



# **L A T R O B E C I T Y C O U N C I L**

## **AGENDA FOR THE ORDINARY COUNCIL MEETING**

**TO BE HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS,  
MORWELL  
AT 7:00 PM ON  
05 MARCH 2012**

CM 368

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## *Latrobe Community* **Vision**

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

## *Council* **Mission**

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

## *Council* **Values**

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

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

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# NOTICE OF MEETING

1 March 2012

Our Ref: CA

Dear Councillor,

Please be advised that the next Ordinary Meeting of Council is to be held in the Nambur Wariga Meeting Room, Corporate Headquarters, Morwell at 7:00 PM on 05 March 2012.

Business for the Ordinary Meeting is as follows:

## **1. Opening Prayer**

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

AMEN

## **Recognition of Traditional Land Holders**

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

## **2. Apologies for Absence**

## **3. Declaration of Interests**

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

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

## **4. Adoption of Minutes**

**RECOMMENDATION**

**That Council adopts the Minutes of the Ordinary Council Meeting held on 20 February 2012 (CM 367), relating to those items discussed in open Council.**

## **5. Public Question Time**

**Suspension of Standing Orders for Members of the Public to Address Council**

## **6. Notices of Motion**

## **7. Items Referred by the Council to this Meeting for consideration**

## **8. Items Held Over for report and/or consideration**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Status</b>	<b>Responsible Officer</b>
7/12/09	Moe Activity Centre Plan - Moe Railway Precinct Master Plan	That the business case and proposed funding model be presented to Council for consideration prior to construction of any project components included in the Moe Rail Precinct Revitalisation Project: Master Plan, as detailed in the Final Report November 2009 commencing.	General Manager Built and Natural Environment
6/9/10	Proposed Sale Of Land - Between Kingsford And Hinkler Streets, Moe	That Council defer consideration of this item until a review of the possible future uses of the Kingsford and Hinkler Street reserve has been undertaken.	General Manager Governance
1/08/11	Request for Footpath to be established between Rose Avenue and Railway Reserve, Traralgon – Correspondence from Mr Russell Northe, MLA	That a further report be presented to Council advising of the outcome of the property owner survey.	General Manager Built and Natural Environment
1/08/11	Proposal to Place a Permanent Obstruction or Barrier On Rocla Road Traralgon	That Council in accordance of a section 223 of the Local Government Act 1989 consider submissions received regarding this proposal to place barriers/gates on the unsealed section of Rocla Road, Traralgon East to prevent through traffic between the Princes Highway and Dranes Road at a future Ordinary Council Meeting.	General Manager Governance
22/08/11	Petition - Request for Town Clock to be included in The Moe Rail Precinct Revitalisation Project	That Council invite public submissions asking what groups, organisations or individuals need to be recognised for their services to Moe in the Moe Rail Precinct Revitalisation Project	General Manager Built and Natural Environment
05/09/11	Project Governance Policy	That the Project Governance Policy be reviewed within six months of adoption.	General Manager Governance

Council Meeting Date	Item	Status	Responsible Officer
19/09/11	Traralgon Activity Centre Plan Key Directions Report	<p>That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following:</p> <ol style="list-style-type: none"> <li>1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until:               <ol style="list-style-type: none"> <li>(a) Council has been presented with the Traralgon Growth Area Review</li> <li>(b) Council has received information on the results of the Latrobe Valley Bus Review</li> </ol> </li> <li>2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting.</li> <li>3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions.</li> <li>4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval.</li> <li>5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3).</li> </ol>	General Manager Built and Natural Environment
17/10/11	Gaskin Park Master Plan – Final Report	That a report be presented to Council indicating when the Andrews Park West Masterplan is to be conducted.	General Manager Built and Natural Environment
17/10/11	2012 Latrobe City Sports Exchange Program	That upon completion of both sport exchanges, Council are provided with a full report outlining the key outcomes.	General Manager Recreational, Culture & Community Infrastructure
17/10/11	Community Crime Prevention Public Safety Infrastructure Fund	That a report be presented to Council with a design and costing for the installation of appropriate security devices (eg CCTV) for the multi-level carpark in Traralgon.	General Manager Community Liveability
5/12/11	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration	General Manager Governance

Council Meeting Date	Item	Status	Responsible Officer
19/12/11	Latrobe Regional Motorsports Complex	<p>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.</p> <p>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.</p>	General Manager Built and Natural Environment
19/12/11	Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease	That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.	General Manager Recreational, Culture & Community Infrastructure
6/02/12	2012/01 - Notice Of Motion - Kerbside Hard Waste Service	That the CEO prepare a report to be brought back to the Ordinary Council Meeting on the 19 of March 2012 or earlier, highlighting the reasoning why Council can conduct a booked Hard Waste Service for the community, compared to a Kerbside Hard Waste Service.	General Manager Built and Natural Environment
06/02/12	Petition - Kilkenny Close Traralgon Storm Water Drainage System	<p>1. That Council defer consideration of this matter until an ordinary meeting to be held prior to 30 June 2012.</p> <p>2. That Council write to the head petitioner updating them in relation to this matter.</p>	General Manager Built and Natural Environment
06/02/12	Provision Of Resources And Support To Councillors Policy	That the final report on the review of the <i>Provision of Resources and Support to Councillors Policy</i> (11 POL-5) be presented to a future Ordinary Council Meeting.	General Manager Governance
06/02/12	Petition - Sealing Of Creamery Road, Yinnar	<p>1. That Council lay the petition requesting the sealing of Creamery Road, Yinnar, on the table until an ordinary meeting of Council to be held prior to 30 June 2012.</p> <p>2. That the head petitioner be advised of Council's decision in relation to the petition requesting the sealing of Creamery Road, Yinnar.</p>	General Manager Built and Natural Environment
06/02/12	Petition - To Build A Roundabout At The Intersection Of Market Street And Albert Street Moe	<p>1. That Council lay the petition requesting a roundabout be built at the intersection of Market Street and Albert Street Moe, on the table until an ordinary Council meeting to be held prior to 30 June 2012.</p> <p>2. That the head petitioner be advised of Council's decision in relation to the petition requesting a roundabout be built at the intersection of Market Street and Albert Street Moe.</p>	General Manager Built and Natural Environment
06/02/12	Draft Traralgon South Recreation Master Plan	A future report detailing the results of the community consultation for the draft Traralgon South Recreation Master Plan be presented to Council for consideration at the 21 May 2012 Ordinary Council meeting.	General Manager Built and Natural Environment



<b>Council Meeting Date</b>	<b>Item</b>	<b>Status</b>	<b>Responsible Officer</b>
06/02/12	Proposed Transition To 15 Hours Of Preschool	<ul style="list-style-type: none"> <li>• That a further report be presented to Council at the conclusion of term two 2012 providing an update on the implementation of 15 hours per week of preschool.</li> <li>• That a further report be presented to Council following confirmation of the ongoing 15 hour funding model detailing Council costs and family contributions</li> </ul>	General Manager Community Liveability
06/02/12	Cultural Diversity Reference Committee Revised Terms Of Reference	That a report recommending members of the Cultural Diversity Advisory Committee is presented to Council at the completion of the Expression of Interest process	General Manager Community Liveability
20/02/12	Proposed Road Discontinuance - Part Of Lodge Drive, Traralgon	That the Chief Executive Officer provide a further report to Council setting out the details of the negotiations between Council and the purchaser	General Manager Governance
20/02/12	Petition - Latrobe Leisure Morwell Aqua Aerobics	<ol style="list-style-type: none"> <li>1. That Council lay the petition regarding allocation of lane space for Aqua Aerobics at Latrobe Leisure Morwell on the table until an Ordinary Meeting of Council to be held 5 March 2012.</li> <li>2. That the head petitioner be advised of Councils decision in relation to the petition regarding the allocation of lane space for Aqua Aerobics at Latrobe Leisure Morwell.</li> </ol>	General Manager Recreational, Culture & Community Infrastructure

## **9. Correspondence**

## **10. Presentation of Petitions**

## **11. Officers' Reports:**

- 11.1 Reports by the Chief Executive Officer
- 11.2 Reports by the General Manager Economic Sustainability
- 11.3 Reports by the General Manager Built and Natural Environment
- 11.4 Reports by the General Manager Recreation, Culture and Community Infrastructure
- 11.5 Reports by the General Manager Community Liveability
- 11.6 Reports by the General Manager Governance
- 11.7 Reports by the General Manager Organisational Excellence

**12. Urgent Business**

**13. Meeting Closed to the Public**

**14. Tea Break**

***The Meeting is adjourned and members of the public are invited to join the Mayor and Councillors for light refreshments.***

## **15. Items Closed To The Public**

Section 89(2) of the *Local Government Act 1989* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

### **RECOMMENDATION**

**That this meeting now be closed to the public to consider the following items which are of a confidential nature.**

<b>ITEMS</b>		<b>NATURE OF ITEM</b>
15.1	ADOPTION OF MINUTES	<b>(h) other</b>
15.2	CONFIDENTIAL ITEMS	<b>(h) other</b>
15.3	ASSEMBLY OF COUNCILLORS	<b>(h) other</b>
15.4	PROPOSED EXCHANGE OF LAND CHURCH STREET, TRARALGON	<b>(e) proposed developments</b>
15.5	CHURCHILL & DISTRICT COMMUNITY HUB BOARD APPOINTMENTS	<b>(a) personnel matters</b>
15.6	ITT 13053 - LATROBE CITY COUNCIL CLEANING SERVICES	<b>(d) contractual matters</b>



**CAROL JEFFS**  
**Acting Chief Executive Officer**

***THESE PAPERS ARE RELEASED TO THE MEDIA ON THE BASIS THAT THEY ARE EMBARGOED UNTIL THE TIME OF FINAL RESOLUTION BY THE COUNCIL.***

# NOTICES OF MOTION

**6.1**                    **2012/04 - NOTICE OF MOTION - 2012 LATROBE CITY SPORTS EXCHANGE PROGRAM**

**CR KAM**

**MOTION**

**That the CEO present a report to Council at the Ordinary Council Meeting to be held on the 19<sup>th</sup> March 2012, in regard to the 2012 Latrobe City Sports Exchange Program with the following information:-**

- 1. In regard to the Takasago delegation:**
  - (a) A list of all Council officers that will be attending;**
  - (b) The role each officer will be performing;**
  - (c) The cost per officer for attending including the Mayor/delegate;**
  - (d) That the report state whether the Mayor/delegate will be attending and what role they will be performing in Takasago, Japan;**
  - (e) The number of participants (and who they are, if permissible) for the judo delegation and how many adults will be attending;**
  - (f) The date of when the delegation will be leaving**
  - (g) The itinerary for the Takasago delegation including travel/accommodation arrangements;**
  - (h) The evaluation criteria to determine whether the objectives of the delegation have been achieved;**
  - (i) Whether any other persons will be attending, eg members of International Relations Committee, and what their role will be and at what cost to Council**
  
- 2. In regard to the Taizhou delegation:**
  - (a) A list of all Council officers that will be attending;**
  - (b) The role each officer will be performing;**
  - (c) The cost per officer for attending including Mayor/delegate;**
  - (d) That the report state whether the Mayor/delegate will be attending and what role they will be performing in Taizhou;**
  - (e) The number of participants (and who they are, if permissible) for the swimming delegation and how many adults will be attending;**
  - (f) The date of when the delegation will be leaving;**
  - (g) The itinerary for the Taizhou delegation including travel/accommodation arrangements;**
  - (h) The evaluation criteria to determine whether the objectives of the delegation have been achieved;**
  - (i) Whether any other persons will be attending, eg members of International Relations Committee, and what their role will be and at what cost to Council;**
  - (j) The final costings of the Australian garden project in Taizhou, broken down into Latrobe City costs and City of Taizhou costs.**

**6.2**            **2012/05 – NOTICE OF MOTION – CESSATION OF POWER  
GENERATION**

**CR MIDDLEMISS**

**MOTION**

**“That council write to the relevant State and Federal Ministers seeking discussions on the consequences of the cessation of power generation on any of the former State Electricity Commission ‘works areas’. The matters for discussion to include the rating and zoning of these tracts of land.”**

# **ITEMS REFERRED BY THE COUNCIL**

**7.1 DRAINAGE INVESTIGATION AT HOWITT STREET, GLENVIEW DRIVE AND LIDDIARD ROAD TRARALGON**

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

**1. PURPOSE**

The purpose of this report is to provide Council with results of the drainage investigation conducted at Howitt Street, Glenview Drive and Liddiard Road Traralgon, and to present a solution to mitigate the effects of localised flooding in this area.

**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 its surroundings, and which provides for a connected and inclusive community.*

*Shaping our Future*

*An active, connected and caring community*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

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

*Service Provision – Infrastructure Development*

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



#### 4. **BACKGROUND**

A petition (attachment 2) signed by 135 residents from the area affected by the localised flooding was received on 12 April 2010 requesting Latrobe City Council to improve the storm water system in Howitt Street, Glenview Drive and Liddiard Road areas of Traralgon.

The petition was presented to Council's Ordinary Meeting held on 17 May 2010 requesting that further investigation be undertaken into the ponding. Council resolved;

*1. That Council lay the petition requesting Council to upgrade the storm water drainage system in Howitt Street, Glenview Drive and Liddiard Road, Traralgon on the table until the Ordinary Council Meeting to be held on 19 July 2010.*

*2. That the head petitioner, Mr Gordon Davis be advised of Council's decision in relation to the petition requesting Council to upgrade the storm water drainage system in Howitt Street, Glenview Drive and Liddiard Road, Traralgon.*

At its Ordinary Meeting held on 19 July 2010, Council resolved;

*1. That Council agrees to undertake a detailed drainage investigation of the catchment area bounded by High Street, Howitt Street, the railway line, McNairn Road and Shakespeare Street to identify solutions to mitigate the effects of localised flooding within this catchment.*

*2. That the preferred solution resulting from a detailed drainage investigation of the catchment area bounded by High Street, Howitt Street, the railway line, McNairn Road and Shakespeare Street to mitigate the effects of localised flooding within this catchment be reported back to Council upon completion.*

*3. That the head petitioner, Mr Gordon Davis be advised of Council's decision in relation to the petition requesting Council to upgrade the storm water drainage system in Howitt Street, Glenview Drive and Liddiard Road, Traralgon.*

As a result of this Council resolution, a drainage investigation has been completed.

To initiate the investigation, a letter was sent to all residents (a total of 95) in the Howitt Street catchment area, requesting any information they may have regarding ponding in this area.

Subsequent discussions with local residents and collection of survey data including flood levels at key locations, provided confirmation of reoccurring flooding and the detrimental impact to properties in this area.

Significant ponding has been identified at six locations in the Howitt Street drainage catchment. The ponding was of a height to cause ingress of water into several residences.

Some of the flow paths were through private property and the flows so intense that in places caused undermining to buildings. Significant storm events occurred on 28 February 2007 and again on 6 March 2010.

The ponding locations (indicated by specific precincts) are as follows:

- A. Howitt Street
- B. Glenview Drive
- C. Cobbledick Court
- D. Trivalve Court
- E. Wotan Court
- F. Newman Crescent

## 5. **ISSUES**

### **Treatment options**

The investigation has identified that the storms that occurred on 28 February 2007 and 6 March 2010 have been categorised as a 1 in 90 year Average Reoccurrence Interval (ARI) events.

Conventionally the piped drainage network is not intended to contain the runoff from all storm events. Latrobe City Council's adopted design guidelines for residential developments requires that the piped system should contain the runoff from storm events up to the 1 in 5 year ARI with runoff from storm events up to the 1 in 100 year ARI intended to be managed through overland flow paths along road and drainage reserves. These guidelines are an industry standard used extensively across Local Government authorities.

Additional flows from events beyond the 1 in 100 year ARI are considered extreme and not within Council's obligation to manage. However consideration should be given to the impact these flows might have and mitigation provided where possible.

The adopted guidelines are based on the Australian Rainfall and Runoff guidelines, a national guideline document for the estimation of design flood characteristics.

These guidelines were introduced on a national basis in 1979 and much of the Howitt Street catchment was well developed by that stage. As such, the existing drainage infrastructure at this catchment does not meet the current Australian Rainfall and Runoff Guidelines.

The design guidelines require that all allotments have their finished surface level at least 300 mm above the 1 in 100 year water level.

These constraints are intended to ensure a safe environment even under extreme circumstances that will protect property and ensure safety of pedestrians.

Issues associated with ponding in developed areas can be addressed by either altering the piped system, improving the overland flow paths, or a combination of both.

Piped systems are usually of larger diameters and to avoid conflict with major services such as gas, telecommunications, water and sewerage, must be placed at depths below this existing infrastructure. The installation of these pipes can impact on the local amenity during construction as it will require the closure of local streets and can also have noise and dust emissions for lengthy periods. The main advantage of a piped system is that zero ponding levels can be adopted at little extra cost and once the works are complete, all infrastructure is out of sight and no longer impacts on the local amenity.

The major weakness of totally piped systems is failure to perform because of blockage. In major systems this is mostly attributable to debris collecting at entry points such as side entry and grated pits. This can be compensated to some extent by the provision of additional or modified entries but care must be taken to avoid entry conditions that will exceed the flow limits defined in the design guidelines.

Floodways are the overland flow paths that usually comprise concrete or asphalt surfaces which form dips in the road alignment to breach the high points that are restricting the flow path. These floodways will flow at very low levels of rainfall, effectively anything above 1 in 5 year ARI. The lower overflows can be a nuisance as signage must be erected to warn of the potential for aquaplaning. Construction of floodways is limited in impact usually restricted to short sections of roads provided the flow can be constrained within the flow limits. Some closure of roads during construction will be required but generally for much shorter periods than piped systems.

The main advantage of floodways is that any debris causing blockage is easily removed during operation although some upstream ponding is still required to induce ideal flow conditions.

Below is an analysis of each of the stated ponding precincts and the applicability, advantages and disadvantages of both piped and floodway options for each.

#### *Precinct A: Howitt Street to Doorty Creek*

##### Piped System

A piped system would require an 1800 mm diameter pipe. The excavated trench would be up to 3.6 metres deep and 2.4 metres wide. The pipe size would accommodate the estimated difference in flow between the 1 in 5 year and 1 in 100 year ARI discharges with no ponding above the inlet.

##### Floodway

The precinct does not allow the construction of a floodway from Site A to Doorty Creek capable of accommodating the design flow, maintaining ponding below the design maximum level and constraining flow characteristics below the limits set by the design guidelines.

#### *Precinct B: Glenview Drive to Howitt Street*

##### Piped System

A piped system would require a 1650 mm diameter pipe. The excavated trench would be up to 3.0 metres deep and 2.4 metres wide. The pipe size would accommodate the estimated difference in flow between the 1 in 5 year and 1 in 100 year ARI discharges with no ponding above the inlet.

### Floodway

A floodway can be constructed for the width of Howitt Street to direct overland flows away from houses. The floodway would require that the level of Liddiard Road be lowered by 500 mm for a length of 20 metres with tapers of 30 metres to each end of the floodway. The treatment would intrude into Howitt Street for 50 metres.

The floodway would accommodate the design flow with characteristics constrained below the limits set by the design guidelines but require a maximum ponding level 200 mm below the lowest affected floor level.

### *Precinct C: Cobbledick Court*

Treatment options are not provided for precinct C as the major cause of flooding is attributable to uncontrolled overflow from precinct B. This will be prevented by adequate treatment at that precinct.

### *Precinct D: Trivalve Court to Glenview Drive*

#### Piped System

A piped system would require a 1500 mm diameter pipe. The excavated trench would be up to 2.7 metres deep and 2.1 metres wide. The pipe size would accommodate the estimated difference in flow between the 1 in 5 year and 1 in 100 year ARI discharges with no ponding above the inlet.

### Floodway

A floodway can be constructed across the width of the intersection at Trivalve Court and the Liddiard Road east service lane. The floodway would accommodate the design flow but flow characteristics would exceed the limits set by the design guidelines.

### *Precinct E: Wotan Court to Trivalve Court*

#### Piped System

A piped system would require a 900 mm diameter pipe. The excavated trench would be up to 2.0 metres deep and 1.5 metres wide. The pipe size would accommodate the estimated difference in flow between the 1 in 5 year and 1 in 100 year ARI discharges with no ponding above the inlet.

