



LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

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

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward
Cr Doug Caulfield - Gunyah Ward
Cr Sandy Kam - Galbraith Ward
Cr Susan Lloyd - Burnet Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Lisa Price - Farley Ward
Cr Darrell White - Firmin Ward
Cr David Wilson - Dunbar Ward
Cr Anthony Zimora - Merton Ward
Paul Buckley, Chief Executive Officer
Caroline Flake, Manager Governance - Legal Counsel
Katie Garlick, Governance & Legal Administration Officer
Geoff Hill, Acting Executive Manager Economic Development
Allison Jones, Acting General Manager City Services
Philip Marsh, Acting General Manager Corporate Services
Jamey Mullen, Acting General Manager City Infrastructure

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NIL.

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NIL.

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Nil.

3. Declaration of Interests

Cr Wilson declared an interest in Item 11.3.6 as his daughter is a student of the school.

Cr Lloyd declared an interest in Item 14.4 as she is an EPA employee.

4. Adoption of Minutes

Moved: Cr Price

Seconded: Cr White

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 16 June 2008 (CM 271) be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 HARD GARBAGE VOUCHERS FINAL DESTINATIONS

Mr Bruce Bremner, Secretary, Traralgon City & Rural Community Development Association Inc. asked the following question:

Question

In relation to the Hard Garbage collection system for 2007/08 could Council please advise:

- Total number of vouchers issued and dollar value
- Total number of vouchers used (ie: redeemed at tip / transfer stations) and dollar value
- Total number of vouchers approved for refund / credit and dollar value
- Remaining / not used vouchers (presumably still held by recipients) and dollar value

Answer

The Mayor paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting (see below).

Our Ref: DataWorks No: 318496
BL:MP

9 July 2008

Mr Bruce Bremner
Secretary
Traralgon City & Rural Community Development Association Inc.
PO Box 719
TRARALGON VIC 3844

Dear Mr Bremner

HARD GARBAGE VOUCHERS FINAL DESTINATIONS

Thank you for your question submitted to the ordinary council meeting of 7 July 2008 regarding the distribution and usage of hard waste vouchers.

The vouchers issued to residents currently receiving Councils kerbside collection service are valid until the 31 August 2008. The total usage of the vouchers will not be known until after this date.

A report will be prepared for consideration at the ordinary meeting of Council on 15 September 2008 as to the usage of all vouchers. This report will answer the questions you have posed.

Yours sincerely



CR BRUCE LOUGHEED
Mayor

The Mayor sought Council's consent to bring forward Item 11.3.5 – Planning Permit Application 2008/19 - application to extend the trading hours of a service station / convenience store at 36A-40 Monash Road, Newborough.

Moved: Cr Zimora
Seconded: Cr Middlemiss

That Item 11.3.5 be brought forward for consideration.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr White
Seconded: Cr Zimora

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.03 pm

Mr Moore, addressed Council in relation to Item 11.3.5 – Planning Permit Application 2008/19 - application to extend the trading hours of a service station / convenience store at 36A-40 Monash Road, Newborough and answered questions put to him.

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

Mr Salmon, addressed Council in relation to Item 11.3.5 – Planning Permit Application 2008/19 - application to extend the trading hours of a service station / convenience store at 36A-40 Monash Road, Newborough and answered questions put to him.

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

Resumption of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr White

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.11 pm

11.3.5 PLANNING PERMIT APPLICATION 2008/19 - APPLICATION TO EXTEND THE TRADING HOURS OF A SERVICE STATION / CONVENIENCE STORE AT 36A-40 MONASH ROAD, NEWBOROUGH

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/19 for the extension of trading hours of a service station/convenience store at 36A – 40 Monash Road, Newborough.

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 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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: 36A-40 Monash Road, Newborough, known as CP 155014 and Part CA 5D, Parish of Narracan.
Proponent: Freedom Fuels Australia, Pty Ltd.
Zoning: Mixed Use Zone (MUZ)
Overlay: None

A Planning Permit is required for the use of the land for a service station/convenience store and for an alteration or extension to that use in accordance with Clause 32.04-2 of the Mixed Use Zone.

3.2 **PROPOSAL**

The application is for an extension of the existing trading hours to permit the earlier delivery of convenience goods, such as newspapers, bread and milk and earlier trading at the start of the day.

The present trading hours were established in 2002 when a Planning Permit, No. 01318, was issued for alterations to an existing service station. A condition on that permit restricted the trading hours to:

7.00am – 10.00pm Monday to Sunday inclusive.

The applicant has applied to operate between the hours of:

5.00am – 10.00pm Monday to Sunday inclusive.

Subject Land:

The subject land is a developed commercial/business lot on the south side of Monash Road abutting the Newborough Hotel and its ancillary bottle shop. A single storied service station/convenience store and bowser canopy is located on the lot set back about 7.5m from the street frontage. The complex gains access from Monash Road.

Surrounding Land Use:

North: Built-up commercial/business.
South: Built-up residential.

East: The Newborough Hotel and bottle shop.
West: Built-up residential.

3.3 HISTORY OF APPLICATION

This application arose from a compliance complaint received by Latrobe City in late November 2007. The complainant advised that the service station/convenience store was operating outside the business hours permitted by a planning permit. The operator was advised to comply with the conditions of the permit, or, if it was desired to extend the trading hours, to apply for a planning permit to amend the permit. This application results from the compliance action taken by Council planning officers.

The application was received on 1 February 2008.

The applicant served notice of the application on 17 April 2008 and an objection was received in the form of a petition. A Planning Mediation Meeting (PMM) was held on 29 May 2008 and no resolution was achieved. Following the PMM, one of the petitioners subsequently submitted a detailed objection.

In February 2002 an application was made by Horizon Petroleum Pty Ltd for a convenience store and other alterations attached to the service station. Horizon Petroleum intended to operate the service station/convenience store on a 24-hour basis.

On 22 August 2002, a Planning Permit, No. 01318 was issued for the service station/convenience store but Latrobe City Council rejected the application for 24-hour trading and restricted the business hours to between 7.00am and 10.00pm, seven days a week. The adjoining resident, who is the main objector to the present application, was the main objector to the previous application.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

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

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

Clause 15.05 – ‘Noise abatement’ has an objective to assist the control of noise effects on sensitive land uses.

The general implementation clause (15.05-2) 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).*

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

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Clause 21.01-3, 'Urban settlement and form.'

Moe/Newborough is one of the three main urban settlements of Moe, Morwell and Traralgon which are located along a linear spine of the main transport corridor formed by the Princes Freeway and the Melbourne railway line.

Clause 21.01-5, 'Environment'. 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.*

Clause 21.03 (Vision – Strategic Framework):

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

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

Element 4 'Balancing conflicting land uses,' has objectives that seek:

- *To ensure that new development is not undertaken in such a way as to compromise the effective and efficient use of existing or future infrastructure or resources such as the airport, coal resources, timber production and high quality agricultural land.*
- *To ensure that any new development has regard to natural resources and the sustainable use of those resources.*
- *For development to have regard and respond to the natural environmental features of the municipality.*

Clause 21.04-7 'Industry' has an Element 3 that addresses industrial amenity. Amongst the strategies are:

- *Encourage industry to achieve high performance standards and/or site development criteria to minimise off-site impacts and enhance the amenity of the areas.*

Zoning

The land is zoned Mixed Use Zone (MUZ).

The 'Purpose' of the Mixed Use Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To encourage residential development that respects the neighbourhood character.*

Overlay

There are no overlays

Particular Provisions

Clause 52.12 Service Station:

This clause controls the design, layout and use of a service station which, in this case, already exists. However an important paragraph in this clause states that the amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.

Decision Guidelines (Clause 65):

This is an important provision in the Latrobe Planning Scheme, in that it obliges the Council as a Responsible Authority to decide whether or not the proposal will produce an acceptable outcome.

Among the Design Guidelines to be considered in the context of the application before the Council are:

- 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 amenity of the area.

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 according to section 55 of the Act.

Internal:

The application did not require internal (Council) referral.

Details of Community Consultation following Notification:

Following notification of the application two submissions were received from objectors, one of which contained an attached list of four petitioners.

A Planning Mediation Meeting was held on 29 May 2008 attended by the applicant, objectors and petitioners.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

5. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

As already mentioned in paragraph 3.4, the general implementation clause (15.05-2) 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.

And, as mentioned in paragraph 3.4, a key aspiration for environmental management in the Latrobe City and for all land uses within the municipality is sustainability. (Clause 21.01-5, 'Environment')

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.*

Therefore taking all matters into consideration, it is considered that the application does not comply with the strategic direction of the State and Local Planning Policy Frameworks.

'Purpose' of the Mixed Use Zone:

Apart from implementing the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, the 'Purpose' of the Mixed Use Zone is, amongst other things:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To encourage residential development that respects the neighbourhood character.

The emphasis on complementing the mixed-use function of the locality and encouraging residential development indicates that the amenity of the area will become an important criterion with which to judge a proposal and in particular this proposal. The amenity of the area was considered during the planning process involved in the previous application which resulted in the condition restricting trading hours imposed on Planning Permit No. 01318 mentioned above.

It is therefore considered that the application does not comply with the 'Purpose' of the Mixed Use Zone.

Clause 65 (Decision Guidelines):

It is also therefore 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.*

Submissions:

The application received two submissions in the form of objections. The issue can be summarised thus:

1. Noise nuisance caused by increased traffic

Comment:

Situations where commercial/business or industrial uses abut residential areas often give rise to amenity issues that may be difficult to ameliorate. These land use interface patterns are usually historic.

Businesses will often claim the need to be competitive in the prevailing economic market in order to remain financially viable. While this is a reasonable argument, it must be balanced against a societal need to maintain, or improve, the amenity of a neighbourhood.

The matter of the extended trading hours for this business was addressed in the previous application in 2002 and was not approved by Latrobe City Council. The previous operator chose not to appeal against the permit conditions. The business ownership has since been transferred and the new owner/operator seeks to increase the trading hours.

It is considered that there has been no change in the circumstances to warrant a review of the Council position on the operation of the service station/convenience store. It is further considered that the service station/convenience store could be managed to facilitate deliveries of convenience goods at a more appropriate time.

In a recent Victorian Civil and Administrative Tribunal (VCAT) case regarding, among other things, amenity, the Tribunal held that – ‘because something exists does not mean that it should be exacerbated. Permit conditions can be included to minimise amenity impacts but any such requirements must be practical and make common sense. Although it is a fundamental and underlying assumption that permit conditions will be complied with, it is also nonsensical to include fanciful conditions, which cannot be practically complied with, or which if included, will require constant surveillance and enforcement.’ (*Mitre Tavern Pty Ltd and Ors v Melbourne City Council*. Reported in 28 VPR 1-360)

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**

The proposal is considered to be:

- Not consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Not consistent with the ‘Purpose’ of the Mixed Use Zone;
- Not consistent with Clause 65 (Decision Guidelines); and
- The objections 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 Refusal to Grant a Permit for the extension of trading hours at the Service Station/Convenience Store at 36A-40 Monash Road, Newborough (being CP 155014, part of CA 5D, Parish of Narracan) on the following grounds:

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

Moved: Cr Zimora
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



30th April 2008

Latrobe City
44 Albert Street
MOE, VIC 3825

To whom it may concern,

Latrobe City	
- 1 MAY 2008	
Doc. No:	
Action Officer:	
Dispose Code:	
Comments:	

GI & FB Moore
32 Monash Road
NEWBOROUGH VIC 3825

RE: Objection to extended trading hours at the Horizon Service Station (operated by Freedom Fuels), 34-36 Monash Road, Newborough. REFERENCE # 2008/19

We have resided directly adjacent (to the west) of the above mentioned site for approximately 57 years and have had to tolerate many intrusive changes to both the infrastructure on the property and the associated operating hours.

Following the site redevelopment in late 2002, the Service Station has been progressively opening earlier and earlier in the morning. It has now reached a point where the opening time seems to be approximately 5:00am (although they are not licensed to do so). As a result, given that our bedroom is located four to five meters away from the fence, we are woken up at 4:30am every morning by the movement of rubbish bins and the arrival of milk and bread deliveries.

Further, there is a substantial increase in traffic volume and associated noise and light coming from the site at these early hours. Many cars pull up and leave radios blaring while others enter and exit the site at a considerable speed, often screeching tyres. Motor bike noise is also excessively loud. I would anticipate that, if the operating hours are formally changed to 5:00am, this volume of noise will increase in direct proportion to the increase in early morning patrons. Such noise can be tolerated during daylight hours but not in the small hours of the morning when my wife and I are trying to sleep.

In December 2007 I expressed my concern regarding the early opening hours but to no avail. The Service Station continues to open at 5:00am.

My wife and I are both in our early eighties and this continual sleep deprivation is severely affecting our quality of life and our health. Further, advice from a local Real Estate Agent indicated that these early opening times have substantially devalued our property. I purchased my property in a residential area long before any Service Station occupied the adjacent site. I believe I have been accommodating with respect to recent developments that have occurred on the site but the situation is becoming unbearable. Surely we are worthy of some consideration.

As such, I respectfully ask that you seriously consider my objection to the Horizon Service Station (operated by Freedom Fuels) at 34-36 Monash Road Newborough being licensed to open prior to 7:00am.

Yours sincerely

Mr Ian Moore

Mr Ian Moore

Ian Moore

NOTICES OF MOTION

**6.1 2008/08 - NOTICE OF MOTION - VICTORIAN LOCAL
GOVERNMENT WOMEN'S CHARTER**

CR PRICE

MOTION

- 1. That Council officers provide a report on the Victorian Local Government Women's Charter and the implications of its adoption by Latrobe City Council; and**
- 2. That the Mayor writes to all Gippsland Local Government Mayors encouraging their Council to adopt the Victorian Local Government Women's Charter to demonstrate regional leadership.**

Moved: Cr Price

Seconded: Cr Lloyd

That the Motion be adopted.

CARRIED UNANIMOUSLY

ITEMS REFERRED BY THE COUNCIL

7.1 **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's approval 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 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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 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.

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.

Council commenced the statutory process to discontinue Forbes Lane, Morwell at the 2 June 2008 Ordinary Council Meeting and resolved the following:

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.*

4. **ISSUES**

Pursuant to Section 10 of the *Road Management Act 2004*, Council as the responsible road authority may extinguish a "public highway" by formally discontinuing the road in accordance with Section 12 of the *Road Management Act 2004*.

In exercising this power to discontinue a road pursuant to Section 12 of the *Road Management Act 2004*, Council must publish a public notice inviting written submissions, consider any submissions received and then publish an order in the Victoria Government Gazette.

Accordingly public notice was given advising of Council's intention and inviting written submission. The closing date to receive written submissions was Thursday, 19 June 2008 and no submissions were received.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

A public notice was placed in the Latrobe Valley Express on 5 and 12 June 2008 notifying of Council's intention and inviting submissions. Details of this proposal were also included on the Latrobe City website.

Both Latrobe Community Health Service as the applicant and the Department of Human Services as land manager of the Crown Land offered no objection to the proposal.

Appropriate teams within Council Administration were also consulted concerning the proposal.

Details of Community/Consultation Results of Engagement:

No written submissions or telephone enquiries were received in response to the public notice.

7. OPTIONS

Council may resolve to either:

1. Discontinue the road.
2. Take no further action.

In the event that Council resolved not to take any further action, this would impact on the Latrobe Community Health Service proposal to redevelop its premises in Church Street and Buckley Street, Morwell.

8. CONCLUSION

Forbes Lane is considered surplus to Council's road network requirements. Extinguishing the public highway encumbrance from the land would allow the Latrobe Community Health Service to redevelop this precinct.

Council has completed its statutory obligations under the *Road Management Act 2004* to formally resolve to discontinue the road.

9. RECOMMENDATION

- 1. That Council, forms the opinion that Forbes Lane, Morwell is not reasonably required for public use, and pursuant to Section 12 of the *Road Management Act 2004*, resolves to discontinue the road.**
- 2. That a notice for the discontinuance of Forbes Lane be published in the Victoria Government Gazette.**
- 3. That a notation be placed in the Latrobe City Register of Public Roads that records Forbes Lane Morwell has been discontinued pursuant to Section 12 of the *Road Management Act 2004*.**

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

CORRESPONDENCE

9.1 **CORRESPONDENCE FROM THE MINISTER OF PLANNING
REGARDING THE TRARALGON BYPASS SUPPLEMENTARY
INQUIRY REPORT**

FILE NO: DW 313197

AUTHOR: General Manager City Marketing & Development

1. INTRODUCTION

The purpose of this report is to advise Council of correspondence received from The Hon Justin Madden, Minister for Planning.

2. BACKGROUND

The Advisory Committee report for the Traralgon Bypass Supplementary Inquiry was finalised in July 2007 and released to the public in January 2008. One of the recommendations of the Advisory Committee was that an urban buffer was to be applied generally 600 metres north of the freeway and 400 meters to the south. If applied literally, this recommendation would result in the Environment Significance Overlay extending across the Princes Highway to the north and applying to land that has potential for future residential development in the area of land between Traralgon and Morwell.



Minister for Planning

Ref: PCD002625
File: PL-PL/02/0770

10 JUN 2008

Cr Bruce Lougheed
Mayor
Latrobe City
PO Box 264
MORWELL VIC 3840

Dear Cr Lougheed

TRARALGON BYPASS SUPPLEMENTARY INQUIRY REPORT

I refer to your letters to Tim Pallas MP, Minister for Roads and Ports and myself in relation to the urban buffers that are to be applied to the route of the future Traralgon Bypass.

As you are aware the Traralgon Bypass Supplementary Inquiry Advisory Committee report recommended that the bypass route known as W1C be adopted as the future Traralgon bypass route. This route provides the best potential for future utilisation of the coal resource that lies south of the bypass Route. The Committee additionally recommended a 600 metre buffer to urban development should generally apply north of the alignment route.

Clarification of the intent of the operation of the 600 metre buffers has been provided by the Committee in response to uncertainties that arose for existing business expansion and future development proposals, including those you have raised.

Latrobe City	
17 JUN 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

8 Nicholson Street
PO Box 500
East Melbourne Victoria 3002
Telephone: (03) 9637 8087
Facsimile: (03) 9637 8921
ABN 90 719 052 204
DX 210098

The Committee has advised that no urban buffer need apply north of the existing Princes Highway as the buffers were not intended to affect existing or future land use in that area. The Department of Primary Industries has now confirmed that mine development would not be compromised by an urban buffer not being applied north of the existing highway.

Officers of my department have played a significant role in bringing the issue of urban buffer application to the point where there is now a clear common understanding of how these buffers are to be applied. This required a meeting between the two relevant State Government departments of which your Council officers were informed. I am satisfied that this approach was appropriate.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Planning & Community Development, PO Box 500, East Melbourne, 3002.



I am pleased to confirm that urban buffers will not be applied north of the existing highway when the planning scheme amendment is prepared to formalise the bypass route within the Latrobe Planning Scheme.

Yours sincerely

A handwritten signature in black ink, appearing to read "Justin Madden".

JUSTIN MADDEN MLC
Minister for Planning

3. OFFICER'S COMMENTS

Latrobe City Council brought the matter of the urban buffer extending north of the highway to the attention of Department of Primary Industries and the Minister for Planning. The Department of Planning and Community Development (DPCD) has sought clarification from the Advisory Committee regarding the intent of the recommendation relating to urban buffers.

DPCD advice that the Advisory Committee did not intend for the buffer to extend north of the highway and Minister Madden confirms this in the attached letter. Further, Minister Madden advises that the mapping for the Traralgon By-Pass planning scheme amendment will not include an urban buffer (ESO1) to the north of the existing highway.

The 2007 Traralgon Bypass Supplementary Inquiry Advisory Committee report includes a recommendation to generally apply the Urban Buffer 400 m south and 600 m north of the proposed freeway. Council wrote to DPI and the Minister for Planning expressing concern about the urban buffer extending north of the existing highway in the area between Traralgon and Morwell.

The Minister for Planning has responded indicating that it was not the intention of the advisory committee for the buffer to extend north of the highway and confirming that the mapping for the Traralgon Bypass will not show the buffer extending north of the highway.

4. **RECOMMENDATION**

That Council notes the correspondence from the Minister for Planning in regard to the Traralgon Bypass Supplementary Inquiry report.

Moved: Cr White

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

PRESENTATION OF PETITIONS

10.1 PETITION FOR THE REMOVAL OF TREES IN COLLINS STREET, MORWELL

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

1. PURPOSE

The purpose of this report is for Council to consider a petition requesting the removal of four plane trees in Collins Street, Morwell.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Council Plan 2008-2012

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, inter-active economic environment in which to do business.

Strategic Action - None directly applicable

Latrobe 2021

Strategic Action - None directly applicable

Council Policies:

Latrobe City Council Urban Design Standard Street Tree Chapter:

Clause 7.1

"Approved trees that are removed or destroyed should be replaced"

Clause 7.2

"There are four circumstances where established existing trees may require removal. That is, where the tree is either:

- Dead, dying or dangerous;*
- Unsuitable;*
- Badly disfigured by vandalism; or*

- *Interfering with an asset of an authority that has statutory right to protect that asset.”*

Clause 8.4

“Isolated requests for tree removal not otherwise covered by policy or legislation are to be reported to the Urban Design Standards Working Party (or some variation of it approved by Council) for recommendation to Council. A standing meeting time each month will be required for the Working Party to effectively fulfil this role.”

GEN-CI 013 Tree Work Notification Policy:

“Category 1 – Routine Maintenance”

- *Amenity pruning.*
- *Removal of dead, dying or dangerous trees.*
- *Removal of trees where the roots are affecting assets including services e.g. water, sewer, gas, drainage or telecommunications assets.*

3. BACKGROUND

A petition was received on 13 May 2008, from five residents in Collins Street, Morwell, requesting the removal of four plane trees in their street.

The trees are located in Collins Street between Patricia Street and Church Street, Morwell. The petition signatories reside on the western side of Collins Street opposite the old Ericsson building which is situated on the eastern side.

Several plane trees have been removed from this section of Collins Street in previous years for the same reasons identified in this report.

4. ISSUES

The petition states that the plane trees are causing problems for the aging residents who live on the western side of Collins Street, with the roots invading their properties and leaf litter causing safety concerns. The aging residents are finding it harder each year to clean up the leaf litter in front of their properties.

The Arborist report recommends the removal of the trees as they are structurally unsound and are unsuitable for the site as they could cause damage to underground services and built infrastructure.

The plane trees have been identified as being an inappropriate street tree species by Council. Plane trees are listed as a tree species to be removed and replaced. The inappropriate street tree removal and replacement program is an annual rolling program which incorporates community consultation.

A full copy of the Arborist report is attached.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Cost to remove four trees	\$1,712
Cost to remove four stumps	\$ 600
Cost to replace and plant four trees	\$ 700
Total	\$3,012

Should Council decide to remove the trees, works can commence within eight weeks of the resolution. All residents in that block of Collins Street will be notified prior to works commencing.

Replacement trees will be planted in winter 2008. The tree species will be Crepe Myrtles which is consistent with trees planted in Collins Street in 2006. Replacement trees will also be planted on the vacant nature strips in Collins Street, between Patricia Street and Church Street.

Cost for works will be funded from 2008/09 recurrent budget.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

A letter has been sent to all the signatories on the petition advising that an Arborist report would be carried out which will form part of a report to a future ordinary Council meeting.

