



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 17 AUGUST 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
Seona Conway, General Manager Organisational Excellence
Michael Edgar, General Manager Community Liveability
Katie Garlick, Council Operations Administration Officer
Carol Jeffs, Acting 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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CHIEF EXECUTIVE OFFICER

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 Kam declared an indirect interest under sections 78 and 78B and a direct interest under section 77B of the *Local Government Act* 1989 in Item 11.3.10 – Latrobe Planning Scheme Amendment C62 (Stage 3) receipt of the Planning Panel Report.

Cr Vermeulen declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 14.6 – 2009/10 Community Grants Program – Project No. 1068.

Cr Gibson declared an indirect interest under section 78 of the *Local Government Act* 1989 in Item 11.3.9 – Yallourn Coalfield Re-alignment Project.

Cr Fitzgerald declared:

- an indirect interest under section 78B of the *Local Government Act* 1989 in Item 11.3.2 – Latrobe Planning Scheme Amendment C64 To introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital; and
- an indirect interest under section 78B of the *Local Government Act* 1989 in Item 14.5 – 2009/10 Community Grants Program – Project No. 1031.

Cr O'Callaghan declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 11.3.2 – Latrobe Planning Scheme Amendment C64 To introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital.

Cr White declared a direct interest under section 77B of the *Local Government Act* 1989 in Item 14.7 – 2009/10 Community Grants Program – Project No. 1182.

Cr Price declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 14.8 – 2009/10 Community Grants Program – Project No's 1128, 1178 and 1205.

4. Adoption of Minutes

Moved: Cr O'Callaghan

Seconded: Cr Loughheed

That Council adopts the Minutes of the Ordinary Council Meeting held on 3 August 2009 (CM 300), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

**5.1 SOUTHERN TOWNS OUTDOOR RECREATIONAL PLAN:
HAZELWOOD NORTH**

Mr Robert Lewis asked the following questions:

Question

- A: Can the council member responsible, please advise on the progress of the due diligence report's progress for Hazelwood North "Church Road" proposed site. Quote verbatim "There is a need to undertake a level of due diligence on the Church Road site to ensure that further development is achievable".
- B: Can the council confirm negotiations have been entered into with the current landholder of the proposed church road site?

Answer

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

28 August 2009

Mr Robert Lewis
30 Murray Road
HAZELWOOD NORTH VIC 3842

Dear Mr Lewis

DEVELOPMENT OF RECREATION FACILITIES AT HAZELWOOD NORTH

Thank you for your questions submitted at the Ordinary Council meeting held on Monday, 17 August 2009. In response to your questions the following information is provided.

1. Progress on the due diligence report on the proposed Church Road site.

A project brief is currently being prepared to engage consultants to further investigate the suitability of the proposed Church Road site. It is expected that the results of this investigation will be presented to Council late 2009.

2. Negotiations with landowner regarding the site.

As part of the due diligence process discussions will be held with the landowner of the proposed reserve site in Church Road.

If you require any further information please contact Ian Murphy, Coordinator Recreation and Open Space Planning direct on (03)5128 5431.

Yours sincerely



CR LISA PRICE
Mayor

Suspension of Standing Orders

Moved: Cr Lougheed

Seconded: Cr Middlemiss

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.06 pm

Ms Yvonne Wood, addressed Council in relation to Item 7.1 – Planning permit application s08/315 - thirty seven (37) lot subdivision at 25 Junction Road, Churchill.

Ms Desley Tulloch and Ms Anita Charles, addressed Council in relation to Item 11.3.1 – Callignee Community Centre Concept Plans and Road Realignment.

Mr Leon Hammond, addressed Council in relation to Item 11.3.4 – Planning permit application 06067 - ten (10) lot subdivision at 7 to 12 Rothbury Place, 9 Castlereagh Court, 8 to 10 Mackillop Court, Traralgon.

Mr Peter Dell from Beveridge Williams, addressed Council in relation to Item 11.3.5 – Planning permit application 2008/265 - five (5) lot subdivision, Wilga Crescent, Traralgon.

Mr and Mrs Flewin, addressed Council in relation to Item 11.3.6 – Planning permit 2009/50 - use of land for the purpose of a restaurant and licensed premises, additions to an existing building, waiver of car parking requirement, display of business identification signage, alteration of access onto a road Zone Category 1, at 50 Grey Street, Traralgon.

Mr Peter Dell from Beveridge Williams, addressed Council in relation to Item 11.3.7 – Planning permit application 2009/123 - two (2) lot subdivision, 2 Roscommon Drive, Traralgon.

Mr Max Williamson, Mr John Dowling and Mr Charlie Maddaluna, addressed Council in relation to Item 11.3.9 – Yallourn Coal Field Re-Alignment Project.

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 8.00 pm

NOTICES OF MOTION

6.1 2009/09 - NOTICE OF MOTION - REQUEST THE PREMIER OF VICTORIA AND THE MINISTER OF POLICE TO IMMEDIATELY ALLOCATE SEVEN OR MORE OF THE 120 NEW POLICE OFFICERS TO LATROBE CITY

CR KAM

MOTION

That Latrobe City Council requests the Premier of Victoria, Mr John Brumby and the Minister of Police, Mr Bob Cameron to immediately allocate seven or more of the 120 new police officers to Latrobe City. This number is to be additional to the current level that we already have.

Moved: Cr Kam

Seconded: Cr Loughheed

That the Motion be adopted.

CARRIED UNANIMOUSLY

6.2 **2009/10 - NOTICE OF MOTION - COMMISSION A TRAFFIC
MANAGEMENT STUDY FOR THE MOE CENTRAL BUSINESS
DISTRICT**

CR GIBSON

MOTION

That the Chief Executive Officer commissions a traffic management study for the Moe Central Business District that is to be commenced immediately.

Moved: Cr Gibson

Seconded: Cr Fitzgerald

That the Motion be adopted.

For the Motion

Councillors Gibson, Kam and Fitzgerald

Against the Motion

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

The Mayor confirmed that the Motion had been LOST

ITEMS REFERRED BY THE COUNCIL

7.1 PLANNING PERMIT APPLICATION S08/315 - THIRTY SEVEN (37) LOT SUBDIVISION AT 25 JUNCTION ROAD, CHURCHILL
AUTHOR: General Manager Built and Natural Environment Sustainability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to present further information to Council regarding Planning Permit Application S08/315 for a thirty seven (37) lot subdivision at 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 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 – Built Environment Sustainability

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

Strategic Action – Built Environment

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

4. BACKGROUND

Planning Permit Application S08/315 for a thirty seven (37) lot subdivision was presented to Council for consideration at the Ordinary Council Meeting held on 20 July 2009 (item number 11.3.4). The Council resolution was as follows:

That Council defers consideration of Item 11.3.4 for four weeks to obtain further traffic flow information and undertakes consultation with local residents.

5. ISSUES

The planning permit applicant has been requested to provide further traffic information to address issues raised by objectors.

The applicant has advised that a traffic engineer has been engaged to undertake the required traffic investigation. Following receipt of the traffic report, notice of Planning Permit Application S08/315 will be given to all adjoining and adjacent land owners and occupiers as per Council's resolution (Ordinary Council Meeting held on 20 July 2009). It should be noted that the additional notification process will occur over fourteen (14) days.

The further traffic investigation combined with the notice period will not allow reporting back to Council within the four week timeframe specified in the Council resolution. Accordingly, it is requested that Council further defer the consideration of the Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill from the Ordinary Council Meeting held on 20 July 2009, for an additional eight weeks, in order for the applicant to have sufficient time to obtain the required traffic flow information and undertake consultation with local residents.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable.

7. INTERNAL / EXTERNAL CONSULTATION

Not applicable.

8. OPTIONS

Council has the following options in relation to this matter:

1. Defer consideration of item Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill from the Ordinary Council Meeting held on 20 July 2009, for a further eight weeks, reporting back to Council on 19 October 2009, or earlier should all the relevant traffic information be available and consultation with local residents completed.
2. Decide on Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill as originally recommended at Council's Ordinary Meeting dated 20 July 2009.

9. CONCLUSION

The further traffic investigation combined with the notice period will not allow reporting back to Council within the four week timeframe specified in the Council resolution. Accordingly, it is requested that Council further defer the consideration of the Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill from the Ordinary Council Meeting held on 20 July 2009, for an additional eight weeks, in order for the applicant to have sufficient time to obtain the required traffic flow information and undertake consultation with local residents.

10. RECOMMENDATION

That Council defers consideration of the Planning Permit Application S08/315 – Thirty Seven (37) Lot Subdivision at 25 Junction Road, Churchill, for a further eight weeks, with a report to be presented to Council at the Ordinary Council Meeting to be held on 19 October 2009, or earlier should all the relevant traffic information be available and consultation with local residents completed.

Moved: Cr Vermeulen

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

7.2 W H CORRIGAN NAMING PROPOSAL - W H BURRAGE
RESERVE NEWBOROUGH

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the results of the consultation process in regards to the proposed naming of the pavilion located at the W H Burrage Reserve, John Field Drive, Newborough.

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 – Legislative Compliance

Ensure compliance with other relevant legislation.

Policy – Nil

There is no specific policy relating to the naming of localities or facilities. The procedure is specified by the *Geographic Place Names Act and Guidelines*.

Legislation

The *Geographic Place Names Act 1998* – The purpose of this Act is to make provision for the naming of places and the registration of place names.

The *Guidelines for Geographic Names 2004* – Incorporates the rules and processes to inform and support local governing and administering bodies responsible for the naming of geographical features.

The *Guidelines for Geographic Place Names* state that Councils, as naming authorities, have two major areas of responsibility:

1. the investigation and determination of geographic place names of local significance.
2. the notification of new or altered names to the Registrar for official mapping data and other purposes.

4. **BACKGROUND**

Council adopted the Moe Newborough Outdoor Recreation Plan (MNORP) on 5 November 2007. As a result of the ongoing discussions with both the Monash (MSC) and Newborough Yallourn United (NYUSC) soccer clubs on the improvement to soccer facilities in Newborough a revised works program has been developed. The works program is supported by both clubs and progresses the vision for the facilities as identified in the MNORP.

Council considered the proposed works program for the Newborough Soccer Facility Improvements at the Ordinary Council Meeting held on 4 May 2009 and subsequently resolved:

1. *That Council supports the intention for Yallourn Newborough Soccer Club to relocate to Burrage Reserve and Monash Soccer Club to operate from the Torres Street pavilion at Monash Reserve from the commencement of the 2010 season.*
2. *That the allocation of \$140,000 in the 2008/09 capital works program towards improvements to Monash reserve be reallocated to the following projects;*
 - *Training lights Burrage Reserve \$70,000*
 - *Pavilion improvements Burrage Reserve \$30,000*
 - *Surface improvements to the Torres Street ground Monash Reserve \$30,000*
 - *Minor Landscaping works Monash Reserve \$10,000.*

3. *That subject to budget consideration the allocation of \$60,000 in the 2009/10 capital works program be utilised for the improvement of the Torres Street pavilion at Monash Reserve.*
4. *That Council gives notice of its intention to consider naming the pavilion at Burrage Reserve the W H Corrigan Pavilion and that submissions be invited and considered at the Council meeting to be held 6 July 2009.*
5. *That Council supports the demolition of the existing Monash pavilion and that further investigation is completed to establish the cost to demolish this facility.*

In accordance with Council Resolution 4 above, a public notice was published in the Latrobe Valley Express inviting public comment concerning the proposal to name the pavilion at W H Burrage Reserve the W H Corrigan Pavilion. The W H Burrage Reserve is a large multi use sports reserve (baseball, cricket and soccer) being approximately 13 hectares in area.

At the Ordinary Council Meeting held on 6 July 2009, Council considered a submission from the Corrigan family made in response to the public notice (copy attached). The submission did not support naming the pavilion and presented two alternatives:

- Name the soccer pitch and pavilion that is separately fenced within the W H Burrage Reserve the W H Corrigan Reserve; or
- Leave the name W H Corrigan Reserve at its dedicated location, being the Torres Street southern soccer ground and pavilion.

Council subsequently resolved:

That Council defers consideration of the proposal to name the unnamed pavilion at the W H Burrage Reserve the W H Corrigan Pavilion to the Ordinary Council Meeting to be held on 17 August 2009.

5. **ISSUES**

Council as a responsible authority pursuant to the *Geographic Names Act 1998* and *Guidelines* is responsible for naming places of local significance within their municipality based on local usage having regard to historical and cultural heritage, and the preference of local communities.

To explore the place name options submitted by the Corrigan family, a meeting of representatives from the Corrigan family, Newborough Yallourn United Soccer Club, Monash Soccer Club, Gippsland Soccer League and Council was held Monday, 27 July 2009.

The respective groups at this meeting generally supported the transfer of the W H Corrigan name from its current location. The groups also endorsed the family's request to name the soccer pitch and pavilion located at W H Burrage Reserve rather than just the pavilion as originally proposed. Accordingly, the meeting participants endorsed recommending to Council that it submits an application to Geographic Place Names to name the area at the W H Burrage Reserve separately fenced, developed and used for soccer the "W H Corrigan Soccer Reserve". The general support for reference to "soccer" in the proposed reserve name is to help distinguish and identify the location being renamed.

It is suggested that if the W H Corrigan name is transferred from its current location in Torres Street to the facilities at W H Burrage Reserve, that it would be reasonable for the entire reserve located at Torres Street to be known as Monash Reserve.

The suggestions to rename the pavilion and soccer facility at W H Burrage Reserve and to apply the name Monash Reserve to the entirety of the Torres Street reserve are new proposals that Council may wish to seek community comment through the normal consultation process undertaken for naming proposals.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs incurred to date are minimal, being the public notices inviting community comment and written submissions.

Additional costs will be incurred for the provision of an appropriate sign if Council proceeds with the naming of the sporting facility.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

A public notice was published in the Latrobe Valley Express on Thursday, 14 May 2009 inviting public comment concerning the naming proposal.

Details of Community Consultation / Results of Engagement:

In response to the above public notice one written submission was received on behalf of the Corrigan family.

To explore the place name suggestion submitted by the Corrigan family a meeting of representatives from the Corrigan family, Newborough Yallourn United Soccer Club, Monash Soccer Club, Gippsland Soccer League and Council was held Monday, 27 July 2009. The groups represented at this meeting supported and recommended to Council that it submits an application to Geographic Place Names to name the area at the W H Burrage Reserve separately fenced, developed and used exclusively for soccer the "W H Corrigan Soccer Reserve".

8. OPTIONS

Council has the following options:

1. Support the proposal to name the soccer club pavilion at W H Burrage Reserve, the W H Corrigan Pavilion and as a responsible naming authority submit an application to Geographic Place Names to register the feature as an unofficial place name and upon successful application to the Geographic Place Names an application to register "W H Corrigan Pavilion" as an unofficial place name feature within the municipality of Latrobe City Council;
2. To not support the proposal to name the soccer club pavilion at W H Burrage Reserve, the W H Corrigan Pavilion;
3. To invite community comment regarding the proposed naming of the area at the W H Burrage Reserve, Newborough that is separately fenced and used for soccer the "W H Corrigan Soccer Reserve" as an unofficial place name feature within the municipality of Latrobe City Council and the proposed application of the name Monash Reserve to the entire reserve located in Torres Street, Newborough;
4. Resolve not to proceed with any naming proposal for the W H Burrage Reserve or Monash Reserve, which in effect results in the W H Corrigan Reserve name remaining at its current location in Torres Street, Newborough.

9. CONCLUSION

Local government is responsible for naming places of local significance within their respective local government areas.

Council has given public notice and consulted with stakeholders concerning the place name proposal. This consultation resulted in the representative groups supporting an alternative proposal, being to name the area at the W H Burrage Reserve, Newborough separately fenced and used for soccer the "W H Corrigan Soccer Reserve" and for the entirety of the reserve located at Torres Street, Newborough to be referred to as the Monash Reserve.

If Council supports in principle this revised naming proposal, it should pursuant to the *Guidelines for Geographic Names 2004* give public notice of this intention and invite community comment concerning the proposal prior to submitting an application to Geographic Place Names to register the feature as an unofficial place name.

10. RECOMMENDATION

- 1. That Council, having considered the submission received in regards to the proposal to name the pavilion at Burrage Reserve the W H Corrigan Pavilion, does not support the naming of the pavilion at Burrage Reserve the W H Corrigan Pavilion.**
- 2. That Council gives public notice of the proposals to name the area at the W H Burrage Reserve, Newborough that is separately fenced, developed and used for soccer the "W H Corrigan Soccer Reserve" and for the entirety of the reserve located at Torres Street, Newborough to be known as Monash Reserve.**
- 3. That Council considers any submissions received concerning the proposal to name the area at the W H Burrage Reserve, Newborough that is separately fenced, developed and used for soccer the "W H Corrigan Soccer Reserve" and for the entirety of the reserve located at Torres Street, Newborough to be known as Monash Reserve at the Ordinary Council Meeting to be held on 19 October 2009.**
- 4. That Council notifies Mr Andrew Corrigan, Newborough Yallourn United Soccer Club, Monash Soccer Club, and the Gippsland Soccer League of the decision to give public notice and invite community comment concerning the proposal to name the area at the W H Burrage Reserve, Newborough that is separately fenced, developed and used for soccer the "W H Corrigan Soccer Reserve" and for the entirety of the reserve located at Torres Street, Newborough to be known as Monash Reserve.**

Moved: Cr Gibson

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

22/06 2009 MON 2:05 FAX 61 3 51358314 Latrobe City Moe

001/002

Latrobe City	
22 JUN 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Mr P Buckley
Chief Executive Officer
Latrobe City
141 Commercial Rd,
Morwell 3840

5 Sherwood Crt
Newborough 3825

18th June 2009

To the Mayor and Councillors,

Re: Moe Newborough Outdoor Recreation Plan.

On behalf of the family of the late WH (Bill) Corrigan, I wish to put before our Latrobe Councillors concerns regarding the lack of clarity and potential harm and hurt that may result from the above report.

Firstly let me say we laud your efforts to improve facilities and therefore opportunities for sports lovers within our community. However, we will be devastated if this is done in a way that retrospectively strips recognition provided to our late father, William Hugh Corrigan MM, and disrespects the work he and the people within our community, with whom he worked so hard, did and the achievements made.

We have been attempting to contact and would be happy to co-operate with representatives of the Newborough/Yallourn United Soccer Club and will be most pleased to keep Council apprised of this discussion. Equally it is important to us, and we hope the community, that it is understood that the naming of the WH Corrigan reserve provided community recognition for efforts beyond those Dad made at and for the Club. A point covered with great respect, humour and celebration by Cr Ted Sommerton in his dedication address.

It occurs to our family that there are in fact two clear and acceptable alternatives that ought meet Council and community expectations yet still provide the recognition deserved. Unfortunately at the time of writing it is not clear to us that these options are under consideration.

Our favoured option and the one we would most like to endorse to you would be for the WH Corrigan name to move with the Club to the pitch at the new location within Burrage Reserve. We certainly recognize the importance of the Burrage name to the wider community and would not wish to diminish that. However, we respectfully suggest that the soccer pitch and pavillion is fenced and a separate area within the overall reserve. Allied to this is our respect and understanding that Newborough/Yallourn United Soccer Club have their own objectives and our understanding that the soccer reserve at Burrage was historically home to the, distinctly separate, Yallourn Soccer Club. The renaming of the pitch would allow for the recognition to be seen and understood by the wider community and would, naturally continue to be noted and recognized on the likes of soccer league draws.

22/06 2009 MON 2:05 FAX 61 3 51358314 Latrobe City Moe

002/002


The second option, should Council feel unable to provide this recognition at the new location, would be for the WH Corrigan Reserve name to stay at the very location at which the name was dedicated. Clearly the facility will continue to exist, is prominent and can continue to provide a great reminder of the life and service of our father.

We believe that in balance the final and most appropriate solution might be to understand and accept any decision by the Newborough/Yallourn United Club to assign the WH Corrigan name to a pavilion, or appropriate building at the Burrage complex and for Council to continue to preserve the WH Corrigan Reserve name at the current Torres Street location.

Understanding Councils preparedness to receive submission for the meeting on July 6 we would like to request the opportunity to have a spokesperson for the family address this meeting, or an earlier Councillors briefing should that be more appropriate.

I look forward to your reply

Yours Faithfully



Andrew Corrigan

LOCALITY PLAN



CORRESPONDENCE

9.1 JIM BALFOUR PARK, MOE - PLACE NAME PROPOSAL
RESPONSE FROM DEPARTMENT OF SUSTAINABILITY AND
ENVIRONMENT'S REGISTRAR OF GEOGRAPHIC NAMES

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. INTRODUCTION

At the Ordinary Council Meeting on 15 December 2008, Council resolved to name the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe, “Jim Balfour Park” and submit an application to the Department of Sustainability and Environment’s Registrar of Geographic Place Names for approval of this name.

The Registrar of Geographic Names has written to Council advising of a decision regarding the registration of Jim Balfour Park as an official place name. A copy of this correspondence is attached.

2. DECLARATION OF INTERESTS

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

3. OFFICER’S COMMENTS

The Registrar of Geographic Names has advised that based on an objection by the Emergency Services Telecommunications Authority regarding concerns over potential confusion of a Jim Balfour Park, Moe with the James Balfour Oak Tree Park, Trafalgar that the name Jim Balfour Park will not be registered.

The Registrar requests that Council proposes an alternative name for the subject area or re-considers the name Moe High School Memorial Park. Consideration of a proposal for a name normally requires a submission from a community member before the process commences. The process would require a report to be prepared for Council and a community consultation process undertaken before a proposed name is again submitted to the Registrar of Geographic Names.

As the place name proposal has not been accepted the resolutions made regarding an appropriate plaque or sign being erected including reference to the subject area having formerly been the site of the Moe High School are no longer applicable.

4. RECOMMENDATION

- 1. That Council notes the correspondence dated 24 July 2009 from the Department of Sustainability and Environment's Office of the Registrar of Geographic Place Names that details that Jim Balfour Park will not be registered.**
- 2. That the original applicant who proposed the naming of this park after Jim Balfour and those making submissions regarding this proposal be notified of the decision of the Department of Sustainability and Environment's Office of the Registrar of Geographic Place Names to not register the proposed name.**

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Department of
Sustainability and Environment

24 July 2009

Mr Henry Morrison
Coordinator Property & Statutory Services
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Latrobe City		Office of Surveyor-General Victoria
28 JUL 2009		Level 17, 570 Bourke Street Melbourne Victoria 3000 PO Box 500 East Melbourne Victoria 3002 Australia
Doc. No:		Telephone: (03) 8636 2525
Action Officer:		Facsimile: (03) 8636 2588
Disposal Code:		ABN 90 719 052 204
Comments:		DK 250639

Dear Mr Morrison,

PLACE NAME PROPOSAL – JIM BALFOUR PARK

I refer to the Latrobe City Council's proposal dated 17 March 2009, to name a park in the town of Moe, *Jim Balfour Park* after the late Mr Jim Balfour, a former Member of Parliament and Moe High School Councillor.

When a council submits a place name for registration, it is the responsibility of this Office to conduct an audit of the process undertaken by Council in determining the name. This involves a check for conformance with the *Guidelines for Geographic Names (October 2004)* made under the *Geographic Place Names Act 1998*. In addition, my decision to register a name is also based on whether the registration will be in the interests of the public.

As you would be aware, there is already a park in the adjoining Baw Baw municipality and Trafalgar locality named James Balfour Oak Tree Park - commonly known as Balfour Park. I have concerns that Council's proposal does not comply with some of the principles in the *Guidelines for Geographic Names (October 2004)* such as *Principle 7 – Duplication of Names* and *Principle 6 – Public Safety*. Duplicated names within close proximity have the potential to cause confusion for communication and emergency services and therefore compromise public safety. The Guidelines state that "naming authorities should not duplicate place names ...or use names that sound the same, in close proximity to other places with the same or similar spelling or sounds."

Accordingly, in the process of consulting with Emergency Services Telecommunications Authority (ESTA) it was established that ESTA was not aware of the neighbouring Jim Balfour Oak Tree Park in Trafalgar and consequently ESTA have advised it objects to the Jim Balfour Park proposed in the City of Latrobe.



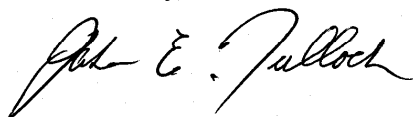
Based on the above reasoning, I advise that the proposal from the Latrobe City Council to name a park after the late Mr Jim Balfour cannot be registered. I stress that public safety is paramount in regards to the interests of the public.

I have also received an objection from a member of your community about the name Jim Balfour Park. The objector highlights in their letter that the former Moe High School had a longer association with the subject site than the late Mr Jim Balfour.

I request that the Latrobe City Council propose an alternative name for the subject area or re-considers the name Moe High School Memorial Park.

Should you have any queries, please do not hesitate to contact Margaret Marangos on (03) 8636 2851 or email margaret.marangos@dse.vic.gov.au.

Yours sincerely,



John E Tulloch
Registrar of Geographic Names
Office of Geographic Names Victoria

PRESENTATION OF PETITIONS

10.1 **PETITION FOR THE REMOVAL OF PINE TREES IN NARDINOS ROAD, YALLOURN NORTH**

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

1. PURPOSE

The purpose of this report is to present Council with a petition received, requesting removal of the pine trees in Nardinos Road, Yallourn North and to seek Council's approval to deal with it at this Ordinary Council Meeting.

2. DECLARATION OF INTERESTS

The Team Leader Planned Tree Works declared a direct interest under section 77B of the *Local Government Act 1989*.

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 the Latrobe Valley. To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.

Community Outcome - Built Environment Sustainability

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

Strategic Action - Infrastructure Maintenance

Develop and implement asset management strategies for Latrobe City infrastructure including whole-of-life maintenance requirements.

Policy - Tree Work Notification Policy 09 POL-3

The purpose of this policy is to detail processes for the notification of significant tree works prior to the works being undertaken.

4. BACKGROUND

There are 222 mature and 60 semi-mature or juvenile *Pinus Radiata* (Monterey Pine) trees in the road reserve of Nardinos Road.

A petition to remove the pine trees in the road reserve of Nardinos Road, Yallourn North was received in June 2009. Twelve property owners representing the sixteen properties in Nardinos Road have signed the petition.

An arborist's report has been prepared and is an attachment to this report.

The following image shows the location of the pine trees in Nardinos Road.



5. ISSUES

Pinus radiata is native to North America and is classified as an official weed species within the state of Victoria by the Department of Sustainability and Environment (DSE). It is an invasive species that displaces native vegetation.

Pinus Radiata have excessive needle drop which blows in the wind and has potential to block house gutters and foul water tanks. The build up of pine needles on the ground adds to the fuel load in a fire and impedes the growth of pasture grasses in areas in close proximity.

Although these specimens are structurally sound, this species has a tendency to uproot and fall when planted closely together, especially the more exposed specimens on the edge of a plantation. This is due to lack of space for the trees to form a sufficient root structure.

A closely planted group of this species relies on other nearby trees for support through wind protection, however the specimens closer to the edge of the plantings are more exposed to adverse weather conditions and are therefore more susceptible to uprooting. There are at least 70 large mature specimens in this situation in Nardinos Road and this area is exposed to the prevailing westerly winds.

A high voltage power line in the vicinity of some of these trees would be in danger of being struck if the trees were to fail.

6. FINANCIAL AND RESOURCES IMPLICATIONS

An estimate to remove these trees has been prepared and two quotes have also been obtained from companies who specialise in logging operations. The final cost to Latrobe City will depend on the sale price of the recovered timber and may range from \$2,000 through to \$14,000 for removal of the trees and up to \$5,000 for replanting of the area with native vegetation.

This work can be accommodated within the 2009/10 budget.

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

There has been no formal public consultation process following receipt of this petition.

Details of Community Consultation / Results of Engagement:

N/A

8. OPTIONS

Council has the following options:

1. Lay the petition on the table until the Ordinary Council Meeting to be held on 7 September 2009 or a later meeting.
2. Consider the petition at this meeting.

9. CONCLUSION

It is usual practice for petitions to lay on the table as per Clause 63 of Council's Local Law No.1 until the next Ordinary Council Meeting.

Given that the majority of property owners in Nardinos Road have signed the petition supporting the removal of the pine trees and the work is able to be funded from this years budget, it is considered reasonable for Council to make a decision on this matter and for the petition not to lie on the table.

10. RECOMMENDATION

1. That Council agrees to not lay the petition requesting the Removal of Pine Trees in Nardinos Road, Yallourn North, on the table and considers the petition at this Ordinary Council Meeting.
2. That the Pinus Radiata (pine) trees in the road reserve of Nardinos Road, Yallourn North be removed and the area replanted with native vegetation in the 2009/10 financial year.
3. That the head petitioner, Tony Zakic be advised of Council's decision in relation to the petition requesting the Removal of Pine Trees in Nardinos Road, Yallourn North.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT17th June 2009

Dear Mr Buckley.

I Tony Zakic of 55 Nardino's Road Yallourn North am sending this Petition on behalf of all residents of Nardino's Road.

The reason for this petition is the concern we have with the pine trees that are growing along the roadside of Nardino's Road, which were planted many years ago by a previous land owner for pulp use for The Australian Paper at Maryvale.

These 150 trees or so are a concern to residents for a number of reasons listed below:

- Loss of grazing land.
- Blocks and rots guttering
- Damaged residents gardens
- Pine tree roots damaging the road
- Blocks and damages road drainage
- Restricts growth of other native plants
- The concern of fallen limbs and tree branches in windy weather.
- Major fire hazard.

We have received a verbal quote from a contractor to drop the pine trees, burn the small debris and recycle the main trunks. The quote was for \$6000 to \$7000.

As residents of Nardino's Road we kindly ask that this matter is taken into consideration and acted upon by removing these trees that are considered a pest to the community.

Regards,
Tony Zakic
0408 594 082
5167 1903

Latrobe City	
17 JUN 2009	
Doc. No:	
Action Officer:	
Disposa. Code:	
Comments:	

NAME	ADDRESS	PH
Craig Smith	5 Nardinos RD Y/Nth	51671199
CHRISTINE GARRY	5 NARDINOS RD YALLOON NTH	51671179
Eddy Gracey	95 NARDINOS Rd YALLOON NTH	51671755
Ingrid Gress	95 Nardinos Rd Yalloon Nth	51671755
KRIS WELLS	100 NARDINOS RD YALLOON NTH	51671189
Liza Powell	100 Nardinos Rd Y/N	51671189
P. Nth	80 Nardinos Rd Yalloon Nth	51671325
P. Nth	80 NARDINOS RD YALLOON NTH	51671325
Robert G. G. G.	75 NARDINOS RD YALLOON NTH	51671897
J. G. G.	75 Nardinos Rd Y Nth	51671897
G. Robertson	40 Nardinos Rd Ynth	51671191
H. Duncan	" " " "	" "
C. WALSH	26 Nardinos Rd Yall Nth	51671083
K. WALSH	" " " "	" "
B. PATTISON	25 NARDINOS RD YALLOON NTH	51671706
M. PATTISON	25 NARDINOS RD " "	" "
M. Stockil	45 Nardinos Rd Yalloon Nth	51671329
V. STOCKIL	45 NARDINOS RD YALLOON NTH	51671329
J. Dash	51 Nardinos Rd Yall Nth	51671177
Nick Lopezka	53 NARDINOS RD	51 671481
Belinda Lopezka	" " "	51 671481
Judy Zakic	55 Nardinos Rd.	51671903
Anton Zakic	" "	51671903



ARBORIST'S REPORT

Tree location (street number & name if possible): Nardinos Road.

Town/Area: Yallourn North

Botanical name: *Pinus radiata*

Common name: Monterey Pine

Type: Exotic tall tree

Date of inspection: 10/7/09

Inspection carried out by: Cameron McGregor

Number of specimens: 222 mature tree, 60 semi-mature or juvenile.

Tree properties are located in:

Nature strip	Median strip	Traffic island
Park	Green Belt	Private property

Roadside Reserve **Yes** Other

Age (estimate): 40 yrs Life expectancy: 10> yrs

Height: 25 metres (average) Canopy spread: 10 metres
(average)

Trunk diam (@ 1.4m) millimetres

	Yes	No
Register of significant trees:		√
Tree preservation order applies:		√
Native Indigenous Vegetation:		√
Native Vegetation:		√
Health: Poor	Average	Good Excellent

Comments: The health status of these specimens is good on an overall average. There are no visible signs of major decay. There are no obvious signs of pests and diseases. Growth increments for the past 3 growing seasons is also good.

Structure: Poor Average **Good** Excellent

Comments: The structure of these specimens is good for this species on an overall average. The trunks are straight with few co-dominant stems, which make them ideal for pulp and wood production. The specimens overall have single trunks with good branch unions. There are no major acute stems. All branches and stems have good taper. There are no visible signs of any major cavities. There is very little evidence of large stem failure occurring in the past. There are however at least 12 large specimens leaning. This is not unusual for this to occur, however these particular specimens are more likely to fall over than their non-leaning counterparts.

Site suitability: **Unsatisfactory** Fair Good Ideal

Comments: The site suitability is unsatisfactory because the area they are growing in is a rural road reserve which should be reserved for native vegetation. *Pinus radiata* is native to North America. It is classified as an official weed species within the state of Victoria by the Department of Sustainability and Environment (DSE). This species is a very invasive weed that displaces native vegetation and therefore has no place in rural road reserves within our municipality.

Although these specimens are structurally good, this species has a tendency to uproot and fall when planted closely together especially the more exposed specimens on the edge of a plantation. This is due to lack of space for the tree to form a sufficient root structure. A closely planted group of this Pine species rely on one another for support through wind protection. However the specimens closer to the edge of the plantings are more exposed to adverse weather conditions and are therefore more susceptible to uprooting. There are at least 70 large mature specimens that this applies to in Nardinos Road. If these were to fail, a high voltage power line could be taken out. This area is exposed to the prevailing westerly winds. The pine trees and the high voltage power line are in direct line of this.

Hazard Rating: Failure Potential + Size of Part + Target Rating = Hazard Rating
 2 + 2 + 4 = 8
 (refer to Appendix)

Target Rating: 4
 (refer to Appendix)

RECOMMENDED ACTION/TREATMENT:

1. Removal:

Reason: Dead/Dying
 Structurally unsound
 Excessive regular power line clearance pruning
 New construction project
 Unsuitable for site

Nuisance: fruit
 bark shedding
 seed & nut drop
 excessive leaf litter
 attraction to unpleasant insects
 thorns
 Damage to underground services
 Damage to infrastructure or buildings.

Comments: *Pinus radiata* is classified as an environmental weed by DSE. It displaces native vegetation, they have excessive needle drop which builds up on the ground causing a major fire hazard, impedes the growth of pasture grasses in areas immediate adjacent from them, needles easily blow in the wind and land in nearby residents yards blocking gutters and fouling water tanks and swimming pools. With there being no heritage value on these trees and along with all the negative affects caused or potentially caused by retaining these trees there is no justification for retaining them.

2. Below surface maintenance:

- Soil modification required –fertilizing/watering/mulching/aeration.
- Root and associated problems – root barrier installation/root pruning.
- Suckering – selective removal of suckers

Comments:

3. Crown Maintenance:

- Clear out dead/diseased/dying/defective/conflicting branches larger than 25mm.
- Thinning – as above with additional removal of secondary branches while retaining main structure.
- Dead wooding – removal of all dead wood.
- Selective pruning – removal of identified branches causing a specific problem.
- Formative pruning – selective removal of specific branches to enhance form and improve structure.
- Cabling/bracing – to strengthen structural integrity.
- Reduction pruning – reducing size of crown either in height and/or spread.
- Crown lifting – to satisfy statutory clearance requirements.
- Pollarding – regular treatment to specific deciduous trees
- Line clearances – to satisfy clearance requirements around overhead services.
- Remove mistletoe.

Note: Lopping and topping is an unacceptable practice and must not be carried out.

Comments:

4. Other Maintenance

- Treatment of pest infestation.
- Elm leaf beetle treatment.

Comments:

5. No Maintenance/Action Required

- Not a Council tree
- Tree/trees not to be removed.
- No pruning or other maintenance required.

Comments:

6. Approximate Cost to Carry Out Works and Timeframes**Resources and actions that will be needed to undertake the removal of these trees:**

In-house using mainly conventional methods. (includes piling trees up and burning, no carting, little recycling)

- Suppression on power line (compulsory); no cost.
- Remove & repair all fences (insignificant cost)
- 6 Latrobe City tree crew staff. This includes 2 traffic control personnel.
- 1, 65ft Travel Tower
- 1, 12 inch chipper/truck
- 1, 26 tonne excavator with cross cut saw head/operator
- Estimate of time to complete is 14 normal working days. (normal working day is 8.5 hours)
- Total cost for removals is \$54,075 This is \$3862.50 a day.
- Cost of re-vegetation with indigenous plants (mixture of trees, shrubs, groundcovers, sedges) is \$5,000 (\$10 per plant x500; includes, tube, labour, plastic protection bag, stakes and one off watering in)
- Total estimated cost is \$59,075.

External Harvesting Contractors. Two quotes have been received from logging companies to remove the trees using harvesting equipment. The logs will be carted from site and any small waste (branches and leaves will be burnt on site. The quotes vary from \$2,000 to \$14,000 depending on the amount received for the harvested wood. Council will still need to provide:

- Council will have to provide a power line suppression (compulsory) at no cost.
- Council will have to remove & repair all fences (insignificant cost)
- Council will have to provide 2 traffic control personnel for 2-3 days at an estimated cost of \$340 per person per day.
- Cost of re-vegetation will be \$5,000
- Total cost estimate between \$9,040 and 21,040

GENERAL COMMENTS: This report is a direct result from a resident's petition sent to Latrobe City on the 17th June 2009. The petition has 23 separate signatures which is a majority of the roads residents. Their reasons for wanting the removal of these trees are as follows:

- Loss of grazing land
- Blocks and rots guttering
- Damaged residents gardens
- Blocks and damages road drainage
- Restricts growth of native plants
- The concern of fallen limbs
- Major fire hazard

Pinus radiata has no place outside a designated plantation. A rural roadside reserve on a public road is an area for native vegetation to find refuge from their ever increasing loss of habitat. *Pinus radiata* is a very invasive species that displaces native vegetation consequently degrading the environmental value of roadside reserves.

The nuisance factor caused from needles landing in resident's gutters, fouling water supplies and swimming pools cannot be ignored. Needles in gutters are a fire hazard; the fouling of water supplies is the fouling of an essential service that everyone depends upon for basic survival.

Many of the trees in question have the potential to take out the main power line that feeds the area which is also a fire hazard.

Latrobe City also has to repair the road every 2 or so years as a result of the pine roots lifting and cracking the road. There are at least 2 culverts that need regular clean outs as a result of the pine needles as well. This is an ongoing cost that can be eliminated if the trees were removed.

Pasture grasses do not establish very well near this particular species of pine due to competition for light and moisture. This is the case in parts of Nardinos Road. There is no justification for retaining these trees. The ongoing potential for further environmental degradation and hazards imposed as the trees age are far too great a risk for retaining these trees, now that this has been brought to our attention.

Final recommendation

- Remove all *Pinus radiata* trees.
- Re-vegetate area with indigenous flora 500 in total (a mixture of trees, shrubs, groundcovers and sedges)
- Use a logging contractor rather than Latrobe City staff and resources. The reasons why are as follows.
 1. Substantially cheaper.
 2. Over 80% quicker completion time.
 3. The wood is put to a useful use (pulp and wood products).
 4. Latrobe City staff are freed up to continue their normal work routines without being put more than 3 weeks behind, which is extremely difficult to recover from.
 5. There will be only minimal burning as opposed to burning nearly everything.



The above photo shows proximity of trees to Nardinos Road and size compared with the 2.3 meter tall truck in picture. The picture is looking south east.



The above picture shows the power line that runs in the private paddock on the east side of the trees.



The above photo clearly shows there is a lack of pasture grass established near the Pine trees. This photo was taken in July 2009 when all pasture grasses are green and thick in the surrounding area. Photo is looking north.

APPENDIX

HAZARD RATING SYSTEM/FORMULA EXPLANATION

This hazard rating system is endorsed by the International Society of Arboriculture from *Evaluation of Hazard Trees in Urban Areas, 2nd edition*, Matheny & Clark, 1994. The scoring system is listed below by category that best fits the tree being assessed.

