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LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 04 AUGUST 2008

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward
Cr Doug Caulfield - Gonyah Ward
Cr Sandy Kam - Galbraith Ward
Cr Susan Lloyd - Burnet Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Lisa Price - Farley Ward
Cr Darrell White - Firmin Ward
Cr David Wilson - Dunbar Ward
Cr Anthony Zimora - Merton Ward
Paul Buckley, Chief Executive Officer
Seona Conway, General Manager Organisational Excellence
Michael Edgar, Acting General Manager Community Liveability
Caroline Flake, Manager Council Operations - Legal Counsel
Katie Garlick, Council Operations Administration Officer
Allison Jones, General Manager Economic Sustainability
Philip Marsh, Acting General Manager Governance
Peter Quigley, General Manager Built and Natural Environment Sustainability
Grantley Switzer, Acting General Manager Recreational and Cultural Liveability

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ORGANISATIONAL EXCELLENCE

NIL

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NIL

TEA BREAK

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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 Kam declared an interest in Item 11.1.1 as it directly relates to herself.

4. Adoption of Minutes

Moved: Cr Zimora

Seconded: Cr Middlemiss

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 21 July 2008 (CM 273) be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 CARAVAN PARK MOE

Mr David Taylor asked the following question:

Question

Now that the Moe Race Club has acquired the Moe Caravan Park lease, I understand that the Moe Race Club has the intention to expand the race track into part of the caravan park, will the caravan park be replaced if this happens?

Answer

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

Our Ref: DataWorks 327901
BL:HJM

6 August 2008

Mr David Taylor
220 McDonalds Track
HERNES OAK VIC 3825

Dear Mr Taylor

COUNCIL MEETING PUBLIC QUESTION TIME - MOE GARDENS CARAVAN PARK.

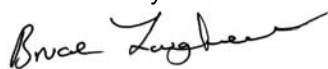
I refer to your question submitted at the 4 August 2008 Council Meeting relating to the expansion of the Moe Race Track into the Moe Gardens Caravan Park.

The existing Section 17D Crown Land (Reserves) Act 1975 Lease recently transferred to the Moe Racing Club states pursuant to Clause 7 of Schedule 1 of the lease that the permitted use of the premises is for a caravan park. Any variation of permitted use of the leased premises would require the consent of both Latrobe City Council and the Department of Sustainability and Environment.

At present, Council has not received a request from the Moe Racing Club to vary the permitted use of the Moe Gardens Caravan Park. In event that such a request was received, Council would consider the merit of the proposal and assess the future requirements for a caravan park in the Moe area.

On behalf of Council I thank you for submitting this question.

Yours sincerely



CR BRUCE LOUGHEED
Mayor

CHIEF EXECUTIVE OFFICER

**11.1.1 OVERSEAS TRAVEL IN RELATIONSHIP TO STUDY AND
PERSONAL DEVELOPMENT CR SANDY KAM**

AUTHOR: Executive Manager Executive Projects
(ATTACHMENT – YES)

1. PURPOSE

This report is presented in accordance with the Provision of Resources and Support to Councillors Policy, on behalf of Cr Sandy Kam who seeks approval from Council to attend the 17th International Safe Communities Conference to be held in Christchurch, New Zealand from 20 to 23 October 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 - To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Democratic Governance Community Outcome

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

This strategic objective and community outcome recognises that Councillors may require support and resources in order to effectively and efficiently represent and advocate on behalf of the community of Latrobe City.

Policy No. Provision of Resources and Support to Councillors Policy - GEN-EO 005

Latrobe City will provide elected Councillors with a range of resources and support to enable them to effectively carry out their complex role. The resources provided to Councillors include, a Councillor's allowance, payment of certain expenses and the provision of communication equipment.

Support to Councillors includes access to training and developmental opportunities provided to facilitate an enhancement of skills during their term of office.

3. **BACKGROUND**

On 4 September 2006, Council adopted the Provision of Resources and Support to Councillors Policy (see attached). This policy identifies that Latrobe City is committed to ensuring that all Councillors are provided with access to development and training opportunities necessary to enable them to perform their duties and responsibilities as Councillors.

Each Councillor is allocated up to \$2,000 (inclusive of travel, meals and accommodation, if required) on an annual financial year basis for personal development where such development is considered to be in the interest of the Latrobe City community. This financial support is conditional upon a Councillor developing an Individual Councillor Developmental Plan which has been approved by the Mayor and the Chief Executive Officer.

Cr Sandy Kam has written to Council seeking approval to attend the 17th International Safe Communities Conference (see attached). The cost of attending this conference will exceed the annual allocation for Cr Kam, under the Provision of Resources and Support to Councillors Policy, Councillors by \$435. However in addition to seeking this additional allocation of \$435 under the policy provisions Cr Kam must seek formal approval from Council as this course involves overseas travel.

The theme of the 2008 17th International Safe Communities Conference is working together to make a difference to strengthen community safety as an integral part of national and international injury, health, crime and violence policies, research and programs.

An outcome of the conference will be the development of increased synergies that foster partnerships between those working at all levels of injury prevention, crime prevention and safety and improve the evidence base through exchanges of the most recent findings in all fields of community safety.

The conference will have a number of eminent keynote speakers from across the Asia-Pacific Region and provide Cr Kam with an opportunity to develop relationships with other Councillors and experts in the field of community safety from across the world.

4. **ISSUES**

Cr Kam has a Councillor Individual Development Plan which has been assessed and approved by the Mayor and the Chief Executive Officer.

In accordance with the Provision of Resources and Support to Councillors Policy, Councillors must, regardless of the overall cost, seek formal approval from Council for any course that involves interstate or overseas travel. In respect of overseas travel, this clause of the policy is to ensure good governance and community accountability. In addition, all overseas travel by Councillors and Officers, when sanctioned by Council, is recorded in a Register which is a public document.

After undertaking any individual professional or personal development course, Councillors must provide a brief written summary to fellow Councillors. The summary should outline the benefits of the training to themselves and to Council operations.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Cr Kam has not incurred any expenditure in respect of the 2008/09 \$2,000 annual allocation for personal development activities.

The expenditure to attend the 17th International Safe Communities Conference in Christchurch, New Zealand is:

- Airfare - \$850 (return including taxes)
- Conference Fees - \$985 (NZ\$)
- Accommodation - Less than \$600 (NZ\$).

The total cost of attending the conference will not exceed the sum of \$2,435.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used: Not applicable

7. **OPTIONS**

Council may approve the cost of overseas travel to New Zealand for Cr Kam to attend the 17th International Safe Communities Conference at a cost not exceeding of \$2,435 to be held in Christchurch, New Zealand between 20 and 23 October 2008 or Council may choose to reject the proposal.

8. CONCLUSION

In addition to the corporate training and development needs of Councillors, individual Councillors often have specific requirements to enable them to maximise their potential in serving the Latrobe City community. Cr Kam has identified a conference that has the potential to provide benefit to her in her role as a Councillor and in serving the Latrobe community.

9. RECOMMENDATION

1. That Council supports Cr Kam's attendance at the 17th International Safe Communities Conference in Christchurch, New Zealand from 20 October to 23 October 2008 and approves the overseas travel associated with her attendance at the conference and that costs will be covered by Council up to \$2,435.00
2. That Cr Kam provides, on her return, a brief written summary to fellow Councillors outlining the benefits of her attendance at the 17th International Safe Communities Conference in Christchurch, New Zealand in her role as Councillor and to Council operations.

Moved: Cr Caulfield

Seconded: Cr Lloyd

Cr Kam left the Council Chamber at 7.09 pm.

1. **That Council supports Cr Kam's attendance at the 17th International Safe Communities Conference in Christchurch, New Zealand from 20 October to 23 October 2008 and approves the overseas travel associated with her attendance at the conference and that costs will be covered by Council up to \$2,000 with the balance being paid directly by Cr Kam.**
2. **That Cr Kam provides, on her return, a brief written summary to fellow Councillors outlining the benefits of her attendance at the 17th International Safe Communities Conference in Christchurch, New Zealand in her role as Councillor and to Council operations.**

CARRIED UNANIMOUSLY

Cr Kam returned to the Council Chamber at 7.10 pm.

ATTACHMENTS**POLICY MANUAL****GEN-EO 005**

**Document Name: Provision of Resources and Support to Councillors Policy
Version No 3****Department Head: Manager Executive Office****Date: 12/12/2012****Adopted by Council: 4th September 2006.**

Policy Goals

Latrobe City will provide elected Councillors with a range of resources and support to enable them to effectively carry out their complex role. The resources provided to Councillors include, a Councillor's allowance, payment of certain expenses and the provision of communication equipment. Support to Councillors includes access to training and developmental opportunities provided to facilitate an enhancement of skills during their term of office. The Local Government Act 1989 (Section 75) provides for the reimbursement of "necessary out of pocket expenses" incurred while performing duties as a Councillor. The Provision of Resources and Support to Councillors Policy is designed to:-

- assist Councillors to effectively carry out their roles;
- clearly set out the level of resources Council will provide to any person who is elected to Council;
- assist in the provision of clear audit guidelines;
- provide mutual accountability between elected Councillors;
- assist Council officers in providing necessary support and resources.

Relationship to Council Plan

This policy relates to Strategic Objective 3, Governance, Strategy 3.1, Democratic Governance and Strategic Objective 3.3, Legislative Compliance. This strategic objective recognises that Councillors may require support and resources in order to effectively and efficiently represent and advocate on behalf of the community of Latrobe City.

Policy Implementation

The basic test applied to determine whether or not a Councillor incurs an expense that can be lawfully reimbursed, is whether the expenditure is necessary because it is supplemental or incidental to or consequent on the exercise of council functions. Where this criterion is satisfied and a Councillor has incurred an out of pocket expense they may be reimbursed by Council.

Each year Council resolves which Councillors will provide representation on a number of specific organisations or committees with the delegated authority of Council on appropriate matters. For these organisations and committees the nominated Councillors or their substitute are considered Council representatives at regular meetings or any special events. Council will meet any necessary reasonable expenditure required for such attendances by the delegated or substitute Councillor.

Council provides for payment of travel reasonable allowances, child care expenses, communication expenses where the council provides a computer and internet connection; mobile phone; and facsimile/photocopy/printer machine.

1. Resources for Councillors

Councillors will be provided with the following resources during their term of office:

1.1 Councillors' Allowance

Councillors' allowance, pursuant to sections 74 and 74B of the Local Government Act 1989. The level of the allowance will be determined within the statutory limits each year by Council. This allowance is paid to meet the general out-of-pocket expenses of Councillors, incurred while carrying out their responsibilities.

1.2 Travelling

Travelling expenses will be paid to Councillors at the Local Government Award rate under the following circumstances:

- To attend Ordinary and Special Council Meetings and Information and Discussion sessions of Council.
- To attend civic or ceremonial functions convened by the Council or Mayor.
- To attend meetings scheduled by Council or the Mayor.
- To attend meetings, or to participate in delegations or deputations to which the Councillor has been appointed as a representative by Council, the Chief Executive Officer or Mayor.

- To attend a meeting, function or other official role attended as a representative of, and under delegation by, the Council or Mayor.
- To attend meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed as the Council delegate or is authorised by Council.
- To attend inspections of a street, property or areas within Latrobe City (or to discuss with any persons) any matter affecting or affected by the Council, and/or to attend to carrying out activities in the capacity of a Councillor.

When Councillors are required to travel interstate, the mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost effective form of transport.

- Claims are to be submitted at a frequency convenient to the Councillor, but not less than quarterly.

The Mayor will be provided with a fully maintained and fuelled Council vehicle in accordance with the Mayoral Vehicle Policy.

1.3 Stationery

The Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries, writing pad/books, computer discs and paper, envelopes and the like.

1.4 Reimbursement of Child Care Expenses

Councillors incurring bona fide child care expenses paid to a recognised child care provider; or to a person who does not:-

- have a familial or like relationship with the Councillor; or;
- reside either permanently or temporarily with the Councillor; or
- have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider;

Councillors will be reimbursed such child care expenses when the child care is necessary in order to allow the Councillor to attend:-

- Council meetings and Council business related to Council meetings:
- Council functions;

- Meetings arising as a result of a Councillor being appointed by the Council to an external body.

1.5 Provision of Office Equipment

Councillors will be provided with the following office equipment to assist in performing their official Council duties:

- A laptop computer, appropriate software and accessories.
- A combined answering machine / fax / copier / scanner / printer connected to a second (dedicated) telephone connection at their place of residence
- Mobile telephone with the capacity to receive and send emails.

The Council will meet the line and call costs of the dedicated telephone connection used for official Council duties. The Council will also meet the fixed charge and call costs of the mobile telephone and an Internet connection used by a Councillor for official Council duties. The direct costs of any private use of these facilities should be reimbursed to Council.

All equipment remains the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement or resignation of the Councillor.

1.6 Other Expenses

Councillors will be reimbursed for necessary out-of-pocket expenses incurred while performing duties as a Councillor in accordance with Section 75 of the Local Government Act 1989 and where the expenditure is necessary for and consistent with the achievement of the current Council Plan goals and objectives.

2. Secretarial Support for Councillors

Secretarial support will be made available for Councillors to assist them with diary management and in responding to correspondence, enquiries and requests for service as part of their official duties as a Councillor.

Council business papers, personal mail and other Council information will be; couriered to Councillors' places of residence, placed in Councillors' communication boxes or forwarded by electronic mail, as may be arranged with individual Councillors, weekly or as required.

3.1 Councillor Development and Training

Latrobe City is committed to ensuring that all Councillors are provided with access to development and training opportunities necessary to enable them to perform their duties and responsibilities as Councillors. Each year, Council will develop a program of activities designed to meet the overall corporate training and development needs of Councillors. These activities may include conferences, seminars and workshops to which all Councillors will be invited to attend. The expenses involved in attending these activities will be paid by Council and will not involve any claimable expenses.

3.2 Individual Professional and Personal Development

In addition to the corporate training and development needs of Councillors, individual Councillors may have specific requirements to enable them to maximise their potential in serving the Latrobe City community. Many courses, conferences seminars and workshops are available and can provide benefit to individual Councillors. Many specific opportunities cannot be identified in advance and each Councillor may have different developmental needs.

Each Councillor is allocated up to \$2000 (inclusive of travel, meals and accommodation if required) on an annual financial year basis for personal development where such development is considered to be in the interest of the Latrobe City community. This allocation is not transferable to another Councillor nor can it be carried forward into the next budget cycle. Should a Councillor identify or wish to pursue a personal development program or course that exceeds the annual allocation of \$2,000 the matter must be referred to Council for a decision. In considering this matter, Council will take into consideration the merits of the program or activity and the Councillor's personal development plan in accordance with the overall parameters set by this policy. Regardless of the overall cost, Councillors must seek formal approval from Council for any course that involves interstate or overseas travel.

Individual Councillor developmental plans are to be submitted to, and approved by the Mayor and the Chief Executive Officer prior to incurring any expenditure. Developmental programs that qualify for this expenditure, provided that these relate to the areas of local government activity, leadership, governance in the context of the role of Councillor, or enhance the personal skills of the individual to undertake the role include but are not limited to:

- Specific workshops, seminars and conferences;
- Undergraduate and post graduate studies;

- Short courses, and study tours that relate to the areas of local government activity, leadership, governance in the context of the role of councillor, or enhance the personal skills of the individual to contribute to the good governance of Latrobe City.
- Where practical the course will be held in Victoria.

After undertaking any individual professional or personal development course, Councillors must provide a brief written summary to fellow Councillors. The summary should outline the benefits of the training to themselves and to Council operations.

There is to be quarterly reporting to Council of expenditure incurred under this policy by each Councillor identifying the cost, type of course undertaken and the benefit achieved by attending such course. The Governance Team will prepare this report from the information sheet provided by Councillors who have undertaken any course, which has incurred a cost against the Councillor's allocated personal development budget.

Signed :

Manager Executive Office

Date :

7th September 2006

Mayor Bruce Lougheed
Latrobe City Council

Dear Bruce

I would like to express my interest in attending the 17th International Safe Communities Conference in Christchurch New Zealand, that is being held on Monday 20 October 2008 until Thursday 23 October 2008.

I look forward to your response.

Yours Sincerely

Cr Sandy Kam
Latrobe City
Galbraith Ward

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ECONOMIC SUSTAINABILITY

11.2.1 REVIEW OF ECONOMIC DEVELOPMENT ASSISTANCE POLICY

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the updated Economic Development Assistance Policy to Council for adoption.

