



**Latrobe***City*  
*a new energy*

# LATROBE CITY COUNCIL

## MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 19 MAY 2008

**PRESENT:**

*Cr Bruce Lougheed, Mayor - Tanjil Ward*  
*Cr Doug Caulfield - Gunyah Ward*  
*Cr Sandy Kam - Galbraith Ward*  
*Cr Susan Lloyd - Burnet Ward*  
*Cr Graeme Middlemiss - Rintoull Ward*  
*Cr Lisa Price - Farley Ward*  
*Cr Anthony Zimora - Merton Ward*  
*Paul Buckley, Chief Executive Officer*  
*Seona Conway, Executive Manager Strategy & Performance*  
*Michael Edgar, Acting General Manager Corporate Services*  
*Caroline Flake, Manager Governance - Legal Counsel*  
*Katie Garlick, Governance & Legal Administration Officer*  
*Geoff Hill, Acting Executive Manager Economic Development*  
*Allison Jones, Acting General Manager City Services*  
*Philip Marsh, Executive Manager Governance & Legal Services*  
*Peter Quigley, General Manager City Marketing & Development*  
*Grantley Switzer, Acting General Manager City Infrastructure*

# INDEX

<b>OPENING PRAYER</b>	<b>4</b>
<b>APOLOGIES FOR ABSENCE</b>	<b>4</b>
<b>DECLARATION OF INTERESTS</b>	<b>4</b>
<b>ADOPTION OF MINUTES</b>	<b>4</b>
<b>PUBLIC QUESTION TIME</b>	<b>5</b>

## **NOTICES OF MOTION**

6.1	2008/06 - NOTICE OF MOTION - GIPPSLAND WATER FACTORY	9
-----	--	---

## **ITEMS REFERRED BY THE COUNCIL**

7.1	DECLARATION OF A NEW SECTION OF YINNAR ROAD AND CLOSURE OF A SECTION OF BRODRIBB ROAD	11
7.2	NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY	20

## **CORRESPONDENCE**

NIL.

## **PRESENTATION OF PETITIONS**

NIL.

## **CHIEF EXECUTIVE OFFICER**

11.1.1	DOCUMENTS FOR SIGNING AND SEALING	24
11.1.2	CONFIDENTIALITY OF COUNCIL INFORMATION	26

## **CITY SERVICES**

NIL.

## **CITY MARKETING & DEVELOPMENT**

11.3.1	TRARALGON EARLY LEARNING CENTRE - INTERIM REPORT	33
11.3.2	PLANNING APPLICATION 2007/326 - DEVELOPMENT OF FOUR DWELLINGS AND A FOUR LOT SUBDIVISION AT 100 CROSS'S ROAD, TRARALGON	38
11.3.3	PLANNING PERMIT APPLICATION 2007/392 - USE AND DEVELOPMENT OF LAND FOR A DRIVE THROUGH BOTTLE SHOP, 4 ACACIA WAY, CHURCHILL	56

## **STRATEGY & PERFORMANCE**

NIL.

## **CITY INFRASTRUCTURE**

NIL.

**CORPORATE SERVICES**

---

11.6.1	CONTRACT DECISIONS FROM PREVIOUS COUNCIL MEETING AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION	83
--------	--	----

**ECONOMIC DEVELOPMENT**

---

11.7.1	LATROBE REGIONAL AIRPORT MARCH 2008 REPORT	87
--------	--	----

**URGENT BUSINESS**

---

NIL.

**TEA BREAK**

---

**ITEMS CLOSED TO THE PUBLIC**

---

14.1	ADOPTION OF MINUTES	94
14.2	CONFIDENTIAL ITEMS	95
14.3	BAD DEBTS WRITE OFFS	96
14.4	COMMUNITY GRANTS PROGRAM REQUEST FROM THE TRARALGON PLAYGROUP	99
14.5	HOME MAINTENANCE AND HOME GARDENING SERVICES	104

**CLOSED**

---

**1. Opening Prayer**

The Opening Prayer was read by the Mayor.

**Recognition of Traditional Landholders**

The Recognition of Traditional Landholders was read by the Mayor.

**2. Apologies for Absence**

Cr David Wilson - Dunbar Ward

Cr Darrell White - Firmin Ward

**3. Declaration of Interests**

Nil.

**4. Adoption of Minutes**

**Moved:** Cr Price

**Seconded:** Cr Lloyd

**That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 5 May 2008 (CM 267) be adopted.**

**CARRIED UNANIMOUSLY**

# **PUBLIC QUESTION TIME**

**5.1 INVESTMENT**

Ms Cheryl Wragg asked the following question:

**Question**

Recent Age newspaper articles about investment losses sustained by the Victorian Funds Management Corporation, Southern Health network and First Murray Irrigation Company respectively have alerted the public to local councils having investment portfolios that are sustaining heavy losses due to exposure to the US stock market and the sub-prime mortgage market crises.

1. Does Latrobe City Council have such an investment portfolio?
2. If so, what is its exposure to the US stock market and the sub-prime mortgage market crisis?
3. Accordingly, what loss in value has Latrobe's investment portfolio sustained as a result of such exposure?

**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 HOCKEY**

Ms Linda Reid asked the following question:

**Question**

Is there any money towards either a synthetic hockey field or maintenance of the current pitches in the upcoming budget?

**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.

**5.3 ANSWERS TO A PREVIOUS QUESTION TAKEN ON NOTICE AT THE  
ORDINARY COUNCIL MEETING HELD ON 5 MAY 2008**

**1. VISITOR INFORMATION CENTRE**

16 May 2008

Mr William Barber

Dear Mr Barber

**VISITOR INFORMATION CENTRE TRARALGON**

Thank you for your query raised in public question time at the Ordinary Council meeting of 5 May 2008, regarding the external colour of the Visitor Information Centre in Traralgon.

Provision has been made in the 2008/09 draft budget through the Building Maintenance Cyclical Maintenance Program, to paint or replace various exterior weather boards of this facility.

At this stage, a decision has not been made in relation to the paint colour for these works. Your suggestion will be taken to account, along with other relevant information when consideration is given as to the colour selection for this project.

Yours faithfully



CR BRUCE LOUGHEED  
**Mayor**

# NOTICES OF MOTION



**6.1 2008/06 - NOTICE OF MOTION - GIPPSLAND WATER FACTORY**

**CR PRICE**

**MOTION**

1. That Council writes to the Minister for Climate Change and Water, Penny Wong, and the Member for McMillan, Russell Broadbent, requesting the Federal Government provide a financial contribution to the Gippsland Water Factory in line with the support provided by the Federal Government to the Wimmera - Mallee pipeline in Western Victoria and the Goldfields Superpipe in Ballarat; and
2. That Council writes to the Wellington Shire Council and the Baw Baw Shire Council seeking support in securing funds from the Federal Government for the Gippsland Water Factory.

**Moved:** Cr Price

**Seconded:** Cr Middlemiss

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# **ITEMS REFERRED BY THE COUNCIL**

**7.1 DECLARATION OF A NEW SECTION OF YINNAR ROAD AND CLOSURE OF A SECTION OF BRODRIBB ROAD**

**AUTHOR:** Acting General Manager Corporate Services  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to seek Council approval to declare the section of Yinnar Road being constructed by International Power Hazelwood (IPRH) a public highway and to discontinue a section of Brodribb Road.

**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 1989.*

*Policy No. - There is no specific policy relating to Road Declarations or Closures. The statutory procedure is specified by legislation.*

**3. BACKGROUND**

The extension to the International Power Hazelwood (IPRH) West Field mine has required the re-routing of Over Dimensional Route No.9 (OD9).

This includes the construction of a new section of Yinnar Road that runs between the Hazelwood cemetery and Hazelwood Pondage. The construction of this new road, which is being undertaken by IPRH will be completed shortly.

To allow this new section of Yinnar Road to be open to traffic, Council resolved as follows at the 21 April 2008 Ordinary Council Meeting:

1. *That Council gives notice of its intention to consider a proposal to:*
  - *declare the section of Yinnar Road currently being constructed by International Power Hazelwood (IPRH) a Road; and*
  - *discontinue a section of Brodribb Road, pursuant to section 11 and 12 of the Road Management Act 2004.*
2. *That a Committee of Council consider written submissions received at the Issues and Discussion Meeting to be held Monday, 12 May 2008 at 6:00pm held at the Corporate Headquarters Morwell.*
3. *That Council at its Ordinary Council Meeting to be held on Monday, 19 May 2008 consider the recommendation of the Committee of Council concerning the proposal to:*
  - *declare the section of Yinnar Road currently being constructed by International Power Hazelwood (IPRH) a Road; and*
  - *discontinue a section of Brodribb Road, pursuant to section 11 and 12 of the Road Management Act 2004.*

#### 4. **ISSUES**

Pursuant to the *Road Management Act 2004*, Council as the responsible road authority may by notice published in the Victoria Government Gazette:

1. Declare a road over—
  - (a) any land owned by the road authority; or
  - (b) any land managed by the road authority (*pursuant to section 11*)
2. Discontinue a road (*pursuant to section 12*).

Similar provisions exist in the *Local Government Act 1989*.

In exercising this power, Council must publish a public notice stating that submissions in respect of the matter specified in the public notice, being the Road Declaration and Road Discontinuance, will be considered in accordance with the provisions of the *Local Government Act 1989* and the *Road Management Act 2004*.

Council must also fix the day, time and place of the meeting to consider any written submissions that have been received. Council appointed a Committee of Council to consider any submission at the Issues and Discussion Meeting held on 12 May 2008.

One submission was received, being from International Power Hazelwood. The Committee of Council considered the IPRH submission on 12 May 2008. The submission requested that Council use Section 204 of the *Local Government 1989* to declare the road a public highway, rather than making the declaration pursuant to Section 11 of the *Road Management Act 2004*.

As a result of the above re-routing of Yinnar Road there will no longer be a physical distinction between Brodribb Road and Yinnar Road, as both become the same road. Accordingly it is suggested that the following road name changes be considered:

- Brodribb Road from Monash Way to the newly constructed road be renamed Yinnar Road; and
- Yinnar Road on the western side of the Hazelwood Cemetery be renamed Brodribb Road.

Access to Hazelwood cemetery will be maintained to the current entry point, via the section of road proposed to be renamed Brodribb Road.

## **5. FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with this statutory process are minimal, being the cost of a public notice inviting submissions, and an order published in the Victoria Government Gazette.

## **6. INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

*A public notice was placed in the Latrobe Valley Express on 24 April and 1 May 2008 notifying of Council's intention and inviting submissions. Details of this proposal were also included on the Latrobe City website.*

*Details of Community/Consultation Results of Engagement:*

*Council appointed a Committee of Council to consider any submissions received at the Issues and Discussions meeting held on 12 May 2008. This Committee considered a submission from IPRH.*

## 7. OPTIONS

Council has previously endorsed the construction of the new section of Yinnar Road. On this basis IPRH have undertaken construction of the road to Council's specification. Accordingly, with construction of the road nearing completion it is timely to make the proposed road declarations.

## 8. CONCLUSION

Council has complied with the statutory provisions to enable it to declare the section of Yinnar Road currently being constructed by International Power Hazelwood a public highway and to discontinue the section of Brodribb Road that will not be required for public use.

## 9. RECOMMENDATION

1. That Council pursuant to Section 204 of the *Local Government Act 1989* resolves that the section of Yinnar Road on the portion of land shown hatched on Drawing No 3420130-01-001 and described as Part of CA K13, No Section, Parish of Hazelwood, be declared a public highway.
2. That Council pursuant to Section 12 of the *Road Management Act 2004* forms the opinion that the part of Brodribb Road shown hatched on Drawing No 3420130-01-002 is not reasonably required for public use, and resolves to discontinue the road.
3. That a notice for the aforementioned road declaration and discontinuance be published in the Victoria Government Gazette.
4. That Council, in accordance with the guidelines included in the *Geographic Place Names Act 1998* gives notice of its intention to consider a proposal to rename the following sections of road:
  - Brodribb Road from Monash Way to the newly constructed road be renamed Yinnar Road; and
  - Yinnar Road on the western side of the Hazelwood Cemetery be renamed Brodribb Road, and invites community comment and submissions in accordance with Section 223 of the *Local Government Act 1989*.
5. That any submissions received in relation to the proposed road name changes be considered at the Ordinary Council Meeting to be held on Monday, 21 July 2008.