Failure Potential:

1. **Low** – Defects are minor (e.g. Dieback of twigs, small wounds with good woundwood development).
2. **Medium** – Defects are present and obvious (e.g. Cavity encompassing 10-25% of the circumference of the trunk, codominant stems without included bark).
3. **High** – Defect a numerous and/or significant (e.g. Cavity encompassing 30-50% of the circumference of the trunk, multiple pruning wounds with decay along a branch).
4. **Severe - Defects** are very severe (e.g. heartrot decay sporophores or conks in main stem; cavity encompassing more than 50% of the truck, codominant stems with included bark).

Size of Defective Part

1. most likely failure less than 15cm in diameter
2. most likely failure less than 15-45cm in diameter
3. most likely failure less than 45-75cm in diameter
4. most likely failure greater than 75cm in diameter

Target Rating

1. Occasional use (e.g. Open parkland, etc)
2. Intermittent use (e.g. Picnic area, day parking)
3. Frequent use (e.g. Jogging Track, storage facilities)
4. Constant use (e.g. Year-round use for a number of hours for each day, residences, etc)

The hazard evaluation system provides a simple process for Arborists to assess/process the danger and risks associated with trees. This includes death/injury to people and damage to infrastructure from falling branches. The rating system does not define danger. It provides a system for managing trees that could present high risk of failure.

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 CALLIGNEE COMMUNITY CENTRE CONCEPT PLANS AND
ROAD REALIGNMENT**

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

1. PURPOSE

The purpose of this report is to seek Council's adoption of the concept plans for the Callignee Community Centre, and to seek Council's approval to commence the statutory process to deviate Old Callignee Road.

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 – Built Environment Sustainability

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

Strategic Action – Infrastructure Maintenance and Infrastructure Development

Develop flexibility in facilities to cater for changing demands of the community.

Utilise place management principles for local areas in the municipality.

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

Promote and support the infrastructure and development of small town communities within the municipality.

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

Strategic Objective – Liveability

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

Community Outcome – Recreational Liveability

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

Strategic Actions – Recreational Liveability

Assess and evaluate future recreational opportunities to address the community aspirations.

Align open space requirements of the community with useable public open space.

4. BACKGROUND

The impact on community infrastructure in Callignee following the 7 February 2009 Black Saturday bushfires was significant. All public buildings including the hall, former primary school and fire station were destroyed.

The Callignee Community Centre project aims to establish a multi purpose community facility that will meet the needs of the community and user groups of the facilities that were destroyed.

In the days following the Black Saturday bushfires, the Victorian Premier, John Brumby visited the former Callignee Hall site and gave a commitment at that time to assist the community in rebuilding the community facility.

Following this announcement, meetings were held between Latrobe City Council, Regional Development Victoria (RDV), Department of Planning and Community Development (DPCD), Department of Sustainability and Environment (DSE) and the Country Fire Authority (CFA) to assess the best way to progress this project. From these meetings, Latrobe City Council was nominated to lead the community consultation process and to deliver this project.

5. ISSUES

To ensure the community was thoroughly engaged throughout this project a community reference group has been created which comprised representatives of users of the facilities destroyed in the fires, as well as members of the Callignee community. The purpose of the community reference group is to provide a consultative forum to effectively communicate the needs of the Callignee community during the design and development of the new Callignee Community Centre. The community reference group meetings have been chaired by the Latrobe City Ward Councillor.

The Callignee Community Centre project will replace all destroyed community infrastructure with one multi-use facility, constructed to specifically meet the needs of user groups, the Callignee CFA and the wider Callignee community.

The concept plans (attachment one) have now been completed in consultation with the community and include;

- Community Hall with foyer
- Kitchen with internal and external serving areas
- External decked area
- Two meetings rooms separated by an operable wall
- Amenities including a family change facility
- Fire station
- Cricket change facilities including toilets and showers
- Enclosed walkways
- Multiple storage areas

During the community consultation process, the community placed a very high value on the existing oak trees at the site, and the usable public open space around these trees. The new community facility has been designed with the outdoor deck area and kitchen in close proximity to these oak trees, which will maximise the usability of this area.

The former Callignee Hall and old school building were separated from the community oval by Old Callignee Road (attachment two). This separation of facilities creates a dangerous mix of pedestrians and traffic during large community events. Early in the design process the possibility of realigning Old Callignee Road to allow the integration of the oval and the new Callignee Community Centre was explored and endorsed by the community.

Two possible road realignment concepts were explored in the early stages of the design process. Both options allow the integration of the Callignee oval with the new Callignee Community Centre, removes the mix of pedestrians and traffic and also maximises the usable public open space around the new facility. As the western road alignment (attachment three) created more usable public open space to the east of the building, this option was originally supported by the community for further investigation.

Western Road Alignment

The western road alignment (attachment three) diverts Neaves Road at the Pumps Road intersection and travels to the west of the Callignee oval through land described as Crown Allotment 4, Parish of Callignee being Crown land Reserved for Recreation Purposes and Crown Allotment 4C, Parish of Callignee being Unreserved Crown land, then rejoining Factory Road.

Initial investigations relating to the western alignment identified a significant constraint relating to the removal of native vegetation.

The western road alignment would require the removal of a large amount of native vegetation (approximately 100 trees). The State Native Vegetation Framework provides strict guidelines around the removal of any native vegetation. A three step approach has been introduced, being;

1. To avoid adverse impacts, particularly through vegetation clearance.
2. If impacts cannot be avoided, to minimise impacts through appropriate consideration in planning processes and expert input to project design or management
3. Identify appropriate offset options.

The primary goal of the State Native Vegetation Framework is to achieve a net gain in native vegetation to reverse the long term decline in the extent and quality of native vegetation. To assist in achieving a net gain, a very strong emphasis has been placed on totally avoiding the removal of native vegetation.

As the proposed western alignment would utilise Crown land managed by DSE, their support for this alignment was crucial for it to progress. Representatives of the DSE Biodiversity team indicated that they would not support the western alignment due to the large scale removal of native vegetation, considering the opportunity to avoid this removal by implementing the eastern road alignment.

Eastern Road Alignment

The eastern road alignment (attachment four) diverts Old Callignee Road at the Factory Road intersection, travels to the east of the new Callignee Community Centre through Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council and Crown Allotment 1A, Parish of Callignee being Crown land Reserved for Mechanics Institute Purposes, and rejoins at the Pumps Road intersection.

Due to the constraints detailed previously regarding the western road alignment, the eastern alignment has been investigated further. A public meeting was held which detailed the DSE position on the western alignment, and a vast majority of the community then endorsed the eastern alignment. The DSE have also provided in principle support for the eastern road realignment.

A land owner of an adjacent allotment to the Callignee Community Centre site has consistently expressed concern with the eastern road alignment. The land owners concerns include:

1. Heightened devaluing of their property
2. Increase traffic noise impacting on their residence, general well being and environment
3. Their intention to subdivide their property in the future, and the impacts this road will have on the value of this land
4. Vehicle speeds and safety

The statutory process associated with realigning the road will provide the land owner the opportunity to lodge a formal submission in relation to this option.

Section 206 of the *Local Government Act 1989*, gives Council power in relation to roads as set out in Schedule 10.

Clause 2 of Schedule 10, states:

“2. Power to deviate roads

(1) A Council may deviate a road through private land, Crown land or land held by licensees under the **Land Act 1958** (whether or not the land is subject to any rights of way).

(2) However, in the case of a proposed deviation—

(a) through Crown land; or

(b) which would result in the vesting of land in a Council under section 207B(2A)—

*this power may only be exercised after the Council has obtained the consent of the Minister administering the **Land Act 1958**.*

(3) *Before starting any work to give effect to a deviation, the Council must publish a notice in the Government Gazette describing the deviation.”*

Before Council can exercise the above power it is required to comply with Section 223 of the *Local Government Act 1989 – Right to make Submissions*. The requirements of this section are summarised below:

- Council must publish a public notice inviting submissions that:
 - provides details of the proposal and the prescribed details in respect of that matter,
 - specifies the closing date to lodge a submission being not less than 28 days after the date of public notice, and
 - states that a person making a submission (or a representative specified in the submission) wishes to appear at a meeting to be heard in support of the submission.
- Council must fix the day, time and place of the meeting to consider submissions and give reasonable notice of the meeting to each person who has made a request to be heard in support of the submission.
- The Council or special committee responsible for making the decision must consider all submissions and after making a decision notify in writing, each person who has made a submission, of the decision and the reason for that decision.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The State Government has announced funding of \$2.5 million to construct the Callignee Community Centre.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There has been significant community and stakeholder consultation during the preparation of the concept plans for the Callignee Community Centre.

A community reference group has been established to provide a consultative forum for current and potential users of the new facility as well as the wider Callignee community.

The group was made up of Callignee residents, and representatives of the following organisations:

- Callignee CFA
- Callignee Country Women's Association
- Traralgon South and District Association
- Callignee Playgroup
- Callignee Hall Committee
- CATS Cricket Club

This community reference group met regularly, and meetings were chaired by the Latrobe City Ward Councillor.

As well as the establishment of the community reference group, the following engagement methods were utilised throughout this project;

- Establishment of a project noticeboard at the former hall site to display newsletters, plans, upcoming events and Latrobe City and community reference group contacts
- Installation of a suggestion box and feedback forms at the former hall site
- Callignee Community Centre web page added to the Major Projects section of councils website displaying current plans and upcoming events
- Publication of a project newsletter, which was available on Councils website and mailed directly to all stakeholders. The newsletter was also displayed on the project noticeboard.

There were also numerous public meetings held during the design stage of the Callignee Community Centre, including:

Consultation	Date	Activity
Public Meeting	5 May 2009	Initial public workshop to brainstorm all ideas for the new facility
Public Site Meeting	6 May 2009	Architect attended an on-site meeting that was open to members of the public.
Community drop in sessions	6 & 7 May 2009	Architects worked out of the Traralgon South Community Hall for two days, and including "drop in" times where members of the community could attend and ask questions or offer ideas relating to the new facility.
Follow up community meeting	7 May 2009	Public meeting to announce all findings from previous workshops, and endorse the initial concept.
Community meeting	25 May 2009	Follow up public meeting to present more detailed concept designs to the community.
Public meetings	22 July 2009	Presentation of final concept plans for the building and update on the issues relating to the road realignment.

Public meetings were advertised in the Latrobe Valley Express, as well as notices being placed on the project notice board, on council's website and the Callignee community website. Flyers for the public meetings were also mailed directly to all Callignee and Traralgon South residents.

8. OPTIONS

Council has the following options available:

1. Adopt the concept plans for the Callignee Community Centre and commence the statutory process to deviate the road on the eastern alignment.
2. Not adopt the concept plans for the Callignee Community Centre.

9. CONCLUSION

The concept plans for the Callignee Community Centre offer the Callignee community a multi-use facility that will replace the community infrastructure destroyed in the Black Saturday bushfires.

A comprehensive community engagement and consultation process during the design stage of this project has determined that the concept plans of the Callignee Community Centre will meet the needs of user groups, the Callignee CFA and also the wider Callignee community.

Realigning Old Callignee Road to the east of the new facility will integrate the Callignee oval with the new Callignee Community Centre and also maximise the usable public open space around the facility, whilst minimising the impact on the native vegetation.

10. RECOMMENDATION

- 1. That Council adopts the concept plans for the Callignee Community Centre.**
- 2. That Council pursuant to Section 206 and Schedule 10 of the *Local Government Act 1989*, gives public notice of its intention to deviate a section of Old Callignee Road through land described as Crown Allotment 1A Parish of Callignee owned by Latrobe City Council and Crown Allotment 1B, Parish of Callignee being Crown Land Reserved for Mechanics Institute Purposes.**
- 3. That Council, in accordance with section 223 of the *Local Government Act 1989*, considers any submissions received in relation to the proposal to deviate a section of Old Callignee Road through land described as Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council and Crown Allotment 1B, Parish of Callignee, being Crown Land Reserved for Mechanics Institute Purposes, at the Ordinary Council Meeting to be held on 21 September 2009.**

Moved: Cr Vermeulen

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

**11.3.2 LATROBE PLANNING SCHEME AMENDMENT C64 TO
INTRODUCE DESIGN AND DEVELOPMENT OVERLAYS TO
LAND SURROUNDING THE HELIPAD AT LATROBE REGIONAL
HOSPITAL**

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

1. PURPOSE

The purpose of this report is for Council to consider all written submissions received in response to proposed Amendment C64 and to seek Council approval to progress the amendment to the next stage.

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 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.

The proposal is consistent with the State Planning Policy Framework and the current Municipal Strategic Statement and is supported by Amendment C62 of the draft Latrobe Planning Scheme Local Planning Policy Framework.

4. BACKGROUND

A request to amend the planning scheme was received in October 2007, by the Department of Human Services to ensure protection of the Emergency Medical Service (EMS) helicopter flightpath.

The subject land affected by the amendment is located at Village Avenue, Traralgon (Helipad at Latrobe Regional Hospital), known as Crown Land, Part 60A and encompasses land within a radius of approximately 926m. The amendment affects a total of 40 allotments; zoned Special Use Zone (SUZ), Rural Living Zone (RLZ) and Farming Zone (FZ). These allotments range in size from approximately 0.19 hectares to 1.48 hectares, approximately 49.7 hectares of the airport land is affected. The majority of the lots are in private ownership. Some land is owned by the Latrobe Regional Hospital VicRoads and Latrobe City Council. (Refer Attachment 1 and 4 – Extent of DDO area).

An amendment to Clause 43.02 of the Latrobe Planning Scheme is proposed to introduce two Design and Development Overlays (DDOs) on the subject site at Village Avenue, Traralgon (Helipad Site Latrobe Regional Hospital, Crown Allotment 60A) and land approximately within a 926m radius from the Helipad site (Refer to Attachments 2 and 3 – Schedules DDO4 and DDO5)

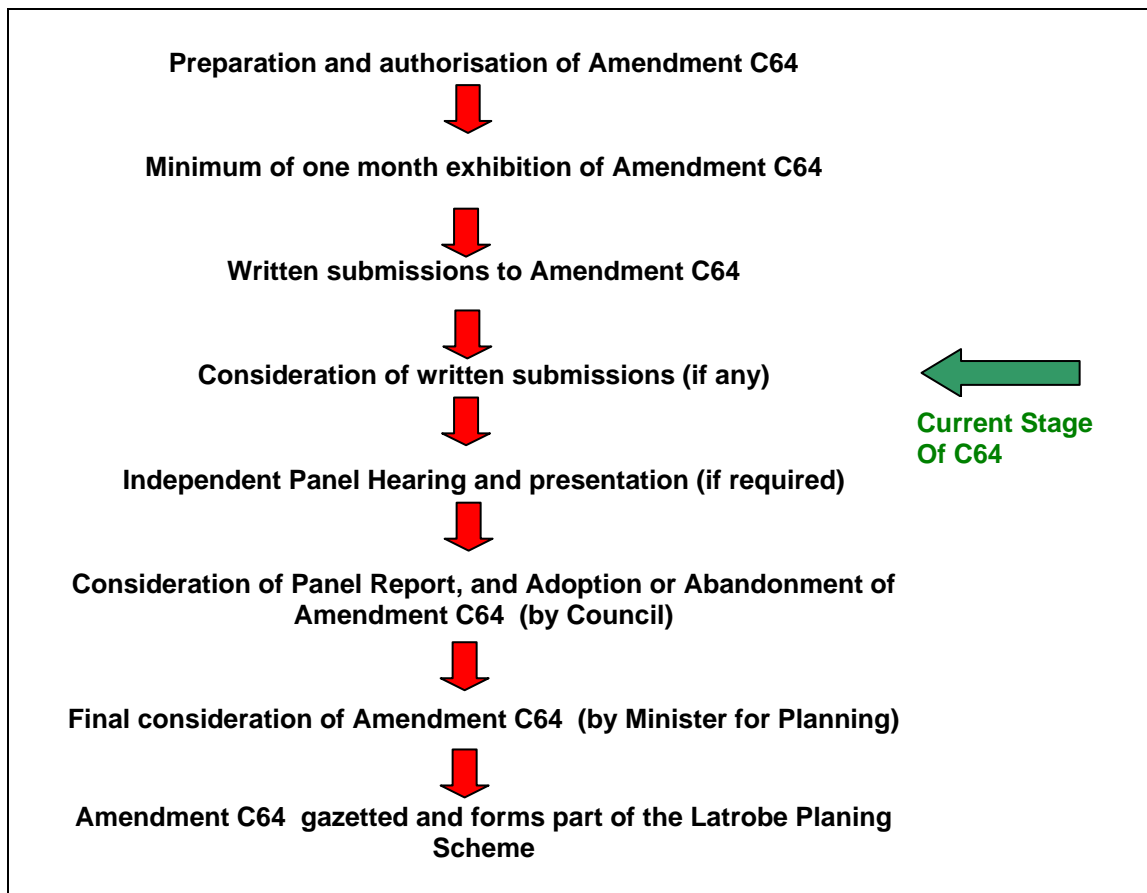
The amendment to introduce the Design and Development Overlay schedule 4 will trigger the need for a permit for the construction of a building and construction or carrying out of works which exceed 56.44m above the Australian Height Datum (AHD). In effect, this will mean that most building and works within the DDO4 area will require a planning permit.

The amendment to introduce the Design and Development Overlay Schedule 5 will trigger the need for a permit for the construction of a building and construction or carrying out of works which exceeds 68.4m above the AHD. In effect, this will mean that most buildings and works within DDO5 above 8 to 12 metres in height will require a planning permit.

Statutory Requirements

The C64 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C64.

C64 Planning Scheme Amendment Process



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

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

Amendment C64 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report. (Refer Attachment 5 - Explanatory Report).

The C64 proposal is consistent with the State Planning Policy Framework at Clauses 11.03-1 Settlement, 11.03-6 Social Needs and 18.06-2 General Implementation.

The C64 proposal is also consistent with the current Municipal Strategic Statement (MSS) at Clause 21.04-1 Settlement and Urban Form, and the current Strategic Land Use Framework Plan at Clause 21.03-3 also explained further in the attached Explanatory Report.

Planning Scheme Amendments

At the Ordinary Council Meeting on 15 December 2008 Council resolved to seek the Minister for Planning's Authorisation to prepare and exhibit the proposed Amendment C64. The Minister for Planning in accordance with Sections 8A(3) of the *Planning and Environment Act, 1987*, authorised Council to prepare the proposed Amendment, C64 on 14 January 2009. Amendment C64 was placed on public exhibition during the period 26 February 2009 to 3 April 2009. Under Section 29 of the Act, Council may adopt the planning scheme amendment with or without changes. The recommendations of this Council Report are in accordance with Sections 29 and 35 of the Act.

In addition the C64 proposal is further supported by Amendment C62 of the draft Latrobe Planning Scheme Local Planning Policy Framework (including the new MSS) endorsed at the 1 September 2008, Council meeting.

5. ISSUES

Section 6 of this Council Report provides a summary of nine written submissions received by Latrobe City Council for Amendment C64.

Eight of the submissions were in support of the proposed amendment. The ninth submission received (comprised of parts A and B) objected to the proposed amendment and raised concerns with the amendment.

These concerns in submission 9A (see Attachment 6, Submission 9A) centred on the issue of proposed C64 limiting the capacity to plan for future growth at Latrobe Regional Hospital.

In particular this concern highlighted a need for further information on how C64 would impact the Latrobe Regional Hospital. It was requested by Council that the applicant (Department of Human Services) prepare a response to address the concern raised by the objector. A written response was provided by PSNK Aeronautical Services, a consultant on behalf of the Department of Human Services on the 11 May 2009 advising that the intent of the amendment is not to prohibit developments proceeding in the area. PSNK Aeronautical Services advised that C64 would trigger the need for a planning permit in the areas covered by the Design and Development Overlays to ensure protection of the Emergency Medical Service (EMS) helicopter flightpath.

Further information was also provided to Latrobe Regional Hospital by Council to draw their attention to section 16 of the *Planning and Environment Act 1987* which states that:

“A planning scheme is binding on every Minister, government department, public authority and municipal council except to the extent that the Governor in Council, on the recommendation of the Minister, directs by Order published in the Government Gazette”.

The Government Gazette which appeared on the 2 February 1988 states that:

“Planning Schemes shall not be binding on the use and development of land carried out by or on behalf of the Minister for Conservation, Forests and Lands, the Minister for Health or the Minister for Education”.

Therefore, if the Latrobe Regional Hospital is carrying out works ‘for or on behalf of’ the Minister for Health they are generally exempted from needing a planning permit even with the application of proposed C64.

Following the above advice and a meeting between PSNK Aeronautical Services and Latrobe Regional Hospital on 25 June 2009, a letter was received from the Latrobe Regional Hospital withdrawing their objection on the 13 July 2009 (Refer to Attachment 6, Submission 9B).

6. FINANCIAL AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Statutory fees associated with this proposed amendment will be met by the proponent, Department of Human Services.

7. INTERNAL/EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act 1987. This includes advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment. All statutory and servicing authorities likely to be materially affected have also been notified of the proposed amendment. Amendment C64 was placed on public exhibition during the period 26 February 2009 to 3 April 2009.

Public Submissions

Following public exhibition nine written submissions were received by Latrobe City Council in response to Amendment C64. Section 22 of the Act requires a planning authority consider all submissions to an amendment.

A summary of key issues and comments raised in submissions that have been received by Council in response to Amendment C64 have been provided below (refer to Attachment 6).

NO.	NAME/ADDRESS	SUPPORT / OBJECT	DATE RECEIVED	ISSUES RAISED
1.	Southern Rural Water	Support	11 March 2009	None
2.	Environment Protection Authority	Support	12 March 2009	None
3.	Gippsland Water	Support	13 March 2009	None
4.	Civil Aviation and Safety Authority	Support	16 March 2009	None
5.	West Gippsland Catchment Management Authority	Support	16 March 2009	None

NO.	NAME/ADDRESS	SUPPORT / OBJECT	DATE RECEIVED	ISSUES RAISED
6.	VicRoads	Support	19 March 2009	None
7.	Department of Sustainability and Environment	Support	23 March 2009	None
8.	APA Group	Support	9 April 2009	None
9A 9B	Latrobe Regional Hospital	Objection (subsequent letter received 13 July 2009 withdrawing their objection)	3 April 2009	C64 would Limit the potential for growth of the Latrobe Regional Hospital. Subsequently addressed by provision of further information.

8. OPTIONS

The options available to Council are as follows:

1. That Council, after considering all written submissions received to Amendment C64, resolves to adopt, and submit for approval to the Minister for Planning, Amendment C64.
2. That Council, after considering all written submissions received to Amendment C64, resolves to abandon the exhibited planning scheme amendment C64 and inform the Minister for Planning.

9. CONCLUSION

Amendment C64 seeks to introduce two DDOs to land at Village Avenue, Traralgon (Helipad site at Latrobe Regional Hospital, being Crown Allotment Part 60A) and land within approximately 926m radius from the Helipad site.

It is considered that the introduction of the two DDOs to the land is appropriate to ensure that there is protection of the Emergency Medical Service (EMS) helicopter flightpath.

All issues raised in submissions have now been addressed. Therefore a planning panel is not required to be appointed and Amendment C64 can now progress to the next stage.

10. RECOMMENDATION

1. That Council, having considered all written submissions received to Amendment C64, adopts Amendment C64 as exhibited in accordance with Section 29 of the *Planning and Environment Act 1987*.
2. That Council submits Amendment C64 once adopted to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*.

Councillors O'Callaghan and Fitzgerald left the Council Chamber at 8.24 pm due to an indirect interest under s.78B of the *Local Government Act 1989*

Moved: Cr Middlemiss

Seconded: Cr Lougheed

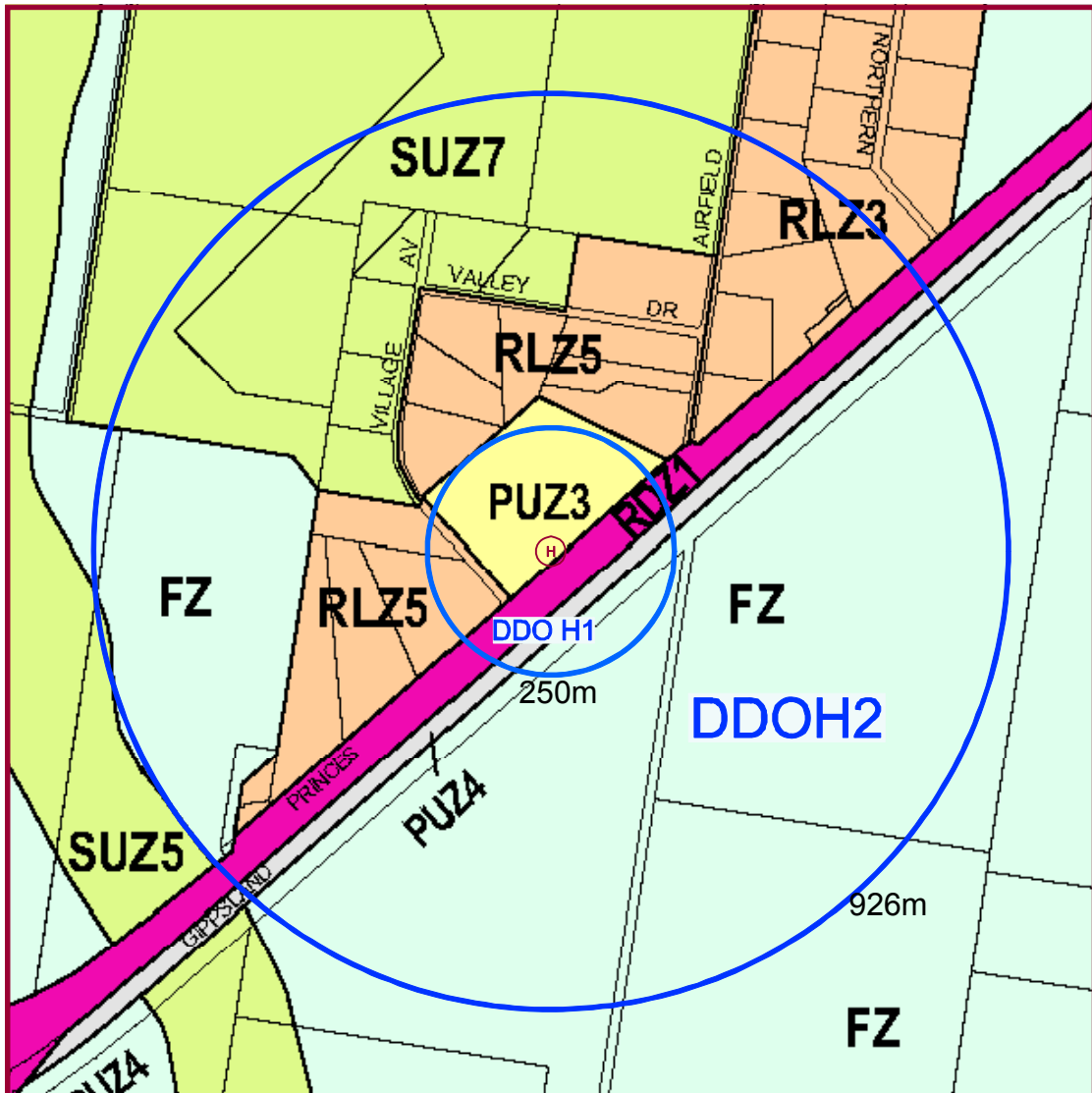
That Council refers the matter of the Latrobe Planning Scheme Amendment C64 to Introduce Design and Development Overlays to land surrounding the Helipad at Latrobe Regional Hospital to the Latrobe Airport Committee of Management for formal comment and defers consideration of this item until this report is received.

CARRIED UNANIMOUSLY

Councillors O'Callaghan and Fitzgerald returned to the Council Chamber at 8.25 pm

ATTACHMENTS

ATTACHMENT 1 – EXTENT OF DDO AREA



**ATTACHMENT 2 – DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 4
(DDO4)**

??/20??
C64

SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY
Shown on the planning scheme map as **DDO4**

1.0 AVIATION OBSTACLE REFERRAL HEIGHT AREA NO H1
Design objectives

??/20??
C64

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the Latrobe Regional Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Latrobe Regional Hospital EMS helipad are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Latrobe Regional Hospital Helipad.

2.0 Buildings and works

??/20??
C64

A permit is required to construct a building or construct or carry out works the height of which exceeds 56.44 meters above the Australian Height Datum.

An application for buildings and works must be referred to the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital under section 55 of the Planning and Environment Act unless in the opinion of the Responsible Authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

A permit must not be granted for building and works which exceed the obstacle height referral criteria, unless with the consent of the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

Notes:

For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the building and works.

3.0 Decision guidelines

??/20??
C64

Before deciding on an application for buildings and works the responsible authority will consider the views of the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

ATTACHMENT 3 – DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 5
(DDO5)

??/20??
C64

SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY
Shown on the planning scheme map as **DDO5**

1.0

AVIATION OBSTACLE REFERRAL HEIGHT AREA NO H2
Design objectives

??/20??
C64

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the Latrobe Regional Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Latrobe Regional Hospital EMS helipad are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Latrobe Regional Hospital Helipad.

2.0

Buildings and works

??/20??
C64

A permit is required to construct a building or construct or carry out works the height of which exceeds 68.4 meters above the Australian Height Datum.

An application for buildings and works must be referred to the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital under section 55 of the Planning and Environment Act unless in the opinion of the Responsible Authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

A permit must not be granted for building and works which exceed the obstacle height referral criteria, unless with the consent of the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

Notes:

For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the building and works.

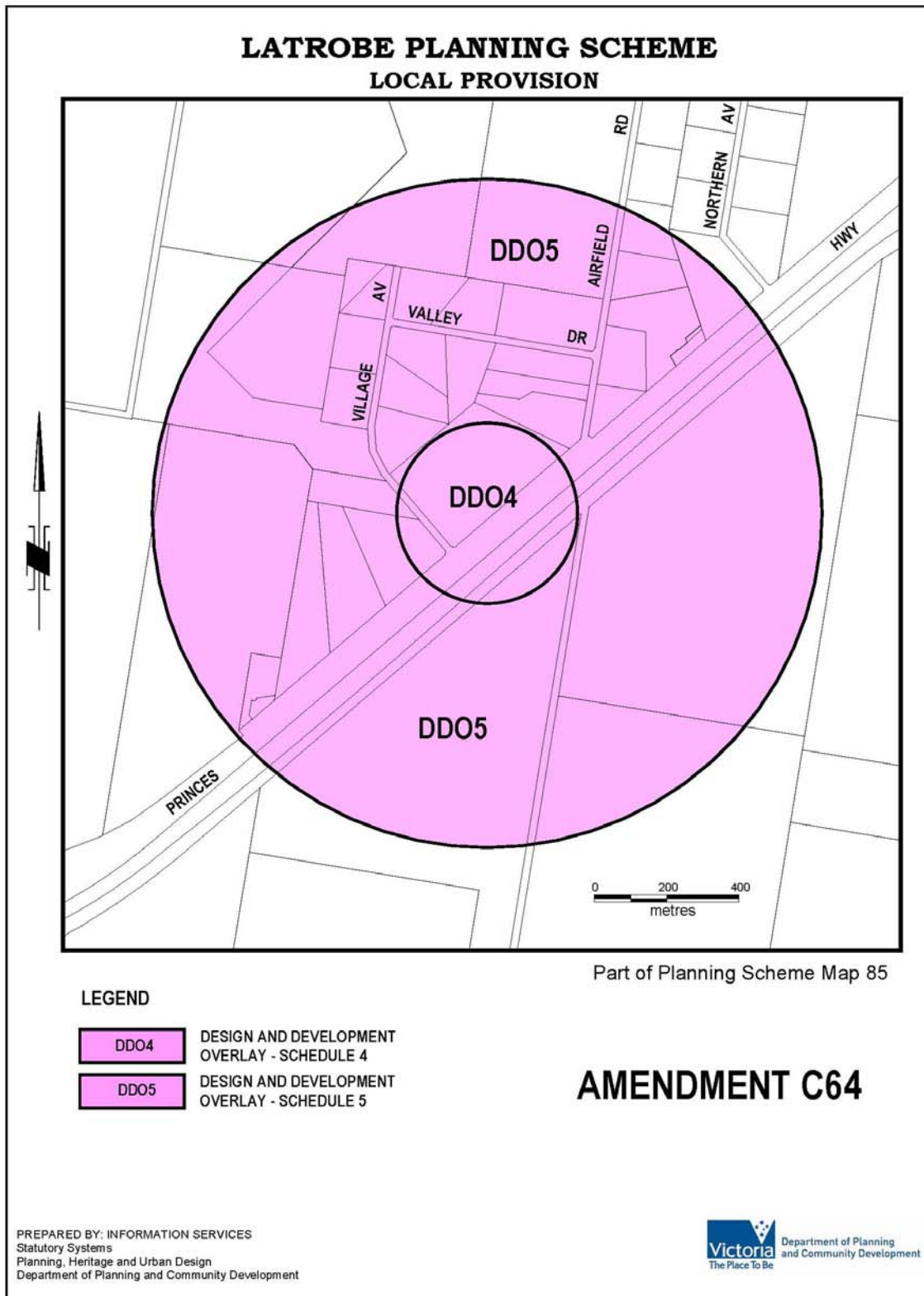
3.0

Decision guidelines

??/20??
C64

Before deciding on an application for buildings and works the responsible authority will consider the views of the Department of Human Services and the Chief Executive Officer, Latrobe Regional Hospital.

ATTACHMENT 4 – SUBJECT AREA MAP



ATTACHMENT 5 – EXPLANATORY REPORT

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C64

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of the Department of Human Services.

Land affected by the amendment.

The amendment applies to land within a 926 metre radius of the Emergency Medical Service (EMS) helipad at the Latrobe Regional Hospital, Traralgon (Crown Land, Part 60A).

What the amendment does.

The amendment inserts two new schedules into the Design and Development Overlay (DDO) of the Latrobe Planning Scheme and new Planning Scheme DDO Maps for the purpose of designating a helicopter flightpath protection area for EMS helicopters servicing the Latrobe Regional Hospital.

Strategic assessment of the amendment

- Why is the amendment required?

The Amendment is required to provide protection for the flightpaths used by EMS helicopters servicing the Latrobe Regional Hospital against encroachment by future developments that could prejudice the safety or efficiency of the Latrobe Regional Hospital helipad.

- How does the amendment implement the objectives of planning in Victoria?
 - *S.4 (1) (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
 - *S.4 (1) (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

S.4.(1)(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

- *S.4 (1) (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), and (e);*

The amendment implements these objectives of planning in Victoria by:

- Providing for the orderly development around the EMS helicopter flightpaths at the Latrobe Regional Hospital.
- Securing a safe working and living environment around the EMS helicopter flightpaths at the Latrobe Regional Hospital.
- Protecting the orderly provision and co-ordination of the EMS helicopter service at the Latrobe Regional Hospital.

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

The Amendment takes into account all significant environmental, social and economic effects, including the effects the Amendment might have on the environment and the effects the environment may have on any use or development envisaged by the Amendment.

Future development around the Latrobe Regional Hospital may prejudice the safety and efficiency of the EMS helicopter service. Therefore, the amendment provides protection for the flightpath environment used by EMS helicopters servicing the Latrobe Regional Hospital and ensures that any social effects are minimised.

- Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The use and development envisaged by this Amendment is not affected by any Minister's directions under Section 12 of the Planning and Environment Act 1987. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

- How does the amendment support or implement the State Planning Policy Framework?

Clause 11.03-1 Settlement states that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety
- Accessibility
- Land use and transport integration.

The amendment supports this clause by introducing DDO schedules to protect the EMS helicopter flightpaths from incompatible development.

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

The amendment supports this clause as it will continue to provide a safe and accessible route for the EMS helicopter to the Latrobe Regional Hospital.

Clause 18.06-2 Health Facilities - General Implementation states that planning and responsible authorities should facilitate the location of health related facilities (including acute health, aged care, disability services, and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services to communities.

Consideration should be given to planning public and private developments together and to including some degree of flexibility.

Hospitals and other large health service facilities should be located in areas highly accessible to public and private transport.

Adequate car parking facilities should be provided for staff and visitors.

The amendment supports this clause as it will ensure that the Latrobe Regional Hospital will remain accessible to the EMS helicopter service.

- How does the amendment support or implement the Local Planning Policy Framework?

Clause 21.03-2 La Trobe Strategy Plan Vision states that Latrobe City should become known as:

- A key regional centre in Victoria's well established network of urban areas, connected to Melbourne and the other cities in the network by excellent transport linkages and high capacity telecommunications links.
- A cohesive municipal community which:
 - provides the opportunity for rich and varied lifestyles
 - satisfies the community's needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture; and
 - Provides the means to access these opportunities conveniently by private and public transport.

The amendment supports this clause as it will ensure that EMS helicopter has a clear linkage to Melbourne and other states.

Clause 21.04-1 Settlement and urban form – Element 4 Balancing conflicting land uses objectives are:

- To ensure that new development is not undertaken in such a way as to compromise the effective and efficient use of existing or future infrastructure or resources such as the airport, coal resources, timber production and high quality agricultural land.

The amendment supports this clause as applying the DDO to the land surrounding the helipad will discourage inappropriate development that may affect the use of the EMS helicopter at Latrobe Regional Hospital.

The amendment is generally consistent with the proposed Local Planning Policy Framework in amendment C62. Amendment C62 is yet to be adopted by Latrobe City Council.

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

The amendment has been prepared with reference to the:

- General Practice Note Strategic Assessment Guidelines, April 2008.
- VPP Practice Notes Writing Schedules, May 2000
- General Practice Note Managing Referrals and Notice Requirements, July 2002.

With regards to the need for a DDO, it is considered the DDO schedules will facilitate the protection of the EMS operations from incompatible developments. The DDO schedule gives Council and the community clear direction certainty about the type of future development within the designated DDO area.

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

An informal consultation was held in October 2008 with representatives of the Latrobe Regional Airport Board to discuss any potential issues with the proposed amendment.

The DDO schedule requires that “*before deciding on an application for buildings and works the responsible authority will consider the views of the Department of Human Services and Chief Executive Office, Latrobe Regional Hospital*”.

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

The amendment will not cause detrimental impact to the resource or administrative costs of Council due to the limited number of properties to which the amendment applies. The amendment is not expected to generate an excessive number of planning permits. The amendment will ensure clear policy direction for community and Council's statutory planning officers and that appropriate decision guidelines are provided for the assessment of planning permit applications generated by the introduction of the Design and Development Overlays. This may reduce the present resource and administrative costs for the responsible authority.

Where you may inspect this Amendment.

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

Latrobe City Council Offices at:

Corporate Headquarters
141 Commercial Road, Morwell

Traralgon Service Centre
34-38 Kay Street, Traralgon

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

ATTACHMENT 6 – SUBMISSION 1
SOUTHERN RURAL WATER



Your Reference: C64 LD

6 March 2009

Ms Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Latrobe City	
11 MAR 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Dear Ms Dukes

Amendment C64 (Helimed) Latrobe Planning Scheme

I refer to your letter of 23 February 2009 regarding the above-mentioned Planning Scheme Amendment.

Southern Rural Water (SRW) has considered the proposal and has concluded that it presents no impediment to SRW's business; therefore SRW has no objection to the proposed planning scheme amendment.

Please contact me on telephone 5139 3118 if you require further information.

Yours sincerely

TREVOR MCDEVITT
MANAGER ADMINISTRATION – GIPPSLAND
GROUNDWATER & RIVERS

ATTACHMENT 6 – SUBMISSION 2
ENVIRONMENT PROTECTION AUTHORITY



Our Ref: 27582, D110558

10 March 2009

Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

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Dear Ms Dukes

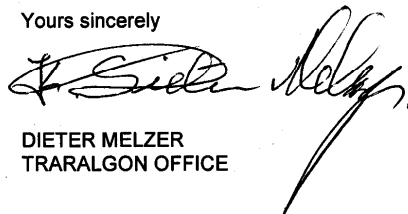
AMENDMENT C64 (HELMED) TO THE LATROBE PLANNING SCHEME

Thank you for the advice regarding the preparation of Amendment C64 to the Latrobe Planning Scheme, which proposes to insert two new schedules into the Design and Development Overlay for the purpose of designating a helicopter flightpath protection area for EMS helicopters servicing the Latrobe Regional Hospital.

We have examined the proposal and advise that EPA supports it.

If you have any queries regarding the above, please contact me on 51739800.

