



LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 05 MAY 2008

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward
Cr Doug Caulfield - Gonyah Ward
Cr Sandy Kam - Galbraith Ward
Cr Susan Lloyd - Burnet Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Lisa Price - Farley Ward
Cr Darrell White - Firmin Ward
Cr David Wilson - Dunbar Ward
Cr Anthony Zimora - Merton Ward
Paul Buckley, Chief Executive Officer
Seona Conway, Executive Manager Strategy & Performance
Michael Edgar, General Manager City Services
Katie Garlick, Governance & Legal Administration Officer
Phillip Harris, General Manager Corporate Services
Geoff Hill, Executive Manager Economic Development
Philip Marsh, Executive Manager Governance & Legal Services
Peter Quigley, General Manager City Marketing & Development
Grantley Switzer, General Manager City Infrastructure

CM 267

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NIL.

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NIL.

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Caroline Flake, Manager Governance - Legal Counsel
Allison Jones, General Manager City Services

3. Declaration of Interests

Cr Caulfield declared an interest in Item 11.5.1 as he is involved in the work and development of the protocol.

Cr Lloyd declared a conflict of interest in Item 11.3.2 as she is power of attorney which has an interest in the land.

Cr White declared an interest in Item 11.6.4 as he is a director of the Morwell Bowling Club.

Cr Middlemiss declared an interest in Item 11.2.1 as he is an employee of Loy Yang Power.

4. Adoption of Minutes

Moved: Cr Middlemiss

Seconded: Cr Price

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 21 April 2008 (CM 266) be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 VISITOR INFORMATION CENTRE

Mr William Barber asked the following question:

Question

In thanking the Mayor for his response in relation to the upcoming refurbishment of the exterior of the Visitor Information building at Traralgon Station, can some thought be given to an appropriate heritage colour for the exterior of that building?

The present colour does not enhance or distinguish the building, and it may be possible that under the present colour, scrapings of paint may reveal an original colour?

Answer

The Mayor responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes as soon as possible.

5.2 ANSWERS TO A PREVIOUS QUESTION TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING HELD ON 21 APRIL 2008

1. HOCKEY FACILITIES

5 May 2008

Ms Linda Reid
15 Quigley Crescent
CHURCHILL VIC 3842

Dear Ms Reid

RESPONSE REGARDING STATUS OF GIPPSLAND HOCKEY FACILITIES PLAN

Thank you for your question regarding the status of the Gippsland Hockey Facilities Plan at the ordinary council meeting held 21 April 2008.

Council officers are currently holding discussions with Monash University regarding the proposed conversion of the current soccer pitch into a synthetic hockey facility. Items raised for further discussion include provision of netting around the field, management and maintenance of the facility and funding the future replacement of the surface. These items are intended to be discussed at a meeting between Latrobe City Council officers and Monash University representatives on 15 May 2008.

Council officers have been in touch with Hockey Victoria regarding preferred suppliers of synthetic surfaces. Suppliers of surfaces are currently being contacted to provide estimated costings for the installation of a surface that will be utilised in funding applications to secure the required funding for the project to progress.

The Victorian Government currently has a funding program specifically aimed at the development of synthetic surfaces. This program identifies "Councils are not required to apply to the program for this purpose. The Department of Planning and Community Development will hold discussions with sports and councils to identify potential locations. The Department of Planning and Community Development will then approach the council where the location has been identified and may negotiate a grant of up to \$300,000 for a project." Latrobe City Council has discussed this program with both Hockey Victoria and local department staff and has indicated we would like to have further discussions regarding the potential funding available for the development of a synthetic hockey facility. However agreement between Council and Monash University and detailed costings are required to maximise the likelihood of receiving funding from this program.

A meeting with local hockey representatives will be held in mid to late May to discuss the results of discussions with Monash University and to consider the scope of work required for the development of the synthetic facility. A Council officer will be in contact shortly to establish the date and time this meeting will take place.

Pending the successful resolution of any issues between Monash University and Latrobe City it is anticipated that the gathering of all necessary information regarding the development of the synthetic hockey facility at Churchill be will be completed during June 2008.

Yours faithfully



CR BRUCE LOUGHEED
Mayor

ITEMS REFERRED BY THE COUNCIL

7.1 **MAY STREET, MOE - EXCESSIVE SPEED OF VEHICLES**
AUTHOR: General Manager City Marketing & Development
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to address concerns raised in a petition tabled at the 17 March 2008 Ordinary Council Meeting, regarding the speed of vehicles in May Street, Moe.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 - 2011

Strategic Objective - Liveability

To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality.

Strategic Action - Support government agencies, non-government agencies and the community in reducing crime, violence and antisocial behaviour, by implementing ongoing actions to reduce family violence, drug and alcohol abuse, improve road safety and enhance safety at home.

Council does not currently have a specific policy dealing with traffic management matters. The following documents will be used as the basis for assessing this matter and providing advice to Council for consideration:

- *Latrobe City Council "Design Guidelines for Subdivisional Developments, Urban & Rural Road and Drainage Construction, and Traffic Management Projects",*
- *Latrobe City Council "Community Engagement Policy and Strategy",*
- *Austrroads "Guide to Traffic Engineering Practice", and*
- *VicRoads "Traffic Engineering Manual"*

3. BACKGROUND

The petition contained 44 signatures of which 14 are from the 39 residential properties abutting May Street with 30 signatures from premises in the surrounding area.

The petitioners advise that motorists are driving well in excess of the 50 km/h speed limit and doing 'burnouts' where it is impossible to control the vehicle. They request that the police and Latrobe City Council make this problem a priority with a '*stronger Police presence and quicker response time*' and '*asking Council to put in place some type of structure to inhibit the ability to speed*'. A copy of the petition is attached.

4. **ISSUES**

May Street is classified as a Minor Access Street under Latrobe City Council's road hierarchy as it provides only for local residential access. Under Latrobe City Council's Design Guidelines the average vehicular speed along a minor access street should be approximately 30 km/h. A summary of recent traffic counts and speeds undertaken along May Street are shown on an attached plan.

From the traffic counts, the average mid-block vehicle speeds along May Street were generally 12 to 15 km/h higher than desirable. At some locations 33 % of vehicles exceed the 50 km/h speed limit.

The road carriageway along May Street is currently 7.3 metres wide with barrier type kerbing along each side. As the incidence of on-street parking along May Street is considered to be low, the street appears relatively more open and drivers will feel safer and more comfortable driving at higher speeds.

There have been no traffic casualty accidents recorded along May Street in the ten years to June 2007. Recorded casualty accidents are those road traffic accidents reported to Victoria Police and recorded in a database by VicRoads, that involve one or more road vehicles and have resulted in a death or personal injury.

To achieve an acceptable level of amenity in this type of street, guidelines state that a minor access street should have a carriageway width of 5.5 metres and that speed control devices should be spaced at 75 to 100 metres along the street. This means that four devices would be required along May Street.

A plan attached indicates appropriate locations for traffic calming devices to achieve a uniform lower vehicle speed along May Street.

5. FINANCIAL AND RESOURCES IMPLICATIONS

There are no funds specifically allocated for works in this area. If further works are determined to be required along May Street, such works shall need to be referred for consideration in future capital works programs.

6. INTERNAL/EXTERNAL CONSULTATION

The petition indicates that a significant number of residents in May Street and the surrounding area support the installation of traffic calming devices to reduce vehicle speeds along the street. Consultation should now occur with the residents regarding the type of device that should be installed along May Street.

In reply to an officer request, Victoria Police (Moe) have also provided a response to the petition. They advise that although they do not believe that this area is any worse than elsewhere in their service area, they do understand the concerns of the residents. In the short term patrol units will be tasked to be proactive in the May Street area. A copy of the response is attached.

7. OPTIONS

Council's options on the matters raised in this report include:

- Taking no further action; or
- Decide that traffic calming works are required along May Street.

8. CONCLUSION

Approximately 40 percent of the residents along May Street signed the petition indicating a concern at the speed of traffic along the street and support for actions to be undertaken to reduce vehicle speeds.

From the traffic counts undertaken the recorded vehicle speeds along May Street were found to be excessive and that further action by Latrobe City Council would be appropriate.

Under Latrobe City Council's "*Design Guidelines*" all new subdivisional developments are required to be designed to achieve vehicle speeds in accordance with the guidelines. This includes the provision of traffic calming devices where necessary to reduce vehicle speeds to a suitable level.

In view of the recorded vehicle speeds and the support from the residents of May Street, it is therefore appropriate that Latrobe City Council should now engage the community in developing a suitable solution to reduce vehicle speeds along May Street.

9. RECOMMENDATION

- 1. That Council agrees in principle to install traffic calming devices along May Street, Moe to generally reduce traffic speeds along the street to an appropriate level.**
- 2. That consultation regarding the installation of traffic calming devices along May Street, Moe be undertaken with the occupants of all premises along the street.**
- 3. That the head petitioner and the Victoria Police (Moe) be advised of Council's decision in relation to the installation of traffic calming devices along May Street, Moe.**

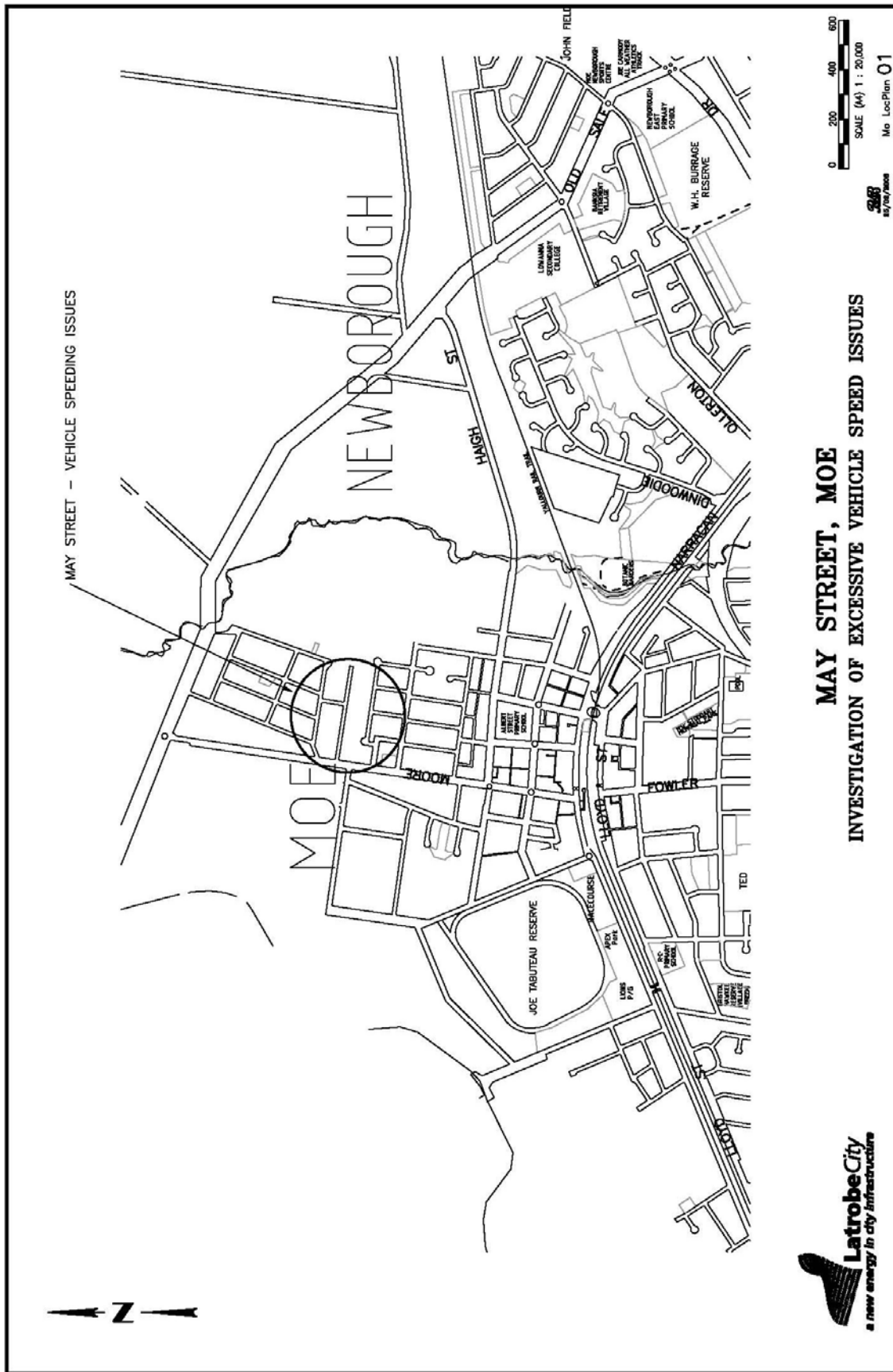
Moved: Cr Zimora

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



MAY STREET, MOE
INVESTIGATION OF EXCESSIVE VEHICLE SPEED ISSUES

Latrobe City

18 FEB 2008

RESIDENCE OF MAY STR & SURROUNDING AREA

We are writing to let the authorities know about the situations and dangers we are facing in our day to day lives. Our area is being over run with dangerous drivers that have no respect for the community's safety. These drivers are driving well in excess of 50 km speed limit. They are leaving burnouts where it is impossible to control the vehicles, this is putting everyone in their front yards, footpaths and roads in inament danger.

It is also having an impact on home values as it doesn't seem a safe place to raise families. Due to the fact this is happening on couple of times on a dally basis for the period of 2 years it is only a matter of time before an innocent victim is killed.

We have in the past, and will continue to call 000 with as much information as possible as to cars, colour, make and rego plate. But in most cases this is not possible due to the speed or the smoke from the burnouts, and the fact that residence are scared to make a report for the ramifications from the 'hoons'.

We are asking the Police and Council to make this problem a larger priority with a stronger Police presence and quicker response time. For 15 -20 minutes you can still hear them doing burnouts around the area.

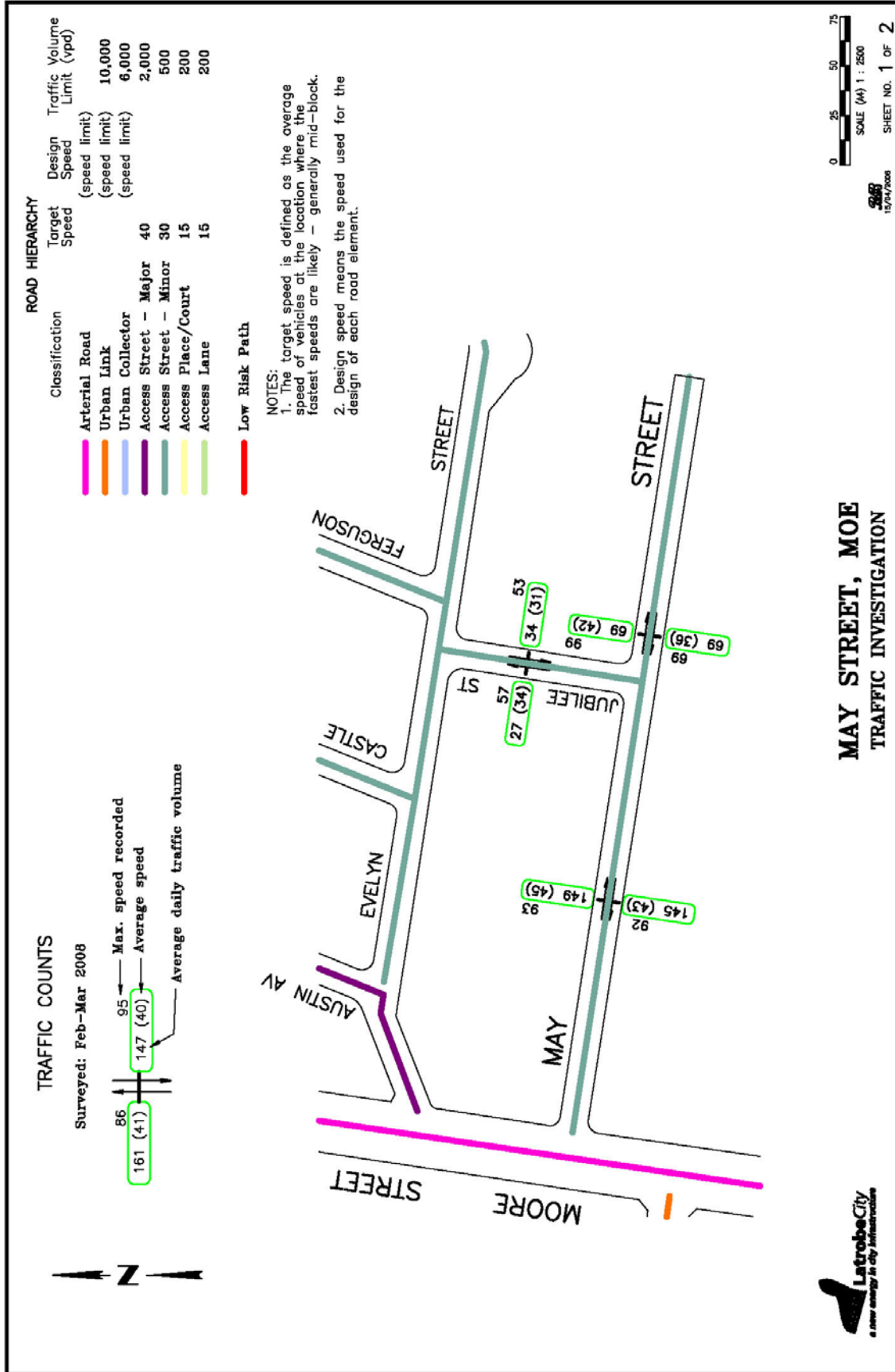
We are also asking the 'hoon' laws be enforced to the full extent of the law, we are asking Council to put in place some type of structure to inhibit the ability to speed.

As a community we must make these 'hoons' understand they are behind the wheel of a dangerous weapon, as a community we need to demand action taken before a family member is injured or killed. Although we understand many people of called 000 in the past with no response, we request you continue to do so. We all need to work together to let the 'hoons' know as a community this behaviour will not be tolerated.

DATE	NAME	STREET	SIGNATURE
15-2-2008	Shirley Whelan	May St.	Shirley Whelan
15.2.2008	Edna Kulla	"	Edna Kulla
15-2-2008	Gimre Walravens	Wink mmbt	Gimre Walravens
7/2/2008	Ron Lambert	May St	Ron Lambert
7/2/2008	J. Hoppers	HOOPER ST	J. Hoppers
7/2/2008	Helen Seecombe	MOORE ST	Helen Seecombe
7/2/2008	D. Amore	AUSTIN AVE	D. Amore
7/2/2008	P. Anselme	MOE ST	P. Anselme
7.7.08.	J. HOPPERS	EVELYN ST	J. Hoppers
7.2.08	U. Eaton	Evelyn St	U. Eaton
7.2.08	R. TISDALE	AUSTIN AVE	R. Tisdale

DATE	NAME	STREET	SIGNATURE
7.2.08	KAREN TISONALE	4 AUSTIN AVE MOE	<i>[Signature]</i>
7.2.08	D. Butler	5 Austin Ave Moe	<i>[Signature]</i>
7.2.08	Torney J	Austin Ave moe.	<i>[Signature]</i>
9.2.08	Tracy Stevens	21 Ferguson St moe	<i>[Signature]</i>
14.2.08	MRS Pior	Moore	<i>[Signature]</i>
14.2.08	Miss Wilson	moore st	<i>[Signature]</i>
14.2.08	Miss S Vanderkooch	Fowler St	<i>[Signature]</i>
14.2.08	Mrs M Wilson	74 Moore St Moe	<i>[Signature]</i>
14.2.08	DR. HECKER	111 SAXTONS DR	
14.2.08	D. Vincent	Saxton drive	<i>[Signature]</i>
14.2.08	F. Hyett	Saxton drive	<i>[Signature]</i>
14.2.08	J.T. Cahill	Saxton drive	<i>[Signature]</i>
14.2.08	B Fisher	Saxton drive	<i>[Signature]</i>
14.2.08	K Langmaid	Saxton Drive	<i>[Signature]</i>
14.2.08	Y. HARVEY	117 SAXTONS DRIVE	<i>[Signature]</i>
14.2.08	2/7 SAXTONS DR	111/112	
	✓ 4/13 SAXTONS DR.		<i>[Signature]</i>
	11/13 SAXTONS DRIVE 111/12		<i>[Signature]</i>
14/2	VICKI STONE	9/13 SAXTON DR	<i>[Signature]</i>
14.2.08	M Reid	3/13 Saxton drive	
14/02/08	L KERR	7/13 SAXTONS DRIVE	<i>[Signature]</i>
14/02/08	F. MILLAR	1/15 SAXTONS DRIVE	<i>[Signature]</i>

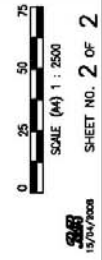
Date	Name	Street	Signature
	Rob Dall	15 SAXTONS DRIVE	R. Dall
14-2-08	Kaylene Thornton	32 May St	K. Thornto
14-2-08	Taylah Thornton	32 May St	T. Thornton
14/02/08	David Wilkinson	28 May St	D. Wilk
14/02/08	Darrel L. Wilson	24 May Street	D.L.
14/2/8	Heather Wilson	28 May St	H. Wilson
14/2/08	Morham Walker	20 May St	M. Walker
14/2/08	Joe Jaij	16 MAY ST	J. Jaij
14/2/08	Tom. BEK.	17 MAY. ST	T. Bek.
14/2/08	MARK ROBINSON	29 MAY ST	M. Rob
14/2/8	Jeanne	May St	J. Jeanne





MAY STREET, MOE TRAFFIC INVESTIGATION

● APPROXIMATE LOCATIONS OF
TRAFFIC MANAGEMENT DEVICES





VICTORIA POLICE

Latrobe City	
- 1 APR 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Moe Police Station
 Division 3
 Region 5 (South East)
 Region 5
 3 Anzac Street
 Moe 3825
 Victoria, Australia
 DX 2176354
 Telephone 51272222
 Facsimile 51272750

Email gavin.purcell@police.vic.gov.au

MOE POLICE STATION

31 MAR 2008

5MOC

27 March 2008

Ray BRIGHT
 Traffic Planner, Latrobe City
 PO Box 264
 Morwell, 3840

Subject: Speeding Vehicles In May Street, Moe

Dear Ray

Just a quick update in relation to the issue raised in the attached documents (copies) about speeding motorists in the May Street area of Moe.

I have consulted the members at the Moe Police Station about the problem and have not identified any prior knowledge of a problem that could be considered worst than anywhere else in our service area. I do however understand the concerns of the local residents and look forward to working together with yourselves and the residents to solve this matter.

In the short term, I have formally tasked our patrol units to be proactive in relation to this matter and I would hope that the local residents should see an increased visible presence in the area in the coming weeks.

Could you please keep me updated of the result of the traffic count that is to be conducted.

Regards

Gavin PURCELL
 Acting Senior Sergeant 29764
 Moe Police Station

The Mayor sought Council's consent to bring forward Item 11.3.2.

Moved: Cr Middlemiss

Seconded: Cr White

That Item 11.3.2 be brought forward for consideration.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Wilson

Seconded: Cr Zimora

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.11 pm

1. Mr Greg Summerhayes, an objector, addressed Council in relation to Item 11.3.2 – Planning Permit Application Mo. 2007/360 for a 65 Lot staged subdivision, 17 St James Drive, Yinnar and answered questions put to him.

The Mayor thanked Mr Summerhayes for addressing Council and for his submission.

2. Mr Chris Rieniets, representing the applicant, addressed Council in relation to Item 11.3.2 – Planning Permit Application Mo. 2007/360 for a 65 Lot staged subdivision, 17 St James Drive, Yinnar and answered questions put to him.

The Mayor thanked Mr Rieniets for addressing Council and for his submission.

Resumption of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr Price

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.23 pm

11.3.2 PLANNING PERMIT APPLICATION NO. 2007/360 FOR A 65 LOT STAGED SUBDIVISION, 17 ST JAMES DRIVE, YINNAR

AUTHOR: General Manager City Marketing & Development
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2007/360 for a 65 Lot Staged Subdivision of land at 17 St James Drive, Yinnar.

2. POLICY IMPLICATIONS

The provisions of the *Planning and Environment Act 1987* and the Latrobe Planning Scheme apply to this application.

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 - 2011

Strategic Objective - Sustainability

To promote the responsible and sustainable care of our diverse built and natural environment for the use and enjoyment of the people who make up the vibrant community of the Latrobe Valley. To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.

Built Environment - Strategic Action

By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Strive to ensure all proposed developments enhance the liveability and sustainability of the community.

3. BACKGROUND

3.1 SUMMARY

Land: 17 St James Drive Yinnar
(Lot 1 PS 312555, Lot B LP 144817 and
Lot 2 TP 841775)

Proponent: The Rural Development Group
Zoning: Part Residential 1, Part Farming Zone
Overlay Part Land Subject to Inundation

A Planning Permit is required for the subdivision of land in accordance with Clause 32.01-2 (Residential 1 Zone), Clause 35.07-3 (Farming Zone) and Clause 44.04-2 (Land Subject to Inundation Overlay).

3.2 PROPOSAL

The application is for the subdivision of the land into 65 lots, 64 of which will be residential lots and the remaining lot will be a residual farming lot to align with the Farming Zone. This farming lot will front Jumbuk Road. The residential lots will vary in size from 416m² to over 6,800m² with the average size being approximately 1600m². The residential lots will be developed in two stages.

The residential lots will gain access from Albert Street, St James Drive, Littleton Street, Quigley Street and Henry Street.

The lots have been designed so that dwellings can be constructed on the high ground surrounding the existing built-up residential area - see attached plans.

Subject Land:

The subject land, which is cleared, is situated at the eastern gateway to the Yinnar township. An existing brick veneered dwelling is situated at the end of St James Drive. There is a ridge running north-south and the land drops to Jumbuk Road. The land is in three titles and has a total area of approximately 15.8ha.

Surrounding Land Use:

North: Generally pastoral farming and township
South: Generally pastoral farming
East: Generally pastoral farming
West: Built up residential/township

3.3 HISTORY OF APPLICATION

The application was received on 1 October 2007. The applicant gave notice of the application on 23 January 2008 and objections were received. A Planning Mediation Meeting (PMM) was held on 19 March 2008.

A number of issues were raised at the PMM and following private discussions between the developers and adjoining landowners, some objectors withdrew their objections, however there were conditions attached to those withdrawals, and those conditions have been addressed.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

The State Planning Policy Framework of the Latrobe Planning Scheme has several policies relevant to this application, namely:

Clause 11.03-1 – ‘Settlement’, in which planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 14.01 – ‘Planning for urban settlement’ has an objective to ensure a sufficient supply of land is available for residential and other land uses and which also includes the following relevant ‘General implementation’ matters:

- *‘In planning for urban growth, planning authorities should encourage consolidation of existing urban areas.’*

Clause 15.01 – ‘Protection of catchments, waterways and groundwater’ has an objective to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Clause 15.02 – ‘Floodplain management’ has an objective to assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance.

Clause 15.09 – ‘Conservation of native flora and fauna’ has an objective to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants.

Clause 15.10 – ‘Open space’ has an objective to assist creation of a diverse and integrated network of public open space commensurate with the needs of urban communities and rural areas.

Clause 16.01 - ‘Residential development for single dwellings’ contains the following objective:

- *‘Subdivisions in locations with access to physical and community infrastructure and providing a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle paths, sufficient useable public open space and low vulnerability to fire.’*
- *‘Residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water-sensitive design principles and encourages public transport use.’*
- *‘Opportunities for increased residential densities to help consolidate urban areas.’*

Clause 18.09 - ‘Water supply, sewerage and drainage’ contains the following objective:

- *‘To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.’*

Clause 19.01 - ‘Subdivision’ contains the following ‘Objective’:

- *‘To ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods.’*
- *‘To control the subdivision and consolidation of land and the removal and variation of easements and restrictions through planning schemes, within the framework of the Planning and Environment Act 1987 and the Subdivision Act 1988.’*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Clause 21.01-3, ‘Urban settlement and form’. Yinnar is one of the small townships that evolved from the early pastoral settlements and which has developed its own role and functions.

Clause 21.03 (Vision – Strategic Framework):

The La Trobe Strategy Plan (Clause 21.03-3) has been prepared under the MSS and sets out a number of strategies, for 'Urban and rural settlement', one of which is to:

- *'Consolidate development within and around the existing towns and villages and avoid unnecessary urban expansion and rural subdivision.'*

Another strategy for 'Townships in the networked city' states that:

- *'The role of the smaller settlements is to provide important diversity of housing and lifestyle as well as to be rural service centres.'*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-1 has a 'Containment' objective to encourage a contained urban development within distinct boundaries and maximise the use of existing infrastructure (Element 2).

Strategies to implement this objective include:

- *'Encourage consolidation of urban settlement within the urban zoned boundaries';*
- *'Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*

This objective and strategies are reinforced under Clause 21.04-4 'Housing', where Element 1 'Containment and renewal' encourages the containment of new residential subdivision within residential areas, with strategies including:

- *'Support new residential subdivisions within the existing zoned land provided they contribute to the integrated development of the neighbourhood or town';*
- *'Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.'*

Local Planning Policy (Clause 22)

Zoning

Part of the land, measuring 11.8ha, is zoned Residential 1 Zone (R1Z).

Part of the land, measuring 4ha, is zoned Farming Zone (FZ)

The purpose of the Residential 1 Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the household needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

According to Clause 32.01-2 a planning permit is required to subdivide land and the development must meet the requirements of Clause 56 (Residential Subdivision provisions).

Clause 56 details general objectives and standards for residential subdivision and includes provisions such as lot diversity and distribution, site and context description and the neighbourhood street network. Applicants must meet the requirements of this Clause as part of their submission.

The purpose of the Farming Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To protect and enhance natural resources and the biodiversity of the area.*

The residual lot zoned Farming is not being further subdivided

Overlay

Part of the land is overlain by the Land Subject to Flooding Overlay (LSIO)

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

According to Clause 44.04-1 a planning permit is required to construct a dwelling or carry out other works. According to Clause 44.04-2 a planning permit is required to subdivide the land.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision:

A person who proposes to subdivide land must make a contribution to the Council for public open space. The amount is not specified in the schedule to the clause but under the Subdivision Act 1988 must not exceed 5% of the land. The contribution can be in land or cash or a percentage of both.

The applicants have provided a small amount of open space, some 0.08ha, which would be about 0.5%, however the applicant is prepared to contribute to the upgrading of existing public open space or public infrastructure and this would meet the intent of the clause. A condition to the effect that the applicant must negotiate with the Council over this contribution will be imposed.

Clause 52.17 Native Vegetation:

There are two native trees on the land and these will be retained.

Clause 56 Residential Subdivision:

It is considered that the objectives and standards of the residential subdivision clause are met

Decision Guidelines (Clause 65):

It is considered that the decision guidelines of Clause 65 have been met.

4. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Methods Used:

Notification:

The application was advertised by sending notices to adjoining landowners and occupiers according to Section 52(1)(a) of the Planning and Environment Act 1987 (the Act).

External:

The application was referred to the following statutory authorities under Section 55 of the Act:

- West Gippsland Catchment Management Authority
- SP AusNet
- APA Group
- Telstra
- Gippsland Water
- Country Fire Authority

Apart from the CFA, all other authorities have consented to the development with or without conditions.

Internal:

The application was referred to Project Services who imposed conditions

Details of Community Consultation following Notification:

Following the advertising of the application seven (7) objections were received, two of which included petitions. Some petitioners appeared in both petitions. These objectors live mainly in the streets which will give access to the proposed subdivision.

A Planning Mediation meeting was held on 19 March 2008. No resolution was achieved but six objectors withdrew their objections, however the withdrawal was conditional upon access for construction traffic using Jumbuk Road instead of the local streets (Henry, Quigley, Littleton Streets and St James Drive).

5. **ISSUES**

The issues raised in the seven (7) objections were:

1. *Loss of view over rural land*

Comment

Apart from the farming area in the north-east corner, the land in question is zoned for residential use, and has been so zoned for over thirty (30) years. Therefore, it is considered that there would have been an expectation by the community that ultimately the land would be developed for residential purposes.

This is a similar objection to one that was raised in a recent subdivision application decided by the Council at its meeting on 4 February 2008 – see CM 261 pp 75-95. On that occasion the objection was dismissed on the ground that it was not a valid planning matter.

2. *Lack of need for additional lots*

Comment

As the land has been zoned for residential development for over thirty years, it appears that the previous Council considered there was a need for additional residential lots.

The subdivision will meet the intent of the Yinnar Structure Plan as envisaged in Latrobe 2021

3. *Lack of provision of natural gas*

Comment

As there is no underground provision in the area the development cannot be serviced. The Gas Authority has consented to the subdivision.

4. *Very small lots*

Comment

There is no minimum lot area in the Residential 1 Zone. While the smallest lot size in the development is 416m² the average lot size is about 1,600m², and some lots approach 6,800m². For a small township like Yinnar, it is considered that this is a reasonable spread of varied lot sizes that will provide diversity and is consistent with state Policy.

5. *Dwellings must be limited to single storey*

Comment

This application is for a subdivision of the land only. Dwellings do not form part of the application.

6. *Loss of amenity caused by increased traffic*

Comment

St James Drive presently accommodates about 170 vehicle trips per day (VPD). This is based on a very conservative estimate of 10 VPD per dwelling. If the new subdivision is developed it will add about 20 extra VPD to the street. The street could probably accommodate about 1,000 – 2,000 VPD. This final figure is based on the street category and capacity as defined in the Latrobe Planning Scheme.

Littleton Avenue presently accommodates about 200 VPD. If the new subdivision is developed it will add about 50 extra VPD. The street could probably accommodate about 1,000 – 2,000 VPD.

Quigley Street presently accommodates about 170 VPD. If the new subdivision is developed it will add about 50 extra VPD. The street could probably accommodate about 1,000 – 2,000 VPD.

Henry Street presently accommodates about 60 VPD. If the new subdivision is developed it will add about 70 extra VPD. The street could probably accommodate about 1,000 – 2,000 VPD.

7. *Quigley Street should be retained as 'Dead End'*

Comment

As previously mentioned, the land to the east has had development potential for over thirty years and it is considered that there would be an expectation that Quigley Street, and the other streets, would be connected to a future road network. As mentioned previously this will meet the intent of the Yinnar Structure Plan in Latrobe 2021.

8. *Littleton Avenue is not designed to cope with increased traffic*

See the comment in item 6 above.

9. *Increased water surcharge/run-off on to adjoining properties*

Comment

New construction works on the lots created by the subdivision must be designed and be approved by Council's Engineers so that increased water surcharge or run-off does not flow on to neighbouring lands.

10. *Quigley Street will not cope with construction traffic*

Comment

It is considered by Council engineers that the road subgrade of Quigley Street cannot take the loading of construction traffic without pavement failures occurring. Damage is already being caused by garbage trucks. Access to the site for construction work should be gained from Jumbuk Road and a condition to that effect will be imposed. The access must be designed and constructed to Council's engineering requirements.

Response

The applicant has responded to the objections raised against the development and the response is attached to this report.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There is no additional resource implication in excess of what is required to assess the application.

7. OPTIONS

Council has the following options in regard to this application:

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

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

8. CONCLUSION

This is the subdivisional development of a peripheral township property that has been zoned for potential residential development for a considerable time. The subdivision will meet a key component of the Yinnar Structure Plan in Latrobe 2021.

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay;
- Consistent with Clause 56 (Residential subdivision);
- Consistent with Clause 65 (Decision Guidelines);
- Consistent with the Yinnar Structure Plan in Latrobe 2021;
- The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Relevant permit conditions addressing these issues will be imposed.

