



LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 06 OCTOBER 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
Katie Garlick, Council Operations Administration Officer
Allison Jones, General Manager Economic Sustainability
Philip Marsh, Acting General Manager Governance
Grantley Switzer, Acting General Manager Recreational and Cultural Liveability
Carol Jeffs, Acting General Manager Built and Natural Environment Sustainability

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NIL

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CHIEF EXECUTIVE OFFICER

NIL

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NIL

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NIL

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

Cr Caulfield declared on Interest in Item 14.4 2008/09 Community Grants Program as he is a life member of the Traralgon and District Junior Football Club and Combined Saints Junior Football Club.

Cr Kam declared on Interest in Item 14.4 2008/09 Community Grants Program as she is a member of the Barrier Breakers and the Greek Orthodox Community of Gippsland.

Cr Middlemiss declared on Interest in Item 14.4 2008/09 Community Grants Program as he is on the Morwell Rose Garden Committee and the Mathison Park Advisory Committee.

Cr Price declared on Interest in Item 14.4 2008/09 Community Grants Program as has her family has involvement in the Moe Cricket Club, the Moe Football and Netball Club and the Moe Bowling Club and that she is a member of the Gippsland Heritage Park Board of Management.

Cr White declared on Interest in Item 14.4 2008/09 Community Grants Program as he is a member of the Mathison Park Advisory Committee and a life member of the Morwell Tennis Club.

Cr Wilson declared on Interest in Item 14.4 2008/09 Community Grants Program as he has a child that plays with the Falcons City Soccer Club.

Cr Zimora declared on Interest in Item 14.4 2008/09 Community Grants Program as he is on the Moe Yallourn Rail Trail Committee, the Ollerton Avenue Bushland Reserve Committee, the Old Gippstown Heritage Committee and the Make Moe Glow Committee.

4. Adoption of Minutes

Moved: Cr Price

Seconded: Cr Zimora

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 15 September 2008 (CM 277) be adopted.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Zimora

Seconded: Cr Price

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.01 pm

Ms Marilyn May from the Make Moe Glow Committee, addressed and thanked Council in relation to the Keep Australia Beautiful award.

The Mayor thanked Ms May for addressing Council.

Cr Price outlined the Keep Australia Beautiful awards in particular that Moe was recognised with the Judges Commendation Award and the Migrant Wall of Recognition.

Resumption of Standing Orders

Moved: Cr Caulfield

Seconded: Cr White

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.06 pm

The Mayor sought Council's consent to bring forward Items 7.1 - Moe Early Learning Centre Redevelopment Project - outcome of site selection consultation, 7.2 - Traralgon Early Learning Centre Redevelopment Project - report on community consultation and 11.6.3 - Review of restrictive covenant - Latrobe City Sports Stadium.

Moved: Cr Price

Seconded: Cr White

That Items 7.1 - Moe Early Learning Centre Redevelopment Project - outcome of site selection consultation, 7.2 - Traralgon Early Learning Centre Redevelopment Project - report on community consultation and 11.6.3 - Review of restrictive covenant - Latrobe City Sports Stadium be brought forward for consideration.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Zimora

Seconded: Cr Middlemiss

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.08 pm

Ms Irene Ballard, Deputy Principal – South Street Primary School, addressed Council in relation to Item 7.1 - Moe Early Learning Centre Redevelopment Project - outcome of site selection consultation.

The Mayor thanked Ms Ballard for addressing Council and for her submission.

Mr Paul Burns addressed Council in relation to Item 7.2 - Traralgon Early Learning Centre Redevelopment Project - report on community consultation and answered questions put to him.

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

Ms Andrea Smith addressed Council in relation to Item 7.2 - Traralgon Early Learning Centre Redevelopment Project - report on community consultation and answered questions put to her.

The Mayor thanked Ms Smith for addressing Council and for her submission.

Mr Tony Salvatore addressed Council in relation to Item 11.6.3 - Review of restrictive covenant - Latrobe City Sports Stadium and answered questions put to him.

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

Resumption of Standing Orders

Moved: Cr White

Seconded: Cr Zimora

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.22 pm

**7.1 MOE EARLY LEARNING CENTRE REDEVELOPMENT PROJECT -
OUTCOME OF SITE SELECTION CONSULTATION**

AUTHOR: Acting General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to advise Council of the outcome of the community consultation process regarding potential sites for the Moe Early Learning Centre (MELC) Redevelopment Project and to seek Council's endorsement of the Ted Summerton reserve as the preferred site.

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 - Liveability

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

Strategic Action - Community Liveability Community Outcome

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

Strategic Action - Community Well-being

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

This report is consistent with the Latrobe City Childcare Strategy 2006-2011.

The strategy is designed to provide the strategic direction for Council to ensure that children and families in Latrobe City have access to quality childcare that meets future needs. It will assist Council in its roles in:

1. *Planning for childcare services to ensure families have access to a range of responsive childcare options.*
2. *Advocacy on behalf of the community for additional service where there are service gaps.*
3. *Community capacity-building to ensure services are equipped to deliver quality childcare services.*
4. *Delivering Family Day Care (FDC), Occasional Care (OCC) and Long Day Care (LDC) services.*

The Strategy commits Council to achieving a number of key objectives including:

- *Investment in infrastructure.*
- *Provide integrated centre based childcare services for 0-5 year old children in each major town by 2011.*
- *Responding to parents and children's needs in provision of childcare.*
- *Take the lead in community planning in the delivery of quality childcare services within the municipality.*
- *Ensure all Council's childcare services are responsive to local needs.*
- *Provide childcare services that are environmentally and financially sustainable.*

Policy No. DCS-DCS 002 Child Care Centre Policy:

Latrobe City will manage early learning centres in Traralgon, Morwell and Moe and in the future Churchill on a self-funded basis in accordance with the *Children's Services Regulations 1998* and the *Children's Services Act 1996*. The purpose of these centres is to provide a safe, stimulating and affordable quality childcare option to parents who either reside or work in the municipality. The early learning centres are designed to provide long day care, part time or occasional care for children under five years of age in a manner which responds to the expressed needs of parents.

3. **BACKGROUND**

The Commonwealth Government has committed to provide funding for the construction of a new Early Learning Centre in Moe under the first round of an election commitment to build an additional 260 centres across Australia.

A condition of Commonwealth funding is that the centre be constructed by 30 June 2010. To achieve this date a project plan has been developed with a number of key milestones, including selection of a preferred site, design processes and construction.

The selection of a preferred site is the first critical milestone in this project.

At the Ordinary Council Meeting held on 18 August 2008 Council adopted the following resolution:

1. *That Council endorses the proposed project plan for the Moe Early Learning Centre Redevelopment Project.*
2. *That Council approves a community consultation process to identify a preferred site and project scope for the Moe Early Learning Centre Redevelopment Project.*
3. *That a further report be presented to Council at the Ordinary Council Meeting to be held on 6 October 2008, detailing the results of the community consultation and further action to be undertaken in relation to the Moe Early Learning Centre Redevelopment Project.*

Eight potential sites for a new Moe Early Learning Centre were identified for consideration through the community consultation process:

- Lot 1 & 2, 18-22 Kingsford Street, Moe (former tennis courts)
- Cnr Moore & Hennessey Streets, Moe (integration with Moore Street preschool)
- 29 Hawker Street, Moe (Public Reserve)
- Ted Summerton Reserve, 37-38 Vale Street, Moe
- Cnr John Field Drive and Old Sale Road, Newborough (adjacent to Latrobe Leisure Moe-Newborough)
- Cnr Dinwoodie Drive and Narracan Drive, Moe (Public Reserve)
- Ollerton Avenue, Newborough (co-locate at former hospital site)
- H.G. Stoddart Memorial Park, Vale Street, Moe (Public Reserve).

A copy of the Project Information Pack developed to support the consultation process is attached, which outlines the purpose of the MELC Redevelopment Project, profiles of each site, assessment details, cost factors and site maps (Attachment 1).

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

The Victorian Department of Education and Early Childhood Development and the Commonwealth Office of Early Childhood Education and Care have also been consulted in relation to this project.

4. **ISSUES**

Community Feedback and Rating of Sites

A formal public consultation process has been undertaken over the past six weeks to ascertain community views regarding the eight potential sites for the MELC Redevelopment Project.

This involved a number of activities including:

- Meetings with MELC parents, South Street Primary School Council, Moore Street Preschool committee, Make Moe Glow, parenting groups, Department of Education & Early Childhood Development and the Office of Early Childhood Education and Child Care.
- Community information sessions held in the afternoon and evening at the Moe Service Centre on 27 August 2008 and 4 September 2008, attended by a total of 7 people.
- Publication of Project Information Pack, distributed to attendees at stakeholder meetings, community information sessions, and available at the Moe Service Centre, MELC, Preschools and other Maternal and Child Health Centres.
- Publication of the Project Information Pack on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Moe-Narracan News.
- A press release outlining the sites under consideration and the consultation process.
- An invitation to all participants in the consultation process to provide written or verbal feedback regarding the site options.
- One-on-one discussions with community members either in person or by telephone.

A total of 101 written responses have been received during the community consultation period. Feedback has also been provided by community members attending the community information sessions, stakeholder meetings and by telephone.

A major submission has also been received in relation to this project from South Street Primary School Council and the Moe Football and Netball Club on behalf of the Ted Summerton Reserve users group.

A summary of the written feedback received is attached (Attachment 2) along with copies of all submissions (Attachment 3). The following table summarises the level of support or opposition in relation to each site in order of ranking:

	Site option	Support	Oppose
1	Ted Summerton Reserve, Vale Street, Moe	73	2
2	Kingsford Street, Moe (former tennis courts)	12	3
3	Hawker Street Reserve, Moe	4	7
4	Cnr Moore & Hennessey Streets, Moe	3	12
5	Cnr John Field Drive and Old Sale Road, Newborough	3	15
6	H.G. Stoddart Memorial Park, Vale Street, Moe	2	12
7	Cnr Dinwoodie Drive and Narracan Drive, Moe	2	27
8	Ollerton Avenue, Newborough	0	12

Levels of support or opposition to each site, given through verbal feedback at the community information sessions or other communication with officers, were similar to those indicated for written responses.

The community feedback sheet also asked community members to rate each site according to a number of qualitative issues including:

- Accessibility if using public transport
- Accessibility if using own vehicle
- Satisfaction with location (i.e. distance from home, work, etc)
- Proximity of site to other children's services used by respondent
- Location in terms of surrounding environment
- Level of traffic in surrounding roads
- Overall ranking

Respondents were asked to rate each site against each question on a scale from 1 (most suitable) to 8 (least suitable). The scores recorded against each question for each site were collated and an overall ranking calculated, giving each site a score out of 100 with the higher score indicating greater levels of satisfaction. The results of this analysis are provided below in order of ranking:

	Site option	Suitability Ranking
1	Ted Summerton Reserve, Vale Street, Moe	76.3
2	Kingsford Street, Moe (former tennis courts)	67.2
3	Hawker Street Reserve, Moe	55.5
4	H.G. Stoddart Memorial Park, Vale Street, Moe	36.5
5	Cnr Moore & Hennessey Streets, Moe	28.2
6	Ollerton Avenue, Newborough	14.0
7	Cnr John Field Drive and Old Sale Road, Newborough	9.4
8	Cnr Dinwoodie Drive and Narracan Drive, Moe	3.9

Assessment Against Selection Criteria

Each potential site was also assessed against the selection criteria established in the Latrobe City Childcare Strategy 2006-2011. These include:

- Accessibility
- Proximity to transport and commercial areas
- Sufficient size and dimensions to ensure regulations and design requirements can be met
- Public visibility
- Visual and noise impacts and surrounding land use
- Capacity to connect to other children and family services either through co-location or a precinct arrangement
- Meets minimum size requirements of 0.4 to 0.75 ha
- Relatively flat land
- Suitable soil to meet departmental requirements for hazardous chemicals assessment and to facilitate sound construction)
- Financial cost to Council

On the basis of the analysis undertaken of potential sites and the community consultation process, an overall assessment score has been identified for each site and is included as attachment four.

A summary combining the ranking against the selection criteria and the community ranking is provided below:

Site option	Score Against Criteria	Community Ranking	Total Score	Rank
Ted Summerton Reserve, Vale Street, Moe	70.5	76.3	146.3	1
Kingsford Street, Moe (former tennis courts)	66.5	67.2	133.7	2
Hawker Street Reserve, Moe	62.5	55.5	118.0	3
H.G. Stoddart Memorial Park, Vale Street, Moe	58.5	36.5	95.0	4
Cnr Moore & Hennessey Streets, Moe	59.0	28.2	87.2	5
Cnr John Field Drive and Old Sale Road, Newborough	62.0	9.4	71.4	6
Ollerton Avenue, Newborough	55.5	14.0	69.5	7
Cnr Dinwoodie Drive and Narracan Drive, Moe	55.5	3.9	59.4	8

On the basis of these rankings, the Ted Summerton Reserve site has been assessed as the most suitable site.

Individual Site Analysis

Each of the site options has also been considered individually in relation to specific issues, benefits and constraints. These are outlined below.

Ted Summerton Reserve, 37-38 Vale Street, Moe

This site is a large area of open space located between the Ted Summerton Reserve oval and the South Street Primary School. It has an excellent northerly aspect, good drainage and considerable flexibility in building location and potential for future development. It is within walking distance of the Moe Central Activity District (1.2 km) and located close to two major streets in Moe (Wirraway and Fowler Streets).

The site offers a unique opportunity to co-locate with the primary school and possibly integrate some facilities. In addition there may be an opportunity for joint use of facilities such as car parks and meeting rooms with possible capital efficiencies to be made.

The site also offers the prospect of supporting a redevelopment of the Ted Summerton Reserve precinct including improvements to traffic management, public amenity and visual presentation. Traffic and parking have been identified as issues to address by the community but not as an impediment to development on this site. Access to the site from the Moe Central Activity District was raised as a concern by one person. The South Street Primary School Council and the Ted Summerton Reserve users group have strongly supported this option and it is clearly the highest ranked site for both the community and in relation to the selection criteria. The site is considered highly suitable as a result of the consultation and analysis.

Lot 1 & 2, 18-22 Kingsford Street, Moe (former tennis courts)

This site is located close the Moe Central Activity District (1.0km) and the Moe railway station (0.75 km). It is a large parcel of land comprising two lots stretching from Kingsford Street to Hinkler Street. The site was previously utilised as tennis courts, which have been left un-maintained for a number of years. The site has an excellent northerly aspect and is easily accessible from two directions.

Whilst the site is not near any other children's services it is located near Latrobe Community Health Service and has capacity for future expansion. The site has a strong level of support in the community, ranked second behind Ted Summerton Reserve and is also ranked second against the selection criteria. An alternative use of the site is proposed by Try Youth Services who have offered to purchase it in order to construct community housing. This site is considered highly suitable as a result of the consultation and analysis.

29 Hawker Street, Moe (Public Reserve)

This is a very large site located to the west of Wirraway Street. It has ample space for a childcare centre whilst retaining a significant amount of public open space and is located close to new housing developments in South-East Moe. The site is not near any other children's services and its distance from the Moe Central Activity District (1.6km) is a concern to some members of the community.

A sewerage easement runs across the north-east corner of the site constraining the optimum place on the site to construct a facility. Concerns regarding traffic management have also been raised by members of the community through the consultation process. The site is ranked third by the community and against the selection criteria and is considered highly suitable.

Cnr Moore & Hennessey Streets, Moe (integration with Moore Street preschool)

The site is located 650m north of the Moe Central Activity District and is the current location for the Moore Street preschool and Maternal & Child Health centre. Use of this site would require extension of the existing preschool building into the adjacent public park to the East. This would create an integrated facility with good access, northerly aspect and good accessibility.

The parkland in question is the only significant area of public open space in the neighbourhood north of the Moe Central Activity District and the location of the centre on this site is strongly opposed by a number of residents. Whilst the site was ranked fourth by the community, it scored only 35 out of a possible 100 and was not supported as a preferred site by any respondent. It was not highly ranked against the selection criteria and is not considered an appropriate location for the centre.

Cnr John Field Drive and Old Sale Road, Newborough (adjacent to Latrobe Leisure Moe-Newborough)

This site is located furthest from the Moe Central Activity District of all sites (3.3km) and whilst adjacent to Latrobe Leisure Moe-Newborough and opposite Newborough East Primary School, has a number of limitations including access, traffic, and competing uses. The site dimensions are not ideal for good design and it is frequently used for parking and sports related activities. The site was ranked sixth by the community and attracted the second highest level of opposition in written submissions. It ranked slightly higher against the selection criteria but is not considered a suitable site for this development.

H.G. Stoddart Memorial Park, Vale Street, Moe (Public Reserve)

This reserve is centrally located within easy walking distance of the Moe Central Activity District and Moe Railway Station (850m). The reserve has sufficient space for an integrated childcare centre whilst retaining a significant amount of public open space, pathways and play areas. The site is not close to other children's services, although it is situated opposite the Moe outdoor pool and Olympic Reserve. The site contains a sewerage easement which would constrain building location and flexibility. The potential loss of open space is not supported by the community and the site was ranked fifth through the community consultation process. It rated sixth against the selection criteria. Whilst the site is viable it has significant limitations and is not considered suitable for this project.

Ollerton Avenue, Newborough (co-locate at former hospital site)

The existing and potential future commercial development of the old hospital site in Ollerton Avenue could generate a significant demand for childcare in future years. The site has a number of areas which could be redeveloped for a childcare centre, although the capital cost of such a development is likely to be higher than other site options. The site is not owned by Council and it is unlikely that purchase or lease of a suitable area of the site could be facilitated in time to meet the time constraints of this project. In addition access and visibility at this site are limited.

The site is a significant distance from the Moe Central Activity District (2.2km) and is not supported for this project by either the Commonwealth Government or the community, ranking seventh of all sites. In addition it is located relatively close to an existing private child care centre in Narracan Drive. This site is not considered suitable for this project.

Cnr Dinwoodie Drive and Narracan Drive, Moe (Public Reserve)

This site was established to create an aesthetic entrance way and public open space for the Monash Park estate. The site is large enough to accommodate a child care centre and retain a significant amount of open space. However the site is opposed by more members of the community than any other site, and the potential loss of public open space is a major concern for all respondents in the community consultation. The site is also located close to an existing private child care centre and is some distance from the Central Activity District (1.4km). The site is ranked lowest of all options by both the community and against the selection criteria and is not considered suitable for this project.

Scope of the Project

In the initial planning stages of this project, it has been envisaged that the new facility will incorporate a 50 to 60 place childcare centre integrated with a 30 place preschool, with a view to exploring the feasibility of extending the facility to become a "children's hub" as proposed in the Latrobe City Childcare Strategy.

Through the community consultation process, members of the community were asked to identify which services and features they would prefer to see incorporated into the MELC Redevelopment Project. The following table summarises the responses provided to date:

Service / Facility	No. Reponses
Childcare	50
Preschool	44
Toy Library	45
Maternal & Child Health	34
Child Immunisations	35
Parenting Room	32
Playgroup	30
Meeting Rooms	22
Before / After School Care	17
Community Kitchen	15
Home & Community Care	8

Time constraints and service demand factors

There are significant time constraints impacting on the MELC Redevelopment Project. The Commonwealth Government requirement for the new facility to be completed by 30 June 2010 means that selection of a preferred site is a high priority in order to facilitate the next stages of the project. These include site survey, soil testing, consultation with surrounding residents, and a tender for design. There is limited scope within the project plan to defer key milestones.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The overall cost of the MELC Redevelopment Project will depend on the design of the centre and the range of services and/or facilities to be included. A robust estimate will not be available until February 2009, once initial concept planning is complete.