Yours sincerely



DIETER MELZER
TRARALGON OFFICE

Latrobe City	
12 MAR 2009	
Doc. No:	
Action Officer:	
Disposal Officer:	



ATTACHMENT 6 – SUBMISSION 3
GIPPSLAND WATER

6 March 2009

Our reference: 06/02/02
Your reference



ATT: LORRAE DUKES
LATROBE CITY
PO BOX 264
MORWELL VIC 3840

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info@gippswater.com.au
http://www.gippswater.com.au

Dear Gail

**AMENDMENT C64 TO THE LATROBE PLANNING SCHEME
REZONING OF LAND LATROBE REGIONAL HOSPITAL - HELIPAD
52 HAZELWOOD ROAD MORWELL**

YOUR REFERENCE: C64: LD

We refer to your letter dated 23 February 2009 and advise that that Gippsland Water as the Water Supply and Sewerage Corporation, **does not object** to the above Planning Scheme Amendment.

If you have any queries in the matter please contact Donna Di Dio on (03) 5177 4895 or Jenny Davidson on (03) 5177 4751.

Yours faithfully,

Larry Naismith
ACTING MANAGER ASSET MANAGEMENT

Latrobe City	
13 MAR 2009	
Doc. No:	
Action Officer:	L. Dukes
Disposal Code:	
Comments:	



WORKPLACE EXCELLENCE
AWARDS

WINNER 2004

**ATTACHMENT 6 – SUBMISSION 4
CIVIL AVIATION AND SAFETY AUTHORITY**

From: "HILLIGER, BILL" [WILLIAM.HILLIGER@casa.gov.au]
Sent: 16/03/2009 02:52:58 PM
To: <lorraedu@latrobe.vic.gov.au>
CC: <NeilCo@latrobe.vic.gov.au>
Subject: Amendment C64 [SEC=UNCLASSIFIED]

Lorrae,

I refer to a letter of 23 February 2009 (Your reference: C64 LD) concerning "**Amendment C64 (helimed) to the Latrobe planning scheme notice of preparation of an amendment.**" CASA does not have any issues with the proposals outlined in the amendment.

W. Hilliger Aerodrome Inspector Civil Aviation Safety Authority Melbourne Phone: (03) 9927 5355

This email message and any accompanying attachments may contain information that is confidential and intended only for the use of the addressee named above. It may also be privileged. If you are not the intended recipient do not read, use, disseminate, distribute or copy or take any action in reliance on it. If you have received this message in error please notify the sender immediately and delete this message. Before opening any attachments, check them for viruses or defects.

**ATTACHMENT 6 – SUBMISSION 5
WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY**



CMA Application No: WG-F-2009-0061-LAT
Document No: 1
Council No: Amendment C64
WGCMA ID: 41124
Date: 16 March 2009

Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840

Dear Lorrae,

Application Number (CMA Ref): WG-F-2009-0061-LAT
Section: 19
Location
Street: Princes Highway, Traralgon, VIC 3844
Cadastral: CA 60A1, Parish of Traralgon - Latrobe Regional Hospital
Regarding: Amendment C64 (Helimed) to the Latrobe Planning Scheme Notice of Preparation of an Amendment

I refer to your correspondence dated 23rd February 2009, received at the West Gippsland Catchment Management Authority on the 24th of February 2009 in accordance with the provisions of *Section 19* of the *Planning and Environment Act 1987*.

Thank you for the opportunity for the West Gippsland Catchment Management Authority (WGCMA) to provide comment on the proposed Amendment to the Latrobe Planning Scheme.

The Authority understands that the Amendment does not involve any proposed construction works that would come within 30 metres of the designated waterways located within the proposed zone. Instead, the Amendment will provide a level of protection for the EMS helicopters servicing the Latrobe Regional Hospital, against encroachment by future developments that may prejudice the safety of the Hospital helipad. Based on the information provided, the Authority does not have any objections to the proposed amendment.

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2009-0061-LAT** in your correspondence with us.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Geoff Taylor", written in a cursive style.

Dr. Geoff Taylor
Team Leader Statutory Functions

The information contained in this correspondence is subject to the disclaimers and definitions attached.

WGCMA-41124 - F-2009-0061 Amendment C64

Pg 1 of 2

ATTACHMENT 6 – SUBMISSION 6
VICROADS

vic roads

ABN 61 760 960 480

Eastern Victoria Headquarters
PO Box 158 Traralgon Victoria 3844

Tel: (03) 5172 2666
Fax: (03) 5176 1016

www.vicroads.vic.gov.au

Ms Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Date: 17 March 2009
Contact: Stuart Fenech
Telephone: 5172 2693
Our Ref: SFF90765
Your Ref: C64
File Ref: Lat PSA

Dear Ms Gatt

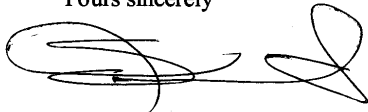
LATROBE CITY PLANNING SCHEME AMENDMENT C64

I refer to your letter of 23 February 2009 regarding a change to Planning Scheme Amendment C63.

VicRoads has no objections to the amendment for the rezoning of land.

Should you require any further information please contact Stuart Fenech of this office on telephone 5172 2693, who would be pleased to assist.

Yours sincerely



**STUART FENECH
SENIOR STATUTORY PLANNING OFFICER**

Latrobe City	
DATE:	19 March 2009
FILE NO:	
ACTION C:	
DISPOSAL CODE:	
COMMENTS:	



ATTACHMENT 6 – SUBMISSION 7
DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT



Department of
Sustainability and Environment

Our ref: GP-LA/33/0011 – SP432698
Your ref: C64

6 March 2009

Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

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

Dear Lorrae,

RE: PLANNING SCHEME AMENDMENT C64 HELIMED

Thank you for your correspondence dated 23 February 2009 in respect of Planning Scheme Amendment C64, which was referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 24 February 2009.

The land affected by the amendment is situated at Latrobe Regional Hospital, being CA60A1, Parish of Traralgon. The subject land is within the Public Use 3 and 4, Special Use 7, Rural Living 5, Farming and Road Zones and affected by the Airport Environments Overlay Schedule 2, Public Acquisition Overlay Schedule 2 (Latrobe City Airport Acquisition), Environmental Significance Overlay Schedule 1 (Urban Buffer) and Design and Development Overlay Schedule 1 (Major Pipeline Infrastructure).

The proposed Amendment has been considered by the Department of Sustainability and Environment (the Department) on behalf of the Minister for Environment and Climate Change.

The amendment proposes to insert two new schedules to the DDO for the purpose of designating a helicopter flightpath protection area for helicopters servicing the Latrobe Regional Hospital.

The proposal has no implications for the Department's portfolio.

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

If you have any queries regarding this matter, please contact Shannon Conway, Environmental Planner, at the Bairnsdale DSE office on (03) 5152 0435.

Yours sincerely

Carole Macmillan
Manager
Coasts and Crown Land Management

Privacy Statement

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



ATTACHMENT 6 – SUBMISSION 8
APA GROUP

1 Wood Street
Thomastown VIC 3074
PO BOX 111
Thomastown VIC 3074

Telephone 61 3 9463 8222
Fax 61 3 9463 8219
www.pipelinegroup.com.au

APA Group



Australian Pipeline Ltd
ACN 091 344 704

Australian Pipeline Trust
ARSN 091 678 778

APT Investment Trust
ARSN 115 585 441

APT O&M Services Pty Ltd
ABN 11 112 358 588

Our reference: COU/2009 012
Your reference: C 64

Enquiries: Mr. G. Colthup
Extension: 404

Date: 31 March, 2009

Latrobe City Council
P.O. Box 264
Morwell, VIC. 3840

Attention: Lorrae Dukes

Dear Sir/Madam,

Latrobe City	
- 9 APR 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

PROPOSED AMENDMENT C64 LATROBE PLANNING SCHEME
NOTICE OF PREPARATION OF AN AMENDMENT
TRARALGON

Reference is made to your letter, dated 23rd February 2009, with the accompanying plans.

APA Group, as a licensed gas distributor under the Gas Industry Act 2005, and a referral authority under the Subdivision Act, manages an extensive natural gas asset network throughout the Traralgon area and as such has reviewed the affect this proposal will have on our existing gas network assets.

As indicated from your advice, APA Group assets will not be affected by this proposal. Consequently, APA Group has no objection to Councils proposed Amendment C64, (to introduce a designated helicopter flight path protection area for EMS helicopters servicing the Latrobe Regional Hospital), to the Latrobe Planning Scheme, as described in Councils letter dated 23rd February 2009.

Please forward any future submission regarding planning scheme amendments, to APA Group, Mr. A. Hensman, Manager Contracts & Property Services, 1 Wood Street, Thomastown, Vic. 3074.

Yours faithfully,

for

ANDREW HENSMAN
MANAGER CONTRACTS & PROPERTY SERVICES

ATTACHMENT 6 – SUBMISSION 9A
LATROBE REGIONAL HOSPITAL

From: latrobe regional hospital

0351738029

03/04/2009 14:52

#758 P.001/002



03 April 2009

PO Box 424
Farrington, Latrobe City
Victoria 3844 Australia
Telephone +613 5173 8000
Facsimile +613 5173 8444
Also trading as Gippsland Health
ABN 18 128 843 652

Ms Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City
PO Box 264
Morwell 3840

By Facsimile: (03) 5128 5672

Dear Ms Dukes

**RE: SUBMISSION TO THE PROPOSED LATROBE PLANNING SCHEME
AMENDMENT C64**

I refer to previous correspondence.

I note your previous discussions with Mr Peter Simpson from the Department of Human Services (DHS). I advise we have submitted a development plan to DHS although at this stage we have not met with Mr Simpson to discuss our concerns regarding this amendment.

The purpose of the proposed C64 amendment is to ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the Latrobe Regional Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

Whilst we acknowledge the overlay will protect helicopter operations, this may limit Latrobe Regional Hospital's (LRH's) capacity to plan for future growth. We are currently undertaking a master planning process to assess a number of options, including the expansion of our service and bed-based capabilities. This is intended to assist us to meet the growing demand for health related services as the regions public hospital.

HELICOPTER TRANSFERS BACKGROUND

Helicopter transfer of trauma patients can be divided into two categories:

- Primary Transport – from the accident scene to primary hospital for immediate care.
- Secondary Transfer – inter-hospital transfer from the hospital that provided immediate life support to higher level trauma service for ongoing treatment and care.

It has been estimated that on average between 5 -7 Helicopters use the LRH helipad each week.

FLIGHTPATHS – APPROACHES & DEPARTURES

Prevailing Winds

We understand the helicopter approach to the LRH helipad is parallel with the Princes Highway due to the direction of the prevailing winds. The current Helipad configuration, in our view, is consistent with the relevant guidelines.

Latrobe City	
3 APR 2009	
Action Officer	
Department Contact	
Comments:	

From: latrobe regional hospital

0351738029

03/04/2009 14:53

#758 P.002/002

Existing Structures

The existing Monash Building was built 10 years ago as a part of the original hospital development. It has a double storey accommodation wing, which is well inside the restricted area shown on the C64 amendment. Based on our knowledge this building has not presented a risk or impeded the flight path of helicopters in the past.

We also note the recently completed Cancer Care wing has a lift shaft in place for a proposed second storey. The current height is 9.15 metres above floor level and exceeds the restrictions noted on the overlay.

Previous DHS Requirements

In 2003 DHS Capital Management Branch issued guidelines, which shows that obstacles up to 12 metres in height are allowed within a 250-metre radius of the helipad.

Master Planning

The proposed C64 amendment would apply to structures that exceed a height of 3.17 metres. Preliminary Master Planning has identified that for LRH to meet its long-term obligations, a multi level solution (above 3.17 metres) is likely to be required at its current site.

The 2003 DHS helipad guideline states that planners should take helicopter flight paths into account. We have addressed the flight paths parallel with the Princes Highway and also an alternative route over the consulting suites and public carpark, however the 360 degree requirement proposed as a part of the C64 amendment was not considered as a part of our master planning process.

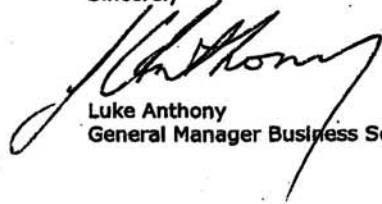
Alternative Contingency Plans

If weather conditions preclude landing at LRH, the alternative is to land at the Latrobe Valley airfield helipad 1000 meters from the hospital.

In summary LRH objects to the proposed C64 amendment on the basis that we are currently undergoing a master planning process, which includes examining a number of multi level construction options at the hospital. The proposed overlay does not take into account this proposal or the future development needs of LRH.

If you have any queries please do not hesitate to contact me on (03) 5173 8759.

Sincerely



Luke Anthony
General Manager Business Services & Executive Support

ATTACHMENT 6 – SUBMISSION 9B
LATROBE REGIONAL HOSPITAL

From: latrobe regional hospital

0351738029

10/07/2009 15:52

#849 P.001/001



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

ABN 18 128 843 652

10 July 2009

Ms Lorrae Dukes
Strategic Land Use Planning Officer
Latrobe City
PO Box 264
MORWELL VIC 3840

Latrobe City	
11 JUL 2009	
Doc No:	
Action Officer:	
Disposal Code:	

By Facsimile: (03) 5128 5672

Dear Ms Dukes

**RE: WITHDRAWAL OF LATROBE REGIONAL HOSPITAL'S OBJECTION TO
THE PROPOSED LATROBE PLANNING SCHEME AMENDMENT C64**

I refer to previous correspondence and a recent phone conversation between Peter Simpson and hospital representatives on 25 June 2009.

As a result of this phone conversation I advise that Latrobe Regional Hospital withdraws its objection to the proposed Latrobe Planning Scheme Amendment C64 dated 3 April 2009 to Latrobe City.

Yours sincerely

Luke Anthony
General Manager Business Services and Executive Support

11.3.3 PLANNING PERMIT APPLICATION 06027 - VARIATION TO A COVENANT, 7 - 12 ROTHBURY PLACE, 8 - 10 MACKILLOP COURT, TRARALGON

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 06027, for the variation of an existing restrictive covenant which applies to 7 - 12 Rothbury Place and 8 - 10 MacKillop Court in 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 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.

4. BACKGROUND

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

4.1 SUMMARY

- Land:
- 7 Rothbury Place, Traralgon
Lot 45 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 174)
 - 8 Rothbury Place, Traralgon
Lot 46 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 175)
 - 9 Rothbury Place, Traralgon
Lot 47 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 176)
 - 10 Rothbury Place, Traralgon
Lot 48 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 177)
 - 11 Rothbury Place, Traralgon
Lot 49 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 178)
 - 12 Rothbury Place, Traralgon
Lot 50 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 179)
 - 8 MacKillop Court Traralgon
Lot 11 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 137)
 - 9 MacKillop Court, Traralgon
Lot 10 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 136)
 - 10 MacKillop Court, Traralgon
Lot 9 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 135)
- Proponent: Hambler Holdings Pty Ltd
Zoning: Part Residential 1 Zone, Part Urban
Floodway Zone
Overlay: Part Land Subject to Inundation Overlay

A planning permit is required to vary a restriction in accordance with Clause 52.02 of the Scheme.

Pursuant to Clause 52.02 of the Scheme, the term 'restriction' means a restrictive covenant or a restriction which can be registered in the Register under the *Transfer of Land Act 1958*.

4.2 **PROPOSAL**

The application is for the variation of a restrictive covenant which applies to each of 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon.

The relevant covenant dealing numbers are as follows:

- AC119595N (dated 10 June 2003) registered on Certificate of Title Volume 10716 Folio 174
- AC394856V (dated 10 October 2003) registered on Certificate of Title Volume 10716 Folio 175
- AC048606E (dated 7 May 2003) registered on Certificate of Title Volume 10716 Folio 176
- AC036621B (dated 1 May 2003) registered on Certificate of Title Volume 10716 Folio 177
- AC025527E (dated 28 April 2003) registered on Certificate of Title Volume 10716 Folio 178
- AC065560F (dated 14 May 2003) registered on Certificate of Title Volume 10716 Folio 179
- AC035239D (dated 1 May 2003) registered on Certificate of Title Volume 10716 Folio 135
- AC468766M (dated 12 November 2003) registered on Certificate of Title Volume 10716 Folio 136
- AC053899F (dated 9 May 2003) registered on Certificate of Title Volume 10716 Folio 137

Whilst the covenant dealing numbers are different for each of the nine lots, the wording of the covenant is essentially the same as follows:

'The transferees for themselves and their successors and transferees the registered proprietor or proprietors for the time being of the land hereby transferred and or each part thereof do hereby covenant with the transferors their successors and transferees the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision and each and every part thereof (other than the land hereby transferred) that we shall not:

- a. *At any time erect or cause to be erected upon the said lot one dwelling house having less than fifty per centum (50%) of the external wall area constructed of one or more of the following materials: brick, brick veneer, masonry or stone.*
- b. *Properties adjoining rural land only require rural fencing.*
- c. *At any time erect or cause or suffer to be erected upon the said lot any building structure or fence constructed wholly or partly of second hand materials (except for lot 12 existing house on property and lot 11 existing shed on property)*
- d. *At any time erect or cause or suffer to be erected upon the said lot any outbuilding external walls constructed of material other than brick, masonry, stone or colour bonded iron.*
- e. *No further subdivision of this allotment allowed.'*

The relevant restriction for the subject application is restriction (e), which relates to no further subdivision.

It is proposed to vary the wording of restriction (e), which is registered on the Certificate of Title of each of the nine (9) lots as follows:

Existing wording:

'No further subdivision of this allotment allowed.'

Proposed wording:

'The land must not be further subdivided so as to create additional lots'

The applicant has requested that the restrictive covenant be varied, in order to facilitate a re-subdivision development on the land, subject to a separate Planning Permit Application 06067 (refer to 'Section 4.3' below for further details).

Subject Land:

The subject land comprises nine (9) allotments fronting Rothbury Place and MacKillop Court, in Traralgon (refer to Section 4.1 for the further details).

The allotments are either vacant, contain existing dwellings or dwellings under construction.

The subject land is located within the urban area of Traralgon, approximately 1.5 kilometres north-east of the Traralgon central activity district.

Surrounding Land Use:

- North: Northgate Estate which is zoned residential 1, consisting of Senade Court, Blackwood Close and Crofters Place.
- South: Franklin Park Estate which is zoned residential 1, consisting of Wentworth Place and Castlereagh Court.
- East: Greenfield Estate which is zoned Residential 1, consisting of the Rothbury Place and MacKillop Court.
- West: Lot C on Plan of Subdivision 504139J. This lot is currently vacant and is zoned part Residential 1 and part Urban Floodway Zone.

4.3 HISTORY OF APPLICATION

Covenant Removal and Related Subdivision Application

An application was first received by Council on 17 January 2006 for the following:

- The re-subdivision of ten (10) existing allotments fronting Castlereah Court, MacKillop Court and Rothbury Place in Traralgon.
- Variation of the existing restrictive covenant that applies to 9 of the 10 allotments, fronting Castlereah Court, MacKillop Court and Rothbury Place in Traralgon.

Legal advice was sought by Council, concerning the submission of a single planning permit application to both vary a covenant and apply for a re-subdivision that appears to be in breach of the covenant. It was later confirmed by Council that there should be separate applications lodged for the two proposals listed above.

Accordingly, a further information letter was sent to the applicant on 9 February 2006, requesting that the two proposals (i.e. re-subdivision and covenant variation) be separated into two planning permit applications.

A response to Council's further information request was received on 14 February 2006, and two new planning permit applications have been created since then as follows:

- Planning Permit Application 06027 (i.e. the subject application) is for the variation of an existing restrictive covenant that applies to 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon.
- Planning Permit Application 06067 is for the re-subdivision of ten (10) allotments, including 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon, as well as Lot C on Plan of Subdivision 504139J.

The applicant was advised in 2006 that the subject planning permit application must be refused as an objection was received from a land owner benefiting from the restrictive covenant in question. The application was then placed on hold for over three (3) years pending confirmation from the applicant to see if he had been able to negotiate a changed outcome with the objector(s). No response has been received from the applicant for over 3 years. During this time, the primary contact person of this application has also been changed.

The applicant was again given an opportunity to withdraw the subject planning permit application a couple of months ago. However, the applicant has recently confirmed that he still wishes to proceed with the application, and has requested a decision from Council.

Background of the Covenant

It should be noted that the restrictive covenant in question is registered on the Certificate of Title on each of the nine (9) allotments as detailed in Section 4.1 above.

The same covenant applies to all 57 allotments within the Greenfield Estate in Traralgon. These allotments were transferred out of the parent titles Volume 10423 Folio 181, Volume 9999 Folio 429 and Volume 9999 Folio 430 on 31 March 2003, at which time the covenant was attached.

It should be noted that the developer of Greenfield Estate is also the applicant of the subject application.

The applicant advised in the submitted application that the intent of the restrictive covenant was only to prevent two dwellings on any lot, and this restriction was placed onto each of the lots within Greenfield Estate, following consultation with Council.

A recent file search was undertaken by Council's Officers, and it was found that the covenant in question was not a conditional requirement to Planning Permit 00367, which relates to the original Greenfield Estate subdivision development. There was also no record on file regarding discussions on the restrictive covenant in question.

Council is unable to verify the intention of the restrictive covenant.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

It should be noted that the Victorian Civil and Administrative Tribunal (the 'Tribunal') is of the opinion that planning policy does not have a role to play in the assessment of applications to remove or vary a restrictive covenant (*Tsourounakis v Hepburn SC 2009 VCAT 554*).

An application to remove or vary a restrictive covenant is not subject to the Victorian Planning Provisions, or more specially in this case, the provisions under the Latrobe Planning Scheme. Such an application is subject to the provisions under Section 60(5) of the *Planning and Environment Act 1987* (refer to the '*Planning and Environment Act 1987*' section of this report for details).

Accordingly, no State Planning Policies are relevant to the subject application.

Local Planning Policy Framework

No local Planning Policies are relevant to the subject application.

Zoning

Part of the subject land is zoned Residential 1 and part is zoned Urban Floodway. The zoning provisions are not of direct relevance to the application.

Overlay

Part of the western portion of the site is affected by the Land Subject to Inundation Overlay. The overlay provisions are not of direct relevance to the application.

Particular Provisions

The statutory planning means (via a planning permit application process) of modification to restrictive covenant is included in Clause 52.02 (Easements, Restrictions and Reserves) of the Scheme.

A planning permit is required under Clause 52.02 of the Scheme for the removal of a restriction under section 23 of the *Subdivision Act 1988*.

Planning and Environment Act 1987

Section 60 of the *Planning and Environment Act 1987* is a relevant provision to this application.

Pursuant to Section 60(5) of the Act, the responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that:

- (a) *the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*
- (b) *if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

Subsection (4) of Section 60 of the Act refers to any restriction which was:

- (a) *registered under the Subdivision Act 1988; or*
- (b) *lodged for registration or recording under the Transfer of Land Act 1958.*
- (c) *created before 25 June 1991.*

It should be noted that the restrictive covenant in question was lodged for registration and recording under the *Transfer of Land Act 1958*. The provisions under 60(5) apply to the current application.

5. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised in April 2006 pursuant to the following Sections of the *Planning and Environment Act 1987*:

- S. 52(1)(cb): To all the owners and occupiers of land benefited by registered restrictive covenant in question
- S. 52(1AA)(a): An A3 size notice was erected on each of the affected lots for a period of fourteen (14) days.
- S. 52(1AA)(b): The application was also advertised under the Public Notices section of the Latrobe Valley Express for one issue.

External:

This application was not required to be referred to any external authorities.

Internal:

This application was referred internally to Council's Project Services Department.

Council's Project Services Department does not object to the removal of the covenant from this land.

Details of Community Consultation following Notification:

An objection was received on 2 May 2006 from the owners of 2 MacKillop Court (Lot 17 on Plan of Subdivision 504137), who are beneficiaries of the restrictive covenant in question. The grounds of objection are as follows:

The proposal:

1. Contravenes the State Planning Scheme for Urban Floodways.
2. Has the potential to seriously affect the water quality of Traralgon Creek.

3. Will remove valuable habitat for frog species.
4. Sets a precedent for altering property title.
5. Sets a precedent for altering restrictive covenants without merit.
6. Will affect the health and quality of life of nearby residents.

It is understood that the applicant tried to contact the objectors themselves to discuss the proposal, but was unsuccessful.

The applicant advised that there was no benefit in having a mediation meeting, given their own attempts in contacting the objectors.

A planning mediation meeting was not held accordingly.

6. **ISSUES**

Section 60(5)(a) of the *Planning and Environment Act 1987* provides that Council cannot grant a permit for variation of a restriction unless it is satisfied that the owner of any land with the benefit of the restriction is '*unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction*'.

It should be noted that Section 60(5)(a) of the *Planning and Environment Act 1987* implies that any detriment, even a quite minor detriment, is sufficient to prevent Council granting a permit. Council has to be satisfied in relation to any owners of any land with the benefit of the covenant, whether or not they have objected to the application for the variation of a restrict covenant.

In this case, an objection has been lodged by the owners of land with the benefit of the covenant in question. Accordingly, Council must consider such objection.

In addition, Section (60)(5)(b) of the *Planning and Environment Act 1987* applies to the subject application, as Section (60)(5)(b) only applies in relation to a case where objections have been lodged, and then only if those objections have been lodged by the owners of land within the benefit of the covenant. Section (60)(5)(b) reads as follows:

'The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that, if that owner has objected to the grant of the permit, the objection is frivolous or not made in good faith'.

It follows that Council must not grant a permit, unless the objection was either vexatious or not made in good faith.

There is nothing on the face of the objection, to indicate vexatiousness or lack of good faith.

On the above basis, it is reasonable to consider that detriment of some kind (including perceived detriment) would be caused by the variation of the covenant in question.

Accordingly, as per the provisions under Section 60(5) of the *Planning and Environment Act 1987*, Council must not grant a permit for the variation of a restrictive covenant which applies to 7 - 12 Rothbury Place and 8 - 10 MacKillop Court in 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 Refusal, on the basis that the objection (lodged by the owners of land with the benefit of the covenant in question) is not vexatious or made other than in good faith, and that the variation to the restrictive covenant would cause detriment of some kind to beneficiaries of the covenant.
2. Issue a Notice of Decision, on the basis that the objection (lodged by the owners of land with the benefit of the covenant in question) is frivolous or not made in good faith.

Council's decision must be based on Section 60(5) of the *Planning and Environment Act 1987*.

9. CONCLUSION

This report is being presented to Council as part of a program to resolve long standing planning permit applications lodged with Council's Statutory Planning Department.

Council is well outside the statutory timeframe for decision making on this application.

In this case, no action has been taken on this application for over 3 years.

As an application to remove or vary a restrictive covenant is not about planning merits, only the provisions under Section 60(5) of the *Planning and Environment Act 1987* are considered relevant in the assessment of this application.

In accordance with the provisions under Section 60(5) of the *Planning and Environment Act 1987*, Council must not grant a permit for the variation of a restrictive covenant which applies to 7 - 12 Rothbury Place and 8 - 10 MacKillop Court in Traralgon. This is on the basis that an objection has been received from a beneficiary which is not vexatious or made other than in good faith and this indicates that at least some relevant detriment would be caused by variation of the restrictive covenant.

10. RECOMMENDATION

That Council DECIDES to issue a Refusal for the variation of an existing restrictive covenant which applies to 7 - 12 Rothbury Place and 8 -10 MacKillop Court in Traralgon, based on the following grounds:

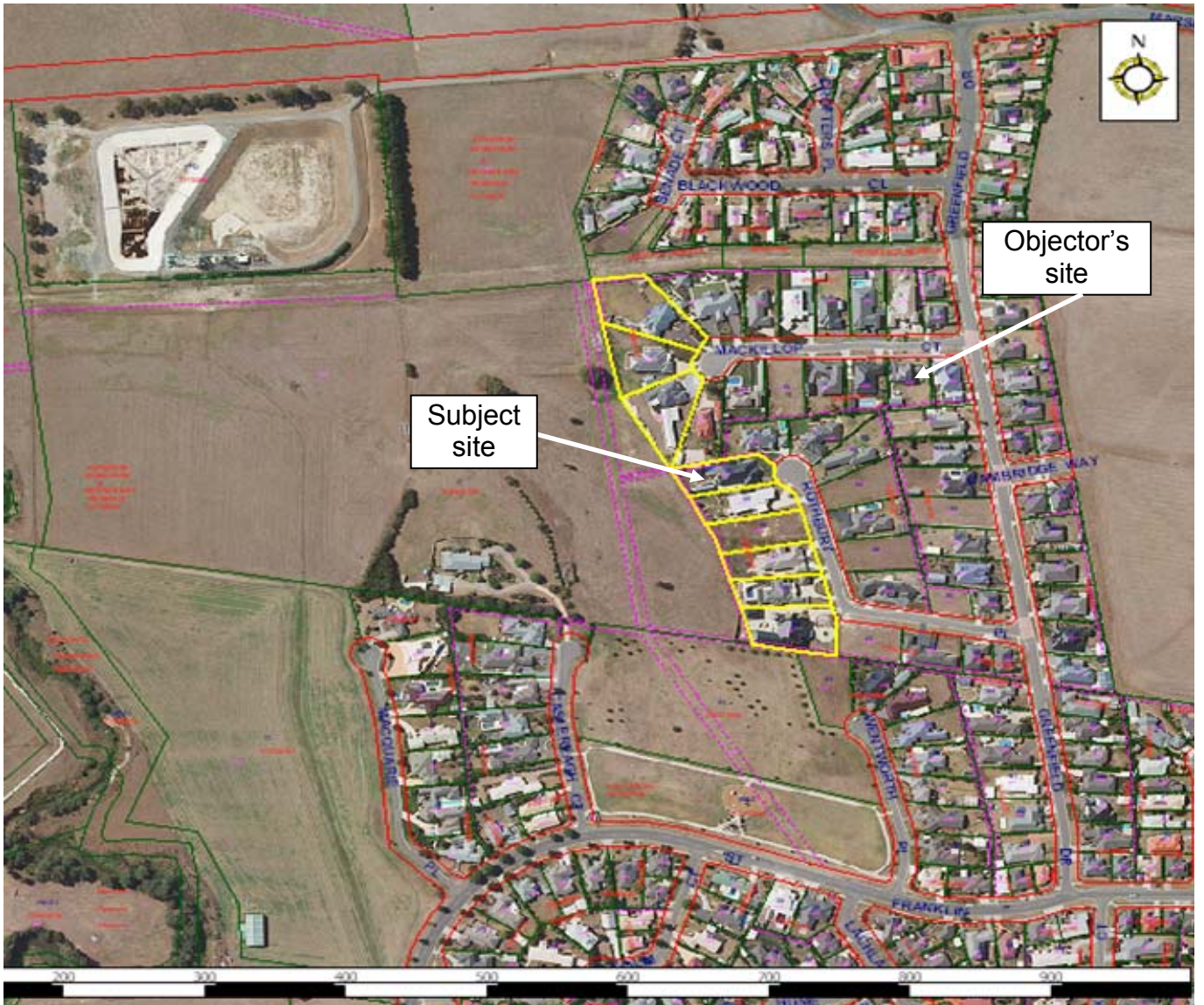
- 1. That an objection has been received from the beneficiaries of the covenant and Council is of the opinion that the objection is not vexatious or made other than in good faith.**
- 2. That the variation to the restrictive covenant would cause detriment of some kind (including perceived detriment) to beneficiaries of the covenant.**

Moved: Cr White
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1 - LOCALITY MAP



ATTACHMENT 2 - OBJECTION

Latrobe City Council
PO Box 264
Morwell
VIC 3840
Tuesday, May 02, 2006

FILE No	P10
REC No	2006/31099 John & Sue Davenport
- 5 MAY 2006	
MVR/CNC	2 Mackillop Court Traralgon VIC 3844
C/D	
MTR/SP	D. Fitzgerald
DATE	
FOR THE COMMENT	

Objection to the Application for a Planning Permit

Reference numbers; 06067 Ten Lot Re-subdivision
06027 Vary Restrictive Covenant

Ten Lot Re Sub Division 06067 and Vary Restrictive Covenant

The proposed re subdivision will extend into a designated Urban Floodway Zone. Urban floodway zones are set aside to "allow the free passage and temporary storage of floodwater, minimizes flood damage and is compatible with flood hazard, local drainage conditions and minimization of soil erosion, sedimentation and silting."¹

Wetlands and waterways are important natural resources and are protected by the State Environment Protection policy. Healthy environments contribute to healthy communities. They provide an important habitat for frog species in urban landscapes.

Most of the proposed subdivision already has existing dwellings. The owners of these dwellings were well aware of the existing title boundaries prior to construction. The proposal aims to increase the size of the existing blocks into a know hazard area. The owners of these properties were also aware of the restrictive covenants placed on their properties at the time sale.

This proposal

- Contravenes the Sate Planning Scheme for Urban Floodways.
- Has the potential to seriously affect the water quality of Traralgon Creek.
- Will remove valuable habitat for frog species
- Sets a precedent for altering property title due to poorly planning, design and constructed homes.
- Set a precedent for altering Restrictive Covenants without merit.
- Will affect the health and quality of life of nearby residents.

¹ State Planning Scheme section 37.03

To extend these blocks into the existing urban floodways would require earth works or addition soil being deposited on the western side of these properties. Any earthworks will contribute to dust, noise and have the potential to erode, affecting our quality of life. Also any erosion has the potential to silt and or effect the water quality of Traralgon Creek.

We trust Latrobe City will uphold the existing planning provisions and reject the application for "Varying a restrictive covenant" and "Ten lot sub division" submitted by Hambler Holdings.



John & Sue Davenport.

ATTACHMENT 3 - COVENANT DETAILS

**11.3.4 PLANNING PERMIT APPLICATION 06067 - TEN (10) LOT
SUBDIVISION AT 7 TO 12 ROTHBURY PLACE, 9
CASTLEREAGH COURT, 8 TO 10 MACKILLOP COURT,
TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 06067 for a ten (10) lot re-subdivision at 7 to 12 Rothbury Place, 9 Castlereagh Court and 8 to 10 MacKillop Court, 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 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

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

4. BACKGROUND

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

4.1 SUMMARY

- Land:
- 7 Rothbury Place, Traralgon
Lot 45 on Plan of Subdivision 504139J,
(Certificate of Title Volume 10716 Folio 174)
 - 8 Rothbury Place, Traralgon
Lot 46 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 175)
 - 9 Rothbury Place, Traralgon
Lot 47 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 176)
 - 10 Rothbury Place, Traralgon
Lot 48 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 177)
 - 11 Rothbury Place, Traralgon
Lot 49 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 178)
 - 12 Rothbury Place, Traralgon
Lot 50 on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 179)
 - 8 MacKillop Court Traralgon
Lot 11 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 137)
 - 9 MacKillop Court, Traralgon
Lot 10 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 136)

10 MacKillop Court, Traralgon
Lot 9 on Plan of Subdivision 504137N
(Certificate of Title Volume 10716 Folio 135)

9 Castlereagh Court, Traralgon
Lot C on Plan of Subdivision 504139J
(Certificate of Title Volume 10716 Folio 187)

Proponent: Hambler Holdings Pty Ltd
Zoning: Part Residential 1 Zone, Part Urban
Floodway Zone
Overlay: Part Land Subject to Inundation Overlay

A planning permit is required to subdivide land in accordance with Clause 32.01-2 (Residential 1 Zone) of the Scheme.

Pursuant to Clause 37.03-3 (Urban Floodway Zone) of the Scheme, a planning permit is required to subdivide land.

Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) of the Scheme, a planning permit is required to subdivide land.

4.2 PROPOSAL

The application is for a ten (10) lot re-subdivision at 7 to 12 Rothbury Place, 9 Castlereagh Court and 8 to 10 MacKillop Court, Traralgon.

Subject Land:

The subject land comprises ten (10) allotments fronting Rothbury Place, Rothbury Place and MacKillop Court, in Traralgon (refer to Section 4.1 for the further details).

The allotments are either vacant, contain existing dwellings or dwellings under construction.

The subject land is located within the urban area of Traralgon, approximately 1.5 kilometres north-east of the Traralgon central activity district.

Surrounding Land Use:

North: To the north is land zoned Urban Floodway, and owned by Latrobe City Council and Gippsland Water.

Northgate Estate is also located to the north of the subject land. This estate is zoned residential 1, consisting of Senade Court, Blackwood Close and Crofters Place.

South: To the south is land zoned Urban Floodway, as well as public open space and existing dwellings (in Castlereagh Court and Wentworth Place) located within a Residential 1 Zone.

East: To the east is Greenfield Estate which is zoned Residential 1, consisting of the Rothbury Place and MacKillop Court.

West: To the west is the Traralgon Creek which is zoned Public Conservation and Reserve.

4.3 HISTORY OF APPLICATION

An application was first received by Council on 17 January 2006 for the following:

- The re-subdivision of ten (10) existing allotments fronting Castlereah Court, MacKillop Court and Rothbury Place in Traralgon.
- Variation of the existing restrictive covenant that applies to 9 of the 10 allotments, fronting Castlereah Court, MacKillop Court and Rothbury Place in Traralgon.

Legal advice was sought by Council, concerning the submission of a single planning permit application to both vary a covenant and apply for a re-subdivision that appears to be in breach of the covenant. It was later confirmed by Council that there should be separate applications lodged for the two proposals listed above.

Accordingly, a further information letter was sent to the applicant on 9 February 2006, to request that the two proposals (i.e. re-subdivision and covenant variation) be separated into two planning permit applications.

A response to Council's further information request was received on 14 February 2006, and two new planning permit applications have been created since then as follows:

- Planning Permit Application 06067 (i.e. the subject application) is for the re-subdivision of ten (10) allotments, including 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon, as well as 9 Castlereagh Court.

- Planning Permit Application 06027 is for the variation of an existing restrictive covenant that applies to 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon.

The applicant was advised in 2006 that the subject planning permit application must be refused as an objection was received from a land owner benefiting from the restrictive covenant affecting the subject site, and that the proposal is considered to be in a breach of a registered restrictive covenant which applies to the site. The application was then placed on hold for over three (3) years pending confirmation from the applicant to see if he had been able to negotiate a changed outcome with the objector(s). No response has been received from the applicant for over 3 years. During this time, the primary contact person of this application has also been changed.

The applicant was again given an opportunity to withdraw the subject planning permit application a couple of months ago. However, the applicant has recently confirmed that he still wishes to proceed with the application, and has requested a decision from Council.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 14.01 (Planning for Urban Settlement) of the Scheme seeks to '*facilitate the orderly development of urban areas*'.

It is stated under Clause 14.01 that responsible authorities should use any relevant structure plan or precinct plan in considering applications for subdivision. In addition, decision making by planning and responsible authorities must be consistent with any relevant requirements for State environment protection policies and waste management polices.

Clause 15.02 of the Scheme relates to Floodplain management. The objectives are

To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*

- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance.'*

It is stated under Clause 15.02-2 that flood risk must be considered in planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Clause 19.01 of the Scheme relates to subdivision. The objectives of this Clause are as follows:

- *To ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods.*
- *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 21.03 (Vision – Strategic Framework):

Under Clause 21.03 of the Scheme, it is stated that Latrobe City seeks to become '*a unique and prosperous municipality benefiting from its central location in the diverse environment of Gippsland offering a wide range of attractive lifestyle choices in the many towns, smaller villages and rural parts of the municipality*'.

The Latrobe Strategic Land Use Plan is located at Clause 21.03-3 of the Scheme and it identifies the following relevant strategies for urban and rural settlement:

- *Consolidate development within and around the existing towns and villages and avoid unnecessary urban expansion and rural subdivision.*
- *Enhance the quality and amenity of the urban and rural areas of Latrobe City.*

The Latrobe Strategic Land Use Framework discusses the networked city concept and the role of each main urban area within the municipality. In relation to urban development, the following relevant objectives are identified:

- *Containing and consolidating urban development to reinforce and strengthen the roles and attractiveness of existing towns.*
- *Ensuring that adequate choice of residential land is available to capture new development opportunities and to ensure any gaps in the market are covered.*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-1 of the Scheme contains the following relevant objectives in relation to Settlement and Urban Form – Containment:

- *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.*

Relevant strategies and actions for implementing these objectives are:

- *Any development and use proposal should consider the strategic direction set by the relevant local structure plan.*
- *To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development.*
- *Encourage consolidation of urban settlement within the urban zoned boundaries.*
- *Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.*

It should be noted that the Traralgon Local Structure Plan is located at Clause 21.04 of the Scheme. The subject land is identified as being located within the urban boundary of Traralgon.

