



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 06 APRIL 2009

PRESENT:

Cr Darrell White - Firmin Ward
Cr Ed Vermeulen - Gunyah Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Sandy Kam - Galbraith Ward
Cr Sharon Gibson - Merton Ward
Cr Rohan Fitzgerald - Dunbar Ward
Cr Kellie O'Callaghan, Deputy Mayor - Burnet Ward
Paul Buckley, Chief Executive Officer
Seona Conway, General Manager Organisational Excellence
Michael Edgar, General Manager Community Liveability
Caroline Flake, Manager Council Operations - Legal Counsel
Tim Johnson, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Philip Marsh, General Manager Executive Projects
Peter Quigley, General Manager Built and Natural Environment Sustainability
Grantley Switzer, General Manager Recreational and Cultural Liveability
Carole Salerno, Council Operations Administration Officer

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	

NOTICES OF MOTION

6.1	2009/03 - NOTICE OF MOTION - HARD WASTE COLLECTION SERVICES	9
-----	---	---

ITEMS REFERRED BY THE COUNCIL

7.1	COUNCIL ASSISTANCE TO LATROBE CITY RESIDENTS IMPACTED BY BUSHFIRE	11
-----	---	----

CORRESPONDENCE

PRESENTATION OF PETITIONS

10.1	PETITION REQUESTING LATROBE CITY COUNCIL ADDRESS THE FIRE DANGER FROM CRINIGAN BUSHLAND RESERVE	22
------	---	----

CHIEF EXECUTIVE OFFICER

ECONOMIC SUSTAINABILITY

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1	CHURCHILL TOWN CENTRE PLAN: WEST LINK ROAD	32
11.3.2	DRAFT SOUTHERN TOWNS OUTDOOR RECREATION PLAN FOR COMMUNITY CONSULTATION	44
11.3.3	PERMANENT BARRIERS AT CLIFTON STREET AND PURVIS LANE, MOE	49
11.3.4	PLANNING PERMIT APPLICATION 2008/273 - APPLICATION TO DEVELOP A CARPORT AT 1/120 SHAKESPEARE STREET, TRARALGON	52

RECREATIONAL AND CULTURAL LIVEABILITY

COMMUNITY LIVEABILITY

GOVERNANCE

11.6.1	2008 GENERAL ELECTION - REPORT OF THE RETURNING OFFICER	72
11.6.2	DOCUMENTS PRESENTED FOR SIGNING AND SEALING	76
11.6.3	2009/2010 FEES AND CHARGES SUBMISSIONS	77

ORGANISATIONAL EXCELLENCE

URGENT BUSINESS

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

14.1	MEETING CLOSED TO THE PUBLIC	83
14.2	ADOPTION OF MINUTES	84
14.3	CONFIDENTIAL ITEMS	85
14.4	GIPPSLAND LOGISTICS PRECINCT	86
14.5	LETTER OF SUPPORT FOR A POTENTIAL INTERNATIONAL INVESTOR	102
14.6	TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT - PROPOSED CONTRACT TO PURCHASE 2 MAPLESON DRIVE, TRARALGON	109

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 Lisa Price, Mayor - Farley Ward

3. Declaration of Interests

Cr Sandy Kam declared an indirect and a direct interest in Item 11.3.3 - Permanent barriers at Clifton Street and Purvis Lane, Moe.

4. Adoption of Minutes

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 2 March 2009 (CM 286) be adopted.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 16 March 2009 (CM 287) be adopted.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Minutes of the Special Council Meeting, relating to those items discussed in open Council, held on 30 March 2009 (SM 288) be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 CRINIGAN ROAD RESERVE PETITION

Mr Lance Hunt asked the following question:

Question

Why were the petitioners only notified that this matter was listed for hearing at 4.15 pm today?

Answer

The Chief Executive Officer paraphrased the question and responded that this was an administrative oversight that we apologise for. As identified in the report the Council could defer this item until 20 April 2009 if preferred.

5.2 RECREATION RESERVES AT HAZELWOOD NORTH

Mr Peter Runge asked the following question:

Question

How much involvement has the Hazelwood North Principal and School Council had in the proposed recreation facilities at Hazelwood North. I am a concerned parent, as I[t] looks like the school will lose access to existing facilities (tennis courts, hall, [and] cricket).

Answer

The Chief Executive Officer paraphrased the question and responded that the school has been involved in consultation to date and if the recommendation is adopted tonight, further consultation will occur.

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr Middlemiss

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.05 pm

Mr Lance Hunt addressed Council in relation to item 10.1 – Petition requesting Latrobe City Council address the fire danger from Crinigan Bushland and answered questions put to him.

Mr Ron Bunn addressed Council in relation to item 11.3.1 – Churchill Town Centre Plan – West Link Road and answered questions put to him.

Mr Stephenson addressed Council in relation to item 11.3.1 – Churchill Town Centre Plan – West Link Road and answered questions put to him.

The Mayor thanked everyone for addressing Council and for their submissions.

Resumption of Standing Orders

Moved: Cr Lougheed
Seconded: Cr Vermeulen

That the Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.24 pm

NOTICES OF MOTION

6.1 2009/03 - NOTICE OF MOTION - HARD WASTE COLLECTION SERVICES

CR GIBSON

MOTION

That a report be provided at the Ordinary Council Meeting on Monday the 20th of April, 2009 detailing the Hard Rubbish Collection options for the Latrobe City.

Moved: Cr Gibson

Seconded: Cr Fitzgerald

That the Motion be adopted.

CARRIED UNANIMOUSLY

ITEMS REFERRED BY THE COUNCIL

**7.1 COUNCIL ASSISTANCE TO LATROBE CITY RESIDENTS
IMPACTED BY BUSHFIRE**

AUTHOR: Chief Executive Officer
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to present to Council an overview of assistance provided to Latrobe City residents directly impacted by bushfire and for Council to consider providing additional assistance to residents affected by bushfire.

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 – Democratic Governance

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

Community Outcome – Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action – Democratic Governance

Ensure Council systems and processes support strategic, responsive and accountable policy development and implementation.

Strategic Action – Legislative Compliance

Continue to administer sound financial management practice.

*Relevant Legislation**Valuation of Land Act 1960 Section 13DF*

This Act provides Council with the ability to issue a supplementary rates notice by reason of destruction or removal of buildings or other improvements on land of a permanent nature.

Local Government Act 1989: Section 171

Provides Council with the ability to defer or waive any rate or charge if Council considers the payment would cause financial hardship to the person.

3. BACKGROUND

The Latrobe City community has experienced devastating bushfires in recent months. The magnitude and severity of the Delburn Complex and the Churchill/Jeeralang/Traralgon South fires has deeply impacted the local community, region and the state of Victoria. Latrobe City Council has a vital role in the recovery phase following this devastation and is committed to supporting our community to recover as quickly as possible.

There have been 1,951 residents register with Latrobe City as directly impacted by the recent fires. Fortunately a significant proportion of these people have been able to return to their homes.

The Latrobe community has experienced a loss of 180 houses and over 800 sheds and outbuildings as a result of the bushfires in the municipality that commenced on 27 January, 2009.

In addition to the loss of houses, sheds and outbuildings there have also been significant losses in terms of livestock and fencing which has impacted landowners. Unconfirmed stock losses within the municipality are estimated to be approximately 300 animals.

Council resolved at the Ordinary Council Meeting held on 16 February 2009:

That the Chief Executive Officer present a written report and recommendations to Council at the next Ordinary Council Meeting to be held on 2 March 2009, addressing the possibility of the following:

1. *Waiving of Council land rates for the next financial year for those directly affected by the bush fire tragedy.*
2. *Free access to Council sport and leisure facilities.*
3. *Chief Executive Officer develop a draft eligibility criteria for items 1 and 2.*
4. *Any other items that the Council might deem to be of assistance to those affected.*

In order for Council to consult with the Municipal Association of Victoria and seek counsel from the appropriate authorities in relation to obtaining a consistent approach by the affected Local Governments, Council resolved at the Ordinary Council Meeting held on 2 March, 2009:

1. *That Council notes the assistance provided to directly impacted members of the community being provided by Latrobe City Council.*
2. *That a further report be presented to an Ordinary Council Meeting after advice has been received in relation to rates assistance for bushfire affected residents.*

This report has been prepared in response to the resolution.

4. **ISSUES**

Bushfire Recovery Assistance

In response to the impact of the fires, a range of measures have been put into place by Latrobe City Council to assist directly impacted residents. The measures have been enacted under the relevant clauses of the *Local Government Act 1989* which provide Council with the ability to defer or waive any rate or charge if Council considers the payment would cause hardship to the person.

These measures include:

- Waiving of planning fees for those who have lost their homes and outbuildings until December 2010.
- A commitment to expedite the planning permit assessment process where possible including working closely with the CFA planning department and Department of Planning and Community Development as well as any applicable referral authorities.
- Locating house plans within Latrobe City Council files and archives and copying these free of charge.
- Waiving of any fees associated with Council building services (such as document searches, report and consent).

- Rapid inspection and advice regarding the condition of septic tank systems and water tanks.
- Providing the services of qualified arborists to assess the suitability of native vegetation to be removed due to fire damage, together with the assessment of trees within private property that may pose a safety risk.
- The establishment of a burial site for the disposal of dead stock. Arrangements have also been made for the collection of dead stock from fire affected properties.
- Disposal of general and hard waste from fire affected properties at Council transfer stations free of charge.
- Replacement of household garbage collection bins free of charge.
- Provision and removal of hook-lift bins on site to dispose of scrap steel.
- The establishment of specific sites at former local landfills for the disposal of burnt vegetation.

In addition to the measures outlined above Council officers are undertaking the delivery of a range of additional services that includes but is not limited to:

- Coordinating four Recovery/Relief Centres- Boolarra, Churchill, Traralgon and Traralgon South.
- Initial Needs Assessment teams comprising of Council officers, members from community service organisations and Lifeline are manning Recovery Centres and undertaking field visits to those unable to attend the Centres. The purpose of these teams is to collect and collate data in order to identify needs. These needs are then actioned by a team of case managers. Case management teams are generally comprised of representatives from Commonwealth Rehabilitation Service, Centrelink and Latrobe Community Health.
- Providing a call centre for impacted residents in relation to fire. The call centre provides an information and referral service to those residents impacted by the bushfires.
- The provision of drinking water and coordinating the Victorian Government's water replacement program.
- Ensuring safe access to impacted areas through the removal of dead and dying dangerous trees.
- Infrastructure impact assessment and maintenance.
- Provision of support to service clubs and volunteer groups in relation to media release preparation, coordination of community support in areas such as working bees and events.
- Responding to requests from Victorian and Commonwealth Government Departments and Agencies for information across a broad range of areas from housing needs to personal support requirements.
- Provision of free 'Asbestos in the Home' Removal Kits.

The assistance provided by Latrobe City Council is in addition to a broad range of assistance provided by the State and Federal Governments and a range of other organisations.

Waiving of Council Land Rates

Under the *Valuation of Land Act 1960* Council has the ability to issue a supplementary valuation and rate notice. A supplementary rates notice is issued when a property's capital improved value increases or decreases throughout the year.

The *Local Government Act 1989* provides Council with the authorisation to defer or waive any rate or charge where Council considers payment would cause hardship to the person. The financial implications of the waiving of rates are outlined in the financial and resource implications section of this report.

Council officers issued 20 supplementary rates notices for impacted properties affected by the Delburn Complex fire. The supplementary notice has reduced each assessment by an average of \$496.00. For residents with an arrears payment due, interest charges will be waived for this financial year.

Free Access to Council Sport and Leisure Centres

Latrobe City Council operates leisure facilities including swimming pools, gymnasiums and indoor sports stadiums. There is potential for Latrobe City Council to offer free access to bushfire impacted resident's access to leisure services.