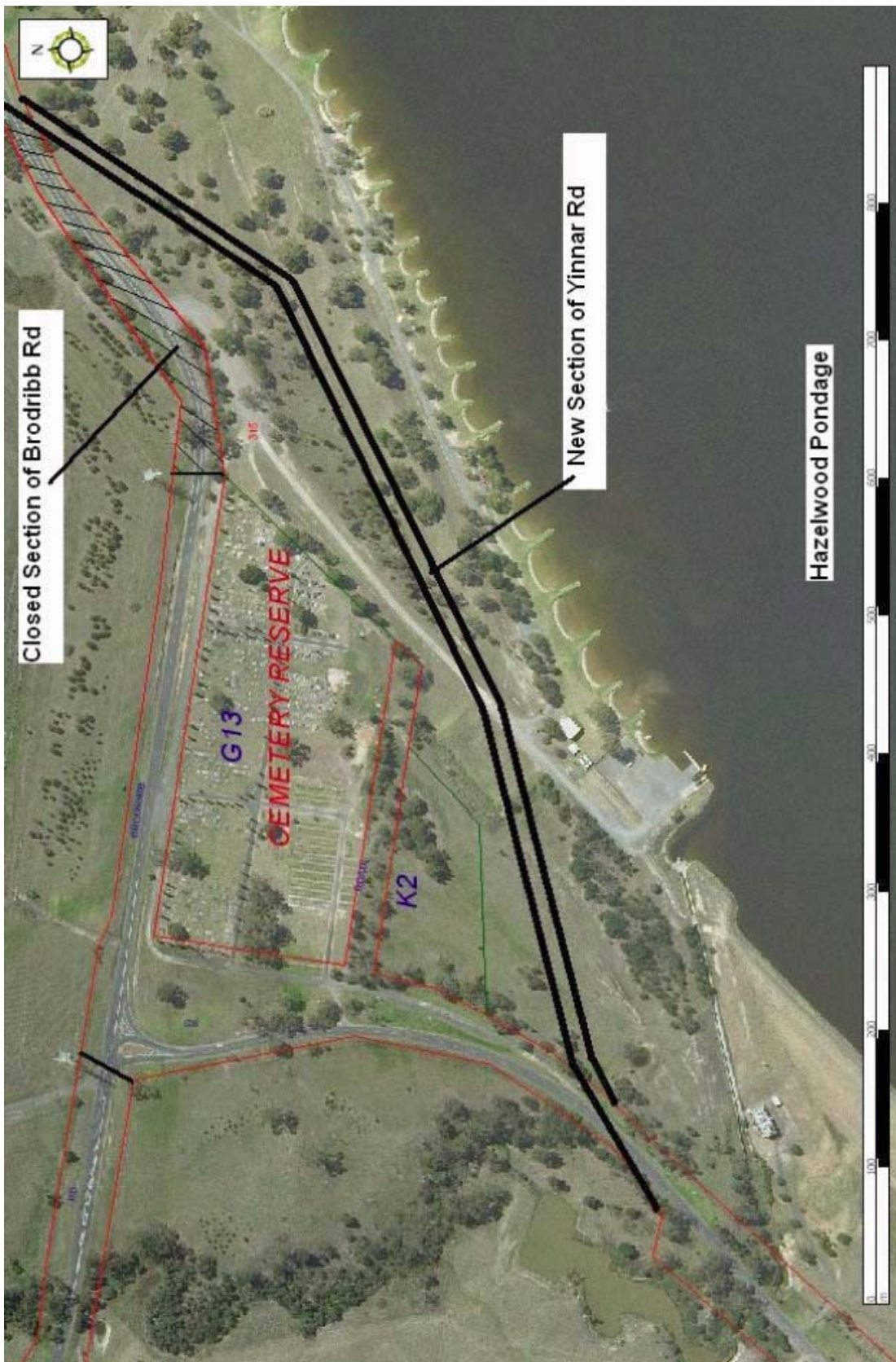
**Moved:** Cr Caulfield

**Seconded:** Cr Lloyd

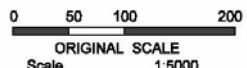
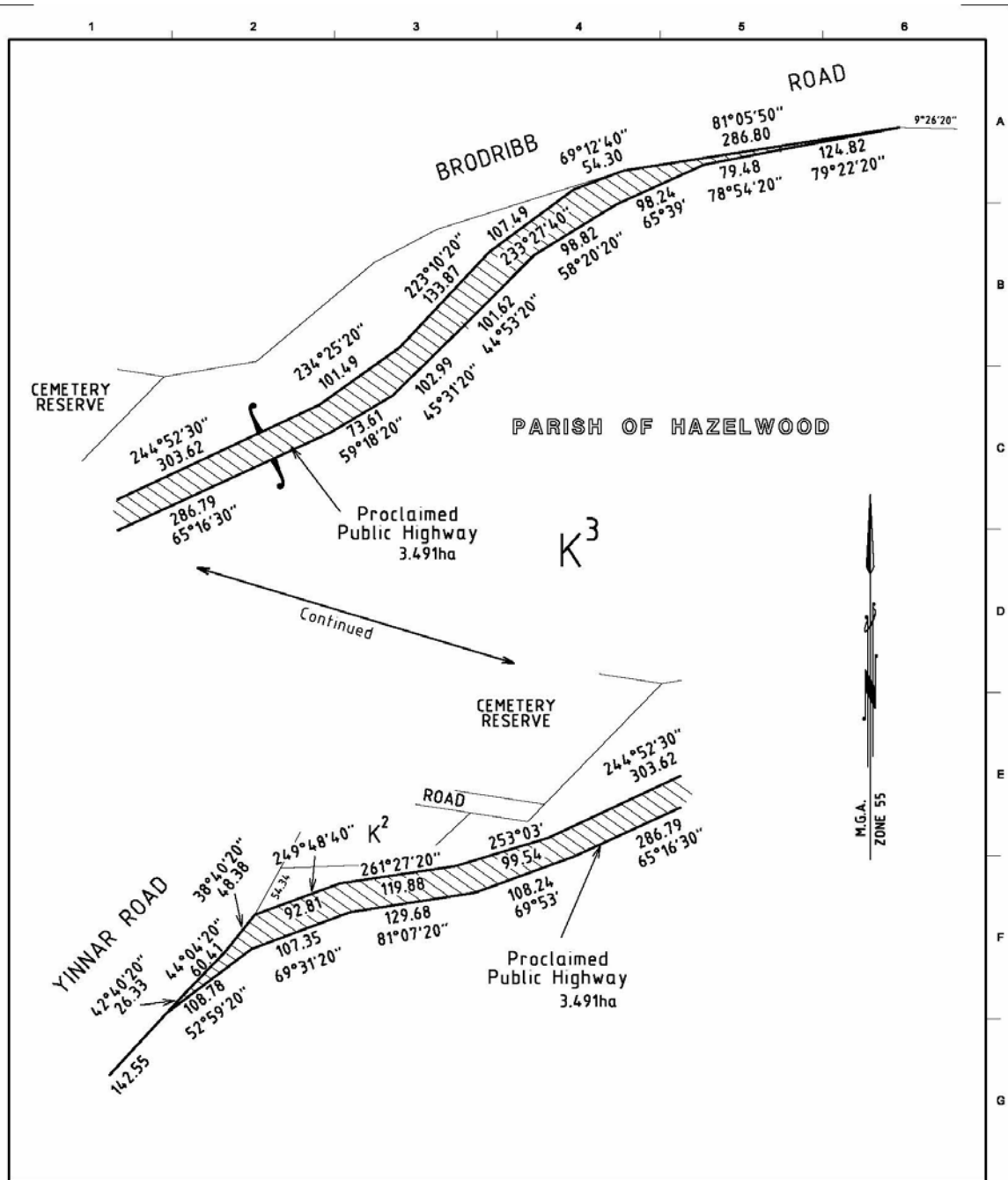
**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENTS







Surveyed	T Bitner	28 August 2007
Drawn	C Jones	3 April 2008
Checked	C Jones	3 April 2008
Approved	C Jones	3 April 2008

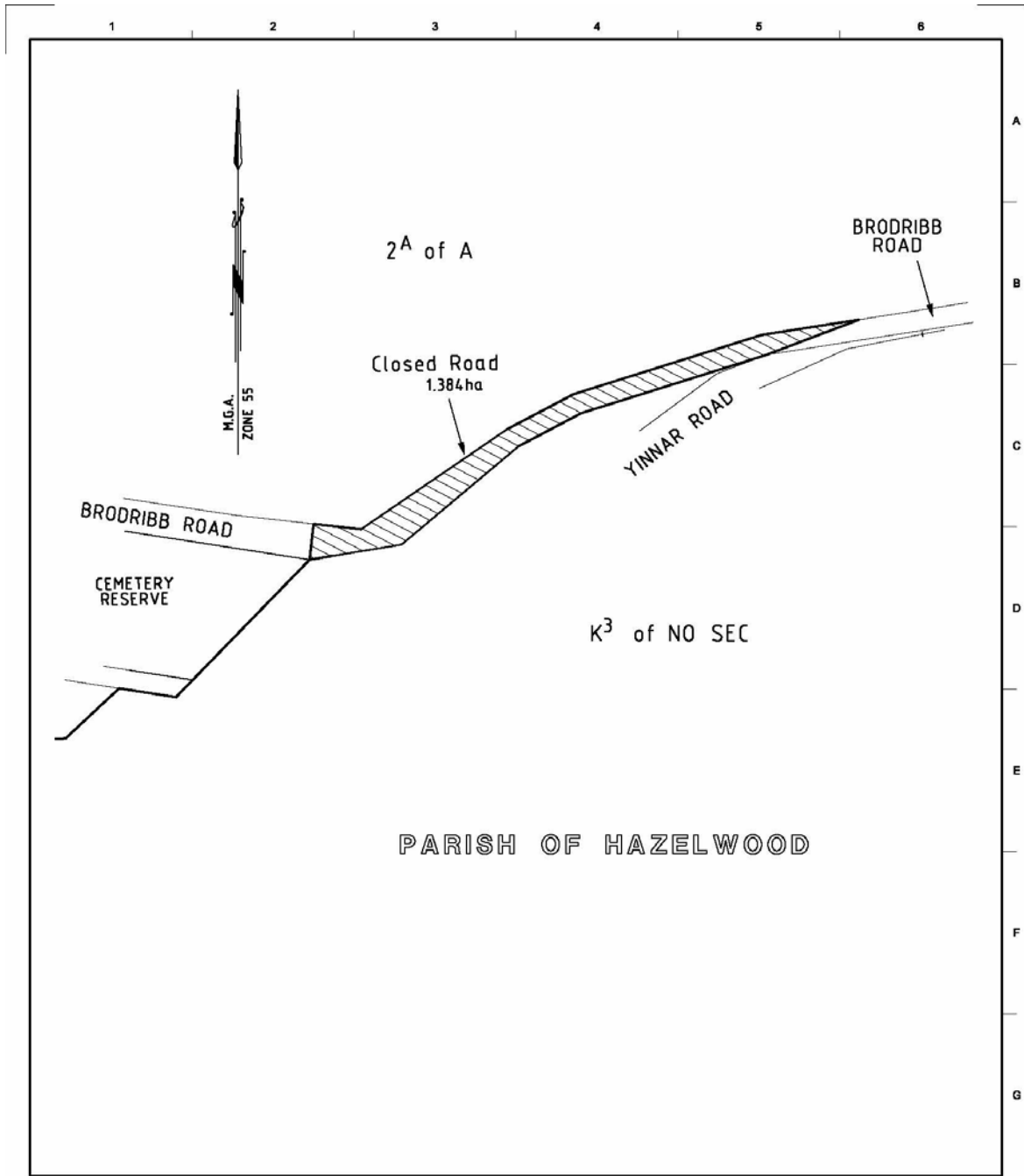
**International Power**

PLAN FOR GAZETAL PURPOSES  
PUBLIC HIGHWAY PROCLAMATION  
PART OF CA K3, NO SECTION  
PARISH OF HAZELWOOD

Drawing No. 3420130-01-001 Rev

Sheet No. 1 of 1

© SM Urban Pty Ltd A.B.N. 99 124 206 819



ORIGINAL SCALE  
Scale 1:5000



Surveyed		
Drawn	C Jones	3 April 2008
Checked	C Jones	3 April 2008
Approved	C Jones	3 April 2008

**International Power**

PLAN FOR GAZETAL PURPOSES  
ROAD CLOSURE

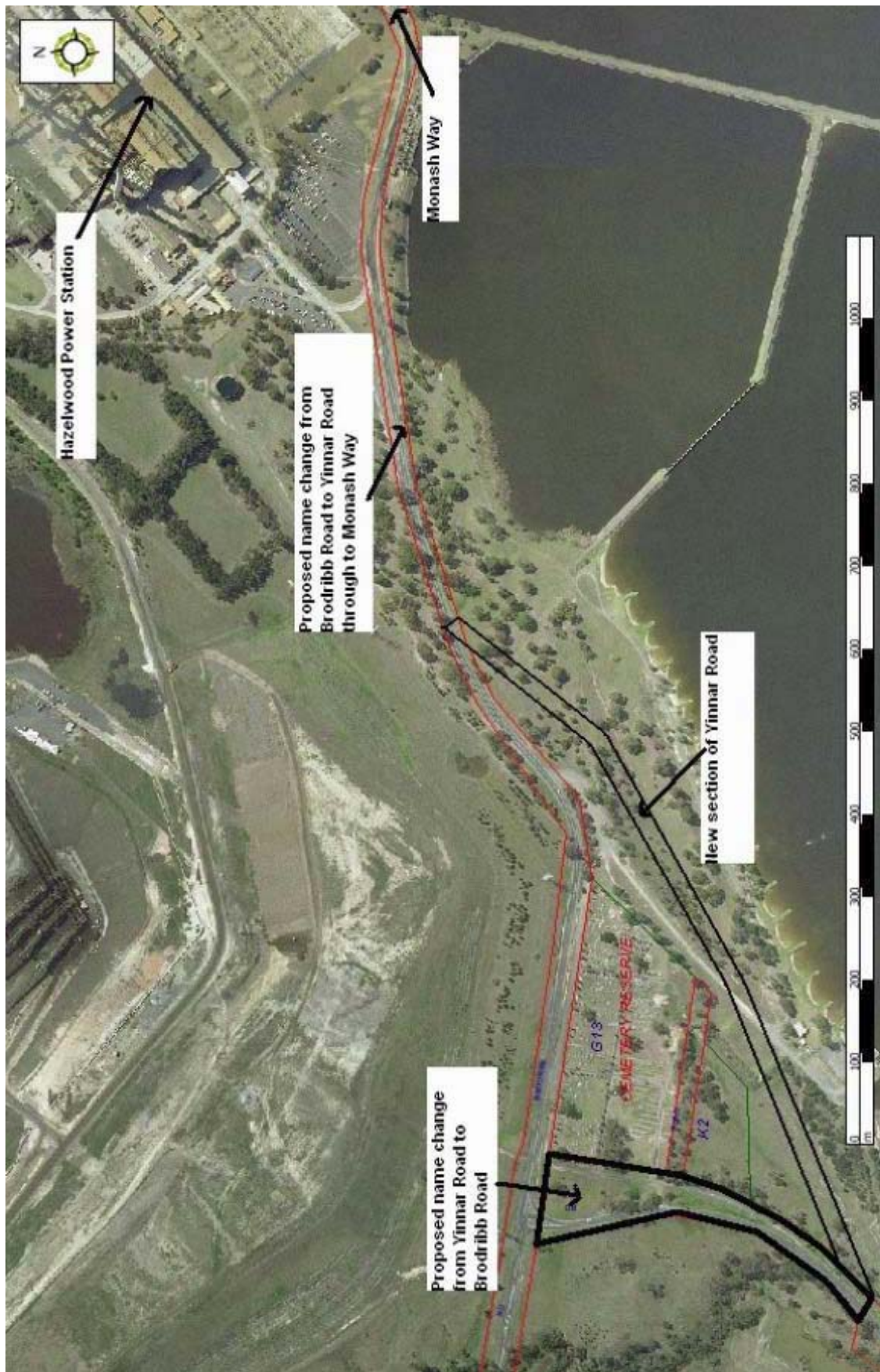
PART OF BRODRIBB ROAD

PARISH OF HAZELWOOD

Drawing No. 3420130-01-002 Rev

Sheet No. 1 of 1

© SM Urban Pty Ltd A.B.N. 99 124 206 819



**7.2 NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY**

**AUTHOR:** General Manager City Marketing & Development  
**(ATTACHMENT – NO)**

**1. PURPOSE**

The purpose of this report is to seek an extension of time to report back to Council on submissions received from the public consultation period on the draft Natural Environment Sustainability Strategy (NESS), in order to allow thorough consideration of the large number of comments received.

