

LatrobeCity
a new energy

LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 05 OCTOBER 2009

PRESENT:

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
Michael Edgar, Acting Chief Executive Officer
Carol Jeffs, 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
Julie Kyriacou, Acting General Manager Community Liveability
Katie Garlick, Council Operations Administration Officer

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NIL

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NIL

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NIL

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NIL

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NIL

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NIL

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Deputy Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Deputy Mayor.

2. Apologies for Absence

Cr Lisa Price, Mayor - Farley Ward
Paul Buckley, Chief Executive Officer

3. Declaration of Interests

Cr Kam declared a direct interest under Section 77B of the *Local Government Act* 1989 and an indirect interest under Sections 78 and 78B in Item 6.5 - 2009/18 - Notice of Motion - funding information regarding the Moe Activity Centre Plan.

Cr Vermeulen declared an indirect interest under Section 78A of the *Local Government Act* 1989 in Item 7.1 - Latrobe Planning Scheme Amendment C64 to introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital.

Cr Fitzgerald declared an indirect interest under Section 78B of the *Local Government Act* 1989 in Item 7.1 - Latrobe Planning Scheme Amendment C64 to introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital.

Cr O'Callaghan declared an indirect interest under Section 78B of the *Local Government Act* 1989 in Item 7.1 - Latrobe Planning Scheme Amendment C64 to introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital.

4. Adoption of Minutes

That Council adopts the Minutes of the Ordinary Council Meeting held on 21 September 2009 (CM 303), relating to those items discussed in open Council.

Moved: Cr Gibson
Seconded: Cr White

That Council adopts the Minutes of the Ordinary Council Meeting held on 21 September 2009 (CM 303), relating to those items discussed in open Council, with the following amendments:

- 1. That Cr Price's name be included as voting against the motion 'That Council admits an item of Urgent Business in relation to Item 14.7 of the Council Agenda' which was the first item considered in Urgent Business.**
- 2. That the Minutes note Cr Gibson enquired as to the process to allow Item 14.6 of this Council Agenda to be considered in the section of the agenda that is open to the public.**

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr Vermeulen

Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.05 pm

Ms Cheryl Wragg, addressed Council in relation to Item 11.6.3 – Place name proposal – unnamed reserve, Parkside Drive and Lloyd Street, Moe.

The Deputy Mayor thanked Ms Wragg for addressing Council and for her submission.

Resumption of Standing Orders

Moved: Cr Gibson

Seconded: Cr Vermeulen

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.12 pm

The Deputy Mayor sought Council's consent to bring forward Item 11.6.3 – Place name proposal – unnamed reserve, Parkside Drive and Lloyd Street, Moe.

Moved: Cr Middlemiss

Seconded: Cr Loughheed

That Item 11.6.3 be brought forward for consideration.

CARRIED UNANIMOUSLY

11.6.3 PLACE NAME PROPOSAL - UNNAMED RESERVE, PARKSIDE DRIVE AND LLOYD STREET, MOE

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council a request to name the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe.

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 Council policy relating to the naming of localities. The procedure is specified by the *Geographic Place Names Act* 1998 and the *Guidelines for Geographic Place Names Victoria* 2004.

Legislation

The *Guidelines for Geographic Place Names Victoria* 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 has received a submission (attached) requesting that the unnamed municipal purposes reserve located at Parkside Drive and Lloyd Street, Moe be named Moe High School Memorial Park (map attached).

This reserve was created on Plan of Subdivision PS 441953 when the former Moe High School site was subdivided into residential allotments in 2003.

Council has previously considered a request to have this reserve named Jim Balfour Park and, at the Ordinary Council Meeting held on 15 December 2008, resolved the following:

1. *That Council, having considered submission received, names the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe, "Jim Balfour Park".*
2. *That Council submits an application to the Registrar of Geographic Names to register the locality place name "Jim Balfour Park" located at Parkside Drive and Lloyd Street, Moe.*
3. *Council reaffirms its decision of the 15 September 2008 that if the application to the Registrar of Geographic Names to register the municipal purpose reserve, located at Parkside Drive and Lloyd Street, Moe, "Jim Balfour Park" as a place name is successful that an appropriate plaque or sign be erected including reference to this reserve having formerly been the site of the Moe High School.*
4. *That Council gives written notification to the head petitioner and all people who made a submission advising of Council's decision in relation to the proposal to name the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe, Jim Balfour Park and that an appropriate plaque or sign be erected including reference to this reserve having formerly been the site of the Moe High School.*

In accordance with the above resolution an application was submitted to the Office of Geographic Names on 17 March 2009 seeking to have the municipal purposes reserve in Lloyd Street, Moe, named Jim Balfour Park.

A response was subsequently received from the Registrar on 28 July 2009 advising that this name cannot be registered as there is a James Balfour Oak Tree Reserve in Trafalgar and the Emergency Services Telecommunications Authority (ESTA) has objected to the proposal on the grounds of public safety. The Registrar requested that Council propose an alternative name for the reserve or reconsider the name Moe High School Memorial Park.

The proponents of the original request, together with all residents who made a formal submission, were notified of this outcome.

5. **ISSUES**

When considering a proposal to name a locality, Council as a naming authority must give consideration to the principles contained in the *Guidelines for Geographic Place Names Victoria*. Of the 17 principles covering standardisation of place names, the principles listed below are most applicable to this locality naming proposal:

Principle 1 – Responsibility for naming

As this is a place of local significance Council is the responsible naming authority.

Principle 3 – Linking the name to the place

Based upon the history included in the attached submission it clearly can be seen that the municipal purposes reserve has a strong historical link to the former Moe High School site.

Principle 7 – Duplication of names

There is no other place within Latrobe City that contains the name “Moe High School” on the Register of Geographic Place Names (Vicnames).

Principle 10 – Consultative process

Should Council proceed and invite public comment on the proposal to name the municipal purposes reserve it will satisfy this principle.

Principle 13 – Commemorative names

Naming authorities should not name places after living persons, unless exceptional circumstances apply. As the current proposal no longer refers to an individual it will not conflict with this principle.

Principle 17 – Preserving a record of place names' origins

Details will be collected from various sources to support Councils decision in regards to the proposal.

Following consultation and any resolution to name a place, it is necessary for Council to prepare an application to the Registrar of Geographic Names to have the place name reviewed and, if acceptable, recorded in the Vicnames register.

Council has already received three submissions on the proposed naming of this reserve - two from former students of Moe High School and one from the Moe & District Historical Society (attached).

6. FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with considering this proposal are minimal, being the cost of placing public notices inviting submissions on the proposal.

In the event the reserve is named, expenditure for either a sign or plaque would be incurred.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Should Council proceed with the naming proposal Public Notices will be placed in the Latrobe Valley Express and Moe Narracan News. Any submissions received would be considered at a subsequent Council meeting.

Details of Community Consultation / Results of Engagement:

It is proposed to give public notice of Council's intention to consider the naming of the municipal purposes reserve located at Parkside Drive and Lloyd Street, Moe, the Moe High School Memorial Park in accordance with the provisions of Section 223 of the *Local Government Act 1989*.

8. OPTIONS

Council has the following options:

1. To resolve to commence the statutory process to consider naming the municipal purposes reserve, located at Parkside Drive and Lloyd Street Moe the Moe High School Memorial Park; or
2. To resolve not to proceed with the statutory process to consider naming the municipal purposes reserve, located at Parkside Drive and Lloyd Street Moe which will require no further action.

9. CONCLUSION

A submission has been received for Council to consider the naming of the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe High School Memorial Park. Based upon the information provided and an initial assessment of the proposal it is reasonable for Council to give public notice that the proposed naming will be considered and seek comment on the proposal.

The consideration of this place name is also consistent with the recommendation of the Registrar of Geographic Place Names for Council to propose an alternate name for the subject area or re-consider the name Moe High School Memorial Park.

10. RECOMMENDATION

1. **That Council gives public notice of its intention to consider the proposal to name the municipal purposes reserve located at Parkside Drive and Lloyd Street, Moe, Moe High School Memorial Park at the Ordinary Council Meeting to be held on 7 December 2009 and seeks public comment.**
2. **That Council considers any submissions received in relation to the proposal to name the municipal purposes reserve, located at Parkside Drive and Lloyd Street, Moe, Moe High School Memorial Park at the Ordinary Council Meeting to be held on 7 December 2009.**

Moved: Cr Lougheed
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Latrobe City	
17/08/09	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

10 Dwyer Street
MOE, Vic. 3825

"Bindarring"
Saviges Road
MOE, Vic. 3825

14th August, 2009

Mr. Paul Buckley
CEO
Latrobe City Council
PO Box 264
MOE, Vic. 3825

Dear Mr. Buckley,

Re: Naming of reserve/parkland area in Lloyd Street, Moe

We note Agenda Item 9.1, Council Agenda 17th August, 2009 regarding the naming of the above site.

Please accept this as a formal submission for the site to be named the 'Moe High School Memorial Park'.

Our submission for the naming of the site to be the 'Moe High School Memorial Park' complies with the Geographic Place Names Act and we cite the following sections in support:

Principle 3- Linking the name to the place

'Place names should have some sense of connection to the areas in which they are applied by naming authorities. This could relate to things such as...patterns of land usage and industrial/mineral/agricultural production' (p28)

The parkland was part of the larger site originally donated by the Saxton family, agricultural land owners in the Moe area, for the purpose of housing Moe's public secondary school. From the early 1950s until 1997, the site in question formed the front section of the Moe High School. Before that it was part of the farm land opened up for agricultural use following the 1879 extension of the Gippsland railway. Before then, this area was on the lip of the Moe wetlands and part of the food collecting area of the Gunnai-Kurnai people. Two or three stone scatters have been found in the Lloyd Street area of Moe although we are unsure of the proximity of the finds to the Moe High School site.

During the 20th century, its use to house Moe High School was the most significant and public function of this land, with particular relevance to Moe and district community. This area is still commonly referred to as the Moe High School site with special meaning

for ex students and teachers associated with the school, many of whom still live in the area.

Moe High School burnt down and was lost to the local community in sad circumstances. The remnant park is the only direct connection to the school entity that existed there for so long. Appropriate naming helps evidence the loss to the school community and the wider Moe community and provides ongoing opportunity for respectful remembering of the Moe High School with its multiple meanings for the local and district community.

Principle 5 – Assigning names to unnamed features

In the Guidelines for naming, Principle 5 provides opportunity to ‘*recognise groups of people or types of names previously under-represented in the ‘namespace’*’ (p 27).

There is no other Moe High School and it is most unlikely there will ever be another Moe High School. There is no other logical place or site for remembering Moe High School other than via this remnant park land belonging to the original site. Assigning it another name will deprive the local community of the opportunity to properly associate this piece of land with the organisation that helped shape the lives of its many thousands of students and the many hundreds of teachers who taught there. Put another way, this is the only meaningful place left by which Moe High School can be appropriately remembered within the local ‘namespace’ of Moe.

Principle 7- Duplication of Names

‘In accordance with Principle 6 (Public Safety) naming authorities should not duplicate place names, use names with potentially confusing spelling, or use names that sound the same in close proximity to other places with the same or similar spelling or sounds’ (p 27)

Unlike the previous submission which failed because of the duplication of the submitted name, there is no other Moe High School Memorial Park, street name or other public place associated with Moe High School. Hence, there is no possibility of confusion arising out of naming the site the Moe High School Memorial Park because of place name duplication.

