



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 19 DECEMBER 2011

PRESENT:

Cr Ed Vermeulen, Mayor - Gunyah Ward
Cr Sharon Gibson, Deputy Mayor - Merton Ward
Cr Dale Harriman - Dunbar Ward
Cr Sandy Kam - Galbraith Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Kellie O'Callaghan - Burnet Ward
Cr Lisa Price - Farley Ward
Cr Darrell White - Firmin Ward
Paul Buckley, Chief Executive Officer
Michael Edgar, General Manager Community Liveability
Carol Jeffs, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Peter Quigley, General Manager Built and Natural Environment
Zemeel Saba, General Manager Organisational Excellence
Grantley Switzer, General Manager Recreation, Culture and Community
Tom McQualter, Manager Council Operations and Legal Services

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	6
SUSPENSION OF STANDING ORDERS FOR MEMBERS OF THE PUBLIC TO ADDRESS COUNCIL	7

NOTICES OF MOTION

6.1	2011/31 - NOTICE OF MOTION - RATING SYSTEM	9
6.2	2011/32 - NOTICE OF MOTION - LAND VALUATIONS	10

ITEMS REFERRED BY THE COUNCIL

7.1	NAMING OF THE NEWLY CONSTRUCTED EARLY YEARS AND COMMUNITY CENTRE AT SOUTH STREET, MOE	12
7.2	STATEMENT OF COMMITMENT TO RECONCILIATION	20
7.3	PARKING RESTRICTIONS IN HENRY STREET, TRARALGON	30
7.4	PLANNING PERMIT APPLICATION 2010/384 - TWO LOT SUBDIVISION AT 85 FRASERS ROAD, HAZELWOOD	36

CORRESPONDENCE

9.1	CORRESPONDENCE RECEIVED FROM VICTORIAN PREMIER	50
9.2	CORRESPONDENCE RECEIVED FROM TONY WINDSOR MP, INDEPENDENT MEMBER FOR NEW ENGLAND AND ROBERT OAKESHOTT MP, FEDERAL MEMBER FOR LYNE	54

PRESENTATION OF PETITIONS

CHIEF EXECUTIVE OFFICER

ECONOMIC SUSTAINABILITY

BUILT AND NATURAL ENVIRONMENT

11.3.1	PLANNING PERMIT APPLICATION 2010/267 - USE OF LAND AS A PLACE OF ASSEMBLY AT 1720 JUMBUK ROAD, JUMBUK	60
11.3.2	PLANNING PERMIT APPLICATION 2011/202 - CONSTRUCTION OF THREE (3) DWELLINGS AND A THREE (3) LOT SUBDIVISION AT 19 CUMBERLAND STREET, TRARALGON	72
11.3.3	LATROBE REGIONAL MOTORSPORTS COMPLEX	84
11.3.4	OPERATIONS OF THE LATROBE CITY HYLAND HIGHWAY MUNICIPAL LANDFILL CONSULTATIVE COMMITTEE, DECEMBER 2011	99

11.3.5	AMENDMENT C26 - LATROBE REGIONAL AIRPORT MASTER PLAN CONSIDERATION OF SUBMISSIONS	107
11.3.6	PLANNING PERMIT APPLICATION 2011/140 - USE AND DEVELOPMENT OF THE LAND FOR ANIMAL BOARDING AND CONSTRUCTION AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE - 525 SWITCHBACK ROAD, HAZELWOOD	138
11.3.7	PLANNING PERMIT APPLICATION 2011/228 - BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF AN OFFICE AND MEDICAL CENTRE AND WAIVER OF CAR PARKING - 15 BREED STREET TRARALGON	150
11.3.8	AUTHORISATION OF PROPOSED AMENDMENT TO LATROBE PLANNING SCHEME TO REZONE 515 HAZELWOOD ESTATE ROAD CHURCHILL (LAND BOUND BY SWITCHBACK ROAD, ARNOLDS/HAZELWOOD ESTATE ROAD AND GASKIN PARK) FROM FARMING ZONE TO RESIDENTIAL 1 ZONE	165

RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE

11.4.1	GIPPSLAND REGION SUSTAINABLE WATER STRATEGY	180
11.4.2	GIPPSLAND HERITAGE WALK	191
11.4.3	TRARALGON GREYHOUND RACING CLUB - PROPOSED DEVELOPMENT AND REQUEST FOR ALTERATIONS TO LEASE	202

COMMUNITY LIVEABILITY

GOVERNANCE

11.6.1	PROPOSAL TO NAME BRIDGES OVER THE TRARALGON CREEK - RURAL LOCALITIES	216
11.6.2	2012 GENERAL ELECTION	235
11.6.3	DOCUMENTS PRESENTED FOR SIGNING AND SEALING	241
11.6.4	PROPOSED ROAD DISCONTINUANCE - PART OF LODGE DRIVE, TRARALGON	242
11.6.5	ASSEMBLY OF COUNCILLORS	251

ORGANISATIONAL EXCELLENCE

URGENT BUSINESS

MEETING CLOSED TO THE PUBLIC 255

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

15.1	ADOPTION OF MINUTES	259
15.2	CONFIDENTIAL ITEMS	260
15.3	ASSEMBLY OF COUNCILLORS	262
15.4	POSITIVE AGEING REFERENCE GROUP MEMBERSHIP	264
15.5	LATROBE CITY INTERNATIONAL RELATIONS COMMITTEE	270
15.6	REMEDICATION OF FORMER TRARALGON DEPOT DUNBAR ROAD TRARALGON	279
15.7	ITT 13042 - RECONSTRUCTION OF FRANKLIN STREET BRIDGE OVER TRARALGON CREEK AT TRARALGON	293

15.8	ITT 13056 - RECONSTRUCTION OF SPEARGRASS ROAD BRIDGE OVER MIDDLE CREEK AT YINNAR SOUTH	300
15.9	ITT 13058 - RECONSTRUCTION OF ROGER STREET AT MORWELL	307
15.10	VARIATIONS TO CONTRACT NO: 12941 - YINNAR RECREATION RESERVE EASTERN PAVILION EXTENSION	313

CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Cr Bruce Lougheed - Tanjil Ward

3. Declaration of Interests

Cr White declared an indirect interest under section 78E of the *Local Government Act* 1989 in Item 7.4 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood

Cr O'Callaghan declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 11.3.5 Amendment C26 – Latrobe Regional Airport Master Plan Consideration of Submissions

4. Adoption of Minutes

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That Council adopts the Minutes of the Special Council Meeting held on 5 December 2011 (SM 363), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

Moved: Cr Gibson

Seconded: Cr Harriman

That Council adopts the Minutes of the Ordinary Council Meeting held on 5 December 2011 (CM 364), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

Suspension of Standing Orders

Moved: Cr O'Callaghan
Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.02 pm

Mr Bruce Poole addressed Council in relation to Item 7.3 Parking Restrictions in Henry Street , Traralgon and Item 11.3.7 Planning Permit Application 2011/228 – Building and Works Associated with the Construction of an Office and Medical Centre and Waiver of Car Parking – 15 Breed Street Traralgon

Cr White left the Chamber 7.15 PM due to an indirect interest under Section 78E of the *Local Government Act 1989*

Mrs Joanne Leviston addressed Council in relation to Item 7.4 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood

Mr Wayne Leviston addressed Council in relation to Item 7.4 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood

Cr White returned to the Chamber at 7.22 PM

Mr Paul Hogan addressed Council in relation to Item 11.3.1 Planning Permit Application 2010/267 – Use of Land as a Place of Assembly at 1720 Jumbuk Road, Jumbuk

Mr Hector Caruana addressed Council in relation to Item 11.4.3 Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease

Resumption of Standing Orders

Moved: Cr Gibson
Seconded: Cr O'Callaghan

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.45 PM

NOTICES OF MOTION

6.1 2011/31 - NOTICE OF MOTION - RATING SYSTEM

CR KAM

MOTION

1. That the CEO prepares a report setting out:
 - (a) the current rating system used by the Latrobe City
 - (b) that the report includes all other options in Victoria to rate properties as a comparison
 - (c) that the report includes the rating systems of the other Gippsland Councils as well as Bendigo and Ballarat
2. That this report be presented to Council at the Ordinary Council Meeting to be held on 20 February 2012.

Moved: Cr Kam

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

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6.2 2011/32 - NOTICE OF MOTION - LAND VALUATIONS**CR KAM****MOTION**

1. That the Mayor writes to the Valuer General and requests that the Valuer General review its current criteria of looking at the “full potential of land”, in regards to land valuations.
2. That the Mayor writes to MAV seeking their support and take up of this issue.
3. That all correspondence received be tabled at the next Ordinary Council Meeting upon receipt of the correspondence.

Moved: Cr Kam**Seconded:** Cr Gibson**That the Motion be adopted.****For the Motion**

Councillor/s Harriman, Price, Kam and Gibson

Against the Motion

Councillor/s White, O’Callaghan, Middlemiss and Vermeulen

The Motion was LOST on the casting vote of the Mayor.

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ITEMS REFERRED BY THE COUNCIL

7.1 NAMING OF THE NEWLY CONSTRUCTED EARLY YEARS AND COMMUNITY CENTRE AT SOUTH STREET, MOE

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to further consider the proposed naming of the newly constructed centre at South Street (Ted Summerton Reserve), Moe, the “Moe PLACE” (People, Learning, Activity, Community, Education).

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.

And

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

The following key “Shaping our Future” themes are applicable:

- An attractive, connected and caring community,
- Attract, retain and support.

Strategic Direction – Governance

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

Service Provision – Our Community

Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.

Legislation

The *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010* seek to promote the use of consistent and accurate geographic names throughout the state.

The guidelines also provide a structure for ensuring that the assignment of names to features, localities and roads is undertaken in a way that is beneficial to the long term interests of the community.

Under the guidelines municipal councils are shown as the naming authority for features which are defined as “*a unique geographical place or attribute that is easily distinguished within the landscape*”.

Policy

There is no specific Council policy relating to the naming of features. The procedure is specified by the *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010*.

4. **BACKGROUND**

As part of its policy commitment to fund the construction of 260 new childcare centres across Australia by 2014, the Commonwealth Government of Australia announced Moe as one of the first locations to receive funding for these projects.

Moe was identified as one of ten locations in Victoria to be funded for a new centre. It is understood locations in this first round were given priority on the basis of socio-economic need and to fulfil Commonwealth Government election commitments. During the 2007 federal election campaign, the then Shadow Minister with responsibility for child care, Jenny Macklin, announced that funding would be provided to replace the Moe Early Learning Centre (MELC) with a new facility. The MELC provides quality Early Education and Care service to children from the Moe and surrounding areas. The MELC services are delivered from an outdated building that has limitations on the number of families that are able to access the service.

Latrobe City Council's commitment to making the Latrobe Valley 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 supported the Governments view that a new centre was required in the Moe area. The works undertaken at Ted Summerton Reserve have resulted in a clear community connection that supports Councils commitment to community connectedness and partnership opportunities.

The newly completed centre is built on Crown Land designated as a "*Public Hall and recreation Reserve*". A strong partnership was formed between all relevant user groups during the construction phase of the project. The partnership resulted in a formal agreement during 2010 and is now known as the 'Latrobe City, Moe Southside Community precinct' with user group representative members from:

- Moe Country Fire Brigade
- Moe Cricket Club
- Moe Football and Netball Club
- South Street Primary School (Moe)
- Moe Toy Library
- Latrobe City Council Ward Councillor
- Latrobe City Council Child and Family Services Management representative
- Latrobe City Council Recreational Liveability Management representative.

The user group was eager to suggest a name for the newly completed early years and community centre that captured all of the activities that would take place. It was agreed that it was important to select a name that encouraged access from all members of the community as well as encouraging use of the new facility by community groups.

At a user group meeting on 04 May 2011 Moe PLACE was identified as an appropriate name as it captures the key focus areas of the facility:

- People
- Learning
- Activity
- Community and
- Education.

Council initially consider this naming proposal at its meeting held on Monday, 7 November 2011 and resolved the following:

1. *That Council gives public notice of its intention to consider the proposal to name the newly completed early years and community centre at South Street, Moe, within the Ted Summerton Reserve "Moe PLACE" and invite comment on the proposal.*
2. *That any submissions that are received regarding the proposal to name the newly completed centre, South Street, Moe, within the Ted Summerton Reserve be considered at the Ordinary Council Meeting to be held on Monday 19 December 2011.*

5. **ISSUES**

The *Guidelines for Geographic Names* 2010 identify Council as the naming authority for a feature such as "Moe PLACE".

When naming a feature Council must give consideration to the 16 principles contained in the guidelines when determining whether a feature name is appropriate.

The following principles apply to this application:

Principle 1(A) Language

The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.

The proposed name is consistent with this principle.

Principle 1(B) Recognising the Public Interest

The guidelines state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a feature.

The proposed name “Moe PLACE” acronym will encapsulate the broad focus of the new centre.

Principle 1(C) Ensuring Public Safety

Geographic names must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.

“Moe PLACE” identifies the newly completed centre and the proposed name does not pose a risk to public safety.

Principle 1(D) Ensuring Names Are Not Duplicated

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.

“Moe PLACE” is a unique name and a search of the VICNAMES database has revealed no other registered feature containing similar wording.

Principle 1(F) Assigning Extent to Feature, Locality or Road

Council, as the naming authority, must define the area and/or extent to which the name will apply.

The name “Moe PLACE” will be applied to the new facility that has been constructed on part of the Ted Summerton Reserve.

Principle 1(G) Linking the Name to the Place

Place names should be relevant to the local area with preference given to unofficial names that are used by the local community.

The proposed name is for a newly completed centre meets these requirements and the proposed name has been put forward by the ‘Latrobe City, Moe Southside Community precinct’ user group.

Principle 1(H) Using Commemorative Names

Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.

This principle is not applicable.

Principle 1(J) Names Must Not Be Discriminatory

Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.

The proposed name is unlikely to cause offence to any member of the public.

Principle 1(M) Consulting With the Public

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal.

Council has now satisfied this principle by giving public notice of the proposed registration of "Moe PLACE" as an official feature name and inviting comment.

Principle 1(P) Signage

Naming authorities must not erect or display signage prior to receiving advice from the Registrar that the naming proposal has been approved, gazetted and registered in VICNAMES.

The existence of signage prior to lodging a naming proposal with the Registrar is not a valid argument for the name to be registered.

Signage has already been erected at the centre. In the event approval and registration of the name is not successful this would need to be removed. In the event that approval and registration of the name is successful the signage will be reviewed in an effort to assist with public recognition and understanding of the centre name.

The following two principles relate specifically to the naming of features and are also applicable to this request:

Principle 2(A) Feature Type

A feature type should be included in the feature name and located after the unique feature name.

PLACE is an acronym of the functions and services the new centre will provide and should satisfy this principle.

Principle 2(C) Locational Names

If choosing a name based on location the feature should be given the name of the official locality.

The proposed name is consistent with this principle as the proposed name makes reference to the locality of Moe.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with considering this proposal are minimal, being the cost of the public notice placed in the Latrobe Valley Express inviting public comment on the proposal.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

A public notice was placed in the Latrobe Valley Express on Monday 14 November 2011 inviting comment on the proposal.

Details of Community Consultation / Results of Engagement:

No formal submissions were received in response to the public notice.

8. OPTIONS

Council has the following options:

1. Resolve to register "Moe PLACE" as an official feature name and submit an application to the Registrar of Geographic Names to have it registered on VICNAMES.
2. Resolve not to register "Moe PLACE" as an official feature name which will require no further action.

9. CONCLUSION

The 'Latrobe City, Moe Southside Community precinct' incorporates a user group that is representative of the users of the Ted Summerton precinct. Members of the user group are eager to work together to encourage community use of the entire precinct, including the new early years and community centre.

The 'Latrobe City, Moe Southside Community precinct' user group has suggested the name Moe PLACE for the early years and community centre. It encompasses the functions and services that will be delivered from the building and the name should further encourage community members to form a connection with the facility, resulting in increased access and service delivery.

As the name is consistent with the *Guidelines for Geographic Names Victoria 2010* it is reasonable for Council to proceed with the process to have "Moe PLACE" registered as an official feature name by submitting an application to the Registrar of Geographic Names.

10. RECOMMENDATION

1. That Council, having given public notice and invited comment, resolves to register "Moe PLACE" (People, Learning, Activity, Community, Education) as an official feature name.
2. That Council submits an application to the Registrar of Geographic Names to register "Moe PLACE" (People, Learning, Activity, Community, Education) as an official feature name.

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

7.2 STATEMENT OF COMMITMENT TO RECONCILIATION

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the Statement of Commitment to Reconciliation 2011, together with the results of the community consultation, for Council 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 - Liveability

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.

Major Initiative

In consultation with the aboriginal community, review the Statement of Commitment to ensure continued recognition of our indigenous community.

Legislation – Aboriginal Heritage Act (2006)

Purpose

The main purpose of this Act is to provide for the protection of Aboriginal cultural heritage in Victoria.

4. BACKGROUND

On 6 March 2000, Council resolved to adopt the original Statement of Reconciliation and Commitment which has led to improved relationships with the local Aboriginal community. Council's adoption of the Statement of Reconciliation and Commitment has led to activities such as celebrating days of Aboriginal significance including Reconciliation week, acknowledgement of the Braiakaulung people as the traditional owners, the establishment and ongoing support for the Indigenous Employment Project and supporting NAIDOC week.

In accordance with the action in the Latrobe City Council Plan 2011-2015 a draft Statement of Commitment to Reconciliation 2011, which included stakeholder input, was presented to Council at the Ordinary Council meeting held on 17 October 2011. Council resolved as follows:

1. *That Council release the draft Statement of Commitment to Reconciliation 2011 for consultation for a six week period in accordance with Council's Community Engagement Plan 2010 – 2014.*
2. *That following the community consultation process, a further report be presented to Council on the Statement of Commitment to Reconciliation 2011 incorporating community feedback.*

Further community consultation has now taken place with community feedback resulting in some amendments to the draft Statement of Commitment to Reconciliation. The majority of the responses supported the Statement of Commitment to Reconciliation 2011.

5. ISSUES

The original Statement of Reconciliation and Commitment was a four part document that included a Statement of Commitment to the Indigenous People, a Statement of Reconciliation, explanatory notes and recommendations. These documents are included as attachment 2.

The time elapsed since the adoption of the Statement of Reconciliation and Commitment has seen a range of changes in the policy landscape as well as aboriginal and broader community societal changes.

It was recognised by the Braiakaulung Advisory Committee that a revised statement needed to be succinct and easily understood to enable greater support from the local Aboriginal Community. Legislation has been introduced since the adoption of the original Statement of Commitment that reinforces the need for a review. The Aboriginal Heritage Act (2006) prescribes the manner in which sites of significance are managed.

The Statement of Commitment to Reconciliation 2011 identifies seven key themes, being:

1. Traditional Owners
2. Respect for Culture
3. Recognition
4. Connection with the Environment
5. Equity and Fairness
6. Identity, Customs and Beliefs
7. Working Together.

Reconciliation Australia encourages government departments, organisations and agencies to develop Reconciliation Action Plans (RAP). These are about turning good intentions into real actions. It is proposed that the Statement of Commitment to Reconciliation 2011 will guide the development of a RAP for Latrobe City.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The adoption of the Statement of Commitment to Reconciliation 2011 does not result in any additional costs to Council.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

A collaborative approach was used in the development of the revised Statement of Commitment to Reconciliation 2011. Feedback on the statement has been sought from a wide range of community members and agencies.

These included the aboriginal community, service agencies and organisations, the broader community, individual community members and State Government departments.

The draft Statement of Commitment to Reconciliation was distributed and promoted for comment through a range of avenues. Community members were invited to reply to the draft in whatever manner was most suitable to them. The method of distribution included:

- Community consultation and distribution of the draft.
- The draft was sent to those community members who have email.
- Copies of the draft Statement of Commitment to Reconciliation were sent to postal addresses.
- The Draft Statement of Commitment to Reconciliation was posted on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

The following table outlines key milestones in the consultation process.

June 2010	<ul style="list-style-type: none"> • The Braiakaulung Advisory Committee agreed the Statement of Commitment to Reconciliation needed updating. • A revised document was drafted based on the feedback from the Braiakaulung Advisory Committee.
August 2010	<ul style="list-style-type: none"> • The first revised Statement was presented to the Braiakaulung Advisory Committee for consideration and feedback. • The Braiakaulung Advisory Committee provided feedback on the Statement that the word Indigenous should be replaced with Aboriginal as the word Indigenous is used in a variety of settings, e.g. flora and fauna, whereas Aboriginal is a more defining term.

December 2010	<ul style="list-style-type: none"> • The Braiakaulung Advisory Committee was presented with the redrafted Statement and feedback sought. • The redrafted Statement was distributed through local networks established within the Community Development department.
18 March 2011	<ul style="list-style-type: none"> • Feedback Sheets were developed and distributed to guide and facilitate responses. Five completed Feedback Sheets were received resulting in minor amendments to the draft Statement.
October 2011	<ul style="list-style-type: none"> • Following the Ordinary Council meeting on 17 October 2011, further community consultation has taken place. This included distribution to networks through the Department of Planning and Community Development, the Braiakaulung Advisory Committee, local Aboriginal elders and posting on the Latrobe City Council web site. • Feedback received was of a positive nature.

Outcomes of Consultation

A total of 7 submissions were received.

The following table shows the responses to questions.

The questions asked in the seeking feedback included:

What do you think about the revised Statement of Commitment to Reconciliation?

Does the statement clearly identify the key themes?

Do you approve of this being adopted by Latrobe City as the revised Statement of Commitment to Reconciliation?

Submission received from	Support / Objection	Comments/Issues	Officer Comments/Change to Report	Change to Report
Community member Age bracket 30 – 40 years	Supports the Statement	The submitter states that: The draft has been put into words that can be understood and shows respect for the culture The Statement clearly identifies the key themes.	Comments noted	No
Community member Age bracket 15-20 years	Supports the Statement	Agrees and understands the revised Statement of Commitment to Reconciliation Believes the Statement clearly identifies the key themes and supports the adoption of the revised Statement of Commitment to Reconciliation	Comments noted	No
Community member Age bracket 15 – 20 years	Supports the Statement	Agrees and understands the revised Statement Believes that the Statement clearly identifies the key themes.	Comments noted	No
Community member Age bracket 20 -30 years	Supports the Statement	Agrees with and understands the Statement of Commitment to Reconciliation and believes the Statement clearly identifies the key themes.	Comments noted	No
Community member Age 28 years	Supports the Statement	Thinks it is very good to have the revised Statement for the community. The submitter believes that it does identify the main themes that the community members would like to see.	Comments noted	No
Community member	Doesn't support the Statement	To the question of thoughts about the revised Statement the submitter commented that the darkness of the background artwork made it difficult to read and understand. Clarification was raised as to the ownership of the document. Specifically with the use of the word 'we'.	Comments noted. Changed background of poster and member informed of change. "We" has been changed to Latrobe City Council.	Yes
Community member	Supports the Statement	The submitter thought the draft was well thought out. Some changes were highlighted.	An incorrect phrase has been deleted.	Yes

8. OPTIONS

Council has the following options:

1. Adopt the Statement of Commitment to Reconciliation 2011.
2. Not adopt the Statement of Commitment to Reconciliation 2011.
3. Amend and adopt the Statement of Commitment to Reconciliation 2011.

9. CONCLUSION

The Statement of Commitment to Reconciliation 2011 is an important document which demonstrates Council's ongoing commitment to the reconciliation process. Council's commitment to reconciliation is well regarded by the local Aboriginal community. The renewal of Council's commitment will contribute to an ongoing positive relationship with our local Aboriginal community and wider Aboriginal communities.

The Braiakaulung Advisory Committee has been actively involved in the review and is supportive of the Statement of Commitment to Reconciliation 2011.

Consultation has been undertaken with the community and as a result of this some minor amendments have been made to the Statement of Commitment to Reconciliation 2011, which is now presented to Council. These changes include reference to the art work, formatting and grammatical corrections.

10. RECOMMENDATION

1. That Council adopts the Statement of Commitment to Reconciliation 2011.
2. That the Braiakaulung Advisory Committee be thanked for their contribution to the review of the Statement of Commitment to Reconciliation.
3. That the community members who provided feedback be thanked for their input to the review of the Statement of Commitment to Reconciliation.
4. That the Statement of Commitment to Reconciliation 2011 be displayed in council service centres.

Moved: Cr Gibson

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1



Statement of Commitment to Reconciliation

Traditional Owners

Latrobe City Council acknowledges the Braiakaulung people were the occupiers and traditional owners of the land that is now known as Latrobe City prior to colonial settlement.

Respect for Culture

Latrobe City Council's commitment to reconciliation is underpinned by respect for the rich and complex nature of Aboriginal and Torres Strait Islander culture. The richness of traditional language and the diversity and strength of Aboriginal people is valued.

Recognition

Latrobe City Council apologises for the pain, grief and suffering experienced by Aboriginal people as a result of past laws, government policies, actions and attitudes. Latrobe City Council expresses deep sorrow that these actions and attitudes have occurred and has determined that such occurrences will not be repeated. Latrobe City Council acknowledges the ongoing effects of such practices on the lives of Aboriginal people who continue to be disadvantaged from the effects of their displacement from their families, their land and traditional culture.

Connection with the Environment

Latrobe City Council recognises the distinctive and special spiritual and material relationship that Aboriginal people have with the land and water including trees, rocks, hills, valleys, creeks, rivers and flood plains of the Latrobe City. Latrobe City Council recognises the historical and environmental significance of sacred sites and special features of the city.

Equality and Fairness

Latrobe City Council is committed to ensuring equal access to a fair system which protects the rights of individuals and is responsive to community needs.

Identity, Customs and Beliefs

These needs include recognition of Aboriginal and Torres Strait Islander rights that relate to areas such as identity, culture, religion and language, cultural and intellectual property, land, customs, traditions and freedom from discrimination.

Working Together

Latrobe City Council recognises the importance of working in partnership with Aboriginal and Torres Strait Islander people. Latrobe City Council uses consultation, inclusion and empowerment wherever possible to ensure Aboriginal and Torres Strait Islander culture is promoted, maintained and developed.

Cr Ed Vermeulen
Mayor

Artwork: Coming together as one, Ronald Edwards, 2010



Latrobe
City
a new energy



ATTACHMENT 2

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LATROBE CITY COUNCIL STATEMENT OF COMMITMENT TO THE INDIGENOUS PEOPLE

PREAMBLE

This document has been developed and produced on behalf of the people of Latrobe City Council, through a consultation process between the Braiakaulung Advisory Committee's members from the Latrobe City Council Indigenous and non-Indigenous communities, Latrobe City Council, staff and Councillors.

The Latrobe City Council recognises that the Indigenous peoples of Australia are the traditional occupants of the country.

This Statement of Commitment is intended to form a basis for:

- Advocacy on behalf of the Indigenous members of the Braiakaulung Nation to ensure the principles and commitment of this Statement are upheld.
- Promotion of local Indigenous cultural heritage in a way that is significant and respected, and desired by the Indigenous people.
- Recognition and support for the Braiakaulung Advisory Committee in its role of advising Latrobe City Councillors and staff on programs and activities, eg. NAIDOC and National Reconciliation Week.
- Identification and protection of Indigenous sites of cultural significance.
- Encouragement of local Indigenous businesses to establish or grow enterprises with the Latrobe City Council, acknowledging the guidelines of the Small Business Development Fund.
- Consultation with local Indigenous people for Indigenous names for appropriate places within the Latrobe City Council boundary.
- Recognising the rights of all Indigenous Australians as outlined in the draft United Nations Declarations on the Rights of Indigenous Peoples.
- An ongoing Indigenous Cultural Awareness Program to be implemented for the benefit of all Latrobe City Councillors and staff.

LATROBE CITY COUNCIL STATEMENT OF RECONCILIATION

- Latrobe City Council recognises that the Braiakaulung people were the occupiers and traditional owners of the land that now comprises Latrobe City Council prior to Anglo/European settlement.
- The Indigenous residents of Latrobe Valley recognise the commitment of the Latrobe City Council in working towards the reconciliation of all people of the Latrobe Valley.
- Latrobe City Council apologises for the pain, the grief and the suffering experienced by Australian Indigenous people as a result of past laws, government policies, actions and attitudes. The Latrobe City Council expresses deep sorrow that these actions and attitudes have occurred and has determined that such occurrences will not be repeated.
- Latrobe City Council acknowledges the ongoing effects of such practices on the lives of Indigenous people who continue to be disadvantaged from the effects of their displacement from their families, their land and traditional culture.
- Latrobe City Council commits itself to an ongoing Aboriginal Reconciliation process.
- Latrobe City Council recognises the distinctive and special spiritual and material relationship that Indigenous people have with the land and the water, including trees, rocks, hills and valley creeks, rivers and flood plains of the Latrobe Valley.
- Latrobe City Council recognises the historical and environmental significance of sacred sites and special features of the Latrobe Valley.
- Latrobe City Council recognises the richness of traditional language.
- Latrobe City Council recognises the value of the diversity and strength of Indigenous people and cultures to the heritage of all Australians, particularly the past custodianship of the land and the water; and also contributions made to many other areas of our human endeavour including academic, agricultural, artistic, economic, environmental, legal, religious, social, sporting and political endeavours.
- Latrobe City Council recognises the inherent contribution made by Indigenous people and development of this area.

EXPLANATORY NOTES TO STATEMENT OF RECONCILIATION

- Latrobe City Council apologises for those acts, which have caused pain and grief, and understands that such things must not happen again.
- Latrobe City Council understands that an apology cannot undo the past, but must include within the apology a determination to rectify the hurt.
- Latrobe City Council will demonstrate its determination through its own practices and policies.
- Latrobe City Council recognises that many Indigenous families and individuals still suffer from the effects of displacement, including education, economic, employment, health and social disadvantage.
- Latrobe City Council recognises that its future must be built on acknowledgment of the past and reparation of hurt.
- Latrobe City Council will make serious and sincere attempts to implement the statements in this document. This will be reflected in civic structure and activities, staff awareness and training programs, community education, environmental activities and community services and all other areas of Council responsibility.
- Latrobe City Council will consult with local Elders to initiate a policy of, wherever possible and appropriate, using traditional language placenames.
- Wherever possible significant sites will be identified and protected. Where appropriate, such sites will be described for the community in such a manner that reflects their significance to its traditional owners and to the community in general.
- Future development must always be within Federal and State environmental, heritage and Indigenous heritage legislation. The Latrobe City Council will continue to protect the environment to the best of its ability, bearing in mind the environmental keeping practices of its traditional owners.
- Latrobe City Council will honour the achievements of Indigenous residents of the Shire equally with all other residents.

RECOMMENDATIONS

Latrobe City Council will:

- Consult with, and develop, a positive ongoing relationship with the Braiakaulung people and their representatives.
- Publicly acknowledge the contribution of Braiakaulung history wherever and whenever appropriate.
- Ensure that Councillors and staff have an adequate understanding of reconciliation issues.
- Require that the Indigenous Flag is flown on May 27th (Reconciliation Day), throughout NAIDOC Week., on Australia Day (but not to the exclusion of the Australian Flag), on National Sorry Day, and any other dates which may be deemed appropriate.
- Facilitate the employment and/or traineeship of Indigenous people.
- Set aside specific exhibition space at libraries, the council offices, and parks and gardens, for the purposes of promoting Reconciliation documents, posters, history, cultural material, information plaques, etc., by way of:
 - Memorials, plaques, etc, to be constructed and/or facilitated in public places
 - Significant sites to be identified, protected and described appropriately
 - Significant environmental sites to be reinstated
 - Traditional placenames to be used as appropriate
 - Funding of a resource/educational kit which promotes the Latrobe City Council's policy and Indigenous history and culture
- Promote Reconciliation throughout its community, by:
 - Supporting regular Braiakaulung and other Indigenous cultural events
 - Setting aside land to the Braiakaulung people for the purposes of joint community use and environmental projects
 - Supporting a community art project with a permanent outcome, eg. pathway, ornamental wall, outdoor sculpture, etc.
- Support the Braiakaulung Advisory Group as a Council sub-committee.
- Regularly review the Latrobe City Council's Reconciliation achievements.
- Fulfil an educative role in promoting the principles of Reconciliation.
- Provide tangible opportunity or opportunities which will redress disadvantage and which will promote awareness of Indigenous history.

7.3 PARKING RESTRICTIONS IN HENRY STREET, TRARALGON

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

1. PURPOSE

The purpose of this report is to provide Council the outcomes of an investigation into implementing time restricted marked parking zones with resident exemptions in Henry Street, between Breed Street and Albert Street, Traralgon.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

“In 2026, Latrobe valley benefits from a well planned built environment that is complementary to it’s surroundings and which provides for a connected and inclusive community.”

Latrobe City Council Plan 2011 - 2015

Service Provision – Built Environment

“Provide Traffic Management planning, advice and services for Latrobe City.”

4. BACKGROUND

At its 7 November 2011 Ordinary Meeting, Council resolved;

That Council officers investigate implementing time restricted marked parking zones with resident exemptions on Henry street, between Breed street and Albert street, to reduce the impact of business clientele parking from Breed street, and report back to Council by the second meeting in December with recommendations.

The subject area is zoned partly Residential 1 (R1Z) and partly Business 5 (B5Z) under the Latrobe Planning Scheme. Currently there are no parking restrictions for on-street parking in Henry Street, Traralgon between Breed Street and Albert Street with the exception of two bus zones; one located on each side of the road. There is currently provision for eight vehicle spaces in this section of Henry Street, Traralgon.

There are eight properties which abut this section of road; one property is a private commercial business which has provision for five on-site parking spaces. One lot is vacant and the other six are residential properties all having a minimum of two off-street parking spaces.



5. ISSUES

In January 2010 Latrobe City Council engaged consultants to prepare the Traralgon Activity Centre Plan (TACP), including establishing a Parking Strategy and associated Parking Precinct Plan.

In February 2010, a background car parking assessment study was undertaken in the Traralgon Activity Centre. The study included the area of Henry Street between Breed and Mabel Streets. Albert Street is within this study area. The consultants report indicated a maximum of three vehicles parked in this section of Henry Street during peak parking periods. The background car parking assessment indicated that on-street parking within this area had a utilisation rate of less than 85% and was therefore not considered to be 'stressed'.

For the week commencing the 14 November 2011 Council's Local Law's team conducted further inspections, twice a day, of this section of Henry Street to determine any recent changes in pressure from on-street parking. Local Law's officers noted that there were sufficient parking spaces available during all inspections.

Latrobe City Council does not currently have a Local Law or policy that includes resident exemptions to on-street parking restrictions. If such permit zones were to become available to residents, a policy would need to be developed and Local Law No 2 would require amendment.

If this option was pursued community consultation would be required, in accordance with the Latrobe City Community Engagement Plan 2010-2014 as this would be a precedent to a Residential Permit Zone System.

To address any potential parking issues, a number of options are available;

- 1) Implement parking restrictions, with resident exemptions in Henry Street, between Breed Street and Albert Street. This would involve:
 - a. Undertake community consultation in accordance with Councils Community Engagement Plan;
 - b. Amend Local Law No 2;
 - c. Resources to administer the issue and renewal of permits to the residents;
 - d. Resources to enforce the time restriction and the resident permits; and
 - e. Installation and maintenance of the associated infrastructure (e.g. signage).

- 2) Implement new parking restrictions in Henry Street between Breed Street and Albert Street. This would involve:
 - a. Undertake community consultation in accordance with Councils Community Engagement Plan;
 - b. Resources to enforce the time restriction and the residential permits; and
 - c. Installation and maintenance of the associated infrastructure (e.g. signage).
- 3) Take no action at this time but continue to monitor parking conditions in the subject area for a six month period and provide a further report to Council.
- 4) Continue to consider the area in Henry Street, between Breed Street and Albert Street as a part of the TACP Parking Precinct Plan (including as part of the 'Parking Precinct Plan Working Group').

6. FINANCIAL AND RESOURCES IMPLICATIONS

The financial cost to Council for options one and two include installation of signage infrastructure, community consultation and advertising of changes would be approximately \$1000.

There is no financial cost to Council for options three and four.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

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

Discussions have been held with Council's Local Laws officers on the parking levels occurring in the area of Henry Street and surrounding streets.

Details of Community Consultation/Results of Engagement:

Council's Local Law's team found that there were parking spaces available during all inspections.

8. OPTIONS

Options available include:

1. Implement parking restrictions, with resident exemptions in Henry Street, between Breed Street and Albert Street.
2. Implement new parking restrictions in Henry Street between Breed Street and Albert Street.
3. Take no action at this time but continue to monitor parking conditions in the subject area for a six month period.
4. Continue to consider the area in Henry Street, between Breed Street and Albert Street as a part of the TACP Parking Precinct Plan.

9. CONCLUSION

Council officers investigated implementing time restricted marked parking zones with resident exemptions on Henry Street, between Breed Street and Albert Street, to reduce the impact of business clientele parking from Breed Street, Traralgon.

Results from a detailed background assessment undertaken as part of the TACP project showed that there is currently no on-street parking stress experienced within this area.

This was further confirmed by Council's Local Law's team who monitored the parking over a one week period during November 2011 and noted that there were parking spaces available on all inspections.

There is no evidence to justify implementation of time restricted marked parking zones with resident exemptions in Henry Street, between Breed Street and Albert Street, to reduce the impact of business clientele parking from Breed Street, Traralgon.

10. RECOMMENDATION

1. That Council notes the report and takes no further action at this time regarding parking restrictions in Henry Street, Traralgon between Breed Street and Albert Street.
2. That Henry Street, between Breed Street and Albert Street be considered as a part of the Traralgon Activity Centre Plan – Parking Strategy and associated Parking Precinct Plan.

ALTERNATE MOTION

Moved: Cr Harriman

Seconded: Cr Gibson

That the Motion be adopted.

1. That Council mark out the area of the bus stops, fire hydrant, and post box on Henry Street between Breed Street and Albert Street.
2. That Henry Street, between Breed Street and Albert Street be considered as a part of the Traralgon Activity Centre Plan – Parking Strategy and associated Parking Precinct Plan.

CARRIED UNANIMOUSLY

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7.4 **PLANNING PERMIT APPLICATION 2010/384 - TWO LOT
SUBDIVISION AT 85 FRASERS ROAD, HAZELWOOD**
AUTHOR: General Manager Built and Natural Environment
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/384 for a two lot subdivision at 85 Frasers Road, Hazelwood.

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: 85 Frasers Road Hazelwood, known as Lot 3
Plan of Subdivision 302490
Proponent: W J Leviston and J Leviston
c/-Beveridge Williams & Co P/L

Zoning:	Part Farming Zone, Part Special Use Zone Schedule 5
Overlay	Part Design and Development Overlay Schedule 1, Part Environmental Significance Overlay Schedule 1 (ESO1), Part State Resource Overlay Schedule 1 (SRO)

A planning permit is required to subdivide land in accordance with the following clauses of the Latrobe Planning Scheme (the Scheme):

- Clause 35.07-3 (Farming Zone);
- Clause 37.01-3 (Special Use Zone);
- Clause 42.01-2 (Environmental Significance Overlay);
- Clause 43.02-3 (Design and Development Overlay).

It should be noted that there is no planning permit trigger for the proposal under the SRO provisions.

The planning application was initially presented to Council for consideration at the Ordinary Council meeting on 5 December 2011. The following resolution was passed:

That Council defer consideration of this matter until the next Ordinary Council Meeting.

The content of the initial report has not been altered as a result of the motion.

4.2 PROPOSAL

The proposal seeks to subdivide the subject site into two lots, in accordance with the submitted plan of subdivision (dated 12 October 2010), as follows:

- Lot 1 is to be vacant, with a frontage of 169m to Frasers Road along its western boundary, and an area of 45 hectares. The northern part of Lot 1 is to be located within the land zoned Special Use, and the southern part is to be located within the land zoned Farming.
- Lot 2 is to accommodate the existing dwellings, outbuildings, driveway and wastewater management system. Lot 2 is proposed to be 21.7 hectares in area, with a frontage of 275m to Frasers Road along its western boundary. Lot 2 is to be located wholly within the Farming Zone.

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

Subject Land:

The subject site is located on the east side of Frasers Road, 325m north of the intersection with Hazelwood Estate Road.

As submitted by the applicant, the site currently accommodates two dwellings with associated outbuildings grouped in the centre of the land.

The site has access to Frasers Road via a gravel driveway. It is affected by two gas supply easements in its northern portion.

The site is irregular in shape, with a total area of 66.73 hectares. It abuts Frasers Road for a distance of 346m along the western boundary into two parts, on each side of a dwelling that was excised from the larger farm.

It is predominately cleared of vegetation and is currently used for grazing cattle.

Surrounding Land Use:

Surrounding allotments are used for grazing cattle and/or rural residential purposes in the Farming Zone.

The Hazelwood Power Station cooling pond is located approximately 600m to the northwest of the site, on the north side of Switchback Road.

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

As shown on the locality map, there are a number of existing dwellings within the area bound by Hazelwood Estate Road, Frasers Road, Arnolds Road and Switchback Road at a range of densities.

Frasers Road is a bitumen sealed road with rural style drainage.

The central activity district of Churchill is located 4.45km to the east of the subject site. It comprises a range of community and commercial facilities.

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

State and Local Planning Policy Framework

There are a number of state and local planning policies that apply to the consideration of this application.

In particular the Agriculture State Planning Policy is to protect the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework are as follows:

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones*
- *Restructure old and inappropriate subdivisions.*

The Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.07-5 (Agriculture Overview), further states that *'there remains a need to improve dairy industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries.'*

One of the strategies under Clause 21.07-5 of the Scheme is to *'limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use'.*

As explained in the next section of this report, the proposed subdivision does not meet the objectives and/or strategies of the above State and Local Planning Policy Framework, and the various policies.

Subdivision in a Farming Zone

The majority of the subject site is zoned Farming, of which the purpose is to use and encourage the retention of agricultural land for agricultural activities. Within the Farming Zone, the minimum lot size is set out in its schedule at 40 hectares.

Clause 35.07 however provides for the granting of a permit to allow the creation of a lot below the minimum size if the lot is for an existing dwelling excision. Decision guidelines for such subdivisions include consideration of (amongst other things):

- *Whether the use or development would support and enhance agricultural production*
- *Whether the use or development would permanently remove land from agricultural production*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The subject site has an overall area of approximately 65 hectares, and is currently used for grazing purposes. As submitted by the applicant, *'the soils (of the subject site) are good and have supported a grazing enterprise for a number of years'*. The site is considered productive in agricultural terms and as discussed above, the State and Local Planning Policy Framework requires that it should be protected for agricultural purposes.

It is considered that the loss of 25 hectares of land being excised for the existing dwelling on Lot 2 would diminish rather than enhance the agricultural potential of the overall subject site.

There is also concern that a dwelling that may be subsequently constructed on Lot 1 would result in further fragmentation of that land, and a proliferation of dwelling density in the Farming Zone. This outcome is specifically discouraged under clause 11.05-3 of the Scheme.

Whilst the current application only relates to subdivision and it does not seek approval for the use or development of any additional dwellings, it should be noted that pursuant to Clause 65.02 of the Scheme, before deciding on an application to subdivide land, the responsible authority must consider (amongst other things) the existing use and possible future development of the land and nearby land.

Concerns relating to the possible use and development of a dwelling on Lot 1 are therefore legitimate, particularly in consideration that Lot 1 is proposed to be 45 hectares, and a 'dwelling' is an 'as-of-right' (i.e. no planning permit required) use and development on a lot of greater than 40 hectares pursuant to Clause 35.07 (Farming Zone) of the Scheme.

On the above basis, it is reasonable to consider that the proposed subdivision does not meet the relevant agriculture objectives and/or strategies in the Scheme. In particular, the proposal is likely to disrupt the ongoing use of land for agriculture purposes, and to encourage the use and development of a dwelling on Lot 1 which is generally incompatible with the utilisation of the land for sustainable resource use.

Subdivision within a Coal Buffer Area

The subject site is partly zoned Schedule 5 to Special Use Zone (SUZ5), and affected by both Schedule 1 to the State Resource Overlay (SRO1) and Schedule 1 to the Environmental Significance Overlay (ESO1), which all relate to coal resources and coal buffers.

Pursuant to Clause 21.07-4 of the Scheme, buffer areas have been identified in the Scheme for the mutual protection of urban amenity and coal development within Latrobe Valley.

Some of the objectives relating to coal buffers which are also relevant to the proposal are:

- *To ensure that adequate spatial separation is provided between existing and proposed urban and industrial uses and existing or proposed coal development so as to reduce the likely effects of earth subsidence, the emission of noise, dust, fire hazard and visual intrusion.*
- *To provide for uses and developments which are compatible to coal development and ancillary services within the buffer area.*

Some of the strategies to implement the above objectives include:

- *To ensure that adequate spatial separation is provided between works associated with the proposed Morwell River Diversion and any proposed uses and development*
- *To encourage high amenity and low intensity uses of land such as farming and broad scale recreation uses.*

Accordingly, the use and development of land affected by coal buffer for agricultural purposes are generally considered to be appropriate, and are encouraged in accordance with Clause 21.07-4 of the Scheme.

However, the proposal to subdivide the land into two smaller lots is likely to diminish rather than enhance the agricultural potential of the overall subject site (as discussed in length under the 'Subdivision in a Farming Zone' section above). The proposal therefore is considered to be contrary to the purpose of the SUZ5, SRO1, ESO1 and the strategic direction of the Local Planning Policy Framework relating to coal buffer. These provisions all seek to encourage low intensity land uses, such as farming, as appropriate interim uses over coal resources in order to ensure the long term protection of coal resources in the Latrobe Valley.

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 the Department of Primary Industries (DPI), as the site is affected by the SRO and is partly zoned SUZ5.

DPI does not object to the proposal, subject to a restriction on the land to specify that no dwelling is to be constructed within the SUZ5 zoned portion of proposed Lot 1. Should a planning permit be issued, such a restriction must be included as a condition to the permit.

Internal:

Council's Infrastructure Planning team does not object to the granting of a permit for the proposed development, subject to a number of engineering conditions and notes.

The application was also referred to Council's Health Services team, and they do not object to the proposal.

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; or
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

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with Clause 21.07-5 of the Scheme, in terms of facilitating a subdivision that is likely to disrupt the ongoing agricultural use on the land.
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone, in particular the guidelines relating to agricultural issues.

- Inconsistent with the purpose of Schedule 5 to the Special Use Zone, Schedule 1 to the State Resource Overlay and Schedule 1 to the Environmental Significance Overlay, in terms of failing to protect coal resources and encouraging an incompatible interim land use over coal resources within the Latrobe Valley.
- Inappropriate having regard to the proper and orderly planning of the area, and therefore is inconsistent with Clause 65 (Decision Guidelines) of the Scheme.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal to grant a planning permit, for the subdivision of land at 85 Frasers Road in Hazelwood, more particularly described as Lot 3 Plan of Subdivision 302490, on the following grounds:
1. The proposal is inappropriate having regard to the proper and orderly planning of the area.
 2. The proposal is contrary to the purpose of the Farming Zone and the decision guidelines at Clause 35.07 (Farming Zone) of the Scheme, in particular the guidelines relating to agricultural issues.
 3. The proposed subdivision does not accord with Clause 21.07-5 of the Scheme, in terms of facilitating a subdivision that is likely to disrupt the ongoing agricultural use on the land.
 4. The proposal is contrary to the purpose of Schedule 5 to the Special Use Zone, Schedule 1 to the State Resource Overlay and Schedule 1 to the Environmental Significance Overlay, in terms of failing to protect coal resources and encouraging an incompatible interim land use over coal resources within the Latrobe Valley.

Cr White left the Chamber 8.20 PM due to an indirect interest under Section 78E of the *Local Government Act 1989*

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That the Motion be adopted.

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

- 2. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act which provides that the land will not be further subdivided as to create a smaller lot for an existing dwelling.**

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Prior to Statement of Compliance is issued, the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

 - a) a current title search; or**
 - b) a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title**
- 3. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land (Lot 1 only) under section 181 of the Act, which provides that the development of a dwelling on the Special Use Zone 5 component of Lot 1 is not allowed unless with the written consent of both the Department of Primary Industries and the Responsible Authority.**

The owner must pay the reasonable costs of preparation, execution and registration of the agreement.

Prior to Statement of Compliance is issued, the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

 - a) a current title search; or**
 - b) a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title**

4. No alteration is made to the existing surface level of the lot without first obtaining a permit to install a Septic Tank System from Council.
5. All wastewaters generated on the lot must be treated in a septic tank system as specified by the *Environment Protection Act 1970*.
6. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act, the applicant or owner must complete the following works to the satisfaction of the Responsible Authority:
 - a) The existing vehicle crossing providing access to the proposed Lot 2 from Frasers Road must be upgraded to Latrobe City Council standards for a rural culvert crossing including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.
 - b) A new vehicle crossing must be constructed for the proposed Lot 1. This crossing shall be constructed to Latrobe City Council standards for a rural culvert crossing including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres towards the property boundary. The vehicle crossing shall have satisfactory clearance to any underground services, power or Telecommunications poles, manhole cover or markers, or road reserve trees. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
7. The following conditions are required by Latrobe City Council pursuant to Clause 66.01 of the Scheme:
 - a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
 - b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.
8. This permit will expire if:
- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
 - b) the registration of the subdivision is not completed within 5 years of certification.

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

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

Note 1. A Latrobe City Works Permit must be obtained prior to the commencement of any development works that include the construction, installation, alteration or removal of a vehicle crossing. Although the vehicle crossing works may have been approved under a Planning Approval, the relevant fees, charges and conditions of the Works Permit will also apply.

Note 2. The land to which this permit applies is identified in the Latrobe Planning Scheme as containing a coal resource of State significance. The Mineral Resources (Sustainable Development) Act 1990 allows the Minister administering the Act to grant a mining licence over the coal resource which, subject to obtaining all relevant consents, may result in mining. Should you require any additional information please contact Department of Primary Industry on 136 186.

For the Motion

Councillor/s Harriman, Kam, Gibson, Middlemiss

Against the Motion

Councillor/s O'Callaghan, Price and Vermeulen

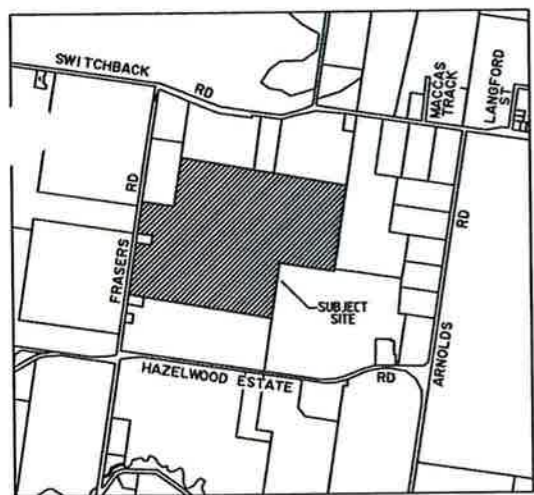
The Mayor confirmed that the Motion had been CARRIED

Cr White returned to the Chamber at 8.31 PM

ATTACHMENTS

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**ATTACHMENT 1
PROPOSED PLAN OF SUBDIVISION**



LOCALITY PLAN
TRARALGON
NOT TO SCALE



Beveridge Williams

development & environment consultants

Traralgon ph : 03 5176 0374

www.beveridgewilliams.com.au

ORIGINAL	
Scale 1:4000	Sheet Size A3
Dwg No PPS DGN	
Sheet 1 of 1	

PLAN OF PROPOSED SUBDIVISION

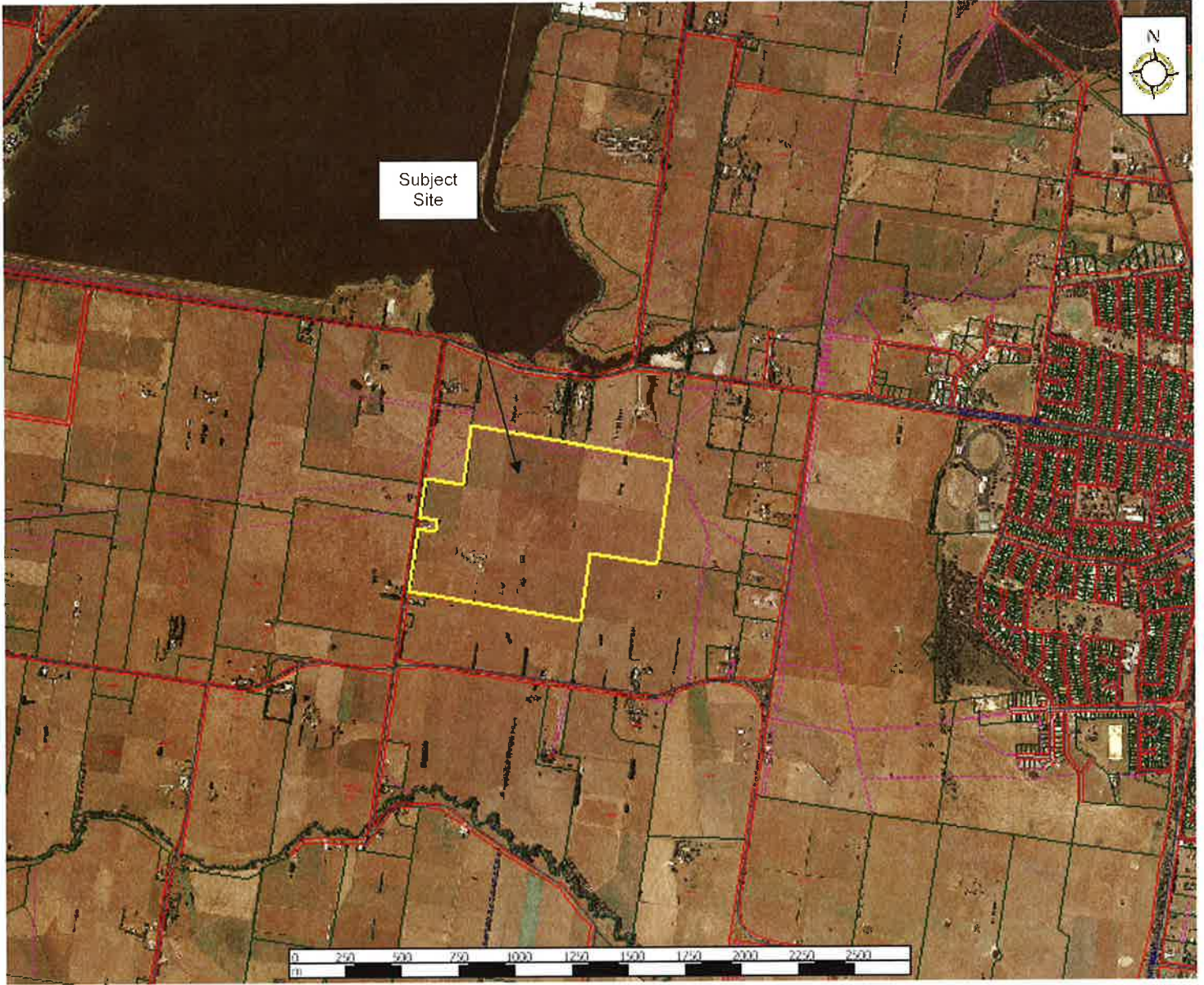
PREPARED	A. SPEIR
SURVEY	
CHECKED	P.G. DELL
DATE	12/10/2010
AUTHORISED FOR ISSUE	
Proj No	1001290

WAYNE & JOANNE LEVISTON

**85 FRASERS ROAD, HAZELWOOD
PS302490W LOT 3
C/T VOL 10044 FOL 155**

LATROBE CITY COUNCIL

**ATTACHMENT 2
LOCALITY MAP**



**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

29 November 2010	Planning Permit application received by Council.
22 December 2010	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers and by placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act</i> 1987 (the Act).
23 December 2010	The application was referred internally to Council's Infrastructure Planning and Health Services Department for consideration
23 December 2010	The application was referred externally to the Department of Primary Industries for consideration, pursuant to Section 55 of the <i>Act</i> .
11 January 2011	Council's Health Services team provided their referral comments and generally do not object to the proposal, subject to standard conditions relating to septic tank system.
31 January 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
31 January 2011	Council's Infrastructure Planning team provided their referral comments and confirmed that they have no objections to the granting of a permit subject to conditions relating to construction of appropriate vehicle crossing.
15 February 2011	A response was received from the Department of Primary Industries (DPI), advising their objection to proposal.
February 2011	The applicant requested verbally that the application be placed on hold until further notice, in order for him to discuss the matter further with DPI.
29 April 2011	A revised response was received from DPI, advising that DPI no longer objects to the application, subject to a number of standard notes being included on the permit (should one be issued).
August 2011	The application was meant to be considered by Council at the Council's Ordinary meeting on 5 September 2011. A report was also prepared by Council's Officer to recommend that the application be refused. However, as requested by the land owners, the application was later withdrawn from Council's meeting agenda for 5 September 2011, to enable further discussions.
September 2011	Meetings were held between Council's Officers and the land owners, to discuss ways to move the application forward. Alternative subdivision layouts were submitted to Council for informal consideration, however these alternative layouts were also deemed unsustainable and no resolution reached.

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

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05-3 – Rural Productivity
- Clause 14.01-1 – Protection of Agricultural Land

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.07-4 – Coal Buffers Overview
- Clause 21.07-5 – Agriculture Overview

Zoning:

The subject site is zoned part Farming, part Schedule 5 to Special Use Zone.

Overlays:

The subject site is not affected by the following overlays:

- Part Design and Development Overlay Schedule 1
- Part Environmental Significance Overlay Schedule 1
- Part State Resource Overlay Schedule 1

Particular Provisions:

n/a

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.

CORRESPONDENCE

9.1 CORRESPONDENCE RECEIVED FROM VICTORIAN PREMIER

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT - YES)

1. INTRODUCTION

The purpose of this report is to table a letter from the Victorian Premier that acknowledges Latrobe City Council's proposed approach to engaging the Federal and State Governments on the transition of the Latrobe Valley under a national carbon price.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

At its Ordinary Meeting held on 11 July 2011 Latrobe City Council resolved to:

1. *That Council note the overview of the Victorian Government Latrobe Valley Advantage Fund development and implementation.*
2. *That the Mayor write to the Premier of Victoria and the Prime Minister requesting a joint government taskforce be established to ensure that three levels of Government work together to ensure a low carbon transition for the Latrobe City community and economy.*

The Victorian Premier has responded by letter of 18 November 2011. He has commented on the \$30 million in funding offered to date by the Victorian State Government through the Latrobe Valley Industry and Employment Roadmap and the Latrobe Valley Advantage Fund. The Victorian Premier has also stated that the current package of \$200 million offered by the Commonwealth Government is insufficient.

As well as commending Latrobe City Council on its leadership to ensure its community is well represented in decision making on this important issue for Victoria, the Victorian Premier has acknowledged the critical work that local governments have undertaken, particularly to engage business and the community.

4. RECOMMENDATION

That Latrobe City Council note the Victorian Premier's letter.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Kam

That the Motion be adopted.

That Latrobe City Council write to the Victorian Premier thanking him for his reply and asking him for any further support and would he please meet with all Latrobe City Councillors.

CARRIED UNANIMOUSLY

ATTACHMENT**Premier of Victoria**

1 Treasury Place
Melbourne Victoria 3002
GPO Box 4912
Melbourne Victoria 3001
Telephone: (03) 9651 5000
Facsimile: (03) 9651 5054
Email: premier@dpc.vic.gov.au
DX210753

1 8 NOV 2011

Cr Darrell White
Mayor
Latrobe City Council
PO Box 264
MORWELL VIC 3840

LATROBE CITY COUNCIL		D11/140539
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Dear Mayor

Thank you for your recent letter regarding Latrobe City Council's proposed approach to engaging Federal and State Governments on the transition of the Latrobe Valley under a national carbon price.

Our Government's efforts to assist the Latrobe Valley with this important issue have been frustrated by the Commonwealth's lack of engagement around the design of the carbon tax scheme. This has led to an outcome which is likely to have major impacts for the Latrobe Valley.

Of particular concern to our Government, is the inadequate assistance to be provided by the Commonwealth to regions heavily affected by the carbon tax. The current package of \$200 million over seven years across all affected regions in the nation is clearly insufficient. This amount does not pay due respect to the difficult transition faced by regions, such as the Latrobe Valley, that will suffer job losses in the electricity generation sector and flow on effects to the rest of the regional economy. The Victorian Government recognises this significant challenge, which is why we committed to early assistance of \$5 million to deliver long-term job security and growth in the region through the Latrobe Valley Industry and Employment Roadmap (the Roadmap). This will build on the \$25 million Latrobe Valley Advantage Fund.

Our Government recognises the importance of the three tiers of Government working in partnership to achieve a smoother transition for the Latrobe Valley. The initial phase of the Roadmap's development has been progressed through a partnership approach with local stakeholders, including the Baw Baw, Latrobe City and Wellington councils.



Your details will be dealt with in accordance with the *Public Records Act 1973* and the *Information Privacy Act 2000*. Should you have any queries or wish to gain access to your personal information held by this Department please contact our Privacy Officer at the above address.

Although the initial Commonwealth Government support package is insufficient, the most effective means to allocate structural adjustment assistance is through an integrated planning approach which includes all tiers of government. That is why the Victorian Government has engaged with the Commonwealth and local governments to support the creation of a Latrobe Valley Transition Committee, to further develop the Latrobe Valley Industry and Employment Roadmap and advise on implementation of structural adjustment assistance.

I acknowledge the critical work that local governments have undertaken, particularly to engage businesses and the community, through the Gippsland Regional Plan and the Latrobe City Low Carbon Emissions Future Transition Committee. Recognising the importance of a partnership approach with the Latrobe Valley, at the direction of the Minister for Regional and Rural Development, Regional Development Victoria has met with councillors and sought formal engagement with local government in the broader transition process through the establishment of a Latrobe Valley Transition Committee

I commend the Latrobe City Council on its leadership to ensure its community is well represented in decision making on this important issue for Victoria.

Regards

A handwritten signature in black ink, appearing to be 'Ted Baillieu', with a large, stylized initial 'T' and 'B'.

Ted Baillieu MLA
Premier

Cc: Mr Peter Ryan MLA, Deputy Premier and Minister for Regional and Rural Development.

9.2 **CORRESPONDENCE RECEIVED FROM TONY WINDSOR MP,
INDEPENDENT MEMBER FOR NEW ENGLAND AND ROBERT
OAKESHOTT MP, FEDERAL MEMBER FOR LYNE**
AUTHOR: General Manager Economic Sustainability
(ATTACHMENT - YES)

1. INTRODUCTION

The purpose of this report is to table letters from Tony Windsor MP and Robert Oakeshott MP that acknowledge Latrobe City Council's letters to each MP, outlining Council's concerns about the carbon tax.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

On 17 October 2011 Latrobe City Council resolved to write to all members of the Federal Government Multi-Party Committee on Climate Change and the Victorian Premier as follows:

- a. *identifying that the Latrobe Valley will be the hardest hit region in Australia from the Carbon tax and resultant power station closures.*
- b. *requesting details of firm commitments by the Federal and State Governments to fund and develop new industries that create high skilled secure well-paid jobs in this region to replace those lost; in light of the comments below sourced from LCC Research & submissions and the Senate Select Committee Interim Report (Minority Dissenting ALP)*
 1. *'electricity generation accounts for 21 percent of Latrobe City's gross domestic product...and is the backbone of the local economy' (LCC 2008, 2011). 'The responsibility for solving our future employment problems rests totally with the Commonwealth and State Governments under no circumstances should we allow them to dodge this responsibility' (LCC 2011).*

2. *The very recent Interim (Minority Dissenting ALP) Report of the Senate Select Committee on Scrutiny of New Taxes: Carbon Tax Pricing Mechanisms states that 'the Latrobe Valley was identified by the Garnaut Review as a region severely affected by national emissions reductions. Brown coal electricity generation is one of the most emissions intensive industries in Australia and there may be limited opportunities for the employment of people who may be made redundant in the event of industry decline'. (p 269)*
3. *The Government Senators Report goes on to state: 'A comprehensive structural adjustment support package will be made available to the workforce of generators which contract with the Government to close. This includes personalised advice on searching for a job; career options and employment programs; information about local job vacancies and access to job search facilities; help with a resume and job applications; and advice on interview skills.'(p 318)*

Tony Windsor MP has responded by letter of 28 November 2011. Mr Windsor has provided some information about the need for a price on carbon to reduce emissions, and has welcomed Latrobe City Council's commitment to engage with the Australian Government regarding the challenges and opportunities of transitioning to a low carbon economy. Mr Windsor has also encouraged Council to continue to investigate not only the opportunities to access structural readjustment funding, but also the opportunities to attract new businesses in the industries of the future.

Robert Oakeshott MP has replied by letter of 22 November 2011 acknowledging that he received Council's letter and noting Council's intentions to engage with the Federal Government in relation to the Clean Energy legislation.

4. **RECOMMENDATION**

That Latrobe City Council note Tony Windsor MP's letter and Robert Oakeshott MP's letter.

ALTERNATE MOTION

Moved: Cr Gibson
Seconded: Cr Harriman

That the Motion be adopted.

1. That Council thanks Mr Oakeshott for the letter of response and the acknowledgement of our intentions to engage with the Federal Government in relation to the Clean Energy legislation.
2. That Council request answers to the following questions:
 - a) In light of yourself being one of the independents that helped form Government and introduced the Carbon tax are you prepared to support our community?
 - b) What actions are you prepared to act upon to assist the Latrobe Valley as we will either be the hardest hit community or one of the hardest hit in the country?
3. That Council thanks Mr Windsor for the letter of response and the acknowledgement of our intentions to engage with the Federal Government in relation to the Clean Energy legislation.
4. That Council request answers to the following questions:
 - a) In light of yourself being one of the independents that helped form Government and introduced the Carbon tax are you prepared to support our community?
 - b) What actions are you prepared to act upon to assist the Latrobe Valley as we will either be the hardest hit community or one of the hardest hit in the country?

For the Motion

Councillor/s Harriman, White, Price, Kam and Gibson

Against the Motion

Councillor/s O'Callaghan, Middlemiss and Vermeulen

The Mayor confirmed that the Recommendation had been CARRIED.

ATTACHMENTS

TONY WINDSOR B.Ec. MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Shop 5
259 Peel Street
TAMWORTH NSW 2340

All Mail: PO Box 963
TAMWORTH NSW 2340

Phone: 02 6761 3080

Toll Free: 1300 311 439

Fax: 02 6761 3380

E-mail: Tony.Windsor.MP@aph.gov.au

Web Page: www.tonywindsor.com.au

LATROBE CITY COUNCIL

INFORMATION MANAGEMENT

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Cr. Darrell White
Latrobe City Mayor
PO Box 264
Morwell VIC 3840

Dear Cr. White,

Thank you for your letter dated 9th November 2011 outlining your concerns about the carbon tax, which as you know will become an Emissions Trading Scheme with linkages to international carbon markets in 2015.

The overwhelming consensus of climate scientists who actively publish in the field is that greenhouse gases produced by humans are causing the climate to change, and that this will have a disastrous impact on our current way of life unless such emissions can be reduced. I believe the precautionary principle demands that we take action to minimise this risk. Indeed, an investigation by the Productivity Commission showed that many countries around the world are already taking action in various ways to reduce emissions. The great majority of economists tell us that the cheapest and most effective way of reducing greenhouse gas emissions is to put a price on carbon.

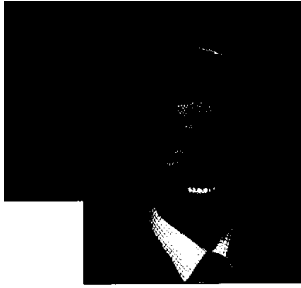
The carbon pricing package includes a range of measures - including tax cuts, increased welfare benefits and assistance for trade-exposed emissions-intensive industries - that are designed to protect Australian jobs and shield those least able to cope with any cost impact. However, the package also recognises that some regions will be affected more than others. Regions that are identified as disproportionately affected by carbon pricing will be able to access \$200 million in structural readjustment funding for programs such as economic diversification and small business support.

The carbon pricing package also includes an investment of more than \$13 billion in developing, commercialising and deploying clean energy projects. Many of the opportunities to produce clean energy exist outside of the cities, therefore many of the jobs that will be generated by renewable energy projects will be in country areas. Further opportunities will be created in country areas by the Carbon Farming Initiative, which provides a financial reward through the generation of carbon credits for improved management of land and landfills.

I welcome Latrobe City Council's commitment to engage with the Australian Government regarding the challenges and opportunities of transitioning to a low carbon economy. I would encourage Council to continue to investigate not only the opportunities to access structural readjustment funding, but also the opportunities to attract new businesses in the industries of the future.

Yours Sincerely,

Tony Windsor
Independent Member for New England



Robert Oakeshott MP

Federal Member for Lyne

Suite 1/75-77 Clarence Street
(PO Box 1112)
PORT MACQUARIE NSW 2444
Tel: 02 6584 2911
Fax: 02 6584 2922

Shop 6 Manning Arcade
20-24 Manning Street
(PO Box 330)
TAREE NSW 2430
Tel: 1300 301 836

PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Email: robert.oakeshott.mp@aph.gov.au

Web: www.roboakeshott.com

22 November 2011

Cr Darrell White
Mayor
Latrobe City Council
PO Box 264
MORWELL 3840

Dear Cr White

I acknowledge receipt of your recent letter outlining Council's concerns for the Latrobe Valley. I note Council's intentions to engage with the Federal Government in relation to the Clean Energy legislation.

Thank you for your correspondence.

Yours faithfully

ROBERT OAKESHOTT MP
MEMBER FOR LYNE
www.roboakeshott.com
ro:jt

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BUILT AND NATURAL ENVIRONMENT

**11.3.1 PLANNING PERMIT APPLICATION 2010/267 - USE OF LAND AS
A PLACE OF ASSEMBLY AT 1720 JUMBUK ROAD, JUMBUK**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/267 for the use of land as a place of assembly at 1720 Jumbuk Road in Jumbuk.

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: 1720 Jumbuk Road in Jumbuk (or particularly described as Crown Allotment 4 Section A Parish of Jumbuk being land contained in Certificate of Title Volume 09521 Folio 102)

Proponent: Ron Ellis

Zoning: Farming Zone (FZ)

Overlay: Wildfire Management Overlay (WMO)

A Planning Permit is required to use the land as a place of assembly for no more than 10 days in a calendar year pursuant to Clause 35.07-1 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application proposes to use the subject land as a place of assembly (to host music events or music / dance festivals) with details as follows:

- A total of up to 10 x 24-hour events each year (or equivalent to 240 hours each year). It should be noted that some events may run more than 24 hours, so that the combination in a year may be 1 event of 1 day, 3 events of 2 days and 1 event of 3 days and a total of 3 – 5 events;
- Hours of operation will differ for each event. A 2 day event may run for about 39 to 48 hours with non-stop music;
- Typically between 400 to 2000 attendees for each event;
- Sometimes include food stalls and craft stalls; and
- BYO only with no direct supply of alcohol from the organiser.

The activities and events that have taken place on the subject site to date which are mentioned in the supporting documentation have occurred without the relevant permits.

Refer to *Attachment 1* for further details of the proposal (provided by the applicant).

Subject Land:

The subject site is located at 1720 Jumbuk Road in Jumbuk.

The site is irregular in shape, with a frontage of approximately 500 metres to Jumbuk Road, an eastern boundary of approximately 1362 metres, a southern boundary of approximately 898 metres and a western boundary of approximately 1390 metres. The total area of the site is approximately 129.4 hectares.

Only a small portion of the land (mostly located within the northern end) is cleared and developed with a number of buildings, including manager's office / residence, cabins and stables. The remainder of the land is heavily vegetated.

The site is not affected by any easements.

The surrounding land uses and development are as follows:

North:	Three Crown Allotments which are all vacant and are heavily vegetated.
South, East & West:	A large parcel of land approximately 108 hectares that encompasses the south, east and west boundaries of the site. The land is owned by the Department of Sustainability and Environment and is a reserved forest.

It should be noted that the nearest dwelling is approximately 200 metres to the north of the subject site.

Whilst the site is located within the Farming Zone, there appears to be no agricultural uses or associated activities within the immediate surrounds of the site.

Please refer to *Attachment 2* to view a locality plan of the area.

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

Council Officers made several attempts to contact the applicant to request the additional information required by referral authorities as the information submitted was inadequate to make an appropriate assessment. The numerous attempts to contact the applicant were unsuccessful and the assessment of the application has continued without the required additional information.

SUITABILITY OF THE LAND

The subject site is in the Farming Zone and the use of land for the purpose of a place of assembly is a Section 2 use under Clause 35.07-1 of the Scheme with the requirement that it must not be used for more than ten days in a year.

One of the purposes of the zone, amongst other things, is to “*encourage that non-agricultural uses do not adversely affect the use of land for agriculture*”. As there appears to be no intensive agricultural uses or associated activities within the immediate surrounds of the site and given the physical constraints of the site (i.e. being heavily vegetated), it is unlikely the proposal would have any direct detrimental impact upon the use of land for agriculture.

However, the proposal has failed to meet other purposes of the Farming Zone, namely “*to encourage use of land based on comprehensive and sustainable land management practices, and to protect and enhance natural resources and the biodiversity of the area*”. As detailed in the discussions below, there is a lack of supporting information provided with the application, and it is unclear as to what measures will be in place to protect and conserve natural habitats of the area. Given the proposal seeks to use the land for the purpose of a place of assembly to host events with up to 2000 attendees, the potential environmental impact of the proposal is significant.

Accordingly, it is reasonable to consider that the proposal is not a suitable response to the site, in terms of the purpose for which the land is zoned.

TRAFFIC AND CAR PARKING

As part of the submission, the applicant has provided his own car parking assessment based on his experience in hosting events for up to 850 people and his discussions with some of Gippsland caravan park owners / managers. It should be noted that whilst it appears that the applicant has demonstrated that the site has the physical capacity to accommodate approximately 1000 people on site (or equivalent to around 330 cars based on the applicant's own car parking empirical data of 3 persons per car), it is not clear as to whether the site has the capacity to accommodate car parking requirements for up to 2000 people as requested in the application.

In addition, without a detailed traffic assessment report prepared by a suitably qualified traffic engineer, the submission has failed to satisfactorily assess the traffic impact associated with the proposal, particularly the capability of Jumbuk Road past O'Reilly's Hill Road to cope with the additional traffic.

An on-site inspection was undertaken by Council's Infrastructure Planning team, and it was found that along Jumbuk Road, from O'Reilly's Hill Road to Jumbuk Park entrance, the road is not sealed, is very narrow in places and cannot support continuous two-way traffic in some areas along the road.

Accordingly, a detailed traffic engineering assessment report must be submitted by the applicant, in order for Council to fully understand the anticipated traffic impact associated with the proposal and to make an informed decision on the application.

WASTE DISPOSAL & ENVIRONMENTAL IMPACT

As raised by both EPA Victoria – Gippsland and Council's Infrastructure Planning team, management of litter is a concern with such a high number of people present at one time. The submission has failed to address how litter will be managed including management of litter not placed in the appropriate receptacle.

Similarly, the submission has failed to address the issue of wastewater disposal. It is unclear as to whether on-site septic tanks are to be used and how the wastewater is to be treated within the boundaries of the site, without impacting upon adjoining and surrounding properties.

In consideration that the subject site is heavily vegetated, the impact of the proposal on natural habitats is of concern.

SOCIAL & ECONOMIC BENEFITS

The proposal brings a unique and potential economic opportunity to the Latrobe Valley. The events that could be held at such a facility have the ability to generate economic benefit for the local community. The applicant has indicated that some events may have food and craft stalls which could be sourced from the local community. There are also opportunities for local tourism operators to promote activities and attractions to visitors. Clause 11.05-1 of the Scheme aims '*To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*' Latrobe City Council has been identified as a major regional city and the approval of such a proposal could be an important link to attracting events into the municipality.

OBJECTORS CONCERNS

One submission in the form of an objection was received for the application.

The continued noise of excessive loud music

Officer comment

With respect to noise emissions to the adjoining and surrounding dwellings, the application has failed to submit a satisfactory noise management plan and failed to demonstrate how the proposal will comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

As suggested by EPA Victoria – Gippsland, further information should be provided by the applicant to demonstrate how the proposal will satisfactorily comply with this policy.

Interruption to daily activities

Officer comment

The proposal only seeks approval to use the land for the purpose of a place of assembly to host up to 10 x 24 hour events (or equivalent to up to a maximum of 240 hours) in a year. In consideration of the scale and frequency of events, it is reasonable to consider that the proposal is unlikely to cause any significant interruptions to the daily lives of the adjoining and surrounding residents.

Impact on wildlife and domestic animals

Officer comment

In consideration that the subject site is heavily vegetated, it is considered that concern relating to impact of the proposal upon wildlife animals is valid.

The proposal has failed to provide information in relation to the significance of vegetation on the land, and outline measures to protect and conserve natural habitats of the area.

Excessive increase in road traffic

Officer comment

A detailed traffic engineering assessment report must be submitted by the applicant to address this concern. Refer above for details.

Detrimental impact on the general public in terms of restricted access for evacuation in the event of bushfires or other emergency.

Officer comment

It is considered that in light of the scale of the proposed events (i.e. with attendees up to 2000 people); concerns relating to public safety particularly in the case of an emergency are valid.

Accordingly, an event management plan and an emergency management plan must be submitted by the applicant, in order for Council to fully understand the measures to be undertaken in case of emergency for the proposal, e.g. identification of evacuation routes, how fire trucks or ambulances are to access the site in case of emergency.

It is important for Council to fully appreciate the potential risk of the proposal on public safety and thereby to make an informed decision on the application.

This information has not been submitted and is necessary in order to make a proper assessment of the application.

In light of the new requirements of the Bushfire Management Overlay (BMO) previously the Wildfire Management Overlay (WMO) and the emphasis placed on the value of human life, the above plans are essential in making a full and comprehensive assessment of the application.

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, an A3 notice was displayed on the street frontage for a minimum of 14 days and public notice in two consecutive issues of the Latrobe Valley Express.

External:

As per Clause 66 of the Scheme, the application is exempt from the referral requirements of section 55 of the Act. It should be noted that no buildings and works are proposed as part of the application, therefore there is no section 55 (mandatory) referral trigger to the Country Fire Authority.