9. RECOMMENDATION

A. That Council DECIDES to issue a Notice of Decision to Grant a Permit for a Planning Permit Application 2007/360 for a 65 Lot Staged Subdivision of land at 17 St James Drive, Yinnar, (being Lot 1 PS 312555, Lot B LP 144817 and Lot 2 TP 841775) 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.**
2. **The following conditions of the Latrobe City Council must be met prior to the issue of a Statement of Compliance:**
 - a) **The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.**

- b) The following works and items must be provided in accordance with plans and specifications approved by the Latrobe City Council:
- Road works
 - Construction of temporary vehicle turning areas at the end of all streets to be continued in later stages
 - Drainage works
 - Concrete footpaths along both sides of all streets in accordance with Council's Design Guidelines
 - Street lighting and underground electricity supply
 - Street signs and road pavement line marking
 - Reserve fencing
 - Amenity control during construction, including the control of dust, and measures preventing silt and litter entering the drainage system
3. The plan submitted for certification under the Subdivision Act 1988 must show:
- a) Easements for drainage purposes to the satisfaction of the Responsible Authority.
 - b) Provision of a road reserve connection to the abutting property on the western boundary.
 - c) Street names to the satisfaction of the Council.
4. The Owner/Applicant must comply with the following requirements from the SPI Electricity Pty Ltd:
- a) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
 - c) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.

- d) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- e) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.**
- f) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.**
- g) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.**
- h) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.**
- i) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification which shows any amendments which have been required.**
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**
- k) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.**

5. **Prior to the issue of Statement of Compliance for any stage, the owner must pay to the Council:**
 - a) **The sum of \$5,887 per hectare as a contribution to drainage headworks, or other such arrangement or contribution which the Council agrees to in writing.**
 - b) **Engineering fees equal to 3.25% of construction costs.**
 - c) **The sum of \$175 per lot for provision of street trees.**
6. **Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers.**
7. **Prior to commencement of works the following documents must be submitted and approved by the Latrobe City Council:**
 - a) **Plans and specifications for road and drainage works detailing:**
 - **Construction of the new roads in accordance with the Council's Design Guidelines for Subdivisional Developments (Urban Standards) including traffic management works as required to create the appropriate speed environment. The new roads are to be constructed as a Minor Access Streets.**
 - **Full and detailed calculations including the provision of geotechnical reports supporting all aspects of pavement design must be provided with road designs submitted to Council for approval. Investigation must be undertaken to determine existing site conditions to determine road and pavement design requirements.**
 - **Construction of underground drainage system or alternative drainage system approved by the Responsible Authority accepting stormwater discharge from the roads and each lot. Provision of storm surcharge routes and cut-off drains. The pipes must be designed to take the 5 year ARI storm event with surcharge routes provided to take the 100 year ARI storm event. Discharge into the existing outfall**

drain must be limited to ensure the capacity of the pipe drain is not exceeded for the 1 in 5 year storm event. Any drainage discharge in excess of capacity including 1 in 100 year storm event must be retained within the development.

8. **An Environment Management Plan detailing techniques for erosion prevention and control measures during the construction phase and post construction in accordance with EPA Publication 960 "Doing it Right on Subdivisions". The EMP must include:**
 - a) **Contours (existing and final)**
 - b) **Existing site drainage**
 - c) **Limit of clearing, grading and filling (location of earthworks including roads, areas of cut and fill)**
 - d) **Locations and design criteria of erosion and sediment control structures**
 - e) **Site access**
 - f) **Location of critical areas (drainage lines, water bodies)**
 - g) **Proposed techniques for stabilisation of disturbed ground**
 - h) **Procedures for maintenance of erosion controls**
 - i) **Details of staging works**
 - j) **Techniques for dust control**
9. **The Council's Asset Protection Unit must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by Council, an Asset Protection Permit must be obtained.**
10. **The Owner/Applicant must comply with the following requirements from the Gippsland Water:**
 - a) **Pay to the Central Gippsland Region Water Corporation contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on the Corporation's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.**

- b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision.**
- c) Pay to the Central Gippsland Region Water Corporation any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.**
- d) Provide water and wastewater services to Gippsland Water's minimum standards, unless otherwise agreed with by the Corporation.**
- e) Gippsland water requires submission of design plans prior to agreeing to the certification to determine whether easements will be required over all proposed sewerage works located within the subdivision, and also to determine if the development can be serviced in accordance with the minimum supply standards.**
- f) Install separate water services and sewage disposal connections to the satisfaction of the Central Gippsland Region Water Corporation. As Constructed details showing the location of the installed services are required to be submitted to the Corporation.**
- g) Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lots, to the satisfaction of the Central Gippsland Region Water Corporation.**
- h) Create easements for Pipeline or Ancillary Purposes in favour of the Central Gippsland Region Water Corporation over all proposed sewerage works located within the subdivision.**
- i) If the land is developed in stages, the above conditions will apply to any subsequent stage in the subdivision.**
- j) Any plan of subdivision of the subject land lodged for certification shall be referred to the Central Gippsland Water Corporation under Section 8(1) of the Subdivision Act 1988.**

- k) Water meter 06AK001982 located on the end of the 100AC water main in Littleton Avenue will need to be relocated onto the new tapping provided for Lot 18.
11. The Owner/Applicant must comply with the following requirements from the Country Fire Authority:
- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
 - b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
 - c) Hydrants must be identified as specified in 'Identification of Street Hydrants for Fire Fighting Purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

Roads

- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- c) Roads must have a minimum trafficable width of:
 - 5.5m if parking is prohibited on one or both sides of the road,
 - 7.3m where parking is allowable on both sides of the road.
- d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

12. Except with the written consent of the Responsible Authority and before the development start(s), the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
- a) A contribution in land or cash as may be determined by the Responsible Authority for the provision of or improvement of Public Open Space as required under Section 18 of the Subdivision Act 1988.
 - b) That on lots 1 – 18 in Stage 1 and lots 29 – 34 in Stage 2, all boundary fences beyond the extent of the building envelopes must be post and wire or similar and must not impede the passage of water.
Before the development start(s), application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.
The Owner/Applicant under this permit must pay the reasonable costs of the preparation, and execution and registration of the Section 173 Agreement.
 - c) Prior to use and/or development start(s) the Owner/Applicant 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 current title search; or
 - a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 Agreement on title.
13. Prior to commencement of works the following documents must be submitted to and approved by the Latrobe City Council:
- a) Plans and specifications for road and drainage works detailing:
 - Construction of a temporary access track for construction traffic to be located on and gain access from Jumbuk Road and to be aligned and constructed to the satisfaction of the Responsible Authority.

- Construction of an access laneway not less than 3m wide along the southern boundary of the subdivisional stage known as Stage 2. The laneway must be accessible by single unit service vehicles and must be constructed to the satisfaction of the Responsible Authority.
 - Construction of a suitable turn area for a 12m single unit vehicle at the eastern end of St James Drive. The design and construction shall be to the satisfaction of the Responsible Authority.
14. 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 1: Approval does not cover alterations to existing Telstra Plan or Network. Locations of existing network can be obtained from Dial before you Dig – Ph: 1100.

Note 2: For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to register your Development and Apply for Reticulation.

- B.** That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the Planning and Environment Act 1987 in accordance with the planning permit arising from Application 2007/360 for the 65 Lot Staged Subdivision of land at 17 St James Drive, Yinnar (Lot 1 PS 312555, Lot B LP 144817 and Lot 2 TP 841775).

Cr Lloyd left the Chamber at 7.24pm

Moved: Cr Caulfield

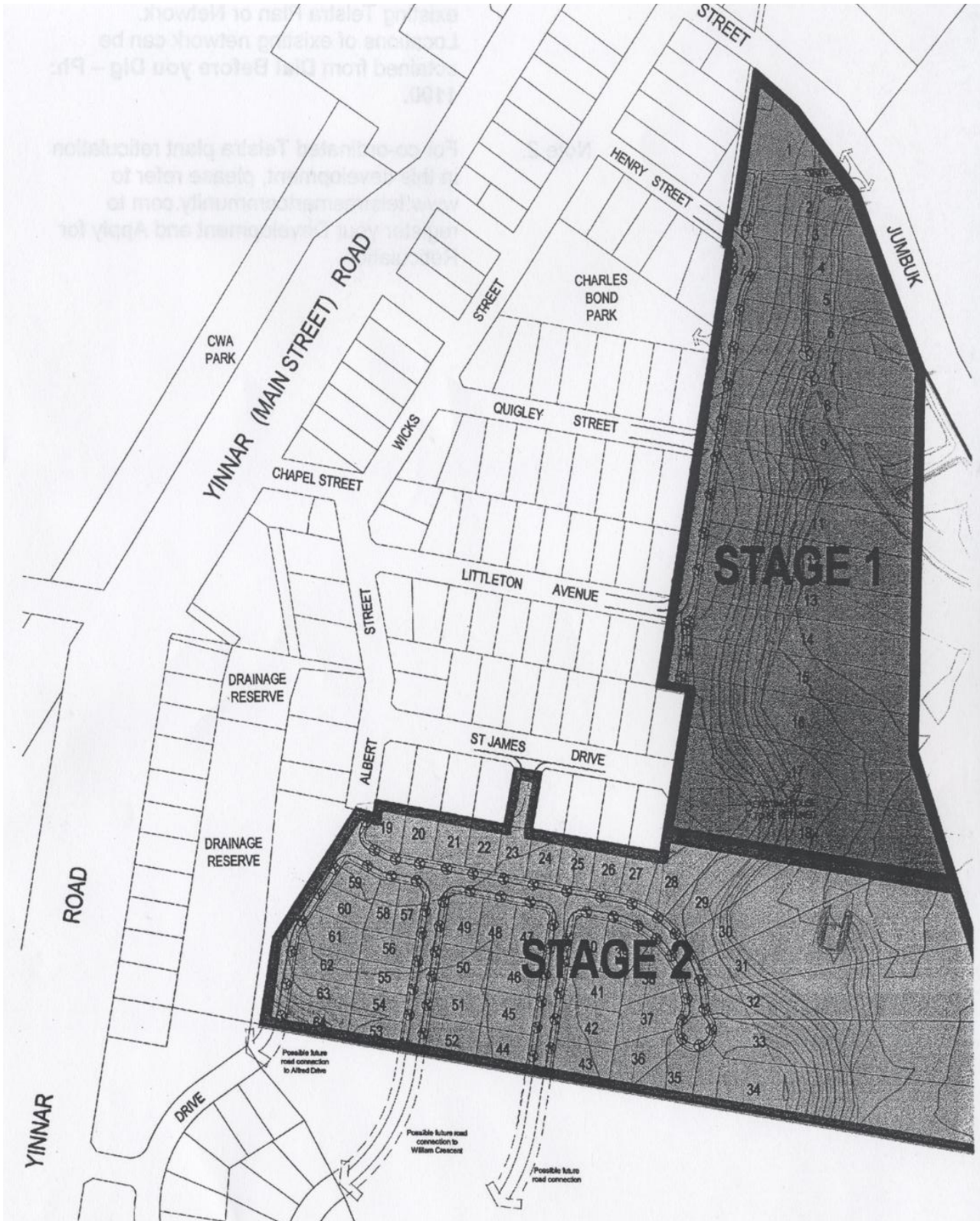
Seconded: Cr White

That the recommendation be adopted.

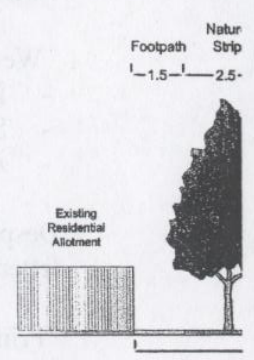
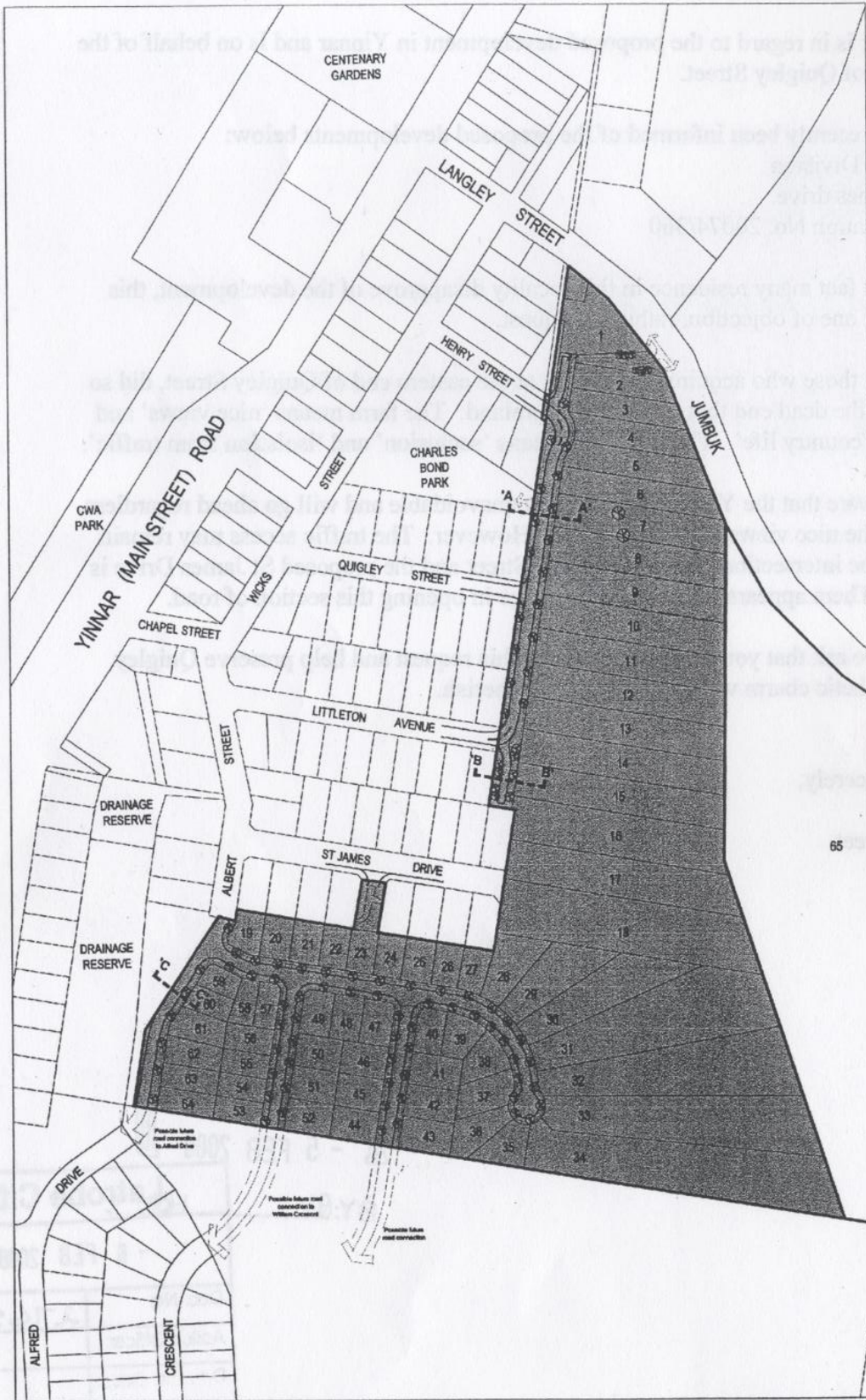
CARRIED

Cr Lloyd returned to the Chamber at 7.38pm

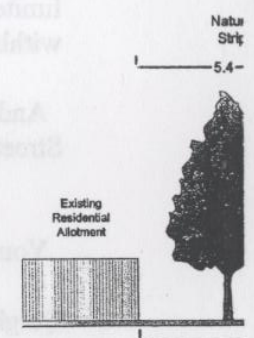
ATTACHMENTS



PROPOSED STAGING PLAN
ST JAMES DRIVE, YINNAR



1 CROSS-SECTION
1:100 @ A1, 1:200 @ A3



2 CROSS-SECTION
1:100 @ A1, 1:200 @ A3

Public Open Space
Nominal

3 CROSS-SECTION
1:100 @ A1, 1:200 @ A3

INDICATIVE ROAD CROSS SECTIONS

ST JAMES DRIVE, YINNAR

To Whom It May Concern,

This letter is in regard to the proposed development in Yinnar and is on behalf of the residences of Quigley Street.

We have recently been informed of the proposed developments below:

- Lot 65 Division
- St. James drive.
- Application No. 20074/360

Despite the fact many residence in this locality disapprove of the development, this letter is not one of objection, rather of request.

Primarily, those who acquired properties at the eastern end of Quigley Street, did so because of the dead end that over-looks farmland. The farm means 'nice views' and 'the feel of country life'. The dead end means 'seclusion' and 'isolation from traffic'.

We are aware that the Yinnar expansion is unavoidable and will go ahead regardless, removing the nice views and country feel. However. The traffic access may remain limited if the intersection between Quigley Street and the proposed St James Drive is withheld. There appears to be little advantage in opening this section of road.

And so, we ask that you seriously consider this request and help preserve Quigley Streets aesthetic charm we have all come to cherish.

Yours Sincerely,

Quigley Street.

RECEIVED
- 5 FEB 2008

BY: *AE*

Latrobe City	
- 6 FEB 2008	
Doc No:	
Action Officer:	
Client Group:	
Com No:	

Please contact ~~me~~ Skye Webster on 51631759.

YINNAR DEVELOPMENT SIGNATURE SHEET

These signatures are in support of Quigley Street remaining isolated from the proposed St James Drive. Application No. 20074/360

NAME	ADDRESS	SIGNATURES
Maryanne Townsend	13 Quigley St, Yinnar	M. Townsend
Quinn Townsend	13 QUIGLEY ST YINNAR	PS
Susan Brown	18 Quigley St Yinnar	KS Brown
Bernie Perry	16 Quigley St Yinnar	B Perry
Jane Ann DeLuz	14 Quigley St Yinnar	J DeLuz
Glen H. Summerhayes	14 Quigley St Yinnar	G Summerhayes
W. R. East	10 QUIGLEY ST YINNAR	W. R. East
TERRY FARLEY	3 QUIGLEY ST, YINNAR	Terry Farley
Annie Cook	6 Quigley St Yinnar	A Cook
LINDSEY COOK	6 QUIGLEY ST YINNAR	L Cook
Vanessa Cook	6 Quigley St Yinnar	V Cook
Stacey Brown	4 Quigley St Yinnar	S. Brown
Scott Webb	4 Quigley St Yinnar	S Webb
MALCOLM SWINLEY	2 QUIGLEY ST, YINNAR	M Swinley
Jenneane Pambos	7 Quigley St Yinnar	J Pambos
SKYE WEBSTER	15 QUIGLEY ST YINNAR	Skye Webster
ROGER FERRY	32 PENALUNA ST BOOLARA	R Ferry
PAE Perry	Chutalls Rd Yinnar	P Perry

RECEIVED
- 5 FEB 2008

1
BY:.....

Responsible Authority
Rural Development Group
Reference no 2007/360

P.O Box 17
Yinnar 3869
3-2-2008
16 Saint James Drive

Object to Subdivision of Land 17 Saint James Drive Yinnar

Block was bought for its view and open farming,
out look a quiet street and only neighbours
on 1 side

Yinnar does not need such a large subdivision
there is only 1 public toilet.

1 Public Phone.

Limited parking in Main Street.

Yinnar's appeal is a quiet safe country town
for young families and the elderly.

Walter S. H Rendell.

Latrobe City	
- 5 FEB 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Latrobe City	
5 FEB 2008	
Doc. No:	
Action Officer:	
Dispos. Officer:	
Comms:	

P.O. Box 17

Yinnar 3869

Mr J Rendell.

A-2-2008

Responsible Authority
Rural Development Group
Reference no 2007/360

- We the owners of 20 Littleton Drive Yinnar
- Objections to subdivision of Land 17 St James Drive Yinnar
- NO1 We would be effected by a through road with extra traffic and noise the road could be used as a race loop as others similar roads in Yinnar.
- NO2 More traffic being on a corner block would make it dangerous to enter/exit our driveway.
- NO3 We would have less privacy.
- NO4 We bought for open rural view extra building would give closed in with no view.
- NO5 Extra expense for side secure/Private fencing.
- NO6 Extra up keep with added nature strip.
- NO7 Only access to use road no foot path for young or elderly.
- NO8 Would we have to contribute toward foot paths in the future or would that be Latrobe City expense.
- NO9 We have to have progress but only minimum not 65 blocks Yinnar would loose its Rural Village Town.
- NO10 If subdivision was to progress we would hope no 2 story houses to be built to block our view and look in our back yard.

J Rendell.

Yinnar 3869

Latrobe City	
- 8 FEB 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Glenn W. Summerhayes
Ph.03 51 631733

05-02-2008
14 Quigley St.
Yinnar.
Vic. 3869

To Whom It May Concern,

Re- Planning Application 2007/360
Yinnar subdivision.

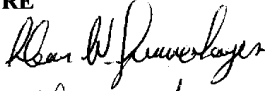
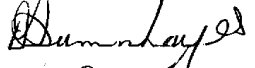
I and the persons signed below hereby object to the afore mentioned subdivision as planned proceeding due to the following reasons.

- **LACK** of provision of **NATURAL GAS** being supplied to residences on an arterial pipeline as per other householders throughout the Latrobe valley. Did not see this option on plans at the Latrobe Council Offices. Many people are now concerned of global warming thus the availability of this option is of utmost importance of a new property development.
- Quigley St. Yinnar at present is a no through road and as such would not be suitable to be opened at any time for thru traffic due to the construction of the road and kerbing. With damaged kerbing being replaced in December 2007 and regulation of low areas in the road surface other areas have come to notice since due to weather conditions and road use.[substantial cracking in road surface requiring hot tar crack sealing which would increase with more road traffic.]
- Areas along the kerbing and road surface have since opened up and require major remedial work to overcome the problem of water entering below the road surface thus causing "softies" or soft spots that eventually form into potholes.[see attached photos]
- Previous drainage works have been performed over the years in Quigley St. with the end result that the gutters cannot handle the flow of heavy rain that results over 12 months of the year, thus leading to large disparity between the footpaths and the soil surface increasing the likelihood of personal injury when walking the footpaths/road.
- With the high number of heavily laden vehicles that would travel this road as well as the others as named in the proposed development it is highly undesirable to open this street at **any time** [Quigley St.] Presently Quigley St. is 7.3 mtrs. from kerb to kerb and with cars parking in the street opposite each other there is clearly insufficient room for a heavily laden vehicle to pass through, let alone a car at 1.95 mtrs. under present conditions.

- With an increased number of vehicular traffic in this street if opened as planned, this would be expected to lead to a downturn in the behavioural pattern of motorists who would use this street, that would put a substantial number of residents at risk from motor vehicles .[Eg. Children and elderly people.] Numerous young families have settled in Quigley St. stating the reason why is that it is a no thru street and quiet safe for all residents with no vehicular traffic/foot after hours which is apparent in other areas of Yinnar on numerous occasions during the year.
- Numerous home owners over the previous 5 years have spent a considerable amount of money on their residences to improve their lifestyle due to the quiet environment of the street and believe it to be the street to retire in without it being opened up to service a property subdivision, I myself having spent over \$20,000 on my property alone with more to come.
- Home owners on the east end of Quigley St. would have the most to lose of their privacy due to the full length of their property being opened up to a road easement with increased vehicle and foot traffic, one being a young mother who purchased a home believing that she would have no thru traffic along with unimpeded views to the east over the proposed subdivision to raise her young child.
- Therefore any fencing to be done to gain privacy that is presently enjoyed by homeowners looking to the east end of Quigley and other Streets **be borne by the developer and completed** to the satisfaction of the property owners concerned.
- Lack of information as to whether one or two story homes are to be built on the proposed subdivision and if they will blend in with the housing friendly environment that presently exists in the streets surrounding the subdivision. Two story homes would be completely out of character to homes in the immediate vicinity.
- Lack of information provided to property owners in Quigley St. by Latrobe City Council in that property owners at the end of this street and others connecting to the planned subdivision received letters from Council and those further along the streets concerned received nothing. **POOR PUBLIC RELATIONS.**
- There is ample enough access to the new proposed subdivision through access being gained through both Henry St. and Littleton Avenue without opening up Quigley St. Any property owner facing the road in the proposed new development would have no more than **110 metres** [proposed allotments 9&10] to travel by vehicle to either Henry St or Littleton Ave. Thus an exceptionally strong reason not to open up Quigley Street at all and thus reducing cost of maintenance to Latrobe City Council in future years. Extra street

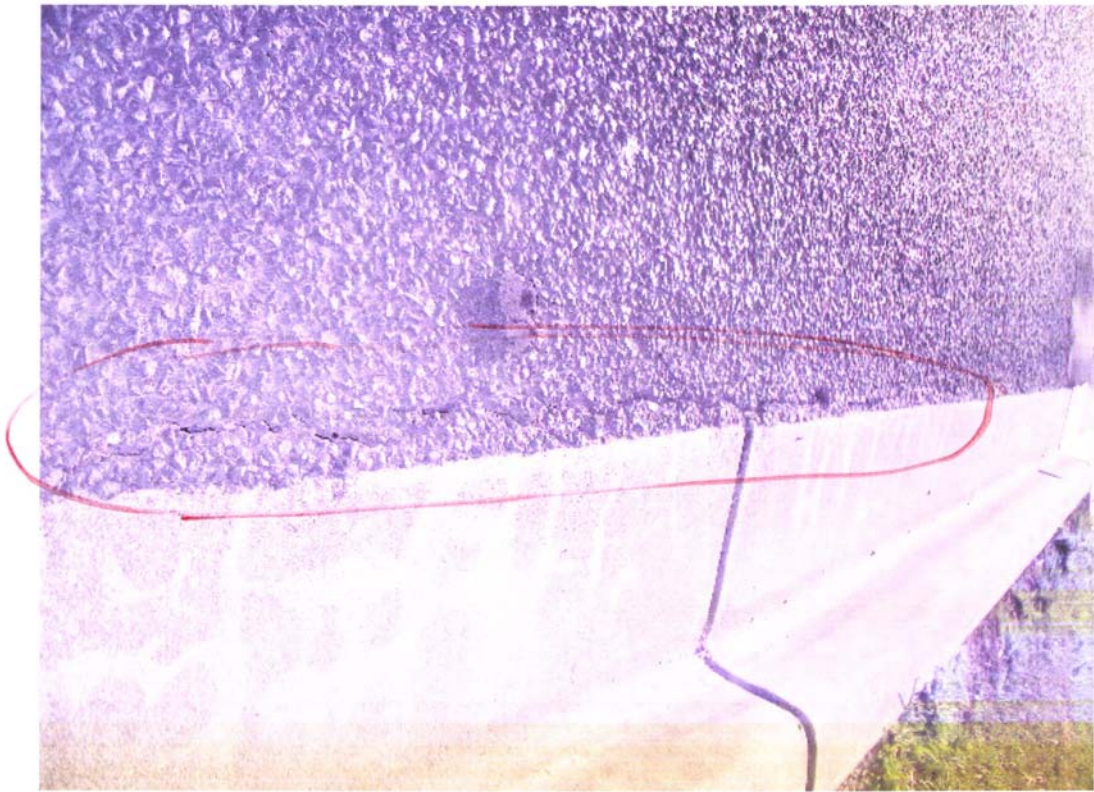
lighting would also be required at the eastern end of Quigley St. if it were to be opened.

- Consideration of an environmental impact statement on vegetation that would have to be removed from the eastern end of Quigley St. [3 trees] and possible other streets as well and who would bear the cost of such remedial works and where would they be replaced. Trees at the end of Quigley St. would remain if the street was closed to vehicular thru traffic. This is working exceptionally well in Morwell at the western end of Chestnut Ave leading into The Boulevard. [RACV Vicroads Map 340 K 4]
- **Thus I and the undersigned are demanding that Quigley St. in Yinnar remain closed and that foot traffic would be the only thru traffic in the street.**

NAME	ADDRESS	SIGNATURE
Glenn W. Summerhayes	14 Quigley St. Yinnar	
Jann Summerhayes	✓ ✓	
Susan Brauns	18 Quigley St.	S K Brauns
Annie Berry	16 Quigley St.	et Berry
J. BANFIELD	9 QUIGLEY ST	John Ball
Jenneane Ranson	7 Quigley st	Jenneane Ranson
Darren Hill	5 Quigley st	Darren Hill
Joan Lindsay	8 QUIGLEY ST	Joan Lindsay
TERRY FARLEY	3 Quigley St.	Terry Farley
Anne Cook	6 Quigley St	Anne Cook
LINDSEY COOK	" " "	Lindsay Cook
Stacey Brown	4 Quigley St	S. Brown
Scott Webb	4 Quigley St	Scott Webb
W. B. WEBB	10 QUIGLEY ST.	W. B. Webb
DUNCAN TOWNSEND	13 QUIGLEY ST	Duncan Townsend
Maryann Townsend	13 Quigley St.	Maryann Townsend
Joe Rodis	11 Quigley St	Joe Rodis
Leesa Polis	11 Quigley St	Leesa Polis
Skye Webster	15 QUIGLEY ST.	Skye Webster







Jay McGown
15 Littleton Avenue
Yinnar, Vic 3869

Latrobe City	
- 6 FEB 2008	
Doc No:	
Action Officer:	
Internal Code:	

Submission in Response to Application for Planning Permit 2007/360

To Whom this May Concern,

I am writing to outline my concern in regards to the Application for Planning Permit 2007/360. My Partner and I own and live at 15 Littleton Avenue Yinnar; this submission represents our views.

In relation to the statements made in the Overview 1.1 that "The subject land is currently operated as a hobby farm for the purposes of cattle grazing" is misleading and for the purpose of the application feel that the current use of the land would be more accurately described as being used for Dairy Farming. The term referenced within the application appears to be directed at de-valuing the commercial usefulness of the land to aid the application.

Section 4.3 proposed that existing road infrastructure including Henry Street, Quigley Street, Littleton Avenue and Albert Street be used to provide access to the proposed lots. After being a resident of Littleton Avenue for over 5 years I believe that the current road infrastructure is not suitable for carrying the proposed increase in traffic and that proper safety and risk assessments have not been completed to identify potential hazards. Littleton Avenue is a narrow street, with most residents and visitors utilizing the road side for parking cars. With a single car parked on the curb it becomes impossible to pass oncoming traffic without either one of the vehicles stopping to give way. The lack of footpaths means that pedestrian traffic is forced to share the road with cars and bikes. Visibility around parked cars makes it very difficult to see obstacles such as children or bikes when driving along the street.

The current speed limit in Littleton Avenue is not sign posted, however as this street is not a through street only a very small percentage of traffic travel the entire length of the street. A lower speed limit is naturally adhered to as the majority of traffic is made by residents returning to their homes.

I feel making Littleton Avenue one of the main access roads to the new lots is not in the long term interest of the community and that a better option would be to extend the new road to the north through the Proposed Lot 1 and meet at an intersection on Jumbuk Road. This would enable residents of the new lots safer and more convenient access to the new road and minimize any additional traffic on Littleton Avenue, Quigley Street, and Henry Street. A proper assessment of speed limits in Littleton Avenue should also be conducted before making it a through road to ensure all hazards are identified and traffic measures be installed to mitigate risks to pedestrians, bikes and cars.

The Intersection of Wicks Street and Jumbuk road is a popular crossing for school kids going to and from school. Creating a new intersection through the proposed Lot 1 to Jumbuk road would reduce the amount of traffic using the intersection of Wicks Street and Jumbuk road.

Section 5.3 states that to meet the objectives of the state planning policy framework that "a convenient and safe road network, appropriate pedestrian paths" be encouraged however in the response there is no detail provided to address the safety aspects of using Littleton Avenue as a main access road. Extending the new road north through the proposed Lot 1 to Jumbuk road would better support the objectives encouraged within the Policy framework.

Section 5.7.1 the Response states that "there is no official record of flooding for the subject site".

Contrary to this as a resident of Littleton Avenue for over 5 years I have seen part of the subject site flooded on at least three occasions. I have seen the subject site flood level high enough to cover part of Jumbuk road forcing it to be closed. Although I do not believe this to be a valid reason to reject the application I feel that it should be taken into account.



Looking to the north east end of the proposed lots with water over Jumbuk road.



Looking to the south east end of the proposed lots

I am not directly opposed to the proposed subdivisions, however I feel the view of the current residents be taken into consideration before approving the application. I feel strongly that although there are aspects of the proposed subdivision likely to benefit the town that it should not be at the expense of existing residents. I believe that should this development go ahead it should be at the cost of the developers, and that any lifestyle or financial imposition to residents be taken into account. I feel that it would be remiss of the council and the relevant planning authority not to take into account the traffic concerns raised and that the application be amended to ease residents concerns before proceeding.

Kind Regards

Jay and Samantha McGown
15 Littleton Avenue
Yinnar, VIC 3869

17 Littleton Ave

Yinnia

4.2.08

In reference to the proposed application for planning permit NO 2007/360 Lot B LP 144817.

As property owners bordering the development being Lot 1 Jumbuck Rd Yinnia our concerns relate to 2:3, Drainage lines and areas subject to flooding.

In the report it is stated that the water from the site is directed to man-made open drains, through pipes under the road and from there it goes directly on to our property,

Lot 1 Jumbuck Rd. This development is going to cause a greater problem with drainage especially to us as down stream landowners, such as:-

1. Nutrient rich run off into drainage which will increase likelihood of blue-green algae bloom, which will be harmful to both humans and livestock. This will accumulate on our property at Jumbuck Rd rendering parts of it unusable and resulting in extra costs. This will also be detrimental to my health.

At present we get no support what so ever from council in maintaining the current drain from the town centre that was directed on to our property on Jumbuck Rd and any further drainage to this property will reduce its capacity to operate as an agricultural enterprise.

The lower levels of this subdivision are constantly flooding, we have records back to 1990, quite often blocking the

The road, it has been known to rise as far up as the two native trees you mention in your planning. The most recent flood being November 2007. This covered part of R12 and all of F2 and in June 2007 the Gumbuck road was closed due to flooding over the road. Extra development with footpaths and houses this will only get worse.

As residents of 17 Littleton Ave we also have concerns. We have lived here for 38 years having purchased the block to make the most of the scenic view of the Jerralong ranges. The new development will now have the prime position of this view. In order for the existing and new residence to be able to share this view we would appreciate restrictions enforced to keep any new buildings limited to single story structures.

As our property currently borders farmland our boundary fence is a 6 strand barbed wire fence, we consider it to be unfair to be financially responsible for construction of a new fence for security and privacy.

The new development plan shows that our driveway will now be on a corner with Littleton Ave and the new extension. This is a safety concern for us. Another traffic issue will be speed, we would like to see speed humps or other devices put in place to physically slow traffic down.

This development will lead to a dramatic increase in traffic at Gumbuck / Yennier Rd intersection which even at present is

a safety concern.

In the past as ratepayers we were responsible for the cost of sealing Littleton Ave through our rates. Residents in this street chose not to have footpaths because of the cost to us, as residents. It is proposed the No 17 Littleton Ave will become a corner block. Will we incur cost for the proposed footpaths and street or is this the developers expense?

Providing this proposal is approved and development goes ahead the population of Ynnar will expand dramatically. In recent months the public toilet facilities have been reduced to 1 unisex toilet.

Council should negotiate the provision of more adequate toilet facilities to service the increase in population which will be using the parks and streets, under Item 4:3 Landscaping and open space - Charles Bond Park.

At this point in time we are not necessarily opposed to the proposed development, but we would appreciate some answers to our concerns that we have listed in this letter.

Yours sincerely
Jonoka Williams
Philly J. Williams

Planning and Environment Act 1987

OBJECTION TO GRANT OF PLANNING PERMIT

OFFICE USE ONLY

Date Received

Latrobe City

5 FEB 2008

WHO IS OBJECTING?

I/we (Names in block letters) Steven Quirk
 Of (Address) 12 St. James Drive (Lot 17)
 Fax No. : _____
 Postcode 3869 Telephone No. 51631389 (Home) 0400823373 (Work)

Doc. No.:

City Officer:

City Coadj.

