastal communities.	These awards showcase action by Victorian communities in relation to all our public places.
Provision of educational litter materials as part of ResourceSmart Schools	Through the ResourceSmart Schools Waste Program, a greater emphasis will be placed on litter and its impacts.	Victorian schools – with strong messages about the impact of littering in our public places.
Litter prevention kits (for roadside litter in particular)	The Roadside Litter Prevention and Resource Recovery Kit aims to influence the behaviour of road users and prevent litter and increase resource recovery from roadsides. This kit has the potential to be rolled out across Victoria and nationally.	Statewide – roadsides.
Adopt a Roadside	This program provides an opportunity for individuals, organisations and businesses to help maintain sections of roadside within Victoria's road network.	Statewide – roadsides.
Clean Site	KABV's Clean Site is an education program for builders and tradespeople which aims to manage environmental impacts from residential construction, including litter, washings and sediment and waste management of recyclable materials.	Statewide – building sites, waterways.
Stationeers	Since 1994, KABV's Stationeers – Right on Track Program has fostered community support and participation to improve the appearance and surrounds of railway stations by removing litter, establishing and improving landscapes, discouraging vandalism and generally encouraging public awareness of the broader value of the station.	Regional and metropolitan train stations.

4 Improved measurement and reporting

Litter actions	Description	Places
Annual Victorian Litter Report (VLR)	Sustainability Victoria will report annually on progress against the TZW litter target to provide a clear picture of progress towards the littering behaviour target and other measures.	Assessments will be conducted at more than 200 locations throughout Victoria, including public places.
VLR local tool	Sustainability Victoria will make the VLR methodology available to local governments and other organisations to enable them to independently undertake litter measurement. This template tool will enable these land and product managers to undertake assessments beyond those conducted as part of the VLR.	This tool will be available statewide.
Data collection and training	Sustainability Victoria will encourage development and uptake of best practices and tools to measure and monitor local program performance from an infrastructure, education and enforcement perspective.	This will be undertaken statewide.
KAB's National Litter Index (NLI)	Sustainability Victoria will continue to support the conduct of KAB's NLI (a national litter count).	These litter counts are conducted at a range of sites in Victoria, including public places.
Local Government Data Collection Survey	This survey is undertaken annually. Work is also underway to improve regional data collection and reporting with funding from the Sustainability Fund.	Statewide.
Litter strategy template	The Metropolitan Waste Management Group's (MWMG) SMART litter group has produced a litter strategy template used by a number of councils for their 2009-10 budgets. Through this strategy, KABV will work with the MWMG to roll it out to other councils.	This tool has the potential to assist local governments across Victoria to address littering within their municipalities.

Operating from within Sustainability Victoria, KABV will team with key partners in delivering these statewide approaches: DSE, VLAA, Department of Transport, local governments, schools, train and tram operators, land managers and waste management groups.

The future

In partnership with key stakeholders, including the Victoria Litter Action Alliance (VLAA), Sustainability Victoria will develop an action plan in 2009-10. This plan will integrate the current and proposed government, industry and community action to prevent and manage litter in our public places. It will aim to maximise outcomes by coordinated joint action and reduced duplication.

Creating Cleaner, Safer Places – Working together to remove litter from Victoria's environment forms an integral part of the Victorian Government's overall commitment to delivering on TZW by 2014.

This strategy can only be delivered by drawing on the skills and actions of everyone. It is an invitation to all Victorians who care about having clean and safe public places in which to live, work and relax, to join with the government to achieve a litter-free Victoria.

For further information and enquiries about this document please contact:

Sustainability Victoria

Urban Workshop
Level 28, 50 Lonsdale St
Melbourne Victoria
3000 Australia

T +61 (03) 8626 8700
F +61 (03) 9663 1007
E litter.strategy@sustainability.vic.gov.au
W sustainability.vic.gov.au

ECONOMIC SUSTAINABILITY

11.2.1 COMMITTEE FOR GIPPSLAND

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present for Council's consideration, a proposal for membership of the Committee for Gippsland for the 2011/2012 financial year.

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 – In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Economy

Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and with community agencies.

Service Provision – Business Development

Provide Business Development advice, services and programs in accordance with the Latrobe City Council Economic Sustainability Strategy.

Strategic Direction – Advocacy

Actively build partnerships with other municipalities, government, industry and community agencies to deliver important services and projects, and ensure strong outcomes for our community.

4. **BACKGROUND**

The Committee for Gippsland Steering Group was formed in 2008 by several private business people and enterprises. Since this time, the group has been working to finalise their membership structure and governance arrangements.

Committee for Gippsland was officially launched in April 2011 with the dual objectives of establishing a non-government, business funded organisation that represents the entire Gippsland region; and identify and pursue opportunities that contribute to a strong and secure future for Gippsland.

Establishment of the Committee for Gippsland complements the Gippsland Regional Plan in identifying key priorities needed to support Gippsland's future. The Committee as an industry representative group will effectively work towards improving Gippsland future prospects in furthering industry and economic development.

The Committee for Gippsland is a business funded, broad geographic and sector based advocacy group with a purpose to drive positive economic, social and environmental development across Gippsland.

The Committee for Gippsland is developing a strategic plan which will be the blueprint of what will be pursued on behalf of industry and business in Gippsland.

Key priorities of the Committee for Gippsland are:

- To attract government and commercial investment that will benefit all of Gippsland and its communities, industry sectors and businesses;
- To work collaboratively with existing organisations to help maximise opportunities presented to them; and
- To ensure businesses have a stronger voice in terms of carbon pricing, telecommunications and initiatives for business growth, investment and further job opportunities.

The committee identifies that benefits for committee members include:

- Membership of a peak body representing industry and business;
- Providing synergies with businesses and industry in Gippsland;
- Being able to better influence change and lead Gippsland's further development; and
- Working in partnership with business and industry to enhance Gippsland's economic opportunities.

5. **ISSUES**

The Committee for Gippsland has provided an opportunity for businesses and community leaders to invest in and drive a more concerted effort in positively shaping and influencing Gippsland's destiny as a preferred location to live, work and invest.

Membership is open to all organisations and individuals with a business or with a direct interest in the development of Gippsland.

The group has 33 member organisations ranging from community groups, tourism operators, small and large businesses and education institutions. Current members include: mecu, Patties Foods, GHD, SAFETECH, Telstra Country Wide, Burra Foods, LV Printers, Monash University, GippsTAFE, Workways and Radfords Abattoirs.

There are three levels of annual membership:

Major Sponsor – (\$20,000 + GST) for 'foundation' or 'gold' members which includes a position on the executive committee.

Member Subscriber – (\$3,000 + GST) for businesses or organisations employing more than 20 people.

Community Subscriber – (\$1,000 + GST) for businesses or organisations employing less than 20 people.

Further membership information is provided in the attached letter from the Committee for Gippsland.

As the key representative organisation for Gippsland's businesses, the Committee for Gippsland is emerging as an important regional economic development asset and provides industry and business with a voice for the Gippsland region. It is appropriate that Council demonstrates support through membership at an appropriate level.

Membership at the *member subscriber* level would indicate support for the Committee for Gippsland while ensuring the organisation retains a strong private sector focus. Membership to the Committee for Gippsland will provide Latrobe City Council with a further opportunity to actively support and work in partnership with business and industry in Gippsland.

Currently, Bass Coast Shire Council and Wellington Shire Council are members of the Committee for Gippsland with the remaining Gippsland Councils indicating interest in becoming members.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Member subscriber membership (\$3,000) could be accommodated within the 2011/12 Economic Sustainability budget.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

The Executive Officer for the Committee for Gippsland made a presentation to Councillors on the 28 March 2011 and has met with officers on a number of occasions prior to preparation of this report.

8. **OPTIONS**

Council has five options in relation to this issue.

1. That Council submits to become a major sponsor of the Committee for Gippsland.
2. That Council submits to become a member subscriber of the Committee for Gippsland.
3. That Council not submits to become a member of the Committee for Gippsland.

4. That Council seeks further information on membership of the Committee for Gippsland.
5. That Council notes the information on the Committee for Gippsland and takes no action.

9. CONCLUSION

The Committee for Gippsland comprises of individuals, businesses and organisations who have demonstrated a commitment to improving the quality of life for Gippsland residents.

The Committee for Gippsland has provided an opportunity for businesses and community leaders to invest in and drive a more concerted effort in positively shaping and influencing the region's destiny as a preferred location to live, work and invest.

It is appropriate that Council demonstrate support for the Committee for Gippsland through submitting for membership at the *member subscriber* level.

10. RECOMMENDATION

That Council submit to become a member of the Committee for Gippsland, at the member subscriber level.

ALTERNATE MOTION

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That Council seeks further information on membership of the Committee for Gippsland.

CARRIED UNANIMOUSLY

ATTACHMENTS

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Committee for Gippsland Inc
Phone: 03 5127 0737
PO Box 419
Traralgon VIC 3844
ABN: 68225605779
Email: mary.aldred@gipps.com.au

29 June 2011

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
By email: Donna.Starkey@latrobe.vic.gov.au

Committee for Gippsland – Membership Information

Dear Mr Buckley

Thank you for your recent query regarding membership levels provided by the Committee for Gippsland.

The Committee for Gippsland was established in March this year as an independent, self-funded organisation that provides peak body representation for business, community organisations and industry across the Gippsland region. We aim to work collaboratively with existing government and community organisations across Gippsland to help maximise economic and social outcomes for the region.

We have a broad based membership, which includes organisations such as university and TAFE providers, small and medium businesses, large companies including an ASX listed company, community organisations such as the Committee for Moe and Greening Australia Gippsland, as well there being several local government organisations currently considering membership.

The Committee for Gippsland offers three levels of membership to ensure maximum representation of Gippsland's industry sectors, geographic parts and organisational sizes. They include;

- \$1,000 small business/ community organisation category for community groups and businesses under 20 employees.
- \$3,000 medium business category for businesses employing over 20 employees; and
- \$20,000 foundation level category for large employers who make a significant economic contribution to the Gippsland region. This level of membership at present provides an automatic place on the Executive Committee.

After three months of operations, we now have over 30 member organisations and continue to grow a membership base reflective of Gippsland's diverse geographic and sector profile.

We would be delighted to welcome Latrobe City Council as a member organisation. Please don't hesitate to call me on 0401 476 007 should you wish to discuss any aspect of this further.

Yours sincerely

A handwritten signature in blue ink that reads "Mary Aldred". The signature is written in a cursive, flowing style.

Mary Aldred
Executive Director

C4G

Committee for
Gippsland

Chair

Harry Rijs
Patties Foods

Executive Director
Mary Aldred

Our Board

mecu

LV Printers

SafeTech

Telstra

Burra Foods

The Committee for Gippsland is an independent, business-funded organisation dedicated to proactively representing businesses and industries from all sectors and regions across Gippsland.

What can the *Committee for Gippsland* do for our region?

The Committee for Gippsland will work with existing organisations within Gippsland to proactively lobby governments and the commercial sector for infrastructure, jobs and a renewed focus on Gippsland as a premier destination in Australia to live, work and invest in.

What are the aims and objectives of the *Committee for Gippsland*?

Our key priorities include pursuing an informed, inclusive and proactive approach on behalf of businesses in the Gippsland region to ensure the long term economic interests of the region prevail.

The Strategic Plan will set out clear policy and strategic priorities that the Committee for Gippsland will proactively pursue with all levels of government, key decision makers and the commercial sector to drive economic, infrastructure and investment opportunities that benefit businesses and communities across the Gippsland region.

Who can be members?

Membership is open to all businesses across the Gippsland region, with specific membership options available for small, medium and large businesses. In addition, membership from local government and community organisations is welcome.

The Committee for Gippsland will continue to grow our membership base across all industry sectors, regions of Gippsland and business sizes to ensure we are the natural organisation of choice to advocate for businesses and industry in the Gippsland region.

Please contact us at info@gipps.com.au

www.committeeforgippsland.com.au

(03) 5127 0737

BUILT AND NATURAL ENVIRONMENT

11.3.1 PLANNING PERMIT APPLICATION 2010/370 - BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF FOUR (4) DWELLINGS ON A LOT AT 19 MANOR RISE, MORWELL

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/370 for buildings and works associated with the construction of four (4) dwellings at Lot 28 on Plan of Subdivision 218993C, or commonly known as 19 Manor Rise in 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 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 Issue

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:	19 Manor Rise, Morwell, known as Lot 28 on Plan of Subdivision 218993C
Proponent:	Obsidian Projects Pty Ltd c/- Planning and Property Partners Pty Ltd
Zoning:	Residential 1 Zone (R1Z)
Overlay	n/a

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

4.2 PROPOSAL

The application seeks approval for the development of four dwellings on the subject site.

Unit 1 is a single storey dwelling fronting Manor Rise, comprising three bedrooms, laundry, powder room, open plan kitchen / dining area and double garage. Unit 1 is setback approximately 8m from Manor Rise, with its garage abutting the northern boundary of the site.

Units 2 and 3 are double storey attached dwellings located centrally within the site. Each of the units comprises an open plan dining / living / kitchen and a single garage at ground floor, as well as two bedrooms and bathroom at first floor. Upper floors are setback approximately 8.1m from the northern title boundary.

Unit 4 is a single storey dwelling located within the rear portion of the land, comprising two bedrooms, open-plan living / dining / kitchen area, laundry and a single garage. The unit is setback approximately 4m from the northern title boundary, with its southern garage wall abutting boundary.

Each unit is provided with a north facing private open space area in excess of 40 square metres.

Vehicular access is provided for Unit 1 via a concrete driveway crossover located within the north-western portion of the land. A common driveway is proposed to provide access to Units 2 to 4.

The building materials are varied but consist of face brickwork and cream rendered finish walls, timber cladding, with pitched roof.

The designs and materials generally display a contemporary architectural style.

Subject Land:

The subject land is located approximately 1.3 kilometres from the Morwell central activity district. The site is currently vacant and contains no significant vegetation. The site slopes up from the frontage toward the rear boundary, rising approximately 6 metres.

The area of the site measures a total of 1,181 square metres. The northern (side) boundary of the site measures 49.73 metres, the southern (side) boundary measure 51.11 metres in length, the eastern (rear) boundary extends 25.47 metres and the western (front) boundary measures 22 metres.

The site abuts Manor Rise along the western site boundary. The site is not affected by any easements.

Surrounding Land Use:

North: Directly to the north of the site is No.18 Manor Rise, which contains a single dwelling on a lot of 1,177 square metres in total site area. The frontage setback of the dwelling at No. 18 Manor Rise is 11.6m and the minimal side setback is 1.5m. A garage is located within the rear portion of the site. Similar to the subject site, the allotment at No. 18 Manor Rise slopes up from the frontage toward the rear boundary, rising approximately 6 metres.

- South: Directly to the south of the site is No. 1 Danotty Slope, which is currently vacant. The allotment measures 1,215 square metres in total site area and has a similar slope gradient as the subject site.
- East: To the east of site is Maryvale Road. Maryvale Road is a 16 metre wide road within a 35 metre wide road reserve.
- West: To the west of the site are properties at No. 1 Manor Rise and No. 5 Danotty Close. No. 1 Manor Rise is developed with a single dwelling on a lot of approximately 1000 square metres, and No. 5 Danotty Close is developed with a single dwelling on a lot of approximately 900 square metres. The land to the west of the site generally slopes down towards the west.

4.3 PLANNING CONTEXT

It should be noted that the current planning permit application P2010/370 follows on from an earlier application P2009/307.

P2009/307 relates to an application for the development of four dwellings on the subject site, which was refused by Council at its ordinary meeting on 8 February 2010. An application for review of that decision was not made by the applicant.

The proposal submitted under the current planning permit application is essentially the same as the one refused under application P2009/307. Whilst the development plans submitted under the current application are exactly the same as the previous application, an updated written response has been provided as part of the current planning application, to address the planning policies and ResCode.

It should be noted that the circumstances of the previous decision have had no bearing on officer's assessment of the current planning permit application.

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

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

5. ISSUES

5.1 ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The proposal has been assessed in accordance with the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS).

It is considered that the proposal complies with both the SPPF and LPPF which broadly state that planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas. This includes increasing housing diversity and affordability. The proposal does add to the range of available housing types to meet increasingly diverse needs, and assists in directing urban growth into the Morwell, which is an important regional area as identified in the Scheme.

The subject site is located within a Residential 1 Zone (R1Z), and the proposal has been assessed against the purpose and decision guidelines of the R1Z. It is reasonable to consider that the subject site is appropriately zoned for residential development.

5.2 NEIGHBOURHOOD CHARACTER

Other than the matters discussed above, it should be noted, however, that both the State and Local Planning Policy Frameworks also emphasise that development must be respectful of neighbourhood character and be responsive to its context in terms of natural and built form. This is reinforced under the Residential 1 Zone provisions and Clause 55 of the Scheme.

The subject neighbourhood has the following characteristics:

- Dwellings are mostly single storey in detached built form and modest scale
- Spaciousness of the area is retained through the relatively consistent front building setbacks, rear setbacks and side setbacks from at least one side boundary. Low or open style front fencing also assists in retaining a spacious feel to the streetscapes.
- Predominately single dwellings on a lot, there appears to be no unit development within the immediate vicinity of the site at this stage

- Front yards are generally well maintained, with plenty of opportunities for landscaping
- Each residential lot is generally provided with a single crossover.

The above characteristics generally arise from a restrictive covenant which previously applied to the subject residential estate. The restrictive covenant was created when the subject residential estate (Heritage Manor) was first developed approximately 10 years ago, with the intention to restrict the type and number of dwellings on each lot and to a certain extent, to establish the preferred character for the area. Whilst the covenant was time-specified and it no longer applies to the estate, it nevertheless did perform a function of shaping the development pattern and character in the area.

It is considered that the proposal does not respect the character of the neighbourhood as follows:

- The development presents with prominent massing to the street and adjoining properties. In particular, the proposal seeks a variation to the frontage setback requirement as specified under Standard B6 of Rescode, and there appears to be no design justification provided by the applicant to clearly demonstrate how there would be minimal visual impact of the building when viewed from Manor Rise.
- The proposal is for four attached dwellings on the lot. The attached built form is contrary to other dwellings in the locality, and generally not consistent with the 'spacious' feel of the area.
- The subject site slopes up from the Manor Rise frontage toward the rear boundary, rising approximately 6 metres. Visual bulk of the proposal is of a particular concern, as it is accentuated by the topography of the site.
- The double storey built form is new to the area, and the proposed built form is not responsive to the features of the site and the surrounding area. It is reasonable to expect that the two double storey dwellings located centrally on the land would be highly visible when viewed from Manor Rise given the topography of the site.
- There are limited opportunities for landscaping on the land.
- Provision of two crossovers on a lot is at odds with the character of the area.

The key theme in the Scheme in relation to neighbourhood character is that new residential development should respect the existing neighbourhood character or contribute to a preferred neighbourhood character. This does not imply that change is not acceptable, but rather development should be responsive to its context. It is in this regard that the proposal is considered unacceptable, as the design of the development has failed to respond appropriately to the opportunities and constraints of the site, and minimise the detrimental impact upon adjoining and surrounding properties.

5.3 OBJECTIONS

The application received 14 submissions in the form of objections. The issues raised in the objections were:

1. Inadequate provision of car parking as part of the proposal which would result in an increase of on street car parking in an already narrow street.

Officer comment:

Each of the two bedroom dwellings is provided with a single on site car parking space and the three bedroom dwelling is provided with three on site car parking spaces. The provision of on site car parking satisfactorily meets the requirements of Clause 55.03-11 (ResCode Standard B16) of the Scheme. The proposed car parking is deemed to be satisfactory by Council's Infrastructure Planning Team. It is reasonable to consider that the proposal is unlikely to result in an unacceptable level of occurrence of on street car parking.

2. The increase in traffic volume as a result of the proposed development is likely to put a strain on existing residents and impact on residents' safety. Unit development in close proximity to a T-intersection is also a concern.

Officer comment:

The proposal has been assessed by Council's Infrastructure Planning team and it is considered the surrounding street network is capable of accommodating the increase in traffic volume.

The proposed vehicular access arrangement is also deemed satisfactory, in terms allowing safe and efficient vehicle movements and connections within the development and to Manor Rise. Council's Infrastructure Planning Team does not have any concerns relating to the proximity of the subject site to the Danotty Slope and Manor Rise T-intersection from a traffic perspective.

3. There are concerns regarding the density of dwellings on one lot considering the lack of other multi dwelling developments nearby. A covenant was registered on the certificates of title for the allotments when the subdivision which created this allotment and the surrounding allotments was approved. This covenant restricted each allotment to the development of a single dwelling. This original concept should be kept.

Officer comment:

It is considered that the restrictive covenant performed a function of shaping the development pattern and character in the area, with the majority of the development being single storey within a spacious setting.

In consideration that Council's policies generally support increased residential density at appropriate locations, and that a restrictive covenant is no longer registered on title, the proposed lot of greater than 1000 square metres in area is considered generally appropriate for an increase in residential density.

However, it should be noted that for the development proposal to adequately address the Planning Scheme, it must be respectful of neighbourhood character and be responsive to its context in terms of natural and built form.

The proposal has failed to appropriately respond to the site opportunities and constraints, is inconsistent with the development pattern of the area, and does not respect the character of the neighbourhood as detailed in the previous sections of this report.

4. Overlooking and privacy issues with the double storey dwellings.

Officer comment:

The proposed development generally meets the objectives of Standard B7 'Building Height Objective', Standard B17 'Side and Rear Setbacks Objective' and Standard B22 'Overlooking Objective'. The first floor north facing windows are for non-habitable rooms and it is reasonable to consider that overlooking opportunities into the secluded private open space and habitable room windows of adjoining properties are limited.

The south facing first floor windows do not provide any overlooking opportunities into any areas of private open space. These windows face a vacant residential site. The proposal must be assessed against the existing conditions of the surrounding allotments. It is reasonable to consider that no person would suffer unreasonable material detriment from the location of the first floor windows.

5. Concerns regarding future tenure of the proposed units

Officer comment:

The socio-economic status of potential future residents of a property is not considered as a valid planning objection. This objection is outside the realms of matters to be considered by this application.

6. The development of units in the area is likely to decrease the value of surrounding properties significantly.

Officer comment:

This is not considered a valid ground of objection and is usually not considered a ground for refusal when considered in VCAT hearings. This objection is outside the realms of matters to be considered by this application.

7. Increase in noise levels as a result of the proposed development

Officer comment:

Any future residents of the proposed dwellings will be required to comply with the Environment Protection (Residential Noise) Regulations 2008, which are policed and enforced by the Environment Protection Authority. Given the residential nature of the proposal, it is considered that the proposal is unlikely to unreasonably increase the regular residential noise experienced in this residential area.

8. The proposed earthworks may cause damage to neighbouring properties.

Officer comment:

It should be noted that the development is reasonably within the boundaries of the site. Boundary disputes are a civil matter and Council has no jurisdiction in terms of dealing with civil matters.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on site for 14 days.

External:

Clause 66 of the Scheme details that the application is exempt from the referral requirements of Section 55 of the Act.

Notice of the application was given to Gippsland Water, SP AusNet, APT O&M Services and Telstra pursuant to Section 52(1)(d) of the Act.

Gippsland Water gave consent to the granting of a planning permit subject to an appropriate note being placed on permit. SP AusNet gave consent with appropriate conditions and notes. APT O&M Services gave consent without conditions and Telstra did not respond, therefore, consent is assumed.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning and Rates Teams.

Both Council's Infrastructure Planning and Rates Teams gave consent to the granting of a planning permit subject to appropriate conditions and notes.