Clause 21.04-2 of the Scheme contains the following relevant objectives in relation to Environment – Flooding:

- *To minimise the potential for loss of life, risk to health and damage to property.*
- *To provide a sound and consistent basis for the future development and use of floodplains and other potential flood hazards.*
- *To ensure that the natural function of the floodplain to convey and store flood waters is preserved.*
- *To ensure that the inherent values of wetlands are preserved.*
- *To complement catchment management strategies.*
- *To implement the Traralgon Flood Study.*

The relevant strategies and actions for implementing the above objectives include:

- *Strongly discourage urban development on flood-prone land, except where agreed with the West Gippsland Catchment Management Authority and within the framework of approved flood plain management guidelines.*
- *Strongly discourage urban development or rural residential subdivision on areas subject to regular flooding.*
- *Where accurate and detailed information clearly delineates a floodway, that is, the primary flow path within a floodplain identified in the floodway of the Traralgon Flood Study. This floodway should be maintained. The free passage and temporary storage of flood waters should be ensured.*
- *Strongly discourage subdivision, other than realignment or consolidation, in a floodway identified in the Traralgon Flood Study.*
- *Strongly discourage houses, other than replacement houses, in a floodway. Houses may be replaced depending on an assessment of the future risk.*
- *Encourage development and use to be in accordance with planning guidelines for flooding in areas where information is not reliable or detailed enough to identify a floodway or land liable to flooding. In such areas, land is subject to less frequent, slower and shallower flooding. (Reference: A Planning Guide for Land Liable to Flooding in Rural Victoria, June 1989)*

- *Strongly discourage subdivisions in floodways, except in very special circumstances, as they create a potential for intensification of land use and additional building development.*
- *Strongly discourage subdivisions or development on sites that rely on low level access across a floodway.*
- *Strongly discourage building in floodways due to the risk to occupants, the potential for high property damage and the demand on the community for restoration of losses and emergency services. Building on land adjoining main floodways may be supported provided there is compliance with building regulations.*
- *Strongly encourage any building envelopes for houses to provide an adequate effluent disposal area which is free from flooding.*
- *Encourage land use in flood plains to minimise polluted run-off, both from specific sites and within the catchment as a whole. In particular strongly discourage uses such as sewerage treatment and pumping works, intensive animal industries and sanitary landfill depots.*
- *Support flood mitigation works only to protect existing development at risk of flooding, or to facilitate development of land liable to flooding when there is a critical shortage of flood free land in the area.*
- *Strongly discourage works that would obstruct flows or reduce natural flood storage areas in rural areas because of the consequent rise in flood levels and increase in flood flows on other parts of the floodplain and the possible loss of wetlands and an increased potential for scouring.*

Local Planning Policy (Clause 22)

Clause 22.06 (Urban Residential Land Supply):

Clause 22.06 applies to urban residential land in the main towns of Churchill, Moe, Morwell and Traralgon, and therefore is applicable to the subject site.

The relevant objectives of Clause 22.06 to the proposal are as follows:

- *To use the strategic land use framework plan for each town and community to assist in co-ordinated land use and development planning and to provide a planning framework to guide decision making for the development of urban residential land.*
- *To ensure the co-ordinated management of infill and new urban development.*
- *To identify existing environmental features, land uses and constraints which need to be considered in the development of land for urban purposes.*
- *To create a high quality living environment recognising environmental sustainability.*

Under this local planning policy, it is stated that any subdivision, development or use should respond to the site in terms of landform, vegetation coverage and the relationship with surrounding land. The relevant considerations include:

- *How the design has taken into account water catchments and other watercourses, the topography of the site, farming practices on adjoining land, the environment of the area, and the fire hazard of the area and land.*
- *How the protection and enhancement of the natural environment and character of these areas is proposed, including the retention of vegetation and faunal habitat, and the need to plant vegetation along waterways.*
- *Measures to cope with any environmental hazard or constraint affecting land including slope, drainage, salinity and erosion.*

Zoning

Residential 1 Zone

The eastern portion of the land is zoned Residential 1. The purpose of a Residential 1 is as follows:

- *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.*

- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Pursuant to Clause 32.01-2 of the Scheme, a planning permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56.

Urban Floodway Zone

The majority of the land is zoned urban Floodway. The purpose of an Urban Floodway 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 identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

Pursuant to Clause 37.03-3 of the Scheme, a planning permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- *The subdivision does not create any new lots which are entirely within this zone.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this Scheme specifically provides otherwise.*

Overlay

The western portion of the site is affected by the Land Subject to Inundation Overlay (LSIO).

The objectives of this overlay are as follows:

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

Pursuant to Clause 44.04-2 of the Scheme, a planning permit is required to subdivide land.

In accordance with Clause 44.04-3 of the Scheme, if a local floodplain development plan has been developed for the area and has been incorporated into the Scheme, an application must be consistent with the plan.

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Particular Provisions

Clause 56 Residential Subdivision:

An application for subdivision must meet the requirements under Clause 56 of the Scheme. A detailed Clause 56 assessment is included as an appendix to this report.

Decision Guidelines (Clause 65):

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate, the decision guidelines under Clause 65 of the Scheme. The relevant guidelines have been considered as part of the assessment of this proposal (refer to Section 6 – Issues below).

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) & (d)*: The applicant was required to send notices to all the owners and occupiers of allotments and lots adjoining the subject land.
- *S. 52(1)(d)*: The applicant was required to advertise under the Public Notices Section of the Latrobe Valley Express for one issue.

Gippsland Water was notified of the application pursuant to Section 52(1)(a) & (d) of the *Planning and Environment Act 1987*. This is because an allotment that adjoins the subject land is owned by Gippsland Water.

An email response was received from Gippsland Water on 30 June 2006. Gippsland Water does not object to the granting of a planning permit for the proposal, subject to the following conditions being included on the permit:

- *Restrictions will be required on the Plan of Consolidation stating the areas that can't be sewerred into the existing sewer system. Evidence is required from a Design Consultant stating the areas that can't be sewerred into the existing system.
(It should be noted that the original sewer design was on the basis of the original lot sizes (approx 1500 square metres) and not the increase in lot sizes (approx 400 square metres). If a house was placed outside the original area, it may not gravitate to the existing sewer.)*
- *A Section 173 Agreement is required to prevent the owners placing fill over or near a Gippsland Water asset without prior consultation to Gippsland Water.*

- *Any plan of subdivision of the subject land lodged for certification shall be referred to the Central Gippsland Region Water Authority under Section 8(1) of the Subdivision Act 1988.*

External:

This application was referred to the West Gippsland Catchment Management Authority (WGCMA), pursuant to Section 55 of the *Planning and Environment Act 1987*.

A response was received from the WGCMA on 22 May 2006 and the Authority **objects** to the granting of a permit on the following grounds:

1. *The proposed development is located within the Urban Floodway Zone.*
2. *The proposed development is not consistent with the objective of State Planning Policy Framework, Clause 15.02 – Floodplain Management, which states:
To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard*
 - *The natural storage carrying capacity of rivers, streams and floodways*
 - *The flood storage function of floodplains and waterways.*
3. *The proposed development is likely to result in danger to life, health and safety of the occupants due to flooding on the site.*
4. *The proposed development is likely to increase the amount of flood damage to public or private assets.*

It should be noted that the WGCMA incorrectly made reference within their response (dated 22 May 2006) that the land is subject to a Special Building Overlay (SBO). However, as confirmed by the WGCMA via an email to both the land owner's representative and Council's Planning Officer on 7 June 2006, this minor error has no bearing on the WGCMA's decision to object to the application.

In this email, it was further advised by the WGCMA that they are prepared to assess an amended application which provides additional information (including details cut and fill for the land, details of the proposed Section 173 agreement, flood risk report, and details of any previous subdivisions of the land) regarding the proposal, if such information is submitted to them by the applicant.

At the time of writing this report, Council has not received any correspondence from the WGCMA, as to any changes to its decision to object to the proposed subdivision.

Internal:

This application was referred internally to Council's Project Services Department.

Council's Project Services Department does not object to the proposal, subject to the following:

1. *All land situated lower than level 33.1 metres AHD is at risk of inundation in a 100 year ARI storm event.*
2. *Any fences erected on land lower than 33.1 metres must consist of plain horizontal wire of a type approved by WGCMA for flood prone areas.*
3. *No earth filling will be permitted on any land situated lower than level 33.1 metres AHD.*
4. *No buildings, sheds, hedges and shelter belt trees will be permitted to be erected on land situated lower than level 33.1 metres AHD.*
5. *A section 173 agreement must be entered on the titles of the land in respect of Clauses 2, 3, 4 above.*

Details of Community Consultation following Notification:

An objection was received from the owners of 2 MacKillop Court (Lot 17 on Plan of Subdivision 504137), with the following grounds of objection:

The proposal

1. *Contravenes the State Planning Scheme for Urban Floodways.*
2. *Has the potential to seriously affect the water quality of Traralgon Creek.*
3. *Will remove valuable habitat for frog species*
4. *Sets a precedent for altering property title*
5. *Sets a precedent for altering restrictive covenants without merit.*
6. *Will affect the health and quality of life of nearby residents.*

It should be noted the owners of 2 MacKillop Court also made an objection to Planning Permit Application 06027, which is an application related to the subject land, i.e. for the variation of an existing restrictive covenant that applies to 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon.

The owners of MacKillop Court are beneficiaries of the restrictive covenant applying to 7 to 12 Rothbury Place and 8 to 10 MacKillop Court in Traralgon.

It is understood that the land owner tried to contact the objectors themselves to discuss the proposal, but it was unsuccessful.

The representative of the land owner advised that there was no benefit in having a mediation meeting, given their own attempts in contacting the objectors.

6. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

Both the State and Local Planning Policy Frameworks contain floodplain objectives that seek to ensure the protection of life, property and community infrastructure from flood hazard; the natural storage carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways.

As per the advice provided by the relevant floodplain management authority (i.e. WGCMA) via a referral response to Council dated 22 May 2006, the proposal is considered to be inconsistent with these floodplain objectives.

The proposed re-subdivision essentially seeks to increase the area of nine (9) existing residential allotments fronting MacKillop Court and Rothbury Place, mostly to include additional land located within an Urban Flood Zone (from 9 Castlereagh Court). There appears to be no justifications as to how the proposal is likely to improve the residential the amenity of these lots. Rather, the proposal is likely to be a danger to life, health and safety of the occupants due to flooding on the site. In addition, the increase in area of residential these allotments may encourage intensification of land use and additional building development.

In addition, as per the advice provided by Gippsland Water on 30 June 2006, the original sewer design for the subject area was on the basis of the original lot sizes of approximately 1500 square metres, and not the proposed sizes of around 4000 square metres. It is considered that any intensification of land use or additional development on the residential lots fronting MacKillop Court and Rothbury Place would have a detrimental impact upon the existing infrastructure in the area.

In consideration of the potential increase of flood damage to public or private assets as assessed by the relevant floodplain management authority above (i.e. WGCMA), it is also considered reasonable that the proposal does not meet the relevant objectives of Clause 14.01 (Planning for Urban Settlement) and Clause 19 (Subdivision) of the Scheme, which are to '*facilitate the orderly development of urban areas*' and '*ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods*' respectively.

In relation to consolidation objectives, whilst both the State and Local Planning Policy Frameworks encourage the consolidation of urban development within existing urban areas, for the 'flooding' reasons outlined above, it should be noted that the proposal essentially seeks to increase the area of nine (9) existing residential allotments fronting MacKillop Court and Rothbury Place, mostly to include additional land located within an Urban Flood Zone. The intensification of land use and additional building development on land located within an Urban Flood Zone are considered to be inappropriate.

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

As stated under the decision guidelines of the Residential 1 Zone, amongst other things, the objectives and standards of Clause 56 of the Scheme must be considered in the assessment of applications made under Clause 32.01-2 (Residential 1 Zone - Subdivision) of the Scheme. Accordingly, an assessment under Clause 56 of the Scheme has been undertaken, and is included as an attachment to this report.

'Purpose' and 'Decision Guidelines' of the Urban Floodway Zone & Land Subject to Inundation Overlay:

As required under the decision guidelines of the Urban Floodway Zone and the Land Subject to Inundation Overlay, amongst other things, any comments of the relevant floodplain management authority must be considered in the assessment of applications made under Clause 37.03-3 (Urban Floodway Zone - Subdivision) and Clause 44.04-2 (Land Subject to Inundation Overlay – Subdivision) of the Scheme respectively. As per the advice provided by the WGCMA (via a referral response to Council dated 22 May 2006), the proposal is likely to increase the amount of flood damage to public or private assets.

Accordingly, it is considered reasonable that the proposal **does not** meet the relevant objective of Clause 37.03 (Urban Floodway Zone) and Clause 44.04 (Land Subject to Inundation Overlay) of the Scheme, which is to '*ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting*'.

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

It should be noted that under decision guidelines of Clause 44.04 of the Scheme, the responsible authority (i.e. Council in this case) must consider any comments from the relevant floodplain management authority.

Clause 65 (Decision Guidelines):

- *The suitability of the land for subdivision.*

The land is already in 10 individual lots and thus this is not a subdivision that creates additional lots, rather it is a subdivision that realigns the boundaries between the lots.

Most of the lots have already been developed for residential purposes, there appears to be no justifications as to how the proposal is likely to improve the residential amenity of these lots. Rather, the proposal is likely to danger to life, health and safety of the occupants due to flooding on the site.

It is therefore reasonable to consider that the land is not suitable for re-subdivision as proposed by this application.

- *The existing use and possible future development of the land and nearby land.*

The proposal seeks to increase the area of nine (9) existing residential allotments fronting MacKillop Court and Rothbury Place, mostly to include additional land located within an Urban Flood Zone. The increase in area of residential these allotments may encourage intensification of land use and additional building development on land located within an Urban Flood Zone.

This is considered to be contrary to the purpose of the zone and not supported.

- *The availability of subdivided land in the locality, and the need for the creation of further lots.*

The proposal does not seek to create any additional lots.

- *The effect of development on the use or development of other land which has a common means of drainage.*

As advised by Gippsland Water, the proposal is likely to have an impact upon the existing infrastructure in the area.

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*

The proposal subdivision pattern does not have regard to the physical characteristics of the land, in terms of its AHD level which is subject to flooding.

- *The density of the proposed development.*

Any intensification of land use or additional development on the residential lots is not supported, as per the advice

- *The area and dimensions of each lot in the subdivision.*

The proposal seeks to increase the existing residential lot sizes to around 4000 square metres.

- *The layout of roads having regard to their function and relationship to existing roads.*

The proposal does not seek to create any new roads, or alter the layout of the existing road network in the area.

- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*

The proposal does not seek to alter any existing access arrangement associated with any of the proposed lots. It is unlikely that the proposal would have any impact upon the movement of pedestrians and vehicles.

- *The provision and location of reserves for public open space and other community facilities.*

Not applicable. The proposal seeks to realign the boundaries between the various lots, and it does not involve any existing open space areas and is unlikely to have any impact upon any existing community facilities in the area.

- *The staging of the subdivision.*

Not applicable

- *The design and siting of buildings having regard to safety and the risk of spread of fire.*

Note applicable

- *The provision of off-street parking.*

Not applicable.

- *The provision and location of common property.*

No applicable.

- *The functions of any body corporate.*

Not applicable

- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*

The subject lots are currently provided with utility services, however, as advised by Gippsland Water, the existing sewer system in the area does not support any intensification of land use or additional development on the residential lots.

- *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.*

Not Applicable

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

As per the submitted application, the subject land does not contain any native vegetation.

Other Issues:

It should be noted that nine (9) out of the subject ten (10) lots are subject to a restrictive covenant, which relates to no further subdivision.

Whilst a separate planning permit application has been lodged with Council to vary this restrictive covenant (i.e. Planning Permit Application 06027), it is recommended to Council that the application must be refused based on the following grounds:

1. That an objection has been received from the beneficiaries of the covenant and Council is of the opinion that the objection is not vexatious or made other than in good faith.
2. That the variation to the restrictive covenant would cause detriment of some kind (including perceived detriment) to beneficiaries of the covenant.

(For further details relating to this covenant, refer to the Council report regarding Planning Permit Application 06027).

Planning Permit Application 06027 is to be decided by Council at the Ordinary Council Meeting scheduled for 17 August 2009.

It should be noted that if Council decides to adopt the above recommendations regarding Planning Permit Application 06027, the current proposed subdivision will be considered to be in breach of a registered restrictive covenant, and pursuant to Section 61(4) of the *Planning and Environment Act 1987*, Council must therefore also refuse to the granting of the current planning permit application for subdivision.

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 only one option in regard to this application:

1. Issue a refusal to grant a planning permit

This is because in accordance with Section 61(2) of the *Planning and Environment Act 1987*, Council **must** decide to refuse to grant the permit if a relevant referral authority objects to the grant of the permit.

In addition, in accordance with Section 61(4) of the *Planning and Environment Act 1987*, if the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority **must** refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.

9. CONCLUSION

This report is being presented to Council as part of a program to resolve long standing, dormant planning permit applications lodged with Council's Statutory Planning Department.

Council is well outside the statutory timeframe for decision making on this application.

In this case, no action has been taken on this application for over 3 years.

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Urban Floodway Zone;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Land Subject to Inundation Overlay;
- Inconsistent with Clause 65 (Decision Guidelines); and
- Inappropriate as the relevant floodplain management authority (WGCMA) objects to the proposal pursuant to Section 55 of the *Planning and Environment Act 1987*; and
- In breach of the registered restriction in the form of a covenant that affects the site.

10. RECOMMENDATION

That Council DECIDES to issue a Refusal, for the ten (10) lot re-subdivision at 7 to 12 Rothbury Place, 9 Castlereagh Court and 8 to 10 MacKillop Court, Traralgon, on the following grounds:

1. The proposal is in a breach of a registered restrictive covenant which applies to the site.
2. The relevant floodplain management authority (West Gippsland Catchment Management Authority) objects to the proposal pursuant to *Section 55 of the Planning and Environment Act 1987*, as follows:
 - a. The proposed development is not consistent with the objective of State Planning Policy Framework, Clause 15.02 – Floodplain Management, which states: To assist the protection of:
 - i. Life, property and community infrastructure from flood hazard
 - ii. The natural storage carrying capacity of rivers, streams and floodways
 - iii. The flood storage function of floodplains and waterways.
 - b. The proposed development is likely to result in danger to life, health and safety of the occupants due to flooding on the site.
 - c. The proposed development is likely to increase the amount of flood damage to public or private assets.
3. The proposal is not consistent with the objectives of Local Planning Policy Framework Clause 21.04-2 Environment – Element 5 Flooding.

Moved: Cr Gibson

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1 - LOCATION MAP



ATTACHMENT 2 - OBJECTION

Latrobe City Council
PO Box 264
Morwell
VIC 3840
Tuesday, May 02, 2006

FILE No	P10
REC No	506/3109 John & Sue Davenport
- 5 MAY 2006	
MVR/CNC	2 Mackillop Court Traralgon VIC 3844
C/D	
MTR/APP	D. Fitzgerald
DATE	
FOR THE COMMENT	

Objection to the Application for a Planning Permit

Reference numbers; 06067 Ten Lot Re-subdivision
06027 Vary Restrictive Covenant

Ten Lot Re Sub Division 06067 and Vary Restrictive Covenant

The proposed re subdivision will extend into a designated Urban Floodway Zone. Urban floodway zones are set aside to "allow the free passage and temporary storage of floodwater, minimizes flood damage and is compatible with flood hazard, local drainage conditions and minimization of soil erosion, sedimentation and silting."¹

Wetlands and waterways are important natural resources and are protected by the State Environment Protection policy. Healthy environments contribute to healthy communities. They provide an important habitat for frog species in urban landscapes.

Most of the proposed subdivision already has existing dwellings. The owners of these dwellings were well aware of the existing title boundaries prior to construction. The proposal aims to increase the size of the existing blocks into a know hazard area. The owners of these properties were also aware of the restrictive covenants placed on their properties at the time sale.

This proposal

- Contravenes the Sate Planning Scheme for Urban Floodways.
- Has the potential to seriously affect the water quality of Traralgon Creek.
- Will remove valuable habitat for frog species
- Sets a precedent for altering property title due to poorly planning, design and constructed homes.
- Set a precedent for altering Restrictive Covenants without merit.
- Will affect the health and quality of life of nearby residents.

¹ State Planning Scheme section 37.03

To extend these blocks into the existing urban floodways would require earth works or addition soil being deposited on the western side of these properties. Any earthworks will contribute to dust, noise and have the potential to erode, affecting our quality of life. Also any erosion has the potential to silt and or effect the water quality of Traralgon Creek.

We trust Latrobe City will uphold the existing planning provisions and reject the application for "Varying a restrictive covenant" and "Ten lot sub division" submitted by Hambler Holdings.



John & Sue Davenport.

**ATTACHMENT 2 - REFERRAL RESPONSE FROM WEST GIPPSLAND
CATCHMENT MANAGEMENT AUTHORITY**



**West Gippsland
Catchment Management Authority**

Application No (CMA Ref): F-2005-0194
Document No: 02
Council No: 06067
Other No: WGCMA 8273
Date: 22/05/2006

John Brennan
Subdivision Planner
Latrobe City Council
PO Box 345
Traralgon Vic 3844

Dear John,

Application Number (CMA Ref): F-2005-0194
Section: 55
Location
Street: *Castlereagh Court
Traralgon, 3844
(Also MacKillop & Rothbury Place)*
Cadastral: *Lot C, PS504139, Traralgon, Parish of Traralgon
(Lots 45 To 50)*

I refer to your correspondence dated 10/04/2006, received at the West Gippsland CMA on 11/04/2006 in accordance with the provisions of Section 55 of the Planning and Environment Act 1987.

Below is the Authority's understanding of the application:

The applicant(s), Hamblen Holdings Pty Ltd
Of PO Box 1916
Traralgon, 3844
Represented by Ms Nicole Stow
Beveridge Williams And Co Pty Ltd

Propose the following:

Proposed Development Type: Subdivision Only
Proposed Development Description: To re-subdivide ten existing allotments

On the abovementioned proposed development location

FILE No	PIP
REC No	2006/37154
24 MAY 2006	
MYR/CNCL	
CEO	
MAN/PRD MGR	
OFFICER	J. Brennan
LIBERATED TO COMMENT	

WGCMA-8273 - F-2005-0194

Pg 1 of 3

BRANCH OFFICE
Corner of Young and Bair Streets
LEONGATHA 3953
Telephone: (03) 5662 4555
Facsimile: (03) 5662 5569

ALL CORRESPONDENCE TO:
PO Box 1374
TRARALGON 3844
westgippy@wgcm.vic.gov.au
A.B.N. N° 88 062 514 481

HEAD OFFICE
16 Hotham Street
P.O. Box 1374
TRARALGON 3844
Telephone: (03) 5175 7800
Facsimile: (03) 5175 7899

The Authority's assessment of the above information has determined that the proposed development location is covered by the following Zones and Overlays in the Latrobe Planning Scheme

Zone(s): UFZ - URBAN FLOODWAY ZONE
Overlay(s): SBO - SPECIAL BUILDING OVERLAY

Flood levels for the 1% AEP probability (100 year ARI) have not been designated or declared for this area under the *Water Act 1989*. The Authority's best estimate of the 1% flood level for the location described above is 32.7 metres AHD which was obtained from the Traralgon Creek Floodplain Management Study 2000. Consequently the Authority advises that in the event of a 100 year ARI flood it is likely that the entire location would be subject to inundation from Traralgon Creek.

The Authority's representatives met with Council and the applicant on-site on the 18th of May 2006 to discuss the proposal and the Authority is of the opinion that the proposal is inappropriate for land that is zoned part Urban Floodway Zone and land that has a medium to high degree of hazard due to the excessive depth of flooding at the site.

The Traralgon Creek Floodplain Management Study 2000 defines the flood height at the upstream extent of the proposal to be 32.7 metres AHD for the 1 in 100 year flood event. Survey data supplied shows that all of the allotments pertaining to the boundary realignment contain land below the 32.0 metre contour which places these allotments in a medium to high degree of hazard as defined in *Floodplain Management in Australia: Best Practise Principles and Guidelines*. Medium hazard is considered beyond the wading depth of children and the elderly while wading in high hazard land is considered difficult for even fit adults. To increase the number of allotments that contain high hazard land would increase the risk to life and property and be inconsistent with the State Planning Policy Framework.

Additionally the Authority's experience has been that Section 173 agreements are reliant on Council having adequate resources to enforce compliance and the likelihood is that intensification will take place further adding to the risk to public property and in this case council stormwater infrastructure as well as having a detrimental impact on the flood conveyancing and storage capacity of the floodplain.

In the light of the above information and pursuant to *Section 56 of the Planning and Environment Act 1987*, the Authority **objects** to the granting of a permit on the following grounds:

- 1: The proposed development is located within the Urban Floodway Zone.
- 2: The proposed development is not consistent with the objective of State Planning Policy Framework, clause 15.02 - Floodplain Management, which states: To assist the protection of:
 - Life, property and community infrastructure from flood hazard
 - The natural storage carrying capacity of rivers, streams and floodways
 - The flood storage function of floodplains and waterways.
- 3: The proposed development is likely to result in danger to life, health and safety of the occupants due to flooding on the site.
- 4: The proposed development is likely to increase the amount of flood damage to public or private assets.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact Daniel Rodaughan on (03) 5175 7800. To assist the CMA in handling any enquiries please quote **F-2005-0194** in your correspondence with us.

Yours sincerely,



Daniel Rodaughan
Gippsland Statutory Planner

The information contained in this correspondence is subject to the disclaimers and definitions attached.

Attached: Definitions and Disclaimers

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or Latrobe Shire.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

ATTACHMENT 3 - CLAUSE 56 ASSESSMENT

Clause & Standard No.		OBJECTIVES	STANDARDS	COMMENTS
Clause 56.01		<i>SITE CONTEXT DESCRIPTION & DESIGN RESPONSE</i>		
	Site and context description & design response	The site and context description may use a site plan, photographs or other techniques.		The site and context description generally meets the requirements of Clause 56.01-1 and is considered satisfactory. SATISFACTORY
Clause 56.02		<i>POLICY IMPLEMENTATION</i>		
C1		To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.	An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.	This standard is not applicable to any subdivision proposal of less than 15 lots. NOT APPLICABLE
Clause 56.03		<i>LIVEABLE AND SUSTAINABLE COMMUNITIES</i>		
C2	56.03-1: Compact and walkable neighbourhood objectives	To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport. To allow easy movement through and between neighbourhoods for all people.	A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.	This standard is not applicable to any subdivision proposal of less than 15 lots. NOT APPLICABLE
C3	56.03-2: Activity centre objective	To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.	A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme. Subdivision should be supported by activity centres.	This standard is not applicable to any subdivision proposal of less than 15 lots. NOT APPLICABLE
C4	Clause 56.03-3: Planning for community facilities objective	To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.	A subdivision should: <ul style="list-style-type: none"> • Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme. • Locate community facilities on sites that are in or near activity centres and public transport. 	This standard is not applicable to any subdivision proposal of less than 15 lots. NOT APPLICABLE
C5	56.03-4: Built environment objective	To create urban places with identity and character.	The built environment should: <ul style="list-style-type: none"> • Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. 	This standard is not applicable to any subdivision proposal of less than 15 lots.

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<ul style="list-style-type: none"> • Provide living and working environments that are functional, safe and attractive. • Provide an integrated layout, built form and urban landscape. • Contribute to a sense of place and cultural identity. 	NOT APPLICABLE
C6	56.03-5: Neighbourhood character objective To design subdivisions that respond to neighbourhood character.	Subdivision should: <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	The subject area consists of lots of varying sizes. It is considered that the proposal subdivisional layout generally responds to the neighbourhood of the area. OBJECTIVES AND STANDARDS GENERALLY MET
Clause 56.04		LOT DESIGN	
C7	56.04-1: Lot Diversity and distribution objectives To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.	A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. A range and mix of lot sizes should be provided including lots suitable for the development of: <ul style="list-style-type: none"> • Single dwellings. • Two dwellings or more. • Higher density housing. • Residential buildings and Retirement villages. Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station. Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or	The proposal seeks to provide a range of lot sizes, by essentially increasing the area of the existing residential lots to include land located within an Urban Flood Zone. Whilst the proposal partially supports the objective of Clause 56.04-1 of the Scheme by providing a range of lot sizes, the proposed new lots are not considered to be suit a variety of dwelling and household types. OBJECTIVES AND STANDARDS GENERALLY NOT MET

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	
<p>C8 56.04-2: Lot area and building envelopes objective</p>	<p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> • That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or • That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> • The objectives of the relevant standards are met, and • The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> • The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and • The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. <p>Lot dimensions and building</p>	<p>The proposal seeks to increase the existing residential lots to around 4000 square metres.</p> <p>Whilst the proposal satisfactorily meets Standard C8 in terms of being able to contain a rectangle measuring 10 metres x 15 metres, the proposal does not meet the objectives of Clause 56.04-2 of the Scheme, as the new lots are not considered to be suitable for the construction of any new buildings (other than what is already constructed on site) or any increased in residential densities.</p> <p>STANDARD MET, OBJECTIVES NOT MET</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS	
		<p>envelopes should protect:</p> <ul style="list-style-type: none"> • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. <p>Significant vegetation and site features.</p>		
C9	56.04-3: Solar orientation if lots objective	<p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>Whilst the proposal satisfactorily meets Standard C9 in terms of the dimensions being adequate to protect solar access to the lot, the proposal does not meet the objectives of Clause 56.04-3 of the Scheme, as the new lots are not considered to be suitable for the construction of any new buildings (other than what is already constructed on site).</p> <p>STANDARD MET, OBJECTIVES NOT MET</p>
C10	56.04-4: Street orientation objective	<p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. <p>Providing roads and streets along public open space boundaries.</p>	<p>Each of the lots is already provided with access from roads within the subdivision. The proposal will not result in any changes to the lot orientations.</p> <p>NOT APPLICABLE</p>
C11	56.04-5: Common area objectives	<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of</p>	<p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including 	<p>No common area is proposed as part of this planning permit application.</p> <p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
	<p>common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>any streets and open space.</p> <ul style="list-style-type: none"> • The reasons why the area should be commonly held. • Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	
Clause 56.05		URBAN LANDSCAPE	
C12	<p>Integrated urban landscape objectives</p>	<p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p> <p>The landscape design should:</p> <ul style="list-style-type: none"> • Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. • Protect and link areas of significant local habitat where appropriate. • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. <p>This proposal does not seek to create new streets or public open space.</p> <p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<ul style="list-style-type: none"> • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. • Provide for walking and cycling networks that link with community facilities. • Provide appropriate pathways, signage, fencing, public lighting and street furniture. • Create low maintenance, durable landscapes that are capable of a long life. <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>	
C13	<p>Public open space provision objectives</p> <p>To provide a variety of open spaces with links to other open spaces and regional parks where possible.</p> <p>To ensure that public open space of appropriate quality and quantity is provided in convenient locations to meet the recreational and social needs of the community.</p> <p>To support active and healthy communities.</p>	<p>The provision of public open space should:</p> <ul style="list-style-type: none"> • Implement any relevant open space plan, strategy or policy for the area set out in this scheme. • Provide a network of well-distributed regional and local open space that includes: <ul style="list-style-type: none"> • Regional public open space where appropriate, including along foreshores, streams and permanent water bodies. • Regional parks of at least 3 hectares, combining passive and active use, within 2 kilometres of all dwellings. • Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings. • Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate. • Include land used for drainage control or stream and floodway purposes if generally available for recreational use. • Be integrated with urban water management systems including watercourses and water bodies. • Incorporate natural and cultural features where appropriate. • Encourage shared use of active open space. • Adjoin schools and other community facilities where 	<p>This proposal does not seek to create new streets or public open space.</p> <p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>practical.</p> <ul style="list-style-type: none"> • Meet the social, cultural, recreational and sporting needs of the community including different age groups and abilities. • Be linked to existing or proposed future public open spaces where appropriate. • Include publicly owned plazas or parks in activity centres where appropriate. <p>Land provided for public open space should be:</p> <ul style="list-style-type: none"> • Of a quality, quantity and character that makes it fit for its potential functions. • Located so that every lot in the subdivision is within 500 metres street walking distance of existing or proposed public open space. • Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets along public open space boundaries. • Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences. 	
Clause 56.06	ACCESS AND MOBILITY MANAGEMENT		
C14	<p>Integrated mobility objectives</p> <p>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</p> <p>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.</p> <p>To contribute to reduced car dependence, improved energy efficiency, reduced greenhouse gas emissions and reduced air</p>	<p>An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:</p> <ul style="list-style-type: none"> • Clause 56.06-2 Walking and cycling network. • Clause 56.06-3 Public transport network. • Clause 56.06-4 Neighbourhood street network. 	<p>The proposal only seeks approval for re-subdivision (realignment of boundaries). Most of the lots have been developed for residential purposes (either contain existing dwellings, dwellings under construction or vacant residential lot), and provided with existing reticulated services.</p> <p>The proposal does not seek to provide any new streets, or alter the existing street network in the subject area.</p> <p>A detailed plan showing the layout of the existing street network of the neighbourhood is not deemed necessary.</p> <p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
<p>C15 Walking and cycling network objectives</p>	<p>pollution.</p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. <p>Be accessible to people with disabilities.</p>	<p>NOT APPLICABLE</p>
<p>C16 Public transport network objectives</p>	<p>To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.</p> <p>To encourage maximum use of public transport.</p>	<p>The public transport network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant public transport strategy, plan or policy for the area set out in this scheme. • Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority. • Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the 	<p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>regional public transport network outside Metropolitan Melbourne.</p> <ul style="list-style-type: none"> • Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide: • Safe and direct movement between activity centres without complicated turning manoeuvres. • Direct travel between neighbourhoods and neighbourhood activity centres. • A short and safe walk to a public transport stop from most dwellings. 	
C17	Neighbourhood street network objective	<p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes. • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. • Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant transport strategy, plan or policy for the area set out in this scheme. • Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.

Clause & Standard No.	OBJECTIVES	<i>STANDARDS</i>	COMMENTS
		<ul style="list-style-type: none"> • Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. • Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. • Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of cul-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. • Contribute to the area's character and identity. • Take account of any identified significant features. 	
C18	Walking and cycling network	To design and construct footpaths, shared path and cycle path networks	NOT APPLICABLE

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS	
<p>detail objective</p>	<p>that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<ul style="list-style-type: none"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect. • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. • Accommodate projected user volumes and mix. • Meet the requirements of Table C1. • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. • Provide appropriate signage. • Be constructed to allow access to lots without damage to the footpath or shared path surfaces. • Be constructed with a durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> ○ Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access. ○ Maintenance of a reasonable, comfortable riding quality. ○ A minimum 20 year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 		
<p>C19</p>	<p>Public Transport network detail objectives</p>	<p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities.</p>	<p>Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority. Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops</p>	<p>NOT APPLICABLE</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> • Surveillance from streets and adjacent lots. • Safe street crossing conditions for pedestrians and cyclists. • Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority. • Continuous hard pavement from the footpath to the kerb. • Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. • Appropriate signage. <p>Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</p>	
C20	Neighbourhood street network detail objective	<p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all

NOT APPLICABLE

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>road users to proceed without unreasonable inconvenience or delay.</p> <ul style="list-style-type: none"> • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> ○ Enable the carriage of vehicles. ○ Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> ○ Safe passage of pedestrians, cyclists and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. ○ Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. ○ Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: • Perform the required integrated water management functions. • Delineate the edge of the carriageway for all street users. • Provide efficient and comfortable access to abutting lots at appropriate locations. • Contribute to streetscape design. • Provide for the safe and efficient collection of waste and recycling 	

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>materials from lots.</p> <ul style="list-style-type: none"> • Be accessible to people with disabilities. • A street detail plan should be prepared that shows, as appropriate: • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its health. <p>Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</p>	
<p>C21 Lot access objective</p>	<p>To provide for safe vehicle access between roads and lots.</p>	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>See Table C1</p>	<p>Each of the ten (10) lots is provided with existing access.</p> <p>No new access is proposed as part of this application.</p> <p>NOT APPLICABLE</p>
<p>Clause 56.07</p>	<p>INTEGRATED WATER MANAGEMENT</p>		
<p>C22 Drinking Water supply objectives</p>	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. <p>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</p>	<p>The proposal only seeks approval for re-subdivision (realignment of boundaries) and the land is provided with drinking water facilities.</p> <p>The proposal does not seek to upgrade any of such facilities.</p> <p>Gippsland Water does not have any comment relating</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
			<p>to drinking water supply on site.</p> <p>NOT APPLICABLE</p>
<p>C23 Reused and recycled water objective</p>	<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>The proposal only seeks approval for re-subdivision (realignment of boundaries) and the subject land has largely been developed for residential purposes and provided with the relevant utility services.</p> <p>The proposal does not seek to provide any reused and recycle water systems on the land.</p> <p>Gippsland Water does not have any comment relating to reused and recycled water supply systems on the land.</p> <p>NOT APPLICABLE</p>
<p>C24 Waste water management objective</p>	<p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Whilst the subject land is currently serviced by an adequate waste water system, it should be noted that Gippsland Water expressed concerns in relation to the potential detrimental impact upon the existing waste water system, associated with the increase in residential lot sizes as proposed under this application.</p> <p>Information relating to the upgrading of such system has not been provided as part of this application.</p> <p>OBJECTIVES AND STANDARDS GENERALLY NOT MET</p>
<p>C25 Urban run-off management objectives</p>	<p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority 	<p>In consideration of the zonings of the land (i.e. part Urban Floodway Zone), and the objection grounds provided by the relevant floodplain authority, it is reasonable to consider that the proposed subdivision is likely to place additional pressure on the capacity of the existing urban drainage</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
	<p>stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>where reuse of urban run-off is proposed.</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $da V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, da = average depth in metres and V_{ave} = average velocity in metres per second). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure run-off is retarded to a standard required by the 	<p>system in the subject site.</p> <p>Upgrading works to any of such drainage system are not detailed as part of the planning permit application.</p> <p>OBJECTIVES AND STANDARDS GENERALLY NOT MET</p>

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
		<p>responsible drainage authority.</p> <ul style="list-style-type: none"> • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
Clause 56.08	SITE MANAGEMENT		
C26	<p>Site management objectives</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>The proposal only seeks approval for re-subdivision (realignment of boundaries) and all utilities services have been provided on site. It is not expected that significant construction works would be required for the proposal, should a permit be issued.</p> <p>However, should drainage infrastructure works be required to be upgraded as a result of the proposed subdivision, site management issues would be important considerations.</p> <p>This application has not been provided with information in response to Standard C26 of the Scheme.</p> <p>OBJECTIVES AND STANDARDS</p>

Clause & Standard No.		OBJECTIVES	STANDARDS	COMMENTS
				GENERALLY NOT MET.
Clause 56.09		UTILITIES		
C27	Shared trenching objective	To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	The proposal only seeks approval for re-subdivision. Most of the lots have been developed for residential purposes, and provided with existing reticulated services. Clause 56.09-1 is not considered relevant to the proposal. NOT APPLICABLE
C28	Electricity, telecommunications and gas objectives	To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.	The proposal only seeks approval for re-subdivision (realignment of boundaries). Most of the lots have been developed for residential purposes, and provided with existing reticulated services. Clause 56.09-2 is not considered relevant to the proposal. NOT APPLICABLE
C29	Fire hydrants objective	To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	Fire hydrants should be provided: <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment.	The proposal only seeks approval for re-subdivision (realignment of boundaries). The subject neighbourhood has largely been developed for residential purposes, and provided with fire hydrants (where applicable). Clause 56.09-3 is not

Clause & Standard No.		OBJECTIVES	STANDARDS	COMMENTS
				considered relevant to the proposal. NOT APPLICABLE
C30	Public lighting objective	<p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p>The proposal only seeks approval for re-subdivision (realignment of boundaries). The subject neighbourhood has largely been developed for residential purposes and generally provided with public lighting.</p> <p>Clause 56.09-3 is not considered relevant to the proposal.</p> <p>NOT APPLICABLE</p>

**11.3.5 PLANNING PERMIT APPLICATION 2008/265 - FIVE (5) LOT
SUBDIVISION, WILGA CRESCENT, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2008/265 for a five (5) lot subdivision at Lot 6 on Plan of Subdivision 086260, more commonly known as Wilga Crescent, 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 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 – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

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

*Policy – Traralgon West Interim Infrastructure Development
Policy 09 POL-1*

Under 'Policy Implementation – Statutory Planning and Project Services' direction is given that requires the Responsible Authority to consider the following before deciding on an application to subdivide land:

- *'The directions of this policy';*
- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65';*
- *'The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct';*
- *'Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property';*
- *'Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority';*
- *'Whether each proposed lot has a legal point of vehicle access via a government road';*
- *'Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct';* and
- *'The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure':*
 - a) *'present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct';* and
 - b) *'financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct'.*

*Traralgon Low Density Residential Precinct Interim
Infrastructure Development Procedure (February 2009)*

The 'Purpose' of the Interim Infrastructure Development Procedure is to prevent further subdivision of land within the Traralgon Low Density Residential Zone precinct, pending:

- *'resolution of agreed road and stormwater infrastructure services to be provided for the precinct';*

- *'mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes'; and*
- *'establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services by the preparation and adoption of a Development Plan Overlay and Development Contributions Plan Overlay within the Latrobe Planning Scheme'.*

4. **BACKGROUND**

4.1 **SUMMARY**

Land:	Wilga Crescent, Traralgon, known as Lot 6 on Plan of Subdivision 086260.
Proponent:	Ralph Rao C/- Beveridge Williams & Co Pty Ltd
Zoning:	Low Density Residential Zone and abuts a Road Zone, Category 1
Overlay:	No overlays affect the subject land

A Planning Permit is required to subdivide land in the Low Density Residential Zone in accordance with Clause 32.03-3 of the Scheme.