2. POLICY IMPLICATIONS

Policy No. GEN-GLS 001 - Council Policy Development Policy

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

Council Plan 2008-2012 and Latrobe 2021

Strategic Objective - Sustainability

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

3. BACKGROUND

The Economic Development Assistance Policy is designed to both attract new employers and to assist with the expansion of existing employers in Latrobe City. This specific aim is to encourage business expansion or attraction by the provision of some form of direct individual financial assistance and is evidence of Council's commitment to increasing employment opportunities throughout the municipality.

At the Ordinary Council Meeting held on 19 June 2006, Council adopted the Economic Development Assistance Policy.

The Policy has been amended to relate to specific Strategic Objectives and Actions contained within the Council Plan 2008-2012 and outlined in Latrobe 2021: The Vision for Latrobe Valley.

In addition, some minor grammatical amendments have been made.

4. ISSUES

Significant changes have been made to the existing Economic Development Assistance Policy and these are summarised as follows:

- Clause 1 Range of assistance available to include provision of statistical data;
- Clause 1 Range of assistance available to include provision of information on the local business environment including relevant networks;
- Clause 2 Preference for non direct financial assistance to include monetary support offered only if deemed necessary to secure an investment;
- Clause 3 Individual financial assistance packages to include officers will investigate state or federal government assistance that may be available either as stand alone funding or in partnership with Council;
- Sub-clause 3.2 Benefit Assessment. In negotiating economic development assistance further diversification of the local economy has been included as a beneficial factor;
- Sub-clause 3.3 The inclusion of a confidentiality condition detailing where an assessment of an application for financial assistance will occur;
- Clause 4 Risk assessment to include each individual financial assistance package shall be assigned a dollar value appropriate to the general funding guide and budget funding available, and undergo a risk assessment to ensure Latrobe City Council's exposure is minimised;
- Sub-clause 4.2 Grants to private sector bodies between \$5,000 and \$50,000 to include a grant at this level may be required to be independently underwritten to the full allocation;
- Sub-clause 4.3 Grants to private sector bodies over \$50,000 to include an externally prepared strategic business plan and / or feasibility study for the proposed project must also be submitted specifying how the funds granted by Council will be utilised. A grant at this level may be required to be independently underwritten to the full allocation;
- Clause 6.1 is a new clause. The company will be required to enter into a legal agreement with Latrobe City Council, tailored to individual circumstances as required;
- Sub-clause 6.2 is a new clause. Any company receiving direct financial assistance will be required to report on the project and account for any monies advanced by Council. Such report must be certified by a responsible officer of the business;

- Sub-clause 6.3 is a new clause. The company will be required to report annually on pertinent aspects of the legal agreement. The report will be required to be authenticated via statutory declaration. Such report is to be submitted for each year for the duration of the agreement. For grants over \$50,000, annual returns will be assessed for compliance by an appropriate Mercantile Agent, member of the Australian Society of Certified Practising Accountants or a registered member of the Institute of Chartered Accountants in Australia. A summary report on all current projects shall be prepared for Latrobe City Council annually; and
- Sub-clause 6.4 is a new clause. Latrobe City Council will investigate and formally report on all cases where there is evidence to suggest that a beneficiary is in substantial default of its contractual obligations and has failed to comply with all reasonable reminders. A formal legal opinion will be sought in any case where the interest of Council may be prejudiced.

The above changes are reflected on the attached Policy, by way of underlining.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no change to existing financial or resource implications.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

- Internal Referral

Details of Community/Consultation Results of Engagement:

Consultation was undertaken with:

- Council's Audit Committee and
- Senior Management

7. **OPTIONS**

Council has the following options:

1. Adopt the policy with the amendments detailed above;
2. Request a further review; or
3. Continue with the existing policy.

8. CONCLUSION

A review of the Economic Development Assistance Policy has now been completed in accordance with the Council Plan 2008-2012 and Latrobe 2021: The Vision for the Latrobe Valley and Council Policy Development Policy (GEN-GLS 001). The revised Policy provides stronger direction for Council's Economic Development assistance activities.

9. RECOMMENDATION

- 1. That Council revokes the existing Economic Development Assistance Policy.**
- 2. That Council adopts the revised and reviewed Economic Development Assistance Policy Version 4.**

Moved: Cr Lloyd

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT**POLICY MANUAL**

GEN-ED 001

Document Name: Economic Development Assistance Policy Version No 4**Department Head: General Manager Economic Sustainability Date 24/07/2008****Adopted by Council:**

Policy Goals

The purpose of the Economic Development Assistance Policy is to provide guidance to Council and a substantive framework for the provision of economic assistance to facilitate new investment, diversification of the municipality's industrial base and improvements in skills to achieve additional employment in Latrobe City. The policy is also designed to facilitate local industrial and manufacturing industry to be internationally competitive and to build on to the unique strengths and competitive advantage of the region.

The policy is designed to attract new employers and to facilitate expansion of existing employment providers in Latrobe City. This specific aim is designed to encourage expansion by the provision of some form of direct individual financial assistance. This assistance is evidence of the Council's commitment to increasing employment opportunities throughout the municipality.

Relationship to Council Plan

This policy relates to Strategic Objective 1, Sustainability, Strategy 1.1, Economic. This policy should be read in conjunction with the Economic Development Financial Assistance Procedure.

Policy Implementation**1. Range of Assistance Available**

Without limiting the options available, individual packages may include:

Non Monetary Assistance

- Provision of statistical data;
- Provision of information on the local business environment including relevant networks;
- Facilitation of investment through identifying potentially suitable premises;
- Support in dealing with legislative and approval processes; or
- Assistance in gaining state or federal government financial aid.

Monetary Assistance

- Waiving of Council fees;
- Infrastructure contributions (roads, parking, etc);
- Assistance in connection of services;
- Facilitation of consolidation/aggregation of sites;
- Transfer of Latrobe City Council land at reduced cost;
- Purchase or head lease of land and sub-lease;
- Construction of premises for purchase or lease;
- Contribution towards adaptation or fit out of buildings;
- Staff training;
- Staff relocation and settling-in expenses;
- Rate relief; or
- Equipment, purchase or lease.

The package of measures adopted in each case will depend on individual circumstances and may change or evolve as negotiations progress.

Each individual financial assistance package involves some risk exposure for Latrobe City Council; this risk will be assessed in each case and managed relative to the merits of the economic development proposal in question.

2. Preference for Non Direct Financial Assistance

Wherever possible, non-direct financial incentive assistance measures should be employed as a preference, with monetary support offered only if deemed necessary to secure an investment.

Non direct financial incentive assistance can include a range of measures targeted to meet the identified needs of the project as outlined in Section 1.

3. Individual Financial Assistance Packages

Where there is a demonstrated benefit to Latrobe City in terms of job creation, strategic advantage or new investment, Council may offer individual financial assistance packages to economic development prospects, tailored to suit individual business needs. In addition to this, officers will investigate state or federal government assistance that may be available, either as stand alone funding or in partnership with Council.

All agreements between Latrobe City Council, individuals or corporate entities will be in writing detailing all aspects of the agreement and the responsibilities of each party.

Whenever an assistance package results in an identifiable cost to Latrobe City Council, this cost should be quantified and subjected to risk and benefit assessment (see below). In doing so, it is imperative that Council not become involved with businesses which will only survive in an environment of ongoing direct support.

3.1 Maximum Period

Financial Assistance Packages will be granted for a maximum of three years unless otherwise authorised by Council.

3.2 Benefit Assessment

In negotiating economic development assistance, the following factors will be regarded as beneficial:

- Number of direct jobs created;
- Indirect jobs likely to result;
- Expansion potential;
- Likely sustainability of jobs created;
- Diversification of the local economy;
- Likely impact on internal and external perceptions of Latrobe City as a result of the investment;
- Strategic linkages to other industries;
- Extent of new investment; or
- Impact on existing businesses or suppliers within Latrobe City.

3.3 Confidentiality

To strike a balance between the imperative of transparent governance and the necessity for maintenance of commercial confidentiality, Council will initially deliberate on a proposed financial assistance package under "Items closed to the Public".

Subsequently, if Council resolves to approve assistance, this will generally be reported at an open Council meeting unless Council approves full confidentiality status. It will be pursuant on the company to demonstrate why some or all agreement details should be kept confidential.

4. Risk Assessment

Each individual financial assistance package shall be at a value appropriate to the general funding guide and budget funding available, and undergo a risk assessment to ensure Latrobe City Council's exposure is minimised.

In tailoring specific assistance packages Latrobe City Council must be satisfied that the applicant is committed to the project and is able to provide evidence that they have or will invest in the proposed project. Evidence must also be produced that the project is a sustainable one. In addition, the following guidelines will be observed:

4.1 Grants to Private Sector Bodies under \$5,000

Grants at this level of funding will not require a formal risk assessment. However, basic Australian Securities and Investment Commission (ASIC) searches for company and director status will be undertaken and the applicant will be requested to provide a business plan and current financial statements for the Economic Sustainability Division to inspect.

4.2 Grants to Private Sector Bodies between \$5,000 and \$50,000

Grants at this level will require the submission of externally audited financial statements for the previous two years, and cash flow forecasts for the next 12 months. Latrobe City Council will conduct searches to confirm the present legal status of companies, directors and authorised officers.

A grant at this level may be required to be independently underwritten to the full allocation.

4.3 Grants to Private Sector Bodies over \$50,000

Grants at this level of funding will require Latrobe City Council to assess all components of point 4.2 above. In addition, a formal financial condition report will be sought at the expense of Latrobe City Council from an appropriate Mercantile Agent, member of the Australian Society of Certified Practising Accountants or a registered member of the Institute of Chartered Accountants in Australia. An externally prepared strategic business plan and / or feasibility study for the proposed project must also be submitted specifying how the funds granted by Council will be utilised.

A grant at this level may be required to be independently underwritten to the full allocation.

5. Delegations

In negotiating economic development assistance, the ability to flexibly enter into reasonable commitments is important both to success in individual cases and to creating an image of Latrobe City Council as a commercially-driven organisation.

To strike a balance between this objective and maintaining sound Latrobe City Council supervision of finance and risk, the Chief Executive Officer is authorised to approve a grant of up to \$50,000 subject to the following.

No delegation is provided for:-

- Entering into equity involvements in businesses or provision of loan arrangements;
- Financial Assistance Packages exceeding three years;
- Construction of premises for purchase or lease; or
- Leasing or purchase of premises.

6. Accountability Mechanisms

Each assistance grant will be monitored by Latrobe City Council to ensure that the beneficiaries strictly observe all the obligations under any grant agreement. Where funding is provided for the creation of employment places Latrobe City Council will establish a process to verify the accuracy of employment figures.

6.1 Legal Agreement

The company will be required to enter into a legal agreement with Latrobe City Council, tailored to individual circumstances as required.

6.2 Monitoring

Any company receiving direct financial assistance will be required to report on the project and account for any monies advanced by the Council at intervals sufficient enough to enable Latrobe City Council to be kept up to date on the status of the project. Such report must be certified by a responsible officer of the business.

6.3 Annual Return

Each year for the duration of the agreement the company will be required to submit an annual return, reporting on pertinent aspects of the legal agreement and authenticated via statutory declaration.

For grants over \$50,000, annual returns will be assessed for compliance by an appropriate Mercantile Agent, member of the Australian Society of Certified Practising Accountants or a registered member of the Institute of Chartered Accountants in Australia.

A summary report on all current projects shall be prepared for Latrobe City Council annually.

6.4 Breaches

Latrobe City Council will investigate and formally report on all cases where there is evidence to suggest that a beneficiary is in substantial default of its contractual obligations and has failed to comply with all reasonable reminders. A formal legal opinion will be sought in any case where the interest of Council may be prejudiced.

Signed : _____

Date : ____ / ____ / ____

General Manager Economic Sustainability

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 PLANNING PERMIT APPLICATION 2008/082 - DEVELOPMENT OF LAND FOR TWO DWELLINGS, 19 DUXBURY DRIVE, TRARALGON
AUTHOR: General Manager Built and Natural Environment Sustainability (ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/082 for the development of land for two dwellings at 19 Duxbury Drive, 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: 19 Duxbury Drive, Traralgon, known as Lot 75 PS 607811, Parish of Traralgon.
Proponent: Wilkan Equities Pty Ltd.
Zoning: Residential 1 Zone.
Overlay: No overlays affect the subject land.

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

3.2 **PROPOSAL**

The proposal is for the development of land for two dwellings at 19 Duxbury Drive, Traralgon.

The subject site (878m²) has a slight fall towards the northern (rear) boundary of the site. The site fronts onto Duxbury Drive on its southern boundary which is 28.10 metres. The eastern boundary is 31.50 metres and western boundary is 31.40 metres. The northern (rear) boundary measures 28.11 metres. No vehicle crossovers have yet been provided to the land. A pedestrian footpath is located along the southern boundary.

Both of the proposed dwellings will be single storey, and of brick construction with tiled roofs, which is similar to the materials used on dwellings that are currently established within the area.

Both proposed dwellings, including garage, cover 159.74m² of the subject site and provides in excess of the required 40m² of private open space. It is proposed to erect a 1.8 metre high paling fence along the north and east boundaries of the subject site in addition to a 1.8 metre high dividing fence between the two proposed dwellings. There is an existing 1.8 metre high fence along the western boundary.

Each of the dwellings will have two bedrooms with large living areas. Both of the proposed dwellings will include a double garage with adequate room for visitor car parking within the proposed driveways. Access will be via two new crossovers from Duxbury Drive.

A landscaping plan has been submitted, indicating a selection of tree, shrubs and ground covers for each dwelling.

Standard B6 of Clause 55.03-1 of the Latrobe Planning Scheme requires that the front setback of a dwelling must be the same distance as the front setback of the front wall of the existing building on the abutting lot facing the street or 9 metres, whichever is closer. However, there is discretion available to consider a varied setback. The adjoining dwelling to the west has a setback of 7.2 metres (the lot to the east is vacant). The applicant has requested a variation in the setback from 7.2 metres to 5.0 metres due to:

- the 3.5 metre wide Pipeline and Ancillary Purposes easement in favour of Gippsland Water along the northern boundary line; and
- the site not being as deep as the majority of developed sites in the area.

There are three restrictions on the title:

- Covenant AF650735H which relates to the use of second hand materials; and
- Section 173 Agreements AC018055L and AE925623X which both relate to the 'Outline Development Plan' for the 'Sherwood Park' subdivision.

The proposal does not contravene any of these restrictions.

Surrounding Land Use:

North: Vacant residential lot (1,151m²).
South: Road – sealed with kerb and channel (Duxbury Drive); vacant residential lot (1,118m²).
East: Vacant residential lot (565m²).
West: Single dwelling (one storey) on a lot of 1,040m².

3.3 HISTORY OF APPLICATION

The application was received on 5 March 2008. The application was advertised on 8 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.

Two submissions in the form of objections were received on 29 April 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 urban settlement pattern is unique in that it is a regional municipality without the central focus of a single dominant urban settlement. 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:

- *'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' (Clause 32.01). 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/s

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.

Internal:

Internal officer comments were sought from Council's Project Services team. It required two conditions and one note, which have been included in the proposed planning permit conditions.

Details of Community Consultation following Notification:

Following the advertising of the application, two submissions in the form of objections were received.

A Planning Mediation Meeting was held on 3 July 2008. Whilst neither of the objectors attended the meeting, telephone contact was made on the night with both objectors.

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 two submissions in the form of objections. The issues raised were:

1. Breach of Section 173 Agreement.

Comment:

There are three restrictions on the subject land's Certificate of Title:

- Covenant AF650735H which relates to the use of second hand materials; and
- Section 173 Agreements AC018055L and AE925623X which both relate to the 'Outline Development Plan' for the 'Sherwood Park' subdivision.

The proposal does not contravene any of these restrictions.

2. The location of the dwellings, due to the front set back, may cause traffic issues.

Comment:

Standard B6 of Clause 55.03-1 of the Latrobe Planning Scheme requires that the front setback of a dwelling must be the same distance as the front setback of the front wall of the existing building on the abutting lot facing the street or 9 metres, whichever is closer. The adjoining dwelling to the west is setback 7.2 metres (the lot to the east is vacant).

However, there is discretion available to consider a request for a varied setback.