TRANS

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 2007 / 360WHAT IS PROPOSED? 65 Lot subdivisionWHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? Lot 17St. James DriveWHO HAS APPLIED FOR THE PERMIT? Rural Development Group.

WHAT ARE THE REASONS FOR YOUR OBJECTION?

I object to the small size of many of the blocks within Stage 2 of the development. As a resident of St. James Drive I live on a block of 720 m², whereas the blocks immediately behind will be as small as 560 m² making it more like a higher-density area similar to a city region. As Yinnar is a rural region this would detract from one of the main reasons that people such as myself chose to move here in the first place.

Yours Sincerely
 Steven Quirk.

(If there is not enough room, attach a separate page.)

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

	RECEIVED
	4 FEB 2008
	BY: AG

(If there is not enough room, attach a separate page.)

Signature *Steven Quirk* Date *4.2.08*

IMPORTANT NOTES ABOUT OBJECTIONS TO PERMIT APPLICATIONS

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

NBAgroup

Planning & Implementing Success

28 February 2008

Attn: Robert Dunlop
Latrobe City
PO Box 264
Morwell VIC 3840

Dear Robert,

Re: 2007/360 Planning Permit Application for a Sixty-five Lot Subdivision

Seven submissions to the proposed subdivision have been received by Council. Two of these submissions were petitions signed by a number of residents in the vicinity of the proposed development. Some of the submissions were objections to the proposed subdivision and others were not objections, but requests for alterations and/or additions to be made to the proposed subdivision.

The main issues and concerns raised by submitters include:

- The area of some of the proposed residential allotments is too small.
- The opening up or linking of existing 'no-through roads' into the subdivision will create traffic issues.
- The poor condition of existing roads cannot support more traffic.
- Additional traffic volumes created by the subdivision will increase traffic safety risks to vehicles, pedestrians and cyclists.
- Existing residents will have less privacy.
- Views to the east of Yinnar from existing residential allotments will be hindered.
- Only single-storey structures should be constructed in the proposed development to prevent loss of views from existing residents.
- Residents may be required to pay for the construction of 'private' fencing adjoining the proposed residential development.
- No provision for natural gas at this time.
- Who bears the cost of future footpaths in the area?
- No footpaths for young or elderly.
- Yinnar will lose its 'rural village town'.
- Yinnar does not need such a large subdivision.
- There are not enough public facilities or car parking in Yinnar to support the proposed subdivision.
- Subdivision will increase likelihood of harmful water runoff and will affect the health of humans and livestock on neighbouring properties.
- Subdivision will reduce capacity of adjoining property to operate as an agricultural enterprise.
- Additional development will increase flooding risk.

Latrobe City	
29 FEB 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

RECEIVED
29 FEB 2008
BY: Erin Marsden

hand delivered.

In responding to the submissions, the NBA Group Pty Ltd, on behalf of our client, provides the following response:

Residential Allotment Size

The proposal provides for a range of lot sizes varying from 428m² to 6125m². The range of lot sizes has allowed for a range of housing densities and takes into account the natural topography of the site, as well as the areas of land subject to inundation. The size of the smaller allotments in Stage 2 of the subdivision are in accordance with State and local planning policy framework objectives which encourage a '*wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community*'. Providing a range of lot sizes encourages diversity of dwelling types and will provide the community with greater housing choice and affordability.

Traffic

Increased Traffic Volumes

It is generally accepted that a conservative estimate of daily traffic generation of residential subdivisions is in the order of 10 trips per household per day. Based on this calculation, the proposed development of 64 residential lots represents a daily traffic generation of 640 vehicle movements per day. These additional vehicle movements would be divided between the existing adjoining roads. Multiple entry and exit points to the new development will mean that additional traffic is spread and possible 'hotspots' are avoided.

An increase in the number of vehicles per day traveling on the surrounding existing roads will not require any of the existing roads to be widened or upgraded. The current road infrastructure is considered suitable for carrying the proposed increase in traffic.

Existing Road Infrastructure

In accordance with the Council adopted 'Latrobe City Design Guidelines (Aug, 2003)', the existing and proposed roads are classified as 'Minor Access Streets'. A minor access street serves less than 50 dwellings, allows for up to 500 vehicles per day (VPD) and has a target speed of 30km/h. These 'Guidelines' state that the minimum carriageway width for a minor access road is 5m, or 7m where car parking is required along both sides. Existing and proposed carriageways are greater than 7m and are therefore considered to be of an adequate width to provide for the safe movement of vehicles. It has been determined at past VCAT hearings that parked vehicles in 7m wide carriageways do in fact act as traffic calming measures.

Council is responsible for road surface maintenance of existing access streets. It was noted at a recent site visit to Yinnar that many road surfaces are currently being upgraded in the township.

No-through Roads

There are currently five streets, Henry Street, Quigley Street, Littleton Avenue, St James Drive and Albert Street, which end at the boundary of the subject site. These 'dead-end' streets currently end at the boundary of the subject site with no adequate turning area provided. It is likely that these roads were designed as such, without turning circles, to provide for the extension of these roads into any future development of the subject site, which has been zoned Residential 1 Zone (R1Z) for a number of years.

Extending the existing roads into the subject site provides for good vehicle and bicycle connectivity to the existing residential neighbourhood and is considered to be both 'safe' and 'appropriate'. *Clause 56.06-4 states that 'the neighbourhood street network should be designed to provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles' and 'provide for service and emergency vehicles to safely turn at the end of a dead-end street'.* Extending these 'dead-end' roads into the proposed subdivision assists in meeting the objective of *Clause 56.06 Neighbourhood Street Network*.

The proposal provides an appropriate speed environment and movement priority for the safe and easy movement of vehicles, pedestrians and bicycles and provides an appropriate level of local traffic dispersal.

Flooding and Drainage

Flooding advice was sought from the West Gippsland Catchment Management Authority (WGCMA) during the preparation of the application. The WGCMA's advice and the Land Subject to Inundation Overlay (LSIO) planning controls, which affects a portion of the site, were taken into account during the design phase of the subdivision. In responding to WGCMA's advice and the existing planning controls, building envelopes were placed on each of the proposed residential allotments.

Under Section 55 of the Act, the application was referred to the relevant floodplain management authority. The WGCMA provided a referral response to Council, dated 14 February, 2008, stating that they have:

'no official record of flooding, for the location described above [17 St James Drive Yinnar], on which to base its assessment. However, a significant portion of the property is within the Latrobe Shire's Land Subject to Inundation Overlay (LSIO).'

'The Authority notes that the new lots have building envelopes that will be established outside of the area covered by the LSIO overlay.'

*'...the Authority **does no object** to the granting of a permit.'*

Path Infrastructure

The proposed development provides a path network which provides adequate pedestrian access to each of the proposed allotments and the existing street network, which provides links to the town centre. Access to the shared path on Jumbuk Road is also provided between Lots 1 and 2.

The applicant will be required to pay for the construction of the proposed paths. Pending the completion of the proposed development, Council will become the responsible for the maintenance of these paths.

Service Infrastructure

There is no connection to natural gas at this point in time. The proposed development could be connected to gas when such services exist in the area.

Fencing

Fencing costs are normally split 50/50 between neighbouring properties.

Agriculture

All proposed allotments will have connection to reticulated sewerage and water and all building envelopes are located outside the flood affected portion of the site. Therefore, water run-off from proposed allotments will not alter significantly following development and should have minimal impact upon adjoining properties or the viability of neighbouring agricultural properties. The West Gippsland Catchment Management Authority **do not object** to the proposal.

Public Facilities

One public phone and public toilet are considered to be adequate to service the needs of the additional residents in the proposed subdivision. It is probable that 'sight-seeing' tourists are the predominant users of these existing facilities. The proposed subdivision is unlikely to impact upon the number of tourists visiting the area.

Privacy

The Latrobe Planning Scheme at Clauses 54 and 55 sets out site layout, building massing and fencing requirements, which new dwellings must adhere to in order to provide adequate privacy to neighbouring dwellings.

Views and Building Massing

This land is located within an existing Residential 1 Zone. Two-storey residential dwellings are permitted within a Residential 1 Zone, unless an overlay or schedule to the zone states otherwise. Pursuant to the Latrobe Planning Scheme *Clause 54 - One Dwelling on a Lot*:

'the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.'

Additional Residential Allotments

The subject site is currently zoned Residential 1 Zone. The need for additional residential development would have been considered at such time as the land was zoned to Residential 1 Zone.

Given that there is currently a limited number of vacant residential allotments available in Yinnar, the owners of the subject site have deemed it an appropriate time to release more residential allotments to make up for this shortfall.

'Village' Lifestyle

The proposed subdivision will not detrimentally impact upon the existing neighbourhood character or 'village' lifestyle atmosphere within the township.

The subdivision design is sympathetic to the existing residential allotment density and 'rural' atmosphere. A variety of lot sizes have been designed to provide for the

need for smaller allotments suited to first home buyers and ageing population, standard sized allotments similar in size to existing adjoining residential development and some larger 'lifestyle' allotments.

The additional residents living in the proposed subdivision will result in more people becoming involved in community groups and events, which is considered to be of a positive benefit for the township of Yinnar.

If you require our client to attend a mediation meeting, please contact me on 0351 430 340 or email me at nick@nbagroup.com.au

Regards,



Nick Anderson
Managing Director

CORRESPONDENCE

9.1 **CORRESPONDENCE REPORT - AGRICULTURAL COMMUNITIES MUNICIPAL ASSOCIATION OF VICTORIA NETWORK**

AUTHOR: Executive Manager Governance & Legal Services

1. INTRODUCTION

The purpose of this report is to consider an email that has been received from Cr Katrina Rainsford (see Attachment), a Southern Grampians Shire Councillor, seeking support for the establishment of an agricultural communities network within the Municipal Association of Victoria (MAV).

2. OFFICER'S COMMENTS

In her correspondence seeking support for the establishment of an Agricultural Communities Network in the MAV, Cr Rainsford identifies that she does not have the support of her Council, the Southern Grampians Shire. In 2007 the Hamilton branch of the Victorian Farmers Federation called for the establishment of an agricultural reference group structured in a similar way to current Timber Towns Victoria unite within the MAV.

Cr Rainsford indicates in her correspondence that the establishment of an Agricultural Communities MAV Network would provide a structured forum for advocacy, education, and information sharing on issues affecting agriculture across Victoria.

Although the importance of agriculture to Latrobe City's economy has declined from an historical perspective, this activity continues to make a positive and sustainable contribution in excess of \$76 million per annum to the local economy.

3. RECOMMENDATION

That Council writes to Cr Rainsford of Southern Grampians Shire Council supporting in principle the establishment of an Agricultural Communities Network under the umbrella of the Municipal Association of Victoria.

Moved: Cr White

Seconded: Cr Caulfield

That the recommendation be adopted.

CARRIED

ATTACHMENT

The Mayor and Councillors
Member Council
Timber Towns Victoria "A Local Government Association"

Dear Councillors,

I am writing seeking support for the establishment of an agricultural communities network within the Municipal Association of Victoria.

Membership of the Association would be open to all Victorian municipalities where agricultural industries are recognized as significant contributors to the economy and community.

I am writing initially to the 22 member councils of Timber Towns Victoria then will approach the remaining rural and regional Councils in Victoria.

Timber Towns Victoria (TTV) is an incorporated local government association representing the interests of municipal councils in relation to forestry on both public and private land. The Association's primary function is to provide a forum for local government to address the management of forests and forest industries and their impact on local communities.

In the interests of balance our agricultural industries require equitable investment of council and councillor resources providing a more strategic approach to agriculture.

Timber Towns Victoria was incorporated as a local government association in 1985. Recognising the role of local governments as community leaders, TTV was established to advocate for balanced forest policy development including socio-economic considerations. Timber Towns Victoria is formally recognised by the Municipal Association of Victoria (MAV) as the key representative of local government in relation to forestry issues as they impact on municipal councils.

The TTV secretariat is co-located at the MAV. Timber Towns Victoria has productive working relationships with State and Commonwealth Governments and a wide range of industry and non-industry based organisations. TTV Annual General Meetings have been held at Parliament House, Melbourne, the most recent being 9th March 2008.

Councillors would all be aware of that Timber Towns Victoria membership councils may nominate two representatives to attend meetings, one of which must be an elected councillor. Administration of TTV is vested in the Executive Committee. The committee comprises eight nominated representatives from the member councils. A President, Vice President and Treasurer are appointed annually and the Association is supported by a part-time Executive Officer. The Executive Committee meets on alternate months to the General Meetings of Association. (ref www.mav.asn.au/ttv)

The purpose of a similarly structured agricultural industries local government network is to provide a forum for advocacy, education and information sharing on issues affecting agriculture across Victoria.

Areas of interest which could benefit from a strategic local government approach could include

- Transport Infrastructure
- Planning
- Water Resources
- Carbon Trading
- Energy Industry
- Climate Change Policy

A 2007 Victorian Farmers Federation Conference passed a motion originating from the Hamilton Victorian Farmers Federation District Council "that the VFF calls for the establishment of an agricultural reference group within the Municipal Association of Victoria (MAV) structure like the current Timber Towns Victoria unit within MAV".

I have met with MAV President Dick Gross and Chief Executive Officer Rob Spence to outline the initiative. I am seeking MAV support utilizing MAV meeting rooms and your council support to provide resources for a councillor to attend a planning session during April 2008.

In making representation to my fellow Victorian Local Government Councillors I must make it clear that I do not have the support of Southern Grampians Shire Council in advocating this MAV Agricultural Communities network. (Motion lost October 2007 General Meeting).

My background is farming in the West Wimmera and currently the Southern Grampians. I am also a rural veterinarian who has worked for 30 years in mixed practice including Gippsland, Goulburn Valley, Western Victoria, Wimmera and South East of South Australia. Currently a councillor on Southern Grampians Shire I have also served as an elected councillor on West Wimmera Shire.

I look forward to receiving a positive response and working with fellow councillors committed to agricultural communities across Victoria.

Yours sincerely,

Cr Katrina Rainsford
Southern Grampians Shire Councillor
256 Melville Forest Rd
Cavendish Vic 3314

.

**9.2 POST OFFICE PLACE - PRINCES HIGHWAY, TRARALGON -
PROPOSED INTERSECTION TREATMENT**

AUTHOR: General Manager City Marketing & Development

1. INTRODUCTION

VicRoads has identified the intersection of Princes Highway and Post Office Place, Traralgon as a high priority blackspot location within Latrobe City and is seeking Council's support for a VicRoads funding submission under the State Government's Safer Roads Infrastructure Program.

During the period between 2003 and 2007 there have been seven recorded casualty crashes including one fatal crash at this intersection.

A copy of the letter and proposed intersection treatment is set out below.

Mr Peter Quigley
General Manager City Marketing & Development
Latrobe City Council
PO Box 264
TRARALGON 3844

Latrobe City	
4 APR 2008	
Doc No:	
Account No:	
Disposal Code:	
Comments:	

vic roads

ABN 61 760 960 480
Eastern Victoria Headquarters
PO Box 158 Traralgon Victoria 3844

Tel: (03) 5172 2666
Fax: (03) 5176 1016

4 April 2008

Contact: Emmanuel Natalizio
Telephone: 0400639302
Our Ref: pm80881_Letter to LCC seeking
feedback.doc
File No: TE045691

Dear Mr Quigley,

PRINCES HIGHWAY EAST – POST OFFICE PLACE INTERSECTION

I refer to our meeting on Friday 14th March 2008 regarding the proposed road safety treatment at the intersection of Princes Highway East and Post Office Place in Traralgon.

VicRoads has identified this intersection as a high priority blackspot location within Latrobe City. During the five year period between 2003 and 2007, there have been seven recorded casualty crashes at this intersection which include one fatal crash and two crashes resulting in serious injuries. Four out of the seven crashes have involved motorists turning right out of Post Office Place colliding with vehicles travelling north on Princes Highway East. The high concentration of traffic on the highway and the ability of left turning vehicles from the Princes Highway East into Post Office Place to hide trailing through vehicles have been identified as the major contributing factors towards these crashes.

Following an investigation of available feasible treatment options, it was considered that banning the right turn movement from Post Office Place into Princes Highway East was the superior treatment to address the identified crash trend and to minimise impact on the traffic performance of Princes Highway East. To enforce the turn restriction, new kerb outstands would be constructed.

In addition, to separate left turning vehicles from through vehicles on the south approach it is proposed to construct a new left turn lane and a larger left turn island. This treatment would improve access into the retail area of Traralgon as well as facilitate the pedestrian movement between Post Office Place and Victory Park. A plan of the concept layout is attached to this letter for your review and feedback.

VicRoads is seeking confirmation of Latrobe City's support for the submission of the proposed treatment for funding consideration under the State Government's Safer Roads Infrastructure Program.

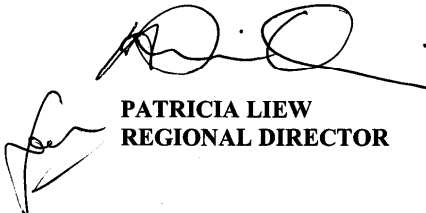
- 2 -

As discussed, VicRoads will consult with the traders located along Post Office Place with the support of Latrobe City regarding the proposed road safety treatment. It would be appreciated if Latrobe City could provide VicRoads a list of the appropriate people to assist with this process.

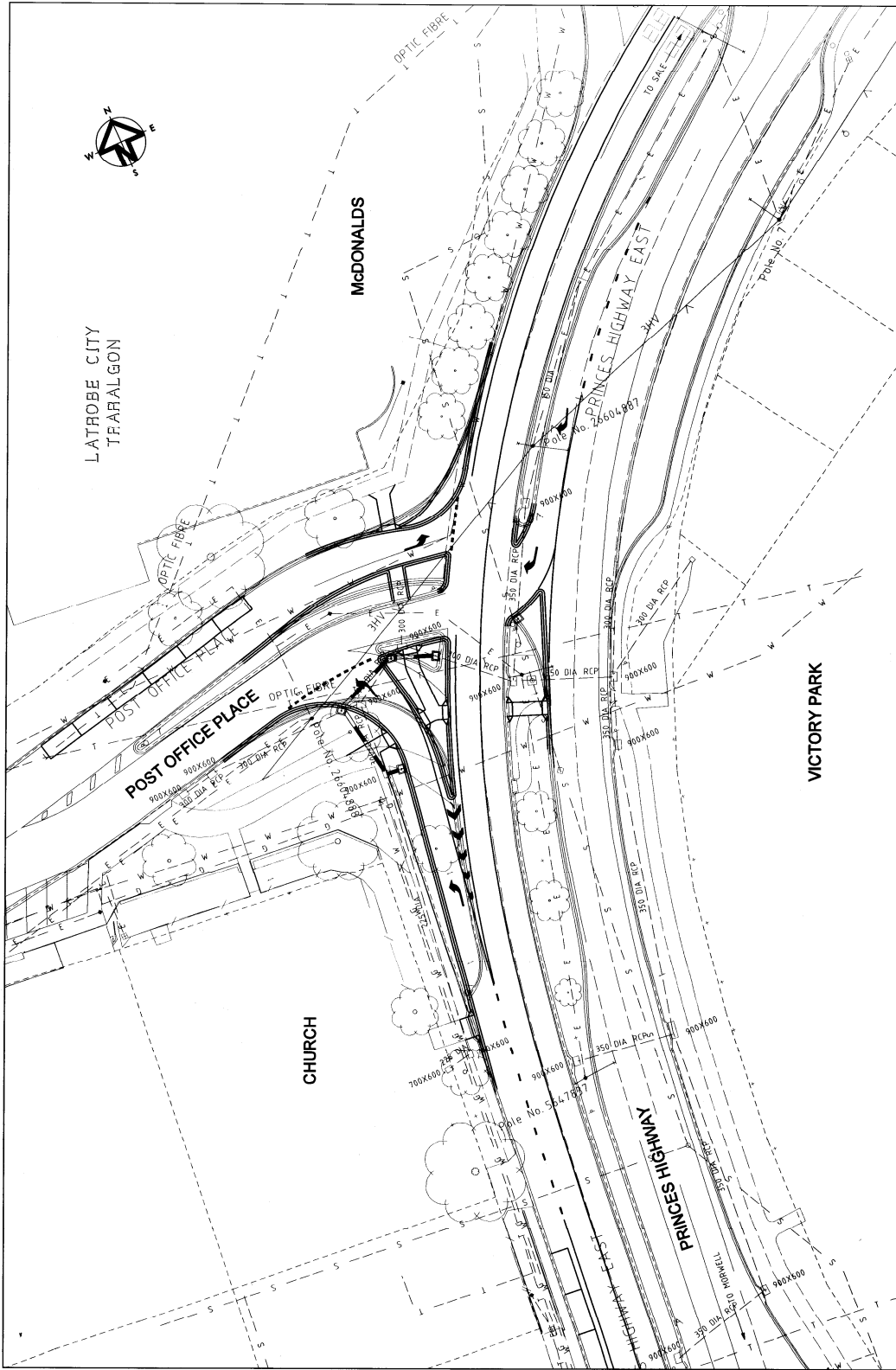
In addition, it would be appreciated if you could provide information on the timing of any required Councillor briefing by council officers regarding this proposal.

Should you require any further information regarding this issue, please do not hesitate to contact Mr Emmanuel Natalizio on mobile 0400 639 302 who is currently assisting VicRoads in developing this road safety treatment.

Yours sincerely



PATRICIA LIEW
REGIONAL DIRECTOR



DATE: 19/02/2008 MODEL: DWG01 FILE: H:\Road_Safety\2510_Princes_Highway\TE045591_P4-C1-0300.dgn		STATUS: PRELIMINARY CONCEPT STATUS NOTES: 1. CONSTRUCTION 2. SUBJECT TO FURTHER AMENDMENT 3. FINISHING NOT APPROVED		DESIGNER: A. LAMBERT APPROVED: [Signature] EASTERN REGION DRAWING FILE: TE045591-P4-C1-0300		PROJECT: TE045491 CATALOG: TRARALGON CONTRACT NO.: SHEET NO.: DRAWING NO.: ISSUE	
GENERAL NOTES:		SCALE: 1:500 HOR: 0 5 10 METRES VER: 0 5 10 METRES		vic roads EASTERN REGION		PRINCES HIGHWAY POST OFFICE PLACE INTERSECTION TRARALGON - 163.2km CONCEPT PLAN - OPTION 1	
E	D	C	B	A	ISSUE	DATE	AMENDMENT

2. OFFICER'S COMMENTS

The proposed treatment will result in the following changes to the intersection operation and configuration:

- Banning of the right turn movement from Post Office Place into Princes Highway. All other turn movements are retained.
- An upgraded left turn lane from Princes Highway into Post Office Place which will provide safer access into the retail area. This results in the loss of three parallel parking bays on the corner block frontage to Princes Highway.
- A gain of six parallel parking bays in Post Office Place will result from the closure of the right turn lane.
- Improved pedestrian access across Princes Highway to Victory Park by the provision of a larger traffic island.

The proposal is an appropriate cost effective treatment to deal with the crash history problem and will minimise impact on traffic flows on Princes Highway. The proposal may result in a slight increase in traffic in Post Office Place due to the right turn ban. There are currently 903 vehicles turning right onto the Princes Highway (12 hour count between 7.00am and 7.00pm with a peak hour of 106 vehicles). It would be expected that a number of these drivers may elect to exit Post Office Place by turning left onto the Highway or exit the car parks via a different route.

If Council is supportive of this proposal, VicRoads will be requested to carry out a community engagement process that is consistent with Latrobe City Council's Community Engagement Policy and Strategy. The following communication processes will apply to this proposal:

- Send letters to the business and property owners in Post Office Place and offer a personal briefing with VicRoads staff if required. (Invite comment and/or submissions as part of this process.)
- Write to the Traralgon Chamber of Commerce and Industry seeking their feedback.
- Media release to local newspapers outlining the proposal and include a plan.

VicRoads will be required to consider and address any community concerns and advise Council of the outcomes.

3. RECOMMENDATION

- 1. That Council supports VicRoads funding submission to the State Government's Safer Roads Infrastructure Program for the proposed intersection treatment at Princes Highway and Post Office Place, Traralgon.**
- 2. That VicRoads be requested to undertake a community consultation process in accordance with Latrobe City Council's Community Engagement Policy and Strategy in relation to the proposed intersection works.**

Moved: Cr Wilson

Seconded: Cr Middlemiss

That the recommendation be adopted.

CARRIED UNANIMOUSLY

PRESENTATION OF PETITIONS

10.1 **OBJECTION TO THE PROPOSED TREE REMOVAL AND REPLACEMENTS IN HOPETOUN AVENUE, MORWELL**

AUTHOR: General Manager City Infrastructure
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider the petition objecting to the removal of inappropriate street trees in Hopetoun Avenue Morwell, which was tabled at the Ordinary Council Meeting held on 21 April 2008.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 - 2011

Strategic Objective - Sustainability

To promote the responsible and sustainable care of our built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.

Latrobe 2021

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

Council Resolution: 2 July 2007

Inappropriate Street Tree Replacement Program - Community Engagement Process.

3. BACKGROUND

The proposed tree removals and replacements in Hopetoun Avenue form part of the 2008 inappropriate street tree replacement program. The petition objecting to the removal of the street trees was received as a result of this program and was signed by 24 residents in Hopetoun Avenue Morwell.

4. **ISSUES**

There are 6 paperbark trees which were identified for removal as part of the inappropriate street tree removal program. This program was adopted by Council at its Ordinary Council Meeting held on 6 November 2006.

The inappropriate street tree replacement program - community engagement process was followed to engage the residents in Hopetoun Avenue, Morwell.

The head petitioner was contacted and advised that the petition would be considered as part of the inappropriate street tree removal consultation process.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no additional financial or resource implications associated with either of the options being presented to Council.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

The inappropriate street tree replacement program - community engagement process was used.

Residents were given a letter detailing the location and nature of the proposed works, which invited further discussion and a choice of replacement tree.

Details of Community/Consultation Results of Engagement:

Fifty (50) house holds were originally letter box dropped. Of the fifty (50) letters, three (3) responded in support of the removal and three (3) objected to the removal. A petition was also received with twenty four (24) signatures objecting to the removal of the paperbark trees. This equates to 54% of recipients objecting to the removal of the trees.

Council at its Ordinary Meeting of 6 November 2006 resolved that the removal of inappropriate street trees was 'conditional', in that if the majority of residents in the street objected to the proposal then the removal would not proceed.

7. OPTIONS

The options available to Council are:

1. Remove the trees and replace with the species chosen by the residents. This is not recommended as the majority of residents in Hopetoun Avenue have indicated they do not support this approach;
2. Retain the trees and carry out minor maintenance. This option is recommended as although they have been deemed as inappropriate, their retention will not pose an immediate risk to the public.

8. CONCLUSION

Consultation is an important element of the inappropriate street tree removal program. In this case 54% of the residents in Hopetoun Avenue have objected to the removal and replacement of the 6 paperbark trees, which is the majority. It is therefore recommended that the trees be retained and that the necessary minor maintenance works be undertaken on the trees.

9. RECOMMENDATION

1. That the 6 paperbark trees in Hopetoun Avenue, Morwell be retained;
2. That the head petitioner be notified of Council's decision to retain the 6 paperbark trees in Hopetoun Avenue, Morwell; and
3. That the residents in Hopetoun Avenue be notified in writing of Council's decision to retain the 6 paperbark trees in Hopetoun Avenue, Morwell.

Moved: Cr Middlemiss

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Latrobe City	
25 MAR 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

**26 Hopetoun Avenue
25 March 2008**

**Residents response to proposed removal and replacement of trees in
HOPETOUN AV, MORWELL**

Of the 36 properties in Hopetoun Avenue (3 of which are unoccupied)
please find attached a petition from 24 of these objecting to the proposal.

It should also be noted that some residents have individually forwarded
their response to council.

It is presumed residents will be advised re councils final decision before
any further action is taken!

Yours sincerely,



Verity M Keith

Residents Response to proposed removal & replacement of trees in HOPETOUN AVE MORWELL

We the undersigned object to the proposal:-

House Number	Signature	House Number	Signature
1.		2.	
3.		4.	
5.	Unoccupied	6.	
7.	Dr. Pui overseas.	8.	
9.	N. Gilmore	10.	
11.	_____	12.	John Redman 13/3/08
13.		14.	P. R. B. G. G.
15.	J. Brodwin	16.	Joanne G. G.
17.	M. G.	18.	unit J. M. G.
19. unit	① M. G. ② M. G.	20.	
21.		22.	M. G.
23.	M. G.	24.	M. G. (D. G.)
25.	M. G.	26.	M. G. G. G.
27.		28.	B. M. G. G. G.
29.		30.	M. G. G. G.
31.	M. Paul	32.	
33. unit	_____	34.	C. Justice G. Justice G.
35.		36.	
37.	unoccupied	38.	
39. •	John E. G. G.	40.	
41.		42.	
43.		44.	
45.		46.	
47.		48.	
49.		50.	
51.		52.	
53.		54.	
55.		56.	
57.		58.	

CITY SERVICES

11.2.1 LAKE NARRACAN WATER LEVELS

AUTHOR: General Manager City Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide an update on the current operating arrangements at Lake Narracan, that is resulting in significant fluctuating water levels.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - Liveability

To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality.

Strategic Action - Promote and maximise the utilisation of recreation, aquatic and leisure facilities and services.

3. BACKGROUND

Lake Narracan is formed by a dam on the Latrobe River and was originally established as a cooling pond for the former Yallourn Power Station. Following the construction of the current more contemporary power stations with cooling towers, the lake was retained for recreational purposes.

The allocation of water in the lake is now managed by Southern Rural Water. The majority of the water in the lake is allocated for use by the power generation industry. There is a small allocation which is still reserved for the former SECV, which at this stage remains unallocated.

The power generator entitlements are able to be drawn from three sources:

- Lake Narracan;
- Blue Rock dam; or
- Latrobe River when flows exceed the environmental flows.

In January 2007 Southern Rural Water advised Latrobe City that they would be required to make temporary changes to the operational parameters for Lake Narracan as the power generators wanted to draw some of their entitlement from the Lake. This was precipitated by rapidly declining storages in Blue Rock dam due to the prolonged drought. As a result water levels in Lake Narracan began to drop significantly.

Rain in June/July 2007 saw Lake Narracan fill up again, and the Latrobe River breach in the Yallourn open cut mine required the retention of water in Lake Narracan to facilitate remedial works. At that time the lake rose to 100% capacity.

Southern Rural Water, after discussions with the state government and the power generating companies that hold the allocations of water in the lake, have advised that the operating arrangements will continue due to the prolonged drought and the lower than average water levels in Blue Rock dam. These changes mean that the power generating industry will draw down on their Lake Narracan water allocations first, using Blue Rock Dam only after the Lake Narracan allocations have been used. This method of operation could leave Lake Narracan at or below 35% capacity most of the time.

The rationale for this new method of operation is to harvest more water from the system by taking advantage of Lake Narracan's relatively small volume and large catchment, which enables the lake to fill in a very short period of time. This was the case in December 2007 when the lake filled in just two days after significant rainfall in the Latrobe River catchment. However in less than three weeks the lake dropped to below 40% capacity once more.

The state government and the power industry are anxious to secure water supplies for the generation of electricity and place a higher priority on this than the recreational use of the waterway.

The Latrobe Valley Water Ski Club has expressed their concern to Southern Rural Water that the new operational regime has adversely affected the clubs activities. In December 2007 the club wrote to the Minister for Water, The Hon Tim Holding, who made arrangements to ensure that the lake would have enough water in it for the club to conduct a national water skiing event that was planned for March 2008. This additional water was drawn from Blue Rock dam.

The Minister advised the club that this would be a 'one off' solution and that the club should develop their facility to be operational at various water levels, however it is clear that Lake Narracan is unnavigable by power boats at levels below 40%. As a result the Latrobe Valley Water Ski Club has signalled their intention to vacate this site and is seeking to create a new facility in another location.

Over the 2007/2008 boating season, low water levels, at or below 40% capacity, have forced Latrobe City to make application to Marine Safety Victoria to apply a 5 knot speed restriction to the lake on two occasions. Both occasions required the restrictions to be in place for four week periods.

4. **ISSUES**

Since the water skiing event held in March 2008, over the Easter weekend, the power generators have once again been drawing down on their water entitlements from Lake Narracan. On Friday, 11 April 2008 the lake was at 38% capacity.

On 8 April 2008 Latrobe City again submitted an application to Marine Safety Victoria to apply a 5 knot speed restriction to the lake and this was gazetted on Monday, 14 April 2008.

It is expected that the lake will further reduce to 30% capacity by the end of April. Southern Rural Water will retain a contingency volume in the lake and as yet the SECV share (20%) remains unallocated. However the power generators are seeking to negotiate the allocation of this water. If the power generators are successful in these negotiations the lake could bottom out at 10% capacity.

The impact on recreational users of Lake Narracan is significant. At 40% capacity the lake is virtually unnavigable to most power boats. Smaller 'tinnies' may find it possible to access some areas of the lake for fishing purposes but fast power boating and water skiing is unsafe, hence the 5 knot restriction.

Below 40% capacity renders all boat ramps inaccessible, however canoes and kayaks could still be operated safely in many parts of the waterway. Under the current operating parameters the lowest level the lake can reach is 30% capacity. But it should be noted that at 10% capacity all forms of recreational use of the water will most likely be impossible, and as mentioned above this is a distinct possibility in the future.

The general amenity of the Lake Narracan area is also severely compromised by the lower levels of water in the Lake, and this is further compounded as the water level drops.

Negotiations are currently underway with Marine Safety Victoria to establish speed parameters based on two scenarios. The first to be applied when the water level is at or above 50% capacity, which will be unrestricted and based on the standard rules and regulations applied to all waterways in the state. The second is to be applied when the lake drops below 50% capacity and this will be a blanket 5 knot speed restriction over the entire Lake.

Marine Safety Victoria has indicated that they would provide appropriate illuminated signage to advise lake users of the changed conditions when they occur.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Boating restrictions on Lake Narracan have a direct affect on occupancy rates at the Latrobe City owned Lake Narracan Caravan Park. Income from camping fees and the sale of boat passes in the 2007/2008 season has been reduced by 15% due to reduced use of the facilities brought about by the speed restrictions which were applied from November to December 2007 and from February to March 2008.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Discussions have been held with Southern Rural Water to keep abreast of the issue, and discussions have taken place with Latrobe Valley Water Ski Club.

Details of Community/Consultation Results of Engagement:

There has not been any general community consultation at this stage.

7. OPTIONS

The power generators are choosing to draw their water entitlements from Lake Narracan in order to maximise the harvesting of water from the Latrobe River catchment, and to allow Blue Rock dam levels to increase. This position is supported by state government. This change of operating parameters has been brought about due to the severe drought conditions and low water levels in Blue Rock dam.

Fourty percent of the water in Blue Rock dam is unallocated. The only option that appears to be available to ensure the maintenance of water levels in Lake Narracan, during the dry climatic conditions, is to draw from this allocation in Blue Rock to top up Lake Narracan. The Minister for Water would need to make this decision.

8. CONCLUSION

The prolonged drought and particularly the very low rainfalls in 2006/07 have resulted in Blue Rock dam being at an all time low level. In order to maximise the harvesting of water from the Latrobe River catchment and to allow the water level to increase in Blue Rock dam, the power generators have chosen to draw down their entitlements from Lake Narracan.

This has resulted in Lake Narracan being reduced to low levels, which do not allow the normal boating activities to take place.

There is a significant unallocated amount of water in Blue Rock dam, and it is suggested that the Minister for Water be requested to make some of this available on an 'as needs' basis in order to maintain Lake Narracan at a level suitable for boating and recreational activities.

9. RECOMMENDATION

That Council writes to the Minister for Water requesting that a portion of the unallocated water in Blue Rock dam be made available as required to maintain Lake Narracan at a water level suitable for boating and recreational activities.

Cr Middlemiss declared an interest in Item 11.2.1 as he is an employee of Loy Yang Power.