However based on the cost of similar projects both within Latrobe City and elsewhere, a capital cost of approximately \$2.4M to \$2.7M can be anticipated.

The Commonwealth Government has offered \$1.6 million in capital funding for the child care component of the project. It is anticipated that this amount will be sufficient for this purpose.

It is proposed to submit to the Victoria Department of Education and Early Childhood Development, and the Department of Planning & Community Development for additional capital funds to support the project. However it is likely a request for Council to contribute to the capital cost of the project will need to be made.

A staged approach to the project is feasible with the construction of core facilities initially and future construction of additional capacity.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

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

- Meetings with MELC parents, South Street Primary School Council, Moore Street Preschool committee, Make Moe Glow, parenting groups, Department of Education & Early Childhood Development and the Office of Early Childhood Education and Child Care.
- Community information sessions held in the afternoon and evening at the Moe Service Centre on 27 August 2008 and 4 September 2008, attended by 7 people.
- Publication of Project Information Pack, distributed to attendees at stakeholder meetings, community information sessions, and available at the Moe Service Centre, MELC, Preschools and other Maternal and Child Health Centres.
- Publication of the Project Information Pack on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Moe-Narracan News.
- A press release outlining the sites under consideration and the consultation process.
- An invitation to all participants in the consultation process to provide written or verbal feedback regarding the site options.

7. OPTIONS

Council has a number of options available to it in relation to the MELC Redevelopment Project:

1. Adopt a preferred site for the new MELC Redevelopment Project.
2. Seek further information on sites currently under consideration or alternative sites
3. Defer a decision on the MELC Redevelopment Project to a future date.

8. CONCLUSION

Eight potential sites for the MELC Redevelopment Project have been assessed against Council's established selection criteria for early years services and subject to an extensive community consultation process.

During the consultation and analysis process the following sites have been assessed as unsuitable:

- Cnr Moore and Hennessey Streets, Moe
- Cnr John Field Drive and Old Sale Road, Newborough
- HG Stoddart Memorial Park, Vale Street, Moe
- Ollerton Avenue, Newborough
- Cnr Dinwoodie Drive and Narracan Drive, Newborough

Of the three remaining sites, Ted Summerton Reserve has been assessed as best meeting the selection criteria and has been ranked highest by the community. It is also rated as the preferred site by 74% of people who forwarded written responses. The site is considered to offer the best value for money and has the most potential for future development given the support indicated by both the South Street Primary School Council and the Ted Summerton Reserve users group.

The Kingsford Street site also rated highly and would be a very suitable site but would not be able to achieve the synergies of co-location with other children's services or the benefits of a precinct approach that Ted Summerton Reserve would provide.

The community has indicated a strong preference for inclusion of additional services/facilities in the new centre including a toy library, preschool, maternal and child health, child immunisations, parenting room, playgroups, meeting rooms and before and after school care.

Whilst a final cost of the project has not been determined as yet, the Commonwealth Government has committed \$1.6M to the project and there is a possibility of obtaining additional financial support from the State Government. A staged construction of the centre over several years may also be a viable option.

Selection of a preferred site is an important milestone in order to achieve the project timeline and ensure completion of the project by 30 June 2010.

If a preferred site is adopted by Council, further work can be undertaken including site surveys, soil testing, tender for design, further concept development and consultation with surrounding residents.

9. RECOMMENDATION

1. That Council adopts the Ted Summerton Reserve site as the preferred location of the Moe Early Learning Centre Redevelopment Project.
2. That Council gives written notification to all people who made a submission that it has adopted the Ted Summerton Reserve as the preferred site for the Moe Early Learning Centre Redevelopment Project.
3. That further action to implement the Moe Early Learning Centre Redevelopment Project is undertaken including site assessment, tender for design, concept development, with input from stakeholders and the community.

Moved: Cr Price

Seconded: Cr White

- 1. That Council adopts the Ted Summerton Reserve site as the preferred location of the Moe Early Learning Centre Redevelopment Project.**
- 2. That Council gives written notification to all people who made a submission that it has adopted the Ted Summerton Reserve as the preferred site for the Moe Early Learning Centre Redevelopment Project.**
- 3. That further action to implement the Moe Early Learning Centre Redevelopment Project is undertaken including site assessment, tender for design, concept development, with input from stakeholders and the community.**
- 4. That a revised Master Plan for the Ted Summerton Reserve, incorporating the Moe Early Learning Redevelopment Project, be completed.**

CARRIED UNANIMOUSLY

7.2 **TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT PROJECT - REPORT ON COMMUNITY CONSULTATION**
AUTHOR: Acting General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to inform Council of the outcome of the community consultation process regarding the Traralgon Early Learning Centre (TELC) Redevelopment Project and to seek Council's approval to progress this project.

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 - No. 2 Liveability

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

Community Liveability Community Outcome

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

Strategic Action - Community Well-being

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

This Strategic Action will be achieved through the following Key Priorities and Actions in the Council Plan 2008-2012:

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

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

This report is consistent with the Latrobe City Childcare Strategy 2006-2011.

The strategy is designed to provide the strategic direction for Council to ensure that children and families in Latrobe City have access to quality childcare that meets future needs. It will assist Council in its roles in:

- 1. Planning for childcare services to ensure families have access to a range of responsive childcare options.*
- 2. Advocacy on behalf of the community for additional service where there are service gaps.*
- 3. Community capacity-building to ensure services are equipped to deliver quality childcare services.*
- 4. Delivering Family Day Care (FDC), Occasional Care (OCC) and Long Day Care (LDC) services.*

The Strategy commits Council to achieving a number of key objectives including:

- Investment in infrastructure.*
- Provide integrated centre based childcare services for 0-5 year old children in each major town by 2011.*
- Responding to parents and children's needs in provision of childcare.*
- Take the lead in community planning in the delivery of quality childcare services within the municipality.*
- Ensure all Council's childcare services are responsive to local needs.*
- Provide childcare services that are environmentally and financially sustainable.*

This report is consistent with Council's Public Open Space Plan (May 2007).

The Public Open Space Plan incorporates a number of principles to guide Council's management of public open space, including:

- 1. Latrobe City is committed to providing a variety of high quality public open space facilities including active sports grounds, walking and bicycle paths, playgrounds, bush reserves, lake sides, BBQ / picnic areas, civic areas, streetscapes, informal activity areas and amenity space.*
- 2. Provision in residential areas:*
 - Local - The majority of houses in residential areas should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius.*
 - District - The majority of houses in residential areas should have access to district level public open space within a 3 km radius.*

- *Regional - Each town with a population of over 5,000 should have regional level public open space within the township boundaries.*
- 3. *Council recognises that in rural areas larger land holdings and town based recreation facilities meet the local level needs of rural residents.*
- 4. *All community accessible public open space should have a clearly identified use, either active or passive recreation, community amenity space or nature conservation.*
- 5. *Community accessible public open space should be managed by the most appropriate governing body.*

The Public Open Space Plan also draws on the 2006 Playground Strategy and the Recreation & Leisure Strategy which are underpinned by the following principles:

1. *Council's role and responsibility in the development and provision of recreation and leisure opportunities shall be clearly defined.*
2. *There shall be a diverse range of accessible recreation facilities and services, and open space areas available across the City.*
3. *Priority shall be given to supporting the provision of recreation facilities and services that cater for both municipal and local level needs.*
4. *The provision and allocation of recreation facilities and services shall be equitable according to age, gender, cultural background and ability.*
5. *Generally, there shall be a focus on the consolidation of existing sporting facilities within the Region, and an emphasis on the provision of new (unstructured) recreational pursuits and open space use.*
6. *There shall be a genuine attempt by Council to encourage the community into recreational activities for the health, well-being and social benefits they provide.*
7. *Recreation and leisure facilities and settings shall provide safe and supportive environments for participants.*
8. *The provision of recreation and leisure facilities shall maximise shared usage and flexibility to meet changing community needs and aspirations.*
9. *A collaborative and partnership approach with community groups, government agencies and the private sector will drive the provision of recreation and sporting facilities and services, and the provision of open space.*

3. **BACKGROUND**

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

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

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

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

Council officers conducted an extensive community consultation process in relation to the sites identified as suitable, engaging with the major stakeholder groups and providing an opportunity for members of the community to obtain information regarding the project, site options and provide comment to Council.

A copy of the Project Information Pack developed to support the consultation process is attached. This outlines the purpose of the TELC Redevelopment Project, profiles of each site, assessment details, cost factors and site maps (Attachment 1).

An interim report on the community consultation process was provided to Council at the Ordinary Council Meeting held on 19 May 2008. At this meeting Council adopted the following resolution:

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

During the course of the community consultation process, two additional site options were identified:

- An alternative orientation of the proposed building on Hubert Osborne Park
- Purchase of an existing childcare centre located at 2 Mapleson Drive, Traralgon

A further report was presented to Council at the Ordinary Council Meeting held on 1 September 2008, outlining the additional site options and requesting an extension of time for the consultation process, to enable the community to consider these additional options and provide feedback.

At this meeting Council adopted the following resolution:

1. *That Council extends the consultation and assessment process for the Traralgon Early Learning Centre Redevelopment Project to enable consideration of additional options at Lot 83 Mapleson Drive, Traralgon and Hubert Osborne Park.*
2. *That a further report detailing the outcome of the consultation and assessment process for options for the Traralgon Early Learning Centre Redevelopment Project, with a recommendation of a preferred site be presented to Council at the Ordinary Council Meeting to be held on 6 October 2008.*

4. ISSUES

Consultation Process and Outcomes

The future location of the Traralgon Early Learning Centre (TELC) and additional preschool capacity has been the subject of considerable community interest.

Following Council's resolution of 17 March 2008, a formal public consultation process has been undertaken to ascertain community views regarding the sites identified as suitable.

This involved a number of activities including:

- Meetings with the Save Osborne Park Group, TELC Parents Reference Group, Cumberland Park Preschool Committee, Kay Street Preschool committee, Traralgon Baptist Church representatives, VicRoads regional management and discussions with the Department of Human Services regional management.
- Community information sessions held in the afternoon and evening at the Traralgon Service Centre on 16 April and 22 April 2008, attended by a total of 26 people.
- Publication of a Project Information Pack, distributed to attendees at stakeholder meetings, community information sessions, and available at the Traralgon Service Centre, TELC, Preschools and other Council facilities.
- Publication of the Project Information Pack on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Traralgon Journal.
- A press release outlining the sites under consideration and the consultation process.
- An invitation to all participants in the consultation process to provide written or verbal feedback regarding the site options.

A total of 121 written responses were received during the community consultation period. In addition other correspondence was received over the past nine months relating to the matter. Feedback has also been provided by people attending the community information sessions, stakeholder meetings and by telephone.

Three major submissions have been received in relation to this project from the following organisations:

- Traralgon City and Rural Community Development Association
- Traralgon Early Learning Centre Parents Reference Group
- Save Osborne Park Group

The majority of issues raised during the consultation process related to Hubert Osborne Park. Reasons cited for why it should not be selected include:

- Open space should not be alienated to develop a childcare centre.
- Not enough open space allowed for recreational areas in urban areas.
- Hubert Osborne Park is the closest open space to the town centre.
- A large number of people use the flat area of Hubert Osborne Park compared to users of childcare, including St Michaels and Grey Street primary schools, football teams, a swimming club, parents with children, tourists and residents.
- Loss of open space should have been included in the selection criteria.
- Need to think long-term – once gone, park land lost forever or a significant cost to recover.
- Open space and parks are important in addressing obesity and exercise and are important for liveability and the environment in urban areas.
- Hubert Osborne Park belongs to the whole community and the needs of the whole community should take precedence over the needs of childcare users.
- The cheapest option is not always the best option.
- Increased traffic at Hubert Osborne Park would be a significant problem and has not been addressed.
- A central location for TELC is not essential as most users drive to and from the centre.
- If a central location for TELC is preferred then prefer VicRoads, North Wing or Baptist Church.
- Traralgon is large enough already, more homes and traffic will spoil the town.
- The assessment process was biased toward current TELC users.
- Selection of this site would breach or be contrary to a number of Council policies.
- A number of comments about the ambience, beauty and personal value of Hubert Osborne Park.

Responses in favour of Hubert Osborne Park raised the following issues:

- Central location is important to enable access by all.
- Connection with other children's services important.
- Provides best opportunity for developing support for mothers.

- Needs of children and parents outweigh needs of a minority of local residents.
- Keep council run childcare facilities together.
- Large site with plenty of space for both TELC and parkland.
- Already owned by Council.
- Away from heavy traffic.
- Cost to ratepayers and benefits to young families with children outweigh loss of land.
- Four or five of the options involve loss of open space.
- Excellent location.
- Hubert Osborne Park financially and geographically the best option.
- Urgent need for additional preschool and occasional care services.
- Sufficient open space available at Hubert Osborne Park and elsewhere even if TELC built at the park.
- Provides opportunity to enhance the park.
- Already has 40kmh speed zone and parking.

Other general comments and specific references to other sites included:

- Proximity to schools should be a major criteria.
- Concern that a future Council might sell TELC to a private operator.
- The existing Baptist Church should be renovated rather than demolished and built over.
- A location close to the CBD is reasonable / is important.
- The decision should be based on space and safety for kids not whether convenient for mothers to go shopping.
- The existing TELC site should be considered for redevelopment.
- The North Wing site is too busy.
- Lack of detail in relation to costings and rationale.
- How does the federal government's proposal for children's hubs impact on this proposal?
- The current TELC land should be sold by tender.
- Council should consider leasing land if outright purchase is prohibitive.
- The cost of replacing open space should be considered in developing cost estimates.
- VicRoads has plenty of potential for further development.
- There should be more transparency in the arrangements with the developer.
- Opposed to putting childcare next to a Mental Health Centre.
- Concern at contamination of soil at hospital site.

- A strategic approach to provision and location of preschools should be undertaken.
- Look at identifying a solution acceptable to all stakeholders.
- If the hospital site is chosen, access should be off Washington Street.
- Cumberland Park site is too small.

A number of submissions requested that Council consider alternative sites, with the following proposed:

- New estates near the CBD.
- Behind the Kath Teychenne Centre.
- Next to the basketball stadium in Catterick Crescent.
- Relocation of the Croquet Club on Hubert Osborne Park and re-use of that site.
- Closer to Kay Street on Hubert Osborne Park.
- Two submissions suggested the childcare and preschool components should be separate projects.

These suggestions have been assessed and found to be unsuitable or not feasible for a variety of reasons including inadequate land size, distance from CBD, encroachment on surrounding land-use or technical feasibility.

Assessment of suitable sites

Since March 2008 council officers have undertaken further assessments of the suitability and capacity of the six sites originally short-listed to address issues of availability, cost, traffic management, functionality and feasibility.

The outcome of these assessments is outlined below.

Cumberland Park Preschool

This site was further evaluated from an architectural, traffic and parking perspective. An architectural review to determine the functionality of the site demonstrated that the site was not large enough to accommodate the proposed facility, provide adequate playground area to meet regulations and provide for car parking without requiring the purchase of adjacent private property. In addition the layout and orientation of the site would not permit an effective and functional design and would not adequately meet the needs of parents or children even if adjoining properties were purchased.

As a result this site is no longer considered suitable.

Former Latrobe Regional Hospital

The former hospital site will not be considered for sale or lease by the Department of Human Services (DHS) at this time. DHS intends to undertake a master planning exercise for the property before deciding on its future use. No date has been set for the commencement of this process, which may take up to two years to complete. In addition a number of concerns were raised during the consultation regarding the compatibility of adjacent land uses, which include the new Country Fire Authority complex currently under construction to the East and a mental health facility to the North.

As a result this site is no longer available to be considered for this project.

North Wing, Civic Precinct

Further assessment of the North Wing site has confirmed several limitations of this site, including insufficient space for future expansion, inadequate car parking with little capacity to provide additional spaces, traffic and noise management concerns. The consultation process undertaken indicated that there is considerable support in the community to retain this site to facilitate possible future development of community facilities.

As a result of these constraints, this site is no longer considered suitable.

VicRoads Parkland

The VicRoads site is considered to be an attractive option, however VicRoads management have formerly advised that it is not in a position to sell the land. It is also unlikely that VicRoads would permit traffic to the site entering from Grey Street to drive through and exit on Kay Street, thereby limiting some of its natural advantages in traffic management.

As a result this option is no longer available to be considered for this project.

Baptist Church

Further architectural assessment of the Baptist Church site has indicated a greater capacity to allow for future expansion, off-road parking and traffic management measures than previously considered achievable. As a result, the assessment of this site has been upgraded. Consideration has been given to the option of renovating the existing church building, however there would be little if any cost saving in doing so given the design and configuration of the building. The orientation of the existing building would not be conducive to an effective design for the facility. A market appraisal has been provided in relation to this site which indicates a probable project cost however given its confidential nature, it has been included in the related report in items closed to the public.

This site continues to be considered as suitable.

Hubert Osborne Park

Previous Council reports have identified potential advantages and disadvantages of the Hubert Osborne park site. Previous assessments of the site have noted this site:

- Is accessible and visible to the public,
- a location close to the Traralgon CBD (600m from the Traralgon Post Office) and transport routes
- Provides an opportunity to link to an existing children's service and is located close to the Maternal & Child Health Centre, Service Centre and Library
- Is of sufficient size and dimensions to ensure regulations and standards are met and has appropriate northerly orientation
- Has appropriate soil and drainage
- Would provide a financial benefit to Council.

Officers have given further consideration to the impact of the design proposal for Hubert Osborne Park. A reconfiguration of the existing car park, traffic management measures in Mabel and Breed Streets and additional landscaping are likely requirements. There is an opportunity to improve the amenity of the park through child and pedestrian safety measures, improved playground and public amenities and the general physical appearance of the park. The impact of the proposed facility on the park area has been acknowledged in a lower overall assessment.

A review of Council archives has been undertaken to identify any previous Council decisions regarding Hubert Osborne Park which might impact on the TELC Redevelopment Project.

This review identified that a section of the Hubert Osborne Park site operated as a tennis court until the early 1980's when it was phased out as part of a rationalisation of tennis facilities in Traralgon, following the development of the Harold Preston Park complex.

As a condition of the funding and future use of the Harold Preston Park tennis complex, small tennis courts at Hubert Osborne Park, Cumberland Park, Shakespeare Street and Pax Hill were to be closed and no longer maintained by Council. This decision was confirmed at the former Traralgon City Council meeting of 18 March 1980, where Council resolved that:

Locations of scattered courts were to revert to their former purpose of playground/park or such other purpose as may in the future be determined by Council (emphasis is from the original Council meeting minute).

On this basis the potential location of the TELC facility at Hubert Osborne Park would appear to be consistent with the former City of Traralgon resolution.

The Hubert Osborne Park (Option 1) site is considered suitable.

Additional sites

Two additional site options have been identified for this project:

- An alternative orientation of the proposed building on Hubert Osborne Park
- Purchase of an existing childcare centre located at 2 Mapleson Drive, Traralgon

The additional site options have been subject to the same process of consultation and analysis as the initial six short-listed locations and a comparative analysis of all eight sites has been made. The outcome of assessments of the additional two sites is outlined below.

Hubert Osborne Park Option 2

An alternative concept plan of the proposed facility on Hubert Osborne Park was developed to investigate means of avoiding or reducing the use of public open space to construct the new TELC building.

This option envisages construction of the childcare facility on the eastern side of the existing Kay Street Preschool, extending into the land surrounding the Council owned Traralgon Swimming Pool. This option does not require the use of additional public open space and utilises land within the swimming pool area which is infrequently used or required. Consultation with the Traralgon Swimming Club was undertaken which did not identify any significant land use or activity constraints. Some additional works on the eastern side of the swimming pool were proposed to accommodate the need for training and spectator areas which would be displaced should this option proceed.