**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.*

*Strategic Action - Develop a Natural Environment Sustainability Strategy for Council consideration.*

*Policy No. GEN-MD 003*

*Ecologically Sustainable Development*

*It is Latrobe City Council's policy to: integrate environmental, economic and social considerations in decision-making; encourage active ongoing community participation, education and information; promote continuous improvement and an ability to cope with changing circumstances; maintain the ecological integrity (the conservation of essential ecological processes and life support systems, including biodiversity and the physical resource base of air, soil and water) of natural and artificial systems such as agriculture, forestry and urban areas; ensure equity for all sectors of the community, including young and old, residents and visitors, contributors to and users of Latrobe City's resources, for current inhabitants and for our children and future generations; adopt precautionary behaviour where there are possible or identified threats of serious or irreversible environmental damage; protect environmental resources as the top priority, enhance as the second priority, and consider replacement as a last resort; and ensure compliance with relevant legislation and government policies.*

### 3. **BACKGROUND**

At its 17 March 2008 Ordinary Meeting, Council resolved to release the draft NESS for public consultation over a four week period in accordance with Council's *Community Engagement Policy*, and that a further report be presented at the Ordinary Council Meeting to be held on 19 May 2008. This report was to provide a summary of written responses received from the public consultation period in relation to the draft Natural Environment Sustainability Strategy 2008-2013.

Responses have been received from agencies, industry, community environment groups and individuals. The responses comprise over 200 specific comments. The vast majority have been supportive of the structure and intent of the NESS and the comments primarily relate to the detail. There are also some suggestions for additional objectives to be included in the NESS.

### 4. **ISSUES**

A brief extension of time would allow thorough consideration of the large number of thoughtful and constructive suggestions received and allow them to be appropriately incorporated into the NESS.

A key aim of the NESS is to encourage cooperation and partnerships between key organisations in progressing natural environmental sustainability. A brief extension of time would also provide an additional opportunity for response by organisations that were unable to respond within the public consultation period.

### 5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Not applicable.

### 6. **INTERNAL/EXTERNAL CONSULTATION**

*The NESS has been released for public comment in accordance with Council policy. This report discusses how best to respond to the results received from the period of public consultation.*



**7. OPTIONS**

1. That Council consider the public responses to the Natural Environment Sustainability Strategy at the Ordinary Council Meeting on 19 May 2008, in accordance with its resolution of 17 March 2008.
2. That Council extend consideration of the public responses to the Natural Environment Sustainability Strategy until its Ordinary Meeting to be held on 2 June 2008.

**8. CONCLUSION**

The importance and value of public consultation, and the advantage of allowing responses from as many key partners in natural environment sustainability as possible, make it appropriate to extend consideration of the NESS until 2 June 2008.

**9. RECOMMENDATION**

**That a further report be presented at the Ordinary Council Meeting to be held on 2 June 2008 providing a summary of written responses received in relation to the draft Natural Environment Sustainability Strategy 2008-2013.**

**Moved:** Cr Caulfield

**Seconded:** Cr Middlemiss

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# **CHIEF EXECUTIVE OFFICER**

**11.1.1 DOCUMENTS FOR SIGNING AND SEALING**

**AUTHOR:** Executive Manager Governance & Legal Services  
**(ATTACHMENT – NO)**

P/P 05056/A	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Leewright Pty Ltd as Owners of the Land described in Certificate of Title Volume 10601 Folio 675 situated at Princes Highway, Traralgon East pursuant to Planning Permit No.05056/A dated 13 May 2005 for an 11 Lot Subdivision to ensure that prior to issue of Statement of Compliance:</p> <ul style="list-style-type: none"> <li>a) Proposed Lot B as shown on the endorsed plan of subdivision must be consolidated with Lot 3 on PS 445357Y (land contained in Certificate of Title Vol. 10601 Fol. 675).</li> <li>b) Plans for drainage and landscaping works within the Drainage Reserve to the satisfaction of the Responsible Authority must be submitted.</li> <li>c) Completion of the above works must be completed within two (2) years of registration of Plan of Subdivision 5378 34D.</li> </ul>
P/P 2007/257	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Robert Charles Reid and Rohan Paul Brock as Owners of the Land described in Certificate of Title Volume 10999 Folio 834 situated at 12 Como Court, Traralgon pursuant to Planning Permit No.2007/257 dated 8 January 2008 for a 2 Lot Subdivision and the Development of 2 dwellings, to ensure that before Statement of Compliance:</p> <ul style="list-style-type: none"> <li>a) No cubbyhouses to be built on the land that has any part of a window or second storey that above the fence height only the part of the roof should be visible from the neighbouring property.</li> <li>b) Only single storey dwellings to be built on either allotment.</li> <li>c) The fence posts of the western and eastern boundary fence of lot 259 PS 545548J be situated within the property boundary.</li> </ul>
P/P 05378	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and T and F Christian Holdings Pty Ltd as Owners of the Land described in Certificate of Title Volume 10319 Folio 591 situated at Lot 4 Manuells Road, Yallourn North pursuant to Planning Permit No.05378 dated 19 January 2007 for a 12 Lot Subdivision, to provide for stormwater discharge from buildings, sheds with a roof area greater than 6 sq metres, and impervious pavement areas used for driveways and carparks on the Land or any lot after subdivision of the Land into a stormwater retention tank located on the lot. The tank must be sufficient capacity to accept stormwater for a 5 year ARI storm event.</p>



**1. RECOMMENDATION**

- 1. That Council signs and seals the Section 173 Agreement in relation to the land described in Certificate of Title Volume 10601 Folio 675 situated at Princes Highway, Traralgon East pursuant to Planning Permit No.05056/A dated 13 May 2005.**
- 2. That Council signs and seals the Section 173 Agreement in relation to the land described in Certificate of Title Volume 10999 Folio 834 situated at 12 Como Court, Traralgon pursuant to Planning Permit No.2007/257 dated 8 January 2008.**
- 3. That Council signs and seals the Section 173 Agreement in relation to the land described in Certificate of Title Volume 10319 Folio 591 situated at Lot 4 Manuells Road, Yallourn North pursuant to Planning Permit No.05378 dated 19 January 2007.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Lloyd

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**11.1.2 CONFIDENTIALITY OF COUNCIL INFORMATION**

**AUTHOR:** Executive Manager Governance & Legal Services  
**(ATTACHMENT – NO)**

**1. PURPOSE**

The purpose of this report is to advise Councillors about a possible breach of confidentiality pursuant to the *Local Government Act 1989* (Vic).

**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 - Legislative Governance*

*To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.*

*Legislative Governance Community Outcome - ensure compliance with the Local Government Act 1989.*

*Policy: Code of Conduct adopted 4 December 2006.  
Values and Behaviour Charter adopted 1 October 2007.*

**3. BACKGROUND**

On 16 May 2007 Council received an application pursuant to the *Freedom of Information Act 1982* to release various documents relating to a significant Council project.

The documents sought included documents, letters and proposals by the private sector to purchase the Moe Library; copies of any offers made to purchase the Moe library; direction given to consultants and consultants' reports on the proposal.

In accordance with the *Freedom of Information Act 1982*, Council produced various documents including architects reports and plans, and a Councillor briefing report not deemed confidential. Partial access was provided to architects reports and a feasibility study and three documents were considered exempt from being produced including a confidential report for Councillors dated 26 March 2007.

The reasons for exemption cited by Council officers during the initial response and subsequent internal review, were that the documents contained information that was of a business or commercial / financial nature and disclosure would be unreasonable. However, pursuant to Section 25 of the *Freedom of Information Act 1982* these documents were edited to allow partial access.

Three documents were considered exempt from disclosure as they contained information that was business or commercial / financial, and / or an official record of a closed meeting of Council or considered ancillary to an official record of a closed meeting of Council.

The official record in question was a report provided to Councillors at a briefing session of Councillors on 26 March 2007. The agenda containing the report clearly indicated that the report was confidential. The report itself was also marked 'Confidential'.

Furthermore, at its Ordinary Council Meeting of 2 April 2007, Council resolved to keep confidential all reports and discussions within the briefing session which were marked confidential; including the report in question. As Council has not resolved to release this report or discussions pertaining to the report, the contents remain confidential.

Councillors would be aware that the *Local Government Act 1989* (Vic) provides valid reasons for which a Council may keep information confidential. Council often receives unsolicited and solicited information from the private sector in order to consider options to be put before Council. Often the information is sensitive to a business in that it discloses proposed developments or cost information, which if released, may provide an unfair competitive advantage to some private sector competitors.

Furthermore, Council is obliged to find the best value for money regarding all of its decisions. Therefore, it would be imprudent for Council to release cost information to the general public prior to conducting a tender or expression of interest process.

Under the *Freedom of Information Act 1982* applicants are entitled to seek a review by the Victorian Civil and Administrative Tribunal (VCAT) to gain access to partially and fully exempt documents.

This action was taken by the applicant and a hearing was conducted by VCAT on 7 May 2008.

Prior to the hearing the parties were obligated to exchange evidence. During this process it became evident that the applicant was in possession of the confidential report of Council dated 26 March 2007.

As the report was confidential, Councillors, nine senior officers and two administrators of the Council minutes were privy to the document.

Therefore, the applicant's possession of the report must have arisen through a breach of confidentiality.

During the VCAT hearing, the applicant was called as a witness to give evidence as to why the documents being sought should be produced.

Through that examination Council had an opportunity to question the applicant as to how they came in possession of a confidential Council report.

The applicant gave evidence under oath that "the report appeared on [her] front doorstep".

#### 4. **ISSUES**

Section 77 of the *Local Government Act 1989* (Vic) states that:

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.

Penalty: 100 penalty units

From the information available, undoubtedly a confidential document has been released without the consent of Council.

The *Local Government Act 1989* (Vic) provides at Section 209 that the Minister may appoint a Commissioner to investigate the affairs of Council.

Once appointed, the Commissioner is entitled to examine under oath any persons related to the investigation.

Upon its completion, the report of the Commissioner may be tabled in Parliament and recommendations made which may include the suspension of a Councillor found to be in breach of the *Local Government Act 1989* (Vic) and / or a monetary fine above \$10,000.

The Commissioner may also make recommendations to the Council regarding its governance processes and can actively ensure that any recommendations are adopted.

## **5. FINANCIAL AND RESOURCES IMPLICATIONS**

The Commissioner is entitled to ask Council to pay the reasonable costs associated with each witness attending to give evidence.

These costs would be considered minor and capable of being accommodated within the existing budget.

## **6. INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

*Council is not required to seek public opinion regarding this issue and therefore no external engagement has been conducted. In the interests of Good Governance, this report is available to the public.*

*External advice has been sought from the Department of Community Planning and Development regarding the process to be taken to commence an investigation.*

*Details of Community/Consultation Results of Engagement:*

*No community consultation was undertaken or is suggested to be undertaken. A report on the findings of the inquiry will be brought to Council at its completion and made available to the public.*

## **7. OPTIONS**

1. Council has the option of not investigating a possible breach of Section 77 of the *Local Government Act 1989* (Vic); or

2. Council may choose to initiate an investigation into this matter by writing to the Minister for Local Government and seeking an inquiry.

## 8. **CONCLUSION**

A potential breach of confidentiality is a very serious violation of the *Local Government Act 1989*. The adoption of the Code of Conduct and the signing of the Values and Behaviour Charter in October 2007 by almost all Councillors indicates an awareness of the obligations regarding the release of information deemed confidential by the Council.

Council's management is also very aware of its obligation in this regard.

In particular, by adopting the Code of Conduct, Council has formally agreed to:

- 1(C)...act with integrity and honesty;
  - a) being honest in dealings with the community, with other Councillors and with Council staff;
  - b) always acting with impartiality and in the best interests of the community as a whole;
  - c) not acting in ways that may damage the Council or its ability to exercise good government;
  - d) exercising reasonable care and diligence in performing their functions as Councillors;
  - e) complying with all relevant laws.

Should it be found that a Councillor has disclosed confidential information, it will be considered a breach of the laws of Victoria and Council's own Code of Conduct and Values and Behaviour Charter. Therefore, given the seriousness of the issue, Council should pursue the process for investigating this breach of confidentiality.

The confidentiality provisions within the *Local Government Act 1989* do not strictly apply to council officers. However, given the seriousness of the action, should a breach of confidentiality be found to have occurred, the consequence to a council officer would be immediate dismissal.

**9. RECOMMENDATION**

1. That Council instructs the Chief Executive Officer to write to the Minister for Local Government requesting that a Commissioner be appointed to investigate a possible breach of Section 77 of the *Local Government Act 1989 (Vic)*; and
2. That a report on the findings of the inquiry be presented to Council and made available to the public.

**Moved:** Cr Price

**Seconded:** Cr Lloyd

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# **CITY MARKETING & DEVELOPMENT**



**11.3.1 TRARALGON EARLY LEARNING CENTRE - INTERIM REPORT**

**AUTHOR:** General Manager City Marketing & Development  
**(ATTACHMENT – NO)**

**1. PURPOSE**

The purpose of this report is to seek an extension of time to report back to Council on submissions received from the public consultation period on the Traralgon Early Learning Centre (TELC) Redevelopment Project, in order to allow thorough consideration of the large number of submissions received.

**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. 2 Liveability*

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

*Community Liveability Community Outcome*

*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'.*

*Strategic Action - Community Well-being:*

*Support government agencies, non government agencies and the community to provide high quality preschool and childcare.*

*This Strategic Action will be achieved through the following Key Priorities and Actions in the Council Plan 2007-2011:*

*Deliver an accessible preschool service in Latrobe City in accordance with Council's preschool policy.*

*Provide Early Learning Centres and deliver the Family Day Care Program to the community.*

*Policy No. GEN-CIS 010 Child Care Centre Policy*

1. The Council will ensure that early learning centres provide care which meets the needs of children through the provision of a carefully planned environment and a range of experiences which are aimed to foster the physical, social emotional and intellectual development of children.
2. The Council will ensure that each centre conducts its affairs strictly in accordance with the Children's Services Regulations 1998, the Children's Services Act 1996 and any necessary requirements to ensure that each centre maintains its accredited status.
3. The Council will provide an opportunity for the involvement of children's parents in a meaningful way in all aspects of the centre's operations.
4. Council will develop a strategic framework for the ongoing development of childcare services in Latrobe City to ensure the overall provision of services continues to meet community and parent expectations.

