



LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 20 JULY 2009

PRESENT:

Cr Lisa Price, Mayor - Farley Ward
Cr Kellie O'Callaghan, Deputy Mayor - Burnet Ward
Cr Rohan Fitzgerald - Dunbar Ward
Cr Sharon Gibson - Merton Ward
Cr Sandy Kam - Galbraith Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Ed Vermeulen - Gunyah Ward
Cr Darrell White - Firmin Ward
Paul Buckley, Chief Executive Officer
Michael Edgar, General Manager Community Liveability
Katie Garlick, Council Operations Administration Officer
Tim Johnson, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Tom McQualter, Manager Council Operations and Legal Services
Peter Quigley, General Manager Built and Natural Environment Sustainability
Grantley Switzer, General Manager Recreational and Cultural Liveability

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NIL

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NIL

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NIL

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NIL

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NIL

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NIL

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

Cr O'Callaghan declared:

- an indirect interest under Section 78B of the *Local Government Act 1989* in Item 7.3 – Moe Cup Public Holiday Request 2009; and
- an indirect interest under Section 78B of the *Local Government Act 1989* in Item 11.3.3 - Planning permit application 2008/284 - 145 lot staged subdivision, variation to an easement and native vegetation removal, at 27-47 Hazelwood Road, Traralgon.

Cr Fitzgerald declared:

- an indirect interest under Section 78B of the *Local Government Act 1989* in Item 7.3 – Moe Cup Public Holiday Request 2009; and
- an indirect interest under Section 78B of the *Local Government Act 1989* in Item 11.3.3 - Planning permit application 2008/284 - 145 lot staged subdivision, variation to an easement and native vegetation removal, at 27-47 Hazelwood Road, Traralgon.

Cr Kam declared:

- an indirect interest under Section 78B of the *Local Government Act 1989* in Item 7.3 – Moe Cup Public Holiday Request 2009;
- an indirect interest under Sections 78 and 78B of the *Local Government Act 1989* and a direct interest under Section 77B of the *Local Government Act 1989* in Item 11.3.2 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project; and
- a direct interest under Section 77B of the *Local Government Act 1989* in Item 11.3.3 - Planning permit application 2008/284 - 145 lot staged subdivision, variation to an easement and native vegetation removal, at 27-47 Hazelwood Road, Traralgon.

4. Adoption of Minutes

Moved: Cr Lougheed

Seconded: Cr Gibson

That Council adopts the Minutes of the Ordinary Council Meeting held on 6 July 2009 (CM 298), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 SAFEWAY APPEAL TO VCAT

Mr Bruce Bremner, Honorary Secretary, Traralgon City and Rural Community Development Association asked the following question:

Question

Background: Although there had been no VCAT determination at the time in respect of the 29 May 2009 hearing in regard to the Safeway appeal objecting to Council's decision to not waive payment in lieu of provision of parking spaces, the matter was listed in Items Closed to the Public at Council's meeting on 6 July 2009.

Question: What had happened to cause the item to be listed at all, and what was the basis for the item being "closed to the public"?

Answer

The Chief Executive Officer paraphrased the question and responded that VCAT raised a legal issue to be resolved between the parties. Because it is both a proposed development and a legal matter it has been presented to Council in Items Closed to the Public in accordance with Section 89(2)(e)&(f) of the *Local Government Act 1989*.

5.2 PERFORMING ARTS AND CONVENTION CENTRE FEASIBILITY STUDY - PROGRESS STATUS OF PROJECT, SPECIFICALLY STAGE ONE REPORT

Mr Bruce Bremner, Honorary Secretary, Traralgon City and Rural Community Development Association asked the following question:

Question

Background: The original timeframe for the Stage One Report to be presented to the Project Control Group and key stakeholders was March 2009 (Invitation to Quote No: 12572).

Questions:

1. Has the report been presented? If not, when is presentation anticipated?
2. Who are the key stakeholders? (The TC&RCDA has not received a copy)
3. Have/will all councillors also received/receive a copy of the initial report? If not why not? (Refer Question 5)
4. Will there be an opportunity/invitation for public comment on the Stage One Report (i.e the Project Group's nominated preferred option) before commencement of Stage Two?
5. The Indicative Project Management Timeframe states: "Project Control Group selects preferred option and presents to Councillors and key stakeholders". Surely it should be councillors who formalize the preferred option via passing of an appropriate motion: can this assumption be confirmed?

Answer

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing.

27 July 2009

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

Dear Mr Bremner

PERFORMING ARTS AND CONVENTION CENTRE FEASIBILITY STUDY

Thank you for your questions during the public question time at the Ordinary Council Meeting of Monday, 20 July 2009.

Your questions and responses are as follows:

Performing Arts and Convention Centre Feasibility Study – Progress Status of Project, Specifically Stage One Report.

Background: The original timeframe for the stage one report to be presented was to the project control group and key stakeholder was March 2009.

Questions:

1. *Has the report been presented? If not when is it anticipated?*

A number of options for the development of a Performing Arts and Convention Centre have been presented to the project control group however, this group has requested that the consultants develop further options for consideration. These are currently being developed and it is expected that a stage one report will be completed by the end of September 2009.

2. *Who are the key stakeholders?*

Key stakeholders are Councillors, community groups and individuals who have been consulted during the project and potential funding bodies or partners.

3. *Have/will all Councillors also received/ receive a copy of the initial report. If not why not?*

All Councillors will receive a copy of the initial report when it is complete.

4. *Will there be an opportunity for public comment on the stage one report? (i.e. the project groups nominated preferred option) before commencement of stage two).*

Public comment will be sought in line with Latrobe City Council's Community Engagement Policy and Strategy (June 2005).

5. *The indicative project management timeframe states; 'project control group selects preferred option and presents to Councillors and key stakeholders'. Surely it should be Councillors who formalise the preferred option via passing of an appropriate motion, can this assumption be confirmed.*

Council will consider a preferred option as recommended by the project control group. Public comment will be sought in line with Latrobe City Council's Community Engagement Strategy (June 2005)

Ultimately, any decision in respect to the sighting of a performing arts centre (if in fact the project is deemed feasible) will be made by full Council.

If you have any further enquiries regarding this matter please contact Paul Holton, Manager Cultural Liveability on 5128 5711 or via email to paulho@latrobe.vic.gov.au.

Yours sincerely



CR LISA PRICE
Mayor

Suspension of Standing Orders

Moved: Cr Lougheed

Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.05 pm

Cr Kam left the Council Chamber at 7.05 pm due to an indirect interest under s.78&78B of the LGA and a direct interest under s.77B of the LGA in Item 11.3.2 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project.

Ms Cheryl Wragg addressed Council in relation to Item 11.3.2 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project.

Cr O'Callaghan left the Council Chamber at 7.35 pm.

Mr Brad Law addressed Council in relation to Item 11.3.2 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project.

Cr O'Callaghan returned to the Council Chamber at 7.37 pm.

Ms Ayna Sloykavitch addressed Council in relation to Item 11.3.2 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project.

Cr Kam returned to the Council Chamber at 7.45 pm.

Ms Yvonne Wood and Mr Jeff Kemp, addressed Council in relation to Item 11.3.4 – Planning permit application S08315 - thirty seven (37) lot subdivision at 25 Junction Road, Churchill.

Ms Anne Jenna and Ms Sonia Karo, addressed Council in relation to Item 11.3.5 – Planning permit application 2009/34 - two lot subdivision (boundary realignment), 10-11 Thomson Rise, Traralgon.

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

Resumption of Standing Orders

Moved: Cr Lougheed

Seconded: Cr Gibson

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 8.04 pm

ITEMS REFERRED BY THE COUNCIL

7.1 PETITION OPPOSING THE LOCATION OF THE GLENGARRY SKATE PARK

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

1. PURPOSE

The purpose of this report is to consider a petition opposing the location identified for the development of the Glengarry Skate Park.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

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.

Skate BMX Plan April 2009

Principle

The provision of skate parks and BMX tracks is a legitimate use of open space that satisfies a range of community needs.

Key Objective

Install local skate facilities where there is demonstrated significant community support, within the seven small towns.

4. BACKGROUND

A petition was received on 12 August 2008, containing approximately 400 signatures and 18 letters of support, requesting the development of a skate park in Glengarry.

When considering the petition at the Ordinary Council Meeting held on 15 September 2008, Council resolved:

1. *That Council agrees to not lay the petition on the table, relating to the development of a skate facility in Glengarry, and agrees to deal with the petition at this Ordinary Council Meeting.*
2. *That the petition requesting the development of a skate facility in Glengarry be considered through the development and adoption of the Skate Park and BMX Track Plan.*
3. *That the head petitioner be advised of Council's decision in relation to the petition requesting the development of a skate facility in Glengarry.*

The draft Skate BMX Plan was prepared and considered at the Ordinary Council Meeting held on 16 February 2009. At this meeting Council resolved:

1. *That Council releases the draft Skate and BMX Plan February 2009 for public comment in accordance with the community engagement strategy.*
2. *That Council receives written submissions on the draft Skate and BMX Plan February 2009 until 27 March 2009.*
3. *That a further report be presented to Council at the Ordinary Council Meeting to be held on 20 April 2009 on the results of the community consultation on the draft Skate and BMX Plan February 2009.*

The draft plan recommended:

That resources and support be provided to assist the Glengarry community in the development of a local level skate facility.

In response to this recommendation Council received nine submissions supporting the development of the skate park in Glengarry. Meetings were held onsite with the Glengarry Progress Association, Glengarry SK8 Ripper Crew and Gippsland Plains Rail Trail Committee with all groups supporting the development proposal and the identified location as being prominent, central, with easy access to shops and toilets.

In adopting the Skate BMX Plan at the Ordinary Council Meeting held on 20 April 2009 in relation to the Glengarry Skate Park Council resolved:

That works commence on the 2008/2009 projects identified in the Skate BMX Plan April 2009 at Glengarry and on safety and amenity issues at the existing skate and BMX facilities.

As preparations were being made to commence works a petition with 61 signatures (Attachment 1) was received opposing the proposed location and the head petitioner requesting that works not commence until the matter can be considered further.

The petition was presented at the Ordinary Council Meeting held on 15 June 2009. At this meeting Council resolved:

- 1. That Council agrees to lay the petition opposing the location of the Glengarry Skate Park, on the table until the Ordinary Council Meeting to be held on 20 July 2009.*
- 2. That the head petitioner, Norm Eacott, be advised of Council's decision in relation to the petition opposing the location of the Glengarry Skate Park.*

Upon notification of the resolution of Council, the head petitioner requested additional information regarding the development of the skate park and specifically further information on:

- Heritage overlay conditions if any;
- Copy of the environmental impact report;
- Details of plans of the Glengarry Skate Park and BMX Track;
- Details of the construction material; and
- Any other relevant information to the above mentioned development.

The requested further information was prepared (Attachment 2) and 100 copies distributed to all households in the Main Street and surrounding the recreation reserve.

5. ISSUES

The head petitioner, in a letter accompanying the petition, identified the reasons for the objection which included:

- No community consultation;
- Inappropriate location near the hotel;
- Inappropriate location near the railway building;
- Vandalism and inappropriate behaviour;
- Impact on other uses of the park;
- Noise pollution; and
- Inappropriate location in proximity to residence.

When considering potential sites for the development of the Glengarry Skate Park an evaluation of options was conducted.

Consistent with the location assessment conducted on existing facilities, five options were assessed on access, proximity to other facilities and residences.

Three potential sites within the recreation reserve and two options in the Main Street were considered (see Attachment 2).

All sites within the recreation reserve provide poor surveillance opportunities, have good access to toilets and facilities within the reserve and are located within 50 metres of residences.

The Main Street sites provide excellent surveillance opportunities, have good access to toilets, facilities and shops and are located approximately 80 metres from residences. The location of the BMX track at the north end of the Main Street reserve and the commonality between BMX and skate activities further supported the skate park being developed adjacent to the existing BMX track (Attachment 2 - site 5).

The location of the skate park on this site was selected to minimise impact on residences while still maintaining prominent surveillance opportunities and proximity to amenities. The proposed skate park was located to the rear and at the southern end of the park to maximise distance to residential properties. The selection of the site was undertaken in consultation with the Glengarry Progress Association, the SK8 Ripper Crew and the Gippsland Plains Rail Trail Committee.

The head petitioner raises specific concerns in relation to the proposed location of the skate park. In response to these concerns the following comments are provided:

- No community consultation – consultation has been conducted with the Glengarry Progress Association and the SK8 Ripper crew since January 2008.
- Inappropriate location near the hotel – the location of a licensed premise in the Main Street, along with other businesses, should not impede the use or development of the adjacent open space.
- Inappropriate location near the railway building – the Gippsland Plains Rail Trail Committee supports the proposed development and has signed a license agreement with Council to allow the development to proceed.
- Vandalism and inappropriate behaviour – the prevention of anti social behaviour is a primary reason for selecting a high profile site to locate skate facilities. This site provides excellent surveillance opportunities from the street frontage.
- Impact on other uses of the park – The skate park has been located to the side of the park to allow for continual passive use of the reserve.
- Noise pollution – The selected location provides a larger buffer to residential properties than the other sites considered in Glengarry.
- Inappropriate location in proximity to residences – The selected location provides a larger buffer to residential properties than the other sites considered on Glengarry.

Since the tabling of the petition on the 15 June 2009 further submissions have been received both supporting and opposing the location of the skate park in the Main Street. The submissions (Attachment 3) include two letters from Main Street residents, a letter from the Glengarry Progress Association, letters from community members and a submission containing 293 signatures supporting the Main Street location. Two of the submitters request that their name be withdrawn from the original petition opposing the location of the skate park.

A principle of the Skate BMX Track Plan is “*The provision of skate parks and BMX tracks is a legitimate use of open space that satisfies a range of community needs*”.

The planned development of a skate park adjacent to the existing BMX track is considered an appropriate use of the space that should not impede use of the park for other activities or create an undue impact on residences.

6. FINANCIAL AND RESOURCES IMPLICATIONS

An allocation of \$60,000 plus surplus steel ramps from the Churchill Skate Park has previously been allocated to the development of the Glengarry Skate Park from the 2008/09 capital works budget.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

January 2008 - advertised public meeting held on site at Glengarry BMX with consultant engaged to develop skate BMX track Plan.

August 2008 - Petition received with 400 signatures and 18 letters of support towards the development of a skate facility and identifying Main Street as a suitable location.

February 2009 - Draft Skate BMX plan released for community consultation. The draft Skate BMX plan was distributed via email notification, media release, public notice with copies available at service centres and the Latrobe City website.

17 March 2009 - Onsite meeting held with Glengarry Progress Association and SK8 Ripper crew to discuss proposed facility location and development.

March 2009 - Discussion with President of Recreation Reserve Committee regarding potential sites within the reserve. President indicated that committee did not consider there was a suitable site within the reserve due to lack of surveillance opportunities in unoccupied areas of the reserve and proximity to neighbouring residents.

26 March 2009 - Onsite meeting with Gippsland Plains Rail Trail (GPRT) Committee regarding proposed development and land tenure arrangements. GPRT support development of skate facility and provided use of land to Council through license agreement.

March 2009 - Nine submissions received supporting development of Glengarry Skate Park in Main Street from individuals, primary school, Glengarry Progress Association SK8 Ripper Crew, business owners and football club.

June 2009 - Meeting held with head petitioner to discuss the consideration given to the selection of the skate park location.

June 2009 - Information (Attachment 2) distributed to the Glengarry community.

Details of Community Consultation / Results of Engagement:

The original petition contained 61 signatures opposing the location of the Glengarry skate park.

A further seven submissions including 293 signatures have been received supporting the Main Street location.

8. OPTIONS

Council has the following options:

1. Support the petition opposing the development of the Glengarry Skate Park in the Main Street; or
2. Not support the petition opposing the development of the Glengarry Skate Park in the Main Street.

9. CONCLUSION

The Glengarry community has clearly demonstrated support for the development of a skate park. The consultation and investigation into the selection of a location for the facility supports the Main Street site as the preferred location.

The process undertaken to select the site for a skate park to be developed in Glengarry, determined the area next to the existing BMX track was the most appropriate site within the township. The location is supported by the Glengarry Progress Association, SK8 Ripper Crew, Gippsland Plains Rail Trail committee and community members.

10. RECOMMENDATION

- 1. That Council agrees to not lay the petition received from the SK8 Ripper Crew supporting the development of the Glengarry Skate Park in the Main Street on the table and agrees to deal with the petition at this Ordinary Council Meeting.**
- 2. That Council confirms that the location identified for the skate park in the Main Street, adjacent to the existing BMX track, is the most appropriate site within the Glengarry township.**
- 3. That works recommence on the development of the Glengarry Skate Park.**
- 4. That the head petitioner, Norm Eacott, be advised of Council's decision in relation to the petition opposing the location of the Glengarry Skate Park.**
- 5. That all those who provided a written submission be advised of Council's decision in relation to the location of the Glengarry Skate Park.**

Moved: Cr O'Callaghan

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS**ATTACHMENT 1 - COPY OF PETITION**

Attention to: Ian Murphy,

We the residence of Glengarry have started a petition against the location of the Glengarry Skate Park located opposite the pub and adjacent the old Glengarry railway station area. The community has various reasons for their objections, ranging from:

- No consultation with the community about the park and its location.
- Inappropriate location within proximity to the pub and the consumption of alcohol.
- Inappropriate location within proximity to Heritage listed Glengarry railway station
- Vandalism and inappropriate behavior
- Noise pollution to residence
- Inappropriate location within proximity to residence.

Speaking to the residence last night while obtaining these signatures majority of them where under the impression that the skate park was to be located at the Community sports ground.

The area were it is being constructed is currently used by the wider community for a staging area for community events, dog training area for individuals and a resting area for horse and riders and horse and carriage.

And further more the residence take pride in the streets and regularly pick up rubbish, broken beer bottles and other alcoholic beverages, empty cans to keep it neat and tidy as we take pride in our little community.

A further signiture list of residence will be forwarded to you by 12.30 pm Tuesday the 26/05/09. It is taking longer than anticipated to compile due to residence lack of knowledge of what is going on. At this stage only 4 residence out of the people that were home have not signed the petition against the location of the skate park.

Regards

Norm Eacott
39 Main Street Glengarry
51924933

Latrobe City	
25 MAY 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments: HC issued to all Councillors + CEO	

9 June 2009

Attention: Cr Lisa Price

Regarding: Objection to the location of the Glengarry Skate Park.

Please find enclosed more signatures petitioning against the construction of the Skate Park Complex adjacent to the old Glengarry railway station area in the Main Street of Glengarry.

More Signatures will be collected and forwarded as time permits.

My personal reasons for the objection of the location are

Inappropriate location within proximity to residence

Noise pollution and inappropriate behavior

Devaluation to our property and others.

Regards

Norm Eacott

51924933

Latrobe City	
- 9 JUN 2009	
Doc. No:	
Action Officer:	CR PRICE
Disposal Code:	
Comments:	
cc: I MURPHY	
HCC: All Councillors	

We the Undersigned object to the Construction of the skate park complex adjacent to the Old Glengarry Railway Station Area.

Name	Address	Signature
KEVIN WHACK Michael Whack	73 MAIN ST GLENGARRY	K. Whack
Mick Morris	335 Main Street	Mick Morris
RODNEY HIGGINSON	1 MACDONALD CRT GLEN.	R. Higgins
DONNA O'NEIL	CAIRNBROOK RD, GLEN	Donna O'Neil
Bruce Young	Penlands Glen	Bruce Young
JENNY JEFFS	25 Kyne St, Glengarry	Jenny Jeffs
Jason Parsons	18 Morrison Ave	Jason Parsons
CAROL MCKEWE	Cambridge	Carol McKewe
Kate Strain	Glengarry	Kate Strain
Greta Tatchell	2 Levenam Maffra Rd & Cairn	Greta Tatchell
Peta Hoppe	Maffra Rd Glengarry	Peta Hoppe
Paul Lynch	58 TRARALGON MAFFRA	P. Lynch
Mark Birmingham	RD GLENGARRY 44- MAFFRA RD GLENGARRY	Mark Birmingham
Jolanda I. Gjivce	40 Maffra Rd.	Jolanda I. Gjivce
Jodie Baras	Glengarry	Jodie Baras
BRETT KEWLEY	36 Traralgon Maffra Glengarry	Brett Kewley
DENNIS MISSEN HENRY HON.	32 Traralgon Maffra Rd GLEN GARRY	Dennis Missen
Don Duncan	26 MAFFRA RD GLENGARRY	Don Duncan
J. Hall	22 Maffra Rd, Glengarry	J. Hall
Pat Little	22 MAFFERARD GLENGARRY	Pat Little

We the Undersigned object to the Construction of the skate park complex adjacent to the Old Glengarry Railway Station Area.

Name	Address	Signature
Oliver Ridgwell *	15 Main Street Glengarry	Oliver Ridgwell
H Ridgwell	"	
Bill Corns	Glengarry	Bill Corns
P. Mc Cormack	"	P. Mc Cormack
Jennifer Fyfe	Glengarry	Jennifer Fyfe
Lorja A Holaj	Glengarry	Lorja Holaj
Rob Howat	GLENARRY	
Alfred Hackett	Glengarry	Alfred Hackett
Kaitlyn Holaj	Glengarry	Kaitlyn Holaj
DORRANCEY	Glengarry	
CHRIS TWOMEY	7 McDonalds ^{cut} GLENARRY	Chris Twomey
Trish Twomey	"	
Lucy van Hooydonk	8 Macdonald Ct Glengarry	Lucy van Hooydonk
Paul Wijnberg	9 macdonalds cut	
JASON HERBERT	43 MAIN ST GLENARRY	Jason Herbert
Laura Morrison	" " " "	Laura Morrison
Katrina Strong	45 Main St "	Katrina Strong
MELISSA HARRISON	5 Glen Elwyn Ave	
Mike Harrison	"	
Lorraine Delaney	90 Maffra Rd Glengarry	Lorraine Delaney
Trent Wilson	110 Maffra Rd, Glengarry	Trent Wilson
MICHAEL ELLIS	120 MAFFRA RD GLENARRY	Michael Ellis
Leanne	120 Maffra Rd	Leanne

We the Undersigned object to the Construction of the skate park complex adjacent to the Old Glengarry Railway Station Area.

Name	Address	Signature
Norm Eacott	39 MAIN St Glengarry	Norm Eacott
Jaime Eacott	39 main st Glengarry	Jaime Eacott
Rachael Higginson	1 MacDonald Ct Glengarry	Rachael Higginson
Colleen Smith	27 Carrabrook Rd Glengarry	Colleen Smith
Pat Smith	27 Counbrock Rd Glengarry	Pat Smith
Bruce Goyph	Glengarry	B. Goyph
H. Patterson	Glengarry	H. Patterson
F. O'Connell	Glengarry	F. O'Connell
Rex WRIGHT.	37. MAIN ST. GLEN.	Rex Wright
Col Bikoots	8 GLENGARRY	Col Bikoots
P. Musgrave	UNIT 2/35 Glen	P. Musgrave
S. Musgrave	Unit 2/35/9 Barry	S. Musgrave
K. Potter	18 Main St Glengarry	K. Potter
B. Potter	18 main st Glengarry	B. Potter
O. Ridgewell	15 main st Glengarry	O. Ridgewell
R. Ridgewell	"	"

**ATTACHMENT 2 - INFORMATION DISTRIBUTED TO THE GLENGARRY
COMMUNITY**

Our Ref: DW 417625
IM:CJ

19 June 2009

To the Owner/Occupier

Dear Sir or Madam



Latrobe City ABN 92 472 314 133
Telephone 1300 367 700
Facsimile (03) 5128 5672
Post to PO Box 264, Morwell 3840
Email Address
latrobe@latrobe.vic.gov.au
Internet www.latrobe.vic.gov.au
AUSDOC DX 217733 Morwell

DEVELOPMENT OF THE GLENGARRY SKATE PARK

In April 2009 Latrobe City Council committed to the development of a local level skate park in Glengarry, with the allocation of \$60,000 from the 2008/09 Council budget.

Since January 2008 consultation has been conducted with the Glengarry SK8 Ripper Crew, Glengarry Progress Association and the Gippsland Plains Rail Trail Committee to facilitate the development of a skate facility in Glengarry.

Following an assessment of suitable locations within the township, a site in the Main Street, south of the existing BMX track and adjacent to the old railway station, was selected as the preferred option. As preparations were being made to commence works, a petition was received opposing the selected location. Council will consider the petition at the Ordinary Council meeting to be held 20 July 2009.

The attachments to this letter provide further details on the issues considered during the evaluation of potential locations and on the preferred Main Street site.

If you wish to make a written submission to be considered by Council, please send your submission to ianmu@latrobe.vic.gov.au or Latrobe City Council, PO Box 264 Morwell 3840 by Friday 10 July 2009.

If you require further information please contact Ian Murphy, Coordinator Recreation and Open Space Planning on 5128 5431.

Yours sincerely

CAROL JEFFS
Manager City Planning and Development

Site Assessment

When considering potential sites for the development of the Glengarry skate park an evaluation of options was conducted.

Three potential sites within the recreation reserve and two options in the Main Street were considered (see aerial photograph below). The five options were assessed on access, surveillance opportunities, proximity to other facilities and proximity to residences. A summary of the factors considered in the evaluation of each of these criteria is detailed below.

Access

Is the site easily accessible from all parts of the township?

Is the site easily accessible without public transport or motor vehicle?

Are there suitable pedestrian links to the site?

Surveillance

Can the site be easily viewed from nearest road?

Is the site located in a prominent position?

Can activities at the site be monitored from a distance?

Proximity to other facilities

Are facilities such as toilets, telephone and water easily accessible from the site?

Proximity to residents

Is the site in close (less than 50m) proximity to residential areas?



	Site 1	Site 2	Site 3	Site 4	Site 5
Access	GOOD	GOOD	GOOD	VERY GOOD	VERY GOOD
Surveillance	POOR	POOR	POOR	EXCELLENT	EXCELLENT
Proximity to facilities	GOOD	GOOD	GOOD	VERY GOOD	VERY GOOD
Proximity to residence	POOR	POOR	GOOD	GOOD	GOOD

All sites within the recreation reserve (sites 1 – 3) provide poor surveillance opportunities, have good access to toilets and facilities within the reserve but are located within 50 metres of residences.

The Main Street sites (site 4 – 5) provide excellent surveillance opportunities, have good access to toilets, facilities and shops and are located approximately 80 metres from residences. The location of the BMX track at the north end of the Main Street reserve and the commonality between BMX and Skate activities further supported the skate park being developed adjacent to the existing BMX track (site 5).

The location of the skate park on this site (site 5) was selected to minimise impact on residences while still maintaining prominent surveillance opportunities and proximity to amenities. The proposed skate park was located to the rear and at the southern end of the park to maximise distance to residential properties.

Other Considerations

Proximity to railway station

Onsite discussions were held with representatives from the Gippsland Plains Rail Trail Committee regarding the development of a skate park at site 5. The committee are supportive of the development of facilities for the Glengarry community. A license agreement between Latrobe City Council and the Gippsland Plains Rail Trail has been signed authorising the development of the skate park at this site.

Environmental impacts

The development of a skate park at site 5 would not require the removal of any trees. The site has also been inspected by a representative from the Department of Sustainability and Environment (DSE) with no native grasses identified in or near the proposed site.

Construction

Regardless of the location for the development of the skate park the proposed construction method remains the same. A concrete slab 20 metres by 15 metres will be laid prior to steel skate ramps being brought to the site and fastened to the slab. Additional facilities including seating, shelter and smaller skating elements will be added towards the completion of the project.

Community Consultation

A summary of the consultation undertaken during the development of the Skate BMX Plan and the selection of the Glengarry site is detailed below.

January 2008 - advertised meeting held on site at Glengarry BMX with consultant engaged to develop skate BMX track Plan.

August 2008 - petition received with 400 signatures and 18 letters of support towards the development of a skate facility and identifying Main Street as a suitable location.

February 2009 - draft Skate BMX plan released for community consultation. The draft Skate BMX plan was distributed via email notification, media release, public notice in the Express, copies were made available at service centres and the Latrobe City website.

17 March 2009 - onsite meeting held with Glengarry Progress Association and SK8 Ripper crew to discuss proposed facility location and development.

March 2009 - Glengarry Recreation Reserve Committee President indicated that committee did not consider there was a suitable site within the reserve due to lack of surveillance opportunities in unoccupied areas of the reserve and proximity to neighbouring residents.

26 March 2009 - onsite meeting with Gippsland Plains Rail Trail (GPRT) Committee regarding proposed development and land tenure arrangements. GPRT support development of skate facility and provided use of land to Council through license agreement.

March 2009 - nine submissions received supporting development of Glengarry Skate Park in Main Street from individuals, primary school, Glengarry Progress Association SK8 Ripper Crew, business owners and football club.

ATTACHMENT 3 - COMMUNITY SUBMISSIONS

30/06/2009

Dear Sir/Madam

Re: Development of Glengarry Skate Park

Thank you for this opportunity to comment on the suggested location for the proposed Glengarry skate park. Whilst I fully support the idea of the park for the use of the Glengarry community it is the proposed location (Site 5) that I find inappropriate.

As a long term resident of Glengarry and with a young family who enjoy being outside, we regularly walk around the town block using this area as a thoroughfare to stay off the roads. I feel that to clog this area with a permanent structure would disadvantage the town and possible future developments in the years to come. This town common area should be left as natural as possible and not have a huge concrete slab and various iron tubing located directly in the middle of the town. In no other areas of the City of Latrobe have we seen such a structure in the Main Street of a town. To me the Main Street should be kept an open area to be enjoyed by all residents with no fear of intimidation by large groups of young people or having to possibly listen to inappropriate language during the course of their daily routine. The location of (Site 5) would affect the entire town and nowhere in your information have you taken into account what noise this structure would make and as I am assuming it is made of steel and iron the constant noise pollution alone would affect all residents in the surrounding area regardless of the 80 metre buffer.

Also, further to recent articles in the local paper proposing that residential land will be opened up at the back of the Rail Trail, this open space, if left in it's natural state could accommodate a lovely park area for children to play in. With the possibility of some landscaping and garden areas to be developed in the years to come. This type of area in which Glengarry is sadly lacking is what most towns in the City of Latrobe have for it's residents to use and enjoy. Your information makes reference to there already being an existing BMX track within this area, but I hardly call 6 gravel lumps a permanent structure and this could be easily moved to a more appropriate area, within the Recreation Reserve.

Reviewing all the sites on the aerial photo provided I would think that Site 3 would be more appropriate as not only is skating a recreation activity for which the Recreation Reserve is designed to accommodate, it clearly meets all your criteria, except the surveillance aspect. This area is an underdeveloped area of the Reserve and is serving no use to the community at the moment, other than constant upkeep with mowing and slashing having to be regularly undertaken. From what I can see it abuts the Primary School and is not within 50 metres of any dwelling. This area also appears large enough to accommodate any further expansion of this facility in the years to come.

Latrobe City	
- 3 JUL 2009	
Doc No:	
Action Officer:	I. [unclear]
Project Name:	
Project No:	

Now while I feel that Glengarry is badly in need of something for it's young people and I commend the SK8 Ripper Crew for their efforts. I just feel that the placement of the skate ramp needs more consideration. I think the needs of a few must be recognised without impacting on the entire town and having the skate park in the Recreation Reserve allows those who are not skater inclined to still enjoy the relaxed nature of the Main Street.

Thank you for your time and consideration. Please contact me if any further clarification is required on 51 924 381.

Thank you

A handwritten signature in black ink, appearing to read 'Sharon', written in a cursive style.

Sharon Blizzard.

Dear Ian

I wish to bring to your notice that the article in Traralgon Journal on Tuesday 23 June 2009 stating that 61 people signed a petition that the heritage list Train Station would be targeted by vandals I was one of those person that signed this petition under false pretence as follows

- the person who brought the petition around did not at any time mention the above.
- he stated he only wanted it moved 200 metre's to the north away from the station
- did not mention moving the skate park to the Recreation Reserve
- only gave his first name didn't leave any contact details for future reference
- called Sunday night at 6.00pm tea time

As a residence of Glengarry for over 52 years ,member of Recreation Reserve Committee for 18 years, member of the Cricket Club for 36 years and a number of years involved with the senior & junior footy clubs I totally reject the claims that this person has tried to high jack the town of Glengarry and Latrobe Council for his benefit only .

I hope that the skate park is built where the Skate Park Committee and Latrobe City Council preferred site is in the main street of Glengarry which will benefit the youth of the town for a number of years to come. If you need anything further please ring me any time on my mobile phone.

Regards

Mark Bermingham

Ph: +61 3 9586 5000

Mob: 0417144105

Email: mark.berminham@aggreko.com.au

Dear Mr Murphy

We write in support of the development of the Glengarry Skate Park.

We wish to show our support to either Site 4 or Site 5.

We feel that that Sites 1,2 & 3 are too secluded and has the potential to create anti social behaviour.

Site 4 has the advantage of being close to toilets and close to an already sheltered area, but it is much closer to the main road.

Site 5 has the advantage to being close to the current BMX track and while it is close to the Glengarry pub it is no closer than the current kindergarten. If one is too close then so is the other (we don't see this an issue though).

Sites 4 and 5 mean that as a parent we can sit back and enjoy a coffee or an ice cream from the local shop while we watch our kids at skate park.

Thank you

Shane & Linda Peck

47A Kyne Street Glengarry

26-28 Traralgon-Maffra Road
Glengarry 3854

24th June 2009

Mr Ian Murphy
Coordinator Recreation and Open Space Planning
Latrobe City Council
PO Box 264
Morwell, 3840

Latrobe City	
L O 2009	
Doc. No:	
Action Officer:	I. Murphy
Disposal Code:	
Comments:	
HCC: C O'Callaghan	

Dear Ian

RE : SKATE PARK MAIN STREET GLENGARRY

Following our recent discussion by phone and your letter of the 19th June re: The Development of the Glengarry Skate Park I wish to confirm that I fully support the skate park in its proposed position beside the BMX track in the Main Street and fully agree with the location for the reasons as stated in your letter and also by the fact that I am a member of the recreation reserve committee who all agreed that the recreation reserve was not a suitable location because of the reasons as stated in your letter and that my grandsons are heavily involved with the SK8 Ripper Crew as well.

I initially thought that it could have been a bit closer to the BMX track and on that thought I unfortunately signed a petition, which is to be considered by the council at their meeting on the 20th July.

A Norman ? (did not offer a surname) came to our door with this petition and said that he was in favor of the skate park but wanted it moved further away from the heritage listed railway station. I have since found out on good authority that Norman had a hidden agenda and has told me a heap of lies and has probably misled the other residents who signed that petition as well.

I would now appreciate it, if you could strike my name from that petition.

Yours Faithfully



Don Duncan

Colengarry

My name is Barb Wright My main purpose for writing this is to pen our thoughts re the proposed skate rink that is to be built opposite our old railway station I have been a resident of Colengarry all my life (over 50 year's) and witnessed the progress of this rustic township go ahead from year to year. This township has grown immensely, including its population, and irrespective of any objection's already submitted to the respective affairs re this rink my husband and I strongly oppose there views.

We live in front of this propose sight for this skate rink, and can strongly stipulate here, that we can not see how this venture will interfere with our livelihood. viz. Vandalism, Pollution, House Devaluation etc. etc.

Even since the Bmx track was commissioned, again right in front of our place we never encountered any criminal activity or misbehavior from any individuals all these years this will be a great boost to this township and its surrounding

where our young inhabitants will have something to occupy there leisure hours with

Thanks

Barb Wright.

