



LatrobeCity
a new energy

LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 20 OCTOBER 2008

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward

Cr Doug Caulfield - Gunyah 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

Paul Buckley, Chief Executive Officer

Seona Conway, General Manager Organisational Excellence

Michael Edgar, Acting General Manager Community Liveability

Caroline Flake, Manager Council Operations - Legal Counsel

Katie Garlick, Council Operations Administration Officer

Allison Jones, General Manager Economic Sustainability

Philip Marsh, General Manager Executive Projects

Peter Quigley, General Manager Built and Natural Environment Sustainability

Grantley Switzer, Acting General Manager Recreational and Cultural Liveability

Tim Johnson, General Manager Governance

Michelle Franke, Manager Corporate Strategy

Liz Collins, Manager Finance

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4

PUBLIC QUESTION TIME

NOTICES OF MOTION

ITEMS REFERRED BY THE COUNCIL

7.1	DOMESTIC ANIMAL MANAGEMENT PLAN 2008	18
7.2	LAKE NARRACAN	29
7.3	PROPOSED SALE OF KINGSFORD RESERVE - BETWEEN KINGSFORD AND HINKLER STREETS, MOE	35

CORRESPONDENCE

PRESENTATION OF PETITIONS

CHIEF EXECUTIVE OFFICER

ECONOMIC SUSTAINABILITY

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1	ADOPTION OF AMENDMENT C53: PROPOSED AMENDMENT TO REZONE LAND AT LAWLESS ROAD, CHURCHILL FROM FARMING ZONE TO PUBLIC USE ZONE EDUCATION	54
11.3.2	CHURCHILL TOWN CENTRE PLAN - PEDESTRIAN PLAZA IMPLEMENTATION	81
11.3.3	COUNCIL POLICY REVIEW - SEALING OF RURAL UNSEALED ROADS	91
11.3.4	DEVELOPMENT OF SYNTHETIC PLAYING SURFACE AT MONASH UNIVERSITY GIPPSLAND CAMPUS	97
11.3.5	MORWELL CENTENARY ROSE GARDEN COMMITTEE REQUEST FOR ADDITIONAL FUNDING TOWARDS DEVELOPMENT OF AN AMENITIES BUILDING	122
11.3.6	PLANNING PERMIT APPLICATION 2007/170 - APPLICATION TO EXTEND A SUPERMARKET (LIQUOR STORE), ALTER ADVERTISING SIGNAGE AND WAIVE CAR PARKING SPACES AT 116 HOTHAM STREET, TRARALGON	129
11.3.7	PLANNING PERMIT APPLICATION 2007/410 - FURTHER INFORMATION - USE AS A RESTRICTED RECREATION FACILITY (GYMNASIUM) 94 CROSS'S ROAD, TRARALGON	166
11.3.8	PLANNING PERMIT APPLICATION 2008/205 - APPLICATION TO USE AND DEVELOP AN OFFICE BUILDING, DEVELOP A RESTAURANT AND WAIVE CAR PARKING AT 51-57 POST OFFICE PLACE AND 10 ARGYLE STREET, TRARALGON	183

RECREATIONAL AND CULTURAL LIVEABILITY

11.4.1	LATROBE CITY OUTDOOR POOL SUMMER SEASON OPERATIONAL HOURS ARRANGEMENTS	233
--------	--	-----

COMMUNITY LIVEABILITY

11.5.1	DRAFT LATROBE CITY POSITIVE AGEING PLAN 2009-2012	242
--------	---	-----

GOVERNANCE

11.6.1	CONTRACT DECISIONS FROM PREVIOUS COUNCIL MEETINGS AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION	251
11.6.2	DOCUMENTS PRESENTED FOR SIGNING AND SEALING	252

ORGANISATIONAL EXCELLENCE

11.7.1	2007/2008 ANNUAL REPORT	6
--------	-------------------------	---

URGENT BUSINESS

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

14.1	MEETING CLOSED TO THE PUBLIC	258
14.2	ADOPTION OF MINUTES	260
14.3	CONFIDENTIAL ITEMS	261
14.4	CHURCHILL AND DISTRICT INTERGENERATIONAL COMMUNITY HUB BOARD APPOINTMENTS	262
14.5	PROVISION OF VALUATION SERVICES	276
14.6	2008/09 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN	282

CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Cr Sandy Kam - Galbraith Ward
Cr Anthony Zimora - Merton Ward

3. Declaration of Interests

Cr Price declared an Interest in Item 7.3 as her family are users of the Ted Summerton Reserve in Moe.

4. Adoption of Minutes

Moved: Cr White
Seconded: Cr Lloyd

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 6 October 2008 (CM 278) be adopted.

CARRIED UNANIMOUSLY

The Mayor sought Council's consent to bring forward Item 11.7.1 - 2007/2008 Annual Report.

Moved: Cr White

Seconded: Cr Price

That Item 11.7.1 – 2007/2008 Annual Report be brought forward for consideration.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr Lloyd

That Standing Orders be suspended to allow a presentation to Council.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.03 pm

A presentation of the 2007/2008 Annual Report was made to Council by Michelle Franke, Manager Corporate Strategy and Liz Collins, Manager Finance.

The Mayor thanked Ms Franke and Ms Collins for their presentation.

Resumption of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr Price

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.18 pm

11.7.1 2007/2008 ANNUAL REPORT

AUTHOR: General Manager Organisational Excellence
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the 2007/2008 Annual Report in accordance with Section 134 of the *Local Government Act 1989*.

2. POLICY IMPLICATIONS

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

Latrobe 2021

Strategic Objective - Governance

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

Community Outcome - Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

Council Plan 2008-2012

Submit the Annual Report to the Minister for Local Government (September 2009).

Policy No. GEN-COS-005 – Audit Policy

The Audit Policy details Latrobe Cit Council's requirement to maintain an Audit Committee of Council. The Audit Committee, by formal resolution under section 86 of the Local Government Act 1989, assists Council in the discharge of its responsibilities for financial reporting, through the maintenance of a system of internal controls and audits.

3. **BACKGROUND**

The *Local Government Act 1989* requires Latrobe City Council to submit the Annual Report, including the audited financial, standard and performance statements, to the Minister for Local Government within three months of the end of the financial year. Accordingly, the Annual Report 2007/2008 was forwarded to the Minister on 24 September 2008.

Council resolved on 15 September 2008 to approve the financial, standard and performance statements and to authorise Councillors White and Loughheed to certify the statements in their final form. This certification was undertaken prior to forwarding the Annual Report to the Minister for Local Government.

In accordance with the *Local Government Act 1989* and the *Local Government (Financial and Reporting) Regulations 2004* Council is required to consider the Annual Report at a meeting of Council within one month after providing the Annual Report to the Minister.

Council is required to give fourteen (14) days notice of the meeting and make copies of the Annual Report available for public inspection.

In accordance with these legislative requirements, an advertisement inviting the public to inspect the 2007/2008 Annual Report and informing the public that the 2007/2008 Annual Report would be presented at the Ordinary Council Meeting to be held on 20 October 2008 was published in the *Latrobe Valley Express* on 2 October 2008.

4. **ISSUES**

The 2007/2008 Annual Report includes a detailed summary of operations, legislative requirements and audited financial, standard and performance statements. A copy of the 2007/2008 Annual Report, as presented to the Minister for Local Government, is attached.

The 2007/2008 financial year has been a successful year based on a range of financial and performance indicators consistent with "Latrobe 2021 - The Vision for Latrobe Valley".

Key projects delivered for the year included:

- Construction of the Seymour Street Carpark
- Opening of the new Municipal Pound
- Delivery of the 2008 Major Projects and Opportunities Summit
- Adoption of the Natural Environment Sustainability Strategy
- Review of the Municipal Strategic Statement
- Adoption of the Churchill Town Centre Plan and Moe Activity Centre Plan
- Development of the Morwell Outdoor Recreation Plan
- Commenced management of the Cbus Collection of Australian Art

In 2007/2008 Council budgeted for a \$4.907 million surplus on operations and recorded a surplus on operations of \$11.296 million for the year. The additional surplus was due to the value of infrastructure assets transferred to Council for subdivision development being greater than the value budgeted.

During the 2007/2008 financial year, prudential financial management by Council was once again demonstrated, with all key financial ratios indicating that Latrobe City Council is in a sound financial position. Council's financial statements indicate that the Council has continued to provide a solid financial foundation to meet future requirements.

5. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications related to this process.

6. INTERNAL/EXTERNAL CONSULTATION

Latrobe City Council's Audit Committee has reviewed and endorsed the financial statements included in the 2007/2008 Annual Report.

The Victorian Auditor General's Office has conducted a comprehensive audit of the financial, standard and performance statements and issued unqualified audit reports for the 2007/2008 financial year for all of the statements.

7. **OPTIONS**

There is a statutory requirement for Council to consider the Annual Report within one month of forwarding the report to the Minister for Local Government.

8. **CONCLUSION**

The 2007/2008 Annual Report has been prepared in accordance with the legislative requirements of the *Local Government Act 1989*, and is presented for Council's consideration. The Victorian Auditor General's Office has conducted a comprehensive audit of the financial, standard and performance statements, and issued unqualified reports for all statements. Latrobe City Council's Audit Committee has reviewed and endorsed the financial statements included in the 2007/2008 Annual Report.

9. **RECOMMENDATION**

That Council notes the Latrobe City Council 2007/2008 Annual Report in accordance with Section 134 of the *Local Government Act 1989*.

Moved: Cr Caulfield

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 PROPOSED SALE OF KINGSFORD STREET RESERVE

Mr Merv Geddes asked the following question in relation to Item 7.3 of the Agenda:

Question

Have any other sites such as the Baw Baw Motor Inn been considered?

Answer

The Mayor paraphrased the question and responded that the question relates to Item 7.3 of the Council Agenda and Council's response to the question is contained within the officer's report, with the answers also to be provided in writing and included in the Minutes of this meeting (see below).

Our Ref: DataWorks: 350250
BL:HJM

23 October 2008

Mr Merv Geddes
2/6 Chestnut Avenue
MORWELL VIC 3840

Dear Mr Geddes

PUBLIC QUESTION TIME RESPONSE

Thank you for your question during public question time at the Council meeting held on Monday, 20 October 2008.

*Topic: Item 7.3 – Proposed Sale of Kingsford Street Reserve.
Question: Have any other sites such as the Baw Baw Motor Inn site been considered?*

The site you refer to "Baw Baw Motor Inn" is privately owned land and Council is unaware whether Try Youth and Community Services Inc. considered this site as an option for their proposed development.

The decision to sell the Kingsford Street Reserve is in response to a expression of interest received from Try Youth and Community Services Inc. to purchase the Council owned land. This formal expression of interest was received in May 2008 and stated "*the purpose of the land acquisition will be to utilise and develop the site through a series of vocational training programs which will result in a multi residential complex being constructed on the site which will be sympathetic to the ideals of the Moe Transit Cities program.*"

Council complied with the statutory provisions of the *Local Government 1989* and at the Council Meeting held 20 October 2008 resolved to sell by private treaty the land contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038 and known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe at valuation to Try Youth and Community Services Inc.

Yours sincerely

A handwritten signature in black ink that reads "Bruce Lougheed". The signature is written in a cursive style with a large initial 'B' and a long, sweeping underline.

BRUCE LOUGHEED
Mayor

5.2 PROPOSED SALE OF KINGSFORD STREET RESERVE

Ms Dionne Gunter asked the following question:

Question

If Council sells the Kingsford Street Reserve, will it be failing in its obligations under The Act and in the principles it endorsed to be used for providing public open space?

Answer

The Mayor paraphrased the question and responded that the question relates to Item 7.3 of the Council Agenda and Council's response to the question is contained within the officer's report, with the answers also to be provided in writing and included in the Minutes of this meeting (see below).

Our Ref: DataWorks: 350362
BL:HJM

23 October 2008

Ms Dionne Gunter
16 Kingsford Street
MOE VIC 3825

Dear Ms Gunter

PUBLIC QUESTION TIME RESPONSE

Thank you for your question during public question time at the Council meeting held on Monday, 20 October 2008:

Topic: Item 7.3 – Proposed Sale of Kingsford Street Reserve.

Question: If Council sells the Kingsford Street Reserve, will it be failing in its obligations under the [Planning and Environment Act] and in the principles it endorsed to be used for providing public open space.

The resolution to sell the land contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038 and known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe at valuation to Try Youth and Community Services took into consideration the social and economic effects when making the decision regarding the use and development of this land. This is evidence by the extensive context provided in the report of 20 October 2008 in which several strategies and plans were referenced and by the initial reason for considering the sale of land at this time. To summarise:

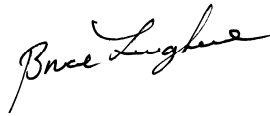
- *The Latrobe City Recreation and Leisure Strategy (2006) specifically identified the Kingsford Street Reserve tennis courts as facility that should be considered for consolidation, re-use or removal. Following this strategy, the Moe Newborough Outdoor Recreation Plan (October 2007) adopted by Council in November 2007 identified this reserve as surplus to Council's requirements.*

- *The Moe Activity Centre Plan (December 2007) which was developed with extensive community consultation identified a range of sites within the southern precinct that would be suitable for higher density, affordable and accessible housing. The Kingsford Street Reserve site is identified within the plan and progressing the sale of this site for the purposes of a demonstration housing project would be in line with this plan.*

- *The decision of Council to sell the Kingsford Street Reserve was in response to an expression of interest received from Try Youth and Community Services Inc. to purchase the Council owned land. This formal expression of interest was received in May 2008 and stated "the purpose of the land acquisition will be to utilise and develop the site through a series of vocational training programs which will result in a multi residential complex being constructed on the site which will be sympathetic to the ideals of the Moe Transit Cities program."*

In regards to the principles contained with the Public Open Space Plan, even with Council's resolution to proceed with the sale of this land, the majority of houses in this residential area still have access to a minimum of 0.5 hectares of public open space within a 500 metre radius.

Yours sincerely



BRUCE LOUGHEED
Mayor

5.3 SEALING OF ROADS SERVICING FARMING

Mr Bill Lawless asked the following questions:

Question

A week ago Farrans Road was totally reconstructed, without any notice to or request for the work from the residents and road users.

The condition of the road surface is now terrible and the dust worse than ever.

1. Is this work and cost of laying a new road foundation, part of reconstruction for sealing of the road?
2. If not, why was a large amount of money spent on this work, when residents had requested that no funds be spent on the road until a decision had been made to seal the road surface?

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).

29 October 2008

Mr Tom Lawless
125 Farrans Road
HAZELWOOD SOUTH VIC 3840

Dear Mr Lawless

YOUR QUESTIONS CONCERNING FARRANS ROAD ASKED AT LATROBE CITY COUNCIL MEETING ON 20 OCTOBER 2008

Thank you for your interest in attending the Latrobe City Council meeting of 20 October 2008 and for the questions that you raised.

I will address the questions that you asked however, firstly I need to correct the statements that you made prior to asking your questions.

Farrans Road was not totally reconstructed as you state. The pavement was resheeted with gravel as part of cyclic maintenance that is carried out from time to time on unsealed roads. I believe that a comment was directed to Brian Fitzgerald at a meeting held with Farrans Road residents recently, in relation to the lack of pavement depth. This comment did not trigger this gravel resheet but highlights the fact that maintenance work is generally a needs based.

You also stated that the condition of the road surface is terrible and the dust worse than ever. As you are now aware the resheeting work was not complete and now that it is finished the dust has reduced and the surface is in better condition than previously.

In answer to your first question: *"Is this work and cost of laying a new road foundation, part of reconstruction for sealing the road?"*

The answer is no, this resheeting work is purely cyclic maintenance and is not part of laying the foundation for sealing the road.

Question 2: *"If not, why was a large amount of money spent on this work when residents had requested that no funds be spent on the road until a decision had been made to seal the road surface?"*

Firstly, no request from residents of Farrans Road has been received not to maintain Farrans Road. This action would require the suspension of the Latrobe City Road Management Plan that dictates the hierarchy and service and intervention levels of every Latrobe City Council maintained road. Council can not arbitrarily suspend maintenance of a road without being in breach of the Latrobe City Road Management Plan.

If you have any further enquiries regarding this matter please contact Dean Morahan, Acting Manager Infrastructure Operations on 5128 5558.

Yours sincerely



BRUCE LOUGHEED
Mayor

ITEMS REFERRED BY THE COUNCIL

7.1 DOMESTIC ANIMAL MANAGEMENT PLAN 2008

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the draft Domestic Animal Management Plan 2008 to Council. The report recommends that the plan be adopted.

2. POLICY IMPLICATIONS

This report is consistent with Latrobe 2021 and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective – Governance

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

Community Outcome – Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action – Legislative Governance

Ensure compliance with other relevant legislation.

Council Plan 2008-2012 – Key Priorities and Actions

Implement actions from the Domestic Animal Management Plan.

Policy

Council's Local Law No 2 details requirements in relation to domestic animal management. This plan will contribute to meeting the requirements of Local Law No. 2.

3. BACKGROUND

The *Domestic Animal Act 1994* (the Act), *Section 68A* requires all Victorian Councils to prepare a domestic animal management plan at three year intervals.

The draft Domestic Animal Management Plan 2008 (the plan) has been developed to address the set criteria as detailed in the Act. The plan must be received by the Secretary of the Department of Primary Industry no later than 2 November 2008.

At its meeting on 1 September 2008, Council resolved:

1. *That Council releases the draft Domestic Animal Management Plan 2008 for community consultation for a four week period from 4 September 2008 to 2 October 2008.*
2. *That Council considers the results of the draft Domestic Animal Management Plan 2008 community consultation process at the 20 October 2008 Ordinary Council Meeting.*

4. ISSUES

The primary objective of a Domestic Animal Management Plan is to provide guidance to community towards achieving the goal of responsible pet ownership and to assist Council in achieving a professional, consistent and proactive approach to domestic animal management practices. The plan, which was drafted in consultation with local veterinarians and animal welfare groups, will assist Council with business planning to ensure continuous improvement in service delivery that meets the expectations of animal owners and the broader public.

There has been one submission addressing the draft plan resulting from the community consultation process. This submission is addressed in Section six of this report.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The commitments within the draft plan are deliverable within the approved 2008/09 animal management budget. In 2009/10 a budget allocation of approximately \$5,000 will be proposed for the running of a 'pets on the green' community event.

6. INTERNAL/EXTERNAL CONSULTATION

The draft plan was developed with the input of Latrobe City's Animal Management Officers and other internal stakeholders. Local veterinarians and animal welfare groups were consulted in the initial development of the plan and were provided copies of the draft plan as part of the community consultation process.

Community consultation on the draft plan was undertaken in accordance with the Department of Primary Industries guide 'How to Prepare a Domestic Animal Management Plan' and Council's Community Engagement Policy and Strategy.

A public notice inviting comment on the draft plan was placed in the 8 and 11 September editions of the Latrobe Valley Express. In addition, the draft plan was available for viewing on Council's website.

Details of Community Consultation/ Results of Engagement:

One submission (attached) was received as a result of the community consultation activities detailed above. The main points of the submission are summarised in an attachment to this report complete with a response addressing each point.

7. OPTIONS

1. Council may choose to adopt the Domestic Animal Management Plan 2008, October 2008 Draft No 4, or
2. Council may choose to further amend the draft Domestic Animal Management Plan 2008 before considering its adoption. However this option will delay the required submission of the plan to the Secretary of the Department of Primary Industry by 2 November 2008.

8. CONCLUSION

The Domestic Animal Management Plan 2008 has been prepared to ensure Council's compliance with the *Domestic Animal Act* 1994 which requires all Victorian Councils to prepare and submit a plan to the Secretary of the Department of Primary Industries by 2 November 2008.

Having completed a community consultation process consistent with *The Department of Primary Industries' guide 'How to Prepare a Domestic Animal Management Plan'* and Council's Community Engagement Policy and Strategy, the plan is now ready for consideration for adoption by Council.

9. RECOMMENDATION

1. That Council adopts the attached Domestic Animal Management Plan 2008.
2. That Council gives written notification to the person who made a written submission that it has resolved to adopt the Domestic Animal Plan 2008.

Moved: Cr Lloyd

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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

Mr Barry Fennell
3/5 Stockdale Rd.
Traralgon
Vic 3844

Submission to the Latrobe City Council Domestic Animal Management Plan.
Dear Sir

I wish to make comment in reference to The Domestic Animal Management Plan 2008 as per your invitation published in the public notices of the Latrobe Valley Express.

I consider that the plan, for the most part, reiterates the already existing standards and operational practices of the local laws department, whose achievements appear to be on a par with that of The Strategic Directions For Domestic Animal Management layout on pages 15 & 16.

With the exception of one particular component, (compulsory de sexing of animals) the plan does appear to be heading in a constructive direction. Although in order to avoid a waste of resources through counter productive effort, there needs to be a re alignment of some of the proposed components and the time frames in which they are implemented.

I will address my comments to Council's proposals in the numerical order in which they appear.

3.1. Why has there been a restriction of only two AMO's for certificate four, what happened to multi skilled operatives? Particularly in a department where operational activities are so closely related.

The training procedure is predominantly "in house" with the exception of some specialized components that require outside supervision, for which I understand there is to be an attempt to collaborate with other Shires in the area to instigate a local region training program for these specialized components.

Why has it taken so long to implement a training program to address a need that has correspondingly increased with the implementation of the additional legislation already in place? Council were, or should have been, aware of these new legislative components in 2006, when The Domestic (feral & nuisance) Animals Act 1994, was amended to include those components.

3.2. Encouraging Responsible Pet Ownership

Why is it going to take up to two years to organize events like pets on the green, if there is a serious attempt to encourage community awareness and responsibility?

I would have thought that a dedicated comprehensive program of education and awareness should have been a priority to address the compulsory community participation that was a component of the new legislation activated by the amendments to the DFNA, Act in 2006.

Why is there a delay in the implementation of the caravan which will provide personal hands on information at a time of direct interest. This caravan should be attending the shows and public gatherings now at the commencement of the season, and why do Council have to be "invited" before they approach a sector that generates a large portion pet ownership? (schools). It would appear to be a sensible marketing strategy to educate people in an environment specific to the purpose of education.

I am of the opinion that the advertising components of the Awareness Education Program, although comprehensive, appear to be prioritized more by the effort and expense involved, rather than a dedication to achieving an immediate effectiveness. If animal owners adopted a similar level of priorities to responsible ownership then there would be zero registrations, and the streets would be overrun with unidentifiable stray dogs and cats.

2.

3.2.4. Implementation of compulsory de sexing of dogs and cats.

I challenge the justification of the requirements for the selective de sexing of animals, in particular dogs. It is my opinion that it is the decision of a responsible owner to determine if and when their pet should be de sexed

I question the claim in section 4. City infrastructure 139, dated the 4th of December, 2006. CM236.

Quote: That the de sexing of dogs and cats will reduce the number of backyard breeders who are not registered and adhering to the ACT. I consider the statement to be a product of supposition rather than fact. I challenge Latrobe City Council to supply documented proof from other Council's who have previously chosen to implement this portion of the DFNA, Act, to identify any backyard breeders who have been forced to shut down as a consequence of this legislation.

It is my interpretation of Council's resolution that the people who register their animals and act in a responsible manner, are to be selectively penalized and discriminated against to compensate for Council's inability to restrict the actions of some people who may, or may not actually be breaking the law. A portion of these alleged offenders could well be "encouraged" to continue as a consequence of meeting the requirement for exemption from de sexing.

There are 13,560 dogs and 4,454 cats registered. Out of 18,000 animals only 366 infringement notices have been served, and your statistics do not identify if those infringements relate specifically to registered or unregistered animals, or if the offences are related to the fertility of the animals, or a prosecution of backyard breeders, or just walking a dog not on a lead.

The 366 is a very low percentage ratio of responsible owners-offenders, and lends credibility to the fact that there is little or no evidence supplied to substantiate the need for the imposition of compulsory de sexing.

The burden of the additional immediate expense of de sexing a newly purchased animal, could be the difference between owning one and not for some people!. Council seems to be in contradiction of it's declaration of recognition that pets are an integral part of many peoples lives, and that it is actively seeking new and innovative ways to support pet owners. Council's support appears to be on a par with floppy knicker elastic.

If the Act declared that all dogs and cats other than those of Registered Animal Businesses, in all of the shires in Victoria are to be de sexed, then it would appear to be a genuine attempt to solve a problem. However the Act does not do that.

Despite the fact that an Act Of Parliament is not subject to laws of discrimination, the Government of Victoria has chosen to absolve itself from the responsibility of enforcing the components of an Act that are riddled with discrimination. It has probably appeased the political pressure from self agenda groups, and re-aligned the responsibility to Council's. Who may, by resolution, enter a minefield of discrimination. I am of the opinion that a Council, who by resolution and not parliamentary requirement, who has chosen to implement local laws that are selective against certain members of the community, is open to an act of discrimination.

I ask that you give very serious consideration to the dissolution of this resolution

3.3. Identification and registration.

Why the delay until 2009/2010 before implementing the comprehensive door knock? There is still very little awareness of the requirement for new registrations to commence at three months, or for there to be compulsory micro chipping and selective de sexing.

Don't you think it would be more productive to ascertain the existence of the animals before they are dumped. This being a possible scenario as a consequence of the financial burden of Council's new impositions for registration..

3.

3.3. continued

Perhaps Council should make that door knock an information and assistance exercise to encourage responsible and affordable ownership, rather than a penalty exercise. Why cannot Council issue a voucher for reduced price micro chipping to every pet owner who's animal is not chipped. To be used at the time of registration or renewal. If the vouchers were numbered and address details of the recipient were kept, then it would be an additional process of assessing if a registration had been applied for.

The current micro chipping requirements prior to registration at three months renders the twice a year discount micro chipping to be unfair to people who have to register their animals between those periods. It also encourages people to hold off registering until a discount period, which then slips into a not at all period. Lets face it, if a dog is kept as a house pet and doesn't draw behaviour attention from other residents, then you are never going to know it's there. It then becomes a statistic of the discrepancy between the 19,000 dogs assessed and the 13,560 actually registered, it is also a loss of income to Council.

As a consequence of the period of inconsistency of new registrations throughout the year, all registrations should commence the twelve month period from the date of registration. This will encourage the people waiting the two or three months until April to register when due to act immediately, and increase revenue, giving a greater spread of income.

3.4. Compliance and Enforcement Activities:

The stated primary objective of Council is to guide the community towards the goal of responsible pet ownership. There should be more consideration given to the issue of a recorded written warning for first time minor offences.

I consider the "Issuing infringement notices for all offences wherever possible" is nothing short of holding a gun to peoples head and demanding financial satisfaction for possible ignorance. It is hardly guiding, and seems to contradict and overrule "the serving of notices to comply for minor breaches of the law." What is it to be! A guiding hand, or a push over the cliff?

3.4.2.

I question the effectiveness of the cat curfew in respect to it's purpose and the enforcement capabilities. How many times have council officers acted to apprehend a wailing tom cat in the early hours of the morning or patrolled for "out of curfew wanderers" between 9pm and 6am. It would possibly be a more productive exercise than indiscriminately knocking at the doors of people who are at work and probably don't have a pet dog or cat.

I share the opinion of some Council's that there is a greater need for the de sexing of cats. Because of their ability to retain and combine their wild natural instincts with a domestic status, and the allowance for them to exercise unaccompanied does lead to unwanted breeding progeny. However I still consider it the right of the owner to control their animals sexual activities

3.5. Domestic Animal Businesses.

I commend your recognition of the existence and need for animal businesses, and more particularly the need for a workshop that will assist current and prospective proprietors, and AMO's to work towards a uniformity of requirements for a sector of business that is currently plagued by inconsistent, ineffectual regulation, and receives little or no support from authorities.

**ATTACHMENT Summary of Mr. Barry Fennell's Submission and Response -
Page 1 of 4**

Submission summary	Response	Changes to draft plan
Mr. Fennell considers the plan to reiterate the already existing operational standards of Council's Local Laws Department, and the plan, with the exception of one component (compulsory de-sexing of dogs and cats), is heading in a constructive direction.	The plan does describe existing standards and programs. It also will assist in planning for continuous improvement in Animal Management activities.	Nil
Mr. Fennell raises concerns that the draft plan only indicates 2 Animal Management Officers will be completing a Certificate IV in Animal Management in 2008 and questions why there has been a delay in implementing this training.	The wording of the draft plan has been altered to reflect the true intent of the action, which is that all Animal Management Officers will complete a Certificate IV in Animal Control. The initial reference to the 'two AMOs' was indicative of two new staff members that need to complete the training.	Action 3.1.4 changed to "All AMOs to complete Certificate 4 in Animal Control.' To allow for the training of new staff members recently joining the team, the completion date has been amended to June 2009.
Mr. Fennell asks why will there be a delay in delivering a 'pets on the green' event and attendance of an information caravan at public events. In addition, Mr. Fennell asks why Council needs to be 'invited' to schools before attending to discuss responsible pet ownership.	The delivery of the 'pets on the green' and information caravan initiative have been programmed within consideration of existing resources and other animal management activities. Council officers are always available to speak to school children, however as Council is not in the position to dictate curriculum, Animal Management Officers cannot simply invite themselves to address students.	Initiative 3.2.5 added to plan: 'Write to all schools within Latrobe City Council offering presentations on responsible pet ownership by Council officers', completion date 31 November 2008.

**ATTACHMENT Summary of Mr. Barry Fennell's Submission and Response -
Page 2 of 4**

Submission summary	Response	Changes to draft plan
<p>Mr Fennell challenges the justification of compulsory desexing and calls for Council to give very serious consideration to the dissolution of this resolution.</p>	<p>At its meeting of 4 December 2006, Council resolved:</p> <p>That all dogs and cats being registered for the first time after 1 May 2007 must be desexed and micro chipped, except as specifically exempted by Council.</p> <p>Dissolving this resolution falls outside the scope of this report; however it may be timely to program a formal review of the effectiveness of compulsory de-sexing.</p>	<p>This has been included by slightly amending action 3.3.4 in the plan to 'Implement and review Council's resolution in relation to compulsory micro chipping and desexing.' The review is scheduled to be completed by 30 June 2009.</p>
<p>Mr. Fennell asks why there will be a delay in implementing a comprehensive door-knock of the municipality</p>	<p>The door-knock campaign has been programmed within consideration of existing resources and other animal management activities.</p>	<p>Nil</p>
<p>Mr Fennell suggests that the twice-yearly discount micro chipping weeks is unfair to pet owners that need to register their animals between these periods. He suggests that this encourages people to wait for a micro chipping week and this in turn results in animals not being registered at all. Mr Fennell suggests Council could provide vouchers for reduced price micro chipping issued to every pet owner who owns an animal that is not chipped.</p>	<p>The Act requires that dogs and cats being registered for the first time after 1 May 2007 must be micro chipped. In addition, Council resolved on 4 December 2006 that all dogs and cats should be micro chipped prior to re-registration on 10 April 2009. The delayed introduction of this requirement has provided pet owners a two year period to comply and a number of discounted micro chipping days have been carried out or are planned to be delivered prior to this date.</p>	<p>Nil</p>

**ATTACHMENT Summary of Mr. Barry Fennell's Submission and Response -
Page 3 of 4**

Submission summary	Response	Changes to draft plan
	<p><i>Continued</i></p> <p>Micro chipping of dogs and cats is the responsibility of the pet owner and Council's micro chipping weeks offer an option for these owners to avail themselves of a discounted service. Latrobe City Council is the only Council to offer week long micro chipping sessions, with other Councils only offering half-day sessions once a year. A voucher system will require additional administration resources and would be of questionable benefit in both increasing the number of dogs and cats micro chipped and registered.</p>	
<p>Mr Fennell believes that the current enforcement activity of "issuing of infringement notices for all offences where possible" should be tempered with more consideration given to the issue of recorded written warnings for first time minor offences.</p>	<p>The plan indicates that Latrobe City's current enforcement activities include "serving notices to comply for minor breaches of the law.' When issuing notices to comply or infringements consideration is given to the nature of the breach and any mitigating circumstances.</p>	<p>Nil</p>
<p>Mr Fennell questions the effectiveness of the cat curfew in respect to its purpose and effectiveness</p>	<p>Action 3.4.2 of the plan is to review the Cat Curfew Order in 2008/2009. Mr. Fennell's comments and suggestions will be taken into consideration during this review.</p>	<p>Nil</p>

**ATTACHMENT Summary of Mr. Barry Fennell's Submission and Response -
Page 4 of 4**

Submission summary	Response	Changes to draft plan
Mr. Fennell commends Council for supporting Domestic Animal Business by recognising their existence and hosting a workshop for current and prospective proprietors.	None required	Nil
Mr Fennell expresses concern that declared dogs used on non-residential premises are able to be exempt from compulsory desexing.	While Council has resolved to require the compulsory desexing of dogs and cats as allowed by Section 10A of the Act, it does not have the ability to vary the exemptions allowed under Section 10B of the Act (one such exemption from desexing being a dangerous dog that is kept as a guard dog for non-residential premises).	Nil – However, this will be considered during review committed to in amended action 3.3.4 'Implement and review Council's resolution in relation to compulsory micro chipping and desexing.'
Mr. Fennell questions targets set in the Key Performance Indicators contained within the plan.	The Key Performance Indicators targets have been carefully considered in relation to the commitments made within the plan and are considered achievable within available resources. The targets will be reviewed during the required annual review of the plan and reset as appropriate.	Nil

7.2 LAKE NARRACAN

AUTHOR: Chief Executive Officer
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to update Council on discussions held with the three Latrobe Valley power generation companies (Loy Yang Power, International Power Mitsui and TRU Energy Yallourn) that have rights to the water stored in Lake Narracan.

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.

Community Outcome - Recreational Liveability

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

Strategic Action - Recreational Liveability

Develop and maintain high quality recreation facilities in partnership with the community.

Policy

The Lake Narracan Economic & Social Opportunity Study was adopted by Latrobe City Council at its ordinary meeting of 17 September 2007. The study describes the Lake as a significant community asset and identified opportunities to enhance its value and utilisation by the community and also increase its attraction to visitors.

The Study recommended that Council:

- *Consider making the "comprehensive" investment outlined in the report as the benefits that will flow are positive;*

- *Continue to promote Lake Narracan as a place for events and activities of tourism both for regular users and one-off events;*
- *Depending on the outcomes of the strategic planning exercise for Moe-Newborough, consider seeking private sector interest in residential development opportunities in the vicinity of the Lake, provided that this is based on a separate analysis which shows a positive cost-benefit ratio; and*
- *Be on active watch regarding opportunities for private sector development with a view to supporting those that demonstrate community as well as private benefits and show a positive cost-benefit ratio.*

3. BACKGROUND

Changes to the operating arrangements in relation to water management within Lake Narracan, due to the prolonged drought and lower than average water levels in Blue Rock dam, have resulted in the water levels in Lake Narracan fluctuating and, for prolonged periods, being reduced to levels that do not allow normal boating and recreational activities to take place.

Council, at its meeting held 18 August 2008, resolved as follows:

1. *That Council enters into discussions with the three Latrobe Valley power generation companies (Loy Yang Power, International Power Mitsui and TRU Energy Yallourn) to discuss the possibility of maintaining a water level which allows for recreational use of Lake Narracan.*
2. *That Council writes a further letter to the Premier and the Minister for Water to reiterate the importance of maintaining the water levels in Lake Narracan from an economic, social, environmental and recreational perspective.*
3. *That Council seeks a meeting with the Hon Jacinta Allan, Minister for Regional and Rural Development, to impress on her the importance of Lake Narracan from a recreational, social, economical (tourism) and environmental perspective and request that she advocate on behalf of Latrobe City to ensure that appropriate water levels are maintained.*

Discussions have now been held with the relevant power generation companies. The outcome of those discussions is detailed within the balance of this report.

4. ISSUES

The allocation of water to the power generation companies is undertaken utilising a complicated calculation method based on a hierarchy of inflows to Blue Rock dam, the maintenance of environmental flows in the Latrobe and Tanjil Rivers and storage in Lake Narracan.

The generation companies have decided to draw first from the Latrobe River, secondly from Lake Narracan and finally from Blue Rock dam to maximise the available water resources from the system. The potential cost of purchasing water from the government's entitlement in Blue Rock beyond their entitlements is significant (possibly in the range of \$1500 per megalitre). As the generators call on their stored volume in Blue Rock during the course of a season and the government typically does not, Blue Rock dam may be at 70% of capacity, the State Government's various shares may be at 100% of their storage capacity, while the power generators may be below 50% of their storage capacity. Until such time as the generators share in Blue Rock dam becomes full, the generation companies are unable to access their full entitlement.

It is therefore in the best interests from both an economic and risk perspective for the generation companies to minimise their call on the water from Blue Rock dam by maximising their use of Latrobe River flows and Lake Narracan storages. The power generation companies are, however, prepared to maintain water levels in Lake Narracan suitable for recreational purposes, if the State Government is prepared to underwrite any losses incurred due to their reduced harvesting capacity because of maintaining Lake Narracan at a level suitable for recreational purposes. It should be noted that the volume required to be sent from Blue Rock to Lake Narracan could be in the order of 5000 ML, which has a value in the order of \$7.5m based on the potential water cost indicated to generators. It should also be noted that during the five week period that Lake Narracan was held full during February/March 2007 that no inflow events occurred so there was no requirement to compensate generators with water. The requirement for water compensation will be entirely dependent on the duration of time and rainfall/inflow events during that period.

The State Government owned (unallocated) capacity in Blue Rock dam has rarely been utilised in previous years. In the drought year of 2006/07, part of the State owned component was sold to power generation companies which were unable to meet their water requirements from available water resources that year.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The total budgeted revenue for caravan park fees and boat passes for 2008/09 is \$50,000 which will be impacted by reduced usage due to the low water levels.

However, the economic cost to the community of lost visitation, and the social cost of lost access to a significant and unique recreational facility is considerable.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used

Personal Briefing with directly effected organisations.

Details of Community/Consultation Results of Engagement

The Chief Executive Officer met with representatives of the relevant power generation companies and Southern Rural Water. Those discussions provided greater clarity in relation to the pressure being experienced by the power generation companies as a result of the prolonged drought and the unique operating environment in relation to their water allocations.

7. OPTIONS

The options available to Council include the following:

1. Accept that water levels in Lake Narracan will fluctuate in the future and that traditional recreational uses such as water skiing will be severely restricted during periods of low inflows.
2. Continue to lobby the State Government to allow part of the unallocated water reserve from Blue Rock dam to be made available to supplement Lake Narracan and/or the power generators during times of low inflows, particularly during the spring and summer seasons.

8. CONCLUSION

The power generation companies are willing to maintain water levels in Lake Narracan that would allow traditional recreational activities such as water skiing to continue, if the State Government was prepared to underwrite any entitlement lost as a result of maintaining levels at Lake Narracan.

It is therefore recommended that Council continues to lobby the State Government to facilitate the maintenance of appropriate water levels in Lake Narracan.

9. RECOMMENDATION

- 1. That Council notes the discussions held with the three Latrobe Valley power generation companies (Loy Yang Power, International Power Mitsui and TRU Energy Yallourn) that have rights to the water stored in Lake Narracan in relation to the possibility of maintaining a water level in Lake Narracan that would allow for traditional recreational use.**
- 2. That Council advises the Premier, the Minister for Water and the Minister for Regional and Rural Development of the discussions held with the three Latrobe Valley power generation companies (Loy Yang Power, International Power Mitsui and TRU Energy Yallourn) that have rights to the water stored in Lake Narracan.**
- 3. That, in addition to the resolutions of Council from its meeting held 18 August 2008 in relation to Lake Narracan, Council seeks a meeting with the Minister for Water to discuss the importance of maintaining the water levels in Lake Narracan from an economic, social, environmental and recreational perspective.**

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr White

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 7.27 pm

Mr Tony Paul and Mr Brad Hurst addressed Council in relation to Item 7.3 – PROPOSED SALE OF KINGSFORD RESERVE – BETWEEN KINGSFORD AND HINKLER STREETS, MOE.

The Mayor thanked them both for addressing Council and for their submissions.

Resumption of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr White

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.37 pm

7.3 **PROPOSED SALE OF KINGSFORD RESERVE - BETWEEN
KINGSFORD AND HINKLER STREETS, MOE**

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide details of the community consultation in relation to the potential sale of Kingsford Reserve and then recommends that Council determines that the Kingsford Reserve should be sold by private treaty.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Governance

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

Community Outcome - Governance

Ensuring adherence to legislative requirements.

Strategic Action - Legislative Governance

Ensure compliance with the Local Government Act.

Community Outcome - Democratic Governance

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

Strategic Action - Democratic Governance

Actively engage with the community utilising the most appropriate communication medium, in accordance with Council's Community Engagement Strategy.

Policy

Policy No. GEN-EO 012 - Sale of Council Owned Property Policy. This policy requires that, prior to the sale of occupied or improved Council owned property, Council will determine whether a property is surplus to Council and community requirements.

Recreation and Leisure Strategy 2006

- *Strategic Objective # 3: "Consolidate Recreation and Sports Facility Provision and Use" specifically re-use or remove unused sporting facilities, for example Kingsford Street Reserve tennis courts (Moe).*

Latrobe City's Public Open Space Plan (May 2007)

Public Open Space Actions

- *'Commence actions identified from the review of public open space network. This may include sale of land, purchase of land and further development of existing public open space.'*

Moe Newborough Outdoor Recreation Plan (October 2007)

Actions 2008/2009

- *'Consider potential disposal of part or all of Kingsford Street Reserve in the context of the Open Space Plan. If retained, remove old tennis courts (and bocce facilities) and reinstate parkland area.'*

Moe Activity Centre Plan Dec 2007 Project 6: Southern Precinct Housing within the Moe Activity Centre Plan

- *This project identifies a range of sites within the southern precinct that would be suitable for higher density, affordable and accessible housing.*

3. BACKGROUND

Kingsford Reserve is freehold land owned by Latrobe City Council contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038.

The property is approximately 8,274 square metres in area and is zoned Residential 1. Improvements on the land currently comprise a vacant brick pavilion and a smaller vacant iron clad shed, unused and non-maintained concrete paved tennis courts enclosed with a chain mesh fence with the balance of land being open space.

The Latrobe City Recreation and Leisure Strategy (2006) specifically identified the Kingsford Street Reserve tennis courts as facility that should be considered for consolidation, re-use or removal. Following this strategy, the Moe Newborough Outdoor Recreation Plan (October 2007) adopted by Council in November 2007 identified this reserve as surplus to Council's requirements.

Try Youth and Community Services Inc. has written to Council expressing interest in purchasing the Kingsford Reserve. The proposed purpose of the land acquisition is to utilise and develop the site through a proposed series of vocational training programs which will result in a multi-residential complex being constructed on the site. The goal of this development is to provide accessible housing that is environmentally friendly and in accordance with the general principles of the Moe Transit Cities program.

Council commenced the statutory process to allow the potential sale of this land following the Ordinary Council Meeting held 21 July 2008 and again considered the proposal at the 18 August 2008 and 1 September 2008 Council Meetings.

At the Council Meeting held 1 September 2008, Council considered one petition and five written submissions and resolved:

1. *That Council, having considered submissions in accordance with section 223 of the Local Government Act 1989 and pursuant to the Sale of Council Owned Property Policy, defers forming an opinion as to whether the Kingsford Reserve is surplus to community and Council requirements until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project; and*
2. *That Council lays the petition in relation to the sale of Kingsford Reserve Moe on the table until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project; and*
3. *That Council gives written notification to all people who made a submission and the head petitioner of Council's decision in relation to the proposed sale by private treaty the land known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project.*

4. ISSUES

Section 189 of the *Local Government Act 1989* provides Council with the power to sell or exchange land subject to the following legislative requirements:

- Give at least four weeks public notice of an intention to sell or exchange land;
- Obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange of land;
- Allow interested persons to make a submission under section 223 on the proposed sale or exchange of land.

The results of the consultation process are detailed in Section six of this report.

It is noted that two of the submissions raise concern that Council has made decisions without prior community consultation in relation to either the land being surplus to requirements and/or the allocation of sale of land proceeds.

Council in November 2007 adopted the Moe Newborough Outdoor Recreation Plan (October 2007). In preparing this plan, significant consultation was undertaken that involved the general public, one on one and onsite meetings with clubs and reserve users.