**3. BACKGROUND**

At its Ordinary Meeting of 17 March 2008, Council adopted the following resolution in relation to the assessment of locations for the TELC Redevelopment Project:

1. *That Council notes this report.*
2. *That Council provides an opportunity for comment over a six week period with local residents, parents and users of the TELC and the Kay Street Preschool, and the wider community to identify and address issues relating to those locations deemed suitable as per appendix two of this report.*
3. *That a further report be provided to Council at its Ordinary Meeting to be held on 19 May 2008 regarding the outcome of the community consultation and outlining an action plan to implement Council's resolutions regarding the redevelopment of TELC and the provision of additional preschool capacity in Traralgon.*
4. *That the Head Petitioners of the two petitions received at the 3 March 2008 Ordinary Council meeting relating to the proposed relocation of the Traralgon Early Learning Centre be advised of Council's decision.*

Six specific sites in Traralgon were assessed as suitable for relocation of TELC and the provision of additional preschool capacity:

1. Hubert Osborne Park, former tennis court site between the Kay Street Preschool and Mabel Street.
2. "North Wing", Civic Precinct, corner Church and Grey Streets.
3. Cumberland Park Preschool, corner Kay & Kosciusko Streets, Traralgon
4. VicRoads parkland – 133-137 Grey Street
5. Former Latrobe Regional Hospital site, Princes Hwy
6. Baptist Church, Kay Street, Traralgon

An extensive community consultation process has occurred over the past six weeks in relation to the sites identified as suitable, engaging with the major stakeholder groups and providing an opportunity for members of the community to obtain information regarding the project, site options and provide comment to Council.

Responses have been received from key stakeholder groups, individuals, service users and the general public. Over 78 responses have been received with a diverse range of opinions and views regarding specific sites and the TELC Redevelopment Project itself.

#### **4. ISSUES**

A brief extension of time would allow thorough consideration of the large number of suggestions received and allow them to be appropriately analysed and considered in relation to the TELC Redevelopment Project.

The TELC Redevelopment Project has generated considerable interest and debate in the community with a number of divergent views expressed by those providing responses.

#### **5. FINANCIAL AND RESOURCES IMPLICATIONS**

Not applicable.

## 6. INTERNAL/EXTERNAL CONSULTATION

### *Engagement Method Used:*

A range of community consultation processes have been utilised to seek community views regarding the sites identified as suitable. These include:

- Meetings with key stakeholder groups and land owners.
- Two community information sessions on 16 April 2008 and 22 April 2008.
- Publication and distribution of Project Information Pack in hard copy and on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Traralgon Journal.
- A press release outlining the sites under consideration and the consultation process.
- A general invitation to all participants in the consultation process to provide written or verbal feedback regarding the site options.

## 7. OPTIONS

Given the extent and diversity of views expressed in responses to the community consultation process, Council may choose to extend consideration of the public responses regarding potential sites for the TELC Redevelopment Project to an Ordinary Meeting of Council.

## 8. CONCLUSION

The importance and value of public consultation and the importance of providing Council with a comprehensive report on submissions received, make it appropriate to extend consideration of potential sites for the TELC Redevelopment Project to an ordinary meeting of Council.

## 9. RECOMMENDATION

**That a further report be presented to an Ordinary Council Meeting providing a summary of written responses received in relation to the Traralgon Early Learning Centre Redevelopment Project.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Zimora

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

### **11.3.2 PLANNING APPLICATION 2007/326 - DEVELOPMENT OF FOUR DWELLINGS AND A FOUR LOT SUBDIVISION AT 100 CROSS'S ROAD, TRARALGON**

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

#### **1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2007/326 for the Development of Four (4) Dwellings and a Four (4) Lot Plan of Subdivision at 100 Cross's Road, Traralgon, being Lot 1 PS 531365.

#### **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: 100 Cross's Road Traralgon, known as lot 1 PS 531365.  
Proponent: M & R Milstein Builders.

Zoning: Residential 1 Zone.  
Overlay: No overlays affect the subject land.

A Planning Permit is required for the development of the land for four (4) dwellings in accordance with Clause 32.01-4 of the Scheme.

A Planning Permit is also required for the subdivision of the land in accordance with Clause 32.01-2 of the Scheme.

### **3.2 PROPOSAL**

The application is for the construction of four (4) dwellings on a long rectangular lot on the north side of Cross's Road, Traralgon. The lot lies midway between Ashworth Drive and Riverslea Boulevard and is cleared with a slight fall to the north. The lot has an area of 1474m<sup>2</sup> and is encumbered by a large sewerage easement, which protects the Regional Outfall Sewer. The development has been set back from the road frontage to avoid the easement. Adjoining the property on its western boundary is the Traralgon Water Treatment Plant, a two storied office/plant room on a two hectare property at the junction with Ashworth Drive.

The four (4) dwellings will be detached and contained on four (4) individual lots with common property over the driveway. The dwellings will be two-storied with living areas on the ground floor and bedrooms on the upper floor. The density of the development will be approximately 1 dwelling per 368m<sup>2</sup>.

The development will be served by one access point off Cross's Road.

(Refer to the attached plans)

Subject Land:

The lot is a cleared rectangular property and is one of several large residential lots on the north side of the street.

Surrounding Land Use:

North: Residential land under development  
South: Developed residential land  
East: Residential land under development  
West: Gippsland Water Traralgon Water Treatment Facility

### 3.3 HISTORY OF APPLICATION

The application was received on 10 September 2007. Further information was requested on 20 November 2007. Notice of the application was served on 6 December 2007 and objections were received. A Planning Mediation Meeting was held on 25 March 2008 but the objectors could not attend and the meeting was abandoned.

### 3.4 LATROBE PLANNING SCHEME

#### **State Planning Policy Framework**

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

Clause 14.01 'Planning for urban settlement', includes the following relevant 'General implementation' matters:

- *'In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher densities and mixed use development near public transport routes.'*

Clause 16.02 'Medium density housing' contains an 'Objective' to encourage the development of well-designed medium-density housing which:

- *'Respects the neighbourhood character.'*
- *Improves housing choice.'*
- *Makes better use of existing infrastructure.'*
- *Improves energy efficiency of housing.'*

#### **Local Planning Policy Framework**

##### Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Clause 21.01-3, 'Urban settlement and form'. Traralgon is one of the three main urban settlements in the municipality, and under 'Housing' (Clause 21.01-7) it is stated that the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest, including:



- Medium density 'suburban' housing:

Clause 21.03 (Vision – Strategic Framework):

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.'*

Clause 21.04 (Objectives/Strategies/Implementation):

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

- *'Encourage consolidation of urban settlement within the urban zoned boundaries;*
- *To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns; and*
- *Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*

Clause 21.04-4 'Housing' has an Element (No 2) that promotes housing choice by encouraging a wide variety of housing types, especially smaller and more compact housing to meet the changing housing needs of the community.

#### Local Planning Policy (Clause 22)

Clause 22.06 (Urban Residential Land Supply):

Clause 22.06 'Urban Residential Land Development Policy' applies to Churchill, Moe, Morwell and Traralgon. The policy basis and objectives identify the concepts of the MSS as outlined above and amongst its objectives are:

- *'To increase the choice and availability of housing for a broad range of ages and lifestyles.'*

- *To ensure that the design, layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual qualities of towns.*
- *To create a high quality living environment recognizing environmental sustainability.'*

### **Zoning**

The land is zoned Residential 1 Zone (R1Z)

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 that respects the neighbourhood character.*

### **Overlay**

There are no overlays over the subject land.

### **Particular Provisions**

Clause 52.01 Public Open Space Contribution and Subdivision:

As a Public Open Space contribution was imposed at the original subdivision stage no further contribution can be imposed.

Clause 52.02 Easements, Restrictions and Reserves:

The property is encumbered by the Latrobe Valley Regional Outfall Sewer easement. The development does not encroach on to the easement. Gippsland Water has imposed conditions safeguarding their asset.

Clause 55 Two or More Dwellings on a Lot:

The objectives and standards of Clause 55 are met.

Clause 56 Residential Subdivision:

The objectives and standards of Clause 56 are met.

Decision Guidelines (Clause 65):  
The objectives and standards of Clause 65 are met.

#### 4. **INTERNAL/EXTERNAL CONSULTATION**

##### **Engagement Methods Used:**

Notification:

The application was advertised by sending notification 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 Statutory Authorities under section 55 of the Act. The Statutory Authorities consented to the development subject to the imposition of conditions that have been included in the proposed planning permit conditions.

Internal:

The application was referred to Council's Project Services Team who recommended conditions. Those conditions are included in the proposed planning permit conditions.

##### **Details of Community Consultation following Notification:**

Submissions were received from two objectors.

A Planning Mediation Meeting was held on 25 March 2008 but the objectors could not attend and the meeting was abandoned.

#### 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'.

The issues raised by the two objectors can be summarised as follows:

1. *Overshadowing on to adjoining land*

As the subject land is aligned on the north south axis the bulk of the overshadowing occurs on the subject land. Under the provisions of the Latrobe Planning Scheme, Clause 55.04-5 (Standard B21), the overshadowing provisions only apply where a dwelling exists on adjoining land and where that dwelling has what is known as secluded private open space. Secluded private open space is a garden area that is fenced.

In this case the dwelling on the adjoining property to the east is under construction and therefore cannot be considered – see also the comments in the following paragraph dealing with overlooking. However, from an examination of the building plans submitted for the adjoining lot to the east, it is considered that the presumed secluded private open space will not be affected.

2. *Garage built on adjoining boundary*

Comment:

It is permissible for buildings, particularly outbuildings to be built on the boundary. Clause 55.04-2 (Standard B18) stipulates criteria for walls on or within 150mm of boundaries. There are two garage walls on each boundary and the lengths are well within the standard limit.

There are two height limits for walls on boundaries; an average height limit of 3m and a maximum height limit of 3.6m. The maximum height limit is not exceeded however the average height limit is exceeded. A condition is recommended to reduce the average height to 3m

3. *Overlooking of adjoining land*

The overlooking provisions of the scheme only apply in relation to existing dwellings on adjoining properties. There are two dwellings under construction on the adjoining properties to the east and north. The planning scheme or the building regulations would not consider these dwellings to exist as noted in the scheme.

Therefore it is considered that the overlooking provisions of the scheme and the development are met

4. *Decrease in property value*

Comment:

The Latrobe Planning Scheme does not address the devaluation of property. This objection is sometimes raised but it is usually considered to have little merit from a planning perspective unless the matter can be substantiated by a sworn professional valuation.

The Victorian Civil and Administrative Tribunal (VCAT) have held that assertions that properties will be devalued as a result of adjoining development are usually unsubstantiated and should not be considered as an applicable ground for refusing a development application.

5. *Increased traffic causing nuisance*

Comment:

The four units, if approved, will add about forty (40) vehicle trips per day (VPD) to the street. Cross's Road is a collector road and is designed to accommodate about 3000 VPD. It is considered that the impact of the additional 40 VPD would be marginal.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at VCAT.

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 will be the first multi-unit development in this area. Most of the dwellings constructed so far are mainly single storied detached dwellings on individual lots, especially those on the south side of Cross's Road. This also reflects the bulk of the residential development to the north-east and east.

The subject land is one of six large lots on the north side of Cross's Road, two of which are over 1,470m<sup>2</sup> in area; two are over 2,500m<sup>2</sup> in area and two are over 3,000m<sup>2</sup> in area. These large areas have resulted from the encumbrance of the Regional Outfall Sewer easement, which is 20m wide.

It is considered that the impact of the proposed development will be moderated by its setback from the street frontage and by its location next to the Traralgon Water Treatment Plant and by the openness of the adjoining residential development surrounding it to the north and east.

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); and
- The objections received have been considered against the provisions of the Latrobe Planning Scheme. The relevant planning concerns have been considered and where appropriate relevant permit conditions addressing these issues will be imposed. It is considered that the objections do not form sufficient 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 Development of land for Four Dwellings and a Four Lot Plan of Subdivision at 100 Cross's Road, Traralgon, being Lot 1 PS 531365, with the following conditions:**

**Development:**

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The garage walls on or within 150mm of the boundaries must not exceed an average height of 3m from the natural ground.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including the proviso that any dead, diseased or damaged plants are to be replaced.
4. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed and properly formed to such levels that they can be used in accordance with the plans;
  - b) surfaced with an all-weather-seal coat or equivalent and drained;
  - c) designed and laid out to comply with AS/NZS AS 2890.1:2004, *Parking Facilities – Off street car parking*.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
5. All stormwater and surface water discharging from the site, buildings and works must be conveyed separately for each dwelling to the legal point of discharge by underground pipe drains all to the satisfaction of Coordinator Project Services. No effluent or polluted water of any type must be allowed to enter the Council's stormwater drainage system. Prior to the commencement of any works hereby permitted, a site drainage plan must be submitted to Council's Coordinator Project Services for approval. The plan must show a drainage scheme providing for the conveying of the stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.

**NOTE:**

Any drainage connection into a Council stormwater drain requires the approval of Council's City Infrastructure division prior to the works commencing. The applicant must obtain a Council Works permit for new connections to Council drains and these works are to be inspected by an officer from Council's City Infrastructure division.

6. Environmental amenity must be controlled during construction, including the control of dust, and measures taken to prevent silt and litter entering the drainage system.
7. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

**Subdivision:**

8. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
9. The Owner/Applicant must comply with the following requirements from the Telstra Corporation Ltd:
  - a) That the plan of subdivision submitted for certification be referred to Telstra in accordance with section 8 of the Subdivision Act 1988.
10. The Owner/Applicant must comply with the following requirements from the Gippsland Water:
  - a) All works will be carried out in accordance with the owners methodology submitted to Gippsland Water – Copy attached. (Note: This was in accordance with Dot point 3 of the Planning Permit “Property owner will be required to submit documentation demonstrating how any proposed works will be performed to Gippsland Water for approval” response dated 16 January 2008.
  - b) Provide Gippsland Water notification of not less than 48hrs to attend & inspect works. (Contact at Gippsland Water John Sylaidos 5177 4804).
  - c) The owner will need to sign an indemnity form. (Copy forwarded to M & R Milstein Builders and must be received prior to the issue of the Planning Permit).
11. The Owner/Applicant must comply with the following requirements from the SPI Electricity Pty Ltd:
  - a) The Plan of Subdivision submitted for certification under the Subdivision Act 1988 must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of that Act.