Denise + Terry Horsey
4 main street
Glengarry

To Whom It May Concern,

I am writing this letter on behalf of my family in support of the skate ramp and the location that has been chosen, to be built in Glengarry.

We moved to Glengarry approximately two years ago. My husband + myself have been impressed with the general standard of behaviour of the young people that live in this community. As there is no public transport, to speak of, coming through this community, these young people are very reliant on their parents to take them to entertainment venues in Traralgon and Morwell.

We have a teenage daughter and a growing number of grandchildren. This skate ramp would provide an incentive for the young people to get out away from computers etc and become more physically active.

We feel confident in saying that this skate ramp would be an outstanding asset to this community

Yours faithfully
Denise Horsey

127 Rifle Range Rd.
Glengarry 3854.
13/6/2009.

Dear Mr Murphy,

I am writing to you on behalf of the Glengarry Progress Association in regards to the Skatepark to be built in Glengarry.

The Progress Association has been made aware of a protest to the building of the skatepark.

The members of the Progress Association are very disappointed that the construction of the skatepark has been put on hold due to this protest.

The skatepark crew and committee had followed all the due procedures required by Council in their submission for the park, including gaining the support of the townspeople.

The Progress Association totally supports the skatepark construction, especially in the chosen position. This very public position means that the users of the park will have constant public awareness of their behavior, and the condition of the park and its surrounds.

The young township members wishing to use the skatepark are not in the habit of damaging the old Railway Station or surrounds, and to suggest they may do so once the skatepark is built, is a very negative and demeaning outlook.

The Progress Association once again gives their entire support to the rapid construction of the skatepark in the current chosen position, and wishes all the users of this park all the best for many happy hours of skateboarding. May there be a future Australian and World Champion among them.

Yours sincerely,



Mrs Joy Waltham,
Correspondence Secretary,
Glengarry Progress Association.



June 2009

To Latrobe Council and its officers.

Please find attached a letter of support for the Glengarry Skatepark.

This letter has been signed by many residents and supporters in Glengarry and surrounding district and includes many of its younger residents.. This is in response to the petition to move the park elsewhere or in fact to not build it at all. There has been overwhelming support for both the park and its location from the community who are eager to see the skatepark built for use for its young people.

Also enclosed are other letters of support from residents directly affected and from the Glengarry Progress Committee.

Please note there are 10 or so signatures that appear on both this letter and the petition. This is as on reflection these residents felt they could no longer support the petition as they felt they had been ill informed.

We urge you to continue to support this skatepark as you have in the past and we look forward to its completion in the near future.

Yours sincerely


Helma Morrison

Helma Morrison
Youth Development Worker
Kilmany Uniting Care
Lukes Place, Morwell.
Victoria, 3840

Ph: 03 5135 3006
Fax: 03 5135 3324
helma.morrison@kilmany.org.au



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

McBride	a. m'houge	Johnathan
A Lawrence	Maynot Chadwick	B. Scott
Liz	Colin Chadwick	Jo Peck
R. Lodge	Bulagial	J. McCarty
S. Bowler	Jane Jones	Jayne Clarke
B. Williams	Jaye Meers	STEPHEN FOX
M. Murphy	h. h. h.	BRETT JOHNS
L. Christensen	A. Legg	DePupler
Maria Roberts	N. King	Maize Richardson
Kris Morgan	C. Francis	K. Wheeler
Beech Morgan	R. Hayes	SHARON NEWOR
K. Wilson	J. Francis	Debbie Williams
Rev. Wignall (IWA)	L. Owen	Elizabeth Jones
Phoebe Lucas	DALE MARSH	John Morrison
Michelle Roberts	Jerry Wood	
Debbie Dewar	Terri-Ann Wood	
	GRANT SMITH	Shane Peck



June 9, 2009

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Alan Alan van Rossum

Courtney Schmidt

Stacey Fairbrother

Colby Schmidt

tyler Morler

Glengarry

Under W's f.c.

Matthew

Mitchell

Zach

Nico

Tim

Colby

Ryan

Harry

Brooks

Riley Demrsey

Ben

17



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

Tess glengarry wace 14's FC.	nathan glengarry michael wace 12's F/C.
Jack Davis	Riley
Charlie Merton	Jay
Bob	Jesse
Andy	Eric CAM
Jacob Prigg	Jason
Marcus Twomey	Thomas
William Brougham	Brayden
Mitchell Bouke	Angus
Allen Paulet - Glengarry.	Tyson
Lance	Ben James 23



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

Rheannon

Grace sacco

Sue Davis
Principal
Glengarry Prima

Kate Anderson

Tom ANDERSON
Main St Glengarry

MISS Hegarty



June 9, 2009


We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

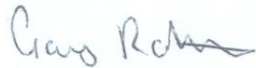


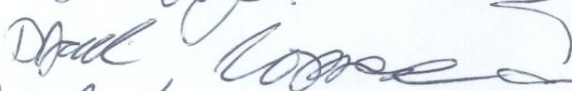


Erin Wilson - Glengarry
 michelle Ellis - Travalgon / Glengarry
 Rohan MacDugall - Glengarry
 Kathleen Mac Donald - Glengarry
 Morrison - Glengarry.
 * Mark Birmingham 44- Mulloa Rd Glengarry.
 Buster 320 FRANCIS RD.
 Blaney 200 BISSETTS LANE JUBA
 FINE SAICHA - Travalgon
 * HENRY LONT - Glengarry
 Sonny Martin - Glengarry
 Paul Cowan - GARY DR GLENGARRY
 Liz Gilw - GARY DR GLENGARRY




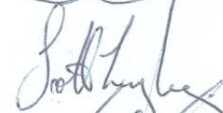
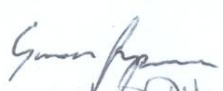
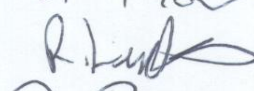


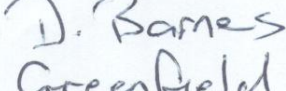

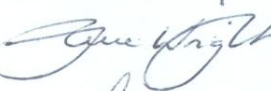
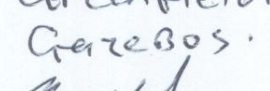

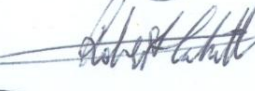


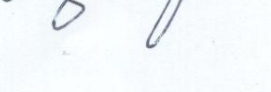


June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

 GLENGARRY FOOTBALL NETBALL CLUB PRESIDENT.

*  242 KAY ST T'ION



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

HARRY DAWSON - LWR CAIRNBROOK RD GLENGARR
 SHANE BENACCI - NAMDBROOK LAVE GLENGARRY
 Robbie Dawson - LWR CAIRNBROOK RD GLENGARRY
 JESS BEANI - Glengarry football club
 JASON VENEMAN - TOONGABBIE
 Andrew May - Birmingham CI Glengarry
 CHRIS BLAND - Glengarry. MAFFRA RD.
 Wayne Mac Donald. Chappells Rd Glengarry North
 Alexander Forbes Ruffe Range Rd Glengarry
 ✘ Don DUNCAN - 26 MAFFRA RD GLENGARRY 3854
 Liam Pearce - Glengarry
 Ayenda Odun - Glengarry
 Jimmy Pearce - Glengarry Resident 20yrs +
 Robert King - Glengarry
 Josh King - Josh King - Glengarry



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

NERLE JOHNSON	49 CAIRNBROOK RD	GLENGARRY
IAN ALEXANDER	HENDERSONS RD	TOONCLAMME
BARRY FULTON	Cemetery Rd	Toongahie
MELINDA MONAGHAN	BLAXLAND CRT	TRARALGON.
Jenni Anderson	Main St	Glengarry
Charlotte Anderson	7 Main St	Glengarry.
Norm Collin	70 Kyne st	Glengarry -
Emma Learmonth	34 McMillan	Glengarry
MARK TALBOT	(Bushies Bakery)	Glengarry
Erin Byrnes	Main St	Glengarry
Nancy Taylor	main st	Glengarry.
Robyn Pearce	54 Carey drive	Glengarry
Dylan Glasson	44 Kyne Street	Glengarry
Riley Hodgson	lot 21 travoyers rd	toonga.
TIM DAVIS	107 FOX'S RD	CONWARRE.
D. HODGSON	LOT 21 FOX'S ROAD	TOONGA

15



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

Bob Horley ALLEN FARM + HARLOWFIELD
 Rex Wright 37 Main St, Glengarry 3854
 (T.P. No 9392)

Barob. Wright
 Terri-Ann Horsey - 41 Main street Glengarry.

Brianna Lane.
 Denise Horsey 41 main street Glengarry

↓ Laura Morrison }
 Jason Herbert } 43 main st Glengarry.

Brian D'Arcy }
 Pabulsky } 3 Morrison Parade Glengarry

~~Wright~~ 7 cairnbrook Rd Glengarry.
 " " " "

McMara Grey Gums, Glengarry
 Kyle Street, Glengarry.

John J. 68 Archbalds Lane, ~~Glengarry~~ Tyers
 1-3 HARRISON Glengarry.

Alex	220 Blacktank Road	Abatt
Stef	Haliday Road	Clonwest Stoboluis
Sam	30 Maffra rd	Glenangoy
Billy	395 Rifle Range rd	Billylucas
Lochie	50 Sandhurst drive	Lochie
Gordon	49 Carrbridge rd	Gordon
Chris	50 Blacktank Rd	Chris
Ryan	50 Blacktank Rd	Ryan
Sarah	395 Rifle Range Rd	Sarah
Josh	main street	Glenangoy Stoboluis
Sue Bonacci	Hambrook Lane	Glenangoy Sue Bonacci
Adrian Bonacci	Hambrook Lane	Glenangoy Adrian Bonacci
Andrea Cooper	9 Wyal Ct	Tgon Andrea Cooper
Heather Dickson	17 Gambaldi St	Tgon Heather Dickson
Carol (H) Coom	9 Cecil Ave	-1600 Carol
Diame Collin	70 Kyne St	Glenangoy Diame Collin
Darcy Wolfe	D Wolfe	
Brian Waters	34 Fairview St	Tgon Brian Waters
Recklin Morrison	1 Holiday Road	Blower Recklin Morrison
Jack Anderson	7 main street	Jack Anderson
Andy Duncan	14 Morrison PDE	Andy Duncan



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

Georgia Reid Glengarry
 Kerry Ndoba Glengarry
 STACEY LEWANDOWSKI Glengarry
 Sandra Lewandowski. Glengarry.
 John Lewandowski Glengarry.
 Stacey Wood Glengarry
 Dicki Wood Glengarry
 GREG WOOD Glengarry
 Ryan Wood glengarry
 Tash Little Glengarry.
 Jason Parsons "
 Marlon Lament Glengarry
 Therese Robinson, Glengarry.
 Amy King, Traralgon former Glengarry
 Jay Martin, Traralgon (former Glengarry resident)
 CAROLYN BATEY, Tyers



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

[Signature]
Tom Bermingham Glengarry

BARN WATERS ~~10~~ 54 FAIRVIEW ST TRAIL

Jake Pendergast 30 maffra Road Glengarry

Dean Pearce 50-54 Corey dr Glengarry

Luca Donean 14 Morrison PDE

Hayden Biemans Glengarry football club

[Signature]
#7

[Signature] - Marshalls rd Glengarry.

Jacqui Barnes - Kyne st Glengarry

Sandra Barnes Kyne st Glengarry

[Signature] Railway Ave Glengarry Greenfield
CP2066

Meghan MacDowd - Lot 3 Chappels rd Glengarry

Debra Marshall. Rivers Rd Glengarry

Sam Pendergast 30 maffra rd Glengarry



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry skatepark and for the chosen location in Main St Glengarry.

P. B. McEarmack	Glengarry	
J. Coatham	Glengarry	Jamie Coatham
D. DORVILLE	Glengarry	
J Farmer	Glengarry	
M Wynberg	Glengarry	
Dunge	Glengarry	
D+S Thompson	Glengarry	Dorothy Johnson
Sandra Johnson	Glengarry	
Stacey Lamont	Glengarry	Stacey Lamont
Lauren Cross	Glengarry	Rachel Cross
Karly O'Brien	Glengarry	Karly O'Brien
Ethel Lang	Glengarry	Ethel Lang
Brit Moulden	Glengarry	Brit Moulden
Simone Connolly	Toongabbie	Simone Connolly
Sandy Carlyk	Glengarry	Sandy Carlyk
Mandi Nancarrow	Haralson	Mandi Nancarrow



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

Colley Graham 7/8 Montrose Ave Glengarry
 Fiona O'neil 123 O'neil Road Glengarry
 Karen Waite

Annande Dawson
 Jo Golding
 Evin Boyes
 Dany Burke
 James Hunt
 Blanka
 [Signature]
 Wasell

Chels Gilmore
 [Signature]
 E.M. Baidell:
 [Signature]



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

Sarah Gibson 1574 Cairnbrook rd Glengarry.
 Bill FONZI WATTLE TREE LANE GLENGARRY
 Wendy Cannon 1605 Main Rd. Tongassie -
 B. GODENZI STRINGERS RD ""
 DAVID WOOD BOGA VIEWS RD TWEES.
 Ryan Hewish
 Steve Marsh 48 Cairnbrook rd Glengarry.
 Peter Shanks 14 Roger St
 Maxwell
 Sandy Jim Cairnbrook rd. Glengarry.
 TROY CLARKE 2 RHODES CRT, GLENGARRY
 Cheryl Doncaru 14 morrison pral Glengarry
 Julie Murphy Windyford Glen West.
 DANIELLE DEVINE 65 WEIR RD CAULWARR.
 Pharna King CAIRNBROOK Rd.



June 9, 2009

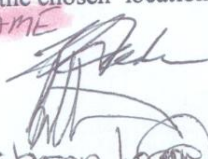
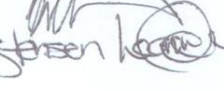


We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

S. H. _____	34 MAFFRA RD. GLENGARRY
R. Britt	10 KYLE ST GLENGARRY
BRENNAN SOUTER	50 BLACK TANK RD GLENGARRY
Karen Cochran	122 Moffra Rd Glengarry.
SALLY JONES	50 Black Tank Rd Glengarry
Peter Lang	Glengarry
Michael Maysse	23 Jack Farmer - was Traralgon
P. Maud	GLEN.
P. KING.	14-18 CAREY DRIVE GLENGARRY.
M WILLIAMS	7 KYNAH ST GLENGARRY.
D & S STANLEY	63 MAIN ST GLENGARRY
IRENEOR MAY	37 ERINMORE CRT GLENGARRY.
COLIN MAY	5 TARA CAT TRARALGON
Ben Nicholson	'Glengarry', 'Glenfarm', 'Glengarry'



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry. ADDRESS

NAME	ADDRESS
GREG HAYES 	GLENGARRY GLENGARRY
Leanne Christensen 	Glengarry
Erica Hinch 	Travalgan -
Siona 	GLENGARRY
Janine Waite	Glengarry West.
Karen Thorp	Tongabbie
Michael Williams	Glengarry



June 9, 2009

We, the residents of Glengarry and districts hereby confirm our support for the Glengarry Skatepark and for the chosen location in Main St Glengarry.

GRACE DUNN 14 MORRISON POE GLENGARRY *Grace*
 BARRY FROM GLENGARRY *Barry*
 Ross Morrison *Ross Morrison*
 Hanna Morrison *Hanna Morrison*

7.2 **PROPOSED ROAD DISCONTINUANCE - PART ANDERSON AVENUE, YALLOURN NORTH**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to formally discontinue a section of the road reserve adjoining 1 Anderson Avenue, Yallourn North.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

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

Ensure compliance with the Local Government Act.

Policy

There is no specific policy relating to road closures. The statutory process is specified by legislation.

Legislation

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

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

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

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

Council must then consider any written submissions that have been received and allow any person who has made a submission and requested they or a nominated representative be heard before a meeting of Council or Committee of Council to speak in support of their submission.

4. **BACKGROUND**

Latrobe City Council is the registered proprietor of 1 Anderson Street, Yallourn North. This Council property has four older persons residential units constructed on the land.

This residential unit development is managed on behalf of Council by an appointed Section 86 Committee of Management, the ‘Yallourn North Community Housing Committee’.

The Committee of Management has managed the unit development since prior to Council amalgamation and believes there is demand for another older person’s residential unit in the Yallourn North township. The Committee of Management intends to construct a fifth and final unit on the balance of Council land. A planning application for the extra unit has been assessed and processed and found to comply with the Planning Scheme. A Notice of the Application was given to adjoining landowners and no objections were received. Council’s Project Services Team has addressed all infrastructure including underground services.

The potential building envelope for the fifth dwelling is restricted by the existence of a Sewerage Easement at the rear of the property. To acquire sufficient land to position the one bedroom dwelling and carport it is necessary to construct part of the dwelling and carport over a section of the adjoining unused road reserve. Attached is a locality plan and site drawing.

The required section of road reserve adjoining 1 Anderson Avenue, Yallourn North is estimated to be 38.5 square metres in area being part of a large grass nature strip. The likelihood of this section of road reserve being required for road construction is considered remote and is therefore considered surplus to Council's road network.

Council considered a proposal to discontinue this section of the Anderson Street Road Reserve at the Ordinary Council Meeting held on 1 June 2009 and resolved:

1. *That Council gives public notice pursuant to section 206 and Schedule 10 Clause 3 of the Local Government Act 1989 of its intention to consider the proposed discontinuance of part of the Anderson Avenue Road Reserve adjoining 1 Anderson Avenue, Yallourn North.*
2. *That Council considers any submissions received in relation to the discontinuance of part of the road reserve adjoining 1 Anderson Avenue, Yallourn North at the Ordinary Council Meeting to be held on Monday, 20 July 2009.*

5. **ISSUES**

In accordance with the Local Government Act requirements, Council gave public notice of its intention to consider a proposal to discontinue the small section of road reserve and invited community comment. The closing date to receive written submissions was Friday, 3 July 2009.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with this statutory process are minimal, being the cost of a public notice inviting submissions. If Council proceeds with the discontinuance it will be necessary to prepare a plan for the Road Discontinuance Order published in the Victoria Government Gazette. The cost for the plan and Government Gazette notice are able to be funded from the current budget allocation.

The Committee of Management believe they have accumulated sufficient funds to construct the fifth unit on the Council property.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

- A Public Notices inviting community comment and written submissions was published the 4 June 2009 in the Latrobe Valley Express,
- Letter sent to the Yallourn North Bowling Club notifying the club and inviting comment.
- Letters also sent notifying various service and utility providers (Gippsland Water, SP Ausnet, Telstra, etc) of the proposal and inviting comment.

Details of Community Consultation / Results of Engagement:

No submissions were received in response to either the above public notice or letter to the Yallourn North Bowling Club.

Responses were received from three of the service and utility providers. These organisations did not object to the proposal.

8. OPTIONS

Council has the following options:

1. Formally discontinue part of the road reservation adjoining 1 Anderson Avenue Yallourn North and publish an order in the Government Gazette; or
2. Not to continue with this process and notify The Yallourn North Community Housing Committee of the Council decision.

9. CONCLUSION

The 38.5 square metre section of road reserve abutting 1 Anderson Avenue Yallourn North is not required as a road for public use.

As Council has completed the statutory process it can now resolve to discontinue the section of road reservation abutting 1 Anderson Avenue, Yallourn North.

The discontinuance of this section of road will remove the road reservation encumbrance and allow the Yallourn North Community Housing Committee to construct a fifth elderly persons dwelling and carport at 1 Anderson Avenue, Yallourn North.

10. RECOMMENDATION

- 1. That Council, pursuant to Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989, forms the opinion that a 38.5 square metre section of road reserve abutting 1 Anderson Street, Yallourn North, is not reasonably required as a road for public use and discontinues the section of road.**
- 2. That an order be published in the Victorian Government Gazette detailing the discontinuation of the 38.5 square metre section of road reserve abutting 1 Anderson Street, Yallourn North.**

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

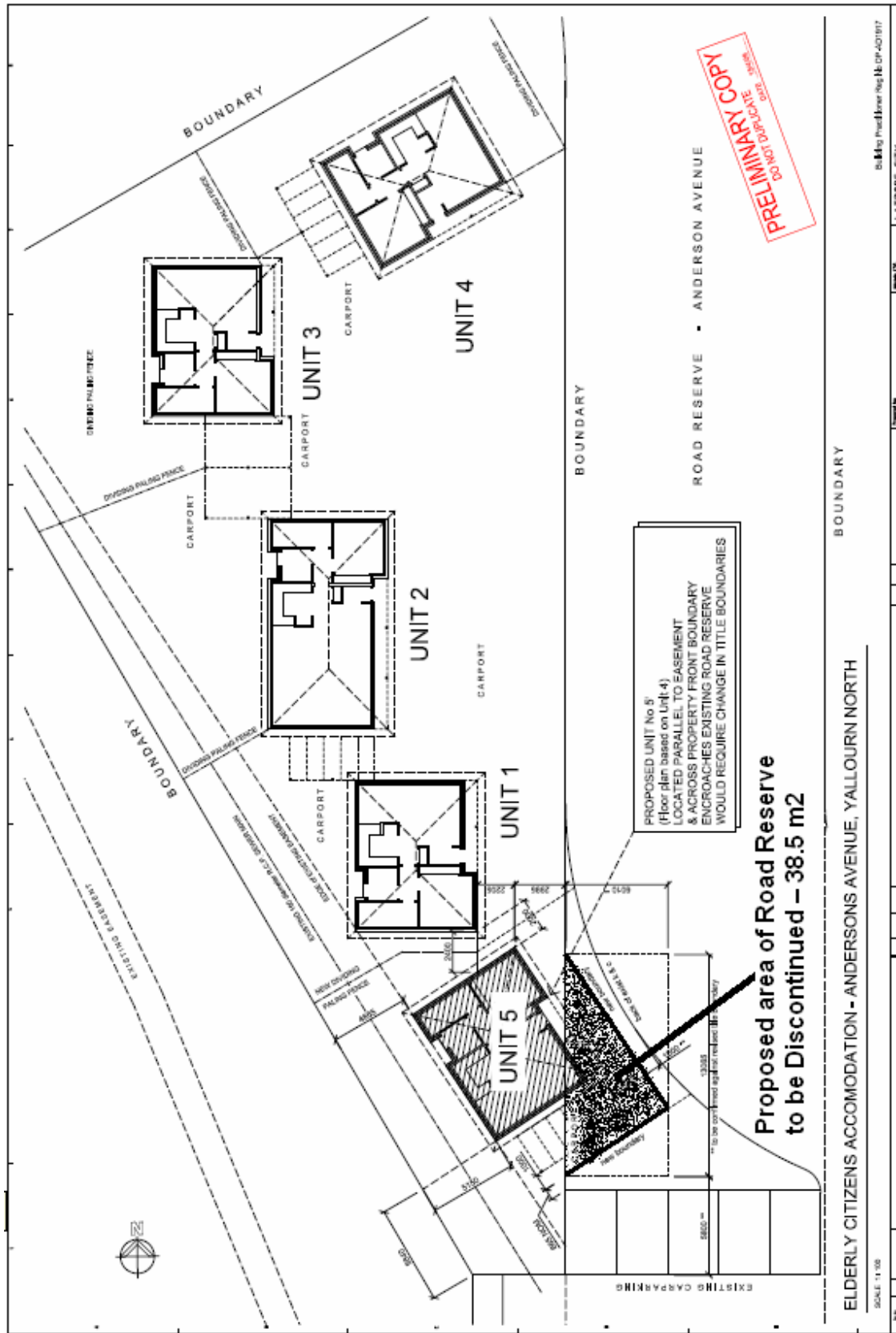
CARRIED UNANIMOUSLY

ATTACHMENTS

Locality Plan



Site Drawing



PRELIMINARY COPY
DO NOT DUPLICATE

PROPOSED UNIT No 5
(Floor plan based on Unit 4)
LOCATED PARALLEL TO EASEMENT
& ACROSS PROPERTY FRONT BOUNDARY
ENCROACHES EXISTING ROAD RESERVE
WOULD REQUIRE CHANGE IN TITLE BOUNDARIES

Proposed area of Road Reserve
to be Discontinued - 38.5 m2

ELDERLY CITIZENS ACCOMMODATION - ANDERSONS AVENUE, YALLOURN NORTH

SCALE 1:50

Building Practitioner Reg No: DP-401917

7.3 MOE CUP PUBLIC HOLIDAY REQUEST 2009

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with the outcome of the community consultation process relating to the request to declare a public holiday for the 2009 Moe Cup Race Day on Thursday, 15 October 2009 and to consider the declaration of this day as a public holiday.

2. DECLARATION OF INTERESTS

No officer declared an interest, under the *Local Government Act* 1989 in the preparation of this report.

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

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 – Cultural Liveability

By supporting the arts, major events, community festivals and cultural opportunities that contribute to the vibrancy and diversity of community life.

Strategic Action

Attract and promote significant regional, national and international events to enhance the liveability and sustainability of the municipality.

Strategic Objective – Governance

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

Community Outcome – Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with relevant legislation.

Policy – Public Holiday Policy 09 POL-3

The purpose of this policy is to ensure consistency when deciding whether to support an application to the relevant Minister for the declaration of an additional local or a substituted public holiday for the whole and/or part of the municipality.

Public Holidays Act 1993 (the Act)

The purpose of this Act is to appoint public holidays and define the parameters and requirements for considering additional or substitute holidays.

4. BACKGROUND

Moe Racing Club has written and requested Council to declare an afternoon half-day public holiday for the 2009 GPG Mobil Moe Cup Race Meeting on Thursday, 15 October 2009 (copy attached). A letter of support from the Committee for Moe is also attached.

Changes made to the *Public Holidays Act 1993* do not allow Council to declare this holiday as in previous years. Instead, the Act now presents Council with two options:

- Observe Melbourne Cup as the declared public holiday throughout the whole municipality in 2009; or
- Apply to the Minister for approval to declare an alternative day, such as the Moe Cup as a substitute for Melbourne Cup Day throughout the whole municipality.

A request to declare an alternative day to Melbourne Cup Day must be received by the Minister for Small Business at least 90 days before the day of the Melbourne Cup (5 August 2009).

At the Ordinary Council Meeting held on 15 June 2009, Council resolved:

1. *That Council, in accordance with the Public Holiday Policy, consults with the community in accordance with Section 223 of the Local Government Act 1989 on whether to apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day, as a substitute for Melbourne Cup Day 2009 throughout the whole municipality or to accept Melbourne Cup Day, 3 November 2009, to be the declared public holiday throughout the whole municipality in 2009.*
2. *That Council considers at the Ordinary Council Meeting to be held on 20 July 2009 any submissions made on the proposed substitution of a full day public holiday on 15 October 2009 for Moe Cup Day, as a substitute for Melbourne Cup Day 2009, 3 November 2009, throughout the whole municipality or to accept Melbourne Cup Day, 3 November 2009, to be the declared public holiday throughout the whole municipality in 2009.*

5. **ISSUES**

As per the Public Holiday Policy 09 POL-3, public comment has been sought on the requested Moe Cup Day 2009 public holiday. Thirty three written submissions were received.

The submissions are summarised as follows:

Submitter	Summary
Linda and Colin Reid	Does not believe Moe Cup should be the declared public holiday. Businesses in areas others than Moe observe Melbourne Cup Day. Declaring Moe Cup Day would inconvenience bulk of electorate who would need to make arrangements if they have children or students and rely on schools and childcare facilities if they are in a job where they are required. Many Moe residents will still attend Moe Cup as will others in the Latrobe Valley region.
Rob Whelan Churchill & District Community Association	Supports Melbourne Cup public holiday.
Monash University	Not a formal submission on choice of either day. Indicates that Melbourne Cup holiday is deferred until Christmas/New Year period when University closes down.

Submitter	Summary
Maryvale Private Hospital	Prefers to observe Melbourne Cup as this is written into the Enterprise Agreement.
West Gippsland Catchment Management Authority	Indicates that as their offices serve five municipalities they remain open on Melbourne Cup Day and transfer the day off to the Christmas/New Year period.
Latrobe Regional Hospital	Does not support the substitution of a Moe Cup Day for Melbourne Cup Day as this change would cause business disruption and cause the hospital to incur additional costs.
Loy Yang Power	Clear preference is to observe Melbourne Cup Day due to workplace agreement in place.
Denise Schiller	Supports observance of Melbourne Cup Day as this avoids confusion and potential disadvantage to business if another day is observed.
Make Moe Glow Committee	Supports Melbourne Cup Day as this will be in the best interests of businesses in the Moe area.
Patricia Adams	Supports Melbourne Cup Day.
Victorian Employer's Chamber of Commerce	No clear preference for day. Suggests that social and economic factors need to be considered by Council and a clear choice made and communicated to business to avoid confusion.
Australia Paper	Supports Melbourne Cup Day as this reduces the administration overburden on their operation.
Peter McShane	Supports observance of Melbourne Cup Day.
Morwell Centenary Rose Garden Committee	Will continue to observe Melbourne Cup Day as in the past. Doubts if group has any interest in Moe Cup Day.
Traralgon City and Rural Community Development Association	Favours the adoption of Melbourne Cup Day for Latrobe City in keeping with most of the State and business activities and avoiding confusion to any visitors to the City on Moe Cup Day.

Submitter	Summary
Traralgon Chamber of Commerce and Industry	Supports observing Melbourne Cup day as the full day public holiday. Supports this position by indicating businesses will have already planned for Melbourne Cup Day being a public holiday, that essentially two days of trade are lost if an alternative day is observed as businesses will continue to close on Melbourne Cup Day, and that Traralgon and district schools have elected to have Melbourne Cup Day instead of Traralgon show day as a day off in 2009.
Department of Education and Early Childhood Development	The initial response (2 July 2009) from the department indicated that Melbourne Cup has been adopted as a whole-day public holiday and if another day was declared schools in the Latrobe Valley would close on the alternative date. However, a follow up submission (8 July 2009) indicated a clear preference for Melbourne Cup Day for the reasons of: an alternative day will create significant transport issues for students, parents and schools in neighbouring local government areas as a number of routes are serviced by companies that are based in Latrobe City, an alternative day will result in bus companies having to pay over-award penalty rates to drivers, VCE exams are in progress from 5 October to 29 October and schools must remain open and transport available for students, a principal development program scheduled for 15 October cannot be altered and requires schools to be open, a Gippsland Language in Schools professional learning session is scheduled for this day, the alternative 15 October date would disadvantage schools in the greater Gippsland area as regional based staff will be not be available to support scheduled programs and activities.
Moe Development Group	Supports an application to the Minister for Small Business to declare Moe Cup Day a substitute holiday for Melbourne Cup. Believes Moe Cup attracts many visitors and is of great benefit to local economy and that declaring Moe Cup Day as the holiday would support community building.
Sue Rayson 95 on Seymour	Strong support for Melbourne Cup Day.

Submitter	Summary
Maree Jennings Select Music Systems	Opposes the idea of having Moe Cup Day as a public holiday.
Darren Howe Seymour Street Newsagency	Does not support the substitution of Moe Cup for Melbourne Cup as this will disadvantage businesses and create confusion amongst residents.
Mark Henning Traralgon Guardian Pharmacy	Details that the observance of Moe Cup Day would be to the detriment of this business as it would need to be open for business on both days with a result being higher wage costs not necessarily offset by an increase in sales.
Andrew Panayiotou A&P Electronics	Objects to any changes to Melbourne Cup Day.
Latrobe Community Health Services	Preference indicated for observing Melbourne Cup Day as public holiday as this will be easier to communicate to the service's members and that the service would experience a large degree of absenteeism if it was to remain open on Melbourne Cup Day.
Newborough Village Traders Association	Supports the declaration of a Moe Cup Day public holiday across Latrobe City in lieu of Melbourne Cup Day.
Dal and Brian Holden The Kitchen Cupboard Giftshop	Feels business would be disadvantaged if Moe Cup Day was declared as a public holiday. Suggests two trading days would be lost.
Andrew and Peter Demitrios on behalf of Deli 9 and Andrew's Small Goods	Indicates total opposition to substituting Moe Cup Day for Melbourne Cup Day. Suggests that as traders such a change would have a negative impact on their and other local businesses. Believes Melbourne Cup Day to be more accepted and fairer to all towns involved.
Peter Nicholas Findlay and Weymouth Pharmacy	Lodging strong disapproval to substituting Moe Cup Day for Melbourne Cup Day as such a decision would definitely impact retail trading in Traralgon. Suggests that declaring Moe Cup Day would affect total sales and double the loss if the business has to stay open on Melbourne Cup Day.

Submitter	Summary
Moe Traders Association	Has surveyed members and the opinion was to keep the half-day holiday for Moe Cup Day possible or in the absence of this option the survey indicated Melbourne Cup would be the supported day.
Gippsland Water	To prevent confusion and maintain uniformity across the organisation, the preference is for Melbourne Cup Day to be observed across the whole municipality. Indicates that whatever day is chosen the business can operate successfully.
Russell and Chris Davidson Les Davidson Menswear	Preference for Melbourne Cup Day to avoid losing essentially two days of trade.
Latrobe Community Health Services (second submission)	Detailed survey of staff on preferences for Moe Cup or Melbourne Cup holiday. 120 staff preferred Melbourne Cup Day and 19 preferred Moe Cup Day.

The benefit of observing Melbourne Cup Day as the sole public holiday would be a standardisation of the holiday across the municipality and much of the state. Observing Melbourne Cup will also reduce to a minimum employee and employer confusion over leave and holiday entitlements that will inevitably arise for businesses and organisations across Latrobe City if Moe Cup Day is declared as a substitute public holiday.

Observing the Melbourne Cup Day public holiday will also decrease the financial burden on businesses in the Moe area that have historically traded on the morning of Moe Cup Day as penalty rates will not apply.

Observing Melbourne Cup Day as the sole public holiday may have an impact on the Moe Cup and the local economy as the annual race day draws both locals and the wider community into the area. However, Moe Racing Club also hosts a Melbourne Cup Day event and the public holiday across the municipality on this day may serve to attract even greater patronage to this event.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The direct cost to Council associated with consulting the community on the proposal for a substitute public holiday for Melbourne Cup Day 2009 was minimal, that being the cost of placing public notices and advertorials in the local papers and writing to stakeholders inviting comments.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

In accordance with the Public Holiday Policy, Council consulted with the community, employee and employer groups in accordance with Section 223 of the *Local Government Act* 1989. A public notice inviting written submissions in regards to the proposed holidays in the municipality appeared in the 18 June 2009 edition of the Latrobe Valley Express. An additional advertorial was published in the 6 July 2009 edition of the Latrobe Valley Express and 7 July 2009 edition of the Moe News and Traralgon Journal. Letters were sent on 26 June 2009 to a combined total of sixty community groups, major employer and employee representative groups.

Details of Community Consultation / Results of Engagement:

Thirty three written submissions were received. The submissions are summarised in the issues section of this report. In summary, twenty six submissions clearly supported the observation of Melbourne Cup Day. Three submissions did not indicate a preference but detailed specific workplace arrangements for Melbourne Cup to be observed on the day or the day off to be deferred to the end of the year. One submission detailed that regardless of the declared holiday Melbourne Cup Day would be observed as the submitter has little interest in Moe Cup. Two submissions detailed support for Moe Cup Day as a substitute holiday for Melbourne Cup. One submission indicated support for continuing the half-day public holiday for Moe Cup Day tradition, but failing the ability to do this the preference was for Melbourne Cup Day to be observed.

8. OPTIONS

Council has the following options:

1. Apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day, as a substitute for Melbourne Cup Day throughout the whole municipality; or
2. To observe Melbourne Cup Day on 3 November 2009 as the declared public holiday throughout the whole municipality in 2009.