7. OPTIONS

Council can either:

1. Retain the trees and face possible claims for property damage; or
2. Remove the four planes trees and replace with an appropriate species; or
3. Lay the petition on the table and present a further report to the ordinary council meeting on 4 August 2008.

8. CONCLUSION

Plane trees on nature strips have been identified as inappropriate trees by Latrobe City Council and have been listed as trees to be removed and replaced as part of Latrobe City Council's inappropriate street tree removal and replacement program.

The Arborist report has confirmed that the trees are structurally unsound and unsuitable, as they could cause damage to underground services and built infrastructure.

It is therefore recommended that the 4 trees in Collins Street, Morwell are removed and replaced.

9. RECOMMENDATION

1. **That Council agrees to not lay the petition, relating to the removal of trees in Collins Street, Morwell, on the table and agrees to deal with the petition at this Ordinary Council Meeting.**
2. **That the four plane trees in Collins Street, Morwell, between Church Street and Patricia Street be removed and replaced with an appropriate species.**
3. **That the petitioners be advised of Council's decision to remove the four plane trees in Collins Street, Morwell between Church Street and Patricia Street.**

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTARBORIST'S REPORT

Tree location: Collins Street

Town/Area: Morwell (Four trees in total, all located on the west side of the street, not under power lines).

Botanical name: Platanus x acerifolia

Common name: London Plane

Type: Exotic

Date of inspection: 4 June 2008

Inspection carried out by: Chris Dash

Tree properties are located in:

Nature strip	Yes	Median strip	Traffic island
Park		Green Belt	Private property
Roadside Reserve		Other	
Age (estimate):	40+ yrs	Life expectancy:	5 yrs
Height:	15 to 18 metres	Canopy spread:	11 to 18 metres
Trunk diam (@ 1.4m) 35 to 69 millimetres			

	YES	NO		
Register of significant trees:		No		
Tree preservation order applies:		No		
Native Indigenous Vegetation:		No		
Native Vegetation:		No		
Health:	Poor	Average	Good	Excellent
Comments:	All the Plane trees in Collins Street are in good health.			
Structure:	Poor	Average	Good	Excellent

Comments: All the plane trees have been lopped approximately twenty years ago five metres above ground level. These are now 11 to 14 metre epicormic branches. This pruning practice has caused very average branch structure and poor branch attachments to the remaining trunk structure. Cavities are present in all plane trees where trees were lopped. The hollows and decaying wood will continue to increase in size. This greatly increases the risk of these street trees failing.

Site suitability: **Unsatisfactory** Fair Good Ideal

Comments: This tree species is regarded to be too large to have been planted in small nature strips. The mature trunk diameter will grow the width of the nature strips. Plane tree root systems are renowned for being very invasive and damaging. They cause mechanical damages to footpaths, kerbs, road surfaces and residential properties. Many plane trees in Collins Street Morwell and throughout the City have been removed for these reasons.

Hazard Rating: Failure Potential + Size of Part + Target Rating = Hazard Rating

2 + 3 + 2 = 7

(refer to Appendix)

Target Rating: 2

(refer to Appendix)

RECOMMENDED ACTION/TREATMENT:

1. **Removal:**

Reason: Dead/Dying
Structurally unsound
Excessive regular power line clearance pruning
New construction project
Unsuitable for site
Nuisance: fruit
bark shedding
seed & nut drop
excessive leaf litter
attraction to unpleasant insects
thorns
Damage to underground services
Damage to infrastructure.

Comments: Plane trees have been identified as been an inappropriate street tree species by Council. Plane trees are listed as a tree species to be removed and replaced. This is a current Council annual program street by street with public consultation.

2. **Below surface maintenance:**

- Soil modification required –fertilizing/watering/mulching/aeration.
- Root and associated problems – root barrier installation/root pruning.
- Suckering – selective removal of suckers

Comments:

3. Crown Maintenance:

- Clear out dead/diseased/dying/defective/conflicting branches larger than 25mm.
- Thinning – as above with additional removal of secondary branches while retaining main structure.
- Dead wooding – removal of all dead wood.
- Selective pruning – removal of identified branches causing a specific problem.
- Formative pruning – selective removal of specific branches to enhance form and improve structure.
- Cabling/bracing – to strengthen structural integrity.
- Reduction pruning – reducing size of crown either in height and/or spread.
- Crown lifting – to satisfy statutory clearance requirements.
- Pollarding – regular treatment to specific deciduous trees
- Line clearances – to satisfy clearance requirements around overhead services.
- Remove mistletoe.

Note: Lopping and topping is an unacceptable practice and must not be carried out.

Comments:

4. Other Maintenance

- Treatment of pest infestation.
- Elm leaf beetle treatment.

Comments:

5. No Maintenance/Action Required

- Not a Council tree
- Tree/trees not to be removed.
- No pruning or other maintenance required.

Comments:

6. Approximate Cost to Carry Out Works and Timeframes

Comments: The street trees can be removed within eight weeks after Council making a final decision and the residents being notified of the Council resolution.

Replacement trees will be planted in winter 2008. The tree species will be Crepe Myrtles. This follows new tree planting in 2006 for Collins Street. Council will also replace and replant trees on vacant nature strips in Collins Street.

Cost to remove four trees	\$ 1712
Cost to remove four stumps	\$ 600
Cost to replace and plant four trees	\$ 700
Total	\$ 3012

Cost for works will come from 2008/2009 recurrent budgets.

GENERAL COMMENTS:

Council received a letter and petition from five residents of Collins Street Morwell asking Council to remove the street trees out the front of their properties.

Plane trees were planted throughout Latrobe City 40/50 years ago because they grow in poor heavy soils, are pollution tolerant, frost tolerant and drought hardy. No thought was given to this tree species mature size, planting locations and problems caused by the root systems.

Twenty years ago lopping was an accepted pruning practice in arboriculture. Today lopping is not an accepted pruning practice and is included in the Australia Standards, Pruning of Amenity Trees AS 4373-2007. The only exemption for lopping trees is pruning trees under power lines.



Some of the plane trees in Collins Street Morwell.



You can see where the tree was lopped and has regrown just above the house gutter line. Cavities are present in the main trunk areas.

Report requested by: Jamey Mullen

Reason for request: Residents of Collins Street Morwell have submitted a petition to Council asking for the street trees to be removed.

Signature of inspector: Chris Dash

APPENDIX

HAZARD RATING SYSTEM/FORMULA EXPLANATION

This hazard rating system is endorsed by the International Society of Arboriculture from *Evaluation of Hazard Trees in Urban Areas, 2nd edition*, Matheny & Clark, 1994. The scoring system is listed below by category that best fits the tree being assessed.

Failure Potential:

1. **Low** – Defects are minor (e.g. Dieback of twigs, small wounds with good woundwood development).
2. **Medium** – Defects are present and obvious (e.g. Cavity encompassing 10-25% of the circumference of the trunk, codominant stems without included bark).
3. **High** – Defect a numerous and/or significant (e.g. Cavity encompassing 30-50% of the circumference of the trunk, multiple pruning wounds with decay along a branch).
4. **Severe** - Defects are very severe (e.g. heart rot decay sporophores or conks in main stem; cavity encompassing more than 50% of the truck, co dominant stems with included bark).

Size of Defective Part

1. most likely failure less than 15cm in diameter
2. most likely failure less than 15-45cm in diameter
3. most likely failure less than 45-75cm in diameter
4. most likely failure greater than 75cm in diameter

Target Rating

1. occasional use (e.g. Open parkland, etc)
2. intermittent use (e.g. Picnic area, day parking)
3. frequent use (e.g. Jogging Track, storage facilities)
4. constant use (e.g. Year-round use for a number of hours for each day, residences, etc)

The hazard evaluation system provides a simple process for Arborists to assess/process the danger and risks associated with trees. This includes death/injury to people and damage to infrastructure from falling branches. The rating system does not define danger. It provides a system for managing trees that could present high risk of failure.

Latrobe City	
13 MAY 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

2nd May '08.

CITY OF LATROBE,
COMMERCIAL RD.,
MORWELL.

PETITION FOR THE REMOVAL OF TREES IN COLLINS ST. MORWELL.

We the undersigned are all residents of Collins St.,
between Patricia and Church Sts.

The huge plane trees on the nature strip are causing many
problems for our ageing residents.

The roots are invading our properties causing numerous
problems. The Autumn leaves from these trees have become
a major problem in keeping the street tidy. The disposal
of these leaves becomes a bigger problem with each passing
year.

We request the council have these trees removed as has been done
in other sections of Collins St.

SIGNED.

RESIDENT

ADDRESS

SIGNATURE.

Vanda Spence 39 Collins St V. Spence

L. G IRVINE 37 Collins St L. Irvine

W. Barth 35 Collins St W. Barth

Daryl + Deb Whykes 13 ^{PATRICIA ST} Collins ^{CHURCH ST} D. Whykes

DOMENICO MESSIERE 41 COLLINS ST. D. MESSIERE

CHIEF EXECUTIVE OFFICER

11.1.1 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

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

	<p>Transfers of Land to effect the land exchange between Council and Monash University to establish the Churchill & District Intergenerational Community Hub in accordance with the reports to Council on 5 September 2005 and 3 October 2005 respectively, namely:</p> <ol style="list-style-type: none"> (1) Transfer of Land from Council to Monash University as Transferee of Lots 1 and 2 on Title Plan (bearing Government Gazette No. 6/12/2007 P.2831) having the total area of 11,261m² being the land known as Northways Road Reserve, Churchill for the consideration of \$210,000; and (2) Transfer of Land from Monash University to Latrobe City Council as Transferee of Lots 2 and 3 on PS 309824F being the land known as Lots 2 & 3 Philip Parade, Churchill and contained in Certificates of Title Volume 10198 Folios 680 & 681 in consideration of transfer of Northways Road Reserve owned by the Transferee and adherence to Special Conditions 6, 7 and 8 of the Contract of Sale. (3) Creation of Easement of Footway pursuant to Section 45(1) of the Transfer of Land Act for the consideration of \$1.00 between Monash University as Grantor and Council as Grantee over the pedestrian underpass being the Servient Land marked E-1 on the Plan for Creation of Easement prepared by Beveridge Williams (bearing Surveyors Ref 3441) being part of Lot 1 on Title Plan (bearing Government Gazette No.6/12/2007 P2831).
CR/08/317	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Stephen Daryl Hore as the Owner of Lot 32 on PS 24300 situated at 19 Osborne Street, Traralgon being the whole of the land described in Certificate of Title Volume 8513 Folio 963 that notwithstanding the granting of Consent CR/08/317 to construct a garage over the easement on the land, Council may enter the easement to maintain the drain.</p>
07/03/0278	<p>Application to Land Victoria pursuant to Section 207D of the Local Government Act 1989 for a transfer of land to obtain Title for Livingstone Lane, Traralgon being all of the land remaining untransferred in Certificate of Title Volume 1721 Folio 035.</p>
	<p>Transfer of Land pursuant to Section 207D of the Local Government Act 1989 between Council as Transferor and Mark Anthony Hunt as Transferee for that part of former Road south of part of Lots 37 & 38 known as the Short Street Laneway situated at the rear of 11-13 Short Street, Traralgon being part of Crown Allotment 82 on PS 2750 Parish of Traralgon and part of the land contained in Certificate of Title Volume 2194 Folio 611 for the consideration of \$4,370.</p>

	Transfer of Land pursuant to Section 207D of the Local Government Act 1989 between Council as Transferor and Garry Andrew McNeilly and Ann-Marie Archer as Transferee for that part of Discontinued Laneway known as the Webb-Washington Streets Laneway which abuts 59 Washington Street Traralgon and being part of the land contained in Certificate of Title Volume 6720 Folio 990 for the consideration of \$2,500.
	Transfer of Land pursuant to Section 45 of the Transfer of Land Act 1958 between Council as Transferor and David Alan Jones as Transferee for the land contained in Certificate of Title Volume 7736 Folio 003 being part of Discontinued Laneway situated at the rear of 12 Marie Street, Traralgon for the consideration of One Dollar.
07/03/0278	Transfer of Land between Council as Transferor and LRDG Project Management Pty Ltd as Transferee in accordance with the resolution of Council on 3 April 2006 relating to the Seymour Street Carpark and Retail Development for proposed Lots 1-5 on Plan of Subdivision PS605973L being part of the land contained in parent Certificate of Title Volume 9206 Folio 907 and known as Shops 1-5, 19-23 Seymour Street, Traralgon for the consideration of \$583,000.

1. RECOMMENDATION

1. That the Transfer of Land to Monash University for Lots 1 and 2 on Title Plan (bearing Government Gazette No. 6/12/2007 P2831) having the total area of 11,261m² being the land known as Northways Road Reserve, Churchill be signed and sealed.
2. That the Transfer of Land to Latrobe City Council for Lots 2 and 3 on PS 309824F Philip Parade, Churchill contained in Certificates of Title Volume 10198 Folios 680 & 681 be signed and sealed.
3. That the Creation of Easement of Footway pursuant to Section 45(1) of the Transfer of Land Act over the pedestrian underpass marked E-1 on the Plan prepared by Beveridge Williams (bearing Surveyors Ref 3441) being part of Lot 1 on Title Plan (bearing Government Gazette No.6/12/2007 P2831) be signed and sealed.
4. That the Section 173 Agreement between Council and Stephen Daryl Hore in relation to the land contained in Certificate of Title Volume 8513 Folio 963 known as 19 Osborne Street, Traralgon be signed and sealed.
5. That the Application pursuant to Section 207D of the Local Government Act 1989 for a transfer of land to obtain Title for Livingstone Lane, Traralgon being all of the land remaining untransferred in Certificate of Title Volume 1721 Folio 035 be signed and sealed.

6. That the Transfer of Land to Mark Anthony Hunt pursuant to Section 207D of the Local Government Act 1989 for that part of Short Street Laneway situated at the rear of 11-13 Short Street, Traralgon being part of the land contained in Certificate of Title Volume 2194 Folio be signed and sealed.
7. That the Transfer of Land to Garry Andrew McNeilly and Ann-Marie Archer pursuant to Section 207D of the Local Government Act 1989 for that part of the Webb-Washington Streets Laneway which abuts 59 Washington Street Traralgon being part of the land contained in Certificate of Title Volume 6720 Folio 990 be signed and sealed.
8. That the Transfer of Land to David Alan Jones for all that piece of land contained in Certificate of Title Volume 7736 Folio 003 comprising part of Discontinued Laneway situated at the rear of 12 Marie Street, Traralgon be signed and sealed.
9. That the Transfer of Land to LRDG Project Management Pty Ltd for Shops 1-5, 19 – 23 Seymour Street, Traralgon in relation to the Seymour Street Carpark and Retail Development comprising proposed Lots 1 – 5 on Plan of Subdivision PS605973L and being part of the land contained in parent Certificate of Title Volume 9206 Folio 907 be signed and sealed.

Moved: Cr White

Seconded: Cr Zimora

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.1.2 COUNCIL GENERAL ELECTION 2008 - CARETAKER PROVISIONS

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

1. PURPOSE

The purpose of this report is to provide Council with information in respect to the upcoming Council General Election, particularly in regards to the application of the caretaker provisions in accordance with the *Local Government Act 1989* (the Act) and the *Local Government (Electoral) Regulations 2005* (Regulations); and the *Local Government Amendment (Elections) Bill 2008* which is intended to come into operation on 15 August 2008.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Action - Governance

By ensuring adherence to legislative requirements.

Council Plan 2008-2012

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.

3. BACKGROUND

Section 31 of the *Local Government Act 1989 (Vic)* (the Act) prescribes that a general election for all Councils must be held on the last Saturday in November 2008.

Therefore the general election for Latrobe City Council is scheduled to take place on 29 November 2008.

The Act dictates the conduct of the local government election and in particular prohibits Council from undertaking certain actions during the election period.

4. ISSUES

The main points are:

- A prohibition on Council publishing or distributing electoral matter during the election period (section 55D);
- A prohibition on making certain major policy decisions during the election period (section 93A); and
- A requirement that Council adopt caretaker procedures as part of the Council's Code of Conduct.

The term *Electoral Matter* relates to the printing, publication, distribution of information during an election period (i.e. from entitlement date) that will impact on the publication of Council newsletters and other printed material.

Section 55D of the Act, states that:

A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an election advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Section 93A(1) of the Act, states that:

Subject to this section, a Council, a Special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.

A major policy decision is defined [s.93A(6)] as:

- (6) *In this section, a 'major policy decision' means any decision—*
- (a) *relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;*
 - (b) *to terminate the appointment of a Chief Executive Officer under section 94;*

- (c) *to enter into a contract the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year;*
- (d) *to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year.*

Council will be aware that the Latrobe City Council Code of Conduct which was adopted on 4 December 2006 includes a *Statement of Caretaker Provisions* that commits Council to:

- a) Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- b) Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

The key dates for the 2008 General Election are as follows:

14 May 2008	Contract No.12462 - Provision of Electoral Services with the Victorian Electoral Commission [VEC] executed.
21 August 2008	Exhibition Roll Date (100 days before Election Day)
3 September 2008	MAV Candidate Information Session
26 September 2008	Exhibition Period for Rolls starts
3 October 2008	Entitlement Date / Close of Rolls (57 days before Election Date)
22 October 2008	Opening of Electoral Office
23 October 2008	Nominations Open / Certified Roll for Inspection
28 October 2008	Nomination Day (32 days before Election Day)
11 November 2008	Ballot Packs Mailed Out
28 November 2008	Close of Voting
29 November 2008	Election Day

Under existing legislation, the caretaker provisions apply for the 57-day period from Entitlement Date until Election Day.

It should be noted, however, that the *Local Government Amendment (Elections) Bill 2008* before Parliament is set to reduce the election (caretaker) period to 32 days from Nomination Day to Election Day in line with State and Federal elections.

The Bill has passed through the Legislative Assembly and has been sent to the Legislative Council for review. It is intended that the Bill will take effect from 15 August 2008.

As stated, Council has adopted a Code of Conduct which includes a Statement of Caretaker Provisions. Attached to this report is the 2008 Application of Caretaker Procedures document (Attachment 1) which aims to clearly identify in practical terms how the caretaker provisions will apply at Latrobe City.

In short, the document highlights the following points:

- No new major policy, strategic or funding decisions will be made during the election period;
- Council's resources must not be used during the election in ways that may influence voters or that may favour some candidates above others;
- The Council will only publish electoral matter that contains information about the election process;
- The Council will not issue a media release which specifically mentions the Mayor or a Councillor;
- Council's media releases will not include a comment by a Councillor or the Mayor;
- Councillors or the Mayor may make comment to the media at their own expense and time;
- The LINK publication will be specifically reviewed and if appropriate, suspended during the election period;
- The Mayor and each Councillor's profile shall be removed from the organisation's website, however their contact details will remain;
- All 'electoral matter' will be removed from the Council website;
- Council agendas and minutes will continue to be published on the Council website;
- The Mayor and Councillors may only request information from the Council which relate to current Council issues or those that are on a current Council agenda;
- The Mayor and Councillors must refer all resident and community enquiries via Mayoral and Councillor Support;

- The CEO has the discretion to disallow a request for information from the Mayor or Councillors or deem an item 'electoral matter'; and
- The regulations apply to Councillors in every capacity including as members of a Special and/or Council Committee.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Council will be unable to allocate additional grants or funds, during the election period, to projects which have not previously been addressed in the 2008/09 budget.

Decisions on community grants should not be made during the election period.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Personal attendance with Local Government Industry Groups.

Details of Community/Consultation Results of Engagement:

Attendance at Local Government seminars relating to caretaker and other election matters.

7. **OPTIONS**

Council must apply the caretaker provisions as they are a legal requirement and must be adhered to, however Council can choose the level of prescription provided within the caretaker procedures.

8. **CONCLUSION**

A set of procedures has been prepared to ensure that Council complies with the caretaker provisions of the Act and Regulations. These procedures are consistent with the industry's response and will be applied from the commencement of the current caretaker period (3 October 2008) to Election Day (29 November 2008).

Alternatively, if the *Local Government Amendment (Elections) Bill 2008* is enacted, these procedures will be applied from the amended commencement date of the caretaker period (28 October 2008) to Election Day (29 November 2008).

9. **RECOMMENDATION**

That Council endorses the *2008 Application of Caretaker Procedures* in relation to the 2008 Council General Election.

Moved: Cr Price

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

Application of Caretaker Procedures
Page 1 of 6 pages

**2008 APPLICATION OF CARETAKER PROCEDURES****INTRODUCTION****1. Commencement of caretaker period**

The new Caretaker provisions apply during the “election period” for Council’s election. The election period is defined to be from the Entitlement Date until 6.00pm on the Election Day.

In 2008, the election period will commence on 3 October and end on 29 November. Should the Local Government Amendment (Elections) Bill 2008 be adopted, the election period will commence on 28 October 2008.

2. Limitations on Council communications during election periods

Section 55D of the Local Government Act prohibits Council from printing, publishing or distributing publications containing electoral matter during an election period. It does not directly limit other types of communications or printed communications by individual people (including Councillors) using their own resources.

Council’s resources must not be used during the election period in ways that may influence voters or that may favour some candidates above others. Despite the nomination of candidates, Council will not apply its resources to any current Councillor during the election period.

3. Electoral matter

Broadly speaking, electoral matter includes any matter that is intended or likely to affect voting in an election. It includes matter that refers to the election, a candidate or to an electoral issue.

During the election period at Latrobe City, the CEO has full discretion in relation to determining whether a matter is an electoral matter or not.

Section 55D allows Council to publish electoral matter if it only contains information about the election process.

MEDIA RELEASES

4. Prohibition on printing, publishing and distribution of information during the election period

The prohibition on publications also applies to media releases. The issue is: "does the media release contain 'electoral matter'?" (See 3).

An ongoing Council/policy issue may or may not be electoral matter, depending on the circumstances.

Therefore Council will not issue any media releases during the election period, which specifically mentions a Councillor or the work performed by a Councillor. Rather, the media release will focus on the work conducted by the Council as a whole.

5. Comment from non-standing Councillor/s

Council will exercise extreme caution in this regard. Any media release published by Council must still avoid anything that would be considered electoral matter. Just because a Councillor might not be contesting the election, doesn't mean they aren't campaigning for someone else or making a comment that could influence voters.

Therefore it is Council's policy not to include comments by a Councillor regardless of whether they are or are not contesting the upcoming election.

MEDIA COMMENT

6. Comments by the Mayor or Councillors to the media during the election period

The Act does not prevent people making comments to the media during an election period, although it does prohibit a Council media release that contained electoral matter.

Therefore, at their own expense, and during their own time, a Councillor may make a comment to the media so long as it meets the remaining criteria within the regulations.

This applies to Councillors in every capacity including their role as members of Special and / or Council committees.

7. Councils response to matters that may be raised by candidates that are factually incorrect

Council can not respond to matters that may be raised by candidates that are factually incorrect if the response is printed or published by the Council (e.g. media release), or on the internet, because a published response to a candidate during an election would be considered to be “electoral matter.”

It should be noted however that a Councillor or candidate would be in breach of the regulations if a statement is made about the Council which is factually incorrect.