However, notices of the application were given to the Country Fire Authority, Victoria Police, Ambulance Victoria and the Environmental Protection Authority under Section 52(1)(d) (discretionary) of the Act.

The Country Fire Authority gave consent to the granting of a planning permit subject to appropriate conditions mainly relating to emergency planning, water supply, access and vegetation management.

The Environmental Protection Authority Gippsland provided consent to the granting of a planning permit with comments.

No response has yet been received from either Victoria Police or Ambulance Victoria at the time of writing.

Internal:

The application was referred to the following Council's internal departments:

Infrastructure Planning

Council's Infrastructure Planning team has requested an extensive list of supporting information to be provided, including:

- an event management plan;
- a traffic management plan;
- an emergency management plan;
- a fire safety management plan;
- a noise management plan;
- a security, activity containment and trespass prevention plan;
- a waste and litter management plan;
- an environment management plan; and
- a site plan which shows access roads, car parking, camping areas, toilets/showers, performance areas, market areas, workshop areas, food outlets, medical / first aid areas, rubbish bins and rubbish storage and water supply for fire fighting, drinking and sanitary use.

The applicant has failed to provide this information and therefore a full assessment of these issues has not been possible.

Health Services

Council's Health Services team has significant concerns relating to the scale of the proposal (i.e. with up to 2000 attendees for each event), as the toilet facilities currently provided on the land are insufficient and the submission has failed to demonstrate whether the existing septic tank system is to be upgraded or how many additional sanitary facilities are to be provided during event period. Other issues raised by Council's Health Services team include access arrangement, events during summer period when risk of bushfire is high, as well as public health and safety.

Building

It was advised by Council's Building Services team that depending on the scale of the events, a building permit may be required to erect tents or marquees greater than 100 square metres or if seating for more than 20 people is provided. Also issues relating to emergency access and provision of sanitary facilities were raised.

Details of Community Consultation following Notification:

One submission in the form of objection was received to the application.

A planning mediation meeting was held on 17 March 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 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.

If Council decides to issue a Notice of Decision to Grant a Permit, strong consideration must be given to the large amount of required documents as requested by internal and external referral authorities.

Without these documents it is difficult to assess the implications of allowing such events on the subject site, and there is some risk to Council including noise complaints, disposal of waste, danger to flora and fauna, also risk to public health and safety.

9. CONCLUSION

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone;
- Inconsistent with Clause 65 (Decision Guidelines); and
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. To a certain extent, the objection does form planning grounds on which the application should be refused; and
- Deficient of adequate information in order to undertake a proper assessment of the proposal.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal, for the use of land as a place of assembly at 1720 Jumbuk Road in Jumbuk (particularly described as Crown Allotment 4 Section A Parish of Jumbuk being land contained in Certificate of Title Volume 09521 Folio 102), on the following grounds:**
- 1. The proposal is inappropriate having regard to the proper and orderly planning of the area.**
 - 2. The proposal is inconsistent with the Purpose of the Farming Zone.**
 - 3. The proposal is deficient of adequate information to undertake an appropriate assessment of the proposal.**

Moved: Cr White

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

**ATTACHMENT 1
PLANNING SUBMISSION PREPARED
BY THE APPLICANT**

Application for Jumbuk Park to have a planning permit to use the land as a “Place of Assembly”.

I will now address, in order of your letter to me, dated the 18:03:2010, the items required by council for the submission of this planning permit.

- 1) A completed application form for a planning permit.
-Attached
- 2) A full current copy of title produced within the last 60 days.
- Attached
- 3) A written statement that contains the following information
 - i. Frequency of events held
 - ii. Hours of operation
 - iii. Number of people attending events
 - iv. Description of events
 - v. Liquor licensing

i) I am applying to be able to run up to a total of 10 x 24 hour days of events in 1 calendar year. So, I would expect that this would mean 3 – 5 events per year. eg. 1 event of 1 day, 3 events of 2 days and 1 event of 3 days.

Events need set-up time and pack-up time before and after the paying public come for the event itself. Sometimes a stage or marquee could be set -up with my approval, days before the event itself and clean-up of rubbish could still be happening days after everyone has gone home. Therefore this time is not included in the actual event time. So basically as a music festival event, the time between start and close of the music essentially defines the event time. If any quite times when the music was turned off occurs between the start and the end of the event, this time would still count in the event time.

ii) Each event will differ - and the council will know their specific details from their permit form. However, in general the events will start with the music starting most likely between Noon and 6PM and for example a 2 day event would run for about 39 -48 hours either with a lull or non-stop music and thus finish at 9am or Noon. So the festival goers can head home once the music/stage has closed down as in this example 9am – Noon.

iii) It is anticipated the events will typically have between 400 – 2,000 people attending.

iv) These events are essentially a Music Festival or Music/Dance festival with food stalls and some with craft stalls with clothes, crystals, massage or Friends of the Earth stall etc. It is expected that a local football club or sports or other organisation may well be invited to hold a fund raising sausage stall.

v) Jumbuk Park is not licensed to sell liquor nor will any group be able to book Jumbuk Park that sells liquor. So any alcohol consumed will be on a BYO bases only. Water, soft drinks, tea/coffee and food would be sold.

4)

i) and ii) Enclosed with the application are 3 copies each of 2 different site plans draw to scale. One showing the boundaries of Jumbuk Park (JP), with all existing buildings and natural features shown to scale. The second being an enlargement of the main areas important in this application and thus enabling council to check all my measurements in the table. (explained later)

iii) I have supplied an additional map showing the approximate location of my only neighbour.

5) Car Parking space and

6) Camping Areas

I believe the outcome is the same (discussed later) and have lumped these two components together.

5) and 6) I believe that this is a major part of this application and so I have taken a lot of time to evaluate, self inform and assess this section of the application. The enlarged map and additional site visits by council members can validate my measurements. Also I have added an explanation of the headings for my table plus added further points to consider re event numbers for this application.

Please read and understand my table and additional points before coming to your own conclusion.

It would have been so much easier for me and this application would have been submitted months ago, if council had dictated the required sizes for car parking and camping, for example, Council requires 12m squared or 6 x 2 m. per car space and a 3 x 2 m. space per person for camping. Instead I have had to work this out for myself and justify my answers for this application.

So to continuing answering 5) and 6) I had to come to an understanding myself of the **physical capability of how many cars and campers, Jumbuk Park could hold for music festivals**. To do this I have used the knowledge gained through the experience of the 2 festivals that Jumbuk Park has hosted to date (groups of 400& 850 respectively), spoke to a couple of Gippsland caravan park owners/managers to see what was the norm and have made assessments using a common sense approach. Knowledge gained includes the following points:

- a) Virtually all participants come by private vehicle rather than large vehicles such as 40 seater buses.
- b) On average about 3 people occupy 1 vehicle. This varies from 1-7 with 2-4 being the most common. Thus, I derived the mean of 3.
- c) Vehicles are most likely cars but some combie vans/camper vans and food vans are included.
- d) Most participants come for the duration of the event.
- e) A few come just for the main night of music and these plus a few of the others who stay longer , don't pitch tents and just take cat naps in their cars -say 15%
- f) Some campers sleep in swags.

- g) There is no traffic jam on arrival - at best a slow stream which goes on for 24 hours. So as an example 300 cars arriving over 24 hours means 1 car every 5 minutes. There are only ever 3-4 cars at the entrance gate together and maybe they come in a convoy anyway. However, most people arrive closer to the event start time and leave soon after the event close than at any other time.
- h) Early arrivals are directed to set-up in such a way so those arriving after them can camp close by without losing access to the full area.
- i) The vehicles are put away after arrival.
- j) Most of the tents are reasonably small (ordinary camping tents). A few larger tents sleeping larger numbers eg 20 with their cars parked close together also occurs.
- k) People are happy to camp close by their neighbours - they have in fact come in part for this shared experience combined with the music.

Jumbuk Park Property Table

Site	Location	Size m.	Area m ²	Topography	25m 2	30m 2	40m 2	60m 2
A	Managers House to Stables, left/ Northside	275 x 5	1375	Flat	55	46	34	23
B	Managers House to stables	200 x 10	2000	Flat	80	67	50	33
C	Stables mostly inside	Fixed	number	of campsites	14	14	14	14
D	Stables - behind	110x12 50x10 10x5	1870	Flat	75	62	47	31
E	School groups camping area	40x12	480	Flat	19	16	12	8
F	High Ropes Hill	80x40	3200	Flat	128	107	80	53
G	Hillside to Lake	100x50	5000	Hilly	83	83	83	83
H	Bet. managers house and Dining room	25x40	1000	Flat	40	33	25	17
I	Below shed 3 and Managers House	70x30	2100	Hilly	35	35	35	35
J	Bet. Dining room and minigolf	30x20	600	Hilly	10	10	10	10
K	Bet. Marquee and Craft room	40x40	1600	Hilly	27	27	27	27
L	The Flat	60x40	2400	Flat	96	80	60	40
M	Around Cabin 1	Fixed	number	of campsites	10	10	10	10
N	Cabin 2				8	8	8	8
O	Cabin 3				2	2	2	2
P	Cabin 4				3	3	3	3
Q	Cabin 5				3	3	3	3
R	Cabin 6				3	3	3	3
S	Teachers Cabin				1	1	1	1
T	Area above swings to trampolines				15	15	15	15
total					707	625	522	419

15 AUG 2010

Off Property table

Site	Location	Size	Area	Topography	25	30	40	60
U	More House to Stables	280x10	2800	Flat	112	93	70	46
V	Entrance Road lower	100x5	500	Flat	20	17	12	8
W	Entrance Road High	125	625	Flat	25	21	16	10
X	Entrance Road High Paddock	80x30	2400	Flat	96	80	60	40

Please note that this application does not include using the "Off Property" site areas U, V, W and X. However, I have just started the process of trying to lease sites U & V which is crown land (10N CL refer map showing neighbours house) and if and when that happens I will be able to use these two areas for people to park cars or camp on under my Jumbuk Park insurance policy.

Sites W and X are private land and at some stage I intend to enquire if I can purchase these small areas of land.

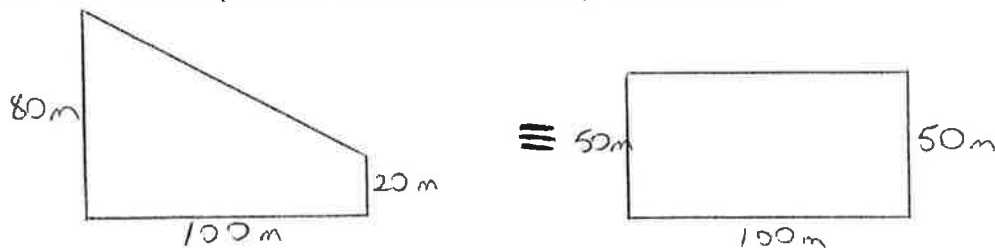
I first visited JP in 1983 and these areas are still as they were back then with the exception of the slashing and mowing the old road area done myself, on what I am naming Site U – the road area on Crown land 10N. This I did before any festival group approached me.

Explanation of Headings used in the Tables above

Site – see highlighted areas on maps provided

Location- A verbal description of the location

Size- I have written a Size so you can physically check and see how I worked out how many square meters each area is. However these measurements are in some cases equivalent to the actual. As an example 100x50 which is the hillside to Lake dimension is actually 100m long and 80m wide at the top and 20m wide at the bottom of the usable area (not the actual maximum area) Refer sketch.



Topography-

Flat is not necessarily flat but is of a nature easy for cars and camping for the Festival goers. (This is different than would be the case for the general public who would be more fussy).

Hilly is not ideal but if you could have seen where cars and tents were set up on these slopes you would be amazed. However in my calculations on how many campers can comfortably fit on these slopes I have allowed them at least twice the normal required area as what I observed was required in practice. So calculations of the space required

to park one car and camp three campers in hilly areas automatically defaults to an area of 60 square metres. (the same allowance under all the 25m², 30m², 40m² and the 60m² areas)

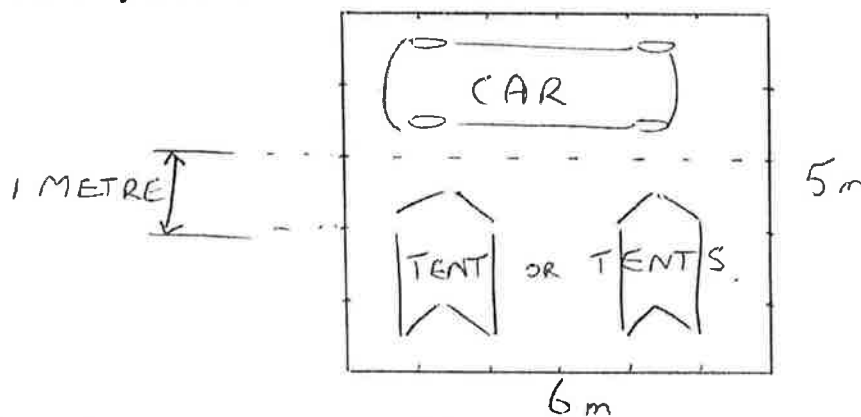
In some cases I have stated a fixed number of campsites. For Sites C, M, N, O, P, Q, R, S, and T as it seemed to make sense to do it this way and of these 9 sites 7 are cabins -6 ten birth cabins and 1 three birth cabin.

Plus sites M and N have space nearby for extra people to park and camp. Site O has only enough to park 2 cars and thus will sleep only 6 people. Area C - the Stables, has 14 cubical inside plus associated spaces to park 14 cars. Area T fits 15 cars and 45 campers from past observations.

. Let me explain the 25m², 30m², 40m², and 60m² headings. As I have said on average we have 3 people per car, so if we worked out the space needed to park 1 car and pitch 1 or 2 small tents for 3 people and allocate an area for this purpose we can easily calculate the physical capacity or what sized festival type group that JP could accommodate.

So a 30m² area means an area of say 6m x 5m. so if we use the 30m² to Park 1 car and camp its 3 people then Site A for example as 46 such areas (1375 m² divided by 30 = 46 and thus Site A is a suitable for 46 campsites each of 1 car and 3 people (Site A = 46 cars parked and 138 people camped)

Cars are smaller then 6m x 2m and averaged sized tents used by the festival goers would easily fit in the 6m x 3m area left over.



7) Location of Stages and other Facilities.

Different festival organizers will choose various locations for stages, quite music areas and portable toilet locations. However in essence the most likely areas are:

1) Main Stage

- a) The flat area or part thereof , whole flat area for 1000+ people in a Dance Floor situation. Site L so delete the apportioned number of cars and campers.
- b) The Marquee.
- c) Campfire area 40m x 12m.
- d) Possibly in front of stables

2) The most likely area for the chill space is the marquee or the craft room.

3) Most likely space for the food and craft stalls is either near the Dining room, the multipurpose room or Marquee area.

4) Most likely area for toilets for large groups of 1000+ is scattered in the different camping areas and near the main stage.

In working out the car and camping areas I have purposely omitted all of the following areas: (including 1 b, c, d, 2, 3 and 4 above)

The Archery area

The Campfire area

The small Camping areas next to the lake

The gravel areas around the dining room and past the dining room shed

The Mini Golf area

The Marquee area

The Initiatives course area

The Low Ropes Course Area

The Swings

The beach Volley ball area

The Maze Area

Around the Multi-purpose room plus the multi-purpose room itself

Managers house parking

There areas are thus free for other uses.

They are available to be used as a:

- i. A chill space- i.e. quite music
- ii. First Aid Centre
- iii. Food stall area
- iv. Craft stall area
- v. Security Staff area
- vi. CFA or Fire Truck area
- vii. Police parking if they visit the venue
- viii. Toilet and Rubbish bin areas

8) The relevant fee Cheque for \$502 enclosed

Further points to take into account when considering JP group size capability for festival goers.

- 1) They pack themselves in
- 2) They happily camp on slopes
- 3) The average size campsite required does not take into account the fact that some people sleep in their cars (?15%) or sleep in a swag (?5%). This actually reduces the average sized area required.
- 4) The average sized area required is how I have worked out the calculation and thus whether 1 or 2 people coming in some cars or say 4 people in other car need different sized areas for camping the overall area requirement for the purpose of this site of 'Assembly Application' is unchanged. The mean is still 1 car 3 people.
- 5) Also at JP virtually all festival goers sleep with their cars. However if we recalculate the necessary space to say park 100 cars (as in one area

and camp 300 people in another the Totals required would not change significantly (and certainly would not increase)

- 6) Once a camp is established cars stay put and people walk around.
- 7) The majority of the festival goers have been to other festivals before and come with the right frame of mind to camp responsibly, i.e. not take up too much space and comply with commonsense requests from festival management and JP to keep access roads clear, not light fires and adhere to the particular rules and regulations that they are asked to abide by.
- 8) Talking to two Caravan Parks in Gippsland, even though the client can be different. I found out that essentially campers use less room than people with a caravan in busy periods. A typical caravan site is for a 6m van plus an annex plus the car parked in front of the two, parallel to the access road i.e. Caravan 6x2.5m, annex 6x2.5m plus car 6x2 plus extra space between car and van say 6x1 which adds up to a 6x8 m site (48m²) (Longer vans and vans with no annex also exist) Campers in caravans typically would have an annex sized tent but no caravan and thus use $48 - (6 \times 2.5) = 33\text{m}^2$. (or $33\text{m}^2 - \text{the extra } 6 \times 1 = 27\text{m}^2$)
- 9) We can talk size requirements for ever but eventually as an example Caravan parks create an area suitable for the client i.e. concrete slab for the van, annex area and somewhere for the car to park. The point is the client requires a certain space and the caravan park owner provides this required space - not the other way around. So in JPs case for festival groups, my observation of the 2 past groups means I need to allow approximately 25 -30m² on average for each car with 3 people assuming the people are sleeping in tents.
- 10) In the larger sites I have allowed extra space for a thoroughfare for vehicles into and out of them. This thoroughfare space is not included in the tabulated areas and thus does not diminish these Sites capacity.
- 11) As time goes on, i.e. 3 months, 6 months, 1 year, 2 years with each mowing and slashing and filling in the hollows on the ground areas all these Sites A – T are and will continue to improve. This coming summer I will improve the vehicle roads at JP by adding more rock and widen the road from the Flat to the Campfire area making it a 2 way road.
- 12) Not part of this Application but I will also in the near future, probably before Christmas, re-clear by slashing the old horse paddock - used 20 years ago – an area about 2 hectares in size i.e. 20,000 square metres. This is more flat type land and even if we assessed this area at the large 60m³ plots that's an area big enough to park and camp another 333 cars and 1000 people. This area already has an old track leading into it. I can achieve this earlier if so desired as part of the work experience program as supervised by the 1111 Community. See attached email

Summary and Requests

The best outcome for the permit for Jumbuk Park to be used as a Place of Assembly, from my perspective is for a permit for the largest number possible within reason assuming ideal conditions.

If this is allowed then when festival groups enquire, I will at least have a reasonable capacity. However I would vet this myself depending on how busy I am with other groups, the weather - both fire risk and wet conditions and also with research about the group itself, their expertise and past event history at other venues. (I am extremely well connected with camps in Victoria and have personally visited over 200 camps and through the business Ron Ellis Recreational Camps have booked over 3000 individual groups of people, mostly being school groups into these camps over the last 26 years).

More importantly, once the request obtains my approval, then the La Trobe Council itself will set up your own guidelines including individual event capacities depending on the dates required and other considerations. So Council would have the final say. So if a group wanted to run a festival for say 2,000 people and inquired about January for example, both you and I would say no, but at least I could offer May or October as a suitable time for that number.

So reviewing the JP Property Table if we look at the total for 25m² and 30m² areas which reflects what actually occurs, we see we can park 707 cars thus camp $3 \times 707 = 2121$ people or we can park 625 cars and thus camp $3 \times 625 = 1875$ people. I therefore request a planning permit for 2,000 people (this is the ideal conditions situation)

Don't forget that some people sleep in cars, I have the old horse paddock to tidy up and may lease some crown land in 6 months or so, and most important of all, most groups that I would accept and that actually enquire are less than this.

I have rambled on terribly I know, so please call me if points are unclear to you
Ron Ellis -0427 691 568.

Trusting I have provided all the information requested.

Yours Faithfully,

R. P. Ellis

Ron Ellis
Jumbuk Park

← NEIGHBOURS LAND.

1:5905.764

NEIGHBOURS HOUSE MAP

DISTANCES

- NEIGHBOURS HOUSE TO JUMBUK PARK BOUNDARY 200 METRES
- TO MARQUEE 350 METRES^{10B}
- TO THE FLAT 400 METRES
- TO CAMPFIRE CIRCLE 550 METRES

NEIGHBOURS HOUSE.

OTHER SMALL PARCELS OF UNIMPROVED LAND

CROWN LAND 10N WHICH I AM TRYING TO LEASE

MARQUEE → NORTHERN SECTION OF JUMBUK PARK

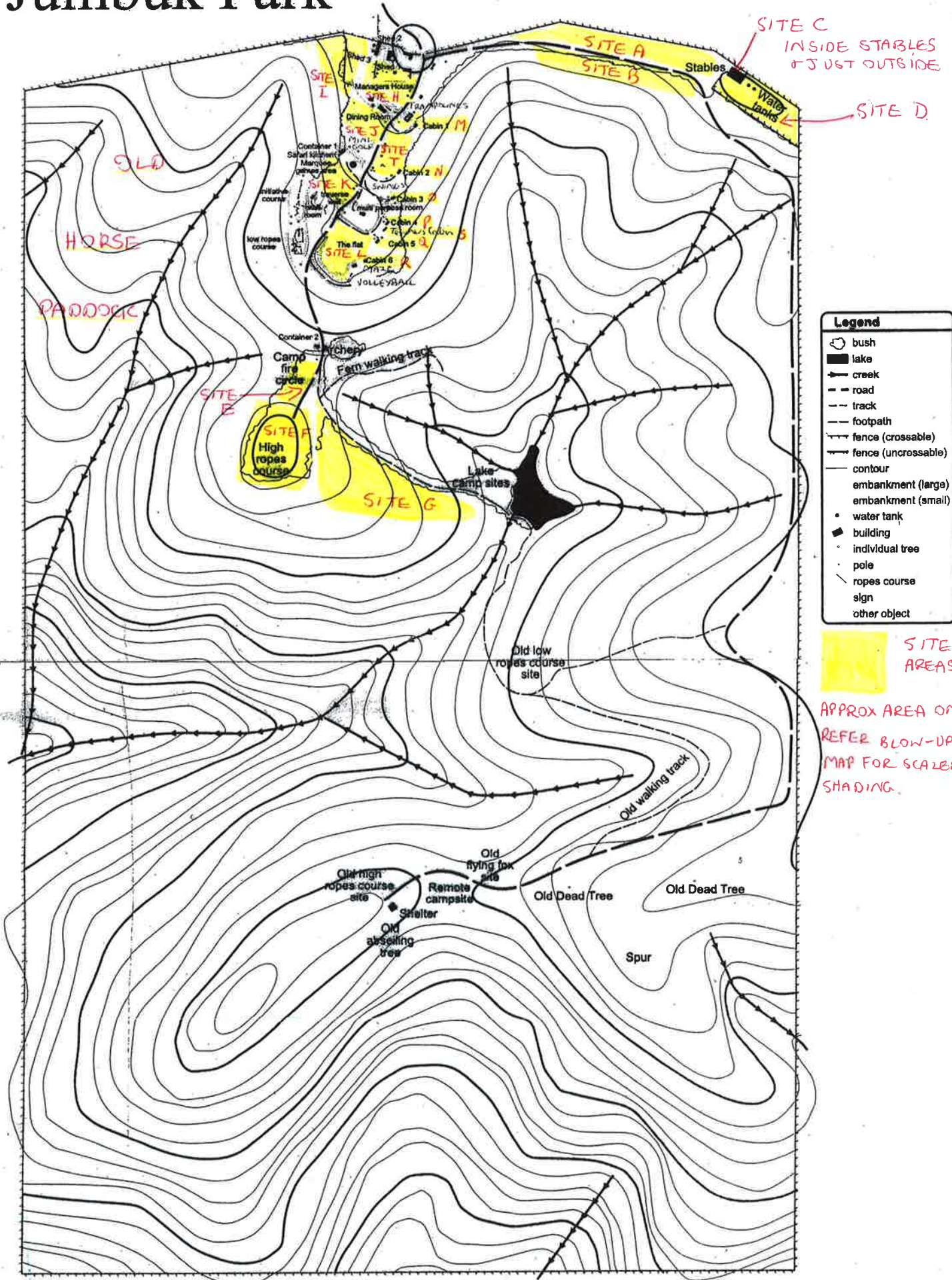


10R RESERVED FOREST

10S RESERVED FOREST

23 AUG 2009

Jumbuk Park



SITE C
INSIDE STABLES
& JUST OUTSIDE

SITE D

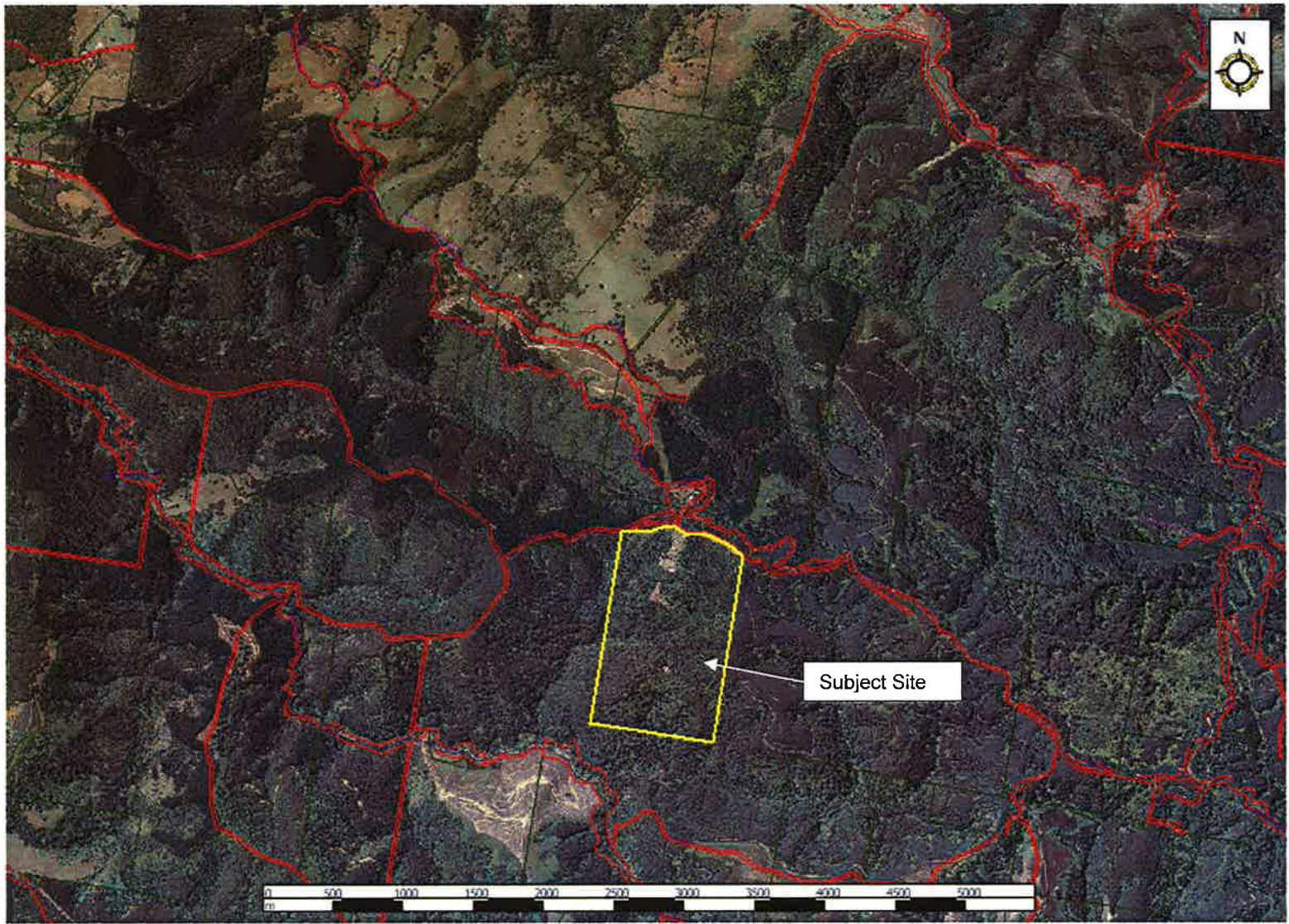
Legend	
	bush
	lake
	creek
	road
	track
	footpath
	fence (crossable)
	fence (uncrossable)
	contour
	embankment (large)
	embankment (small)
	water tank
	building
	individual tree
	pole
	ropes course
	sign
	other object

SITE AREAS

APPROX AREA ONLY
REFER BLOW-UP
MAP FOR SCALED
SHADING.

scale 1:3,000
contour interval 10M

**ATTACHMENT 2
LOCALITY MAP**



Subject Site

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000
m

**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

19 August 2010	Planning Permit application received by Council.
28 September 2010	Application referred internally to Council's Infrastructure Planning, Local Laws, Environmental Health and Building Departments
28 September 2010	Application referred externally to Victoria Police, EPA Victoria – Gippsland, Ambulance Victoria and Country Fire Authority
28 September 2010	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).
28 September 2010	A response received from Council Building Department, outlining issues regarding the proposal.
29 September 2010	A response received from Council Environmental Health Department, advising real concerns regarding the proposal.
20 October 2010	An objection to the application received.
29 October 2010	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
29 October 2010	A response received from EPA Victoria – Gippsland, offering a number of comments (waste water, litter management and noise) relating to the proposal.
14 December 2010	A response received from CFA, advising that CFA does not object to the proposal subject to conditions.
17 March 2011	A planning mediation meeting held at Council's Office.
11 April 2011	Council's Infrastructure Planning team provided its referral comments, advising that it does not object to the proposal but subject to the submission of an extensive list of information via permit conditions.

**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 13.04 – Noise and air
- Clause 14.01 – Agriculture
- Clause 17.03 - Tourism
- 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 21.07 – Economic Sustainability

Zoning:

The subject site is zoned Farming.

Overlays:

The subject site is affected by the Wildfire Management Overlay.

Particular Provisions:

Clause 52.06 of the Scheme is relevant to the 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.

**ATTACHMENT 5
OBJECTION**

19/10/2010

To Whom It May Concern – c/o Latrobe City Council Planning Section

Lodgement of objection to the planning permit by R P.Ellis for the use of the Land as a Place of Assembly At 1720 Jumbuk Road, Jumbuk. Application reference no. 2010/267.

The reasons for the objection include;

- 1) The continued noise of excessive loud music
- 2) Interruption to our daily lives
- 3) Impact of noise on wildlife and domestic animals
- 4) Excessive increase in road traffic
- 5) Detrimental impact to the public with restricted access for evacuation, if the need arises eg. Bushfires/Road Trauma/Emergency

The effects of these objects to us include;

- 1) Due to land formation, the noise disperses over a large distance and the constant sound over a 48-72 hour period becomes damaging to our health eg. Lack of sleep, Interrupted sleep and Headaches. This has already been demonstrated by two previous assemblies of people by the applicant on his property in September 2009 and New Year's Eve 2009/2010, on both occasion we were notified at short notice and unable to raise our concerns or to stop the assemblies from going ahead.
- 2) Our daily lives would be affected, with constant traffic passing our property, people mistakenly driving into our property and wandering around on our property as demonstrated New Year's Eve 2009/2010.
- 3) The effect of excessive noise on the native wildlife is a factor as they may become disorientated and their natural habitat threatened. The effect on our domestic animals would be disturbing and unhealthy for them.
- 4) The effect of excessive traffic on the road, as it is not bitumen, depletes the surface giving more pot holes and erosion. This was demonstrated after New Year's Eve 2009/2010. We were informed 400 people were expected, when the actual number became 1200.
- 5) The effect of these assemblies on the public was made evident to us with Police and CFA calling into our property, by mistake, at New Year's Eve 2009/2010. Then finding cars on the side of the road after drug and alcohol testing had been done.

This lodgement of objection is not taken lightly or meant to be a personal attack on the applicant, but rather a grave concern to our health and safety if such events were to recommence at this property.

Regards,
Objector



Paul Hogan

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
20 OCT 2010	
R/O	Doc No 575 051
Comments/Copies Generated to	
<input type="checkbox"/> Copy to stored in Data/Wares	<input type="checkbox"/> Invoiced for work to accounts

11.3.2 PLANNING PERMIT APPLICATION 2011/202 - CONSTRUCTION OF THREE (3) DWELLINGS AND A THREE (3) LOT SUBDIVISION AT 19 CUMBERLAND STREET, TRARALGON
AUTHOR: General Manager Built and Natural Environment (ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/202 for the development of three (3) dwellings and a three (3) lot subdivision at 19 Cumberland Street, Traralgon, also known as Lot 5 on Plan of Subdivision 15435.

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 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 if 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: 19 Cumberland Street, Traralgon known as Lot 5 on Plan of Subdivision 15435.

Proponent: Chris O'Brien & Company PTY LTD
Zoning: Residential 1 Zone
Overlay: None

A Planning Permit is required to subdivide land pursuant to Clause 32.01-2. A Planning Permit is also 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 and

4.2 **PROPOSAL**

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

Originally the three dwellings were to be single storey. The design has now been changed to include a first floor element to unit one. Unit two and unit three will remain single storey. Units two and three will be accessed via a common property driveway. Unit one will be provided with a separate driveway which will adjoin the common property driveway. Units two and three will have car parking provided by way of a car port. Unit one will have a secured single bay garage. Each dwelling will contain two bedrooms, bathroom/laundry and a kitchen/meals living area addressing the designated private open space areas.

Each of the dwellings will be constructed with a range of materials, including face brickwork and colorbond roof sheeting. A 1500mm colorbond fence is proposed for the front of the development.

For further detail, please refer to *Attachment 3* to view a copy of the proposed plans.

Subject land:

The subject site currently has a weatherboard dwelling on site which will be removed as part of this proposal. The site is relatively flat. The site contains no native vegetation and is approximately 620 square metres in area. The subject site is irregular in shape. The northern (side) boundary of the site measures 46.16 metres, the southern (side) boundary measure 38.82 metres in length, the eastern (front) boundary extends 16.35 metres and the western (rear) boundary measures 15.24 metres. The subject site contains a drainage easement along the western site boundary.

The subject land is located approximately 1.7 kilometres from the Traralgon central activity district.

Surrounding Land Use:

North: 19 A-B Cumberland Street, Traralgon

This site is a Recreation Reserve which is used by Traralgon West Playgroup and for a community hall. The reserve has an area of approximately 3630 square metres.

South: 17 Cumberland Street, Traralgon

Single weatherboard dwelling on a site of 555 square metres.

East: 12 Coronation Crescent, Traralgon

10 units and associated outbuildings, with an overall site area of 2300 square metres. Access is provided to some of the units via individual access on to Cumberland Street. Rear access to these units and the other lots on the property are provided by a common property driveway onto Coronation Crescent.

West: 26 Finlayson Crescent, Traralgon

Single dwelling on a site of 885 square metres.

The area in question with the exception of 12 Coronation Crescent is predominantly made up of single weatherboard dwellings with lot sizes of approximately 560m² to 900m². Cumberland Street has lot sizes of between 560m² and 650m².

4.3 HISTORY OF APPLICATION

The history of the assessment of planning permit application 2011/202 is identified within *Attachment 1*.

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

5. ISSUES

5.1 STATE PLANNING POLICY FRAMEWORK

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

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

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

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

The proposal is considered to be inconsistent with many of the directions discussed above. Although the application proposes medium density development in area suited for infill residential development, it is considered that elements of the proposed design features are inappropriate and that the design response is not reflective of the neighbourhood character of the area.

These elements will be further discussed in the Section 5.6 *Neighbourhood Character* of this report.

5.2 LOCAL PLANNING POLICY FRAMEWORK

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

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

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

5.3 CLAUSE 32.01 RESIDENTIAL 1 ZONE

The site is contained within a Residential 1 Zone and is not encumbered by any overlays. The purpose and decision guidelines of the Residential 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application does not fully comply with the zoning provisions.

These elements will be further discussed in the issues section of this report.

5.4 PARTICULAR PROVISIONS

Clause 55 Two or More Dwellings on a Lot.

The application has been assessed against Clause 55 of the Particular Provisions. It is considered there are a number of areas where the application is not fully compliant with the standards applicable. These elements are outlined in the issues section 5.6 *Neighbourhood Character* of the report.

5.5 CLAUSE 65 DECISION GUIDELINES

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered. As previously mentioned there are a number of areas where the application is not considered acceptable. These are outlined in the issues section of this report.

5.6 NEIGHBOURHOOD CHARACTER

The State and Local Planning Policy Frameworks 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 particular standard B1 (neighbourhood character), provides detail of the objectives of neighbourhood character that have to be achieved with new development.

The subject neighbourhood has the following characteristics:

- Dwellings are mostly single storey weatherboard structures 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.
- Front yards are generally well maintained, with plenty of opportunities for landscaping
- Each residential lot is generally provided with a single crossover. The only exception being 12 Coronation Crescent where the units are considered to be of poor design and the site development would not be fully compliant with a conventional Clause 55 assessment and is generally out of character with the predominant built form of the surrounding area.
- The majority of fences are wooden palled or picketed and in some cases with a mix of brick work and wooden palings

The proposal has not taken into context the existing neighbourhood character into the design response. Whilst the principle of intensification of the site is supported, the design response is not appropriate.

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

- The design justification for the first floor element to unit one was primarily to allow a third unit in the development. Originally the proposal was for three single storey units, which encroached into the front setback requirements of Clause 55. To comply with setback requirements and keep maximum floor space the applicant has put a first floor element on unit one. The first floor of unit one is unlike anything in the existing area, and it is considered that its primary purpose is to maximise the floor space for unit 1 rather than a design that reflects good urban design principles.
- The proposal is for three 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.
- Visual bulk of the proposal is of a particular concern. The continuous roof line of unit two and three and with all units being attached increases the visual bulk and massing of the development. It is considered as a result that the proposal is inconsistent with Standard B31 (Design Detail).
- The proposed built form is not responsive to the features of the site and the surrounding area. This can be seen by the failure of the application to provide for the necessary 40m² of private open space for units one and two on the northern side of the development. It is considered as a result that the development does not address Standard B28 (Private Open Space) of Clause 55.05-4.
- There are limited opportunities for landscaping on the land. This is especially true for the common property driveway between the boundary of the lot to the south and the proposed garage for unit 1. It is considered that proposed development does not satisfactorily address Standard B13 (Landscaping) of Clause 55.03-8.
- Provision of two crossovers on a lot directly adjacent each other is at odds with the character of the area. This added to the existing crossover at 17 Cumberland street means that there will be a large area of paved concrete of approximately 12 metres across the street frontage with little or no landscape break.

The key theme in the Latrobe City Planning 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 changes are not acceptable, but rather development should be responsive to its context. It is in this regard the proposal is considered unacceptable, as the design of the development has failed to respond appropriately to the opportunities and constraints of the site. The site being approximately 620m² requires a more appreciative design to accommodate medium density development.

5.7 **OBJECTORS CONCERNS**

Following advertising, the application received one submission in the form of an objection.

The only issues raised in the objection were:

1. The disturbance of asbestos as part of the demolition of the existing old weatherboard dwelling and ensuring the safety of the children attending Traralgon West Playgroup.

Officer comment:

The objector has been informed that the issues regarding asbestos are not a direct planning concern and it will be an issue that will be considered as part of any application to demolish the old weatherboard dwelling.

The objector had provided written confirmation of the withdrawal of the objection subject to the conditions regarding the removal of asbestos. As this cannot be directly achieved under the *Planning and Environment Act 1987* the objection is still deemed to be valid.

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:

The application was referred pursuant to the requirements of Section 55 of the Act.

Gippsland Water gave consent to the granting of a planning permit gave consent with appropriate conditions being placed on permit. SP AusNet gave consent with appropriate conditions and notes. APT O&M Services gave consent without conditions and Telstra gave consent with appropriate conditions and notes.

Internal:

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

Both Council's Infrastructure Planning and Health Teams gave consent to the granting of a planning permit subject to appropriate conditions and notes. In the case of the Health Teams requirements they deal specifically with issues of the safe removal of asbestos. As this is not a planning matter it cannot be attached as a condition on the permit. If this application is approved however, the matter should be included as a note on the permit.

Details of Community Consultation following Notification:

One submission in the form of an objection was received as a result of advertising. A subsequent withdrawal of the objection was based on applying conditions related to the safe disposal of asbestos. As this cannot be directly controlled via the *Planning and Environment Act 1987* the objection still stands.

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), B13 (Landscaping), B28 (Private Open Space), B30 (Storage), 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
- It is generally considered that the design is not of a high enough architectural standard to add to the neighbourhood character of the area.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal to Grant a Permit, for the Development of Three (3) Dwellings and Three (3) Lot Subdivision at 19 Cumberland Street, Traralgon, Lot 5 on Plan of Subdivision 15435, on the following grounds:**
- 1. 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), B13 (Landscaping), B28 (Private Open Space) and B31 (Design Detail) of ResCode.**
 - 2. 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 preferred neighbourhood character of the area, particularly with regard to mass, bulk and scale.**

- 3. The proposed development is not appropriate for the locality in regards to its detrimental impact on the streetscape and general neighbourhood character.**
- 4. The proposal is inconsistent with Clause 65 of the Scheme and does not provide for the orderly planning of the area.**

Moved: Cr Harriman

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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ATTACHMENT 1
History of Application

History of Application

20 June 2011	Planning Permit application received by Council.
12 July 2011	Further information requested from applicant. The purpose of this request was to obtain an accurate Neighbourhood and Site Description as outlined in Clause 55.01-1, to deal with the requirements of ResCode and issues regarding the design response. Phone call made to the applicant also discussing these issues.
15 July 2011	Met with the applicant to discuss the letter requesting further information
21 July 2011	Additional information submitted by the applicant. Asked for a response on the proposed design changes.
3 August 2011	Feedback by way of email given to the applicant. Issues still apparent were provision of private open space requirements, access points and bulk, mass and scaling of the development.
5 August 2011	Amended plans and ResCode assessment received. Application considered to comply with Clause 55.01-1.
12 August 2011	Letter sent to the applicant stating compliance with Clause 55.01-1
22 August 2011	Application advertised and referred to Gippsland Water. Telstra, SP Ausnet, Apt Services. Application referred internally to Health and Infrastructure Planning
15 September 2011	Objection received from Traralgon West Playgroup over concerns regarding the removal and disturbance of asbestos.
4 October 2011	Amended plans received to deal with access to carports. Justification given for the proposed design response by using examples of developments in the wider area around Cumberland Street.
24 October 2011	Objection withdrawn by Traralgon West Playgroup subject to conditions regarding asbestos (not valid planning considerations)
3 November 2011	Phone conversation with the applicant regarding the clients attentions for the site. Informed that the developer was considering his options and the applicant will be in contact in due course.

8 November 2011	Letter received from the applicant giving detail of VCAT cases that give weight to the application. This letter was addressed to Jody Riordan (Delegated officer), Joel Templar (Statutory Planning Coordinator) and Chris Wightman (Manager City Planning)
15 November 2011	Letter from Joel Templar (Statutory Planning Coordinator) to the applicant regarding the assessment of the application.

ATTACHMENT 2
Latrobe Planning Scheme

LATROBE PLANNING SCHEME

State Planning Policy Framework

- Clause 11.02-1 – Supply of Urban Land
- Clause 11.02-3 – Structure Planning
- Clause 15.01-2 – Urban Design Principles
- Clause 16.01-4 – Housing Diversity
- Clause 19.03-2 – Water Supply, Sewerage and Drainage

Local Planning Policy Framework

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.04-2 – Settlement
- Clause 21.04-5 – Urban Design
- Clause 21.05-2 – Main Towns
- Clause 21.08-3 – Healthy Urban Design

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 'Two or More Dwellings on a Lot'

General Provisions

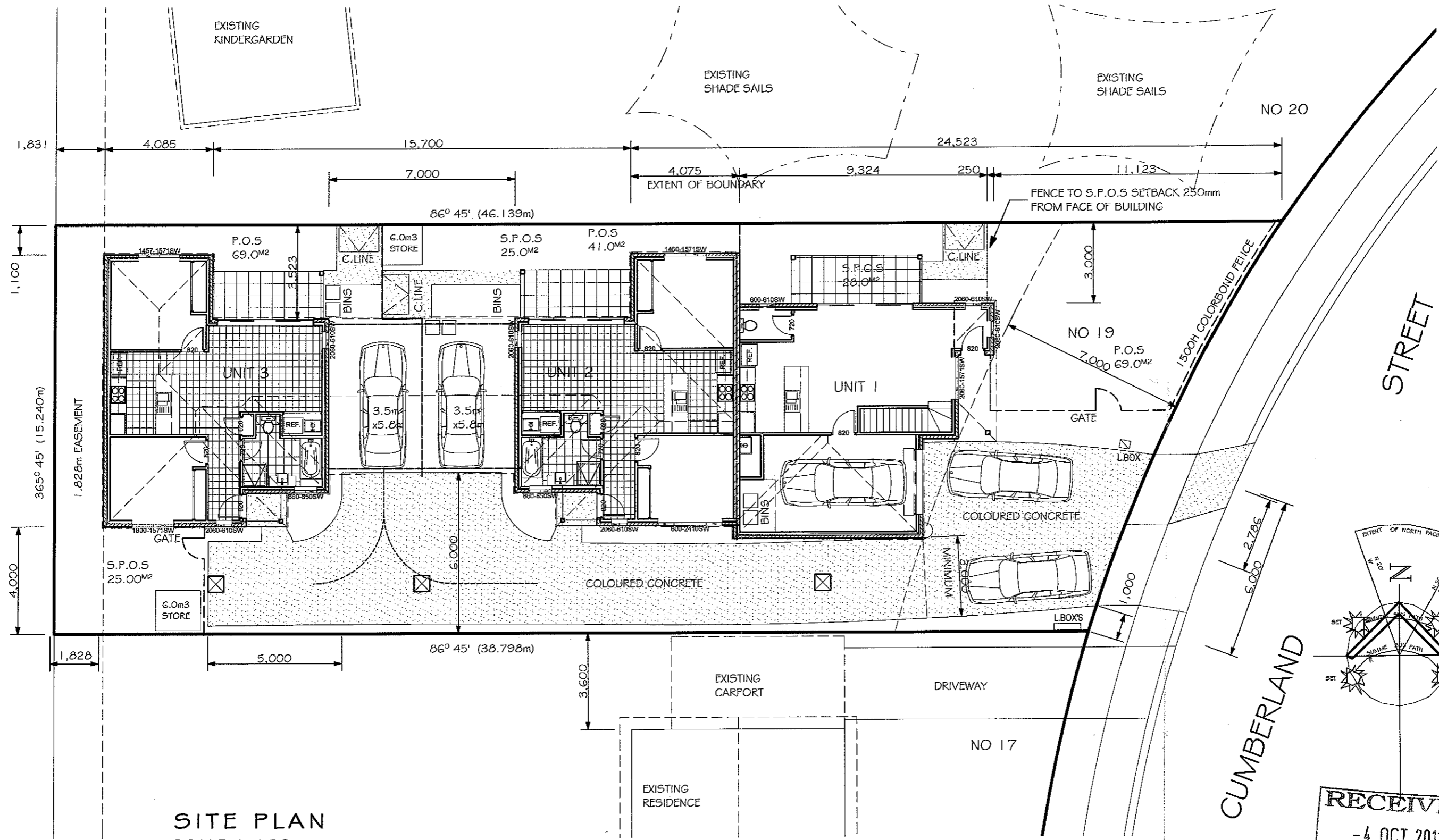
Clause 65 'Decision Guidelines'

Incorporated Documents

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

ATTACHMENT 3
Locality Plan

ATTACHMENT 4
Site Plan, Floor Plan and Elevations



SITE PLAN
SCALE 1:150

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

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CLIENT **MR PETER DUTNEALL**

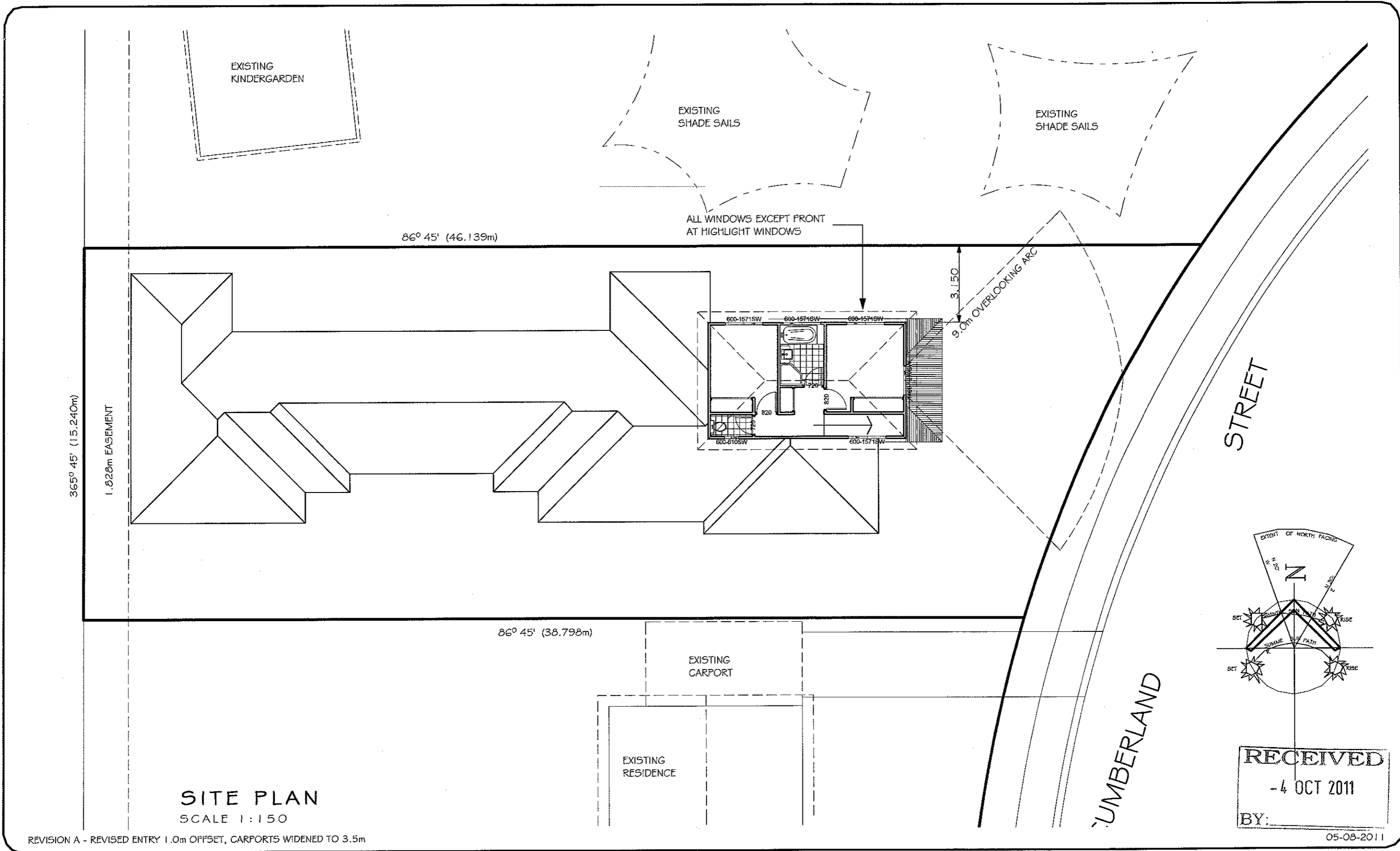
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Facsimile 03 5174 0011

DRAWN LDM	SITE PLAN PROJECT PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	DATE MAY 2011
DESIGNED COB		SCALE AS SHOWN
CHECKED COB		SHEET No TP3 OF 14
SIGNED		PROJECT No 130511



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MR PETER DUTNEALL

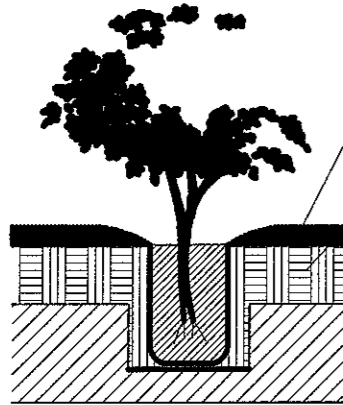
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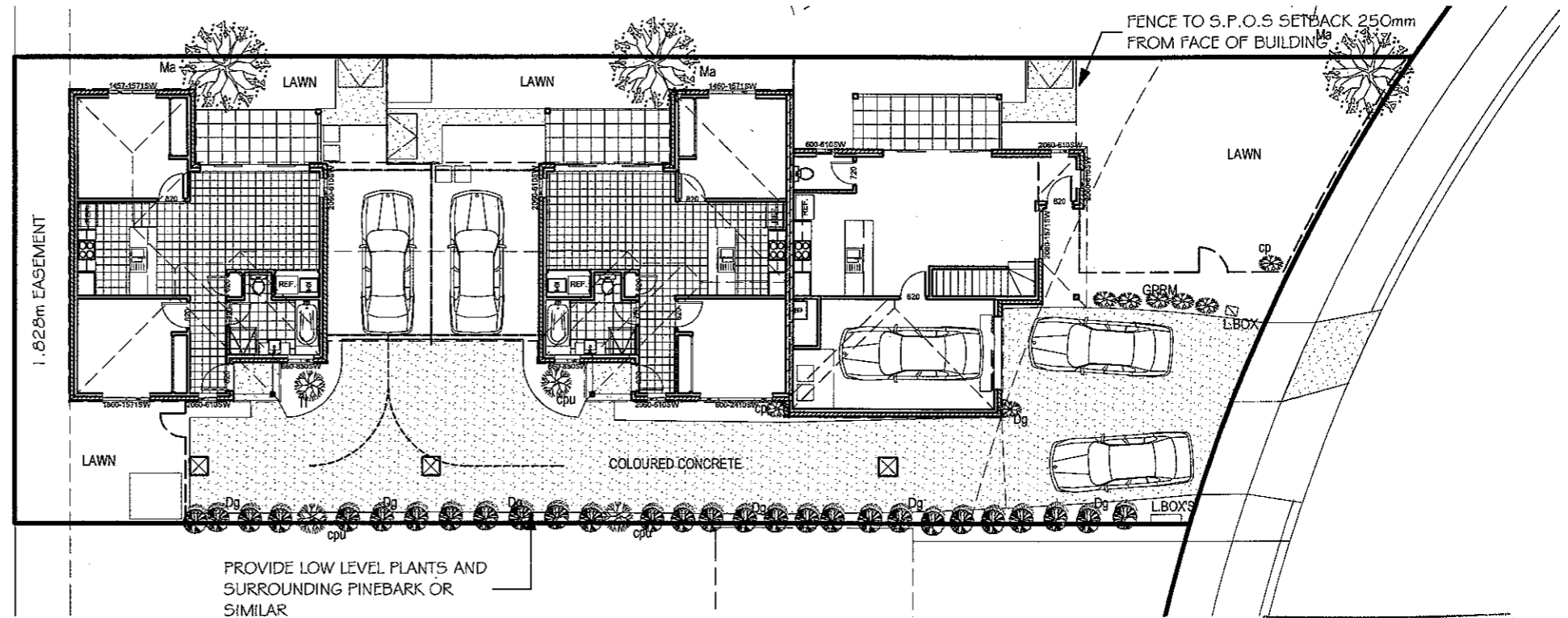
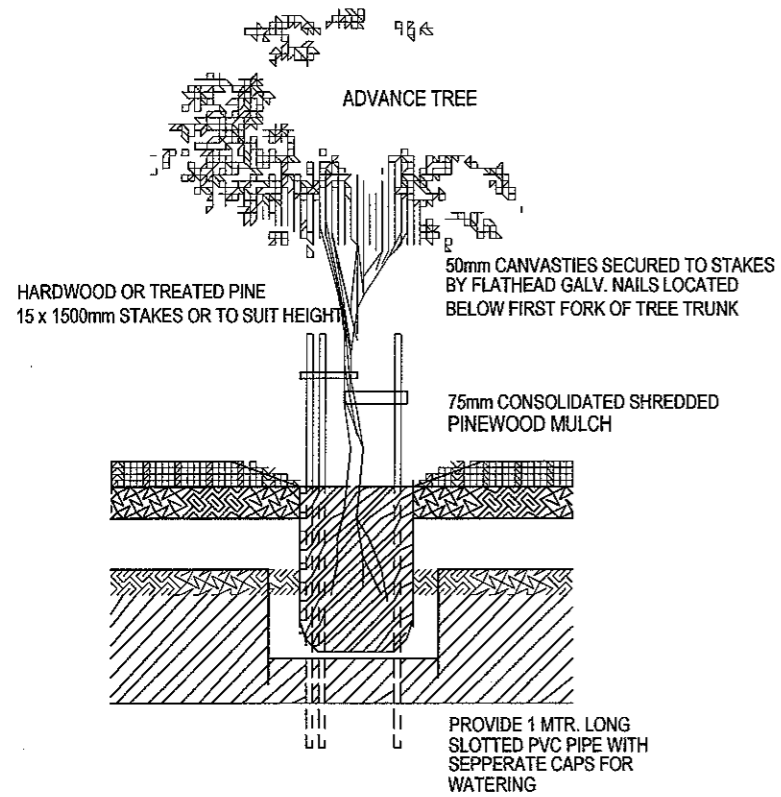
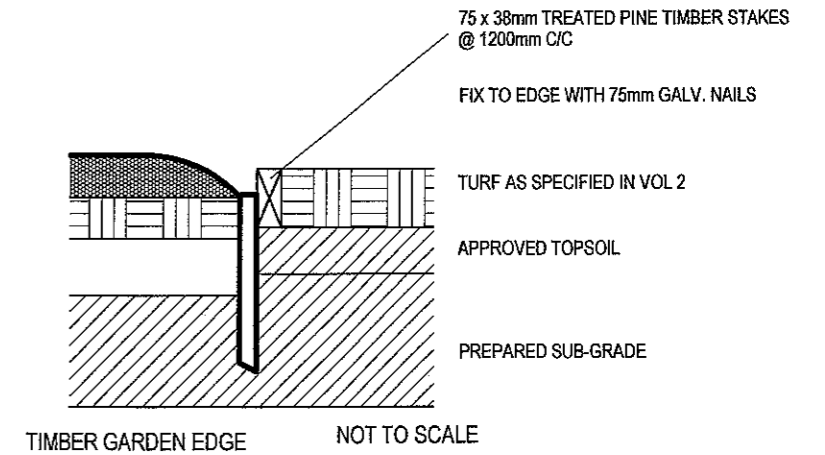
DRAWN LDM	SITE PLAN	DATE MAY 2011
DESIGNED COB	PROJECT	SCALE AS SHOWN
CHECKED COB	PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	SHEET No TP4 OF 14
SIGNED		PROJECT No 130511



GARDEN BED PLANTING NOT TO SCALE

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	CONTAINER	SIZE
TREES				
Ma	MELIA AZERDACH	WHITE CEDAR		1.5 MTR
SHRUBS				
cp	CALLISTEMON	YELLOW BOTTLE BRUSH	300mm	
cpu	COLEONEMA PULCHRUM	DIOSMA	200mm	
Tf	TEUCRIUM FRUTICANS	BUSH GERMANDER	200mm	
GROUND COVER & PERENNIALS				
GPRM	GREVILLIA POORINDA	ROYAL MANTEL	150mm	
Dg	DIETES GRANDFLORA	FALSE IRIS	150mm	
He	HEMEROCALLIS STELLA D'ORO	YELLOW DAY LILY	150mm	



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BY: _____ 05-08-2011

LANDSCAPING PLAN
SCALE 1:200

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

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Facsimile 03 5174 0011

DRAWN

LDM

DESIGNED

COB

CHECKED

COB

SIGNED

LANDSCAPING PLAN

PROJECT

PROPOSED TOWNHOUSE
DEVELOPMENT AT
19 CUMBERLAND STREET, TRARALGON

DATE

MAY 2011

SCALE

AS SHOWN

SHEET No

TP5 OF 14

PROJECT No

130511

NOTES :

THE BUILDER/CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK.

ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER IMMEDIATELY THEY ARE DISCOVERED.

FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.

FOUNDATION SOIL CLASSIFICATION HAS BEEN ADOPTED AS CLASS 'M'. HOWEVER THIS COMPANY TAKES NO RESPONSIBILITY FOR THIS ASSUMPTION. PLEASE REFER TO THE ENGINEERS SOIL INVESTIGATION REPORT AND ANY ASSOCIATED DRAWINGS.

ALL WATER PLUMBING & SEWER CONNECTIONS TO WATER BOARD REQUIREMENTS. WATER SAVING MEASURES TO ARCHIEVE A 5 STAR PLUMBING RATING, INCLUDING A FLOW RATE RANGE OF 7.5 TO 9.0 LITRES/MIN TO SHOWERHEADS, BASIN TAPS, KITCHEN SINK AND LAUNDRY TROUGH. STORMWATER TO BE DISCHARGED CLEAR OF BUILDING VIA 90mm PVC PIPE AS PER LOCAL COUNCIL REQUIREMENTS. SOLAR WATER HEATING SYSTEM MUST HAVE AN ENERGY PERFORMANCE OF 60% SOLAR GAIN. IF RAINWATER TANK FOR SANITARY FLUSHING IS INSTALLED THEN IT MUST HAVE A MIN. CAPACITY OF 2000 LITRES, HAVE A CATCHMENT AREA FROM ROOF OF 50m² AND MUST BE CONNECTED TO ALL FLASHING SYSTEMS.

TIMBER FRAMING SHALL COMPLY WITH THE TIMBER FRAMING MANUAL & AS 1684 - 2006.

WINDOWS ARE DOWELL ALUMINIUM SLIDING U.N.O. SLIDING DOORS ARE ALUMINIUM.

ALL GLAZING TO AS 1288 - CAT.3. ALL GLAZING BELOW 750mm ABOVE FLOOR LEVEL MUST BE GRADE 1 SAFETY GLASS. GLAZING TO BATHROOM TO BE OBSCURE SAFETY GLASS.

ALL MATERIALS AND WORKMANSHIP SHALL COMPLY WITH CURRENT S.A.A. CODES.

SMOKE DETECTORS TO BE HARD WIRED WITH BATTERY BACK UP AND TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND AS3786. BATTERY POWERED IN THE CASE OF EXTENSIONS ETC.

TOILET DOOR TO BE FITTED WITH LIFT OFF HINGES WHERE PAN IS 1200 WITHIN DOOR.

ALL NEW CONSTRUCTION SHALL COMPLY WITH CURRENT INSULATION REQUIREMENTS.

COMPLIANCE STANDARDS

STREET SETBACK TO RESIDENCE :	- 7.0m	- COMPLIES
BUILDING HEIGHT	- 6.06m	- COMPLIES
SITE COVERAGE	- 43.881%	- COMPLIES
PERMEABILITY	- 32.67%	- COMPLIES
PARKING	- 4 No	- COMPLIES
SIDE & REAR SETBACKS	-	- COMPLIES
WALLS ON BOUNDARIES	- AS SHOWN	- COMPLIES
DAYLIGHT TO EXIST. WINDOWS	-	- COMPLIES
NORTH FACING WINDOWS	-	- COMPLIES
OVER SHADOWING OPEN SPACE	- AS SHOWN	- COMPLIES
OVER LOOKING	- NO PROBLEM - REFER TO CONTEXT	- COMPLIES
DAYLIGHT TO NEW WINDOWS	-	- COMPLIES
PRIVATE OPEN SPACE	-	- COMPLIES

AREA ANALYSIS

UNIT 1	
PROPOSED RESIDENCE:	- 43.12m ² - 4.64 SQ
FIRST FLOOR:	- 38.79m ² - 4.17 SQ
PROPOSED GARAGE:	- 27.32m ² - 2.94 SQ
PATIO:	- 7.47m ² - 0.80 SQ
PORCH:	- 2.00m ²
UNIT 2	
PROPOSED RESIDENCE:	- 74.77m ² - 8.04 SQ
PROPOSED CARPORT:	- 16.20m ² - 1.74 SQ
PATIO:	- 7.47m ² - 0.80 SQ
PORCH:	- 2.00m ²
UNIT 3	
PROPOSED RESIDENCE:	- 74.77m ² - 8.04 SQ
PROPOSED CARPORT:	- 16.20m ² - 1.74 SQ
PATIO:	- 7.47m ² - 0.80 SQ
PORCH:	- 2.00m ²
PAVEMENT:	- 150.00m ² approx
AREA OF SITE:	- 640.00m ²
SITE COVERAGE:	- 43.88%
PERMEABLE SURFACE:	- 32.67%

RECEIVED

- 4 OCT 2011

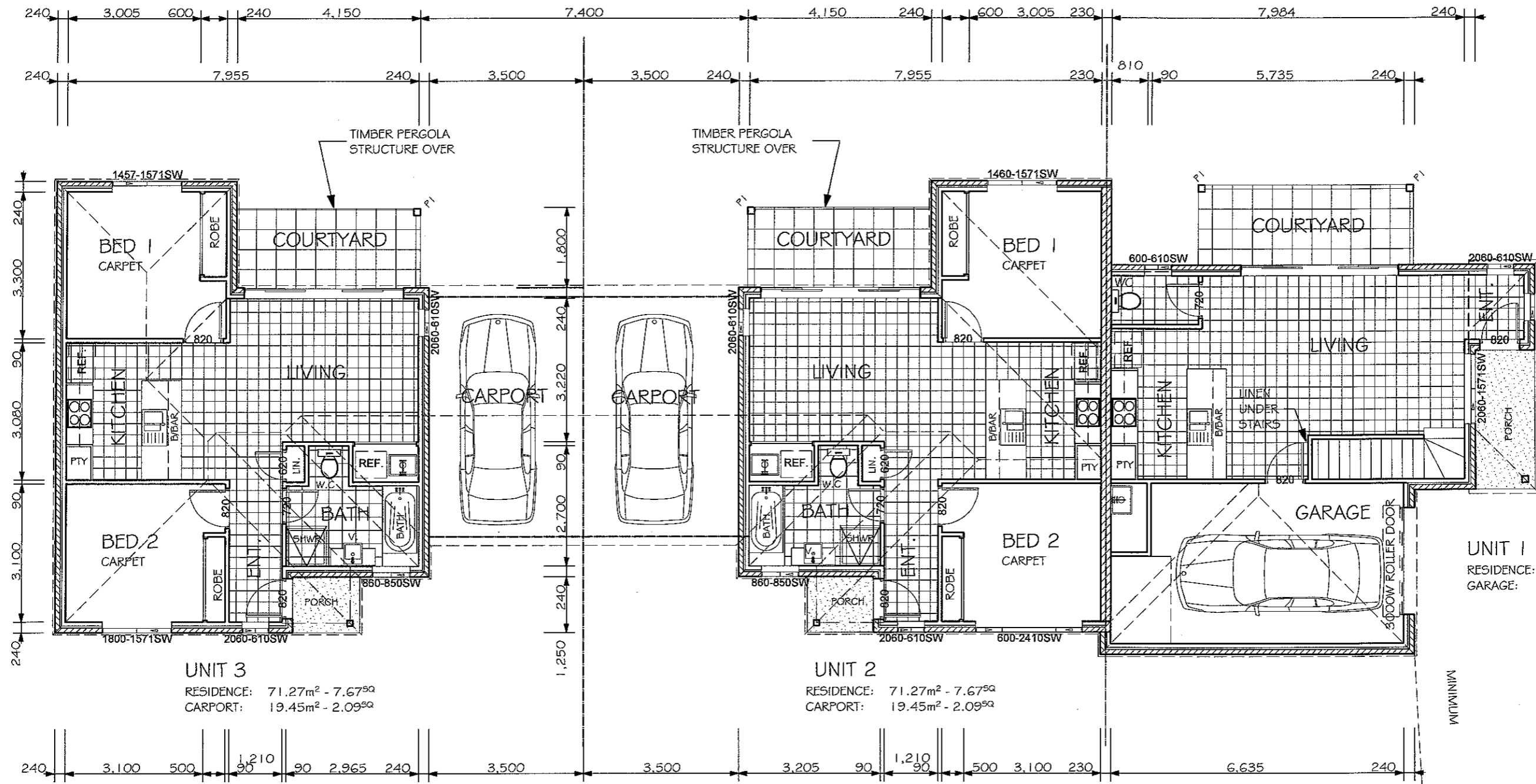
BY: _____ 05-08-2011

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

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DRAWN	NOTES & AREAS	DATE
LDM		MAY 2011
DESIGNED		SCALE
COB		AS SHOWN
CHECKED		SHEET No
COB	PROJECT PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	TP8 OF 14
SIGNED		PROJECT No 130511



UNIT 1
 RESIDENCE: 43.12m² - 4.64^{sq}
 GARAGE: 27.32m² - 2.94^{sq}

UNIT 3
 RESIDENCE: 71.27m² - 7.67^{sq}
 CARPORT: 19.45m² - 2.09^{sq}

UNIT 2
 RESIDENCE: 71.27m² - 7.67^{sq}
 CARPORT: 19.45m² - 2.09^{sq}

FLOOR PLANS
 SCALE 1:100

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

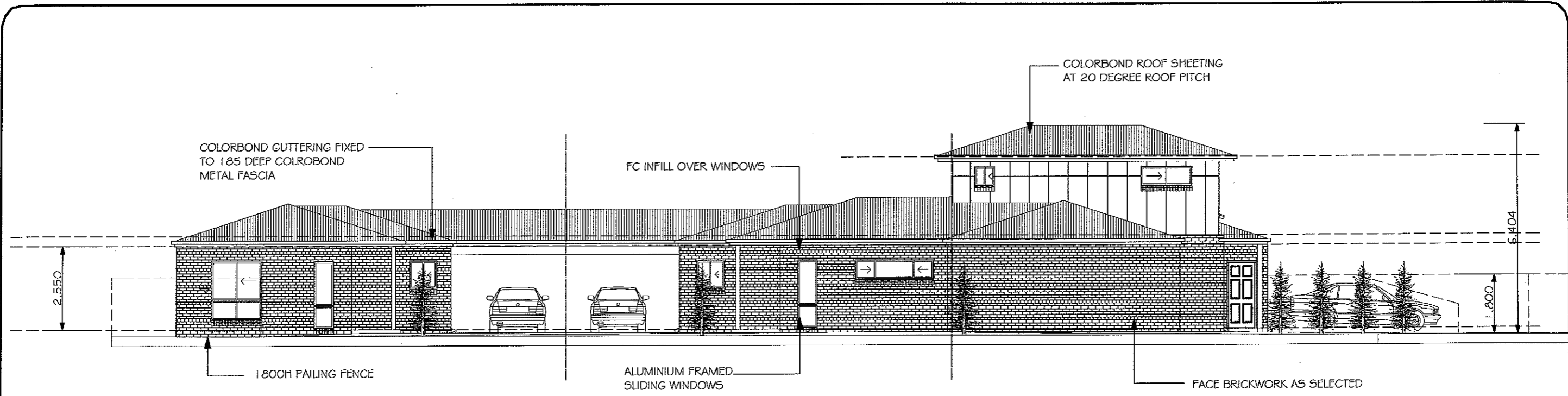
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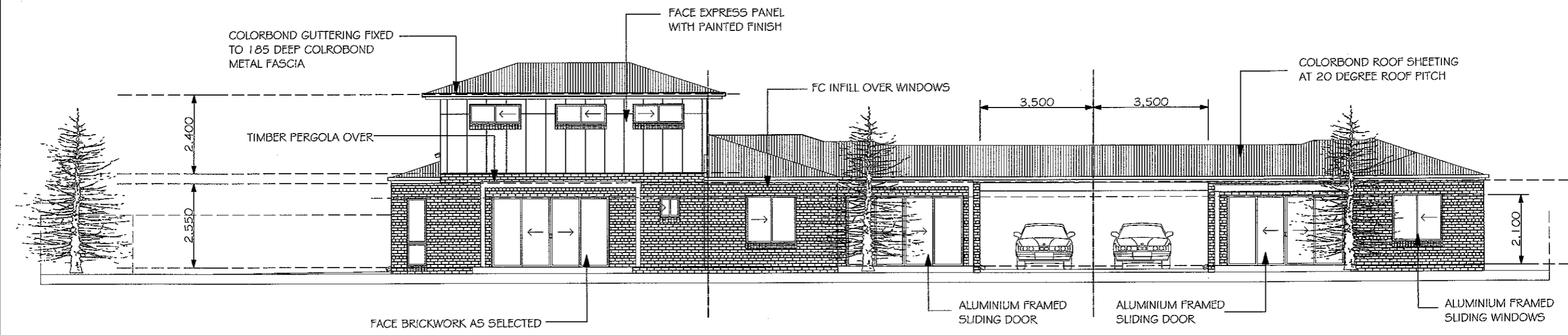
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DRAWN LDM	PROJECT PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	DATE MAY 2011
DESIGNED COB		SCALE AS SHOWN
CHECKED COB		SHEET No TP9 OF 14
SIGNED		PROJECT No 130511
FLOOR PLANS - UNIT 1, 2 & 3		



SOUTH ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

RECEIVED
- 4 OCT 2011
BY: _____

05-08-2011

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CLIENT
MR PETER DUTNEALL

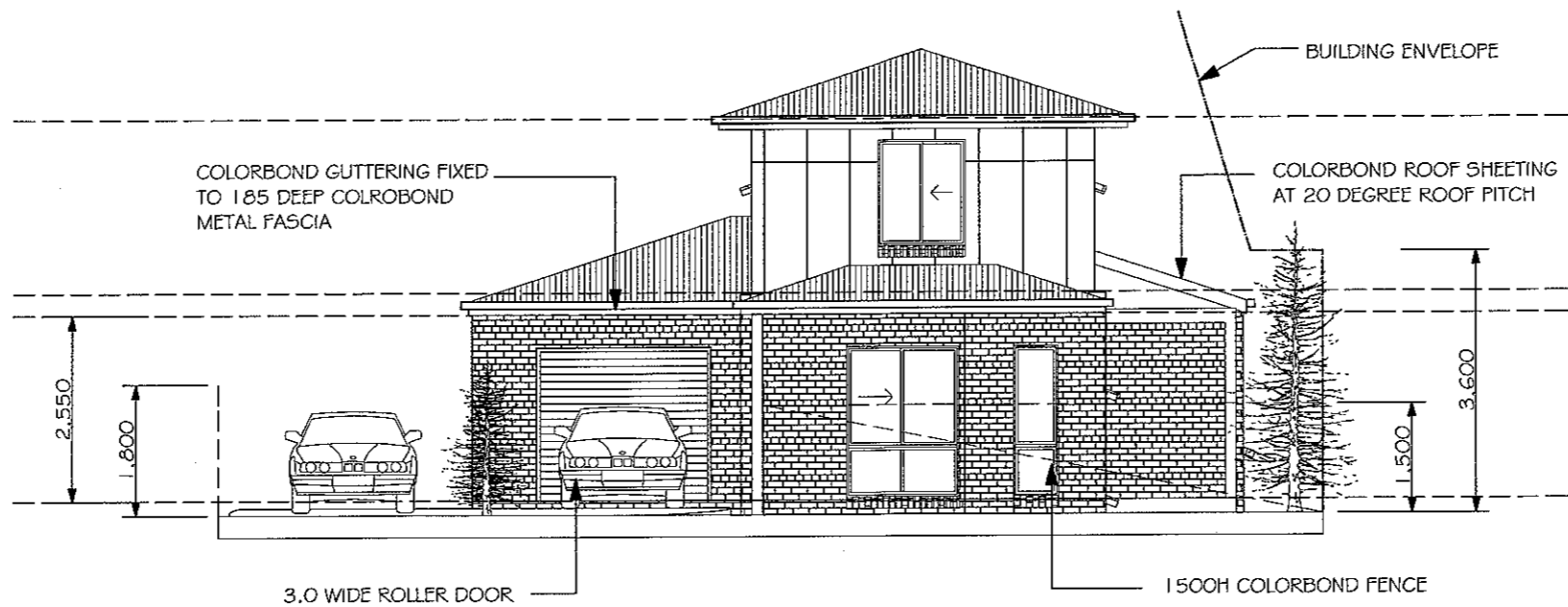
CHRIS O'BRIEN & COMPANY PTY LTD
CONSULTING CIVIL & STRUCTURAL ENGINEERS

All correspondence to:
P.O. Box 18
Traralgon Vic 3844

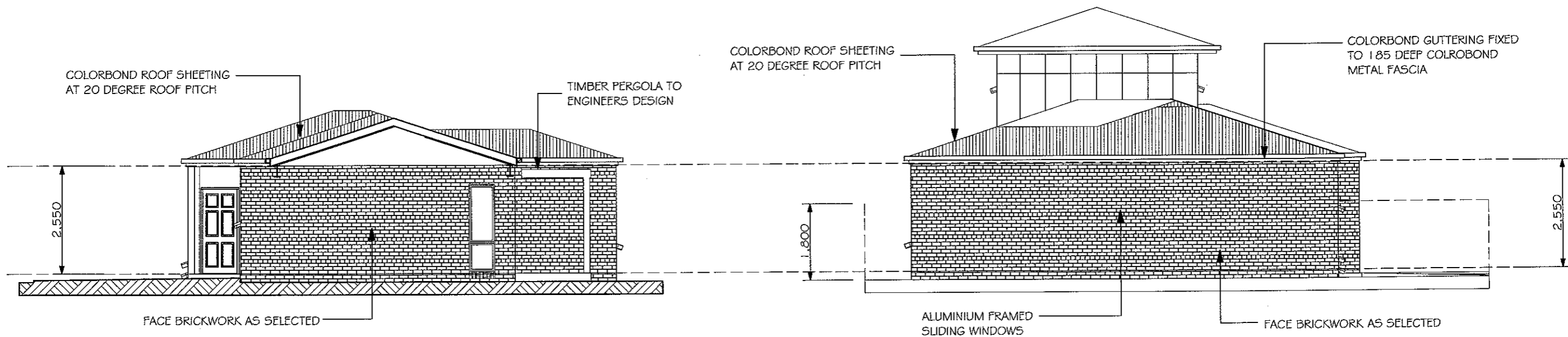
13^A Church Street
Traralgon Vic. 3844

Telephone 03 5174 9911
Facsimile 03 5174 0011

DRAWN LDM	ELEVATIONS SHT 1 PROJECT PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	DATE MAY 2011
DESIGNED COB		SCALE AS SHOWN
CHECKED COB		SHEET No TP11 OF 14
SIGNED		PROJECT No 130511



EAST ELEVATION
SCALE 1:100



EAST ELEVATION - THRU CARPORT 3
SCALE 1:100

WEST ELEVATION
SCALE 1:100

REVISION A - REVISED ENTRY 1.0m OFFSET, CARPORTS WIDENED TO 3.5m

RECEIVED
- 4 OCT 2011
BY: _____

05/08-2011

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CLIENT **MR PETER DUTNEALL**

CHRIS O'BRIEN & COMPANY PTY LTD
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All correspondence to:
P.O. Box 18
Traralgon Vic 3844

13^A Church Street
Traralgon Vic. 3844

Telephone 03 5174 9911
Facsimile 03 5174 0011

DRAWN LDM	ELEVATIONS SHT 2	DATE MAY 2011
DESIGNED COB	PROJECT	SCALE AS SHOWN
CHECKED COB	PROPOSED TOWNHOUSE DEVELOPMENT AT 19 CUMBERLAND STREET, TRARALGON	SHEET No TP12 OF 14
SIGNED		PROJECT No 130511

11.3.3 LATROBE REGIONAL MOTORSPORTS COMPLEX

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

1. PURPOSE

The purpose of this report is to provide Council with an update on the proposed Latrobe Regional Motorsport Complex proposal and for Council to consider the future of this project.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Recreation

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

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 – Strategic Direction – Recreation

- *Foster the health and well-being of the community by promoting active living and participation in community life.*
- *Assess and evaluate recreational trends and opportunities to address community aspirations for passive and active recreational activities.*

- *Promote and maximise the utilisation of recreational, aquatic and leisure facilities and services to ensure they meet the needs of the community.*
- *Provide diverse and accessible recreational, leisure and sporting facilities that are financially sustainable.*
- *Develop and maintain high quality recreational, leisure and sporting facilities in accordance with community aspirations.*
- *Support and develop partnerships and collaboration with user groups, friends of and committees of management for recreational, aquatic, public open spaces, parks and gardens.*
- *Continue to develop and enhance recreational and leisure facilities in order to attract and facilitate events of regional, national and international significance.*

Strategic Direction – Built Environment

- *Develop high quality community facilities that encourage access and use by the community*
- *Ensure proposed developments and open space areas are complimentary to their surrounds*

Service Provision – Built Environment

- *Provide Recreation and Open Space planning for Latrobe City*

Strategy – Recreation

- *Moe Newborough Outdoor Recreation Plan 2007*

4. BACKGROUND

In 1995 Latrobe Shire Council convened a public meeting to gauge interest for the establishment of a combined Latrobe Valley motor racing facility. The attendees at the meeting indicated that such a facility was a priority for the motorsport community and as a result the Latrobe Valley Motor Sport Complex Steering Committee was formed to guide initial planning of the motor racing facility through its formative stages.