Principle 10 – Consultative Process

‘Naming authorities should undertake appropriate consultative processes in fulfilling their naming responsibilities’ (p 28)

While this is properly the responsibility of the Latrobe City Council, this submission starts the process of evidencing the association of Moe High School’s community with the site. This submission is made by Cheryl Wragg, an ex-student and graduate of Moe High School and one of three family members who attended the school, and Mrs. Shirley Savige, whose family participated in establishing Moe High School, were on the founding School Council and whose children attended the school. The Moe High School community still exists as an informal, dispersed network. While it may be difficult to identify any one person or group of persons who can claim to represent that network authoritatively, our experience is that there is considerable feeling amongst the Moe High School community that the site should be named to remember the school and, by

association, the many thousands of people, students and teachers alike, whose lives were touched by the school.

Principle 13- Commemorative names – personal, commercial or institutional names

The use of 'Moe High School Memorial Park' complies with Principle 13. Moe High School no longer exists. The park land is the only remaining public remnant of the school site. Moe High School was the most significant modern historical use of the site, its operation touching the lives of thousands of families in the Moe and district area. It is highly unlikely there will ever be another Moe High School with a new, larger and alternate secondary school constructed some miles away in Newborough to service Moe and district community into the future. There is no other logical place where the presence and operation of Moe High School could or should be meaningfully commemorated. Moe High School was lost in sad circumstances by fire yet there is no public place that recognises the loss or the forty+ year endeavour that was the Moe High School. 'Moe High School Memorial Park' would provide an important meaningful opportunity for the school's extended community to remember and be remembered in perpetuity.

Principle 14 – Discriminatory names

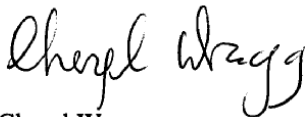
Place names should not cause offence on the basis of race, ethnicity, religion and gender or to particular community groups (p 29)

Naming the site the 'Moe High School Memorial Park' avoids the possible discrimination that could arise from some other place name that overlooks, ignores or dismisses the long and important association of Moe High School with the site. The school community that developed from the operation of the school could properly be called a 'community group' and its associations with the site must be respected.

Judging from the informal feedback we have received from others, we are not alone in wanting to see the Moe High School commemorated. While the school no longer exists, the Moe High School community still does as does the sentiment of its members toward their high school, their high school days and the memories and meaning those times hold for them/us. Moe High School was the only high school many Moe people from the 1950s to the 1990s have attended or ever will attend. Care needs to be taken in naming the last remnant of the school with regards to the many thousands of people connected to the school that make up the ex school community.

If you have any questions please do not hesitate to contact Cheryl Wragg ph. 51 27 3790 or Shirley Savige ph. 51 27 1031.

Yours sincerely,



Cheryl Wragg



(Mrs.) Shirley Savige

Latrobe City	
- 7 SEP 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

26th August, 2009

Cr. Sharon Gibson
 Latrobe City Council
 PO Box 264
 MORWELL, Vic. 3840

Dear Cr. Gibson,

I support the Lloyd Street Reserve being named the 'Moe High School Memorial Park'.
 I attended the school as did other family members.

The park is the only part of the school left remaining. I would like the school and its
 memory to be respected and commemorated by naming the park after the school.

Yours sincerely,

Helen Parr (signature)

Helen Parr (print name)

49 Queen Street Moe 3825 (address)

Latrobe City	
- 7 SEP 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

26th August, 2009

Cr. Sharon Gibson
Latrobe City Council
PO Box 264
MORWELL, Vic. 3840

Dear Cr. Gibson,

I support the Lloyd Street Reserve being named the 'Moe High School Memorial Park'.
I attended the school as did other family members.

The park is the only part of the school left remaining. I would like the school and its
memory to be respected and commemorated by naming the park after the school.

Yours sincerely,

 (signature)

SALLY FALLON (print name)

102 DAVEYS RD, WILLOW GROVE (address)
VIC 3825



Moe & District Historical Society
PO Box 201
Moe
3825

Date: 2nd September 2009

Latrobe City	
- 4 SEP 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

To: Peter Schulz
Latrobe City
141 Commercial Road
Morwell 3840

Dear Peter,

In response to your letter of August 26th (Doc No 349231) in regard to the naming of the reserve in Lloyd Street we would like to offer the following suggestions in order of preference for your consideration.

1. Moe High School Memorial Park
2. High School Park – the first suggestion is quite a long title and by common useage might be shortened to this title so it is offered as an alternative. Since it is in Moe, it is unlikely to be confused with any other High School.
3. Saxtons Park – this suggestion is made because the land on which the High School was located was originally donated by the Saxton family.
4. Greenwood Park – in memory of the name of the first Headmaster of Moe High School.

We wish you well in your deliberations.

Yours faithfully,

A handwritten signature in cursive script that reads "S. Tomlinson". The signature is written in black ink and is positioned above the typed name of the signatory.

Sandra Tomlinson
Correspondence Secretary



NOTICES OF MOTION

6.1 **2009/14 - NOTICE OF MOTION - REPORT ON COUNCIL'S CORE BUSINESS**

CR KAM

MOTION

1. That the Chief Executive Officer prepares a report on what is Council's core business.
2. That this report be presented at the 19 October 2009 Ordinary Council Meeting in items open to the public.

Moved: Cr Kam

Seconded: Cr Gibson

That the Motion be adopted.

For the Motion

Councillors Gibson, O'Callaghan, Kam and Fitzgerald

Against the Motion

Councillors White, Middlemiss, Vermeulen and Loughheed

The Deputy Mayor confirmed that the Motion had been CARRIED on the casting vote of the Deputy Mayor

6.2 **2009/15 - NOTICE OF MOTION - REPORT ON THE PROPOSED OPERATIONAL 2009/10 SEASON OF THE OUTDOOR POOLS**

CR KAM

MOTION

1. That the Chief Executive Officer prepares a report for the next Ordinary Council Meeting detailing the proposed operational hours and season's commencement and cessation of the outdoor pool season.
2. That the report incorporates costs of all outdoor pools to cease at the conclusion of daylight savings in 2010.

Moved: Cr Kam

Seconded: Cr Fitzgerald

That the Motion be adopted.

CARRIED UNANIMOUSLY

6.3 2009/16 - NOTICE OF MOTION - PROJECT CONTROL GROUPS

CR KAM

MOTION

That it becomes Council policy that all Project Control Groups must have representation of at least two Councillors.

Moved: Cr Kam

Seconded: Cr Fitzgerald

That the Motion be adopted.

For the Motion

Councillors Gibson, Kam and Fitzgerald

Against the Motion

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

The Deputy Mayor confirmed that the Motion had been LOST

Moved: Cr Gibson

Seconded: Cr Kam

That it becomes Council policy that all Project Control Groups for major projects must have representation of at least two Councillors.

For the Motion

Councillors Gibson, Kam and Fitzgerald

Against the Motion

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

The Deputy Mayor confirmed that the Motion had been LOST

Moved: Cr Fitzgerald

Seconded: Cr White

That Chief Executive Officer drafts a policy on the composition of Project Control Groups having regard to the role of Councillors.

CARRIED UNANIMOUSLY

6.4 **2009/17 - NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER'S CONTRACT**

CR KAM

MOTION

That all Councillors are provided with a copy of the Chief Executive Officer's contract.

Moved: Cr Kam

Seconded: Cr Fitzgerald

That the Motion be adopted.

CARRIED UNANIMOUSLY

6.5 2009/18 - NOTICE OF MOTION - FUNDING INFORMATION
REGARDING THE MOE ACTIVITY CENTRE PLAN

CR GIBSON

MOTION

That the Chief Executive Officer provides a report to Council at the next Ordinary Council Meeting including:

- **The amount proposed to be spent on the Moe Activity Centre Plan Clifton Street project.**
- **Whether this amount is being funded out of State and Federal Government contribution (\$2M + \$2M).**
- **The proposed amount available from the government contribution for the Moe Activity Centre Plan rail precinct project.**

Cr Kam left the Council Chamber at 8.22 pm due to a direct interest under s.77B and an indirect interest under s.78 and s.78B of the LGA in this item.

Moved: Cr Gibson

Seconded: Cr Fitzgerald

That the Motion be adopted.

For the Motion

Councillors Gibson, O'Callaghan and Fitzgerald

Against the Motion

Councillors White, Middlemiss, Vermeulen and Lougheed

The Deputy Mayor confirmed that the Motion had been LOST

Cr Kam returned to the Council Chamber at 8.30 pm.

APPOINTMENT OF A TEMPORARY CHAIR

The Chair invites nominations for the appointment of a temporary Chair for Item 7.1 - Latrobe Planning Scheme Amendment C64 to introduce design and development overlays to land surrounding the Helipad at Latrobe Regional Hospital

Cr Middlemiss nominated Cr White for the position of temporary Chair

Cr Lougheed seconded the nomination.

There being no further nominations, the Deputy Mayor declared Cr White to the position of temporary Chair.

ITEMS REFERRED BY THE COUNCIL

**7.1 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's support 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, from the Department of Human Services to ensure protection for 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, with approximately 49.7 hectares of the airport land being 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 within an approximately 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 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 15 – 18m will require a planning permit.

Amendment C64 was presented to the Latrobe Regional Airport Board on the 13 March 2009. The Airport Board resolved:

“That the Board offer no objection to the proposed Latrobe Planning Scheme Amendment C64.”

Following the resolution from the 17 August 2009 Ordinary Council Meeting which stated:

“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”.

Contour maps of the proposed DDO area were provided to the Latrobe Regional Airport. The Latrobe Regional Airport Manager re-confirmed on 8 September 2009 that they offer no objection to the proposed Latrobe Planning Scheme Amendment C64.

However, on 14 September 2009 Board Meeting, the Latrobe Regional Airport Board resolved that:

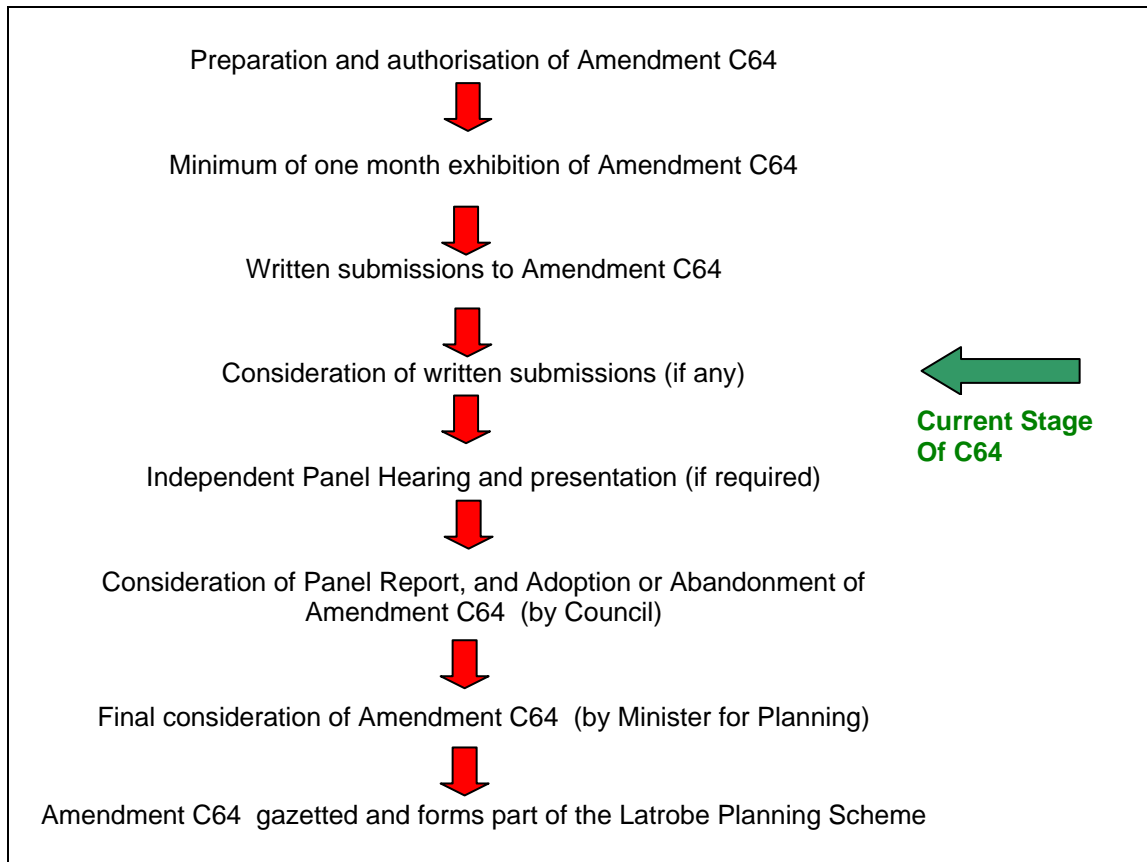
“As there appears to be a conflict in height assessment in this case, the Board instructed the General Manager to meet with the Chairman and Council’s planners to confirm the height restriction and its future implications on the development potential of the Airport, and what other options might be available to secure an appropriate outcome for all concerned”.