It should be remembered that section 55D of the Act is only concerned with electoral matter that is printed or published. It would not, for example, prevent the Mayor from being interviewed and quoted in the media. Nor would it prevent a Councillor or candidate from responding to the matter by issuing their own media release in their own name and using their own resources (i.e. not using Council staff or resources).

It should also be noted that the gathering of information to collate an independent media release would be considered a misuse of Council resources and will not be allowed. Councillors will only be able to collect information from Council officers if it directly relates to a question by the public on a current issue (also see 15). The request may be rejected by the CEO if it is deemed too onerous or not current.

8. Electioneering

There is nothing wrong with “electioneering” and “comments”, as such, by a Councillor or Mayor. The important issues are to ensure that:

- As a legislative requirement, the Council does not publish electoral matter, and
- As a matter of policy, that Council resources are not used to support particular candidates.

NEWSLETTERS

9. Council newsletters and publications on current Council activities during the election period

All Council publications in the caretaker period will be carefully scrutinised to ensure they do not contain electoral matter. If the publications are only dealing with functional Council activities and services and do not contain electoral matter (see Q3) then they should be able to be published. Therefore all upcoming events will be advertised, but they will not mention the participation of specific Councillors as this may be seen as providing unfair advantage to those Councillors.

LINK will be the subject of a specific review and if it is deemed that the quality of LINK will be adversely affected by the legislation, then LINK will not be published during the election period.

INTERNET**10. Electronic publishing on Council Website**

The Act specifically defines publishing to include publishing on the internet.

Councillors are still allowed to produce their own independent website without the resources of the Council or Council officers.

11. Councillor and the Mayor profiles on Council websites during the caretaker period

Councillors shall have their names and contact details on the Council's website, as this information is essentially operational, however profiles that could be seen to promote Councillors will be removed as they would be considered electoral matter. Therefore only the basic contact information will be available on the website and all extraneous material removed including memberships with particular associations.

As it cannot be definitely known until nominations close whether particular Councillors are standing for re-election, all Councillor profiles will be removed from Council's website, not just those who have indicated that they may or may not nominate.

12. Other website material

Council shall remove any material from its website that is prominent and that may be considered electoral matter. This would include, for example, electoral matter on the welcome page, or on pages that visitors to the site are invited to go to such as "latest news" or "what's happening".

New material, that could be considered electoral matter, will not be published on the website during the election period.

13. Council agendas and minutes

The caretaker provisions are not intended to apply to Council agendas and minutes and the Council will continue to publish these on its website during election periods.

SPEECHES AND EVENTS**14. Speeches for events, Launches, Openings and other duties of existing Councillors and the Mayor during the caretaker period**

A speech, in itself, is not a publication.

So unless it is printed and published or distributed, it would not be prohibited by the Act. However, the Councillor or the Mayor will be unable to use Council resources to prepare the speech.

Therefore, a Councillor is able to attend an official function in their capacity as Mayor or Councillor; however in preparation of that event they can not use Council resources. Councillors will also be unable to play an active role in determining who is attending official launches, speeches and openings as this would be seen as electioneering.

COUNCILLORS

15. Councillor requests for information during the caretaker period

Factual information on existing Council programs, policies and/or projects will be available to all candidates. In addition, Councillors will be able to obtain reasonable information that is needed to perform their roles as Councillors but only in regards to issues that have previously been brought before the Council or matters on a current agenda (as distinct from information to assist with electioneering).

Should Councillors be approached by residents requiring information during the election period, Councillors should direct the residents to contact the Council and the information will be provided.

Should a Councillor request information from a Council officer during the election period, it will only be provided if the Councillor can show that the information relates to a current issue (i.e.: an issue that has previously been raised with the Council or is on a current Council Agenda) and can not be dealt with after the election period.

The request may be rejected if it is too onerous and not seen as a current issue.

Councillors must direct all requests via Mayoral and Councillor Support.

16. Contact details for the Mayor and Councillors in Council material during the election period

As the Mayor or any Councillor is likely to be a candidate in the election such a reference to contact details in Council material would probably be "electoral matter" and will be avoided in Council publications. This would be to avoid a Councillor being connected to any one particular issue or event.

The Councillors contact details will still be available on the Website.

Residents will be directed to contact the Council and the matter will be dealt with by the relevant officers.

MAJOR POLICY

17. Defining Major Policy

Section 93A of the *Local Government Act 1989* (Vic) states that the Council, Special Committee or person acting under delegation *must not make a major policy decision during the election period for a general election.*

A major policy decision is defined under s.93A(6) as:

- A decision in relation to employment or remuneration of the CEO (other than a decision to appoint an acting CEO) and the termination of the CEO;
- A contract where the total value exceeds \$100,000 or 1% of Council rates revenue for the last financial year;
- An exercise of power under s.193 (entrepreneurial power).

A Major policy made in contravention of this section is invalid (s.93A(4)).

18. Strategic decisions of Council during Caretaker period

In accordance with Council's Code of Conduct no long term strategy, policy or report seeking a long term position from Council will be provided to Councillors during the election period.

19. Funding during election period

In accordance with Council's Code of Conduct no decision on providing funds or grants not already specifically identified in the 08/09 Budget will be made by Council during the election period.

CITY MARKETING & DEVELOPMENT

11.3.1 GIPPSLAND TOURISM PEAK BODY FORMATION

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

1. PURPOSE

The purpose of this report is to seek Council's endorsement to participate as a member of a tourism peak body company known as Destination Gippsland Ltd.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - To provide leadership and to facilitate a well connected, inter-active economic environment in which to do business.

Strategic Action - Strengthen the link between tourism and economic development, promote and support the development of the tourism and events industry.

Policy No. There is no specific Council policy which relates directly to this matter.

3. BACKGROUND

Destination Gippsland Inc (DGI) is an incorporated association formed in December 2004, with an aim to '*partner with industry, stakeholders, government and community to market Gippsland*'. DGI draws its members from the tourism industry and local government.

A realignment of Victoria's Tourism boundaries saw the 'jigsaw' region of Gippsland formed in 2005. In the first arrangement of its kind, Tourism Victoria approached the Gippsland Local Government Network with a proposal to jointly fund a position for a three year period that would unite the Gippsland tourism industry, provide strategic direction for the tourism sector and be responsible for delivering specific outcomes. This proposal was agreed to by all partners and the General Manager, Gippsland Tourism was appointed.

The General Manager Gippsland Tourism was subsequently appointed chair person of DGI, and reports to the Gippsland Tourism steering group comprising of representatives from the partnering organisations.

The 'Inspired by Gippsland' branding was launched in October 2006 and has been highly successful, with the General Manager, Gippsland Tourism playing an important role in consolidating local tourism industry support. Similarly, Tourism Victoria has shown considerable support for these initiatives, recognising the cooperation of all Gippsland Councils and support from the State Government.

In 2007, the six Gippsland Councils along with Destination Gippsland Inc and Tourism Victoria joined together to develop a sustainable tourism industry strategy for Gippsland. The project was called 'Building Sustainable Tourism in Gippsland' and was funded under the Federal Government's Sustainable Regions Program. The project was a whole of Gippsland approach aimed at building a sustainable tourism industry that would benefit a broad range of Gippsland businesses by gathering quality local research, developing tourism business networks and business opportunities and developing a touring route concept to provide a focus for unified marketing across the region.

The 'Building Sustainable Tourism in Gippsland' strategy identified the need for a peak industry body for the Gippsland tourism industry, and this was acknowledged at the Gippsland Tourism Open Space Summit held in June 2007, and hosted by Gippsland Tourism.

A working party comprising nine representatives from the tourism industry was formed to progress the proposed peak body's potential establishment. The working party membership selection process was led by the General Manager, Gippsland Tourism in consultation with the Gippsland Tourism Steering Committee, DGI, local government Tourism Coordinators and representatives of the Regional and/or Business Tourism Associations of Gippsland. The list of working party members was as follows:

- Mike Nichols (Chairperson, Prom Country Regional Tourism Association)
- Lyndon Webb (Chief Executive Officer, Wellington Shire)
- Glenn Patterson (Chief Executive Officer, Baw Baw Shire Council)
- Emma Harry (Gippsland Tourism Industry Leadership Program)

- Ken Hore (Destination Gippsland Inc / Bass Coast Shire)
- Paul Albone (State Government – Tourism Victoria)
- Phil Rickards (East Gippsland Shire)
- Chris Rose (Land Manager – Parks)
- Chris Buckingham (General Manager, Gippsland Tourism)

The working party participated in a workshop, held on 14 September 2007 to develop the peak body's role and charter.

Following on from initial progress made by this group under the leadership of Gippsland Tourism, the working group committed to develop a proposal for the formation of a new peak body.

The outcome was a recommendation to establish a 'not for profit' public company with a skills based board of directors and each Council as a member. The company's constitution does not allow the company to borrow funds in its own right, and therefore Council is entitled to become a member of the company under the *Local Government Act 1989* without Ministerial approval.

The role of the company is to drive the development of tourism in Gippsland through leading industry strategy and pursuing infrastructure, marketing and relationship development on behalf of members, stakeholders and the community.

Under a company structure, charitable or not-for-profit organisations will generally be registered as public companies that are limited by guarantee. Limited by guarantee means the liability of the company's members are limited to the amount the members undertake to contribute to the property of the company if it is wound up. In the case of Destination Gippsland Ltd, Council's liability if the company was to be wound up would be limited to its nominated sum of \$20,000.

Funding for the company would come primarily from Gippsland's six Gippsland Councils, Parks Victoria, Tourism Victoria and Department of Innovation Industry and Regional Development, through agreements to be entered into for three year terms.

The members of Destination Gippsland Inc will form the marketing working group for Destination Gippsland Ltd. They will continue to meet on a monthly basis to guide the implementation of the Inspired By Gippsland Campaign under the auspices of Destination Gippsland Ltd. They will also be responsible for ensuring the completion of the marketing elements of the Bushfire Recovery Program.

4. ISSUES

The terms of the agreement signed by the six Councils of the Gippsland Local Government Network and Tourism Victoria, underpinning the General Manager Gippsland Tourism role expires on 30 June 2008. As such, Chris Buckingham concluded in his positions as General Manager Gippsland Tourism and DGI Chair on 23 June.

To address the resultant absence of a unified regional tourism industry leadership coordination role, the concept of forming and operating Destination Gippsland Ltd has been agreed to in principle by GLGN. The proposed funding model is not dissimilar to the Gippsland Regional Development Strategy arrangements.

The core activities of Destination Gippsland Ltd will aim to drive and deliver three key elements for the tourism sector in Gippsland:

1. Marketing

Encourage identified target markets to visit the region in order to grow yield and encourage dispersal.

2. Product and Industry Development

Enhance the visitor experience by building a flexible, resilient and professional industry.

3. Infrastructure and Investment

Ensure development of sustainable infrastructure and investment by identifying and facilitating the strategic gaps and priorities to ensure our competitiveness.

Destination Gippsland Ltd will enter into contracts with, and provide services to the tourism sector including business, Local Government and State Government Agencies.

Statutory Requirements

Section 193 of the *Local Government Act 1989* empowers a council to (relevantly) participate in the formation and operation of a company or acquire shares in a company or become a member of a company limited by guarantee.

If the Council's investment in the company exceeds whichever is the greater of \$100,000 or 1% of the Council's rates in the preceding financial year, Council must have regard to the risks involved before it agrees to participate in the formation and operation of a company, acquire shares in a company or become a member of a company limited by guarantee. Given that Council's investment of \$20,000 does not exceed these amounts, a risk assessment report is not legally required. In the interests of good governance, a risk assessment has been performed, detailing that the risk involved in this project is low.

Implementation

Destination Gippsland Ltd was formally registered with the Australian Securities & Investments Commission on 16 May 2008.

An interim board was been appointed following consultation with the Gippsland Tourism steering committee and DGI, as follows:

- Glenn Patterson (Baw Baw Shire – interim Chair)
- Lyndon Webb (Wellington Shire)
- Chris Rose (Parks Victoria)
- Emma Harry (Gippsland Tourism Leadership Project)
- Ken Hore (DGI / Bass Coast Shire)
- Chris Buckingham (General Manager Gippsland Tourism)
- Paul Albone and Chris Rose will be observers on behalf of Tourism Victoria and Parks Victoria respectively

Chris Buckingham and Emma Harry have since resigned from the interim board. Operation of the interim board will continue until a permanent board is appointed.

A selection panel of Lyndon Webb CEO Wellington Shire, Don Richter Acting CEO Tourism Victoria and Pearl Findlay-James Deputy Chairperson Destination Gippsland Inc was appointed to recruit a permanent Chair and Chief Executive Officer.

Following a recruitment process, a permanent Chair was appointed in Sheila O'Sullivan. Ms O'Sullivan is founder and Chairperson of public relations consultancy Socom. She has been a part-time resident of Inverloch for 30 years, and has worked with Gippsland Councils for many years. Mr Craig Stubbings has been appointed Acting General Manager, Gippsland Tourism from 23rd - 30th June and then Acting CEO Destination Gippsland Ltd from 1st - 20th July. Mr Stubbings is on secondment from Parks Victoria.

The next steps to implement this structure are:

- Nominations will be sought for company directors through a public recruitment process, with selection for these roles based on skills. The selection process will be made by the Chief Executive Officer, Chairperson, and a representative of GLGN.
- Final list of recommended Directors will be submitted to GLGN for ratification.

5. FINANCIAL AND RESOURCES IMPLICATIONS

This proposal requires an initial commitment from Latrobe City Council of \$20,000 per year for a period of three years, and this has been included in the adopted 2008/09 Council budget.

A commitment from the state government of \$360,000 over 3 years was announced by Minister for Regional and Rural Development Jacinta Allan on 19 June. This commitment comprises the \$120,000 from Tourism Victoria from its 'Industry Development' program, and \$240 from Regional Development Victoria's 'Living Regions Living Suburbs' program. A further \$216,000 is anticipated through the Tourism Victoria 'Regional Marketing Program' over the 3 years, however this must be applied for on a bi-annual basis.

It is estimated that the following contributions are required as a basis for support.

The total annual estimated income of Destination Gippsland Ltd will be \$816,000, comprising:

GLGN - Six Councils @ \$20,000 each	\$120,000
Parks Victoria	\$10,000
Tourism Victoria - Industry Development	\$40,000
RDV - Living Regions Living Suburbs	\$80,000
Tourism Victoria – Regional Marketing Program	\$216,000
Tourism Operators - Regional Marketing Program	\$350,000
TOTAL:	\$816,000

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The process undertaken to develop the peak body has been led by the General Manager, Gippsland Tourism in consultation with the following stakeholders:

- Gippsland Tourism steering committee
- DGI
- Gippsland Local Government Tourism Coordinators
- GLGN
- Regional and/or Business Tourism Associations of Gippsland
- Gippsland Tourism Leadership program

Details of Community/Consultation Results of Engagement:

Gippsland Tourism hosted the first ever Gippsland Tourism Industry Summit, in June 2007. This function was attended by over 70 Gippsland based tourism business operators, along with local and state government officers.

One of the key issues discussed at this forum was the creation of a Gippsland Tourism Peak Body. The proposal received by Latrobe City Council has been developed in response to the issues discussed at this forum.

The working group was formed following the Gippsland Tourism Industry Summit to progress the establishment of the peak body.

7. OPTIONS

Council has the following options:

1. Agree to the proposal to participate as a member in the company known as Destination Gippsland Ltd.
2. Decline the proposal to participate as a member in the company known as Destination Gippsland Ltd.

8. CONCLUSION

The proposed peak body provides all Gippsland municipalities with the opportunity to participate and contribute to large scale regional marketing initiatives, which could result in Gippsland becoming established as a major provincial Victorian tourism destination.

A decision to not support this body would significantly disadvantage local tourism operators, limiting their ability to participate in a regional approach to tourism.

9. **RECOMMENDATION**

That Council agrees to become a member limited by guarantee of Destination Gippsland Ltd.


Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

		<h2 style="margin: 0;">RISK ASSESSMENT WORKSHEET</h2> <p style="margin: 0;"><i>(To be used in conjunction with Likelihood & Consequences Descriptors)</i></p>									
Date of Assessment: 2 May 2008		Attendees: (minimum 2 persons) Paul Buckley, Peter Quigley, Danny McDonald									
Division: Executive	Department:	Unit:									
CATEGORY OF RISK (refer to 9 Core Standards) <i>(Click on the box/es you wish to check)</i> <input type="checkbox"/> RM Organisation <input checked="" type="checkbox"/> Leadership & Corporate Governance <input checked="" type="checkbox"/> Ethics & Corporate Image		RISK TREATMENT OPTIONS <i>(Click on the box/es you wish to check)</i> <input type="checkbox"/> Avoid <input type="checkbox"/> Accept <input checked="" type="checkbox"/> Transfer <input checked="" type="checkbox"/> Reduce Likelihood and/or Consequences									
<input type="checkbox"/> Environment <input checked="" type="checkbox"/> Assets & Security <input checked="" type="checkbox"/> People		<input checked="" type="checkbox"/> Product & Service Delivery <input type="checkbox"/> Technology & Information Management <input checked="" type="checkbox"/> Financial & Economic									
SUBJECT OF RISK: Activity		Sub-Activity									
Destination Gippsland Ltd		Experienced and skilled board of directors Insurance policy (Councillors/Directors and Officers' Liability Policy) Limited guarantee by shareholders (Council)									
HOW IT CAN HAPPEN (SOURCE OF RISK)	WHAT OUTCOME IF IT HAPPENS (CONSEQUENCES)	EXISTING CONTROLS									
Failure of body to meet deliverables for the region. Failure to meet contractual obligations of funding bodies. Failure by consultant/contractor to deliver project requirements. Misappropriation of funds (fraud) Failed projects Marketing program fails to attract visitors to region. Parochial approach to services and infrastructure delivery and development Injury to staff members Non-compliance with employment requirements OHS, EEO, discrimination, legislation Nepotism/cronyism Tourism operators lose confidence or have no confidence in the organisation. Liability of Directors	Media attention Impact on the image and reputation of Council Legal action and associated costs Criminal charges WorkSafe intervention and prosecution Government intervention Impact on budget Decline in tourism within the region.	Risk Rating Level <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">L</td> <td style="width: 25%;">C</td> <td style="width: 25%;">2</td> <td style="width: 25%;">Low (3)</td> </tr> <tr> <td>D</td> <td></td> <td></td> <td></td> </tr> </table>		L	C	2	Low (3)	D			
L	C	2	Low (3)								
D											

<p>JUSTIFICATION FOR L & C RISK RATING (provide evidence to substantiate rating, eg. number of recorded incidents p.a., replacements costs, frequency of event, etc.</p>	<p>RISK REVIEW DATE CALCULATOR <i>Review Date = Risk Rating + Time after Assessment</i></p>								
<p>TREATMENT ACTIONS Utilisation of financial practices and policies of host council. Robust recruitment practices for staff Utilisation of employment practices and policies of host council including OHS, EEO etc. Internal controls for financial matters. Acquittal process for all external funding. Annual budget process supported by regular financial reporting. Transparent documented process for appointment of consultants/contractors.</p>	<p>Risk Ratings Very High + 3 months High + 6 months Medium + 9 months Low + 12 months</p> <p>REVIEW DATE:</p>								
<table border="1"> <tr> <th colspan="2">Residual Risk Rating</th> </tr> <tr> <td>L</td> <td>C</td> </tr> <tr> <td>D</td> <td>2</td> </tr> <tr> <td></td> <td>Low (3)</td> </tr> </table>	Residual Risk Rating		L	C	D	2		Low (3)	<p>RISK REGISTER NO.</p>
Residual Risk Rating									
L	C								
D	2								
	Low (3)								

**11.3.2 MORWELL NORTH WEST DEVELOPMENT PLAN OVERLAY
CONSIDERATION OF PLANNING PANEL REPORT**

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

1. PURPOSE

The purpose of this report is for Council to consider the recommendations of the Planning Panel for Amendment C48 to the Latrobe Planning Scheme - Morwell North West Development Plan Overlay, decide to approve, abandon or edit the Amendment and decide to release the Panel Report to the public.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Strategic Action - Built Environment

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

3. BACKGROUND

Amendment C48 to the Latrobe Planning Scheme proposes to introduce a Development Plan Overlay over land zoned Residential 1 in the north west area of the Morwell township. The Morwell North West residential precinct covers an area of approximately 150 hectares, containing some 40 individually owned allotments.

The purpose of the Development Plan Overlay is to enable the land to be developed in a co-ordinated manner that allows appropriate staging and development of infrastructure and open space. The C48 amendment is informed by the Draft Morwell North West Development Plan (MNWDP). This document was prepared for Latrobe City Council by consultants, Earthtech (now SM Urban) in 2006/2007, in consultation with land owners, service and regulatory authorities. The development plan provides the logical basis for the provision of essential infrastructure such as sewerage, drainage, roads and public open space, to enable future orderly development of this area in Morwell.

The Study Area for the MNWDP is generally bounded by Maryvale Road to the east, Latrobe Road to the west, Crinigan Road and Rural Living properties to the north and Holmes Road and the Maryvale Recreation Reserve to the south.

Amendment C48 to the Latrobe Planning Scheme has been through the following steps:

1. Preparation of the planning scheme amendment documentation – March 2007;
2. Council request for authorisation from the Minister for Planning to prepare the amendment - April 2007;
3. Amendment placed on public exhibition 18 April 2007 - 19 May 2007;
4. Submissions were received, assessed and informal mediation took place in an attempt to resolve the objections;
5. As objections were not resolved, Council requested a Planning Panel review the documentation and the submissions received, at its meeting on 19 November 2007;
6. The Planning Panel was conducted on 6 and 7 May 2008, by Ms Kathryn Mitchell (chair) and Mr Henry Turnbull;
7. The Planning Panel report received on 13 June 2008, and is attached to this report.

Council must release the Panel Report to the public within 28 days of receipt of the report. Council is required to consider the Panel's recommendations and decide to approve, abandon or edit the Amendment. The Minister will then consider the Panel recommendation and Council's adopted position and approve or refuse the proposal.

4. ISSUES

The Panel Report for Amendment C48 includes the following sections:

1. Introduction - information about the amendment and the panel process.
2. Background – the site and planning controls.
3. Development Plan Overlay – discussion about the original and amended schedules as presented by Latrobe City Council and the Draft Development Plan that formed part of the amendment documentation.
4. Other Issues – Coal buffers, the area covered by the Development Plan Overlay and a comment on land on Toner’s Lane, Morwell.
5. Conclusions and Recommendations.

In section 5 of the report, the conclusion is summarised in the final paragraphs:

Overall, the Panel accepts that the amendment, through the revised Development Plan Overlay will provide the appropriate planning tools to assist the orderly and managed development of Morwell’s North West Residential Precinct, which is one of the last remaining developable areas for Morwell. To date, its development has been severely hampered by servicing constraints and the lack of an overall development strategy.

For the reasons set out in this report, the Panel appointed to consider Amendment C48 to the Latrobe Planning Scheme recommends that it be adopted, subject to the following:

1. *Adopt the revised Development Plan Overlay Schedule 1, as provided in Appendix 1.*
2. *Remove the following land from the area covered by the Development Plan Overlay:*
 - (i) *The land currently being developed for the Aged Care Centre.*
 - (ii) *The properties at 80, 96 and 98 Latrobe Road, currently used for industrial purposes.*

Officer Comment:

The Panel has considered the amendment documentation, submissions received and presentations made at the panel hearing. The panel's recommendation reflects Council's submission, including the suggested changes to the Development Plan Overlay (DPO) Schedule 1 and to the area of land to be covered by the DPO. The amended DPO Schedule 1 will ensure the fair and orderly development of the land, and provide a significant amount of residential land supply for Morwell and Latrobe City.