Details of Community Consultation following Notification:

14 submissions in the form of objections were received to the application. As requested by the applicant, a mediation meeting was not held as the current application is a repeat of the earlier planning permit application 2009/307, where such a meeting was held and no resolution achieved.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- At odds with the character of the area and is likely to result in an adverse impact on the streetscape and general neighbourhood character;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone, in terms of failing to facilitate a development that satisfactorily respects the neighbourhood character;

- Inconsistent with the 'Purpose' and 'Decision Guidelines' Clause 55 (Two or More Dwellings on a Lot and Residential Buildings), as the proposal has failed to meet Standards B1 (Neighbourhood Character), B6 (Street Frontage Setback) and B31 (Design Detail) of ResCode;
- Inconsistent with Clause 65 (Decision Guidelines) and it does not provide for the orderly planning of the area; and
- 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 Refusal to Grant a Permit, for Buildings and Works Associated with the Construction of Four (4) Dwellings at Lot 28 on Plan of Subdivision 218993C, more commonly known as 19 Manor Rise, Morwell, on the following grounds:

- **The proposal does not satisfactorily address the purpose and intent and objectives of Clause 55 of the Latrobe Planning Scheme, and particularly is inconsistent with Standards B1 (Neighbourhood Character), B6 (Street Setback) and B31 (Design Detail) of ResCode.**
- **The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that does not respect the neighbourhood character of the area, particularly with regard to mass, bulk and scale.**
- **The proposed development is not appropriate for the locality in regards to its detrimental impact on the streetscape and general neighbourhood character.**
- **The proposal is inconsistent with Clause 65 of the Scheme and does not provide for the orderly planning of the area.**

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

**ATTACHMENT 1
PROPOSED DEVELOPMENT PLANS**

issue date.....07-07-09

proposed multi-residential development
at: lot 28 manor rise, morwell 3840

town planning drawings prepared by branov design group
level 1. 29 sutherland street melbourne 3000, p-9642-4114 f-9642-4115 email-studio@branovdesign.com

branov design

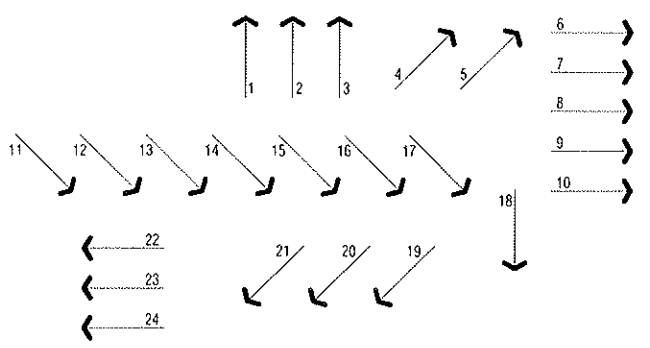
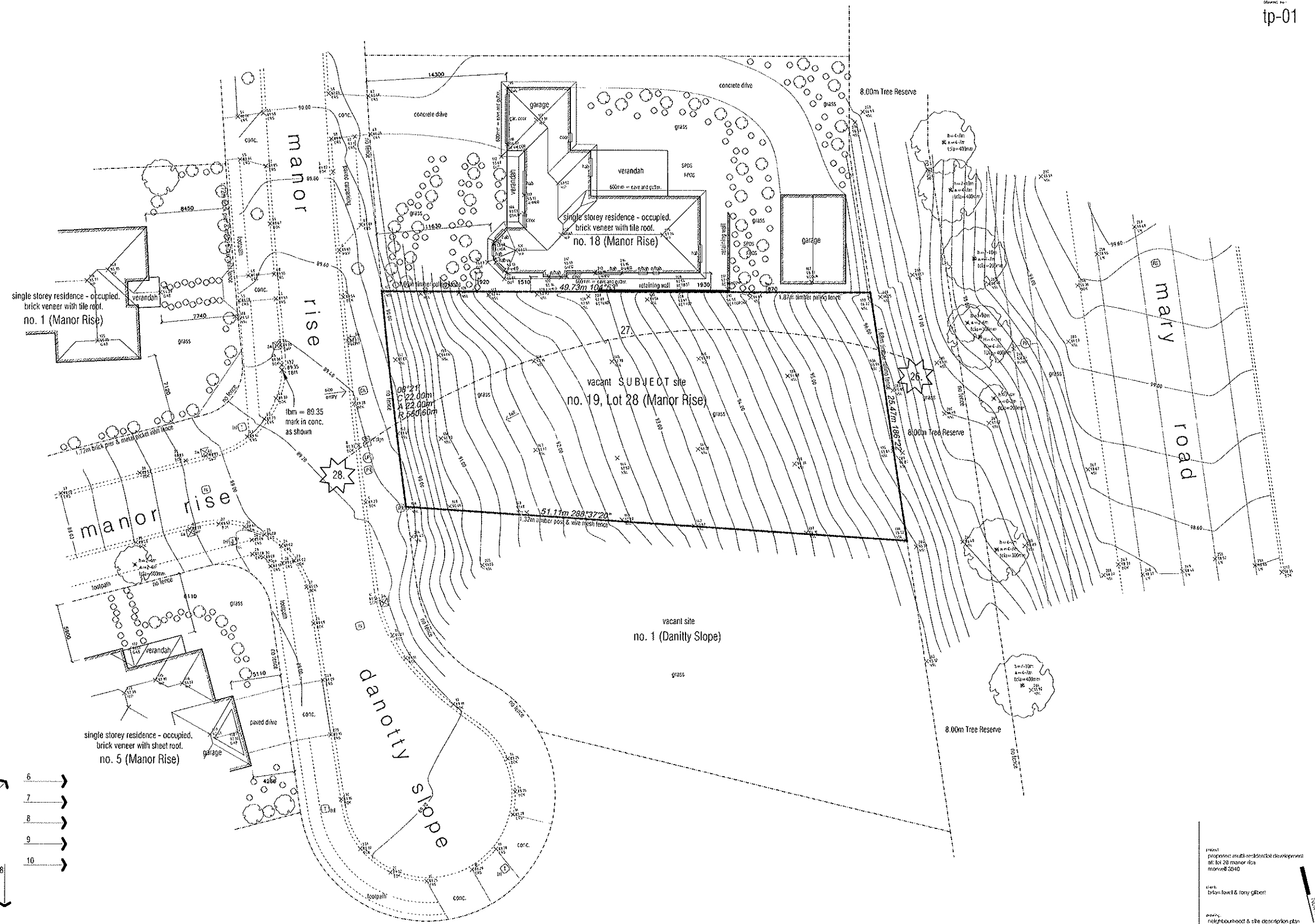
level 1. 29 sutherland street melbourne 3000, p-9642-4114 f-9642-4115 email-studio@branovdesign.com

drawing register:

town planning drawings

- tp-01.....neighbourhood & site description
- tp-02.....design response
- tp-03.....proposed ground floor plan
- tp-04.....proposed first floor plan
- tp-05.....proposed elevations
- tp-06.....proposed streetscape
- tp-07.....shadow diagrams

1. maryvale primary school located approx. 300m north of the site.
2. maryvale private hospital located approx. 300m north of the site.
3. monwell golf course located approx. 300m north of the site.
4. valley primary located approx. 300m north-east of the site.
5. recreation/soccer reserve located approx. 600m north-east of the site.
6. monwell park primary located approx. 300m east of the site.
7. kurnal college (maryvale) located approx. 400m east of the site.
8. arie bank reserve located approx. 450m east of the site.
9. la trose regional hospital located approx. 3.3km east of the site.
10. princess hwy located approx. 600m east of the site.
11. cycling track/oval reserve located approx. 300m south-east of the site.
12. go kart track located approx. 450m south-east of the site.
13. midvalley shopping located approx. 500m south-east of the site.
14. monash hwy located approx. 600m south-east of the site.
15. st vincent's school located approx. 300m south-east of the site.
16. primary school located approx. 350m south-east of the site.
17. glippsland lake located approx. 600m south-east of the site.
18. reservoir (wabi) reserve located approx. 400m south of the site.
19. kurnal college (junior) located approx. 300m south-west of the site.
20. maryvale recreation reserve located approx. 250m south-west of the site.
21. leisure centre & pool located approx. 350m south-west of the site.
22. loners recreation reserve/basball field located approx. 500m west of the site.
23. sunday market located approx. 400m west of the site.
24. golf range located approx. 600m west of the site.
25. glippsland railway (wines) located approx. 800m east, south & west of the site.
26. sun rising in the east.
27. path of suqs travel (east to west)
28. sun setting in the west.



neighbourhood & site description plan

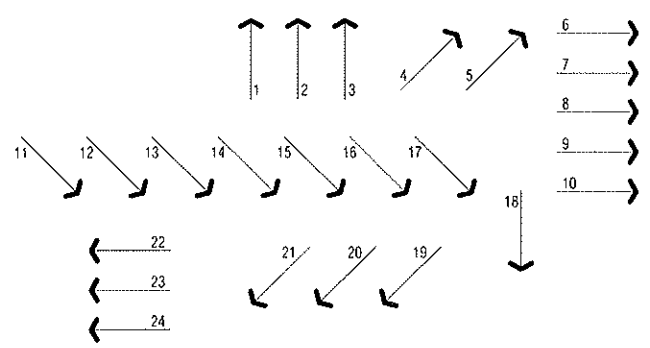
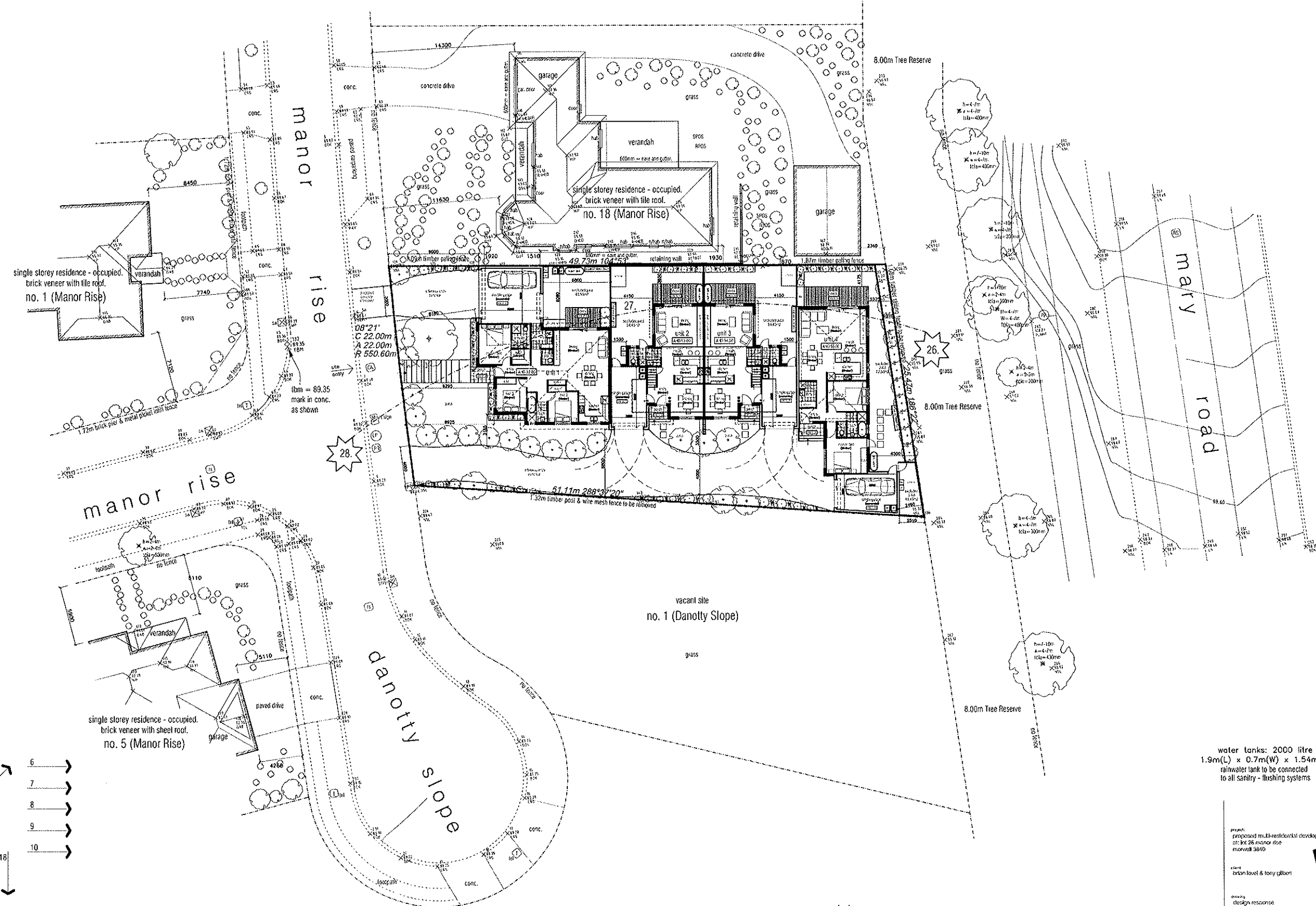
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PROJ: PROPOSED RESIDENTIAL DEVELOPMENT AT LOT 28 MANOR RISE MONWELL 50140
 CLIENT: BRISLOW & TONY GIBSON
 DESIGN: NEIGHBOURHOOD & SITE DESCRIPTION PLAN
 DESIGNER: BRJL project no. 2365
 DATE: 07-07-09 SCALE: 1:200



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 BRANOV DESIGN PTY LTD
 15/155 WILSON ST
 MELBOURNE VIC 3000
 P: 03 9442 4111
 F: 03 9442 4113
 www.branovdesign.com

1. maryvale primary school located approx. 300m north of the site, provides the local youth a great facility for learning and all forms of education.
2. maryvale private hospital located approx. 300m north of the site, provides the local residence a place for their health and sickness needs.
3. morwell golf course located approx. 300m north of the site, provides golf professionals and amateurs a great course to practice their skills on.
4. valley primary located approx. 300m north-east of the site, provides the local youth a great facility for learning and all forms of education.
5. recreation/soccer reserve located approx. 600m north-east of the site, provides a great facility to perform all types of leisure activities, while having a bit of fun and keeping up your health and fitness.
6. morwell park primary located approx. 300m east of the site, provides the local youth a great facility for learning and all forms of education.
7. kurnai college (maryvale) located approx. 400m east of the site, provides young adolescence a great environment for education and a variety of learning aspects for day to day life.
8. aile bank reserve located approx. 450m east of the site, provides the surrounding residence a great area to practice and keep up their health and fitness.
9. la robe regional hospital located approx. 3.3km east of the site, provides the local residence a place for their health and sickness needs.
10. princess hwy located approx. 600m east of the site, provides a fast and safe inlet and outlet to the city and desired locations.
11. cycling track/tennis reserve located approx. 300m south-east of the site, provides a great facility to perform all types of leisure activities, area to practice and keep up their health and fitness.
12. go kart track located approx. 450m south-east of the site, provides locals a great facility for some outdoor fun with a difference.
13. midvalley shopping located approx. 500m south-east of the site, provides locals a great facility for all the shopping needs.
14. morash hwy located approx. 600m south-east of the site, provides a fast and safe inlet and outlet to the city and desired locations.
15. st vincent's school located approx. 300m south-east of the site, provides the local youth a great facility for learning and all forms of education.
16. primary school located approx. 350m south-east of the site, provides the local youth a great facility for learning and all forms of education.
17. gippsland tafe located approx. 600m south-east of the site, provides young adolescence a great environment for education and a variety of learning aspects for day to day life.
18. reservoir (water) reserve located approx. 400m south of the site, provides a great facility for catchment of water while also providing residents with a place to visit for a fun day out.
19. kurnai college (junior) located approx. 300m south-west of the site, provides young adolescence a great environment for education and a variety of learning aspects for day to day life.
20. maryvale recreation reserves located approx. 250m south-west of the site, provides a great facility to perform all types of leisure activities.
21. leisure centre & pool located approx. 350m south-west of the site, provides a great facility to perform all types of leisure activities, while having a bit of fun and keeping up your health and fitness.
22. toners recreation reserve/baseball field located approx. 500m west of the site, provides a great facility to perform all types of leisure activities.
23. sunday market located approx. 400m west of the site, provides a great place to have a look at, and a fun day shopping.
24. golf range located approx. 600m west of the site, professionals and amateurs a great course to practice their skills on.
25. gippsland railway (line) located approx. 800m east, south & west of the site, provides a different alternative of transportation to the desired locations.
26. sun rising in the east.
27. path of suns travel (east to west)
28. sun setting in the west.



area analysis:
 site area: 1181m²
 site coverage: 453.65m² = 38.92%
 site permeability: 405.99m² = 34.37%
 density: 4: 295.25m²

unit 1 -
 ground floor area: 120.16m² 12.93sq
 garage: 37m² 3.98sq
 deck: 10.68m²
 porch: 3.67m²
 stairs: 6m² (est.)
 p.o.s. (above not incl): 140.50m²
 setbacks p.o.s.: 40.55m²
 total p.o.s.: 147.05m²

unit 2 & 3 -
 ground floor area: 63.73m² 6.86sq
 first floor area: 41.95m² 4.51sq
 total floor area: 105.68m² 11.37sq
 garage: 22.20m² 2.38sq
 deck: 12.90m²
 porch: 2.52m²
 stairs: 6m² (est.)
 p.o.s.: 17.45m²
 setbacks p.o.s.: 54.45m²
 total p.o.s.: 71.85m²

unit 4 -
 ground floor area: 104.54m² 11.25sq
 garage: 76.03m² 8.20sq
 deck: 12.90m²
 porch: 3m²
 stairs: 6m² (est.)
 p.o.s.: 3m²
 setbacks p.o.s.: 83.95m² (inc. slope)
 total p.o.s.: 85.95m²

water tanks: 2000 litre
 1.9m(L) x 0.7m(W) x 1.54m(H)
 rainwater tank to be connected to all sanitary - flushing systems

project:
 proposed multi-residential development
 at: lot 26 manor rise
 morwell 3810

client:
 brinov level & tony gibson

design:
 design response

designer: mjb
 drafter: l.d.
 date: 07-07-09

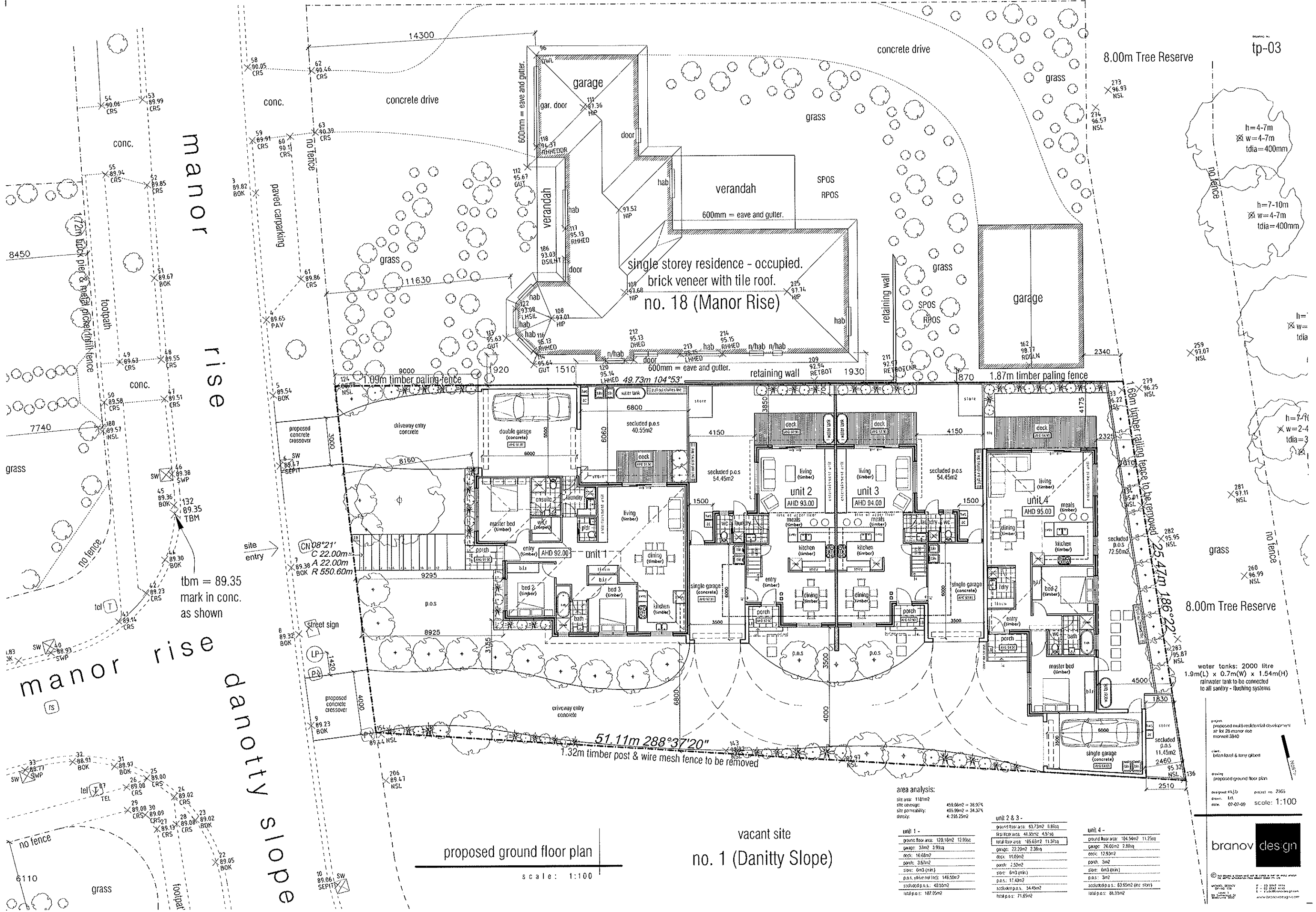
project no: 2365
 scale: 1:100

brinov design

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 11/11/09
 11/11/09
 11/11/09

design response

scale: 1:200



single storey residence - occupied.
brick veneer with tile roof.
no. 18 (Manor Rise)

proposed ground floor plan

vacant site
no. 1 (Danitty Slope)

scale: 1:100

area analysis:

site area: 1181m²
site coverage: 458.66m² = 38.92%
site permeability: 483.98m² = 41.31%
grass: 4:235.25m²

unit 1 -
ground floor area: 129.16m² 12.93sq
garage: 37m² 3.99sq
deck: 16.68m²
porch: 3.57m²
store: 6m² (min)
p.o.s. (incl. incl. inc): 148.50m²
secluded p.o.s.: 43.55m²
total p.o.s.: 187.05m²

unit 2 & 3 -

ground floor area: 63.72m² 6.86sq
first floor area: 41.35m² 4.51sq
total floor area: 105.07m² 11.37sq
garage: 22.20m² 2.38sq
deck: 16.68m²
porch: 3.57m²
store: 6m² (min)
p.o.s.: 17.40m²
secluded p.o.s.: 83.65m² (inc. store)
total p.o.s.: 88.95m²

unit 4 -

ground floor area: 104.54m² 11.25sq
garage: 26.65m² 2.86sq
deck: 17.83m²
porch: 3m²
store: 6m² (min)
p.o.s.: 3m²
secluded p.o.s.: 83.65m² (inc. store)
total p.o.s.: 86.95m²

water tanks: 2000 litre
1.9m(L) x 0.7m(W) x 1.54m(H)
rainwater tank to be connected
to all sanitary - flushing systems

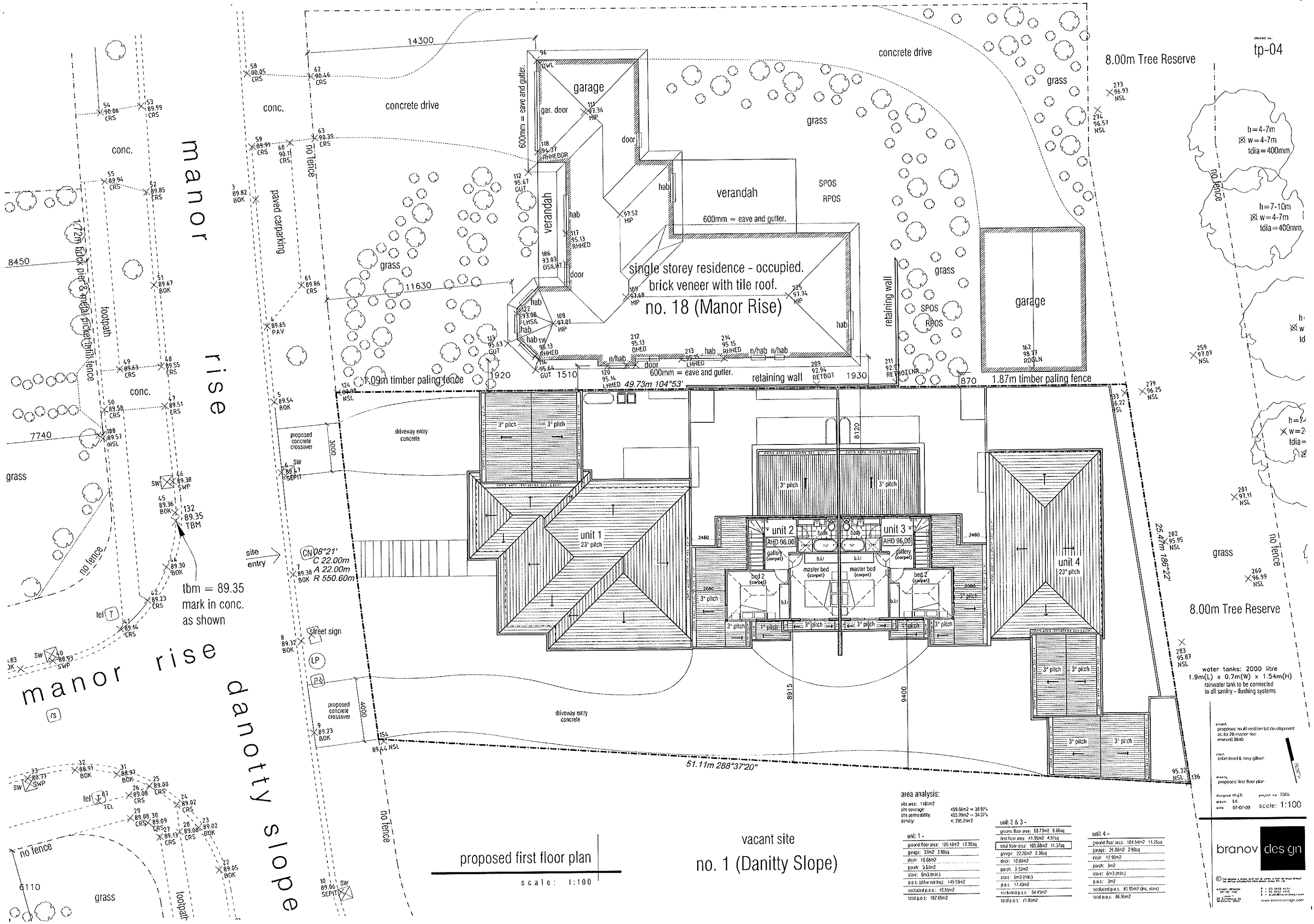
proposed multi-residential development
at lot 28 manor rise
project 280

drawn: [signature]
checked: [signature]
dated: 07-07-09

proposed ground floor plan
designer: [signature] project no: 2805
drawn: [signature] scale: 1:100
date: 07-07-09

branov cles gn

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single storey residence - occupied.
brick veneer with tile roof.
no. 18 (Manor Rise)

vacant site
no. 1 (Danitty Slope)

proposed first floor plan
scale: 1:100

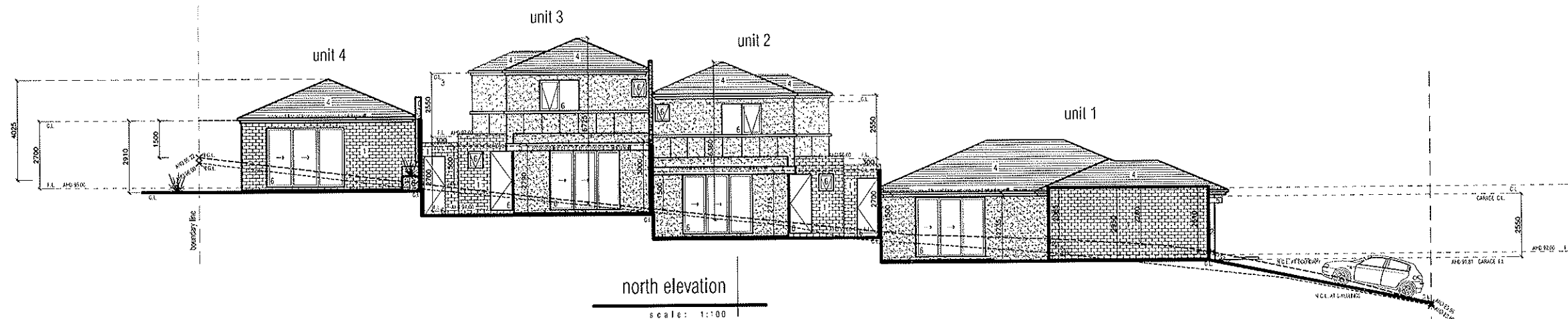
area analysis:

site area:	1181m ²
site coverage:	456.66m ² = 38.97%
site permeability:	425.99m ² = 34.37%
density:	4:285.29m ²

unit 1 -	unit 2 & 3 -	unit 4 -
ground floor area: 120.12m ² 12.93sq	ground floor area: 63.73m ² 6.86sq	ground floor area: 101.54m ² 11.05sq
garage: 37m ² 3.96sq	first floor area: 41.95m ² 4.51sq	garage: 26.08m ² 2.80sq
deck: 10.65m ²	total floor area: 105.68m ² 11.37sq	deck: 12.99m ²
porch: 3.57m ²	garage: 22.70m ² 2.38sq	store: 3m ²
store: 6m ³ (m.k.)	deck: 10.65m ²	store: 6m ³ (m.k.)
p.o.s. (dine not inc): 145.10m ²	porch: 2.52m ²	p.o.s.: 3m ²
secluded p.o.s.: 40.55m ²	store: 6m ³ (m.k.)	secluded p.o.s.: 85.95m ² (inc. store)
total p.o.s.: 187.65m ²	p.o.s.: 3m ²	total p.o.s.: 86.95m ²
	secluded p.o.s.: 54.45m ²	
	total p.o.s.: 11.8m ²	