4.2 **PROPOSAL**

The application is for the subdivision of a vacant parcel of land into five allotments.

Subject Land:

The subject site is relatively flat and irregular in shape, being almost rectangular with a splayed north-western corner. The northern boundary abuts Traralgon West Road and is 749 metres long. The western boundary abuts Wilga Crescent and is 675 metres long. The southern boundary runs for a distance of 774 metres and the eastern, for a distance of 700 metres. The total area of the site is approximately 2.19 hectares.

The subject site contains two outbuildings that have been utilised for rural storage purposes. The site does not contain any vegetation other than pasture grass and no vehicle crossovers are provided to the site. The boundaries of the site are delineated by a rural post and wire fence.

The site does not contain any easements and the title does not contain any restrictive covenants, caveats or Section 173 Agreements.

Surrounding Land Use:

- North: Road – sealed with kerb and channel (Traralgon West Road) and a single dwelling on a lot of approximately 2.04 hectares.
- South: Single dwelling and ancillary outbuildings on a lot of approximately 2.22 hectares.
- East: Single dwelling and ancillary outbuildings on a lot of approximately 2.20 hectares.
- West: Road – gravel construction with open spoon drains (Wilga Crescent) and a single dwelling and ancillary outbuildings on a lot of approximately 2.18 hectares.

4.3 HISTORY OF APPLICATION

The application was received on 19 August 2008 which sought approval for a five (5) lot subdivision, creation of access to a Road Zone, Category 1 and removal of native vegetation from the road reserve. The application was advertised on 29 August 2008 to adjoining landowners and occupiers pursuant to Section 52(1)(a) of the Act and an A3 sign was displayed on the subject land pursuant to Section 52(1)(d) of the Act.

The application was also referred under Section 55 of the Act to Gippsland Water, APT O&M Services Pty Ltd, Telstra, SP AusNet, VicRoads and the Department of Sustainability and Environment.

VicRoads gave consent to the granting of a planning permit on the proviso that access to each of the lots created was to be obtained via Wilga Crescent, with access to Traralgon West Road prohibited. The proposed plan of subdivision sought to gain access to a minimum of two allotments via Traralgon West Road.

The applicant requested that Latrobe City Council (Council) place their planning permit application on hold on 12 March 2009 in order to organise changes to the proposed plans.

An amended application that sought a five (5) lot subdivision, and amended plans that showed all access to the proposed lots via Wilga Crescent, were submitted to Council on 8 April 2009.

The amended application was advertised and referred on 6 May 2009. Council's Project Services Team objected to the granting of a planning permit due to issues raised with the proposal in relation to the lack of appropriate supporting infrastructure for drainage purposes and the Traralgon West Interim Infrastructure Development Policy.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 16.01 'Residential development for single dwellings' contains the following 'Objective':

- *'To encourage 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' contains the following 'Objective':

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

Clause 19.01 'Subdivision' contains the following 'Objectives':

- 'To ensure the design of subdivisions achieves attractive, livable 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 'Housing' (Clause 21.01-7) it is acknowledged that:

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

Clause 21.02 (Key Influences):

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

- '...the provision of housing stock needs to change considerably from 'family' stock to more accurately reflect demand from older persons, singles and youth to match demographic trends'.

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:

- 'Residential and commercial development is to be promoted and encouraged within the Transit Centred Precincts generally in accordance with the Latrobe Transit Centred Precincts, Township Summaries for Traralgon, Moe & Morwell'.

Clause 21.04 (Objectives/Strategies/Implementation):

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

- 'To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development'; and
- 'Strongly discourage urban growth outside the urban development boundaries designated in the relevant local structure plan'.

Clause 21.04-4 has a 'Containment and renewal' objective (Element 1) to contain 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';
- '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'; and
- 'Identify key sites with residential infill potential and work with site owners to promote the redevelopment of those sites for housing'.

Clause 21.04-4 has a 'Rural living and low density residential development' objective (Element 3) to ensure that proposals for additional rural living and low density residential subdivision proceed only in appropriate locations. A strategy to implement this is:

- 'Discourage re-subdivision of rural living and low density residential lots to create urban scale housing except in areas of investigation such as at the urban fringe taking into account':
 - *'water supply, drainage and sewage treatment and related infrastructure needs'*;
 - *'financing of needed services and sealed roads and relevant rating policies'*;
 - *'land capability'*;
 - *'the quality of the environment created as a result of consolidation'*; and
 - *'willingness of property owners to jointly meet the costs of preparing an agreed structure plan for the area in which consolidation is proposed, for approval by Council'.*

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':

- 'Development plans, which provide a guide for future orderly development'.

'Objective':

- 'To identify existing environmental features, land uses and constraints which need to be considered in the development of land for urban purposes'.

'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 'Low Density Residential Zone'. Pursuant to Clause 32.03-3 of the Scheme, 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 Low Density Residential Zone is:

- 'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies'; and
- 'To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'.

Overlay

No overlays affect the subject land.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision:

Under Clause 52.01 it is stated 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 (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both)'.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road:
The 'Purpose' of Clause 52.29 is:

- 'To ensure appropriate access to identified roads';
and
- 'To ensure appropriate subdivision of land adjacent to identified roads'.

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 65.02 of the Scheme, 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 seweraged and no provision has been made for the land to be seweraged, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot'; and
- '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 application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and A3 notices were displayed on the northern and western boundaries of the site.

No submissions in the form of objections have been received to the application.

External:

The original application was referred to Gippsland Water, Telstra, APT O&M Services Pty Ltd, SP AusNet, VicRoads and the Department of Sustainability and Environment (DSE) in accordance with Section 55 of the Act. APT O&M Services Pty Ltd gave consent to the granting of a planning permit without conditions. Gippsland Water, Telstra, SP AusNet, VicRoads and DSE gave consent to the granting of a planning permit, subject to appropriate conditions.

The applicant then amended the proposed plan of subdivision in order to comply with the condition provided by VicRoads. The amended application was then referred to Gippsland Water, Telstra, APT O&M Services Pty Ltd, SP AusNet and VicRoads in accordance with Section 55 of the Act. APT O&M Services Pty Ltd and VicRoads gave consent to the granting of a planning permit without conditions. Gippsland Water, Telstra and SP AusNet gave consent to the granting of a planning permit, subject to appropriate conditions.

Internal:

Internal officer comments were sought for the original application from Council's Project Services Team, Health Services Team, Asset Protection Team and Environmental Planning Team. Each of the teams gave consent to the granting of a planning permit, subject to appropriate conditions.

Internal officer comments were sought for the amended application from Council's Project Services Team, Health Services Team and Environmental Planning Team. Comments were also sought from Council's Manager City Planning and Development pursuant to Section 52(1)(d) of the Act.

Council's Environmental Planning Team gave consent to the granting of a planning permit without conditions, the Health Services Team gave consent, subject to appropriate conditions.

Project Services:

The Project Services Team withheld consent to the granting of a planning permit. The Project Services Team have concerns regarding non-compliance with the Traralgon West Interim Infrastructure Development Policy.

The issues raised were:

- Drainage to the property is an issue as there is no supporting infrastructure in place;
- Wilga Crescent is an unsealed road; and
- An appropriate framework is yet to be established that would assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services by the preparation and adoption of a Development Plan Overlay and Development Contributions Overlay within the Latrobe Planning Scheme.

Therefore, with reference to the Traralgon West Interim Infrastructure Development Policy, the decision framework, question 2, question 5 and question 6 are not satisfied.

Details of Community Consultation following Notification:

Following the advertising and referral of the application, one objection in the form of a submission was received from Council's Project Services Team.

A planning mediation meeting did not take place for this application as there were no objections received external to Council.

6. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the application does not comply with the strategic direction of the State and Local Planning Policy Frameworks. Namely, the proposal does not satisfy:

- Clause 16.01 'Residential development for single dwellings'.

The proposal does not encourage residential development that is cost-effective in infrastructure provision and use. The site lacks appropriate supporting infrastructure for drainage purposes and access to the subject site may only be gained via an unsealed road.

- Clause 18.09 'Water supply, sewerage and drainage'.

The proposal does not plan for the provision of drainage services that efficiently and effectively meet State and community needs, whilst protecting the environment. As mentioned previously, the site lacks appropriate supporting infrastructure for drainage purposes. There may also be detrimental impacts on downstream landowners due to the increased volume of stormwater created by the subdivision.

'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone:

It is considered that the application does not comply with the 'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone. Namely, the proposal does not:

- Implement the State Planning Policy Framework;
- Provide for sufficient drainage; or
- Have availability to or provision of utility services, including reticulated sewerage or drainage.

Clause 65 (Decision Guidelines):

It is considered that the application does not comply with the 'Decision Guidelines of Clause 65.02 of the Scheme. Namely, the proposal does not appropriately address:

- The suitability of the land for subdivision.
- The effect of development on the use or development of other land which has a common means of drainage; and
- The availability and provision of drainage.

Traralgon Low Density Residential Precinct Interim
Infrastructure Development Procedure (February 2009)

It is considered that the application is inconsistent with the 'Purpose' of the Interim Infrastructure Development Procedure which states:

'The purpose of the Interim Infrastructure Development Procedure is to prevent further subdivision of land within the Traralgon Low Density Residential Zone Precinct, pending:

- *Resolution of agreed road and stormwater infrastructure services to be provided for the precinct;*
- *Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes; and*
- *Establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services by the preparation and adoption of a Development Plan Overlay and Development Contributions Plan Overlay within the Latrobe Planning Scheme'.*

The application received no submissions in the form of objections, however, Council's Project Services Team objects to the application. The issues raised were:

1. Drainage to the property is an issue. Currently there is no supporting infrastructure in place. Pursuant to Section 60(1A)(g) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

Comment:

When considering the Traralgon West Interim Infrastructure Development Policy, the application fails to satisfy three requirements.

The first requirement (decision framework question 2) is for the property to have adequate drainage. Appropriate supporting infrastructure is not in place to adequately drain the land.

The second requirement (decision framework question 5) is for the proposal to provide an acceptable interface to allow the subdivision to integrate into Council's drainage catchment system and preferred road network. The proposed layout of the subdivision does not allow for integration into Council's drainage catchment system.

The third requirement (decision framework question 6) is for the provision and maintenance of the proposed Council drainage system. No details have been provided by the applicant as to how the stormwater is to connect to the open drain in the Traralgon West Road reserve. There are no piped drains to connect to within a reasonable distance from the site.

It is considered that the proposal fails to satisfy the requirements of the Traralgon West Interim Infrastructure Development Policy. Thus, as stated in the Traralgon West Interim Infrastructure Development Policy, if the proposal fails on any of the items mentioned in the decision framework, approval of the application is not recommended.

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 Permit; or
2. Issue a Refusal to Grant a Permit.

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

9. CONCLUSION

The proposal is considered to be inconsistent with:

- The strategic direction of the State Planning Policy Framework;
- The 'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone;
- Clause 65 (Decision Guidelines);
- The Traralgon West Interim Infrastructure Development Policy; and
- The Traralgon Low Density Residential Precinct Interim Infrastructure Development Procedure (February 2009).

10. RECOMMENDATION

That Council DECIDES to issue a Refusal to Grant a Permit, for a five (5) lot subdivision at Lot 6 on Plan of Subdivision 086260, more commonly known as Wilga Crescent, Traralgon, on the following grounds:

1. **The proposal does not encourage Residential development that is cost-effective in infrastructure provision and use.
The proposal is inconsistent with Clause 16.01 'Residential development for single dwellings' of the State Planning Policy Framework.**
2. **The proposal does not plan for the provision of drainage services that efficiently and effectively meet State and community needs, whilst protecting the environment. The proposal is inconsistent with Clause 18.09 'Water supply, sewerage and drainage' of the State Planning Policy Framework.**
3. **The application does not comply with the 'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone. Namely, the proposal does not implement the State Planning Policy Framework or provide for sufficient drainage.**
4. **The application does not comply with the 'Decision Guidelines' of Clause 65.02 of the Scheme. Namely, the proposal does not appropriately address the suitability of the land for subdivision, the effect of development on the use or development of other land which has a common means of drainage or the availability and provision of drainage.**

5. The property is not provided with adequate drainage and the proposal does not provide an acceptable interface to allow the subdivision to integrate into Council's drainage catchment system.
6. The application is inconsistent with the 'Purpose' of the Traralgon Low Density Residential Precinct Interim Infrastructure Development Policy (February 2009), which states the need to '*...prevent further subdivision of land within the Traralgon Low Density Residential Zone precinct...*'.

Moved: Cr Kam

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

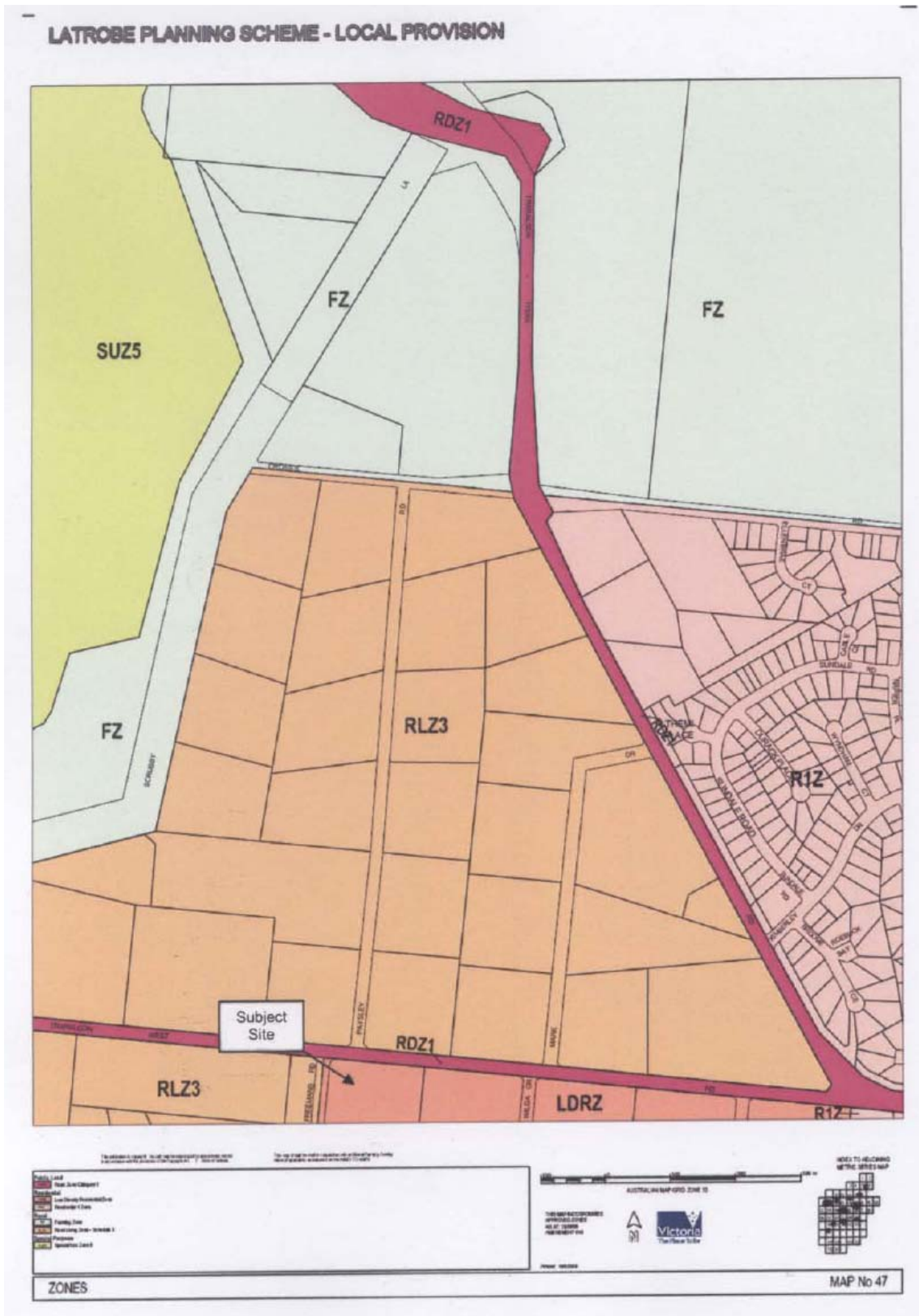
ATTACHMENTS

ATTACHMENT 1 – LOCALITY PLAN

Locality Plan for Planning Permit Application 2008/265



ATTACHMENT 2 – DPCD ZONE MAP



ATTACHMENT 3 – CERTIFICATE OF TITLE

VIC LTO ALTS Title Search Page 1 of 2

Legalco Online Information System

Information provided through Legalco Management Pty Ltd an approved LPINSW Information Broker.

VIC LTO ALTS Title Search

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REGISTER SEARCH STATEMENT Land Victoria

Security no : 124026342618X Volume 08809 Folio 958
Produced 17/06/2008 11:53 am

LAND DESCRIPTION

Lot 6 on Plan of Subdivision 086260.
PARENT TITLE Volume 08289 Folio 956
Created by instrument LP086260 04/02/1970

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
GUISEPPE RAO
TERESE RAO both of TRARALGON
E414795 07/06/1972

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP086260 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

The following information is provided for customer information only.

Street Address: WILGA CRESCENT TRARALGON VIC 3844

STATEMENT END

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LP86260
EDITION 1
APPROVED 24/10/69

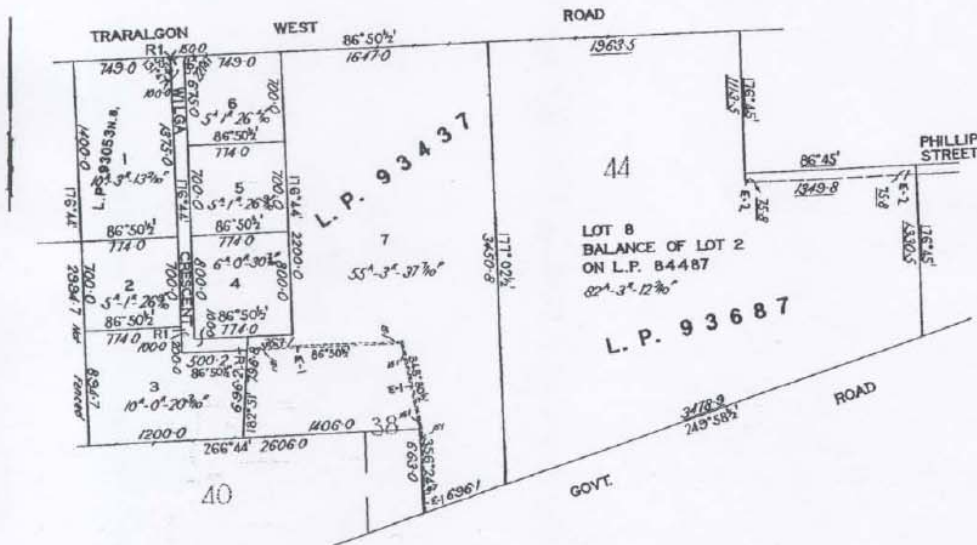
PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENTS 38 & 44 PARISH OF TRARALGON COUNTY OF BULN BULN Measurements are in Links Conversion Factor LINKS X 0.201168 = METRES	APPROPRIATIONS BROWN - WAY & DRAINAGE. BLUE - WATER SUPPLY PURPOSES.
	ENCUMBRANCES & OTHER NOTATIONS REF. MARKS ARE 3" DIAM. GI PIPES 10' LONG. ROAD WIDTHS ARE NOT TO SCALE. THE BEARINGS AND DISTANCES UNDERLINED ARE NOT A RESULT OF THIS SURVEY (TITLE MEASUREMENTS ONLY.) FOR DATUM OF BEARINGS SEE COPY OF FIELDNOTES.

09798

VOL. 8289 FOL. 956

DEPTH LIMITATION: 50 FEET

COLOUR CONVERSION
 E-1=BLUE
 R1=BROWN



WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
 NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER

ATTACHMENT 4 – REFERRAL RESPONSES

PW 815/09
Kristy

Telstra

Our Reference : Latrobe (4 September 2008)
Your Reference : 2008/265

**Data Services
TN&S Service Delivery**

8 May 2009

PO Box 61
Ballarat Vic 3353

Chief Executive Officer
Latrobe City
PO Box 264
MORWELL VIC 3840

Telephone (03) 5329 9056
Facsimile (03) 5339 3769

E-mail Subdivision@team.telstra.com

Dear Sir/Madam

RE : Planning Application No : 2008/265
Location : Wilga Crescent, Traralgon – 5 lots

CONDITIONAL CONSENT TO PERMIT BUT CERTIFICATION AND COMPLIANCE REQUIRED

Pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987, Telstra does not object to the granting of a permit for the above application subject to the following conditions:-

That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.


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.

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.

If you have any queries, please contact me on the above number.

Yours faithfully



Colleen Snibson
Telstra Referrals Officer

RECEIVED
Telstra Corporation Limited
ABN 33 051 775 546
08 MAY 2009
AW



Our Reference: 74213381
Your Reference: 2008/265

Date: 15 May 2009

LATROBE CITY COUNCIL
KRISTY CRAWFORD
PO BOX 264
MORWELL VIC 3840

Latrobe City	
18 MAY 2009	
Doc. No:	406499
Action Officer:	
Disposal Code:	
Comments:	

Dear Kristy,

PLANNING PERMIT NUMBER: 2008/265
APPLICANT: BEVERIDGE WILLIAMS & CO
DESCRIPTION OF LAND: WILGA CRESCENT, TRARALGON.

CONDITIONAL CONSENT TO ISSUE OF PERMIT

SPI Electricity Pty Ltd does not object to the issue of a planning permit in respect of the abovementioned application if the permit is subject to the following conditions:

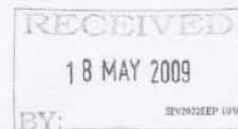
CONDITIONS REQUIRED BY SPI ELECTRICITY PTY LTD

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.

The applicant must –

- ✓ • Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- ✓ • Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- 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.

SPI Electricity Pty Ltd ABN 91 064 651 118
A subsidiary of SP Australia Networks (Distribution) Pty Ltd
Beaconsfield Avenue, Beaconsfield Victoria 3807 Australia
Tel 1300 360 795 Fax 61 3 9238 6447 www.sp-ansnet.com.au



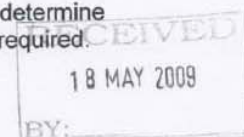
- Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
- 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.
- Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- 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.
- Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- 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. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- 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.

END OF CONDITIONS

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).

Arrangements 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.

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.



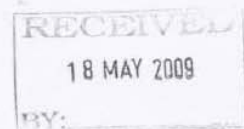
If you require any further information in relation to the above, please do not hesitate to contact Tarryn Schrieber at the Customer Service Centre on 03 9238 6374.

Yours sincerely



Tarryn Schrieber
Customer Service Centre
SP AusNet - Beaconsfield

Enquiries: SP AusNet
Customer Service Centre
Ph. 1300 360 795 Fax 9238 6447
E-Mail csc@sp-ausnet.com.au



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Telephone 61 3 9463 8222
Fax 61 3 9463 8219
www.pipelinetrust.com.au

APA Group

PW 15/5/09
Kristy

Australian Pipeline Ltd
ACN 091 344 704

Australian Pipeline Trust
ARSN 091 676 776

APT Investment Trust
ARSN 115 585 441

APT O&M Services Pty Ltd
ABN 11 112 358 586

Our Reference: SUB\2009-0670
Your Reference: 2008/265

Enquiries: Phil Evison
Telephone: 9463 8407

Date: 13/05/2009

The Chief Executive Officer
La Trobe Council
P.O. Box 345
TRARALGON. 3844

Dear Sir/Madam,

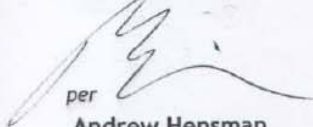
Re: **APPLICATION FOR PLANNING PERMIT
WILGA CRESCENT TRARALGON**

Reference is made to the above correspondence dated 06/05/2009 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.

APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.

Yours faithfully,



per
Andrew Hensman
Team Leader, Property Services

Latrobe City	
14 MAY 2009	
Doc. No:	406080
Action Officer:	
Disposal Date:	
Comments:	

*Pw 2/6/09
Kristy*
vic roads

AEN 61 760 960 480

Eastern Victoria Headquarters
PO Box 158 Traralgon Victoria 3844

Tel: (03) 5172 2666
Fax: (03) 5178 1018

www.vicroads.vic.gov.au

Ms Kristy Crawford
Statutory Planner
Latrobe City Council
P.O Box 264
MORWELL VIC 3840

Date: 1 June 2009
Contact: Stuart Fenech
Telephone: 5172 2693
Our Ref: SFF91524
Your Ref: 2008/265
File No: LAT 5541 SY 3647

Dear Ms Crawford

PLANNING PERMIT : 2008/265
PROPOSAL : Five lot subdivision
LOCATION : Lot 6 LP 86260, Wilga Crescent, Traralgon

I refer to your letter dated 6 May 2009, referring the above planning permit application in accordance with the provisions of Section 55 of the Planning and Environment Act 1987.

VicRoads has no objection to the granting of the permit for the subdivision as shown on Beveridge Williams drawing REF. 10565 version 2.

As required under Section 66 of the Planning and Environment Act 1987, please forward a copy of the Planning Permit, notice of Decision to Grant a Permit or Refusal to Grant a Planning Permit to this office.

Should you require any further information, please contact Stuart Fenech of this office on telephone number (03) 5172 2693.

Yours sincerely,



STUART FENECH
STATUTORY PLANNING OFFICER

Latrobe City	
- 2 JUN 2009	
Doc. No:	411410
Action Officer:	
Disposal Code:	
Comments:	



2254A

Our reference:
Your reference:



23 June 2009

Att: KRISTY CRAWFORD
LATROBE CITY
PO BOX 264
MORWELL VIC 3840

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 Kristy

PLANNING PERMIT APPLICATION No. 2008/265

YOUR REFERENCE : 2008/265
APPLICANT : G & T RAO
LOCATION : LOT 6 WILGA CRESCENT TRARALGON

We refer to your letter dated 6 May 2009 and advise that Gippsland Water as the Water Supply and Sewerage Corporation under Section 56(1)(b) of the Planning and Environment Act, **does not object** to the Re-referral of the above Planning Permit being granted.

There are no changes to our original conditions outlined in our letter dated 8 October 2008.

If you have any queries in the matter please contact Donna Di Dio on (03) 5177 4895 or Jenny Davidson on (03) 5177 4751.

Yours faithfully


Murray Cornwall
MANAGER CUSTOMER SERVICE

cc: G & T Rao
c/- Beveridge Williams & Co Pty Ltd
PO BOX 684
TRARALGON VIC 3844

Latrobe City	
30 JUN 2009	
Doc No:	419880
Action Officer:	
Disposal Code:	
Comments:	

**ATTACHMENT 5 – TRARALGON LOW DENSITY RESIDENTIAL PRECINCT
INTERIM INFRASTRUCTURE DEVELOPMENT PROCEDURE
(OCTOBER 2008)**

APPENDIX B:

Traralgon West Low Density Residential Precinct

**Interim Infrastructure Development
Procedure**

Background Report

(Version 1.3 - February 2009)



1. Introduction:

This report provides a summation of the key infrastructure and development issues emerging within the Traralgon West Low Density Residential Zone (LDRZ), outlining key actions Latrobe City Council will undertake in response to these issues. In particular, the report provides the strategic justification in support of Council's adoption of an *Interim Infrastructure Development Procedure* for the Traralgon LDRZ precinct pending resolution of the issues identified by this report.

The report outlines the process by which planning permit applications for the subdivision of land within the Traralgon LDRZ precinct will be considered by Council, while detailing necessary steps to enable the coordination and equitable provision of agreed road and stormwater infrastructure services in the future. Further, this report outlines the process by which future opportunities for medium density residential development within the Traralgon LDRZ precinct will be resolved.

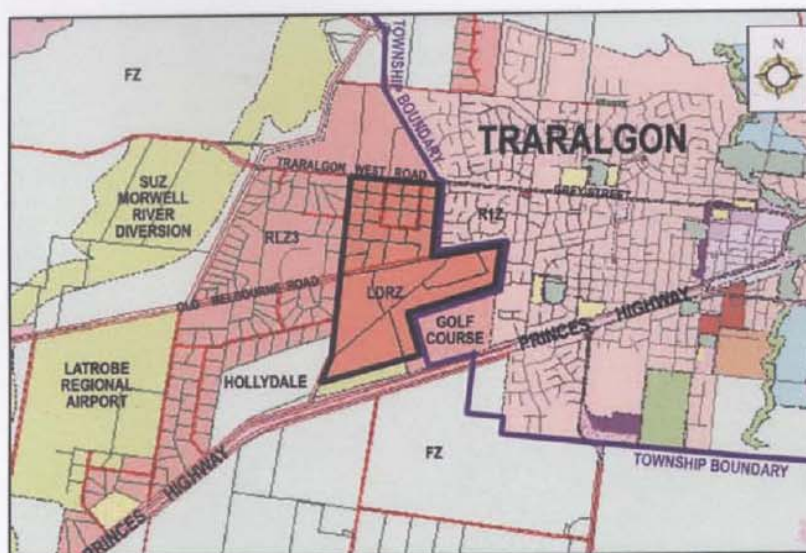
2. Site Description & Location:

The site consists of approximately 179 hectares of land to the West of Traralgon. The land extends from the Princes Highway in the south, to Traralgon West Road in the north. The land is currently zoned LDRZ and adjoins the existing Traralgon R1Z area to the east and Rural Living Zone 3 to the north and west.

Figure 2.1 Traralgon LDRZ Precinct Development & Context Plan:



Figure 2.2 Traralgon LDRZ Precinct Zone & Context Plan:



3. Background:

3.1. Provision of Agreed Road and Stormwater Infrastructure Services:

Amendment C7 to the Latrobe Planning Scheme was approved in September 2004, based on recommendations from the Latrobe Rural Living Study, completed 2002. The amendment rezoned the subject land from Rural Living Zone (RLZ) to LDRZ, allowing lot sizes of 1 acre or greater. The average size of lots prior to the rezoning was approximately 8 acres, with approximately 40 new lots since created following the transition to LDRZ.

Unfortunately no supporting planning controls or agreed infrastructure standards accompanied the amendment to assist the coordination and funding of essential infrastructure services at this time (i.e. preferred road network orientation, appropriate stormwater infrastructure requirements and the coordination of landowner contributions for the provision of essential infrastructure).

In 2006 Earth Tech consultants were engaged by Council to assess flooding and drainage issues at which time the Traralgon West Drainage Study – Concept Development Plan was produced. The study recommended upgrades to existing stormwater infrastructure, to be funded progressively via proportional landholder contributions as land is subdivided. However, the potential detriment to downstream landholders resulting from increased stormwater volumes were not adequately addressed by this plan therefore it was not adopted by Council. This is of primary concern to Council as further subdivision and developments within the LDRZ precinct are likely to exacerbate the risk of stormwater flooding to downstream properties in the absence of appropriate stormwater retention and detention measures being designed and constructed. The preferred location and cost of such works have yet to be resolved.

Two draft development plans (DP's) identifying the preferred location of road networks were also prepared by Earth Tech during 2006, one showing a possible combination of high & low density residential zoning (i.e. R1Z & LDRZ) and the other, showing low density development (LDRZ) being retained. The aim of the DP's was to ensure:

'coordinated approach to development of the area by individual landowners, ensuring issues such as drainage, road construction requirements and open space requirements are distributed fairly and equitably.'

In late 2006 Council requested SM Urban to cease work on the completion of the draft plans, due to areas within the LDRZ precinct being considered for medium density residential development during the preparation of the Traralgon Structure Plan, Corridor Structure Plan & pending resolution of the location of the Traralgon By-pass route.

3.2. Opportunities for Medium Density Residential Development:

State Planning Policy Framework (Clause 14.01-2) requires that *'planning authorities should plan to accommodate projected population growth over at least a 10 year period, taking account of opportunities for redevelopment and intensification of existing urban areas...'*

Following the decision of the Traralgon By-pass Supplementary Inquiry July 2007, Traralgon's long term residential land supply is now significantly constrained, with the panel concluding that:

- *"there is an immediate need for additional land to be zoned and made available for residential development in Traralgon; and that,*
- *Traralgon does not have significant capacity to accommodate long term residential development."*

Given the above, the need to consider opportunities for future medium density residential development opportunities within the Traralgon LDRZ precinct has become a necessity, with a review to identify such opportunities commencing during 2009.

A significant portion of the Traralgon LDRZ precinct has been identified for medium density residential development by the Council's adopted Traralgon Structure Plan (Beca 2007). Public exhibition of the Traralgon Structure Plan was completed 12 December 2008 as part of the revised Municipal Strategic Statement. The exhibited MSS also includes actions and strategies directing Council to engage landholders for the preparation of development plan overlays for this area. Recent subdivision approvals within the Traralgon LDRZ have however significantly jeopardised medium density residential development opportunities.

It is noted that the resolution of medium density residential opportunities for remaining areas within the LDRZ precinct will be resolved during the completion of the Traralgon Growth Areas review to be completed during 2009. The outcomes of this study will influence the determination of appropriate road and stormwater infrastructure services to be provided for both existing and future developments.

4. Recent Subdivision:

The following table lists subdivisions within the LDRZ Precinct which have occurred over the past 5 year period.

Subdivision Applications Received from 2003

Area	Application No.	No. of Lots	Status
Area A - North of Old Melbourne Road	2008/79	4	Approved
	2008/265	5	Pending
	2006/390	3	Approved
	2005/021	3	Approved
	2005/061	2	Approved
	2005/209	5	Extension of time granted 2008.
	2005/423	3	Approved
	2004/418	5	Approved
Area B – North of Coopers Road & South of Old Melbourne Road	2008/400	3	Pending
	2005/118	5	Approved
Area C – South of Coopers Road	2006/108	5	Approved
	2006/109	5	Approved
	2006/416	5	Approved
	2004/009	2	Approved
	2004/414	4	Approved

Figure 4.1. - Emerging Subdivision Pattern since 2003



5. Issues Summary:

- The provision of stormwater drainage and road infrastructure within the Traralgon LDRZ precinct is problematic, largely due to the absence of agreed infrastructure standards for either low density or medium density residential development. Further the sequencing and framework for the equitable distribution of infrastructure contributions from landholders have yet to be adequately resolved or identified in Council's capital works program. This may place Council with additional risks associated with providing capital for essential infrastructure works 'up-front', while placing significant financial constraints on single development proposals where the distribution of costs have yet to be determined.
- Increased stormwater volumes from the Traralgon LDRZ precinct may result in detriment to downstream landholders. Due to the limited capacity and extent of Council's piped drainage infrastructure within and around the Traralgon LDRZ precinct, the only current means of allowing development to continue whilst maintaining drainage integrity is by the provision of drainage retention or retardation systems. The preparation, design and timing of construction of such systems to service the precinct is yet to be resolved by Council's Project Services team.

- The continuation of low density residential subdivision, in the absence of adequate planning controls, will continue to jeopardise the long term higher density residential development potential of the Traralgon LDRZ precinct, particularly locations presently identified by the Traralgon Structure Plan for medium density residential development.

6. Statutory Powers & Provisions:

Pursuant Section 60 (1A) of the *Planning & Environment Act 1987*, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider the following provisions:

*"(a) any significant social and economic effects of the use or development for which the application is made; and
(g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council; or
(j) any other matter. "*

It is in accordance with the above provisions of the Act under which Council will consider the approval of future subdivision applications, with the adoption of an *Interim Infrastructure Development Procedure* (or guideline) included as an appendix to this report.

In addition, the Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65 will provide additional guidance for the assessment of subdivision applications within the Traralgon LDRZ precinct.

7. Purpose of Interim Infrastructure Development Procedure:

The purpose of the Traralgon West Interim Infrastructure Development Policy is to ensure that appropriate consideration is given to the provision of road and stormwater infrastructure when assessing applications for further subdivision of land within the Traralgon Low Density Residential Zone precinct as of the 28 February 2008. The policy will apply pending Council resolution of:

- potential detriment to downstream landholders resulting from increased stormwater volumes;
- agreed road and stormwater infrastructure services to be provided for the precinct;
- establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services by the preparation and adoption of a Development Plan Overlay and Development Contributions Plan Overlay within the Latrobe Planning Scheme.

8. Next Steps:

Latrobe City Council will undertake the following steps to enable the coordination and equitable provision of agreed road and stormwater infrastructure services within the Traralgon LDRZ precinct, while mitigating potential detriment to downstream landowners. The following steps will be undertaken pending the resolution of future medium density residential development opportunities within the Traralgon LDRZ precinct.

(Note: identified timelines are indicative only)

ACTION	TIMELINE
10. Implement the <i>Interim Infrastructure Development & Policy</i> to prevent inappropriate subdivision occurring within the Traralgon LDRZ precinct.	March 2009 (Expire March 2011)
11. Commence Traralgon Growth Areas Study to determine the need for this precinct (or parts there of) to provide for medium density residential development.	March 2009
12. Commence preparation of a stormwater management plan for the provision of necessary stormwater infrastructure and the mitigation of potential detriment to adjoining areas resulting from increased stormwater volumes.	July 2009
13. Commence preparation of a Development Plan Overlay and Development Contributions Plan Overlay for inclusion within the Latrobe Planning Scheme, detailing preferred road networks, stormwater infrastructure, open space requirements and other essential services to facilitate further subdivision and development.	September 2009 (Completion of DPO & DCPO March 2011)

ATTACHMENT 6 – TRARALGON WEST INTERIM INFRASTRUCTURE DEVELOPMENT POLICY

Document Name: **Traralgon West Interim Infrastructure
Development Policy** 09 POL-1

Adopted by Council: **18 May 2009**

Policy Goals

This policy sets out the Latrobe City Council's procedure for the assessment of subdivision proposals and the equitable provision and management of stormwater and road infrastructure within the Traralgon West Low Density Residential Precinct.

This policy outlines the process by which Latrobe City Council will consider further subdivision of land within the Traralgon Low Density Residential Zone precinct, pending:

- resolution and construction of agreed road and stormwater infrastructure services to be provided for the precinct;
- mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes;
- establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services;
- resolution of opportunities for the immediate and long term provision of medium density residential development within the LDRZ precinct.

Relationship to Council Plan & Latrobe 2021

This policy relates to the following Strategic Objectives contained within the Council Plan and outlined in Latrobe 2021: The Vision for Latrobe Valley:-

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.

Built Environment: *"By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development."*

- Promote and support private and public sector investment in the development and maintenance of key asset infrastructure in the municipality.
- Strive to ensure proposed developments enhance the liveability and sustainability of the community.

Policy Statement:

The provision of new or upgraded stormwater or road infrastructure is subject to council approval via its annual budget and inclusion in its capital works program. The approval of any individual subdivision applications under this procedure does not commit council to the provision of any new or upgraded stormwater or road infrastructure.

Policy Implementation – Statutory Planning & Project Services:

An application to subdivide land affected by the *'Traralgon Low Density Residential Precinct – Interim Infrastructure Development Procedure'* must be referred to Manager of City Planning and Development in accordance with Section 52 of the *Planning & Environment Act 1987*.