A gold card membership is sold on an individual basis and provides access to indoor and outdoor pools (inclusive of sauna and spa access), gymnasiums (for casual use) and fitness sessions (i.e. aerobics, spin, etc). Access to gymnasiums and related fitness sessions is generally restricted to those aged 16 years and over. People over the age of 45 are required to obtain medical clearance. A 12 month gold membership pass is currently valued at \$650 per person.

Eligibility Criteria

The eligibility criteria utilised is in accordance with Gippsland Emergency Relief Fund. The fund assesses the impact on the resident and has established the following criteria.

- Severe impact: Premises uninhabitable for extended period (more than 1 month); premises destroyed or major structural repairs required.

- Major impact: Premises uninhabitable for interim period (estimated >1 week to < 1 month, moderate repairs required (such as replacing floor coverings or cupboards); access roads affected; utilities impacted.
- Moderate impact: Premises impacted internally or externally. Includes disabling services such as septic tank damage and access problems for brief period (usually < 1 week). Includes significant damage to outbuildings, garages, sheds, equipment.
- Minor impact: Premises impacted mostly externally with no residual effects (e.g. water up to floor boards, saturated land area or contents of outbuildings wet but repairable; some damage to outbuildings. Access to property may have been affected and emergency relief accommodation required.

The table below summarises the impact on the municipality in accordance with the Gippsland Emergency Relief Fund Criteria.

<i>Impact Rating</i>	<i>Number Issued to date</i>
Severe	180
Major	52
Moderate	35
Minor	39

In terms of supplementary rate assessments this is currently done on an individual property basis and no draft eligibility criteria is required.

The criteria established by the Gippsland Emergency Relief Fund are proposed to be utilised as the basis on which to offer a "Gold Pass." Under this scenario, Council could offer residents "severely impacted" by bushfires with "Gold Passes."

5. FINANCIAL AND RESOURCES IMPLICATIONS

The forecasting of financial and resource implications associated with this report is predicated on 180 tenements affected by fire within the boundaries of Latrobe City (as per the Gippsland Emergency Relief Fund (GERF) eligibility criteria).

In accordance with the *Valuation of Land Act 1960*, Council has issued a supplementary valuation and rate notice with an adjusted property value for each property affected by the Delburn Complex fire. Officers have also written to residents inviting them to contact Council if they are experiencing personal financial hardship. Therefore the impact on rates revenue may increase further due to some affected residents qualifying for additional rates relief.

An identical process has been followed for residents affected by the Churchill/Jeeralang/Traralgon South fire.

It is forecast that the adjustment of directly impacted property values will result in a reduction in revenue of approximately \$45,000 for the remainder of 2008/09 and \$108,000 in 2009/10.

Supplementary Assessment Impact Summary Table

Year	Supplementary Assessment Impact
2008/09	\$45,000 (based on part year impact)
2009/10	\$108,000 (full year based on 08/09 rates income)
Total	\$153,000

In addition to the provision of supplementary rates notices, Council may consider waiving the total Council rates payable for a property in accordance with section 171 of the *Local Government Act 1989*.

The implication of this decision would be a loss of income of approximately \$39,000 for the remainder of 2008/09 and \$92,000 for 2009/10.

Waiving Rates Payment Summary Table

Year	Waive total rates payment
2008/09	\$39,000 (based on part year impact)
2009/10	\$92,000 (full year based on 08/09 rates income)
Total	\$131,000

Council is required to issue adjusted property valuation notices for the fire affected properties, in accordance with the *Valuation of Land Act 1960* and as a result reduce Council's revenue in 2009/10 by an estimated \$108,000. Council may consider, however is not obliged, to waive the total rate notice payment for 2009/10 year for the fire affected properties to the estimated value of \$92,000. This is summarised in the table below.

Option	Annual reduction in revenue
1. Supplementary valuation process	\$108,000
2. 100% Waiving of rates	\$92,000
Additional cost to Council	\$200,000

The scale of the bushfires has been unprecedented in Victoria's history and has crossed several municipal boundaries. Latrobe City has held discussions with the Municipal Association of Victoria (MAV) with the intention of gaining a consistent, unified approach from fire affected Councils in relation to the coordination of rates reductions.

The MAV are continuing to collect data from impacted Councils to present to the State government, however at this stage the findings from the MAV are unavailable.

The Gippsland Councils impacted by bushfire are providing the following assistance.

Municipality	Properties impacted	Proposed assistance
Baw Baw Shire	40 properties	Supplementary valuation issued Interest free for properties with rates in arrears
South Gippsland Shire	14 properties	Supplementary valuation issued Interest free for properties with rates in arrears
Wellington Shire	95 properties	Supplementary valuation issued Interest free for properties with rates in arrears

Leisure Centre Access

The financial cost of the provision of "Gold Passes" is not able to be projected at this stage. The financial impact would be dependent on the existing membership profile of those directly impacted and on the number of people that took up the offer.

Waiving of Planning Fees

A planning fee on a single dwelling with a construction cost of more than \$100,000 is \$476 and the fee associated with outbuildings is \$232. Assuming the confirmed loss of houses is 180 and all houses are rebuilt the cost to Council will be almost \$100,000. Assuming that the 800 sheds all require a permit (which is unlikely given that a number of properties lost 4 or 5 sheds), the cost to Council will be in the order of \$185,000.

Planning Fees	Annual reduction in revenue
180 Dwellings (construction cost \$100,000+) @ \$476	\$85,680
800 Outbuildings @ \$232	\$185,600
Additional cost to Council	\$271,280

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

This report has been prepared based on extensive internal consultation with Council officers.

Discussions with the MAV and affected Gippsland Local Government Network Councils have also occurred.

7. OPTIONS

Council has the following options:

1. To note the assistance currently being provided to those residents directly impacted by recent bushfires and await further advice from the State Government and/or MAV in relation to approving additional support through the waiving of rates; or
2. To note the assistance currently being provided to those residents directly impacted by recent bushfires and reject the provision of additional support through the waiving of rates and access to Leisure Centres; or
3. To note the assistance currently being provided to those residents directly impacted by recent bushfires, approve additional support through the waiving of rates and access to Leisure Centres.

8. CONCLUSION

The Delburn Complex and the Churchill/Jeeralang/Traralgon South fires have deeply impacted the local community, region and the state of Victoria. Latrobe City residents have experienced the loss of 180 houses and 800 buildings and sheds.

Latrobe City Council is playing a vital role in the recovery phase of this devastation. Over the longer term, Latrobe City Council has an ongoing responsibility to ensure the impacted areas of the municipality are able to rebuild their communities.

9. RECOMMENDATIONS

1. That Council notes the assistance provided to those residents directly impacted by the January/February 2009 bushfires within the municipality being provided by Latrobe City Council.

2. That Council authorises the waiving of general rates and the municipal charge for the remainder of the 2008/09 financial year and the 2009/10 financial year for those property owners severely impacted by the bushfires in the municipality "in accordance with the Gippsland Emergency Relief Fund Eligibility Criteria" where the principle place of residence has been destroyed.
3. That Council offers residents severely impacted by the January/February 2009 bushfires "in accordance with the Gippsland Emergency Relief Fund Eligibility Criteria" a 12 month Latrobe Leisure "Gold Pass".

Moved: Cr Kam

Seconded: Cr Gibson

1. That Council notes the assistance provided to those residents directly impacted by the January/February 2009 bushfires within the municipality being provided by Latrobe City Council.
2. That Council authorises the waiving of general rates and the municipal charge for the remainder of the 2008/09 financial year and the 2009/10 financial year for those property owners severely impacted by the bushfires in the municipality "in accordance with the Gippsland Emergency Relief Fund Eligibility Criteria" where the principle place of residence has been destroyed.
3. That Council offers residents severely impacted by the January/February 2009 bushfires "in accordance with the Gippsland Emergency Relief Fund Eligibility Criteria" a 12 month Latrobe Leisure "Gold Pass".
4. That a further report be presented to Council on 20 April 2009 outlining the financial impact of providing similar relief to those properties suffering major or moderate damage and also any farms impacted.

CARRIED UNANIMOUSLY

PRESENTATION OF PETITIONS

10.1 **PETITION REQUESTING LATROBE CITY COUNCIL ADDRESS
THE FIRE DANGER FROM CRINIGAN BUSHLAND RESERVE**
AUTHOR: General Manager Recreational and Cultural Liveability
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to present Council with a petition received requesting that Latrobe City Council address the fire danger from the Crinigan Bushland Reserve in Morwell.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 The Vision for Latrobe Valley and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective – Liveability

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

Strategic Action

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

3. BACKGROUND

A petition has been received by Latrobe City Council on 27 February 2009, signed by 22 residents of Crinigan Road, Morwell. The petition statement requests that Latrobe City Council carry out works within Crinigan Bushland Reserve to remove a perceived fire danger.

The head petitioner was contacted by the Coordinator Recreation Liaison to further investigate the concerns of the residents. The head petitioner alleged that Latrobe City Council had allowed the reserve to be mis-managed by the Committee of Management in terms of fire protection works during the last two years. Of particular concern to the residents was the height of the grass on the reserve boundaries, allocated fire breaks and the potential fuel load within the reserve under-storey.

Latrobe City's Council's Municipal Fire Prevention Officer carried out an inspection of the reserve on 5 March 2009 and reported that in accordance with the *CFA Act 1958*, there was no significant fire hazard. This was due to a network of fire breaks around the boundaries of the reserve and also within the reserve. The photos attached show the fire breaks and in particular the 19m minimum wide, well maintained fire break behind the houses in Crinigan Road Morwell. The report also stated that although there were dead trees and under growth throughout the reserve and that this alone did not pose a significant fire threat as it is a bushland reserve.

4. **ISSUES**

The Crinigan Bushland Reserve Committee of Management manages the reserve under the guidance of the Management Plan 1999, which covers areas such as environmental and fire management.

As per the requirements of the Management Plan 1999, the Crinigan Bushland Reserve Committee of Management is in contact with both the Morwell CFA and the Department of Sustainability and Environment (DSE) on an annual basis regarding fire management within the reserve. During April 2009 the committee will be carrying out inspections with the CFA and DSE regarding the preparation of the reserve for the 2009/2010 summer season, which could include cool burns and other maintenance works.

Due to the extreme fire period experienced in February 2009 Latrobe City Council received many enquires regarding potential fire threats in bushland reserves which lie either within townships or are within close proximity of urban areas. Each responsible committee of management was notified by Latrobe City's Coordinator Recreation Liaison and appropriate measures put in place.

The committees of management and volunteers of these reserves carry out an important community service and allocate many hundreds of hours each year in volunteer labour to develop, maintain and manage these important bushland areas. One continuing theme being expressed by committees and volunteers is the need to find a balance between fire prevention and environmental management and the resources and/or assistance required to manage community expectations.

5. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications for Latrobe City Council arising from the petition.

6. INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

There has been no formal community consultation process with the exception of a telephone conversation with the head petitioner. The petition was tabled at the 19 March 2009, Crinigan Bushland Reserve Committee of Management meeting.

Details of Community Consultation / Results of Engagement:

Community consultation was not required.

7. OPTIONS

Council has the following options:

1. Resolve to consider the petition at this meeting; which is the preferred option.
2. Choose to lay the petition on the table until the Ordinary Council Meeting held 20 April 2009, or a later meeting. This is not the preferred option as it is the officer's view that the issue can be dealt with at this meeting.

8. CONCLUSION

The petition received by Council highlights local resident's concerns regarding a potential fire hazard in the Crinigan Bushland Reserve. Latrobe City Council's Municipal Fire Prevention Officer carried out an inspection of the reserve's boundaries and the build up of under growth within the reserve and deemed that the reserve did not pose a significant fire threat. The reserve committee of management is committed to managing the reserve as described in the 1999 Management Plan and will commence preparations for the 2009/2010 summer season in April 2009.