The Latrobe Valley Motor Sport Complex Steering Committee became the Latrobe Regional Motorsport Complex Committee of Council in January 1996.

Together with Councillor representation, the Committee comprised representatives from the following organisations:

- Gippsland Car Club
- Gippsland Go-Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Drag Club
- Latrobe Regional Chamber of Commerce
- Council Officer
- Any other person (by invitation)

Latrobe Regional Motorsport Complex Feasibility Study 1998

From its inception, the Latrobe Regional Motorsport Complex Committee held regular meetings to progress the completion of the Committee's primary task, which was the preparation of a Latrobe Regional Motorsport Complex Feasibility Study.

The Latrobe Regional Motorsport Complex Committee planned and secured funding for a feasibility study to assess options for the establishment of a Latrobe Regional Motorsport Complex in Latrobe Valley.

An engineering feasibility study was completed by Fisher Stewart in 1998. The study presented a detailed infrastructure costing for various motor sport pursuits:

- Saloon Circuit Racing
- Go Karts
- Speedway Racing

The engineering feasibility study provided an assessment of three possible Latrobe Valley locations for Saloon Circuit Racing, Go Karts and Speedway Racing. These included:

- The proposed Haunted Hills Road Race Circuit based on the Haunted Hills Road, De Campo Drive, Coach Road and Bill Schultz Drive area in Yallourn Heights;
- The proposed International Karting Circuit adjacent to Marretts Road, Hernes Oak;
- The proposed Speedway Circuit within the area bounded by the Road Race Circuit in Yallourn Heights, as described above.

In 2001 Council's engineering consultants estimated that a total cost of \$17.1 million (\$21.56 million in 2011 dollars) was required to complete the works to provide facilities for all three motor sports.

This included the following preliminary estimates (2001 dollars):

- | | |
|--|---------|
| 1. Proposed Haunted Hills Race Circuit | \$14.7m |
| 2. International Karting Circuit (Marretts Rd) | \$0.52m |
| 3. Speedway Circuit (Haunted Hills) | \$2.1m |

The report made the following comments about each site:

1. Road Race Circuit – Haunted Hills Road

The preliminary design work.....confirms the suitability of this site for a proposed motor race circuit. The topography offers an exciting challenge for race drivers and a spectacle for spectators. The physical infrastructure requirements to establish the proposed circuit are substantial and will demand significant funding for the initial construction of all facilities.

2. Karting Circuit – Marretts Road

The preliminary design work....suggests that a modern kart racing facility could be located within the Latrobe Region, on a site which has much to offer in the way of available space, interesting topography, isolation from built up areas and is easily accessible for both competitors and spectators.

3. Speedway Circuit – Haunted Hills Road

The proposed location for the speedway is quite unsuitable for the development of this facility. The unsuitability of the topography is fundamentally the basis for most of the perceived problems with this site.

Economic Impact and Job Creation Study 2001

In 2001, Council's strategic planning consultant produced an Economic Impact and Job Creation Study titled "Haunted Hills 500".

This report detailed an estimate of the likely economic impact and job creation over a period of five years to Latrobe City through the establishment and operation of a round of the V8 Supercar Racing Series within the municipality.

The Job Creation Study estimated that the capital investment required to host such an event would be approximately \$15 million with an accumulated total economic benefit to Latrobe City of approximately \$46 million. At the same time the investment would result in the creation of 105 jobs in year five of operations. This was dependent on Latrobe City successfully attracting a V8 Super Car Event.

Latrobe City Council wrote to the Chairman of the Latrobe Regional Motorsport Complex Committee in June 2002 to express Council's in principle support for a proposal to attract V8 Super Car Motorsport to the municipality.

On 2 December 2002 a report to Council outlined the progress made towards the identification of land that would be suitable for a motor sports complex.

A site in Marretts Road, owned by Yallourn Energy was identified as the preferred site and at the December meeting, Council resolved as follows:

"That Council endorses the proposal to proceed with further investigation and planning for the development of the site in Marretts Road for a motor sports complex, and that a further report be presented to Council upon completion of such investigation."

Marretts Road/Blacks Track Driffield

Following the Council meeting on 2 December 2002 a further meeting was held with the committee on 11 December 2002, with representation from speedway, motor bikes and speedway car groups.

Footprints for the proposed tracks and associated infrastructure were discussed and it was agreed that the site in Marretts Road would be able to adequately accommodate all previously identified facilities. Other advantages included its proximity to the Princes Freeway and its isolation from residential property.

Arrangements were made for a detailed site evaluation survey to be undertaken, in order that more detailed concept plans could be produced.

A further meeting of the Latrobe Regional Motorsport Complex Advisory Committee was held on Wednesday 12 February 2003. A detailed survey plan overlaid with the speedway tracks, as specified by the respective groups was tabled and agreed to be workable with some minor amendments.

Subsequent to this meeting, Latrobe City Council negotiated with Yallourn Energy in relation to the lease for the proposed site of the Motorsport Complex at Marretts Road and Blacks Track, Driffield. The lease arrangements were agreed upon and signed by both parties in 2004.

Latrobe City Council lodged a planning permit application in March 2006 for this proposal. Council issued a Notice of Decision to Grant a Permit for the proposal in September 2006.

This decision was subsequently challenged at the Victorian Civil Administrative Tribunal (VCAT) by local residents. The objectors concerns related primarily to noise, traffic and parking, dust and impact on fauna. The appeal was heard by VCAT in February 2007.

In November 2007 VCAT set aside Council's decision to issue a Notice of Decision to Grant a Permit and ordered that a Notice of Refusal be issued.

VCAT stated that while the site was appropriate for a motor sports complex, the noise anticipated from the Motor Cross Track and the combined gun clubs would be above acceptable levels and that not enough information was provided on how major events at the site would be managed. The VCAT member was also concerned that the traffic and parking aspects of the use were not adequately addressed.

The Latrobe Regional Motorsport Complex Advisory Committee has not met since 2008 and is no longer a Special Committee of Council. At the Ordinary Council Meeting of 16 February 2009 Council resolved to revoke the Latrobe Regional Motorsport Complex Committee's delegation under section 86 of the *Local Government Act 1989*, and deemed the Committee to be an 'Advisory Committee' of Council and renamed the committee to the Latrobe Regional Motorsport Complex User Group.

In March 2011, Council contacted stakeholders in writing, to gauge their ongoing interest for the Motorsport Complex Project.

The following clubs who were members of the Latrobe Regional Motorsport Complex Committee were contacted:

- Moe Speedway Club
- Gippsland Car Club
- Latrobe Valley Aero Club
- Gippsland Go-Kart Club, and
- Latrobe Drag Racers Club.

To date, Latrobe City Council has not received any response to this correspondence. (Attachment 1)

Councillors were briefed and provided with an update on the proposed Motorsport Complex on 16 May 2011. Councillors requested that further consultation be undertaken in regards to the Motorsport Feasibility Study.

Latrobe City Council officers contacted both the Blue Rock Motorcycle Club and the Morwell Field and Game club in June 2011 by letter to ascertain their current commitment to the project. At the time of writing this report, Council has received no response to this correspondence. (Attachment 2)

5. ISSUES

The potential for development of a Latrobe Regional Motorsport Complex has a long history. It is therefore necessary to evaluate the future opportunities for the project and to determine an appropriate course of action moving forward.

In light of the background section of this report, a number of options have been identified.

1. Resubmission of planning application at the Marretts Road/Blacks Track site.

In the event that the proposed Motorsport Complex were to be pursued at the Marretts Road/Blacks Track site, it would be necessary to reconsider the planning application for the proposed development.

For Council to consider re-submitting a planning application in relation to this project, the following information needs to be considered.

Lease Agreement

Council does not have an active/current lease with Tru Energy for the Marretts Road/ Blacks Track site. Negotiations would be required to establish a suitable arrangement between Council and Tru Energy if the site is to be retained for the proposed Latrobe Regional Motorsports Complex.

Victorian Civil & Administrative Tribunal (VCAT) Recommendations

VCAT agreed that the proposal to construct a Motorsport complex would facilitate employment opportunities and investment into the region. It also stated that the proposal was supported by the planning scheme policies relating to economic and tourism development.

However VCAT advised that the impact on the amenity for local residents must also be considered, weighed and balanced against other factors. The primary factors still to be addressed by Council are:

- Noise abatement treatments and;
- Traffic & parking issues

Noise

VCAT in its conclusion stated that it is not reasonable for the objectors to expect that the noise environment should not change, however given the number of activities to be conducted on the land, their frequency and the hours proposed, it was VCAT's recommendation that a far greater compliance with noise criteria should be achieved.

VCAT recommended that a further report in relation to the assessment of noise and noise abatement treatments be secured. A report has not been prepared and would be required to be completed by a suitably qualified expert or consultant.

Traffic

VCAT also indicated in its conclusion that the traffic impacts associated with the proposal were minimal. VCAT advised that no independent evidence was provided with respect to traffic and parking impacts associated with this proposal.

VCAT has recommended that further information and assessment is required. A report has not been prepared and would be required to be completed by a suitably qualified consultant to address the issues of traffic and parking.

Cost Implications to address VCAT recommendations

To fully assess and analyse the noise, noise abatement, traffic and parking implications of this proposal, Council would be required to engage a range of consultants to make an assessment and make expert recommendations.

2. A revised approach to the Motorsport Complex

Significant investment and resources would be required to re-scope, design, develop and construct this complex, along with the cost of undertaking further investigation in relation to a noise assessment and traffic and parking assessment.

The project has not progressed since the VCAT decision of 2007 and there has been little interest from stakeholder groups.

In this context, continued delivery of the Latrobe Regional Motorsport Complex project would require significant re-work and additional resources to seek to rectify the deficiencies identified above (and borne out through the VCAT decision).

3. Abandonment of the Motorsports Complex Project

The Advisory Committee has not formally met since 2008. As part of the research associated with this report, officers have attempted to convene a meeting with the participating stakeholders and user groups to understand the status, the future directions and intentions of the Advisory Committee.

Furthermore, officers have made considerable efforts to obtain up to date contact information for the stakeholders of the Latrobe Regional Motorsport Complex User Groups. The Chairperson has been contacted three times to provide current contact details of the stakeholders without success.

Officers have sent correspondence to all stakeholders who were either formal members of the Advisory Committee or had previously expressed an interest in the project. There have been no responses received to this correspondence.

The Latrobe Regional Motorsport Complex project is not currently included in any Council adopted plan, strategy or resolution identifying this project as a priority.

It is important to note that Latrobe City currently has high quality motorsport infrastructure.

Bryant Park, the hill climb facility situated in Bill Shultz Drive in Hernes Oak hosted in the 2011 Australian Hill Climb Championships. The facility is of world-class standard, ranked in the top five multi-club circuits in the world.

In this context, it is considered that adequate motorsport opportunities are already provided within the municipality.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are significant financial or resource implications arising from Option 1 and 2 in this report.

Option 1.

If a new planning permit application for the Marretts Road/ Blacks Track site is pursued, significant costs to Council would be incurred in the preparation of further reports and permits to address the noise and traffic issues raised in the VCAT decision. These costs have not been included in the adopted 2011/12 Council Budget.

Option 2.

A revision of the current project would require significant officer resources, not currently planned for. These resources have not been included in the adopted 2011/12 Council Budget.

Option 3.

There are no further resource implications for this option.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City Council has made numerous attempts to involve the stakeholders in the consultative process.

Earlier processes of community engagement involved a collaborative approach between stakeholders and Latrobe City Council Officers.

Officers have contacted the Chairperson of the Latrobe Regional Motorsport Complex Advisory Committee on three separate occasions to progress the project. No outcomes were achieved from this approach.

As detailed earlier, on the 17 March 2011, a letter (see attachment 1) was sent requesting information about each user group's current commitment to the motorsport project. Letters were sent to the following groups:

- Moe Speedway Club
- Gippsland Car Club Inc.
- Latrobe Valley Aero Club
- Gippsland Go Kart Club
- Latrobe Drag Racers

In June 2011, letters (Attachment 2) were sent to the Blue Rock Motorcycle Club and the Morwell Field and Game Club to ascertain their current commitment to the Motorsport Complex project. (See attachment 2)

Details of Community Consultation / Results of Engagement:

There has been no response from any of the user groups that were contacted in March 2011 or June 2011.

8. OPTIONS

Council has the following options in relation to this report:

- Resubmit a planning application for the Latrobe Regional Motorsports Complex project.
- Review the Latrobe Regional Motorsports Complex project.
- Abandon the Latrobe Regional Motorsports Complex project.

9. CONCLUSION

This report has been prepared to provide Council with an update for the Latrobe Regional Motorsports Complex proposal and to consider future options for the project.

While previous feasibility studies and the VCAT assessment have indicated that past proposals would result in some economic benefit to the region, the most recent proposal (Marretts Road/ Blacks Track 2006) is not supported by any Council plan, strategy or resolution. If the project was to proceed significant costs to Council would be incurred.

There is a clear lack of interest from previously involved user groups, with no response received by Council Officers to letters requesting each group's current commitment.

10. RECOMMENDATION

1. That Council abandons the Latrobe Regional Motorsports Complex Project.
2. That Council disbands the Latrobe Regional Motorsports Complex User Group.

3. That 2011-2012 Council Delegation and Committees Instrument of Delegation [11 DEL-10] be revised to reflect the disbandment of the Latrobe Regional Motorsports Complex User Group.
4. That Council writes to the Latrobe Regional Motorsports Complex User Group to advise of its decision.

ALTERNATE MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Motion be adopted.

1. **That Council defers any decision on the future of the proposed Marret's Road Latrobe Regional Motorsports Complex until the last Council meeting in March 2012.**
2. **That, in the latter part of February 2012, Council makes a meeting of organisations previously involved in the above proposal to seek their views on the future of the proposed complex.**

CARRIED UNANIMOUSLY

ATTACHMENTS

Our Ref: 06051
KT:

3 June 2011

Graeme Dinsdale
Morwell Field & Game Club
8 Joanne Court
MORWELL Vic 3840

Dear Mr Dinsdale

REVIEW OF LATROBE REGIONAL MOTORSPORT COMPLEX PROJECT

Latrobe City Council is reviewing the Latrobe Regional Motorsport Complex project. This project is about the feasibility of a combined Latrobe Valley Motor Racing facility in Latrobe City.

The attached letter outlining the project was sent to members of the Latrobe Regional Motorsport User Group in March 2011 to ascertain their current commitment to the project. Latrobe City Council has not received any response to this correspondence and will now be making a formal recommendation to Council as to the future of the project.

Before a recommendation is made, Council now requests you in your capacity as an interested party to provide a response to Council regarding your club's potential commitment to this project. Responses should be provided by the 29 July 2011.

It is proposed that a report to Council will be presented in August 2011.

If you require further information or wish to discuss this matter further please contact Karen Tsebelis, Senior Recreation and Open Space Planner on (03) 5128 5483 or email Karen.tsebelis@latrobe.vic.gov.au

Yours sincerely

KAREN TSEBELIS
Senior Recreation and Open Space Planner

Our Ref: 06051
KT

17 March 2011

The Secretary
Gippsland Car Club Inc.
PO Box 493
MORWELL VIC 3840

Dear Sir/Madam

REVIEW OF LATROBE REGIONAL MOTORSPORT COMPLEX PROJECT

The Latrobe Regional Motorsport Complex Steering Committee was formed in January 1996 to guide the initial planning for a combined Latrobe Valley Motor Racing facility. In February 2009 the Latrobe Regional Motorsport Complex Steering Committee became the Latrobe Regional Motorsport Complex User Group. This group is comprised of the following representatives:

- Gippsland Car Club
- Gippsland Go-Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Drag Club
- Latrobe Regional Chamber of Commerce
- Cr Middlemiss (Latrobe City Council)
- Senior Recreation and Open Space Planner (Latrobe City Council).

As you are a member of the Latrobe Regional Motorsports Complex User Group I write to you to advise that Latrobe City Council is currently assessing the feasibility of the Latrobe Regional Motorsport Complex project.

In 2006, Council issued a Notice of Decision to Grant a Permit for a proposal to develop bike and car speedway tracks, relocation of the Blue Rock Motor Cycle Club motor cross track and relocation of the Moe and Morwell Field and Game clubs to Marretts Road/ Blacks Track Driffield.

This decision was subsequently challenged at the Victorian Civil Administrative Tribunal (VCAT) by local residents. VCAT set aside Council's decision to issue a Notice of Decision to grant a planning permit and ordered that a Notice of Refusal be issued. The Notice of Refusal to issue the planning permit was issued in 2007. VCAT stated in their report that while the site was appropriate for a motor sports complex, the noise anticipated from the motor cross track and the combined gun clubs would be above acceptable levels and that not enough information was provided on how major events at the site would be managed.

Latrobe City Council has been reviewing the VCAT decision and subsequent recommendations. Council now requests you, in your capacity as a member of the Latrobe Regional Motorsport User Group to provide a response to Council regarding your club's current commitment to this project. Responses should be provided within 21 days or as soon as possible after your next committee meeting.

If you require further information or wish to discuss this matter further please contact Karen Tsebelis, Senior Recreation and Open Space Planner on (03) 5128 5483 or email Karen.tsebelis@latrobe.vic.gov.au

Yours faithfully

KAREN TSEBELIS
Senior Recreation and Open Space Planner

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**11.3.4 OPERATIONS OF THE LATROBE CITY HYLAND HIGHWAY
MUNICIPAL LANDFILL CONSULTATIVE COMMITTEE,
DECEMBER 2011**

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

1. PURPOSE

The purpose of this report is to inform Council on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee (the Committee) from 6 June 2011 to 19 December 2011, in accordance with the objectives contained within the Committee's Terms of Reference.

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.

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 – Natural Environment

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

Strategic Direction – Governance

Support effective community engagement to increase community participation in Council decision making.

Service Provision – Natural Environment

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

Service Provision – Landfill Services

Operate and maintain the Latrobe City Hyland Highway Municipal Landfill facility in accordance with Environment Protection Authority licence conditions.

4. BACKGROUND

The Environment Protection Authority Waste Discharge Licence No. LS65990 for the Latrobe City Hyland Highway Landfill requires Latrobe City Council to:

‘establish, maintain and administratively support a community consultative committee...during the life of the landfill development, operation and rehabilitation.’

The role of the Committee is to:

- act as a sounding board and advocate for the community and other stakeholders over any issues of concern;
- to act as a channel of communication between the community, stakeholders and Latrobe City Council;
- to review reports and investigations; to assist in the development and review of the environmental improvement plan;
- to advise on the re-vegetation plan for the balance of the land; and to advise on the rehabilitation and afteruse of the landfill itself.

The Committee Terms of Reference (TOR) requires a report to Council each six months, in June and December of each year, on the overall operations of the Committee. The Committee Terms of Reference are attached to this report.

A report was prepared and provided to Council on the operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee for the period from 6 December 2010 to 6 June 2011. At the 6 June 2011 Ordinary Council Meeting, Council resolved:

That Council notes the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 6 December 2010 to 6 June 2011.

5. ISSUES

Since 6 June 2011, the Committee has formally met on four occasions:

- 22 June 2011;
- 23 August 2011;
- 19 October 2011; and
- 7 December 2011.

At the 23 August and 19 October 2011 meetings a quorum was not present and the meeting proceeded with the common understanding that notes of the discussion would be taken, not minutes.

Minutes and notes of the Committee meetings are available on the Latrobe City Council website and attached to this report for information.

The Committee meetings have been held alternately at the Hyland Highway Landfill Education Centre and in the MacFarlane Burnet Room at the Latrobe City Council Traralgon Service Centre. All meetings have been chaired by the Gunyah Ward Councillor, Cr Ed Vermeulen with the exception of the 23 August 2011 meeting which was chaired by the delegate Councillor.

Resulting from the Committee discussions the meeting venue has been changed to be alternatively at the Hyland Highway Landfill Education Centre and in the MacFarlane Burnet Room at the Latrobe City Council Traralgon Service Centre, allowing Committee members the opportunity to see the landfill site and progress of on site works.

The representative from Department of Sustainability and Environment has indicated their inability to attend Committee meetings on a regular basis however submits correspondence on relevant issues and will attend when items regarding land management are on the agenda.

Members and officers (as at 19 December 2011) of the Committee are:

1. Cr Ed Vermeulen (Gunyah Ward Councillor)
2. Cr Bruce Lougheed (Delegate Councillor)
3. Ms Deirdre Griepsma (LCC Officer)
4. Dr Chandana Vidanaarachchi (LCC Officer)
5. Ms Debbie Shaw (DSE)
6. Mr Garry Kay (EPA Vic.)
7. Mr Matthew Peake (GRWMG)
8. Mr Justin Van der Zalm (Loy Yang Power)
9. Mr David Mackenzie (WGCMA)
10. Dr Dilip Nag (Technical Rep)
11. Mr Michael Adams (Technical Rep)
12. Mr Ian Ewart (Community Rep)
13. Ms Lynette Van Vondel (Community Rep)
14. Mr Ted Addison (Community Rep)
15. Mr Chris Madsen (Community Rep)

The following table details attendance of members at meetings of the Committee:

Date of Meeting	22/6/11	23/8/11	19/10/11	7/12/11	Total
Member/Representative					
Gunyah Ward Councillor	✓	Apology	✓	✓	3/4
Delegate Latrobe City Councillor	Apology	✓	✓	Apology	2/4
Manager Natural Environment Sustainability	✓	✓	✓	✓	4/4
Latrobe City Officer	✓	✓	✓	✓	4/4
West Gippsland Catchment Management Association	✓	✓	Apology	✓	3/4
Loy Yang Power	Apology	Apology	Apology	Apology	0/4
Gippsland Regional Waste Management Group	✓	Apology	Apology	✓	2/4
Dept Sustainability & Environment	Apology	Apology	Apology	Apology	0/4
Environment Protection Authority	Apology	Apology	✓	✓	2/4
Technical Representative					
Mr Michael Adams	✓	✓	✓	✓	4/4
Dr Dilip Nag	✓	Apology	Apology	Apology	1/4
Community Member					
Mr Ian Ewart	Apology	Apology	✓	✓	2/4
Mr Ted Addison	✓	✓	Apology	✓	3/4
Mr Chris Madsen	✓	✓	Apology	✓	3/4
Ms Lynette Van Vondel	✓	Apology	Apology	✓	2/4
No. Members in Attendance	8/13	5/13	4/13	9/13	

Through the recent meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion regarding:

- The role of EPA Victoria
- Meeting schedules and venues
- Traffic management during new cell construction works
- VCAT decisions from 2008 regarding landfill
- Leachate management, including new pond
- Best Practise Environmental Management (BPEM) Siting, Design, Operating and Rehabilitation of Landfills (EPA Vic Publication 788.1)
- Odour complaints
- Cell 1&2 operations
- Cell 3 construction and approval process and progress
- Southern bund wall construction and audit process
- Harvesting and revegetation plans
- Environmental issues
- EPA Environmental Audits and site visits
- 53V Statutory Environmental Audit
- General operations
- Landfill Education Centre
- EPA communications
- Website and newsletter
- OH&S concerns
- Volumes and types of waste received
- Fees & charges
- EPA landfill levy
- Landfill rehabilitation
- EPA Vic Annual Performance Statements
- Carbon tax legislation
- Waste Separation Technology
- GRWMG Regional Waste Management Plan
- Meeting Attendance Times and Dates

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Latrobe City Hyland Highway Municipal Landfill Consultative Committee.

Details of Community Consultation / Results of Engagement:

The Committee is a mechanism for consultation with the community regarding issues in relation to the Hyland Highway Municipal Landfill.

8. OPTIONS

Options available to Council include:

1. Accept the report as presented;
2. Request further information regarding the overall operations of the Committee;
3. Not accept the report as presented.

9. CONCLUSION

The Latrobe City Hyland Highway Municipal Landfill Consultative Committee has formally met on two occasions during the period from the 6 June 2011 to 19 December 2011.

Through the meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion in accordance with its Terms of Reference.

The Committee continues to operate effectively in accordance with the Terms of Reference.

10. RECOMMENDATION

That Council notes the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 6 June 2011 to 19 December 2011.

Moved: Cr Middlemiss
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1



Latrobe City Hyland Highway Municipal Landfill Consultative Committee

TERMS OF REFERENCE 9 March 2010

Contents:

1. OBJECTIVES
2. MEMBERSHIP
3. RESIGNATIONS
4. PROCEEDINGS
 - 4.1 Meetings
 - 4.2 Quorum
 - 4.3 Voting
 - 4.4 Recording of Meetings
5. AUTHORITY LEVELS AND REPORTING
6. FINANCE & ADMINISTRATION
7. APPOINTMENT OF ADDITIONAL MEMBERS

1. OBJECTIVES

- a) To act as an advocate and sounding board for the community and other stakeholders bringing to the attention of Latrobe City any issues of concern that may arise during the construction of works and in the operation of the premises.
- b) To act as a channel of communication between the community, stakeholders and Latrobe City.
- c) To review environmental reporting documentation including reports, investigations and studies into aspects of the development and operation of the premises.
- d) To assist Latrobe City and participate in the development and review of an Environment Improvement Plan for the Latrobe City Municipal Landfill Facility.
- e) To provide advice to Latrobe City in the development of a harvesting and re-vegetation plan for the balance of the property not utilised for landfill activities.
- f) To provide advice on the rehabilitation and proposed after use of the entire site.
- g) To report to Council each six months in June and December of each year on the overall operations of the Consultative Committee.

2. MEMBERSHIP

- a) The Latrobe City Municipal Landfill Consultative Committee will comprise of a maximum of fifteen (15) representatives and will be provided with administrative support by Latrobe City.
 - The Gunyah Ward Councillor plus one (1) additional Latrobe City Councillor delegate.
 - One (1) representative from the Environment Protection Authority Victoria
 - One (1) representative from the West Gippsland Catchment Management Authority
 - One (1) representative from the Gippsland Regional Waste Management Group
 - One (1) representative from Loy Yang Power
 - One (1) representative from the Department of Sustainability and Environment
 - Up to five (5) Community Members

- Up to three (3) other members with specialist skills and/or industry experience

The Manager Natural Environmental Sustainability and the Co-ordinator Landfill Services will be present at all meetings to provide feedback, advice and identify issues and how such issues are proposed to be addressed.

- b) Members of the Community will be selected based on expressions of interest received. Latrobe City through consultation with local stakeholders and community groups in areas adjacent to the landfill locality shall determine membership of the Committee to the satisfaction of the Environment Protection Authority Victoria (EPA).
- c) Whilst the Consultative Committee will be in place throughout the life of the landfill facility the appointment of members to Latrobe City Municipal Landfill Consultative Committee will be for a term of three (3) years. Prior to the expiration or each three year term, nominations will be called for the next three year term. Current Consultative Committee members are able to renominate.
- d) The Gunyah ward Councillor will Chair the meetings. If the ward councillor is unavailable he/she will delegate a replacement Councillor for purposes of chairing the meeting.
- e) Members will be appointed for a three year term. In the case of casual vacancies, members shall be appointed for a period as determined by Latrobe City, with advice from the committee. The term shall not exceed the date set down for the expiry of the term of office of the retiring member.
- f) A member who misses two consecutive meetings without a formal apology may have their term of office revoked if requested to do so by Latrobe City Council.
- g) Organisational representatives are able to co-opt a temporary member to fulfil their duties and attend meetings after gaining approval from the Chair.

3. RESIGNATIONS

All resignations from members of the Community Consultative Committee are to be submitted in writing to the General Manager, Built and Natural Sustainability Latrobe City Council, PO Box 264, Morwell VIC 3840.

4. PROCEEDINGS

4.1 Meetings

- a) Each forum will determine its meeting schedule. The meetings will be held at the Traralgon Civic Centre, Kay Street, Traralgon, unless otherwise decided by the committee. Meetings will begin at 6.00pm. Light Refreshments will be provided.
- b) The duration of each forum should not generally exceed two hours.
- c) A record of each meeting will be taken by Latrobe City staff servicing the forum.
- d) Meetings will follow standard meeting procedures.
- e) Meetings of the Committee will be held bi-monthly initially or as may be deemed necessary to fulfil the objectives of the Consultative Committee.
- f) Special meetings may be held on an as needs basis.
- g) Meetings will be open to the public however those non-members in attendance have observer rights only.

4.2 Quorum

- a) A majority of the members constitutes a quorum.
- b) If at any meeting of the Latrobe City Municipal Landfill Consultative Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

4.3 Voting

- a) There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council in all reports.

4.4 Record of Meeting

- a) A Latrobe City Officer will record the meeting notes and store them on the DataWorks file Landfill Sites that shall state the names of the members present.
- b) A copy of the meeting notes will be distributed to all Committee members.
- c) A copy of the meeting notes are to be provided to all Latrobe City Councillors.
- d) If so needed, the Committee can provide formal reports for Council if agreed to by the Chair.

5. AUTHORITY LEVELS AND REPORTING

- a) The Committee is a consultative committee only and has no delegated decision making authority.
- b) Reports to the Latrobe City Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- c) Recommendations, proposals, media releases and other advice must be directed through the Chair.
- d) Reports to the Latrobe City Council will be co-ordinated through the General Manager – Built and Natural Environmental Sustainability.

6. FINANCE & ADMINISTRATION

- a) Latrobe City will provide a Secretariat for the Committee who shall arrange for the preparation and distribution of meeting agendas and meeting notes.

7. APPOINTMENT OF ADDITIONAL MEMBERS

Following the initial appointments of Latrobe City Municipal Landfill Consultative Committee Members, the filling of vacancies that may occur will be subject to the approval of the Chief Executive Officer and the Latrobe City Council.

ATTACHMENT 2

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Details

Name of Project	Latrobe City Landfill Consultative Committee Meeting
Date of Meeting	Wednesday, 22 June 2011
Meeting Times	5.30 pm – 7.10 pm
Venue	McFarlane Burnet Room –Traralgon Civic Centre

Attendees

Cr Ed Vermulen	Chris Madsen	Deirdre Griepsma
David Mackenzie (WGCMA)	Ted Addison	Chandana Vidanaarachchi
	Michael Adams	
	Lynette Van Vondel	
	Dilip Nag	

Apologies

Debbie Shaw (DSE)	Cr Bruce Lougheed	Garry Kay (EPA Vic)
Justin Van der Zalm (Loy Yang Power)	Matthew Peake (GRWMG)	
Ian Ewert	David Meikel (EPA Vic)	

Welcome

Cr Ed Vermulen chaired the meeting. He welcomed the members in attendance. A quorum was present.

Minutes of the previous meeting

The minutes of the previous meeting were discussed.

Traffic during new cell construction

Concerns raised at the previous meeting regarding some personal contractor commuter vehicles using the Traralgon South Rd access during some stages of construction for the new landfill cell and education centre are unresolved. Council officers will confirm the VCAT transcript regarding this issue. It was agreed that other traffic and road condition concerns have been resolved.

Leachate carting

With the recent increased rainfall the process and requirement to occasionally transport and dispose of leachate offsite to the Gippsland Water Dutton Downs facility to ensure compliance with the EPA Vic license was discussed. Confirmation was provided that the leachate pond and treatment system is coping with the current volumes and is closely monitored to ensure compliance (i.e. no spill).

A brief non technical overview of the flow of rainfall on the waste mass through to treatment and discharge was provided. The process of onsite leachate treatment and storm water management was also explained by council officers.

Dilip Nag moved and Chris Madsen seconded the motion to approve the minutes of the previous meeting, 13 April 2010.

Environmental Protection Authority Report

There was no EPA Victoria officer in attendance to provide a report. Deirdre spoke about a forum attended by Local Government officers and Regional Waste Management Groups in Victoria hosted by EPA Victoria in June 2011 to discuss the challenges of implementing the new Best Practice Environmental Management (BPEM) for Siting, Design, Operating and Rehabilitation of Landfills (EPA Vic Publication 788.1).

EPA Victoria preference is to have fewer landfills that operate under best practice guidelines.

It has been reported that on still cold mornings at approximately 7.30am a foul waste type odour has been noticed at the intersection of the Callignee South and Traralgon Creek Roads attributed to the landfill. Discussion regarding encouraging community members to voluntarily notify of this occurrence was discussed, similar to the model Australian Paper has.

Communication – Website and News Letter

Updated news letter is available on website. Copies will be provided to Chris Madsen to place at the Traralgon South shop.

Minutes from these meetings are available on the Latrobe City website.

The suggestion was made for the Latrobe City notice board area in The Express being more actively utilized to advise the community about updates regarding construction activity at the landfill.

Construction of Cell 3 – update

Construction work on cell 3 is currently 6 weeks behind schedule due to unfavorable weather conditions and increased rainfall. Projected completion date, including EPA Vic licensing is September 2011.

Liner material has arrived and independent quality testing is being conducted. Options to complete and license a part of the tipping cell that is not being adversely affected by the increased rainfall has been discussed with the EPA Appointed Independent Auditor to allow the project to be completed within the timeframe.

Cell 1& 2 Operations

Cell 1&2 continue to receive residential waste and will do so until cell 3 is licensed for tipping by EPA Victoria. Capping of cell 1&2 will not commence until this time.

Half of the surface area of cell 1&2 will be capped and this will reduce the volume of leachate produced. Gas collection will be part of the capping design. The remainder of cell 1&2 will be capped on the commencement of tipping to cell 4 and retiring of cell 3. This will then be the progressing capping pattern into the future.

Other Items of Discussion

Education Centre

Furnishings have been received for the education centre. Where possible products have been purchased utilizing recycled materials in manufacturing. The next meeting will be held at the Education Centre.

Revegetation Plan

The revegetation plan has not been progressed further from the last meeting.

OH&S

Recently there has been some local media regarding OH&S at the landfill site. There have been three incidents involving contractor trucks carting excavated material on internal roads. No person, plant or equipment was injured or damaged as a result and WorkSafe and Loy Yang Power were notified at the time of the incidents.

Drug testing was conducted for all contract personnel on the Loy Yang Power and Latrobe City landfill site and two workers provided positive results. These workers were stood down immediately in line with the contractor and Loy Yang Power drug and alcohol policy.

The CFMEU, representing the workers within the mine site, have discussed concerns regarding these incidents with Latrobe City Council, WorkSafe and Loy Yang Power.

In a separate incident an empty Dasma truck ran off the main landfill access road as a result of mechanical failure. No person, plant or equipment was injured or damaged as a result and WorkSafe and Loy Yang Power were notified at the time of the incidents.

Volumes of Waste

The volume of residential and commercial waste received at the landfill per annum under normal operating conditions was discussed. Approximately 42,000 tonnes of waste is received per annum; approximately 50% is residential waste and 50% commercial waste. (Of the residential waste collected approximately half is recycled, or recovered and the other half sent to landfill).

In the previous 2010 calendar year approximately 120 tonne of e-waste was collected at transfer stations. The federal government is expected to introduce an e-waste subsidy scheme in September 2011.

There is an agreement in place to receive waste from Baw Baw Shire Council of set volumes in 2013-2014, after the closure of the Trafalgar landfill. This arrangement was put in place in reciprocation to Baw Baw Shire accepting waste from Latrobe City in the period between the Morwell landfill being closed and the Hyland Highway landfill being constructed and licensed.

Concern was expressed by some regarding Hyland Highway landfill being used as a regional landfill site.

Fees & Charges

The fee to dispose of waste at the Traralgon transfer station was discussed. There was a belief that fees had increased in the past three months. This is not the case. The process of fees and charges annual review and increase was explained.

Rates notices will indicate the EPA Vic landfill levy separately. Discussion continued regarding the need for a clearer explanation as to the division and contribution of rates to the different services (e.g. garbage, roads etc).

No Charge hard waste/green waste weekends are shown in the newly distributed waste calendars.

Next Meeting

The next meeting will be held on 24th August 2011 at 5.30 pm at the Landfill Education Centre. A map and directions will be provided.

Meeting closed at 7.10 pm.

Details

Name of Project	Latrobe City Landfill Consultative Committee Meeting Notes
Date of Meeting	Wednesday, 23 August 2011
Meeting Times	5.20 pm – 6.40 pm
Venue	Education Centre – Hyland Highway Landfill

Attendees

Cr Bruce Lougheed	Chris Madsen	Deirdre Griepsma
David Mackenzie (WGCMA)	Ted Addison	Chandana Vidanaarachchi
	Michael Adams	

Apologies

Debbie Shaw (DSE)	Dilip Nag	Garry Kay (EPA Vic)
Justin Van der Zalm (Loy Yang Power)	Ian Ewert	Cr Ed Vermeulen
Matthew Peake (GRWMG)	Lynette Van Vondel	David Meikel (EPA Vic)

Welcome

Cr Bruce Lougheed welcomed the members present. A quorum was not present however those members present agreed to proceed as a discussion, with notes taken reflecting items discussed, no minutes were taken.

Minutes of the previous meeting

The minutes of the previous meeting were not discussed and will be presented at the October meeting. The notes from this discussion will also be tabled at the next meeting.

Items discussed included:

- Explanation of the waste receipt process at the landfill including gatehouse weighbridge, traffic management, OH&S, tipping face.
- Construction and associated works for cell 3 and new leachate pond.
- Cell 1&2 activities, including southern bund wall construction.
- EPA licensing at site and visits
- Education Centre building, use and sustainable practices.
- Landfill cell capping and site final rehabilitation to native vegetation
- Landfill Newsletter
- 2008 VCAT proceedings are available on the VCAT website.
- Odour notification spotters
- Vehicles accessing the landfill site
- Emergency gates on Hyland Highway

Next Meeting

The next meeting will be held on 19th October 2011 at 5.30 pm at the McFarlane Burnet Room –Traralgon Civic Centre. Meeting closed at 6.40 pm.

Details

Name of Project	Latrobe City Landfill Consultative Committee Meeting Notes
Date of Meeting	Wednesday, 19 October 2011
Meeting Times	5.30 pm – 6.20 pm
Venue	MacFarlane Burnet Room, Traralgon

Attendees

Cr Ed Vermeulen [chair]	Michael Adams (technical)	Jacinta Kennedy (LCC)
Cr Bruce Loughheed	Ian Ewart (community)	Chandana Vidanaarachchi (LCC)
Garry Kay (EPA)		
David Meikel (EPA)		

Apologies

Justin Van der Zalm (Loy Yang Power)	Dilip Nag (technical)	Deirdre Griepsma (LCC)
Matthew Peake (GRWMG)	Lynette Van Vondel (community)	Todd Houghton (HVP)
Debbie Shaw (DSE)	Chris Madsen (community)	
David Mackenzie (WGCMA)	Ted Addison (community)	

Welcome

Cr Ed Vermeulen welcomed the members present. A quorum was not present however those members present agreed to proceed as a discussion, with notes taken reflecting items discussed, no minutes were taken. The chair requested that all committee members be contacted prior to next meeting to encourage attendance.

Minutes of the previous meeting

The minutes of the June meeting and the notes from the August meeting were not discussed and will be presented at the December meeting. The notes from this discussion will also be tabled at the next meeting.

Items discussed included:

- EPA Report
 - Annual performance statements
 - Detailed reviews for some landfills across Victoria
 - Draft Landfill Gas Fugitive Emission Monitoring Guidelines released for public comment
 - New 24/7 pollution reporting hotline (1800 EPA VIC or 1800 372 842)
 - Odour complaints received regarding Hyland Highway Landfill
- Hyland Highway Landfill Newsletter distributed last week and uploaded onto the Latrobe City Council website
- Construction of Cell 3
 - Cell 3A clay liner almost complete
 - Installation of GCL liner to commenced next week
 - Leachate pond sub-grade complete and clay liner installation commenced
- Education Centre is fully operational with positive comments from Committee members following the August meeting at the site.
 - Electricity connection is currently being installed
- Cell 1&2 Activities

- Bund wall construction commenced
 - Rain has impacted progress
- Request for regular OH&S item to be included as standing item in future agendas
- Request for a short memo to be drafted providing a high level overview of the impacts from the carbon tax legislation
- Request for carbon tax legislation impacts on landfill to also be raised with the Climate Change Committee

Next Meeting

The next meeting will be held on Wednesday, 7 December 2011 at 5.30 pm at the Education Centre – Hyland Highway Landfill. [Note: this meeting was brought forward due to the Christmas period]

Meeting closed at 6.30 pm.

Details

Name of Project	Latrobe City Landfill Consultative Committee Meeting Minutes
Date of Meeting	Wednesday, 7 December 2011
Meeting Times	5.30 pm – 7.15 pm
Venue	Landfill Education Centre

Attendees

Cr Ed Vermulen	Ted Addison	Deirdre Griepsma
Garry Kay (EPA)	Ian Ewert	Chandana Vidanaarachchi
David Mackenzie (WGCMA)	Lynette Van Vondel	
Matthew Peake (GRWMG)	Chris Madsen	
	Michael Adams	

Apologies

Debbie Shaw (DSE)	Justin Van der Zalm (Loy Yang Power)	Dilip Nag (Monash Uni)
Cr Bruce Lougheed		

Welcome

Cr Ed Vermulen chaired the meeting. He welcomed the committee members who attended the meeting.

Minutes of the previous meeting

The minutes and notes of the previous meetings in August and October 2011 were discussed.

Environmental Protection Authority Report

The Latrobe City Hyland Highway Annual Performance Statement (APS) was audited by the EPA Victoria Compliance Unit (Melbourne Officer). EPA conducted a round of compliance audits of the APS across the state. Latrobe City was provided with a 'Notice to Produce' two working days prior to the audit. Preliminary findings (verbal) of the audit indicated a satisfactory outcome. When the written report is provided to Latrobe City it will be tabled at the following Committee meeting.

EPA reported it has not received any odour complaints relating to Hyland Highway landfill since the last meeting. Complaints in large numbers (100's) are still being received within the metro area relating to landfills. This increase in odour complaints is being attributed to increased events compared to the previous few years.

EPA Victoria has a new pollution reporting hotline for community reporting, 1300 372 842 (1300 EPA VIC). The EPA Gippsland office number is directed to the call centre.

There are new guidelines for industry noise in regional Victoria. This does not affect the landfill site.

EPA Victoria's Annual Report has been released and the Annual Plan 2011/12 is available on line.

EPA Victoria realignment is underway. There are no big changes to the EPA Gippsland office. The Gippsland office staff will be more field based. Dieter Metzger is Acting Gippsland Regional Manager whilst Liz Radcliff has been seconded to another position.

EPA Victoria has been conducting a roadshow presenting its 5 year plan. Officers and councilors from Latrobe City and GRWVG attended.

OH&S at landfill

OH&S will remain a standing item on the agenda. It had been previously, but has slipped off.

Latrobe City Council has engaged an consultancy to perform monthly independent OH&S audits at the Hyland Highway landfill site during construction activities. No major non-conformance has been found. Some minor issues, predominately regarding record keeping, have been noted for corrective action.

Communication – Website and News Letter

Fifty copies of the most recent landfill newsletter were provided at the Traralgon South General Store for the community. The next newsletter is due early 2012.

All notes and minutes from Committee meetings are available on the Latrobe City website.

A copy of the newsletter, minutes and notes from the previous three meetings will be posted to Lynette.

Construction of Cell 3 – update

- Cell 3A progress report was provided. The liner placement is 50% complete and expected to be completed within the next two weeks, pending good weather.
- Leachate Pond liner placement has commenced. The clay liner has been completed and once the work crew has completed the synthetic liners on cell 3A they will move onto the pond.
- Construction of the leachate pond will be completed prior to EPA Vic licensing cell 3A. The new pond is a requirement under the Works Approval amendment.
- The test pad simulating the performance of the cell liner was successfully opened this week. All auditors were present and satisfied that the test pad complied with the required standards and guidelines. The test pad is constructed on the same slope, with the same materials, workmanship and techniques as within the cell.
- Chris asked about the integrity of the liner materials, specifically HDPE and flex within this material. The stringent testing requirements of the EPA BPEM for landfill construction was explained, including QA/QC testing by the manufacturer, audit sampling and further quality testing by an independent laboratory once onsite, overseen by independent auditors and technical specialists. The anchor trench system also provides a process for mitigation against HDPE tearing in the unlikely event of ground movement.
- Landfill cell 3 is behind schedule. Cell 3A is expected to be licensed for acceptance of waste at the end of January 2012, pending no further significant weather events.
- Discussion was held regarding the receipt of waste from Baw Baw Shire, prompted by the closure of the Trafalgar landfill. Different views were held regarding previous (4 years ago) comments/discussions/commitments about Hyland Highway landfill accepting waste from outside Latrobe City and being used as a Regional Landfill. There is a reciprocal

agreement in place regarding acceptance of the same volumes of waste as that disposed of at the Trafalgar landfill after the closure of the Morwell landfill. Chris requested Council undertake further community consultation if Hyland Highway landfill is to be used as a Regional Landfill and he believed this information had not been placed in the public domain. Matthew spoke about this being included within the Gippsland Regional Waste Management Plan of past years that had been released for public comment.

The Gippsland Regional Waste Management Plan review process is in the early stages and interactive community engagement will be a part of this process. Matthew will keep the Committee updated as to the progress of the review and development of the next Gippsland Regional Waste Management Plan, including providing a copy of the draft document for comment to committee members, if required, once released. This process is likely to take some time.

Other Items

Education Centre

The Education Centre is complete, excluding a few additional furnishings and landscaping outside. The building is being well utilized by school groups participating in the Latrobe City “follow your waste” tours. The GRWMMG have also used the building for workshop meeting. Most Latrobe City Council divisions have used the space for workshop/meeting space.

Currently power is supplied to the building via generator. SPAusnet is connecting mains power to the building.

Feedback was welcomed from the Committee regarding the building.

Cell 1&2 activities

Air space is at a premium within cell 1&2. Daily operations continue in line with the licence conditions.

Harvest Plan

HVP are currently undertaking harvesting activities as per their schedule. Comment was made that truck using the gateway onto Callignee South Rd along the straight road section was not presenting any concerns.

Revegetation Plan

No action. Progress is expected early in the new year.

Meeting day and time

The Committee was asked if the current recurrent date and time of Ciommittee meetings was still suitable, and advised that it could be changed if there was found to be ongoing conflict with attendance. Two of the previous meetings failed to achieve a quorum prompting consideration of this matter. The Committee determined that the third Wednesday of every second month, at 5.30pm, remained suitable. Alternate venues of the Education Centre and Traralgon Service Centre will still be used.

Loy Yang Power (LYP) and Department of Sustainability and Environment (DSE) representatives have a poor attendance record prompting discussion. DSE has a standing apology for meetings. Council officers have contacted both LYP and DSE previously requesting an alternate representative to attend. Council officers will again contact these two organizations requesting attendance of an alternate representative, or consideration of providing a written report to the

Committee where appropriate. Continual absence of these two representatives makes it challenging to form a meeting quorum.

There was discussion regarding a proxy being given to the Chair for LYP and DSE, however this will need to be investigated with consideration to the Terms of Reference and subject to discussions with Council and EPA Vic. (the formation and composition of the Committee is a license requirement).

Due to the time of the meetings, 5.30pm, refreshments will continue to be provided at all meetings. Any Committee members with dietary requirements should make council officers aware of this so they can be accommodated.

Carbon Tax impacts

Information regarding the impact of the Carbon Tax legislation was provide to Committee members prior to the meeting. The requirements for landfills under the legislation were discussed. Only organic waste deposited from 30 June 2012 onward will be subject to the carbon tax for the CO₂-e emissions. Hyland Highway landfill is unlikely to trigger the 25,000 tonne CO₂-e threshold for a number of years, at which time waste diversion programs for organic waste will have progressed.

Gas capture will be installed within the capping of Hyland Highway landfill cells as a requirement of the EPA Vic license.

This prompted much discussion in response to Ted's question about an onsite waste separation unit. In summary,

- frustration was expressed regarding residents placing recycles in the red lid bin,
- on average the kerbside red lid bin contains 42% food waste and 16% recyclable (data from audits),
- education is required to address these issues,
- technology to separate waste does exist,
- economy of scale is an issue in rural/regional areas (in NSW \$50M to process 10 time the volume of waste at Latrobe City; less waste volume = more costly),
- composting, worm farming and education is the approach used as the residential level, targeting school children, this is a behavioral change.

Odour Panel

Council officers will follow up with Australian Paper environmental staff regarding their "odour panel" and using this as a model for council landfill odour reporting. A progress report will be provided to the next meeting.

Perimeter odour checks are occurring by the landfill team leader daily.

Chris requested inclusion in the minutes that odour was present on site during the time of the Committee meeting, and on Saturday night from the road. Council Officer responded was that the meeting was being held within 100m of the active tipping cell, with the building windows open.

Comment was made by Chris regarding commuter traffic using the gate beside the motorcycle track and feels this is not allowed. Council officers and Chris' interpretation and understanding of the VCAT transcript regarding this issue differs.

Next Meeting

Next meeting will be held on 22nd February 2012 at 5.30 pm at the Education Centre so a site tour can be conducted prior to the conclusion of daylight savings.

Meeting closed at 7.15 pm.

11.3.5 **AMENDMENT C26 - LATROBE REGIONAL AIRPORT MASTER
PLAN CONSIDERATION OF SUBMISSIONS**

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

1. PURPOSE

The purpose of this report is for Council to consider all written submissions received in response to proposed Amendment C26 Latrobe Regional Airport Master Plan and to seek Council approval to progress the amendment to the next stage.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Built Environment

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

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

Service Provision – Built Environment (City Planning)

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

Major Initiative – Economy

Progress the implementation of the Latrobe Regional Airport Masterplan to effectively develop the airport and to facilitate investment and jobs growth.

Legislation

Local Government Act 1989

Planning and Environment Act 1987 (the Act)

Transport Integration Act 2010

The provisions of the Act and the Latrobe Planning Scheme apply to this amendment. The discussion and recommendations of this report are consistent with the Act and the Latrobe Planning Scheme, including the Municipal Strategic Statement (MSS).

4. BACKGROUND

The Latrobe Regional Airport is zoned Special Use Zone 7 (SUZ7) and is surrounded by lots zoned Rural Living (Schedule 3 and 5) and Farming. The subject land includes the Latrobe Regional Airport and land surrounding the Latrobe Regional Airport affected by the proposed Design and Development Overlays (DDOs) and the areas affected by the removal of the Airport Environs Overlay (AEO) and Public Acquisition Overlay (PAO) (See attachments 1 to 3 for subject land).

A review of the existing Master Plan for the Latrobe Regional Airport and establishment of a planning framework that will facilitate the development of the Airport and its environs over the next 20 years was commenced in September 2008. In May 2009 the Latrobe Regional Airport Final Report and Master Plan Report were subsequently completed.

At the 9 June 2009 Latrobe Regional Airport Board Meeting, the Latrobe Regional Airport Board resolved that:

The Latrobe Regional Airport Master Plan 2009 as presented be adopted.

A key recommendation from the Master Plan report is to prepare a planning scheme amendment to:

- Remove the AEO Schedule 2.
- Apply new schedules to the Design and Development Overlay (DDO 7 and DDO 8) to ensure that development height does not adversely affect the operations of the airport.
- Amend Schedule 7 to the Special Use Zone (SUZ) to allow accommodation related to aviation uses at the Latrobe Regional Airport.
- Remove the Public Acquisition Overlay (PAO) from the Airport land and amend the PAO schedule.
- Provide appropriate modifications to the Municipal Strategic Statement to reflect the changes above.
- Introduce the 2009 Latrobe Regional Airport Master Plan as a reference document.

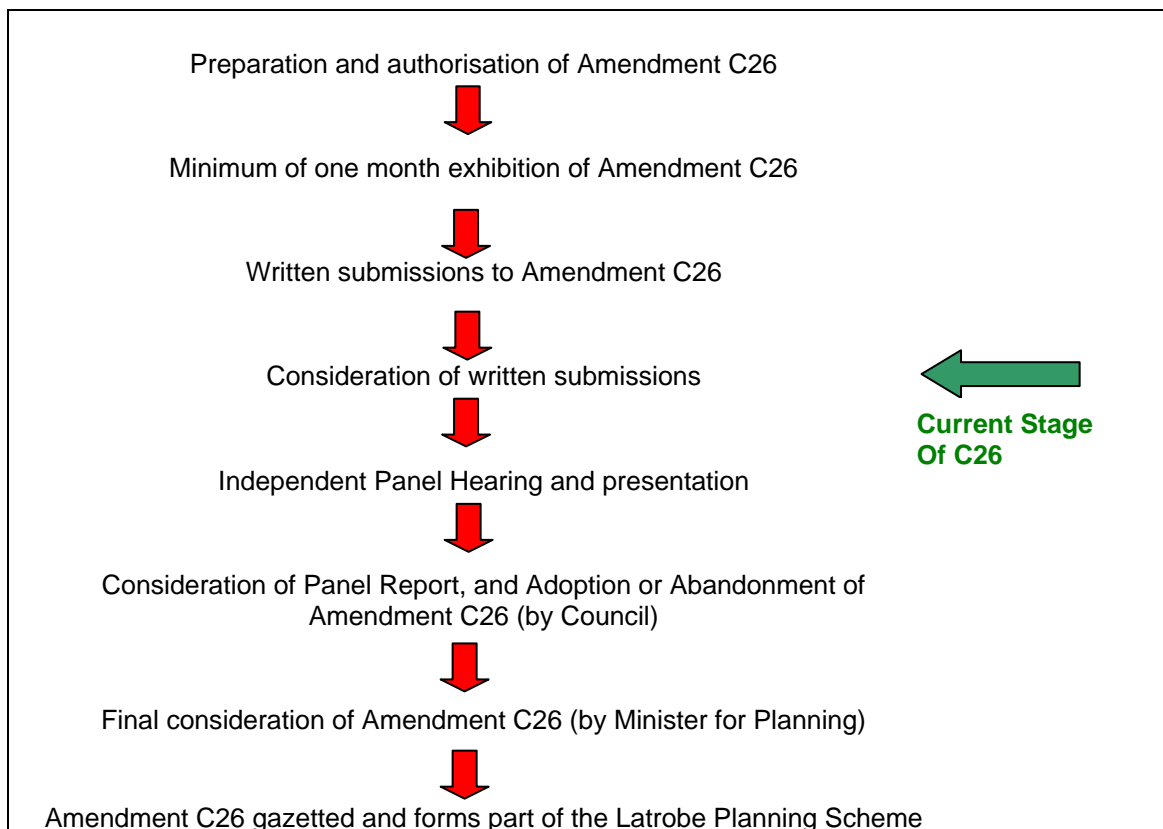
The introduction of the DDO7 will trigger a need for a permit to construct a building, construction or carrying out works which exceeds 55 metres Australian Height Datum (AHD). In effect, this will mean that building and works above 5 metres in height will trigger the need for a planning permit.

The introduction of the DDO8 will trigger a need for a permit to construct a building, construction or carrying out works which exceeds 65 metres AHD. In effect, this will mean that building and works between 10 to 15 metres will trigger the need for a planning permit depending on ground level height.

Statutory Requirements

The C26 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C26.

C26 Planning Scheme Amendment Process



In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C26 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report, (see Attachment 4).

The proposal is consistent with the State Planning Policy Framework (SPPF) and the current Municipal Strategic Statement (MSS). This is explained in the attached Explanatory Report (see Attachment 4).

Planning Scheme Amendments

At the Ordinary Council meeting on 7 December 2009 Council resolved to seek the Minister for Planning's Authorisation to prepare and exhibit the proposed Amendment C26

The Minister for Planning in accordance with Section 8A(3) of the *Planning and Environment Act, 1987*, authorised Council to prepare the proposed Amendment C26 on 8 April 2010.

Amendment C26 was placed on public exhibition during the period 13 May 2010 to 13 June 2010.

Sections 22 and 23 of the Act require that Council must consider all submissions received to C26 and where a submission requests a change that cannot be satisfied, request the Minister for Planning to establish a planning panel to consider submissions.

The recommendations of this Council Report are in accordance with Sections 22 and 23 of the Act.

5. ISSUES

A total of four submissions were received by Latrobe City Council to Amendment C26. Section 7 of this Council Report provides a summary of the four submissions. Table 1 provides a précis of the issues raised in each submission and planning consideration of each issue raised.

Out of the four submissions received submission one was in support of the amendment and submissions 2, 3, and 4 objected to the amendment. A copy of all submissions can be found at attachment 6.

Submission 1 Issue

Submissions one states that there is no objection to the amendment as exhibited.

Submission 1 Response

The comments of no objection are noted.

Submission 2 Issues

Submission two objects to Amendment C26 stating that the *Latrobe Regional Airport Master Plan 2009* was developed using the wrong population catchment and should have been based on a wider surrounding population area (i.e. Cardinia Shire, City of Casey etc). In this context, the Master Plan should be providing for a major domestic terminal and to allow for flight paths of larger planes, suitable road access and greater room for expansion and the need for the review of the planning controls.

The submission states that if the airport was to be developed as a major domestic terminal the planning controls would need to be increased and the location of the airport would need to be considered due to the sensitive uses (i.e. rural living areas) surrounding the airport and its impact on them.

Response to Submission 2

The adopted *Latrobe Regional Airport Master Plan 2009* was created in consultation with the airport board, Latrobe City Council officers, the community, agencies and authorities and based on the most appropriate development for the Latrobe Valley. Therefore, the planning controls, location and the recommendations Latrobe Regional Airport Master Plan are considered appropriate.

Submission 3 Issues

Submission three to Amendment C26 states that Gippsland Water objects to the proposed northern expansion of the airport, in particular the residential airpark proposed as part of the Master Plan. The objection states that there is an emergency storage facility which is located to the north of the airport and there is a need for 700m buffer distance as per the Environmental Protection Authority (EPA) guidelines *Buffer Distances for Industrial Residual Air Emissions July 1990*.

Submission 4 Issues

Submission four a, b and c to Amendment C26 states that Australian Paper objects to the proposed northern expansion of the airport, in particular the residential airpark proposed as part of the Master Plan, changes to the SUZ7 and Local Planning Policy Framework (LPPF) to allow aviation related accommodation.

The objection states the Australian Paper (AP) site is located within 2 to 3km of the proposed residential airpark site and under the EPA guidelines *Buffer Distances for Industrial Residual Air Emissions July 1990* a distance of 5000m is required from the Australian Paper Mill for any sensitive uses. The submitter states that the Latrobe Regional Airport is located within the 5000m buffer distance where a sensitive use is proposed, the EPA guidelines need to be considered.

Response to Submission 3 and 4 – Peer Review

A presentation was made to the Latrobe Regional Airport Board by council officers on 30 May 2011 to discuss the submissions received from both Gippsland Water and Australian Paper. The Latrobe Regional Airport Board decided at this meeting that further information in form of a peer review was required about the methodologies and analysis applied to the assessment of residual air emissions presented in each of the submissions, before making a further decision.

On the 2 August 2011 consultants were appointed to peer review submissions three and four a, b and c to Amendment C26. The purpose of the peer review was to verify that the methodologies adopted in the respective submissions were acceptable and were in accordance with industry standards. The consultant undertaking the peer review was also required to provide guidance and a recommendation to the Airport Board and Latrobe City Council on how to proceed with the amendment.

The *Peer Review of Amendment C26 Submissions (2011)* recommends that:

Council should generally discourage sensitive land uses, irrespective of the zone they are located in, from establishing within a noise or air emissions buffer.

Based on the recommendation from the peer review it is therefore proposed that the residential airpark as part of the Latrobe Regional Airport Masterplan should not be pursued in its current form.

A presentation of the findings of the *Peer Review of Amendment C26 Submissions (2011)* was made to the Latrobe Regional Airport Board on 26 September 2011. Following the presentation, the Latrobe Regional Airport Board met with both Gippsland Water and Australian Paper on 24 October 2011 to discuss their submissions.

On the 7 November 2011 the Latrobe Regional Airport Board resolved to:

Abandon part of Amendment C26 which includes:

- 1. The incorporation of the Airport Master Plan as a reference document into the Latrobe Planning Scheme;*
- 2. The proposed changes to the Municipal Strategic Statement (MSS) that refers to the Airport Master Plan;*
- 3. The proposed changes to the Special Use Zone 7 to allow for the airpark accommodation; and*
- 4. Flag the Board's intention to investigate a separate [future] planning amendment to accommodate the inclusion of the Airport Master Plan into the Planning Scheme.*

Meetings were held with council officers and Gippsland Water, Australian Paper and Environment Protection Authority on 8 November 2011 and 15 November 2011 to discuss the Latrobe Regional Airport Board's resolution. Information was provided to the two submitters to assist them in determining whether or not the Board's resolution now satisfied their objection to Amendment C26 and whether they were in a position to withdraw their objection. A letter to both Gippsland Water and Australian Paper was sent requesting the withdrawal of their objections.

A letter withdrawing their submissions to Amendment C26 from Gippsland Water (Submission 3b) and Australian Paper (Submissions 4d) was received on 2 December 2011 and 18 November 2011 respectively.

A meeting was also held with submitter 2 on 9 November 2011 to discuss their objection to Amendment C26 and advise of the Latrobe Regional Airport Board's resolution. Information was provided to the submitter to assist in determining whether or not the Board's resolution satisfied their objection to Amendment C26. Submitter 2 stated at this meeting that the information provided did not satisfy their objection and as such would like to be heard at a planning panel.

Table 1 (below) provides a précis of the issues raised in each submission and planning consideration of each issue raised. A full copy of submissions is provided at attachment 6.

Table 1 – Summary of Submissions to Amendment C26

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
1	Mr Luke Dilena, SP Ausnet	Support	The submitter has no objection to the proposed amendment.	Comments of no objection are noted.	N
2	Mr Lindsay Love, Love Holdings Pty Ltd	Objection	<p>The submitter states that:</p> <ul style="list-style-type: none"> • They were unable to access the C26 documents from the DPCD's website. • They object to the amendment as the Latrobe Regional Airport Master Plan 2009 does not adequately consider the future of the airport as it is based on the wrong population catchment data. The Latrobe Regional Airport is only considered as a 'medium scale regional airport' and does not consider the potential to land jet aircrafts. • The current planning scheme controls are flawed as it uses the Master Plan to define the required changes. • The Master Plan and planning controls will need to be reviewed on the basis of a need to accommodate a major domestic terminal. 	<p>Following the receipt of the objection. The submitter attended a consultation session which was held at Latrobe Regional Airport on the 7 June 2010 where further information was provided on how to access the Planning Scheme Amendment.</p> <p>The Latrobe Regional Airport Master Plan 2009 was prepared in consultation with the Airport Board, council officers, community members, agencies and authorities and was adopted as the most appropriate future development of the airport. Therefore, it was appropriate to define the Latrobe Regional Airport as a 'medium scale regional airport'. The planning controls to be implemented as part of the amendment are appropriate for the type of development to occur.</p> <p>No alteration to Amendment C26 is recommended.</p>	N

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
3a	Mr Paul Young, Gippsland Water	Objection	<p>The submitter states that:</p> <ul style="list-style-type: none"> • They have no objection to the proposed planning controls in order to facilitate the operations at the airport. • They do object to the future northern expansion of the airport with regard to any sensitive use (i.e. residential airpark) due to an emergency storage facility which is located to the north of the airport. This emergency storage facility is required and will be required in the future. • The emergency storage facility under the Environmental Protection Authority (EPA) guidelines <i>Buffer Distances for Industrial Residual Air Emissions</i> requires a 700m buffer required from the site boundary. 	<p>A peer review was undertaken by consultants on both the Gippsland Water (3a) and Australian Paper (4a, b, c) submissions regarding the buffer concerns.</p> <p>The review found that there are no recommended buffer distances for an emergency waste water facility in the EPA guidelines <i>Buffer Distances for Industrial Residual Air Emissions</i>. However, Clause 52.10 of the Latrobe Planning Scheme does recommend that a 200m threshold should be applied as a buffer from sites where aqueous waste is treated.</p> <p>A buffer distance required of approximately 5000m from the Australian Paper site; and the Gippsland Water facility falls within this buffer distance the Gippsland Water submission is acknowledged.</p> <p>It is recommended to alter Amendment C26 to remove the Latrobe Regional Airport Master Plan as a reference document, remove the changes to the Special Use Zone 7 and remove any reference within the MSS to the proposed residential airpark.</p> <p>Please also see comments in 4c.</p>	Y

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
3b	Mr Paul Young, Gippsland Water	Withdrawal of Objection	The submitter states that following the advice received from Council officers on 10 November 2011 they are satisfied that these changes address the concerns raised by Gippsland Water and they formally withdraw their objection.	The withdrawal of objection is acknowledged.	Y
4a	Mr Howard Lovell, Australian Paper	Objection	<p>The submitter states that:</p> <ul style="list-style-type: none"> • They object to the residential airpark being within 2 km's of the mill and just 500m from the closet point of the mill site. • The impact the encroachment of sensitive use will have on Australian Paper's ability to comply with EPA guidelines now and into the future, and therefore impact on medium to long term viability of its operations. • The submitter requested that Latrobe City Council refrain from making a decision on amendment C26 until odour and noise assessments have been completed by Australian Paper and a formal submission could be made. 	Please see comments in 4b and 4c.	Y

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
4b	Mr Howard Lovell, Australian Paper	Objection	<p>The submitter states that:</p> <ul style="list-style-type: none"> • They object to amendment C26, namely: <ul style="list-style-type: none"> ○ Clause 22: Addition of an objective to Clause 22.04 relating to aviation related accommodation. ○ Changes to the Special Use Zone 7 to provide for aviation – related accommodation. ○ The implementation of the Airport Master plan as a reference document which provides for airpark accommodation. • The residential airpark component of the Master Plan. There is likely to be amenity impacts (odour) on residents within the proposed airpark accommodation. • The Master Plan report has failed to acknowledge its site context, in particular the existence of an industrial facility of significance. • The recommended buffer distance from sensitive uses for Australian Paper facility is 5km under the EPA guidelines <i>Buffer Distances for</i> 	<p>There are no changes to Clause 22 of the Latrobe Planning Scheme proposed as part of this amendment. Changes are however, proposed to Clause 21 (i.e. the MSS) which refers to the aviation related accommodation. The reference to Clause 22 by the submitter may be made in error.</p> <p><i>The Latrobe Regional Airport Final Report 2009</i> does include a reference to surrounding land uses and the Australian Paper Mill. It is noted that as part of the development of the Latrobe Regional Airport Master Plan and Final Report, Australian Paper were invited to attend consultation sessions on the draft reports. Australian Paper did not attend the consultation sessions.</p> <p>See comments in 4c.</p>	Y

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
			<ul style="list-style-type: none"> • <i>Industrial Residual Air Emissions.</i> • Modelling has been done based on the Ausplume 6.0 screening model. However, further high level modelling will be conducted with Calpuff / Calmet wherein the limitations of the screening model are substantially minimised. • Parts of existing Traralgon and Morwell townships are already developed within the 5km buffer area of the mill, and some flexibility and compromise is therefore necessary. 		
4c	Mr Howard Lovell, Australian Paper	Objection	<p>Addendum submission. This submission should be read in conjunction with 4a and 4b. The submitter states that:</p> <ul style="list-style-type: none"> • They object to amendment C26 namely: <ul style="list-style-type: none"> ○ Clause 22: Addition of an objective to Clause 22.04 relating to aviation related accommodation. ○ Changes to the Special Use Zone 7 to provide for aviation – related accommodation. ○ The implementation of the Airport Master plan as a reference document which provides for 	<p>See comments in 4b.</p> <p>A peer review was undertaken by consultants on both the Gippsland Water (3a) and Australian Paper (4a, b, c) submissions regarding the buffer concerns.</p> <p>The review found that an approximate 5000m buffer distance as proposed for the Mill in the submission is appropriate based on:</p> <ul style="list-style-type: none"> • The preliminary review of the Modelling Report that it is acceptable and accords with industry standards. • Evidence of a history of odour 	

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
			<p>airpark accommodation.</p> <ul style="list-style-type: none"> • GHD completed more sophisticated modelling of odour emissions from Australian Paper, which confirms the significant odour impacts at the airport site. • A contour plot of the 99.5th percentile odour units (OU) levels indicate that a 15OU level is expected at the location of the proposed chalets. This occurs for operations conditions that could not be considered as abnormal. <p>The proposed buffer for Australian Paper from sensitive uses generally conforms to the 10OU line.</p>	<p>complaints provided by Australian Paper.</p> <ul style="list-style-type: none"> • Consideration of the recommendations of the threshold distances for paper or paper pulp production involving combustion of sulphur containing material of 5,000m specified in the EPA recommended buffer guidelines. • The recommendation of the peer review has recognised that the proposed residential airpark as part of the <i>Latrobe Regional Airport Master Plan 2009</i> is within the 5km and proposed buffer of Australian Paper. <p>It is therefore, unlikely that in its current form that the residential airport as part of the Latrobe Regional Airport Masterplan can be pursued. It is recommended to abandon part of Amendment C26 to remove the Latrobe Regional Airport Master Plan as a reference</p>	

Sub. No.	Name	Support / Objection	Summary of issues	Comment	Changes to exhibited documents required Y / N
				document, remove the changes to the Special Use Zone 7 and remove any reference within the MSS to the proposed residential airpark.	
4d	Mr Howard Lovell, Australian Paper	Withdrawal of objection	The submitter states that following the advice received from Council officers on 10 November 2011 they are satisfied that these changes address the concerns raised by Australian Paper and they formally withdraw their objection.	The withdrawal of objection is acknowledged.	Y

General Issue and Interim Controls

The overlays that currently apply to the Latrobe Regional Airport are:

- Airport Environs Overlay
- Design and Development Overlay (gas pipeline)
- Public Acquisition Overlay

The amendment proposes to remove outdated provisions from the Latrobe Planning Scheme which include both the AEO and PAO.

The Latrobe Regional Airport Master Plan notes that the removal of the AEO is necessary as it is inadequate and it relies on the Australian Noise Exposure Concept which is not suitable for the current and likely future level of operations at the airport. The AEO is inadequate as it relies on the underlying zone of the land to trigger a planning permit. This means that some development is not triggering a planning permit and therefore is not able to consider the operations of the airport.

There are currently interim planning controls which apply to land identified within the high risk areas of the Flight Circuit Paths (FCP) for the operational runways at the Latrobe Regional Airport (see attachment 5). The interim controls require a planning permit for a certain use, development and subdivision of land which has been identified in the FCP.

The interim controls are required as currently there are no planning controls in the Latrobe Planning Scheme which provide adequate protection of the Latrobe Regional Airport and surrounds from incompatible developments.

The interim controls are due to expire in the Latrobe Planning Scheme in March 2012 and have previously been extended two times.

It is likely that Amendment C26 will not be finalised prior to this expiry. An extension of time should be sought through the Minister for Planning for the extension of the interim controls. If the interim controls are not extended there is a risk that the Latrobe Regional Airport would be without adequate protection in the Latrobe Planning Scheme from incompatible development until the approval of Amendment C26.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Funds have been allocated in the current 2011/2012 budget year to enable the planning scheme amendment to proceed.

7. INTERNAL/EXTERNAL CONSULTATION

A total of four submissions were received by Latrobe City Council to Amendment C26. Table 2 below provides a breakdown of submissions received.

Table 2 – Breakdown of Submissions

Amendment C26 Submissions	
Support	1
Object	3 (2 withdrawals)
Total Submissions	4

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This included advertising in the Government Gazette on 13 May 2010 and local newspapers on 13 May 2010 and 7 June 2010 as well as written notification to landowners and occupiers that may be materially affected by the amendment on 7 May 2010.

All statutory and servicing authorities likely to be materially affected were notified of the proposed amendment on 7 May 2010.

Amendment C26 was placed on public exhibition during the period 13 May 2010 to 13 June 2010.

'One on one' information sessions were held at Latrobe Regional Airport on 7 and 8 June 2010. Four people attended the information sessions.

Public Submissions

Section 22 of the Act requires that a planning authority consider all submissions to an amendment.

A summary of key issues and comments raised in submissions has been provided in section 5 (see table 1). A full copy of all submissions received to amendment C26 is provided at Attachment 6.

Considerable consultation and meetings have been undertaken between Council officers and submitters to discuss issues relating to Amendment C26 in accordance with Latrobe's Community Engagement Plan 2010 – 2014 and the IAP2 spectrum of public participation. These engagement activities have been documented at Attachment 7.

There is only one objection remaining that requests a change to Amendment C26 that cannot be satisfied. It is therefore necessary that Council request the Minister for Planning establishes a planning panel to progress the amendment to the next stage.

8. OPTIONS

The options available to Council are as follows:

1. That Council, after considering all written submissions received to Amendment C26, resolves to abandon part of the amendment which includes:

- The incorporation of the Airport Master Plan as a reference document into the Latrobe Planning Scheme;
- The proposed changes to the Municipal Strategic Statement (MSS) that refers to the Airport Master Plan;
- The proposed changes to the Special Use Zone 7 to allow for the airpark accommodation.

and request the Minister for Planning to establish a planning panel to consider the remaining submission and prepare a report.

Or

2. That Council, after considering all written submissions received to Amendment C26 resolves to abandon the exhibited planning scheme amendment C26 and inform the Minister for Planning.

Or

3. That Council, after considering all written submissions received to Amendment C26 resolves to request further information.

9. **CONCLUSION**

The *Peer Review of Amendment C26 Submissions (2011)* undertaken by consultants recommended that:

Council should generally discourage sensitive land uses, irrespective of the zone they are located in, from establishing within a noise or air emissions buffer.

The Latrobe Regional Airport Master Plan, changes to the MSS and the Special Use Zone Schedule 7 all relate to the location of the residential airpark (which is classed as a sensitive use) to the north of the airport site. As the location of the residential airpark is within the air emissions buffer of Australian Paper it is, therefore necessary to abandon this part of the amendment.

Following the resolution of the Latrobe Regional Airport Board, there is only one objection remaining that requests a change to Amendment C26 that cannot be satisfied. Council must request the Minister for Planning establish a planning panel to progress the amendment to the next stage.

The planning panel will be established only to consider the remaining part of the amendment which includes:

- The introduction of the Design and Development Overlays Schedule 7 and 8;
- The removal of the Airport Environs Overlay and Public Acquisition Overlay Schedule 2;

There is only one objection remaining that requests a change to Amendment C26 that cannot be satisfied. It is therefore necessary that Council request the Minister for Planning establishes a planning panel to progress the amendment to the next stage.

10. RECOMMENDATION

1. That Council having considered all written submissions received to Amendment C26 resolves to:
 - a. Abandon part of the amendment which includes:
 - The incorporation of the Airport Master Plan as a reference document into the Latrobe Planning Scheme;
 - The proposed changes to the Municipal Strategic Statement (MSS) that refers to the Airport Master Plan;
 - The proposed changes to the Special Use Zone 7 to allow for the airpark accommodation.
 - b. requests the Minister for Planning to establish a planning panel to consider the remaining submission to part of the amendment which includes:
 - The introduction of the Design and Development Overlays Schedule 7 and 8;
 - The removal of the Airport Environs Overlay and Public Acquisition Overlay Schedule 2; and prepare a report.
2. That the CEO writes to the Minister for Planning and request he be the planning authority to undertake an amendment to the Latrobe Planning Scheme to extend the Latrobe Regional Airport interim land use and development planning controls to December 2012.
3. That Council advises those persons who made written submissions to Amendment C26 of Council's decision.