Before deciding on an application to subdivide land, the responsible authority must also consider:

- The directions of this policy.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65.
- The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct.
- Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property.
- Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority.
- Whether each proposed lot has a legal point of vehicle access via a government road.
- Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct.
- The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure:
 - (A) present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct.
 - (B) financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct.

This policy is implemented in conjunction with the following table:

No.	Question	Pass	Fail
1.	Are all proposed lots able to be accessed via a constructed government road?	Yes	No
2.	Does the property have adequate drainage	Yes	No
3.	Is there any detrimental effect to the use and development of other property?	No	Yes
4.	Will any detriment result from the subdivision for sewerage / domestic waster water treatment?	No	Yes
5.	Where applicable, does the proposal provide an acceptable interface to allow the subdivision to integrate into Councils drainage catchment system and preferred road network?	Yes	No
6.	Is the provision and maintenance of the proposed drainage system acceptable to Council?	Yes	No
7.	Is Council's liability adversely affected and are there any major risk implications to other property?	No	Yes
8.	Are any Council policy objectives compromised by the proposal?	No	Yes
9.	Are there any other detrimental affects? Details _____ _____	No	Yes

PASS/FAIL

Pass = Pass on all questions – Approval recommended
Fail = Fail on any item – Approval not recommended

Mandatory Permit Note:

The following permit note is to be included on any planning permits issued for subdivision:

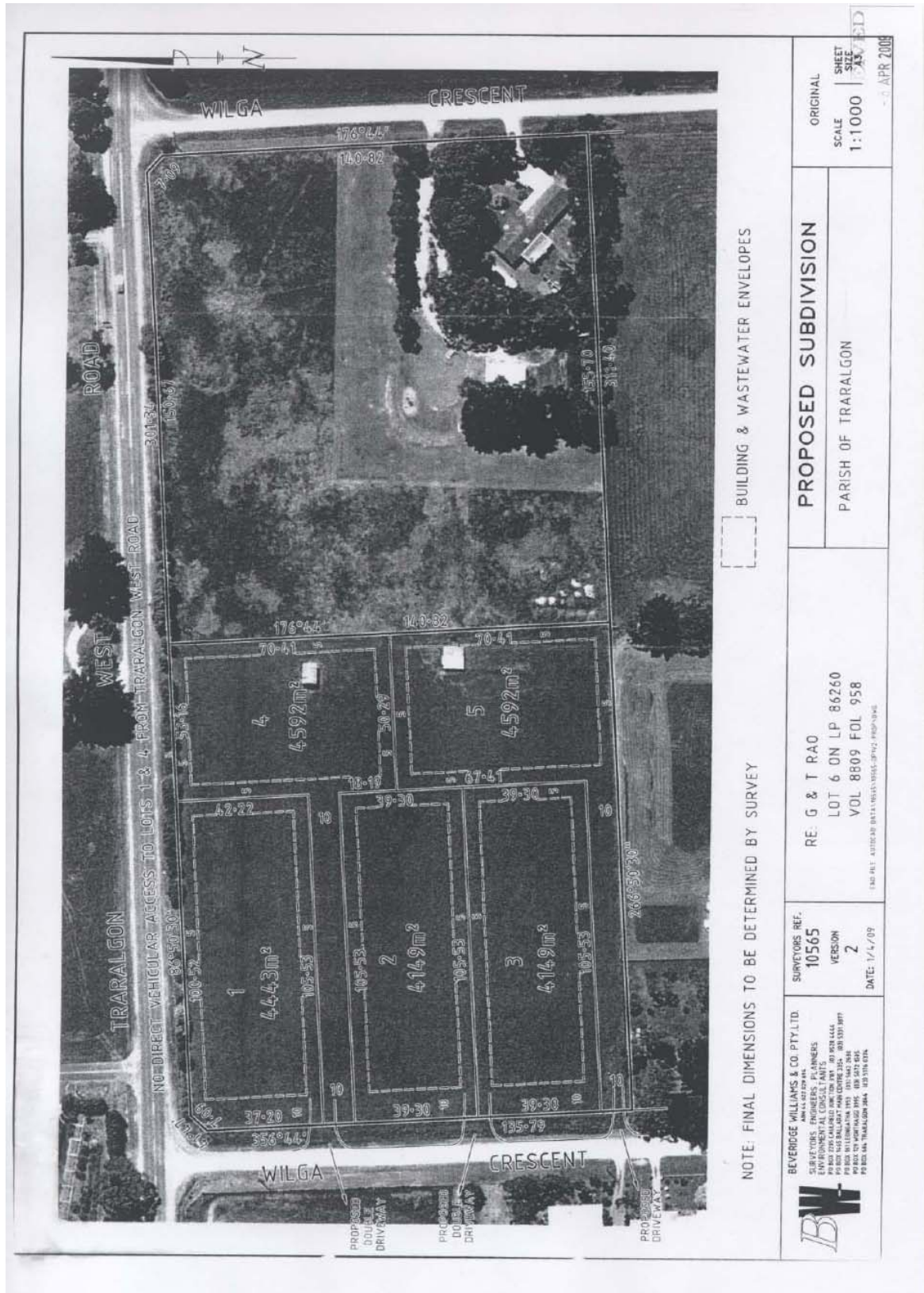
The provision of new or upgraded stormwater infrastructure is subject to council approval via its annual budget and inclusion in its capital works program. The approval of any individual subdivision's stormwater system under this policy does not commit council to the provision of any new or upgraded stormwater infrastructure.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____
Chief Executive Officer

Date : 20 / 05 / 2009.

ATTACHMENT 7 – PROPOSED PLAN OF SUBDIVISION



11.3.6 PLANNING PERMIT 2009/50 - USE OF LAND FOR THE PURPOSE OF A RESTAURANT AND LICENSED PREMISES, ADDITIONS TO AN EXISTING BUILDING, WAIVER OF CAR PARKING REQUIREMENT, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE, ALTERATION OF ACCESS ONTO A ROAD ZONE CATEGORY 1, AT 50 GREY STREET TRARALGON
AUTHOR: General Manager Built and Natural Environment Sustainability
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/50, relating to use of land for the purpose of a restaurant and licensed premises, additions to an existing building, waiver of car parking requirement, display of a business identification sign, and alteration of access to a road in a Road Zone Category 1, for the property at 50 Grey Street in 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 includes a summary of the application, an outline of the proposal, an overview of the history of the application, and the relevant provisions of the Latrobe Planning Scheme.

4.1 SUMMARY

Land: 50 Grey Street, known as L11 Block LP4864
Proponent: J P Flewin and R M Flewin
C/- Beveridge Williams & Co Pty Ltd
PO Box 684
Traralgon VIC 3844
Zoning: Business 5 Zone
Overlay: N/A

A planning permit is required to use the site for the purpose of a restaurant under Clause 34.05-1 of the Scheme.

A planning permit is required for buildings and works on the subject site, under Clause 34.05-4 of the Scheme.

A planning permit is required pursuant to Clause 52.27 of Scheme to operate an on-site liquor licence.

A planning permit is required to waive the car parking requirements of Clause 22.03 of the Scheme.

A planning permit is required for a business identification sign, pursuant to Clause 52.05-9 of the Scheme.

A planning permit is required to alter access to a road in a Road Zone Category 1 (Grey Street), pursuant to Clause 52.29 of the Scheme.

4.2 PROPOSAL

The proposal involves the following:

Additions and Alterations to an Existing Building

The proposal seeks to construct an extension at the rear of the existing building, to replace a sunroom of approximately 12.5 square metres in area with a kitchen.

The extension is proposed to be approximately 32 square metres in area, with a length of approximately 6.36 metres and a width of approximately 5 metres. The extension is to be constructed in facebrick, with a zincalume skillion roof. The extension is to accommodate the proposed restaurant kitchen.

It is also proposed to undertake internal alterations to the existing building (including the removal / rearrangement of walls, new amenities etc), external alterations (new windows and external doors, rendering of brickwork and architectural columns), landscaping and to construct a front fence.

Use of Land for the Purpose of a Restaurant, with an 80 Seat Capacity

It is proposed to use the subject land for the purpose of an 80-seat fine-dining restaurant. The restaurant is to be accommodated within the existing building on site and within the proposed extension, which will comprise a dining area, kitchen, bar and servery, cloak room, amenities and office. A small paved outdoor area is proposed at the rear of the building, but this outdoor area is not to be used for dining purposes.

The total floor area of the restaurant is to be approximately 200 square metres in area. The existing shed at the rear of the building is to be retained and used for food storage purposes.

Use of a Licensed Premises

It is proposed that the restaurant be operated as a licensed premises, allowing for the sale, serving and consumption of alcohol in conjunction with meals.

Waiver of Car Parking Requirement associated with the Restaurant Use

Approval is also sought for the waiver of 20 car spaces on site. No car parking is proposed on site. The existing three car parking spaces located within the frontage area are to be removed and replaced with landscaping.

Alteration of Access to a Road Zone Category 1

It is proposed to remove the existing concrete driveway crossover, located in the southwest corner of the site, and to reinstate the kerb and channel and grassed naturestrip.

Display of a Business Identification Sign

The proposal also involves the display of a sign of approximately 1.8m x 0.9m (1.62 square metres in area). This sign is not to be illuminated. Details on the sign include the restaurant's name, contact details and trading hours. The sign is to be erected on the new front fence.

Subject Land:

The subject site is located at 50 Grey Street (north side of Grey Street, between Breed Street and Church Street), Traralgon.

The subject site is rectangular in shape, with a total area of approximately 809 square meters. It has a frontage of 20.12 metres to Grey Street, and a depth of approximately 40.23 metres.

The site is currently occupied by a single storey brick-veneer building with tiled roof, which is set back approximately 9 metres from Grey Street. A galvanized iron storage shed is also situated at the rear of the site.

The buildings on site have been vacant for approximately two years, and were previously used as an office.

The frontage setback area is mainly occupied by a small paved concrete parking area (for three car spaces), and garden beds with a number of mature trees. The site frontage is unfenced.

Vehicular access to the site from Grey Street is currently provided via a single crossover.

The site is relatively flat.

Surrounding Land Use:

- North: Single storey dwellings. The land to the north of the site is zoned Residential 1.
- South: Opposite side of Grey Street is the Traralgon service centre and the Traralgon Little Theatre. Associated public car parking areas are located within the service centre site. The land to the south and southwest of the subject site is zoned Public Use – Category 6.
- East: 48 Grey Street is occupied by a health clinic (chiropractor and massage therapist) with parking at the rear. This site is zoned Business 5.
- West: 52 Grey Street is a single storey office complex used as an allied health centre and office. This site is zoned Business 5.

4.3 HISTORY OF APPLICATION

The planning permit application was received on 2 March 2009.

Council requested further information pursuant to Section 54 of the Planning and Environment Act 1987 (the Act) on 28 March 2009. Council requested clarifications regarding the proposed signage dimensions, bicycle parking provisions, as well as materials and finishes of the proposed alterations to the existing building on site.

Council received a completed set of information from the applicant on 20 April 2009.

The applicant requested a minor amendment to the planning permit application (prior to notice of the application) on 29 April 2009, to slightly increase the proposed extension area and to amend the details of the proposed outdoor area.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 14.01 - Planning for Urban Settlement

The objectives of this Clause are *'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 17.01 - Activity Centres

The objective of this clause is identified as being *'to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community'*.

Clause 17.02 - Business

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

Clause 18.02 - Car Parking and Public Transport Access to Development

The objective of this Clause is *'to ensure access is provided to developments in accordance with forecast demand taking advantage modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas'*.

Clause 19.03 - Design and Built Form

Some of the objectives of this Clause relevant to the proposal are: *'to achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community; and to promote attractiveness of towns and cities within the broader strategic contexts'*.

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 - Municipal Profile

Clause 21.01-9 states that the Traralgon Central Activity District *'provides community benefits in terms of access, equity and sustainability due to the dynamic mix of retail, office, civic, community, service and entertainment facilities'*.

Clause 21.02 - Key Influences

There are no key influences that relate specifically to this application.

Clause 21.03 - Vision Strategic Framework

This clause states the aim of Latrobe City to become *'the "capital" of the region in terms of shopping, health, education, culture, public administration, business, sport and a wide range of other employment and social and cultural activities.'*

Clause 21.04 - Objectives/Strategies/Implementation

As per the Traralgon Strategic Land Use Framework Plan included in Clause 21.04 of the Scheme, the subject site is located within an area which is identified as *'consolidate retail, commercial and entertainment uses'*.

One of the objectives under Element 2 (Containment) of Clause 21.04-1 that is of relevance to the proposal is *'to contain urban development within district 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'*.

Some of the objectives under Element 1 (Consolidation and Land Use Mix) of Clause 21.04-6 are relevant to the proposal as follows:

- *To provide the flexibility for commercial development to occur within each urban settlement in response to market forces.*
- *Ensure development occurs in an orderly and proper manner having regard to the Latrobe Retail Policy, the Latrobe Strategy Plan, structure plans and planning controls.*
- *To strengthen and reinforce existing major activity centres and prevent development outside of those centres which could undermine their ongoing operation.*
- *Continue to develop CAD activity centres as multi-function centres comprising retail, office, community, cultural, entertainment and leisure activities.*

Element 2 (Major Commercial Centres) under Clause 21.04-6 of the Scheme is also of relevance to the proposal. One of the objectives under Element 2 is to *'recognize and reinforce the community benefits of grouping most retail activity together with the office, civic, community, service and entertainment functions of the CADs'*.

Local Planning Policy (Clause 22)

Clause 22.03 - Car Parking Policy

This clause applies to all applications for use and development within Latrobe City.

Clause 22.03 states that car parking provisions shall be determined in accordance with Clause 52.06, except for those uses identified in the Table under Clause 22.03, in which case the lesser car parking requirement shown in the Table can be considered.

Under the Table at Clause 22.03 of the Scheme, the requirements for car parking for a restaurant is 0.25 car spaces per seat, the requirement for the proposed 80 seats results in a requirement of 20 car spaces.

The proposal however does not seek to provide any car parking spaces on site. The existing car parking area within the front frontage setback of the site will be removed. Approval for the waiver of 20 car parking spaces is therefore sought as part of this planning permit application.

Clause 22.03 of the Scheme states that in relation to the reduction or waiving of car parking requirements the responsible authority may consider the following:

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

These matters are considered in Section 6 of this report.

Zoning

Business 5 Zone

The subject site is located within a Business 5 Zone.

Purpose of this zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the development of offices or multi-dwelling units with common access from the street.*

Pursuant to Clause 34.05-1 of the Scheme, a planning permit is required to use the subject land for the purpose of a restaurant (i.e. any other use not in Section 1 or 3). A restaurant is nested under the broader land use term of 'food and premises', and a restaurant is defined under Clause 74 of the Scheme as follows:

'Land used to prepare and sell food and drink, for consumption on the premises. It may include:

- a) entertainment and dancing; and*
- b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

It does not include the sale of packaged liquor."

Pursuant to Clause 34.05-4 of the Scheme, a permit is required to construct a building or construct or carry out works.

Pursuant to Clause 34.05-6 of the Scheme, the advertising sign requirements relevant to a Business 5 Zone are at Clause 52.05 – Category 3.

Particular Provisions

Clause 52.05 - Advertising Signs

The objectives of this Clause are as follows:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*

- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The advertising sign requirements relevant to the subject site are at Clause 52.05-9 – Category 3 (High amenity areas). The purpose of Category 3 is to *'ensure that signs in high amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area'*.

Pursuant to Clause 52.05-9 of the Scheme, a planning permit is required for a business identification sign.

Clause 52.27 - Licensed Premises

The objectives of this clause are stated as:

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

The decision guidelines of this clause state the following must be considered, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *As discussed above.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The sale and consumption of liquor at the premises is to be in conjunction with meals (and to be served wholly within the premises). It is reasonable to consider that it would not significantly detract from the amenity of the area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The proposal seeks to operate between the hours of 10am to 11pm. It is considered reasonable that the hours of operation is appropriate and unlikely to have any detrimental impact on the amenity of the area, in consideration that the site is located within the Traralgon Central Activity Centre.*

- *The impact of the number of patrons on the amenity of surrounding area.*
- *The patronage likely to be generated from an 80 seat restaurant is considered reasonable given the site is located within the Traralgon Central Activity Centre.*
- *The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.*
- *The subject site is located within the Traralgon Primary Activity Centre, where there are not too many licensed premises. It is considered that the use of the land and the granting of a liquor licence would unlikely to detract from the amenity of the area.*

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

The objective relevant to the proposal is as follows:

- *To ensure appropriate access to identified roads.*

The proposal does not seek to create any new access, but only seeks to remove the existing driveway crossover on site, which is currently abutting a Road Zone, Category 1. The kerb, channel and grassed naturestrip are to be reinstated.

Decision Guidelines (Clause 65):

Clause 65 outlines decision guidelines for an application. The appropriate guidelines have been considered in the above discussion, including:

- *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*

All of the above decision guidelines under Clause 65 of the Scheme have been considered as part of the assessment of this application (refer to Section 6 of this report below), and it is considered the proposal generally complies with the decision guidelines of Clause 65 of the Scheme.

Incorporated Documents (Clause 81):

Australian Standard AS2890.3-1993 Parking Facilities
Part 3: Bicycle parking facilities, Standards Australia 1993
The Traralgon Civic Precinct Plan, Latrobe City, 5 July
2004

Planning Scheme Amendment C62

The draft municipal strategic statement is a seriously
entertained planning scheme amendment pursuant to
Section 60(1A)(c) of the Act.

It should be noted a Traralgon Structure Plan is included
in the draft municipal strategic statement, in which the
subject site has been identified as locating within the
Traralgon Primary Activity Centre, as well as within the
Traralgon Transit City area.

The policies contained within C62 that are most relevant
to the consideration of this application are at Clause
21.04-5 (Specific Town Strategies). The following
objectives relate to Traralgon specifically:

- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Activity Centre and Argyle Street.*
- *Encourage increased densities and vertical growth of Traralgon town centre to support the growth of the office sector.*
- *Support the development of the land generally bounded by Grey Street, Franklin Street and the Traralgon Creek for mixed use purposes.*

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

No objections were received to the application.

External:

Referral Authorities	Date Referred	Response Received	Comments
VicRoads	6/5/2009	9/6/2009	No objection, subject to standard conditions

Internal:

Council's Internal Department	Date Referred	Response Received	Comments
Transit Cities	6/5/2009	9/6/2009	Use is consistent with the Transit Cities Principles
Building	6/5/2009	6/5/2009	<p>Building permit is required for both the extension (kitchen) and the change of use of the dwelling</p> <p>Access must be provided for people with disability</p> <p><i>Planning Officer's response: a note will be included in the permit, to ensure that the applicant is to obtain all relevant permits (including but not limited to a building permit) prior to commencement of use / development, as well as the relevant Australian Standard relating to disability access must be met.</i></p>
Health	6/5/2009	7/5/2009	<p>Applicant is required to make application for plans approved plus provide two(2) scaled 1:100 floor plans showing all internal fitout before consideration is given for Food Act Regulations</p> <p><i>Planning Officer's response: a note will be included in the permit, to ensure that the applicant is to obtain all relevant permits (including but not limited to a food and health permit) prior to commencement of use / development.</i></p>

Council's Internal Department	Date Referred	Response Received	Comments
Project Services	6/5/2009	22/5/2009	No objection, subject to standard conditions. <i>Planning Officer's response: The draft conditions provided by Project Services have been included in the permit, refer to attached recommended conditions under the heading 'project services' for details.</i>

6. ISSUES

Strategic direction of the State Planning Policy Frameworks:

It is considered reasonable that the proposal is consistent with the objective of Clauses 14.01(Planning for Urban Settlement), 17.01 (Activity Centres) and 17.02 (Business), by facilitating a restaurant use and development, through re-using an existing vacant commercial property within the Traralgon Central Activity District / Traralgon Transit City.

The proposal only seeks approval for minor alterations and extension to the existing building on site. It is reasonable to consider proposal satisfactorily meets the objectives of Clause 19.03 (Design and Built Form) of the Scheme.

Strategic direction of the Local Planning Policy Frameworks:

The proposal is consistent with Clause 21.01-9 (Municipal Profile) of the Scheme, by supporting the growth of the Traralgon Central Activity District area, through the provision of a licensed restaurant to service the residents of Traralgon and surrounding towns.

It is also reasonable to consider that the proposal satisfactorily supports the aim of Clause 21.03 (Vision-Strategic Framework) and 21.04 (Objectives/ Strategies/Implementation) through the provision of a licensed restaurant which will strength and reinforce and increase the attractiveness of the existing Traralgon Central Activity District, and result in community benefits.

Traffic and Car Parking

In response to Clauses 18.02 (Car Parking and Public Transport Access to Development) and 22.03 (Car Parking Policy) of the Scheme, it should be noted that the proposal seeks approval for the waiver of 20 car parking spaces.

Clause 52.06 of the Scheme does not relate to this proposal as the Scheme contains car parking requirements for a restaurant use within Clause 22.03.

The proposal does not seek to provide any car parking spaces on site, and the existing informal car parking area (which currently accommodates approximately 3 car spaces) within the front setback of the site will be removed.

The removal of the existing car parking area is requested by the applicant in order to facilitate fencing and landscaping improvements within the frontage setback of the site. Given the siting of the existing building (which is built almost boundary to boundary), there is virtually no opportunity to provide car parking at the rear of the site, as the rear of the site is unable to be accessed by vehicles.

A traffic engineering assessment has been submitted as part of this application. As part of the traffic engineering assessment, a survey was undertaken.

There is no Australian Standard that specifies minimum days or times for which traffic studies / surveys must be undertaken.

Surveys undertaken at activity centres in regional Victoria generally indicate that peak traffic generation and parking demand is usually greatest on Friday afternoon's and early evenings, when traffic generated by office and retail components of the precinct combine with the peak commuter volumes to produce the greatest total volume on the adjacent road network.

The survey which forms the basis of the Traffic Engineering Assessment Report, prepared by Traffix Group (November 2008) was undertaken on Friday 10 October 2008 from 12.00pm to 3.00pm and from 6.00pm to 10.00pm, to correspond with the proposed opening times of the restaurant. Refer to Section 4.2 of the Traffic Engineering Assessment Report for a summary of the survey results.

In summary, the Traffic report found that there was sufficient car parking capacity of approximately 80-100 car spaces (available at any one time) in the vicinity of the subject site during the surveyed period (i.e. around lunch time and dinner time on a Friday).

We note that following the notification period of the application, no objections have been received to the proposed waiver of car parking spaces.

Council's Project Services team undertook a site traffic survey on 22/5/2009 at 13:50, and it was found that 22 on street and 18 off street parking spaces were available on Grey Street between Breed and Church Streets, adjacent to the subject site.

It is considered that the waiver of car parking spaces should be supported for the following reasons:

- The subject site is located within the Traralgon Central Activity District, where commercial/retail activities should be supported and encouraged. The restaurant use and development on site will strengthen and reinforce and increase the attractiveness (by incorporating additional landscaping on the site) of the existing Traralgon Central Activity District.
- As per the traffic engineering assessment and findings from Council's Project Services team, there appears to be capacity within the existing parking supply in the vicinity of the subject site to accommodate the potential car parking demand of 20 spaces associated with the proposed restaurant.
- On-street car parking spaces are provided along the southern side of Grey Street, directly opposite the subject site. Off-street car parking (public car park located within the Traralgon Civic Centre) is also available almost directly opposite the subject site.
- Public transport is generally available in the area.
- Due to the physical constraints of the subject site, there is limited opportunity for the provision of on-site car parking.
- The removal of the existing car parking area within the frontage area (with the installation of a new front fence and further landscape treatment to this area) can potentially improve the visual amenity of the Grey Street streetscape. The submission of a detailed landscape plan should be required as a condition to the planning permit to ensure that the landscaping treatment within this frontage area is of a high quality and will result in a good landscape design to make the subject area more livable and attractive.

- The removal of the existing car parking area within the frontage area and the removal of the existing vehicular access can potentially improve safety of the pedestrians, and assist in creating a more pedestrian-friendly area within the Traralgon primary central activity district .
- It is unlikely that the waiver of car parking requirement would have any detrimental impact upon residential amenity, as the site is generally located within a commercial / business district.

A landscape plan will be required via a condition of the permit, to ensure that the removal of the existing car parking area will be landscaped and result in an improvement to the Grey Street streetscape.

'Purpose' and 'Decision Guidelines' of the Business 5 Zone:

It is considered reasonable that the proposed use of land for the purpose of a restaurant is appropriate in a Business 5 Zone, where economic growth and commercial businesses are encouraged. The proposed restaurant use is likely to complement the various other uses (including but not limited to office and health services) within the area.

Whilst the proposed restaurant use is unlikely to have any detrimental impact upon the amenity of the neighbourhood, a standard condition will be included in the permit to ensure that the use and development must be managed so that the amenity of the area is not detrimentally affected, through the transport of materials, appearance of the building, as well as emission of noise, artificial light, smell...etc.

The proposed alterations and additions to the existing building are appropriate for a restaurant use, and are generally of a good design. It is reasonable to consider that the proposal can potentially enhance the visual interest of the Grey Street streetscape. Appropriate provisions have been made on site for the storage of rubbish and materials for recycling.

Compliance with Clause 52.05 (Advertising Signage)

The proposal only seeks to erect one business identification sign (with the proposed restaurant's name and contact details on it), to be attached to the new front fence on site. This proposed signage is to be 1.8m in length x 0.9m in height, with a total area of 1.62 square metres. The sign is not to be illuminated.

It is considered that the sign is of a reasonable size, and is appropriate, in context to the proposed land use on site, the Grey Street streetscape, and the character of the area in general.

It is unlikely that the sign would have any detrimental impact upon the amenity of the area, or the road safety of Grey Street.

The proposal is considered to meet the objectives of Clause 52.27 of the Scheme.

Compliance with Clause 52.27 (Licensed Premises)

In response to Clause 52.27 of the Scheme, the area is considered to be suitable for the licence as the site is within the primary activity area of Traralgon.

No objections to the application have been received to date, on grounds relating to amenity concerns associated with the proposal. It is reasonable to consider that the amenity of the subject area would not be compromised from the granting of permit for a licensed premise.

A standard condition will be included in the permit to restrict the trading hours of a licensed premise.

Compliance with Clause 52.29 (Land Adjacent to a Road Zone, Category 1)

The proposal seeks approval for the removal of the existing crossover along the Grey Street frontage. Grey Street is a Road zoned Road Category 1.

As per the VicRoad's referral response (dated 9 June 2009) pursuant to Section 55 of the *Planning and Environment Act 1987*, VicRoads does not object to the granting of a permit for the proposal, subject to standard conditions (refer to the attached draft conditions under the heading 'VicRoads' for details).

It is considered reasonable that the removal of the existing access will not have any detrimental impact on the operation of Grey Street and on public safety.

A condition should be included in the permit, to ensure the reinstatement works to be undertaken to the satisfaction of Council's Project Services Team (the Responsible Authority).

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 Planning Permit; or
2. Issue a Refusal.

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 objectives of Clause 22.03 - Car Parking;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Business 5 Zone; and
- Consistent with Clause 65 (Decision Guidelines).

The relevant planning issues have been considered, and relevant permit conditions addressing these issues will be required.

10. RECOMMENDATION

That Council DECIDES to issue a Planning Permit, for the use of land for the purpose of a restaurant and licensed premises, additions to an existing building, waiver of car parking requirement, display of a business identification sign, and alteration of access to a road in a Road Zone Category 1, at 50 Grey Street in Traralgon, with the following conditions:

General Conditions:

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:
 - Good Friday and Anzac Day 12 noon - 11 pm;
 - Sunday 10 am - 11 pm; and
 - Any other day 10 am - 12 midnight.
3. The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.
4. The owner and/or occupier and the manager shall take all necessary steps to ensure that no noise or other disturbances emanates from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, in the opinion of the Responsible Authority.
5. No more than 80 seats may be made available at any one time to patrons on the premises, without the written consent of the Responsible Authority.
6. The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
7. The sign(s) must not contain any flashing light.
8. The sign(s) must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
9. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
10. 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:
 - 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;
 - 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 the open area at the front of the site.All species selected must be to the satisfaction of the Responsible Authority.

11. Before the use 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.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. The owner and/or occupier and the manager shall take all necessary steps to ensure that no noise or other disturbances emanates from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, in the opinion of the Responsible Authority.
14. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
15. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
16. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

Engineering Conditions:

17. Prior to the issue of Statement of Compliance, the following works must be constructed to the satisfaction of the Responsible Authority:
 - a) Removal of the driveway to the property, replacement with kerb and channel and reinstatement of the nature strip.
18. 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, to the satisfaction of the Responsible Authority.

VicRoads Conditions:

19. The Owner/Applicant must comply with the following conditions from VicRoads:
 - a) 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.
 - b) 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.
20. This permit will expire if one of the following circumstances applies:
 - a) The development and use are not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

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

- Note 1: Prior to the commencement of works, the Council's Asset Protection Unit must be notified in writing, of any proposed building work (as defined by Council's Local Law No.3 (2006) at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by Council, an Asset Protection Permit must be obtained.
- Note 2: The applicant must ensure that all relevant Permits have been approved prior to commencement.
- Note 3: The entrances and external areas must ensure disability access for both persons entering the site or using the footpath in accordance with relevant Australian Standards including AS 1428.2.
- Note 4: Applicant required to make application for plans approval plus provide two (2) sealed 1-100 floor plans showing all internal fit out before consideration is given for Food Act Registration.

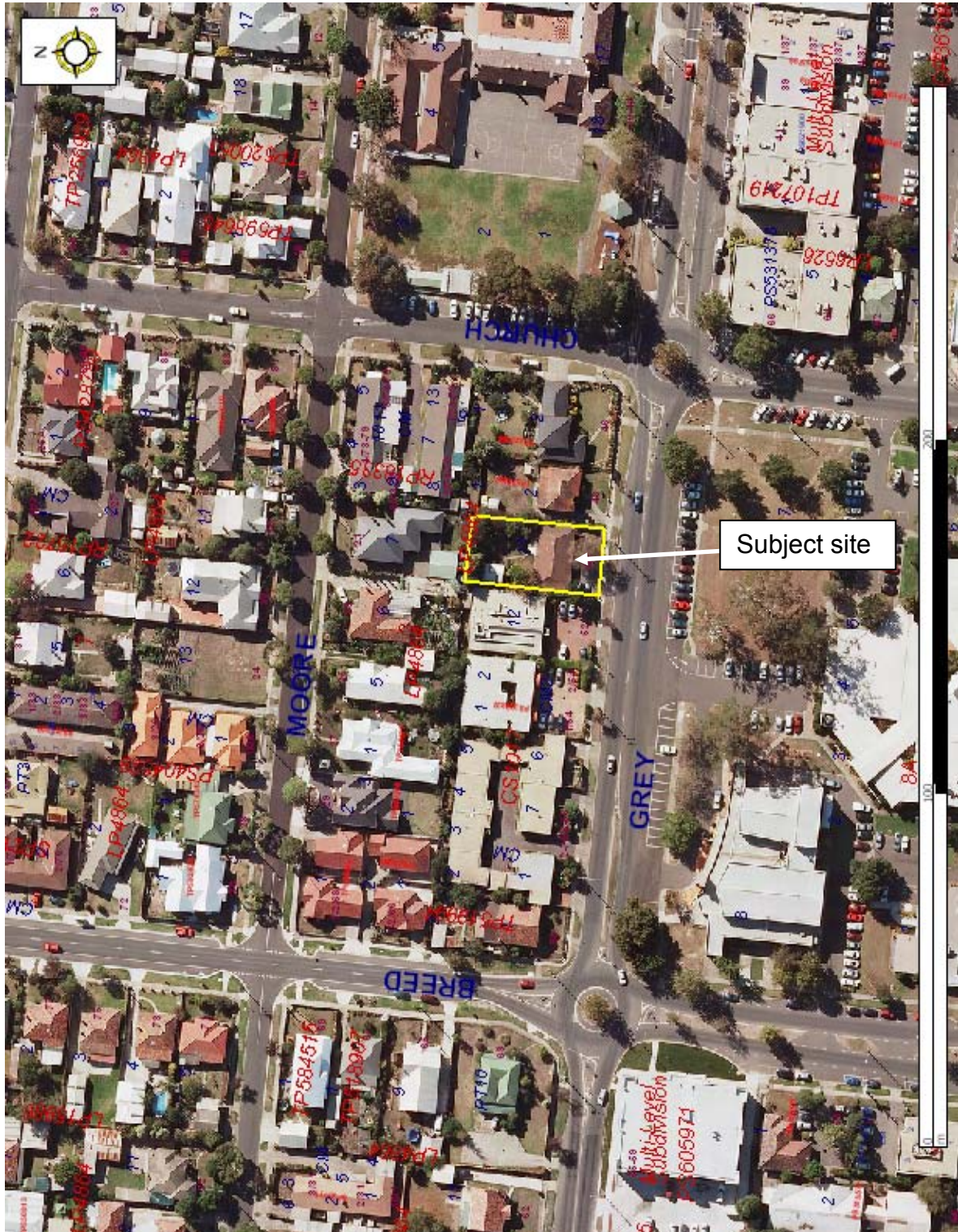
Moved: Cr Fitzgerald

Seconded: Cr White

That Council defers consideration of this item until the Ordinary Council Meeting to be held on 7 September 2009.

CARRIED UNANIMOUSLY

ATTACHMENT



**11.3.7 PLANNING PERMIT APPLICATION 2009/123 - TWO (2) LOT
SUBDIVISION, 2 ROSCOMMON DRIVE, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/123 for a two (2) lot subdivision at Lot 297 on Plan of Subdivision 603030F, more commonly known as 2 Roscommon Drive, 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 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 – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

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

4. BACKGROUND

4.1 SUMMARY

Land: 2 Roscommon Drive, Traralgon, known as Lot 297 on Plan of Subdivision 603030F
Proponent: K E King
C/- Beveridge Williams & Co Pty Ltd
Zoning: Residential 1 Zone
Overlay: No overlays affect the subject land

A Planning Permit is required to subdivide land in the Residential 1 Zone in accordance with Clause 32.01-2 of the Scheme.

4.2 PROPOSAL

The application is for a two lot subdivision of a vacant residential allotment.

Proposed Lot 1 is located to the north of site and has a total area of 423.90m². An indicative building envelope has been identified on the proposed plan of subdivision. This building envelope is set back 5 metres from the northern boundary, 2 metres from the eastern boundary and 1 metre from the southern and western boundaries of the proposed allotment.

Proposed Lot 2 is situated to the south of proposed Lot 1 and has a total area of 428.3m². An indicative envelope has been identified on the proposed plan. The envelope is setback 3 metres from the northern and southern boundaries of the proposed lot and 1 metre and 4 metres from the western and eastern boundaries respectively.

Subject Land:

The subject site is irregular in shape, with a total area of 852m². The northern (front) boundary abuts Donegal Avenue and is 17.40 metres long, with a splayed north-east corner of 4.24 metres. The southern (rear) boundary extends 20.39 metres and the eastern and western (side) boundaries measure 37.94 metres and 42.00 metres respectively. The eastern boundary of the site abuts Roscommon drive.

The land is relatively flat, with a slight fall down to the footpath adjacent to the northern boundary. The subject site is vacant and has been cleared of all vegetation other than pasture grass.

The western boundary of the site is delineated by a 1.80 metre high timber paling fence. All other boundaries of the site remain unfenced.

A three metre wide drainage and sewerage easement extends along the southern boundary of the site.

No restrictive covenants, caveats or Section 173 Agreements are registered on title.

Surrounding Land Use:

North: Road – sealed with kerb and channel (Donegal Avenue) and a single dwelling (one storey) on a lot of approximately 837m².

South: Vacant land on a lot of approximately 494m².

East: Road – sealed with kerb and channel (Roscommon Drive) and single dwellings (one storey) on lots of approximately 510m² and 515m².

West: Single dwelling (one storey) on a lot of approximately 832m².

4.3 HISTORY OF APPLICATION

The application was received by Latrobe City Council (Council) on 22 April 2009.

The application was advertised on 14 May 2009 to adjoining and adjacent landowners and occupiers pursuant to Section 52(1)(a) of the Act and an A3 sign was displayed on the subject land pursuant to Section 52(1)(d) of the Act.

Following the advertising of the application, three submissions were made in the form of objections.

A planning mediation meeting was held on 14 July 2009. 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.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 16.01 'Residential development for single dwellings' contains the following 'Objective':

- *'To encourage 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'.*

Clause 18.09 'Water supply, sewerage and drainage' contains the following 'Objective':

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

Clause 19.01 'Subdivision' contains the following 'Objective':

- *'To ensure the design of subdivisions achieves attractive, livable and sustainable neighbourhoods'.*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Under 'Urban settlement and form' (Clause 21.03-3) it is recognised that:

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

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

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

Clause 21.02 (Key Influences):

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

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

Clause 21.03 (Vision – Strategic Framework):

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

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

- *'To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development'; and*
- *'Encourage consolidation of urban settlement within the urban zoned boundaries'.*

Clause 21.04-4 has a 'Containment and renewal' objective (Element 1) to contain 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 well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility'.*

Clause 21.04-4 has a 'Housing choice' objective (Element 2) to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community. Strategies to implement this include:

- *'Encourage diversity of dwelling type to provide greater choice and affordability'; and*
- *'Through demonstration projects, facilitate the provision of a variety of demonstration houses designed for smaller households and for the elderly'.*

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 of the Scheme, a planning permit is required to subdivide land. The proposal 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 '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 livable 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';*
 - *'Livable and sustainable communities';*
 - *'Residential lot design';*
 - *'Urban landscape';*
 - *'Access and mobility management';*
 - *'Integrated water management';*
 - *'Site management';* and
 - *'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 of the Scheme, the Responsible Authority must consider, as appropriate:

- *'The matters set out in Section 60 of the Act';*
- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*

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

Incorporated Documents (Clause 81):

No incorporated documents apply to this application.

5. INTERNAL/EXTERNAL CONSULTATION

Engagement Methods Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on site for 14 days.

External:

Clause 66 of the Scheme details that the application is exempt from the referral requirements of Section 55 of the Act.

Notice of the application was given to Gippsland Water pursuant to Section 52(1)(d) of the Act. Gippsland Water gave consent to the granting of a planning permit subject to appropriate notes that have been provided.

Internal:

Internal officer comments were sought from Council's Project Services Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes that have been provided.

Details of Community Consultation following Notification:

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

The concerns raised by the objectors were:

1. The proposal will detract from the amenity of the area.
2. The proposal will detract from the value of neighbouring properties.
3. There will be a further increase of rental properties in the area.
4. The proposed subdivision of the lot creates two lots that are significantly smaller than other lots in the area. The estate was designed to have a diversity of lot sizes which have already been adequately provided.
5. There are enough townhouse/unit developments in the estate.
6. Each of the proposed lots will not be able to provide adequate off-street car parking which will result in traffic congestion and hazards. The estate has insufficient car parking due to the narrowness of the streets.
7. The additional lot will result in increased traffic and ultimately an increase in noise and air pollution.
8. Natural light to 23 Donegal Avenue will be reduced by townhouses/units.
9. The stormwater system will not be able to cope with the additional lot and any upgrades of the system will result in disruptions of services to neighbouring properties.

A planning mediation meeting was held on 14 July 2009 to allow the permit applicant and objectors to meet and discuss the application and relevant issues.

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 that the application complies with the State and Local Planning Policy Frameworks.

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

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone as the zone seeks to provide for residential development at a range of densities. The proposed plan of subdivision achieves this outcome.

The 'Purpose' and 'Objectives' of Clause 56 'Residential Subdivision':

It is considered that the application complies with the 'Purpose' and 'Objectives' of Clause 56 'Residential Subdivision'. Refer to Attachment 4 for detail.

Clause 65 (Decision Guidelines):

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

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

1. The proposal will detract from the amenity of the area.

Comment:

No documented evidence has been provided to substantiate this claim. It is considered that the creation of one additional lot will not create a net community disbenefit.

2. The proposal will detract from the value of neighbouring properties.

Comment:

This is not considered a valid ground of objection unless it can be justified by a sworn professional valuation, and is usually not considered a ground for refusal when considered in VCAT hearings.

3. There will be a further increase of rental properties in the area.

Comment:

There are no policies in the Latrobe Planning Scheme that expressly limit the location of subdivisions within the residential areas of Traralgon.

The State and Local Planning Policy Frameworks are considered to be supportive of the proposed subdivision.

The provision of rental properties is not identified by the *Planning and Environment Act 1987* as a valid planning objection and cannot be considered as part of this application.

4. The proposed subdivision of the lot creates two lots that are significantly smaller than other lots in the area. The estate was designed to have a diversity of lot sizes which have already been adequately provided.