Latrobe City's Outdoor Recreation Plan has identified that the Kingsford Reserve is surplus to Council requirements and outlined a significant number of potential recreational projects for the urban area of Moe and Newborough. This plan also identified a major project as being the renovation of the main pavilion at Ted Summerton Reserve. This renovation is proposed to be funded by a grant of \$60,000 from Sport and Recreation Victoria and a Council contribution of \$340,000 (funded through proceeds from asset sales and a contribution from rates).

In addition the future use of the Kingsford Reserve was also subject to community comment when Council conducted community consultation as part of the investigation of potential sites for the Moe Early Learning Centre (MELC) Redevelopment Project. The outcome of the community consultation process regarding the MELC Redevelopment Project was considered at the 6 October 2008 Council Meeting and the Kingsford Reserve was not chosen as the preferred site for this project.

The Moe Activity Centre Plan (December 2007) which was developed with extensive community consultation identified a range of sites within the southern precinct that would be suitable for higher density, affordable and accessible housing. The Kingsford Street Reserve site is identified within the plan (see attachment to this report) and progressing the sale of this site for the purposes of a demonstration housing project would be in line with this plan.

5. FINANCIAL AND RESOURCES IMPLICATIONS

An independent valuation will be conducted to ascertain the indicative freehold market value for this site.

In addition to the cost of obtaining a valuation, the cost of placing public notices inviting community comment and written submissions have also been incurred.

All costs are within the current budget allocation.

6. INTERNAL/EXTERNAL CONSULTATION

Section 223 of the *Local Government Act 1989 (Vic)* states:

“The Council must publish a notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

Engagement Method Used:

Three public notices were published in the Latrobe Valley Express and one public notice was published in the Moe News inviting written submissions.

Details of Community/Consultation Results of Engagement:

At the 1 September 2008 Council Meeting, Council considered the five written submissions and one petition (summarised below) and deferred its decision concerning the potential sale of land until Council had selected a preferred site for the Moe Early Learning Centre Redevelopment Project.

The submissions considered at the 1 September 2008 Council Meeting (copies attached) are summarised below:

Ms M Hall:

Supports the sale due to the land being unsightly and under utilised and the application of proceeds from sale to improve facilities at Ted Summerton Reserve.

Mr P Wells:

Supports the concept of selling the land to Try Youth, however does "strongly object to the proceeds of the sale of this property being used for upgrade works at the Ted Summerton Reserve for the following reasons:

1. The proposed land was always used for passive recreational pursuits and available to the local residents at all times. The proceeds should be used to enhance land that still meets that criteria and not excluded for community use during the winter football season.
2. With land that is currently used for passive recreation in the immediate area, Apex Park, being swallowed up and having its access restricted by the increased activity of the Moe Racing Club, it would be more prudent and more widely acceptable to spend the proceeds of sale on similar and more accessible type land in close proximity such as the Edward Hunter Reserve or the more central Botanic Gardens site.
3. The only beneficiaries of the benefits attributed to the sale of "park land" should be the entire community through upgrading parks and gardens in close proximity, not where a club or community group reap the benefits of the expenditure derived from selling "community" assets."

Mr I Lee:

Objects to the proposed sale of public land and suggests that it should be kept for future generations. The area is uninviting and should be landscaped to make it more attractive and encourage community use. The proposed Try Youth development could be established elsewhere. Concerns with the time frame allowed for community to consider the proposal and submit submissions.

Mr D A Paul:

Mr Paul objects to the proposed sale of land. He is concerned with 'lack of transparency', 'haste' and lack of information in regards to the proposed sale. He has asked several questions in relation to the proposal and process for identifying and selling surplus land.

Ms D Gunter

Ms Gunter objects to the proposed sale of land. She recently purchased an adjoining property with the intention of using the reserve for recreation and leisure. She suggests the objectives of planning scheme and the Latrobe City Public Open Space Plan support retaining the land for community use. Ms Gunter spoke in support of her submission at the 1 September Council Meeting.

Petition:

A petition with 52 signatures has been received. The signatories state: 'We the undersigned Citizens of Moe call upon Latrobe City Council to reject any proposal to acquire parkland known as the "Kingsford and Hinkler Street Reserve". This is not excess to our needs and as such we call on the Latrobe City Council to reject any proposals to deprive the community of their asset and instead to reinvest in active recreation facilities for young people and families living in this area.'

Subsequent to this decision to defer the potential sale of this land, a joint submission was received from the principle users of the Ted Summerton Reserve (copy attached) which is summarised below:

Moe Football and Netball Club Inc.

This submission (copy attached) signed by the respective Club Presidents' of the Moe Netball Club, Moe Football Club, Moe Cricket Club and Captain of the Moe Fire Brigade indicates *'absolute support of the initial proposal by the Latrobe City Council to prepare the vacant land, including the old Moe tennis courts, between Kingsford Street and Hawker Streets, Moe for sale, with the proceeds of that land sale going towards the funding of the proposed new clubrooms and community facilities to be built at Ted Summerton Reserve, Moe.'* The letter writers put forward the position that the *'land has lay dormant for twenty or more years'* and would be considered by most people to be a wasted space and an eyesore to the local community. In addition, the writers support the sale of the Kingsford Reserve as *'it is crucial for the Ted Summerton redevelopment and improvement program to go ahead for all the right reasons.'*

7. OPTIONS

Council, having considered submissions in relation to the proposed sale of the Kingsford Reserve, has the following options:

1. Resolve to sell by private treaty the Kingsford Reserve to Try Youth and Community Services Inc. at valuation and allocate the net proceeds from sale of land to the development of the Ted Summerton Reserve Moe;
2. Resolve to sell by private treaty the Kingsford Reserve to Try Youth and Community Services Inc. at valuation and allocate the net proceeds from sale of land to projects other than the development of Ted Summerton Reserve Moe;
3. Resolve not to continue with this proposal and retain the land which would require no further action;
4. Sell the land by either Tender or Public Auction and allocate the net proceeds from sale of land to the development of the Ted Summerton Reserve Moe;
5. Sell the land by either Tender or Public Auction and allocate the net proceeds from sale of land to projects other than the development of Ted Summerton Reserve Moe.

8. **CONCLUSION**

Council has complied with the requirements of sections 189 and 223 of the *Local Government Act* 1989 and the Sale of Council Owned Property Policy.

In addition with the community consultation requirements of section 189 of the *Local Government Act* 1989 and the Sale of Council Owned Property Policy, Council has undertaken extensive community consultation in relation to Kingsford Reserve, being:

- Moe Newborough Outdoor Recreation Plan (October 2007), and
- Moe Early Learning Centre (MELC) Redevelopment Project,

and is now able to determine if Kingsford Reserve is surplus to Council and community requirements and whether the land should be sold.

9. RECOMMENDATION

1. That Council forms the opinion, in accordance with the Sale of Council Owned Property Policy, that Kingsford Reserve is surplus to community and Council requirements.
2. That Council, having considered written submissions in accordance with section 223 of the *Local Government Act 1989* and pursuant to section 189 of the *Local Government Act 1989*, sells by private treaty to Try Youth and Community Services Inc. the land contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038 and known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe at valuation.
3. That Council gives written notification to all people who made a submission that it has resolved to sell by private treaty the land contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038 and known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe.
4. That Council allocates the net proceeds from the sale of the Kingsford Reserve to improvements to the Ted Summerton Reserve, Moe.

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

KINGSFORD RESERVE – Between Kingsford and Hinkler Streets, Moe



Moe Activity Centre Plan Dec 2007 Project 6: Southern Precinct Housing within the Moe Activity Centre Plan.

This project identifies a range of sites within the southern precinct that would be suitable for higher density, affordable and accessible housing. The Kingsford Street Reserve site is identified within the Plan and progressing the sale of this site for the purposes of a demonstration housing project would be in line with the Moe Activity Centre Plan.



Current interface between train station precinct and southern housing precinct



6.0 IMPLEMENTATION PROJECTS

6.8 Southern Precinct Housing

PROJECT 07

Key Principles

- Support the orderly redevelopment of higher density housing to the south of Moe town centre and train station through a demonstration project and precinct planning
- Inclusion of housing options to VicTrack land from previous structure planning is not supported by commercial reality
- Capitalise on significant government land holdings, and site opportunities for affordable and accessible housing
- Strengthen connections to Moe town centre and train station precinct through a revitalised Fowler Street

Key Actions

- Further scope opportunities for "whole of government" demonstration project in Langford street "court house" block.
- Consider better utilising Affordable Housing Association models rather than public housing
- Develop a masterplan for the precinct adopting current best practice urban renewal principles comparable to other DHS projects eg Corio Norlane

22A Saxtons Drive
MOE 3825

July 30, 2008

Mr Paul Buckley
C.E.O.
Latrobe City
P.O. Box 264
MORWELL 3840

Dear Mr Buckley

Re: SALE OF KINGSFORD/HINKLER STREETS RESERVE

I wish to offer my view in regard to the future potential sale/development of the above property.

By all means, this reserve should be sold off as soon as possible due to its unsightly condition and much under-utilised facilities (though now somewhat derelict).

Any potential development would be a much preferred option, particularly if the sale funds were to be redirected to the Ted Summerton Reserve, which would have to be the only main reserve of any large town lacking even the most basic of facilities such as member clubrooms!

Yours faithfully

Maree Hall

Maree Hall

Latrobe City	
31 JUL 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Thursday 31st July 2008.

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840

Latrobe City	
- 4 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Dear Mr Buckley

RE: PROPOSED SALE OF LAND – Kingsford and Hinkler Streets Moe.

As a means of introduction, I have lived in and around Moe for the past 55 years and was a former Councillor with the now defunct City of Moe representing the ward where this property is located. I have memories of attending the local YMCA which was located on the site for many years and was in office at the time the Moe Bocce Club was formed, also on the site. I also lived in Kingsford Street for over 20 years.

Quite clearly, the immediate area has undergone a major transformation in recent years with the demolition of many stand-alone residences once owned by the Ministry of Housing. The number of younger people in the area has decreased and the forms of recreation for those today is far different to what it was in previous years.

On that basis and the fact that there has been an improvement in passive recreation space in close proximity to the property in question, I believe that the land could be deemed “surplus” and disposed of for more beneficial purposes.

I would support totally the concept of selling the land to an organisation such as Try Youth, providing the sale is for the purpose of increasing the availability of residential accommodation that, as I understand, is the purpose. This along with the experiences being offered to “at risk” young people makes the sale even more palatable.

OBJECTION:

I do however strongly object to the proceeds of the sale of this property being used for upgrade works at the Ted Summerton Reserve for the following reasons;

1. The proposed land was always used for passive recreational pursuits and available to the local residents at all times. The proceeds should be used to enhance land that still meets that criteria and not excluded for community use during the winter football season.

2. With land that is currently used for passive recreation in the immediate area, Apex Park, being swallowed up and having it's access restricted by the increased activity of the Moe Racing Club, it would be more prudent and more widely acceptable to spend the proceeds of sale on similar and more accessible type land in close proximity such as the Edward Hunter Reserve or the more central Botanic Gardens site.

3. The only beneficiaries of the benefits attributed to the sale of "park land" should be the entire community through upgrading parks and gardens in close proximity, not where a club or community group reap the benefits of the expenditure derived from selling "community" assets.

I am a little perturbed that in a recent news item in the Latrobe Valley Express, it was reported that the proceeds from the sale of this land in question **WILL** go to the Ted Summerton (Vale Street) Reserve. I sincerely hope that, that decision has not be en formally made before the community were/are consulted - or is this process one similar to that already underway between the Council and the Racing Club with the proposed relocation of Riding for the Disabled and the Moe Pony Club Activities?

Will this be another decision like the one that has been made regarding the Moe caravan park site where the decision to sell/lease community assets was done without due community input or offering an arrangement to other in the community by way of a call for expressions of interest,

Thank you for allowing me the opportunity to provide my thoughts on this issue. I hope that future decisions that affect the availability and ownership of community assets can be done more transparently.

Yours Sincerely



Peter Wells.
58 Chamberlain Road
Newborough Vic 3825

Latrobe City	
- 6 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Box 161
 Newborough,
 (Residential 13 Richard St
 Moe)
 1st August, 2008.

Councillor Lisa Price,
 and all the councillors,
 Latrobe City.

Dear Lisa and all Councillors,

Re Public Reserve, Kingsford/Hinkler Streets, Moe

In "Moe News" on 29th. July was an article that the City was considering selling this reserve.
 Would you all please reconsider this sale, looking to the future?
 The following points, I feel, should be made.

- * Public land was set there originally as an amenity for the local people and should not be thought of as "surplus". Once sold it is gone --- forevermore.
 - This particular piece of land could be considered at the moment to be under-utilised. Let's have a look at its current condition. Unimproved, with very limited use and fenced off tennis courts. Unaccessible bulding. Cluttered area, uninviting.
- With a bit of trouble to the City, the whole plot could be landscaped, removing tennis courts, bulding, then treeing, shrubbing, seating, ~~patting~~ pathing, playgrounding, to make it hugely more attractive. The locals would then be much more likely to advantage of the surrounds and thank you ten years from now.

- From "no discussion" on this to "put in submissions in three weeks" , then accept what decision council makes does not seem in the slightest to be any sort of democracy at work. My thoughts are that council should be trying to maintain facilities was their aim, not removing them.
- Try Youth may be great for the community, personally I know nothing about them, what is its background?
If it is a private organisation, and wants to set up, it would be thought that enough commercial property would be available through estate agents. Even if it is a government, or semi-government organisation, until it is known and established in the community, could it be suggested that commercial ~~property~~ property be leased?
- Parkland such as this, as introduced at the beginning of this letter, belongs to the community and is so very precious, should be considered sacrosanct, and should NEVER EVER, be sold.

Yours faithfully,





MOE FOOTBALL & NETBALL CLUB INC.

(Affiliated with the West Gippsland Latrobe Football League)

ABN: 21 998 796 518

PREMIERS

Seniors: 1945 (C.G.F.L.) 1956, 1967

Reserves: 1959, 1967, 1968

Thirds: 1959, 1974 (Zone), 1991

All Correspondence to:
The Secretary
P.O. Box 361
MOE Vic. 3825

Latrobe City	
16 TH September 2008	
Doc. No:	
Action Officer:	
Disposal Code:	

To The Latrobe City Mayor and Councillors,

LETTER OF SUPPORT FOR THE PROPOSED PARTIAL FUNDING OF THE REDEVELOPMENT OF FACILITIES AT TED SUMMERTON RESERVE, MOE

Dear ladies and Gentlemen,

We, the undersigned, write this letter in absolute support of the initial proposal by the Latrobe City Council to prepare the vacant land, including the old Moe tennis courts, between Kingsford and Hawker streets, Moe for sale, with the proceeds of that land sale going towards the funding of the proposed new clubrooms and community facilities to be built at the Ted Summerton Reserve, Moe.

We believe there has been a petition drawn up by some of the local residents, opposing the sale and redevelopment of this land for residential housing. As a group we struggle to understand the logic behind this petition as any residential development on parcel of land can only add Capital Value to the homes in the immediate and surrounding vicinity. We also well aware that this land has lay dormant for 20 or more years, and to most people it would be seen as a wasted space, and the dilapidated and unused tennis courts, an ugly eyesore in the local community.

The sporting and community service groups we represent here, feel that it is crucial for the Ted Summerton redevelopment and improvement program to go ahead for all the right reasons:-

- To have a new and up to standard facility centre that can be used for sporting and community group functions and meetings.
- To ensure that the Moe community has a sporting facility of a standard that meets the needs of those who use the facility going forward into the 21st Century
- To ensure that our facilities do not fall by the wayside in comparison to other sporting/community facilities within the Latrobe City, and those facilities located in the adjoining shires of Baw Baw, Wellington, and South Gippsland.
- To ensure that Ted Summerton reserve continues to be listed as a "class A" recreation/sporting and community facility.

MAJOR SPONSOR...



- To ensure that the various user groups such as the Auskick Program, all surrounding Primary and Secondary schools, Gippsland Power Football, Mid Gippsland Football League, any number of Community groups and the Moe Football and Netball club itself continue to want to use the facility because it is the best it can be. A focal point, a central venue, a neutral venue, a venue that offers superior spectator viewing, an excellent amount of off street parking, and especially a venue that the whole community can be proud to take ownership of going forward.

We are also of the understanding that one of the priority sites for the proposed new child minding centre in Moe is in fact the northern side of Ted Summerton Reserve, adjacent to the South Street Primary School. Our groups would be in full support of this proposal as we believe it would be pivotal to setting the area up as a precinct for community and sporting use. As previously mentioned the off street parking benefit would be a huge plus. There are already two entries on that side of the reserve, one from Vale Street and the other from South Street. Easy access to and from South Street Primary School and a football oval, netball courts, lots of available playing space just metre's away, and all within the reserve.

So, as the conveners of just some of the user groups of this facility we firmly believe that the majority of the residents and ratepayers in our local community would be very happy to see this whole precinct proposal go ahead.

Sincerely Yours

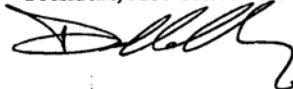
Anna McKenzie
President Moe Netball Club
Inc.



Lachlan Sim
President, Moe Football & Netball Club



David Kelly
President, Moe Cricket Club Inc.



Arnie Walravens
Captain Moe Fire Brigade



BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 ADOPTION OF AMENDMENT C53: PROPOSED AMENDMENT TO REZONE LAND AT LAWLESS ROAD, CHURCHILL FROM FARMING ZONE TO PUBLIC USE ZONE EDUCATION

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

1. PURPOSE

In accordance with Sections 29, 35A and 35B of the *Planning and Environment Act 1987* (the Act), the purpose of this report is to:

- consider all written submissions to Amendment C53;
- request Council's adoption of exhibited planning scheme Amendment C53;
- subsequent to adoption, request that Council seek certification for Amendment C53 from the Minister for Planning, and
- request Council's approval for Amendment C53 to be included in the Latrobe Planning Scheme.

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.

Community Outcome – Built Environment Sustainability

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

Strategic Action – Built Environment Sustainability

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

The proposal is consistent with Amendment C62 which includes the new Municipal Strategic Statement and the Churchill Structure Plan.

3. **BACKGROUND**

This proposal seeks an amendment to the Latrobe Planning Scheme to rezone land at Lawless Road, Churchill from Farming Zone (FZ) to Public Use Zone Schedule 2 – Education (PUZ2).

The proposal applies to approximately 36.5 hectares of land fronting Lawless Road, Churchill which is owned by Monash University. The subject land is more particularly described as Plan of Consolidation 357023K and is contained in Certificate of Title Vol. 10271 Fol. 143. (refer to attachment 1).

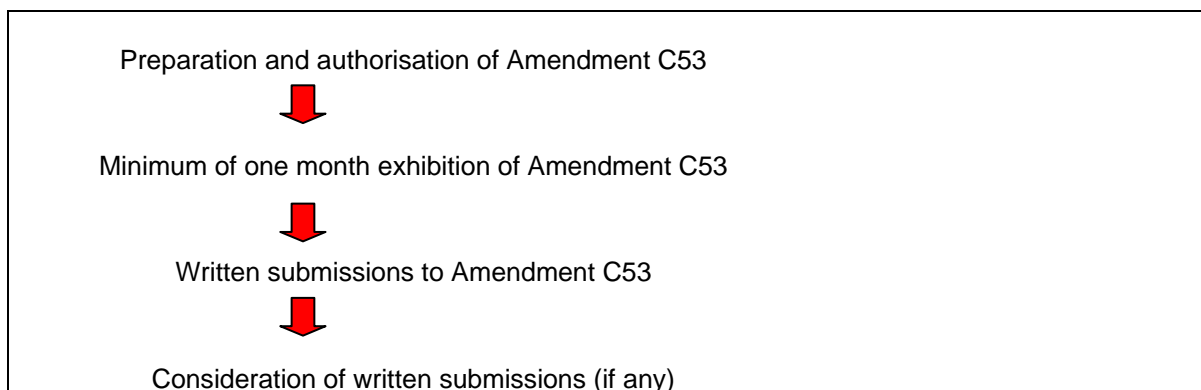
The amendment seeks to apply a zone which appropriately reflects the existing and future use of the land for tertiary education and research purposes. The Public Use Zone will provide a level of land use protection and flexibility which is not afforded under the existing zone.

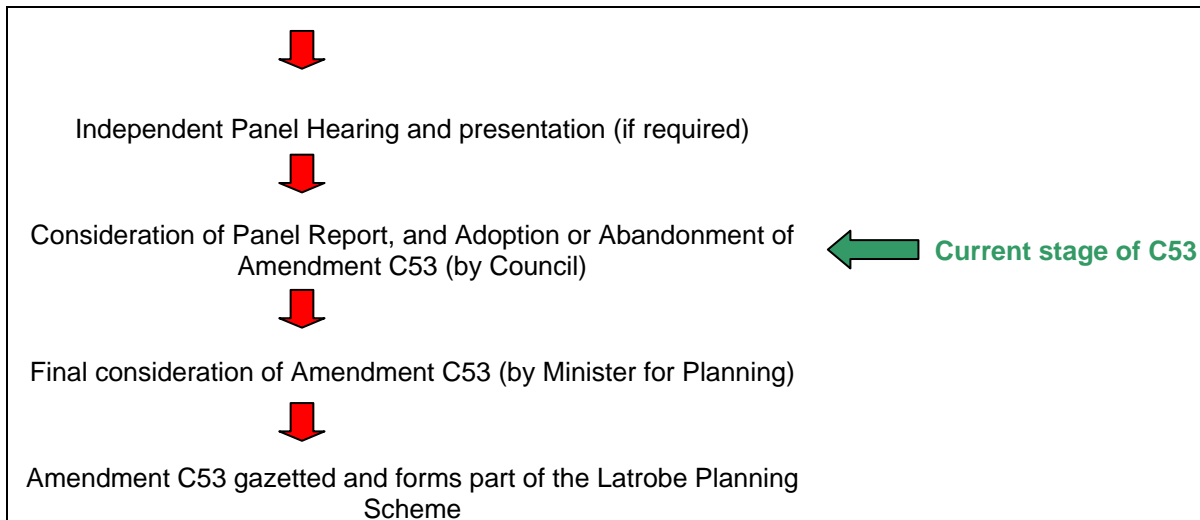
The Public Use Zone is consistent with the zone applied to the adjacent land west of the subject site, this is currently the location for the majority of Monash University operations at Churchill.

Statutory Requirements

The C53 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C53.

C53 Planning Scheme Amendment Process





In accordance with the *Planning and Environment Act 1987*, a municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (inter alia):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victorian Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C53 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12.

In addition 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 2).

The proposal is consistent with the State Planning Policy Framework at Clauses 11.01-3 Settlement, 11.03-5 Economic Well Being and 11.03-6 Social Needs.

It is consistent with the current Municipal Strategic Statement (MSS) at Clause 21.02 – 7 Key Influences (Education) and the current Strategic Land Use Framework Plan at Clause 21.03-3.

Planning Scheme Amendments

In addition it is further supported by Amendment C62 of the draft Latrobe Planning Scheme Local Planning Policy Framework (including the new MSS) adopted at the 1 September 2008, Council meeting and due to be exhibited during October 2008. In the new MSS, the Latrobe City Strategic Land Use Framework Plan identifies Churchill as 'a *University town to be promoted*' and for '*Monash University operations to be protected*'.

The new MSS, Clause 21.04-5 Specific Town Strategies, Churchill, specifically states in the Infrastructure section, dot point 6:

- *Encourage the on going development and expansion of Monash University.*

The proposal is consistent with the Churchill Structure Plan.

At the Ordinary Council meeting on 2 July, 2007 Council resolved to seek the Minister for Planning's Authorisation to prepare and exhibit the proposed Amendment C53.

The Minister for Planning in accordance with Section 9(2) and 35B of the *Planning and Environment Act, 1987*, authorised Council to prepare and approve the proposed Amendment C53, on 19 September 2007.

Amendment C53 has subsequently been through the public exhibition stage with the closing date for submissions being 28 March, 2008.

Under Section 29 of the Act a planning authority may adopt the planning scheme amendment proposal with or without changes. Sections 35A and B of the Act state that a planning authority must not approve an amendment unless the amendment has first been certified by the Secretary to the Department.

The recommendations of this Council Report are in accordance with Sections 29, 35A and B of the Act.

4. ISSUES

Native vegetation

An on-ground native vegetation assessment has not been undertaken at the site however the portion of the site containing pasture (which surrounds the research centre buildings and associated structures) has been extensively grazed by sheep and cut for hay.

Prior to exhibition of the amendment, Council advised the proponent in writing that the proposed rezoning does not remove the requirement to comply with the Native Vegetation provisions of Clause 52.17 of the Latrobe Planning Scheme and strongly recommended that an on-ground assessment of native vegetation across the site be undertaken as part of the development of any future Masterplan for the University or prior to any future development (whichever comes first) to ensure compliance with Clause 52.17.

Public submissions

Following public exhibition submissions were received by Latrobe City Council from **3** parties, (refer to attachments 3, 4, 5).

Two of these submissions were in **support** of the amendment; Submission 1: Received from Monash University, the proponent, (refer attachment 3).

Submission 2: Received from the Department of Sustainability and Environment (DSE), (refer attachment 4).

The third submission **objected** and raised concerns with the amendment

Submission 3: Received from Mr Ken Spriggs of Lawless Road, Churchill and comprised of parts A, B, C & D, (refer attachment 5).

These concerns centred around the potential loss of amenity to Mr Spriggs' property located adjacent to the subject land. Specifically this included noise abatement, lighting abatement and screening to reduce visual impact. In addition the security and maintenance of his domestic water supply which passes through the subject land was also raised.

Section 173 Agreement

In response to the concerns raised by Mr Spriggs, the proponent, (Monash University) agreed to enter into a Section 173 agreement with Latrobe City Council for the subject land.

Under section 173 of the *Planning and Environment Act 1987*, the responsible authority can negotiate an agreement with an owner of land to set out conditions or restrictions on the use or development of the land, or to achieve other planning objectives in relation to the land.

Like other agreements, a section 173 agreement is a legal contract. However, the benefit of a section 173 agreement is that it can be registered over the title to the land so that the owner's obligations under the agreement bind future owners and occupiers of the land. A section 173 agreement can also be enforced in the same way as a permit condition or planning scheme.

Following extensive consultation between Latrobe City Council, Mr Spriggs and Monash University a section 173 agreement was developed, that specifically includes provisions to ensure that measures are undertaken by the proponent to address the issues of noise abatement, lighting abatement and screening to reduce visual impact. A provision to address the issue of water supply was not included as this is not a planning matter, nor is it relevant to the amendment and therefore should be dealt with directly between, Monash University, Mr Spriggs and Gippsland Water.

A copy of the proposed Section 173 agreement is attached, (refer attachment 6).

Subsequently Mr Spriggs' submitted (refer attachment 5 part D), that the section 173 agreement now addresses his concerns and as a result he has provided a written withdrawal of his objection, subject to the section 173 agreement being registered on title.

Given that the one objection has now been withdrawn and all other submissions support the amendment, there is no requirement for Council to request appointment of a planning Panel to progress this amendment.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with the statutory amendment process of the rezoning are to be met by the proponent, this includes Council's legal costs and expenses for the registration of the section 173 agreement pursuant to section 181 of the *Planning and Environment Act, 1987*.

6. INTERNAL/EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the *Planning & Environment Act, 1987*.

7. OPTIONS

The options available to Council are as follows:

1. That Council as the responsible authority, after considering all written submissions received for Amendment C53, resolve to adopt, request certification and approve C53; or
2. To abandon the exhibited planning scheme Amendment C53, and inform the Minister in accordance with section 28 of the *Planning and Environment Act 1987*, that Council will not pursue the amendment.

8. CONCLUSION

Amendment C53 seeks to rezone land at Lawless Road, Churchill from Farming Zone (FZ) to Public Use Zone Schedule 2–Education (PUZ2).

The amendment seeks to apply a zone which appropriately reflects the existing and future use of the land for tertiary education and research purposes. The Public Use Zone will provide a level of land use protection and flexibility which is not afforded under the existing zone.

The amendment implements the State Planning Policy Framework and the current and future draft MSS of the Latrobe Planning Scheme.

Issues raised in submissions have been addressed by the development of a section 173 agreement that can be registered on the title of the subject land, following the gazetted approval of Amendment C53.

9. RECOMMENDATION

- 1. That Council, as the responsible authority, adopts Amendment C53 as exhibited in accordance with Section 29 of the *Planning & Environment Act, 1987*.**
- 2. That Council submits Amendment C53 once adopted, to the Minister for Planning for certification, in accordance with Section 35A of the *Planning and Environment Act 1987*.**
- 3. That Council approves Amendment C53 following receipt of certification from the Minister for Planning in accordance with Section 35B of the *Planning and Environment Act 1987*.**
- 4. That Council submits an application to register the Section 173 Agreement with the Titles Office within one month of the gazetted approval of Amendment C53.**

Moved: Cr White

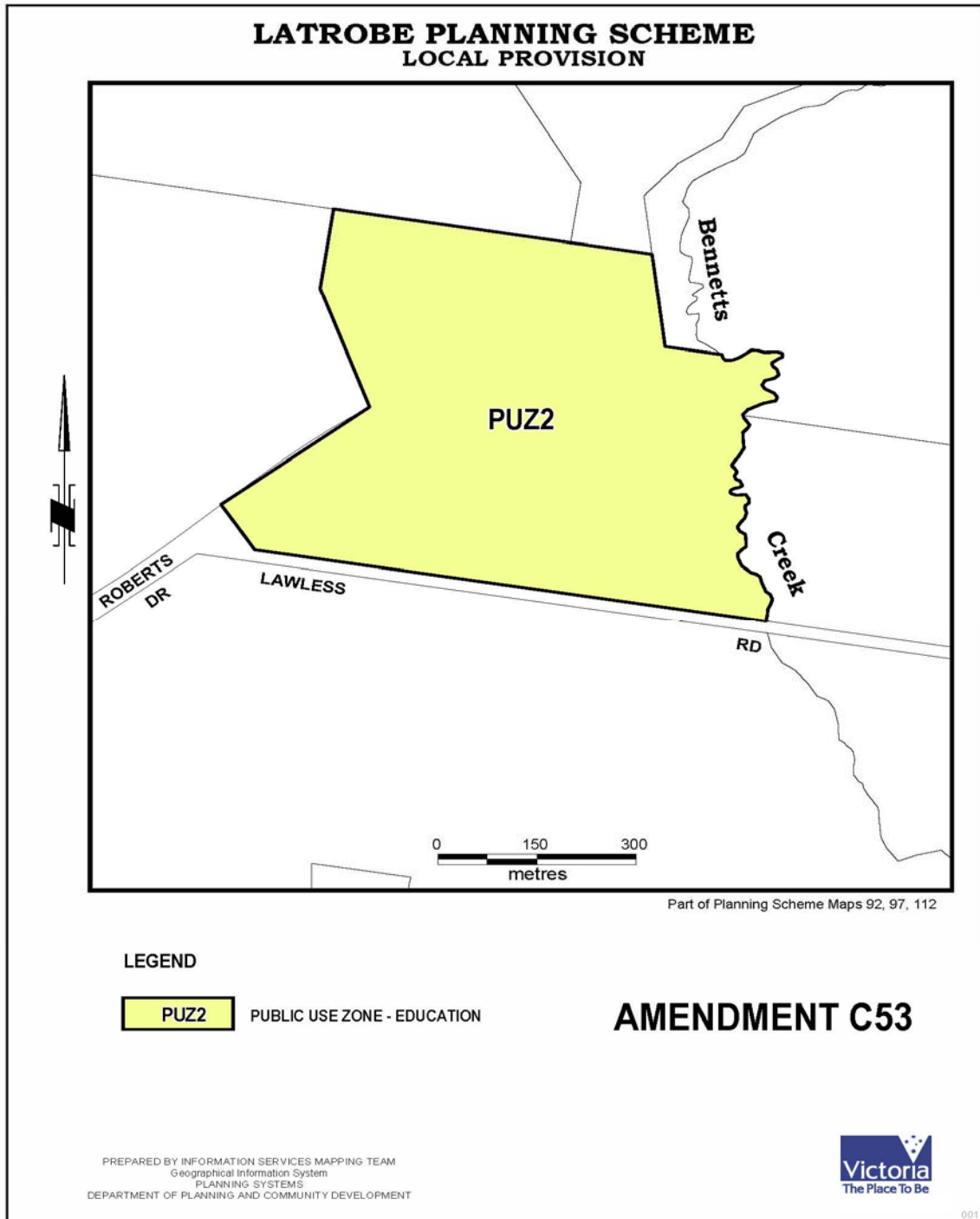
Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

ATTACHMENT 1



ATTACHMENT 2

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C53

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 Beveridge Williams & Co Pty Ltd on behalf of the land owner, Monash University.

Land affected by the amendment.

The amendment applies to approximately 36.5 hectares of land fronting Lawless Road, Churchill. The land is more particularly described as Plan of Consolidation 357023K and is contained in Certificate of Title Vol. 10271 Fol. 143.

What the amendment does.

The amendment proposes to rezone the land from Farming Zone to Public Use Zone - Education.

Strategic assessment of the amendment

- Why is the amendment required?

The amendment is required to provide an appropriate zone that accurately reflects the existing and future use and development of the land, whilst providing a level of land use protection and flexibility, which is not afforded under the existing zoning.

The amendment implements the State and local planning policy frameworks, which:

- acknowledge the importance of Monash University to the town of Churchill and broader region;
- encourage strengthening of this tertiary education and research function.

The amendment is necessary, as the existing zoning of the land does not accurately reflect the current use and development of the site.

- How does the amendment implement the objectives of planning in Victoria?

The amendment assists in implementing the objectives of planning in Victoria.

The amendment will “provide for the fair, orderly, economic and sustainable use and development of land” as stated in Clause 4(1)(a) of the *Planning and Environment Act 1987*.

Although the land affected by the amendment is used and developed by Monash University for biomedical research purposes, the land is currently within a different zone to the adjacent University campus. The amendment will contribute to fair and orderly planning by applying a zoning control which appropriately reflects the existing land use characteristics and ultimately, assist to strengthen Churchill's regional tertiary education and research functions. The site presents a logical extension to the existing education precinct and may accommodate extensions to the University campus in the future. The Public Use Zone will provide a level of land use protection and flexibility, which is not afforded under the existing zoning.

- How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment adequately addresses any environmental effects as follows:

- The site does not present any significant environmental constraints that would prevent it from continuing to be used and developed for research and education purposes.

For many years, the portion of the site containing pasture (which surrounds the research centre buildings and associated structures) has been extensively grazed by livestock (sheep) and cut for hay. There is existing native vegetation located on the site, mostly along Bennett's Creek, this is predominantly re-vegetation. An on ground investigation into the existence of native grasses on the site has not been undertaken however current Ecological Vegetation Class (EVC) Mapping, *DSE Biodiversity Interactive Mapping Tool, 2002*, does not identify any EVC's on the site.

It should be noted that the proposed rezoning to Public Use does not remove the requirement to comply with the Native Vegetation provisions at Clause 52.17 of the Latrobe Planning Scheme. Monash University has been advised by Latrobe City Council of the requirement for an on ground assessment of native vegetation across the site. This should be undertaken as part of the development of any future Masterplan for the University or prior to any future development (whichever comes first), to ensure compliance with Clause 52.17.

Bennetts Creek extends along the eastern boundary of the site and is identified as an area of cultural heritage significance on the Aboriginal Affairs Victoria '*Areas of Cultural Heritage Sensitivity in Victoria*' Mapping under the Aboriginal Heritage Act 2006. The proposed amendment is for a rezoning and is not a development or subdivision proposal and therefore does not trigger the need to prepare a Cultural Heritage Management Plan under the provisions of the Aboriginal Heritage Act 2006.

The amendment adequately addresses social effects as follows:

- It will result in a positive social impact by allowing Churchill to strengthen its regional tertiary education and research functions. These functions are central to other land uses within the town.

The amendment will provide the following economic benefits:

- It will strengthen Churchill's regional tertiary education and research functions, which generate economic activity.
 - It will facilitate the opportunity for future expansion of the University campus.
- *Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?*

The amendment is affected by Ministerial Direction No. 11 *Strategic Assessment of Amendments* under section 12 of the *Planning and Environment Act 1987*. This report addresses the requirements of Ministerial Direction No. 11.

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

- How does the amendment support or implement the State Planning Policy Framework?
The proposed amendment is specific to a number of State Planning Policies, as outlined below.

Clause 11.01-3 – Settlement, states that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

- The amendment implements the objectives of this clause by ensuring that there is adequate zoned land available to accommodate a future expansion of the University campus.

Clause 11.03-5 – Economic well-being, states that planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

- The amendment implements the objectives of this clause by allowing Churchill to strengthen its regional tertiary education and research functions. The Public Use Zone – Education will facilitate a possible future expansion to the University campus, which will have a positive economic impact on both Churchill and the broader region. The Public Use Zone will provide a level of land use protection and flexibility, which is not afforded under the existing zoning.

Clause 11.03-6 – Social needs, states that planning is to recognise social needs by providing land for a range of accessible community resources, such as affordable housing, places of employment, open space, and education, cultural, health and community support facilities. Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of use and development and quality of urban design.

- The amendment implements the objectives of this clause by ensuring that there is adequate zoned land available to accommodate a future expansion of the University campus.

It is concluded that the amendment advances the relevant objectives of the SPPF. The amendment does not conflict with the SPPF but builds on the statements contained in the planning scheme.

- How does the amendment support or implement the Local Planning Policy Framework?
Clause 21.02-7 - Key Influences (Education) of the Municipal Strategic Statement (MSS), states that '*national policy regarding the future of tertiary education should be important in the future of Latrobe City. It will impact upon the potential for expansion of tertiary colleges and Monash University's activities in the municipality*'. It notes that '*Monash University, located at Churchill, has been identified in the Churchill Structure Plan as central to related land use activities, such as research and student accommodation.*'
As stated in **clause 21.03-2**, a 'vision' for Latrobe City to 2012 is to become:
 - a leading region for the supply of technical and professional skills and advice to the developing world, and;
 - a region that is a showcase of research and development.

The **Strategic Land Use Framework Plan** at *clause 21.03-3* notes that each urban settlement has a unique set of characteristics, which contribute to the local sense of place and provide diversity in terms of the municipality as a whole. Churchill's characteristics are identified as:

- *regional tertiary education and research functions, and;*
- *local service function.*

The MSS states that these functions should be strengthened and reinforced.

The proposed development site in Lawless Road is located outside (but adjacent to) the existing Monash University Education Precinct and urban boundary shown on the **Churchill Local Structure Plan** at *clause 21.04* of the Municipal Strategic Statement. Monash University's current usage of the site for research purposes has expanded since the existing MSS and Structure Plan were drafted. The proposed amendment will not conflict with the existing use of the subject land or the completion of the current Main Town Structure Plans review.

Furthermore, the proposal has strong policy support in the MSS and advances the relevant objectives and strategies as follows:

- allows Churchill to strengthen its regional tertiary education and research functions;
- applies a zone which more accurately reflects the existing and future use and development of the land for research and education purposes;
- applies a zone which will provide a level of land use protection and flexibility, which is not afforded under the existing zoning;
- ensures that the land is appropriately zoned to accommodate a future expansion of the Gippsland campus of Monash University.

It is concluded that the amendment implements the objectives of the MSS relevant to the proposal. The amendment does not conflict with the MSS but builds on the statements contained within the planning scheme.

The amendment does not affect or seek to change any of the Local Planning Policies.

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

The amendment proposes to apply the Public Use Zone - Education, the purpose of which is to:

- *implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *recognise public land use for public utility and community services and facilities.*
- *provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The Public Use Zone - Education is the most appropriate VPP tool to use, as:

- the amendment site is used and developed by Monash University as a research and education facility. The Public Use Zone is a more appropriate control for the site, given its existing use and location adjacent to the Monash University Gippsland Campus (which is already zoned Public Use).
- the Public Use Zone will provide a level of land use protection and flexibility.
- How does the amendment address the views of any relevant agency?
The proposed amendment did not require any formal or informal referrals.
- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is considered that the amendment will have minimal impact on the resource and administrative costs of the responsible authority. The amendment is likely to reduce the total number of planning permit applications processed by 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, 141 Commercial Road, Morwell, 3840

Department of Planning and Community Development, Regional Office, 71 Hotham Street, Traralgon, 3844

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

ATTACHMENT 3

28/03 2008 08:03 FAX 51226666

F&S GIPPSLAND

002/002

MONASH University



Brian Stark
Manager

28 March 2008

Mr Jason Pullman
Strategic Planning Co-ordinator
Latrobe City Council
PO Box 264
MORWELL VIC 3840

BY FAX: 5128 5672

Dear Jason

Re: Amendment C53 – Rezoning of land for Monash University at Lawless Road, Churchill

We refer to the above planning scheme amendment and wish to advise that Monash University, as the land owner and planning scheme amendment proponent, supports the rezoning as exhibited.

Monash University reserves the right to appear at an Independent Panel Hearing appointed by the Minister for Planning in relation to this amendment.

Yours Faithfully

Brian Stark
Manager

Facilities & Services
Monash University, Churchill, 3842
Telephone +61 3 5122 6222 / 9902 6307
Facsimile +61 3 5122 6666 / 9902 6666
Email: brian.stark@adm.monash.edu.au
www.monash.edu.au
ABN 12 377 614 012 CRICOS provider number 00008C

ATTACHMENT 4



Department of
Sustainability and Environment

Our ref: PL-SP/06/0012 – SP429185
Your ref: C53

26 March 2008

Gail Gatt
Strategic Planning Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Latrobe City	
- 2 APR 2008	
Doc No:	
Action Officer:	
Disputants:	
Comments:	

Gippsland Region
71 Hotham Street
Traralgon Victoria 3844
Telephone: (03) 5172 2100
Facsimile: (03) 5172 2111
ABN 90 719 052 204
DX 219284

Dear Gail

RE: AMENDMENT C53 LATROBE PLANNING SCHEME

Thank you for your correspondence of 06 February 2008 referring details of the above amendment pursuant to Section 19(1) of the *Planning Environment Act 1987* to the Minister for Environment and Climate Change as the Minister prescribed under Regulation 8(b) of the *Planning and Environment Regulations 2005*. The correspondence was received on 26 February 2008.

The amendment proposes to rezone land from Farming Zone (FZ) to Public Use Zone Schedule 2 – Education (PUZ2). The land affected by the amendment is land fronting Lawless Road, Churchill, being land in Plan of Consolidation 357023K.

On behalf of the Minister, the Department of Sustainability and Environment has considered the amendment and offers the following comments:

- Given the current and future land use of the subject land for education and research, the Department supports the rezoning from FZ to SUZ2 – Education
- While DSE databases do not identify any mapped Ecological Vegetation Classes (EVCs) on the subject land, the Department notes that Latrobe City Council has advised Monash University of the requirement for an on-ground assessment of native vegetation across the site. The Department commends Latrobe City Council for recognising the need for such an assessment, which is to be undertaken to guide strategic planning for any future development, particularly in respect of Clause 52.17 Native Vegetation provisions of the Latrobe Planning Scheme.
- Interrogation of DSE databases indicate that there are no threatened species, threatened communities, biosites or other significant biodiversity values present on or adjacent to the subject site that are likely to be adversely impacted by the amendment.
- While not pertaining directly to the amendment, Latrobe City Council may like to recommend that Monash University consider incorporating a Vegetation Management Plan in the development of a Masterplan for the Churchill Campus. This would facilitate the long-term conservation and enhancement of remnant native vegetation and other ecological and biodiversity values of the subject land, particularly along the eastern boundary adjoining Bennetts Creek.

Privacy Statement

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



ATTACHMENT 4

These comments are submitted without prejudice to the consideration of the amendment by the Minister for Planning under Section 35 of the *Planning and Environment Act 1987*.

If you have any queries regarding this matter, please contact Debbie Shaw, Biodiversity and Environmental Planning Officer, at the Traralgon regional DSE office on (03) 5172 2518.

Yours sincerely



Neville Penrose
Regional Director
Gippsland

ATTACHMENT 5A

**Latrobe City Council
P.O. Box 264
MORWELL, 3840**

Latrobe City	
28 MAR 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

P.O.151
CHURCHILL, 3842

26TH March 2008

Dear Sir/Madam,

AMENDMENT C53 TO THE LATROBE PLANNING SCHEME

Thank you for your notification of the planning amendment (Ref: C53 Notifications) regarding the land currently occupied by the Monash Animal Services Centre.