Section 3.2 of the Panel Report considers the Council changes to the DPO Schedule 1 that were submitted at the panel hearing. One of these changes included adding reference to the *Latrobe City Urban Design Good Practice Guideline 2008* or *Latrobe City Healthy By Design Guidelines 2008*. The panel report stated that "*the panel supports the modifications to the amendment as requested by Council...(p24)*". However the DPO schedule 1 attached as Appendix 1 (p31) omitted to include reference to the Guidelines. Therefore, in accordance with the Panel's comments in the Panel Report, the following words have been added to the Reference Document section of the Panel's DPO Schedule 1 document:

- *Latrobe City Urban Design Good Practice Guideline – Meeting Healthy By Design® Objectives, 2008.*

The Panel's comments about coal buffers are a response to the objection lodged by TRUenergy Yallourn to Amendment C48. It is noted that the Panel does not agree with the arguments of TRUenergy, and reiterates the purpose of urban buffers as providing protection both for mining operations and residential amenity. Further, the Panel notes that mining licences 5216 and 5304 were granted to divert the Morwell River and allow for works (screening mounds), not to extend the open cut mine.

In summary, the Panel's recommendation fully supports the submission made by Council for Amendment C48, and as such is consistent with the amendment documentation approved and exhibited by Council.

5. FINANCIAL AND RESOURCES IMPLICATIONS

There are no additional costs associated with this stage of the planning scheme amendment.

6. INTERNAL/EXTERNAL CONSULTATION

The Planning Panel was held on 6 and 7 May 2008 at the Corporate Headquarters of Latrobe City Council, Morwell. In addition to Council and Gippsland Water, three of the 18 submitters were heard by the panel.

7. OPTIONS

1. That Council receive and accept the *Report of a Panel for Amendment C48 to the Latrobe Planning Scheme – Morwell North West Residential Precinct*, and adopt Amendment C48 Morwell North West Development Plan Overlay in accordance with the Planning Panel's recommendations, including the addition of the *Latrobe City Urban Design Good Practice Guideline 2008* as a reference document in Schedule 1 to the Development Plan Overlay.
2. That Council does not accept the Planning Panel's recommendations contained in Report of a Panel for Amendment C48 to the Latrobe Planning Scheme – Morwell North West Residential Precinct and abandons Amendment C48 to the Latrobe Planning Scheme.

8. CONCLUSION

The availability of residential land to enable the future growth of Morwell is critical. The Morwell North West Development Plan provides a mechanism to make available a significant portion of land for residential development.

Amendment C48 – Morwell North West Development Plan Overlay was authorised and exhibited by Council during 2007. As objections were received, Council requested that a Planning Panel be appointed to consider submissions.

The appointed Planning Panel heard submissions in relation to Amendment C48 on 6 and 7 May 2008 and has recommended that Council adopts the amendment.

9. RECOMMENDATION

1. That Council receives and considers the Report of a Panel for Amendment C48 to the Latrobe Planning Scheme – Morwell North West Residential Precinct.
2. That Council accepts the Planning Panel's recommendations contained in the Report of a Panel for Amendment C48 to the Latrobe Planning Scheme – Morwell North West Residential Precinct, including the addition of the Latrobe City Urban Design Good Practice Guideline, 2008 as a reference document in Schedule 1 to the Development Plan Overlay.
3. That Council adopts Amendment C48 Morwell North West Development Plan Overlay in accordance with the Planning Panel's recommendations.
4. That Council advises the Minister for Planning that Council has adopted Amendment C48 and request approval for the Latrobe Planning Scheme to be amended accordingly.
5. That Council releases the Report of a Panel for Amendment C48 to the Latrobe Planning Scheme – Morwell North West Residential Precinct to the public prior to the prescribed 28 day timeframe.

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

SCHEDULE 1 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO 1**.

MORWELL NORTH-WEST DEVELOPMENT PLAN

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority:

- for any building or works associated with the use of the land for agriculture.
- for extensions or alterations to an existing building or works.
- for the use and development of any social, community or educational facility.
- for the replacement of an existing dwelling.
- for subdivision of land to realign boundaries, create a road reserve or a subdivision which does not create an additional lot.

Prior to the grant of a planning permit, the Owner of the land must enter into an agreement under section 173 of the *Planning and Environment Act 1987*. The agreement must provide for infrastructure contributions to be paid in respect of land prior to the issue of a Statement of Compliance in respect of the subdivision of that land.

The Agreement must require the payment of infrastructure contributions for:

- The acquisition of any land required for road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be provided in an existing reserve wider than what presently exists, the infrastructure payment required must only relate to the additional width of the road reserve required. The contributions must be in the proportions set out in the development contributions tables in the approved development plan.
- The construction of any road that Council proposes is to be funded by the contributions agreement. If that road is by widening an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising an 11 metre pavement and associated facilities in the proportions set out in the development contributions tables in the approved development plan.
- The design and construction of stormwater drainage infrastructure including main drainage, wetlands and retarding basins as explained in the approved development plan.
- The improvement of the public open space identified in the approved development plan.
- The acquisition of land for public open space in the proportions set out in the development contributions tables in the approved development plan.
- The acquisition of land for stormwater drainage purposes in the proportions set out in the development contributions tables in the approved development plan.
- Infrastructure associated with the proposed bus route.
- Traffic calming treatments.
- The walking and cycling network including safe crossing points on the abutting arterial roads (excluding footpaths along roads).

The Agreement must be prepared at the cost of the Owner and be to the satisfaction of the responsible authority.

2.0 Requirements for development plan

A single Development Plan must be prepared for whole of the land to which this Schedule applies.

The Development Plan must have regard to the draft *Morwell North-West Residential Precinct Development Plan, 2006*.

The Development Plan must have regard to the *Latrobe City Urban Design Guideline – Meeting Healthy By Design® Objectives, 2008*.**

The Development Plan must be informed by a detailed site analysis of the natural, cultural and strategic context of the site and show, or include, the following matters to the satisfaction of the responsible authority:

- Proposed lot layout, sizes and density which provide opportunities for a diverse range of allotment sizes and housing types.
- Application of the principles of water sensitive urban design. A stormwater management plan must be prepared and submitted which provides for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality, and reduction of run-off and peak flows.
- A 'Net Gain' assessment of any native vegetation to be removed having regard to *Victoria's Native Vegetation Management: A Framework for Action*, including how it is proposed to provide, manage and protect any necessary offsets.
- A landscape concept plan for all open space areas.
- Provision of a road network providing a high degree of connectivity and external and internal permeability. A functional road layout plan must be submitted showing the proposed road cross sections for all roads and integration with the existing and proposed arterial road network.
- The treatment of any interface with land used for industrial purposes.

The Development Plan must include:

- Development contributions tables including an equalisation table which identifies the proportion of each lot which is to be provided for road purposes, open space and stormwater drainage purposes. Once the Development Plan is approved incorporating the development contributions tables, the Development Plan (and the various tables) should not be amended without specific consideration of the impacts that changes to the Development Plan and the various tables will have on the ability of Council to deliver the road, public open space and stormwater infrastructure.
- A clause which explains how the equalisation of land and contributions for the various items of infrastructure is to operate.

The approved Development Plan may be amended to the satisfaction of the responsible authority.

Reference Documents

- *Draft Morwell North-West Residential Precinct Development Plan, 2006*.
- *Latrobe City Urban Design Guideline – Meeting Healthy By Design® Objectives, 2008*.**

** Change consequential upon acceptance of Panel Report

11.3.3 LATROBE CITY URBAN DESIGN GOOD PRACTICE GUIDELINE

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

1. PURPOSE

The purpose of this report is to seek Council's adoption of the Latrobe City Urban Design Good Practice Guideline - Meeting Healthy By Design® Objectives 2008.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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.

Strategic Action - Built Environment

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

Strategic Objective - Liveability

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

Strategic Action - Recreational Liveability

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

Strategic Action - Community Liveability

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

Strategic Objective - Community Capacity Building

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

Strategic Action - Advocacy and Leadership

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

Strategic Action - Partnerships and Inclusiveness

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

3. BACKGROUND

The Healthy by Design project is a partnership between Latrobe City Council and the Department of Human Services, who have jointly funded the project through the Municipal Public Health Plan Good Practice Program.

The key objective of the Healthy By Design project is to ensure that the design of new residential subdivisions and the location of open space and community facilities encourage physical activity by accommodating pedestrians and cyclists as a first priority in street building and subdivision design. This will ensure considerations of safety and accessibility to community centres, open space and path networks are made during the planning and design of new residential developments.

The outcomes from the project include the following elements:

- Preparation of Guidelines for developers that clearly spell out the practical application of Healthy by Design concepts (attached to this report). The Latrobe City Urban Design Good Practice Guideline (the 'Guideline') provides guidance to developers in incorporating Healthy By Design principles at an early stage when preparing development plans for subdivisions.
- Update the Latrobe Planning Scheme to include policy principles of Healthy by Design. It is proposed to include appropriate words in the revised draft of the Municipal Strategic Statement and to include the Guidelines as a reference document.

- Training and education of relevant Council staff and awareness raising within the development community.

4. **ISSUES**

To ensure that principles of Healthy By Design are realised in the planning and design of future residential subdivisions, references to the Urban Design Good Practice Guideline are to be included within the Latrobe Planning Scheme. This will provide the necessary strength to the guidelines, allowing statutory planning assessments to consider objectives of Healthy By Design. A first step is to include key principles of Healthy By Design within the revised Municipal Strategic Statement which is currently being prepared. It is proposed that the Guideline will also be included as a reference document as part of the revised Municipal Strategic Statement.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Healthy By Design project forms part of Council's approved budget.

The Guidelines have been developed with a \$20, 000 grant from the Department of Human Services (DHS) Municipal Public Health Program (MPHP) and a contribution of \$10, 800 by Latrobe City Council.

The Guideline will be utilised by the development community when preparing residential subdivision plans and will assist Council Officers in the assessment of residential subdivision applications, providing a convenient checklist.

6. **INTERNAL/EXTERNAL CONSULTATION**

Internal consultation has been undertaken with Council Officers.

An 'Issues Identification' Workshop was conducted by Beca in December 2006. The purpose of this Workshop was to provide a cross organisational approach to identifying the key Healthy By Design issues within Latrobe City and to identify opportunities for improvements to the connectivity, liveability and walkability of the municipality.

In December 2007, a Healthy By Design Background and Issues report was produced based on information collected at the workshop. This was used to assist the development of the Latrobe City Urban Design Good Practice Guideline.

A follow up Workshop with Council Officers workshop was conducted in April 2008 to seek feedback on the Good Practice Guideline, with comments incorporated into a revised draft.

Beca consultants and a representative from the Heart Foundation presented the draft Good Practice Guideline to developers as part of the second Key Developers Meeting coordinated by City Planning on 23 April 2008. The draft Guideline was circulated prior to this meeting, with the opportunity for developers to provide comment during the meeting, at which time only positive feedback was received.

There will be further opportunity for community comment on the principles of Healthy By Design during the public exhibition process to introduce the revised Municipal Strategic Statement to the Planning Scheme.

7. OPTIONS

Council has the following options:

1. Adopt the Latrobe City Urban Design Good Practice Guideline; or
2. Not adopt the Latrobe City Urban Design Good Practice Guideline; or
3. Request that further alterations be made to the Guideline prior to adoption.

8. CONCLUSION

Adoption of the Latrobe City Urban Design Good Practice Guideline will allow the Guideline to be used in assessing future residential development applications. The Guideline will also inform the Latrobe Planning Scheme review process, introducing key principles to the draft Municipal Strategic Statement.

If Council adopts the Guideline, it will be included as a reference document as part of the revised Municipal Strategic Statement.

9. **RECOMMENDATION**

That Council adopts the Latrobe City Urban Design Good Practice Guideline and supports its inclusion within the policy provisions of the Latrobe Planning Scheme.

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.3.4 PLANNING PERMIT APPLICATION 2008/058 - DEVELOPMENT OF TWO SINGLE STOREY DWELLINGS, 5 DONEGAL AVENUE, TRARALGON

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/058 for the development of two single storey dwellings at Lot 286 on Plan of Subdivision 603030F, more commonly known as 5 Donegal Avenue, 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 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Strategic Action - Built Environment

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

3. BACKGROUND

3.1 SUMMARY

Land:	5 Donegal Avenue, Traralgon, known as Lot 286 PS 603030F, Parish of Traralgon.
Proponent:	Neil Prestipino New Image Builders.
Zoning:	Residential 1 Zone.
Overlay:	No overlays affect the subject land.

A Planning Permit is required to construct two or more dwellings on a lot in the Residential 1 Zone in accordance with Clause 32.01-4 of the Latrobe Planning Scheme (the Scheme).

3.2 **PROPOSAL**

The proposal is for the development of two single storey dwellings on a residential lot.

The subject site is relatively flat, rectangular in shape and has a northern frontage of 20.62 metres to Donegal Avenue. The eastern (side) and western (side) boundaries each measure 41.33 metres. The southern (rear) boundary measures 20.62 metres. No vehicle crossovers have yet been provided to the land. A pedestrian footpath is located along the northern portion of the subject land's frontage.

Each of the proposed dwellings will contain three bedrooms and a single car lock-up garage. A single car parking space is also located within the driveway of each dwelling. Access to each dwelling will be gained from Donegal Avenue via two new crossovers that are to be provided.

Proposed Dwelling 1 covers 161.3m² of the subject site and provides approximately 82m² of private open space. Proposed Dwelling 2 covers 161.8m² of the site and provides 131m² of private open space. It is proposed to erect a 1.8 metre high paling fence along the side and rear boundaries of the subject site in addition to a 1.8 metre high dividing fence between the two proposed dwellings.

There will be no change to the two metre wide Pipeline and Ancillary Purposes easement in favour of Gippsland Water that extends along the southern boundary of the subject site.

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

Surrounding Land Use:

North: Road – sealed with kerb and channel (Donegal Avenue) and a single dwelling (one storey) on a lot of approximately 833m².

- South: Vacant residential land on a lot of approximately 5.47 hectares.
- East: Single dwelling (one storey) currently under construction on a lot of approximately 857m².
- West: Single dwelling (1 storey) currently under construction on a lot of approximately 842m².

3.3 HISTORY OF APPLICATION

The application was received on 25 February 2008. The application was advertised on 2 April 2008 to adjoining property owners and occupiers pursuant to section 52(1)(a) of the *Planning and Environment Act 1987* (the Act) and a sign displayed on the subject land pursuant to section 52(1)(d) of the Act. Notice was also given to Gippsland Water pursuant to section 52(1)(d) of the Act.

Two submissions in the form of objections were received on 10 April 2008. An objection was received from Gippsland Water on 17 April 2008. Two further objections were received on 21 April 2008. Amended plans were submitted to Council on 1 May 2008 in order to comply with the requirements of Gippsland Water. Gippsland Water was sent copies of the amended plans on 7 May 2008. The two objections received on 21 April 2008 were withdrawn on 9 May 2008. Gippsland Water withdrew its objection and gave conditional consent to the granting of a planning permit on 16 May 2008.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

Clause 16.02 'Medium density housing' contains the following 'Objective':

- *'Encourage the development of well-designed medium-density housing which, respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.'*

Clause 18.09 'Water supply, sewerage and drainage' contains the following 'Objective':

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

Clause 19.03 'Design and built form' contains the following 'Objective':

- *'To achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community, enhances livability, diversity, amenity and safety of the public realm and promotes attractiveness of towns and cities within broader strategic contexts.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Under 'Urban settlement and form' (Clause 21.01-3) it is recognised that:

- *'The three main urban settlements of Moe, Morwell and Traralgon are located along a linear spine of the main transport corridor formed by the Princes Freeway and the Melbourne railway line.'*

and under 'Housing' (Clause 21.01-7) it is stated:

- *'The diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest.'*

Clause 21.02 (Key Influences):

Under 'Housing' (Clause 21.02-2) it is stated:

- *'Social and economic trends should increase the need for a more diverse housing stock in urban areas, with an increasing need for well designed medium density accommodation.'*

Clause 21.03 (Vision – Strategic Framework):

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

- *‘To have regard to the local structure plans that identify infill opportunities in existing highway commercial and light industrial areas and identify rural and semi-rural activities between towns, for tourism and for protection of key economic infrastructure, such as the airport’;*
- *‘Encourage consolidation of urban settlement within the urban zoned boundaries’; and*
- *‘Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.’*

Clause 21.04-4 has a ‘Housing choice’ objective (Element 2) to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community. A strategy to implement this is:

- *‘Encourage diversity of dwelling type to provide greater choice and affordability.’*

Local Planning Policy (Clause 22)

Clause 22.06 (Urban Residential Land Supply):

The policy basis and objectives identify the concepts of the MSS as outlined above, and has a ‘Policy basis’:

- *‘The containment and consolidation of urban areas.’*

‘Objective’:

- *‘To encourage consolidation within the defined urban boundaries.’*

'Policy':

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

Zoning

The subject site is zoned 'Residential 1'. Pursuant to Clause 32.01-4 a planning permit is required to construct two or more dwellings on a lot. The proposed development must also meet the requirements of Clause 65 (Decision Guidelines). The 'Purpose' of the Residential 1 Zone is:

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

Overlay

No overlays affect the subject land.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

The proposed development must meet the requirements of Clause 55 (the ResCode provisions). The 'Purpose' of Clause 55 'Two or more dwellings on a lot and residential buildings' is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character';*

- *'To encourage residential development that provides reasonable standards of amenity for existing and new residents'; and*
- *'To encourage residential development that is responsive to the site and the neighbourhood.'*

Decision Guidelines (Clause 65)

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the 'Decision Guidelines' of Clause 65. In accordance with Clause 65.01 the Responsible Authority must consider, as appropriate:

- *'The matters set out in Section 60 of the Act';*
- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'The purpose of the zone, overlay or other provision';*
- *'Any matter required to be considered in the zone, overlay or other provision';*
- *'The orderly planning of the area';*
- *'The effect on the amenity of the area';*
- *'The proximity of the land to any public land';*
- *'Factors likely to cause or contribute to land degradation, salinity or reduce water quality';*
- *'Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site';*
- *'The extent and character of native vegetation and the likelihood of its destruction';*
- *'Whether native vegetation is to be or can be protected, planted or allowed to regenerate'; and*
- *'The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.'*

Incorporated Documents (Clause 81)

No Incorporated Documents apply to this application.

4. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used

Notification:

The application was advertised pursuant to section 52 of the Act. Notices were sent to all adjoining and adjacent property owners and occupiers and a notice was displayed on the subject site for 14 days.

External:

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

Notification was given to Gippsland Water in accordance with section 52(1)(d) of the Act. The Authority objected to the granting of a planning permit. After the submission of amended plans, Gippsland Water gave conditional consent to the granting of a permit.

Internal:

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

Details of Community Consultation following Notification:

Following the advertising of the application, five submissions in the form of objections were received. Three of these objections were withdrawn, with two objections remaining.

A planning mediation meeting was held on 29 May 2008. One of the two objectors attended the meeting.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

5. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

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

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

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

Clause 65 (Decision Guidelines):

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

Submissions:

The application received five submissions in the form of objections. Currently, two of these objections remain, and three have been withdrawn. The issues raised by the two remaining submissions were:

1. The developer of Erin Park has provided a sufficient quantity of land suitable for townhouses/units. The entire Stage 16 of Erin Park has been purchased by a builder who has arranged with the developer to have all block sizes reduced so they can be developed into townhouses, creating more residential congestion.

Comment:

There are no policies in the Latrobe Planning Scheme that expressly limit the location of multi-dwelling developments in the residential areas of Traralgon, including the Erin Park Estate.

The State and Local Planning Policy Frameworks are considered to be supportive of the proposed development of two single storey dwellings on a lot.

The application is considered to be consistent with the 'Purpose' of the Residential 1 Zone which encourages the consolidation of residential areas and the development of a range of dwelling types.

The proposed dwellings have been designed to satisfy Clause 55 (the ResCode provisions) of the Latrobe Planning Scheme in regard to on-site and off-site impacts.

Stage 16 of the Erin Park subdivision was amended on 6 March 2008 to increase the number of lot sizes from 16 lots to 28 lots. This amendment was advertised pursuant to section 52 of the Act and no objections were received, allowing the amendment to be approved under officer delegation.

It is considered that reference to development of Stage 16 of the Erin Park Estate is not relevant to the consideration of the current application for two dwellings on the subject site.

2. Yet another townhouse/unit in Erin Park will result in additional traffic.

Comment:

The increased traffic levels created by two new dwellings (20 vehicle movements over a 24 hour period) is considered normal for a residential area, minimal and unlikely to generate detrimental impacts.

Traffic management advice was obtained from Council's Project Services Team, which had no objection to the granting of a planning permit.

3. The proposed development will devalue my property which is located in Donegal Avenue and in Monaghan Close (off Donegal Avenue).

Comment:

Devaluation of property is not considered a valid ground of objection unless it can be justified by a sworn professional valuation, and is usually disregarded by VCAT.

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; or
- Issue a Refusal to Grant a Permit.

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

8. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of Clause 55 (Two or more dwellings on a lot and residential buildings);
- Consistent with Clause 65 (Decision Guidelines); and
- The objections 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 do not form planning grounds on which the application should be refused.

9. RECOMMENDATION

A. That Council DECIDES to issue a Notice of Decision to Grant a Permit for the Development of Two Single Storey Dwellings at 5 Donegal Avenue, Traralgon (Lot 286 PS 603030F, Parish of Traralgon) with the following conditions:

1. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
2. **All stormwater and surface water discharging from the site, buildings and works must be conveyed separately for each dwelling to the legal point of discharge by underground pipe drains all to the satisfaction of Coordinator Project Services. No effluent or polluted water of any type must be allowed to enter the Council's stormwater drainage system. Prior to the commencement of any works hereby permitted, a site drainage plan must be submitted to Council's Coordinator Project Services for approval. The plan must show a drainage system providing for the conveyance of stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.**

NOTE:

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

3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) details of surface finishes of pathways and driveways;
- b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- c) landscaping and planting within all open areas of the site.

All species selected must be to the satisfaction of the Responsible Authority.

4. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
6. The Owner/Applicant must comply with the following requirements from the Gippsland Water:
 - a) Pay to the Central Gippsland Region Water Corporation contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on the Corporation's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.

- b) Install separate water services and sewage disposal connections to the satisfaction of the Central Gippsland Region Water Corporation. As Constructed details showing the location of the installed services are required to be submitted to the Corporation.
 - c) Landscaping within Gippsland Water easements must be in accordance with Gippsland Water's "Planting the Right Trees" guide enclosed.
 - d) No construction is permitted within 1.0 metre of the sewer main/s, sewer manhole or sewer connection point.
7. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Moved: Cr Wilson

Seconded: Cr Lloyd

That the Recommendation be adopted.