9. RECOMMENDATIONS

1. That Council resolves not to lay the petition regarding fire danger at Crinigan Bushland Reserve, on the table, and considers the petition at this Ordinary Council Meeting.
2. That Latrobe City Council officers in conjunction with the Crinigan Bushland Reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment carry out an inspection of the reserve in April 2009 in preparation for the 2009/2010 summer season.
3. That the head petitioner be advised of Council's decision in relation to the petition being that Latrobe City Council's Municipal Fire Prevention Officer does not consider the reserve to be a significant fire hazard and that an inspection will be carried out in April 2009 by Latrobe City Council officers with the reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment in preparation for the 2009/2010 summer season as per the requirements of the Crinigan Bushland Reserve Management Plan 1999.

Moved: Cr Gibson

Seconded: Cr Lougheed

1. **That Council resolves not to lay the petition regarding fire danger at Crinigan Bushland Reserve, on the table, and considers the petition at this Ordinary Council Meeting.**
2. **That Latrobe City Council officers in conjunction with the Crinigan Bushland Reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment carry out an inspection of the reserve in April 2009 in preparation for the 2009/2010 summer season.**
3. **That the head petitioner be advised of Council's decision in relation to the petition being that Latrobe City Council's Municipal Fire Prevention Officer does not consider the reserve to be a significant fire hazard and that an inspection will be carried out in April 2009 by Latrobe City Council officers with the reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment in preparation for the 2009/2010 summer season as per the requirements of the Crinigan Bushland Reserve Management Plan 1999, and that the results of the inspection be communicated to the Head Petitioner.**
4. **That a report be presented to Council regarding the outcome of the meeting with Latrobe City Officers. In conjunction with the Crinigan Bushland Reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment regarding what preparation will be done for the 2009/2010 summer season.**

CARRIED UNANIMOUSLY

ATTACHMENT

CRINIGAN ROAD RESIDENTS PETITION TO LATROBE CITY COUNCIL

PETITION

Lance Hunt

PH 0427 345068

95 Crinigan Road
MORWELL

Latrobe City	
- 2 MAR 2009	
Doc. No:	
Action Officer:	
Dispose Code:	
Comments:	

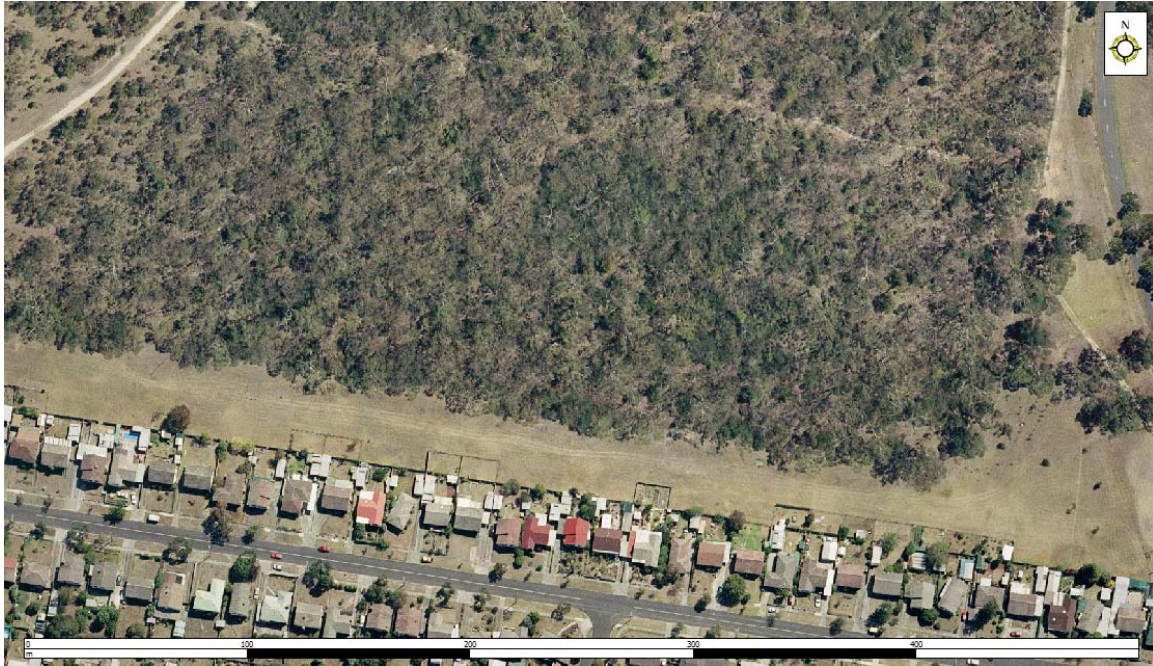
LATROBE CITY COUNCIL
27 FEB 2009
DB HQ

Petition to the Launceston City Council
by the residents of the Crinigan Road
area.

We the undersigned residents of Morwell
in the Launceston City request that the
City Council immediately take steps
to remove the extreme "Fire Danger"
caused by the Council permitting the
Crinigan Road Reserve committee to let
the grass and undergrowth in the
Reserve to get to extreme fire danger
levels.

In light of what has occurred with
Bush fires in other areas of this State
in recent times, we are putting the
Council on notice that we will hold
them responsible for any serious fire
incidents that may occur through neglect
to have this Reserve cleaned up.

NAME	ADDRESS	SIGNATURE
L. G. HUNT	95 CRINIGAN RD, MORWELL	L. Hunt
H. J. HUNT	95 CRINIGAN RD, MORWELL	H. Hunt
P. EVES	91 " "	P. Eves
E. EVES	91 " "	E. Eves
H. M. DARLING	89 " "	H. M. Darling
A. J. DARLING	89 " "	A. J. Darling



Above: Close up of the fire break behind houses in Crinigan Road Morwell.

Below: View of Crinigan Bushland Reserve showing the network of fire breaks.



Below: View looking west of the fire break behind houses in Crinigan Road Morwell.



BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 CHURCHILL TOWN CENTRE PLAN: WEST LINK ROAD

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

1. PURPOSE

The purpose of this report is to present to Council the results of community consultation regarding the proposed “western extension” or “west link road” in the adopted Churchill Town Centre Plan and in the Churchill Structure Plan, and to seek approval for modifications to the Plans.

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 principles for local areas in the municipality.

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

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

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

Progress implementation of the Churchill Town Centre Plan.

Community Outcome – Economic Sustainability

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

Strategic Action – Economic Development

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

The Churchill Town Centre Plan is a plan that has been adopted by Council, with the initial plan adopted in August 2007, and the modifications to the commercial centre adopted in December 2008.

3. **BACKGROUND**

The Churchill Town Centre Plan (July 2007) includes reference to an “east-west link” from Monash University through the commercial precinct, connecting to McDonald Way with a new street link. The plan suggested that the parts of Churchill near McDonald Way to the west of Monash Way are not well connected to the commercial centre, the road layout is unclear and indirect, and pedestrian access at the traffic lights is unsatisfactory. The plan proposes a new street from the traffic lights at Monash Way to McDonald Way with provision for pedestrian crossings and parking, aiming to resolve these problems and encourage recreational use of the park area.

The western extension proposed in the Town Centre Plan includes a short link to Walker Parade, as shown in Figure 1.

Figure 1: Detail from Churchill Town Centre Plan (2007)



At the time Council considered the plan in 2007, a group of residents opposed the western extension. Many are residents around the Walker Parade area, and do not want a street to be constructed through what they consider is an important open space area. These residents seek the removal of references to it in planning frameworks for the future development of Churchill. They have argued that the area should be reserved for public open space.

The Churchill Town Centre Plan was adopted at the Ordinary Council Meeting held on 20 August 2007, when Council resolved:

1. *That Council adopt the Churchill Town Centre Plan.*
2. *That 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 exhibited Amendment C62 to the Latrobe Planning Scheme included the western extension within the proposed Churchill Structure Plan, and there were submissions opposing this element of the Structure Plan.

The site of the western extension is located between Walker Parade and McDonald Way, and comprises approximately 11,495 square metres (just over one hectare). The land is predominantly owned by the Department of Human Services, with Latrobe City Council owning a strip of land including a footpath, and an area along McDonald Way. It is zoned Residential 1.

4. ISSUES

Since August 2007, a modified version of Section 2 of the 2007 Churchill Town Centre Plan relating to the commercial precinct has been developed, proposing to retain a vehicular link between Philip Parade and the northern car park. At its Ordinary meeting 20 October 2008, Council adopted this concept in-principle subject to further consultation, and it was subsequently adopted at the Council meeting of 15 December 2008. During the consultation phase on the modified Churchill Town Centre Plan, a number of submissions were lodged relating specifically to the continued inclusion of the “western extension” or “west link road” in plans for Churchill.

The December 2008 modifications to the Churchill Town Centre Plan aimed to achieve the objectives of the 2007 version of the plan, but re-introduced a “swooping” access way between Philip Parade and the northern car park. The modified plan provides for improvement in access from western areas of Churchill, compared with the 2007 version of the plan. However, it does not resolve the problems of poor street connections between the western residential areas and the town centre. The central issue is whether the advantage of more direct and clearer access via the western extension warrants the cost and disruption of open space near Walker Parade.

The main issues are summarised as follows:

Pedestrian Traffic:

The site of the proposed link is an important pedestrian link between the residential areas to the west of the Churchill town centre and the commercial area, and any changes would have to protect that role.

There is merit in the concerns originally expressed in the 2007 version of the Churchill Town Centre Plan about poor links between the western residential areas of Churchill (to the west of Monash Way) and the commercial centre. If the western extension is to be deleted from future planning, other techniques such as clearer signage and improved pedestrian links may be appropriate.

Vehicular Traffic:

The present distance from Howard Avenue via McDonald way and Philip Parade to the Hazelwood Village car park is approximately 820 metres; this could be reduced to around 650 metres when the modified Churchill Town Centre Plan has been completed, and would be around 280 metres if the western extension was built. Those most impacted by the connection would be residents either side of McDonald Way.

Open Space:

Although zoned Residential 1, the land proposed for the new road has been vacant since the establishment of Churchill in the 1960s, and includes a small playground. Those opposing the proposal for a western extension argue that the area should be permanently reserved for open space, and rezoned from Residential 1 Zone to Public Park and Recreation Zone.

Relevant policies relating to open space include:

- *Latrobe City Public Open Space Plan* (May 2007), which identifies a set of key principles relating to the provision of open space.
- *Latrobe City Playground Strategy 2005-21* (2006) identifies 11 playgrounds in Churchill, and their proposed status until 2021. The “Walker Parade Reserve” is proposed to have playground equipment removed between 2015 and 2021.

Churchill has an abundant supply of “local” public open space, so any open space role that would be carried out by the area should therefore be specific and defined.

Housing:

Residential development is currently an “as of right” use of the land under its present Residential 1 Zoning, while the Churchill Town Centre Plan proposes some residential development to the west of the site, aiming to improve the perception of safety in the park. However, the Churchill Structure Plan (2007) does not identify the area for housing.

Flora and fauna:

Some trees immediately to the west of Monash Way at the traffic lights would need to be removed for a new road, and would have to be replaced with new landscaping.

The disruption to flora and fauna would have to be taken into account.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The Churchill Town Centre Plan estimated the cost of the new link road at \$251,000, plus additional costs of up to \$265,000 for modifications to Monash Way. This cost estimate has been reviewed, and the estimated total cost of the project is about \$600,000. Some costs would also be incurred if the area is developed as public open space.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The engagement methods that were used in considering the western extension or west link road included:

- Regular meetings of a group comprising the Ward Councillor and representatives of Churchill and District Community Association, residents of the Walker Parade area and Churchill Primary School, with a focus on the effectiveness of the consultation process
- Advertising in the *Latrobe Valley Express* and *Churchill News*
- Inclusion of a three-quarter page insert in *Churchill News*
- Preparation and distribution of a newsletter
- Inclusion of the plan and newsletter on the Latrobe City Council website
- Preparation and display of a poster in the town centre, at Glendonald Shopping Centre and near the site of the proposal
- Conduct of drop-in consultation sessions between 4 pm and 8 pm on 17 and 23 February 2009 at the Churchill Community Hub
- A briefing of representatives of invited groups at Churchill Leisure Centre on 5 March 2009
- Presentations by the Place Manager – Churchill Town Centre Plan to stakeholder groups in Churchill.