The applicant has requested a variation in the setback from 7.2 metres to 5.0 metres due to:

- the 3.5 metre wide Pipeline and Ancillary Purposes easement in favour of Gippsland Water along the northern boundary line; and
- the site not being as deep as the majority of developed sites in the area.

To address the objector's concern about the reduced setback the applicant advised at the Planning Mediation Meeting held on 3 July 2008 that he would setback the two dwellings to 6.6 metres. The proposed setback will still ensure that the dwellings will not encroach on the Gippsland Water easement at the rear of the subject land.

It is considered that with this increased setback there will be adequate sight visibility for vehicles reversing out from the objector's property, reducing the risk of conflict with traffic using Duxbury Drive.

3. Increasing the set back will cause overlooking issues to 17 Duxbury Drive, Traralgon.

Comment:

Standard B22 of Clause 55.04-6 ('Overlooking objective') of the Latrobe Planning Scheme states:

'This standard does not apply to a new habitable room window...which faces a property boundary where there is a visual barrier of at least 1.8 metres high and the ground floor level of the habitable room...is less than 0.8 metres above ground level at the boundary.'

The proposed dwellings are single storey and on concrete slabs. There is an existing 1.8 metre high paling fence erected on the property boundary with the objector's property. It is therefore considered that minimal overlooking issues will occur with the objector's property.

4. Additional traffic will cause hazards to existing residents.

Comment:

According to Latrobe City's adopted road hierarchy and the 'Design Guidelines for Subdivisional Development, Urban and Rural Road and Drainage Construction, and Traffic Management Projects', Duxbury Drive is classified as a minor access street which services Kaitlyn Court and Crestmont Court. The maximum vehicle volume considered appropriate for the street is 500 vehicle trips per day (VPD) over a 24 hour period.

Based on the 47 dwellings in Duxbury Drive, Kaitlyn Court and Crestmont Court, the present volume would be 470 VPD (ie 10 vehicle movements per dwelling over a 24 hour period). However due to Duxbury Drive having access to both Grammar Drive to the west and St Georges Road to the east, the volume can be considered as 235 VPD to each street.

It is considered that the increased traffic levels created by two new dwellings (20 vehicle movements over a 24 hour period) can be accommodated by Duxbury Drive and is further considered unlikely to generate detrimental impacts upon safety (traffic) or amenity (noise).

5. Existing speed on the street currently not being observed.

Comment:

Duxbury Drive is located within the Traralgon built up area. As there are no speed limit signs installed the general urban speed limit of 50 km/hr applies.

6. If the application is to be approved additional speed humps should be enforced.

Comment:

The number of speed humps installed in Duxbury Drive complies with Austroads guidelines.

7. Concerns relating to the potential residents that will occupy the dwellings.

Comment:

This is not a matter that is considered in the assessment of a planning permit application for the development of dwellings.

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

That Council DECIDES to issue a Notice of Decision to Grant a Permit for the Development of land for Two Dwellings at 19 Duxbury Drive, Traralgon (Lot 75 PS 607811, Parish of Traralgon) with the following conditions:

- 1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show a 6.6 metre front setback for both dwellings.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. 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.

4. **Driveway Crossovers to be constructed to Council Design Guidelines – Urban Standards.**
5. **Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
6. **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.**
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:

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 Lloyd
Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED

ATTACHMENTS

Locality Plan for Planning Permit Application 2008/082





Volume 11048 Folio 993

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Produced 14/02/2008

Page 1 / 1
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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 75 on Plan of Subdivision 607811D.

PARENT TITLES :

Volume 10988 Folio 375 Volume 10997 Folio 851
Created by instrument PS607811D 18/01/2008

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

WILKAN EQUITIES PTY LTD of 23 CENTRAL PARK AVENUE TRARALGON VIC 3844
AF650735H 14/02/2008

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AF650735H 14/02/2008

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.

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AC018055L 22/04/2003

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AE925623X 28/02/2007

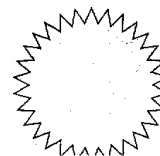
DIAGRAM LOCATION

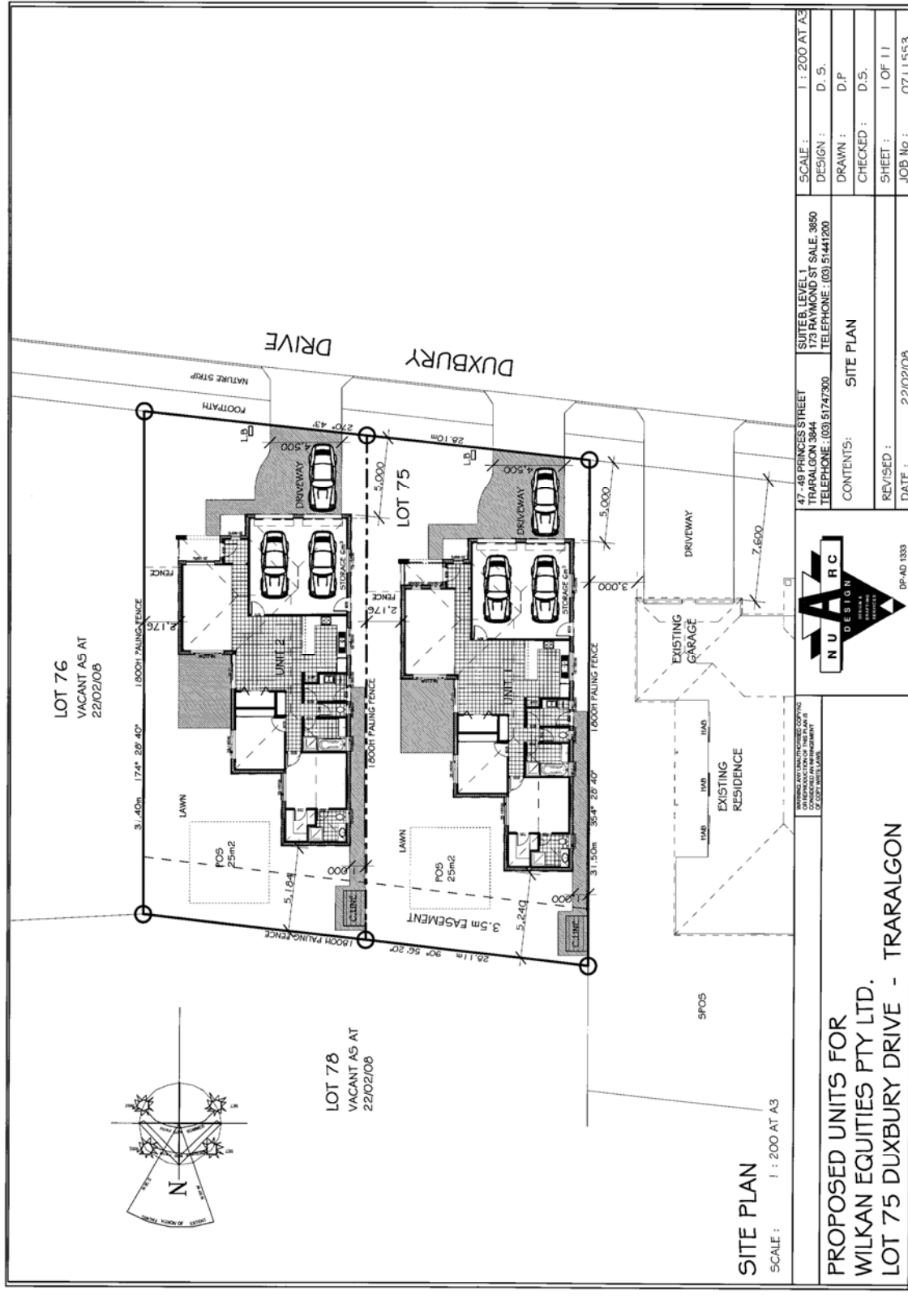
SEE PS607811D FOR FURTHER DETAILS AND BOUNDARIES

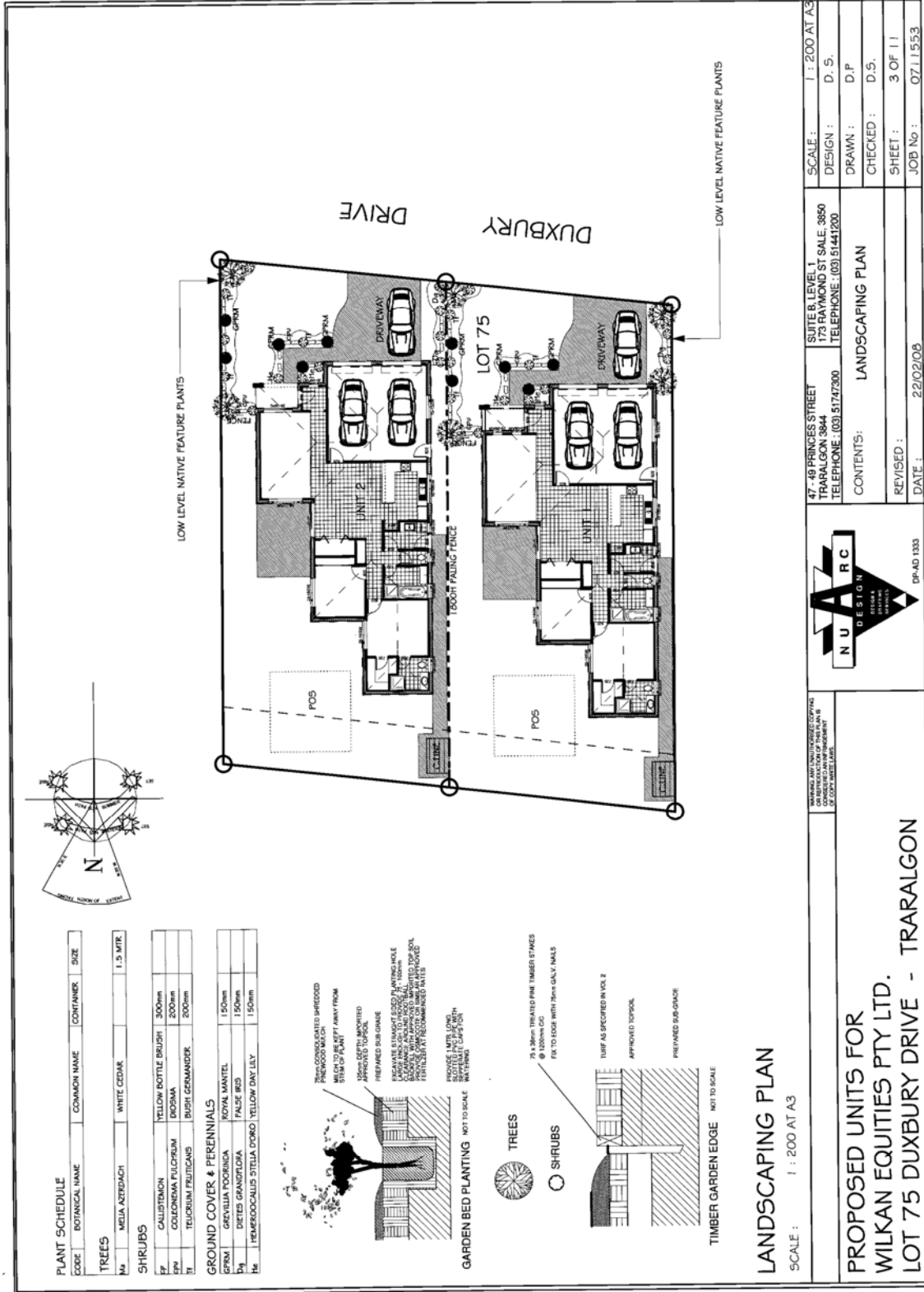
END OF CERTIFICATE



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





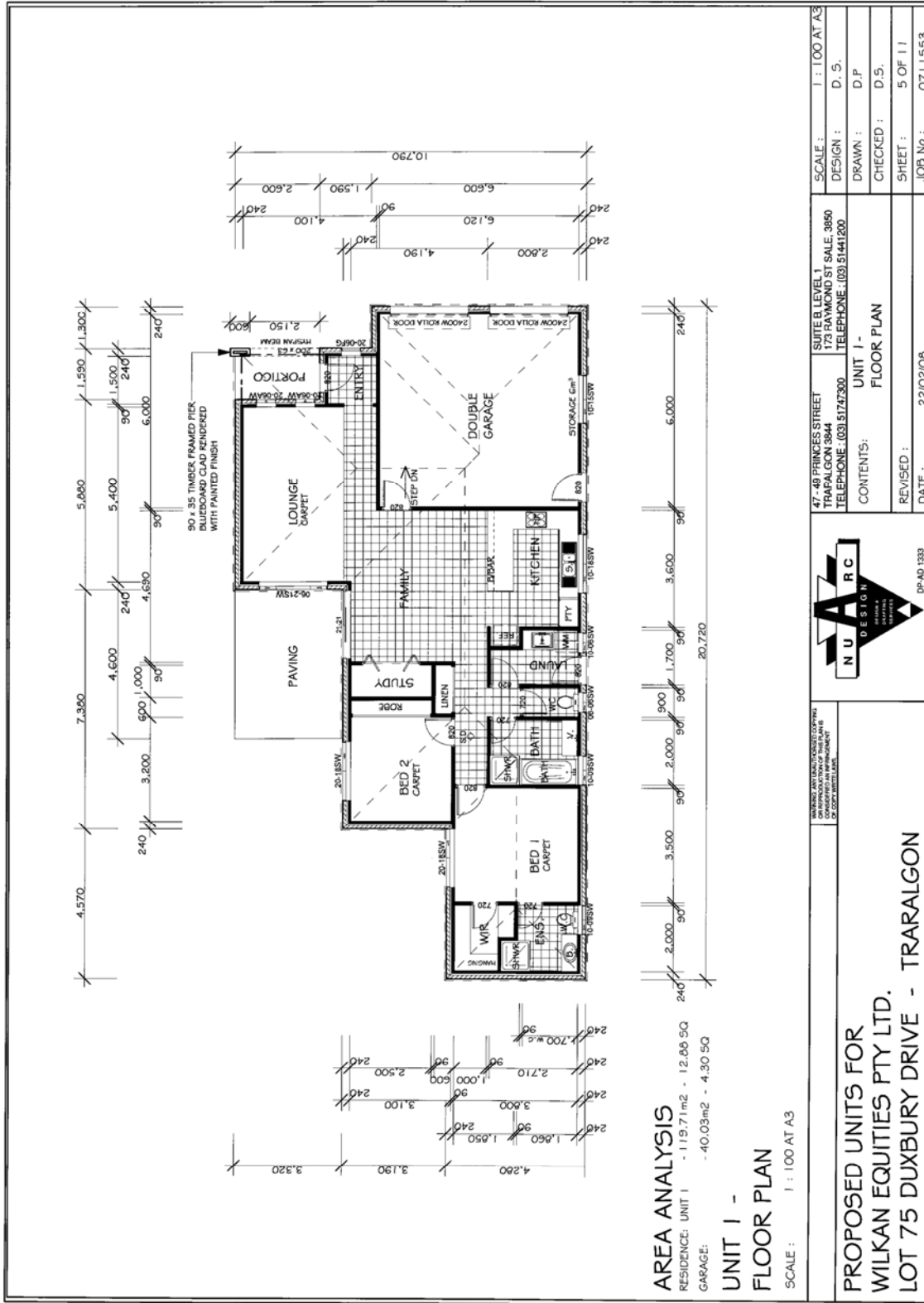


47 - 49 PRINGES STREET TRARALGON 3844 TELEPHONE : (03) 51747300	SUITE B. LEVEL 1 175 RAYMOND ST SALE, 3850 TELEPHONE : (03) 51441200	SCALE : 1 : 200 AT A3
CONTENTS: LANDSCAPING PLAN		DESIGN : D. S.
REVISED : 22/02/08		DRAWN : D.F
DATE : 22/02/08		CHECKED : D.S.
		SHEET : 3 OF 11
		JOB No : 0711553



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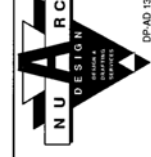
DP-AD 1333



