



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
02 JUNE 2008

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward
Cr Doug Caulfield - Gonyah Ward
Cr Lisa Price - Farley Ward
Cr Susan Lloyd - Burnet Ward
Cr Anthony Zimora - Merton Ward
Cr Darrell White - Firmin Ward
Cr Graeme Middlemiss - Rintoull Ward
Paul Buckley, Chief Executive Officer
Philip Marsh, Executive Manager Governance & Legal Services
Caroline Flake, Manager Governance - Legal Counsel
Kylie Thorburn, Strategic Planning Project Officer
Allison Jones, Acting General Manager City Services
Peter Quigley, General Manager City Marketing & Development
Grantley Switzer, Acting General Manager City Infrastructure
Michael Edgar, Acting General Manager Corporate Services
Geoff Hill, Acting Executive Manager Economic Development

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	
<hr/>	
NOTICES OF MOTION	
6.1 2008/07 - NOTICE OF MOTION - TAFE SECTOR FUNDING GUARANTEES	6
<hr/>	
ITEMS REFERRED BY THE COUNCIL	
7.1 NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY	8
<hr/>	
CORRESPONDENCE	
NIL.	
<hr/>	
PRESENTATION OF PETITIONS	
NIL.	
<hr/>	
CHIEF EXECUTIVE OFFICER	
11.1.1 AUTHORISATION OF COUNCIL OFFICERS	14
11.1.2 DOCUMENTS FOR SIGNING AND SEALING	20
<hr/>	
CITY SERVICES	
11.2.1 DISABILITY ACTION PLAN 2007-2008 REPORT	22
11.2.3 RURAL ACCESS PROGRAM PROGRESS REPORT 2007-2008	43
<hr/>	
CITY MARKETING & DEVELOPMENT	
11.3.1 PLANNING PERMIT APPLICATION 2007/410 - USE OF LAND FOR A RESTRICTED RECREATION FACILITY (GYMNASIUM) AT 94 CROSS'S ROAD, TRARALGON	55
<hr/>	
STRATEGY & PERFORMANCE	
NIL.	
<hr/>	
CITY INFRASTRUCTURE	
NIL.	
<hr/>	
CORPORATE SERVICES	
11.6.1 FORBES LANE, MORWELL - PROPOSED ROAD DISCONTINUANCE	81
<hr/>	
ECONOMIC DEVELOPMENT	
NIL.	

URGENT BUSINESS

NIL.

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

14.1	ADOPTION OF MINUTES	89
14.2	CONFIDENTIAL ITEMS	90
14.3	PLANT HIRE	91

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 Sandy Kam - Galbraith Ward

3. Declaration of Interests

Cr Price declared an interest in relation to Item 6.1 - TAFE Sector Funding Guarantees as she is on the Board of Directors.

Cr Lloyd declared an interest in relation to Item 7.1 – Natural Environment Sustainability Strategy as her employee is mentioned in the report.

Cr While declared an interest in relation to Item 7.1 – Natural Environment Sustainability Strategy as he is a Director of the Wirilda Project Association which is referred to in this report.

4. Adoption of Minutes

Moved: Cr Zimora
Seconded: Cr Price

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 19 May 2008 (CM 268) be adopted.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

6.1 **2008/07 - NOTICE OF MOTION - TAFE SECTOR FUNDING
GUARANTEES**

CR MIDDLEMISS

MOTION

That Council writes to the Minister for Regional and Rural Development and Minister for Skills and Workforce Participation, The Hon Jacinta Allan, MP requesting her to ensure that any reforms to the TAFE sector guarantees Central Gippsland Institute of TAFE, the ability to maintain and grow training opportunities for all sectors of our community, including those from disadvantaged backgrounds.

Cr Price left the Chamber at 7.10pm.

Moved: Cr Middlemiss

Seconded: Cr Caulfield

That the recommendation be adopted.

CARRIED

Cr Price returned to the Chamber at 7.12pm.

ITEMS REFERRED BY THE COUNCIL

7.1 NATURAL ENVIRONMENT SUSTAINABILITY STRATEGY

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

1. PURPOSE

The purpose of this report is to seek Council's adoption of the revised Natural Environment Sustainability Strategy (NESS) following consideration of the submissions received from the four week public consultation period.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective - 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**

The NESS is an opportunity to consolidate and organise the large number of existing Council policies, strategies, plans and resolutions relating to natural environment sustainability. The NESS provides strategic oversight and order that will result in clearer and more effective delivery of the key strategic objectives of Latrobe 2021. Existing policies, strategies and plans are maintained as reference documents that inform the Strategy's implementation.

The draft NESS was presented to Council at its Ordinary Council Meeting held on 17 March 2008 and approved to release for public consultation with a further report to be presented at the 19 May 2008 Ordinary Council Meeting.

Council resolved at its Ordinary Meeting held on 19 May 2008 to extend the time for Council consideration of the NESS, to be referred back to Council at the Ordinary Council Meeting on 2 June 2008. Consideration of the NESS was delayed in order to provide sufficient time to consider the large number of submissions received during the public consultation period.

4. **ISSUES**

Submissions received as a result of the public consultation period are detailed in an attachment to this report. The attachment includes a column that explains how each comment has been addressed in the revised draft.

There was general support for the NESS and overall the comments were constructive and positive. The approach taken by the NESS has been acknowledged by a wide range of parties as appropriate, including agencies, industries, community environmental groups and individuals. Several very positive comments were received on the sections in the Strategy on "Developing a Common Understanding" and "Latrobe City's natural assets".

There were many constructive comments about the detail, including the proposal of some additional objectives. A number of comments expressed an interest in how the objectives would be implemented and the actions this would require. There were also some suggestions for changes in emphasis in some sections, or proposals that certain action areas should be given higher priority, such as climate change. However, the differences of opinion on these issues suggest the balance struck by the NESS is appropriate.

One respondent was concerned that the Strategy lacked the elements required to encourage action and gave the impression that little might be done. Other respondents also mentioned the importance of the development of implementation plans to action the Objectives. However, achieving the Objectives in the NESS will require co-ordination between partners and the flexibility to utilise opportunities that arise, because many factors will be outside Council's direct control. The implementation plans have therefore been kept separate from the NESS and will be developed as part of each year's business planning process.

Most comments received have been incorporated or accommodated in the revised NESS as they are considered to add value and enhance the NESS. However, comments suggesting specific actions have not been incorporated in the Strategy, but will be considered for inclusion in the implementation plans for the Strategy.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Existing plans and strategies have financial and staffing implications for Council that are included in current approved budgets. The NESS allows better targeting and application of resources. Any additional financial and resource implications of individual projects will be subject to Council approval as part of the annual budget process.

6. INTERNAL/EXTERNAL CONSULTATION

Details of the extensive engagement and consultation involved in the development of the NESS were included in a prior Council report (CM 264, 17 March 2008). This section reports on the responses to the public submissions to the draft Strategy released on 17 March 2008.

Engagement Method Used:

A news release was issued and an advertisement was published in two editions of the Latrobe Valley Express published on Monday, 24 March 2008 and Thursday, 27 March 2008. Copies of the Strategy were made available at all Council service centres.

The draft NESS was made available on the Latrobe City Council website from 18 March 2008. Hard copies were mailed on 19 March 2008 directly to Landcare and environment groups in Latrobe City, Loy Yang Power, International Power, Tru Energy Yallourn, HVP Plantations, Australian Paper Maryvale, the Victorian Farmers Federation, Victorian Economic Chamber of Commerce and Industry, members of Neighbourhood Environment Improvement Plan steering committees, the Department of Sustainability and Environment, the Department of Primary Industry, the Environment Protection Authority and the West Gippsland Catchment Management Authority and Monash University Gippsland. The advertised closing date was 21 April 2008.

Details of Community/Consultation Results of Engagement:

Responses were received from:

- West Gippsland Catchment Management Authority,
- Gippsland Water,
- Environment Protection Authority,
- Department of Sustainability and Environment,
- Latrobe Valley Air Monitoring Network,
- Australian Paper Maryvale,
- HVP Plantations,
- Latrobe Valley Field Naturalists Club,
- Traralgon Railway Reservoir Conservation Reserve / John Lawson,
- Wirilda Development Association,
- Morwell River Neighbourhood Environment Improvement Plan Steering Committee,
- Helen Garretty,
- Barbara and Robert Johnson, and
- Martin Prescott.

7. OPTIONS

1. Council adopts the amended Natural Environment Sustainability Strategy.
2. Council does not adopt the amended draft Natural Environment Sustainability Strategy.
3. Council proposes further amendments to the NESS prior to adoption.
4. Council adopts the Natural Environment Sustainability Strategy as tabled at the 17 March 2008 Ordinary Council Meeting.

8. CONCLUSION

The development of the NESS is an opportunity to consolidate and organise the large number of existing Council policies, strategies, plans and resolutions relating to natural environment sustainability.

The NESS provides strategic oversight and order that will result in clearer and more effective delivery of the key strategic objectives of Latrobe 2021. Comments received from the public consultation have been overwhelmingly supportive.

Implementation plans will be prepared and incorporated into annual business plans.

9. RECOMMENDATION

1. **That Council adopts the Natural Environment Sustainability Strategy 2008-2013, as amended.**
2. **That Council writes to all parties who have made a submission to the development of the Natural Environment Sustainability Strategy, advising of Council's decision and thanking them for their contribution.**

Moved: Cr Price

Seconded: Cr White

That the recommendation be adopted.

CARRIED

Cr Lloyd declared an interest in relation to this Item as her employee is mentioned in the report.

Cr While declared an interest in relation to this Item as he is a Director of the Wirilda Development Association which is referred to in this report.

CHIEF EXECUTIVE OFFICER

11.1.1 **AUTHORISATION OF COUNCIL OFFICERS**

AUTHOR: Executive Manager Governance & Legal Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to allow Council to consider authorising various Council officers pursuant to Section 224 of the *Local Government Act (1989) Vic* and other Acts as appropriate.

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, legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act.

Policy No.- Nil

3. BACKGROUND

Section 224 of the *Local Government Act 1989 (Vic)* allows the following:

224. Authorised officers

- (1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.
 - (a) A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.
- (2) The Council must issue an identity card to each authorised officer.

- (3) An identity card must—
 - (a) contain a photograph of the authorised officer; and
 - (b) contain the signature of the authorised officer; and
 - (c) be signed by a member of Council staff appointed for the purpose.