Comment:

There is no prescribed lot size applicable under this zoning, and the zoning of the land allows for the consideration of further subdivision of land. The proposal is consistent with ResCode as it applies to residential subdivision (Clause 56). The proposal is consistent with State and Local Planning Policy and the zone 'Purpose' which encourages diversity of lot sizes.

5. There are enough townhouse/unit developments in the estate.

Comment:

The current application is for a two lot subdivision. No development on the site is proposed as part of this application. Therefore, this objection is outside the realms of matters to be considered by the Responsible Authority as part of this application.

6. Each of the proposed lots will not be able to provide adequate off-street car parking which will result in traffic congestion and hazards. The estate has insufficient car parking due to the narrowness of the streets.

Comment:

No development on the site is proposed as part of this application. Any future dwellings will be required to comply with the Building Regulations. The indicative building envelopes provided on the proposed plan of subdivision are considered to be adequate to accommodate a single dwelling and associated buildings and works, such as on-site car parking.

7. The additional lot will result in increased traffic and ultimately an increase in noise and air pollution.

Comment:

The increased traffic levels created by development of an additional lot (10 vehicle movements over a 24 hour period) is considered minimal and unlikely to generate detrimental impacts.

8. Natural light to 23 Donegal Avenue will be reduced by townhouses/units.

Comment:

The current application is for a two lot subdivision. No development on the site is proposed as part of this application; however, any future development will be required to comply with the requirements of the Building Regulations. Therefore, this objection is outside the realms of matters to be considered by the Responsible Authority as part of this planning permit application.

9. The stormwater system will not be able to cope with the additional lot and any upgrades of the system will result in disruptions of services to neighbouring properties.

Comment:

The proposal has been considered by Council's Project Services Team who has given consent to the granting of a planning permit, subject to appropriate conditions. One such condition is for the submission of a site drainage plan. This plan must show a drainage scheme for the conveying of the stormwater from each allotment separately to legal points of discharge. It is considered that the stormwater system will be able to cope with the creation of one additional lot and any works required will not cause disruptions to services.

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 Grant a Permit; or
2. Issue a Refusal to Grant a Permit.

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

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 'Purpose' and 'Objectives' of Clause 56 (Residential Subdivision);
- 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 the objections do not form planning grounds on which the application should be refused.

10. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Permit, for a two (2) lot subdivision at Lot 297 on Plan of Subdivision 603030F, more commonly known as 2 Roscommon Drive, Traralgon, 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. 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.
3. 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.
4. 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.

Engineering Conditions:

5. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the following works must be constructed to the satisfaction of the Responsible Authority:
 - a) a site drainage plan must be submitted to and approved by the Responsible Authority. The plan must show a drainage scheme providing for the conveying of the stormwater from each allotment separately to legal points of discharge. When approved, the plan will be endorsed and will then form part of the permit;
 - b) the plan submitted for certification under the Subdivision Act 1988 must show easements for drainage purposes to the satisfaction of the Responsible Authority;
 - c) driveway crossovers must be constructed to Council Design Guidelines – Urban Standards; and
 - d) 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.

Expiry of Permit:

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.

Engineering Notes:

- Note 1.** Legal Points of Discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au.
- Note 2.** Any drainage connection into Council's 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 the Responsible Authority.
- Note 3.** Prior to the construction, alteration or removal of any vehicle crossing a Council Work permit is to be obtained. The issue of a planning approval for development applications that includes the construction, alteration or removal of a vehicle crossing does not obviate the requirements to also obtain a Work Permit prior to the commencement of the vehicle crossing works.
- Note 4.** Prior to the commencement of works, the Responsible Authority must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.

Gippsland Water Notes:

- Note 1.** The plan of subdivision must create a 1.20 metre wide easement under Section 12(1) of the Subdivision Act for sewerage purposes in favour of lot 1.
- Note 2.** For a quotation relating to sewerage and water costs and requirements please contact Property Connections on (03) 5177 4648.

Moved: Cr Fitzgerald
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

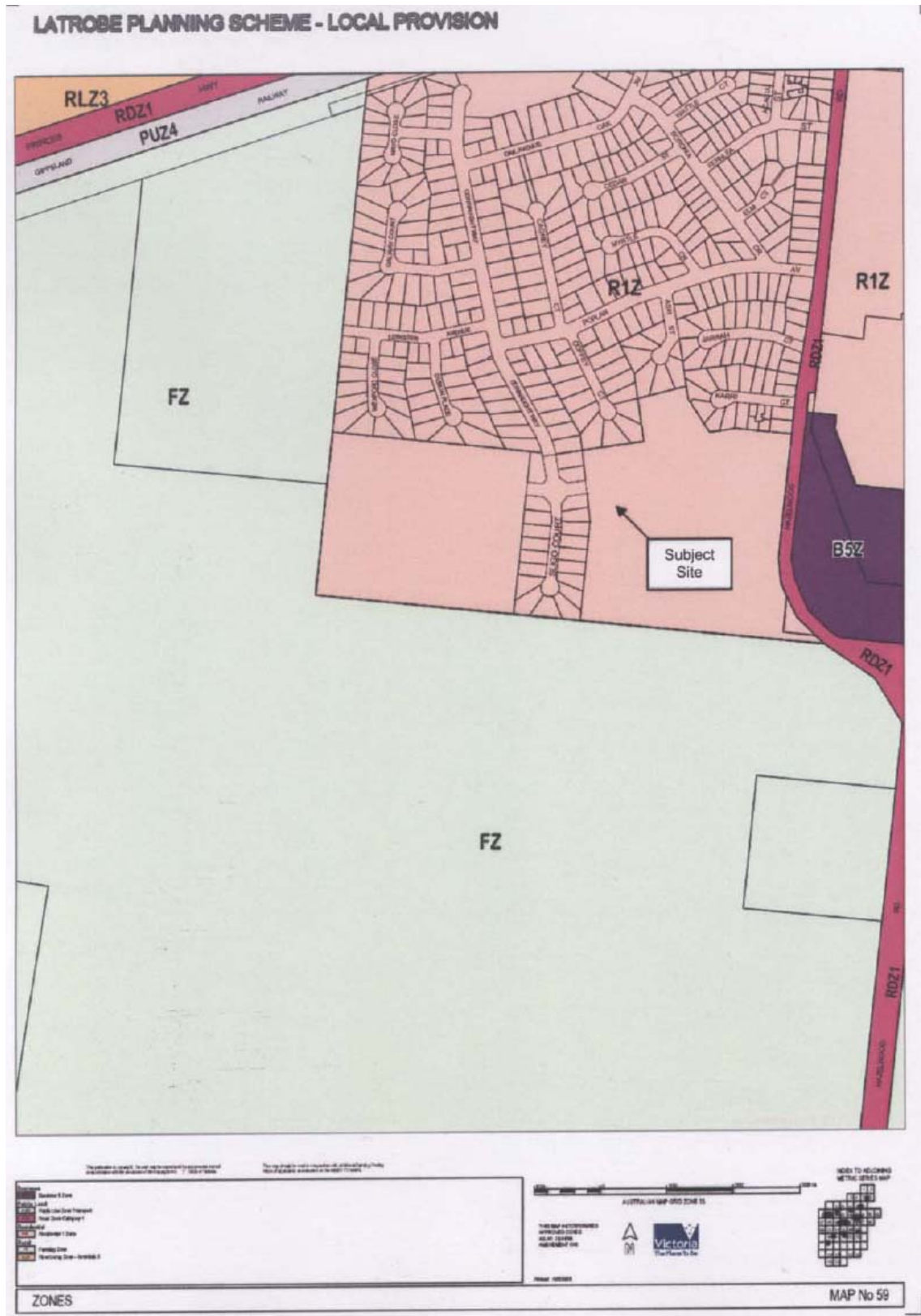
ATTACHMENTS

ATTACHMENT 1 – LOCALITY PLAN

Locality Plan for Planning Permit Application 2009/123



ATTACHMENT 2 – DPCD ZONE MAP



ATTACHMENT 3 – CERTIFICATE OF TITLE

VIC LTO ALTS Title Search

Page 1 of 2

Legalco Online Information System

Information provided through Legalco Management Pty Ltd an approved LP/NSW Information Broker.

VIC LTO ALTS Title Search

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11044 FOLIO 930

Security no : 124029254776J
Produced 31/03/2009 08:22 am

LAND DESCRIPTION

Lot 297 on Plan of Subdivision PS603030F.
PARENT TITLE Volume 10948 Folio 274
Created by instrument PS603030F 18/12/2007

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
KAREN ELIZABETH KING of 385 RULES ROAD HAZELWOOD SOUTH VIC 3840
AG421458D 25/03/2009

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG421459B 25/03/2009
WESTPAC BANKING CORPORATION

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 PS603030F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	TRANSFER	STATUS	DATE
AG421458D	TRANSFER	Registered	25/03/2009
AG421459B	MORTGAGE	Registered	25/03/2009

-----END OF REGISTER SEARCH STATEMENT-----

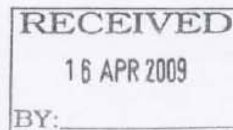
Additional information: (not part of the Register Search Statement)

Street Address: 2 ROSCOMMON DRIVE TRARALGON VIC 3844


DOCUMENT END

Beveridge Williams Traralgon

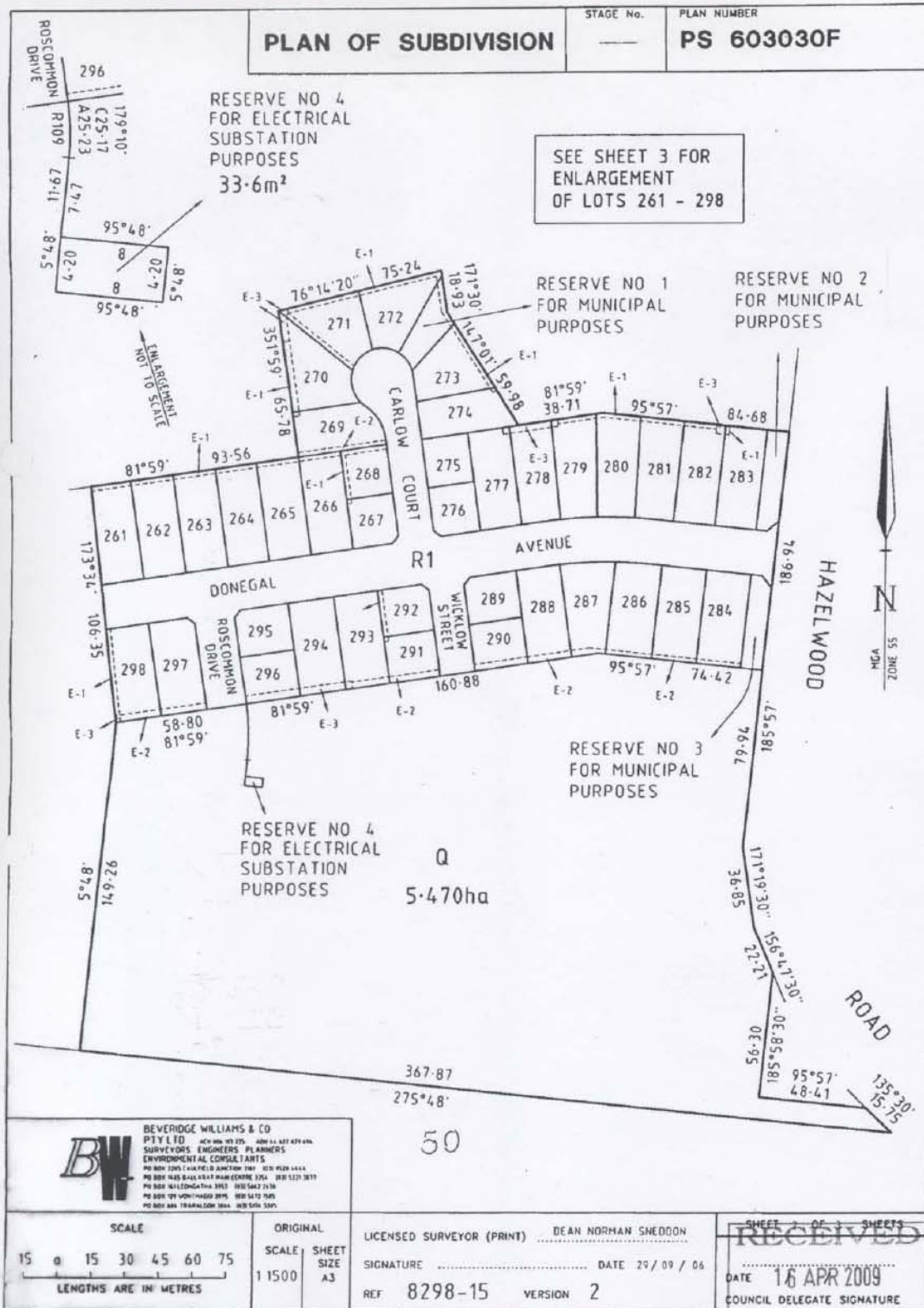
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User	bvroegop
Client Reference	11554
Our Reference	93215855



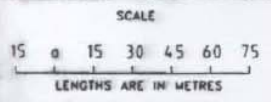
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PLAN OF SUBDIVISION	STAGE No. —	LRS USE ONLY EDITION 1	PLAN NUMBER PS 603030F
LOCATION OF LAND		COUNCIL CERTIFICATION AND ENDORSEMENT	
PARISH: TRARALGON TOWNSHIP: — SECTION: — CROWN ALLOTMENT: 49 (PART) TITLE REFERENCES: C/T VOL 10948 FOL 274 LAST PLAN REFERENCE/S: PS 54344BY LOT 0 POSTAL ADDRESS: DONEGAL AVENUE (at time of subdivision) TRARALGON VIC 3844 MGA Co-ordinates (of approx centre of land in plan) E 457,800 ZONE: 55 N 5,770,700		COUNCIL NAME: LATROBE CITY REF: 02409A 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 11 / 12 / 2007 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /	
VESTING OF ROADS AND/OR RESERVES			
IDENTIFIER	COUNCIL/BODY/PERSON		
ROAD R1	LATROBE CITY COUNCIL		
RESERVE NO 1	LATROBE CITY COUNCIL		
RESERVE NO 2	LATROBE CITY COUNCIL		
RESERVE NO 3	LATROBE CITY COUNCIL		
RESERVE NO 4	SPI ELECTRICITY PTY LTD		
		NOTATIONS	
		STAGING This is/is not a staged subdivision. Planning permit No. 02409A	
		DEPTH LIMITATION: DOES NOT APPLY LOTS 1-260 (BOTH INCLUSIVE) AND LOTS A - P (BOTH INCLUSIVE) 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. —	
EASEMENT INFORMATION			
LEGEND	A-Appurtenant Easement	E-Encumbering Easement	R-Encumbering Easement (Road)
Easement Reference	Purpose	Width (Metres)	Origin
E-1	DRAINAGE	SEE DIAG	THIS PLAN
E-2	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG	THIS PLAN - SEC 136 WATER ACT 1989
E-3	DRAINAGE	SEE DIAG	THIS PLAN
	PIPELINE AND ANCILLARY PURPOSES	SEE DIAG	THIS PLAN - SEC 136 WATER ACT 1989
			Land Benefited/In Favour Of
			LATROBE CITY COUNCIL CENTRAL GIPPSLAND REGION WATER CORPORATION
			LATROBE CITY COUNCIL CENTRAL GIPPSLAND REGION WATER CORPORATION
			LRS USE ONLY
			STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
			RECEIVED <input checked="" type="checkbox"/>
			DATE: 14/12/07
			LRS USE ONLY
			PLAN REGISTERED
			TIME 3:40 pm
			DATE 18/12/07
			<i>AL JH</i> Assistant Registrar of Titles
			SHEET 1 OF 3 SHEETS
			RECEIVED
			DATE 16 APR 2009
			COUNCIL DELEGATE SIGNATURE
 BEVERIDGE WILLIAMS & CO PTY LTD SURVEYORS ENGINEERS PLANNERS ENVIRONMENTAL CONSULTANTS 100 BUNN STREET MELBOURNE VIC 3001 PO BOX 1445 BALLARAT MAIN CENTRE VIC 3384 PO BOX 100 LEONGATHA VIC 3464 PO BOX 100 WYNDHAM VIC 3208		LICENSED SURVEYOR (PRINT) DEAN NORMAN SNEEDON SIGNATURE DATE 29 / 09 / 06 REF 8298-15 VERSION 2	

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 PO BOX 141 EDINGBATH VIC 3152
 PO BOX 121 WOODWARD VIC 3169
 PO BOX 104 TRARALGON VIC 3245

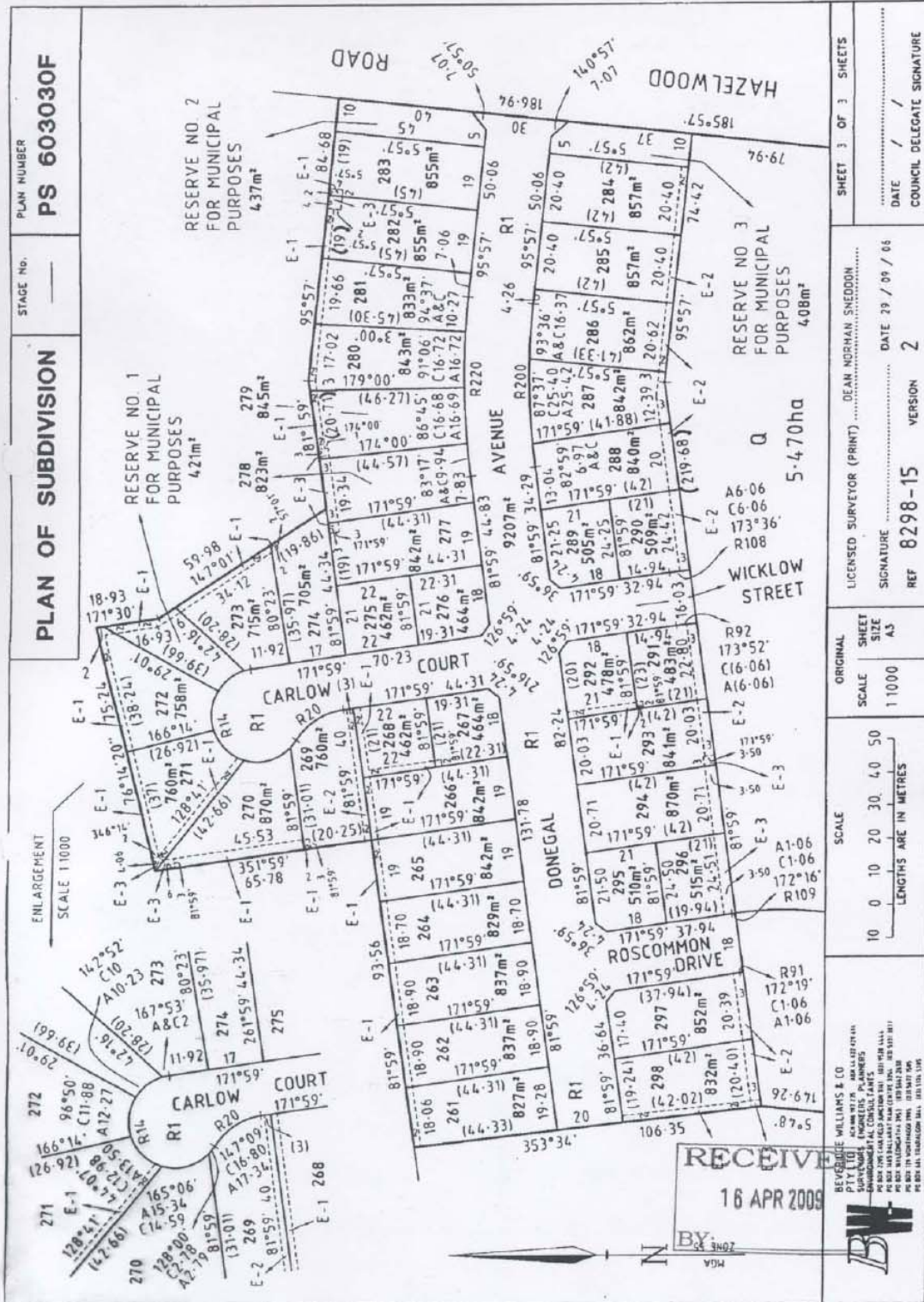


ORIGINAL SCALE SHEET SIZE
 1:1500 A3

LICENSED SURVEYOR (PRINT) DEAN NORMAN SNEEDDON
 SIGNATURE _____ DATE 29/09/06
 REF 8298-15 VERSION 2

SHEET 2 OF 3 SHEETS
RECEIVED
 DATE 16 APR 2009
 COUNCIL DELEGATE SIGNATURE

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PLAN OF SUBDIVISION
PS 603030F
STAGE NO. —
PLAN NUMBER

SHEET 3 OF 3 SHEETS
DATE / /
COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) DEAN NORMAN SHEDDEN
SIGNATURE
DATE 29 / 09 / 08
REF 8298-15 VERSION 2

ORIGINAL SCALE 1:1000
SHEET SIZE A3
LENGTHS ARE IN METRES
SCALE 10 0 10 20 30 40 50

RECEIVED
16 APR 2009
BY: ZION MIA
REYNOLDS WILLIAMS & CO
SURVEYORS, ENGINEERS, PLANNERS
ENVIRONMENTAL CONSULTANTS
100 WILSON ROAD, WILSON PROMENADE, MELBOURNE VIC 3008
PH: 03 9594 1100 FAX: 03 9594 1101
WEBSITE: WWW.RWCO.VIC.AU

ATTACHMENT 4 – CLAUSE 56 (RESCODE) ASSESSMENT

Clause 56 Objectives **SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE**
 Property address: 2 Roscommon Drive, TRARALGON
 Application Number: 2009/123
 Date of Assessment:
 Officer: Kristy Crawford
Land Area:

2 Lot Subdivision Applications Only – Residential 1 and Township Zones

Clause & Standard No.	OBJECTIVES	STANDARDS	COMMENTS
Clause 56.01	SITE CONTEXT DESCRIPTION & DESIGN RESPONSE Site and context description & design response Provision of details as listed in clause		A site and context description and design response have been provided with the application and are considered to meet the objectives of this standard.
Clause 56.02	POLICY IMPLEMENTATION		SATISFACTORY
C1	Strategic implementation objective Not required		
Clause 56.03	LIVABLE AND SUSTAINABLE COMMUNITIES		
C2	Compact and Walkable neighbourhoods objective Not required		
C3	Activity Centre objective Not required		
C4	Planning for Community facilities objective Not required		
C5	Built Environment objective Not required		

<p>C6</p>	<p>Neighbourhood character objective</p>	<p>To design subdivisions that respond to neighbourhood character.</p>	<p>Subdivision should:</p> <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>The Latrobe Planning Scheme (the Scheme) does not contain any relevant neighbourhood character objectives, policies or statements.</p> <p>No neighbourhood character study is in place for the area, so the application must be assessed against what exists.</p> <p>The subject site is located in a developing, evolving residential estate. Surrounding development consists primarily of single storey detached dwellings of a contemporary architectural style. Building materials generally consist of either face brick or rendered finishes with colourbond or tiled roofs.</p> <p>Dwellings are oriented toward the street and setback distances vary. No front fence and minimalist landscaping is a common feature of the area.</p>
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				Lot sizes in close proximity to the area range from 350 – 870 m ² . Smaller lots are generally located on corner allotments and along Roscommon Drive.	SATISFACTORY
LOT DESIGN					
Clause 56.04					
C7	Lot Diversity and distribution objectives Not required				
C8	Lot area and building envelopes objective	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	<p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> • That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or • That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> • Contain a building envelope that is consistent with a development of the lot approved under this scheme, or • If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres. 	Each of the proposed lots are less than 500m ² . Building envelopes that are able to contain a rectangle measuring 10 metres by 15 metres have been depicted on each of the proposed lots.	SATISFACTORY

		<p>metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none">• The objectives of the relevant standards are met, and• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p>
--	--	---

C9	Solar orientation if lots objective	To provide good solar orientation of lots and solar access for future dwellings.	<p>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</p> <ul style="list-style-type: none"> The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. Existing or proposed easements on lots. Significant vegetation and site features. <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 	<p>Each of the proposed lots have appropriate dimensions and orientation to facilitate solar efficient dwelling design. The proposed design is consistent with the objectives of this Standard.</p>	SATISFACTORY
----	-------------------------------------	--	---	---	---------------------

			30 degrees east and 20 degrees west of north. <ul style="list-style-type: none"> Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	
C10	Street orientation objective Not required			
C11	Common area objectives	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.	An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	No common area is proposed. SATISFACTORY
Clause 56.05			URBAN LANDSCAPE	
C12	Integrated urban landscape objectives Not required			
C13	Public open space provision objectives Not required			
Clause 56.06			ACCESS AND MOBILITY MANAGEMENT	
C14	Integrated mobility objectives Not required			

C15	Walking and cycling network objectives Not required			
C16	Public transport network objectives Not required			
C17	Neighbourhood street network objective Not required			
C18	Walking and cycling network detail objective Not required			
C19	Public Transport network detail objectives Not required			
C20	Neighbourhood street network detail objective Not required			
C21	Lot access objective	To provide for safe vehicle access between roads and lots.	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority. See Table C1</p>	<p>Access to each lot is to be gained via its respective street frontage.</p> <p>Two new 3 metre wide crossovers will be established to service each lot to the satisfaction of the Responsible Authority.</p> <p>SATISFACTORY</p>

Clause 56.07		INTEGRATED WATER MANAGEMENT			
C22	Drinking Water supply objectives	To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	Each of the proposed lots are to be serviced by a reticulated water supply in accordance with the requirements of Gippsland Water.	SATISFACTORY
C23	Reused and recycled water objective	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	A reused and recycled water supply system is not proposed in the locality at this stage.	SATISFACTORY
C24	Waste water management objective	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be</p>	Each lot will be serviced by reticulated sewerage in accordance with the requirements of Gippsland Water.	SATISFACTORY

<p>C25</p>	<p>Urban run-off management objectives</p>	<p>To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>provided to the boundary of all lots in the subdivision where required by the relevant water authority. The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space</p>	<p>Site drainage plans will be submitted to Council's Coordinator Project Services for approval. Once this plan has been approved, it will be endorsed and form part of permit. SATISFACTORY</p>
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			<p>networks and landscape design. For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage 	
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			<p>to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</p> <ul style="list-style-type: none"> • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
<p>Clause 56.08 C26 Site management objectives</p>		<p>SITE MANAGEMENT</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. 	<p>Litter and construction waste is to be contained within the site and removed and disposed of in an appropriate manner.</p> <p>SATISFACTORY</p>

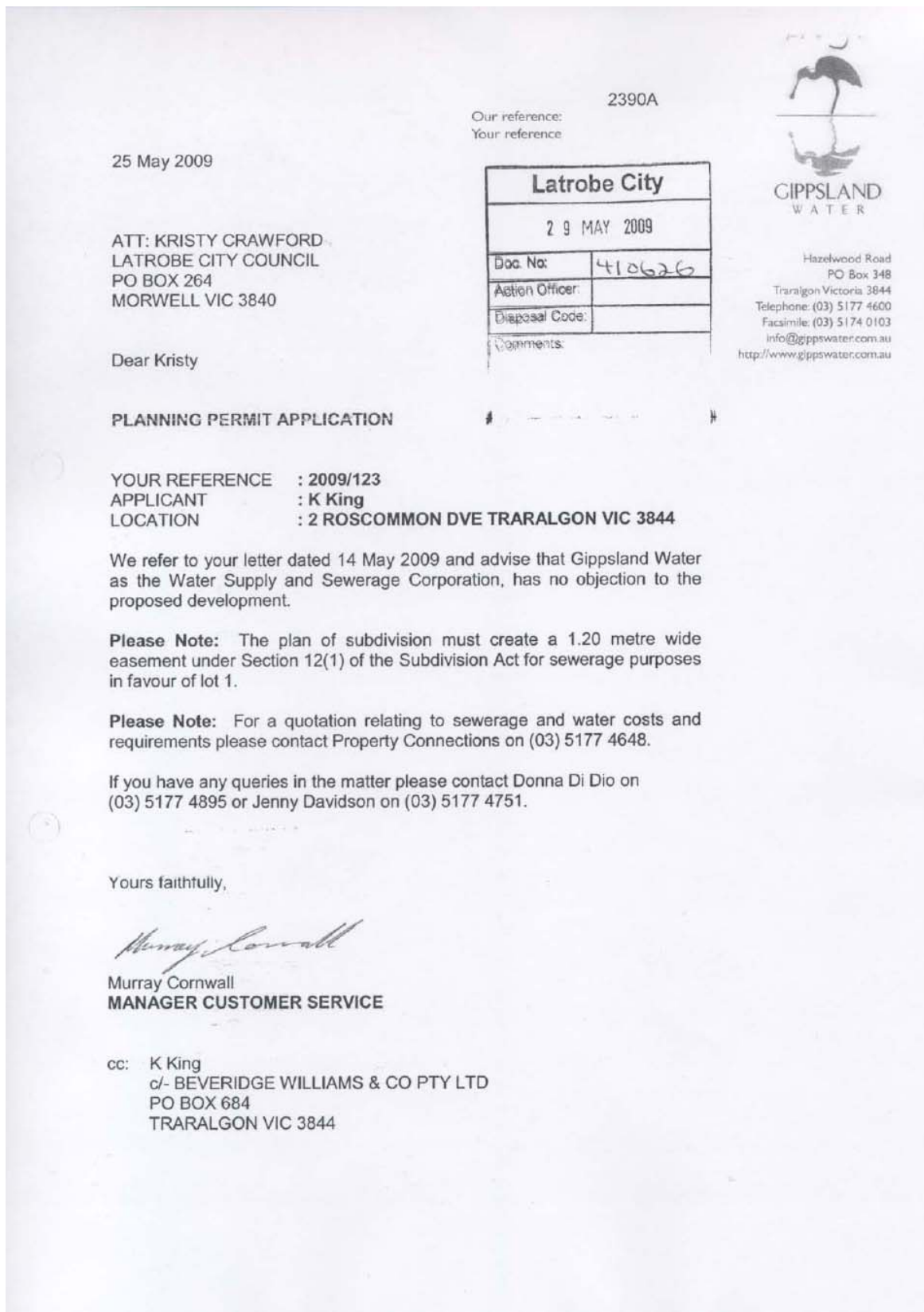
	<p>environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	
<p>Clause 56.09 C27</p> <p>Shared trenching objective</p>	<p>To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.</p>	<p>UTILITIES Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Reticulated services are already provided to the area. However, a new sewer connection will be required along the western boundary. A new water tapping and meter will also require installation to the requirements of Gippsland Water.</p> <p>SATISFACTORY</p>
<p>C28</p> <p>Electricity, telecommunications and gas objectives</p>	<p>To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p>	<p>Reticulated electricity, telecommunications and gas will all be provided to each of the proposed lots in accordance with the requirements of the respective authorities.</p> <p>SATISFACTORY</p>

			<p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	
C29	Fire hydrants objective Not required			
C30	Public lighting objective Not required			

Krawford

KRISTY CRAWFORD
Statutory Planner
13 May 2009

ATTACHMENT 5 – REFERRAL RESPONSES



ATTACHMENT 6 – SUBMISSIONS IN THE FORM OF OBJECTIONS

The responsible authority.

A notice of application has been received at our residence at 24 Donegal Avenue Traralgon regarding an application for a two lot subdivision, the address of which is 2 Roscommon drive Traralgon.

This address is misleading in that the allotment abuts Donegal Avenue and is directly opposite our allotment.

The Erin park estate has had many building applications approved for smaller dwellings and is starting to be reflected as lower cost housing, this is effecting the amenity of the estate and continually approving applications as requested here further diminishes the appeal and liveability of this area.

Just in Donegal there are already a number of smaller stand alone dwellings along with several units and this would further drive down the value of the area.

The streets are narrow and setbacks applied to dwellings(which no doubt comply) are to close to the roads, this forces residents to park on nature strips or overhang vehicles on foot paths, this is further complicated by the number of rental properties in the area who have little regard to the presentation of the properties.

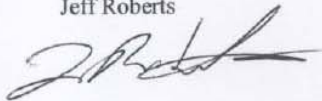
The high level of these dwelling type approvals needs to be arrested at an application level.

The approvals should be granted for permanent residency only, council take no responsibility for the presentation of these estates and this area in particular although new is declining by the very lack of accountability in design and decision making criteria.

Given a number of effected sites are rentals no objections will be lodged, further exacerbating the lack of controls in the final decision process.

I look forward to a more balanced approach to the Latrobe city councils thorough evaluation of this current application and sincerely hope that the amenity of the Erin park estate does not and is not allowed to continually be eroded by the current practice.

Best regards,
Jeff Roberts



22/5/09

Latrobe City	
25 MAY 2009	
Doc. No:	408912
Action Officer:	
Disposal Code:	
Comments:	

Trent Roodenrys
23 Donegal Ave
TRARALGON VIC 3844
Ph: 0406 122 516

Responsible Authority
Latrobe City Council
PO BOX 264
MORWELL VIC 3840

Re Reference Number 2009/123

Monday June 1st 2009

Re To Whom It May Concern

I make reference to the letter received by myself Wednesday 20th May 2009 regarding Two (2) Subdivision.

I am writing to formally object to the proposed subdivision .

On the original developer's plans, Erin Park Estate had only a small minority of blocks available for Townhouse/Unit Development. This was the main reason why I chose to invest and build in "family friendly" Erin Park Estate. As time goes on, the number of Townhouse/Unit developments is increasing as well as a number of issues arising from these Townhouses/Unit's.

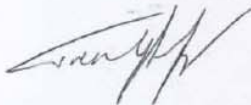
The Estate has insufficient parking – the roads are not wide enough to allow cars to park (on the road) outside houses without causing a delays in traffic. People are forced to park on Nature Strips to prevent these delays from occurring. Additional Townhouses/Units will only increase an already occurring parking problem.

Townhouses/Units are mainly built for investment. These such investments will cause an increase in residents in the Estate. Additional residents mean increased traffic. Increased traffic means an increase in noise and air pollution. With the council not providing any immediate public transport options, I only envision this traffic/parking issue to deteriorate

Building Townhouses/Units will also affect the amount of natural light to my property. I have designed my house to make the most of the natural sunlight – Townhouses/Units will block the majority of this light, leaving my house dark and free of natural sunlight.

I am also concerned the existing Stormwater system will not cope with the additional Storm/Waste water caused from additional properties in the estate. If the Stormwater system has to be modified to cope with the additional demands, this would again be an inconvenience to me without a doubt the water supply would have to be turned off in order to have any modifications to the Storm/Waste Water system.

I look forward to hearing councils reply in writing.



TRENT ROODENRYS

Latrobe City	
- 2 JUN 2009	
Doc. No:	411590
Action Officer:	
Discose Code:	

Latrobe City	
- 3 JUN 2009	
Doc. No:	412038
Action Officer:	
Disposal Code:	
Comments:	

Rae Cloak
155A Kay Street
Traralgon 3844

Latrobe City Council
PO Box 264
MORWELL 3840

I wish to object to the planning permit application ref 2009/123 applicable to 2 Roscommon Drive, Traralgon.

I purchased my block of land at 263 Donegal Ave. from the plan of subdivision in July 2007. The plan of subdivision had blocks of varying sizes to accommodate a diverse range of options. An appropriate number of lots were included on the plan of subdivision to provide options for town houses and smaller dwellings.

I intentionally purchased the block of land at Lot 263 Donegal Ave. after giving consideration to the size of surrounding blocks, believing this would provide a degree of protection and governance to the type of dwelling that would be built in the vicinity that I had chosen to build my retirement home.

The applicant K. E. King is now wishing to subdivide an 852m square block of land into two lots, which are significantly smaller than other town house size blocks in the subdivision. I believe the purchaser of this lot should have considered their future intentions more carefully at the time of purchase and looked at lots which were planned to accommodate the type of dwelling they wished to build. Is it that purchasing an almost large enough lot and subdividing is a far more cost effective method of getting around the initial intentions of the subdivision planning process, than purchasing two blocks which were allocated to this type of construction? The purchase price for 2 Roscommon was listed at \$90,000 where the Lots across the road of 510 and 515 square meters were listed for sale at \$76,000 each.

I object to the council granting this permit on the following basis:

- Detracts from the amenity and value of neighbouring properties
- Adversely affects the enjoyment of those who purchased adjoining properties for the amenity they provided
- The proposed subdivision of the lot creates two significantly smaller lots than others in the subdivision
- The proposed subdivision creates two small lots which will not provide adequate off street parking, further adversely impacting neighbourhood amenity, causing congestion and traffic hazard.
- The granting of this permit would make a mockery of the planning processes undertaken in the development of the subdivision to ensure a diverse range of options were provided with consideration to the amenity of the entire subdivision.

I trust council will give due consideration to my objection in their consideration of this permit application.

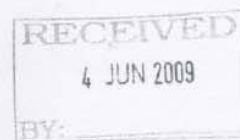
Please note the covering letter from the applicant is contradictory, in that it states the application is for a two lot subdivision and in the text in first paragraph it states the application is for a three lot subdivision, although plans submitted indicate a two lot subdivision.

The photo's included in the application of the streetscape are also very out dated and barely recognisable, considerable construction has been completed or is under way which alters the streetscape view significantly.

Yours sincerely


Rae Cloak

2/6/09



ATTACHMENT 7 – APPLICANT’S RESPONSE TO OBJECTIONS

BEVERIDGE WILLIAMS
Incorporating Kluge Jackson Consultants

OUR REFERENCE 11554
RETURN OFFICE TRARALGON

18 June, 2009

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

Attention: *Kristy Crawford – Statutory Planner*

Dear Kristy,

**RE: APPLICATION PLANNING PERMIT NO. 2009/123
TWO LOT SUBDIVISION
2 ROSCOMMON DRIVE, TRARALGON**

We refer to the above application and thank you for providing a copy of the three objections received from R Cloak, T Roodenrys and J Roberts.

We wish to take this opportunity to make the following comments in response to the matters raised in the objections.

- **Inaccuracy in covering letter and photographs submitted with application documentation**

The reference to 'three lot subdivision' in our covering letter to Council is simply a typographical error. As stated in the Application for Planning Permit form, the proposed plan of subdivision and town planning report, the proposal is for a *two lot subdivision*.

The photographs contained in our town planning report were taken at the end of March 2009, one week prior to lodgment of the planning permit application with Council. Obviously in a developing residential estate, there will be some alteration to the streetscape during the application assessment process.

The correct street address of the property is 2 Roscommon Drive, although the site also has an abuttal to Donegal Avenue. Hence, the public notices provided by Council referred to the Roscommon Drive street address. There should not have been any confusion regarding the location of the site, given that an A3 public notice sign was placed on the property during the public advertising period.
- **Size of allotments**

The objectors claim that the allotments are smaller than others within the surrounding Erin Park estate. This is incorrect. Within 200 metres of the site, there are numerous existing allotments of similar size:

 - Four lots at the intersections of Carlow Court and Wicklow Court, ranging between 462m² and 509m²;

*plw-17.6.09
Kristy*

BW

Latrobe City
19 JUN 2009
Doc. No: L47077
Action Officer:
Disposal Code:
Comments:

**BEVERIDGE WILLIAMS
& CO PTY LTD**
ACN 006 197 235
ABN 44 622 029 694
SURVEYORS
PLANNERS
ENGINEERS
ENVIRONMENTAL
CONSULTANTS
PROJECT MANAGERS

MELBOURNE
SUITE 6/115 HAWTHORN ROAD
CAULFIELD NORTH VIC 3161
PO BOX 2205
CAULFIELD JUNCTION VIC 3161
TELEPHONE (03) 9528 4444
FACSIMILE (03) 9528 4477

LEONGATHA
52A BAIR STREET
PO BOX 161
LEONGATHA VIC 3953
TELEPHONE (03) 5662 2630
FACSIMILE (03) 5662 3578

WONTHAGGI
134 GRAHAM STREET
PO BOX 129
WONTHAGGI VIC 3995
TELEPHONE (03) 5672 1505
FACSIMILE (03) 5672 1642

BALLARAT
96-98 MAIN ROAD BALLARAT
PO BOX 1465
BAKERY HILL VIC 3354
TELEPHONE (03) 5327 2000
FACSIMILE (03) 5327 2099

TRARALGON
18 HOTHAM STREET
PO BOX 684
TRARALGON VIC 3844
TELEPHONE (03) 5176 0374
FACSIMILE (03) 5176 0631

SALE
45 MACALISTER STREET
PO BOX 47
SALE VIC 3850
TELEPHONE (03) 5144 3877
FACSIMILE (03) 5144 6591

Quality System
Quality Endorsed Company
ISO 9001 Lic 3079
Beveridge Australia
Melbourne Office

- Two lots at the intersection of Roscommon Drive and Donegal Avenue, being 510m² and 515m².
- Twenty-seven lots in Roscommon Drive and Kilkenny Close, ranging between 345m² and 525m².
- Two lots at the intersection of Donegal Avenue and Sligo Court, being 343m² and 423m².