### Floodway

A floodway can be constructed through the reserve connecting Wotan Court to Trivalve Court. The floodway would accommodate the design flow with the flow characteristics constrained within the limits set by the design guidelines.

### *Precinct F: Newman Crescent to Trivalve Court*

### Piped System

A piped system would require a 1200 mm diameter pipe. The excavated trench would be up to 2.4 metres deep and 1.8 metres wide. The pipe size would accommodate the estimated difference in flow between the 1 in 5 year and 1 in 100 year ARI discharges with no ponding above the inlet.

### Floodway

A floodway can be constructed across the width of the intersection at Newman Crescent and the Liddiard Road east service lane. The floodway would accommodate the design flow but flow characteristics would exceed the limits set by the design guidelines.

In summary, the recommended action to address the ponding at each precinct is as follows:

- A. Howitt Street – upgrade to piped system
- B. Glenview Drive – upgrade to piped system
- C. Cobbledick Court – no treatment required
- D. Trivalve Court – upgrade to piped system
- E. Wotan Court – construction of floodway
- F. Newman Crescent – upgrade to piped system.

## **Drainage Asset Management Plan**

As part of Council's Asset Management Policy, the development of a Drainage Asset Management Plan (DAMP) is scheduled for completion the 2013/14 financial year.

The DAMP will assess Council's existing drainage infrastructure and known drainage matters requiring investigation such as the subject of this report.

It is expected the DAMP will assign a priority to any proposed drainage project considering factors such as risk to property, performance of existing infrastructure and where Council may have a statutory requirement to undertake such works to facilitate future development.

The investigation into drainage issues at Howitt Street, Glenview Drive and Liddiard Road Traralgon has been undertaken ahead of the DAMP development due to the level of community concern and as a direction of Council.

It is likely there will be further drainage improvement works identified as a result of the DAMP that will require the consideration of funding allocation to remediate identified issues.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

The table below is a summary of the estimated costs associated with addressing the drainage issues at each precinct.

Precinct	Estimated Cost	Comment
A. Howitt St	\$800,000	Upgrade to piped system
B. Glenview Drive	\$500,000	Upgrade to piped system
C. Cobbledick Court	Nil	No action required
D. Trivalve Court	\$450,000	Upgrade to piped system
E. Wotan Court	\$40,000	Construction of floodway
F. Newman Crescent	\$240,000	Upgrade to piped system
<b>TOTAL</b>	<b>\$2,030,000</b>	

The above works can be staged and completed over a number of years. Should the works be staged, they would be required to be completed in order as listed above.

## 7. INTERNAL / EXTERNAL CONSULTATION

A letter was sent to all residents in 2010 considered to have been affected by ponding, requesting as much information as they may have been able to provide on the issue.

Subsequent discussions with local residents and collection of survey data including flood levels at key locations provided confirmation of reoccurring flooding and the detrimental impact.

## 8. OPTIONS

Council has the following options

1. Note this report.
2. Request further information on the matter.

## 9. CONCLUSION

Following investigation, it has been established that major upgrades (floodways) and additional piping to the pipe drainage network is required to mitigate flooding of properties within the Howitt Street catchment.

A piped system to sites A, B, D and F and a floodway at site E, at a total cost of \$2.03 million, is the best combination of treatments to achieve all the requirements of the design guidelines. This combination will constrain flow depths and velocities within acceptable limits so as not to endanger the travelling public while augmenting the existing pipe capacity to accommodate the quantity of discharge expected in a 1 in 100 year ARI storm event with minimal ponding.

Construction of adequate overland flow paths is rarely possible in established areas notwithstanding the technical limits of accommodating existing services and traffic movements, but also in community acceptance of the detrimental impacts on the built environment. Nevertheless opportunities should be sought to improve overland flow conditions if only to provide a safety valve if the piped system was to fail to perform as intended.

## 10. RECOMMENDATION

1. That Council notes the drainage investigation conducted at Howitt Street, Glenview Drive and Liddiard Road Traralgon
2. That Council refer the cost of drainage works within the Howitt Street catchment area to the Capital Works Program for consideration at a future Council budget process.
3. That Council include the Howitt Street, Glenview Drive and Liddiard Road Traralgon drainage investigation in any future Drainage Asset Management Plan.
4. That a letter be forwarded to the head petitioner informing them of Councils decision.
5. That a letter be forwarded to all residents in the Howitt Street catchment area informing them of Council's decision.



**ATTACHMENT 1**

**Figure A: Locations of ponding and overland flow paths**



**7.2** **PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - ROYS ROAD, BUDGEREE**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to further consider two requests for the discontinuance and transfer of an unconstructed road reserve and parcel of Council land adjoining Roys Road, Budgerie.

**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.

*Shaping Our Future*

An active connected and caring community  
*Supporting all*

*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 placed in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

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

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

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

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

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

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

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

**4. BACKGROUND**

Council has received two separate applications from the respective owners of 134 and 185 Roys Road, Budgeree, seeking to acquire the unconstructed road reserve that separates their properties and a small triangular parcel of Council land as shown on the attached plan.

The road reserve is contained in Certificate of Title Volume 5998 Folio 506 and is shown as Lot 1 on Title Plan 396174P, formerly part of Crown Allotment 24, Section A in the Parish of Budgeree, acquired by the former Shire of Morwell in 1935.

As shown on the attached plan, the section of the road reserve proposed to be discontinued measures approximately 4800 square meters and would have formed part of the original alignment of Roys Road.

The owners of 134 Roys Road (farm land) believe that their grandfather, William Allan Roy, acquired the road reserve from the former Shire of Morwell in 1956 however any documentation of this sale was lost in a house fire in 1963.

A thorough search of Council records, including the minutes of the former Shire of Morwell, has not located any information to support this advice.

It is considered that the road reserve is surplus to requirements as it no longer forms part of the road network as a result of the realignment undertaken by the former Shire of Morwell and the nature of the terrain would not readily allow its construction in the future.

The owners of 185 Roys Road currently occupy an adjoining parcel of Council owned land, measuring approximately 1500 square meters, under a licence agreement. This smaller parcel of land provides additional access to their land north west of Roys Road.

This small parcel of land, being part of Lot 1 on Title Plan 899968U is contained in Certificate of Title Volume 8377 Folio 001. It is believed that this land was acquired by the former Shire of Morwell in 1962 as part of the Roys Road realignment, providing a better engineering solution due to the terrain of the area.

Council previously considered this matter at its meeting held on Monday 5 December 2011 and resolved the following:

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of the unconstructed road reserve adjoining Roys Road, Budgeree, to the owners of 134 Roys Road, Budgeree, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*
- 2. That Council gives public notice of its intention to consider the proposed sale by private treaty of part of Lot 1 on TP 899968U in Roys Road, Budgeree, to the owners of 185 Roys Road, Budgeree.*
- 3. That Council considers any submissions received in relation to the proposed discontinuance of the unconstructed road reserve adjoining Roys Road, Budgeree, and the proposed transfer of part of Lot 1 on TP 899968U at the Ordinary Council Meeting to be held on Monday 6 February 2012.*

The owners of 134 Roys Road have suggested that Mr Bruce Hall, whose father was the Shire President at the time of the road realignment, would be prepared to substantiate their claim that their grandfather purchased the land in approximately 1956.

Having considered the two formal submissions received at the Ordinary Council Meeting held on Monday 6 February 2012 it was resolved that:

*That Council defer consideration of this matter for a period of four weeks until the Ordinary Council Meeting 5 March 2012 until such time as Council officers have contacted Mr Bruce Hall.*

The details of the discussion with Mr Hall are summarised in the consultation section of this report.

## 5. ISSUES

The owners of 134 Roys Road (farm land) have requested that, if the road reserve is discontinued, it be transferred for a nominal consideration as they are of the belief their grandfather paid £80 to the former Shire of Morwell in 1956 for this land and do not believe that they should not be required to pay market value for the land again.

The owners of 185 Roys Road also wish to acquire the unconstructed road reserve together with the land they currently licence from Council so that there is better access to their land north west side of Roys Road.

Their licence agreement for the land expired in October 2011 and it has not yet been renewed pending the outcome of their application to acquire the land.

Occupancy of the unconstructed road reserve, Council's land and the privately owned land has been a source of contention between both parties in the past and they are unlikely to be prepared to compromise on future acquisition of the land should the road reserve be discontinued.

The solution proposed by Council, (each party acquires a separate parcel of land) is preferred as it provides the access sought by the owners of 185 Roys Road to their land north west of Roys Road whilst the owners of 134 Roys Road acquire the discontinued road reserve.

As a result of this distribution of land there is a clearly defined boundary between the two properties for fencing and removing any future confusion.

It is noted that the combined size and location of the Council land occupied by respective parties would not be sufficient to permit it being independently developed. This factor would limit interest in the land and has a significant impact on the market value of the land.

A review of the historical titles for the area shows that the parcel of land owned by Council was originally part of Crown Allotment 24, Section A in the Parish of Budgerie (now 115 Roys Road, Budgerie) until it was transferred to the former Shire of Morwell in 1962.

The registered proprietors of the land at this time were Joseph and Joyce Nixon.

The owners of 134 Roys Road have maintained that this parcel of land was acquired in 1956, together with the road reserve, however questions remain as to how this could have been done given that the land did not come into the ownership of the former Shire of Morwell until 1962.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated in completing the statutory process to discontinue the section of road reserve are minimal being the cost of an order published in the Victoria Government Gazette, plus an independent valuation for the respective parcels of land.

Should Council resolve to discontinue the road reserve and/or transfer the land, all survey and legal costs associated with the transfer of the land would be borne by the respective applicant.

In the event either party was to decline this requirement Council is still able to determine to sell the land to the other interested party.

## **7. INTERNAL / EXTERNAL CONSULTATION**

### *Engagement Method Used:*

Public Notices in the Latrobe Valley Express on Thursday 15 and Monday 19 December.

Letters were sent to four property owners in the immediate area of this section of Roys Road, Budgeree inviting comment on the proposal.

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

In response to the public notices and correspondence, two formal submissions have been received. One submission is from the owners of 134 Roys Road (farm) and another submission from the tenant, a relative of the owner of the farm. A copy of both submissions is attached to this report.

Both submissions support the road discontinuance and the land being transferred to owner of the farm (134 Roys Road). In addition both submissions also object to the transfer of the triangular parcel of Council land to the owners of 185 Roys Road. The basis of the objection being four generations of family have occupied, grazed and maintained both parcels of land since 1956. Further, they also argue that since the triangular parcel of land has been leased to the owners of 185 Roys Road it has been left unattended and unmaintained which poses a "significant" fire hazard to adjoining properties.

In accordance with the resolution of Monday 6 February, Council officers contacted Mr Bruce Hall whose father was the Shire President for the former Shire of Morwell at the time of the realignment of Roys Road.

Mr Hall indicated that the land for the road realignment was acquired from Mr Roy and he, in turn, was to purchase the former road reserve and, possibly, the triangular parcel of land adjoining the road reserve.

Mr Hall acknowledged that, given the time that has elapsed since the road realignment was undertaken, it is difficult to recall the finer details however a subsequent discussion with his brother, Mr Ross Hall, verified his recollections.

## 8. OPTIONS

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

1. Resolve to discontinue the unconstructed road reserve adjoining Roys Road and transfer all or part of the land to the owners of 134 Roys Road, Budgeree, by private treaty, and
2. Resolve to transfer triangular parcel of land being part of Lot 1 on TP 899968U to the owners of 185 Roys Road, Budgeree, by private treaty, or
3. Resolve to discontinue the unconstructed road reserve adjoining Roys Road and retain the land. Council would need to put in place a mechanism to prevent a potential adverse possession claim in the future, or
4. Resolve to discontinue the unconstructed road reserve adjoining Roys Road and land described as part of Lot 1 on TP 899968U and invite selected tenders from both the owner of 134 and 185 Roys Road, Budgeree. This is not supported as considerable staff resources have been committed to reach the conclusion of this matter, or



5. Council may resolve not to proceed with the discontinuance of the unconstructed road reserve adjoining Roys Road and/or the transfer of part of Lot 1 on TP 899968U and retain the land. This is not supported for the same reason outlined in point 4 above.

## 9. CONCLUSION

Council has received two separate applications from the owners of 134 and 185 Roys Road, Budgeree, to acquire the unconstructed road reserve separating their properties.

The unconstructed road reserve will not be required in the future as part of the road network whilst the triangular parcel of land to be transferred, being part of Lot 1 on TP 899968U, is likewise unlikely to be required by Council.

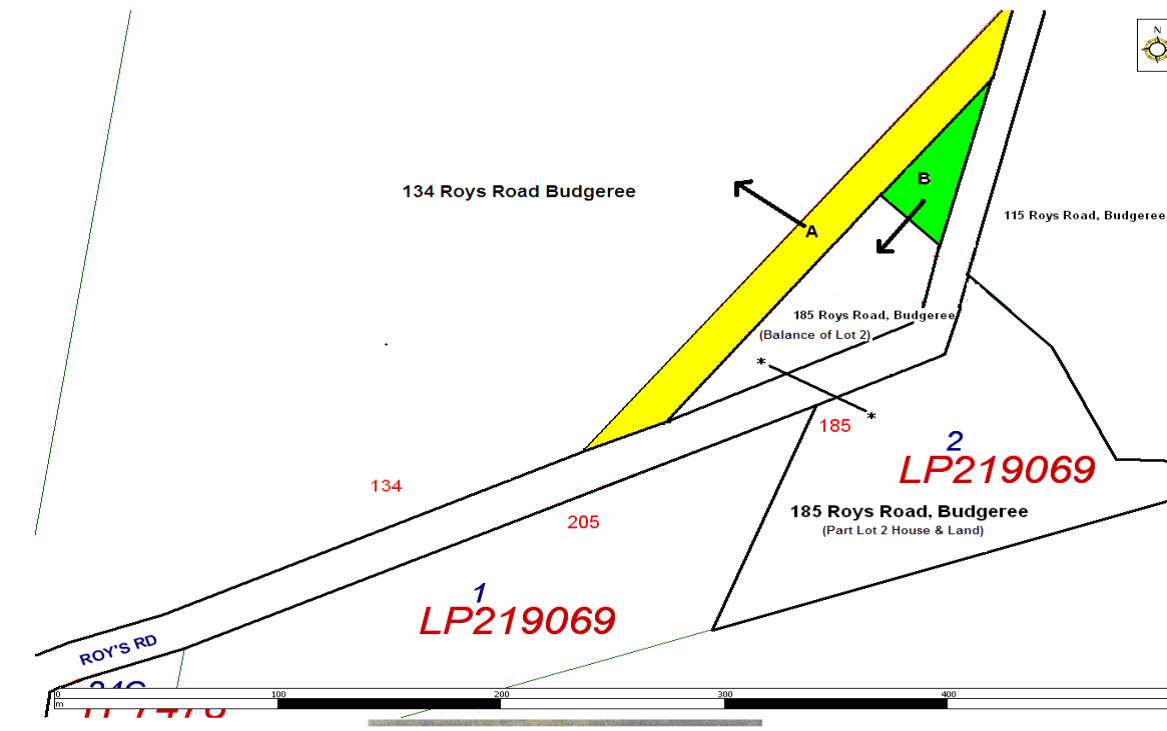
Despite ongoing research into the history of this matter it has not been possible to definitively determine what was agreed between the former Shire of Morwell and Mr Roy. Furthermore, there remains a discrepancy in the years when the land was allegedly acquired by Mr Roy and it actually came into Council ownership.

In light of this it is considered that the best outcome for all parties remains for Council to resolve to discontinue the road reserve and transfer it to the owners of 134 Roys Road, Budgeree, whilst also transferring the triangular parcel of Council land to the owners of 185 Roys Road.

## 10. RECOMMENDATION

1. **That Council, in accordance with Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, having given public notice of its intention to discontinue the unconstructed road reserve off Roys Road, Budgeree, and considering submissions received in accordance with Section 223 of the Local Government Act 1989, forms the opinion that the unconstructed road reserve off Roys Road, Budgeree, is not required for public traffic and resolves to discontinue the road and transfer the land to the owners of 134 Roys Road, Budgeree, by private treaty for a nominal consideration.**

2. That Council, pursuant to Section 189 of the Local Government Act 1989, resolves to sell part of Lot 1 on TP 899968U, being part of the land contained in Certificate of Title Volume 8377 Folio 001, to the owners of 185 Roys Road, Budgeree, for a nominal consideration.
3. That the Chief Executive Officer be authorised to sign and seal all respective Transfer of Land and Contracts of Sale documents once prepared.
4. That both applicants together with the tenant of 134 Roys Road, Budgeree, be advised of the above Council decision.

**ATTACHMENTS**

- A: Road reserve proposed to be discontinued and transferred to the owners of 134 Roys Road, Budgeree. (Part of Lot 1 on TP 396174P)
- B: Council land proposed to be transferred to the owners of 185 Roys Road, Budgeree. (Part of Lot 1 on TP 899968U)



SUBMISSION – OWNERS 134 ROYS ROAD BUDGEREE

4 January 2012

Peter Schulz  
Property & Statute Officer  
Latrobe City  
PO Box 264  
Morwell Vic 3840

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

Dear Peter Schulz

Thankyou for considering our proposed purchase of the parcel of land which includes the unmade road reserve and also the section of land between it and the current road. We have been advised by our tenants, Phil Allen and Julia Bickerton that Council are proposing to sell the unconstructed road section to us, which we are very grateful for.

We strongly oppose Council selling part of lot 1 to the Owners of 185 Roys Road on the following grounds:

Firstly I would like to remind Council that my Grandfather, William Allan Roy purchased the parcel of land in approximately 1956 for the sum of £80, but regrettably overlooked having the title transferred. Unfortunately no records of this transaction can be located as all documents of our family we destroyed in a house fire in 1963. There are a number of residents willing to make statutory declarations as to what transpired with the change of roadway in approximately 1956.

Secondly the whole parcel of land has been occupied and well maintained by four generations of our family since the 1956.

Finally I would like to bring to Councils attention that the section that has been leased has not been grazed or maintained at all for the duration of the lease, therefore we respectfully request that council incorporate both sections of land to the owners of 134 Roy's Road at a fair and reasonable cost.

## SUBMISSION – TENNANT 134 ROYS ROAD BUDGEREE

Copy registered in categories  Invoice forwarded to accounts

5 January 2012

Mr. Peter Schulz  
Property & Statute Officer  
Latrobe City Council  
P O Box 264  
Morwell, Vic, 3840

Dear Mr. Schulz,

We refer to your correspondence dated 9<sup>th</sup> December, 2011 and our subsequent telephone conversations, regarding the proposed transfer of land to the owners of 134 & 185 Roys Road Budgeriee. In response, we wish to advise that we are in favour of the transfer regarding the land owners at 134 Roys Road, J & C McQualter, however we strongly oppose the second proposal for the transfer of land to the owners of 185 Roys Road, Budgeriee for the following reasons;

- As you are aware via correspondence from Mrs C McQualter, William Allan Roy purchased the parcel of land in approximately 1956 for the sum of 80 pound. However the transfer of this land to the title at 134 Roys Road never occurred and any record of the payment was destroyed in a house fire in 1963. It is common knowledge to many within the district that the land in question was purchased by Mr Roy and there are many willing to support this claim with statutory declarations. Any transfer of land to the owners at 185 Roys Road, we believe would be unjust.
- Although on paper the transfer of each parcel seems a fair and equitable settlement of this dispute, the topographical layout of the land inhibits efficient grazing of the area, especially with the way the land in questions is currently fenced as there is no water in the area and no access for cattle to the creek for water.
- For over 50 years prior to this dispute arising, both sections of land have been grazed and maintained from a weed eradication point of view to an acceptable level by 4 generations of the Roy family. In the past twelve months, since council granted a lease to the owners of 185 Roys Road, to which we strongly objected, the land has been fenced off and left unattended and unmaintained for the duration. The road side has also been left unattended and together the two

areas, as they currently present, pose a significant fire hazard to adjoining properties. We have included 2 figures to support our point of view, taken only a fortnight ago.