By authorising officers a council is authorising or appointing a person to a particular statutory position. Once a person is authorised by Council, that person has the powers of that statutory position; as distinct from being delegated the powers of the Council.

Authorisations are different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Persons authorised by Council to hold a statutory position are acting as holders of statutory powers; they are not acting as delegates or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

Therefore it is important, for the proper functioning of the Council, to authorise officers generally under the *Local Government Act 1989 (Vic)* and specifically under other appropriate Acts.

4. **ISSUES**

Currently Council has a number of persons authorised to Act in various statutory positions.

To ensure good governance it is appropriate for Council to periodically review its authorisations register and ensure that only appropriate persons are provided with authorisation.

Therefore a review was conducted throughout Council to determine which persons should be currently authorised.

As the Chief Executive Officer has been provided with delegated power with minor exception, the Chief Executive Officer is in a position to lawfully authorise the majority of officers.

A number of persons have been identified as no longer requiring authorisation, whilst some have been identified as now requiring special authorisation from Council.

The Chief Executive Officer's delegation precludes him from authorising an officer under the *Planning and Environment Act 1987*. Therefore any authorisations under this Act must be specifically made by Council.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no direct cost to Council in authorising various powers and functions.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

No external consultation has been engaged.

Details of Community/Consultation Results of Engagement:
Community consultation has not been undertaken as this is a statutory function required by the Local Government Act 1989 (Vic).

7. **OPTIONS**

Council has the following options in relation to the authorisation of officers:

- (a) Not authorising various officers under the *Planning and Environment Act 1987* however this may impede Council officers' ability to fully perform their expected duties;
- (b) Authorising some but not all of the Council officers, which may place a greater strain on the authorised officers to perform more functions than other non-authorised officers;
- (c) Authorise all of the officers proposed in Council Instrument of Authorisation - May 2008.

8. **CONCLUSION**

Some Acts under which Council operates require direct authorisation from Council to Council officers to perform certain statutory duties.

By authorising various Council officers under the *Planning and Environment Act 1987*, Council will ensure that Council officers can fully perform their duties under each Act.

Should Council accept the recommendation, the Chief Executive Officer will simultaneously authorise various officers and persons in accordance with his delegation.

9. RECOMMENDATION

THAT in the exercise of the powers conferred by Section 224 of the *Local Government Act 1989 (Vic)* and Section 147(4) of the *Planning and Environment Act 1987 (Vic)* Council resolves that:

- 1. All previous instruments of authorisation made by Council and the Chief Executive Officer under delegation be revoked; and**
- 2. The members of Council staff and other persons referred to in the Council Instrument of Authorisation – May 2008 be appointed and authorised in accordance with the Council Instrument of Authorisation – May 2008; and**
- 3. The Council Instrument of Authorisation – May 2008 comes into force immediately the common seal of Council is affixed.**

Moved: Cr Middlemiss

Seconded: Cr Caulfield

That the recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT*Council Instrument of Appointment and Authorisation – May 2008***Latrobe City Council****Instrument of Appointment and Authorisation**

1. LAND ACT 1958

In this clause "**officer**" means -

Paul Laurence Buckley

By this instrument of appointment and authorisation Latrobe City Council under section 190 of the *Land Act 1958* authorises the officer for the purposes of section 190 of that Act.

2. LOCAL GOVERNMENT ACT 1989

In this clause "**officer**" means -

Paul Laurence Buckley

By this instrument of appointment and authorisation Latrobe City Council under section 224 of the *Local Government Act 1989* - appoints the officers to be authorised officers for the administration and enforcement of the *Local Government Act 1989*, the regulations made under each of those Acts, the local laws made under the *Local Government Act 1989* and any other Act, regulation or local law which relates to the functions and powers of the Council;

3. PLANNING AND ENVIRONMENT ACT 1987

In this clause "**officer**" means -

Lynette June Akarsu
Robyn Lee Begg
John Raymond Brennan
Paul Laurence Buckley
Luke Cervi
Kristy Anne Crawford
Robert Gray Dunlop
Fiona Bernadette Fullard
Gail Margaret Gatt
Michelle Ellen Hutchins
Carol Maree Jeffs
Nathan Misurka
Jason Jon Pullman
Peter Antony Quigley
Kevin Allan Roberts
Janene Maree Willhelme

By this instrument of appointment and authorisation Latrobe City Council under section 147(4) of the *Planning and Environment Act 1987* appoints the officers to be authorised officer for the purposes of the *Planning and Environment Act 1987* and regulations of that Act.

4. SUBDIVISION ACT 1988

In this clause “**officer**” means -

Paul Laurence Buckley

By instrument of appointment and authorisation Latrobe City Council appoints the officer to be an authorised officer for the purposes of the *Subdivision Act 1988* and the regulations under that Act.

5. **It is declared that -**

- (a) this Instrument comes into force immediately upon its execution;
- (b) this Instrument remains in force until it is varied, or revoked in its entirety;
- (c) that any authority or appointment to any officer referred to in this Instrument is automatically revoked upon that officer ceasing employment with the Council.

This Instrument is authorised by a resolution of the Council on

The common seal of Latrobe City Council was hereto affixed in the presence of:

PAUL LAURENCE BUCKLEY
Chief Executive Officer
Latrobe City Council

Date:

11.1.2 DOCUMENTS FOR SIGNING AND SEALING

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

P/P 2007/240	Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Great Southern Property Holdings Limited as Owners of the Land described in Certificates of Title Volume 10225 Folio 591 and Volume 10225 Folio 592 situated at Fishers Road, Boolarra South pursuant to Planning Permit No. 2007/240 dated 5 February 2008 for a Two Lot Re-Subdivision to ensure that the land will not be further subdivided.
	Retail Lease Agreement pursuant to Section 17D of the Crown Land (Reserves) Act 1978 between Latrobe City Council and E F & K G Savige as the Tenant of the Land known as the Moe Gardens Caravan Park located on the western side of the Joe Tabuteau Reserve in Mitchells Road, Moe being part of Crown Allotment 30 Section F, in the Parish of Yarragon for a term of Nine Years at the commencement rental of \$46,200 per annum with a further term of Nine Years.

RECOMMENDATION

1. That Council signs and seals the Section 173 Agreement in relation to the land described in Certificates of Title Volume 10225 Folio 591 and Volume 10225 Folio 592 situated at Fishers Road, Boolarra South pursuant to Planning Permit No. 2007/240 dated 5 February 2008.
2. That Council signs and seals the Retail (Section 17D) Lease Agreement in relation to the Land known as the Moe Gardens Caravan park located in Mitchells Road, Moe for a term of Nine Years at the commencement rental of \$46,200 per annum with a further term of Nine Years.

Moved: Cr Middlemiss

Seconded: Cr Price

That the recommendation be adopted.

CARRIED UNANIMOUSLY

CITY SERVICES

11.2.1 DISABILITY ACTION PLAN 2007-2008 REPORT

AUTHOR: Acting General Manager City Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with an update on the progress of the Disability Action Plan 2007-2008.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective – Community Capacity Building

To empower the community through enhancing community advocacy, leadership, partnerships, inclusiveness and participation.

Strategic Action – Implement actions from the Disability Action Plan and report on progress to Council.

3. BACKGROUND

The *Disability Discrimination Act 1992* (DDA) contains a provision for organisations to register Disability Action Plans with the Australian Human Rights and Equal Opportunity Commission (HREOC). After the DDA came into operation, the HREOC encouraged organisations to develop and register Disability Action Plans to ensure their services and facilities were accessible to people with a disability.

In 1995, Latrobe City Council formed an Advisory Committee to guide the development of its first Disability Action Plan (DAP). After consultation with community representatives, service providers and Latrobe City Council officers, the DAP was developed and adopted in August 1996.

The DAP specified that a Disability Reference Committee be formed to guide the implementation of the DAP and provide advice to Council on disability related matters.

The Disability Reference Committee has been in existence since 1996 and is currently chaired by, the Mayor, Councillor Lougheed. The current term of the Disability Reference Committee members is two years.

The Disability Reference Committee meets bi-monthly and the current two year term will end on 30 September 2008. The Disability Reference Committee is made up of five community members with a disability, five representatives from organisations in the disability sector, a Councillor who chairs the meetings, the Disability Services Officer and the Rural Access Project Officer. The Committee enables Council to receive the most effective advice on disability related matters, as care is taken to ensure the Disability Reference Committee is made up of people who have a wide range of knowledge about specific disabilities and the disability sector.

Latrobe City employs a Disability Services Officer to support the organisation to develop and implement the DAP and to resource the Disability Reference Committee.

4. **ISSUES**

The Latrobe City Council Plan 2007-2011 includes an action to implement actions from the DAP and report on progress to Council.

The goal of the DAP 2007-2008 is to ensure people with a disability have equitable access to infrastructure and services provided by Latrobe City Council, in accordance with the DDA.

The first three Disability Action Plans developed by Latrobe City were stand-alone plans which focused on a systemic approach to achieve change across the organisation.

In early 2006, it was decided to link DAP actions to projects contained in the organisation's business plans. This approach was successful as it enhanced team actions by addressing any barriers to access and inclusion for people with a disability. This process also initiated a 'whole of organisation' approach to the implementation of the DAP.

This more integrated approach continued in the development and implementation of the Disability Action Plan 2007-2008. A progress report on the implementation of the Disability Action Plan 2007-2008 is attached.

This progress report indicates that 39 of 46 actions have been implemented; one will be carried through to 2008/09; three will not be actioned, as the projects they are linked to will not proceed and the remaining three actions will be completed by 30 June 2008. This demonstrates the success of the integrated approach and the extent to which the Disability Action Plan has become a core part of business in all areas of Council.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Latrobe City Council receives a recurrent grant of \$26,922 from the Department of Human Services for the development and implementation of the Disability Action Plan. An additional contribution of \$27,400 is made by Latrobe City Council.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The development and implementation of the 2007/08 Latrobe City Council DAP is guided by the Latrobe City Council Disability Reference Committee. A report on the progress of the Disability Action Plan is presented to the DRC at each bi-monthly meeting.

In addition to providing advice on the implementation of the DAP, the Disability Reference Committee provides advice to Council on disability related matters.

During the development of the Disability Action Plan 2007-2008, staff across the organisation were consulted in the development of Disability Action Plan actions which were linked to actions in their team Business Plans.

7. OPTIONS

Council has the following options:

1. Note the Disability Action Plan 2007-2008 Report.
2. Request further information about the implementation of the Disability Action Plan 2007-2008.