Cr O'Callaghan left the Chamber at 8.52 PM due to an indirect interest under section 78B of the *Local Government Act 1989*

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

Councillor/s White, Price, Kam, Gibson Middlemiss and Vermeulen.

Against the Motion

Councillor Harriman

The Mayor confirmed that the Recommendation had been CARRIED.

Cr O'Callaghan returned to the Chamber at 8.58 PM

ATTACHMENT 1 Design and Development Overlay

LATROBE PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Maps 44DDO, 53DDO, 70DDO, 78DDO, 79DDO & 85DDO

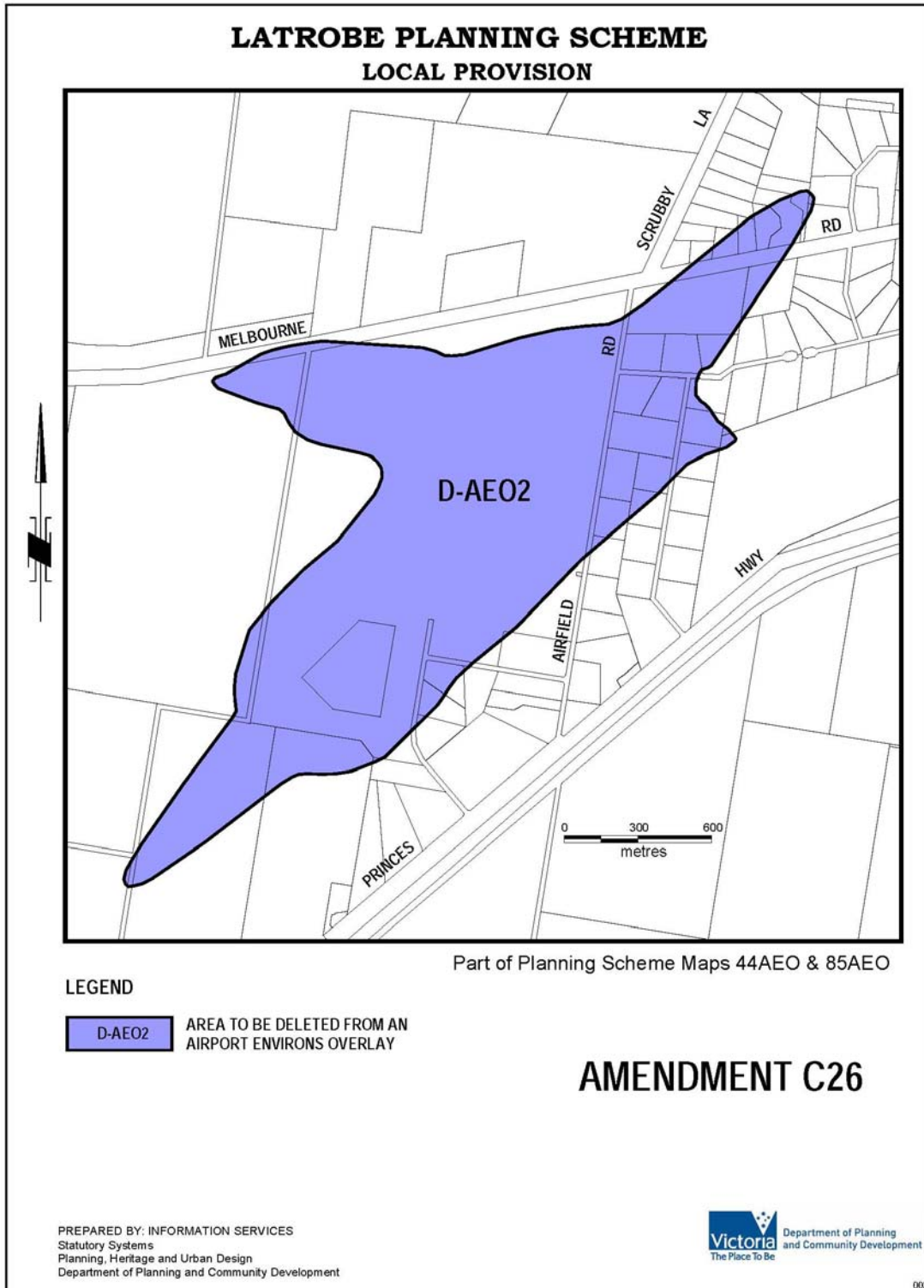
LEGEND

- DDO7 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7
- DDO8 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8

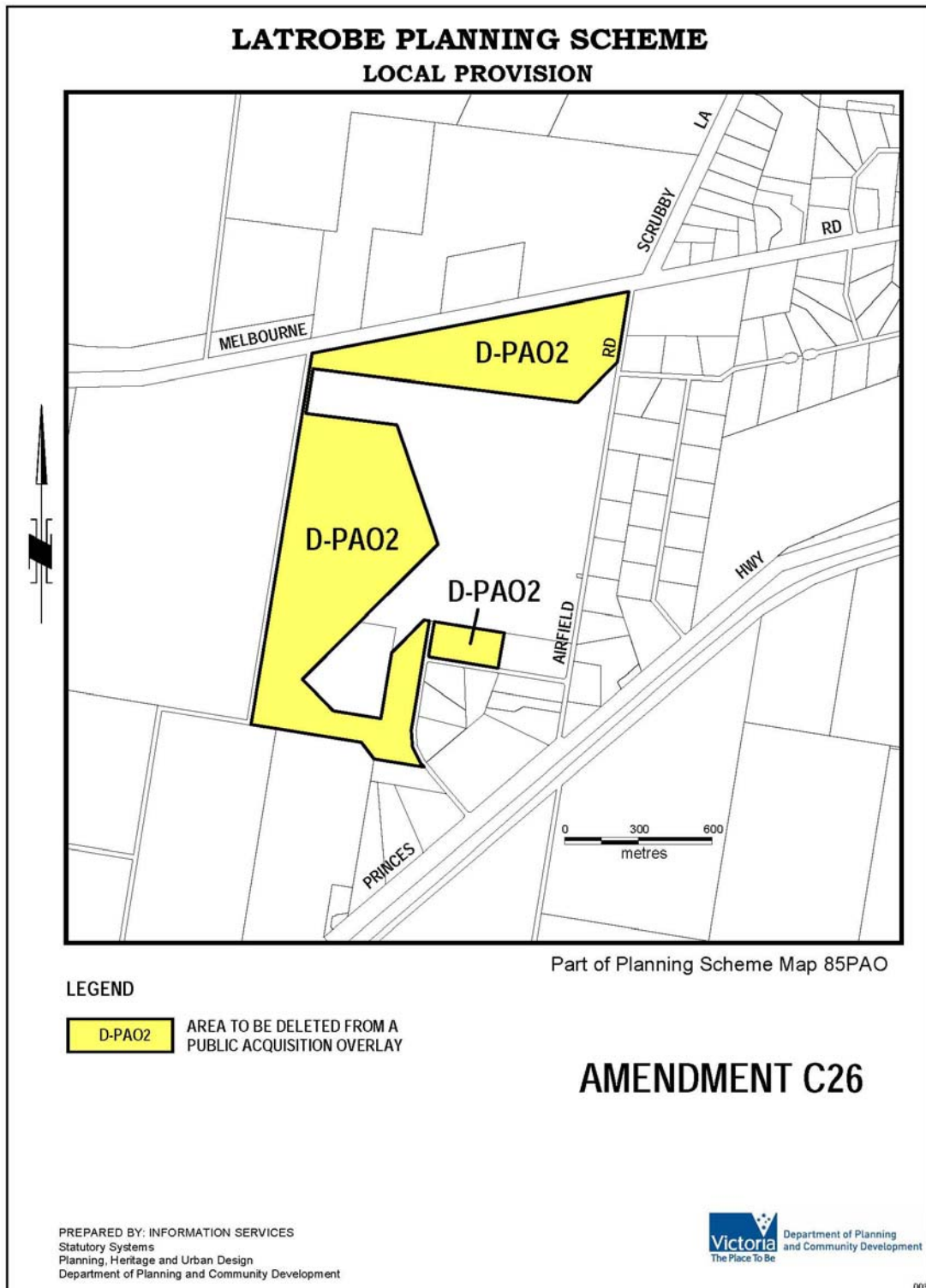
PREPARED BY: INFORMATION SERVICES
Statutory Planning Systems Reform
Planning, Heritage and Urban Design

AMENDMENT C26

ATTACHMENT 2
Airport Environs Overlay – Removal



ATTACHMENT 3
Public Acquisition Overlay – Removal



ATTACHMENT 4
Explanatory Report
Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C26

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Latrobe City Council.

Land affected by the amendment.

The amendment applies to the Latrobe Regional Airport and the land within the vicinity of the airport, particularly land under the approach and take off paths of the airport's runways. The amendment maps show the specific land affected by the amendment.

What the amendment does.

The amendment proposes to implement planning controls in order to facilitate the ongoing operations of the Latrobe Regional Airport and provide options for the future expansion of services. Amendments are proposed to the following sections of the Latrobe Planning Scheme:

- Remove the Airport Environs Overlay (AEO) from the Airport land;
- Remove the Public Acquisition Overlay (PAO) from the Airport land and amend the PAO schedule;
- Apply Design and Development Overlays (DDOs) to ensure buildings and works do not adversely affect the operations of the Latrobe Regional Airport; and
- Make minor changes to Clauses 21.01, 21.04 and 21.07 to support application of these overlays.
- Amend Clause 61.03 to remove reference to the PAO and AEO maps, and include reference to the introduction of two new Schedules to the DDO.

Strategic assessment of the amendment

- Why is the amendment required?

The amendment is required to protect and support the ongoing and future operation of the Latrobe Regional Airport. The amendment implements controls to ensure that sensitive land uses and inappropriate development under the approach and take-off flight paths do not prejudice or restrict the operation of the airport.

- How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987*.

4(1)(a) To provide for the fair, orderly, economic and sustainable use and development of land.

4(1)(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

4(1)(e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

4(1)(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)

The amendment implements these objectives of planning in Victoria by:

- Providing for the orderly development around the approach and take off paths at the Latrobe Regional Airport.
 - Securing a safe working and living environments around the approach and take off paths at the Latrobe Regional Airport.
 - Protecting the orderly provision and co-ordination of the operations at Latrobe Regional Airport for the Gippsland Region.
-
- How does the amendment address the environmental effects and any relevant social and economic effects?

The Design and Development Overlays are based on the Obstacle Limitation Surface (OLS) plan. The OLS plan comprises a series of surfaces that set the height limits of objects around an airport. Objects that project through the OLS are considered obstacles. By preparing overlays that are based on the OLS Plan, the amendment should have positive environmental, social and economic effects. The protection of the Latrobe Regional Airport and the limitation of inappropriate development which may be affected by the Airport's operation will have a net community benefit.

DDO7 requires a permit for a building and works which exceed 55m Australian Height Datum (AHD), (in most instances this will trigger a permit for buildings and works above 5m of the natural ground surface level). DDO8 requires a permit for building and works which exceed 65m AHD, (in most instances this will trigger a permit for buildings and works above 10m from the natural ground surface level). The DDOs address the critical runway approach areas and take into account existing topography of the land. The AHD contours are conservative but this is to allow for small changes in topography.

The existing 2004 Australian Noise Exposure Forecast (ANEF) prepared for the Latrobe Regional Airport does not represent the best model upon which planning overlays should be based. The 2004 ANEF is a composite plan based on the existing runway a previously proposed future runway. Composite plans are no longer an acceptable format of an ANEF. It is recommended that the existing ANEF is no longer relied upon for the assessment of planning applications. The current Schedule 2 to the Airport Environs Overlay (AEO) provided by the Latrobe Planning Scheme reflects the 2004 ANEF. It is therefore not suitable for the current or likely future level of operations at the airport and is not consistent with the Latrobe Regional Airport 2009 Master Plan. It is therefore recommended to remove the AEO Schedule 2.

- *Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?*

The amendment complies with the Minister's Direction No. 11, Strategic Assessment of Amendments. All requirements to be met under the direction have been considered and met in the preparation of the amendment.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

- How does the amendment support or implement the State Planning Policy Framework?

Clause 11 Settlement states that 'planning is to anticipate and respond to the needs of existing and future communities through provision of zones and serviced land for housing, employment, recreation and open space, and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and Safety
- Economic Viability
- Accessibility
- Land use and transport integration'

Clause 11.05-4 Regional Victoria's Competitive Advantages states to 'Maintain and enhance regional Victoria's competitive advantages by:

- Ensuring that the capacity of major infrastructure (including highways, railways, airports, ports, communications networks and energy generation and distribution systems) is not affected adversely by urban development in adjacent areas'.

Clause 15 Built Environment and Heritage states that "Land use and development planning must support the development and maintenance of communities with adequate and safe physical environments for their residents, through the appropriate location of uses and development and quality of urban design".

Clause 18.01-1 Land Use and Transport Planning – Objective states "To create a safe and sustainable transport system by integrating land – use and transport".

Clause 18.04-2 Planning for airports – Objective states "to strengthen the role of Victoria's airports within the State's economic and transport infrastructure and protect their ongoing operation".

Clause 18.04-2 Planning for airports – Strategies states to "protect airports from incompatible land – uses.

Ensuring that in planning of airports, land – use decisions are integrated, appropriate land – use buffers are in place and provision is made for associated businesses that service airports."

The amendment supports the above clauses by introducing the DDO schedules to protect approach and take off paths at the Latrobe Regional Airport. The DDO provides for the safety of residents and the airport within the designated area.

- How does the amendment support or implement the Local Planning Policy Framework (LPPF)?

The amendment is consistent with the LPPF in the Latrobe Planning Scheme. The amendment is consistent with and achieves the relevant objectives of the LPPF.

Clause 21.01 – Infrastructure provides the following statement:

‘Latrobe Regional Airport is integral to the region’s transport network. Well equipped and of a high standard, it ranks as one of the best regional airports in Australia. The airport’s supply of serviced industrial land is currently being expanded to facilitate enhanced aeronautical development.’

The amendment supports this clause by introducing new policy to the LPPF to ensure that the significant role of the Latrobe Regional Airport is recognised and protected, particularly from urban encroachment. The amendment supports Clause 21.01 by introducing DDO schedules to protect approach and take off paths of aircraft from inappropriate developments. The amendment will ensure the consideration of airfield operations and potential impacts on or from proposed uses and developments on land surrounding the Latrobe Regional Airport.

- Does the amendment make proper use of the Victoria Planning Provisions?

The amendment has been prepared with reference to the:

- VPP Practice Notes Writing Schedules, May 2000
- VPP Practice Notes Format of MSS, February 1999
- General Practice Note Strategic Assessment Guidelines, April 2008

The amendment utilises appropriate Victorian Planning Provisions.

- How does the amendment address the views of any relevant agency?

Key stakeholders were consulted in April 2009 including relevant agencies to inform the Latrobe Regional Airport 2009 Master Plan and preparation of amendments to the Latrobe Planning Scheme.

All relevant agencies will be formally notified during the public exhibition of the amendment.

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is considered that the amendment will have minimal impact on the resources and administrative costs of the responsible authority. The amendment is unlikely to result in a significant increase in planning permit applications processed by the responsible authority.

Where you may inspect this Amendment.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Latrobe City Council
Corporate Headquarters
141 Commercial Road
Morwell VIC 3840
Latrobe City Council
Moe Service Centre
44 Albert Street
Moe VIC 3825

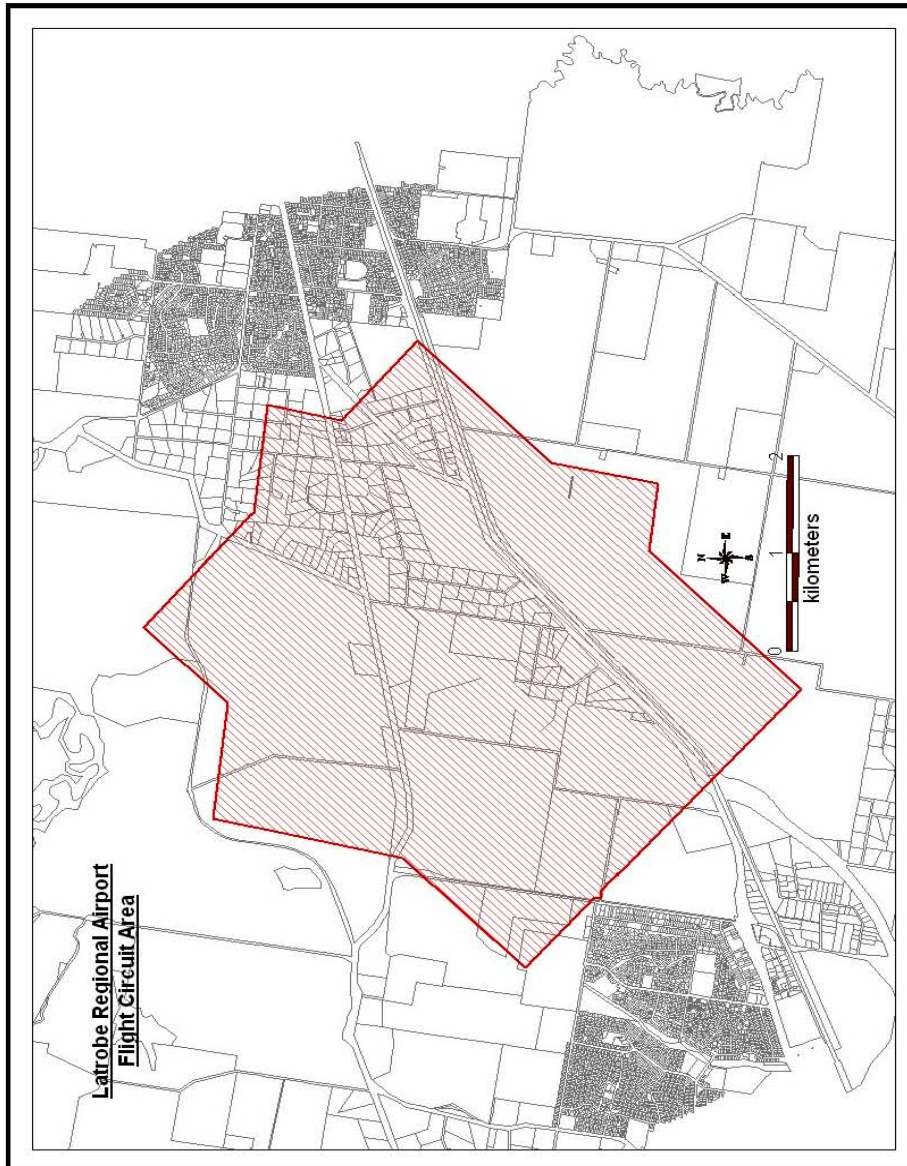
Latrobe City Council
Traralgon Service Centre
34-38 Kay Street
Traralgon VIC 3844
Latrobe City Council
Churchill Service Centre
9 – 11 Philip Parade
Churchill VIC 3842

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

ATTACHMENT 5
Interim Controls - Flight Circuit Path

FLIGHT CIRCUIT PATH (FCP) AREA MAP:

FIGURE 1:



ATTACHMENT 6
Submissions



SP AusNet™
A member of Singapore Power Group

Submission 1

Our Reference: 74284106

Date: 16 June 2010

Latrobe City Council
Attention: Joanne Glendenning
P O Box 264
MORWELL VIC 3840

Dear Joanne,

AMENDMENT C26 TO THE LATROBE PLANNING SCHEME – AIRPORT OVERLAYS

SP AusNet has no objection to the aforementioned amendment.

Please find attached an SP AusNet plan showing our electrical assets and highlighting the amendment overlay.

If you require any further information in relation to the above, please do not hesitate to contact myself on 5173 9016 at the Traralgon office.

Yours faithfully

Luke Dilena
For Jim Haylock
Eastern Regional Manager
SP AusNet - Traralgon

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L♥VE HOLDINGS PTY LTD

22 Higg Street, LEONGATHA, VIC. 3953
ABN 36 060 445 356

Ph: 5662 4374
F: 5996 8845
M: 0418 307 430
E: linlove@dcsi.net.au

Ref. LatrobeCity-C26

10/5/2010

Chief Executive Officer

Latrobe City Council

PO. Box 264

Morwell 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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Dear Sir,

Re: Objection to C26 – Assumptions in Master Plan not Adequate for Planning

Firstly, I have seen the Council Noticeboard in the LV Express and tried to access the C26 document at the website www.dpccd...... And was unable to find it listed. This response is based upon statements within the Airport Master Plan which is to become a reference document for the Planning Scheme.

On page 31 of the Master Plan final report it is suggested that "Jet aircraft" are not considered to use the airport as these are not considered in the Master Plan and that noise studies be based only on a "medium scale regional airport". I believe the thrust of the Master Plan does not adequately consider the future of the airport as it is based on a wrong population catchment data base. Hence the current planning scheme is also flawed as it uses this Master Plan to define the required changes.

If Council is to consider this airport as having the potential to become a major domestic terminal – that is an eastern terminal for Melbourne, then the scope of the planning controls needs to change. I note there is planning for a possible new runway but this is all based upon a lower level than what the site potential is if the right population targets are used.

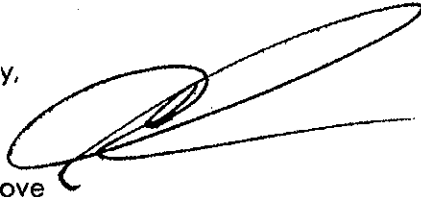
If one speaks to people in the Melbourne growth suburbs of Casey and Cardinia then it would be easy to see that the population data base is much greater than those used in the Master Plan. The current and future growth along this eastern corridor, the upgrade of the rail line and the upgrade of the highway and the congestion of Melbourne's traffic arteries all mean that this airport is just waiting to happen. Where regular public transport flights were previously not viable they now would be if the right airport was in place. The airport needs to be able to offer the type of flights emanating from Tullamarine. Add to the equation a future Melbourne of 5 million and access to the west would further drive the attractiveness of an eastern terminal.

I believe the C26 document will need to be reviewed on the basis of a need to accommodate a major domestic terminal. Appropriate flight paths for bigger planes, suitable road access and greater room for expansion would all come into the need for a review of planning controls.

To allow the current document to progress on the basis of faulty base preparation would be a folly. The document needs to plan for a much brighter future than currently envisaged.

I would reserve the right to lodge further documentation once I have been able to access the public documents. It is disappointing to wish to be engaged with the process and not be able to access the documents readily.

Yours truly,

A handwritten signature in black ink, appearing to read 'Lindsay Love', with a large, sweeping flourish extending to the right.

Lindsay Love

BE, MIEAust, CPEng

Business Owner, Morwell



18 June 2010

Our reference: **COR/10/12731**
Your reference:

GIPPSLAND
WATER

Mr Nathan Misiurka
Senior Strategic Planner
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Hazelwood Road
PO Box 348
Traralgon Victoria 3844
Telephone: (03) 5177 4600
Facsimile: (03) 5174 0103
info@gippswater.com.au
www.gippswater.com.au

Dear Nathan,

RE: Amendment C26 – Latrobe Planning Scheme Notice of Preparation of an amendment

In response to the amendment C26, Gippsland Water has no objection to the proposed planning controls in order to facilitate the ongoing operations of the Latrobe Regional Airport.

However Gippsland Water **OBJECTS** to the future northern expansion of the airport with regard to any sensitive use development. The Latrobe Regional Airport Master Plan indicates that there is future air park development and future chalet development at the northern extent. During a meeting with Neil Cooper on the 22 February 2010, Gippsland Water was told that these areas will be for residential use.

As discussed in this meeting with Neil, Gippsland Water has a large wastewater emergency storage north of the airport.

This large wastewater storage is currently and will be in the future required as a part of the wastewater system.

As this emergency storage is an open storage, the Environmental Protection Authority (EPA), requires that there is a 700 metre buffer (AQ 2/86 – Buffer Distances for Industrial Residual Air Emissions) from the boundary of the site and that there is no sensitive use allowed to be developed within the buffer.

Therefore Gippsland Water would object to any sensitive use development (eg residential) within the 700 metre buffer.

If there are any matters about this response that you would like to discuss, please contact myself via either email paul.young@gippswater.com.au or phone 51 774 728.

Yours sincerely

Paul Young
Senior Planning Engineer

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
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COR/11/48454

Our reference:
Your reference



Hazelwood Road
PO Box 348
Traralgon Victoria 3844
Telephone: (03) 5177 4600
Facsimile: (03) 5174 0103
info@gippswater.com.au
www.gippswater.com.au

2 December 2011

Lorrae Dukes
Senior Strategic Planner
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Dear Lorrae,

**RE: SUBMISSIONS TO AMENDMENT C26 – LATROBE
REGIONAL AIRPORT AMENDMENT**

I have reviewed your letter dated 10 November 2011 regarding the abandonment of the sections relating to the Airport Master Plan in the Planning Amendment C26.

As the amendment will now only introduce the Design and Development Overlays Schedules 7 and 8 and remove the Airport Environs Overlay and Public Acquisition Overlay, Gippsland Water will **WITHDRAW** our objection to C26 as there will be no additional sensitive use within the odour buffer.

Gippsland Water will continue the process of introducing the odour buffer as an overlay to the planning scheme.

If there are any matters about this response that you would like to discuss, please contact myself at our Traralgon office via either email paul.young@gippswater.com.au or telephone 51 774 728.

Yours sincerely,



Paul Young
Senior Planning Engineer



Maryvale Road PO Box 37
Morwell Victoria 3840 Australia
Telephone +61 3 51360 360
ABN 63 061 583 533

Date: 5/4/2011
Orig ID: 41078

Jason Pullman
Strategic Planning coordinator
Latrobe City Council

BY EMAIL

Planning Scheme Amendment C26 – Airport Masterplan Request to Make a Late Submission

Dear Jason,

I refer to the meeting between Australian Paper and Latrobe City on the 31st March 2011, regarding the Australian Paper Maryvale Mill and the potential amenity impacts of its operations on the use and development of land for residential and other sensitive purposes outside the existing township boundaries and in the vicinity of the Maryvale mill.

As part of recent discussions with Latrobe City it has come to our attention that the Planning Scheme Amendment C26 will facilitate the development of accommodation within the nearby airport site. Should such development proceed, it would be the most proximate sensitive use to the Maryvale mill, being within 2 kilometres of the mill and just 500 metres from the closest point of the mill site. The EPA recommended buffer for this type of facility is a 5 kilometre buffer. Australian Paper therefore has serious concerns about the impact of its operations on any future residential development at the airport site, and the resulting compliance implications for the Maryvale mill.

Encroachment of sensitive uses towards the mill site will impact significantly on Australian Paper's ability to comply with EPA guidelines now and into the future, and therefore impact on the medium to long term viability of its operations. The Maryvale mill currently employs approximately 950 people, being one of the largest employers in the region.

Australian Paper is currently undertaking an assessment of noise and odour emissions from the Maryvale mill site, which will include recommendations for noise and odour buffers. Australian Paper intends to provide the assessment and recommendations to Council. Significantly, this work will enable an understanding of any amenity impacts of the mill operations on the airport site. Following the completion of the assessments, Australian Paper intends to make a late submission to Amendment C26, specifically in relation to the amendments relating to the proposed accommodation.

The odour and noise assessments are currently underway and are expected to be completed within the next 1-2 months. **We respectfully request that Council refrain from making a decision on Amendment C26 until Australian Paper has completed odour and noise assessments and formally made a submission.** We understand that Amendment C26 is well progressed and will endeavour to complete the assessments and make a submission as soon as



Australian Paper

Maryvale

possible. In the interim, we will endeavour to keep Council's planning officers updated with progress and any preliminary findings.

We further understand that Council has embarked on a Growth Areas Review to identify land with potential for further urban growth. Australian Paper looks forward to providing input into this strategic planning project with regards to land uses within proximity to the mill.

We look forward to your urgent response on the matter. Should you have any queries in relation to these issues, please do not hesitate to contact myself or the Environment Support Manager Rohan Wilks. We are available to meet with you and the Latrobe City Councillors if required.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Howard Lovell', written over a horizontal line.

Howard Lovell
General Manager Maryvale

This information is provided IN CONFIDENCE and is not
To be released to a third party without the authorisation of
General manager Maryvale



Maryvale Road PO Box 37
Morwell Victoria 3840 Australia
Telephone +61 3 51360 360
ABN 63 061 583 533

Date: 10/5/2011
Orig ID: 41746

Jason Pullman
Strategic Planning Coordinator
Latrobe City Council
141 Commercial Road
Morwell VIC 3840

BY EMAIL

Submission to Planning Scheme Amendment C26.

Jason,

Please see attached Australian Paper's submission with regard to the Planning Scheme **Amendment C26** in relation to the Airport residential development. Australian Paper objects to the development of residential chalet style accommodation in close proximity to the Maryvale Mill, as developments of this nature will negatively impact on the current and long term viability of the mill, and will impact on future mill capital investment and regional employment opportunities.

Attachment: Australian Paper Maryvale Mill Submission to Planning Scheme Amendment C26.

Yours faithfully,

A handwritten signature in blue ink that reads "Ed Trickett".

pp Howard Lovell
General Manager Maryvale

This information is provided IN CONFIDENCE and is not
To be released to a third party without the authorisation of
General manager Maryvale



10 May 2011

Jason Pullman
Strategic Planning Coordinator
Latrobe City Council
141 Commercial Road
Morwell VIC 3840

Our ref: 31/27620/196097
Your ref: Amendment C26

Dear Jason

Australian Paper Maryvale Mill Submission to Planning Scheme Amendment C26

GHD Pty Ltd ('GHD'), on behalf of Australian Paper, submits an objection to the proposed Latrobe Planning Scheme **Amendment C26**. This letter outlines the preliminary findings of an assessment of odour and buffer requirements for the Australian Paper Pulp and Paper Mill ('the Mill'), which has planning implications for proposed Amendment C26, and which ultimately forms the basis of our objection.

Specifically Australian Paper objects to the following aspects of the amendment:

- Clause 22: Addition of an objective to Clause 22.04 relating to aviation-related accommodation.
- Special Use Zone (Schedule 7):
 - Addition to the purpose of Schedule 7, "*To provide for aviation-related accommodation*".
 - Modification of the table of uses in Schedule 7 to allow for accommodation that is related to airport activities.
 - Inclusion of a provision relating to the 'Use of Land' for aviation-related accommodation.

1 Background

The Mill is located at Morwell-Maryvale Road, Maryvale, and has been used as a pulp and paper mill for over 70 years. An aerial photograph of the site in relation to the Amendment C26 airport site is provided at Figure 1.

Australian Paper recently upgraded the pulp mills that produce pulp which is then turned into paper products, ranging from paper bags, to photocopying and writing paper. Some of Australia's leading A4-sized papers including REFLEX and Australian Copy are made at the Mill. The Maryvale Pulp and Paper Mill is Australia's largest integrated pulp and fine paper manufacturer, and is an integral part of the Latrobe community. As the largest private sector employer in the Latrobe Valley with approximately 900 employees, the Mill makes a positive contribution to the local economy. It is estimated to contribute \$340 million in GDP within the region. An additional 2,500 people are also indirectly employed by the mill in



support industries. This highlights the economic and state significance of the Mill to the surrounding immediate and wider area. Maintaining sufficient buffers to the plant is therefore not only critical to the ongoing operation of the Mill, but also indirectly to the social and economic viability of the region.

Australian Paper is committed to ongoing improvements to reduce air emissions. The Maryvale Pulp and Paper Mill was recently upgraded at a cost of \$350 million to install the best available technology in bleaching and pulping, resulting in significant environmental improvements. Overall, the investment in upgrading the mill has dramatically reduced its environmental footprint and provided a platform to underpin a sustainable future. Australian Paper has further plans to expand the Mill in the future, which is anticipated to include the creation of a significant number of additional jobs and environmental improvements, and secure the long term future of the Mill in the Latrobe Valley.

2 Buffer Requirements

Notwithstanding the investment in new technologies and environmental improvements, noise and odour is emitted from the plant. The EPA recommended buffer for this type of facility, as outlined in the EPA's guidelines, 'Recommended Buffer Distances for Industrial Residual Air Emissions'¹ is 5 kilometres, which is the largest specified. Buffers identified in this guideline seek to reduce disamenity at nearby sensitive land uses² in the event of a process upset, malfunction or adverse weather conditions. There are only two industries that attract the 5 kilometre buffer, one of which is paper/pulp mills. These same guidelines state that proposals to expand or intensify residential areas and uses, and other sensitive uses, that are located within the recommended buffer distance of an existing industrial activity that requires a buffer distance, should be subject to a planning permit under the planning scheme and "such permits should not be issued without consultation with the EPA".

We understand that the Clause 52.10 provisions of the planning scheme were originally developed based upon the EPA recommended buffer guidelines. Clause 52.10 states a threshold distance for paper or paper pulp production involving combustion of sulphur or sulphur containing materials of 5 kilometres, from land within a residential zone (includes Residential 1 Zone and Township Zone) and land used for a hospital or an education centre. It is also listed as a Note 2; therefore may require an assessment of risk to the safety of people located off the land. Whilst this Clause does not in itself trigger a planning permit for residential uses within buffer areas, it reinforces the need for appropriate buffers to industries that may generate adverse amenity impacts.

Parts of the existing Traralgon and Morwell townships are already developed within the 5 kilometre buffer area of the Mill, and some flexibility and compromise is therefore necessary in considering the appropriateness of new sensitive uses within the 5 kilometre buffer area. Australian Paper is currently developing sophisticated models to inform an appropriate buffer and provide input into growth area planning undertaken by Council.

¹ Environment Protection Authority Victoria (EPAV) 1990 "Recommended Buffer Distances for Industrial Residual Air Emissions" AQ 2/86 rev. July 1990.

² Sensitive land uses are defined as "Residential areas and zones (whether occupied or not), hospitals, schools, caravan parks and other similar uses involving presence of individual people for extended periods, except in the course of their employment or for recreation".



2.1 Overview of Odour Modelling To Date

GHD conducted a study to examine the effect of local meteorology and the mode of the odour release during Australian Paper (Maryvale) operations. The dispersion model used to produce results for this study was the Ausplume 6.0 screening model. Further high level modelling will be conducted with Calpuff / Calmet wherein the limitations of the screening model are substantially minimised.

Meteorological data from the EPA station at Traralgon for the year 2001 was used in this assessment. Analysis of this data shows that prevailing west-south-west winds of low to moderate speed, combined with east-north-easterly winds indicate a strong valley influence. Furthermore, greater than 50 per cent of atmospheric conditions are considered stable, which are known to provide the least amount of dispersion for ground based non-buoyant odour sources, usually overnight.

Preliminary modelling of the licenced emissions points, i.e. stacks, strongly suggests that the Mill TRS stack emissions will not generate off-site odour impact that could generate significant odour complaints, even when the emissions exceed the licence limits. Given that it is common knowledge that the Mill can be readily smelt at distances downwind outside the plant boundary, and that significant odour events have occurred in the past at both Traralgon and Morwell, the on-site odour sources causing the impact are likely to be; (i) fugitive emissions released in the main process buildings, and (ii) ground level emissions from waste treatment lagoons, bio-solids storage etc.

To obtain an approximate measurement of the fugitive and ground level odour emissions, a campaign to directly measure ambient levels of H₂S along a crosswind transect downwind of the Mill was organised at short notice for Thursday 28 April 2011. On the day the wind was a moderate north easterly and two traverses were undertaken at a spatial resolution of 30 m or greater. These measurements allowed the Ausplume model to be calibrated for emissions from the plant and some of the waste treatment lagoons through a back calculation procedure.

The resultant H₂S emissions from all of the plant operations were modelled for an entire year, with corresponding ground level concentrations of H₂S being correlated to odour units (OU's) as 1.4 ppb H₂S = 1 OU, as measured at a similar paper pulp mill in Ontario Canada. A contour plot of the 99.5th percentile OU level are shown in Figure 2, which indicates that a 7 OU level is expected at the location of the proposed Chalet, near the Latrobe Valley airport. This occurs for operational conditions that could not be considered to be abnormal and the predicted odour level for the poor dispersion conditions is high enough to cause disamenity, which may result in the lodgement of complaints. This 7 OU contour level corresponds with recent odour complaint history, shown by pink stars, and illustrates how odour complaints can also extend beyond this distance due to upset events at the Mill, that result in occasional higher odour emissions, which can be the result of many causes such as external power outages, maintaining operations within safety requirements, or for highly adverse weather conditions.

3 Implications of Amendment C26

It is our understanding that Planning Scheme Amendment C26 applies to the Latrobe Regional Airport and proposes, in part, to facilitate the development of accommodation within the airport site. In particular, the amendment would implement the Latrobe Regional Airport Master Plan, which outlines the development of residential accommodation within Precinct 9:



‘This precinct allows for the development of an Air Chalet area designed specifically to provide residential options with direct access to the runways. Air chalets are typically a hangar with a small flat or attic included usually for use as a ‘weekender’.

The Master Plan Report (May 2009) has failed to sufficiently acknowledge its site context, in particular the existence of an industrial facility of significance in terms of its social and economic contribution to the state and region and which requires a large buffer to residential accommodation and other sensitive uses. The context analysis also failed to consider related industrial infrastructure such as the Gippsland Water emergency wastewater storage facility, immediately adjoining the proposed chalet development (also an odour producing facility requiring a substantial buffer).

Should the development of such accommodation proceed, it would be the most proximate sensitive use to the Mill, being within 3 kilometres of the main processing area on site (including the Kraft Mill stacks), and a minimal 1500 metres from the closest point of the Mill site.

Licence conditions stipulate that the Mill should not cause offensive smells at residences. Preliminary modelling, as summarised in section 2.1 above, indicates that a 7OU level is expected at the location of the proposed Chalet accommodation at the Latrobe Valley airport. A level of 5 odour units is usually considered to be the level of odour that is low enough to not be deemed offensive. This is therefore a high enough level to cause disamenity, which would likely result in the lodgement of complaints of offensive odours.

On the basis of the work undertaken to date, Australian Paper generally objects to the intensification or development of new residential uses outside the existing township boundaries and closer to the Mill site. Whilst more sophisticated modelling is currently being prepared, the preliminary modelling illustrates some significant odour impacts at the airport site, with implications for ongoing Mill operations, and for future airport residents.

Australian Paper has serious concerns about the likely impact of its current operations on any future residential development at the airport site, and the resulting compliance implications for the Mill. Encroachment of sensitive uses towards the Mill site will impact significantly on Australian Paper’s ability to comply with EPA licence conditions now and into the future, and will impact on the medium to long term viability of its operations.

4 Planning Considerations

The objections highlighted in this submission are supported by the Latrobe Planning Scheme.

State Planning Policy seeks to protect industrial land for further industrial development, by “ensur[ing], wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses” (Clause 13.04-2). This Clause requires the planning authority to consider the EPA’s guidelines *Recommended Buffer Distances for Industrial Residual Air Emissions* in assessing this requirement.

Clause 17.01-1 is also relevant, and seeks to ensure, “appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses and protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which



would adversely affect industry viability”, and “Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas”.

The Industrial 2 Zone, in which the Mill is located, is only used for industrial areas that require large separation distances and which are of state significance. Pursuant to Clause 17.02 – 3, it is a State objective *“to protect industrial land of State significance to ensure availability of land for major industrial development, and protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses”.*

5 Conclusion

In summary Australian Paper objects to the components of Amendment C26 that seek to facilitate accommodation, namely:

- Clause 22: Addition of an objective to Clause 22.04 relating to aviation-related accommodation.
- Special Use Zone (Schedule 7):
 - Addition to the purpose of Schedule 7, *“To provide for aviation-related accommodation”.*
 - Modification of the table of uses in Schedule 7 to allow for accommodation that is related to airport activities.
 - Inclusion of a provision relating to the ‘Use of Land’ for aviation-related accommodation.

The objections are made on the following basis:

- The Latrobe Regional Airport Master Plan has failed to identify the Maryvale Pulp and Paper Mill in its context assessment. The Mill is an industrial facility of state importance which requires a substantial buffer, as reflected in its Industrial 2 zoning;
- Accommodation at the airport site is proposed to be located within the amenity buffer recommended by EPA guidelines and Clause 52.10 of the Latrobe Planning Scheme for pulp mills, and is inconsistent with Clauses 13.04-2 and 17.01-1;
- Accommodation at the airport site is likely to be subject to offensive odours from the Mill site, resulting in a poor level of amenity for residents and guests;
- Potential impacts on accommodation at the airport site represent a significant risk to Australian Paper’s ability to comply with EPA licence conditions now and into the future, and conflicts with Clause 17.01-1 and 17.02-3 of the Planning Scheme;
- Inability to comply with EPA licence conditions could cause foreclosure of the facility which would adversely impact the immediate and wider community, economically and socially;
- Accommodation at the airport site may restrict Australian Paper’s ability to expand operations and therefore reduce its long term viability, which is inconsistent with Clause 17.02-1;
- Clause 13 and 17 of the Planning Scheme require consideration of the EPA’s recommended buffer distances. However, this has not been taken into account in the documentation supporting



Amendment C26 in relation to accommodation in such close proximity to heavy industrial uses within an Industrial 2 Zone.

We trust that the information outlined in this letter is sufficient for consideration of the Amendment. We would be pleased to arrange a meeting with Council, Australian Paper, GHD, and EPA or other state government representatives to further clarify our submissions if required.

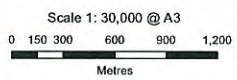
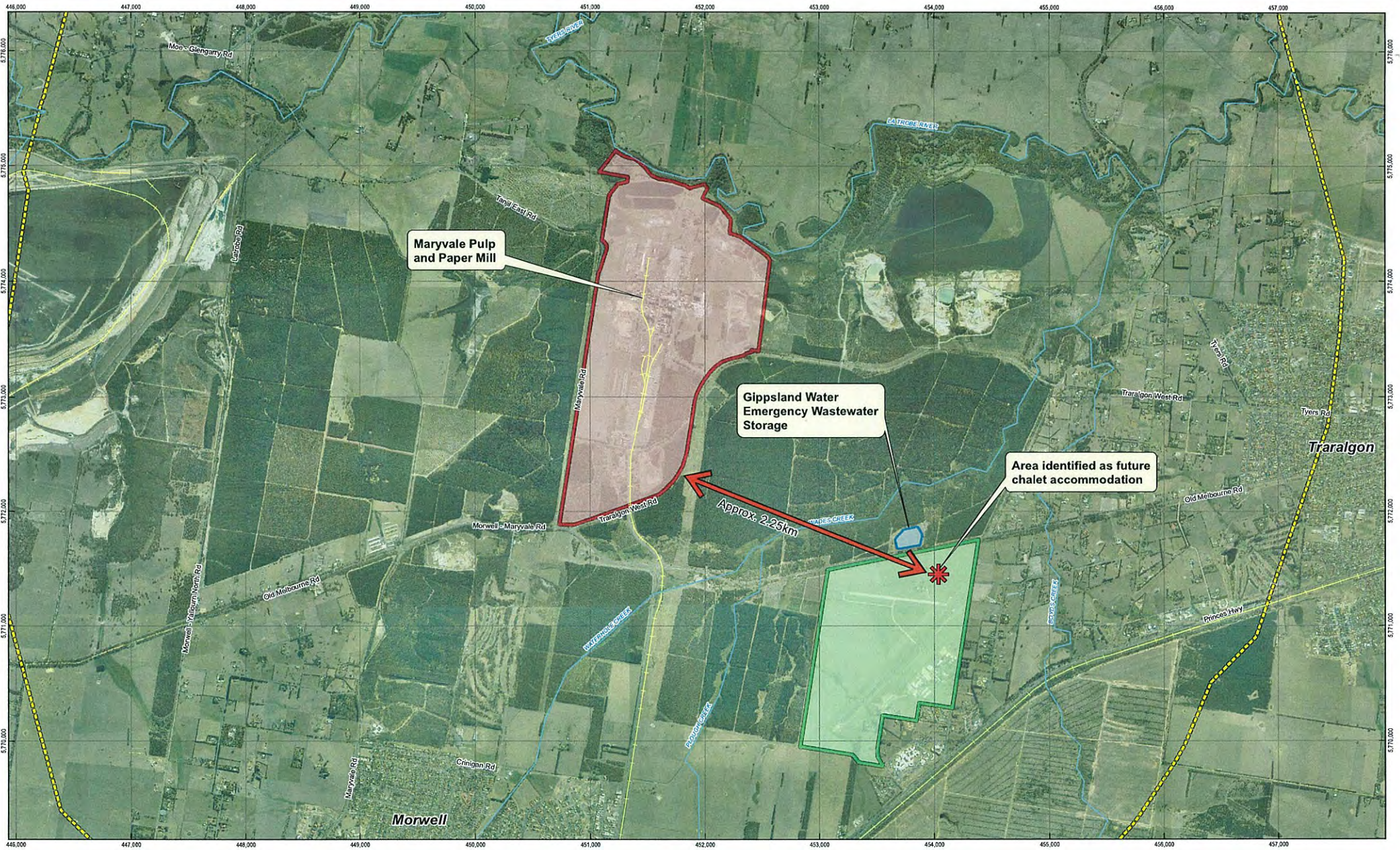
Should you require any further information or have any questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alisanne Green', with a stylized flourish at the end.

Alisanne Green

Team Leader - Planning & Environmental Assessment
03 8687 8788



Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 55



- Legend**
- Site Boundary
 - 5km Buffer
 - Major Watercourse
 - Railway
 - Latrobe Regional Airport
 - Wastewater Storage
 - ✳ Chalet Accommodation



Australian Paper - Maryvale Pulp Mill
 Submission to Amendment C26

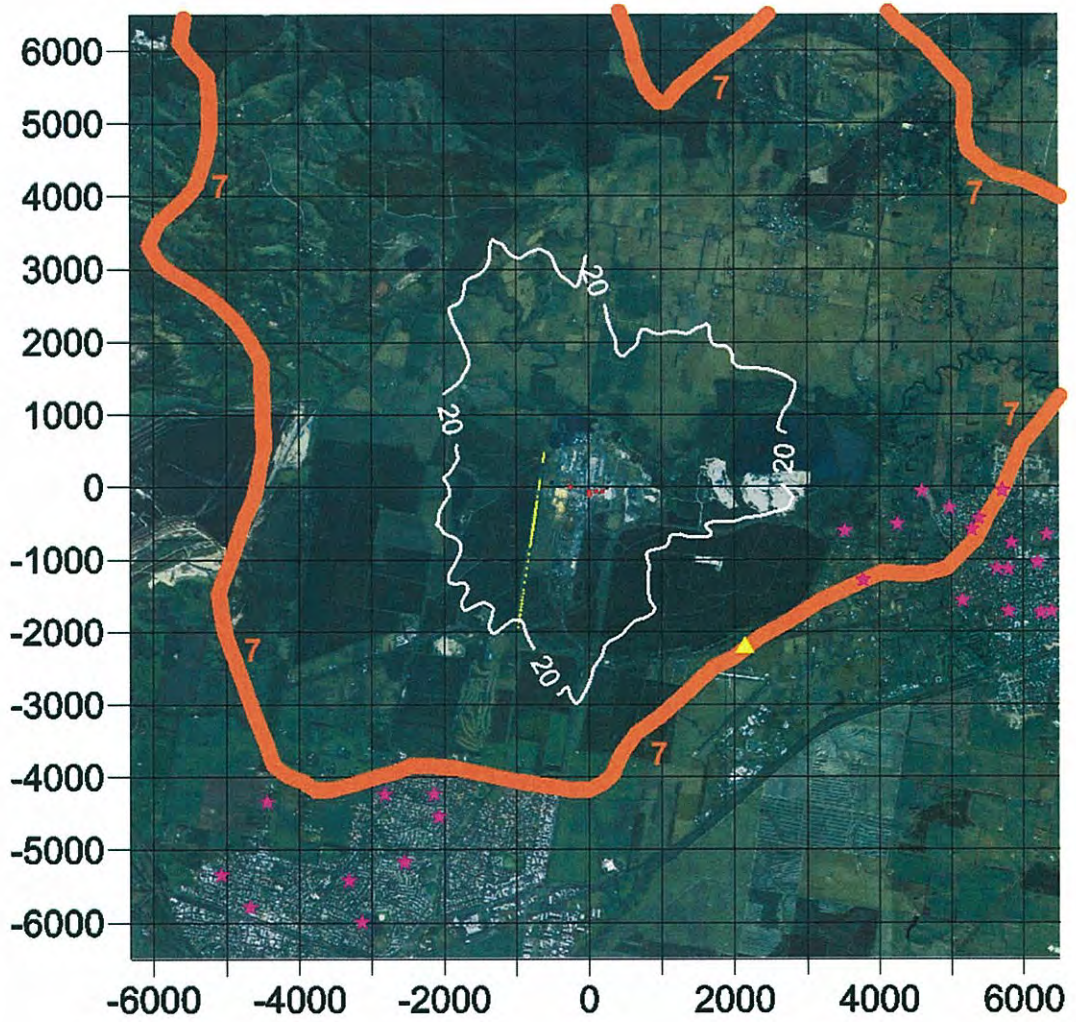
Job Number | 31-27620
 Revision | A
 Date | 10 May 2011

Context Plan

Attachment 1



Figure 2 Estimated 99.5th percentile odour level contours (OU's) from Australian Paper during normal operations and EPA licence limit stack emissions. Chalet location (yellow triangle) and recent odour complaints (pink stars) shown.





26 May 2011

Jason Pullman
Strategic Planning Coordinator
Latrobe City Council
141 Commercial Road
Morwell VIC 3840

Our ref: 31/27620/196989
Your ref: Amendment C26

Dear Jason

Australian Paper Maryvale Mill Addendum to Submission to Planning Scheme Amendment C26

I refer to our submission dated 10 May 2011, made on behalf of Australian Paper, objecting to the proposed Latrobe Planning Scheme **Amendment C26** (copy attached). As outlined in that submission, an assessment of odour and buffer requirements for the Australian Paper Pulp and Paper Mill ('the Mill'), has planning implications for proposed Amendment C26, and ultimately forms the basis of our objection. This letter forms an addendum to the submission dated 10 May 2011, and should be read in conjunction.

GHD has now completed more sophisticated modelling of odour emissions from the Mill, which confirms the significant odour impacts at the airport site, with implications for ongoing Mill operations, and for future airport residents. The results of this odour modelling follow.

1 Calpuff Odour Modelling

GHD conducted a study to examine the effect of local meteorology and the mode of release of the odour emissions during Australian Paper (Maryvale) operations. The dispersion model initially used to produce screening results for this study was the Ausplume 6.0 screening model. Subsequently high level modelling was conducted with Calpuff / Calmet wherein the limitations of the screening model were substantially minimised.

Meteorological data from the EPA station at Traralgon for the year 2001 was used in this assessment. Analysis of this data shows that the prevailing west-south-west winds of low to moderate speed, combined with east-north-easterly winds indicate a strong valley influence. Furthermore, greater than 50 per cent of atmospheric conditions are considered stable, which are known to provide the least amount of dispersion for ground based non-buoyant odour sources, usually overnight.

Preliminary modelling of the licenced emissions points, i.e. stacks, strongly suggested that the Mill TRS stack emissions would not normally generate off-site odour impact that could result in significant odour complaints, even when the emissions exceed the licence limits. Given that it is common knowledge that the Mill can be readily smelt at distances downwind outside the plant boundary, and that significant odour events have occurred in the past at both Traralgon and Morwell, the on-site odour sources causing the impact are likely to be; (i) fugitive emissions released in the main process buildings, and (ii) ground level emissions from waste treatment lagoons, bio-solids storage etc.



To obtain an approximate measurement of the fugitive and ground level odour emissions, a campaign to directly measure ambient levels of H₂S along a crosswind transect downwind of the Mill was organised at short notice for Thursday 28 April 2011. On the day the wind was a moderate north easterly and two traverses were undertaken at a spatial resolution of 30 m or greater. These measurements allowed the Calpuff model to be calibrated for fugitive emissions from the plant and some of the waste treatment lagoons through a back-calculation procedure.

The resultant H₂S emissions from all of the plant operations were modelled for an entire year, with corresponding ground level concentrations of H₂S being correlated to odour units (OU's) as 1.4 ppb H₂S = 1 OU, as measured at a similar paper pulp mill in Ontario Canada. A contour plot of the 99.5th percentile OU levels is shown in Figure 1, which indicates that a ~ 15 OU level is expected at the location of the proposed Chalet, near the Latrobe Valley airport. This occurs for operational conditions that could not be considered to be abnormal, and the predicted odour level is high enough to cause disamenity, which may result in the lodgement of complaints. The 5 OU contour level (used by EPA as a conservative measure of potential odour impact) can be seen to correspond with recent odour complaint history, (shown by white stars in Figure 1), and illustrates how odour complaints can also extend beyond this distance due to upset events at the Mill, that result in occasional higher odour emissions, which can be the result of many causes such as external power outages, maintaining operations within safety requirements, or for highly adverse weather conditions.

The 10 OU level (often taken as the level likely to result in odour impact and potential complaint) can be seen to extend to the western and northern fringes of the Traralgon and Morwell residential areas. It also covers the site of the proposed Chalet.

While the 5 OU contour would represent a conservative separation distance from the Mill to minimise odour complaint, the existing intrusion of the residential areas across this contour to the south and east suggests that a compromise separation distance as defined by the 10 OU contour is a more viable option.

2 Submission to Amendment C26

The findings of the odour modelling confirm that it would be inappropriate to develop accommodation at the Airport site, proximate to a State significant industrial facility requiring a substantial amenity buffer.

As outlined in our submission dated 10 May 2011, Australian Paper specifically objects to the following aspects of the amendment:

- Clause 22: Addition of an objective to Clause 22.04 relating to aviation-related accommodation.
- Special Use Zone (Schedule 7):
 - Addition to the purpose of Schedule 7, “*To provide for aviation-related accommodation*”.
 - Modification of the table of uses in Schedule 7 to allow for accommodation that is related to airport activities.
 - Inclusion of a provision relating to the ‘Use of Land’ for aviation-related accommodation.



The objections are made on the following basis, as detailed in the attached submission, dated 10 May 2011:

- The Latrobe Regional Airport Master Plan has failed to identify the Maryvale Pulp and Paper Mill in its context assessment. The Mill is an industrial facility of state importance which requires a substantial buffer, as reflected in its Industrial 2 zoning;
- Accommodation at the airport site is proposed to be located within the amenity buffer recommended by EPA guidelines and Clause 52.10 of the Latrobe Planning Scheme for pulp mills, and is inconsistent with Clauses 13.04-2 and 17.01-1;
- Accommodation at the airport site is likely to be subject to offensive odours from the Mill site, resulting in a poor level of amenity for residents and guests;
- Potential impacts on accommodation at the airport site represent a significant risk to Australian Paper's ability to comply with EPA licence conditions now and into the future, and conflicts with Clause 17.01-1 and 17.02-3 of the Planning Scheme;
- Inability to comply with EPA licence conditions could cause foreclosure of the facility which would adversely impact the immediate and wider community, economically and socially;
- Accommodation at the airport site may restrict Australian Paper's ability to expand operations and therefore reduce its long term viability, which is inconsistent with Clause 17.02-1;
- Clause 13 and 17 of the Planning Scheme require consideration of the EPA's recommended buffer distances. However, this has not been taken into account in the documentation supporting Amendment C26 in relation to accommodation in such close proximity to heavy industrial uses within an Industrial 2 Zone.

We trust that the information outlined in this letter is sufficient for consideration of the Amendment. We would be pleased to arrange a meeting with Council, Australian Paper, GHD, and EPA or other state government representatives to further clarify our submissions if required.

Should you require any further information or have any questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alisanne Green', written over a light blue rectangular background.

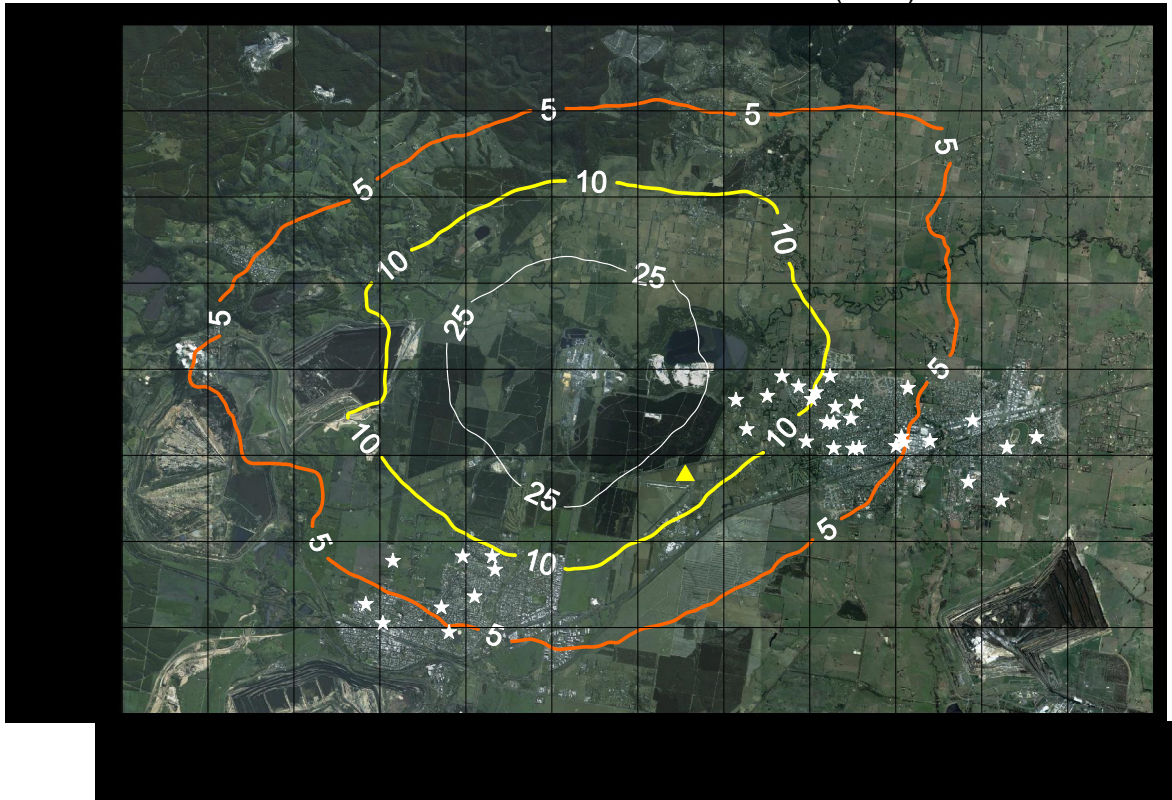
Alisanne Green

Team Leader - Planning & Environmental Assessment
03 8687 8788

Attachment: Submission to Amendment C26, dated 10 May 2001

Figure 1 Estimated 99.5th percentile odour level contours (OU's) from updated model (Calpuff) from Australian Paper during normal operations and EPA licence limit stack emissions. Chalet location (yellow triangle) and recent odour complaints (white stars) shown.

Contours of Predicted Odour Levels (OU's)





10 May 2011

Jason Pullman
Strategic Planning Coordinator
Latrobe City Council
141 Commercial Road
Morwell VIC 3840

Our ref: 31/27620/196097
Your ref: Amendment C26

Dear Jason

Australian Paper Maryvale Mill Submission to Planning Scheme Amendment C26

GHD Pty Ltd ('GHD'), on behalf of Australian Paper, submits an objection to the proposed Latrobe Planning Scheme **Amendment C26**. This letter outlines the preliminary findings of an assessment of odour and buffer requirements for the Australian Paper Pulp and Paper Mill ('the Mill'), which has planning implications for proposed Amendment C26, and which ultimately forms the basis of our objection.

Specifically Australian Paper objects to the following aspects of the amendment:

- Clause 22: Addition of an objective to Clause 22.04 relating to aviation-related accommodation.
- Special Use Zone (Schedule 7):
 - Addition to the purpose of Schedule 7, "*To provide for aviation-related accommodation*".
 - Modification of the table of uses in Schedule 7 to allow for accommodation that is related to airport activities.
 - Inclusion of a provision relating to the 'Use of Land' for aviation-related accommodation.

1 Background

The Mill is located at Morwell-Maryvale Road, Maryvale, and has been used as a pulp and paper mill for over 70 years. An aerial photograph of the site in relation to the Amendment C26 airport site is provided at Figure 1.

Australian Paper recently upgraded the pulp mills that produce pulp which is then turned into paper products, ranging from paper bags, to photocopying and writing paper. Some of Australia's leading A4-sized papers including REFLEX and Australian Copy are made at the Mill. The Maryvale Pulp and Paper Mill is Australia's largest integrated pulp and fine paper manufacturer, and is an integral part of the Latrobe community. As the largest private sector employer in the Latrobe Valley with approximately 900 employees, the Mill makes a positive contribution to the local economy. It is estimated to contribute \$340 million in GDP within the region. An additional 2,500 people are also indirectly employed by the mill in



support industries. This highlights the economic and state significance of the Mill to the surrounding immediate and wider area. Maintaining sufficient buffers to the plant is therefore not only critical to the ongoing operation of the Mill, but also indirectly to the social and economic viability of the region.

Australian Paper is committed to ongoing improvements to reduce air emissions. The Maryvale Pulp and Paper Mill was recently upgraded at a cost of \$350 million to install the best available technology in bleaching and pulping, resulting in significant environmental improvements. Overall, the investment in upgrading the mill has dramatically reduced its environmental footprint and provided a platform to underpin a sustainable future. Australian Paper has further plans to expand the Mill in the future, which is anticipated to include the creation of a significant number of additional jobs and environmental improvements, and secure the long term future of the Mill in the Latrobe Valley.

2 Buffer Requirements

Notwithstanding the investment in new technologies and environmental improvements, noise and odour is emitted from the plant. The EPA recommended buffer for this type of facility, as outlined in the EPA's guidelines, 'Recommended Buffer Distances for Industrial Residual Air Emissions'¹ is 5 kilometres, which is the largest specified. Buffers identified in this guideline seek to reduce disamenity at nearby sensitive land uses² in the event of a process upset, malfunction or adverse weather conditions. There are only two industries that attract the 5 kilometre buffer, one of which is paper/pulp mills. These same guidelines state that proposals to expand or intensify residential areas and uses, and other sensitive uses, that are located within the recommended buffer distance of an existing industrial activity that requires a buffer distance, should be subject to a planning permit under the planning scheme and "such permits should not be issued without consultation with the EPA".

We understand that the Clause 52.10 provisions of the planning scheme were originally developed based upon the EPA recommended buffer guidelines. Clause 52.10 states a threshold distance for paper or paper pulp production involving combustion of sulphur or sulphur containing materials of 5 kilometres, from land within a residential zone (includes Residential 1 Zone and Township Zone) and land used for a hospital or an education centre. It is also listed as a Note 2; therefore may require an assessment of risk to the safety of people located off the land. Whilst this Clause does not in itself trigger a planning permit for residential uses within buffer areas, it reinforces the need for appropriate buffers to industries that may generate adverse amenity impacts.

Parts of the existing Traralgon and Morwell townships are already developed within the 5 kilometre buffer area of the Mill, and some flexibility and compromise is therefore necessary in considering the appropriateness of new sensitive uses within the 5 kilometre buffer area. Australian Paper is currently developing sophisticated models to inform an appropriate buffer and provide input into growth area planning undertaken by Council.

¹ Environment Protection Authority Victoria (EPAV) 1990 "Recommended Buffer Distances for Industrial Residual Air Emissions" AQ 2/86 rev. July 1990.

² Sensitive land uses are defined as "Residential areas and zones (whether occupied or not), hospitals, schools, caravan parks and other similar uses involving presence of individual people for extended periods, except in the course of their employment or for recreation".



2.1 Overview of Odour Modelling To Date

GHD conducted a study to examine the effect of local meteorology and the mode of the odour release during Australian Paper (Maryvale) operations. The dispersion model used to produce results for this study was the Ausplume 6.0 screening model. Further high level modelling will be conducted with Calpuff / Calmet wherein the limitations of the screening model are substantially minimised.

Meteorological data from the EPA station at Traralgon for the year 2001 was used in this assessment. Analysis of this data shows that prevailing west-south-west winds of low to moderate speed, combined with east-north-easterly winds indicate a strong valley influence. Furthermore, greater than 50 per cent of atmospheric conditions are considered stable, which are known to provide the least amount of dispersion for ground based non-buoyant odour sources, usually overnight.

Preliminary modelling of the licenced emissions points, i.e. stacks, strongly suggests that the Mill TRS stack emissions will not generate off-site odour impact that could generate significant odour complaints, even when the emissions exceed the licence limits. Given that it is common knowledge that the Mill can be readily smelt at distances downwind outside the plant boundary, and that significant odour events have occurred in the past at both Traralgon and Morwell, the on-site odour sources causing the impact are likely to be; (i) fugitive emissions released in the main process buildings, and (ii) ground level emissions from waste treatment lagoons, bio-solids storage etc.

To obtain an approximate measurement of the fugitive and ground level odour emissions, a campaign to directly measure ambient levels of H₂S along a crosswind transect downwind of the Mill was organised at short notice for Thursday 28 April 2011. On the day the wind was a moderate north easterly and two traverses were undertaken at a spatial resolution of 30 m or greater. These measurements allowed the Ausplume model to be calibrated for emissions from the plant and some of the waste treatment lagoons through a back calculation procedure.

The resultant H₂S emissions from all of the plant operations were modelled for an entire year, with corresponding ground level concentrations of H₂S being correlated to odour units (OU's) as 1.4 ppb H₂S = 1 OU, as measured at a similar paper pulp mill in Ontario Canada. A contour plot of the 99.5th percentile OU level are shown in Figure 2, which indicates that a 7 OU level is expected at the location of the proposed Chalet, near the Latrobe Valley airport. This occurs for operational conditions that could not be considered to be abnormal and the predicted odour level for the poor dispersion conditions is high enough to cause disamenity, which may result in the lodgement of complaints. This 7 OU contour level corresponds with recent odour complaint history, shown by pink stars, and illustrates how odour complaints can also extend beyond this distance due to upset events at the Mill, that result in occasional higher odour emissions, which can be the result of many causes such as external power outages, maintaining operations within safety requirements, or for highly adverse weather conditions.

3 Implications of Amendment C26

It is our understanding that Planning Scheme Amendment C26 applies to the Latrobe Regional Airport and proposes, in part, to facilitate the development of accommodation within the airport site. In particular, the amendment would implement the Latrobe Regional Airport Master Plan, which outlines the development of residential accommodation within Precinct 9:



'This precinct allows for the development of an Air Chalet area designed specifically to provide residential options with direct access to the runways. Air chalets are typically a hangar with a small flat or attic included usually for use as a 'weekender'.

The Master Plan Report (May 2009) has failed to sufficiently acknowledge its site context, in particular the existence of an industrial facility of significance in terms of its social and economic contribution to the state and region and which requires a large buffer to residential accommodation and other sensitive uses. The context analysis also failed to consider related industrial infrastructure such as the Gippsland Water emergency wastewater storage facility, immediately adjoining the proposed chalet development (also an odour producing facility requiring a substantial buffer).

Should the development of such accommodation proceed, it would be the most proximate sensitive use to the Mill, being within 3 kilometres of the main processing area on site (including the Kraft Mill stacks), and a minimal 1500 metres from the closest point of the Mill site.

Licence conditions stipulate that the Mill should not cause offensive smells at residences. Preliminary modelling, as summarised in section 2.1 above, indicates that a 7OU level is expected at the location of the proposed Chalet accommodation at the Latrobe Valley airport. A level of 5 odour units is usually considered to be the level of odour that is low enough to not be deemed offensive. This is therefore a high enough level to cause disamenity, which would likely result in the lodgement of complaints of offensive odours.

On the basis of the work undertaken to date, Australian Paper generally objects to the intensification or development of new residential uses outside the existing township boundaries and closer to the Mill site. Whilst more sophisticated modelling is currently being prepared, the preliminary modelling illustrates some significant odour impacts at the airport site, with implications for ongoing Mill operations, and for future airport residents.

Australian Paper has serious concerns about the likely impact of its current operations on any future residential development at the airport site, and the resulting compliance implications for the Mill. Encroachment of sensitive uses towards the Mill site will impact significantly on Australian Paper's ability to comply with EPA licence conditions now and into the future, and will impact on the medium to long term viability of its operations.

4 Planning Considerations

The objections highlighted in this submission are supported by the Latrobe Planning Scheme.

State Planning Policy seeks to protect industrial land for further industrial development, by "*ensur[ing], wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses*" (Clause 13.04-2). This Clause requires the planning authority to consider the EPA's guidelines *Recommended Buffer Distances for Industrial Residual Air Emissions* in assessing this requirement.

Clause 17.01-1 is also relevant, and seeks to ensure, "*appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses and protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which*



would adversely affect industry viability”, and “Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas”.

The Industrial 2 Zone, in which the Mill is located, is only used for industrial areas that require large separation distances and which are of state significance. Pursuant to Clause 17.02 – 3, it is a State objective *“to protect industrial land of State significance to ensure availability of land for major industrial development, and protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses”.*

5 Conclusion

In summary Australian Paper objects to the components of Amendment C26 that seek to facilitate accommodation, namely:

- Clause 22: Addition of an objective to Clause 22.04 relating to aviation-related accommodation.
- Special Use Zone (Schedule 7):
 - Addition to the purpose of Schedule 7, *“To provide for aviation-related accommodation”.*
 - Modification of the table of uses in Schedule 7 to allow for accommodation that is related to airport activities.
 - Inclusion of a provision relating to the ‘Use of Land’ for aviation-related accommodation.

The objections are made on the following basis:

- The Latrobe Regional Airport Master Plan has failed to identify the Maryvale Pulp and Paper Mill in its context assessment. The Mill is an industrial facility of state importance which requires a substantial buffer, as reflected in its Industrial 2 zoning;
- Accommodation at the airport site is proposed to be located within the amenity buffer recommended by EPA guidelines and Clause 52.10 of the Latrobe Planning Scheme for pulp mills, and is inconsistent with Clauses 13.04-2 and 17.01-1;
- Accommodation at the airport site is likely to be subject to offensive odours from the Mill site, resulting in a poor level of amenity for residents and guests;
- Potential impacts on accommodation at the airport site represent a significant risk to Australian Paper’s ability to comply with EPA licence conditions now and into the future, and conflicts with Clause 17.01-1 and 17.02-3 of the Planning Scheme;
- Inability to comply with EPA licence conditions could cause foreclosure of the facility which would adversely impact the immediate and wider community, economically and socially;
- Accommodation at the airport site may restrict Australian Paper’s ability to expand operations and therefore reduce its long term viability, which is inconsistent with Clause 17.02-1;
- Clause 13 and 17 of the Planning Scheme require consideration of the EPA’s recommended buffer distances. However, this has not been taken into account in the documentation supporting



Amendment C26 in relation to accommodation in such close proximity to heavy industrial uses within an Industrial 2 Zone.

We trust that the information outlined in this letter is sufficient for consideration of the Amendment. We would be pleased to arrange a meeting with Council, Australian Paper, GHD, and EPA or other state government representatives to further clarify our submissions if required.

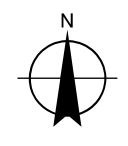
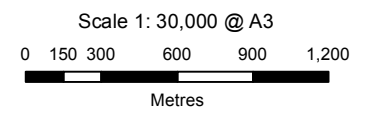
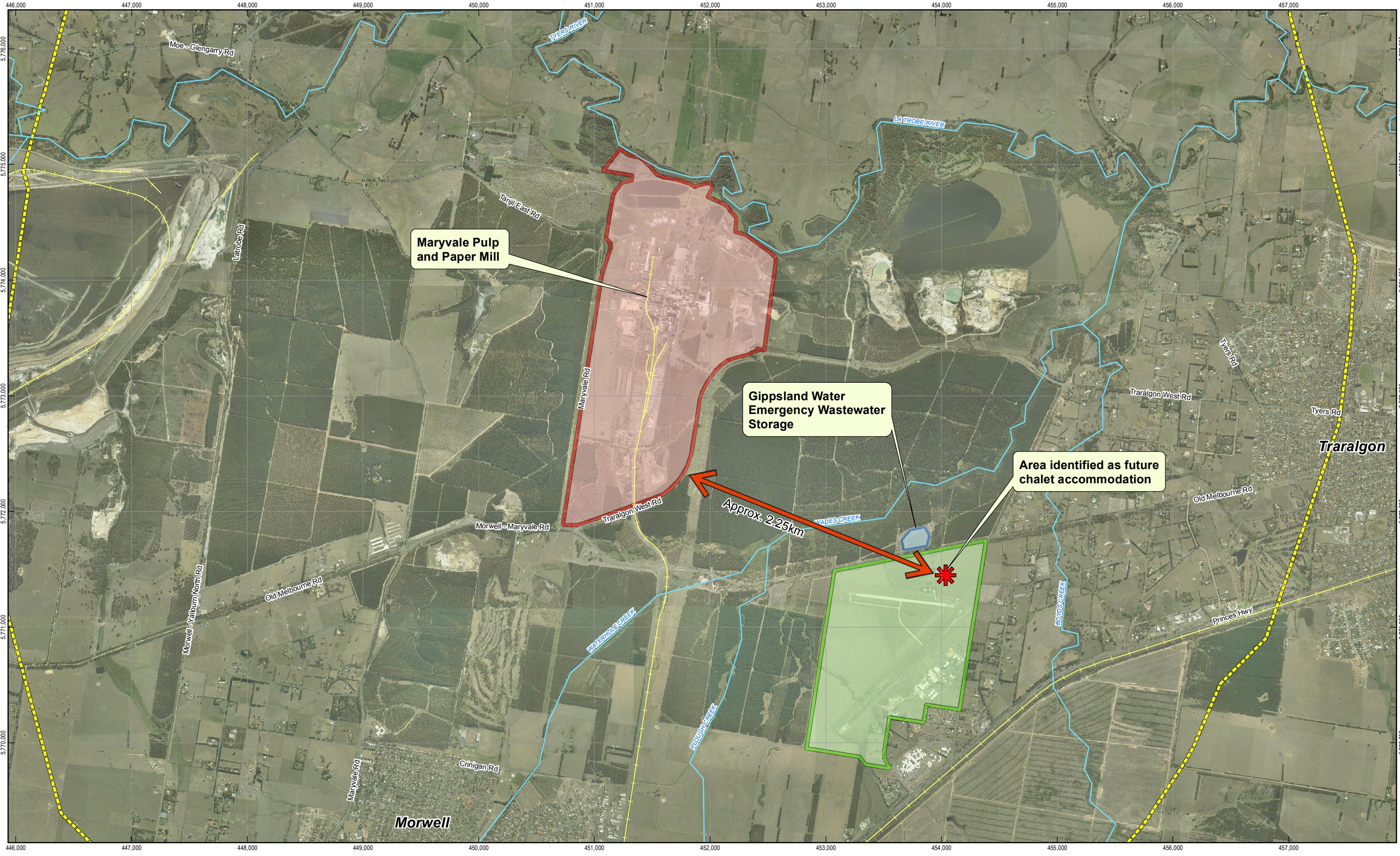
Should you require any further information or have any questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alisanne Green', is centered within a light gray rectangular box.

Alisanne Green

Team Leader - Planning & Environmental Assessment
03 8687 8788



Legend

- Site Boundary
- 5km Buffer
- Major Watercourse
- Railway
- Latrobe Regional Airport
- Wastewater Storage
- ✱ Chalet Accommodation

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



CLIENTS | PEOPLE | PERFORMANCE

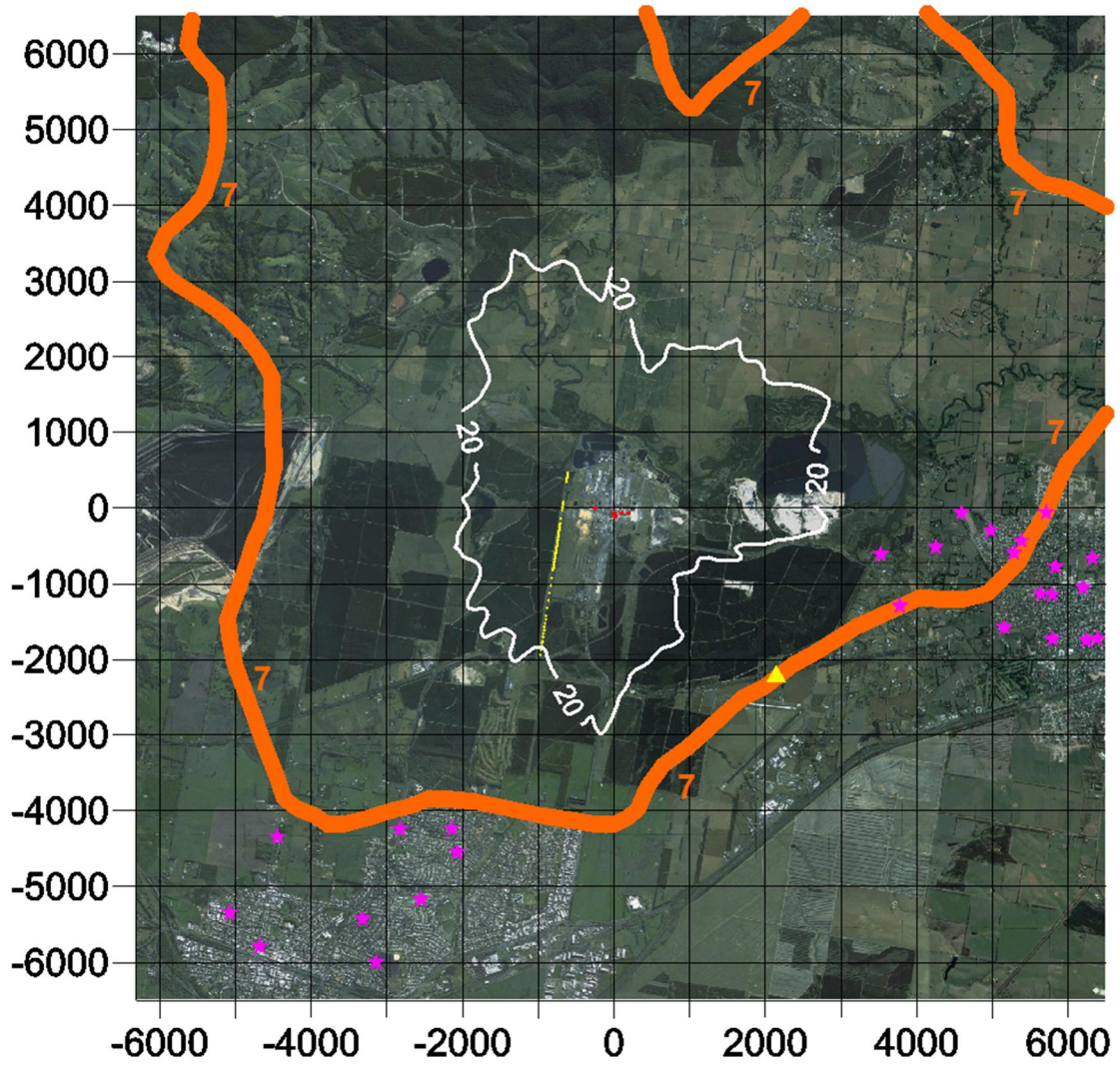
Australian Paper - Maryvale Pulp Mill
Submission to Amendment C26

Job Number | 31-27620
Revision | A
Date | 10 May 2011

Context Plan

Attachment 1

Figure 2 Estimated 99.5th percentile odour level contours (OU's) from Australian Paper during normal operations and EPA licence limit stack emissions. Chalet location (yellow triangle) and recent odour complaints (pink stars) shown.