Further discussions were held with some of the Airport Board members on 21 September 2009 and on 24 September 2009 to qualify discrepancies and concerns in relation to development height constraints. Following these discussions it was agreed that the proposed amendment would not inhibit aviation related development opportunities of Latrobe Regional Airport and that the proposed amendment should progress.

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 and 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. (See 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 held 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 Overlay to ensure protection for 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 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 behalf of’ the Minister for Health they are exempt 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. 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.

As a result of consultations during the exhibition and processing of amendment C64, the schedules to DDO4 and DDO5 required minor changes, whereby the Latrobe Regional Hospital will be provided notice of any developments requiring a planning permit pursuant Section 52 of the *Planning and Environment Act 1987*.

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 to 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
6.	VicRoads	Support	19 March 2009	None
7.	Department of Sustainability and Environment	Support		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

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 for 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.**

Cr O'Callaghan, Deputy Mayor left the Council Chamber at 8.32 pm due to an indirect interest under s.78B of the LGA in this item and Cr White took the Chair.

Cr Vermeulen left the Council Chamber at 8.32 pm due to an indirect interest under s.78A of the LGA in this item.

Cr Fitzgerald, left the Council Chamber at 8.32 pm due to an indirect interest under s.78B of the LGA in this item.

Moved: Cr Gibson

Seconded: Cr Kam

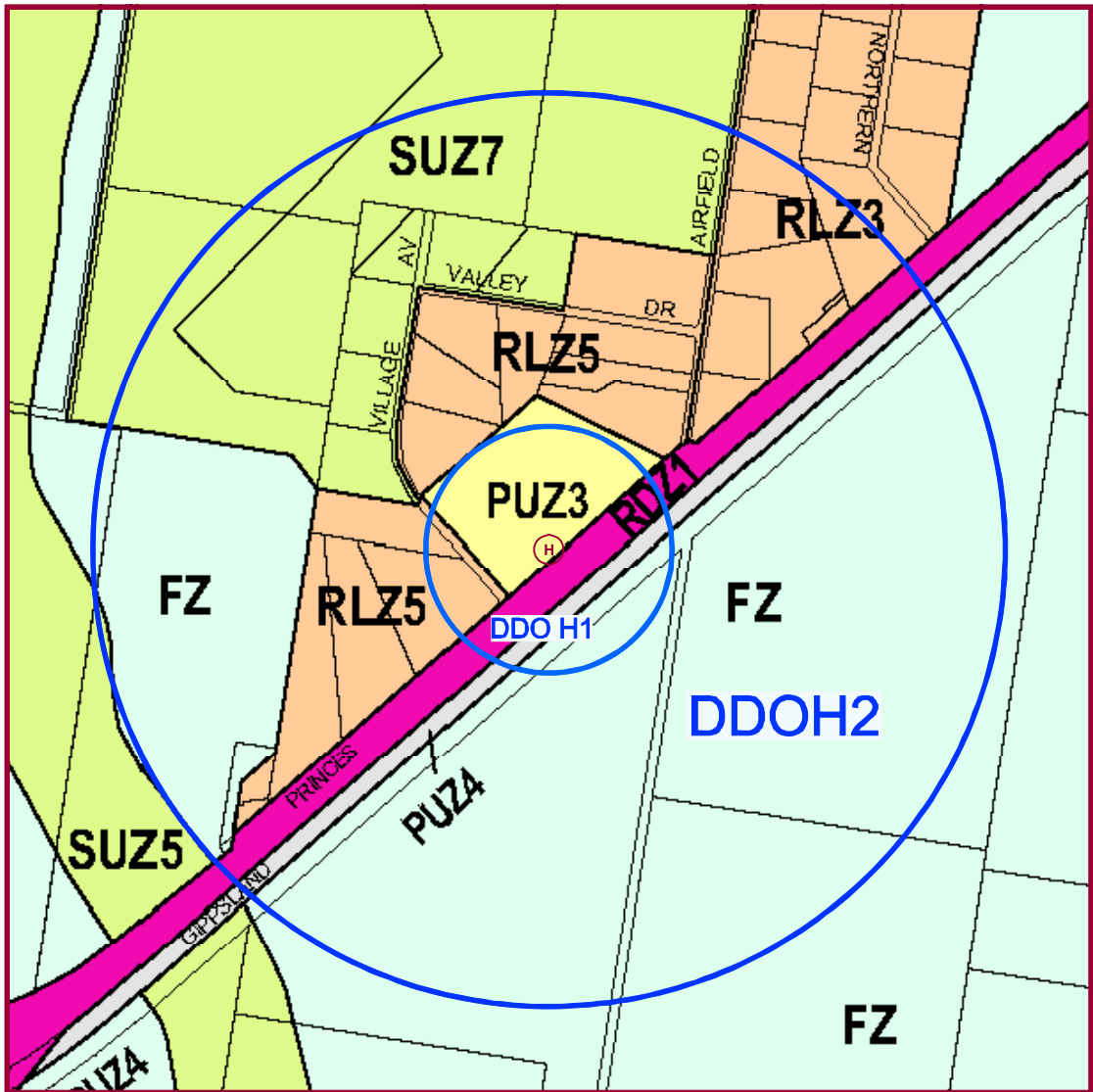
That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Councillors O'Callaghan, Vermeulen and Fitzgerald returned to the Council Chamber at 8.37 pm, Cr O'Callaghan, Deputy Mayor resumed the Chair.

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**

AVIATION OBSTACLE REFERRAL HEIGHT AREA NO H1

1.0

??/20??
C64

Design objectives

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

??/20??
C64

Buildings and works

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 under section 55 of the Planning and Environment Act and the Chief Executive Officer, Latrobe Regional Hospital under section 52 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.

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

??/20??
C64

Decision guidelines

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**

AVIATION OBSTACLE REFERRAL HEIGHT AREA NO H2

1.0

??/20??
C64

Design objectives

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

??/20??
C64

Buildings and works

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 under section 55 of the Planning and Environment Act and the Chief Executive Officer, Latrobe Regional Hospital under section 52 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.

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.

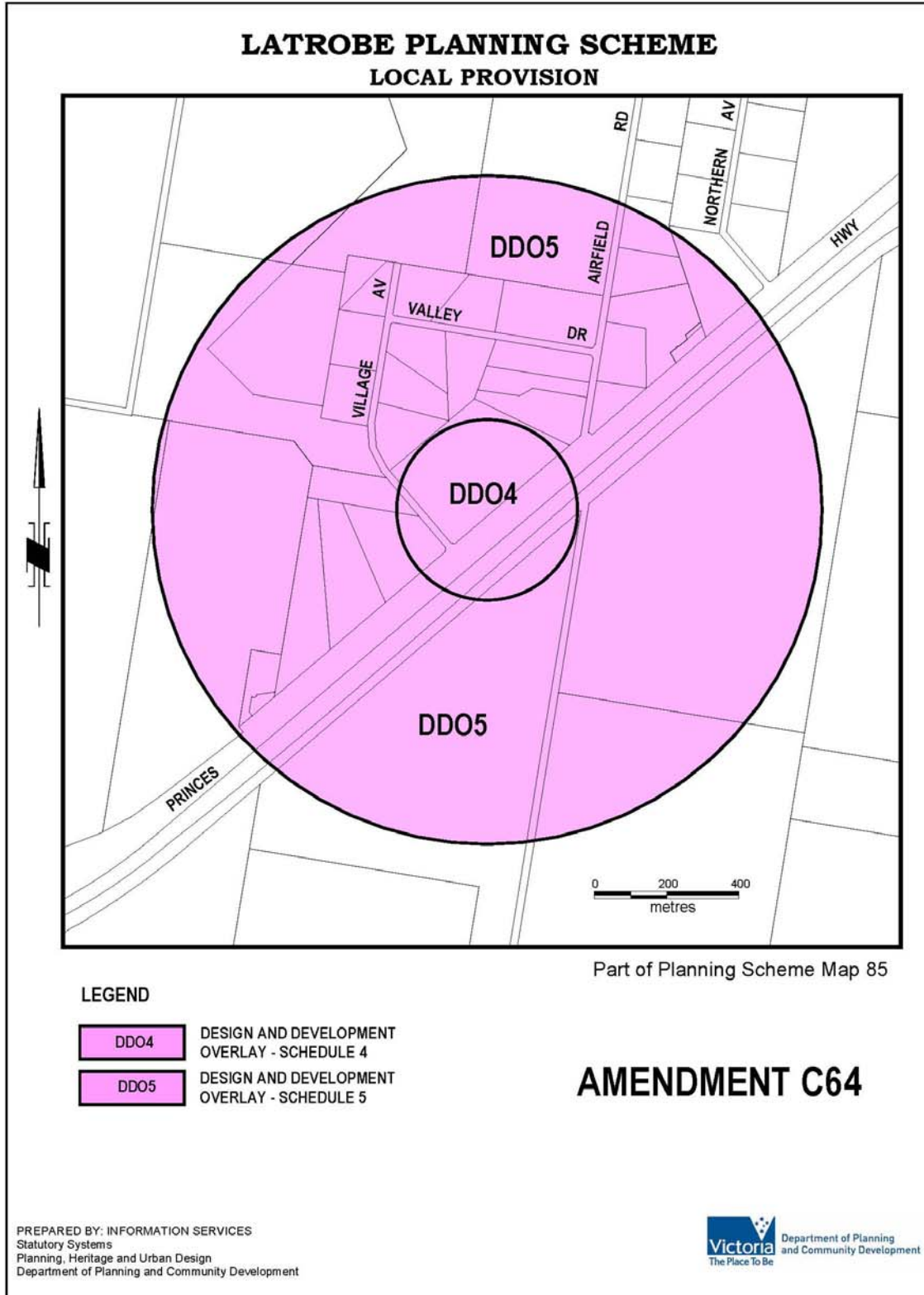
3.0

??/20??
C64

Decision guidelines

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



7 Church Street
Traralgon
Victoria 3844
PO Box 1332
Traralgon Victoria 3844
T: 03 5173 9800
F: 03 5174 7851
DX 219292
epa.gippsland
@epa.vic.gov.au
www.epa.vic.gov.au

Our Ref: 27582, D110558

10 March 2009

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

Dear Ms Dukes

AMENDMENT C64 (HELIMED) 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:
Your reference

06/02/02



ATT: LORRAE DUKES
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 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

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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 over a white background.

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

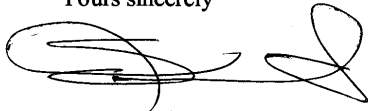
LATROBE CITY PLANNING SCHEME AMENDMENT C64

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 April 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.pipelinetrust.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 11 112 358 586

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: *Lorae 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

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
Traralgon, Latrobe City
Victoria 3844 Australia
Telephone +613 5173 8000
Facsimile +613 5173 8444
Also trading as Cippstead 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:	
Customer Service:	
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.