9. CONCLUSION

The request by Moe Racing Club to Council to declare an afternoon half-day public holiday for the 2009 GPG Mobil Moe Cup Race Meeting on Thursday, 15 October 2009 has been complicated as a result of the changes in the *Public Holidays Act 1993*. Non-metropolitan Councils no longer have the ability to self-declare a full or half day public holiday for all or a specified part of a municipal district.

Public comment has been sought on this matter in accordance with Council's Public Holiday Policy.

The observance of the Melbourne Cup Day public holiday on 3 November 2009 has the main advantages of standardising the holiday and reducing to a minimum the confusion over holiday leave and pay entitlements that will arise if Moe Cup Day is declared a substitute public holiday.

10. RECOMMENDATION

1. **That Council accepts Melbourne Cup Day, 3 November 2009, to be the declared public holiday throughout the whole municipality in 2009 and does not apply to the Minister for Small Business for Moe Cup Day 15 October 2009 to be a substitute Melbourne Cup public holiday.**
2. **That all persons making submissions on the options of a Moe Cup Day or Melbourne Cup Day public holiday in 2009 be written to thanking them for the submissions and notifying them of Council's decision to accept Melbourne Cup Day, 3 November 2009, as the declared public holiday throughout the whole municipality in 2009.**

3. **That the Moe Racing Club and Committee for Moe be notified of Council's decision to accept Melbourne Cup Day, 3 November 2009, to be the declared public holiday throughout the whole municipality in 2009 and that Council will not apply to the Minister for Small Business for Moe Cup Day 15 October 2009 to be a substitute Melbourne Cup Day public holiday.**

Cr O'Callaghan left the Council Chamber at 8.10 pm due to an indirect interest under s.78B of the LGA in this item.

Cr Fitzgerald left the Council Chamber at 8.10 pm due to an indirect interest under s.78B of the LGA in this item.

Cr Kam left the Council Chamber at 8.10 pm due to an indirect interest under s.78B of the LGA in this item.

Cr Middlemiss declared a direct interest in this item under Section 77B of the *Local Government Act 1989* due to being an employee of Loy Yang Power and left the Council Chamber at 8.11 pm.

Moved: Cr White

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED

For the Motion

Councillors White, Gibson, Vermeulen and Price

Against the Motion

Councillor Lougheed

The Mayor confirmed that the Recommendation had been CARRIED

Councillors O'Callaghan, Fitzgerald, Kam and Middlemiss returned to the Council Chamber at 8.15 pm.

ATTACHMENTS

MOE RACING CLUB & TURFSIDE TABARET
 P.O. Box 5
 Moe, Vic., 3825
 Telephone: (03) 5120-1333
 Facsimile: (03) 5120-1355

1st February 2009

Mr Henry Morrison
 Manager Property & Legal Services
 Latrobe City
 PO Box 264
 MORWELL 3840

Dear Henry

RE:- GPG Mobil Moe Cup Day – Thursday 15th October 2009

The Moe Racing Club would once again seek a half day public holiday for the Moe Cup on 15th October 2009.

I have attached a letter of support from the Committee for Moe for the holiday.

As you would be aware, after solid campaigns by the Moe Development Group, Moe Racing Club and Latrobe City focussed on the creation of an event on the day, the entire business community of Moe has whole heartedly embraced the half day holiday. To this effect the many associated activities, including the traditional 3 Hour Cup Day Sale are now firmly entrenched in the community calendar, and the day continues to be the number one retail event for the town.

I would be delighted if you could make arrangements to ratify the half day holiday for this year.

Please feel free to contact me should you have any further queries.

Yours truly,

David Mckinnon
 Chief Executive Officer

Latrobe City	
7 - Feb 2009	
Doc No:	
Author:	



Australian Council on Healthcare Standards Accredited

Tuesday 30 June 2009

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

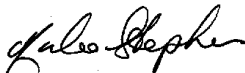
Dear Mr Buckley

Thank you for the correspondence dated 25 June 2009 and your invitation to comment.

Maryvale Private Hospital prefers to observe Melbourne Cup as this is written into our 4-year Enterprise Bargaining Agreement and cannot be changed. We therefore need to continue with current practice until 2012.

We do not need to speak in support of our preference.

Yours sincerely


Marlene Stephens
Chief Executive Officer

Latrobe City	
- 2 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	



Office of the Pro Vice-Chancellor
Gippsland Campus

30 June 2009

Mr. Paul Buckley
CEO
Latrobe City Council
P.O. Box 264
MORWELL, 3840

Latrobe City	
- 1 JUL 2009	
Doc. No:	
Action Officer:	H. MORRISON
Disposal Code:	
Comments:	

Re: Melbourne Cup Day/Moe Cup Day Public Holiday Consultation

Dear Paul,

Thank you for the invitation to comment on the proposal for the Melbourne Cup Holiday submission (your letter, 25 June, DW 418985).

Monash University has a closed and comprehensive Enterprise Agreement which provides details for the granting of university holidays (i.e. public holidays) in conjunction with the University statute for the declaration of university holidays. At present this means that three public holidays normally granted in Victoria – Labour Day, Queen's Birthday and Melbourne Cup Day – are transferred to Christmas/New period when the university formally closes down. This enables university staff to enjoy a longer break when the business cycle of the university system is quieter.

Given the comprehensive nature of the Enterprise Agreement provisions and the statute governing university holidays, Monash University does not wish to make any formal submission to Council on this matter.

Yours sincerely

Alan Scarlett

Executive Officer/Campus Manager

From: "rob" [robwhelan@eftel.net.au]
Sent: 29/06/2009 04:22:30 PM
To: <HenryMo@latrobe.vic.gov.au>
Subject: RE: Copy Melbourne/Moe Cup Public Holiday Consultation

Hello Henry

I support sticking with the Melbourne Cup Day holiday tradition

Regards Rob Whelan

From: HenryMo@latrobe.vic.gov.au [mailto:HenryMo@latrobe.vic.gov.au]
Sent: Monday, 29 June 2009 2:53 PM
To: robwhelan@eftel.net.au
Subject: Copy Melbourne/Moe Cup Public Holiday Consultation

Rob,

As requested, I attach an electronic copy of the above letter dated 25 June 2009.

Regards

Henry Morrison
Coordinator Property & Statutory Services
Latrobe City Council

henrymo@latrobe.vic.gov.au

Direct: (03) 5128 5641 Mobile: 0438 040 194 Fax: (03) 5128 5672 Phone: 1300 367 700 PO Box 264, Morwell 3840141
Commercial Rd, Morwell 3840 <http://www.latrobe.vic.gov.au> Participate in a Climate Change survey as part of The Grid
Arts Project at www.thegrid.latrobe.vic.gov.au

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Latrobe City Council

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

"Colin & Linda Reid"

<creid8@bigpond.net.au>

13/01/2007 02:39 AM

To: <PaulBu@latrobe.vic.gov.au>

cc:

Subject: public holiday

I do not believe Moe Cup should be the declared public holiday. Businesses in Morwell, Traralgon, Churchill and districts observe Melbourne Cup day as part of a larger company. It would inconvenience the bulk of the electorate who would need to make alternate arrangements if they have young children or students and rely on schools and childcare facilities if they are in a job where they are required.

Many Moe residents will still attend Moe cup as will others in the greater Latrobe Valley region. It will assist local business with the increased out of towners attending.

[Linda Reid](#)



Latrobe City	
- 6 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

File: 43340
Our Ref: RMD:GH

1ST July, 2009

Mr. P. Buckley
Chief Executive Officer
Latrobe City
P.O. Box 264
MORWELL 3840

Dear Paul

MELBOURNE CUP/MOE CUP PUBLIC HOLIDAY CONSULTATION

I refer to your letter dated 25th June, 2009 in relation to the declaration of the Melbourne Cup / Moe Cup Public Holiday.

As the West Gippsland Catchment Management Authority covers five different Councils it is our policy that our offices are open for business on the Melbourne Cup Public Holiday. The Authority is closed for the period between Christmas and New Year staff transfer the Cup Day Public Holiday to this period.

Therefore if the Latrobe City Council were to change the Melbourne Cup holiday to occur on the Moe Cup holiday the above policy would still apply to our Authority.

I thank you for the opportunity to comment on this issue.

Yours Sincerely

Geoff Hocking
Chief Executive Officer



PO Box 424
Traralgon, Latrobe City
Victoria 3844 Australia
Telephone +613 5173 8000
Facsimile +613 5173 8444

ABN 18 128 843 652

1 July 2009

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

Dear Mr Buckley

MELBOURNE CUP/MOE CUP PUBLIC HOLIDAYS CONSULTATION

I write further to your correspondence of 25 June 2009 inviting public comment on the proposal to apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day, as a substitute for Melbourne Cup Day 2009; or Observe Melbourne Cup Day as the full day public holiday throughout the whole municipality in 2009.

I would like to take this opportunity to thank you for extending this invitation to LRH and advise that LRH does not support the substitution of Moe Cup Day 2009 for Melbourne Cup Day 2009.

LRH employees approximately 1,700 staff. The custom and practice for our organisation in the past has been to observe the Melbourne Cup Day holiday. The proposed change would disrupt our normal business operations and cause additional costs to be incurred.

Yours sincerely

Peter Craighead
Chief Executive

Latrobe City	
- 6 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

COMMITTEE FOR MOE

29th January, 2009

Mr David McKinnon,
General Manager,
Moe Racing Club Incorporated
PO Box 5
MOE 3825

Dear David,

As the premier sporting event in Gippsland, the Committee for Moe fully supports the efforts of the Moe Race Club in trying to secure a local public holiday for the 2009 Moe Cup.

Yours truly,
Tony Flynn



President
Committee for Moe

From: "rob" [robwhelan@efel.net.au]
Sent: 01/07/2009 11:42:01 AM
To: <HenryMo@latrobe.vic.gov.au>
Subject: FW: Copy Melbourne/Moe Cup Public Holiday Consultation

From: Rob Pengelly [mailto:robpengelly@netspace.net.au] **Sent:** Wednesday, 1 July 2009 9:19 AM **To:** 'rob'
Subject: RE: Copy Melbourne/Moe Cup Public Holiday Consultation Hi Rob. The Morwell Centenary Rose Garden Volunteers always celebrate Melbourne Cup day with a full day of fun and feasting. This we shall continue to do. Since most of us are retired, whether or not it is a public holiday doesn't matter much. I doubt that any of us are interested in Moe Cup Day being a public holiday. Regards. Rob Pengelly

From: Peter McShane [petergmcshane@yahoo.com.au]
Sent: 02/07/2009 08:52:28 PM
To: HenryMo@latrobe.vic.gov.au
Subject: Cup Day holiday

Dear Henry,

I believe that the Cup Day holiday should remain on the first Tuesday in November.

Yours sincerely
Peter McShane
40 Quigley Crescent
Churchill 3842
(H & F) 0351 221745
(M) 0402 851 745



307 Ferntree Gully Road
 Mt Waverley Victoria 3149
 Australia
 Telephone +61 3 8540 2300
 Facsimile +61 3 8540 2260

3 July 2009

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

Latrobe City	
13 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Dear Mr Buckley

Melbourne Cup / Moe Cup Public Holiday Consultation

I refer to your letter of 25 June 2009 addressed to Mr Lovell.

Australian Paper supports the nomination of Melbourne Cup Day as a public holiday across the state and would not support the Council applying to the Minister for Moe Cup Day to be declared as a substitute day in 2009 for the municipality.

The practice of observance of Melbourne Cup Day as a public holiday is well entrenched in the Victorian operations of our organisation and to change this approach would create an administrative and organisational burden on the business that we do not feel can be justified or is warranted.

Australian Paper will not be in attendance at the Ordinary Council Meeting to be held on 15 July 2009.

Yours sincerely

Mark Nelson
 General Manager Human Resources



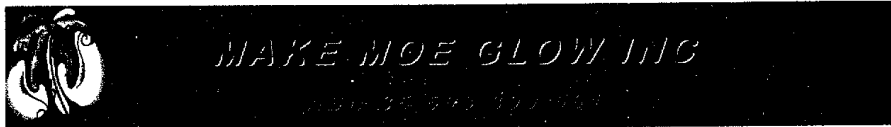
From: shanson [shanson@latrobe.vic.gov.au]
Sent: 08/07/2009 03:21:38 PM
To: HenryMo@latrobe.vic.gov.au
Subject: public hol

----- Forwarded by Susan Hanson/TRARALGON/LATROBE on 08/07/2009 03:20 PM -----

"Patricia Adams"
<Patricia.Adams@lchs.com.au>
08/07/2009 12:16 PM

To: <latrobe@latrobe.vic.gov.au>
cc:
Subject: public hol

I vote to keep Melbourne Cup Day



120 Southwell Avenue
Newborough
Victoria 3825

7th July 2009

To Mr. Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
Morwell, VIC; 3840

Dear Paul,

I would like to thank you on behalf of the Make Moe Glow committee for inviting us to make a submission for consideration as to whether Melbourne Cup Day should be declared a public holiday across Latrobe City, which would be in line with recent changes to the Victorian Public Holidays Act 1993, or have Moe Cup Day declared an official public holiday instead.

Having discussed this matter with some of our leading community business people in Moe I have, after due consideration and taking into account their comments as to the economic benefits for the town, that it would be in the best interests for Moe to have the Melbourne Cup Day as a designated public holiday and leave the current Moe Cup Day arrangements as they are.

Yours sincerely,

Marilyn May

Marilyn May
President
Make Moe Glow Committee

Latrobe City	
16 JUL 2009	
Doc No:	
Action Officer:	
Signature:	
Date:	

Latrobe City Council,
Morwell.

30 Morwell River Rd,
Boolarra.3870


7th July 2009.

Re: Cup Day

I think that Melbourne Cup Day should be retained as the traditional public holiday .
As a previous business owner in the Valley I think that to be out of kilter with
Melbourne could be a problem. Victorians expect businesses to be closed on
Melbourne Cup Day. Many businesses in this region conduct business Australia wide
and having an obscure day as a holiday could be a disadvantage.

Yours sincerely,

Denise Schiller.



Latrobe City	
10 JUL 2009	
Doc No:	
Action Officer:	
Disposal Code:	
Comments:	

10/07/2009 15:33 0351732300

LOY YANG POWER CORPR

PAGE 01/02



10 July 2009

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

Dear Mr Buckley

Melbourne Cup / Moe Cup Public Holiday Consultation

We refer to your letter to Mr Ian Nethercote dated 25 June 2009 where you sought our comments regarding Moe Cup Day in 2009.

We understand that the Council is considering two options:

- a) To apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day, as a substitute for Melbourne Cup Day 2009 throughout the Latrobe City municipality; or
- b) Observe Melbourne Cup Day as the full day public holiday throughout the Latrobe City municipality in 2009.

Loy Yang Power's clear preference is option (b) to observe Melbourne Cup Day as the full day public holiday in the municipality.

The reason for this preference is that Loy Yang Power, like most other large employers in the Latrobe City municipality, is governed by a Federal workplace agreement. In Loy Yang's case, its employees are covered by the Loy Yang Power Workplace Agreement 2008 (**LYP Agreement**).

Clause 15.1(a) of the LYP Agreement specifically states that '*Melbourne Cup Day*' along with other days 'shall be observed as public holidays'. This is an absolute requirement and not linked or subject to it being a declared public holiday in the Latrobe Valley region.

10/07/2009 15:33 0351732300

LOY YANG POWER CORPR

PAGE 02/02

In addition, subclause (e) states:

'Where in the State of Victoria, public holidays are declared or proclaimed on days other than those set out in a) above, those days shall constitute additional holidays. In such case all employees shall be entitled to time off without loss of pay.' (emphasis added)

Due to the absolute wording in the agreement, if Moe Cup Day were to be a declared as a public holiday, regardless of whether or not the public holiday is declared in substitution of the Melbourne Cup Day or separately as a public holiday for the municipality, Loy Yang Power will be obliged under the LYP Agreement to provide a paid holiday to employees on Melbourne Cup Day. Failure to adhere to this obligation would be a breach of the LYP Agreement.

Accordingly, should the Council successfully apply for a declaration that Moe Cup Day be declared a public holiday, Loy Yang Power will be disadvantaged as it will need to provide an additional paid public holiday to its employees.

Loy Yang Power employs a significant number of shift workers and an additional paid public holiday would result in substantial penalty rates being paid to employees and also result in a loss of productivity on this day due to the loss of day work employees.

We understand that other employers who have federal statutory instruments which specifically refer to Melbourne Cup Day will be similarly disadvantaged.

As requested in your letter, we advise that we do not want to speak in support of our submission when the letter is considered by the council at its Ordinary Council Meeting on 20 July 2009.

Should you require further information or you would like to discuss further, please do not hesitate to contact me.

Yours sincerely



Richard Elkington
EXECUTIVE GENERAL MANAGER, PEOPLE & POSITIONING

"Peter Butler" <PButler@vecci.org.au>

10/07/2009 11:03 AM

To: <michaelst@latrobe.vic.gov.au>

cc:

Subject: Public Holiday - Moe Cup Day or Melbourne Cup Day

Hi Michael

It was a pleasure to speak with you yesterday about the difficulties businesses were faced with last year around the issue of the Moe Cup / Melbourne Cup holiday.

Last year the Minister for Small Business, Joe Helper announced new arrangements under the Public Holidays Act 1993 for the Melbourne Cup public holiday throughout Victoria.

Prior to the amendment the Act appointed a Melbourne Cup Day public holiday only in metropolitan Melbourne.

The Act was changed and Melbourne Cup Day became a public holiday across the entire state.

As the State Government announced these changes only a week or two out from the Moe Cup last year mass confusion rained across the Latrobe Valley as to which day businesses were to schedule as the Public Holiday for their staff.

Non -metropolitan Councils are now able to nominate an alternative public holiday to Melbourne Cup Day if they wish by writing to the Minister specifying the substitute day at least 90 days prior.

In light of the confusion created last year for Local Government, businesses and the general public it is believed that Latrobe City should make a decision based on the range of economical and social factors at play locally and decide one way or the other.

Once the decision is made it must be clearly articulated to business and the general public well in advance to allow for the early scheduling of rosters and other administrative functions.

I hope that this is of help.

Regards

Peter Butler | Regional Manager Gippsland | Business Development and Account Management |
VECCI - Traralgon | Unit 2 11 Kay Street | Traralgon VIC 3844 | www.vecci.org.au |
T: 03 5173 9200 | M: 0419 754 743 | F: 03 5174 7100

TRARALGON*"one of the great cities of Victoria"****Traralgon City & Rural*****Community Development Association Inc****Inc. No. A0043180C****ABN: 20 408 248 015**

PO Box 719 Traralgon Vic 3844

Phone: 03 5174 9358 Fax: 03 5174 9368

E-mail: bruce@scribex.net

14 July 2009

(Sent via email)

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3844

Dear Mr Buckley

MELBOURNE CUP/MOE CUP PUBLIC HOLIDAY CONSULTATION

Thank you for your letter of 25 June 2009 inviting the Association to comment (by 15 July 2009) on the public holiday options for Melbourne Cup Day following changes to the governing legislation.

Given that whichever option is chosen, it must be a full day public holiday across the whole municipality, the Association favours adoption of Melbourne Cup Day for Latrobe City – in keeping with most of the State and business activities, and avoiding confusion to any visitors to the City on Moe Cup Day, expecting it to be a normal trading day.

The Association notes that the matter is to be determined at the ordinary meeting of council on 20 July 2009 but does not wish to speak to our submission.

Yours sincerely,

Bruce Bremner
Honorary Secretary.



**Department of Education and
Early Childhood Development**

Gippsland Region

8 July 2009

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

Dear Mr Buckley

Thank you for your letter dated 25 June 2009 inviting comment on a proposal for the Latrobe City whether to:

- apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day as a substitute for Melbourne Cup Day 2009 through the whole municipality or
- observe Melbourne Cup Day as the full public holiday throughout the municipality.

The Department of Education and Early Childhood Development – Gippsland Region provides overall governance for all government primary, specialist and secondary schools within the Latrobe City, as well operating a workplace based at Moe Regional Office numbering in excess of 50+ staff, as well as 40+ staff employed in offices in Morwell and Traralgon.

As an organisation we request that the Latrobe City observe the Melbourne Cup day as the full public holiday throughout the municipality for the following reasons:

- A number of school bus routes outside the Latrobe City are serviced by bus companies that are based in the Latrobe City. These bus routes service a number of Government and non Government schools in the Wellington, South Gippsland and Baw Baw. Having the buses not operate on 15 October creates significant transport issues for student, parents and schools in these neighbouring local government areas.
- Alternatively having bus companies pay over-award penalties to drivers to work on this day also creates issues for their employers based in the Latrobe City.
- Between 5 October and 29 October VCE exams will be conducted across the state for subjects with a performance component i.e. LOTE, Drama – Solo, Theatre Studies – Monologue, Dance, Music Group Performance, Solo Group Performance and VCE VET Music. These exams must be held on the designated day and as such schools with students taking these subjects must be open, and as such many students will require transport to these schools.

This original has been printed in black and white to reduce cost and environmental impact.



Cnr Kirk and Haigh Streets
Moe, Victoria 3825
Telephone: +61 3 5127 0400
DX 217631
PO Box 381
Moe, Victoria 3825

Latrobe City	
14 JUL 2009	
Doc. No:	
Action Officer:	H MORRISON
Disposal Code:	
Comments:	

NOTE: Although Written VCE Examinations component on 20 October to 19 November these are no exams scheduled for Melbourne Cup Day.

- On Thursday 15 October Principals from Latrobe Valley Network schools are participating in their ongoing School Improvement Initiative involving internationally renown educationalist Dr. Tom Fowler-Finn from Boston USA. This ongoing project requires the Principals to be undertaking observations in classrooms and analysis with Dr Fowler-Finn in these school settings. This date cannot be altered and designated schools need to be functioning for this to be undertaken and 30+ principals are required for the school visits to participate on this date.
- The Moe Department of Education and Early Childhood Regional Office are hosting a Gippsland Language in Schools initiatives professional learning session for Latrobe Valley schools engaging in this project.
- The alternative 15 October date also provides difficulties for DEECD regional based staff, with a requirement to provide ongoing support and programs for East Gippsland, Wellington, South Gippsland, Bass Coast and Baw Baw municipalities. Adhering to a public holiday in lieu of Melbourne Cup Day disadvantages schools in these local government areas with programs and activities involving regional staff on this day due to regional based staff not working.

As is evident from the above examples, the operations of schools and DEECD regional staff both within the Latrobe City and in surrounding local Government areas would be disadvantaged by the Latrobe City choosing 15 October, Moe Cup Day as substitute for Melbourne Cup Day 2009.

It is for these reasons that we support the observance of Melbourne Cup Day throughout the whole municipality in 2009.

Yours sincerely



KEVIN MEALING
Assistant Regional Director - Operations



**Department of Education and
Early Childhood Development**

Gippsland Region

Cnr Kirk and Haigh Streets
Moe, Victoria 3825
Telephone: +61 3 5127 0400
DX 217631
PO Box 381
Moe, Victoria 3825

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

Dear Paul

I refer to your letter dated 22 June, 2009 to the Regional Director Ms Michonne van Rees in which you requested our comment on the Melbourne Cup/Moe Cup holiday proposal. I have been asked to reply on Ms van Rees' behalf.

The Department of Education & Early Childhood Development has adopted Melbourne Cup Day as a whole of department public holiday. However should the Council nominate an alternative public holiday as mentioned in your letter, schools in the Latrobe Valley would close on the alternative date.

Yours sincerely

June Weir.
Manager – Resources Operations
Department of Education and Early Childhood Development
Gippsland Region

2/7/09
P (03) 5127 0462 | M 04 00 192 505 | F (03) 5126 1933 | E weir.june.j@edumail.vic.gov.au

Latrobe City	
- 8 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

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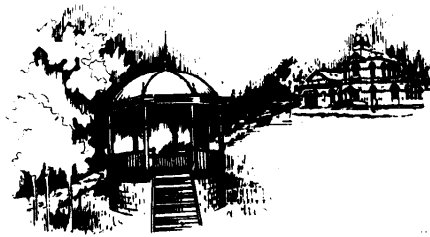




Correspondence: The Secretary, PO Box 79, Traralgon 3844

10 July 2009

Mr Paul Buckley
CEO
Latrobe City Council
P.O. Box 264
MORWELL. VIC 3840



Dear Paul,

MOE OR MELBOURNE CUP DAY PUBLIC HOLIDAY

The Committee of the Traralgon Chamber / Business at Traralgon, being a representative of businesses, have given some thought to the question of "Should Moe Cup Day or Melbourne Cup Day be the declared Public Holiday across Latrobe City"?

We wish to advise that we support observing the Melbourne Cup Day, as the full day public holiday throughout the whole municipality in 2009.

In making our decision we took into consideration the following:

Melbourne Cup Day is a public holiday across the entire state of Victoria, therefore all Multi National, State and Melbourne based businesses in the Latrobe City municipality, will have this day already gazetted, in their 2009 calenders.

Employees forecasted holiday rosters for 2009, will have taken into account the Melbourne Cup Day public holiday.

Two Days of lost trade. Business owners/managers have expressed their opinion that opening for trade on Melbourne Cup day is a wasted day due to a large majority of businesses being closed. Businesses will continue to close on Melbourne Cup day, even if Latrobe City decides to declare a full day public holiday for the Moe Cup Day.

Also we believe that Traralgon and district schools, have elected to have Melbourne Cup Day, instead of Traralgon show day, as a day off / holiday for 2009

Please note that we do not wish to speak in support of our submission at the Ordinary Council Meeting on Monday 20 July 2009.

Yours sincerely

Elaine Ford

Elaine Ford.
Hon Secretary
Traralgon Chamber of Commerce & Industry Inc / Bussiness at Traralgon.

Latrobe City	
14 JUL 2009	
Doc. No:	
Action Officer:	<i>H. MORRISON</i>
Disposal Code:	
Comments:	



Moe Development Group Inc.
ABN 40 409 146 977

PO Box 175 Moe Victoria 3825
Phone: (03) 5126 4094 E-mail: mdg@moe.latrobe.net.au

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

The Moe Development Group would like to urge Latrobe City Council to apply to the Minister for Small Business to declare a full day public holiday on 15 October 2009 for Moe Cup Day as a substitute for Melbourne Cup Day throughout the whole municipality.

The Moe Development Group Inc. believes that the Moe Cup race meeting attracts many visitors to the region and thusly generates income for Moe in particular. That the Moe Cup race meeting is a well known and respected race meeting serves to increase the number of visitors to the area. In the current economic climate increasing visitors to the area would provide much needed income for the various tourist facilities throughout the Latrobe Valley.

To have the public holiday on Moe Cup Day would be community building in that the holiday would be seen as belonging to the local area rather than to Melbourne. That is, it would be seen as "our holiday" rather than "their holiday" by the people who live and work in Latrobe City.

Yours Sincerely
Mark Forsyth


Secretary,
Moe Development Group Inc.

Latrobe City	
15	
Doc. No.	
Action Date	
Dispatch Date	

From: "95 on Seymour" [seymour95@bigpond.com]
Sent: 15/07/2009 10:57:50 AM
To: <latrobe@latrobe.vic.gov.au>
Subject: Melbourne Cup vs Moe Cup Day

Attention Paul Buckley, Chief Executive Officer, Latrobe City Council Morwell Dear Paul I would like to, in the strongest terms register my absolute disapproval of any consideration to adopt the Moe Cup day as our public holiday instead of Melbourne Cup Day. As a trader in Traralgon I am incensed that your Council is considering making other towns in the area close their doors for a cup day which is primarily for Moe. If people from other towns wish to attend this meeting then they have been making arrangements to do so for many years without the need to close businesses. Moe traditionally has a 3 hour sale on that day and you expect the rest of the shire to close while they reap the benefits. It is hard enough to make a living in retail without these onerous rules being placed on us. It is also bad enough that we have to close for Melbourne Cup day but at least the rest of the State is closed as well and therefore business is suspended for that day. If you pass a bylaw that for all the shire to close for the Moe cup this severely impacts as the rest of the State remains open for business. We have many people that travel from other areas specifically to shop on any given day and the only day that they know retailers are closed is Melbourne Cup day. As a ratepayer I feel that we are largely ignored by Council, you are not impacted by these decisions as you still get the same outrageous income with no thought for anyone else. This Council is well known for having a hidden agenda when it comes to Traralgon. We are fed up with Moe and even Morwell being given preferential treatment when it comes to council decisions. Enough is enough I am dead against closing for Moe Cup and register my complaint in the strongest manner. I am sure that this letter of complaint like many others is ignored and files in the rubbish so I don't expect the courtesy of a reply from any of you. Sue Rayson-Hall95 on Seymour Traralgon Vic 3844

From: "Andrew - A&P Electronics" [andrew@apelectronics.com.au]
Sent: 15/07/2009 01:29:24 PM
To: <latrobe@latrobe.vic.gov.au>
Subject: Melb Cup Public Holiday

EMAIL 2 Attention: Paul Buckley

I, Andrew Panayiotou of A&P Electronics, Traralgon, strongly object to any change made to the Melbourne Cup Public Holiday.

Sincerely,
Andrew Panayiotou

DIRECTOR WARNING: The information contained in this email may be confidential. If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

From: "Seymour Street Newsagency" [darren@seymourstnews.com.au]
Sent: 15/07/2009 01:10:37 PM
To: <latrobe@latrobe.vic.gov.au>
Subject: please forward to Paul Buckley

Dear Paul

I have just heard that Latrobe City is considering moving the Melbourne Cup Public Holiday to the Moe Cup. This may be a great idea for the Moe Township and the Moe traders; it will be to the detriment of all the other towns in the City (including Traralgon)It will create confusion among Latrobe Valley residents. We will lose valuable sales dollars on Moe Cup, whilst having to pay penalty rates, and then lose further sales on Melbourne Cup day.

Please put a mark in the "No Column" on my behalf on this issue

Regards Darren Howe
Seymour Street Newsagency

From: "Select Music" [selectmusic@vic.australis.com.au]
Sent: 15/07/2009 12:35:12 PM
To: <Latrobe@latrobe.vic.gov.au>
Subject: re cup day

Att Paul Buckley

As a Traralgon trader I oppose the idea of having Moe Cup Day as a public holiday.

Select Music Systems
P/L73 Fanklin Street
Traralgon
Maree Jennings

From: "Traralgon Guardian Pharmacy" [kelmagree@net-tech.com.au]
Sent: 15/07/2009 01:22:20 PM
To: <latrobe@latrobe.vic.gov.au>
Subject: melb cup day verses moe cup day public holiday

ATTENTION : MR PAUL BUCKEY

Dear Paul, as a business owner in Traralgon I was very disturbed to discover today that Latrobe City was considering declaring Moe Cup Day a Public Holiday in Traralgon in lieu of Melbourne Cup Day. As you would expect most residents and staff have now come to expect Melbourne Cup Day to be a gazetted public holiday the result being it proves to be a very quiet trading day as most people are using it as leisure time. However staff and residents would expect the retail shops in Traralgon to be open on Moe Cup Day given the event is NOT IN Traralgon. As a result I would be forced to open on both days with the resultant increase in wage costs with no increase in sales necessarily. I would strongly suggest the council reconsiders any possibility of making this decision which would be to the detriment of the retailers in Traralgon. Regards, Mark Henning Pharmacist Traralgon Guardian Pharmacy 65 Franklin Street Traralgon 3844 Phone 03 5174 2214 Fax 03 5175 0070 Email: kelmagree@net-tech.com.au

CAUTION - This message may contain privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited. If you have received this message in error please notify Traralgon Guardian Pharmacy using the details above.

Latrobe

LATROBE HEALTH SERVICES LIMITED
 32 McDONALD STREET MORWELL
 P O BOX 41 MORWELL 3840
 ABN 94 137 187 010
 Phone: (03) 5128 9200
 Fax: (03) 5128 9288
 Ausdoc: DX 84027

14 July 2009

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

Dear Mr Buckley

MELBOURNE CUP / MOE CUP PUBLIC HOLIDAY CONSULTATION

In reference to your letter dated 25 June last, we would like to make known our preference in relation to the declaration of the public holiday.

Our preference is to observe Melbourne Cup Day as the full day public holiday throughout the whole municipality in 2009 for the following reasons :

- a) Our membership base covers a wide geographical area, with more than 60% of members residing outside the Gippsland area. It would be extremely difficult to explain to these members why we would not be open on 15 October, whereas the Melbourne Cup day is a well known public holiday.
- b) We would have a large absenteeism of staff on Melbourne Cup Day if we remain open due to parental responsibilities. Last year schools and child care centres closed on Melbourne Cup Day and staff required time off to look after their children.

We look forward to receiving notification of the outcome in due course.

Yours faithfully



SUE SCHEMBRI
 General Manager Operations

Latrobe City	
15 JUL 2009	
Doc No:	
Action Officer:	
Disposal Officer:	
Comments:	

EveryBody benefits from ^{our} health cover



14 July 2009

Newborough Village Traders Association Inc.
P.O. Box 250
NEWBOROUGH 3825


Mr Paul Buckley
CEO
Latrobe City Council
P.O.Box 264
MORWELL 3840

Dear Mr Buckley

MELBOURNE CUP/MOE CUP PUBLIC HOLIDAY

The NVTA wish to advise that support is given to the declaration of a public holiday across Latrobe City for Moe Cup Day 2009 (15 October 2009) in lieu of Melbourne Cup Day.

Yours sincerely



Richard Walsh
President



Mary Oswell
Secretary

Latrobe City	
15 JUL 2009	
Doc. No.	
Action Of Council	
By Council	
On	

The Kitchen Cupboard Giftshop

77 Seymour Street, Traralgon 3844

Telephone | Fax (03) 5174 6777

Dal Holden & Franki Langstaff



TO: LATROBE CITY
 ATT: PAUL BUCKLEY
 FAX NO: 51 285672
 FROM: DAL & BRIAN HOLDEN
 PAGE NO: _____
 MESSAGE: _____

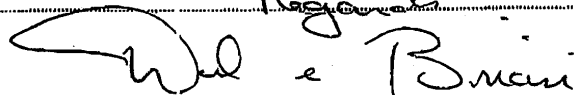
RE: PUBLIC HOLIDAY PROPOSAL.

DEAR PAUL,
 WE STRONGLY SUPPORT 'MELBOURNE
 CUP DAY' BEING RETAINED AS OUR GAZETTE
 PUBLIC HOLIDAY.

WE FEEL OUR BUSINESS WOULD BE
 DISADVANTAGED IF LATROBE COUNCIL WENT
 AHEAD WITH THE PROPOSAL TO DECLARE
 MCE CUP DAY AS A REPLACEMENT
 PUBLIC HOLIDAY.

IN FACT WE WOULD LOSE 2 TRADING
 DAYS.

PLEASE RESOLVE THIS ISSUE FAIRLY
 BY SUPPORTING MELB CUP AS
 OUR PUBLIC HOLIDAY.

Respectfully

 Dal & Brian

From: "Deli 9 Services .Pty .Ltd" [deli9services@bigpond.com]
Sent: 16/07/2009 08:14:24 AM
To: <latrobe@latrobe.vic.gov.au>
Subject: Change of Public Holidays

Dear Mr Paul Buckley, we are sending this email to inform you that we totally oppose the proposed change of public holidays from the Melbourne Cup Day to the Moe Cup Day public holiday. As Traralgon traders we feel that this change will have quite a negative impact on our businesses and to other local traders. We believe the Melbourne Cup Public Holiday is more accepted and fairer to all towns involved. Although we are sending you only this one email, I am representing DELI 9, ANDREW'S GOURMET DELI and ANDREW'S SMALLGOODS.