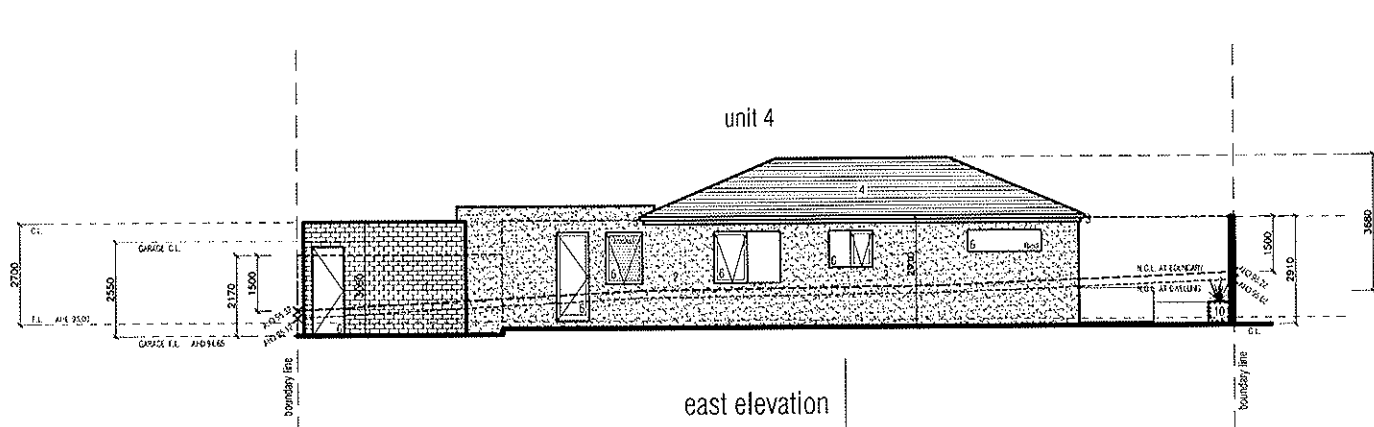
water tanks: 2000 litre
1.9m(L) x 0.7m(W) x 1.54m(H)
rainwater tank to be connected to all sanitary - flushing systems

designer: mjb
scale: 1:100



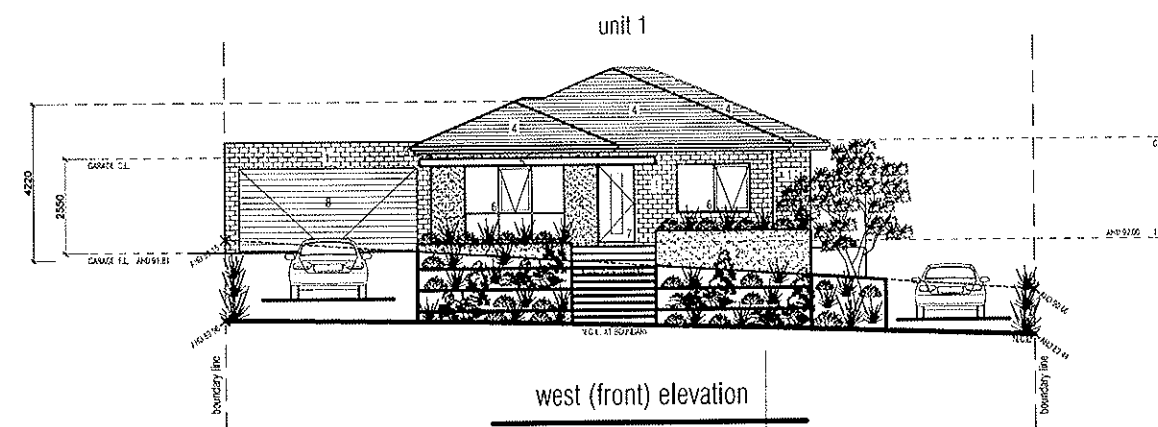
north elevation

scale: 1:100



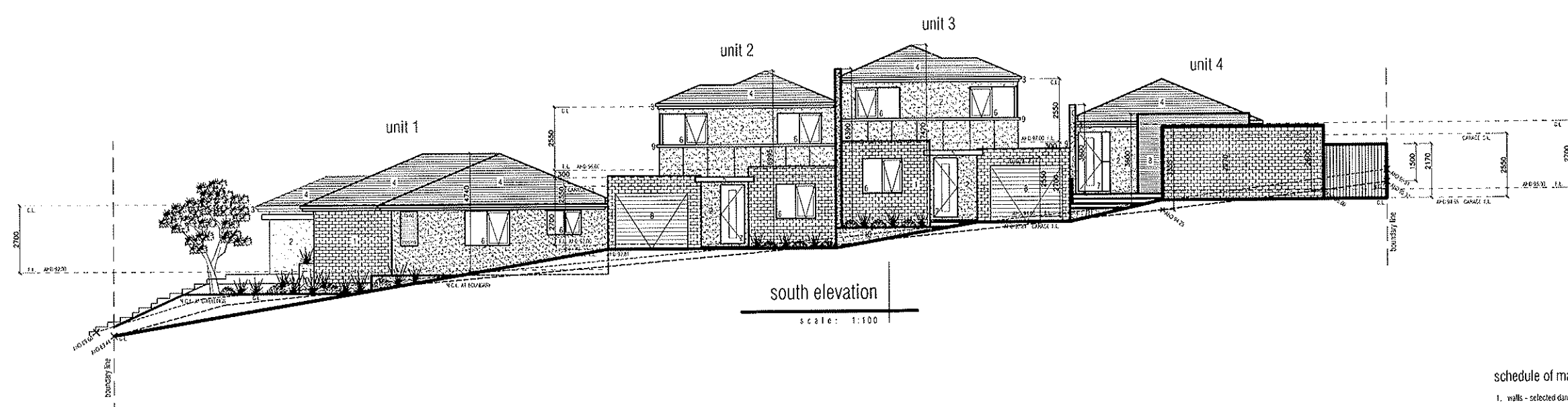
east elevation

scale: 1:100



west (front) elevation

scale: 1:100



south elevation

scale: 1:100

proposed elevations

scale: 1:100

schedule of materials and finishes

1. walls - selected daniel robinson brick
2. walls/planters - selected cream render finish.
3. fascias & gutters - selected charcoal finish
4. roofing - selected charcoal concrete roof tile
5. selected timber feature - selected stained finish
6. timber polished windows/back doors - selected stained finish
7. timber polished front doors/entrance - selected charcoal finish
8. timber cladding and garage doors - selected stained finish
9. timber sills - charcoal finish

project
proposed multi-residential development
at 84-88 mainer ave
morwell 3840

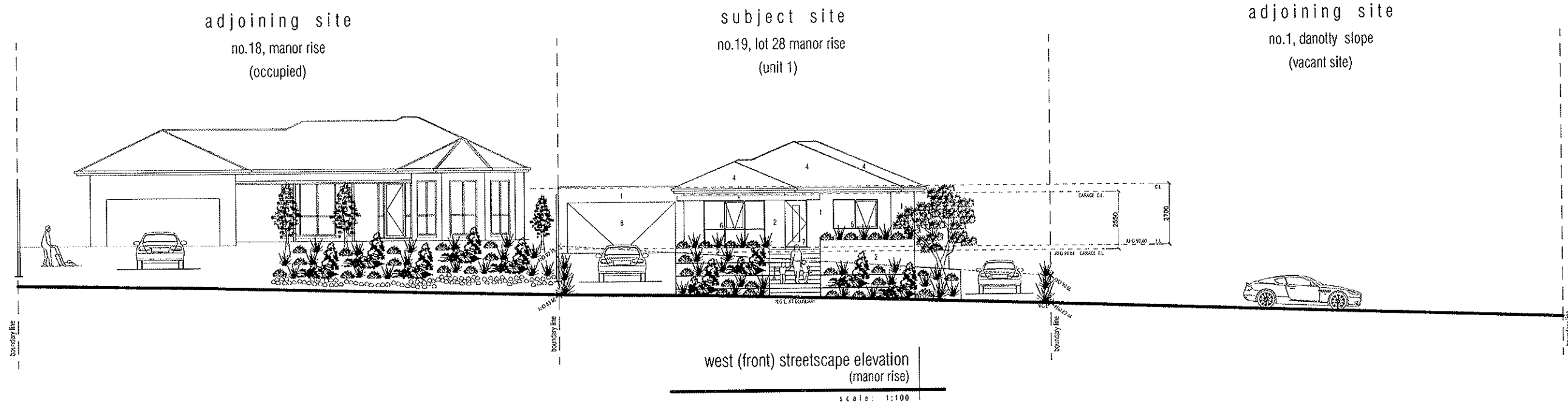
client
brian lewell & tony gilbert

drawings
proposed elevations

designer mjbh
drawn by EIT
date 07-07-09 scale: 1:100



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Branov Design Group
PO Box 118
12, Sturt Street
Melbourne VIC 3000
Tel: 03 9414 8114
E: info@branovdesign.com.au
www.branovdesign.com.au



proposed streetscape elevation

scale: 1:100

schedule of materials and finishes

1. walls - selected deniel robertson brick
2. walls/plinters - selected cream render finish
3. fascias & gutters - selected charcoal finish
4. roofing - selected charcoal concrete roof tile
5. selected timber feature - selected stained finish
6. timber polished windows/back doors - selected stained finish
7. timber polished front doors/entrance - selected charcoal finish
8. timber cladding and garage doors - selected stained finish
9. timber sills - charcoal finish
10. balconies - charcoal finish

client
proposed multi-residential development
at: lot 28 manor rise
manorville 3840

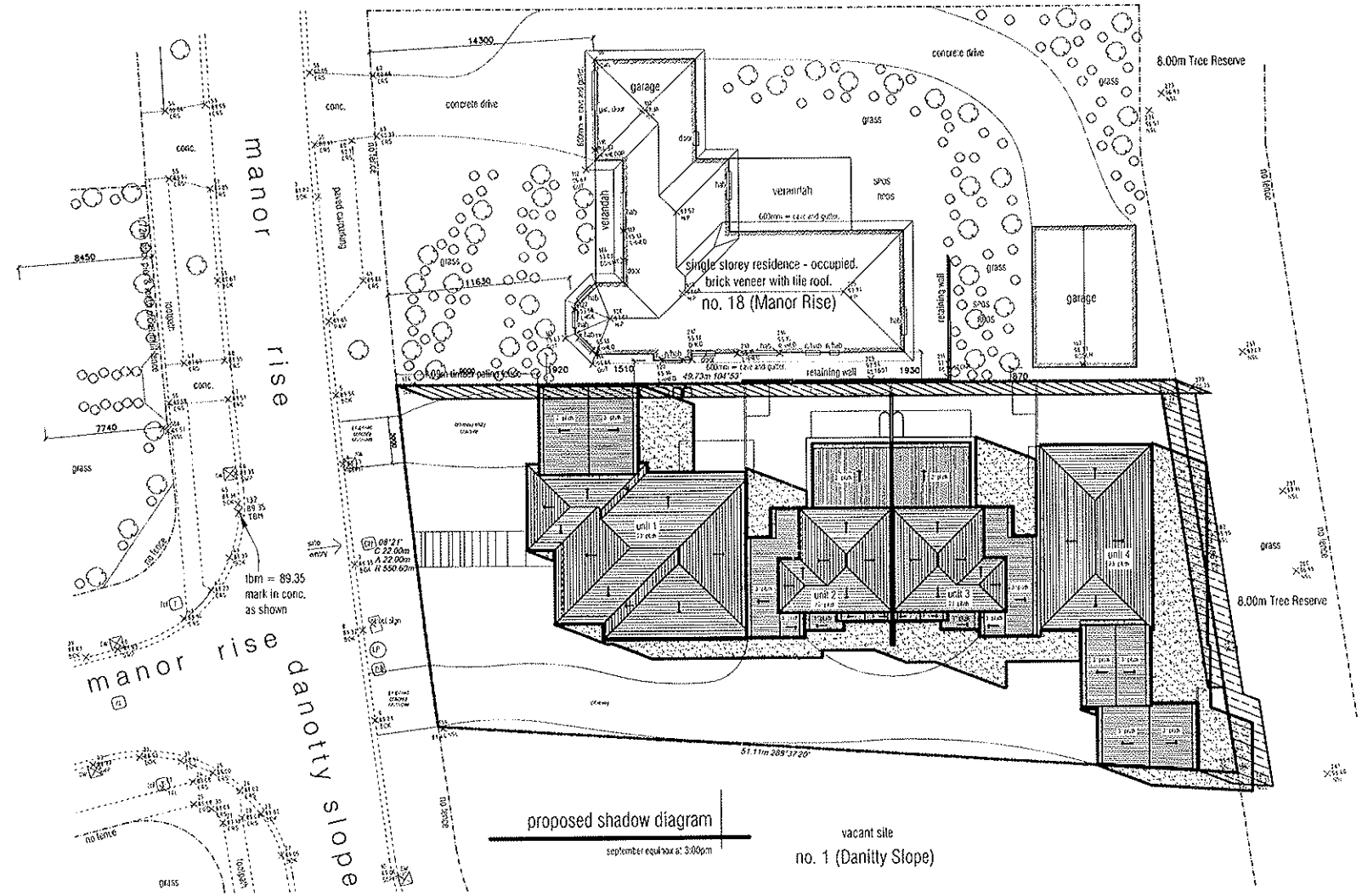
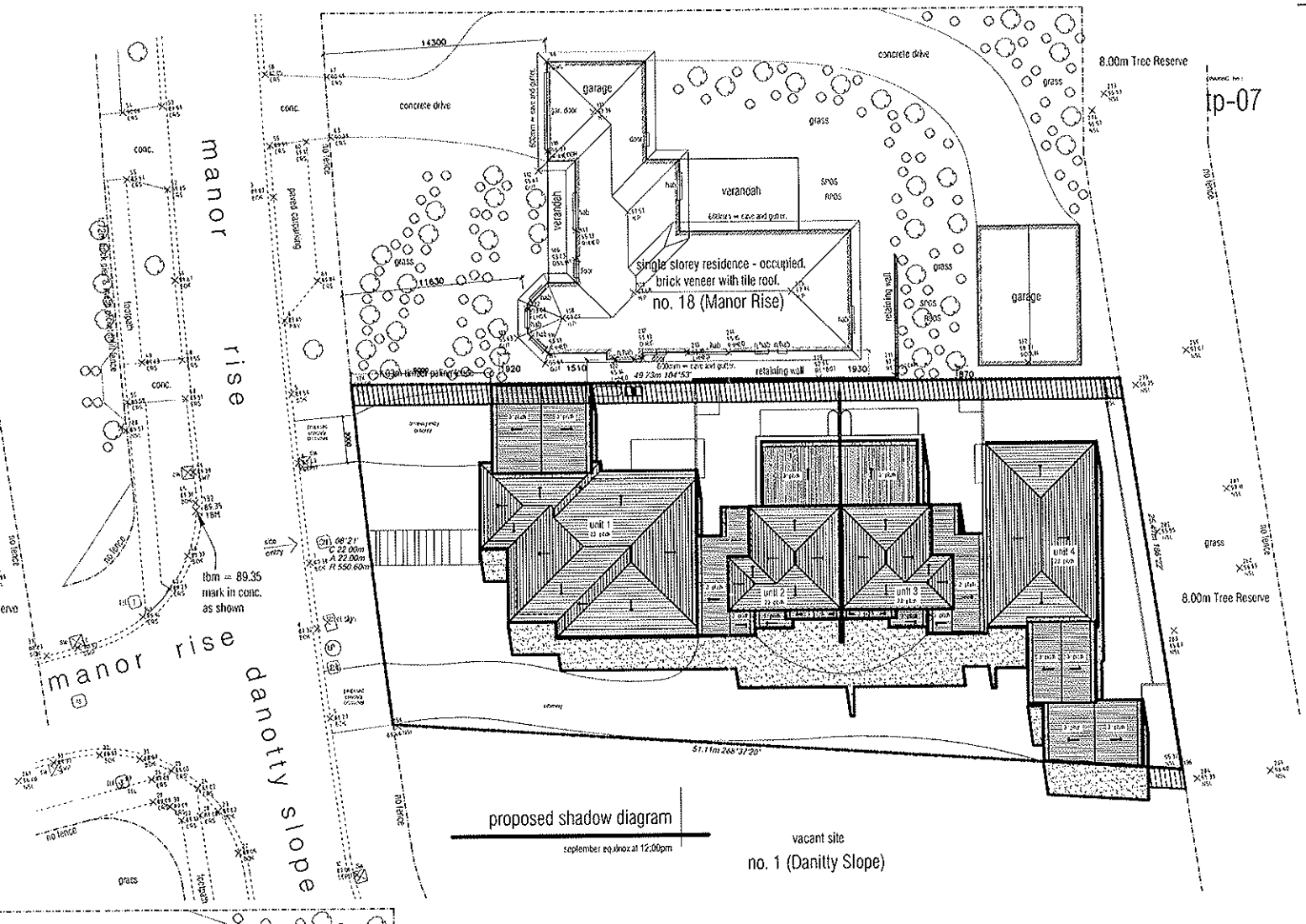
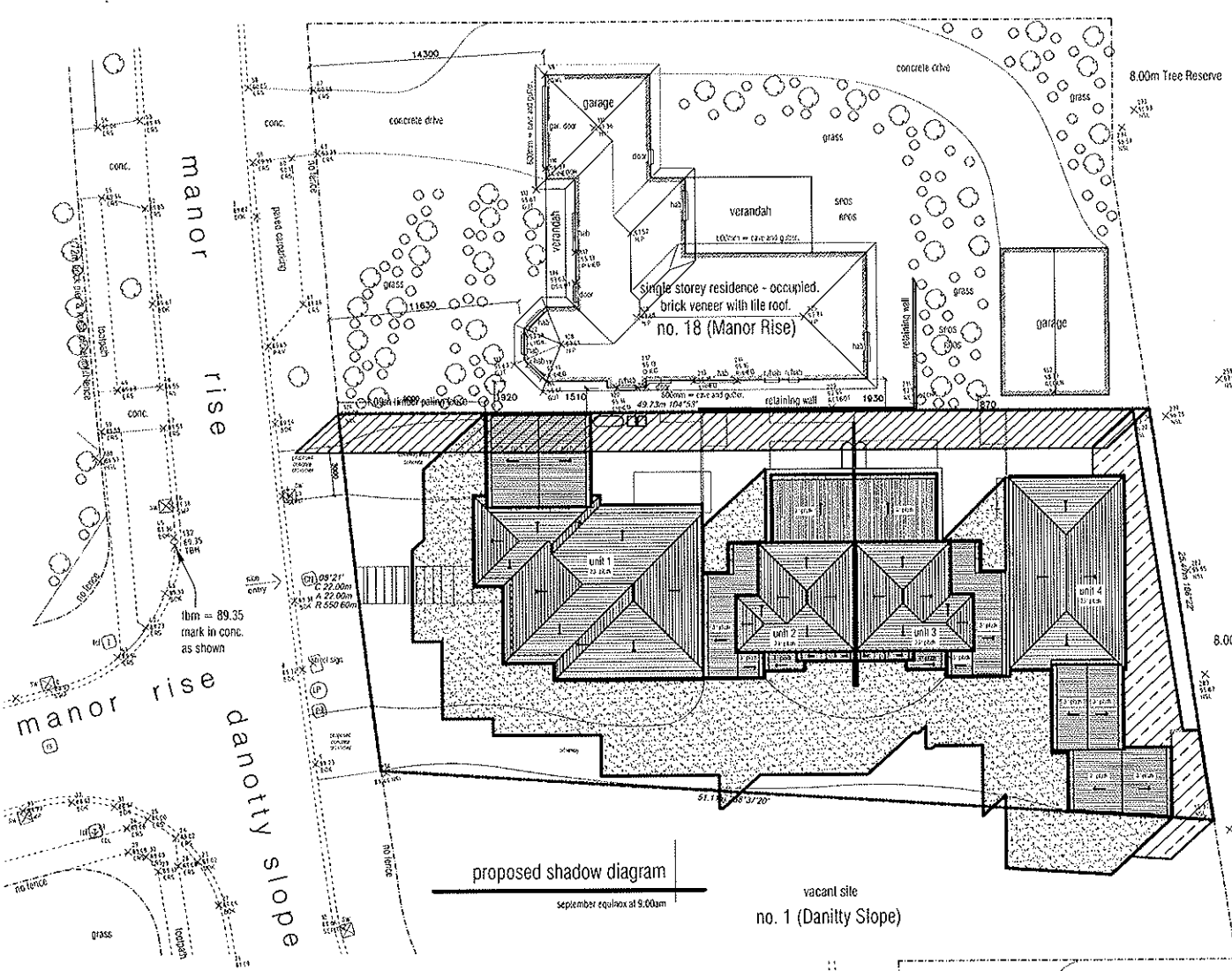
client
brian love & tony glenn




project
proposed streetscape elevation

designed m.j.b. project no. 2365
drawn: l.t.
date: 07-07-09 scale: 1:100

branov design

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11/07/09
11/07/09
www.branovdesign.com



-  extent of shadow cast by existing boundary fences
-  extent of shadow cast by proposed boundary fences
-  extent of shadow cast by proposed dwellings

project:
 proposed multi-residential development
 at 122 218 manors rise
 morwell 3540
 client:
 baird law & lony gilbert
 drawing:
 proposed shadow diagrams
 designed by: b
 project no: 2365
 drawn: j.c.
 date: 07-07-09
 scale: 1:200

branov des gn

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 122 218 manors rise
 morwell 3540
 www.branovdesgn.com

**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

17 November 2010	Planning Permit application received by Council.
8 December 2010	Further information requested sent to the applicant, pursuant to Section 54(1) of the <i>Planning and Environment Act 1987</i> .
4 February 2011	A time extension request to provide further information was lodged by the applicant. An extension of time of 21 days was granted by the applicant.
25 February 2011	Another time extension request to provide further information was lodged by the applicant. An further extension of time of 21 days was granted by the applicant.
21 March 2011	A written response to Council's further information request was submitted to Council.
8 April 2011	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers and placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
13 March 2011	The application was referred internally to Council's Infrastructure Planning Unit, and externally to all the relevant services authorities for consideration.
20 April 2011	A response was received from SP AusNet, advising that they do not object to the issue of a planning permit for the proposal.
15 April 2011	Council's Infrastructure Planning team provided its referral comments and confirmed that it has no objections to the granting of a permit subject to standard engineering conditions and notes
6 May 2011	A response was received from APAGroup, advising that they consent to the granting of a permit for the proposal.
16 May 2011	A response was received from Gippsland Water, advising that they do not object to the issue of a planning permit for the proposal.
23 May to 2 June 2011	Council received 14 objections to the application.
1 June 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.

**ATTACHMENT 2
LOCALITY MAP**



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

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.02-1 Supply of Urban Land
- Clause 11.05-4 Regional Planning Strategies and Principles
- Clause 15.01-1 Urban Design
- Clause 15.01-4 Design for Safety
- Clause 15.01-5 Cultural Identity and Neighbourhood Character
- Clause 15.02-1 Energy and Resource Efficiency
- Clause 16 Housing

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.4 – Built Environment Sustainability
- Clause 21.05 – Main Towns
- Clause 21.08 - Liveability

Zoning:

The subject site is zoned Residential 1.

Overlays:

The subject site is not affected by any overlays.