We have an interest in this situation because we hold land to the immediate east and an additional property to the immediate south.

Our concerns are that the change in classification may result in loss of amenity for our property. The current use is for animal breeding, not research or education (despite the ownership by the university). When the facility was developed there were certain undertakings given in relation to impact. These included:

1. Noise abatement from noisy air-handling systems (especially at night)
2. Area lighting to be minimal and suitably hooded to avoid light overspill (especially as the current facility is on a high ridge overlooking our house).
3. Screen planting of trees/brush to minimise the visual impact.
4. Security and maintenance of our water supply which passes through the property.

We are concerned to maintain those provisions.

In addition there is an issue of the zoning of the land to the south. This farming land would then be "boxed-in" with no prospect of farm extension. We understand that the parcel in question may be rezoned to a residential category in a current Council review. That would be a satisfactory outcome as it would then provide an investment alternative to the "boxed-in" issue. However, if it became enclosed on two sides by "education facilities" it is subject to increasing pressures of issues such as trespass, littering, objection to farming noise, etc. Those issues may seem trivial but you would be surprised at the problems of gates being left open, plastic bag ingestion by cattle etc that arise from the present situation.

We would welcome further discussion of the "maintenance of amenity", and adjacent south farming land rezoning.

Regards,


Ken. Spriggs

ATTACHMENT 5B

Gail Gatt
Planner
Latrobe City Council
P.O. Box 264
MORWELL, 3840

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

P.O. BOX 151
CHURCHILL, 3842

27TH April 2008

Dear Gail,

AMENDMENT C53 TO THE LATROBE PLANNING SCHEME

Background Information

Thank you for your visit to discuss planning alteration to the land currently occupied by the Monash Animal Services Centre.

Our concerns are as previously listed, viz:-

1. Noise abatement from noisy air-handling systems (especially at night)
2. Area lighting to be minimal and suitably hooded to avoid light overspill (especially as the current facility is on a high ridge overlooking our house).
3. Screen planting of trees/brush to minimise the visual impact.
4. Security and maintenance of our water supply which passes through the property.

It could be argued that those concerns are recognised in existing arrangements, however, we are conscious that things "change" so we would welcome enshrining protections if possible.

Just an aside on how things actually do change, I note in the original documents from the University for the first stage of the centre states that, quote: "...it is our intention to breed and house guinea pig, sheep, rabbits and cats in this facility. None of the animals housed in the centre can be described as exotic species." This shows how things do change as the centre is now apparently housing a large number of exotic monkeys. Thus our concern about change is supported by precedent.

In relation to past "protective" documentation, I have been able to unearth the attached two:-

Re Water Supply

A letter from the university confirming continuation of supply (13th September 1995). Please note that the question of maintenance is our responsibility. In practice that has been interpreted as aspects within the security fence is University responsibility (for access/security reasons) and the more problematic meter and creek crossing to be our responsibility. It should be noted that the portion in the security fence is in a trench which would presumably only require attention if additional earthworks were undertaken.

Incorporation of the provisions of this letter would be appropriate.

ATTACHMENT 5B

Other Issues

The original planning permit 95/2051 of 14th September 1995.

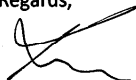
This extract makes recognition of some of our concerns at Item 3.

I believe that the second stage building also included provisions regarding lights etc.

We would argue for future inclusion of such provisions.

I trust that the above may be useful in discussions with the University.

Regards,



Ken Spriggs

ATTACHMENT 5B

M O N A S H U N I V E R S I T Y



AUSTRALIA

GENERAL MANAGER
Mr. P.B. Wade

FACILITIES MANAGER
Mr. D.F. Kretlow
Telephone: (051) 22 6215
(03) 902 6215
Facsimile: (051) 22 6294
(03) 902 6294

13 September 1995

Dr Ken Spriggs
P.O. Box 151
CHURCHILL
Victoria 3825

Dear Dr Spriggs

RE: YOUR WATER SUPPLY

I refer to our discussion of 12 September 1995 concerning the conditional withdrawal of your objection to the University's Planning Permit application and the continued function of your private water supply.

As indicated during our discussions, it is the University's intention to replace part of your water main with a new 50 mm dia service and locate this in our services trench extending to the entry to the new facility. It is our intention to trench the existing water main over the remainder of the property. It is intended for the water meter to remain in its present location.

This should ensure a continued and uninterrupted water supply to your property.

Additionally, I wish to confirm that the water supply to your property will continue to cross University land and will continue to operate without restrictions by the University. The continued maintenance of this service will of course be your responsibility.

I trust that the above meets your requirements and look forward to an unconditional withdrawal of your objection.

Yours sincerely

D F Kretlow
Facilities Manager

DKF:dap
animserv/watrsupp.drs

Please Reply to the Gippsland Address

CAULFIELD CAMPUS
900 DANDENONG ROAD
CAULFIELD EAST
VICTORIA 3145
AUSTRALIA
FAX: +61 3 903 2400
TELEPHONE: +61 3 903 2000

CLAYTON CAMPUS
WELLINGTON ROAD
CLAYTON
VICTORIA 3168
AUSTRALIA
FAX: +61 3 905 4007
TELEPHONE: +61 3 905 4000

GIPPSLAND CAMPUS
SWITCHBACK ROAD
CHURCHILL
VICTORIA 3842
AUSTRALIA
FAX: +61 3 902 6300
TELEPHONE: +61 3 902 6200
LOCAL: (051) 22 6200

PARKVILLE CAMPUS
381 ROYAL PARADE
PARKVILLE
VICTORIA 3052
AUSTRALIA
FAX: +61 3 903 9581
TELEPHONE: +61 3 903 9000

PENINSULA CAMPUS
McMAHONS ROAD
FRANKSTON
VICTORIA 3199
AUSTRALIA
FAX: +61 3 904 4190
TELEPHONE: +61 3 904 4000

ATTACHMENT 5B

14 Sept 1995

Form 4.4

**PLANNING
PERMIT**

Permit No: **95/2051**

Planning Scheme: **Morwell Planning Scheme**

Responsible Authority: **La Trobe Council**

ADDRESS OF THE LAND:

PART LOT 1, PS343278, LAWLESS ROAD, CHURCHILL

THE PERMIT ALLOWS:

ANIMAL SERVICES CENTRE

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT :

- (1) The layout of the site and the buildings or works authorised by this Permit shall not be altered or modified in any way (whether or not in order to comply with any Statute, Statutory Rule or By-Law or for any other reason) without the consent of the Responsible Authority.
- (2) The building or premises which is the subject of this Permit shall be used as an Animal Services Centre and shall not be used for any other purpose except with the consent of the Responsible Authority.
- (3) That the use authorised by this Permit shall not detrimentally affect the amenity of the neighbourhood through the emission of noise, vibration, electromagnetic radiation, or the discharge of solids, liquids or gases. In particular, potentially noisy animals shall be housed and exercised so as not to cause annoyance to the neighbourhood, particularly at night.
- (4) All materials stored on the site shall be stored out of view or in such manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (5) Seven car parking spaces shall be provided on the land for the parking of motor vehicles and this area shall be used for no other purpose.
- (6) All car spaces and access lanes shall be formed to such levels that they can be effectively utilised, and shall be drained and paved with gravel of adequate thickness as necessary to prevent the formation of potholes and depressions or sealed with an all-weather seal coat, to the satisfaction of the Responsible Authority.
- (7) All carpark, access and manoeuvring areas shall conform to the requirements of AS2890.1-1993

ONE OF TWO PAGES

ATTACHMENT 5C

Gail Gatt
Planner
Latrobe City Council
P.O. Box 264
MORWELL, 3840

Latrobe City	
11 SEP 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

P.O. BOX 151
CHURCHILL, 3842

8TH September 2008

Dear Gail,

AMENDMENT C53 TO THE LATROBE PLANNING SCHEME

Draft Section 173 Agreement

Thank you for your visit to discuss the draft Section 173 agreement for the land currently occupied by the Monash Animal Services Centre. As requested, I am writing to document some of the issues raised in the above meeting.

We feel that the Draft is somewhat limited in addressing the major categories of our concerns, namely:

- Adverse effects on amenity
- Detrimental influence on property value

The proposed Monash covenants have those limitations specifically because of the following:

1. The original approval for the facility was granted with a significant list of conditions. Some of those conditions are restated in clause 3. However clause 4a serves to nullify those provisions if our land is sold. In other words the "protection" of those provisions is removed upon sale. That automatically means that a potential purchaser may reasonably be concerned that the property attributes are less valuable upon sale. The net effect may well be reflected in market property value.
2. Clause 3c refers to noise emission. I am not in a position to comment upon the specifics of applicable noise standards, however it would seem that different standards may well apply to the existing "rural" status as compared with the proposed "educational" status. Given the dominant location of the existing facility on a ridge overlooking our residence, and in the direction of the prevailing wind, this potentially represents a loss of amenity through changes in allowable noise levels. We regard the maintenance of minimal noise emissions as a major issue.
3. The very fact that clause 4 is proposed implies that there is some intention for change. In fact since establishment of the facility there has been substantial change in the number of buildings and the nature of the animals housed. Of course the owner is perfectly entitled to develop the land, however it seems incumbent upon that development that it does not violate the original development provisions which were specifically put in place, in part, in recognition of adjacent property amenity and valuation. The discharging of protections in

ATTACHMENT 5C

clause 4 gives the impression that future changes may not only influence the value but also degrade the amenity (a real issue in farm succession planning).

We are interested in maintaining good relations with our university neighbour. In fact we currently have good working relationships with both the Animal Services ground staff and the Campus groundsman.

In that spirit of co-operation, we believe that our concerns can be met by ensuring that the original protections are actively applied, not diluted, and not removed over time. That sentiment could, in principle, be achieved in a revised Section 173.

I trust that the above may be useful in discussions with the University.

Regards,



Ken Spriggs

ATTACHMENT 5D

P.O. BOX 151
CHURCHILL, 3842

21st September 2008

**Gail Gatt
Planner
Latrobe City Council
P.O. Box 264
MORWELL, 3840**

Dear Gail,

AMENDMENT C53 TO THE LATROBE PLANNING SCHEME

Section 173 Agreement Draft #2

Thank you for the second draft Section 173 agreement for the land currently occupied by the Monash Animal Services Centre. As requested, I am writing to document whether that arrangement satisfactorily addresses our planning concerns. In particular I refer to the concerns itemised in our correspondence to the Council of 26th March and 8th September 2008.

On the basis of the good work you have done in negotiating with Monash, and the achievement of a second Section 173 draft, I am pleased to withdraw the planning objection.

In implementation terms, this is subject to the future registration by Latrobe Council of the abovementioned Section 173 agreement on the land title, subsequent to C53 forming part of the Latrobe Planning Scheme.

Thank you for your professional, conscientious and friendly approach to achieving this outcome ...it reflects well on Council employees.

Regards,


Ken Spriggs

Latrobe City	
24 SEP 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

ATTACHMENT 6

SECTION 173 AGREEMENT

This agreement is made the day of 2008.

BETWEEN

The Latrobe City Council of 141 Commercial Road, Morwell VIC (“Council”)

and

Monash University of Wellington Road, Clayton VIC (“Monash”)

WHEREAS

- A. Monash is the registered proprietor of the Land.
- B. Council is the responsible authority for the administration and enforcement of the Planning Scheme which applies to the Land.
- C. Monash is a tertiary education and research institution and has therefore applied to the Council to have the Land re-zoned to Public Use Zone Schedule 2 – Education which is permitted under the Planning Scheme.
- D. The parties make this Agreement pursuant to Section 173 of the Act.

THE PARTIES AGREE

1. Definitions

“Act” means the Planning and Environment Act 1987;

“Adjacent Land” means the land described in Certificate of Title Volume 09224 Folio 277 which is situated adjacent to the Land;

“Agreement” means this Agreement;

“Land” means the land described in Certificate of Title Volume 10271 Folio 143 which is situated in Lawless Road, Churchill in Victoria;

“Planning Scheme” means the Latrobe Planning Scheme;

2. Commencement

This Agreement will commence on the date of the gazettal on which the re-zoning comes into operation.

3. Monash covenants

Monash agrees to use its reasonable endeavours to:

- (a) ensure that all outdoor lighting in any proposed development of the Land will be designed, baffled and located in an effort to minimise the impact on the Adjacent Land, to the satisfaction of the responsible authority;
- (b) ensure that any proposed development of the Land includes screening in an effort to minimise the visual impact on the Adjacent Land, to the satisfaction of the responsible authority;
- (c) ensure that the use of the land does not detrimentally affect the amenity of the neighbourhood through the emission of noise, vibration, electromagnetic radiation, or the discharge of solids, liquids or gases, to the satisfaction of the responsible authority. Potentially noisy animals shall be housed and exercised so as not to cause annoyance to the neighbourhood (particularly at night), to the satisfaction of the responsible authority;
- (d) include the matters described in this clause 3 in any future master plan for the Land.

4. General

- (a) Monash and Council will do all things reasonably necessary to enable Council to apply to the Registrar of Titles to register this Agreement relating to the Land.
- (b) Monash will pay Council's reasonable legal costs and expenses for the registration of this Agreement pursuant to section 181 of the Act.

SIGNED BY THE PARTIES AS A DEED

THE COMMON SEAL of)
 LATROBE CITY COUNCIL)
 was hereunto affixed)
 in the presence of:

.....
 Chief Executive Office

SIGNED SEALED AND DELIVERED)
 for and on behalf of)
MONASH UNIVERSITY)

in the presence of:

 Witness

**11.3.2 CHURCHILL TOWN CENTRE PLAN - PEDESTRIAN PLAZA
IMPLEMENTATION**

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

1. PURPOSE

The purpose of this report is to seek Council's endorsement of the concept design for Section 2 of the adopted 2007 Churchill Town Centre Plan relating to "The Commercial Precinct", to enable further consultation regarding the details of the plan and its implementation.

2. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Community Outcome - Built Environment Sustainability

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

Strategic Action – Infrastructure Development

- Utilise place management principals for local areas in the municipality
- Promote and support the development of visually attractive high quality infrastructure
- Promote and support the development of infrastructure to enhance the social and economic well-being of the Latrobe Valley
- Strive to ensure all proposed developments enhance the liveability and sustainability of the community

*Council Plan 2008-2012 - Key Priorities and Actions –
Sustainability, Built Environment*

Progress implementation of the Churchill Town Centre Plan.

This report is consistent with the adopted Churchill Town Centre Plan 2007.

3. BACKGROUND

In late 2006 and early 2007, the consideration of a series of planning permit applications for retail development in Churchill led to the identification of the need for a strategic plan for the Churchill Town Centre. The plan would assist in guiding future retail and civic infrastructure development.

At the Ordinary Council Meeting held on 5 March 2007, Council resolved to “...engage a suitably experienced consultant to prepare a report within one month as to the best configuration of the Churchill retail business precinct”...

This resolution, together with the wider Latrobe Structure Plans Review, resulted in commissioning of the Churchill Town Centre Plan. Consequently, this plan was adopted in principle “subject to a two week period of public exhibition” at the Ordinary Council Meeting held on 16 July 2007.

At the Ordinary Council Meeting held on 20 August 2007, Council resolved as follows:

1. *Council adopt the Churchill Town Centre Plan.*
2. *As part of the implementation process for the Churchill Town Centre Plan, Council:*
 - a) *Undertake further community consultation regarding Section 1 of the Plan (the proposed Western Link road from the western residential area to the town centre) and report the results of this to Council at a future date; and*
 - b) *Address issues of traffic management and parking raised in submissions through the detailed design process.*

The Plan includes three sections, with Section 1 covering the Western Residential Area, Section 2 covering the Commercial Precinct, and Section 3 covering Eel Hole Creek and University Campus.

Following the adoption of the 2007 Plan, discussions were held between Council officers and the Department of Planning and Community Development, aiming to implement the Plan. Through its *Creating Better Places* Program, the Department agreed to fund the refinement of the plan and its detailed design.

In July 2008, TTM Consulting (Vic) Pty Ltd and Designurban were appointed to carry out the design for Section 2 of the 2007 Churchill Town Centre Plan relating to "The Commercial Precinct". Following a number of internal and external workshops, they have prepared a modified concept plan, which is proposed to be adopted "in-principle" by Council and exhibited for further consultation with stakeholders.

4. **ISSUES**

At the same time as the plan has been developed, a number of major projects are already under construction or have planning approval in Churchill. These include:

- Churchill Community Hub
- enhancement of the Hazelwood Village retail area through the expansion of Ritchies Supermarket
- an approved expansion of specialty retailing to the west of the video store in Hazelwood Village
- redevelopment of the West Place retail area
- rebuilding of Georgina Place, Phillip Parade and the southern carpark.

The extent of redevelopment has increased the urgency to refine and adopt the Churchill Town Centre Plan, to enable construction to occur in a planned way, and to provide support for resolving funding and land tenure issues.

The 2007 Churchill Town Centre Plan included a western street link, connecting McDonald Way with the signalised intersection at Monash Way and Georgina Place. A group of residents strongly opposed this proposal, arguing that the open area between Walker Parade and Monash Way should not be used as a street connection, and that the area's open space role should be enhanced. This led to Council's resolution to undertake further community consultation on the issue, and report the results of this to Council at a future date.

A copy of the adopted 2007 Churchill Town Centre Plan, showing the western street link, is included as Attachment One.

Part of the focus of the refinement of the Churchill Town Centre Plan has been to ensure that it works effectively, with or without the western link. For example, if the western link is delayed, access to the Hazelwood Village carpark from some north-western parts of Churchill would require a circuitous route via McDonald Way, Phillip Parade, Balfour Place, past the proposed new supermarket in Georgina Place, and then to the car park. This is considered to be unsustainable and inequitable, and poor planning from a traffic management perspective. As a result, the modified concept design for Section 2 of the Churchill Town Centre Plan includes a vehicular link between Phillip Parade and Monash Way via the central car park which services Hazelwood Village and West Place.

There is also a requirement to review the adopted 2007 plan in light of developments at the Churchill Community Hub. The inclusion of a vehicular link between Phillip Parade and Monash Way has also encouraged a review of the design of Phillip Parade to slow traffic, reduce the slope of pedestrian and vehicular connections to the north of the town hall, provide drop-off and pick-up points for the Community Hub, and ensure that parking numbers are maintained. Further, the consultants consider that the architecture of the Community Hub sets a new design standard for Churchill, and wish to extend some of its themes into the public realm in Churchill Town Centre.

Substantial upgrading of the pedestrian areas and construction of a plaza have always been the main focus of the consultancy. The community consultation session and community design workshops have reinforced the need for an attractive, safe, accessible and well-used civic space that is well recognised as the centre of the town.

An example of the implication of clearly identifying this civic space is that a previous proposal to include a "civic gardens" including a war memorial near the spire may be more appropriately located near the Town Hall. It is proposed that this issue be considered as part of the forthcoming consultation process.

In addition to the introduction of vehicular access to the central car park from Phillip Parade, some of the features of the modified plans that have been developed during the design workshops are as follows:

- Inclusion of a north-south pedestrian spine across the Town Centre, including the mall in the new West Place shops, extending to the entry to the supermarket at Hazelwood Village
- Review and reorientation of the southern car park to increase capacity, enhance landscaping and improve car and loading access
- Reorientation of the central car parking areas to include north/south aisles, improving safety and landscaping possibilities and increasing car parking numbers
- Design of a substantial civic space in the expanded area to the east and north of the Town Hall, including pathways built to DDA standards
- Design of an urban plaza to the north of the proposed shops in Stage 2 of the West Place extension
- Refinement of the east/west pedestrian links from Monash University, past the Community Hub to the Town Centre
- Redesign of the drop-off points and car parking associated with the Community Hub on Phillip Parade, aimed at improving safety
- Relocation of the bus stop to the access way in the centre of town, rather than at the rear of the proposed new West Place supermarket

A copy of the modified concept plan prepared during the design workshops on 1 and 2 September is included as Attachment Two. The consultants are currently preparing detailed designs based on this concept and using survey data as a base, and it is anticipated that these will be available for the proposed consultation phase in October and November 2008.

A major issue relating to the Churchill Town Centre plans is the resolution of land tenure issues. The focus of the planning has been the achievement of the best urban design, with consideration of equity and planning permits and other legal commitments. However, there is a complex mix of ownerships of land in the town centre. Council officers have had ongoing discussions with the owners, to gather input and encourage their support for the plans. It is proposed that land tenure matters be resolved following Council adoption of the modified Section 2 plans.

Final adoption of the plans will also enable Council to pursue additional funding opportunities to support implementation.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Council allocated \$250,000 in the 2007/08 capital budget and a further \$250,000 the 2008/09 capital budget for implementation of high priority items contained in the adopted Churchill Town Centre Plan.

The refined plan details a range of possible future projects that may require allocation of capital works funding. Consideration will need to be given to funding longer term projects listed in the plan as part of future Council budget processes.

The 2008 Churchill Town Centre Plan will provide Council with the basis to apply for additional Government capital works funding through programs such as the Department of Planning and Community Development's *Creating Better Places* program.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The following methods have been used in the refinement of the Churchill Town Centre Plan:

- A series of internal meetings with Council officers to identify key issues
- A "preferred palettes" workshop with officers from across Council on 24 July 2008, aimed at identifying preferred themes, Council experience with infrastructure such as paving, landscaping and street furniture, and constraints on the design process
- Meetings between the consultants and representatives of property owners in the Churchill Town Centre
- A community consultation meeting on 27 August 2008, held in conjunction with the Churchill and District Community Association, and attended by around 40 residents of Churchill and district
- Design workshops held on 1 and 2 September 2008, at which 27 residents worked with the consultants to implement and refine the ideas from the earlier community consultation session

In addition, the Place Manager – Churchill Town Centre Plan has met with many of the stakeholders to identify and work through the design challenges.

Details of Community/Consultation Results of Engagement:

As with any design option, there has been a diversity of views in the Churchill community about the proposals, from strong support to concern about elements of the plan. Initially, some expressed concern about the access way to the central carpark, particularly regarding the possibility that it would attract speeding drivers, and be used as a “rat run” by residents. However, most have been reassured when the detail of the design is explained, with narrow carriageways, several raised pedestrian crossings, clearly defined footpaths and a bus stop. The aim is to present the carriageway as access to the carparks, rather than a well-used through street (the new link between Balfour Place and Georgina Place will provide through access).

The work on the Churchill Town Centre Plan in 2007 generated optimism within the Churchill community that a significantly enhanced civic environment is possible. While there will always be differences of opinion on the merits of plans, this optimism has been increased as a result of the consultation and design workshops carried out in August and September 2008.

7. OPTIONS

Options available to Council include:

1. Adopt the concept design for Section 2 of the 2007 Churchill Town Centre Plan relating to “The Commercial Precinct” in principle, subject further consultation between 24 October and 24 November, and a subsequent report to Council on the outcomes of the consultation.
2. Not adopt the modified Churchill Town Centre Plan.
3. Adopt the modified 2008 Churchill Town Centre Plan without further community consultation, or with a more constrained consultation period.

8. CONCLUSION

Appointment of consultants to refine the adopted Churchill Town Centre Plan and prepare detailed designs has led to significant enhancements in the Plan. There is already considerable development occurring in Churchill, and the adoption and implementation of the modified plan will provide further certainty for future public and private sector development.

An important step in this process is the distribution of the plan to stakeholders in Churchill, seeking feedback on key elements of the plan and the details of its implementation. It is therefore proposed that a consultation period take place between 24 October and 24 November 2008.

9. RECOMMENDATION

- 1. That Council adopts in principle the concept design for Section 2 (The Commercial Precinct) of the 2007 Churchill Town Centre Plan.**
- 2. That Council authorises the Chief Executive Officer to commence negotiations with landowners in the subject area in relation to property matters required to implement the concept design.**
- 3. That consultation be undertaken on the concept design for a four week period in accordance with Council's Community Engagement Policy and Strategy.**
- 4. That a further report be presented to Council on 15 December 2008, following the community engagement.**

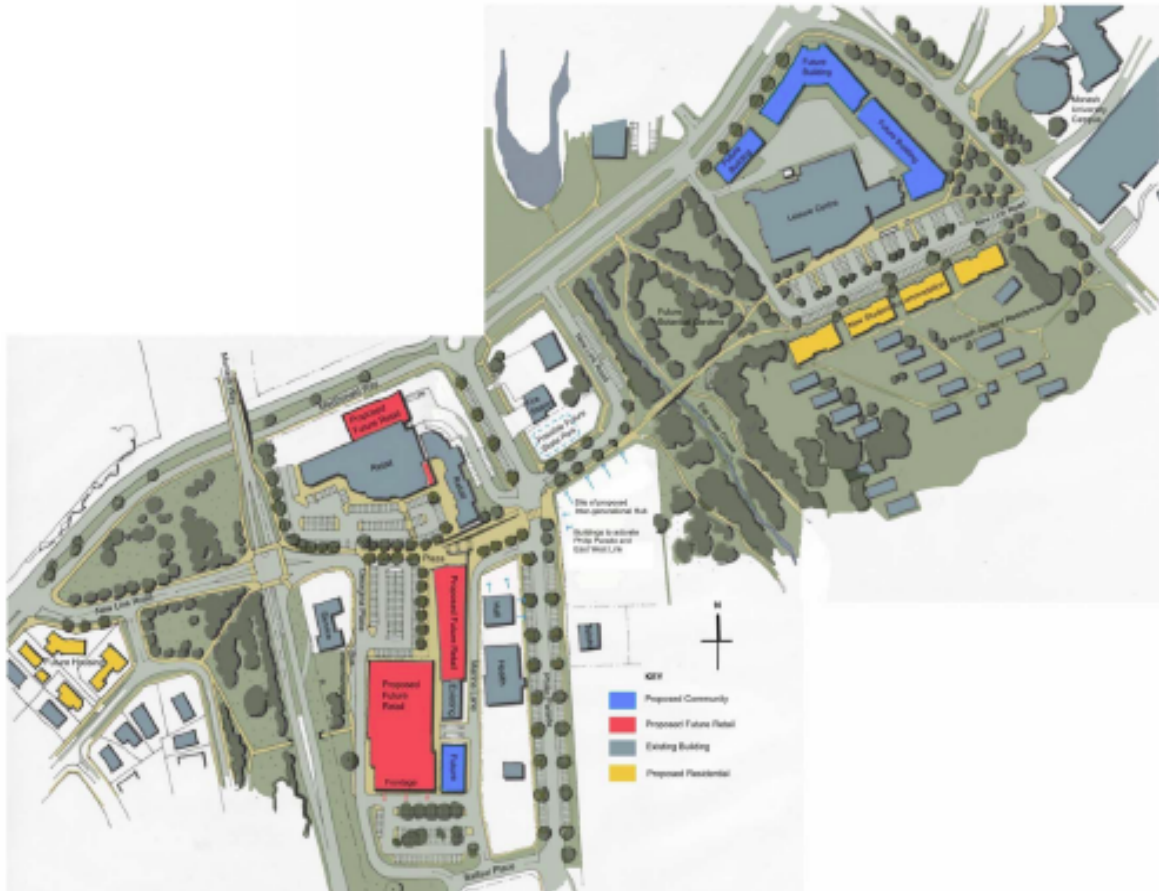
Moved: Cr White
Seconded: Cr Caulfield

That the Recommendation be adopted.

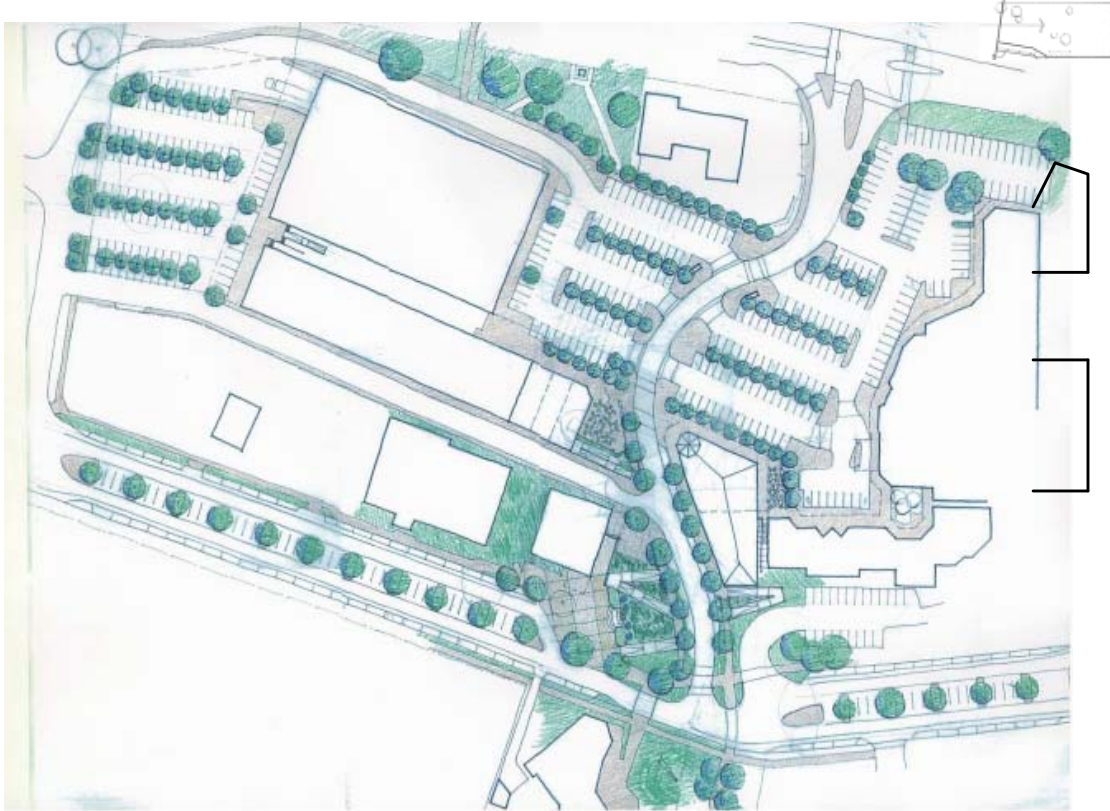
CARRIED UNANIMOUSLY

ATTACHMENTS

Attachment One: Adopted 2007 Churchill Town Centre Plan



Attachment Two: Churchill Town Centre Plan - Option for Consultation



**11.3.3 COUNCIL POLICY REVIEW - SEALING OF RURAL UNSEALED
ROADS**

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

1. PURPOSE

The purpose of this report is to present a draft revision of Council Policy GEN-MD 009 Sealing of Rural Unsealed Roads for Councillor's consideration and seek Council approval to commence a community engagement process.

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 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.

Community Outcome – Built Environment Sustainability

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

Strategic Actions – Built Environment Sustainability

Develop and implement asset management strategies for Latrobe City infrastructure.

Promote and support private and public sector investment in the maintenance of key asset infrastructure in the municipality.

Policy No. GEN-MD 009 Sealing of Rural Unsealed Roads

This is the current policy that is the subject of this report.

3. BACKGROUND

There are approximately 600km of unsealed roads, not including reserve access roads and car parks, within Latrobe City. Access and minor access roads account for approximately 348km of these roads.

A Councillor working party was formed last year to review the current policy (GEN-MD 009 Sealing of Rural Unsealed Roads). The working party considered a number of options on how the policy may be improved to achieve its stated goals of providing a systematic method of prioritising the sealing of unsealed rural access roads using a measurable and transparent assessment framework.

The working party also considered various comparisons with a number of municipalities in relation to various funding and cost apportionment scenarios.

The new draft policy is included as an attachment to this report together with a copy of the existing policy.

4. ISSUES

The principle issue in the application of this policy centres around the determination of a fair and transparent method of determining property owner contributions to the cost of sealing roads. The table below sets out a comparison matrix of the fundamental differences between the existing policy and proposed policy:

Existing policy	Proposed draft policy
Fixed maximum owner contribution \$4,834, indexed annually	Owner contribution variable based on traffic volumes and extent of through traffic and local traffic. Contribution will be based on an annual estimated cost of sealing roads.
Council contribution is based on the difference between the actual cost and the total fixed owner contribution.	Council contribution based on a flat 20% of estimated cost plus a proportional amount based on the extent of through traffic.
Excludes roads in Low Density Residential Zones, Creamery Road, Darlimurla Road, Grand Ridge Road and Delburn Road	Includes all roads in Farming Zones, Rural Living Zones and Low Density Residential Zones
Adopted assessment framework to determine standard of construction and to prioritise roads	Adopt same assessment framework

The draft policy acknowledges the fact that it is not economically feasible for Council to pay the full cost to seal all unsealed roads in the municipality. It is reasonable to expect landowners who will receive a benefit of improved road access and increased property value through a sealed road contribute to the cost of road and drainage infrastructure once, either through placing conditions to construct or upgrade infrastructure on new developments or by abutting landowners directly contributing to construct and seal unsealed roads.

The estimated cost to seal all collector, access and minor access unsealed roads within the municipality is \$60 M based on a nominal rate of \$168,000 per kilometre.

Three funding options were presented to the working party for consideration.

Option 1- Retain existing Policy

The existing policy provides for a fixed owner contribution (currently \$4,834 per property title). The balance of the cost is funded by Council. This approach was not embraced by the community and only one road has been sealed under this policy since its introduction.

Option 2- Cost Sharing arrangement based on traffic counts

The second option proposes Council to contribute a nominal 20% of the total cost plus a further contribution based on a calculation of through traffic using a given road.

A key feature of this option is the recognition of the status and actual use of a particular road as a major issue to consider when apportioning costs. For example, if there were six properties on a road with an average daily traffic count of 100 vehicles it is estimated that 60 of those vehicles would be local use and 40 would be considered to be through traffic. This would provide for a 40% council contribution in addition to the fixed nominal council contribution of 20% proposed by the draft policy. This effectively means that 40% of the cost of the sealing would be shared equally amongst the six property owners and Council would fund the remaining 60% of the cost.

Appendix "A" provides details of the formula used to calculate the cost apportionments for Council and property owner contributions.

A number of roads were modelled using the above methodology and it was found that Council's contribution to the cost vary between 20% and 87%. Therefore owners contribution varies from 13% to 80% as detailed on the attached spreadsheet titled "Unsealed Road Options". In real terms the actual costs to individual property owners varies from \$6,722 to \$28,498 in the examples provided on the spreadsheet. These figures are based on a nominal cost estimate rate of \$168,000 per kilometre. It should be noted that under this methodology if the through traffic component was 80% or greater there would be no owner contribution.

Option 3- Equal cost share arrangement

A third option was to introduce a shared cost arrangement where Council and owners would each contribute 50% of the cost. As detailed on the attached spreadsheet, the same roads as per option 1 and 2 were modelled using this option and owner contributions varied from \$4,445 to \$29,610.

It is proposed to base the above estimated owner and Council contributions on a fixed cost per kilometre which will be determined on an annual basis and approved by Council as part of the annual budget process for setting Fees and Charges. This will provide some certainty around figures that will need to be quoted to property owners at the start of the process to allow them to assess their willingness to contribute to the cost of the sealing works.

If the actual final cost of the sealing work is higher than the estimated cost it is proposed that this cost be borne by Council. If the actual final cost is less than the estimated cost, this saving will be passed on to the property owners. It must be pointed out that Council will be carrying a higher risk in the event that the initial estimate is substantially lower than the actual construction cost. It is for this reason that the fixed cost amount determined and approved by Council is a reasonable estimate and has some contingency built in.

Another aspect of the revised policy is the timing of consideration of requests for roads to be sealed. Due to the large amount of time required to fully assess any given request for a road to be sealed, it is proposed that a minimum 12 month turn around period be introduced with a "cut-off" date of 30 June be imposed each year to consider requests. This will provide sufficient time to prepare a Special Charge Scheme and a detailed design and cost estimate as well as provide Council with an opportunity to consider funding commitments in the following years Capital Works Program. Any requests received after 30 June would be considered the following year in the same manner.

In terms of transparency and fairness to the overall community it is recommended that the principles of option 2 should apply to the new policy. A draft copy of the policy incorporating the principles of option 2 is attached for Council's consideration.

It is proposed to introduce the policy to the community in accordance with the Community Engagement Policy and Strategy. This will involve advertisements in the local press, web page, written notification to township committees, media release and direct mail out to focus groups including the Victorian Farmers Federation. A four week consultation period is proposed.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Council has allocated an amount of \$250,000 in the 2008-09 capital works budget for the sealing of unsealed rural roads.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

An internal councillor working party was formed to discuss options for the revised policy and also to consider comparisons with a number of other municipalities.

Details of Community/Consultation Results of Engagement:

No community engagement has taken place at this time.

7. OPTIONS

Council has the following options to consider:

1. Release the revised draft policy incorporating the principles of option 2 detailed above for community consultation in accordance with the processes outlined in the Community Engagement Policy and Strategy.
2. Make further amendments to the proposed revised policy prior to commencing a community engagement process.
3. Release the proposed revised policy incorporating the principles of option 3 detailed above for community consultation in accordance with the processes outlined in the Community Engagement Policy and Engagement.
4. Retain the current policy.
5. Abandon the current policy and carry out sealing works at full cost to Council.

8. CONCLUSION

The existing policy was reviewed to investigate a methodology that would provide members of the community with a transparent and fair method of contributing to the cost of sealing roads.

Research across a number of municipalities showed that there is no uniform approach dealing with requests to seal rural roads.

The proposed revised policy provides a process that recognises that it is reasonable to expect that property owners should contribute to the cost of new infrastructure and sets up a methodology of apportioning costs between property owners and Council in a transparent and equitable manner.

9. RECOMMENDATION

1. **That Council agrees to release draft Council Policy GEN-BNES 009 Sealing of Rural Unsealed Roads for community comment for a period of four weeks.**
2. **That a further report to consider submissions be presented to the 15 December 2008 Council Meeting.**

Moved: Cr Lloyd

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**11.3.4 DEVELOPMENT OF SYNTHETIC PLAYING SURFACE AT
MONASH UNIVERSITY GIPPSLAND CAMPUS**

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

1. PURPOSE

The purpose of this report is to inform Council of the progress made in negotiating the proposed development of a synthetic playing surface at Monash University Gippsland Campus and to seek Council's endorsement to prepare funding applications for a State Government contribution towards the proposed development. The report also requests that Council considers a potential future budget allocation towards this project.

2. POLICY IMPLICATIONS

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

Latrobe 2021

Strategic Objective - Liveability

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

Community Outcome - Recreational Liveability

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

Strategic Action - Recreational Liveability

Assess and evaluate future recreational opportunities to address community aspirations.

Promote and maximise the utilisation of recreation, aquatic and leisure facilities and services and discourage the duplication of facilities and services and ensure they meet the needs of residents.

Develop and maintain high quality recreation facilities in partnership with the community.

Recreation and Leisure Strategy 2006

*Provide for emerging sports and activities:
Financially support the proposed Regional Synthetic Hockey
Facility Feasibility Study.*

Gippsland Hockey Facilities Strategic Plan

*Recommended Monash University Gippsland Campus as the
preferred site for the development of a synthetic surface within
Latrobe City.*

3. BACKGROUND

The Gippsland hockey community have for a number of years advocated the need to develop a synthetic surface in Gippsland. The Gippsland Hockey Facilities Strategic Plan 2007 was developed in collaboration with other Gippsland municipalities and reviewed hockey participation in Gippsland. It also assessed the need for synthetic facilities and identified potential locations for synthetic facilities to be developed. The plan identified that Monash University Gippsland Campus as the preferred location for a synthetic surface given the existing infrastructure already in place (please see attached page 14 of the Gippsland Hockey Facilities Strategic Plan). Latrobe City Council adopted the Gippsland Hockey Facilities Strategic Plan 2007 at the Ordinary Council Meeting held 17 December 2007 through the following resolutions:

- 1. That Council adopts the Gippsland Hockey Facilities Strategic Plan.*
- 2. That further discussions be held with the hockey community and Monash University to determine operational, maintenance and management responsibilities of the proposed facility.*
- 3. That Council investigates opportunities for securing external funding to facilitate the initial development of a synthetic hockey facility at Monash University Churchill.*

In response to a submission when considering the 2008/09 Budget on 16 June 2008, Latrobe City Council further resolved:

That officers continue to liaise with Latrobe Valley Hockey regarding the potential development of a synthetic hockey facility at Monash University, Churchill and that a further report be presented to Council once location and funding options have been further progressed, preferably in time for the 2008/09 mid year budget review.

A proposal requesting Monash University consider the conversion of the existing field at the Churchill campus to a synthetic field was prepared by Latrobe City Council. The proposal outlined all issues for consideration in the development of shared use facility including initial capital funding costs, usage, ongoing maintenance and future developments.

It should be noted that although hockey will be the predominant user of the new facility, the surface identified for installation will be suitable for other uses, in particular soccer.

Cost estimates obtained on the works required for the conversion of the existing surface (currently used for soccer) to a synthetic surface indicate a total project cost of \$600,000.

4. ISSUES

After consideration of the proposal to develop a synthetic surface at the Monash Gippsland Campus, Monash University has advised it is prepared to provide in principle support to the development proposal. The attached letter outlines Monash University's requirements in the development of the proposed synthetic surface.

Discussions with University and hockey representatives have established key requirements for consideration in the operation and maintenance of the proposed facility. While these considerations will require further discussions and confirmation, the project proposal is supported by all key stakeholders. The project proposal is therefore ready to move into the next phase of implementation, attracting the funding required to commence works on the project.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Cost estimates obtained on the works required for the conversion of the existing surface to a synthetic surface indicate a total project cost of \$600,000.

Major costs involved in the conversion of the surface are \$500,000 for preparation, base pad and surface installation and \$100,000 for fencing of the field surrounds and other incidentals.

Opportunities exist to obtain funding on a 1:1 basis from the State Government towards the development of synthetic surfaces. If successful in obtaining this funding Latrobe City Council would need to allocate \$300,000 towards the project in a future budget process.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

One on one meetings and public meeting

Details of Community/Consultation Results of Engagement:

Meetings have been held with Monash University, existing users and hockey representatives regarding the proposed development. A number of Councillors have also been involved in these discussions. The parties have indicated a level of comfort with the proposed development and support intentions to secure the funding to commence the project.

7. **OPTIONS**

There are a number of options available including;

1. Council seek funding from the state government towards the development of a synthetic surface with a matching contribution to be allocated in future Council budget processes,
2. Council allocates entire project budget in future Council budget processes,
3. Council decides not to pursue funding or allocate funding towards the development of a synthetic surface at Monash University Churchill.

8. **CONCLUSION**

The Gippsland Hockey Facilities Strategic Plan provided direction on the development of synthetic surface in Gippsland and was developed through significant consultation with hockey representatives.

Further investigation and discussions, regarding the implementation of the recommendations of the plan; have progressed to having in principle agreement to develop a synthetic facility at Monash University Churchill.

9. RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to apply for funds from the State Government through the Department of Planning and Community Development towards the development of a synthetic pitch at Monash University Gippsland Campus.**
- 2. That, subject to funding being obtained from the State Government, Council allocates matching funding during future budget processes to allow for the development of synthetic pitch at Monash University Gippsland Campus.**

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

MONASH University



9 October 2008

Mr. Paul Buckley
Chief Executive officer
Latrobe City Council
P.O. Box 264
MORWELL, 3840

Dear Paul,

**Proposal for a Synthetic Hockey Facility
at Monash University Gippsland Campus**

Thank you for your request seeking the support of Monash University to convert the existing soccer field at the Gippsland Campus to a synthetic hockey field. It is understood that, in return for community access to the field, Latrobe City Council in partnership with the Victorian Government will fund the upgrading of the existing playing surface.

Monash University endorses this request and supports the Latrobe City Council's application to the Victorian Government for funding for this proposal.