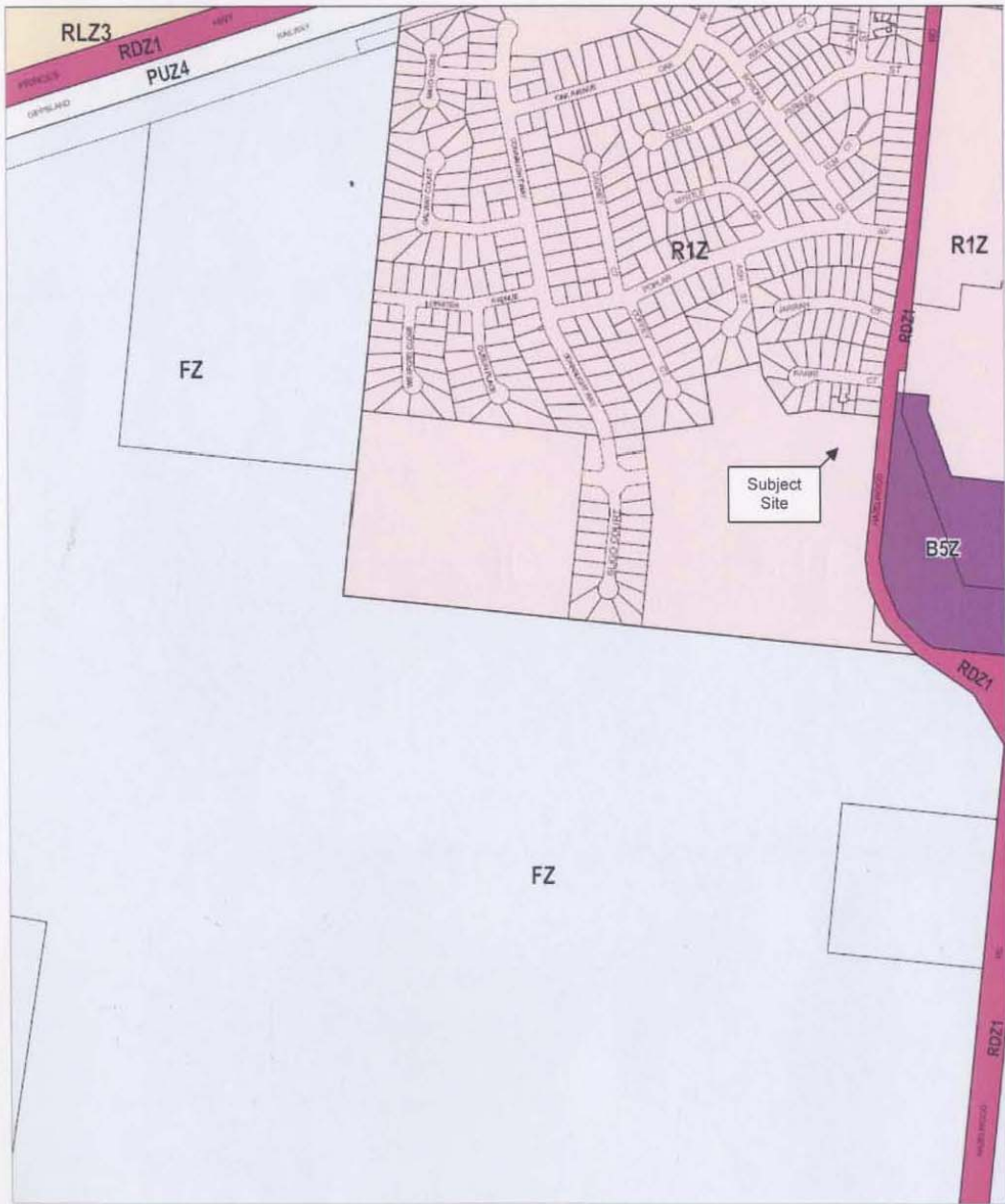
CARRIED UNANIMOUSLY

ATTACHMENTS

Locality Plan for Planning Permit Application 2008/058



LATROBE PLANNING SCHEME - LOCAL PROVISION



The information contained in this document is confidential and is intended for the use of the Council of the City of Latrobe only. It is not to be distributed outside the Council.

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ZONES MAP No 59



Volume 11044 Folio 919

124024441464U
Produced 18/12/2007Page 1 / 1
15:41 hr

CERTIFICATE OF TITLE - VICTORIA

Under the Transfer of Land Act 1958

I certify that the registered proprietor is the proprietor of the estate and interest in the land subject to the encumbrances, caveats and notices described



REGISTRAR OF TITLES

LAND DESCRIPTION

Lot 286 on Plan of Subdivision 603030F.
PARENT TITLE Volume 10948 Folio 274
Created by instrument PS603030F 18/12/2007

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
LURGANARE PTY LTD of 2ND FLOOR, 32 KAY STREET TRARALGON 3844
PS603030F 18/12/2007

ENCUMBRANCES, CAVEATS AND NOTICES

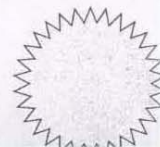
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

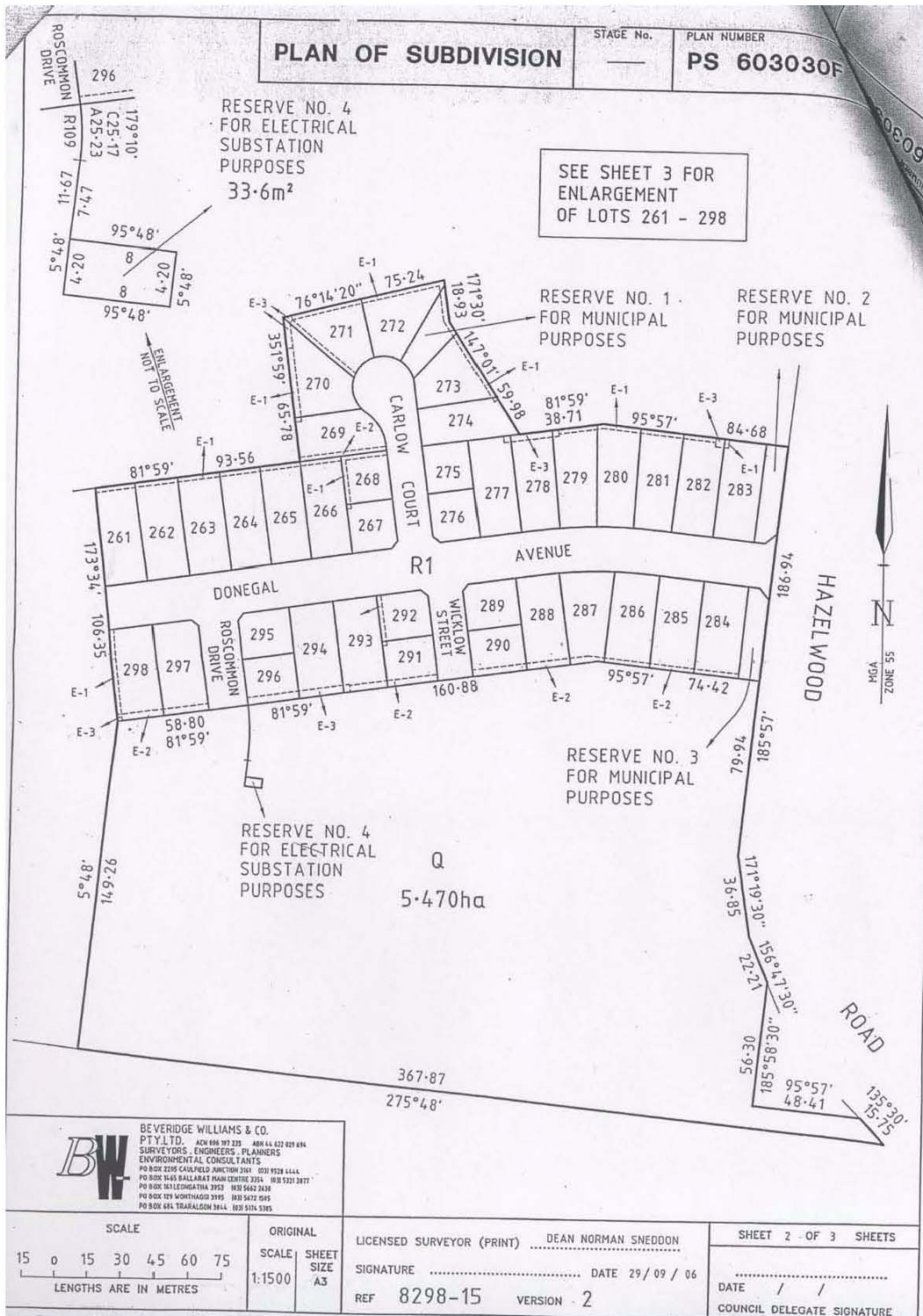
SEE PS603030F FOR FURTHER DETAILS AND BOUNDARIES

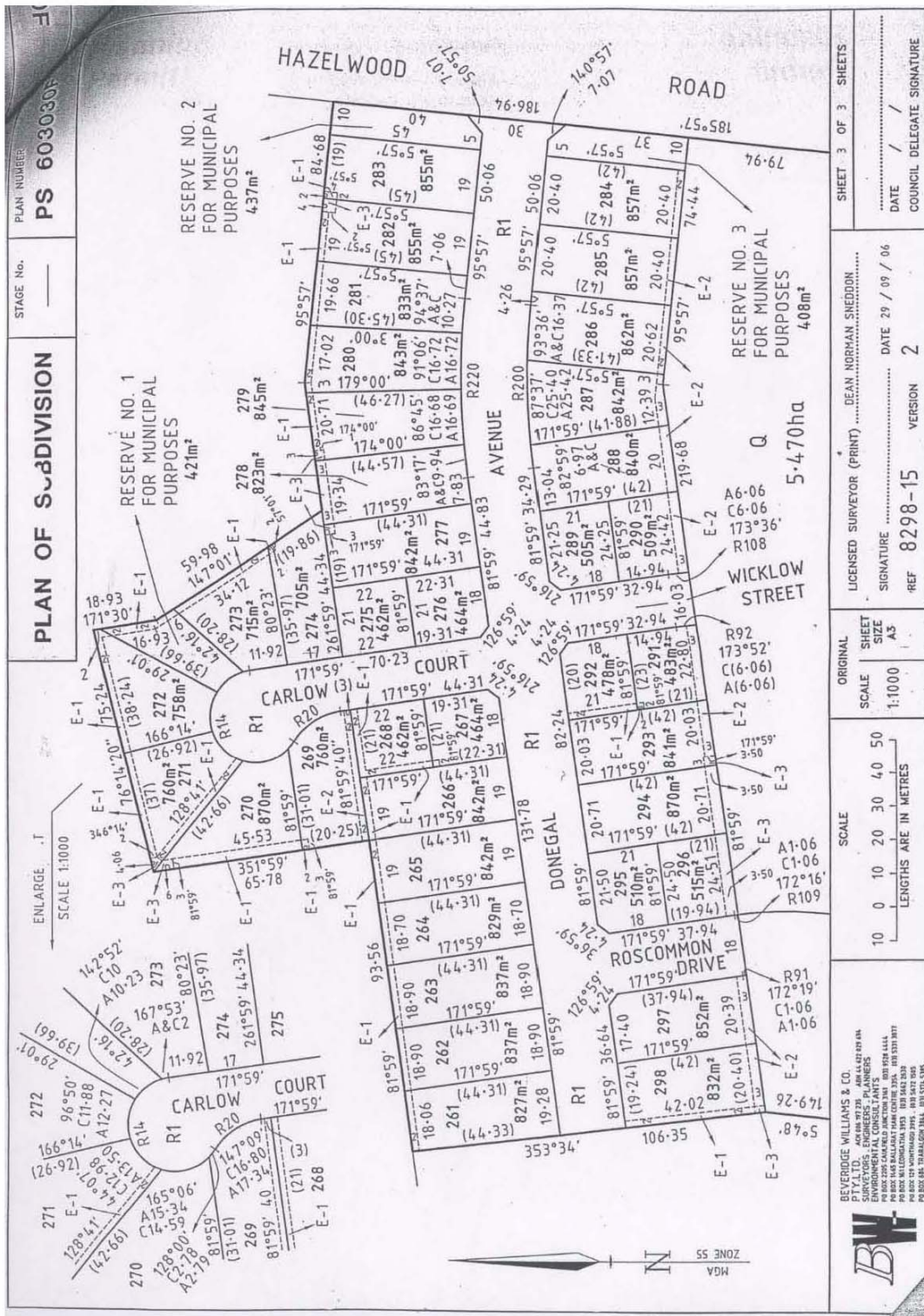
END OF CERTIFICATE

THIS CERTIFICATE CONTAINS INFORMATION CORRECT AT THE TIME OF PRINTING.
CURRENT INFORMATION SHOULD BE OBTAINED BY A SEARCH OF THE REGISTER.



PLAN OF SUBDIVISION		STAGE No. _____	LR USE ONLY EDITION	PLAN NUMBER PS 603030F
LOCATION OF LAND		COUNCIL CERTIFICATION AND ENDORSEMENT		
PARISH: TRARALGON TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 49 (PART) TITLE REFERENCES: C/T VOL 10948 FOL 274 LAST PLAN REFERENCE/S: PS 543448Y LOT 0 POSTAL ADDRESS: DONEGAL AVENUE (At time of subdivision) TRARALGON VIC 3844 MGA Co-ordinates (of approx centre of land in plan) E 457,800 N 5,770,700 ZONE: 55		COUNCIL NAME: CITY OF LATROBE REF: 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6. / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date / /		
LISTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING This is is not a staged subdivision. Planning permit No. 02409A		
ROAD R1	LATROBE CITY COUNCIL	DEPTH LIMITATION: DOES NOT APPLY LOTS 1-260 (BOTH INCLUSIVE) AND LOTS A - P (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN SURVEY. THIS PLAN IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 167 IN PROCLAIMED SURVEY AREA No. _____		
RESERVE NO. 1	LATROBE CITY COUNCIL			
RESERVE NO. 2	LATROBE CITY COUNCIL			
RESERVE NO. 3	LATROBE CITY COUNCIL			
RESERVE NO. 4	SPI ELECTRICITY PTY LTD	LR USE ONLY		
EASEMENT INFORMATION		STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT		
LEGEND	A-Appurtenant Easement	E-Encumbering Easement	R-Encumbering Easement (Road)	RECEIVED <input type="checkbox"/>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	DRAINAGE	SEE DIAG	THIS PLAN	CITY OF LATROBE
E-2	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY
E-3	DRAINAGE	SEE DIAG	THIS PLAN	CITY OF LATROBE
	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY
				DATE: / /
				LR USE ONLY
				PLAN REGISTERED
				TIME
				DATE / /
				Assistant Registrar of Titles
				SHEET 1 OF 3 SHEETS
BEVERIDGE WILLIAMS & CO. PTY.LTD. ACN 896 197 235 ABN 64 627 629 616 SURVEYORS ENGINEERS PLANNERS ENVIRONMENTAL CONSULTANTS PO BOX 2205 CAULFIELD JUNCTION VIC 3161 031 9539 4444 PO BOX 1645 BALLARAT SOUTH CENTRE 3354 031 5331 3877 PO BOX 161 LEONGATHA VIC 3639 031 5442 2600 PO BOX 123 MONTAGNO 3795 031 5472 1045 PO BOX 684 TRARALGON 3844 031 5174 3285		LICENSED SURVEYOR (PRINT) DEAN NORMAN SNEDDON SIGNATURE DATE 29 / 09 / 06 REF 8298-15 VERSION 2		DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3





p/n 24/4 R1.



Our reference:
Your reference: 303390

10 April 2008

GIPPSLAND
WATER

ATT: KRISTY CRAWFORD
LATROBE CITY COUNCIL
P.O. BOX 264
MORWELL VIC 3840

Hazelwood Road
PO Box 341
Traralgon Victoria 3844
Telephone: (03) 5177 4604
Facsimile: (03) 5174 010
info@gippswater.com.au
http://www.gippswater.com.au

Dear Kristy,

PLANNING PERMIT APPLICATION

YOUR REFERENCE : 2008/58
APPLICANT : Neil Prestipino
LOCATION : 5 Donegal Ave Traralgon

We refer to your letter dated 28 March 2008 and advise that Gippsland Water as the Water Supply and Sewerage Corporation, **objects** to the proposed development due to the following:

- No construction is permitted within 1.0 metre of the sewer main/s, sewer manhole or sewer connection point. The owner must redesign the plans or alternatively seek approval from Gippsland Water by submitting a Build Over Easement Application with details and specifications of all proposed structures/works over our easements/assets. A Build Over Easement Application has been included with the property owners copy of this response.

If you have any further questions in regards to this application please contact Dean Sutton on (03) 51 774 895 or Jenny Davidson on (03) 51 774 751.

Yours faithfully,

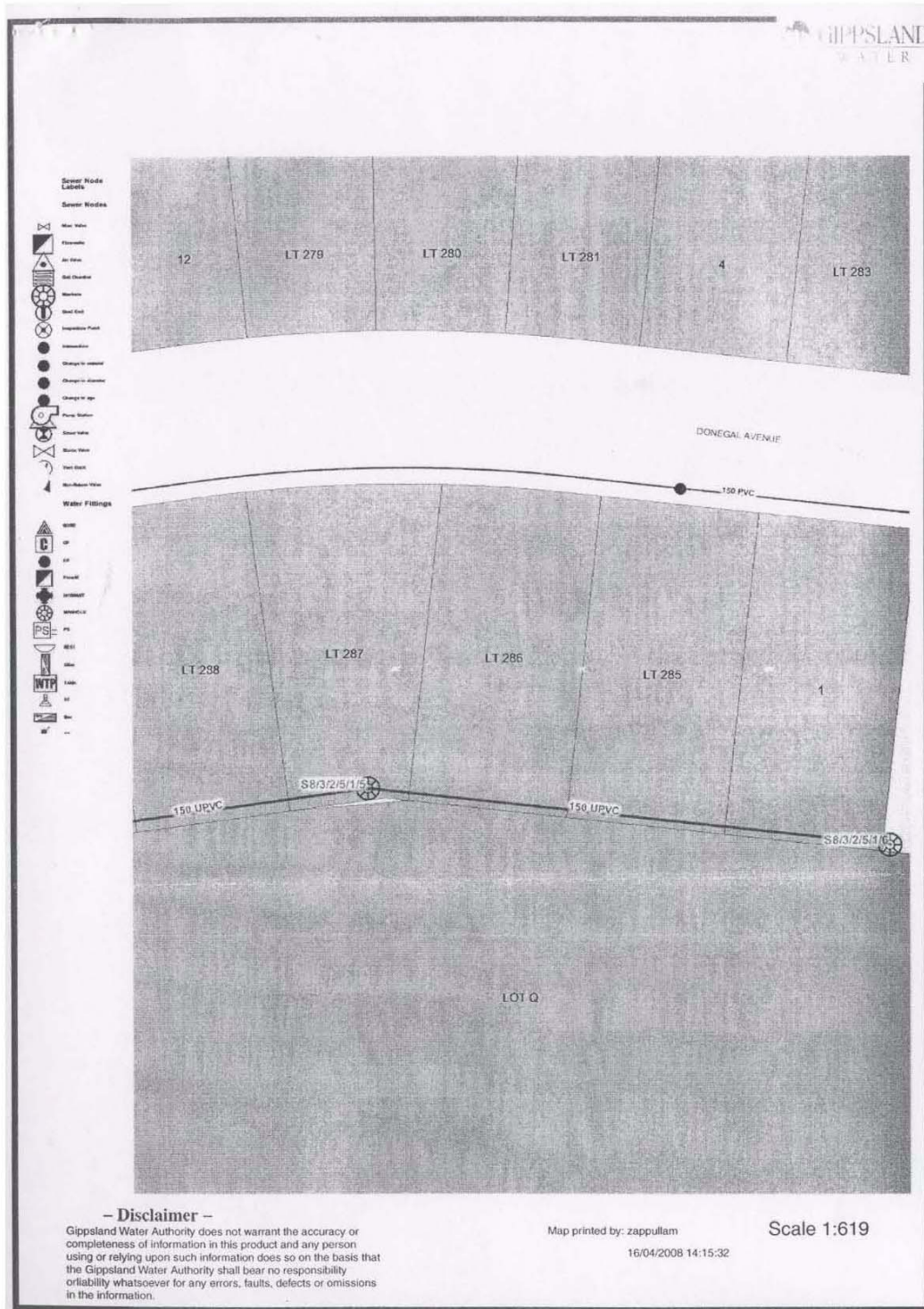
Ian Heafield
MANAGER ASSET MANAGEMENT

Neil Prestipino
PO Box 958
Traralgon VIC 3844

Latrobe City	
17 APR 2008	
Doc No:	296048
Creation Officer:	
Disposal Code:	
Comments:	



WORKPLACE EXCELLENCE
AWARDS
WINNER 2004



- Disclaimer -

Gippsland Water Authority does not warrant the accuracy or completeness of information in this product and any person using or relying upon such information does so on the basis that the Gippsland Water Authority shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Map printed by: zappullam
16/04/2008 14:15:32

Scale 1:619

9 May 2008

ATT: KRISTY CRAWFORD
 LATROBE CITY COUNCIL
 P.O. BOX 264
 MORWELL VIC 3840

Dear Kristy,

PLANNING PERMIT APPLICATION

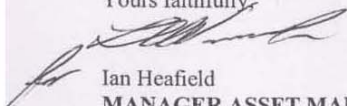
YOUR REFERENCE : 2008/58
 APPLICANT : Neil Prestipino
 LOCATION : 5 Donegal Ave Traralgon

We refer to your letter dated 7 May 2008 and advise that Gippsland Water as the Water Supply and Sewerage Corporation, **does not object** to the proposed development but request the following conditions:

- Pay to the Central Gippsland Region Water Corporation contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on the Corporation's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.
- Install separate water services and sewage disposal connections to the satisfaction of the Central Gippsland Region Water Corporation. As Constructed details showing the location of the installed services are required to be submitted to the Corporation.
- Landscaping within Gippsland Water easements must be in accordance with Gippsland Water's "Planting the Right Trees" guide enclosed.
- No construction is permitted within 1.0 metre of the sewer main/s, sewer manhole or sewer connection point.

If you have any further questions in regards to this application please contact Dean Sutton on (03) 51 774 895 or Jenny Davidson on (03) 51 774 751.

Yours faithfully,



Ian Heafield
 MANAGER ASSET MANAGEMENT

Neil Prestipino
 PO Box 958
 Traralgon VIC 3844

Our reference:
 Your reference 303390



Hazelwood Road
 PO Box 348
 Traralgon Victoria 3844
 Telephone: (03) 5177 4600
 Facsimile: (03) 5174 0103
 info@gippswater.com.au
 http://www.gippswater.com.au

Latrobe City	
16 MAY 2008	
Doc No:	304729
Action Officer:	Kristy-
Disposal Code:	
Comments:	



pw 18/4
kristy

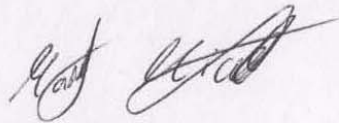
3 April 2008

TO: The Responsible Authority

I strongly object the application for a planning permit at 5 Donegal Avenue, Traralgon.