Particular Provisions:

- Clause 55 Rescode

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 5
RESCODE ASSESSMENT**

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Property address: 19 Manor Rise, MORWELL

Application Number: 2009/307

Date of Assessment:

Officer: Kristy Crawford

Land Area:

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>The neighbourhood and site description is generally satisfactory.</p> <p>A design response plan has been submitted as part of the application, however it does not clearly explain as to how the proposal derives from and responds to the neighbourhood and site description. Particularly, it is not clear as to how the detached built form and the lack of spacing between the units are derived from the pattern of the area? How the double crossover arrangement is derived from the character of the area.</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>Objective and Standard Generally Not Met</p> <p>A written statement has been provided.</p> <p>The proposed development seeks to increase the residential density on the land, which is located within an area generally encouraged for urban growth.</p> <p>The proposal is considered to be generally consistent with the objectives of Standard B2.</p>
Standard B3	<ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. 	<p>Objective and Standard Met.</p> <p>The proposal only consists of four dwellings.</p>

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Standard B4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>The site has access to appropriate infrastructure and reticulated services. Notice of the application is to be given to local service providers to ensure the development will not overload the capacity of the infrastructure. The application will also be referred to Council's Infrastructure Planning for consideration.</p> <p>The proposal is considered to be consistent with the objectives of Standard B3.</p> <p>Objective and Standard Generally Met, subject to comments by referral authorities</p>
Standard B5	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>The front dwelling is oriented towards Manor Rise. The other dwellings address the internal accessway.</p> <p>No front fence is proposed, generally consistent with the adjoining property.</p> <p>The site is not next to any existing public open space.</p> <p>The proposal is considered to be consistent with the objectives of Standard B5.</p> <p>Objective and Standard Generally Met</p>
Standard B6	<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 dwelling to the north is setback 11.63 metres and the lot to the south is vacant. Therefore, the minimum setback required is 9 metres. The proposed setback is 8.16 metres.</p> <p>However, the surrounding dwellings are setback an average</p>

	<p>efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p> <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>Objective and Standard Met</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. • Be accessible and useable. 	<p>No communal open space is proposed, however the driveway is to be utilised by all four dwellings.</p> <p>Objective and Standard Met</p>
<p>Standard B12</p>	<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>The entrance to the front dwelling is oriented towards Manor Rise. The other entrances are all oriented to face the internal accessway. All the entrances are considered to be relatively visible when viewed from either Manor Rise or the internal accessway.</p> <p>The windows proposed along the southern elevation of the development generally provides surveillance of the internal accessway.</p> <p>All the secluded private open space areas will be fenced, and it is reasonable to consider that they are protected from inappropriate use as public thoroughfares.</p>

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

<p>Standard B15</p>	<p>Car parking facilities should: -reasonably close & convenient to dwellings & residential buildings. -secure. -designed to allow safe and efficient movements within the development. -well ventilated if enclosed. Large parking areas should be broken up with trees, buildings or different surface treatments. 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>Each garage is incorporated within the roofline of their respective dwelling. Direct access can be gained into the dwelling from the garage.</p> <p>All windows of the habitable rooms are setback greater than 1.5m from the internal accessway.</p> <p>Objective and Standard 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>The front dwelling contains three bedrooms and is provided with two car parking spaces within a garage. The other three dwellings contain 2 bedrooms and are to be provided with a single car parking space.</p> <p>Dimensions of the car parking facilities are considered</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 	<p>Objective and Standard Met</p> <p>The ground floor side setback to the north has a minimum setback of 3.85 metres, with the Dwelling 1 garage on the boundary.</p>

		neighbouring properties. It is reasonable to consider that the proposal will not have any impact upon the habitable room on adjoining properties. Objective and Standard Met
Standard B20	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	No north facing habitable room window of an existing dwelling is within 3m. Not applicable
Standard B21	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	As demonstrated in the submitted shadow diagrams, it is reasonable to consider that the proposal will not have any significant overshadowing impact upon any existing secluded private open. Objective and Standard Met
Standard B22	A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing	The second storey of proposed Dwelling 2 and 3 are setback an adequate distance to avoid overlooking. The remainder of

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

<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 levels in habitable rooms.</p>	<p>No noise sources are to be experienced other than usual residential noise. Bedrooms are setback adequately from the internal accessway. Objective and Standard Met</p>
<p>Standard B25</p>	<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 reasonable to consider that the dwellings have designed to allow easy access to people with limited mobility. This application has been referred to Council's Infrastructure Planning for consideration, and the finished floor level of the vehicle crossing is deemed appropriate, subject to further info via permit conditions. Objective and Standard Generally Met</p>
<p>Standard B26</p>	<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>Entries are visible from either Manor Rise of the internal accessway. A small sheltered area is proposed at the entrance of each dwelling. Objective and Standard Met</p>

		<p>It is reasonable to consider that there is ample space to accommodate external storage unit for each of the proposed dwellings.</p> <p>Objective and Standard Met</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>The proposed architectural design and detail is generally sympathetic and complementary to the existing neighbourhood character of the area as follows:</p> <ul style="list-style-type: none"> - the pitched roof form is consistent with the neighbouring properties - the rather contemporary architectural design is generally consistent with neighbourhood properties - the integration of the garages within the design of dwellings is considered to be consistent with the character of the area - appropriate fenestration has been provided, the window and door sizes are generally consistent with the character of the area - The use of brick and rendered finished cladding exterior material is generally consistent with the character of the area

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

Standard B34	<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>The location of letterboxes, clotheslines, bin storage areas, hot water services, air conditioning units, etc. have been depicted on the proposed plans, and are considered satisfactory.</p> <p>Objective and Standard Met</p>
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**ATTACHMENT 6
OBJECTIONS**

pw 2/6
kristy

Responsible Authority
Latrobe City Council
P.O. Box 264
Morwell
Vic 3840

30th May 2011

Re Application Reference 2010/370

My wife and I wish to register our objection to the proposed development at Number 19 Lot 28 Manor Rise Morwell.

My wife and I own the house at . which is next door to the proposed development. We have both turned sixty and have built the house for our retirement.

We selected the current estate because we believed that the type of housing built in the estate would provide a safe and quiet environment for our retirement.

I would like to raise a number of issues regarding the proposed development.

The proposed 2 two story two bedroom units will located along our fence line and as such will overlook our back yard area thereby destroying and privacy that we have.

The proposed development contains nine bedrooms in the 4 units The potential of housing between 9 – 12 people on the property will increase noise levels which again will destroy the privacy and peace that we should expect in a normal residential area.

The plans proposes significant earthworks close my boundary which raises my concerns regarding earth movement and subsequent damage to my property.

The development is only proposing one garage space for each of the 3 back units and 2 car spaces for the unit. In today's society this will not be enough to accommodate cars for occupiers of the units. I understood that there was a requirement to provide two car parking spaces for each unit. To add to this will be cars from visitors to the 4 units, considering the number of units and the number of car parking spaces planned for there will be a requirement to park cars on the street. It must be noted that the development is at a T intersection and the street is narrow, this will make it difficult and hazardous for my wife and I to enter our property by car as well as creating a traffic hazard and the potential for traffic accidents.

Regards



Alan Kennedy

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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6 1 JUN 2011	
R/O:	Doc No 653587
Comments/Copies Circulated to: Road 31/5/11	
<input type="checkbox"/> Copy not stored in DataWorks	<input type="checkbox"/> Invoice forwarded to customer

From: Kristy Crawford [Kristy.Crawford@latrobe.vic.gov.au]
Sent: Wednesday, 1 June 2011 8:53:20 AM
To: Planning Administration Services
Subject: FW: Planning permit application at #19 Manor Rise Morwell

Good morning ladies,

Another one for registration please.

Thank you

Kristy Crawford
Senior Statutory Planner
Latrobe City Council

[mailto: kristycr@latrobe.vic.gov.au](mailto:kristycr@latrobe.vic.gov.au)
Direct: (03) 5128 5556
Mobile: 0407 505 029
Fax: (03) 5128 5672
Phone: 1300 367 700
PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840

<http://www.latrobe.vic.gov.au/>

From: Tenille and Kris Leahy [mailto:']
Sent: Tuesday, 31 May 2011 8:46 PM
To: Kristy Crawford
Subject: Planning permit application at #19 Manor Rise Morwell

Kristy,

I am writing in objection to the proposal to build 4 units on a block of land adjacent to my house at #19 Manor Rise Morwell (Application reference number 2010/370).

This development has been put forward previously on 2 occasions - the first time the proposal was for 4 units, the second time for 3 units.

I object to this development for a number of reasons, one being that this development - in my belief - does not allow for sufficient car space. Each unit only has adequate parking for 1 car. The land concerned is on a 'T' intersection, therefore additional parking should not be allowed in front of this property meaning cars would be constantly parked in front of neighbours houses.

My main concern though centres around the fact that when I brought my land 8-9 years ago, I brought under a covenant which strictly limited the type and number of dwellings that could be built in the estate. I was brought up in an estate where a number of multi occupancy sites existed and whilst most occupants were perfectly law abiding citizens, there was a small number who took part in anti social behaviour which gave these areas a bad reputation and tended to drive down land valuation. I brought my block under the illusion that this area had a protective covenant protecting me from these type of developments.

I recognise the fact that the covenant on this stage of Heritage Manor estate has lapsed however I have noticed with interest that the 'For Sale' sign is up on Maryvale Rd advertising the opening of new stages in Heritage Manor. The sign states as a selling point that there is a protective covenant in place - how can a development such as the one proposed be allowed to be built in the same estate as new blocks of land which have a covenant protecting them against units being built.

It is also my belief that it would be grossly unfair to the existing property owners in this area who obeyed the covenant, as well as people buying land in the new stages, to now allow a development to go ahead that contradicts the covenants intent. I think I speak on behalf of most land owners in Heritage Manor when I say that we want to protect the original character and integrity of this estate.

Morwell already has an abundance of units and I find it hard to believe that council would even contemplate allowing developments such as this go ahead in an area which it is being marketed as Morwells premier estate.

I look forward to this issue being resolved in due time and am happy to discuss this further.

Regards

Kris & Tenille Leahy

30.05.2011

Les and Robyn Collins

To;
Latrobe City
Your Ref; 2010/370

My wife and I would like to lodge an Objection to the planned Construction of **4 Dwellings (Two 2 Story Units & Two Single Story Units)** on the allotment located at #19 Manor Rise.

Our Objections mirror the same objections that we raised back in October 2005 & December 2009 when Melbourne Based OBSIDIAN PROJECTS Pty Ltd applied for the same type of development, Namely parking and privacy, and judging by the total number of bedroom's in the development (9) that could potentially lead to 9 vehicles vying for limited off street parking leaving 4 or more vehicles parked out on the street, that doesn't take into account visiting vehicles, Manor Rise is a narrow street (5.7metres) at the best of times, so I don't know how having Vehicles parked on the road especially at a "T" Intersection is the Safest Option.

Our opinion hasn't change as we still think that 4 Dwellings on a steep sloped single allotment is outlandish, especially two 2 Story Units, they will encroach on our Privacy and those around them, I cant understand why Latrobe City would allow 4 units to be built in this location.

We moved to Heritage Manor in 2004 knowing of a covenant in place of one dwelling per allotment. This appealed to us, as it gave the area a family orientated permanent residence atmosphere, and Heritage Manor was a relatively new Estate in Morwell, we purchased our house knowing the restrictions listed in the covenant, that being, one dwelling per allotment, although the covenant has expired we feel that that covenant should still be abided by to help retain the Character and Integrity of Heritage Manor.

The residents of Heritage Manor have invested into this serene area of Morwell, and invested in the area knowing the covenant restriction of one dwelling per allotment. Although the covenant has expired we would like to see the character and integrity of Heritage Manor retained. We feel that building Units will not retain that Character and Integrity that Heritage Manor has now.

Just reiterating, that we, Les and Robyn Collins do hereby object to the Proposed Development at #19 Manor Rise Morwell.

Regards
Les & Robyn Collins

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
31 MAY 2011	
RVC	Doc No. 653220
Comments/Queries Circulated? Rec'd 30/5/11	
<input type="checkbox"/> Copy req stored in DataWorks	<input type="checkbox"/> I have taken into account

Kristy Crawford

From: Wayne Broadbent 1
Sent: Tuesday, 31 May 2011 8:04 AM
To: Kristy Crawford
Subject: objection to units being built at Heritage Manor

Dear Kristy,

It has been brought to our attention once again that a Melbourne Developer proposes to build 4 units on the vacant block at #19 Manor Rise Heritage Manor. We are still totally opposed to approval being given for the same reasons we commented on in January 2010. Extra noise, road traffic - Manor Rise is a very narrow street and any given day, children can be seen playing or riding their bikes in this street. We have lived in Heritage Manor for nearly 12 years and it is a unique area with established and permanent residents. The original owners (The Paynes) created the covenant of one dwelling per block and unfortunately that covenant has now expired, but it would be detrimental to the area if units (in this case, 4 on one block) was approved and this Estate would lose its tranquility and uniqueness. Most renters are from the younger generation, having just left the family home with no appreciation of peace & quiet living, and in some cases, having just obtained their drivers licence and our streets would not be so safe anymore. Four units could mean 8 cars (not to mention visitors cars) to one block is a lot of extra vehicles in the one area. There are still vacant blocks in this area and if this proposal to build these units were approved, it will pave the way for more developers to do the same. We ask you to refuse the granting of a permit for the building of units at Heritage Manor.

Kind regards,
Wayne & Glenys Broadbent

Lalrobo City
40 Kristy Crawford
(Acting Coordinator)
of Planning).

27 May 2011

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
30 MAY 2011	
R/O	Doc. No. 652668
Comments/Copies Circulated to	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> [unclear]

A & R. Caroleo

To whom it may concern.

We are writing to you to lodge our objection regarding the proposal by the Melbourne Based Developer to build 4 Units (2 Double and two single storey) on the vacant block at 19 Manor Rise.

We object on the grounds that they are being built on a dangerous corner where there have been close calls with cars coming from both directions, we feel that safety is a concern with the extra cars that will be parked at that corner, also for the safety of children playing in the area, also our other concern is that we want to retain the original character and integrity of Heritage Manor, thank you

Yours faithfully
The Caroleo Family
A Caroleo
R Caroleo

FAX 51285672

Ms K Crawford

Acting Coordinator Statutory Planning

Latrobe City

141 Commercial Rd

Morwell

Dear Ms Crawford

Re: Permit Application for 19 Manor Rise Morwell

I have viewed the proposal to construct 4 units at 19 Manor Rise Morwell, and believe that the design is an overdevelopment of the site.

As expressed in my previous objection, I am concerned about the traffic implications and safety at the intersection.

The development proposes only one parking space for three of the four units. I would therefore expect that a second vehicle for each of these units and any visitor parking would take place on the street.

The width of Manor Rise, the proximity of the site to the intersection and the fact that young children live in this street all add up to an 'accident waiting to happen' if additional vehicles are required to park in and around the intersection.

Yours faithfully,

Alan McFarlane

30/5/11

LATROBE CITY COUNCIL
 INFORMATION MANAGEMENT
 30 MAY 2011
 653230
 Copy retained in DataWorks Retain in file

Michael Carpino

I Michael Carpino of
am writing in regards too the 4 units that are
or been proposed to be built at 19 Manor Rise
in Heritage Manor. (Permit APP 2010/370.)

I strongly believe this will affect me and my
family now + in the future by coming to live in
Heritage Manor, the Area we moved from had
units across from us in our street. We dealt
with hoons, loud noise, crime + unpleasant traffic
24 hours a day. Every time new tenants moved in,
there was an ugly scene where police where
involved. Also I believe it would affect me that
Heritage Manor is full of young family with
lots of children roam on push bikes the
amount of cars that would occupie ~~the~~ these
units wont be sufficient enoughts with the
the narrow streets. (MAKING IT DANGEROUS FOR KIDS)

I must also strongly put forward how it
would affect me is that, if units are built
in manor rise, where I live there is
a vacant block on either side of me,
I have (NO NEIGHBORS). then in future
they will built units next door too me and
the value of my home will be worthless.

REGARDS Michael Carpino

Michael Carpino

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PW 30/5

Kristy Crawford

From:
Sent: Friday, 27 May 2011 11:56 AM
To: Kristy Crawford
Subject: #19 MANOR RISE, MORWELL (DEVELOPMENT PROPOSAL)

Re OBSIDIAN PROJECTS

Hi Kristy,

I am disturbed that the above developer is persisting (by way of a reapplication) with its bid to construct units at the above address.

Let me reiterate that Heritage Manor is the main prestigious residential location in Morwell, and I am one local resident who is appalled that this subject is even on the agenda again.

I hereby lodge my strongest protest and advise you that Obsidian's bid to develop in such a prime area, is absolutely doomed for failure because of the inevitable feeling and determination of local residents to stymie and halt this audacious bid in its tracks.

I look forward to discussing this further.

Regards,

Ian R. Macdonald

#####

Attention:
The information contained in this message and or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any system and destroy any copies.

Thank You.

#####

27 MAY 2011

PW 30/5

Kristy Crawford

From:
Sent: Friday, 27 May 2011 11:31 PM
To: Kristy Crawford
Subject: Obsidian Projects

Hello Kristy,

I am a resident at : Morwell, and it has just been brought to my attention of the proposed building of 4 units at 19 Manor Rise, Morwell. by the Melbourne Based Developer OBSIDIAN PROJECTS.

I find the thought of this proposal going ahead very distressing.

My partner and I have recently moved to Morwell and chose Herritage Manor Estate for the serene and peaceful surrounds, and to have 4 units built virtually across the road would certainly change the serenity we now hold, not adding to the extra traffic and parking requirement.

This street holds permanent residents who take pride in there homes. I believe adding units to this street may create a high volume of rental turnover,with increased traffic and associated problems.

sincerely hope you consider our objection to this proposal.

Yours sincerely

Sylvia Allan

P w 20/2

Mrs Wilma Keenan

Morwell 3840

25th May, 2011

Ms Kristy Crawford
Statuarory Planning Officer
Latrobe City
P.O.Box 264
Morwell 3840

Dear Ms Crawford,

RE: Proposed Building of 4 Units at 19 Manor Rise, Morwell

As per my letter dated 18th January 2009, I object to the second proposal to build units at 19 Manor Rise Morwell for the following reasons.

Firstly this estate now has other land options on offer that would be better suited to building units than the current proposal.

As previous indicated this estate was not originally established for the purposes of building units as per the caveat put in place, which has unfortunately expired. The building of such units would detract from the quality and lifestyle that the current residences of the estate enjoy and the reason they purchased within this area. Whilst I appreciate the need for change and people requiring a place to live, these types of buildings could decrease the value of our homes significantly.

My main objection is the street currently has forty-four or more cars utilising this narrow area and the proposal of units would greatly increase this to a dangerous level. Latrobe City would also deliberately create a traffic hazard due to the "T" intersection/road almost directly opposite the block by allowing this proposal.

The estate has narrow streets and Manor Rise has only one way in and one way out, this is very treacherous for many reasons which Latrobe City are already aware of and the building of these units would further escalate this problem.

I strongly object again to the proposed building of units at 19 Manor Rise Morwell.

Wilma Keenan.



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Kristy Crawford

From: Gillian Spencer []
Sent: Thursday, 26 May 2011 12:44 PM
To: Kristy Crawford
Cc:
Subject: Proposal by Obsidian Projects for units in Heritage Manor

Dear Kristy,

We wish to join with other neighbours and lodge our strong objection to the proposal by Obsidian Projects to build four units on the vacant block at 19 Manor Rise Morwell.

As parents of three young children, the increased traffic that these units could produce (as many as eight extra vehicles) is not only highly dangerous for our kids, but also their many friends in this Estate. They have always been able to safely ride their bikes and scooters around to each others houses and play – if the Latrobe City allow the building of units to proceed, this safe and family oriented feel of the Estate will be lost and Morwell will be the poorer for it.

The 'no units' covenant that was in place when Heritage Manor was first developed existed for a reason. Ensure that this great place to live keeps it's character and integrity as we who live here do.

Yours Sincerely,

Philip and Gillian Spencer
Morwell

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RECEIVED
27 MAY 2011

Kristy Crawford

From:

Sent: Wednesday, 25 May 2011 6:35 PM

To: Kristy Crawford

Cc:

Subject: Opposing unit development in Heritage Manor
Hi Kristy Crawford;

Phillip and Vicki Gruis here.
Morwell.

Once again we would like to Object the proposal to build 4 X Units at #19 Manor Rise, our concerns are:-
the increase in traffic, un wanted over crowding of roads and building blocks, little thought to tenants and
visitors parking or road safety to the public, also the fear if one set of multi story units are built it will only
allow for more to be built in the area.
Vicki and I do not believe this to be a good thing for the neighbour hood.
Regards

Phill and Vicki Gruis

27 MAY 2011

27/05/2011

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Peter Henderson

Morwell 3840

25 May 2011

Statutory Planning Team
Latrobe City
P.O. Box 264
Morwell VIC 3840

Dear Sir/Madam

**Re: Application for Permit No. 2010/370
19 Manor Rise Morwell**

I hereby lodge my objection to the above permit application on the following bases.

1. The subject property sits at the "T" intersection of Manor Rise and Danotty Close. As such, 4 units with potentially 8 vehicles owned by residents, constitutes a significant amount of traffic entering and leaving the property at this intersection, which, in turn creates significant risk of an accident.
2. If sufficient parking is not provided on site for all residents and visitors the required street parking will also create congestion around the intersection creating even greater risk of an accident.
3. Small children live close to the property and the traffic issues create risk for their safety.
4. At times the intersection is quite dangerous due to the congestion caused by existing local residents and their visitors. The potential for accidents is exponentially increased by such a large increase in vehicles from one address. There are also other vacant lots in the immediate vicinity which after development will further increase congestion at this intersection both from traffic and parking.

Yours Faithfully

Peter Henderson

24 May 2011

The Planning Department.

Re: 2010370

We Paul and Frances Terranova of Morwell are objecting to the proposal to construct 4 of dwellings at 19 Manor Rise Morwell.

We opted to purchase a property in this estate due to the town planning laws which clearly stated that only single dwelling properties could be erected in this Estate. Purchasing in this Estate was dearer than other Estates in Morwell due to the unique setup of one dwelling per vacant allotment. We believe allowing multi Dwellings in the Estate will devalue the property prices and change the landscape of the area.

We also have concerns that number 19 Manor rise is situated in a court location and directly opposite a Tee intersection. Having 4 Dwellings will ultimately create more traffic and parking issues with little park space remaining on the allotment. With the court driveways and intersection there is little area remaining for parking vehicles by the roadside.

Finally there are no details regarding the purpose of these Dwellings in the paper work supplied. Are they going to be privately owned dwellings? Are they built for public or emergency housing? Are they part of the Governments National Affordability Rental Scheme (NARS)? We feel that more information is required in this field.

Thanking you in anticipation,

Paul Terranova



Frances Terranova



Morwell

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11.3.2 **PLANNING PERMIT APPLICATION 2011/001 - TWO LOT
(RE)SUBDIVISION – 80 TWO MILE ROAD NEWBOROUGH**
AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/001 for a two lot re-subdivision at 80 Two Mile Road in Newborough.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective – Built Environment

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

Latrobe City Council Plan 2011-2015

Strategic Direction – Built Environment

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

4. BACKGROUND

4.1 SUMMARY

Land:	80 Two Mile Road Newborough (Crown Allotment 6E Parish of Narracan on Title Plan 421123X being land contained in Certificate of Title Volume 8785 Folio 114 and Crown Allotment 6H Parish of Narracan on Title Plan 312933T being land contained in Certificate of Title Volume 9287 Folio 092)
Proponent:	Mark & Debra Kokshoorn c/- Beveridge Williams & Co Pty Ltd
Zoning:	Part Public Conservation and Resource Zone, Part Public Use Zone Schedule 4
Overlay:	Land Subject to Inundation Overlay

A Planning Permit is required to:

- subdivide land in the Public Use Zone in accordance with Clause 36.01-2 of the Scheme;
- subdivide land in the Public Conservation and Resource Zone in accordance with Clause 36.03-2 of the Scheme; and
- subdivide land in the Land Subject to Inundation Overlay in accordance with Clause 44.04-2 of the Scheme.

4.2 PROPOSAL

It is proposed to re-subdivide the two existing allotments as follows:

- Proposed lot 1 is to contain an existing dwelling, garage, semi-circular driveway, wastewater management area and associated land on 3.4 hectares. The two existing driveway crossovers are to provide access to this allotment.
- Proposed lot 2 is to contain 4000 square metres of vacant cleared land.

A carriageway easement of approximately 70m long and 5m wide is proposed along part of the frontage of Lot 1 (in favour of Lot 2), to provide vehicular access to Lot 2.

The proposal does not involve any removal of native vegetation.

Refer to *Attachment 1* for the proposed plan of subdivision.

Subject Land:

The subject site comprises two allotments as follows:

Crown Allotment 6H is irregular in shape, with an abuttal to Two Mile Road along the full length of its eastern boundary. It has a total area of 1.97 hectares.

Crown Allotment 6E is also irregular in shape, with no road abuttal and a western boundary defined by the Narracan Creek. It has a total area of 2.2 hectares.

The site is bisected in a north-south direction by a small gully, being a former alignment of the Narracan Creek. The eastern portion of the site is used and developed for residential purposes, comprising a single storey dwelling, double garage, semi-circular gravel driveway and vehicle parking area. The area between the dwelling and the front boundary is landscaped with lawn, shrubs and ornamental trees. The balance of the site consists of pasture grass and a variety of native vegetation along the gully.

The site has a gentle fall in a westerly direction, towards the Narracan Creek. Views of agricultural land in Moe South and Hernes Oak can be obtained in a southerly direction.

An electricity easement approximately two metres in width extends into the site for a distance of some ten metres from its eastern boundary.

Surrounding Land Use:

The surrounding land uses and development are as follows:

North: Land directly north of the subject site is Crown Land predominately covered in native vegetation.

South: To the south of the subject site is mainly cleared agricultural land.

- East: Land to the east of the site, on the opposite side of Two Mile Road is used for rural residential purposes.
- West: To the west is the Narracan Creek and predominately cleared agricultural land used for grazing. The topography then rises to a ridgeline, where dwellings in Wirrana Drive and Marvin Court can be seen from the site.

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

4.3 PLANNING CONTEXT

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

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

5. ISSUES

The principal issues for consideration in respect of the proposal are as follows:

- i. suitability of the land for subdivision having regard to the zoning of the land
- ii. appropriateness of the subdivision layout and size having regard to the subdivision pattern in the area
- iii. appropriateness of the proposed vehicular access arrangement

i. Suitability of the Land for Subdivision

The subject site is zoned part Public Conservation and Resource Zone, and part Public Use Zone Schedule 4. However, as confirmed by Council's Strategic Planning Department, the Public Use Zone that applies to part of the subject site is an anomaly. The Public Use Zone should not be applied to private land unless there is an intention to acquire the land for public purposes. The land is not used for a public purpose and Council is not aware of any proposal to acquire it for such a purpose.