Maryvale Road PO Box 37
Morwell Victoria 3840 Australia
Telephone +61 3 51360 360
ABN 63 061 583 533

Date: 18/11/2011
Orig ID: 47373

Jason Pullman
Strategic Planning Coordinator
Latrobe City Council

BY EMAIL

Airport Master Plan Amendment C26– Withdrawal of Objection

Australian Paper received a letter from Latrobe City Council on 10th November 2011 in relation to changes that are to be made to Amendment C26. The items proposed in this letter satisfy Australian Paper with regard to the removal of the high density residential airpark development on the North side of the Airport site.

The following is as outlined by Lorrae Dukes Senior Strategic Planner in a letter on the 10th November 2011.

That the Latrobe Regional Airport Board instruct Council's Planning Officers to abandon that part of the Amendment C26 which includes:

5. The incorporation of the Airport Master Plan as a reference document into the Latrobe Planning Scheme
6. The proposed changes to the Municipal Strategic Statement (MSS) that refers to the Airport Master Plan
7. The proposed changes to the Special Use Zone 7 to allow for the airpark accommodation
8. Flag the Board's intention to investigate a separate planning amendment to accommodate the inclusion of the Airport Master Plan into the Planning Scheme.

Australian Paper is satisfied that these changes address the concerns raised by Australian Paper in regard to this issue and formally withdraws the objection submitted to Latrobe City Council.



Australian Paper
Maryvale

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Howard Lovell'.

Howard Lovell
General Manager Maryvale

This information is provided IN CONFIDENCE and is not
To be released to a third party without the authorisation of
General manager Maryvale

ATTACHMENT 7
Consultation Summary

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Key Meetings with Submitters

Meeting between	Date	Purpose of Meeting	IAP2 Spectrum Goal
Mr L. Love and council officers	7 June 2011	To discuss the submission made to Amendment C26 and to provide information on the Planning Scheme Amendment.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
	23 December 2010, 3 March 2011, 20 September 2011	Telephone discussion to update on the progress of the amendment.	Inform – to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and opportunities and / or solutions.
	9 November 2011	Meeting to discuss the progress of the amendment, including the resolution of the airport board and to obtain advice on how he wished to proceed with the amendment.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Environment Protection Authority (EPA) and council officers	21 October 2010	To discuss the submission Gippsland Water had made to Amendment C26.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Gippsland Water and council officers	22 October 2010	To discuss the submission made to Amendment C26.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
	15 February 2011, 31 May 2011, 27 September	Telephone discussions to provide an update on the progress of the amendment.	Inform – to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and opportunities and / or solutions.

	2011		
	8 November 2011	Meeting to discuss the progress of the amendment, including the resolution of the airport board and to obtain advice on how he wished to proceed with the amendment.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Gippsland Water, EPA and council officers	13 December 2010	To discuss the submission made to amendment C26, including possible solutions to the objection.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Gippsland Water and the Latrobe Regional Airport Board	24 October 2011	To discuss the submission made to amendment C26, including possible solutions to the objection.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Australian Paper and council officers	31 March 2011	To discuss the amendment, the impacts on the mill and opportunities for Australian Paper to influence the process.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
	31 May 2011 and 27 September 2011	Telephone discussions to provide an update on the progress of the amendment.	Inform – to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and opportunities and / or solutions.
Australian Paper and council officers	24 October 2011	To discuss the submission made to amendment C26, including possible solutions to the objection.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.
Australian Paper, EPA and council officers	15 November 2011	Meeting to discuss the progress of the amendment, including the resolution of the airport board and to obtain advice on how he wished to proceed with the amendment.	Consult - to obtain public feedback on analysis, alternatives and / or decisions.

11.3.6 PLANNING PERMIT APPLICATION 2011/140 - USE AND DEVELOPMENT OF THE LAND FOR ANIMAL BOARDING AND CONSTRUCTION AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE - 525 SWITCHBACK ROAD, HAZELWOOD

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/140 for the use and development of land for animal boarding and the erection and display of business identification signage at 525 Switchback Road, Hazelwood.

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 surrounds and which provides for 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 in 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: Crown Allotment 1A Section B Parish of Hazelwood, more commonly known as 525 Switchback Road, Hazelwood.
Proponent: Mr Andrew Lade
Zoning: Special Use Zone, Schedule 1
Overlay Design and Development Overlay, Schedule 1

A Planning Permit is required for the use and development of land for animal boarding within the Special Use Zone, Schedule 1 in accordance with Clauses 37.01-1 and 37.01-4 of the Latrobe Planning Scheme.

A Planning Permit is also required for the buildings and works associated with the construction of the animal boarding facility within the Design and Development Overlay, Schedule 1 in accordance with Clause 43.02-2 of the Latrobe Planning Scheme.

Permission is required for the erection and display of business identification signage in accordance with Clause 52.05-10 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application proposes the use and development of the land for animal boarding and the erection and display of business identification signage.

The use of the land as a boarding kennel will be established to accommodate customer's pets when they go on holidays. The facility will have the capacity to house up to 16 dogs at any one time. The hours of operation for customers would be from 7.30 am to 4.30 pm Friday to Monday and by appointment only from Tuesday to Thursday.

The development of the facility will consist of 8 kennels that will each contain a sleep area, concrete run and grassed area. The total area used to contain the kennels is 1277 square metres. The total height of the building will not exceed 3.1 metres. The location of the kennels is 201 metres from the northern (front) boundary and 105 metres from the eastern (side) boundary.

The kennels will be constructed of materials that will aim to minimise any noise caused by potential barking. The walls will be constructed of Benex Blocks which have a high noise reduction characteristic, and the roof will contain additional sound absorbing insulation. The external fencing of the kennel facility will be an 8 foot high chain mesh fence which will be concreted around the base to stop any dogs being able to dig out. The top of the fence will have a 1 metre strip of shade cloth extending into the yard to prevent the dogs climbing over the fence.

The business identification signage that will be displayed on site will be located at the front of the property setback 9.5 metres from the road. The sign will be 1.5 metres by 1.5 metres with a total area of 2.25 square metres with an overall height of 2.5 metres. The materials used for the sign will be a matte finished painted aluminium sheet with a Red Gum wooden frame. The sign will contain a picture of a dog or similar, with the operating hours and contact details.

Subject Land:

The subject site is located on Switchback Road in Hazelwood. The total area is 11 hectares. The site is currently vacant, relatively flat and does not contain any significant vegetation or restrictive easements.

The site has recently had a Planning Permit approved for the use and development of the land for a single dwelling and associated buildings and works. These works have yet to commence and will be dependant on the outcome of this application.

Surrounding Land Use:

North: Road – sealed with open spoon drain (Switchback Road)
South: Morrisons Road, Hazelwood – Single dwelling under construction on a lot of 17 hectares.
East: Switchback Road, Hazelwood – Single dwelling and an outbuilding on a lot of 33 hectares.
West: 565 Switchback Road, Hazelwood – Single dwelling and two outbuildings on a lot of 5000 square metres.

4.3 HISTORY OF APPLICATION

The history of the assessment of planning permit application 2011/140 is identified within *Attachment 1*.

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

5. ISSUES

ASSESSMENT OF THE RELEVANT PLANNING POLICIES

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

Within the State Planning Policy Framework Clause 13.04 'Noise and Air' requires that suitable separation is maintained between land uses that reduce amenity and sensitive land uses.

Clause 15 identifies that *'Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.'* The proposal provides a service that has been identified in an appropriate location whilst achieving a design that is complementary of the surrounds.

Within the Local Planning Policy Framework Clause 21.04-3 'Rural Living' identifies an objective and strategy which attempts to minimise conflict between agricultural activities and rural residential areas, and also discourages animal keeping facilities in rural residential areas. The general land use of the surrounding area is farm land, making this an appropriate site for such an establishment.

Clause 21.07-3 'Coal Resources' identifies areas for coal extraction and use. It can be considered to use the land for alternative uses on a temporary basis if they can demonstrate that they would not adversely affect the future development of the coal. The Department of Primary Industries does not object to the proposal.

The land is zoned Special Use, Schedule 1. The purpose of the Special Use Zone, Schedule 1 is to provide for brown coal mining and electricity generation and associated uses. It also provides for interim and non-urban uses which protect the brown coal resource.

The proposal will establish a facility that will not impact on the coal resource and will fit in well with the established farm type environment that currently exists in the area.

Due to the nature of surrounding land uses i.e. dwellings on large allotments and cattle and sheep grazing, the proposed land use is deemed compatible with these uses and should not cause any concerns with amenity other than that already found in this type of environment.

AMENITY CONSIDERATIONS

Appropriate consideration must be given to the amenity impacts of such a proposal. The Environmental Protection Authority (EPA) were consulted and provided some comments for Council to consider. The EPA Publication 1254 *Noise Control Guidelines* makes several recommendations regarding reducing the noise from kennels. This includes:

- *Ensuring the kennels are 500 metres from a residential area.*

There are two dwellings located within 500 metres of the proposed kennels. Each of these dwellings is located on larger allotments used for small acreage farming i.e. grazing. There is no residential zoned land located within 3 kilometres of the site.

- *Kennels should be constructed to visually screen stimuli such as other dogs, animals, traffic or passers by.*

The kennels are setback 200 metres from the front boundary (Switchback Road), the applicant has also advised that trees will be planted around the perimeter of the property to limit the stimuli for dogs on site and hence reduce noise from being generated that may affect neighbouring properties.

- *Feeding of the dogs should be restricted to the daytime hours of 7 am — 6 pm.*

The applicant has advised in their proposal that feeding times will be between 7.30 am – 8.00 am then 3.30 pm – 4.00 pm.

- *Exercise of the dogs may only be performed within the hours of 9.00 am and 5.00 pm.*

The applicant proposes to exercise the dogs between the hours of 7.30 am to 5.30 pm daily. To ensure consistency with the EPA Guidelines the exercise of the dogs will be restricted to the hours of 9.00 am to 5.00 pm.

- *A responsible person must be available on site 24 hours per day.*

The applicant has approval to construct a residence on the property and will be available as required.

In addition to this the Department of Primary Industries (DPI) has a Code of Practice for the Operation of Boarding Establishments (Revision 1). The Code of Practice is consistent with the EPA guidelines and the proposed development is consistent with the Code.

The above factors have been considered as part of the proposal and will be appropriately addressed through conditions on a planning permit if one is issued.

OBJECTORS CONCERNS

Two submissions in the form of objections were received. Each objection received was from land owners in close proximity of the site. The location of objection one is approximately 425 metres from the proposed kennels. The location of objection two is approximately 500 metres from the proposed kennels. The following were the concerns raised by both objections.

1. *Constant noise generated by the barking of dogs.*

Officer Comment

The location and planning scheme controls affecting the subject site is such that it represents an appropriate location for the proposed use (as discussed above). It is reasonable to expect that areas characterised by rural activities may experience some level of noise from livestock and/or machinery that may not be expected or desirable in a residential location. The proposed use is not considered to offer potential amenity impact that may similarly be experienced from other legitimate rural activities.

Whilst it is likely that the barking of dogs will occur from time to time due to the nature of the application, the applicant has also indicated that they will implement measures to ensure the noise is kept to a minimum.

It is recognised that the barking of dogs is increased when presented with certain stimuli such as other dogs, animals or passers by. To ensure that such stimulation is reduced, the applicant has proposed the kennels to be set back 200 metres from the road to reduce interaction with traffic and passers by. The applicant has also advised that he will be planting trees around the perimeter of the site which will further screen any stimuli and assist in limiting the noise produced from the kennels.

2. *Loss of amenity through the erection of the sign (billboard).*

Officer Comment

The proposed sign is a 1.5 metre by 1.5 metre sign with a total area of 2.25 square metres. The proposed sign will stand no higher than 2.5 metres. The sign is purely for identification of the business and will not represent a billboard. Business identification signage is controlled through the Latrobe Planning Scheme in this area through the zoning and overlay that affects the land. The proposed signage is considered to address the requirements of the Latrobe Planning Scheme and will not adversely affect the amenity of the area.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Notification:

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

External:

The application was referred pursuant to Section 55 of the Act to the Department of Primary Industries who did not object to the granting of a planning permit. No conditions were imposed by the Department of Primary Industries.

Notice of the application was given pursuant to Section 52(1)(d) of the Act to the Environmental Protection Authority who did not object to the granting of a planning permit. The Environmental Protection Authority provided comments regarding noise control.

Internal:

Internal officer comments were sought from Council's Health Services team in relation to waste disposal and noise control.

The Health Services team gave consent to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions.

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

Details of Community Consultation following Notification:

Following the referral and advertising of the application, two submissions in the form of objections to the proposal have been received.

A planning mediation meeting was held on 15 September 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 Planning Permit; or
2. Issue a Refusal to Grant a Planning Permit.

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

9. CONCLUSION

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

10. RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Permit, for the use and development of the land for animal boarding and display of business identification signage at Crown Allotment 1A Section B, more commonly known as 525 Switchback Road, Hazelwood with the following conditions:**
- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 2. The 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.**
 - 3. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.**
 - 4. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.**
 - 5. The approval contained in this permit for the sign shown on the endorsed plan expires 15 years from the date of this permit.**
 - 6. Customers may only arrive to drop off and pick up their dogs between the hours of:
Friday to Monday – 7.30 am to 4.30 pm; and
Tuesday to Thursday by appointment only.**
 - 7. No more than 16 dogs may be housed on site at any one time unless with the written consent of the Responsible Authority.**
 - 8. Feeding times must be kept within the hours of 7.00 am to 6.00 pm daily, unless with the written consent of the Responsible Authority.**

9. Exercise of the dogs must be kept within the hours of 9.00 am to 5.00 pm daily, unless with the written consent of the Responsible Authority.
10. Access to the kennels must be restricted solely to staff or the operator of the permit.
11. Noise levels emanating from the premises must not exceed those required to be met under State Environmental Protection Authority (Control of Noise from commerce, industry and trade), No. N-1.
12. All waste waters must be treated in accordance with the requirements of the Department of Health and Community Services, the Environment Protection Authority and the Council. All effluent must be disposed of and contained within the boundaries of the subject land and must not be discharged directly or indirectly to any adjoining land, road or any watercourse or drain. Sufficient land must be set aside and kept available for the purpose of effluent disposal.
13. Areas set aside for the parking of vehicles must be paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the area. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
14. Downpipe water from the building must be suitably directed into water tank, soakwell, or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority.
15. Upon completion of the building, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
16. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
18. 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 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; and
 - b. Landscaping and planting along each of the east, south and west boundaries.
19. Within three months of the use commencing or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
 20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damages plants are to be replaced.
 21. The permit will expire if one of the following circumstances applies:
 - a) The development has not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit; or
 - c) The use has not commenced within four years of the date of this permit.

NOTE 1: The applicant must ensure that all relevant Permits have been approved prior to the commencement.

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

Councillor/s White, Price, Gibson, Middlemiss and Vermeulen

Against the Motion

Councillor/s Harriman, O'Callaghan and Kam

The Mayor confirmed that the Recommendation had been CARRIED.

Question taken on notice from Cr Kam:

Why aren't the feeding times specific in the recommendation to the report?

On page 137 of the Council Agenda for the meeting of the 19 December 2011, the EPA guidelines have been distinguished, with comments pertaining to the times specified by the applicant in their report. These times will be enforced by permit condition 8.

ATTACHMENTS

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**ATTACHMENT 1
HISTORY OF APPLICATION**

DATE	EVENT
11 May 2011	Application received by Responsible Authority.
31 May 2011	Additional information requested by the Responsible Authority.
9 June 2011	Additional information received by Council.
28 June 2011	<p>The applicant was required to advertise the proposal sending letters to adjoining land owners. A sign was subsequently displayed on the site in accordance with Section 52(1) of the <i>Planning and Environment Act 1987</i>.</p> <p>An internal referral was provided to Council's Health Services team for consideration.</p> <p>Section 55 referral sent to the DPI pursuant to Section 55 of the Act.</p> <p>Notice was also sent to EPA pursuant to Section 52(1)(d) of the Act.</p>
6 July 2011	Councils Health Services team provided consent to the granting of a planning permit.
12 July 2011	Objection 1 received.
14 July 2011	Objection 2 received.
21 July 2011	Statutory Declaration received advising the applicant has undertaken the advertising requirements.
28 July 2011	Response received from the DPI consenting to the granting of a planning permit with no conditions.
15 September 2011	Mediation meeting held.
28 October 2011	Response received from the EPA consenting to the granting of a planning permit with no conditions.

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

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.05 – Regional Development
Clause 13.04 – Noise and Air
Clause 15 – Built and Environment and Heritage

Local Planning Policy Framework

Clause 21.01 – Municipal Profile
Clause 21.02 – Municipal Vision
Clause 21.04-3 – Rural Living
Clause 21.07-3 – Coal Resources

Zoning – Special Use Zone, Schedule 1

The subject land is located within a Special Use Zone, Schedule 1.

Overlay

The subject land is affected by the Design and Development Overlay, Schedule 1.

Particular Provisions

Clause 52.05 – Advertising Signs
Clause 52.06 – Car Parking

General Provisions

Clause 65 'Decision Guidelines'

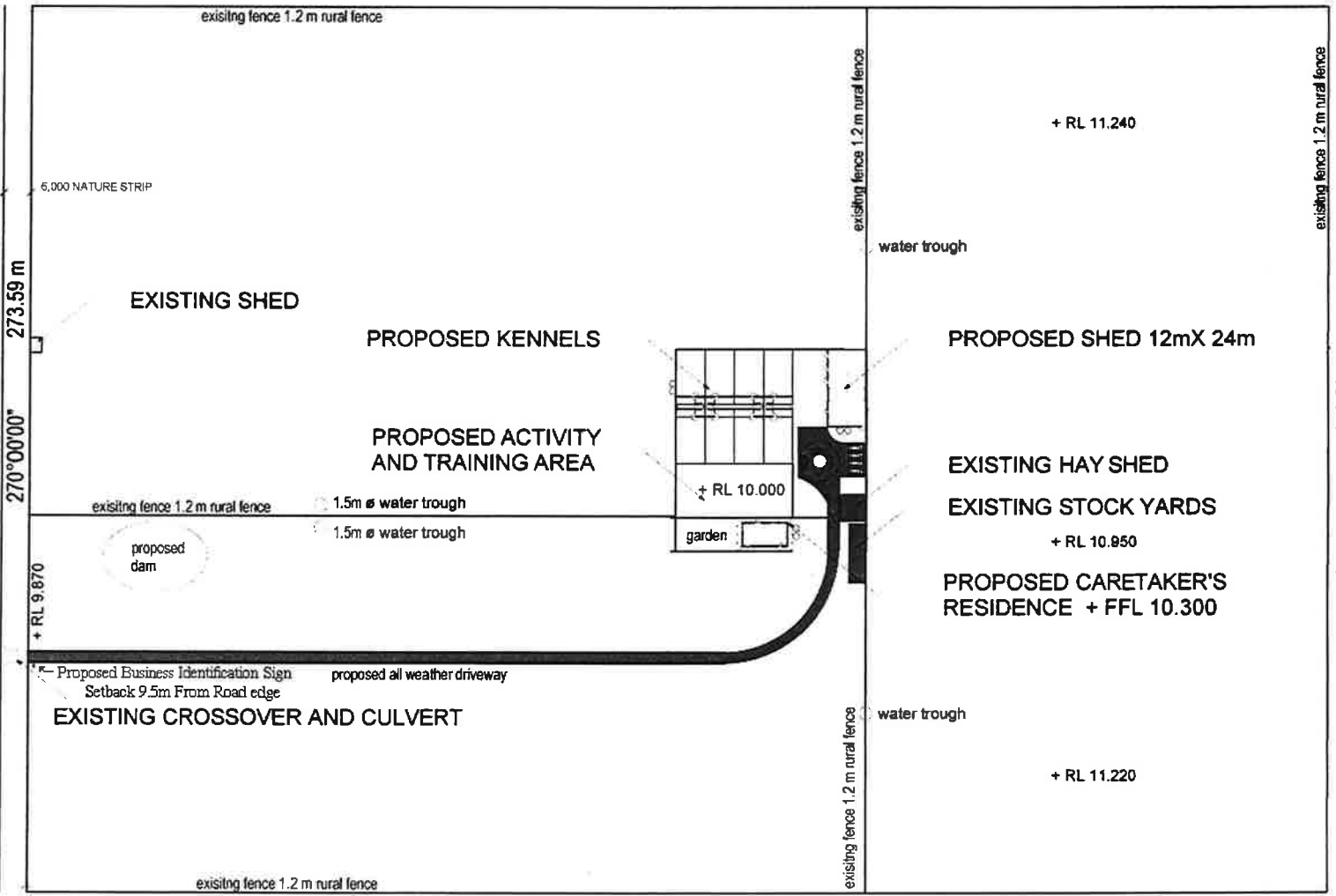
Incorporated Documents

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

**ATTACHMENT 3
PROPOSED PLANS**

S W I T C H B A C K R O A D

no gutter to sealed road
+ RL 10.720



power pole
power box

SITE PLAN
1:1000

0°00'00" 403.68 m

180°00'00" 402.34 m

273.59 m
90°17'00"

BUILDING AREA

PROPOSED RESIDENCE	103.80 m ²	11.13 sq
LIVING		
PROPOSED RESIDENCE	73.20 m ²	7.87 sq
VERANDAH		
PROPOSED SHED AND OFFICE	288.00 m ²	30.96 sq
PROPOSED KENNELS	23.54 m ²	2.52 sq
COVERED ENCLOSURES		
PROPOSED KENNELS	1051.2 m ²	113.03 sq
UNCOVERED GRASSED AREAS		
PROPOSED KENNELS	151.24 m ²	16.26 sq
UNCOVERED CONCRETE		
PAVED AREAS	1742.78 m ²	187.37 sq

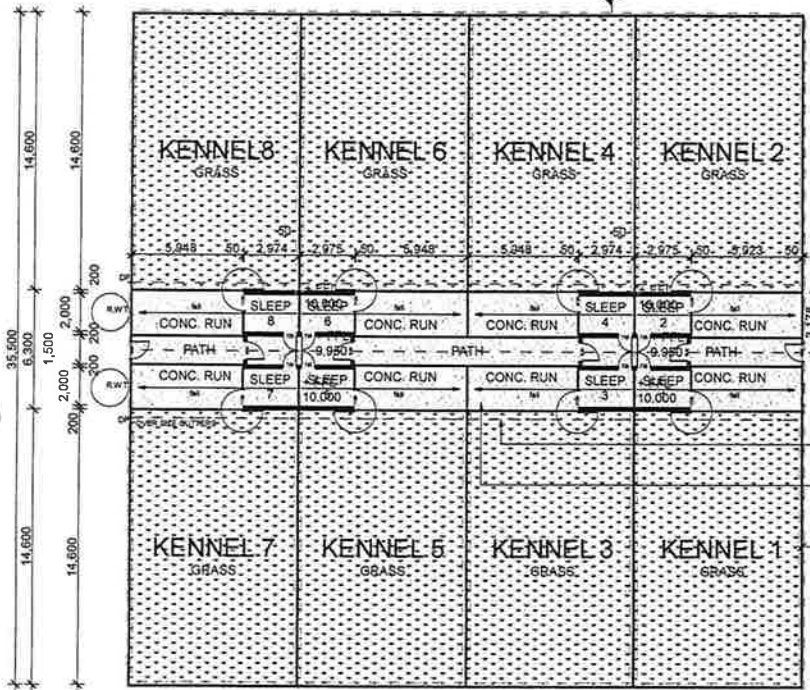
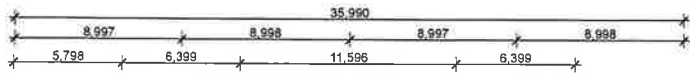


Scale 1:1000
7-19 Park Drive
PO Box 5888
Tangralia Vic 3644
Ph: 03 5174 1111
Fax: 03 5174 1102
550 Park Road
Warragul Vic 3121
Ph: 03 3628 2266
Email: info@janddesign.com.au

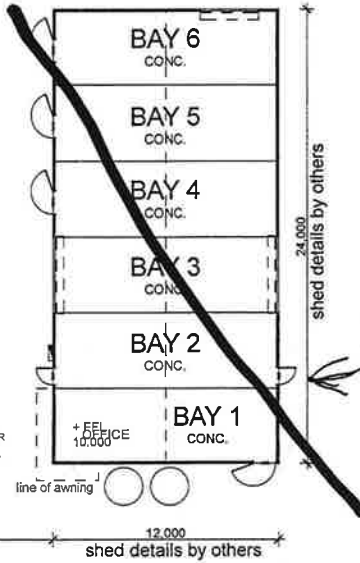
ANDREW LADE
PROPOSED BOARDING KENNELS
& RESIDENCE
14 Sutherland Rd
Hazelton Vic 3642

PRELIMINARY DRAWINGS
SITE PLAN

- 9 JUN 2011



LINE OF GABLE ROOF OVER
CONCRETE TO BE SEALED
TREATED REFER TO
CLIENT SPECIFICATION
TBA



shed details by others

shed details by others

BERS Pro Report
 was based on the layout and specification shown on this drawing with any added annotations.
 Any changes to the details may affect the energy performance of the building.
 Area Adjusted Star Rating: **6.0** Stars (Building Permit Verification)
 Adjusted Cooling: **3.9** MJ/m²
 Adjusted Heating: **151.4** MJ/m²
 Area Raw Star Rating: **6.0** Stars
 Raw Cooling: **4.8** MJ/m²
 Raw Heating: **186.3** MJ/m²
 Signed by Assessor: _____ Date **18/03/2011**
 Accredited Assessor No: VIC/BD/AV/10/1042
 BERS Run No: _____

BUILDING AREA

PROPOSED RESIDENCE	103.60 m ²	11.13 sq
LIVING	73.20 m ²	7.87 sq
VERANDAH	288.00 m ²	30.96 sq
AND OFFICE	75.54 m ²	8.12 sq
PROPOSED KENNELS	1051.2 m ²	113.03 sq
COVERED ENCLOSURES	151.24 m ²	16.26 sq
UNCOVERED GRASSED AREAS		
PROPOSED KENNELS UNCOVERED CONCRETE PAVED AREAS		
TOTAL	1742.75 m²	187.37 sq

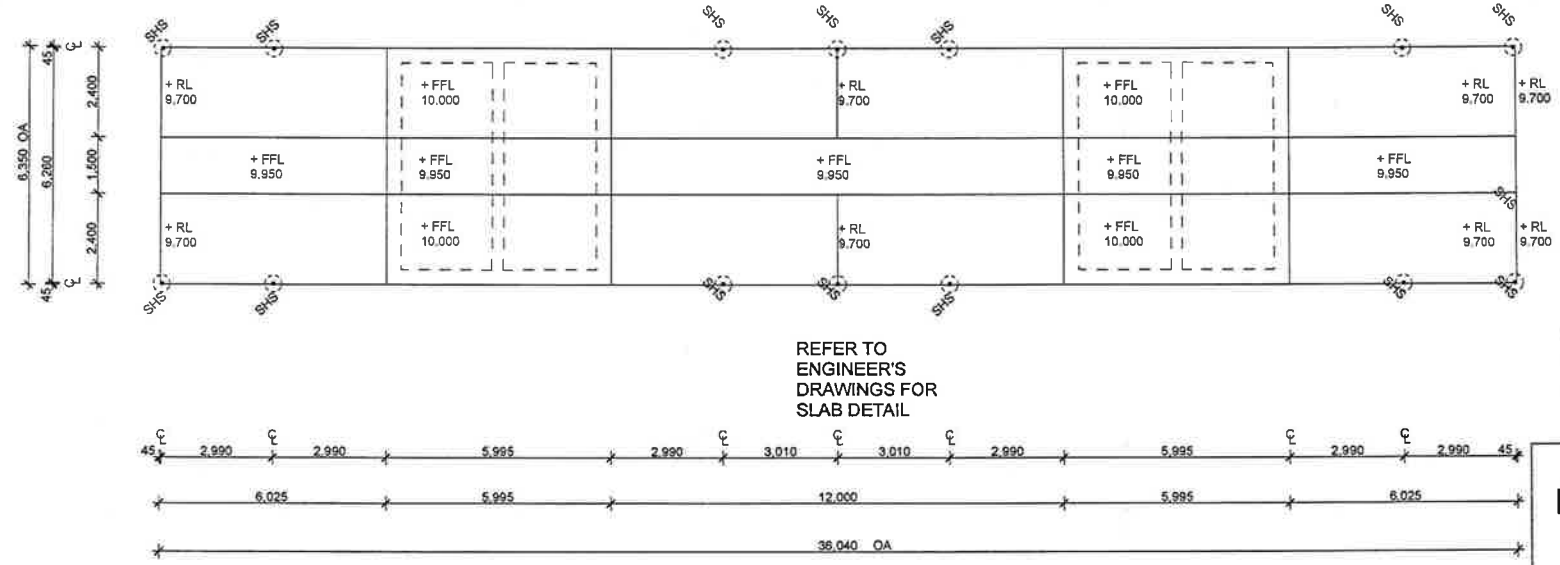
LEGEND

180 CONCRETE MASONRY	
240 BRICK VENEER	
110 SINGLE BRICK	
90 TIMBER STUD	
SMOKE DETECTOR	
EXHAUST FAN	
ARTICULATION JOINT	
ELEC. SUB-BOARD	
HOT WATER SYSTEM	
RAIN WATER TANK	

Covered under Planning Permit 2010/82/1

REFER TO ENGINEER/ SHED CONTRACTOR'S DRAWINGS FOR STRUCTURAL DETAIL

KENNELS FLOOR PLAN 1:200



REFER TO ENGINEER'S DRAWINGS FOR SLAB DETAIL

COMMERCIAL SLAB PLAN 1:100

11 MAY 2011

REDUCED COPY ORIGINAL A2

JJC Design
 Building Design Consultants
 Suite 1, 1st Floor
 7-13 Park Office Plaza
 PO Box 8280
 Traralgon Vic 3844
 Phone: (03) 576 1117
 Fax: (03) 878 1107
 222 Point Road
 Richmond Vic 3121
 Phone: (03) 8420 2229
 Email: info@jjcdesign.com.au

Andrew Lade
 Project Name
 PROPOSED BOARDING KENNEL
 & RESIDENCE
 1A Bullockwood Rd
 Hazelwood Vic 3840

Drawn by
 WORKING DRAWINGS
 COMMERCIAL PLANS

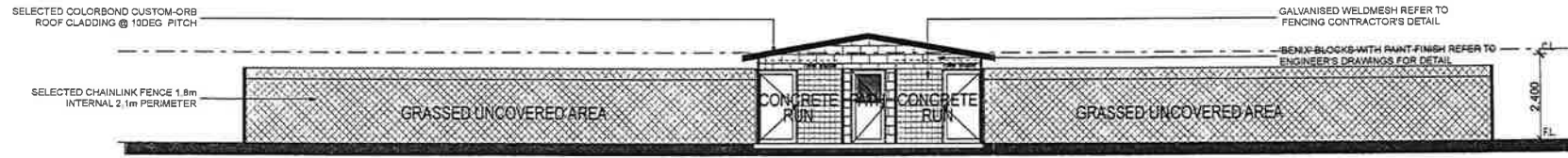
Sheet No. JJC000 Drawing No. JJC
 Project No. 48-1070-042 Date: 04/03/11
 2116 A-04

BERS Pro Report
 was based on the layout and specification shown on this drawing with any added annotations. Any changes to the details may affect the energy performance of the building.

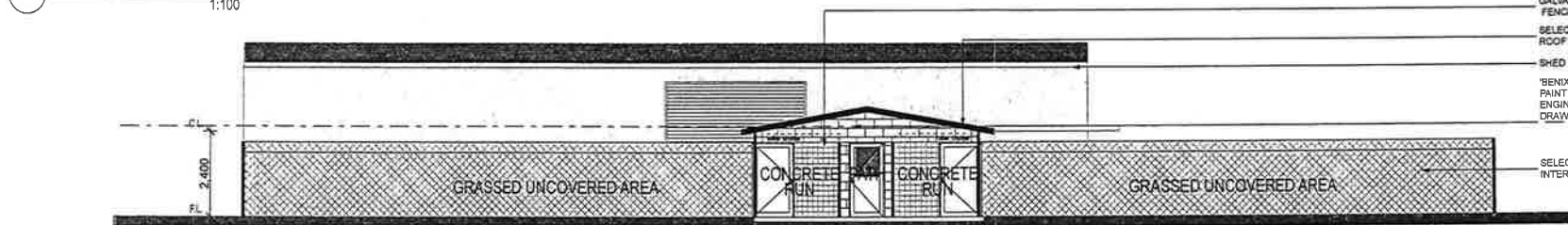
Area Adjusted Star Rating: **5.0** Stars (Building Permit Verification)
 Adjusted Cooling: **3.9** MJ/m²
 Adjusted Heating: **151.4** MJ/m²
 Area Raw Star Rating: **5.0** Stars
 Raw Cooling: **4.8** MJ/m²
 Raw Heating: **186.3** MJ/m²

Signed by Assessor: _____ Date: **18/03/2011**
 Accredited Assessor No: **VIC/BCAA/10/1042**

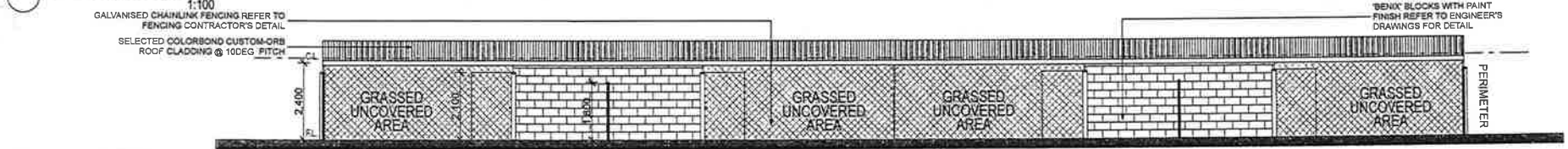
BERS Run No: _____
 BERS



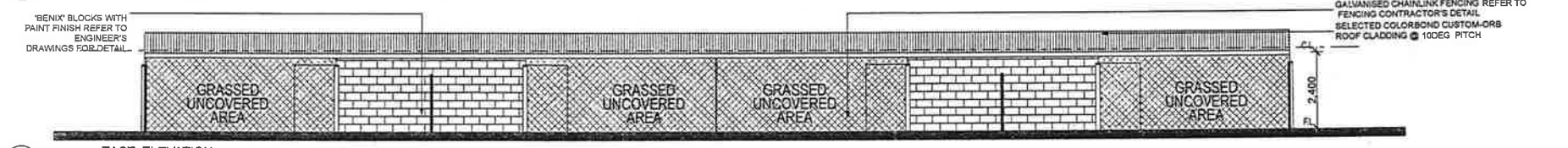
SOUTH ELEVATION
1:100



NORTH ELEVATION
1:100

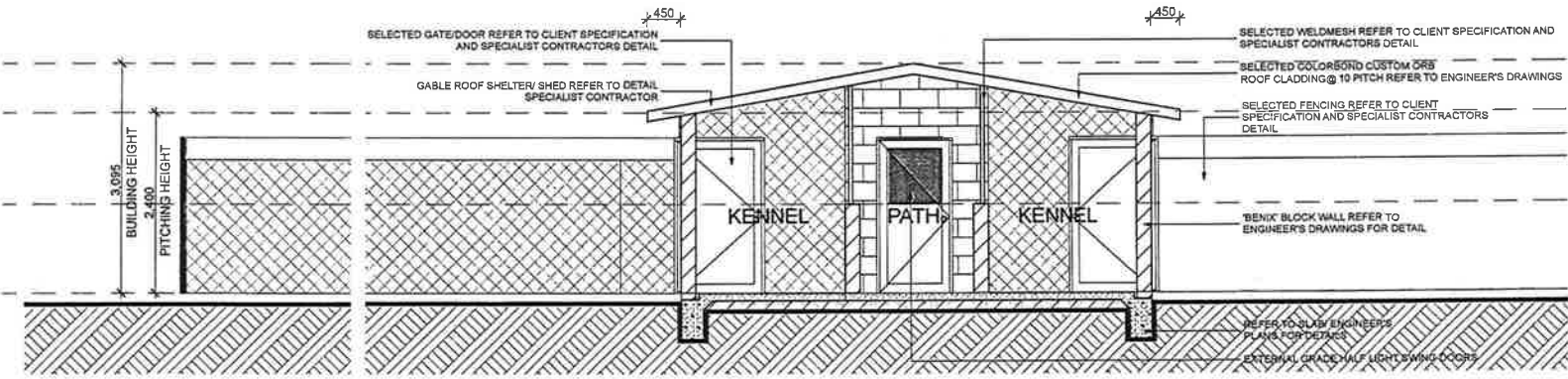


WEST ELEVATION
1:100



EAST ELEVATION
1:100

REFER TO ENGINEER/
 SHED CONTRACTOR'S
 DRAWINGS FOR
 STRUCTURAL DETAIL



COMMERCIAL SECTION
1:50

REDUCED COPY ORIGINAL A2

PROPOSAL SHEET

NO. ISSUE DATE DESCRIPTION

JJC Design
 Building Design Consultants

Unit 1, 1st Floor
 7-13 Peel Office Place
 PO Box 9216
 Traralgon VIC 3844
 Phone: (03) 9178 1117
 Fax: (03) 9178 1107
 211 Park Road
 Richmond VIC 3121
 Phone: (03) 9429 2223
 Email: wj@jjcdesign.com.au

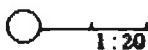
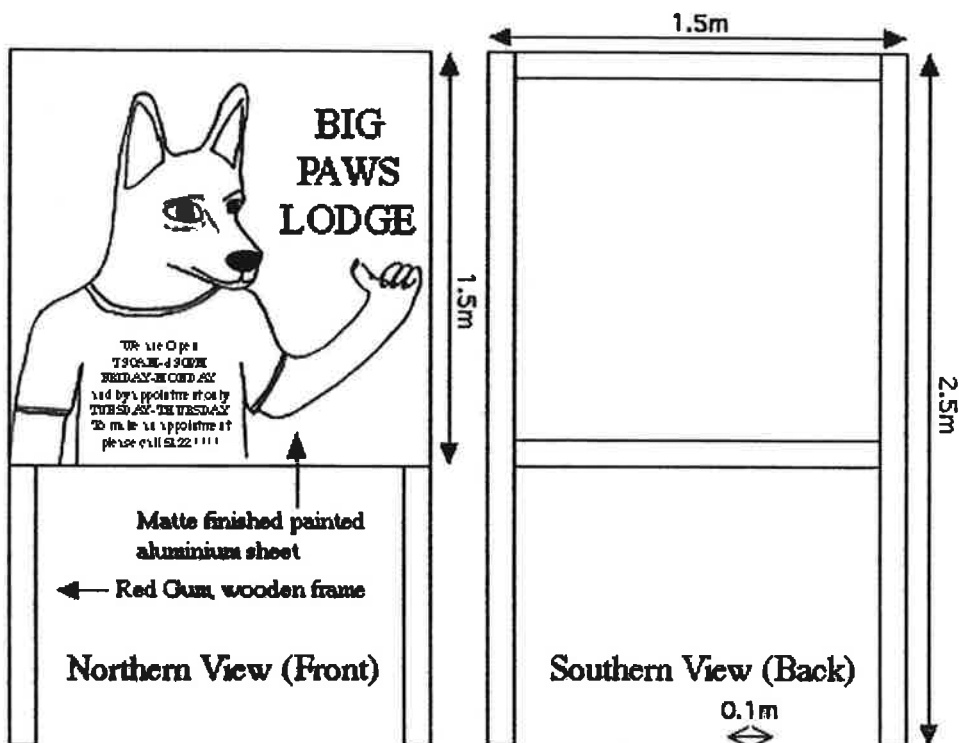
J. Cooper
 Building Practitioner
 REG. NO. DP-402228

Copyright JJC Design

The Designer warrants that the drawings are prepared in accordance with the requirements of the Building Act 1993 and the Building Regulations 2006.

ANDREW LADE
 Proprietor
 PROPOSED BOARDING KENNEL
 & RESIDENCE
 1A Swinbeck Rd
 Hazelwood VIC 3840

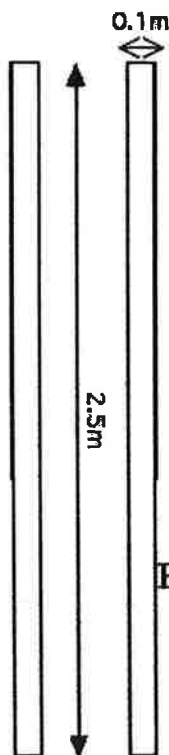
Drawing No. _____
 WORKING DRAWINGS
 COMMERCIAL ELEVATIONS
 Scale AS NOTED @ A2 Date 18/03/2011
 Project No. 4112-010 Drawing No. 2/5
 2116 A-05



The final graphics and colours may vary from that shown as I will be getting them created by an artist with better drawing skill than myself. However they will most likely reflect the kennel buildings colour scheme of dark green and cream which should look attractive against the backdrop of the padock in which the sign will be located.

Western View (Side)

Eastern View (Side)



**ATTACHMENT 4
LOCALITY PLAN**



Subject Site



**ATTACHMENT 5
COPIES OF SUBMISSIONS**

pw 121)
Jal 13/7/2011

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

Latrobe City Council,
PO Box 264,
Morwell 3840

To whom it may Concern,

We would like to voice our objection to the granting of a planning permit for 525 Switchback Road, Hazelwood, application reference no 2011/140. The permit is for the use and development of land for animal boarding and business id signage. I have since reviewed the application and supporting documents and am greatly concerned by the possible construction of a boarding kennel that can house up to 16 dogs. The reason for our objection is that we have a very young family who would be trying to sleep several times a day at home and that the incessant and continuous barking generated by 16 dogs will make that completely impossible leading to a huge amount of stress on my young children and on myself who would be at home every day caring for them.

I have read that Mr Lade assures the council that he took a public notice around the area and consulted all his neighbours about his intention to construct the kennels and was met with support. However we have been constructing a house in the area since February and we were never contacted or consulted by Mr Lade or we would have used the opportunity to voice our concerns.

I have also noticed that on a map showing all the closest neighbours to the proposed kennels that our house has not even been included at all and our house will be the closest house to the construction by far. Our property borders with Mr Lade's property and the proposed kennels would be constructed within 200 metres of our house. This is of great concern because the noise generated by 16 dogs all night and day at such close proximity would be completely intolerable and very stressful for my young family.

We also have two dogs of our own which would be greatly upset by the barking and would respond by barking continuously themselves causing more noise and stress. As Mr Lade said in his proposal, the area of concern is incredibly flat and noise travels very far and we believe the efforts claimed by Mr Lade at noise reduction will be completely useless at buffering the neighborhood from the incessant barking.

Thank you for the opportunity to voice our concerns,
Yours Sincerely

Simone and Alan Goicoa

COPY

pw 13/7

Brigitte & Joe Hilder

8 July 2011

Co-ordinator Planning Dept
Latrobe City Council

Dear Sir/Madam,

We wish to lodge objections to the Planning Permit Application No 2011/140, lodged by A.D. Lade.

When we purchased the property on Switchback Road, the beautiful, peaceful farming environment was a major appeal. We fear the granting of a permit for the "use and development of the land for animal boarding and business identification signage" will detract from this aspect of the area. Billboards are an eyesore and once one type of signage is in place others quickly follow. However, our main objection lies with destroying the peace of the place. There is nothing more annoying than the constant barking of dogs – and several dogs in a suburban neighbourhood is bad enough but 20 or so in a boarding kennel would be intolerable. It simply does not compare with the quiet lowing of cows in a farming environment. We are being asked to agree with something that will change the tone and feel of the area and object strongly to this.

Sincerely yours,



Brigitte & Joe Hilder

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
1-2 JUL 2011	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered In DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

COPY

11.3.7 PLANNING PERMIT APPLICATION 2011/228 - BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF AN OFFICE AND MEDICAL CENTRE AND WAIVER OF CAR PARKING - 15 BREED STREET TRARALGON

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/228 for the buildings and works associated with the construction of an office and medical centre and waiver of car parking at 15 Breed Street, Traralgon.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surrounds 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 in 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 5 on Plan of Subdivision 001767, more commonly known as 15 Breed Street, Traralgon.
Proponent: LRDG Project Management Pty Ltd
Zoning: Business 5 Zone
Overlay: There are no overlays that affect the land.

A Planning Permit is required for the buildings and works associated with the construction of a medical centre and office within the Business 5 Zone in accordance with Clause 34.05-4 of the Scheme.

A Planning Permit is also required for the waiver of 13 car parking spaces in accordance with Clause 52.06 of the Scheme.

4.2 PROPOSAL

The application proposes the development of an office and medical centre on a vacant allotment and the waiver of 13 car parking spaces.

The floor area of the office will be 131 square metres. There is no proposed floor plan for the office. The office will be leased as is and a proposed floor plan will be decided upon by the future user.

The medical centre floor area will be 190 square metres. It will consist of an administration area, reception and waiting area, a training room, storage room, interview office, amenities area and 5 individual suites. There will be 3 medical practitioners located on site at any one time.

The car parking area is located at the front of the site and will accommodate 7 car parking spaces. The required amount of car parks for the use of the land generated is 20. The remaining 13 spaces that cannot be provided on site are requested to be waived by the applicant.

The new building will be constructed of a variety of materials to provide an aesthetic addition to the streetscape.

Subject Land:

The subject site is located at 15 Breed Street, Traralgon. The total site area is 703 square metres. The site is currently vacant, slight slopes down from west to east and does not contain any significant vegetation or easements.

Surrounding Land Use:

North: 17 Breed Street, Traralgon – Office on a lot of 673 square metres. Car parking provided at the rear of the site off Henry Street.

South: 11-13 Breed Street, Traralgon – Latrobe City Council Kath Techyenne Centre on a lot of 3604 square metres. Car parking is provided at both the front and rear of the site.

East: Road – two lanes in each direction, kerb and channel (Breed Street).

West: 1 Henry Street, Traralgon – Single dwelling and associated outbuildings on a lot of 804 square metres.

4.3 HISTORY OF APPLICATION

The history of the assessment of planning permit application 2011/228 is identified within *Attachment 1*.

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

5. ISSUES**ASSESSMENT OF THE RELEVANT PLANNING POLICIES**

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

The State Planning Policy Framework has identified the importance of Activity Centres and the role that they play in the community. Clause 11.01-1 aims *'To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.'* The proposal is identified in Traralgon's Primary Activity Centre and the development of this site is important in the role and function of the centre. Clause 11.05 also identifies the role of regional cities and the direction for urban growth in towns such as Bendigo, Ballarat, Geelong and the Moe, Morwell and Traralgon cluster.

The proposal responds to Clause 15.01 which outlines that *'Planning should achieve high quality urban design and architecture that:*

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.'*

The Municipal Strategic Statement outlines the vision for the Latrobe City. Some of the values listed in Clause 21.02 are:

- *To provide leadership and to facilitate a well connected, interactive economic environment in which to do business;*
- *To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality.*

The proposal has addressed the demand for well designed and constructed office space in a location easily accessible to public transport and well connected facilities.

Clause 21.05 'Main Towns' identifies areas for residential, commercial and industrial development for each town, where growth is encouraged. The subject site is located in Traralgon's Primary Activity Centre which makes it an appropriate site to encourage urban development and growth.

The land is zoned Business 5. One of the purposes of the Business 5 Zone is *'To encourage the development of offices or multi-dwelling units with common access from the street.'* This is supported by the proposal and it is considered that the site is appropriate for such a development. Clause 34.05-4 of the Business 5 Zone requires a planning permit for the buildings and works proposed. The relevant decision guidelines have been considered, particularly:

- *The provision of car parking for customers, staff and residents.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

- *The streetscape, including the conservation of buildings, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*

It can be considered that the building has been designed to best utilise the opportunities of the site. The design maximises the space provided, whilst maintaining an appropriate overall height and good use of materials and finishes which ensure the building is an attractive addition to the streetscape. The proposal has been well designed with the location and surrounding land uses in mind. Car parking in this area has been identified and has been discussed as a separate issue in this report.

CAR PARKING

Pursuant to Clause 52.06 the use of the land as an office generates a car parking rate of 3.5 spaces per 100 square metres of leasable floor area. The use of the land for a medical centre generates 5 car parking spaces for every practitioner. The applications office component is 131 square metres therefore 5 spaces are required for the office component. The medical centre proposes 3 practitioners therefore 15 car spaces are required for the medical centre component.

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

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

As part of this application the applicant has requested the waiver of 13 parking spaces on site. The following is an assessment of this request:

The applicant submitted a traffic report to support this proposal. The report identifies a survey area which was within a 100 metre walk of the site. It included on street parking in the area located on Breed Street between Bridges Avenue and Hotham Street, and on Henry Street between Breed Street and Albert Street. Within the survey area there are a total of 49 on street spaces with various parking limits.

The report indicates that the Planning Scheme rate for both uses is outdated and no longer provides an accurate reflection of current travel behaviour. These findings are also acknowledged in the State Government *Review of Parking Provisions in the Victoria Planning Provisions Final Report (January 2008)*. The findings of the Advisory Committee have not yet been adopted however reference has been made in the traffic report provided by the applicant.

The review offers revised rates indicating a more realistic car parking rate for each use in the Scheme. These are demonstrated below in a table which compares the current rate, the review rate and also the rate of Clause 22.03 which was removed from the Latrobe Planning Scheme in January 2010.

	Clause 52.06 (State)	Clause 22.03 (Local)	Advisory Committee Report
Spaces required by the scheme for proposed development - office	3.5 per 100 sqm	2 per 100 sqm	3 per 100 sqm
Spaces required by the scheme for proposed development - medical centre	5 per practitioner	3 per practitioner	3.5 per practitioner
Total Requested	20	11	14

It can be seen from the above table that there is a difference of approximately 50% between what the Scheme presently seeks at the State level, and what the Scheme might seek if the Advisory Committee's recommendations are adopted and what was previously in place prior to the removal of Clause 22.03 from the Scheme.

All aspects of parking in the area including the parking provided by the applicant on site have been considered. Investigation into on street parking particularly in Henry Street has also been undertaken by Council's Local Laws team. For the week commencing the 14 November 2011 Council's Local Law's team conducted inspections, twice a day, of this section of Henry Street to determine any pressure from on-street parking. This investigation indicates that there does not appear to be any significant issues with on street parking in this vicinity with no more than two vehicles parked at any one time during a one week period.

It is important to note that the business that proposes to relocate to this premises (once constructed) currently operates 50 metres to the north of this site. Car parking is provided on site in the current location and on street parking is also utilised. It is also considered that due to the location of the site and numerous public car parking (some all day) spaces within walking distance, it is not unreasonable for staff members to use these facilities.

The customers that the medical practice will attract will be limited to how long they spend at the centre. These car parks will turnover several times a day and the appropriate on street parking available at the front of the site as well as to the north and the south along Breed Street should be considered sufficient for this purpose in conjunction with the 7 spaces provided on site.

It must be recognised that while Henry Street is predominately a residential area, it is located on the fringe of the Central Business District and consideration must be given to the interface between the residential and business area. It is not unreasonable to expect a certain level of traffic and parking activity in these fringe locations in order to support the operation of the Central Business District. It is not considered that the proposed waiver of car parking spaces will have a significant detrimental impact on the availability of car parking or amenity for nearby residential properties.

The applicant has demonstrated through the submission of a traffic report that the waiver of car parking is considered appropriate. The relevant decision guidelines have been considered and the waiver is appropriate for the site.

OBJECTORS CONCERNS

1. *Staff employed by the new facility will utilise the unrestricted parking outside of the residential properties in Henry Street.*
2. *Access to homes and visitors to residential properties may be comprised by people engaging in commercial activities at the proposed office and medical centre caused by the reduction in the car parking requirement.*

Officer Comment

The subject land is located within the Traralgon Activity Centre and is within a Business 5 Zone. All properties on the western side of Breed Street are also within the Business 5 Zone. Given the proximity of the site to the activity centre, it is considered likely that a number of vehicle movements will occur throughout the day.

Given that the use of the land is relocating from a nearby site, it is considered likely that the existing parking arrangements for staff will not be significantly altered.

The decision guidelines of the Business 5 Zone require Council to consider the interface of land uses with residential areas and any amenity impacts associated. Given the nature of the use, the likely operations will result in the majority of associated vehicle movements throughout the day. It is considered reasonable that any car parking amenity issues can be managed and where necessary, action can be taken by Council's Local Laws officers as appropriate.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

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

External:

There were no external referrals required for the assessment of this application.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to parking and drainage and Council's Building Services team in relation to building requirements.

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

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

The Building Services team gave consent to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions.

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

Details of Community Consultation following Notification:

Following the referral and advertising of the application, four submissions in the form of objections to the proposal have been received.

A planning mediation meeting was held on 19 October 2011.

Since the mediation meeting two objections have been withdrawn. However two objections still remain which therefore requires a decision by Council.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

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

10. RECOMMENDATION

A. That Council issues a Notice of Decision to Grant a Permit, for the buildings and works associated with the construction of an office and medical centre and waiver of car parking, at Lot 10 on Plan of Subdivision 001767 with the following conditions:

- 1. Prior to the commencement of works, amended plans must be provided to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a. The location and layout of the proposed vehicle crossing must be altered to comply with Latrobe City Councils vehicle crossing standard and at the property line, the crossing must be located a minimum of one metre from the side boundary of the property;**
 - b. The plan must include alterations to the existing on-street parking spaces; and**
 - c. 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.****
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. Prior to the occupation 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 plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

5. 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.
6. The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.
7. Once buildings works have commenced they must be completed to the satisfaction of the Responsible Authority.
8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
9. The walls on the boundary of the adjoining properties must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
10. Earthworks in close proximity to the property boundary or exceeding 1.0 metres deep must be provided with professionally designed retaining walls to the satisfaction of the Responsible Authority.
11. Prior to the commencement of works, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a. How the land including all buildings, open space and paved areas will be drained for a 1 in 20 year ARI storm event;
 - b. An underground pipe drainage system conveying stormwater discharge to the legal point of discharge; and
 - c. The provision of storm water detention within the site and prior to the point of discharge into the Latrobe City Council drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a co-efficient of run-off of 0.4 was applied to the whole of the property area.
12. Appropriate measures must be implemented throughout the construction stage if the development to rectify and or minimise the mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

- 13. Prior to the occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:**
 - a. The proposed vehicular crossing must be constructed at right angles to the road to provide access to the development in accordance with Latrobe City Council's Vehicle Crossing Policy and current vehicle crossing standards;**
 - b. The areas set aside for vehicle access and car parking shown on the endorsed plans must be constructed in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction to traffic along access lanes and roadways;**
 - c. All redundant vehicle crossings must be removed and kerb and channel, footpath and nature strip reinstated;**
 - d. The permit operator must arrange for a Responsible Authority approved contractor to remove by high pressure water blasting of all redundant line marking for the on-street parallel parking in Breed Street adjacent to number 15 Breed Street; and**
 - e. The permit operator must arrange for the Responsible Authority approved contractors to install/alter the on-street parallel parking bays along the west side of Breed Street, including all signage and road pavement line marking.**
- 14. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**
- 15. Car spaces and vehicle access ways must be kept available for these purposes at all times.**
- 16. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed parking layout plan must not be permitted to enter the site.**

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

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

NOTE 1: Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). The Responsible Authority must be notified in writing at least 7 days prior to the building works commencing or materials/equipment are delivered to the site.

NOTE 2: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of works that include the construction, installation, alteration or removal of a vehicle crossing. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.

NOTE 3: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority before any backfilling of the connection is undertaken.

NOTE 4: The location of the legal point of discharge into Latrobe City Council's stormwater drainage system can be obtained for any property by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/services/roads/workspemits.

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

For the Motion

Councillor/s White and Vermeulen

Against the Motion

Councillor/s Harriman, O'Callaghan, Price, Kam, Gibson and Middlemiss

The Mayor confirmed that the Recommendation had been LOST.

ATTACHMENTS

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**ATTACHMENT 1
HISTORY OF APPLICATION**

History of the Application

4 July 2011	Application received by Council.
11 August 2011	Application referred internally to Council's Infrastructure Planning team and Building Services team. Applicant sent letter requiring notification to be given to adjoining and adjacent properties via letters and sign placed on site, in accordance with Section 52(1)(a) and Section 52(1)(d) of the Act.
16 August 2011	Consent to the granting of a planning permit received from Council's Building Services team.
17 August 2011	Consent to the granting of a planning permit received from Council's Infrastructure Planning team.
22 August 2011	Objection 1 received.
29 August 2011	Statutory declaration received from the applicant advising they have undertaken the advertising.
1 September 2011	Application was re-advertised to adjoining and adjacent land owners via letters and a sign placed on site, in accordance with Section 52(1)(a) and Section 52(1)(d) of the Act as the original notice was missing information about the proposal.
12 September 2011	Objection 2 received.
19 September 2011	Objection 3 received.
20 September 2011	Objection 4 received.
19 October 2011	Planning Mediation meeting was held.
17 November 2011	2 objections have been withdrawn.

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

LATROBE PLANNING SCHEME

State Planning Policy Framework

- Clause 11.01 – Activity Centres
- Clause 11.05 – Regional Development
- Clause 15.01 – Urban Development
- Clause 17.01 – Commercial

Local Planning Policy Framework

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.04 – Built Environment
- Clause 21.05 – Main Towns
- Clause 21.07 – Economic Sustainability

Zoning

The subject site is located within the Business 5 Zone.

Overlay

The subject site is not affected by any overlays.

Particular Provisions

- Clause 52.06 – Car Parking

General Provisions

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

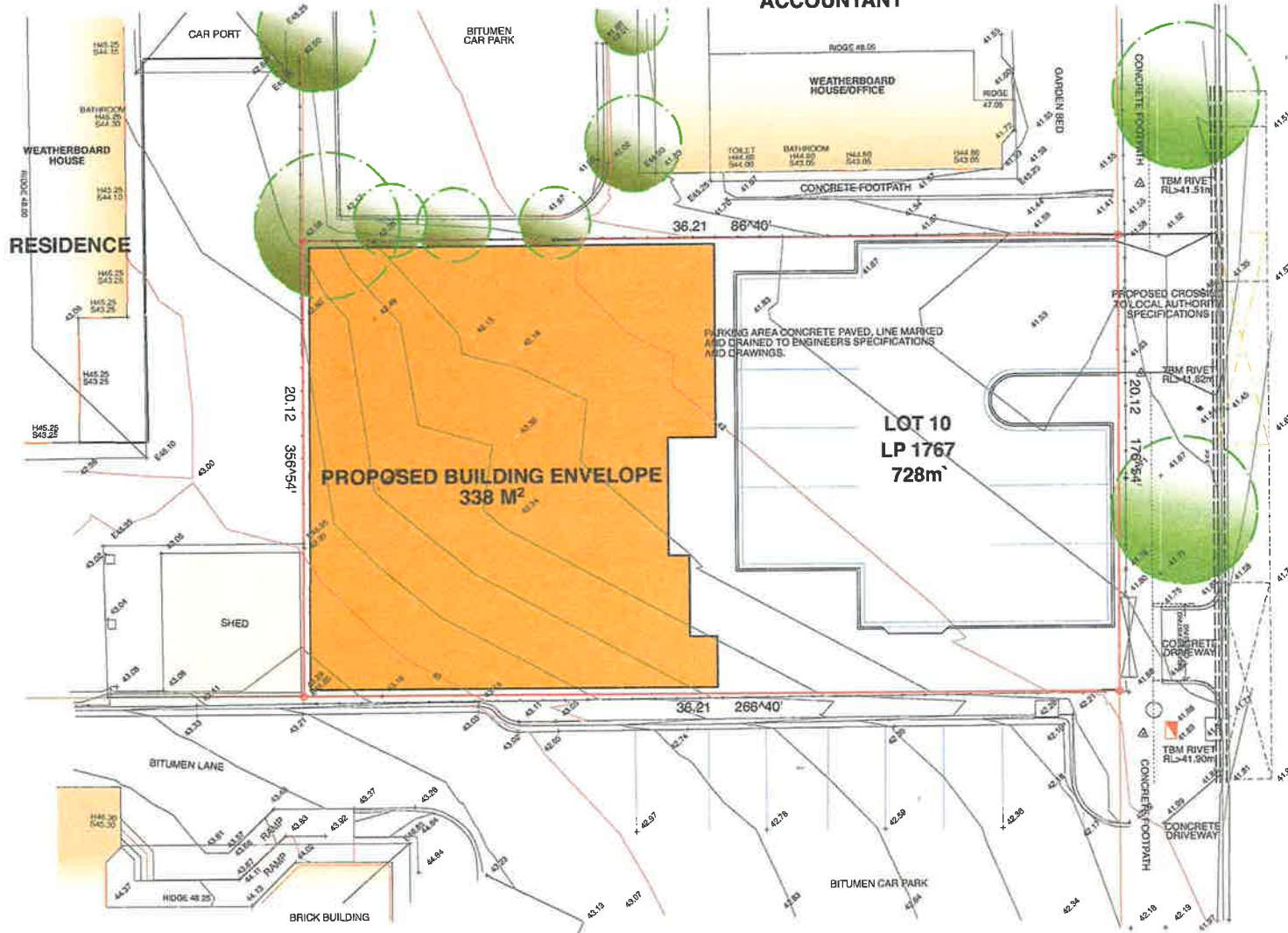
Incorporated Documents

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

**ATTACHMENT 3
PROPOSED PLANS**

HENRY STEEET

ACCOUNTANT



BREED STREET

RECEIVED
4 JUL 2011
BY:

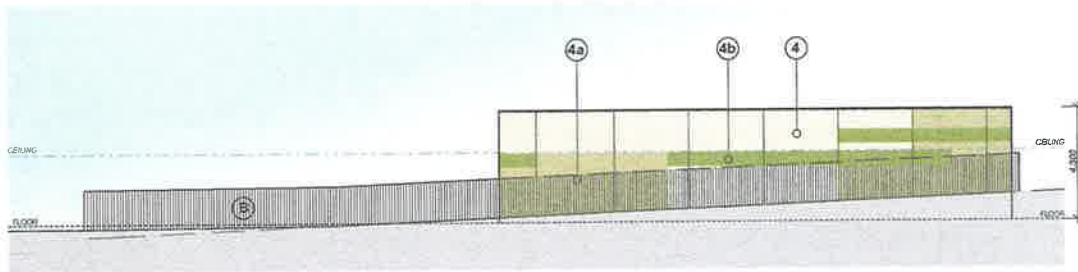
- LEGEND**
- TITLE BOUNDARY
 - FENCE
 - CONCRETE KERB
 - EDGE OF CONCRETE
 - EAVE/ROOFLINE
 - WINDOW
 - ▲ TBM
 - ◻ TELSTRA PIT
 - ◻ DRAINAGE PIT
 - ◻ TREE TO SCALE
 - ◻ POWERPOLE
 - ◻ ROLLER DOOR
 - ◻ SEWER FIT
 - ◻ SIGNS
 - ◻ SEWER FIT
 - E EAVE
 - H HEAD OF WINDOW
 - S SILL OF WINDOW

2- LEVEL DATUM AHD (PM 200 RL 38 105)
 3- CONTOUR INTERVAL IS 0.20m MINOR & 1m MAJOR
 4- BEARING DATUM WIDE PS400893K
 ADD 3'00" FOR TITLE BEARINGS

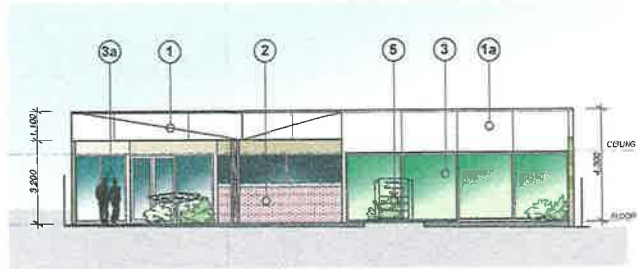
LIBRARY

NICOLLAN CHIROGRAPHIC CLREC BREED STREET TRARALGON	GERHARD GIEDROJC 22 PARADISE STREET TRARALGON VIC 3941 0800 301 01 08 GARDEN@ARVIC.COM.AU
OVERLAY - EXISTING SITE CONDITIONS	PO01 C

A	10/01/11	Site of Survey	B	02/01/11	Proposed (as shown)	C	02/01/11	Site of Survey (as shown and proposed)
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NORTH ELEVATION



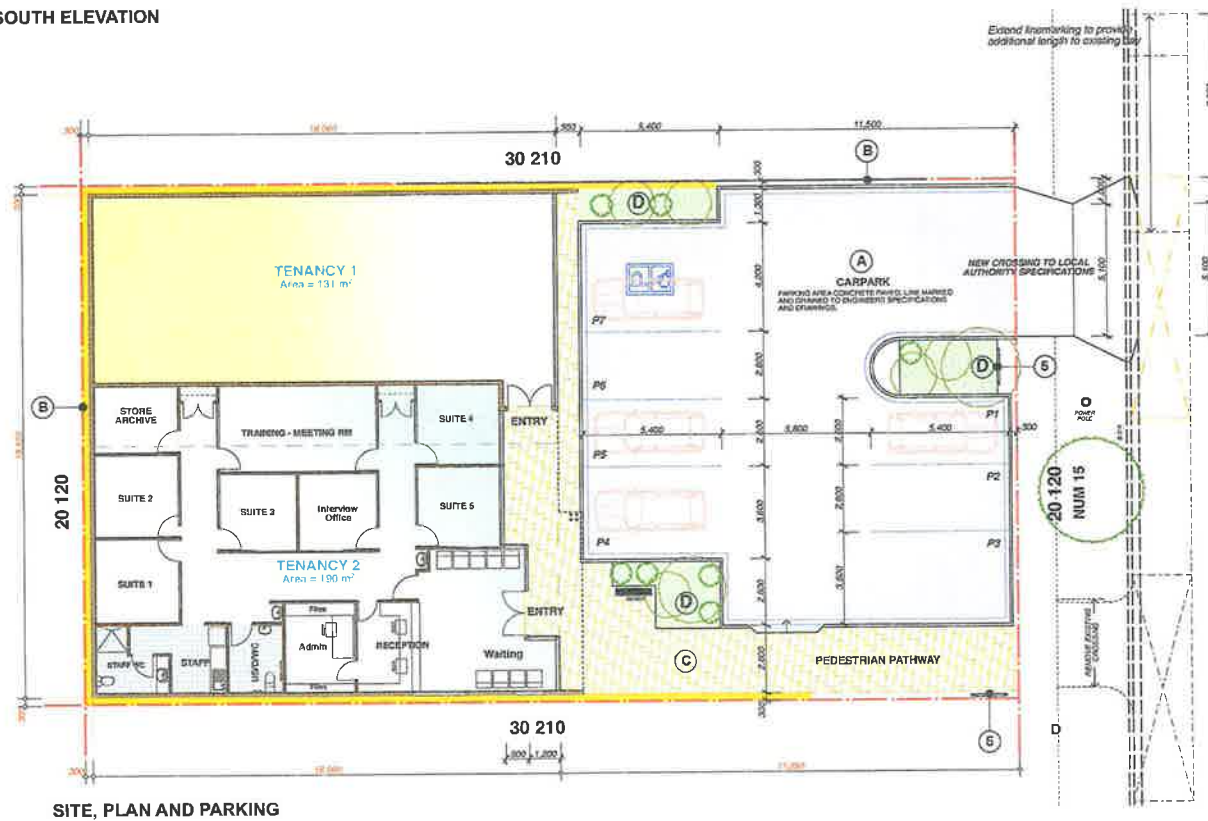
EAST (STREET) ELEVATION



SOUTH ELEVATION



WEST ELEVATION



SITE, PLAN AND PARKING

LEGEND

- ① Alucobond (or similar) composite aluminium cladding __ Colour Silver Metallic.
- ①a Alucobond (or similar) composite aluminium banded cladding __ Champaign
- ② Glazed bricks __ Colour Burgundy - Black accents - white mortar.
- ③ Solar control glazing __ Viridian Super Green.
- ③a Solar control glazing __ Viridian Super Blue.
- ④ Concrete panels with architectural paint finish

Colour		■ Resulan Toffee P14-D2
4	Dulux	■ Stonecrop P14-D5
4a	Dulux	■ Stonecrop P14-D5
4b	Wattle	■ Alpha Alpha 5DC-3D
- ⑤ Directory stand signage panel (illuminated from ground via 3-min, max 7 W LED uplighters.)
- Ⓐ Concrete carpark pavement __ Line marking as required.
- Ⓑ Timber face (retain all acceptable existing and replace portions where necessary).
- Ⓒ Unit concrete pavers or saw cut textured concrete (slip resistant and patterned)
- Ⓓ LANDSCAPED AREAS.
Planting types, as below and or similar
Cordylina, Prostrate Grovilloa, Creeping Boobiala, Q'd Blue Grass, Native Lunon Grass, Ornamental Grape, Small leaved Clematis

GROSS BUILT AREA = 338 M2
 PAVEMENT AREA = 338 M2
 CONCRETE PARKING AREA = 251 M2
 LANDSCAPING & OTHER AREA = 251 M2



**ATTACHMENT 4
LOCALITY PLAN**



Subject Site

**ATTACHMENT 5
COPIES OF SUBMISSIONS**

Mr Christopher Larsen

LATROBE CITY COUNCIL INFORMATION MANAGEMENT RECEIVED 21 SEP 2011	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Traralgon Vic 3844

11 /09/2011

*pw 21/9
val*

Responsible Authority
Latrobe City Council
PO Box 264
Morwell Vic 3840

Re: Application for planning permit, Reference No. 2011/228, 15 Breed Street Traralgon

We are writing to lodge an objection to this planning permit: we oppose the request for a reduction in the provision of the car parking unless adequate provision is made to ensure that the facility does not utilise the residential area of Henry Street for staff and client parking. This area should be quarantined for the use of the residents in this street. We acknowledge that this area is included in the Traralgon activity plan but it is a residential area and there exists many examples in other councils within Victoria where that aspect is respected and protected from commercial impact.

Our reasons for the objection are as follows:

It would seem that there is an assumption being made in the proposal that it is reasonable to allow people engaging in business and commercial activities to utilise car parking spaces available in a residential area in lieu of providing sufficient spaces as deemed appropriate by the legislated guidelines in the Latrobe Planning scheme. Due to the fact that the tabled report details the parking restrictions and the likely turnaround time for patrons at the facility as well as the parking needs of staff (Car Parking Assessment, Cardno Grogan Richards, page 5, paragraphs 2 & 3), we can foresee the situation where we end up with staff of the facility parking all day in front of our residence whilst they are at work at the proposed clinic/offices. To us this situation is not acceptable. We also highlight the fact that the report on which these assumptions are made is dated almost 2 years ago. We believe that the patterns of parking have already changed since the study was conducted, as we are experiencing increasing pressure upon our on-street parking from commercial activities

As ratepayers and residents we do not want to have access to our home for our family, and visitors to our residence, compromised by people engaging in commercial activities at the proposed facility by virtue of an exemption to legislated guidelines.

The available parking for visitors to our property and other residences on Henry Street between Breed and Albert Streets is already restricted by the fact that there are bus stops on the north and south sides of Henry Street as well as a fire hydrant and a post box that, by virtue of their presence, impose parking limitations.

The eastern end of Henry Street is already very busy and exiting/entering our property is risky enough at the best of times due to volume and speed of traffic in the area. The addition of cars vying for, and occupying, all day parking spots due to the current unrestricted parking zone will only make this situation worse.

Our proposal is that, if an exemption is granted for this development, then "residents-only" car parking permit arrangements are put in place for the area on Henry Street between Breed and Albert Streets.

We look forward to your considered response in this matter.

Yours sincerely,

Christopher Larsen

COPY

21 SEP 2011 BY:

PW 21/9
Jan

Bruce and Susan Poole

Traralgon Vic 3844

09/09/2011

Responsible Authority
Latrobe City Council
PO Box 264
Morwell Vic 3840

Re: Application for planning permit, Reference No. 2011/228, 15 Breed Street Traralgon.

We are writing to lodge an objection to this planning permit.

We live in the residential property that borders the western side of the proposed redevelopment of 15 Breed Street. We have been aware of the sale of the property and have been waiting with some concern regarding the redevelopment of the site and its impact on our amenity and privacy, especially in regards to overlooking and overshadowing our indoor and outdoor living spaces. We wish to commend the developer, for the plans as presented in the application, for the low profile of the building and the impact on the outlook from our residence. We have no objection to the proposed building. We do however oppose the request for a reduction in the provision of the car parking unless adequate provision is made to ensure that the facility does not utilise or impact upon the residential area of Henry Street for staff and client parking. This area should be quarantined for the use of the residents in this street. We acknowledge that this area is included in the "Traralgon Activity Plan" but it is a residential area and there exists many examples in other councils within Victoria where that aspect is respected and protected from commercial impact.

Our reasons for the objection are as follows:

It would seem that there is an assumption being made in the proposal that it is reasonable to allow people engaging in business and commercial activities to utilise car parking spaces available in a residential area in lieu of providing sufficient spaces as deemed appropriate by the legislated guidelines in the Latrobe Planning scheme. Due to the fact that the tabled report details the parking restrictions and the likely turnaround time for patrons at the facility as well as the parking needs of staff (Car Parking Assessment, Cardno Grogan Richards, page 5, paragraphs 2 & 3), we can foresee the situation where we end up with staff of the facility parking all day in front of our residence whilst they are at work at the proposed clinic/offices. To us this situation is not at all acceptable. We also highlight the fact that the report on which these assumptions are made is dated almost 2 years ago. We believe that the patterns of parking have already changed since the study was conducted, as we are experiencing increasing pressure upon our on-street parking from commercial activities. (Please see attached photos of cars not associated with us, parked in front of 1 Henry Street).

As ratepayers and residents we do not want to have access to our home for our family, and visitors to our residence compromised by people engaging in commercial activities at an adjoining property by virtue of an exemption to legislated guidelines.

The available parking for visitors to our property and other residences on Henry Street between Breed and Albert Streets is already restricted by the fact that there are bus stops on the north and south sides of Henry Street as well as a fire hydrant and a post box that, by virtue of their presence, impose parking limitations.

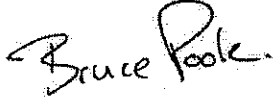
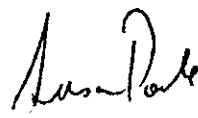
The eastern end of Henry Street is already very busy and exiting/entering our property is risky enough at the best of times due to volume and speed of traffic in the area. The addition of cars vying for, and occupying, all day parking spots due to the current unrestricted parking zone will only make this situation worse.

Our proposal is that, if an exemption is granted for this development, then "residents parking" arrangements are put in place for the area on Henry Street between Breed and Albert Streets.

We also request information regarding the operating hours of the proposed development.

We look forward to your considered response in this matter.