Cr Middlemiss left the Chamber at 8.06 pm

Moved: Cr Price

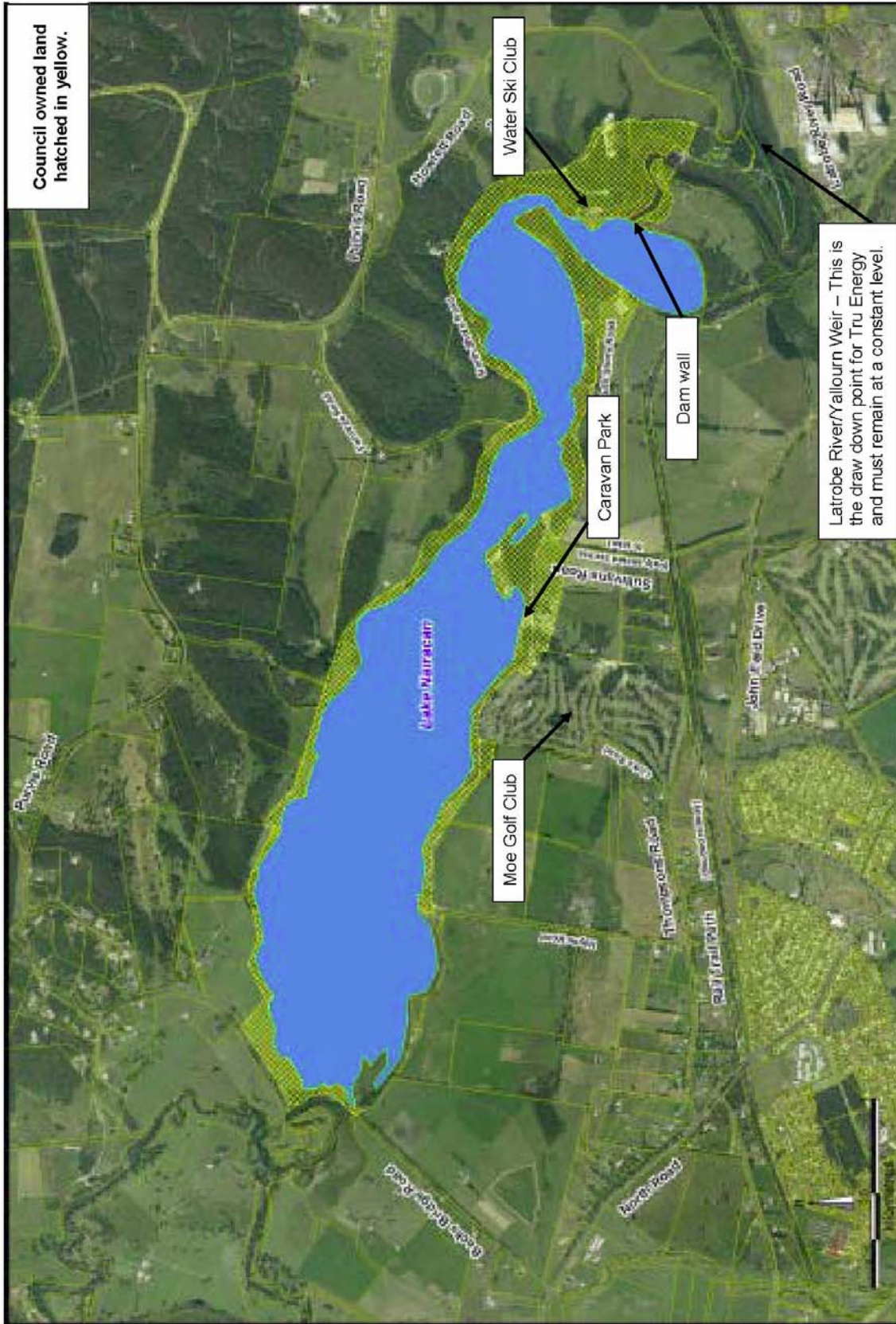
Seconded: Cr Zimora

That Council writes to the Premier and the Minister for Water requesting that a portion of the unallocated water in Blue Rock dam be made available as required to maintain Lake Narracan at a water level suitable for boating and recreational activities.

CARRIED UNANIMOUSLY

Cr Middlemiss returned to the Chamber at 8.07 pm

ATTACHMENT



CITY MARKETING & DEVELOPMENT

11.3.1 LATROBE PLANNING SCHEME 4 YEARLY REVIEW REPORT

AUTHOR: General Manager City Marketing & Development
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's adoption of the Latrobe Planning Scheme 4 yearly review report April 2008, report the findings of the review to the Minister for Planning, and to request the Minister for Planning to authorise Council to prepare a Local Planning Policy Framework (including Municipal Strategic Statement - MSS) planning scheme amendment.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - Sustainability:

- *To promote the responsible and sustainable care of our built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.*
- *To provide leadership and to facilitate a well connected, interactive economy.*

Built Environment Sustainability Community Outcome:

- *Develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.*

Strategic Action:

- *Promote and support high quality urban design within the built environment.*
- *Strive to ensure all proposed developments enhance the liveability and sustainability of the community.*

A key priority and action of the Council Plan 2007-2011 is to "review the Municipal Strategic Statement and present to Council for consideration by June 2008".

3. BACKGROUND

The Latrobe Planning Scheme was approved on 2 March 2000 and was accompanied by a letter of approval from the Minister for Planning which noted that there were a number of outstanding matters that required further action to be undertaken by Council. Furthermore, the Independent Panel which had assessed the initial planning scheme in November 1998 identified approximately 100 matters which also needed to be addressed. In 2001 the then Department of Infrastructure Practice Note required Councils to review their Municipal Strategic Statement (MSS) every three years.

Council documented the first MSS review and continuous improvement program in a report titled, *The Reference Guide to Strategic Land Use Projects* dated November 2003 (the guide). The guide detailed the strategic land use projects that had commenced since the introduction of the new planning scheme including some of those required by the earlier Panel report. The guide was considered by Council at its Ordinary meeting on 15 December 2003 and was then submitted to the Minister to meet the review requirements of the *Planning and Environment Act 1987* and demonstrate the continuous improvement model.

As a result of changes made in the *Planning and Environment (General Amendment) Act 2004*, the Minister for Planning now requires a four yearly review to address the entire planning scheme and not just the MSS.

The 2007/2008 Latrobe Planning Scheme Review project consists of three stages. Stage one is to review the strengths and weakness of the current Latrobe Planning Scheme and recommend changes to the scheme. Stage one has resulted in the Latrobe Planning Scheme 4 yearly review report April 2008.

Stage two involves the technical drafting of the Local Planning Policy Framework (including the MSS). This includes rewriting and updating the Local Planning Policy Framework in the Latrobe Planning Scheme to reflect Council's current adopted strategic work.

Stage three includes the public exhibition of the redrafted Local Planning Policy Framework (including MSS) and the subsequent Panel process. Stages two and three would be facilitated by way of the authorisation request to the Minister for Planning.

The current Latrobe Planning Scheme 4 yearly review report (the review report) attached to this Council report constitutes the formal Planning Scheme Review required under Section 12B of the *Planning and Environment Act 1987*. The review report provides an overview of the main elements of the Latrobe Planning Scheme including the MSS, zones and overlays, together with a general review of its format and content.

The review report has been prepared in accordance with the Department of Sustainability and *Environment's Review of Planning Schemes Practice Note February 2006*. The review report evaluates the entire Latrobe Planning Scheme.

The review report provides Council with an overview of the performance of the scheme since its initial planning scheme review report in 2003.

Section 12B of the *Planning and Environment Act 1987* requires that on completion of the review, Council without delay report the findings of the review to the Minister for Planning.

4. **ISSUES**

The Latrobe Planning Scheme 4 yearly review report (the review report) raised a number of strategic urban land use planning issues. The extract below from Section 16 of the review report summarises these issues:

'In terms of the current review it remains clear that the MSS is structurally poor and is strategically limited on things such as identifying residential development areas in its townships and it is lacking in clear direction on many of the recurrent, day-to-day issues confronting the Council and the community including rural living, medium density housing, the natural environment, the various activity centres, agriculture and some social issues. Council has either commissioned, completed (or is completing) strategic work on some of these issues and such research now needs to be absorbed into the scheme as the highest priority, once it is adopted.

Additionally, in the course of the review it has become apparent that there is no clear link between the MSS (and therefore the whole planning scheme) and the main strategic document within Council being *Latrobe 2021*. This document is the principal corporate road map for Council with its foundation principles of:

- *Sustainability*
- *Liveability*
- *Governance*
- *Community Capacity Building*

These are supported by town structure plans for all eleven settlements.

None of this is reflected in the current MSS and at the very least, the new MSS dovetails better with this document. On top of this, the following important and recently adopted strategic work including (but not limited to) now needs to be reflected in the scheme.

- *Latrobe Town Structure Plans (albeit in an interim sense)*
- *Economic Development Strategy*
- *Activity Centre Plans for Moe and Churchill*
- *Transit City Reports*

Inclusion of this material will provide Council and its community with a contemporary planning document.

In the context of the recommendations of "Making Local Policy Stronger", it is recommended that Council prepare and exhibit a new streamlined MSS which contains only the most critical land use planning strategies and policies of relevance to Council. This streamlined MSS would then be the 'template' for the inclusion of further strategic work once adopted. Beyond this, Council should embark on a zone and overlay amendment to implement the outcomes of the strategic work.

While the review process has identified that the zoning and overlay regime in the Latrobe Planning Scheme needs to be reviewed especially in terms of its selection, these considerations logically will flow from resolution of the strategic directions in the MSS and would need to be part of a more comprehensive amendment. For instance, in the event of a clear strategic position on the Medium Housing Study, zones and overlays can be selected from the new planning scheme menu of modified residential zones to reflect this position.'

Another issue is the need to include the recently adopted Latrobe Structure Plans for Moe, Morwell, Traralgon, and Churchill into the Latrobe Planning Scheme. It is proposed to include these plans in the Local Planning Policy Framework (including MSS) planning scheme amendment and subsequent exhibition process.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Funds have been allocated in the current 2007/08 budget year to prepare the review report and identified funds in the 2008/09 budget year to enable the amendment to proceed. Both items have also been recognised in the Strategic Land Use Planning unit's business plan.

6. INTERNAL/EXTERNAL CONSULTATION

The Department of Planning and Community Development's *Practice Note Review of Planning Schemes February 2006* recommends a preferred consultation strategy when conducting a review of Victorian planning schemes including the Latrobe Planning Scheme. The consultation strategy of the review report has generally followed the recommendations of the Practice Note.

A number of targeted workshops with councillors, council officers, external agencies, and local developers and consultants were undertaken during January and February 2008. Numerous Latrobe City Council officers, 19 agencies, and 37 local developers/consultants were invited to attend the workshops. The consultation schedule and outcomes are detailed in section 5 and 6 of the review report. In addition to the verbal input provided at the workshops, 12 written submissions were also received. A Councillor Committee was appointed to provide input into the review report and oversee the project.

Many of the documents that have informed the review report (i.e. Latrobe 2021, Council Plan, Transit Centres Precinct Master Plans, Main Town Structure Plans, Greening Latrobe, Natural Environment Sustainability Strategy) have already undergone significant consultation with the community.

Once ministerial authorisation is provided to prepare the amendment to the Latrobe Planning Scheme, the amendment can be placed on public exhibition for a period of no less than one calendar month. Agencies, local developers and consultants, and the general community will be provided with a further opportunity to make comment and participate in the amendment process.

7. OPTIONS

1. Adopt the Latrobe Planning Scheme 4 yearly review report, report the findings of the review to the Minister for Planning (stage one), and that Council request the Minister for Planning to authorise Council as a planning authority to prepare a Local Planning Policy Framework (including MSS) planning scheme amendment and subsequent exhibition (stages two and three).
2. Not adopt the Latrobe Planning Scheme 4 yearly review report and not request the Minister for Planning to authorise Council as a planning authority to prepare a Local Planning Policy Framework (including MSS) planning scheme amendment and subsequent exhibition and continue using the outdated Local Planning Policy Framework in the Latrobe Planning Scheme. However to meet the requirements under the *Planning and Environment Act 1987*, Council would need to embark on a new or modified review report.

8. CONCLUSION

Council is required to review the Latrobe Planning Scheme every four years under Section 12B of the *Planning and Environment Act 1987*. The review report has met this requirement and the review report is now required to be forwarded to the Minister for Planning.

The review report has considered the views of key internal and external stakeholders and raised a number of strategic urban land use planning issues that are relevant to Latrobe City. At the forefront of these issues is the need to prepare a new Local Planning Policy Framework (including MSS) which better reflects Latrobe 2021 and adopted strategic Council land use planning work, and the need to update the application of zones and overlays in the Latrobe Planning Scheme.

It is considered appropriate for Council to prepare and exhibit a new streamlined MSS which contains the most critical land use planning strategies and policies of relevance to Latrobe City Council.

This streamlined MSS would then be the 'template' for the inclusion of further strategic work once adopted. At a later point in time, Council may need to commence a zone and overlay amendment to implement the outcomes of the strategic work.

9. RECOMMENDATION

- 1. That Council adopts the Latrobe Planning Scheme 4 yearly review report April 2008 and report the findings of the review to the Minister for Planning.**
- 2. That Council requests the Minister for Planning to authorise Latrobe City Council as a planning authority to prepare a Local Planning Policy Framework (including MSS) planning scheme amendment and subsequent exhibition to give effect to implementing some of the recommendations of the Latrobe Planning Scheme 4 yearly review April 2008 report.**

Moved: Cr Zimora

Seconded: Cr Middlemiss

That the recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

LATROBE CITY COUNCIL

LATROBE PLANNING SCHEME

PLANNING SCHEME REVIEW REPORT

APRIL 2008

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1.0 INTRODUCTION

1.1 Requirement to prepare a "Review Report".

This report constitutes the formal "Planning Scheme Review" required under the Planning and Environment Act. The report provides an overview of the main elements of the Latrobe Planning Scheme including the Municipal Strategic Statement (MSS), zones and overlays, together with a general review of its format and content.

The report has been prepared in accordance with the Department of Sustainability and Environment ("DSE") Review of Planning Schemes Practice Note (February 2006). The report reviews the entire Latrobe Planning Scheme ("the scheme") as a result of changes made in the Planning and Environment (General Amendment) Act 2004.

The report provides the Latrobe City Council ("the Council") with an overview of the performance of the scheme since its initial planning scheme review report in 2003.

The report does not identify any operational or process improvements to be undertaken as it is understood that this is being continually monitored and analysed by Council as part of its regular review programs.

The City of Latrobe was formed on 2nd December 1994 following the amalgamation of the former City and Shire of Traralgon, the City of Morwell, the City of Moe and parts of the former Shires of Rosedale and Narracan.

The Latrobe Planning Scheme was initially gazetted on the 2 March 2000 and it has been operating for eight years. Section 12B of the *Planning and Environment Act* ("the Act") requires Council to regularly review the planning scheme. The (then) Department of Infrastructure's October 2001 Practice Note (entitled *The MSS and Three-Year Review*) established that a "three year review report" was to be presented to Council (and ultimately the Minister for Planning) which:

- Identifies the major planning issues facing the municipality;
- Demonstrates how the Municipal Strategic Statement ("the MSS") implements State Planning Policy;
- Assesses the strategic performance of the scheme;
- Documents the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme;
- Articulates the monitoring and review which has been carried out;
- Outlines the consultation process and its outcomes;
- Makes recommendations arising from the review including:
 - suggested changes to the objectives and strategies of the Local Planning Policy Framework.
 - suggested changes to the Victoria Planning Provisions tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - new strategic work necessary to support future policy development or changes to the provisions of the scheme;
 - suggested changes to improve operational and process practices;
 - identifying any planning application or other data that may need to be collected to inform the next review.

1.2 The Initial Latrobe Planning Scheme Panel Report (1998)

The Latrobe Planning Scheme was approved on 2 March 2000 and was accompanied by a letter of approval from the Minister for Planning which noted that there were a number of outstanding matters that required further action to be undertaken by Council. Furthermore, the Independent Panel which had assessed the initial planning scheme in November 1998 identified 100 matters which also needed to be addressed. As a priority, the following actions were highlighted in the Panel report:

- a review of the *Latrobe Retail Policy*;
- a *Rural Living Study*;
- an *Heritage Study*; and
- an *Industrial Study*.

Lesser priorities were identified as follows:

- a review of the *Municipal Strategic Statement* prior to the 3 year review;
- introduction of a *Wildfire Management Overlay* using map information provided by the CFA;
- introduction of an *Erosion Management Overlay* in liaison with the Department of Primary Industries;
- placement of an *Environmental Significance Overlay* buffer for 1 kilometre around the Morwell National Park in conjunction with an *Environmental Rural Zone*;
- undertake a strategic assessment of College Creek to determine its environmental values and introduce appropriate controls;
- review the application of the *Land Subject to Inundation Overlay*;
- utilise the Department of Natural Resources and Environment biological significance mapping and Council's own data to identify the location and significance of the municipality's natural assets and use this data as the basis for introducing environmental and landscape overlays;
- implement the *Australia Koala Foundation* 'Koala Plan of Management';

1.3 The First MSS Review Report (2003)

Council documented its initial MSS review and continuous improvement program in a report entitled *The Reference Guide to Strategic Land Use Projects* dated November 2003 (the '*Reference Guide*'). This guide detailed the strategic land use projects that had commenced since the introduction of the new planning scheme including some of those required by the Panel report.

The *Reference Guide* addressed the following themes in terms of the background issues, the current planning scheme response, the corporate plan context and any recommendations:

- Flooding
- Fire prevention
- Small town structure plans
- Rural living
- Stone resources
- Coal control
- Retail policy
- Rural land & land capability
- Significant trees

- Stormwater
- Heritage
- Morwell—Traralgon corridor policy
- Latrobe regional airport
- Urban residential land supply
- Main Plan Structure Plan Review
- Transit Cities
- Traralgon By-pass Study
- Planning scheme amendment requests

The *Reference Guide* was considered by Council at its meeting on 15 December 2003 and was then submitted to the Minister to meet the review requirements of the Scheme and demonstrate the continuous improvement model.

1.4 Change in requirements for Review Report

As a result of changes made in the Planning and Environment (General Amendment) Act 2004, the Minister now requires the “Review Report” to address the entire planning scheme and not just the MSS. A Review Report must specifically address (in addition to the MSS and strategic matters listed above):

- The application and performance of the zones in the scheme;
- The application and performance of the overlays in the scheme;
- The detail of the schedules in the scheme.

2.0 STATE INITIATIVES SINCE LAST REVIEW REPORT

Since the gazettal of the Latrobe Planning Scheme and the preparation of the original "Review Report" in 2003, there has been considerable change at the state level including the introduction of a new suite of rural zones, a modified native vegetation framework, and the introduction of Clause 12 into the state section addressing metropolitan strategy.

In addition, two important state government 'process' type reports have been released being the "Cutting Red Tape" report of 2006; and the 2007 Ministerial report "Making Local Policy Stronger" both of which have implications for the planning scheme and the processing of permits under the planning scheme. This Review Report has been prepared in the context of the recommendations of both of those reports. The following is a brief overview of these two reports.

2.1 Cutting Red Tape in Planning

This report was released in August 2006 and was intended to streamline planning processes in the Victorian Planning System. The report advocates a continuous improvement model based around 'monitoring' to fill identified gaps and to improve current practices.

The initial action arising from the report was Amendment VC40 which removed the need for a planning permit for various minor matters including:

- Minor works associated with a dwelling including those currently captured by the heritage provisions or the small lots provisions of the scheme;
- Minor works in business areas.

Other outcomes of the report have been a review of the Heritage Overlay and a fast track process for some planning scheme amendments.

2.2 Making Local Policy Stronger

Of critical importance has been Action 10 in the *Cutting red tape in planning* report which included a number of actions to make 'local policy' stronger. To inform the implementation of these actions the Minister for Planning appointed a 'Working Group' made up of state and local government representatives to:

- Examine the role of local planning policy in decision-making.
- Develop local policy implementation principles.
- Clarify the relationship between state and local policy.
- Promote local policy that implements local and state planning policy objectives.
- Inform a Ministerial statement on local policy.

The Working Group concluded that after ten years of operation the application of some components of the Victoria Planning Provisions need immediate clarification and action. The key issues identified were:

- The development of voluminous local policies;
- The need to clearly define and differentiate state and local interests;
- The importance of effective policies and controls to deliver strategic outcomes at both state and local level;
- The need to revise land use zones and overlays so that they better fit state and local strategic objectives; and

- The need for state and local government to work in partnership to achieve the improvements to the planning system.

The Working Group recommended the following Action Plan:

Provide more certainty by making it easier to implement policy through planning controls.

Revise the zones, overlays and particular provisions to provide more opportunity to express state and local policy outcomes. As a priority, review the residential zones and associated provisions.

Make the State Planning Policy Framework clearer about how it should be implemented at the local level.

Expedite the review of the State Planning Policy Framework recommended in Action 9 of Cutting red tape in planning.

Progressively review planning schemes to clearly express state and local strategic intentions.

Use zones, overlays and schedules rather than policy to control the use and development of land where appropriate. (Emphasis added).

Make the requirement for the four year review of planning schemes more specific and structured.

Increase the effectiveness of local policy by simplifying the way it is presented in planning schemes.

Pilot a restructure of clauses 20, 21 and 22 of planning schemes to produce a single simplified section that provides the 'local policy' section of the planning scheme, with a range of Councils.

Where direction is required in the restructured provision to guide the exercise of discretion under a planning control, the direction should be termed a 'policy guideline'.

Clarify when prescriptive provisions can be used.

Develop guidelines to clarify when prescriptive rather than performance based provisions are appropriate and how they should be expressed.

The recommendations in this "Planning Scheme Review Report" have been framed in the context of the above recommendations.

2.3 New Residential Zones for Victoria

Making local policy stronger made a number of findings in relation to the interplay (and in some cases the miss-match) between planning policies and zones. In particular, the report found that the detail of residential zones did not always reflect the strategic intentions of State and local policies. It found that:

Despite local housing strategies which might identify (for instance) areas for accelerated growth or areas for special protection, the Residential 1 Zone is the overwhelming 'zone of choice' in residential areas and provides for a mix of densities and dwelling types.

The Residential 2 Zone, which is meant to 'encourage residential development at medium or higher densities', covers only small areas and its greatest concentrations are in the outer suburbs at Frankston and Dandenong. The Residential 2 Zone is not to be found around the vibrant inner and middle ring centres, the public transport nodes or along arterial roads with tramlines which is where Melbourne 2030 suggests are the very places to 'encourage residential development at medium or higher densities.

...While some councils proactively identify 'go go' (substantial change), 'slow go' (incremental change) or 'no go' (minimal change) areas in their local planning policy framework, they do not have a suite of zones that provides a 'neat fit'. As a consequence, the issue tends to be resolved through complex and lengthy local planning policy or difficult permit application assessment processes rather than through a combination of zoning, state planning policy direction and local application.

The report recommended that, as a matter of priority, the suite of residential zones be reviewed and in February 2008, the Minister released a discussion paper on the three new residential zones as the first initiative in the Government's five point action plan (as specified above) to implement the recommendations of the *Making local policy stronger* report.

The proposed three zones are:

Substantial Change Areas

Areas that present opportunities to substantially increase the number and diversity of dwellings. The form and design of new development can be specified. Appropriate services and facilities will be (or will become) available.

Incremental Change Areas

Areas where change can continue to occur however development must respect the character of the area.

Minimal Change Areas

Areas with limited opportunity for change because of identified development constraints, including special neighbourhood character, environmental and landscape values or infrastructure capacity. In these areas the impact of new development will be limited.

The details of the three zones are included in a Discussion Paper and submissions on them will be received until April 2008 with a view to introducing the zones by late 2008.

3.0 PROGRAM OF CONTINUOUS REVIEW

Council has maintained a rolling program of reviewing the performance of its scheme. Council recognises that the dynamic nature of strategically based planning schemes requires a constant and ongoing monitoring and review. The monitoring and review since the first review in 2003 has consisted of:

- Formal planning scheme amendments
- Commissioning further strategic work
- Development of on-going strategic work program

Each of these is briefly addressed in this section of the report.

3.1 Planning Scheme Amendments

As of February 2008, the following major amendments to the scheme have been commissioned since the scheme was gazetted:

- **Amendment C8** (12 April 2001). Implements Section 48 of the *Heritage Act* 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
- **Amendment C2** (5 July 2001). Corrects anomalies and technical errors which occurred with the introduction of the LaTrobe Planning Scheme.
- **Amendment C5** (16 August 2001). Rezones land at 44 North Road, Yallourn North from Residential 1 Zone to Mixed Use Zone to allow applications for retail use of this vacant former supermarket to be considered.
- **Amendment C13** (25 October 2001). Introduces the Public Acquisition Overlay to facilitate the acquisition of land required for the deviation of the Hyland Highway and includes exemption for vegetation removal for works associated with the construction of the alignment of the Hyland Highway.
- **Amendment C6** (31 January 2002). Rezones land at Commercial Road, Morwell, being Crown Grants Volume 9903 folio 227 and Volume 9904 folio 210 from Public Use Zone – transport to Business 2 Zone and applies the Design and Development Overlay to the land.
- **Amendment C20** (19 September 2002). Amends Clauses 21.01 and 21.04 of the MSS to introduce strategic justification for the Basslink Electricity Interconnector Project. Introduces an incorporated document *Basslink – Land Use and Development Controls, 2002* in clause 52.03 and clause 81 to control development of the Basslink Electricity Interconnector Project. Includes the Minister for Planning as the responsible authority for administering and enforcing the Planning Scheme in respect of the provisions of the *Basslink – Land Use and Development Controls, 2002*."
- **Amendment C19** (15 May 2003). Rezones land fronting Commercial Road, Hazelwood Road and Ann Street, Morwell from Business 2 Zone to Public Use Zone – 7 to allow the use and development of the land for the establishment of a new Police and Court Complex without a planning permit.
- **Amendment C15** (6 November 2003). Introduces the Public Acquisition Overlay to facilitate the expansion of the Latrobe Regional Airport, rezones airport land so that development and land use is in accordance with a Special Use Zone and introduces a local policy relating to the airport.

- **Amendment C22** (15 January 2004). Implements Section 48 of the *Heritage Act* 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
- **Amendment C10** (10 June 2004). To introduce the findings and facilitate the implementation of the report '*La Trobe Supply Area – Extractive Industry Interest Areas 1999*'.
- **Amendment C31** (29 July 2004). Reconfigures the break up of the Planning Scheme Maps and replaces all local provisions in the Planning Scheme to change references to 'La Trobe' to 'Latrobe' and references to 'La Trobe Shire' to 'Latrobe City'.
- **Amendment C33** (5 August 2004). Rezones land at 112-128 Princes Drive from Industrial 1 Zone to Mixed Use Zone to allow a planning application to convert a vacant restaurant into a retail liquor outlet and build a warehouse to be used as a wholesale liquor sales and distribution centre to be considered.
- **Amendment C7** (16 September 2004). To introduce the findings and facilitate the implementation of the strategic study *Latrobe Rural Living Study* as reviewed by Council's Planning Scheme Panel.
- **Amendment C4** (28 October 2004). Corrects anomalies and technical errors which occurred with the introduction of the La Trobe Planning Scheme, rezones two former education sites in Newborough, updates road zonings in accordance with VicRoads reclassifications, and introduces a gaming charter as a reference document.
- **Amendment C27 (Part 1)** (2 December 2004). Introduces the Urban Residential Land Development Policy and rezones additional land in Moe and Traralgon to Residential 1 Zone.
- **Amendment C29** (20 January 2005). Rezones land at 64, 66, 68 & 70 Argyle Street and 27 Campbell Street, Traralgon from *Residential 1 Zone* to *Business 4 Zone*.
- **Amendment C37** (31 March 2005). Makes corrections to technical errors to the ordinance and map sections of the Latrobe Planning Scheme by re-introducing the Public Acquisition Overlay 2 (PAO2) into the Planning Scheme Maps and amending the Schedule to the Rural Living Zone.
- **Amendment C28** (12 May 2005). Rezones land bounded by Church, Grey, Breed and Kay Streets, Traralgon from Business 2 Zone to Public Use Zone 6 – Local Government to apply the appropriate zoning to the Latrobe City office precinct to reflect the municipal purpose for which it is used and provide for future planning. Introduces the condition in the Schedule to the Public Use Zone that any development or use is in accordance with an adopted plan. Introduces the Traralgon Civic Precinct Plan as an incorporated document.
- **Amendment C36** (19 May 2005). Revises the formatting of the Schedule to the Rural living Zone in the map and ordinance sections of the local planning provisions of the Latrobe Planning Scheme so that it is consistent with the current format across all Victorian Planning Schemes as endorsed by the Department of Sustainability and Environment. The amendment also corrects anomalies to the Schedule to the Rural Living Zone which occurred with the adoption of Amendment C7 to the Latrobe Planning Scheme – Rural Residential Living Study.
- **Amendment C38** (2 June 2005). Rezones the eastern portion of the Morwell Grit Chamber site located on the southern side of Old Melbourne Road, Morwell, being part CP169658 in the Parish of Maryvale, County of Buln Buln, from *Rural Zone* to *Public Use Zone 1 - Service and Utility*.
- **Amendment C41** (28 July 2005). Deletes unnecessary referral requirements from Schedules 1 and 5 to Clause 37.01
- **Amendment C43** (25 January 2006). Introduces the Rural Conservation and Farming Zones into the Scheme and rezones all land in the Environmental Rural Zone to Rural Conservation and all land in the Rural Zone to the Farming Zone. The Environmental Rural Zone and Rural Zone are deleted from the Scheme.

- **Amendment C34** (9 February 2006). Removes the Public Acquisition Overlay over the area of land required for the road acquisition for the Hyland Highway deviation and removes the Road Zone One from the old Hyland Highway location. Rezones the old road reserve of the old Hyland Highway to Residential 1, Rural and Special Use One, and rezones the road reserve of the new Hyland Highway deviation to Road Zone One.
- **Amendment C32** (9 March 2006). Rezones the Strzelecki Highway between the proposed Wilderness Creek Diversion, Driffield and Drilling Depot Road, Morwell from Road Zone Category 1 to Special Use Zone 1 - Brown Coal; Rezones Brodribb Road between Strzelecki Highway, Driffield and Yinnar Road, Hazelwood from Road Zone Category 2 to Special Use Zone 1 - Brown Coal; Deletes the Land Subject to Inundation Overlay over the existing Morwell River floodplain from where the Morwell River is being diverted; Introduces a Road Closure Overlay over a number of roads including the Strzelecki Highway, Brodribb Road, Marretts Road, Deans Road, Golden Gully Road, Amiets Road, Vinalls Road, Homestead Road and Applegates Road; Includes a Public Acquisition Overlay (Strzelecki Highway Deviation) in favour of VicRoads over the proposed Strzelecki Highway Deviation between Morwell-Thorpdale Road, Driffield and Drilling Depot Road, Morwell.
- **Amendment C44** (22 February 2007). The amendment seeks to rezone the northern portion of the land, located at Mitchells Road, Moe, from Farming Zone and Industrial to Residential 1 Zone. The amendment proposed is combined in accordance with Section 96(A) of the Planning and Environment Act. The combined element to the application proposes the subdivision of the land into 123 residential lots. The amendment requires changes to the Latrobe's Local Planning Policy and the existing Moe Structure Plan. This is necessary to ensure consistency within Latrobe's Local Planning Policy.
- **Amendment C16** (19 April 2007). The amendment introduces a new Clause 44.06 Wildfire Management Overlay to the planning scheme ordinance and defines land affected by the Wildfire Management Overlay on new planning scheme maps in areas identified as having a high fire risk. Alterations are also made to Clause 21.04 of the Municipal Strategic Statement to acknowledge the introduction of the Wildfire Management Overlay.
- **Amendment C55** (9 August 2007). The amendment rezones Lot 1 TP188395, Morwell River Road, Grand Ridge from a Public Conservation and Resource Zone to a Farming Zone. The amendment is required since the land is in private ownership.
- **Amendment C50** (6 September 2007). To include Latrobe Transit Centred Precincts: township summaries as reference documents to the Latrobe Planning Scheme at sub Clause 21.03-3 in support of Latrobe Transit Centred Precincts.

In addition, the following current amendments are being processed and considered by Council:

- **Amendment C48** affects residential land in Morwell North West. The amendment has been exhibited and a Panel hearing is scheduled for May 2008.
- **Amendment C53** affects land of Monash University in Churchill and proposed to rezone land from Farming Zone to Public Use zone to allow the university to expand. The amendment was placed on exhibition in late February 2008.
- **Amendment C54** affects land on the corner of Grey Street and Franklin Street Traralgon and was exhibited during 2007. An Independent Panel has been appointed but a hearing date is yet to be set.

3.2 Strategic Work Program

An array of strategic research and analysis has been commissioned by Latrobe City Council since 2003 and important research includes (but is not limited to):

- Latrobe 2021 (2nd edition)
- Council Plan (2007 – 2011)
- Greening Latrobe Strategic Plan (2006-2008)
- Latrobe Structure Plans Volumes 1-6 (2007)
- Latrobe City Statistical Profile (2007)
- Economic Development Strategy (2008)
- Community Plan (2004-2008)
- Biodiversity and Native Vegetation Strategy (2002)
- Heritage Study Volumes 1 and 2 (2005)
- Central Activity Plans (2002 and 2003)
- Retail Strategy Review (2007)
- Residential Land Supply Analysis (2006)
- Transit City Master Plans (Town Summary) (2006)
- Neighbourhood Environment Improvement Plan Morwell River (2007)
- Latrobe Regional Airport Land Use Controls (2007)
- Morwell-Traralgon Residential Land Supply Analysis (2007)
- Traralgon-Morwell Corridor Social Impact Assessment (2007)
- Moe Activity Centre Plan (2007)
- Churchill Town Centre Plan (2007)
- Morwell North West Residential Precinct Plan (2006)
- Latrobe Rural Residential Strategy Study (2002)
- Rural Residential Land Use – Hazelwood North (2002)
- Lake Narracan Strategic Development Plan (2001)
- Lake Narracan Socio Economic Impact Development Study (2007)
- Lake Narracan Caravan Park and Environs Action Plan (2007)
- Airpark Development Plan (2005)
- Morwell Logistics Precinct Master Plan (2005)
- Lurgi Master Plan (2006)
- Telecommunications Strategy (2006)
- Bicycle Plan (2007)
- Municipal Domestic Waste Water Management Plan (2006)
- Public Open Space Plan (2007)
- Traralgon Outdoor Recreation Plan (2006)
- Recreation and Leisure Strategy (2005)
- Cultural and Linguistic Diversity Plan (2006)
- Disability Action Plan (2007/2008)
- Municipal Public Health Plan (2004)
- Volunteer Plan (2007)
- Childcare Plan (2006)
- Older Persons Plan (2007)

The first two of these reports are addressed in detail at Section 4. Commentary on some of the other reports is included at Section 13.

In addition to these, a number of state and regional strategies which are relevant to Latrobe have also been prepared in this period including:

- Melbourne 2030
- LV2100 (and the Council Response – February 2007)
- Traralgon By Pass Report (2004)
- Traralgon By Pass Report (2007)
- West Gippsland Catchment Management Authority Regional Strategy
- West Gippsland Catchment Management Authority Strategic Plan (2003/2008)
- Gippsland Regional Development Strategy (2006)
- Framework for the Future (1987)
- New Residential Zones for Victoria (2008)
- Natural Resources Report Card (2007)
- Strategic Planning for Gippsland Rural Areas (2007)

3.3 On-going Strategic Work Program

The Council Plan (2007-2011) has also committed to undertaking further strategic research on a variety of issues that reflect the critical themes in Latrobe 2021 including:

- Natural Environment Sustainability Strategy (NESS – Draft 2008)
- Gippsland Region Sustainable Water Strategy
- Footpath Asset Management Plan
- Management Plan for Churchill Intergenerational Hub
- Morwell Outdoor Recreation Plan
- Soccer Facilities Plan
- Tennis Facilities Plan
- Leisure Facilities Plan
- Library Marketing Plan
- Latrobe 2021 – Annual Report Card
- Positive Aging Plan

4.0 COUNCIL STRATEGIC CONTEXT

This section of the report addresses the overarching strategic and governance documents of Council.