Council's Strategic Planning team is of the view that the land should be included in a Farming Zone or a Rural Living Zone. It is anticipated that the subject site will be re-zoned as part of Council's next review of the Planning Scheme, in order to better reflect the present or intended use of the land.

Accordingly, it would be premature to make a decision for the subdivision application until a proper strategic planning review of the subject site has been undertaken by Council.

Whilst a planning permit can be granted for subdivision of land in a Farming or Rural Living Zone, it should be noted that subdivision to create smaller lots is generally not encouraged pursuant to Clauses 35.07 (Farming Zone) and 35.03 (Rural Living Zone) of the Scheme.

Under the current provisions of the Scheme, the minimum subdivision area in a farming zone is 40 hectares, whereas the minimum subdivision area in a Rural Living Zone is 2 hectares.

The proposed subdivision to create a lot of only 0.4ha is generally not supported in the Scheme.

In addition, the subject site is also affected by the Land Subject to Inundation Overlay (LSIO). The proposal however does not seek to create any new lots that are wholly flood prone, and the relevant catchment management authority does not object to the granting of a permit for the proposed subdivision.

ii. Subdivision Layout and Size

The subject area is located centrally within a rural lifestyle / farming area in Newborough, outside of the Moe/Newborough existing urban area. The area directly to the east of the site is zoned Schedule 3 to Rural Living. The typical lot size of the rural living area is approximately one to two hectares, with only one out of the surrounding rural living zoned lots being under 0.5 hectares in size.

The area to the west of the site is zoned Farming and the typical lot size is around two hectares.

In general, the subject area is characterised by relatively large rural lifestyle lots of at least one to two hectares, which generally support a range of rural activities.

Whilst the provisions of both the current zones do not specify any minimum lot sizes for subdivision, in consideration of the surrounding land uses and subdivision pattern, it is reasonable to consider that the proposed two-lot subdivision which seeks to create a lot of only 0.4ha is inconsistent with the character of the area and the strategic framework for the broader area in general.

The above issue was previously raised with the applicant. In particular, it was suggested to the applicant that the area of proposed Lot 2 be increased to around two hectares, in order for the proposed subdivision pattern to be generally consistent with the character of the area. However the applicant confirmed in writing that amendments to the subdivision layout will not be considered. This is because as submitted by the applicant, *'the landowner currently grazes cattle in the floodplain of the Narracan Creek (i.e. on the west side of the former Narracan Creek alignment) and any changes to the plan of subdivision as currently submitted is likely to jeopardise the existing farming use by reassigning grazing land out of the proposed lot 1 into proposed lot 2.'*

iii. Vehicular Access

Council's Design Guidelines require that a standard vehicle crossing be provided to each allotment abutting a rural road at the time of development. The vehicle crossings shall be located so that appropriate sight distance is provided in both directions along the abutting road from the crossing to allow a vehicle to safely enter the road from each allotment.

Two Mile Road is a rural road which has a default speed of 100km/hr. The safe intersection sight distance (SISD) for rural vehicle crossing on a road with a design speed of 100km/hr is normally 250 metres. However, Austroads advises that if it is impractical to achieve the normal SISD, a distance of 185 metres may be used 'where a new access must be installed on an existing road and it is impractical to achieve the normal design domain criteria'.

An on site evaluation of the sight distance available was undertaken along the frontage of the proposed lot 2, by Council's Infrastructure Planning team. It was found that there is no location along the entire frontage of the proposed lot 2 that satisfies the sight distance requirements for the provision of a new vehicle crossing. Sight distance at the northern end of lot 2 was impeded by a crest in the road and towards the southern end by vegetation and a curve in the road.

Accordingly, amended plans were submitted to Council on 1 August 2011, to show the provision of a carriageway easement along part of the frontage of Lot 1 (in favour of Lot 2) in order to allow a safe vehicle access be provided for Lot 2 from Two Mile road.

The amended plans have been reviewed and considered by Council's Infrastructure Planning team, and are deemed to be satisfactory from a traffic perspective, provided that the following conditions are met:

- that the responsibility for the maintenance of the access driveway and vehicular crossing and liability for future costs must be a private arrangement between the two owners, and be registered accordingly on the relevant titles
- that the access driveway and vehicular crossing of both lots 1 and 2 be constructed or upgraded in accordance with Council's relevant requirements.

Whilst the revised location of the vehicle access satisfactorily addresses the SISD requirement, the fact that an easement is required for access (rather than direct access) suggests that the lot configuration is less than ideal.

It should be noted that justification has not been provided by the applicant regarding the reliance on the carriageway easement for access to Lot 2, when there appears to be opportunity for the proposed subdivision layout to be configured to provide direct vehicle access for Lot 2.

Whilst suggestions have been made to the applicant to consider other options, such as increasing the size and extending the frontage width of Lot 2 to facilitate a direct vehicle access for Lot 2 from Two Mile Road, the suggestions have not been taken into consideration by the applicant.

From a planning perspective, the proposed use of an easement of way for sole access is inappropriate and is likely to result in unnecessary legal or future management issues, when other options for direct access clearly exist.

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 the following Sections of the *Planning and Environment Act 1987* (the Act):

- Section 52(1)(a): to adjoining property owners and occupiers;
- Section 52(1)(d): to neighbouring properties on the other side or roads and laneways and display of an A3 sign on site.

External:

The application was referred to SP AustNet pursuant to Section 52(1)(d) of the Planning and Environment Act 1987, as an electricity easement approximately two metres in width extends into the site for a distance of some ten metres from its eastern boundary. SP AustNet does not object to the issue of a planning permit in respect of the subject application, subject to two conditions being included on the permit, if one were to be issued.

The application was referred to the West Gippsland Catchment Management Authority (WGCMA) pursuant to Section 55 of the Planning and Environment Act 1987, as the subject site is located within the LSIO overlay. WGCMA does not object to the proposal.

It should be noted that the application was not referred to any Minister of public land manager having responsibility for the care of the land, as Council's Strategic Planning Department has confirmed that the Public Use Zone that applies to part of the subject site is an anomaly and therefore the comments of any Minister or public land manager are not deemed relevant as the land is privately owned.

Internal:

The application was referred to Council Infrastructure Planning team for consideration, and the proposal is deemed to be satisfactory from a traffic perspective, subject to the inclusion of appropriate conditions and notes on the planning permit, should a permit be issued.

Details of Community Consultation following Notification:

No objections were received to the application and no planning mediation meeting was required.

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Refusal;
2. Issue a Planning Permit subject to conditions

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

9. CONCLUSION

It would be premature to make a decision for the application until a proper strategic planning review of the subject area has been undertaken by Council, in order to determine the appropriate zoning of the site. The proposal is considered to be:

- Inappropriate having regard to the proper and orderly planning of the area, and inconsistent with Clause 65.01 (Decision Guidelines);
- In contrary to the decision guidelines of Clause 65.02 of the Scheme, in terms of
 - i. facilitating a subdivision layout that is inconsistent with pattern of the area;
 - ii. failing to provide a satisfactory access arrangement having regard to the function and relationship to existing roads; and
 - iii. failing to provide appropriate access to proposed Lot 2.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal to grant a planning permit, for the re-subdivision of land at 80 Two Mile Road in Newborough (Crown Allotment 6E Parish of Narracan on Title Plan 421123X being land contained in Certificate of Title Volume 8785 Folio 114 and Crown Allotment 6H Parish of Narracan on Title Plan 312933T being land contained in Certificate of Title Volume 9287 Folio 092), on the following grounds:

1. The proposal is inappropriate having regard to the proper and orderly planning of the area.
2. The proposal is not consistent with the subdivision pattern of the area and does not provide the ease of access to proposed Lot 2, and is in contrary to the decision guidelines under Clause 65.02 of the Scheme.
3. The use of an easement of way for sole access is inappropriate when other options exist for access.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Lougheed

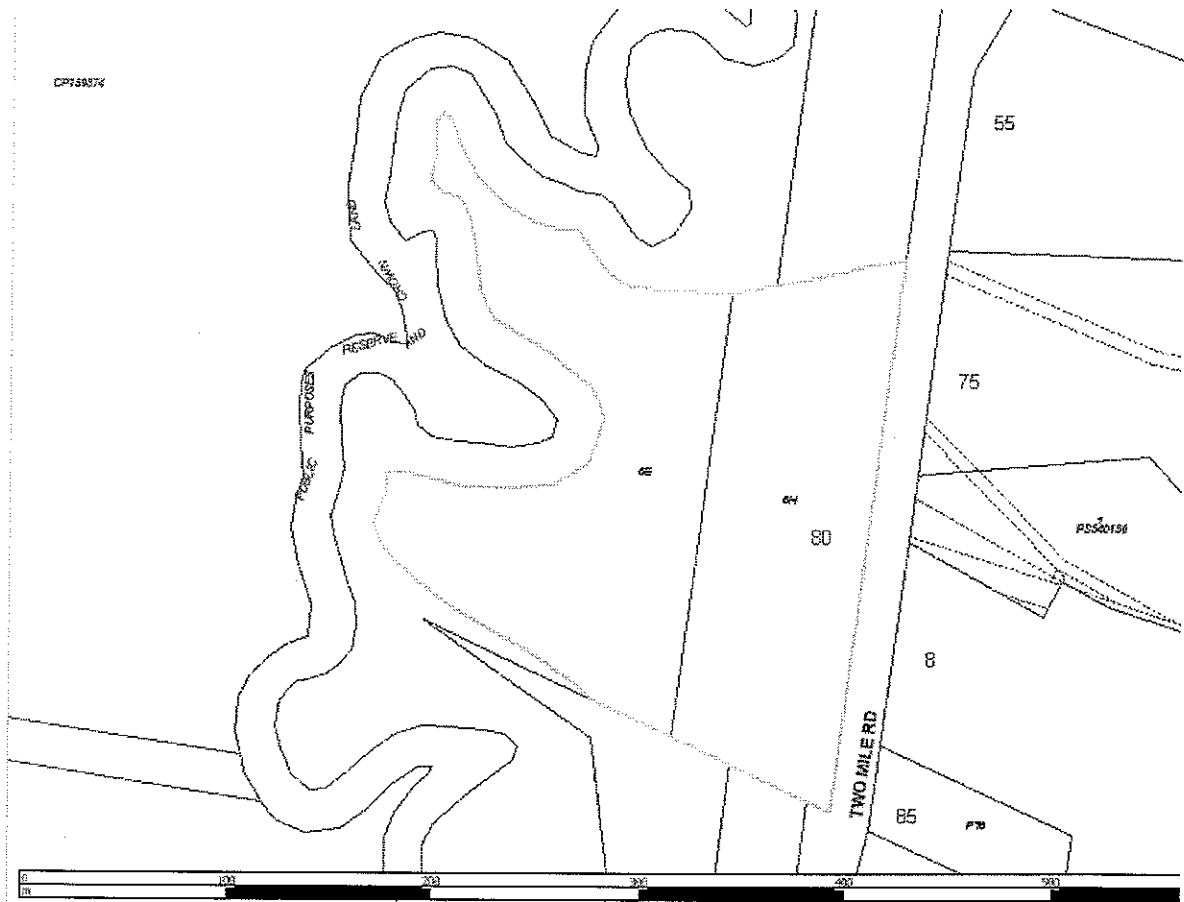
That Council defer consideration of this matter until a meeting between the Ward Councillor, Planning Department and Applicants has taken place.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

ATTACHMENT 1
PROPOSED PLAN OF SUBDIVISION



Subject Site -- Showing Existing Lot Layout



NOTE: DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY.
 PHOTO SOURCE: DPI WEBSITE.

3.80ha = 9.39 acres
 4000m² = 1 acre

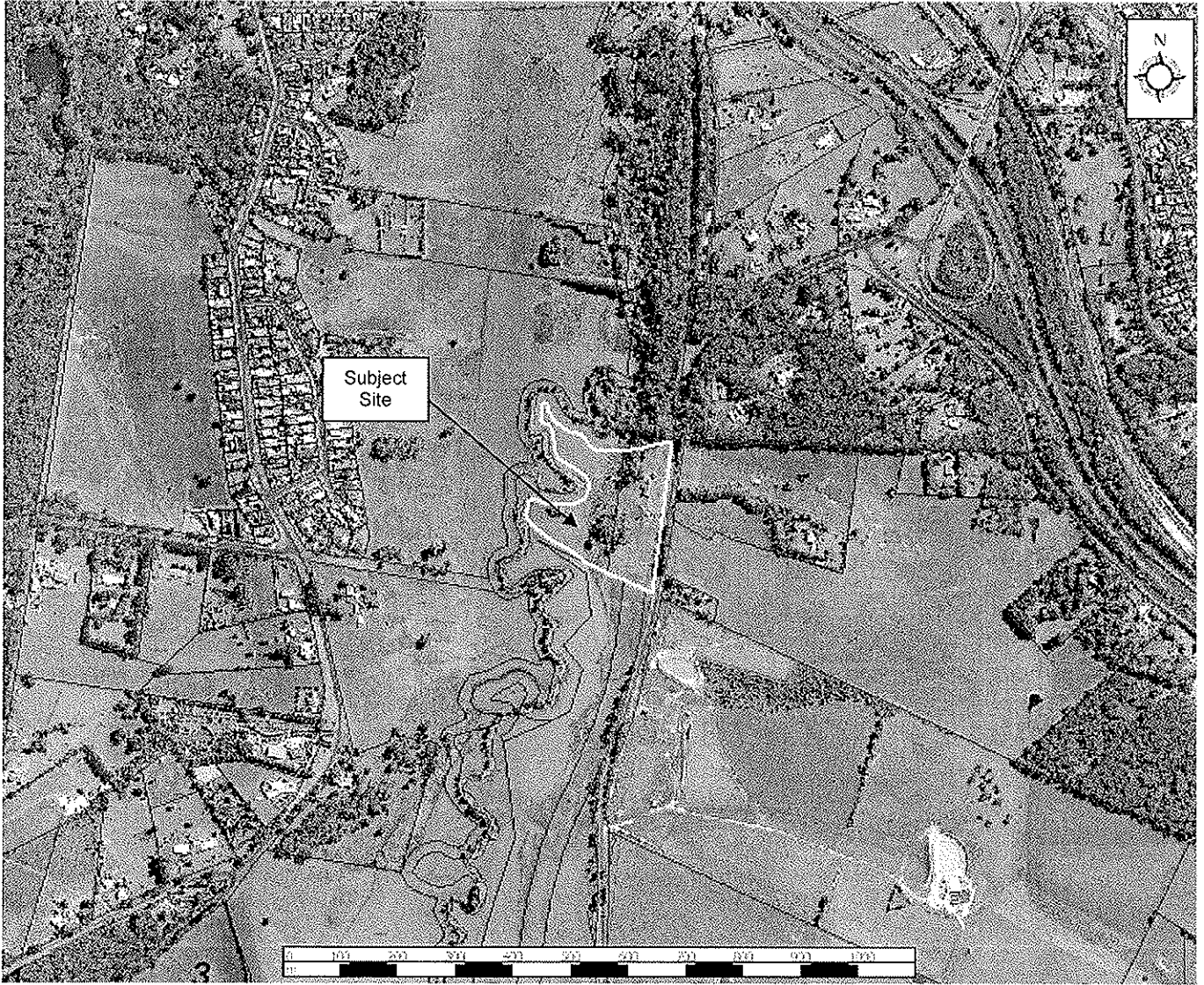
PLAN OF PROPOSED SUBDIVISION

BW
 Beveridge Williams
 development & environment consultants
 Traralgon ph : 03 5176 0374
 www.beveridgewilliams.com.au

ORIGINAL	PREPARED A. SPEIR SURVEY
Scale 1:1250	CHECKED P.G. DELL
Dwg No PPS-V2 DGN	DATE 13/12/2010
Sheet 1 of 1	AUTHORISED FOR ISSUE
	Proj No 1001465

M.L. & D.C. KOKSHOORN
 80 TWO MILE ROAD, NEWBOROUGH
 TP421123X & TP312933T
 CROWN ALLOTMENTS 6E & 6H
 PARISH OF NARRACAN
 LATROBE CITY COUNCIL

**ATTACHMENT 2
LOCALITY MAP & SITE PHOTO**





View of the subject site, looking to the north (The sight distance at the northern end of Lot 2 is impeded by a crest in Two Mile Road as shown above)

**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

22 December 2010	Planning Permit application received by Council.
27 January 2011	Letter sent to permit applicant advising Council's initial concerns about the proposal.
28 January 2011	Application referred internally to Council's Infrastructure Planning teams.
7 March 2011	Additional information / clarification submitted by applicant, confirming that the applicant will not consider changes to the proposed subdivision layout to address concerns raised by Council's Planning Officer
9 March 2011	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers, placing a sign on site for 14 days and by publishing a notice in the Latrobe Valley Express under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
9 March 2011	Notice of the application given to SP AusNet under Section 52(1)(d) of the Act.
9 March 2011	Application referred to the West Gippsland Catchment Management Authority under Section 55 of the Act.
10 March 2011	SP AusNet gave consent to the granting of a Planning Permit, subject to appropriate conditions.
23 March 2011	West Gippsland Catchment Management Authority gave consent to the granting of a Planning Permit.
31 March 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
2 May 2011	Council's Infrastructure Planning team provided its referral comments and recommended that the application be refused.
Mid June 2011	Communication with the applicant to suggest changes to the proposed subdivision layout, in order to provide a safe vehicular access for Lot 2. The applicant insisted the application be considered by Council, with no changes.

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

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05 – Regional Development
- Clause 12.01 – Biodiversity
- Clause 13.02 – Floodplains
- Clause 14.01 – Agriculture
- Clause 14.02-1 - Catchment Planning and Management
- Clause 16.02-1 – Rural Residential Development
- Clause 19.03-2 - Water Supply, Sewerage and Drainage

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.03 – Natural Environment Sustainability
- Clause 21.04-3 – Rural Living Overview

Zoning:

The subject site is zoned part Public Conservation and Resource Zone and part Public Use Zone Schedule 4.

Overlays:

The subject site is affected by the Land Subject to Inundation Overlay and the proposed Floodplain Overlay.

Particular Provisions:

No Particular Provisions are considered to be relevant to this application.

General Provisions:

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

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.

11.3.3 **PLANNING PERMIT APPLICATION 2011/025 - BUILDINGS AND
WORKS ASSOCIATED WITH EXTENSIONS TO AN EXISTING
GENERAL STORE AT 49 TULLOCH WAY, TRARALGON**
AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application P2011/025 for buildings and works associated with the extension to an existing general store at 49 Tulloch Way, Traralgon (or more particularly described as Lot 3 on Plan of Subdivision PS504146M).

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 Issue

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: 49 Tulloch Way Traralgon, known as Lot 3 on Plan of Subdivision PS504146M
Proponent: Con & Rene Kattos
c/- Beveridge Williams & Co Pty Ltd
Zoning: Residential 1 Zone
Overlay n/a

The use of land for the purpose of a general store or a shop with a floor area of greater than 80 square metres is prohibited in a Residential 1 Zone.

The application relies on establishing that the land has existing use rights as a general store, and seeks approval for buildings and works associated with an existing use pursuant to Clause 63.05 of the Scheme.

4.2 PROPOSAL

The proposed development involves the following:

- Demolition of the existing dwelling;
- Retention of the 95 square metres of the existing general store;
- Construction of an additional 189 square metres of general store floor space;
- Creation of 125 square metres of floor space for storage and staff amenities associated with the general store;
- Construction of a driveway and loading bay at the northeast corner of the land, which is intended for use only outside of business hours;
- Deletion of the existing driveway to Tulloch Way;
- Construction of an additional 5 car parking spaces mostly within the Tulloch Way road reserve; and
- Construction of a new concrete footpath along the southern frontage of the new building to replace the existing footpath on Tulloch Way.

A copy of the proposed development plans is attached at Attachment A.

Subject Land:

The subject site is located at 49 Tulloch Way, Traralgon at the northwest corner of the intersection with McNairn Road.

The land is affected by a covenant that prohibits second hand building materials and wall construction in materials other than brick.

The subject site has an area of 438 square metres, with dimensions of 35m (north and south boundaries) x 13.8m (east and west boundaries).

The general store has been operated since 1995 and:

- Has overall floor area of 95 square metres, that includes shop floor space, storage and staff amenities including toilets;
- Sells hot and cold food and drinks for consumption on or off the premises;
- Sells groceries and packaged convenience goods;
- Provides mail boxes;
- Accommodates an automatic teller machine
- Provides staff toilets and storage facilities at the rear

The operating hours of the general store are between 7am and 9pm.

The existing dwelling on the land has two bedrooms, usual amenities and a double garage with double driveway.

Four indented parking bays have been constructed in the McNairn Road Reserve to accommodate customer parking for the general store.

Surrounding Land Use:

All allotments abutting the subject land are used for residential purposes.

Tulloch Way and McNairn Road are both two-way bitumen roads with kerb and channel drainage.

Glenview Park is located approximately 100m to the northeast of the subject site on the opposite side of McNairn Road.

The Traralgon central activity district is located 2km to the northwest and offers a full range of commercial and community facilities.

4.3 **PLANNING CONTEXT**

The history of assessment of the Planning Permit Application is included at Attachment 3.

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

5. **ISSUES**

Extent of Existing Use Rights Enjoyed by the Subject Site

Planning Permit 94/888/PO was issued under the direction of the Administrative Appeals Tribunal of Victoria on 11 April 1995, and allows *'the development and use of a general store with attached dwelling and two attached dwellings'* on the subject site. Plans endorsed under Planning Permit 94/888/PO include a site plan which clearly shows the location and extent of the general store being within the south-eastern corner of the site, whereas the remainder of the site is for dwelling purposes.

As per Council's submission (dated 21 March 1995) to the Tribunal, the definition for 'general store' is: *'a building not exceeding 250 square metres of total floor space used or intended for use for the sale by retail of goods for daily convenience and may include a dwelling ancillary thereto'*

The Tribunal member also made specific reference in his written decision for Planning Permit 94/888/PO that the proper description for the proposal (i.e. the existing development on the land) is a 'convenience store'.

Whilst it is acknowledged that the term 'general store' is no longer a land use term in the current planning scheme, Clause 63.02 of the Scheme states that *'if a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 74 or in Section 1, 2 or 3 of any zone'*.

Accordingly, it is reasonable to consider that the subject site does have existing use rights as a 'general store' (and for dwelling purposes) since the relevant date, which is considered by Council to be the issue date of Planning Permit 94/888/PO, i.e. 11 April 1995. The purpose of the actual use however is more akin to a milk bar or a low-key convenience store, where residents from the immediate surrounds pick up basic daily goods such as milk, bread, newspapers, and sometimes sandwiches and take away food.

Some conditions and restrictions apply to the existing use including, but not limited to:

- the building floor area must be of no greater than 250 square metres;
- the use of land for 'general store' purposes must be within the south-eastern corner of the site; and
- the range of goods offered for sale must be limited to daily convenience goods only.

The proposal to increase the 'general store' floor area to over 400 square metres, and to significantly intensify the use of the land to a scale similar to a retail shop is clearly beyond the existing use rights enjoyed by the subject site.

Consideration under Clause 63 of the Scheme - Existing Use Rights Provisions

It should be noted that pursuant to Clause 32.01 (Residential 1 Zone) of the Scheme, the use of land for the purpose of a general store or a convenience shop of greater than 80 square metres is prohibited in a Residential 1 Zone (the proposed floor area is over 400 square metres).

The application, however, relies on establishing that the land has non-confirming use right, and seeks approval for buildings and works associated with the extension to an existing general store pursuant to Clause 63.05 of the Scheme

Clause 63.05 of the Scheme states that:

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirements in the Scheme.*

- *Any conditions or restrictions to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

In consideration of the scale of the proposal, it can not reasonably be categorised as a 'general store or milk bar' or satisfactorily meet the conditions, restrictions and implied restrictions apply to the 'general store' use as referred to under dot point 2 of Clause 63.05. The proposal would result in a significant increase in the area of land used for 'general store or milk bar' purposes (and therefore intensity of use) as allowed under Planning Permit 94/888/PO.

As the proposal does not meet the provisions of Clause 63.05 of the Scheme, a planning permit cannot be granted for the proposal. The only decision Council can validly make in this case is to refuse to grant a permit.

Lack of Information

In addition, with regards to the dot point 3 of Clause 63.05, the applicant is unable to demonstrate that the proposal would be less detrimental to the amenity of the area than the existing 'general store'. This reflects the fact that the proposal seeks to increase the existing floor area by more than four times, and it is envisaged by the applicant that there would be 'a noticeable growth in patronage over the next few years'. Issues relating to car parking demand, increase in traffic along Tulloch Way, emission of noise are of particular concern.

Whilst a number of requests were made to the applicant to provide a traffic report prepared by a suitably qualified consultant to demonstrate that the amenity of the area would not be damaged or further damaged by the proposal, the applicant submitted that proposed car parking provision is more than adequate to support the proposal, and that a traffic study will not be provided unless specifically requested by Council.

Without the provision of sufficient information, Council Officers are unable to further assess the potential amenity impact associated with the proposal.

Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks

Before deciding on any application, the matters set out at Clause 65 of the Scheme must be considered by the Responsible Authority, including but not limited to:

- the existing and possible future development of the land and nearby land; and
- the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement.

Clause 21.05-5 of the Scheme sets out a number of strategies for Traralgon, and one of them is to '*encourage neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in the clusters*'.

The subject site is located within a residential area, 2km to the northwest of the existing Traralgon Primary Activity centre, and at least 1km to the north of the 'possible future neighbourhood cluster' as identified in the Traralgon Structure Plan located at Clause 21.05 of the Scheme. The proposal to extend the existing general store to essentially become a medium scale shop of up to 430 square metres is likely to have the effect of entrenching in the subject area a use not in conformity with the residential zoning of the area, and is generally contrary to the strategic direction of the Local Planning Policy Framework.