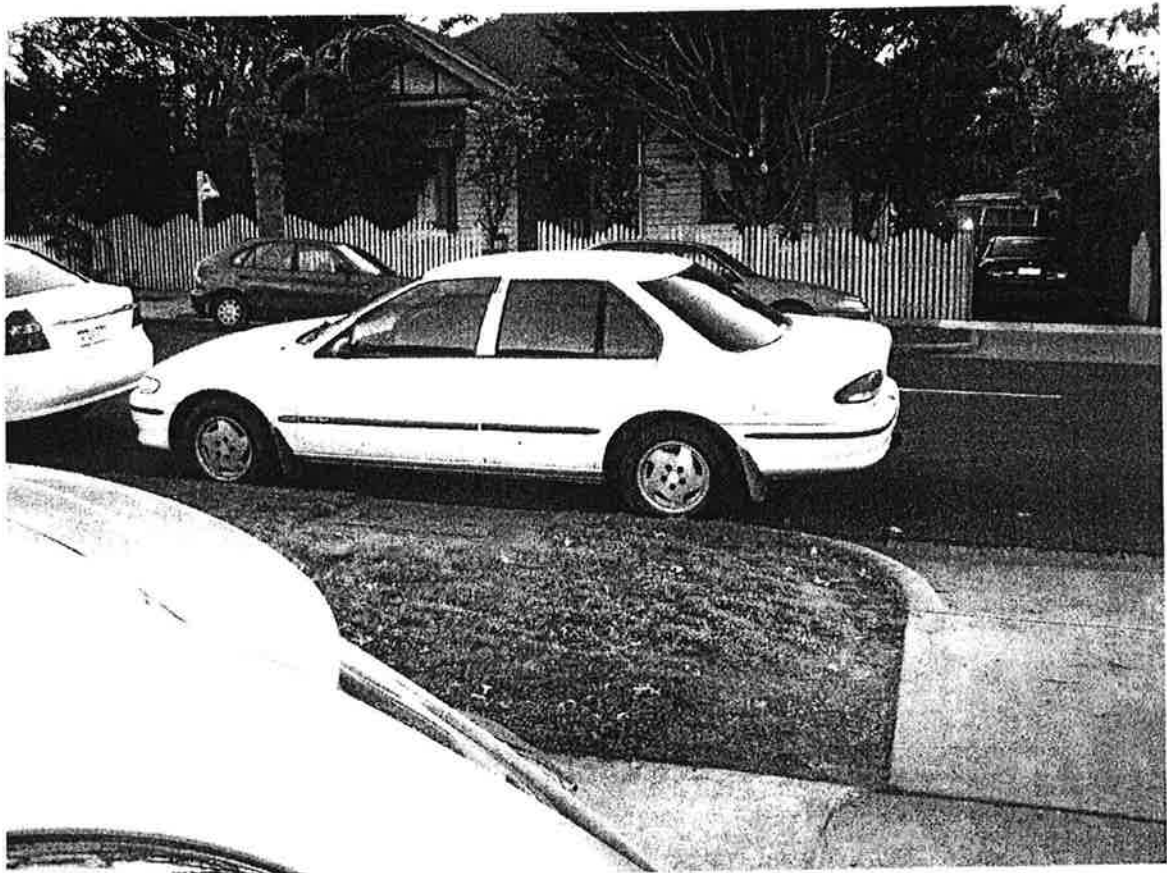
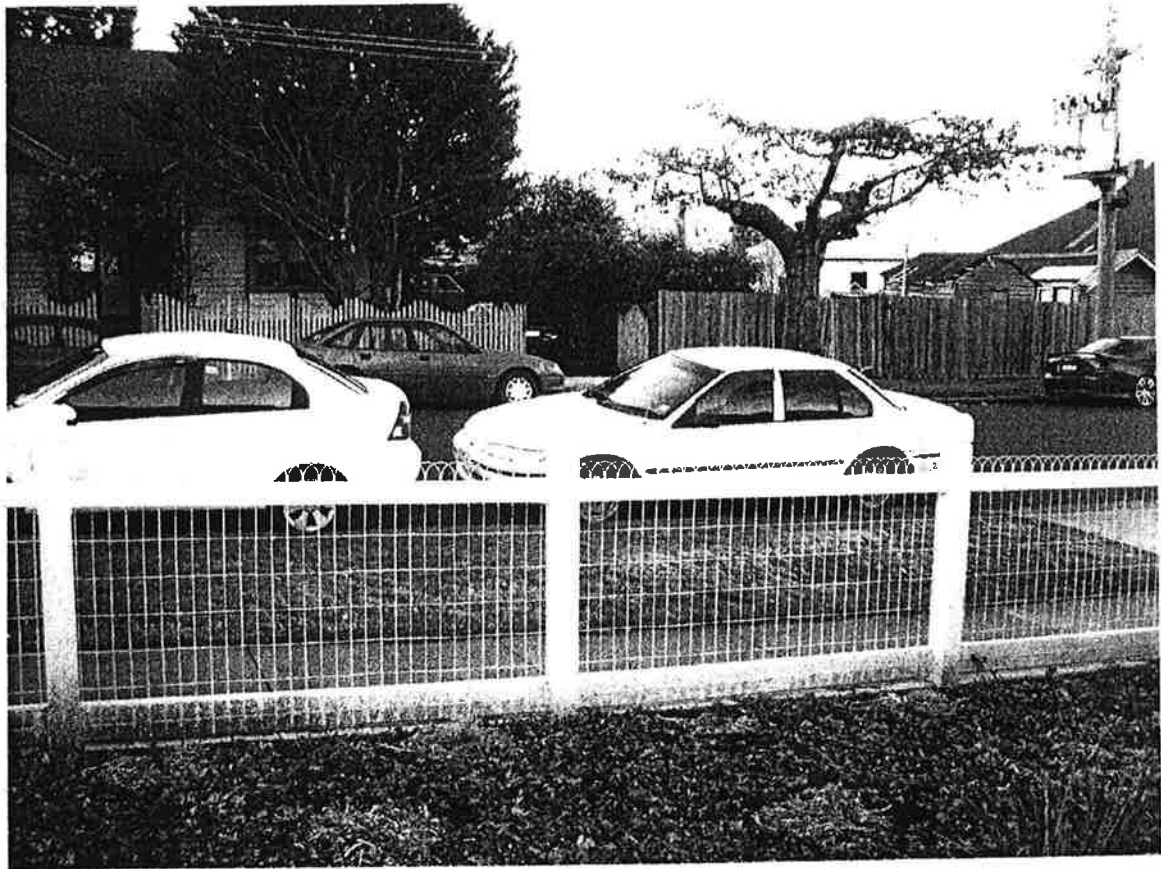
Yours sincerely,



Bruce and Susan Poole

COPY

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

Cars (unknown) parked out the front of 1 Henry St Traralgon, nearly obstructing driveway



COPY

ATTACHMENT 6
TRAFFIC REPORT

pw 13/7
Jude



Our Ref: CG111185: RJ
Contact: Rod Jude

13 July 2011

L R D G Project Management Pty Ltd
1 Church Street
TRARALGON VIC 3844

Attention: Leo Di Fabrizio

Cardno Victoria Pty Ltd
Trading as Cardno Grogan Richards
ABN 47 106 610 913

150 Oxford Street
Collingwood VIC 3066
Australia

P.O. Box 2712
Fitzroy VIC 3065
Australia

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www.cardnogroganrichards.com.au

Dear Leo

MCMILLAN CHIROPRACTIC CLINIC, BREED STREET, TRARALGON CAR PARKING ASSESSMENT

Cardno Grogan Richards has been engaged to undertake a car parking assessment for the proposed McMillan Chiropractic Clinic at 15 Breed Street Traralgon.

EXISTING CONDITIONS

General

The subject site is located on the west side of Breed Street in Traralgon, approximately 20 metres south of Henry Street as shown in Figure 1.

Figure 1: Subject Site Location



The subject site rectangular in shape with a frontage of approximately 20 metres to Breed Street, and is currently occupied by a residential dwelling. The site is neighboured by an accounting practice to the north that operates from a residential dwelling and Traralgon Community House to the south. Vehicular

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United Kingdom • United Arab Emirates • United States • Operations in 60 countries

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access is currently provided via a crossover from Breed Street that skirts the site's southern boundary.

Land uses to the west of Breed Street are predominantly residential in nature, while uses to the east of Breed Street are predominantly retail uses within the Traralgon Activity Centre.

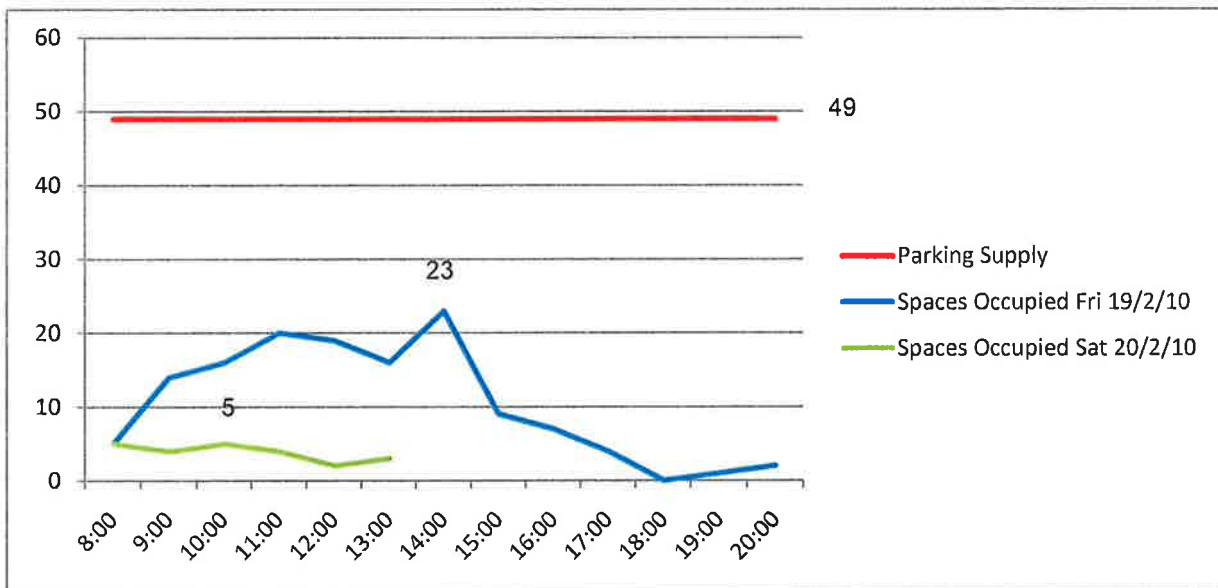
Car Parking

Public car parking in the locality generally comprises on street parking, with parallel parking permitted across the site frontage on Breed Street and also on Henry Street to the north of the site.

Car parking surveys commissioned by Cardno Grogan Richards, which were undertaken on Friday 19 and Saturday 20 February 2010, identified 49 on street car parking spaces within approximately 100 metres walk of the subject site, located on Breed Street between Bridges Avenue and Hotham Street, and on Henry Street between Breed Street and Albert Street. Of these spaces, 25 bear no parking restrictions, 20 are restricted to a 2 hour duration, and the remaining 4 spaces are restricted to a 1 hour duration.

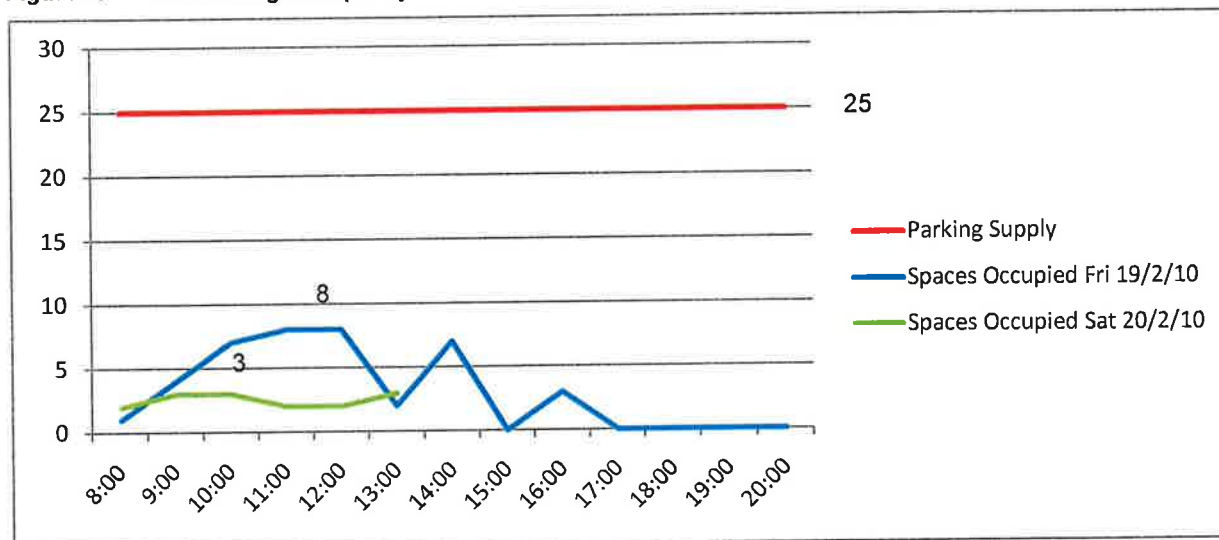
The car parking surveys were undertaken on an hourly basis between 8:00 AM and 8:00 PM on the Friday and 8:00 AM and 1:00 PM on the Saturday. Within the abovementioned area, peak parking occupancy occurred at 2:00 PM on the Friday, when 23 spaces were occupied leaving 26 spaces available. Peak occupancy for the Saturday occurred at 8:00 AM and at 10:00 AM when 5 spaces were occupied and 44 spaces were available. The parking profile for the area is shown in Figure 2. Full survey results are enclosed.

Figure 2: Car Parking Occupancy - Friday 19 and Saturday 20 February 2010



Further break down of the car parking survey data shows that of the 25 unrestricted spaces, a maximum of 8 spaces were occupied at 11:00 AM and 12:00 noon on the Friday, leaving 17 spaces available. Peak occupancy of the unrestricted spaces for the Saturday occurred at both 9:00 AM and 10:00 AM when 3 spaces were occupied and 22 spaces were available. The parking profile for the unrestricted spaces is shown in Figure 3

Figure 3: Car Parking Occupancy - Unrestricted Spaces Friday 19 and Saturday 20 February 2010



PROPOSAL

It is proposed to develop the site for the purposes of two tenancies, the first of which being a chiropractic clinic and the second tenancy being an office use.

Tenancy 1, the chiropractic clinic, is proposed to comprise five suites along with associated reception, waiting area and an office. Cardno Grogan Richards is advised that the clinic will be staffed by 3 full time practitioners. Tenancy 2 is proposed to be an office use with a floor area of 131 square metres.

A total of 7 car parking spaces are proposed at the site, with access taken via a new crossover from Breed Street adjacent to the site's northern border. The existing crossover will be made redundant and the kerbline will be reinstated.

CAR PARKING CONSIDERATIONS

Planning Scheme Parking Requirements

The parking requirements for the proposed development are set out in Clause 52.06 of the La Trobe Planning Scheme. In particular, the table at Clause 52.06 states the required parking provisions for various land uses, with those relevant to the current proposal outlined below in Table 1.

Table 1: Planning Scheme Car Parking Requirements – Clause 52.06.5

Component	Area/No	Requirement	Total
		Rate	
Office	131 m ²	3.5 spaces to each 100 sq m of net floor area	5
Medical centre	3 practitioners	5 spaces to each practitioner	15
Total			20

Review of Table 1 identifies a required car parking provision of 20 spaces, comprising 5 spaces for the office tenancy and 15 spaces for the chiropractic clinic.



Notwithstanding the above, Clause 52.06-1 states that a reduction or waiving of a requirement for car spaces may be justified considering any of the following:

- The availability of parking in the locality;
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation in car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- Local amenity including pedestrian amenity; and / or
- An empirical assessment of car parking demand;

In light of the above, it is considered that a reduction of the car parking requirements for the proposed development is justified on the basis of the availability of parking convenient to the site and an empirical car parking assessment.

Advisory Committee Parking Requirements

The previous Minister for Planning convened an advisory committee to consider the car parking rates and measures detailed in Clause 52.06 of the Planning Scheme, with a report issued in 2007 outlining their recommendations. The report recognises that the rates set out in Clause 52.06 of the Planning Scheme have been carried over from previous versions and no longer provide an accurate representation of current travel behaviour, and therefore parking demand. Although the Advisory Committee's recommendations have not been adopted for inclusion in Clause 52.06, it is generally considered that the parking supply rates set out in the Advisory Committee report provide a better reflection of the parking demand likely to be generated by developments than the rates set out in Clause 52.06 of the Planning Scheme.

The Advisory Committee report was written adopting a whole of centre approach to car parking supply and demand, whereby it is recognised that different land uses generate different demands for parking at different stages throughout the day and throughout the week. In addition it is recognised that many people who visit activity centres do so for more than one purpose meaning that trips are shared between many destinations, and the parking demand generated by each land use is lower than that for developments outside of activity centres.

The subject site is located within the Traralgon Activity Centre. The car parking rates and measures recommended by the Advisory Committee for land uses within activity centres relevant to the current proposal are outlined in Table 2.

Table 2: Advisory Committee Car Parking Requirements

Component	Area/No	Requirement	
		Rate	Total
Office	131 m ²	3 spaces to each 100 sq m of net floor area	4
Medical centre	190 m ²	3.5 spaces to each 100 sq m of leasable floor area	7
Total			11

Review of Table 2 identifies a total requirement of 11 spaces for the proposed development, comprising 4 spaces for the office component and 7 spaces for the chiropractic clinic.

Anticipated Car Parking Demand

It is considered that the parking rates and measures set out in the Advisory Committee report provide a realistic projection of the likely car parking demands generated by the proposed uses. The Advisory Committee rates for activity centres identified a demand for 11 spaces, comprising 4 spaces for the proposed office and 7 spaces for the proposed chiropractic clinic. The peak parking demand for each use is expected to occur during business hours.

Adequacy of Car Parking

The above analysis identified an anticipated peak car parking demand of 11 spaces. A total of 7 on site car parking spaces are proposed for the subject site.

Car parking surveys commissioned by Cardno Grogan Richards, undertaken in February 2010 identified a total of 49 car parking spaces within approximately 100 metres walk of the subject site. Of these spaces, 25 spaces are unrestricted and the remaining 24 spaces bear either 1 hour or 2 hour time restrictions. It is considered that spaces bearing 1 hour and 2 hour time restrictions are suitable for use by patrons of the chiropractic clinic, whilst staff of the clinic and the office will likely require longer duration car parking.

Of the anticipated peak demand for 11 spaces, 7 cars can be accommodated within the on-site car park. Analysis of the car parking survey data identified that no fewer than 26 spaces were available at any point in time throughout the Friday and Saturday survey periods, with no fewer than 17 unrestricted spaces available. As such it is expected that the anticipated demand for 4 on street car parking spaces generated by the proposed development will readily be accommodated by the existing supply of public car parking without compromising the availability of parking for other uses.

In light of the above, it is considered that a reduction of the car parking requirements set out in Clause 52.06 of the La Trobe Planning Scheme is justified due to the availability of public car parking convenient to the site.

SUMMARY AND CONCLUSIONS

It is proposed to develop the site at 15 Breed Street, Traralgon for the purposes of a chiropractic clinic and separate office tenancy. The site is currently occupied by a residential dwelling, with a crossover from Breed Street providing vehicular access.

The proposed development is expected to generate a peak parking demand for 11 spaces. Of this peak parking demand 7 spaces can be accommodated in the on-site car park, and the remaining 4 spaces can readily be accommodated by the on-street parking supply within 100 metres walk of the site as confirmed by parking surveys.

Based on the foregoing assessment it is considered that the proposed parking provision is satisfactory and that a reduction of the car parking requirements set out in Clause 52.06 of the La Trobe Planning Scheme is justified.

We trust that this information is of assistance to you and advise you that we would be pleased to respond to any queries you may have in relation to this assessment.

Yours sincerely



Rod Jude
Senior Engineer
for Cardno Grogan Richards
Direct Line: 8415 7768
Email: rod.jude@cardno.com.au

Enc: Car Parking Survey Results



Friday 19/02/2010

Street	Location	Side	Restrictions	Space	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
Breed Street	Henry St - Bridges St	E	2P (9am-5.30pm M-F 9am-12noon Sat)	1		X523	X523		RTYZ		V310			ADIE			
Breed Street	Henry St - Bridges St	E		2						S818							
Breed Street	Henry St - Bridges St	E		3		Q060				Y736				S661		U101	T746
Breed Street	Henry St - Bridges St	E		4			V850										L461
Breed Street	Henry St - Bridges St	E		5						U792	D175			P599			
Breed Street	Henry St - Bridges St	E		6													
Breed Street	Henry St - Bridges St	E		7	B253			Q523		F525	V818	C659	X459				
Breed Street	Henry Street - Bridges Street	W	Unrestricted	1		E846	T957	J671	J671								
Breed Street	Henry Street - Bridges Street	W		2			P319	P319									
Breed Street	Henry Street - Bridges Street	W		3			B849	H891	H891								
Breed Street	Henry Street - Bridges Street	W		4			N745		A282								
Breed Street	Henry Street - Bridges Street	W		5				Y403	Y403	Y403	Y403						
Breed Street	Henry Street - Bridges Street	W		6		T880											
Breed Street	Hotham Street - Henry Street	E	2P (9am-5.30pm M-F 9am-12noon Sat)	1		V952				E247	K419			I646			
Breed Street	Hotham Street - Henry Street	E		2				K090	K090	K090			F054	F054			
Breed Street	Hotham Street - Henry Street	E		3	I447	I447	I447	I447	I447	I447	I447	I447	I447				
Breed Street	Hotham Street - Henry Street	E		4		A851	A851			V27C	D533						
Breed Street	Hotham Street - Henry Street	E		5			V276	V276				A851	A851				
Breed Street	Hotham Street - Henry Street	E		6		A314			A851	B841	O963	J195					
Breed Street	Hotham Street - Henry Street	E		7				N292		R335							
Breed Street	Hotham Street - Henry Street	E		8		S112	K319	B459			Q680				V887		
Breed Street	Hotham Street - Henry Street	E		9					J076	Q525			I804				
Breed Street	Hotham Street - Henry Street	E		10				N841	E431		D050	G351					
Breed Street	Hotham Street - Henry Street	E		11		H304				Q382		N279					
Breed Street	Hotham Street - Henry Street	E		12			W452	P197	V616			B615	B615				
Breed Street	Hotham Street - Henry Street	E		13			K704	Q833				Z332					
Breed Street	Hotham Street - Henry Street	W	Unrestricted	1	I676	I676	I676	I676	I676	I676	I676						
Breed Street	Hotham Street - Henry Street	W		2				CC45	A120			Q701					
Breed Street	Hotham Street - Henry Street	W		3			O387		J492			P642					
Breed Street	Hotham Street - Henry Street	W		4		Y403	Z877	Z877	Q783			Z577					
Breed Street	Hotham Street - Henry Street	W	1P (9am-5.30pm M-F 9am-12noon Sat)	1					Y020			W901					
Breed Street	Hotham Street - Henry Street	W		2				N849	N849	N849		Z656					
Breed Street	Hotham Street - Henry Street	W		3	Q057	Q057	O725	N745	N745	N745		W177					
Breed Street	Hotham Street - Henry Street	W		4	L347	L347		H495	H495			N613					
Henry Street	Albert Street - Breed Street	N	Unrestricted	1											P897		
Henry Street	Albert Street - Breed Street	N		2				I053						A171			
Henry Street	Albert Street - Breed Street	N		3							X093		Z362				
Henry Street	Albert Street - Breed Street	N		4							J357						
Henry Street	Albert Street - Breed Street	N		5													
Henry Street	Albert Street - Breed Street	N		6													
Henry Street	Albert Street - Breed Street	N		7													
Henry Street	Albert Street - Breed Street	N		8													
Henry Street	Albert Street - Breed Street	S	Unrestricted	1													
Henry Street	Albert Street - Breed Street	S		2													
Henry Street	Albert Street - Breed Street	S		3													
Henry Street	Albert Street - Breed Street	S		4													
Henry Street	Albert Street - Breed Street	S		5													
Henry Street	Albert Street - Breed Street	S		6													
Henry Street	Albert Street - Breed Street	S		7													

		Time	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
Entire Survey Area	Supply	49	49	49	49	49	49	49	49	49	49	49	49	49	49
	Occupied Spaces		5	14	16	20	19	16	23	9	7	4	0	1	2
	Vacant Spaces		44	35	33	29	30	33	26	40	42	45	49	48	47
	% Occupancy		10%	29%	33%	41%	39%	33%	47%	18%	14%	8%	0%	2%	4%

Saturday 20/02/2010

Street	Location	Side	Restrictions	Space	9:00	10:00	11:00	12:00	13:00	14:00
Breed Street	Henry St - Bridges St	E	2P (9am-5.30pm M-F 9am-12noon Sat)	1						
Breed Street	Henry St - Bridges St	E		2						
Breed Street	Henry St - Bridges St	E		3	E293			57WF		
Breed Street	Henry St - Bridges St	E		4	E396			R471		
Breed Street	Henry St - Bridges St	E		5						
Breed Street	Henry St - Bridges St	E		6	B362	B362	B362			
Breed Street	Henry St - Bridges St	E		7						
Breed Street	Henry Street - Bridges Street	W		3						
Breed Street	Henry Street - Bridges Street	W		4						
Breed Street	Henry Street - Bridges Street	W		5						
Breed Street	Henry Street - Bridges Street	W		6						
Breed Street	Henry Street - Bridges Street	W		1	Q057	Q057				
Breed Street	Henry Street - Bridges Street	W		2						
Breed Street	Hotham Street - Henry Street	E	2P (9am-5.30pm M-F 9am-12noon Sat)	1			L250			
Breed Street	Hotham Street - Henry Street	E		2						
Breed Street	Hotham Street - Henry Street	E		3						
Breed Street	Hotham Street - Henry Street	E		4						
Breed Street	Hotham Street - Henry Street	E		5						
Breed Street	Hotham Street - Henry Street	E		6						
Breed Street	Hotham Street - Henry Street	E		7						
Breed Street	Hotham Street - Henry Street	E		8						
Breed Street	Hotham Street - Henry Street	E		9						
Breed Street	Hotham Street - Henry Street	E		10						
Breed Street	Hotham Street - Henry Street	E		11						
Breed Street	Hotham Street - Henry Street	E		12						
Breed Street	Hotham Street - Henry Street	E		13						
Breed Street	Hotham Street - Henry Street	W		3						
Breed Street	Hotham Street - Henry Street	W		4						
Breed Street	Hotham Street - Henry Street	W	1P (9am-5.30pm M-F 9am-12noon Sat)	1						
Breed Street	Hotham Street - Henry Street	W		2						
Breed Street	Hotham Street - Henry Street	W		3						
Breed Street	Hotham Street - Henry Street	W		4						
Breed Street	Hotham Street - Henry Street	W	Unrestricted	1	I676	I676	I676			I676
Breed Street	Hotham Street - Henry Street	W		2						
Henry Street	Albert Street - Breed Street	N		2						
Henry Street	Albert Street - Breed Street	N		3						
Henry Street	Albert Street - Breed Street	N		4						
Henry Street	Albert Street - Breed Street	N		5						
Henry Street	Albert Street - Breed Street	N		6						
Henry Street	Albert Street - Breed Street	N		7						
Henry Street	Albert Street - Breed Street	N		8			C693	C693	C693	C693
Henry Street	Albert Street - Breed Street	S	Unrestricted	1		V953	V953	V953	V953	V953
Henry Street	Albert Street - Breed Street	S		2						
Henry Street	Albert Street - Breed Street	S		3						
Henry Street	Albert Street - Breed Street	S		4						
Henry Street	Albert Street - Breed Street	S		5						
Henry Street	Albert Street - Breed Street	S		6						
Henry Street	Albert Street - Breed Street	S		7						

JUL 2011

		Time	8:00	9:00	10:00	11:00	12:00	13:00
Entire Survey Area	Supply	49	49	49	49	49	49	49
	Occupied Spaces		5	4	5	4	2	3
	Vacant Spaces		44	45	44	45	47	46
	% Occupancy		10%	8%	10%	8%	4%	6%

11.3.8 **AUTHORISATION OF PROPOSED AMENDMENT TO LATROBE
PLANNING SCHEME TO REZONE 515 HAZELWOOD ESTATE
ROAD CHURCHILL (LAND BOUND BY SWITCHBACK ROAD,
ARNOLDS/HAZELWOOD ESTATE ROAD AND GASKIN PARK)
FROM FARMING ZONE TO RESIDENTIAL 1 ZONE**

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

1. PURPOSE

The purpose of this report is to present to Council for consideration a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed amendment to the Latrobe Planning Scheme in accordance with Section 8A (3) of the *Planning and Environment Act 1987* (the Act). The amendment proposes to rezone land at 515 Hazelwood Estate Road, Churchill from Farming Zone to Residential 1 Zone. The land is bound by Switchback Road, Arnolds / Hazelwood East Road and Gaskin Rise.

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 (City Planning)

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 (City Planning)

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

Service Provision –Built Environment (City Planning)

Provide statutory and strategic planning advice and services in accordance with the Latrobe Planning Scheme and Planning and Environment Act.

Legislation

The provisions of the Latrobe Planning Scheme and following legislation apply to this amendment:

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Transport Integration Act 2010*

4. BACKGROUND

A request was received on 11 April 2011 by consultants acting on behalf of Gaskin Rise Estate Pty Ltd, owners of the subject land, to amend the Latrobe Planning Scheme.

The proposal seeks permission to rezone land at 515 Hazelwood Estate Road, Churchill from Farming Zone (FZ) to Residential 1 Zone (R1Z), introduce a Development Plan Overlay Schedule 5 to the subject land and replace the schedule of Clause 61.03.

The proposal also seeks to amend Clause 21.05 to alter the Churchill Township boundary and provide a strategic framework for the future development of Churchill West.

The subject land at 515 Hazelwood Estate Road, Churchill Lot A PS402920 is known as Gaskin Rise. The land comprises approximately 98 ha of land, and is generally bound by Switchback Road to the north, Hazelwood Estate Road / Arnolds Road to the west, Gaskin Park to the east and farming land to the south.

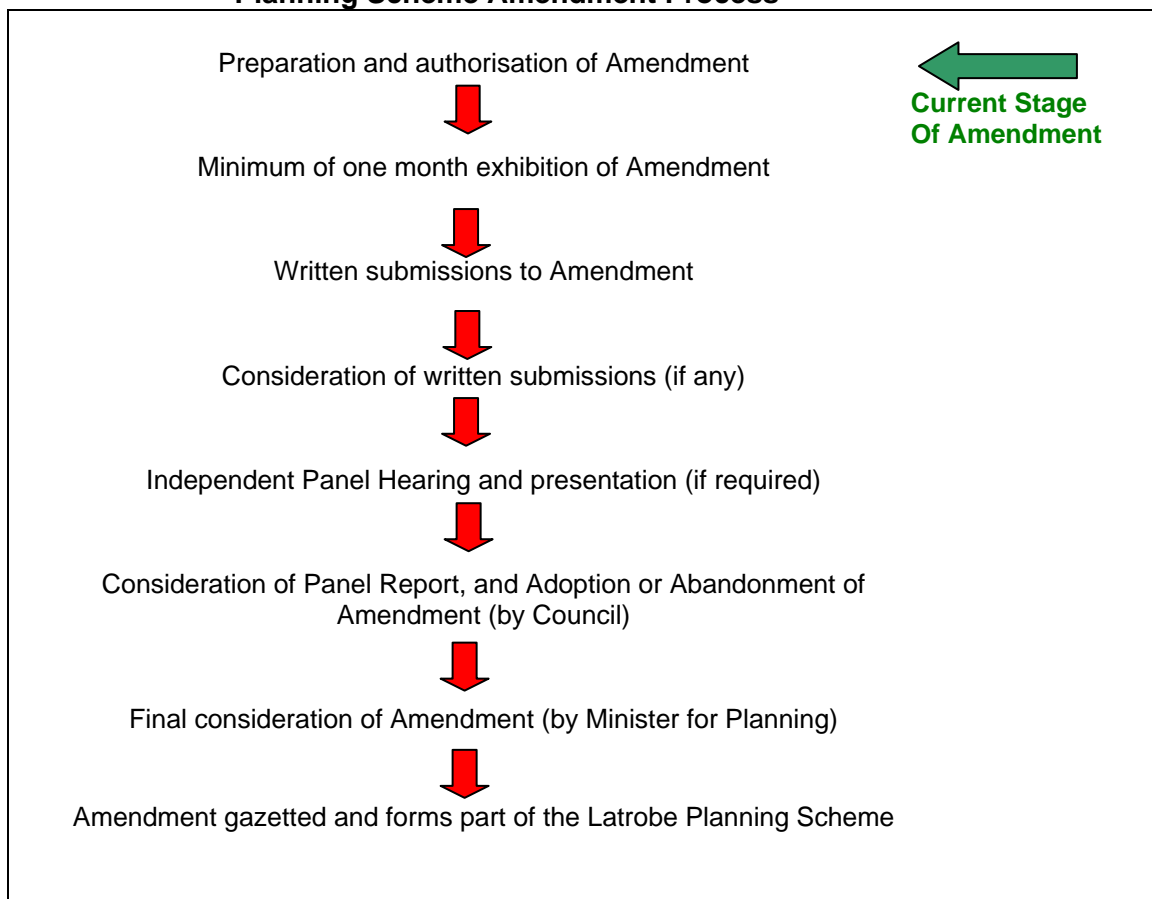
Following a series of meetings between council officers and the proponent and subsequent requests for further information from the proponent, the amendment documents were finalised in June 2011. Council officers have since been reviewing these documents.

Draft maps and schedules are provided in Attachments 1- 4.

Statutory Requirements

The planning scheme amendment process is shown in the figure below and provides an indication of the current stage.

Planning Scheme Amendment Process



In accordance with Section 9 of the Act, the Minister for Planning may authorise a municipal council to prepare an amendment to state and local standard provisions of a planning scheme in force in its municipal district.

Municipal councils, as the planning authority, have a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

This Amendment proposal has had regard to Section 12 of the Act and is consistent with the requirements of Section 12.

In addition, each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report, (see Attachment 5).

The proposal is generally consistent with the State Planning Policy Framework, at Clauses 11 – Settlement, Clause 16 – Housing and Clause 19 - Infrastructure and the Municipal Strategic Statement (MSS) at Clause 21.08 – Liveability.

The proposal is generally consistent with most of the objectives of Clause 21.04 - Built Environment Sustainability by building upon the existing township of Churchill as part of an integrated network of urban areas, maximising use of existing infrastructure and encouraging diversity of dwelling type to provide greater choice and affordability within the township.

In addition, the proposal is generally consistent with most of the objective of Clause 21.05 Main Towns, in providing flexibility for development to occur in each town to accommodate the needs of the population and contribute to the 'networked city'. The underlying concept of the 'networked city' is that service and facilities provided in one town can benefit the whole community.

However, the proposal is located immediately outside of the Churchill Township boundary and is not consistent with the Churchill Structure Plan. Therefore it is not consistent with parts of Clause 21.04 and 21.05 which seek to contain urban development within distinct boundaries and facilitate development in accordance with the specific Town Structure Plans, in this case the description accorded to Churchill as a satellite town.

This is further explained in the attached explanatory report (see Attachment 5) and addressed in section 5 of this report.

5. **ISSUES**

Churchill Residential Land Supply

The *Gippsland Regional Plan 2010* states that the population of the Gippsland region is expected to increase by 50,000 by 2026. As a designated major regional centre, Latrobe City is currently experiencing a period of population growth with projections suggesting that the growth will continue in the medium to long term.

The findings of the *Gippsland Regional Plan 2010* states that the projected population growth rate for the main towns of Traralgon and Morwell are high. Churchill however is projected to have a medium population growth rate and will have an adequate supply of residential land to maintain a 10-15 year urban land supply.

In 2011, Latrobe City Council undertook Amendments C47 and C56 rezoning approximately 490.9 hectares of land throughout the municipality to address the current and projected shortage of residential land supply in Latrobe City. Approximately 34.3 hectares of land was rezoned to R1Z in Churchill further increasing Churchill's capacity to accommodate projected population growth to over 20 years.

The Gaskin Rise proposal would present a further increase to the existing supply of land for residential purposes in Churchill.

It should be noted however, that the majority of residential land in Churchill central to the township has been available for development purposes for over 10 years but has not yet progressed to the development stage. Gaskin Rise would provide Churchill the opportunity to assist in accommodating the projected population growth for Churchill and the neighbouring main towns of Traralgon and Morwell through the 'networked city' model.

Monash University have indicated plans for further expansion of the university campus at Churchill and the recent adoption of Gaskin Park Recreation Master Plan is a signal of potential growth in Churchill. Given its underutilised physical and social services, Churchill is well placed to assist in providing housing to accommodate the projected growth of the Latrobe City population.

Opportunity For Housing Diversity

Latrobe City's four main towns of Churchill, Moe, Morwell and Traralgon provide services for their respective residents and those of other towns and smaller settlements forming a 'networked city'.

Churchill has developed as a university town with an adequate supply of residential land. In response to the growing population demands experienced in the municipality, Churchill also has the potential to accommodate some of the municipalities demand for housing, particularly in Traralgon given the strong employment and transport links between the two towns.

Gaskin Rise presents an opportunity to increase competition in the housing market and to provide opportunities for increased diversity of housing choice.

The proposal is therefore consistent with objectives and strategies of Clause 21.04 – Built Environment Sustainability to meet the changing housing needs of the community by encouraging a diversity of dwelling type to provide greater choice and affordability.

Churchill Structure Plan Boundary

Latrobe City Council undertook Amendment C62 to review the Latrobe Planning Scheme, which included the review of the township boundaries of the four main towns. Council adopted Amendment C62 in January 2010.

As part of Amendment C62, Latrobe City Council supported a submission by the Gaskin Rise landowners to identify this land as “possible future urban” even though it was situated outside the township boundary. The submission was supported ‘in principle’ as the amendment process had revealed that some areas within the Town Boundary and identified ‘Future Residential’ were owned by landowners who did not have any residential ambitions for their land and were unlikely to develop it.

The Amendment C62 planning panel did not support the inclusion of the Gaskin Rise land into the township boundary as part of Amendment C62. The *Amendment C62 Panel Report July 2009 states;*

We do not find there has been a clear strategic justification for identification of the land in map or text form, and doing so would indeed be contrary to the objectives of the town that were put to us by Council and identified in the Churchill Structure Plan 2007. On this basis alone we do not support this submission to alter the Churchill Structure Plan.

The Amendment C62 planning panel did acknowledge Council’s position of ‘in principle’ support given that the inclusion of the Gaskin Rise area as ‘possible future urban’, was a mapping change and didn’t rezone land. However the planning panel recommended that any change to the mapping should be addressed when the opportunity to review the adopted Churchill Structure Plan arose in the coming five years to allow the required public exhibition process to take place.

To date, there has been no need to review the Churchill Structure Plan. However as stated previously, the majority of residential zoned land central to the township has been available for development purposes for over 10 years but has not yet progressed to the development stage.

Gaskin Rise is presently provided with utility services (i.e. water and sewer reticulation) and upon required extension of this infrastructure can be developed immediately for urban purposes. Therefore, there may be some justification to amend the Churchill Structure Plan boundary as proposed in this amendment through changes to Clause 21.05, to include Gaskin Rise within the township boundary to facilitate the rezoning of the subject land.

It is important to note however that the proposal is not consistent with facilitating development within residential areas shown on the existing Churchill Structure Plan and presents a risk to the successful progress of the planning scheme amendment. Notwithstanding, the location of Gaskin Rise immediately outside the township boundary is appropriate given that it reflects the town's natural progression to accommodate its changing growth needs.

As part of a balanced assessment of the proposed planning scheme amendment it is considered that the proposal has sufficient merit to proceed. It is acknowledged that the proposal requires careful consideration of land supply issues and its compatibility with the strategic direction of the Churchill Structure Plan. It is considered that this detailed assessment should occur as part of the planning scheme amendment process.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*. Statutory fees associated with this proposed amendment will be met by the proponent.

7. INTERNAL/EXTERNAL CONSULTATION

The planning scheme amendment has not been subject to community consultation at this stage. If approved for authorisation to prepare the amendment by the Minister for Planning, the amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This will include advertising in the Government Gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

As part of the initial assessment of this proposed amendment application, informal notifications have been sent out to statutory and servicing authorities to obtain their preliminary comments. In response, the authorities have provided recommendations and indicated they have no objection to the proposed amendment. These same authorities will be formally notified as part of the scheme amendment process.

8. OPTIONS

The options available to Council are as follows:

1. That Council considers the proposed amendment and supports the request to be made to the Minister for Planning to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme.
2. That Council does not support the request to be made to the Minister for Planning and therefore abandons further consideration of the proposed amendment.
3. That Council requests further information from the proponent regarding the proposed amendment.

9. CONCLUSION

The proposed Amendment seeks to;

- rezone the subject land at 515 Hazelwood Estate Road, Lot A PS 402920, from Farming Zone (FZ) to Residential 1 Zone (R1Z)
- introduce and apply Development Plan Overlay Schedule 5 to the subject land
- amend Clause 21.05 to amend the Churchill Township boundary to provide the strategic framework for the future development of Churchill west
- replace the Schedule of Clause 61.03 to add new maps to the Latrobe Planning Scheme.

Gaskin Rise is presently provided with urban utility services (i.e. water and sewer reticulation) and upon completion of required upgrades, the land can be developed immediately for urban services.

The application to modify the Churchill township boundary to facilitate the rezoning of land at Gaskin Rise, presents Council with an opportunity to assist Latrobe City in accommodating future demand for housing.

The role of Churchill in the networked city is evolving in response to population growth experienced in the municipality.

The proposal is not consistent with facilitating development within residential areas shown on the Churchill Structure Plan. It is important to note that this fact presents a risk to the successful progress of the planning scheme amendment.

As part of a balanced assessment of the proposed planning scheme amendment it is considered that the proposal has sufficient merit to proceed. It is acknowledged that the proposal requires careful consideration of land supply issues and its compatibility with the strategic direction of the Churchill Structure Plan. It is considered that this detailed assessment should occur as part of the planning scheme amendment process.

10. RECOMMENDATION

That Council, in accordance with Section 8A (3) of the Act requests authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to:

- **Rezone land at 515 Hazelwood Estate Road, Lot PS 402920, from Farming Zone to Residential 1 Zone**
- **Introduce and apply Development Plan Overlay Schedule 5 to the subject land**
- **Amend Clause 21.05 to amend the Churchill Township boundary to provide the strategic framework for the future development of Churchill west**
- **Replace the Schedule to Clause 61.03 to add new maps to the Latrobe Planning Scheme.**

Moved: Cr White

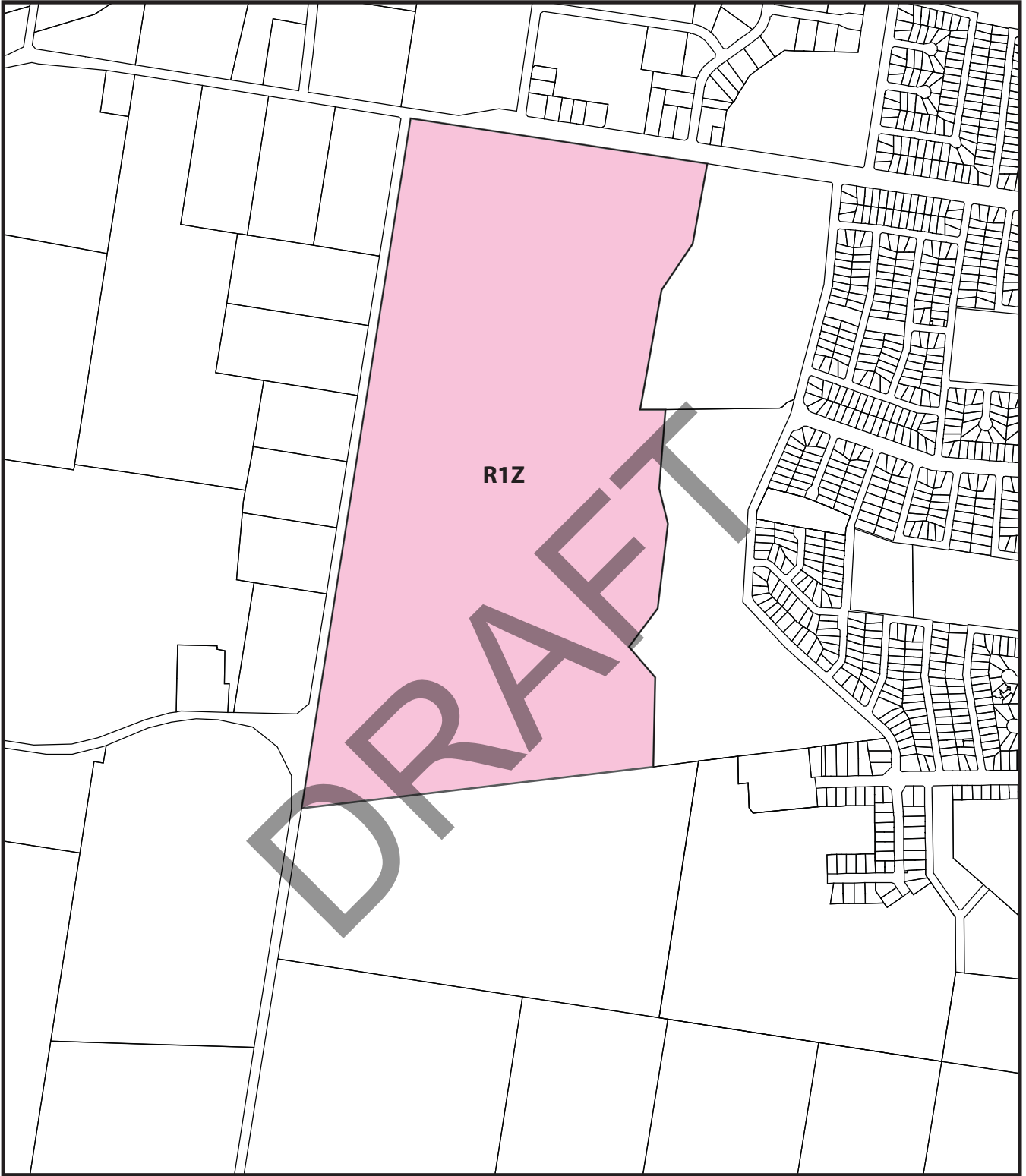
Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

LATROBE PLANNING SCHEME LOCAL PROVISION



1:12000 @ A4

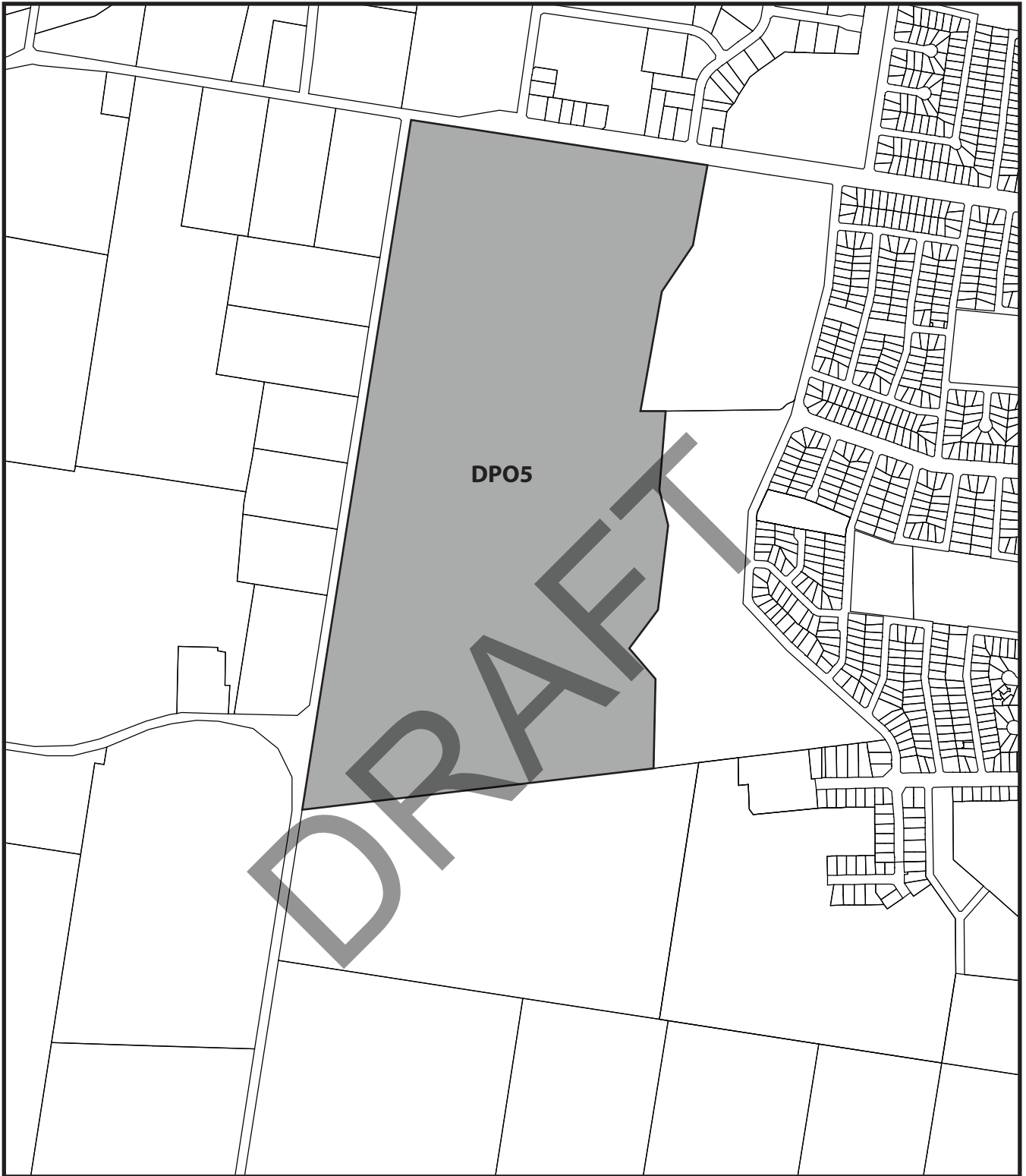
Part of Planning Scheme Map 92, 95 & 112

 R1Z

RESIDENTIAL 1 ZONE

ATTACHMENT 2

LATROBE PLANNING SCHEME LOCAL PROVISION



1:12000 @ A4

Part of Planning Scheme Map DPO92, DPO95 & DPO112

 DPO5

DEVELOPMENT PLAN OVERLAY (SCHEDULE 5)

ATTACHMENT 3

05/05/2011
C56

SCHEDULE 5 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO5**

RESIDENTIAL GROWTH AREAS

1.0

03/03/2011
C47

Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- a minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.

2.0

03/03/2011
C47

Conditions and requirements for permits

Before deciding on an application to subdivide land, construct buildings, or carry out works, the responsible authority must consider, as appropriate:

- Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.
- The need to minimise access points to designated Category 1 Roads.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with adopted Structure Plans, where relevant.

3.0

05/05/2011
C56

Requirements for development plan

A development plan must be prepared to the satisfaction of the Responsible Authority.

The plan must show:

Land use and subdivision

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.

- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Waterways

- A buffer zone of 30 metres each side of waterways designated under the Water Act 1989 or a buffer based on a flood study which identifies the 100 year flood extent must be set aside for ecological purposes.

Infrastructure Services

- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- The pattern and location of the major arterial road network of the area including the location and details of any required:
 - road widening
 - intersections
 - access points
 - pedestrian crossings or safe refuges
 - cycle lanes
 - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with Latrobe City Bicycle Plan 2007-2010, (as amended).
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.

Open Space

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
 - Public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with Latrobe City Public Open Space Plan 2007, (as amended).
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

- Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.

Community Hubs and Meeting Places

- In consultation with relevant agencies and authorities, the provision of appropriate community facilities, including schools, pre-schools, maternal child health centres, senior citizen centres and general community centres within a walkable range of 400-800 metres across large subdivisions.
- Provision for access and social interaction, particularly where this encourages physical activity. For example:
 - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with the Latrobe City Public Toilet Strategy 2006 (as amended) and Latrobe City Bicycle Plan 2007-2010 (as amended).
 - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community hubs and meeting places.
 - Spaces should be designed to accommodate community events and cultural programs including local arts activities and other festivals.

Flora and Fauna

- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Growling Grass Frog (*Litoria raniformis*) and Dwarf Galaxias (*Galaxiella pusilla*), and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003.
- Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.

Cultural Heritage

- A cultural heritage assessment including how cultural heritage values will be managed.

Process and Outcomes

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development.

The approved Development Plan may be amended to the satisfaction of the responsible authority

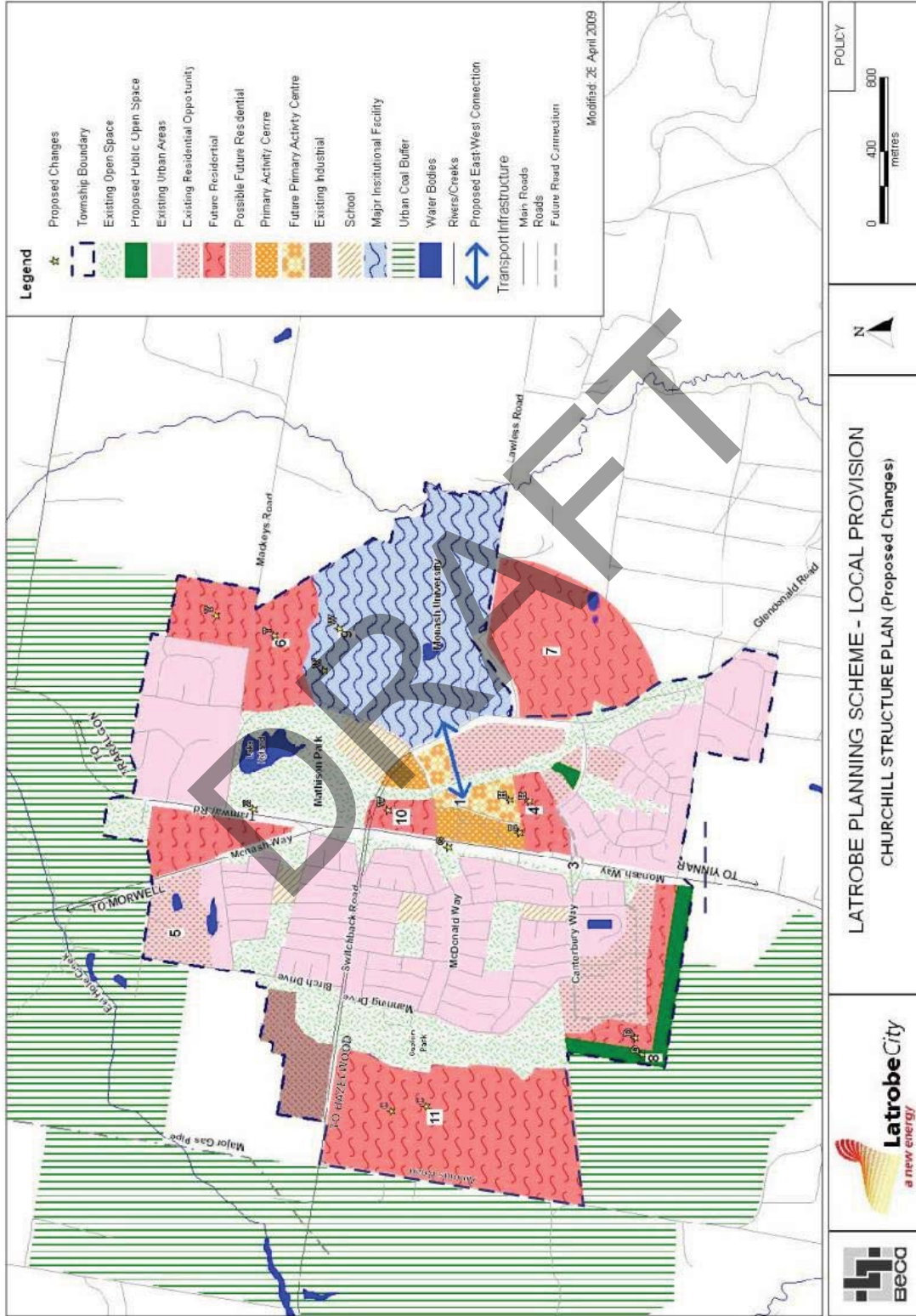
4.003/03/2011
C47**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- Latrobe City Healthy Urban Design Good Practice Guideline: Meeting Healthy by Design® Objectives, April 2008 (as amended);
- Victoria's Native Vegetation Management: A Framework for Action 2002
- Latrobe Healthy by Design® – Background and Issues Report (Beca Pty Ltd, December 2007);
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division);
- Rescode (Clause 56) – Rescode only applies to residential zones, the Mixed Use Zone and the Township Zone;
- Latrobe City Public Open Space Plan 2007 (as amended).
- Latrobe City Bicycle Plan 2007-2010 (as amended).
- Latrobe City Public Toilet Strategy 2006 (as amended).
- Latrobe Structure Plans Volumes 1-5 (Beca Pty Ltd, 2007)

ATTACHMENT 4

Churchill Structure Plan



ATTACHMENT 5

.

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C*

DRAFT EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Tract Consultants Pty Ltd on behalf of Gaskin Rise Estate Pty Ltd.

Land affected by the amendment.

The amendment applies to the land known as ‘Gaskin Rise’, which is located immediately west of Churchill at 515 Hazelwood Estate Road (Lot A PS402920). The land comprises approximately 98ha of land which is generally bounded by Switchback Road to the north, Hazelwood Estate Road and Arnolds Road to the west, Gaskin Park to the east and private allotment to the south.



Map 1 – Land affected by the amendment

What the amendment does.

The amendment proposes to:

- Modify the Municipal Strategic Statement at Clause 21.05 by replacing the Churchill Structure Plan to reflect proposed boundary changes to facilitate residential development on the land.
- Apply the Development Plan Schedule 5 (DPO5) to the land
- Apply Residential 1 Zone (R1Z) to the land.
- Replace the Schedule of Clause 61.03 to add new maps to the Latrobe Planning Scheme.

Strategic assessment of the amendment

- Why is the amendment required?

This proposed amendment is required to facilitate future residential development on the subject land. The Gippsland Regional Plan 2010 states that the population of Gippsland is expected to increase by 50,000 by the year 2026. As the regions provincial centre, Latrobe Valley is currently going through a period of population growth with predictions that the growth will continue in the long term.

Churchill Town is well placed to assist in providing housing to accommodate the projected growth of Latrobe Valley population. While the subject land presents a further increase to the existing supply of land for residential purposes in Churchill, the subject land is presently provided with utility services and upon completion of required upgrades can be developed immediately for urban purposes.

While the current Churchill Structure Plan identifies land within the township boundary for residential purposes and urban development purposes, most residential zoned land central to the township have been available for development purposes for over 10 years but have yet to progress to development stage. Consequently, this amendment is required to amend the Churchill Structure Plan boundary to include the subject land within the boundary to facilitate the rezoning of the subject land.

- How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria, contained in Section 4(1) of the *Planning and Environment Act 1987*, in the following way:

- The amendment provides for the fair, orderly, economic and sustainable use and development of land as it facilitates residential development in an appropriate location with excellent access to existing infrastructure and services. The provision of additional residential land in this location will assist in providing a sufficient supply of urban land in Latrobe in response to higher than anticipated population growth rates in Latrobe City.
- The amendment provides for the protection of natural resources and the maintenance of ecological processes by providing for future residential development on land relatively unconstrained by ecological constraints. The Environmental Significance Overlay (ESO) only applies to land up to the western boundary of the subject land. The subject land does not encroach onto the ESO.

- The amendment provides a pleasant and safe living and recreational environment for all Victorians and visitors to Victoria by providing for residential development with excellent access to existing infrastructure and services, including open space networks. Gaskin Park is located along the eastern boundary of the subject land and provides a linkage between the subject land and other residential areas.
 - The amendment enables the orderly provision and coordination of public utilities and other facilities for the benefit of the community by providing for future residential development in a location with excellent access to existing services and infrastructure.
 - The amendment facilitates development in accordance with the objectives set out in the points above.
 - The amendment balances the present and future interests of all Victorians by providing additional residential land to meet the needs of a growing population in Gippsland.
- How does the amendment address the environmental effects and any relevant social and economic effects?

Environmental Effects.

The proposed amendment is not considered to have any significant environmental effects. The subject land is currently used for agricultural purposes, and consists of cleared open pasture which is likely to be free of significant native vegetation. The Development Plan Overlay Schedule 5 requires the preparation of a Development Plan, which will require a detailed flora and fauna assessment and a cultural heritage assessment to inform the Development Plan and future subdivision design. The Environmental Significance Overlay (ESO) is applied to contiguous land to the west and does not encroach on to the subject land.

Social and Economic Effects

The proposed amendment is not considered to have any significant economic and social effects. The existing physical and social infrastructure and services contained within Churchill is more than adequate to cater for the proposed development. Upon completion of required upgrades to existing mains, water supply and sewer reticulation provisions can be made to the subject land. The Community Infrastructure Needs Analysis for Churchill (ASR Research, 2008) identifies that the existing social and recreational infrastructure in Churchill can comfortably accommodate a population of around 13,000 people (the current population is approximately 5,000 people).

- Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The proposed amendment is consistent with the Ministers Direction under Section 7(5) of the Planning and Environment Act 1987 in relation to *The Form and Content of Planning Schemes*.

The proposed amendment is also consistent with Minister's Direction 11 under Section 12(2) (a) of the Planning and Environment Act 1987 in relation to *Strategic Assessment of Amendments*.

No other Ministers Directions apply to the proposed amendment.

- How does the amendment support or implement the State Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the State Planning Policy Framework as outlined below.

- *Clause 11: Settlement.* The amendment is consistent with this policy by providing land for settlement in an area that is provided with utility, urban and social services.
- *Clause 11.05 Regional Development provides networks of high quality settlements by balancing strategic objectives to achieve improved land use and development outcomes at regional, catchment and local level.*
- *Clause 16: Housing.* The amendment is consistent with this policy by providing for new residential development in a location with access to existing physical and community infrastructure. The Development Plan Overlay will ensure that the land is developed in an integrated fashion, providing for a range of dwellings types, a convenient and safe road network, appropriate pedestrian and cycle paths, and sufficient public open space.
- *Clause 19: Infrastructure.* The amendment provides for a new residential area that has excellent access to existing physical, social and recreational infrastructure with surplus capacity. The location of the adjoining existing parkland and sports facilities, and linkages between the proposed residential areas and open space, can place all residences within close proximity to open space.
- How does the amendment support or implement the Local Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the Local Planning Policy Framework as outlined below.

- *Clause 21.04 – Built Environment Sustainability:* The proposed amendment is consistent with the objectives of this Clause, by building upon the existing township of Churchill as part of an integrated network of urban areas, and maximising the use of existing infrastructure.

However, the amendment currently is not consistent with the Churchill Structure Plan given that the subject land is located outside of the existing Churchill Township boundary. The amendment proposes to modify the Churchill Structure Plan to reflect the revised township boundary incorporating the subject land.

- *Clause 21.05 – Main Towns:* The proposed amendment is generally consistent with the first objective relating to Main Towns, which seeks to provide the flexibility for development to occur in each town to accommodate the needs of its population.

However, while the amendment provides for additional residential land in response to higher than projected population growth in the Latrobe City, the amendment is not consistent with the description accorded to Churchill. The amendment proposes to update Clauses 21.05 to reflect the changing development trend in Churchill.

- *Clause 21.08 – Liveability:* The proposed amendment is consistent with the objectives of Clause 21.08, by providing for future residential development in a location well serviced by existing social and recreational services and infrastructure.
- Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying the Residential 1 Zone to provide for future residential development.

- Applying the Development Plan Overlay to ensure that a Development Plan is prepared prior to the issue of permits for the subdivision and development of the land.
- How does the amendment address the views of any relevant agency?

Relevant agencies will be consulted as part of the exhibition of the amendment to ensure their views are appropriately addressed

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The amendment is not likely to have significant impact on the transport system as defined by section 3 of the *Transport Integration Act 2010*.

- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?

There are no statements of policy principles prepared under section 22 of the *Transport Integration Act 2010* that are applicable to this amendment.

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will result in a Development Plan application and permit applications to enable the residential subdivision and development of the land. It is not considered that these applications will have a significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment.

The amendment is available for public inspection, free of charge, during office hours at the following locations:

Latrobe City Council
Corporate Headquarters
141 Commercial Road
Morwell VIC 3840

Latrobe City Council
Moe Service Centre
44 Albert Street
Moe VIC 3842

Latrobe City Council
Traralgon City Council
34-38 Kay Street
Traralgon VIC 3840

Latrobe City Council
Churchill Service Centre
9-11 Philip Parade
Churchill VIC 3842

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE

11.4.1 GIPPSLAND REGION SUSTAINABLE WATER STRATEGY

AUTHOR: General Manager Recreation Culture and Community
Infrastructure

(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with information from the Gippsland Region Sustainable Water Strategy pertaining to those issues directly impacting on operations at Lake Narracan.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - 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.

Strategic Objectives – Recreation

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Natural Environment

Work with key stakeholders to improve the water quality and health of rivers, streams and waterways across Latrobe City.

Encourage the responsible water use throughout Latrobe City.

Strategic Direction – Recreation

Foster the health and wellbeing of the community by promoting active living and participation in community life.

Continue to develop and enhance recreation and leisure facilities in order to attract and facilitate events of regional, national and international significance.

Service Provision – Natural Environment

Provide environmental planning, advice, services and programs

Major Initiatives - Natural Environment

Implement actions from the Natural Environment Sustainability Strategy 2008-2013

Strategy – Natural Environment

Natural Environment Sustainability Strategy (2008-2013)

Action for wise use of our natural resources
Action to conserve our natural assets

4. BACKGROUND

In November 2011 the Department of Sustainability and Environment released the Gippsland Region Sustainable Water Strategy.

The Gippsland Region Sustainable Water Strategy is the regions response to threats to future water availability, including drought, climate change, population growth and land use changes.

The Strategy looks at the potential impact of climate change, drought and other pressures on Gippsland's water resources over a 50 year timeframe, and considers how these resources should be managed to meet the needs of current and future generations and the environment. It proposes action to respond to the dry conditions experienced over the past 13 years, while maintaining enough flexibility to capture economic and environmental benefits if there is a return to normal climatic conditions.

The aim of the Strategy is to:

- Ensure secure supplies for towns and industry
- Encourage economically viable and sustainable agriculture
- Support the tourism and recreation base of Gippsland
- Protect and improve the health of rivers, wetlands, estuaries and aquifers.

This Strategy was preceded by the Gippsland Region Sustainable Water Strategy Discussion Paper that identified and sought community views on several possible uses of the unallocated water in Blue Rock Reservoir including:

- A drought reserve
- Improving reliability for existing users
- New industries
- Improving environmental values
- Improving recreational opportunities on Lake Narracan

Latrobe City Council made a submission to the Discussion Paper in September 2009 focussing on the unallocated water in Blue Rock Reservoir and its availability for use in Lake Narracan, and in support of the Gippsland Local Government Network (GLGN) submission.

As an outcome of the Discussion Paper process and to help assess the options for using the unallocated water in Blue Rock Reservoir the Strategy Consultative Committee guided the development of the Draft Strategy by establishing a technical working group with representatives from local stakeholders and relevant Government departments. This resulted in the Background Report 1: *Options for Blue Rock Unallocated Water*, which using hydrological modelling evaluated the options and scenarios for this unallocated water use.

In developing Background Report 1: *Options for Blue Rock Unallocated Water* the technical working group considered several scenarios and the associated risk factors preferring a drought reserve option. This was preferred as it maintained Government ownership of the unallocated water and provided greater flexibility to manage the uncertainty of climate change and changes to the composition of intensive water industries in the Latrobe Valley.

A Draft Gippsland Region Sustainable Water Strategy was released for comment on 6 September 2010. This draft document attempted to present a balanced and considered approach to meet the future needs of industry, agriculture, environment and towns assuming continuation of the dry conditions experienced over the past 13 years.

In response Latrobe City Council provided a submission dated 18 October 2010, which aimed to further respond to the issue relating to water allocations in the Latrobe Catchment and the impacts on water levels in Lake Narracan.

The Draft Strategy proposed *Better use of Blue Rock Reservoir* through:

- Creating an environmental entitlement to support the environmental health of the Latrobe River; and
- Using the remaining unallocated water to establish a drought reserve, to ensure consumptive users have the opportunity to access water during dry times.

The Draft Gippsland Region Sustainable Water Strategy Proposal 8.3 - Supporting national or international sporting events on Lake Narracan states;

Provided the Latrobe system is not subject to a declaration of water shortage, the Government will make water available from the drought reserve to replace any water lost to harvest during national or international sporting events on the lake.

The proposal to replace any water lost due to harvest during national or international sporting events on the surface sounds positive; however there are other issues to be considered;

- This proposal does not provide certainty in providing a consistent water level at times when national or international events are not being undertaken.
- In the event that levels are at or below 50% capacity the 5 knot restrictions will be in place for powered vessels. These restrictions will mean that the Latrobe Valley Water Ski Club can not train or hold regional or local events. Under this scenario the club would not be viable.
- There are five clubs that utilise Lake Narracan of which three would not be viable under the current proposal.
- The Latrobe City operated caravan park would be significantly affected by the uncertainty of water levels other than for the major events.

Given Proposal 8.3, the Draft Gippsland Region Sustainable Water Strategy sought feedback regarding Question 8.1 for comment - Operating Lake Narracan to better meet the needs of recreational users, which asked;

Do you think water should be made available from Blue rock reservoir each year to increase the percentage of time Lake Narracan levels are suitable for recreational use? If so, who should bear the cost associated with this water?

In response to this question Latrobe City Council's submission offered the following response:

- Water levels in Lake Narracan should be kept at a constant level suitable for recreational purposes throughout the year. This may be subject to drought conditions at the time.
- The water levels could be further raised during national or international events to replace any water lost to harvest.
- This should occur at no cost to the Latrobe City community.

A report was presented to the Ordinary meeting of Council on 7 October 2009 and resolved:

'That Council approves the attached submission to the Draft Gippsland Region Sustainable Water Strategy, for submission to the Department of Sustainability and Environment.'

This submission is provided as an attachment to this report.

5. **ISSUES**

The Gippsland Region Sustainable Water Strategy was released to the community in November 2011 by the Department of Sustainability and Environment.

The information below is an extract from the Gippsland Region Sustainable Water Strategy which addresses Latrobe City Councils submission made on the 18 October 2010.

Action 6.4 Improved recreational opportunities on Lake Narracan (page 128)

Who: Southern Rural Water	Timeframe: December 2012 and ongoing
<p><i>The Storage Manager (Southern Rural Water) will maintain Lake Narracan between 55 per cent and 90 per cent of capacity from 1 December to 30 April and at a level suitable for holding major water skiing events, for up to three events per annum; subject to:</i></p> <ul style="list-style-type: none"><i>• the Blue Rock storage volume being more than 80 per cent of capacity on 1 December; and</i><i>• considering the views of entitlement-holders and seasonal climate information.</i> <p><i>These changes will not affect entitlements in Lake Narracan. Any harvesting losses in Lake Narracan that result from these new arrangements will be offset in the entitlement-holders shares of Blue Rock via substitution from the volume held in the drought reserve. This will include an allowance for any transfer losses between Blue Rock Reservoir and Lake Narracan.</i></p> <p><i>Changes to storage levels to mitigate flood events will take precedence over maintaining levels suitable for recreation and any major water skiing events.</i></p> <p><i>If experience with applying these criteria indicates to the Storage Manager or any entitlement-holders that adjustments to the criteria may be needed, they may write to the Minister for Water requesting an alteration.</i></p> <p><i>In addition to Southern Rural Water's annual process for determining the operation of Lake Narracan, these arrangements will be reviewed when the drought reserve arrangements are reviewed in 10 years. Consumptive users maintain their rights to harvesting water from the Latrobe system, and the arrangements described in this Strategy do not provide any rights to recreational users of Lake Narracan, or any longer-term certainty beyond the 10 year period.</i></p> <p><i>Southern Rural Water will develop an agreed set of operating rules in consultation with entitlement-holders that documents these arrangements and the annual process for assessing storage operation.</i></p>	

Modelling undertaken by the technical working group found that the operating rules could be adjusted to provide improved recreational opportunities, with relatively small impacts on the volume of water that can be harvested from the system. Action 6.4 presents how the operating rules for Lake Narracan will be altered, to provide improved opportunities for recreation on Lake Narracan.

The annual process for assessing storage operation, which includes the 80 per cent trigger on 1 December in Blue Rock Reservoir, minimises the impact of these changes on the amount of water that can be harvested in the Latrobe system.

This action will provide a significant improvement to recreational opportunities on Lake Narracan. On 1 December, Blue Rock storage levels are likely to be above 80 per cent in many years. Over the past 25 years since Blue Rock Reservoir first filled, it has been at or below 80 per cent of capacity on 1 December in only two years (2006 and 2007) (see Action 6.5, page 129).

Other actions and policies contained within this strategy to help improve flexibility and provide certainty for water users are presented in Section 3.2, page 41.

Officer Comment:

The strategy has addressed the issues raised by Latrobe City Council in regards to the recreational use of Lake Narracan and the unallocated water in Blue Rock Reservoir. Action 6.4 of the strategy specifically addresses the issues at Lake Narracan and provides a framework for the operation of the lake which will provide a level of security for the community and recreational users of Lake Narracan.

The historical data provided in the strategy indicates that the annually assessed 80 per cent trigger on 1 December in Blue Rock Reservoir is not likely to be below 80 per cent in most years. Over the past 25 years since Blue Rock Reservoir first filled, it has been at or below 80 per cent of capacity on 1 December in only two years (2006 and 2007).

The level of certainty that this strategy articulates is an excellent outcome for Latrobe City Council. It now provides recreational users of Lake Narracan with some certainty in respect to ongoing use, whilst also providing a level of water security for key entitlement holders (power generators, irrigators and the environment).

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in respect to the release of the Gippsland Region Sustainable Water Strategy.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

A copy of the Gippsland Region Sustainable Water Strategy has been sent to the Lake Narracan User Group who had input into the Latrobe City Council submission.

8. OPTIONS

Council has the following options in respect to the Gippsland Region Sustainable Water Strategy:

1. Note the Gippsland Region Sustainable Water Strategy and write to the Minister in thanks for consideration of Councils submission; or
2. Not accept the Gippsland Region Sustainable Water Strategy and to write to the Minister explaining Councils position.

9. CONCLUSION

The Gippsland Region Sustainable Water Strategy presents a balanced and considered approach to meet the future needs of industry, agriculture, environment and recreational users assuming continuation of the dry conditions experienced over the past 13 years.

The strategy has addressed issues raised by Latrobe City Council in regards to the recreational users of Lake Narracan and the unallocated water in Blue Rock Reservoir.

The strategy provides a level of security for the community and recreational users of Lake Narracan which is a good outcome for Latrobe City.

10. RECOMMENDATION

- 1. That Council notes Action 6.4 of the Gippsland Region Sustainable Water Strategy.**
- 2. That Council approve the release of a public statement endorsing the actions proposed in respect to Lake Narracan.**
- 3. That Council write to the Minister for Water advising of Councils appreciation for consideration of the submission in relation to Action 6.4 Improved recreational opportunities on Lake Narracan.**

Moved: Cr Gibson

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Our Ref: 564540
PB:JM

18 October 2010

Department of Sustainability and Environment
Attention: Sustainable Waters Strategies Branch
Office of Water
PO Box 500
EAST MELBOURNE VIC 3002

Email: gippsland.sws@dse.vic.gov.au

Dear Sir/Madam

**LATROBE CITY RESPONSE TO THE GIPPSLAND REGION SUSTAINABLE
WATER STRATEGY – COMMUNITY COMMENT**

On behalf of Latrobe City I would like to thank you for the opportunity to provide comment on the Gippsland Region Sustainable Water Strategy. Council strongly supports the use of water to benefit the environment, industry and the community.

As previously stated, Latrobe City Council has concerns with the water allocations impacting on the water levels in Lake Narracan. Currently there is an imbalance between water availability for the power generating industry and recreational and tourism purposes, resulting from permanent changes being made, due to prolonged drought, to the operating parameters for Lake Narracan.

Latrobe City Council has previously resolved; *'to request that the State Government make available a portion of unallocated water from the Blue Rock Dam as required to maintain Lake Narracan at a water level suitable for boating and recreational activities'*.

This position has been addressed in the Gippsland Region Sustainable Water Strategy of which Latrobe City would like to make the following comments;

Proposal 8.3

Supporting national or international sporting events on Lake Narracan

'Provided the Latrobe system is not subject to a declaration of water shortage, the Government will make water available from the drought reserve to replace any water lost to harvest during national or international sporting events on the lake'.

The proposal to replace any water lost due to harvest only during national or international sporting events on the surface sounds positive; however there are other issues to be considered.

- This proposal does not provide a consistent water level at times when national or international events are not being undertaken.
- In the event that levels are at or below 50% capacity the 5 knot speed restrictions will be in place. These restrictions mean the Latrobe Valley Water Ski Club can not train or hold regional or local events. Under this scenario the water ski club would struggle to exist.
- There are five clubs that utilise Lake Narracan of which three would struggle to survive under the current proposal.
- The Latrobe City operated caravan park would also be significantly affected caused by the uncertainty of water levels other than for the major events.

In regards to the question posed in 8.1 page 172 Latrobe City Council wish to provide the following comment:

Question 8.1 for comment

Operating Lake Narracan to better meet the needs of recreational users

'Do you think water should be made available from Blue rock reservoir each year to increase the percentage of time Lake Narracan levels are suitable for recreational use? If so, who should bear the cost associated with this water?'

- Water levels in Lake Narracan should be kept at a constant level suitable to recreational purposes throughout the year. This may be subject to drought conditions at the time.
- The water levels could be further raised during national or international events to replace any water lost to harvest.
- This should occur at no cost to the Latrobe City Community.

Council wishes to restate its position that unallocated water be made available in order to maintain Lake Narracan at a level suitable for boating and recreational activities, however this should be at no cost to the Latrobe City community.

The restoration of Lake Narracan as a viable waterway is extremely important to Latrobe City Council for the economic, social and recreational benefits it delivers to the community.

Should you have any queries in regards, please do not hesitate to contact myself on 5128 5413.

Yours sincerely

PAUL BUCKLEY
Chief Executive Officer

11.4.2 GIPPSLAND HERITAGE WALK

AUTHOR: General Manager Recreation, Culture & Community
Infrastructure

(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the Gippsland Heritage Walk proposal to Council and to seek support for the project.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Culture

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Culture

Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.

Strengthen community pride and wellbeing through the provision of high quality and well presented programs, events and facilities

Facilitate and support events, community festivals and arts programs that reflect and celebrate cultural diversity and heritage.

Facilitate the growth and success of cultural programs, sporting and community events through active engagement, promotion and marketing.

Increase the accessibility of Latrobe City Council's cultural facilities, programs and events.

Strategic Direction: Economy

Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Promote and support the development of the tourism and events sector.

Strategic Direction: Community

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

Support initiatives that promote diversity and social inclusion.

4. **BACKGROUND**

The Gippsland Heritage Walk is a project developed and driven by the Gippsland Immigration Park Committee.

Gippsland Immigration Park has been successfully established beside Kernot Lake in Morwell. This park which celebrates the achievements of Gippsland immigrants is now used annually for the Gippsland Multicultural Festival and has become a popular leisure and tourist stop.

The Committee would now like to pursue a new project that would extend the existing walkway all the way around Kernot Lake and create a Heritage Walk. The walk will be used to celebrate the history of Gippsland. Interpretive Archways will signal the beginning and end of the heritage walk and interpretive signage will be installed in 'stations' at intervals along the walk depicting the history of Gippsland from exploration to settlement, to industry, to working life achievements. The signs will provide images and text describing the rich history of Gippsland.