Lurganare, the developer of Erin Park has provided a sufficient quantity of land suitable for Townhouses / Units. In addition to this, I am aware that the entire Stage 16 of Erin Park (approximately 20 blocks) has been purchased by a Builder who has arranged with Lurganare to have ALL of the block sizes reduced so that they can be developed into townhouses!

Yet another Townhouse / Unit in Erin Park will further overpopulate the area resulting in more residential congestion and additional traffic. **This in turn will devalue my property, which is also located in Donegal Avenue.**



MARK MICALLEF

Latrobe City	
10 APR 2008	
Doc. No:	293890
Action Officer:	Lynn AK
Disposal Code:	
Comments:	

4 April 2008

TO: The Responsible Authority

I strongly object the application for a planning permit at 5 Donegal Avenue, Traralgon.

Lurganare, the developer of Erin Park has provided a sufficient quantity of land suitable for Townhouses / Units. In addition to this, I am aware that the entire Stage 16 of Erin Park (approximately 20 blocks) has been purchased by a Builder who has arranged with Lurganare to have ALL of the block sizes reduced so that they can be developed into townhouses!

Yet another Townhouse / Unit in Erin Park will further overpopulate the area resulting in more residential congestion and additional traffic. **This in turn will devalue my property, which is located in Monaghan Close (off Donegal Avenue).**



ROSS WALLACE

Latrobe City	
10 APR 2008	
Doc. No:	293891
Action Officer:	lyn Ak
Disposal Code:	
Comments:	

Objection for Planning Permit.
5 Donegal Ave.
Traralgon.

21 APR 2008

Doc. No:	297038
Action Officer:	
Disposal Code:	
Comments:	

I Mr Danny Ward object to this proposal for the following:-

Multi-block dwellings attract short term residents resulting in lack of respect for neighbouring properties and residents, IE:- care for the property itself in appearance, noise levels are generally higher because of the short-term innancy, (my partner & I are currently living in a multi-dwelling block and don't relax as much as we would in our home which is being built).

Multi block dwellings attract extra traffic both human and mechanical, due to activities that are carried out

Myself + my partner would be affected by the extra traffic, uncertainty of tenancy, therefore being able to enjoy and relax in our home would not be able to be undertaken to its full potential.

We searched for an Estate that had what we wanted and the address we have suits us and having a Multi block dwelling next door was not and is not suitable.

Mr Danny Ward.
P.O. Box 1348
Traralgon
Vic 3844.

objection for planning
5 Donegal Ave
Traralgon

P/W 24/4 KL

Latrobe City	
Doc. No:	297037
Action Officer:	
Disposal Code:	
Comments:	

I miss K. Kesper object to this proposal for the following:-

multi-block dwellings attract short term residents, resulting in lack of respect for neighbouring properties and residents, ie:- care for the property itself in appearance noise levels are generally higher because of the short term tenancy. (my partner + I are currently living in a multi-dwelling block and don't relax as much as we would in our home which is being built).

multi block dwellings attract extra traffic both human and mechanical, due to activities that are carried out.

myself and my partner would be affected by the extra traffic, uncertainty of tenancy, therefore being able to enjoy and relax in our home would not be able to be undertaken to its full potential.

We searched for an Estate that had what we wanted and the address we have suits us and having a multi block dwelling next door was not and is not suitable.

Miss K. Kesper
P.O. Box 1348
Traralgon vic 3844

Urgent
Kristy

plw 16/05
KRISTY

Mr Danny Ward
PO Box 1348
TRARALGON VIC 3844

Latrobe City	
- 9 MAY 2008	
Doc. No:	302841
Action Officer:	
Disposal Code:	
Comments:	

7 May 2008

Ms Kristy Crawford
Planning Officer
Latrobe City Council
P O Box 264
MORWELL VIC 3840

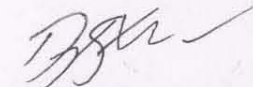
Dear Ms Crawford

PLANNING PERMIT 2008/58 – 5 DONEGAL AVENUE, TRARALGON

I wish to withdraw my objection to the above planning permit application for the development of two single storey townhouses.

I have liaised with the developer of the site and he has addressed any concerns I may have had regarding this development.

Yours faithfully



Danny Ward

plw 16/05.
KRISTY

Latrobe City

- 9 MAY 2008

Doc. No:	302842
Action Officer:	
Disposal Code:	
Comments:	

Miss K Kesper
PO Box 1348
TRARALGON VIC 3844

7 May 2008

Ms Kristy Crawford
Planning Officer
Latrobe City Council
P O Box 264
MORWELL VIC 3840

Dear Ms Crawford

PLANNING PERMIT 2008/58 – 5 DONEGAL AVENUE, TRARALGON

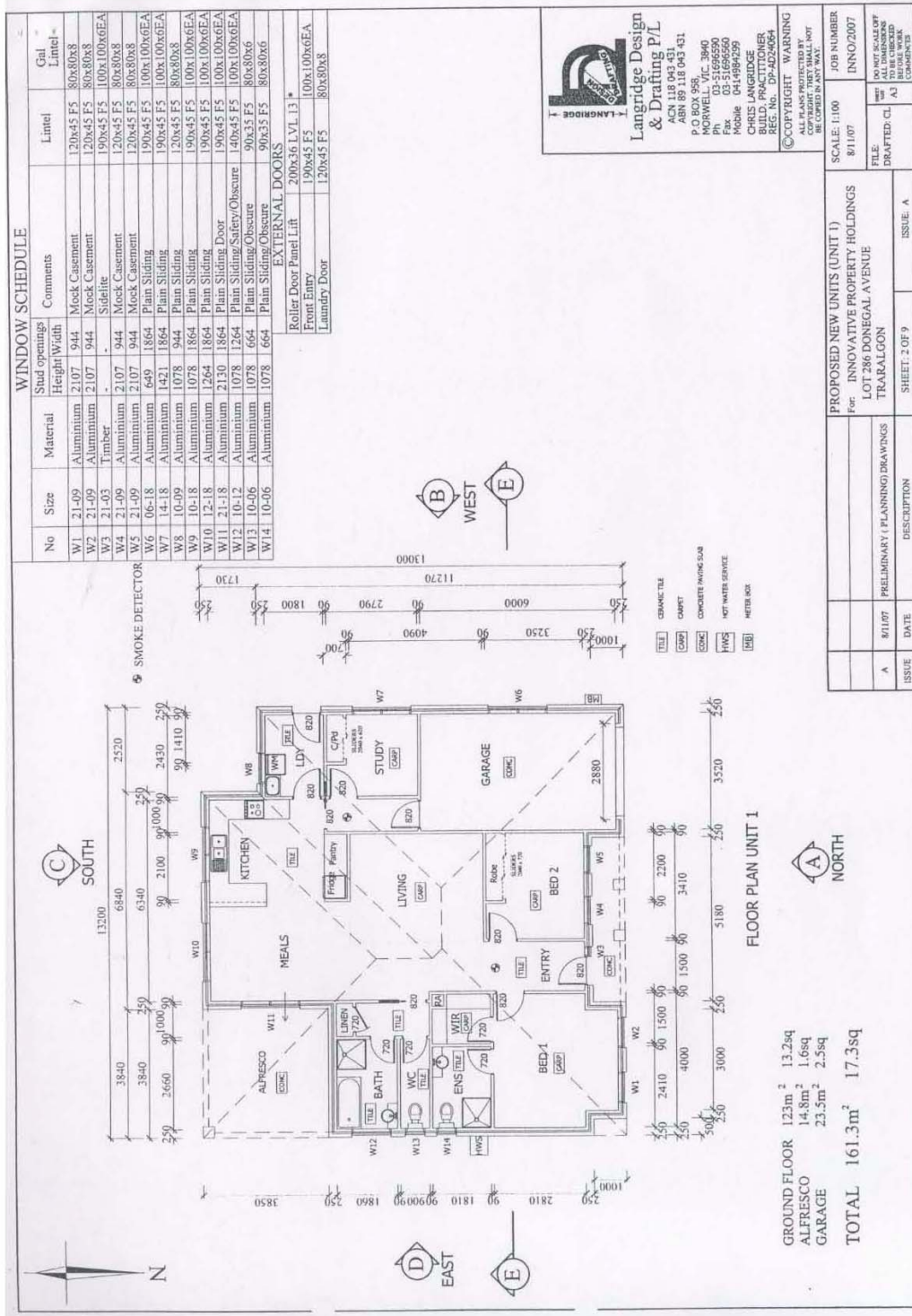
I wish to withdraw my objection to the above planning permit application for the development of two single storey townhouses.

I have liaised with the developer of the site and he has addressed any concerns I may have had regarding this development.

Yours faithfully



K Kesper



NOTES

1. ALL DIMENSIONS TO PRECEDENCE OVER SCALE.
2. MATERIALS & WORK PRACTICES SHALL COMPLY WITH THE BCA & OTHER RELEVANT CODES.
3. THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL & CIVIL ENGINEERING COMPUTATIONS & DRAWINGS RELATING TO THIS SUBJECT.
4. THE CLIENT ACCEPTS THE DESIGNER'S LIABILITY TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES DURING ALL WORKS.
5. FOOTINGS
6. REFER TO GEOTECHNICAL SOIL CLASSIFICATIONS.
7. CONCRETE TO BE 30MPa GRADE UNLESS NOTED OTHERWISE.
8. ALL REINFORCEMENT TO BE 12MM DIA UNLESS NOTED OTHERWISE.
9. FOUNDATION MAINTENANCE
10. FOUNDATIONS NOT TO EXCEED TITLE BOUNDARIES & EASEMENT LINES.
11. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
12. WHERE REQUIRED TREATMENT TO COMPLY WITH AS 3602.1:1995.
13. DRAINAGE
14. STORMWATER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE.
15. SEWELINE SEPTIC SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY REGULATIONS.
16. BRICKWORK
17. PROVIDE WALL TIES TO BRICKWORK AT MAX 600mm CTRS IN EACH DIRECTION & WITHIN 300mm OF ARTICULATION JOINTS.
18. ALL BRICKWORK TO BE FULL HEIGHT UNLESS NOTED OTHERWISE.
19. BRICKS ARE LESS THAN 150mm FROM THE SEA OR IN HEAVY INDUSTRIAL AREAS WALL TIES SHALL BE EITHER GALVANIZED SHEET STEEL, MR 2.008 OR GALVANIZED WIRE, MSN 1706A2.
20. GRADE, FINISH & POSITION OF ALL OPENINGS TO BE INDICATED ON THESE PLANS.
21. ALL STRAIGHT CONTINUOUS WALLS MUST BE FINISHED.
22. ALL STRAIGHT CONTINUOUS WALLS NO OPENINGS AT NO MORE THAN 600mm CENTRES.
23. ALL CHANGES TO WALL THICKNESS, HEIGHT OR POSITION SHALL BE NOTED ON THESE PLANS.
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100. ALL CHANGES TO WALL THICKNESS, HEIGHT OR POSITION SHALL BE NOTED ON THESE PLANS.

Langridge Design & Drafting P/L
 ACN 135 043 431
 P.O. BOX 995,
 MORWELL VIC 3600
 Phone 03-51695500
 Fax 03-51695500
 Mobile 04-4984299
 CHRIS LANGRIDGE
 REG. ARCHITECT
 REG. NO. 101420064

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SCALE: 1:100
 JOB NUMBER: INNO2007
 FILE: 81107
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 CHECKED: [blank]

PROPOSED NEW UNITS (UNIT 1)
 For: INNOVATIVE PROPERTY HOLDINGS
 LOT 286 DONEGAL AVENUE
 TRARALGON

ISSUE	DATE	DESCRIPTION	SHEET: 3 OF 9	ISSUE: A
A	8/1/07	PRELIMINARY (PLANNING) DRAWINGS		

NOTES

1. GENERAL
- 1.1. WRITTEN DIMENSIONS TO PRECEDENCE OVER SCALE.
- 1.2. MATERIALS & WORK PRACTICES SHALL COMPLY WITH THE BCA & OTHER RELEVANT CODES
- 1.3. THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL & OR CIVIL ENGINEERING COMPUTATIONS & DRAWINGS RELATING TO THIS SUBJECT.
- 1.4. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES DURING ALL WORKS.
2. FOOTINGS
- 2.1. REFER TO GEOTECHNICAL SOIL CLASSIFICATIONS
- 2.2. CONCRETE TO BE 30mpa GRADE UNLESS NOTED OTHERWISE
- 2.3. FOUNDATION DESIGN TO BE IN ACCORDANCE WITH REQUIREMENTS OF AS2871.1
- 2.4. FOUNDATION MAINTENANCE TO BE IN ACCORDANCE WITH PERFORMANCE REQUIREMENTS & FOUNDATION MAINTENANCE
- 2.5. FOOTINGS NOT TO ENCIROACH TITLE BOUNDARIES & EASEMENT LINES.
3. TREATMENT
- 3.1. WHERE REQUIRED TREATMENT TO COMPLY WITH AS3660.1-1995
4. DRAINAGE
- 4.1. DRAINAGE SYSTEM SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE
- 4.2. SEWER OR SEPTIC SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY REQUIREMENTS.
5. BRICKWORK
- 5.1. PROVIDE WALL TIES TO BRICKWORK AT MAX 600mm CTRS IN EACH DIRECTION & WITHIN 100mm OF FACE
- 5.2. BRICKWORK TO BE FULL BOND
- 5.3. SPACING OF WALL TIES TO TOP AND SIDES OF OPENINGS TO BE HALVED
- 5.4. IN AREAS LESS THAN 1.8M FROM THE SEA OR IN HEAVY INDUSTRIAL AREAS WALL TIES TO BE 1000mm CTRS
- 5.5. BRICKWORK TO BE FULL BOND UNLESS SPECIFIED OTHERWISE
- 5.6. BRICKWORK TO BE FULL BOND UNLESS SPECIFIED OTHERWISE
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ELEVATION D (SOUTH)

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SCALE: 1:100	JOB NUMBER: INNO2007
FILE: 8/1/07	NO NOT SCALE OF ALL DIMENSIONS UNLESS INDICATED OTHERWISE
DRAWN: CL	ISSUE: A
DATE: 8/1/07	DESCRIPTION: PRELIMINARY (PLANNING) DRAWINGS
ISSUE: A	DATE: 8/1/07
	DESCRIPTION: PROPOSED NEW UNITS (UNIT 2) For INNOVATIVE PROPERTY HOLDINGS LOT 286 DONEGAL AVENUE TRARALGON
	DESCRIPTION: SHEET 7 OF 9

**11.3.5 PLANNING PERMIT APPLICATION 2008/19 - APPLICATION TO
EXTEND THE TRADING HOURS OF A SERVICE STATION /
CONVENIENCE STORE AT 36A-40 MONASH ROAD,
NEWBOROUGH**

This Item was considered earlier in the Meeting.

11.3.6 PROPOSED REZONING OF LAND AT CRAIGBURN PLACE, TRARALGON FROM FARMING ZONE TO RESIDENTIAL 1 ZONE AND PROPOSED DEVELOPMENT OF THE SITE FOR AN EDUCATION FACILITY

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

1. PURPOSE

The purpose of this report is for Council to consider a request to be made to the Minister for Planning to authorise the preparation and exhibition of a combined planning permit and planning scheme amendment to the Latrobe Planning Scheme, referred to as a Section 96A application under the *Planning and Environment Act 1987* (the Act).

The amendment seeks to:

- Rezone land at Craighburn Place (formerly Old Hyland Highway) from Farming Zone (FZ) to Residential 1 Zone (R1Z).
- Apply a Development Plan Overlay (DPO) to the site.
- Amend the Local Planning Policy Framework (LPPF) to include reference to the subject site.

In conjunction with the proposed amendment, the proponents (Flinders Christian Community College) are also applying for a planning permit to develop the subject land for the use and development of an education facility.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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.

Strategic Action - Built Environment

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

Strategic Objective - Liveability

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

Strategic Action - Community Liveability

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

3. BACKGROUND

A request has been received by SM Urban, on behalf of Flinders Christian Community College, to amend the Latrobe Planning Scheme. The amendment seeks to rezone land at Craighburn Place, apply a Development Plan Overlay (DPO) to the site and amend the Local Planning Policy Framework (LPPF).

In conjunction with the proposed amendment, the proponents are also applying for a planning permit to develop the subject land for the use and development of an education facility.

Subject Land:

The land affected by the proposal is located in Traralgon East and fronts Craighburn Place. The land comprises of one title which is solely owned by Flinders Christian Community College. The subject site is approximately 6.6 hectares in area.

The subject site is currently vacant, cleared agricultural land with a man-made dam located along the southern boundary.

The land is described as Lot 1 on Title Plan 886472Y.
(REFER TO SITE CONTEXT MAP AND AERIAL PHOTOGRAPH - ATTACHMENTS 1 & 2)

Surrounding Land:

Farming zone (FZ) adjoins the subject site, with two allotments to the north, one to the east and one to the south. These allotments range in size from approximately 3.5 to 13.3 hectares. Each allotment contains a dwelling.

Residential 1 Zone (R1Z) exists on the western side of Craighburn Place. Residential allotments in this zone range in size from approximately 500 to 1000 square metres.

Planning Context:

The existing Flinders Christian Community College campus in Traralgon is nearing capacity and an additional campus is required to accommodate more students. The College proposes to develop a new campus on a site they own at Craighburn Place, Traralgon. However, the Farming Zone currently applying to the subject site does not permit the use and development of the land as an education facility.

It is proposed that the subject land be rezoned to Residential 1 Zone as this zone permits the use and development of an education facility, subject to a planning permit. The application of other zones, such as the Public Use Zone, has been carefully considered in consultation with the DPCD, but given that Flinders Christian Community College is a private college, not a public education facility, the Residential 1 Zone is deemed the most appropriate zone.

The current Strategic Land Use Framework Plan for Traralgon contained within the Municipal Strategic Statement does not include the subject site. However, the Latrobe Structure Plans adopted by Council in August 2007 recommended that the land subject to this application is to be utilised for the purposes of a 'school'.

To ensure consistent links between the proposed rezoning, the introduction of a Development Plan Overlay (DPO) with adopted Council Planning Policy, it is suggested that the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF) also be amended. This will include minor additions to MSS text and to the existing Traralgon - Strategic Land Use Framework Plan.

The proposed application of a DPO schedule to the site will ensure the site is developed and used as an 'education facility' in the future, while requiring necessary site treatments to maintain the residential amenity of adjoining land (REFER DRAFT DEVELOPMENT PLAN OVERLAY – ATTACHMENT 4)

Given that the existing Flinders Christian Community College Traralgon campus is nearing capacity and requires the new campus to be constructed as soon as possible, the proponent has proposed a Section 96A application under the *Planning & Environment Act 1987*, which is more time effective than applying for a planning scheme amendment and planning permit separately.

Statutory Requirements:

Section 9 of the Act states the Minister may authorise a municipal council to prepare an amendment to State and Local standard provisions of a planning scheme in force in its municipal district. When a municipal council is authorised by the Minister to prepare an amendment to a planning scheme, they also become the planning authority.

Section 9 of the Act, states that the Minister for Planning may:

‘authorise any other Minister or public authority to prepare an amendment to any part of the State standard provisions and local provisions of a planning scheme...’

In accordance with the Act, municipal councils as planning authority have a number of duties and powers. Section 12 states that a planning authority, when preparing an amendment, must have regard to the Minister's directions, the Victoria Planning Provisions, or any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme.

Section 12 of the Act also states that the planning authority must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment and may take into account its social effects and economic effects.

Under Section 96A of the Act, a person who requests a planning authority to prepare an amendment to a planning scheme may also apply to a planning authority for a planning permit. The Act states that the planning authority may agree to consider the application for the permit concurrently with the preparation of the proposed amendment.

The proposed amendment is in accordance with the Act including; Sections 9, 12 and 96A. A number of these matters are discussed in further detail in this report and the attached draft explanatory report.

(REFER TO DRAFT EXPLANATORY REPORT - ATTACHMENT 3)

4. **ISSUES**

The current zoning of the site prohibits the development of the proposed Flinders Christian Community College. Therefore, the planning scheme amendment proposes the site be rezoned to allow for its development. If this amendment is not approved it is likely that:

1. A recommendation of the adopted Latrobe Structure Plans 2007 will not be implemented; and
2. Flinders Christian Community College will not be able to expand its existing College.

The interface with existing surrounding land uses as well as the proposed residential land uses detailed in the Latrobe Structure Plans has been carefully considered, and as a result, the proposed Development Plan Overlay schedule will address such interface matters.

Council adopted the Latrobe Structure Plans at its Council meeting held August 2007, which identify the site as a 'school', however these plans are not yet incorporated into the Latrobe Planning Scheme.

The current Latrobe Planning Scheme Municipal Strategic Statement (MSS) does however provide the necessary support to allow the consideration of the proposed amendment, identifying the need for future development to include community uses such as education. However, the MSS does not provide specific reference to the subject site or its future use as an education facility. The proponent was therefore requested to prepare minor alterations to the ordinance of the MSS and the Traralgon Strategic Land Use Framework Plan presently contained within the Planning Scheme, to reinforce the planning policy support for this amendment.

These alterations are consistent with the Council adopted Latrobe Structure Plans 2007 and the draft MSS review.

5. FINANCIAL AND RESOURCES IMPLICATIONS

All costs associated with the planning scheme amendment process are to be met by the proponent. The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*.

6. INTERNAL/EXTERNAL CONSULTATION

The amendment and planning permit application are subject to the prescribed public notification process in accordance with the Act.

The proponent has already consulted with Department of Primary Industries, Loy Yang Power and VicRoads, who have indicated they are unlikely to object to the proposed amendment or to the use and development of the subject site for an educational facility.

Furthermore, the adjoining properties and all statutory and servicing authorities likely to be affected will be notified of the proposed amendment and planning permit application.

7. OPTIONS

Council has the following options:

1. Pursue the planning scheme amendment and consider the planning permit application for the development of a new education facility on the subject land; or
2. Abandon the planning scheme amendment and planning permit application for the development of a new education facility on the subject land.

8. CONCLUSION

The current zoning of the land as Farming Zone is an inappropriate zone for the proposed use of the land as an education facility. The proposed planning scheme amendment seeks to rezone the subject land at Craighburn Place, Traralgon, from Farming Zone to Residential 1 Zone (R1Z). R1Z is deemed the most appropriate zone for the site given its proposed use and development.

This amendment presents Council with the opportunity to realise a recommendation of the Latrobe Structure Plans 2007.

9. **RECOMMENDATION**

That Council requests the Minister for Planning to authorise Latrobe City Council to prepare and exhibit a combined planning scheme amendment and planning permit for the subject land at Lot 1 on Title Plan 886472Y Craighburn Place, Traralgon.