Details of Community Consultation / Results of Engagement:

The formal community engagement methods were supplemented by an active campaign conducted by the “Save Our Park” group.

Members of the group conducted doorknocks, prepared newsletters and posters, organised petitions, lobbied, organised media stories in the *Latrobe Valley Express* and *Churchill News*, and involved themselves in the Council engagement processes.

At the closing date, 65 submissions opposing the west link road were received, including a petition with 322 signatures (Save Our Park also re-submitted a petition lodged before the August 2007 Council meeting, including 79 signatures). No submissions were received in support of the proposal.

The Save Our Park submission summarised the majority of the arguments presented by those opposing the proposal:

- “(1) This proposal was recommended in the 2007 Churchill Town Centre Plan, which was so flawed, that its creditability is questioned.*
- (2) We challenge the validity of some of the statements taken from the report.*
- (3) The result of the consultation process may be flawed.*

- (4) *This seems be a case of trying to fix one mistake with another.*
- (5) *Open space parkland will be ruined and children will lose their playground, or it will be unsafe to use.*
- (6) *The link road is highly undesirable and totally unnecessary.*
- (7) *There will be traffic safety problems.*
- (8) *There will be safety problems for pedestrians.*
- (9) *Primary children will have their safe passage compromised.*
- (10) *A safe evacuation area is jeopardised.*
- (11) *Flora and fauna are threatened.*
- (12) *There will be an unsightly conglomeration of roads, excavations, and four closely spaced intersections, in the centre of the town.*
- (13) *Shoppers and timber trucks will use parking along the link road as there is very limited parking on Monash Way.*
- (14) *Walker Parade is not suitable to be a thoroughfare to the shops.*
- (15) *A large number of residents oppose the link road.*
- (16) *The benefits do not justify the cost.*
- (17) *History of site.*
- (18) *Absence of social awareness.”*

A summary of submissions is included as an Attachment to this report.

7. OPTIONS

Options available to Council include:

1. Maintain the western extension as part of the concept planning in the Churchill Town Centre Plan and the Churchill Structure Plan, using the 2007 version of the plans as the basis of future planning decisions. This option would imply no change to present planning for Churchill relating to the western extension. However, it would not reflect the outcomes of the consultation process, and would be strongly opposed by local residents if the plans were proposed to be implemented in the future.
2. Maintain the western extension as part of the concept planning in the Churchill Town Centre Plan and the Churchill Structure Plan, but modifying the location and design of the road to minimise intrusion. This would also imply no change to the concept in the Churchill Structure Plan, but a modification of the Churchill Town Centre Plan to shift the connection of the new road further to the east in McDonald Way. While the proposal is likely to generate less opposition than the western extension presented in the 2007 plan, it received no support in the consultation process.

3. Delete references to the western extension in the Churchill Town Centre Plan and the Churchill Structure Plan. This would imply redrafting the two plans to reflect the removal of the western extension. It is the option that was supported by all submissions to the consultation process.

8. CONCLUSION

The exhibition and community engagement on the proposed western extension in the Churchill Town Centre plan have generated many submissions in opposition to the proposal.

The range of issues raised by submitters indicates that there are serious local concerns about the concept of a future road, and that any future plan to implement the proposal would encounter strong opposition. The western extension is likely to continue to generate antipathy while it remains part of long-term planning for Churchill.

The modified 2008 plan for the Churchill commercial area takes some pressure off the requirement to include the western extension as part of the package of solutions to improve the operation of the Churchill town centre.

The reinstatement of a “swooping” road link between Philip Parade and the northern car park enhances access to Hazelwood Village and West Place from western residential areas compared with the current arrangements, and is critical to the success of the town centre.

The concept design presented in the 2007 Churchill Town Centre Plan included an alignment of the proposed street between the traffic lights and near Howard Avenue, through the centre of the site. It also included a possible link to Walker Parade, that was not well-received by local residents. An option of modifying the design to minimise negative impacts may be possible, but it seems unlikely that any solution will receive strong community support.

Given the strength of arguments opposed to the western extension, it is proposed that it be deleted from future planning for the Churchill town centre.

9. RECOMMENDATIONS

- 1. That Council removes the proposed “west link road” from the concept design for Section 1 (the Western Residential Precinct) of the 2007 Churchill Town Centre Plan and reference to the west link road in the Churchill Structure Plan.**
- 2. That Council incorporates the deletion of the proposed “west link road” from the 2007 Churchill Town Centre Plan and the Churchill Structure Plan in its representation to the Planning Panel relating to Amendment C62 to the Latrobe Planning Scheme.**

Moved: Cr White

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

Submissions on the Western Extension:

Submission	Issues Raised						
	Loss of open space / need to improve park	Pedestrian safety	Road not needed	Traffic congestion and safety	Flora and fauna	Cost / use funds on other projects	Other
1 (Save Our Park Objection)	X	X	X	X	X	X	Comprehensive list of substantive and process issues – see summary in report
2		X	X	X		X	
3	X						
4	X						
5	X						
6	X	X		X		X	Concern about property values
7	X	X	X				Affect access from home to McDonald Way; want more information from Council
8	X		X			X	
9		X	X			X	Planning and works incomplete and suspicious
10	X	X	X				Cycle access is sufficient
11		X					Sun in eyes of drivers on McDonald Way; noise factor for elderly
12	X		X	X	X	X	
13	X		X	X			Shopping centre "landlocked" by roads
14		X				X	Need for accessible car parks for disabled
15	X	X	X	X	X		
16	X	X	X	X	X		
17	X	X	X	X	X		
18	X		X		X	X	
19	X		X				Noise pollution; drunken hoons
20	X	X	X	X	X	X	Oppose new housing
21		X	X			X	Access from service station is sometimes hectic; need for bicycle racks in centre
22	X	X	X				

Submission	Issues Raised						
	Loss of open space / need to improve park	Pedestrian safety	Road not needed	Traffic congestion and safety	Flora and fauna	Cost / use funds on other projects	Other
23	X	X	X		X	X	Space is buffer zone from Monash Way and shopping centre
24			X	X			Walk bridge at McDonald Way should be on the eastern side of the bridge
25	X		X				
26	X						
27	X					X	
28					X		
29	X	X	X	X	X	X	Concern about housing
30		X					
31		X	X				Will increase car use
32							Signature on SOP form
33		X					
34		X					
35			X			X	
36		X					
37	X						
38		X	X				
39	X			X			
40	X			X			
41	X						
42	X						
43	X	X					
44	X						
45		X		X	X		
46	X						
47	X						
48	X	X					
49	X		X				
50	X						
51	X	X					
52		X	X				
53							Signature on SOP form
54		X					
55	X	X					
56	X					X	
57	X	X		X			There will be a blind spot at the proposed exit of the new road
58	X						No need for more houses
59		X		X	X		
60	X	X		X			No cheap houses in the private area of Churchill

Submission	Issues Raised						
	Loss of open space / need to improve park	Pedestrian safety	Road not needed	Traffic congestion and safety	Flora and fauna	Cost / use funds on other projects	Other
61	X	X	X	X	X	X	Time at traffic lights would mean that the gain from the road would be minimal
62	X	X	X	X	X		The road idea ignores social issues – amenity, valuation of homes, loss of trees, cost factors
63	X	X		X	X	X	
64		X		X			
65 (Save Our Park petition with 322 signatures)							Reject western extension proposal (no reasons given)

Examples of comments:

Loss of open space / need to improve park

- *If the park is lost, there will be an impact on the staging of any further community celebrations.*
- *My gran and pop take me here to play.*
- *My grandchildren use the park to play in.*
- *That if you keep giving our parks away slowly you end up with less and less for ratepayers to enjoy.*
- *I would like the area to be retained as parkland to be enjoyed by the community for now and in the future.*
- *The parkland area between Monash Way and the start of the residential area was no accident – it was designed as a buffer.*

Pedestrian safety

- *A case could be made for constructing a new realigned pathway for pedestrians and cyclists, directly across the park to the traffic lights. This does not need the link roads.*
- *I like the park as I am an elderly person – it provides a safe passage to the shops.*
- *The parklands are a special place for many reasons and once lost it will be a sorry day.*
- *I am deeply concerned about the safety of our aged citizens, school children, mums with prams with tiny tots in hand, and everyday pedestrians.*
- *No pedestrian crossing for Walker Parade for motorised wheel chairs and scooters and children crossing both ways, going to Churchill Primary School or Lumen Christi school.*

Road not needed

- *...no one benefits from the link road.*
- *No requirement for link road.*
- *The access for cars is already there.*
- *There are enough roads to Monash way and the shopping centre.*

Traffic congestion and safety

- *The conglomeration of roads, footpaths, kerbs, excavations, and four closely spaced intersections in the centre of town, will be forever an ugly sight for residents, and the passing traffic.*
- *I am concerned that this link will create extra traffic near the Howard Avenue intersection where there are many children present...*
- *Needs to be a road safety assessment for Monash Way and McDonald Way independently conducted*
- *Opens up access to shoppers and heavy transport to use the road for parking*
- *The extension will create a "bottleneck" effect in McDonald Way*

Flora and fauna

- *Up to a dozen trees may have to be removed to construct the link roads. Some mature gums will be included. This will impact on the koalas, galahs, magpies, gang gangs and other bird life...*
- *I bought my home for the birds, wildlife, koalas and the tranquillity of the park*
- *Threat to flora and fauna*
- *The local fauna in the park (yes there is a lot) including "Winston" – a koala that roams freely amongst the gum trees of the park – will lose its habitat and ultimately its life.*

Cost / use funds on other projects

- *Spending \$600k to save 500 metres driving – I object to this*
- *Detrimental and a waste of taxpayers' money*
- *...a cost versus benefits analysis shows there is little or no benefit for a huge cost*

I can see the cost soaring while the money could be spent in other directions eg improving the park!!

**11.3.2 DRAFT SOUTHERN TOWNS OUTDOOR RECREATION PLAN
FOR COMMUNITY CONSULTATION**

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

1. PURPOSE

The purpose of this report is to present the draft Southern Towns Outdoor Recreation Plan and to seek Council's approval to release the plan 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 - 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

- Assess and evaluate future recreational opportunities to address community aspirations;
- Encourage greater participation in all recreation pursuits;
- Increase the accessibility of Latrobe City's recreation and sporting facilities;
- Develop and maintain high quality recreation facilities in partnership with the community; and
- Promote active living and participation in community life.

Recreation and Leisure Strategy 2006

Action - Prepare Township Sports Facility Plans.

The implementation plan adopted with the strategy outlined that Council would complete an outdoor recreation plan each year, for a different area within Latrobe City for the next 5 years.

3. BACKGROUND

The need for the town based outdoor recreation plans was identified in the Recreation and Leisure Strategy 2006. Since the adoption of the strategy by Council on 1 May 2006, the following outdoor recreation plans have been completed;

- Traralgon Outdoor Recreation Plan 2006;
- Moe Newborough Outdoor Recreation Plan 2007; and
- Morwell Outdoor Recreation Plan 2008.

The Southern Towns Outdoor Recreation Plan was identified for completion in 2009, with the final of the town based plans the Northern Towns Outdoor Recreation Plan scheduled for completion in 2010.

The Recreation and Leisure Strategy 2006 established objectives that have been utilised in the development of the reserve master plans. The stated objectives are:

1. Provide a diversity of financially sustainable recreation and leisure facilities and opportunities.
2. Provide well used and relevant recreation facilities and settings.
3. Consolidate recreation and sport facility provision and use.
4. Encourage and support community involvement in sustainable facility management and development.
5. Maximise opportunities for economic development through recreation and leisure.
6. Provide effective management, support and resources.