THANKING YOU

ANDREW PSINASKATY PSINASCOSTA DEMETRIOS PETER DEMETRIOS

From: "Findlay & Weymouth Traralgon" [traralgon@amcal.net.au]
Sent: 15/07/2009 04:10:02 PM
To: <latrobe@latrobe.vic.gov.au>
Subject: Moe Cup Day

Mr Paul Buckley,

Dear Paul,

It has been brought to my attention that the Latrobe City is looking at making Moe Cup Day a public holiday in Gippsland rather than Melbourne Cup Day. I wish to lodge my strong disapproval with this decision as this will definitely impact on retail trading in Traralgon as compared with Melbourne Cup Day as on this particular day, most people tend to take a long weekend and the majority of our customers are at home watching the race in the afternoon. Because of poor trading on this day, we have always closed our pharmacy at 1pm on MCD and I am sure numerous other retail businesses close as well, possibly for the whole day. With the proposal of making Moe Cup Day a public holiday, this will not only affect our total sales for the week but would also double the loss if we have to stay open on MCD. Moe Cup Day has a minimal effect on trade in Traralgon whereas MCD definitely affects our trade. I think this decision is totally inappropriate and request that you reconsider the proposal and perhaps the effect it will have on all small businesses.

Regards
Peter Nicholas
Partner
Findlay & Weymouth Pharmacy

From: "Wendy Baillie" [petsandpieces6@bigpond.com]
Sent: 16/07/2009 02:20:05 PM
To: <paulbu@latrobe.vic.gov.au>
Subject: public holiday issue

Dear Paul. The MTA have surveyed their members in regards to the Public Holiday issue. The opinion was that they would rather the 1/2 day holiday for Moe Cup continued. In the absence of this option the results indicated that the MTA members would support the Melbourne Cup full day holiday instead. Wendy Baillie Secretary Moe Traders Association. C/O 9 George St Moe, Vic 3825 phone 51263117 email. petsandpieces6@bigpond.com

15 July 2009

Our reference: 03/07/15
Your reference:

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

Latrobe City	
16 JUL 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

GIPPSLAND
WATER

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

Dear Paul,

MELBOURNE CUP DAY/MOE CUP DAY PUBLIC HOLIDAY

Thank you for the opportunity to communicate Gippsland Water's preference in relation to Latrobe City's declaration of a public holiday on either Melbourne Cup or Moe Cup day within the Municipality in 2009.

Gippsland Water's service area covers four Gippsland Councils (Latrobe City, Baw Baw, Wellington and South Gippsland). As such, our customers, offices and staff are spread throughout these Municipalities.

To prevent confusion and maintain uniformity across the organisation, Gippsland Water's preference is for Latrobe City to observe Melbourne Cup Day as the full day public holiday throughout the Municipality. This will also ensure that our staff members are entitled to the same public holiday as their children who attend schools in neighbouring Municipalities.

We appreciate that the final decision rests with Latrobe City and confirm that Gippsland Water can operate successfully with either of the proposed options.

Yours sincerely,

David Mawer
MANAGING DIRECTOR

424833

From: "ldmw" [ldmw@net-tech.com.au]
Sent: 15/07/2009 06:05:25 PM
To: <latrobe@latrobe.vic.gov.au>
Subject: Moe Cup Day

Attention: Paul Buckley Dear Paul It is with concern that as a trader in the Traralgon CBD portion of the city, we together with Morwell CBD, will be forced by local decree to close our doors on Moe Cup day. Our experience tells us that more staff prefer the Melbourne Cup day off than the Moe cup. Trading ceases around 11.am on Melbourne Cup day and this is still likely to occur even if Melbourne Cup day is substituted by Moe Cup day. Most Melbourne warehouses close on Melbourne Cup day and therefore as a trader you cannot contact the warehouses for placement of orders or conducting of any business. Therefore Melbourne Cup day would suit as there is little interest after 11.00 am and will still continue that way regardless of granting Moe Cup day as a holiday in lieu of Melbourne Cup day and thus losing 2 days trading by the introduction of this local legislation. I am sure that this would apply to most retailers in the Traralgon CBD and Morwell CBD. And to a lesser extent Moe. Regards Russell & Chris Davidson Les Davidson Menswear



A 0030829F

 ABN 66 109 719 648
 www.lchs.com.au

17 July 2009

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

- Commonwealth Carer Respite Centre
1800 059 059
- Carelink
1800 052 222
- Free Call
1800 242 696
- ACAS
5136 5471
- Veterans' Home Care
1300 550 450

Dear Paul

RE: MELBOURNE CUP/MOE CUP PUBLIC HOLIDAY CONSULTATION

I refer to correspondence from Latrobe City regarding the abovementioned and I apologise for the delay in responding to this consultation.

Latrobe Community Health Service (LCHS) has electronically surveyed staff to determine their preference for the either a Melbourne or Moe Cup public holiday.

A total of 120 staff responded to the survey and the results showed that 101 staff preferred the Melbourne Cup public holiday compared to 19 staff for the Moe Cup public holiday.

I hope this information is useful in your consultation.

Yours sincerely


 Latrobe
 PO Box 960
 Morwell 3840
 Tel: (03) 5136 5400
 Fax: (03) 5136 5450

 Sth Gippsland/
 Bass Coast
 PO Box 153
 Korumburra 3950
 Tel: (03) 5654 8101
 Fax: (03) 5654 8131

 Wellington
 PO Box 1042
 Sale 3850
 Tel: (03) 5143 9888
 Fax: (03) 5143 0988

 East Gippsland
 PO Box 1020
 Baimsdale 3875
 Tel: (03) 5152 0500
 Fax: (03) 5152 0531

 Baw Baw
 PO Box 508
 Warragul 3820
 Tel: (03) 5622 7444
 Fax: (03) 5622 7431

 Ben Leigh
 Chief Executive Officer

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 GILMOUR STREET, TRARALGON - PROPOSED TRAFFIC CALMING

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

1. PURPOSE

The purpose of this report is to seek Council's approval to install traffic calming devices in Gilmour Street, Traralgon.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

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 - Community

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

Strategic Action - Community Liveability

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

Policy

Council does not currently have a specific policy dealing with traffic management matters. The following documents were used as the basis for assessing this matter and providing advice to Council for consideration:

- Latrobe City Council's "*Design Guidelines for Subdivisional Developments, Urban & Rural Road and Drainage Construction, and Traffic Management Projects*";
- Austroads "*Guide to Traffic Engineering Practice*"; and
- VicRoads "*Traffic Engineering Manual*".

4. BACKGROUND

The following table summarises the process that has been undertaken to investigate traffic issues along Gilmour Street, Traralgon.

20 August 2007	<p>A report was presented on the Traralgon Secondary College West (senior) Campus as part of a program of traffic safety audits in the area surrounding each school site in the municipality. Following consideration of the report, Council resolved:</p> <p><i>That Council note the further investigations to be undertaken in relation to the excessive speed of vehicles using ... Gilmour Street ... and the location of school bus pick up and drop off areas for the two schools in Grey Street.</i></p>
19 February 2008	<p>A local newspaper reported on an accident involving an out of control vehicle crashing into the front fence of No. 9 Gilmour Street. The report also stated that residents would take up the issue of hoon behaviour with Latrobe City Council.</p>
8 April 2008	<p>The former Deputy Mayor and a council officer meet with a group of residents to discuss speeding vehicles along Gilmour Street and advised that Latrobe City Council would undertake to carry out an investigation of the speeding issues.</p>
May - July 2008	<p>Consultants were engaged to investigate and report on suggested options for calming traffic along Gilmour street.</p>

22 July 2008	Public meeting held to discuss the traffic issues along Gilmour Street. Consultants Trafficworks presented a report of their investigation of the traffic issues and explained their suggested traffic calming treatment options. It was agreed by those at the meeting that Latrobe City Council should take action to reduce the speed of vehicles using Gilmour Street and to improve safety for residents of the area. It was also generally agreed that the installation of road humps/road cushions was the preferred traffic calming treatment option for Gilmour Street. Notes from the meeting are attached.
November 2008	Final report received from consultants Trafficworks – a copy of the report is attached.
December 2008	Survey undertaken of owners and occupiers of all properties along Gilmour Street to gauge support for each of the traffic calming options. Results of survey are discussed in section 7 of this report.
May 2009	Survey undertaken of owners and occupiers of all properties along Gilmour Street who did not respond to the first survey, to gauge support for the preferred traffic calming option. Results of survey are discussed in section 7 of this report.

5. ISSUES

Gilmour Street is classified as a Major Access Street under Council's road hierarchy. This means Gilmour Street should only provide for local residential access, local amenity should be more important than traffic function but vehicle speeds and traffic volumes are permitted to a higher level than for a minor access street.

Under Council's Design Guidelines, to achieve an acceptable level of amenity along a major access street:

- traffic volumes should be less than 2000 vehicles per day;
- the average vehicle speed should ideally be no more than 40 km/h;
- the street should have a 7.0 metre road width where parking is to be permitted along both sides (7.5 metres for a bus route); and
- the length between 20 km/h slow points should be 100 to 140 metres.

The Gilmour Street carriageway width varies from 7.9 m at its northern end (between Cross's Road and Johnson Crescent) to 8.6m through the two northern-most bends (adjacent to Traralgon Secondary College), 12.0m at the southern-most east-west link and 12.1m at its southern end (between Pentland Court and Grey Street).

Gilmour Street has a speed limit of 50km/h at its northern end, between Cross's Road (to the north) and Johnson Crescent (to the south). At the southern end of Gilmour Street between Johnson Crescent and Grey Street (through the right angled bends adjacent to Traralgon Secondary College), the speed limit is 40km/h.

Consultants were engaged to investigate the traffic issues along Gilmour Street and to make recommendations for appropriate traffic calming works along the street. Their analysis of traffic count data along Gilmour Street concluded that *"the 85th percentile speeds ... are ... in excess of the speed limit at all locations along Gilmour Street except at the approach to Cross's Road (in the north) and the departure from Grey Street (to the south). A detailed review of the data indicates high speeds were generally recorded between 7am and midnight. Speeds in excess of the speed limit occurred during the school drop-off and pick-up times, throughout the middle section of the day and at night. Further to this, high speeds were recorded on all days of the week and were not limited to weekend periods."*

The consultant's found that *"the key issue along Gilmour Street is the inappropriate speed of vehicles travelling in both the northbound and southbound directions"* and suggested the following five options to reduce vehicle speeds along Gilmour Street:

- Install road humps (and road cushions) along Gilmour Street between Cross's Road and Grey Street;
- Install single-lane slow-point treatments at mid-block locations along Gilmour Street;
- Install modified T-intersections at James Parade, Holden Crescent and Johnson Crescent with road humps along Gilmour Street;
- Install a central median along Gilmour Street between Grey Street and Johnson Crescent with road humps between Johnson Crescent and Cross's Road;
- Close Gilmour Street between Apex Park and Traralgon Secondary College and install modified T-intersections and road humps north of Johnson Crescent.

A copy of the consultant's report, including traffic counts, vehicle accident analysis and discussion of the traffic calming options, is attached.

Advice has also been received from the Department of Transport (DoT) that as a result of concerns about the safety of school bus movements in Grey Street, *"the DoT is working with DEECD (Department of Education and Early Childhood Development) to scope the construction of a bus interchange on the grounds of the west campus of Traralgon Secondary College. The concept plan for this much needed facility will include a proposal for all school buses (approx. 15) to utilize Gilmour Street for access to the interchange in the AM and PM on school days equating to a total of 1,200 student movements per day"*.

Buses must be able to negotiate all traffic calming devices located along the route of a regular bus service and on all bus access routes to schools. VicRoads specifically advise that Major Traffic Control Items, which includes road humps and road cushions, cannot be installed along a road forming part of a public commercial passenger route without the written approval of the Department of Transport or the relevant bus company.

The Department of Transport and the Latrobe Valley Bus Lines have advised that currently road cushions are the only acceptable traffic calming device for installation along routes where they operate bus services. Wider vehicles such as buses are able to straddle the road cushion minimising the inconvenience, discomfort and the potential for injury to bus passengers.

The recommended traffic calming treatment is for the installation of road humps at three locations along Gilmour Street between Douglas Parade and Cross's Road and for the installation of road cushions at six locations along Gilmour Street between Grey Street and Douglas Parade.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

\$43,000 has been allocated in the 2009/10 Capital Works program for the construction of traffic calming devices along Gilmour Street to reduce vehicle speeds.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Community engagement consisted of a personal meeting with a number of residents, a public meeting and correspondence.

Details of Community Consultation / Results of Engagement:

Following the public meeting, letters, information and opinion forms were sent in December 2008 to all owners and occupiers of properties along Gilmour Street. The Traralgon Urban Fire Brigade, Rural Ambulance Victoria, Victoria Police (Traralgon), Victoria Police (Latrobe Traffic Management Unit), Latrobe Valley Bus Lines and the Department of Infrastructure were also consulted. This information was also placed on Council's website and advertised in The Latrobe Valley Express with comment invited.

A summary of the responses received is shown below. Note responses were received from 19 of the 91 properties with direct abuttal to Gilmour Street.

	AGREE	Neutral / Not Marked	DISAGREE	Total Responses	No. occupied properties	No Response	% responses
Option 1 – road humps at several locations along Gilmour Street (RECOMMENDED OPTION)	16	2	3	21*	91	72	21%
Option 2 – single lane slow points at several locations	4	11	6				
Option 3 – modified T-intersections and road humps	5	10	6				
Option 4 – central median islands and road humps	3	9	9				
Option 5 – road humps and closure of part of the road	3	9	9				

* Note that multiple responses were received from some properties

The letters sent out advised that the installation of road humps (and road cushions) (Option 1) was nominated as Latrobe City Council's recommended traffic calming treatment for Gilmour Street.

Property owners and occupiers were clearly advised in the letter and the feedback form that if no response was received it would be interpreted as an indication of support for the recommended traffic calming works.

However due to the low response rate to the survey, the Galbraith and Burnet ward councillors requested that a further survey be undertaken with those who had not replied to the initial survey, to gauge their support for the recommended option.

A further letter, form and plan were sent to the owners and occupiers of the 72 properties from whom a response had not been received in the first survey. Replies were received from the owners and/or occupiers of 25 of these 72 properties and of the responses, only two did not support the recommended works.

The response received from the CFA advised that road cushions would be preferable to the installation of road humps as there would be less impact on their response times. Officers from the Victoria Police (Traralgon) advised all options would serve to reduce speeding but that option 5 (the road closure) would be the most effective option as this would remove the corners and any through traffic thus benefiting the local community, the school and the adjacent sporting complex.

In addition to their response as discussed in section 5 above, the Department of Transport also advised of the bus service review currently being undertaken and the possibility of the re-routing of some bus services resulting from this review.

8. OPTIONS

Council's options on the matters raised in this report include:

1. Take no further action on this matter; or
2. Implement the recommendations to improve traffic safety along Gilmour Street.

9. CONCLUSION

From the traffic counts undertaken, the vehicle speeds recorded along Gilmour Street were found to be higher than desirable and that further action by Council would be appropriate.

In view of the support from the resident responses it is recommended that Council should now approve the installation of road humps and road cushions, as shown as Option 1 in the attached report, as the means to reduce vehicle speeds along Gilmour Street.

10. RECOMMENDATION

1. That Council approves the construction of road humps and road cushions at nine locations along Gilmour Street, Traralgon (between Cross's Road and Grey Street) as shown as Option 1 in the consultant's report attached to this report.
2. That Council advises the owners and occupiers of all properties along Gilmour Street, Traralgon and also the Traralgon Urban Fire Brigade, Rural Ambulance Victoria, Victoria Police (Traralgon), Victoria Police (Latrobe Traffic Management Unit), Latrobe Valley Bus Lines and the Department of Infrastructure of Council's decision in relation to the excessive vehicle speeds in Gilmour Street, Traralgon.

Moved: Cr Kam

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

CARRIED

For the Motion

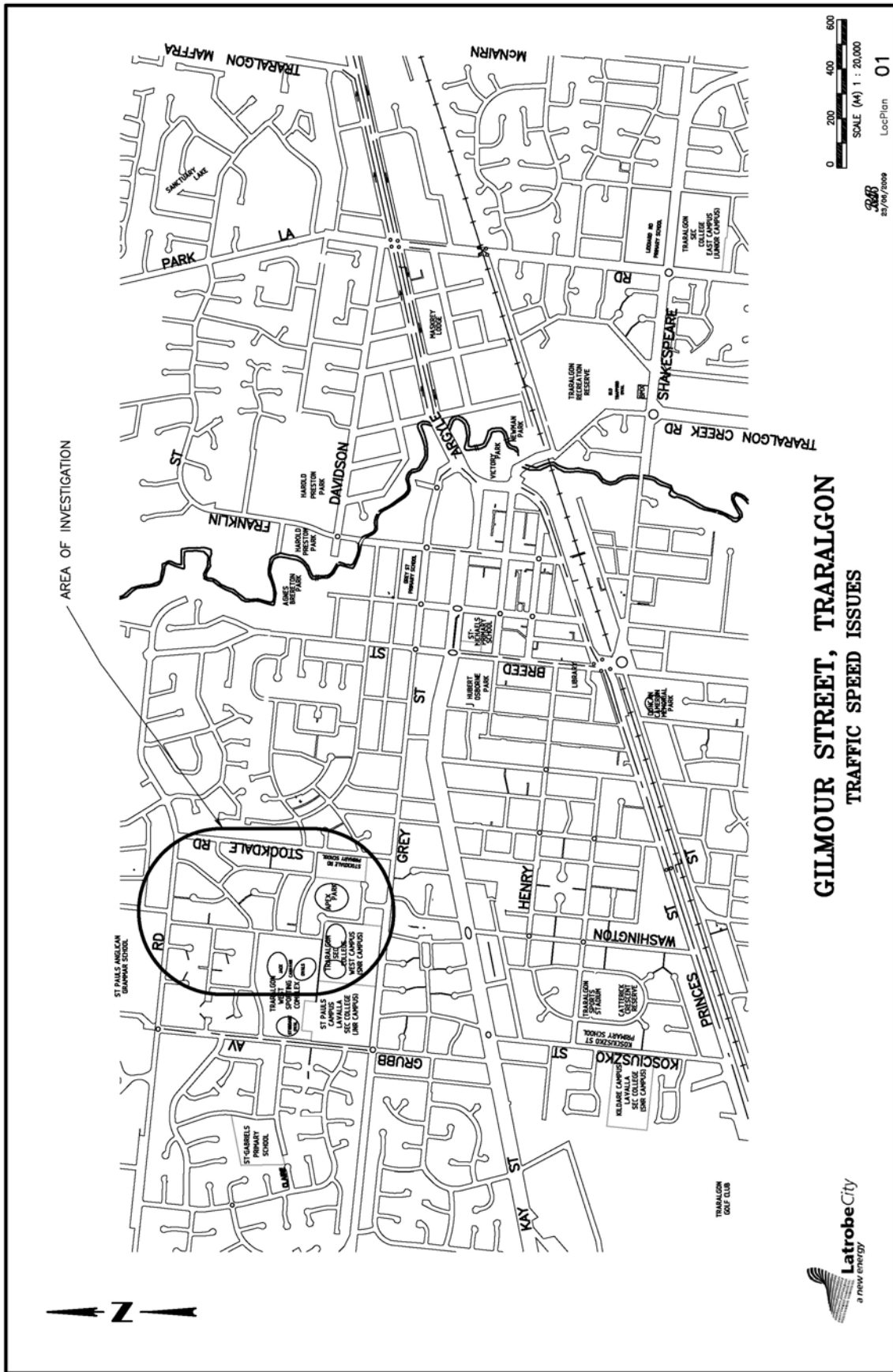
Councillors White, Middlemiss, Vermeulen, Price, Kam, Fitzgerald, Lougheed and O'Callaghan

Against the Motion

Councillor Gibson

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENTS





GILMOUR STREET, TRARALGON
TRAFFIC INVESTIGATION





**GILMOUR STREET, TRARALGON
TRAFFIC MANAGEMENT MEETING**

NOTES FROM MEETING HELD AT
LATROBE CITY CIVIC CENTRE,
KAY STREET, TRARALGON
TUESDAY, 22 JULY 2008 AT 7:00 PM

- In attendance:** - Deputy Mayor, Cr David Wilson;
- Cr Sandy Kam;
- Brian Fitzgerald (Latrobe City Manager Infrastructure Development);
Shekar Atla (Latrobe City Acting Co-ordinator Project Services); Ray
Bright (Latrobe City Traffic Planner);
- Emmanuel Natalizio (Trafficworks) - consultant;
- Senior Sergeant Brendan Scully (Victoria Police - Traralgon); and
- 11 residents

Apologies: Stuart & Valerie Marcus, Carolyn Sinclair (Ambulance Victoria)

Cr Wilson opened the meeting and explained the purpose of the meeting.

Brian Fitzgerald informed those attending of the background of the concerns raised about speeding vehicles along Gilmour Street and the results of the discussions a previous meeting with a number of residents. Brian then advised that the purpose of the meeting was to discuss the traffic issues along Gilmour Street and suggested solutions. He then introduced Emmanuel Natalizio from the consultancy firm Trafficworks.

Emmanuel outlined the background to his investigation and his conclusions that although traffic volumes along the street were acceptable, vehicle speeds were excessive at a number of locations along Gilmour Street for the type of street that it is. Emmanuel then outlined a number of options from his report that could be considered to reduce vehicle speeds along the street. He then invited questions and discussion of the issues and the treatment options.

Discussion/issues raised by residents:

- A median island along Gilmour Street through the section with the 90° bends was raised many years ago. The road closure was objected to by the Primary School on the basis that it would result in increased traffic volumes past the school. Median islands are also an issue for adjacent residents when reversing vehicles from their properties.

Gilmour Street Traffic Management meeting – 22 July 2008 minutes

- Belief that slow points and altered T-intersections would attract and be a challenge to hoons trying to find out how fast they could drive through these treatments
- Concern at lack of proposals to treat Pentland Court. Advised that length of court is such that speed is not considered an issue. Intersection layout needs further investigation to avoid confusion of priority at intersection of Pentland Court versus entry to Apex Park.
- Speed humps the preferred treatment but considered that there were too many proposed. Residents advised that excessive speeds recorded along the whole length of Gilmour Street and that treatments would need to be installed along the whole length. To achieve an appropriate reduction in vehicle speeds along the street, devices are required at the correct spacing.
- Advice from residents that vehicles 'drifting' around the 90° bends are also an issue.
- Concerns raised that proposed road closure would force traffic to use other local streets.

Senior Sergeant Scully advised that speed humps are effective in slowing down hoons. When queried about police support in the short term, he advised that there were only limited police resources and therefore a need to prioritise calls. That said, the Police would respond to resident calls whenever they could.

Brian then outlined the investigation process from this point on:

- A letter to be distributed to all residents abutting Gilmour St together with the minutes of this meeting, copies of the proposed traffic management options and a survey form recording preferred options for residents to complete and return.
- A report to be presented to Council advising of the results of the investigation including all consultation undertaken and residents' returns.
- If approved by Council, referral of traffic management works to Latrobe City's Capital Works Program for consideration as part of the budget process for the next financial year.
- Letters to be sent to the residents advising of Council's decision.

MEETING CLOSED ABOUT 8:00 PM.



Gilmour Street, Traralgon (Grey Street to Cross's Road)

Traffic Investigation

Client:

Latrobe City Council

Revision	Job No	Date issued	Prepared by	Authorised by
Draft	71860	07/07/08	Amy Stebbing	Emmanuel Natalizio
Draft 2	71860	21/07/08	Amy Stebbing	Emmanuel Natalizio

TRAFFIC INVESTIGATION REPORT

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11.3.2 **MOE ACTIVITY CENTRE PLAN - MOE RAIL PRECINCT
REVITALISATION PROJECT**

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

1. PURPOSE

The purpose of this report is to provide Council with the outcomes of the recent community consultation exercise that was undertaken in relation to the Moe Rail Precinct Revitalisation Project and to seek Council's adoption of the recommendations of the report: *Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.*

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

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 - Economic Sustainability

By providing leadership and facilitating a vibrant and dynamic 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 - Economic Sustainability

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

Strategic Actions - Built Environment Sustainability

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

Deliver the principle actions of the transit cities initiative.

Key Priorities and Actions - Built Environment Sustainability

Latrobe Planning Scheme reference document

Latrobe Transit Centred Precincts – Moe Town Summary.

Moe Activity Centre Plan

Council adopted document and exhibited as part of amendment C62 to the Latrobe Planning Scheme.

The Moe Activity Centre Plan (MACP) was adopted by Council at the Ordinary Council Meeting held on 17 December 2007, with the following resolution:

1. *That Council adopts the Moe Activity Centre Plan.*
2. *That Council, as part of the planning and implementation process for projects arising from the Moe Activity Centre Plan, undertakes further community and stakeholder consultation.*
3. *That Council, requests authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to incorporate the Moe Activity Centre Plan into the Latrobe Planning Scheme.*
4. *That Council writes to all parties who have made a submission or contributed to the development of the Moe Activity Centre Plan, advising of Council's decision and thanking them for their contribution.*

4. BACKGROUND

The Transit Cities program is being implemented in Latrobe City according to the following principles:

- Improve the use of public transport and the integration of transport services;
- Develop high-density housing near transport centres;
- Provide a range of housing options including affordable housing;
- Provide opportunities for private investment and business innovation;
- Build communities that offer fair access for all to services and employment opportunities; and
- Improve the overall quality of the Transit Cities and encourage sustainable development.

The purpose of the program is to create vibrant, active town centres that are integrated and safe.

The Moe Activity Centre Plan contains seven individual projects that have been designed to be a catalyst for urban revitalisation in the Moe Activity Centre. The seven projects are:

1. Moe train station precinct
2. Integrated bus loop and street upgrades
3. Moore Street shared zone
4. Clifton Street car park
5. Hasthorpe Place Precinct
6. Roundabout overpass
7. Southern precinct housing

Implementation of the Moe Activity Centre Plan has commenced with Project 4, the Clifton Street Precinct which was adopted by Council on 2 March 2009. It was identified as a priority project due to the need to develop an urban design framework which would guide future development within the precinct. In its current state, it is poorly lit, difficult to negotiate and unattractive.

The second project to be implemented from the Moe Activity Centre Plan is the Moe Rail Precinct Revitalisation Project which is a combination of Projects 1, 2, 3 and 6 from the Moe Activity Centre Plan. This project is the key project that will act to revitalise the activity centre and a significant consultation exercise has recently been undertaken in accordance with the project plan provided to the community in the Moe Activity Centre Newsletter #2 (Attachment 1).

5. ISSUES

Implementation of the Moe Rail Precinct Revitalisation Project is being undertaken according to the staged plan that has been prepared and communicated previously. A summary is provided below:

1. Property Investigation Phase	October 2008 – December 2009
2. Pre-Planning Phase	February 2009 – November 2009
3. Usage Planning Phase	April 2009 – December 2009
4. Design Planning Phase	December 2009 onwards
5. Construction	Following phase 4

The property investigation and pre-planning phases are both underway and are expected to be completed according to the schedule shown. The usage planning phase of the project has been designed to establish and clarify the uses that will be included within the Moe Rail Precinct. Some of the uses have been determined and in some cases directed through key state government requirements, particularly relating to the integrated transport requirements such as parking spaces, bus bays and land reserved for future rail requirements. In addition, the community were invited to submit ideas and suggestions for other uses through the extensive consultation program that has just concluded.

The consultation program was designed to give further voice to the community in testing and creating finer detail to the proposed site plan for the rail precinct as developed in the MACP particularly around what services and facilities might go in the revitalised precinct. Consultations between March and May 2009 engaged approximately 250 people in Moe on the question of what the future rail precinct revitalised site ought to and must include and embody.

A copy of both the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009 (Findings Report) and the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Addendum: Consultation Transcript, July 2009 (the Transcript Report) are provided. (Attachments 2 and 3)

In analysing the consultation material the consultants have seen two types of theme emerge:

- **“function” themes:** themes related to the sorts of activities and services that people want to have included on site (for example, a children’s playground or a theatre)

- **“form” themes:** themes related to ideals that the revitalisation ought to realise overall (for example that it be accessible or safe)

In summary, the following excerpt from the report indicates the core themes that have emerged throughout this consultation:

‘function’ themes	Transportation hub services – a clear non-negotiable for the revitalisation of the area is that the rail precinct remains a transport hub...
	Car parking facilities – while contested with respect to the best design for delivering it (e.g. on or off site or a mix), there does appear to be a majority view that more car parking needs to be provided...
	Library services – while still contested, our consultations have illustrated a significant majority view favouring the relocation and redevelopment of the library...
	Lifestyle/entertainment oriented activity – people’s ideas for cafes/restaurants, artwork, passive recreation, greenery and the like all pointed to an aspiration for a space that could satisfy people’s lifestyle needs...
	Youth and child friendly facilities – many were concerned that there is appropriate, supervised and healthy activity for children and young people...
	Community services and facilities – in addition to the types of services mentioned above, people were interested in having shopfront-type facilities for key community services...
‘form’ themes	Integration/connection – working creatively to link existing and new facilities, services and programs...
	Safety and amenity – people had various ideas aimed at reducing crime and fear of crime in and around the precinct and for promoting safe and well designed (for day and night) public spaces and buildings...
	Image – many people responded to the opportunity that the site represents in creating a new, fresh, modern and well appointed gateway or welcome to Moe...

The Findings Report states that “the people of Moe, through their professional and community involvement in the Moe Rail Precinct Revitalisation project consultations in March-May 2009, have expressed a preferred vision of the site that is:

A place where community members can be transported: physically, socially, culturally, and educationally!

The precinct will be a place where community people and visitors alike can gather easily, feel welcome and comfortable, be safe, and get information of many sorts from train schedule information to café menu offerings to a library book. The precinct will integrate the north and south of town, be easy to access, provide centralised transport and other services and project an image of Moe that is ‘cutting edge’, integrated, welcoming to all, cultural, lifestyle-oriented and safe for everyone.

More specifically the Revitalised Rail Precinct will:

- have a range of accessible and integrated transport-oriented services that ease peoples travel to, from and around Moe. The built environment of the precinct will have minimised barriers to people moving around (within Moe and to other locations) by various modes of transport, including train, bus, car/taxi, pedestrian and bicycle.
- include creative mixed uses along side the transport uses, including a redeveloped library and other flexible services which link to each other in creative ways in terms of programming and in terms of physical access.
- support people's lifestyle aspirations and be a precinct that people want to stay and linger in rather than just move through.
- offer a built environment that will be safer, cleaner and of higher standard than at present and will continue to reflect that it serves a wide range of people including children and young people.
- have updated facilities that reflect legislative and policy directions as determined by government/agencies in dialogue with the Moe community and are vibrant and beautiful.
- have a vibrant and diverse economic environment with employment and training opportunities. This precinct will be a catalyst to other economic development and revitalisation in Moe.
- value and protect the natural environment and will reflect community and government endeavours to introduce and/or preserve the flora and fauna of the area, particularly in reference to the 'landmark' trees on site."

Next Steps

The completion of the Usage Planning Phase provides direction for the preparation of a detailed masterplan for the precinct, which is the first step in the Design Planning Phase.

A consultant will be appointed to prepare a masterplan for the precinct using the Findings Report as the key document to guide this work.

Once the masterplan is prepared and adopted, the project will move to a detailed design phase which is the precursor to construction.

6. FINANCIAL AND RESOURCES IMPLICATIONS

This work was funded through a grant of \$50,000 provided by the Department of Planning and Community Development.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The consultative phase of the Moe Rail Precinct Revitalisation Project involved a discrete number of consultations, aimed at providing intensive and drop in formats for community and professional stakeholders, within a relatively bounded two month timeframe. The following core consultation/community building activities occurred March through May 2009:

A context audit, consolidating past advice: critical consultations and reports were reviewed for general consultation advice regarding preferred futures for the rail precinct, strengths and weaknesses and aspirations of the community and professional stakeholders.

A capacity building program: induction was provided to the Project Control Group (PCG) and facilitation opportunity was provided to staff and community facilitators wanting to be involved in community research and facilitation.

An intensive Design In workshop: a large facilitated workshop, based on a 'planning weekend' or 'design charette' format, was held on Friday 1 May and Saturday 2 May 2009. Participants worked in small groups to negotiate ideal site plans based on negotiable and non-negotiable criteria.

A shop front Ideas Shop: a facilitated and interactive drop in shop front (in George Street) and was opened immediately following the Design In was open for two hours a day, six days a week for the entire month of May. At the Ideas Shop, people were encouraged to interact with the different plans developed by participants of the Design In and add comment, indicate their preferences regarding ideas and site elements, make comment and learn more about the project.

In total, the consultations reached approximately 250 people (though multiple methods were undertaken by some people).

Details of Community Consultation / Results of Engagement:

In addition to the Design In and the Ideas Shop a smaller number of people made written submissions to Latrobe City specifically on this issue. These submissions were also provided to the consultants for inclusion and consideration in the Findings Report. The results and associated analysis of the community consultation can be found in the Findings Report.

8. OPTIONS

Council has the following options:

1. Council can adopt the Findings Report and implement the recommendations contained within it; or
2. Council can choose not to adopt the Findings Report.

9. CONCLUSION

The Usage Planning Phase of the project plan for the implementation of the Moe Rail Station Revitalisation Project has been completed in accordance with the staged plan. A significant and extensive consultation exercise has been undertaken and the Findings Report along with the Transcript Report is attached for council consideration. It is considered that the Findings Report is an accurate reflection of the consultation and the recommendations are consistent with both Council direction and Transit Cities policy.

Transit Cities is a state government policy objective and delivering the principles of the Transit Cities in Moe is meeting both state government policy commitments along with Latrobe City Council strategic direction. Significant commitment has been directed to the implementation of this project through state, federal and local government budget allocations. There is a high level of expectation in the community to deliver this project and this work completes a very important step in providing the community the opportunity to participate and contribute to the Moe Rail Precinct Revitalisation Project.

10. RECOMMENDATION

- 1. That Council adopts the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.**
- 2. That the Moe Rail Precinct contain the following function themes, consistent with the recommendations of the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009:**
 - a. Transportation Hub Services**
 - b. Car Parking**
 - c. Library services**
 - d. Lifestyle/entertainment facilities**
 - e. Youth and child friendly facilities**
 - f. Community services and facilities**
- 3. That a copy of the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009 be provided to all people that participated in the 'Design In' workshop and made available to all community members via the Latrobe City Website and Council Service Centres.**
- 4. That Council appoints consultants to prepare a masterplan for the precinct in accordance with the recommendations contained within the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.**

Cr Kam left the Council Chamber at 8.24 pm due to an indirect interest under s.78&78B and a direct interest under s.77B of the LGA and in this item.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED

For the Motion

Councillors White, Middlemiss, Vermeulen, Price, Loughed and O'Callaghan

Against the Motion

Councillors Gibson and Fitzgerald

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENTS

ATTACHMENT 1 - MOE ACTIVITY CENTRE NEWSLETTER #2

**ATTACHMENT 2 - MOE RAIL PRECINCT REVITALISATION PROJECT:
COMMUNITY ENGAGEMENT AND CONSULTATION ACTIVITIES,
CONSULTATION FINDINGS REPORT, JULY 2009**

**ATTACHMENT 3 - MOE RAIL PRECINCT REVITALISATION PROJECT:
COMMUNITY ENGAGEMENT AND CONSULTATION ACTIVITIES,
ADDENDUM: CONSULTATION TRANSCRIPT, JULY 2009**

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**11.3.3 PLANNING PERMIT APPLICATION 2008/284 - 145 LOT STAGED
SUBDIVISION, VARIATION TO AN EASEMENT AND NATIVE
VEGETATION REMOVAL, AT 27-47 HAZELWOOD ROAD,
TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/284 for a 145 lot staged subdivision, variation to easements (E-4 and E-5) and native vegetation removal (2 native trees and 0.29 hectares of plans grassy woodland) at 27-47 Hazelwood Road, Traralgon.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. 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 2009-2013.