47-48 PRINCES STREET
TRARALGON 3644
TELEPHONE: (03) 5147290

SUITE B LEVEL 1
173 FRANKLIN ST SALE, 3660
TELEPHONE: (03) 5141200

SCALE: 1 : 100 AT A3
DESIGN: D. S.
DRAWN: D.P.
CHECKED: D.S.
SHEET: 5 OF 11
JOB No: 0711553

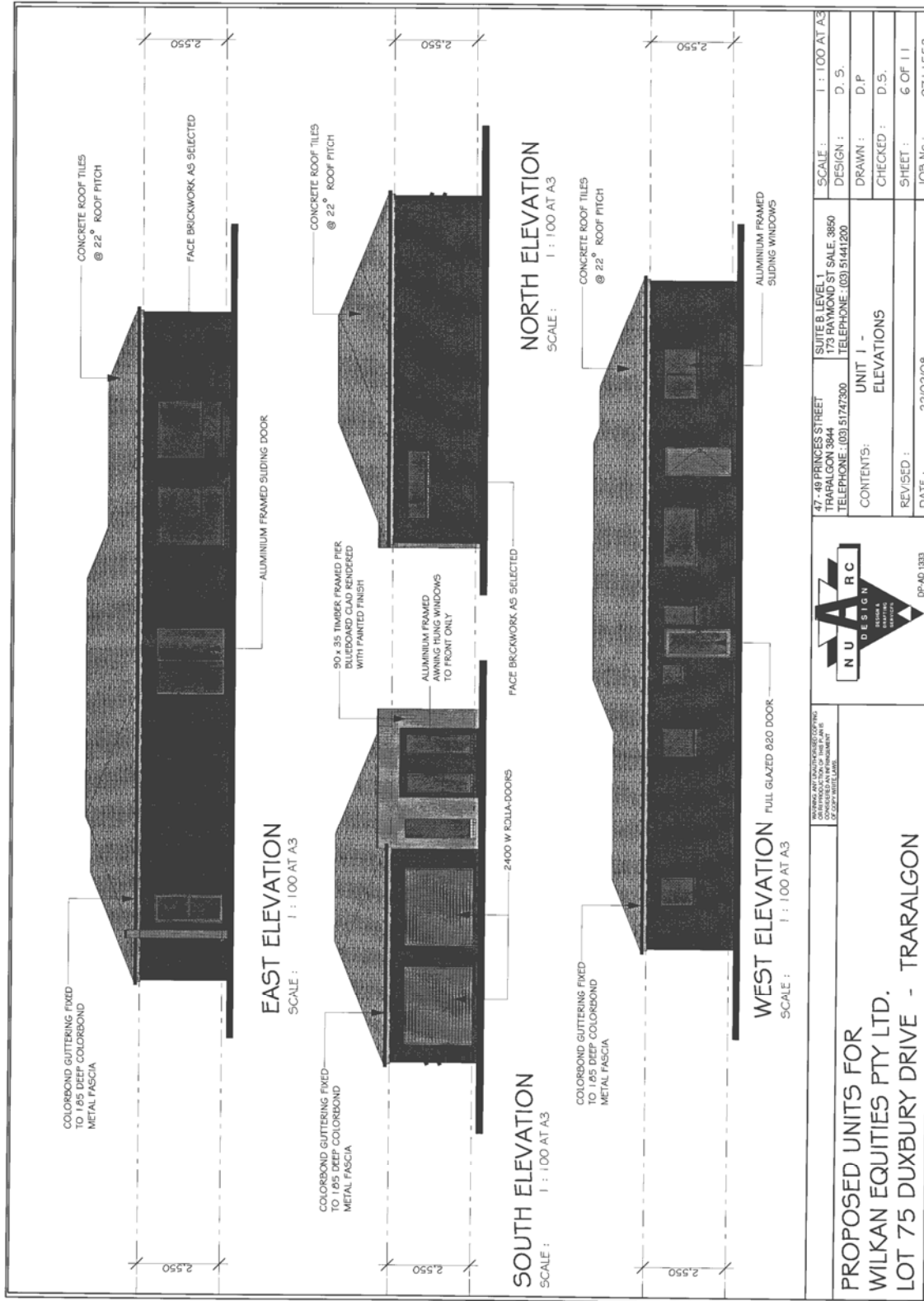


WILKAN EQUITIES PTY LTD.
CORPORATE ARCHITECTS
OF COOL MOUNTAINS

DP-AD 1338

**PROPOSED UNITS FOR
WILKAN EQUITIES PTY LTD.
LOT 75 DUXBURY DRIVE - TRARALGON**

DATE: 22/02/08

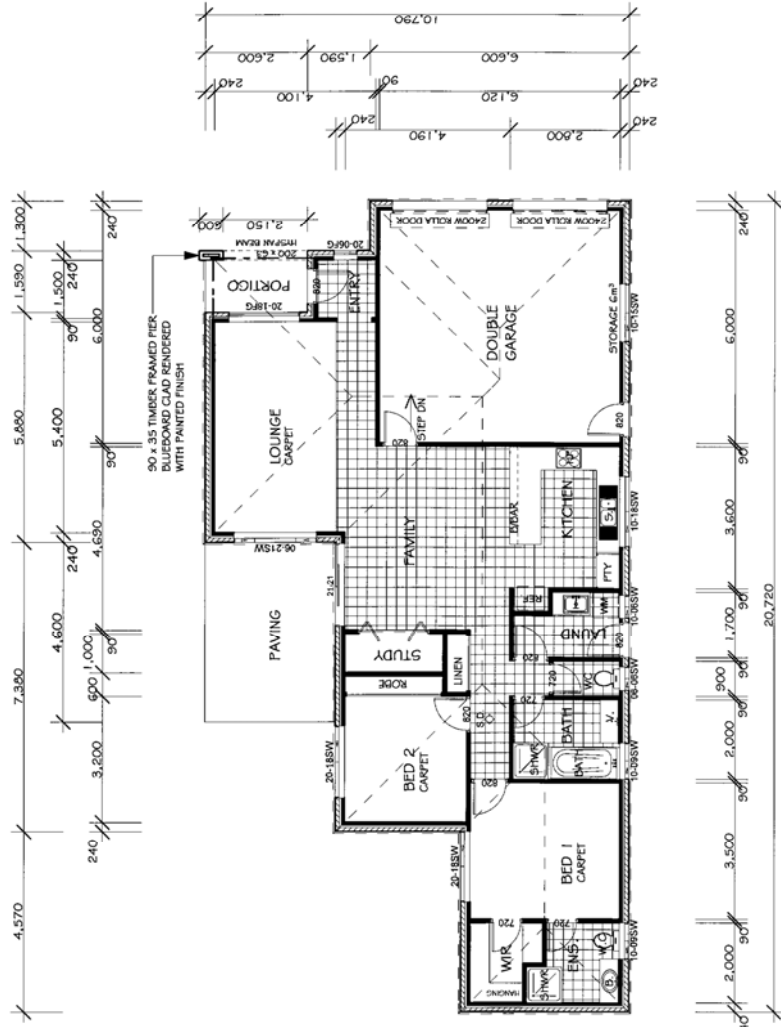


47-48 PRINCES STREET TRARALGON 3644 TELEPHONE: (03) 5147300	SUITE B LEVEL 1 173 RAYMOND ST SALE, 3650 TELEPHONE: (03) 51441200	SCALE: 1 : 100 AT A3
CONTENTS: UNIT 1 - ELEVATIONS	DESIGN: D. S.	
REVISED:	DRAWN: D.P	
DATE: 22/02/08	CHECKED: D.S.	
	SHEET: 6 OF 11	
	JOB No: 0711553	



WE WELCOME ANY FEEDBACK OR COMMENTS
OR REVISIONS TO THESE PLANS
BY THE CLIENT OR ARCHITECT
OR BY THE LOCAL COUNCIL

**PROPOSED UNITS FOR
WILKAN EQUITIES PTY LTD,
LOT 75 DUXBURY DRIVE - TRARALGON**



AREA ANALYSIS
 RESIDENCE: UNIT 2 - 119.71m² - 12.88 SQ
 GARAGE: - 40.03m² - 4.30 SQ

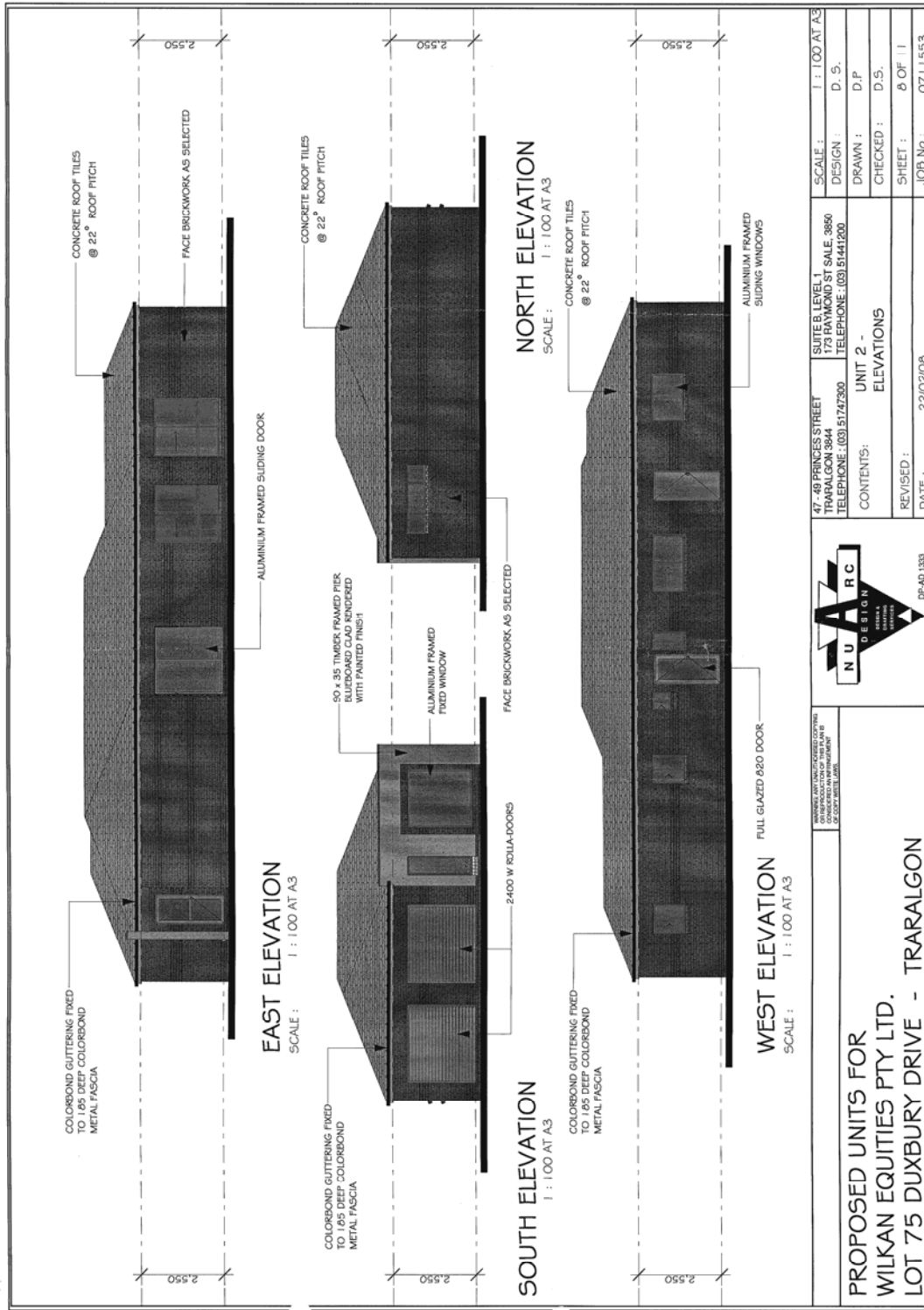
**UNIT 2 -
FLOOR PLAN**
 SCALE: 1 : 100 AT A3

17-48 PRINCES STREET TRARALGON 3844 TELEPHONE: (03) 51747300	SUITE B LEVEL 1 173 RAYMOND ST SALE 3850 TELEPHONE: (03) 51441200	SCALE: 1 : 100 AT A3
CONTENTS: UNIT 2 - FLOOR PLAN		DESIGN: D.S.
REVISED: DATE: 22/02/08		DRAWN: D.P.
		CHECKED: D.S.
		SHEET: 7 OF 11
		JOB No: 0711553



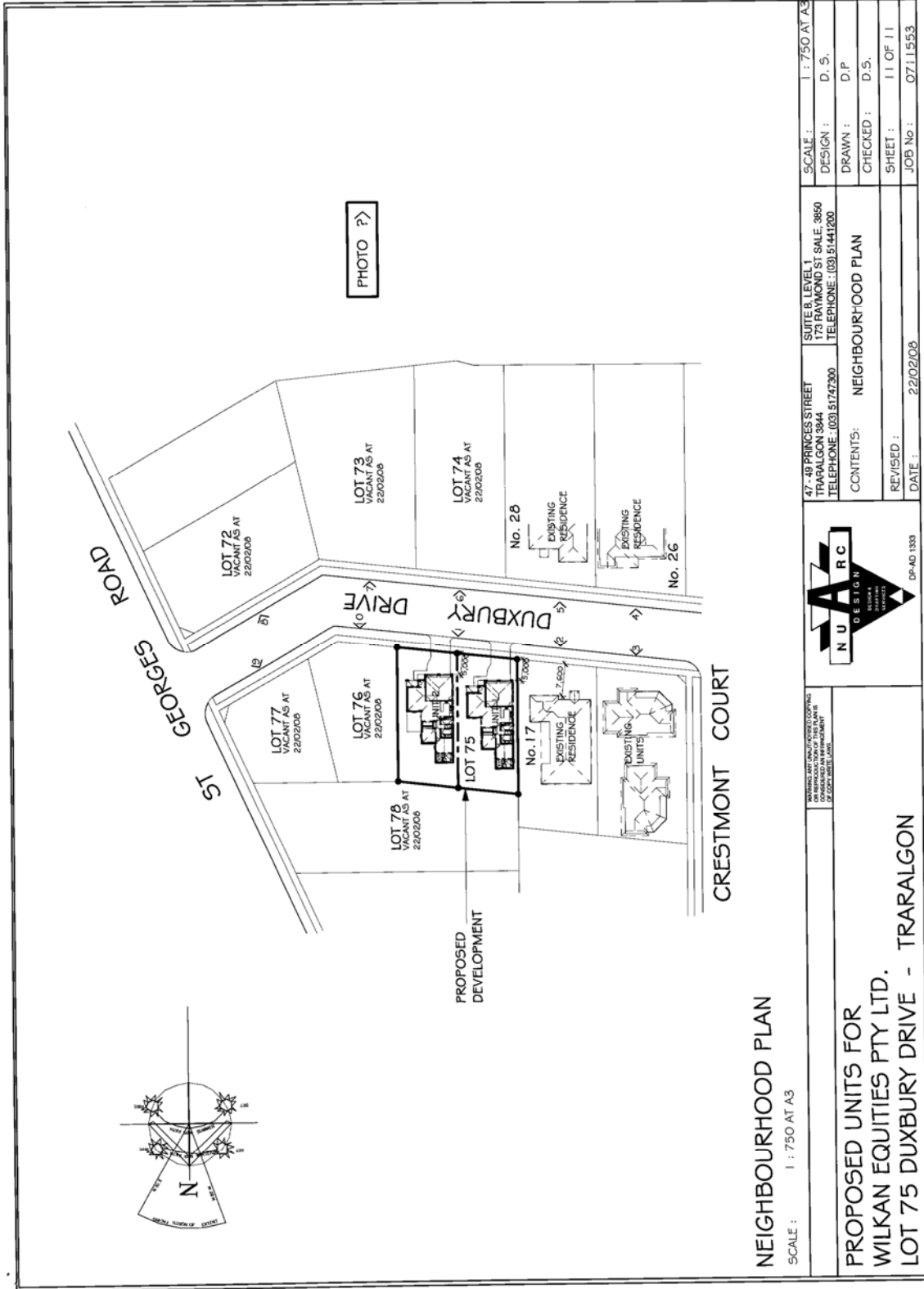
WILKAN PTY LTD
 100 HERRINGWOOD DRIVE
 TRARALGON VIC 3844
 AUSTRALIA
 TEL: (03) 51747300
 FAX: (03) 51747301
 WWW.WILKAN.COM.AU

**PROPOSED UNITS FOR
WILKAN EQUITIES PTY LTD.
LOT 75 DUXBURY DRIVE - TRARALGON**



		47-49 PRINCESS STREET TRARALGON 3944 TELEPHONE: (03) 51747300	SUITE B LEVEL 1 175 RAYMOND ST SALE, 3950 TELEPHONE: (03) 51441200	SCALE: 1 : 100 AT A3
		CONTENTS: UNIT 2 - ELEVATIONS	DESIGN: D. S.	
DRAWING: D.P. CHECKED: D.S. SHEET: 8 OF 11 DATE: 22/02/08 JOB No: 0711553				

PROPOSED UNITS FOR
WILKAN EQUITIES PTY LTD.
LOT 75 DUXBURY DRIVE - TRARALGON



NEIGHBOURHOOD PLAN

SCALE : 1 : 750 AT A3

PROPOSED UNITS FOR
WILKAN EQUITIES PTY LTD.
LOT 75 DUXBURY DRIVE - TRARALGON

47-48 PRINCES STREET TRARALGON 3944 TELEPHONE : (03) 5147300	SUITE B LEVEL 1 175 RAYMOND ST SALE, 3860 TELEPHONE : (03) 51441200	SCALE : 1 : 750 AT A3
CONTENTS: NEIGHBOURHOOD PLAN		DESIGN : D. S.
REVISED : DATE : 22/02/08		DRAWN : D.P.
		CHECKED : D.S.
		SHEET : 11 OF 11
		JOB No : 0711553



WARNING: ANY UNITS, RESIDENTS OR WORKING
CONSTRUCTION OF THIS PLAN MUST BE
CONSIDERED AS INFORMATION
FOR REFERENCE ONLY.