Monash University's support for converting the turf playing field to a synthetic one is predicated on the following conditions:

1. **Stage 1 CAPITAL FUNDING**
 - a. That Monash's contribution to the Proposal's initial capital funding would be the use of the land for the proposed licence period – the term of which would be linked to the projected surface life – approximately 15 years.
 - b. That Latrobe City Council and the State Government, plus potential other funding partners such as the Hockey Clubs, would be the main contributors of the Capital required to convert the facility from a turf pitch to a synthetic one.
 - c. This conversion should be regarded as Stage 1; in the mid to long term a purpose built change facilities, clubroom and pavilion is likely to be required.
2. **GOVERNANCE and OPERATIONAL MANAGEMENT MODEL.**
 - a. Monash proposes that the successful Peninsula Hockey centre model is adopted. This model outlines that the land is owned by Monash University and is managed on behalf of the University by Monash Sport.
 - b. The facility's operations will be self funding, and a development fund will be established to finance the replacement of the playing surface.
 - c. A Joint Advisory Committee of key stakeholders would be formed to advise the University on key issues such as, but not limited to:
 - i. Annual Budget

Office of the Pro Vice-Chancellor
Northways Road, Churchill, Melbourne, VIC 3842, Australia
Building 1W, Gippsland Campus
Telephone +61 3 9902 6421 Facsimile +61 3 9902 6203
Email alan.scarlett@adm.monash.edu.au
www.monash.edu.au
ABN 12 377 614 012 CRICOS provider number 00008C

- ii. Facility performance, Bookings and Management agreements
- iii. Minor Capital and Recurrent maintenance
- iv. Fees & Charges schedules

3. FACILITY DESIGN and USAGE.

- a. **SYNTHETIC SURFACE.** Whilst noting that the primary sport to be played on the converted surface is Hockey, the University will require that the surface should be able to accommodate other sports such as Soccer. To that end the surface chosen should not just be Federation International Hockey (FIH) approved but also FIFA approved for training level purposes.
- b. **FENCING.** In addition to the current 1.2m boundary fencing the University would require the facility to be fenced with a high, retractable, soft fencing system. This is a mandatory condition as the University considers that a high fixed fence will significantly detract from visual appearance of the Campus at its main entrance.
- c. **LIGHTING.** In order that the University continues to reduce its energy use and carbon emissions footprint, the University would require the lighting system to operate at three levels to suit activities, these being social, training and competition level.
- d. **USAGE.** Whilst the facility would be Hockey focussed, the University would require access for its Campus community and other community users for a range of social, training and competitive activity. Programming of access will be developed in consultation with the Joint Advisory Committee
- e. **CAMPUS MASTER PLAN.** The conversion to a synthetic surface and the design of other developments associated with the ground such as change facilities room, clubroom and pavilion will be subject to University approval and consistent with the University's master plan for the Gippsland Campus.

We welcome detailed discussion on the above conditions once the funding application is successful.

This Proposal will reverse the current unsatisfactory situation of Gippsland hockey players having to travel to Melbourne, in order to play a higher standard of hockey, simply because this region does not have the modern facilities. Monash University already has extensive associations with the hockey fraternity at both its Clayton and Peninsula campuses and believes this development, in attracting higher standard of competition hockey to the region, will benefit the sport, the local community and the University.

Yours sincerely



for

Professor Helen Bartlett

Office of the Pro Vice-Chancellor
Northways Road, Churchill, Melbourne, VIC 3842, Australia
Building 1W, Gippsland Campus
Telephone +61 3 9902 6421 Facsimile +61 3 9902 6203
Email alan.scarlett@adm.monash.edu.au
www.monash.edu.au
ABN 12 377 614 012 CRICOS provider number 00008C



GIPPSLAND HOCKEY FACILITIES STRATEGIC PLAN



final report

November 2007

Prepared by ASR Research

7/321 Chapel St

Prahran VIC 3181

p. 9510 4440

f. 9510 4418

e. afernon@asrresearch.com.au



Gippsland Hockey Facilities Strategic Plan



Acknowledgements

The Gippsland Hockey Facilities Strategic Plan has been a collaborative effort of the partner organisations. The enthusiasm and efforts of the Project Steering Group and the Gippsland hockey community in considering a strategic partnership approach to the provision of hockey facilities across the region is acknowledged and thanked:

Project Steering Group:

Baw Baw Shire, Cr Adam Tyson & Ms Kerry Irwin

Latrobe City Council, Cr David Wilson & Mr Ian Murphy

South Gippsland Shire, Mr Lew Wilson

Department of Planning and Community Development, Mr Richard Clough

Gippsport, Ms Dawn Martin

Hockey Victoria, Mr Adam Wallish

Latrobe Valley Women's Hockey Association, Ms Linda Reid

Baw Baw Hockey Club, Mr Chris Senini

The Plan could not have been completed without the contributions of the hockey clubs and associations (in addition to the above; West Gippsland Hockey Association, Latrobe Valley Junior Hockey Association and East Gippsland Hockey Association). For their interest and involvement, these stakeholders are also thanked.

The Gippsland Hockey Facilities Strategic Plan is an initiative that has been supported through Sport and Recreation Victoria's Community Facility Funding Program.

Gippsland Hockey Facilities Strategic Plan



TABLE OF CONTENTS

INTRODUCTION	i
AIMS OF STRATEGIC PLAN	i
METHODOLOGY	i
KEY FINDINGS	ii
HOCKEY PARTICIPATION & COMPETITIONS IN GIPPSLAND	ii
STAKEHOLDER COMMENTS ABOUT FACILITY PROVISION	iv
EXISTING HOCKEY FACILITIES	vi
POTENTIAL SITES APPROPRIATE FOR HOCKEY FACILITY DEVELOPMENT	viii
SYNTHETIC SURFACE TYPES & CONSTRUCTION	ix
KEY DIRECTIONS FOR FUTURE HOCKEY FACILITY PROVISION IN GIPPSLAND	xi
KEY DIRECTIONS	xi
FACILITY MODEL	xii
HOCKEY FACILITY PLAN	xiii



EXECUTIVE SUMMARY

Introduction

This document provides a summary of the information presented in the Draft Strategic Plan. It attempts to summarise the key findings and recommendations of the draft plan relating directly to facility provision. For the purpose of brevity, findings relating to demographic change in Gippsland and the structure of hockey at the national and state level have not been included in the executive summary.

Aims of Strategic Plan

The Gippsland Hockey Facilities Strategic Plan aims to achieve the following:

- Quantification of current participation in and future demand for hockey in the Gippsland Region.
- Assessment of the facilities currently provided for hockey across the region.
- Investigation of facility provision and utilisation trends in hockey, including specific requirements for synthetic pitches.
- Establishment and description of a facility hierarchy for hockey.
- Investigation of the costs and attributes of the different synthetic surface type for hockey;
- Appreciation of the cost for the provision of synthetic facilities.
- Consideration of appropriate sites for the development of additional hockey facilities in the Baw Baw, Latrobe and South Gippsland Shires; and,
- A recommended model of facility provision for hockey facilities in the Gippsland region that particularly considers the needs of the Baw Baw, Latrobe and South Gippsland Shires.

Methodology

A research process was designed specifically to achieve these outcomes in a way that engaged with the hockey community. This involved:

- A review of strategic plans and policies relevant to hockey (eg. master plans, recreation plans, open space strategies).
- An analysis of the population characteristics of the community in each municipality, including future population trends, and anticipated implications for hockey participation and facility provision.
- A review of hockey participation rates in Victoria.



- A review of current hockey facilities and investigation of potential sites for the development of new hockey facilities.
- Exploration of regional hockey facility developments that include synthetic surfaces, including facility mix, utilisation, management models and financial management.
- Investigation of synthetic hockey surface types, including consideration of application to other sports.
- Consultation with key stakeholders across the six Council areas in the Region which included the following:
 - A survey with residents on participation and interest in hockey, and sport broadly – 135 residents responded to the survey,
 - Interviews with key hockey organisations, namely the State peak body and associations in Gippsland,
 - A survey of hockey clubs within each municipality which investigated participation trends, facility constraints and interest in a synthetic surface; twelve of seventeen clubs responded to this survey, including all associated with the West Gippsland Hockey Association, Latrobe Valley Junior Hockey Association and Latrobe Valley Women's Hockey Association, and two clubs associated with the East Gippsland Hockey Association and the Baw Baw Hockey Club;
 - Two forums to explore hockey facility needs across Gippsland to establish a Model of Provision, to which representatives from all hockey clubs were invited;
 - Interviews with key recreation staff from each municipality with responsibility for planning for sport.
- Preparation of draft report, revision of draft report and preparation of final report.

Key Findings

Hockey Participation & Competitions in Gippsland

- Hockey participation opportunities in Gippsland are provided by four Associations and the Baw Baw Hockey Club.
- Every major regional centre in Victoria has a synthetic facility, except Gippsland.
- West Gippsland Hockey Association (WGHA) operates within the Baw Baw Shire area, with competition centralised at Bellbird Park, Drouin. The WGHA administers a local competition through the winter season across juniors', men's and women's grades. Perceptions within the hockey community are that the Association is well organised and professionally run.



- Latrobe Valley Women’s Hockey Association and Latrobe Valley Junior Hockey Association are based in the Latrobe Valley and combined, run women’s and juniors’ domestic competitions. There are clubs that are affiliated with both Associations which provide a pathway through junior to senior competition, but mainly only for females. There is currently no men’s hockey competition administered by either Association. The two Associations are presently considering amalgamation.
- East Gippsland Hockey Association administers a domestic competition for juniors and senior men and women. The competition is based on a ‘home and away’ structure which is considered to suit the geographic spread of the sub-region in which the Association operates (the municipalities of Wellington and East Gippsland).
- Baw Baw Hockey Club is the only Gippsland based club that plays in the Melbourne metropolitan competition (a synthetic based competition). This Club caters for players across all age levels that wish to play on synthetic surfaces and compete in a higher standard competition. The Club established from demand by players to access a higher standard competition and play on better quality facilities, and has grown to now include players of all ages across senior and junior male and female teams. A semi-competitive summer competition is also run by the Club which is available to new players as well as members of the WGHA and Latrobe associations.

The Club works closely with the WGHA across all areas of competition, participation and facility development in the Baw Baw Shire. It also has strong working relationships with the EGHA and Latrobe Associations to ensure that development pathways are available to all Gippsland players. Each Association assists in the promotion of the Summer hockey and other events organised by the BBHC.

Approximately 40% of BBHC players also participate in the Latrobe competitions, and 40% in the WGHA competition; the remaining 20% of players only play in the metropolitan competition with BBHC.

- Player numbers for the West Gippsland and Latrobe competitions are as follows:

Clubs	Winter 2007	Winter 2004	Summer 2006/07	Summer 2004/05
Drouids	103	85	-	-
Warriors	83	100	-	-
Aztecs	82	85	52	83
Gulls	97	85	-	-
Total WGHA	365	355	52	83
Baw Baw	106	118	224	175
Total BBHC	106	118	224	175

Gippsland Hockey Facilities Strategic Plan



Clubs	Winter 2007	Winter 2004	Summer 2006/07	Summer 2004/05
Moe	30	56	20	-
Traralgon	101	46	9	-
Rovers	27	Not provided	-	-
Churchill	68	92	16	23
Yallourn*	15	30	-	-
Total Latrobe Associations	241	224 (plus Rovers)	45	23

- o The data indicates that:
 - Overall, participation in the Associations covering the Baw Baw Shire and Latrobe City (excluding the Baw Baw Hockey Club) has increased by almost 5% from 2004 to 2007 (based on winter season playing memberships).
 - Participation in the BBHC indicates a decline in participation from 2004 to 2007 winter seasons, by some 10%;
 - Players affiliated with the WGHA represent approximately 60% of this playing base;
 - Approximately 45% of all hockey players in the WGHA and Latrobe associations play summer hockey in 2006/07 - this represents an increase from a proportion of 40% in 2004/05;
 - Overall, participation in summer hockey competitions has increased by around 14%. The BBHC indicates the strongest participation in summer – this would be attributed to the summer competition run by the club which includes players from other clubs in Gippsland;
 - No players of indoor hockey were nominated in summer 2004/05 by any club.

Stakeholder Comments About Facility Provision

(Stakeholders included associations, clubs, interested residents, Hockey Victoria and relevant council staff)

- o The clubs and associations indicated that the current hockey facilities in Gippsland were substandard. Some clubs were particularly concerned about the condition of their playing surfaces.
- o The clubs, associations and Hockey Victoria strongly supported the provision of synthetic hockey fields. The clubs asked that their existing natural grass fields be improved pending the construction of the synthetic venues.



- In determining the location/s for the synthetic field venue/s, the Princes Highway was considered to be an accessible 'spine' through Gippsland to which most municipalities have good access. It was considered that synthetic surface facilities should ideally be located approximately one hour's drive apart in order to be reasonably spread and accessible to Gippsland residents, and that no facilities would be required east of Orbost.
- A shared funding model for the capital cost of a hockey facility development (between clubs / associations / local and state government) is considered necessary, and the hockey community accepts some responsibility for contributing to this.
- Clubs indicated that lower age junior players would not travel medium to long distances to access regional venues, but they may be prepared to travel to such venues for tournaments, championships etc.
- Some associations see the need for synthetic fields to ensure their survival – to bring players back to playing locally instead of travelling outside of Gippsland to access the standard of facilities they want to play on (synthetic).
- The provision of a synthetic surface will facilitate a stronger participation pathway for players, encourage junior players to play for longer, encourage past hockey players to take-up the sport again and bring players currently joining metropolitan based clubs back to Gippsland.
- Stakeholders described hockey played on grass surfaces as 'bush' hockey. Hockey played in synthetic grass was described as 'modern' hockey, characterised by a fast game which requires more control and refined movement of the ball. As Gippsland players only have the opportunity to play on natural grass they are not practiced in playing the modern form of the game which limits their skill development and competitive performance.
- It was considered likely that there would be interest from other groups to use a synthetic surface (eg. soccer clubs, schools), particularly where the use of natural grass outdoor fields has been limited due to drought.
- A combination of funding bodies were nominated through the club survey for funding the development of a synthetic surface pitch; including clubs, associations, Hockey Victoria, local government and other levels of government. Of note is the recognition by a number of clubs of the need for the hockey community to contribute financially to a synthetic surface.
- The range of uses for a synthetic facility nominated by clubs varied and included local competition, training, State League competition (metropolitan competition), social competition, summer hockey, pre-winter carnival, Gippsland Champions Trophy, Under 9 Carnival, development programs, special development clinics and regional tournaments;



- There was considered to be sufficient demand in Gippsland for at least two synthetic hockey pitches. Stakeholders nominated different locations for these, to be spread across the concentrated playing areas of Baw Baw and Latrobe. The need for a further synthetic pitch more towards east Gippsland in the future was highlighted. Generally one hour drive was considered to be a reasonable distance for people to travel to access a synthetic pitch;
- To maximise use, synthetic pitches should be lined marked for multiple sports and used for all types of hockey activity as well as other sports.
- The priority location for a first synthetic pitch in Gippsland could not be agreed between all stakeholders; some strongly felt that Baw Baw should be a priority location (this would encourage the metropolitan competition to have a presence in Gippsland; it would also enable the skill level of players to be developed in Gippsland, but players east of Latrobe would most likely find the distance too far to travel). Others equally strongly felt that Latrobe should be a priority location (this would enable the strength of players and standard of competition to be built up in Gippsland).

There is a culture of travelling long distances to scheduled competition matches for the highest level of the metropolitan competition (State League) as a result of the spread of teams across the State. At present only State League (senior men's and women's) matches are scheduled across Victoria, with teams from Melbourne currently travelling to venues in Geelong, Ballarat, Bendigo and Albury (amongst others); some of which are greater distances from Melbourne than the Latrobe Valley. Junior matches are almost exclusively scheduled within metropolitan Melbourne, unless individual clubs agree to a different venue that is endorsed by Hockey Victoria. This current arrangement is not likely to change for the foreseeable short term.

- A number of different management structures were discussed by stakeholders. These generally focussed on one party having management responsibility under an advisory committee type structure. It was considered important for the major stakeholders and the hockey community to have a say in the management of a synthetic pitch facility in some form.
- Similar to the funding for construction of a synthetic pitch, opinion was that the cost of surface replacement should also be shared by stakeholders (clubs, other sports, council, associations) and that the hockey community has some responsibility for this. As this is a significant element of a synthetic facility development, it was felt that the responsibilities and expectations for surface replacement should be defined and agreed at the time of construction of the facility.

Existing Hockey Facilities

The following facilities are provided across the Gippsland councils (except the Shires of South Gippsland and Bass Coast which do not currently provide hockey facilities) from which the clubs are based and associations operate:



- **Bellbird Park, Drouin** – the West Gippsland Hockey Association conducts all competition from this venue. The venue includes four grass pitches with a basic pavilion. All users of Bellbird Park (Drouids, Warriors, Aztecs and Gulls hockey clubs) indicated that the grounds were not meeting their needs.
- Two clubs nominated they use **St.Pauls Anglican Grammar, Warragul** (Baw Baw and Aztecs hockey clubs). This venue includes a synthetic grass multi-purpose area the size of four tennis courts, and is used by clubs from the WGHA and Latrobe associations for training. The summer competition organised by the Baw Baw Hockey Club is also held at this venue. The Under 18 Women’s representative team comprising of WGHA and LVWHA players also uses this facility as a training venue.
- The **Berwick Secondary College, Berwick** hockey facility is the home of the Baw Baw Hockey Club. This venue includes a synthetic grass pitch and associate pavilion. Due to the growth in the Casey Hockey Club, BBHC junior home games are not played at this venue; however the majority of the senior home games continue to be played at this venue.
- Tennis courts in Warragul are used by the Gulls Hockey Club.
- The LVJHA competition (Moe, Churchill and Traralgon hockey clubs) is based solely at **Maryvale Reserve, Morwell**. Further, the Reserve is the training venue of the Churchill and Traralgon hockey clubs. This venue includes one full size pitch plus three other pitches which are shared with cricket.
- The Churchill Hockey Club is the only club nominated to use the **Gaskin Park, Churchill** hockey facility. This venue includes one pitch and a shared pavilion. Due to the poor standard of the playing surface, this venue has not been able to be used by the club over recent seasons, therefore the ground does not meet the needs of the Club (requires resurfacing).
- The LVWHA (Moe, Yallourn, Churchill, Traralgon and Rovers hockey clubs) bases part of its competition at is played at **Agnes Brereton Park, Traralgon** which includes two full size pitches. There are no club rooms or shelters for the clubs to use at the Reserve. Agnes Brereton Park is also the training venue for the Traralgon and Rovers hockey clubs. The playing fields cannot be used when the Traralgon Creek floods.
- The Maffra Hockey Club is the only club that uses the **Cameron Sporting Complex, Maffra**. This venue is an open space area with no formal hockey facilities.
- The **Joe Tabutaue Complex, Moe** (Moe Race Track) is the second competition venue used by the LVWHA (Moe, Yallourn, Churchill, Traralgon and Rovers hockey clubs). The Reserve is also the home training venue of the Moe Hockey Club. The venue includes two pitches and a pavilion. Use of the facilities for competition is restricted to times outside of horse racing and training.



- The Yallourn Hockey Club trains at the **Monash Soccer Club** facilities in Newborough.
- The Wurruk Hockey Club is the only club using the facilities at **Wurruk Recreation Reserve, Wurruk**. This venue includes one pitch with club rooms.

Clubs were asked to nominate the degree to which these facilities were meeting their needs. Few facilities were rated as meeting club needs, with improvements nominated for most. Overall, the major improvements nominated for facilities by clubs across the region were for the installation of a synthetic playing surface, appropriate maintenance of grass length, drainage of natural grass pitches, and the provision of pavilions that include not only toilets, storage and change rooms, but all-weather accommodation for spectators and multi-purpose spaces to enable social functions and meetings to be held.

Potential Sites Appropriate for Hockey Facility Development

- In addition to the existing facilities used for hockey, the following sites were identified as further potential locations for synthetic hockey venues:
 - **Trafalgar Recreation Precinct** – this is a new development where the Baw Baw Shire Council has purchased land to add to the Trafalgar Recreation Reserve. This Reserve is currently being master planned, with plans to cater for a number of sports, but the potential to consider catering for additional activities.
 - **Downton Park, Yarragon** – this site in the Baw Baw Shire is currently underdeveloped, but is earmarked for development as a recreation precinct to cater for the sport and recreational needs of the Yarragon community. It is considered unlikely that there will be sufficient scope to consider provision of hockey facilities.
 - **Darnum** – this Crown land site in the Baw Baw Shire is of a sufficient size and may present the opportunity for development of a hockey facility.
 - **Korumburra Recreation Reserve** – this reserve located in the South Gippsland Shire is currently only used for cricket in summer. Council is considering developing rectangular fields at this reserve to cater for soccer which may present a shared use opportunity for hockey.
 - **Glenview Park, Traralgon** – the Traralgon Outdoor Recreation Plan recommends this Reserve as a potential venue for the development of hockey facilities.
 - **Monash University, Gippsland Campus, Churchill** - There is an existing high quality natural turf soccer pitch at the Campus, complete with competition lighting, perimeter fencing and amenities. The field is reported to not be heavily used as present.



Monash Sport, the business arm of Monash University that manages the University's sports facilities and programming of these, has indicated that the University is keen to increase use of the field through encouraging use by the local community for a range of purposes. There are currently plans to relocate the amenities building closer to the Council owned leisure centre to provide a better link to the field. Consideration is also being given to conversion of the sports field surface to synthetic. As such, the prospect of adapting the soccer pitch to hockey via an appropriate surface is a real possibility at the Gippsland Campus site.

There is scope at the site for additional facilities to be established (in the event that a municipal level development is considered appropriate). Monash Sport indicated a willingness to explore a partnership with local government for the development of a hockey venue. Further, hockey is a target sport for Monash Uni – with a number of hockey pitches spread across University Campuses. A number of elite players have been students at Monash Uni and participated in University based hockey programs.

- **St.Paul's Anglican Grammar, Warragul & Traralgon Campuses** – In addition to the Campus at Warragul which includes the undersized multi purpose synthetic, St.Paul's Anglican Grammar has a second Campus located in Traralgon; a junior school has operated from this venue for the past four years and there is also a kindergarten on site – a secondary school is currently being constructed to open in 2008.

The school is interested in pursuing a partnership for the development of sports facilities at either campus; both sites would have sufficient land for up to a regional scale development.

- **Maryvale Reserve, Morwell** – Whilst part of this Reserve includes one specialist hockey pitch, there is a large expanse of land that is used for other sporting purposes (including a disused rugby pitch and two cricket ovals), of which a further three hockey pitches are shared with cricket. This provides the opportunity for potential expansion for hockey and would allow for the conversion of a playing area to synthetic. However, the shared nature of some of the playing fields with other sports would only ever mean limited utilisation, thus impacting on the appeal of the venue for development as a regional hockey complex.

Synthetic Surface Types & Construction

- There are essentially three types of synthetic grass surfaces for hockey pitches – wet, hybrid and sand filled. It is suggested that the hybrid field be chosen as the preferred playing surface for hockey facilities in Gippsland. It is FIH approved for regional and state standard competitions and is cheaper to construct than the wet field but has similar playing characteristics, therefore offering a high standard playing surface than the sand surface. It is more costly to replace than the wet and sand filled surfaces but is more durable (15 year life compared to 10 years for the



other surfaces) and therefore is less costly than these surfaces over the long term. Its major advantage over the wet field is that it does not require watering. A wet field should not be considered on the basis that it requires high levels of water consumption, and there is an alternative similar product that does not require water.

- The estimated costs of constructing a single hockey field with pavilion, car park and lights for the different surface types are provided below. The figures indicate the following:
 - The total cost of construction of a synthetic field with lights, fencing and drainage would be in the order of \$770,000 - \$920,000. If a pavilion and car park were required, the total cost could easily escalate to around \$2.5-\$3M.
 - A wet field is the most costly to build. The higher cost can be attributed to the need to lay an asphalt seal and install an irrigation system.
 - The hybrid field is the most costly to replace - \$220,000 compared to \$180,000 for wet and \$150,000 for sand filled. However, as previously mentioned, the hybrid field is more durable than the other surfaces.
 - Analysis of costs for replacement of the synthetic surface carpet only (ie. annual savings required to replace the carpet at the end of the expected life) suggest that, whilst the hybrid surface is the most costly carpet to install, it is the most cost effective over its life span due to its longevity.

Works item	Wet \$	Hybrid (wet dressed) \$	Sand \$
Design and documentation	8,000	8,000	8,000
Testing (Geotech survey etc)	6,000	6,000	6,000
Site preparation and base construction	205,000	205,000	205,000
Drainage	45,000	45,000	45,000
Base seal	72,500	-	-
Surface	-	-	-
- Shock pad	105,000	105,000	105,000
- Surface	180,000	220,000	150,000
- Irrigation system	75,000	-	-
- Sand	-	10,000	33,350
Fencing	45,000	45,000	45,000
Lighting (includes power connection)	175,000	175,000	175,000
Goals/shelters	4,000	4,000	4,000
Subtotal	920,500	823,000	776,350

Gippsland Hockey Facilities Strategic Plan



Works item	Wet \$	Hybrid (wet dressed) \$	Sand \$
Paths	13,000	13,000	13,000
Car parking (80cars, sealed)	240,000	240,000	240,000
Landscaping	40,000	40,000	4,0000
Pavilion (600sqms)	1,600,000	1,600,000	1,600,000
Total	2,813,500	2,716,000	2,669,350
Life Expectancy (approximate)	8 years	15 years	10 years
Total Capital Cost per annum	351,688	181,067	266,935

Key Directions for Future Hockey Facility Provision in Gippsland

Key Directions

- Two synthetic pitches should be provided in the Baw Baw, Latrobe and South Gippsland sub-region in the short term. This will be sufficient to support existing participation and facilitate growth (through the anticipated return of players that currently play elsewhere to the Gippsland area and enticing new players at high quality facilities) whilst not being financially irresponsible.
- The fields should be provided at separate venues which are geographically accessible across the sub-region and conveniently located to the bulk of players.
- A third venue would be required in Gippsland in the longer term to support the local competition and growth of the sport. This should be located in the East Gippsland sub-region, in the vicinity of Bairnsdale.
- Priority should be given to building up the skills of players and standard of competition within Gippsland above bringing the metropolitan competition to Gippsland (although this is a desirable outcome, the higher priority is to strengthen the standard of competition and therefore competitiveness of Gippsland players).
- The provision of regional facilities in Baw Baw and Latrobe will reduce the need for local facilities – this is due to the centralised nature of the competitions of the associations in these areas, the need to maximise use of the facilities at a regional venue and the relatively close proximity of clubs to the proposed regional venues (i.e. that the competition and training needs of all clubs can be accommodated at the regional venue in each of Baw Baw and Latrobe).



- There is likely to continue to be a need for local facility provision in Wellington and East Gippsland due to the geographic size of the municipalities and the distance between townships / facilities, as well as the de-centralised nature of the East Gippsland Hockey Association competition (also a result of the geographic size of the sub-region).

Facility Model

- The recommended component elements of the proposed Baw Baw and Latrobe City Council hockey venues are as follows:
 - 1 full size synthetic pitch with competition lighting, to be fenced with perimeter fencing – allow 6,100m²;
 - Securing fencing around synthetic pitch to protect from vandalism ;
 - Coaches boxes – at least on main competition pitch;
 - 2 full size grass pitches – to be maintained to required standard – with potential for future conversion to synthetic should demand be sufficient – allow 12,200 m²;
(this may be staged, ie. one pitch at a time, to ensure maximum use is achieved without over development)
 - Car parking (approx 100 cars), with overflow for events (approximately 100 cars) – allow 3,000 m²;
 - Spectator facilities (to cater for approx 200) – this may be a mix of indoor viewing in pavilion, terrace, bench seating – allow 200 m²;
 - Pavilion with change rooms (4), social room / meeting space (to cater for 100-200 people), first aid, official’s room, storage – allow 550 m²;
 - Synthetic warm-up area (half court size away from spectators) – allow 3,050 m²;
 - Circulation (approximately 50% of developable area per the specifications above) – allow 12,550 m².
- The footprint for the venue would be approximately 3.75ha. A smaller area 3.5-4.5ha should be considered for planning purposes to allow for some variances in site conditions (eg. topography, floodways, tree protection etc). A smaller area may be required if the facility is provided at a site where it would be more acceptable for facilities to be tightly configured, eg. in a school or university setting.



Hockey Facility Plan

The following factors were considered in choosing the preferred sites and in framing the facility plan:

Geographic Considerations:	Central location to player concentration Easily accessible by transport Availability of sufficiently sized and appropriate land Surrounding land uses compatible and not likely to create conflicting uses Potential for expansion
Managerial considerations:	Demonstrated capacity to be organised, operate a financially viable operation Cohesive and coordinated organisation Availability of shared (partner) funding opportunities Existing management opportunities
Participation Considerations:	Depth of competition and playing opportunities provided by stakeholders Demonstrated capacity to provide participation pathways and provide player development opportunities Demonstrated capability to conduct participation programs and events
Infrastructure Considerations:	Existing infrastructure that can contribute to a facility development

- Four sites were deemed suitable for assessment. These were:
 - **Bellbird Park, Drouin** - the site includes four full sized hockey pitches and a basic club room, is located in a large recreation reserve that has residents nearby but not immediately abutting providing some existing infrastructure in a sufficiently sized area. The facilities are used by the West Gippsland Hockey Association and Baw Baw Hockey Club which have demonstrated strong capacity to conduct a well organised, professionally run competition that provides a number of program and player development opportunities, and is supported by an elite player pathway with the Baw Baw Hockey Club playing in the metropolitan competition. The site is well located, although it is recognised that Drouin is located to the far west of Gippsland. These factors all strongly support the establishment of a regional hockey facility at this location
 - **Monash University, Churchill** – there is a high quality soccer pitch at the site with amenities that are to be improved and more conveniently located in the near future. There is the potential for additional land to be allocated for the development of a regional hockey development, with the added advantage of an additional potential funding partner through the University. The site is easy to access off the Highway. The site is not currently used for hockey competition. Monash Sport is located on site and has facility management



- expertise, with the experience of other regional hockey facility developments developed in partnership with local government.
- **St.Paul's Anglican Grammar, Warragul** – the site currently includes a multi-purpose synthetic sports surface that is undersized for hockey and used by hockey clubs for training and the conduct of the Summer competition in Baw Baw. The school is interested in a partnership with Council for the development of additional hockey facilities, but would be seeking to contribute land only. The site is located within a large area that is used for a number of other recreational purposes and has the added advantage of some existing infrastructure (eg. car parking).
 - **St.Paul's Anglican Grammar, Traralgon** – there is sufficient land at the Traralgon Campus, a Greenfield site in relation to the development of sports facilities. The school is interested in a partnership with Council for the development of additional hockey facilities, but would be seeking to contribute land only. Traralgon is well located in the context of Gippsland and it is considered that a facility in Traralgon would provide well for residents in outlying areas.
 - Given the above analysis of facility development opportunities for the Baw Baw and Latrobe municipal areas, the direction for future hockey facility provision in Gippsland is for the provision of three regional level facilities according to the following:
 - One facility development located in the Baw Baw Shire at Bellbird Park – planning for this development should commence in the short term (1 to 3 years), and will require planning to be undertaken jointly with the WGHA and Baw Baw Hockey Club with the Baw Baw Shire to determine financial contributions from the hockey community and management roles and responsibilities of stakeholders (the establishment of a committee to guide the development and ongoing operation of the facility is recommended).
 - Consideration should be given to the development of a hockey venue at St. Paul's Anglican Grammar Warragul in the event that Council wishes to prioritise a partnership development. The advantage of this would be the capacity to free up the facilities at Bellbird Park to provide for other sports and siting the Baw Baw hockey venue further west into Gippsland. This option is recommended as a second tier priority.
 - One facility development located in the Latrobe Shire at Monash University – planning for this development should commence in the short term (1 to 3 years) and the Latrobe Council should work with Monash Sport on the planning of a hockey facility development, determine a funding plan and formalise the management structure. Churchill is also considered to be an accessible location for residents of the South Gippsland Shire.



- Consideration should be given to the development of a hockey venue at St Paul’s Anglican Grammar Traralgon in the event that Council wishes to prioritise an alternative partnership development. The advantage of this would be siting the Latrobe hockey venue further into the heart of Gippsland, and this site would be well located for access to residents in outlying areas. This option is recommended as a second tier priority.
- One facility development in East Gippsland – this is a long term recommendation (10 years plus). To this end, demand should be monitored including the impact of the facility developments in Drouin and Churchill. Should it be deemed viable in the long term, a regional facility development should occur at a site to be determined in Bairnsdale.
- It is recognised that the implementation plan will take at least a few years to achieve. In the interim, it is recommended that the existing grass fields in Baw Baw and Latrobe be renovated and their maintenance regimes enhanced.
- As part of the implementation phase of this facility plan, specific planning is required at each site to establish the managerial, financial, and design elements prior to any works taking place. It is recommended that a Management Plan is prepared for Bellbird Park and the Monash University site to incorporate the following:
 - A master plan of the site which sets a concept design of the venue to incorporate the facility elements per the Model of Provision (section 5.1.1) within the existing conditions of each site,
 - Assesses the financial feasibility of the provision of a synthetic surface including consideration of fees and charges specific to each relevant Association,
 - Determines a funding model to achieve development of each venue, and
 - Nominates a management and governance model, including identification of the roles and responsibilities of stakeholders, committee structures, reporting requirements etc.

**11.3.5 MORWELL CENTENARY ROSE GARDEN COMMITTEE
REQUEST FOR ADDITIONAL FUNDING TOWARDS
DEVELOPMENT OF AN AMENITIES BUILDING**

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

1. PURPOSE

This report presents a request from the Morwell Centenary Rose Garden Committee for additional funding towards the development of an amenities building and storage shed, in light of the discontinuation of the Australian Government Regional Partnerships Program, and an increase in the cost of the 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 - 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 Outcome - Recreational Liveability

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

Strategic Actions - Recreation Liveability

Facilitate the maintenance and upgrading of parks and open spaces by friends and user groups.

Develop and maintain high quality recreation facilities in partnerships with the community.

Promote active living and participation in community life.

3. BACKGROUND

In 2006 a WorkSafe Victoria inspection identified the existing storage container used by the volunteer committee was inappropriate for the materials stored and used by the committee. Temporary modifications were made to the container to alleviate immediate issues and further investigations commenced into the longer term provision of amenity and storage facilities for the Morwell Centenary Rose Garden volunteers.

The Morwell Centenary Rose Garden Committee has developed a proposal, in consultation with Council officers, to extend the existing senior citizens building in Maryvale Road to provide for the committees' storage and amenity needs.

The proposal was supported by Latrobe City Council through an allocation of \$50,000 in the 2008/09 capital works program. The project was proposed to have a total cost of \$180,000 with additional funding to be provided through the State Government and Federal Government Regional Partnerships Program and community contributions.

4. ISSUES

Building designs and costings have now been completed and approved by the committee that indicate the total project costs have increased to \$220,000.

The Federal Government have also discontinued the Regional Partnerships Program that was to form a major contribution towards the income required to complete the project.

The committee has now developed an alternative proposal to allow for the completion of the project. The committee has requested that Latrobe City Council increase its contribution to the project from \$50,000 to \$90,000. This increased contribution will, together with \$20,000 of community and committee contributions, provide matching contributions towards an application to the State Government for a \$110,000 contribution towards the project.

Other opportunities to attract funding to replace the proposed Regional Partnerships Funding may currently exist or be announced in the future, but these opportunities would require further identification and investigation, thus creating further delays to the project.

This proposal would allow for a funding application to be made in the second half of 2008, reducing any delays in commencing the project.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Latrobe City Council has an allocation of \$50,000 towards this project in the 2008/09 capital works program. The only opportunity to increase the funding contribution towards this project of a further \$40,000 would be through the mid year budget review of the 2008/09 budget.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

One on one discussion.

Details of Community/Consultation Results of Engagement:

Discussions with State funding bodies and the rose garden committee indicated this proposal is a suitable way to progress this project.

7. **OPTIONS**

1. Allocate an increased contribution towards the development of the Morwell Centenary Rose Garden amenities building at the 2008/09 mid year budget review.
2. Allocate an increased contribution towards the development of the Morwell Centenary Rose Garden amenities building in the 2009/10 budget.
3. Decline to provide an increased contribution towards the development of the Morwell Centenary Rose Garden amenities building and further investigate potential alternative funding opportunities.

8. **CONCLUSION**

The Morwell Centenary Rose Garden is recognised as one of the great features of Latrobe City. The Morwell Centenary Rose Garden volunteers dedicate significant time to the development, maintenance and care of the rose garden. A dedicated amenities and storage building will assist the volunteers to continue to undertake this valuable work.

9. RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to apply for funds from the State Government through the Department of Planning and Community Development towards the development of the Morwell Centenary Rose Garden amenities building.**
- 2. That Council agrees to contribute an additional \$40,000 towards the development of the Morwell Centenary Rose Garden amenities building in the 2009/10 capital works program.**

Cr Middlemiss declared an Interest in this Item as he and his wife are members of a group which supports this committee.

Moved: Cr White

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



MORWELL CENTENARY ROSE GARDEN

P.O. Box 1084
MORWELL
Vic. 3840

Secretary: Pam Jobling
Phone (03)5134 4642

25/09/2008

The Mayor, Cr Bruce Lougheed
Att. CEO, Mr Paul Buckley

Re; Morwell Centenary Rose Garden Building Proposal

The purpose of this letter is twofold. Firstly to bring Council up to date with progress on the proposal and, secondly, to seek additional funding from council in view of the changed circumstances.

Back in April this year the Committee had gone as far as it could until detailed concept plans and cost estimates were available. Through Council it then authorised these plans and estimates which materialised early in August. Since then Committee representatives have met twice with Mr Ian Murphy, Co-ordinator of Recreation and Planning, and the full Committee has approved these preliminary plans and estimates. Mr Murphy has indicated that they are suitable for Council to now lodge an application for State Government funding.

As far as funding is concerned, the situation has changed considerably since April, with the Federal Government withdrawing its Regional Partnerships Programme under which we had anticipated a grant of \$55,000. The other change is that the estimated cost of the buildings has risen from \$180,000 to \$220,000. A revised proposal is attached for your consideration, showing that we are asking Council to increase its contribution from \$50,000 to \$90,000.

We had hoped the application for State Government funding could be lodged during the September "round", but until we can confirm other funding - including the Council contribution - the application is not acceptable. Should we miss out on the September opportunity we would hope to make an early application for the next "round" which we believe will close in early December. We are also seeking other sources of funding which may be available under State and/or Federal Government programs, including tourism related ones as the Garden has become a significant part of the tourism scene in Latrobe City .

The Committee seeks Council's co-operation in bringing this worthwhile community project to fruition in the near future.

Yours sincerely

Pam Jobling

cc. Cr Darrell White

Latrobe City	
26 SEP 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

www.morwellrosegarden.com

e-mail: lvroses@net-tech.com.au



7th October 2008

Mrs Pam Jobling
Morwell Centenary Rose Garden
PO Box 1084
Morwell VIC 3840

Dear Pam

Thank you for your letter requesting sponsorship for the proposed buildings for the members of Morwell Centenary Rose Garden.

Bendigo Bank would be pleased to continue our association with your Club, and accept your offer of \$5,000 sponsorship.

Major Sponsors

- Prime Media exposure at launch
- Logo on all stationary and website for a period of 4 years.
- Print Media exposure at opening ceremony.
- Permanent sign & plaque in the new building.

Conditional on confirmation of Government and Council funding approval.

Once all has been approved by council we will require a Tax Invoice from your Club.

GST regulations require us to receive an invoice/tax invoice and ABN from you, to enable the cheque to be drawn. These details can be sent to me at PO Box 698, Warragul, Vic 3820.

(Please note, Bendigo Bank does not pay a GST component).

If you have any further queries regarding this sponsorship please don't hesitate to contact me on 5624 1318 or 0412 826 399, and on behalf of Bendigo Bank I wish you every success.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robyn Carroll'.

Robyn Carroll
Customer & Community Manager
Bendigo Bank, Gippsland Region

Bendigo Bank Limited ABN 11 068 049 178 AFSL 237879.
The Bendigo Centre, Bendigo VIC 3550 Phone 1300 361 911 Fax 1300 367 615

BEN30MI025

(S15255)



Registration No. A36948L • ABN: 79 430 405 176
PO BOX 1061 MORWELL 3840 AUSTRALIA

Chairman: John Guy
Secretary: Keith Brownbill
Phone: 51342676
E-mail: keithjbr@hotmail.com

October 13, 2008

Pam Jobling
Secretary
Morwell Centenary Rose Garden
P O Box 1084
Morwell 3840

Dear Pam

Re: Confirmation of Support for Amenities Building

I refer to your letter seeking confirmation of Advance Morwell's commitment of \$1,000 towards the Amenities Building program.

I wish to formally confirm our commitment of \$1,000.

Advance Morwell recognises the outstanding work being done by your committee, and the contribution made to Morwell and the wider Latrobe City by our world recognised Rose Garden.

I wish to confirm that we remain committed to lending our support now and in the future.

Yours sincerely

A handwritten signature in blue ink that reads "Keith Brownbill".

Keith Brownbill
Secretary
Advance Morwell Inc.

**11.3.6 PLANNING PERMIT APPLICATION 2007/170 - APPLICATION TO
EXTEND A SUPERMARKET (LIQUOR STORE), ALTER
ADVERTISING SIGNAGE AND WAIVE CAR PARKING SPACES
AT 116 HOTHAM STREET, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2007/170 for the extension of a supermarket (liquor store), the alteration of advertising signage and the waiving of car parking spaces at 116 Hotham Street, Traralgon.

2. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Community Outcome - Built Environment Sustainability

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

Strategic Action - Built Environment Sustainability

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

3. BACKGROUND

SUMMARY

Land: 116 Hotham Street Traralgon, known as CP
157235
Proponent: Woolworths Ltd
Zoning: Business 1 Zone
Overlay: None

A Planning Permit is required for development of the land for an extension to the supermarket in accordance with Clause 34.01-4 of the Business 1 Zone. The supermarket extension will accommodate a liquor store. A Planning permit is required to alter the advertising signage in accordance with Clause 52.05-1 of the Latrobe Planning Scheme (the Scheme). A Planning permit is required to waive the car parking provision in accordance with Clause 52.06-1 of the Scheme.

The Council has a car parking policy that applies to the development of land and that policy is defined in Clause 22.03 of the scheme. That policy permits a lesser amount of parking to be considered instead of the more stringent requirements of the table to Clause 52.06-5. The decision guidelines of the Council car parking policy also permit the reduction or waiving of car parking spaces.

PROPOSAL

The application is for the addition of a 280m² packaged liquor store to be attached to the south side of the existing Safeway supermarket that lies between Hotham Street, Seymour Street and Breed Street, Traralgon. The existing supermarket has an area of approximately 3600m² of leasable floorspace. There are currently 176 existing car parking spaces on site to serve this supermarket. This existing car parking ratio would amount to 5 cars per 100m² of floorspace.

The existing on-site car park accommodates 176 car spaces. The extension to the supermarket will encroach on to the existing car park and this will affect a southern section of the park removing 19 car spaces.

The revised car parking layout, however, will provide 23 car parking spaces in the south-east corner, which, together with the existing 134 car parking spaces in the western car park will bring the total parking provision to 157 car parking spaces.

The applicant has applied for a waiver or reduction of the parking provision to accommodate the proposed extension and that waiver forms part of this permit.

The applicant has applied to relocate the existing corporate signage as part of the roof/fascia alterations.

(Refer attached plans)

Subject Land:

The subject land is a large commercial parcel abutting Breed Street on its western boundary, and bounded by Seymour Street to the north and Hotham Street to the south. The land contains a Safeway supermarket on its eastern boundary with a large off-street car park to the west. Feeley Lane abuts the property to the east.

Surrounding Land Use:

North: Education centre – primary school.
South: Established business/commercial.
East: Established business/commercial.
West: Established business/commercial.

HISTORY OF APPLICATION

The application was received on 9 May 2007.

Further information was requested on 22 May 2007.

The applicant requested several extensions of time to respond to the request for further information. The further information plus a revised development plan was finally submitted in May 2008.

Notice of the application was served on 11 August 2008.

Two submissions were received and a Planning Mediation Meeting was held on 25 September 2008 attended by the applicant and his consultants and the submitters.

LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

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

The proposed development meets the intent and objectives of this policy with regard to the orderly development of the land.

Clause 15.12 'Energy efficiency' contains an objective to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

The proposed development meets the objectives and general implementation of this policy with regard to the consolidation and integration of the land use and transport.