Fig 1. Acreage maintained by Roy Family



Fig2. Area fenced off and leased by council to owners of 185 Roys Road.

Having considered the abovementioned points, we believe that both the unconstructed road reserve, together with part of Lot 2 on TP 899968U in Roys Road Budgeree be transferred or sold to Mr & Mrs McQualter for a nominal fee as suggested in their letter dated 21<sup>st</sup> July, 2011.

Furthermore we strongly object to any transfer of land to the residents at 185 Roys Road due to their lack of upkeep of the area whilst they held a lease over the past twelve months and the knowledge that this situation has been created simply by a misunderstanding when the new road was constructed and failure of the paperwork to be completed to transfer the land to the rightful owner back in 1956.

We look forward to hearing from you soon regarding our concerns about this proposal.

Regards,  

**7.3** **OUTCOME OF THE SPECIAL CHARGE SCHEME PROPERTY OWNER ENGAGEMENT PROCESS TO CONSTRUCT A FOOTPATH IN COALVILLE ROAD, MOE BETWEEN CEMETERY ROAD AND BORRMANS STREET**

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

**1. PURPOSE**

The purpose of this report is to advise Council of the outcome of the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme to construct a footpath in Coalville Road Moe between Cemetery Road and Borrmans Street.

**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 its surroundings, and which provides for a connected and inclusive community*

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

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

*Service Provision – Infrastructure Development*

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



Legislation / Council Policy

Local Government Act 1989

POL-4, Construction of New footpaths in residential Areas

POL-3 Contributory Policy

4. **BACKGROUND**

A petition signed by 50 people from the Coalville Road Moe area was received on 29 April 2010 requesting Council construct a footpath along the eastern side of Coalville Road between Cemetery Road and Borrmans Street.

Coalville Road is a collector road that links the southern areas of Moe to the town centre. This residential area on the southern town boundary of Moe was developed in the 1980's without any requirement to construct footpath or kerbing along either side of Coalville Road between Cemetery Road and Borrmans Street.

The petition was presented to Council's 7 June 2010 Ordinary Meeting, with the following resolution:

1. *That Council agrees to lay the petition requesting the construction of a footpath along the east side of Coalville Road, Moe between Cemetery Road and Borrmans Road, Moe on the table until the Ordinary Council Meeting to be held on 16 August 2010.*
2. *That the head petitioner Mr Ian Wilson be advised of Council's decision in relation to the petition requesting the construction of a footpath along the east side of Coalville Road, Moe between Cemetery Road and Borrmans Road.*

A further report was tabled at Council's 16 August 2010 Ordinary Meeting, with the following resolution:

1. *That Council, having considered the petition commences a consultation process with the property owners in Coalville Road between Cemetery Road and Borrmans Street to obtain their views on the commencement of a Special Charge Scheme under Section 163 of the Local Government Act 1989.*
2. *That following completion of the consultation process with the property owners in Coalville Road between Cemetery Road and Borrmans Street, a further report is presented to Council on the outcome of the consultation.*

3. *That the head petitioner Mr Jason Lamb be advised of Council's decision in relation to the petition requesting Council construct a footpath along the eastern side of Coalville Road between Cemetery Road and Borrmans Street.*

It has been confirmed that Mr Jason Lamb is the head petitioner and not Mr Ian Wilson.

In accordance with Council's resolution, the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme has been completed and the outcome detailed in this report.

## 5. **ISSUES**

There are 50 properties that were required to be included in the engagement process to determine the level of support for a Special Charge Scheme. These properties comprise the section of Coalville Road Moe between Cemetery Road and Borrmans Street.

Letters were sent to the property owners on 8 November 2011 requesting feedback on the application of a Special Charge Scheme to construct the footpath.

A total of 31 responses were received. Two advised support for a Special Charge Scheme and 29 did not support a Special Charge Scheme.

Council's policy requires a majority of property owners that would receive benefit from the proposed project is required to commence the Special Charge Scheme process.

In accordance with Council's policy, the 50 property owners were advised on 23 December 2011 that there was insufficient support to commence the Special Charge Scheme.

As the property owners do not support commencement of the Special Charge Scheme process, this project could only proceed if Council resolved to fund the cost of construction, which is estimated to be \$100,000.

**6. FINANCIAL AND RESOURCES IMPLICATIONS**

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

Should Council determine to fund the cost of the footpath construction, a commitment of \$100,000 would be required to be considered as part of a future budget process.

**7. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Letters were sent to 50 residents on 8 November 2011 requesting feedback in relation to the level of support for a Special Charge Scheme to construct a footpath on Coalville Road, Moe between Cemetery Road and Borrmans Street.

Letters were sent to the 50 property owners on 23 December 2011 advising that a Special Charge Scheme to construct a footpath on Coalville Road, Moe between Cemetery Road and Borrmans Street would not proceed in accordance with Council's policy.

**8. OPTIONS**

Options available to Council include:

1. Note this report
2. Request further information on this matter
3. Resolve to refer the construction of the footpath to a future capital works program

**9. CONCLUSION**

Property owners have been consulted in accordance with Council policy on implementation of a Special Charge Scheme to construct a footpath in Coalville Road Moe between Cemetery Road and Borrmans Street.

The majority of property owners do not support a Special Charge Scheme. Council could resolve to refer the project to the capital works program for consideration as part of its annual budget process.

However, this would be inconsistent with Council policy and may create a precedent that would impose significant future cost to Council.

**10. RECOMMENDATION**

**It is recommended that:**

- 1. That Council note this report advising the outcome of the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme to construct a footpath in Coalville Road Moe between Cemetery Road and Borrmans Street.**
- 2. That Council take no further action to construct a footpath in Coalville Road Moe between Cemetery Road and Borrmans Street.**
- 3. That a letter be forwarded to the 50 property owners consulted as a part of the property owner engagement process and notify them of its decision.**

**7.4** **OUTCOME OF THE SPECIAL CHARGE SCHEME PROPERTY OWNER ENGAGEMENT PROCESS TO CONSTRUCT A FOOTPATH ON HICKOX STREET BETWEEN ROSE AVENUE AND THE TRARALGON RAILWAY CONSERVATION RESERVE, TRARALGON**

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

**1. PURPOSE**

The purpose of this report is to advise Council of the outcome of the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme to construct a footpath on Hickox Street Traralgon, between Rose Avenue and the Traralgon Railway Conservation Reserve.

**2. DECLARATION OF INTERESTS**

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

**3. 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 its surroundings, and which provides for a connected and inclusive community*

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

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

*Service Provision – Infrastructure Development*

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

*Latrobe City Council Plan 2011 - 2015*

*Local Government Act 1989*

*POL-4 Construction of new footpaths in residential areas*

*POL-3 Contributory Policy*

**4. BACKGROUND**

Council received correspondence from Mr Russell Northe MLA, dated 16 June 2011 requesting the provision of a footpath on Hickox Street Traralgon between Rose Avenue and the Traralgon Railway Conservation Reserve. The correspondence contained a petition addressed to Mr Northe.

As the petition was addressed to Mr Northe, and not Latrobe City Council, Council procedure for the management of petitions does not apply in this instance. However, as the matter is one for consideration of Council, the petition and correspondence from Mr Northe was presented at the Ordinary Meeting of Council 1 August 2011; where Council resolved:

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

In accordance with Council's resolution, the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme has been completed and the outcome detailed in this report.

**5. ISSUES**

There are 16 properties that were required to be included in the engagement process to determine the level of support for a Special Charge Scheme. These properties abut Hickox Street, opposite the Traralgon Railway Conservation Reserve.

Letters were sent to the property owners on the 18 November 2011 requesting their feedback in relation to their support for a Special Charge Scheme to construct the footpath.

A total of 15 responses were received. One response advised support for the Special Charge Scheme and 14 residents did not support a Special Charge Scheme.

Council's policy requires a majority of property owners that would receive benefit from the proposed project is required to commence the Special Charge Scheme process.

In accordance with Council's policy, the 16 property owners were advised on 23 December 2011 that there was insufficient support to commence the Special Charge Scheme.

As the property owners do not support commencement of the Special Charge Scheme process, this project could only proceed if Council resolved to fund the cost of construction, which is estimated at \$300,000 and includes construction of the path, kerb and channel and drainage.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

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

Should Council determine to fund the cost of the footpath construction, a commitment of \$300,000 would be required to be considered as part of a future budget process.

## **7. INTERNAL / EXTERNAL CONSULTATION**

### *Engagement Method Used:*

Letters were sent to 16 property owners on 18 November 2011 requesting feedback in relation to the level of support for a Special Charge Scheme to construct a footpath on Hickox St between Rose Avenue and Railway Reserve.

Letters were sent to all 16 property owners on 23 December 2011 advising that a Special Charge Scheme to construct a footpath on Hickox Street Traralgon between Rose Avenue and the Traralgon Railway Conservation Reserve would not proceed in accordance with Council's policy.

## 8. OPTIONS

1. Note this report
2. Request further information on this matter
3. Resolve to refer the construction of the footpath to a future capital works program

## 9. CONCLUSION

Property owners have been consulted in accordance with Council policy on implementation of a Special Charge Scheme to construct a footpath in Hickox Street, between Rose Avenue and the Traralgon Railway Conservation Reserve.

The majority of property owners do not support a Special Charge Scheme. Council could resolve to refer the project to the capital works program for consideration as part of its annual budget process.

However, this would be inconsistent with Council policy and may create a precedent that would impose significant future cost to Council.

## 10. RECOMMENDATION

1. That Council note this advising the outcome of the property owner engagement process to determine the level of support for the implementation of a Special Charge Scheme to construct a footpath on Hickox Street between Rose Avenue and the Traralgon Railway Conservation Reserve.
2. That Council takes no further action to construct a footpath on Hickox Street between Rose Avenue and the Traralgon Railway Conservation Reserve.
3. That a letter be forwarded to the 16 property owners consulted as a part of the property owner engagement process and notify them of its decision.



## **7.5 PROPOSAL TO RENAME BRIDGES OVER THE TRARALGON CREEK - RURAL LOCALITIES**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

### **1. PURPOSE**

The purpose of this report is to further consider a proposal to amend the spelling of a bridge name and formally register with the Office of Geographic Names other bridge names constructed over the Traralgon Creek.

### **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.

#### *Shaping Our Future*

An active connected and caring community –  
*Supporting all*

##### *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 – 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 from a resident concerning two bridge names over the Traralgon Creek requesting:

1. Council amend the spelling of 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.

Council referred details of this request to the Traralgon and District Historical Society (T&DHS) for verification and comment.

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, and 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 details correcting the spelling of OMearas and confirmation that Hoggs Bridge is located at Le Roy and not at the current location of the bridge sign. Mr Blewett also provided 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."*

Council at the Ordinary Meeting held 19 December 2011, considered the initial request and information provided by the T&DHS and Mr Blewett and resolved:

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 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.*

## 5. **ISSUES**

Of the seven bridge names provided above by Mr Blewett, 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 with the realignment of Mattingly Hill Road, a new bridge was constructed over the Traralgon Creek. The old Cribbins Bridge timber sub structure is still in place, approximately 220 metres south of the new bridge.

For bridge locations refer Attachments 1, 2 & 3.

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 from Hogg's Bridge and O'Mearas Bridge 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. This detail is beneficial for an emergency service agency when dispatched to an emergency at these locations.

#### *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 these existing unofficial bridge names.

*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.*

Council complied with this principle by giving public notice of the proposed registration of respective bridge names over the Traralgon Creek as official feature names.

*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.

If Council proceeds with the proposal, additional costs will be incurred in manufacturing and erection of new or replacement bridge signs. This is recurrent expenditure allowed for in the current budget.

**7. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

- A public notice was published in the Latrobe Valley Express on the 12 January 2012.
- The applicant, Mr Blewett and another local amateur historian were provided with a progress update concerning the naming proposal.

*Details of Community Consultation / Results of Engagement:*

With the exception of earlier correspondence from the applicant, Traralgon and District Historical Society and Mr Blewett no new submissions were received concerning this matter.

Two telephone enquires were received, one seeking clarification as to the location of Hoggs Bridge and the other seeking further information concerning the bridge names proposed. In response to both enquiries an extract copy of the relevant Council Report considered at Ordinary Meeting held 19 December 2011 was mailed out.

In response to the second enquiry it is possible a late written submission may be received. In the event this occurs a copy will be circulated to Councillors for consideration.

**8. OPTIONS**

Council has the following options:

1. Resolve to register the five bridge names as official feature names and submit an application to the Registrar of Geographic Names to have them registered on VICNAMES; or
2. Resolve not to register the respective bridge names and notify the applicant, the Traralgon & District Historical Society and Mr Darrell Blewett, of Council's decision.

**9. CONCLUSION**

Council has complied with the regulatory requirements 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

As the names are consistent with the *Guidelines for Geographic Names Victoria 2010* it is reasonable for Council to proceed with the process to have these bridge names registered as official feature names by submitting an application to the Registrar of Geographic Names.

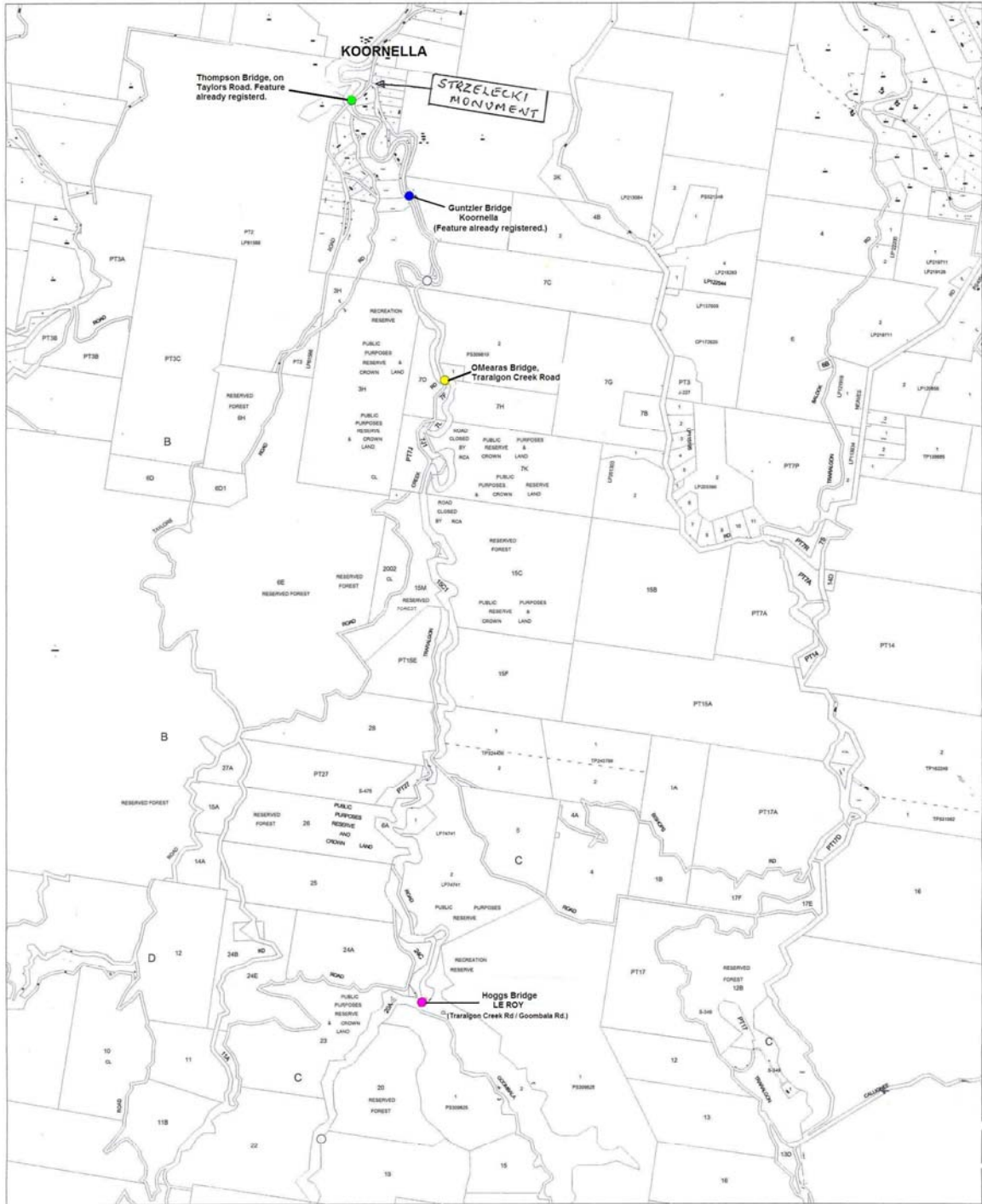


**10. RECOMMENDATION**

1. That Council having given public notice and invited comment, resolves to submit an application to the Registrar of Geographic Names to register as official feature names the following bridges constructed over the Traralgon Creek:
  - Cribbins Bridge,
  - Downies Bridge,
  - Koornalla Bridge,
  - OMearas Bridge, and
  - Hoggs Bridge.
2. That Council notifies the applicant, the Traralgon and District Historical Society and Mr Blewett of the above Council decision.

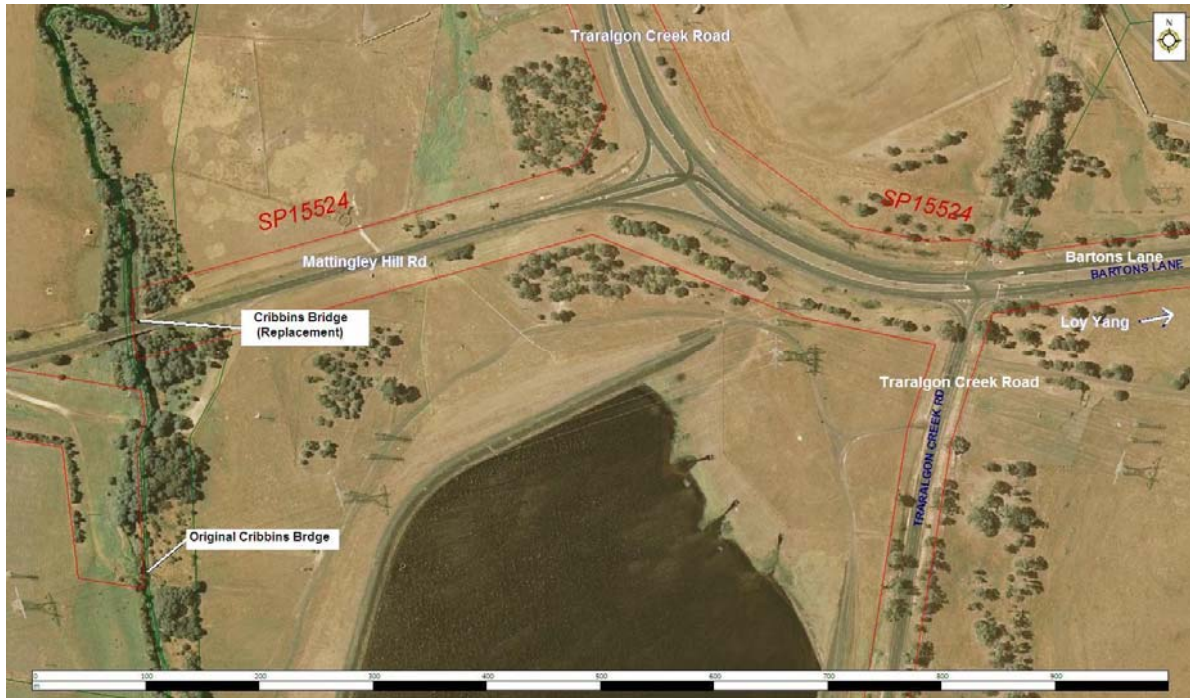
**ATTACHMENT 1**

Location of Thompson Bridge, Guntzler Bridge, OMearas Bridge and Hoggs Bridge  
KOORNELLA and LE ROY.