8. CONCLUSION

Latrobe 2021, the Vision for the Latrobe Valley, reflects the vision of the community. Under *'Partnerships and Inclusiveness'* one community capacity building indicator is to *'Increase the percentage of facilities and information accessible to people with disabilities or other groups at risk of marginalisation'*. The implementation of the Disability Action Plan 2007-2008 will contribute to the community's progress which will be measured by this indicator.

The integrated approach to the Disability Action Plan 2007-2008, which links Disability Action Plan actions to Business Plans, is an effective way of ensuring a whole of Council response to inclusion of people with a disability.

The ongoing commitment of the Disability Reference Committee enhances the effectiveness of the implementation of the Disability Action Plan as well as advising Council on disability related matters.

9. RECOMMENDATION

That Council notes the Disability Action Plan 2007-2008 Report.

Moved: Cr Lloyd

Seconded: Cr White

That the recommendation be adopted.

CARRIED

ATTACHMENT

Disability Action Plan

2007-2008

Project	Disability Action Plan ACTION	Measurements	Progress Report
Implement actions from the Latrobe City Events & Tourism Strategy.	Develop a strong partnership with the Events and Tourism teams through regular consultation and discussion.	<ol style="list-style-type: none"> 1. Calendar of meeting dates established. 2. Guidelines implemented of the Latrobe City Events and Tourism Strategy. 	Disability Services Officer has had regular meetings with Events and Tourism teams.
Production of tourism guides and information for the tourism industry (eg, Latrobe City conference guide, Official Visitors Guide).	Consult with the Latrobe City Disability Reference Committee during the development of the guides and information for the tourism industry.	<ol style="list-style-type: none"> 1. Disability Reference Committee consulted. 2. Access logos included in guides. 	Disability Reference Committee consulted and recommendations made regarding the readability of the Visitor Guide.
Engage the community and wider tourism industry in the implementation of the industry owned and driven by Latrobe Tourism Plan.	Consult with the Disability Reference Committee and involve the Disability Services Officer in the development of a guide to be included in the industry owned and driven Latrobe Tourism Plan.	<ol style="list-style-type: none"> 1. Disability Reference Committee consulted. 2. Disability Service Officer involved in the developed guidelines in Latrobe Tourism Plan. 	Disability Reference Committee and Disability Services Officer consulted. Recommendations in relation to access for people with disability made on draft Tourism Plan.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Implement program to ensure appropriate signage at nominated Latrobe City projects.	Comply with the Style Guide to ensure readability.	Compliant signage is used at all events.	Ongoing compliance with Style Guide.
Form Australia Day committee engaging all key stakeholders to further engage with the wider community.	Call for an Expression of Interest from people with disability to be considered members of the Australia Day Committee.	One representative with a disability to join the Australia Day Committee.	Expressions of Interest invited from members of Disability Reference Committee in February 2008.
Implement Community listening framework – facilitate external consultation and engagement regarding prospective events and current performance including website functionality.	Meet with the Disability Reference Committee once a year to discuss accessibility of events and the functionality of the website.	Disability Reference Committee consulted.	Members of the Events team will attend a Disability Reference Committee meeting to discuss the functionality of the Latrobe City Website.
Ensure maximum community benefit from the State Government investment in the regional rail infrastructure upgrade.	Consult with the Disability Reference Committee and relevant disability organisations.	Disability Reference Committee and disability organisations consulted.	When Latrobe City Council has access to the Gippsland Intermodal Freight Terminal the Disability Reference Committee will be consulted where relevant.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Identify relevant funding programs and prepare submissions for infrastructure upgrades for the small towns in consultation with the Small Town Facilitator.	Ensure disability access is included in funding submissions for infrastructure upgrades for the small towns.	Access requirements included in funding submissions for infrastructure upgrades for the small towns.	Upgrade projects at Traralgon South Hall and Boolarra Hall include disability access requirements.
Prepare a development plan for the Transit Cities Traralgon Railway precinct.	<ol style="list-style-type: none">1. Ensure disability access is included in the Master Plan for the Traralgon Railway precinct.2. Consult with the Disability Reference Committee.	Access requirements included in the Master Plan for the Traralgon Railway precinct. Disability Reference Committee consulted.	This project has been carried over to 2008/2009.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Review the Transit Cities implementation plan.	Consult with the Disability Reference Committee during the review of the Transit Cities implementation plan.	Transit Cities Officer to attend a Disability Reference Committee meeting during the review of the Transit Cities Implementation Plan.	<p>Transit Cities Officer has attended a Disability Reference Committee meeting and discussion took place regarding the Transit Cities plan.</p> <p>Member of the Disability Reference Committee attended the Moe Speak Out consultation in August 2007.</p>
Complete Morwell North Side Precinct Plan and implement Year 1 actions.	Consult with the Disability Reference Committee.	Disability Reference Committee consulted.	Meeting held on site in July 2007 with Disability Reference Committee members to discuss access issues raised and amendments to design made.
Deliver twelve training and networking sessions to small and medium enterprises.	Include Good Access is Good Business program in training and networking sessions.	Good Access is Good Business included in two network sessions.	Two Good Access Is Good Business information sessions conducted for small and medium enterprises.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Support private investors to build and/or operate 4/5 star accommodation facilities through the provision of market information and business development assistance.	Include Good Access is Good Business principles in the market information and business development assistance.	Good Access is Good Business principles are included during the discussion of business development.	Plans of any proposed new accommodation facilities will be presented to the Disability Reference Committee.
Develop the annual capital works program for 2008-2009.	Include disability access provision in the policies and procedures eg. new building, new developments, compliant with the enhanced Australian Standards.	Access provision addressed within the Capital Works program.	The City Development department will include access requirements within the 2008/2009 Capital Works program.
Commence the planning scheme amendment to incorporate the Large Town Structure Plans into the Latrobe City Planning Scheme.	Ensure access provision is a requirement in the Latrobe City Planning Scheme.	The Latrobe City Planning Scheme includes disability access requirements.	This action will be completed by 30 June 08.
Prepare Urban Design Standards for each of the four large towns.	Ensure disability access is included in the Urban Design Standards of the four large towns.	Design standards incorporate disability access standards.	The project will be completed by 30 June 08.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Review the Municipal Strategic Statement and present to Council for consideration.	<ol style="list-style-type: none"> 1. Consult with people with disability during the review. 2. Include the needs of people with disability in the revised/new MSS. 3. Consult with internal staff and the Disability Reference Committee regarding the potential for Local Planning to guide and control developments to ensure equal access for people with disability. eg. Local policy pertaining to accessible and adaptable housing and design of infrastructure. 	<ol style="list-style-type: none"> 1. Disability Reference Committee and people with disability consulted during the MSS review. 2. Access issues for people with disability incorporated within the MSS. 3. Disability Services Officer and Rural Access Project Officer consulted during MSS Review. 	Members of the Disability Reference Committee met with the consultant to discuss the MSS review. Issues pertaining to access were raised and noted.
Implement outcomes of the "Healthy by Design" Study to ensure future developments achieve healthy and safe communities.	Advise the Disability Reference Committee of the outcomes resulting from the Healthy by Design Study.	The Disability Reference Committee advised of the outcomes from the Healthy by Design Study.	The Disability Reference Committee will be advised of the outcomes from the Healthy by Design Study during the MSS review.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Upgrade Bus Stops to provide Disabled Access.	Consult with the Disability Reference Committee in regards to the proposed locations of the Upgraded Bus Stops.	The Disability Reference Committee consulted regarding the drawings and proposed upgrades.	Disability Reference Committee consulted during the preparation of the Tender for upgrades bus stops in Morwell.
Review and update Council's contract technical specifications.	Disability Service Officer to attend relevant internal meetings for the review of contract technical specification documents.	Disability Service Officer consulted regarding the update of contract technical specification documents and access specifications.	<p>Disability Services Officer consulted during review.</p> <p>Reference to Disability Discrimination Act compliance will be included in contract technical specifications.</p> <p>A regional manager's forum is reviewing standards and contract specifications to achieve a Gippsland Region standard. This process will also need to include the requirements of the Disability Discrimination Act.</p>