DP-AD 1333

Planning and Environment Act 1987

OFFICE USE ONLY
Date Received

OBJECTION TO GRANT OF PLANNING PERMIT

WHO IS OBJECTING?

I/We (names in block letters) MRS LORELLE JAMES
 of (Address) 17 DUXBURY DRIVE
TRARALGON Fax No. : 51 765418
 Postcode 3844 Telephone No. 51 765418 (Home) (Work)

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 2008/82
 WHAT IS PROPOSED? Development of two dwellings
 WHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? 19 DUXBURY DRIVE
TRARALGON
 WHO HAS APPLIED FOR THE PERMIT? WILKAN EQUITIES PTY LTD

WHAT ARE THE REASONS FOR YOUR OBJECTIONS?

PAGE ATTACHED

Latrobe City	
29 APR 2008	
Doc. No:	
Action Officer:	
Disposa. Code:	
Comments:	

Our reasons of objections are due to the breach of section 173 Agreement.

The closeness of the "5mtr" set back is not consistent with the developed properties in the street. This closeness closes off street scape and inhibits the view of safe access to street with the existing and planned dwellings of this end of the street.

I'd also like to question the side set back from the fence line at 1mtr; isn't 1.2mtrs min at least?

We appose the application of no 19 Duxbury Drive to accommodate two dwellings.

As this will create extra traffic flow in the small street that already has 4 set of units approved and developed in our street. With two courts also having to use street to gain access to their properties, schools and town.

With the added access of the connection of Bradman Blv & Crosses Road there is already enough through traffic.

The current roads were constructed with limited units and single dwellings as part as the subdivision. Three speed blocks/humps have already been constructed from midway and towards the other end of the street to try and maintain a safer speed level for the young families growing up here.

If approved current roads should be amended will a further speed block/hump be implemented at the start of this end of road or further in if feasible. To reinforce the speed restrictions needed to maintain safety to the growing families.

You may think that it is only one extra dwelling but due to the size each of only two bedrooms brings the question of occupants of such dwellings. Meaning we can rule out a family and will most likely be elderly or young adults. Which inturn adds visitor's traffic and noise implications to enjoy a child friendly use of our own street & dwelling.

Not that I am a stick in the mud but we already struggle to maintain the balance to the existing units with the increased traffic flow and visiting traffic and noise.

Granting of this permit will affect us.

The proposed set backs encloses my dwelling and inhibits my street scape!! And we respected our restrictions when planning our dwelling!

And if pushed back to suit our dwelling and uniformalise the street it will impact on my residential side of dwelling as the units kitchen will be looking straight into my kitchen. And if a single dwelling was erected it would most likely have extra bedrooms along that side and the residential living / entertainment area facing east as units plans due to the favourability of the weather. Or if mirrored would at least be set favourably more back to not impact on our residential living / entertainment area.

Not to mention we already have units on the east side of us so find it selfish of the builder to choose such block to expand.

Units.... House.... units.... 3 block left are they going to be units... or houses...

**If the setback is placed back to uniform my dwelling and a speed restriction implicated I will withdraw any further complaints.

I thankyou for the time taken to read my objections.

Lorelle James

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

* (If there is not enough room. Attach a separate sheet)

Signature *Shelle Jones* Date *29.4.08*

IMPORTANT NOTES ABOUT OBJECTIONS TO PERMIT APPLICATIONS

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

3 of 3

Planning and Environment Act 1987

OFFICE USE ONLY
Date Received

OBJECTION TO GRANT OF PLANNING PERMIT

WHO IS OBJECTING?

I/We (names in block letters) NICOLE HARTLEY
Of (Address) 28 DUXBURY DRIVE TRARALGON
Postcode 3844 Telephone No. 51747271 (Home) 047517432 (Work)

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 2008/32
WHAT IS PROPOSED? DEVELOPMENT OF TWO DWELLINGS
WHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? 19 DUXBURY DRIVE TRARALGON
WHO HAS APPLIED FOR THE PERMIT? WILKAN EQUITIES PTY LTD

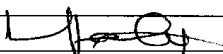
WHAT ARE THE REASONS FOR YOUR OBJECTIONS?

I FEEL THAT THE CLOSENESS OF THE DWELLINGS TO THE FRONT OF THE BLOCK WILL CREATE A DIFFICULTY IN OTHERS BEING ABLE TO GET OUT SAFELY I ALSO BELIEVE THAT DUE TO THE LARGE NUMBERS OF YOUNG FAMILIES IN THE STREET ALREADY THAT THE EXCESS TRAFFIC WOULD BE HAZARDOUS TO THE SAFETY OF THE YOUNG FAMILIES. THERE ARE THREE SPEED BUMPS DOWN THE OPPOSITE END OF DUXBURY DRIVE AND SINCE THE OPENING UP OF THIS END OF THE STREET THE SPEED OF THE TRAFFIC IS EXTREMELY DANGEROUS THEY DO NOT OBSERVE THE TRAFFIC SPEED AND RACE DOWN THE STREET AT A GREAT RATE OF KNOTS

WHEN WE PUT IN OUR PLANS TO BUILD WE WERE TO BUILD AT A SIMILAR DISTANCE TO ALL OF THE OTHER HOMES IN THE STREET SO WHY BECAUSE THEY ARE TWO DWELLINGS ARE THEY ABLE TO HAVE CLOSE FRONTAGE?

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

AS PREVIOUSLY EXPLAINED THE SAFETY OF THE YOUNG FAMILIES IN THE STREET QUE TO THE EXTRA TRAFFIC FLOW OF THE ADDED EXTRA DWELLING SINCE THE OPENING OF THE REMAINDER OF THE STREET AND TWO WAY TRAFFIC FLOW WITH LACK OF SPEED PROVISIONS AT THIS END OF DUNBURY DRIVE, DUE TO THE NARROWNESS OF THE STREET, SETBACK WILL MINIMIZE TRAFFIC VISABILITY

Signature  Date 28/4/08

IMPORTANT NOTES ABOUT OBJECTIONS TO PERMIT APPLICATIONS

1. This form is to help you make an objection to an applicant in a way which complies with the *Planning and Environment Act 1987*, and which can be readily understood by the responsible authority. There is no requirement under the act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
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 - *state the reason for your objection; and
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6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Administrative Appeals Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

**11.3.2 LATE REPORT - PLANNING PERMIT APPLICATION 2008/162 - ON
PREMISES LIQUOR LICENSE, 140 BURNETS ROAD,
TRARALGON EAST**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/162 for an On Premises Liquor License at Lot 2 on Plan of Subdivision 208979C, 140 Burnets Road, Traralgon East.

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: 140 Burnets Road, Traralgon East, known as Lot 2 PS 208979C, Parish of Traralgon.
Proponent: Leon Hammond
Zanella Winery & Reception Centre
Zoning: Farming Zone

Overlay Design and Development Overlay, Schedule 1 and Land Subject to Inundation Overlay

A Planning Permit is required to use land to sell or consume liquor if a license is required under the Liquor Control Reform Act 1998 in accordance with Clause 52.27 of the Latrobe Planning Scheme (the Scheme).

3.2 **PROPOSAL**

It is proposed to establish an on premises liquor license at an existing Restaurant and Function Centre. The application was received by Latrobe City Council (Council) on 3 June 2008.

The area that is proposed to be licensed with an on premises liquor license is the restaurant and function centre. The proposed hours for the liquor license are Monday to Thursday 7:00am till 10:00pm; Friday 7:00am till 11:00pm; Saturday 9:00am till 12:00am; and Sunday (and Public Holidays) 10:00am till 10:00pm. These hours match the hours approved for the operation of the restaurant and function centre by Planning Permit 04286 which was issued by the Victorian Civil and Administrative Tribunal (VCAT) on 4 October 2005.

The subject land currently has a Vignerons license which does not require a planning permit under Clause 52.27 of the Scheme. A Vignerons License authorises the supply of liquor by a grape or other fruit grower for consumption on and off the licensed premises. Sales may be made to any person on the premises during approved trading hours (i.e. direct sales to customers at the vineyard), or to another liquor licence holder on any other premises at any time (i.e. wholesale sales to other liquor vendors anywhere). This license is valid from 10:00am till 11:00pm Sunday, Good Friday and ANZAC Day and from 7:00am till 11:00pm any other day.

The subject site has a fall to the north, is rectangular in shape and has a northern frontage of 199.28 metres to Burnets Road. The eastern (side) boundary measures 371.48 metres, the western (side) boundary measures 372.13 metres and the southern (rear) boundary measures 206.35 metres.

An existing vehicle crossover is located to the north of the subject site, providing access via Burnets Road. The subject site contains a restaurant and function centre, an existing dwelling and vineyard and ancillary outbuildings.

There will be no change to the supply of electricity easement that extends through the southern portion of the site.

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

Surrounding Land Use:

North: Road – unsealed (Burnets Road) and vacant grazing land on a lot of approximately 43.39 hectares.

South: Single dwelling (1 storey) and ancillary outbuildings on a lot of approximately 2.23 hectares.

East: Single dwelling (1 storey) and ancillary outbuildings on a lot of approximately 32.90 hectares.

West: Single dwelling (1 storey) and ancillary outbuildings on a lot of approximately 7.54 hectares.

3.3 HISTORY OF APPLICATION

The application was received on 3 June 2008. The application was advertised on 18 June 2008 to adjoining owners and occupiers in addition to displaying a sign on site for 14 days and a notice in the Latrobe Valley Express for one issue in accordance with section 52(1)(a) and (d) of the *Planning and Environment Act 1987* (the Act). Notice was also given to Victoria Police in accordance with section 52(1)(d) of the Act.

One submission in the form of an objection was received on 11 July 2008. Victoria Police gave consent without conditions to the granting of a planning permit on 27 June 2008.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 15.02 'Floodplain management' contains the following 'Objective':

- *'To assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways the flood storage function of floodplains and waterways and floodplain areas of environmental significance.'*

Clause 17.05 'Agriculture' contains the following 'Objective':

- *'To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.'*

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 18.11 'High pressure pipelines' includes the following relevant 'General Implementation' matter:

- *'To plan for the development of pipeline infrastructure subject to the Pipelines Act 1967 to ensure that gas, oil and other substances are safely delivered to users at minimal risk to people and the environment.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Under 'Agriculture' (Clause 21.01-12) it is recognised that:

- *'The municipality has a strong agricultural base which provides an important contribution to the local economy.'*

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 'Environmental', one of which is to:

- *'Protect, improve and manage the air and water quality of the municipality.'*

Clause 21.04 (Objectives/Strategies/Implementation):
Clause 21.04-2 has a 'Rural land management' objective (Element 4) to encourage land development and use that are compatible with agricultural activity. Strategies to implement this include:

- *'Evaluate development proposals on the basis of, among other things, visual amenity, land capability and exposure to natural hazards.'*; and
- *'Encourage opportunities for farm adjustments to improve farm operations and viability.'*

Clause 21.04-2 has a 'Flooding' objective (Element 5) to minimise the potential for loss of life, risk to health and damage to property and to ensure that the natural function of the floodplain to convey and store flood waters is preserved. A strategy to implement this is:

- *'Encourage land use in flood plains to minimise polluted run-off, both from specific sites and within the catchment as a whole. In particular strongly discourage uses such as sewerage treatment and pumping works, intensive animal industries and sanitary landfill depots.'*

Clause 21.04-9 has a 'Pipelines' objective (Element 1) to protect the existing pipelines from encroachment of residential and other sensitive land uses. A strategy to implement this is:

- *'A Design and Development Overlay has been applied over the existing pipelines to control development within their immediate vicinities.'*

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 as a 'Policy Basis':

- *'Significant stone resources have been identified in the Latrobe Supply Area – Extractive Industry Interest Areas 1999 report as identified in the MSS.'*

'Objective':

- *'To provide for the long-term protection and utilisation of identified stone resources.'*

'Policy':

- *'It is local policy that in determining applications for the use and development of land within the Latrobe Supply Area - Extractive Industry Interest Areas 1999 Council will take into account the findings of the Latrobe Supply Area – Extractive Industry Interest Areas 1999 report in determining applications for the use and development of land.'*

Zoning

The subject site is zoned 'Farming Zone'. The 'Purpose' of the Farming Zone is:

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

Overlay

The subject site is partially affected by the Design & Development Overlay, Schedule 1. The 'Purpose' of the Design and Development Overlay, is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies'; and*

- *'To identify areas which are affected by specific requirements relating to the design and built form of new development.'*

The subject site is also partially affected by the Land Subject to Inundation Overlay. The 'Purpose' of the Land Subject to Inundation Overlay is:

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

Particular Provisions

Clause 52.27 Licensed Premises:

The 'Purpose' of Clause 52.27 'Licensed Premises' is:

- *'To ensure that licensed premises are situated in appropriate locations'; and*
- *'To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.'*

In accordance with the 'Decision Guidelines' of Clause 52.27 'Licensed Premises', the responsible authority must consider, as appropriate:

- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*

- *'The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area';*
- *'The impact of the hours of operation on the amenity of the surrounding area';*
- *'The impact of the number of patrons on the amenity of surrounding area'; and*
- *'The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.'*

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, a notice was displayed on the subject site for 14 days and a notice was published in the Latrobe Valley Express for one issue.

External:

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

Notification was given to Victoria Police in accordance with section 52(1)(d) of the Act. Victoria Police gave consent to the granting of a planning permit without conditions.

Internal:

Council's Local Laws Team gave consent to the granting of a planning permit without conditions. Council's Health Services Team gave conditional consent to the granting of a planning permit.

Details of Community Consultation following Notification:

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

A planning mediation meeting was held on 31 July 2008. The objectors did not attend the meeting.

Consensus has not been 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 Farming Zone:

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

'Purpose' and 'Decision Guidelines' of the Design & Development Overlay, Schedule 1:

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Design & Development Overlay, Schedule 1.

'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay:

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay.

Clause 65 (Decision Guidelines):

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

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

1. The hours should not be changed from the current licence that they have which is from 10:00am till 11:00pm Sundays and public holidays and 7:00am till 11:00pm all other days.

Comment:

The proposed on premises liquor licence hours are Monday to Thursday 7:00am till 10:00pm; Friday 7:00am till 11:00pm; Saturday 9:00am till 12:00am; and Sunday (and Public Holidays) 10:00am till 10:00pm. These proposed hours match the approved restaurant and function centre operating hours allowed by Planning Permit 04286 which was issued by the Victorian Civil and Administrative Tribunal (VCAT) on 4 October 2005.

The proposed hours per day are either less than or match the existing hours of the Vigneron's License except for on Sundays and Public Holidays where the on premises licensed times are to be one hour longer.

The proposed hours were reviewed by the Liquor Licensing Inspector for the Victoria Police. The Inspector raised no objections to the proposal.

The hours are considered to be reasonable for a restaurant and function centre.

2. We would be affected by the noise. We live in a very quiet area and noise carries as there are no noise buffers. If any license was granted we would expect substantial noise reduction measures to be made in the sides facing us.