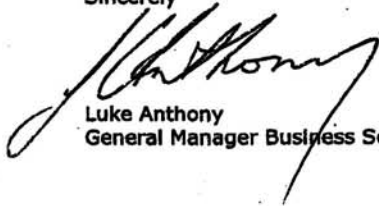
Alternative Contingency Plans

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

CORRESPONDENCE

**9.1 ROAD CLOSURE - CROWN ALLOTMENT 5C, SECTION B,
PARISH OF JEERALANG**

AUTHOR: General Manager Governance
(ATTACHMENT - YES)

1. INTRODUCTION

The Department of Sustainability and Environment (DSE) have written to Council seeking agreement to the closure of a Government road identified as Crown Allotment 5C, Section B, Parish of Jeeralang for the purpose of entering into a licence with Grand Ridge Plantations.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

The DSE has recently identified that Grand Ridge Plantations Pty Ltd currently occupy, without formal tenure, a Government road adjoining their property in Thompsons Road, Jeeralang.

Crown Allotment 5C, measuring 405 square metres, was to be closed in 1997 in conjunction with the adjoining Crown Allotment 5B. However, the actual road closure that was printed in the Victoria Government Gazette only identified the latter.

This has resulted in Crown Allotment 5C remaining a Government road though it does not provide access to any other properties and is not utilised by the public.

Prior to entering into a lease with Grand Ridge Plantations for this land the DSE must first undertake a road closure under Section 349 of the *Land Act* 1958.

Section 349 of the *Land Act* 1958 states that a road can be closed by “*the Governor in Council with the concurrence in writing of the council of any municipality in whose municipal district the same is wholly or partly situate...may by order published in the Victoria Government Gazette close the whole or any portion of the length or width of such road situate in that municipal district*”.

It is therefore necessary for Council to authorise such a declaration to be signed and sealed or, alternatively, signed by the Chief Executive Officer under delegation before it can be closed by the DSE.

Grand Ridge Plantations, as the only adjoining property owner, have already given consent to the proposed road closure.

4. RECOMMENDATION

That Council approves the closure of the unused Government road identified as Crown Allotment 5C, Section B, Parish of Jeeralang by the Department of Sustainability and Environment and authorises the Chief Executive Officer to sign the declaration required under Section 349 of the *Land Act* 1958.

Moved: Cr Vermeulen

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT
**Department of
Sustainability and Environment**

Your Ref:
Our Ref: 15L10-7669
27 August 2009

Chief Executive Officer
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

8 Nicholson Street
PO Box 500 East Melbourne
Victoria 8002 Australia
Telephone: (03) 9637 8000
Facsimile: (03) 9637 8100
ABN 90 719 052 204
DX 210098

Dear Sir

ROAD CLOSURE – CROWN ALLOTMENT 5C, SECTION B, PARISH OF JEERALANG

Grand Ridge Plantations Pty Ltd currently occupy a substantial area within the Parish of Jeeralang under Crown lease which is used for the purpose of plantation timber.

The Department of Sustainability and Environment has recently become aware that Grand Ridge (and its predecessor) has also occupied without formal tenure an adjoining area of Crown land measuring 405m² and identified as Crown Allotment 5C, Section B, Parish of Jeeralang. It is the Department's intention to formalise occupation of this land by entering into a lease with Grand Ridge pursuant to the *Land Act 1958* (the 'Act')

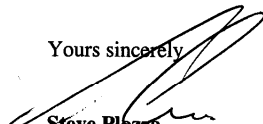
In reviewing the status of Crown Allotment 5C it has been established that it is an unused Government Road. It appears that plan CP117746 was prepared in 1997 identifying Crown Allotments 5B and 5C, Parish of Jeeralang for road closure purposes (copy attached). The actual road closure that was Gazetted in 1997 on page 1186 identifies Crown Allotment 5B only. As such, the status of Crown Allotment 5C remains that of Government Road.


In order for the Department to proceed with a lease to Grand Ridge it must first undertake a road closure of Crown Allotment 5C under section 349 of the Act. Following closure, the allotment will revert to the status of unreserved Crown land and therefore available for lease.

Section 349 of the Act requires Council's prior agreement to the closure and in this regard I have enclosed a consent form for Council's consideration and approval. I have also enclosed additional background documentation to assist Council including a copy of the written consent of Grand Ridge which is the owner of adjoining land identified in Plan of Consolidation 356281R.

Please do not hesitate to contact me on 9637 9724 if you require further clarification.

Yours sincerely


Steve Piazza
Senior Project Officer
Property Management
Enc.

Latrobe City	
28 AUG 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	
	

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

PUBLIC LAND DIVISION

FILE NO: 15L10.7669

**COUNCIL CONSENT OF CLOSING OF ROAD
UNDER SECTION 349 LAND ACT 1958**

A road laid out on land of the Crown which is unused as to the whole or any portion of the length or width may be closed by the Governor in Council as to the whole or part as the case may be by order published in the Government Gazette but only with the concurrence in writing of the Council of the Municipality in whose District the road is situated and of the owners of any land adjoining the said road.

If the Council favours the closing of the road referred to hereunder, its concurrence should be given in writing to satisfy the requirements of the Act. It may be given under the seal of the Council or under the hand of the Chief Executive Officer.

Description of Road which is the subject of this consent	<i>UNUSED ROAD, CROWN ALLOTMENT 5C, SECTION B, PARISH OF JEERALANG</i>
Name and address of applicant for the road to be closed and the unreserved Crown land to be leased to.	<i>GRAND RIDGE PLANTATIONS PTY LTD (adjoining owner) of 3/517 FLINDERS LANE, MELBOURNE VIC 3000</i>

CONSENT

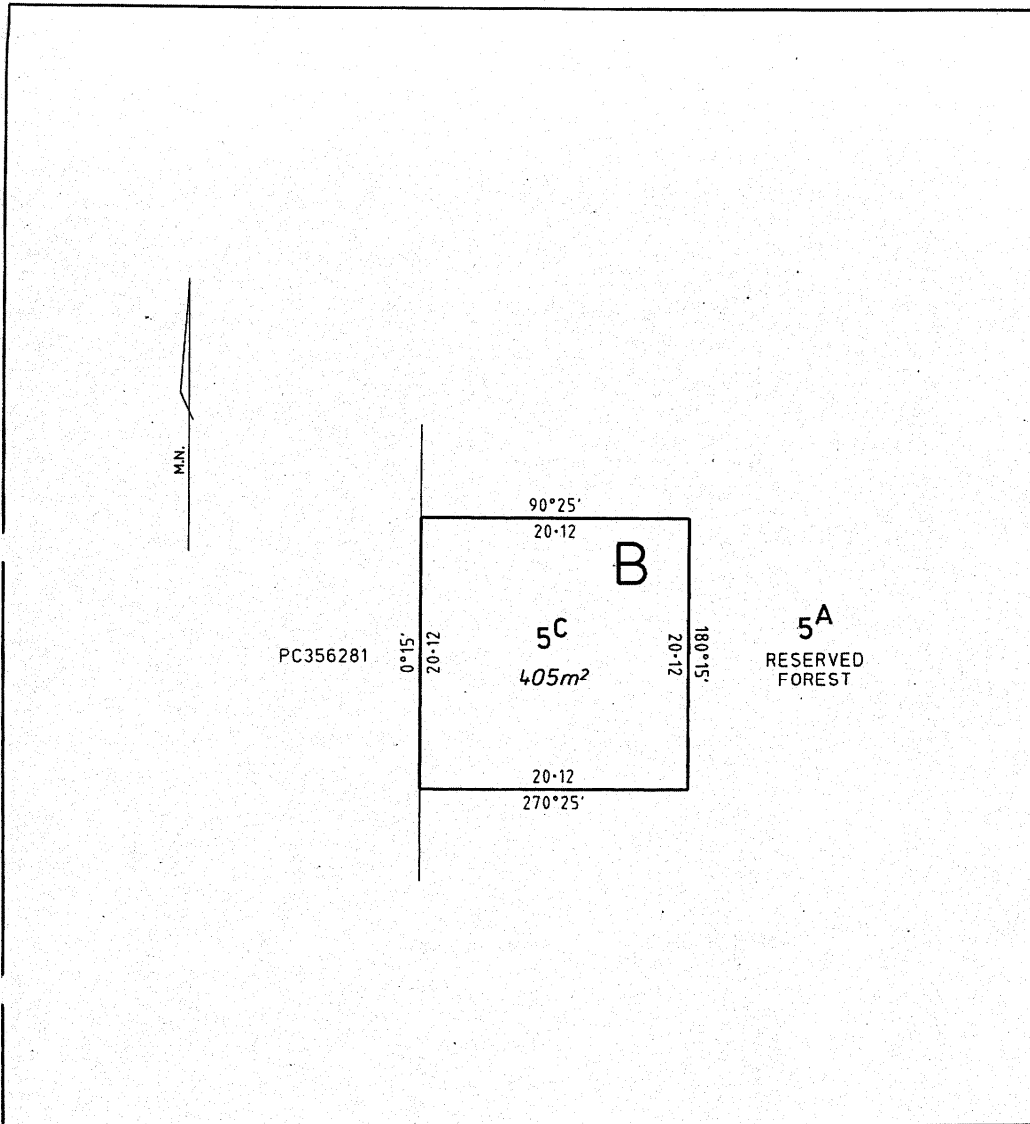
At the meeting of the Council of the Latrobe City Council held on it was resolved that the Council give its concurrence to the closing of the subject road pursuant to Section 349 of the Land Act 1958.

In giving this consent Council is aware that should the road be closed the effect will be as follows:-

- (i) The closing will be absolute;
- (ii) The road will be shown as closed on all Departmental record plans and Land Registry Office charts and on the Titles of the abutting lands;
- (iii) All rights of carriageway enjoyed by the public will cease;
- (iv) The land in the closed road will become unalienated land of the Crown and can be dealt with under the Provisions of the Land Act 1958 which includes the sale of the freehold.

Dated this day of of 2009

Council Seal or)
Signature of Chief)
Executive Officer)



NOTATIONS
SUBJECT TO ROAD CLOSURE (GP2845).

Prepared from VDP, J48(6), OP117746

Examined V.CASSAR 16/07/2009	PLAN FOR LEASE PURPOSES
<i>Garak Boyd</i> SURVEYOR-GENERAL DATE 16.07.2009	COUNTY OF BULN BULN PARISH OF JEERALANG SECTION B CROWN ALLOTMENT 5C

OFFICE OF SURVEYOR-GENERAL VICTORIA DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT	SCALE 4 0 4 8 12 16 LENGTHS ARE IN METRES	ORIGINAL SCALE SHEET SIZE 1:400 A4
	File Ref. 15L10.7669	OP 122895



9.2 REMOVAL OF THE SPECIAL USE ZONE 5 - MORWELL RIVER DIVERSION

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

1. INTRODUCTION

The purpose of this report is to provide an update on Council's request to the Minister for Planning to remove the Special Use Zone 5 – Morwell River Diversion (SUZ5) from the Latrobe Planning Scheme.

2. DECLARATION OF INTERESTS

The General Manager Built and Natural Environment Sustainability has declared a direct interest in this matter under section 77B of the *Local Government Act 1989*.

3. OFFICER COMMENTS

The Special Use Zone 5 – Morwell River Diversion (SUZ5) exists in the Latrobe Planning Scheme for the purpose of ensuring that adequate spatial separation is provided between works associated with the proposed major Morwell River diversion and associated works and any existing or proposed use and development.

The SUZ5 was originally put in place as a result of the *Framework for the Future 1987* report that still guides coal and urban development in the Latrobe Valley. This particular schedule of the special use zone affects 223 properties and cuts across some 25 kilometres of land within Latrobe City. The attached map shows the location and expanse of the SUZ5.