Project	Disability Action Plan ACTION	Measurements	Progress Report
Manage the construction of the Churchill Intergenerational Hub.	Provide an opportunity for the Disability Reference Committee to review the plans before construction of the Churchill Intergenerational Hub.	The Disability Reference Committee reviewed the plans of the Churchill Intergenerational Hub.	<p>Discussions were held at the April Disability Reference Committee meeting with the Manager Family Services regarding the Churchill Intergenerational Hub and Town Hall plans.</p> <p>Further discussions have taken place with the Disability Services Officer, the Rural Access Project Officers and the Manager Family Services.</p>
Provide volunteer placement opportunities in Preschool and Early Learning Centres.	Ensure people with disability have opportunities to volunteer in Preschool and Early Learning Centres.	People with disability apply for volunteer positions in Preschool and Early Learning Centres.	One person with a disability started as a volunteer in at an Early Learning Centre and has now begun a Traineeship.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Complete a Positive Aging Plan.	Continue to consult with Disability Reference Committee in the development of the Positive Aging Plan.	The Positive Ageing Plan incorporates the views of people with disability.	Consultant attended the April Disability Reference Committee meeting to seek comment and suggestions about the Positive Ageing Plan. The Disability Reference Committee will be consulted on draft plan in June 2008.
Develop the Morwell Outdoor Recreation Plan and present to Council for consideration.	Consult with the Disability Reference Committee during the development of the Morwell Outdoor Recreation Plan.	Recreation Manager attend Disability Reference Committee meeting.	The Disability Reference Committee was consulted during the development of Morwell Outdoor Recreation Plan to ensure accessibility is included. Further consultation will occur with the Disability Reference Committee as the plan is implemented.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Moe Outdoor Recreation Plan – Design and consultation for major projects.	Consult with the Disability Reference Committee during the development of the Moe Newborough Outdoor Recreation Plan.	Recreation Manager attend Disability Reference Committee meeting.	<p>The Disability Reference Committee was consulted during the development of Moe Outdoor Recreation Plan to ensure accessibility is included.</p> <p>Further consultation will occur with the Disability Reference Committee as the plan is implemented.</p>
Develop a Leisure Facilities plan in accordance with the Recreation and Leisure Strategy Implementation Plan.	Consult with the Disability Reference Committee during the development of the Leisure Facilities plan.	Leisure Facilities Plan presented to Disability Reference Committee for feedback.	The first stage of this project is the preparation of a Leisure Facilities technical audit. The Disability Reference Committee will have input to the Leisure Facilities Plan when developed.
Implement the Latrobe Active Communities Program.	Include actions in the Latrobe Active Communities Program to meet the recreation needs of people with disability.	Actions included in the Latrobe Active Communities Program to meet the needs of people with disability.	Disability Service Officer and Rural Access Project Officer have attended the Healthy and Active Communities Partnerships meetings.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Provide leisure services and facilities to enhance the recreational liveability of Latrobe City residents.	Promote leisure services and facilities throughout the disability networks.	Leisure services & facilities, promotional material presented to Disability Reference Committee & circulated through Disability networks.	<p>Introduced the Power Pack program that allows appropriate people with disability to access Leisure Facilities at a reduced cost.</p> <p>Developed a relationship with iGain & work experience has been organised on a 3 month period for people with disability.</p>
Deliver the Latrobe Regional Gallery Exhibitions Program.	Work in partnership with Disability Services Officer to ensure people with disabilities have an opportunity to participate in the Able Hands program.	People with disability participating in the Able Hands program.	A group of people with a disability have participated in the Able Hands program.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Deliver Performing Arts Performances program.	Work in partnership with the Disability Service Officer to investigate possible options for a performance and/or workshop to create inclusion of people with disability in the Arts and performance program.	A plan developed for a performance and/or workshop for 2009 Performing Arts season.	Gippsland Deaf Access Project Officer met with the manager of Arts and Leisure to discuss Australian Theatre of the Deaf tour in September 2008. This performance will create awareness of people who are Deaf or hard of hearing.
Continue to provide employment services that target groups who are significantly disadvantaged.	Continue to include people with disability in employment programs.	People with disabilities undertaking traineeships and employment placement.	There are five people with disabilities participating in traineeships.
Continue to promote and engage in an integrated Planning Model that aims to increase community well being.	Ensure the needs of People with Disability are included in the integrated planning model.	Strategies to meet the needs people with disability included in planning model.	Integrated planning model includes mechanisms to address the needs of people with a disability.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Develop a Mental Health Statement for Council consideration.	Consult with the Disability Reference Committee during the development of the Mental Health Statement.	Draft Mental Health Statement presented to Disability Reference Committee for comment.	Disability Services Officer and Rural Access Project Officer consulted on the draft Mental Health Statement and recommendations noted. Second draft to be presented to the Disability Reference Committee for comment.
Deliver 07/08 Volunteer Strategy Action Plan initiatives.	Include actions to increase the number of people with disability volunteering.	Increase in the number of people with disability volunteering.	Volunteer Strategy Action Plan continues to ensure participation of people with a disability.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Proactively promote the Library to Councillors, community leaders and the general community as a facility for community recreation and a gateway for lifelong learning.	Actively promote Library resources and services to people with disability and organisations in the disability sector.	The Library Marketing Plan to include actions and strategies to promote resources and services to people with disability.	<p>Disability Services Officer consulted during the development of the Library Strategy and recommendations noted.</p> <p>Latrobe City Libraries are participating in the Latrobe City Recharge Program. This program will allow people using electric scooters / electric wheelchairs access to power point to charge the batteries if required.</p>
Develop and implement a comprehensive induction program for new Community Information Staff.	<p>Ensure flexibility in the training program to meet the diverse learning needs of Latrobe City staff.</p> <p>Include strategies in the Induction Program that address communication needs of people with disability.</p>	<ol style="list-style-type: none"> 1. The induction program contains provisions for reaching learning outcomes in a flexible way. 2. The Induction program includes available resources to meet the communication needs of people with a range of disabilities. 	Disability Services Officer provided recommendations during the development of the Employee Induction Manual and Staff Induction and Training program.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Initiate an annual organisational review of Council Policies & Procedures so that they reflect Council and community values, strategies and plans, and placed on intranet and internet.	<ol style="list-style-type: none"> 1. Consult with DRC during the review of council's polices & procedures. 2. Ensure Council Policies and Procedures are available in alternative formats when placed on the intranet and internet. 	Council Policies and Procedures available in alternative formats.	In accordance with Council Policy, all Policies will be subject to review in early 2009 by the incoming Council following the Municipal Election on 29 November 2008. The Disability Action Plan requirements will be adhered to during this process.
Provide opportunities for Councillor development throughout their term and until the next Council election in 2008.	Disability Reference Committee to attend a dinner with the Councillors to discuss the Disability Action Plan and other relevant topics.	Disability Reference Committee to attend a dinner with the Councillors.	Members of the Disability Reference Committee attended a dinner with Councillors in 2007.
Review Local Law No. 1. Processes of Municipal Government and Common Seal.	RE 06/07 DAP project. Consider the procedure pertaining to access to council meetings and elections.	Equitable access to Council meetings.	A comprehensive review of Local Law No.1 will be undertaken in consultation with the incoming Council following the Municipal Election on 29 November 2008.
Produce Annual Report Summary document.	In accordance with the Latrobe City Style Guide ensure Annual Report Summary is available in alternatives formats when requested.	Summary of Annual Report available in alternative formats.	Project will not proceed.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Engage with the community to establish a consolidated vision for Latrobe City.	Consult with the Disability Reference Committee and people with disability.	Vision of people with disability is included in Latrobe City vision.	A second review of Latrobe 2021 will be undertaken in November 2008.
Implementation of 2021 External Engagement Plan.	Consult with the Disability Reference Committee during the implementation of 2021 External Engagement Plan.	Attend a Disability Reference Committee meeting.	The review of Latrobe 2021 is will be undertaken in 2008/2009.
Facilitate Steering Groups.	Ensure representation of people with disability is included in Steering Groups.	People with disability part of the Steering Groups.	People with a disability will be included in the steering groups during the review of 2021.
Provide general support to the various workplaces implementing or maintaining an Emergency Management Plan.	Disability Service Officer to discuss the current Emergency Plan Headquarters with the Risk Manager to include the needs of people with disability.	Recommendations to ensure the safety of people with disability included in the Emergency Plan Headquarters document.	Disability Services Officer participated in trial evacuation exercise and attended the OH&S update training meeting to discuss evacuation procedures for people with disabilities.
Review Local Law No. 2. Council Meeting.	Consult with the Disability Reference Committee during the development and implementation of the Footpath Trading Guidelines.	The Disability Reference Committee consulted during the implementation of the Footpath Trading Guidelines.	Disability Reference Committee consulted during the review of Local Law No. 2.

Project	Disability Action Plan ACTION	Measurements	Progress Report
Run a monthly corporate induction program for all new employees.	Refer to the Disability Action Plan document during staff training and induction.	Reference made to the Disability Action Plan document during staff training and induction.	Induction training and kit includes reference to the Disability Action Plan, Cultural and Linguistic Diversity Action Plan, and the Statement of Commitment to Indigenous People.

11.2.3 RURAL ACCESS PROGRAM PROGRESS REPORT 2007-2008

AUTHOR: Acting General Manager City Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with an update on progress of the Rural Access Program 2007-2008.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2007 – 2011

Strategic Objective – Community Capacity Building.

To empower the community through enhancing community advocacy, leadership, partnerships, inclusiveness and participation.

Strategic Action – Implement the Rural Access Program and report progress to Council.

3. BACKGROUND

The Rural Access Program was piloted in the Grampians region of Victoria in 2000/2001. After an evaluation of the pilot, the Victorian State Government decided to implement the Rural Access Program in the other four rural Department of Human Services regions in Victoria.

A meeting of relevant stakeholders from the disability sector, community sector, community health and local government was held in 2001 to plan the implementation of the Rural Access Program in Gippsland. It was decided at this meeting that the Rural Access Program would be best positioned within local government. The Gippsland Local Government Network (GLGN) played a key role in the roll-out of the Rural Access Program by developing common Position Descriptions and coordinating recruitment for the positions.

Funding was allocated for full-time Rural Access Project Officers in Latrobe City, Baw Baw Shire, Wellington Shire and East Gippsland Shire, and the remaining fulltime position to be equally shared between Bass Coast Shire and South Gippsland Shire.

The Rural Access Project Officer commenced employment at Latrobe City in October 2001. In 2005 the Victorian Government announced that the funding for the Rural Access Program would be ongoing.

An extensive community mapping exercise was undertaken in 2002 to identify key local priorities, which are summarised below:

- Access to accessible affordable public transport;
- Access to the built environment;
- Community awareness of disability issues;
- Unmet need in the disability sector;
- General community services not meeting the needs of people with a disability;
- Information not available in a range of accessible formats;
- Lack of advocacy for people with a disability;
- Lack of appropriate respite services.

4. **ISSUES**

The Latrobe City Council Plan 2007-2011 includes an action to implement the Rural Access Program and report progress to Council.

The Rural Access Guidelines 2001 Department of Human Services includes the following aim and objectives:

The aim of the Rural Access Program is to enhance the capacity of rural and regional communities in Victoria to plan and provide support for people with disabilities and their families thereby maximising opportunities for community membership and participation.

The objectives of the Rural Access Program are:

1. To mobilise and provide support for people with disabilities to optimise participation in the life of their local community.

2. To build and strengthen the community's capacity to provide support to people with disabilities and their families through a range of strategies which include networking, community education, policy development, partnership development, and specific project development.
3. To develop a framework for integrated local community planning and coordination which engages and involves people with disabilities and their families, disability service providers and community organisations.
4. To work with existing disability service providers to enhance their capacity to provide relevant and appropriate supports in the community.
5. To improve access to information about relevant services and community activities available to people with disabilities in their communities.

The activities of the Latrobe City Rural Access Program are primarily project based. Projects are initiated by members of the community, organisations and services in the disability and community sectors and by the Rural Access Project Officer. A report on the implementation of the Rural Access Program 2007-2008 is attached. This report lists the local, regional and statewide projects undertaken during 2007/08, the sector category of the project, expected outcomes, actions and timelines.

The Rural Access Program has been successfully implemented in Latrobe City in 2007/08. A range of local, regional and statewide projects have been undertaken in partnership with community organisations, disability service providers, local government and people with a disability.

The Rural Access Program Progress Report indicates that:

- People with a disability are involved in a number of projects to increase community awareness of the needs of people with a disability;
- People with a disability are involved in leadership development;
- A number of projects aimed at improving access to the built environment;
- People with a disability are involved in community planning activities;
- Latrobe City Rural Access is contributing to a number of regional and statewide projects.

Overall the Rural Access Program Progress Report demonstrates significant progress in all projects and actions with all 2007/08 tasks likely to be completed by 30 June 2008.