6. FINANCIAL AND RESOURCES IMPLICATIONS

If Council directs the issue of a planning permit without notification, it will be in breach of the Act, which may give rise to possible cancellation of the permit. Pursuant to Section 94 of the *Planning and Environment Act 1987*, if a permit is cancelled, the responsible authority may be liable to pay compensation to any person who has incurred expenditure or is liable for expenditure as a result of the issue of a permit.

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

7. INTERNAL / EXTERNAL CONSULTATION

Notification:

Pursuant to Section 52 of the Act, a responsible authority may decide to refuse an application without giving notice.

In consideration that the proposal does not meet the provisions of Clause 63.05 of the Scheme, and that the only decision Council can validly make is to refuse to grant a permit, notification of the application was not given to adjoining and nearby owners and occupiers.

It was determined that the application would not be subject to advertising, either internally or externally to any relevant authorities, as the applicant has failed to provide sufficient information to enable a proper assessment of the application to be undertaken.

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Refusal
2. Request a traffic report be submitted by the applicant , then direct the applicant to give notice of the application in accordance with Section 52 of the *Planning and Environment Act 1987*, and further assess the application
3. Direct the applicant to give notice of the application in accordance with Section 52 of the *Planning and Environment Act 1987*, and further assess the application

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

Council does not have the option to approve the application at this stage, as notice of the application would be required following the receipt of necessary information. If Council does approve the application without directing notice, it will be in breach of the Act, which may give rise to possible cancellation of the permit and costs being awarded against Council.

9. CONCLUSION

The proposal is considered to be:

- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone, as the proposal is likely to have the effect of entrenching in the subject area a use not in conformity with the residential zoning of the area;
- Inconsistent with Clause 63.05 (existing use rights), as it cannot be reasonably categorized as a general store or satisfactorily meet the conditions, restrictions and implied restrictions apply to the existing general store on the land.
- Inconsistent with Clause 65 (Decision Guidelines) of the Scheme, as the proposal is likely to have a detrimental impact on the amenity of the subject residential area, and does not provide to the orderly planning of the area.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal to grant a planning permit, for Buildings and works associated with the extensions to an existing general store at 49 Tulloch Way in Traralgon, on the following grounds:
1. The proposal is prohibited in a Residential 1 Zone.
 2. The proposal does not meet the provisions of Clause 63.05 of the Scheme, as it cannot be reasonably categorized as a general store or satisfactorily meet the conditions, restrictions and implied restrictions apply to the existing general store on the land.
 3. The application has failed to provide sufficient information to demonstrate that the amenity of the area would not be damaged or further damaged by the proposal.
 4. The proposal is likely to have the effect of entrenching in the subject area a use not in conformity with the residential zoning of the area, and does not provide for the orderly planning of the area.

ALTERNATE MOTION

Moved: Cr Harriman

Seconded: Cr Kam

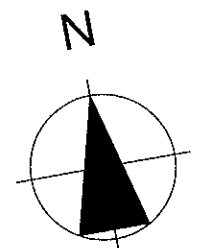
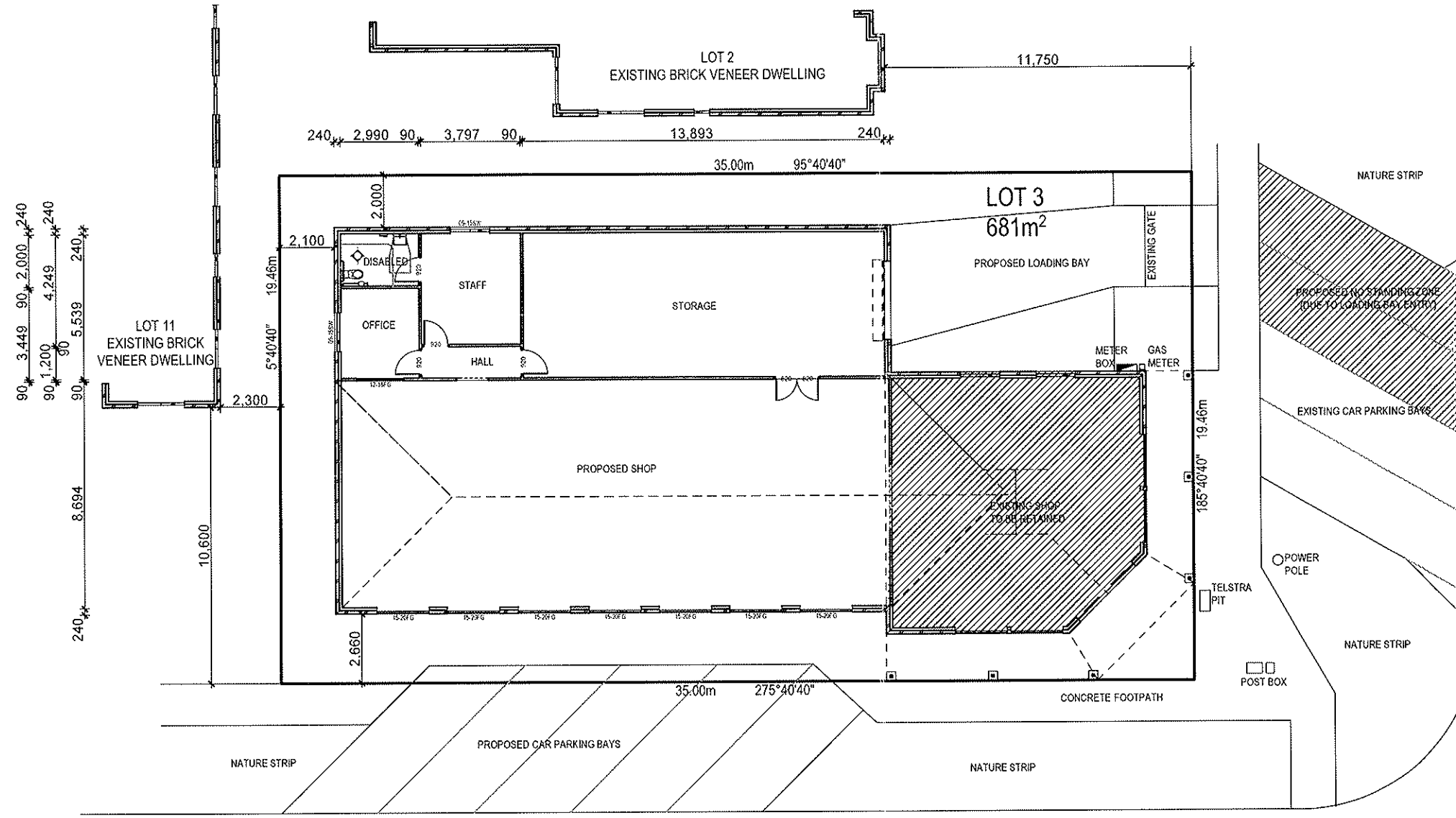
That Council direct the Applicant to give notice of the application in accordance with Section 52 of the Planning and Environment 1987 and further assess the application.

CARRIED UNANIMOUSLY

ATTACHMENTS

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**ATTACHMENT 1
PROPOSED DEVELOPMENT PLANS**



AMENDMENT REGISTER	
REV	ISSUE DATE
B	13.04.11
A	10.11.10

JJC Design
Building Design Consultants

Suite 1, 1st Floor
7-13 Post Office Place
PO Box 9390
Traralgon Vic 3844
Phone: (03) 5176 1117
Fax: (03) 5176 1107
233 Punt Road
Richmond Vic 3121
Phone: (03) 9429 2329
Email: info@jjcdesign.com.au

J. Couper
Building Practitioner
REG No. DP-AD2228

The builder shall check and verify all dimensions and verify all errors and omissions to the Designer. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the Designer for construction.

Client
CON & RENE KATTOS
Project Name:
PROPOSED SHOP ADDITIONS
49 TULLOCH WAY
TRARALGON VIC 3844

Drawing Title:
PLANNING SET
SITEPLAN

Scale: AS NOTED @ A3 Date: 13/04/2011

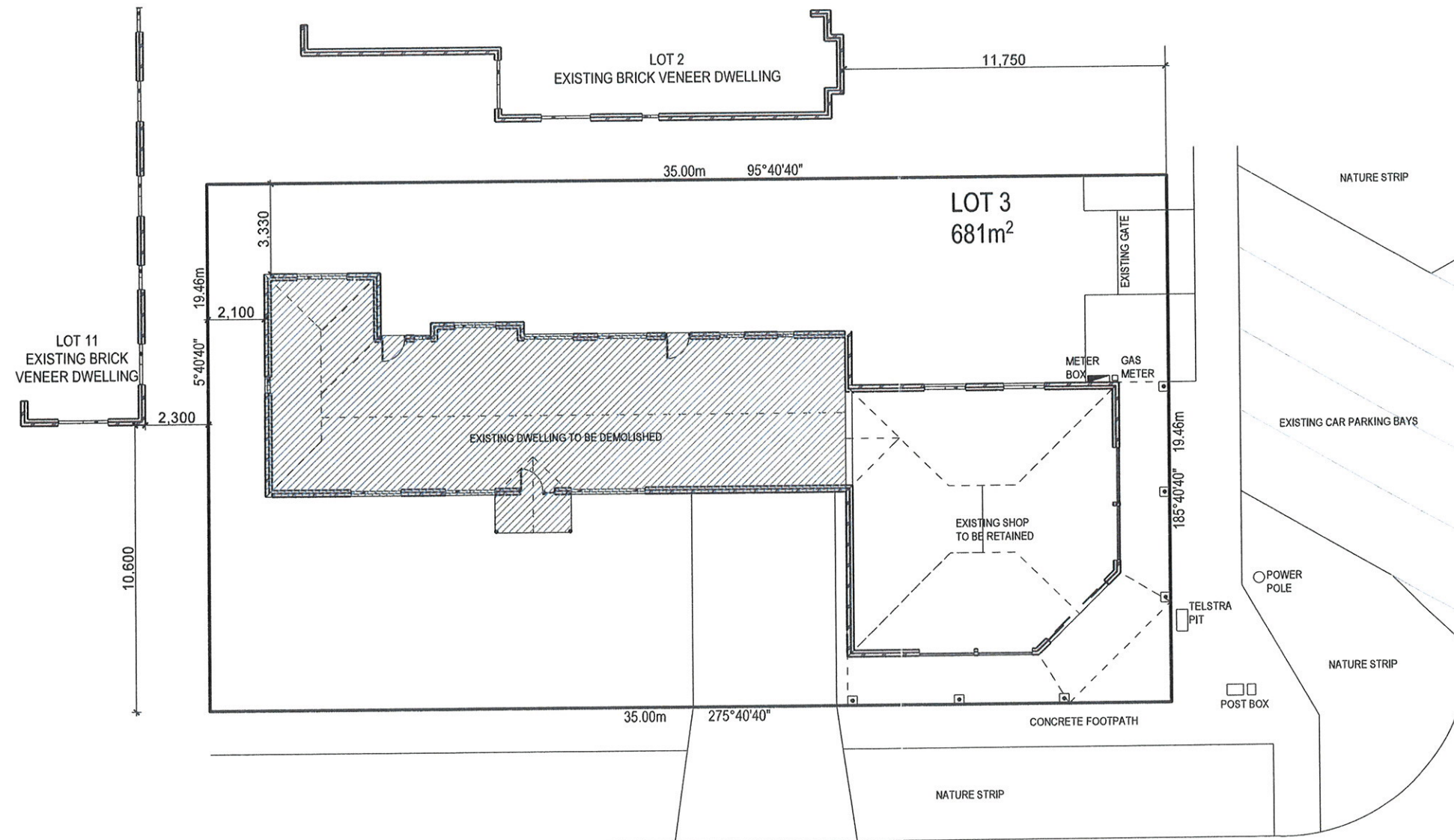
Drawn By: B.GORRUK Checked By:

Project No: **3003** Drawing No.: **TP-02** Rev No: **B**

SITE PLAN
1:200

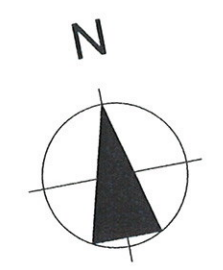
BUILDING AREA	
EXISTING SHOP	94.64m ²
STORAGE AND STAFF	125.24m ²
SHOP FLOOR	189.84m ²
TOTAL	409.72m²

NOT FOR CONSTRUCTION



M C N A I R N R O A D

T U L L O C H W A Y



EXISTING CONDITIONS
1:200

NOT FOR CONSTRUCTION

REV	ISSUE DATE	DESCRIPTION



Suite 1, 1st Floor
7-13 Post Office Place
PO Box 9390
Traralgon Vic 3844
Phone: (03) 5176 1117
Fax: (03) 5176 1107
233 Punt Road
Richmond Vic 3121
Phone: (03) 9429 2329
Email: info@jjcdesign.com.au

J. Couper
Building Practitioner
REG No. DP-AD2228

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Client
CON & RENE KATTOS
Project Name
PROPOSED SHOP ADDITIONS
49 TULLOCH WAY
TRARALGON VIC 3844

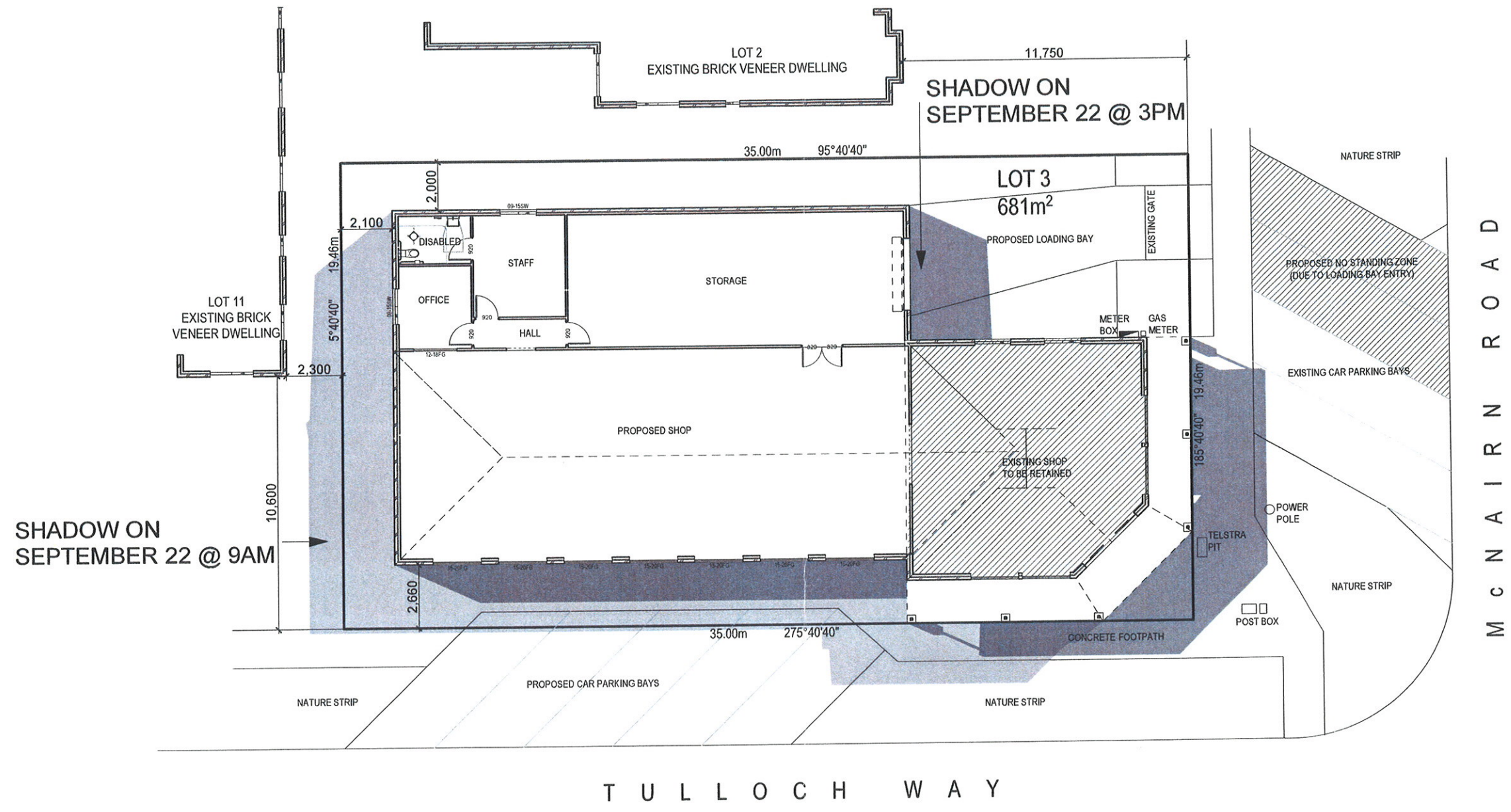
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**PLANNING SET
EXISTING CONDITIONS**

Scale: AS NOTED @ A3 Date: 9/11/2010

Drawn By: B.GORJUK Checked By:

Project No: **3003** Drawing No: **TP-01** Rev No:

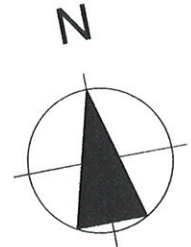
RECEIVED
28 JAN 2011
EXT.



SHADOW ON
SEPTEMBER 22 @ 9AM

SHADOW ON
SEPTEMBER 22 @ 3PM

SHADOW DIAGRAM
1:200



M C N A I R N R O A D

T U L L O C H W A Y

NOT FOR CONSTRUCTION

AMMENDMENT REGISTER	
REV	ISSUE DATE
A	09.11.10
	CANOPY & ENTRY REMOVED
REV	ISSUE DATE
DESCRIPTION	



Suite 1, 1st Floor
7-13 Post Office Place
PO Box 9390
Traralgon Vic 3844
Phone: (03) 5176 1117
Fax: (03) 5176 1107
233 Punt Road
Richmond Vic 3121
Phone: (03) 9429 2329
Email: info@jjcdesign.com.au

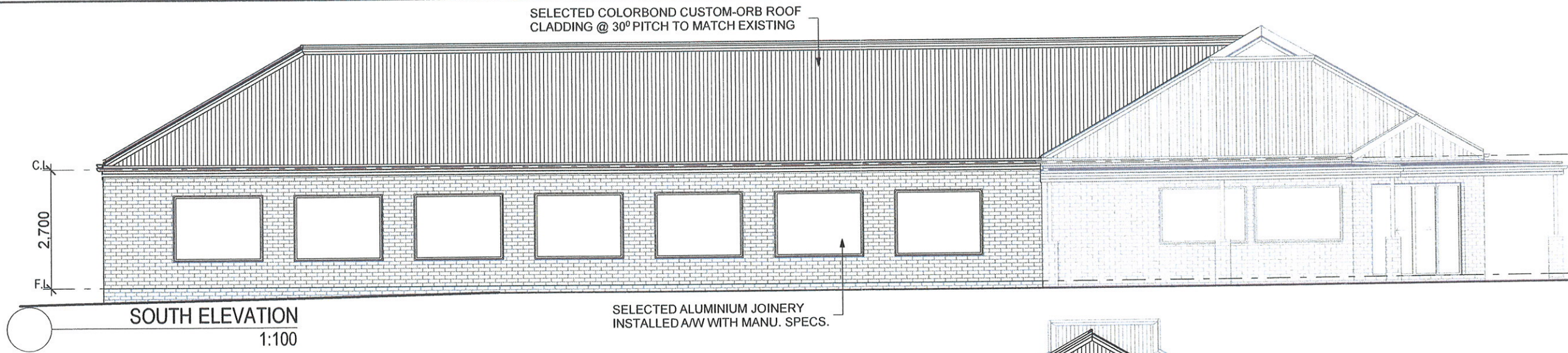
J. Couper
Building Practitioner
REG No. DP-AD2228

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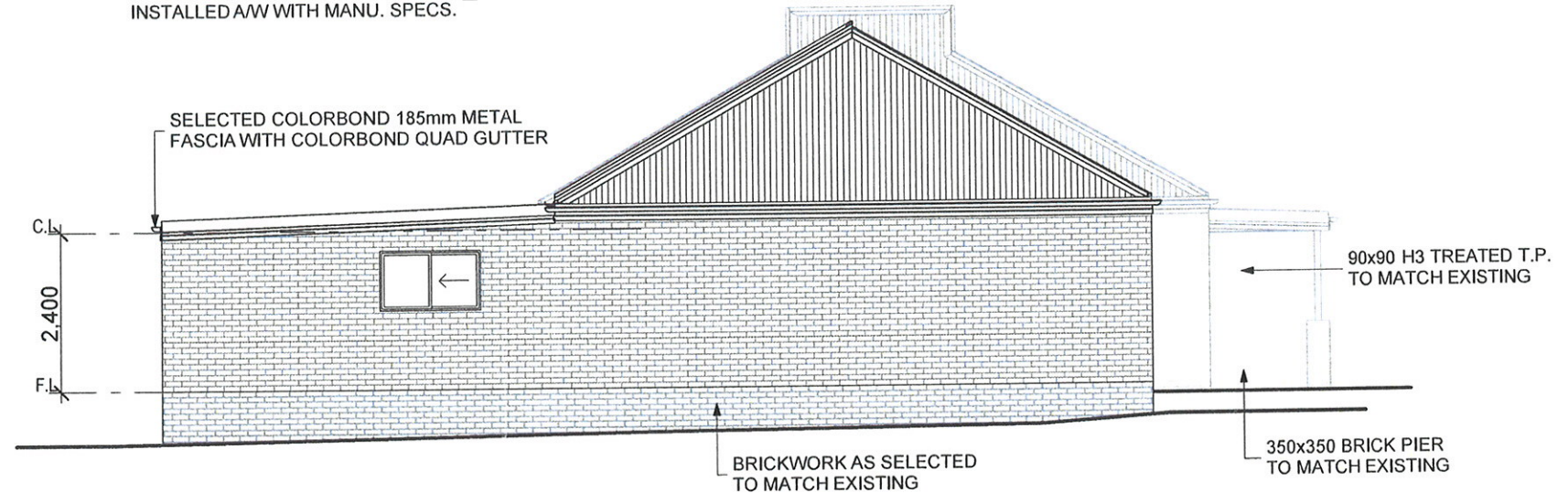
Client
CON & RENE KATTOS
Project Name:
PROPOSED SHOP ADDITIONS
49 TULLOCH WAY
TRARALGON VIC 3844

Drawing Title:
PLANNING SET
SHADOW DIAGRAM
Scale: AS NOTED @ A3 Date: 9/11/2010
Drawn By: B.GORJUK Checked By:
Project No: **3003** Drawing No. **TP-03** Rev No. **A**

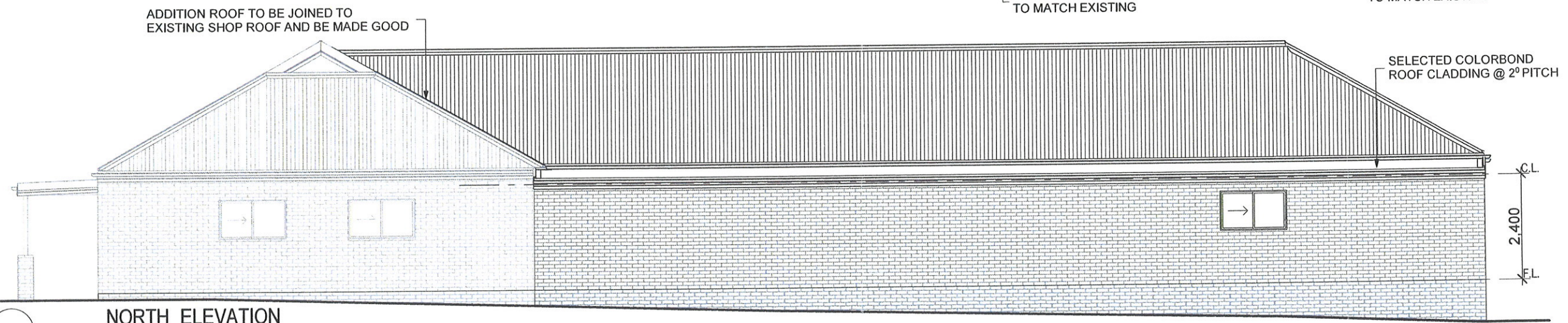
RECEIVED
28 JAN 2011
BY:



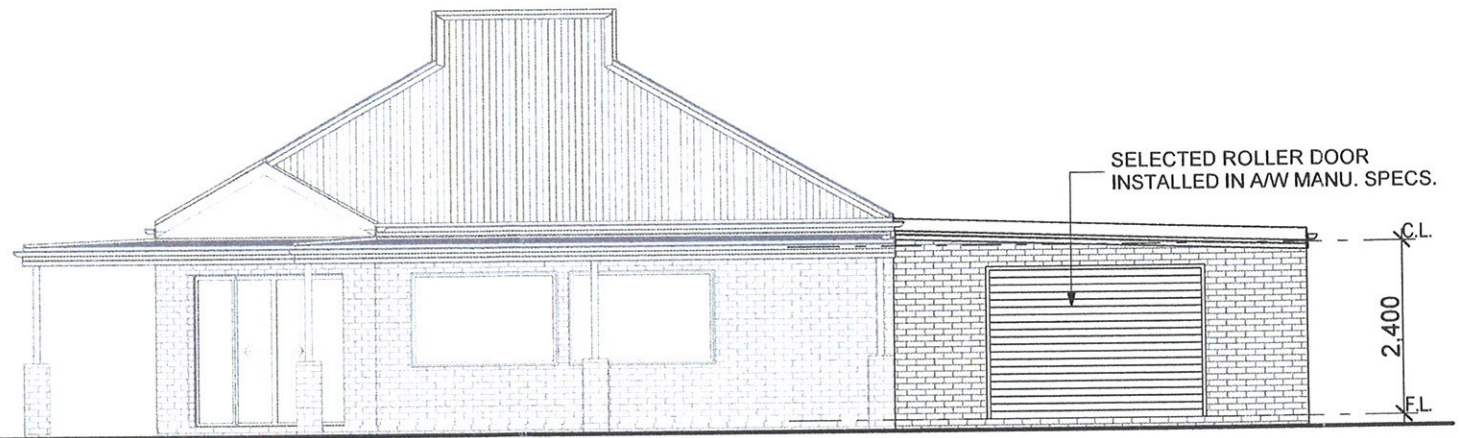
SOUTH ELEVATION
1:100



WEST ELEVATION
1:100



NORTH ELEVATION
1:100



EAST ELEVATION
1:100

NOT FOR CONSTRUCTION

AMMENDMENT REGISTER	
REV	ISSUE DATE
A	09.11.10
CANOPY & ENTRY REMOVED	
REV	ISSUE DATE
DESCRIPTION	



Suite 1, 1st Floor
7-13 Post Office Place
PO Box 9390
Traralgon Vic 3844
Phone: (03) 5176 1117
Fax: (03) 5176 1107
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Email: info@jjcdesign.com.au

J. Couper
Building Practitioner
REG No. DP-AD2228 © Copyright JJC Design P/L

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Client
CON & RENE KATTOS
Project Name
PROPOSED SHOP ADDITIONS
49 TULLOCH WAY
TRARALGON VIC 3844

Drawing Title PLANNING SET ELEVATIONS		
Scale AS NOTED @ A3	Date 9/11/2010	
Drawn By B.GORIUK	Checked By	
Project No. 3003	Drawing No. TP-04	Rev No. A

28 JAN 2010

**ATTACHMENT 2
LOCALITY MAP**



**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

28 January 2011	Planning Permit application received by Council.
18 February 2011	A request for further information pursuant to 54(1)(c) of the Planning and Environment Act 1987 was sent to the applicant.
7 March 2011	Partial information was submitted by the applicant to respond to Council's further information request.
10 March 2011	Another request for a complete response to Council's further information request originally made on 18 February 2011 was sent to the applicant.
22 March 2011	Additional information was submitted by the applicant to respond to Council's further information request.
28 April 2011	A request for the submission of a traffic report was sent to the applicant
27 June 2011	A time extension request to provide the traffic report was lodged by the applicant. An extension of time of 30 days was granted by the applicant.
14 July 2011	A second request for the submission of a traffic report was sent to the applicant, accompanying the request is also a detailed letter to outline that proposal is unlikely to be supported.