It is envisioned that the walk will eventually terminate at the proposed Gippsland Immigration Exhibition Hall and Multicultural Centre. This project is in its infancy and may or may not come to fruition.

However, regardless of whether this additional development occurs, the completion of the Gippsland Heritage Walk and the walking track will be a valuable stand alone attraction that would attract a large number of people for a variety of purposes including recreation, culture, education, tourism and family and community events.

5. **ISSUES**

The total cost of the proposed project is estimated at \$300,000 and will include significant cash and in-kind support from the Gippsland Immigration Park Committee. However, to bring the project to fruition the Committee will also need State Government and Latrobe City Council support.

The Committee is seeking;

- support for the project concept
- financial support toward the project
- in-kind support

Support for the project concept

The walk is on Latrobe City Council owned land.

Formal support for the Gippsland Heritage Walk will allow the Gippsland Immigration Park Committee to make formal applications from funding bodies. It will also allow the committee to commence stage 1 of the project

Financial Support

To complete the walk an additional 360 metres of pathway is required to extend the track all the way around Kernot Lake. Officers can see significant benefit in completing the track to support this project but also from a recreational perspective. It is very clear from the 'cattle trail' when walking around the lake that many people already walk around the lake even without a formal pathway. Officers have sought quotes to complete the path and estimate that \$60,000 is required to construct and edge the path.

Initially the Committee sought the assistance of Latrobe City Council officers to complete the graphic design component of the interpretive panels. Due to the significant time resources required to design the interpretive panels internal council resources were deemed not feasible in this instance.

A total of \$80,000 cash contribution is sought from Latrobe City Council toward the Gippsland Heritage Walk.

In-kind Support

On going in-kind support in the following areas is required to help the Gippsland Immigration Park Committee to bring this project to fruition;

- Artistic Design – advice in respect to artists and graphic designers to ensure the final product meets the expectations of the committee and the community.
- Trees kept and cared for in depot nursery – the committee has already purchased all trees required for the project and they are being nurtured in the Latrobe City Council depot nursery until they can be planted.
- Assistance with funding applications – officers have and will continue to provide recommendations, advice and where necessary complete applications for funding toward the project.

The committee intends to build the Gippsland Heritage Walk in three stages;

- Stage 1 - includes the planting of trees (completed), the installation of the first six interpretive stations along the existing pathway and the installation of a sign illustrating the proposed project.
- Stage 2 - will see the completion of the walking track, planting of trees and installation of the remaining interpretive stations along the route.
- Stage 3 - will construct the Archways at the beginning and end of the heritage walk.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The total project cost is estimated at \$300,000. The Gippsland Immigration Park Committee is seeking an \$80,000 contribution from Council and a further \$80,000 from State Government or an equivalent funding body. The committee will provide the balance of financial resources through a combination of existing cash funds, fundraising and through in-kind sponsorship and support.

No allowance has been made in current Council budgets toward this project. It is recommended that \$80,000 is referred to a future capital works budget for consideration to complete the pathway surrounding Kernot Lake and toward the cost of the project. Council officers will oversee the construction of the extended path.

7. INTERNAL / EXTERNAL CONSULTATION

The Gippsland Immigration Park Committee have been enthusiastically seeking the support of Councillors and Officers since the inception of this proposal.

The Gippsland Immigration Park Committee has presented their project to the Latrobe City Tourism Advisory Board and they showed overwhelming support for the project. The Tourism Advisory Board formally endorsed the project and resolved to write a letter of support.

GippsTAFE have been briefed on the project and have no objections. The Education Department have been consulted in respect to this project.

All of the Historical Societies throughout Gippsland have been engaged to assist in providing historical information toward this project.

Regional Development Victoria has also been briefed by the Gippsland Immigration Park Committee in respect to this project.

8. OPTIONS

Council has the following options in respect to the Gippsland Heritage Walk:

1. Formally support the project.
2. Not support the project.
3. Commit financial support toward the project.
4. Resolve not to undertake this piece of work.

9. CONCLUSION

The proposed Gippsland Heritage Walk will provide a historical and educational account of Gippsland's rich heritage. Its appeal is far reaching for locals and visitors alike and by supporting this project the Gippsland Immigration Park Committee will be well placed to seek additional funding partners and to commence Stage 1 of the project.

10. RECOMMENDATION

- 1. That the Mayor writes to the Gippsland Immigration Park Committee providing in-principle support for the Gippsland Heritage Walk proposal.**
- 2. That \$80,000 is referred to a future capital works budget for consideration to complete the pathway surrounding Kernot Lake and toward the cost of the project.**
- 3. That officers continue to provide in-kind support to assist the Gippsland Immigration Park Committee to bring this project to fruition.**

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



GIPPSLAND HERITAGE WALK

Kernot Hall Lake
Morwell



A PROJECT OF THE GIPPSLAND IMMIGRATION PARK COMMITTEE INC
IN PARTNERSHIP WITH LATROBE CITY

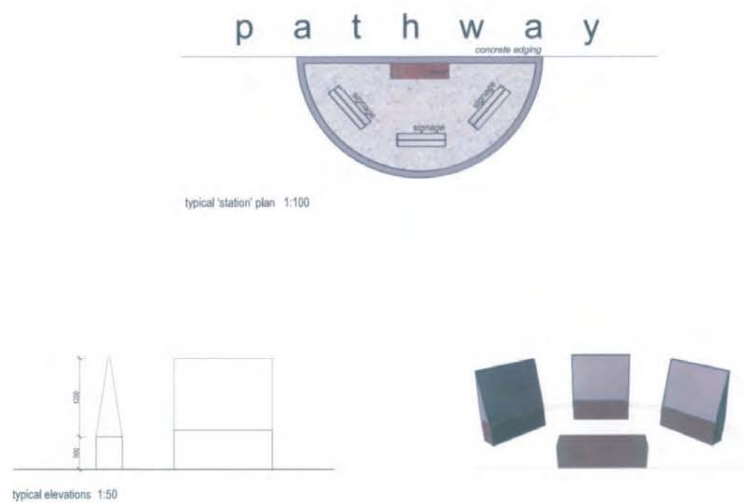


Kernot Lake, walk shown in white with suggested history themes for the stations along the walk.

The walk will be used to celebrate the history of Gippsland. At each end a gateway will signal the beginning and/or end of the walk. Interpretive stations will be located along the path with the closest to the Immigration Park deck dedicated to the history of the Gunai Kurnai people, the indigenous inhabitants of Gippsland.

Other stations located along the path will use themes similar to those used on the plaques on the Gippsland Immigration Wall of Recognition to show the history of Gippsland.

The Walk is planned in three stages. Stage 1 is the installation of the first six stations and the initial tree planting. Stage 2 is the completion of the path and the tree planting and installation of the remaining stations. Stage 3 is the erection of the gateway/s and possible extension of the path to be able to walk around the entire lake.



Interpretive Station design

It is envisioned that the walk would eventually terminate at a Gippsland Multicultural Centre which would provide a multi-purpose facility in which a variety of functions would take place to highlight the importance of the immigrant community to Gippsland and support their activities.

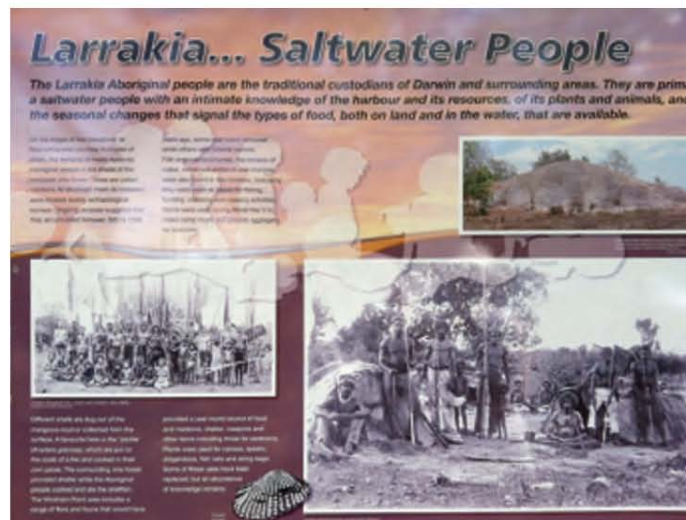
This would complete the development of the lake surrounds to create a unified multi-cultural precinct. Hopefully it would attract a large number of people for a variety of purposes, from recreational to educational, from family events to community events.

The Committee is seeking support for the concept and then funding and in kind support to complete the project.

The walk is on Latrobe City land. The project has been discussed with Latrobe City Councillors and Latrobe City staff who have been very supportive of the project. The trees for the avenue have been purchased and 30% of these have already been planted along the existing walkway. The rest will be planted when the walkway has been extended to the south of the lake.

Preliminary designs for the interpretive signs are being prepared. The interpretive signs will have text as well as a range of images and a graphic designer will complete the layout. The Committee will apply for funding to cover the cost of the interpretive signs at each station and then arrange for their manufacture and installation. A sample from a similar project is displayed below.

Sample sign



Some suggested themes for each station are as follows –

Indigenous history – Gunai Kurnai people
Exploration
Settlement
Industry – fishing (coastal & inland)
Industry – farming / grazing
Industry – gold mining
Industry Coal mining / power generation

If you have any enquiries or suggestions please contact -

Gippsland Immigration Park Inc
Chairman: Don Di Fabrizio
Phone 5122 1756
Vice Chairperson: Serge Auciello
Phone 5134 5420
Secretary: Graham Goulding
Phone 5127 2447
Treasurer: Maggie Auciello
Phone 5134 5420

**11.4.3 TRARALGON GREYHOUND RACING CLUB - PROPOSED
DEVELOPMENT AND REQUEST FOR ALTERATIONS TO LEASE**

AUTHOR: General Manager Recreation, Culture & Community
Infrastructure

(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council a request from the Traralgon Greyhound Racing Club to undertake a significant development at Glenview Park and make alterations to their lease with Latrobe City Council.

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Recreation

Support and develop partnerships and collaboration with user groups, friends of and committees of management for recreational, aquatic, public open space, parks and gardens.

Service Provision – Recreation

Manage and maintain sporting reserves across Latrobe City.

4. BACKGROUND

Glenview Park, Traralgon, is located on land owned by Latrobe City Council. At present, there are three tenants who hold leases with Council. The tenants are as follows:

- Traralgon Greyhound Racing Club (TGRC) – The TGRC lease commenced on 1 July 2003 for an initial term of 9 years with two further terms of 9 years available, the first of which must be exercised by 31 December 2011. The TGRC pays a rental of \$10,500.00 per annum which is adjusted annually by CPI.
- Latrobe Valley Racing Club (LVRC) – The Latrobe Valley Racing Club lease commenced on 1 July 2007 for an initial term of 5 years with two further terms of 9 years available, the first of which must be exercised by 31 December 2011. The LVRC pays a rental of \$1,000.00 per race meeting which is adjusted annually by CPI, with a market review scheduled for 1 July 2012.
- Mr Robert Lont has leased a portion of the inside of the horse racing track for training purposes. Mr Lont's lease commenced on 1 August 2011 for an initial term of 2 years with one further terms of 1 year available. Mr Lont pays a rental of \$4,500.00 per annum adjusted annually by CPI.

The areas of occupancy and responsibility for the above tenants are outlined in the plans included in the discussion paper (attachment two).

Whilst the leases vary between tenants, maintenance responsibility rests with the tenants and Council contributes little in respect to maintenance. With the exception of the recently developed kennel complex, the buildings at Glenview Park are owned by Council. As can be seen from the attached plan, the TGRC manage and maintain the majority of the buildings at Glenview Park and have a sub-lease arrangement with the LVRC which allows use for race days.

The TGRC have briefed some Councillors and Latrobe City officers and formally written to Council in respect to a proposed development at Glenview Park, Traralgon. As outlined in the attached letter (attachment one), the TGRC is requesting that Council provide written in principle agreement to undertake a significant development (valued at between \$2 and \$5 million) at the site.

The TGRC is also requesting a variation and significant extension to their current lease. This is required to provide security of tenure which will in turn provide the major funding body of this development, Greyhound Racing Victoria, with the confidence to proceed with funding this significant investment.

The TGRC has also requested the approval of a 'peppercorn' rental payment of \$1 per annum over the 27 year lease period. For this financial year, the lease amount for the TGRC is \$10,500. In return, the Club proposes that Latrobe City be provided with the naming rights for the greyhound racing venue.

5. ISSUES

The proposed development would result in the TGRC vacating the buildings they currently lease from Council on the Western side of the complex. The greyhound track would be totally reconstructed and realigned in an east-west direction. New buildings would be constructed on the inside of the horse racing track, in close vicinity to the recently constructed kennels.

The TGRC have indicated that they would have absolutely no use for the current buildings and space on the western side of the horse racing track if their new development were to proceed and ask that these buildings be excluded from the revised lease.

This would obviously result in the council owned buildings on the complex, that are currently occupied for 52 weeks of the year, now only being used by the LVRC when race meetings are held. The LVRC has been advised by the Minister for Racing that the number of meetings allocated to Traralgon will be increased from two to three for the 2011/12 racing season.

The LVRC has indicated that they are operating efficiently and looking for further opportunities to grow. They intend on pursuing further race meetings and horse trial opportunities in the future. They have also indicated a willingness to consider alterations to their lease with a view of taking responsibility for the areas currently occupied by the TGRC.

In respect to progressing the request from the TGRC, officers have undertaken an assessment of this request to better understand the ramifications of this proposed development.

The evaluation of the proposal has included the commissioning of a condition assessment of the current built facilities at Glenview Park.

This has provided Council with information relating to any risk involved with relinquishing the TGRC from the responsibilities currently outlined in their lease.

It should be also noted that if any development of this nature at Glenview Park were to proceed it would require a planning permit.

An in depth review of the relevant issues is provided in the attached Discussion Paper.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The basis of the condition assessment recommendations are geared to renew the facility to an “as new” standard. Cognisant of the financial impact that this could potentially have on tenants and Council, Officers assessed the following value works as being necessary:

Immediate Requirements Year 1	\$15,990
Works required Years 2 to 10	\$147,950
Essential safety / cyclical works required per annum	\$10,250

The condition assessment also identifies *Other Capital Upgrades* for years 1 to 10 to the value of \$852,310. Council officers have assessed these works, at this stage, as being non essential.

There will however be a requirement for a number of these projects identified as non essential works to be undertaken as needed over the coming years.

In respect to the essential safety / cyclical works identified in the assessment, Council officers are of the view that these should be undertaken and funded by Council, utilising rental income from Glenview Park tenants.

The current Glenview Park funding reserve of \$35,500 could also be accessed to assist in some immediate works being undertaken at the site.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Officers have met several times with representatives from both the TGRC and LVRC. Information provided by both of the clubs has been used as input in to the attached discussion paper. The most recent annual reports of the two clubs are also provided for the information of Councillors.

8. OPTIONS

The TGRC has made three distinct requests to Council. A detailed analysis of the requests from the TGRC are addressed in the attached discussion paper.

In respect to these three requests, Council has the following options:

1. For Council to provide written agreement in principle to undertake a significant development (valued at between \$2 and \$5 million) at the site. This would include a new orientation of the track and for the public facility to be built adjacent to the new track near the existing new kennel block (inside the harness racing track). This would involve a review of all current leases and the boundaries for responsibility of tenants.

<i>Option</i>	<i>Advantages</i>	<i>Disadvantages</i>
1. Await findings of planning activities such as the Traralgon Growth Ares Review and Public Open Space Strategy prior to granting in principle approval for the new greyhound club development.	* Would allow for a more orderly development of the site and potentially provide residential and other recreational opportunities for Traralgon into the future.	* Would jeopardise the immediate opportunity for the TGRC to receive significant funding. * Would restrict Council in the changes it would be able to make to lease renewals with all tenants at Glenview Park. Could jeopardise the sustainability of the clubs.
2. Provide in principle agreement for the new TGRC redevelopment and commence negotiations for new leases with all tenants.	* Would provide the TGRC with security of tenancy, thus making a significant redevelopment a realistic option. * Negotiation of a new lease would provide greater opportunities for the LVRC and assist in securing their future.	* Would restrict future potential development of the Glenview Park site. * Responsibility for maintenance of land and buildings would become the responsibility of one tenant. * A large piece of community infrastructure and open space would be utilised for 3-4 days per annum.

* It should be also noted that if any development of this nature at Glenview Park were to proceed it would require a planning permit.

2. A variation and significant extension to their current lease (3 X 9 year terms, expiring 2039)

Option	Advantages	Disadvantages
1. Negotiate a new long term lease (3 x 9 year terms)	<ul style="list-style-type: none"> * Would provide the TGRC with security of tenancy that will be required for Greyhound Racing Victoria to make such an investment as outlined in the proposed redevelopment. * Would demonstrate Council's support for the proposed redevelopment. 	<ul style="list-style-type: none"> * Would restrict future potential development of the Glenview Park site.
2. Not allow the negotiation of a new long term lease (3 x 9 year terms)	<ul style="list-style-type: none"> * Would provide Council with greater flexibility in respect to future planning of the Glenview Park site. 	<ul style="list-style-type: none"> * Would make the proposed development proposal unviable and GRV would not provide the funding for this redevelopment.

3. A review of the current rental agreement with a peppercorn rental (nominal rental of \$1 per annum), this being Council's contribution to the proposed capital redevelopment. In return, Council would receive naming rights for 27 years.

Option	Advantages	Disadvantages
1. Negotiate a peppercorn rental for the TGRC for the term of their new lease.	<ul style="list-style-type: none"> * Would provide an indication of support from Council which would be well looked upon by GRV. 	<ul style="list-style-type: none"> * Would reduce significantly the amount of revenue collected from the site and not allow Council to undertake works as it has done in the past. * Would set a precedent and a similar request from the LVRC and other sporting clubs in the City could be forthcoming. * Although there is a community aspect to TGRC, this level of support could be construed as providing significant support to what is essentially a commercial entity.
2. Negotiate rental for the term of the new lease, using current terms and figures as the base.	<ul style="list-style-type: none"> * Would provide revenue for Council to undertake works at the site. 	<ul style="list-style-type: none"> * May be construed by GRV as being a sign of lack of support by Council.

9. CONCLUSION

Both the TGRC and LVRC see significant benefits for them as individual entities if the proposed development was given permission by Council to proceed to the next level of planning.

The TGRC would be able to demonstrate security of tenure over the land which could potentially lead to significant investment at the site. This investment will further add to the viability of the club and it is perceived that activity at the site would increase.

From the LVRC view point, they are of the view and have been able to demonstrate that if provided with tenancy of increased area and infrastructure at Glenview Park, they will also become more viable. At present, their future with Country Racing Victoria has been assessed as being secure and as such, it would be reasonable for Council to continue to support them moving forwards.

10. RECOMMENDATION

1. That Council provide in principle agreement for the Traralgon Greyhound Racing Club to pursue the development of a new track and public amenity rebuild to take place at Glenview Park, including the new orientation of the track and for the public amenity facility to be built adjacent to the track near the existing kennel block (inside the Harness Track).
2. That Council request the Traralgon Greyhound Racing Club to meet all statutory planning requirements prior to the development commencing.
3. That Council authorise the Chief Executive Officer to commence negotiations with the Traralgon Greyhound Racing Club with the view of allowing a lease consisting of an initial 9 year term with options for two further periods of nine years each. The lease will also seek for the boundaries of the current lease to be reviewed and re-defined to include provision for car parking facilities outside the perimeter of the harness track, namely the area at the western end of the harness track.

4. That Council not accept the Traralgon Greyhound Racing Club's proposal for naming rights of the venue in return for a peppercorn rental (\$1 per annum) and that at such time that a new development of the Traralgon Greyhound Racing Club infrastructure is complete, Council review the current rental agreement with a view of basing the rental amount on the market value of land being occupied.
5. That Council authorise the Chief Executive Officer to commence negotiations with the Latrobe Valley Racing Club with the view of this organisation taking responsibility for and occupying the land and buildings not covered in lease agreements with Traralgon Greyhound Racing Club and Robert Lont.
6. That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.

Moved: Cr Harriman

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1



14 February 2011

Mr G Switzer
General Manager
Recreational & Cultural Liveability
Latrobe City Council
P O Box 264
MORWELL VIC 3840

Glenview Park, McNairn Rd
Traralgon, VIC 3844
PO Box 329
Traralgon, VIC 3844
PHONE (03) 5174 2135
FAX (03) 5174 6877
WEBSITE traralgon.grv.org.au
ABN 63 017 686 873

Dear Grantley

Thank you for meeting with Don Haley and I at Council offices on Thursday 10 February 2011 to advance further discussions regarding future capital re-development proposals for the Traralgon Greyhound Racing Club at the Glenview Park complex.

We now request written agreement in principle from Council on the following matters prior to advancing discussions with Greyhound Racing Victoria.

1. For a nine year extension on our current lease (currently due to expire to 30 June 2030), or a new lease commencing on 1 July 2012 with three 9 year terms (9 x 9 x 9) expiring on 30 June 2039.
2. For a review of the current rental arrangement with a 'peppercorn' rental (nominal rental of \$1 per annum) written into the new lease commencing 1 July 2012 for the 9x9x9 year terms, being the Council contribution to the Club towards the proposed capital re-development proposal. In return to Council for this consideration, the Club would afford 27 years of naming rights to Council for the re-developed Greyhound racing venue, which could become known as "Latrobe City Park" or a similar name agreed upon between the Club and Council.
3. For the new track and public amenity rebuild to take place at Glenview Park, including the new orientation of the track and for the public amenity facility to be built adjacent to the new track near the existing new kennel block (inside the Harness track).
4. For the boundaries of the current lease to be reviewed and re-defined in the new lease to include area and provision for car parking facilities perhaps outside the perimeter of the harness track, namely the area at the western end of the harness track (beyond the kennel block, behind the Greyhound tractor and water truck shed).

Please do not hesitate to contact us if you require further information, or a further meeting to discuss this matter.

Yours sincerely

Hector L Caruana
Manager

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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TRARALGON
GREYHOUND RACING CLUB

ATTACHMENT 2

Glenview Park, Traralgon Discussion Paper

Latrobe City Council

Glenview Park, Traralgon

Discussion Paper

November 2011

Introduction

This discussion paper has been prepared by Latrobe City Council officers with input from the Traralgon Greyhound Racing Club and the Latrobe Valley Racing Club. A condition assessment, undertaken by Dennis Hunt & Associates was also commissioned to assist in the preparation of this paper.

The paper has been prepared in order to provide Latrobe City Councillors with a discussion document in response to the Traralgon Greyhound Racing Club requesting the following:

1. Written agreement in principle from Council to undertake a significant development (valued at between \$2 and \$5 million) at the site. This would include a new orientation of the track and for the public facility to be built adjacent to the new track near the existing new kennel block (inside the harness racing track). This would involve a review of all current leases and the boundaries for responsibility of tenants.
2. A variation and significant extension to their current lease (3 X 9 year terms, expiring 2039)
3. A review of the current rental agreement with a peppercorn rental (nominal rental of \$1 per annum), this being Council's contribution to the proposed capital redevelopment. In return, Council would receive naming rights for 27 years.

Latrobe City Council is in a unique position in that it is the only Council in Victoria who own land which is used as a racetrack (both thoroughbred and greyhound).

The proposed development would result in the Greyhound Racing Club vacating the buildings they currently lease from Council on the Western side of the complex. The greyhound track would be totally reconstructed and realigned in an east-west direction.

New buildings would be constructed on the inside of the horse racing track, in close vicinity to the recently constructed kennels. The Greyhound Racing Club have indicated that they would have absolutely no use for the current buildings and space on the western side of the horse racing track if their new development were to proceed and ask that these buildings be excluded from the revised lease.

Officers have met with representatives from the Latrobe Valley Racing Club in respect to the Greyhound Racing Club proposal. The Racing Club has indicated that they are operating efficiently and looking for further opportunities to grow. They intend on pursuing further race meetings and horse trial opportunities in the future. They have also indicated a willingness to consider alterations to their lease with a view of taking responsibility for the areas currently occupied by the Greyhound Club.

Current Lease Arrangements

Glenview Park, Traralgon, is located on land owned by Latrobe City Council. At present, there are three tenants who hold leases with Council. The tenants are as follows:

	Traralgon Greyhound Racing Club	Latrobe Valley Racing Club	Mr Robert Lont
Permitted Use	Greyhound racing, training and ancillary purposes.	The conduct of race meetings and activities as a private members' racing club.	Thoroughbred training
Lease Term	9 Years	5 Years	2 Years
Commencement Date	1 st July 2003	1 st July 2007	1 st August 2011
Expiration Date	30 th June 2012	30 th June 2012	31 st July 2013
Further Term	9 Years x 2	9 Years x 2	1 Year
Option Renewal Date	31 st December 2011	31 st December 2011	31 st January 2013
Current Rental	\$10,500.00 plus GST	\$3,000.00 plus GST	\$4,500.00 plus GST
Rent Review Date	Annually by CPI, Market Review	Annually by CPI	Annually by CPI
Outgoings	All outgoings.	All outgoings.	All outgoings.

As can be seen from above, the major leases with the Latrobe Valley Racing Club and the Traralgon Greyhound Racing Club expire on 30 June 2012. Both clubs have the option of extending these leases by a further two terms of nine years each.

In light of the current requests from the Traralgon Greyhound Racing Club and potential for significant alterations in respect to the future use and tenancy of Glenview Park, it would seem that it is opportune to formally review and if required, alter the conditions of the two major leases (those being with the Traralgon Greyhound Racing Club and the Latrobe Valley Racing Club).

Whilst the leases vary between tenants, maintenance responsibility rests with the tenants and Council contributes little in respect to maintenance.

With the exception of the recently developed kennel complex, the buildings at Glenview Park are owned by Council. As can be seen from the attached plan, the Greyhound Racing Club manage and maintain the majority of the buildings at Glenview Park and have a sub-lease arrangement with the Racing Club which allows use for race days.

Council collects approximately \$18,000 per annum for the lease of the property however these funds are held in a Glenview Park specific reserve, intended for use for activities at this site only. Of this revenue collected, approximately \$6,000 per annum is utilised to pay the Latrobe City Council annual municipal rates for the property.

With the remaining revenue raised at the site, Council has in recent years financially assisted the tenants with activities such as the following:

- Removal of dangerous trees at the site;
- Improvements to car park areas;
- Roof maintenance on the main building and the stables;
- Kiosk upgrades;
- Funding of the condition assessment undertaken by Dennis Hunt & Associates

Aside from this assistance, the leases are structured in a manner where Council does not have responsibility for any of the operations at the complex (both buildings and grounds).

Whilst there has been these works funded by Council, not all funds have been expended and there is currently a balance of \$35,500 in the Glenview Park reserve.

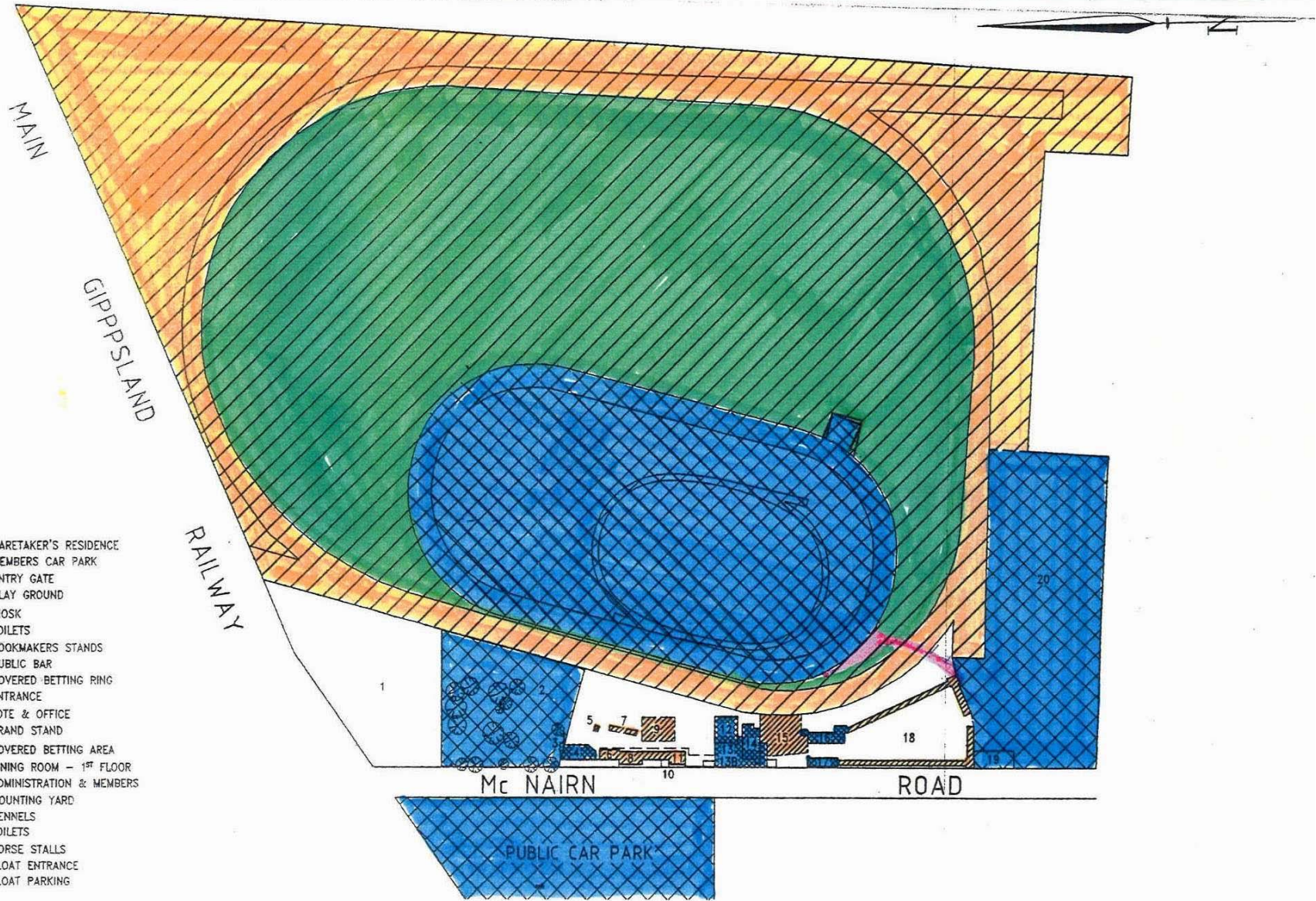
Site Plans

The following pages provide maps/site plans of the Glenview Park complex:

Page 5 – Plan showing location of features on entire site and tenant areas of responsibility.

Page 6 – Detailed plan showing location of features on Council owned buildings and tenant areas of responsibility.

Page 7 – Aerial view of the Glenview Park complex.



- 1 - CARETAKER'S RESIDENCE
- 2 - MEMBERS CAR PARK
- 3 - ENTRY GATE
- 4 - PLAY GROUND
- 5 - KIOSK
- 6 - TOILETS
- 7 - BOOKMAKERS STANDS
- 8 - PUBLIC BAR
- 9 - COVERED BETTING RING
- 10 - ENTRANCE
- 11 - TOTE & OFFICE
- 12 - GRAND STAND
- 13 - COVERED BETTING AREA
- 13B- DINING ROOM - 1ST FLOOR
- 14 - ADMINISTRATION & MEMBERS
- 15 - MOUNTING YARD
- 16 - KENNELS
- 17 - TOILETS
- 18 - HORSE STALLS
- 19 - FLOAT ENTRANCE
- 20 - FLOAT PARKING

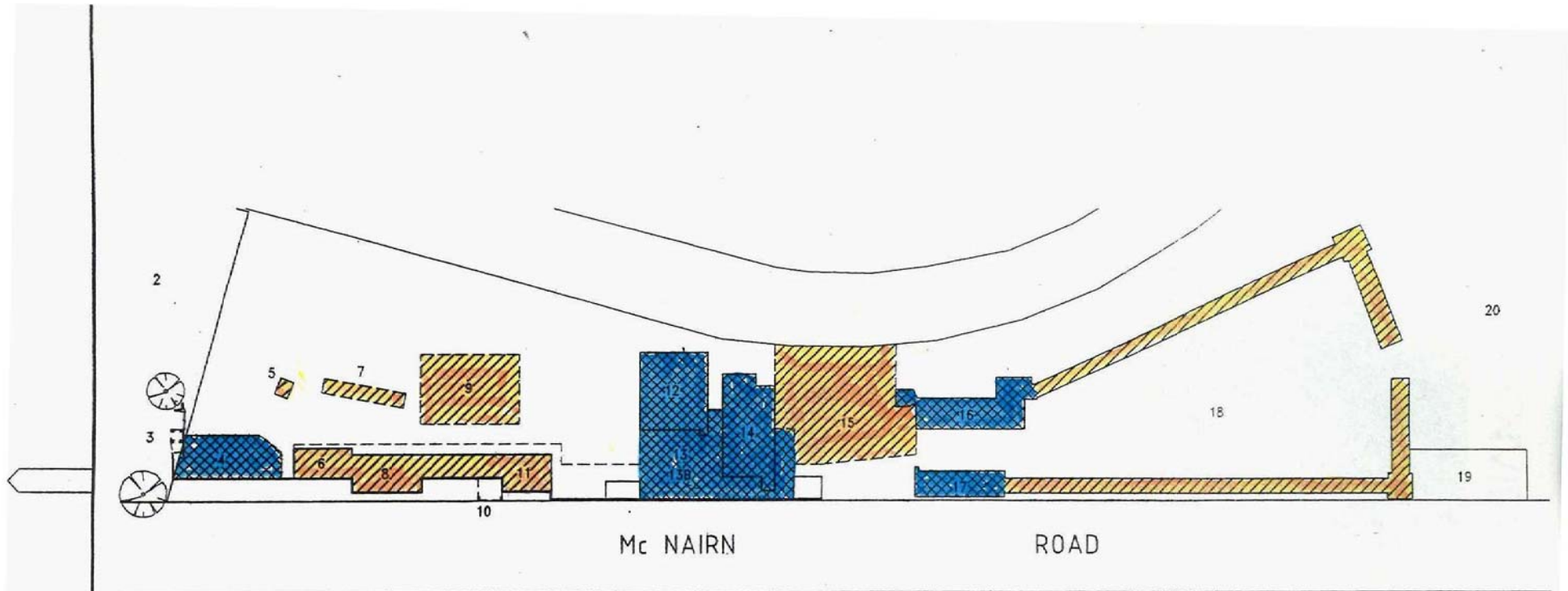
- DENOTES LAND FOR GREYHOUNDS
- DENOTES LAND FOR THOROUGHBREDS
- DENOTES LAND FOR HORSE TRAINING



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SURVEYORS REF.	10063
SCALE	1:2500

TRARALGON RACING COMPLEX
 PLAN SHOWING LOCATION
 OF FEATURES



- 1 - CARETAKER'S RESIDENCE
- 2 - MEMBERS CAR PARK
- 3 - ENTRY GATE
- 4 - PLAY GROUND
- 5 - KIOSK
- 6 - TOILETS
- 7 - BOOKMAKERS STANDS
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TRARALGON RACING COMPLEX
 PLAN SHOWING LOCATION
 OF FEATURES

"B"

GLENVIEW PARK



28/4/2006

Assessment of Buildings

Council officers commissioned Dennis Hunt and Associates to undertake a condition assessment of the buildings at the Glenview Park complex.

The study provides a comprehensive technical appraisal of building assets including the following:

- A thorough on-site assessment of the buildings and plant
- Determination of contingent maintenance liabilities and costed maintenance identification of component renewal required to bring the facility up to a condition standard commensurate with community expectation and industry best practice
- An assessment of the building against Building Code of Australia requirements
- An assessment of the building against the disabled code AS1428.1-4
- Recommendations in relation to compliance upgrades to the facility
- A technical report on the findings of our survey.

The buildings and structures assessed as part of this project comprise:

- Administration and Member's Complex (including broadcast tower)
- Amenities Building
- Horse Stables
- Kennels and Owner's/Trainer's Building
- Public Toilets
- Farrier-Vets Block
- Mounting Yard
- Covered Betting Ring
- North Bar (former Kiosk)
- Horse Exercise Yard
- Steward Lookout Tower

The following asset components were inspected (where assessable) as part of the condition audit:

Architectural

- Flooring and floor coverings
- Walls and ceiling claddings
- Doors and windows
- Joinery fixtures including benches and cupboards
- Roofing, guttering and down pipes
- Glazing and paint coatings
- Paving, balustrades, hand rails and fencing to the immediate surrounds
- Protective coatings and finishes
- Steel structures including towers

Hydraulic and Fire Services

- Amenities and sanitary fixtures (toilets, showers, basins, urinals etc.)
- Plumbing fittings and fixtures (where visible)
- Storm water and wastes (where visible)
- Fire services including hydrants, extinguishers & fire blankets
- Hot water and boiling water services

Electrical (general condition and appearance)

- Switchboards and control panels
- Power, light outlets, electrical fittings and fixtures
- General wiring, mains and meters (where visible)
- Emergency lighting and exit signs (where installed)
- Fixed appliances including cooking and refrigeration equipment
- Security alarm and monitoring systems
- Disabled chair hoist

Mechanical (general condition, type, and manufacture)

- Mechanical ventilation
- Heating and cooling systems
- Storm water harvesting pump

Results of condition assessment

The basis of the condition assessment recommendations are geared to renew the facility to an “as new” standard. Cognisant of the financial impact that this could potentially have on tenants and Council, Officers assessed the following value works as being necessary:

Immediate Requirements Year 1	\$15,990
Works required Years 2 to 10	\$147,950
Essential safety / cyclical works required per annum	\$10,250

The condition assessment also identifies *Other Capital Upgrades* for years 1 to 10 to the value of \$852,310. Council officers have assessed these works at, at this stage, as being non essential.

There will however be a requirement for a number of these projects identified as non essential works to be undertaken as needed over the coming years.

In respect to the essential safety / cyclical works identified in the assessment, Council officers are of the view that these should be undertaken and funded by Council, utilising rental income from Glenview Park tenants.

The current Glenview Park funding reserve of \$35,500 could also be accessed to assist in some immediate works being undertaken at the site.

Planning Considerations

Traralgon Growth Areas Review (TGAR)

The Traralgon Growth Areas Review (TGAR) is intended to provide a growth strategy that identifies areas for future urban development around Traralgon, Traralgon-Morwell Corridor, Glengarry, Tyers and their surrounding areas up to the year 2050.

The initial stages of the Traralgon Growth Areas Review were undertaken by consultants Parsons Brinckerhoff. Hansen Partnership was later engaged to continue the project.

Development of draft TGAR reports is currently being undertaken, including consultation with Councillors. It is anticipated that the draft TGAR reports will be presented to Council for consideration and endorsement for community consultation in early 2012.

For the purposes of this discussion paper officers have reviewed the historic work undertaken by Parsons Brinckerhoff and the TGAR Background Report prepared by Hansen Partnership. There are several references within the draft TGAR in relation to Glenview Park. All references recommend the redevelopment and intensification of the site for future urban residential use.

During the initial community engagement associated with the TGAR, Council received several comments/submissions that Glenview Park site should be developed for urban residential.

The following references are sourced from Parsons Brinckerhoff's historic TGAR reports and the Hansen Partnership draft background report. These reports are yet to be formally presented to Council.

- *There is also the opportunity to use land in Traralgon to relocate a number of the recreational facilities (for example the golf course, racecourse etc.). (Source: draft TGAR Sustainable Options Report, PB, p108)*
- *The relocation of recreational land, such as the Traralgon Racecourse (Glenview Park) to other precincts within the study area. (Source: draft Traralgon & Surrounds Structure Plan, PB, p25).*
- *Redevelopment of the Traralgon Racecourse (18ha) would yield approximately 270 dwellings based on 15 lots per ha (Source: draft Traralgon & Surrounds Structure Plan, PB, p39).*

- *Consolidation of the existing urban area (area 1) should be sought through a variety of means. These should include:*
 - *The development over time of strategic sites, including those identified below for medium density residential uses. Any development should occur in consultation with the landowners and key stakeholders. There is a role for Latrobe City Council to play in facilitating potential relocation areas for these uses, should this approach be supported. Strategic sites for medium density development include (but are not limited to):*
 - *Glenview Park, which could be redeveloped (as with many racetracks in Melbourne) without necessitating the removal of current activities; (Source: draft TGAR – Framework Plan, Hansen Partnership, p35).*
 - *The redevelopment of strategic sites within Traralgon plays an important role in this aim and any redevelopment of strategic sites within the urban area should aim for higher densities. It should be noted that in some cases, such as the racecourse, the redevelopment of these sites does not necessarily require that removal of the existing uses. (Source: draft TGAR – Background Report, Hansen Partnership, p11).*
 - *The draft Traralgon and Surrounds Structure Plan report produced by PB recommended a feasibility study to investigate the relocation of Glenview Park to other precincts within the study area. (Source: draft Traralgon & Surrounds Structure Plan, PB, p45).*

Open Space Strategy

The Public Open Space Plan (May 2007) has only one reference in relation to racecourses. It is noted that this document will be superseded by a new strategy in the 2011/2012 financial year.

The following is the reference from the Public Open Space Plan (May 2007):

- *Regional Significant sites, serving the entire municipality, with a high level of amenity and auxiliary facilities. Examples include major lakes, rail trails, racecourses, regional playgrounds, large parks, large bush reserves and category “A” sports grounds. (Source: Public Open Space Plan, LCC, p5).*

- One of the key deliverables for the Public Open Space Strategy 2011 is: *to determine how additional open space could be provided in under-resourced neighbourhoods, and if there are any sites within the municipality that could be developed as regional open space (Source: Draft Project Brief Public Open Space Strategy 2011, LCC, p5).*

Current zoning and uses

- Glenview Park is zoned Public Park and Recreation Zone. The subject land is used as a racecourse (a land use term included in clause 74 of the scheme, but not defined). The land use term 'racecourse' is included in the land use term major sports and recreation facility. Major sports and recreation facility is described as *land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.*
- The provisions applicable to the Public Park and Recreation Zone are set out in clause 36.02 of the scheme. The use of the land as a racecourse falls within the category 'any other use not in Section 3' which is a Section 1 (Permit not Required) Use. Such a use is subject to certain conditions, which essentially require that the use be conducted by or on behalf of a public land manager under certain legislation.
- The use of the land as a racecourse is the subject of existing use rights pursuant to both the scheme and the Planning and Environment Act 1987.
- There is no overlay affecting Glenview Park.

Further development within the subject site for a greyhound racing facility.

- Pursuant to the zoning requirement future redevelopment of the site may require a planning permit for building and works. However, there are exemptions for certain categories of works under Clause 36.02 and Clause 62.02
- The Public Open Space Strategy may be able to investigate the relocation of Glenview Park to other precincts within Traralgon.

Amenity Issues

- The subject site is surrounded by a variety of uses including municipal reserves, residential and industrial developments.

- The following are the indicative locations of the above uses and developments:
 - Northern boundary (industrial)
 - Eastern boundary (residential)
 - Southern boundary (residential)
 - Western boundary (residential and municipal reserves)
 - Given that the subject site has been used for racecourse for more than 30 years and subject to long term lease there is a level of expectation that such use will continue in to the future. Concerns may arise in relation to noise, lighting and traffic associated with an enhanced greyhound facility. The type of uses proposed (e.g. gaming machines) may also cause concern for local residents.

Future Development Options

There are three options for the future development of Glenview Park

- Option 1 – Redevelopment of the facility (to accommodate both thoroughbred and greyhound activities) within existing site.

This option would involve the redevelopment of the facility in its current location. This option would exclude other uses that can co-exist with the facility.

- Option 2 – Co-location of the facility with residential development.

This option would involve the redevelopment of the racecourse in its current location and a portion of the land could be developed for housing. Example of such option is the Moonee Valley racecourse in Melbourne.

- Option 3 – Relocation of the facility.

This option would require land of approximately 10-15 acres. No specific strategic study has been carried out to determine a suitable location for the relocation of the facility, however the TGAR project has recommended that a feasibility study be undertaken to investigate the possible relocation of Glenview Park to another location within Traralgon. In addition, the Public Open Space Strategy 2011 may be able to investigate the relocation of Glenview Park to an alternate location within Traralgon and to determine if there are any sites within the municipality that could be developed as regional open space.

Latrobe Valley Racing Club

In terms of activities at the Glenview Park Complex, the executive of the Latrobe Valley Racing Club have provided the following information for information of Councillors, specifically provided to be included in this paper:

Outside the confines of the Greyhound Facilities (inside the old trotting track), the lawns, grounds and gardens of the entire complex are maintained by LVRC for the entire year. As well as those areas that are the most obvious to public view, the Public Carpark in McNairn Road, the Float Park and Greyhound Exercise Area to the south of the property are mown and maintained by LVRC, as is all other areas of the reserve that are closest to Housing estates to the east.

This is all done using voluntary committee labour that amounts to significant cost savings, with only diesel and machinery servicing/maintenance being a financial impost.

In the past 12/18 months, the upstairs Committee Room has been extensively upgraded, with no input in terms of dollars from the Traralgon Greyhound Racing Club (TRGC) - notwithstanding they have access to and use the Room for 52 weeks of the year. In addition, the almost abandoned Kennel area to the south of the main buildings has had a tidy up and makeover and is being used as an Owners/Trainers area on Racedays. While a work in progress, we are cognisant of industry expectations in this regard, and are constantly working toward providing same. Indicative of this is the upgraded signage at the complex detailing facilities available such as Bars, Toilets etc (including directional signage was paid for by LVRC).

We are of the view that the upstairs facilities (Dining Room and Members Area) are vastly underutilised in terms of functions (presently handled by TGRC) and frankly, we believe LVRC could better manage the facilities and maximise income from this source, which in turn would enable additional funds to be directed toward complex maintenance. It should be noted that TGRC presently overview bookings and "common" maintenance issues. In order for LVRC to undertake such responsibilities however, it would be important in our view, that LVRC hold the Head Lease and then Sub Lease to TGRC on "a needs basis" but clearly for the Friday nights of their meetings.

As to the future, plans are already afoot to erect 15m x 12m Weatherproof Shade Sails to the North of Betting Ring, and we have recently received written confirmation from Racing Victoria that a Plastic Running Rail is to be installed at the facility, bringing us into line with Best Practice Industry Standards and we believe by extension, confirming the longer term support for LVRC within the industry. Maintenance renewal programs for parts of the facility are already in place (eg stable roofing, guttering has commenced). The strength of such renewal programs is that the great proportion of labour is free (we have access to suitably qualified tradesmen

to oversee such projects) and cost lies only in materials used.

Should also mention that a preliminary application is with CRV and indeed, a copy with the Racing Minister, for a fourth "community based" Picnic Meeting in January annually. This won't happen in 2012, but we are hopeful of support in due course as it is a joint initiative with the Buchan & Gelantipy Raceclub, with the proposal involving part proceeds to be directed to charity.

Current Maintenance Arrangement

As detailed above, the Building Maintenance for the Main Dining, Members and Committee Rooms is overseen by TGRC given their usage 52 weeks a year. Until a year or so ago, any function income was entirely deposited to a common fund and urgent (day to day) maintenance completed paid for from this source. In recent times, what functions are held, now see administration fees charged by the TGRC which leaves little for the LVRC contribution (again notwithstanding we physically use the facility for 3 race days only at this time) and undertake/pay for the maintenance of facilities used by Greyhound patrons on a much more regular basis.

Capital Improvements Since LVRC Licence (4/5 years ago)

The attachments herewith detail both Expenditure on Fixed Capital Items and Contractor Services from 1/8/2007 to 30/6/2011. While there will be elements of Capital Costs detailed in Contractor Services therein, I am unable to specifically separate these for you ease of reading. Suffice to say, that net totals in Contractor Services amount to some \$185,500 while Fixed Capital Items total \$170204 (at cost). The emphasis we would place here is the nature of voluntary labour and the actual dollar cost if this was charged at commercial rates.

LC Officer Comment: The details of works undertaken by the LVRC are attached to this paper. Whilst some of this expenditure is for activities that relate to the racing infrastructure, the information provided does demonstrate that significant moneys have been spent on building maintenance and infrastructure at the Glenview Complex. This also provides reasonable evidence of the club's capacity to further invest in meeting maintenance requirements of the facility.

Performance of the Latrobe Valley Racing Club

The following excerpts are taken directly from the 2010/11 Annual Report of the Latrobe Valley Racing Club:

Chairmans Report:

I am pleased to report that despite terrible weather and reduced attendances on all spring racedays, the club has managed to report a small profit. Pleasingly though the small profit has not seen any maintenance or track management expenses compromised. Most maintenance chores around the site are completed by members of committee both routinely and through working bees and to them I say a big thank you.

Over the past five years we have continually been trying to secure additional meetings for the Latrobe Valley Racing Club. Pleasingly with the support of the Coalition Government, Racing Victoria have this year allocated an additional non TAB meeting on Caulfield Cup Day.

Sponsorship support continues to be strong and we would like to thank all of our valued business partners for their continued and loyal support. We this year say farewell and thank you to our Cup sponsor in Wight's Motor World and welcome to our new sponsor in Ord Minnett. Cargo Lounge, Credit Collect and Jeremy Fleming Jewellers continue to offer our clubs terrific support.

Treasurer's Report

Despite the sterling efforts of our hard working committee led by President Brian Quigley and Club Manager Brendan Blackshaw the Latrobe Valley Racing Club has recorded a small profit of \$84 for the year ended 30th July 2011. This reduced profit on budget can be solely attributed to declining attendance on both Derby and Traralgon Cup Days. The Club has had wretched luck with inclement weather having a dramatic effect on our crowd numbers. As a result gate and bar takings have fallen. Everyone hopes the Committee's hard work is rewarded with 3 fine weather days in the forthcoming season.

The Latrobe Valley Racing Club's balance sheet is in a strong position with cash deposits of \$148,621 as at July 31, 2011. Member's funds stand at \$201,250.

Race Attendance Figures

The following table outlines the attendances at the two primary races days hosted by the Latrobe Valley Racing Club:

<i>Year</i>	<i>Derby Day Attendance</i>	<i>Traralgon Cup Day Attendance</i>
<i>2006/07</i>	<i>2629</i>	<i>3736</i>
<i>2007/08</i>	<i>2625</i>	<i>4096</i>
<i>2008/09</i>	<i>3617</i>	<i>4078</i>
<i>2009/10</i>	<i>3423</i>	<i>2928</i>
<i>2010/11</i>	<i>3202</i>	<i>2480</i>
<i>2011/12 (unofficial)</i>	<i>2744</i>	

The full 2010/11 annual report for the Latrobe Valley Racing Club is included as an attachment to this discussion paper.

Traralgon Greyhound Racing Club

The inaugural greyhound race at Glenview Park in Traralgon was held on 28 June 1973. The greyhound track was designed to provide two circular ends with parabolic curves either side which has provided safe racing conditions with little risk of injury to greyhounds.

A State of the Art Kennel Complex opened at Traralgon in September 2007; this project cost \$1.2 Million. The kennels are world standard in terms of Animal Welfare.

In Victoria, Greyhound Racing Victoria is the body responsible for promoting and controlling the sport. A key part of its role is the setting of standards, regulating and policing the industry and the people involved. With approximately 800 race meetings held across 13 venues throughout the state, GRV distributes to owners and trainers more than \$20 million dollars in prize money every year.

There are 13 race tracks spread throughout Victoria and Traralgon is one of these. Other greyhound racing tracks in Gippsland are located at Sale and Warragul. According to Greyhound Racing Victoria, there are 60-90 greyhound trainers in Latrobe City (*GRV Strategic Plan 2011-2016*).

The following table provides some key figures in respect to operations of the facility and its performance:

Traralgon Greyhound Racing Club – 2011 Performance

<i>No. of meetings</i>	<i>Attendance</i>	<i>On Course Turnover</i>	<i>Off Course Turnover</i>	<i>Total Turnover</i>	<i>Stake Money</i>
50	5,172	\$421,000	\$16,234,000	\$16,655,000	\$1,042,000

As can be seen from the figures above, on course attendance and turnover (moneys gambled on races) is quite low, with an average of just over 100 people attending the regular Friday night meetings. The viability of the club relies on off course turnover (moneys gambled with betting agencies), with over \$16.5 million wagered on races in Traralgon in 2011.

Aside from the regular Friday twilight meetings, training and trials at the venue are undertaken on an almost daily basis.

The full 2010/11 annual report for the Traralgon Greyhound Racing Club is included in the addendum to this discussion paper.

Appendix One – History of Latrobe Valley Racing Club

Thoroughbred racing has been held at Glenview Park for over 60 years under the auspices of the Traralgon Racing Club, Gippsland Racing Inc (GRI) and more recently, the Latrobe Valley Racing Club (LVRC).

In June 2001, following an independent investigation of its financial position, the members of the Traralgon Racing Club (TRC) resolved to place the Club into voluntary liquidation. An independent assessment of the financial position of TRC found that operating losses had been recorded for five consecutive years, totaling in excess of \$385,000. The Club had also recorded net operating losses in eight of the previous ten years. The prospects for trading out of insolvency had been explored and a range of scenarios modeled, with the conclusion that the Club would be unable to restore its position as a going concern.

Following its dissolution, the Club was deregistered as a racing club by Racing Victoria, and its racing license revoked by the Racing Minister. The ensuing discussions between Racing Victoria (RVL), Country Racing Victoria (CRV), racing and community groups, and local government led to an interim arrangement whereby:

- RVL and CRV gave a commitment to support three race meetings per year at Glenview Park during the months of November/December for three years under the management of Gippsland Racing Inc. (GRI);
- GRI was issued with a racing license to enable it to conduct racing at Glenview Park;
- An advisory committee, the Traralgon Racing Community Advisory Committee (TRCAC), was established to work with GRI to develop race meetings and maintain connections with the local community. The members of TRCAC were drawn from Latrobe City Council, GRI, CRV and the Interim Management Group (IMG), a body representing local racing interests;
- At the end of the first three-meeting season, there would be a review of the three race meetings to evaluate their performance relative to targets drawn from typical CRV performance data for country clubs;
- The sand training track would be kept in operation by GRI with RVL funding, but subject to review at the end of the first year of the interim arrangement;
- Both RVL/CRV and Latrobe City (then La Trobe Shire Council) would contribute funds to assist with the maintenance of the facilities and the maintenance and operations of the sand training track;

- At the end of the three-year a period, a review would be conducted to assess the success of meetings held under the interim arrangement, and to make recommendations regarding the future of thoroughbred racing at Glenview Park.

A lease agreement was made with Gippsland Racing Incorporated dated the 26th November 2003 which stipulated that they were responsible for the common areas for a period of 38 days from 1st November 2003 until 8th December 2003, being during the racing carnival. It was Latrobe City's preference at the time for the lease to be for the full 3 year period.

A lease was entered into with the Traralgon Greyhound Racing Club on the 11th September 2003. The lease provides that the Greyhound Racing Club would be "responsible in every respect for the common areas except for the days directed by the Landlord when the common areas will be used exclusively by Country Racing Victoria (CRV) ... for the conduct of thoroughbred race meetings" until such time that the Landlord enters into a lease with either CRV or a club affiliated with CRV.

An independent review was conducted at the end of the 3 year race meeting plan to determine the sustainability of future racing at Traralgon. In short, the review recommended the following:

- (1) The three race meetings currently held at Glenview Park should be maintained for the foreseeable future under the management of Gippsland Racing, or alternatively under the management of a new entity that represents racing interests from across the Latrobe Valley;
- (2) Gippsland Racing and Latrobe City should, as soon as practical, enter into a lease agreement for an agreed period of time to avoid exposure to unforeseen risks, and to ensure that known risks are appropriately mitigated;
- (3) The proposal for a Latrobe Valley Racing Club should be reviewed, and if confirmed to be advantageous, a strategy developed for implementing it within the next twelve months;

Shortly after this review was undertaken and in line with a key recommendation of the review, the Latrobe Valley Racing Club Incorporated was officially formed. The LVRC forms part of the wider Country Racing Victoria (CRV) entity. CRV is responsible for the profitable conduct, management, planning and development of non-metropolitan racing in Victoria.

A registered company pursuant to the Corporations Act comprising of a Board of 10 Directors, Country Racing Victoria represents 48 professional clubs ranging from large clubs in the outer metropolitan areas of Melbourne to small clubs in rural areas.

Prior to their formation, the Latrobe Valley Racing Club presented to Council and articulated the following:

To enable the entity to establish itself seed funding of at least \$100,000 would be required. This would be for working capital in the first instance (initial allowance for capital works provided separately) and to provide a buffer in case of adverse weather conditions in the early race meetings of the club that would threaten long term viability.

It was requested that this funding be provided from CRV (\$50,000) and Latrobe City Council (\$50,000). CRV would also provide the new club with a capital grant of \$50,000-\$60,000 to undertake initial required works, eg signage upgrade and infrastructure works.

The amount of \$100,000 was determined having regard to:

- The requirements of similar country racing clubs – average liquidity \$157,000;
- The need to maintain a workable cashflow, with the last of the three race meetings providing the majority of the profit for the year and the need to prepare and maintain the track and administer the club in the lead to the racing events and across the full year;
- Allow the club to contribute to capital works (outside the initial works) in line with CRV policy that will be required to maintain the facility where little works have been carried out over the past 4 years;
- Provide a financial and cashflow buffer in case of adverse weather conditions that may affect the profitability of early race meetings (note CRV has compensation policies to minimise the financial risk);

No additional funding outside of normal CRV policy was deemed necessary for the new entity. Latrobe City Council was not requested to contribute funding for operational purposes outside of the initial \$50,000 in establishing the club.

Following this formal request to Council, on 5 March 2007, Council resolved the following:

That Council:

- 1. Provide the funding requested from the Glenview Park Turf Club in the form of:***
 - An interest free loan of \$50,000 to be repaid within ten (10) years.***
- 2. Authorise the Chief Executive Officer to negotiate a suitable agreement between Latrobe City and the Glenview Park Turf Club to facilitate Council's approved level of support.***
- 3. As a condition of any loan being issued to the Glenview Park Turf Club, the Latrobe City Council Chief Executive Officer negotiates a suitable name for the new entity that will not create an impression it is an operation of Latrobe City Council.***

To this date, repayments of \$7,600 have been made in respect to the interest free loan and the club currently has a debt of \$43,400 with Latrobe City Council. A payment for \$7600 is due in December 2011.

ATTACHMENT 3

Traralgon Greyhound Racing Club Annual Report

Traralgon Greyhound Racing Club Inc.

ANNUAL GENERAL MEETING

WEDNESDAY 16th NOVEMBER 2011

To be held in the Grandstand at Glenview Park, McNamee Rd, Traralgon

Meeting to commence at 7.30pm

Agenda for the Meeting

CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

02 NOV 2011

ORDINARY BUSINESS:

1. Apologies.
2. Minutes of the 2010 Annual General Meeting held on Wednesday 10th November 2010 to be received and confirmed.
3. President's Report - 2011.
4. Treasurer's Report - 2011.
5. Manager's Report -2011.
6. To receive and adopt the Financial Statements of the Traralgon Greyhound Racing Club Inc. for the year ended 30th June 2011.
7. Appointment of Auditors for the 2011/2012 financial year.
8. Set membership fees for 2012.
9. To elect four (4) members to the Committee of the Traralgon Greyhound Racing Club Inc. in accordance with the Club Constitution. Three (3) positions are available for the three year period 2012 – 2014 inclusive and One (1) position available for a one year period 2012.

The following nominations have been received (alphabetical order):

- DWIGHT Sue
- NEOCLEOUS Robert *
- NICOLL Martin
- ZAMMIT Noel

*Denotes retiring member standing for re-election.

Members Please Note:

The number of nominations received for Committee by the closing date of 18th October 2011, being four (4) nominations, does not exceed the number of Committee positions available (four positions), therefore no election for Committee will be necessary at the 2011 Annual General Meeting.

10. Meeting close.





TRARALGON GREYHOUND RACING CLUB Inc.

**MINUTES OF ANNUAL GENERAL MEETING
HELD AT GLENVIEW PARK, TRARALGON**

Wednesday 10th November 2010

Meeting declared open at 7.40pm

PRESENT: D Haley, Mrs M Thomas, W Major, J Simmonds, S Porteous, D Hill, J Atkinson, P McCartney, M Busuttill, Mrs R Busuttill, P Borradale, S Bye, A Wood, D Thomas, P Rowley, A Campbell, R Williamson. H Caruana, Manager.

APOLOGIES: B Longmore, P.Hill, R Cunneen, G Thomas, H Clarke, S McKay, J Boast

MINUTES of 2009 AGM: Moved: P Borradale, seconded: S Bye that the minutes of the 2009 Annual General Meeting of the Club held on Wednesday 11th November 2009 be received.

MOTION CARRIED

BUSINESS ARISING FROM MINUTES: Nil

PRESIDENTS REPORT:

The 2009/2010 financial year saw many changes for the Club.

Our Secretary/Manager, Martin Nicoll, accepted an offer to return to Tabcorp which was too good to refuse. After due diligence and an extensive interview process the Club appointed Hec Caruana to the position in recognition of his experience and expertise within the Greyhound industry.

Our Committee decided to approach GRV to move our Traralgon Cup from September back to the Queens Birthday weekend in June as it was competing against AFL finals and Group One racing in Sydney. As it transpired we were competing for entries with a newly listed feature event at Sandown Park, which will be avoided in 2011. Our aim is to attract the very best Greyhounds available, and as a result, our Cup final next year is gazetted for 24 June 2011.

One of the most successful innovations during the year was the introduction of the "Jackpot Dog". Trainers appreciate that for a small outlay, and with a lot of lady luck, they have a chance to win a cash prize that is sometimes in excess of the prize money on offer.

After several years of marvellous sponsorship, Chris Humphrey Office Systems decided to end their association with the Club as our major sponsor at the end of 2009. We were delighted to welcome Lion Quality Products as our new major sponsor prior to the running of the 2010 Traralgon Cup, and look forward to a long and prosperous relationship for many years to come. Our association with Lion Quality Products goes back many years in both sponsorship of the Club and provision of merchandise for our Monster Auction.

We also welcome Dandenong's Cheapest Cars as a new sponsor of the Club and sincerely thank all our existing sponsors for their continued support. As I constantly reminding sponsors, their signage and race naming rights are exposed every week to a substantial Australia wide audience, as evidenced by our Club's boast of consistently attracting the highest Victorian off course wagering turnover outside of the metropolitan area.



On a more subdued note members would be aware the long awaited Traralgon Puppy Auction did not eventuate due to a lack of nominations. There have been varied opinions as to why the event did not succeed, and it is difficult to identify specific reasons with any degree of accuracy. Be that as it may, I am nonetheless proud of the efforts and convictions of Committee members in thinking outside the square by trying something different to enhance the business of our Club. Speaking of auctions, our annual Monster Auction, held during October, was a huge success thanks to the hard working efforts of Committee, led by auctioneer Sammy Bye and the continued support of businesses and the Greyhound fraternity who always support this major Club fundraiser.

At last year's Annual General Meeting we honoured three of our distinguished members with Life Memberships. Margaret Thomas was honoured in recognition of her service in the areas of administration, catering and promotion of the industry. Graeme Thomas was honoured in recognition of his service in the area of fundraising. Sam Bye was honoured in recognition of his service in the areas of racing, track maintenance and fundraising. We are indeed fortunate to have such remarkable people supporting our Club. At the 2009 AGM we welcomed back to Committee former President, Ray Cunneen, whose knowledge of our industry is second to none. Reluctantly we bid farewell from Committee to retiring long serving former President and Life member, Andrew Wood.

As members would be aware some agenda items are continually reviewed by Committee. One such item we regularly address is offering free admission to patrons on race nights. Our Club derives a net profit from gate receipts after gatekeeper wages are taken into account. However, there is an argument that with free admission we would attract more patrons with an associated benefit of increased bar sales, catering and on course wagering. Whilst this is a difficult scenario to measure, we have thus far been reluctant to support any proposal that would devalue our product.

The other agenda item that has been circulated for far too long is the establishment of a slipping track on the course. I am happy to report that Council approval is imminent, and we look forward to commencing works in the near future.

Without doubt the most exciting and challenging issue that confronts our Club in the immediate future concerns track and amenity re-development. As members would be aware our Grandstand and racetrack facilities date back to the 1970's. Subject to GRV approval, we anticipate that within the next two years there will be funding available to re-build a new racetrack. In addition to a racetrack re-build, we need to give consideration to building a new public amenity facility. The existing Grandstand is clearly showing its age, with OH&S issues evident including unsuitable wheelchair access, a dysfunctional floor plan that does not adequately meet the requirements of our patrons, and is unattractive for function hire. We have held preliminary meetings with key stakeholders, and will continue to meet with Council and GRV to develop an overall plan that will secure the long term future of our Club.

Financially, I am pleased to note that we recorded a net profit of \$6,228.56 for the year including the added expense of two Traralgon Cups in the one financial year. I thank David Evans, our Treasurer, for his professionalism in preparing our financial reports.

I congratulate Andrew Inger, our Track Manager, for his outstanding role in ensuring that we have one of the safest and most consistent tracks in the State. To our popular Manager/Secretary, Hec Caruana, a special thanks for your dedication in advancing the interests of our Club. Hec's passion for Greyhound racing combined with his demonstrated business acumen has proved to be a tremendous asset. And special thanks to Pam Tabone and Mick Fearnley for their continued contribution at the highest level, and to all our casual race day staff for making sure all visitors to our Club receive industry best service.

I would also like to acknowledge the support of Greyhound Racing Victoria to our Club.

Finally, a sincere thank you to all Committee members for giving your time for the continuing success and progress of the Traralgon Greyhound Racing Club.

Moved: P McCartney, seconded: A Campbell that the President's Report be received.
MOTION CARRIED



TREASURER'S REPORT:

What a tremendous result for the last financial year, with the Club bouncing back from the previous year's loss to record a profit of \$6228.56. As always, a lot of hard work and fundraising was necessary to achieve this result.

Whilst there are still some worrying downward trends in Gate Receipts, Bar Sales and On-Course Tote Commission, the Club has been able to increase its revenue base in other areas. These include Trial Fees, Sponsorships and other fundraising initiatives such as the "Jackpot Dog", as well as continuing on with other existing and very successful fundraising items such as the Monster Auction and the weekly Club (meat and fruit & vegie) raffle.

As we all know it is impossible to keep costs down with annual increases in wages, superannuation, general maintenance and utility expenses. But be rest assured your Committee and staff are doing their utmost to keep costs to a minimum, and are always looking for ways to increase the Club's revenue base.

I think by now we all acknowledge that in the current climate, it is a continuous battle to keep our head above water, but we have managed to do this thus far. For this I believe we need to acknowledge the contribution of our Club members and also the people within the industry who continue to race at Traralgon and support our Club whichever way they can. I want them to realise their contribution does not go unnoticed by the Club.

In other good news the Club has been able to increase its asset base throughout the year, once again with assistance from GRV. It would obviously be impossible to maintain and upgrade our facilities without their assistance, so thanks must go to GRV for their support and financial assistance.

Unfortunately the Puppy Auction did not eventuate, but I would like to thank Don Haley and his Committee and staff for at least trying to get this new initiative off the ground. Without trying to include these types of events, the Club will always struggle to keep money flowing in at the required level.

I would also like to officially welcome Hec Caruana on board as Club Manager. With Hec's experience in the greyhound industry, he will undoubtedly be a great asset to the Club in the long term.

Finally, thank you to everyone who supported and assisted the Club in anyway through the past year. With your ongoing support I am sure we will continue to be around for a long time to come.

Treasurer Mr David Evans presented the 2009/2010 audited financial report.

Moved: W Majoor, seconded: Peter Borradaile that the Treasurer's Report including the adoption of the financial statements be received.

MOTION CARRIED

MANAGER'S REPORT

I commenced duties as your new Club Manager/Secretary during the first week of January 2010, and thank the Club Committee for giving me the opportunity to work with them for the betterment of the Traralgon Greyhound Racing Club and Greyhound racing in the Latrobe Valley region.

I can assure members every effort and endeavour is being expedited to ensure the Traralgon Greyhound Racing Club remains as a key business partner with GRV in the provision of racing and trialling facilities for Greyhound participants in Victoria, and in particular the Latrobe Valley region.

As you are aware the Club opened its new kennel and administration complex during February 2008, and we are keen to continue with further major capital works at the Club including a new track re-build and hopefully new public amenities. There is a significant amount of planning, meetings, co-ordination and co-operation to occur for these major capital works to come to fruition, and we will work diligently and tirelessly to ensure the future vision for the Glenview Park complex here in the Latrobe Valley.

We applied for additional race meetings with the introduction of the Sky Channel 2 network, and regrettably GRV did not allocate any additional race meetings for Traralgon. The most disappointing aspect of our application is that GRV did not provide us with any reasons as to why we were completely overlooked and denied with some additional race meetings.

TGRC AGM 2010

Page 3 of 5



Our Club has difficulties in attracting on course patrons and activities because of our twilight timeslot, but our weekly twilight race meetings forms an integral part of the GRV strategy to maximise off course turnover, and in turn, returns for participants. Therefore, the chance for some additional race meetings to assist with boosting Club funds we felt is critical for the Club, but regrettably our approaches to GRV to date have fallen on deaf ears.

The Traralgon Slipping track situated on the Glenview Park complex is very close to becoming a reality. Some months ago we engaged consultants to obtain a planning permit for the slipping track and we are now awaiting Latrobe City Council approval before proceeding with its construction.

The Club also welcomed a new caterer during July 2010 in John Sammut, and we are pleased with his endeavours in delivering a quality product for patrons to enjoy at race meetings.

I am keen to ensure we deliver to Greyhound trainers and patrons a consistent and safe racing surface for racing and trialling, and have every confidence in our Track curator, Andrew Inger, in his efforts in delivering these objectives. I am also keen to ensure we provide Greyhound trainers and patrons helpful and courteous service when they visit Traralgon.

I again take this opportunity of thanking Committee for the opportunity to work with them, and also wish to thank Pam Tabone for her wonderful assistance, and to all the Traralgon staff for making me feel welcome and part of the team.

Moved: A Wood, seconded: Mrs M Thomas that the Manager's Report be received.
MOTION CARRIED

AUDITOR:

Moved: P Borradale, seconded S Bye that Tyrell Partners be appointed as Club auditor for the 2010/2011 financial year.

MOTION CARRIED

MEMBERSHIP:

Moved: P Borradale, seconded: P Rowley that membership subscriptions be set at \$25.00 (GST inclusive) for 2011 (includes 4 free complimentary passes).

Amendment to the Motion

Moved: D Haley, seconded: S Bye that membership subscriptions be set at \$10 (GST inclusive) for 2011 (excluding complimentary passes).

After general discussion the amendment was put, and voted 11 in favour 5 against. The amendment became the motion and was carried.

MOTION CARRIED

ELECTION OF COMMITTEE:

In accordance with the Club Constitution Committee persons due for retirement were:
Don Haley, Paul Hill, Peter McCartney and Samantha McKay.

Nominations received were: Peter Borradale, Mark Busutil, Don Haley and Peter McCartney.

As the number of nominations received for Committee, being four (4) nominations, did not exceed the number of Committee positions available for the years 2011-2013 (four positions) no election for Committee was necessary.



Club President, Don Haley, duly declared Messrs Peter Borradale, Mark Busuttill, Don Haley and Peter McCartney elected to Committee for a three year period 2011-2013 and the declaration was affirmed by acclamation.

Mr Haley also thanked retiring Committee members Samantha McKay and Paul Hill for their time and contribution to Committee and the Club over the past few years.

OFFICE BEARERS

Post the AGM the following appointments were announced for 2011:

Mr D Haley was elected President.

Mr P McCartney was elected Senior vice President.

Mr A Campbell was elected Junior vice President.

There being no further business the meeting was declared closed at 9:00pm

Traralgon Greyhound Racing Club Inc

PRESIDENT'S REPORT ~ 2010/2011

Dear member

The past financial year has been a busy time, as we have not only had to deal with the day to day activities of the Club, but also the forward planning that will determine the future direction of the Traralgon Greyhound Racing Club.

Members would be aware that our Club is due for a track re-development later in 2012, and Hec Caruana and I have held preliminary discussions with Latrobe City Council, and the Hon. Dr Denis Napthine, Minister for Racing. These meetings have been very positive and we have received indicative support to pursue our goal of not only building a new state of the art track, but also investigating the feasibility of building a new public amenity facility.

The standard of Greyhound racing at Traralgon has been fantastic in the past year culminating with a very successful Lion Quality Products Traralgon Cup meeting with a quality field including the two best Greyhounds in Australia in Radley Bale and the victorious El Grand Senor. Our track is consistently in great condition and offers a safe and fair surface for genuine 500 metre race dogs. A special thanks to Andrew Inger, Our Track Manager, for his expertise and diligence in the maintenance and care of our racing facility.

This year we have been able to attract several sponsors to support our major sponsor in Lion Quality Products. A complete list of our sponsors can be viewed on our website, and I would ask all members to inform these businesses when you buy their products that you are a Traralgon Club member. As I keep reminding everyone, the Traralgon Greyhound Racing Club offers the most affordable Australia wide exposure for advertisers as we operate in a prime timeslot with the highest off-course turnover in regional Victoria Greyhound racing.

After a long and somewhat arduous process I can report that GRV finance has finally been approved for our slipping track facility, and construction is due to commence shortly. This facility will be a wonderful asset for the Club and will provide all trainers, and particularly local in our town hobby trainers, with a venue to slip their Greyhounds.

A special thanks to Hec Caruana, our popular Manager, for his efforts in promoting the Club at every opportunity. Hec has proven a real asset for our Club, and a great ambassador for our industry. Thank you to Pam Tabone for her work in the office, and to all casual staff who represent the Club at our race meetings. I am constantly reminded by visiting trainers that Traralgon is a friendly Club who go out of their way to make them welcome.

I would like to acknowledge the commitment of our Committee throughout the year. It would be remiss to not make a special mention of Club stalwarts and life members, Sammy Bye and Don Hill, who both retired from Committee after serving this Club for many years. The calibre of people who put themselves forward to gratuitously serve the interests of this great Club is a true reflection of the passion evident at the Traralgon Greyhound Racing Club.

Yours in racing

Don Haley
President



Traralgon Greyhound Racing Club Inc

TREASURERS REPORT ~ 2010/2011

Dear member

Given I was only appointed to the role of Treasurer in March 2011, I will do my best in providing an accurate indication of our finances during the 2010/2011 year.

Overall a net loss was made for the year, contrary to the previous year net profit. Revenue in the Bar Sales, Gate Receipts and On Course Tote commission continued to drop. Trial fees also reduced as a result of trial sessions getting back to normal after the re-opening of the Warragul track. The Club has recently increased bar prices to keep pace with inflation and to improve bar profits in the new financial year.

The Monster Auction took place in October 2010 and was hailed a great success. This gives me the opportunity to thank the Committee and staff for their tireless efforts in raising nearly \$10,000 as budgeted. We plan to continue this successful revenue earner in future years.

The 2011 Lion Quality Products Traralgon Cup was a great way to conclude the financial year, as we saw an increase in all Sales receipts (i.e. bar sales, gate receipts, on course tote commission) for the month of June 2011. The Cup event is of real financial benefit to the Club, as many of the Cup expenses are subsidised by GRV.

Expenses for the year were also considerably lower in advertising, administration and staff wages. A concerted effort by Committee and management to reduce overall expenditure proved successful. Utility expenses continue to rise due to the current economic climate and are difficult to reduce, as they are based on fixed costs rather than usage.

Recently the Club hosted a race meeting on a Sunday in addition to the weekly Friday twilight timeslot, which was successful in earning additional revenue. If given the opportunity in the future to host additional meetings, these could provide an overall boost in revenue for the Club. However, the decision for additional race meetings for the Club rests with GRV.

The Club replaced tote screens in the bar area and also purchased a two door fridge to assist with function bookings. These purchases have increased our overall non current assets.

Finally, thank you to our dedicated Committee members, staff and patrons for supporting the Club. With the continued support of all concerned we can look forward to building and growing to ensuring our long term prosperity.

Kind regards

Marilena Thorley
Club Treasurer

GRV  **Traralgon**
GREYHOUND RACING VICTORIA

Traralgon Greyhound Racing Club Inc

MANAGER'S REPORT ~ 2010/2011

Dear member

The Committee and management of the Club continue to strive for excellence in our racing and provision of Greyhound facilities for participants in Victoria.

We conducted another successful year of racing despite some interruptions with electrical problems. We reported last year the Club is keen to continue with further major capital works at the Club including a new track re-build and hopefully new public amenities. We also stated a significant amount of planning, meetings, co-ordination and co-operation is to occur for these major capital works to come to fruition, and these facts have proven to be the case.

We welcomed news from our new Minister for Racing, Dr Denis Napthine, with the announcement that no further Greyhound track closures will occur in Victoria. We also welcomed a condition and assessment report on the Grandstand and facilities prepared for the Latrobe City Council, which clearly indicated a significant amount of work is required on the existing facilities over the next ten years.

The Club is working closely with the Latrobe City Council, GRV, the State Government and some local organisations on the best possible outcomes for our Club with future track and amenities development.

We continue to seek additional race meetings for the Club from GRV, and whilst we are making very slow progress on this front I doubt whether the Club will gain additional race meetings until after our track rebuild.

The Club changed caterers again during the year, and we welcome Ruth McGenniksen as our new caterer. We also thank John Sammut for his time at the Club as caterer. John has gained full time employment at Mt Baw Baw.

We continue to deliver to owners and trainers a consistent and safe racing surface for racing and trialling. We thank track Manager, Andrew Inger, for his efforts in delivering these objectives, together with assistance from Mick Fearnley. We also strive to provide Greyhound trainers and patrons with helpful and courteous service when they visit Traralgon.

I take this opportunity of thanking the Committee, Pam Tabone for her assistance, and all the Traralgon staff for their efforts during the year.

Yours sincerely

Hector L Caruana
Manager



TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873

COMMITTEE'S REPORT

Your committee members submit the financial report of the Traralgon Greyhound Racing Club Inc for the financial year ended 30 June 2011.