The Latrobe City Rural Access Program is held in high regard by the Victorian Government. The Latrobe City Rural Access Project Officer and managers responsible for the program are often asked to present to other Rural Access Project Officers and line managers.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The Latrobe City Rural Access Program is fully funded by the Victorian Government.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Engagement undertaken as part of the community mapping exercise included a forum involving approximately 100 people as well as face to face interviews with community groups, disability service providers and people with a disability.

7. OPTIONS

Council has the following options:

1. Note the Rural Access Program Progress Report 2007-2008.
2. Request further information about the implementation of the Rural Access Program 2007-2008.

8. CONCLUSION

Positioning the Rural Access Program within local government has raised the profile of disability issues on the community and government agenda. Local Government has also provided people with a disability, and disability organisations, with access to a broad range of community building and community planning opportunities. The Rural Access Program has also provided local government with knowledge and resources to effectively advocate for services and facilities to meet the needs of local people with a disability.

Latrobe City has shown statewide leadership in the further development and implementation for the Rural Access Program in Victoria.

9. RECOMMENDATION

That Council notes the Rural Access Program Progress Report 2007-2008.

Moved: Cr Lloyd

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
Local Projects				
<p>Leadership Mentoring 79</p> <p>A short-term mentoring program for people with disability across local government in Victoria.</p>	Leadership and Civic Participation	At least two people with a disability undertake program in Latrobe City	Three (3) Mentors and three (3) Mentees have completed the LM79 project in 2007-2008.	<p>28 Feb 08</p> <p>2007-2008 tasks complete</p>
<p>Our Future Our Place</p> <p>Raising awareness of the benefits of accessible housing design by promoting access features of houses built as part of the Our Future Our Place Project.</p>	Access to Built Environment	Accessible housing features promoted to general public	Provided advice to the Our Future Our Place Steering Committee regarding modifications to house plans to improve physical access to third house. Marketing and promotional activities will take place when house is ready for sale in 2008.	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>
<p>Monash Medical Students Disability Awareness</p> <p>Facilitating and supporting people with disability and disability organisation to provide disability awareness training for Monash Medical Students.</p>	Health	Disability awareness sessions held for Year 1 and Year 2 Students	<p>Disability awareness sessions, including experiential workshops, delivered to Year 1 students in Churchill on 31 July 07. Assisted in arranging disability awareness sessions in Warragul and Inverloch held on 1 and 2 August 07.</p> <p>Planning underway for disability awareness sessions for Year 1 students to be held in Churchill in July 2008.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
Latrobe Disability Awareness Training and supporting people with disability to develop and deliver disability awareness presentations.	Community Awareness	Voices For Change presenters delivering disability awareness presentations to a range of community groups, services and businesses.	Voices for change presenters delivered presentations at: <ul style="list-style-type: none"> • Voices for Change Launch Aug 07. • Monash Medical Students Disability Awareness Training July 07. • Latrobe City Youth Leadership Program July 07. • Training courses run by GippsTAFE. 	30 June 08 On track for completion by 30 June 2008
Latrobe City Disability Action Plan Providing support and advice to the Disability Services Officer in the development and implementation of the Latrobe City Disability Action Plan.	Leadership and Civic Participation	Disability Action Plan adopted and implemented in Latrobe City.	Latrobe City 2007-2008 Disability Action Plan developed and adopted by Council and under implementation. Latrobe City 2008-2009 Disability Action Plan under development with actions planned to be incorporated in team Business Plans for 2008-2009.	30 June 08 On track for completion by 30 June 2008
Regional Projects				
Gippsland Regional Disability Community Building Plan Regional Action Plan containing seven regional priorities. Each Gippsland Building Inclusive Community Project Officer will take the lead role on one regional priority and undertake other actions as listed.	All Sectors	Gippsland Regional Disability Community Building Plan implemented by December 2008.	Priority 2: Foster Leadership Development <ul style="list-style-type: none"> • Leadership Plus Leadership Program and Gippsland Community Leadership Program promoted to people with a disability and groups. • Four people with a disability from Gippsland undertaking Leadership Plus Leadership Program in 2008. 	30 June 08 On track for completion by 30 June 2008

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
			<ul style="list-style-type: none"> • Latrobe City participating in Leadership Mentoring 79 program in 2008. • Gippsland Leadership Providers Network established in Oct 2007. • Additional funding secured for Phase 2 of Innovation In Advocacy Project. • Person with a disability undertaking Latrobe City Youth Leadership Program in 2008. 	
<p>Innovation in Advocacy</p> <p>Support and enable people with disability to have maximum control over their lives through co-ordinated network development, self-advocacy and leadership skills training and participation in community planning.</p>	Advocacy	<p>At least one advocacy group/network established in each Gippsland municipality</p> <p>Each established advocacy group / network has a Skill Development and Sustainability Plan.</p>	<p>Advocacy group established in each of the 6 Local Government areas in Gippsland</p> <p>All 6 groups have established a Skill Development and Sustainability Plan.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>
<p>Gippsland Auslan Interpreting Service (GAIS)</p> <p>Ensure the sustainability of the Gippsland Auslan Interpreting Service.</p>	Information Communication Technology	GAIS to be self-sustaining.	<p>Continued to be a member of the GAIS Steering Committee.</p> <p>GAIS sustainable for 2007-2008.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
<p>Gippsland Leadership Providers Network</p> <p>In consultation with Gippsland leadership providers, investigate the establishment of a network of Gippsland Leadership Providers.</p>	Leadership and Civic Participation	Gippsland Leadership Providers Network established	<p>Gippsland Leadership Providers Network established in Oct 07 with approximately 30 members.</p> <p>Network meeting regularly.</p> <p>Gippsland Leadership Program Directory established.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>
Statewide Projects				
<p>Continue involvement in the Built Environment Statewide Issues Based Working Group</p> <p>The Built Environment Statewide Working Group is one of a number of Statewide Working Groups set up to address statewide issues at a systemic level</p>	Built Environment	Statewide meetings held and strategies/actions developed and implemented.	<p>Meeting held with Victorian Council of Social Service to establish sustainable Built Environment statewide network.</p> <p>Telephone and E-mail contact between members of Built Environment Statewide Issues Based Working Group.</p> <p>Face-to-face meetings held 10 August 07.</p> <p>Contributed to the Universal Housing Design Policy Platform.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>
Attend statewide meetings of Rural/Metro/Deaf Access Project Officers and DHS Community Building staff.	All Sectors	Statewide meetings attended.	<p>Attended DHS Community Building Forum on 10 August 07.</p> <p>Invited to present at Rural Access Induction session on 2 May 2008.</p>	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
Unplanned Projects / Actions to meet identified need				
Record and analyse issues raised by community members and organisations.	All Sectors	Issues raised by phone, letter, E-mail and at meetings recorded.	Following issues recorded: <ul style="list-style-type: none"> • Need for Recharge Project in Latrobe City. • Parking issue at Stockland Plaza Traralgon. • Parking issue at Church of Christ Morwell. • Need to develop social networks for people with a disability. • Need for change tables in accessible public toilets. 	30 June 08 On track for completion by 30 June 2008
Initiate, or participate in, projects to address identified need.	All Sectors	New projects and partnerships developed.	Following projects initiated or participated in: <ul style="list-style-type: none"> • Recharge Latrobe City. • Community, Accessibility and the Arts Conference. • Building Volunteerism in Latrobe • Linking Latrobe (Transport Connections Project). • Forging The Links Project. • Gippsland Community Social Options (Gippsland Groovers Club). 	30 June 08 On track for completion by 30 June 2008
Participate in community planning processes.	All Sectors	Participation of Steering Committees and Reference Groups.	Participated in the Moe Transit Cities consultation. Member of the Latrobe Regional Hospital Diversity Task Force.	30 June 08 On track for completion

Projects/Action	Sector	Expected Outcome	Reported Actions	Timeline
			<p>Member of the Gippsland Community Legal Service Community Reference Group.</p> <p>Member of the Latrobe City Rights and Advocacy Group.</p>	by 30 June 2008
Facilitate and support people with a disability to be involved in community planning processes.	All Sectors	People with a disability participating on Steering Committees and Reference Groups.	<p>Facilitated / supported people with a disability to participate in the Moe Transit Cities consultation.</p> <p>Members of the 6 community based advocacy groups participating in community planning across Gippsland.</p> <p>Members of the Latrobe Advocacy Group involved in:</p> <ul style="list-style-type: none"> • Gippsland Regional Advocacy Forum Steering Committee. • Latrobe City disability Advisory Committee. • Gippsland Groovers Club Steering Committee. • Latrobe City Recharge Project. • Latrobe community Health Service New Building Reference Group. 	<p>30 June 08</p> <p>On track for completion by 30 June 2008</p>

CITY MARKETING & DEVELOPMENT

11.3.1 PLANNING PERMIT APPLICATION 2007/410 - USE OF LAND FOR A RESTRICTED RECREATION FACILITY (GYMNASIUM) AT 94 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 2007/410 for the use of land for a Restricted Recreation Facility (Gymnasium) at 94 Cross's Road, Traralgon.

2. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2007 - 2011

Strategic Objective - Sustainability

To promote the responsible and sustainable care of our diverse built and natural environment for the use and enjoyment of the people who make up the vibrant community of 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:	94 Cross's Road Traralgon, known as Lot 4 PS 531365
Proponent:	Olivia Barrett
Zoning:	Residential 1 Zone
Overlay	None

A Planning Permit is required for the use of the land for a Restricted Recreation Facility (Gymnasium) in accordance with Clause 32.01-1 of the Residential 1 Zone.

3.2 PROPOSAL

The application is for the use of a private gymnasium, which is attached to a dwelling, as a Restricted Recreation Facility (Gymnasium).

The private gymnasium was designed as the ground floor of a two-storied building that is attached to the west side of the dwelling. The upper floor was designed as a rumpus room.

The two-storied building has a ground floor area of 102m² and a total area on both floors of 204m².

The dwelling is setback over 37m from the street frontage due to a large easement in favour of Gippsland Water. The dwelling has an area of about 450m² and apart from the two storied gymnasium/rumpus room is single storied.

The applicant intends to use the two floors of the building attached to the dwelling for the gymnasium.

The site has an area of 3,273m² and the site coverage is approximately 10%.

Access to the dwelling is from Cross's Road.