The applicant must:

- b) Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision as required by SPI Electricity Pty Ltd. A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required.

**Note:** Because you can only have one supply point into your property you will need to install Group metering with Mains control to supply the unit from the existing/new SP AusNet supply Pit. Your REC may need to consult with the local Electrical Installation Inspector and comply with the Service and Installation Rules 2005 in relation to the supply of multi unit sites with common property.

12. This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or  
b) the registration of the subdivision is not completed within 5 years of certification.

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

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

**Note.** Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.

**Note.** For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your Development and Apply for Reticulation.

**Moved:** Cr Kam

**Seconded:** Cr Caulfield

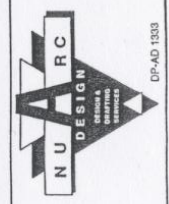
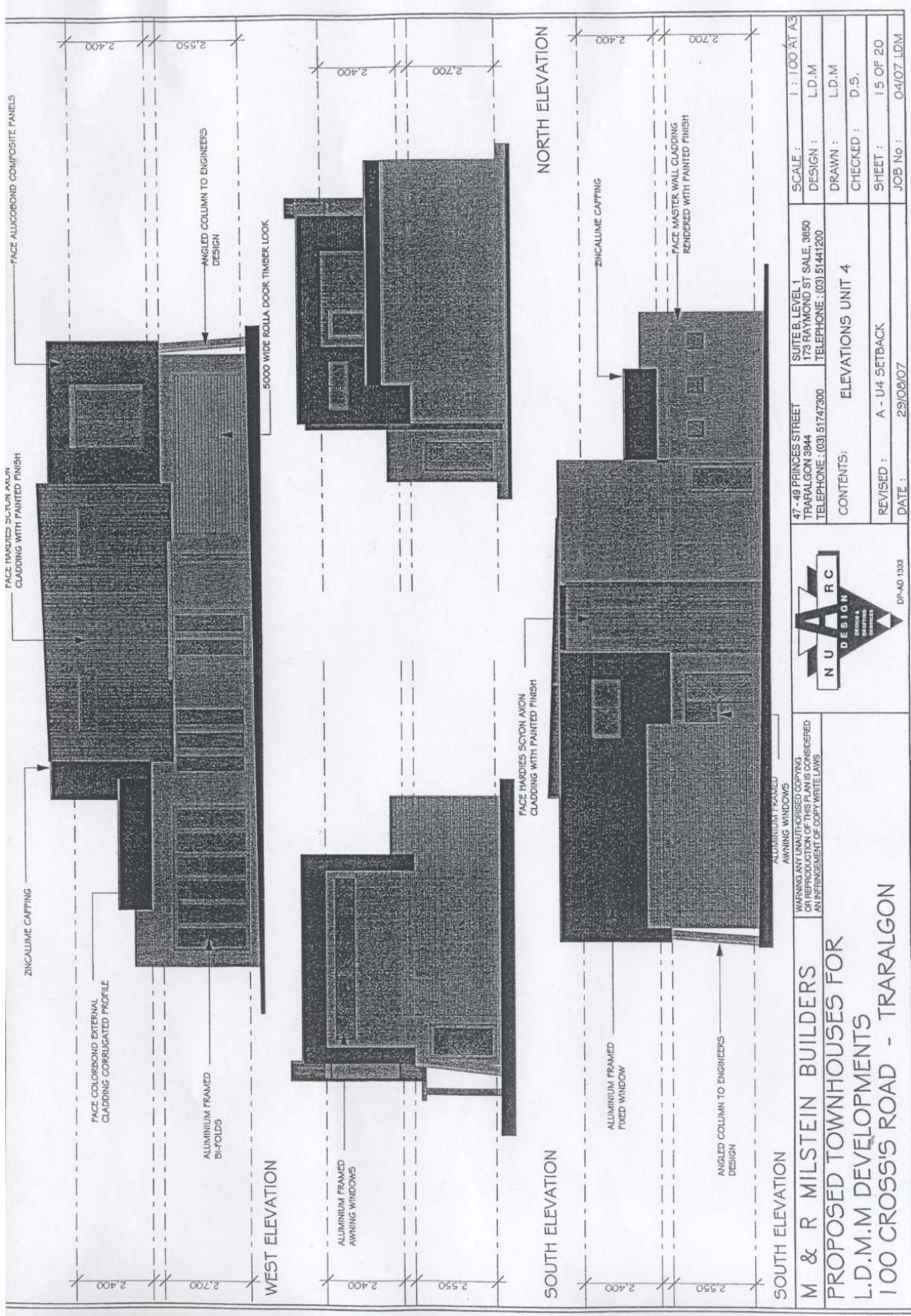
**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENTS





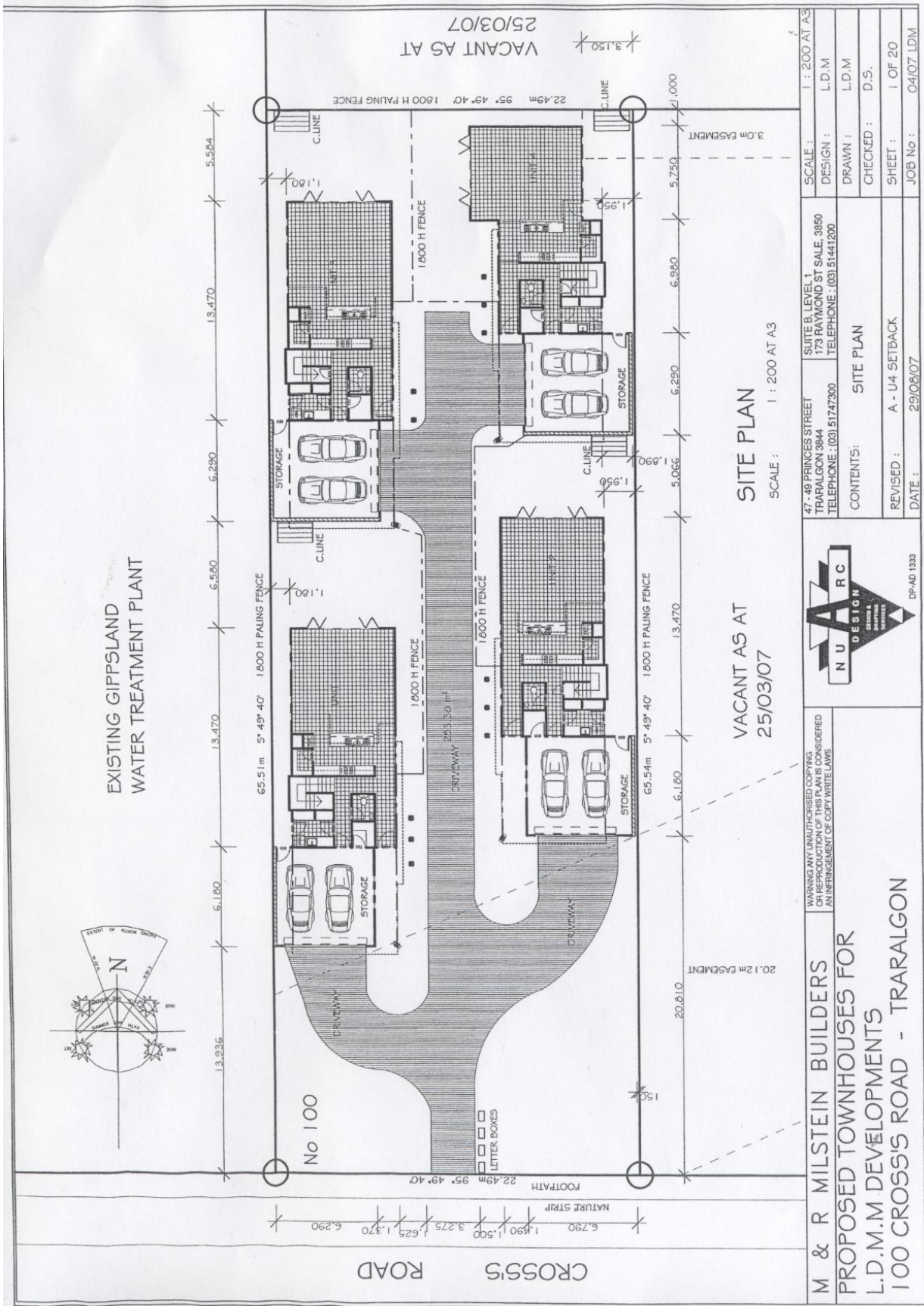


WARNING: ANY REPRODUCTION OF THIS PLAN IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAWS

M & R MILSTEIN BUILDERS  
 PROPOSED TOWNHOUSES FOR  
 L.D.M.M DEVELOPMENTS  
 100 CROSS'S ROAD - TRARALGON

47-49 PRINCES STREET TRARALGON 3844 TELEPHONE (03) 51747300	SUITE B, LEVEL 1 173 RAYMOND ST SALE, 3850 TELEPHONE (03) 51441200	SCALE: 1:100 AT A3 DESIGN: L.D.M DRAWN: L.D.M CHECKED: D.S. SHEET: 15 OF 20 JOB No: 04/07 LDM
CONTENTS: ELEVATIONS UNIT 4		
REVISED: A - U4 SETBACK		
DATE: 29/03/07		





12 December 2007

Responsible Authority  
Latrobe City Council  
PO Box 264  
Morwell VIC 3840

Latrobe City	
21 DEC 2007	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

To whom it may concern

**RE: 100 Crosses Road, Traralgon**

We would like to put in an objection for the planning permit for four townhouses located at 100 Crosses Road, Traralgon.

We have four major objections to this proposal and they are as follows;

- The shadow cast from the two story buildings.
- The garage built on the fence line.
- The view overlooking our property.
- Decrease in property value.

The reason why we have these four objections is due to the fact that the easements on our property cause us to establish our home closer to the boundary corresponding with 100 Crosses Road, Traralgon.

This intern causes the proposed houses shadow to cast over our home which will intern affect the energy rating of our home.

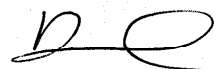
The proposed garage built on the fence line will cause excess noise to our property as well as affecting our privacy and more shadows casting over our home.

The proposed balconies on the two storey property will have views looking into our children's bedrooms which will create another privacy issue.

If the proposal of the townhouses does proceed these three factors above we believe will have a negative affect on our property causing a financial decrease in our property value.

Please decline the application for these townhouses to be erected.

Regards,



David Ness  
98 Crosses Road  
Traralgon VIC 3844



Billie Ness  
98 Crosses Road  
Traralgon VIC 3844

Latrobe City Council  
PO Box 264  
Morwell 3840

December 20, 2007

To Whom It May Concern

Re: Application Reference no: 2007/326

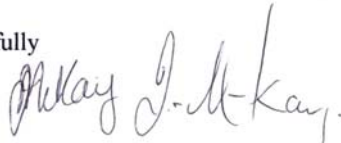
We note the proposal to build four townhouses at 100 Crosses Rd and subdividing the property. We have concerns regarding this development for a number of reasons. We are unable to visit the Latrobe Service Centre during the hours of opening due to our work commitments and therefore are unsure of details of property development but strongly believe that plans should be attached to the Notice sent out to residents so residents are fully aware of proposal.

Currently there is a business operating at 104 Crosses Rd without permit which has up to 16 vehicles entering that property at any given time. As well, the hatchet block situated at 102 Crosses Rd is directly adjacent to that busy driveway. Potentially there would be eight or more cars entering the proposed development with the potential that that driveway is also directly adjacent to the other two. This is all directly opposite our home. The amount of traffic at that section of road is, we believe, excessive for a residential area and needs careful planning especially as the current allowable speed is 60km/hr along Crosses Rd.

As a shiftworker, the extra traffic means that sleep becomes more difficult with the extra noise. Also at other times car headlights become a problem and a constant interruption, potentially.

We have found in the past that if we do not respond to Notices such as these then we do not receive further updates should the plans change. We wish to be very clear on this point, we want to be updated as regularly as possible on any changes that occur to the plans.

Yours faithfully



Julie and John McKay  
97 Crosses Rd  
Traralgon 3844

03-5174 9293

Latrobe City	
- 2 JAN 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

**Suspension of Standing Orders**

**Moved:** Cr Middlemiss

**Seconded:** Cr Price

**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 7.26 pm

Mr Barry Bennett, addressed Council in relation to Item 11.3.3 – Planning Permit Application 2007/392 – Use and development of land for a Drive Through Bottle Shop, 4 Acacia Way, Churchill.

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

**Resumption of Standing Orders**

**Moved:** Cr Zimora

**Seconded:** Cr Middlemiss

**That Standing Orders be resumed.**

**CARRIED UNANIMOUSLY**

Standing Orders were resumed at 7.32 pm

**11.3.3 PLANNING PERMIT APPLICATION 2007/392 - USE AND DEVELOPMENT OF LAND FOR A DRIVE THROUGH BOTTLE SHOP, 4 ACACIA WAY, CHURCHILL**

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

**1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2007/392 for the use and development of land for a Drive Through Bottle Shop at 4 Acacia Way, Churchill.

**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.*

**3. BACKGROUND**

**3.1 SUMMARY**

Land:	4 Acacia Way, Churchill known as Lot 12 LP 211129, Parish of Hazelwood.
Proponent:	GPG Mobil Pty Ltd.
Zoning:	Mixed Use Zone.
Overlay	No overlays affect the subject land.



A Planning Permit is required to use and develop land for a Bottle Shop in accordance with Clause 32.04-1 and 32.04-7 of the Mixed Use Zone.

### **3.2 PROPOSAL**

The application is for the use and development of land for a detached drive through bottle shop in the grounds of an existing supermarket (Churchill IGA)/service station (Mobil) complex.

The proposed bottle shop has an area of 95m<sup>2</sup> (11.7m x 8.1m), with a 33m<sup>2</sup> canopy (3.9m x 8.5m) for undercover vehicle service by staff. Internal access to the bottle shop will be via the existing sealed road, but with an additional widening adjacent to the drive through frontage.