This option has a number of functional and design constraints:

- The orientation of the building to the North-West is not necessarily desirable from an energy efficiency and operational perspective. This limits the amount of direct sunlight into the building or playground and exposes the childcare rooms to the prevailing winds.
- The size and dimensions of the playground areas are somewhat compromised, creating difficulties in maintaining "line-of-sight" from the childcare rooms to the playground areas and limiting design options.
- Additional design and construction costs to accommodate integration with the Kay Street preschool.
- Limited capacity for future expansion.

This option would require relocation of some facilities in the swimming pool area and minor improvements to pool surrounds. An estimate of construction cost has been obtained from a quantity surveyor for this option which indicates a 20% cost increase compared to the initial option for Hubert Osborne Park.

This option is considered suitable, albeit with the design and cost constraints identified above.

2 Mapleson Drive, Traralgon

During the course of the community consultation process, officers were contacted by representatives of Stable Property Investments Pty Ltd, to advise Council that the existing child care centre located at 2 Mapleson Drive, Traralgon, located as part of Crown Allotment 83, Volume 10022, Folio 385 would be available for sale. Overall the site is 1.546 ha in size, with the childcare centre facility and car park occupying approximately 0.4ha.

The facility is currently leased to a national childcare company, and operates as a long day care centre. The property owners have advised that the property will be available for purchase with vacant possession.

The centre comprises a 120 place long day care centre incorporating four 15 place rooms and two 30 place rooms. The facility also incorporates a kitchen, laundry, offices, meeting rooms and storage, a playground and carpark. It is currently only operating at about 35% to 40% capacity. This facility would provide sufficient capacity for a 60 place occasional care centre and two 30 place preschools once fully utilised.

The childcare centre is located on land zoned Low Density Residential. A substantial proportion of the remainder of the property is zoned Urban Flood Zone.

The facility is licensed by the Department of Education and Early Childhood Development and meets all current state regulations and standards. The playground currently provided is at the minimum size allowed under regulations and would need to be expanded to meet Council's standards for early learning centres and preschools.

This site has a number of advantages over other suitable options:

- As a pre-built centre it would avoid design and construction costs and, as the existing tenants will be relinquishing the building, would be available for use at an earlier timescale than other options requiring construction of a facility.
- Existing fittings and fixtures including playground and internal play equipment would be included in the purchase price.
- Compared to the Hubert Osborne Park and North Wing options, the site would involve no loss of public open space.

- The continued use of this site for early learning and care services would be consistent with its current use and is compatible with surrounding land uses.
- It is located within walking distance of the Traralgon CBD (1.1 km from the Traralgon Post Office), has good access and excellent visibility and is located on a major transport link and includes an existing “drop-off” zone, although it is not as close to the CBD as Hubert Osborne Park.
- The size and configuration of this facility would allow for flexible use over the next few years, including capacity to provide space for playgroups, three year old kinder and parents groups.
- It also has the potential to provide a significant future capital saving to Council as projected growth in demand for both Occasional Care and Preschool enrolments over the next five to seven years could be accommodated within this facility.

No formal discussions regarding the sale have occurred with the current owners. The purchase cost for this site will be the determining factor as to whether it is a cost effective option. It is anticipated that a suitable price could be negotiated for this site.

Summary of Community Preferences

Summaries of all submissions are attached (Attachment 2) along with copies of the written feedback received (Attachment 3). The following table summarises the level of support or opposition in relation to each site (some responses indicated more than one preference):

Site option	Support	Oppose
Baptist Church	25	10
Cumberland Park	6	14
Hubert Osborne Park	15	60
Hubert Osborne Park – Option 2	3	22
Latrobe Regional Hospital	13	14
Mapleson Drive	31	0
North Wing	15	20
VicRoads	47	3

Levels of support or opposition to each site, given through verbal feedback at the community information sessions or other communication with officers, were similar to those indicated for written responses.

Overall the largest proportion of people making responses favoured the VicRoads site, with the Baptist Church ranked second and Mapleson Drive third in preference. Over half of all responses also opposed either option for Hubert Osborne Park while opposition to other sites was relatively equal with the exception of Mapleson Drive which received no opposition and the VicRoads parkland which was opposed in three submissions.

Revised Assessment

On the basis of the analysis undertaken of potential sites, including the additional site options identified above, and the community consultation process, a revised overall assessment score has been identified for each site and is included as Attachment 4. A summary is included below:

Site option	Original Score	Revised Score
Hubert Osborne Park Option 1	78	75
Mapleson Drive	–	73
Hubert Osborne Park Option 2	–	73
North Wing	73	72*
VicRoads	69	70*
Baptist Church	64	66
Latrobe Regional Hospital	67	63*
Cumberland Park	72	61*

* = unavailable / unsuitable

Traffic engineering analysis

As part of the ongoing assessment process, an independent Traffic Engineering Investigation Report was commissioned by Council officers to identify the major traffic and parking issues to be addressed at each of the six sites.

The findings of the report are summarised in Attachment 5. The Report ranked each of the sites based on existing and anticipated traffic, existing and potential safety issues, access to the footpath network and public transport, accessibility and parking management, with "1" being the highest ranked site:

Site option	Traffic Analysis Ranking
Mapleson Drive	1
VicRoads	2
Hubert Osborne Park (options 1 and 2)	3
Latrobe Regional Hospital	4
Baptist Church	5
Cumberland Park	6
North Wing	7

Additional works were also recommended for each site to address key issues and further detailed investigative work to be undertaken by council officers once a specific site is chosen.

As the above table shows, the Mapleson Drive site was assessed as the highest ranking site. The report highlighted the need to better delineate a right turn lane from Shakespeare Street into Mapleson Drive but indicated it was well serviced by the existing drop off zone, car parking, access to footpaths and public transport,

Time constraints and service demand factors

There are significant demand drivers impacting on the timing of the TELC Redevelopment Project:

1. There is an increasing demand for preschool places. Preschool places in Traralgon are currently at capacity with a number of parents unable to secure a place and limitations placed on three year old preschool. In 2009, it is expected that between 15 and 25 places, in addition to current enrolments, will be required and approximately 40 by 2011, based on current trends.
2. The Kay Street preschool is currently operating at three sessions per week (preschools normally operate at two sessions per week) to meet existing demand, which is having a negative impact on preschool operations including:
 - Limiting the sessions available for children and preventing an effective transition to school program in term four by preventing the normal provision of longer day sessions for children.
 - Additional wear and tear on facilities and equipment.
 - Limited floor space and capacity to display children's work.
 - Limited capacity for parents and staff to meet.
 - Lack of office space.
 - Competition for program resources and materials.
3. There is an increased demand for occasional care places. TELC is currently operating at capacity during core times between 10.00 am and 3.00 pm. Demand in other time slots has also increased. Whilst three additional places have been created through renovating internal space, the building is unable to be further modified.
4. Traralgon is a designated Transit City under the Victorian Government's Transit Cities program - a key component of Melbourne 2030. Latrobe City Council is committed to implementing the Transit Cities principles in Traralgon and adopted the Latrobe Transit Centred Precincts - Traralgon Town Summary on 21 February 2005 to give effect to this commitment. An amendment has been undertaken to incorporate this document into the Latrobe Planning Scheme

and implementation of actions within the Traralgon Activity Centre has commenced. The recommended development for both the former Manny's Market site along with the existing TELC site is for retail, civic or office uses with upper level apartments and higher density housing.

Assessing competing community values

A key issue for the community in resolving a preferred site for the TELC Redevelopment Project is competing values of public space and early childhood services.

A number of submissions from the public have argued that loss of open space through further development on Hubert Osborne Park is too great a cost when compared to the value to the community of a new early learning facility on this site. Whilst some submissions regarded open space as invaluable, others suggested the cost of replacement or purchase of alternative properties could be used as a way of valuing space. The likely purchase cost of an alternative site for public open space would be between \$1 million and \$1.5 million depending on location.

An alternative perspective on value is the cost-benefit of provision of early years' services, which has been assessed in a number of inquiries by the Commonwealth Government. Most recently the Department of Families, Housing, Community Services and Indigenous Affairs has estimated that for every dollar spent on childcare an economic benefit of \$8.11 (05/06 dollars) accrues to the community. Based on the current operating expenditure for TELC this would equate to an economic benefit of approximately \$2.1 million per annum within Traralgon.

A significant number of submissions and comments during the consultation process indicated that Hubert Osborne Park is heavily utilised by members of the community. It is understood that St Michael's Primary School uses the flat area of the park on occasional Fridays for physical education, some football teams use the area as part of pre-season training and Traralgon Swimming Club also uses it for fitness training at times. However this may not be the case, as identified by a series of observations of use of the flat area of Hubert Osborne Park made by Council officers between 19 March 2008 and 2 May 2008. 108 separate observations were made which recorded a total of 25 people using the park over that period of time, with 13 using the flat area and the rest using play equipment or benches on the hill area.

If the TELC development was to occur at Hubert Osborne Park, an additional 62 children would use the facility at any one time with up to 125 families benefiting from the facility (an additional preschool with 54 children enrolled and at least 70 children placed each day in occasional care).

The social value of open space is explicitly acknowledged by Council through the adoption of the Open Space Plan, the Playground Strategy and the Recreation and Leisure Strategy. Under the guidelines set out in these strategies Council aims to provide a minimum of 500m² of public open space within 500m of residents in urban areas. An assessment of available open space in the area bounded by Kay, Kosciuszko, Princes and Breed Streets indicates residents would continue to have access to approximately 88,000m² (including the Kay Street Reserve) within this area should the TELC redevelopment occur at Hubert Osborne Park, meeting Council's public open space requirements.

If the TELC Redevelopment Project was to proceed at the Hubert Osborne Park Options 1 site, approximately 2,000m² of open space would be utilised by the new facility based on the proposed concept plan. Approximately 7,000m² of open space at Hubert Osborne Park would remain.

Currently the parkland and playground areas of Hubert Osborne Park are relatively underdeveloped with no fencing or other barriers separating open space areas from roads or car parks. As a result a significant proportion of the park (ie within 10 metres of roads and car parks) is not able to be safely used by parents with young children. This equates to an area of about 1,450m². Improvements such as appropriate fencing and minor landscaping could therefore enhance the amenity and capacity of the park.

Purchase of an alternative site (such as the Baptist Church or Mapleson Drive) would alleviate concerns regarding the loss of open space.

5. FINANCIAL AND RESOURCES IMPLICATIONS

All of the eight sites considered during the community consultation will incur some additional cost above the budget currently allocated of \$1.865 million.

Cost estimates regarding the Baptist Church site have been revised to account for the need to rezone land and potential legal costs associated with purchase and transfer of title. Cost estimates for the North Wing, VicRoads, Baptist Church and Hubert Osborne Park sites have also been slightly revised to take into account parking, landscaping and potential escalation of building costs during construction.

Whilst the TELC Redevelopment Project Information Packs provided to the community contained indicative project costs for each site for the purpose of comparison, a full cost analysis has been undertaken separately. As this analysis contains confidential information in relation to a number of specific sites, it will be contained in a separate report to Council in items closed to the public.

In summary however, on the basis of this analysis, the site at 2 Mapleson Drive, Traralgon would provide best value for Council.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

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

- Meetings with key stakeholder groups and land owners.
- Two community information sessions on 16 April and 22 April 2008 and a further session in relation to the two additional site options held on 10 September 2008.
- Publication and distribution of Project Information Pack in hard copy and on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Traralgon Journal.
- A press release outlining the sites under consideration and the consultation process.
- A general invitation to all participants in the consultation process to provide written or verbal feedback regarding the site options.

7. OPTIONS

Council has a number of options available to it in relation to the TELC Redevelopment Project:

1. Adopt Mapleson Drive as the preferred option for a new Traralgon Early Learning Centre and a Preschool Centre.
2. Adopt another site as the preferred option for a new Traralgon Early Learning Centre and a Preschool Centre.
3. Seek further information on sites currently under consideration or alternative sites.
4. Defer a decision on the TELC redevelopment to a future date.

8. CONCLUSION

An extensive community consultation process has been undertaken to better inform Council's consideration of potential sites for the TELC Redevelopment Project. A large majority of submissions from the community have opposed locating a new facility at Hubert Osborne Park on the grounds that the value of public open space outweighs any other advantage of that site, and that other more suitable sites exist.

Hubert Osborne Park is supported by parents currently using TELC and a number of parents using the Kay Street preschool and other early-years services on the basis that it meets Council's location criteria for Early Learning Centres.

The outcome of further assessment by council officers of the original six sites identified by Council is that only two of the original sites continue to be suitable.

Cumberland Park preschool has been reassessed as too small to accommodate a new facility without purchase of adjoining lands and does not allow a functional design for an early-years facility. The former Latrobe Regional Hospital site and VicRoads land are not available and the North Wing has a number of constraints which are difficult to resolve.

Two additional site options were identified in the course of the community consultation and assessment process. These are an alternative design for Hubert Osborne Park and an existing childcare centre at 2 Mapleson Drive, Traralgon.

An assessment of all eight sites options has identified that potentially the site at 2 Mapleson Drive is the most cost-effective option and has a number of other advantages over both options for Hubert Osborne Park and the Baptist Church including availability, capacity to accommodate growth, future capital savings, operational flexibility and elimination of the need to use public open space. In addition it is the only site which has not attracted any opposition from the community.

The Hubert Osborne Park (Option 2) site has a number of significant design constraints which would compromise quality service provision and the amenity of children and staff using the facility.

All remaining site options would require additional expenditure above the current budget to address traffic management, car parking and landscaping requirements. The Baptist Church site would also incur significant additional costs to purchase and rezone the site, demolish existing buildings and undertake site-specific works. Escalation of construction costs is also likely to have an impact on the Hubert Osborne Park and Baptist Church options.

The loss of open space is an issue for a section of the community. A review of available public open space indicates that Council's guidelines would continue to be met if the TELC redevelopment was built at Hubert Osborne Park under the initial proposal. However other sites such as Mapleson Drive, the Baptist Church and Hubert Osborne Park Option 2, would avoid the need to utilise further public open space.

The Hubert Osborne Park – Option 1 site has been assessed as best meeting Council's initial assessment criteria.

The Mapleson Drive option also meets Council's assessment criteria and provides additional value for money based on overall costs, allowance for future growth, building design, capacity and features, and minimisation of the loss of open space.

On balance both Hubert Osborne Park (Option 1) and 2 Mapleson Drive have been assessed as the most suitable sites for the Traralgon Early Learning Centre and an additional preschool. Additional financial, due diligence and property analysis is required to identify the best location between these two options.

Resolution of the preferred location for the TELC Redevelopment Project is considered urgent to address current and future demand for preschool and occasional care places.

9. RECOMMENDATION

1. That Council adopts 2 Mapleson Drive, Traralgon, and Hubert Osborne Park (Option 1) as preferred sites for the new Traralgon Early Learning Centre and a Preschool Centre.
2. That appropriate due diligence, financial analysis and property inspection reports be undertaken in relation to the sites at 2 Mapleson Drive, Traralgon, and Hubert Osborne Park (Option 1).
3. That a further report be provided to Council regarding the outcome of due diligence, financial analysis and property inspection reports undertaken in relation to the sites at 2 Mapleson Drive, Traralgon, and Hubert Osborne Park (Option 1), recommending a final preferred location.

Moved: Cr Wilson

Seconded: Cr Caulfield

- 1. That Council adopts 2 Mapleson Drive, Traralgon and Hubert Osborne Park options as preferred sites for the new Traralgon Early Learning Centre and a Preschool Centre.**
- 2. That appropriate due diligence, financial analysis and property inspection reports be undertaken in relation to the sites at 2 Mapleson Drive, Traralgon and Hubert Osborne Park options.**
- 3. That a further report be provided to Council regarding the outcome of due diligence, financial analysis and property inspection reports undertaken in relation to the sites at 2 Mapleson Drive, Traralgon and Hubert Osborne Park options, recommending a final preferred location.**

CARRIED

11.6.3 REVIEW OF RESTRICTIVE COVENANT - LATROBE CITY SPORTS STADIUM

AUTHOR: Acting General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is for Council to consider its position as beneficiary to the restrictive covenant over land situated at 107 – 111 Crinigan Road, Morwell, commonly known as Latrobe City Sports Stadium.

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 - Recreational Liveability

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

Strategic Action - Increase the accessibility of Latrobe City's recreation and sporting facilities.

3. BACKGROUND

In 1971, the Crown transferred the land situated at 107-111 Crinigan Road, Morwell, comprising part Crown Allotment 86B Parish of Maryvale and contained in Certificate of Title Volume 9960 Folio 277 to the State Electricity Commission of Victoria ("SECV").

This site, then known as Mobil Park, was progressively developed as a recreational facility over a 20 year period from the late 1970s to enable the regionally based soccer team Eastern Pride/Gippsland Falcons to compete within a national competition.

In September 1989, the SECV transferred the land to the former City of Morwell for the consideration of \$30,000, subject to power line easements in favour of the SEC and pipeline easements in favour of Gippsland Water.

In turn, at its Meeting held on 4 May 1992, the former City of Morwell resolved to sell Mobil Park (also known as the Crinigan Road North Reserve) to the Morwell Falcons Soccer Club Limited for the same consideration subject to a restrictive covenant that the Reserve would remain a space for recreation purposes and would not be sold for any other purpose. The title was subsequently transferred on 21 November 2001 by Instrument of Transfer S244586H which created the following Covenant affecting all of the land contained in the said Certificate of Title Volume 9960 Folio 277:

“The land is sold subject to the following condition:

- (a) *The purchase or its successor in title will not use or permit or suffer to use the land hereby sold for anything other than a recreational purpose.*

This condition shall be inserted in the transfer to the purchaser as a restrictive covenant by the purchaser to run with the land and to be noted as such on any Certificate of Title to be issued pursuant to the transfer to the purchaser to the intent that the benefit of the covenant shall be attached to and run at law and in equity for the benefit of the vendor its successors assigns and transferees.”

The intention of the transfer was to provide Morwell Falcons Soccer Club Limited with freehold title to enable the Club to procure the necessary finance to develop the facility to a national standard such as the construction of the grandstand located on the eastern side of the main soccer ground between 1991 - 1994 with seating for 1450 persons and change room and kiosk facilities at ground level.

Council also provided financial support to the Club during this period secured by way of a registered mortgage over the freehold together with a debenture mortgage over all of the assets of the company. However, by the late 1990s the Club was struggling to sustain financial viability.

At the Ordinary Council Meeting held on 4 September 2000, Council considered a request from Gippsland Falcons Soccer Club Ltd to remove the covenant placed on the Title which limited the usage of the property to recreational purposes.

The Club had been negotiating with financiers in an effort to establish a sustainable financial position and to enable the development of a sports and entertainment precinct at the Crinigan Road site; it argued that the restrictive covenant deterred investors. At that time, the Club owed approximately \$461,000 to Council.

As a consequence it was resolved *“That Council agree to the removal of the restrictive covenant currently attached to Certificate of Title Volume 9960 Folio 277”*.

Notwithstanding this resolution, the Club was unable to attract such a financier in the ensuing months and Council was forced to take possession of the property and sell the land as Mortgagee in possession following the default on the mortgage commitment by Gippsland Soccer Club Ltd. In light of these events, no action was then taken to remove the restrictive covenant from the title.

The property was eventually sold to Morwell Park Pty Ltd on 18 June 2002 with the knowledge that the covenant remained on the title. The Contract of Sale was not conditional on the removal of the Covenant and the title remains encumbered to this day.

4. **ISSUES**

Morwell Park Pty Ltd has contacted Council officers to question whether the restrictive covenant will be removed. The purpose of the current request is to allow development of residential premises along the southern aspect of the land.