The proposed hours of operation are:

- Monday, Tuesday, Thursday:
6.00 am - 11.00 am and 4.00 pm - 8.30 pm.
- Wednesday:
6.00 am - 11.00 am and 4.30 pm – 8.30 pm.
- Friday:
6.00 am – 11.00 am and 4.30 pm – 7.00 pm.
- Saturday:
8.00 am – 12 noon.

The applicant proposes to hold sessions for individuals and small groups.

A parking area is presently under construction at the front of the property. This parking area will accommodate 16 vehicles.

Subject Land:

The subject land is situated on the north side of Cross's Road, between Ashworth Drive and Riverslea Boulevard.

Surrounding Land Use:

North: Residential land under development
South: Existing residential
East: Residential land under development
West: Residential land under development

3.3 HISTORY OF APPLICATION

This application resulted from a complaint in October 2007 about the operation of a commercial gymnasium in a residential area. The landowners initially considered that their use of part of the dwelling for personal training constituted a Home Occupation and as such did not require a planning permit.

Concerns were raised with Council Planning Officers by nearby residents regarding the potential future use of the residential property as a gymnasium. As part of Latrobe City Council's planning compliance follow-up, the landowners were advised to submit a description of their operations and business to determine if the use could be described as a Home Occupation.

Consideration of this material suggested that the operation exceeded the Latrobe Planning Scheme provisions that applied to a Home Occupation.

The provisions of the Latrobe Planning Scheme with respect to a Home Occupation state, among other things, that:

- The gross floor area used in conducting the occupation including the storage of any materials or goods must not exceed 50 square metres or one-third of the gross floor area of the dwelling, whichever is the lesser.
- The occupation must not impose a load on any utility greater than normally required for domestic use.

- The occupation must not adversely affect the amenity of the neighbourhood in any way including:
 - a) The parking of motor vehicles.
 - b) The hours of operation.

In particular the applicant wanted to increase the area of the dwelling that was permitted to be used as a Home Occupation, which, as described above, is 50m².

Subsequently a Planning Permit Application was received on 30 November 2007 for the use of the land as a Restricted Recreation Facility (Gymnasium). The applicant gave notice of the application on 14 February 2008 and objections were received. A Planning Mediation Meeting was held on 2 April 2008 but consensus was not reached.

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 15.05 'Noise abatement' is intended to assist the control of noise effects on sensitive land uses. Its implementation statement states that:

'Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.'

Decision-making by planning and responsible authorities must be consistent with any relevant aspects of the following documents:

- *State environment protection policy (Control of Noise from Commerce, Industry and Trade) No N-1 (in metropolitan Melbourne).*
- *Interim Guidelines for Control of Noise from Industry in Country Victoria (EPA 1989).*
- *State environment protection policy (Control of Music Noise from Public Premises).'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Under 'Urban settlement and form' (Clause 21.01-3), Traralgon is one of the three main urban settlements in the municipality, and under 'Environment' (Clause 21.01-5) it is stated that a key aspiration for environmental management in the Latrobe City and for all land uses within the municipality is sustainability.

Within the planning scheme context the main environmental issues are:

- *balancing conflicting land uses; and*
- *ensuring that land use activity does not have an adverse impact on the environment.*

To achieve these, land development and use should be considered in terms of the impact on the broader environment.

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.*

Zoning

The subject land is zoned Residential 1 Zone (Clause 32.01). A Planning Permit is required to use the land for a Restricted Recreation Facility (Gymnasium) in accordance with Clause 32.01-1.

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.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.'*

Overlay

No overlays apply to the subject land.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves:
The land is encumbered by a major Gippsland Water easement but the building is clear of the easement.

Clause 52.05 Advertising signs:
No signage is proposed at this stage. Any future signage would be required to comply with the Clause.

Clause 52.06 Car Parking:
The use is not defined in the table. If a planning permit is granted, it is recommended that off-street parking be provided for 8 cars. Council traffic engineers consider that this figure would meet the estimated traffic demand.

Clause 52.11 Home Occupation:
This clause prescribes the requirements that must be met in order to meet the definition of a home occupation. It is considered that the application does not meet the home occupation provisions of the Planning Scheme and a permit must be applied for a 'Restricted Recreation facility (gymnasium)'.

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 Clauses 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 by sending notices to adjoining landowners and occupiers according to section 52(1) (a) of the *Planning and Environment Act 1987* (the Act).

External:

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

Internal:

The application was referred to Council's Project Services Team who had no comments.

Details of Community Consultation following Notification:

Following the notification of the application, five submissions were received. Two submissions were from the applicant. Three submissions were from the objectors one of which contained a petition with 8 signatories. A Planning Mediation Meeting was held on 2 April 2008 but consensus was not reached with the parties that would have allowed the matter to be dealt with under officer delegation.

5. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the application does not comply with the strategic direction of the State and Local Planning Policy Framework.

'Purpose' of the Residential 1 Zone:

It is considered that the application does not comply with the 'Purpose' of the Residential 1 Zone.

Clause 65 (Decision Guidelines):

It is considered that the application does not comply with the appropriate 'Decision Guidelines' and in particular;

- *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 application received three submissions in the form of objections and two submissions from the applicant.

The issues can be summarised as:

1. Increased traffic leading to loss of amenity

Comment:

Cross's Road is a collector road that is capable of accommodating 3000 vehicle trips per day (VPD). According to Council's traffic engineers' estimate of current usage, the road has capacity to accommodate an increase in traffic movements.

However Council must consider the impact of that traffic on the adjoining residential properties through traffic movement, public safety and noise nuisance. These are amenity issues. Council must also consider the appropriateness of a large off-street parking area, which is more reflective of a business, in the front setback of a residential lot.

It is considered that the increased volume of traffic entering and leaving a residential property is inappropriate in a residential zone and will have an adverse impact on the amenity of the adjoining residential lots through increased noise nuisance and increased safety risk and visual intrusion during the proposed hours of operation.

It is also considered that the impact of a large car park in the front setback of a residential property would constitute an inappropriate visual intrusion into a predominantly residential neighbourhood.

2. Increased noise

Comment:

As stated above, it is considered that there will be increased noise nuisance from the additional traffic movements. It may be possible to control the traffic noise by the installation of sound barriers, but these are often at least 2m high and this could add an intrusive element to the front garden.

While the occupants of the dwelling may enjoy amplified music generated for their own personal enjoyment, there would be a risk that amplified music from proposed training sessions would be of an intensity and duration that would disrupt the amenity of the area.

The building could be sound insulated, but such insulation is only effective if windows and openings are permanently sealed, double glazed and cannot be opened.

Such noise impacts are considered to be inconsistent with the need to protect the residential amenity of the Residential 1 Zone.

3. Inappropriate location for a commercial/business location.

Comment:

While the purpose of the Residential 1 Zone is to provide for residential development, there is also an additional purpose to allow a limited range of non-residential uses known as discretionary uses, in appropriate residential locations.

It is considered that the application does not meet the criterion that defines a non-residential use, as it is essentially a business use.

- 4 Hours of operation.

Comment:

The applicant proposes to operate generally between the hours of 6.00 am and 11.00 am and 4.00 pm and 8.30 pm weekdays and 8.00 am until 12 noon Saturdays. Traffic will start arriving on site at or before 6.00 am and it is considered that this impact of traffic movements and noise nuisance will not be appropriate in a Residential 1 Zone as it will affect the amenity of that area.

On 19 December 2005, Council refused an application for an Indoor Recreation Facility at 252 Franklin Street, Traralgon. 252 Franklin Street is a large residential lot of 1.6ha on the corner of Franklin Street and Paul Street. The facility was to be used for martial arts. The applicant appealed against the refusal and at a VCAT hearing the refusal was overturned and a permit issued.

The Franklin Street development was restricted to 17.5 hours per week with evening sessions, Monday to Friday from 5.00 pm – 9.00 pm and Saturday from 9.00 am – 5.00 pm.

The Franklin Street building was a detached building not connected to the dwelling. The maximum number of people allowed in the building was 16. The 252 Franklin Street property is approximately four times as large as the 94 Cross's Road property.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

7. **OPTIONS**

Council has the following options in regard to this application:

- Issue a Notice of Decision to Grant a Permit
- 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**

It is considered that the subject land is more intensely developed than the Franklin Street site and that the proposed use will affect the amenity of the area due to the hours of operation and traffic movements.

The proposal is therefore considered to be:

- Not consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Not consistent with the 'Purpose' of the Residential 1 Zone;
- Not consistent with Clause 65 (Decision Guidelines); and
- The objections and submissions received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. It is considered that the objections form planning grounds on which the application should be refused.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Refusal to Grant a Permit for the Use of land for a Restricted Recreation Facility (Gymnasium) at 94 Cross's Road, Traralgon (Lot 4 PS 531365) with the following conditions:

1. The use is inconsistent with the orderly and proper planning of the area.
2. The use is not consistent with the 'Purpose' of the Residential 1 Zone.
3. The use will materially affect the amenity of the area through noise nuisance caused by the impact of traffic generated by the use and amplified music.