Clause 17.01 'Activity centres' has an objective to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

The proposed development meets the objectives and general implementation of this policy.

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

The proposed development meets the above objective.

Clause 18.02 'Car parking and public access to development' has an objective to ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.

Clause 19.03 'Design and built form' has an objective that seeks 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.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*

The design of the building extension will harmonise with the existing building in terms of scale, finish and colour. The objective of this clause will be met.

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The La Trobe Strategy Plan has been prepared under the Municipal Strategic Statement (MSS) and in Clause 21.03-3 sets out a number of strategies, for "Urban and Rural Settlement", two of which are to:

- *'Consolidate development within and around the existing towns and villages and avoid unnecessary urban expansion and rural subdivision.*
- *Enhance the quality and amenity of the main town centres of Latrobe City and seek to ensure that new business activity is attracted and encouraged to locate in those centres, taking advantage of their accessibility, variety and diversity within the networked city.'*

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

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

It is considered that the objectives and strategies of the above two policies are met.

Clause 21.04-1, Element 4 has a objective to balance conflicting land uses and which seeks to ensure that new development is not undertaken in such a way as to compromise the effective and efficient use of existing or future infrastructure or resources such as the airport, coal resources, timber production and high quality agricultural land. Strategies to implement this objective include:

- *At the neighbourhood level, urban form should demonstrate design in which a street system maximises local trip movements, supports high residential and employment densities and provides direct pedestrian and cyclist access to activity centres. It should promote a highly connected local street network, with intersections designed to encourage 'smooth' vehicle flow at speeds compatible with safe walking and cycling and to minimise vehicle accidents.*

It is considered that the objectives and strategies of the above policy are met.

Clause 22.03 is the municipal car parking policy and its main objectives are:

- *To recognise that the provision of car parking facilities is a function of providing access to land use activities.*
- *To provide car parking appropriate to the use of the land and reflecting need and usage.*
- *To ensure use of land generally caters for car parking demand through on-site provision in accordance with Clause 52.06 and, where appropriate, the lesser provision for those uses included in the Table to this policy.*

- *To provide an equitable, efficient and consistent approach in considering applications to reduce or waive car parking requirements.*
- *To allow flexibility in applying car parking requirements which are appropriate to the actual activity on the land.*
- *To allow flexibility when buildings are re-developed or re-used for new purposes.*
- *To achieve a high standard of design having regard to considerations such as accessibility, ease of use, streetscape, landscape, lighting, pedestrian movement and personal security.*
- *To ensure that the location and rate at which car parking is provided do not adversely affect the amenity of the locality.*
- *To ensure that access to car parking is safe, does not adversely affect pedestrian amenity and is appropriate to the function of the road, public transport and the movement and delivery of goods.*

It is this clause that permits the waiving or reduction of parking provision. In deciding whether or not to accept a waiver or reduction in parking provision the following matters must be considered.

- Credit for car parking spaces for existing buildings. This should be considered in the context of past provision, taking into account previous land use activity as against the proposed land use activity and generation of parking demand.
- Any car parking precinct plan.
- The availability of car parking in the locality.
- The availability of public transport in the locality.
- The effect of time sharing of car parking demand among the uses in the locality.
- The reductions in car parking demand associated with shared car parking provision.
- The actual car parking demand of the use.
- The existing car parking deficiencies associated with existing use of the land.
- The provisions of any local car parking policy.
- Local traffic management.
- Local amenity including pedestrian amenity.

In relation to cash-in-lieu contributions, applications will be determined on the principles of need, nexus, equity and accountability for the funds and for developments as follows:

- Cost per calculated car parking space to be at a rate per parking space determined and reviewed annually by the responsible authority.
- Cash-in-lieu rate to reflect a proportional cost of providing additional car parking infrastructure, having consideration for the need to encourage appropriate development and to provide consolidated car parking infrastructure in appropriate locations.
- Contributions as cash-in-lieu payment, where car parking provision requirements have been reduced or waived, may also be used to fund improvements to the efficient use of existing car parking facilities as well as for additional car parking.

The applicant has applied for a waiver of car parking provision. The Council as a responsible authority may properly consider this waiver in the context of the application and the proposed development.

Zoning

The land is zoned Business 1 Zone (B1Z).

The purpose of the Business 1 Zone

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community u*

There are no overlays over the land.

Particular Provisions

Clause 52.05 Advertising Signs:

The application is for a relocation of the existing corporate signage on the sloping roofline. It is considered that the relocated signage will have minimal visual impact on the streetscape or neighbourhood.

Clause 52.06 Car Parking:

Clause 52.06 stipulates that the supermarket extension for the liquor store will generate a parking requirement for 8 cars per 100m². The applicant's traffic consultants argue that the traffic generated by the development can easily be accommodated by the designed provision shown on the submitted documentation.

Clause 52.07 Loading and Unloading of Vehicles:
The existing loading and unloading bay remains unaltered.

4. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Methods Used:

Notification:

Notice of the application was served on adjoining landowners and occupiers as required under Section 52(1)(a) of the *Planning and Environment Act 1987*. Notice of the application was also placed in the local newspaper and a sign was positioned on-site in accordance with Section 52(1)(d) of the Act.

External:

The application was exempt from the need to refer to referral authorities.

Internal:

The application was referred to Council's Project Services team who recommended conditions.

Details of Community Consultation following Notification:

Following notification of the application two submissions were received including a submission from the Traralgon Chamber of Commerce.

A Planning Mediation Meeting (PMM) was held on 25 September 2008, attended by the applicant's planning consultants and submitters.

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

5. ISSUES

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

1. Too many liquor outlets

Comment:

The application before the Council as a Responsible Authority is for the building to house the licensed premises. The licence to sell packaged liquor is exempt from the liquor licencing provisions in the Scheme.

It is considered that for the purposes of this decision this is not a planning consideration.

2. The Responsible Authority should not waive the parking requirement.

Comment:

The traffic consultants acting for the applicant estimate that the traffic generated by the use and development will generate a demand for 146 car spaces. This demand is derived from surveys carried out by the consultants. A copy of the report by Cardno Grogan Richards is attached to this report.

This estimated demand for 146 cars can be accommodated on site as the development will provide 157 on-site car spaces.

The planning scheme prescribes an amount of parking spaces per 100m² of floor space but allows for reduction of these amounts based on several factors, including actual demand.

The following table indicates the different scenarios allowed by the planning scheme and the applicant's proposal, based on actual demand.

The scenarios are described in detail following the table.

	The Scheme provisions	Rate	Cars	Shortfall
1	The designed proposal		157	-
2	Clause 52.06 – The State (Scheme) provisions	8	308	151
3	Clause 52.06 – The State (Scheme) provisions	8	196	39
4	Clause 22.03 – The local Municipal Provisions.	6	191	34

Row 1 is the designed proposal forming part of the submitted application.

Row 2 is an assessment of the State parking requirement of the whole development, that is, if the whole development was being established on a 'brownfield' site and based on 8 cars per 100m² of floor area.

Row 3 is an assessment of the State parking requirement of the whole development, that is, the existing supermarket plus the liquor store extension, but counting the existing supermarket parking as complying with the scheme and adding only the parking required for the extension, which is based on 8 cars per 100m² of floor area.

Row 4 is an assessment of the local parking requirement of the whole development, that is, the existing supermarket plus the liquor store extension, but counting the existing supermarket parking as complying with the policy and adding only the parking required for the liquor store extension, which is based on 6 cars per 100m² of floor area.

The shortfall is the difference between the designed proposal and state and municipal provisions, for example 308 – 157 = 151.

The question of whether or not the parking requirement should be waived is a matter for the Responsible Authority to determine. The determination of the amount of parking required for the use is an important factor to be taken into account.

The Council will need to consider the ramifications of the impact of the proposed development on the immediate area. Given Council's experience of high demand in the Traralgon Activity Centre, it is considered that there is a need for the additional parking provision required by the Scheme and the permit issued should reflect that situation.

It is considered that the parking provision estimated in row 4, that is, 34 car spaces, is the parking provision that meets the intent and purpose of the planning scheme and is the fairest and most equitable. It is recommended that it form the basis of the Council decision.

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
- Refuse 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 Business 1 Zone;
- Consistent with Clause 65 (Decision Guidelines); and
- The objections received have been considered against the provisions of the Latrobe Planning Scheme. The planning concerns have been considered and relevant permit conditions addressing these issues will be attached. The objections do not form planning grounds on which the application should be refused.

In the context of the business/commercial and activity area it is considered that the proposal is an appropriate addition to a long established retail outlet and that it will enhance the economic viability of this area.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit for the Extension of a Supermarket (Liquor Store), the alterations of the Advertising Signage at 116 Hotham Street Traralgon, being CP 157235 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. Prior to the commencement of the use of the building hereby approved, the applicant must either provide an additional 34 car parking spaces on the land or pay a cash contribution to Council in lieu of the non-provision of on-site car parking spaces. The value of the contribution shall be \$10,300 per car space or \$350,200 in total and the applicant may enter into an agreement with the Responsible Authority to pay the amount in instalments to the authority's satisfaction.
3. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed and properly formed to such levels that they can be used in accordance with the plans;
 - b) surfaced with an all-weather-seal coat or equivalent and drained;
 - c) line marked to indicate each car space and all access lanes;
 - d) clearly marked to show the direction of traffic along access lanes and driveways;
 - e) Designed and laid out according to Australian Standard AS/NZS 2890.1:2004, *Parking Facilities – Off-street car parking*.

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

4. Before the works commence, the following infrastructure must be designed to the satisfaction of, and approved by the Council's Coordinator Project Services:
 - a) An underground drainage system (or alternative drainage system) including all hydraulic computations accepting stormwater discharge from the internal roadways, carparks and buildings. Provision of storm surcharge routes and cut-off drains. The pipes must be designed to take the 10 year ARI storm event. Stormwater discharge must be designed utilising Water Sensitive Urban Design principles and include storm water retardation systems prior to the point of

discharge of stormwater from the development into the Council drains to ensure the discharge is limited to pre-development flows.

- b) Design of car parking areas must be in accordance with Australian Standard AS 2890.1.
- 5. 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.
- 6. Environmental amenity must be controlled during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
- 7. Before the use or occupation of the development starts or by such later date as may be 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.
- 8. 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.
- 9. 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.

- 10. The approval contained in this permit for the sign(s) shown on the endorsed plans expires 15 years from the date of this permit.

(NOTE: This is a condition requirement of the State Government).

Moved: Cr Wilson
Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED

ATTACHMENTS

129 Kay Street,
Traralgon 3844.
22nd August 2008.

The Chief Executive Officer,
City of Latrobe.

Dear sir ,

We are writing to lodge our objection to the proposed extension of the Safeway Supermarket, over the existing car park, to provide a liquor outlet.

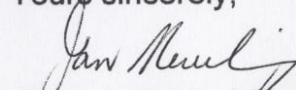
We object for two reasons:

1. We believe that there are more than enough liquor outlets in Traralgon, without adding one more. We wonder, also, why Woolworths / Safeway would require an additional liquor outlet when they already own and operate the Dan Murphy liquor store.

2. As regular customers of Safeway, we are aware that there is limited parking now. To remove any of the existing car park would be to make parking a serious problem for Safeway shoppers..

We do not believe that there is a need for an additional liquor outlet and that the proposed extension would put undue pressure on our already limited car parking facilities.

Yours sincerely,



(Mrs) A. J. (Jan) Newling and (Mr.) K. N. (Neil) Newling

pw 27/08

Latrobe City

25 AUG 2008

Doc. No: 332161

Action Officer:

Disposal Code:

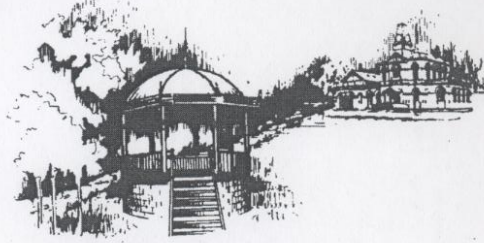
Comments: 2007/170



Correspondence: The Secretary, PO Box 79, Traralgon 3844

7 September 2008

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840



(Sent via email)

Dear Mr Buckley,

**APPLICATION FOR PLANNING PERMIT: SAFAWAY (LIQUOR STORE)
AND REQUEST FOR WAIVER OF 37 CAR PARKING SPACES
Application Reference Number – 2007/170**

The Chamber does not consider that Traralgon community's interests will be better served by the establishment of yet another liquor outlet – particularly when there are other outlets nearby – but understands that this cannot be accepted as an objection on planning grounds.

Nevertheless, we do not consider it appropriate for on-site parking spaces to be relinquished for such a purpose and would suggest that the application for waiver not be approved. Given the anticipated continual growth for Traralgon, it does not seem appropriate to treat the availability of off-street public parking as satisfying the parking requirements which would normally apply to the Safeway site in accordance with its current and proposed mix of business. The fact that some supermarket patrons might choose to park in the street whilst patrons or staff of nearby businesses might choose to utilize the Safeway car park seems largely irrelevant and no reason to depart from applying the formula to the full. The cash-in-lieu option can be seen as a way of catering for future demands notwithstanding that the current off-street parking capacity is not fully utilized at this time

The Chamber is also under the impression that the Traralgon CBD has been specially designated as the only area within Latrobe City area where metropolitan requirements are to be applied (ie a higher ratio of car parking spaces to square metres of floor space). Although we have been unable to locate the particular document, we presume Council/Responsible Authority would be well aware of this requirement and include it in its deliberations. Presumably the existing car parking spaces meet Planning Scheme requirements and /or Australian Standard AS2890.1 – 1993 and calculations for additional spaces are also in accordance with these standards. Although reference is made to bus services in the application, we are only aware of one bus which stops close-by and doubt whether many patrons access the supermarket by that means.

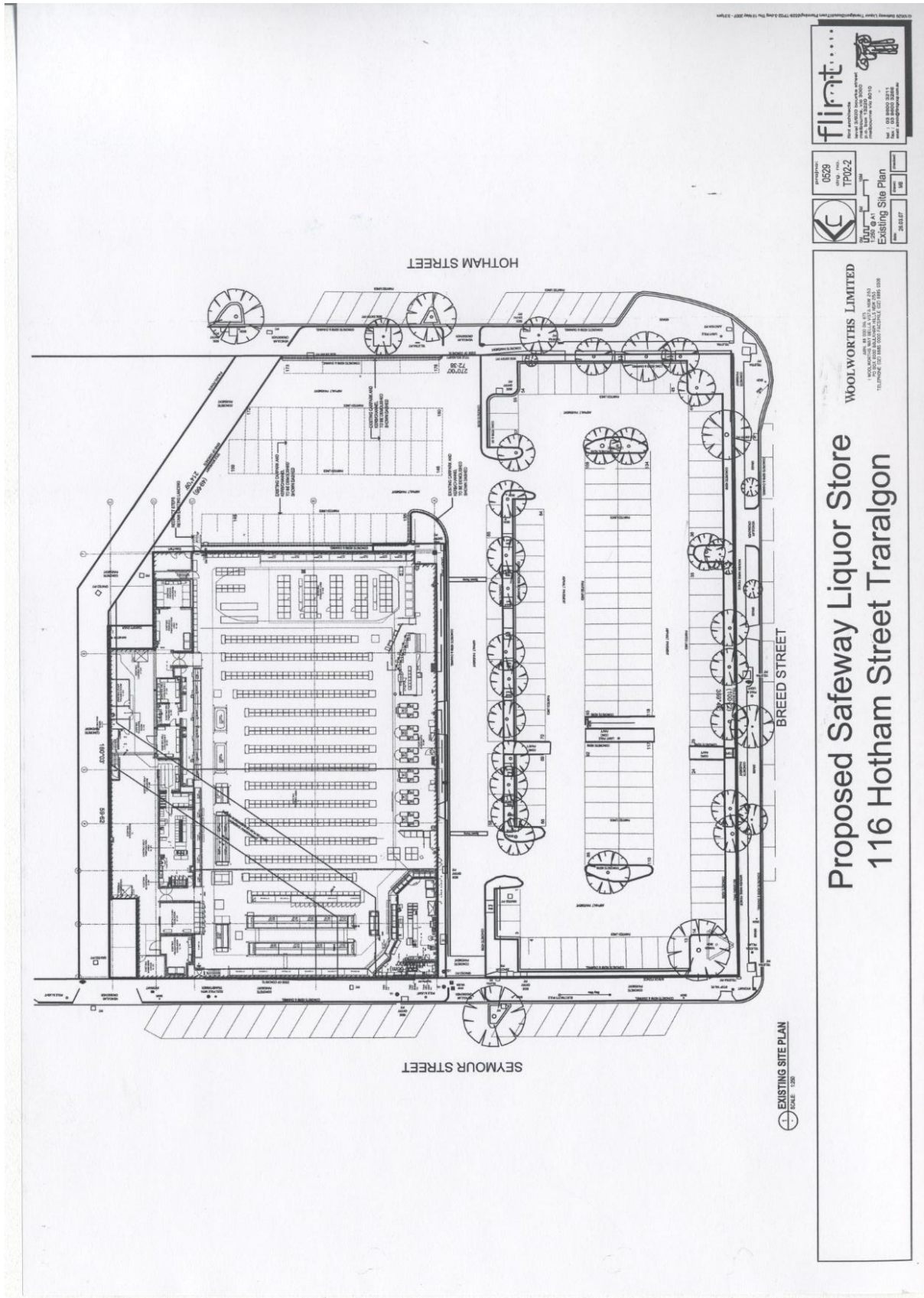
A further point which is perhaps not relevant to this application, but which is relevant to the site, is the poor access both in physical and (night) lighting terms from the western Hotham Street driveway.

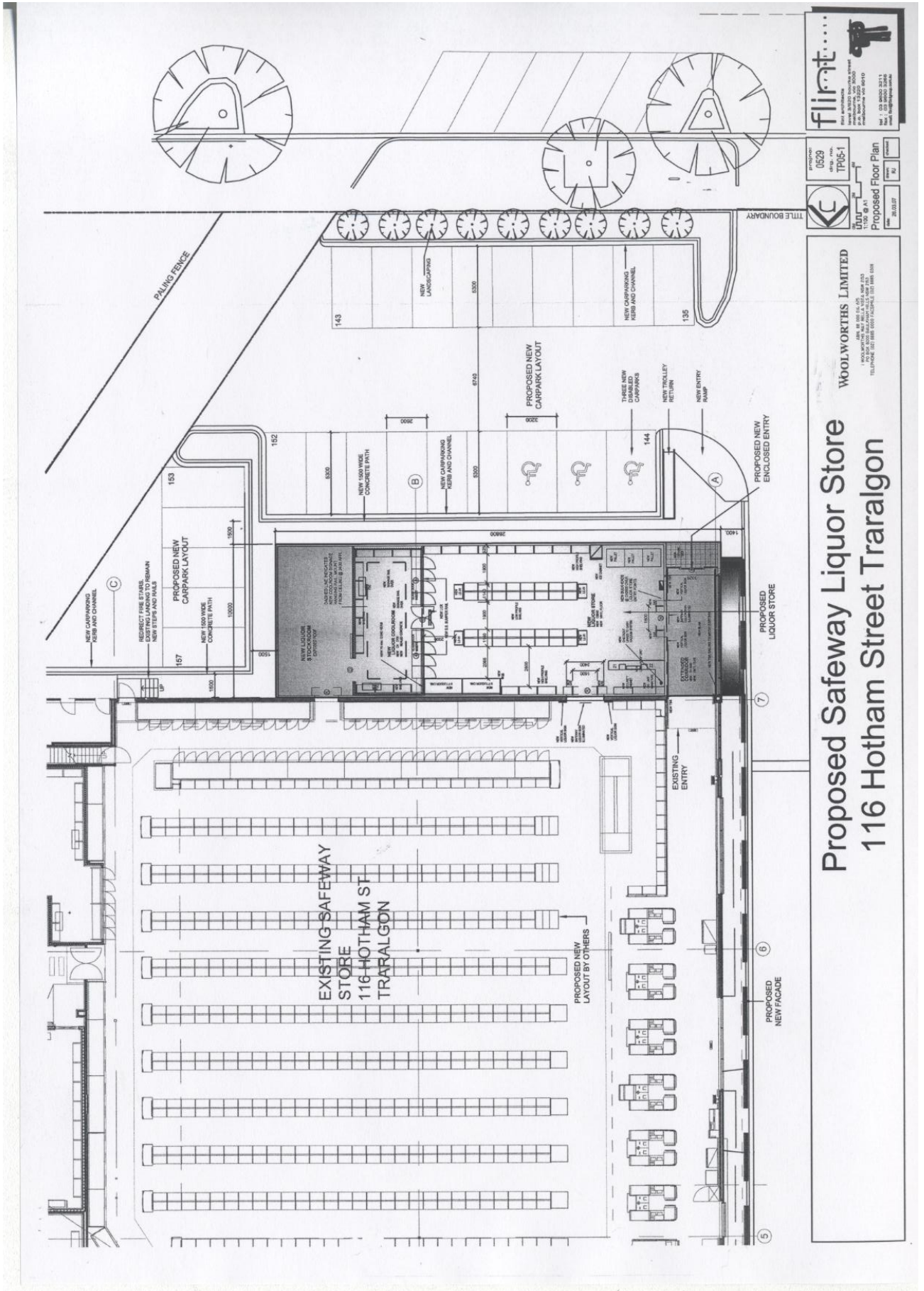
We do not wish to speak to our submission when the application is being determined by the Responsible Authority, but would appreciate being included in any objectors/mediation meetings.

Yours sincerely

A handwritten signature in black ink that reads 'Bremner'. The signature is written in a cursive, slightly slanted style.

(Bruce Bremner)
Assistant Secretary





flirt
Full Architecture
116 Hotham Street
Traralgon VIC 3840
Tel: 03 5460 2411
www.flirt.com.au

PROJ: 0529
SHEET NO: TP05-1
DATE: 20 OCT 2008
SCALE: 1:100 @ A1
DRAWN: J. SMITH
CHECKED: M. SMITH

Woolworths Limited
116 Hotham Street
Traralgon VIC 3840
Tel: 03 5460 2411
www.woolworths.com.au

Proposed Floor Plan

Proposed Safeway Liquor Store 116 Hotham Street Traralgon



**SAFEWAY LIQUOR STORE EXTENSIONS,
TRARALGON**

Traffic Engineering Assessment

20 February 2007
Job No. 107054

Woolworths Ltd

SAFEWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



Cardno Victoria Pty Ltd

trading as

Cardno Grogan Richards

ABN 84 006 346 087

150 Oxford Street, Collingwood

Victoria 3066 Australia

Telephone: 03 8415 7777

Facsimile: 03 8415 7788

International: +61 3 8415 7777

cardno@cardno.com.au

www.cardno.com.au

Document Control					
Version	Date	Author		Reviewer	
		Name	Initials	Name	Initials
1	20 February 2007	James Brownlie	<i>[Signature]</i>	Ernie Mensforth	<i>[Signature]</i>

"© 2006 Cardno (Qld) Pty Ltd All Rights Reserved. Copyright in the whole and every part of this document belongs to Cardno (Qld) Pty Ltd and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of Cardno (Qld) Pty Ltd."

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



**SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT**

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SITE AND ROAD NETWORK.....	1
2.1 Site Location and Land Use	1
2.2 Existing Development.....	2
2.3 Road Network	2
2.4 Public Transport	6
2.5 Existing Car Park Utilisation	6
3. PROPOSED DEVELOPMENT	10
4. CAR PARKING CONSIDERATIONS	10
4.1 Latrobe Planning Scheme	10
4.2 Anticipated Parking Demand	11
4.3 Adequacy of the Parking Provision	11
4.4 Bicycle Parking Requirements.....	11
5. TRAFFIC CONSIDERATIONS.....	12
5.1 General	12
5.2 Traffic Generation.....	12
6. CONCLUSIONS.....	13

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



1. INTRODUCTION

Cardno Grogan Richards was retained by Woolworths Ltd to prepare a traffic engineering assessment of the proposed liquor store extensions to the Safeway supermarket in Traralgon.

In the course of preparing this report the subject site and its environs have been inspected, plans of the proposal reviewed and parking surveys conducted and analysed.

2. SITE AND ROAD NETWORK

2.1 Site Location and Land Use

The subject site is located in the township of Traralgon, approximately 160 km east of Melbourne. The site is located on the east side of Breed Street, between Seymour Street and Hotham Street and forms the western end of the shopping precinct.

The subject site is generally rectangular in shape with a road frontage of approximately 100 metres to Breed Street, 70 metres to Hotham Street, 95 metres to Seymour Street and 110 metres to Feeley Lane

Land use surrounding the site is mixed in nature with retail / commercial uses to the west, east and south of the site, a primary school is located directly to the north of the site along Seymour Street, with residential dwellings located further to the north, west and south of the site. Osborne Park is located to the north west of the subject site along Seymour Street.

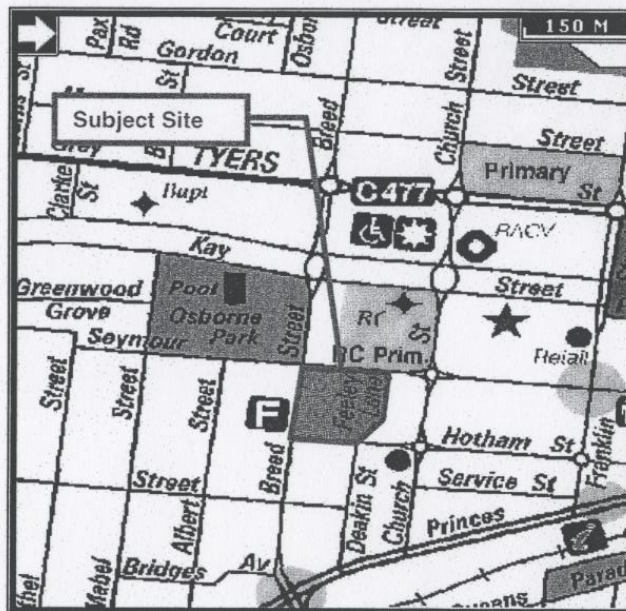


Figure 1: Locality Plan

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087

SAFWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



2.2 Existing Development

The subject site is currently occupied by a Safeway supermarket with a net leasable floor area of 3,601 square metres and with a total of 177 parking spaces provided on-site. The Safeway supermarket operates between 7:00am and 12midnight seven days per week.

Access to the Safeway supermarket is provided by Feeley Lane and 2 fully directional crossovers located on Hotham Street and Seymour Street approximately 40 metres from Breed Street. Two (2) separate loading docks are provided with their access provided from Seymour Street, adjacent to Feeley Lane and from Feeley Lane, respectively.

2.3 Road Network

Seymour Street is a local street that runs in an east to west direction providing access from Princes Highway to Ethel Street. In the vicinity of the subject site Seymour Street operates as a single carriageway with one wide trafficable lane in each direction, generally as shown in Figure 2.

Angle parking is generally permitted adjacent each kerb and is typically restricted to 2P 9:00am – 5:30pm Monday – Friday and 9:00am – 12noon Saturday along the frontage of the subject site.

Seymour Street along the frontage of the subject site comprises a pavement width of approximately 22.9m and lane widths of approximately 11.1m, within a road reserve of approximately 30.1 metres. . The intersection with Breed Street is controlled by 'Give Way' signage and a 40 km/h school speed limit applies.



Figure 2: Seymour Street facing west adjacent the subject site

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFEWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



Breed Street is classified as a local street, oriented in a north to south direction connecting Princes Highway in the south with Tyers Road in the north, it then continues as a 'No Through Road' providing access to residential properties. Localised widening is provided at the intersection of Seymour Street and Hotham Street to provide dedicated right turn lanes.

In the vicinity of the subject site Breed Street comprises a divided carriageway with two trafficable lanes in each direction with a parking lane provided adjacent both kerbs. Parking is generally unrestricted, seven days per week.

In the vicinity of the subject site Breed Street is generally controlled by a 60 km/h speed limit however, a 40km/h school speed limit applies north of Seymour Street 8:00am – 9:30am and 2:30pm – 4:00pm school days.

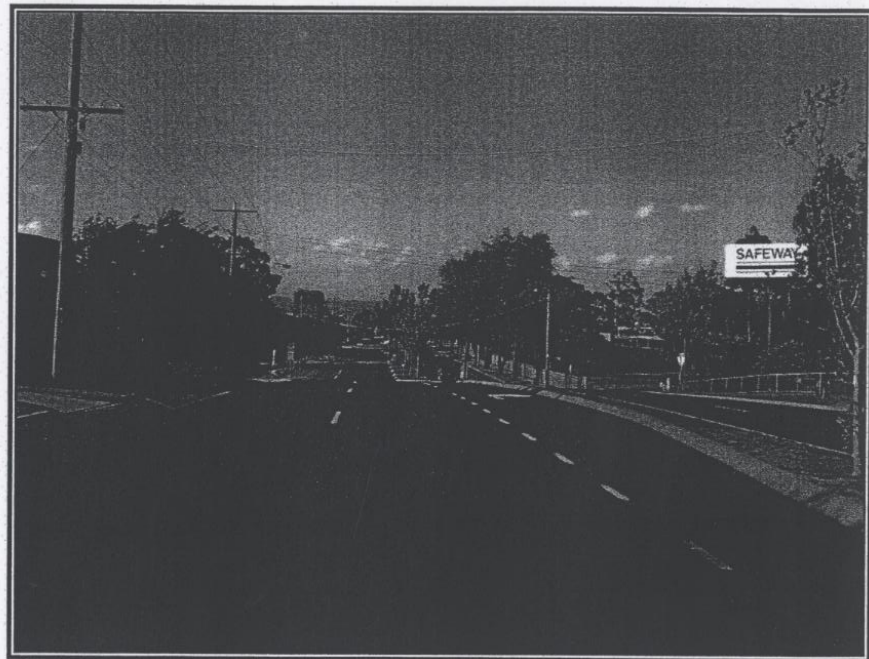


Figure 3: Breed Street facing north adjacent the subject site

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFEWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



Hotham Street is a local street that is aligned in an east to west direction providing access from Breed Street to Princess Highway via Livingston Street. In the vicinity of the subject site Hotham Street comprises a pavement width of approximately 22.1 metres within a road reserve of approximately 30.6 metres and provides one wide lane in each direction with angle parking adjacent both kerbs.

Parking is generally unrestricted across the frontage of the subject site.

The intersection of Hotham Street and Breed Street is a standard T-intersection, controlled with a stop sign and a 50 km/h speed limit applies to travel on both streets.

Figure 4 shows Hotham Street facing west towards the intersection with Breed Street from adjacent the subject site.



Figure 4: Hotham Street facing west towards Breed Street

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087

SAFEWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



A **Right of Way (ROW)** is aligned in a north south direction along the eastern boundary of the site from Seymour Street in the north through to Hotham Street in the south. The ROW is called Feeley Lane and has a pavement width of approximately 4.7 metres adjacent the site. Parking is not permitted along the entire length of the ROW.

The ROW provides access to car parking spaces located within the south east section of the subject site, as well as to two (2) Safeway loading areas and private parking located at the rear of businesses that front onto Church Street.

Figure 4 provides a view of the Right of Way looking north from Hotham Street.



Figure 4: Feeley Lane facing north from Hotham Street

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



2.4 Public Transport

The subject site is located in the Traralgon city centre and has good public transport accessibility with access to 7 local bus services and 1 intercity rail service within close proximity to the site.

A summary of the bus services available in the vicinity of the subject site including operating times, is provided in Table 1

Table 1: Public Transport

Service	Route	Operating Times	Headway of Peak hour service	
			Weekday	Weekend
Bus	1 – Rangeview	8.30am to 5.00pm Mon-Fri	1 hour	Limited Saturday
	2 – Freeman Park	8.30am to 5.00pm Mon-Fri	1 hour	Limited Saturday
	3- Park Lane	8.30am and 3.20pm only M-F	1 hour	Limited Saturday
	4 – Kosciusko Street	8.30am to 5.00pm Mon-Fri	1 hour	Limited Saturday
	5 – Hazelbank	8.30am to 4.00pm Mon-Fri	2 hour	No Service
	6 – Traralgon East	9.00am to 5.30pm Mon-Fri	1 hour	Limited Saturday
	7 – Lansdowne Road	8.30am only Mon-Fri	1 hour	No Service

The Traralgon Railway Station is located approximately 200 metres southeast of the site within the shopping precinct, providing access to the Melbourne and Bairnsdale on the Gippsland line.

2.5 Existing Car Park Utilisation

Following discussions with Council's Traffic Engineering department and in order to ascertain the existing car parking occupancy levels within the subject site and adjacent on street areas, Cardno Grogan Richards commissioned car parking occupancy surveys on Friday 9th February between 10:00am – 5:00pm and on Saturday 10th February 2007 between 10:00am – 1:00pm. The results of these surveys are summarised in Table 2 and Table 3, with the variation in parking demand shown in Figure 5.

A review of Tables 2 and 3 indicates that the peak car parking on a Friday occurred at 12:00 noon when a total of 243 spaces were occupied, resulting in 95 vacant spaces within the study area. The peak recorded parking demand on Saturday also occurred at 12:00noon when a total of 196 spaces were occupied, resulting in 142 vacant spaces within the study area.

The peak on-site parking demand occurred at 12noon on Friday when 137 spaces were occupied resulting in 40 vacant spaces within the subject site.

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*



SAFWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT

Table 2: Car Parking Occupancy
Friday 9th February 2007 10:00am – 5:00pm

Street	Section	Side	Times	Supply	Parking Occupancy															
					10:00 AM	10:30 AM	11:00 AM	11:30 AM	12:00 PM	12:30 PM	1:00 PM	1:30 PM	2:00 PM	2:30 PM	3:00 PM	3:30 PM	4:00 PM	4:30 PM	5:00 PM	
Off-Street	Safeway car Park		Unrestricted	167	107	102	112	119	127	121	111	119	109	115	128	116	97	95	106	
				3	3	1	3	3	3	2	0	2	2	0	2	0	2	3	2	1
Hotham St	Breed to Feeley Church	N	Unrestricted	7	6	5	7	6	7	5	7	4	6	7	6	6	6	7	10	
				13	12	12	13	13	13	12	13	14	12	13	14	10	8	13	12	13
	Church to Breed St	S	Disabled	2	1	2	0	1	0	0	0	0	1	0	1	0	0	0	0	
				3	3	2	2	3	3	2	2	2	2	2	2	1	3	2	1	1
Breed St	Henry to Hotham	E	2P 9am-5:30pm M-F, 9am-12noon Sat	13	12	12	12	13	12	12	12	12	12	12	11	13	12	12	13	
				13	7	9	9	8	7	5	4	3	5	6	4	1	0	1	0	
	Hotham to Seymour		Unrestricted	11	8	11	11	10	9	8	7	7	6	8	5	7	8	5	5	
				9	7	9	9	9	7	7	6	8	8	4	2	0	0	0	0	
	Kay to Seymour		Unrestricted (Unmarked)	5	1	1	2	1	1	1	1	2	2	2	3	2	1	1	0	0
				5	2	2	3	3	3	2	2	3	3	2	2	2	2	2	2	2
Seymour to Hotham		W	Unrestricted	8	6	8	5	8	7	8	4	4	5	7	4	6	7	6	2	
				4	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Seymour St	Breed to Church	N	No standing - Fire Brigades excepted	4	2	3	2	4	4	3	3	3	1	1	1	1	1	0		
				30	10	8	9	8	10	11	9	8	6	8	18	5	5	5	4	
	Church to Breed	S	Disabled	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
				7	2	2	2	1	1	1	4	3	3	2	4	2	0	1	2	
Total Occupied Spaces				338	214	212	229	238	243	226	216	215	203	220	240	200	187	172	176	
Total Available Spaces				124	126	109	100	95	112	122	123	135	118	98	138	151	166	162	162	

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087



SAFEWAY LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT

Table 3: Car Parking Occupancy
Saturday 10th February 2007 10:00am - 1:00pm

Street	Section	Side	Times	Supply	Parking Occupancy						
					10:00 AM	10:30 AM	11:00 AM	11:30 AM	12:00 PM	12:30 PM	1:00 PM
Off-Street	Safeway car Park		Unrestricted	167	66	89	106	109	120	104	98
				3	0	0	2	1	2	0	0
Hotham St	Breed to Feeley Feeley to Church	N	Unrestricted	7	7	6	6	6	5	6	7
			1P 9am-5:30pm M-F, 9am - 12noon Sat	13	6	6	6	9	11	7	6
	Church to Breed St	S	Disabled	15	6	6	7	8	9	9	7
			15 Minute 9am-5:30pm M-F, 9am-12noon Sat	2	0	0	0	1	1	1	0
Breed St	Henry to Hotham Hotham to Seymour Seymour to Kay	E	2P 9am-5:30pm M-F, 9am-12noon Sat	3	0	0	1	2	0	0	0
			2P 9am-5:30pm M-F, 9am-12noon Sat	13	0	0	3	4	6	4	4
	Kay to Seymour Seymour to Hotham Hotham to Henry	W	Unrestricted	11	3	2	2	2	1	1	0
			Unrestricted (Unmarked)	9	3	4	4	3	2	2	0
			Unrestricted	5	1	1	1	1	1	1	0
			Unrestricted	5	0	0	0	0	0	0	0
Seymour St	Breed to Church Church to Breed	N	Unrestricted	8	5	7	4	5	3	1	1
			No standing - Fire B'gades excepted	4	0	0	0	0	0	0	1
			Unrestricted	4	1	1	0	0	0	0	0
			2P 9am-5:30pm M-F, 9am-12noon Sat	30	6	4	7	10	12	10	9
Seymour St	Church to Breed	S	Disabled	1	0	0	0	0	0	0	0
			1P 9am-5:30pm M-F, 9am-12noon Sat	7	2	2	3	5	6	4	3
			2P 9am-5:30pm M-F, 9am-12noon Sat	17	3	7	14	14	15	12	11
			Disabled	1	0	0	0	0	0	1	0
Total Occupied Spaces				338	110	135	166	181	196	163	147
Total Available Spaces					228	203	172	157	142	175	191

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087



SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT

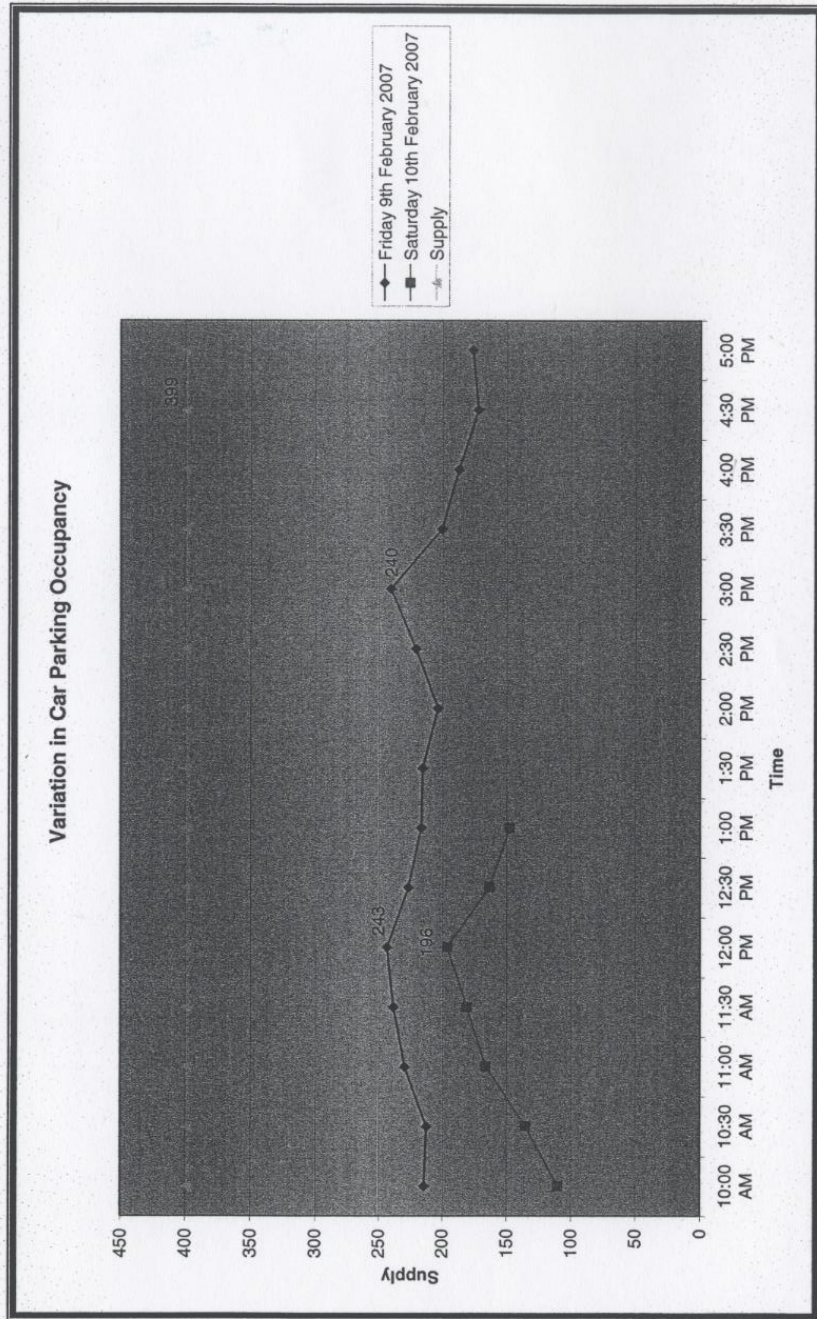


Figure 5: Variation in Car Parking Demand Friday 9th February and Saturday 10th February 2007

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



3. PROPOSED DEVELOPMENT

It is proposed to refurbish the existing Safeway supermarket development and construct a liquor store with a floor area of 248 square metres, adjacent the southern wall of the existing structure.

Access to the proposed liquor store will be via an internal access from the supermarket with an additional external access located along the western wall of the proposed development. Access to the store room of the proposed liquor store will be via the existing supermarket, with all deliveries made using the existing loading dock along Feeley Lane.

As part of the proposed development it is proposed to reconfigure the south east portion of the car park to improve circulation within the car park and accessibility to individual parking spaces. With these proposed site layout changes the on-site car park will provide a total of 157 parking spaces.

Access to the subject site will remain unaltered.

4. CAR PARKING CONSIDERATIONS

4.1 Latrobe Planning Scheme

The subject site is located within a Business 1 Zone and therefore the car parking requirements relevant to the proposed development are outlined in Clause 22.03 of the Latrobe Planning Scheme. Clause 22.03 of the Latrobe Planning Scheme Specifies that:

Car parking provisions shall be in accordance with Clause 52.06, except for those uses identified in the following Table, in which the lesser car parking requirements shown in the Table can be considered.

The Table in Clause 22.03 specifies that for supermarket, department store or shops within a development with a leasable floor area of over 2,000 square metres car spaces can be provided at a rate of 6 spaces to each 100 square metres of leasable floor area.

Application of the above rate to the proposed total floor area of 3,849 square metres (3,601 square metres for the existing Safeway supermarket and 248 square metres for the propose liquor store) results in a requirement for 216 spaces.

Clause 22.03 of the Latrobe Planning Scheme also allows these parking requirements to be reduced or waived where a reduction can be justified having regard to guidelines that include: -

- The availability of car parking in the locality;
- The availability of public transport in the locality;
- The actual car parking demand of the use;

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



4.2 Anticipated Parking Demand

A review of the existing car parking occupancy surveys undertaken at the subject site on Friday 9th February and Saturday 10th February 2007 indicate that the existing 3,601 square metres of floor area generates a peak parking demand for 137 spaces. This is equivalent of a rate of 3.8 spaces per 100 square metres.

It is generally acknowledged that a liquor store adjacent a supermarket generates parking at a rate less than that of the supermarket. This is as a result of a significant proportion of customers visiting the supermarket prior to visiting the liquor store.

In order to allow a conservative assessment of the anticipated parking demands a rate of 3.8 spaces per 100 square metres has been adopted.

Application of the above rate to the total 3,849 square metres of leasable floor area associated with the supermarket and liquor store results in an anticipated peak parking demand for 146 spaces.