The land is currently vacant and is to be located to the north-west of the existing supermarket/service station complex and to the north of the associated car park (48 spaces). The site slopes gently from south to north.

No direct external access/egress is available to the subject land. Access/egress to the Bottle Shop will be from the existing access/egress to Lot 13 from Acacia Way (access and egress) and Monash Way (egress only).

The existing development is contained on two titles located on the corner of Acacia Way and Monash Way, Churchill. The subject land (Lot 12 LP 215154) contains part of the car park. Lot 13 LP 215154 contains the supermarket/service station complex, a car wash facility and a section of the car park.

The proposed hours of operation are:

- Sunday and Monday: 10.00 am - 10.00 pm
- Tuesday – Saturday: 10.00 am - 11.00 pm

One (1) full time staff member and four (4) casual staff will be employed.

No additional on-site car parking is proposed.

No advertising signage is proposed as part of this application.

A Restrictive Covenant applies to the subject land. The Covenant restricts more than one dwelling on the land; restricts the use of second hand building materials; restricts dangerous, noisy or offensive equipment or manufacturing/trades. The application does not contravene this Covenant.

There are no easements located on the subject land.

Surrounding Land Use:

North: Vacant (approximately 7 ha of undeveloped residential land).  
South: Road Reserve (Acacia Way); vacant residential lots.  
East: Municipal Reserve; Road Reserve (Monash Way) and vacant (Rural Living Zone).  
West: Double storey dwelling (under construction).

### **3.3 HISTORY OF APPLICATION**

The application was received on 25 October 2007, however it was incomplete. The additional information (copy of covenant) was received on 13 November 2007. The application was advertised on 10 January 2008 by notification to adjoining land owners and occupiers, a notice on the subject land, and a notice in the Latrobe Valley Express. Notice was also given to VicRoads and Victoria Police.

A submission in the form of an objection was received.

### **3.4 LATROBE PLANNING SCHEME**

#### **State Planning Policy Framework**

Clause 14.01 'Planning for urban settlement', includes the following relevant 'General implementation' matters:

- *'In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher densities and mixed use development near public transport routes.'*

Clause 17.02 'Business' has the objective to encourage developments which meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The general implementation Clause 17.02-2 states, among other things, that commercial facilities should be located in existing or planned activity centres unless they are:

- *'New freestanding commercial developments in new residential areas which have extensive potential for population growth or will accommodate facilities that improve the overall level of accessibility for the community, particularly by public transport.'*
- *New convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.'*

## **Local Planning Policy Framework**

### Municipal Strategic Statement (Clause 21)

Under 'Urban settlement and form' (Clause 21.01-3), Churchill is described as a significant population centre in the south of the municipality.

While each town and settlement provides many of the services and facilities needed by their residents, they are not separate, self-contained entities which operate in isolation of each other. They all interact (to varying degrees) to create what is, effectively, a networked city. Combined, the towns form a single social, economic and physical entity within which people move for work, schooling, shopping, recreation, entertainment and leisure and to access various community services and facilities. However, each town has developed its own role and functions.

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.'*

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

- *'Encourage consolidation of urban settlement within the urban zoned boundaries;*
- *To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns; and*
- *Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*

Clause 21.04-6 'Retail' has an overview which states among other things, that the strategic direction is to support the existing neighbourhood and smaller town retail centres. No new centres should be supported unless demand can be demonstrated as well as substantial assessment and statement that existing centres should not be detrimentally affected.

Clause 21.04-6 also has an Element (No 1) that promotes consolidation and land use mix with the following objectives:

- *'To provide the flexibility for commercial development to occur within each urban settlement in response to market forces.'*
- *'Ensure development occurs in an orderly and proper manner having regard to the Latrobe Retail Policy, the La Trobe Strategy Plan, structure plans and planning controls.'*

#### Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

This Policy may be used to permit a lesser parking provision to that prescribed in Clause 52.06 of the Latrobe Planning Scheme. Under Clause 22.03, the proposed use is included within the broader land use definition of 'Shop' and requires 2 spaces per 100m<sup>2</sup> of leasable floor area.

Clause 22.06 (Urban Residential Land Supply):

This Policy applies to Churchill, Moe, Morwell and Traralgon. The policy basis and objectives identify the concepts of the MSS as outlined above and amongst its objectives are:

- *'To ensure the co-ordinated management of infill and new urban development.'*
- *'To ensure that the design, layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual qualities of towns.'*
- *'To encourage consolidation within the defined urban boundaries.'*

### **Zoning**

The subject land is zoned 'Mixed Use' (Clause 32.04). A Planning Permit is required to use and develop land for a Bottle Shop in accordance with Clause 32.04-1 and 32.04-7 of the Mixed Use Zone.

The 'Purpose' of the Mixed Use 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 a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.'*
- *To encourage residential development that respects the neighbourhood character.'*

### **Overlay/s**

No overlays apply to the subject land.

### Particular Provisions

#### Clause 52.05 Advertising Signs:

No signage is proposed on the subject building. Any future signage will be required to comply with this Clause.

#### Clause 52.06 Car Parking:

Utilising Clause 22.03 Car Parking Policy, two (2) parking spaces are required. However, no parking is proposed in association with the proposed development. There is existing on-site parking comprising a sealed car park (48 spaces) as well as an additional five (5) sealed parking spaces to the south-east of the existing complex. It is considered that the existing on-site parking can accommodate any need for parking when a 'drive through' purchase is not occurring.

#### Clause 52.07 Loading and Unloading of Vehicles:

All loading and unloading of vehicles can be carried out on the subject land.

#### Clause 52.27 Licensed Premises:

No planning permit is required from the Responsible Authority for the sale of packaged liquor for consumption off the premises.

### Decision Guidelines (Clause 65):

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines in 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; a notice was placed on the subject land; and a notice was placed in the 'Latrobe Valley Express'.

A notice was also sent to VicRoads and Victoria Police. VicRoads did not object or require any conditions. Victoria Police did not respond.

External:

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

Internal:

Internal officer comments were sought from Council's Project Services team. It required one condition which has been included in the proposed planning permit conditions.

**Details of Community Consultation following Notification:**

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

A Planning Mediation Meeting was held on 27 March 2008. Consensus was not reached with all parties which would have allowed the matter to be dealt with under delegation.

## 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' of the Mixed Use Zone:

It is considered that the application complies with the 'Purpose' of the Mixed Use Zone.

### Clause 65 (Decision Guidelines):

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

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

1. The use is contrary or inconsistent with the 'Purpose' of the Mixed Use Zone.

### Comment:

A 'Purpose' of the Mixed Use Zone (MUZ) is to encourage a 'range' of uses which 'complement' the mixed use function of the locality. The Table of Uses for the MUZ provides discretion to consider a range of commercial, industrial or residential uses for land zoned MUZ.

The current mixed use commercial development on this tenement has been operating for 20 years following planning approval by the former Shire of Morwell. It serves as a neighbourhood retail centre for residents in the northern portion of Churchill. The current zoning of the land to 'Mixed Use' was introduced following the gazettal of the current Latrobe Planning Scheme in 2000 to reflect the mixed usage of the tenement.

It is considered that the proposed use and development compliments the current land uses located in this MUZ. It is further considered that the proposal is consistent with the orderly planning of the area. Council has a number of smaller MUZ tenements in its municipality that comprise mixed uses, and includes both the sale of groceries and the sale of packaged liquor (eg: Henry Street, Traralgon and Hyland Street, Traralgon).



The proposal is also considered to be consistent with 'Purpose' to implement State and Local Planning Policy Frameworks. The State Planning Policy Framework has as policy Clause 14.01 'Planning for urban settlement', which states:

*'Planning authorities should encourage ... mixed use development near public transport routes.'*

A bus route along Acacia Way and Monash Way services the subject land. A bus stop is located adjacent to the subject land in Acacia Way.

Clause 21.04-6 of the Municipal Strategic Statement states that a strategic direction is to support existing neighbourhood centres.

In relation to the final 'Purpose' of the MUZ, which is to ensure that if residential development is proposed, then the residential development should respect neighbourhood character. As this application does not include a residential component, it is considered that this 'Purpose' is not an applicable consideration.

2. The use will adversely affect the amenity of the neighbourhood through traffic generated.

Comment:

Whilst it is considered there will be additional traffic generated by this development, the increased levels are not considered to be significant and impacting detrimentally on the amenity of the neighbourhood. The objector has not provided any evidence or supporting documentation to support the claim about traffic impacting on the amenity of the area.

VicRoads has not raised any concerns about traffic impacts nor has Council's Project Services required any specific conditions.

Concerns about increased intoxication in the area also have not been supported through providing any information. The proposal has been referred to Victoria Police at Churchill and no response has been received.

3. The location of the bottle shop would be inconsistent with the location of other bottle shops built or opened in the past 20 to 30 years.

Comment:

There is no policy in the Latrobe Planning Scheme requiring a Bottle Shop to be located in a specific area. The MUZ was a new zone introduced by the State Government in the mid 1990s to provide for range of land uses. A Bottle Shop is not prohibited under the MUZ and allows for such a use to be considered through the planning permit process.

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

Additional resources or financial cost will only be incurred should the planning permit application require determination at VCAT.

## **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**

Having regard to the issues addressed above, the proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks.
- Consistent with the 'Purpose' and of the Mixed Use Zone.
- Consistent with Clause 65 (Decision Guidelines).
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. It is further considered that the objection(s) 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 and Development of land for a Drive Through Bottle Shop at 4 Acacia Way, Churchill (Lot 12 LP 211129, Parish of Hazelwood) with the following conditions:

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use may operate only between the hours of:
  - Sunday and Monday: 10.00 am – 10.00 pm.
  - Tuesday – Saturday: 10.00 am – 11.00 pm.
3. Before the use or occupation of the development starts, the area set aside for the access lane as shown on the endorsed plans must be:
  - a) constructed and properly formed to such levels that they can be used in accordance with the plans; and
  - b) surfaced with an all-weather-seal coat and drained.

The access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

4. All stormwater and surface water discharging from the site, building and driveway must be connected to a legal point of discharge using underground pipes.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials; and
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
6. This permit will expire if one of the following circumstances applies:
  - a) The development and use are not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

**Note:**

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:**

Advertising signage is not approved by this Planning Permit. Any advertising signage must comply with the provisions of the Latrobe Planning Scheme.

**Moved:** Cr Caulfield

**Seconded:** Cr Lloyd

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENTS







VIC LTO ALTS Title Search

Page 1 of 2

**Espreon Online Information System  
VIC LTO ALTS Title Search**

Copyright State of Victoria. This publication is copyright.  
No part may be reproduced by any process except in accordance with  
the provisions of the Copyright Act or pursuant to a written  
agreement. The information is only valid at the time and in the form  
obtained from the LANDATA REGD TM System. The State of Victoria  
accepts no responsibility for any subsequent release, publication or  
reproduction of the information.

REGISTER SEARCH STATEMENT Land Victoria

Security no : 124022963920V

Volume 09816 Folio 319  
Produced 14/08/2007 09:32 am

LAND DESCRIPTION

Lot 12 on Plan of Subdivision 211129K.  
PARENT TITLE Volume 09778 Folio 160  
Created by instrument LP211129K 17/06/1988

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
GIPPSLAND PETROLEUM GROUP PTY LTD of 27 HEAD ST TRARALGON 3844  
W093780N 08/06/1999

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AE809303R 28/12/2006  
ST. GEORGE BANK LTD

COVENANT N653305U 19/08/1988

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 LP211129K FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

The following information is provided for customer information only.

Street Address: 4 ACACIA WAY CHURCHILL VIC 3842

STATEMENT END

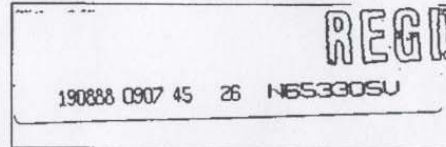


Delivered by LANDATA® Land Registry timestamp 31/10/2007 13:09 Page 1 of 4
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

ATTENTION: CONTROL NO. ORDER AFFECTS - SECURITY

Lodged at the Titles Office by

Tyler
Code 1684H



VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land (Note 5)

Certificate of Title Volume 9816 Folio 319

Consideration (Note 6)

TWENTY-SIX THOUSAND DOLLARS (\$26,000.00)

Transferor (Note 7)

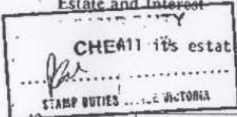
GRICO NOMINEES PTY. LTD.

Transferee (Note 8)

MICHAEL KIRIAKAKIS and ANTONIA KIRIAKAKIS both of 30 Mirilda Crescent, Traralgon as joint tenants

Estate and Interest (Note 9)

CHEA11 its estate and interest in the fee simple



Directing Party (Note 10)

Creation (or Reservation) of Easement and/or Covenant (Notes 11-12)

See overleaf



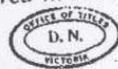
Vertical stamp: \$424.00 SMP DTY N653305U, Controller of Stamps Use Only

Office Use Only



Approval No. T2/1

A memorandum of the within instrument has been entered in the Register Book.





Delivered by LANDATA® Land Registry timestamp 31/10/2007 13:09 Page 2 of 4

COVENANT

WE, the Transferees for ourselves and successors and Transferees the registered proprietor or proprietors for the time being of the land hereby transferred and every part thereof DO HEREBY and as separate covenants COVENANT with the said GRICO NOMINEES PTY. LTD. and the other registered proprietor or proprietors for the time being of the land comprised in ~~the said~~ Plan of Subdivision<sup>241294</sup> (other than the land hereby transferred) that we shall not:-

AMENDED  
22 AUG 1989  
With consent of  
Director for Approval

- (a) erect or cause or suffer to be erected upon the said lot more than one main building being a dwelling house with the usual outbuildings; and
- (b) erect, place, permit, licence or authorise or allow to remain on the said land more than one main building being a single dwelling home, built only of new materials (save for stone or second hand bricks) and having at least sixty percentum of the external wall area constructed of one or more of the following materials: brick, brick veneer, masonry, stone, glass, Western Red cedar or treated pine (not being pine logs) and having a roof of slate, clay tile, cement tile or colour bonded material; and
- (c) erect or cause or suffer to be erected upon the said lot any building, structure or fence consisting wholly or partly of second hand materials; and
- (d) at any time suffer any existing building to be relocated on the said lot; and
- (e) at any time permit engines or machinery worked or driven by steam, gas, electricity, petrol, oil or other mechanical power (other than those engines or machinery used for usual domestic purposes) and used for any manufacturing or trade operations to be erected, fixed, stored or placed on any of the lots and no manufacture, trade or business of a dangerous, noisy or offensive nature shall be carried out upon any lot nor shall any lot be used for any purpose which may become an annoyance to the owner or occupier of any neighbouring property.