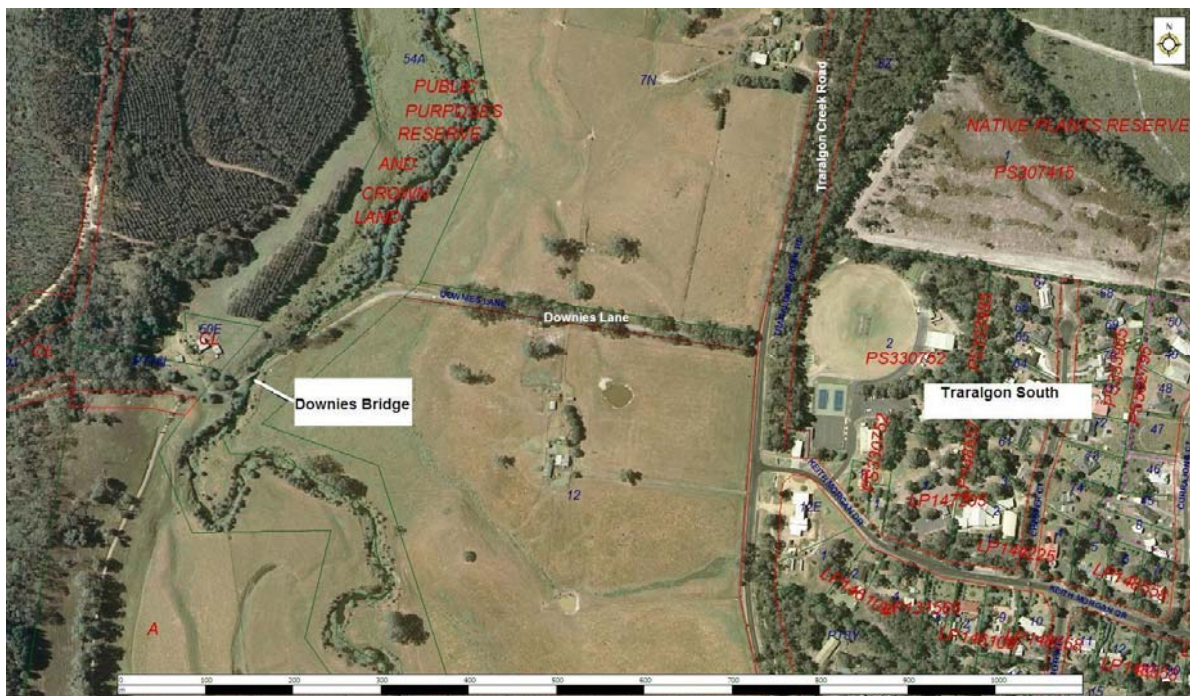


**ATTACHMENT 2 & 3**

Cribbins Bridge, Mattingley Hill Road - LOY YANG / TRARALGON SOUTH.



Downies Bridge, Downies Lane - Traralgon South.



## **7.6 PROPOSED SALE OF LAND - FRANKLIN STREET TRARALGON.**

**AUTHOR:** Acting General Manager Governance  
**(ATTACHMENT – YES)**

### **1. PURPOSE**

The purpose of this report is to further consider the proposed sale of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve as shown on Attachment 1.

### **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.*

##### *Built Environment*

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

##### *Shaping Our Future*

*An active connected and caring community  
Supporting all*

Latrobe City Council Plan 2011 - 2015

*Strategic Direction*

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

*Service Provision – Property and Statutory*

*Administer property management, advice and services of Latrobe City Council*

*Legislation –*

Local Government Act 1989

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

- ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and*
- obtain from a person who holds the qualifications or experience specified under section 13DA (2) of the Victorian Land Act 1960 a valuation of the land which is made no more than 6 months prior to the sale of exchange.*

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 may be heard are entitled to appear before a meeting of Council.

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

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

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

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

**4. BACKGROUND**

The potential disposal of the former TELC site and a section of the adjoining Franklin Street Reserve has been the subject of various Council reports since 2005 as detailed below:

Latrobe Transit Centre Precincts Report adopted by Council on 21 February 2005. This report identified the former Manny's Market site on the corner of Franklin and Grey Streets, Traralgon and the TELC site as presenting a key opportunity for new development consistent with the key direction of the Latrobe Transit Centre Precinct principles:

- Creation of compact town centres
- Promoting diversity
- Providing car parking
- Protecting and enhancing local character
- Introducing higher density housing
- Ensuring an active and clear public realm
- Creating pedestrian friendly streets and spaces

The specific Council resolutions that relate to the sale of the TELC site and a section of the adjoining Franklin Street Reserve area are as follows:

Council at the meeting 4 September 2006, resolved to sell by private treaty the current TELC site:

1. *“that the petition received opposing the proposed sale of land in Franklin Street, Traralgon not lay on the table until the next Council meeting but be considered as part of this report.*

2. *That Council, pursuant to section 189 of the Local Government Act 1989, resolve to sell by private treaty the current site of the Traralgon Early Learning Centre in Franklin Street, Traralgon, being part of Crown Allotments 4 and 5, Section 18, Township of Traralgon and Lot 3 on Plan of subdivision 408856P.*
3. *That Council authorises the Chief Executive Officer or his nominee to negotiate that sale price of the property in accordance with the sale of Council Owned Property Policy.*
4. *That a further report be presented to council prior to signing of a Contract of Sale and prior to the signing and sealing of the Transfer of Land for the property.*
5. *That the head petitioner be advised accordingly”*

Further, Council at the meeting 16 July 2007 resolved to sell by private treaty additional land adjoining the current TELC site being part of the Franklin Street Reserve:

1. *“That Council, pursuant to section 189 of the Local Government Act 1989, resolve to sell part of the Franklin Street Reserve, Traralgon, being parts of Crown Allotments 4, 5, 6 and 7B, Township of Traralgon, by private treaty.*
2. *That Council authorises the Chief Executive Officer or his nominee to negotiate the sale price and enter into a contract of sale for the property being part of the Franklin Street Reserve, Traralgon in accordance with the Sale of Council Owned property Policy.*
3. *That Council resolve to sign and seal the Transfer of Land for the sale of this property being part of the Franklin Street Reserve, Traralgon.*
4. *That those residents who made a submission be advised of Council’s decision in relation to sell part of the Franklin Street Reserve, Traralgon.”*

The intention of the two adopted Council resolutions was to sell by private treaty the respective parcels of Council land to the owner of the adjoining former Manny’s Market site. Public notice was given and submissions received in accordance with section 223 of the *Local Government Act 1989*.

The TELC relocated to Mapleson Drive Traralgon during January 2010. At that time it was considered prudent to return to Council to consider previous resolutions as a result of changed circumstances (regarding the location of the new TELC) and the amount of time that had elapsed since the previous resolutions were made.

At its ordinary meeting on 8 February 2010 Council resolved:

1. *That Council continue with the sale by private treaty of the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively, to the owner of the former Manny's Market site.*
2. *That Council authorises the Chief Executive Officer or his nominee, to negotiate the sale of the Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve in accordance with the Sale of Council Owned Property Policy.*
3. *That Council authorises the Chief Executive Officer to enter into a contract of sale for the property being the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively.*
4. *That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land for the sale of the assembled allotment being the existing Traralgon Early Learning Centre site and part of the Franklin Reserve, Traralgon.*

At its ordinary meeting on 22 February 2010 Council considered a Rescission Motion moved by Cr Fitzgerald that:

11.6.4 Proposed Sale of Land, Franklin Street Traralgon adopted at the ordinary Council meeting on 8 February 2010, be rescinded.

Council resolved:

*That Council defer consideration of this item until no earlier than 30 April 2010.*



At its ordinary meeting on 20 September 2010 Council reconsidered the Rescission Motion.

The Rescission Motion was not adopted by Council and as such, the resolution of 8 February 2010, as set out above, was progressed by council officers.

At its Ordinary Meeting on 27 June 2011 Council considered a request for further time from the purchaser to enable them to attract tenants and finance for the development of the site in accordance with the approved plans.

At that meeting Council resolved:

*That Council provide the purchaser until 30 October 2011 to obtain the minimum number of tenants to develop the site in accordance with the approved plans.*

Advice received from the proposed purchaser by council officers indicated that they were unable to meet the purchase requirements by the required date and as such a further report was presented to Council at its ordinary meeting on 5 December 2011.

At that meeting Council resolved:

1. *That Council provide the owner of the Manny's Market site an extension until 23 December 2011 to return signed contracts and deposit for the former Traralgon Early Learning Centre site.*
2. *That in the event that the owner of Manny's Market does not provide the signed contracts and deposit for the former Traralgon Early Learning Centre site by 23 December 2011;*
  - (a) *That Council rescind its resolution to sell by private treaty of the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively, to the owner of the former Manny's Market site.*
  - (b) *That Council formally withdraw its offer to sell the land to the owner of the former Manny's Market site.*

- (c) *That Council commence the statutory process to sell the land contained in Certificates of Title: Volume 1947 Folio 267 and Volume 10334 Folio 968, being part of Crown Allotments four and five and Lot 3 on Plan of Subdivision PS4088569 respectively via public auction in accordance with the Sale of Council Land Policy.*
- (d) *That a further report be presented to Council at the Ordinary Meeting scheduled for 5 March 2012.*
- (e) *That Council prepare a brief media release advising the sale by private treaty has fallen through and that Council is now recommencing the statutory process to sell the land.*

Signed contracts and required deposits were not received from the proposed purchaser prior to the required date. As a result council officers undertook the following action:

1. *Wrote to the proposed purchaser formally withdrawing the offer.*
2. *Commenced the statutory process to sell the land contained in Certificates of Title: Volume 1947 Folio 267 and Volume 10334 Folio 968, being part of Crown Allotments four and five and Lot 3 on Plan of Subdivision PS4088569 respectively via public auction in accordance with the Sale of Council Land Policy; and*
3. *Distributed a media release advising that the sale by private treaty has fallen through.*

## **5. ISSUES**

The decision to sell the former TELC site in 2006 was made following a significant period of community consultation and specific communication with the families using the service provided. Council purchased an existing childcare facility in Mapleson Drive Traralgon and now provides an integrated early learning and care service from that location to over 250 families (approximately 200 more than the former TELC).

The former TELC site has been assessed as no longer being required or suitable for the effective provision of childcare services. In addition neither the recent or any previous community consultation processes have identified an alternative use for the site that is supported by any current Council strategy.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

Council has previously resolved that the net proceeds from the proposed sale of the Franklin Street site are to be allocated towards the cost of purchasing and developing the Mapleson Drive site (now being used for the provision of improved child care services to the Traralgon and surrounding community).

In accordance with the *Local Government Act 1989*, Council will be required to obtain an independent valuation of the former TELC site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve which will be used to evaluate any offers received.

The Sale of Council owned Property Policy permits the Chief Executive Officer to accept a sale price not less than 90% of a sworn valuation obtained in accordance with Section 189 of the *Local Government Act 1989*.

## 7. INTERNAL / EXTERNAL CONSULTATION

*Engagement Method Used:*

As stated previously, Council has given public notice and invited community comment/public submissions concerning the proposed sale of the existing TELC and part of the adjoining Franklin Street Reserve:

- Latrobe Valley Express on Monday 14 and Thursday 17 August 2006.
- Traralgon Journal on Tuesday 15 August 2006.
- Latrobe Valley Express on Monday 11 and Thursday 14 June 2007.
- Traralgon Journal on Tuesday 12 June 2007.
- Latrobe Valley Express on Thursday 12 January 2012
- Latrobe City Council website from Thursday 12 January 2012

*Details of Community Consultation / Results of Engagement:*

Council received one submission in response to the most recent call for submissions from the public regarding the sale of the former TELC site and part of the adjoining Franklin Street Reserve at 196 Franklin Street, Traralgon from:

- Elizabeth Jeffery

This submission is provided in full as an attachment to this report.

Of the community consultation carried out no submissions have been received that have presented alternate uses for the former TELC site that are appropriate for the design of the building or in line with any other Council strategy.

## **8. OPTIONS**

Council has the following options:

1. Not proceed with the sale of the former TELC site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve.
2. Invite submissions from registered real estate agents and then list the site with the selected agent.
3. Conduct a public auction
4. Offer the TELC site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve for public tender or sale by public registration/expression of interest.

## **9. CONCLUSION**

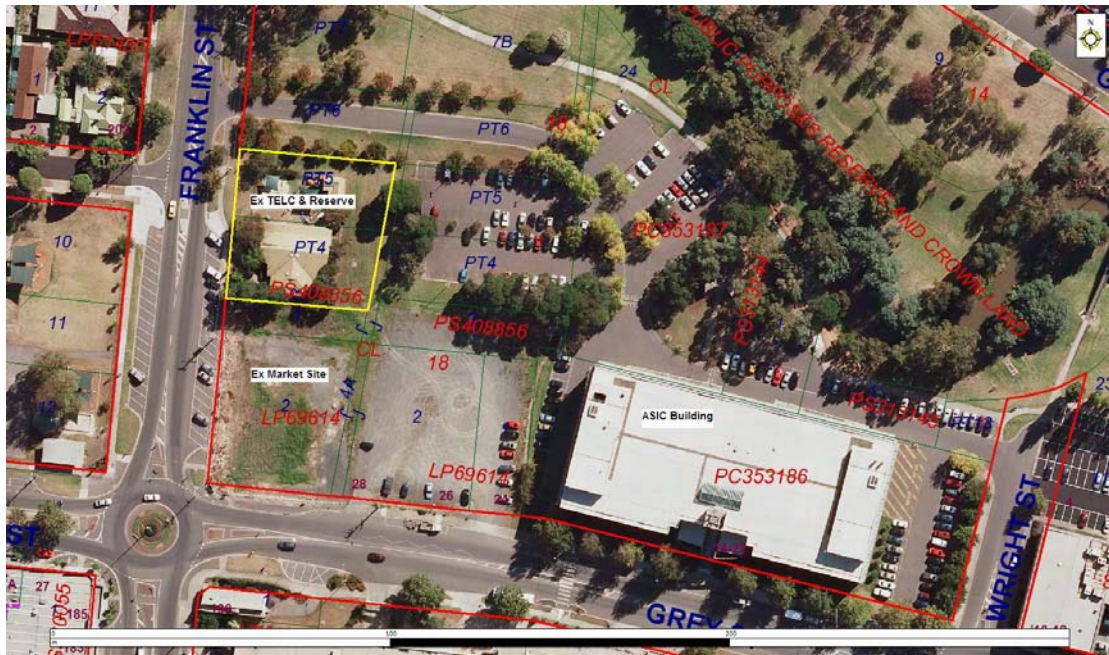
The former TELC site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve is no longer required for the provision of child care services. The services that are now provided from the Mapleson Drive site are provided in an integrated fashion, resulting in improved education, social and well being outcomes for children and their families.

There have been no alternate uses identified for the site since discussion first began in relation to the proposed sale that are appropriate for the existing building or are consistent with current Council strategy.

**10. RECOMMENDATION**

- 1. That Council having considered the written submissions received concerning the sale of the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon and in accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Traralgon Early Learning Centre site and part Reserve is surplus to both community and Council requirements.**
- 2. That pursuant to section 189 of the Local Government Act 1989, Council resolves to sell by public auction the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon being part of the land contained in Certificates of Titles: Volume 1947 Folio 267 and Volume 10334 Folio 968, described as parts of Lot 2 & 3 TP 910490S (formerly known as part of Crown Allotments four and five) and Lot 3 on Plan of Subdivision PS408856P.**
- 3. That Council obtain a current valuation in accordance with section 189 of the Local Government Act 1989 of the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon.**
- 4. That Council authorises the Chief Executive Officer to appoint a selling agent and set the Auction Reserve Sale Price for the public auction of the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon.**
- 5. That Council authorises the Chief Executive Officer to enter into a Contract of Sale and when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon being part of the land contained in Certificates of Titles: Volume 1947 Folio 267 and Volume 10334 Folio 968, described as parts of Lot 2 & 3 TP 910490S (formerly known as part of Crown Allotments four and five) and Lot 3 on Plan of Subdivision PS408856P.**
- 6. That Mrs Jeffery be advised of Councils decision in relation to the sale of the former Traralgon Early Learning Centre site and part Reserve at 196 Franklin Street, Traralgon.**

**ATTACHMENT 1**



## ATTACHMENT 2 SUBMISSION

Mr Paul Buckley CEO  
Latrobe City Council

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Dear Mr Buckley

### EARLY LEARNING CENTRE FRANKLIN ST TRARALGON

I wish to express my opposition to the council decision to sell the old Traralgon Early Learning Centre. Your mission statement says "Latrobe City continually strives to provide an efficient and effective organizational structure which will strategically meet the challenges of the future" Now Council have inserted a notice in The Express newspaper stating that they intend to sell the old Traralgon Early Learning Centre. There has been so much misinformation about this area, the proposal first brought to our notice in 2007. We were told then - firstly that it had been sold, then secondly that it was subject to an unbreakable agreement to sell to a developer and Council proposed to seize a part of Hubert Osborne Park as a substitute. Several other sites were suggested and it became obvious that council had no intention of buying any other land on which to build the new Early Learning Centre. Subsequently due to ABC Learning's financial difficulties their property was acquired, or maybe leased? Which took the pressure off Hubert Osborne Park temporarily.

What became apparent is that council had neither the intention nor the ability to buy private land. Various council staff and councilors reiterated that this is totally out of the question. So the CBD public land we have now is not ever going to be augmented. So we need to be very careful about selling any of this precious and irreplaceable resource. It does seem to me that an efficient organization would retain irreplaceable public assets for the future .

The Council statement says they will consider submissions by the public and "everything is to be transparent". This is a nice change, however the option to sell seems to be the only option on the table. This is not "in the interest of the public", also their stated aim: I am sure the public can see many other possibilities for this land. For example Traralgon is growing exponentially, families that live in the new opulent homes to the East, West, South and North of the CBD, have children. There are certainly many children seen about the CBD, their mothers probably need and wish to work, so we will need many more childcare places. The old Early Learning Centre could be refurbished or even rebuilt, but if it is sold we will have lost that option. Or conversely council are now committed to Youth Precincts where a "range of facilities are provided to encourage use by young people" These must apparently be located close to the CBD and should have picnic and BBQ areas. What better than that the old Early Learning Centre could be refurbished for teenagers to have their own clubrooms. Or this area could be the new Traralgon City Square as envisaged in the Traralgon Activity Centre Plan. As a current letter in The Express (Let's not repeat the mistakes of Melbourne) warns in a few years our population could be over 80,000. Councilors should be holding on to our land assets and strategically planning how to suitably accommodate the challenging multifarious needs of this future growing population.

It is very wrong to sell this public land; land which councilors have previously acknowledged is of value to the community and is irreplaceable. There is a grave shortage of cultural outlets for Traralgon people, our old Court House should be turned into an arts centre similar to the ones in Stratford or Yarram. Would it not be wonderful if we could regularly enjoy exhibitions by local artists. Maybe the young people in their Precinct would contribute various forms of art, would that not be better than the futile destructive juvenile behavior warned of by our essential service personnel specifically over public holiday periods. Maybe if that land could be landscaped, and paved, it could be our city square, with convenient seats and surrounding artistic sculptures then all the people would be able to enjoy the ambience in peace.

One of councils future challenges is to acknowledge that Citizens need a variety of places for a variety of activities, we need meeting places, libraries, churches, halls, schools, exhibition buildings, we need more than to shop, to eat, to drink (sometimes excessively) we need to create, to learn, to admire, to aspire and sometimes just to be. I do hope this land is not sold - it will limit our options and achievements.

Yours sincerely



Ps Another option would be to reserve that area for the Maternal and Child Health service which could then be moved allowing more space to develop our Performing Arts Centre.



# **CORRESPONDENCE**

**9.1** **CORRESPONDENCE RECEIVED FROM ROBERT OAKESHOTT  
MP**

**AUTHOR:** General Manager Economic Sustainability  
**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to table a letter from Robert Oakeshott, MP in response to questions asked in 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**

On 18 November 2011, Mr Oakeshott responded to a letter from Council and acknowledged Council's proposed approach to engaging with the Federal and State Governments on the transition of the Latrobe Valley under a national carbon price.