The removal of the covenant would not in itself achieve that goal in that a planning scheme amendment would also need to be approved altering the zone of the land from Farm Zone to Residential 1 Zone. A rezoning application is unlikely to be considered by Council unless it is consistent with the Morwell Structure Plan. The 2007 Council adopted Morwell Structure Plan will be exhibited as part of Amendment C61 to the Latrobe Planning Scheme during October and November 2008, and currently excludes the subject land from the town boundary.

It should be noted that Council is the beneficiary of the restrictive covenant; and will be the authority responsible for deciding upon removal of the restrictive covenant should an application be made to remove the covenant.

Removal of the restrictive covenant could be viewed as a step towards the owner achieving its goal to re-zone the land. A planning scheme amendment may also lead to the covenant being removed; however consideration is given to the preference of the beneficiaries to the restrictive covenant.

At this point, a planning permit application to remove the restrictive covenant has not been received; therefore Council may only consider the issue at this stage as beneficiary of the restrictive covenant.

The intention of the restrictive covenant was to ensure that the land was not utilised for purposes other than as a recreational facility. Should Council, as beneficiary, agree to the removal of the restrictive covenant, it would provide the opportunity for the current owners to sell the land unencumbered at an expected profit.

Had Council originally sold the land unencumbered, arguably it could have achieved a higher sale price; therefore it could be considered inequitable for the land to now be potentially sold for a higher value.

Council is requested to consider its position as beneficiary to the restrictive covenant as this will provide guidance to the owners of the land when deciding upon development opportunities.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Council's position, as beneficiary of the covenant, does not have any financial or resource implications.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Council has held discussions with the current owner of the land.

Details of Community/Consultation Results of Engagement:

Council is not required to seek public consultation at this stage.

7. OPTIONS

Council, as beneficiary of the restrictive covenant, can choose not to make a decision about the restrictive covenant until such time that a planning permit application has been submitted to the responsible authority; or

Council, as beneficiary of the restrictive covenant, can choose to either reinforce its intention to maintain the covenant, or express a willingness to remove the covenant should the application be made.

8. **CONCLUSION**

Latrobe City Council sold the land to Morwell Falcons Soccer Club Limited for the sum of \$30,000 on the basis that a covenant be placed on the land to prevent the premises being used or sold for anything other than recreational purposes.

The sale on those terms was to allow the owner to negotiate with financiers to procure the construction of the grand stand facilities.

The current owners, Morwell Park Pty Ltd then purchased the property with the knowledge that the restrictive covenant applied.

Council's decision in 2000 to allow the restrictive covenant to be removed was in the context of the then owners wishing to further develop the site into a sporting precinct. As that development did not progress, the application to remove the covenant was not received by Council as the responsible authority and therefore the covenant was not removed.

Council can now determine what its current position would be, as beneficiary of the covenant, should a planning permit application be received requesting that the restrictive covenant be removed.

9. **RECOMMENDATION**

That Council, as beneficiary of the restrictive covenant over land situated at 107-111 Crinigan Road Morwell, affirms its preference for the restrictive covenant to remain on the Title to that land.

Moved: Cr Middlemiss

Seconded: Cr Wilson

1. That Council Resolution 12.2.3 – Request by Gippsland Falcons Soccer Club Ltd adopted at the Ordinary Council Meeting held on 4 September 2000 be rescinded, viz:
That Council agree to the removal of the restrictive covenant currently attached to Certificate of Title Volume 9960 Folio 277.
2. That Council, as beneficiary of the restrictive covenant over land situated at 107-111 Crinigan Road, Morwell, confirms its requirement for the restrictive covenant to remain on the Title to that land.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 **TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT
PROJECT - REPORT ON COMMUNITY CONSULTATION**

Mr Bruce Bremner asked the following question:

Question

A number of potential sites have been ruled out following more intensive investigation, and one additional site has been added along with a second option for Hubert Osborne Park.

Q: It has been suggested that the current Franklin Street site could still be an option if the access road to the ASIC car park were realigned. Has this possibility also been investigated or re-investigated by Council, and, if so, could details of the findings perhaps be included in the report?

Answer

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

Our Ref: 346079
BL:DW

13 October 2008

Mr Bruce Bremner
PO Box 719
TRARALGON VIC 3844

Dear Mr Bremner

**TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT
PROJECT – REPORT ON COMMUNITY CONSULTATION**

Thank you for your question on notice presented at the Council meeting on 6 October 2008.

In relation to the specific question you raised I am able to provide the following information.

Question

A number of potential sites have been ruled out following more intensive investigation, and one additional site has been added along with a second option for Hubert Osborne Park.

It has been suggested that the current Franklin Street site could still be an option if the access road to the ASIC car park was realigned. Has this possibility also been investigated or re-investigated by Council, and if so, could details of the findings perhaps be included in the report?

Response

The option of extending the current TELC site was considered as part of the assessment of alternative sites for the Centre, even though Council has passed a resolution to enter into negotiations to sell the land. This option was included as one of 20 site options presented to Council for consideration at its Ordinary Meeting on 17 March 2008. The assessment process found that the current site is unsuitable for further extension for a number of reasons.

1. Current childcare regulations require a minimum amount of internal and playground space per child and it would not be possible to extend further on the current property without either utilising open space to the north of the property or acquiring adjacent private land. The site is also subject to a current rezoning application.
2. Parts of the adjoining land to the north of the current TELC site is located in the 10-year and 40-year flood zone and any development in that vicinity would require a significant degree of engineering work to ensure it is adequately protected.


Consideration of the option of realigning the existing access road and pathway to the ASIC carpark has been considered. Additional engineering work to protect the road and footpath from potential flood damage would be required and would need to be approved by the Catchment Management Authority as they would potentially impact on river flows during times of flood.

Realigning the road to a more northerly intersection with Franklin Street would also create potential traffic management and engineering concerns as it would be in closer proximity to the Franklin Street Bridge.

3. The design of the current TELC building is not conducive to extension and would itself require extensive refurbishment if not demolition to ensure a functional building could be constructed. Any construction on the northern side of the existing building would also render the TELC playground area unusable. Under current state government regulations, the centre could not continue to operate under that scenario. The overall cost of this option was also significantly higher than other more suitable options.

Once again, thank you for your questions on this issue.

Yours sincerely



CR BRUCE LOUGHEED
Mayor

5.2 COMMONWEALTH FUNDING

Mr Paul Burns asked the following question:

Question

Have Council Officers determined from the Office of the Deputy Prime Minister, whether the Commonwealth funding promised to build a child care facility in Traralgon can be applied to the acquisition of the Mapleson Drive facility, and if not, why not?

Answer

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

Our Ref: 347704
BL:DW

15 October 2008

Mr Paul Burns
137 Seymour Street
TRARALGON VIC 3844

Dear Mr Burns

TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT PROJECT – REPORT ON COMMUNITY CONSULTATION

Thank you for your question on notice presented at the Council meeting on 6 October 2008.

In relation to the specific question you raised I am able to provide the following information.

Question

“Have Council Officers determined from the Office of the Deputy Prime Minister, whether the Commonwealth funding promised to build a child care facility in Traralgon can be applied to the acquisition of the Mapleson Drive facility, and if not, why not?”

Response

During the recent Gippsland by-election, the Deputy Prime Minister released a statement announcing the Rudd Government would support the establishment of a new Early Learning Centre in Traralgon.

The statement noted that:

“The Rudd Government recognises Traralgon as a priority site in early childhood education and child care”.

It also noted that:

“The Rudd Labor government will support Traralgon as a priority site in delivering our commitment to establish up to 260 additional early learning and child care centres across the country by 2014. The Rudd Labor government is working with our state and territory colleagues to identify the areas of greatest need. The existing childcare facility in Traralgon is not adequate for the growing demand in the area and is nearing the end of its useful life.”

The Commonwealth Government’s commitment to funding additional childcare centres, including the promise for Traralgon, is being managed under the 260 New Child Care Centres Program and funding is to be released in two stages:

- An initial release of funding for 38 centres (Phase 1) which has already been announced.
- Identification of the locations for the remaining 222 centres expected in December 2008 and progressive release of funding over the period 2009 to 2014.

Locations to be funded under Phase 1 were announced on 31 May 2008. Moe was identified as one of ten sites chosen in Victoria and Council officers have been working closely with the Commonwealth and State Governments to identify a preferred site and commence concept and design work. Council resolved on Monday 6 October 2008 that Ted Summerton Avenue is the preferred site for this project.

The Commonwealth subsequently called for expressions of interest from local governments and community organisations to identify priority locations for the remaining 222 centres to be funded. Latrobe City Council has forwarded expressions of interest nominating both Traralgon and Morwell.

Council officers have met directly with the senior Commonwealth officials managing the Commonwealth’s 260 New Childcare Centres Program on a number of occasions in relation to the allocation and prioritisation of funds under the program, including the promise of funding for Traralgon. This process has also included representations to the Victorian Department of Education and Early Childhood Development who are responsible for identifying areas of high need for childcare and advising the Commonwealth Government of funding priorities.

The Commonwealth Government is currently discussing nominated sites with the State Government and an announcement of funding arrangements and nominated sites for Phase 2 of this program is expected toward the end of this calendar year.

The Commonwealth Government has also established a range of guidelines in relation to the 260 childcare centre funding program including the following key conditions:

- The funding is intended to provide an average net increase of 50 childcare places in each location although the specific numbers for each location will vary depending on need.
- The funding is available to increase the number of Long Day Care Places. Occasional Care places are excluded from the 260 New Child Care Centres program.

- The funding is available to cover construction costs of a childcare centre including design, specifications, construction, and fit out.
- The funding can be used to extend or refurbish an existing building such as a preschool, childcare centre or school only if this provides a net increase in child care places.
- The funding cannot be used to purchase an existing child care centre.
- The funding cannot be used to undertake normal maintenance or repair work.
- Centres funded under Phase 1 are required to be operational by 2010.
Centres funded under Phase 2 are required to be operational by 2014.

On the basis of the information provided to Council officers as outlined above, it would appear that the election commitment of funding for a new Early Learning Centre in Traralgon cannot be applied to the TELC Redevelopment project as it cannot be used for Occasional Care places. The funding guidelines also preclude it from being used as a contribution toward the cost of purchasing the existing centre at 2 Mapleson Drive.

You may be assured Council will continue to work with the Commonwealth and State Governments to maximise our funding opportunities for childcare facilities in Latrobe City.

I thank you for your question on this issue.

Yours sincerely



CR BRUCE LOUGHEED
Mayor

NOTICES OF MOTION

6.1 2008/09 - NOTICE OF MOTION - GLOBAL INSTITUTE ON
CARBON CAPTURE

CR MIDDLEMISS

MOTION

1. That Council writes to the Prime Minister, Kevin Rudd and Resources Minister, Martin Ferguson, requesting that the headquarters and research operations of the Australian arm of their recently announced 'Global Institute on Carbon Capture' be established in Latrobe City; and
2. That information highlighting the advantages this region offers in relation to carbon capture research be forwarded with these letters, and that attention also be drawn to the wide spread predictions of major economic disadvantage to be suffered by this City upon introduction of a carbon pollution reduction scheme.

Moved: Cr Middlemiss

Seconded: Cr Wilson

That the Motion be adopted.

CARRIED UNANIMOUSLY

ITEMS REFERRED BY THE COUNCIL

7.1 **MOE EARLY LEARNING CENTRE REDEVELOPMENT PROJECT
- OUTCOME OF SITE SELECTION CONSULTATION**

AUTHOR: Acting General Manager Community Liveability
(ATTACHMENT – YES)

This item was considered earlier in the meeting.

7.2 TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT
PROJECT - REPORT ON COMMUNITY CONSULTATION
AUTHOR: Acting General Manager Community Liveability
(ATTACHMENT – YES)

This item was considered earlier in the meeting.

ECONOMIC SUSTAINABILITY

11.2.1 LATROBE REGIONAL AIRPORT ANNUAL REPORT 2007/08

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with the Annual Report on the Operations of the Latrobe Regional Airport for the financial year ended 30 June 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

Economic 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 the development of existing and new industry, and infrastructure to enhance the social and economic well being of the Valley.

3. BACKGROUND

Under Section 4(b) of the Deed of Delegation from Latrobe City Council, under which the Latrobe Regional Airport Board operates, each year an Annual Report must be provided to Council.

The attached report provides the 2007/08 Latrobe Regional Airport Annual Report. The Annual Report provides an overview of the Board's performance against plans and targets identified in the budget, the business plan and the master plan.

4. ISSUES

The following Latrobe Regional Airport objectives and milestones that have been achieved in the 2007/08 year are:

- The legal agreement for works under the Regional Infrastructure Development Fund grant which was announced by Minister Allan in December 2007, was signed in January 2008, clearing the way for a \$1 million capital works program to commence;
- Construction of the taxiway to service the DSE fire bomber base and the extended Commercial/Industrial Airpark;
- Services were provided to the four hangar commercial precinct;
- Signing of a leasing agreement of a further two blocks in the commercial/industrial estate;
- Sinclair Knight Merz consultants were engaged by the Airport Board to develop a Business Development Strategy for the Airport;
- The announcement that Gippsland Aeronautics (GA) has secured the type certificate for the Nomad N24 which will enable GA to manufacture this Australian designed twin engine utility aircraft;
- Land to the south west of Gippsland Aeronautics was also cleared to facilitate future expansion when required for the manufacture of the Nomad N24;
- The *whole of airport* native vegetation assessment report has been completed by Indigenous Design Land Management P/L, with the co-operation of DSE officers and Council staff. Interim planning provisions for the area within the airport circuit environ, are complete and currently await the Minister's approval;
- The Airport has been maintained in a condition to Civil Aviation Safety Authority standards;
- The operation of the Airport is compliant with all Legislative and Regulatory requirements;
- Completion of 2007/08 financial year with a budgetary surplus of \$48,444;
- Development of a stronger relationship between Latrobe Regional Airport and the relevant state and commonwealth government departments.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The Finance Report indicates that the Board finished the 2007/08 year with a surplus of \$48,444. This is a satisfactory result, and one which positions the Board to continue the development of the Airport community asset in line with the Master Plan into the future.

6. INTERNAL/EXTERNAL CONSULTATION

The Latrobe Regional Airport Annual Report 2007/08 was considered and approved by the Latrobe Regional Airport Board at its meeting on Monday, 15 September 2008.

7. OPTIONS

Not Applicable

8. CONCLUSION

The planned 2007/08 year has been one of continued development at the Airport. This has seen the completion of the planned capital works program for 2007/08, with the balance to be completed by May 2009 as per the contract with the Victorian Government.

All statutory requirements have been met, and through the Latrobe Regional Airport maintenance and upgrade programs, the Airport continues to provide the Gippsland community with an asset which is operated in a safe and secure manner. The work of the board has positioned the Airport to meet the needs of the community well into the future.

9. RECOMMENDATION

That Council receives and notes the 2007/08 Annual Report of the Latrobe Regional Airport.

Moved: Cr Middlemiss

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 HARD WASTE ANALYSIS 2008

AUTHOR: General Manager Built and Natural Environment Sustainability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with the outcome of the final analysis of the trialed hard waste collection/transfer station voucher system introduced in the 2007/08 financial year.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Strategic Action - Natural Sustainability

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

Key Priority

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

Policy/Strategy: Latrobe City Waste Management Principles:

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

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

3. **BACKGROUND**

Latrobe City Council carried out a hard waste kerbside collection service during the 2003/04 financial year, as it had done throughout the municipality since 1997. On 1 July 2003, the Victorian WorkCover Authority (WorkSafe) released a document titled '*Non-Hazardous Waste & Recyclable Materials (2003) – OH&S Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste & Recyclable Materials*'. This document prompted Latrobe City Council to re-evaluate how it delivers its services including household kerbside collection due to the emphasis on no manual lifting or riding on the outside of vehicles.

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

Further advice from a WorkSafe officer led to the hard waste collection service ceasing due to the extensive manual handling risk. The increased cost of implementing the mechanised three bin system accounted for any savings in not continuing to provide the hard waste collection service.

Latrobe City Council also sought legal advice in April 2005 in relation to Council's risk exposure in providing a kerbside hard waste service. The advice clearly stated Latrobe City Council's responsibility under the *Occupational Health and Safety Act 2004* (the Act) and possible ramifications if Latrobe City Council was found guilty of breaches to the Act or guidelines as it relates to provision of a hard waste service.

The legal advice stated: *'If Council does not comply with the guidelines it would be very difficult (if not impossible) for it to convince a court that it had complied with its obligations under the Act'*. The advice went further to state *'Certainly it would not seem possible currently to provide the hard waste collection service without some risk of being prosecuted under the Act for not eliminating or reducing the risks or taking all practicable steps to do so (not to mention other legal risks)'*.

Latrobe City Council did not provided a hard waste collection service from July 2004 until September 2007. During this time Council received a number of representations from the community. On 18 April 2006, Council resolved to re-evaluate the decision to suspend the provision of a kerbside hard waste collection service.

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

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

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

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

The service was operated in accordance with the Council resolution from 1 September 2007. Many complaints were received between the time the vouchers were issued and the meeting of the Hard Waste Review Group on 30 October 2007. A further report was presented to Council on 19 November 2007 to consider the recommendations of the group.

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

Council resolved to amend the service as follows:

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

Council has received over 6,500 requests for refunds from residents. The issuing of refunds has been in accordance with the resolution on 19 November 2007. Latrobe City Council has not issued any refunds to residents that were not able to produce their vouchers or to any resident presenting vouchers for a refund after the 1 May 2008 deadline. This has resulted in criticism from some residents who believe they had valid reasons for missing the timeframe or not being able to account for their vouchers. Recently complaints have arisen since the vouchers have expired (31 August 2008) from residents that wish to use the vouchers at a transfer station.

The Waste Management Association of Australia (Victorian Chapter) in conjunction with WorkSafe, MAV, Local Government and industry representatives met on 19 March 2008. A proposal to provide advice to the industry and resolve ongoing issues with safety in the collection of hard waste was tabled by WorkSafe.

The WorkSafe guide promises to provide a basis for future service models by all councils in Victoria providing a kerbside hard waste collection service. A consultant engaged by WorkSafe had indicated to Latrobe City officers that the final 'Guide to the Safe Collection of Hard Waste' will be published in mid July 2008. To date the final document has not been issued.

While awaiting the release of the final document, Latrobe City Council considered the provision of an interim hard waste kerbside collection service.

Council resolved on 7 July 2008 to offer an interim service in 2008/09 as follows:

1. *That Council approves an interim kerbside hard waste collection service. The service format will be an 'at-call' booked collection service provided two times per year. The cost for the service will be two tiered:*
 - a. *Pensioner / health care card at \$30.00 per collection; and*
 - b. *Standard service at \$60.00 per collection, Services will be scheduled in November 2008 and April 2009.*
2. *That the above interim arrangement be reviewed at the release of the WorkSafe: Guide to the Safe Collection of Hard Waste.*
3. *That Council formally disbands the Hard Waste Collection Review Project Group and formally thanks members for their contribution.*

Without an explicit guideline there is an unacceptable risk in providing a general kerbside hard waste collection service. In providing the trialed service officers believe the organisation has met all legislative requirements and minimised as far as practicable the identified risks.

4. **ISSUES**

Voucher Redemption 2007/08

Requests for refunds are still being received even though the 1 May 2008 was the advertised end date for the return of vouchers. In addition some residents are requesting that the expiry date of 31 August 2008 displayed on the voucher be extended so they can utilise them at one of the transfer stations.

The total number of tenements that received vouchers is 30,626 (91,878 vouchers). To date, 6,097 residents have returned all or some of their vouchers (totalling 24,656) at Latrobe City Council's customer service centres or by mail.