These coal planning policies were developed at a time when the coal resources were controlled by the State Electricity Commission of Victoria. Coal resources have since fallen under the provisions of the *Minerals Resources (Sustainable Development) Act 1990*.

In 2005 the Minister for Energy and Resources launched the *Latrobe Valley 2100 Coal Resources report (LV2100)*. LV2100 was an initiative of the Department of Primary Industries (DPI) to guide land use planning and sustainable mine development practices for brown coal in the Latrobe Valley up to the year 2100.

Doubt was raised in LV2100 and in an earlier planning panel hearing about the proposed major Morwell river diversions' cost and environmental acceptability. LV2100 therefore recommended that:

DSE or Latrobe City Council should consider deleting planning controls for the major Morwell River Diversion to the east of Morwell.

In February 2007 Latrobe City Council provided in principle support for this recommendation.

In April 2008 the Victorian Government announced the establishment of Clean Coal Victoria (CCV) who are charged with undertaking strategic planning for clean coal development aiming to maximise the economic potential from coal while avoiding environmental problems.

CCV is also intended to be the focal point for managing the relationship between the local community, local government and industry. Officers have only recently been appointed to CCV.

During 2008 and 2009 Latrobe City Council and members of the community have requested the Department of Planning and Community Development (DPCD) and DPI remove the SUZ5 from the Latrobe Planning Scheme. At the Ordinary Council Meeting held on 4 May 2009, Council resolved the following:

- 1. That Council supports the removal of the Special Use Zone 5 - Morwell River Diversion (SUZ5).*
- 2. That Council writes to the Minister for Minerals and Energy and the Minister for Planning requesting agreement to remove the Special Use Zone 5 Morwell River Diversion from all land affected by this Zone within Latrobe City as recommended in the State Governments LV 2100 report, and request that the Department of Primary Industries immediately commence a planning scheme amendment to rezone the land from SUZ5 to a zone commensurate with the respective surrounding zone, or an appropriate zone given the location of the affected land and its best use given applicable planning considerations.*

During April 2009 Latrobe City Council requested in writing the views of DPI to allow the removal of the SUZ5 including the anticipated timing of the removal from the Latrobe Planning Scheme. DPI responded in May 2009 that:

CCV will need to perform drilling to determine the extent of possible strategic coal resources in the area by a cost benefit analysis with respect to the river diversion. The Department of Primary Industries is therefore not in a position to indicate any decision regarding alteration to the SUZ5 until an analysis of the SUZ5 is performed by CCV. It is expected that the review will be undertaken over the next two to three years.

In July 2009 Council gave effect to the 4 May 2009 Council resolution by requesting in writing to both the Minister for Minerals and Energy and the Minister for Planning to remove the SUZ5 and for DPI to commence a planning scheme amendment. The Minister for Planning replied in August 2009 by advising that:

The merits of the amendment will be assessed should the Department of Primary Industries submit a request to me for authorisation to prepare the amendment. Strategic justification for the amendment must be developed that establishes the need for the rezoning.

During September 2009 DPI further added that:

DPI is not in a position to agree to act as planning authority to prepare an amendment for the removal of the SUZ5. ... CCV will need to perform drilling to determine the extent of possible strategic resources in the area followed by a cost benefit analysis. To remove the SUZ5 could jeopardise the future access to the coal resource.

Now that CCV is established in the Latrobe Valley it is important that Latrobe City Council continues to work with CCV, DPI, and DPCD to progress removal of the Special Use Zone 5 – Morwell River Diversion (SUZ5) from the Latrobe Planning Scheme.

The intended purpose of the SUZ5 is considered no longer relevant and on this basis it is the opinion of Latrobe City Council that the zone is now redundant. The land zoned SUZ5 shouldn't be assessed for its coal resources as this is not the purpose of the zone. Much of SUZ5 is surrounded by farm, rural living, or industrial zone and to suggest that the strip of zoned land should be retained for future coal mining purposes is unreasonable. Latrobe City Council encourages future development investment and would be unduly impacted should approval for a major development be delayed by two to three years while CCV undertakes a review of SUZ5.

4. RECOMMENDATION

1. That Council notes receipt of the correspondence regarding removal of the Special Use Zone 5 – Morwell River Diversion (SUZ5).
2. That Council instructs the Chief Executive Officer to write to Clean Coal Victoria and the Department of Primary Industries requesting an immediate review of the need for the SUZ5 so that the Department of Primary Industries can submit a request to the Department of Planning and Community Development for authorisation to prepare a planning scheme amendment to remove the SUZ5 from the Latrobe Planning Scheme.

Cr Gibson declared an indirect interest under Section 78A of the *Local Government Act* 1989 and left the Council Chamber at 8.40 pm.

Cr Vermeulen declared an indirect interest under Section 78A of the *Local Government Act* 1989 and left the Council Chamber at 8.41 pm.

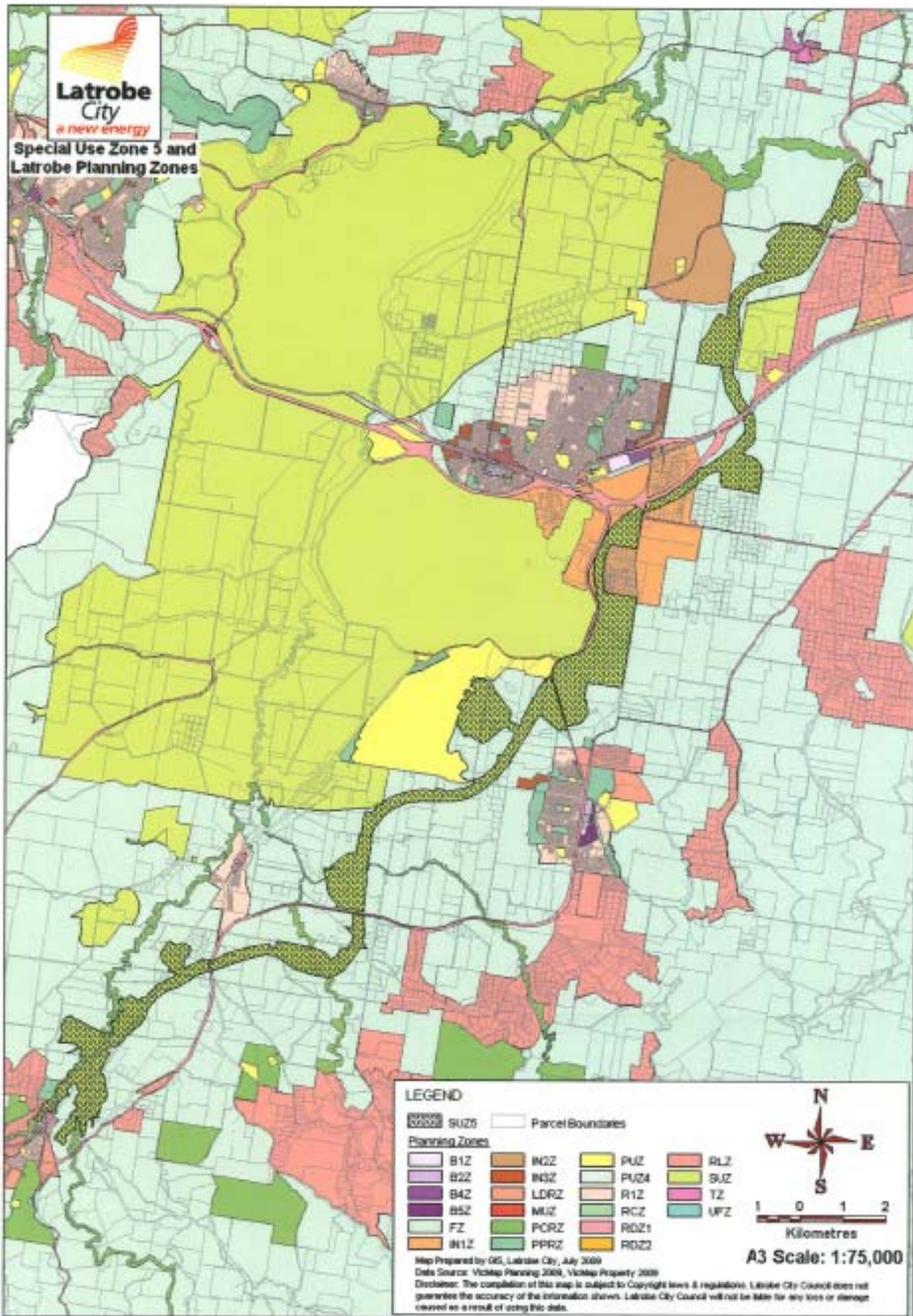
Moved: Cr Lougheed

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Councillors Gibson and Vermeulen returned to the Council Chamber at 8.47 pm

ATTACHMENT

Our Ref: 422428
CJ:LP

8 July 2009

Justin Madden MLC
Minister for Planning
PO Box 500
EAST MELBOURNE VIC 3002

Dear Minister

**REQUEST TO REMOVE SPECIAL USE ZONE 5 MORWELL RIVER DIVERSION
FROM LAND IN LATROBE CITY**

I advise that Latrobe City Council has requested that Department of Primary Industries (DPI) become the planning authority to amend the Latrobe Planning Scheme, to rezone land currently zoned Special Use Zone, Schedule 5 (SUZ5). Council requests your support in this matter and assistance in progressing the rezoning, to remove the now redundant Morwell River diversion which is causing development difficulties over a large number of properties within Latrobe City.

At its ordinary Council meeting on 4 May 2009, Council resolved the following:

- 1. That Council supports the removal of the Special Use Zone 5 - Morwell River Diversion (SUZ5).*
- 2. That Council writes to the Minister for Minerals and Energy and the Minister for Planning requesting agreement to remove the Special Use Zone 5 Morwell River Diversion from all land affected by this Zone within Latrobe City as recommended in the State Governments LV 2100 report, and request that the Department of Primary Industries immediately commence a planning scheme amendment to rezone the land from SUZ5 to a zone commensurate with the respective surrounding zone, or an appropriate zone given the location of the affected land and its best use given applicable planning considerations.*

The SUZ5 exists in the Latrobe Planning Scheme for the purpose of ensuring that adequate spatial separation is provided between works associated with the proposed river diversion and associated works and any existing or proposed use and development. This particular schedule of the special use zone affects 223 properties and cuts across some 25 kilometres of land. A map is attached for your information.

While the zone allows for many different uses and developments, the decision guidelines require consideration of the effect that use may have on nearby existing or proposed brown coal mining and sequential development of brown coal resources in the area, having regard to any comments or directions of the referral authorities.

There are an increasing number of examples where DPI have indicated that a decision cannot be made regarding use or development of relevant land for up to periods of five years, pending the commencement and actions of Clean Coal Victoria. This has the effect of blighting the land, preventing the land being developed and used for purposes

that are consistent with the surrounding zones, because no clear direction has been provided by DPI as the relevant referral authority. In addition to individual rezoning proposals, Council's own strategic planning work is being hampered by the uncertainty surrounding DPI's view about coal related land use matters. The most recent example is the negative impact on the ranking of a site at National Road, Morwell East in Council's consideration of sites for future rezoning to Business 4 (Bulky Goods), due to the SUZ5 encumbering a significant proportion of the site. DPI provided the following response dated 4 May 2009 to Council's 17 April 2009 request for direction with regard to this matter:

In order to make a decision in respect of the SUZ5 it is expected that Clean Coal Victoria (CCV) will need to perform drilling to determine the extent of possible strategic coal resources in the area followed by a cost benefit analysis with respect to the river diversion, in conjunction with consideration of the strategic need to divert rivers in the future. The Department of Primary Industries is therefore not in a position to indicate any decision regarding an alteration to the SUZ5 until an analysis of the SUZ5 is performed by CCV. It is expected that the review of this major planning corridor will be undertaken over the next two to three years.