Moved: Cr Caulfield

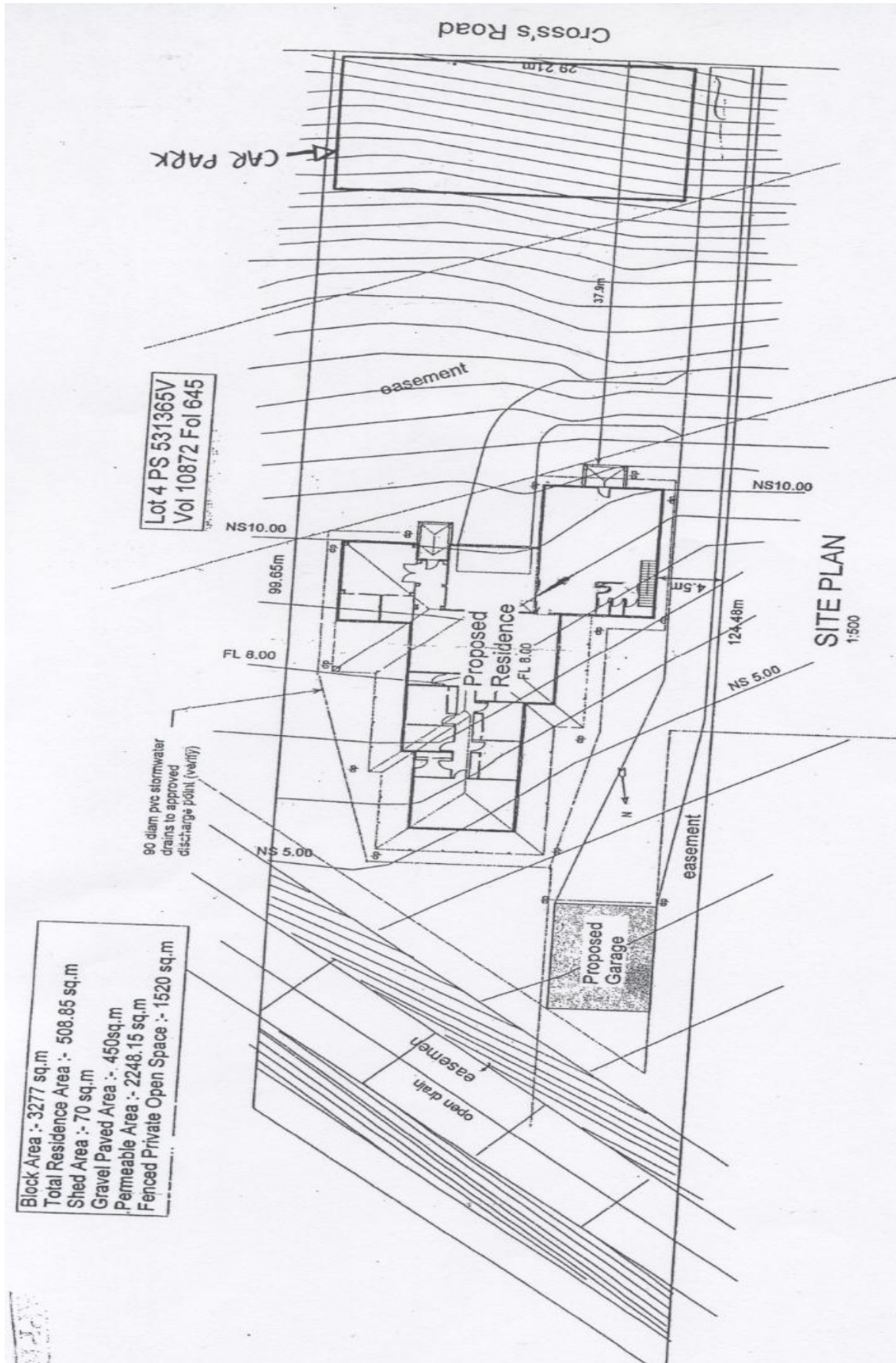
Seconded: Cr Lloyd

That this matter be deferred for two weeks pending clarification of traffic management and amenity aspects of the development.

CARRIED UNANIMOUSLY

ATTACHMENTS





Lot 4 PS 531365V
Vol 10872 Fol 645

Block Area :- 3277 sq.m
Total Residence Area :- 508.85 sq.m
Shed Area :- 70 sq.m
Gravel Paved Area :- 450sq.m
Permeable Area :- 2248.15 sq.m
Fenced Private Open Space :- 1520 sq.m

Latrobe City Council
PO Box 264
Morwell 3840

26 February 2008

Dear Sir/Madam,

We wish to object to the proposed Application for a Planning Permit at 94 Crosses Rd, Traralgon. The Application Reference Number is 2007/410.

It should be noted that the business has been operating without a permit since the beginning of September 2007. The owners of the property lodged this application after pressure was put on by the Planning Officers at Latrobe City Council.

This neighbourhood is approximately 5 km from the Central Business District. As such, we believe it is inappropriate to have such a business located in a Residential area. While Crosses Rd has become busier in recent years, it is still a relatively quiet area where there are many young families. Having a business, in particular, a business that operates outside of normal business hours is not in keeping with the adjacent area.

It should be noted that much of the information that was sent out by Ms Barrett was misleading to neighbours. Her letter suggested that the permit was for a Home Occupation. Under the regulations governing Home Occupation the total area used for the business would be less than 100 metres squared. The area being used is in excess of 200 metres squared. In order to operate a Home Occupation the proprietors need to be in residence. They are not. The planning officers decided that it did not meet the guidelines. Our concern is that Ms Barrett's accompanying letter was inaccurate and leads to confusion to those of us not familiar with the rules.

In the planning permit, as seen on display at Council Offices, Ms Barrett has stated that eight car spaces are required but, in fact, there is provision for sixteen cars. Why is it necessary to have such a large carpark if the intention is to keep numbers low as stated in the application. The forms are misleading as they suggest that a Home Occupation is, again, the purpose. People unfamiliar with the process would be easily confused and believe that this business is within the realms of being reasonable for our area.

As stated previously, this business was started on this location in early September after advertising the move from the CBD in the local paper. Council was contacted in July as reports were received from reliable sources that the intent was for a business venture. For six weeks, we were concerned that no action was taken and no questions asked. This matter should have been addressed prior to the business operating. A permit should have been deemed necessary and occupancy postponed until due processes were complete.

The appropriate place for a Restricted Recreation Facility (Gymnasium) is within the Business Districts in the vicinity of the CBD. If we, as residents wished to have businesses such as this close by, then we would choose to live closer to town. The

Latrobe City	
29 FEB 2008	
Doc No	
Applicant	
Date	
Comments	

area does not need such a business located in Crosses Rd. The increase in traffic and the inappropriate provisions for safe access to and from the property, potentially endanger the large number of residents that walk along the footpaths including the aged and young children.

We urge you to reject this proposal particularly as regulations have been ignored until recently. We believe this will be detrimental to our neighbourhood and, as a result, the values of our properties will be adversely affected. We strongly object to this proposal.

Yours Sincerely



Julie and John McKay
97 Crosses Rd
Traralgon 3844

On behalf of

Name	Address
Crystal Pawley	95 Cross's Rd
Tom Pawley	95 Cross's Rd.
RYAN VELLA	93 Cross's Rd
Kristin Vella	93 Cross's Rd.
Teresita Flewin	91 Cross's Rd
Coli Flewin	91 Cross's Rd
Gavin Mackintosh	101 Cross's Rd
Maya Nambi	99 Cross's Road.

Mr Paul Buckley
Latrobe City Council
PO Box 264
Morwell 3840

5 March 2008

Dear Mr Buckley

We are writing with concern about a residence in our neighbourhood, 94 Crosses Rd Traralgon. There is currently a gymnasium operating from those premises without permission or a permit and we are unhappy that this is being allowed to continue.

Last July we began contacting Robert Dunlop, as we heard strong rumours that this would happen but we were told that we had to find evidence that this was occurring. In early September an advertisement appeared in the local paper advertising that "Feminine Physique" was moving from the CBD to 94 Crosses Rd on the 4th September 2007. We contacted Robert with those details. Since then we have conferred many times and, finally, there was a planning permit application made by the owner dated the 16th November 2007. This is 2 and a half months after opening.

The permit was for a Home Occupation but it has been deemed ineligible for a number of reasons including the size of the premises, 206 sqm and the nature and size of the business. The permit was adjusted to Restricted Recreation Facility and the Notice of an Application for a Planning Permit was sent out to residents on the 14th February 2008, 5 and a half months after opening. A delay of a further three months.

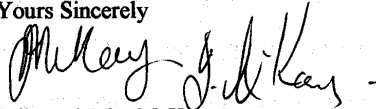
At this stage, we would like to point out that the owners are still not residing at the premises.

When the notice was finally sent to some of the residents there was a letter attached from the owner, Olivia Barrett. The letter outlined reasons why there had been a delay and that she was applying for a Home Occupation Permit. As Robert pointed out, the important part was the official notice, but when we discussed this with our neighbours, they assumed it was a formality, confirming our concern that it was misleading and inappropriate. We are not familiar with the local council by-laws and we have also struggled to find information so it is a very onerous task for the average householder.

At 100 Crosses Rd there is a proposal to develop townhouses. The objections to this had to be in by the 22nd December 2007. The mediation meeting is to be held at the end of March, a delay of 3 months. If this was to happen at 94 Crosses Rd then the meeting will be at the end of May and their business would have been fully operational for more than nine months!

We request that this issue be investigated and that meetings are completed as early as possible. Should you require further details we have documented discussions and evidence relating to this business and would be happy to answer any questions or concerns.

Yours Sincerely



Julie and John McKay
97 Crosses Rd
Traralgon 3844
51749293
0409749293

Latrobe City	
- 7 MAR 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
COMMENTS:	

DAVID & BILLIE NESS

98 Cross Road
Traralgon VIC 3844

PHONE (03) 51 91 8479
FAX (03) 51 91 8131
nester9@excite.com

Return Address:
Main Road
Tyers VIC 3844

17 February 2008

To whom it may concern

RE:94 Cross Road, Traralgon

This letter is to object to the permit for a Restricted Recreation facility (Gymnasium) for the above address.

Our objections are as follows;

- Noise
- Traffic
- Hours of Operation

Our first concern is the noise that is generally associated with a gymnasium including loud music, loud conversations to and from the gymnasium all of which will affect our comfort and privacy. The letter we were sent with the application states that trying to cover up the level of noise which states clearly to us that noise is and will be an issue.

The extra traffic that will flow into the neighbourhood due to this business is concerning as the planning has not allowed for this. In contrast to the letter sent with this permit application, there has been occasions when we have passed the property listed above and seen the car park full and cars still parked along the street. The noise associated with cars coming and going all hours of the day as well as doors slamming is also a concern we have. We find it interesting in the letter received that states she is a personal trainer with one on one clients, why would a car park then be necessary as there should only be one car at a time.

We strongly object to the hours of operation as it is zoned as a residential area and therefore these hours run outside the noise restriction times. We bought this property under the impression that we were moving into a residential area and that businesses were not permitted within the immediate vicinity.

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

The owners of 94 Cross Road were aware when signing the second contract that a business was not to be operated from the residence but have continued to erect and operate a business clearly ignoring the laws.

All of the above is going to have an impact on our families lives and our property. Stated in the application letter from the owner they built 40 metres from the road so that it would not have an impact on neighbours but we are restricted due to an easement, resulting in our home being built 40 metres from the road.

Please consider declining this application for a business as it is a residential area and we would like it to remain as such.

Sincerely,



David Ness



Billie Ness

Mr & Mrs A Barrett
94 Cross's Road
Traralgon
Vic 3844

13/02/2008

Dear Neighbour,

I am Olivia Barrett from 94 Cross's Road. I'm sure you are aware that I am a Personal Trainer and am operating my business from my new residence. Since the age of 13 my ambition was to become a reputable Personal Trainer and to be able to train my clients from my home in order to provide them with the privacy that is lacking in that of mainstream gymnasiums.