As of 31 August 2008, 18,599 of eligible vouchers have been used at transfer stations.

An at-call hard waste collection services was provided to 156 residents in November 2007 and April 2008.

Hard waste option	Number of vouchers	% of total vouchers
Utilise transfer station	18,599	20%
Utilise at-call service	444 (156 pick ups)	0.5%
Refund for return of vouchers	24,656	27%
Total Vouchers Redeemed	43,699	47.5%
Total Vouchers Unredeemed	48,179	52.5%
Total Vouchers Issued	91,878	100%

The at-call hard waste collection service resembles the previous kerbside hard waste collection. The very low patronage (less than 0.5%) is not consistent with claims by some sections of the community that this service is essential. The majority of residents who have utilised this service are pensioners and single parent families. There is a demonstrated need for this service across this small demographic as they do not have another means or support to dispose of bulky waste.

The number of tenants who were not given the vouchers by their landlords who may have utilised the service is unclear. Complaints have been received from residents in this position, indicating that they would like at least the option to utilise the service.

As the table demonstrates, approximately 20.5% of residents have utilised vouchers at the transfer stations or for the at-call collection service with 27% choosing to return the vouchers for a refund. The remaining residents (approximately 52.5%) have neither used nor received a refund for the vouchers issued.

The large percentage of residents choosing to return their vouchers or simply not use them is a clear indication that the issuing of vouchers will not result in increased use of the transfer stations. Anecdotal evidence suggests that only those who would ordinarily use a transfer station have used the vouchers. This is supported by no appreciable change in the volume of waste received at these facilities compared with previous years.

Latrobe City Council has received approximately 600 formal complaints and requests since the introduction of the service in September 2007.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The charge associated with the hard waste service has generated revenue of \$668,203 excluding GST. Refunded vouchers account for \$179,251. Therefore, the net funding (\$488,952) less \$7,187 for the hard waste collection and \$135,265 for vouchers presented at the transfer station is \$346,500.

There are fewer than fifteen (15) residents where the \$24 hard waste charge is the only outstanding portion of rates that is unpaid. This constitutes an outstanding payment and will remain as a charge on each property.

Total Funding	\$668,203.00
Total Refunds	\$179,251.00
Net Funding	\$488,952.00
Collection Costs	\$ 7,187.00
Voucher Redemption	\$135,265.00
Total Net Unspent Funding	\$346,500.00

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

Significant time and resources have been expended during the 2007/08 financial year on administering the various aspects of the hard waste trial. Additional administration through issuing further refunds will erode the unspent funds.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

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

Details of Community/Consultation Results of Engagement:

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

A particular complaint by many residents is that they were unaware of the final date for the return of the vouchers for a refund.

7. OPTIONS

Given the analysis of the hard waste voucher system introduced in 2007, the following options are presented for consideration:

Option 1

Utilise the funds to either reduce the total rate revenue required in 2009/10 financial year or reduce the garbage charge in the same year by the unexpended funds.

Option 2

Utilise the funds to reduce the charge for the current at call hard waste service in the 2008/09 financial year. The level of subsidy could be aligned with that of Baw Baw Shire Council that charges \$20 for a full cost collection and \$10 for pensioners. Council should be aware that this will not translate to a collection for all residents. In fact the funds available will only cater for fewer than 10,000 collections. Council should also be aware that some residents (approximately 35) have already booked for the collection service provided in November of this year at the higher advertised charge.

Option 3

Utilise the funds to provide a 'no-charge' hard waste weekend at each of the transfer stations in Latrobe City. The green waste drop off weekends are well utilised by residents which indicates that many residents are capable of bringing the material to a point of disposal. This format could be applied to hard waste in this financial year. It is expected that this service will be well used and it is considered that the transfer stations would need to be opened between 8 am and 5 pm on the Saturday and Sunday to cater for the patronage. The volume of waste received should also be limited to 2 cubic metres per vehicle. Residents will be encouraged to separate their loads to ensure recyclable material is removed prior to assessing the volume allowed.

This service will not assist those residents that cannot access a transfer station. The weekend on which the service is provided may not suit all residents.

Option 4

Utilise the funds for community waste infrastructure such as the landfill or waste related initiatives that particularly focuses on solutions for the disposal of bulky waste material. The use of the surplus to off-set the borrowings required to establish the Latrobe City Hyland Highway Landfill is a project that benefits all residents and businesses in Latrobe City. The rehabilitation of closed landfills and developing appropriate after uses on the sites could also create valuable community infrastructure. Funding of transfer station upgrades could also be considered.

8. CONCLUSION

The issuing of vouchers has not been successful in encouraging a greater use of the existing transfer stations. The low participation in the at-call hard waste collection service indicates the provision of an interim service whilst awaiting the WorkSafe guide to the Safe Collection of Hard Waste is appropriate.

Council has the option to utilise the unexpended revenue on a variety of initiatives that are either related to waste management or of benefit to the broader community in some way.

9. RECOMMENDATION

1. That pending the release of the WorkSafe 'Guide to the Safe Collection of Hard Waste', Council utilises the unspent funds for services that assist in the disposal of hard waste generated by the community.
2. That Council reduces the charge for the currently offered at call hard waste collection service to \$20 full fee and \$10 for pensioners and health care card holders until the unspent funds are fully expended.
3. That Council offers one 'no charge' hard waste weekend at each of the Latrobe City Council transfer stations for the disposal of up to 2 cubic metres of hard waste per vehicle until the 2007/08 funds are fully expended.

Moved: Cr Wilson

Seconded: Cr Caulfield

1. That pending the release of the WorkSafe 'Guide to the Safe Collection of Hard Waste', Council utilises the unspent funds for services that assist in the disposal of hard waste generated by the community.
2. That Council reduces the charge for the currently offered at call hard waste collection service to \$20 full fee and \$10 for pensioners and health care card holders until the unspent funds are fully expended.
3. That Council offers one 'no charge' hard waste weekend at each of the Latrobe City Council transfer stations for the disposal of up to 2 cubic metres of hard waste per vehicle until the unspent funds are fully expended.

CARRIED UNANIMOUSLY

Moved: Cr Wilson

Seconded: Cr Middlemiss

That Council surveys residents of Latrobe City Council to gauge the demand for the re-introduction of a Full Kerb Side Hard Waste Collection Service and to include in the survey explanatory notes on the current levels of service, the position taken by WorkSafe and an indication of the likely cost of such a service.

CARRIED

11.3.2 MORWELL EAST INDUSTRIAL REZONING

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

1. PURPOSE

The purpose of this report is for Council to consider a request to rezone land at the corner of Princes Drive and Alexanders Road, Morwell East from Farming Zone (FZ) to Industrial 1 Zone (IN1Z) and apply a Design and Development Overlay (DDO) and Development Plan Overlay (DPO) to the subject land.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Strategic Action - Economic

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

Strategic Action - Built Environment

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

Strategic Objective - Liveability

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

Strategic Action - Community Liveability

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

3. BACKGROUND

A request was received on 15 August 2008 to rezone the land located at the corner of Princes Drive and Alexanders Road, Morwell from Farming Zone (FZ) to Industrial 1 Zone (IN1Z). It is also proposed to apply a Design and Development Overlay (DDO) and Development Plan Overlay (DPO) to the subject land.

The proposal affects approximately 104 hectares of land contained within the following allotments:

- Lot 2 on Plan of Subdivision PS412581
- Part of Lot 1 on Title Plan TP173536

(ATTACHMENT 1 - SITE MAP)

The existing Strategic Land Use Framework Plans within the Latrobe Planning Scheme at Clauses 21.03 and 21.04 identifies the subject site for industrial purposes.

Revised Latrobe Structure Plans were adopted by Council in August 2007. The adopted Morwell Structure Plan also recommends that the subject land be utilised for the purposes of 'industry'. The subject site is identified as *'future industrial'* and is labelled as 'Area 6' which has the following objective: *'Rezone and develop the area north of Princes drive and east of Alexanders Road as a high amenity industrial precinct'*.

Given the current level of strategic support for the proposal provided by the Municipal Strategic Statement and the Council adopted Morwell Structure Plan, the applicant now seeks to have the Latrobe Planning Scheme amended in accordance with identified policy direction for the land.

4. ISSUES

The proposed rezoning of the subject land to Industrial 1 Zone, combined with the application of a proposed Design and Development Overlay (DDO) and Development Plan Overlay (DPO), will ensure the future development of the site as a 'modern industrial estate' with 'high amenity'.

It is noted that the introduction of a DPO across the land will remove the requirement for notification for the future use and development of the land for industrial purposes, therefore removing the opportunity for third party appeal rights to the subsequent development of the land. The opportunity for public comment will be provided during the formal exhibition and notification of this amendment.

The proponent has indicated that the subject land is to be subdivided following the successful completion of the proposed amendment. Therefore the DPO schedule will ensure that the future subdivision and subsequent development of the site will be consistent across multiple lots and that development responds appropriately to the existing site conditions and features.

(REFER ATTACHMENT 2 & 3 – DRAFT DDO & DPO SCHEDULES)

Statutory Requirements

Under Section 9 of the *Planning and Environment Act 1987*, the Minister for Planning may ‘*authorise any other Minister or public authority to prepare an amendment to any part of the State standard provisions and local provisions of a planning scheme...*’

Section 9 of the *Planning and Environment Act 1987* states that the Minister may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district. When a municipal council is authorised by the Minister to prepare an amendment to a planning scheme, they also become the planning authority.

In accordance with the *Planning and Environment Act 1987*, municipal councils, as planning authority, have a number of duties and powers. These duties and powers are listed at Section 12 of the Act.

The amendment supports and implements the State and Local Planning Policies, including the Municipal Strategic Statement (MSS). Each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Draft Explanatory Report.

(REFER ATTACHMENT 4 - DRAFT EXPLANATORY REPORT)

5. FINANCIAL AND RESOURCES IMPLICATIONS

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

6. INTERNAL/EXTERNAL CONSULTATION

The amendment and planning permit application are subject to the prescribed public notification process in accordance with Sections 19 of the *Planning & Environment Act 1987*.

The proponent has undertaken preliminary consultations with Vic Roads and the West Gippsland Catchment Management Authority who have indicated they are unlikely to object to the proposed amendment.

Australian Paper has also been notified of the proposed land rezoning and the possibility of vehicle access being provided over the private rail line adjoining Alexanders Road to support development of the site. Australian Paper have indicated that they have no 'in principle' objection to level crossings being constructed during the development of the land.

Furthermore, all statutory and servicing authorities likely to be affected by the proposed amendment will be notified formally during exhibition.

7. OPTIONS

Council has the following options:

1. Seek the Minister for Planning's authorisation to prepare and exhibit a planning scheme amendment to rezone land at the corner of Princes Drive and Alexanders Road Morwell East, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z), apply a Design and Development Overlay (DDO) and Development Plan Overlay (DPO) to the subject site.
2. Refuse the proposed zoning request which seeks to rezone land at the corner of Princes Drive and Alexanders Road Morwell East, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z), apply a Design and Development Overlay (DDO) and Development Plan Overlay (DPO) to the subject site.

8. **CONCLUSION**

The proposed Amendment provides the opportunity to rezone the subject land from Farming Zone to Industrial 1 Zone to allow for the development of site for the purpose of 'industry'.

The Amendment will introduce two new 'site specific' overlay schedules to better protect the land from inappropriate development in the future. The Amendment will achieve the recommendations of the Morwell Strategy Plan and Morwell Structure Plan.

9. **RECOMMENDATION**

That Council seeks authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to:

- **Rezone the land located at the corner of Princes Drive and Alexanders Road, Morwell East: Lot 2 on Plan of Subdivision PS412581 and part of Lot 1 on Title Plan TP173536 from Farming Zone to Industrial 1 Zone and apply a Design and Development Overlay (DDO) and Development Plan Overlay (DPO) to the subject site.**

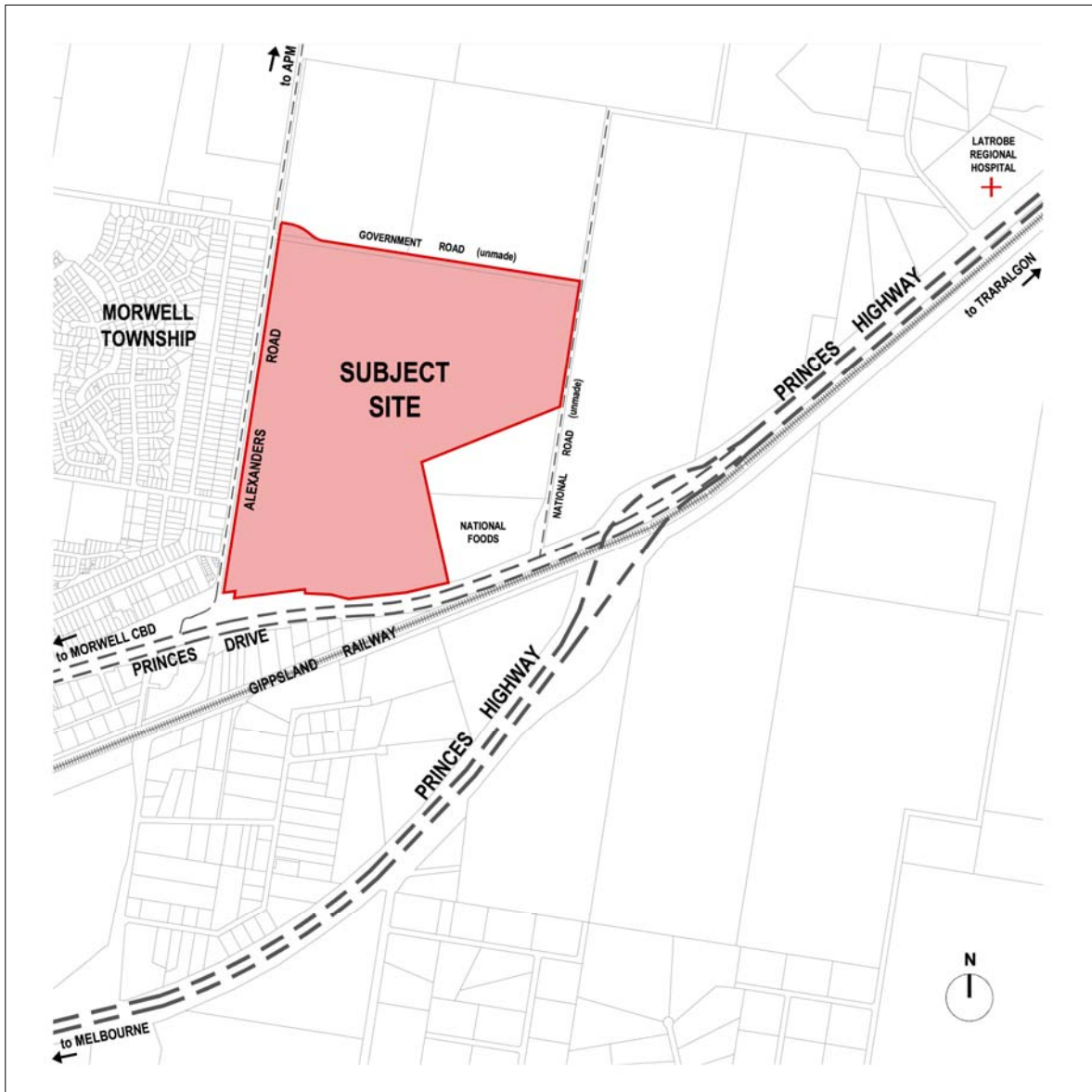
Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1 - SUBJECT SITE MAP



ATTACHMENT 2 - SCHEDULE # TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO# MORWELL EAST – INDUSTRIAL PRECINCT**

1.0 Design objectives

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C52

To ensure that the standard of development in the Morwell East Industrial Precinct is of a high quality given its strategic location and high exposure in relation to Princes Drive and Alexanders Road. This area is also located at the entrance to Morwell from the east.

2.0 Buildings and works

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C52

- A landscaping strip of at least 5 metres wide must be provided along and within the frontage and at least 3 metres wide along and within a side street boundary.
- Landscaping at the front of lots should involve the planting of trees.
- Sympathetic landscaping and screening with the planting of trees is required for the side and rear of lots facing Alexanders Road, Plough Creek and the adjoining agricultural land to the north and east.
- Car parking shall not be provided in the landscape setback area.
- Car park areas shall be landscaped to diminish the visual extent and impact of car parking.
- Visitor car parking should be provided to the front of the site to encourage their use.
- All buildings must be set back at least 10 metres from the frontage and at least 3 metres from the side street boundary.
- Contemporary and creative architecture is encouraged in the design of form, style and finishes. The façade of all buildings must be treated to the satisfaction of the responsible authority.
- Site coverage of buildings must not exceed 60% of the overall site area.
- Loading and service functions will be sited to the rear of premises and appropriately screened to address visual considerations.
- External storage areas and garbage receptacles must be screened and adequately distanced from residential uses.
- All driveways and car parking areas at the front of the site must be constructed of an impervious all-weather seal coat such as concrete or bitumen.

3.0 Advertising signs

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C52

- Apart from a sign identifying the industrial precinct, signage shall be confined to simple, clear business identification signs on premises.

4.0 Decision guidelines

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C52

In consideration of the above, the responsible authority must consider, as appropriate:

- The impact of the development on the amenity and streetscape of the area and particularly having regard to the proximity of Princes Drive and Plough Creek.
- The appearance of the proposed development.
- The design and layout of the proposed development including setbacks from property boundaries.
- The proposed landscape treatment.
- The need to ensure development or works are completed and maintained to a standard appropriate to the site's prominent location.

ATTACHMENT 3 - SCHEDULE TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO#**

MORWELL EAST – INDUSTRIAL PRECINCT**1.0 Requirement before a permit is granted**

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C52

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

- Agriculture and any buildings or works in association with the use of the land for agricultural purposes;
- A fence;
- Minor extensions, additions or modifications to any existing use or development.

2.0 Requirements for development plan

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C52

A development plan must be prepared to the satisfaction of the responsible authority. A Development Plan must include the following information:

- Include a Site Analysis which shows the topography of the land, and the location of any existing vegetation, drainage lines, sites of conservation, heritage or archaeological significance and other features;
- Show the proposed subdivision layout including roads, public open space and other features of the subdivision in a manner which is responsive to the features identified in the Site Analysis;
- The stages by which the development of the land is to proceed;
- Show the proposed road network including the location of vehicular ingress and egress points and car parking areas. The proposed road network must offer a high level of access within the development and satisfactorily provide access in accordance with forecast demand;
- The location of any major infrastructure easements that exist or are required;
- The existing and proposed watercourses and major drainage features;
- A management plan detailing how stormwater and effluent will be collected and treated, including the approximate size and location of all drainage system components;
- Incorporation of water sensitive urban design (WSUD) principles and systems for appropriate drainage solutions;
- A landscape plan for all proposed public open space areas and road reserves. The plan must identify significant vegetation on the land and measures to retain the vegetation where appropriate and include treatments for entrance gateways into the estate;
- Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed.

ATTACHMENT 4 - DRAFT EXPLANATORY REPORT

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C52

DRAFT EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Central Gippsland Development Group.

Land affected by the amendment.

The amendment affects approximately 104 hectares of land bounded by Alexanders Road and Princes Drive, Morwell East.

The amendment applies to:

- **Lot 2 on Plan of Subdivision PS412581E (Vol.10394, Folio 422)**
- **Part of Lot 1 on Title Plan TP173536 (Vol. 09354, Folio 596)**

What the amendment does.

The amendment proposes to rezone the land from Farming Zone (FZ) to Industrial 1 Zone (IN1Z). The amendment also proposed to apply the Design and Development Overlay Schedule 3 (DDO3) and Development Plan Overlay Schedule # (DPO#) to this land.