AND IT IS HEREBY AGREED that the benefit of the foregoing covenant and each of them shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision (other than the land hereby transferred) and that the burden thereof shall be annexed to and run at law and in equity with the said land hereby transferred and that the same shall be noted and appear on every future Certificate of Title for the said Lot as an encumbrance affecting the same and every part thereof.

Delivered by LANDATA®. Land Registry timestamp 31/10/2007 13:09 Page 3 of 4

Date The 24 day of August 1988. (Note 13)

Execution and Attestation (Note 14)

THE COMMON SEAL of GRICO NOMINEES PTY. LTD. was hereunto affixed in accordance with its Articles of Association in the presence of:

*[Signature]* ..... Director.  
*[Signature]* ..... Secretary.



SIGNED by the said MICHAEL KIRIAKAKIS in the presence of:  
*R. Dean*

} *M. Kiriakakis*

SIGNED by the said ANTONIA KIRIAKAKIS in the presence of:  
*R. Dean*

} *A. Kiriakakis*





Delivered by LANDATA®. Land Registry timestamp 31/10/2007 13:09 Page 4 of 4



Tyler Tipping & Woods

BARRISTERS AND SOLICITORS

PETER M TYLER
LINDSAY G. TIPPING, LL.M.
STEPHEN B. VAN NOOTEN, B. Juris, LL.B.
MARK G. WOODS, LL.B.
KEITH E. BATES, B.E., LL.B.
TREVOR B. GADD, LL.B.

Associates
LAWRENCE E. STATS, LL.B.
INGMARIS J. KULNEKS, B.A., LL.B.
GABRIELLE F. MICHAU B.A., Dip Psych
A. ANTHONY EDNEY, B.A., LL.B.

8-8 GREY STREET
TRARALGON, VIC. 3844
P.O. BOX 1044
FAX (051) 74 9979
DX 84605

7 HAIGH STREET
MOE, VIC. 3825
P.O. BOX 589
FAX (051) 27 8387
DX 25027

124 JOHNSTON STREET
FITZROY, VIC. 3085
P.O. BOX 120
FAX (03) 419 6515

T (051) 74 6311

T (051) 27 6555

T (03) 419 1589

15th March 1990.

Reply to: Traralgon MB:PR 12327

The Registrar of Titles,
Land Titles Office,
DX 25,
MELBOURNE.

Dear Sirs,

KIRIAKAKIS M. & A.
DEALING NOS: N653305U & P416208Y

Please hand control of the above dealings and all documents contained
therein to the ANZ Banking Group Ltd. Duplicate Certificates of Title
Volume 9816 Folio 319 and Volume 9873 Folio 265 are to issue to the ANZ
Bank.

Yours faithfully,

[Handwritten signature]

TYLER TIPPING & WOODS.

In a transfer on sale of land subject to a mortgage it should be clearly shown whether or not the amount
owing under the mortgage is included in the consideration e.g. \$ ..... which includes the amount
owing under mortgage No. ....

- 7. Insert full name. Address is not required.
8. Insert full name and address. If two or more transferees state whether as joint tenants or tenants in
common. If tenants in common specify shares.
9. Set out "All my estate and interest in the fee simple" (or other as the case may be).
10. If the transfer is by direction give the full name of any directing party and show the various
considerations under the consideration heading.
11. Set out any easement being created or reserved and define the dominant and servient tenements.
12. Set out full details of any covenant and define the covenantee and the land to bear the burden and to take
the benefit of the covenant.
13. The transfer must be dated.
14. If an executing party is a natural person execution should read "Signed by the transferor (transferee,
directing party) in the presence of .....". The witness must be an independent person. If an executing
party is a body corporate execution should conform to any prescribed formalities relating to the affixing of
the common seal.

ATTENTION: CONTROL/ISSUE ORDER AFFECTS
CONTROL OF DEALING TO: ANZ BANK CODE No. 19B CHANGE (?) Y/N
CONTROL OF CERTIFICATE(S) OF TITLE/DUPLICATE INSTRUMENTS:
9816-319 TO: ANZ BANK CODE No. 19B
TO: CODE No.
PRESENTED BY: [Signature] Telephone 428-1541 CODE No.
RECEIVED and SYSTEM UPDATED BY: [Signature] (PARTY ACCEPTING CONTRACT)
DATE 5/7/90



CARBONE  TREMBATH

JT: KMW: 085563

25 January 2008

Latrobe City Council  
PO Box 264  
MORWELL 3840

<b>Latrobe City</b>	
29 JAN 2008	
Doc. No:	274313
Action Officer:	
Disposal Code:	
Comments:	

Dear Sirs,

**RE: APPLICATION FOR A PLANNING PERMIT  
NO.2007/392  
NOTICE OF OBJECTION**

We advise that we act on behalf of Leeandale Holdings Pty Ltd and Mr Barry Bennett who is one of the joint owners of property that adjoin the property for which permit in this matter is sought.

We refer to the notice given regarding the above application for a planning permit, for the building of a drive through bottle shop, and wish to lodge an objection to the application of the permit.

The basis of the objection is:

- a) Such a permit would be contrary, or inconsistent with the stated purpose of a MUZ (Mixed Use Zone) zone, as set out in 32.04 of the planning Scheme.
- b) The use of the land with a drive through bottle shop would adversely affect the amenity of the neighbourhood through the traffic generated, and
- c) The planning of a drive through bottle shop in the location would be inconsistent with the location of other bottle shops built or opened, in the past 20 to 30 years.

A. The "purpose" of the MUZ zoning, as set out in clause 32.04 is to:

"...Provide for a range of residential, commercial, industrial and other uses, which complement the mixed- use function of the locality."

and to

"... Encourage residential development that respects the neighbourhood character."

The provision of a drive through bottle shop is clearly not something to encourage residential development, and in fact would do the complete opposite, discouraging residential development and occupation of adjoining

- 2 -

25 January 2008

and nearby land. Homebuyers looking for a home to buy, or a block of land to build on, would not, in our opinion, be more attached to a location adjoining or near a drive through bottle shop. Our client's land is zoned residential and it is envisaged that at some point in time that land will be used for residential purposes (most likely being subdivided).

- B. The provision of a drive through bottle shop in that area would:
1. Increase the volume of traffic adjoining residential areas generally;
  2. Increase the volume of traffic at concentrated times, such as Friday and Saturday nights; and
  3. Alter the nature of the increased traffic, with an undoubted increase in the number of intoxicated people in or about the area, late at night.

None of this is consistent with "encouraging residential development that respects the neighbourhood character" and would, in our opinion, adversely affect the amenity of the neighbourhood through the traffic generated by the use.

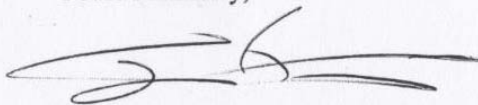
- C. With the exception of one bottle shop which forms part of a hotel, and which has been established for many decades, there have been no other bottle shops developed or opened (within council area) adjoining residential land. Generally, they are located within the CBD, or other zones not adjoining homes where residents want to enjoy peace and quiet in their homes.

Our client is very concerned at the proposal and the effect that the granting of such application would have on his land and the surrounding neighbourhood.

Our client strongly requests that the Council determine to reject the Application.

Should you have any queries please contact our Mr James Trembath.

Yours Faithfully,



**CARBONE TREMBATH**

Mr Robert Dunlop  
Senior Statutory Planner  
Latrobe City Council  
P.O Box 264  
MORWELL VIC 3840

<b>Latrobe City</b>	
18 FEB 2008	
Doc. No:	279947

**vic roads**

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

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

www.vicroads.vic.gov.au

Date: 12 February 2008  
Contact: Stuart Fenech  
Telephone: 5172 2693  
Our Ref: SFF80421  
Your Ref: 2007/392  
File No: LAT 5906 SY 2749

Dear Mr Dunlop

**PLANNING PERMIT : 2007/392**  
**PROPOSAL : Construction of a drive through bottle shop.**  
**LOCATION : L 12, LP 211129, 4 Acacia Way, Churchill**

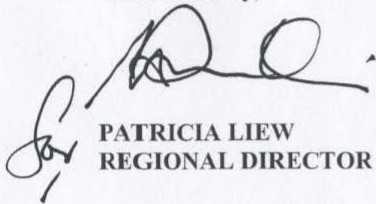
I refer to your letter dated 10 January 2008, referring the above planning permit application in accordance with the provisions of Section 55 of the Planning and Environment Act 1987.

VicRoads has no objection to 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.

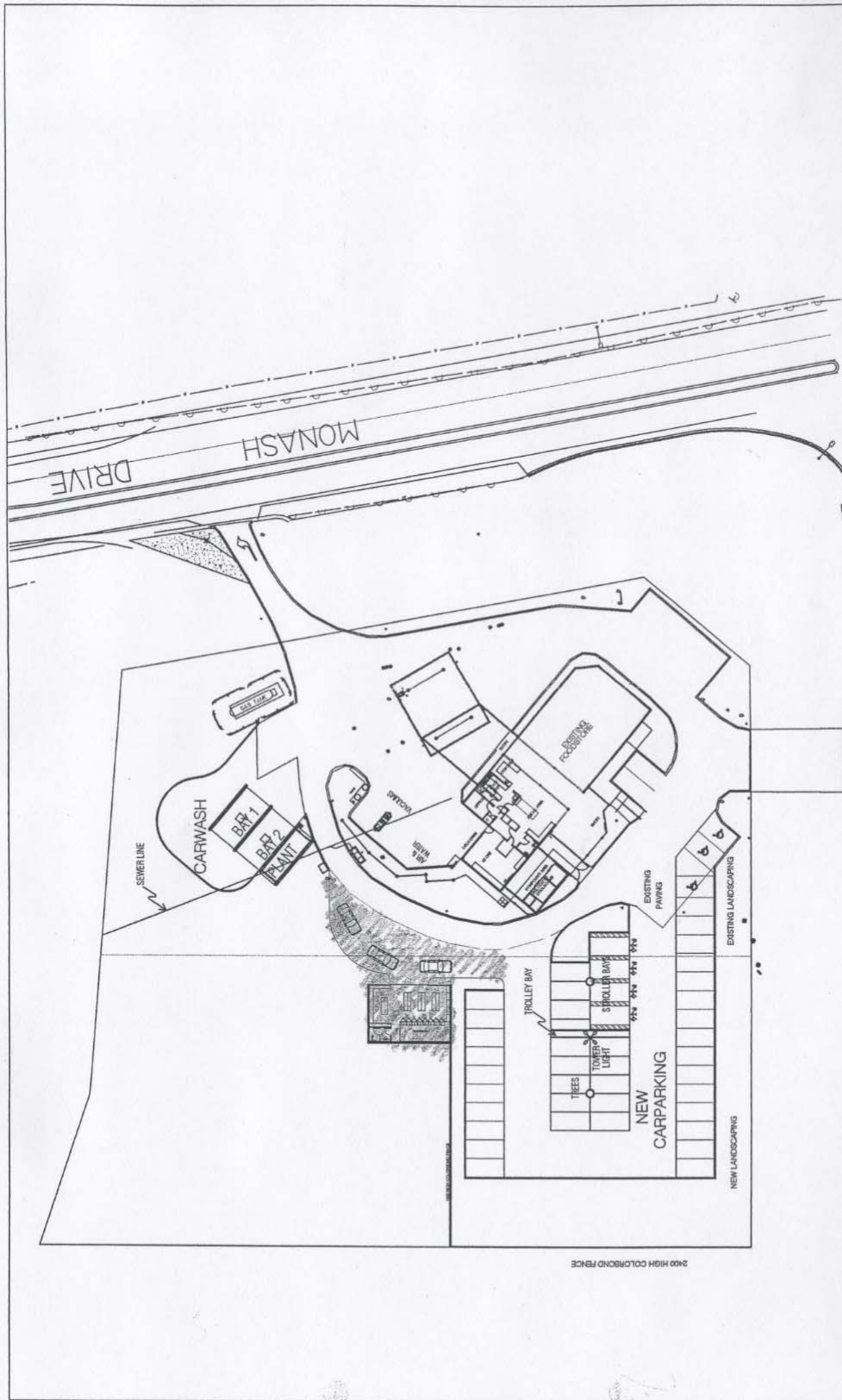
Should you require any further information, please contact Stuart Fenech of this office on telephone number (03) 5172 2693.