4.3 Adequacy of the Parking Provision

The total on-site parking supply of 157 parking spaces with the proposed liquor store extensions. This is more than adequate to accommodate the peak estimated parking demand of 146 spaces.

4.4 Bicycle Parking Requirements

Clause 52.34-1 of the Latrobe Planning Scheme specifies that:

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Accordingly the bicycle parking requirements only apply to the liquor store.

Clause 52.34-3 of the Planning Scheme sets out the requirements for the provision of bicycle facilities. Table 1 of Clause 52.43-3 sets out the bicycle parking provisions, as shown in Table 3.

Table 3: Bicycle Parking Provisions

Use	Employee	Visitor/ Shopper
Retail	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	1 to each 500sqm of leasable floor area

Accordingly there is no statutory requirement to provide bicycle parking in association with the liquor store.

Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for Cardno Victoria Pty Ltd, ABN 84 006 346 087

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



5. TRAFFIC CONSIDERATIONS

5.1 General

Traffic volumes and car parking demands generated by shopping centres are a function of the size of the centre, the level of car parking provided, the quality, size, range and type of goods offered for sale, the catchment population density, public transport, road accessibility and the level of competition in the area.

Traffic generation vary throughout the year with peak activity occurring prior to Christmas, Mothers' Day and on other special promotion days. It is recognised that these events are infrequent, and therefore parking facilities, access points and the road network adjacent to the site are not designed to cater for such extreme situations.

Typically the impact of traffic generated by a shopping centre is usually greatest during the Friday evening peak period, when high shopping centre generated traffic combines with peak commuter volumes, to produce the greatest total volume on the adjacent road network. As such the following analysis concentrates on the PM commuter peak period.

Research into the level of traffic activity generated by shopping centres throughout Australia and overseas has indicated that as the floor area of a centre expands, generation rates per 100 square metres of floor area decrease. Generally, extensions to shopping centres generate vehicular activity at rates ranging between 40% and 60% of the rate for the original centre.

5.2 Traffic Generation

Surveys undertaken by Cardno Grogan Richards at shopping centres containing a supermarket and specialty stores, generally have peak traffic generation rates of between 6 and 15 vehicle movements per 100 square metres per hour. The variation is due to a number of factors such as location, competition, ratio of specialty stores to supermarket floor area and provision of other services in the area.

In order to allow a conservative assessment of the additional traffic generated by the proposed liquor store it has been adopted that the proposed liquor store will generate vehicle movements at a rate of 12.0 movements per 100 square metres.

For the purposes of this analysis, it has been assumed that a minimum of 60% of all customers to the proposed liquor store have already visited the Safeway supermarket prior to visiting the liquor store.

Application of the above rates to the proposed 246 square metre liquor store results in an additional 12 vehicle movements during the critical PM peak period. This is equivalent to 1 additional vehicle movement every 5 minutes.

In traffic engineering terms this additional traffic is considered very low and is anticipated to have an insignificant impact on the operation of the surrounding road network.

It is worth noting that at the majority of shopping centres, a component of customer traffic is diverted trips from the surrounding road network, in particular during the Friday evening commuter period. Diverted trips relate to vehicles already on the adjacent road network that are merely re-routed to the development. Studies show that at shopping centres, this figure can range from 20% to 30%.

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

SAFeway LIQUOR STORE EXTENSIONS, TRARALGON
TRAFFIC ENGINEERING ASSESSMENT



6. CONCLUSIONS

Based on the investigations and analysis summarised in this report it is concluded that:

- The subject site is located within the township of Traralgon and is located to the western end of the shopping precinct;
- It is proposed to refurbish the existing Safeway supermarket and extend it to include a liquor store, with a floor area of 248 square metres;
- As part of the proposed development, the south east portion of the car park will be reconfigured to improve on-site circulation and the accessibility of individual parking spaces. These changes will result in a total on-site parking supply of 157 spaces.
- With the addition of the proposed liquor store the Safeway supermarket is anticipated to generate a peak parking demand for 146 parking spaces;
- The provision of 157 on-site parking spaces will adequately accommodate the peak parking demand;
- The proposed liquor store is anticipated to generate an addition 12 vehicle movements during the critical PM peak period; and
- The additional 12 vehicle movements generated by the proposed development can be accommodated on the surrounding road network without significantly impacting on the operations of the existing road network.

*Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 84 006 346 087*

**11.3.7 PLANNING PERMIT APPLICATION 2007/410 - FURTHER
INFORMATION - USE AS A RESTRICTED RECREATION FACILITY
(GYMNASIUM) 94 CROSS'S ROAD, TRARALGON**

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

1. PURPOSE

The purpose of this report is to seek Council's position regarding Planning Permit Application 2007/410 (VCAT hearing P2022/2008) for the use of land for a Restricted Recreation Facility (Gymnasium) at 94 Cross's Road, Traralgon as a result of further information that has been received since Council decided to issue a Notice of Decision to Grant a Permit on 16 June 2008.

2. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Community Outcome - Built Environment Sustainability

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

Strategic Action - Built Environment Sustainability

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

3. **BACKGROUND**

Council considered this application at Ordinary Council Meeting held on 16 June 2008 and determined to issue a Notice of Decision to Grant a Permit. An Application for Review has been lodged with the Victorian Civil and Administrative Tribunal (VCAT) by objectors and is scheduled for 31 October 2008.

At the time of decision, Council assessed and determined the permit application on the basis that there was no relevant 'registered restrictive covenant.' However, since that time it has been brought Council's attention that Covenant AD649239V was mistakenly left off the Certificate of Title. The covenant has since been registered on the Certificate of Title.

There is now the question as to whether the previously approved use by Council is in breach of the restrictions imposed by the Covenant. The application is now a matter for review by VCAT, to which Latrobe City Council is a party.

SUMMARY

Land: 94 Cross's Road Traralgon, known as Lot 4
PS 531365
Proponent: Olivia Barrett
Zoning: Residential 1 Zone
Overlay: None
Restrictive Covenants: Yes, as of 9 September 2008.

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

The application does not qualify as Home Occupation as per Clause 52.11 of the Latrobe Planning Scheme.

PROPOSAL

Council issued a Notice of Decision to issue a permit for use as a Restricted Recreation Facility (Gymnasium), which is attached to a dwelling at 94 Cross's Road Traralgon. The private gymnasium was designed as the ground floor of a two-storied building that is attached to the west side of the dwelling. The upper floor was designed as a rumpus room. The two-storied building has a ground floor area of 102m² and a total area on both floors of 204m².

Subject Land:

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

Surrounding Land Use:

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

The Notice of Decision included the following conditions:

1. *The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
2. *The maximum number of patrons must not exceed 10 and the maximum number of staff, who do not live on the premises, must not exceed 2 at any session.*
3. *The use may only operate between the hours of:*
 - *6.00am - 10.00am and 4.30pm - 8.00pm Monday to Friday.*
 - *8.00am - 11.00am Saturday.*
4. *Ten car spaces must be provided on the land for the use and development. This number does not include those car spaces for the sole use of the dwelling residents. The car spaces must be suitably and reasonably screened from nearby properties by solid fences or dense shrubs.*
5. *Before the use starts, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *constructed and properly formed to such levels that they can be used in accordance with the plans;*
 - b) *surfaced with an all-weather-seal coat and drained;*
 - c) *line marked to indicate each car space and all access lanes;*
 - d) *designed and laid out according to Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Off-street car parking.*

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

6. *All car parking spaces must be designed to allow all vehicles to drive forward both when entering and leaving the property.*
7. *The use 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.*
8. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
9. *Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.*
10. *The maximum area of any advertising sign used to promote the business must not exceed 0.3 m² in area and must not be illuminated by external or internal light.*
11. *This permit will expire if the use is not started within two years of the date of this permit.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

HISTORY OF APPLICATION

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

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

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

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

- The gross floor area used in conducting the occupation including the storage of any materials or goods must not exceed 50 square metres or one-third of the gross floor area of the dwelling, whichever is the lesser.
- The occupation must not impose a load on any utility greater than normally required for domestic use.
- The occupation must not adversely affect the amenity of the neighbourhood in any way including:
 - a) The parking of motor vehicles.
 - b) The hours of operation.

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

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

The application was considered at the Ordinary Council Meeting held on 16 June 2008, where Council resolved to issue a Notice of Decision to Grant a Permit.

An Application for Review has been lodged with the Victorian Civil and Administrative Tribunal by objectors.

Council has recently been informed that a transfer of land was filed with the Register of Titles on 30 May 2005, which contained a covenant that relevantly states that a purchaser must:

'Not use or permit or allow to be built any building to be used for anything other than residential purposes.'

From Council's investigations it was evident that the Registrar of Titles has omitted to record the Covenant on the Certificate of Title for the Land. The Titles Office acknowledged the oversight and the covenant was registered on 9 September 2008.

The matter is now before the Tribunal for decision. Although Council does not have a decision making role, it is party to the application for review at VCAT and will be arguing for the issuing of the permit in accordance with the Council decision of 16 June 2008. As it was the full Council that decided on this application, it will be of assistance to Council's representative at VCAT to understand Council's position in light of the new information presented.

LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

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

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

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

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

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

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

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

Within the planning scheme context the main environmental issues are:

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

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

Zoning

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

The 'Purpose' of the Residential 1 Zone is:

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

Overlay

No overlays apply to the subject land.

Particular Provisions

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

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

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

Clause 52.11 Home Occupation:
This clause prescribes the requirements that must be met in order to meet the definition of a home occupation.

It is considered that the application does not meet the home occupation provisions of the Planning Scheme and a permit must be applied for a 'Restricted Recreation facility (gymnasium)'.

Decision Guidelines (Clause 65):

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines in this clause. In accordance with Clauses 65.01 the responsible Authority must consider, as appropriate:

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

Incorporated Documents (Clause 81):

No incorporated documents apply to this application.

4. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

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

External:

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

Internal:

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

Details of Community Consultation following Notification:

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

5. ISSUES

Restrictive Covenant

Following Council's decision on 16 June 2008, Council became aware of the Covenant, which had not been recorded on the Certificate of Title at that time. Clause 2 of the Covenant states that a purchaser must:

'Not use or permit or allow to be built any building to be used for anything other than residential purposes.'

VCAT was notified when this matter came to Council's attention and advised that the unregistered Covenant applying to the Land will only be 'deemed' to take effect for the purposes of the Act when the Covenant has been registered or recorded on the Certificate of Title to the Land, in accordance with *Gray v Colac-Otway SC [2005] VCAT 2266*. This advice was confirmed by planning lawyers Maddocks who were retained by Council to provide advice on this matter.

The covenant was signed by the owners on transfer of the land in 2005. The covenant was not registered on the Certificate of Title when Council made its decision on 16 June 2008. The covenant was registered on title on 9 September 2008, prior to the VCAT hearing.

In regard to the Notice of decision to grant a permit issued by Council, the Covenant was not 'registered' at that time and therefore Council was not obliged to refuse the permit application. However, if the Covenant had been registered on the Certificate of Title at the time of decision, Council would have been obligated to refuse the application pursuant to Section 61(4) of the Planning and Environment Act.

Council currently has no opportunity to change the decision reached on the 16 June 2008 as stated in the letter received from the Tribunal on 21 August 2008:

'It is not the point, at this stage, that the circumstances referred to in the letter would have influenced the decision made by the responsible authority. It has made its decision, and it is now for the tribunal to affirm that decision, vary it or set it aside.'

The matter is now before the Tribunal to determine, but the question is if issuing a permit now (that the covenant has been registered) at the direction of VCAT contravenes Section 61(4) of the Planning and Environment Act. Further advice was sought from Maddocks in relation to this point.

The advice firstly interprets Clause 2 of the covenant to consider whether it is concerned with the development and/or use and then examines whether the use allowed by the Permit results in a breach of the covenant.

In *Panayiotou v Moonee Valley CC* [2003] VCAT 1279, Justice Morris said when determining whether or not granting of a permit would result in the breach of a covenant, the 'answer to the question must lie in the words used in the covenant.' The Clause 2 of the Covenant states that a purchaser must:

*'Not use or permit or allow to be built any building to be **used** for anything other than residential purposes.'*

The words used within Clause 2 of the Covenant appear to control both use and development on the land to maintain the residential character of the land the subdivision more generally given the phrase '*...any building to be used for anything other than residential purposes.*'

The permit allows the 'Use of the land for a Restricted Recreation Facility (Gymnasium) at 94 Cross's Road, Traralgon', subject to a number of conditions. The use of the building for the purpose of a restricted recreation facility is not a use for 'residential purposes' as confirmed in Bradbrook and Neave Easements and Restrictive Covenants in Australia (2nd Edition) at p367 para 15.11:

'A covenant which prohibits the erection or use of buildings for other than residential purposes refers to the activities carried on within the building, rather than to its structure.'

In this case the Notice of Decision to Grant a Permit clearly allows the operation of a business on the premises quite independently of the residential use. Therefore it is determined that the Permit authorises an activity that is in breach of Clause 2 of the Covenant.

Assuming that the covenant is not varied or removed prior to the VCAT hearing, the Tribunal may refuse to grant a permit on the basis that the permit would contravene clause 2 of the covenant.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Additional resources or financial costs have been incurred as the planning permit application is requiring determination at the Victorian Civil and Administrative Tribunal (VCAT).

7. OPTIONS

Council may choose to either:

1. Advise VCAT that the proposed use as described in the Notice of Decision to Grant a Permit for permit application 2007/410 contravenes the covenant AD649239V that is now registered on the certificate of title volume 10872 folio 645 relating to the property at 94 Cross's Road Traralgon, and therefore is believed to be inconsistent with Section 61(4) of the Planning and Environment Act 1987.
2. Take no further action. VCAT will consider all matters put before it and make a determination including Council's previous determination to decide to issue a permit.

8. CONCLUSION

Council decided to issue a Notice of Decision to Grant a Permit on 16 June 2008. At that time, no covenant was registered on the certificate of title of the subject land.

An application for review has been lodged by objectors with VCAT, to which Council is party as the responsible authority. A relevant covenant has been registered on title in the intervening period.

It is considered that the proposed land use is in breach of the covenant registered on the Certificate of Title and pursuant to Section 61(4) of the Planning and Environment Act 1987.

9. RECOMMENDATION

That Council advises the Victorian Civil and Administrative Tribunal (VCAT) that the proposed use as described in the Notice of Decision to Grant a Permit for permit application 2007/410 contravenes the covenant AD649239V that is now registered on the certificate of title volume 10872 folio 645 relating to the property at 94 Cross's Road, Traralgon, and therefore is believed to be inconsistent with Section 61(4) of the Planning and Environment Act 1987.

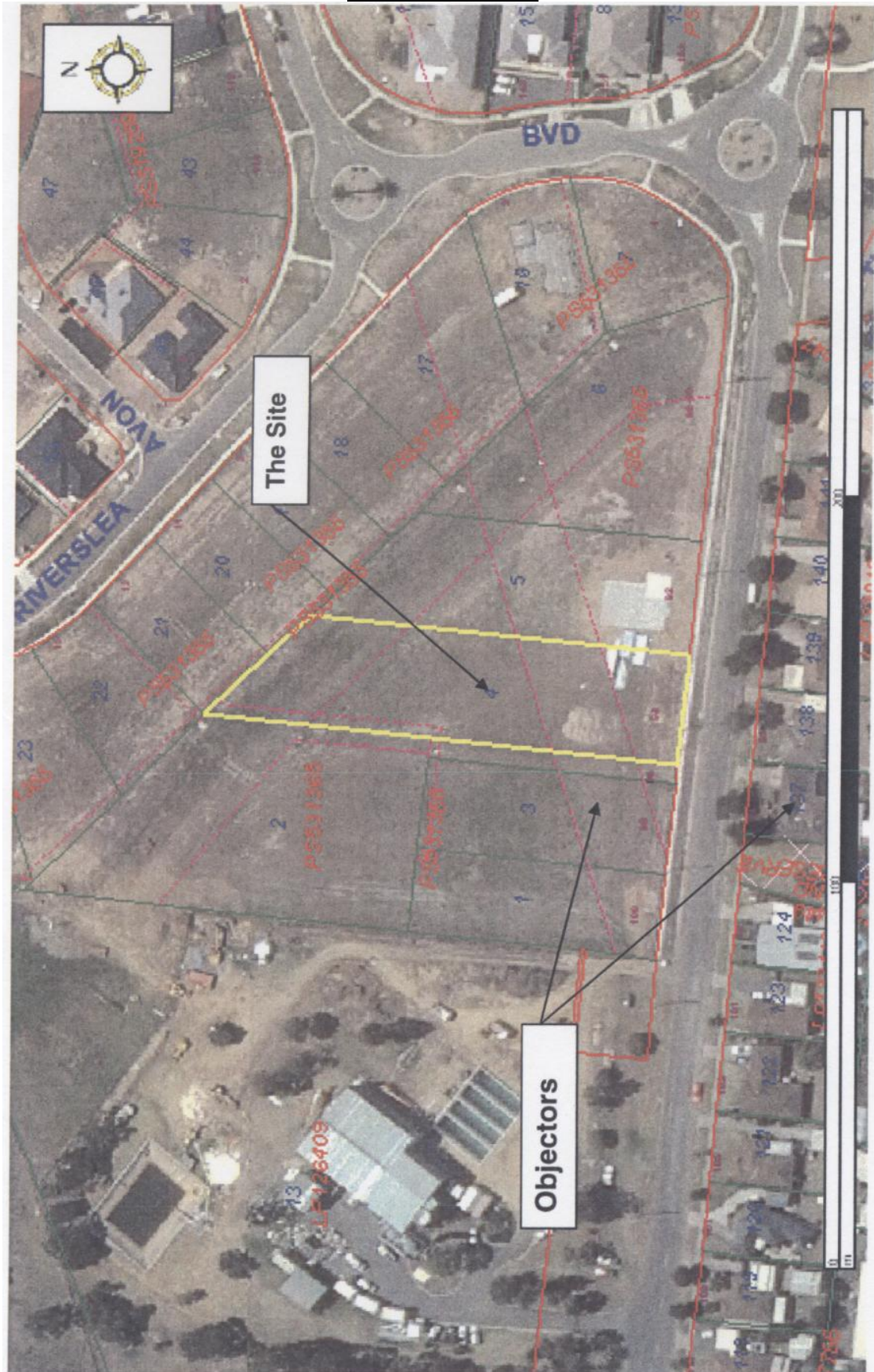
Moved: Cr Caulfield

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS



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

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

REGISTER SEARCH STATEMENT Land Victoria

Security no : 124027478337V

Volume 10872 Folio 645

Produced 30/09/2008 05:31 pm

LAND DESCRIPTION

Lot 4 on Plan of Subdivision PS531365V.
PARENT TITLE Volume 10835 Folio 996
Created by instrument PS531365V 03/05/2005

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ALAN WILLIAM BARRETT

OLIVIA VANESSA BARRETT both of 2 FARMER CRESCENT TRARALGON VIC 3844
AD649239V 30/05/2005

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF176065V 30/06/2007
NATIONAL AUSTRALIA BANK LTD

COVENANT AD649239V 30/05/2005

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

AGREEMENT Section 173 Planning and Environment Act 1987
AD572308E 21/04/2005

DIAGRAM LOCATION

SEE PS531365V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AF996100X	RECTIFY ADD/CREATE COVT	Registered	09/09/2008

The following information is provided for customer information only.

Street Address: 94 CROSS ROAD TRARALGON VIC 3844

STATEMENT END

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

PW 25/8
Rob

«COURT»

VCAT Reference No: P2022/2008

Your Ref: 2007/410

21 August 2008

Robert G Dunlop
Senior Statutory Planner
Latrobe City Council
PO Box 264
MORWELL 3840

Latrobe City	
4 2 AUG 2008	
Doc. No:	33/818
Action Officer:	
Disposal Code:	
Comments:	

Dear Mr Dunlop,

**Application Concerning: 94 Cross's Road
TRARALGON VIC 3844**

I acknowledge receipt of your letter of 30 July 2008 in relation to the above case. I find no note on it to indicate that copies of it have been sent to the other parties in the proceeding. Please note that you are required, when corresponding with the Tribunal in relation to a planning proceeding, to provide copies of that correspondence to each other party to the proceeding and that a note indicating that this has been done should be provided to the Tribunal. Please ensure that this is done in future. Please also ensure that a copy of your letter of 30 July 2008 and this reply are forwarded to the other parties in the proceeding.

Your letter has been referred to a Senior Member of the Tribunal who is a lawyer for comment.

It is noted that there is no restrictive covenant noted on the Title to the land or indicated on the Title search statement forwarded to the Tribunal.

Your letter said that there may be a defect on the title in that there is no encumbrance noted in spite of there being a restrictive covenant that a purchaser must:

Not use or permit or allow to be built any building to be used for anything other than residential purposes.

This relates to the construction of a building or, more particularly the purpose for which it is built.

It is not apparent, on the basis of the material before the Tribunal at the moment, as to why it is thought that such a covenant exists, or why, if it exists, it should be registered on the title to the land.

Section 61(4) of the *Planning and Environment Act 1987* (PE Act) provides that a responsible authority must not grant a permit for something that would result in a breach of a registered restrictive covenant. The expression "registered restrictive covenant" is defined in Section 3 PE Act in the following way:

registered restrictive covenant means a restriction within the meaning of the *Subdivision Act 1988*.

Section 3 of the *Subdivision Act 1988* defines restriction as follows:

Restriction means a restrictive covenant or a restriction which can be registered, or recorded in the Register under the *Transfer of Land Act 1958*.

In connection with these definitions references made to annotation [5010.53] and [240,010.50] in Planning and Environment Victoria published by the law publishers Butterworths (also trading as LexisNexis). In *Focused Vision v Nillumbik SC (2003) 15 VPR 154; [2003] VCAT 1393* at [35] the Tribunal observed that "restriction" in the Subdivision Act is not a term of art in property law or conveyancing and has no fixed meaning in those areas. Accordingly, the word is not effectively defined in the Subdivision Act, although the primary, if not the exclusive meaning is a restrictive covenant.

In *Gray v Colac-Otway SC [2005] VCAT 2266* the Tribunal considered a restrictive covenant included in a Transfer of Land but not registered on the relevant Certificate of Title due to an error by the Registrar of Titles. Objectors argued that the proposal would contravene the covenant and was accordingly barred by Section 61(4) PE Act. The Tribunal held that an unregistered covenant was not a "registered restrictive covenant" notwithstanding the definition of "restriction" in the Subdivision Act. Reliance was placed on the indefeasibility of title upon registration under the Transfer of Land Act.

On this basis it would appear that there is no registered restrictive covenant within the meaning of that expression in Section 61(4) PE Act.

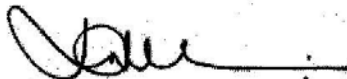
The question of whether a permit should be granted or not is now before the Tribunal because of the application for review that has been brought under Section 82 PE Act. It is not to the point, at this stage, that the circumstances referred to in the letter would have influenced the decision made by the responsible authority. It has made its decision, and it is now for the tribunal to affirm that decision, vary it or set it aside.

If the responsible authority is now minded to take a different view to the determination it made, it can espouse that view at the hearing before the Tribunal. If it proposes to rely on grounds presently unknown to other parties, it should advise them in writing of the grounds upon which it intends to rely.

If any party wishes to contend that it is unlawful for the responsible authority or the Tribunal to grant a permit, having regard to Section 61(4) PE Act (or for any other reason) they should give notice to the Tribunal and the other parties that they intend to rely on such a submission and ask the Tribunal to consider whether there should be a preliminary hearing to determine that legal point, prior to any full hearing of the merits of the case.

It may be that the restrictive covenant, if one exists, and even if it is or becomes a registered restrictive covenant, that it does not actually prevent the current proposal. The proposal may not, on examination, be found to contravene Section 61(4).

Yours faithfully



J W D NELMS
SENIOR REGISTRAR

11.3.8 PLANNING PERMIT APPLICATION 2008/205 - APPLICATION TO USE AND DEVELOP AN OFFICE BUILDING, DEVELOP A RESTAURANT AND WAIVE CAR PARKING AT 51-57 POST OFFICE PLACE AND 10 ARGYLE STREET, TRARALGON
AUTHOR: General Manager Built and Natural Environment Sustainability (ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/205 for the use and development of an office building, the development of a restaurant and the waiver of car parking provision at 51-57 Post Office Place and 10 Argyle Street, Traralgon.

2. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability

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

Community Outcome - Built Environment Sustainability

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

Strategic Action - Built Environment Sustainability

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

3. BACKGROUND

SUMMARY

Land: 51-57 Post Office Place, Traralgon, known as CA1 Sec 4, Lot 1 TP 340320.
10 Argyle Street, Traralgon, known as Lot 1 TP 340320

Proponent: CEEJ Developments

Zoning: Business 1 Zone (B1Z)

Overlay Land Subject to Inundation (LSIO)

A Planning Permit is required for the use and development of the land for offices and the development of the land as a restaurant in accordance with Clause 34.01-4 of the Business 1 Zone. A Planning Permit is required to waive the car parking provision in accordance with Clause 52.06-1 of the Latrobe Planning Scheme.

PROPOSAL

The application is for the use and development of a seven storey office building with an underground basement car park and a restaurant on the ground floor. The applicant also seeks a waiver of some car parking spaces that cannot be provided on site.

The building is predominantly rectangular in shape and is aligned on the north-south axis. The building will present the main façade to Argyle Street (Princes Highway) shown as the east elevation and to Post Office Place shown as the north elevation. The building façade will be finished in a combination of textured concrete panels, curtain walling and coloured glazing. The building will be approximately 27m above ground level.

The ground floor will comprise a main reception area, an office and a 115-seat restaurant. Floors one to five will contain offices and the sixth floor will contain the plant rooms and lift over-runs. The total office accommodation will be approximately 9,500m².

The underground car park, which is on three levels, will gain access from Post Office Place which lies to the north of the subject site. The car park will have capacity to park 207 cars. The development also provides space underground for 63 bicycles and shower/change facilities. Some of the cars will be parked in tandem bays.

The building design includes varied use of materials and articulation of the external walls and windows. Landscaping includes hard paved surfaces and planter boxes that integrate with landscaping in the road reserve and the internal foyer and restaurant spaces on the ground floor. The building has been designed to meet six star energy rating criteria.

(Refer attached plans)

Subject Land:

The subject land consists of two rectangular and adjoining lots bounded by Post Office Place to the north, Seymour Street properties to the south and Argyle Street (the Princes Highway) to the east. To the west is situated a retail outlet accommodating Manny's Market.

The land was formerly used as a church, church hall and administrative office of the Salvation Army Traralgon Corps and the buildings have not yet been removed. The existing ground level is approximately 1.7m above footpath level and there are two driveways from Argyle Street to an off-street parking area in front of the existing buildings.

A heritage protected *Azarole Hawthorn* tree is located on the open ground fronting Argyle Street. Heritage Victoria has granted a permit to transplant this tree to Victory Park across the Princes Highway. The tree must be transplanted prior to works commencing.

Surrounding Land Use:

North: Established business/commercial.
South: Established business/commercial.
East: Main arterial road.
West: Established business/commercial.

HISTORY OF APPLICATION

The application was received on 2 July 2008.

Further information was requested on 3 July 2008.

Relevant information was received on 23 July 2008.

The applicant was required to give notice of the application on 6 August 2008 and the application was also referred to Statutory Authorities on that date.

Four submissions were received and a Planning Mediation Meeting (PMM) was held on 11 September 2008.

LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

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

Clause 15.02 'Floodplain management,' has an objective to assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance.*

Clause 15.12 'Energy efficiency' contains an objective to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 17.01 'Activity centres' has an objective to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

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

Clause 18.02 'Car parking and public access to development' has an objective to ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.

Clause 19.03 'Design and built form' has an objective that seeks 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.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The Latrobe Strategy Plan has been prepared under the Municipal Strategic Statement (MSS) and in Clause 21.03-3 sets out a number of strategies, for "Urban and Rural Settlement", to:

- *'Consolidate development within and around the existing towns and villages and avoid unnecessary urban expansion and rural subdivision.*
- *Enhance the quality and amenity of the main town centres of Latrobe City and seek to ensure that new business activity is attracted and encouraged to locate in those centres, taking advantage of their accessibility, variety and diversity within the networked city.'*
- *Residential and commercial development is to be promoted and encouraged within the Transit Centred Precincts generally in accordance with the Latrobe Transit Centred Precincts, Township Summaries for Traralgon, Moe & Morwell.*

- *The design of residential and commercial development within Transit Centred Precincts should reflect the built form and design aspirations of the Latrobe Transit Centred Precincts Township Summaries for Traralgon, Moe & Morwell.*

The Networked City concept section of Clause 21.03 describes Traralgon as having regional office functions and sub-regional and some regional service functions.

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

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

Clause 21.04-1, Element 4 has an objective to balance conflicting land uses and which seeks to ensure that new development is not undertaken in such a way as to compromise the effective and efficient use of existing or future infrastructure or resources such as the airport, coal resources, timber production and high quality agricultural land. Strategies to implement this objective include:

- *At the neighbourhood level, urban form should demonstrate design in which a street system maximises local trip movements, supports high residential and employment densities and provides direct pedestrian and cyclist access to activity centres. It should promote a highly connected local street network, with intersections designed to encourage 'smooth' vehicle flow at speeds compatible with safe walking and cycling and to minimise vehicle accidents.*

Clause 22.03 is the municipal car parking policy and its main objectives are:

- *To recognise that the provision of car parking facilities is a function of providing access to land use activities.*

- *To provide car parking appropriate to the use of the land and reflecting need and usage.*
- *To ensure use of land generally caters for car parking demand through on-site provision in accordance with Clause 52.06 and, where appropriate, the lesser provision for those uses included in the Table to this policy.*
- *To provide an equitable, efficient and consistent approach in considering applications to reduce or waive car parking requirements.*
- *To allow flexibility in applying car parking requirements which are appropriate to the actual activity on the land.*
- *To allow flexibility when buildings are re-developed or re-used for new purposes.*
- *To achieve a high standard of design having regard to considerations such as accessibility, ease of use, streetscape, landscape, lighting, pedestrian movement and personal security.*
- *To ensure that the location and rate at which car parking is provided do not adversely affect the amenity of the locality.*
- *To ensure that access to car parking is safe, does not adversely affect pedestrian amenity and is appropriate to the function of the road, public transport and the movement and delivery of goods.*

Zoning

The land is zoned Business 1 Zone (B1Z).

The purpose of the Business 1 Zone:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.*

Overlay

The land is also overlain by the Land Subject to Inundation Overlay (LSIO)

The purpose of the Land Subject to Inundation Overlay is:

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

Particular Provisions

Clause 52.06 Car Parking:

This is the main clause that regulates parking provision in the State. However Council has adopted a local policy that regulates parking provision in the municipality and that policy permits consideration of a lesser amount of car spaces forming part of a development. This policy is found in Clause 22.03 of the scheme and forms the basis of Council considerations of development proposals.

Both Clause 52.06 and Clause 22.03 permit a reduction or waiving of the car parking requirement. In considering whether or not to reduce or waive car parking provision the Council should consider:

- Any relevant parking precinct plan.
- The availability of car parking in the locality.
- The availability of public transport in the locality.
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
- Any car parking deficiency or surplus associated with the existing use of the land.

- Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
- Local traffic management.
- Local amenity including pedestrian amenity.
- An empirical assessment of car parking demand.
- Any other relevant consideration.

Clause 52.07 Loading and Unloading of Vehicles:

The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Clause 52.34 Bicycle Facilities:

This clause establishes the amount of bicycle spaces that should be provided to encourage cycling as a mode of transport.

Decision Guidelines (Clause 65):

Before deciding on an application the Responsible Authority must consider the followings matters:

- 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.

Incorporated Documents (Clause 81):

An incorporated document with reference to the application is AS 2890.1:2004 Parking facilities – off-street car parking.

Reference Documents

Referred to in Clause 21.03 Strategic Land Use Framework (Urban and Regional Settlement Strategies), reference to *Latrobe Transit Centred Precincts* and *Moe, Morwell and Traralgon Town Summaries*.

Planning Scheme Amendments

Amendment C62 - Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement) has been authorised for exhibition and will be exhibited during October and November 2008. Clause 21.04 of the Draft LPPF contains the following relevant objectives for commercial development in the Traralgon township:

- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Discourage significant new retail and office development outside of areas Area 4 and Argyle Street.*
- *Encourage increased densities and vertical growth of Traralgon's town centre to support the growth of the office sector.*

4. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Methods Used:

Notification:

Notice of the application was served on adjoining landowners and occupiers as required under Section 52(1)(a) of the *Planning and Environment Act 1987*.

Notice of the application was served on VicRoads, Heritage Victoria and the Director of Public Transport as required under Section 52(1)(d) of the *Planning and Environment Act 1987*.

External:

The application was referred to the West Gippsland Catchment Management Authority (WGCMA) under Section 55 of the *Planning and Environment Act 1987*.

Internal:

The application was referred to Council's Project Services team who recommended conditions relating to drainage, access and car parking design and construction.

The application was also referred to the Government Architect for comment on the built form, architecture and urban design. Comments are attached.

Details of Community Consultation following Notification:

Following notification of the application four submissions were received, three of which were objections and the fourth, a submission from the Traralgon Chamber of Commerce, which offered qualified support for the development but which urged the Responsible Authority to ensure that the on-site parking provision would be addressed and provided in conformity with the planning scheme.

A Planning Mediation Meeting (PMM) was held on 11 September 2008, attended by the applicant's planning consultant, objectors and submitters.

As a result of the meeting one objector withdrew the objection as concerns were met. The Traralgon Chamber of Commerce also subsequently reiterated its position on parking with a further submission following the planning mediation meeting.

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

5. ISSUES

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

The application meets the purpose of the Business 1 Zone which is to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses. Development and use for an office and development of a restaurant requires a planning permit in Business 1 Zone.

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

The purpose of the Land Subject to Inundation Overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The West Gippsland Catchment Management Authority has indicated that the subject land will not be subjected to flooding in the event of a 100 year flood and therefore does not object to the grant of a permit for the development.

Strategic direction of the State Planning Policy Framework:

Clause 14.01 'Planning for urban settlement', - It is considered that this development assists with meeting relevant objectives by consolidating the existing Traralgon Activity Centre and encouraging higher density.

Clause 15.02 'Floodplain management,' – Please see discussion under 'Land Subject to Inundation Overlay' below.

Clause 15.12 'Energy efficiency' – This building has been designed to meet a six star energy rating. It is considered that this development has been designed to maximise energy efficiency.

Clause 17.01 'Activity centres' – It is considered that this development is consistent with the objective of encouraging the concentration of major commercial, administrative and entertainment facilities in the Traralgon Activity Centre.

Clause 17.02 'Business,' – The subject land is affected by the Business 1 Zone. It is considered that this development is consistent with the objectives of this clause by providing a substantial amount of office space that is accessible, sustainable and makes efficient use of infrastructure.

Clause 18.02 'Car parking and public access to development' – This development has provided access for pedestrians and cyclists and has considered the car parking requirements and the impact on existing transport networks, particularly in Post Office Place. Please see discussion below in relation to car parking provision and traffic management under 'Clause 52.06.'

Clause 19.03 'Design and built form' has an objective that seeks to achieve high quality urban design and architecture. It is considered that the design of the building includes a high degree of articulation and modulation which reduces the visual scale of a building of this size and addresses the public realm well. The development will provide the first building over 3 levels in a prominent location in Traralgon. It may be considered that this is reflective of recent strong growth in Traralgon and the aspiration of Traralgon as a commercial centre of Latrobe City and the Gippsland region. Although there are several large existing office complexes in Traralgon, the scale of this building may be seen as

challenging the existing cultural identity, but relatively little comment was received as result of the notification process. The architecture is sensitive to the large scale of this building in relation to surrounding environments such as Victory Park and adjacent single storey buildings. Comment has been provided on the built form by the Victorian Government Architect, attached. This is a free Government service that provides local authorities with unbiased assessments of building developments. Please see further discussion below in 'Submissions' relating to building height.

Strategic direction of the Local Planning Policy Framework – including the Municipal Strategic Statement and local planning policies:

Clause 21.03 'Urban and Rural Settlement' – It is considered that this application is consistent with the objectives of Clause 21.03. In particular, this development provides commercial development in the Traralgon Transit Centred Precinct and reflects the built form, design aspirations and the use of this site for offices contained in the *Transit Centred Precincts, Township Summary for Traralgon*. It is considered that this application is consistent with the 'Networked City' concept section of Clause 21.03, which describes Traralgon as having regional office functions and sub-regional and some regional service functions.

Clause 21.04 contains the Traralgon Structure Plan which has an objective to consolidate retail, commercial and entertainment uses in the activity centre. This application is consistent with the Traralgon Structure Plan.

Clause 21.04-3 'Heritage' has objectives to continually improve the knowledge base with regard to heritage values and assets and to support further study and investigation of all aspects of the municipality's history and heritage. The Azarole Hawthorn tree currently occupying the site has been listed by Heritage Victoria as a Registered Heritage Place No H2135, including an area 10 metres in diameter around the tree. The applicants have obtained a permit (No. P13183) from Heritage Victoria to transplant the tree to Victory Park, Traralgon. It is considered that this application is consistent with Clause 21.04-3 if the tree is successfully transplanted and protected in its new location. It is recommended that a condition be placed on this permit to reflect the requirement outlined in the Heritage Victoria permit to ensure its protection.

Clause 22.03 'Car Parking Policy' – The Latrobe Planning Scheme contains a local policy regarding Car Parking at Clause 22.03, stating:

'Car parking provisions shall be determined in accordance with Clause 52.06, except for those uses identified in the following Table, in which case the lesser car parking requirement shown in the Table can be considered.'

The uses in the development applied for are listed in the table to Clause 22.03 therefore those rates of car parking apply. Clause 22.03 of the Latrobe Planning Scheme requires the provision of 217 car parking spaces as follows:

Office use

(2 spaces per 100m ² of floorspace – 9,405m ²)	188
Restaurant (0.25 spaces per seat – 115 seats)	29
Total car parking spaces required	217
Total car parking spaces provided in plans	207

As the development provides 207 car spaces, there will be a shortfall of 10 car spaces.

The applicant has requested a waiver of the 10 parking spaces. Under Clause 52.06 and Clause 22.03, Council as a responsible authority has some discretion in the matter of waiving car parking requirements. Clause 22.03 directs Council to consider the following matters:

- *Credit for car parking spaces for existing buildings.*

Comment: Not applicable.

- *Any car parking precinct plan.*

Comment: No precinct plan exists for Traralgon

- *The availability of car parking in the locality*

Comment: whilst the Seymour Street Car Park provides public access parking and is within some 200m of the subject land, it is considered that parking spaces in Traralgon are heavily utilised, and that there is insufficient available parking in the vicinity of this development.

- *The availability of public transport in the locality.*

Comment: The subject land is within 400m of the Traralgon railway station and 200m of the Franklin Street bus interchange. It may be considered that this site is well serviced by public transport.

- *The effect of time sharing of car parking demand among the uses and the reduction in car parking demand associated with shared car parking provision.*

Comment: It may be considered that the additional parking required by the restaurant users will predominantly be associated with the evening use of the restaurant, where as the restaurant will be mostly used by office workers during business hours. It may be argued that time sharing of car parking demand among uses could occur on this site. Although the application makes this argument, the supporting information to justify this is not strong and therefore does not appear to provide a compelling case to waive parking requirements on these grounds.

- *The actual car parking demand of the use*
 - not applicable as the use has not commenced
- *The existing car parking deficiencies associated with existing use of the land*
 - not applicable
- *The provisions of any local car parking policy*
 - there is no parking policy applicable to this locality
- *Local traffic management*
 - it is considered that traffic management in this locality would not be grounds upon which to waive car parking requirements.
- *Local amenity including pedestrian amenity*
 - amenity issues are considered to be minimal given the basement car parking arrangement encompassed wholly within the subject land, and with minimal opportunities for pedestrian conflict. It is considered that this is not grounds upon which to waive car parking requirements.

The applicant has also requested that the over-provision of the number of bicycle parking spaces and associated facilities in this development be considered. In accordance with Clause 52.34, a development of this size should provide 45 bicycle spaces and four shower compartments for employees. The designed proposal will provide space for 63 bicycles and seven shower compartments, demonstrating a commitment to environmentally sustainable and healthy transport options for office employees. Clause 52.06 does allow for 'any other relevant matter' to be considered in the waiving or reduction of car parking. Although the application makes this argument, the supporting information to justify it is not strong and therefore does not appear to provide a compelling case to waive parking requirements on these grounds.

It is considered that there may be insufficient justification to waive car parking requirements and that the applicant therefore be required to provide the required parking provision on the land or pay a contribution in lieu of that provision. Clause 22.03 provides guidance in relation to cash-in-lieu contributions, particularly:

- *Contributions as cash-in-lieu payment, where car parking provision requirements have been reduced or waived, may also be used to fund improvements to the efficient use of existing car parking facilities as well as for additional car parking.*

A contribution for this development would be used to fund improvements to on street car parking in the vicinity as well as improvements to other Council car parking facilities such as the Seymour Street Car Park.

It is considered that there are insufficient grounds to waive the car parking requirement for 10 car parking spaces. It is recommended that a condition be placed on this permit requiring the applicant to provide the additional 10 car parking spaces or provide a cash in lieu payment of \$103, 000, being \$10,300 per car parking space, in accordance with the schedule of fees.

Relevant Particular Provisions

Clause 52.06 Car Parking: Please see discussion under 'Clause 22.03' above.

Clause 52.07 Loading and Unloading of Vehicles:

The development has provision of a loading and unloading bay on the ground floor at the south west corner of the building. This loading bay is to be accessed from Methodist Lane which currently truncates approximately 10m from the boundary of the subject land with a Council owned strip of land that extends from Methodist Lane to the subject land.

This matter of access to the loading bay via a legal right of way must be resolved prior to use commencing. It is recommended that a condition be placed on the permit to this effect.

Clause 52.34 Bicycle Facilities:

It is considered that this application is consistent with Clause 52.34

Clause 65 (Decision Guidelines):

It is considered that the application complies with the appropriate 'Decision Guidelines' and in particular;

- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

Incorporated Documents (Clause 81):

It is considered that this development is consistent with AS 2890.1:2004 Parking facilities – off-street car parking.

Reference Documents

Latrobe Transit Centred Precincts and Moe, Morwell and Traralgon Town Summaries. Please see discussion under Clause 21.03 above.

Planning Scheme Amendments

Amendment C62 - Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement). It is considered that this development is consistent with Clause 21.04 of the Draft LPPF, in particular by encouraging new office development and vertical growth in the Primary Activity Centre of Traralgon.

Submissions

A summary of the main objections raised in the submissions:

1. Inadequate off-street parking

Comment:

The standard State car parking requirement outlined in Clause 52.06 applies but should be read with a local policy where it exists. The Latrobe Planning Scheme contains Local Planning Policy at Clause 22.03. Please see discussion under Clause 22.03 above.

2. Adverse effect on (existing) traffic management

Comment:

The question of traffic management has been addressed by the traffic consultants in their report forming part of the submission. VicRoads were notified of this application under Section 52 (1) (d) of the Planning and Environment Act and provided comment requesting further traffic analysis pertaining to the intersection between Post Office Place and the Princes Highway. VicRoads is in the process of obtaining funding for this intersection under the blackspot funding program, having identified it as being dangerous. It is considered important to understand the impact that this development may have on traffic volumes and management at this intersection.

This information has been provided and considered by VicRoads and Council's traffic engineers. It is considered that although this development will increase traffic volumes at the intersection, the impact is not so great as to require traffic management works in addition to those already proposed by VicRoads.

3. Adverse effect on existing laneway

Comment:

The traffic report provided by the applicant indicates minimal loading activity associated with restaurant deliveries and private garbage collection. It is considered that the impact on other users of the laneway will be minimal, particularly as the development will be at the eastern end of Methodist Lane and will contain sufficient space on the subject land for loading and turning of vehicles. Please also see discussion under Clause 52.07 above.

4. Inappropriate building height

Comment:

The proposal before the Council is a major development for the area and it should be seen in that context. It is accepted that the surrounding buildings are predominantly single and two storeys and any variation from that neighbourhood context and character must necessarily have an impact on the streetscape. However the question is not whether or not the building will have an impact, but whether that impact will be so obtrusive as to cause a discordant element in the neighbourhood and on the streetscape.