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Built Environment Sustainability

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

4. BACKGROUND

This section of the report provides a summary of the application, a description of the proposal, the history of the application and an overview of the relevant provisions of the Latrobe Planning Scheme.

- Summary
- Proposal
- History of Application
- Latrobe Planning Scheme

4.1 SUMMARY

Land:	27-47 Hazelwood Road, Traralgon, contained in Certificate of Title Volume 10486 Folio 735, Lot 1 on PS 425436R (also known as Part of Crown Allotment 92A, Parish of Traralgon).
Proponent:	Twenty Fifth Mimosa Pty Ltd C/- Ross & Worth Pty Ltd
Zoning:	Residential 1 Zone (abuts a Road Zone, Category 1)
Overlay	Not Applicable

A Planning Permit is required to subdivide land pursuant to Clause 32.01-2, to vary the location of an easement pursuant to Clause 52.02 and to remove native vegetation pursuant to Clause 52.17 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application is for the following:

- 145 lot residential subdivision;
- Vary the location of easements E-4 and E-5; and
- Remove 2 native trees and 0.29 hectares of plans grassy woodland.

The minimum lot size proposed is 500 square metres in area, and the maximum lot size proposed as part of this subdivision is 1.230 hectares. The average lot size is 872 square metres in area.

Stage 1 of the development is nominated to include Lots 1-13 and Reserve No. 1, which are located in the southeast corner of the site. The following stages of development have not been nominated by the proponent.

All buildings on the site are proposed to be removed, except those contained within Lots 33 and 36.

Public Open Space Reserves

Four public open space reserves are proposed.

Reserve No.1 is designed in response to the requirements of DSE to preserve native grasses and to offset the removal of 0.29 hectares of Grassy Plains Woodland grasses and two native trees. Reserve No. 1 has a total area of 1.023 hectares.

Reserve No.2 has an area of 1186 square metres and abuts the existing reserve located adjacent to the northern title boundary.

Reserve No.3 has an area of 2498 square metres and contains a drainage Retardation Basin and a Gross Pollutant Trap.

Reserve No.4 has an area of 2728 square metres and contains native vegetation.

Reserves 2, 3 and 4 will be developed for passive and active recreation purposes.

A total of 8.96% of the total site area is proposed to be Reserves (i.e. a total of 1.664 hectares).

Roads

A number of internal roads are proposed as part of the subdivision. Dimitri Drive and Chris Crescent will be the main carriageway roads through the subdivision which will connect Hyde Park Road and Hazelwood Road. Chris Crescent is an existing road, with three existing roundabouts. A number of court bowls are proposed. Refer to Attachment C for detail.

Native Vegetation Removal

The native tree located within proposed Lot 64 is a medium Eucalyptus Melliodora, and is proposed to be removed.

The native tree located within Lot 79 is a large Eucalypt Radiata, and this tree is also proposed to be removed.

The application proposed to offset the removal of these trees (and 0.29 hectares of plans grassy woodlands) by the protection of 6 native trees in proposed Lot 75 and an area of 0.33 hectares in Reserve No.1, in conjunction with the planting of 30 new trees.

A report assessing the proposed native vegetation removal was prepared by Greening Australia.

Subject Land:

The subject land is located within an established area of the southwest urban area of Traralgon and has a total area of 18.58 hectares. Refer to Attachment 1 for location details of the site.

There are a total of 12 native trees on the site (2 native trees are to be removed, and the remaining 10 are to be retained). The remaining trees on the site are exotic. Native grasses have been identified as existing on the site near Hazelwood Road.

Surrounding Land Use:

- North: Residential - Land located to the north of the site is developed with long established conventional residential housing. Two existing reserves abut the northern site boundary.
- South: Land to the south of the site is an aged care facility owned and operated by 'Dalkeith.'
- East: Land located directly adjacent to the majority of the western boundary is residential and fronts Hyde Park Road. Land across Hyde Park Road is the Traralgon Railway Reservoir Conservation Reserve (i.e. public open space reserve).
- West: Directly abutting the site to the west is Hazelwood Road (Road Zone Category 1), and further to the west the land is developed with traditional residential development.

4.3 HISTORY OF APPLICATION

The application was received on 5 September 2008. Council acknowledged receipt of the application in correspondence dated 8 September 2008.

Further information (i.e. a recent copy of the Certificate of Title) was requested on 26 September 2008.

The proponent was directed that notice of the application was required to be given on 1 October 2008. The applicant submitted the statutory declaration form for the notice to Council on 23 October 2008.

Pursuant to Section 55 of the Act, the application was referred to the various authorities on 1 October 2008.

For details in relation to the notification, mediation process and referral responses please refer to Section 5 below.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

The State Planning Policy Framework (SPPF) of the Latrobe Planning Scheme has several policies relevant to the proposal.

Clause 14.01 'Planning for Urban Settlement', includes the following relevant general implementation consideration and objective:

- *'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.'*
- *'Ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses'.*

Clause 16.01 – 'Residential Development for Single Dwellings' contains the following objectives:

- *'Subdivisions in locations with access to physical and community infrastructure and providing a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle paths, sufficient useable public open space and low vulnerability to fire;*

- *Residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water-sensitive design principles and encourages public transport use; and*
- *Opportunities for increased residential densities to help consolidate urban areas.'*

Clause 18.09 – 'Water Supply, Sewerage and Drainage' includes an objective to:

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

Clause 19.01 – Subdivision: An objective of this clause is to:

- *'Ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods'.*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The Latrobe Strategy Plan has been prepared under the Municipal Strategic Statement (MSS). Clause 21.03-3 outlines a number of strategies relating to Urban Rural Settlement, two of which are to:

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

Clause 21.01-7 – Housing: It is noted under this clause that *'Diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest'.*

Clause 21.02-2 – Housing: It is acknowledged under this clause that *'Social and economic trends should increase the need for a more diverse housing stock...'*

Clause 21.03-3 – Strategic Land Use Framework Plan – Urban and Rural Settlement Strategies: This clause aims to ‘*Consolidate development within and around the existing towns and villages and avoid unnecessary urban expansion and rural subdivision*’.

Clause 21.04-1 – Settlement and Urban Form – Element 2 Containment: An objective of this clause is to ‘*Contain urban development within distinct boundaries in order to reinforce, strengthen and increase the attractiveness of the existing urban settlements and the activity centre pattern and to maximise the use of existing infrastructure*’.

Clause 21.04-4, Element 4 states that ‘*at the neighbourhood level, urban form should demonstrate design, in which a street system maximises local trip movements, supports high residential and employment densities and provides direct pedestrian and cyclist access to activity centres.*’

Local Planning Policy (Clause 22)

It is policy under Clause 22.06 (Urban Residential Land Supply) that strategic land use framework plans be used for each town and community to assist in coordinated land use and development planning.

The Latrobe City (2003) ‘Urban Residential Land Supply’ is a reference document in Clause 22.06. The subject site is nominated for ‘future urban residential’ development within this reference document.

Zoning - Residential 1 Zone

Pursuant to Clause 32.01, the purpose of the Residential 1 Zone is:

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

According to Clause 32.01-2 a permit is required to subdivide land. An application to subdivide land must meet the requirements of Clause 56 of the Scheme.

Overlay

There are no overlays that affect the site.

Particular Provisions

Clause 52.01 of the Scheme relates to Public Open Space Contribution and Subdivision. It is stated under this Clause that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this Clause. It should be noted that whilst no amount is specified under the schedule, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Clause 52.02 Easements, Restrictions and Reserves:

A planning permit is required to vary an easement pursuant to Clause 52.02.

Clause 52.17 Native Vegetation:

A planning permit is required to remove, destroy or lop native vegetation.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road:
Hazelwood Road is a Road Zone, Category 1.

Clause 56 Residential Subdivision:

The purpose of Clause 56 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity;*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas;*
 - *Infill sites within established residential areas;*
 - *and*
 - *Regional cities and towns; and*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation;*
 - *Liveable and sustainable communities;*

- *Residential lot design;*
- *Urban landscape;*
- *Access and mobility management;*
- *Integrated water management;*
- *Site management; and*
- *Utilities’.*

The proposal is considered to be consistent with the purpose of Clause 56 – Residential Subdivision. The proposal also meets all relevant objectives of the ResCode provisions (refer to Attachment D for an assessment of the application against the objectives and standards of Clause 56).

Decision Guidelines

Clause 65 ‘Decision Guidelines’ relates to the proposal. Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

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

The proposal is consistent with the decision guidelines of Clause 65 of the Scheme.

Incorporated Documents (Clause 81):

Victoria’s Native Vegetation Management – A Framework for Action (August 2002).

Amendment C62 – Implementation of Latrobe Planning Scheme Review

Authorisation to prepare the above amendment to the Scheme was approved by the Minister for Planning on 9 September 2008. The amendment proposes changes to the Municipal Strategic Statement to include, amongst other things, numerous strategic planning projects adopted by Council including the *Latrobe Structure Plans 2007*. It also proposes to introduce these Plans as reference documents to the Planning Scheme.

5. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised pursuant to the following Sections of the *Planning and Environment Act 1987*:

- S.52(1)(a): to adjoining property owners and occupiers
- S.52(1)(d): (sign on land)

External:

Shortly after the application was lodged, it was referred under Section 55 of the *Planning and Environment Act 1987*, as follows:

Gippsland Water	Response received on 10 March 2009. No objection, subject to conditions.
APT O&M Services Pty Ltd	Response received on 20 October 2008. No objection to the planning permit application or to the issue of a statement of compliance.
Telstra	Response received on 6 October 2008. No objection, subject to conditions
SP Austnet Electricity	Response received on 5 January 2009. No objection to the issue of the planning permit.
VicRoads	First response received on 23 October 2008, and VicRoads requested further information including a detailed traffic impact assessment report. Following discussions with the applicant, VicRoads provided consent to the application subject to conditions on 23 April 2009.

Department of Sustainability and Environment	Response received dated 20 November 2008. DSE considered the referral pursuant to Section 52 of the Act, as the proposed amount of native vegetation removal does not trigger a referral under Section 55 of the Act. DSE advised that it has no objection to the granting of a permit for the proposal, and recommends a number of conditions.
Gasnet	Response received on 5 January 2009. No objection subject to conditions.
Department of Transport	Response received on 7 November 2008. No Objection subject to a condition.
CFA	Response received 24 October 2008. No objection subject to conditions.

Internal:

Environment	Response first received on 24 October 2008, and Council's environmental planner requested further information. Council's environmental planner advised on 11 December 2008 that conditions relating to the protection of native vegetation be included as condition to the planning permit for the proposal.
Project Services	Response received on 24 March 2009 and 2 July 2009. No objection subject to standard conditions and the removal of two existing roundabouts from Chris Crescent. These roundabouts, and the proposed road alignment, do not meet the required standard.

Details of Community Consultation following Notification:

A total of three objections were received to the application.

Issues raised by objectors include:

- No road improvements proposed to Hyde Park Road in response to the increased traffic generation from the development;
- Vegetation removal that will result in a change to the character of the neighbourhood, and detrimentally affect the view from 47A Hyde Park Road, Traralgon;
- A request that the existing reserve located adjacent to 26 Elliot Street be fenced off from proposed Reserve No.2.

A planning mediation meeting was held on 3 February 2009. The meeting was attended by the applicant, Council's planning officer, and the objectors.

Following the planning mediation meeting, one objection was withdrawn following the applicant agreeing to construct a fence between the objectors land and the subject site.

Several attempts have been made since the planning mediation meeting to resolve outstanding objections.

Overall, two objections remain against the planning permit application.

The objections are addressed in Section 6 of this report.

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

6. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered reasonable that the proposal is consistent with the strategic direction of the State and Local Planning Policy Framework as follows:

- The proposal is consistent with Clause 14.01 of the Scheme as it consolidates an existing urban area while respecting neighbourhood character.
- The site has good access to physical and community infrastructure, provides a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle paths and sufficient useable public open space provision. The proposal will assist with consolidating residential densities within Traralgon, and is thus consistent with Clause 16.01.
- Reticulated water and sewerage infrastructure is available to each of the proposed lots. A site drainage plan will be developed to the satisfaction of Council's Coordinator Project Services and will be endorsed and then form part of the permit. The application is considered to be consistent with the objective of Clause 18.09.

- The proposed subdivision is located in an existing, developed residential area and reticulated services such as electricity, water, sewerage and telecommunications are available to the proposed future residential allotment. The proposal is considered to be consistent with Clause 19.03 of the Scheme.
- The proposed subdivision creates a number of residential blocks within an existing, well-serviced area of Traralgon. The proposal is considered to be consistent with the relevant objectives of the Latrobe Municipal Strategic Statement.

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

The proposed subdivision creates large residential blocks in an existing, developed area of Traralgon. A diversity of lot sizes are incorporated into the subdivision design. The proposal has been considered earlier in this report against the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The proposal is considered to be consistent with the purpose of the Residential 1 Zone.

Refer to the attached Clause 56 (i.e. Rescode) assessment for a detailed assessment of the subdivisional layout.

Before deciding on an application the responsible authority must consider, as appropriate, the decision guidelines of Clause 32.01-2 of the Scheme. The decision guidelines are:

- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and*
- *The objectives and standards of Clause 56'.*

The proposal has been considered in this report against the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement. Refer to Attachment D for an assessment of the proposal against Clause 56.

The proposal is considered to be consistent with the decision guidelines of Clause 32.01-2.

Public Open Space Contribution

There is no Schedule to Clause 52.01. However, Clause 52.01 states that a contribution for public open space may still be required under Section 18 of the Subdivision Act.

A public open space contribution may be made only once for any of the land to be subdivided.

A subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the *Subdivision Act* 1988, if:

- It is one of the following classes of subdivision:
 - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
 - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.
- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.
- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

The subdivision does not fall into Class 1 or Class 2 subdivision. The subdivision is not for the purpose of excising land, and is not for a two lot subdivision.

In accordance with Section 18(1A)(a) of the Subdivision Act, the proposal meets (and exceeds) the 5% public open space contribution in the form of a land contribution (i.e. Reserves No.1, 2, 3 and 4).

The proposal meets the requirements of Clause 52.01 of the Scheme.

Clause 52.02 Easements, Restrictions and Reserves:

A planning permit is required to vary an easement pursuant to Clause 52.02.

The proposal was referred to the relevant internal and external authorities, who have no objection to the realignment of E-4 and E-5 (subject to conditions).

Clause 52.17 Native Vegetation:

A planning permit is required to remove, destroy or lop native vegetation.

The proposal was referred to Council's Environmental Officer and to the Department of Sustainability and Environment who had no objections to the proposal, subject to conditions.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road: Hazelwood Road is a Road Zone, Category 1.

The application was referred to VicRoads pursuant to Section 55 of the Act. VicRoads have no objections to the proposal subject to conditions.

Clause 56: Residential Subdivision

A detailed assessment of the proposed 145 lot residential subdivision is located within Attachment D of this report.

Clause 56 requires the responsible authority to consider the proposed staging of the subdivision. The applicant has nominated the lots to be constructed as part of Stage 1 of the subdivision. A permit condition will require the applicant to nominate the future stages of development.

In summary, the proposal is adequate, subject to conditions.

Healthy Urban Design Good Practice Guideline:

Conditions have been included on the permit to address the objectives of the Healthy by Design guidelines.

Clause 65 (Decision Guidelines):

The relevant matters under Clause 65 have been considered as part of the assessment of the proposal.

It is considered the land is suitable for subdivision, in context of the zoning of the site, and its adjoining and surrounding development. The proposed subdivision layout is considered to be appropriate, in terms of its density, area and dimensions. Subject to appropriate conditions to the permit for the development, it is reasonable to expect that the proposal will not have any significant detrimental impact upon its adjoining and surrounding road network, and the environment in general.

Objections:

The application received 2 submissions in the form of objections. The issues raised were:

1. No road improvements proposed to Hyde Park Road in response to the increased traffic generation from the development.

Comment:

VicRoads, as a referral authority pursuant to Section 55 of the Act, have required that prior to the Statement of Compliance being issued for the subdivision, and prior to the completion of works, the developer must prepare a detailed traffic impact assessment report on the predicted traffic generation for the development. This report is required to include details of all mitigating works that are required to be carried out as a consequence of the proposed development. A condition will be included on the permit to this effect.

In addition, Project Services have agreed to the following condition being included in the permit:

“Prior to certification of the plan of subdivision, the permit holder must submit to the responsible authority a copy of the detailed traffic impact assessment report as required by VicRoads in Condition 45.a. of this permit, for approval by the responsible authority. This report must be in accordance with the requirements of VicRoads, and to the satisfaction of the responsible authority. This report must address the possible impact of traffic generation on the existing surrounding street network (including Hyde Park Road) and recommend mitigation measures if necessary.”

2. Vegetation removal will result in a change to the character of the neighbourhood, and detrimentally affect the view from 47A Hyde Park Road, Traralgon.

Comment:

In order to achieve the fundamental urban consolidation principles of sustainable growth and development of urban areas, some change to the character of the neighbourhood as an outcome of development is appropriate.

Reserve No.3 is proposed to be located adjacent to the rear (western) boundary of 47A Hyde Park Road. This Reserve will contain a drainage retardation basin which will be designed to accommodate storm water runoff associated with a 1 in 100 year flood. It is inappropriate for vegetation to be located within the retardation basin.

The retardation basin is located in Reserve No.3 as this is the lowest level of the site, and hence, the most appropriate location for the basin.

The objectors wish to retain the chain mesh fence located on their rear boundary in order to maintain the open view from their private open space area of their backyard.

The proposed reserve located adjacent to the rear boundary of 47A Hyde Park Road is considered to have a minimal impact on the character of the area when viewed from the backyard of this property. The outlook for the residents of 47A Hyde Park Road would change more dramatically if residential allotments were located adjacent to their rear boundary.

The DSE and Council's Environmental Planner have no objection (subject to conditions) to the proposed vegetation removal. Conditions on the permit will require ongoing maintenance of Reserve No.1 to ensure a net gain of vegetation on the site.

3. Request that the existing reserve located adjacent to 26 Elliot Street be fenced off from proposed Reserve No.2.

Comment:

In response to this request, the permit applicant agreed to construct a fence between the existing reserve located adjacent to 26 Elliot Street and the proposed Reserve No.2. However, this is not a desired urban design outcome, and is not supported by Council planning officers.

Clause 56 encourages pedestrian permeability and walkability within the site and between neighbourhoods. The fence, as requested by the objector, would prevent pedestrian and cyclist access from the site to the surrounding area.

7. 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).

8. OPTIONS

Council has the following options in regard to this application:

1. Decide to Issue a Notice of Decision to Grant a Permit; or
2. Decide to Refuse to Grant a Permit.

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the objectives of Clause 52.02 and Clause 52.17 of the Scheme;
- Consistent with Clause 65 (Decision Guidelines); and
- The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered (and relevant permit conditions addressing these issues will be required). The objections do not form planning grounds on which the application should be refused.

10. RECOMMENDATION

- A. That Council DECIDES to issue a Notice of Decision to Grant a Permit, for a 145 lot staged subdivision, variation of easements and the removal of native vegetation at 27-47 Hazelwood Road, Traralgon, with the following conditions:**

1. **Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, prepared by Ross & Worth Pty Ltd (dated 19.08.08), but modified to show:**
 - a) **The native trees located on proposed Lot 64 and Lot 79 clearly identified as to be removed;**
 - b) **A notation which states that all native vegetation on the site is to be retained (apart from the trees located on proposed lot 64 and 79);**
 - c) **The outline of the existing buildings on the site removed from the plan;**
 - d) **Any amendments to the subdivision and/or road layout if necessary in order for the subdivision to comply with the requirements from the Department of Transport as stated in Condition 44 of this permit;**
 - e) **A Staging Plan detailing the future stages of the development;**
 - f) **A detailed landscape design for part of Reserve No.1 that is located between Lot 19 and Lot 20 and fronts Chris Crescent to ensure a high quality of passive surveillance and urban design is achieved;**
 - g) **The southern two existing roundabouts located on Chris Crescent to be removed;**
 - h) **Location of vehicle crossovers and vehicle access to each lot located within 20 metres of a roundabout that is to be retained [i.e. Lots 18-22 (inclusive), and lots 135-138 (inclusive)], lot 143 and lot 144; and**
 - i) **A notation on the plan that states that no direct access will be obtained from the roundabout to the adjoining lots.**
 - j) **Location of the 'plains grassy woodland' grasses (maximum area of 0.29 hectares) that is permitted to be removed by this permit.**

- k) A notation on the plan stating that no fence is to be constructed along the northern boundary of Reserve No.2.
- 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
- 3. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
- 4. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.
- 5. All buildings on the site (that are not located within lots 35 and 36 on the plan of subdivision) must be removed within 12 months of the commencement of the development (i.e. within 12 months of the certification of the plan of subdivision for Stage 1) to the satisfaction of the responsible authority.
- 6. Prior to certification of the plan of subdivision, the permit holder must submit to the responsible authority a copy of the detailed traffic impact assessment report as required by VicRoads in Condition 45a of this permit, for approval by the responsible authority. This report must be in accordance with the requirements of VicRoads, and to the satisfaction of the responsible authority. This report must address:
 - (a) the possible impact of traffic generation on the existing surrounding street network (including Hyde Park Road) and recommend mitigation measures if necessary; and
 - (b) the alignment of the kerb and channel on the east side of Hazelwood Road at the intersection of Poplar Avenue, Traralgon, to determine whether it is necessary to realign this kerb and channel.
- 7. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
- c) details of surface finishes of pathways and driveways
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- e) landscaping and planting within all open areas of the site
- f) planting within road reserves – especially within median islands and roundabouts.
- g) The landscaping of the retaining/retardation basin located on Reserve no. 3 to the satisfaction of the Responsible Authority.
- h) All species selected must be to the satisfaction of the Responsible Authority.

Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Engineering Conditions:

- 8. Road reserve and road widths must be in accordance with the requirements of Council's design guidelines.
- 9. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Responsible Authority.
- 10. Prior to approval being given for any extension of the permit, the Responsible Authority may require the review and re-submission of Plans, Computations and other relevant information to accord with current requirements, Acts and Regulations, Codes of Practice and Australian Standards.
- 11. Prior to commencement of works the following documents must be submitted and approved by the Latrobe City Council:
Plans and specifications for road and drainage works detailing:

- a) **Construction of new roads in accordance with the Latrobe City Council Design Guidelines for Subdivisional Developments including traffic management works as required to create the appropriate speed environment.**
- b) **Full and detailed calculations including the provision of geotechnical reports supporting all aspects of pavement design must be provided with road designs submitted to Council for approval. Investigation must be undertaken to determine existing site conditions to determine road and pavement design requirements.**
- c) **Construction of an underground drainage system or alternative drainage system approved by the Responsible Authority accepting stormwater discharge from the roads and each lot. The Developer must take measures to enhance stormwater discharge quality from the site and protect downstream waterways through water sensitive urban design in accordance with the CSIRO “Urban Stormwater Best Practice Environmental Management Guidelines” 1999.**
- d) **Provision of storm surcharge routes and cut-off drains**
- e) **Underground pipes to take the 5 year ARI storm event with surcharge routes provided to take the 100 year ARI storm event. Discharge into the existing outfall drain must be limited to ensure the capacity of the pipe drain is not exceeded for the 1 in 5 year storm event. Any drainage discharge in excess of capacity including 1 in 100 year storm event must be retained within the development. Provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council’s storm water drainage system**
- f) **A Site Environment Management Plan (EMP) detailing techniques for erosion prevention and control measures during the construction phase and post construction in accordance with EPA Publication 960 “Doing it Right on Subdivisions”. The EMP must include:**

- i. **Contours (existing and final);**
- ii. **Existing site drainage;**
- iii. **Limit of clearing, grading and filling (location of earthworks including roads, areas of cut and fill);**
- iv. **Locations and design criteria of erosion and sediment control structures;**
- v. **Site access;**
- vi. **Location of critical areas (drainage lines, water bodies);**
- vii. **Proposed techniques for stabilisation of disturbed ground;**
- viii. **Procedures for maintenance of erosion controls;**
- ix. **Details of staging works; and**
- x. **Techniques for dust control.**

Before the development starts, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of Kerb & Channel, Footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

12. **Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.**
13. **The applicant must ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.**

- 14. Prior to the issue of Statement of Compliance for each stage, the owner must construct a 1.8m high standard timber paling fence abutting all public open space (not frontage) within that stage to the satisfaction of the Responsible Authority. The cost of such fencing shall be borne by the developer unless otherwise agreed by the relevant parties to the satisfaction of the responsible authority.**
- 15. The following conditions of the Latrobe City Council must be met prior to the issue of a Statement of Compliance:**
 - a) The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.**
 - b) The following works and items must be provided in accordance with plans and specifications approved by the Responsible Authority:**
 - i. Road works.**
 - ii. Construction of temporary vehicle turning areas at the end of all streets to be continued in later stages.**
 - iii. Drainage works.**
 - iv. Concrete footpaths along both sides of all streets in accordance with Council's Design Guidelines.**
 - v. Street lighting and underground electricity supply.**
 - vi. Street signs and road pavement line marking.**
 - vii. As constructed information, in accordance with Latrobe City Council Design Guidelines for infrastructure development.**
 - viii. A water supply/tapping (including a water meter) to each reserve in the subdivision.**
 - ix. Fire plugs in accordance with the Country Fire Authority requirements (generally at a maximum spacing of 120 m), at the subdivider's expense.**
 - c) Prior to the issue of Statement of Compliance for any stage, the owner must pay to the Latrobe City Council:**

- i. the sum of \$5887 per hectare as a contribution to drainage headworks, or other such arrangement or contribution which the Responsible Authority agrees to in writing;
 - ii. engineering fees of 2.5% of construction costs;
 - iii. engineering plan checking fees of 0.75% of the value of documented works;
 - iv. the sum of \$175 per frontage for installation of street trees; and
 - d) Prior to the issue of Statement of Compliance, the applicant or developer shall submit to the satisfaction of the relevant authority the following:
 - i. 'as constructed' information for the entire work in each development stage detailing information as listed in the Latrobe City Council design guidelines for subdivisional development;
 - ii. a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
 16. Stage 1 of the works must include all widening works on Hazelwood Road to the satisfaction of VicRoads.
 17. Before the development starts, a soil report prepared by a suitably qualified geotechnical engineer or similar, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed to form part of the permit. Details must include:
 - a) data from a reasonable number of test bores on the site detailing fill depths and contaminants in the location of all former site buildings, as determined in consultation with the responsible authority;
 - b) an assessment of the composition, depth, plasticity index and grading of pavement material at intervals of no greater than 50m spacing along all existing roads proposed to be retained and used as a part of the development.

- 18. Before any of the development starts, CCTV camera footage for all proposed underground drainage to be retained and used as a part of the development must be supplied to Council for assessment and determination of condition. Any drainage infrastructure which does not meet Latrobe City Council design guidelines for subdivisional development must be replaced to the satisfaction of the Responsible Authority;**
- 19. Prior to the issue of a Statement of Compliance, the applicant or developer must rehabilitate all existing road pavement proposed to be used as a part of the new development and replace all existing kerb and channel with new, to the satisfaction of the relevant authority;**
- 20. Prior to the issue of a Statement of Compliance, the applicant or developer must reconstruct all existing drainage pits and structures on site intended to be re-used to form part of the new development, to current Latrobe City design guidelines for subdivisional development to the satisfaction of the relevant authority;**
- 21. Prior to the issue of a Statement of Compliance for stage 1 of the works, the applicant or developer must have a licensed and qualified demolition company demolish and remove all existing buildings and footings on site to the satisfaction of the relevant authority;**
- 22. Prior to the issue of a Statement of Compliance for stage 2 of the works, the applicant or developer must prove, demolish and remove all redundant services formerly serving the site to the satisfaction of the relevant authority;**
- 23. Prior to the issue of a Statement of Compliance for stage 2 of the works, the applicant or developer must construct outfall drainage and the retarding basin in Reserve 3 to the satisfaction of the relevant authority; and**
- 24. Prior to the issue of a Statement of Compliance, the applicant or developer must provide a pedestrian footpath link from the development to the existing footpath in Hyde Park Road to the satisfaction of the relevant authority.**
- 25. No direct vehicle access is to be obtained from a roundabout to lots adjoining a roundabout.**

Environmental Planning Conditions:

- 26. Prior to the commencement of Stage 1 development an Environmental Management Plan (EMP), including a high quality landscape plan to illustrate an environmentally sensitive passive open space area is to be developed for Reserve #1. This plan must be prepared by a suitably qualified environmental specialist, to the satisfaction of the Responsible Authority in consultation with the Department of Sustainability and Environment. The EMP must include a revised version of the 10-year offset management plan developed by Greening Australia to include DSE's offset management conditions as per condition 35 of this permit and address establishment of open space requirements for Reserve #1 including locations and costings for the installation of a shared pathway, interpretative signage, seating and lighting. The plan must include a visual concept plan showing the landscape design of the reserve and a clearly set out schedule of works with costings and timeframes for each action item, and must incorporate actions to achieve and maintain a net gain within the offset area over a 10-year period whilst meeting the passive open space requirements. The applicant must pay all costs associated with the development of the plan.**
- 27. Implementation of all actions within Reserve #1 identified in the EMP including both net gain requirements for 10 years and landscaping plan will be implemented by the Responsible Authority at the cost of the applicant and must be paid in accordance with an agreed payment plan to be developed by agreement with the Responsible Authority prior to Stage 1 Development commencing.**
- 28. Prior to the issue of a Statement of Compliance for Stage 1 pursuant to the Subdivision Act 1988, the owner must enter into an agreement with the Latrobe City Council made pursuant to Section 173 Agreement of the Planning and Environment Act 1987, and make Register of Titles to have the agreement registered on the title to the land identified as Reserve #1, Reserve #4 and Lot 75 on the endorsed plans under section 181 of the Act, which provide that:**

- a) The remnant native vegetation identified in Reserve #1 will be protected and retained and managed in accordance with the approved Environmental Management Plan/Offset Plan to the satisfaction of Latrobe City Council and the Department of Sustainability and Environment.
- b) On the completion of the 10 year net gain management actions in the Environmental Management Plan Reserve #1 will be maintained by Latrobe City Council as it's achieved net gain quality and managed as a conservation reserve in perpetuity.
- c) The remnant tree identified in Reserve #4 must be permanently protected and retained. An exclusion zone of at least twice the canopy must be maintained around the remnant tree which prohibits activities including car parking, storage of materials, equipment, and other activities that could impact on the health and protection of the trees.
- d) The 8 remnant native trees identified in Lot 75 must not be lopped, removed or destroyed and all future development is to be sited so that the existing mature native trees are not disturbed. Earthworks/works are to be outside the drip line* of the trees.
- e) That the agreement is to be binding on the landowner's successors in title.

The applicant must pay the reasonable costs of the preparation, execution and the registration of this agreement.

- 29. Prior to the issue of the Statement of Compliance for Reserve #4, the applicant must pay Latrobe City Council a lump sum payment of \$2000 to establish an exclusion zone around the drip line of the remnant tree within Reserve #4 to be protected. This contribution will cover the cost of planting 500 local indigenous seedlings at the base of the tree, mulching around the drip line* of the tree, signage, weed control and ongoing maintenance.
- 30. The trunks of the 2 remnant trees approved for removal trees and larger branches should be retained on site and placed in Reserve #1, to the satisfaction of the responsible authority, to address the missing log component identified in the EVC Benchmark for Plains Grassy Woodland.

31. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
32. Underground services must be located to avoid the removal of native vegetation. Wherever feasible, services should be bored under areas of native vegetation (including grasslands), underneath the root zone within the drip line* or outside the drip line of existing remnant native trees.
33. To prevent damage to remaining native vegetation (including grasslands and trees to be retained), there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas of areas infested with weeds.
34. Prior to stage 1 works commencing the boundaries of all vegetation to be removed and retained must be clearly marked on the ground, with tape or temporary fencing to the satisfaction of the Responsible Authority. Prior to stage 1 works commencing:
 - a) A plan to the satisfaction of the Responsible Authority identifying all trees and vegetation to be retained must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit.
 - b) The trees and vegetation to be retained as shown on the endorsed plan must be clearly marked on the site to the satisfaction of the Responsible Authority.Vegetation removal must accord with the plan.
35. Prior to the commencement of Stage 1 Development an offset plan/Environmental Management Plan (EMP) showing appropriate offsets to compensate for the removal of 0.09 habitat hectares of native vegetation identified as Plains Grassy Woodland, one large old tree and one medium old tree to the satisfaction of the Department of Sustainability and Environment must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.

Maps or plans forming part of the offset plan must be drawn to scale with dimensions.