Strategic assessment of the amendment

Why is the amendment required?

- The amendment proposes to rezone the land from Farming Zone to Industrial 1 Zone, which will facilitate the use and development of the land for the purposes of an industrial estate. The Industrial 1 Zone is considered an appropriate 'industrial' zone to apply to the subject site. This zone will offer the opportunity to create a development which is supported by a number of strategies and implementation objectives detailed in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The amendment proposes to introduce a new Design and Development Overlay Schedule. This schedule will ensure the design and built form of new developments are suitable for the site.
- The amendment proposes to introduce a new Development Plan Overlay Schedule. This schedule will ensure that future subdivision and development of the site responds appropriately to the existing site conditions and features.
- The amendment does not seek to repeat provisions already contained in the Planning Scheme.
- The amendment is necessary, as there are no other means of achieving the desired land use outcome.

Does the amendment implement the objectives of planning and environmental, social and economic effects?

The amendment will assist in implementing the objectives of planning in Victoria under section 4 of the *Planning and Environment Act 1987*, as follows:

- The rezoning of the site provides additional Industrial 1 Zone which will improve diversity and choice for industrial allotments in the area, as well as increasing the economic diversity and expanding the economic base of Morwell and Latrobe City as a whole.
- The subject site is able to be fully serviced with all necessary infrastructure available.
- The rezoning of the land and application of a new Design and Development Overlay Schedule and Development Plan Overlay Schedule to the site will ensure that any future development of the site is facilitated in an orderly and sustainable manner.

The amendment adequately addresses any environmental effects as follows:

- The site does not present any significant environmental constraints that would prevent it being developed for industrial purposes.
- The amendment will not result in any unreasonable environmental impacts on the subject site or its surrounds.
- The proposed Development Plan Overlay Schedule # requires that environmental issues, such as flooding, stormwater management and flora and fauna must be included in a Development Plan prepared to the satisfaction of the responsible authority, prior to a planning permit being granted.
- The amendment will facilitate industrial development within Morwell's 'urban boundary' and will reduce the need for further industrial expansion into rural areas in the short to medium term.

The amendment adequately addresses social and economic effects as follows:

- The amendment is considered to have a beneficial social and economic effect by providing local employment and services for existing and future residents in Latrobe City.
- The amendment will provide additional industrial land which will create new opportunities for industries seeking to establish their business in Latrobe City.
- The amendment will facilitate industrial development with good proximity to existing social and physical infrastructure.

Does the amendment comply with all the relevant Minister's Directions?

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

The amendment is consistent with the Ministerial Direction on the Strategic Assessment of Amendments Direction 11.

Does the amendment support or implement the State Planning Policy Framework (SPPF)?

The amendment supports and gives effect to the following policies:

<i>State Planning Policy Framework (SPPF):</i>	
<i>Clause 12</i>	<i>Metropolitan Development</i>
<i>Clause 14</i>	<i>Settlement</i>
<i>Clause 15</i>	<i>Environment</i>
<i>Clause 17</i>	<i>Economic Development</i>
<i>Clause 18</i>	<i>Infrastructure</i>

The following comments are made in relation to the SPPF:

- *The proposed rezoning of the subject site from Farming Zone to Industrial 1 Zone is consistent with the broad State level objectives for urban form, settlement, regional development and industry as outlined in Clauses 12, 14 and 17 of the SPPF on the basis that;*
 - *the rezoning of the subject site will see an orderly continuation of the existing industrial area located on the eastern periphery of Morwell where appropriate buffers can be provided between the industrial uses and nearby sensitive land uses.*
 - *the proposal will add valuable industrial land to the current land stock found with Morwell aiding further development and diversification of the local economy, and;*
 - *the rezoning will facilitate the sustainable development and operation of industry and research and development activity.*
- *The proposed amendment is consistent with the broad State level objectives of Clause 15 – Environment on the basis that;*
 - *waterway protection, floodplain management and conservation of biodiversity have been carefully considered and are addressed in the form of the proposed Development Plan Overlay Schedule, and;*
 - *the subject land has the capacity to be developed for the purposes of industrial development in an environmentally sustainable manner.*
- *The proposed amendment is consistent with the broad State level objectives of Clause 18 – Infrastructure on the basis that;*
 - *the proposed rezoning integrates industrial land use around the existing Princes Highway, local railways and proposed freeway, which will bypass the Traralgon town centre.*
 - *the subject land is suitably located to allow for appropriate transport access to the existing arterial roads.*
 - *the site has excellent access energy, water, and road infrastructure.*
 - *suitable car parking facilities can be provided for within the site.*
 - *the proposed Design and Development Overlay Schedule and Development Plan Overlay Schedule require appropriate design and treatment of roads and car parking.*

How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?

The amendment supports and gives effect to the following policies:

Local Planning Policy Framework (LPPF):

<i>Clause 21.01</i>	<i>Municipal Profile</i>
<i>Clause 21.02</i>	<i>Key Influences</i>
<i>Clause 21.03</i>	<i>Vision – Strategic Framework</i>
<i>Clause 21.04</i>	<i>Objectives / Strategies / Implementation</i>
<i>Clause 22.04</i>	<i>Latrobe Regional Airport and Environs Policy</i>

The following comments are made in relation to the LPPF:

- *The rezoning of the subject site will provide high amenity industrial land which is situated in a functional location. The amendment is supported by local objectives for 'urban and rural settlement' included in Clause 21.03-3 which identifies the need to:*
 - 'maximise the potential for new industry to locate in the municipality through strategic land use and infrastructure investment decisions and pro-active actions with the private sector, providing high amenity as well as functional locations.'
- *The amendment is also consistent with local area objectives for 'industry'. The rezoning of the subject site is further supported by Clause 21.01-10 – Industry and 21.02-4 – Industry. These local 'industry' objectives state that Morwell is a very attractive location for further industrial development due to its close proximity to most major industries, transport/distribution capabilities and significant infrastructure facilities.*
- *The LPPF specifically states that Morwell, and particularly Morwell East, is an ideal location for emerging industries. Clause 21.04-7 – Industry has the following comments:*

Emerging industries establishing themselves to the east of Morwell have:

- *Distinct 'advantages such as the outfall sewer and other key infrastructure together with the high amenity of the local environment'.*
- *'The strategic direction is to support the development and use of this type of [emerging] industry in the Morwell Urban settlement and Morwell South area and to encourage new large, high amenity, low density manufacturing industry to the area east of Alexanders Road and north of the Princes Highway'.*
- *In terms of industrial land supply, one of the main objectives is to 'maximise the potential of the high amenity location to the north of Princes Drive and east of Tramway Road in Morwell to attract large, low density, high amenity industries'.*
- *'Ensure a diversity of sites is available for larger industry, while maintaining the option of having such industries locate on suitable and environmentally acceptable greenfields sites where servicing and related costs are principally met by the incoming industry'.*

Clause 21.04-7 Industry, lists the following as one of its main actions items to implement the objectives listed in the previous point;

'Investigate the potential for land east of Morwell, on the north side of the Princes Freeway, to be developed as the municipality's 'modern' industrial park, and facilitate its approval and development should the proposal prove viable'

The amendment will result in the opportunity to create a 'municipality-wide' industrial development of significance. Following thorough site investigation, it is considered that the site has the capacity to be fully developed as a 'modern' industrial estate in such a manner that it will appeal to industries and investors well beyond Morwell.

The amendment also ensures that there is an adequate choice of industrial land to cover any market need and the appeal of the subject within the industrial land market is expected to be high given the high level of transport accessibility, appropriate topography and excellent location.

- Council has earmarked the site as being appropriate for industrial land use and the rezoning of the subject site is considered to be a strategically logical choice with regards to the provision of industrial land. The 'Latrobe Strategic Land Use Framework Plan' at Clause 21.03-3 and the 'Morwell Local Structure Plan', also referred to as the 'Morwell Strategic Framework Plan' in Clause 21.04-1, identify the subject land and provide the following directions for the Morwell East site: 'investigate potential for modern Industrial Park' and 'encourage image conscious, low density Industrial Development'.
- The LPPF at Clause 21.04-1 Settlement and Urban form states that Council must 'have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development.'

As stated above, the subject site is identified on the existing Morwell Local Structure Plan as having potential to accommodate 'modern industry'. This 'vision' for the site is further reinforced on the draft Morwell Structure Plan which is a revised version of the existing plan contained in the MSS. This revised Morwell Structure Plan, adopted by Council in 2007, clearly identifies the entire subject site as 'future industrial' with the following objectives to 'diversify the stock of industrial land', 'rezone and develop the area north of Princes Drive and east of Alexanders Road as a high amenity industrial precinct' and 'encourage the development of new industry in this area.'

- The amendment is also supported by a number of local settlement and urban form objectives, strategies and actions for implementation. These are detailed at Clause 21.04-1 and include the following:
 - Promote the unique characteristics of each of the towns with ... Morwell as a centre for government offices and industry.
 - Encourage consolidation of urban settlement within the urban zoned boundaries.
 - Encourage use and development of land within the Morwell Corridor, to the east of Morwell and north of the Highway as identified in the Morwell local structure plan, to accommodate modern industry which provides large, low density development with an image of high amenity.

The amendment will allow for a development with an 'image of high amenity' which will have a point of difference over anything available in the area as it must have the ability to attract a variety of industries and businesses which may or may not typically be situated in the Latrobe Valley at present.

The proposed rezoning and application of a development plan overlay and design and development overlay specific to the subject site, are consistent with the aims and intentions of the current Planning Scheme and pending Structure Plans for the area in question.

The amendment creates the opportunity to develop the land in accordance with the objectives of the abovementioned strategies. It is considered that this amendment provides the Council with the opportunity to see the vision created by the Planning Scheme realised.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment proposes to apply the Industrial 1 Zone. A key purpose of this zone is to:

- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The amendment proposes to apply the Design and Development Overlay. A key purpose of this zone is to:

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

The amendment proposes to apply the Development Plan Overlay. A key purpose of this zone is to:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

Given the intent of the amendment, which is to accommodate future industrial development on the site, provide diversity in industrial land stock and create employment opportunities for residents in Latrobe City, the Industrial 1 Zone is considered the most appropriate zone for the site.

The requirements contained in the proposed Design and Development Overlay Schedule and Development Plan Overlay Schedule, combined with the fact that the location of the land provides good buffers to sensitive land uses, promotes industrial development which does not affect the safety of local communities and positively contributes to local amenity.

The Industrial 1 Zone, Design and Development Overlay and Development Plan Overlay are considered the most appropriate VPP tools to use.

How does the amendment address the views of any relevant agency?

VicRoads and the West Gippsland Catchment Management Authority (WGCMA) have been conferred with on a number of occasions. The views of these two agencies have been taken into consideration during the preparation of the amendment.

What impact will the new planning provisions have on the administrative costs of the responsible authority?

The amendment will require:

- Assessment of planning permit application/s to subdivide and develop land.

These additional requirements will have a minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment.

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

Latrobe City Council
Commercial Road
Morwell VIC 3840

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

**11.3.3 PLANNING PERMIT APPLICATION 2008/067 - DEVELOPMENT
OF THREE SINGLE STOREY DWELLINGS, 12 MITCHELLS
ROAD, MOE**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/067 for the development of three single storey dwellings at Lot 45 on Plan of Subdivision 021026, more commonly known as 12 Mitchells Road, Moe.

2. POLICY IMPLICATIONS

The provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the 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

SUMMARY

Land: 12 Mitchells Road, Moe, known as Lot 45 on Plan of Subdivision 021026, Parish of Yarragon.

Proponent: Nigel McGrath
McGrath's Painting & Services
Zoning: Residential 1 Zone.
Overlay No overlays affect the subject land.

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

PROPOSAL

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

The subject site is relatively flat and rectangular in shape with a splay in the south eastern tip. The site has a southern frontage of 35.81 metres to Gladstone Street and an eastern frontage of 17.07 metres to Mitchells Road. The northern (rear) boundary measures 41.91 metres and the western (side) boundary measures 23.17 metres.

Two vehicle crossovers are provided to the land, one of which is to be utilised and the other removed. Two additional vehicle crossovers are to be constructed. The site contains a weatherboard dwelling and ancillary outbuilding that are proposed to be demolished. A pedestrian footpath is located along the southern portion of the subject land's frontage.

Proposed Dwelling 1 will contain three bedrooms whilst proposed Dwelling 2 and proposed Dwelling 3 will contain two bedrooms. Proposed Dwelling 1 and proposed Dwelling 2 will be provided with a double lock-up garage and proposed Dwelling 3 will be provided with a single lock-up garage. Space is provided in front of the garage of each dwelling to accommodate an additional visitor car parking space. Access to each of the dwellings will be obtained via Gladstone Street.

Proposed Dwelling 1 covers 192.37m² of the subject site, proposed Dwelling 2 covers 164.27m² and proposed Dwelling 3 covers 159.05m². It is proposed to add screening to the existing 1.5 metre high paling fence along the side and rear boundary to extend them to 1.8 metres high. New 1.8 metre high dividing fences are to be provided between each of the proposed dwellings.

The subject site does not contain any easements. No restrictive covenants, caveats or Section 173 Agreements apply to the subject land.

Surrounding Land Use:

- North: Single dwelling (one storey) on a lot of approximately 792.00m².
- South: Road – sealed with kerb and channel (Gladstone Street) and a single dwelling (one storey) on a lot of approximately 118.50m².
- East: Road – sealed with kerb and channel (Mitchells Road) and a camping and caravan park and race course on a lot of approximately 44.63 hectares.
- West: Three attached dwellings (one storey) on a lot of approximately 826.93m².

HISTORY OF APPLICATION

The application was received on 28 February 2008. The application was deemed incomplete due to the absence of a full copy of current title. The title was received by Council on 5 March 2008. Further information regarding the proposed plans and ResCode assessment was requested on 19 March 2008. The applicant applied for an extension of the time allowed to submit this information under Section 54B of the Act on the 5 May 2008. This request was granted. The further information required was received by Council on 11 June 2008.

The application was advertised on 16 July 2008 to adjoining property owners and occupiers pursuant to section 52(1)(a) of the Act and a sign displayed on the subject land pursuant to section 52(1)(d) of the Act.

One submission in the form of an objection was received on 18 August 2008.

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 liveability, diversity, amenity and safety of the public realm and promotes attractiveness of towns and cities within broader strategic contexts.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

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

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

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

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

Clause 21.02 (Key Influences):

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

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

Clause 21.03 (Vision – Strategic Framework):

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

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

Clause 21.04-4 has a 'Housing choice' objective (Element 2) to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing 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 be used for each town and community to assist in co-ordinated land use and development planning.'*

Zoning

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

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

Overlay

No overlays affect the subject land.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

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

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character';*
- *'To encourage residential development that provides reasonable standards of amenity for existing and new residents'; and*
- *'To encourage residential development that is responsive to the site and the neighbourhood.'*

Decision Guidelines (Clause 65):

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

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

- *'The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.'*

Incorporated Documents (Clause 81):

No Incorporated Documents apply to this application.

4. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised pursuant to section 52 of the *Planning and Environment Act 1987* (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 52 or section 55 of the Act.

Internal:

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

Details of Community Consultation following Notification:

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

At the request of the planning permit applicant, a planning mediation meeting did not take place.

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 Residential 1 Zone:

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

'Purpose' and 'Decision Guidelines' of Clause 55 'Two or more dwellings on a lot and residential buildings':

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of Clause 55 'Two or more dwellings on a lot and residential buildings'.

Clause 65 (Decision Guidelines):

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

Submissions:

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

1. The proposed development is much too crowded. Little open living area is located to each unit.

Comment:

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

The proposed dwellings have been designed to satisfy Clause 55 (the ResCode provisions) of the Latrobe Planning Scheme. This includes Standard B8 'Site coverage objective', Standard B11 'Open space objective' and Standard B28 'Private open space objective'.

The private open space provided for each of the three dwellings is considered to be adequate.

2. Three existing units are already located alongside the subject site to the west in Gladstone Street. These units are only intermittently occupied and at most times are vacant. There are a substantial number of units in Mitchells Road and adjoining Waterloo Road which are not sold.

Comment:

There are no policies in the Latrobe Planning Scheme that expressly limit the location of multi-dwelling developments in the residential areas of Moe.

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

The current occupancy rates as noted by the objector are subject to market demand and may change within the foreseeable future, in particular with the provision of modern and more attractive housing choices. Current occupancy rates are not identified by the *Planning and Environment Act 1987* as a valid planning objection and cannot be considered as part of this application.

3. Lot 45 is more suitable for two units which would permit a more comfortable open living area for the occupants and the potential living noise pollution would be made more tolerable. Suitable vegetation would permit a more amenable environment. The neighbours at the back of Lot 45 would experience noise pollution.

Comment:

The proposal is considered to be consistent with the 'Purpose' of the Residential 1 Zone and Clause 55 (the ResCode provisions) of the Latrobe Planning Scheme.

Compliance of all relevant legislation that relates to noise in residential areas will be required of any potential residents. The potential impact on neighbouring residents is considered to be minimal.

A landscaping plan has been submitted to Council as part of this application. The proposed species and locations of the vegetation detailed on the plan are considered to be satisfactory.

4. With the anticipated sale of the caravan park for development on the opposite site in Mitchells Road, it is expected that traffic will become congested at times and potentially dangerous:

Comment:

The increased traffic levels created by three new dwellings (30 vehicle movements over a 24 hour period) is considered normal for a residential area, minimal and unlikely to generate detrimental impacts.

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

It is considered that the reference to possible development of adjacent land is not relevant to the current application for three dwellings on the subject site.

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 objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. It is considered that the objection does not form planning grounds on which the application should be refused.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Permit for the Development of Three (3) Single Storey Dwellings on a Lot at 12 Mitchells Road, Moe (Lot 45 PS 021026, Parish of Yarragon) with the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. All stormwater and surface water discharging from the site, buildings and works must be conveyed separately for each dwelling to the legal point of discharge by underground pipe drains all to the satisfaction of Coordinator Project Services. No effluent or polluted water of any type must be allowed to enter the Council's stormwater drainage system.**

Prior to the commencement of any works hereby permitted, a site drainage plan must be submitted to Council's Coordinator Project Services for approval. The plan must show a drainage scheme providing for the conveying of the stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.