A consultant was appointed to conduct the community consultation and develop the Southern Towns Outdoor Recreation Plan utilising a similar methodology used in the preparation of previous outdoor recreation plans.

4. ISSUES

Following a comprehensive consultation process a draft report has been prepared that identifies opportunities for improvements to each of the active reserves within the towns south of the Princes Highway. The recreation reserves considered in this plan include:

- Boolarra Memorial Park
- Callignee Recreation Reserve
- Andrews Park West, Churchill
- Gaskin Park, Churchill

- Hazelwood South Reserve, Churchill
- Flynn Recreation Reserve
- Hazelwood North Recreation Reserve
- Warren Terrace, Hazelwood North
- Traralgon South Recreation Reserve
- Yinnar Recreation Reserve

The master plans for these active recreation reserves will provide guidance for future capital works projects to further enhance the functionality, use and amenity of these reserves.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The master plans for the reserves present a number of development options and opportunities. Financial and resource implications will be considered as part of the implementation plan to be developed at the completion of the community consultation process. The implementation plan will be considered by Council in a report presented on 15 June 2009 detailing the results of the community consultation and the final draft of the Southern Towns Outdoor Recreation Plan.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Public Meetings, one on one meetings and site visits with key stakeholders.

Details of Community/Consultation Results of Engagement:

All users of the reserves have had opportunities to provide input into the development of the draft Southern Towns Outdoor Recreation Plan.

An extensive consultation process was undertaken as part of the Southern Towns Outdoor Recreation Plan. This included;

- Telephone interviews within the study area with:
 - Clubs
 - Leagues / Associations
 - Local Organisations and Committees
 - Local Primary and Secondary Schools
 - 100 Randomly Selected Households
- Club / Community Forum (7 July 2008)
- Councillor interviews
- Site visits
- Public Meeting (10 September, 2008)
- On Site Consultation (10 – 11 September, 2008)
- Public submissions

During the consultation process input was received from representatives of the following activities; baseball, bowls, cricket, football, soccer, hockey, equestrian, netball and tennis.

7. OPTIONS

1. Release the draft Southern Towns Outdoor Recreation Plan for community consultation in accordance with Council's Community Engagement Policy.
2. Amend and release the draft Southern Towns Outdoor Recreation Plan for community consultation in accordance with Council's Community Engagement Policy.
3. Not release the draft plan for consultation. Not releasing the draft plan for consultation will impact on the future delivery of Outdoor Recreation Plans and projects recommended from these plans.

8. CONCLUSION

The draft Southern Towns Outdoor Recreation Plan provides clear direction for the provision of recreation facilities in the townships south of the Princes Highway and details the potential development of these active reserves.

9. RECOMMENDATIONS

1. That Council releases the draft Southern Towns Outdoor Recreation Plan for public comment in accordance with Council's Community Engagement Policy and Strategy.
2. That the draft Southern Towns Outdoor Recreation Plan be forwarded to all groups involved in the initial consultation and placed on the Latrobe City website.
3. That written submissions in relation to the Southern Towns Outdoor Recreation Plan be received until 1 May 2009.
4. That a further report be presented to Council by 15 June 2009 following the community engagement process regarding the draft Southern Towns Outdoor Recreation Plan.

Moved: Cr Kam

Seconded: Cr White

- 1. That Council releases the draft Southern Towns Outdoor Recreation Plan for public comment in accordance with Council's Community Engagement Policy and Strategy.**
- 2. That the draft Southern Towns Outdoor Recreation Plan be forwarded to all groups involved in the initial consultation and placed on the Latrobe City website.**
- 3. That written submissions in relation to the Southern Towns Outdoor Recreation Plan be received until 8 May 2009.**
- 4. That a further report be presented to Council by 15 June 2009 following the community engagement process regarding the draft Southern Towns Outdoor Recreation Plan.**

CARRIED UNANIMOUSLY

**11.3.3 PERMANENT BARRIERS AT CLIFTON STREET AND PURVIS
LANE, MOE**

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

1. PURPOSE

The purpose of this report is to advise Council of the revised date to consider any submissions received in relation to the proposal to place a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe.

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 Strategy

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

Strategic Action - Infrastructure Development

Deliver the principles of the Transit Cities initiative.

Latrobe Planning Scheme reference document.

Moe Activity Centre Plan – Council adopted document and exhibited as part of amendment C62 to the Latrobe Planning Scheme.

3. BACKGROUND

At the Ordinary Council Meeting on Monday 2 March 2009, Council adopted the following resolution in relation to the Clifton Street Precinct Masterplan.

1. *That Council adopts the Clifton Street Precinct project masterplan and urban design guidelines.*
2. *That Council requests authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to include the Clifton Street Precinct urban design guidelines into the Latrobe Planning Scheme as a reference document.*
3. *That Council commences implementation of the Clifton Street Precinct project in accordance with the masterplan and the urban design guidelines.*
4. *That Council, pursuant to section 207 and schedule 11 of the Local Government Act 1989, gives public notice of its intention to place a permanent barrier or other obstruction on the northern end of Clifton Street, Moe which adjoins Albert Street, Moe to block the passage of vehicles.*
5. *That Council, pursuant to section 207 and schedule 11 of the Local Government Act 1989, gives public notice of its intention to place a permanent barrier or other obstruction on the western end of Purvis Lane, Moe which adjoins Market Street, Moe to block the passage of vehicles.*
6. *That Council, in accordance with section 223 of the Local Government Act 1989, considers any submissions received in relation to the proposal to place a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe at the Ordinary Council Meeting to be held on 6 April 2009.*
7. *That the closure of the vehicular access/egress between Market Street and the privately owned car park on the northern side of the video store be subject to further consultation with the private owner.*

4. ISSUES

In the adopted Recommendation 6 it is stated that Council will consider any submissions received in relation to the proposal to place a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe at the Ordinary Council Meeting to be held on 6 April 2009.

Due to the statutory requirements associated with placing a permanent barrier or other obstruction on a public road the proposed date of 6 April 2009 will not be met. It is recommended that submissions will now need to be considered at the Ordinary Council Meeting held 18 May 2009.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The are no financial and resources implications associated at this time.

6. **INTERNAL/EXTERNAL CONSULTATION**

Not applicable

7. **OPTIONS**

Public submissions associated with placing a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe, close on 16 April 2009. The first available Ordinary Council Meeting after this closing date is 18 May 2009.

8. **CONCLUSION**

To give sufficient time to fulfil the statutory requirements associated with placing a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe, any submissions received need to be heard at the Ordinary Council Meeting held on 18 May 2009.

9. **RECOMMENDATION**

That Council, in accordance with section 223 of the *Local Government Act 1989*, considers any submissions received in relation to the proposal to place a permanent barrier or other obstruction on Clifton Street and Purvis Lane, Moe at the Ordinary Council Meeting to be held on 18 May 2009.

Cr Kam left the Council Chamber at 7.46 pm.

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr Kam returned to the Council Chamber at 7.48 pm.

11.3.4 PLANNING PERMIT APPLICATION 2008/273 - APPLICATION TO DEVELOP A CARPORT AT 1/120 SHAKESPEARE 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 2007/273 for the construction of a carport at Unit 1/120 Shakespeare 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 - Infrastructure Development

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

3. BACKGROUND

3.1 SUMMARY

Land: 1/120 Shakespeare Street, Traralgon, known as Unit 1 on Strata Plan 031337L

Proponent: C Teuma
Zoning: Residential 1 Zone (R1Z)
Overlay: None

A Planning Permit is required for the development or construction of a garage or carport in accordance with Clause 32.01-3 of the Latrobe Planning Scheme.

3.2 PROPOSAL

This report was considered by the Council at its meeting on 15 December 2008, but was deferred pending clarification of a title anomaly. That anomaly has been clarified through confirmation of title information from the Titles Office.

The application is for construction of a 3.6m x 6m steel carport to the west of an existing dwelling on the north side of Shakespeare Street at the western junction with Rogers Court. The carport will be setback 2m from the frontage and has a height to the eaves of 2.4m.

The subject land is a long established residential lot that contains three single storied, flat-roofed dwelling units. The units were constructed in 1963 and were strata subdivided in 1987. The unit fronting Shakespeare Street, and which is the subject of this application, has been modernised.

Surrounding Land Use:

North: Established residential.
South: Residential development.
East: Established residential.
West: Established residential.

3.3 HISTORY OF APPLICATION

The application was received on 26 August 2008.

The development was considered to be minor and it was also considered that the development would not cause significant or material detriment to other adjoining land owners. Therefore the application was not advertised to adjoining landowners.

An objection was, however, received on 9 September 2008 from an adjoining landowner who is a member of the owner's corporation.

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. The parties did not wish to avail themselves of a Planning Mediation Meeting but sought a decision by the Council.

3.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

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

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

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

Clause 16.02 'Medium density housing' contains an 'Objective' to encourage the development of well-designed medium-density housing which:

- *'Respects the neighbourhood character.'*
- *'Improves housing choice.'*
- *'Makes better use of existing infrastructure.'*
- *'Improves energy efficiency of housing.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The Local Planning Policy Framework (LPPF) contains the Municipal Strategic Statement (MSS) – Clause 21. Under 'Urban settlement and form' (Clause 21.01-3), Traralgon is one of the three main urban settlements in the municipality, and under 'Housing' (Clause 21.01-7) it is stated that the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest, including:

- Medium density 'suburban' housing:

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

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

Clause 21.04-1 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.'*
- *'Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*

Clause 21.04-4 'Housing' has an Element (No. 2) that promotes housing choice by encouraging a wide variety of housing types, especially smaller and more compact housing to meet the changing housing needs of the community.

The Local Planning Policy Framework also contains Local Planning Policy (Clause 22). The relevant Local Planning Policy to this application is 'Urban Residential Land Development Policy' (Clause 22.06), which applies to Churchill, Moe, Morwell and Traralgon. The policy basis and objectives identify the concepts of the MSS as outlined above and amongst its objectives are:

- *'To increase the choice and availability of housing for a broad range of ages and lifestyles.'*
- *'To ensure that the design, layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual qualities of towns.'*
- *'To create a high quality living environment recognizing environmental sustainability.'*

Zoning

The land is zoned Residential 1 Zone (R1Z).

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 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

There are no overlays over the subject land.

Particular Provisions

There are no particular provisions that influence the development.

Decision Guidelines (Clause 65):

Before deciding on an application or approval of a plan, the responsible authority must consider, among other things, and as appropriate:

- 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):

There are no incorporated documents that influence the development.

4. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Methods Used:

While the parties initially declined the offer of a planning mediation meeting (PMM) a PMM was arranged for 18 March 2009, however unfortunately only the objector attended.

Notification:

As it was considered that the matter was minor and not controversial, and as it was also considered that material detriment would not be caused to adjoining landowners, the matter was not notified to adjoining landowners.

External:

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

Internal:

Internal officer comments were sought from Council's Project Services Team who gave consent to approval subject to appropriate conditions, which have been included in the recommendation to this report.

5. **ISSUES**

The application received a submission in the form of an objection – see attachment. The issue raised is:

1. The applicant cannot apply for, and the Council cannot grant a permit for the construction of the carport as the building cannot be built on common property without the consent of the owner's corporation. The objector has formed the view that the land surrounding the building is common property.

The objector also claims that other unrelated and minor building works have been undertaken on the land without a permit.

Comment:

If the land on which it is intended to construct the carport is common property, the above statement might have merit. However, the Latrobe Planning Scheme allows the Council to grant a permit to build a dwelling, and by inclusive definition, an outbuilding, on common property in the Residential 1 Zone (Clause 32.01-4)

Council's planning file from 1987 shows that the land surrounding the dwelling units was originally shown as common property, and was thus endorsed (on 21 October 1987) as part of the planning permit – see sketch plan A attached.

Condition number 7 of the planning permit issued on 21 October 2008, however, required the clothes line areas, or courtyards, of the units to be fenced or screened from the street. These fences were constructed and follow the thick black lines shown on sketch plan B attached.