4.1 Latrobe 2021

Latrobe 2021 is the Council and community "Vision for the Latrobe Valley". Latrobe 2021 is a strategic document that identifies a number of strategic objectives and community outcomes based around the following four themes:

Sustainability

- *Economic*
- *Natural Environment*
- *Built Environment*

Liveability

- *Recreational*
- *Community*
- *Cultural*

Governance

- *Democratic*
- *Legislative Compliance*

Community Capacity Building

- *Advocacy and Leadership*
- *Partnerships and Inclusiveness*

In addition, Latrobe 2021 contains 'Locality Plans' for the following towns:

- Boolarra
- Churchill
- Glengarry
- Moe-Newborough
- Morwell
- Toongabbie
- Traralgon
- Traralgon-Morwell Corridor
- Traralgon South
- Tyers
- Yallourn North
- Yinnar

Latrobe 2021 was initially prepared in 2005, was revised in 2006 and is to be reviewed in 2008/2009.

4.2 Council Plan 2007-2011

Section 12A of the *Planning and Environment Act, 1987* requires that the Latrobe MSS be consistent with the current Corporate (Council) Plan although there is no requirement for it to be detailed in the MSS. Nevertheless, it is typically considered appropriate that Councils include relevant parts of the Council Plan as they pertain to land use planning.

The Vision included in the Council Plan is to make Latrobe:

- *A vibrant City, proud of its history and committed to environmental and economic sustainability;*
- *A caring and enterprising community sharing a lifestyle rich in choice;*
- *A harmonious community that nurtures its neighbourhoods, recognizes differences and engages and communicates with its residents;*
- *A clean, safe, secure City in which to live, learn and work.*

The Council Plan (2007 – 2011) cross references to Latrobe 2021 and it is notable that the key strategic objectives in the Council Plan directly align with those of 2021 being:

Sustainability

Economic

- By providing leadership and facilitating a vibrant and dynamic economic environment in which to do business.

Natural Environment

- By responsibly managing the natural environment, to ensure its sustainability and diversity for the community.

Built Environment

- By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Liveability

Recreational

- By enriching and diversity of community life through promoting and supporting recreational services and facilities in the municipality.

Community

- By enhancing the quality of residents' lives, by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility, and sense of place.

Cultural

- By supporting arts and cultural opportunities that contribute to the vibrancy and diversity of community life.

Governance

Democratic

- By representing the interests of the community and conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.

Legislative Compliance

- By ensuring adherence to legislative requirements.

Community Capacity Building

Advocacy and Leadership

- By maintaining an understanding of issues of local importance, Latrobe City will provide leadership in addressing such issues. Where appropriate, the City will advocate on behalf of the community and will ensure that the community is represented.

Partnerships and Inclusiveness

- By encouraging a diversity of social, cultural and community activities that promote inclusiveness and connectiveness.

5.0 CONSULTATION

In the period since 2003, and in the preparation of this report, general and targeted consultation has taken place with the following stakeholders:

- Councillors
- Council Planning Staff
- Council Environmental Staff
- Council Management
- Council Officers
- Agencies
- Stakeholders (local developers and consultants)

The completed meeting schedule for the Planning Scheme consultation as part of this review report was as follows:

DATE	MEETING DETAILS	TIME	VENUE
Thu 31 Jan 08	All day workshop with Strategic Planning & Statutory Planning	10am – 5pm	Function Room, Traralgon Offices
Fri 1 Feb 08	Workshop with Economic Development & Transit Cities	9am – 11am	Function Room, Traralgon Offices
Fri 1 Feb 08	Workshop with Disability Reference Committee	11.30 am– 12.30pm	Function Room, Traralgon
Fri 1 Feb 08	Consultation with WGCMA	2pm – 4pm	Brataualoong Public Meeting Room, Morwell HQ
Tue 5 Feb 08	Combined Liveability & Sustainability Steering Group Meeting	9am – 11am	Nambur Wariga Meeting Room, Morwell HQ
Tue 5 Feb 08	Workshop with Agencies	2pm – 4pm	Nambur Wariga Meeting Room, Morwell HQ
Tue 5 Feb 08	Workshop with Stakeholders	5.30pm – 7.30pm	Nambur Wariga Meeting Room, Morwell HQ
Wed 6 Feb 08	Executive Team Workshop	12.30pm – 2.30pm	Nambur Wariga Meeting Room, Morwell HQ
Mon 11 Feb 08	Councillors Workshop	5.30pm – 7.30pm	Nambur Wariga Meeting Room, Morwell HQ

Apart from its internal consultation, Council also advised relevant referral and government agencies of the Planning Scheme review. Referral authorities and government agencies were invited to participate in the review phase of the scheme and a letter was forwarded to all agencies in December 2007 noting:

As part of its review process, Council sees the input from relevant stakeholders and agencies as critical. The key elements of Council's planning services that are being reviewed and which Council would appreciate your comments on include:

- *Governance Processes*
- *Application Assessment Processes*
- *Are the existing referral and notice mechanisms appropriate?*
- *Planning Scheme Review Processes especially:*
 - *Does the MSS provide the overall strategic direction that you require?*
 - *Are the local planning policies relevant or are more needed?*
 - *Are the zones and schedules appropriate?*
 - *Are the overlays and schedules appropriate?*

In addition, issues of **Strategic Direction** which Council would appreciate advice from you include:

- *Confirmation that the key issues and influences in the planning scheme are still relevant to you or your organisation.*
- *Identification of new factors which have emerged since the previous review including (but not limited to) Latrobe 2021, Greening Latrobe Strategic Plan, Native Vegetation Framework, Aboriginal Cultural Heritage, Town Structure Plans, Water Management, new suite of Rural Zones, Neighbourhood Character, Melbourne 2030, Medium Density Housing etc.*
- *Where are the pressure points for development or environmental sensitivity and are they adequately addressed in the scheme?*

Council would also appreciate your advice on any further **Strategic Work** undertaken by your organization including identification of:

- *What further work has been done?*
- *Has previously identified work been completed?*
- *Are there any agency issues relating to Section 55 referrals which Council needs to address?*

Community consultation has been on-going since the introduction of the planning scheme on the basis of:

- Formal amendments;
- Specific projects;
- Community response surveys; and
- Public forums.

As noted above there have been a number of amendments to the Latrobe Planning Scheme since 2003 and most of these have required public exhibition. Significant amendments such as Amendment C7 (Rural Residential) and the Advisory Committee for the Traralgon By-Pass have been the subject of considerable community response. Moreover, specific projects such as Transit Cities, Greening Latrobe, Latrobe 2021, the Council Plan and the Town Structure Plans for Churchill, Morwell, Moe and Traralgon have all been the subject of extensive community consultation.

6.0 OUTCOMES OF THE CONSULTATION

6.1 Councillors

An initial discussion on the Planning Scheme review took place with all Councillors of Latrobe City on 11 February 2008. The following items (among others) were discussed:

- The need to align the planning scheme with Latrobe 2021;
- Discussions arising from the 'By-pass' report including its implications for residential land supply in Traralgon;
- Implications for land supply in the four main towns;
- Retention of the 'network city' concept subject to supporting integration while allowing each of the four towns to grow in accordance with its Town Structure Plan;
- The need for further rural living opportunities;
- The future of the Morwell-Traralgon Corridor;
- The future of medium density housing in the four towns and the implications that this will have for the structure plans and land supply;
- The need to address the hills areas including Tyers, Boolara and the timber industry in the Strzelecki's;
- The degree to which the planning scheme values the environment.

As a result of this meeting a Councillor Working Group (of four Councillors) was formed to oversee the preparation of the report. The Working Group met on three occasions during the preparation phase of the report.

6.2 Council Planning Staff

A series of discussions has taken place with staff from the statutory and strategic planning departments of Council. The detailed findings of these discussions are included later in this report at Sections 7 to 12 (inclusive). These discussions looked at:

- The performance of the MSS;
- The performance of the local policies;
- The performance of the zones and schedules; and
- The performance of the overlay and schedules.

6.3 Other Council Input

A series of discussions has taken place during February 2008 with staff from other areas of Council and the following observations were made:

Economic Development/Transit Cities

- Latrobe 2021 is the guiding document but is to be reviewed during 2008/2009.
- It is important to match the themes and objectives in the MSS to 2021 and the Council Plan.
- A critical issue is the residential land supply in the four main towns.
- The MSS is stuck in thinking only about conventional residential or lower density housing (ie 800m²) yet this may be out-of-date thinking.
- The 'network city' concept may also be dated and needs to be revisited.

- Transit Cities is important although the push for higher density apartments may not be so viable (although Traralgon is considered more ready than Moe or Morwell to accommodate it).
- The most recent work in Moe is questioning the principles in Transit Cities that there is demand near the station for residential growth.
- There are demands in the rural areas for larger lots for the 'cottage in the country' but the MSS and Planning Scheme provide little direction on this.
- The Economic Development Strategy calls for the further diversification of the economy with job creation outside of coal (while still supporting coal).
- The Economic Development Strategy identifies jobs in the health, services, logistics, and retail and airport sectors.
- Coal remains very important although it is more than just about power generation.
- In terms of retailing, there is a demand for bulky goods and homemaker centres.
- The Airport is an important economic asset and its Master Plan is under review with some interim planning controls proposed.
- There are pressures on the airport especially as there is a need for more residential land.
- The airport employs about 150 people and includes a major emergency function for Country Fire Authority, Department of Sustainability and Environment etc.
- An airpark is being developed at the airport with 40 lots of which ten are developed already with aviation related businesses.
- The Airport Master Plan shows some residential development within it with hangers attached on large lots of about 0.4ha.
- The airport needs very strong protection in the MSS.
- The Traralgon Racecourse now only holds 3 race meetings a year.
- The Transit Cities Reports were adopted by Council in 2006 and are now being analysed in more detail. The first of these was the Moe Activity Centre which was adopted in October 2007. (Morwell and Traralgon are yet to be commenced).
- There is some residential development potential around water sources especially Lake Narracan and to a lesser extent around the Hazelwood pondage.
- Industrial land is reasonably addressed at present with the Lurgi area having sufficient land although there appears to be a shortage of medium to large warehousing.
- Churchill has significant potential especially with the committed development in commercial and education although there are no complementary infrastructure commitments.
- Health is an important economic driver based around the Latrobe Regional Hospital.

Liveability and Sustainability Steering Committee

- It is important that Latrobe be considered in its regional context and Gippsland Local Government Network work (Gippsland Regional Development Strategy and Gippsland Energy Policy) are relevant.
- The network city concept is dated and while linkages are important and the principles of linking remain sound, the reality is that there are four separate towns. The concept needs to be revisited.
- The MSS needs to address 'affordable housing' and this could be done by strategies seeking variable lot sizes, varied densities and more medium density housing near the town centres.
- There is considerable scope to look at lots in the 500/600m² size so long as they are balanced with greater open space and community facilities. In other words, instead of 800m² lots with token open space, a similar number of smaller lots with much better linkages could be developed such as "The Strand" in Traralgon.

- Suggestions to address this include:
 - Development Plan Overlay to include reference to open space links and community facilities.
 - Development Plan Overlay to include some of the “healthy by design’ principles especially incorporating open space needs into estate planning.
 - Development Contributions Plan Overlay to help fund these and other infrastructure requirements.
 - Development Contributions Plan Overlay as a high priority of Further Strategic Work.
- Some principles are needed for distribution of medium density housing.
- At present medium density housing is going on the large lots in the new estates which prompts community angst while also being well away from services.
- A medium density housing study (or at least some principles in the MSS around where they should and should not be located) is required.
- Council could consider placing covenants on new estates restricting medium density housing.
- Subdivision and housing in the rural areas puts pressure on Council to provide services and there is no direction on this in the MSS.
- A Rural Land Use Strategy is needed with some principles about Council’s attitude to small lots and housing in rural areas.
- Water Sensitive Urban Design is not addressed at all in the planning scheme and it needs to be analysed.
- There is repeatedly conflict between some Rescode standards and some agency requirements such as Country Fire Authority or Waste Management which require larger roads for larger vehicles. Road design needs to take this into account and Council is having to ‘retro fit’ street furniture and traffic devices so as to slow traffic to acceptable levels.

Disability Reference Committee

- The liveability platform in Latrobe 2021 is, in part, reliant on accessible buildings and services yet this gets no mention in the MSS.
- Strategies are needed for ease of access to medium density housing.
- Even detached houses typically do not allow for wheelchair access.
- Council’s community plan already has a position on this (at pages 8 and 12).
- There is a need for a statement in the MSS on support for public building access
- Accessible housing design could be addressed by regulation at the state level or by marketing or incentives at the local level.
- There is a need to look at the planning of new estates (especially footpath widths and crossovers) as typically they are on one side only and are too narrow. In addition, new estates have roads that are too tight for public transport (bus) access thereby making it harder for those with a disability.
- The MSS needs a statement that new estate planning ensure that there is sufficient width of roads and footpaths for public transport and disability access. This could be implemented by a Development Plan Overlay to address road and footpath width.
- Street trading and footpath trading has also become a problem for disability access and some guidance is needed in the MSS although this might be a ‘local law’ issue.
- Access through commercial car parks is also a problem and needs to be addressed.

Environment Officers

- The MSS (and Latrobe 2021) does not fit well with parts of the draft NESS especially in terms of climate change.
- The planning scheme is limited in its use as it is mainly to do with native vegetation removal especially at Clauses 52.17 and 52.18.
- There is some direction from Clause 52.17 which can be applied on a site by site basis.
- Council road crews have some guidelines for clearance based on Clause 52.17.
- The definitions in Clause 52.17 make it hard to determine as elements such as 'clearing to minimum extent necessary' is unclear. Council applies a 3m standard which is a reasonable dimension to get a tractor in. Department of Sustainability and Environment agree that this is reasonable and they have a written policy on this and it is suggested that this become a strategy in the MSS.
- Roadside mapping work has been done (by Biosis) but is outdated.
- There is no need to have a Vegetation Protection Overlay along roadsides as the road crews have clear written guidelines and this also could be included as a strategy in the MSS.
- Timber is an issue especially with applications to remove vegetation so as to access a coupe.
- Direction is needed as to where timber plantations should be developed (even though it is 'as of right' in the Farming Zone.)
- The 'Cores and Links' project affects land along the top of the Strzelecki's which is mainly owned or leased by a plantation company where the state government has offered the owners to buy it back to create a new regional reserve. Council support this initiative and it will be a great tourism and biodiversity asset. This should be promoted in the MSS.
- Gippsland Water has not specified that timber should be restricted in the water supply catchments.
- More environmental overlays are needed in the planning scheme for things like mapping of ecological communities.
- Remnant vegetation is mapped but this is not reflected in the MSS or the planning scheme.
- 'Greening Latrobe' needs MSS support.
- There is a need to include the Strategic Actions in Latrobe 2021 in the MSS.
- Need for greater understanding among planners of native vegetation applications.
- Water Sensitive Urban Design needs to be included in the MSS as a critical issue as there are no guidelines at present.
- The MSS needs to encourage low greenhouse emissions (although the NESS may elaborate further on this).

Executive Consultation

- The 'Network City' concept is perhaps more important now in principle than it ever was.
- Residents live in different 'suburbs' in the one city.
- There needs to be infrastructure commitments to match the strategies for some of the towns to grow (i.e. Churchill).
- The market bias is for Traralgon but if Traralgon is constrained then Churchill and Moe are more likely to grow. Council has received serious enquiries regarding large residential subdivisions in Churchill and Moe.
- Community infrastructure provision has not recognised the 'network city' concept with duplication of most community facilities in the four towns.
- Of all the issues that are well addressed by network city, perhaps it is industrial land supply which is the best.

- The smaller towns do not have the infrastructure to grow but provide a valuable 'support' and lifestyle role for the four major towns. They should be 'contained'.
- It is best to focus new growth in the area where there is the best infrastructure and that is along the corridor between Morwell and Traralgon.
- The town plans in Latrobe 2021 should be brought into the MSS.
- The 'corridor' is to be reviewed as the highest priority but otherwise it should not be included in this MSS.
- The MSS needs to give direction on where medium density housing should go and should provide criteria for decision.
- A Development Plan Overlay or even covenants may then implement this strategic direction.
- There is a need for Development Contributions Plan Overlay.
- Height controls are needed to encourage developers to go up especially for residential and offices in the central areas.
- The issue of what can and cannot be done in the coal buffer area needs to be clarified as does the status of LV 2100.
- An emerging issue is that of plantation timber as opposed to traditional agriculture and it is unclear in which locations (if any) that this needs to be controlled by the planning scheme.
- While agriculture is an important land use in the City, it is not as big an issue as other similar Councils as it is not the sole economic driver with coal, timber, industry being more important.
- There are no moves for the relocation of the airport which is considered to be a key strategic asset.

6.4 Agencies

Council has advised the relevant referral and other government agencies of the Planning Scheme review. As noted, an agency workshop was held at Council on 5 February 2008 and the following issues were discussed:

- The West Gippsland Catchment Management Authority is looking for synergies between the MSS and its Regional Catchment Strategy.
- The Catchment Management Authority identified that one of its main issue is the floodplain and they noted the limitations that this places on further urban development.
- The flooding constraint will mean that there are development pressures on towns like Tyers and Glengarry.
- Flood controls are out of alignment and need to be updated.
- The flood data will form a separate amendment although there is scope to include in the new MSS.
- Typically the Catchment Management Authority will not refer to MSS text and will rely on the overlays.
- There is clearly a need to update the overlay schedules and maps.
- The Catchment Management Authority consider the environment section in the MSS to be 'industry focussed' and it needs reference to natural assets.
- The Catchment Management Authority will want input into the NESS project.
- Other overlays suggested by the Catchment Management Authority as being needed include the Vegetation Protection Overlay.
- The Catchment Management Authority believes that there is an alignment between its work and Latrobe 2021.

- The Regional Catchment Strategy is due for review but is on hold pending release of a white paper on “Land and Biodiversity” (Department of Sustainability and Environment).
- The Catchment Management Authority “Strategic Plan 2007-2012” is a method for implementing the Regional Catchment Strategy.
- The Catchment Management Authority has also suggested changes are required in relation to:
 - Native vegetation (via Environment Significance Overlay and Vegetation Protection Overlay).
 - Water (via Environment Significance Overlay).
 - Flooding (via Floodway Overlay and Land Subject to Inundation Overlay).
 - Soil and Land (create Erosion Management Overlay and Salinity Management Overlay).
 - Climate Change
- Department of Primary Industries want Clause 22.02 updated to reflect the Coal Planning Provisions and when this is finalised they will forward it to Council.
- Department of Primary Industries also wants the coal resource identified and wants guidance on sensitive uses near the coal resource such as hospitals and schools.
- Department of Primary Industries want clear policy direction in the MSS with respect to coal resource development.
- Department of Primary Industries want the remaining unallocated high value coal resources to be protected for future generations.
- Department of Primary Industries want the quantity of coal that exists in the Latrobe Valley acknowledged in the MSS.
- Department of Primary Industries want a clear policy direction to protect land overlying coal resources.
- Department of Primary Industries also want clear direction for buffers between coal resource development and urban settlement.
- Department of Primary Industries believe there needs to be guidance on subdivision on land overlying coal resources.
- Department of Primary Industries believe that the Environment Significance Overlay has not worked adequately.
- Department of Primary Industries believe that the State Resources Overlay is unable to protect resources of state significance from inappropriate development.
- Department of Primary Industries requires certainty that the brown coal resource would not be compromised by residential growth such as included in the proposal at Newborough.
- Heritage Victoria encourages Council to implement the outcomes of various heritage studies dating back to 1992 by introducing the Heritage Overlay over identified properties and by numerous MSS changes.
- Gippsland Water noted that Environment Significance Overlay (ESO2) does not presently cover all Proclaimed Water Catchments and that this will need to be addressed in a subsequent zone/overlay amendment.
- Gippsland Water supports the use of a Development Plan Overlay over undeveloped residential land.
- Gippsland Water also supports the need for an MSS strategy requiring sequential residential development rather than out of sequence development and this needs to be an MSS Strategy.
- Environment Protection Authority wants to ensure that sensitive land uses are displaced properly from activities that are likely to cause amenity impacts.

- Environment Protection Authority notes the encroachment of dwellings into rural areas gives rise to nuisance issues and wants additional objectives in the MSS to ensure consideration of the impacts on the environment such as water, noise and air.
- Environment Protection Authority has also made some specific wording suggestions for various strategies, objectives and policies in the scheme.
- Finally, the Environment Protection Authority wants to ensure that environmental audit overlays are applied appropriately.
- Department of Sustainability and Environment believes the current MSS greatly understates the importance of the natural environment.
- Department of Sustainability and Environment advised that they have completed mapping for ecological communities and threatened species which are yet to be included in the Planning Scheme by way of the Environmental Significance Overlay (ESO). Some other important environmental assets are yet to be mapped.
- Department of Sustainability and Environment receive a number of referrals that they don't want and do not get some referrals that they would like.
- Department of Sustainability and Environment also want to be included in all discussions and consultations regarding Structure Plans as there is a need to ensure that significant biodiversity values are identified.
- Department of Sustainability and Environment support the use of Development Plan Overlays and would like environmental assets to be mapped, identified and protected.
- Department of Sustainability and Environment support the use of voluntary groups to build capacity and skills.
- Department of Sustainability and Environment note the existence of grassy woodland remnants at Latrobe Regional Airport and believe that this must be taken into account in any future development.
- VicRoads advised that as a result of the Traralgon by pass report they are preparing a consequential amendment in accordance with the report recommendations. This amendment is a short term project where the Minister will act as the Planning Authority and will approve it without exhibition.
- VicRoads is beginning its thinking about the duplication of the Princes Hwy between Traralgon and Sale.
- VicRoads also support the use of a Development Plan Overlay and Development Contribution Plan Overlay for undeveloped land as it avoids incremental responses. They want Development Plan Overlays applied to industrial land as well as residential land.
- Department of Planning and Community Development suggested that the MSS amendment may need some changes to overlays especially if any of the local policies at Clause 22 are affected (as they relate to coal).
- Department of Planning and Community Development also suggested that Aboriginal Affairs Victoria be consulted with and at the very least a contemporary Aboriginal Cultural Heritage position is needed in the MSS.

Possible items of further strategic work identified by agencies included:

- Carbon trading implications including the potential for increased forestry activity or biodiversity plantings.
- The need to review rezonings from Farming to Rural Conservation on the basis of conservation covenants is evidently not working as the rate rebate for the Farming Zone (40%) no longer applies meaning there is no incentive to rezone.
- Water Sensitive Urban Design is not being done within Council especially in relation to stormwater management.

- Environmental assets to be mapped, identified and protected including Gippsland plains grasslands, Strzelecki gum, and some erosion prone areas.
- Preparation of referral agreements between Council and relevant agencies to reduce the number of referrals.

6.5 Stakeholders – agents, developers, consultants.

Council also advised relevant stakeholders of the Planning Scheme review and as noted a stakeholder workshop was also held at Council on 5 February 2008 at which the following issues were discussed:

- The strategic direction in the MSS is sound.
- The MSS is well written and balances social, environment and economic objectives.
- However the MSS is lengthy and repetitive.
- A tightening of the MSS to provide a more concise document is required.
- The coal resources issue needs to be updated to reflect Latrobe 2021.
- The Traralgon By pass alignment needs to be identified in the MSS.
- Structure Plans for the four main towns are required.
- A local policy is required for applications for houses and subdivision in the Farming zone.
- The current flooding controls and maps are outdated.
- The Transit Cities report needs greater reference.
- There are demands for one and five acre sized lots north of Traralgon especially on existing hobby farms with no sewerage.
- Rural Living Zone and Low Density Residential Zone are well provided for but it is nearly all developed and so there is a need to revisit this issue.
- The MSS needs to provide direction on rural living and rural land use.
- The Farming Zone is applied in a strict sense with no local direction in the scheme.
- The clear market preference is for more residential land in Traralgon yet the planning scheme does not provide a sufficient land supply there.
- Higher density (housing and office) needs to be actively encouraged in Traralgon to meet demands.
- The ‘Networked City’ concept is not the practical reality and it has not worked.
- The market has expressed a clear preference for Traralgon for residential, commercial and retail.
- There is the potential to have a ‘linked city’ rather than a ‘networked city’ especially as all the existing infrastructure is along this corridor. The reality is that this ‘linkage’ is more likely to be between Morwell and Traralgon rather than between Moe and Traralgon.
- While it is noted that there are adopted Town Structure Plans for the centres, these are not all based on a thorough infrastructure analysis and so some of the recommendations are questioned. For example, some areas recommended for industrial development are flood prone.
- In addition, the Traralgon Structure Plan is not really visionary as it is happening anyway. It is what happens beyond Traralgon (ie the corridor) that is important.
- The boom in Traralgon is not reflected in any of the planning for Latrobe as it is the fastest growing regional centre in the state with an inter censal growth of 7.6%.
- The location of the airport compromises the linkage from Morwell to Traralgon along the north side.
- The by pass decision compromises the linkage on the south side.
- Parts of Morwell are difficult to develop because of a lack of infrastructure especially to the north west.

- The growth of the towns suffers from the Department of Primary Industries attitude that 'coal is king' and that they use the two overlays in the planning scheme (Environment Significance Overlay and State Resources Overlay) to inhibit growth and development.
- There needs to be a map in the MSS which categorises the coal resource.
- There is potential for Moe to grow to the north in the vicinity of Lake Narracan.
- Both Boolara and Yinnar are attractive lifestyle choices but their growth potential is inhibited by a lack of infrastructure.
- Glengarry, Tyers and Toongabbie are serving support roles.
- The decision in the second Traralgon By Pass report means that alternative locations for residential development and land supply will be needed.
- There is a need for a fresh approach to the planning of a strategic vision for the corridor.

Possible items of further strategic work identified by stakeholders included:

- A review of the Morwell Traralgon Corridor Structure Plan.
- Provision of a rail crossing at Alexanders Road.
- Rezoning of land affected by the Morwell River Diversion.
- Investigation of further rural residential opportunities north east of Traralgon.
- A Low Density Residential Land Strategy.
- Urban Design Guidelines for the four largest towns.

7.0 THE EFFECTIVENESS OF THE MSS

7.1 Structure

This section provides a discussion of the structure of the MSS, particularly in terms of its clarity and usability.

The DPCD practice note, "Format of Municipal Strategic Statements" provides a set of headings that reflects the strategic planning process used in developing an MSS. Although the use of the format is not mandatory, it has benefits in terms of consistency with the State Planning Policy Framework and ease of use and reference.

The following table highlights the key headings proposed in the Practice Note format together with those used in the Latrobe MSS.

Practice Note Format	Latrobe Format
21.01 Municipal Profile	21.01 Municipal Profile
21.02 Key Influences	21.02 Key Influences
21.03 Vision – Strategic Framework	21.03 Vision and Strategic Framework Plan
21.04 Objectives – Strategies – Implementation	21.04 Objectives, Strategy and Implementation
<i>21.04-1 Settlement</i>	<i>21.04-1 Settlement and urban form</i>
<i>21.04-2 Environment</i>	<i>21.04-2 Environment</i>
<i>21.04-3 Housing</i>	<i>21.04-3 Heritage</i>
<i>21.04-4 Economic Development</i>	<i>21.04-4 Housing</i> <i>21.04-5 Economic Development</i> <i>21.04-6 Retail</i> <i>21.04-7 Industry</i> <i>21.04-8 Tourism</i> <i>21.04-9 Infrastructure</i>
<i>21.04-5 Infrastructure</i>	21.05 Monitoring and Review
<i>21.04-6 Particular Use and Development</i>	
21.05 Monitoring and Review	

There are significant variations in the approaches that were adopted by Councils when preparing their new format planning schemes, reflecting the uncertainty about how to best accommodate the changes required by the planning reform process. One of the characteristics of many schemes, however, was the inclusion of a lot of background information that has proved to be of little assistance in the administration of the schemes. Many of the planning scheme reviews that have, or are being undertaken, have focussed on reducing the level of unnecessary and irrelevant information, thereby improving the clarity and usability of the schemes. This is also a key outcome of the 'Making local policy stronger' report.

The following sections provide a discussion of each of the clauses in the Latrobe MSS, and where appropriate, provide recommendations about how their focus and content can be improved. This material should be considered in light of both the recommended structural changes discussed earlier and the intended functions of the various sections included in the Practice note format.

These are as follows.

Municipal Profile

This should briefly cover the key characteristics of the municipality and its regional context.

Key Influences

The key influences on the future of the municipality should be identified, including opportunities and advantages, as well as specific problems and constraints to be overcome.

The Vision

The vision is a description of the main features influencing the future of the municipality, taking into account the State and local strategic directions and key influences. The vision should include a strategic framework plan, which reflects the vision, so that the links between the planning scheme maps and the objectives and strategies expressed verbally in the MSS are clear.

Objectives – Strategies - Implementation

The objectives, strategies and means of implementation should be grouped in an ordered and logical framework so that subjects can be readily identified. It is useful if each group includes a brief overview of the key issues drawn from earlier sections of the MSS. It is important that this section clearly sets out how strategies flow from the objectives and how implementation of the strategies will be achieved.

The format of the Latrobe MSS loosely mirrors that of the Practice Note, with the exception that Clause 21.04 includes specific headings for “retail, industry, heritage and tourism”. Many rural and regional Councils have consolidated “settlement” and “housing” into the one section and there is scope to adopt this approach here.

The issue of the structure and usability of the MSS was not addressed in the 2003 Report. Typically, other reviews around the state have found the MSS could be restructured to present a more “user-friendly” document. In particular, rationalising the various themes into their State Planning Policy Framework headings has been suggested to improve clarity and to assist in understanding the subsequent linkages. It is noted that one of the key recommendations of “Making Local Policy Stronger” is to streamline (and combine) MSS’s and local policies.

A recurrent issue during consultation was with the difficulty in navigating the MSS. It is over 60 pages long and (quite apart from its dated content) it is an awkward document to use.

7.2 Content

This section provides a discussion of the content of the MSS, principally arising from discussions with planning staff.

Clause 21.01 Municipal Profile

This section provides a very detailed and unnecessarily long overview of the municipality. The clause badly needs to be updated as part of the review as it references data dating back to the mid 1990’s. Consultation suggests that the clause is of little relevance and is set at a point in time which no longer has a bearing on planning for Latrobe. It is repetitive of later sections (especially Clause 21.02) and it has little strength. While aspects of it are used from time to time in Council reports, the clause has little strength and is a mixture of a story (heritage) and some objectives

(environment) with some useful discussion on urban settlement and housing but nothing on recurrent issues such as agriculture meaning that there is no strength in this issue later on in the MSS. Overall, the clause provides little guidance and is of limited use.

Clause 21.02 Key Influences

This section is very repetitive of the profile and is similarly dated. While small elements of it are evidently used, overall it has very limited application. Obvious key influences such as environment, heritage, rural character and stone resources are not even mentioned in this clause despite them being addressed later on by zone and overlay controls. More recent influences such as wildfire management and biodiversity also need referencing. As well as needing to be updated, there is probably some scope to expand the coverage of issues to ensure that there is a clear basis for all of the subsequent “strategies” and “policies”.

Clause 21.03 Vision Strategic Framework

This Clause includes the Strategic Vision and the Strategic Framework Plan, and includes references to the Corporate Plan. The “Vision” is drawn from the *Latrobe Strategy Plan* which was adopted in 1997 and is a document which has clearly been overtaken by **Latrobe 2021**.

In relation to the Corporate Plan, Section 12A of the Planning and Environment Act, 1987 requires that the MSS be consistent with the Corporate Plan but does not require that it be detailed in the MSS. Nevertheless, it is appropriate that a brief overview of the key elements be included in the MSS, particularly those that provide the land use “Vision”.

The Strategic Framework Plan provides a useful overview of the key land use themes in Latrobe. As well as updating the plan where necessary, there is also scope to improve its legibility. The reproduction of the plan is poor and many elements of it are difficult to read. In reviewing the Strategic Framework Plan, the following observations may be of assistance:

- There are no preferred locations for rural residential.
- The small towns do not even exist on this plan.
- The plans do not show all environmental assets such as the Strzelecki’s.
- **Where possible, areas being referred to should be clearly identified. As a general observation, the use of arrows may confuse the reader as to whether the issue is localised or more general.**
- **A useful addition would be to include references to relevant strategies and policies that are to be found elsewhere in the MSS. For example, the identification of the various towns could also include a reference to the relevant strategy in 21.04. Thematic references such as those to “agriculture” and “heritage” could have references to the relevant strategies and policies.**

Clause 21.03 then switches from a ‘vision’ into providing detailed strategies for (among other themes) settlement, environment, community development and economic development before introducing a ‘foundation’ strategy in the form of the ‘networked city concept’ which discusses the four main towns in the City as well as the corridors between them and the activity centres within them. The clause then ends by discussing (yet again) ‘coal resources’.

While this clause provides a useful overview of the key land use themes and strategies in Latrobe it is awkwardly placed in the vision section and needs to be redistributed into Clause 21.04.

Clause 21.04 Objectives – Strategies - Implementation

This Clause covers 32 specific land use issues (called ‘elements’) under nine broad topics over 37 pages. There is a common format for most (but not all) of these sections and the following comments on “content” apply to all of them in varying degrees.

The ‘Settlement’ section is considered by staff to be ‘all over the place’ and can be used however you like to support any argument. There is some strong direction on the network city yet Council has adopted positions contrary to this. Similarly, there are strong positions on containment yet Council has adopted positions contrary to this.

Important recent outcomes such as the comments on the ‘network city’ by the Traralgon By-Pass Advisory Committee need to be considered. Elsewhere in this section the discussion is mainly focussed on conventional residential growth on lots of 800m² without much regard to medium density housing. The ‘environment’ section (including waterways, water supply catchment areas and wastewater management plans) has very limited coverage while ‘heritage’ is particularly limited. Other aspects of these elements are simply wrong – for instance the flora and fauna issue is said to be included in an Environment Significance Overlay however such an overlay schedule doesn’t exist (see pg 11 of 38).

Finally, some of the headings in this clause do not have any overview meaning there is little or no context for the discussion. Elsewhere, emerging issues such as liquor licensing are not mentioned. Staff advise that because this clause and the whole MSS “is all over the place” most decisions are based on the zones (and to a lesser extent) overlays rather than on policy and strategy.

Clause 21.05 Monitoring and Review

The development and implementation of monitoring and review processes have been particularly problematic elements of the planning reform process. Councils have adopted many different approaches and have applied varying levels of detail. Evidently, the Latrobe review section has never been used and it is understood that Department of Planning and Community Development has now dropped this as a requirement of the MSS preferring to leave it to the formal four year planning scheme review cycle.

It is also notable that the MSS doesn’t include a Clause listing Reference Documents or include relevant references in association with the various strategies. Although this is not provided for in the Practice Note Format, many Councils have included a consolidated list of Reference Documents in their MSS’s. Alternatively, some have included references to these documents within the body of the MSS and in association with the discussion of the relevant issue. Either approach can be adopted.

While the structure and format of the MSS is a problem, the content is the biggest issue as it is tired, dated and needs to be brought up to reflect current issues. In other words, even if Council repositioned the current material into a better format it would still not be a relevant and contemporary strategic document.

On balance, it is considered that the current MSS contains some information that is merely descriptive in nature and which does not assist in decision making. Importantly, the removal of much of this descriptive content would not jeopardise the operation of the scheme. A tighter MSS that clearly articulated the goals and objectives of recently adopted strategic work could then be developed generally in accordance with the recommendations of the Ministerial report on 'Making Local Policy Stronger'.

As an overall commentary on Clause 21, it suffers from the same problems of many 'first version' planning schemes in that it probably tries to do too much and, as a consequence, some of the key land use directions are lost under layers of other material.