Following this response, Latrobe City Council resolved on 19 December 2011 as follows:

*That Council request answers to the following questions:*

- 1. 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?*
- 2. 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?*

Mr Oakeshott has responded by letter of 20 January 2012. He has recommended that Council continue to liaise with the local federal member and Regional Development Board about the Latrobe Valley's transition to a clean energy future. He has indicated that he will listen to any requests from the local federal member if approached.

It is somewhat disappointing that Mr Oakeshott has not answered Council's questions and has indicated a preference to communicate via the local federal member. Whilst Council could pursue a response from Mr Oakeshott, it may wish to consider whether more could be gained by focussing its approach on those Ministers who are involved in the transition process and have, to date, been prepared to engage with Council directly.

**4. RECOMMENDATION**

**That Latrobe City Council note Mr Oakeshott's letter.**

**ATTACHMENT****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](mailto:robert.oakeshott.mp@aph.gov.au)

Web: [www.roboakeshott.com](http://www.roboakeshott.com)

20 January 2012

Cr E Vermeulen  
Mayor  
Latrobe City  
PO Box 264  
MORWELL VIC 3840

Dear Cr Vermeulen,

Thank you for your recent correspondence regarding the securing of a clean energy future for the Latrobe Valley.

I would recommend that Council continues to liaise with your local Federal member and local Regional Development Board to discuss assistance for the transition of the Latrobe Valley to a clean energy future.

I will listen to any requests from your local MP if approached.

Yours faithfully,

**Robert Oakeshott MP**  
Member for Lyne  
[www.roboakeshott.com](http://www.roboakeshott.com)  
ro:jt

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**9.2**            **CORRESPONDENCE RECEIVED FROM RUSSELL NORTHE -  
PETITION RELATING TO TRAFFIC CALMING DEVICES IN  
TRARALGON**

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

**1.    INTRODUCTION**

This purpose of this report is to table correspondence received by the Member for Morwell, Russell Northe, which was forwarded to Council for information.

**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 petition (Attachment 1) was received by the office of Russell Northe and forwarded to Latrobe City Council on 19 December 2011 and contains 170 signatures.

The petition requests that no traffic calming devices be temporarily installed in George Street, Berry Street, Peterkin Street, Campbell Street, John Street and Mason Street Traralgon during the construction of the Franklin Street Bridge.

In October 2011, all residents in the following streets were contacted regarding Latrobe City Council's intention to install temporary speed cushions during the six month closure of the Franklin Street Bridge:

- George Street
- Berry Street
- Peterkin Street
- John Street; and
- Mason Street.

The speed cushions were intended to be installed to discourage through traffic in those streets during the period that the Franklin Street bridge will be closed. The letter to residents advised that if the majority of residents in any particular street would prefer not to have temporary speed cushions installed, they would not be installed.

At this time, council officers have determined not to install the speed humps on any of the affected streets, which is in line with the request of the petition.

When the project commences, council officers will continue to monitor the traffic movements on the above mentioned streets to ensure that safe traffic movements are occurring. Should there be any safety concerns highlighted while monitoring the traffic movements in this area, traffic calming devices may still be required for safety purposes if deemed appropriate.

Council Officers will continue to engage with the community on this issue to ensure any safety concerns are managed effectively.

#### **4. RECOMMENDATION**

- 1. That Council notes the correspondence received from Russell Northe forwarded from Traralgon residents relating to the temporary installation of traffic calming devices during the construction of the Franklin Street Bridge project.**
- 2. Note that traffic calming devices will not be temporarily installed for the duration of the construction of the Franklin Street Bridge at this stage.**

ATTACHMENT 1

ATTACHMENT 2



# **PRESENTATION OF PETITIONS**

**10.1**      **PETITION FOR THE REMOVAL OF FIRE HAZARDS ABUTTING  
THE TRARALGON LIFESTYLE VILLAGE AT 35 AIRFIELD ROAD.**  
**AUTHOR:** General Manager Community Liveability  
**(ATTACHMENT - YES)**

**1.    PURPOSE**

The purpose of this report is to present Council with a petition received requesting the removal of dry grass on the north and west boundaries of the Traralgon Lifestyle Village at 35 Airfield Road.

**2.    DECLARATION OF INTERESTS**

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

**3.    STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Regulation and Accountability*

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

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction –Regulation and Accountability*

*Plan and respond to emergency management needs of our community in accordance with legislative requirements*

*Service Provision –Local Laws*

*Deliver a fire prevention inspection program in accordance with Municipal Fire prevention Plan*

*Local Law No.1 – Clause 63, Petitions and Joint Letters*

63.4 Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 10 people.

63.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

*Country Fire Authority Act Section 41*

**41. Fire prevention notices**

- (1) In the country area of Victoria, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—
  - (a) on that land, other than a building or in a building;
  - (b) on the adjacent half width of any private street that abuts that land — (other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.
- (2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—
  - (a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire.

**4. BACKGROUND**

On 25 January 2012 a petition containing 37 signatures was received from the residents of Traralgon Lifestyle Village, 35 Airfield Road, Traralgon (Attachment 1). The Traralgon Lifestyle Village is a neighbouring property to the Latrobe Regional Airport.

**5. ISSUES**

The Latrobe Regional Airport had been inspected by the Assistant Municipal Fire Prevention Officer (AMFPO) on 10 November 2011, as part of the inspection program prior to the fire season. A Fire Prevention Notice was issued to the Latrobe Regional Airport Manager on 14 November 2011 giving fourteen days to comply with the notice.

The Manager Latrobe Regional Airport contacted the Municipal Fire Prevention Officer (MFPO) seeking an extension of time for the fire prevention works, due to the unavailability of plant and contractors to perform the works. The request was considered and an extension to the notice to comply was granted as the fire risk at the time was not high. The fire prevention works were completed by mid January 2012.

Upon receipt of the petition, the MFPO made contact with the Country Fire Authority's (CFA) Vegetation Management Officer and organised an independent inspection of the fire prevention works undertaken at the airport. The CFA officer deemed the works compliant to the CFA regulations and burning operations have been planned with CFA to further complement these completed works.

The MFPO met with the head petitioner on 15 February 2012, who was satisfied with the fire prevention works that have been carried out as well as future works that were outlined during this discussion. The head petitioner was also advised at the meeting of the most effective way of reporting potential fire hazards to Council in the future to avoid delays in actioning such requests.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications in regard to this petition and the works carried out are funded from the Latrobe Regional Airport operational budget.

## **7. INTERNAL / EXTERNAL CONSULTATION**

### *Engagement Method Used:*

The MFPO met with the head petitioner on 15 February 2012 to inform him of the actions taken.

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

The MFPO met with the head petitioner on 15 February 2012 to acknowledge the petition and inform him of actions taken, who indicated that he was satisfied with the actions taken and informed the MFPO that he would advise the other residents of the Traralgon Lifestyle Village of the actions taken.

**8. OPTIONS**

1. That the petition be laid on the table so that further information can be presented to Council.
2. That the petition be considered at this meeting.

**9. CONCLUSION**

The Latrobe Regional Airport was inspected in November 2011 as part of the routine fire hazard inspection process conducted across the municipality. A Fire Prevention Notice was issued and subsequently extended.

A final inspection by the MFPO and CFA confirm the land is now compliant and no further action is required. The head partitioner has been contacted and is satisfied with the works undertaken.

It is usual practice for petitions to lay on the table as per Clause 63 of Council's Local Law No.1. As this petition relates to a request for action which has now been finalised it is appropriate for the petition to be dealt with at this meeting.

**10. RECOMMENDATION**

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

ATTACHMENT

**10.2 PETITION - LATROBE LEISURE MORWELL AQUA AEROBICS**

**AUTHOR:** General Manager Recreation, Culture & Community  
Infrastructure

**(ATTACHMENT - YES)**

**1. PURPOSE**

The purpose of this report is to present Council with the findings of a petition received regarding allocated pool lane space for Aqua Aerobics at Latrobe Leisure Morwell.

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - 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.

*Shaping Our Future*

An active connected and caring community  
*Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Recreation*

Promote and maximise the utilisation of recreational, aquatic and leisure facilities and services to ensure they meet the needs of the community.

*Service Provision – Leisure Facilities*

*Maintain and operate Latrobe City leisure centres, outdoor pools and stadiums.*

#### 4. BACKGROUND

A petition (attached) was received on 16 January 2012 and contains 18 names and signatures. The petition seeks Latrobe Leisure Morwell to allocate three lanes for Aqua Aerobics classes on an ongoing basis. The petition was laid on the table at the Ordinary Council meeting of 20 February 2012.

At this meeting, Council resolved the following:

- 1. That Council agrees to lay the petition regarding allocated lane space for Aqua Aerobics at Latrobe Leisure Morwell, on the table until the Ordinary Council Meeting to be held on 5 March 2012.*
- 2. That the head petitioner be advised of Council's decision in relation to the petition regarding allocated lane space for Aqua Aerobics at Latrobe Leisure Morwell.*

Latrobe Leisure Morwell is home to an eight lane, 25 metre indoor pool that is frequently used by a number of users and programs including:

- Learn to Swim Programs
- Lap Lanes (available to casual swimmers)
- Aqua Aerobics
- Aqua Play (casual swim)
- School Groups
- School Swimming Carnivals
- Swim Clubs
- Group Bookings (sporting clubs)
- Community Groups
- Training Organisations (Austswim)

The Council organised and operated programs such as Learn to Swim and Aqua Aerobics are booked direct by the facility while other users complete a facility hire application form nominating their preferred day and time. Some of these bookings are confirmed months in advance eg; school groups.

Allocated lane space for Aqua Aerobics has been determined by management after consultation with our Aqua Aerobic instructors. These instructors are trained specifically to deliver Aqua Aerobic classes and exercises and have advised that an allocation of two lanes is suitable to deliver these classes. Depending on other pool bookings and users, there have been times where Aqua Aerobics classes have had the flexibility to utilise three lanes however, this is not always possible.



## 5. ISSUES

In allocating lane space, management assess requirements for internal programs, other bookings and other users of the pool and then are responsible for allocating lane space to ensure all users are catered for where possible. On occasion, management may increase or reduce allocated lane space to best accommodate the majority user, without severely altering any confirmed allocated lanes space.

However, at all times where possible, management ensure that the minimum allocated lanes for each program are made available.

Currently, there are six - one hour Aqua Aerobic classes scheduled each week at Latrobe Leisure Morwell. Due to the allocation of a variety of users and programs, allocating three lanes for the Aqua Aerobic classes scheduled for Monday and Friday cannot always be accommodated.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications as a result of this report.

## 7. INTERNAL / EXTERNAL CONSULTATION

### *Engagement Method Used:*

On Friday, 17 February 2012 Latrobe Leisure officers met with the head petitioner and two other members of the Aqua Aerobics classes to discuss allocated lane space and their concerns over space and requiring three lanes for classes on Monday and Friday.

Latrobe City Council officers explained the process in allocating lane space and provided the following possible solutions to the issue:

1. That lifeguards and other staff be educated of the Aqua Aerobics situation so that they can make a judgement as to when they can allocate three lanes instead of two. This is particularly the case when there are no lap lane users in the adjoining lane.

2. Latrobe Leisure will provide Aqua Aerobics with advance notice of allocated lane space for each class.
3. Latrobe Leisure and Aqua Aerobics to investigate the option of trialling a new class time of 9.30 am on Fridays or an additional session at 1.00 pm. This will be dependent of instructor availability and potential class size numbers.
4. Additional briefing to Aqua Aerobic instructors to ensure they modify the program for those classes that are conducted in two lanes.
5. Advised Aqua Aerobics that Latrobe Leisure Churchill and Moe/Newborough have Aqua Aerobics classes that can be utilised.
6. Some members of Aqua Aerobics are not comfortable stepping on the pool matting that is covering loose tiles. This restricts the available space in the lanes; however, retiling of the pool tiles in July 2012 will rectify this problem.
7. Cap Aqua Aerobic participant class numbers on Monday and Friday (Aqua Aerobics deemed this was not a viable option)

At the conclusion of the meeting, both parties agreed to implement the following actions:

1. That lifeguards and other staff be educated of the Aqua Aerobics situation so that they can make a judgement as to when they can allocate three lanes instead of two. This is particularly the case when there are no lap lane users in the adjoining lane.
2. Latrobe Leisure will provide Aqua Aerobics with advance notice of allocated lane space for each class.
3. Latrobe Leisure and Aqua Aerobics to investigate the option of trialling a new class time of 9.30 am on Fridays or an additional session at 1.00 pm. This will be dependent of instructor availability and potential class size numbers.
4. Additional briefing to Aqua Aerobic instructors to ensure they modify the program for those classes that are conducted in two lanes.

## 8. OPTIONS

Council has the following options:

1. To support the action taken by Latrobe Leisure representatives in respect to clarifying management of allocating lane spaces and the proposed actions in respect to Aqua Aerobics and their preference for three allocated lanes.
2. To investigate further alternatives to satisfy Aqua Aerobics preference for three allocated lanes for all classes.

## 9. CONCLUSION

A petition was presented to Council regarding allocated lane space for Aqua Aerobics at Latrobe Leisure Morwell.

Latrobe Leisure representatives met with the head petitioner and two other members of Aqua Aerobics and explained the process by which lane space is allocated to the pool's user groups. That is, management assess all internal programs, other bookings and other users of the pool and then allocate lane space to ensure all users are catered for.

On occasion, management may increase or reduce allocated lane space to best accommodate the majority user, without severely altering any confirmed allocated lanes space. Allocated lane space for Aqua Aerobics has been determined by management after consultation with our Aqua Aerobic instructors. These instructors are trained specifically to deliver Aqua Aerobic classes and exercises and have advised that an allocation of two lanes is suitable to deliver these classes.

The head petitioner and two other Aqua Aerobics representatives met with Latrobe City Officer and agreed that several actions outlined in this report to be implemented as a result.

**10. RECOMMENDATION**

- 1. That Council supports the actions taken by Latrobe City officers in respect to clarifying management of allocating lane spaces and the following agreed actions to satisfy Aqua Aerobics preference for three allocated lanes.**
  - That lifeguards and other staff be educated of the Aqua Aerobics situation so that they can make a judgement as to when they can allocate three lanes instead of two. This is particularly the case when there are no lap lane users in the adjoining lane.**
  - Latrobe Leisure will provide Aqua Aerobics with advance notice of allocated lane space for each class.**
  - Latrobe Leisure and Aqua Aerobics to investigate the option of trialling a new class time of 9.30 am on Fridays or an additional session at 1.00 pm.**
  - Additional briefing to Aqua Aerobic instructors to ensure they modify the program for those classes that are conducted in two lanes.**
- 2. That the head petitioner be advised in writing of Council's decision.**

**ATTACHMENT**

The Manager  
Latrobe Leisure Centre  
Morwell  
19<sup>th</sup> December 2011

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 16 JAN 2012	
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Manor Rise  
Morwell 3840

Dear Sir/Madam,

We wish to lodge a formal complaint on behalf of the participants of the Monday and Friday aqua aerobics class.

To be able to complete the exercises prescribed by the instructor it is necessary to have three lanes of the pool available. Lately only two lanes have been provided, because of school groups also using the pool.

The reasons for our complaint is as follows-

As there are regularly approximately 25 people attending the aqua aerobics class, lack of space prevents the exercises being completed properly.

The people who attend the classes are mainly more senior and therefore there is a greater possibility of injury due to the inadequate space provided. Indeed some people have said that they do not always attend because of the risk of injury.

The poor surface on the bottom of the pool in lane one and two impacts on the ability to complete the exercises.

The participants pay for their exercise class, yet are disadvantaged as compared with the school groups.

The aqua aerobics classes have been going for a considerable amount of time whereas school groups are only conducted over a short time.

We realise that there needs to be co operation between users of the pool but surely the two 1 hour sessions per week of the aqua aerobics classes could be accommodated to achieve an ability to safely perform the exercises required.

We also consider that as the majority of participants are more senior citizens we are being treated unfairly by the Leisure Centre management.

We request that management review the situation and provide an adequate and safe environment for all pool users.

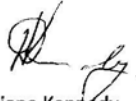
On a more positive note we would like to complement our instructor, Lee, who conducts the class with good grace and humour despite the difficult situation with which she is faced.

We would be more than happy to meet with management to discuss this issue further.

Participants in support of this complaint have signed their names and are attached.

We eagerly await your response to this letter.




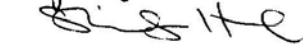
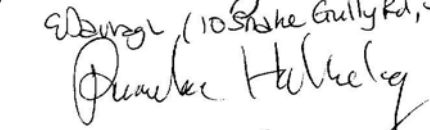
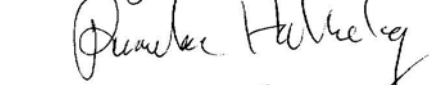
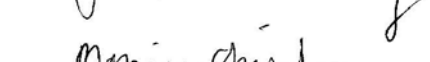

Yours sincerely



Diane Kennedy



Elly Ferguson

Name	Signature
Cynthia Turner Joyce Irvine	 J. Irvine
Kynette C. Gibbons	
Mania Calafione	M. Calafione
Pam Pincini	Pincini
Phyl Leslie	P. Leslie
Rae Robins	
SHARLES HORE	
CLARE Curry	C. Curry. (10 Snake Gully Rd, Jeeralang Junction)
ERICA DARRAGH	
Pam Halliday	
L. Steeghs	
Elaine Large	Monica Large
<del>Elaine</del> Sue Scholtes	
Elaine Hewat	E. Hewat
Catherine Peled	Catherine Peled
ELLY FERGUSON	E. Ferguson

# **BUILT AND NATURAL ENVIRONMENT**



**11.3.1**      **PLANNING PERMIT APPLICATION 2011/267 - SUBDIVISION  
OF LAND INTO TWO LOTS AT 19 MANOR RISE MORWELL**  
**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT - YES)**

**1.    PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/267 for the subdivision of land into two lots at 19 Manor Rise, Morwell.

**2.    DECLARATION OF INTERESTS**

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

**3.    STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

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

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

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

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

*Legal Issue*

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

**4. BACKGROUND****4.1 SUMMARY**

Land: 19 Manor Rise, Morwell, known as Lot 28 on Plan of Subdivision 218993C  
Proponent: Jardine Johnstone  
PO Box 30  
San Remo VIC 3925  
Zoning: Residential 1 Zone (R1Z)  
Overlay: n/a

A Planning Permit is required to subdivide land in a Residential 1 Zone in accordance with Clause 32.01-2 of the Scheme.

**4.2 PROPOSAL**

The application is for the subdivision of land into two lots in a battle-axe arrangement.

Lot 1 which is located at the front of the site is proposed to have a frontage of 16.98m to Manor Rise and an area of 513m<sup>2</sup>. The rear lot (Lot 2) is proposed to have an area of 668 m<sup>2</sup>, and has a frontage of 5.02m to Manor Rise, via a driveway located along the northern boundary.

The proposal also seeks to create access to Lot 1 from Manor Rise, via construction of a new crossover required adjacent to the southern boundary. Access to Lot 2 is proposed to be via the construction of a new crossover adjacent to the north boundary.

Subject Land:

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

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

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

#### Surrounding Land Use:

- North: Directly to the north of the site is No.18 Manor Rise, which contains a single dwelling on a lot of 1,177 square metres in total site area. The frontage setback of the dwelling at No. 18 Manor Rise is 11.6m and the minimal side setback is 1.5m. A garage is located within the rear portion of the site. Similar to the subject site, the allotment at No. 18 Manor Rise slopes up from the frontage toward the rear boundary, rising approximately 6 metres.
- South: Directly to the south of the site is No. 1 Danotty Slope, which is currently vacant. The allotment measures 1,215 square metres in total site area and has a similar slope gradient as the subject site.
- East: To the east of site is Maryvale Road. Maryvale Road is a 16 metre wide road within a 35 metre wide road reserve.
- West: To the west of the site are properties at No. 1 Manor Rise and No. 5 Danotty Close. No. 1 Manor Rise is developed with a single dwelling on a lot of approximately 1000 square metres, and No. 5 Danotty Close is developed with a single dwelling on a lot of approximately 900 square metres. The land to the west of the site generally slopes down towards the west.