Sketch plan B is the plan of strata subdivision that was amended in 1987 by the licensed land surveyor to accord with the fenced courtyards and to remove the large area of common property leaving only a small portion in the north-east corner giving access to the existing carports. This plan of strata subdivision was sealed by the predecessor Council on 1 November 1988 – see sketch plan C. [Note: the date shown on the plan, that is, 20 July 1987, is the date the plan was drawn by the surveyor, not sealed by council].

Sketch plan B was registered and forms part of the Certificate of Title and shows the courtyards as forming part of the unit, i.e. dwelling, entitlement and not common property.

This amendment was confirmed by the licensed land surveyor who prepared the original strata subdivision and by a surveyor, who works for the Office of Titles at Land Victoria, see items D and E attached. These letters confirm that the land forming the front and rear gardens of the units are not common property.

The other works that have been questioned by the objector are minor building works and these are exempt from the need to obtain a planning permit.

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:

1. Issue a Notice of Decision to Grant a Permit.
2. 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

It is considered that the application is valid and that there are no defects on title that would disallow the development. It is also considered that the objector's claim cannot be substantiated.

The proposal is therefore considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks.
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone.
- Consistent with Clause 65 (Decision Guidelines).
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered and relevant permit conditions addressing these issues will be attached. The objection does not form planning grounds on which the application should be refused.

9. RECOMMENDATION

That Council decides to issue a Notice of Decision to Grant a Planning Permit for the Development of a Carport at Unit 1/120 Shakespeare Street, Traralgon, with the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. All the stormwater drainage from the proposed extension work(s) must be connected to a legal point of discharge using underground pipes.**
- 3. This permit will expire if one of the following circumstances applies:**
 - a) The development is not started within two years of the date of this permit.**
 - b) The development is not completed within four years of the date of this permit.**

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

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

Note: All buildings erected on this site must comply with the requirements of the *Building Act 1993*, the Building Regulations 2006, the Building Code of Australia 2007, Australian Standards and relevant municipal local laws.

Moved: Cr Fitzgerald

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS



SCHEDULE FOR UNIT ENTITLEMENT AND LIABILITY					
UNIT No.	ENTITLEMENT	LIABILITY	UNIT No.	ENTITLEMENT	LIABILITY
1	30	30	4	1	1
2	30	30	5	1	1
3	30	30	6	1	1
			TOTAL	93	93

LEGEND

(RELATING TO THE DIAGRAM HEREUNDER.)

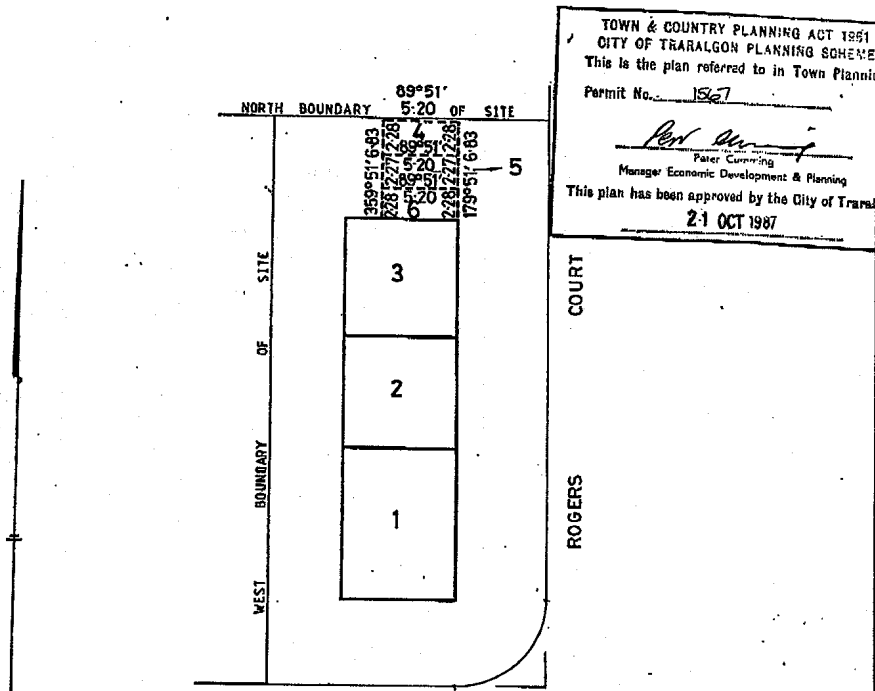
1. THE BUILDING IN THE PARCEL A PART OF WHICH IS CONTAINED IN EACH OF UNITS 1-6 (BOTH INCLUSIVE) IS A SINGLE STOREY BUILDING.
2. THE UPPER BOUNDARY OF EACH OF UNITS 1-6 (BOTH INCLUSIVE) LIES 10 METRES ABOVE THAT PART OF THE SITE WHICH IS WITHIN THE VERTICAL OR NEAR VERTICAL BOUNDARIES OF THE RELEVANT UNIT AS SHOWN ON THE DIAGRAM BELOW; THE LOWER BOUNDARY OF EACH OF THESE UNITS LIES ONE METRE BELOW THAT PART OF THE SITE.
3. UNIT BOUNDARIES WHICH LIE ALONG EXTERNAL WALLS OF A BUILDING LIE ALONG THE OUTSIDE FACE OF THE SAID WALLS.
4. THE COMMON PROPERTY IS ALL OF THE LAND IN THE PARCEL EXCEPT THE LAND CONTAINED IN EACH OF UNITS 1-6 (BOTH INCLUSIVE).
5. UNITS 4, 5 & 6 ARE ACCESSORY UNITS.
6. NOTICE OF RESTRICTION
THE UNITS SPECIFIED IN COLUMN 1 HEREUNDER ARE RESTRICTED UNITS.
THE UNITS SPECIFIED IN COLUMN 2 HEREUNDER ARE CAR PARK UNITS.
REGISTRATION OF DEALINGS WITH THE UNITS SPECIED IN COLUMN 1 IS RESTRICTED.

COLUMN 1

UNITS 1, 2 & 3

COLUMN 2

UNITS 4, 5 & 6



TOWN & COUNTRY PLANNING ACT 1961
CITY OF TRARALGON PLANNING SCHEME
This is the plan referred to in Town Planning
Permit No. 1527
Peter Curran
Peter Curran
Manager Economic Development & Planning
This plan has been approved by the City of Traralgon
21 OCT 1987

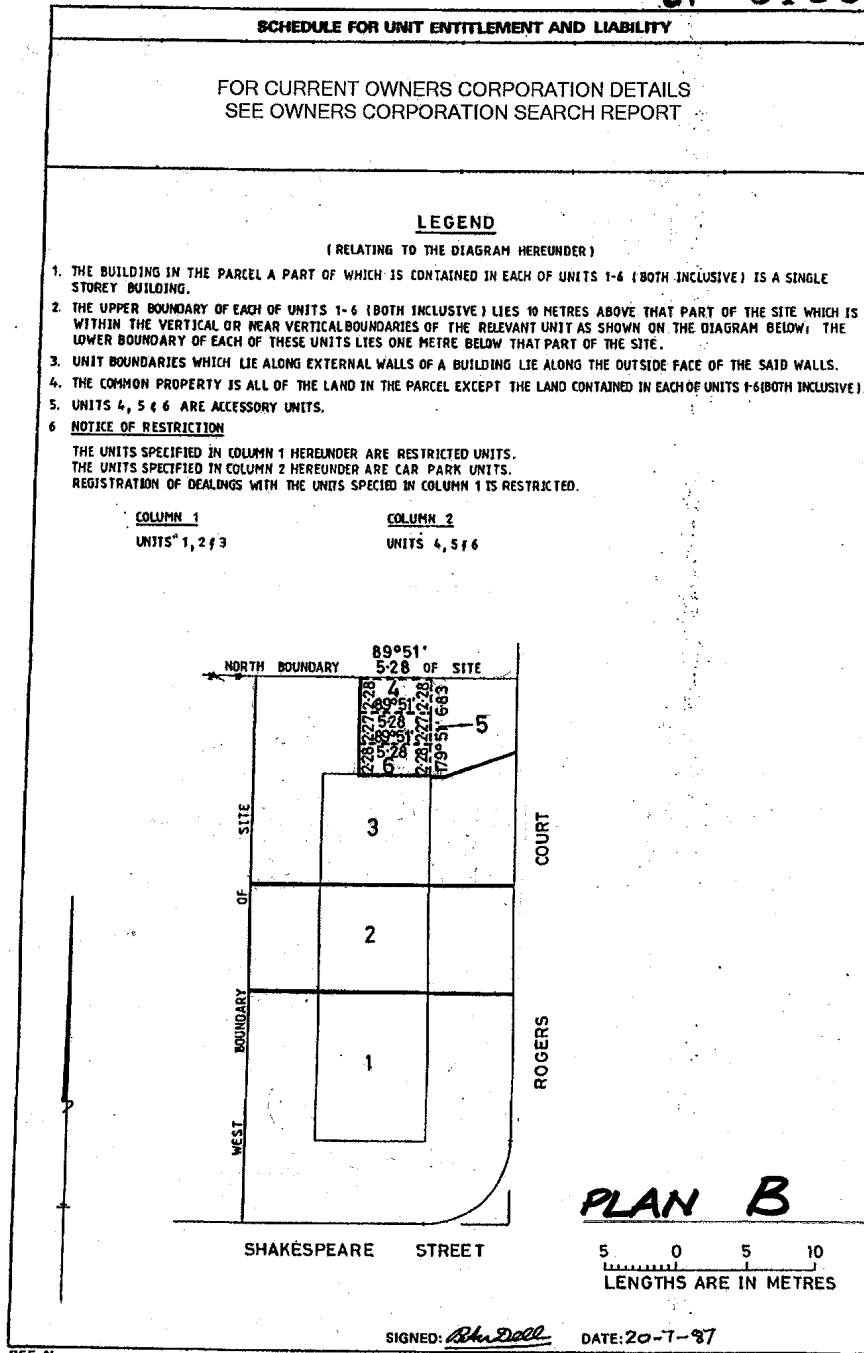
PLAN A

SHEET 2 OF 2 SHEETS
REF. No. 87.2.026

SIGNED: DATE:

Delivered by LANDATA®. Land Victoria timestamp 05/09/2008 09:10 Page 2 of 2

SP 31337



REF. No. 87. 2.028

SIGNED: *Alan Dell*
Sheet 2 of 2 sheets

DATE: 20-7-87

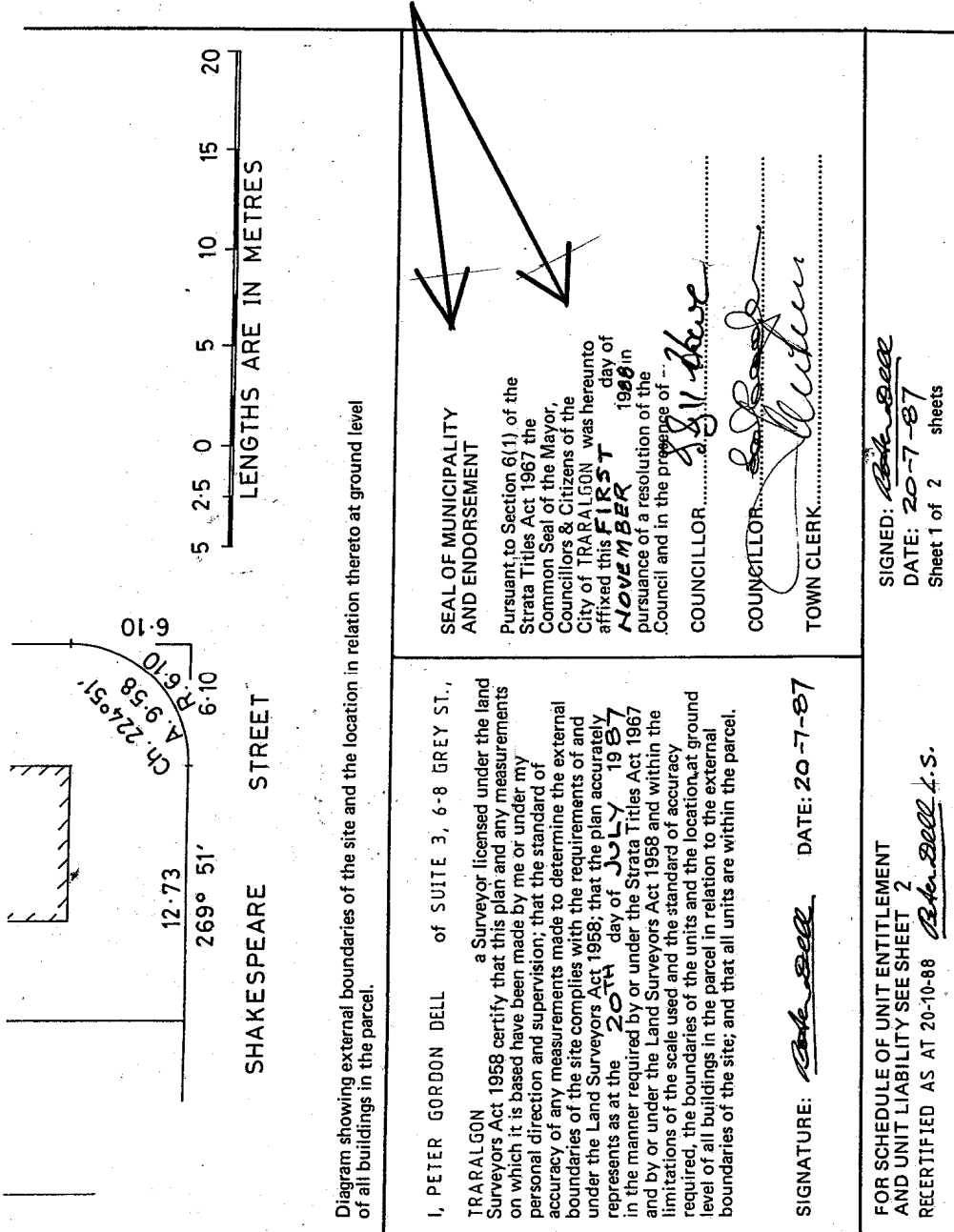


Diagram showing external boundaries of the site and the location in relation thereto at ground level of all buildings in the parcel.

I, PETER GORDON DELL of SUITE 3, 6-8 GREY ST., TRARALGON a Surveyor licensed under the Land Surveyors Act 1958 certify that this plan and any measurements on which it is based have been made by me or under my personal direction and supervision; that the standard of accuracy of any measurements made to determine the external boundaries of the site complies with the requirements of and under the Land Surveyors Act 1958; that the plan accurately represents as at the 20th day of JULY 1987 in the manner required by or under the Strata Titles Act 1967 and by or under the Land Surveyors Act 1958 and within the limitations of the scale used and the standard of accuracy required, the boundaries of the units and the location, at ground level of all buildings in the parcel in relation to the external boundaries of the site; and that all units are within the parcel.

SIGNATURE: *Peter Dell* DATE: 20-7-87

FOR SCHEDULE OF UNIT ENTITLEMENT AND UNIT LIABILITY SEE SHEET 2 RECERTIFIED AS AT 20-10-88 *Peter Dell* t.s.

SEAL OF MUNICIPALITY AND ENDORSEMENT

Pursuant to Section 6(1) of the Strata Titles Act 1967 the Common Seal of the Mayor, Councillors & Citizens of the City of TRARALGON was hereunto affixed this **FIRST** day of **NOVEMBER** 1987 in pursuance of a resolution of the Council and in the presence of

COUNCILLOR: *[Signature]*
 COUNCILLOR: *[Signature]*
 TOWN CLERK: *[Signature]*

SIGNED: *[Signature]*
 DATE: 20-7-87
 Sheet 1 of 2 sheets

PLAN C



Department of
Sustainability and Environment

plus 2711
Rob.

Robert Dunlop
Senior Statutory Planner
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Latrobe City	
23 JAN 2009	
Doc. No.	372972
Action Officer:	
Disposal Code:	
Comments:	

PO Box 500
East Melbourne Victoria 3002
Telephone: (03) 9637 8000
Facsimile: (03) 9637 8100
ABN 90 719 052 204

Dear Robert

RE - STRATA PLAN SP 31337

In reference to your email dated 12/01/2009

Common Property on SP31337 is represented both diagrammatically and by Notataion (see Legend)

Diagrammatically - Common Property is located in the north/east corner of the land in SP31337 being the land coloured yellow on the attached plan.

Within the Legend the upper and lower boundaries of the units 1 to 6 have been defined and the areas above and below the defined lots boundaries is also Common Property

I hope the above information helps resolve your issue.

If it doesn't please contact me


Yours sincerely

Kevin Bond
Specialist - Plan Registration Officer
Title Registration Services
Ph. 8636 2112
Fax 8636 2191

ITEM D

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 300, East Melbourne, 3002.

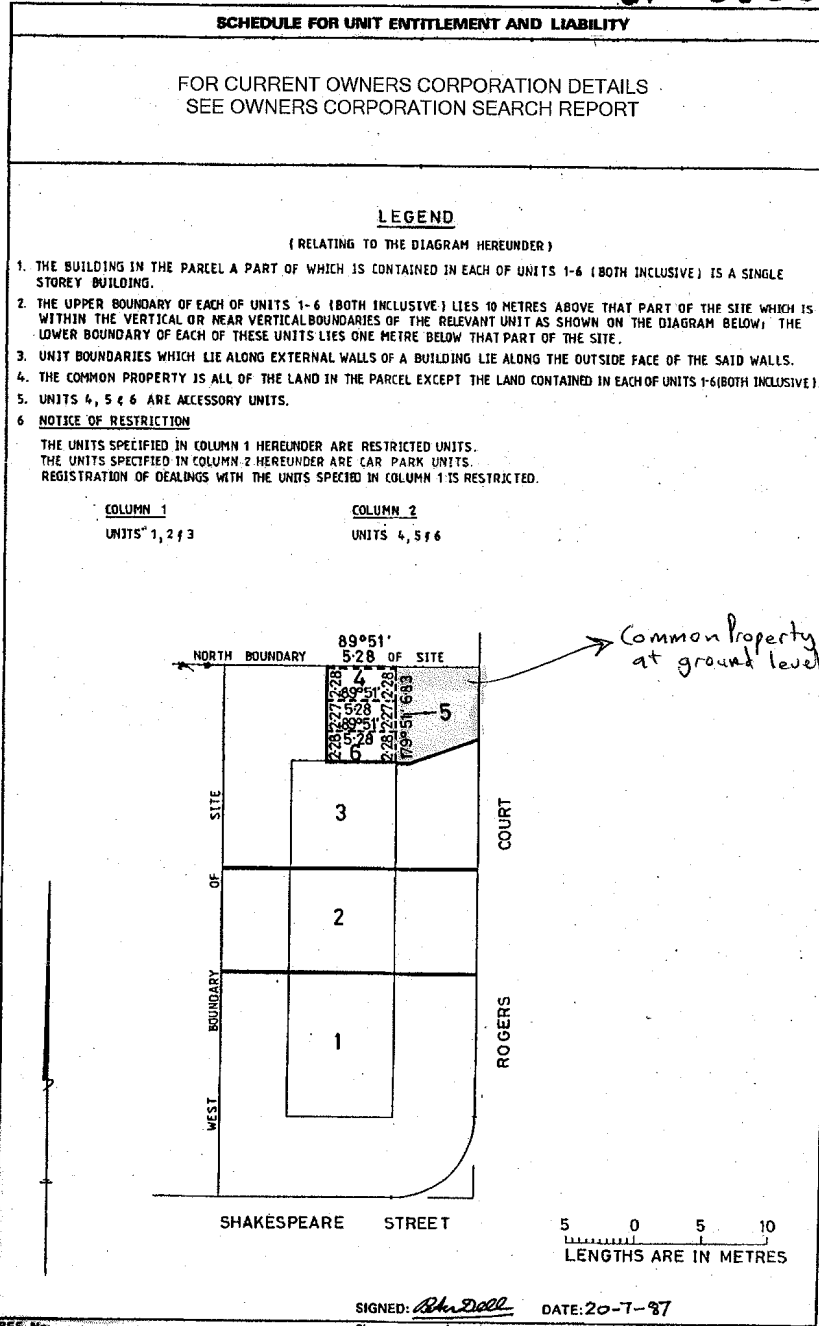


<p>CHART 7 PLAN OF STRATA SUBDIVISION</p>		<p>31337L</p> <p>REGISTERED SP 31337</p> <p>TIME 7-50</p> <p>DATE 12-4-89</p> 
<p>THE PARCEL THE WHOLE OF THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 8470 FOLIO 400 BEING PART OF CROWN ALLOTMENT 11 TOWNSHIP OF TRARALGON PARISH OF TRARALGON COUNTY OF BULN BULN.</p> <p>POSTAL ADDRESS OF BUILDINGS 120 SHAKESPEARE STREET TRARALGON. 3844</p> <p>FOR CURRENT ADDRESS FOR SERVICE OF NOTICE SEE OWNERS CORPORATION SEARCH REPORT</p>		
<p style="text-align: center;">SHAKESPEARE STREET COURT ROGERS</p> <p style="text-align: center;">LENGTHS ARE IN METRES</p>		<p>344 PART OF UNITS AND THE COMMON PROPERTY SHOWN THUS IS ENCUMBERED BY A DRAINAGE AND SEWERAGE EASEMENT VIDE L.P. 40104.</p>
<p>Diagram showing external boundaries of the site and the location in relation thereto at ground level of all buildings in the parcel.</p>		
<p>I, PETER GORDON DELL of SUITE 3, 6-8 GREY ST., TRARALGON a Surveyor licensed under the Land Surveyors Act 1958 certify that this plan and any measurements on which it is based have been made by me or under my personal direction and supervision; that the standard of accuracy of any measurements made to determine the external boundaries of the site complies with the requirements of and under the Land Surveyors Act 1958; that the plan accurately represents as at the 20th day of JULY 1987 in the manner required by or under the Strata Titles Act 1987 and by or under the Land Surveyors Act 1958 and within the limitations of the scale used and the standard of accuracy required, the boundaries of the units and the location at ground level of all buildings in the parcel in relation to the external boundaries of the site; and that all units are within the parcel.</p> <p>SIGNATURE: <i>Peter Gordon Dell</i> DATE: 20-7-87 RECERTIFIED AS AT 20-10-88. <i>Peter Gordon Dell L.S.</i></p>	<p>SEAL OF MUNICIPALITY AND ENDORSEMENT</p> <p>Pursuant to Section 6(1) of the Strata Titles Act 1987 the Common Seal of the Mayor, Councillors & Citizens of the City of TRARALGON was herunto affixed this FIRST day of NOVEMBER 1988 in pursuance of a resolution of the Council and in the presence of --</p> <p>COUNCILLOR: <i>[Signature]</i></p> <p>COUNCILLOR: <i>[Signature]</i></p> <p>TOWN CLERK: <i>[Signature]</i></p>	
<p>RECERTIFIED AS AT 20-10-88 <i>Peter Gordon Dell L.S.</i></p>	<p>SIGNED: <i>Peter Gordon Dell</i> DATE: 20-7-87 Sheet 1 of 2 sheets</p>	

20-10-88
G.V 10-4-89

REF. No. 87.2.028

SP 31337





Kevin Bond/DSE/VICGOV1
12/01/2009 10:35 AM

To Norman Ng/DSE/VICGOV1@VICGOV1
cc
bcc
Subject Re: STRATA PLAN SP 31337

Hi Rob,

In reference to your email dated 12/01/2009

Common Property on SP31337 is represented both diagrammatically and by Notataion (see Legend)

Diagrammatically - Common Property is located in the north/east corner of the land in SP31337 being the land coloured yellow on the attached plan.