Committee Members

The names of committee members throughout the year and at the date of this report are:

President	Don Haley
Vice-President	Peter McCartney
Treasurer	David Evans (Resigned March 2011) Marilena Thorley (Appointed March 2011)
Junior vice President	William Majoor
Committee	Ray Cunneen
	Don Hill
	Robert Neocleous (Appointed May 2011)
	Sam Bye
	Peter Borradaile
	Dale Thomas
	Alan Campbell (Resigned April 2011)
	Mark Busutil

Principal Activities

The principal activities of the association during the financial year were:

To provide a safe, friendly and respected greyhound racing and training facility in the Latrobe Municipality that will offer entertainment and benefits to all participants and the community at large through a commitment to professional service and sound financial management.

Significant Changes

No significant change in the nature of these activities occurred during the year.

Operating Result

The loss for the year amounted to \$(5,769.41).

Signed in accordance with a resolution of the Members of the Committee.

Committee Member: _____
Don Haley

Committee Member: _____
Peter McCartney

Dated this day of 2011

TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873

INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2011

	Note	2011 \$	2010 \$
INCOME			
Bookmakers Fees & Services		-	50.00
Memberships		1,368.18	1,795.42
Fundraising/Auction		7,825.63	5,691.31
Interest Received		828.35	1,278.08
Sponsorships & Donations		11,384.34	17,013.18
Other Revenue		11,058.26	10,894.80
Rebates Received		375.00	364.00
Profit on Sale of Water Truck		3,636.36	-
Gross profit from trading	7	<u>343,546.92</u>	<u>378,125.34</u>
		<u>380,023.04</u>	<u>415,212.13</u>

The accompanying notes form part of these financial statements.

TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873

INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2011

	Note	2011 \$	2010 \$
EXPENDITURE			
Accountancy Fees		2,841.80	2,511.00
Accrued Holiday Pay		1,665.90	(3393.86)
Advertising		4,869.81	15,009.24
Bank Charges		416.71	747.96
Cleaning		1,085.81	1,466.72
Closed Circuit Coverage		16,500.00	17,568.95
Depreciation		24,790.00	22,825.37
Electricity, Gas & Fuel		14,808.31	15,451.30
Entertainment Expenses		4,739.06	11,524.99
Gas		278.05	379.42
Insurance - Workcover		2,813.03	2,689.56
Interest Paid		-	23.45
Joint Management		-	154.90
Motor Vehicle Expenses		2,002.33	2,033.90
Postage		736.02	778.36
Printing & Stationery		2,803.99	5,734.30
Photo Finish Costs		1,450.00	1,450.00
Rates & Taxes		7,071.67	3,375.48
Rent etc - Latrobe City		7,975.00	9,660.00
Repairs & Maintenance		6,961.34	8,599.76
Security Costs		4,603.39	4,134.78
Staff Amenities		2,677.78	3,509.30
Trophies & Prizes		2,571.28	4,139.73
Subscriptions		225.00	450.00
Sundry Expenses		-	36.36
Superannuation Contributions		16,305.67	17,371.96
Telephone		3,959.86	4,179.64
Travelling Expenses		576.88	37.09
Veterinary Expenses		25,639.01	27,966.18
Wages		225,424.77	228,567.73
		<u>385,792.45</u>	<u>408,983.57</u>
(Loss) Profit for the year		(5,769.41)	6,228.56
Retained earnings at the beginning of the financial year		157,617.18	151,388.62
Retained earnings at the end of the financial year		151,847.77	157,617.18

The accompanying notes form part of these financial statements.

TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873

BALANCE SHEET
AS AT 30 JUNE 2011

	Note	2011 \$	2010 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents		39,727.77	37,708.17
Trade and other receivables	2	41,725.74	43,460.99
Inventories	3	1,477.73	1,712.12
TOTAL CURRENT ASSETS		<u>82,931.24</u>	<u>82,881.28</u>
NON-CURRENT ASSETS			
Property, plant and equipment	4	107,490.27	116,765.72
TOTAL NON-CURRENT ASSETS		<u>107,490.27</u>	<u>116,765.72</u>
TOTAL ASSETS		<u>190,421.51</u>	<u>199,647.00</u>
LIABILITIES			
CURRENT LIABILITIES			
Stake Money Top Up		300.00	635.00
Trade Creditors		14,627.31	6,618.77
Superannuation Creditor		3,907.06	4,794.02
Sundry Creditors		1,733.44	7,173.00
ATO BAS Creditor		6,275.00	7,249.00
Employee Entitlements Provision	5	4,994.90	3,329.00
Group tax clearing		2,519.00	5,489.00
Accrued Rent (2009/10)	6	4,217.03	6,742.03
TOTAL CURRENT LIABILITIES		<u>38,573.74</u>	<u>42,029.82</u>
TOTAL LIABILITIES		<u>38,573.74</u>	<u>42,029.82</u>
NET ASSETS		<u>151,847.77</u>	<u>157,617.18</u>
MEMBERS' FUNDS			
Retained earnings	10	151,847.77	157,617.18
TOTAL MEMBERS' FUNDS		<u>151,847.77</u>	<u>157,617.18</u>

The accompanying notes form part of these financial statements.

**INDEPENDENT AUDITOR'S REPORT
TO THE MEMBERS OF TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873**

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of Traralgon Greyhound Racing Club Inc (the association), which comprises the balance sheet as at 30 June 2011, and the income statement and cash flow statement, a summary of significant accounting policies, other explanatory information and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of Traralgon Greyhound Racing Club Inc is responsible for the preparation of the financial report, and has determined that the basis of preparation described in Note 1 is appropriate to meet the requirements of the Associations Incorporation Act VIC 1981 and is appropriate to meet the needs of the members. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

Electronic publication of the audited financial report (If applicable)

If the Traralgon Greyhound Racing Club Inc intend to electronically present the audited financial report and auditor's report on its internet website. Responsibility for the electronic presentation of the financial report on the Traralgon Greyhound Racing Club website is that of the committee of the Traralgon Greyhound Racing Club Inc. The security and controls over information on the website should be addressed by the Traralgon Greyhound Racing Club Inc to maintain the integrity of the data presented. The examination of the controls over the electronic presentation of audited financial report(s) on the Traralgon Greyhound Racing Club Inc website is beyond the scope of the audit of the financial report

**INDEPENDENT AUDITOR'S REPORT
TO THE MEMBERS OF TRARALGON GREYHOUND RACING CLUB INC
ABN: 63 017 686 873**

Auditors' Opinion

In our opinion, the financial report of Traralgon Greyhound Racing Club Inc presents fairly, in all material respects the financial position of Traralgon Greyhound Racing Club Inc as of 30 June 2011 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Associations Incorporation Act VIC 1981.

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report has been prepared to assist the association to meet the requirements of the Associations Incorporation VIC 1981. As a result, the financial report may not be suitable for another purpose.

Name of Firm: Tyrrell Partners Pty Ltd
Certified Practising Accountants

Name of Director: _____
Neil Tyrrell

Address: Suite 2, First Floor, Cnr George & Moore Streets Moe 3825

Dated this **day of** **2011**

**AUDITORS' INDEPENDENCE DECLARATION
UNDER SECTION 307C OF THE CORPORATIONS ACT 2001
TO THE DIRECTOR OF
TRARALGON GREYHOUND RACING CLUB INC**

We declare, that to the best of our knowledge and belief, during the year ended 30 June 2011 there have been:

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

Name of Firm: Tyrrell Partners Pty Ltd
Certified Practising Accountants

Name of Director:


Neil Tyrrell

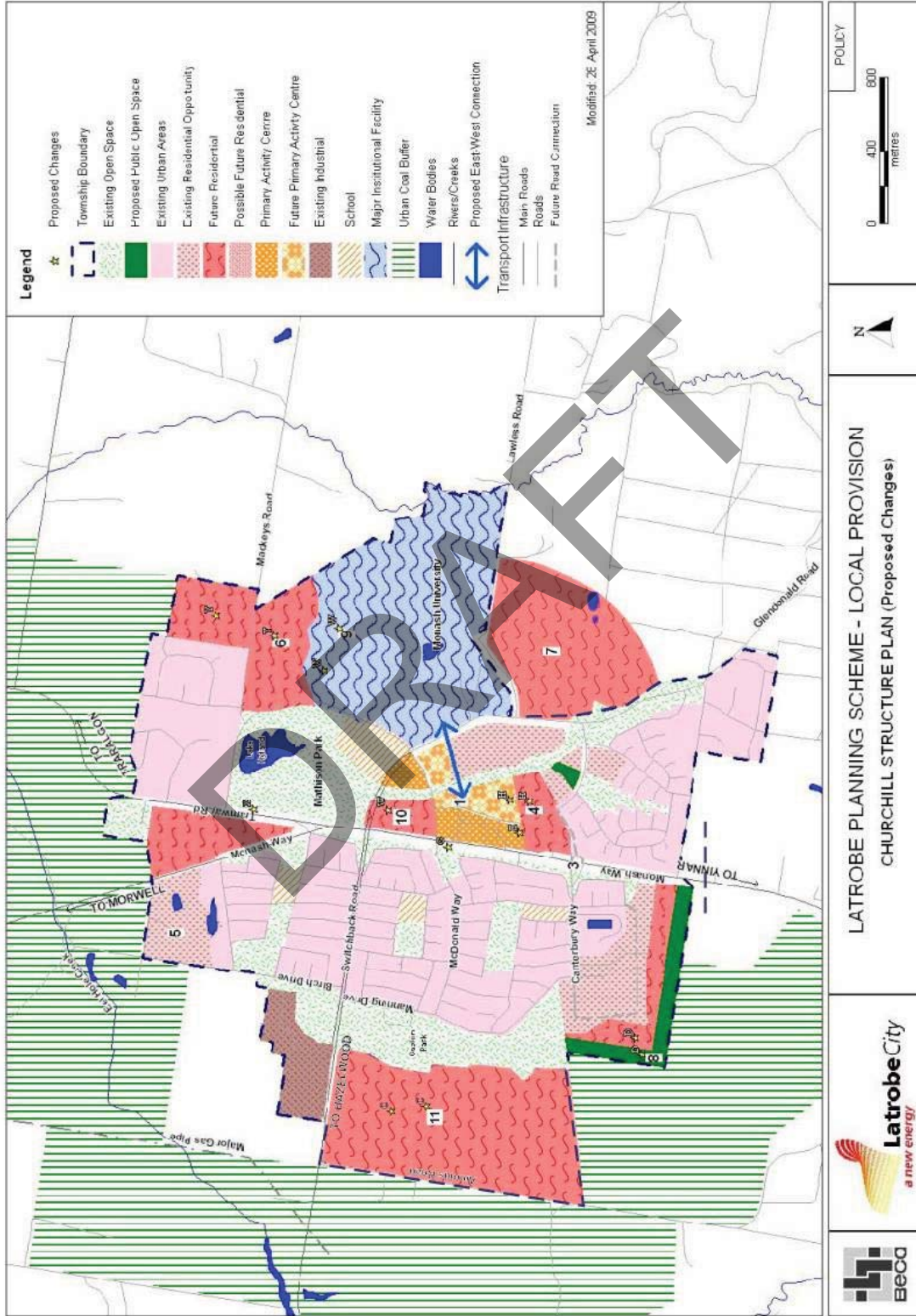
Address: Suite 2 , First Floor, Cnr George & Moore Streets Moe 3825

Dated this **day of**

ATTACHMENT 4

Latrobe Valley Racing Club Annual Report

Churchill Structure Plan



ATTACHMENT 5

Latrobe Valley Racing Club: Capital Works Program 2007 - 2011

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C*

DRAFT EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Tract Consultants Pty Ltd on behalf of Gaskin Rise Estate Pty Ltd.

Land affected by the amendment.

The amendment applies to the land known as ‘Gaskin Rise’, which is located immediately west of Churchill at 515 Hazelwood Estate Road (Lot A PS402920). The land comprises approximately 98ha of land which is generally bounded by Switchback Road to the north, Hazelwood Estate Road and Arnolds Road to the west, Gaskin Park to the east and private allotment to the south.



Map 1 – Land affected by the amendment

What the amendment does.

The amendment proposes to:

- Modify the Municipal Strategic Statement at Clause 21.05 by replacing the Churchill Structure Plan to reflect proposed boundary changes to facilitate residential development on the land.
- Apply the Development Plan Schedule 5 (DPO5) to the land
- Apply Residential 1 Zone (R1Z) to the land.
- Replace the Schedule of Clause 61.03 to add new maps to the Latrobe Planning Scheme.

Strategic assessment of the amendment

- Why is the amendment required?

This proposed amendment is required to facilitate future residential development on the subject land. The Gippsland Regional Plan 2010 states that the population of Gippsland is expected to increase by 50,000 by the year 2026. As the regions provincial centre, Latrobe Valley is currently going through a period of population growth with predictions that the growth will continue in the long term.

Churchill Town is well placed to assist in providing housing to accommodate the projected growth of Latrobe Valley population. While the subject land presents a further increase to the existing supply of land for residential purposes in Churchill, the subject land is presently provided with utility services and upon completion of required upgrades can be developed immediately for urban purposes.

While the current Churchill Structure Plan identifies land within the township boundary for residential purposes and urban development purposes, most residential zoned land central to the township have been available for development purposes for over 10 years but have yet to progress to development stage. Consequently, this amendment is required to amend the Churchill Structure Plan boundary to include the subject land within the boundary to facilitate the rezoning of the subject land.

- How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria, contained in Section 4(1) of the *Planning and Environment Act 1987*, in the following way:

- The amendment provides for the fair, orderly, economic and sustainable use and development of land as it facilitates residential development in an appropriate location with excellent access to existing infrastructure and services. The provision of additional residential land in this location will assist in providing a sufficient supply of urban land in Latrobe in response to higher than anticipated population growth rates in Latrobe City.
- The amendment provides for the protection of natural resources and the maintenance of ecological processes by providing for future residential development on land relatively unconstrained by ecological constraints. The Environmental Significance Overlay (ESO) only applies to land up to the western boundary of the subject land. The subject land does not encroach onto the ESO.

- The amendment provides a pleasant and safe living and recreational environment for all Victorians and visitors to Victoria by providing for residential development with excellent access to existing infrastructure and services, including open space networks. Gaskin Park is located along the eastern boundary of the subject land and provides a linkage between the subject land and other residential areas.
 - The amendment enables the orderly provision and coordination of public utilities and other facilities for the benefit of the community by providing for future residential development in a location with excellent access to existing services and infrastructure.
 - The amendment facilitates development in accordance with the objectives set out in the points above.
 - The amendment balances the present and future interests of all Victorians by providing additional residential land to meet the needs of a growing population in Gippsland.
- How does the amendment address the environmental effects and any relevant social and economic effects?

Environmental Effects.

The proposed amendment is not considered to have any significant environmental effects. The subject land is currently used for agricultural purposes, and consists of cleared open pasture which is likely to be free of significant native vegetation. The Development Plan Overlay Schedule 5 requires the preparation of a Development Plan, which will require a detailed flora and fauna assessment and a cultural heritage assessment to inform the Development Plan and future subdivision design. The Environmental Significance Overlay (ESO) is applied to contiguous land to the west and does not encroach on to the subject land.

Social and Economic Effects

The proposed amendment is not considered to have any significant economic and social effects. The existing physical and social infrastructure and services contained within Churchill is more than adequate to cater for the proposed development. Upon completion of required upgrades to existing mains, water supply and sewer reticulation provisions can be made to the subject land. The Community Infrastructure Needs Analysis for Churchill (ASR Research, 2008) identifies that the existing social and recreational infrastructure in Churchill can comfortably accommodate a population of around 13,000 people (the current population is approximately 5,000 people).

- Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The proposed amendment is consistent with the Ministers Direction under Section 7(5) of the Planning and Environment Act 1987 in relation to *The Form and Content of Planning Schemes*.

The proposed amendment is also consistent with Minister's Direction 11 under Section 12(2) (a) of the Planning and Environment Act 1987 in relation to *Strategic Assessment of Amendments*.

No other Ministers Directions apply to the proposed amendment.

- How does the amendment support or implement the State Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the State Planning Policy Framework as outlined below.

- *Clause 11: Settlement.* The amendment is consistent with this policy by providing land for settlement in an area that is provided with utility, urban and social services.
- *Clause 11.05 Regional Development provides networks of high quality settlements by balancing strategic objectives to achieve improved land use and development outcomes at regional, catchment and local level.*
- *Clause 16: Housing.* The amendment is consistent with this policy by providing for new residential development in a location with access to existing physical and community infrastructure. The Development Plan Overlay will ensure that the land is developed in an integrated fashion, providing for a range of dwellings types, a convenient and safe road network, appropriate pedestrian and cycle paths, and sufficient public open space.
- *Clause 19: Infrastructure.* The amendment provides for a new residential area that has excellent access to existing physical, social and recreational infrastructure with surplus capacity. The location of the adjoining existing parkland and sports facilities, and linkages between the proposed residential areas and open space, can place all residences within close proximity to open space.
- How does the amendment support or implement the Local Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the Local Planning Policy Framework as outlined below.

- *Clause 21.04 – Built Environment Sustainability:* The proposed amendment is consistent with the objectives of this Clause, by building upon the existing township of Churchill as part of an integrated network of urban areas, and maximising the use of existing infrastructure.

However, the amendment currently is not consistent with the Churchill Structure Plan given that the subject land is located outside of the existing Churchill Township boundary. The amendment proposes to modify the Churchill Structure Plan to reflect the revised township boundary incorporating the subject land.

- *Clause 21.05 – Main Towns:* The proposed amendment is generally consistent with the first objective relating to Main Towns, which seeks to provide the flexibility for development to occur in each town to accommodate the needs of its population.

However, while the amendment provides for additional residential land in response to higher than projected population growth in the Latrobe City, the amendment is not consistent with the description accorded to Churchill. The amendment proposes to update Clauses 21.05 to reflect the changing development trend in Churchill.

- *Clause 21.08 – Liveability:* The proposed amendment is consistent with the objectives of Clause 21.08, by providing for future residential development in a location well serviced by existing social and recreational services and infrastructure.
- Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying the Residential 1 Zone to provide for future residential development.

- Applying the Development Plan Overlay to ensure that a Development Plan is prepared prior to the issue of permits for the subdivision and development of the land.
- How does the amendment address the views of any relevant agency?

Relevant agencies will be consulted as part of the exhibition of the amendment to ensure their views are appropriately addressed

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The amendment is not likely to have significant impact on the transport system as defined by section 3 of the *Transport Integration Act 2010*.

- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?

There are no statements of policy principles prepared under section 22 of the *Transport Integration Act 2010* that are applicable to this amendment.

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will result in a Development Plan application and permit applications to enable the residential subdivision and development of the land. It is not considered that these applications will have a significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment.

The amendment is available for public inspection, free of charge, during office hours at the following locations:

Latrobe City Council
Corporate Headquarters
141 Commercial Road
Morwell VIC 3840

Latrobe City Council
Moe Service Centre
44 Albert Street
Moe VIC 3842

Latrobe City Council
Traralgon City Council
34-38 Kay Street
Traralgon VIC 3840

Latrobe City Council
Churchill Service Centre
9-11 Philip Parade
Churchill VIC 3842

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

GOVERNANCE

11.6.1 PROPOSAL TO NAME BRIDGES OVER THE TRARALGON CREEK - RURAL LOCALITIES

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to give public notice of its intention to amend the spelling of a bridge name and formally register other bridge names over the Traralgon Creek with the Office of Geographic Names.

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.

And

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

The following key "Shaping our Future" theme is applicable:

- An active, connected and caring community,

Strategic Direction – Governance

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

Legislation

The *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010* seek to promote the use of consistent and accurate geographic names throughout the state.

The guidelines also provide a structure for ensuring that the assignment of names to features, localities and roads is undertaken in a way that is beneficial to the long term interests of the community.

Under the guidelines municipal councils are shown as the naming authority for features which are defined as “*a unique geographical place or attribute that is easily distinguished within the landscape*”.

Policy - Nil

There is no specific Council policy relating to the naming of features. The procedure is specified by the *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010*.

4. BACKGROUND

Council received correspondence (Attachment 1) from a resident concerning two bridge names over the Traralgon Creek and requested:

1. Council amend the spelling the name of the “OMEARS” Bridge to the correct spelling “OMEARAS” Bridge, and
2. The location of Hoggs Bridge signage be relocated to the correct location.

To investigate the request and confirm the information provided, Council wrote to the Traralgon and District Historical Society (T&DHS).

In response to Council's request, the T&DHS sought assistance from Mr Darrell Blewett, a local amateur historian. The T&DHS submission advised that Mr Blewett *"has been compiling a written and photographic history of the Traralgon South, Koornalla, Le Roy areas for the past seven years and is quite familiar with the issue of the naming of the bridges along Traralgon Creek and the early settlers who made this place their home."*

Mr Blewett provided supportive material for the correct naming of Hoggs Bridge at Le Roy and additional historical information concerning the naming of other bridges on the Traralgon Creek:

"Cribbins Bridge: This bridge was originally located at the bottom of Mattingly Hill and the remnants can still be seen to the south of the current bridge which was constructed for Loy Yang Traffic. The new bridge is unnamed."

"Downies Bridge: Which is located along Downie's Lane. Not named."

"Thompson Bridge: Located at Koornalla. Not Named. At some stage it was also possibly referred to as Grandma Glover's Bridge."

"Guntzlers Bridge: Located near the original Guntzler Homestead. Not named."

"Koornalla Bridge: Located immediately before Koornalla Reserve. This is currently called O'Mears Bridge and this is incorrectly spelt"

"O'Mearas Bridge: This bridge is located first past the reserve where the O'Meara family farmed on the right hand side of the creek. (It is incorrectly named Hoggs Bridge). There is still evidence of the original bridge over the creek to their property. A number of their sons served in the first world war."

"Hogg's Bridge: Located at the junction of the Traralgon Creek Road and Goombala Road."

A copy of the information provide by Mr Blewett is provided in Attachment 2.

5. ISSUES

Of the seven bridge names stated above, two (Thompson Bridge and Guntzler Bridge - without the "s") are already registered as a feature with the Office of Geographic Names. The remaining five bridge names (Cribbins, Downies, Koornalla, OMearas and Hoggs) have not been registered as features. It is also noted that with the realignment of Mattingly Hill Road, a new Cribbins Bridge was constructed over the Traralgon Creek, the old timber bridge sub structure is still in place.

Bridge location plans provide refer Attachments 3, 4 & 5.

The process to register the five bridges mentioned above is specified in the *Guidelines for Geographic Names 2010*. These guidelines identify Council as the naming authority for a feature such as a road bridge.

When naming a feature Council must give consideration to the 16 principles contained in the guidelines when determining whether a feature name is appropriate.

The following principles apply to this application:

Principle 1(A) Language

The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters

Diacritical marks (symbols such as ´, ¸ or ¯) will be omitted from names drawn from languages that use such marks. For example, Cape Reamur (not Cape Réamur).

An apostrophe must be deleted from geographic names written with a final 's, and the possessive 's.

With the deletion of apostrophes the proposed bridge names are consistent with this principle.

Principle 1(B) Recognising the Public Interest

The guidelines state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a feature.

The registration of proposed bridge names formally records current bridge names and acknowledges historical information.

Principle 1(C) Ensuring Public Safety

Geographic names must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.

By registering respective bridge names, the exact bridge locations are recorded and linked to the Victorian Government spatial data set, VICMAP. Through linking the two respective data bases, exact mapping x-y coordinates of the bridges are recorded and this detail is beneficial for an emergency service agency when dispatched to an emergency.

Principle 1(D) Ensuring Names Are Not Duplicated

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.

A search of the VICNAMES database has revealed no other bridge feature names are recorded within the mandatory 30 kilometres radius applicable for rural and remote areas.

Principle 1(F) Assigning Extent to Feature, Locality or Road

Council, as the naming authority, must define the area and/or extent to which the name will apply.

The proposed bridge names are allocated to identifiable structures.

Principle 1(G) Linking the Name to the Place

Place names should be relevant to the local area with preference given to unofficial names that are used by the local community.

With respect to the bridges names not previously recorded as a feature with Office of Geographic Names, it is proposed that Council registers the existing unofficial bridge name of the respective bridges.

Principle 1(H) Using Commemorative Names

Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.

The bridge names comply with this Principle as the names to be used are derived from early settlers that established farms etc on the banks of the Traralgon Creek or the name of known localities.

Principle 1(J) Names Must Not Be Discriminatory

Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.

The proposed bridge names are unlikely to cause offence to any member of the public.

Principle 1(M) Consulting With the Public

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal.

The purpose of this report is to seek Councils approval to give public notice of the proposed registration of respective bridge names over the Traralgon Creek as official feature names and invite comment. This will be done by a public notice placed in the Latrobe Valley Express.

Principle 1(P) Signage

Naming authorities must not erect or display signage prior to receiving advice from the Registrar that the naming proposal has been approved, gazetted and registered in VICNAMES.

The existence of signage prior to lodging a naming proposal with the Registrar is not a valid argument for the name to be registered.

Signage has already been erected on two bridges. It is noted that one name is incorrectly spelt and another is located on the wrong bridge.

In addition to the above general principles, there is a specific feature naming principle applicable to this request:

Principle 2(A) Feature Type

A feature type should be included in the feature name and located after the unique feature name.

This Principle is satisfied. The proposed bridge names either reference the road name or a locality of the respective bridges.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The costs associated with considering this proposal are minimal, being the cost of placing public notices in the Latrobe Valley Express inviting public comment on the proposal.

Future costs will be incurred in manufacturing and erection of new or replacement bridge signs.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Proposed:

- Public Notices in the Latrobe Valley Express

Details of Community Consultation / Results of Engagement:

The *Guidelines for Geographic Names 2010* require Council, as a naming authority, to consult with the public on any naming proposal.

Consultation will therefore be undertaken in accordance with Section 223 of the *Local Government Act 1989* and any submissions received will be presented for consideration at a future Council meeting.

Details of Community Consultation / Results of Engagement:

As mentioned above, Council has already consulted with the Traralgon & District Historical Society and they have provided supportive material regarding the various names.

8. **OPTIONS**

Council has the following options:

1. Give public notice of its intention to consider a proposal to formally register various bridge names on the Traralgon Creek as official feature names and invite public comment;
or
2. Resolve not to accede to the request and notify the applicants, the Traralgon & District Historical Society and Mr Darrell Blewett, of Council's decision.

9. CONCLUSION

This request presents Council with an opportunity to commence the regulatory process to formally name respective bridges that have been constructed over the Traralgon Creek.

The names put forward are unofficial and locally known bridge names which acknowledge early settlers and/or localities along the Traralgon Creek.

10. RECOMMENDATION

1. **That Council gives public notice of its intention to consider the proposal to name the following bridges constructed over the Traralgon Creek:**
 - **Cribbins Bridge,**
 - **Downies Bridge,**
 - **Koornalla Bridge,**
 - **OMearas Bridge, and**
 - **Hoggs Bridge.**
2. **That any submissions received regarding the this proposal to name bridges constructed over the Traralgon Creek be considered at the Ordinary Council Meeting to be held on Monday 5 March 2012.**

Moved: Cr Middlemiss

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

HAZELWOOD NORTH VICC 3840

10 May 2011

Chief Executive Officer
Latrobe City Council
Commercial Road
MORWELL VIC 3840

Dear Sir,

Naming of bridge over Traralgon Creek – Le Roy area

Further to:

1. My previous raised concerns relating to incorrect naming and incorrect spelling of bridge names in the Upper Traralgon Creek area; and
2. The imminent completion of the new bridge at the junction of the Traralgon Creek Road and Goombala Road (damaged by the 2009 bushfires)

I believe the time is appropriate for Council to consider a proposal to have this new bridge officially named "Hoggs Bridge". In support of this proposal I submit the following:

A. Bridge Location

1. Le Roy area;
2. Adjacent to CA 24D Parish of Callignee;
3. Crosses the Western branch of the Traralgon Creek at:
 - (a) The junction of the East and West branches of the Traralgon Creek.
 - (b) The junction of Traralgon Creek Road and Goombala Road.
4. Located as per attached plan marked "A".

B. Bridge Name – "Hoggs Bridge"

1. Named after the Hogg family who first settled in 1901 the land adjacent to the bridge (CA 24A Parish of Callignee). 'C'
2. The Hogg family donated the land for the Upper Traralgon Creek (later called Le Roy) Public Hall and School (CA 24D Parish of Callignee). This land is currently in Council ownership. 'C'
3. John Hogg managed the Le Roy Post Office from 1918 to 1945.
4. John Hogg petitioned the Minister for Education asking for a school at Upper Traralgon Creek (later called Le Roy) on 26 August 1913. The petition was successful and the school commenced on 3 September 1914 and was officially opened by the Minister.

C. Historical

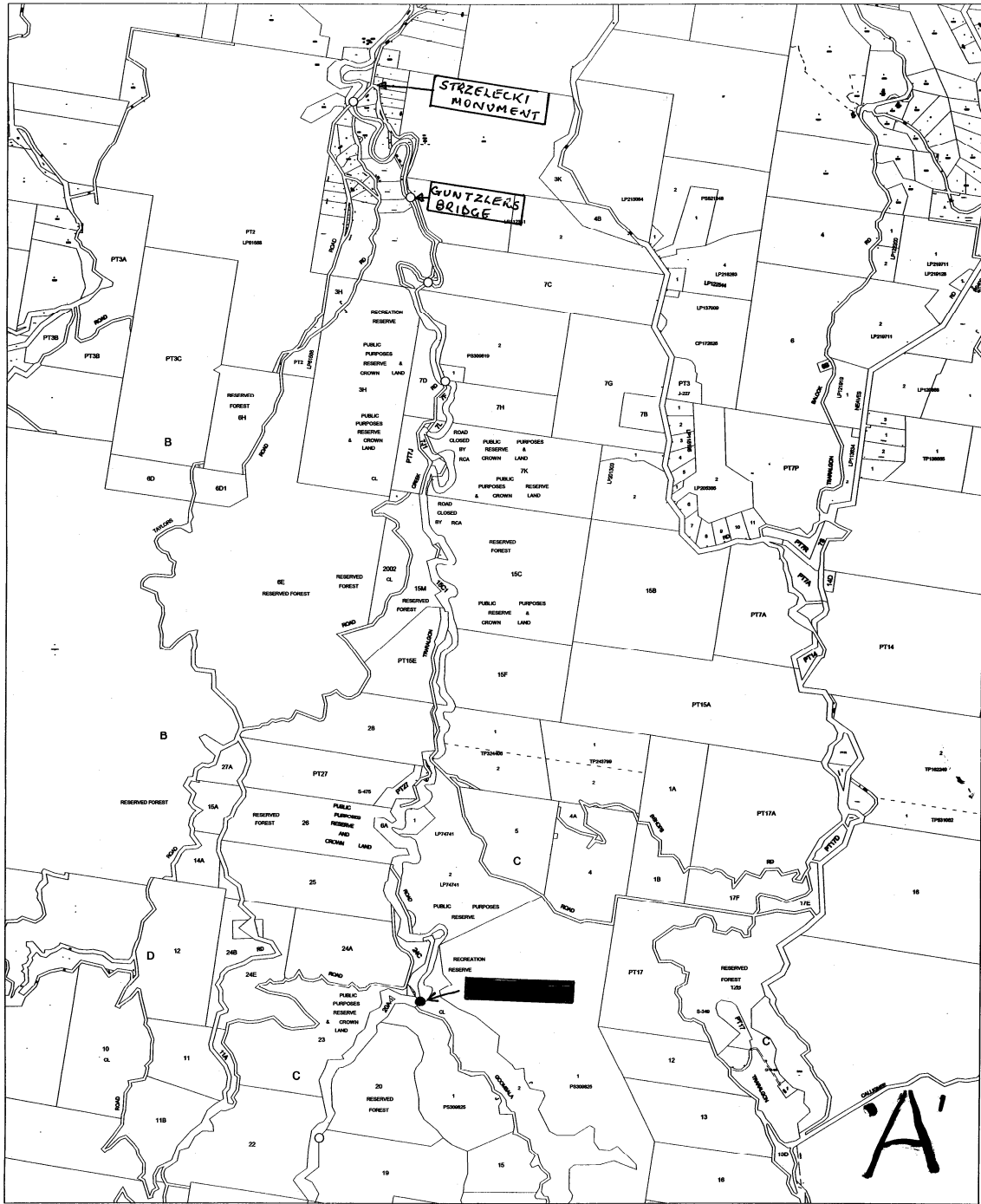
1. This bridge was always known and referred to by the former Shire of Traralgon and the local community as Hoggs Bridge.
2. This bridge is shown as Hoggs Bridge on a plan prepared by Latrobe City (attachment "B") indicating that in the early stages of post amalgamation the location and naming of this bridge as Hoggs Bridge was known by Latrobe City. Current signage no longer supports this view.
3. The former Shire of Traralgon had engineering drawings of this bridge indexed under Hoggs Bridge at the time of amalgamation.
4. The former Shire of Traralgon acquired a large parcel of land from APM in a land exchange along the Eastern branch of the Traralgon Creek from the Hoggs Bridge area to the Callignee Parish boundary (Lot 2 LP 309825).
5. In the land exchange as referred to in point 4 above, the former Shire of Traralgon also obtained title to the old Public Hall and School site.
6. In an historical publication compiled by Laura McCormack for the Traralgon & District Historical Society, produced by the City of Traralgon (1975) and titled "The settlement and development of Traralgon South, Koornalla and Le Roy" the writer refers to:
 - (a) "Mr Hogg donated one acre of land at Hoggs Bridge on which the residents erected a public hall" (CA 24D Parish of Callignee) – refer to point 7 below.
 - (b) "Another beauty spot was further along the road which branched and turned right at Hoggs Bridge. There were beautiful ferns and a waterfall to be seen there. this spot was named Yerrang Park". There is no other bridge on the Traralgon Creek Road where a road turns right and leads to Yerrang Park.
7. ~~8~~ Sign indicating the former site of the Le Roy School is adjacent to the new bridge (north west corner).

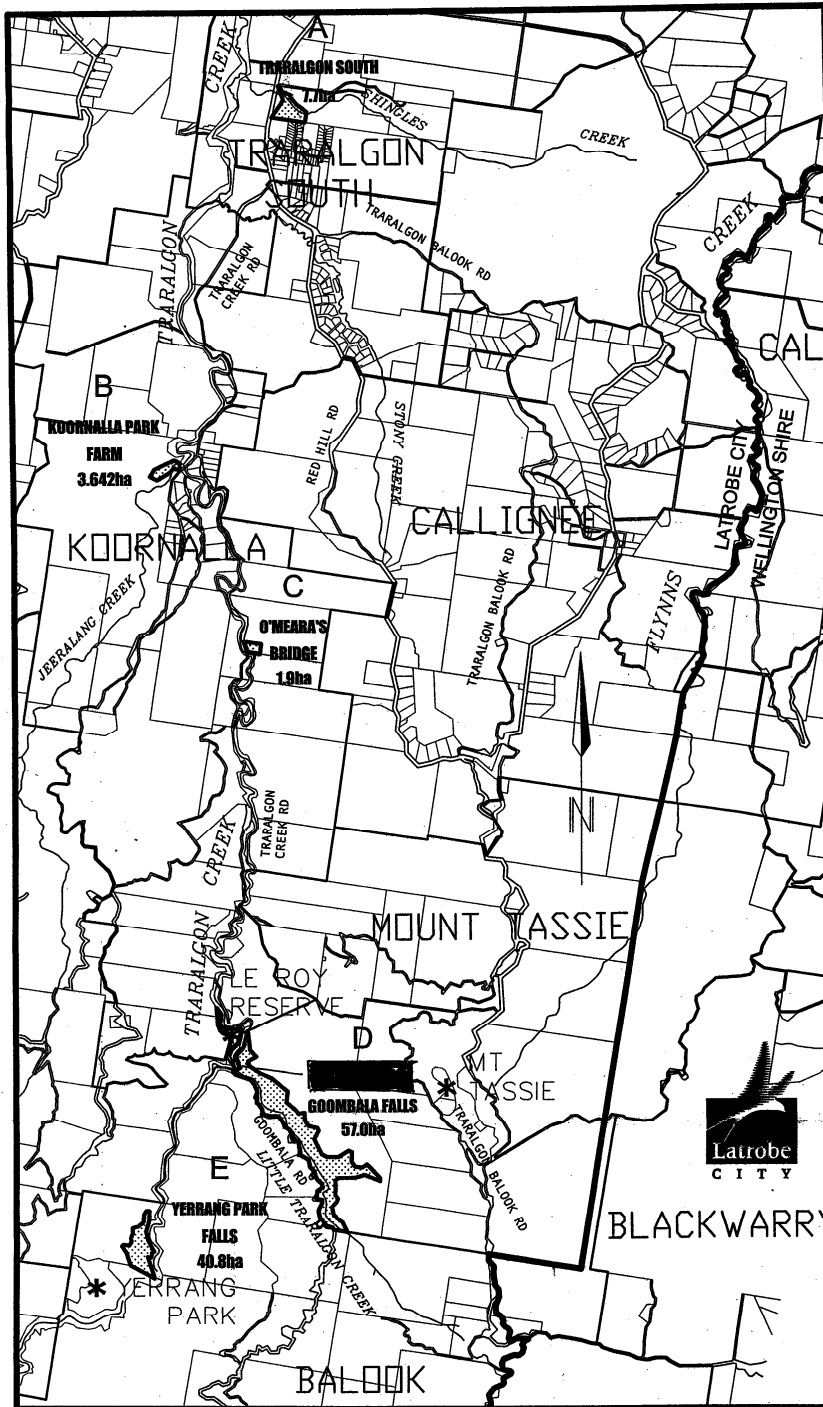
The historical evidence clearly indicates where the real Hoggs Bridge is located and it is not where current Council signage indicates, which is some 6 kilometres away.

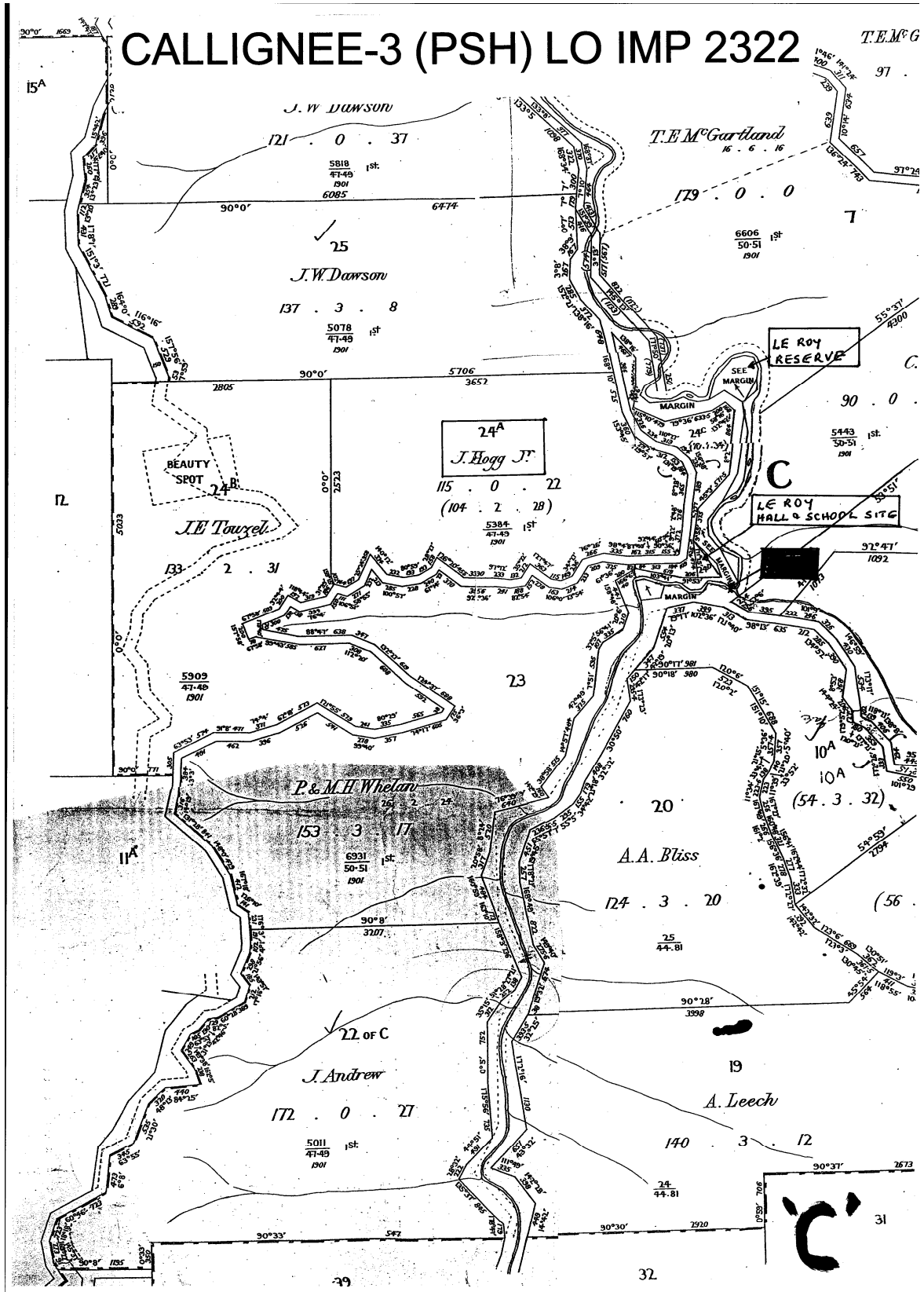
D. Summary

In summary, I submit that as a community we should never forget our heritage and the endeavours and hardships endured by our early settlers together with their contributions to our early development. They were the real pioneers, we are just the ones that followed. We should honour them and give them the respect they justly deserve.

Yours faithfully,







ATTACHMENT 2

**Traralgon and District
Historical Society Inc.
P.O. Box 697, Traralgon.
Vic. 3844.
Ph. (03) 5174 8399.**

**President:- Alan Gibson.
Phone:-**

**Secretary:- Thelma Mayze.
Phone:-**

Email:- secretary@traralgonhistory.asn.au

June 2011

Henry Morrison

Coordinator Property and Statutory Services

Latrobe City

PO Box 264 Morwell 3840

Dear Henry,

The Traralgon and District Historical Society Inc. thanks you for your correspondence dated 25th May 2011 (Ref: 65143 HJM) and welcomes the opportunity to support the proposal to correctly name the bridge at the junction of the Traralgon Creek Road and Goombala Rd at Le Roy.

We have been aware for quite a period of time that a number of bridges along Traralgon Creek are either incorrectly named and/or misspelt and remain hopeful that our support of the letter you received by a resident will have a satisfactory and positive outcome in what is a recognition of a very active member of the Le Roy community in the early 1900's – John Hogg.

We have asked Mr. Darell Blewett to assist us in developing our supportive material. Darell has been compiling a written and photographic history of the Traralgon South, Koomalla, Le Roy area for the past seven years and is quite familiar with the issue of the naming of the bridges along Traralgon Creek and the early settlers who made this place their home.

Please find attached a letter and supportive material from Darell. Should you wish to communicate with him directly he is able to be contacted on

Once again, thank you for the opportunity and we hope that a decision will be made to recognise one of the figure heads of settlement at Le Roy.

Yours Sincerely

Thelma L. Mayze Secretary

The Secretary

Traralgon & District Historical Society Inc

PO Box 697

Traralgon 3844

8th June 2011

Dear Thelma,

I was extremely pleased to hear from you regarding the possibility of renaming the bridge at the junction of Traralgon Creek Road and Goombala Road at Le Roy.

I have been aware for quite some time that a number of bridges along Traralgon Creek have been incorrectly named or misspelt and some have not been named at all but certainly had local names in years gone by. At some stage it would also be great to have all these matters addressed.

In relation to Hoggs Bridge and the correspondence which was sent to Latrobe City by a resident I believe I am familiar with the person who was most likely the correspondent and he has already highlighted quite a number of reliable references which can be easily verified.

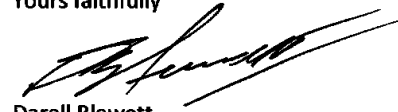
My own research has included a review of maps, newspapers of the day and interviewing a significant number of past residents of the Le Roy area. Even in the last few weeks I have spoken with a number of past residents who remembers Hoggs Bridge extremely well.

One such past resident I have spent considerable time with is Arthur Glover who lived and worked in the Le Roy area. He fondly remembers Hoggs Bridge.

What I propose doing to support your cause is to attach quite a number of reference material which I hope Latrobe City is able to use to assist their decision making. I sincerely hope that the material I have attached is sufficient to verify that the bridge under consideration was indeed known as Hoggs Bridge and that Jack (John) Hogg was indeed a man of considerable influence who was heavily involved in the affairs of Le Roy.

If I am able to be of further assistance please don't hesitate to call on 0428 955 157. Feel free to pass my number on to the City.

Yours faithfully



Darell Blewett

RMB 3110

Traralgon South 3844

The Secretary

Traralgon & District Historical Society Inc

PO Box 697

Traralgon 3844

8th June 2011

Dear Thelma,

I was extremely pleased to hear from you regarding the possibility of renaming the bridge at the junction of Traralgon Creek Road and Goombala Road at Le Roy.

I have been aware for quite some time that a number of bridges along Traralgon Creek have been incorrectly named or misspelt and some have not been named at all but certainly had local names in years gone by. At some stage it would also be great to have all these matters addressed.

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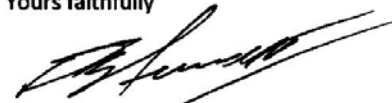
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Yours faithfully



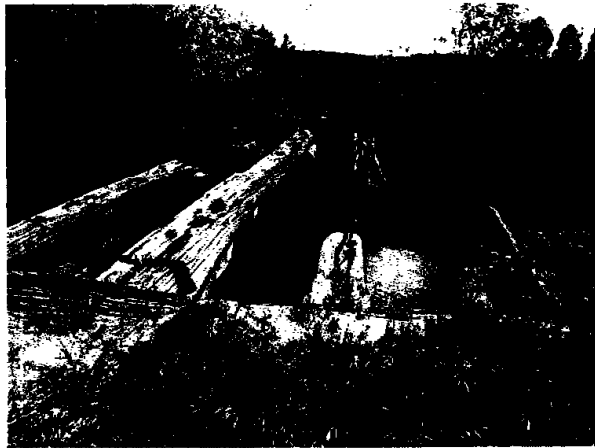
Darell Blewett

Traralgon South 3844

Please see below concerns re the naming of bridges along Traralgon Creek:

Cribbins Bridge:	This bridge was originally located at the bottom of Mattingly Hill and the remnants can still be seen to the south of the current bridge which was constructed for Loy Yang Traffic. The new bridge is unnamed.
Downies Bridge	Which is located along Downie's Lane. Not named.
Thompson Bridge	located at Koornalla. Not named. At some stage it was also possibly referred to as Grandma Glover's Bridge.
Guntzlers Bridge	located near the original Guntzler Homestead. Not named.
Koornalla Bridge	located immediately before Koornalla Reserve. This is currently called O'Mears Bridge and this is incorrectly spelt anyway.
O'Mearas Bridge	This bridge is located first past the reserve where the O'Meara family farmed on the right hand side of the creek. (It is incorrectly named Hoggs bridge) .There is still evidence of the original bridge over the creek to their property. A number of their sons served in WW1.
Hogg's Bridge	Located at the junction of Traralgon Creek Road and Goombala Rd.

Another error is the spelling of Harrop's Rd at Koornalla. The **Harrup** family farmed at Koornalla Park in the late 40's early 50's



Cribbin's Bridge 2010 (Mattingly Hill Road (Photo D. Blewett)

(Mr Blewett provide further supporting information which is available upon request.)

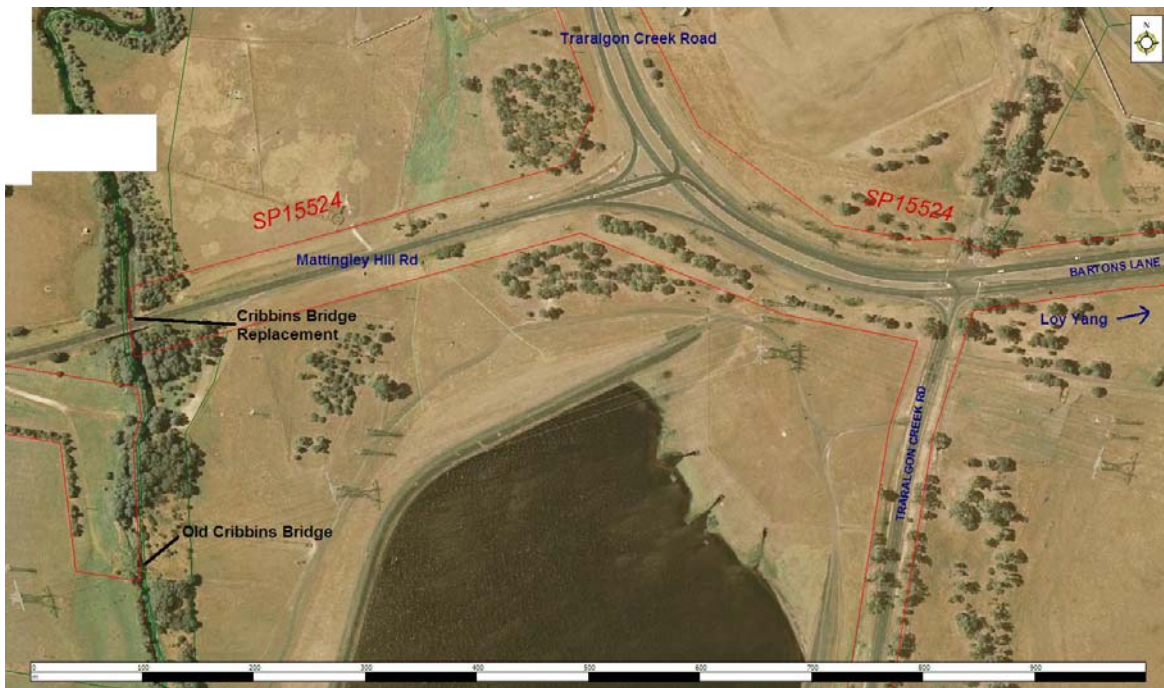
ATTACHMENT 3

Location of Thompson Bridge, Guntzler Bridge, O'Mearas Bridge and Hoggs Bridge.

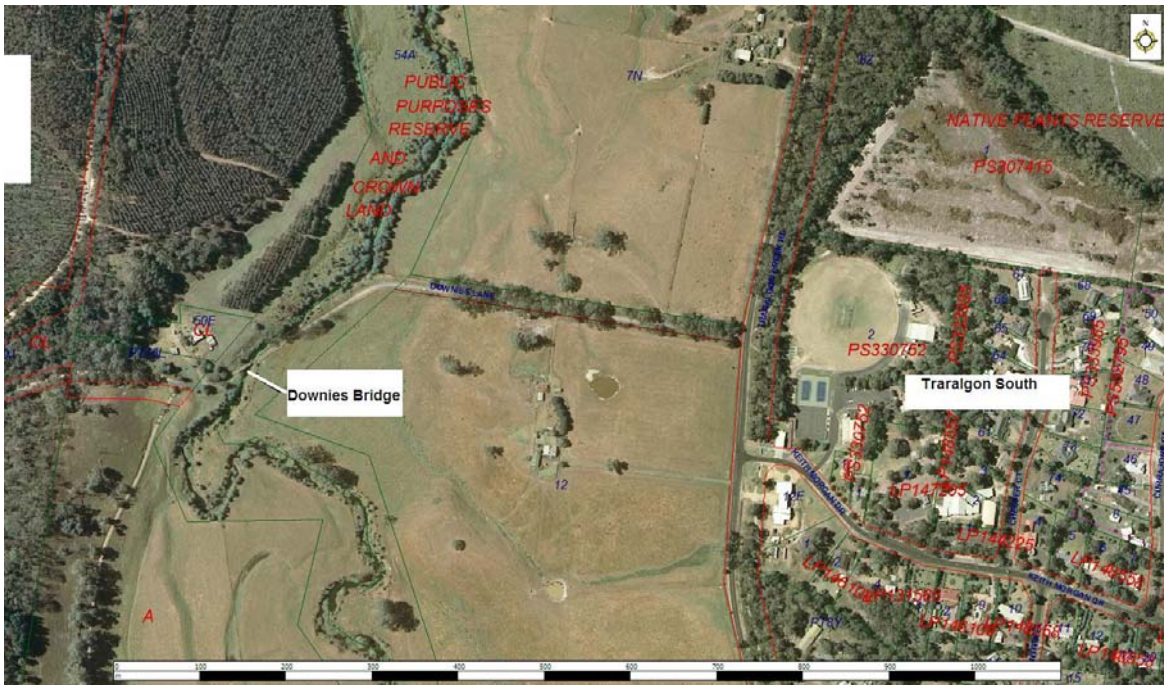


ATTACHMENT 4 & 5

Cribbins Bridge, Mattingley Hill Road



Downies Bbridge, Downies Lane



11.6.2 2012 GENERAL ELECTION

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is for Council to appoint the Municipal Association of Victoria (MAV) as Council's Agent to conduct the public tender for the provision of electoral services and decide on the voting method to be used in the 2012 General Election.

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 Community Vision

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

Service Provision – Financial Services

Administer procurement processes for goods and services within Latrobe City Council.

Major Initiatives - Governance

Facilitate the local government election for Latrobe City.

Legislation –

The Local Government Act 1989 as amended by the *Local Government (Electoral Matters) Act 2011*.

4. BACKGROUND

The Victoria Electoral Commission (VEC) has conducted all Local Government elections in Victoria since 2004, including elections for all 79 councils in 2008 and has been the sole provider of local council election services in Victoria during this period.

Latrobe City Council had the opportunity to participate in the MAV tender process for the 2008 General Election, but chose to stand alone and conduct the tender process for the provision of election services in the normal course of business.

The VEC submitted a Non-Conforming Tender in response to ITT 12642: Provision of Election Services and was awarded the contract for the provision of election services for the sum of \$197,959 at the Ordinary Council Meeting on 21 April 2008. The 19 month contract period under Contract 11661 allowed for the preparation prior to the election, conduct of the election, and enforcement relating to non-voters.

The Local Government election program in Victoria is governed by the *Local Government Act 1989* (the Act) and other laws involved in local electoral matters including the *City of Melbourne Act 2011* and the *Infringements Act 2006*. The VEC is also guided in technical and procedural matters by the Regulations established under these laws.

The Act was amended by the Local Government Amendment (Electoral Matters) Act 2011, which shifted the date for all council general elections in Victoria forward to the fourth Saturday in October. This change takes effect for the next council general election, meaning the election will now be held on Saturday, 27 October 2012.

5. ISSUES

On the basis that it will be required to conduct elections for all 79 councils, the VEC released the draft *Local Government Elections 2012 - Election Plan* (the document) for comment and held a series of Information Sessions across Victoria.

The document outlines:

- The VEC's proposed timeline for election preparations, responding to tenders and negotiating contracts, the election period and post election period;
- The opportunities that concurrent council elections provide, balanced with some changes to be addressed;
- A description of the service that the VEC proposes to offer council; and
- Where the VEC is proposing to change timelines/products from previous elections together with reasons why the change is suggested.

Council is asked to consider appointing the MAV as its agent to conduct a public tender for the provision of election services in 2012 on its behalf.

There appears to be strong support amongst Victorian Councils for the MAV to undertake a public tender, based on the contract model it used for 2008.

To date, 61 Councils have expressed interest in appointing the MAV as their agent rather than managing the tender process in-house. If all were to commit to the public tender process, Council's participation with the MAV is expected to provide the best value for money outcome for the community.

The MAV intends to conduct the public tender by no later than early March 2012 as this will provide the maximum time to evaluate the tender responses, complete post tender negotiations, and resolve with the possible execution of the contract by late May/ early June. However, this timeframe will pose a number of technical difficulties, especially with regard to the completion of the electoral representation reviews, and budgets.

The VEC is due to release the Final Report for the Electoral Representation Review of Latrobe City Council on Wednesday, 28 March 2012.

The MAV tender specifications will therefore make provision for any contract variations which may be necessary as a result any of the 10 electoral representation reviews and 4 subdivision reviews currently being conducted by the VEC.

The MAV is not able to provide a cost estimate for conducting the public tender until participating member councils have made a firm commitment by executing an Agency Deed of Appointment. However, the shared cost of this administrative exercise between councils is expected to be minimal.

The 2012/13 Budget will necessarily need to provide an allocation for 2012 electoral services expenses as this service is a statutory requirement. While no cost estimate is yet available, a minimum contract price of \$200,000 (GST exclusive) can be expected based on the Contract awarded to the VEC for the 2008 General Election.

However, there is every likelihood that Council will need to execute the Contract for the Provision of Electoral Services with the preferred supplier prior to the adoption of the Budget.

The MAV therefore recommends, that in conjunction with the appointment of the MAV as its agent, Council should also consider delegating to the Chief Executive Officer the authority to undertake any post-tender negotiations and enter into the contract with the preferred service provider, subject to being satisfied that the contract represents value for money and the contracted services are the services required by the Council.

The MAV is also recommending that all councils should formally decide the voting method to be used in the 2012 General Election at this point in time to ensure compliance under s.41A(2A) of the Act which states:

“(2A) Voting at a general election must be conducted by the same means, whether attendance or postal voting, as the previous general election was conducted unless the Council has decided at least 8 months before the election day to change the means of conducting the voting.”

6. FINANCIAL AND RESOURCES IMPLICATIONS

No substantial cost to Council is envisaged by appointing the MAV as Council's agent to conduct the public tender for the provision of electoral services in 2012.

The cost of the Provision of Electoral Services in 2012 will be included in the 2012/13 Budget.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Councils officers have consulted with and been guided by the VEC and MAV in preparation of this report.

Details of Community Consultation / Results of Engagement:

The VEC will be responsible for all community consultation prior to the 2012 General Election.

8. OPTIONS

1. Council can appoint the MAV as its agent to conduct the public tender process; or
2. Council can conduct an Invitation To Tender process for the Provision of Electoral Services.
3. Council can defer authorising the CEO to enter into post-tender negotiations and/or to execute the Contract for the Provision of Electoral Services to a later date.
4. Council can decide to change the means of voting for the 2012 General Election to attendance voting.

9. CONCLUSION

In accordance with the advice of MAV, it is considered prudent for Council to determine the following matters ahead of the 2012 General Election:

1. To appoint the MAV as Council's agent to undertake the public tender for the provision of electoral services and to authorise the CEO to execute the Agency Deed of Appointment.
2. To authorise the CEO to undertake any post-tender negotiations and enter into the contract with the preferred service provider, subject to being satisfied that the contract represents value for money and the contracted services are the services required by the Council.
3. To resolve that postal voting is to remain the means of voting for the 2012 General Election.

10. RECOMMENDATION

1. That the Municipal Association of Victoria (“MAV”) be appointed as Council’s agent to undertake the public tender for the Provision of Electoral Services and that the Chief Executive Officer be delegated to execute the Agency Deed of Appointment.
2. That the Chief Executive Officer be authorised to undertake any post-tender negotiations and enter into the contract with the preferred service provider, subject to being satisfied that the contract represents value for money and the contracted services are the services required by the Council.
3. That the means of voting for the 2012 General Election will be postal voting.

Moved: Cr White

Seconded: Cr Gibson

That the Recommendation be adopted.

For the Motion

Councillor/s Harriman, White, O’Callaghan, Price, Gibson, Middlemiss and Vermeulen

Against the Motion

Councillor Kam

The Mayor confirmed that the Recommendation had been CARRIED.

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11.6.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. DOCUMENT/S

2011/207	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Lex Warren Grigg as the Owner of the land described in Certificates of Title Volume 11262 Folio 892 and Volume 11003 Folio 324 being Lot 1 PS 637634 and Lot 2 PS 540152 situated at 105-107 Varney Crescent, Traralgon East pursuant to Condition 5 of Planning Permit No.2011/207 for Re-Subdivision of 2 existing lots issued on 5/10/11 providing that the land may not be further subdivided so as to increase the number of lots.
----------	--

3. RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Lex Warren Grigg as the Owner of the land described in Certificates of Title Volume 11262 Folio 892 and Volume 11003 Folio 324 being Lot 1 PS 637634 and Lot 2 PS 540152 situated at 105-107 Varney Crescent, Traralgon East pursuant to Condition 5 of Planning Permit No.2011/207 for Re-Subdivision of 2 existing lots issued on 5/10/11.**

Moved: Cr White

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.4 PROPOSED ROAD DISCONTINUANCE - PART OF LODGE DRIVE, TRARALGON

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider a request for the discontinuance of part of Lodge Drive, Traralgon, and seek Council's approval to commence the statutory process by giving public notice of the proposal.

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

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

Service Provision – Property and Statutory

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

Legislation

Local Government Act 1989

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

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

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

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

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

Policy – Council has not adopted a policy relating to the discontinuance of roads.

4. BACKGROUND

Council has received an application from Lodge Developments Pty Ltd, owners of the triangular property shown as Lot 2 on Title Plan 832749 in Princes Street, Traralgon, seeking to have part of the adjoining Lodge Drive discontinued as shown on the attached plan.

Lodge Developments Pty Ltd acquired the property from the previous owner, Alamin Pty Ltd, in April 2010 and a new plan for its development has been prepared that includes acquiring part of Lodge Drive.

Lodge Drive was originally created as land for easements of way, drainage and sewerage on LP 47922 and was acquired by the former Borough of Traralgon on 18 March 1963.

It is now identified as Lot 1 on Title Plan 832709X with an approximate area of 5000 square meters, and is contained in Certificate of Title Volume 8451 Folio 419.

The land was originally intended to form part of a bypass road between Princes Street and Old Melbourne Road/Kay Street that never eventuated and this is reflected on the original Certificate of Title.

The road was given its current name via a notice in the Victoria Government Gazette in 1981 and it is listed on Councils road register as a minor access road.

The current road does not utilise the entire road reserve, with a width of approximately seven meters, and is unsealed until it connects with an easement at the rear of the Traralgon Motel.

The property owned by Lodge Developments Pty Ltd was the subject of a planning application (2007/215) by the previous owner, Alamin Pty Ltd, for use and development of land for serviced apartments and a 29 lot subdivision that was refused by Council.

Council considered an application by Alamin Pty Ltd to have Lodge Drive discontinued in its entirety at its meeting held on Monday, 20 April 2009 and resolved:

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of Lodge Drive, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*
- 2. That Council notify the individual property owners of 1 to 17 Kosciuszko Street, 1 to 21 Sunderland Circuit, of its intention to consider the proposed discontinuance and sale by private treaty of Lodge Drive, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*

Five submissions were received objecting to the proposed road discontinuance and these were considered by Council at its meeting held on Monday, 15 June 2009, where it was resolved:

- 3. That Council not continue with the process to discontinue Lodge Drive, Traralgon, which will require no further action.*

4. *That the applicant and those who have made a formal submission regarding the proposed discontinuance of Lodge Drive, Traralgon, be advised accordingly.*

In January 2011 Lodge Developments Pty Ltd submitted a planning application (2011/19) for building and works associated with the construction of 19 dwellings on the allotment however this was withdrawn in July pending consideration of the proposed discontinuance of part of Lodge Drive.

5. **ISSUES**

Of the five submissions received objecting to the previous request to have Lodge Drive discontinued the key arguments were as follows:

- Loss of public access between Sunderland Circuit and Princes Street;
- Loss of access to the rear of properties in Sunderland Circuit via Grambling Park;
- Potential problems with the future maintenance of Grambling Park;
- Concerns regarding access to water supply and sewerage assets owned by Gippsland Water;
- Concerns regarding access to the Latrobe Valley Masonic Centre;
- Objection to the land being sold by private treaty rather than via public auction.

The Latrobe Valley Masonic Centre also objected to the proposal on the basis that their current vehicular access is via Lodge Drive and an easement of carriageway behind the Traralgon Motel.

As stated above the previous application by Alamin Pty Ltd was seeking to have Lodge Drive in its entirety discontinued whereas the current application only seeks to acquire 1800 square meters, roughly half, of the road reserve.

If this part of Lodge Drive was to be discontinued and sold by private treaty it could be a condition of the sale, together with any future planning permit, that the road reserve be constructed to Councils standard thereby improving future access to Grambling Park and the Masonic Lodge.

Gippsland Water had previously advised that there is a 150mm AC Water Main and a 300mm RC Sewer Main within the southern section of the road reserve that would need to be protected by easements in their favour. As part of the statutory process the proposed discontinuance would again be referred to Gippsland Water for comment.

Both the applicant's property and Lodge Drive itself are situated in a prominent location at the western entrance to Traralgon and the size of the parcel of land on which Lodge Drive is located reflects its intended use as a bypass road.

The size, shape and location of the property has presented difficulties for previous owners when attempting to redevelop the site and it appears that acquiring part of Lodge Drive may promote such development.

Neither of these parcels of land are being utilised to their full advantage at the present time and the discontinuance of Lodge Drive would therefore enable the applicant, Lodge Developments Pty Ltd, to proceed with the previously submitted planning application.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victoria Government Gazette.

Should Council resolve to discontinue the road reserve all survey and legal costs associated with the transfer of the land would be borne by the applicants.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

- Public notices in the Latrobe Valley Express
- Letters to residents in the immediate area together with VicRoads and Gippsland Water.

Details of Community Consultation / Results of Engagement:

In accordance with Section 223 of the Local Government Act 1989 any submissions that are received regarding this matter will be referred for consideration at a future meeting of Council.

The proposed discontinuance has already been referred internally and no objections were received in response.

8. OPTIONS

Council may now resolve to either:

1. Commence the statutory process to discontinue part of Lodge Drive, Traralgon, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not continue with the statutory process which will require no further action.

9. CONCLUSION

Council has previously considered an application to discontinue Lodge Drive, Traralgon, in its entirety and resolved not to proceed with the request in response to concerns from the community regarding access to Grambling Park and the nearby Masonic Lodge.

The present application is seeking to acquire only part of the road reserve, 1800 square meters, which provides an opportunity to improve not only public access but also enhance the appearance of this prominent area on the western entrance to Traralgon through a future development.

Accordingly, it is considered appropriate for Council to give public notice of its intention to consider the proposed discontinuance of part of Lodge Drive, Traralgon, and seek public comment.

10. RECOMMENDATION

1. That Council gives public notice of its intention to consider the proposed discontinuance of part of Lodge Drive, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.
2. That Council considers the proposed discontinuance of part of Lodge Drive, Traralgon, at the Ordinary Council Meeting to be held on Monday 20 February 2012.

ALTERNATE MOTION

Moved: Cr Kam

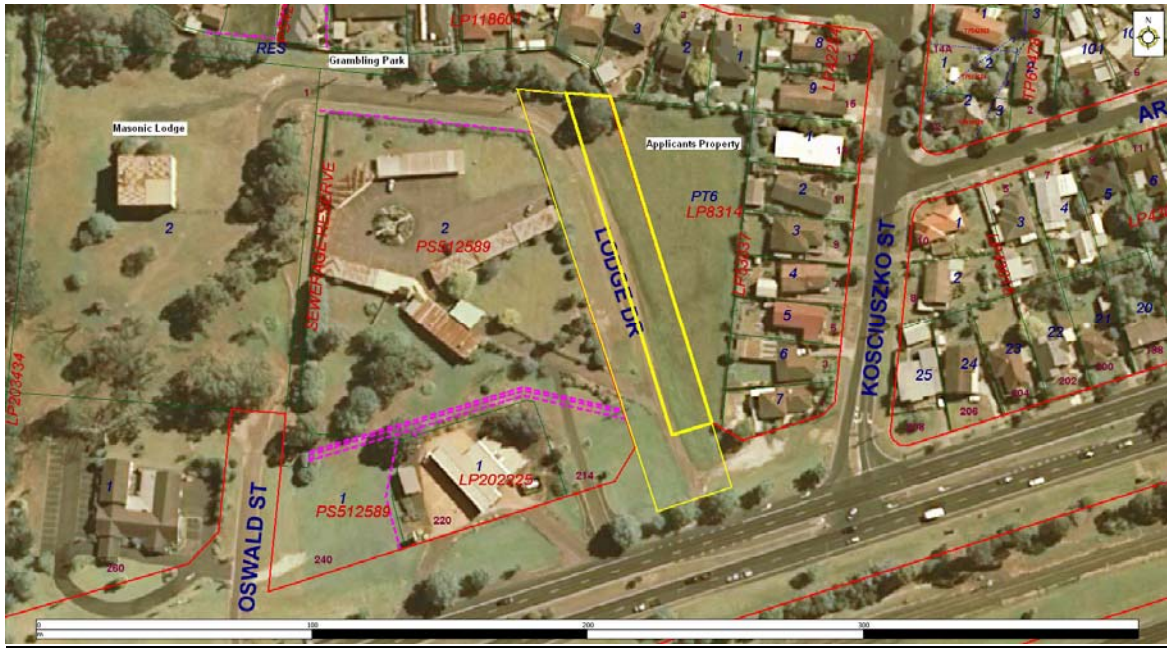
Seconded: Cr Gibson

That the Motion be adopted.

- 1. That Council gives public notice of its intention to consider the proposed discontinuance of part of Lodge Drive, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.**
- 2. That Council notify the individual property owners of 1-17 Kosciusko Street, 1-21 Sunderland Circuit of its intention to discontinue part of Lodge Drive, Traralgon.**
- 3. That Council considers the proposed discontinuance of part of Lodge Drive, Traralgon, at the Ordinary Council Meeting to be held on Monday 20 February 2012.**

CARRIED UNANIMOUSLY

ATTACHMENTS

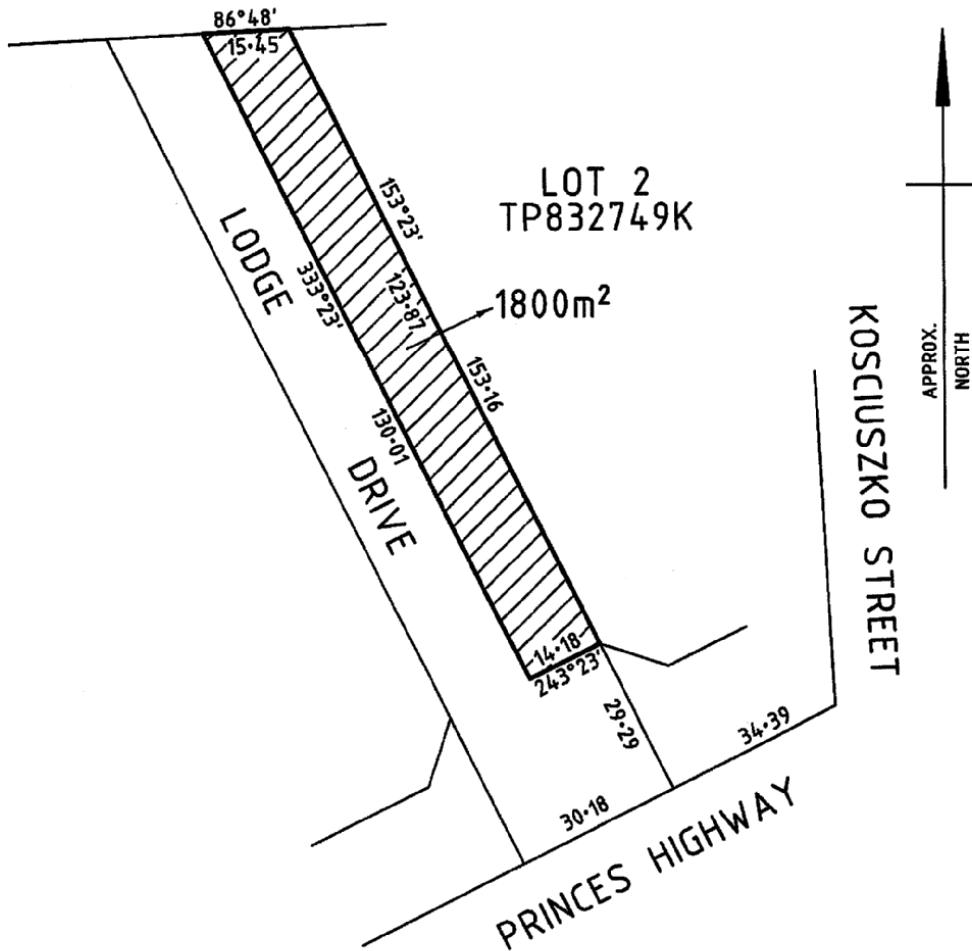


ROAD CLOSURE DIAGRAM

PARISH OF TRARALGON
CROWN ALLOTMENT 48 (PART)

SCALE 10 0 10 20 30 40 1:1000
LENGTHS ARE IN METRES
(SHEET SIZE A4)

NOTE: THAT PART OF THE ROAD SHOWN
HATCHED IS TO BE CLOSED



Beveridge Williams

development & environment consultants

Traralgon ph : 03 5176 0374

www.beveridgewilliams.com.au

REF. 1000699

11.6.5 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 5 December 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 7 December 2011 and 13 December 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
7 December 2011	Tourism Advisory Board Presentation and discussion on Gippsland Heritage Walk proposal for Kernot Lake and Immigration Wall area.	Cr White, Cr Harriman Geoff Hill, David Elder, Linda Brock, Shannyn Kiss	NIL
12 December 2011	Issues and Discussion Session 4.2 Presentations from the previous Issues and Discussion Session: UGLI (SISS Business Systems Limited) 4.3 Future Presentations 6. Upcoming Significant Items 7.1 New Issues 8.3.1 Proposed Hunter Region Transition Visit 2012 8.6.1 Transition Preschool Services to 15 Hours per Week – Opportunities for 2012 8.7.1 Provision of Resources and Support to Councillor Policy – Revised Draft - Discussion	Cr White, Cr Harriman, Cr Gibson, Cr Kam, Cr Loughheed, Cr Middlemiss, Cr Vermeulen, Cr Price Paul Buckley, Michael Edgar, Carol Jeffs, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer	NIL
13 December 2011	Local Members of Parliament Briefing Low Carbon Transition, Moe Rail Precinct, Morwell Schools regeneration. Matters related to higher education and Latrobe Valley Industry and Infrastructure Fund.	Cr Vermeulen, Cr Gibson, Cr White, Cr Loughheed, Cr Kam, Cr Harriman Paul Buckley, Zemeel Saba, Michael Edgar, Peter Quigley, Grantley Switzer, Carol Jeffs	Cr Kam declared a direct and indirect interest under section 77B and section 78 of the Local Government Act 1989 in relation to the discussion on Moe Rail Precinct

4. **RECOMMENDATION**

That Council note this report.

Moved: Cr Harriman

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

Assembly of Councillors Record

Assembly details: Tourism Advisory Board

Date: 7 December 2011

Time: 5.30 pm

Assembly Location: Latrobe City Council headquarters, Meeting Room 4.

In Attendance:

Councillors: Cr Darrell White, Cr Dale Harriman

Officer/s: Geoff Hill, David Elder, Linda Brock, Shannyn Kiss

Matter/s Discussed:

Presentation and discussion on Gippsland Heritage Walk proposal for Kernot Lake and Immigration Wall area.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: 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
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Brief Explanation:

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

- Councillor Briefings;
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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: Issues and Discussions Session

Date: Monday 12 December 2011

Time: 6:00 PM

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

In Attendance:

Councillors: Cr White, Cr Harriman, Cr Gibson, Cr Kam, Cr Lougheed, Cr Middlemiss, Cr Vermeulen, Cr Price

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

Matter/s Discussed:

4.2 Presentations from the previous Issues and Discussion Session: UGLII (SISS Business Systems Limited)
4.3 Future Presentations
6. Upcoming Significant Items
7.1 New Issues
8.3.1 Proposed Hunter Region Transition Visit 2012
8.3.2 Cradle Coast Authority
8.6.1 Transition Preschool Services to 15 Hours per Week – Opportunities for 2012
8.7.1 Provision of Resources and Support to Councillor Policy – Revised Draft – Discussion

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Meagan Bennetts

Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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Assembly of Councillors Record

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Assembly details: Local Members of Parliament Briefing

Date: 13 December 2011

Time: 10.30 am – 11.30 am

Assembly Location: Latrobe City Council Head Quarters – Nambur Wariga Meeting Room

In Attendance:

Councillors: Ed Vermeulen, Sharon Gibson, Darrell White, Bruce Lougheed, Sandy Kam, Dale Harriman

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

Matter/s Discussed: Low Carbon Transition, Moe Rail Precinct, Morwell Schools regeneration. Matters related to higher education and Latrobe Valley Industry and Infrastructure Fund.

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

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

Councillors: Cr Kam declared a direct and indirect interest under section 77B and section 78 of the *Local Government Act 1989* in relation to the discussion on Moe Rail Precinct.

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: Cr Kam left the meeting at 10.45 am and returned at 10.50 am

Completed by: Carol Jeffs, General Manager Governance.

Assembly of Councillors Record Explanation / Guide Notes

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**MEETING CLOSED
TO THE PUBLIC**

13.1 MEETING CLOSED TO THE PUBLIC

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

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

Section 89(2) of the *Local Government Act* 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

2. DECLARATION OF INTERESTS

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

3. RECOMMENDATION

That Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the *Local Government Act* (LGA) 1989 for the following reasons:

ITEMS		NATURE OF ITEM
15.1	ADOPTION OF MINUTES	(h) other
15.2	CONFIDENTIAL ITEMS	(h) other
15.3	ASSEMBLY OF COUNCILLORS	(h) other
15.4	POSITIVE AGEING REFERENCE GROUP MEMBERSHIP	(h) other
15.5	LATROBE CITY INTERNATIONAL RELATIONS COMMITTEE	(h) other
15.6	REMEDICATION OF FORMER TRARALGON DEPOT DUNBAR ROAD TRARALGON	(e) proposed developments

15.7	ITT 13042 - RECONSTRUCTION OF FRANKLIN STREET BRIDGE OVER TRARALGON CREEK AT TRARALGON	(d) contractual matters
15.8	ITT 13056 - RECONSTRUCTION OF SPEARGRASS ROAD BRIDGE OVER MIDDLE CREEK AT YINNAR SOUTH	(d) contractual matters
15.9	ITT 13058 - RECONSTRUCTION OF ROGER STREET AT MORWELL	(d) contractual matters
15.10	VARIATIONS TO CONTRACT NO: 12941 – YINNAR RECREATION RESERVE EASTERN PAVILION EXTENSION	(d) contractual matters

Moved: Cr White

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 9.38 PM.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 9.38 PM for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.50 PM

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 10.15 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 526 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____