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

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05 – Regional Development
- Clause 17.01 - Commercial

Municipal Strategic Statement:

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

Zoning:

The subject site is zoned Residential 1.

Overlays:

The subject site is not affected by any overlays.

Particular Provisions:

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

General Provisions:

- Clause 63.05 Existing Use Rights

General Provisions:

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

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.

**11.3.4 PLANNING PERMIT APPLICATION 2011/65 - BUILDINGS AND
WORKS ASSOCIATED WITH THE CONSTRUCTION OF A
STORE - 6 MARGARET, STREET MORWELL**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/65 for the construction of a store to be used in conjunction with the existing telecommunications building at 6 Margaret Street, Morwell, also known as Lot 2 on Title Plan 875748U.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Built Environment

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

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: Lot 2 on Title Plan 875748U more commonly known as 6 Margaret Street, Morwell.
Proponent: Building Impressions Pty Ltd
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect the subject site.

A Planning Permit is required for buildings and works in the Residential 1 Zone in accordance with Clause 32.01-6 of the Scheme.

4.2 **PROPOSAL**

The application is for the construction of a storage shed to be used in conjunction with the existing telecommunications building located to the west on the adjoining site.

The proposed storage shed will be 10 metres wide and 15 metres long with a total floor area of 150 square metres. The total height of the building is 3.1 metres. The shed will be located to the front of the site, setback 4 metres from the north (front) boundary and 1.5 metres from the east (side) boundary. The storage shed will be constructed of colour bond materials.

The types of materials that will be stored in the shed will be office furniture, old Telstra lids and pits and forms of emergency operations equipment i.e. cables and wires.

Subject Land:

The subject site is situated in Margaret Street, Morwell and is located within Morwell's primary activity centre. The site has a total area of 650 square metres and currently contains an existing car park.

Surrounding Land Use:

- North: Road – Margaret Street, sealed with kerb and channel.
- South: 9 Victor Street, Morwell.
Single dwelling and associated outbuildings on a rectangular shape block of 648 square metres.
- East: 8 Margaret Street, Morwell.
Single dwelling and associated outbuildings on a rectangular shape block of 652 square metres.
- West: 5-7 Victor Street, Morwell.
Existing telecommunications building on a rectangular shape block of 2556 square metres.

4.3 PLANNING CONTEXT

The history of the assessment of planning application 2011/65 is set out in Attachment 1.

The provisions of the Latrobe Planning Scheme (the Scheme) that are relevant to the subject application have been included in Attachment 2.

5. ISSUES

5.1 ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

It is identified in both the State and Local Planning Policies of the Scheme to encourage development that responds to its surrounds. It also encourages minimal detrimental impact on neighbouring properties. The proposed store whilst large in nature in comparison to surrounding outbuildings in the area provides a resource required by Telstra in a location that is already for this purpose and suitable to their needs.

The municipal vision encourages both essential and innovative amenities, services and facilities within the municipality. Whilst the building is for storage purposes only, it provides the tools and equipment to ensure emergencies are attended to and responded to within timeframes expected by the community.

In addition the subject site is located within the Residential 1 Zone. A purpose of the zone is *'in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs'*. It is therefore reasonable considering the existing use of the adjoining property (telecommunications building) to allow the construction of the store to be used in conjunction with the telecommunications building.

The application proposes a store that will facilitate the ongoing maintenance requirements of an essential infrastructure services. It will ensure there is a prompt response to emergencies and reported faults, which ensure the essential services and facilities are maintained within the municipality.

5.2 **OBJECTORS CONCERNS**

The affect on the neighbourhood character of the area, specifically the total height of the building being 3.672 is inappropriate for its surroundings.

Officer Comment

The height of the proposed building is less than that of most dwellings. The average total height for a standard single storey dwelling is 4.5 metres. The total height of the proposed building is 3.672 metres. It is therefore considered that the height is not excessive and will not dominate the streetscape of the existing neighbourhood.

The materials used and the design of the building are inconsiderate of surrounding properties. Surrounding dwellings are constructed of brick and weatherboard and the proposed shed will be colour bond.

Officer Comment

Whilst it is acknowledged the materials to be used for the construction of the building are materials not consistent of that of the surrounding properties, landscaping treatment will be applied to the site to screen the building from the street and neighbouring properties.

The use of the storage shed will impact on the health and safety of residents in the area.

The hours the shed will be used and accessed (i.e. early mornings and late nights), the noise generated from the use of the shed, also the storage and handling of telecommunications equipment may result in increased health issues.

Officer Comment

The applicant has confirmed that access to the building will be 24 hours due to the type of equipment that is stored in the building (emergency equipment). The equipment that will be stored in the building may be required to fix faults and breakdowns in the telecommunications system and without the accessibility to the store 24 hours a day, delays could occur. Such delays could equally have issues for the safety and amenity of the wider community.

The amenity of the area will be protected via conditions on a planning permit specifically relating to the external lighting, security alarms and noise emitted from the proposed building.

The decrease in property value of nearby dwellings.

Officer Comment

Impacts on property values are not considered a valid ground for objection.

Decrease in property value is typically not a ground for refusal when considered at VCAT hearings. The property values component of any objection is outside the realms of matters to be considered by this application.

The proposed shed will be offset 1.5 metres from the eastern boundary and will cause overshadowing to the windows and private open space at 8 Margaret Street, Morwell.

Officer Comment

During discussions at the mediation meeting the applicant expressed they were willing to alter the location of the proposed building to address the concerns of the neighbour at 8 Margaret Street, Morwell. These options were explored however as the objectors were not in a position to compromise, therefore the location of the shed remained the same.

Detailed overshadowing drawings have not been provided with the application, however based on the height of the building and offset provided; the overshadowing to 8 Margaret Street, Morwell would be minimal. The length of the shed indicates that the private open space located at the rear of 8 Margaret, Street Morwell will not be adversely impacted upon. There will be no overshadowing of primary open space of the adjoining land to the east and unlikely that any overshadowing will occur, over and above the shadow which the existing boundary fence already casts.

It should also be noted that the Residential 1 Zone does not have any minimum offset requirements for an outbuilding and therefore is not in breach of any standards.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent land owners and occupiers.

External:

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

Internal:

It was not necessary to obtain comments from any internal teams within Council. Standard conditions will be placed on a permit, should one be issued.

Details of Community Consultation following Notification:

Three submissions were received for the application, two in the form of objections and one in the form of a petition. The petition contained 60 signatures from local residents.

A planning mediation meeting was held on the 24 May 2011.

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

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

In conclusion, the proposal for a shed is considered to be suitable for the subject site. It is considered that the application is consistent with the 'Purpose' of the Residential 1 Zone and also the state and local planning policy framework and will facilitate the ongoing maintenance of a community infrastructure service.

It is therefore recommended that a Notice of Decision to approve the application be issued for the reasons set out in this report.

10. RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with the construction of a shed at Lot 2 on Title Plan 875748U, more commonly known as 6 Margaret Street, Morwell, with the following conditions:
 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) Details of surface finishes of pathways and driveways;
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) Landscaping and planting within all open areas of the site; and
 - f) Appropriate planting along the northern boundary of the site to provide appropriate screening.
3. Within 3 months of completion of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works, or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - d) Presence of vermin.

6. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
8. The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.
9. Upon completion of the storage shed, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
10. Once buildings works have commenced they must be completed to the satisfaction of the Responsible Authority.
11. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
12. All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion or flooding to the subject or surrounding land to the satisfaction of the Responsible Authority.
13. The permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed within four years of the date of this permit.

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

NOTE 1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

ALTERNATE MOTION

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That Council issues a Notice of Refusal to grant a planning permit, for buildings and works associated with the construction of a store at Lot 2 on Title Plan 875748U, more commonly known as 6 Margaret Street, Morwell, on the following grounds;

- 1. The proposal is inconsistent with the purpose of the Residential 1 Zone;**
- 2. The proposal is not in keeping with the established neighbourhood character of the area;**
- 3. The proposal is inconsistent with Clause 21.05-2 of the Latrobe Planning Scheme in relation to the intent to reduce potential land use conflicts in residential areas; and**
- 4. The proposal is inconsistent with the Decision Guidelines within Clause 65 of the Latrobe Planning Scheme in relation to the orderly planning and the effect on the amenity of the area.**

CARRIED UNANIMOUSLY

ATTACHMENTS

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ATTACHMENT 1
History of Application

DATE	EVENT
7 March 2011	Application received by Responsible Authority.
31 March 2011	Council officers required notice to be given by sending letters to adjoining land owners and occupiers in accordance with Section 52(1) of the <i>Planning and Environment Act 1987</i> .
19 April 2011	<p>Three submissions in the form of objections were received to the application, one of which included a petition with 60 signatures.</p> <p>A Statutory Declaration was received confirming notice had occurred as per the direction of Council officers.</p>
24 May 2011	A mediation meeting was held between the permit applicant and the three objectors, a planning officer and the Tanjil Ward Councillor.

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

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 15.01 'Urban Environment'

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'

Clause 21.02 'Municipal Vision'

Clause 21.04 'Built Environment Sustainability'

Clause 21.05 'Main Towns'

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect the property.

Particular Provisions

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

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

ATTACHMENT 3
Proposed Plans

LEGEND

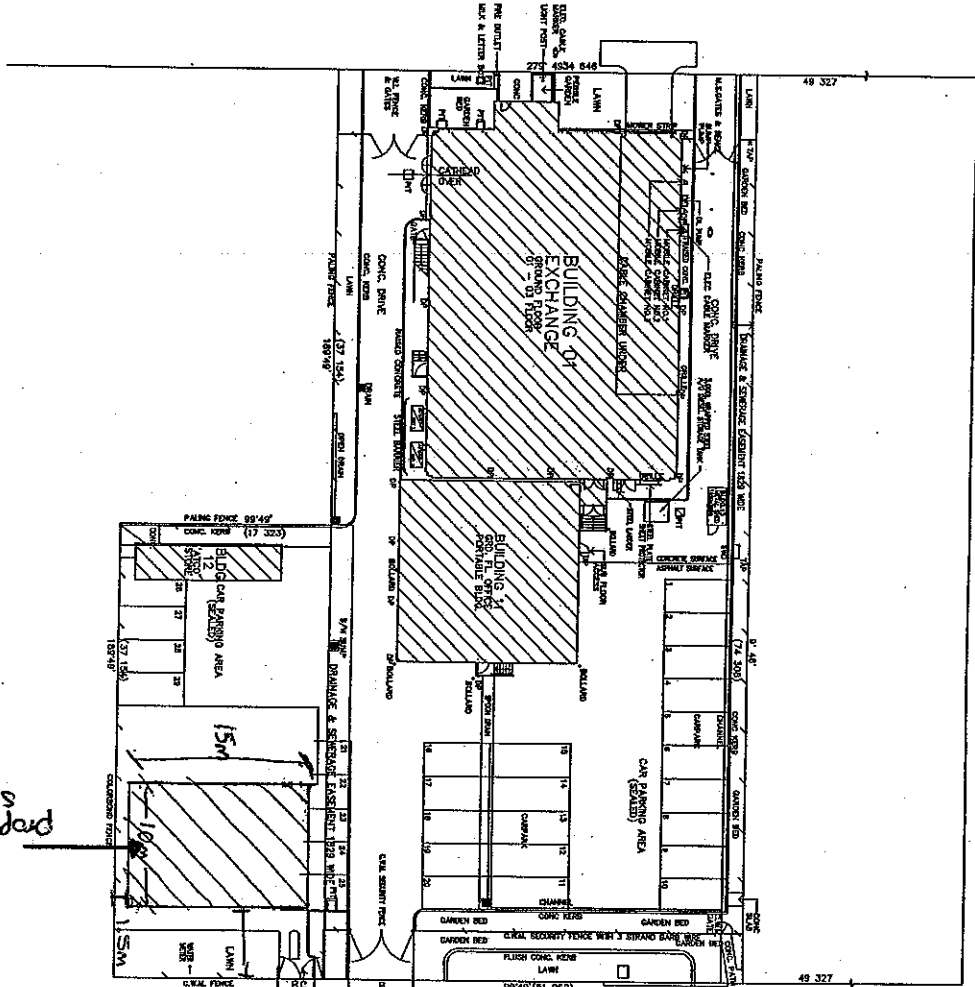
GENERAL NOTES

JAMES STREET

VEHICAL PARKING AREA
REFER DRG. NO. VA7288/SV

VICTOR STREET

CHURCH STREET



MARGARET STREET

PROPOSED DRAWING

Proposed store

DATE: 7 MAR 2011



ASSISTED FILE NO. 2985/10/09

CONSULT G.S. PAULI CENTRE 634924

BUILDING/S DO NOT CONTAIN ASBESTOS

RECORDS SECTION

DATE: 7 MAR 2011

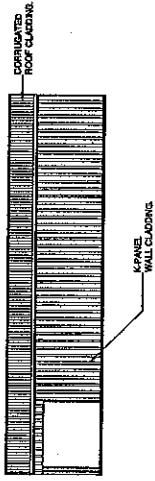
BUILDING DETAILS		GA	LA	NLA	SC
10	FRONTAGE - ROAD FRONT	272.00	230.00		87.00
11	DEPT. OF WORKS	272.00	230.00		87.00
12	DEPT. OF WORKS	272.00	230.00		87.00
13	DEPT. OF WORKS	272.00	230.00		87.00
14	DEPT. OF WORKS	272.00	230.00		87.00
15	DEPT. OF WORKS	272.00	230.00		87.00
16	DEPT. OF WORKS	272.00	230.00		87.00
17	DEPT. OF WORKS	272.00	230.00		87.00
18	DEPT. OF WORKS	272.00	230.00		87.00
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28	DEPT. OF WORKS	272.00	230.00		87.00
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30	DEPT. OF WORKS	272.00	230.00		87.00
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48	DEPT. OF WORKS	272.00	230.00		87.00
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50	DEPT. OF WORKS	272.00	230.00		87.00

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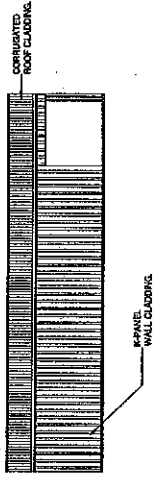
TELECOMMUNICATIONS BUILDING
HORNWELL EXCHANGE
SITE PLAN

VA7281/SV

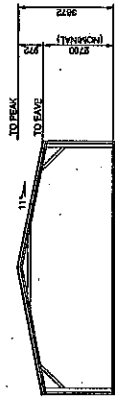
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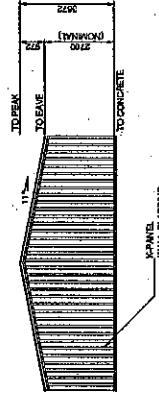
1 SIDEWALL EXTERIOR ELEVATION
SCALE: 1:200



2 SIDEWALL EXTERIOR ELEVATION
SCALE: 1:200



4 ENDWALL EXTERIOR ELEVATION
SCALE: 1:200



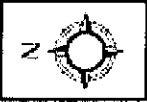
3 ENDWALL EXTERIOR ELEVATION
SCALE: 1:200

BUILDING COLOURS	
WALL	COLOURBOARD
ROOF	COLOURBOARD
CEILING	COLOURBOARD
SKYLINE	COLOURBOARD
SHUTTER	COLOURBOARD
CORNER PLASTING	COLOURBOARD
PERGOLA FINISHING	COLOURBOARD

7 MAR 2011

	STEEL BUILDING BY AUSSIE MADE GARAGES AND BARN FOR AT	(CONTACT) AUSSIE MADE GARAGES AND BARN 03 9739 6999 AT L21266 BUILDING IMPRESSIONS 5-7 VICTOR STREET MORWELL	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2559980 Signature: <i>[Signature]</i> Date: 2/3/11
	DRAWN FBHS	CHECKED TM	DATE 2/3/2011
SHEET 6 OF 6		NORTHHERN CONSULTING ENGINEERS 50 Pinal Street Cumalong, NSW 2812 Phone: 07 4725 5550 Fax: 07 4725 5550 Email: design@nhce.com.au	

ATTACHMENT 4
Locality Plan



Subject Land



ATTACHMENT 5
Copies of Submissions

Jadwiga Ale

MORWELL VIC 3840

15 April 2011

Responsible Authority
Latrobe City Council
141 Commercial Road
MORWELL VIC 3840

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

Dear Sir/Madam

OBJECTION TO GRANT OF PLANNING PERMIT

Application reference number: 2011/65

I object to the above application for a planning permit.

As a next door neighbour of the land that is the subject of the permit application, I believe I will be adversely affected by the grant of a planning permit.

The reasons I object to the grant of a planning permit are:

1. The proposed shed is entirely inappropriate construction in the established residential area.
2. The size of the shed is out of scale with the existing neighbouring homes – both in terms of height, overall size and material used (large metal colorbond shed). It will look dominant and alter the character of the surroundings.
3. The construction process presents potential hazards in the form of building dust, noise pollution and movement of heavy machinery in a small residential street.
4. The maintenance activities to be carried out at this facility are inappropriate in a residential area. Early starts and late finishes of operation works will dramatically impact to our lives.
5. The storage of telecommunication equipment, only 1.5 meters away from my fence, may create serious health and safety issues:
 - Hazardous gasses released in case of a fire.
 - Storage of back-up batteries – toxic acids/fumes.
 - Storage of instrumentation/testing equipment which may create electromagnetic radiation dangerous to humans.
 - Increase level of noise, traffic and pollution – use of fork-lifts and materials handling machinery. Delivery trucks and other heavy machinery.
6. The shed will overshadow the garden of my property, preventing the use and enjoyment of this amenity space.
7. Shadowing and glare will create a health problem as my two kitchen windows are facing the proposed storage shed.
8. I believe property prices will be affected in the area due to this development and that will financially disadvantage me and the surrounding neighbourhood.

On the basis of these reasons I believe that you should not grant the requested planning permit.

Please keep me informed about the permit application, including any decision the council makes about this application.

Yours faithfully,


Jadwiga Ale

Morwell. 3840

15.4.2011

Ref. 2011/65

Responsible Authority
Latrobe City Council
P.O. Box 264
Morwell. 3840

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

Dear Sir,

Reasons for Objection

1. Further decrease in value of my property. I am already hemmed in by Telecom's multi-storey building next door (to the west).

2. My property has proved to be unsealable. With yet another building & cat park I will feel totally "locked in". Would Telecom please make me an offer to purchase 9 Victor St. Morwell?

2.

No more night lighting (to the north) please.

When trying to sleep at night the cables from Telecom (west) is extremely noisy.

As the existing Telecom building in Victor St. is largely empty could this not be utilised?

I am extremely stressed by the prospect of yet another non-residential building being built at the back (north) of my house.

In short I hereby register my objection to this proposed building by Telecom in the strongest way possible.

Yours faithfully

A. Papadakis

Percy R. Ale (on behalf of the Neighbourhood Area)

MORWELL VIC 3840

Responsible Authority
Latrobe City Council
PO Box 264
MORWELL VIC 3840

19 April 2011

Dear Sir/Madam

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

OBJECTION TO GRANT OF PLANNING PERMIT REFERENCE NUMBER: 2011/65

We are writing to make objections to the Application for Planning Permit No 2011/65 submitted by Building Impressions Pty Ltd for an industrial development at the Telstra Exchange Building, 6 Margaret Street, Morwell.

Our objections to the application are as follows:

Affect on Neighbourhood Character

Context and Height

- The proposed industrial building makes no attempt to integrate with the existing surrounding residential architecture.
- The proposed high of 3.7 metres of the large industrial shed with a corrugated roof is too high when compared to the neighbouring residential one storey houses.
- The industrial development is higher than the nearby residential house on 8 Margaret St. thus towering over the existing colorbond fence. This height difference will cause over-shadowing and loss of light and privacy to the existing area residents.

Materials and building design

- The proposed building materials are entirely inappropriate and insensitive to the historic surroundings. The existing surrounding buildings are all built of brick and weatherboards with pitched tiled roofs. The development is steel-framed, semi flat corrugated roof cladding.
- The overall structure, shape and form of the proposed building – a large metal-colorbond shed will dominate the Neighbourhood and dramatically alter its existing character.
- Shadowing and glare impacts

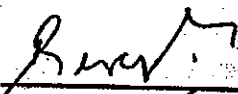
Density and affect on existing community

- The development does not line up with the Latrobe Planning Scheme where, the Council encourages the development of new industrial sites within specific areas of Morwell, away from the urban areas.
- The proposed industrial shed would greatly reduce the amenity of the quiet streets with its existing very low numbers of pedestrians and vehicles.
- The storage, workshop/maintenance activities of the Industrial Shed is likely to increment the traffic of delivery trucks and other motorised heavy equipment. The proposed plan splits the main entrance to the premises into two entrances which will cause further noise disturbance and health risk for existing residents and pedestrians.
- The materials handling, fork-lift / cranes / lift & tackle tools activities will increase the level of noise and pollution.
- The early start of operation of the Industrial Shed will cause major disturbance to the residents.
- The late finish of operation of the personnel working at the Industrial Shed will dramatically affect the lives and privacy of the residents making their residences less enjoyable.
- Residents in the area will be exposed to higher levels of industrial noise and pollution.
- The construction of a shed will financially disadvantage the surrounding neighbourhood as property prices are expected to drop in the area due to this industrial development.

Health & Safety Issues

- The storage of communications equipment 1.5 meters from the fence dividing the neighbouring residential home establishes risks to the health and wellbeing of the residents.
- In case of a fire, hazardous gases will be realised to the environment which are highly toxic, therefore dangerous to all living beings in the proximity.
- The storage/handling of high technology / wireless telecommunications equipment may create unacceptable levels of electromagnetic radiation which may be lethal to residents in the area.
- The building of this industrial facility will increase the level of noise and pollution.

Yours sincerely



PERCY R. ALE
8 MARGARET ST. MORWELL. VIC 3840



TOBIAS HART
9 PAPHOS ST MORWELL 3840



GEORGIA MARINO
9 PAPHOS ST MORWELL 3840

~~P Xilas~~ Peter XILAS

5 Margaret St Morwell 3840

Kylie Dubrich-mcLaughlin

64 Church Street Morwell

ROY E WHATMOUGH

1/64 CHURCH ST. MORWELL

Oh. Whaty

Jacqueline Binz

10 Papyrus Str
Morwell 3840

Jacqueline Binz

Hildegard Ring

10 Papyrus Str.
Morwell

Hildegard Ring

Eugen BINZ

10 Papyrus Street
Morwell

Eugen Binz

CHAS COWARD

11/12 MARGARET ST MORWELL

Chas Coward

F Barker

11/12 MARGARET ST MORWELL

BANKRUPT

12 MARGARET ST MORWELL

GIUSEPPE BUCI

10 MARGARET ST MORWELL

Rosa Dugolnieri 10 MARGARET ST MORWELL

M. Nocera

MADDALENA NOCERA 49 HOYLE ST MORWELL

D. Elliott

51 Hoyle St Morwell

[Signature]

WENDY MARCETTS
50 BELLARINE CIRCUIT, MORWELL

CHRIS KACZKOWSKI

Chris Kaczowski
110A MARYVALE RD MORWELL

14 PAPHYRUS ST

Debbie Fitzpatrick MORWELL

DOMENIC ~~FITZPATRICK~~ ~~FITZPATRICK~~

14 PAPHYRUS ST MORWELL

Ty Fitzpatrick

14 PAPHYRUS ST MORWELL

PHILLIP HINGELEY

45 HOVE ST., MORWELL

P. Hingeley

Nancy Osborne

17 Victor St, Morwell

9 VICTOR ST. MORWELL

N. Osborne

ANGELA PAPADAKIS & Perpaolakis

STAVROS

~~SP...~~

2/12 JAMES ST.

Dylan Hall

Dylan

13 victor st morwell

Chemo Christopher

38 Church St Morwell

Ch...