Recommendation:

That Clause 21 be edited to align with Latrobe 2021.

8.0 HOW THE MSS IMPLEMENTS STATE PLANNING POLICY

The new format Panel in 1999 that considered Latrobe's new MSS did not make a specific observation about the consistency of the exhibited scheme with the State Planning Policy Framework. However, their general comment that *"..the scheme is generally consistent with the Victoria Planning Provisions ...and follows the Ministerial Direction on the format and content of planning schemes..."* (pg 20) indicates that there is a level of consistency with state level policies sufficient for the new scheme to have been approved.

The following relevant features of the State Planning Policy Framework (SPPF) are apparent in Latrobe:

- **Clause 11.01** sets out the State government expectations that planning and responsible authorities will plan for the broad interests of the community and will endeavour to integrate the range of policies relevant to the issues and that they will balance conflicting objectives in favour of sustainable development and net community benefit.
- **Clause 11.03** addresses the 'principles of land use and development planning' that further the objectives of planning in Victoria covering settlement, environment, management of resources, infrastructure, economic well-being, social needs, and regional co-operation.
- **Clause 12** addresses metropolitan development and contains strategies relating to (among many other things) urban growth boundaries, networks with regional cities and rural residential development.
- **Clause 14.01** deals with 'Settlement' and it seeks to ensure that a sufficient supply of land is available for residential, commercial, industrial, institutional and public uses and to facilitate the orderly development of urban areas. Planning authorities are expected to plan to accommodate population growth over at least a 10 year period taking into account opportunities for intensification in existing urban areas and the limitations of land capability, natural hazards, environmental quality and infrastructure costs.
- **Clause 15.01** addresses 'Protection of catchments, waterways and groundwater' and it seeks to retain natural drainage corridors with vegetated buffer zones at least 30m wide along waterways as well as the preservation of floodplains and wetlands.
- **Clause 15.02** addresses 'Floodplain management' it seeks to protect the flood storage function of waterways and protect life and property from flood hazards.
- **Clause 15.06** addresses 'Contaminated land' and requires the identification of such land on the planning scheme to ensure that it is suitable for its intended use.
- **Clause 15.09** deals with 'Conservation of native flora and fauna' and seeks to assist in the protection and conservation of biodiversity, including the retention and provision of habitats for native flora and fauna and the control of pest species.
- **Clause 15.10** addresses 'Open space' and it requires Council to plan for regional open space networks to be used for recreation and the conservation of natural and cultural environments.
- **Clause 15.11** addresses 'Heritage' it seeks to assist in the conservation of places of special natural, environmental, aesthetic, cultural, historic or scientific significance.
- **Clause 15.12** addresses 'Energy efficiency' it seeks to encourage development that is energy efficient and minimises greenhouse gases.
- **Clause 16.01** deals with 'Residential development for single dwellings' and it encourages subdivision in locations that are well-located in relation to physical and community infrastructure, residential development that is cost-effective in infrastructure provision and the promotion of urban consolidation.

- **Clause 16.02** addresses 'Medium density housing' and it encourages the development of such densities which improve housing choice and respect neighbourhood character.
- **Clause 16.03** addresses 'Rural living and rural residential development' and it has as its objective to identify land suitable for rural living and rural residential development.
- **Clause 17.01** addresses 'Activity Centres' and it seeks to concentrate major commercial and retail activity into nominated centres.
- **Clause 17.03** addresses 'Industry' and it seeks to ensure the availability of land for industry, research and development.
- **Clause 17.05** addresses 'Agriculture' and it seeks to ensure that the state's agricultural base is protected from the unplanned loss of productive agricultural land.
- **Clause 17.07** addresses 'Forestry and timber production' and it seeks to facilitate the establishment of plantations in accordance with state and national policy.
- **Clause 17.08** addresses 'Mineral resources' and it is particularly relevant to Latrobe as it seeks to protect identified mineral resources including the protection of the brown coal resource in Central Gippsland.
- **Clause 17.09** addresses 'Extractive industry' and it seeks to identify and protect stone resources.
- **Clause 18** addresses 'Infrastructure' and it has objectives and strategies for the planning and management of a range of infrastructure facilities and services including highways, railways, airfields, development contributions, car parking, water supply, sewerage and drainage.
- **Clause 19** addresses 'Particular Use and Development' and it has relevant objectives and strategies for (among other things) urban design and built form.

On review it is apparent that in the existing Latrobe MSS there is a very strong correlation between state and local issues such as town growth (Clause 14.01), rural living (Clause 16.03) and coal resources (Clause 17.08) although there is a less obvious connection with some of the state environmental strategies and policies at Clause 15 and with some of the settlement objectives such as medium density housing at Clause 16.02.

As commented on in Section 7.0 of this report, one way of improving the clarity and consistency between the state and local sections could be achieved by modifying the ordering and headings in the revised MSS using the key themes in the State Planning Policy Framework of:

- Environment,
- Settlement,
- Housing,
- Infrastructure and
- Economic Development

thereby making it a more transparent implementation of the State Planning Policy Framework and being consistent with *'Making Local Policy Stronger'*. Another option is to make the modified MSS a more obvious 'draw down' on the themes in Latrobe 2021.

9.0 THE EFFECTIVENESS OF THE LOCAL POLICIES

9.1 Existing Local Policies

There are seven local planning policies at Clause 22 of the current Latrobe Planning Scheme being:

- Clause 22.01 – Coal Resources Policy
- Clause 22.02 – Coal Buffers Policy
- Clause 22.03 – Car Parking Policy
- Clause 22.04 – Latrobe Airport and Environs
- Clause 22.05 – Protection of Stone Resources
- Clause 22.06 – Urban Residential Land Policy
- Clause 22.07 – Mixed Use – Argyle Street

The following is a brief commentary on each of them.

Clause 22.01 Coal Resources Policy and Clause 22.02 Coal Buffers Policy

Comment:

These two policies were applied at the time of the introduction of the new scheme and were included at the direction of Department of Primary Industries and Department of Sustainability and Environment. Staff consultations identified repetition between these policies and other aspects of the scheme including the State Planning Policy Framework, the MSS, the zones and overlays. Staff suggest that the main use of the policies has been in informing the actual location of the main statutory outcomes of 'coal' in the scheme being the Special Use Zone, the Environment Significance Overlay and the State Resources Overlay. The local policies are not really used as there are already multiple triggers in the scheme for the issues raised in the policies. They are a good example of a 'belts and braces' approach to many new format planning schemes. There was general agreement that the outcomes of the Department of Primary Industries Coal Provisions Review will mean that both of these policies can be either rewritten or deleted.

The two policies will need to be retained in the short term but can be merged and included in the MSS.

Clause 22.03 Car Parking Policy

Comment:

This policy has had a 'mixed' response from within Council and the development community. On the one hand it was agreed that it is clearer and easier to use than the Table at Clause 52.06 and reflects local conditions. On the other hand, some of its particular requirements are problematic especially the 'shop' requirement which is just 2 spaces per 100m² which is considerably less than other like Councils apply. The 'cash in lieu' requirements are also considered to be toothless. The state government review of car parking may overtake a more detailed review of this clause. The parking precinct plan at Clause 52.06 is another option.

The policy will also need to be retained in the short term but can be absorbed into the MSS.

Clause 22.04 Latrobe Regional Airport and Environs Policy

Comment:

This policy serves little useful purpose on its own although it is acknowledged that it is an important land use issue that should be absorbed into MSS with reference to the Master Plan 2005. Once that is done, the policy can be deleted.

The policy will also need to be absorbed into the MSS.

Clause 22.05 Protection of Stone Resources Policy**Comment:**

There is clearly a need for some form of 'statement' on this important issue although the policy itself doesn't add much to the provisions of Clause 52.09 which addresses 'extractive industry and search for stone'. It is suggested that relevant extracts of the policy basis (especially reference to the 1999 Latrobe Supply Area report) be included in the MSS (within Economic Development) and that it be accompanied by the map from that report.

The policy will need to be retained and absorbed into the MSS accompanied by the 1999 Latrobe Supply Area map.

Clause 22.06 Urban Residential Land Supply Policy**Comment:**

This is a repeat of much of the detail which is already included at Clause 21.04. Furthermore, much of it reads as if it were a schedule to the Development Plan Overlay and so some of it can be removed on the basis of it being repetitive. Evidently the policy derives from an earlier panel report in about 2003.

Part of the policy will need to be absorbed into the MSS with the other part forming the basis of a schedule to the Development Plan Overlay.

Clause 22.07 Mixed Use Policy – Argyle Street, Traralgon**Comment:**

This is a site specific policy designed to address a proposed building. The policy has been overtaken by events including the development of the site and therefore the policy is no longer needed.

The policy can be deleted so long as it is adequately addressed by the zone and overlay regime for the site.

Based on an analysis of these policies, the existing local policies fall into one of three categories.

- **Some are clearly local policy and should be retained (albeit edited) or absorbed into the MSS (clause 22.03).**
- **Some deal (in part) with strategy and should be included in the MSS (clauses 22.01, 22.02, 22.04, 22.05, 22.06).**
- **Some should be reflected in an overlay (Clause 22.06).**
- **The rest are no longer needed so long as they are dealt with by the zone and overlay (Clause 22.07).**

As an overall comment in relation to Clause 22, it is apparent that many of the existing policies (indeed most of the local policies) in the scheme may be able to be deleted in the review phase and can be redistributed back into the MSS. Once again, any re-write or restructure of Clause 22 would need to be mindful of the recommendations of the Ministerial report on 'Making Local Policy Stronger'

9.2 Potential Local Policies

Discussions have also taken place with staff and others about candidate themes for new 'local policies'. The recurrent issues which have emerged which should be considered by Council in their review phase for inclusion in the scheme are:

- Heritage
- Houses in rural zone
- Subdivision in rural zone
- Plantation forestry balancing agriculture and the economy; with environment and lifestyle
- Justification for niche farming and the use of the Rural Activity Zone.
- Non residential uses in residential zone
- Advertising signs
- Native vegetation
- Development Contributions Plan
- Liquor licensing
- Animal boarding and animal keeping (ie greyhounds)
- Street trading
- Footpaths
- Smoking outside buildings

Council officers have also suggested that other near completed work (NESS, etc) could be included in a local policy. It is strongly suggested that all such elements need to be fundamentally reflected in the restructured MSS (at Clause 21) rather than in a local policy (at Clause 22).

Recommendation:

- *That all Local Policies be reviewed to ascertain whether they are achieving their intended purpose; are consistent with the Practice Note on Local Policy; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*
- *That consideration be given to developing a position to address recurrent or emerging issues in the planning scheme.*
- *That Clause 22 be edited and merged with Clause 21.*

10.0 THE EFFECTIVENESS OF THE ZONES AND SCHEDULES

There are a total of 20 zones in the Latrobe Planning Scheme as follows:

- Residential 1
- Low Density Residential
- Mixed Use
- Township
- Industrial 1
- Industrial 2 (no schedule)
- Industrial 3
- Business 1
- Business 2
- Business 4
- Business 5 (no schedule)
- Rural Living
- Rural Conservation
- Farming
- Public Use
- Public Park and Recreation
- Public Conservation and Resource
- Road
- Special Use
- Urban Floodway

All of these zones have attached schedules which vary in complexity from the standard “default” schedules in the Residential, Township and Business 2 zones (“none specified”); to modified schedules in the Mixed Use, Industrial 1, Industrial 3 and Business 4 zones which indicate retail floor area limits for specific sites in the city. Notably, one schedule, the Business 1 zone, for a site in Morwell does not identify any floor space areas as required. There are also specifically tailored schedules for the Special Use zone dealing with Brown Coal, the Urban Gateway into Traralgon, the Gippsland Heritage Park in Moe, the Victor Street Exchange in Morwell, the Morwell River Diversion, Extractive Industry and the Latrobe Airport.

Feedback from officers, community representatives, agencies and stakeholders has revealed that while the zone selection remains generally appropriate, the zone schedules typically need review. In addition, there may be a need to select some **new zones** to implement further strategic work commissioned by Council. This will be increasingly evident if the three new residential zones are introduced.

Issues to emerge from consultation regarding the zones and alternative zone options include:

Residential Suite

- Potential for greater use of the Mixed Use Zone as per Amendment C54 in Traralgon (from Public Use Zone to Business 2 Zone).
- Need to look at further use of the Township Zone especially at Traralgon South.
- Need to look to the Residential 2 Zone to implement Transit Cities reports.
- Limited use of Low Density Residential Zone with the potential for greater use over parts of the Rural Living Zone (including at Churchill).

- Mixed use zone could be applied to some major redevelopment sites other than on the north side of old Princes Hwy in Morwell (C33)
- The schedule to the Mixed Use Zone prohibits shop, office or trade supplies on the former depot site south of Shakespeare St Traralgon which raises doubts as to whether this is the right zone.
- Township Zone should be informed by the small towns study and by lack of availability of infrastructure.
- Small towns all need zoning review with examples (Yinnar) of both the Residential 1 Zone and Township Zone.

Industrial Suite

- The Industrial 1 and 3 zone schedule provisions are curious as they (for instance) require at least a 7000m² outlet and if this is not achieved then they are prohibited (ie 'None specified' is required to be inserted).

Business Suite

- The Business 1 Zone has an insertion for 311-327 Princes Drive (top pub) and it has no inclusion within it which needs to be rectified. (ie 'None specified')
- Business 2 Zone could be applied to land in Grey St Traralgon for the office sector.
- Business 4 Zone is on land in Argyle St Traralgon (Hwy) going east and west of Mid Valley and Moe on some vacant land.

Rural Suite

- Rural Living Zone 1 has a schedule but it does not exist on the planning scheme maps. As it is the same minimum lot size as the Low Density Residential Zone it can be removed.
- The minimum lot sizes in the Rural Living Zone reflect what is there on the ground.
- The Catchment Management Authority may want earthworks controls in the rural zones.
- Need to insert exemptions for minimum area for which no permit is required for alterations in the schedule to the Farming Zone.
- Need to consider setback exemptions or requirements in the schedule to the Farming Zone.
- Need to consider rezoning some Rural Living Zone to Low Density Residential Zone.
- Need to consider applying the Rural Conservation Zone especially arising from the NESS study.
- A Rural Living Zone review is needed given the 'conservation values' of the zone which refer to rural living development.
- Some Rural Living Zone could go to the Rural Conservation Zone and some Farming Zone could also go to the Rural Conservation Zone.
- 40ha is the default in the Farming Zone other than a site specific for 8ha and this may need review.
- There is an issue with the trigger for a permit for buildings and works within 100m of a road whereas VicRoads only want referral if within 50m.
- A review of the provisions in the schedule is also needed for 100m minimum setback for dwellings not in same ownership; and for permit for extensions under minimum lot sizes to the Farming Zone.

Public Use Suite

- Public Use Zone – Traralgon Civic Precinct – (Am C28) this is in Clause 81 – July 2004
- Some Public Conservation and Resource Zone is in private ownership and this needs to be rectified (ie bordering Traralgon Creek)

Special Use Suite

- Special Use Zone (Schedule 1 – Brown Coal) is a state zone that cannot be tampered with and needs to be evaluated in the light of the bypass report and LV 2100.
- At the moment ALL applications in Special Use Zone 1 are referred and this could be refined. Other than this, the zone schedule is dependent on the outcomes of the Coal Provisions Review.
- Department of Primary Industries is not providing any guidance pending the creation of the Clean Coal Authority.
- Special Use Zone 2 – Urban Gateway is the car yard entrance into Traralgon and this could (should) be in the Business 4 Zone.
- Special Use Zone 3 – Old Gipps town has a table of uses which is quite liberal (retail premises is Section 2) and if it is all on public land then consideration should be given to including it within a Public Use Zone.
- Special Use Zone 4 – Victor Street Exchange affects the Telstra telephone site in Morwell and this could go into Mixed Use Zone.
- Special Use Zone 5 – the Morwell River diversion is now a redundant provision and needs to revert to its 'base' zoning which varies from Farming to Industry and Residential. It is understood however that this cannot be done until Department of Primary Industries is satisfied and it appears reluctant on this. Evidently the zone triggers permits for many unnecessary works (sheds, outbuildings etc) and in the spirit of 'Cutting red tape' and in the absence of any action by the Department there is scope to modify the schedule to include exemptions.
- Special Use Zone 6 – Extractive industry. There have been no issues with this zone and no planning applications have been lodged. It is unclear if it overlaps the Clause 52.09 provisions.
- Special Use Zone 7 – Airport is an old zone that was refitted in 1999 when the new scheme was introduced. A planning permit is triggered under the zone for most things on the airport site whereas there is scope for exemptions for everything linked to the Master Plan. No mention is made of the Master Plan in the decision guidelines. A Master Plan is being developed and so this zone should be amended at the same time. Native grasses on the land are not addressed well enough and an overlay is needed to address this as well.
- The Urban Floodway Zone is applied in limited areas and the Catchment Management Authority are likely to keep this.

Issues to emerge from the consultation requiring further strategic work include:

- Need for proper retail review.
- Need for Rural Living zone review including small lots in the Farming Zone where they are located near townships and for old crown allotments.
- Need for a planning scheme response on small lots in rural areas.

It is considered appropriate to pursue an amendment which 'tidies up' some of the identified inefficiencies in the zone schedules particularly to advance the recommendations of "Cutting Red Tape"

Recommendation:

- *That all zones and schedules be reviewed to ascertain whether they are achieving their intended purpose; and whether they are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*
- *That an amendment address the shortcomings of the existing zone schedules.*

11.0 THE EFFECTIVENESS OF THE OVERLAYS AND SCHEDULES

There are a total of 10 overlays in the Latrobe Planning Scheme as follows:

- Environmental Significance
- Heritage
- Design and Development
- Land Subject to Inundation
- Wildfire Management
- State Resources
- Public Acquisition
- Airport Environs
- Environmental Audit
- Road Closure

All of these overlays (other than the Wildfire Management, Road Closure and Environmental Audit) have at least one attached schedule which also vary in complexity. A brief overview of the overlays and schedules arising from the consultations include:

Environmental Significance Overlay

This overlay has two schedules being:

- Schedule 1 Urban Buffer
- Schedule 2 Water Catchment

Environmental Significance Overlay (**ESO1**) is a 1km buffer around all coal areas based on the 'Framework for the Future' document. The referral provisions have proved problematic especially for dwellings (caught by the accommodation definition) and it is suggested that the referral exemptions include accommodation (other than dwelling). This ESO may also need wider review based on Coal Review Provisions. The whole schedule needs considerable review (especially for referral exemptions) and there is a need to consult with DPI to discuss the future of this overlay.

Environmental Significance Overlay (**ESO2**) reflects Southern Rural Water catchments (mainly the Mirboo North catchment) as the Billy's Creek catchment no longer has any water taken from it. This map therefore needs to be deleted. Gippsland Water have suggested that there are more water catchments that are not reflected on the maps and further consultation is needed to clarify this. The ESO2 mapping needs review and the schedule also needs to be reviewed so that applications are referred to the relevant water authority in addition to 66.02-6.

Heritage Overlay

The Heritage Overlay has one schedule which lists only 6 heritage places on it which vary from a building to a structure to a park. Four of the six sites are on the Victorian Heritage Register. The schedule will be augmented significantly with up to 300 new sites arising from the Heritage Study. In addition, the inclusion of 'yes' to all prohibited uses needs to be selectively reviewed.

Design and Development Overlay

This overlay has two schedules as follows:

- Schedule 1 Major Pipeline Infrastructure
- Schedule 2 Morwell CAD Western Gateway

Design and Development Overlay (**DDO1**) applies to a major gas pipeline and is about 200 metres wide. The schedule is poorly worded as it suggests that it only applies to swimming pools and fences yet when read in conjunction with Clause 43.02, it is clear that nearly all buildings and works require approval. In addition there needs to be a referral mechanism as at present it is just 'the views of' (Department of Primary Industries). Finally the width of the overlay is much too expansive and needs to be reduced especially as the guidelines relate to consideration of the appropriateness of buildings within only 3 metres of the pipeline.

Design and Development Overlay (**DDO2**) addresses the new Council building in Morwell and may also need review as it is now completed. No direction is provided for any prospective new buildings meaning the land is locked into its present limits. The schedule does not link at all to Clause 43.02. The zone and the overlay all need to be reviewed in light of the completed development.

Land Subject to Inundation Overlay

This overlay has a blank schedule which needs to be informed by work carried out by the West Gippsland Catchment Management Authority including exemptions. The schedule is in the process of being reviewed and rewritten as part of a major flooding Amendment which will also distinguish between the Land Subject to Inundation Overlay and the introduction of the Floodway Overlay. It is apparent that some significant changes to the flood mapping will be proposed and in this context a draft new schedule was prepared in 2006 and has been provided to Council.

Wildfire Management Overlay

The Country Fire Authority introduced this mapping into the scheme (via Am C16) with limited opposition. It is noted that the overlay does not have a local schedule. An agreement is needed with the Country Fire Authority about the extent of referrals.

State Resources Overlay

The overlay covers Area B (30-60 years) and Area C (60 plus years) as identified in "Framework to the Future". The overlay has a detailed schedule (No. 1) addressing the Gippsland Brown Coalfields which was informed by work carried out by the 'Framework' in the 1980s. As with much relating to coal, this overlay awaits the outcome of the Coal Provisions Review. As the overlay is very similar to Environmental Significance Overlay (**ESO1**) (and as the referrals are similar) there is scope to merge them.

Public Acquisition Overlay

This overlay has one schedule with three acquisition authorities identified as follows:

- PAO1 Vic Roads
- PAO2 Latrobe City Council
- PAO3 VicRoads

This schedule has evidently worked well and will be modified on an on-going basis to reflect the acquisition objectives of the authorities. There is clearly scope to rationalise the overlays affecting VicRoads and the land affected by PAO2 has now been acquired and it should be removed from the schedule.

Environmental Audit Overlay

This overlay is not intended to have a schedule but it identifies places requiring environmental audit clearance prior to development for a "sensitive use".

Airport Environs Overlay

The overlay is essentially a 'use' control around the Latrobe Regional Airport and it is to be complemented by a Ministerial amendment (Amendment C57) to introduce interim controls to trigger permit requirements for buildings and works with some exemptions pending an amended Airport Master Plan.

Road Closure Overlay

This overlay applies to areas on the Strzelecki Hwy affected by a closure related to coal.

Overall Comment

Discussions with staff reveal that most of these overlays and their schedules require review and further work including possible deletion, exemptions, map changes and the like.

Notably, some of the overlay schedules do not provide any meaningful exemption provisions (eg Land Subject to Inundation Overlay) meaning that in some cases, all buildings and works require a permit. It is quite possible that unnecessary applications have been triggered by the network with inadequate exemptions. In the context of the recent state initiatives to streamline the planning process and remove unnecessary permits, it appears that Council could minimise applications by including some realistic exemptions.

Having said that, a recurring complaint about the Latrobe Planning Scheme has been its inadequate overlay regime. In this context, issues to emerge from the consultation requiring further strategic work include:

- Erosion Management Overlay for landslip areas in the foothills.
- Vegetation Protection Overlay for biodiversity areas and roadside vegetation and unmade roads including as identified in *Greening Latrobe*.
- Significant Landscape Overlay to protect visual amenity on hillside areas.
- Development Plan Overlay for greenfield residential and for industrial and commercial.
- Development Contribution Plan Overlay is urgently needed especially with the Structure Plans and the release of more land.
- Design and Development Overlay arising from Transit Cities.
- Design and Development Overlay for urban design in industrial areas.
- Design and Development Overlay for urban design along Highway areas.
- Design and Development Overlay for noise along highways.
- Salinity Management Overlay not needed.
- Modified flooding overlays to come.
- Cash in lieu for car parking.
- New proclaimed water catchments needing an Environmental Significance Overlay.

It is also evident that on the basis of further strategic work done by Council and others that further overlays and detailed schedules are likely to be required. In particular, and as a result of strategic work done, there may be a need to include a Development Contributions Plan Overlay for parts of the municipality.

Recommendation:

- *That all overlays and schedules be reviewed to ascertain whether they are achieving their intended purpose; and whether they are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*

12.0 THE EFFECTIVENESS OF SPECIFIC PROVISIONS

There are eight opportunities in Clause 52 of the Latrobe Planning Scheme for Council to specify local variations to the Particular Provisions as follows:

Clause 52.01	Public Open Space Contribution and Car Parking
Clause 52.02	Easements, Restrictions and Reserves
Clause 52.03	Specific Sites and Exclusions
Clause 52.05	Advertising Signs
Clause 52.06	Car Parking
Clause 52.17	Native Vegetation
Clause 52.27	Licensed Premises
Clause 52.28	Gaming

It is noted that Council has not taken the opportunity to include local content in most of these schedules with the term “none specified” being applied.

It would be particularly useful to have a 5% open space requirement specified in the table to Clause 52.01 and this is consistent with the proposed amendment arising from “Healthy by Design”.

The schedule to Clause 52.02 refers to a covenant variation and a covenant easement; while the schedule to Clause 52.03 refers to the Basslink Project and the Regional Fast Rail Project. Clause 52.28-3 identifies six shopping centres where a gaming machine prohibition applies.

In addition to these, the Schedule to Clause 61.03 identifies map references and this will need modification in the event that any consequential zoning and overlay changes are made.

The Schedules to Clauses 66.04 and 66.06 include referral and notice requirements and these too may need modification and updating to reflect other recommendations arising from the review.

Recommendation:

- *That all schedules to the Specific Provisions be reviewed to ascertain whether they are achieving their intended purpose.*

13.0 STATUS OF CURRENT STRATEGIC WORK PROGRAM

This section of the report addresses some of the strategic work program which Council is undertaking. Some of the projects arise from the 1998 Panel report; some arise from the 2003 review report and others have been separately initiated.

13.1 Traralgon By Pass Reports

There have been two reports into the Traralgon By Pass.

The first was by an Advisory Committee which held an Inquiry in 2004 into possible alignments for the Traralgon Bypass. The Committee was established in July 2004 in response to submissions received during the preparation of the Traralgon Bypass Planning Assessment Report by VicRoads. The Planning Assessment identified a number of alternative route alignments for the Bypass, with four options for the section west of Traralgon and four options for the section east of Traralgon.

The 2004 Advisory Committee adopted the 'W4B' alignment for the section west of Traralgon thereby providing the maximum potential for Traralgon's future urban growth to the south-west, in the corridor between Traralgon and Morwell. This was considered important as the urban development potential of Traralgon was already constrained by the Latrobe River floodplain to the north, the Latrobe Regional Airport to the west and extensive coal reserves to the south and east of the town. Rural residential subdivisions to the east and west of the town were also development constraints.

It was acknowledged by the Advisory Committee that the recommended W4B Bypass option potentially sterilised a large area of brown coal resource, but this resource was thought to be uncommitted and of lower quality based on advice the Committee received at the time. The Committee clearly gave priority to the provision of sufficient land for urban development over the securing of the lower quality coal resources.

The findings of the 2004 Inquiry were as follows:

- Option W4B provides a significant opportunity for the future urban growth of Traralgon, and although it potentially sterilises a large area of the brown coal resource, this resource is uncommitted and of lower quality;
- The Bypass should be located on the southern most alignment to provide the maximum scope for Traralgon's future urban growth – subject to resolving the conflicts with coal resource protection and other issues;
- The coal resource is important but it is common ground that there are some 500 years supply within the current coal reserves;
- Option W4B and Option E2D or E3D would pose the least detrimental social impact particularly if the management and mitigation measures are in place.

A recommendation of the Advisory Committee was for Council to prepare a detailed structure plan for the area between the W4B alignment and the existing urban area so that land could be secured for future expansion of Traralgon. Latrobe City Council implemented the recommendation with its Latrobe Structure Plans Project in 2006 which was established for the purpose of providing strategic planning guidance for future development throughout the municipality. As part of this project, structure plans were prepared for Traralgon, Morwell, Moe-Newborough and Churchill and a concept plan was prepared for the Traralgon–Morwell Growth

Corridor. Structure plans for the four main towns and the corridor plan were adopted by Council on 15 October 2007. However the corridor plan was not intended to form part of the subsequent main town structure plan planning scheme amendment.

The second Traralgon By Pass Report (Supplementary Advisory Committee Inquiry) was initiated by the Minister for Planning in October 2006 in order to undertake supplementary investigations into a range of issues associated with the Traralgon Bypass. The inquiry was prompted by a revised position by the Department of Primary Industries in relation to the commercial value and grade of the coal which would have been sterilised by approving WB4. The Inquiry was principally concerned with the sterilisation of brown coal in favour of providing residential land for Traralgon.

The main findings of the Supplementary Advisory Committee were:

- The protection of the coal resource for future extraction and use is the primary planning consideration. Urban development in the area would deliver localised economic benefits as opposed to the State benefits which would result from coal mining.
- There are no pressing exceptional circumstances to warrant the sterilisation of coal to ensure the achievement of other planning objectives.
- In accordance with the networked city concept, it is necessary for Council to consider a range of possible locations for urban development other than Traralgon.

An emphasis was placed on the importance of protecting coal reserves for the future as the primary planning consideration as opposed to ensuring an adequate supply of land for future urban expansion of Traralgon. The following comment was made by the Committee;

In considering these issues the Committee concluded that the protection of coal for future use is the primary planning consideration when seeking to resolve competing land use needs. In forming this view the Committee found that coal areas need not have an immediate or demonstrated probability of use to warrant protection.

The Committee findings in relation to provision of land for urban development were:

- *There is an immediate need for additional vacant residentially zoned land in Traralgon.*
- *There are options available to satisfy short to medium term residential land needs in Traralgon.*
- *The long term urban growth potential of Traralgon is constrained.*
- *There is sufficient existing and potential residential land in Traralgon, Morwell and Moe to satisfy high levels of demand in the short to medium term.*
- *Long term planning for residential growth in the Latrobe Valley needs to support the networked city concept and recognise the significant development potential that exists at Churchill.*
- *Setting aside the issue of coal sterilisation, the Investigation Area is capable of sustaining residential development.*

This report has clear implications for growth in the corridor and for the town boundary around Traralgon. Council has prepared a response to the Advisory Committee report (SGS – March 2008) which includes a prioritised strategic work program.

13.2 Town Structure Plans

Latrobe 2021

Structure Plans (or 'Locality Plans') as they appear in Latrobe 2021 were developed as part of a rolling program dating back to 2002. A number of concerns with the plans were raised by the local communities including excessive town boundaries which were not informed by land supply and demand analyses. The plans were never incorporated into the planning scheme although they have been retained in Latrobe 2021. A review of all of these plans is to be undertaken.

Four Main Towns (Adopted 2007)

As noted above in the context of the two 'By pass' reports, Council adopted new Town Structure Plans for Churchill, Moe, Morwell and Traralgon in October 2007. A Planning scheme amendment is pending to introduce the structure plans for these four main towns (but not the Corridor) based on the adopted work prepared by BECA consultants in 2007. The consultants are preparing the amendment, and an authorisation request of the Minister is pending. These structure plans will supersede the plans contained in Latrobe 2021. It had been anticipated that the amendment would be placed on exhibition (as a separate amendment) by mid year inclusive of MSS text and maps for Moe, Morwell, Traralgon and Churchill. The corridor plan and rezonings would not form part of that amendment. It is expected that when the Structure Plans form part of the Latrobe Planning Scheme, land identified for future rezoning on the Structure Plans will be need to be progressively zoned by Latrobe City Council or landowners/developers. This is expected to take the form of a series of planning scheme amendment across each town.

The outcomes of the Traralgon By Pass Advisory Committee report has significant implications for all of these Structure Plans especially in terms of land availability, development constraints and land supply.

While the Structure Plans are a vast improvement on those currently in the scheme, they will all need urgent review. Nevertheless, in the absence of any clearer direction, it is suggested that all four Town Structure Plans proceed to be included in the MSS as soon as possible with the strong caveat that they be reviewed as the highest priority.

As with the Latrobe 2021 Plans, some reservations have been expressed about some of the detail in the adopted structure plans. For example, the structure plans have been primarily driven by residential housing demand in and around Traralgon. Low Density Residential, Rural Living demand, and industrial and commercial needs have been considered, but further strategic work may be required in the future to fully realise the most suitable long term options for these areas.

The structure plan maps are not suitable for inclusion into the MSS in their current form. The use of coloured shading and formatting makes the maps difficult to read, particularly in black and white. Mapping conventions (i.e. labelling, north points etc) are required to be included in the new MSS maps. The land constraints (flooding and coal) for each town are not shown on the maps.

There are also a number of conflicts evident with future growth areas and existing land constraints on the adopted plans. These generally include areas affected by flooding and coal buffers. The correct location of the Traralgon highway bypass alignment should also be shown on the Morwell and Traralgon structure plans.

The recommendations of the Traralgon Bypass Advisory Committee Report give rise for the need to review the corridor concept plan. This review may require future changes to the existing structure plans, particularly Traralgon and Morwell.

While some of the general observations above may not be able to be addressed in this Planning Scheme Review, many of the detailed conflicts can be addressed in the forthcoming amendment.

13.3 Other Reports

Transit Cities Report (Adopted 2005)

Follow-on reports to the original study are being commissioned and the Activity Centre Plan project in Moe has now been completed and the Traralgon project is underway. The Church St Morwell report has been separately done and completed.

Churchill Town Centre Plan (Adopted 2007)

Amendment documentation for the Town Centre Plan in Churchill is being prepared and is accompanied by MSS changes. In time, the Churchill Town Centre Plan will also include new overlays (including Design and Development Overlays).

Coal Planning Provisions

A review of the current planning provisions has been commissioned by Department of Primary Industries (via SKM Consultants). There is general agreement that the zones and overlays are out of date and that there is a need to rewrite them and then establish where the new controls are to go. Draft report has been prepared by SKM.

LV 2100

This is a Department of Primary Industries document which looked at the coal supplies in Latrobe Valley. The document was criticised by the By-pass panel and was considered to be only a background document by the Panel and by Council who do not recognise it as a policy document and do not support several of the recommendations.

Natural Environment Sustainability Strategy (NESS) (Draft 2008)

The strategy is in Draft form and subject to its adoption it could be absorbed into the environment section of the MSS.

Small Towns Structure Plans

Plans are being prepared for Glengarry, Tyers and Boolara. The four other small towns will then follow. These plans are being done internally and draft concept plans are being prepared following consultation. The plans are unlikely to be resolved for some time and are therefore unlikely to be included in this MSS.

Heritage Study 2005

Review of 2005 Study will lead to a stand alone amendment for approximately 300 sites. Context Consultants are preparing documentation for the amendment in mid year and it is inclusive of a strong MSS position.

A **Flooding** Amendment is also pending but the mapping data is contingent on a Council decision on mitigation works in Newborough. Exhibition is anticipated in mid to late 2009 and will include new overlay maps and schedules and MSS inclusion.

The **Latrobe Airport Master Plan** was prepared in 2005 and interim planning controls are pending and will be included in Section 52.03 and Clause 81. The interim provisions will require a permit for buildings and works on land affected by the Airport Environs Overlay. This is expected to be a short term Ministerial amendment. The interim arrangements commit Council to a comprehensive review of the Master Plan by December 2009.

13.4 Items of further strategic work identified during consultation include:

Traralgon West Low Density Residential Study to the west of Traralgon with potential for higher densities which may give rise to changes to the adopted structure plan for the town.

Zoning abuttals of Rural Living Zone and the Residential 1 Zone need to be reviewed.

Development Plan Overlays are needed for new growth areas subject to being supported by a Development Contributions Plan.

'Healthy by Design Principles' which is a local variation on State initiatives concerning urban design, walkability etc. There is scope to include these principles in a Development Plan Overlay. BECA consultants are preparing a draft Development Plan Overlay (and MSS insertion) with developer guidelines for Council. It is understood that the amendment is to be held off pending this MSS review. The task covers a review of Clause 22.06 and some MSS inserts. An option is to bring all of this into a Development Plan Overlay and it is understood that the consultants are preparing a draft (similar to Wellington Shire) and is intended to cover 'greenfield' sites. Clearly a strong MSS statement on Healthy by Design principles is required.