It is Council's understanding that the intended purpose of the zoning is no longer relevant and therefore the SUZ5 is now redundant. Council objects to the suggestion that the land zoned SUZ5 may be assessed for its coal resources as this is not the purpose of the zone. Much of SUZ5 is surrounded by farm or rural living zone and to suggest that the strip of zoned land should be retained for future coal mining purposes is unreasonable. Further, some of the SUZ5 zone passes through some key industrial precincts and abuts the Special Use Zone 1, which may be required for future brown coal developments. Latrobe City Council encourages future development investment and would be unduly impacted should approval for a major development be delayed by 2-3 years while CCV undertakes a review of SUZ5.

Strategic justification for the removal of SUZ5 from the Latrobe Planning Scheme is provided in the Panel report for the Hazelwood West Field EES and amendment C32 to the Latrobe Planning Scheme for the Morwell River Diversion MRD5, March 2005. The Panel report identifies the proposed river diversion as is reserved by SUZ5 as MRD-DE, the proposed Driffield Project Eastern Diversion (Major Morwell River Diversion). The description of this project is:

The SECV's preferred Major Morwell River Diversion. It is protected in the Latrobe Planning Scheme, and involved an open channel and flood retarding basins on most tributaries. Doubt has been raised about its current environmental acceptability. The cost is estimated as between \$500 million and \$700 million (indexed to 2003 dollars).

In its response to the request to accept MRD5 as the preferred Morwell River alignment, the Panel made the following comments:

The Panel approached the issue of the Morwell River diversion with feelings of dismay that so many temporary diversions had been proposed and constructed over time, and more were being proposed in relation to the present mine extension. The Panel hoped for some more global approach to the issue, whether by government, or by a combination of all parties.

As a more careful analysis of the options was understood, it became clear that any "global" solution such as the Major Morwell River Diversion proposed by the SECV would not be a wise investment strategy (nor particularly environmentally sensitive).

It is Council's view that the Major Morwell River Diversion (MRD-DE) as reserved in SUZ5 will never be economically or environmentally acceptable. The many shorter and less expensive diversions that have occurred over the last decade are indicative that any cost benefit analyses are likely to result in preference for more incremental changes rather than the major diversion option. Council does not support further investigative work or cost benefit analysis for the SUZ5 area and is of the view that sufficient strategic justification already exists for its removal.

Further justification is provided in the Latrobe Valley 2100 Coal Resources Project (LV2100) report, November 2005.

Recommendation 3:

DSE or Latrobe City should consider deleting planning controls for the major Morwell River diversion to the east of Morwell.

Latrobe City Council provided a formal response to each recommendation of the LV2100 Report in February 2007 and provided in principle support for this recommendation.

Latrobe City Council is committed to working with Department of Primary Industries to progress and resolve coal related land use planning matters and acknowledges the commencement of operation of Clean Coal Victoria as a step towards this. I ask for your support in Council's request for DPI to rezone the land without further delay. Any assistance that you can provide to progress this particular matter would be much appreciated.

Please contact Paul Buckley, Chief Executive Officer on (03)5128 5413 should you require further information.

Yours sincerely

CR LISA PRICE

Mayor

Our Ref: 422427
CJ:LP

8 July 2009

The Hon Peter Batchelor
Minister for Energy & Resources
PO Box 500
EAST MELBOURNE VIC 3002

Dear Minister

**REQUEST TO REMOVE SPECIAL USE ZONE 5 MORWELL RIVER DIVERSION
FROM LAND IN LATROBE CITY**

I advise that Latrobe City Council has requested that Department of Primary Industries (DPI) become the planning authority to amend the Latrobe Planning Scheme, to rezone land currently zoned Special Use Zone, Schedule 5 (SUZ5). Council requests your support in this matter and assistance in progressing the rezoning, to remove the now redundant Morwell River diversion which is causing development difficulties over a large number of properties within Latrobe City.

At its ordinary Council meeting on 4 May 2009, Council resolved the following:

- 1. That Council supports the removal of the Special Use Zone 5 - Morwell River Diversion (SUZ5).*
- 2. That Council writes to the Minister for Minerals and Energy and the Minister for Planning requesting agreement to remove the Special Use Zone 5 Morwell River Diversion from all land affected by this Zone within Latrobe City as recommended in the State Governments LV 2100 report, and request that the Department of Primary Industries immediately commence a planning scheme amendment to rezone the land from SUZ5 to a zone commensurate with the respective surrounding zone, or an appropriate zone given the location of the affected land and its best use given applicable planning considerations.*

The SUZ5 exists in the Latrobe Planning Scheme for the purpose of ensuring that adequate spatial separation is provided between works associated with the proposed river diversion and associated works and any existing or proposed use and development. This particular schedule of the special use zone affects 223 properties and cuts across some 25 kilometres of land. A map is attached for your information.

While the zone allows for many different uses and developments, the decision guidelines require consideration of the effect that use may have on nearby existing or proposed brown coal mining and sequential development of brown coal resources in the area, having regard to any comments or directions of the referral authorities.

There are an increasing number of examples where DPI have indicated that a decision cannot be made regarding use or development of relevant land for up to periods of five years, pending the commencement and actions of Clean Coal Victoria. This has the effect of blighting the land, preventing the land being developed and used for purposes

that are consistent with the surrounding zones, because no clear direction has been provided by DPI as the relevant referral authority. In addition to individual rezoning proposals, Council's own strategic planning work is being hampered by the uncertainty surrounding DPI's view about coal related land use matters. The most recent example is the negative impact on the ranking of a site at National Road, Morwell East in Council's consideration of sites for future rezoning to Business 4 (Bulky Goods), due to the SUZ5 encumbering a significant proportion of the site. DPI provided the following response dated 4 May 2009 to Council's 17 April 2009 request for direction with regard to this matter:

In order to make a decision in respect of the SUZ5 it is expected that Clean Coal Victoria (CCV) will need to perform drilling to determine the extent of possible strategic coal resources in the area followed by a cost benefit analysis with respect to the river diversion, in conjunction with consideration of the strategic need to divert rivers in the future. The Department of Primary Industries is therefore not in a position to indicate any decision regarding an alteration to the SUZ5 until an analysis of the SUZ5 is performed by CCV. It is expected that the review of this major planning corridor will be undertaken over the next two to three years.

It is Council's understanding that the intended purpose of the zoning is no longer relevant and therefore the SUZ5 is now redundant. Council objects to the suggestion that the land zoned SUZ5 may be assessed for its coal resources as this is not the purpose of the zone. Much of SUZ5 is surrounded by farm or rural living zone and to suggest that the strip of zoned land should be retained for future coal mining purposes is unreasonable. Further, some of the SUZ5 zone passes through some key industrial precincts and abuts the Special Use Zone 1, which may be required for future brown coal developments. Latrobe City Council encourages future development investment and would be unduly impacted should approval for a major development be delayed by 2-3 years while CCV undertakes a review of SUZ5.

Strategic justification for the removal of SUZ5 from the Latrobe Planning Scheme is provided in the Panel report for the Hazelwood West Field EES and amendment C32 to the Latrobe Planning Scheme for the Morwell River Diversion MRD5, March 2005. The Panel report identifies the proposed river diversion as is reserved by SUZ5 as MRD-DE, the proposed Driffield Project Eastern Diversion (Major Morwell River Diversion). The description of this project is:

The SECV's preferred Major Morwell River Diversion. It is protected in the Latrobe Planning Scheme, and involved an open channel and flood retarding basins on most tributaries. Doubt has been raised about its current environmental acceptability. The cost is estimated as between \$500 million and \$700 million (indexed to 2003 dollars).

In its response to the request to accept MRD5 as the preferred Morwell River alignment, the Panel made the following comments:

The Panel approached the issue of the Morwell River diversion with feelings of dismay that so many temporary diversions had been proposed and constructed over time, and more were being proposed in relation to the present mine extension. The Panel hoped for some more global approach to the issue, whether by government, or by a combination of all parties.

As a more careful analysis of the options was understood, it became clear that any "global" solution such as the Major Morwell River Diversion proposed by the SECV would not be a wise investment strategy (nor particularly environmentally sensitive).

It is Council's view that the Major Morwell River Diversion (MRD-DE) as reserved in SUZ5 will never be economically or environmentally acceptable. The many shorter and less expensive diversions that have occurred over the last decade are indicative that any cost benefit analyses are likely to result in preference for more incremental changes rather than the major diversion option. Council does not support further investigative work or cost benefit analysis for the SUZ5 area and is of the view that sufficient strategic justification already exists for its removal.

Further justification is provided in the Latrobe Valley 2100 Coal Resources Project (LV2100) report, November 2005.

Recommendation 3:

DSE or Latrobe City should consider deleting planning controls for the major Morwell River diversion to the east of Morwell.

Latrobe City Council provided a formal response to each recommendation of the LV2100 Report in February 2007 and provided in principle support for this recommendation.

Latrobe City Council is committed to working with Department of Primary Industries to progress and resolve coal related land use planning matters and acknowledges the commencement of operation of Clean Coal Victoria as a step towards this. I ask for your support in Council's request for DPI to rezone the land without further delay. Any assistance that you can provide to progress this particular matter would be much appreciated.

Please contact Paul Buckley, Chief Executive Officer on (03)5128 5413 should you require further information.

Yours sincerely

CR LISA PRICE

Mayor



Department of Primary Industries

10 September 2009

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

Latrobe City	
14 SEP 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

1 Spring Street
GPO Box 4440 Melbourne
Victoria 3001 Australia
Telephone: (03) 9658 4000
Facsimile: (03) 9658 4400
ABN 42 579 412 233
DX 210404

Our Ref:

Dear Mr Buckley

REQUEST TO REZONE LAND IN SPECIAL USE ZONE 5 MORWELL RIVER DIVERSION

Thank you for your letter received 10 July 2009 regarding the above matter.

DPI is not in a position to agree to act as planning authority to prepare an amendment for the removal of the Special Use Zone 5- Morwell River Diversion (SUZ5)

As you point out DPI, in its letter date 4 May 2009, stated *Clean Coal Victoria (CCV) will need to perform drilling to determine the extent of possible strategic coal resources in the area followed by a cost benefit analysis with respect to the river diversion.* The drilling referred to in this statement was the wider strategic coal resources in the area rather than any specific sites within the SUZ5 itself. This drilling will inform the strategic plan that will guide future coal development in the Latrobe Valley and provide greater certainty to urban and industrial planning.

The Latrobe Valley 2100 Coal Resources Project (LV2100) November 2005, makes a recommendation that *planning controls for the major Morwell River diversion to the east of Morwell should be deleted.* The report also recommends that *DPI undertake a risk/benefit analysis to provide government with more certainty regarding the decision to remove the major Morwell River alignment.* The risk/benefit study will be carried out to ensure that coal can be accessed in the future, without this river route.

To remove the SUZ5 could jeopardise future access to the coal resource. New technologies, infrastructure requirements, water use and supply, future coal demands and carbon dioxide capture and storage needs will impact on future development; it is important that planning decisions be made with reference to these factors.

For example, the need for appropriate coal transport infrastructure, for new industries using brown coal from Gippsland which are likely to come on stream from 2015, has been recognised by state government through the Victorian Transport Plan. An allocation of \$5 million has been made to scoping studies on



For more information about DPI visit the website at www.dpi.vic.gov.au or call the Customer Service Centre on 136 186.

transport infrastructure requirements to support development of these new industries and get value-added coal products to the world markets. emerging coal industries in the Gippsland region.

The need to further focus on the careful strategic plan for Latrobe is further enhanced by the Regional Strategic Planning Initiative.