Comment:

As a requirement of Planning Permit 04286, the *'noise emissions from the restaurant and function centre must comply with State Environment Protection Policy (Control of Music Noise from Public premises) No N-2, to the satisfaction of the Responsible Authority'* (condition 3).

Another condition included in Planning Permit 04286, was that *'the use permitted by this permit must be to the satisfaction of the Responsible Authority and must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, dust, waste water or waste products'* (condition 5).

It is considered that the conditions included in Planning Permit 04286 would ensure that the amenity of the area is protected. The distance between the function centre and restaurant and surrounding dwellings is also considered to be adequate distance for avoiding impact on neighbourhood amenity.

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 Farming Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Design & Development Overlay, Schedule 1;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay;
- Consistent with Clause 65 (Decision Guidelines); and
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. It is considered that the objection does not form planning grounds on which the application should be refused.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Permit for an On Premises Liquor License at 140 Burnets Road, Traralgon East (L 2 PS 208979C, Parish of Traralgon), with the following conditions:

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. The owner and/or occupier and the manager shall take all necessary steps to ensure that no noise or other disturbances emanate from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, to the satisfaction of the Responsible Authority.**
- 3. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:**
 - **Monday to Thursday 7:00am to 10:00pm;**
 - **Friday 7:00am to 11:00pm;**
 - **Saturday 9:00am to 12:00am midnight; and**
 - **Sunday and Public Holidays 10:00am to 10:00pm.**

- 4. This permit will expire if the use is not started within two years of the date of this permit.**

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

- Note 1. Approval from Latrobe City Council's Health Services Department is required for the proposed use pursuant to the Food Act 1984.**

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

Moved: Cr Caulfield

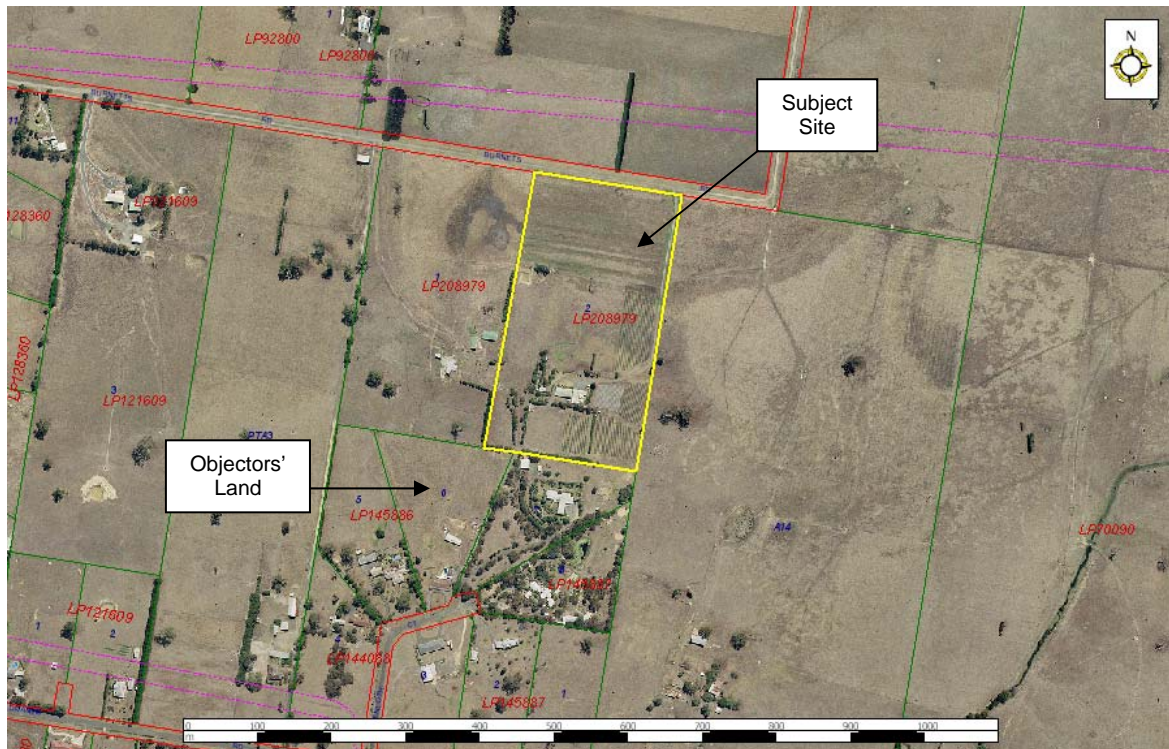
Seconded: Cr White

That the Recommendation be adopted.

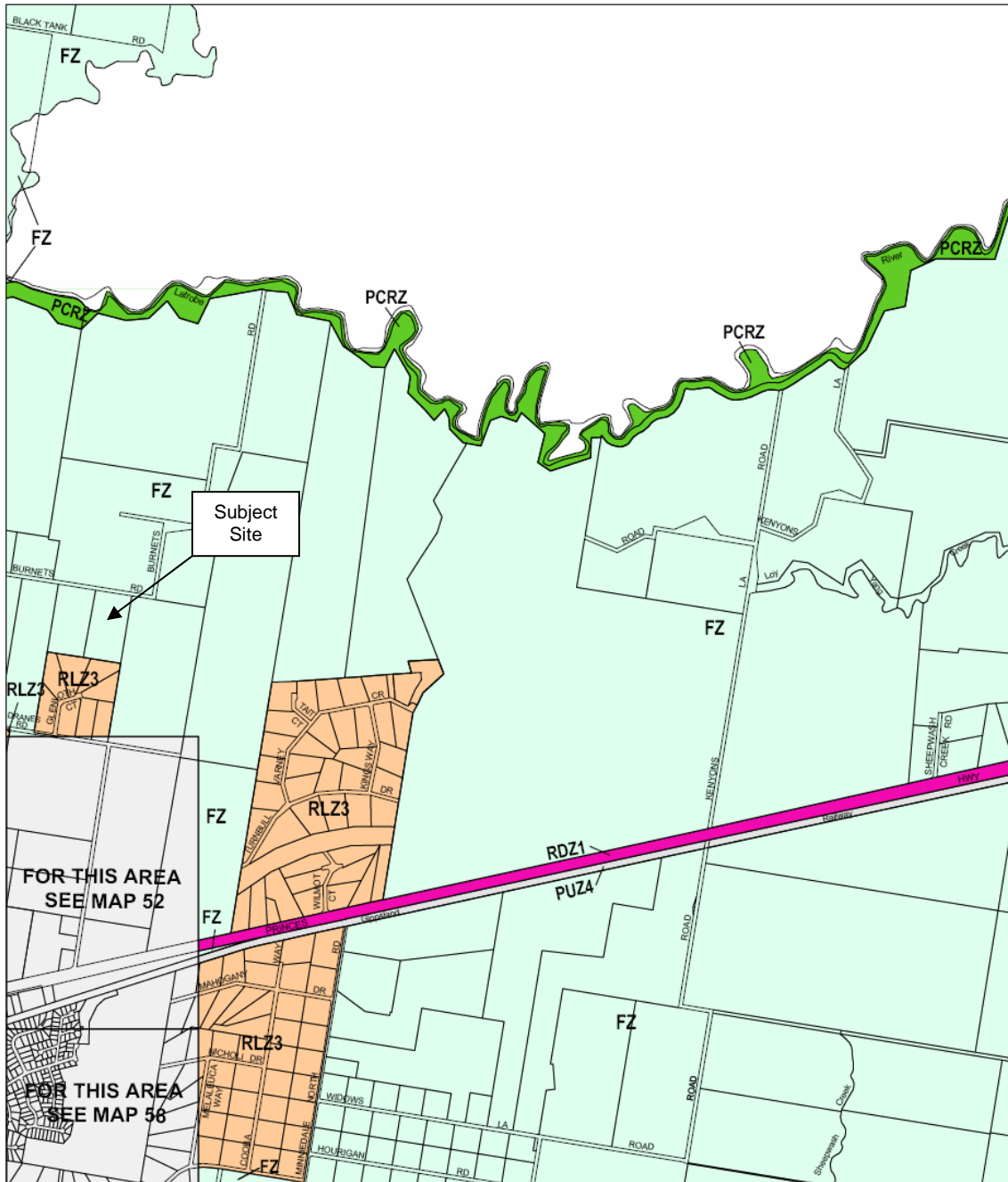
CARRIED UNANIMOUSLY

ATTACHMENTS

Locality Map for Planning Permit 2008/162



LATROBE PLANNING SCHEME - LOCAL PROVISION



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	Public Land
	Public Conservation Area (Reserve)
	Public Use Zone (Transport)
	Public Use Zone (Category 1)
	Public Use Zone (Category 2)
	Public Use Zone (Category 3)
	Public Use Zone (Category 4)
	Public Use Zone (Category 5)
	Public Use Zone (Category 6)
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	Public Use Zone (Category 49)
	Public Use Zone (Category 50)

1:5000

AUSTRALIAN MAP GRID ZONE 55

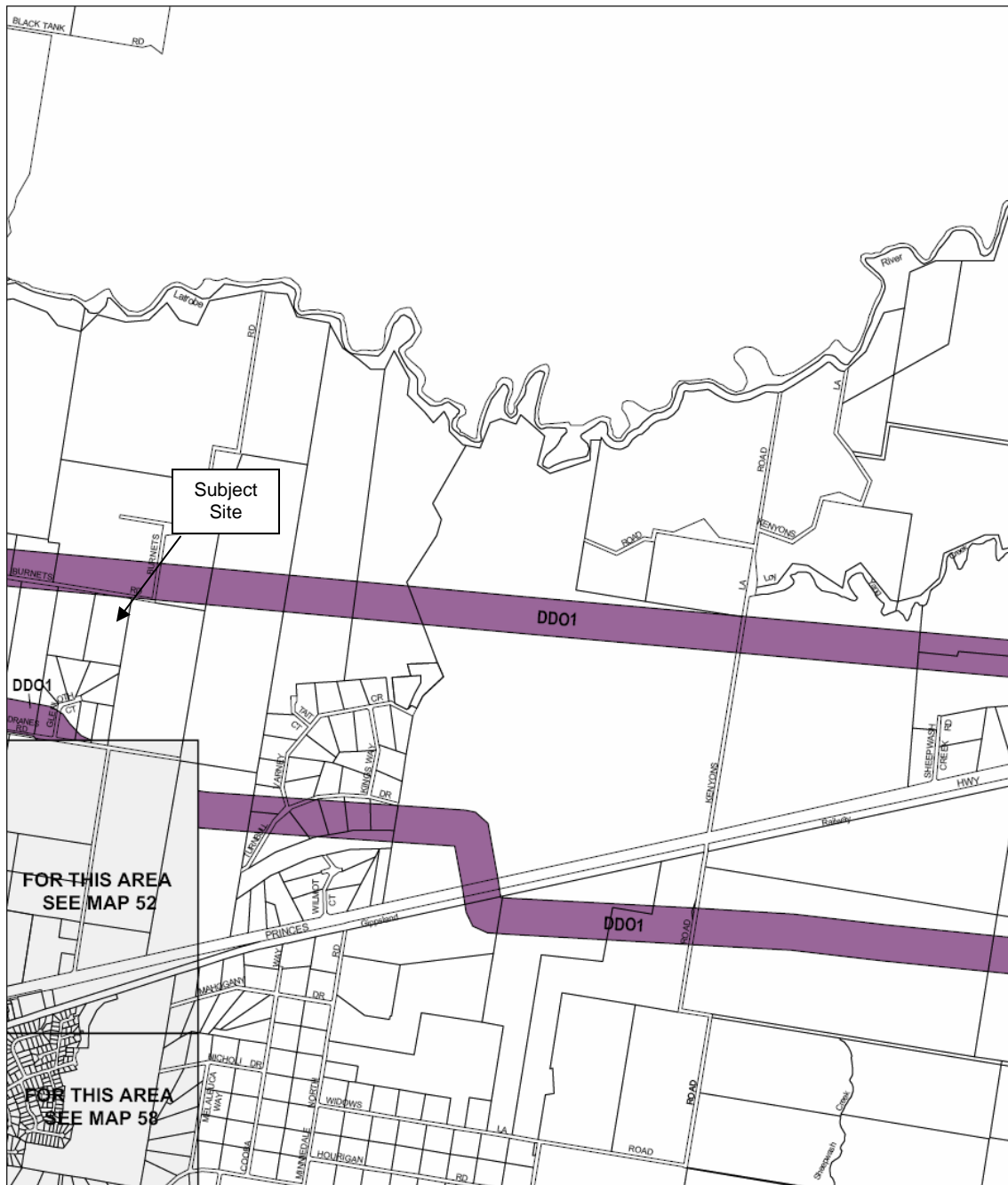
THIS MAP INCORPORATES APPROVED ZONES AS AT 2008/06/04 AMENDMENT 043

Victoria The Place To Be

INDEX TO ADJOINING METRIC SERIES MAP

MAP No 64

LATROBE PLANNING SCHEME - LOCAL PROVISION



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Overlays
Design and Development Overlay - Schedule 1



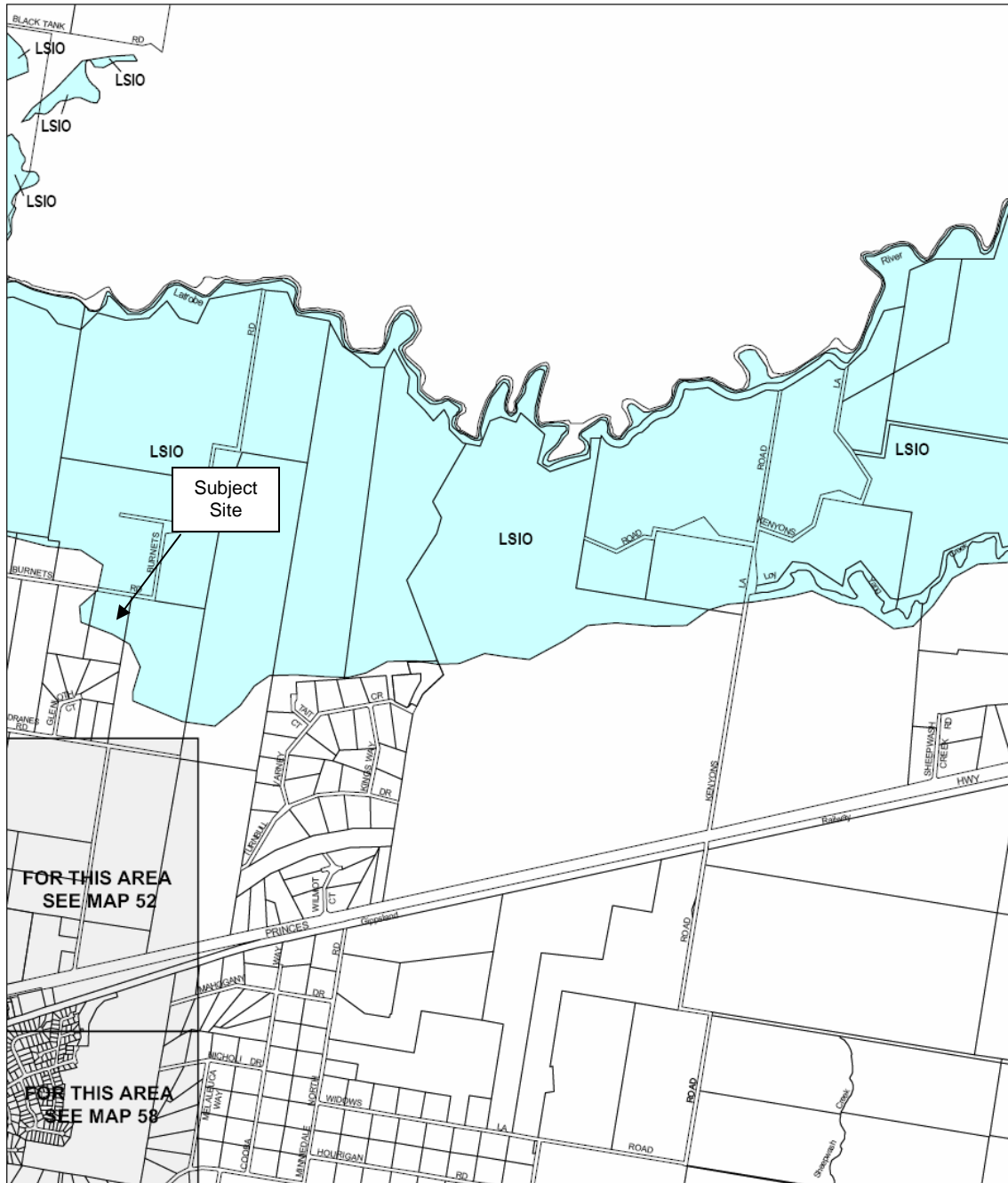
Issue 30/08/08

AMENDMENT C31

DESIGN AND DEVELOPMENT OVERLAY

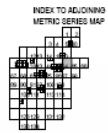
MAP No 64DDO

LATROBE PLANNING SCHEME - LOCAL PROVISION



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Maps if applicable, as indicated on the RELEVANT MAPS.