Urban Design Guidelines for some 'public realm' issues (street furniture, lighting etc) are being prepared 'in house' by the Infrastructure Unit and this may also give rise to some overlays.

Retail Study Review was prepared for Council by Macroplan in 2007 and is considered to be too general. While it identifies the need for bulky goods centre it does not specify where it should be located. The report also recommended that Industrial demand and location be identified.

Industrial Strategy. State government appointed consultants (Minehart) are doing a state wide land supply analysis and an audit of industrial land which may influence local decisions on zones and overlays.

Highway areas. There is a need for a Design and Development Overlay for coal buffer areas and for noise, and VicRoads suggest that it wants a 150m north south buffer distance along the centre alignment of the new by pass route.

Rural Land Use Review for Gippsland Councils (Maunsell) has identified the significance of agricultural production to Latrobe including the forestry industry. The report provides some guidance on the application of the suite of rural zones to ensure a consistent approach across Gippsland. The report will assist in guiding a rural land use review.

Latrobe Residential and Rural Residential Land Supply and Demand Analysis. This study is about to be commissioned by Council with a time frame of June 2008. The study will effectively be in two stages and will initially include a land supply and demand analysis. After this is done, Council will then begin to investigate locations for future residential zoning based on the supply/demand information.

Car Parking Policy Review. Council has commenced a preliminary review the Council car parking cash in lieu arrangements. However the State Government has appointed an Advisory Committee to review the parking (including cash in lieu) provisions currently contained in the Victorian Planning Provisions. The State Government Report and the associated planning implementation tools are expected to be released around the middle of 2008. The Council review has been placed on hold until the State Government Report has been released.

14.0 THE MAJOR STRATEGIC ISSUES FACING LATROBE

The major strategic issues in Latrobe as identified in the current MSS and local policies are:

- Settlement and urban form
- Environment
- Heritage
- Housing
- Economic Development
- Retail
- Industry
- Tourism
- Infrastructure
- Coal Resources Policy
- Coal Buffers Policy
- Car Parking Policy
- Latrobe Airport and Environs
- Protection of Stone Resources
- Urban Residential Land Policy

Based on the review, and based on the detailed consultations with Councillors, Council staff, agencies, stakeholders and the community have confirmed that while most of these issues remain important strategic priorities, other issues have emerged since the last review including:

- Need to align the scheme with Latrobe 2021
- Need to review Town Structure Plans for the four main towns.
- Future of the network city
- Residential land supply especially in Traralgon
- Medium density housing
- Transit City
- Traralgon by pass
- Environmental sustainability
- Disability access
- Housing diversity and affordability
- Rural living opportunities
- CAD strategies
- Small town growth
- Water sensitive urban design

Recommendation:

That these items be reflected in the new MSS based on Council's adopted positions for each item.

15.0 FURTHER STRATEGIC WORK PROGRAM

A range of strategic issues is typically included in an MSS and many schemes include further strategic work or “supporting actions” at the end of the implementation section. This is a helpful inclusion as it provides the work program for the future arising out of the gaps which have emerged from the full consideration of each issue. It is noteworthy that the Latrobe scheme regularly utilises this opportunity and the use of this section is considered important as it is the rolling strategic work program for the Council. It needs to be consistently applied to all sections of the MSS.

It is considered important that in any rewrite of the scheme, the “Further Strategic Work” Program is reviewed including those elements already included in documents such as the Council Plan.

Major items of Further Strategic Work which have emerged from the consultation and which will need to be considered (in a prioritised sense) include:

High

- Review of Main Town Structure Plans
- Review of Morwell-Traralgon Corridor
- Determine Residential Land Supply and Demand
- Medium Density Housing Strategy
- Traralgon Activity Centre Plan
- Prepare Lake Narracan Structure Development Plan
- Small Town Structure Plans
- Prepare Development Plans
- Prepare Development Contributions Plan

Medium

- Rural Living/Low Density Residential Study
- Flooding amendment
- Investigate environmental overlays
- Heritage Overlays
- Consequential zones and overlays arising from Review Report

Low

- Retail Strategy Review
- Coal Provisions Review (State)
- Revised Airport Master Plan
- Rural Land Use Strategy
- Car Parking Policy Review

16.0 CONCLUSION

The Latrobe Planning Scheme came into operation in 1999. The scheme has now been operating for eight years. Council is required by Section 12(B) of the Planning and Environment Act to regularly review the planning scheme. Council undertook its first review in 2003 and since then officers, stakeholders, the community and Councillors have had the opportunity to further refine and review the scheme.

The content of the current Latrobe MSS has not been modified since its inception and it includes the following provisions:

Clause 21.01 – Municipal Profile

Clause 21.02 – Key Influences

Clause 21.03 – Vision – Strategic Framework.

Clause 21.04 – Objectives and Strategies

- Settlement and urban form
- Environment
- Heritage
- Housing
- Economic Development
- Retail
- Industry
- Tourism
- Infrastructure

Clause 21.05 – Monitoring and Review

The 2003 review was more of a commentary on specific projects than it was a review of whether the broad strategic direction of the MSS remained relevant to the recurrent land use issues that affect the municipality. Based on the consultation and the review, it is clear that the base data is now 'stale' and that there are emerging and unresolved issues for which further analysis is required or for which clearer direction is needed.

In terms of the current review it remains clear that the MSS is structurally poor and is strategically limited on things such as identifying residential development areas in its townships and it is lacking in clear direction on many of the recurrent, day-to-day issues confronting the Council and the community including rural living, medium density housing, the natural environment, the various activity centres, agriculture and some social issues. Council has either commissioned, completed (or is completing) strategic work on some of these issues and such research now needs to be absorbed into the scheme as the highest priority, once it is adopted.

Additionally, in the course of the review it has become apparent that there is no clear link between the MSS (and therefore the whole planning scheme) and the main strategic document within Council being *Latrobe 2021*. This document is the principal corporate road map for Council with its foundation principles of:

- Sustainability
- Liveability
- Governance
- Community Capacity Building

These are supported by town structure plans for all eleven settlements.

None of this is reflected in the current MSS and at the very least, a new MSS is needed which dovetails better with this document. On top of this, the following important and recently adopted strategic work including (but not limited to) now needs to be reflected in the scheme.

- Latrobe Town Structure Plans (albeit in an interim sense)
- Economic Development Strategy
- Activity Centre Plans for Moe and Churchill
- Transit City Reports

Inclusion of this material will provide Council and its community with a contemporary planning document.

In the context of the recommendations of “Making Local Policy Stronger”, it is recommended that Council prepare and exhibit a new streamlined MSS which contains only the most critical land use planning strategies and policies of relevance to Council. This streamlined MSS would then be the ‘template’ for the inclusion of further strategic work once adopted. Beyond this, Council should embark on a zone and overlay amendment to implement the outcomes of the strategic work.

While the review process has identified that the zoning and overlay regime in the Latrobe Planning Scheme needs to be reviewed especially in terms of its selection, these considerations logically will flow from resolution of the strategic directions in the MSS and would need to be part of a more comprehensive amendment. For instance, in the event of a clear strategic position on the Medium Housing Study, zones and overlays can be selected from the new planning scheme menu of modified residential zones to reflect this position.

As a result of the review, the following work program is recommended for Council.

Task	Outputs and Estimated Timeframe
<p>1. Planning Scheme Review Report to be considered by Council and forwarded to the Minister for Planning.</p>	<p>Detailed “stocktake” report to Council which:</p> <ul style="list-style-type: none"> • Identifies the major issues facing the municipality; • Demonstrates how the scheme implements State Policy; • Assesses the strategic performance of the scheme; • Documents the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme; • Articulates the monitoring and review; • Outlines the consultation process and its outcomes; • Makes recommendations arising from the review including possible changes to the strategic objectives of the MSS; possible changes to the implementation tools; matters requiring further strategic work; issues or problems requiring DPCD attention. (April 2008)
<p>2. Thorough edit of existing MSS (Clause 21) to remove uncertainty, repetition, lack of direction and unnecessary length.</p>	<p>Prepare new MSS inclusive of a critical analysis of those parts of the MSS which have not been proved effective and which can be deleted. (June 2008)</p>
<p>3. Edit and review of existing policies as to their effectiveness and consistency with DPCD Practice Note.</p>	<p>Thorough edit of policies inclusive of a critical analysis of those policies which have not been proved effective and which can be deleted or repositioned. (June 2008)</p>
<p>4. Conduct whole of planning scheme review by considering all of the above.</p>	<p>Upon completion of the above tasks prepare draft MSS and identify future work program and review mechanisms. (June 2008)</p>
<p>5. Preparation and exhibition of MSS Amendment</p>	<p>Formal Exhibition (August 2008)</p>
<p>6. Commission other strategic work into MSS as adopted.</p>	<p>Based on Councillor, officer and community use of the scheme, a number of critical “holes” such as medium density housing, rural living opportunities etc have emerged which will require the commissioning of further strategic work. This aspect of the review needs to dovetail with the review of Latrobe 2021.</p>

17.0 RECOMMENDATIONS

This report has summarised the strategic and statutory review of the Latrobe scheme. It is now recommended that Council adopts the report and forwards it to the Minister for Planning.

- That Council adopts the above report as the review required pursuant to Section 12B (1) of the *Planning and Environment Act 1987*.
- That Council forwards the report to the Minister for Planning as required by Section 12B (5) of the *Planning & Environment Act 1987*.
- In terms of **prioritising a work program**, the following specific recommendations are made:

MSS Amendment

- That the MSS be further edited and reformatted to insert completed strategic work so that the clarity and usability of the scheme are improved.
- That Clause 21 be edited and merged with Clause 22.
- That all Local Policies be thoroughly reviewed to ascertain whether they are achieving their intended purpose; are consistent with the Practice Note on Local Policy; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- **That in the short term, an 'MSS' amendment be prepared with a new streamlined MSS based on Latrobe 2021 and supplemented by adopted strategic work.**

Zone and Overlay Amendment(s)

- **That in the medium term, an amendment be prepared to implement zones and overlays (with schedules) arising from the new MSS.**
- That all zones and schedules be reviewed to ascertain whether they are achieving their intended purpose; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- That all overlays and schedules be reviewed to ascertain whether they are achieving their intended purpose; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- That all schedules to the Specific Provisions be reviewed to ascertain whether they are achieving their intended purpose.

**11.3.2 PLANNING PERMIT APPLICATION NO. 2007/360 FOR A 65 LOT
STAGED SUBDIVISION, 17 ST JAMES DRIVE, YINNAR**

This Item was considered earlier in the meeting.

11.3.3 PLANNING PERMIT APPLICATION 2008/036 - USE OF LAND FOR A MEDICAL CENTRE AND DEVELOPMENT OF BUSINESS IDENTIFICATION SIGNAGE, 108 PRINCES STREET, TRARALGON

AUTHOR: General Manager City Marketing & Development
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/036 for the use of land for a Medical Centre and development of business identification signage at 108 Princes Street, Traralgon.

2. POLICY IMPLICATIONS

The provisions of the *Planning and Environment Act 1987* and the Latrobe Planning Scheme apply to this application.

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 - 2011

Strategic Objective - Sustainability

*To promote the responsible and sustainable care of our diverse built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.
To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.*

Strategic Action - Built Environment

By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Other Council Policies

Vehicle Crossings Drainage Tappings Policy

In the urban areas of the Latrobe City the extent of the landowners responsibility will be from the edge of road pavement to road reserve property boundary and is inclusive of any footpaths, infill sections, laybacks, kerbing as specified in Latrobe City's Standard Drawing LCC307.

All Vehicle Crossings shall require Works Permits and must be properly constructed pursuant to Latrobe City Council Local Law No 2.

3. **BACKGROUND**

3.1 **SUMMARY**

Land: 108 Princes Street, Traralgon, known as Lot 2 LP 130221, Parish of Traralgon.
Proponent: Nabil Ameen
C/- JJC Design Pty Ltd.
Zoning: Residential 1 Zone and abuts a Road Zone, Category 1.
Overlay No overlays affect the subject land.

A Planning Permit is required:

- to establish a Section 2 use (Medical Centre) in the Residential 1 Zone in accordance with Clause 32.01-1; and
- to develop business identification signage in the Residential 1 Zone in accordance with Clause 52.05-8.

3.2 **PROPOSAL**

The application is for the use of land for a Medical Centre and for the development of business identification signage.

Lot 2 on Lodged Plan 130221 has legal street frontage to Princes Street on the south. Access to the proposed car parking is to be from Ethel Street on the west. The site currently contains an existing dwelling and ancillary outbuildings, including a carport and bungalow.

The proposed hours of operation for the Medical Centre are 8:30am – 6:30pm Monday to Sunday. There is to be only one practitioner working at the premises on any given day.

Three additional car parking spaces are to be created with a new crossover off Ethel Street. This parking area is proposed to be surfaced and line marked with new concrete kerbing.

The proposed business identification signage is to measure two metres by one metre mounted one metre above ground level on the south west corner of the subject site.

There will be no variation to the easement for way and drainage that is situated at the south western corner of the subject site.

No restrictive covenants, caveats or Section 173 Agreements apply to the subject land.

Surrounding Land Use:

- North: Single dwelling (1 storey) on a lot of approximately 520m².
- South: Road – sealed with kerb and channel (Princes Street – Road Zone, Category 1) and a Railway Reserve.
- East: Single dwelling (1 storey) on a lot of approximately 900m².
- West: Road – sealed with kerb and channel (Ethel Street) and a single dwelling (1 storey) on a lot of approximately 650m².

3.3 HISTORY OF APPLICATION

The application was received on 14 February 2008. The application was amended on 19 February 2008 to include business identification signage. The application was advertised on 28 February 2008 to adjoining property owners and occupiers pursuant to Section 52(1)(a) of the *Planning and Environment Act 1987* (the Act) and a sign on the land pursuant to Section 52(1)(d) of the Act. Notice was also given to VicRoads pursuant to Section 52(1)(d) of the Act.

A submission in the form of an objection was received by Council on 17 March 2008.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 14.01 'Planning for urban settlement' contains the following 'Objectives':

- *'To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses'; and*
- *'To facilitate the orderly development of urban areas.'*

Clause 18.06 'Health facilities' contains the following 'Objective':

- *'To assist the integration of health facilities with local and regional communities.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.03 (Vision – Strategic Framework):

The Latrobe Strategy Plan (Clause 21.03-3) has been prepared under the MSS and sets out a number of 'Strategies' for 'Urban and rural settlement', one of which is to:

- *'Enhance the quality and amenity of the main town centres of Latrobe City and seek to ensure that new business activity is attracted and encouraged to locate in those centres, taking advantage of their accessibility, variety and diversity within the networked city.'*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-1 has a 'Containment' 'Objective' (Element 2) to encourage flexibility for development to occur in each town to accommodate the needs of its local and surrounding population as well as to contribute in a complementary way to the municipal networked city. Strategies to implement this objective include:

- *'Have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development': and*
- *'Have regard to the local structure plans that identify infill opportunities in existing highway commercial and light industrial areas and identify rural and semi-rural activities between towns, for tourism and for protection of key economic infrastructure, such as the airport.'*

Clause 21.04-2 has an 'Urban environments' 'Objective' (Element 7) to encourage a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image of the municipality. A strategy to implement this objective is:

- *'Incorporate urban design guidelines into local development plans and provide for implementation of those guidelines through planning and buildings approval processes.'*

Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

The policy basis and objectives identify the concepts of the MSS as identified above, and has as a 'Policy basis':

- *'Adequate, accessible and functional car parking provision is an integral part of an urban system. Land uses should generally cater for on-site provision of car parking. However, where circumstances arise for facilities to be provided off-site, car parking requirements are often waived and/or covered by cash-in-lieu contribution, orderly and proper provision of car parking is guided by this policy.'*

'Objective':

- *'To provide car parking appropriate to the use of the land and reflecting need and usage.'*

'Policy':

- *'Car parking provisions shall be determined in accordance with Clause 52.06, except for those uses identified in the following Table, in which case the lesser car parking requirement shown in the Table can be considered (Medical Centre – Car Space per Practitioner – 3).'*

Clause 22.06 (Urban Residential Land Development Policy):

The policy basis and objectives identify the concepts of the MSS as identified above, and has as a 'Policy basis':

- *'The urban residential areas of Churchill, Moe, Morwell and Traralgon are part of the Networked City of Latrobe. It is a complex urban system, which requires a strategic approach to its growth in order to achieve outcomes that are sustainable in relation to infrastructure, community facility and service provision, natural environment conservation and quality of life for residents.'*

'Objective':

- *'Use the strategic land use framework plan for each town and community to assist in co-ordinated land use and development planning and to provide a planning framework to guide decision making for the development of urban residential land.'*

'Policy':

- *'The strategic land use framework plans be used for each town and community to assist in co-ordinated land use and development planning.'*

Zoning

The site is zoned 'Residential 1'. Pursuant to Clause 32.01-1 of the Latrobe Planning Scheme (the Scheme), a planning permit is required to establish a Section 2 use. The proposed use and development must meet the requirements of Clause 65 (Decision Guidelines). The 'Purpose' of the Residential 1 Zone is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.'*
- *To encourage residential development that respects the neighbourhood character.'*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.'*

Overlay

No overlays affect the subject land.

Particular Provisions

Clause 52.05 'Advertising Signs' contains the following 'Objectives':

- *'To allow adequate and effective signs appropriate to each zone';*
- *'To provide for the orderly display of signs'; and*
- *'To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.'*

Clause 52.06 'Car Parking' has the following 'Purpose':

- *'To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.'*

Clause 52.29 'Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road' has the following 'Purpose':

- *'To ensure appropriate access to identified roads.'*

Decision Guidelines (Clause 65)

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. In accordance with Clause 65.01 the Responsible Authority must consider, as appropriate:

- *'The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.'*

Incorporated Documents (Clause 81)

No Incorporated Documents apply to this application.

4. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act). Notices were sent to all adjoining and adjacent owners and occupiers for 14 days and a notice was placed on site.

External:

The application did not require referral pursuant Section 55 of the Act.

Notification was given to VicRoads in accordance with Section 52(1)(d) of the Act, which consented to the granting of a planning permit without conditions.

Internal:

Internal officer comments were sought from Council's Project Services Team, Health Services Team, the Municipal Building Surveyor and Asset Protection Officers. Council's Project Services Team and Asset Protection Officers gave conditional consent to the granting of a planning permit. Council's Health Services Team and Municipal Building Surveyor gave consent without conditions.

Details of Community Consultation following Notification:

Following the advertising of the application, one (1) submission in the form of an objection was received.

The applicant requested that a Planning Mediation Meeting not take place and the application be decided upon by Council.

5. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the application complies with the strategic direction of the State and Local Planning Policy Frameworks.

'Purpose' and 'Decision Guidelines' of the Residential 1 Zone:

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone.

Clause 65 (Decision Guidelines):

It is considered that the application complies with Clause 65 'Decision Guidelines'.

Submissions:

The application received one (1) submission in the form of objections. The issues raised were:

1. Spillage/overflow from cars wishing to use the Medical Centre will result in cars parking along Ethel Street.

Comment: The proposed vehicle crossing for the three off-street parking bays is wider than the standard crossing width and there will be a loss of two on-street parking bays. The vehicle crossing is a second crossover to the subject site and requires separate approval. A works permit is required to be obtained by the applicant from Council's Asset Protection Team prior to the construction of the proposed vehicle crossing. An Asset Protection Permit is also required prior to any works commencing on the site. The limits of the proposed vehicle crossing satisfy the clearance requirements from the existing nature strip tree and the power pole located at Ethel Street. This requirement for a works permit and an asset protection permit are to be made a condition of permit. This condition will need to be met prior to the use being established.

In accordance with Clause 22.03 'Car Parking', three car parking spaces are required per practitioner. The applicant has provided five on-site car parking spaces (two existing and three proposed), which is in excess of the requirement for the one practitioner operating from this Medical Centre. This is considered to be adequate and to pro-actively limit the occurrence of on-street parking by clients.

2. There appears to be ample room for car spaces on the south side of the property from the south west corner to the south east corner along Princes Street.

Comment: Princes Street is a Road Zone, Category 1 (classified as a Highway and managed by VicRoads). Due to the traffic levels in Princes Street, it is considered more acceptable from a traffic movement and safety perspective to provide on-site car parking that is accessed from Ethel Street. It should be noted, however, that two of the five parking spaces will be accessed via Princes Street from an existing vehicle crossing.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no additional resource implication in excess of what is required to assess the application.

7. **OPTIONS**

Council has the following options in regard to this application:

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

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

8. **CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with Clause 65 (Decision Guidelines);

- Consistent with Latrobe City Council Vehicle Crossing Policy GEN – CI 02; and
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. It is considered that the objection does not form planning grounds on which the application should be refused.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Permit for the Use of Land for a Medical Centre and Development of Business Identification Signage at 108 Princes Street, Traralgon (Lot 2 LP 130221, Parish of Traralgon) with the following conditions:

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Five on-site car parking spaces must be provided on the site.**
- 3. A works permit and an asset protection permit are required to be obtained by the applicant prior to the construction of the proposed vehicle crossing.**
- 4. Design of car parking areas must be in accordance with Australian Standard AS 2890.1.**
- 5. Driveway crossover to be constructed to Council Design Guidelines – Commercial / Industrial Standards.**
- 6. Not more than one practitioner may be present on the premises at any one time without the written consent of the Responsible Authority.**
- 7. The use may operate only between the hours of 8:30am and 6:30pm Monday to Sunday.**
- 8. The use must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) Transport of materials, goods or commodities to or from the land.**
 - b) Appearance of any building, works or materials.**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
- 9. This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

10. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
11. The sign must not contain any flashing light.
12. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
13. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
14. The approval contained in this permit for the sign shown on the endorsed plans expires 15 years from the date of this permit.

(NOTE: This is a condition requirement of the State Government).

Note 1. Prior to the commencement of works, the Council's Asset Protection Unit must be notified in writing, of any proposed building work [as defined by Council's Local Law No. 3 (2006)] at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by Council, an Asset Protection Permit must be obtained.

Note 2. The applicant must ensure that all relevant Permits have been approved prior to commencement.

Moved: Cr Zimora

Seconded: Cr Wilson

That the recommendation be adopted.

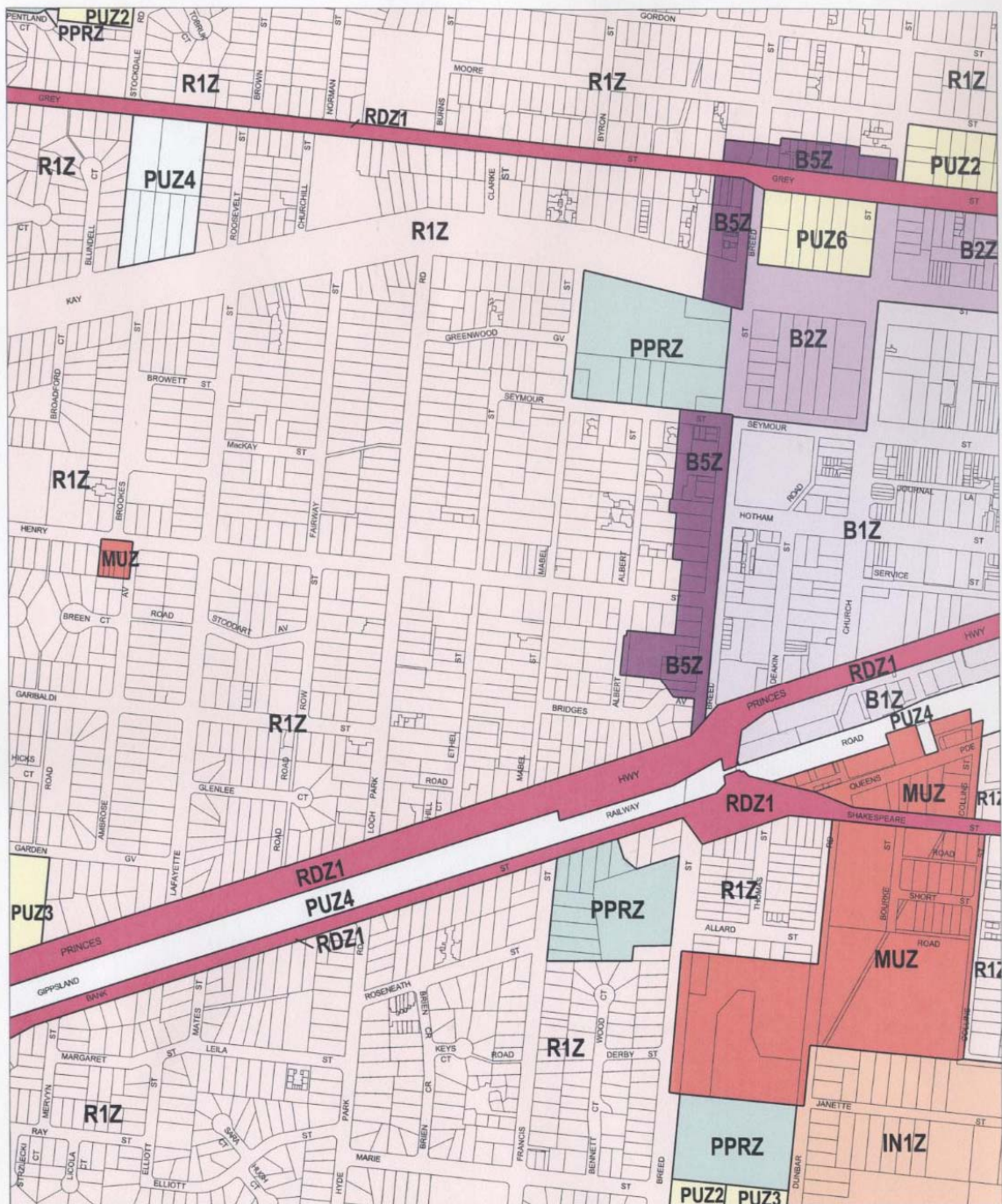
CARRIED

ATTACHMENT

Locality Plan for Planning Permit Application 2008/036



LATROBE PLANNING SCHEME - LOCAL PROVISION



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 This map should be read in conjunction with additional Planning Overlay Maps of application as indicated by the BDO 1100000.

Business	Public Land
Business 1 Zone	Public Use Zone Local Government
Business 2 Zone	Public Use Zone Transport
Business 3 Zone	Public Use Zone Category 1
Industrial	Mixed Use Zone
Industrial 1 Zone	Residential T Zone
Public Land	
Public Park And Recreation Zone	
Public Use Zone Education	
Public Use Zone Health And Community	

Australian Map Grid Zone 55

0 100 200 300 m

North Arrow

Victoria The Place To Be

INDEX TO ADJOINING METRIC SERIES MAP

AMSD 028
 Print: 4/0/08

ZONES

MAP No 55

Espreon Online Information System

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REGISTER SEARCH STATEMENT Land Victoria

Security no : 124024158816V

Volume 09653 Folio 759
Produced 23/11/2007 08:26 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 130221.
PARENT TITLES :
Volume 06498 Folio 523 Volume 09132 Folio 157
Created by instrument L529150M 25/02/1985

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DOROTHY LEVINA CONNOLLY of 108 PRINCES ST TRARALGON 3844
AB389718W 04/07/2002

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AB389719U 04/07/2002
PERPETUAL TRUSTEES AUSTRALIA LIMITED

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP130221 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL


The following information is provided for customer information only.

Street Address: 108 PRINCES STREET TRARALGON VIC 3844

STATEMENT END

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LP130221X
EDITION 1
APPROVED 2/5/79

PLAN OF SUBDIVISION OF	APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
PART OF CROWN ALLOTMENT 5 PARISH OF TRARALGON COUNTY OF BULN BULN SCALE  10 LENGTHS ARE IN METRES.	Brown: Way and Drainage	For Datum of Bearings see Copy of Fieldnotes.

C/T Vol. 6498 Fol. 523
Vol. 9132 Fol. 157

CHART NO. 10.



COLOUR CONVERSION
E-1 = BROWN

Planning and Environment Act 1987

OFFICE USE ONLY
Date Received

OBJECTION TO GRANT OF PLANNING PERMIT

WHO IS OBJECTING?

I/We (names in block letters) ELIZABETH MARY KESPER
 Of (Address) 110 PRINCES ST
TRARALGON Fax No. : _____
 Postcode 3844 Telephone No. 0351743561 (Home) (Work)

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 2008 / 36
 WHAT IS PROPOSED? CHANGES TO 108 PRINCES ST
TRARALGON - CAR PARKING
 WHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? _____
108 PRINCES ST TRARALGON
 WHO HAS APPLIED FOR THE PERMIT? NABIL AMERN

WHAT ARE THE REASONS FOR YOUR OBJECTIONS?

PLEASE REFER TO ATTACHED LETTER DATED
17TH MARCH 2008 -

Latrobe City	
19 MAR 2008	
Doc. No:	<u>288018</u>
Action Officer:	
Disposal Code:	
Comments:	

LATROBE CITY COUNCIL
 17 MAR 2008

Tgn
JSE

17th March 2008

Latrobe City Council
PO Box 264
Morwell 3840

E. M. KESPER
110 PRINCES ST
TRARALGON 3844

Ref: Proposed Plan: 2008/36
108 PRINCES HWY
TRARALGON

Dear Sir,

I WISH TO OBJECT TO THE LOCATION OF CAR PARKING PROPOSED FOR THE LISTED PROPERTY DEVELOPMENT.

I BELIEVE THAT SPILLAGE / OVERFLOW FROM ~~THE~~ CARS WISHING TO USE THE MEDICAL CENTRE WILL RESULT IN CARS PARKING ALONG ETHEL ST, BOTH ON THE WEST SIDE ADJACENT TO OUR PROPERTY AND ON THE EAST SIDE, IMMEDIATELY OPPOSITE.

THERE APPEARS TO BE AMPLE ROOM FOR CAR SPACES ON THE SOUTH SIDE OF THE PROPERTY, FROM THE LEFT HAND, SOUTH WEST PROPERTY CORNER TO THE SOUTH EAST PROPERTY CORNER.

USAGE OF THIS AREA WOULD HAVE NO IMPACT ON OUR RESIDENTIAL PROPERTY, WITH CARS ACCESSING THE CARPARK FROM THE PRINCES ST SIDE. HENCE ETHEL ST WOULD REMAIN RESIDENTIAL, AND NOT BECOME A BUFFER OVERFLOW CARPARK FOR THE PROPOSED MEDICAL CENTRE.

YOURS SINCERELY,
E. M. Kesper

E. M. KESPER

Ms Kristy Crawford
 Statutory Planner
 Latrobe City
 PO Box 264
MORWELL VIC 3844

Latrobe City	
- 2 APR 2008	
Doc. No:	291562
Action Officer:	
Disposal Code:	
Comments:	

vic roads

ABN 61 760 960 480
Eastern Victoria Headquarters
 PO Box 158 Traralgon Victoria 3844

Tel: (03) 5172 2666
 Fax: (03) 5176 1016

Date 28 March, 2008

Contact: Stuart Fenech
 Telephone: 5172 2693
 Our Ref: SFF80887
 Your Ref: 2008/36
 File No: LAT 2510 SY 3647

Dear Ms Crawford

APPLICATION : 2008/36
PROPOSAL : Use of Land for a Medical Clinic and Development of Business
Identification Signage
LOCATION : Lot 2 LP 130221, 108 Princes Street, Traralgon

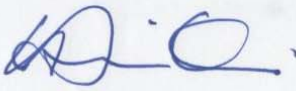
I refer to your letter dated 28 February 2008, referring the above planning permit application to VicRoads in accordance with the provisions of Section 52 of the Planning and Environment Act 1987.

VicRoads has no objection to the issue of a planning permit for the above development.

As required under Section 66 of the Planning and Environment Act 1987, please forward a copy of the Planning Permit, Notice of Decision to Grant a Permit or Refusal to Grant a Planning Permit to this office.

Should you require any further information please contact Stuart Fenech of this office on telephone 5172 2693.

Yours sincerely,



PATRICIA LIEW
REGIONAL DIRECTOR – EASTERN VICTORIA

FILE NOTE



FILE: 2008/36

FROM: Kristy Crawford

DATE: 01-May-2008

DESCRIPTION: Use of Land for a Medical Centre and Development of Business Identification Signage

SUBJECT: Receipt of Late Objection from Marilyn Sutton of 2 Hill Court, Traralgon.

A late submission in the form of an objection to planning permit application 2008/036 for the use of land for a medical centre and development of business identification signage has been received from Marilyn Sutton of 2 Hill Court, Traralgon. This objection was received by Council 30 April 2008.

The issues raised are:

1. Cars parking on the highway is extremely dangerous for residents coming out of Hill Court.

Officer's comment: Three car parking spaces are required to be provided for the proposed development to cater for the car parking needs of the staff and patients of the proposed medical centre. The applicant is to provide five off-street car parking spaces, three off Ethel Street and two in the existing driveway off Princes Street. The car parking spaces provided are considered to provide for the avoidance of on-street car parking.

2. There are too many consulting rooms in the area. The occupant at 110 Princes Street (also and objector) is going to be sandwiched between two consulting rooms which is unfair.

Officer's comment: A medical centre is not a prohibited use under the Residential 1 Zone. There is no plan or policy that specifically directs the location of where medical centres should be located. Each planning permit application is assessed on its own individual planning merits.

KRISTY CRAWFORD
Statutory Planner
1 May 2008

Kristy Crawford.
Statutory Planner
Latrobe City
P.O. Box 264
Bowell 3840

Latrobe City	
30 APR 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

2 Hill Court
Traralgon 3844
5174490 B.H.

Dear Kristy

Re:- 112 Princes St Traralgon. (also Plan 2008/36)

Recently the above property has been sold to a Doctor with the view of the property being used as consulting rooms.

In the past this address was also used as chiropractic consulting rooms. When in use, the car parking on the highway was extremely dangerous for residents coming out of Hill Court, you actually have to be right on the highway before you can see what is coming. The residents of this area have lived here for many years & are finding this to be very stressful for them. I would strongly object to this proposal.

If this proposal goes ahead, Mrs Kesper at 110 Princes St (who has already objected to plan 2008/36) is going to be sandwiched between 2 consulting rooms which I think is very unfair.

There are already too many consulting rooms in this area with some of the residents complaining of access out of Lafayette St as well. I feel it is only a matter of time before someone is hurt as a result.