Yours sincerely,



**PATRICIA LEW**  
**REGIONAL DIRECTOR - EASTERN VICTORIA**





TITLE SITE LAYOUT  
BOTTLE SHOP

Scale: 1:500 @ A3 | Date OCT 07  
 Cont. Ref. CHURCHILL  
 © Copyright 2007  
 Drawing A1

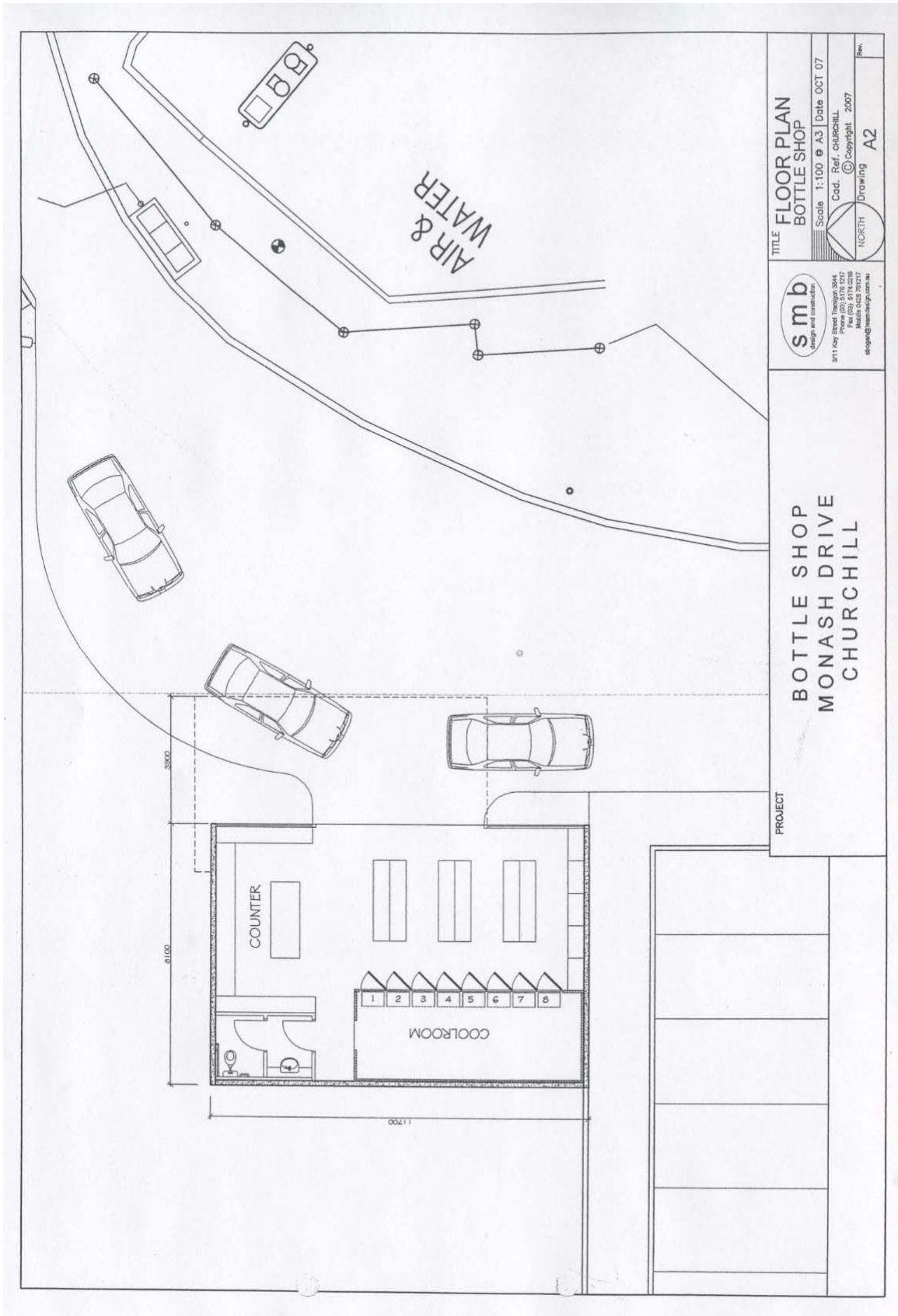
**smb**  
 sign and construction

3711 May Street Fremantle 3044  
 Fax 08 9424 0256  
 Mobile 0428 791217  
 stogier@sbmesign.com.au

PROJECT

BOTTLE SHOP  
 MONASH DRIVE  
 CHURCHILL

ACACIA WAY



<b>PROJECT</b> <b>BOTTLE SHOP</b> <b>MONASH DRIVE</b> <b>CHURCHILL</b>	 design and construction 3911 Hwy Street, Thompsons SA44 Phone (08) 5170 0212 Mobile (08) 5170 0212 stogood@bottle-shop.com.au	<b>TITLE</b> FLOOR PLAN BOTTLE SHOP
		Scale 1:100 @ A3   Date OCT 07 Cdd. Ref. CHURCHILL © Copyright 2007 Drawing A2





# **CORPORATE SERVICES**

**11.6.1 CONTRACT DECISIONS FROM PREVIOUS COUNCIL MEETING AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION**

**AUTHOR:** Acting General Manager Corporate Services  
**(ATTACHMENT – NO)**

The following is a summary of Contracts awarded at the Latrobe City Council Meeting held on 21 April 2008.

**ITEM NO. 14.3 INVITATION TO TENDER NO. 12390  
BUS STOP UPGRADES TO MEET DISABILITY  
REQUIREMENTS**

1. That Council accepts the tender submitted by Kevron Constructions Pty Ltd for invitation to tender no. 12390 bus stop upgrades to meet Disability Discrimination Act requirements, for the sum of \$180,573.00, 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 Kevron Constructions Pty Ltd resulting from invitation to tender no. 12390 bus stop upgrades to meet Disability Discrimination Act.

**ITEM NO. 14.5 INVITATION TO TENDER NO. 12462  
PROVISION OF ELECTION SERVICES**

1. That Council accepts the tender submitted by Victorian Electoral Commission for invitation to tender no. 12462 provision of election services, for the sum of \$197,959, 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 Victorian Electoral Commission resulting from invitation to tender no. 12462 provision of election services.

**ITEM NO. 14.6 INVITATION TO TENDER NO. 12459  
SUPPLY AND ERECTION OF SPORTSFIELD  
LIGHTING AT KEEGAN STREET RESERVE,  
MORWELL**

1. That Council accepts the tender submitted by Werribee Electrical Contracting Services Pty Ltd for invitation to tender no. 12459 supply and erection of sportsfield lighting at Keegan Street Reserve, Morwell, for the sum of \$104,519.00, 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 Werribee Electrical Contracting Services Pty Ltd resulting from invitation to tender no. 12459 supply and erection of sportsfield lighting at Keegan Street Reserve, Morwell.

ITEM NO. 14.7 INVITATION TO TENDER NO. 12461  
SUPPLY AND ERECTION OF SPORTSFIELD  
LIGHTING AT TRARALGON WEST SPORTING  
COMPLEX

1. That Council accepts the tender submitted by Electel Pty Ltd for invitation to tender no. 12461 supply and erection of sportsfield lighting at Traralgon West Sporting Complex, for the sum of \$144,590, 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 Electel Pty Ltd resulting from invitation to tender no. 12461 supply and erection of sportsfield lighting at Traralgon West Sporting Complex.

The following is a summary of contracts signed and sealed by the Chief Executive Officer under delegation on 23 April 2008.

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED BY COUNCIL AND MINUTES ITEM NUMBER
12475	Provision of air conditioning maintenance	J O Miller Service Pty Ltd	7 April 2008 Item No:14.6 Amendments: No
12476	Provision of Plant, Labour, Material and Training for Emergency Concrete Works	W Cantwell	7 April 2008 Item No:14.5 Amendments: No

The following is a summary of Contracts extended.

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED BY COUNCIL	EXTENSION PERIOD
12225	Provision of Debt Collection Services	Mark G Answerth & Associated Pty Ltd t/as CreditCollect	18 April 2006	1 year

**RECOMMENDATION**

**That Council notes this report on Contract decisions from the Council Meeting held on 21 April 2008 and by the Chief Executive Officer under delegation on 23 April 2008.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Price

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# **ECONOMIC DEVELOPMENT**

**11.7.1 LATROBE REGIONAL AIRPORT MARCH 2008 REPORT**

**AUTHOR:** Acting Executive Manager Economic Development  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to provide Council with information on Latrobe Regional Airport operations for the quarter ended March 2008.

**2. POLICY IMPLICATIONS**

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2007-2017.

*Latrobe 2021 and Council Plan 2007 – 2011*

*Strategic Objective - 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 - Promote and support the development of existing and new industry, and infrastructure to enhance the social and economic well being of the Valley.*

**3. BACKGROUND**

Section 4 (b) of the Deed of Delegation from Latrobe City Council, under which the Latrobe Regional Airport Board operates, requires a progress report to be provided to the Council, both quarterly and annually.

The report is to provide an overview of the Board's performance against plans and targets identified in the budget, the business plan and Airport Master Plan.

The majority of works this quarter are involved in projects jointly funded by Council/Airport and Regional Development Victoria under its Regional Infrastructure Development Fund (RIDF) program.

The works include continued development of the Commercial Airpark, expansion of the Private Hangar Precinct, emergency access, apron sealing and services to minor commercial development.

Other planned capital works include the Gippsland Aeronautics amenities building and the refurbishment of the former Helimed offices for use by Gippsland Aeronautics.

#### 4. **ISSUES**

The following milestones that have been achieved in the first quarter 2008 include:

##### Grant Funding

- The legal agreement for works under the Regional Infrastructure Development Fund grant, announced by Minister Allen in December 2007, was signed in late January 2008, clearing the way for the following works to commence.

##### Design and Construction

- Construction of the taxiway to service the DSE fire bomber base and the extended Commercial/Industrial Airpark commenced during the quarter. Design of sewerage work plans for the DSE taxiway was finalised.
- Power, stormwater services and upgraded access works were commenced to the four hangar precinct during the quarter for completion during April.
- Design works for the Private Hangar Precinct were completed.
- Removal of the house at 60 Valley Drive has been completed and works to demolish 40 Valley Drive were commenced.
- Design works were completed on Gippsland Aeronautics office refurbishment and amenities building.

##### Planning

- Sinclair Knight Merz consultants have been engaged by the Airport Board to provide a report on future direction for the Airport highlighting opportunities for development.
- A Native Vegetation Assessment Report for the Latrobe Regional Airport site was completed by Indigenous Design Land Management Pty Ltd, with the co-operation of DSE officers and Council staff.
- Interim planning provisions for the area within the Airport circuit environs were completed and are currently awaiting Minister for Planning approval.



**5. FINANCIAL AND RESOURCES IMPLICATIONS**

The Finance Report at the end of March 2008 shows that, operationally, the Airport is within budget and is likely to remain that way at the end of the year.

Any unbudgeted works in relation to land clearing, painting of the terminal and runway markings, and operations officer's house maintenance will be funded from carried forward funds from last financial year.

A detailed financial summary is attached.

**6. INTERNAL/EXTERNAL CONSULTATION**

Not Applicable

**7. OPTIONS**

Not Applicable

**8. CONCLUSION**

The year is progressing on track and within budget to date. Airport capital works program for 2007/08 is currently being successfully carried out.

**9. RECOMMENDATION**

**That Council notes the report on Airport Operations for the quarter ended March 2008.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Price

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT

**Monthly Operating Report**  
**LATROBE REGIONAL AIRPORT DIVISION**  
**Month: March 2008**

**Comment on Year to Date Result**

Minor variance, due mainly to monthly rental invoices being raised earlier than budgeted

**Comment of Full Year Forecast**

It is expected that the end of year result overall will be in line with the Mid Year Budget projection.

	Year to Date Mid-Year			Full Year Forecast Mid-Year		
	Actual	Budget	Variance	Forecast	Budget	Variance
<b>Net Results by Cost Centre</b>						
Latrobe Regional Airport Management	46,714	53,410	6,696	41,792	41,792	0
Latrobe Regional Airport - LANDSIDE	(120,833)	(141,131)	(20,298)	(146,900)	(186,900)	(40,000)
Latrobe Regional Airport - AIRSIDE	9,098	37,391	28,293	27,608	67,608	40,000
Latrobe Regional Airport - General Mainte	55,126	55,616	490	77,500	77,500	0
<b>Net Result</b>	<b>(9,896)</b>	<b>5,286</b>	<b>15,182</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Results by Account Group</b>						
<b>Income:</b>						
Default	(76,584)	(66,428)	10,156	(131,560)	(122,095)	9,465
Residence	(14,600)	(12,820)	1,780	(17,880)	(18,720)	(840)
Terminal Building	(797)	(797)	0	(797)	(797)	0
Commercial	(201,803)	(180,549)	21,254	(277,468)	(294,126)	(16,658)
Trading / Light Commercial	(21,648)	(20,728)	920	(25,464)	(21,334)	4,130
Recreational / Non-Trading	(8,153)	(8,152)	1	(8,152)	(8,152)	0
Community Group/Service	(100)	(100)	0	(100)	(100)	0
Farm / Agistment	(13,871)	(9,348)	4,523	(18,396)	(9,348)	9,048
<b>Total Income</b>	<b>(337,557)</b>	<b>(298,922)</b>	<b>38,635</b>	<b>(479,817)</b>	<b>(474,672)</b>	<b>5,145</b>
<b>Expenditure:</b>						
Salaries Wages & Oncosts	109,754	110,443	689	148,985	150,000	1,015
Other Employee Costs	9,578	10,836	1,258	14,200	14,200	0
Materials & Contracts	72,693	72,942	249	132,507	139,203	6,696
Insurance	5,258	0	(5,258)	5,258	0	(5,258)
IT Consumables/Communications	3,836	3,520	(316)	5,470	5,000	(470)
Lease/Hire and Mnt Costs	2,740	2,222	(518)	3,740	3,107	(633)
Utilities	5,044	4,434	(610)	7,105	6,762	(343)
Internal Charge Costs	118,758	99,811	(18,947)	162,552	156,400	(6,152)
<b>Total Expenditure</b>	<b>327,661</b>	<b>304,208</b>	<b>(23,453)</b>	<b>479,817</b>	<b>474,672</b>	<b>(5,145)</b>
<b>Net Result - Recurrent</b>	<b>(9,896)</b>	<b>5,286</b>	<b>15,182</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Capital Works Program</b>						
Latrobe Regional Airport - Helimed	164,566	164,566	0	164,566	303,314	0
Airpark Project-Latrobe Regional Airport	11,438	234,620	223,183	984,000	993,620	9,620
Airport Land Acquisitions	56,847	92,670	35,823	56,847	92,670	0
Gippsland Aeronautics - Reception Area	0	17,000	17,000	100,000	100,000	0
Latrobe Reg Airport - Amenities building	569	15,000	14,431	250,000	250,000	0
<b>Net Result - Recurrent</b>	<b>233,419</b>	<b>523,856</b>	<b>290,437</b>	<b>1,555,413</b>	<b>1,739,604</b>	<b>9,620</b>

### 13. TEA BREAK

#### Adjournment of Meeting

The Mayor adjourned the Meeting at 7.35 pm for a tea break.

#### Resumption of Meeting

The Mayor resumed the Meeting at 7.47 pm.

**Moved:** Cr Zimora  
**Seconded:** Cr Middlemiss

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

<b>ITEMS</b>	<b>NATURE OF ITEM</b>
14.1 ADOPTION OF MINUTES	<b>Other</b>
14.2 CONFIDENTIAL ITEMS	<b>Other</b>
14.3 BAD DEBTS WRITE OFFS	<b>Personal Hardship</b>
14.4 COMMUNITY GRANTS PROGRAM REQUEST FROM THE TRARALGON PLAYGROUP	<b>Other</b>
14.5 HOME MAINTENANCE AND HOME GARDENING SERVICES	<b>Contractual</b>

**CARRIED**

**The Meeting closed to the public at 7.48 pm.**