Overlay	Land Subject to Inundation	Overlay



ANSTAT

Your order number is 1017258 - this Landata search result will be available for viewing under this order for 120 days
Your reference for this order: zanella

Register Search Statement - Volume 9880 Folio 955
18/08/2005 14:56:02

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REGISTER SEARCH STATEMENT Land Victoria

Security no : 124015123345K , Volume 09880 Folio 955
Produced 18/08/2005 02:55 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 208979C.
PARENT TITLE Volume 09532 Folio 941
Created by instrument LP208979C 31/05/1989

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
ZANELLA WINERY & RECEPTION CENTRE PTY.LTD. of 31 GREY STREET TRARALGON VIC
3844
AD390820G 25/01/2005

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AD390821E 25/01/2005
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

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

DIAGRAM LOCATION

SEE LP208979C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

STATEMENT END

Land Registry timestamp 18/08/2005 14:55 Page 1 of 1
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<p>LP208979C EDITION 1 PARISH / TOWNSHIP CHART</p>		<p>NOTATIONS LAND SUBJECT TO EASEMENT NIL APPURTENANCES A-C MAY VIDE INSTRUMENT M 333215 Y LAND APPROPRIATED OR SET APART E-1 SUPPLY OF ELECTRICITY</p>		<p>TO BE COMPLETELY WITHIN THE BOUNDARY OF THE SUBDIVISION AND NOT TO BE CONNECTED TO PERMANENT MARKS IN PROCLAIMED SURVEY AREA NO. THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED TITLE REF: C/T VOL 933 FC 941 LAMB PLAN REF: LP 13045 LOT B</p>		<p>PLAN OF SUBDIVISION COUNTY BULK BULK PARISH TIBBALGON (PARISH SH 1) CROWN ALLOTMENT A (PART)</p>		<p>NUMBER OF SHEETS IN PLAN NUMBER OF SHEETS OF THIS SHEET ORIGINAL SCALE 1:2500 SCALE OF SHEET 1:2500 A2</p>	
<p>OFFICER ONLY</p>		<p>PLAN APPROVED AT 31.5.89 ON</p>		<p>OFFICER ONLY</p>		<p>PLAN APPROVED AT 31.5.89 ON</p>		<p>OFFICER ONLY</p>	
<p>BURNETS LANE</p>		<p>7-538 ha</p>		<p>7-540 ha</p>		<p>LP208979C</p>		<p>OFFICER ONLY</p>	
<p>CERTIFICATE A THIS PLAN ACCORDS WITH A PLAN SECT 58B OF THE LOCAL GOVERNMENT ACT 1988 ON • BEALED BY THE PLANNING APPEALS BOARD ON • AND A REQUIREMENT/NO REQUIREMENT PURSUANT TO SECTION 508E OF THE LOCAL GOVERNMENT ACT 1988 HAS BEEN MADE</p>		<p>CERTIFICATE B THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (3) OF DIVISION (9) OF PART SIX OF THE LOCAL GOVERNMENT ACT 1988 BY • THE COUNCIL ON • THE PLANNING APPEALS BOARD ON</p>		<p>CERTIFICATE OF MUNICIPAL CLERK COUNCIL REF.</p>		<p>DATE</p>		<p>DATE</p>	
<p>CERTIFICATION BY SURVEYOR I, HANS PETER KILLGE, of 41 BARBELL ST, TIBBALGON, 3880, do hereby certify that this plan has been prepared in accordance with the provisions of the Survey Act 1977 and complies with the provisions of the Survey Act 1977 and that the plan is accurate to the best of my knowledge and belief. Date: 20th MARCH 1987 Licensed Surveyor Survey Act 1977</p>		<p>DATE</p>		<p>DATE</p>		<p>DATE</p>		<p>DATE</p>	
<p>AMENDMENTS 1. KILGE JACKSON CONSULTANTS PTY LTD 41 BARBELL STREET BAYLEIGH VIC 3157 2. T84455 41 BIRD STREET TIBBALGON VIC 3880</p>		<p>DATE</p>		<p>DATE</p>		<p>DATE</p>		<p>DATE</p>	



VICTORIA POLICE

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

Liquor Licensing Inspector
Latrobe Police Service Area
Region 5 Division 3
8-10 Hazelwood Rd
Morwell 3840
Victoria, Australia
DX 217737
Telephone (03) 5131 5002
Facsimile (03) 5131 5015

Our Reference: 5MLC0800621

Your Reference: 2008/162

25TH June 2008

Kristy Crawford
Statutory Planner
Latrobe City
P.O. Box 264
Morwell 3840

Subject:

**ON PREMISES LIQUOR LICENCE
140 BURNETS RD, TRARALGON EAST
L 2 LP 208979, PT A4**

I have reviewed the On Premises Liquor Licence application and accompanying plan/s submitted for 140 Burnet Rd, Traralgon East and I wish to advise that I have no objections.

Chris Major
Inspector Latrobe Police Service Area

Application reference number 2008/162

- We object to the application as we believe that the hours should not be changed from the current licence that they have.

eg 7am → 11pm all days except
and 10am → 11pm Sunday & Public Hols.

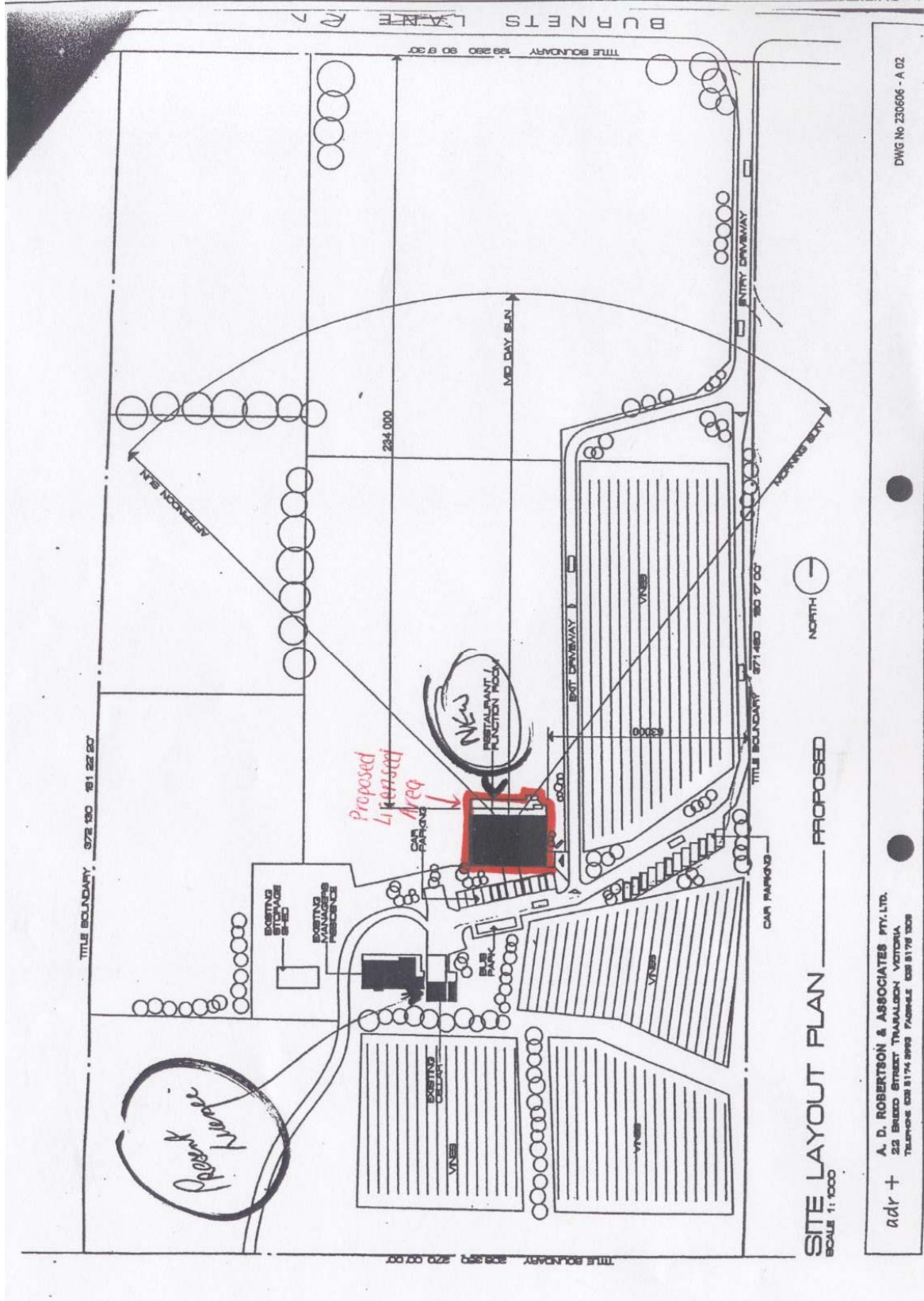
- We would be affected by the noise.

We live in a very quiet area & noise carries as there is no noise buffers.

- If any licence was granted we would expect substantial noise reduction measures to be made in the side facing us.

Margaret & Ken Kesper
25 Glenloth Crt
Traralgon.

Latrobe City	
LATROBE CITY COUNCIL	
Doc. No:	
Action Officer:	2303
Disposal Code:	
Comments:	Tina Mill



DWG No 230606 - A 02

A. D. ROBERTSON & ASSOCIATES PTY. LTD.
22 BRUCE STREET, TRARALGON, VICTORIA
TELEPHONE 03 8174 2993 FACSIMILE 03 8175 1308

adr +

SITE LAYOUT PLAN PROPOSED

COMMUNITY LIVEABILITY

11.5.1 UNIVERSAL HOUSING DESIGN

AUTHOR: Acting General Manager Community Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to seek Council's endorsement of the Universal Housing Alliance Victoria Policy Platform.

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

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

Strategic Objective - Liveability

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

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

Strategic Objective - Community Capacity Building.

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

Strategic Action - Advocate on behalf of our community, to ensure Latrobe Valley is represented as part of wider discussion and decision making.

Strategic Action - Actively encourage partnerships with other local governments and with community agencies to strengthen Latrobe City's contribution to the policy development process.

Strategic Action - Promote and support an increase in the level of inclusion of older people, young people, the Koorie community, people from culturally and linguistically diverse backgrounds and people with a disability or mental illness.

Latrobe City Older Persons Strategy 2007 – 2021 Section 4.2.5

Encourage innovation in design for older persons accommodation and encourage adoption of accessible housing design principles into new housing design.

3. BACKGROUND

Poor housing design makes it difficult for many Victorians to remain living in their own home at various stages of their lives. This may be due to ageing; acquiring a disability; a short term illness; a temporary disability; or an injury that affects their mobility. Building housing to Universal Design standards means that it is liveable for everyone, regardless of their age, family structure, or the changes they may experience during their lifetime. Universal Design also means that people can visit the homes of others, regardless of their age or ability.

The Universal Housing Alliance Victoria Policy Platform outlines a strategy to meet the current and future housing needs of Victorians and calls on the Victorian Government to ensure that at least one quarter of all housing in Victoria is Universal Housing by 2031.

The Victorian Council of Social Service (VCOSS) has played a lead role in advocating for Universal Housing regulations to be included in planning or building regulations. In 2008 VCOSS established the Universal Housing Alliance Victoria which is made up of representatives from the disability advocacy sector, organisations representing older Victorians and a number of metropolitan and rural councils. VCOSS has requested that organisations who support a regulatory approach to Universal Housing Design endorse the Universal Housing Alliance Policy Platform.

Whilst Victoria leads the country in regulating for five-star energy efficiency for new and renovated houses, the majority of housing in Victoria is still not sustainable as it does not meet current or future housing needs of the population.

Latrobe City has been actively advocating for Universal Housing regulations since 2004,

- In 2004, public consultations and focus groups were held during the development of the Latrobe City Community Plan. As a result of this consultation, an action was included in the Community Plan to advocate for visitability and adaptability requirements for housing to be included in State Government legislation.
- In 2005, the Latrobe City Rural Access Project Officer was a member of the Disability Advisory Council of Victoria Accessible Place Working Party which recommended a policy outline for the Victorian Government which included a regulatory approach to Universal Housing design.
- In 2006, the Latrobe City Disability Reference Committee established a Built Environment Working Group to investigate opportunities to increase the amount of Universal Housing. This group was made up of members of the Disability Reference Committee, Council Officers and community members. This working group strongly supported regulations for Universal Housing design.
- In April 2007, Latrobe City hosted three focus groups in Morwell which were part of a research project conducted by Flinders University on the housing careers of people with a disability. All three focus groups (60 people) supported Universal Housing design regulations.
- In April 2007, Latrobe City ran an accessible housing information session in Morwell with over 40 people attending. Attendees strongly recommended regulations for Universal Housing.
- In 2007, the Latrobe City Disability Reference Committee was consulted during the development of the Latrobe City Older Persons Strategy and strongly supported regulations for Universal Housing design.
- In 2007, the Latrobe City Older Persons Strategy 2007-2021 was released, which contained an action for Council to encourage innovation in design for older persons accommodation and encourage adoption of accessible housing design principles into new housing design.
- In 2008, the Latrobe City Disability Reference Committee recommended that a policy position on Universal Housing design be included in the review of the Latrobe City Municipal Strategic Statement (MSS).

- The Latrobe City Rural Access Plan 2007-08 includes a strategy for the Rural Access Project Officer to continue involvement in the Built Environment Statewide Issues Based Working Group which is represented on the Universal Housing Alliance Victoria.
- In 2008, the Latrobe City Rural Access Project Officer was consulted in the development of the Universal Housing Alliance Victoria Policy Platform.

Latrobe City now has the opportunity to endorse the Universal Housing Alliance Victoria Policy Platform and be an active participant in a campaign to increase the amount of accessible housing in Victoria.

4. **ISSUES**

Housing that is designed to be used by all people to the greatest extent possible is defined as Universal Housing or Universal Design.

The minimum low cost/no cost features generally accepted as necessary for Universal Housing are:

1. A clear pathway to a step-free entry.
2. Wide doorways and corridors.
3. Light switches and controls in easy to reach places for someone sitting or standing.
4. Reinforced walls in the bathroom, shower and toilet.
5. Slip-resistant flooring.
6. Open-plan kitchen.
7. Open-plan bathroom with step-free shower.
8. Visitable toilet on the ground floor.

It is estimated that the cost of incorporating Universal Design features into a new home is between 0% and 2% of the construction cost. Incorporating Universal Design into the construction of a new home can cost up to 20 to 30 times less than retrofitting.

The most pressing need for Universal Housing comes from Victoria's ageing population. According to Victorian Government projections, by 2031 almost a quarter of Victorians will be over 65 years of age. Many of these people will acquire some sort of mobility impairment, as the likelihood of doing so increases with age. Most will want to live independently in their own homes, in their communities, for as long as possible.

At the local level, endorsing the Universal Housing Design Policy Platform will support the implementation of actions regarding Housing and Accommodation contained in the Latrobe City Older Persons Strategy 2007-2021.

It is internationally accepted that well-designed housing reduces the risk of injury, ill health, and institutionalisation. Badly designed housing however costs the community millions of dollars each year in hospital admissions, home care, early aged care admissions and expensive modifications, many of which would be unnecessary if houses were built to Universal Design standards. It is argued that these costs will increase significantly over the coming years if actions to 'age-proof' our housing are not implemented urgently.

Universal Housing will also provide a wider range of housing options for people with a disability and their families.

Proponents of Universal Housing have argued that the housing market has failed to provide sufficient universally designed housing to account for Victoria's population needs. International experience shows that adoption of elements of universal design into planning and building codes is one of the most successful strategies to 'future-proof' housing.