Your urgent attention to this matter would be appreciated -

Marilyn Suttan


2 May 2008

Mr Robert Dunlop
Planning Department
Latrobe City

**Re : Additional information for council consideration:
Application 2008/36 – Medical Clinic proposal 108 Princes Street
Traralgon**

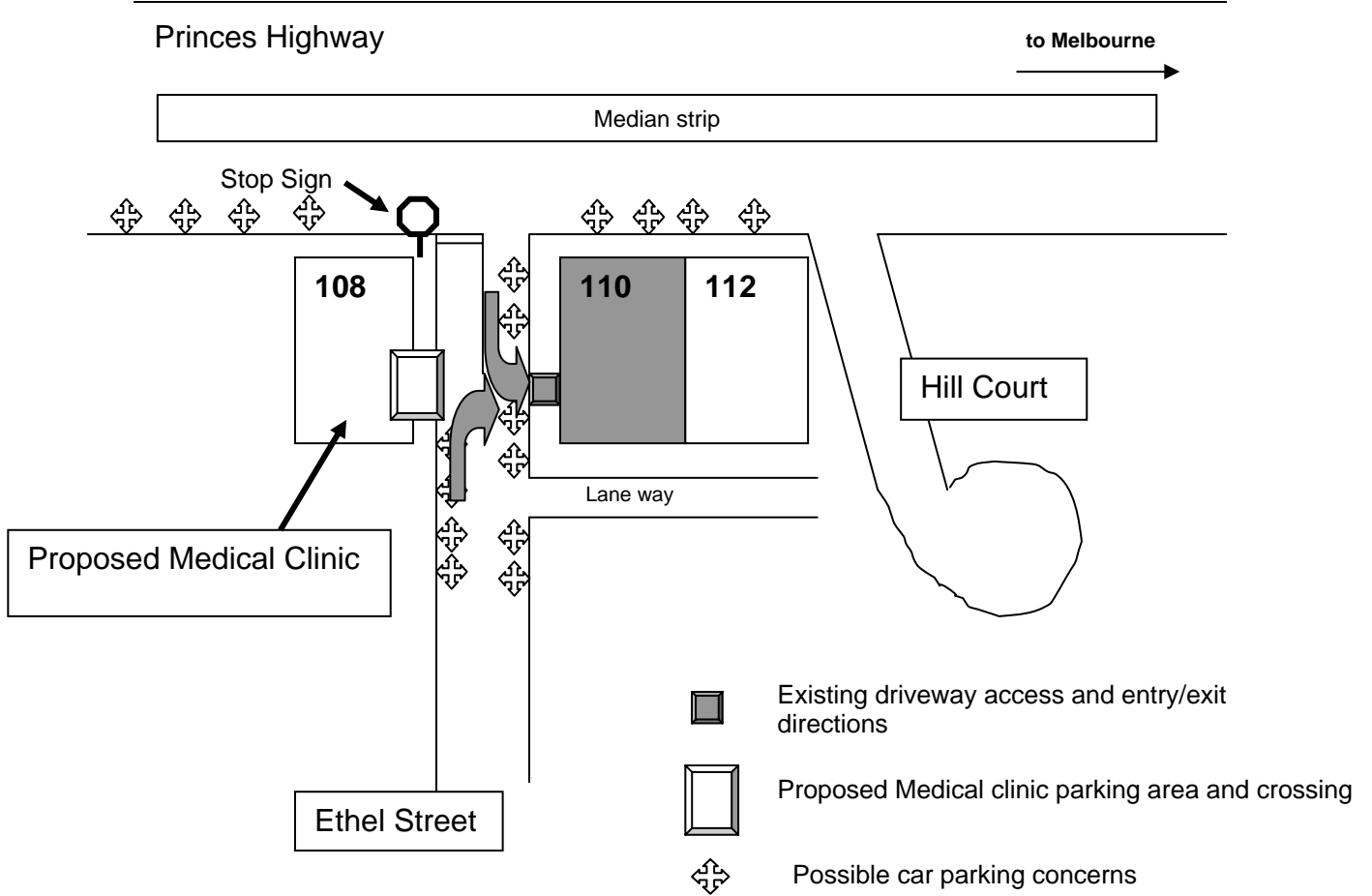
I write to submit additional information in addition to the previously submitted objection dated 17 March 2008 which was signed by the property owner of 110 Princes Street , EM Kesper who is my mother. I submit this information with her consent and direction to act on her behalf in relation to this matter.

I am informed that another adjacent property at 112 Princes Street has recently been purchased by a Medical Practitioner and am concerned this may also be used as a Medical Clinic which would exacerbate my mothers concerns in relation to parking.

As my mother is using her vehicle to access her property, I am concerned that vehicles will park in areas along the areas indicated  in a residential area. Notwithstanding the applicant – Dr Nabil Ameen’s intent on minimal disruption, there is no guarantee of disposal of the property at 108 Princes Hwy and another development proposal to have more than one Medical provider in practice. Adding the possible vehicle parking requirements collectively, I believe that counting one each for a Doctor and a receptionist, additional requirements for patients waiting and being seen up to 3 or 4 would not be unreasonable, then the overflow into surrounding areas will be compromised.



Mark Kesper 4 Inorom Place Bendigo ph 0417 339 415



10 MacKillop Court
TRARALGON 3844

5 May 2008

Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL 3840

(by email: robdu@latrobe.vic.gov.au)

Dear Sir/Madam,

**Re: Application for permit: 2008/36, Dr Nabil Ameen,
108 Princes Highway, Traralgon
Hearing Date: 5 May 2008**

I wish to submit this letter in support of the above permit application.

Dr Ameen has offered me the position of PA/Secretary in his medical practice.

I am looking to re-enter the workforce after being a stay-at-home mum for a number of years and have been seeking employment in this field (my area of expertise) for over 12 months. However, locally based medical specialists are scarce which has limited my opportunities.

The offer from Dr Ameen is particularly suitable to me since the role is during school hours which still allows me to care for my school age child before and after school.

I request that my situation be taken into account in your consideration of Dr Ameen's application to conduct his specialist medical practice from this site.

Yours faithfully,

Julie Stevens

STRATEGY & PERFORMANCE

11.4.1 COUNCIL PLAN 2008-2012

AUTHOR: Executive Manager Strategy & Performance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the Council Plan 2008-2012 and seek Council approval to release the plan to the community for comment.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective – Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action – Ensure compliance with the Local Government Act.

Policy No. - Nil

3. BACKGROUND

In Victoria, councils are required under Section 125 of the *Local Government Act 1989* to prepare a four yearly Council Plan, which must be reviewed annually.

The Council Plan must set out the strategic objectives of Council, strategies for achieving these objectives for the next four years, strategic indicators for monitoring the achievement of objectives and a Strategic Resource Allocation Plan. Council must submit the Council Plan to the Minister for Local Government by 30 June 2008.

The Council Plan 2008-2012 has been developed in accordance with, and based on, the strategic objectives identified in Latrobe 2021: The Vision for Latrobe Valley.

4. **ISSUES**

The proposed Council Plan 2008-2012 reflects the directions set by Council as identified in Latrobe 2021: The Vision for Latrobe Valley. The Council Plan has taken into consideration both financial and resource allocations, and makes a positive contribution to the achievement of Council's overall vision for the community.

The key priorities and actions outlined in the Council Plan have been used to develop the 2008/2009 annual budget.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Council Plan includes a Strategic Resource Allocation Plan.

The Strategic Resource Allocation Plan includes the next four financial years of standard statements describing the required financial resources and non-financial resources, including human resources.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Briefing sessions has occurred with all councillors; however no external consultation has occurred at this stage.

Details of Community Consultation/Results of Engagement:

Community consultation is required under section 223 of the Local Government Act 1989, and will be undertaken following the release of the Council Plan 2008-2012 to the community for comment.

7. **OPTIONS**

Council may choose to release the Council Plan for community comment in its current form or undertake amendments.

Council is obliged in accordance with Section 125(3) of the *Local Government Act 1989* to give public notice inviting submissions in respect of the proposed Council Plan 2008-2012.

In addition, Council is also obliged to consider all submissions received in accordance with Section 223 of the *Local Government Act 1989* prior to the formal adoption of the Council Plan.

8. CONCLUSION

The Council Plan provides Council with a four year strategic direction in accordance with Section 125 of the *Local Government Act 1989*.

Consultation is planned to be undertaken as outlined in the requirements of the *Local Government Act 1989*, Sections 125 and 223.

The outcomes of any consultative process may be used in refining or the redevelopment of the Council Plan 2008-2012. It is proposed that submissions will be considered at a Special Council Meeting to be held on 10 June 2008.

9. RECOMMENDATION

1. That Council, in accordance with Section 125(3) of the *Local Government Act 1989*, gives public notice inviting submissions in respect of the proposed Council Plan 2008-2012.
2. That Council considers all submissions in relation to the proposed Council Plan 2008-2012 in accordance with Section 223 of the *Local Government Act 1989* at a Special Council Meeting to be held on Tuesday, 10 June 2008.

Moved: Cr Lloyd

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

CITY INFRASTRUCTURE

11.5.1 INTER-COUNCIL EMERGENCY MANAGEMENT RESOURCE SHARING PROTOCOL

AUTHOR: General Manager City Infrastructure
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to update Council on the Municipal Association of Victoria (MAV) protocol for Inter-Council Management Resource Sharing, and to seek Council's endorsement for Latrobe City Council to become a signatory to this agreement.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - Governance:

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - Ensure compliance with other relevant legislation.

This protocol is consistent with the concepts and policy guidelines articulated in the Emergency Management Act 1986 and the Emergency Management Manual of Victoria (EMMV).

3. BACKGROUND

In recent years, Latrobe City has been affected by a number of emergency events such as fires, floods and storms. Some of these events have facilitated the need to open Latrobe City's Municipal Emergency Coordination Centre (MECC) to respond to community needs in relation to these emergencies.

The following is stated under the Emergency Management Act 1986:

21. Municipal co-ordination and planning;

- (1) A municipal council must appoint a person or persons to be the municipal emergency resource officer or municipal emergency resource officers.
- (2) A municipal emergency resource officer is responsible to the municipal council for ensuring the co-ordination of municipal resources to be used in emergency response and recovery.
- (3) A municipal council must appoint a municipal emergency planning committee constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues.
- (4) The function of a municipal emergency planning committee is to prepare a draft municipal emergency management plan for consideration by the municipal council.
- (5) A municipal emergency planning committee must give effect to any direction or guidelines issued by the Coordinator in Chief.
- (6) Subject to the regulations, a municipal emergency planning committee may determine its own procedures.

Latrobe City Council currently complies with Section 21 of the Emergency Management Act 1986 and Part 6 Annex 1 of the Guidelines for Emergency Management Planning providing a Municipal Emergency Coordination Centre.

4. ISSUES

Dependant on the extent of the emergency, there are occurrences where councils will need to source additional resources to ensure that the affected community is supported as well as possible. In recent emergency events, many councils have shared resources through informal processes to achieve this goal.

The Municipal Association of Victoria (MAV) and the Municipal Emergency Management Enhancement Group (MEMEG) have identified a need to determine an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies.

This has led to the development of a protocol for Inter-Council Emergency Management Resource Sharing. This protocol is intended to clarify operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements. All councils were invited to provide input to a draft version of the protocol in October 2006.

In developing the protocol, the MAV consulted with the Office of the Emergency Services Commissioner, Civic Mutual Plus, WorkSafe and the Victorian Managed Insurance Authority. This protocol is consistent with the concepts and policy guidelines articulated in the Emergency Management Act 1986 and the Emergency Management Manual of Victoria.

Adoption of this protocol is entirely voluntary. This protocol is not intended to inhibit, or diminish the effectiveness, of any existing inter-council resource sharing arrangement. Councils should however review any such existing arrangements to ensure that issues identified in this protocol are addressed.

A list of participating councils will be posted on the MAV website once one or more councils have provided the MAV with written confirmation of their adoption of the protocol. Councils can opt in or out of the protocol arrangements at any time by notifying the MAV in writing.

The MAV Protocol for Inter-Council Emergency Management Resource Sharing was endorsed by the MAV Board of Management at their meeting in May 2007. The protocol is an initiative of the Municipal Emergency Management Enhancement Group and will assist councils in sourcing extra municipal resources during emergency events. All councils will be provided with a copy of the protocol and will have the option to adopt the principles.

The following councils have formally indicated their support for the principles outlined in the Protocol for Inter-Council Emergency Management Resource Sharing:

- Alpine Shire Council;
- Ararat Rural City Council;
- Benalla Rural City Council;
- Campaspe Shire Council;
- Central Goldfields Shire Council;
- Colac Otway Shire Council;
- Darebin City Council;
- East Gippsland Shire Council;
- Greater Shepparton City Council;
- Horsham Rural City Council;

- Indigo Shire Council;
- Knox City Council;
- Macedon Ranges Shire Council;
- Mansfield Shire Council;
- Maribyrnong City Council;
- Maroondah City Council;
- Murrindindi Shire Council;
- Nillumbik Shire Council;
- Northern Grampians Shire Council;
- Wangaratta Rural City Council;
- Warrnambool City Council;
- Wellington Shire Council;

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no financial cost at this stage as the Office of the Emergency Services Commissioner is funding this initiative.

Ultimately, this could provide financial protection for Latrobe City Council by establishing a formal process by which reimbursement could be pursued from another council if determined appropriate.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Latrobe City's Municipal Emergency Management Planning Committee has reviewed the protocol and recommended that Latrobe City Council become a signatory. This Committee comprises of representatives from the Country Fire Authority (CFA), Department of Human Services (DHS), Department of Sustainability and Environment (DSE), Victoria Police, State Emergency Services (SES), St John's Ambulance, industry groups and community representatives.

7. **OPTIONS**

1. To maintain the current status quo where no formal cost/resource sharing agreements are in place. Latrobe City Council could still cooperate fully with other councils in emergency events however there would be no clear guidelines in place in relation to operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements.

2. To become a signatory of the Protocol for Inter-Council Emergency Management Resource Sharing. This is the preferred option and would allow Latrobe City Council to continue to work cooperatively with other councils in emergency events whilst providing protection for all interested parties in relation to issues associated with operational, reimbursement and insurance matters.

8. **CONCLUSION**

In times of emergency and when the Municipal Emergency Coordination Centre is operational, the stressful and demanding nature of these events could potentially result in some messages being misinterpreted and agreements confused.

The adoption of this protocol gives Latrobe City Council a formalised process that is clear in its arrangement and funding responsibilities.

A list of participating councils will be maintained by the MAV and will be available on the MAV website. The MAV will notify all councils of any changes to the protocol membership. Membership will be reviewed and confirmed on an annual basis by the MAV.

9. **RECOMMENDATION**

That Council becomes a signatory to the Municipal Association of Victoria (MAV) Protocol for Inter-Council Emergency Management Resource Sharing.

Moved: Cr Caulfield

Seconded: Cr Price

That the recommendation be adopted.

CARRIED UNANIMOUSLY

CORPORATE SERVICES

11.6.1 CONTRACT DECISIONS FROM PREVIOUS COUNCIL MEETINGS

AUTHOR: General Manager Corporate Services
(ATTACHMENT – NO)

The following is a summary of Contracts awarded at the Latrobe City Council Meeting held on 17 March 2008.

**ITEM NO 14.3 INVITATION TO TENDER NO. 12410
HAROLD PRESTON SOCCER PAVILION CHANGE
ROOM EXTENSIONS**

1. That Council accepts the tender submitted by Steve Brinsmead trading as DasCon for invitation to tender no. 12410 Harold Preston soccer pavilion change room extensions, for the sum of \$182,421, including provisional items as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Steve Brinsmead trading as DasCon resulting from invitation to tender no. 12410 Harold Preston soccer pavilion change room extensions.

The following is a summary of Contracts awarded at the Latrobe City Council Meeting held on 7 April 2008.

**ITEM NO 14.5 INVITATION TO TENDER NO. 12454
PROVISION OF PLANT, LABOUR, MATERIAL AND
TRAINING FOR EMERGENCY CONCRETE
WORKS**

1. That Council accepts the tender submitted by William Cantwell for invitation to tender no. 12454 provision of plant, labour, material and training for emergency concrete works, for the rates as tendered, for a period of two (2) years, with an option for an extension for a further one (1) year, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegate the authority to the Chief Executive Officer, to sign and seal contracts with William Cantwell resulting from invitation to tender no. 12454 provision of plant, labour, material and training for emergency concrete works.

ITEM NO 14.6 INVITATION TO TENDER NO. 12450
PROVISION OF AIRCONDITIONING
MAINTENANCE

1. That Council accepts the tender submitted by J O Miller Service Pty Ltd for invitation to tender no. 12450 provision of airconditioning maintenance, for the rates as tendered, for a period of two (2) years, with an option for an extension for a further one (1) year, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with J O Miller Service Pty Ltd resulting from invitation to tender no. 12450 provision of airconditioning maintenance.

RECOMMENDATION

That Council notes this report on Contract decisions from the Ordinary Council Meetings held on 17 March and 7 April 2008.

Moved: Cr Price

Seconded: Cr Middlemiss

That the recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.2 MARCH 2008 QUARTERLY FINANCE AND PERFORMANCE REPORT

AUTHOR: General Manager Corporate Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the March 2008 quarterly financial report for the information of Council.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act and continue to administer sound financial management practices.

Policy No. GEN-COS 005 Audit Policy

"The role of an Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting..."

3. BACKGROUND

Under the provisions of the Local Government Act 1989 Section 138 (1), at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure to date is presented to Council. This report ensures compliance with this legislative requirement.

The attached report as at 31 March 2008 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first nine months of the financial year. A status report on the Key Strategic Activities, adopted in the 2007/2008 budget is also attached.

The Local Government Act 1989 Section 138 (1) requires a financial report be presented to Council at least every three months. This report complies with that requirement.

4. **ISSUES**

The attached report, Income Statement, shows the actual result for the nine months ended 31 March 2008 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to the budgeted full year financial result.

The significant year to date income variances relate to additional revenue for rates (\$240K), government operating grants (\$832K), interest on investments (\$245K), user fees and charges (1.386M), developer contributions (\$392K) and other capital contributions (\$170K), whilst government grants for capital are less than expected (\$2.387M). The significant favourable expenditure variances relate to materials and contract payments (\$1.870M), employee costs (374K) and utility expenses (\$109K). There is an unfavourable variance for depreciation expense (\$577K) which is a result of a review of depreciation rates that was not completed until after the 2007/2008 budget had been adopted. A detailed explanation of these variances is included in the attached report.

The Income Statement report forecasts that the result for the full financial year will be \$1.483M less than the original budgeted. The main contributing factor is expenditure for projects and programs that received funding in 2006/2007. The income received in 2006/2007 was included as part of the operating surplus for the year ended 30 June 2007 and therefore the projects are funded from this surplus. However there will be no significant variance in the 2007/2008 cash flow statement. Explanations of these variances are also included in the attached report.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The attached report provides details of budget variances for both the nine months to 31 March 2008 and the full financial year.

6. **INTERNAL/EXTERNAL CONSULTATION**

Latrobe City General Managers and Divisional Managers have been consulted in the preparation of this report.

7. **OPTIONS**

This report is a statutory requirement of the Local Government Act 1989.

8. **CONCLUSION**

The attached report provides financial details, as required by the Local Government Act 1989. The report indicates that Council is operating within the parameters of its 2007/2008 adopted budget. Variances arising from the timing of the receipt of grant revenues, the completion of the 2006/2007 capital works program in 2007/2008, additional rate revenue generated from supplementary valuations and additional interest earned on investments indicate that a surplus operating result will be achieved for the full year.

Adjustments made to the adopted 2007/2008 budget, as detailed in the attached reports, will ensure that the parameters set in the original budget are complied

9. **RECOMMENDATION**

That Council receives and notes the financial and performance reports for the nine months ended 31 March 2008, in accordance with the Local Government Act 1989.

Moved: Cr Middlemiss

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.30 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.41 pm.

11.6.3 2008/2009 FEES AND CHARGES

AUTHOR: General Manager Corporate Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to have Council consider and approve the 2008/2009 Fees and Charges following a community consultation and comment period.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act.

3. BACKGROUND

Annually, as part of the budget process, Council reviews user fees and charges. In order to incorporate any proposed changes to the current fees into the 2008/2009 budget from 1 July 2008, Council will need to adopt the fees and charges prior to the budget.

The draft Fees and Charges were presented to Council at the Ordinary Council Meeting held on 3 March 2008 and Council resolved as follows:

1. *That Council gives public notice of its intention to consider the draft 2008/09 Fees and Charges and invites submissions in accordance with Council's Community Engagement Policy and Strategy; and*
2. *That the meeting to consider submissions in relation to Council's draft 2008/09 Fees and Charges be the Ordinary Council Meeting to be held on 7 April 2008.*

The following four submissions were received during the consultation period:

Gippsland Athletics Inc. - Concerned about the proposed increase in the fees for the use of the Joe Carmody Athletics Track, the fee structure compared with Olympic Park, and the condition of the facility.

Rachael Clough - Concerned about the proposed increase in child care fees, and particularly the increase for half day care.

Colin Crane - Concerned about the proposed increase in Traralgon Sports Stadium fees, particularly for junior competition, and suggested that commercial fees should be increased at a greater rate than community fees. Concern was also expressed about the condition of the stadium.

Traralgon Amateur Basketball Association - Requesting a change to the application of the forfeit fee for court usage.

The submissions were presented to Council at the Ordinary Council Meetings held on 7 April 2008 and 21 April 2008 for consideration. Max Wall from Traralgon Amateur Basketball Association spoke to their submission at the meeting on 7 April and Greg Hughes from Gippsland Athletics spoke to their submission at the meeting on 21 April.

4. **ISSUES**

A significant number of Council's fees and charges require notice to be given to users. By adopting the fees and charges it will allow sufficient notice to be given for any changes to fees and charges for implementation from 1 July 2008.

The following comments relate to the submissions received:

Gippsland Athletics Inc. submission regarding Joe Carmody Athletics track fees

The initial fees were established in 1991 and have increased annually by around CPI. The fee for sports carnivals is \$440 and with 800 to 900 children attending this equates to around 50 cents per child. The submission indicated that the fees being charged for Joe Carmody were comparable with those charged for Olympic Park Melbourne. Upon investigation it was found that the fees charged at Olympic Park in Melbourne are significantly higher than the proposed fees for Joe Carmody athletics track.

Toilets and change facilities are currently available for users, and with the imminent redevelopment of Moe Newborough Sports Centre the ancillary facilities will be enhanced. An evaluation of the condition of the track in 2007 identified the need for repairs. It is proposed that this will be considered in the development of the 2008/09 capital works budget.

Rachael Clough submission relating to childcare fees

The proposed increases for five day care and full day care are within 4%. The rounding applied to the half day care is higher and it is proposed that this should be amended to \$31 rather than \$35.

Colin Crane submission relating to Traralgon Sports Stadium fees

The Traralgon Sports Stadium was significantly upgraded in 2006 at a cost of approximately \$2M. A comprehensive technical audit is currently being undertaken on all of the City's indoor leisure facilities to determine the current condition and future needs. Council's subsidy to the leisure facilities is in excess of \$900,000, so any further eroding of user fees would require an increase in subsidy from general rates. The proposed increase in junior entry to the stadium amounts to 20 cents.

Traralgon Amateur Basketball Association submission relating to the forfeit fee for forfeited basketball games

The forfeit fee is applied when a basketball game is forfeited. It covers costs such as the energy cost and a component of the lost income.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The proposed fees and charges form the basis of a significant component of Council's budget.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

In accordance with the Community Engagement Policy and Strategy, the proposed fees and charges for 2008/2009 have been placed on Council's website, displayed at Council's Service Centres, public notice has been made in the Latrobe Valley Express and Council officers have consulted with service users in relation to the proposed fees and charges.

At the conclusion of the public consultation period, four submissions had been received. These submissions were considered by Council at the Ordinary Council Meeting held on 7 April 2008 and the Ordinary Council Meeting held on 21 April 2008 as part of the consultation process.

7. OPTIONS

After taking the content of the four submissions into account, Council could:

1. Amend the proposed Fees and Changes 2008/2009; or
2. Make no changes to the proposed Fees and Changes 2008/2009.

8. CONCLUSION

Public comment was sought on the proposed fees and charges for 2008/2009 in accordance with Council's resolution on 3 March 2008. Four submissions were received and considered. It is proposed that a change be made to the draft fees being to amend the child care half day fee from \$35 to \$31.

9. RECOMMENDATION

That Council adopts the 2008/2009 Fees and Charges.

Moved: Cr Zimora
Seconded: Cr Middlemiss

That Council adopts the amended 2008/2009 Fees and Charges.

Attachment

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INDOOR POOLS

- Change Children to Under 5 years of age – with an adult.
- Adult stay the same as 2007/08.

INDOOR POOL SWIMMING LESSONS

- Infants, Preschool, School Age to stay the same as 2007/08.

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STADIUM

- All competition and Training to stay the same as 2007/08.

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ATHLETIC AND BIKE TRACKS

- General use fees for Adult, Concession and Junior to stay the same as 2007/08.

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OUTDOOR POOLS

- Children/full time student to stay the same as 2007/08.
- Change Children to Under 5 years of age – with an adult.

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TRANSFER STATIONS

- Single Axle Trailers - caged over 1.8m long, General Waste to stay at \$40.

The Motion was put and LOST

The Original Motion became the Motion before the Chair.

Moved: Cr Caulfield

Seconded: Cr White

That Council adopts the 2008/2009 Fees and Charges.

CARRIED

11.6.4 2008/2009 BUDGET

AUTHOR: General Manager Corporate Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the proposed 2008/2009 Budget and to seek Council's approval to release the budget for community input.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2011.

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - No 3 Governance

Complies with all legal and statutory obligations

Strategy 3.2 - Legislative compliance for achieving strategic objective

By ensuring adherence to legislative requirements

Policy No. Audit Policy GEN-COS 005

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

3. BACKGROUND

This report forms part of the statutory process for the adoption of the 2008/2009 Budget and complies with Section 129 of the *Local Government Act 1989* which requires Council to give public notice that it has prepared a budget.

Council will provide due consideration to any submissions received and then consider the adoption of the 2008/2009 Budget at a Ordinary Council Meeting to be held on 16 June 2008.

The draft 2008/2009 Budget supports the delivery of "Latrobe 2021: The Vision for Latrobe Valley" and clearly articulates the resources required to deliver the 2008 - 2012 Council Plan.

4. **ISSUES**

The draft 2008/2009 Budget proposes new borrowings of \$4.45 million for the construction of new assets in the capital program. Even with the additional borrowings, Council remains well within the recommended Government Prudential Borrowing limits and supports the delivery of "Latrobe 2021: The Vision for Latrobe Valley" and clearly articulates the resources required to deliver the 2008 - 2012 Council Plan.

The draft 2008/2009 Budget proposes a 4% increase in general rates and the municipal charge (excluding growth) and provides for the continued delivery of services at current levels, whilst incorporating the proposed capital works program of \$29.28 million.

The full range of issues considered within the budget, are detailed in the attached budget document.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Refer to the attached budget document.

6. **INTERNAL/EXTERNAL CONSULTATION**

Council's Audit Committee reviewed the draft budget at its meeting held on 24 April 2008. The Audit Committee recommended the draft 2008/2009 Budget to Council as a financially responsible budget to be considered for adoption, after taking into account all submissions received.

Copies of the draft budget will be available for inspection at Council offices for a period of at least 28 days after publication of the notice of preparation of the budget.

A person has a right to make a submission under Section 223 of the *Local Government Act 1989*, on any proposal contained in the budget.

It is proposed that anybody wishing to speak to Council on their submission be given this opportunity at a Special Council Meeting to be held on 10 June 2008.

7. OPTIONS

The preparation of a budget and public notice of this is a statutory requirement. The statutory public notification period is 14 days however in accordance with Council's practice it is proposed that this be extended to 28 days.

8. CONCLUSION

The draft 2008/2009 Budget has been developed in accordance with the *Local Government Act 1989*, and it is recommended that the draft 2008/2009 Budget be released for public comment, in accordance with Council's Community Engagement Policy and Strategy.

9. RECOMMENDATION

- 1. That the 2008/2009 Budget annexed to this report and initialled by the Mayor for identification be a Budget prepared by the Council for the purposes of Section 129 of the Local Government Act 1989.**
- 2. That the Chief Executive Officer be authorised to:**
 - (a) Give public notice of the preparation of the 2008/2009 Budget in accordance with Section 129 of the Local Government Act 1989; and**
 - (b) Make available for inspection the information required to be made available by Regulation 8 of the Local Government (Financial and Reporting) Regulations 2004.**
- 3. That Council:**
 - (a) Gives public notice of a Special Meeting of Council to be held on 10 June 2008 to consider any submission on a proposal (or proposals) contained in such Budget, made in accordance with Section 129 of the Local Government Act 1989; and**
 - (b) Gives notice of its intention to:**
 - (i) adopt such Budget; and**
 - (ii) declares the following rates and charges at an Ordinary Meeting of Council to be held at 7.00pm on 16 June 2008 at the Corporate Headquarters, Morwell.**
- 4. That Council, in accordance with the provisions of the Local Government Act 1989, declares that the amount that it intends to raise by way of general rates, municipal charges and service charges for the period 1 July 2008 to 30 June 2009 is as follows:**

- | | | |
|----|---------------------------|--------------|
| a. | General Rates | \$30,377,210 |
| b. | Municipal Charge | \$3,153,600 |
| c. | Service Charges | \$5,789,260 |
| d. | Payments in lieu of rates | \$7,683,061 |
5. (a) That Council declares that the general rates will be raised in 2008/2009 by the application of the following differential rates calculated on the Capital Improved Value of rateable property:
- (i) General rate of 0.00419717 cents in the dollar on lands as defined in paragraph 6.1(a).
 - (ii) Farm rate of 0.00314788 cents in the dollar on farm land as defined in paragraph 7.1(a).
- (b) That Council declares the general rates for a twelve month period commencing 1 July 2008 and that the rates be levied in respect of each portion of rateable land for which the Council has a separate valuation.
- (c) That Council be of the opinion that the differential rates to be levied in 2008/2009 will contribute to the equitable and efficient carrying out of its functions.
6. That Council specifies in relation to the General Rate for 2008/2009 the following in accordance with Section 161 of the Local Government Act 1989:
- 6.1 The objectives of the general rate as:
- (a) the types and classes of land to which the rate will apply is all other rateable land that is not defined as farm land as described in paragraph 7.1(a);
 - (b) the level of the general rate is 0.00419717 cents in the dollar on the capital improved value of land as defined;
 - (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a general rate so as to fairly rate lands other than recreational and farm lands;
 - (iii) the level of the general rate is appropriate having regard to all relevant matters including the use to which the land is put and the amount to be raised by Council's Municipal Charge;

- (iv) the level of the general rate is appropriate to ensure that the burden of the payment of rates is fairly apportioned across all rateable land within the Municipal district; which objectives the Council considers are consistent with the economical and efficient carrying out of its functions, and
- 6.2 The characteristics of the land which are the criteria for declaring the general rate are as set out in sub-paragraph 6.1(a) above.
- 7. That Council specifies in relation to the farm rate for 2008/2009 the following in accordance with Section 161 of the Local Government Act 1989:
 - 7.1 The objectives of the farm rate as:
 - (a) the types and classes of land to which the rate will apply is farm land as defined in Section 2 of the Valuation of Land Act 1960, namely, any rateable land which is not less than 2 hectares in area and which is used primarily for carrying on one or more of the following businesses or industries:
 - (i) grazing (including agistment);
 - (ii) dairying;
 - (iii) pig farming;
 - (iv) poultry farming;
 - (v) fish farming;
 - (vi) tree farming;
 - (vii) bee keeping;
 - (viii) viticulture;
 - (ix) horticulture;
 - (x) fruit growing;
 - (xi) the growing of crops of any kind; and that is used by a business:
 - (i) that has a significant and substantial commercial purpose or character; and
 - (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
 - (iii) that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way it is operating
 - (b) the level of the farm rate is 0.00314788 cents in the dollar on the capital improved value of farm land as defined;

- (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a farm rate so as to fairly rate farm land;
 - (iii) the level of the farm rate is appropriate having regard to all relevant matters including the use to which farm land is put and the amount to be raised by Council's Municipal charge;
 - (iv) the level of the farm rate is appropriate to ensure that the burden of the payment of general rates is fairly apportioned across all rateable land within the Municipal district;
- (d) the types and classes of land to which the rate will apply can be identified as farm land as defined in paragraph (a); which objectives the Council considers are consistent with the economical and efficient carrying out of its functions.

7.2 The characteristics of the land which are the criteria for declaring the farm rate are as set out in sub-paragraph 7.1(a) above.

- 8. That Council declares a Municipal charge at the annual rate of \$90.00 for rateable land in respect of which a Municipal charge may be levied to recover some of the administrative costs of the Council for a period of 12 months from 1 July 2008 to 30 June 2009.
- 9. (a) That Council declares an annual service charge of \$190.00 per premises for the weekly collection and disposal of refuse in respect of premises to which the service is provided (whether or not the owner or occupier of such premises avails himself or herself of the service provided) for a twelve month period from 1 July 2008 to 30 June 2009.
- (b) Where exemptions are granted, waste services will be charged for services utilised for the period 1 July 2008 to 30 June 2009 as follows:

Garbage 120L bin	\$108 pa
Garbage 240L bin	\$192 pa
Garbage 240L bin Special	\$130 pa
Recycling 240L bin	\$ 43 pa
Organics 240L bin	\$ 39 pa

10. Cultural and Recreational Land, in accordance with Section 4 of the Cultural & Recreational Lands Act 1963, the following amounts be specified as the amounts payable in respect of recreational lands described as:

Morwell Bowling Club	52 Hazelwood Road, Morwell	\$4,260.14
Morwell Golf Club	Fairway Drive, Morwell	\$2,136.36
Boolarra Bowling Club	22 Duke Street, Boolarra	\$692.53
Yinnar Bowling Club	Main Street, Yinnar	\$461.69
Yallourn North Bowls Club	Reserve Street, Yallourn North	\$818.45
LV Water Ski Club	Hall Road, Yallourn North	\$251.83
Traralgon Bowling Club	45-57 Gwalia Street, Traralgon	\$3,714.50
Traralgon Golf Club	Princes Street, Traralgon	\$4,260.14
Glenview Park	McNairn Road, Traralgon	\$4,616.90
Moe Racing Club	Waterloo Road, Moe	\$4,092.25
Yallourn Bowling Club	1-5 Coach Road, Newborough	\$3,462.67
Moe Golf Club	26 Thompsons Road, Newborough	\$2,098.59
Yallourn Golf Club	Golf Links Road, Moe	\$2,476.34
Moe Bowling Club	Waterloo Road, Moe	\$1,259.15
Victorian Field & Game Association	Scales Road, Flynn Creek	\$329.48

These amounts have regard to the services provided by the Council in relation to such lands and the benefit to the community derived from such recreational lands.

11. That Council directs that copies of the information required by Section 161(3) of the Local Government Act 1989 be made available for inspection at Council's office during office hours.
12. (1) That Council directs that if no written submissions are received in accordance with Section 223 of the Local Government Act 1989, the rates and charges as declared for 2008/2009 be levied by sending notices to the persons who are liable to pay, in accordance with Section 158 of the Local Government Act 1989.
- (2) That Council resolves that the rates and charges for 2008/2009 must be paid by the dates fixed under Section 167 of the Act, namely:
- (i) in full by 15 February 2009; or
 - (ii) by equal instalments on the following dates:
 - 30 September 2008;
 - 30 November 2008;
 - 28 February 2009; and
 - 31 May 2009.

- (3) That the Chief Executive Officer be directed and authorised to demand payment of and recover the rates and charges as declared in relation to the 2008/2009 Budget.
13. Rate of Interest – Section 172 of the Local Government Act 1989:
- (1) That for the 2008/2009 financial year Council resolves to require a person to pay interest on any outstanding amounts of rates and charges:
- (a) which that person is liable to pay; and
 - (b) which have not been paid by the date specified under Section 167 for their payment except where the Council has agreed to waive the whole or part of any such interest.
- (2) That for the 2008/2009 financial year Council resolves in accordance with Section 172 of the Local Government Act 1989 that the rate of interest will be as specified under Section 2 of the Penalty Interest Rates Act 1983 (Currently 12.0).

Moved: Cr Caulfield
Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 9.19 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.24 pm.

Moved: Cr Price
Seconded: Cr Middlemiss

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

	ITEMS	NATURE OF ITEM
14.1	ADOPTION OF MINUTES	OTHER
14.2	CONFIDENTIAL ITEMS	OTHER
14.3	2007/08 COMMUNITY GRANTS PROGRAM - CONSIDERATION OF FURTHER GRANT APPLICATIONS	OTHER
14.4	COMMUNITY GRANTS PROGRAM REQUEST FROM THE GIPPSLAND MODEL ENGINEERING SOCIETY INC.	OTHER
14.5	PROVISION OF INAPPROPRIATE TREE REMOVAL AND STUMP GRINDING	CONTRACTUAL
14.6	SUPPLY AND DELIVERY OF FIVE 4WD RIDE ON MOWERS	CONTRACTUAL
14.7	CONSTRUCTION OF THE LATROBE CITY HYLAND HIGHWAY LANDFILL AND ASSOCIATED WORKS, LOY YANG	CONTRACTUAL

CARRIED UNANIMOUSLY

The Meeting closed to the public at 9.25 pm.