These allotments have been created in response to a significant demand from purchasers for smaller, low maintenance properties. This demand is occurring in all of Traralgon's developing residential estates where no restrictive covenants exist which prohibit further subdivision of land. Furthermore, the creation of such allotments is strongly supported by Council's existing land use planning policies which seek to maintain housing affordability, manage population growth and make more efficient usage of existing infrastructure.

▪ **Loss of privacy and access to sunlight**

Any future dwellings (either single or double storey) on the proposed allotments must be designed to comply with the relevant standards of ResCode, which are enforced via the Victorian Building Regulations. These standards ensure that the amenity of adjacent dwellings is maintained (eg. access to sunlight, protection from overlooking and overshadowing).

▪ **On-street parking and traffic congestion**

There is no evidence to suggest that the creation of one additional allotment will result in parking congestion within Roscommon Drive or Donegal Avenue. Both of these roads have been designed to comply with Latrobe City Council's standards for residential subdivisions. Furthermore, we note that there are no restrictions which would preclude the parking of vehicles in either street, if required.

As stated previously, any future dwellings on the site will need to be designed to comply with the relevant standards of ResCode, which includes adequate provision of on-site car parking based on the number of bedrooms within the dwelling.

▪ **Noise and vehicle pollution**

Both Roscommon Drive and Donegal Avenue are sealed roads with adequate capacity to accommodate the anticipated additional traffic movements generated by the future development of a single dwelling on each proposed allotment. Based on the accepted standard of 10 vehicle movements per dwelling per day, the proposal is expected to generate an additional 20 vehicle movements within these streets on a daily basis (10 more vehicle movements than would be generated by one dwelling on the existing allotment). The impact of this number of additional vehicle movements is not considered significant.

Vehicle speeds within these streets are expected to be low and there is an onus on drivers to take due care when reversing out of driveways, to minimise any potential traffic impacts.

Any noise associated with the subdivision and future dwellings is expected to be within levels acceptable for a residential area. Noise and vehicle pollution above acceptable levels is regulated by the Environment Protection Authority.

18 AUG 2009

- **Property devaluation**

No evidence has been presented to demonstrate that the proposal will impact property values and is therefore not a relevant town planning consideration.

- **Usage of dwellings**

The future usage of dwellings by either owner-occupiers or tenants is not a relevant town planning consideration and cannot be controlled by Council. Erin Park estate is a residential estate which needs to provide a range of housing options for a variety of household types and sizes. Council cannot discriminate against persons who choose to rent a dwelling or require a smaller, low maintenance property which better suits their particular household requirements.

- **Stormwater/Waste Water**

The existing underground stormwater system and reticulated wastewater system servicing the Erin Park estate can adequately cater for the creation of one additional allotment. This was thoroughly investigated by our office prior to lodgment of the planning permit application with Council. The existing water supply will not need to be turned off in order to connect the additional allotment to the existing stormwater/sewerage system.

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 and therefore her preference is for the matter to be reported to the next available Council meeting for a decision.

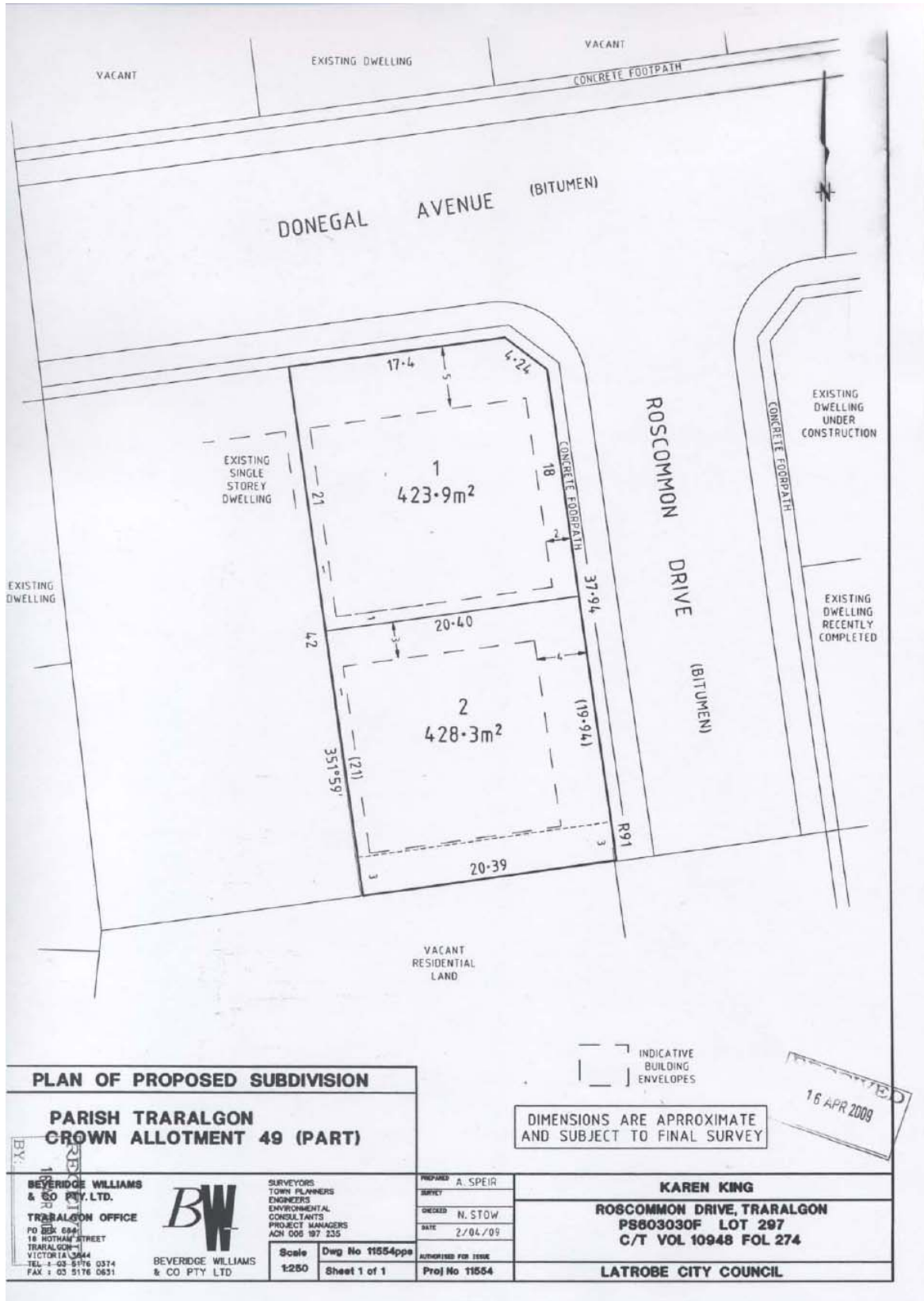
Should you require any further information, please do not hesitate to contact the writer at the Traralgon office.

BEVERIDGE WILLIAMS & CO PTY LTD


NICOLE STOW
Senior Town Planner

19 JUN 2009

ATTACHMENT 8 – PROPOSED PLAN OF SUBDIVISION



**11.3.8 SPECIAL CHARGE SCHEME PROPOSAL FOR THE SEALING OF
GODRIDGE ROAD, MORWELL**

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

1. PURPOSE

The purpose of this report is to seek Council approval to give notice of Intention to Declare a Special Charge Scheme for the construction of a sealed roadway in Godridge Road, Morwell in accordance with Section 163 of the *Local Government Act, 1989* and Council Policy, 09 POL-2 Contributory Scheme Policy.

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 – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

Ensure integration of roads, bike paths, footpaths and public transport options.

Policy – Contributory Scheme Policy 09 POL-2

This policy is to ensure an equitable and consistent approach is used to implement, administer and deliver Special Charge Schemes under Section 163 of the Local Government Act 1989.

4. BACKGROUND

Godridge Road is an unsealed road providing access to several Industrial 3 Zone properties on the south side and Mixed Use Zone properties on the north side and is in close proximity to residential properties in Catherine Street.

Godridge Road is listed as a “Limited Access Road” on Council’s Register of Public Roads in the Road Management Plan.

A petition to seal Godridge Road was originally tabled at the Council Meeting held on 20 March 2006.

After a series of meetings and correspondence with property owners the final preferred option was to construct a 4.0m wide asphalt seal on a 5.0m wide industrial strength road pavement, 450mm deep, without kerbs or pipe drainage. It was considered impractical to apply kerbs to this option as the kerbs would have to be removed if the road pavement was widened in the future to provide for any future developments. The estimated cost of this option is \$100,000.

A copy of the concept plan is attached with this report.

The following resolution was adopted by Council on 19 February 2007:

1. *That Council agrees in principle to construct Godridge Road, Morwell to a standard that includes a 4.0m wide asphalt seal on a 5.0m wide crushed rock road pavement, 450mm deep (Option 2) as shown on attached drawing number R510657.*
2. *That Council agrees in principle to levy a fixed amount of \$5,000 per property title as an owner contribution to a Special Charge Scheme for the sealing of Godridge Road, Morwell.*
3. *That Council’s estimated contribution of \$56,000 for the sealing of Godridge Road, Morwell be referred to the 2007-08 Budget process for further consideration.*

4. *That subject to Council securing funding in the 2007- 08 Budget and a majority of support from property owners, Council proceeds to the next Stage of preparing a Special Charge Scheme for the sealing of Godridge Road in accordance with Council policy No. GEN-CM&D 10 Contributory Scheme Policy.*

Following Council's decision on 19 February 2007, property owners were advised in writing and requested to complete an opinion form seeking feedback in relation to the proposed construction standard as well as the proposed \$5,000 fixed contribution per property title. The result of this feedback is discussed in Section 5 of this report.

A report to Council on 4 June 2007 informed Council of the outcomes of Stage 1 of the Contributory Scheme Policy consultative process and the following resolution was adopted by Council:

1. *That Council agrees to construct Godridge Road, Morwell to a standard that includes a 4.0m wide asphalt seal on a 5.0m wide crushed rock road pavement, 450mm deep as shown on attached drawing number R510657.*
2. *That Council agrees to levy a fixed amount of \$5,000 per property title as an owner contribution to a Special Charge Scheme for the sealing of Godridge Road, Morwell.*
3. *That Council's estimated contribution of \$56,000 for the sealing of Godridge Road, Morwell be referred to the 2008-09 Budget process for further consideration.*
4. *That subject to Council securing funding in the 2008-09 Budget, Council proceeds to Stage 2 of the preparation of a Special Charge Scheme for the sealing of Godridge Road, Morwell in accordance with Council policy No. GEN-CM&D 10 Contributory Scheme Policy.*
5. *That the property owners in Godridge Road, Morwell be advised of Council's decision in relation to a Special Charge Scheme.*

Funding for this project was not included in the 2008-09 budget but is now allocated in the 2009-2010 Budget.

5. **ISSUES**

Property owners have participated in meetings and have been kept informed of Council's decisions throughout the Stage 1 consultation process in accordance with Council's Contributory Scheme Policy 09 POL-2.

A total of nine privately owned properties are liable to be included in a Special Charge Scheme. The nine properties are owned by five separate parties. Three of the five property owners were strongly supportive of the proposal and two owners were strongly opposed. Taking into account multiple property ownership, the equivalent of 7 out of nine property owners are in favour of the proposed design standard as well as contributing a fixed sum of \$5,000 per title.

It has been deemed that the property owners with direct access to Godridge Road will receive special benefit from the sealing work in the form of an improved road surface and property access. It is therefore considered to be appropriate for Council to proceed with a Special Charge Scheme.

If Council agrees to proceed with a Special Charge Scheme for the sealing of Godridge Road the next step in the process is to commence Stage 2 of the public consultation procedure set down in Appendix 2 of the Contributory Scheme Policy 09 POL-2. a copy of this policy is included as an attachment to this report.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The estimated cost to seal Godridge Road is \$100,000. Council has allocated an amount of \$101,000 in the 2009-10 Capital Works Budget which includes the total owner contribution of \$45,000.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Property owners meetings were held on 27 July 2006 and 17 October 2006. This was followed up by written communication including an opportunity to express written opinions on all aspects of the proposal.

A copy of the concept plan was on display at Council Service Centres for a period of two weeks during this time as required by the Policy's initial consultative process. No public comment was received during this two week period.

Details of Community Consultation / Results of Engagement:

During the community consultation process all property owners were provided the opportunity to express their views in relation to the proposed Special Charge Scheme and a majority of owners have indicated their willingness to enter into a Special Charge Scheme and contribute \$5,000 per property title towards the cost of the proposed works.

8. OPTIONS

The following options are available to Council:

1. Proceed with the Contributory Scheme Policy public consultation process Stage 2 – *Statutory Procedure under the Local Government Act 1989*.
2. Take no further action.

9. CONCLUSION

Following an extensive consultation period there is a demonstrated support from a majority of owners to proceed to the next stage of preparing a Special Charge Scheme to seal Godridge Road.

Council has provided funds in the 2009-10 Capital Works Budget for the sealing of Godridge Road.

10. RECOMMENDATION

1. **That in accordance with section 163 of the *Local Government Act 1989*:**
 - (a) **Council declares its intention to levy a Special Charge Scheme at the Ordinary Council Meeting on 2 November 2009 for defraying expenses for the construction of a sealed roadway in Godridge Road, Morwell; and**
 - (b) **Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and**
 - (c) **Council notifies persons liable to pay the special charge by sending a notice.**
2. **That Council, in accordance with section 223 of the *Local Government Act 1989*:**

- (a) Appoints a Committee consisting of the Ward Councillor and two other councillors to hear and consider any submissions received in relation to the declaration of its intention to levy a special charge scheme to seal Godridge Road, Morwell; and**
- (b) Fixes the date for the hearing of submissions in relation to the proposed Special Charge Scheme to seal Godridge Road, Morwell, to be 30 September 2009.**

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That Council appoints the Mayor and Councillor Middlemiss to the Committee to hear and consider any submissions received in relation to the declaration of its intention to levy a special charge scheme to seal Godridge Road, Morwell.

CARRIED UNANIMOUSLY

ATTACHMENT



GODRIDGE ROAD, MORWELL

11.3.9 YALLOURN COAL FIELD RE-ALIGNMENT PROJECT

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

1. PURPOSE

The purpose of this report is to determine Council's position in response to the Yallourn Coal Field Re-alignment Project Environment Report.

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 – Natural Environment Sustainability

By responsibly managing the natural environment, to ensure its sustainability and diversity for the community

Community Outcome – Built Environment Sustainability

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

Strategic Action

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

Legislation

The following legislation is applicable to this Council Report:

- *Environment Effects Act 1978*;
- *Mineral Resources (Sustainable Development) Act 1990*;
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
- *Planning and Environment Act 1987*.

4. BACKGROUND

TRUenergy Yallourn Pty Ltd owns and operates the Yallourn W Power Station and the adjacent brown coal mine, situated to the north-west of the Morwell township.

TRUenergy Yallourn has a current works approval to mine Maryvale Coal Field up to the year 2032 within existing mining licence areas (mining licence 5003). Works approval for the Maryvale Coal Field, including the alignment of the mine, was granted in March 2002 following an Environmental Effects Statement (EES) process.

TRUenergy Yallourn is currently seeking approval to alter the alignment of the previously approved Maryvale Coal Field, to bring it approximately 750m closer to Latrobe Road but removing some of the southern portion of the coal field alignment (refer to Attachment 1). The proposed re-alignment if approved will result in the reduction in overburden removal of approximately 14 million cubic metres, to access the same amount of coal in the Maryvale Coal Field.

The two main components of the re-alignment project include:

- A re-alignment of the shape of the Maryvale Coal Field along its south east boundary and excavating the upper reaches of the Morwell West Drain, within Mining Licence 5003.
- Diversion of the Morwell West Drain to the southern end of Maryvale across land owned by TRUenergy Yallourn, and within Mining Licences 5216 and 5304.

The *Mineral Resources (Sustainable Development) Act 1990 (MRSD Act)* requires that the public be given an opportunity to comment on potential environmental impacts of a proposed mine, prior to approval being considered. Public comment may be obtained either via an Environmental Effects Statement (EES) process, or through a formal exhibition process as is the case for this re-alignment.

In June 2008, TRUenergy Yallourn applied to the Minister for Planning for exemption from an EES for this re-alignment, on the basis that all environmental impacts were assessed during the 1999 Maryvale Field EES and 2001 Supplementary EES processes. Council was advised of this application as an interested party and submitted to Department of Planning and Community Development (DPCD) that there were deficiencies and inaccuracies in TRUenergy's application. Of particular note was the assertion that the re-alignment would move the mine further away from the Morwell township. Council submitted that the re-alignment moved the mine closer to the Morwell township and questioned the extent and shape of the current approved mine.

As a result of Council's submission, a revised application for EES exemption was made to the Minister for Planning in September 2008. Council was given a further opportunity to comment and requested that an EES process be conducted on three grounds:

1. The project was inconsistent with applicable policy, including the provisions of the Latrobe Planning Scheme, State Planning Policy Framework, Local Planning Policy Framework and Zone provisions. In particular, the proposed excavation was only 900m from the Residential 1 zoned land, and therefore did not meet the 1000 metres buffer provisions as described in Clause 22.02 of the Latrobe Planning Scheme or the objectives contained in Clause 17.08-3. In addition, the Special Use Zone (SUZ1) requires a permit to mine when the top of the excavation is less than 1000m from a residential zone.
2. The potential for significant environmental effects on individuals and the likelihood of adverse effects of the associated uncertainty of available noise and dust modelling predictions.
This project proposes to change the shape of the mine, bringing it closer to Latrobe Road, existing Rural Residential uses and Residential 1 zoned land in Morwell. There is increased potential for noise and dust impacts on sensitive uses to the east of Latrobe Road.
3. The likely level of public interest in the proposed project.

As a result of Amendment C48 to the Latrobe Planning Scheme (Morwell North West Development Plan Overlay) and the subsequent informal consultation conducted by TRUenergy regarding the mine re-alignment, Council has received a number of submissions from concerned residents regarding the proximity of TRUenergy's future mining operations.

Council's previous submission to DPCD concluded that given the high level of public interest, the public should be given an opportunity to comment on this project, either via an EES process, notification as part of a permit process or via the preparation and exhibition of a separate report.

On 7 January 2009, the Minister for Planning advised that an EES is not required for the re-alignment proposal, subject to TRUenergy preparing an environment report and seeking public comment on this report.

Council was advised on 1 June 2009 that the Environment Report for the Yallourn mine re-alignment was to be exhibited from 4 June 2009 to 3 July 2009. It is noted that this environment report now alters the mine plan to ensure 1000 metres distance from the edge of the mine to the Residential 1 zoned land and the Morwell township boundary.

5. **ISSUES**

Environmental and Social Impact

This project proposes to change the re-alignment of the coal field, bringing it closer to Latrobe Road, existing Rural Residential uses and Residential 1 zoned land in Morwell. There is increased potential for noise and dust impacts on sensitive uses to the east of Latrobe Road.

Noise and dust modelling in the original and supplementary EES processes is based on the previous mine shape and makes predictions to the year 2020. The subsequent registered work plan gives detail about the mine to the year 2020 only and does not provide full detail to the year 2032. The mine stage plan labelled as "Yallourn Mine Approximate Location of Faces as at end June 2020", dated 22 August 2001, shows both the Overburden Face (OB) and Over height Face (OH) of the mine located north of Old Melbourne Road, being some 2000m away from Residential 1 zoned land. It was therefore submitted that the information used in the previous EES processes is insufficient to provide confidence that there is no potential for significant adverse effects for the new mine shape to the year 2032.

Further information was provided by TRUenergy in the application. It is considered that the dust and noise modelling reports submitted as attachments to the August 2008 version of the EES referral document also do not provide information about the mine to the year 2032. The Bassett Environmental Noise Assessment report dated 21 December 2007, provides specific noise modelling results for the years 2020 and 2024, concluding that for the year 2020 scenario under 'worst case' atmospheric conditions, the predicted noise level is only just compliant with the criterion. Likewise, the CAMM September 2007 Air Quality Impact Assessment Study only provides modelling to the year 2024.

In a Latrobe City Council letter to TRUenergy dated 24 September 2008, Council questioned whether both the modelling completed for EES/Supplementary EES process and the modelling completed for the new mine shape provide sufficient information to assess the environmental impact of mining to the year 2032. Activity in the mine between the years 2024 and 2032 is particularly important from an impact perspective, as this is the stage of the mine that is proposed to be closest to the Residential 1 zoned land.

The environment report submitted only provides impact modelling to the year 2024 and therefore does not provide sufficient information to approve a mine that would supply coal post this time. It is suggested that the mine plan may need to be varied to a shape that reflects the mining of coal to 2024 only.

Further, the screening mounds proposed to be developed between the mine and Latrobe Road, for the purposes of controlling dust, noise and visual amenity are proposed to be reduced in size in comparison to the approved works plan (based on the 2001 EES for Maryvale mine). It is considered that this will, in practice, increase the impacts on sensitive uses to the east of Latrobe Road. As the proposed re-alignment will bring the mine closer to Latrobe Road, there is insufficient room to construct the screening mounds to the same extent as was proposed in the EES. It is suggested that this is a substantial change to the plans approved as a result of the 2001 Supplementary EES process.

Latrobe City Council has engaged suitably qualified Consultants to undertake a technical evaluation of the available documents to assist Council in considering the TRUenergy Yallourn Coal Field Re-alignment proposal in Morwell (refer to Attachment 1 *Latrobe City Council Submission to the Yallourn Mine Re-alignment Environment Report – July 2009*).

The technical evaluation has revealed a number of concerns with the re-alignment proposal that Council should bring to the attention of the Department of Planning and Community Development (DPCD), who will provide an assessment to the Minister for Energy and Resources. Most of these concerns relate to the methodology used in the studies to support the re-alignment proposal and the need for further work to be undertaken prior to the proposal being approved by the state government. These unresolved issues have the potential to have a negative environmental impact on sensitive uses in the Morwell township and surrounds.

Community Consultation

Amendment C48 to the Latrobe Planning Scheme introduces a Development Plan Overlay to the Residential 1 zoned land in the north-west area of the Morwell township. Several submissions from the community were made in response to this amendment, supporting the residential development at the same time as raising concerns about the potential proximity and impact of the Maryvale Field on the Residential 1 zoned land.

TRUenergy Yallourn lodged an objection to this amendment based on the proximity of the Residential 1 zoned land to their existing mining licences. Much of the time at the Amendment C48 Planning Panel hearing in May 2008 was spent discussing the potential impact of the Maryvale Field and interpreting the 1000m coal buffer policy (refer to Attachment 2). The level of interest in the coal buffer shown as part of this amendment demonstrates the magnitude of public interest in this project. The C48 planning panel makes strong comment regarding coal buffers and disagrees with TRUenergy's submission regarding buffer distances. The findings of the Planning Panel in Section 4 of the Latrobe Planning Scheme: Amendment C48 Morwell North West Development Plan Report of the Panel (13 June 2008) should be considered as an indication that there is a high level of public interest in this project.

Urban Coal Buffers

The proposed mine variation has been amended to respect the 1000 metres urban coal buffer that exists in the Latrobe Planning Scheme and Victorian Planning Provisions. This amendment was in response to Latrobe City Council's comments on EES referral documents in September 2008.

The proposed mine variation provides an opportunity for Council to reassert the importance of urban coal buffers in providing protection for townships from environmental and amenity impacts as a result of coal mining.

The proposed mine variation and diversion of the Morwell West drain also makes it apparent that the land contained in mining licence 5216 is not proposed to be mined over the next 25 years. It is therefore suggested that this mining licence could fall within the urban coal buffer in the same way that mining licence 5304 does, and that the urban coal buffer ESO1 could be moved northwards to wrap around mining licence 5003 (refer to Attachment 1, Figure 3). This change would not impact on existing or proposed mining activity within mining licence 5003, but would allow the Morwell town boundary to expand slightly to the west.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications arising from this report.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

As this is not a Latrobe City Council process, no direct consultation or engagement was undertaken in the development of this report. However, previous correspondence received in response to TRUenergy's informal consultation in November and December 2008 and technical advice from consultants has been used to inform Council's submission.

Details of Community Consultation / Results of Engagement:

The range of community views has been summarised in the submission. There is substantial opposition to the re-alignment of the mine from those residents and land owners east of Latrobe Road, Morwell, due to potential impacts of dust and noise.

The closing date for written submissions was originally 3 July 2009. However, Latrobe City Council has been granted an extension until 18 August 2009.

8. OPTIONS

Council has the following options:

1. Agree to submit to the Yallourn Mine Re-alignment Environment Report process, objecting to the re-alignment of the mine and requesting the mine plans be revised, in accordance with the document: *Latrobe City Council Submission to the Yallourn Mine Re-alignment Environment Report – July 2009*, attached to this report.
2. Not agree to make a submission to the Yallourn Mine Re-alignment Environment Report process.
3. Amend the document: *Latrobe City Council Submission to the Yallourn Mine Re-alignment Environment Report – July 2009*, and make a submission to the Yallourn Mine Re-alignment Environment Report process. This option would result in another request for an extension to the submission close date of 18 August 2009.

9. CONCLUSION

TRUenergy Yallourn seeks to vary the approved works plan for the Maryvale field mine, changing the shape of the mine and moving it approximately 750m closer to Latrobe Road, Morwell.

The Minister for Planning has determined that an Environmental Effects Statement process is not required but that an Environment Report be prepared and public comment sought on this report.

The Environment Report has been exhibited from 4 June 2009 to 3 July 2009. A technical evaluation of the proposal has revealed concerns that relate to the methodology used in the studies to support the re-alignment proposal and the need for further work to be undertaken prior to the proposal being approved by the state government. These unresolved issues have the potential to have a negative environmental impact on sensitive uses in the Morwell township and surrounds.

The mine variation proposal also provides an opportunity for Council to comment on the Urban Coal Buffer, ESO1. As the proposed re-alignment suggests that mining licence 5216 will be used solely for the Morwell West drain re-alignment, it is considered appropriate to request that the western section of the Morwell township buffer be moved northwards, over mining licence 5216 and wrapping around mining licence 5003.

10. RECOMMENDATION

- 1. That Council objects to the proposed re-alignment of the Yallourn Mine as described in the Yallourn Mine Re-alignment Environment Report June 2009, based on potential environmental impact for sensitive uses in the Morwell township and surrounds.**
- 2. That Council provides the submission *Latrobe City Council Submission to the Yallourn Mine Re-alignment Environment Report – July 2009* to the Yallourn Mine Re-alignment Environment Report process.**
- 3. That Council requests authorisation from the Minister for Planning to amend the Latrobe Planning Scheme Urban Coal Buffer ESO1 by moving the western portion of the Morwell township buffer north, so as to abut mining licence 5003.**

Cr Gibson left the Council Chamber at 8.37 pm due to an indirect interest under s.78 of the *Local Government Act 1989*

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr Gibson returned to the Council Chamber at 8.39 pm

ATTACHMENTS

**11.3.10 LATROBE PLANNING SCHEME AMENDMENT C62 (STAGE 3)
RECEIPT OF THE PLANNING PANEL REPORT**

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

1. PURPOSE

The purpose of this report is for Council to note the receipt of the Latrobe Planning Scheme Planning Panel Report for proposed Amendment C62 and to make the report available to the public.

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 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

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

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

A key priority and action of the Council Plan 2009-2013 is to:

Finalise stage three of the Planning Scheme (Municipal Strategic Statement) Review by implementing a planning scheme amendment.

4. **BACKGROUND**

Latrobe Planning Scheme Amendment C62 forms part of the Municipal Strategic Statement Review project and includes a new Municipal Strategic Statement (MSS).

The new MSS also reflects other adopted strategic studies including the Latrobe City Council Structure Plans for Churchill, Moe / Newborough, Morwell and Traralgon; Latrobe City Council Moe Activity Centre Plan; Latrobe City Council Churchill Town Centre Plan; Latrobe City Council Transit Centred Precinct Reports for Moe, Morwell and Traralgon; and the Latrobe City Council Natural Environment Sustainability Strategy.

MSS Review Project Stages

Stage 1	Planning Scheme Review	Completed, May 2008
Stage 2	Redrafting of new LPPF/MSS	Completed, September 2008
Stage 3	Public exhibition and Panel hearing / report	Underway, October 2008 – current

The MSS Review project consists of three stages. Stage one reviewed the strengths and weakness of the current Latrobe Planning Scheme and recommended changes to the scheme. Stage one resulted in the Latrobe Planning Scheme four yearly review report April 2008 which was adopted by Council at the Ordinary Council Meeting held on 5 May 2008. Stage one has been completed.

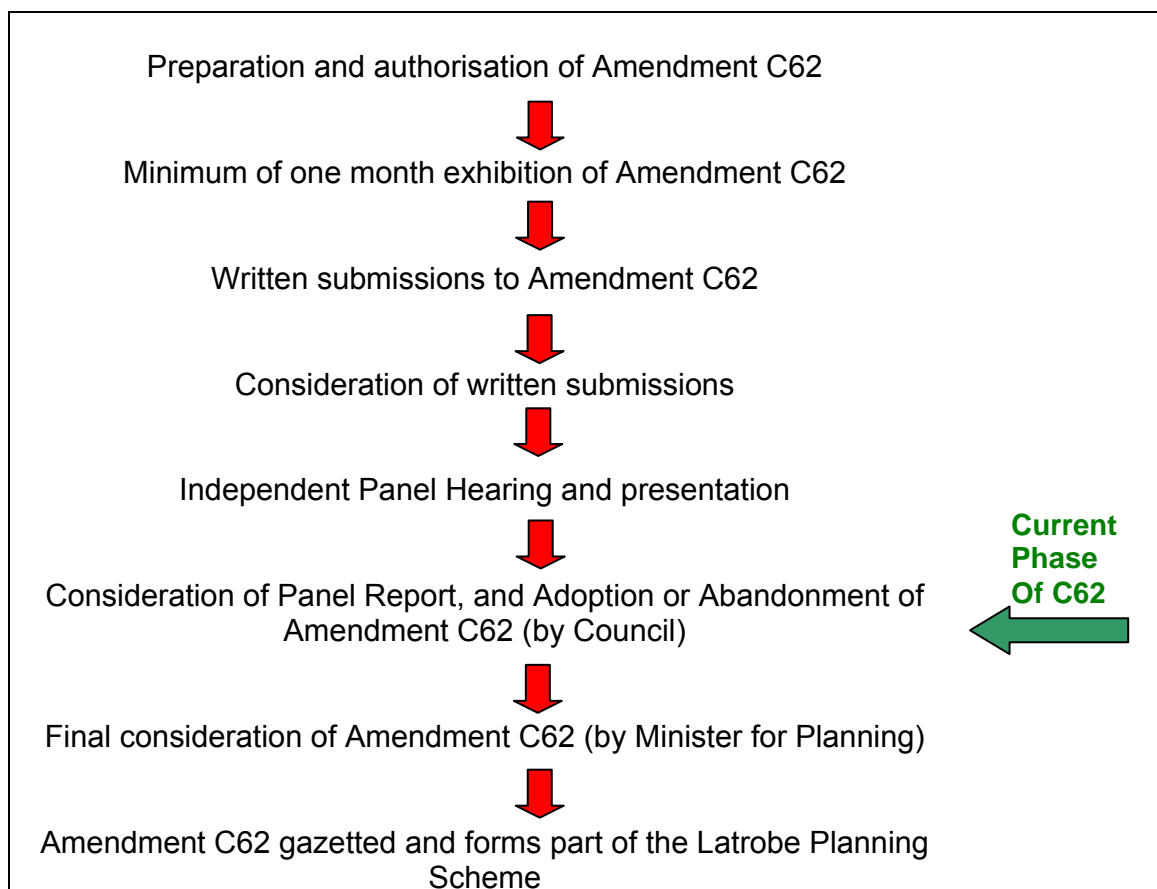
Stage two involved the technical drafting of the Local Planning Policy Framework (including the MSS). This included rewriting and updating the Local Planning Policy Framework in the Latrobe Planning Scheme to reflect Council's current adopted strategic work. The draft of the stage two MSS rewrite directly implemented some of the key recommendations of the stage one review report. The stage two MSS rewrite was endorsed by Council to be suitable for a request for Ministerial authorisation at the Ordinary Council Meeting held on 1 September 2008. Stage two has been completed.

Stage three is almost complete. Stage three includes the public exhibition of the redrafted Local Planning Policy Framework (including MSS) and the subsequent Panel hearing and panel report process. At the Ordinary Council Meeting held on 16 March 2009 Council considered all 77 written submissions to Amendment C62 and resolved to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report. The planning panel hearing has been held and the panel report has been received by Latrobe City Council. The receipt of the panel report is the subject of this Council report. The panel report is provided as an attachment to this report.

Statutory Requirements

The C62 planning scheme amendment process is shown in the figure below and provides an indication of the current phase of C62.

C62 Planning Scheme Amendment Process (Stage 3)



Under section 26 of the *Planning and Environment Act 1987* Council must make the panel's report available if Council has decided whether or not to adopt C62 or if 28 days have elapsed since Council has received the panel's report (i.e. 21 August 2009).

5. ISSUES

The Planning Panel was held during May and June 2009 and the panel report was received on 24 July 2009.

The Planning Panel Report makes 34 recommendations for Council's consideration. In order for Amendment C62 to proceed, Council will need to further consider the panel report (including the recommendations of the Planning Panel) and decide whether to adopt Amendment C62 as exhibited, adopt Amendment C62 with changes or abandon the amendment. The consideration of the panel report and its recommendations is not the subject of this Council report.

The purpose of this report is only for Council to note the receipt of the Planning Panel Report for proposed Amendment C62 and to make the report available to the public. Consideration of the panel report and its recommendations is to form part of a forthcoming Ordinary Council Meeting report.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications associated with this report.

7. INTERNAL / EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act. In accordance with Section 19 of the Act, C62 was placed on public exhibition during October 2008 to the 12 December 2008. There has been a high level of enquiry from the public regarding the C62 proposal. One on one information sessions were held in Churchill, Moe, Morwell and Traralgon in November 2008. Sixty five persons attended the information sessions. Seventy seven written submissions from the community have been received.

A Directions Hearing was held on 27 April 2009 at the municipal offices in Morwell. The Panel Hearing was then held on 27, 28 and 29 May 2009 at Century Inn, Traralgon and on 9 and 10 June 2009 at Quality Inn Traralgon. All 77 written submissions were considered by the panel. Twenty eight parties (including Latrobe City Council) made presentations in support of their written submissions to the panel over the five day panel hearing. The panel report that was received by Council on 24 July 2009 is required to be made available to the public within the prescribed timeframe.

8. OPTIONS

The options available to Council are as follows:

1. To note the receipt of the Planning Panel report for proposed Amendment C62 and to immediately make the report available to the public; or
2. To not note receipt of the Planning Panel report for proposed Amendment C62 and to make the report available within the prescribed timeframe (21 August 2009).

9. CONCLUSION

There has been a high level of enquiry from the public regarding the C62 proposal including participation at the panel hearing. It is therefore appropriate that Council note the receipt of the Planning Panel report for proposed Amendment C62 and immediately make the report available to the public.

10. RECOMMENDATION

That Council notes the receipt of the Latrobe Planning Scheme Amendment C62 Panel Report and immediately releases the report to the public.

Cr Kam left the Council Chamber at 8.39 pm due to a direct interest under s.77B and an indirect interest under s.78 of the *Local Government Act 1989*

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr Kam returned to the Council Chamber at 8.40 pm

ATTACHMENT

LATROBE PLANNING SCHEME AMENDMENT C62 PANEL REPORT

GOVERNANCE

11.6.1 CONTRACT ACTIVITIES AT PREVIOUS COUNCIL MEETINGS AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION

AUTHOR: Acting 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

- (a) The following is a summary of contracts awarded at the Ordinary Council Meeting held on 20 July 2009:

INVITATION TO TENDER 12553
 Design of Moe Early Learning Centre

INVITATION TO TENDER 12643
 Provision of consultancy services to develop a Latrobe City Council policy position to address the expected local impact of the carbon pollution reduction scheme

- (b) The following contract was signed and sealed by the Chief Executive Officer under delegation on 15 July 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12656	Provision of Herbicide Spraying	Harrick Services Pty Ltd	15/06/2009 Item No: 14.6 Amendments: No

- (c) The following contract was signed and sealed by the Chief Executive Officer under delegation on 22 July 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12663	Provision of Organisational Development Consultancy services	STS Pty Ltd	15/06/2009 Item No: 14.7 Amendments: No
12667	Operation of Bushfire Waste Landfill, Liddiard Road Traralgon	Lingham Pty Ltd	Approved by CEO under delegation on 14/05/2009

- (d) The following contract was signed and sealed by the Chief Executive Officer under delegation on 29 July 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12664	Provision of Organisational Development Consultancy services	Team Synergy Management Consultants	15/06/2009 Item No: 14.7 Amendments: No

3. **RECOMMENDATION**

That Council notes this report on contract decisions made at the Ordinary Council Meeting held on 20 July 2009 and by the Chief Executive Officer under delegation on 15 July 2009, 22 July 2009 and 29 July 2009.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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

PP 2008/217	<p>Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and Steven Grant McKendry as the Owner of the land known as 93 Pineridge Road, Moe South being Lot 11 on Plan of Subdivision 347838D contained in Certificate of Title Volume 10713 Folio 452, to provide for the following:</p> <ul style="list-style-type: none"> a) The remnant native vegetation identified as the offset area in the Net Gain Assessment and Offset Management Plan, Green Australia 2009 will be protected and retained and managed in accordance with the approved Offset Plan to the satisfaction of the Responsible Authority; b) No domestic stock grazing will occur within the offset area; c) All standing trees (dead or alive) will be retained and protected in the offset area; d) All fallen branches and organic leaf litter will be retained in the offset area, excepting the collection of fallen timber for personal firewood use and removal of understorey vegetation if required by the CFA vegetation management conditions; e) No building or fences are to be erected within the area of remnant native vegetation identified in the offset area; <p>except with the written consent of the Responsible Authority.</p>
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3. RECOMMENDATION

That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Steven Grant McKendry as the Owner of the land known as 93 Pineridge Road, Moe South being Lot 11 on Plan of Subdivision 347838D contained in Certificate of Title Volume 10713 Folio 452, to provide for the following:

- a) The remnant native vegetation identified as the offset area in the Net Gain Assessment and Offset Management Plan, Green Australia 2009 will be protected and retained and managed in accordance with the approved Offset Plan to the satisfaction of the Responsible Authority;
- b) No domestic stock grazing will occur within the offset area;
- c) All standing trees (dead or alive) will be retained and protected in the offset area;
- d) All fallen branches and organic leaf litter will be retained in the offset area, excepting the collection of fallen timber for personal firewood use and removal of understorey vegetation if required by the CFA vegetation management conditions;
- e) No building or fences are to be erected within the area of remnant native vegetation identified in the offset area; except with the written consent of the Responsible Authority.

Moved: Cr Gibson

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

URGENT BUSINESS

12. URGENT BUSINESS

Moved: Cr O'Callaghan

Seconded: Cr Lougheed

That Cr O'Callaghan be permitted to introduce an item of Urgent Business relating to the Kakoda plane crash.

CARRIED UNANIMOUSLY

Moved: Cr O'Callaghan

Seconded: Cr Lougheed

That Council acknowledges the considerable contribution made to the community by Max Cranwell, Euan Comrie and Leanne Harris who tragically passed away on 11 August 2009 as a result of the Kakoda plane crash.

CARRIED UNANIMOUSLY

Moved: Cr Gibson

Seconded: Cr Lougheed

That Council be upstanding for one minutes silence to pay respects to those who lost their lives in the Kokoda plane crash.

CARRIED UNANIMOUSLY

Note: All those present at the Council Meeting stood in silence for one minute.

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 8.46 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.06 pm.

Meeting Closed to the Public

The Meeting closed to the public at 9.06 pm.