Although many organisations and individuals involved in the disability, age care, falls prevention and health promotion sectors have been advocating for regulations for Universal Housing, the building industry is strongly opposed to a regulatory approach. The Property Council of Australia and Housing Industry Association are examples of industry bodies opposed to regulations for Universal Housing design. These industry bodies prefer a more 'market driven' approach to change rather than a regulatory approach. Overseas experiences indicate that a significant shift to universal housing design will not occur without regulations.

The Municipal Association of Victoria (MAV) is currently considering supporting the Universal Housing Alliance Victoria Policy Platform.

By regulating for five-star energy efficiency for new and renovated homes, the Victorian Government has shown that it is serious about improving the sustainability of the built environment. It is argued that without regulating for Universal Housing the Victorian Government has only gone part way to making Victoria's housing stock truly 'five-star sustainable'.

Other states in Australia have taken some action to increase the amount of universal housing. The Queensland Department of Housing has adopted universal design principles in the design and construction of all ground level social rental housing. For many years, South Australia has had a requirement for one Class 1 building (house) or Class 2 (apartment) to be accessible if a group of 20 or more are being built. The South Australian Housing Trust has also adopted elements of the Adaptable Housing Standard AS 4299-1995 for certain selected new two bedroom single storey housing developments.

Three councils (City of Melbourne, City of Moonee Valley and City of Yarra) have put forward planning scheme amendments which require that all new housing planning permit applications meet the enhanced access standard AS1428 Part 2. These Planning Scheme Amendments are currently with the Victorian Minister for Planning and have not yet been approved.

In submitting these planning scheme amendment applications, these councils were aware that their applications may not be successful as these amendments were not consistent with the State Government Planning Regulations. These councils took this action with a view to initiating some action at the state level.

The State Government has indicated that local planning scheme amendments will not be approved as they would much prefer regulation for Universal Housing design to be included in building regulations as this would result in more consistency nationwide.

The Disability Reference Committee has had input into the MSS review. If the State Government's policy position changes in regard to allowing Universal Housing design regulations in local planning schemes, Latrobe City could investigate the opportunity to develop a local planning policy.

Endorsing the Universal Housing Alliance Policy Platform will mean that Latrobe City:

- Agrees with the content of the Policy Platform.
- Agrees for its name and/or logo to be used in public statements and advocacy in support of the Policy Platform.
- Endorses the Victorian Universal Housing Alliance to speak publicly on behalf of the Policy Platform and its signatories and to issue public documents in relation to the Policy Platform.
- May be asked to issue a public expression of support of the Policy Platform.

5. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial and resource implications.

6. INTERNAL/EXTERNAL CONSULTATION

Internal and external consultation on Universal Housing Design has included:

- Public consultation and focus groups held during the development of the Latrobe City Community Plan in 2004.
- The Disability Advisory Council of Victoria Accessible Place Working Party statewide consultation in 2005.
- Latrobe City Built Environment Working Group established in 2006.
- Three focus groups held in Morwell in 2007.
- Accessible Housing design Information Session held in Morwell in 2007.
- Consultation with the Latrobe City Disability Advisory Committee during the development of the Latrobe City Older Persons Strategy in 2007.
- Consultation with the Disability Advisory Committee during the review of the Latrobe City MSS in 2008.

7. OPTIONS

1. Council could endorse the Universal Housing Alliance Policy Platform and advocate for a Statewide approach to Universal Housing design.
2. Council could participate in the Universal Housing campaign but not officially endorse the Universal Housing Alliance Policy Platform.
3. Council could endorse the Universal Housing Alliance Policy Platform and not participate in advocating for universal housing design.

8. CONCLUSION

A regulatory approach for Universal Housing design is the most efficient and effective way to meet the current and future housing needs of Victorians.

An industry and community awareness campaign alone will not be effective in providing sufficient Universal Housing to meet the current and future housing needs of Victorians.

The VCOSS Policy Unit has developed a well thought out Policy Platform and campaign strategy in consultation with key stakeholders.

The Universal Housing Design Policy Platform is consistent with the Sustainability, Liveability and Community Capacity Building Strategic Objective of Latrobe 2021 and the current Council Plan. Endorsing and supporting the Universal Housing Design Policy Platform is also consistent with actions to be undertaken by Latrobe City outlined in the Older Persons Strategy 2007-2021.

Latrobe City has the opportunity to join a group of Victorian Councils who are showing statewide leadership in establishing regulations for universal housing design.

9. RECOMMENDATION

That Council endorses the Universal Housing Alliance Policy Platform and advocates for a Statewide approach to Universal Housing design.

Moved: Cr Price

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED

.

GOVERNANCE

11.6.1 OFFICER DELEGATIONS

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval of the attached *Instrument of Delegation to Members of Council Staff – August 2008*, in accordance with the requirements of the *Local Government Act 1989*.

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 - Governance

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

Strategy Action - Ensure compliance with the Local Government Act 1989.

Policy No. - Nil

This review is a statutory requirement under the *Local Government Act 1989* and no specific Council policy is applicable.

3. BACKGROUND

The delegation of Council powers, functions and duties to Council officers and/or Special Committees has been a long accepted practice.

The *Local Government Act 1989*, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Council.

Most day to day Council decisions are made by Council officers and subsequently, most decision making power is allocated by formal delegations; this enables decision making in accordance with the policy and direction set by the Council.

There are two forms of delegation which occur in Victorian local government:

- Delegation to special committees; and
- Delegation to members of staff.

Any decision of a delegate of Council is deemed to be a decision of Council.

Council currently operates under the powers and functions delegated by Council to Council officers on 17 December 2007.

4. **ISSUES**

A review of Council's delegations has been undertaken at this stage only to update Council's delegations with amended Council officer titles resulting from an organisational restructure.

A similar review of delegations from the Chief Executive Officer to Council officers has also taken place.

It is customary for a review to take place when changes have been made to the Acts under which delegated authority is given. A full review of all delegations will be undertaken later this year, which may result in the need to further amend the officer delegations.

Council should note that the September 2006 delegation to the Chief Executive Officer does not require review at this time; this review will take place in accordance with the *Local Government Act 1989*, being within 6 months of the 2008 Council General Election.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no direct cost to Council in conducting this review of delegations from Council to Council officers.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

No external consultation has been engaged.

Details of Community/Consultation Results of Engagement:

Community consultation has not been undertaken as this is a function under the *Local Government Act 1989*. The respective Council officer delegations have been referred within Council administration for consideration.

7. OPTIONS

Council has the option to delete the specified legislative provisions from the schedule of delegations, or amend the designated officer receiving the delegation.

In the first instance, if a specific provision is deleted from the delegations, it should be noted that Council, or the Chief Executive Officer in some instances, will be the only body that can exercise that part of the legislation.

If the current delegated powers and functions are not amended by Council at this time, some delegations will become obsolete; as some officer's titles have changed and their delegations will no longer be effective.

8. CONCLUSION

The attached *Instrument of Delegation to Members of Council Staff - August 2008* is presented for Council's consideration.

A full review of all delegations will be conducted during this financial year; this review will take into consideration all changes to Acts under which a delegation is made.

The amendment to delegations at this stage is only to align the current delegations with amended officer titles.

9. RECOMMENDATION

- 1. That Council, in exercising the powers conferred by Section 98(1) of the *Local Government Act 1989*, revokes the *S6. Instrument of Delegation to Members of Council Staff (Dec07v1)* dated 17 December 2007; and**
- 2. That Council adopts the *Instrument of Delegation to Members of Council Staff – August 2008* to reflect the changes in Council officer titles resulting from the organisational restructure; and**

3. That Council delegates to the members of Council officers holding, acting in or performing the duties of the officers or positions referred to in the *Instrument of Delegation to Members of Council Staff – August 2008*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument; and
4. That Council, pursuant to Local Law No.1, authorises the Chief Executive Officer to affix the common seal to the *Instrument of Delegation to Members of Council Staff – August 2008* and notes that the *Instrument of Delegation to Members of Council Staff – August 2008* comes into force immediately the common seal of Council is affixed to that instrument.

Moved: Cr White

Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

11.6.2 PROPOSED ACQUISITION - COACH ROAD LOOKOUT, YALLOURN

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to complete the acquisition of the Coach Road Lookout site from TRUenergy Yallourn Pty 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 - 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

The Coach Road Lookout is situated at the corner of Coach Road and Golf Links Road on land owned by TRUenergy Yallourn Pty Ltd, being Crown Allotment 9F2 and part of the land contained in Certificate of Title Volume 10248 Folio 619.

In 2007 the existing steel lookout tower was demolished by TRUenergy due to the age of the structure and associated concerns for the safety of the public.

Following discussions between Council and TRUenergy it was proposed that both parties would provide contributions of \$23,000.00 and \$10,000.00 respectively for the construction of a new lookout and that the land would be transferred to Council for a nominal consideration of \$1.00.

The design of the new lookout has already been completed, a copy of which is attached. This design will allow greater access to the public than the original lookout tower and TRUenergy have already provided a replica of the original directional plaque, at their expense, for inclusion in the final structure.

At it's meeting held on Monday 3 March 2008 Council has previously resolved to sign and seal the Transfer of Land as follows:

That Council signs and seals the Transfer of Land document for the transfer from TRUenergy Yallourn Pty Ltd as Transferor and Latrobe City Council, as transferee, of the Land contained in Certificate of Title Volume 10248 Folio 619, known as Coach Road Lookout, Yallourn, for the consideration of \$1 for the purposes of creating a Covenant over the land.

4. ISSUES

Whilst TRUenergy have agreed to transfer this parcel of land to Council for \$1.00 it would be subject to a condition in the Contract of Sale, Special Condition 8.1, stating that Council will:

- (a) *not transfer, subdivide, or otherwise deal with the Land or any part of the Land until the earlier of:*
 - (i) *31 December 2050; and*
 - (ii) *the date on which the Vendor notifies the Purchaser in writing that the Yallourn Power Station has been decommissioned and the construction of a replacement power station on or about the site of the existing power station in Yallourn has been completed; or*
- (b) *not use the Land or permit or suffer the Land to be used other than as a lookout point for public use until the earlier of 31 December 2050 and the date specified in special condition 8.1(a)(ii).*

Furthermore, Special Condition 11 of the Contract of Sale states that the replica of the directional plaque shall be installed by Council to the satisfaction of TRUenergy.

It is anticipated that construction of the new lookout would take approximately three months. However, TRUenergy have advised that no works can commence on the site until such time as the land transfer is finalised.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The land is to be transferred for a nominal consideration of \$1.00. An allocation has been made in the 2008/09 Council budget for the construction of the new lookout which has since been revised to \$34,500.00 exclusive of the \$10,000.00 contribution by TRUenergy.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

To date all discussions have been between representatives of Latrobe City Council and TRUenergy Yallourn Pty Ltd.

Details of Community/Consultation Results of Engagement:

Discussions were also previously held with the Merton Ward Residents Association who confirmed their support for the project.

7. OPTIONS

Council may now resolve to either:

1. Authorise the Chief Executive Officer to sign the Contract of Sale for the transfer of Crown Allotment 9F2 to Council:
2. Take no further action.

In the event that Council resolved to take no further action it would not be possible to construct the new lookout on the site in Coach Road, Yallourn, and the land would be retained by TRUenergy Yallourn Pty Ltd.

8. CONCLUSION

Council has committed funds in the 08/09 budget for a new lookout on the Coach Road site. For this project to proceed in accordance with Council's 3 March 2008 resolution, the Chief Executive Officer must sign the Contract of Sale to complete the transfer of the land to Council.

9. RECOMMENDATION

That Council authorises the Chief Executive Officer to sign the Contract of Sale for the transfer of Crown Allotment 9F2, Coach Road, Yallourn, from TRUenergy Yallourn Pty Ltd for the nominal consideration of \$1.00.

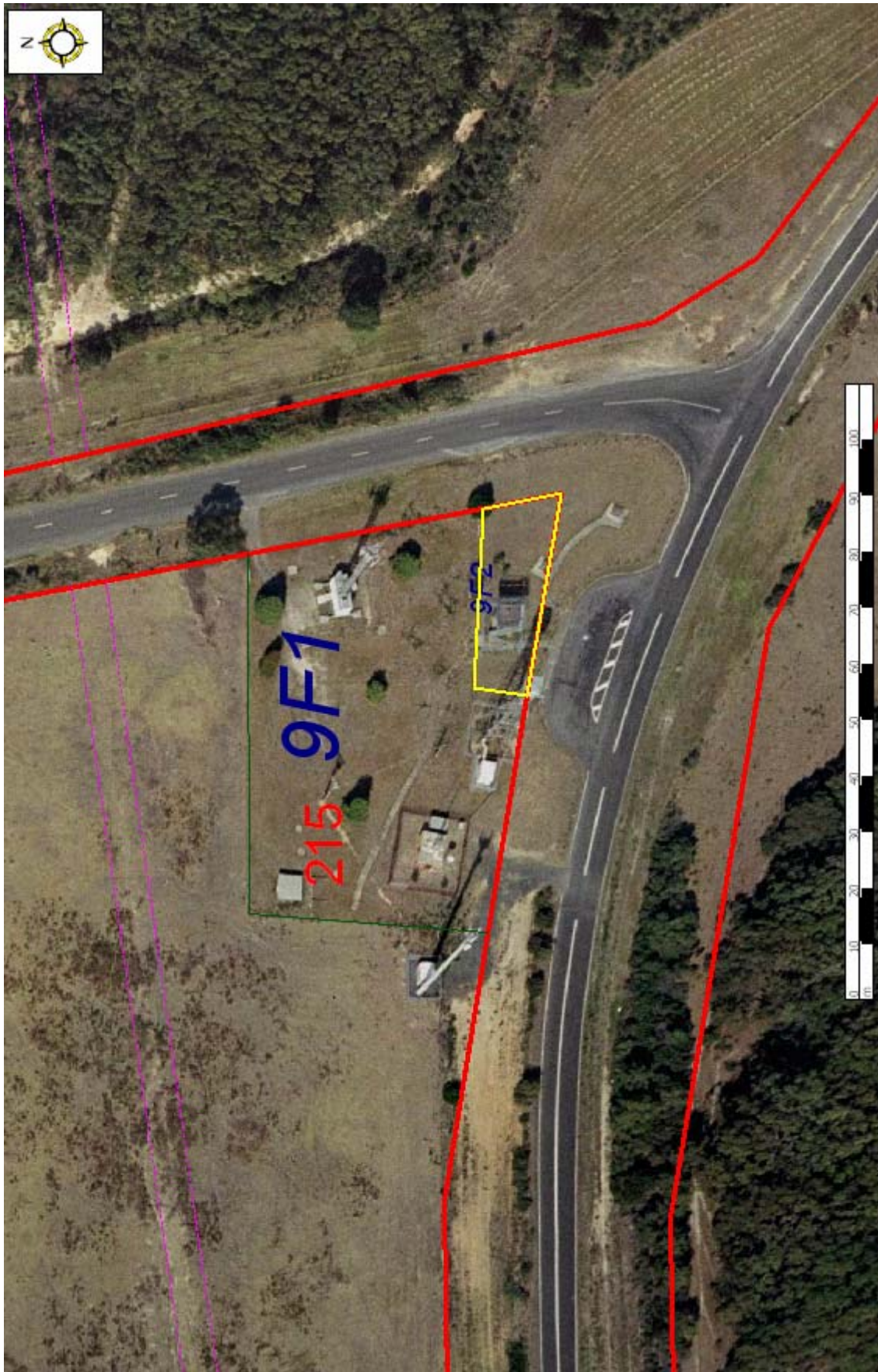
Moved: Cr White

Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 7.45 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 7.56 pm.

Moved: Cr Price
Seconded: Cr White

That this Meeting now be closed to the public to consider the following items which are of a confidential nature, pursuant to Section 89(2) of the *Local Government Act 1989*.

Items	Reasons under s.89(2) of the LGA
14.1 ADOPTION OF MINUTES	Other
14.2 CONFIDENTIAL ITEMS	Other
14.3 PROVISION OF MINOR PAINTING WORKS, GRAFFITI REMOVAL AND PROTECTIVE COATINGS	Contractual
14.4 SUPPLY OF CONCRETE SKATEBOARD RAMPS	Contractual

CARRIED UNANIMOUSLY

The Meeting closed to the public at 7.56 pm.