The question of high rise buildings and streetscape has been addressed by the Victorian Civil and Administrative Tribunal (VCAT) on many occasions, often with differing conclusions.

In 1983 the predecessor of VCAT, the Planning Appeals Board (PAB), held that it was a fundamental tenet of sound town planning that no building in itself be permitted by virtue of design or scale or height to be so out of character with its neighbours that it will strike a discordant element in a streetscape given over to any particular architectural pattern, style or form; *Carter-Merolli Pty Ltd v City of Melbourne*.

However in *Merrigal Pty Ltd v City of Melbourne* the PAB argued that there might indeed be an occasion when a 'discordant' element could be introduced into a neighbourhood if the existing buildings were poorly designed.

In *Golden Ridge Investments Pty Ltd v Whitehorse City Council* the Tribunal held that a permit for a high rise building may be granted in the absence of a strategic plan or structure plan which specifically identifies the particular land for high rise development based on factors such as existing policy provisions in the scheme concerning urban consolidation and urban design; and the need to respond positively to development opportunities created by the private sector, particularly in relation to land close to transport services, within an activity centre and having a limited residential interface.

The Tribunal also felt that it is not necessary that new development must be the same as existing built form, especially in a strategic location. New development can take account of existing built form yet be different.

Council referred the development to the Victorian Government Architect who assessed the design positively. The virtues of the design are commended. The Government Architect's letter is attached to this report. The question of signage is addressed under Clause 52.05 and would be the subject of a separate permit application.

It is considered that while the height of this building does not accord with the neighbouring properties, it does accord with existing and proposed local planning policy, to consolidate development and encourage vertical growth within the Traralgon Primary Activity Centre. It is further considered that the architecture is sensitive to its surrounds and therefore attempts to minimise the visual impact of the scale. Please see further discussion on built form under Clause 19.03 above.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. OPTIONS

Council has the following options in regard to this application:

- Issue a Notice of Decision to Grant a Permit.
- Issue a refusal to Grant a Permit.

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

8. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Business 1 Zone;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay;
- Consistent with the Decision Guidelines of Clause 65 and
- The objection(s) received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Relevant permit conditions, addressing these issues will be recommended for inclusion in a permit.

9. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit, for the Use and Development of an Office Building and Development of a Restaurant at 51-57 Post Office Place and 10 Argyle Street, Traralgon (being CA1 Sec A and Lot 1 TP 340320) with the following conditions:

1. **The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

- 2. Before the use and development, including site works, commences, the existing Azarole Hawthorn tree located on the land must be carefully removed and relocated to Victory Park to the satisfaction of the Responsible Authority and in conformity with Permit P13183 issued by Heritage Victoria. All costs associated with initial relocation, signage and maintenance of the transplanted tree, the propagation program and any costs with inspecting and documenting its protection are to be met by the applicant. All such activities must be undertaken to the satisfaction of the Responsible Authority in consultation with a suitably qualified arborist.**
- 3. Before the use commences, a legal right of way must be available to the rear loading bay, to the satisfaction of the Responsible Authority.**
- 4. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**

 - a) Constructed and properly formed to such levels that they can be used in accordance with the plans;**
 - b) surfaced with an all-weather-seal coat or equivalent and drained;**
 - c) line marked to indicate each car space and all access lanes;**
 - d) clearly marked to show the direction of traffic along access lanes and driveways;**
 - e) Designed and laid out according to Australian Standard AS/NZS 2890.1:2004, *Parking Facilities – Off-street car parking.***

Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
- 5. Before the works commence, the following infrastructure must be designed to the satisfaction of, and approved by the Council's Coordinator Project Services:**

 - a) An underground drainage system (or alternative drainage system) including all hydraulic computations accepting stormwater discharge from the internal roadways, carparks and buildings. Provision of storm surcharge routes and cut-off drains. The pipes must be designed to take the 10 year ARI storm event. Stormwater discharge must be designed to include storm water retardation systems prior to the point of discharge of stormwater from the development into the Council drains to ensure the discharge is limited to pre-development flows.**

- b) Design of car parking areas must be in accordance with Australian Standard AS 2890.1.
 - c) Provide detailed scaled drawing of turning templates of how service vehicles will enter and exit west side of building.
6. Before the use commences, the following works must be constructed to the satisfaction of the Council's Coordinator Project Services:
- a) Construction of the underground drainage system in accordance with the drainage plans approved by the Council's Coordinator Project Services.
 - b) Construction of the internal roadways and car parking, and all vehicle crossovers connecting to Post office place. Driveways to be constructed in accordance with Council's Design Guidelines (Urban Commercial/Industrial standards).
7. Environmental amenity must be controlled during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
8. The existing stormwater drainage pipes within the site boundaries must be made redundant and relocated to the satisfaction of responsible authority and at no cost to Latrobe City Council.
9. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers.
10. Prior to the commencement of the use of the building hereby approved, the applicant must either provide (an additional) 10 car spaces or pay a cash contribution to Council in lieu of the non-provision of on-site car parking spaces. The value of the contribution shall be \$10,300 per car space or \$103,000 in total. The applicant may enter into an agreement with the Responsible Authority to pay the amount in instalments to the authority's satisfaction.
11. Before the development starts a schedule of construction materials, external finishes and colours must be submitted to and approved and endorsed by the Responsible Authority.
12. Before the use and development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- a) All business and corporate identification signage

13. Before the use and occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. 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.
15. This permit will expire if one of the following circumstances applies:
 - a) The development and use are not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

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

Cr Caulfield declared an Interest in this Item as his employer may be engaged in rental of the building which may be placed on this site.

Moved: Cr Wilson

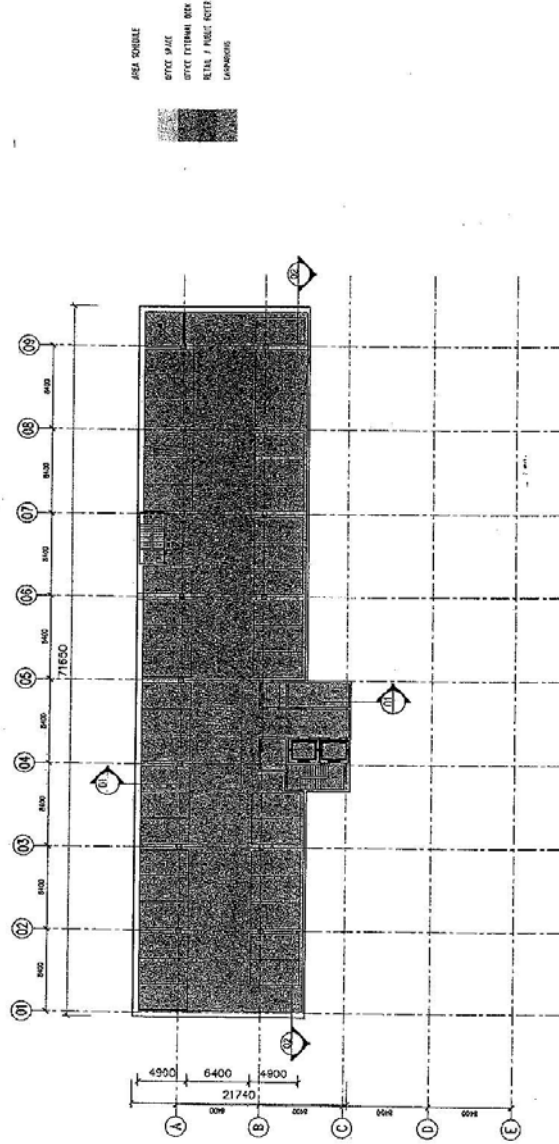
Seconded: Cr White

That the Recommendation be adopted.

CARRIED

ATTACHMENTS





01 PLAN LEVEL - 3 BASEMENT
 SCALE: 1:200 @ A1, 1:400 @ A3

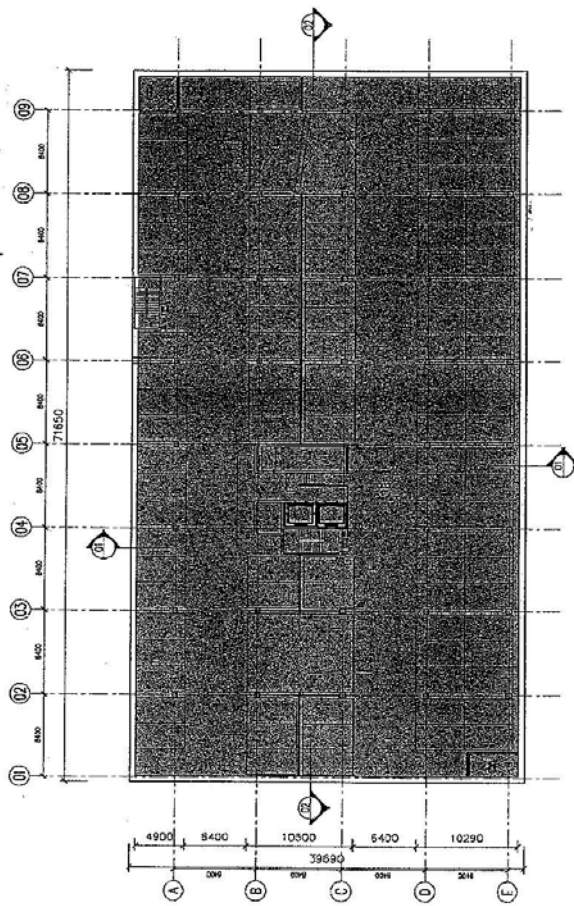


DATE: 10 May 2008
 SCALE: 1:200 @ A1, 1:400 @ A3

PROJECT: CEEI DEVELOPMENTS TP 8.02
 DRAWING: 1/1

LEVEL -03 BASEMENT PLAN
 Victory Tower, Thiruvananthapuram

AREA SYMBOL
 OFFICE SPACE
 OFFICE EXTERNAL CORE
 RETAIL / PUBLIC OFFICE
 LANDSCAPE



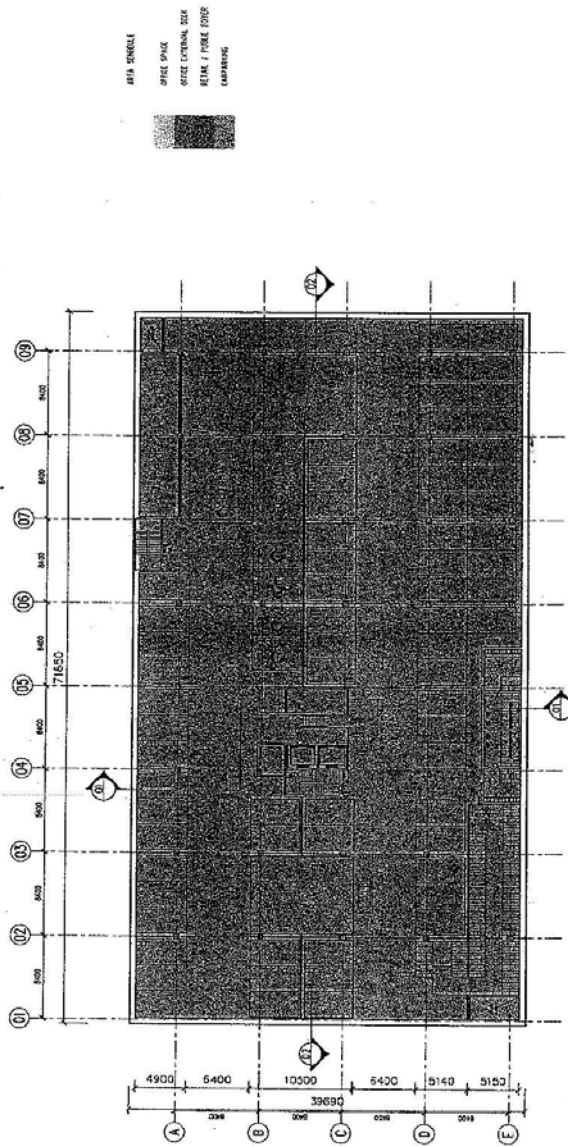
01 PLAN LEVEL -2 BASEMENT
 SCALE: 1:400 @ A3



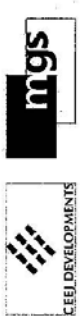
DATE: 30 May 2008
 SCALE: 1:400 @ A3, 1:400 @ A4
 DRAWN BY: [unreadable]
 CHECKED BY: [unreadable]
 DESIGNED BY: [unreadable]
 PROJECT NO: [unreadable]

LEVEL -02 FLOOR PLAN
 Victory Tower, Transition



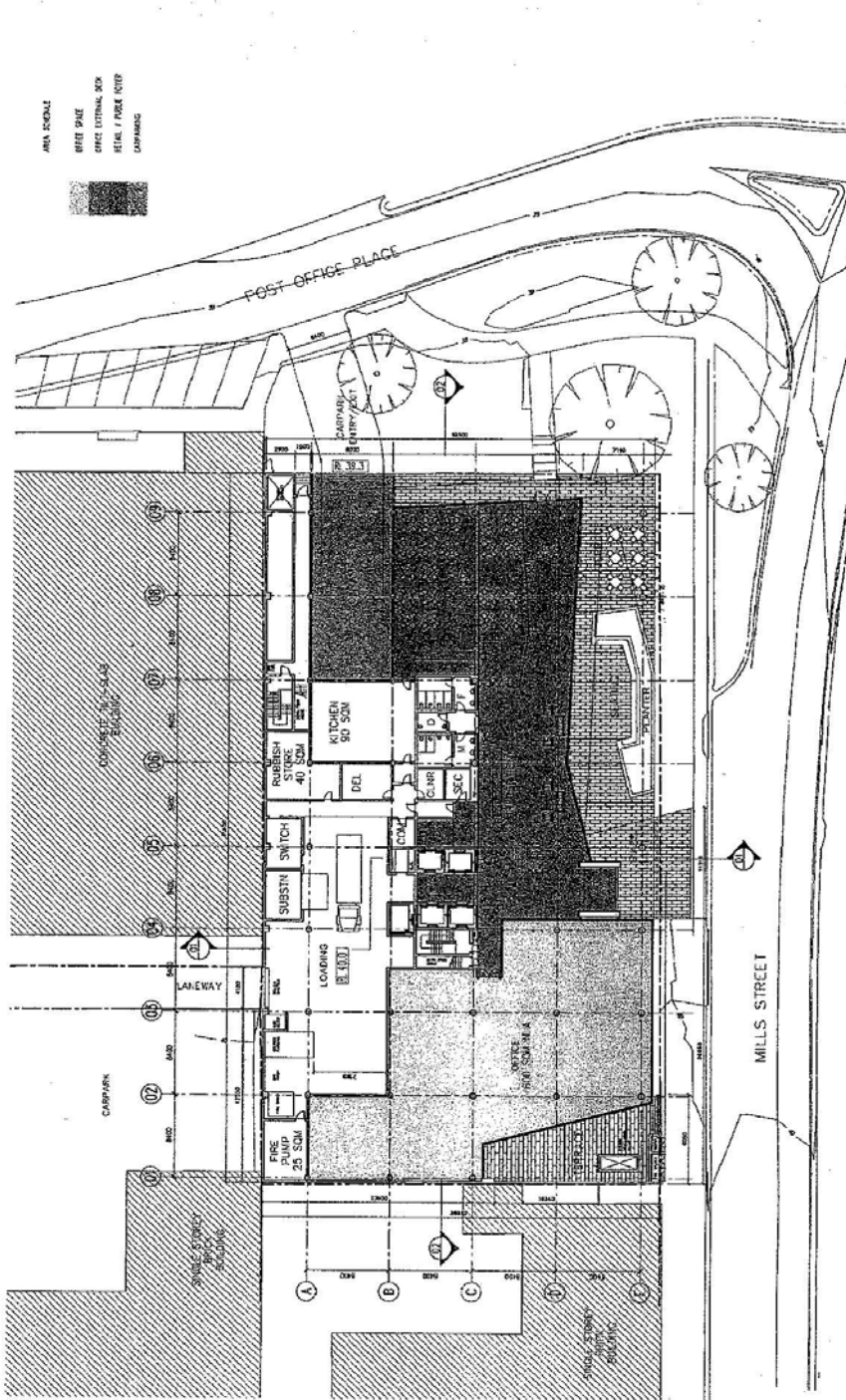


03 PLAN LEVEL - 1 BASEMENT
SCALE 1:200 @ A1 1:400 @ A3



DATE: 11.08.08 @ A1, 1.10.08 @ A3
BY: May 2008
SCALE: 1:200
DRAWN: CEEI DEVELOPMENTS (1/1) & 04
CHECK: CEEI DEVELOPMENTS (1/1) & 04
DESIGNED: 03/77

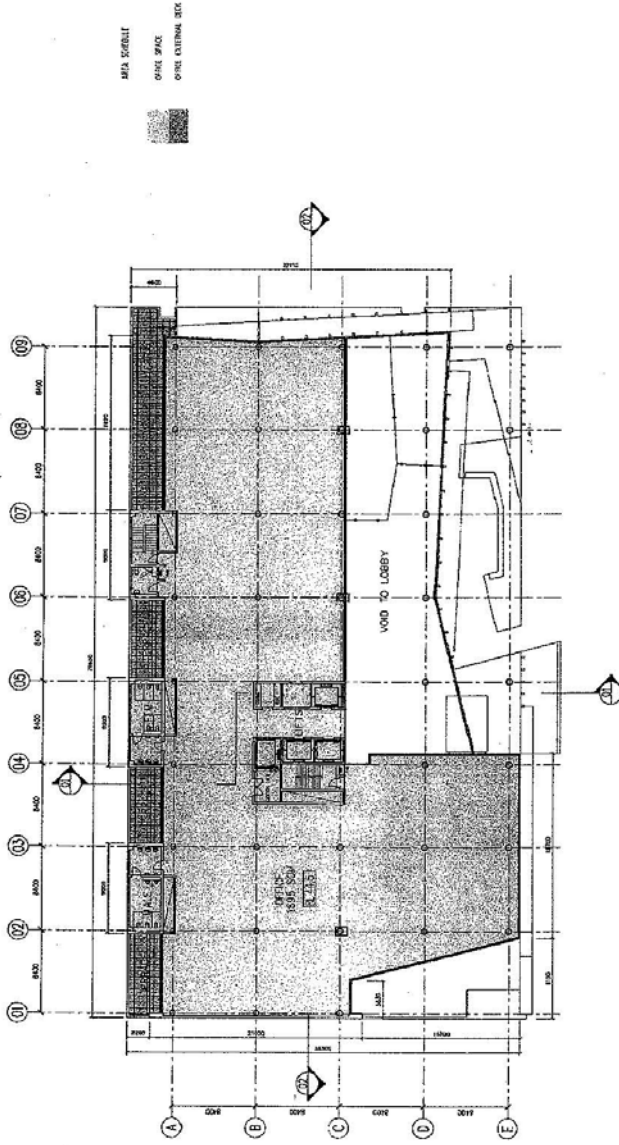
LEVEL -01 BASEMENT PLAN
Viceroy Tower, Thiruvananthapuram



01 LEVEL 00 FLOOR PLAN
 SCALE: 1:200 @ A1, 1:100 @ A2

DATE: 20 May 2008
 SCALE: 1:200 @ A1, 1:400 @ A3
 DRAWN: CEEI DEVELOPMENTS TP & BS
 CHECK: CEEI DEVELOPMENTS TP & BS
 APPROVED: 02/07

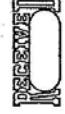
LEVEL 00 FLOOR PLAN
 Victory Tower, Tiragon

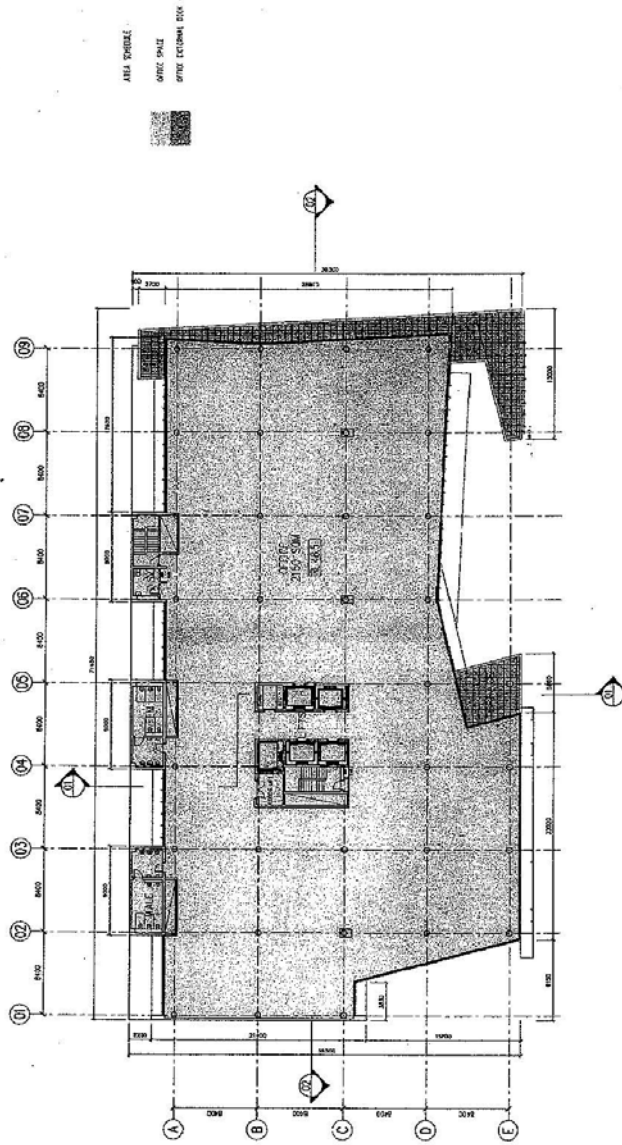


01 LEVEL 01 FLOOR PLAN
SCALE: 1:100 @ A1, 1:400 @ A3

LEVEL 01 FLOOR PLAN
Victory Tower, Thailand

DATE: 20 May 2008
SCALE: 1:100 @ A1, 1:400 @ A3



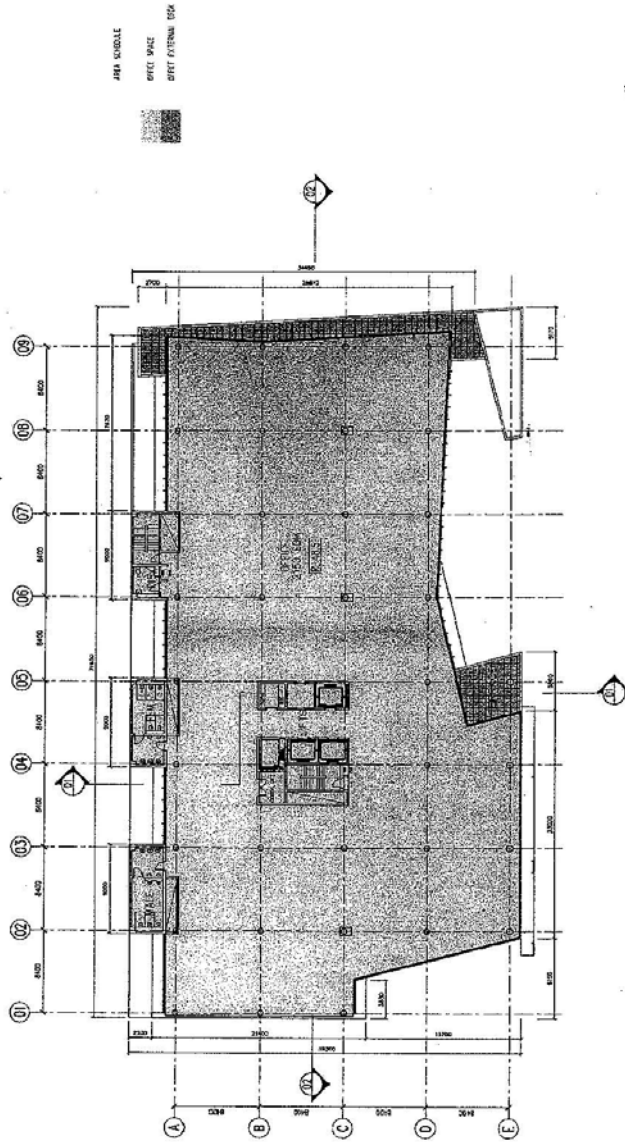


01 LEVEL 02 FLOOR PLAN
SCALE: 1:200 @ A1 1:400 @ A3

LEVEL 02 FLOOR PLAN
Victory Towers, Transgen

DATE: 16 May 2008
SCALE: 1:200 @ A1, 1:400 @ A3

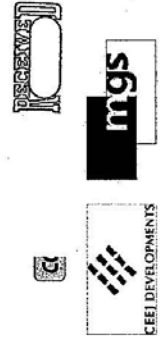


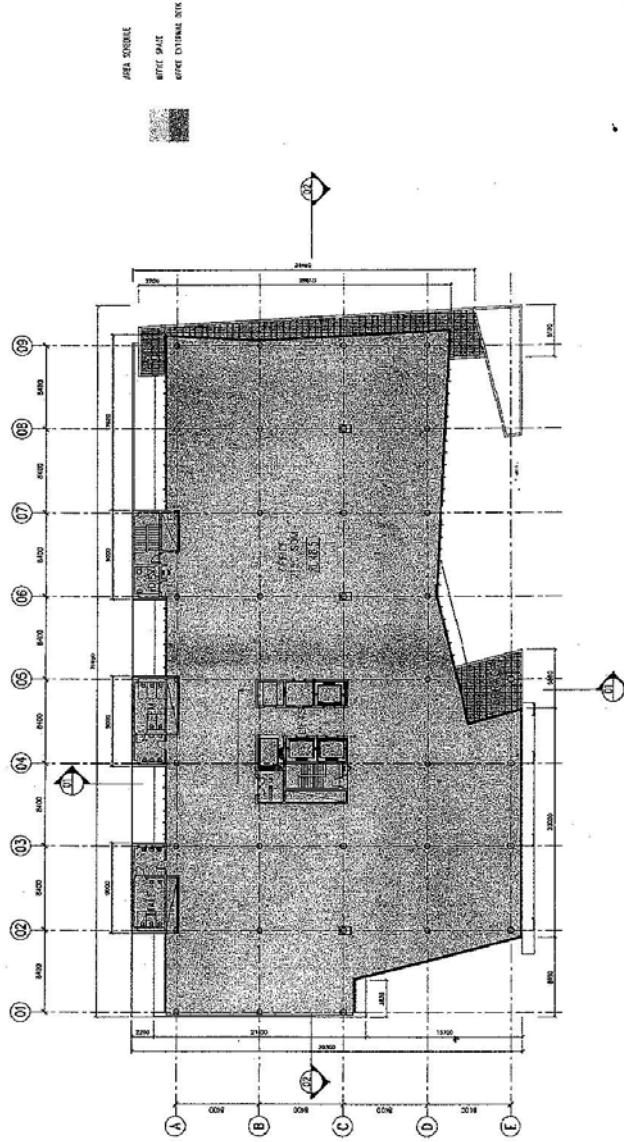


02 LEVEL 03 FLOOR PLAN
SCALE 1:200 @ A1 1:100 @ A3

LEVEL 03 FLOOR PLAN
Victory Tower, Tiratona

DATE: 20/10/08
SCALE: 1:200 @ A1, 1:100 @ A3





SCALE: 1:200 @ A1, 1:400 @ A3

DATE: 20 May 2008

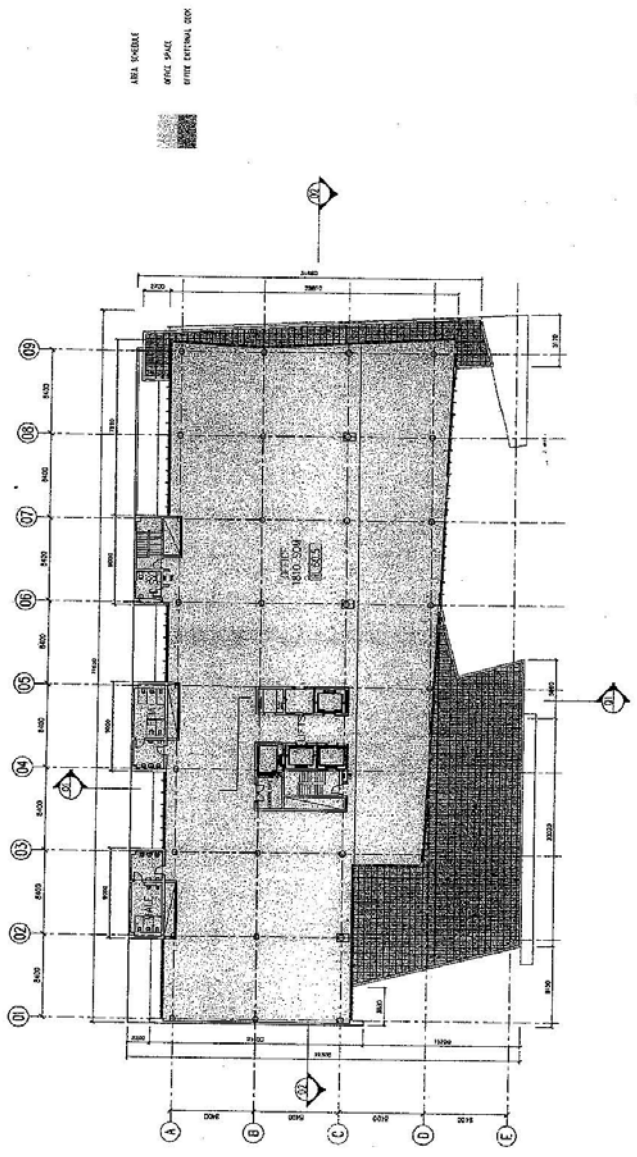
SCALE: 1:200 @ A1, 1:400 @ A3

DATE: 20 May 2008

SCALE: 1:200 @ A1, 1:400 @ A3

DATE: 20 May 2008

LEVEL 04 FLOOR PLAN
Victory Tower, Transcom



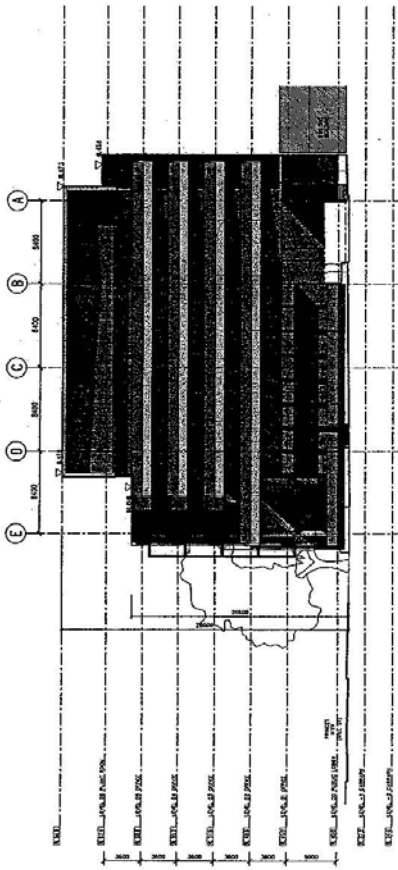
01 LEVEL 05 FLOOR PLAN
SCALE: 1:500 @ A1, 1:400 @ A3

LEVEL 05 FLOOR PLAN
Victory Tower, Trawangan

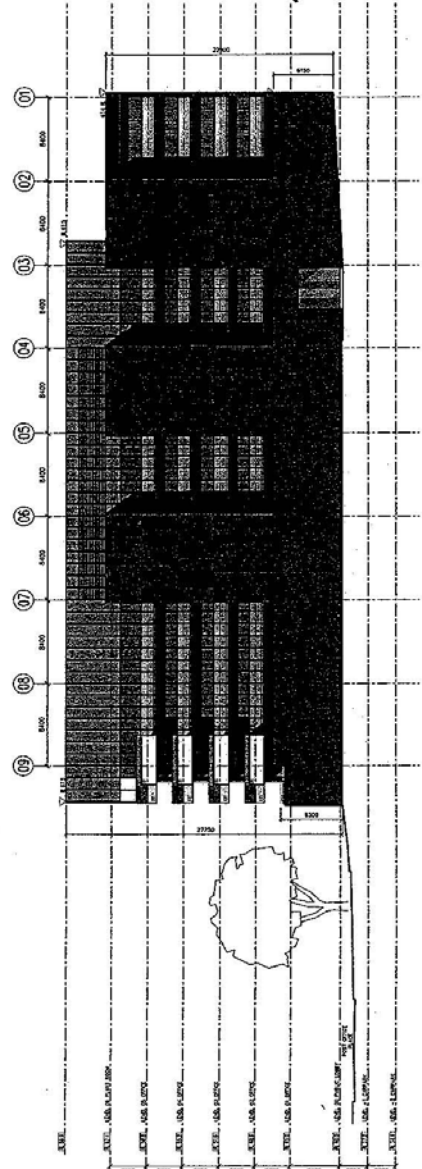
PROJECT: VICTORY TOWER
DRAWING: LEVEL DEVELOPMENTS
DATE: 30 May 2008
SCALE: 1:500 @ A1, 1:400 @ A3



AMC	DESCRIPTION
1	CONCRETE
2	BRICK
3	GLAZED ALUMINUM CURTAIN WALL
4	GLAZED ALUMINUM WINDOW
5	GLAZED ALUMINUM DOOR
6	GLAZED ALUMINUM PARTITION
7	GLAZED ALUMINUM RAMP
8	GLAZED ALUMINUM STAIR
9	GLAZED ALUMINUM BALCONY
10	GLAZED ALUMINUM TERRACE
11	GLAZED ALUMINUM PORCH
12	GLAZED ALUMINUM PATIO
13	GLAZED ALUMINUM PERGOLA
14	GLAZED ALUMINUM CANOPY
15	GLAZED ALUMINUM AWNING
16	GLAZED ALUMINUM BALCONY RAILING
17	GLAZED ALUMINUM STAIR RAILING
18	GLAZED ALUMINUM BALCONY RAILING
19	GLAZED ALUMINUM STAIR RAILING
20	GLAZED ALUMINUM BALCONY RAILING
21	GLAZED ALUMINUM STAIR RAILING
22	GLAZED ALUMINUM BALCONY RAILING
23	GLAZED ALUMINUM STAIR RAILING
24	GLAZED ALUMINUM BALCONY RAILING
25	GLAZED ALUMINUM STAIR RAILING
26	GLAZED ALUMINUM BALCONY RAILING
27	GLAZED ALUMINUM STAIR RAILING
28	GLAZED ALUMINUM BALCONY RAILING
29	GLAZED ALUMINUM STAIR RAILING
30	GLAZED ALUMINUM BALCONY RAILING
31	GLAZED ALUMINUM STAIR RAILING
32	GLAZED ALUMINUM BALCONY RAILING
33	GLAZED ALUMINUM STAIR RAILING
34	GLAZED ALUMINUM BALCONY RAILING
35	GLAZED ALUMINUM STAIR RAILING
36	GLAZED ALUMINUM BALCONY RAILING
37	GLAZED ALUMINUM STAIR RAILING
38	GLAZED ALUMINUM BALCONY RAILING
39	GLAZED ALUMINUM STAIR RAILING
40	GLAZED ALUMINUM BALCONY RAILING
41	GLAZED ALUMINUM STAIR RAILING
42	GLAZED ALUMINUM BALCONY RAILING
43	GLAZED ALUMINUM STAIR RAILING
44	GLAZED ALUMINUM BALCONY RAILING
45	GLAZED ALUMINUM STAIR RAILING
46	GLAZED ALUMINUM BALCONY RAILING
47	GLAZED ALUMINUM STAIR RAILING
48	GLAZED ALUMINUM BALCONY RAILING
49	GLAZED ALUMINUM STAIR RAILING
50	GLAZED ALUMINUM BALCONY RAILING
51	GLAZED ALUMINUM STAIR RAILING
52	GLAZED ALUMINUM BALCONY RAILING
53	GLAZED ALUMINUM STAIR RAILING
54	GLAZED ALUMINUM BALCONY RAILING
55	GLAZED ALUMINUM STAIR RAILING
56	GLAZED ALUMINUM BALCONY RAILING
57	GLAZED ALUMINUM STAIR RAILING
58	GLAZED ALUMINUM BALCONY RAILING
59	GLAZED ALUMINUM STAIR RAILING
60	GLAZED ALUMINUM BALCONY RAILING
61	GLAZED ALUMINUM STAIR RAILING
62	GLAZED ALUMINUM BALCONY RAILING
63	GLAZED ALUMINUM STAIR RAILING
64	GLAZED ALUMINUM BALCONY RAILING
65	GLAZED ALUMINUM STAIR RAILING
66	GLAZED ALUMINUM BALCONY RAILING
67	GLAZED ALUMINUM STAIR RAILING
68	GLAZED ALUMINUM BALCONY RAILING
69	GLAZED ALUMINUM STAIR RAILING
70	GLAZED ALUMINUM BALCONY RAILING
71	GLAZED ALUMINUM STAIR RAILING
72	GLAZED ALUMINUM BALCONY RAILING
73	GLAZED ALUMINUM STAIR RAILING
74	GLAZED ALUMINUM BALCONY RAILING
75	GLAZED ALUMINUM STAIR RAILING
76	GLAZED ALUMINUM BALCONY RAILING
77	GLAZED ALUMINUM STAIR RAILING
78	GLAZED ALUMINUM BALCONY RAILING
79	GLAZED ALUMINUM STAIR RAILING
80	GLAZED ALUMINUM BALCONY RAILING
81	GLAZED ALUMINUM STAIR RAILING
82	GLAZED ALUMINUM BALCONY RAILING
83	GLAZED ALUMINUM STAIR RAILING
84	GLAZED ALUMINUM BALCONY RAILING
85	GLAZED ALUMINUM STAIR RAILING
86	GLAZED ALUMINUM BALCONY RAILING
87	GLAZED ALUMINUM STAIR RAILING
88	GLAZED ALUMINUM BALCONY RAILING
89	GLAZED ALUMINUM STAIR RAILING
90	GLAZED ALUMINUM BALCONY RAILING
91	GLAZED ALUMINUM STAIR RAILING
92	GLAZED ALUMINUM BALCONY RAILING
93	GLAZED ALUMINUM STAIR RAILING
94	GLAZED ALUMINUM BALCONY RAILING
95	GLAZED ALUMINUM STAIR RAILING
96	GLAZED ALUMINUM BALCONY RAILING
97	GLAZED ALUMINUM STAIR RAILING
98	GLAZED ALUMINUM BALCONY RAILING
99	GLAZED ALUMINUM STAIR RAILING
100	GLAZED ALUMINUM BALCONY RAILING



01 NORTH ELEVATION
SCALE 1:200 @ A1, 1:400 @ A3



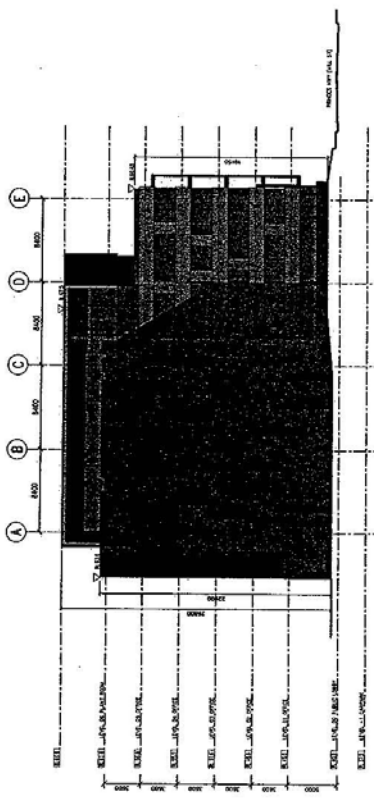
02 WEST ELEVATION
SCALE 1:200 @ A1, 1:400 @ A3

ELEVATIONS, SHEET 1
Victory Tower, Translog

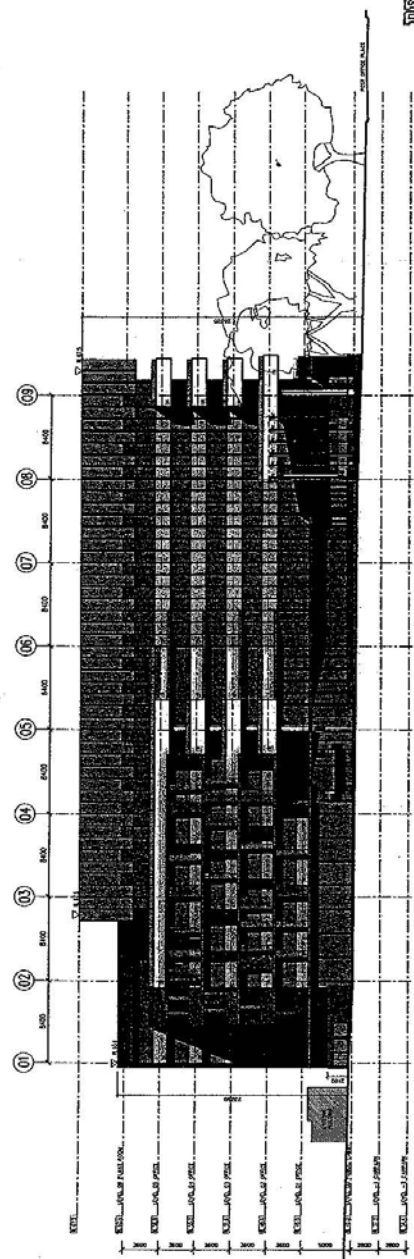
JOB NUMBER: 0027
 CLIENT: CEE DEVELOPMENTS
 DRAWING: TP-4-01
 SCALE: 1:200 @ A1, 1:400 @ A3
 DATE: 05 June 2008



TYPICAL FINISHES	
NO.	DESCRIPTION
001	CONCRETE
002	PLASTER
003	PAINT
004	GLASS
005	BRICK
006	STONE
007	WOOD
008	ROOFING
009	MECHANICAL
010	ELECTRICAL
011	PLUMBING
012	MECHANICAL
013	ELECTRICAL
014	PLUMBING
015	MECHANICAL
016	ELECTRICAL
017	PLUMBING
018	MECHANICAL
019	ELECTRICAL
020	PLUMBING
021	MECHANICAL
022	ELECTRICAL
023	PLUMBING
024	MECHANICAL
025	ELECTRICAL
026	PLUMBING
027	MECHANICAL
028	ELECTRICAL
029	PLUMBING
030	MECHANICAL
031	ELECTRICAL
032	PLUMBING
033	MECHANICAL
034	ELECTRICAL
035	PLUMBING
036	MECHANICAL
037	ELECTRICAL
038	PLUMBING
039	MECHANICAL
040	ELECTRICAL
041	PLUMBING
042	MECHANICAL
043	ELECTRICAL
044	PLUMBING
045	MECHANICAL
046	ELECTRICAL
047	PLUMBING
048	MECHANICAL
049	ELECTRICAL
050	PLUMBING
051	MECHANICAL
052	ELECTRICAL
053	PLUMBING
054	MECHANICAL
055	ELECTRICAL
056	PLUMBING
057	MECHANICAL
058	ELECTRICAL
059	PLUMBING
060	MECHANICAL
061	ELECTRICAL
062	PLUMBING
063	MECHANICAL
064	ELECTRICAL
065	PLUMBING
066	MECHANICAL
067	ELECTRICAL
068	PLUMBING
069	MECHANICAL
070	ELECTRICAL
071	PLUMBING
072	MECHANICAL
073	ELECTRICAL
074	PLUMBING
075	MECHANICAL
076	ELECTRICAL
077	PLUMBING
078	MECHANICAL
079	ELECTRICAL
080	PLUMBING
081	MECHANICAL
082	ELECTRICAL
083	PLUMBING
084	MECHANICAL
085	ELECTRICAL
086	PLUMBING
087	MECHANICAL
088	ELECTRICAL
089	PLUMBING
090	MECHANICAL
091	ELECTRICAL
092	PLUMBING
093	MECHANICAL
094	ELECTRICAL
095	PLUMBING
096	MECHANICAL
097	ELECTRICAL
098	PLUMBING
099	MECHANICAL
100	ELECTRICAL



01 SOUTH ELEVATION
SCALE 1:200 @ A1 1:400 @ A3



02 EAST ELEVATION
SCALE 1:200 @ A1 1:400 @ A3

ELEVATIONS SHEET 2
Victory Tower, Treadon

DESIGNED BY: CCEL DEVELOPMENTS
DRAWN BY: TP-ACE
DATE: 15 June 2008
SCALE: 1:200 @ A1, 1:400 @ A3





Department of Premier and Cabinet

1 Treasury Place
Melbourne Victoria 3002
GPO Box 4912
Melbourne Victoria 3001
Telephone: (03) 9651 5111
Facsimile: (03) 9651 2062
DX 210753

D08/317956

**Carol Jeffs
Coordinator City Planning
Latrobe City
PO Box 264
MORWELL VIC 3840**

Dear Ms Jeffs

VICTORY TOWER, TRARALGON

Thank you for seeking a design review of the above project.