Within the Legend the upper and lower boundaries of the units 1 to 6 have been defined: -

Kevin Bond
Specialist - Plan Registration Officer
Title Registration Services
Ph: 8636 2112
Fax 8636 2191

Norman Ng/DSE/VICGOV1



Norman Ng/DSE/VICGOV1
12/01/2009 10:34 AM

To Kevin Bond/DSE/VICGOV1@VICGOV1
cc
Subject Fw: STRATA PLAN SP 31337

----- Forwarded by Norman Ng/DSE/VICGOV1 on 12/01/2009 10:33 AM -----



robdu@latrobe.vic.gov.au
12/01/2009 10:03 AM

To norman.ng@dse.vic.gov.au
cc
Subject STRATA PLAN SP 31337

Unit 1 on Strata Plan SP031337L

Dear Mr Ng

On 18 November 2008 I spoke to you about the above Strata Plan, which is presently subject to a planning dispute involving my Council.

The dispute in question involves an interpretation of what constitutes Common Property and you very

kindly supported our contention that all the land shown in unit 1 and which included the building and the front and rear gardens were in fact part of unit 1 and that there was no common property in the area shown as unit 1. Unit 1 is defined by the thick black line running east west between unit 1 and unit 2. The objector is contending that the front and rear gardens are common property.

We agreed that the only common property on the subdivision is that area in the north-east corner of the site and which gives access to accessory units 4, 5 and 6. You also advised that there was common property in the airspace and below ground which we accept.

In order to resolve this planning impasse can you, or a senior officer from your department please confirm this interpretation in writing to me by email, if you wish, or by letter to Latrobe City Council, PO Box 264, Morwell 3840, DX 217733.

Yours Sincerely

Robert Dunlop
Senior Statutory Planner
Latrobe City Council

rbdu@latrobe.vic.gov.au
Direct: (+61 3) 5128 5469
Mobile: 0407 505 029
Fax: (+61 3) 5128 5672

Phone: 1300 367 700
PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

Moe - 2007 Victorian Sustainable Communities Tidy Towns Winner & 2008 National Tidy Towns Finalist

Confidentiality

The information contained in this e-mail (including any attachments) is legally privileged strictly confidential and intended only for use by the address unless otherwise indicated. It has been sent by the Latrobe City Council. If you are not the intended recipient of this document, you are advised that any use, reproduction, disclosure of the information contained in this document is prohibited. If you have received this document in error, please advise us immediately and destroy the document. It is noted that legal privilege is not waived because you have read this e-mail.

Viruses

Any loss or damage incurred by using this document is the recipient's responsibility. Latrobe City Council's entire liability will be limited to resupplying the document. No warranty is made that this document is free from computer virus or other defect.

Should any part of this transmission not be complete or be of poor quality, please telephone 1300 367 700.

Latrobe City Council
P.O. Box 264
Morwell 3840 Victoria Australia
www.latrobe.vic.gov.au



"Peter Dell"
<dellp@bevwill.com.au
>

To: <robdu@latrobe.vic.gov.au>
cc:
Subject: 120 SHAKESPEARE STREET TRARALGON

11/01/2009 07:07 AM

Hullo Rob,

We refer to our recent discussions regarding 120 Shakespeare Street and advise as follows.

Strata Plan 31337L created residential units 1,2 and 3, and car park units 4, 5 and 6.

The Common Property at ground level comprises **ONLY** the area in the north east corner of the property between the eastern boundary of units 4, 5 and 6 and the frontage to Rogers Street.

Units 1, 2 and 3 contain **BOTH** the building structure and the open area at the front and rear of each unit respectively.

The Title Boundaries between units 1 and 2 and units 2 and 3 are located along the thick continuous lines shown on sheet 2 of SP31337L, between the west boundary of the site and the Rogers Street frontage.

The "northern" boundary of unit 3 lies along the thick continuous line along the western boundary of units 4, 5 and 6, along the northern wall of the brick structure, and along the thick continuous line out to the Rogers Street frontage.

We trust this information clarifies the situation, but if you have any further queries please do not hesitate to contact us.

Regards

Peter DELL
Business Development Manager



Beveridge Williams
Development & Environment Consultants
18 Hotham Street
(PO Box 684)
Traralgon, Vic. 3844
Ph. 03 5176 0374 FAX. 03 5176 0631
dellp@bevwill.com.au
www.beveridgewilliams.com.au

ITEM E

GOVERNANCE

11.6.1 **2008 GENERAL ELECTION - REPORT OF THE RETURNING OFFICER**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council the report of the Returning Officer regarding the conduct of the 2008 General Council election, in accordance with the *Local Government Act 1989* ("the Act").

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 – Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action – Legislative Governance

Ensure compliance with the Local Government Act.

Section 14 Schedule 3 of the Act states that:

14 Report on election by returning officer

- (1) The returning officer must prepare a report to the Chief Executive Officer on the conduct of the election within the period of 3 months after election day.
- (2) The report must include a certified record of the number of ballot-papers and declarations printed, issued, used, spoiled and returned.
- (3) The Chief Executive Officer must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

3. **BACKGROUND**

The Victorian Electoral Commission (“VEC”) was contracted by Latrobe City Council on 21 April 2008 to conduct the 2008 General Council elections.

The election was successfully conducted and held in accordance with the Act on 29 November 2008.

On 30 November 2008, 9 Councillors were duly elected to the office of Councillor of Latrobe City for a four year term.

Throughout the conduct of the election, the VEC provided reports to Latrobe City Council, advising about the progress of various aspects of running the election.

4. **ISSUES**

In accordance with Regulations, the report of the Returning officer was received by council officers on 27 February 2009.

The report sets out the conduct of the election, the nomination and declaration process, the communication campaign, voting, complaints, post election issues along with information about voter participation.

In particular the report notes that:

- The statewide advertising commenced in September 2008 and the last of the statutory advertising appeared in December 2008;
- Voters in Firmin Ward received a leaflet in place of a ballot pack to inform them that they were not required to vote. The leaflet was personally addressed to each voter;
- The VEC worked with Vision Australia to provide information for blind and vision impaired voters about the local council elections. This included the provision of downloadable large-print and MP3 audio files on the VEC website, onsite access to assisted reading equipment at Vision Australia centres, and promotion of the elections on Radio 3RPH throughout Victoria;
- One request for an interpreter was responded to for the Latrobe City Council election;
- The VEC engaged ethnic media specialists to translate and distribute two media releases to 69 ethnic publications in 17 languages;

- A non-statutory notice was published as a final reminder to voters of the close of voting. It included where to hand-deliver completed ballot papers and Returning Officer contact details;
- The VEC conducted a media briefing session on Tuesday, 14 October 2008. In attendance were journalists from The Age, Herald Sun, Fairfax Community Newspapers, Leader Newspapers and ABC Radio, as well as communication staff from the Municipal Association of Victoria (MAV). A detailed Media Information Kit was supplied to attendees, and was emailed to journalists who were unable to attend the briefing;
- The VEC provided a customised homepage for Council on its website which functioned as the access point to information on various aspects of the election;
- The Returning Officer held an information session for prospective candidates at 6.00pm on Tuesday, 21 October at the Corporate Headquarters, Morwell. Twenty-five interested persons attended the session;
- The Returning Officer issued 63 early votes prior to the general mailout of ballot packs where special circumstances applied;
- Ballot packs for 46,807 voters enrolled in all contested wards of the Latrobe City were lodged with Australia Post over 3 days from Tuesday, 11 November to Thursday 13 November;
- The number of ballot papers counted (formal and informal), as a percentage of the total enrolment for the Latrobe City Council elections, was 77.86% compared with 77.17% at the last elections held in November 2005;
- The Returning Officer received twelve written complaints which included complaints about voters lists, use of council material in advertising and a flier distributed in the Merton Ward area.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications regarding the VEC report.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

No engagement was required to produce the attached report.

Details of Community Consultation / Results of Engagement:

No consultation was required to produce the attached report.

7. OPTIONS

The report provided by the Returning Officer is required pursuant to the Regulations.

Council is not required to provide a response to the report.

8. CONCLUSION

The Victorian Electoral Commission successfully conducted the 2008 General Council election on behalf of Latrobe City Council as per their contract.

In accordance with the election Regulations, the VEC's Returning Officer has now provided a detailed report setting out all aspects of the election.

The report is for Council's information only and does not require a response.

9. RECOMMENDATION

That Council notes the report of the Returning Officer regarding the conduct of the 2008 General Council election.

Moved: Cr Lougheed

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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

	Transfer of Land from Anjori Pty Ltd as Transferor to Latrobe City Council as Transferee for the land described in Certificate of Title Volume 9796 Folio 413, known as 44 Standing Drive, Traralgon, for the Consideration of \$545,000 in accordance with Council's resolution of 2 March 2009.
--	---

RECOMMENDATION

That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land from Anjori Pty Ltd as Transferor to Latrobe City Council as Transferee for the land described in Certificate of Title Volume 9796 Folio 413, known as 44 Standing Drive, Traralgon, for the Consideration of \$545,000 in accordance with Council's resolution of 2 March 2009.

Moved: Cr Lougheed**Seconded:** Cr White**That the Recommendation be adopted.****CARRIED UNANIMOUSLY**

11.6.3 2009/2010 FEES AND CHARGES SUBMISSIONS

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to have Council consider submissions received in relation to the draft 2009/2010 Fees and Charges schedule.

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 and legislative requirements.

Community Outcome - Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

3. BACKGROUND

Annually, as part of the budget process, Council reviews user fees and charges. In order to incorporate any proposed changes to the current fees into the 2009/2010 budget from 1 July 2009, Council will need to adopt the fees and charges prior to the budget.

The draft Fees and Charges were presented to Council at the Ordinary Council Meeting held on 2 March 2009 and Council resolved as follows:

1. *That Council gives public notice of its intention to consider the draft Fees and Charges 2009/2010 and invites submissions in accordance with Council's Community Engagement Policy and Strategy; and*

2. *That Council considers submissions in relation to Council's draft Fees and Charges 2009/2010 at the Ordinary Council Meeting to be held on 6 April 2009.*

Public notices were placed in the Latrobe Valley Express on 5 March 2009 and 12 March 2009. Submissions closed on 2 April 2009.

At the close of the consultation period no submissions had been received.

4. **ISSUES**

A significant number of Council's fees and charges require notice to be given to users. By adopting the fees and charges it will allow sufficient notice to be given for any changes to fees and charges for implementation from 1 July 2009.

The community consultation process resulted in no submissions being received.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The proposed fees and charges form the basis of a significant component of Council's budget.

6. **INTERNAL/EXTERNAL CONSULTATION**

In accordance with the Community Engagement Policy and Strategy, the proposed fees and charges for 2009/2010 were placed on Council's website, displayed at Council's Service centres, public notices provided in the Latrobe Valley Express and Council officers have consulted with service users in relation to the proposed fees and charges.

7. **OPTIONS**

Council has the following options available in relation to the consideration of fees and charges:

1. Adopt the fees and charges without amendment;
2. Adopt the fees and charges with amendment(s);
3. Not adopt the fees and charges.

8. CONCLUSION

Public comment was sought on the proposed fees and charges for 2009/2010 in accordance with Council's resolution on 2 March 2009. No submissions were received for Council consideration, therefore the recommendation before Council is to note there were no submissions received and to adopt the draft 2009/2010 fees and charges.

9. RECOMMENDATION

1. That Council notes no submissions were received in relation to the draft 2009/2010 fees and charges.
2. That the draft 2009/2010 fees and charges be adopted.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Draft 2009 / 2010 Fees and Charges

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 7.55 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.15 pm.

Meeting Closed to the Public

The Meeting closed to the public at 8.16 pm.