NOTE:

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

- 3. Driveway crossover to be constructed to Council Design Guidelines – Urban Standards.**

4. Existing driveway crossovers servicing the site must be removed and the kerb and nature strip reinstated.
5. Before the occupation of the development starting or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - d) presence of vermin.
8. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

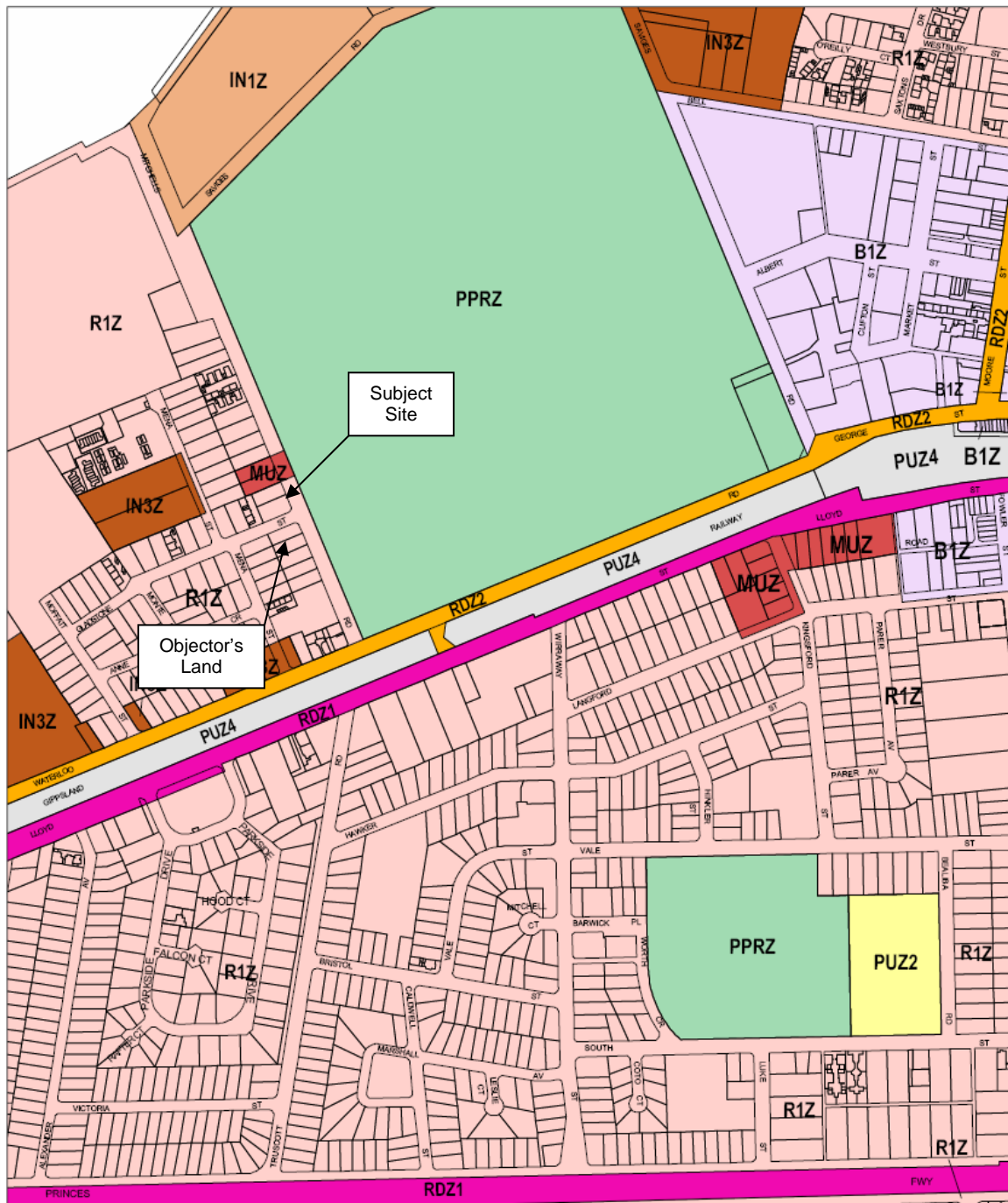
CARRIED UNANIMOUSLY

ATTACHMENT

Locality Plan for Planning Permit Application 2008/058



LATROBE PLANNING SCHEME - LOCAL PROVISION



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Residential 1 Zone	Residential 12 Zone
Industrial 1 Zone	Industrial 2 Zone
Public Land	Public Land - Recreation Zone
Public Land - Education	Public Land - Transport
Road Zone - Category 1	Road Zone - Category 2

AMENDMENT C44
 MAP No 27

04/03 2008 15:15 FAX +61 3 51281514

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Page 1 / 1
09:16 hr

CERTIFICATE OF TITLE - VICTORIA

Under the Transfer of Land Act 1958

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



LAND DESCRIPTION

REGISTRAR OF TITLES

Lot 45 on Plan of Subdivision 021026
PARENT TITLE Volume 06569 Folio 631
Created by instrument 2207906 05/04/1949

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

DIAMANTE ENTERPRISES PTY LTD of 13 OLLERTON AVENUE NEWBOROUGH VIC 3825
MCGRATH'S PAINTING & DECORATING SERVICE PTY LTD of PINERIDGE ROAD MOE SOUTH
VIC 3825
AF551486E 24/12/2007

ENCUMBRANCES, CAVEATS AND NOTICES

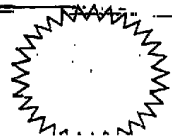
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP021026 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.



04/03 2008 15:16 FAX +61 3 51261514

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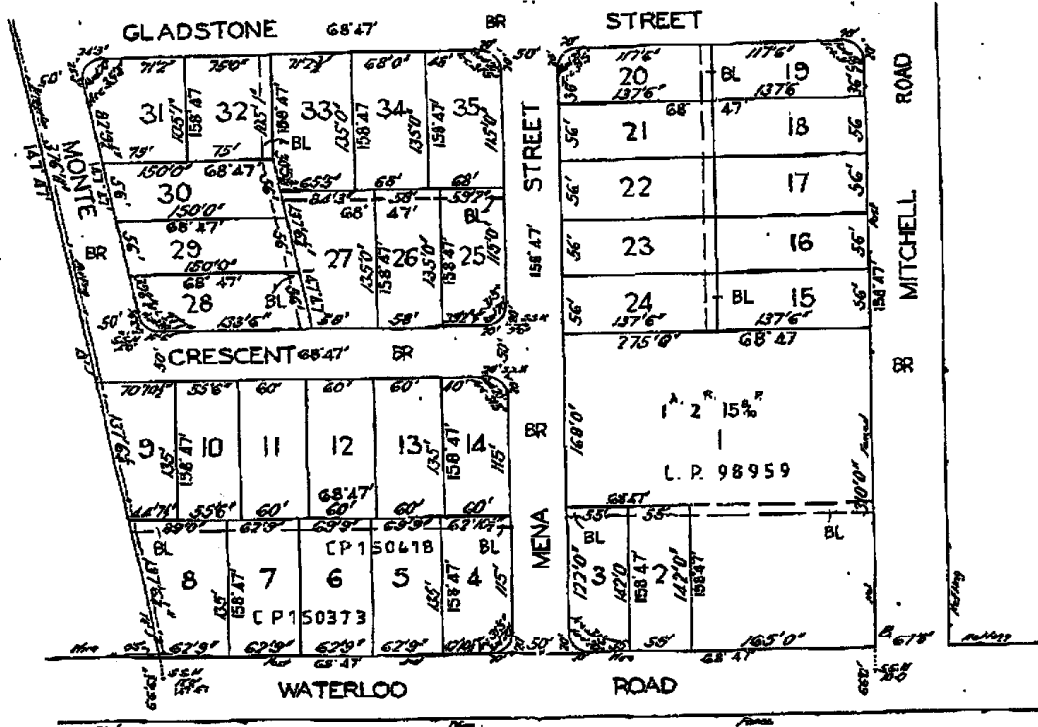
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LP 21026



SEE SHEET 1



10 Mitchell's Road
Melb Victoria 3825
Tel (03) 51276353
15th August 08

Latrobe City Council
P.O. Box 264
Morwell 3840

Reference Notice of an Application for a Planning Permit for the development of Three (3) Single Story Dwellings on a lot reference no 2008/67

The appropriate Authority.

Having examined the Cunningham Design & Drafting plan dated 13/4/07 Drawn LEM/JNT Scale 1:200 Job No 8475 Sheet 04, we wish to object to the proposal that Three units be built on this block lot 45.

The grounds for our objection are

- 1) It is much too crowded. Little open living area is allocated to each unit.
- 2) Already 3 existing permits are located alongside in Gladstone Street. These units are only intermittently occupied. Most times vacant.
- 3) The neighbours at the back of lot 45 would experience noise pollution
- 4) The lot 45 is more suitable for 2 two units, which would permit a more comfortable open living area for the occupants, and the potential living noise pollution would be made more tolerable and suitable vegetation permit a more amenable environment.
- 5) There are already a substantial number of units in Mitchell's Road and adjoining Waterloo Road which are not sold.
- 6) With the anticipated sale of the Caravan park for development on the opposite site in Mitchell's Road, it is expected that traffic will become congested at times and potentially dangerous.

We are not objecting to the development of lot 45, but would urge that the lot is more suitable for TWO units not three as proposed. It could be construed that the ^{it may become} we are too greedy and ^{retroactive} financially.

Thank you for your attention

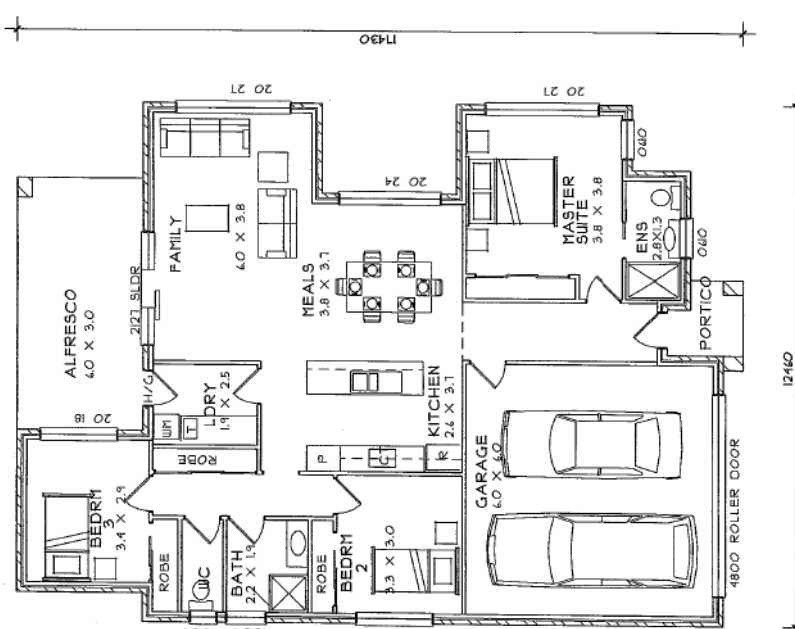
Owen Charles Kathleen M Charles

Latrobe City Council	
18 AUG 2008	
Doc. No.	
Action Office	
Disposal Cn	
Comments	

**GROUND FLOOR PLAN
UNIT 1**

PRELIMINARY PLAN ONLY

AREA	
DWELLING	131.9 M ²
GARAGE	31.25 M ²
PORTICO	3.08 M ²
ALFRESCO	18.14 M ²
TOTAL	192.37 M ²
PROPOSED AREA OF UNIT 1 SITE: 353.63 M ²	



RECEIVED
11 JUN 2008
BY:

PROPOSED DEVELOPMENT:

UNIT 1
LOT 45 MITCHELLS ROAD
MOE

DATE	13/11/07	SCALE	1:100	JOB NO	8476
DRAWN	L.E.M./J.M.T	SHEET			07

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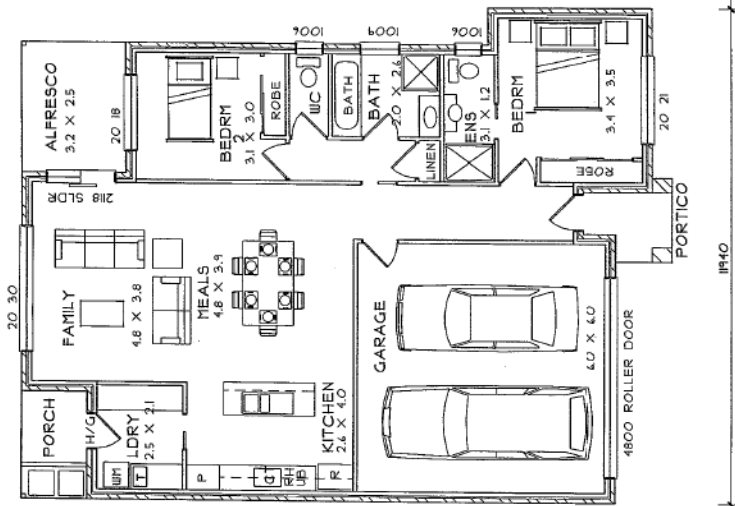
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DP-AD 2227 0418 377 309 03 56332 584

PRELIMINARY DESIGN
COMPLETE DRAWINGS
AMENDMENT 1

DATE: 13/11/07
OWNER'S SIGNATURE:



**GROUND FLOOR PLAN
UNIT 2**
PRELIMINARY PLAN ONLY



AREA	AREA
DWELLING	112.83 M ²
GARAGE	39.22 M ²
PORCH	3.22 M ²
ALFRESCO	7.95 M ²
PORCH	4.05 M ²
TOTAL	164.21 M ²
PROPOSED AREA OF UNIT 2 SITE: 304.42 M ²	

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11 JUN 2008
BY:

PROPOSED DEVELOPMENT:
UNIT 2
LOT 45 MITCHELLS ROAD
MOE.

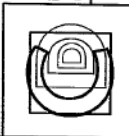
bdcv
BUILDING DESIGN CONSULTANTS

DATE	DRAWN	SCALE	JOB NO	SHEET
13/11/07	L.E.M./M.T.	1:100	8475	08

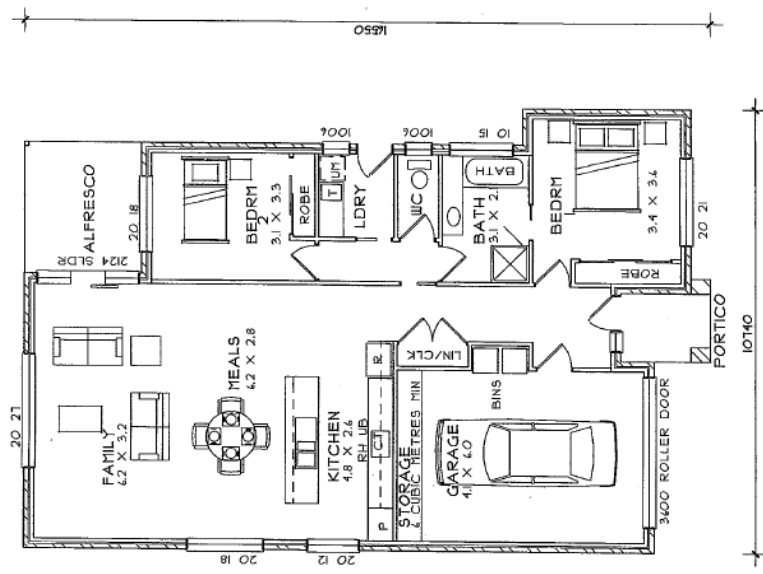
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CUNNINGHAM DESIGN & DRAFTING
0418 377 309 03 56532 584
DP-AD 2227

OWNER'S SIGNATURE: _____ DATE: _____
PRELIMINARY DESIGN
WORKING DRAWINGS
AMENDMENT: _____



GROUND FLOOR PLAN
UNIT 3
 PRELIMINARY PLAN ONLY



AREA	118.8 M ²
DWELLING	27.55 M ²
GARAGE	3.15 M ²
PORTICO	8.95 M ²
ALFRESCO	159.05 M ²
TOTAL	304.62 M ²
PROPOSED AREA OF UNIT 3 SITE: 304.62 M ²	

RECEIVED
 11 JUN 2008
 BY:

PROPOSED DEVELOPMENT:

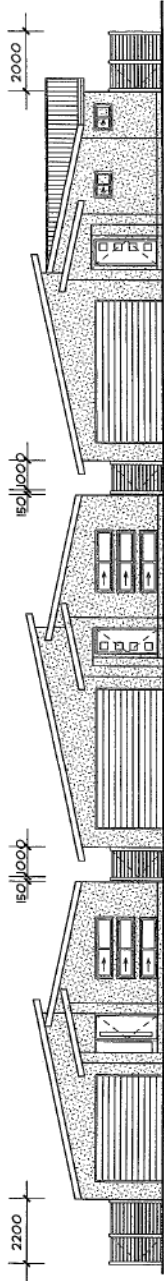
UNIT 3	
LOT 45 MITCHELLS ROAD	
MOE	
DATE	13/11/07
DRAWN	L.E.M./M.T
SCALE	1:100
JOB NO	8475
SHEET	09

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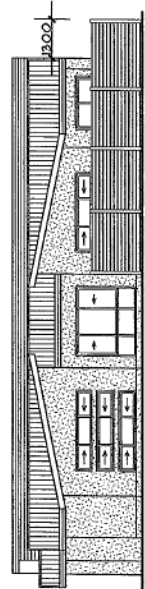
CUNNINGHAM DESIGN & DRAFTING
 DP-AD-2227 0418 377 300 03 56332 584

OWNERS SIGNATURE: _____ DATE: 20/02/07
 PRELIMINARY DESIGN
 WORKING DRAWINGS
 COMPLETE DRAWINGS
 APPROVED





GLADSTONE STREET ELEVATION



MITCHELLS ROAD ELEVATION

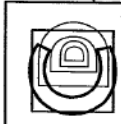
RECEIVED
11 JUN 2008
BY:

PROPOSED DEVELOPMENT:			
UNIT DEVELOPMENT			
LOT 45 MITCHELLS ROAD			
MOE			
DATE	DRAWN	SCALE	JOB NO
13/11/07	L.E.M./M.T	N.T.S	8475
			SHEET
			10

DATE: _____
OWNERS SIGNATURE: _____

13/11/07
COUNCIL APPROVED
COUNCIL AMENDMENTS
COMPLETE DRAWINGS
AMENDMENT 1

CUNNINGHAM DESIGN & DRAFTING
DP-AD 2227 0418 377 309 03 96532 964



ELEVATION A

ALUMINIUM SLIDING DOOR

ALUMINIUM SLIDING WINDOWS

COLORBOND CUSTOM ORB ROOF CLADDING 9/2" PITCH

BRICK VENEER EXTERNAL CLADDING WITH RENDER FINISH TO FRONT AND SIDE ONLY

ELEVATION B

ALUMINIUM SLIDING WINDOWS

COLORBOND CUSTOM ORB ROOF CLADDING 9/2" PITCH

BRICK VENEER EXTERNAL CLADDING WITH RENDER FINISH TO FRONT AND SIDE ONLY

ELEVATION C

ALUMINIUM SLIDING DOOR

ALUMINIUM SLIDING WINDOWS

COLORBOND CUSTOM ORB ROOF CLADDING 9/2" PITCH

BRICK VENEER EXTERNAL CLADDING WITH RENDER FINISH TO FRONT AND SIDE ONLY

ELEVATION D

ALUMINIUM SLIDING WINDOWS

COLORBOND CUSTOM ORB ROOF CLADDING 9/2" PITCH

BRICK VENEER EXTERNAL CLADDING

RECEIVED
11 JUN 2008
BY:

PROPOSED DEVELOPMENT:

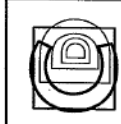
UNIT 1
LOT 45 MITCHELLS ROAD
MOE

DATE	DRAWN	SCALE	JOB NO	SHEET
13/11/07	L.S.M./M.T.	1:100	8475	10

OWNERS SIGNATURE: _____ DATE: _____

30/12/07
CONSULTANT'S
COMPLETE DRAWINGS
AMENDMENT 1

CUNNINGHAM DESIGN & DRAFTING
0418 377 309 03 56332 564
DP-AD 2227



ELEVATION A

ELEVATION B

ELEVATION C

ELEVATION D

RECEIVED
11 JUN 2008
BY:

PROPOSED DEVELOPMENT:
UNIT 2
LOT 45 MITCHELLS ROAD
MOE

DATE: 19/11/07
DRAWN: L.E.W./J.M.T.
SCALE: 1:100
JOB NO: 8475
SHEET: 11

DATE: _____
OWNERS SIGNATURE: _____
PRELIMINARY DESIGN
CONSULTING SERVICES
AMENDMENT 1

CUNNINGHAM DESIGN & DRAFTING
0418 377 309 03 56332 554
DP-AD 2227

ELEVATION A
 COLORBOND CUSTOM ORB ROOF CLADDING 9/2° PITCH
 ALUMINIUM SLIDING WINDOWS
 BRICK VENEER EXTERNAL CLADDING WITH RENDER FINISH TO FRONT ONLY