We received a presentation by the architect Chris Jones of MGS Architects on 27 August, which was attended by Nathan Misiurka representing Latrobe City. Also in attendance were representatives of the developer CEEJ Developments and their consultant team.

The project is for a new, seven storey commercial development of approximately 10,000 sqm, which is proposed to be sited on the corner of Mills Street and Post Office Place in Traralgon.

The proposal offers a well considered architectural and urban design outcome for the site, which should offer a good benchmark for future higher density developments if it is well executed. We note and commend, in particular:

- The high level of visual and physical permeability, and the creation of positive, weather protected, outdoor seating spaces at ground level;
- The retail and hospitality uses and their relationship to the lobby as proposed for the ground floor, which will activate the building at both street frontages;
- The modulation of the building form to reduce its perceived scale and bulk;
- The high articulation of the east and north elevations to provide depth, considered variation and liveliness, including:
 - the proposed use of restrained integral colour in concrete panels, and the variation of angles the sun shading elements (to be developed to suit sun angles). We note that no applied finishes to concrete will be used;


- the proposed use of clear and coloured glazing to articulate the form, and high quality frameless glass balustrades;
- proposed use of timber screening to provide a diversity of materials which offer natural (non-applied) richness;
- good access to natural light and ventilation by users afforded by glazing and balconies;
- Good articulation of the south and west elevations which abut adjacent sites;
- The proposed 5 star green star and 5 star ABGR sustainability ratings;
- The proposed landscape treatment of the Council owned nature strip and buffer at east and north street frontages;
- The potential integration of an artwork by a high calibre artist.

In developing the scheme further, we would encourage the Developer to provide Council with the following:

1. A signage strategy for business signage, indicating how the design of all signage will be integrated with the architecture;
2. Photographic benchmarks indicating the level of quality of architectural and construction detailing that can be expected; and
3. Samples of materials which relate to these benchmark details.

We are pleased to be able to assist with this important project and ask that you contact us if you have any queries regarding this review.

Yours sincerely



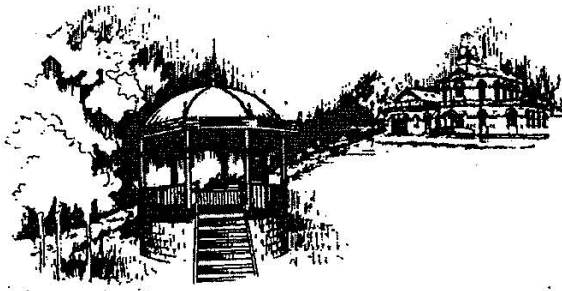
SHELLEY PENN ☎ 9651 6583
Associate Victorian Government Architect
Department of Premier and Cabinet



Correspondence: The Secretary, PO Box 79, Traralgon 3844

7 September 2008

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840



(Sent via email)

Dear Mr Buckley,

**APPLICATION FOR PLANNING PERMIT: 51-57 POST OFFICE PLACE AND 10 ARGYLE STREET
AND REDUCTION IN CAR PARKING REQUIREMENTS
Application Reference Number – 2008/25**

Although the Chamber fully supports the proposed development, it is concerned to ensure that parking requirements are fully catered for – now and for the future – given the anticipated continual growth of Traralgon, and that consistency/equity with other developments is maintained.

We also understand that Traralgon CBD is a specially designated area within Latrobe City for car parking purposes, and that treatment of car parking requirements is to be as per metropolitan standards – presumably ruling out any lesser requirements to Clause 52.06 of the Latrobe Planning Scheme accorded by Clause 22.03. Regretfully, however, we have been unable to locate the relevant document for precise details, but imagine that Council/Planning Authority is aware of this and will take it into account.

We do not wish to speak to this extremely brief submission when the application is being determined by the Responsible Authority, but would appreciate being included in any objectors/mediation meetings.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'B. Bremner'. The signature is written in a cursive, somewhat stylized script.

(Bruce Bremner)
Assistant Secretary

pw 29/8

Latrobe City	
28 AUG 2008	
Doc. No:	333245
Action Officer:	
Proposal Code:	
Comments:	



Money Sense Financial Group Pty Ltd
ABN 66 100 848 157
Authorised Representative of
AMP Financial Planning Pty Ltd
2B Seymour St, Traralgon 3844
p 03 5174 3622
134 Raymond St, Sale 3850
p 03 5144 2922
e renato@monneysense.com.au
w www.monneysense.amp.com.au

27 August 2008

Statutory Planning Department
Latrobe City Council
PO Box 264
Morwell 3840



Dear Sir/Madam

OBJECTION TO GRANT OF PLANNING PERMIT
Application 2008/205 by CEEJ Developments (Victory Tower)
- Use and development of an office, development of a restaurant and reduction in Car parking requirements 51-57 Post Office Place and 10 Argyle Street (Princes Highway) Traralgon.

We wish to formally object to the Granting of Planning Permit Application 2008/205 as outlined above. We have reviewed the plans for the proposed development and believe the proposed development will substantially adversely affect our business at 2B Seymour St Traralgon.

Our reason for objecting are –

- **Inadequate Parking provided** – We object to the proposal being granted with a reduction in carparking as it will adversely affect our business as this area of the CBD already has many parking problems which will only be exacerbated by allowing a development of this size without self-sufficient parking.

Clause 52.06 (Latrobe Planning Scheme) requires this proposed development provide 398 carparks and the Council should not allow this to be reduced to the proposed 207 carparks. We also object to the use of 72 Tandem carparks in the proposal, as in practice Tandem carparks are ineffective, people find it very difficult to use them as intended, as they require a lot of running around and cooperation, which would be very difficult in a 9 story building. We know this as we use Tandem parking in a single story office and find it inconvenient in a very small area, so know it will not work in practice on such a large scale! We object to the proposal only providing 135 readily accessible car parks of the 398 required by Council as there is already inadequate parking in this area of the CBD.

We object to this proposal of reduction in carparking as it is insufficient for the needs of the building occupants and visitors. This development must be self sufficient in terms of carparking as there are already numerous parking problems in this area of the CBD that adversely affect existing businesses prior to any further development. Our business already has parking difficulties with clients not being able to park nearby to access our offices, this is of particular concern to elderly and disabled clients who need to visit us. Our existing carparking problems have unfortunately not been alleviated by the new Seymour St Carpark.

This area of the CBD has already had two substantial developments in the last few years that Council granted permits for without adequate parking and traffic management provisions,

Accredited by **AMP** Financial Planning



Money Sense Financial Group
Winner
Excellence in regional financial planning



Council has already inappropriately allowed the development of Manny's Market without adequate consideration of Laneway access to ours and neighbouring properties and this has caused constant problems to running our businesses – please don't make it worse than it already is! Manny's Market block our access daily to our property, they stand their trucks and other commercial vehicles in the lane for loading and unloading and parking, they cannot physically unload their trucks without driving onto our property. Further traffic in this 'dead end' laneway will only exacerbate our existing problems of access for our business.

- **Inappropriate Building Height** – The height of the proposed development of 6 stories above ground (appears to be 27.5m above Ground Level) is aesthetically is too tall for the CBD and is ridiculous size for a Country Town.

The tallest building in Traralgon is ASIC being 3 or 4 stories tall, built in a low lying area and distant from other buildings with carparks and lots of grassed area this is as tall as any building should be in Traralgon. The next highest building similar to this development is the RACV Building in Kay Street, but this still has a smaller footprint proportion of building to property and is half the height of the proposed development. This proposed six story building will look very much out of place next to our beautiful Victory Park and our small single story business and surrounding single story buildings. It will cast a shadow for half the day on our property and will be ridiculously daunting to look up at from our property. The impact of this building height is totally inappropriate for our country town and should never be built as proposed.

We strenuously object to the proposal and look forward to your consideration of our objection and response. We can be contacted on 5174 3622 for further discussion of information when required.



Michelle Roberts & Renato Monacella
Business owners of
AMP Money Sense Financial Group
2B Seymour St
Traralgon
phone 5174 3622

Our Ref CG108258 :TM
Contact Tim McKinley



2 October 2008

Mr Bryan Netzler
Beveridge Williams
PO Box 2205
CAULFIELD JUNCTION VIC 3161

Cardno Victoria Pty Ltd
trading as
Cardno Grogan Richards
ABN 47 106 610 913

150 Oxford Street, Collingwood
Victoria 3066 Australia
Telephone: 03 8415 7777
Facsimile: 03 8415 7788
International: +61 3 8415 7777
cgr@cardno.com.au
www.cardno.com.au

Cardno Offices

Brisbane
Sydney
Canberra
Melbourne
Perth
Darwin

Cairns
Townsville
Mackay
Rockhampton
Hervey Bay
Sunshine Coast
Toowoomba
Gold Coast
Gosford
Baulkham Hills
Wollongong
Busselton

Papua New Guinea
Indonesia
Vietnam
China
Kenya
United Arab Emirates
United Kingdom
United States

Dear Bryan

51-57 POST OFFICE PLACE, TRARALGON

In response to VicRoads letter dated 18 September 2008, regarding the proposed redevelopment of the above site, I offer the following further analysis based on the permit conditions.

Permit Condition 1 states " *The traffic impact assessment must be revised to include the current Post Office Place/ Princes Highway intersection configuration. The report must also model the intersection for a ten year period for the two scenarios – existing and with the proposed treatment. Any works must be completed by the developer.*"

Traffic Growth and Redistribution – Existing Geometry

In order to address the above condition, Cardno Grogan Richards has sourced traffic volume growth data from the "Melbourne-Sale Corridor Strategy", published in June 2007 by the Australian Government Department of Transport and Regional Services, the Victorian Department of Infrastructure and VicRoads.

Table 6 of the Strategy shows the forecast average yearly traffic growth (1999-2025). The forecast growth for the section of the Princes Highway relevant to this development is 1.00% per annum for light vehicles and 1.75% per annum for heavy vehicles. The average overall yearly growth for all vehicles is 1.08% and this figure has been used to determine future growth over the next 10 years along the Princes Highway as 11.3%.

Based on this growth rate the anticipated future traffic volumes at the intersection of Princes Highway / Post Office Place are shown in Figure 1.



**Cardno Victoria Pty Ltd trading as Cardno Grogan Richards, including Grogan Richards Pty Ltd as agent for
Cardno Victoria Pty Ltd, ABN 47 106 610 913**

CG108258
2 October 2008

3

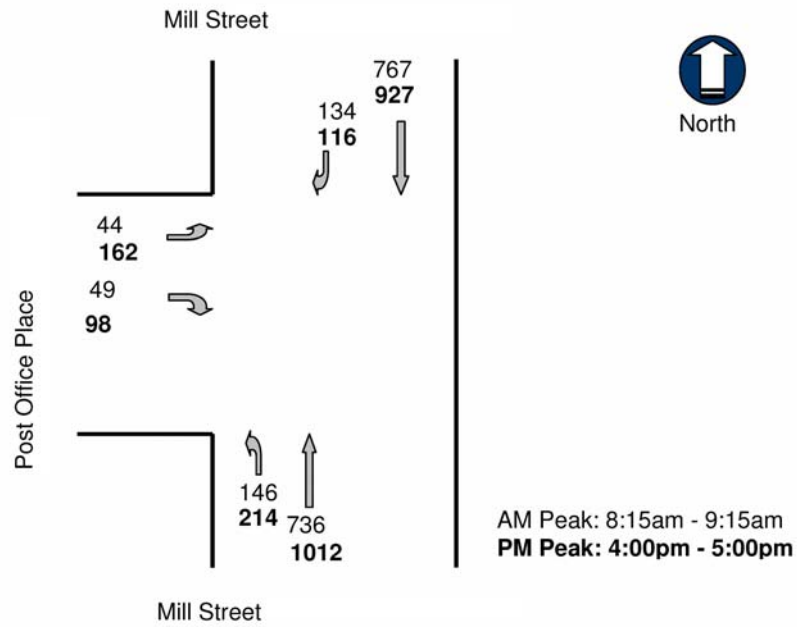


Figure 2: Anticipated Post development Traffic Volumes – Post Office Place Including 10 years growth

CG108258
2 October 2008

4



Intersection Analysis – Existing Geometry

In order to assess the operating conditions at the intersection of Princes Highway / Post Office Place has been analysed using SIDRA for the volumes shown in Figures 1 and 2. A staged crossing has been modelled in SIDRA to simulate the right turn movements from Post Office Place.

The results of the SIDRA analysis are shown in Table 2 and 3.

Table 2: SIDRA Analysis Summary – Post Office Place / Princes Highway Existing Conditions + 10 years growth

	<i>Approach</i>	<i>Degree of Saturation</i>	<i>95thile Queue</i>	<i>Average Delay</i>
AM Peak	Princes N leg	0.186	6 m	1.5 sec
	Princes S leg	0.178	0 m	0.9 sec
	Post Office W leg	0.101	3 m	12.7 sec
PM Peak	Princes N leg	0.304	11 m	2.1 sec
	Princes S leg	0.246	0 m	1.3 sec
	Post Office W leg	0.355	13 m	18 sec

Table 3: SIDRA Analysis Summary – Post Office Place / Princes Highway Post Development Conditions + 10 years growth

	<i>Approach</i>	<i>Degree of Saturation</i>	<i>95thile Queue</i>	<i>Average Delay</i>
AM Peak	Princes N leg	0.263	10 m	2.0 sec
	Princes S leg	0.199	0 m	1.1 sec
	Post Office W leg	0.109	4 m	13.9 sec
PM Peak	Princes N leg	0.366	13 m	2.3 sec
	Princes S leg	0.273	0 m	1.2 sec
	Post Office W leg	0.509	21 m	22.1 sec

The results show that the future operating conditions at the intersection is rated as excellent.

Further to this, the queue length extension due to the development and growth at the median break for right turns from Post Office Place to Princes Highway increases by 2m, and no treatment is considered necessary.

CG108258
2 October 2008

5



Blackspot Geometry

In addition to the above, VicRoads has requested that the above analysis also be undertaken for the proposed Blackspot Treatment. Based on this and the analysis previously undertaken in the traffic engineering assessment the existing traffic volumes plus growth are shown in Figure 3 and the future volumes post development are shown in Figure 4.

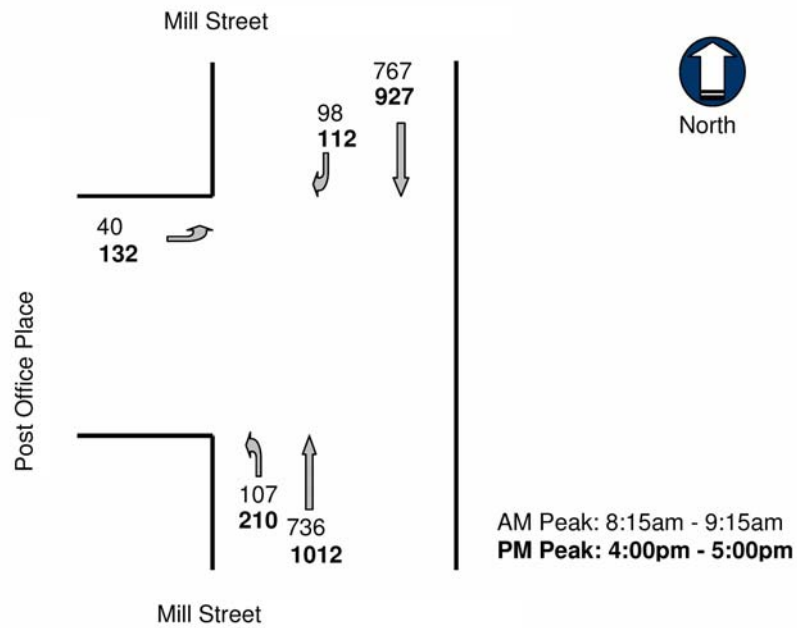


Figure 3: Blackspot Geometry Traffic Volumes – Post Office Place Including 10 years growth

CG108258
2 October 2008

6

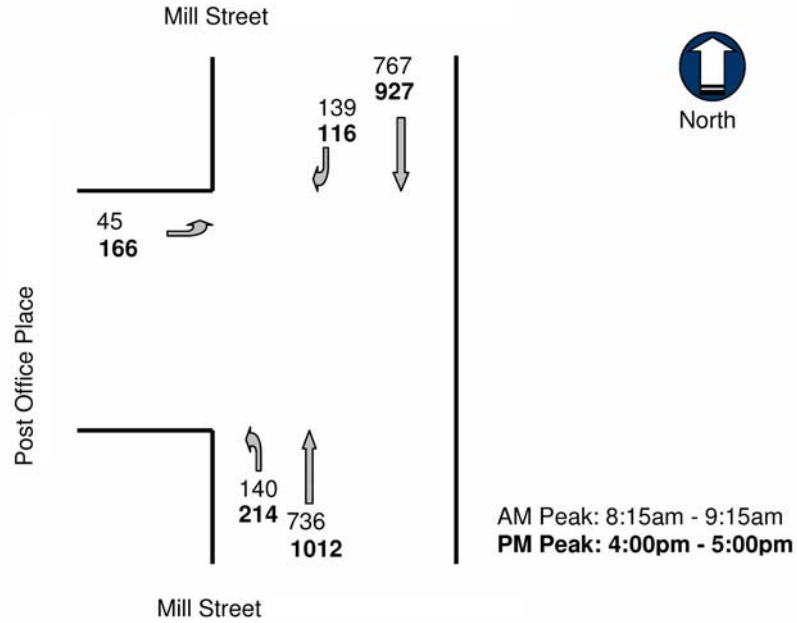


Figure 4: Anticipated Post development Traffic Volumes – Post Office Place Including 10 years growth, Blackspot Geometry

Intersection Analysis – Blackspot Geometry

In order to assess the operating conditions for the future geometry at the intersection of Princes Highway / Post Office Place has been analysed using SIDRA for the volumes shown in Figures 3 and 4.

The results of the SIDRA analysis are shown in Table 4 and 5.

Table 4: SIDRA Analysis Summary – Post Office Place / Princes Highway Blackspot Geometry + 10 years growth

	<i>Approach</i>	<i>Degree of Saturation</i>	<i>95thile Queue</i>	<i>Average Delay</i>
AM Peak	Princes N leg	0.207	6 m	1.4 sec
	Princes S leg	0.199	0 m	0.9 sec
	Post Office W leg	0.091	3 m	13.3 sec
PM Peak	Princes N leg	0.352	13 m	2.2 sec
	Princes S leg	0.273	0 m	1.2 sec
	Post Office W leg	0.486	18 m	24.1 sec

Table 5: SIDRA Analysis Summary – Post Office Place / Princes Highway Post Development Conditions, Blackspot Geometry + 10 years growth

	<i>Approach</i>	<i>Degree of Saturation</i>	<i>95thile Queue</i>	<i>Average Delay</i>
AM Peak	Princes N leg	0.270	10 m	2.1 sec
	Princes S leg	0.199	0 m	1.1 sec
	Post Office W leg	0.104	3 m	13.5 sec
PM Peak	Princes N leg	0.366	13 m	2.3 sec
	Princes S leg	0.273	0 m	1.2 sec
	Post Office W leg	0.614	26 m	27.3 sec

The results show that the future operating conditions at the intersection is rated as very good.

CG108258
2 October 2008

8



Permit Condition 2 states *"The applicant must enter into an agreement with VicRoads that remedial works required at the intersection, to be determined as a result of the development, will be carried out by the developer in the event that VicRoads' proposed treatment not be funded"*.

Given the above analysis, no such agreement is required as the intersections will still operate satisfactorily post development with the existing conditions remaining.

Should you have any further queries with regard to these issues, please contact myself on 8415 7579 or Jamie Spratt on 8415 7742.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim McKinley', written over a light grey rectangular background.

Tim McKinley
Project Engineer
for **Cardno Grogan Richards**

RECREATIONAL AND CULTURAL LIVEABILITY

**11.4.1 LATROBE CITY OUTDOOR POOL SUMMER SEASON
OPERATIONAL HOURS ARRANGEMENTS**

AUTHOR: Acting General Manager Recreational and Cultural Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to present proposed new operational arrangements for Latrobe City Council's outdoor pool 2008/09 summer season at Traralgon, Moe and Yallourn North outdoor pools for Council consideration.

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.

Community Outcome – Recreational Liveability

Promote and maximise the utilisation of recreation, aquatic and leisure facilities and services and discourage the duplication of facilities and services and ensure they meet the needs of residents.

Strategic Action

Develop and maintain high quality recreation facilities in partnership with the community.

The operation of leisure facilities (swimming pools, gyms and indoor stadiums) is a key area of Latrobe City Council service provision and delivery that contributes to the liveability of the City.

3. BACKGROUND

Over the past four years the outdoor pool season has run over the summer period from November to March each year. Yallourn North Pool has traditionally had extended seasons due to the availability of solar heating. The table below indicates the operating hours for the 2007/08 summer season.

Yallourn North Outdoor Pool

<i>Dates</i>	<i>Hours of operation</i>
10 November 2007 to 21 December 2007	Mon, Wed, Fri: 3.30 pm – 7.00 pm Tues, Thurs: 2.00 pm – 7.00 pm Weekends: Noon – 7.00 pm
22 December 2007 to 28 January 2008	Weekdays and Weekends: Noon – 7.00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
29 January 2008 to 25 March 2008	Mon, Wed, Fri: 3.30 pm – 7.00 pm Tues, Thurs: 2.00 pm – 7.00 pm Weekends: Noon – 7.00 pm

Traralgon and Moe Outdoor Pools

<i>Dates</i>	<i>Hours of operation</i>
1 December 2007 to 21 December 2007	Mon, Wed, Fri: 3.30 pm – 7.00 pm Tues, Thurs: 2.00 pm – 7.00 pm Weekends: Noon – 7.00 pm
22 December 2007 to 28 January 2008	Weekdays and Weekends: Noon – 7.00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
29 January 2008 to 10 March 2008	Mon, Wed, Fri: 3.30 pm – 7.00 pm Tues, Thurs: 2.00 pm – 7.00 pm Weekends: Noon – 7.00 pm

In previous outdoor pool seasons there have been occasions where each outdoor pool was required to be open on cooler days in accordance with the hours above. This is despite the patronage being very low and on some occasions there being no patrons at all.

All of Latrobe City's outdoor pools require a minimum of one duty manager and one lifeguard, as well as an extra lifeguard at Moe Outdoor Pool due to the diving pool, regardless of the number of patrons, for the facility to be open to the public.

4. ISSUES

In the past the outdoor pools have opened and closed during summer regardless of the temperature. This mode of operation is inflexible and costly and delivers minimal community benefit. For example, if the temperature is 20 degrees and raining all of the outdoor pools would be open. The staff cost alone for this is approximately \$57 per hour for Traralgon and Yallourn North and \$84 per hour for Moe Outdoor, regardless of the number of patrons. If the patronage increases by more than 100, then an extra lifeguard is required at a cost of \$27 per hour for every 100 patrons.

In actual terms if the pools are opened for a regular 7 hour shift, the minimum cost to Council would be;

Yallourn North	\$57	x	7	=	\$399
Traralgon	\$57	x	7	=	\$399
Moe	\$84	x	7	=	\$588

TOTAL STAFF COSTING FOR ONE DAY **\$1,386**

In comparing ourselves against other Local Government Authorities, it was discovered that many have, for several years, successfully operated their outdoor pool season using a minimum temperature system.

For example, Wellington Shire has established a system where customers are advised to listen to the temperature forecast for the next day after 4.00 pm on 3TR FM or refer to the Bureau of Meteorology for the next day's forecast for the Sale region. If the forecast temperature is below 23 degrees the pools do not open apart from a guaranteed two hours. Feedback received from Wellington Shire indicates that this system has been very successful and they have had no major issues with patrons obtaining the weather information.

Taking into account the above information, it is suggested that Council consider new operational hours for the upcoming season, including the introduction of a minimum temperature system. The season commences on Saturday 8 November 2008 at Yallourn North Outdoor Pool, followed by Traralgon Outdoor Pool and Moe Outdoor Pool on Saturday 29 November 2008.

Below is a summary of the proposed new summer outdoor pool season operational hours:

Yallourn North Outdoor Pool

<i>Dates/ Season</i>	<i>Hours of operation</i>
<i>Off-peak Season</i> 8 November 2008 to 14 December 2008	Weekdays: 3:00 pm – 7:00 pm Weekends: 1:00 pm – 7:00 pm
<i>Peak Season</i> 15 December 2008 to 30 January 2009	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
<i>Off-peak Season</i> 31 January 2009 to 9 March 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
<i>Guaranteed Opening Hours</i> 8 November 2008 to 9 March 2009	3:00 pm – 5:00 pm every day for days under 23 degrees

Traralgon and Moe Outdoor Pools

<i>Dates/ Season</i>	<i>Hours of operation</i>
<i>Off-peak Season</i> 29 November 2009 to 14 December 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
<i>Peak Season</i> 15 December 2008 to 30 January 2009	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
<i>Off-peak Season</i> 31 January 2009 to 9 March 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon to 7:00 pm
<i>Guaranteed Opening Hours</i> 29 November 2008 to 9 March 2009	3:00 pm – 5:00 pm every day for days under 23 degrees

The key features of these proposed operational arrangements are:

- The introduction of peak and off peak seasons, with the peak season commencing 5 days earlier than last season for Traralgon and Moe outdoor pools.
- Normal opening hours may be extended at the discretion of the pool operator from 7.00 pm if there is reasonable patron demand. The length of opening will be at the discretion of the Pool Manager to as late as 8.00 pm.

- Outdoor Pools would be open at normal times if the forecasted temperature for the Latrobe Valley is 23 degrees or more based on the previous days 4.00 pm forecast as issued by the Bureau of Meteorology.
- Normal opening hours may be shortened if the temperature drops below 23 degrees after 5.00 pm and there is minimal patron demand. Staff will advise patrons in attendance and place a sign on the entry advising why the pool is closed.
- In the event the previous day's 4.00 pm forecast is below 23 degrees, all pools are guaranteed to be open between 3.00 pm and 5.00 pm each day (unless storms and/or lightning in the vicinity).
- Outdoor Pools will operate if prior bookings have been made by programs such as schools, group hire, etc.
- Traralgon Outdoor Pool will be open for early morning swimming on Monday, Wednesday and Friday between 6.00 am and 8.00 am (unless storms and/or lightning in the vicinity).
- By offering a guaranteed minimum two hours each day, Latrobe City will still be able to meet its commitments to staff rostered on for that day.
- If at the completion of the official season on 9 March 2009 our region is still experiencing warm temperatures, the pools will be able to be opened until such time that reasonable demand is no longer existent.

Historical data obtained from the Bureau of Meteorology shows that there were 24 days below 23 degrees in the 2007/08 season. The potential savings from the modified times due to the weather below 23 degrees, could offset an extended season. According to Bureau of Meteorology data, there were 15 days over 23 degrees after the regular season finish date on March 10 2008.

Council currently has a contract with 3TR FM, running 30 x 30 second advertisements per month. It is proposed that this contract would be utilised to advertise the proposed amended hours of operation in November, December 2008 and February 2009. In utilising the current contract with 3TR there will be no extra cost. Advertisements will also be placed in the Latrobe Valley Express in conjunction with the radio advertisements.

Signage at the entrance of all outdoor pools will be updated to reflect the relevant changes to the hours of operation to ensure customers are informed and the Latrobe City website will be utilised and updated daily to advise pool opening hours.

5. FINANCIAL AND RESOURCES IMPLICATIONS

It is anticipated that any savings generated from the new operational arrangements will off-set the proposed extended peak hours and any extension to the season which will be weather dependant.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe Leisure centre leaders and management met to evaluate last years season and to provide the contents and input for this report. No regular users (i.e. swim clubs) will be impacted by these changes.

7. OPTIONS

1. Council may resolve not to amend the current operational arrangements. This is not the preferred option as it does not provide any operational flexibility;
2. Council may resolve to amend the operational arrangements for the outdoor pools in accordance with this report. This is the preferred option as it provides operational flexibility.

8. CONCLUSION

The current operating arrangements for the outdoor pools summer season do not take into account days when the weather is unsuitable for swimming. This equates to the pools being fully staffed regardless of the number of patrons.

The proposed new operating hours for the 2008/09 summer outdoor pool season presented in this report provide operational flexibility for Latrobe Leisure and the community, whilst providing a reliable system for our patrons to identify if the pools are open or closed. The proposed arrangements also provide guaranteed hours each day for dedicated patrons and allow Latrobe City to meet its obligations in relation to staff.

A key feature of the proposed new operating hours is also the ability to extend the season beyond 9 March 2009 without being hindered by budgetary constraints due to potential savings being made throughout the regular season.

An extensive communications campaign will be conducted through the radio and newspaper, which will include a public notice to fully inform patrons of the new operating hours for this summer outdoor pool season.

A review of these new arrangements would be conducted at the completion of the 2008/09 season.

9. RECOMMENDATION

1. That Council approves the following operational arrangements for the outdoor pool summer season:

Yallourn North Outdoor Pool

<i>Dates/ Season</i>	<i>Hours of operation</i>
Off-peak Season 8 November 2008 to 14 December 2008	Weekdays: 3:00 pm – 7:00 pm Weekends: 1:00 pm – 7:00 pm
Peak Season 15 December 2008 to 30 January 2009	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
Off-peak Season 31 January 2009 to 9 March 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Guaranteed Opening Hours 8 November 2008 to 9 March 2009	3:00 pm – 5:00 pm every day for days under 23 degrees

Traralgon and Moe Outdoor Pools

<i>Dates/ Season</i>	<i>Hours of operation</i>
Off-peak Season 29 November 2009 to 14 December 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Peak Season 15 December 2008 to 30 January 2009	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
Off-peak Season 31 January 2009 to 9 March 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon to 7:00 pm
Guaranteed Opening Hours 29 November 2008 to 9 March 2009	3:00 pm – 5:00 pm every day for days under 23 degrees

- Normal opening hours may be extended at the discretion of the pool operator from 7.00 pm if there is reasonable patron demand. The length of opening will be at the discretion of the Pool Manager to as late as 8.00 pm.
 - Outdoor Pools would be open at normal times if the forecasted temperature for the Latrobe Valley is 23 degrees or more based on the previous days 4.00 pm forecast as issued by the Bureau of Meteorology.
 - Normal opening hours may be shortened if the temperature drops below 23 degrees after 5.00 pm and there is minimal patron demand. Staff will advise patrons in attendance and place a sign on the entry advising why the pool is closed.
 - In the event the previous day's 4.00 pm forecast is below 23 degrees, all pools are guaranteed to be open between 3.00 pm and 5.00 pm each day (unless storms and/or lightning in the vicinity).
 - Outdoor Pools will operate if prior bookings have been made by programs such as schools, group hire, etc.
 - Traralgon Outdoor Pool will be open for early morning swimming on Monday, Wednesday and Friday between 6.00 am and 8.00 am (unless storms and/or lightning in the vicinity).
 - If at the completion of the official season on 9 March 2009 our region is still experiencing warm temperatures, the pools will be able to be opened until such time that reasonable demand is no longer existent.
2. That Council undertakes a communication campaign utilising radio, newspaper and the Latrobe City web site to advise patrons of the new operational arrangements.

Moved: Cr Price
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

COMMUNITY LIVEABILITY

11.5.1 DRAFT LATROBE CITY POSITIVE AGEING PLAN 2009-2012

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

1. PURPOSE

The purpose of this report is to present to Council the draft Positive Ageing Plan and seek Council's approval to release it for community consultation.

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 - Community Capacity Building

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

Community Outcome - Partnerships and Inclusiveness

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

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

Policy No. GEN-CIS 002

Home Based Aged and Disability Services Policy

Policy No. GEN-CIS 003

Community Based Aged and Disability Services Policy

3. BACKGROUND

The development of a Positive Ageing Plan was identified as a major priority in the Latrobe City Older Persons Strategy, adopted by Council on 4 June 2007, to address both the current and future needs of older residents in Latrobe City.

The Older Persons Strategy highlighted a number of challenges for Latrobe City arising from an ageing population and the related economic and community impacts, including:

- An estimated increase of 12,000 in the number of older people aged 60 years and over residing in Latrobe City by 2021;
- An increase in demand for home-based and residential support services for older residents;
- The loss of key workforce skills and experience;
- The need to improve community safety and amenity through infrastructure, urban design, policing and community strengthening;
- Changing transport, recreational and sporting needs; and
- Changing health and well-being issues.

To address these challenges, the Older Persons Strategy identified eleven key principles to guide future Council and community action:

1. Respect and Recognition

Latrobe City Council will work to recognise the contribution of older people to the social, economic and environmental heritage of our City.

2. Understanding Population Change

Latrobe City Council commits to a proactive approach to population change through research, strategic planning and effective engagement of stakeholders in needs assessment.

3. Employment and Education

Latrobe City Council will, in partnership with other community stakeholders, promote opportunities for increased participation by older people in employment, education and community leadership.

4. Social Support

Latrobe City Council will contribute to the well-being and independence of older people by providing a range of community services and working in partnership with other organisations to enhance the social support system.

5. Housing and Accommodation

Latrobe City Council will, in partnership with government and community stakeholders, work to ensure an appropriate range of accommodation options are available in the municipality to meet the diverse needs of older people.

6. Active Living and Community

Latrobe City Council will actively support and encourage the involvement of older people in all aspects of community life; help build connections between all generations; and recognise and support diversity.

7. Transport

Latrobe City Council will, in partnership with other community stakeholders, work to enhance the range and capacity of transport services available to older people.

8. Health and Well-being

Latrobe City Council will, in partnership with other community stakeholders, actively seek to improve health outcomes for older people, and enhance opportunities for healthy lifestyles.

9. Urban Planning and Development

Latrobe City Council commits to building an *age-friendly city* including implementation of age-friendly principles into all aspects of urban planning and development.

10. Advocacy and Influence

Latrobe City Council will foster, encourage and develop avenues to ensure the needs and aspirations of older people are communicated to all levels of government and integrated into community planning.

11. Information and Communication

Latrobe City Council will adopt a proactive approach to communicating with older people and ensuring information is available in a diversity of media to assist older people.

The Strategy also proposed several other actions including:

- The establishment of an Older Persons Reference Group.
- The establishment of an Aged Care Coordinating committee.
- The incorporation of Healthy by Design principles into the Municipal Strategic Statement (MSS) and township structure plans.

The development of the draft Positive Ageing Plan was also facilitated by a planning grant provided by the Victorian Government in conjunction with the Council of the Ageing and the Municipal Association of Victoria.

4. ISSUES

The draft Positive Ageing Plan has been developed following an extensive process of consultation with older people, community organisations, and key internal and external stakeholders. The plan is a whole-of-council approach to the challenge of an ageing population and the need to continue to build a supportive and productive community for older residents.

The plan defines Positive Ageing as both an organisational and community aspiration. It encompasses a number of concepts, including:

- An understanding of the ageing process and being older.
- The ability of older people to plan and prepare for the future while participating and contributing to society in the present.
- Respect and support for older members of society.
- Maintenance of a high quality of life into senior years
- Ageing as a positive experience.
- Supporting older people as they age.
- A positive attitude to ageing and older people within the community.
- Providing the social, economic, environmental and built infrastructure to enable older people to live fulfilling lives and continue to contribute to the community.

To achieve these outcomes the draft Plan sets out a detailed four year action plan against each of the four strategic objectives within Latrobe 2021 and the additional strategic objective of Organisational Excellence. These actions have been audited and include existing council activity, improvements to services and processes and new initiatives. The following table provides a summary of the proposed actions:

Strategic Objectives	Action Areas
<p>Sustainability</p> <ul style="list-style-type: none"> • To maintain, design and where appropriate upgrade facilities and infrastructure to a standard that ensures older people can function within a safe urban environment. • To assist older people who choose to remain in the workforce to access information that supports flexible employment options. 	<ul style="list-style-type: none"> • Safety and accessibility of community facilities. • Open space plans. • Feasibility of integrated older persons centres. • Planning, building and maintaining urban infrastructure. • Waste collection services. • Footpath trading, placement of goods and signage. • Responding to reported hazards. • Land use planning. • Research into infrastructure and environmental issues. • Flexible employment arrangements.

Strategic Objectives	Action Areas
<p>Liveability</p> <ul style="list-style-type: none"> To promote and support social, recreational and cultural activities that encourage the participation of older people by providing “older person friendly” amenities, services and facilities. 	<ul style="list-style-type: none"> Contribution of older people to the cultural profile of Latrobe City. Respect and recognition of older people. Advocacy for improved transport services. Developing an integrated approach to the development of social support care services. Advocacy for the needs of a diverse community. Health and wellbeing outcomes for recreation services. Increase participation in cultural activities. Enhanced Home and Community Care assessment services. Aged care services Development Plan. Heatwave strategy.
<p>Community Capacity Building</p> <ul style="list-style-type: none"> To build the capacity of the Council, other partners and community clubs and organisations to create an environment that encourages and supports older people to participate in community life. 	<ul style="list-style-type: none"> Advocacy for a better co-ordinated aged care system. Link the Older Persons Reference Group to local communities. Connections with sporting clubs, art groups and other organisations. Permanent forms of public recognition of the contribution of older residents to community life and/or their outstanding achievements. Participation by older people in Council's strategic and land use planning. Active engagement of older people in community projects. Review Council's Social Support services. Community awareness and education strategy regarding ageing and the ageing population. Utilisation of Senior Citizens Centres.
<p>Governance</p> <ul style="list-style-type: none"> To ensure Council's democratic processes consider the needs of older people and facilitate their connection to governance activities within Council. 	<ul style="list-style-type: none"> Access to Councillors and Council decision makers. Provision of Council agendas in a range of formats. Referral of draft strategies and Plans to the Older Persons Reference Group.
<p>Organisational Excellence</p> <ul style="list-style-type: none"> To ensure staff within the organisation have the appropriate skills, awareness and information to deliver responsive, innovative services for older people. 	<ul style="list-style-type: none"> Access to information and assistance when contacting Council.

The draft Positive Ageing Plan has been developed with an emphasis on collaboration with key community stakeholders and older people themselves. A number of actions relate to joint activities agreed to with other organisations, and all Latrobe City Council departments have been involved in the development of the Plan.

The input of older people themselves has been particularly valuable and has informed the development of many of the actions and the overall strategic approach of the draft Positive Ageing Plan.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The majority of actions identified in the Positive Ageing Plan are able to be achieved within current resources. The Plan specifies where additional resources may be required and in most cases has ensured these are scheduled for years 2, 3 or 4 to allow time for adequate scoping and planning, identification of potential sources of funding and consideration by Council.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

A multi-faceted consultation process has been used in the development of the draft Positive Ageing Plan, utilising internal and external facilitators, including:

- Development of an issues paper and distribution to community organisations for comment.
- Interviews with 30 leading community organisations and stakeholders.
- A telephone survey of older people.
- Focus groups.
- Individual submissions and discussions with older people and organisations.
- Specific discussions with Koori and CALD communities.

It is proposed to release the draft Positive Ageing Plan to the community for comment for a period of four weeks prior to presentation of the Plan for consideration by Council. This will include a public advertisement seeking responses, meetings with key stakeholder groups, display of the draft plan at Council's service centres and libraries, as well as at Senior Citizen's Centres and other venues used by older people.

Details of Community/Consultation Results of Engagement:

A report detailing the results of the community consultation process is attached as an appendix to the Positive Ageing Plan. The consultation process generated a wide range of responses including suggestions and requests for Council, action on specific issues of concern and broader proposals regarding Council priorities and actions. The proposed Older Persons Reference Group was overwhelmingly supported by participants and a number of proposals to strengthen and improve communication and interaction between older people and Council were put forward.

7. OPTIONS

The options available to Council are:

1. Approve release of the draft Positive Ageing Plan 2009-2012 to the community for comment.
2. Amend the draft Positive Ageing Plan 2009-2012 prior to release for comment.
3. Decline to release of the draft Positive Ageing Plan 2009-2012 to the community for comment.

8. CONCLUSION

The draft Positive Ageing Plan is a key outcome of the Latrobe City Older Persons Strategy 2007-2021 and sets out actions for Council and partner organisations to undertake over the next four years. It responds to the challenges presented by population ageing and to better meet the needs and aspirations of our current and future older residents.

Eleven key principles guide Council and the community in planning for a significant increase in the number of older people living in Latrobe City.

Actions built on these principles have now been developed in consultation with older people, community organisations and other stakeholders, encompassing the strategic objectives of:

- Sustainability
- Liveability
- Community Capacity Building
- Governance
- Organisational Excellence

The draft plan also identifies the importance of building a community which supports older people by providing the facilities, services, opportunities, activities and recognition to enable ageing to be a positive and productive experience.

Planning for an ageing population, with Latrobe City home to twice as many people aged 60 and over in the next 15 years, means timely action and endeavouring to anticipate and address future needs. In this respect the draft Positive Ageing Plan lays the foundation to ensure Latrobe City continues to be a community which respects, supports and encourages older people.

9. RECOMMENDATION

- 1. That Council releases the draft Latrobe City Positive Ageing Plan 2009-2012 for community comment in accordance with Council's community engagement policy and strategy.**
- 2. That a further report be presented to Council outlining submissions received and suggested amendments to the plan.**

Moved: Cr Caulfield

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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 Contracts signed and sealed by the Chief Executive Officer under delegation on 24 September 2008.

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY CEO	DATE AWARDED BY COUNCIL
12546	Provision of Glazier Services	Valley Glass & Glazing		01/09/2008 Item No: 14.4
12547	Reconstruction of Wilkan Drive, Hazelwood North	Sure Constructions (Vic) Pty Ltd	10/09/2008	

The following is a summary of Contracts signed and sealed by the Chief Executive Officer under delegation on 1 October 2008.

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY CEO	DATE AWARDED BY COUNCIL
12548	Streetscaping at Church Street, Morwell from Princes Drive to Buckley Street	Filmer Group Pty Ltd		15/09/2008 Item No: 14.7

1. RECOMMENDATION

That Council notes the contracts signed and sealed by the Chief Executive Officer under delegation on 24 September 2008 and 1 October 2008.

Moved: Cr Middlemiss

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)

	Section 173 Agreement pursuant to the <i>Planning and Environment Act 1987</i> between Latrobe City Council and Paul Jonathon Whiffin and Vanessa Jean Whiffin as the Owners of the land described in Certificate of Title Volume 10974, Folio 650, Scorpio Drive, Moe being Lot 97 on Plan of Subdivision Number 529008, which shall provide that notwithstanding the granting of a non standard vehicle crossing.
--	---

RECOMMENDATION

That Council authorises the Chief Executive Officer to sign and seal Section 173 Agreement pursuant to the *Planning and Environment Act 1987* between Latrobe City Council and Paul Jonathon Whiffin and Vanessa Jean Whiffin as the Owners of the land described in Certificate of Title Volume 10974, Folio 650, Scorpio Drive, Moe being Lot 97 on Plan of Subdivision Number 529008, which shall provide that notwithstanding the granting of a non standard vehicle crossing.

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ORGANISATIONAL EXCELLENCE

11.7.1 2007/2008 ANNUAL REPORT

This item was considered earlier in the meeting.

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 8.47 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.03 pm.

Moved: Cr Middlemiss

Seconded: Cr Caulfield

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 CHURCHILL AND DISTRICT INTERGENERATIONAL COMMUNITY HUB BOARD APPOINTMENTS	Other - s.89(2)(h)
14.5 PROVISION OF VALUATION SERVICES	Contractual - s.89(2)(d)
14.6 2008/09 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN	Contractual - s.89(2)(d)

CARRIED UNANIMOUSLY

The Meeting closed to the public at 9.04 pm.