Moved: Cr Caulfield

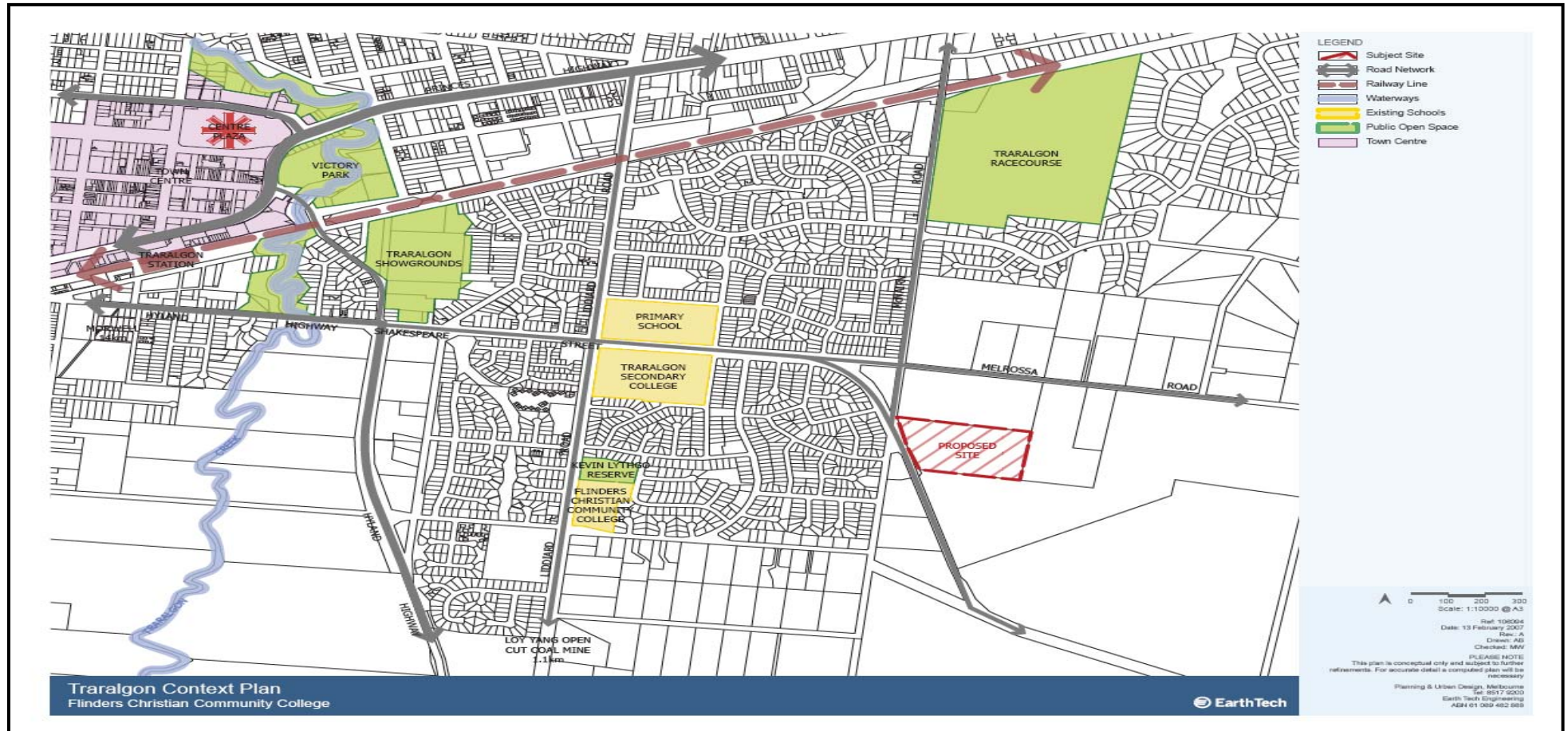
Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

ATTACHMENT 1 – SITE CONTEXT PLAN



ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – DRAFT EXPLANATORY REPORT*Planning and Environment Act 1987***LATROBE PLANNING SCHEME****AMENDMENT C51****DRAFT EXPLANATORY REPORT****Who is the planning authority?**

This amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of SM Urban (formerly Earth Tech Pty Ltd) on behalf of Flinders Christian Community College.

Land affected by the amendment

The amendment applies to approximately 6.6 hectares of land fronting Craighburn Place, Traralgon. The subject land comprises one title described as Lot 1 Title Plan 886472Y, Volume 8388 Folio 146.

What the amendment does

The amendment proposes to:

- Rezone Lot 1 Title Plan 886472Y Volume 8388 Folio 146, Craighburn Place, Traralgon, from Farming Zone to Residential 1 Zone and apply a Development Plan Overlay (DPO) to the entire area described above. This will include the introduction of the Development Plan Overlay and new overlay schedule at Clause 43.04.
- Amend the Municipal Strategic Statement (MSS) contained in the Local Planning Policy Framework (LPPF) to include reference to the subject land and the development of education facilities on this site. This will include changes to the existing Traralgon Strategic Land Use Framework Plan.

Strategic assessment of the amendment

- Why is the amendment required?

Flinders Christian Community College wishes to develop the land for Educational Centre purposes. The College had identified the site prior to the Rural Zone being replaced by the Farming Zone. The land's current Farming Zone precludes this development from being considered, and as such an amendment is required to rezone the land to Residential 1 Zone.

The application of other zones, such as the Public Use Zone, has been carefully considered, but given the fact that Flinders Christian Community College is a private college, not a public education facility, the Residential 1 Zone is deemed the most appropriate zone for this site.

The applicant is also proposing to apply a Development Plan Overlay to the site to ensure the development of the proposed education facility is managed appropriately.

The Council adopted Traralgon Structure Plan, 2007, shows the site within the township boundary and identifies the site specifically as a 'school'. Given these opportunities and the proposed development within the general area context it is concluded that:

- The site has minimal environmental constraints and is well suited to the proposed development in terms of infrastructure availability and amenity.
 - The proposed development will serve as a new educational node within the proposed future residential development of this area.
 - The proposed development, which aims to expand the College's capabilities, addresses the growing demands for this type of education in Traralgon.
- How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria:

- a) To provide for the fair, orderly, economic and sustainable use, and development of land;
 - b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
 - c) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
 - d) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), and (c);
 - e) To balance the present and future interests of all Victorians.
- How does the amendment address the environmental effects and any relevant social and economic effects?

It is envisaged that the amendment will result in positive social and economic effects by providing appropriate education opportunities in a designated residential growth area in accordance with the Council adopted Structure Plan for the area.

- Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment complies with Ministerial Direction Number 11 on the strategic assessment of amendments.

The use and development envisaged by this amendment is not affected by any other Ministerial Direction.

- How does the amendment support or implement the State Planning Policy Framework?

The amendment supports and implements State Planning Policies as follows:

- *Clause 14.01 Planning for urban settlement*

The proposed establishment of an extension to a distinguished educational institute, simultaneously with the foreseen development of the surrounding area (according to the council adopted Latrobe Structure Plan - Traralgon), will undoubtedly facilitate the orderly development of the area and ensure a sufficient supply of land for institutional uses.

- *Clause 15.09 Conservation of native flora and fauna*

The proposed site does not contain any significant flora and fauna habitats.

- *Clause 18.07 Education facilities;*

The proposed establishment of an educational institute will assist the integration of education facilities with local and regional communities. The subject site has good access to existing roads and public transport.

- *Clause 19.03 Design and built form;*

The proposed site is designed and will be built and operated on a sustainable and liveable basis, much like the existing college premises. It will enhance liveability, diversity, amenity and safety of the public realm in Traralgon, and will promote the general attractiveness of the town.

- How does the amendment support or implement the Local Planning Policy Framework?

The amendment supports and implements the following policies:

- *Clause 21.03-2 La Trobe Strategy Plan Vision*
The proposed amendment intends to facilitate the extension of a well planned college and will address the community's need for social interaction, education, leisure and culture.
- *Clause 21.03-3 Strategic land use framework plan*
The proposed amendment will contribute to development consolidation within and around the existing and proposed town boundary.
The proposed amendment will help develop a strong focus on education, and integrate with Council's aspiration to develop and work in partnership with the community and service providers in addressing the changing needs of the community of Latrobe City.

The expansion of this successful education institute will enhance Traralgon's role as a regional city and as regional service functions supplier.

- *Clause 21.04-1 Settlement and urban form*
The proposed amendment provides for the flexibility for development to occur in each town to accommodate the needs of its local and surrounding population as well as to contribute in a complementary way to the municipal networked city.
- Does the amendment make proper use of the Victoria Planning Provisions?
It is proposed to develop the land for the purpose of an educational facility. To this end the most appropriate planning zone is the Residential 1 Zone. An aim of this zone is to allow in appropriate locations educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

With regards to the need for a Development Plan Overlay, it is considered the Development Plan Overlay schedule will facilitate future development of the college within a clear set of directions. The DPO schedule gives Council and the community certainty about the ultimate form of development.

- How does the amendment address the views of any relevant agency?
During the preparation of the submission, consultation took place with Department of Primary Industries, Loy Yang Power and VicRoads, who indicated they are unlikely to object to the proposed amendment and use and development of the subject site for an educational facility.
- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?
Planning permits would be required for future development stages. However, the accompanying Development Plan Overlay will prevent the need for advertising and will simplify the assessment process.

No other impacts are considered to result from the new planning provisions.

Where you may inspect this Amendment.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Latrobe City Council Offices at:

Corporate Headquarters
141 Commercial Road, Morwell

Traralgon Service Centre
34-38 Kay Street, Traralgon

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

ATTACHMENT 4 – DRAFT EXPLANATORY REPORT**DRAFT SCHEDULE 2 TO THE DEVELOPMENT PLAN OVERLAY**

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1.0

Shown on the planning scheme map as **DPO2*****Requirement before a permit is granted***

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

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- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future, orderly development of the general area affected by the Development Plan Overlay.

2.0***Conditions and requirements for permits***

Before deciding on an application to subdivide land, construct buildings, or carry out works, the responsible authority must consider, as appropriate:

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- Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.
- The need to minimise access points to designated Category 1 Roads.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with adopted Structure Plans, where relevant.

3.0***Requirements for development plan***

A development plan must be prepared to the satisfaction of the Responsible Authority.

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The plan must show:

Land Use and Subdivision

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed subdivision lot layout.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that provide direct, safe and convenient pedestrian and cycle access and where appropriate, support the use and operation of public transport.
- Pedestrian and cycle connections at the end of no through roads and cul-de-sacs.
- Street networks that support building frontages with two way surveillance.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to other adjoining communities (including existing and future areas included in the DPO) local destinations, open spaces, points of interest and public transport stops.
- Pedestrian, cycle and vehicle connections that link the subdivision with other main towns in Latrobe.

- The provision of any commercial facilities and the extent to which these can be located with other community facilities to create vibrant, active, clustered and more walkable neighbourhood destinations. To provide centres of social and commercial activity with a mix of land uses and access to public transport with the aim of creating a 'community heart' while also linking these communities to the main towns of Latrobe.

Infrastructure Services

- The provision of an integrated drainage scheme for the area that incorporates water sensitive urban design techniques for improved sustainability and flood mitigation.
- The pattern and location of the major arterial road network of the area including the location and details of any required:
 - Road widening
 - Intersections
 - Access points
 - Pedestrian crossings or safe refuges
 - Cycle lanes
 - Bus lanes and stops
- The pattern and location of any internal road system based on safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.
- An allowance for bicycle lanes in accordance with Latrobe City Bicycle Plan 2007-2010, (as amended).
- The pattern and location of shared pedestrian and bicycle paths should be safe and accessible for all users, including avoiding any obstructions and maximising visual surveillance.
- Pedestrian or cycle routes that maximise shade opportunities and on long routes provide seating and shelter at regular intervals as well as directional and information signage.
- In consultation with the Department of Infrastructure and Latrobe City, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key industrial and commercial areas. Development Plans should include design guidelines that provide direction for design of public transport stops including the provision of shelter or shade protection, the presence of clear sightlines and lighting for safety at night. Stops should also be located near active areas where possible.
- The network of paths connecting all new dwellings with local and large open spaces, as well as activity centres and community hubs.

Open Space

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation.
- Public open spaces designed to provide:
 - Large public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with Latrobe City Public Open Space Plan 2007, (as amended).
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

- Shade, shelter and seating at activity areas as well as at intervals along pathways.
- Where possible, public amenities, drinking taps and bicycle parking facilities to provide comfort and convenience when using public open spaces, in accordance with the Latrobe City Public Toilet Strategy 2006 (as amended) and Latrobe City Bicycle Plan 2007-2010(as amended).
- Opportunities for visual surveillance to promote safety of users, through avoiding the use of walls or hedges and locate open spaces within or adjacent to activity centres where possible. For example:
 - Property and fence lines adjacent to open spaces should be clear and barrier free to enable Continuous Accessible Paths of Travel.
 - Shade structures should not obstruct access.
 - Encourage active frontages and use buildings to frame public places.
- Security lighting at public open spaces and along paths and networks.

Community Hubs and Meeting Places

- The provision of appropriate community facilities based on the size and demographic composition of the population, including schools, pre-schools, maternal child health centres, senior citizen centres and general community centres within a walkable range of 400-800 metres of all residents for large subdivisions.
- The provision of a mix of complementary community services and/or facilities, which could include retail, community centres/meeting spaces and cafes. Design guidelines should be included with the development plan to recognise the need for a mixed use community hub that is:
 - Co-located with other community uses or facilities, such as public open space or schools to encourage greater use and to provide a 'community heart'.
 - Encouraging an increased sense of safety through clearly defined entrances and regular windows, and avoiding blank walls or high fences.
 - Provides lighting for increased safety at night.
 - Encourages vegetation and fencing to be kept low or transparent.
- The provision for community gathering and social interaction particularly where this encourages physical activity for example:
 - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with the Latrobe City Public Toilet Strategy 2006 (as amended) and Latrobe City Bicycle Plan 2007-2010 (as amended);
 - Provide public seating arranged so that interaction is facilitated, these should be provided at regular intervals along paths of travel;
 - Provide shading for seating and picnic areas;
 - Provide trees for shading and aesthetics along pathways and places where people may gather;

- Locate pathways away from potential hiding places and entrapment spots;
- Achieve clear and safe connection through signage, landscaping, lighting and edge treatment; and
- Spaces designed to accommodate community events and cultural programs including local arts activities and other festivals.

Process and Outcomes

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development.

4.0

Decision guidelines for development plan

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

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- Latrobe City Healthy by Design Good Practice Guideline April 2008 (as amended);
- Latrobe Healthy by Design – Background and Issues Report (Beca Pty Ltd, December 2007);
- National Heart Foundation of Australia (Victorian Division) 2004, *Healthy by Design: a planners' guide to environments for active living*, National Heart Foundation of Australia (Victorian Division);
- Rescode (Clause 56) – Rescode only applies to residential zones, the Mixed Use Zone and the Township Zone;
- Latrobe City Public Open Space Plan 2007 (as amended).
- Latrobe City Bicycle Plan 2007-2010 (as amended).
- Latrobe City Public Toilet Strategy 2006 (as amended).

CITY INFRASTRUCTURE

11.5.1 HARD WASTE INTERIM COLLECTION SERVICE

AUTHOR: Acting General Manager City Infrastructure
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to seek Council's approval for the provision of an interim hard waste collection service during the 2008/09 financial year in the absence of the finalised 'Safe Collection of Hard Waste' document by the Victorian Work Cover Authority.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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 community of Latrobe Valley. To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.

Strategic Action - Natural Sustainability

Develop facilities to manage waste which enhance the desirability for economic development within Latrobe City.

Key Priority

Collect and process waste in accordance with the waste management strategy.

Policy/Strategy: Latrobe City Waste Management Principles.

1. *Latrobe City will advocate the following waste hierarchy.*
 - *Avoidance;*
 - *Re-use;*
 - *Recycling;*
 - *Recovery of energy;*
 - *Treatment;*
 - *Containment;*
 - *Disposal.*

2. *Latrobe City will strive to be a leader in the management of solid waste. The disposal behaviour exhibited by the Latrobe City organisation shall be equal to or greater than what we expect from the community.*
3. *Latrobe City will apply the principles of Ecologically Sustainable Development (ESD) when developing infrastructure, services and action relating to waste management. ESD principles are:*
 - *Inter-generational Equity;*
 - *Intra-generational Equity;*
 - *Conservation of Biodiversity;*
 - *Precautionary Principle; and*
 - *Global issues.*
4. *Latrobe City acknowledges that the waste generator will be responsible for choosing the appropriate disposal option and the costs associated with that disposal choice.*
5. *Latrobe City will ensure that the actual costs of waste treatment are applied to that service.*
6. *Latrobe City will advocate the need for greater manufacturer's responsibility in material management.*
7. *Latrobe City will be an active regional partner and will consider the regional benefit to social, economic and environmental aspects in the development of waste management services and infrastructure.*
8. *Latrobe City will ensure that it moves to a greater emphasis on material management by ensuring that available data on the quality of waste is obtained to determine its appropriate treatment.*
9. *Latrobe City will develop treatment objectives for handling municipal solid waste. Where appropriate Latrobe City will provide services and infrastructure to support these treatment objectives.*
10. *Latrobe City will continue to identify opportunities for reducing the volume of waste deposited to landfill.*

3. BACKGROUND

Council carried out a hard waste kerbside collection service during the 2003/04 financial year, as it had done for many years. On 1 July 2003, the Victorian WorkCover Authority (WorkSafe) released a document titled '*Non-Hazardous Waste & Recyclable Materials (2003) – OH&S Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste & Recyclable Materials*'. This document prompted Latrobe City Council to re-evaluate how it delivers its services including household kerbside collection.

Latrobe City Council's contract for waste collection and processing was due to expire on 30 June 2004, and the occupational health and safety guidelines were considered in the process of moving to new contracts for waste collection, processing of recyclables and provision of transfer stations. It was determined that a three bin system would be provided for waste collection, with only mechanical handling being allowed.

Following verbal advice from WorkSafe Victoria regarding the risks associated with the provision of a kerbside hard waste collection service, notwithstanding the extensive manual handling involved and potential prosecution by the authority, it was decided to suspend the service.

Latrobe City Council subsequently sought legal advice in April 2005 in relation to Council's risk exposure of providing a kerbside hard waste service. The advice clearly stated Latrobe City Council's responsibility under the *Occupational Health and Safety Act 2004* (the Act) and possible ramifications if Latrobe City Council was found guilty of breaches to the Act or guidelines as it relates to provision of a hard waste service. The legal advice stated: 'If Council does not comply with the guidelines it would be very difficult (if not impossible) for it to convince a court that it had complied with its obligations under the Act'.

The advice went further to state 'Certainly it would not seem possible currently to provide the hard waste collection service without some risk of being prosecuted under the Act for not eliminating or reducing the risks or taking all practicable steps to do so (not to mention other legal risks)'.

As a result of several community representations Council resolved to re-evaluate the decision to suspend the provision of a kerbside hard waste collection service on 18 April 2006.

At a subsequent meeting on 7 August 2006, Council resolved to establish a project review group consisting of councillors, community representatives, council officers and WorkSafe representatives to review the provision of a hard waste collection service.

The project review group held a series of meetings to investigate options for the reinstatement of an appropriate service. The review group agreed on a preferred model, for the provision of a service that included the provision of transfer station vouchers and an optional at-call service.

Council subsequently endorsed the recommendations of the project review group and resolved as follows at the 19 March 2007 Council Meeting:

1. *That the following hard waste service be provided, commencing in the 2007/08 financial year:*
 - *Provision of three vouchers, valued at \$8 each, to all ratepayers in the waste collection areas.*
 - *Vouchers to be distributed to ratepayers with the rates notices.*
 - *Increase the Waste Service Charge by \$24 above the CPI increase of \$5, to cover the cost of the vouchers.*
 - *Amend the transfer station fees to equate to multiples of \$8 for ease of use of the vouchers.*
 - *Allow residents to dispose of all material accepted by the transfer stations, with the utilisation of vouchers.*
 - *Allow residents to book an at-call hard waste collection service limited to the items on the approved list, and a maximum quantity of 1.5 cubic metres.*
 - *The at-call service to cost residents \$43 in addition to the three vouchers.*
 - *Subsidise pensioners and health card holders for the at-call service by \$13 on the assumption that only 90% of vouchers will be utilised.*
 - *This would result in an at-call service for pensioners and health card holders being \$30 in addition to the three vouchers.*
 - *Provide for two separate months in the year for residents to book an at-call service – possibly October and April.*
 - *Continue to provide the two free green waste disposal weekends, with one of them being in the lead up to the fire season.*
2. *That the hard waste project review group meet on a 3 to 4 monthly basis, following commencement of the hard waste service, to monitor and review the hard waste service.*

A further report was presented to Council on 19 November 2007 to consider the recommendations of the Hard Waste Review Group that met on 30 October 2007.

It was noted that the Hard Waste Review Group was divided in its opinion on the provision of a hard waste collection service and that the service be modified to provide a more equitable option for the community.

Council resolved to amend the service as follows:

- a) *Return any unused vouchers by 1 May, 2008 and receive a credit for the commensurate amount.*
- b) *Utilise the vouchers as part payment for the at-call kerbside hard waste collection service as booked to date or the at-call kerbside hard waste collection service planned for April, 2008.*
- c) *Utilise vouchers at Council operated Transfer Stations throughout the 2007/08 financial year.*

The Waste Management Association of Australia (Victorian Chapter) in conjunction with Worksafe, MAV, Local Government and industry representatives met on 19 March 2008, to finalise issues with hooklift safety, bin standards and discuss hard waste best practice guidelines. A proposal to provide advice to the industry and resolve ongoing issues with safety in the collection of hard waste was tabled by Worksafe. The proposal consists of two phases:

- | | |
|---------|--|
| Phase 1 | Identify what the current practices are – to develop best practice; |
| Phase 2 | Develop projects around technological improvements for submission to Worksafe for funding. |

A meeting was held on 1 April 2008, to gather information to finalise the submission to Worksafe. Worksafe Victoria has been working on their 'state of knowledge' paper since 2003 and is now at a point where all sections of the community and industry have a common interest in establishing clear guidelines for the provision of the service within the state.

Discussion also centred on the formation of a sub committee to facilitate the consultation and production of specific guidelines. Latrobe City Council has requested that they have representation on the subcommittee to impart knowledge of the issues affecting local government and industry in regional Victoria.

It remains the decision of individual councils whether to provide the service (in the knowledge that all risks should be clearly defined and minimised).

A draft 'Guide to the Safe Collection of Hard Waste' was released for comment of the 2 June 2008, with comments from councils and industry representatives required by 11 June 2008.

WorkSafe have indicated to Latrobe City officers that the final 'Guide to the Safe Collection of Hard Waste will be published in mid July 2008.

The WorkSafe guide will provide a basis for future service models by all councils in Victoria providing a kerbside hard waste collection service. However, until the document is published Latrobe City Council may wish to consider the provision of an interim hard waste kerbside collection service.

4. **ISSUES**

Hard waste collection was a popular service for residents. According to data provided by Sustainability Victoria, hard waste forms less than 2% of the domestic waste stream. Collection methods across the state include kerbside collection (annual/bi-annual/quarterly), at-call collection, provision of skip bins and allocating transfer station voucher/coupons or a combination of the above methods.

Many residents perceived the previously provided kerbside hard waste collection as a free service, as it was funded from general rates. It could be argued that not all residents would utilise a kerbside hard waste collection service, hence it would be more equitable for it to be provided on a user pays basis. By aggregating the cost of the collection and disposal of waste generated during a hard waste collection service those who produce little waste would be penalised, and those who produce larger quantities would benefit.

However, it should be acknowledged that there is a disadvantaged section in the society (elderly, disabled and those without access to transportation) who require access to an appropriate arrangement to dispose of their hard waste, other than transporting it to one of the transfer stations within the City.