I hope that the above addresses the queries raised in your letter. I would suggest that the best way forward is to meet and discuss these matters further. At our last meeting with Richard Aldous I committed to working with Latrobe City to ensure we made the best use of land and the coal resource and I will continue to work on these issues. I trust we can work together to understand the needs of the community and the industry. Now that CCV is established in the Latrobe Valley I expect that we can start some combined working groups to progress these issues.

Yours sincerely



Charlie Speirs
Director
Clean Coal Victoria

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 PLANNING PERMIT APPLICATION 2009/056 - TWO (2) LOT
SUBDIVISION, 8 CARLYLE COURT, MORWELL**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/056 for a two (2) lot subdivision at Lot 52 on Plan of Subdivision 512349B, more commonly known as 8 Carlyle Court, Morwell.

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 discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act* 1987 (the Act) and the Latrobe Planning Scheme (the Scheme), which 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.

The proposal has been considered against Amendment C62 – Latrobe Planning Scheme Review. The discussions and recommendations of this report are consistent with Amendment C62.

4. BACKGROUND

4.1 SUMMARY

Land: 8 Carlyle Court, Morwell, known as Lot 52 on Plan of Subdivision 512349B
Proponent: Jonoy Holdings Pty Ltd
C/- Arrowsmith, Muir & Associates 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 measuring 1,438m².

Proposed Lot 1 is situated to the west of the subject site and is to be irregular in shape with a total area of 736m².

Proposed Lot 2 is situated to the east of proposed Lot 1. This allotment is also irregular in shape and will have a total area of 702m².

Indicative building envelopes measuring 15 x 10 metres have been provided on each of the lots. The envelopes are located centrally within the site and are setback between 6 and 10 metres from the front boundary of each proposed lot. These envelopes were provided by the applicant in response to the 'ResCode' requirements of the Scheme.

Access to each of the lots is to be provided to Carlyle Court via a new shared driveway crossover that is located centrally to the existing lot. This crossover is proposed to be approximately 5 metres wide at the street and 5.5 metres wide at the property boundary.

Subject Land:

The subject site is irregular in shape, with a total area of 1,438m². The southern (front) boundary abuts Carlyle Court and is 18.24 metres long. The northern (rear) boundary extends 37.80 metres and the western (side) and eastern (side) boundaries measure 42.60 and 54.85 metres respectively.

The subject site is vacant, relatively flat and cleared of all vegetation other than pasture grass.

The rear and side boundaries of the site are delineated by a 1.80 metre high timber paling fence.

A 1.50 metre wide power line easement extends along the western boundary of the site, a 5 metre wide drainage, pipeline and ancillary purposes easement extends along the northern boundary and a 2 metre wide drainage easement extends along the eastern boundary.

A covenant with dealing number AE725256P is registered on the certificate of title. This restriction limits the use of the land to residential purposes only and specifies building requirements such as materials to be used and fencing specifications. The proposal does not contravene this covenant (refer to Attachment 3 for details of covenant).

No other restrictive covenants, caveats or Section 173 Agreements are registered on the certificate of title.

Surrounding Land Use:

North: Road – sealed with kerb and channel (Crinigan Road) and a single dwelling on a lot of approximately 313 hectares. Access to this lot is gained via Crinigan Road.

South: Road – sealed with kerb and channel (Carlyle Court).

East: Reserve – Gippsland Water Pumping Station on a lot of approximately 770m². Access to this site is gained via Crinigan Road.

West: Single dwelling on a lot of approximately 1,514m². Access to this lot is gained via Carlyle Court.

4.3 HISTORY OF APPLICATION

The application was received by Latrobe City Council (Council) on 11 March 2009.

A request for further information was sent to the applicant on 14 April 2009. This request sought a more detailed ResCode submission and amended plans depicting the location of building envelopes and driveway crossover(s).

The further information requested was received on 15 May 2009.

The application was advertised on 21 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.

Notice of the application was also given to Gippsland Water and SP AusNet on 21 May 2009 under Section 52(1)(d) of the Act due to the presence of easements in their favour on site. Internal comments were sought from Council's Project Services Team.

Following the advertising, notification and referral of the application, a total of four submissions were made in the form of objections. One of these submissions was made in the form of a petition (refer to Attachment 6 for details of submissions).

A planning mediation meeting was held on 18 August 2009. Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore the planning permit application requires 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.

Relevant Proposed Planning Scheme Amendments:

The proposal has been considered against Amendment C62 – Latrobe Planning Scheme Review. The discussions and recommendations contained within this report are consistent with Amendment C62.

5. 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 Residential 1 Zone requires the application to comply with the 'Purpose' and 'Objectives' of Clause 56.

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 a detailed Clause 56 Assessment).

Clause 65 (Decision Guidelines):

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

The application received four submissions in the form of objections (Refer to Attachment). The issues raised in the objections are:

1. The proposal will result in increased traffic in the narrow court (Carlyle Court) which will congest traffic and be unsafe for children playing in the area.

Comment:

Council's Project Services Team have provided feedback stating that the increased traffic levels created by the development of an additional lot (10 vehicle movements over a 24 hour period) is considered minimal and unlikely to result in detrimental impacts to the amenity of the area.

2. The subdivision will create the sixth crossover at the bowl of the court, resulting in no room for on-street parking.

Comment:

The proposed crossover will result in the loss of one on-street car parking space. The loss of this space would occur without the subdivision occurring, as a single allotment would still require a 3 metre wide crossover.

Any future dwellings on the lots will be required to comply with the Building Regulations which consider the appropriate provision of on-site car parking. 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.

3. The neighbouring properties were bought assuming that there would only be 14 dwellings constructed in the court. If the subdivision is approved, there will be 16 dwellings. The residents were of the understanding that small townhouses would not be built in the area due to the large size of the allotments.

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 the site and surrounding properties. 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 the provision of diversity of lot sizes. 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.

4. The setback of the indicative building envelopes are 11 metres compared to the 5-6 metre setback of the rest of the dwellings in the court. Therefore, any future dwellings will have a view into the backyard of 7 Carlyle Court.

Comment:

Any future dwellings built on the site will be required to comply with the building regulations which address issues such as minimum setback distances and overlooking of neighbouring properties. The building envelopes and their setbacks that range from approximately 6 metres to 10 metres are indicative only. A condition of permit will require that the building envelopes are brought forward to a minimum of 6 metres and that the building envelope on proposed Lot 1 is single storey only. This will assist in preventing any future overlooking of the neighbouring allotment.

5. There are concerns regarding increased noise as a result of an additional lot, which will have a detrimental impact on the amenity of the area.

Comment:

It is considered that the creation of an additional lot will not result in an unacceptable increase in noise levels. Any future residents on site will be required to comply with the Environment Protection Authority's '*Environment Protection (Residential Noise) Regulations 2008*'.

6. The residents do not wish to reside next to rental properties with neighbours that come and go.

Comment:

The provision of rental properties is not identified by the *Planning and Environment Act 1987* as a valid planning objection and therefore this objection is outside the realms of matters to be considered by this application.

7. Approval of the subdivision will result in reduction of the value of surrounding properties.

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. As no sworn professional valuation was submitted, this objection is outside the realms of matters to be considered by this application.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

7. 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 and SP AusNet pursuant to Section 52(1)(d) of the Act. Gippsland Water gave consent to the granting of a planning permit without conditions. SP AusNet gave consent subject to appropriate conditions that were 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, four submissions in the form of objections were received with a total of ten objectors.

A planning mediation meeting was held on 18 August 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.

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

- A. That Council DECIDES to issue a Notice of Decision to Grant a Permit, for a two (2) lot subdivision at Lot 52 on Plan of Subdivision 512349B, more commonly known as 8 Carlyle Court, Morwell, with the following conditions:
1. Prior to the issue of Statement of Compliance, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must show:
 - a) amended building envelopes that are increased in size, including the provision of a minimum setback of 6 metres from the front boundaries of proposed Lot 1 and proposed Lot 2; and
 - b) a notation on the proposed plans stating that the building envelope on Lot 1 is to provide for single storey construction only.
 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
 3. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may be constructed only within the building envelopes, as shown on the endorsed plans of this permit and all buildings to be located within the building envelope of Lot 1 must be of single storey construction only.

The owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Prior to the issue of Statement of Compliance, the applicant/owner must provide Council with a copy of the dealing number issued by the Titles Office.

Once titles are issued, the Responsible Authority requires the applicant or its legal representative to provide either:

 - a) a current title search; or

- b) a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 agreement on title.
4. 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.
 5. 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.
 6. 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 Subdivision Conditions:

7. All stormwater and surface water discharging from the site, buildings and works must be conveyed separately for each lot to the legal point of discharge by underground pipe drains all to the satisfaction of the Responsible Authority. No effluent or polluted water of any type must be allowed to enter the Responsible Authority's stormwater drainage system.
8. Prior to the Certification of the Plan of Subdivision, 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 to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
9. Any drainage connection into a Council stormwater drain requires the approval of the Responsible Authority prior to the works commencing. The applicant must obtain a Council Works permit for new connections to Council drains and these works are to be inspected by the Responsible Authority. The applicant is to note that for the subdivision of multi-dwelling developments for which it is proposed that no Body Corporate be created, it is a requirement of the Responsible Authority that each future lot must be provided with a separate stormwater connection to the legal point of discharge.

10. The driveway crossover(s) must be constructed to Council Design Guidelines – Urban Standards.
11. The plan submitted for certification under the Subdivision Act 1988 must show:
 - a) easements for drainage purposes to the satisfaction of the Responsible Authority; and
 - b) street names to the satisfaction of the Responsible Authority.
12. 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.

SP AusNet Subdivision Conditions:

13. Prior to the issue of Statement of Compliance, the owner/applicant must meet the following requirements:
 - a) Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - b) Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Expiry of Permit:

14. 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 Subdivision Note:

Note 1. Prior to the issue of Statement of Compliance, 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.

SP AusNet Subdivision Notes:

Note 2. It is recommended that, at an early date the applicant commences negotiations with SP AusNet for the supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Note 3. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by the routes of the electric power lines required to supply the lots and for any tree clearing.

Note 4. 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.

B. That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the *Planning and Environment Act 1987* in accordance with the planning permit arising from application 2009/056, for a two (2) lot subdivision at Lot 52 on Plan of Subdivision 512349B, more commonly known as 8 Carlyle Court, Morwell.

Moved: Cr Middlemiss
Seconded: Cr Lougheed

That Council DECIDES to issue a Refusal to Grant a Permit, for a two (2) lot subdivision at Lot 52 on Plan of Subdivision 512349B, more commonly known as 8 Carlyle Court, Morwell, on the following grounds:

- 1. The proposal does not meet the objectives of Clause 56.03-5 'Neighbourhood Character' of the Latrobe Planning Scheme, as the resulting subdivisional layout does not reflect the subdivision pattern of the surrounding area.**
- 2. Future development on proposed Lot 1 will result in a detrimental impact on the adjoining allotment to the west. Due to the configuration of the proposed lot and the setback of the indicative building envelope, it is most likely that any future development on the site will be double storey and may result in overlooking and overshadowing of the adjoining property.**
- 3. The proposal does not meet the decision guidelines of Clause 65.02, as the proposed area and dimensions of the lots are inappropriate considering the existing subdivisional layout and surrounding built form of dwellings in the surrounding area.**
- 4. The proposed plan of subdivision is inconsistent with Clause 19.01 'Subdivision' as the design of the subdivision is not attractive considering the narrowness of the allotments and their street frontages.**

CARRIED UNANIMOUSLY

ATTACHMENTS

GOVERNANCE

11.6.1 **AUDIT COMMITTEE REPORT**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with draft minutes of the Audit Committee meeting held on 3 September 2009 for information as required under the Audit Committee Charter.

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 and legislative requirements.