The offset plan must include details of the:

- a) Vegetation to be removed, including details of:**
 - i. the location of the vegetation including details of the Bioregion**
 - ii. the Ecological Vegetation Class (EVC) of the vegetation**
 - iii. the Bioregional Conservation Status of the EVC**
 - iv. the amount and type of vegetation to be removed (in hectares)**
 - v. the habitat hectare score (out of 1) of the vegetation**
 - vi. the number of large and medium old trees to be removed**
 - vii. the presence of any rare or threatened species**
 - viii. whether the site is potential habitat for any rare or threatened species**
 - ix. conservation significance**
 - x. total vegetation loss calculated in habitat hectares**
- b) Gain targets.**
- c) Offsets to compensate for the vegetation removal, including details of:**
 - i. type of offsets to be provided in each location**
 - ii. location of the offsets including details of the Bioregion**
 - iii. EVC of the offset vegetation**
 - iv. habitat hectare score (out of 1) of the offset**
 - v. number of large and medium old tree to be protected**
 - vi. rare or threatened species habitat to be protected (if applicable)**
 - vii. conservation significance of the offset**
- d) Gains in vegetation and habitat quality to be achieved by the offset.**
- e) Details of any revegetation including number of trees, shrubs and other plants, species mix, and density.**
- f) Methods of managing and restoring the existing vegetation to be retained included in a Schedule of Works.**
- g) Methods of interim protection for newly established vegetation until established.**

- h) **Methods of permanent protection for established offsets, including details of fencing to protect remnant trees and native vegetation to be retained and interpretive signage.**
 - i) **Person/s responsible for implementing and monitoring the offset plan.**
 - j) **Time frame for implementing offset plan.**
- 36. The Responsible Authority, with the written agreement of Department of Sustainability and Environment, may approve amendments to the Offset Plan.**
- 37. Within twelve months of the date of issue of this permit, offsets to compensate for the removal of 0.09 habitat hectares of Plains Grassy Woodland vegetation and two old trees as shown on the endorsed plans must be implemented to the satisfaction of the Responsible Authority upon the advice of the Department of Sustainability and Environment. Implementation must be completed according to the schedule of works in the Environmental Management Plan/Offset Plan, to the satisfaction of the Responsible Authority.**
- 38. No earthworks are to be undertaken within existing easements situated within the #1 Reserve (refer Ross & Worth Pty Ltd Survey File 3885, Drawing No 3885overallV7.A3.lcd, Version 7, dated 19/08/2008) or any such works as would involve soil disturbance or removal of native vegetation within Reserve #1 without the consent of the Responsible Authority upon the advice of the Department of Sustainability and Environment.**
- 39. Prior to the removal of native vegetation, a reasonable amount of seed from the Eucalyptus radiata, Eucalyptus melliodora and the native grasses, herbs and forbs present within the areas of Plains Grassy Woodland (as identified for removal on the endorsed plans), must be collected and propagated for use in revegetation within Reserve #1. *Drip line is the circular area with radius measured from the centre of the trunk defined by the outermost edge of a plant or tree canopy.**

Telstra Conditions:

- 40. The Owner/Applicant must comply with the following requirements from the Telstra Corporation Ltd, prior to the issues of Certification/Statement of Compliance:**
- a) **That the plan of subdivision submitted for certification be referred to Telstra in accordance with section 8 of the Subdivision Act 1988.**

Gippsland Water Conditions:

41. The Owner/Applicant must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:

- a) Pay to the Central Gippsland Region Water Corporation contributions for Headwork charges and Outfall Disposal charges for the change in the development of the land. These changes are based on the Corporations current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.**

WATER EXTENSION ONLY

- b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Authority's Land Development system for the complete construction of works necessary for the provision of water supply services to all lots of the subdivision.**
- c) Pay to the Central Gippsland Region Water Corporation any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.**
- d) Install separate water services to the satisfaction of the Central Gippsland Region Water Corporation. As constructed details showing the location of the installed services are required to be submitted to the Corporation.**
- e) The existing 100mm Fire Service and meter 00001657 (to be returned to Gippsland Water) is to be disconnected via a main shut down tee removal, under a Minor Works Agreement. (Works must be undertaken by an Accredited Pipelaying Contractor). Please contact Owners Cost Works on 03 5177 4738 for further information.**
- f) The internal water services for Lots 35 and 36 are required to be realigned into the newly constructed water main to the satisfaction of the Central Gippsland Region Water Corporation. As Constructed details showing the location of the realigned services are required to be submitted to the Corporation after Practical Completion on the water main extensions.**

- g) Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lots, to the satisfaction of the Central Gippsland Region Water Corporation.**

SEWER EXTENSION ONLY

- h) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Authority's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision.**
- i) Pay to the Central Gippsland Region Water Corporation any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.**
- j) Install separate sewage disposal connections to the satisfaction of the Central Gippsland Region Water Corporation. As Constructed details showing the location of the installed services are required to be submitted to the Corporation.**
- k) Gippsland Water requires submission of design plans prior to agreeing to certification to determine whether easements will be required over all proposed sewerage works located within the subdivision, and also to determine if the development can be serviced in accordance with our minimum supply standards.**
- l) Create easements for Pipeline or Ancillary purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed sewerage works located within the subdivision.**
- m) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**
- n) Any plan of subdivision of the subject land lodged for certification shall be referred to the Central Gippsland Region Water Corporation under Section 8(1) of the Subdivision Act 1988.**
- o) As constructed details showing the location of the realigned internal sewer services for Lots 35 and 36 are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.**

CFA Conditions:

42. The Owner/Applicant must meet the requirements of the CFA in that, prior to the issue of Certification/Statement of Compliance, they:

- a) Subdivision plan not to be altered**
- b) The road layout as shown on the Plan of Overall Development [Drg.N.3885odpno_detail_A3.lcd, Ross & Worth Pty Ltd, 19/8/2008] must not be altered without the consent of CFA.**

Hydrants

- c) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.**
- d) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.**
- e) Hydrants must be identified as specified in 'Identification of Street Hydrants for Fire fighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)**

Roads

- f) Constructed roads must be as specified in Table C1 of Clause 56.6 of the Latrobe Planning Scheme.**
- g) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
- h) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metre. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**
- i) Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided). Other solutions using T or Y heads are also appropriate.**

SPI Electricity Conditions:

43. The Owner/Applicant must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:

- a) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.**

- b) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
- d) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- h) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd.
- k) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Department of Transport Conditions:

- 44. The Owner/Applicant must comply with the following requirements from the Department of Transport prior to the issues of Certification/Statement of Compliance:**

Chris Crescent and Dimitri Drive must be constructed in accordance with the *Public Transport Guidelines for Land Use and Development September 2008* to the satisfaction of the Director of Public Transport to cater for potential bus services in the future.

VicRoads Conditions:

- 45. The Owner/Applicant must meet the requirements of VicRoads in that, prior to the issues of Certification/Statement of Compliance, they:**

- a) Prior to the statement of compliance and completion of works, the developer must furnish a detailed traffic impact assessment report on the predicted traffic generation for the development. This report shall include details of all mitigating works that are required to be carried out as a consequence of the proposed development.**
- b) All works identified as required within the report must be completed to the satisfaction of VicRoads before compliance.**
- c) Dimensioned layout plans of all intersections of Hazelwood Road and subdivisional roads must be prepared to the satisfaction of VicRoads and approved in writing by the Regional Manager.**
- d) The access must be designed generally in accordance with AustRoads guidelines and constructed to a standard acceptable to VicRoads' Regional Director, Eastern Victoria and the Responsible Authority.**
- e) The discharge of any concentrated drainage on to the Hazelwood Road will not be permitted unless approved in writing by the VicRoads' Regional Director.**
- f) The intersection is to be lit in accordance with AS/NZS 1158 to Category V3 standard.**
- g) As general conditions for roadwork's on declared roads, contractors must:
 - i. Provide evidence of public liability insurance policy for at least \$10,000,000 that will be effective for the duration of the works.**
 - ii. Provide traffic control in accordance with VicRoads – Worksite Traffic Management (Roadwork's Signing) Code of Practice.****

- iii. Provide a worksite Traffic Management Plan for approval at least 7 days prior to any works commencing within the declared road reserve.
 - iv. Carry out works in accordance with VicRoads Standard Specifications for roadworks.
 - v. Cover all works with a defects liability period of 12 months for all works.
 - vi. Prior to commencing work within the road reserve, the applicant must provide a security deposit of either \$5,000 or 10% of the estimated cost of roadwork's, whichever is greater, to VicRoads. On practical completion of the works, VicRoads will refund 50% of the deposit and will return the balance after the duration of the defects liability maintenance period (12 months).
- h) VicRoads, in responding to this permit application, is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve proposed in this permit application.
 - i) The proponent must meet the requirements of the Road Management Act 2004 with respect to notifying and/or seeking consent from VicRoads to undertake works in the road reserve.

Expiry of Permit:

46. This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.
- c) The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

Note 1: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before you Dig – Ph: 1100

Note 2: For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

Note 3: It is recommended that, at an early date the applicant commences negotiations with SPI Electricity Pty Ltd for a supply of electricity in order that supply arrangements can

be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Note 4: Agreements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Note 5: Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

Gippsland Water Notes:

Note 6: An interlinking water main 150mm will be required to connect Hazelwood Road and Hyde Park Road.

Note 7: As per section 4.4 in the Planning Permit application, following the removal of native vegetation through the properties noted, the existing sewermain will need to be inspected for structural integrity. If the sewer mains are found to be of poor structural quality due to vegetation ingress, these sections will need to be replaced at the developers cost.

B. That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the Planning and Environment Act 1987 in accordance with the planning permit arising from Application 2008/284, for the 145 lot staged subdivision, variation of easements and the removal of native vegetation at 27-47 Hazelwood Road, Traralgon.

Cr Kam declared a direct interest under s.77B of the LGA in this item.

Cr O'Callaghan left the Council Chamber at 8.53 pm due to an indirect interest under s.78B of the LGA in this item.

Cr Fitzgerald left the Council Chamber at 8.53 pm due to an indirect interest under s.78B of the LGA in this item.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Councillors Kam, O'Callaghan and Fitzgerald returned to the Council Chamber at 8.56 pm.

ATTACHMENTS

ATTACHMENT A - SITE PLAN

ATTACHMENT B - CERTIFICATE OF TITLE

ATTACHMENT C - PLANS

ATTACHMENT D - CLAUSE 56 ASSESSMENT

ATTACHMENT E - OBJECTIONS

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**11.3.4 PLANNING PERMIT APPLICATION S08315 - THIRTY SEVEN (37)
LOT SUBDIVISION AT 25 JUNCTION ROAD, CHURCHILL**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application S08315 for a thirty seven (37) lot subdivision at 25 Junction Road, Churchill.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. 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 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Built Environment Sustainability

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

4. **BACKGROUND**

This section of the report provides a summary of the application, a description of the proposal, the history of the application and an overview of the relevant provisions of the Latrobe Planning Scheme.

- Summary
- Proposal
- History of Application
- Latrobe Planning Scheme

4.1 **SUMMARY**

Land:	25 Junction Road Churchill (known as CA 39 TP792113 Sect A, CA 39C TP 770344 Sect A, L 1 TP 853290)
Proponent:	Peart Investments Pty Ltd PO Box 5308 Warnambool VIC 3280
Zoning:	Part Rural Living Zone 3 (RLZ3) & Part Rural Living Zone 4 (RLZ4)
Overlay	None

A planning permit is required to subdivide land in accordance with Clause 35.03-3 of the Scheme.

4.2 **PROPOSAL**

The application is for the subdivision of a large block of rural living property on the south side of Glendonald Road Churchill, north side of Jeeralang West Road, between Monash Way and Wongan Crescent / Farley Road.

The subject land is in three (3) titles and has a total area of approximately 106.8ha. The land is clear and is gently undulating. An existing farmhouse and outbuildings are situated in the south-west section of the site.

It is intended to subdivide the northern portion of the site that fronts Glendonald Road into eleven (11) lots of approximately 4 hectares in area each. The southern portion of the site will be subdivided into 26 lots each approximately 2 hectares in area. This will give a total yield of 37 large sized residential lots.

The subdivision is designed to gain access to Junction Road, Wongan Crescent and Roberts Road.

Surrounding Land Use:

- North: Land zoned Residential 1. Typical development in this area is a single dwelling on an average size block of land (approximately 600 square metres).
- South: Land zoned Rural Living 3 consisting of rural / low density residential development. The lot sizes in this area range from approximately 3-5 hectares.
- East: Land zoned Rural Living 3 consisting of rural/ low density residential development. The lot sizes in this area range from approximately 0.5 to 2 hectares.
- West: Land zoned Rural Living 3 consisting of rural/ low density residential development. The average lot size in this area is approximately 1.5 hectares.

4.3 HISTORY OF APPLICATION

The application was received on 2 October 2008.

It was referred to the various authorities on 24 October 2008.

A response from the Department of Sustainability and Environment (DSE) was received on 3 December 2008, and DSE requested further information to be provided by the applicant.

Further information was provided by the applicant to Council on 24 April 2009. The additional information provided to Council involves minor amendments to the subdivisional layout.

The application (with the further information lodged on 24 April 2009) was re-referred to DSE on 13 May 2009.

For details in relation to the notification or mediation process, please refer to Section 5 below.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

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

Clause 16.03 – ‘Rural Living and Rural Residential Development’, in which the objective is to identify land suitable for rural living and rural residential development.

Clause 17.05 – ‘Agriculture’, in which the objective is to ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of protective farmland which is of strategic significance in the local or regional context.

Clause 19.01 – ‘Subdivision,’ in which the objective is to ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods; and to control the subdivision and consolidation of land and the removal and variation of easements and restrictions through planning schemes, within the framework of the Planning and Environment Act 1987 and the Subdivision Act 1988.

The general implementation clause states that in the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, amongst other things:

- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Contributing to an attractive built environment by creating neighbourhoods that emphasise existing cultural heritage values, well designed built form and landscape character.*
- *Protecting and enhancing native habitat and discouraging the spread and planting of noxious weeds.*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01-5 (Environment) of the Scheme states that a key aspiration for environmental management in the Latrobe City and for all land uses within the municipality is sustainability. Land development and use should be considered in terms of the impact on the broader environment and, in particular, on air quality, water quality, biodiversity and on the protection of the productivity of the land providing the economic conditions to support beneficial land management activities.

Clause 21.01-7 (Housing) of the Scheme highlights that the diversity in housing type (including but not limited to low density residential and rural farms) available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest.

Clause 21.02-2 relates to key housing influences within the municipality. It is identified under this Clause that rural residential living has been a popular and attractive lifestyle choice in Latrobe City and continues to attract residents.

Clause 21.03-3 of the Scheme relates to the strategic land use framework plan. This Clause includes (amongst other things) the following urban and rural settlement strategy that is relevant to the proposal:

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

The Churchill Strategic Land Use Framework Plan is located at Clause 21.04-1 (Settlement and urban form) of the Scheme. The subject site is identified as being located just outside the urban/ rural boundary of Churchill.

In Clause 21.04-2 'Environment' in Element 4 'Rural land management' one of the objectives is:

- To support rural living or low density residential development in appropriate locations, taking into account current supply and demand for these types of subdivisions.

In Clause 21.04-4 'Housing' in Element 3 'Rural living and low density residential development' one of the objectives is:

- To ensure that proposals for additional rural living and low density residential subdivisions proceed only in appropriate locations.

Zoning

The subject land is contained within two zones; the Rural Living Zone 3 and Rural Living Zone 4.

The purpose of the Rural Living 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 use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

According to Clause 35.03-3 a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone.

In Schedule 3 to the Rural Living Zone (RLZ3) the minimum area is prescribed as 2 hectares.

In Schedule 4 to the Rural Living Zone (RLZ4) the minimum area is prescribed as 4 hectares.

Overlay

The subject site is not affected by any overlays.

Particular Provisions

Clause 52.01 of the Scheme relates to Public Open Space Contribution and Subdivision. It is stated under this Clause that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this Clause. It should be noted that whilst no amount is specified under the schedule, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Clause 52.17 relates to Native Vegetation. A planning permit is required to remove, destroy or lop native vegetation. The applicant confirmed in writing on 1 April 2009 that the proposal does not seek to remove any native vegetation. The existing native vegetation on site is to be protected via a Section 173 agreement.

Clause 52.29 relates to Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. The proposal does not seek to create or alter access to Boolarra-Churchill Road (Monash Way).

Decision Guidelines (Clause 65):

Clause 65 'Decision Guidelines' relates to the proposal. Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Amendment C62 – Implementation of Latrobe Planning Scheme Review

Authorisation to prepare the above amendment to the Scheme was approved by the Minister for Planning on 9 September 2008. The amendment proposes changes to the Municipal Strategic Statement to include, amongst other things, numerous strategic planning projects adopted by Council including the *Latrobe Structure Plans 2007*. It also proposes to introduce these Plans as reference documents to the Planning Scheme.

5. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised pursuant to the following Sections of the *Planning and Environment Act 1987*:

- S.52(1)(a): to adjoining property owners and occupiers
- S.52(1)(d): (sign on land)

External:

Shortly after the application was lodged, it was referred under Section 55 of the *Planning and Environment Act 1987*, as follows:

Country Fire Authority	Response received on 3 November 2008. No objection, subject to conditions
Gippsland Water	Response received on 2 March 2009. No objection, subject to conditions.
APT O&M Services Pty Ltd	Response received on 29 October 2008. No objection.
Telstra	Response received on 30 October 2008. No objection, subject to conditions
SP Austnet Electricity	Response received on 12 December 2008. No objection.

Department of Primary Industries	Response received on 3 November 2008. No objection, subject to the inclusion of a Section 173 agreement on title.
VicRoads	Response received on 13 November 2008. No objection, subject to conditions.
DSE	Response first received on 3 December 2008. DSE requested further information to be provided for detailed consideration. Upon receipt and review of the requested further information, DSE advised on 4 June 2009 that it has no objection to the granting of a permit for the proposal, subject to a number of conditions. As no native vegetation is now proposed to be removed. DSE only provided response under Section 52 of the Planning and Environment Act
Gasnet	Response received on 30 October 2008. No objection.

Internal:

Health	Response received on 1 December 2008. Council's Environmental Health Officer is of the opinion that there are suitable areas on each of the proposed lots for the disposal of all wastewaters generated from a dwelling of not more than five bedrooms subject to conditions.
Environment	Response first received on 3 December 2008. Council's environmental planner first requested further information be provided for detailed consideration. Upon receipt of the requested further information, Council's environmental planner advised on 21 May 2009 that conditions relating to the protection of native vegetation be included as condition to the planning permit for the proposal.
Project Services	Response received on 22 January 2009. No objection subject to standard conditions. Council's Project Services team also advised that it does not object to the revised subdivision layout (dated April 2009).

Details of Community Consultation following Notification:

Advertising of the proposal resulted in six (6) objections being received.

A Planning Mediation meeting was held on 13 January 2009. The meeting was attended by the applicant, Council's planning officers and a number of the objectors.

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

6. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered reasonable that the proposal is consistent with the strategic direction of the State and Local Planning Policy Frameworks as follows:

- The proposal is consistent with Clause 16.03 of the Scheme, as the subject site is located within a Rural Living Zone, in which the objective is to identify land suitable for rural living and rural residential development. The proposed lot sizes ranging from 2 – 4 hectares appear to be suitable for such purposes.
- Whilst in its current size, the subject site may be suitable for agricultural purposes. However, it should be noted that the site is generally surrounded by land that has already been developed for rural living or low density residential purpose, it appears that rural living / low residential living is also an appropriate response to the context of the site. It is considered reasonable that the proposal is generally consistent with Clause 17.05 of the Scheme, as there will not be any significant loss of prime productive agricultural land.
- In response to Clause 19.01 (Subdivision) of the Scheme, the proposal seeks to provide a range of lot sizes to suit a variety of dwelling and household types.
- In response to Clauses 21.01-5 and 21.04-1, the proposal seeks to minimise its impact on the environment where possible. The proposal does not seek to remove any native vegetation and building envelopes (through a Section 173 agreement) will be required as condition to the permit for the proposal, to permanently protect the remnant native vegetation on site.

- The proposal is consistent with Clauses 21.01-7 and 21.02-2 and 21.04-4 of the Scheme, by contributing to the diversity in housing type within the municipality, through the provision of appropriately sized lots for rural living purposes.
- The proposal is generally consistent with the Churchill Strategic Land Use Framework Plan under Clause 21.03-3 of the Scheme. It is anticipated that the subject site is to remain rural living / low scale in nature.

'Purpose' and 'Decision Guidelines' of the Rural Living Zone:

It is considered reasonable that the proposal is consistent with the 'Purpose' and 'Decision Guidelines' of Schedules 3 and 4 to the Rural Living Zone. The proposed subdivision will provide for residential use in a rural environment. The subject site is not adjacent to any prime agricultural land, but located within an area which is rather developed. It is unlikely that the proposed subdivision will have any detrimental impact upon the amenity of the adjoining or surrounding agricultural land uses. The proposed subdivisional areas satisfactorily meet the provisions under both Schedules and 4 of the Rural Living Zone.

Clause 65 (Decision Guidelines):

The relevant matters under Clause 65 have been considered as part of the assessment of the proposal.

It is considered the land is suitable for subdivision, in context of the zoning of the site, and its adjoining and surrounding development. The proposed subdivision layout is considered to be appropriate, in terms of its density, area and dimensions. Subject to appropriate conditions to the permit for the development, it is reasonable to expect that the proposal will not have any significant detrimental impact upon its adjoining and surrounding road network, the environment in general.

Others

The application received six (6) submissions in the form of objections. The issues raised were:

1. Riga Court is inadequate to cater for the anticipated traffic increase and will result in increased detriment to landowners in the court.

Comment:

The latest revised subdivision layout (dated April 2009) does not propose any access to Riga Court. A condition will be required in the permit, for the provision of a court bowl at the end of Riga Crescent, to ensure safe vehicle turning for this area.

2. The access to the development from Junction Road will cause detriment to the nearby landowners.

Comment:

It is proposed that access to lots 27 to 37 will be provided from Junction Road.

Council's Project Services has no objection to the proposed access arrangement to the development from Junction Road.

It is reasonable to consider that the additional traffic generated from the ten (10) rural living lots will be minimal, and will not have a detrimental impact upon the function and capacity of Junction Road.

3. Roberts Road and Wongan Crescent are inadequate to cater for the anticipated traffic increase and this will result in increased detriment to landowners in those streets.

Comment:

Similar to the above comment, Council's Project Services has no objection to the proposed access arrangement to the development from either Roberts Road or Wongan Crescent.

It should be noted the only five (5) rural living lots will require access from Roberts Road, and fifteen (15) lots will require access from Wongan Crescent.

4. The density of the development is too high for the area and as such will not respect the established pattern of development.

Comment:

The subject site is located within an area, where the average lot sizes are generally 600square metres to the north, 3-5 hectares to the south, 0.5-2 hectares to the east, and approximately 1.5 hectares to the west.

The proposal seeks to subdivide land into eleven (11) lots of approximately 4 hectares in area each, and twenty-six (26) lots of approximately 2 hectares in area each.

A section 173 agreement will be included as a condition to the permit of the development, to ensure that no further subdivision will be allowed on the subject site.

It is considered reasonable that the proposed subdivision layout is generally consistent with the density of the adjoining and surrounding area.

5. Removal of the dams may affect fire safety.

Comment:

The application was referred to the CFA, and the authority does not have any fire safety concerns in relation to the removal of the dams.

The CFA has requested a number of 'access' and 'water supply' conditions be included on the permit for the development, to ensure that adequate provision is available for fire safety.

7. 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).

8. OPTIONS

Council has the following options in regard to this application:

1. Determine to issue a Notice of Decision.
2. Refuse to grant a planning permit.

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Rural Living Zone 3 and 4;
- Consistent with Clause 65 (Decision Guidelines); and
- The objection(s) 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 required/the objections do not form planning grounds on which the application should be refused).

10. RECOMMENDATION

A. That Council DECIDES to issue a Notice of Decision, for the thirty-seven (37) lot subdivision at 25 Junction Road, Churchill, with the following conditions:

Amended Plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be accurately drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The location of all existing remnant native trees and other vegetation to be retained and permanently protected. This must include, but not limited to, the row of mature blue gums along the driveway access.
 - b) Lot boundaries realigned to occur outside the drip line of all existing remnant native trees and other vegetation to be retained.
 - c) Building envelopes specified on lots containing all existing remnant native trees and other vegetation to be retained. Building envelopes must be situated to provide for a permanent buffer zone* of at least twice the diameter of the canopy of all existing remnant trees and other vegetation to be retained.

- d) Dimensions of the native buffer area.
- e) The removal of any non-native trees.
- f) Provision of a road reserve with a minimum area of 20m x 20m, within the proposed lot 5 of the subject site or generally within the north-west portion of the subject site, to facilitate the construction and creation of a court bowl at the eastern end of Riga Crescent.
- g) Road pavement widths in accordance with the requirements of both Council's Project Services and CFA as specified under Conditions 4 and 21 of this permit.
- h) Revised lot sizes to show at least 4 hectares in area for each of the lots in the northern portion of the site (i.e. north of the native buffer area) and at least 2 hectares in area for each of the lots in the southern portion of the site (i.e. south of the native buffer area) .
- i) No direct access is allowed from Boolarra Churchill Road.
- j) No direct access is allowed from Glendonald Roads to Lots 1 – 3.
- k) No direct access is allowed from Farley Road to Lots 12 – 15.

In preparing the above amended plans, the subject site must be surveyed by a suitably qualified land surveyor.

Plans not to be altered

- 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

Once commenced to be completed

- 3. Once works have commenced they must be completed to the satisfaction of the Responsible Authority.

Council's Project Services Conditions

- 4. Prior to commencement of works the following documents must be submitted and approved by the Latrobe City Council:
 - a. Plans and specifications for road and drainage works detailing:
 - i. Construction of the new road in accordance with the Council's Design Guidelines for Subdivisional Developments (Urban Standards) including traffic management works as required to create the appropriate speed environment.

- ii. Full and detailed calculations including the provision of geotechnical reports supporting all aspects of pavement design must be provided with road designs submitted to Council for approval. Investigation must be undertaken to determine existing site conditions to determine road and pavement design requirements.
 - iii. Construction of underground drainage system or alternative drainage system approved by the Responsible Authority accepting stormwater discharge from the roads and each lot. Provision of storm surcharge routes and cut-off drains. The pipes must be designed to take the 5 year ARI storm event with surcharge routes provided to take the 100 year ARI storm event. Discharge into the existing outfall drain must be limited to ensure the capacity of the pipe drain is not exceeded for the 1 in 5 year storm event. Any drainage discharge in excess of capacity including 1 in 100 year storm event must be retained within the development.
- b. An Environment Management Plan (EMP) detailing techniques for erosion prevention and control measures during the construction phase and post construction in accordance with EPA Publication 960 "Doing it Right on Subdivisions". The EMP must include:
- i. Contours (existing and final);
 - ii. Existing site drainage;
 - iii. Limit of clearing, grading and filling (location of earthworks including roads, areas of cut and fill);
 - iv. Locations and design criteria of erosion and sediment control structures;
 - v. Site access;
 - vi. Location of critical areas (drainage lines, water bodies);
 - vii. Proposed techniques for stabilisation of disturbed ground;
 - viii. Procedures for maintenance of erosion controls;
 - ix. Details of staging works; and
 - x. Techniques for dust control.

5. Prior to certification, Plans and specifications for road & drainage works must be submitted and approved by Council's Co-ordinator Project Services.
6. The plan submitted for certification under the Subdivision Act must show:
 - a. easements for drainage purposes to the satisfaction of the Responsible Authority; and
 - b. street names to the satisfaction of the Responsible Authority.
7. Driveway crossover to be constructed to Council Design Guidelines – Rural Standards. Access to lot 27 must meet VicRoads Design Guidelines for Sight Distances.
8. The following conditions of the Latrobe City Council must be met prior to the issue of a Statement of Compliance:
 - a. The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.
 - b. The following works and items must be provided in accordance with plans and specifications approved by the Responsible Authority:
 - i. Road works.
 - ii. Construction of temporary vehicle turning areas at the end of all streets to be continued in later stages.
 - iii. Drainage works.
 - iv. Concrete footpaths along both sides of all streets in accordance with Council's Design Guidelines.
 - v. Street lighting and underground electricity supply.
 - vi. Street signs and road pavement line marking.
 - vii. Amenity control during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
 - viii. As constructed information, in accordance with Latrobe City Council Design Guidelines for infrastructure development.
9. Prior to the issue of Statement of Compliance for any stage, the owner must pay to the Council:

- a. the sum of \$5887 per hectare as a contribution to drainage headworks, or other such arrangement or contribution which the Responsible Authority agrees to in writing;
 - b. engineering fees of 3.25% of construction costs;
 - c. the sum of \$175 per frontage for street trees; and
 - d. the sum equal to 5% of the value of the land in the estate as a contribution in lieu of the provision of any Public Open Space reserve. The cost of the land valuation will be borne by the developer.
10. Environmental amenity must be controlled during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
 11. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers.
 12. All the construction works on the roads affected by these works must be in accordance with Standards Australia "Field Guide for Traffic Control at Works on Roads".
 13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Council's or Gippsland Water's drains or watercourses. To this end, pollution or litter traps must be provided on site.
- Native Vegetation & Section 173 Agreement
14. Prior to the issue of a Statement of Compliance pursuant to the Subdivision Act 1988, the owner must enter into an agreement with the Latrobe City Council made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Register of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that for lot numbers 1-3, 7-9, 12-16, 21, 26, 27, 33, 34, 36 and 37:
 - a. Native Vegetation identified to be retained in accordance with the endorsed plans must not be removed, lopped or destroyed
 - b. Native Vegetation identified to be retained in accordance with the endorsed plans must not be cleared for the installation or provision of services to the subdivision

- c. All development is to be sited so that the native vegetation as identified to be retained on the endorsed plans are not disturbed or damaged
- d. There must be no temporary or permanent storage of any materials, vehicles or equipment within the buffer zone* around native vegetation identified to be retained in accordance with the endorsed plans
- e. There must be no earthworks or excavation within the buffer zone* around native vegetation identified to be retained in accordance with the endorsed plans.

The owner/applicant must pay the reasonable costs of the preparation, execution and registration of the agreement.

Prior to Statement of Compliance issued the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

- a. a current title search; or
 - b. a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.
15. There must be no temporary or permanent storage of any materials, vehicles or equipment within the buffer zones* of native vegetation identified to be retained in accordance with the endorsed plans. All storage sited must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees to be retained. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.
 16. The area shown as "Native Buffer Area" must be planted using species from the Ecological Vegetation Class (EVC) Lowland Forest to the satisfaction of the Responsible Authority, and should be planted in accordance with the Revegetation Planting Standards - Guidelines for establishing native vegetation for net gain accounting (Department of Sustainability and Environment, 2006).
 17. The row of mature blue gums along the driveway access are to be retained and any impacts on the trees during construction or upgrades of the accessway must be minimised, particularly any disturbance around the drip line of the trees*. Any pruning of these Blue Gums must be carried out by a qualified arborist.

Department of Primary Industries Conditions &
Section 173 Agreement

18. Before the Statement of Compliance issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act which provides the following:
- a. The land to which this permit applies is identified in the Latrobe Planning Scheme as containing a stone resource which has the potential to support extractive industry in the future. Extractive industry operations can generate ground and air vibration, dust, noise, traffic and changes to the topography and landscape. Should you require any additional information please contact DPI on 136186.
 - b. The land may not be further subdivided so as to increase the number of lots.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Prior to Statement of Compliance issued the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

- a. a current title search; or
- b. a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.

Open Space Contributions

19. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

VicRoads' Conditions

20. The Owner/Applicant must comply with the following conditions from VicRoads:
- a. Direct access from Boolarra Churchill Road will not be permitted.
 - b. Existing guardrail adjacent to lot 27 must be retained and not altered or interfered with.

CFA's Conditions

21. The Owner/Applicant must meet the requirements of CFA in that, prior to the issues of Certification/Statement of Compliance, they:

Access

- a. Constructed roads must be a minimum of 3.5 metres trafficable width with no parking and 0.5 metres clearance to structures on either side; or 5.4 metres in trafficable width where cars may park on one side only; or a minimum of 7.3 metres in trafficable width where cars may park on both sides.
- b. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- c. Constructed roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over curbs if they are provided). Other solutions using T or Y heads meeting CFA specified dimensions are also appropriate.
- d. The average grade must be no greater than 1 in 7 (14.4%)(8.1 degrees) with maximum of no more than a 1 in 8 (12.5%)(7.1 degree) entry and exit angle.

Water Supply

- a. Where reticulated water is available, operable hydrants are to be provided. These hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting Purposes' available under Publications on the CFA website www.dva.vic.gov.au. The maximum distance between a hydrant and the rear of a building envelope (or in the absence of a building envelope, the rear of a lot) must be 12 metres.
- b. Where reticulated water is not available, a static water supply must be provided on each lot at the time of building that meets the following conditions:
 - i. The minimum supply of 100,000 litres per lot is maintained solely for firefighting.
 - ii. Below ground pipelines must be installed to the following depths:
 - subject to vehicle traffic: 300mm;

- under house or concrete slabs: 70mm;
and
- all other locations: 225mm.
- c. Above ground water pipelines and fittings must be constructed of non-corrosive and non-combustible materials, or protected from the effects of radiant heat and flame.
- d. All above ground static water supply must provide at least one 64mm, 3 thread/2mm x 50mm nominal bore British Standard Pipe (SP, round male coupling). All pipe work and valving between the water supply and the outlet must be a minimum of 50mm nominal bore.
- e. The maximum distance between a static water supply outlet and the rear of a building must be no more than 60 metres and no less than 10 metres from the building.
- f. The static water supply outlet must be no more than 3 metres above the static water supply base.
- g. Fire brigade vehicles must be able to get to within 4 metres of the static water supply outlet.
- h. A safe fire truck hard standing area of 10.3 metres x 5.5 metre clear of obstructions is to be provided at least 10 metres from the building.
- i. If the water supply is not identifiable from the building, visible signage must point to the water supply.

Council's Health Services Conditions

22. No alteration is made to the existing surface level of the lot without first obtaining a permit to install a Septic Tank System from Council. All wastewaters generated on the lot must be treated in a septic tank system as specified by the Environment Protection Act 1970.

Gippsland Water's Conditions

23. The Owner/Applicant must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance:
- a. The existing 20mm meter 07AK001169 is to be capped and 20mm meter 05AF018973 is to be removed and returned to Gippsland Water.
 - b. Please Note: If water is required the owner will need to contact a Gippsland Water Accredited Design Consultant for water availability. Lots 12 to 26 (all inclusive) can not be serviced to Gippsland Water's customer charter from the existing infrastructure. Lot 1 to 6 (all inclusive), lots 7 to 11 (all inclusive) and lost 27 to 37 (all inclusive) can be supplied water.

- c. Please Note: If water can be made available Headworks charges and connection costs will apply.
 - d. SPI Electricity Conditions
24. The Owner/Applicant must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
- a. The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
 - b. Enter into an agreement with SPI Electricity Pty Ltd for the supply of electricity to each lot on the endorsed plan.
 - c. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
 - d. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
 - e. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - f. Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
 - g. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - h. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
 - i. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on

the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

- j. Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- k. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd.
- l. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Telstra's Conditions

- 25. The Owner/Applicant must meet the requirements of Telstra Corporation Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
 - a. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.
 - b. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.

Expiry

- 26. This permit will expire if:
 - a. the plan of subdivision is not certified within 2 years of the date of this permit; or
 - b. the registration of the subdivision is not completed within 5 years of certification.

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

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

Note 1: The buffer zone* is delineated as a circular area encompassing any native vegetation that is at least the diameter of the canopy or projected vegetation cover as measured from the centre of the trunk of a tree or area of vegetation.

Note 2: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.

Note 3: For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

Note 4: The land to which this permit applies is identified in the Latrobe Planning Scheme as containing a stone resource which has the potential to support extractive industry in the future. Extractive industry operations can generate ground and air vibration, dust, noise, traffic and changes to the topography and landscape. Should you require any additional information please contact the Department of Primary Industries on 136 186.

Note 5: At the time a building is constructed, water supply must be provided to CFA's satisfaction.

B. That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the Planning and Environment Act 1987 in accordance with the planning permit arising from Application S08315, for the 37 Lot Subdivision ay 25 Junction Road, Churchill.

Moved: Cr Vermeulen

Seconded: Cr White

That Council defers consideration of this item for four weeks to obtain further traffic flow information and undertakes consultation with local residents.

CARRIED UNANIMOUSLY

ATTACHMENTS

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**11.3.5 PLANNING PERMIT APPLICATION 2009/34 - TWO LOT
SUBDIVISION (BOUNDARY REALIGNMENT), 10-11 THOMSON
RISE, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/34 for the two lot subdivision (boundary realignment) at 10-11 Thomson Rise, Traralgon.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective – Sustainability

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

Strategic Action – Built Environment

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

Strategic Action – Infrastructure Development

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

4. **BACKGROUND**

This section of the report provides an overview of the history of Planning Permit application 2009/34, a summary of the proposal, and an overview of the relevant clauses of the Latrobe Planning Scheme.

4.1 **SUMMARY**

Land: 10-11 Thomson Rise, Traralgon
known as Lots 164 and 165 PS 528331H.
Proponent: Mr A Warner
c/- Beveridge Williams & Co Pty Ltd
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect these sites.

A Planning Permit is required for the subdivision of land in accordance with Clause 32.01 of the Scheme.

4.2 **PROPOSAL**

The application is for the re-subdivision of these existing lots. Both lots are currently vacant and under the same ownership.

Subject Land:

Lot 164 on PS 528331H (10 Thomson Rise, Traralgon) measures approximately 9.78 metres along its front (eastern) boundary and approximately 33.29 metres along the rear (western) boundary. The northern boundary (abutting Lot 165) measures 52.3 metres, and 57.2 along the southern boundary. The site comprises approximately 1189m². The property has legal street frontage to Thomson Rise.

Lot 165 on PS 528331 (11 Thomson Rise, Traralgon) measures approximately 19.1 metres along its front (eastern) boundary, and approximately 25.2 metres along the rear (western) boundary. The northern boundary measures approximately 52.4 metres, and the southern 52.3 metres. The site comprises approximately 1158m². This property has legal street frontage to Thomson Rise.