Danny Christopher

58 Church St Morwell

Danny

[Signature]

V.S. YurHoi 2/64 Church St Morwell

~~DA~~

TASHA NARDU 2/64 CHURCH ST M'WELL

Damien Marks 7 Papyrus ST M'WELL

[Signature]

KARLY MARKS 7 Papyrus ST M'WELL

[Signature] 15 Papyrus, St.

EPIFANIO MASSIGNAN

PAT ASHLEY

17 Papyrus ST

[Signature]

Leonardo Capuzzi L. Capuzzi

19 Papyrus ST MORWELL

Tim Dale Dale

22 Papyrus st morwell.

Yvette Dolan 40 Dolan

29 Papyrus St Morwell

[Signature] ✓ CHERMAINE HALL

33 Papyrus ST MORWELL

[Signature] WENDY PRIDGEON

32 Papyrus St MORWELL

FELICE PREZIO *[Signature]*

39 Papyrus ST MORWELL

~~SL Thompson~~

SHARYN THOMPSON 11 VICTOR STREET MORWELL

Eleonore Shepherd

Stephanie Shepherd 4 Victor Street

~~John W. L.~~

LLOYD WELCH 60 CHURCH ST.

Judy Tyler

Judy Tyler 3 New St.

J. Tyler

John Tyler 3 New St.

John

SOE NOCERA 49 HOYLE ST

~~Neil Webb~~

NEIL WEBB 34 HOYLE ST

DOMENIC MANZO

41 HOYLE ST

D. Manzo MORWELL

ROBERT KESSNER

R. Kessner 30 HOYLE ST. MORWELL

Gail Bianconi

GAIL BIANCONI (MS) 28 HOYLE ST MORWELL

26 HOYLE ST. MORWELL

PETER RAEBORN

37 Mayle St
Taree Smit

[Signature]

2/9 Margaret St

Swainson session

[Signature]

Karen Longson
4/9 Margaret St Morwell
3840

109 Warren Terrace
Hazelwood North

[Signature]

David Hibbert.

Mark Waller
27 Wyung Drive
Morwell

[Signature]

JADWIGA ALE
8 Margaret St
MORWELL 3840

[Signature]

Carolina Ale
8 Margaret St
Morwell

[Signature]

Alan Bullen
8 YAKAR CRT

[Signature]

Janine McCowan
6 Tolbot Court

[Signature]

COMMUNITY LIVEABILITY

11.5.1 NATIONAL DISABILITY INSURANCE SCHEME

AUTHOR: General Manager Community Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to seek Council's support of the proposal to establish a National Disability Insurance Scheme and a National Injury Insurance Scheme.

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 Direction – Our Community

Support initiatives that promote diversity and social inclusion.

Facilitate and support initiatives that strengthen the capacity of the community.

4. BACKGROUND

The idea for a National Disability Insurance Scheme (NDIS) has been around in various forms for many years but first gained real prominence when it emerged from the 2020 Summit held in 2008. The Summit was an initiative of the Federal Government to generate ideas for building a modern Australia.

During the following year a number of Government commissioned reports all recommended further investigation of a NDIS.

Since then, the idea has been championed by people with a disability, their families and carers as well as the organisations that support them, building public awareness of the scheme and its benefits. There has been significant positive media coverage which has helped to spread the word amongst people who are not directly affected by disability.

In late 2009, the Australian Government announced that the Productivity Commission (the Commission) would conduct an inquiry into a national long term care and support scheme, to examine the costs, benefits and feasibility of a national no fault insurance approach to supporting people with a disability, their families and carers.

The inquiry began in April 2010 with the final report due to be handed to government in July this year. The final report was publicly released by the Australian government on 10 August 2011.

The Commission received more submissions to this inquiry than any other in its history. More than 600 individuals and organisations made formal submissions, indicating not only the level of interest in the proposal but also the level of extreme anxiety of many people with a disability, their families and carers.

The Commission's final report identified that the disability system is not meeting people's needs or the needs of the nation and has recommended a complete overhaul. The opening words of the overview of the report state "Current disability support arrangements are inequitable, underfunded, fragmented, and inefficient and gives people with a disability little choice".

The Latrobe City Disability Reference Committee requests that Council formerly supports the proposed NDIS.

5. ISSUES

The Commission proposes two schemes. The first, and larger of the two schemes, is the National Disability Insurance Scheme (NDIS) which would provide support to approximately 410,000 people whose disability has a significant impact on their daily life.

The second scheme, the National Injury Insurance Scheme (NIIS) would provide support for people who suffer a catastrophic injury and would be based on widening and strengthening existing state based schemes like the Transport Accident Commission and workplace injury schemes. It is proposed that the NIIS would provide similar levels of support as the NDIS, however exact arrangements for sources of revenue and administration are yet to be determined.

Both the proposed NDIS and NIIS aim to create a secure, consistent pool of funds from which support for people with a disability, their families and carers could be drawn. It also aims to establish a nationally consistent, fair, efficient and effective system of support. The scheme would be person-centred and individualised, based on the choices of the person with a disability and their families.

Who would be eligible for the NDIS?

Persons eligible for support from the NDIS would need to have a permanent disability and meet one of the following conditions:

- Have significant limitations in communication, mobility and self care
- Have an intellectual disability
- Have a condition for which early intervention would result in an improved level of functioning
- Be a person for whom intervention would have significant benefits

The Commission suggests that the NDIS should have an information and referral function for a much larger group of people with a disability, providing information and linkages to services and supports outside the NDIS.

What services and supports will be available under the NDIS?

The Commission accepts there is widespread evidence that individualised funding improves outcomes for people with a disability and recommends the NDIS be person-centred and individualised, allowing people with a disability and their families greater freedom and choice. People can decide which providers they want to use and can opt to “cash out” some of their package so they can organise more flexible and individualised support.

Most importantly packages of support will be portable and allow people to move across state and territory borders. Once a person has been deemed eligible and their support needs assessed, they would be entitled to a package of supports and services. People would then be able to:

- Choose their service providers
- Ask a disability support organisation to assemble the best package on their behalf
- Cash out their funding allocation and direct the funding to services they believe best meet their needs. The Commission advises that there would need to be controls to ensure “probity and good outcomes”.

The range of services and supports currently available would continue to be available under the NDIS, but the Commission hopes the scheme would encourage the development of more innovative services and programs. The list of supports the NDIS would provide includes:

- Aids, equipment, home and vehicle modifications
- Personal care
- Community access – to support community inclusion
- Respite
- Specialist accommodation support
- Domestic assistance
- Transport assistance
- Therapies
- Guide and assistance dogs
- Case management and coordination
- Specialist employment services
- Crisis/emergency support

Any support funded through the NDIS would have to be “reasonable and necessary”. For example funded therapies would have to be in keeping with current clinical practice, evidence based practice and guidelines.

What will happen to people who already receive support?

Many people who currently receive support may be anxious about whether they would still be able to get services under a NDIS. The Commission says the NDIS would have “broader” criteria for funded services than existing arrangements. It concludes “most people currently getting disability services would receive more support under the NDIS”.

How will an NDIS be funded?

At the moment the disability system costs approx \$6.2 billion – the federal government provides \$1.7 billion, while the states provide \$4.5 billion. The Commission estimates an additional \$6.3 billion a year is needed to operate an effective system. The Commission proposes that the federal government take over responsibility for funding the entire needs of the disability system, arguing that only the Commonwealth has a sustainable taxation base sufficient to meet the needs of the system. It therefore proposes the states either transfer the revenue they use to fund services to the Commonwealth or cut a range of state taxes by an equivalent amount and funding should come from consolidated revenue rather than a specific tax or levy.

Whatever funding model is chosen the Commission argues the funds must be dedicated exclusively to the scheme – revenue for the NDIS should be quarantined and not be subject to the annual budgetary process.

The Commission makes the important point that the NDIS benefits absolutely every Australian – because it provides insurance coverage for the costs of long term care and support should any individual acquire a disability. The cost of providing this peace of mind to every Australian is approx \$280 per person for the NDIS and \$30 per person for the NIIS.

What is the time line for the NDIS?

This is a transformational reform and it cannot be achieved overnight. The Commission has suggested a pilot project in 2014 in one region in Australia. This would extend to the whole of the country the following year and progressively expand to include all eligible individuals. The Commission suggests beginning with all new cases of significant disability and some of the groups most disadvantaged by current arrangements, gradually expanding to include all eligible individuals. The scheme should be fully functional by 2018.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications for Council in supporting the establishment of a National Disability Insurance Scheme.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

To ensure that the views of people with a disability and carers are included in the way disability services are delivered in the future, Latrobe City convened two focus groups in partnership with the Australian Federation of Disability Organisations (AFDO). The focus groups were held in Traralgon on 1 April 2011 with a total of 28 people attending. These groups were made up of 27 people with a disability and 1 family carer. Five members of the Latrobe City Disability Reference Committee also attended these focus groups.

The focus groups were facilitated by the Chief Executive Officer of AFDO with support from the Latrobe City's Disability Services Officer and Rural Access Project Officer.

In addition to these focus groups, Latrobe City partnered with the EW Tipping Foundation to host a community forum in Morwell regarding the proposed NDIS. Approximately 80 people attended the forum to hear from a range of speakers and put their views forward. Four members of the Latrobe City Disability Reference Committee attended the community forum.

The details of the proposed NDIS were also discussed at several meetings of the Latrobe City Disability Reference Committee.

The above activities are consistent with Objective 1 of the Latrobe City Community Engagement Plan 2010-2014, to maintain an effective and ongoing dialogue with the community by informing and listening.

Details of Community Consultation / Results of Engagement:

All 28 participants in the focus groups indicated 'in principle' support for the proposed NDIS. Participants provided a range of feedback on the recommendations contained in the Commission's report which were fed back to the inquiry.

Attendees at the community forum also supported the proposed introduction of a NDIS. The EW Tipping Foundation recorded feedback at the forum to inform the submission from National Disability Services (NDS) to the inquiry.

The Latrobe City Disability Reference Committee also strongly supports the proposed NDIS.

8. OPTIONS

- 1 Support the proposal to establish a National Disability Insurance Scheme and National Injury Insurance Scheme.
- 2 Request additional information regarding the proposal to establish a National Disability Insurance Scheme and National Injury Insurance Scheme.
- 3 Not support the establishment of a National Disability Insurance Scheme and National Injury Insurance Scheme.

9. CONCLUSION

The Commission has carefully considered all the evidence placed before it by people with a disability, family members and carers, disability advocates and disability service providers in recommending that a NDIS and a NIIS should be introduced. This view is consistent with that of residents of Latrobe City who attended the focus groups and community forum. The Latrobe City Disability Reference Committee also supports the proposal.

10. RECOMMENDATION

1. That Council supports the proposal to establish a National Disability Insurance Scheme and a National Injury Insurance Scheme.
2. That the Mayor writes to:
 - the Prime Minister,
 - the Minister for Families, Housing, Community Services and Indigenous Affairs, and
 - the Minister for Financial Services and Superannuation and Assistant Treasurer.advising them of Council's support for the introduction of a National Disability Insurance Scheme and a National Injury Insurance Scheme.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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GOVERNANCE

11.6.1 AUDIT COMMITTEE REPORT

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with draft minutes of the Audit Committee meeting held on 16 June 2011 for information as required under the Audit Committee Charter.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 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. Ensure that Latrobe City continues to meet the highest standards of financial probity.

Service Provision – Financial Management

Administer financial management, advice and services of Latrobe City Council.

*Legislation – Local Government Act 1989
Section 139 – Audit Committee*

Policy – Audit Policy 11 POL-4

The role of an Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting, maintaining a reliable system of internal controls and fostering the organisation's ethical development.

4. BACKGROUND

Council operates an Audit Committee in accordance with Section 139 of the *Local Government Act 1989*.

The membership of Council's Audit Committee comprises two externally appointed independent members and two Councillors. The Audit Committee meets four times each year and operates in accordance with Council's Audit Policy and the Audit Committee Charter.

The Audit Committee reports directly to Council and as such draft minutes of all Audit Committee meetings are presented to Council following each Audit Committee meeting.

5. ISSUES

A copy of the draft minutes of the Audit Committee meeting held on 16 June 2011 is attached.

The items reviewed and discussed at the meeting on 16 June 2011 included the March Quarterly Report, Internal Audit reports, Bad Debts, Procurement Policy, Risk Management Plan, Audit Committee appointments, Project Governance report, MAV Local Government Cost Index and other matters that were appropriate to kept the Audit Committee informed.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

No community consultation has been undertaken.

8. OPTIONS

Council has the following options:

1. Council receive and note the report; or
2. Council seek further information in relation to the report.

9. CONCLUSION

A copy of the draft minutes of the Audit Committee meeting held on 16 June 2011 have been provided to Council in accordance with the Audit Policy and the Audit Committee Charter.

10. RECOMMENDATION

That Council receives and notes the Audit Committee draft minutes of the 16 June 2011 Audit Committee meeting.

Moved: Cr Vermeulen

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



Minutes

Audit Committee Meeting DRAFT Minutes

Thursday 16 June 2011 - Commencing at 10.00 am
Held in Nambur Wariga Room, Headquarters, Morwell

<u>Agenda Item</u>	
Present	Mr Richard McDowell (Chair), Mr Ron Gowland, Cr Ed Vermeulen, Cr Bruce Loughheed
In Attendance	Mr Paul Buckley (CEO Latrobe City Council), Mr Matthew Rogers (Manager, Finance), Mr Warrick Spargo & Mr Scott Campbell (RSM Bird Cameron), Ms Zemeel Saba (General Manager, Organisational Excellence), Allison Down (Manager Risk & Compliance)
Apologies	Cr Rohan Fitzgerald, Ms Carol Jeffs (General Manager Governance), Ms Jacinta Kennedy (Acting General Manager Governance)
Declaration of Interest	Mr McDowell called for any conflict of interest before the meeting commenced. No conflicts of interest noted.
1. Adoption of Minutes 18 April 2011	Mr McDowell moved that the minutes and recommendations from the meeting held on 18 April 2011 be confirmed and ratified as true and correct: Mr McDowell moved: That the minutes of the meeting held on 18 April 2011 be confirmed and ratified. Seconded: Ron Gowland Carried
Adoption of Minutes 23 May 2011	Mr McDowell moved that the minutes and recommendations from the meeting held on 23 May 2011 be confirmed and ratified as true and correct: Mr McDowell moved: That the minutes of the meeting held on 23 May 2011 be confirmed and ratified. Seconded: Ron Gowland

	<p>Carried</p>
<p>2. Actions Arising</p>	<p>Mr McDowell called for any comments regarding the Actions Arising.</p> <p>Actions Arising noted.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>ACTION - Remove completed items from action sheet.</p> </div>
<p>3. March Quarterly Performance Report</p>	<p>Mr McDowell would like a summary sheet included with the quarterly report noting any changes.</p> <p>Mr Buckley advised that the monthly report would also be included and that the April and May monthly performance reports will be distributed with the draft minutes.</p> <p>The December 2010 Performance Report was noted.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>ACTION - Attach a summary sheet with the quarterly report noting any changes.</p> <p>ACTION - Provide the monthly report in future Audit Committee agendas and distribute the April and May monthly reports with the draft agenda.</p> </div>
<p>4. Internal Audit</p> <ul style="list-style-type: none"> • IT Review • Childcare • Council Reporting 	<p>Mr Warrick Spargo and Mr Scott Campbell from RSM Bird Cameron spoke to the reports.</p> <p>IT Review Discussion took place regarding the report - including ex Latrobe City Employees still having log ins, a suggestion to strengthen the existing policy regarding banned internet sites for new employees. Ms Zemeel Saba advised that a security policy has been drafted.</p> <p>Child Care Discussion took place regarding the report including -</p> <ul style="list-style-type: none"> • Follow up of child attendance record at next Audit Committee meeting. • Outstanding debt report for TELC – Mr Matthew Rogers will provide a progress report with the draft minutes. <p>Council Reporting Discussion took place regarding the report including –</p> <ul style="list-style-type: none"> • Annualised Balance Sheet – Mr Matthew Rogers is working on new template and will be completed by the new financial

	<p>year.</p> <ul style="list-style-type: none"> • Monthly cash flow statements – Mr Matthew Rogers advised that currently there is a quarterly report, but can produce a monthly report. • Clarification for reporting on a cash or accrual basis – Mr Matthew Rogers is addressing this issue and will be providing Councillors with information. <p>Mr Rogers also advised that if Councillors requested training in understanding the reports, he would arrange.</p> <p>Reports were received and noted.</p> <p>ACTION - Provide copy annualised balance sheet template at next Audit Committee Meeting.</p> <p>ACTION - Produce a monthly cash flow statement.</p> <p>ACTION Provide information to Councillors regarding cash or accrual basis.</p>
<p>5. Bad Debts Reports</p>	<p>Mr McDowell moved:</p> <p>That the bad debts of \$2,906.36 presented to the Audit Committee, be recommended to Council for write off.</p> <p>Seconded: Mr Gowland</p> <p>Carried</p>
<p>6. Audit Recommendation - Status Report 31/05/11</p>	<p>Discussion took place regarding items being rolled over to next financial year and items taken off the list on completion.</p> <p>It was noted that the revised dates be changed on the report, but that the original date be left on report as an audit trail.</p> <p>Report was received and noted.</p> <p>ACTION - Revised report with new dates (leave original date)</p>
<p>7. Procurement Policy</p>	<p>The committee reviewed the changes to the Procurement Policy and agreed with the recommended changes.</p> <p>Mr McDowell moved:</p>

	<p>That the Audit Committee recommends that Council adopt the proposed Audit Policy version 11 POL-3.</p> <p>Seconded: Mr Gowland</p> <p>Carried</p>
<p>8. Audit Committee Appointment</p>	<p>Discussion took place.</p> <p>Report was noted.</p>
<p>9. Risk Management Plan 2011-2014</p>	<p>Mr McDowell commented that the Risk Management Plan is of a high standard and is among the best that he has been involved with.</p> <p>A discussion took place and Mr McDowell commented that having several Risk Registers was a risk in itself. Ms Allison Down responded.</p> <p>Report was received and noted.</p>
<p>10. Credit Card Exception Report</p>	<p>Report was received and noted.</p> <p>Mr McDowell moved:</p> <p>That the Credit Card Exception Report for the period January 2011 to April 2011 be received.</p> <p>Seconded: Cr Bruce Lougheed</p> <p>Carried</p>
<p>11. Project Governance Policy</p>	<p>Mr Paul Buckley spoke to the report.</p> <p>Cr Vermeulen commented on the report and advised that he still has some reservations about the report.</p> <p>Mr McDowell suggested to give the policy a trial period and review any issues.</p> <p>Report was received and noted.</p> <p>Mr McDowell moved:</p> <p>That the Audit Committee recommends that Council adopts the policy with a thorough review in six months.</p>

	<p>Seconded: Cr Bruce Lougheed</p> <p>Carried</p> <p>ACTION - Adopt policy and review in six months</p>
<p>12. MAV Local Government Cost Index</p>	<p>Report open for discussion.</p> <p>Report was received and noted.</p>
<p>Other</p>	<p>Internal Auditors spoke to the Victorian Auditor General Office Annual Plan 2011-2012.</p> <p>Mr McDowell asked about the Interim Audit. Mr Buckley advised that the report arrived this week and that a copy of the response will go out with the draft minutes.</p> <p>ACTION - Copy of response regarding the interim report to go out with the draft minutes.</p>
<p>Next Meeting</p>	<p>The date for the next meeting is Thursday, 18 August.</p> <p>There being no further business, the meeting closed at 12.10 pm.</p>

11.6.2 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

AP-2246-2010-NTC	Section 173 Agreement under Section 173 of the Planning and Environment Act 1987 between Latrobe City Council and Robert Kenneth Bulmer and Kelly Susan Bulmer as the Owners of land described in Certificate of Title Volume 10821 Folio 030 being Lot 234 on PS 517500 situated at 17 Woodhall Close, Traralgon East providing that notwithstanding the granting of a permit AP-2246-2010-NTC to construct a coloured vehicle crossing on the land. Where damage has been caused to a vehicle crossing by the City, a contractor or service authority undertaking works within the road reserve, the responsible party will be liable for rectifying the damage to the satisfaction of the City's Asset Protection Officer and only obliged to reinstate the vehicle crossing with a finish that complies with Council Policy.
2077/2011 – CR	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Matthew David Whitmore as the Owner of Land described in Certificate of Title Volume 11269 Folio 892 being Lot 4 on Plan of Subdivision 631488V situated at 41 Grammar Drive, Traralgon providing that notwithstanding the granting of consent and report of Council 2077/2011–CR to construct a dwelling, garage and detached shed 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.

2010/374	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Susan Yvonne Baker, Leon Gerard Hammond and Margaret Anne Hammond as the owners of Land contained in Certificate of Title Volume 10716 Folio 174 and Volume 10716 Folio 187 situated at 7 Rothbury Place, Traralgon and 9 Castlereagh Court, Traralgon pursuant to Condition 5 of Planning Permit No. 2010/374 for Re-subdivision of Two (2) Lots which provides that no further sub-division, earthworks or buildings are permitted in the hatched area on Lot 2.
2011/175	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Great Valley Pty Ltd as the owners of Land contained in Certificate of Title Volume 10503 Folio 876 being Lot 105 on PS 431809 situated at 310-312 Franklin Street, Traralgon pursuant to Condition 5 of Planning Permit No. 2011/175 for proposed Two Lot Subdivision providing that: (a) The sharing of costs and the allocation of rights and responsibilities for the maintenance to an agreed standard of the shared stormwater drainage contained within the Land.

3. RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and Robert Kenneth Bulmer and Kelly Susan Bulmer as the Owners of land described in Certificate of Title Volume 10821 Folio 030 being Lot 234 on PS 517500 situated at 17 Woodhall Close, Traralgon East pursuant to permit AP-2246-2010-NTC.
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 Matthew David Whitmore as the Owner of Land described in Certificate of Title Volume 11269 Folio 892 being Lot 4 on Plan of Subdivision 631488V situated at 41 Grammar Drive, Traralgon providing that notwithstanding the granting of consent and report of Council 2077/2011–CR to construct a dwelling, garage and detached shed over the easement on the land.

3. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and Susan Yvonne Baker, Leon Gerard Hammond and Margaret Anne Hammond as the owners of Land contained in Certificate of Title Volume 10716 Folio 174 and Volume 10716 Folio 187 situated at 7 Rothbury Place, Traralgon and 9 Castlereagh Court, Traralgon pursuant to Condition 5 of Planning Permit No. 2010/374 for Re-subdivision of Two (2) Lots which provides that no further sub-division, earthworks or buildings are permitted in the hatched area on Lot 2.
4. 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 Great Valley Pty Ltd as the owners of Land contained in Certificate of Title Volume 10503 Folio 876 being Lot 105 on PS 431809 situated at 310-312 Franklin Street, Traralgon pursuant to Condition 5 of Planning Permit No. 2011/175 for proposed Two Lot Subdivision.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.3 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 22 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 17 August 2011 and 20 August 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
17 August 2011	Tourism Advisory Board Meeting Review of objectives of the TAB	Cr White Geoff Hill, Linda Brock, and Shannyn Kiss.	NIL
18 August 2011	Induction session for Latrobe City Council Audit Committee Latrobe City Council Audit Committee	Cr Vermeulen & Cr Lougheed; Carol Jeffs, Zemeel Saba, Matthew Rogers & Allison Down	NIL
20 August 2011	Meeting with Minister Ferguson and Low Carbon Transition Committee Issues relating to transitioning to a low carbon economy	Cr White, Cr Vermeulen and Cr O'Callaghan; Paul Buckley, Geoff Hill, Julia Agostino and Deirdre Griepsma	NIL

4. RECOMMENDATION

That Council note this report.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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Assembly of Councillors Record

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

Assembly details: Tourism Advisory Board Meeting

Date: Wednesday 17 August 2011

Time: 5.30pm

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

In Attendance:

Councillors: Cr Darrell White.

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

Matter/s Discussed: Review of objectives of the TAB

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

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

Councillors: NA

Officer/s: NA

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

Completed by: Linda Brock

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

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

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: **Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

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

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

Section 80B

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

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

Assembly of Councillors Record

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

Assembly details: Induction session for Latrobe City Council Audit Committee

Date: 18 August 2011

Time: 10.00am - 12.30pm

Assembly Location: Nambur Wariga, Latrobe City Council Offices
(e.g: Town Hall, TOWN, No. xx ADDRESS, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Vermeulen & Cr Lougheed

Officer/s: Carol Jeffs, Zemeel Saba, Matthew Rogers & Allison Down

Matter/s Discussed: Latrobe City Council Audit Committee
(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: Cr Lougheed left the room at 11.20am and returned at 11.23am

Completed by: Allison Down

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

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: Meeting with Minister Ferguson and Low Carbon Transition Committee

Date: Saturday, 20 August 2011

Time: 11.00 am - 12 noon

Assembly Location: Latrobe City Council Corporate Headquarters, 141 Commercial Road, Morwell
(e.g: Town Hall, *TOWN*, No. xx *ADDRESS*, Latrobe City Council Offices).

In Attendance:

Councillors: Councillor White, Councillor Vermeulen and Councillor O'Callaghan

Officer/s: Paul Buckley, Geoff Hill, Julia Agostino and Deirdre Griepsma

Matter/s Discussed: Issues relating to transitioning to a low carbon economy
(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.

**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 BAD DEBTS WRITE OFFS	(b) personal hardship
15.5 MORWELL LAND MOVEMENT UPDATE	(f) legal advice
15.6 2011/12 COMMUNITY GRANTS PROGRAM	(h) other
15.7 2011/12 COMMUNITY GRANTS PROGRAM - PROJECTS: 1489 AND 1431	(h) other
15.8 2011/12 COMMUNITY GRANTS PROGRAM - PROJECT: 1535	(h) other
15.9 2011/12 COMMUNITY GRANTS PROGRAM - PROJECTS: 1520	(h) other
15.10 HYLAND HIGHWAY LANDFILL CONSTRUCTION PROGRESS REPORT SEPTEMBER 2011	(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 8.40 PM.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.40 PM for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.52 PM.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 9.04 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 307 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____