### **4.3 HISTORY OF APPLICATION**

It should be noted that Planning Permit Application 2010/370 was previously lodged with Council for the development of four dwellings on the subject site. This application was refused by Council at its Ordinary Meeting on 5 September 2011. The applicant subsequently lodged an application for review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT). At the time of writing, a hearing date has not been set for this matter.

The circumstances of the previous decision have had no bearing on officer's assessment of the current planning permit application.

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

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

## **5. ISSUES**

### **5.1 STRATEGIC SUPPORT FOR SUBDIVISION OF LAND**

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of the assessment of this application. It is found that the provisions of the Scheme provide a strategic basis to support residential subdivision of the subject site.

The SPPF generally encourages (amongst other matters) consolidation within urban areas, increase in housing diversity and affordability in appropriate locations with access to existing services and infrastructure. The SPPF at Clause 11.05 of the Scheme further specifies that urban growth in the Moe, Morwell and Traralgon cluster is encouraged.

Similar objectives are re-emphasised and elaborated under the LPPF of the Scheme. The MSS at Clause 21.05-5 identifies Morwell as one of the main towns within the municipality, where residential growth will continue and is encouraged. The Structure Plan for Morwell identifies the subject site as an 'existing urban area'.

It is considered that the proposal generally complies with both the SPPF and LPPF of the scheme, in terms of facilitating a residential development to meet the housing needs of the community, and to direct growth into the existing urban area of Morwell.

In addition, the subject site is zoned Residential 1 under the Scheme with no overlays. The purpose of a Residential 1 Zone, amongst other things, is *'to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'*. The zoning of the site provides further strategic basis to support residential subdivision of the land.

The planning requirements for residential subdivision are set out in Clause 56 of the Scheme. An assessment of the proposal has found that the proposal generally meets the objectives and relevant standards of Clause 56 of the Scheme. It is considered that the proposal will provide two new residential lots that are suitably sized to each accommodate a dwelling.

## **5.2 NEIGHBOURHOOD CHARACTER**

Other than the matters already discussed in Section 5.1 above, both the State and Local Planning Policy Frameworks also emphasise that residential 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 56 of the Scheme. Also, Clause 65.02 of the Scheme specifies that before deciding on an application to subdivide land, the Responsible Authority must consider, amongst other things, the possible future development of the land.

It should be noted that the subject site has an uphill slope of approximately 6m from the Manor Rise frontage toward the rear boundary, and the topography of the site would accentuate the perceived scale of the future development on the new lots. In particular, any double storey built form on Lot 2, if constructed, would present a dominant feature on the Manor Rise streetscape and result in a potential adverse visual amenity impact on the character of the neighbourhood.

Whilst the applicant submitted an image which shows that a single storey dwelling in the front lot (i.e. on Lot 1) would mostly obscure a double storey dwelling at the rear (i.e. Lot 2) due to the topography of the site, an inspection of the subject site has indicated that the submitted two-dimensional image does not appear to accurately depict depth and realistic relative building heights of the potential development on the land. Refer to Attachment 1 for a copy of this image.

Accordingly, in order to ensure that the future development on the new lots would be common or commensurate with other dwelling forms (in terms of scale, bulk and height), within the neighbourhood, it is recommended that appropriate building envelopes be required on the plan of subdivision to specify that minimum side setbacks be provided from boundaries and that only single storey development is allowed for the rear lot (i.e. Lot 2).

In addition, regarding the 'battle axe' subdivision layout, it should be noted that whilst this type of 'front and back' layout may be the first within the immediate vicinity of the site, similar subdivision layouts have been approved in the broader area of Morwell. Also, whilst the proposal seeks to create two new crossovers (i.e. north and south) along the Manor Rise frontage of the site, there appears to be no uniform pattern whether the crossover exists on the north or south side of individual dwellings. Moreover, an inspection of the site has revealed that vehicular access to the property at 2 Manor Rise is currently via two crossovers. On this basis, it is considered that the proposed subdivision layout is not inconsistent with the neighbourhood character of the area.

### 5.3 SUBMISSIONS

The application received 7 submissions in the form of objections. The issues raised were:

1. Future development on each of the proposed lots is a concern (i.e. single dwelling or units on each lot?)

Comment:

As previously discussed in this report, with the suitable use of building envelopes, it is reasonable to expect that the future development on each of the proposed lots will be generally consistent with other dwelling forms (in terms of scale, bulk and height) within the neighbourhood.

2. Increase in traffic volumes as a result of the proposed subdivision is likely to adversely impact on residents safety

Comment:

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

3. Proximity of the proposed crossovers to a T-intersection is a concern

Comment:

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

4. A covenant was registered on the certificates of title for the various allotments when the subdivision which created this allotment and surrounding allotments was approved. This covenant restricted each allotment to the development of a single dwelling. Whilst the covenant has expired, this original concept should be kept to retain the character of the area.

Comment:

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

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

The proposal seeks to subdivide the land into two lots, with an area of over 500 square metres for each. It is considered that the proposal will provide two new residential lots that are suitably sized to each accommodate a dwelling. With the use of appropriate building envelopes, it is reasonable to expect that the future development on the lots will be generally consistent with other dwelling forms (in terms of scale, bulk and height) within the neighbourhood.

5. The proposal is likely to set an undesirable precedent, particularly the other vacant lots in the area.

Comment:

Based on the reasons highlighted in Sections 5.1 and 5.2 above, it is considered that the proposal is unlikely to set an undesirable precedent or prejudice the orderly and property planning of the subject area. It should also be highlighted that any proposal to further subdivide land in the area would be subject to a separate planning permit application, and need to be considered by Council based on the merits of each proposal.



## 6. FINANCIAL AND RESOURCES IMPLICATIONS

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

## 7. INTERNAL / EXTERNAL CONSULTATION

*Engagement Method Used:*

Notification:

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

External:

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

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team, and consent was given to the granting of a planning permit subject to appropriate conditions and notes.

*Details of Community Consultation following Notification:*

Seven submissions in the form of objections were received to the application.

A Planning Mediation Meeting was held on 14 December 2011.

As a result of the mediation meeting, one objection was withdrawn. However, as consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, a decision by Council is required.

## 8. OPTIONS

Council has the following options in regard to this application:

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

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 for the reasons set out in this report.

## 10. RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit, for the subdivision of land into two lots at 19 Manor Rise (Lot 28 on Plan of Subdivision 218993C) in Morwell, with the following conditions:**

***Amended Plans***

1. **Before the certification of the plan of subdivision, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn and printed to scale and be dimensioned and three copies must be provided. The plans must be generally in accordance with the plans submitted with the permit application, but modified to show:**
  - a. **a building envelope for Lot 1 showing a frontage setback of at least 9m**
  - b. **a building envelope for Lot 2 restricting any development on Lot 2 to be single storey only, with a maximum overall building height of no more than 6m and at no greater than 100AHD based on PSM 'Maryvale PM124' @RL101.0**

*Endorsed Plans*

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

*Section 173 Agreement*

3. Before the Statement of Compliance 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 on each lot to be created, buildings may be constructed only within the building envelopes, as shown on the endorsed plans of this permit. These envelopes cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, review, execution and registration of the section 173 agreement. Prior to Statement of Compliance 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.

*Engineering Conditions*

4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority.
5. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, a site drainage plan 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, access lanes and paved areas will be drained for a 1 in 5 year ARI storm event.
  - b. An underground pipe drainage system conveying stormwater discharge from each lot separately to the legal point of discharge.
  - c. The provision of storm water detention within the site and prior to the point of discharge into Latrobe City Council's drainage system if the total rate of stormwater discharge from all of the lots combined exceeds the rate of discharge that would result if a co-efficient of run-off of 0.4 was applied to the whole area to be subdivided.
6. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the applicant or owner must complete the following works to the satisfaction of the Responsible Authority:
- a. The construction of all new property stormwater drainage connections in accordance with the approved site drainage plan, so that each lot is separately drained to the legal point of discharge.
  - b. The construction of on-site stormwater detention works in accordance with the approved site drainage plan.

***Standard Subdivision Conditions***

7. 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.
8. 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.

9. 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.

***Expiry – Subdivision***

10. 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.

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.

***Permit Notes***

Note 1: 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/workspereimits](http://www.latrobe.vic.gov.au/services/roads/workspereimits).

Note 2: 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 Latrobe City Council's Drainage Officer before any backfilling of the connection is undertaken.

**ATTACHMENTS**

**11.3.2**      **PLANNING PERMIT APPLICATION 2011/269 - TWO LOT  
SUBDIVISION AND ALTERATION OF ACCESS TO A ROAD  
ZONE CATEGORY 1 - 79 MAIN STREET TOONGABBIE**  
**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT - YES)**

**1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/269 for the two lot subdivision and alteration to access of a Road Zone Category 1 at 79 Main Street, Toongabbie.

**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.

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*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 1 Section 29, more commonly known as 79 Main Street, Toongabbie.
Proponent:	M & K Lont C/- Beveridge Williams & Co Pty Ltd
Zoning:	Residential 1 Zone and abuts a Road Zone Category 1.
Overlay:	There are no overlays that affect the land.

A Planning Permit is required for the subdivision of the land into two lots in accordance with Clause 32.01-2. It is also required for an alteration to the access abutting a Road Zone Category 1 in accordance with Clause 52.29.

##### 4.2 **PROPOSAL**

The application is for a two lot subdivision of the subject site.

Lot 1 will contain the existing dwelling and outbuilding and retain the existing access. The existing access is required to be upgraded to the Responsible Authorities standards. The lot will be rectangular in shape and will comprise 1.38 hectares.

Lot 2 will be vacant and irregular in shape. It will comprise 2.15 hectares.

Both proposed lots have frontage to Main Street (Bitumen) and Campbell Street (Gravel) as well as reticulated water, electricity and telecommunications, with reticulated sewer to be provided via a sewer main extension.



#### Subject Land:

The subject site is located at 79 Main Street, Toongabbie. The total site area is 3.5 hectares. The site contains a single dwelling and associated outbuilding, the site is relatively flat and does not contain any significant vegetation.

#### Surrounding Land Use:

North: 11-17, 19-25 and 27-33 Campbell Street, Toongabbie. All lots are zoned Farming is approximately 1.9 hectares and contain single dwellings with associated outbuildings.

South: Road – one lane in each direction, sealed with open spoon drain (Main Street).

East: 109 Main Street, Toongabbie. A lot comprising 2.7 hectares zoned Farming containing a single dwelling and an outbuilding.

West: 77 Main Street Toongabbie. A lot comprising 4000 square metres zoned Residential 1 containing a single dwelling and associated outbuildings.

### **4.3 HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2011/269 is identified in *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 Clause 11.02 'Urban Growth' identifies the importance of having to ensure the sufficient supply of land. Clause 11.02-1 has the following objective *'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.'* The land is zoned Residential 1 and has availability to the majority of town services. This makes it a highly developable site due to its locality and availability.

The subject site has been zoned Residential for many years with the potential for development. Clause 16 'Housing' identifies the need to provide a range of housing diversity in appropriate locations throughout the municipality. Toongabbie is a small town however has infrastructure that would allow for potential future growth. The proposal will see a two lot subdivision separate the existing dwelling and provide an opportunity for further development of Lot 2. Potentially this will increase the supply of housing in an existing urban area by facilitating increased housing density in an appropriate location, including under-utilised urban land.

Within the Local Planning Policy Framework Clause 21.04-2 'Settlement' has strategies to provide continued opportunities for new residential development in small towns subject to land capability, infrastructure and environmental considerations, demonstrated demand and local community aspirations.

Clause 21.06 'Small Towns' encourages *'promoting opportunities for infill development within the township boundary and encouraging increased diversity in residential allotment sizes.'* The application creates an opportunity for the future development of Lot 2.

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

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 considered and it is deemed appropriate for the site. An application for a planning permit must also demonstrate compliance with the relevant provisions of Clause 56 of the Scheme. The proposal has been assessed against the relevant provisions of the Scheme and it is considered to comply with the requirements of Clause 56.

## OBJECTORS CONCERNS

Following advertising, the application received one submission in the form of an objection. The issues raised by the submitter were:

1. *Concerns that the proposal will depreciate the value of their property and destroy the aesthetic views from their home.*

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

It is acknowledged that views are an aspect of residential amenity, however this site is residential land that is appropriately zoned for future development, therefore it is not appropriate to consider in this instance.

2. *Objection to not being given any notification about the rezoning of their land.*

Investigation has been carried out to determine when the objector's property was rezoned. The Latrobe Planning Scheme was established in 2000 and no rezoning has occurred on this site during this time. The objector purchased their property approximately 3 years ago and at that time the land was zoned Residential 1. It is noted that the timing of the zoning of land is not a valid ground for consideration in the assessment of this application.

3. *Concerns about an increase in living expenses such as the septic and water bills.*

This is not a relevant planning consideration and is outside the realms of matters to be considered by this application.

4. *The boundary fence is not adequate for residential housing.*

The application proposes to subdivide the land into two lots. Lot 1 will contain the existing dwelling and will consist of 1.38 hectares. Lot 2 will consist of 2.15 hectares with the potential for the construction of a single dwelling. Due to the size of the allotment and the rural residential environment, the current post and wire fence is deemed appropriate.

It is noted that fencing is not a matter that can be directly considered as part of the planning application assessment process (except where the Planning Scheme specifies a planning permit trigger e.g. for heritage reasons).

5. *Increased traffic generation may hinder safe access from the objector's driveway.*

Main Street is identified as an arterial road which is defined as a high capacity urban road delivering traffic from collector roads (low to moderate capacity road) to highways. Main Street is designed to cater for a high volume of traffic.

Vic Roads are the Responsible Authority for Main Street and were notified of the proposal. They provided a response to Council which identified no objections to the proposal, subject to no new access created for Lot 2 off Main Street.

## 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 required referral to Vic Roads pursuant to Section 55 of the Act. Vic Roads did not object to the granting of a planning permit subject to appropriate conditions.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to access and drainage and Council's Health Services team in relation to effluent disposal.

The Infrastructure Planning team did not object to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions.

The Health Services team did not object 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 should be considered in conjunction with the assessment details provided elsewhere in this report.

*Details of Community Consultation following Notification:*

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

A planning mediation meeting was not held due to the unavailability of both parties and unlikely resolution of the objectors concerns. Therefore the matter 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 Notice of 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 requirement 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 two lot subdivision at Crown Allotment 1 Section 29, more commonly known as 79 Main Street, Toongabbie, with the following conditions:**

1. **The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.**  
**Subdivision Conditions:**
2. **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 authorities requirements and relevant legislation at the time.**
3. **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.**
4. **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 the Act.**  
**Engineering Conditions:**
5. **Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the responsible Authority.**

**Vic Roads Conditions:**

6. The operator of this permit must meet the requirements of Vic Roads in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Direct access to Main Road is not permitted to Lot 2;
  - b) The existing driveway on Lot 1 should be upgraded to Vic Roads standards including the replacement of the existing endwalls to Vic Roads approved driveable endwalls. The driveway should be sealed for 6 metres.

**Expiry of Permit:**

7. 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.

**Health Services Note:**

**Note 1:** An application for the installation of a septic tank system must be submitted to Council's Health Services Team for approval. If reticulated sewer is available to the property(s) each property must connect to the sewer pursuant to Environmental Protection Act 1970.

**Engineering Note:**

**Note 2:** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of any works that include the construction, installation, alteration or removal of a vehicle crossing. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.

**Vic Roads Note:**

**Note 3:** The existing access at this location was not approved by Vic Roads and does not meet its current standards.

ATTACHMENTS



**11.3.3 PLANNING PERMIT APPLICATION 2011/272 DEVELOPMENT  
AND UPGRADE OF EXISTING BUILDINGS AND WORKS ON  
THE PREMISES AT JANETTE STREET, TRARALGON**

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

**1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/272 for the development and upgrade of existing buildings and works at Janette Street, Traralgon (Sibelco).

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

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

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

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

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

### Legal

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

## 4. **BACKGROUND**

### 4.1 **SUMMARY**

Land: Janette Street, Traralgon known as Lot 1 on TP336873A, Lots 1 and 2 on TP243665A, Lot 3 on PS051369, Lots 1, 2, 3 and Lot 4 on TP865699M.

Proponent: Focus Creative Development Solutions on behalf of Sibelco

Zoning: Industrial 1 Zone

Overlay: Land Subject to Inundation Overlay

A Planning Permit is required to construct a building or construct or carry out works in an Industrial 1 Zone in accordance with Clause 33.01-4.

A Planning Permit is also required to construct a building or construct or carry out works in a Land Subject to Inundation Overlay in accordance with Clause 44.04-1.

### 4.2 **PROPOSAL**

The application is for the development and upgrade of existing building and works associated with an existing carbonate processing and manufacturing plant (manufacturing of lime products). There will be no site expansion as a result of the proposal as all development will be included within the boundaries of the existing site.

The application proposes to undertake a substantial upgrade of the Traralgon Sibelco facility. This involves upgrading Kiln 1 to improve the efficiency of the kiln and reduce emissions of carbon monoxide. It also involves the refurbishment and re-commissioning of Kiln No. 2 for lime production, the installation of a dust collector and off gas cooler and the relocation of the existing kiln discharge stack.

Sibelco also proposes to install a hydration plant, a robotic packaging plant and undertake the construction / upgrading of various supporting infrastructure. This will allow a wider range of products to be manufactured without materially changing the existing use.

The plant upgrade is to be undertaken in 3 stages.

**Stage 1:**

Stage 1 involves upgrading existing equipment located within existing buildings, including upgrade works to the existing Kiln 1 and minor infrastructure works. These do not require planning approval and were completed by the end of 2011.

**Stage 2:**

Stage 2 is proposed to commence in early 2012, subject to obtaining relevant approvals. This stage involves the refurbishment of Kiln 2 and the buildings and works listed below. Commissioning of Kiln 2 is proposed for the first quarter of 2013. The new equipment that is to be located outside existing buildings and thus requiring planning approval is listed below and shown in attachment 4-Enlarged Site Plan (Drawing No. 7727-135). Items to be undertaken in Stage 2 are shown in attachment 4.

Stage 2 items requiring planning approval are:

- A new building located to the southern side of the pebble lime plant to house the Kiln 2 radiator lance cooler (Dimensions: 9m x 6.5m x 4.0m high).
- Kiln 2 dust collector located directly to the west of the Kiln 1 dust collector (Dimensions: 8m x 4m x 10m high).
- Kiln 2 exhaust fan adjacent to the proposed Kiln 2 dust collector (Dimensions: 4m x 2.4m x 2.3m high).
- The Kiln 1 & 2 discharge stack (Height: 28.5m).
- Kiln 2 cooler and fan located to the west of the existing kiln building (Dimensions – Cooler: 4m x 4m x 18m high, Fan: 4.1m x 2.3m x 3.5m high).
- Kiln 1 & 2 discharge dust collector located to the north west of the existing kiln building (Dimensions: 3.6m x 3.6m x 10m high).

- A new building located adjacent to the northern wall of the existing bag storage building (Dimensions: 18.7m x 10.0m x 13.0m high at apex).
- Two pebble load out silos located to the west of the bag storage building (Dimensions: 19.0m high & 5m diameter).
- A new conveyor to transport pebble lime from the pebble lime building to the new load out silos (Maximum height: 19m).
- New concrete pavement to the east of the existing workshops (Area: approximately 1107 m<sup>2</sup>).
- Precast concrete block retaining wall 3 metres in height in the north eastern corner of the site.

**Stage 3:**

Buildings and works in Stage 3 are proposed to be undertaken in 2013. These include:

- The southward extension of the existing storage building in the centre of the site. (Dimensions: 30m x 14.5m x 10.0m high at apex). This will house part of the proposed robotic packing equipment. This building will be sound attenuated as shown on Drawing 7727-098.
- Two hydrate load out silos located immediately to the west of the existing storage silos. (Dimensions: 17.5m high & 4.5m diameter).
- New concrete pavement at the southern end of the site (Area: approximately 2215m<sup>2</sup>).

These works are shown in attachment 4. It is important to note that the subject land has existing use rights and building or works which do not alter the area or height of the plant in an Industrial 1 Zone do not require a planning permit.