Both sites have a moderate fall towards the north-eastern corner of the land. The total area of the two lots is approximately 2347m².

The proposed Lot 1 (11 Thomson Rise) will measure 800m². The frontage to Thomson Rise will not be altered. A portion of the rear of the site will be transferred to the proposed Lot 2 (10 Thomson Rise). Lot 2 will measure 1547m².

There will be no variation to the existing 2m wide drainage easement to the west of both lots.

Surrounding Land Use:

North: Single Storey Dwelling on a lot of approximately 1071m².
South: Single Storey Dwelling on a lot of approximately 1044m².
East: Road Reserve (Thomson Rise)
West: Single Dwellings on lots of approximately 1056m².

Both lots are affected by covenants. The covenant affecting 10 Thomson Rise, contained within dealing number AE680025F, restricts the use of particular building materials/fencing and the use of the land for non-residential purposes.

The covenant affecting 11 Thomson Rise, contained within dealing number AE977975V, restricts the use of particular building materials/fencing and temporary/relocatable buildings, the use of the land for non-residential purposes, construction of more than one dwelling on the land, and the further subdivision of the land.

4.3 HISTORY OF APPLICATION

The planning permit application was received on 6 February 2009.

As the application was not exempt from the notice requirements of Section 52(1) of the Act, a letter dated 23 February 2009 required the applicant to undertake notice in accordance with Section 52(1) of the Act. This included the display of a sign on the subject land facing Thomson Rise.

On 17 March 2009, Council received two objections to the re-subdivision of the land.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 14.01 '*Planning for Urban Settlement*' contains the following objectives:

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

Clause 19.01 'Subdivision' contains the following 'Objectives':

- *'To ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods'; and*
- *'To control the subdivision and consolidation of land and the removal and variation of easements and restrictions through planning schemes, within the framework of the Planning and Environment Act 1987 and the Subdivision Act 1988.'*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

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

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

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

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

Clause 21.02 (Key Influences):

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

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

Clause 21.03 (Vision – Strategic Framework):

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

- *'To contain urban development within distinct boundaries in order to reinforce, strengthen and increase the attractiveness of the existing urban settlements and the activity centre pattern and to maximise the use of existing infrastructure';*
- *'To provide the flexibility for development to occur in each town to accommodate the needs of its local and surrounding population as well as to contribute in a complementary way to the municipal networked city';*
- *'To retain clear boundaries between urban areas and their surrounding rural environment'; and*
- *'To sustain local employment and retail opportunities by offering a high degree of self containment for residents of Latrobe.'*

Clause 21.04-4 has a 'Containment and renewal' objective (Element 1) to encourage the containment of new residential subdivision within residential areas shown on the local structure plans for each town. Strategies to implement this include:

- *'Support new residential subdivisions within the existing zoned land provided they contribute to the integrated development of the neighbourhood or town'; and*

- *'Encourage infill and renewal at a variety of housing densities, from large, low density housing lots through to medium and higher density developments, depending on the location of the development, the quality of the living environment being created and the value added to property in the area.'*

Local Planning Policy (Clause 22)

Clause 22.06 (Urban Residential Land Supply):

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

- *'The containment and consolidation of urban areas.'*

'Objective':

- *'To encourage consolidation within the defined urban boundaries.'*

'Policy':

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

Zoning

The subject site is zoned 'Residential 1'. Pursuant to Clause 32.01-2 a planning permit is required to subdivide land. The proposed subdivision must also meet the requirements of Clause 65 (Decision Guidelines). The 'Purpose' of the Residential 1 Zone is:

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

Overlay

No overlays affect the subject land.

Particular Provisions

Clause 56 Residential Subdivision:

The proposed development must meet the requirements of Clause 56 (the ResCode provisions). The purpose of Clause 56 'Residential Subdivision' is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'To create liveable and sustainable neighbourhoods and urban places with character and identity';*
- *'To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns'; and*
- *'To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.'*

Decision Guidelines (Clause 65):

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

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

Incorporated Documents (Clause 81):

No Incorporated Documents apply to this application.

5. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The applicant was required to undertake the notice requirements of Section 52(1) of the Act. Two objections were received. These relate primarily to the potential development of more than one dwelling on each lot, the size of the proposed Lot 1 (800m²), the possible decrease in land value and a possible reduction in views from the objectors residences.

External:

There were no referral requirements pursuant to Section 55 of the Act.

Clause 66.01 states that a subdivision proposing the realignment of a boundary is exempt from a referral to service authorities.

Internal:

The application was referred internally to Council's Project Services department for consideration. A response was provided requiring a condition to be placed on the permit.

Details of Community Consultation following Notification:

Upon receipt of the two objections, the applicant provided a letter in response attempting to address all concerns raised. The concerns identified within the submissions related to the widening of street frontages, the caveat contained within dealing number AE977975V, the potential increase in housing density in the area, and the lot size. Upon follow-up telephone calls by the Statutory Planning Department, the objectors were unwilling to withdraw their objections. All parties were in agreement to proceed to a planning mediation meeting.

A planning mediation meeting was scheduled to occur on 26 May 2009, but both objectors were unable to attend.

The applicant has conveyed that the owner no longer wishes to proceed to mediation. The owner was concerned that he may not be able to address the concerns raised, as he felt that this was conveyed in the letter dated 26 March 2009.

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

6. ISSUES

It is considered that the application complies with the strategic direction of the State and Local Planning Policy Frameworks. The re-subdivision supports the aim to strengthen a diverse range of land sizes within the main towns to reduce the number of rural subdivisions. The diversity in lot sizes and layouts demonstrates the diversity in housing choice available within Latrobe city.

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

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone. The application supports the aims stated within the State and Local Planning Policy Frameworks, and provides development opportunities with a range of densities and lot layouts.

'Purpose' and 'Decision Guidelines' of Clause 56 'Residential Subdivision':

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of Clause 56 'Residential Subdivision'. An assessment against Clause 56 of the Scheme has been undertaken and the application has been proven to meet the relevant standards and objectives of the framework for residential subdivision as defined within this clause.

Clause 65 (Decision Guidelines):

It is considered that the application is consistent with Clause 65 'Decision Guidelines'. The lots allow for adequate access to Thomson Rise, are sufficient in size to allow for off street car parking, and will have access to services. The result of dwellings being constructed on the site will not add to the density of the area, as the width of the lots will not be altered, and both lots are considered to be an appropriate size.

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

The widening of the street frontage of 10 Thomson Rise.

Comment:

The application does not propose to alter the street frontages of either lot within this application.

The registered restriction in the form of a covenant contained within dealing number AE977975V preventing further subdivision of the land.

Comment:

Based on advice from Maddocks Lawyers received 13 July 2009, the granting of this permit would not result in a breach of this covenant. The covenant states that *'not without containing the consent of the vendor to further subdivide the lot'*. The consent of the vendor must be obtained prior to the subdivision of the land.

The potential increase in housing density within the area.

Comment:

There is no residential development proposed within the application. Any additional subdivision or medium density housing will require a separate planning approval process.

The size of the proposed Lot 1 (800m²).

Comment:

The lot sizes within the overall plan of subdivision for the estate vary from 642m² to 2531m². There are 10 lots within the subdivision that are smaller than 800m², several of which are not corner blocks. There are lots located on the adjacent side of Thomson Rise that are 933m² and 945m². The creation of a lot of 800m² is considered to be a reasonable size for a residential lot within Traralgon.

7. 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).

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to approve the planning permit application subject to appropriate conditions;
2. To refuse the planning permit application.

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the provisions of Clause 56
- Consistent with Clause 65 (Decision Guidelines); and

The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered.

A note will be included on the planning permit stating that prior to the issue of a Statement of Compliance the operator of this permit must obtain the consent of the vendor for the subdivision. A copy of this consent will be required to be submitted to the Responsible Authority.

10. RECOMMENDATION

- A. That Council DECIDES to issue a notice of decision to grant a planning permit, for the re-subdivision of two lots at 10-11 Thomson Rise, Traralgon (Lots 164 and 165 PS 528331H, with the following conditions:
1. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
 2. Prior to the Certification of the Plan of Subdivision, a site drainage plan must be submitted and approved by the Responsible Authority. The plan must show a drainage scheme providing for the conveying of the stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.
 6. This permit will expire if:

- a) The plan of subdivision is not certified within 2 years of the date of this permit; or
- b) The registration of the subdivision is not completed within 5 years of certification.

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

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

Note 1: Any drainage connection into a Council stormwater drain requires the approval of the Responsible Authority prior to the works commencing. The applicant must obtain a Council Works permit for new connections to Council drains and these works are to be inspected by an officer from the Responsible Authority.

Note 2: Prior to the registration of the plan at the titles office, the operator of this permit must obtain the written consent of the vendor, as required by the covenant contained within dealing number AE977975V for the subdivision. A copy of this consent must be submitted to the Responsible Authority.

Moved: Cr Kam
Seconded: Cr White

That Council DECIDES to refuse this application on the following grounds:

1. The proposal does not meet the objectives of Clause 56.03-5 'Neighbourhood Character' of the Latrobe Planning Scheme, as the resulting subdivisional layout of Lot 2 is highly irregular, and does not reflect the subdivision pattern of the surrounding area.
2. The proposal does not meet the decision guidelines of Clause 65, as the proposed area and dimensions of Lot 2 are inappropriate in consideration of the possible future development that could occur on the land.

CARRIED UNANIMOUSLY

ATTACHMENTS



**BOUNDARY RE-ALIGNMENT
10 & 11 THOMSON RISE, TRARALGON
LOTS 164 & 165 PS528331H**

SCALE 1:400
LENGTHS ARE IN METRES
(SHEET SIZE A3)

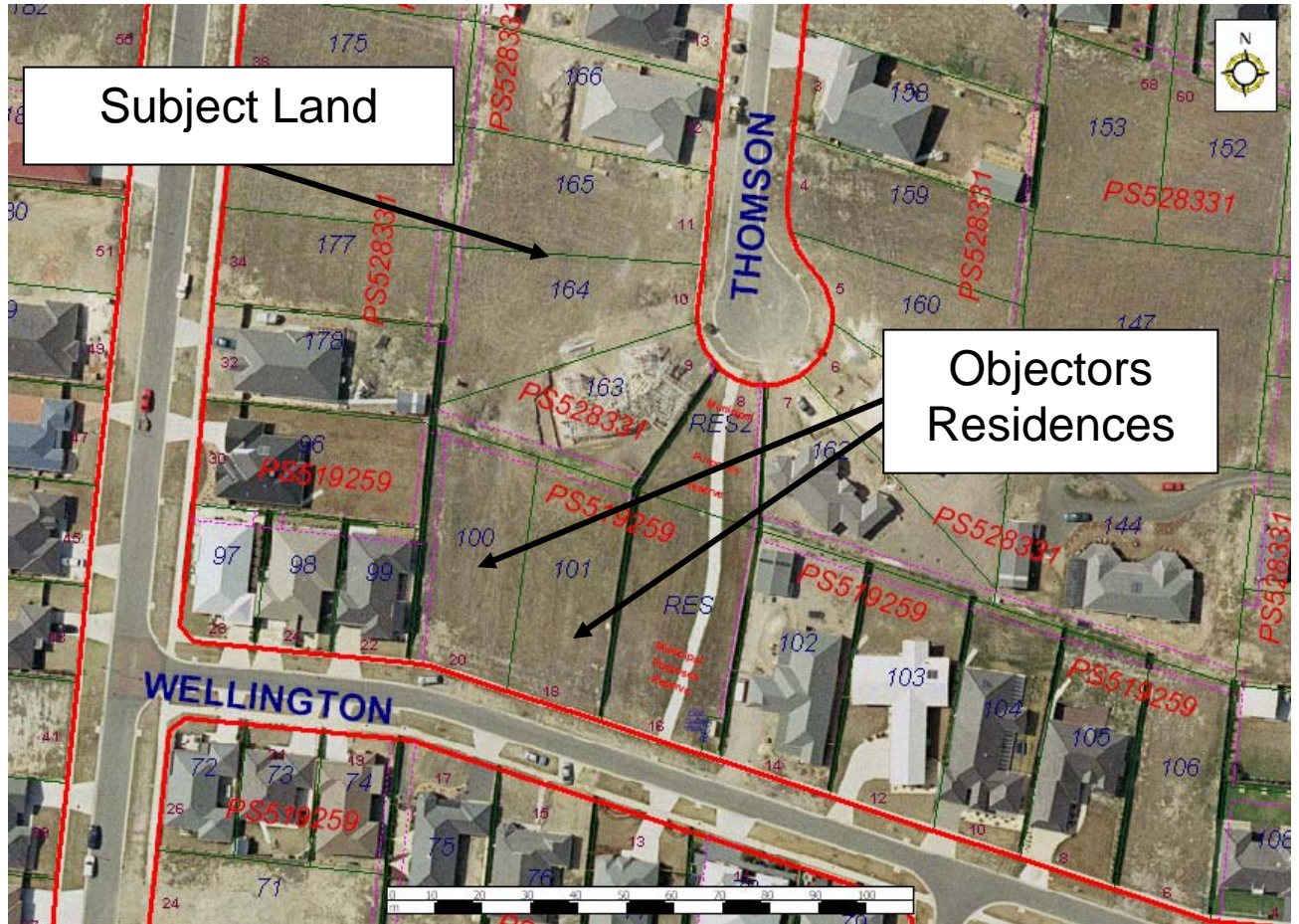


NOTE: BUILDINGS ARE APPROXIMATE ONLY.

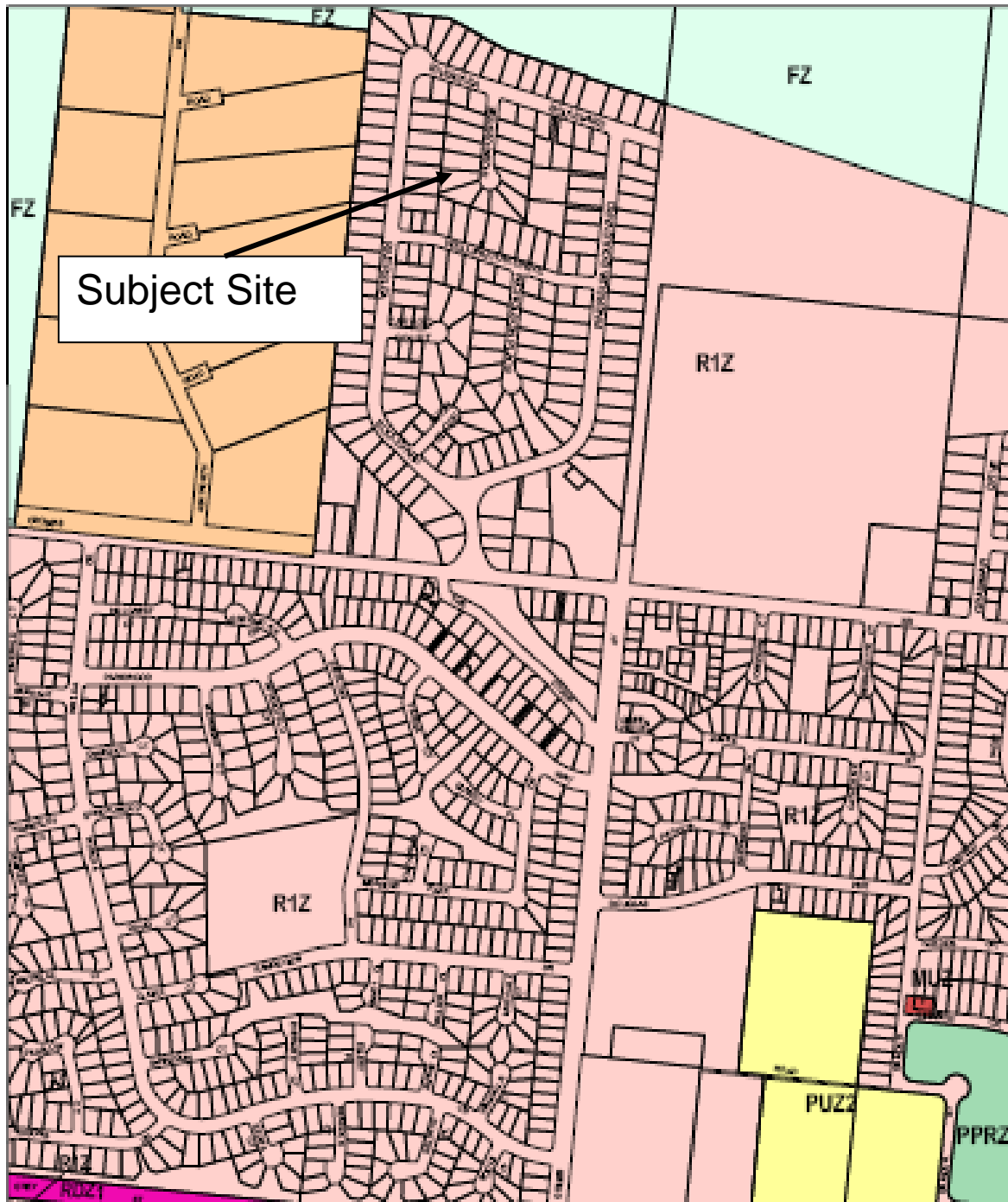
NOTE: DIMENSIONS & AREAS ARE APPROXIMATE ONLY

REF: 11517

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 SURVEYORS ENGINEERS PLANNERS
 ENVIRONMENTAL CONSULTANTS
 150 WILSON STREET, TRARALGON VIC 3840
 CM CURTIS & HARTLEY ST 8TH FLOOR, BALLARAT (03) 5626444
 134 ORHAM ST., WORTHAMGT (03) 5622630
 18 NOTHAM ST., TRARALGON (03) 5672505
 18 NOTHAM ST., TRARALGON (03) 5672634



LATROBE PLANNING SCHEME - LOCAL PROVISION



Legend for ZONES

Zone	Description
FZ	Future Zone
R1Z	Residential Zone
R1	Residential Zone
PUZZ	Public Use Zone
PPRZ	Public Purpose Zone

Scale bar: 0 to 100 meters

Logos: Latrobe Council, Victoria Government

Inset map: Shows the location of the map area within the Latrobe Planning Scheme grid.



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REGISTER SEARCH STATEMENT

Land Victoria

Page 1 of 1

Security no : 124028411724U

Volume 10900 Folio 483

Produced 06/01/2009 03:02 pm

LAND DESCRIPTION

Lot 164 on Plan of Subdivision 528331H.
PARENT TITLE Volume 10872 Folio 681
Created by instrument PS528331H 16/09/2005

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
ALFRED LEIGH WARNER
KYLIE JANE WARNER both of 23 GRADUATE PLACE TRARALGON VIC 3844
AF409755A 17/10/2007

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AB680025F 20/10/2006

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

DIAGRAM LOCATION

SEE PS528331H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

The following information is provided for customer information only.

Street Address: 10 THOMSON RISE TRARALGON VIC 3844

STATEMENT END



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REGISTER SEARCH STATEMENT

Land Victoria

Page 1 of 1

Security no : 124028411564T

Volume 10900 Folio 484
Produced 06/01/2009 02:56 pm

LAND DESCRIPTION

Lot 165 on Plan of Subdivision 528331H.
PARENT TITLE Volume 10872 Folio 681
Created by instrument PS528331H 16/09/2005

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
ALFRED LEIGH WARNER
KYLIE JANE WARNER both of 23 GRADUATE PLACE TRARALGON VIC 3844
AF725633B 18/03/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF725634Y 18/03/2008
NATIONAL AUSTRALIA BANK LTD

COVENANT AE977975V 28/03/2007

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

DIAGRAM LOCATION

SEE PS528331H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS



NIL

The following information is provided for customer information only.


Street Address: 11 THOMSON RISE TRARALGON VIC 3844

STATEMENT END

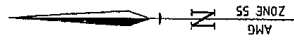
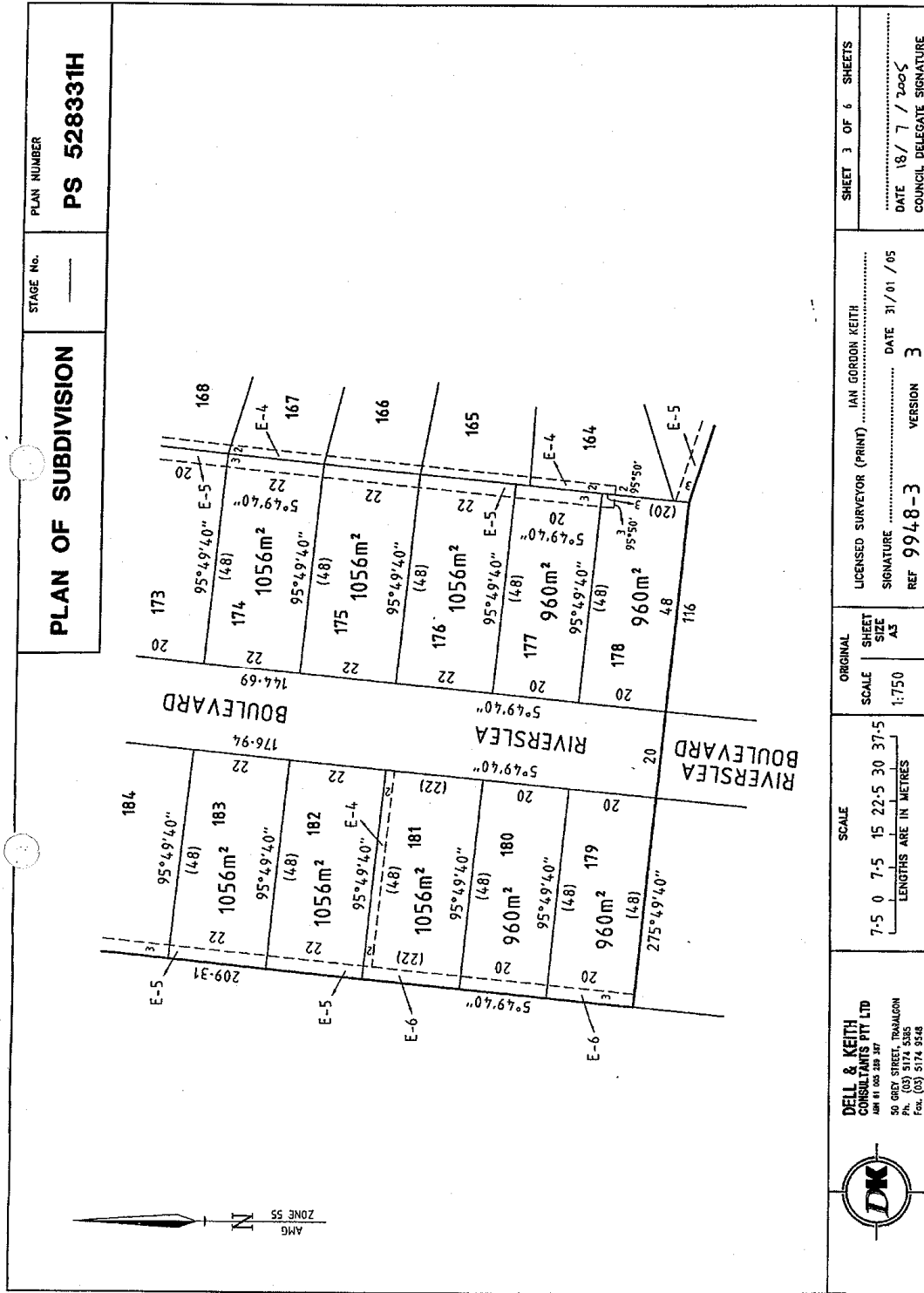
Delivered by LANDATA®. Land Victoria timestamp 06/01/2009 14:58 Page 1 of 6

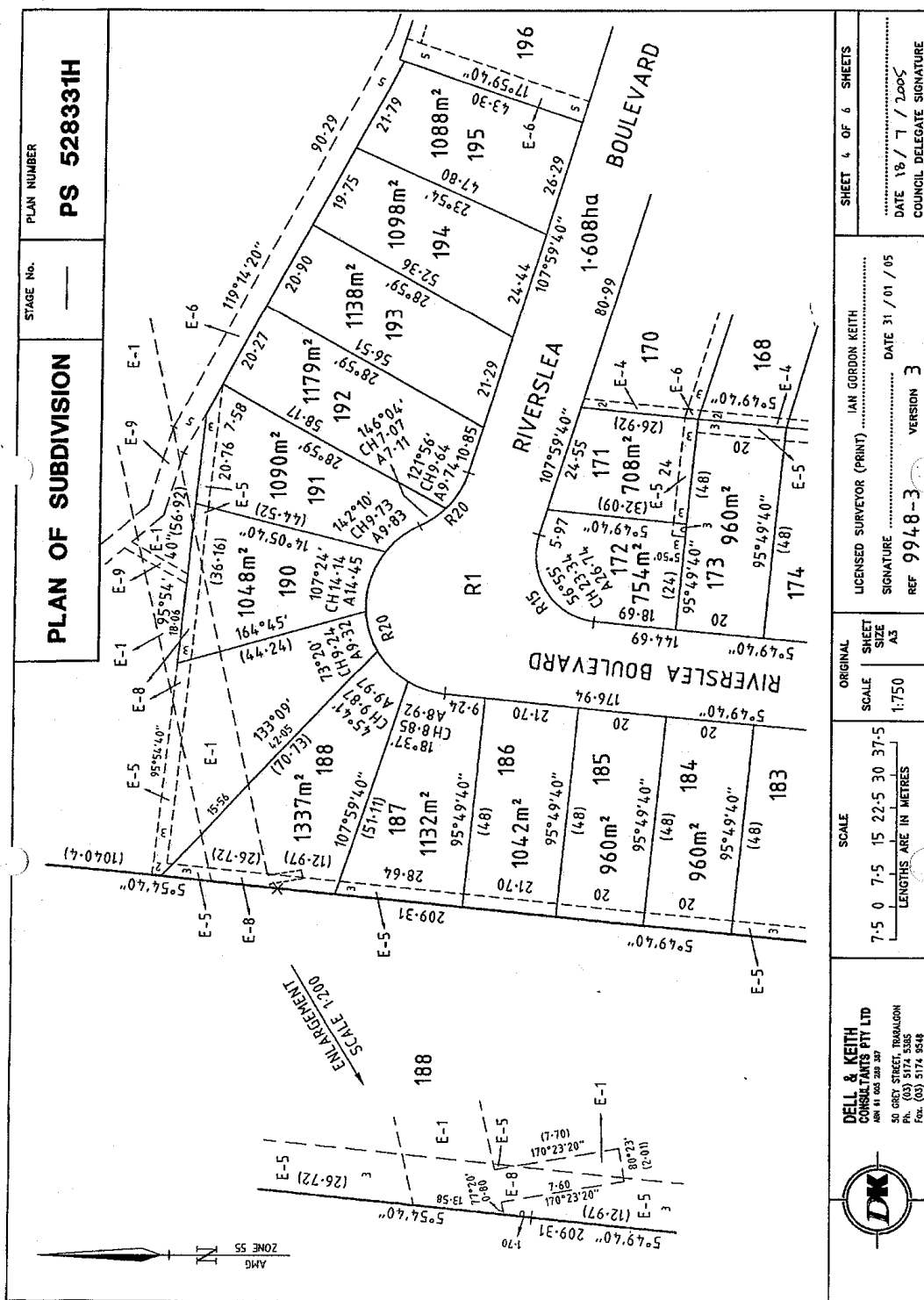
PLAN OF SUBDIVISION		STAGE No. —	LR USE ONLY EDITION 	PLAN NUMBER PS 528331H	
LOCATION OF LAND		COUNCIL CERTIFICATION AND ENDORSEMENT			
PARISH: TRARALGON SECTION: — CROWN ALLOTMENTS: 29 ^A (PART), 27(PART), 28(PART), 29(PART) & 30(PART) TITLE REFERENCES: C/T VOL 10072 FOL 681 LAST PLAN REFERENCE/S: PS 531365V LOT C POSTAL ADDRESS: RIVERSLEA BOULEVARD (At time of subdivision) TRARALGON VIC 3844 AMG Co-ordinates (of approx centre of land in plan) E 457 430 ZONE: 55 N 5,774 750		COUNCIL NAME: CITY OF LATROBE REF: 03020 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date 18 / 7 / 2005 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /			
VESTING OF ROADS AND/OR RESERVES		NOTATIONS			
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING This is/is not a staged subdivision. Planning permit No. 03020 DEPTH LIMITATION: DOES NOT APPLY LOTS 1-134 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN E-2 AND E-3 HAVE BEEN OMITTED FROM THIS PLAN SURVEY. THIS PLAN IS/ IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) — IN PROCLAIMED SURVEY AREA No. —			
ROAD R1	LATROBE CITY COUNCIL				
RESERVE NO. 1	CENTRAL GIPPSLAND REGION WATER AUTHORITY				
RESERVE NO. 2	LATROBE CITY COUNCIL				
RESERVE NO. 3	LATROBE CITY COUNCIL				
EASEMENT INFORMATION					
LEGEND A—Appurtenant Easement E—Encumbering Easement R—Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
E-4	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
E-5	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-6	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-7	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
E-7	POWER LINE	1-50	THIS PLAN - SEC 88 OF THE ELECTRICITY ACT 2000	SPI ELECTRICITY PTY LTD	
E-8	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-9	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
LR USE ONLY STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED <input checked="" type="checkbox"/> DATE: 2/9/05 LR USE ONLY PLAN REGISTERED TIME 1:22pm DATE 16/9/2005  Assistant Registrar of Titles SHEET 1 OF 6 SHEETS					
 DELL & KEITH CONSULTANTS PTY LTD ABRN 61 005 289 387 50 GREY STREET, TRARALGON Ph. (03) 5174 5385 Fax. (03) 5174 9548		LICENSED SURVEYOR (PRINT) IAN GORDON KEITH SIGNATURE DATE 31 / 01 / 05 REF 9948-3 VERSION 3			DATE 18 / 7 / 2005 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3

Delivered by LANDATA®. Land Victoria timestamp 06/01/2009 14:58 Page 1 of 6

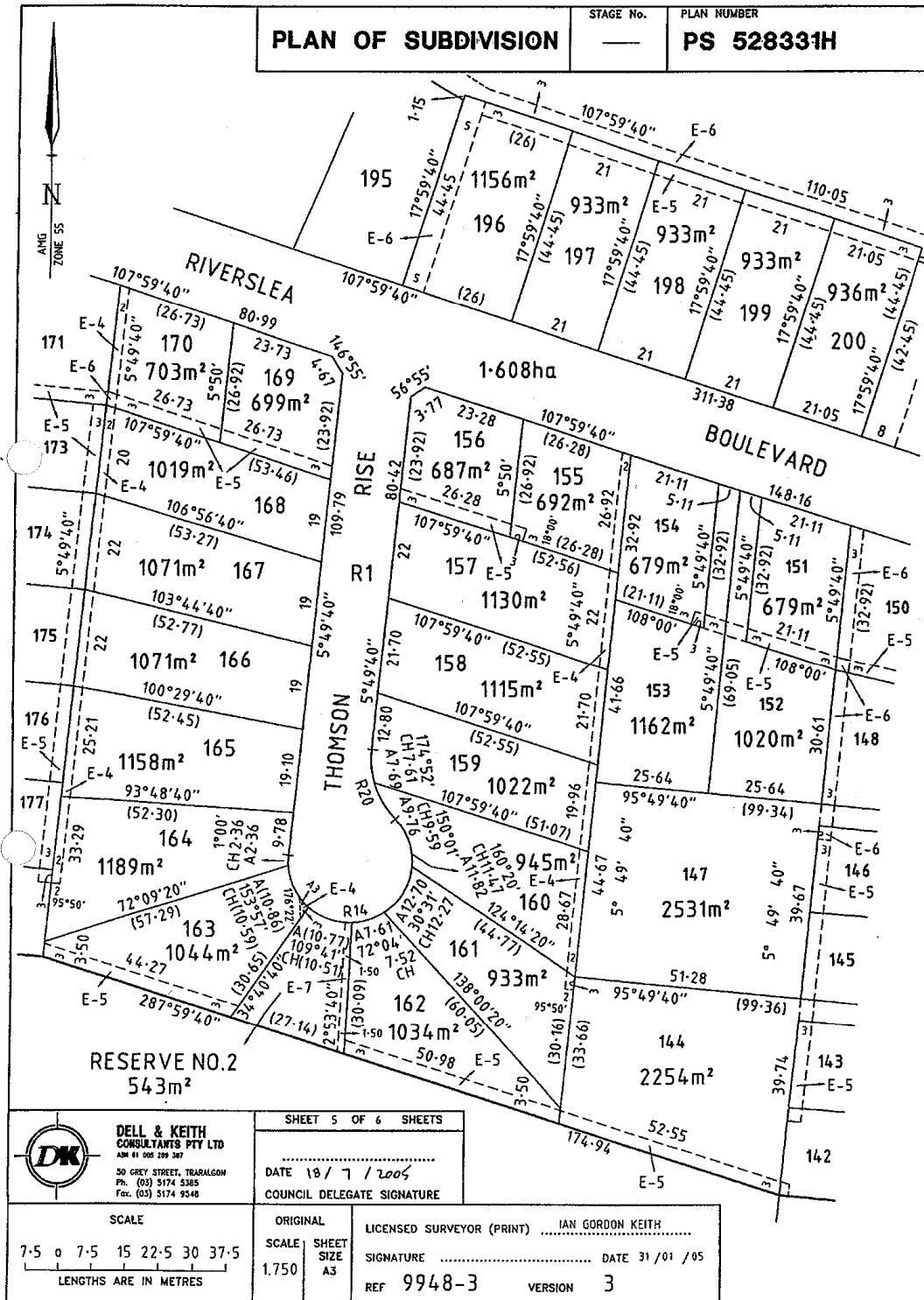
PLAN OF SUBDIVISION		STAGE No. _____	LR USE ONLY EDITION 	PLAN NUMBER PS 528331H	
LOCATION OF LAND		COUNCIL CERTIFICATION AND ENDORSEMENT			
PARISH: TRARALGON SECTION: _____ CROWN ALLOTMENTS: 29 ^A (PART), 27(PART), 28(PART), 29(PART) & 30(PART) TITLE REFERENCES: C/T VOL 10072 FOL 681 LAST PLAN REFERENCE/S: PS 531365V LOT C POSTAL ADDRESS: RIVERSLEA BOULEVARD TRARALGON VIC 3844 AMG Co-ordinates (of approx centre of land in plan) E 457 430 ZONE: 55 N 5,774 750		COUNCIL NAME: CITY OF LATROBE REF: 03020 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date 18 / 7 / 2005 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /			
VESTING OF ROADS AND/OR RESERVES		NOTATIONS			
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING This is/is not a staged subdivision. Planning permit No. 03020 DEPTH LIMITATION: DOES NOT APPLY LOTS 1-134 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN E-2 AND E-3 HAVE BEEN OMITTED FROM THIS PLAN SURVEY. THIS PLAN IS/ IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) _____ IN PROCLAIMED SURVEY AREA No. _____			
ROAD R1	LATROBE CITY COUNCIL				
RESERVE NO. 1	CENTRAL GIPPSLAND REGION WATER AUTHORITY				
RESERVE NO. 2	LATROBE CITY COUNCIL				
RESERVE NO. 3	LATROBE CITY COUNCIL				
EASEMENT INFORMATION					
LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
E-4	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
E-5	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-6	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-7	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
E-7	POWER LINE	1-50	THIS PLAN - SEC 88 OF THE ELECTRICITY ACT 2000	SPI ELECTRICITY PTY LTD	
E-8	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY	
E-9	TRANSMISSION OF ELECTRICITY	SEE DIAG.	INST. E145809	SECV	
	DRAINAGE	SEE DIAG.	THIS PLAN	CITY OF LATROBE	
LR USE ONLY STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED <input checked="" type="checkbox"/> DATE: 2/9/05 LR USE ONLY PLAN REGISTERED TIME 1:22pm DATE 16/9/2005 Assistant Registrar of Titles SHEET 1 OF 6 SHEETS					
 DELL & KEITH CONSULTANTS PTY LTD ABRN 01 005 289 387 50 GREY STREET, TRARALGON Ph. (03) 5174 5385 Fax. (03) 5174 9548		LICENSED SURVEYOR (PRINT) IAN GORDON KEITH SIGNATURE DATE 31 / 01 / 05 REF 9948-3 VERSION 3			DATE 18 / 7 / 2005 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3