Community Outcome – Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the *Local Government Act* 1989.

Policy – Audit Policy 09 POL-3

The role of the Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting, maintaining a reliable system of internal controls and fostering the organisation's ethical development.

4. **BACKGROUND**

Council operates an Audit Committee in accordance with Section 139 of the *Local Government Act 1989*.

The role of the Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting, maintaining a reliable system of internal controls and fostering the organisation's ethical development.

The membership of Council's Audit Committee comprises two externally appointed independent members and two Councillors. The Audit Committee meets four times each year and operates in accordance with Council's Audit Policy and the Audit Committee Charter.

The Audit Committee reports directly to Council and as such draft minutes of all Audit Committee meetings are presented to Council at the next available Council meeting following each Audit Committee meeting.

5. **ISSUES**

A copy of the draft minutes of the Audit Committee meeting held on 3 September 2009 is attached.

The items reviewed and discussed at the meeting on 3 September 2009 included the draft 2008/2009 financial, standard and performance statements, the internal audit program, financial controls internal audit report, internal audit recommendations review report, bad debt report, the management letter from the Auditor General in relation to the financial audit 2008/09, the draft code of conduct for Council employees and other matters that were appropriate to keep the Audit Committee informed.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Audit Committee recommended that Council write off bad debts totalling \$5,449.05 and this is presented to Council as a separate report for the 5 October 2009 meeting of Council.

7. INTERNAL / EXTERNAL CONSULTATION

The Audit Committee comprises two independent members and two Councillors. Both external and internal audit representatives were in attendance at the Audit Committee meeting together with relevant senior staff.

8. OPTIONS

Council has the following options:

1. Council may receive and note the report; or
2. Council may seek further information in relation to the report.

9. CONCLUSION

A copy of the draft minutes of the Audit Committee meeting held on 3 September 2009 have been provided to Council in accordance with the Audit Policy and the Audit Committee Charter.

10. RECOMMENDATION

That Council receives and notes the Audit Committee draft minutes of the 3 September 2009 Audit Committee meeting.

Moved: Cr Fitzgerald
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

DRAFT MINUTES – 3 SEPTEMBER 2009 AUDIT COMMITTEE MEETING

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 2008/305	<p>Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and Teresina Anne Farnham as the Owner of the land described in Certificate of Title Volume 9427 Folio 483 situated at 55 Koala Road, Jeeralang Junction, providing that:</p> <ol style="list-style-type: none"> a) must make application to the Registrar of Titles to have the location of the Native Vegetation Offset Area as approved by Planning Permit 2008/305 registered on title. <p>The Native Vegetation Offset Area registered on title must provide that:</p> <ol style="list-style-type: none"> b) the remnant native vegetation identified as the offset area will be protected and retained and managed to the satisfaction of the Responsible Authority; c) no domestic stock grazing will occur within the offset area; d) all standing trees (dead or alive) and remnant understorey native vegetation will be retained and protected in the offset area; e) all fallen branches and organic leaf litter will be retained in the offset area, excepting the collection of fallen timber for personal firewood use; f) no buildings or fences are to be erected within the area of remnant native vegetation indentified as the offset area; g) weeds including both noxious weeds (i.e. blackberry, ragwort) and environmental weeds (pittosporum) must be adequately controlled; h) native vegetation removal can occur in order to maintain boundary fencelines, however removal must be approved by the Responsible Authority prior to works commencing; and i) that the agreement is to be binding on the land owner's successors in title. j) except with the written consent of the Responsible Authority. <p>Pursuant to Planning Permit No. 2008/305 to allow buildings and works associated with an outbuilding ancillary to a dwelling and removal of native vegetation dated, 28 May 2009.</p>
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PP 2009/16	<p>Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and Anthony Michael Bence and Brigitte Anne Stuckey as the Owner of the land described in Certificate of Title 8946 Folio 159 situated at Easterly Drive, Traralgon, providing that:</p> <p>Prior to the commencement of buildings and works, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the <i>Planning and Environment Act</i> 1987. The Owner with the intent that this covenant shall run with the land hereby covenants and agrees:</p> <ul style="list-style-type: none">a) The use of nearby airspace by aircraft landing and taking off from the Latrobe Regional Airport, will create noise which could cause disturbance and may be visually intrusive to occupiers of the land; andb) The Owners and/or Occupiers of the land may not use, or permit to be used on the land, any electrical or other equipment which may cause interference with communications to or from aircraft, or communications to or from centres established for air traffic control, or with navigational aids or with air surveillance systems; andc) The Owners and/or Occupiers of the land may not construct or erect, or allow to be constructed or erected or permit to remain on the land, any roof which is coloured white or another similar light colour or which is constructed of metal which is not painted and does not have a bonded colour finish; andd) No building may be constructed or any tree allowed to grow on the land, which extends in height above the obstacle limitation surfaces as defined in the Manual of Standards issued by the Civil Aviation Safety Authority in relation to aerodromes, and which therefore might interfere with the flight or aircraft taking off or landing at the Latrobe Regional Airport. Any building or tree which does breach that obstacle limitation surface is to be removed.e) The Owners and/or Occupiers will not take any action against the owner/operator of Latrobe Regional Airport in relation to claims, complaints or any other matter pertaining to the airport and its operations.f) Prohibit the land from being further subdivided so as to create a smaller lot for an existing dwelling; andg) Acknowledge the proximity of the subject property to the Latrobe Regional Airport and the right of the Airport to operate and develop, including the unrestricted operation of aircraft to and from the aerodrome. <p>except with the written consent of the Responsible Authority. Pursuant to Planning Permit No. 2009/16 for the use of the land for a single dwelling, dated 16 September 2009.</p>
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3. RECOMMENDATION

1. 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 Teresina Anne Farnham as the Owner of the land described in Certificate of Title Volume 9427 Folio 483 situated at 55 Koala Road, Jeeralang Junction, providing that:

- a) must make application to the Registrar of Titles to have the location of the Native Vegetation Offset Area as approved by Planning Permit 2008/305 registered on title.

The Native Vegetation Offset Area registered on title must provide that:

- b) the remnant native vegetation identified as the offset area will be protected and retained and managed to the satisfaction of the Responsible Authority;
- c) no domestic stock grazing will occur within the offset area;
- d) all standing trees (dead or alive) and remnant understorey native vegetation will be retained and protected in the offset area;
- e) all fallen branches and organic leaf litter will be retained in the offset area, excepting the collection of fallen timber for personal firewood use;
- f) no buildings or fences are to be erected within the area of remnant native vegetation identified as the offset area;
- g) weeds including both noxious weeds (i.e. blackberry, ragwort) and environmental weeds (pittosporum) must be adequately controlled;
- h) native vegetation removal can occur in order to maintain boundary fencelines, however removal must be approved by the Responsible Authority prior to works commencing; and
- i) that the agreement is to be binding on the land owner's successors in title.
- j) except with the written consent of the Responsible Authority.

Pursuant to Planning Permit No. 2008/305 to allow buildings and works associated with an outbuilding ancillary to a dwelling and removal of native vegetation dated 28 May 2009.

2. 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 Anthony Michael Bence and Brigitte Anne Stuckey as the Owner of the land described in Certificate of Title 8946 Folio 159 situated at Easterly Drive, Traralgon, providing that: Prior to the commencement of buildings and works, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The Owner with the intent that this covenant shall run with the land hereby covenants and agrees:
- a) The use of nearby airspace by aircraft landing and taking off from the Latrobe Regional Airport, will create noise which could cause disturbance and may be visually intrusive to occupiers of the land; and
 - b) The Owners and/or Occupiers of the land may not use, or permit to be used on the land, any electrical or other equipment which may cause interference with communications to or from aircraft, or communications to or from centres established for air traffic control, or with navigational aids or with air surveillance systems; and
 - c) The Owners and/or Occupiers of the land may not construct or erect, or allow to be constructed or erected or permit to remain on the land, any roof which is coloured white or another similar light colour or which is constructed of metal which is not painted and does not have a bonded colour finish; and
 - d) No building may be constructed or any tree allowed to grow on the land, which extends in height above the obstacle limitation surfaces as defined in the Manual of Standards issued by the Civil Aviation Safety Authority in relation to aerodromes, and which therefore might interfere with the flight or aircraft taking off or landing at the Latrobe Regional Airport. Any building or tree which does breach that obstacle limitation surface is to be removed.
 - e) The Owners and/or Occupiers will not take any action against the owner/operator of Latrobe Regional Airport in relation to claims, complaints or any other matter pertaining to the airport and its operations.

- f) Prohibit the land from being further subdivided so as to create a smaller lot for an existing dwelling; and
- g) Acknowledge the proximity of the subject property to the Latrobe Regional Airport and the right of the Airport to operate and develop, including the unrestricted operation of aircraft to and from the aerodrome.

except with the written consent of the Responsible Authority. Pursuant to Planning Permit No. 2009/16 for the use of the land for a single dwelling, dated 16 September 2009.

Moved: Cr Lougheed

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**11.6.3 PLACE NAME PROPOSAL - UNNAMED RESERVE, PARKSIDE
DRIVE AND LLOYD STREET, MOE**

This Item was considered earlier in the meeting.

11.6.4 CONTRACT ACTIVITIES FROM PREVIOUS COUNCIL MEETINGS AND FROM THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. DOCUMENT/S

- a) The following contract was awarded at the Ordinary Council Meeting held on 7 September 2009:

ITT NO.	DESCRIPTION	CONTRACTOR	PRICE AWARDED
12616	Supply and bulk delivery of meals on wheels	Condell Holdings Pty Ltd	Schedule of rates

- b) The following contract was awarded, signed and sealed by the Chief Executive Officer under delegation:

ITT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED, SIGNED AND SEALED
12672	Feasibility study for an indoor aquatic facility in Traralgon	Inside Edge Pty Ltd	11 September 2009

- c) The following contract was signed and sealed by the Chief Executive Officer on 2 September 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE SIGNED AND SEALED
12697	Reconstruction of Hyland Street, Morwell	HCM Constructions (Vic) Pty Ltd	2 September 2009
12680	Supply, delivery and placement of asphalt products	Boral Resources (Vic) Pty Ltd	9 September 2009
12695	Reconstruction of Old Maffra Road, Tyers	Sure Constructions Vic Pty Ltd	9 September 2009
12697	Reconstruction of Leeson's Road, Traralgon East	QR Construction (Gippsland) Pty Ltd	16 September 2009

3. RECOMMENDATION

That Council notes this report on contract decisions made at the Ordinary Council Meeting held on 7 September 2009 and by the Chief Executive Officer under delegation on 2 September 2009, 9 September 2009, 11 September 2009 and 16 September 2009.

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**MEETING CLOSED
TO THE PUBLIC**

13.1 MEETING CLOSED TO THE PUBLIC

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is for Council to consider closing this meeting to the public to allow Council to deal with items which are of a confidential nature.

Section 89(2) of the *Local Government Act* 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

2. DECLARATION OF INTERESTS

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

3. RECOMMENDATION

That Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the *Local Government Act* (LGA) 1989 for the following reasons:

ITEMS	NATURE OF ITEM
15.1 ADOPTION OF MINUTES	OTHER – s.89(2)(h)
15.2 CONFIDENTIAL ITEMS	OTHER – s.89(2)(h)
15.3 BAD DEBTS WRITE OFFS	PERSONAL HARDSHIP – s.89(2)(b)
15.4 RESEALING OF MUNICIPAL ROADS WITHIN LATROBE CITY	CONTRACTUAL MATTERS – s.89(2)(d)

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 8.54 pm.

14. TEA BREAK**Adjournment of Meeting**

The Deputy Mayor adjourned the Meeting at 8.54 pm for a tea break.

Resumption of Meeting

The Deputy Mayor resumed the Meeting at 9.13 pm.