**Subject Land:**

The Sibelco site is located in the south eastern corner of an industrial precinct at Janette Street, Traralgon, and approximately 1 kilometre south of the main Traralgon CBD. The site is approximately 17 acres in area. The site has a large number of buildings and equipment onsite all related to carbonate processing and manufacturing.

The Traralgon Plant consists of the following buildings and facilities:

- 2 Roller Mills
- Kiln No. 1
- Kiln No. 2 (currently not in operation)
- Workshop
- Truck wash bay
- Gatehouse
- Weighbridge
- Administration Buildings
- Laboratory
- Various storage silos
- Covered and uncovered raw materials storage areas
- Radial Stacker
- Above ground diesel storage tank
- Various storage buildings

The Traralgon Plant first began operating in 1950 as a cement producing facility. The processing and manufacturing of carbonate products and has been continuously operating since 1993.

The plant operates 24 hours a day, seven days a week. The plant is currently producing a combination of both calcium carbonate and calcium oxide (quicklime) products. It is licensed by the Environment Protection Authority (EPA) and on 12 January 2012 obtained a Works Approval for the expansion of its current activities.

As a result of the proposed expansion of the plant, there will be an estimated increase in lime carbonate production from 49,500 metric tonnes per annum in 2010 to an estimated 122,000 metric tonnes per annum in 2014.

#### Surrounding Land Use:

North: Located to the north are the former Boral brickworks, some vacant land and a number of industrial premises. These include a bitumen plant, asphaltting contractor and a concrete products premise. There are also a number of residences within this industrial area. The area directly north of the subject site approximately 200m away is an existing residential area.

- South: Land to the south is vacant and used for grazing. Residential land is located approximately 400 metres to the south west of the existing plant.
- East: The Traralgon Creek forms the eastern boundary of the property. The closest residential area to the east is some 500 metres from the plant. Agricultural land separates the plant from this residential area.
- West: The land abutting the western boundary is vacant. Further to the west abutting the eastern side of Dunbar Road are a number of light industrial properties, contractor's yards and a nursery. Some properties appear to be vacant. Located on the western side of Dunbar Road is an education facility, a special school, a park and the Council depot.

#### **4.3 HISTORY OF APPLICATION**

The history of the assessment of planning permit application 2011/272 is identified within Attachment 1.

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

### **5. ISSUES**

It is important to note that the Sibelco Facility enjoys existing use rights and that this application only considers building and works associated with the upgrade of the facility. In this context the assessment of the application cannot directly consider issues associated with the existing use.

#### **5.1 STATE AND LOCAL PLANNING POLICY FRAMEWORK**

There are number of state planning polices that are relevant to the assessment of the application.

Clause 13.04-1 deals with noise abatement. Its objective is *'To assist the control of noise effects on sensitive land uses'*.

The strategy to achieve this objective is outlined to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using effective design, urban design and land separation techniques as appropriate.

Clause 13.04-2 deals with air quality. Its objective is: '*To assist the protection and improvement of air quality*'. The strategies outlined to achieve this again include providing adequate separation distances between uses with adverse amenity potential and sensitive land uses.

Clause 17 addresses *Economic Development* and in particular, Clause 17.02 *Industry* is particularly relevant given the proposal.

Clause 17.02-1 addresses Industrial Land Development, with its objective being '*To ensure availability of land for industry*'. The strategies for achieving this objective and that are appropriate to this application include:

- Identify land for industrial development;
- Good access for employees, freight and road transport is available;
- Ensuring appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses;
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability;
- Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.

The strategic directions set out in the State Planning Policy Framework generally supports Industrial use and development in appropriate locations, where suitable transportation infrastructure is in place and where there are adequate separation distances between industrial and sensitive uses such as residential development.

As a result the application is generally considered consistent with the State Planning Policy Framework.

## 5.2 LOCAL PLANNING POLICY FRAMEWORK

Clause 21.01 recognises that Latrobe City is one of Victoria's strongest regional economies. It also identifies that there are a number of long standing industrial sectors in the area, such as electricity generation, pulp and paper, forestry, engineering, agriculture and tertiary education. Several of these long standing industrial sectors require high quality lime products in their processes.

Council's policies for its main towns are presented at Clause 21.05. Clause 21.05-6 provides the structure plan for Traralgon. Under strategies for Industrial land use, it refers to: *"Review the existing industrial area of Janette Street / Dunbar Road (Area 3a), with a view to confirming the role and viability of this area as service industrial development or conversion to residential development."*

As detailed later in Section 5.6 of this report, there a number of difficulties in transitioning this area from industrial to the possibility of the area being used for future residential development.

Under Clause 21.07 *Economic Sustainability*, it is stated that Council will consider planning applications and make decisions *'To facilitate a vibrant and dynamic economic environment'*. The strategy to achieve this is to provide a balanced approach to economic development taking into account economic, social and environmental values.

Under Clause 21.07-7 *Industry Overview* it is an outlined strategy to *'Promote and support the development of existing and new industry, and infrastructure to enhance the social and economic wellbeing of the Latrobe City'*. It is also a stated objective *'To ensure that industry is compatible with and does not cause detriment or loss of amenity to adjoining land.'*

The Local Planning Framework identifies that it is Council policy to support existing industrial development. However, it also outlines that industry must be compatible and not negatively impact on amenity on adjoining land uses. It is generally considered that the proposal satisfies the Local Planning Policy Framework.



### 5.3 CLAUSE 33.01 INDUSTRIAL 1 ZONE

The objectives of the Industrial 1 Zone are to implement the State and Local Planning Policy Frameworks and provide for Industrial uses which do not impact the amenity and safety of local communities.

As outlined earlier in the report, the subject site has existing use rights for the production of lime carbonate and associated products and as a result this application is for building and works related to the upgrade and development of the existing facility.

The application requirements under Clause 33.01-4 *Buildings and works*, relate primarily to the provision of accurate plans for the proposed development area and appropriate landscaping to be put in place.

It is generally considered that the submitted application has addressed all the application requirements under Clause 33.01-4.

### 5.4 LAND SUBJECT TO INUNDATION OVERLAY(LSIO)

West Gippsland Catchment Management Authority (WGMCA) was a Section 55 referral in this application as the subject site is partially covered by the LSIO. They recommended two conditions be attached to any permit to address inundation in relation to the project.

### 5.5 LAND USE PLANNING ISSUES

The applicant has provided a number of documents in support of the application. These reports state that any existing adverse impacts of the subject site will be addressed or improved upon as part of the application.

It should be noted that these reports are not required as application requirements under Clause 33.01-4. Notwithstanding this, the contents of these reports are pertinent to the overall assessment of the application and are summarised below.

**AIR QUALITY:**

The applicant has submitted a *Sediment, Dust and Lime Management Plan*. This is the result of an acknowledgement from the applicant that there have been issues previously with dust emissions from the site to adjoining and nearby properties.

Potential sources of fugitive dust emissions from the plant include:

- Unloading and storage of raw materials;
- Vehicular movement of raw materials and finished products;
- Transfer of raw materials and finished products via conveyors;
- Equipment malfunctions;
- Disturbance of settled dust.

Measures to be undertaken to reduce the likelihood of fugitive dust emissions include:

- Unloading of fine limestone (raw) material within the existing storage building. This building is to be clad to fully enclose it;
- Alterations to the internal road system and the installation of concrete pavement in the southern part of the site as shown on Drawing 7727-135;
- Installing new and upgrading of existing dust collection / extraction systems;
- Enclosure of external conveyors and material transfer points;
- Use of truck wash to remove solid material;
- Use of a road sweeper to clean roads and drains.

Compliance with the design criteria should ensure that the enlarged plant will meet the design requirements of the SEPP AQM (State Environment Protection Policy Air Quality Management).

**NOISE IMPACT ASSESSMENT:**

A report addressing noise impact concerns was also submitted by the applicant. The applicant has acknowledged that there have been issues in the past regarding noise complaints. These have generally occurred due to equipment wear or failure.

Measurement results indicate that the current operations with the roller mills operating are likely to exceed EPA noise limits at night at residences to the south west and east of the facility under favourable weather conditions.

Under the proposed development the following elements are proposed to reduce noise emissions:

- Attenuating the buildings and enclosures housing potentially noisy plant;
- Silencers installed on plant;
- Fully enclosing the roller mill and kiln buildings
- Insulation of new buildings to provide sound absorption, in particular the hydration plant building;
- Construction of a 3m high noise barrier along the north east boundary of the site
- Requiring all trucks unloading between the hours of 7 pm to 7 am to do so within the enclosed stone feed storage building.

Noise modelling submitted with the report suggests that predicted noise levels will be reduced as result of the upgraded plant. The report demonstrates compliance with the EPA's noise limits for the night time period at residential locations used in the modelling process which were Dunbar Road, Curran Street and Mapleson Drive.

It should be noted that predicted noise levels for the rural land to the south of the plant are up to 53 dBA which is above the night time noise limit of 48 dBA in this area. This will have to be considered in any potential change to the current zoning of the land in the future.

#### **TRAFFIC IMPACT ASSESSMENT:**

A traffic impact assessment was submitted with application. At present there are approximately 22 truck movements per day generated by the plant (11 movements to and 11 movements from the plant). The route taken by trucks servicing the plant have the following route between the plant and the Princes Highway:

- Janette Street;
- Dunbar Road;
- Hyland Highway;

- Shakespeare Street, and
- Liddiard Road.

All roads on the route are approved for B-doubles and higher mass limit trucks. This has been confirmed by the Infrastructure Planning Team.

The proposed upgraded plant working at full capacity has the potential to give rise to approximately 74 truck movements per day (37 movements to and 37 movements from the plant). With 7 additional employees (which is estimated to occur as a result of the upgrade) there is likely to be a small increase in car traffic movements generated by the plant upgrade. Up to 7 additional car movements could occur during the morning and afternoon commuter peak hours.

There have been concerns previously raised regarding the carrying capacity and traffic safety of the proposed truck route. These were aired in the public consultation meetings that took place in January and September 2011. The impact of the increased noise of the extra truck movements was also raised.

Considering that the use of the subject site is not materially changing and that the carrying capacity of the road will not be exceeded by the proposal, it is considered acceptable given the existing infrastructure available. As outlined previously the Infrastructure Planning Team has confirmed that all roads used to service the plant are approved for B-doubles and higher mass limit trucks.

#### **ECONOMIC IMPACT ASSESSMENT:**

A report outlining the economic impact of the \$25 million upgrade of the plant has been submitted. It is outlined in this report that Sibelco is the primary supplier of high quality lime products in Victoria. Of the two existing plants operated by Sibelco, the supply to the Lilydale plant is nearing exhaustion. As a result it is identified that the Lilydale plant will be closed in the next ten years and the Traralgon plant will become the primary supplier of high quality lime products in Victoria. The limestone resource at Buchan, which supplies the Traralgon plant, has an anticipated life of at least 100 years.

A summary of the economic benefits of the application are summarised in the following table that is included on page 18 of the submission in support of the application.

	Existing (2011)	Post Upgrade (2013)
Direct FTE employment	26	33
Direct wages value	\$1.89 million	\$2.51 million
Estimated indirect employment <sup>1</sup>	150	190
Direct FTE job years attributed to plant upgrade	-	70
Annual Production (metric tonnes)	49,510	122,110 (2014)
Sibelco spending within local businesses	\$6.4 million	> \$6.4 million
Employee wages retained in local economy	\$0.95 million	\$1.3 million

The report also details that the majority of the indirect jobs would be located in the Gippsland region.

## 5.6 **TRARALGON INNER SOUTH PRECINCT MASTER PLAN**

Latrobe City Council adopted the Traralgon Inner South Precinct (TISP) Master Plan in July 2011. The TISP Master Plan aims to facilitate the long term redevelopment of land identified through both the Latrobe Transit Centred Precincts (2003) and the Latrobe Structure Plans (2007) from industrial and mixed use to a higher density residential use over a 10 - 15 year timeframe.

A number of processes will need to occur in order for residential development to proceed in the precinct. These are acknowledged in the Masterplan and include:

- The preparation of an industrial land use strategy for Latrobe City
- Detailed testing for contamination of industrial sites
- Feasibility assessment of the relocation of industry away from the precinct
- Feasibility assessment of residential development in the precinct, having regard for the potential remediation costs.

The Panel Report for C62 Amendment to the Latrobe Planning Scheme relates to the implementation of the main town Structure Plans (including Traralgon). The report detailed the industrial land located within the TISP which had previously been labelled Area 3 and designated as 'future residential' be removed and identified as 'Existing Industrial' due to the constraints and issues involved in this area.

TISP ultimately outlined a two stage process to the development of the area. It allows the land to the east of Dunbar Road and to the south of the existing residential blocks to continue industrial activities until future land uses are further investigated through a detailed assessment of Traralgon's industrial requirements. This industrial area includes the subject land controlled by Sibleco.

The land to north of the existing industrial area is identified for future medium density residential development.

The land release as part of C58, also further reduces the immediate pressure to transition this area of land to facilitate residential development.

## **5.7 EPA WORKS APPROVAL**

Sibleco were issued an EPA works approval on 10 January 2012. The EPA have supplied a copy of the EPA works approval and summary of the assessment of the works approval application. The following is a synopsis of the documentation received from the EPA.

In the summary of the assessment of the works approval application, it is outlined by the EPA that despite an increase of 150% in the sites production capacity, impacts from all emissions will comply with SEPP (AQM) design criteria. The main issue is that gradual residential encroachment has resulted in the site not having the recommended buffer distance of 500 metres and in a northern direction there is only a buffer of 200 metres.

The proposal (for works approval) has been the subject of two community meetings one in January 2011 and one in September 2011. These were attended by approximately 30 residents and 10 residents respectfully.

Issues discussed included dust and noise emissions as well as a range of matters not generally considered by the EPA (e.g traffic movements, road safety and planning).

Given that the works approval has been issued by the EPA, the application is considered to be an improvement on the existing facility in terms of environmental impact.

## **5.8 SUBMISSIONS ON THE APPLICATION**

An application for building and works in the Industrial 1 Zone is exempt from formal notification to the public. However it was requested that an informal notification process should take place given the strategic importance of the proposed development.

The application received one submission in the form of an objection. The issues raised by the objector are summarised as follows:

1. *That this application has been proposed on numerous occasions and has already been refused.*

The Responsible Authority has no record that the proposed development has been refused previously or that there has been a previous planning application similar to the existing proposal.

2. *The application is in breach of zoning and existing use rights.*

### Officer Comment:

The objector has stated the subject application is in breach of land use zoning and that the applicant has wrongly applied 'existing use rights' to allow the continuing operation and expansion of the plant.

Following detailed analysis of the proposal, the subject site has existing use rights, which can intensify provided there is no material change in the type of activities occurring onsite. In this case the production capacity is changing with no material change in use.

Due to the application only being for building and works, any means of reducing or limiting those existing use rights would not be appropriate given the existing zoning and relevant planning considerations.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

Additional resources or financial cost may 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:

Informal notification took place in that a notice was provided to the property owners and occupiers surrounding the subject site.

This was conducted by the Responsible Authority sending out approximately 400 letters to land owners within a 750m radius of the Sibelco plant. The letter outlined any submission in favour or against the application could not be considered as a statutory response and could not benefit from appeal rights to VCAT.

External:

There application was referred to West Gippsland Catchment Management Authority and the EPA pursuant to the requirements of Section 55 (WGMCA) of the Act.

The EPA and WGMCA gave consent to the granting of a planning permit subject to appropriate conditions being placed on the permit.

Internal:

The application was referred internally to Council's Infrastructure Planning team who provided advice on aspects of the proposal. This endorsing the site drainage plan.

*Details of Community Consultation following Notification:*

Following the notification process, one submission in the form of an objection was received. A mediation meeting did not occur as the permit applicant did not see the benefit of a mediation meeting given the previous history of the objector with the Sibelco plant and that the notification process was informal only.



## 8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice to Grant a Planning Permit; or
2. Refuse to Grant a Planning Permit.

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

## 9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Industrial 1 Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay;
- Consistent with Clause 65 (Decision Guidelines); and
- The objection received has been addressed against the provisions of the Latrobe Planning Scheme. The objection does not form substantial planning grounds on which the application should be refused.

It is therefore recommended that a Planning Permit be issued.

## 10. RECOMMENDATION

- A. That Council issues a planning permit for the Buildings and Works Associated with the development of upgrade of existing buildings and works at Janette Street, Traralgon being Lot 1 on TP336873A, Lots 1 and 2 on TP243665A, Lot 3 on PS051369, Lots 1,2,3 and Lot 4 on TP865699M, with the following conditions:**
1. **Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. The plan must show:**
    - a) **a survey (including botanical names) of all existing vegetation to be retained and/or removed;**

- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;**
- c) details of surface finishes of pathways and driveways;**
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**

**All species must be selected to the satisfaction of 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.**

- 2. Prior to the completion of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
  - 3. 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.**
  - 4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
  - 5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
  - 6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
  - 7. The exterior colour and cladding of the buildings must be of a non-reflective nature to the satisfaction of the Responsible Authority.**
- Engineering Conditions:**
- 8. Prior to the commencement of any works hereby permitted, the titles Lots 1 and 2 on TP243665A must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways and drainage works allowed by this permit, is contained within a single title.**
  - 9. Before the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, all drainage works must be constructed in accordance with the approved site drainage plan.**

10. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
11. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

**WGMCA Condition:**

12. The operator of this permit must comply with the following conditions from West Gippsland Catchment Management Authority (WGCMA):
  - a) Discharge of additional water associated with the expansion of the existing buildings must be demonstrated to be in accordance with EPA or other guidelines.
  - b) Concrete footpaths that are within any portion of the flooding overlay must not be raised more than 100mm from the existing natural surface.

**EPA Condition:**

13. The operator of this permit must comply with the following requirements from the EPA Victoria:
  - a) EPA works approval must be obtained prior to the commencement of any works on the proposed plant upgrade.

**Expiry Condition:**

14. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit; or
  - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

**WGMCA Note:**

**Note 2. The Authority notes that there may be some possible physical connections to the designated waterway (Traralgon Creek) associated with site and stormwater drainage. Prior to any works involving physical alterations/connections within 30 metres of the designated waterway a works on waterways application must be submitted to the Authority for assessment. The works on waterway license is carried out under the Water Act 1989 and not as part of the planning permit process which carried out under the Planning and Environment Act 1987.**

ATTACHMENTS

**11.3.4 PLANNING PERMIT APPLICATION 2011/332 - BUILDINGS AND  
WORKS ASSOCIATED WITH A TELECOMMUNICATIONS  
FACILITY - 65 PRINCES DRIVE, MORWELL**

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

**1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/332 for the buildings and works associated with a telecommunication facility at 65 Princes Drive, Morwell.

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

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

*Latrobe City Council Plan 2011 - 2015*

*Shaping Our Future*

Gippsland's Regional City  
*Strengthening our profile*

An active connected and caring community  
*Supporting all*

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

*Strategic Direction – Built Environment*

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

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

### Legal

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

## 4. **BACKGROUND**

### 4.1 **SUMMARY**

Land: 65 Princes Drive Morwell, known as Lot 1 on Plan of Subdivision 126972

Proponent: Clinton Northey  
Total Communications Infrastructure Pty Ltd  
(on behalf of Vodafone Network Pty Ltd)  
Level 3 / 355, Spencer Street  
West Melbourne

Zoning: Industrial 3 Zone

Overlay: None

A planning permit is required to construct a building or construct or carry out works for a telecommunication facility in accordance with Clause 52.19-2 of the Scheme.

A planning permit is also required to construct a building or construct or carry out works pursuant to Clause 33.03-4 of the Scheme.

### 4.2 **PROPOSAL**

It is proposed to install a telecommunication facility on the southern portion of the subject site. The design of the facility is in the form of a 40m high monopole with stack turret mount. Six (6) 2.63m wide antennas will be fixed to the mount at centre line heights of 44.5m and 41.5m. Also, two (2) 1.2m wide radio communications dishes, one at a height of 38m and one at 37m will be installed. The proposed overall height of the telecommunication facility is 45.7m.

Ancillary facilities are also required as part of the proposal, including a total of 100m long underground power route connecting to a new power pit and a new equipment shelter of 3 metres wide x 2.5 metres long.