Delivered by LANDATA@. Land Victoria timestamp 06/01/2009 14:58 Page 3 of 6

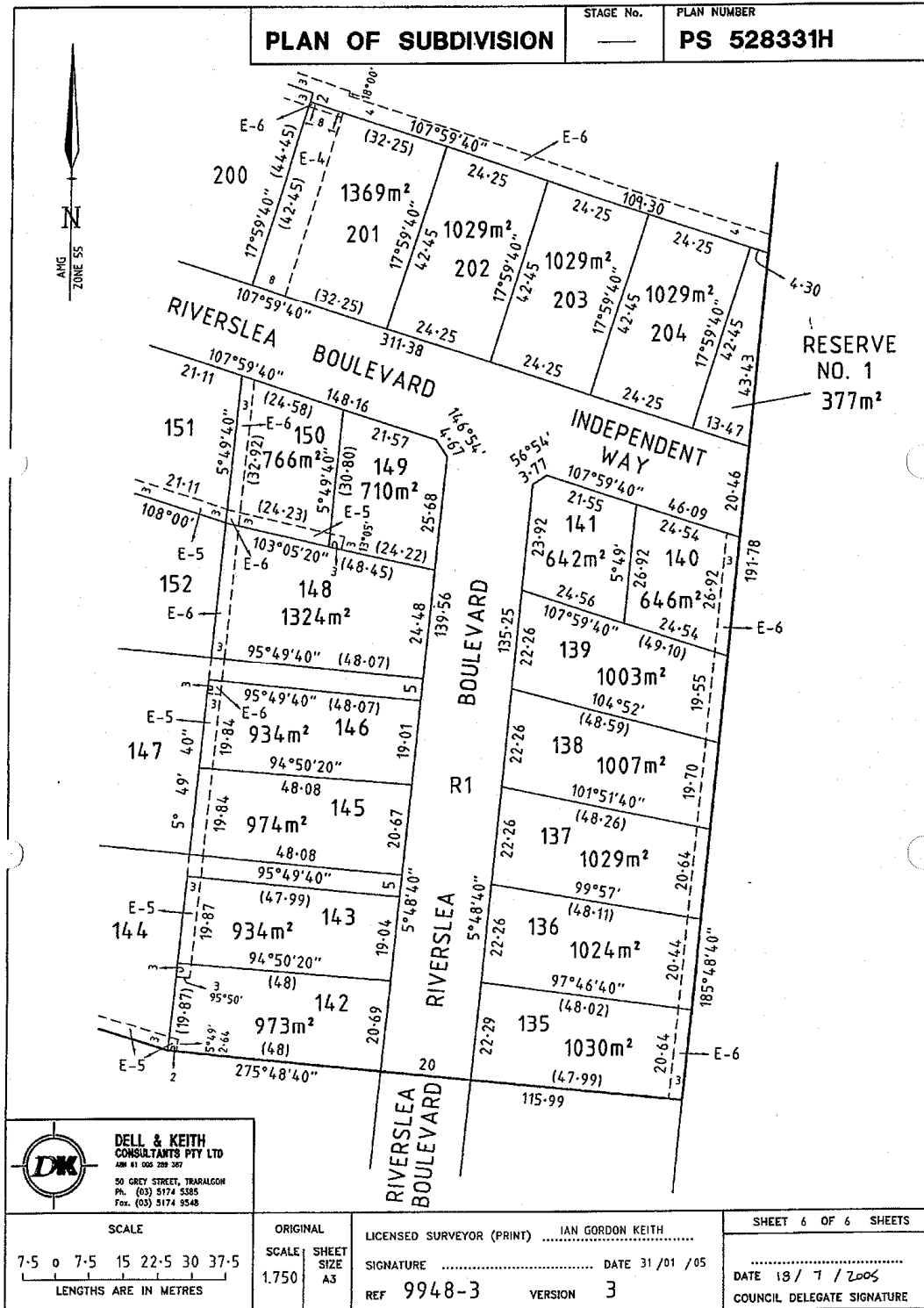




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Imaged Document Cover Sheet

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Document Type	Instrument
Document Identification	AE680025F
Number of Pages (excluding this cover sheet)	4
Document Assembled	16/01/2009 10:03

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TRANSFER OF LAND
Section 45 Transfer of Land Act 1958

Lodged by:
Name: _____
Phone: _____
Address: _____
Ref.: _____
Customer Code: IFS 3529K



Lot 164
AE680025F
20/10/2008 \$292 45
MADE AVAILABLE / CHANGE CONTROL
Land Titles Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed—
—together with any easements created by this transfer;
—subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
—subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 10900 Folio 483 & 476

Estate and Interest: (e.g. "all my estate in fee simple")

All its estate in fee simple.

Consideration:

\$80,000.00 (Eighty thousand dollars)

Transferor: (full name)

WESTEND RISE PTY. LTD. ACN 104 728 270

Transferee: (full name and address including postcode)

CATHERINE RACHELLE BLYTHMAN and SCOTT WAYNE GARLAND both of 33 Cross's Road, Traralgon 3844 as joint tenants.

Directing Party: (full name)

Creation and/or Reservation and/or Covenant:

The Transferees for themselves and their successors and transferees the registered proprietor or proprietors for the time being of the land hereby transferred and of each part thereof DO HEREBY COVENANT with the transferor its successors and transferees the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision 528331H and each and every part thereof (other than the land hereby transferred) that they shall not:

Lex

See

Continued on T2 Page 2

Approval No. 18170111L

ORDER TO REGISTER
Please register and issue title to

STAMP DUTY USE ONLY

T2



Signed

Cust. Code:

DRS	AP 447
Vic Duty	\$1,720.00
Consideration	\$80,000.00
Trans No.	2389/2005
Endorse Date	13/10/2005
Section	15 Original

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1. Not to permit or allow to be built any temporary, relocatable building or structure on the Lot.
2. Not use or permit or allow to be built any building to be used for anything other than residential purposes.
3. Not without obtaining the consent of the vendor to permit or allow to be erected upon the Lot:
 - 3.1 any building or structure constructed of cement sheeting or fibro cement sheeting other than sheeting as may be necessarily used in eave cladding;
 - 3.2 any building or structure the outer walls of which are weatherboard or a weatherboard like material;
 - 3.3 any outbuildings not constructed of brick, brick veneer, timber or colorbond;
 - 3.4 any building or structure consisting wholly or partly of second hand materials other than secondhand bricks or stone.

SEE ANNEXURE "A"

Dated: 10-10-09.

Execution and attestation:

EXECUTED by WESTEND RISE PTY. LTD.)
A.C.N. 104 728 270 by being signed by those)
persons who are authorised to sign for the)
company)

Director

Full Name: Lex Grigg
Usual Address: 17 Breed Street, Traralgon 3844

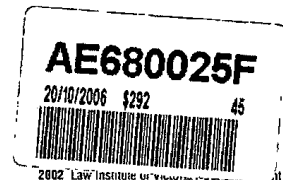
Director

Full Name: ~~Caroline Storti~~
Usual Address: ~~17 Breed Street, Traralgon 3844~~

Full Name: Kenneth David Grigg
Usual Address: 105 Varney Crescent, Traralgon 3844

Approval No. 18170111L

T2 Page 2



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ANNEXURE PAGE

Transfer of Land Act 1958

Privacy Colle
The informati
statutory auth
maintaining p
indexes in the

AE680025F

20/10/2006 \$292 45



This is page **3** of *Approved Form* T2

dated **10-10-05** between

WESTEND RISE PTY. LTD. ACN 104 728 and C.R. BLYTHMAN & S.W. GARLAND

Signatures of the parties



Panel Heading

Creation and/or Reservation and/or Covenant continued:

Fencing

1. Not to erect or construct or permit to remain any fence upon the property unless such fence or fences meet the following requirements:

FENCE	MATERIAL	SPECIFICATION
SIDE (save for Eastern boundaries of Lots 195, 200 and 204 and the Western boundaries of 196 and 201)	Vertical lapped treated pine palings	Not to exceed 1 metre in height over a 2.8 metre distance from the front boundary of the lot, thereafter angular grading over a distance of 2.5 metres to fixed 1.8 metres in height.
SIDE (Eastern boundaries of Lots 195 and 200 and Western boundaries of 196 and 201)	No second hand material	Rural fencing comprising posts at approximately 3 metre intervals with 5 strands of wire, 3 of which are to be barbed wire save UNLESS a direction is received from the vendor to the contrary.
REAR (save for Lots 189-204 inclusive)	Vertical lapped treated pine palings	Fixed 1.8 metres in height
REAR (Lots 189 -204 inclusive)	No second hand materials	Rural fencing comprising posts at approximately 3 metre intervals with 5 strands of wire, 3 of which are to be barbed wire.
CORNER LOTS (& LOTS abutting corner fenced lots)	No second hand materials	By prior approval or direction from the Vendor
LOTS ABUTTING RESERVES	Vertical lapped treated pine palings	Fixed 1.8 metres in height.

The covenants in this transfer shall cease to apply or affect the land upon the expiration of 15 years after the date of this transfer.

AND IT IS HEREBY AGREED that the benefit of the foregoing shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision so that the burden thereof shall be annexed to and run at law and in equity with the said lot hereby transferred and that the same shall be noted and appear on every future Certificate of Title for the said Lot as an encumbrance affecting the same and every part thereof.

See Annexure "A"

WEX
K

K...
K

Approval No. 18,70311L

A1



1. If there is insufficient space to accommodate the required information in a panel of the *Approved Form* insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading. **THE BACK OF THE ANNEXURE PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the *Approved Form* to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

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Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

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ANNEXURE PAGE

Transfer of Land Act 1958

This is page 4 of Approved Form dated 10-10-09 between Signatures of the parties

T2

WESTEND RISE PTY. LTD. ACN 104 728 and C.R. BLYTHMAN and S.W. GARLAND

Privacy Collection Statement

The information from this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

Panel Heading

Execution and attestation continued:

Signed by the said CATHERINE RACHELLE BLYTHMAN in the presence of:

Witness

Signed by the said SCOTT WAYNE GARLAND in the presence of:

Witness

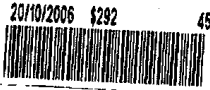
Approval No. 18170311L

A1



corpnet.com.au Item 2/23

AE680025F



1. If there is insufficient space to accommodate the information on the Annexure Page under the approved Form insert the words "See Annexure Page" THE ANNEXURE PAGE IS NOT TO BE USED.

- 2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the Approved Form to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010



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Document Identification	AE977975V
Number of Pages (excluding this cover sheet)	3
Document Assembled	16/01/2009 10:04

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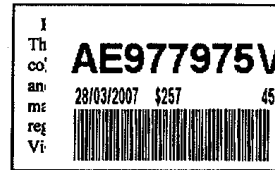
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TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by: Rutherford & Co
Name: THE LOCAL CONVEYANCING COMPANY
Phone: 03 5176 0955
Address: Hotham Street TRARALGON
Ref: TL061203
Customer Code: 3909Y



MADE AVAILABLE / CHANGE CONTROL
Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed - together with any easements created by this transfer; - subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and - subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)
Volume 10900 Folio 484

Estate and Interest: (e.g. "all my estate in fee simple")
all our estate and interest in fee simple

Consideration:
\$66,000.00

Transferor: (full name)
WESTEND RISE PTY LTD ACN 104 728 270

Transferee: (full name and address including postcode)
MANDATTI PTY LTD ACN 112 253 666 of 11 Nicholas Court, TRARALGON 3844

Directing Party: (full name)

Creation and/or Reservation and/or Covenant :

The Purchaser for itself, its executors, administrators and transferees to the intent that the burden of the covenants below shall run with and bind the land hereby transferred ("the burdened land") HEREBY COVENANTS with the vendor and the registered proprietors for the time being of every lot (other than the burdened land) in Plan of Subdivision ("the plan") and collectively referred to "the dominant land") whether the lots are transferred by the vendor before or after the burdened land to the intent that the said covenants may be enforceable by the vendor and such persons as part of or for the purpose of effecting a general building scheme affecting all the dominant land:

- 1 Not to permit or allow to be built any temporary, relocatable building or structure on the lot.
2 Not without obtaining the consent of the vendor to further subdivide the lot.

Approval No: 1445043A ORDER TO REGISTER Please register and issue title to Continued on T2 Page 2
STAMP DUTY USE ONLY

T2



Signed

Cust. Code:

*Law Perfect Pty Ltd

Original Land Transfer
Stamped with \$1,384.00
Doc ID 2185472, 27 Mar 2007
SRD Victoria Duty, IXAO

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Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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- 3 Not use or permit or allow to be built any building to be used for anything other than residential purposes.
- 4 Not to permit or allow to be built any more than one residential building and the outbuildings contemplated by Item 5.3 on the lot.
- 5 Not without obtaining the consent of the vendor to permit or allow to be erected upon the lot :
 - 5.1 any building or structure constructed of cement sheeting or fibro cement sheeting other than sheeting as may be necessarily used in cave cladding ;
 - 5.2 any building or structure the outer walls of which are weatherboard or a weatherboard like material ;
 - 5.3 any outbuildings not constructed of brick, brick veneer, timber or colorbond ;
 - 5.4 any building or structure consisting wholly or partly of second hand materials other than second hand bricks or stone.

Fencing

- 6. Not to erect or construct or permit to remain any fence upon the property any fence unless such fence or fences meets the following requirements :

Fence	Material	Specification
SIDE	Vertical lapped treated pine palings	Not to exceed 1 meter in height over a 2.8 meter distance from the front boundary of the lot, thereafter angular grading over a distance of 2.5 meters to fixed 1.8 meters in height.
REAR (save for Lots 189-204 inclusive)	Vertical lapped treated pine palings	Fixed 1.8 meters in height.
REAR (Lots 189 - 204 inclusive)	No second hand material	Rural fencing comprising posts at approximately 3 meter intervals with 5 strands of wire, 3 of which are to be barbed wire.
CORNER LOTS (& lots abutting corner fenced lots)	No second hand materials	By prior approval or direction from the Vendor
LOTS ABUTTING RESERVES	Vertical lapped treated pine palings	Fixed 1.8 meters in height.

Approval No: 1445043A

T2 Page 2



*Law Perfect Pty Ltd

AE977975V



THE BACK OF THIS FORM MUST NOT BE USED
Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

Delivered by LANDATA®. Land Victoria timestamp 16/01/2009 10:03 Page 3 of 3

ANNEXURE PAGE

Transfer of Land Act 1958

This is page 3 of Approved Form T2 dated 20-3-07 between WESTEND RISE PTY LTD ACN 86 104 728 270 AND MANDATTI PTY LTD ACN 112 253 666

Privacy Collection Statement The information from this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

Signatures of the parties

Panel Heading

The covenants in this transfer shall cease to apply or affect the land upon the expiration of 15 years after the date of this transfer.

AND IT IS HEREBY AGREED that the benefit of the foregoing covenants shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision so that the burden thereof shall be annexed to and run at law and in equity with the said lot hereby transferred and that the same shall be noted and appear on every future Certificate of Title for the said Lot as an encumbrance affecting the same and every part thereof

Dated: 20/3/07

Execution and attestation

EXECUTED by THE COMMON SEAL of WESTEND RISE PTY LTD was affixed in the presence of authorised persons: by being signed by those persons who are authorised to sign for the Company.

Director Lex Warren Grigg 17 Breed Street, Traralgon

Director Kenneth David Grigg Caroline Storti 105 Varney Crescent, Traralgon

EXECUTED by MANDATTI PTY LTD in accordance with Section 127 of the Corporations Act 2001 by being signed by the person authorised to sign for the company:

Debra Patricia Fletcher Sole Director & Sole Company Secretary

Full name Debra Patricia Fletcher Usual address 11 Nicholas Cr. Traralgon

AE977975V



Approval No: 1445043A

A1



*Law Perfect Pty Ltd

- 1. If there is insufficient space to accommodate the required information in a panel of the Approved Form insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading. THE BACK OF THE ANNEXURE PAGE IS NOT TO BE USED
2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the Approved Form to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

Latrobe City Council
Planning Department
PO Box 264
Morwell Vic 3840

17th March 2009

RE – Planning Permit 2009/34

We are writing to object to the subdivision planning application in place for 10 Thomson Rise, Traralgon Vic 3844.

We have viewed the application at the council offices and note that the application is to take 1 metre from the empty block at 11 Thomson Rise, and add it to the empty block at 10 Thomson Rise, ostensibly to widen the street frontage of 10 Thomson Rise. This will result in a comparatively small block at 11 Thomson Rise (approx 800 sq m) and a much larger block at 10 Thomson Rise (approx 1370 sq m).

We note in the application that there is a caveat on 11 Thomson Rise preventing any further subdivision, and we would consider this proposal to be in breach of that caveat.

Furthermore, if the application were approved, the block at 10 Thomson Rise, not subject to the same subdivision caveat, would then be large enough to submit an application for subdivision, giving rise to potential small to medium density housing in an estate that clearly was not designed for that purpose. Further, the potential dwelling possible on the smaller block at 11 Thomson Rise would similarly be constrained within a medium density model, which may not be in keeping with the style of dwellings of the houses within this court and surrounding area.

When we bought our block of land we were given plans of the entire Riversleigh Estate, and were well aware of the location of the smaller blocks (located on corner blocks) which were to facilitate the 'town house' style of home, and felt this type of planning by the developers was well thought out for what we considered to be an estate at the higher end of the market. We have bought and built upon our block of land in Wellington Drive, adjacent to Thomson Rise, with a great deal of consideration of it's location within the estate, the style of homes within this estate, and the potential re-sale value of our home in the years to come. We feel that a subdivision of this nature will detract from the original planning of the estate and, given it's location in relation to our home, potentially devalue our asset.

Thank you for considering our objection to this planning application.

Yours sincerely,

Troy McDonald & Sonya Karo
18 Wellington Drive
Traralgon Vic 3844

17 March 2009

Planning Division
Latrobe City Council
PO Box 264
Morwell 3840

Latrobe City	
Doc. No.	
Action Officer	
Disposal Code	
Comments	

Dear Sir or Madam

Ref: Objection to Subdivision of land at 10 Thomson Rise Traralgon

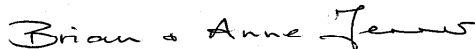
We write to express our concern regarding the development at 10 Thomson Rise Traralgon.

We believe that as a result of any approval to allow a subdivision of land or to allow Units on the above block of land, that this will cause a greater interruption of the view and skyline and cause a significant reduction in the market value of land and house that we have bought and built on.

At the time of purchasing of our block of land at 20 Wellington Drive we undertook significant investigation to determine the likelihood of the views being interrupted from our block and new house. We were able to determine from the development and subdivision plans that there was little chance of interruptions of this nature. On the basis of these investigations we purchased our block and built our retirement/dream home. To have this affected now is seen as unfair and inappropriate.

Any increase in the subdivision or approval of Units will add additional traffic to what is fast becoming a family subdivision.

Yours sincerely



Brian & Anne Jenner
20 Wellington Drive
Traralgon 3844
16/3/09

BEVERIDGE WILLIAMS

Incorporating Dell & Keith Consultants

OUR REFERENCE 11517

RETURN OFFICE TRARALGON

26 March, 2009

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

Attention: Tom Vercoe – Statutory Planner

Dear Tom,

**RE: APPLICATION PLANNING PERMIT NO. 2009/34
RE-SUBDIVISION OF EXISTING LOTS (BOUNDARY RE-ALIGNMENT)
10 & 11 THOMSON RISE, TRARALGON**

We refer to the above application and thank you for providing a copy of the two objections received from B & A Jenner and T McDonald & S Karo.

We wish to take this opportunity to make the following comments in response to the matters raised in the objections.

▪ **Subdivision layout**

The objection submitted by McDonald & Karo states that the proposed re-subdivision seeks to reduce the frontage width of 11 Thomson Rise. This is incorrect. The facts surrounding this proposal are summarised as follows:

- Our clients, A & K Warner, own both 10 & 11 Thomson Rise. It is proposed to re-align part of the dividing boundary between these two land parcels to increase the rear yard of 10 Thomson Rise. As a result of this, the depth of 11 Thomson Rise will be reduced by approximately 15 metres.
- No alteration to the existing frontage width of either allotment is proposed - 10 Thomson Rise is currently 9.78 metres in width and 11 Thomson is 19.10 metres.
- 11 Thomson Rise will have an area of approximately 800m², which is a conventional residential lot size. A 'medium density' allotment is considered to have an area of less than 500m².
- The primary intention of the re-subdivision is not to facilitate the development of a medium density housing development at 10 Thomson Rise. Nevertheless, the future development of more than one dwelling on this allotment would be subject to a separate planning permit application process. Assumptions regarding the type or scale of development cannot be made at this point in time.

Latrobe City	
27 MAR 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	



**BEVERIDGE WILLIAMS
& CO PTY LTD**
ACN 006 197 235
ABN 44 622 029 694
**SURVEYORS
PLANNERS
ENGINEERS
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WONTHAGGI
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BALLARAT
CNR CURTIS STREET &
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FACSIMILE (03) 5331 4684

TRARALGON
18 HOTHAM STREET
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TRARALGON VIC 3844
TELEPHONE (03) 5176 0374
FACSIMILE (03) 5176 0631



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▪ **Restrictive covenant**

The certificate of title to 11 Thomson Rise contains a covenant applied under the Transfer of Land Act 1958, which (amongst other matters) requires that the owner must not subdivide the land without first obtaining the consent of the vendor (Westend Rise Pty Ltd). The reference to *subdivision* in this context infers creation of *additional* lots. The proposal is not a breach of the covenant, as it is a boundary re-alignment and no additional allotments are being created.

▪ **Interruption of Views**

The objection from B & A Jenner suggests that the proposal may facilitate development which interrupts views which they currently enjoy.

It is well established in planning law that there is no legal right to a view across another person's land. Furthermore, future dwellings and sheds at 10-11 Thomson Rise may be either single or double storey and sited anywhere on the land, provided they are designed to comply with the relevant standards of ResCode (which are enforced via the Victorian Building Regulations) and avoid the existing drainage easement along the western boundary. This situation applies to development of the land in its current lot configuration.

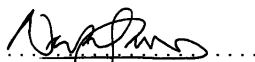
▪ **Property devaluation**

Both objections have suggested that the proposal will result in property devaluation. No evidence has been presented to demonstrate that the proposal will impact property values. This issue is not a relevant town planning consideration.

Our client is prepared to attend a Planning Mediation Meeting to discuss the above matters, if Council considers this is an appropriate course of action. However, we wish to state that our client is not prepared to alter the proposal as submitted.

Should you require any further information, please do not hesitate to contact the writer at the Traralgon office.

BEVERIDGE WILLIAMS & CO PTY LTD



NICOLE STOW
Senior Town Planner

COMMUNITY LIVEABILITY

11.5.1 **DISABILITY ACTION PLAN 2008-2009 REPORT**

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with a report on the Disability Action Plan 2008-2009.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective – Community Capacity Building

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

Strategic Action

Implement actions from the Disability Action Plan and report on progress to Council.

4. BACKGROUND

The *Disability Discrimination Act* 1992 (DDA) contains a provision for organisations to register Disability Action Plans with the Australian Human Rights and Equal Opportunity Commission (HREOC). After the DDA came into operation, the HREOC encouraged organisations to develop and register Disability Action Plans to ensure their services and facilities were accessible to people with a disability.

In 1995, Latrobe City Council formed an Advisory Committee to guide the development of its first Disability Action Plan (DAP). After consultation with community representatives, service providers and Council officers, the DAP was developed and adopted in August 1996.

The DAP specified that a Disability Reference Committee be formed to guide the implementation of the plan and provide advice to Council on disability related matters.

The Disability Reference Committee has been in existence since 1996 and is currently chaired by Councillor Lougheed. The current term for Disability Reference Committee members is two years.

The Disability Reference Committee meets bi-monthly and the current two year term will end on 30 September 2010. The Disability Reference Committee includes six community members with a disability, five representatives from organisations serving the disability sector, a Councillor who chairs the meetings, the Disability Services Officer and the Rural Access Project Officer. The Committee enables Council to receive the most effective advice on disability related matters, as care is taken to ensure the Disability Reference Committee is made up of people who have a wide range of knowledge and experience about specific disabilities and the disability sector.

Latrobe City employs a Disability Services Officer to support the organisation to develop and implement the DAP and to resource the Disability Reference Committee.

5. ISSUES

The Latrobe City Council Plan 2008-2012 includes an action to implement actions from the DAP and report on progress to Council.

The goal of the DAP 2008-2009 is to ensure people with a disability have equitable access to infrastructure and services provided by Latrobe City Council, in accordance with the DDA.

The first three Disability Action Plans developed by Latrobe City were stand-alone plans which focused on a systemic approach to achieve change across the organisation.

In early 2006, a decision was made to link DAP actions to projects contained in the organisation's business plans. This approach was successful as it enhanced team actions by addressing barriers to access and inclusion for people with a disability. This process also initiated a 'whole of organisation' approach to the implementation of the DAP.

This more integrated approach continued in the development and implementation of the Disability Action Plan 2007/2008 and 2008/2009. A progress report on the implementation of the Disability Action Plan 2008-2009 is attached.

This progress report indicates that 28 of 30 actions have been implemented and that two were not actioned, as the projects they are linked to did not proceed. This demonstrates the success of the integrated approach and the extent to which the Disability Action Plan has become a core part of business in all areas of Council.

Highlights of the Disability Action Plan 2008-2009 were the marketing of Latrobe Leisure facilities, services and programs to people with a disability; and an investigation into the introduction of a Short Messaging Service (SMS) system to enable more effective communication between Council and people with a hearing impairment.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Latrobe City Council receives a recurrent grant of \$28,600 from the Department of Human Services for the development and implementation of the Disability Action Plan. An additional contribution of \$28,100 is made by Latrobe City Council.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The development and implementation of the 2008/2009 Latrobe City DAP is guided by the Latrobe City Disability Reference Committee. A report on the progress of the Disability Action Plan is presented to the DRC at each bi-monthly meeting.

During the development of the Disability Action Plan 2008/2009, staff across the organisation were consulted in the development of Disability Action Plan actions which were linked to actions in their team Business Plans.

8. OPTIONS

Council has the following options:

1. Note the Disability Action Plan 2008-2009 report.
2. Request further information about the progress of the Disability Action Plan 2008-2009.

9. CONCLUSION

The integrated approach to the Disability Action Plan 2008-2009, which links the Disability Action Plan to Business Plans, is an effective way of ensuring a whole of Council response to inclusion of people with a disability.

The ongoing commitment of the Disability Reference Committee enhances the effectiveness of the implementation of the Disability Action Plan, as well as advising Council on disability related matters.

10. RECOMMENDATION

That Council notes the Disability Action Plan 2008-2009 report.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

DISABILITY ACTION PLAN 2008-2009

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11.5.2 RURAL ACCESS PROGRAM 2008-2009 REPORT

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to update Council on the 2008-2009 Rural Access Program.

2. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective – Community Capacity Building

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

Strategic Action

Implement the Rural Access Program and report progress to Council.

4. BACKGROUND

The Rural Access Program was piloted in the Grampians region of Victoria in 2000/2001. After an evaluation of the pilot, the Victorian State Government decided to implement the Rural Access Program in the other four non metropolitan Department of Human Services regions in Victoria.

A meeting of relevant stakeholders from the disability sector, community sector, community health and local government was held in 2001 to plan the implementation of the Rural Access Program in Gippsland. It was decided at this meeting that the Rural Access Program would be best positioned within local government. The Gippsland Local Government Network (GLGN) played a key role in the roll-out of the Rural Access

Program by developing common position descriptions and coordinating recruitment for the positions.

Funding was allocated for full time Rural Access Project Officers in Latrobe City, Baw Baw Shire, Wellington Shire and East Gippsland Shire, and the remaining fulltime position to be equally shared between Bass Coast Shire and South Gippsland Shire.

The Rural Access Project Officer commenced employment at Latrobe City in October 2001. In 2005 the Victorian Government announced that the funding for the Rural Access Program would be ongoing.

An extensive community mapping exercise was undertaken in 2002 to identify key local priorities, which are summarised below:

- Access to accessible affordable public transport;
- Access to the built environment;
- Community awareness of disability issues;
- Unmet needs in the disability sector;
- General community services not meeting the needs of people with a disability;
- Information not available in a range of accessible formats;
- Lack of advocacy for people with a disability;
- Lack of appropriate respite services.

5. **ISSUES**

The aim of the Rural Access Program is to enhance the capacity of rural and regional communities in Victoria to plan and provide support for people with disabilities and their families, thereby maximising opportunities for community membership and participation.

The objectives of the Rural Access Program are:

1. To mobilise and provide support for people with disabilities to optimise participation in the life of their local community.
2. To build and strengthen the community's capacity to provide support to people with disabilities and their families through a range of strategies which include networking, community education, policy development, partnership development, and specific project development.

3. To develop a framework for integrated local community planning and coordination which engages and involves people with disabilities and their families, disability service providers and community organisations.
4. To work with existing disability service providers to enhance their capacity to provide relevant and appropriate supports in the community.
5. To improve access to information about relevant services and community activities available to people with disabilities in their communities.

The activities of the Latrobe City Rural Access Program are primarily project based. Projects are initiated by members of the community, organisations and services in the disability and community sectors and by the Rural Access Project Officer. A report on the implementation of the Rural Access Program 2008/2009 is attached. This report lists the local, regional and statewide projects undertaken and includes the sector category of the project, expected outcomes, actions and timelines.

A range of local, regional and statewide projects have been undertaken during 2008/2009 in partnership with community organisations, disability service providers, local government and people with a disability.

The Rural Access Program Progress Report indicates that:

- People with a disability are involved in a number of projects to increase community awareness of the needs of people with a disability;
- People with a disability are involved in leadership development;
- A number of projects are aimed at improving access to the built environment;
- People with a disability are involved in community planning activities;
- Latrobe City Rural Access is contributing to a number of regional and statewide projects.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Latrobe City Rural Access Program was fully funded by the Victorian Government in 2008/2009.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Engagement undertaken as part of the community mapping exercise included a forum involving approximately 100 people as well as face to face interviews with community groups, disability service providers and people with a disability.

8. OPTIONS

Council has the following options:

1. Note the Rural Access Program 2008-2009 Report.
2. Request further information about the implementation of the Rural Access Program 2008/2009.

9. CONCLUSION

The delivery of the Rural Access Program 2008/2009 has further provided Latrobe City with the knowledge and resources to effectively advocate for services and facilities to meet the needs of local people with a disability.

Delivery of the program has further increased the capacity of our community to provide support for people with a disability and their families.

Latrobe City has shown statewide leadership in the further development and implementation of the Rural Access Program in Victoria.

10. RECOMMENDATION

That Council notes the Rural Access Plan 2008-2009 report.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

LATROBE CITY RURAL ACCESS PLAN 2008-2009 REPORT

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GOVERNANCE

11.6.1 CONTRACT ACTIVITIES BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

2. CONTRACT/S

(a) The following contract was awarded by the Chief Executive Officer under delegation on 1 July 2009:

INVITATION TO TENDER 12642
 Construction of public lighting – stage 2 at Waterhole Creek Reserve, Morwell from Princes Drive to Crinigan Road

(b) The following contract was signed and sealed by the Chief Executive Officer under delegation 2 July 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12644	Cleaning of Churchill Community Hub	Menzies International Pty Ltd	Approved by CEO under delegation on 14/05/2009

3. RECOMMENDATION

That Council notes this report on contracts entered into by the Chief Executive Officer under delegation on 1 July 2009 and 2 July 2009.

Moved: Cr Gibson
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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11.6.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**AUTHOR:** General Manager Governance**(ATTACHMENT - NO)****1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

2. DOCUMENT/S

PP2009/188	Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and Mangara Pty Ltd (Owner No.1) being the registered proprietor of the land described in Certificate of Title Volume 8112 Folio 674 and Kevin Ronald Collins and Robyn Joy Collins (Owner No.2) being the registered proprietor of the land described in Certificate of Title Volume 9210 Folio 800 situated at 335 Yinnar Driffield Road, Driffield providing that the land will not be further subdivided so as to increase the number of lots, pursuant to Planning Permit No. 2009/188 dated 12 June 2009 for a 2 Lot re-subdivision.
PP2007/245	Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and John Anthony Pascoe (first Owner) being the registered proprietor of the land described in Certificate of Title Volume 9801 Folio 442 situated at 172 Coalville Road, Moe South and Raymond Peter Cunneen and Hendrika Cunneen (second Owner) being the registered proprietor of the land described in Certificate of Title Volume 8148 Folio 339 situated at 10 Moe South Road, Moe South providing that the land will not be further subdivided so as to increase the number of lots, pursuant to Planning Permit No. 2007/245 dated 15 November 2007 for a 2 Lot re-subdivision.
PP2007/334	Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and Ace Radio Broadcasters Pty Ltd being the registered proprietor of the land described in Certificate of Title Volume 11064 Folio 742 being Lot 1 on PS 608269Q and Coonoc Roads Pty Ltd being the registered proprietor of the land described in Certificate of Title Volume 11064 Folio 743 being Lot 2 on PS 608269Q situated at 9 Coonoc Road, Traralgon providing for the following: a) that the owners agree to maintain in sound condition the common driveway and parking spaces contained within the easements of way encumbered on both titles and shown as E-4, E-5 and E-6. That the owners also agree to share all costs associated with the maintenance of the common driveway(s) and parking spaces within those easements, except with the written consent of the Responsible Authority, pursuant to Planning Permit No. 2007/334 dated 11 January 2008 for the Use and Development of Land for Motor Vehicle Sales and Signage.

3. RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and Mangara Pty Ltd and Kevin Ronald Collins and Robyn Joy Collins over the land described in Certificate of Title Volume 8112 Folio 674 and Certificate of Title Volume 9210 Folio 800 situated at 335 Yinnar Driffield Road, Driffield providing that the land will not be further subdivided, pursuant to Planning Permit No. 2009/188.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and John Anthony Pascoe and Raymond Peter Cunneen and Hendrika Cunneen over the land described in Certificate of Title Volume 9801 Folio 442 situated at 172 Coalville Road, Moe South and the land described in Certificate of Title Volume 8148 Folio 339 situated at 10 Moe South Road, Moe South providing that the land will not be further subdivided, pursuant to Planning Permit No. 2007/245.
3. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and Ace Radio Broadcasters Pty Ltd and Coonoc Roads Pty Ltd over the land described in Certificate of Title Volume 11064 Folio 742 and Folio 743 situated at 9 Coonoc Road, Traralgon pursuant to Planning Permit No. 2007/334 dated 11 January 2008.

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 9.11 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.31 pm.

Meeting Closed to the Public

The Meeting closed to the public at 9.31 pm.