Community Expectations

Early in the review process the community representatives, in consultation with their respective communities, tabled the community expectations relating to a hard waste collection service.

The general consensus from the community representatives was that the community expects a minimum of one green waste & one hard waste collection per annum, and that the key items for collection should include:

- Green waste that will not fit in the bin
- Large items of furniture
- Whitegoods

Acceptable and Non-Acceptable Material

Defining the material acceptable for a hard waste collection service is very important in the provision of a safe collection service. Using the above as a guide the project group prepared a list of material that could feasibly be collected in a hard waste service. The following material is deemed acceptable for collection on the kerbside:

Acceptable Material		
Metal Items		
Tyre Rims	Car Panels	Old Tools
Piping	Empty Drums/ Cans	Bath Tubs
Sheets of Iron	Bed Frames	Sinks / Troughs
Scrap Metal		
Furniture		
Mattresses	Floor Covering	Tables
Chairs	Exercise Equipment	Shower Screens
Couches		
Household Items		
Hot Water Services	Computers	Fridges
Freezers	Ceiling Fans	Light Fittings
Heaters	Printers	Photo Copiers
Air Conditioners	Stoves	Televisions
Microwave Ovens	Video Recorders	Kettles
Toasters	Washing Machines	Dishwashers
Driers		

Particular material was assessed by the Hard Waste Review Project Group and considered unsuitable for collection. Therefore the following waste should not be eligible for collection from the kerbside due to the occupational health and safety risks they pose to employees and the public;

Non -Acceptable Material		
Excavated Material	Building Rubble	Grass Clipping
Car Bodies (Complete)	Engines	Asbestos
Fuels	Inflammable Materials	Weeds
Chemicals	Hazardous waste	Industrial Waste
Oils	Batteries	

Legislation

The Occupational Health & Safety Act (2004), which clearly outlines the duty of care for employers and employees to provide and contribute to a healthy and safe workplace, is applicable when a hard waste collection service is provided, either as a direct service or by contract.

Under the OHS Act 2004, The Occupational Health and Safety (Manual Handling Regulations) 1999 sets out specific duties for employers and employees in regard to protecting people at work against musculoskeletal disorders caused by manual handling. An employer must identify any task undertaken, or to be undertaken, by an employee involving hazardous manual handling and seek, as far as reasonably practicable, to ensure that the risk of a musculoskeletal disorder associated with a hazardous manual handling task affecting an employee is eliminated. If it is not reasonably practicable to eliminate the risk other options to reduce the risk are available such as altering the workplace layout or environment; amending the work systems; changing the objects used in the task; using mechanical aids; or a combination of the above. If the controls previously listed are not reasonably practicable for an employer to reduce the risk of a musculoskeletal disorder the employer may control that risk by the use of information, training or instruction.

Changes to the Occupational Health and Safety Regulations in July 2007, have consolidated most existing regulations into one statutory rule. No substantive changes in relation to manual handling responsibilities has occurred. The main change is the removal of the requirement to undertake a formal risk assessment and the amendment of risk control duty to include greater specificity of the factors to be controlled.

The Code of Practice for Manual Handling (2000) provides practical guidance on how to comply with the regulations. It is a tool that could be used by employers to assess manual handling risks and develop controls to address these risks. The templates for manual handling risk assessment were used by the Kerbside Hard Waste Collection Review Project Group to help determine the nature of the proposed collection system.

Worksafe Victoria has also developed guidelines which provide additional information that employees can use as a guide to how they may comply with their duties under the OH&S Act. The "Occupational Health & Safety Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste and Recyclable Materials" is not directly applicable to Hard

Waste Collection or non-containerised green waste collection, but the controls listed in the guide for hazards such as manual handling can be used to provide examples of solutions that Council may wish to apply in the case of similar manual handling tasks being identified in a hard waste collection service.

Potential Hazards

Potential Hazards of hard waste collection in the provision of a kerbside collection service are:

- Manual handling sprains and strains hazards
- Aesthetics and visual hazards
- Biological hazards
- Cuts and abrasions
- Crushing and contusions
- Contractor management hazards
- Environmental hazards
- Financial hazards (insurance Impacts)
- Hazardous material exposure
- Noise hazards
- Outdoor hazards - temperature
- Outdoor hazards - UV radiation
- Plant – physical/mechanical
- Traffic
- Trips/Falls
- Vandalism
- Work at heights

Risk Assessment

Council officers conducted Manual Handling Risk Assessments for all of the items in the list of acceptable materials.

The Code of Practice for Manual Handling (2000) has been used as guidance for the Risk Assessment. This Risk assessment procedure is an iterative process, which begins with a basic hard waste collection system (e.g. truck and two workers). Once the risks are established appropriate controls are introduced and the risk is re-assessed. This process continues until safe work method is identified.

The above risk assessment procedure was applied to several potential collection environments within Latrobe City. Collection environments were selected from a combination of the following factors:

- Kerb type (with kerb & no-kerb);

- Road category (sealed road, gravel road);
- Road slope (uphill, downhill); and
- Weather condition (dry, wet).

The Risk Assessments identify that any item in the list may have risk control measures implemented that greatly reduce the risk of work-related injury.

Risk Control Procedure

Any potential Contractor would be required to complete risk assessments for each scenario and submit a risk control plan, to be implemented during collection.

Contractor's risk assessments and risk control procedures are important matters to address during the tendering phase. In the tender evaluation criteria a high weight should be given to Contractor's OH&S management system. The preferred Contractor's OH&S management system would need to be carefully scrutinised prior to awarding a contract.

The Contract Supervisor should be satisfied that the equipment deployed is the same as the equipment identified in the tender, as a reasonable and practicable risk control measure. If the Contractor proposes the use of alternative equipment or methods, full risk assessments would be required to ensure the alternative achieves Council's OH&S requirements. The contract should have strict procedures to deal with OH&S non-conformance.

Amenity

The visual impact of hard waste collection, particularly an annual kerbside hard waste collection is a common problem for Councils which provide this type of service.

Residents not presenting waste as advised, scavenging, vandalism and the lengthy delays in collecting the material from the kerbside are the main causes for the unpleasantness.

Council Responsibility

Pursuant to Section 21(1) of the Occupational Health and Safety Act, 2004 ("the Act"), Council has a very broad duty to provide all employees with a safe workplace. Importantly, particularly for the Council when considering the issue of hard waste collection, an "employee" for the purpose of sections 21(1) and (2) of the Act, includes an independent contractor engaged by an employer and the employees of that independent contractor.

When engaging a contractor to carry out its hard waste collection services, Council cannot contract out of its duty to provide a safe workplace by passing responsibility to the contractor.

Council would need to undertake all steps practicable to ensure that the employees and/or contractors providing any hard waste collection service, carry out the service in a manner which complies with obligations under the Act.

If an injury was to occur in the provision of a hard waste collection service, then the Victorian WorkCover Authority ("the Authority") would, particularly if the injury is serious, investigate the incident. The relevant question then will be whether or not the Authority, after it completes its investigation, is satisfied that Council took all steps that the Authority considers "practicable" in planning and providing the service.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The cost to provide two (2) 'at call' kerbside hard waste collections during the 2008/09 financial year has been based on the number of residents eligible for a subsidy who utilised the 'at-call' service in 2007/2008.

A provision of \$10,000 has been made in the 2008/09 recurrent budget to allow for a continued subsidy to pensioners and those residents with a current health care card.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City Council has utilised the following methods of engagement; Print Media, Link, personal letters, independent consultants and focus groups.

Details of Community/Consultation Results of Engagement:

Latrobe City officers have received many representations regarding the former service. Officers have been active in requesting guidance and providing input to the provision of future kerbside hard waste services within the state of Victoria.

7. OPTIONS

Consensus on a preferred system even if the Hard Waste Collection Review Project Group was to meet again is doubtful. However, there are two outcomes which appeared to be supported by all parties:

1. A hard waste system should be offered by Latrobe City Council. The format of which is not agreed upon nor is the extent of the service.
2. The current format is not ideal and should undergo change.

In light of these two points there are three possible options;

Option 1

An at-call kerbside collection service could be offered once or twice a year at the full estimated cost of providing that service: Current estimates would indicate a cost of between \$60 and \$70 per collection. A subsidy could be provided for pensioners as it is clear from the statistics that they make up approximately 50% of the patrons to date. This is the section of the community most in need of the services. The subsidy could be in the order of \$20 to \$40 per collection. A preliminary allocation has been provided in the 2008/09 recurrent budget for this subsidy.

Those not wishing to use the service could choose to deposit loads directly to the transfer station of their choice and pay the advertised fee. Whilst this seems to underpin a full 'user pays' service, only the full fee paying at-call service customers truly pay the total cost. For the transfer station service to move to a scenario of full cost recovery, gate fees would have to increase two fold or greater.

Option 2

Keep the voucher system in place:

It would be wise to incorporate the cost of providing this service into the garbage charge or general rates if this was the chosen option.

The implementation of this approach would allow a greater level of subsidy to both the 'at-call' and transfer station services and reduce the required fee. The feedback received in relation to the vouchers is that a larger number of residents object to receiving a compulsory charge for a service they may not utilise.

Option 3*Provide no service:*

This option would not meet the requirements of the community. A further option in this regard is to investigate private operators (steel collectors, white goods collectors) who may be able to operate their individual services on a commercial basis. Latrobe City Council could invite expressions of interest from private companies interested in providing a collection service without Council involvement.

8. CONCLUSION

It is believed that the community will expect a hard waste service of some description. In the absence of the pending Guide to the Safe Collection of Hard Waste Council may wish to offer an interim service, which will be reviewed upon the release of the abovementioned document.

9. RECOMMENDATION

1. That Council approves an Interim Kerbside Hard Waste Collection Service. The service format will be an 'at-call' booked collection service provided in November 2008 and April 2009. Residents wishing to utilise the service will be limited to 1.5 cubic metres of waste material. The cost for the service will be two tiered:

- a. Full cost of service at \$60.00 per collection: and
- b. Pensioner/health care card at \$30.00 per collection.

The following material will be acceptable for collection:

Acceptable Material		
Metal Items		
Tyre Rims	Car Panels	Old Tools
Piping	Empty Drums/ Cans	Bath Tubs
Sheets of Iron	Bed Frames	Sinks / Troughs
Scrap Metal		
Furniture		
Mattresses	Floor Covering	Tables
Chairs	Exercise Equipment	Shower Screens
Couches		

Acceptable Material		
Household Items		
Hot Water Services	Computers	Fridges
Freezers	Ceiling Fans	Light Fittings
Heaters	Printers	Photo Copiers
Air Conditioners	Stoves	Televisions
Microwave Ovens	Video Recorders	Kettles
Toasters	Washing Machines	Dishwashers
Driers		

The following material will not be acceptable for collection:

Non -Acceptable Material		
Excavated Material	Building Rubble	Grass Clipping
Car Bodies (Complete)	Engines	Asbestos
Fuels	Inflammable Materials	Weeds
Chemicals	Hazardous waste	Industrial Waste
Oils	Batteries	

- 2. That Council reviews the interim arrangement upon the release of the WorkSafe: Guide to the Safe Collection of Hard Waste.**

Moved: Cr Wilson

Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

CORPORATE SERVICES

11.6.1 **PROPOSED ROAD NAME CHANGE - CRINIGAN ROAD, MORWELL, WEST OF MARYVALE ROAD, MORWELL**
AUTHOR: Acting General Manager Corporate Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory process to rename Crinigan Road, west of Maryvale Road Morwell, to Crinigan Road West.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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 name changes. The statutory procedure is specified by legislation.

3. BACKGROUND

Crinigan Road, Morwell runs east west from Alexanders Road in the east, crosses Maryvale Road and finishes west of Jason Street as shown on the attached plan. With the introduction of rural road numbering Council is required to allocate rural road numbers to the west of Maryvale Road.

Due to the urban Street numbers commencing at Maryvale Road in an easterly direction to Alexanders Road, it is not possible to allocate correct distance related numbers to properties on the west side without creating duplicate numbers. The measurement for these numbers would need to commence at Maryvale Road, and therefore there would be a creation of duplicate numbers between rural and urban areas.

To resolve this problem it is proposed that Council rename the section of Crinigan Road, Morwell between Maryvale Road and Jason Street to Crinigan Road West.

4. **ISSUES**

Pursuant to Section 206 and Schedule 10 clause 5 of the *Local Government Act 1989*, Council as a responsible road authority may approve, assign or change the name of a road and allocate or alter street numbers.

Council is also required to comply with the statutory requirements of the *Geographic Place Names Act 1998* and guidelines when renaming a street or road. Part of the process requires Council to consult with affected property owners and the general community.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Cost associated with the proposed road name change are minimal, being a public notice and possible change of road signage and notification to statutory authorities.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Write directly to property owners and a Public Notice in the Latrobe Valley Express.

Details of Community/Consultation Results of Engagement:

Similar to the provisions of Sections 223 of the Local Government Act 1989 is it proposed to give public notice of Councils intention to consider renaming a section of Crinigan Road, Morwell. It is proposed that any objections received be considered at the Council meeting to be held on Monday, 18 August 2008.

Council has previously invited comments from the property owners in relation to the road name change. The property owners have indicated a preference to maintaining the word Crinigan in the street name rather than a totally different street name.

7. OPTIONS

Council has the following options:

1. Give notice of its intention to rename the western part of Crinigan Road, Morwell to Crinigan Road West, Morwell.
2. To select another name and give public notice.
3. To take no action, however this is not preferred as it will not resolve the existing problems with mail delivery and location of properties.

8. CONCLUSION

To comply with the requirements of rural addressing and resolve the existing problems with mail delivery and location of properties, it is recommended that Council commences the statutory process to rename the western section of Crinigan Road, Morwell.

9. RECOMMENDATION

1. **That Council gives public notice of its intention to consider renaming the section of Crinigan Road, Morwell west of Maryvale Road, to Crinigan Road West pursuant to Local Government Act 1989 and the Geographic Place Names Act 1998 and guidelines.**
2. **That Council considers any submissions received in relation to renaming the section of Crinigan Road, Morwell west of Maryvale Road, to Crinigan Road West at the Ordinary Council Meeting to be held on Monday, 18 August 2008.**

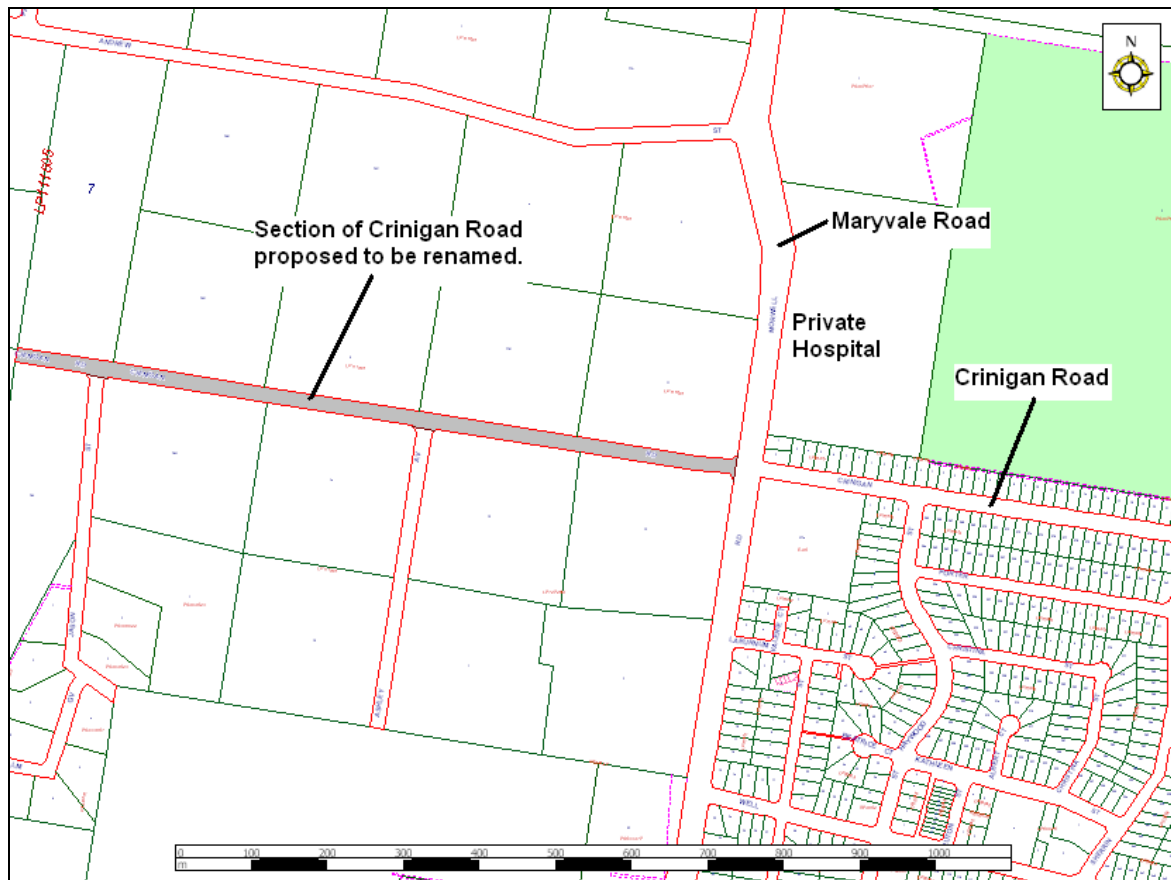
Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



11.6.2 **PROPOSED ROAD DISCONTINUANCE - UNNAMED LANEWAY
BETWEEN JILL STREET AND MARGARET STREET, MORWELL**
AUTHOR: Acting General Manager Corporate Services
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory process to discontinue the unnamed laneway between Jill Street and Margaret Street, Morwell to allow the land to be sold by private treaty.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

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 closures. The statutory procedure is specified by legislation.

3. BACKGROUND

The laneway is at the rear of 42 to 52 Hopetoun Avenue, Morwell, and runs between Jill Street and Margaret Street, as shown on the attached plan.

This laneway was originally created in 1952 as a road on Plan of Subdivision 23718 and is contained in Certificate of Title Volume 9193 Folio 662 which remains in the name of Manthos Investments Pty Ltd.

The laneway has a width of 3 meters and a length of 39 meters, remains unconstructed and is not required for access to any of the other adjoining properties.

Council has received a joint application from the owners of 44 and 46 Hopetoun Avenue, Morwell, to acquire the existing laneway at the rear of their properties for private rear access. Should the surplus laneway be discontinued, Council would then be in a position to sell the land.

4. **ISSUES**

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act 1987* –

- ii. discontinue a road, or part of a road, by a notice published in Victoria Government Gazette: and
- iii. sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

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

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

It is proposed that Council would consider submissions at the Council Meeting to be held Monday, 18 August 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 Victoria Government Gazette.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

- *Public notice in the Latrobe Valley Express.*
- *Letters to adjoining property owners and Gippsland Water.*

Details of Community/Consultation Results of Engagement:

In accordance with Section 223 of the Local Government Act 1989 any submissions that are received regarding this matter will be referred for consideration at a further meeting of Council.

7. OPTIONS

Council may now resolve to either:

1. Commence the statutory process to discontinue the unnamed laneway between Jill Street and Margaret Street, Morwell, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not to continue with this process which will require no further action.

8. CONCLUSION

The unnamed laneway between Jill Street and Margaret Street, Morwell, is unconstructed and considered surplus to Council's road network requirements.

It is recommended that Council commences the statutory process to discontinue the road to enable the transfer of the land by private treaty.

9. RECOMMENDATION

1. **That Council gives public notice of its intention to consider the discontinuance and sale by private treaty of the unnamed laneway between Jill Street and Margaret Street, Morwell, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.**
2. **That Council considers any submissions received in relation to the discontinuance of the unnamed laneway between Jill Street and Margaret Street, Morwell, at the Ordinary Council Meeting to be held on Monday, 18 August 2008.**

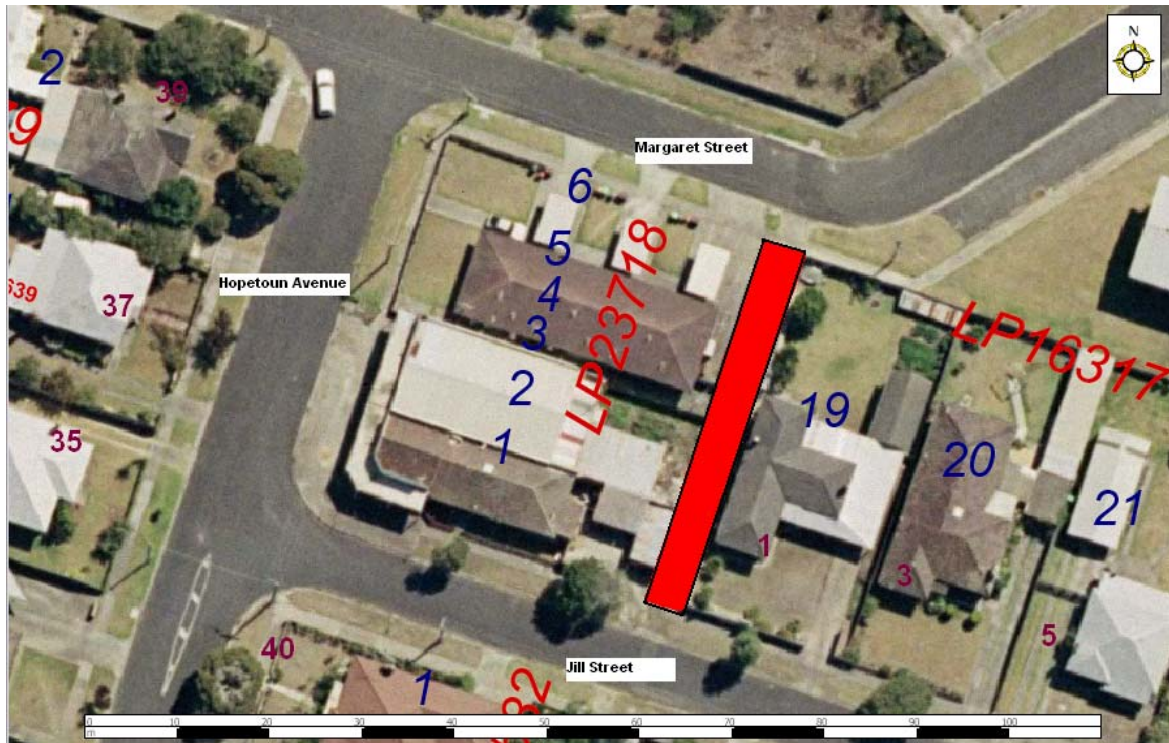
Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 8.00 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.12 pm.

Moved: Cr Middlemiss

Seconded: Cr Price

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	COMMUNITY GRANT REQUEST FROM THE NEWBOROUGH VILLAGE TRADERS ASSOCIATION INCORPORATED	Other
14.4	LANDFILL FEES	Other
14.5	MOE / NEWBOROUGH SPORTS STADIUM REFURBISHMENT	Contractual
14.6	PAINTED PAVEMENT MARKINGS	Contractual
14.7	SUPPLY AND DELIVERY OF MEALS ON WHEELS	Contractual
14.8	SUPPLY AND DELIVERY OF QUARRY PRODUCTS	Contractual

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.13 pm.