All the facilities will be security fenced within a new 10 metre wide x 15 metre long compound.

As submitted by the applicant, the proposed telecommunication facility is required by Vodafone as part its ongoing delivery of its third (3<sup>rd</sup>) generation network, to provide improved coverage to the Morwell area.

Refer to Attachment 1 for a copy of the proposed development.

Subject Land:

The subject land is located on the northern side of Princes Drive, between Toners Lane and Davey Street in Morwell.

The site is roughly rectangular in shape, with a frontage of approximately 20m to Princes Drive and a depth of approximately 99m. The total area of the site is 2100 square metres.

The subject site is currently developed with a number of sheds and occupied by a car sales business.

The topography of the site is generally flat and is void of any vegetation.

A 4.57m wide drainage and sewerage easement runs roughly along the frontage of the site.

Access to the site is obtained from an existing driveway off Princes Drive.

The subject site is approximately 1.3 kilometres to the west of the centre of Morwell, and forms part of an established wider area characterised by commercial properties on the western outskirts of Morwell Township.

Refer to Attachment 2 for a copy of the locality map.

Surrounding Land Use:

North & West: To the north and west of the site is the Latrobe Valley Golf Driving Range which is of approximately 1.2 hectares in area and is zoned Residential 1.

South: The site abuts Princes Drive to the south, and further south is the Bairnsdale V/Line railway line.



East: To the east of the site is 67 Princes Drive Morwell, which is zoned Industrial 3 and is currently occupied by a carpet wholesale business.

#### 4.3 PLANNING CONTEXT

A history of assessment of this application is set out in Attachment 3.

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

### 5. ISSUES

#### 5.1 STATE AND LOCAL PLANNING POLICY FRAMEWORKS

The State Planning Policy Framework (SPPF) and Local Planning Policy framework (LPPF) provide a number of relevant policy directions with regard to this proposal, including:

Clause 15.01-2 relates to urban design principles and the objective of the clause is:

*'To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.'*

It is considered that the proposal to install a 45.7m high telecommunication facility on the subject site is not compliant and fails to satisfactorily meet the above objective. This is because the site is generally located on the periphery of Morwell Township which is characterised by a mixture of small scale buildings to the east and rural landscape to the west, and the height of the proposal is considered excessive in a semi-urban context.

In addition, the subject site is adjacent to an area which is zoned Residential 1 and is covered by Schedule 5 to the Development Plan Overlay (Residential Growth Areas). It is reasonable to expect that this area will be subdivided and developed with modest scale residential development (i.e. mostly single or double storey dwellings) in the future. On this basis, the potential visual amenity impact of the 45.7m high telecommunication facility on future neighbouring residential properties is of a significant concern.

Also refer to 'principle 1' discussion below for more detail about the issue of height.

Clause 19.03-4 relates to telecommunications and seeks:

*"To facilitate the orderly development, extension and maintenance of telecommunication infrastructure".*

The above clause generally encourages appropriately designed and located development within the existing boundaries and reservations of township areas, and acknowledges the importance of infrastructure and service provision in order to meet the needs of the community. It is reasonable to consider that the proposal is generally consistent with Clause 19.03-4 of the Scheme in terms of providing a telecommunication facility to facilitate mobile phone coverage and data services for the Morwell area and surrounds.

However, as detailed in the report below, the proposal is not considered to be in an appropriate location.

Clause 21.04-5 relates to urban design and the objective of the clause is:

*"To provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image."*

The above clause also states that *'the appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is considered important in maintaining a strong level of civic pride'*.

It should be noted that the subject site is generally located in a 'town entrance' location as identified in Council's Morwell Structure Plan, the proposal to install a prominent telecommunication facility of over 45m in this important gateway location is therefore inconsistent with Clause 21.04-5 of the Scheme.

## 5.2 **INDUSTRIAL 3 ZONE**

The site is zoned Industrial 3 and pursuant to Clause 33.03-1 of the Scheme, a planning permit is required to construct a building or construct or carry out works associated with a telecommunication facility, a planning permit is however not required to use the land for the purpose of a telecommunication facility.

It is considered that the proposal is consistent with the purpose of an Industrial 3 Zone which is, amongst other things, '*to provide for industries and associated uses in specific...to avoid inter-industry conflict*', and '*to provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities...*'. The proposed telecommunication facility on the southern portion of the land is unlikely to disrupt the existing car sales industrial activities on the land.

## 5.3 **CLAUSE 52.19 – TELECOMMUNICATIONS FACILITY**

A permit for buildings and works is required pursuant to Clause 52.19-2 of the Latrobe Planning Scheme as the facility is not classified as low impact in accordance with the Telecommunications (Low-impact Facilities) Determination 1997.

The decision guidelines provided at Clause 52.19-6 which are relevant to the subject site include:

- *The principles for the design, siting, construction and operation of a Telecommunications facility set out in "A Code of Practice for Telecommunications Facilities in Victoria (Code of Practice)".*
- *The effect of the proposal on adjacent land.*

In response to the decision guidelines regarding principles for the design, siting, construction and operation of a telecommunication facility, the following comments are made.

*Principle 1: A telecommunications facility should be sited to minimise visual impact*

In relation to the first principle, it is considered that the visual impact of the proposed telecommunication facility is not compliant for the reasons set out below:

- The subject site generally located on the periphery of Morwell Township which is characterised by a mixture of small scale buildings to the east and rural landscape to the west. The 45.7m high telecommunication facility is considered excessive in height and is generally not compatible with the semi-urban character of the area.
- Whilst the subject site is zoned Industrial 3, it adjoins a large block of land that is zoned Residential 1 which is suitable for residential subdivision and development of a variety of dwellings. Given the topography of the subject area is relatively flat, the proposal would be highly visible and prominent when viewed from the future residential area. In addition, if travelling east-bound along Princes Drive towards the Morwell town centre, the 45.7m high telecommunication facility would be the highest built structure in the area and seen as highly prominent. On this basis, it is reasonable to consider that height and location of the facility is likely to adversely affect the visual amenity of both the future residential properties to the north and west, as well as the broader surrounding locality.
- It is acknowledged that there is vegetation in the subject area that may assist in screening some of the proposed monopole when viewed from ground level. However, it should be noted that much of this vegetation is not native and also on private land. Reliance upon vegetation outside the subject site for screening purposes, which is also not subject to any regulatory framework for its removal, is considered inappropriate. Removal of any such vegetation could result in the monopole becoming more prominent without the ability to address that outcome in the future.
- Although there may be opportunity (via permit conditions) for the proposed telecommunication facility to be painted / finished in a muted tone to make it less noticeable, it is considered that colour alone cannot satisfactorily address the issues of visual prominence as discussed above.

- It is acknowledged that the need for clear mobile transmission and receiving paths means that telecommunication facilities often need to be visible from adjoining and surrounding properties to be effective. However, this does not provide sufficient justification for locating such a high structure in a semi-urban area that displays particularly modest built form in terms of scale and height, and in a gateway location to Morwell as discussed previously in this report. It is reasonable to consider that the proposal has not struck an appropriate balance between providing effective service coverage whilst minimising the visual impact of the facility, as required under Principle 1 of the Code of Practice.

It is considered that there are a number of locations within Morwell which may be more suitable than the proposed site.

*Principle 2: Telecommunications facilities should be co-located wherever practical*

A written response of proposed alternative locations and reasons for rejection of those sites has been submitted by the applicant. It demonstrates that the applicant has examined at least three other sites that may be suitable for a telecommunication facility. It is considered that the possible alternate locations may be more suitable than the subject land given the proximity to the future residential expansion. The majority of alternate sites were dismissed partly due to their proximity to residential areas. The application further acknowledges that these sites have not been secured by the applicant for co-location.

*Principle 3: Health Standards for exposure to radio emissions*

The applicant has provided appropriate information to satisfactorily demonstrate that the telecommunication facility will be designed and installed, so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), May 2002.

The compliance of the telecommunication facility with the relevant Radiation Protection Standard is administered by the Australian Communications and Media Authority (ACMA). It is considered that the proposal satisfies the requirements of Principle 3.

*Principle 4: Disturbance and risk relating to siting and construction should be minimized. Construction activity and site location should comply with State Environment Protection Policies and best practice environmental management guidelines.*

As submitted by the applicant, construction of the facility is to be carried out in accordance with the relevant environmental policies and guidelines, as well as Council's requirements. It is considered that the requirement of Principle 4 of the Code of Practice can be satisfactorily addressed via the inclusion of appropriate permit conditions if applicable.

*The effect of the proposal on adjacent land*

As discussed previously in this report, whilst the subject site is currently zoned Industrial 3, it adjoins a large parcel of residential land. The purpose of a Residential 1 Zone is primarily to provide for sensitive residential use. Due to the height of the proposal and its proximity to existing and future dwellings, the proposed telecommunication facility is likely to have a detrimental impact on residential amenity of the future residential properties on adjacent land. Whilst it is acknowledged the adjacent residential land is still undeveloped at this stage, Clause 65 of the Scheme states that before deciding on an application, the responsible authority must consider, amongst other things as appropriate, the overall orderly planning of the area.

The application received one submission in the form of a letter of concern. A number of matters were raised within the submission, being:

1. Opportunity to co-locate the proposal with existing telecommunication facilities

Officer Comment:

This matter has been discussed above, and Council Planning Officers concur that the further co-location opportunities or an alternative site may be available and should be reconsidered by the permit applicant.

2. The possible requirement of additional 'buffers' or setbacks applied to the adjoining residential land if the tower is approved.

Officer Comment:

It is considered that the proposal is not a suitable for the site, and has had inadequate regard to the future adjoining residential land use and development. It is recommended that the proposal should not be supported, and accordingly additional buffers or setbacks should not be required for the adjoining residential land.

3. Compliance of the proposal with ACIF (Australian Communications Industry Forum) Code C564:2004 Deployment of Mobile Network Infrastructure.

Officer Comment:

The compliance of the telecommunication facility with the above code is administered by the Australian Communications and Media Authority (ACMA).

4. Visual impact of the proposal.

Officer Comment:

This matter has been discussed above and Council Planning Officers concur that the subject site is inappropriate for the proposal, in consideration of its height and scale within the semi-urban context and the adjoining future residential precinct.

**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 under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers; displaying an A3 sign on the subject site for a minimum of 14 days; and by publishing two notices in the Latrobe Valley Express.

External:

There is no requirement for external referrals pursuant to Clause 66 of the Scheme.

Internal:

Comments were sought from Council's Infrastructure Planning team. The team does not object to the proposal from an engineering perspective, subject to inclusion of appropriate conditions on permit regarding drainage and access.

*Details of Community Consultation following Notification:*

No planning mediation was held, as the objector only wanted to highlight his concerns to Council and did not wish to have a mediation meeting.

As there is an outstanding objection, determination of the application by officer delegation is not possible; a decision is therefore required by Council.

## 8. OPTIONS

Council has the following options in regard to this application:

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

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



**9. CONCLUSION**

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of Clause 52.19 'Telecommunication Facilities'; and
- Inconsistent with the Clause 65 'Decision Guidelines'.

**10. RECOMMENDATION**

**That Council issues a notice of refusal to grant a planning permit for the buildings and works associated with a telecommunication facility at 65 Princes Drive (Lot 1 on Plan of Subdivision 126972), Morwell, on the following grounds:**

- 1. The proposal does not meet the requirements relating to appropriate urban design in the State and Local Planning Policy Frameworks of the Latrobe Planning Scheme.**
- 2. The proposal is excessively high and will have an unreasonable visual impact on the adjoining future residential land use and development.**
- 3. The proposal has not been sited to minimise visual impact.**
- 4. The subject site is inappropriate for a telecommunications facility of this scale.**
- 5. The proposal does not meet the requirements of clause 52.19 relating to minimising visual impact and effect on adjacent land.**

**ATTACHMENTS**

# GOVERNANCE

**11.6.1 PROPOSED SALE OF LAND - FORMER MOE EARLY LEARNING CENTRE, 38 FOWLER STREET MOE**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT –NO)**

**1. PURPOSE**

The purpose of this report is to seek an extension of time to collate and present to Council the information relevant to the potential sale of the former Moe Early Learning Centre.

**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.*

*Built Environment*

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

*Shaping Our Future*

*An active connected and caring community  
Supporting all*

Latrobe City Council Plan 2011 - 2015

*Strategic Direction*

- *Support effective community engagement to increase community participation in 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.*

*Service Provision – Property and Statutory*

*Administer property management, advice and services of Latrobe City Council.*

*Legislation*

Local Government Act 1989

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

*(a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and*  
*(b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation Land Act 1960 a valuation of the land which is made no more than 6 months prior to the sale or exchange.*

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 may be heard are entitled to appear before a meeting of Council.

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

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

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

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

#### 4. **BACKGROUND**

Council considered the proposed sale of the former Moe Early Learning and Care Centre (MELC) at its meeting held on Monday 5 December 2011 and resolved as follows:

1. *That Council, in accordance with Section 189 of the Local Government Act 1989 and Sale of Council Owned Property Policy, gives public notice of its intention to consider the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.*
2. *That Council, in accordance with the Sale of Council Owned Property Policy, invites public comment on whether the former Moe Early Learning Centre at 38 Fowler Street, Moe, is surplus to community requirements.*
3. *That pursuant to Section 223 of the Local Government Act 1989 Council considers any submissions received in relation to the potential sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, at the Ordinary Council Meeting to be held on Monday 6 February 2012.*

Public notices were placed in the Latrobe Valley Express on Thursday 15 and Monday 19 December 2011. Letters were also sent to adjoining landowners and Latrobe Community Health Service.

Council received five submissions in response to the advertisement. Submissions were received from:

1. Moe and District Residents Association Inc.
2. Maree Hall
3. Lions Club of Moe Inc.
4. Moe Probus Club
5. Latrobe Community Health Service

Three of the submissions were in support of Council retaining the former MELC at 38 Fowler Street, Moe for use by community organisations and two of the submissions were in support of Council selling the building.

At the Ordinary Council meeting held on Monday 6 February 2012 the following submitters attended and spoke in support of their submission:

1. Moe and District Residents Association Inc.
2. Lions Club of Moe Inc.
3. Moe Probus Club
4. Latrobe Community Health Service

At this meeting Council resolved as follows:

1. *That Council note the submissions in relation to the proposed sale of the former MELC at 38 Fowler Street, Moe*
2. *That a further report be presented to Council of 5 March 2012*

## 5. **ISSUES**

There are a number of matters raised by the submissions and the individuals who spoke in support of the submissions. It is the intention of council officers to investigate these matters in detail in order to be able to make recommendations regarding the future use of the property at 38 Fowler Street, Moe.

Matters to be investigated and to allow the provision of detailed information regarding the future use of this building include:

- Community requirements –
  - what are the requirements of the community groups and how can they be assisted by Council
- Alternate options –
  - Are there alternate options available to local community groups
  - What is the cost of the alternate options to local community groups
  - Are there more appropriate ways for Council to assist local community groups to address the matters expressed in submissions regarding the potential sale of the former MELC
- Financial implications -
  - What are the costs of refitting this building to make it suitable for use by community groups
  - What are the ongoing costs to maintain the building
  - What are the ongoing costs to operate this building
  - How will the ongoing building costs be funded

- Governance arrangements –
  - If the building was to be used by a number of local community groups what Governance arrangements should be put into place

## 6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications as a result of this report.

Financial and resource implications regarding the possible sale or retention of the former MELC at 38 Fowler Street, Moe are currently being investigated by council officers

## 7. **INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Community Engagement Plan 2010-2014

Engagement Objective

No.2 Community Role in Policy Development, Planning and Project Delivery.

We will:

- In accordance with the engagement plan, ensure that all policies, strategies, plans and projects that will impact the community are made available for public viewing and comment for a minimum of a four week period.
- Ensure consultation opportunities are advertised in the Council Noticeboard section of The Express newspaper and on the website.
- Ensure that reports provided to Council include advice as to how community consultation has informed the recommendation.

Public notices were placed in the Latrobe Valley Express on Thursday 15 and Monday 19 December 2011 together with letters sent to Latrobe Community Health Service Inc. and the owners of the adjoining properties at 36 and 40 Fowler Street inviting comment on the proposal.



*Details of Community Consultation / Results of Engagement:*

Representatives of MADRA, Moe Lions and Moe Probus inspected the building on two occasions. Representatives from Latrobe Community Health Service also inspected the premises.

In response to the public notices and correspondence five submissions were received from the public and four of the submitters attended the Ordinary Council meeting Monday 6 February 2012 to speak in support of their submission

**8. OPTIONS**

The following options are available to Council:

1. Grant the extension of time; and/or
2. Seek further information.

**9. CONCLUSION**

Council received five submissions from the public during the exhibition period. Three of the submissions were in support of Council retaining the former MELC at 38 Fowler Street, Moe for use by community organisations and two of the submissions were in support of Council selling the building. Four of the submitters attended the Ordinary Council meeting on Monday 6 February 2012 and spoke in support of their submissions.

Due to the number and complexity of issues raised by the submitters it is appropriate for council officers to thoroughly investigate those issues and present a further report to Council at a meeting to be held at a later date.

**10. RECOMMENDATION**

**That the final report regarding the proposed sale of the former Moe Early Learning and Care Centre be presented at a future council meeting, prior to June 2012.**

**11.6.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - NO)**

**1. DECLARATION OF INTERESTS**

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

**2. DOCUMENT/S**

2225/2011-CR	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and James Gavin Down and Christie Ann Haefele as the Owners of the Land described in Certificate of Title Volume 11269 Folio 820 being Lot 3 on PS 616511Q situated at 39 Grammar Drive, Traralgon as a condition of consent and report of Council 2225/2011-CR to construct a detached garage over the easement on the Land providing that notwithstanding the granting of consent to construct a detached garage over the easement on the Land, the Council may enter the easement and carry out whatever works may be necessary to maintain the drain which is in the easement.
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**3. RECOMMENDATION**

**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 James Gavin Down and Christie Ann Haefele as the Owners of the Land described in Certificate of Title Volume 11269 Folio 820 being Lot 3 on PS 616511Q situated at 39 Grammar Drive, Traralgon as a condition of consent and report of Council 2225/2011-CR to construct a detached garage over the easement on the Land.**

**11.6.3 ASSEMBLY OF COUNCILLORS**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 20 February 2012.

**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 Assembly of Councillors took place between 16 February 2012 and 27 February 2012:

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
16 February 2012	Traralgon CBD Safety Meeting  Traralgon CCTV funding application, Traralgon CCTV locations, NightRider, Police Report, Taxi Report, Liquor Accord Report, Council Update, Business Safety Forum	Cr Sandy Kam Steve Tong, Wendy Hayne, Andrew Legge,	NIL
27 February 2012	Issues and Discussion Session  4.1 Tonight's Presentations: Council Plan Review (Draft Text Part 2) 4.2 Presentation from Previous Issues and Discussion Session 4.3 Future Presentations 7.2 Outstanding Issues 8.2.1 2012 National General Assembly of Local Government - Discussion	Cr White, Cr Gibson, Cr Lougheed, Cr O'Callaghan, Cr Vermeulen, Cr Price Carol Jeffs, Michael Edgar, Geoff Hill, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer, Jodie Pitkin	Cr O'Callaghan declared an indirect interest in Item 4.1 under Section 78B of The Local Government Act 1989 Cr O'Callaghan left the chamber at 6.38pm and returned to the chamber at 6.49pm.

**4. RECOMMENDATION**

**That Council note this report.**

**ATTACHMENTS**

**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	<b>(h) other</b>
15.2	CONFIDENTIAL ITEMS	<b>(h) other</b>
15.3	ASSEMBLY OF COUNCILLORS	<b>(h) other</b>
15.4	PROPOSED EXCHANGE OF LAND CHURCH STREET, TRARALGON	<b>(e) proposed developments</b>
15.5	CHURCHILL & DISTRICT COMMUNITY HUB BOARD APPOINTMENTS	<b>(a) personnel matters</b>
15.6	ITT 13053 - LATROBE CITY COUNCIL CLEANING SERVICES	<b>(d) contractual matters</b>