I have worked in the Latrobe Valley since 1999 in various mainstream health and fitness centres and while I enjoyed working with my employers, I continually found that there was the need for more personalised instruction so that participants could achieve their fitness objectives. I also noted that unless women were seriously into lifting weights they were overlooked. It was then that I decided to fulfil my ambition and establish my own Private Personal Training Studio, which I call "Feminine Physique".

To many regular folk it is assumed that I am just another 'gym' -- which I find to be an inaccurate term as my clients that I have supported over the past 3.5 years would attest that the outstanding personalised instruction, guidance and support they receive from me is far superior to the service that they have received in the local health and fitness centres. The simple reason for this is that I service a limited number of clients and so I can give them the special attention needed to assist them in achieving the health and fitness goals.

In March 2004 my husband Alan and I secured our current residential site and investigated the possibility of operating my business from home. In accordance with our land contract at that time we were permitted to operate a home occupation provided that it did not exceed 100m². In line with this guideline we had our house plans drafted to include my occupation on site.

In the meantime I leased a premises on Hotham Street, Traralgon in order to build my clientele and to continue to do what I loved most.

As you would all be aware Stage 1 of Riverslea was delayed several times from having titles passed due to the complication of the regional outfall sewer drain. Finally in late 2005 we received notice from the Council that our title was processed but that the land had to be re subdivided which affected the shape and size of our block.

As a result of this amendment our original private laneway/hatchet shaped block became a rectangular shaped block. While that took away from some of the privacy we desired it did allow for us to relocate our carpark to the front of the house. And so we began construction in March 2006.

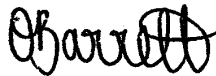
It has only been drawn to our attention after relocating my business to our residence that it seems the original contract we signed was amended during the extended wait for titles. After much discussion with the Council the original documents from March 2004 are not on file and so our only reference are the amended contractual documents from 2005.

Subsequently, I am now required to go through a standard process of applying for a planning permit. I find this to be quite embarrassing as I am an articulate person and had I been aware of this situation earlier the appropriate steps would have been taken to fulfill this process in the correct manner.

Enclosed for your perusal is a copy of the Application for a Planning Permit for my home occupation. I have also noted below some considerations as highlighted by the Latrobe City Planning Scheme that I believed are important provisions in maintaining an aesthetically pleasing neighbourhood.

Alan and I thank you for your patience during this trying time and are happy to answer any queries in relation to the application.

Yours Sincerely



Olivia Barrett

Considerations:

To ensure that my occupation does not adversely affect the amenity of the neighbourhood in any way, I have consulted the Latrobe City Planning Scheme and have taken the necessary steps to ensure that:

1. The appearance of the building is a well-presented modern house.
2. A more than sufficient on-site car parking area has been established on the property site for all clients to use as well as cater for transitional times where required.
3. A 1.8 metre high fence is currently being erected on the property to screen the car park area so as not to visually impose on the neighbourhood.
4. The occupation is situated 40 metres back from the main road and is away from other properties so that neighbours cannot hear noise.
5. The operational hours of the occupation are:

MON-TUE-THU	6am-11am / 4pm-8:30pm
WED	6am-11am / 4:30pm-8:30pm
FRI	6am-11am / 4:30pm-7pm
SAT	8am-12pm
6. My occupation for the majority of its requirements uses the ground floor of my dwelling and requires a floor area of less than 40 square metres. I am aware that if I only used this floor area no permit would be required. However, there are times when my occupation requires extra floor space, which exceeds 40 square metres, but less than 100 square metres. In such circumstances an extra floor area of 56 square metres could potentially be used to accommodate this need. It is for these circumstances that I require a permit.

Latrobe City Council
PO Box 264
Morwell 3840

8 April, 2008

To whom it may concern,

I am writing in response to the letters of objection from John and Julie McKay that were attached to the Council documents that were discussed at the planning mediation meeting on the 2nd April, 2008.

The reason this response was delayed was due to the fact that until this meeting we were not notified of other objections/concerns to our application for a Restricted Recreational Facility (Gymnasium). This certainly made an already difficult situation amplified for my husband and I as we were expecting to meet only with the residents of 98 Cross's Road to discuss the concerns which we had received notification of on the 21st February, 2008.

We understand that the Latrobe City Council receives an abundance of mail daily and that for some reason or other it was an oversight that that we were not notified of the objection sooner and we appreciate the opportunity to formally address the concerns of the McKay's.

In relation to the concern of the **location of my business** in a residential area I would like to clarify that Cross's Road is a road that is not only used by local residents. It is extensively used by those living in other areas of West End as an alternative to Grey Street. It is a heavily used road similar to that of Kay St and Grey Street and is a thoroughfare that services those living in Tyres, Yallourn Nth their surrounding areas and a high proportion of trucks. The recent investment of \$315,00.00 by the Latrobe City Council to upgrade Cross's Road highlights that this road is intended to take a large amount of traffic therefore the few amount of clients that I have each day would not impact on the use of this road.

Cross's Road and it's surrounding streets already caters to businesses and organizations of different intensities in the immediate vicinity of our properties including the Gippsland Water Treatment Plantation (100m from our residences), The Truck Whisperer depot on Ashworth Drive (200m from our residences), St Paul's Grammar School (700m from our residences), The Salvation Army (800m from our residences) and in the next street (500m from our residences) Brian and Michelle Ford are permitted to operate their Poolside Swim School business from home with a provision of 8 car parking spaces on the site of their property on Wirilda Crescent/Sundale Road. My operation is similar to that of the Pool Side Swim School, I have allowed for ample parking on my property for client use so that the amenity of the neighbourhood is not affected. So while my neighbours feel it is inappropriate to have a business in our neighbourhood it is evident that there are provisions to permit businesses of different intensities.

Latrobe City	
18 APR 2008	
Doc. No:	
Action Officer:	
Dispos. Code:	
Comments:	

In relation to the concern of the **operation hours** of my business not keeping with the adjacent area I would like to clarify that we have consulted the Latrobe City Planning Scheme and have taken the necessary steps to ensure that my occupation does not adversely affect the amenity of the neighbourhood in any way. These include

1. The appearance of the building is a well-presented modern house.
2. A more than sufficient on-site car parking area has been established on the property site for all clients to use as well as cater for transitional times where required.
3. A 1.8 metre high fence is currently being erected on the property to screen the car park area so as not to visually impose on the neighbourhood.

Alan and I expressed at the planning mediation meeting on the 2nd April, 2008 that we were happy to take on board any recommendations suggested by Council in order to allow for our application to be approved.

Yours Sincerely,



Olivia Barrett

CORPORATE SERVICES

**11.6.1 FORBES LANE, MORWELL - PROPOSED ROAD
DISCONTINUANCE**

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

1. PURPOSE

The purpose of this report is to seek Council approval to commence the statutory process to discontinue Forbes Lane, located off Buckley Street Morwell.

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

Forbes Lane is situated between 77-79 and 81-83 Buckley Street Morwell. This lane is not within an existing road reserve, instead being constructed partly on freehold land owned by Latrobe Community Health Service (LCHS) and Crown Land. This lane provides unrestricted vehicle access to the rear of the adjoining two story office block and the former dairy/take away food outlet.

As the public has had unrestricted access to the lane for a long period of time, by default Forbes lane has become a "public highway" under Common Law through the *Doctrine of Dedication and Acceptance*.

Forbes Lane is included in the Latrobe City Road Register and is appropriately sign posted.

Latrobe Community Health Service (LCHS) has plans to redevelop its premises in Church Street and Buckley Street, Morwell. As part of this proposed development it is LCHS's intention to incorporate Forbes Lane into the development. Forbes lane is surplus to Council's road network requirements and architects on behalf of LCHS have requested Council to consider undertaking the statutory process to remove the public highway encumbrance from the land and discontinue the road.

4. **ISSUES**

Pursuant to section 10 of the *Road Management Act 2004*, "the rights of the public in relation to a public highway can only be extinguished if the public highway is discontinued as a road in accordance with section 12 of the Act".

Pursuant to section 12 of the *Road Management Act 2004*, Council as a responsible road authority may by notice published in the Government Gazette discontinue a road.

In exercising this power, Council must publish a public notice stating that submissions in respect of the matter specified in the public notice, will be considered in accordance with the provisions of 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. This meeting to consider any written submissions must be held within 28 days after the publication of the public notice inviting submissions.

Further, any person who has made a submission and requested to be heard in support of their submission, is entitled to appear in person before a meeting of Council.

It is proposed that Council consider submissions at the Council Meeting to be held Monday 7 July 2008.

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 Government Gazette.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

It is proposed to place a public notice in the Latrobe Valley Express Monday, 9 June 2008 inviting submissions. The closing date for submissions would be Monday, 23 June 2008.

Details of Community/Consultation Results of Engagement:

Should any submissions be received regarding this matter they will be considered in accordance with Section 223 of the Local Government Act 1989 at the Council Meeting to be held on Monday, 7 July 2008.

As land manager of the office block at 81-83 Buckley Street, the Department of Human Services is aware of LHCS proposal and has written advising that the department has no objection to the closure of Forbes Lane.

7. OPTIONS

Council may resolve to either:

- commence the statutory process to discontinue Forbes Lane, Morwell, by giving public notice of its intention to consider the discontinuance and seek public comment; or
- not to continue with this process which will require no further action.

8. CONCLUSION

Forbes Lane is considered surplus to Council's road network requirements and it is recommended that Council commences the statutory process to remove the Forbes Lane public highway encumbrance from the land. This would allow for the Latrobe Community Health Service development within this precinct.

9. RECOMMENDATION

- 1. That Council gives public notice of its intention to consider the discontinuance of Forbes Lane, Morwell, pursuant to Section 10 and 12 of the *Road Management Act 2004*.**
- 2. That Council considers any submissions received in relation to discontinuance of Forbes Lane, Morwell at the Ordinary Council Meeting to be held at 7:00pm on Monday, 7 July 2008.**

Moved: Cr Middlemiss

Seconded: Cr White

That the recommendation be adopted.

CARRIED UNANIMOUSLY

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 7.25pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 7.32pm.

Moved: Cr White
Seconded: Cr Zimora

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

ITEMS		NATURE OF ITEM
14.1	ADOPTION OF MINUTES	Other
14.2	CONFIDENTIAL ITEMS	Other
14.3	PLANT HIRE	Contractual

CARRIED UNANIMOUSLY

The Meeting closed to the public at 7.33pm.