ELEVATION B
 COLORBOND CUSTOM ORB ROOF CLADDING 9/2° PITCH
 ALUMINIUM SLIDING WINDOWS
 BRICK VENEER EXTERNAL CLADDING

ELEVATION C
 COLORBOND CUSTOM ORB ROOF CLADDING 9/2° PITCH
 ALUMINIUM SLIDING WINDOWS
 BRICK VENEER EXTERNAL CLADDING

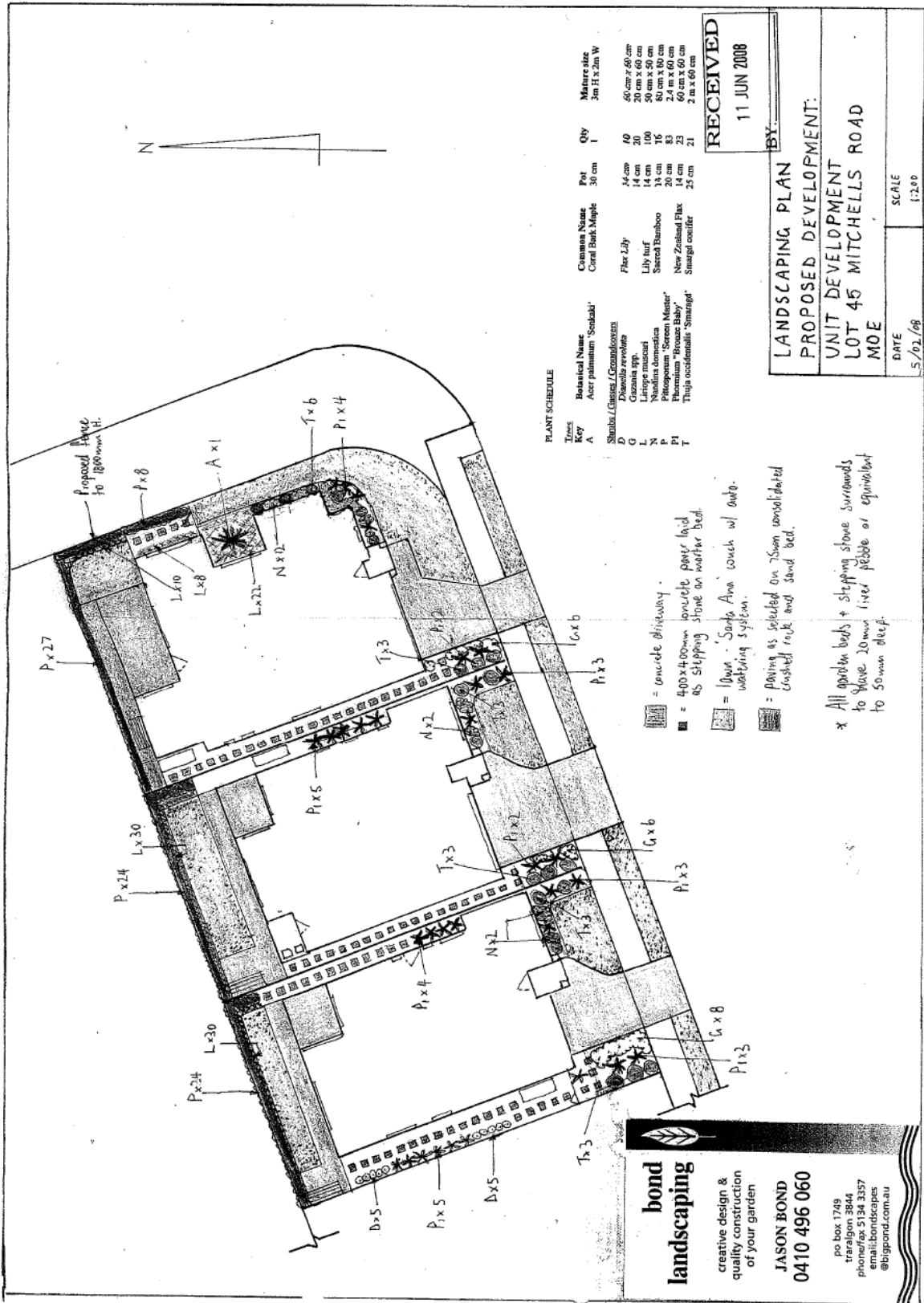
ELEVATION D
 COLORBOND CUSTOM ORB ROOF CLADDING 9/2° PITCH
 ALUMINIUM SLIDING WINDOWS
 BRICK VENEER EXTERNAL CLADDING

RECEIVED
11 JUN 2008
BY:

PROPOSED DEVELOPMENT:
 UNIT 3
 LOT 45 MITCHELLS ROAD
 MOE

CUNNINGHAM DESIGN & DRAFTING	DATE: 20/12/07	OWNERS SIGNATURE:	DATE: 19/11/07
DP-AD 2227 0418 377 309 03 66532 564	PRELIMINARY DESIGN COMPLETE DRAWINGS AMENDMENT 1		
		SCALE: 1:100	JOB NO: 8475
		DRAWN: L.E.M./M.T.	SHEET: 12





PLANT SCHEDULE

Tree Key	Botanical Name	Common Name	Plant Size	Qty	Plant Size
A	Acer palmatum 'Scolabaki'	Card Bark Maple	30 cm	1	3m H x 2m W
D	Diarrheia revivida	Flax Lily	44 cm	10	60 cm x 60 cm
L	Liriodendron taylorii	Lily turf	14 cm	20	20 cm x 60 cm
N	Nandina domestica	Sweet Bushbush	14 cm	100	50 cm x 50 cm
P	Phytolacca 'Screen Master'	New Zealand Flax	20 cm	15	50 cm x 80 cm
T	Thuja occidentalis 'Smaragd'	Phormium 'Bronze Baby'	14 cm	23	60 cm x 60 cm
		Smargol conifer	25 cm	21	2 m x 60 cm

RECEIVED
11 JUN 2008

BY:
LANDSCAPING PLAN
PROPOSED DEVELOPMENT:
UNIT DEVELOPMENT
LOT 45 MITCHELLS ROAD
MDE
DATE: 5/02/08
SCALE: 1:200

- = concrete driveway.
- = 400x400mm concrete paver laid as stepping stone on water bed.
- = 18mm Sarda Ana couch w/ auto watering system.
- = paving as selected on 75mm consolidated crushed rock and sand bed.
- * All garden beds + stepping stone surrounds to have 20mm liner pebble or equivalent to 50mm deep.

bond landscaping
creative design & quality construction of your garden
JASON BOND
0410 496 060
po box 1749
truganina 3044
phone/fax 5134 3557
email: bond@bond.com.au
@bigpond.com.au

GOVERNANCE

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

AUTHOR: Acting General Manager Governance
(ATTACHMENT – NO)

The following is a summary of the contract awarded at the Latrobe City Council Meeting held on 16 June 2008:

ITEM NO. 14.4 INVITATION TO TENDER NO. 12474
Morwell Landfill Leachate Evaporation Pond
Rehabilitation

1. That Council accepts the tender submitted by Grove Turf Constructions Pty Ltd for invitation to tender no. 12474 Morwell Landfill Leachate Evaporation Pond Rehabilitation, for the sum of \$206,200.00, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria; and
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Grove Turf Constructions Pty Ltd resulting from invitation to tender no. 12474 Morwell Landfill Leachate Evaporation Pond Rehabilitation.

The following is a summary of the contracts awarded at the Latrobe City Council Meeting held on 7 July 2008.

ITEM NO. 14.5 INVITATION TO TENDER NO. 12473
Moe / Newborough Sports Stadium Refurbishment

1. That the tender submitted by Kirway Constructions for invitation to tender no. 12473 Moe / Newborough Sports Stadium Refurbishment, for \$1,693,040 be accepted for the reason that their tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria of Price, Capacity, Track Record, Time Performance, Occupational Health and Safety and Benefits to the Regional Economy.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Kirway Constructions resulting from invitation to tender no. 12473 Moe / Newborough Sports Stadium Refurbishment.

ITEM NO. 14.7 INVITATION TO TENDER NO. 12466
Supply and Delivery of Meals on Wheels

1. That Council accepts the tender submitted by B & L McMahon Trading Pty Ltd (t/as Newborough Hotel) for invitation to tender no. 12466 Supply and Delivery of Meals on Wheels, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with B & L McMahon Trading Pty Ltd (t/as Newborough Hotel) resulting from invitation to tender no. 12466 Supply and Delivery of Meals on Wheels.

ITEM NO. 14.6 INVITATION TO TENDER NO. 12483
Painted Pavement Markings

1. That Council accepts the tender submitted by Laser Linemarking (Vic) Pty Ltd for invitation to tender no. 12483 Painted Pavement Markings, for the rates as tendered for the reason that the tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria of price, track record, relevant experience, capacity, time performance, Australian/New Zealand component OH&S, and benefit to the regional economy.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Laser Linemarking (Vic) Pty Ltd resulting from invitation to tender no. 12483 Painted Pavement Markings.

ITEM NO. 14.8 INVITATION TO TENDER NO. 12484
Supply and Delivery of Quarry Products

1. That Council accepts the tenders submitted by:
 - K & RJ Matthews Quarries Pty Ltd;
 - Kennedy Haulage Pty Ltd;
 - LV Blue Metal Pty Ltd;
 - Gippsland Premium Quarries Pty Ltd;
 - Boral Resources (Vic) Pty Ltd, trading as Boral Resources Country; and
 - Prosper Valley Enterprises Pty Ltd, trading as Prosper Valley Gravel,for invitation to tender no. 12484 Supply and Delivery of Quarry Products, for the rates as tendered, for the reason that these tenders provide the best value for money outcome for the community when assessed against the evaluation criteria.

2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with:
 - K & RJ Matthews Quarries Pty Ltd;
 - Kennedy Haulage Pty Ltd;
 - LV Blue Metal Pty Ltd;
 - Gippsland Premium Quarries Pty Ltd;
 - Boral Resources (Vic) Pty Ltd, trading as Boral Resources Country; and
 - Prosper Valley Enterprises Pty Ltd, trading as Prosper Valley Gravel,resulting from invitation to tender no. 12484 Supply and Delivery of Quarry Products.

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

ITEM NO. 14.3 INVITATION TO TENDER NO. 12500
Urban Tree Block Pruning

1. That Council accepts the tender submitted by Valleywide Tree Service Pty Ltd for invitation to tender no. 12500 Urban Tree Block Pruning, for the rates as tendered for the reason that this tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Valleywide Tree Service Pty Ltd resulting from invitation to tender no. 12500 Urban Tree Block Pruning.

The following is a summary of contracts awarded at the Latrobe City Council Meeting held on 4 August 2008.

ITEM NO. 14.3 INVITATION TO TENDER NO. 12510
Provision of Minor Painting and Graffiti Removal

1. That Council accepts the tender submitted by M & P Painting Contractors Pty Ltd and John Palmer Coatings for invitation to tender no. 12510, provision of minor painting works, graffiti removal and protective Coatings, for the rates as tendered for the reason that this tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with M & P Painting Contractors Pty Ltd and John Palmer Coatings resulting from invitation to tender no. 12510, provision of minor painting works, graffiti removal and protective coatings.

The following is a summary of the contract awarded at the Latrobe City Council Meeting held on 18 August 2008.

ITEM NO. 14.3 INVITATION TO TENDER NO. 12502

Design and documentation services for alterations and additions at Churchill Leisure Centre

1. That Council accepts the tender submitted by Henderson & Lodge Pty Ltd for invitation to tender no. 12502, Design and Documentation for the Alteration and Additions at Latrobe Leisure Churchill, for the lump sum of \$169,000.00 for the reason that this tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Henderson & Lodge Pty Ltd resulting from invitation to tender no. 12502, Design and Documentation of Alteration and Additions at Latrobe Leisure Churchill.

The following is a summary of the contract awarded at the Latrobe City Council Meeting held on 1 September 2008.

ITEM NO. 14.3 INVITATION TO TENDER NO. 12508

Provision of Glazier Services

1. That Council accepts the tenders submitted by Marz Glass & Glazing and Valley Glass & Glazing for invitation to tender no. 12508 provision of glazier services, for the rates as tendered for the reason that these tenders provide quality and value for money for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Marz Glass & Glazing and Valley Glass & Glazing resulting from invitation to tender no. 12508 provision of glazier services.

The following is a summary of the contract awarded at the Latrobe City Council Meeting held on 15 September 2008.

ITEM NO. 14.4 INVITATION TO TENDER NO. 12537

Streetscaping of Church Street, Morwell from Princes Drive to Buckley Street

1. That Council accepts the tender submitted by Filmer Group for invitation to tender no. 12537, streetscaping of Church Street, Morwell from Princes Drive to Buckley Street, for the lump sum amount of \$196,423.10 inclusive of provisional items as tendered for the reason that this tender provides the best quality and value for money outcome for the community when assessed against the evaluation criteria.

2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Filmer Group resulting from invitation to tender no. 12537, streetscaping of Church Street, Morwell from Princes Drive to Buckley Street.

The following is a summary of contracts awarded by the Chief Executive Officer under delegation on 18 June 2008:

INVITATION TO TENDER NO. 12463
Sanitary Disposal Services

That the tender submitted by Rentokil Initial, trading as Pink Hygiene Solutions for invitation to tender no. 12463 Sanitary Disposal Services be accepted, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.

The following is a summary of Contracts awarded by the Chief Executive Officer under delegation on 25 June 2008:

INVITATION TO TENDER NO. 12468
Environmental Auditor for Hyland Highway Landfill Liner

That the Chief Executive Officer accepts the tender submitted by GHD Pty Ltd for Invitation to Tender no. 12468 Services of Environmental Auditor for the Construction of Latrobe City Hyland Highway Landfill Liner, for the sum of \$31,020.00 exclusive of GST, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria

INVITATION TO TENDER NO. 12465
Churchill Town Centre Plan – Plaza and Landscape Design

That the Chief Executive Officer accepts the tender submitted by TTM Consulting (Vic) Pty Ltd for Invitation to Tender no. 12465 Churchill Town Centre Plan: Plaza and Landscape Design, for the sum of \$88,550, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.

INVITATION TO TENDER NO. 12477
Investigation into Community Recycling Venture

That tender submitted by Gippsland Management Services Pty Ltd for invitation to tender no. 12477 Investigation into the feasibility of a community recycling venture be accepted, for the sum of \$39,780, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.

The following is a summary of contracts awarded by the Chief Executive Officer under delegation on 22 August 2008:

INVITATION TO TENDER NO. 12519
Traralgon Inner South Precinct Master Plan

It is recommended that the Chief Executive officer approve contract 12519 – Traralgon Inner South Precinct Master Plan between Latrobe City Council and Hansen Partnerships Pty Ltd for the amount of \$75,000.

The following is a summary of Contracts awarded by the Chief Executive Officer under delegation on 8 September 2008:

INVITATION TO TENDER NO. 12531
Reconstruction of Wilkan Drive, Hazelwood North

That tender submitted by Sure Constructions (Vic) Pty Ltd for invitation to tender no. 12531 reconstruction of Wilkan Drive, Hazelwood North be accepted, for the sum of \$141,505.00 inclusive of provisional items, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.

The following is a summary of contract variations approved by the Chief Executive Officer under delegation.

CONTRACT NO.	DESCRIPTION	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	PREVIOUS VARIATION AMOUNT	VARIATION AMOUNT	ADJUSTED CONTRACT TOTAL
12295	Reconstruction of Princes Drive, Service Road and Churchill Road, Morwell	F DiToro & Sons Constructions Pty Ltd	\$831,192.00	\$172,909.00	\$6,393.60	\$1,010,494.60
12454	Provision of plant labour material and training for emergency concrete works	William Cantwell	\$360,000.00	Nil	\$103,200.00	\$463,200.00

RECOMMENDATION

1. That Council notes the contract decisions from previous Council Meetings held 16 June 2008 to 1 September 2008 (inclusive).
2. That Council notes the contract decisions made by the Chief Executive Officer under delegation 18 June 2008 to 8 September 2008 (inclusive).

Moved: Cr White

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**AUTHOR:** Acting General Manager Governance**(ATTACHMENT - NO)**

	Transfer of Land from Noel Williams and Jean Catherine Williams as Transferor to Latrobe City Council as Transferee for the land described as Volume 10099 Folio 119, for the Consideration of \$1.
PP 2008/185	Section 173 Agreement pursuant to the <i>Planning and Environment Act 1987</i> between Latrobe City Council and John Leslie Beamish and Jean Elizabeth Beamish as the Owners of the land described as Lot 1 on TP342172X in Certificate of Title Volume 8608 Folio 874 and Lot 1 on PS219496M in Certificate of Title Volume 9958 Folio 047, pursuant to Planning Permit No. 2008/185 dated 11 August 2008 for a Two Lot Re-Subdivision to ensure that the land may not be further subdivided.
PP 2007/212	Section 173 Agreement pursuant to the <i>Planning and Environment Act 1987</i> between Latrobe City Council and John Eben Fairbrother and Marjory Isabella Fairbrother as the Owners of the land described in Certificates of Title Volume 10950 Folio 141 and Volume 10950 Folio 142, pursuant to Planning Permit No. 2007/212 dated 25 March 2008 for the Use and Development of a Single Dwelling and Re-Subdivision of 3 Lots to 2 Lots to ensure that the land may not be further subdivided.

RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land from Noel Williams and Jean Catherine Williams as Transferor to Latrobe City Council as Transferee for the land described as Volume 10099 Folio 119, for the Consideration of \$1.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and John Leslie Beamish and Jean Elizabeth Beamish pursuant to Planning Permit No. 2008/185 dated 11 August 2008 for a Two Lot Re-Subdivision to ensure that the land may not be further subdivided.
3. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and John Eben Fairbrother and Marjory Isabella Fairbrother pursuant to Planning Permit No. 2007/212 dated 25 March 2008 for the Use and Development of a Single Dwelling and Re-Subdivision of 3 Lots to 2 Lots to ensure that the land may not be further subdivided

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.3 REVIEW OF RESTRICTIVE COVENANT - LATROBE CITY
SPORTS STADIUM

AUTHOR: Acting General Manager Governance
(ATTACHMENT – NO)

This item was considered earlier in the meeting.

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 8.26 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.44 pm.

Moved: Cr Middlemiss

Seconded: Cr Zimora

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 MEETING CLOSED TO THE PUBLIC	Other - s.89(2)(h)
14.2 ADOPTION OF MINUTES	Other - s.89(2)(h)
14.3 CONFIDENTIAL ITEMS	Other - s.89(2)(h)
14.4 2008/09 COMMUNITY GRANTS PROGRAM	Other - s.89(2)(h)
14.5 BAD DEBTS WRITE OFFS	Personal hardship - s.89(2)(b)
14.6 DISABILITY REFERENCE COMMITTEE APPOINTMENTS FOR 2008 TO 2010	Other - s.89(2)(h)
14.7 GIPPSLAND INTERMODAL FREIGHT TERMINAL	Contractual - s.89(2)(d)
14.8 PARENTING ROOM IN MOE - REPORT ON COMMUNITY CONSULTATION	Other - s.89(2)(h)
14.9 TRARALGON EARLY LEARNING CENTRE - ADDITIONAL INFORMATION IN RELATION TO ASSESSMENT OF POTENTIAL SITES	Proposed developments - s.89(2)(e)
14.10 PROVISION OF LITTER COLLECTION SERVICES	Contractual - s.89(2)(d)
14.11 RESEALING OF MUNICIPAL ROADS WITHIN LATROBE CITY	Contractual - s.89(2)(d)

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.45 pm.